

[DRAFT] Appendix 4 to Practice Direction []

Disclosure Certificate

Notes: This Disclosure Certificate is for use in all claims which fall within Practice Direction [] and are proceeding under the pilot scheme for disclosure in the Business and Property Courts.

In the	
Claim No.	
Claimant (including ref)	
Defendant (including ref)	
Date	
Party returning form	

Initial Disclosure

Either:

On [date] [party], with its [Statement of Case] provided [to party/parties] by way of Initial Disclosure a List, and copies, of the key documents referred to in [Statement of Case]. The Initial Disclosure List is found at [at Appendix A].

Or

No Initial Disclosure was required because [the parties agreed to dispense with it] [the Court ordered that it was not required] [it would involve [party] providing more than 1000 pages or 200 documents].

Extended Disclosure

If any of Models C, D or E were ordered in respect of any Issues for Disclosure, set out here the limits of the search conducted, by reference to custodians, date ranges, locations, document types, keyword searches and any other relevant limits specified in Section 3 of the Disclosure Review Document under “Agreeing aspects of methodology”.

To the extent any of these limits were not contained in the Disclosure Order or recorded in an agreement in writing between the parties either in the Disclosure Review Document or elsewhere,

please identify these and explain why they were necessary and why they were not agreed with the other part[y/ies]

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I, the above-named [Party] certify that I am aware of and to the best of my knowledge and belief I have complied with my duties under Practice Direction [], including that I am required to have:

- A) taken reasonable steps to preserve documents in my control that may be relevant to any issue in the proceedings;
- B) disclosed documents I am aware (or, in the case of a company or organisation, of which the company or organisation is aware, within the meaning of paragraph 2.9 of Practice Direction []) to be or to have been in my control and adverse to my case on any issue in the proceedings, unless they are privileged;
- C) *[in the case of an order for Extended Disclosure of Model C, D or E only]* undertaken any search for documents in a responsible and conscientious manner to fulfil the stated purpose of the search and in accordance with my obligations as set out in Practice Direction [] and [Order];
- D) acted honestly in relation to the process of giving disclosure;
- E) used reasonable efforts to avoid providing documents to another party that have no relevance to the Issues for Disclosure in the proceedings.
- F) produced electronic copies of documents in their native format, in a manner which preserves metadata and produced disclosable hard copy documents by providing scanned versions or photocopied hard copies.

I certify that I am aware of and to the best of my knowledge and belief have complied with the Disclosure Order.

I further certify that the List of Documents [at Appendix A] complies with the definition of a List of Documents contained within the Practice Direction and is a complete list of all documents which are or have been in my control and which I am obliged under the Disclosure Order to disclose.

I understand that I must inform the court and the other parties immediately if any further document required to be disclosed by paragraph 3.3 of Practice Direction [] and the Disclosure Order comes into my control at any time before the conclusion of the case.

I wish to withhold production of the following [document, part of a document, or a class of documents] which would otherwise fall within my obligations:

Description of document, part of a document or class of documents	Grounds upon which production is being withheld
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e.g. Privilege, already in other party's possession (inter-partes correspondence etc)

Documents no longer within party's control

I am aware that proceedings for contempt of court can be brought against me if I sign a false Disclosure Certificate.

Signed

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Date

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(Party) (Party's representative)

If the party making disclosure is a company or other organisation, the person signing this should be someone from within the organisation with appropriate authority and knowledge of the disclosure exercise. This person will have received confirmation from all those people with accountability or responsibility within the company or organisation either for the events or circumstances the subject of the case or for the conduct of the litigation, including those who have since left the company or organisation, that they have provided for disclosure all adverse documents of which they are aware. Identify here who the person making the disclosure statement is and why he or she is the appropriate person to make it:

Name:
Role and explanation of why you are the appropriate person to sign this Certificate:

Appendix A
List of Documents