



# County Courts Act 1984

## 1984 CHAPTER 28

### PART III

#### PROCEDURE

##### *Discovery and related procedures*

#### **52 Powers of court exercisable before commencement of action.**

- (1) On the application of any person in accordance with [<sup>F1</sup>rules of court], [<sup>F2</sup>the county court] shall, in such circumstances as may be prescribed, have power to make an order providing for any one or more of the following matters, that is to say—
- (a) the inspection, photographing, preservation, custody and detention of property which appears to the court to be property which may become the subject-matter of subsequent proceedings in the court, or as to which any question may arise in any such proceedings; and
  - (b) the taking of samples of any such property as is mentioned in paragraph (a), and the carrying out of any experiment on or with any such property.
- (2) On the application, in accordance with [<sup>F1</sup>rules of court], of a person who appears to [<sup>F2</sup>the county court] to be likely to be a party to subsequent proceedings in that court [<sup>F3</sup> . . . the county court shall, in such circumstances as may be prescribed, have power to order a person who appears to the court to be likely to be a party to the proceedings and to be likely to have or to have had in his possession, custody or power any documents which are relevant to an issue arising or likely to arise out of that claim—
- (a) to disclose whether those documents are in his possession, custody or power; and
  - (b) to produce such of those documents as are in his possession, custody or power to the applicant or, on such conditions as may be specified in the order,—
    - (i) to the applicant's legal advisers; or
    - (ii) to the applicant's legal advisers and any medical or other professional adviser of the applicant; or

*Status: Point in time view as at 03/04/2017.*

*Changes to legislation: County Courts Act 1984, Section 52 is up to date with all changes known to be in force on or before 09 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(iii) if the applicant has no legal adviser, to any medical or other professional adviser of the applicant.

[<sup>F4</sup>(3) This section is subject to any provision made under section 38,]

#### Textual Amendments

- F1** Words in s. 52(1)(2) substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**; S.I. 1997/841, **art. 3**.
- F2** Words in ss. 36-147 substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 10(1)(b)**; S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, **arts. 3-11**)
- F3** Words in s. 52(2) omitted (26.4.1999) by S.I. 1998/2940, **arts. 1, 6(b)**; S.I. 1998/3132
- F4** S. 52(3) added (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 43**; S.I. 1991/1364, art. 2, **Sch.**

#### Modifications etc. (not altering text)

- C1** Power to amend s. 52(2) conferred (27.4.1997) by 1997 c. 12, **s. 8(1)**; S.I. 1997/841, **art. 3**.

**Status:**

Point in time view as at 03/04/2017.

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