PART 19 Further Information

PART 19

Obtaining further information 19.1 - 19.3

19.1

The Court may at any time order a party to:

(1) clarify any matter which is in dispute in the proceedings; or

(2) give additional information in relation to any such matter;

whether or not the matter is contained or referred to in a statement of case .

19.2

Rule 19.1 is subject to any rule of law to the contrary.

19.3

Where the Court makes an order under Rule 19.1, the party against whom it is made must:

(1) file his response; and

(2) serve it on the other parties;

within the time specified by the Court .

Restriction on the use of further information 19.4

19.4

The Court may direct that information provided by a party to another party (whether given voluntarily or following an order made under Rule 19.1) must not be used for any purpose except for that of the proceedings in which it is given.

Preliminary request for further information or clarification 19.5 - 19.12

19.5

Before making an application to the Court for an order under Rule 19.1, the party seeking clarification or information should first serve on the party from whom it is sought a written request for that clarification or information ("a Request"), stating a date by which the response to the Request should be served. The date must allow the party providing clarification or further information a reasonable time to respond.

19.6

A Request should be concise and strictly confined to matters which are reasonably necessary and proportionate to enable the first party to prepare his own case or to understand the case he has to meet.

19.7

Requests must be made as far as possible in a single comprehensive document and not piecemeal.

19.8

A Request may be made by letter if the text of the Request is brief and the reply is likely to be brief; otherwise the Request should be made in a separate document.

19.9

If a Request is made in a letter, the letter should, in order to distinguish it from any other that might routinely be written in the course of a case:

(1) state that it contains a Request made under Part 19, and

(2) deal with no matters other than the Request.

19.10

A Request (whether made by letter or in a separate document) must:

(1) be headed with the title and number of the claim;

(2) in its heading state that it is a Request made under Part 19, identify the party seeking clarification or information and the party from whom it is sought and state the date on which it is made;

(3) set out in a separate numbered paragraph each request for information or clarification;

(4) where a Request relates to a document, identify that document and (if relevant) the paragraph or words to which it relates; and

(5) state the date by which the party seeking clarification or information expects a response to the Request.

19.11

A Request which is not in the form of a letter may, if convenient, be prepared in such a way that the response may be given on the same document:

(1) to do this, the numbered paragraphs of the Request should appear on the left hand half of each sheet so that the paragraphs of the response may then appear on the right;

(2) where a Request is prepared in this form an extra copy should be served for the use of the second party.

19.12

Subject to Rules 9.3(1) to (4) a Request should be served by e-mail if reasonably practicable.

Responding to a request 19.13 - 19.17

19.13

A response to a Request must be in writing, dated and signed by the party providing clarification or further information or his legal representative .

19.14

Where the Request is made in a letter:

(1) the party providing clarification or further information may give his response in a letter or in a formal reply;

(2) such a letter should identify itself as a response to the Request and deal with no other matters than the response.

19.15

Unless the Request is in the format described in Rule 19.11 and the party providing clarification or further information uses the document supplied for the purpose, a response must:

(1) be headed with the title and number of the claim;

(2) in its heading identify itself as a response to that Request;

(3) repeat the text of each separate paragraph of the Request and set out under each paragraph the

response to it; and

(4) refer to and have attached to it a copy of any document not already in the possession of the first party which forms part of the response.

19.16

A second or supplementary response to a Request must identify itself as such in its heading.

19.17

The party providing clarification or further information must when he serves his response on the party seeking it serve on every other party and file with the Court a copy of the Request and of his response.

Statements of truth 19.18

19.18

A response to a Part 19 Request must be verified by a statement of truth in the following form:

[I believe] [the claimant/ defendant believes] that the facts stated in this response to the claimant's/ defendant's Part 19 Request for further information are true".

General matters 19.19 - 19.21

19.19

If the party providing clarification or further information objects to complying with the Request or part of it or is unable to do so at all or within the time stated in the Request:

(1) he must inform the party seeking clarification or information promptly and in any event within that time; and

(2) he may do so in a letter or in a separate document (a formal response), but in either case he must give reasons and, where relevant, give a date by which he expects to be able to comply.

19.20

There is no need for a party providing clarification or further information to apply to the Court if he objects to a Request or is unable to comply with it at all or within the stated time. He need only comply with Rule 19.19.

19.21

Where a party providing clarification or further information considers that a Request can only be complied with at disproportionate expense and objects to comply for that reason he should say so in his reply and explain briefly why he has taken that view.

Applications for orders under Part-19 19.22 - 19.28

19.22

An application notice for an order under Part 19 should set out or have attached to it the text of the order sought and in particular should specify the matter or matters in respect of which the clarification or information is sought.

19.23

If a Request under Rule 19.5 for the information or clarification has not been made, the application notice should, in addition, explain why not.

19.24

If a Request for clarification or information has been made, the application notice or the evidence in support should describe the response, if any.

19.25

Both the party seeking clarification or information and the party from whom it is sought should consider whether evidence in support of or in opposition to the application is required.

19.26

Where the party from whom clarification or information is sought has made no response to a Request served on him:

(1) the party seeking the clarification or information need not serve the application notice on that party, and the Court may deal with the application without a hearing; and

(2) sub-paragraph (1) above only applies if at least 14 days have passed since the Request was served and the time stated in it for a response has expired.

19.27

Unless Rule 19.26 applies the application notice must be served on the second party and on all other parties to the claim.

19.28

An order made under Part 19 must be served on all parties to the claim.