

## Appendix 4 to Practice Direction 51U

### Disclosure Certificate

**Notes:** This Disclosure Certificate is for use in all claims ~~which fall within~~ where Practice Direction 51U ~~and are proceeding under the pilot scheme (Disclosure Pilot for disclosure in the Business and Property Courts)~~ applies.

<b>In the</b>	
<b>Claim No.</b>	
<b>Claimant (including ref)</b>	
<b>Defendant (including ref)</b>	
<b>Date</b>	
<b>Party returning form</b>	

### Initial Disclosure

**Either:**

On [date] [party], [with its {Statement of Case} [or state if the parties agreed to defer the time for provision of Initial Disclosure, in accordance with PD 51U.5.8] ], provided [to party/parties] by way of Initial Disclosure [a List, and/or] copies, of the following:

- the key documents on which it has relied (expressly or otherwise) in support of the claims or defences advanced in its statement of case (and including the documents referred to in {Statement of Case}- that statement of case); and
- the key documents that are necessary to enable the other parties to understand the claim or defence they have to meet.

(These comprise Initial Disclosure as defined at PD 51U.5.1 and 5.2.)

[The Initial Disclosure List is found at [at Appendix A]-] or [The parties agreed to dispense with the requirement to produce an Initial Disclosure List of Documents, as permitted by PD 51U.5.8.]

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 [name of party] providing (after removing duplicates, and including documents referred to at PD 51U.5.4(3)(a)) more than (about) whichever is the larger of 1000 pages or 200 documents (or such higher but reasonable figure as the parties may agree)].

Where the parties agreed to dispense with Initial Disclosure, please set out here your reasons for this agreement.

**Extended Disclosure**

If Please list the orders made in the proceedings that have imposed Extended Disclosure obligations (together, "the Disclosure Order/s"):

Please state if the Extended Disclosure List of Documents has been dispensed with, by agreement or order.

Unless already particularised in the Disclosure Review Document or in any Extended Disclosure List of Documents, if any of Models C, D or E (search-based Extended Disclosure) 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/s or recorded in an agreement in writing between the parties either in the Disclosure Review Document or elsewhere, please identify ~~these~~them and explain why they were necessary and why they were not agreed with the other part[y/ies]

I, [name] certify for and on behalf of the above-named [Party] ~~certify~~ that I am aware of and to the best of my knowledge and belief I have complied with ~~my~~[Party's] duties under Practice Direction 51U, including that I am ~~required to have~~having:

- A) taken reasonable steps to preserve documents in ~~my~~[the Party's] 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 PD 51U.2.9~~ to be or to have been in [my] or [the company's] control and adverse to [my/the Party's] 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/the Party's] obligations as set out in Practice Direction PD51U and [the Disclosure Order/s];
- 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 I 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 51U and (whether under PD 51U.3.3 or the Disclosure Order/s) comes into my [the Party's] 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/the Party's] obligations:

<b>Description of document, part of a document or class of documents</b>	<b>Grounds upon which production is being withheld</b>
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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 without an honest belief in its truth.

Signed

Date

(Party) (Party's representative)

***If the party making disclosure is a company or other organisation, the person signing this Disclosure Certificate 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/s of Documents**

**Please either attach copies of any Initial Disclosure and/or Extended Disclosure Lists of Documents, or incorporate the text of the lists here.**

Document comparison by Workshare Compare on 27 July 2021 07:06:46

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Document 1 ID	iManage://IMDMS1.SIMMONS-SIMMONS.COM/L_LIVE_EMEA1/51211180/1
Description	#51211180v1<L_LIVE_EMEA1> - Appendix 4 - Disclosure Certificate (Jan 2021)
Document 2 ID	iManage://IMDMS1.SIMMONS-SIMMONS.COM/L_LIVE_EMEA1/50890476/2
Description	#50890476v2<L_LIVE_EMEA1> - Appendix 4 - Disclosure Certificate (July 2021)
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<b>Legend:</b>	
<u>Insertion</u>	
<del>Deletion</del>	
<del>Moved from</del>	
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Style change	
Format change	
<del>Moved-deletion</del>	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

<b>Statistics:</b>	
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Deletions	27
Moved from	1
Moved to	1
Style changes	0
Format changes	0
Total changes	90