



JUDICIARY OF
ENGLAND AND WALES

PRACTICE NOTE ON DISCLOSURE IN THE INSOLVENCY AND COMPANIES LIST (CHD)

This practice note replaces the practice note in relation to the operation of PD51U –Disclosure Pilot for the Business and Property Courts, issued in February 2019, following the coming into force of PD57AD – Disclosure in the Business and Property Courts on 1st October 2022.

1. PD57AD 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.
2. Forms of originating process familiar to users of the Insolvency and Companies List, such as petitions and Insolvency Act applications, are not ‘statements of case’ for the purpose of PD57AD.
3. The only statement of case in a Part 8 claim is the claim form. The parties attention is drawn to Paragraph 1.4 (7) and 5.1 of the Practice Direction.
4. PD57AD Paragraph 1.12 provides the court with a power to apply the Practice Direction in proceeding under Part 8.
5. The Court may, as part of its case management powers, consider it appropriate to order disclosure in accordance with PD57AD.
6. Petitions issued for relief under section 994 of the Companies Act 2006 will be subject to disclosure.
7. Where a party requests disclosure they 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 be required.
8. Standard disclosure is no longer available.

Chief Insolvency and Companies Court Judge Briggs
6 October 2022