

**COURT DOCUMENTS (“Cape v. Dring”) SUB-COMMITTEE**  
**REVISED PROPOSAL FOR NEW DRAFTING OF CPR RULE 5.4C**

**Supply of documents to a non-party from court records**

**5.4C.**—(1) A person who is not a party to proceedings (a non-party) may—

(a) subject to paragraphs (4) to (7), obtain from the court records a copy of any of the documents in relation to the proceedings listed in paragraph (3), without the permission of the court;

(b) obtain at a hearing a copy of a skeleton argument or witness statement as provided for by paragraphs (8) to (10).

(2) A non-party may, if the court gives permission, obtain from the court records a copy of any other document filed by a party, or communication between the court and a party or another person.

(3) The documents referred to in paragraph (1) are—

(a) judgments or orders of the court other than those given or made in private;

(b) claim forms, but not any documents filed with or attached to the claim form, or intended to be served with it;

(c) other statements of case, but not any documents filed with or attached to the statement of case, or intended to be served with it;

(d) skeleton arguments;

(e) witness statements and affidavits, but not any exhibits or annexures to the statement or affidavit;

(f) expert reports (except for medical reports or where a rule or practice direction provides otherwise).

(4) In relation to any document referred to in paragraph (3)(b) to (f), the court may, on the application of any person—

(a) order that a non-party may not obtain a copy of such document under paragraph (1);

(b) restrict the persons or classes of persons who may obtain a copy of such document;

(c) order that persons or classes of persons may only obtain a copy of such document if it is edited in accordance with the directions of the court; or

(d) make such other order as it thinks fit.

(5) A person wishing to apply for an order under paragraph (4) must file an application notice in accordance with Part 23, and a non-party may not obtain a copy of the document until that application has been determined.

(6) Where the court makes an order under paragraph (4), a non-party who wishes to obtain a copy of the document, or to obtain an unedited copy of it, may apply on notice to the party or person identified in the document who requested the order, for permission.

(7) A non-party may obtain a copy of a document under paragraph (1) only if—

(a) where there is one defendant, the defendant has filed an acknowledgment of service or a defence;

(b) where there is more than one defendant, either—

(i) all the defendants have filed an acknowledgment of service or a defence;

(ii) at least one defendant has filed an acknowledgment of service or a defence, and the court gives permission;

(c) the claim has been listed for a hearing; or

(d) judgment has been entered in the claim.

(8) A non-party who has at or in advance of the hearing requested a copy of a skeleton argument shall be entitled to it at the start of the hearing for which the skeleton argument was filed, subject to any order or pending application under paragraph (4) or any directions restricting access to the hearing.

(9) A non-party who has at or in advance of the hearing requested a copy of a witness statement shall be entitled to it (but not any exhibit or annexure to it) when the relevant witness is called and the witness statement stands as their evidence in chief, subject to any order or pending application under paragraph (4), any direction that the witness statement should not be open to inspection, or any directions restricting access to the hearing.

(Rule 32.13 covers the circumstances in which the court may direct that a witness statement should not be open to inspection.)

(10) Unless the court directs otherwise, it is the responsibility of the party who filed the skeleton argument or relies on the relevant witness's evidence to provide the copy of the skeleton argument or witness statement under paragraph (8) or (9).