



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 [^{F1}rules of court], [^{F2}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 [^{F1}rules of court], of a person who appears to [^{F2}the county court] to be likely to be a party to subsequent proceedings in that court [^{F3} . . . 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

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

[^{F4}(3) This section is subject to any provision made under section 38,]

| Textual Amendments | |
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| 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 . |

53 Power of court to order disclosure of documents, inspection of property etc. in proceedings for personal injuries or death.

^{F5}(1)

(2) On the application, in accordance with [^{F6}rules of court], of a party to any proceedings ^{F7}. . . , [^{F2}the county court] shall, in such circumstances as may be prescribed, have power to order a person who is not a party to the proceedings and who appears to the court to be likely to have in his possession, custody or power any documents which are relevant to an issue arising out of the said 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
 - (iii) if the applicant has no legal adviser, to any medical or other professional adviser of the applicant.

(3) On the application, in accordance with [^{F6}rules of court], of a party to any proceedings ^{F7}. . . , [^{F2}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 is not the property of, or in the possession of, any party to the proceedings but which is the subject-matter of the proceedings or as to which any question arises in the proceedings;
- (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.

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(4) The preceding provisions of this section are without prejudice to the exercise by [^{F2}the county court] of any power to make orders which is exercisable apart from those provisions.

[^{F8}(5) This section is subject to any provision made under section 38,]

Textual Amendments

- 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](#))
- F5** S. 53(1) omitted (26.4.1999) by [S.I. 1998/2940, arts. 1, 6\(c\)\(i\)](#); [S.I. 1998/3132](#)
- F6** Words in s. 53(2)(3) substituted (27.4.1997) by [1997 c. 12, s. 10, Sch. 2 para. 2\(2\)](#); [S.I. 1997/841, art. 3](#).
- F7** Words in s. 53(2)(3) omitted (26.4.1999) by [S.I. 1998/2940, arts. 1, 6\(c\)\(ii\)](#); [S.I. 1998/3132](#)
- F8** S. 53(5) added (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\), s. 125\(3\), Sch. 18 para. 44](#); [S.I. 1991/1364, art. 2, Sch.](#)

54 Provisions supplementary to sections 52 and 53.

- (1) [^{F9}The county court] shall not make an order under section 52 or 53 if it considers that compliance with the order, if made, would be likely to be injurious to the public interest.
- (2) [^{F10}Rules of court] may make provision as to the circumstances in which an order under section 52 or 53 can be made; and any rules making such provision may include such incidental, supplementary and consequential provisions as the [^{F11}Civil Procedure Rule Committee] may consider necessary or expedient.
- (3) Without prejudice to the generality of subsection (2), [^{F10}rules of court] shall be made for the purpose of ensuring that the costs of and incidental to proceedings for an order under section 52(2) or 53 incurred by the person against whom the order is sought shall be awarded to that person unless the court otherwise directs.
- (4) Sections 52(2) and 53 and this section bind the Crown; and section 52(1) binds the Crown so far as it relates to property as to which it appears to the court that it may become the subject-matter of subsequent proceedings involving a claim in respect of personal injuries to a person or in respect of a person's death.

In this subsection references to the Crown do not include references to Her Majesty in Her private capacity or to Her Majesty in right of Her Duchy of Lancaster or to the Duke of Cornwall.

- (5) In sections 52 and 53 and this section—
“property” includes any land, chattel or other corporeal property of any description;
“personal injuries” includes any disease and any impairment of a person's physical or mental condition.

[^{F12}(6) This section is subject to any provision made under section 38,]

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Textual Amendments

- F9** Words in ss. 36-147 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(a\)](#); [S.I. 2014/954](#), art. 2(c) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F10** Words in s. 54(2)(3) substituted (27.4.1997) by [1997 c. 12](#), s. 10, [Sch. 2 para. 2\(2\)](#); [S.I. 1997/841](#), [art. 3](#).
- F11** Words in s. 54(2) substituted (26.4.1999) by [1997 c. 12](#), s. 10, [Sch. 2 para. 2\(3\)](#); [S.I. 1999/1009](#), [art. 3\(f\)](#)
- F12** S. 54(6) added (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(3), [Sch. 18 para. 45](#); [S.I. 1991/1364](#), art. 2, [Sch.](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 6A inserted by [2007 c. 15 s. 107\(1\)](#) (This affecting provision is amended (22.4.2014) by [2013 c. 22, Sch. 9 paras. 10\(53\), 48](#); [S.I. 2014/954, art. 2\(c\)](#))
- s. 60A inserted by [2007 c. 29 s. 191](#)
- s. 60A(2) words substituted by [2013 c. 22 Sch. 9 para. 10\(17\)](#) (Effect not applied as s. 60A has not been brought into force)
- s. 60A(3)(b) words substituted by [S.I. 2022/1166 reg. 10\(2\)\(a\)\(ii\)](#) (This amendment comes into force immediately after [2007 c. 29, s. 191\(1\)](#) comes into force)
- s. 60A(3)(aa) inserted by [S.I. 2022/1166 reg. 10\(2\)\(a\)\(i\)](#) (This amendment comes into force immediately after [2007 c. 29, s. 191\(1\)](#) comes into force)
- s. 60A(3)(bb) inserted by [S.I. 2022/1166 reg. 10\(2\)\(a\)\(iii\)](#) (This amendment comes into force immediately after [2007 c. 29, s. 191\(1\)](#) comes into force)
- s. 60A(3)(cc) inserted by [S.I. 2022/1166 reg. 10\(2\)\(a\)\(iv\)](#) (This amendment comes into force immediately after [2007 c. 29, s. 191\(1\)](#) comes into force)
- s. 60A(7) words inserted by [S.I. 2022/1166 reg. 10\(2\)\(b\)](#) (This amendment comes into force immediately after [2007 c. 29, s. 191\(1\)](#) comes into force)
- s. 60A(7) words substituted by [S.I. 2010/844 Sch. 2 para. 2](#) (Effect not applied as s. 60A has not been brought into force)
- s. 112A112B inserted by [1990 c. 41 s. 13\(5\)](#)