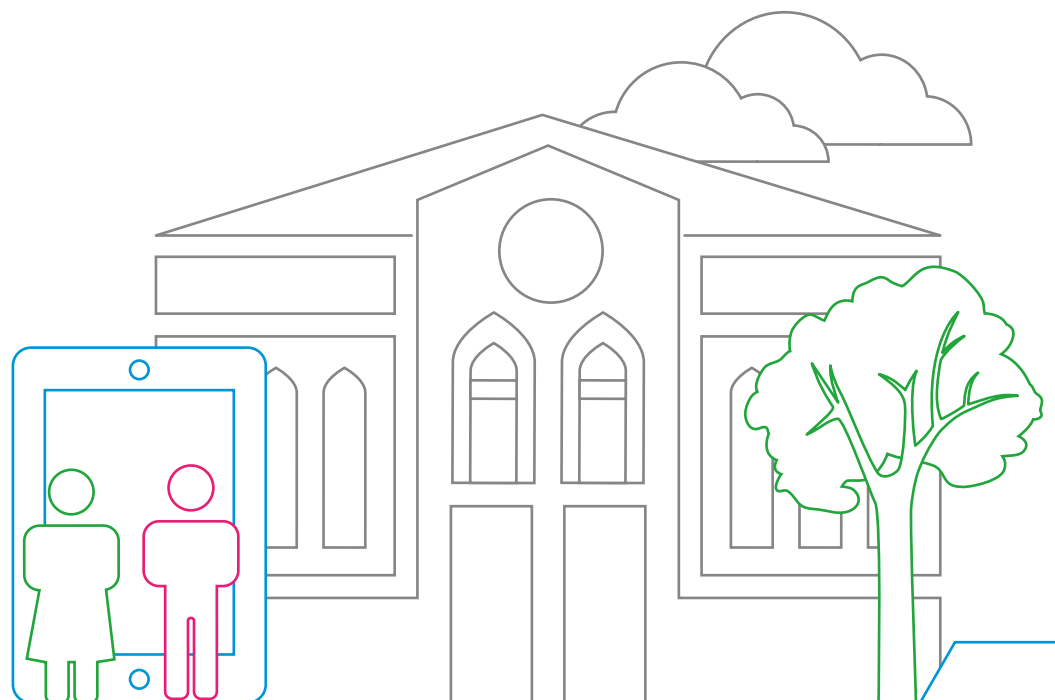




HM Courts &
Tribunals Service

Jurisdictional guidance to
support media access to
courts and tribunals

Civil Court Guide



Civil court guide

Access to court documents

Under the Civil Procedure Rules (CPR) Part 5, third parties such as journalists are entitled to:

- statements of cases (but not any documents filed with or attached to the statement of case, or intended by the party whose statement it is to be served with it) and
- judgments or orders given or made in public (whether made at a hearing or without a hearing)
 - The Civil Procedure Rules, part 2.3, define a statement of a case as:
 - a) means a claim form, particulars of claim where these are not included in a claim form, defence, Part 20 claim, or reply to defence; and
 - a) includes any further information given in relation to them voluntarily or by court order under rule 18.1;

but only if:

- the defendant has filed an acknowledgement of service or a defence; or
- if there are two or more defendants and all have filed an acknowledgement of service (or a least one has and the court gives permission); or
- the claim has been listed for a hearing; or
- judgment has been entered in the claim.

A request needs to be made in writing and pay the general fee for office copies.

Any third party wanting access to information withheld under the provisions set out in Part 5 of the rules or withheld by order of the court should apply to the judge, giving reasons why the information is required. The Civil Procedure Rules can be found here:

<https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part05>

Case details – disclosure

In line with Part 5 of the Civil Procedures Rules (CPR) (i.e. if all parties have acknowledged service or defence or the case is listed or judgment is entered) , journalists, who phone or email, should be given factual information about cases such as listing dates, the names of parties, the judges, barristers, solicitors' full names, the type of case and the result.

Such disclosure should not be used by the journalist to avoid paying a fee under the CPR. Therefore, you should only give out factual information as stated above. If the journalist wants fuller details on the nature of the claim as provided in the statement of case, then they need to make a written request and pay the required fee.

Outcome – disclosure

If a case is heard in open court you can give out the result and details of the judgment to journalists. If the case was heard in private you cannot and should explain to the journalist that the case was heard in private.

If you are uncertain as to whether a case was heard in open court, ask the judge.

General public

Staff should treat the public the same as the press and give out details about cases as set out above.

Admiralty, Commercial and Technology and Constructions Courts

Similarly, provisions set out in CPR also apply to proceedings issued in these courts.

Possession Proceedings

As possession proceedings are heard in public (unless the judge orders otherwise) a copy of the order is not available to non-parties without an application to the judge. Similarly, any request for copies of the warrant of possession should be made on application to the judge. A fee is payable for the application.

Administrative Court Proceedings

The work of the Administrative Court is varied, consisting of the administrative law jurisdiction of England and Wales as well as a supervisory jurisdiction over lower courts and tribunals.

The supervisory jurisdiction, exercised through the procedure of Judicial Review, covers persons or bodies exercising a public law function - a wide and still growing field. Examples of the types of decision which may fall within the range of Judicial Review include:

- Decisions of local authorities in the exercise of their duties to provide various welfare benefits and special education for children in need of such education;
- Certain decisions of the immigration authorities and the Immigration and Asylum Chamber;
- Decisions of regulatory bodies;
- Decisions relating to prisoner's rights

CPR Part 5 will also apply to cases issued in the Administrative Court except where

the application for an order is from the Secretary of State CPR Part 54; PD 54B(3).

Company insolvency and bankruptcy proceedings

When a creditor petitions for an individual to be made bankrupt, the hearing is in public unless the court rules otherwise. When a debtor petitions for their own bankruptcy, there is no public hearing.

Company insolvency hearings are in public unless the court rules otherwise.

In line with the general advice for civil cases, unless a case is heard in private, journalists who ring about specific cases should be given factual information such as listing dates, the names of parties, the judges, barristers, solicitors' names and the result. If you are unsure whether a particular case was in open court, check with the judge.

Journalists can be referred to the Insolvency Service where searches can be made for bankruptcies and winding up petitions: <https://www.insolvencydirect.bis.gov.uk/eiir/>

The Civil Procedure Rules do not apply in company insolvency and bankruptcy proceedings. Rule 7.31A of the Insolvency Rules 1986 requires that non-parties, such as journalists should apply to court to see documents in cases. A fee will be payable for any such application and copies of any documents obtained if successful.