

## DISCLOSURE PILOT AND PART 8 CLAIMS

### PRACTICE DIRECTION 51U – DISCLOSURE PILOT (the ‘Practice Direction’)

1. This note applies to claims in the following lists in the Business and Property Courts of England and Wales:
  - Business List (ChD) (and its sub-lists)
  - Insolvency and Companies List
  - Intellectual Property List
  - Property Trusts and Probate List
  - Revenue List
  
2. Practitioners have expressed uncertainty about whether the disclosure pilot applies to Part 8 claims. This note is intended to provide guidance. It is not, however, authoritative about the meaning of the Practice Direction.
3. The pilot does not directly apply to Part 8 claims because Part 8 contains its own regime for the disclosure of documents that are relied on by the parties.
4. The only statement of case in a Part 8 claim is the claim form. Paragraph 5.1 of the Practice Direction says there is no obligation to give Initial Disclosure with the Part 8 claim form. This is to ensure that the provisions relating to Initial Disclosure do not overlap with, and duplicate, the provisions in Part 8.
5. The court has power to make an order for extended disclosure under the pilot in a case proceeding under Part 8. It will adopt such elements of the Practice Direction as are appropriate to the case and the scope of disclosure that is sought. The party requesting disclosure will need to identify the issues for disclosure and the Model or Models that apply. It is not expected that the full procedure for extended disclosure, including completion of all elements of the Disclosure Review Document, will normally be required.

Chief Master Marsh  
27 March 2019