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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

**PART 31**

**DISCLOSURE AND INSPECTION OF DOCUMENTS**

**Disclosure before proceedings start**

**31.16.**—(1) This rule applies where an application is made to the court under any Act for disclosure before proceedings have started<sup>(1)</sup>.

- (2) The application must be supported by evidence.
- (3) The court may make an order under this rule only where—
  - (a) the respondent is likely to be a party to subsequent proceedings;
  - (b) the applicant is also likely to be a party to those proceedings;
  - (c) if proceedings had started, the respondent's duty by way of standard disclosure, set out in rule 31.6, would extend to the documents or classes of documents of which the applicant seeks disclosure; and
  - (d) disclosure before proceedings have started is desirable in order to—
    - (i) dispose fairly of the anticipated proceedings;
    - (ii) assist the dispute to be resolved without proceedings; or
    - (iii) save costs.
- (4) An order under this rule must—
  - (a) specify the documents or the classes of documents which the respondent must disclose; and
  - (b) require him, when making disclosure, to specify any of those documents—
    - (i) which are no longer in his control; or
    - (ii) in respect of which he claims a right or duty to withhold inspection.
- (5) Such an order may—
  - (a) require the respondent to indicate what has happened to any documents which are no longer in his control; and
  - (b) specify the time and place for disclosure and inspection.

[<sup>F1</sup>(Rule 78.26 contains rules in relation to the disclosure and inspection of evidence arising out of mediation of certain cross-border disputes.)]

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(1) An application for disclosure before proceedings have started is permitted under section 33 of the Supreme Court Act 1981(c. 54) or section 52 of the County Courts Act 1984 (c. 28).

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**Status:** Point in time view as at 06/04/2011. This version of this provision has been superseded.

**Changes to legislation:** There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, Section 31.16. (See end of Document for details)

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**Textual Amendments**

- F1** Words in [rule 31.16](#) inserted (6.4.2011) by [The Civil Procedure \(Amendment\) Rules 2011 \(S.I. 2011/88\)](#), rules 1, **9(d)**
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**Commencement Information**

- I1** [Rule 31.16](#) in force at 26.4.1999, see [Signature](#)

**Status:**

Point in time view as at 06/04/2011. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 31.16.