

THE SUPREME COURT DOCUMENTS (PRODUCTION) RULES,
1926. DATED APRIL 29, 1926.

1926 No. 461 (L. 13)

We, George Viscount Cave, Lord High Chancellor of Great Britain, Gordon Baron Hewart, Lord Chief Justice of England, and Sir Thomas Willes Chitty, Baronet, Senior Master of the Supreme Court (King's Bench Division), in exercise of the powers conferred on us by Section 220 of the Supreme Court of Judicature (Consolidation) Act, 1925, hereby make the following Rules:—

15 & 16 Geo.
5. c. 49.

1. Where a document filed in or in the custody of any Department of the Central Office is required to be produced to any Court or Tribunal (including an umpire or arbitrator) sitting elsewhere than at the Royal Courts of Justice, it shall not be necessary for an Officer of the Department, whether served with a subpoena in that behalf or not, to attend for the purpose of producing the document, but the document may be produced to the Court or Tribunal by sending it by registered post together with a Certificate in the form No. 2 in the Appendix hereto to the Court or Tribunal or to a Judge or Officer thereof in accordance with the following rules.

2. Any Court or Tribunal or any party requiring any document filed in or in the custody of any Department of the Central Office to be produced before any Court or Tribunal sitting elsewhere than at the Royal Courts of Justice shall deliver to the Head Clerk of that Department a request in the form No. 1 in the Appendix to these Rules duly filled up with the particulars therein indicated, and stamped with the prescribed fee.

3. On receipt of the request referred to in Rule 2 the Head Clerk shall submit the same to the Senior Master of the Supreme Court or the Practice Master (King's Bench) of the day who may direct that the request be complied with. Before giving such direction the Master may, if he thinks fit, require to be satisfied that the request is made in good faith and that the document is required to be produced as stated.

The Master giving the direction may also if for any special reason he thinks fit to do so, require that before the document is sent, an Office Copy thereof be made and filed in the Central Office at the expense of the party requiring the document to be produced.

4. On receipt of the direction of the Master referred to in Rule 3 the Head Clerk shall send the document by registered post addressed to the Court or Tribunal or the Judge or Officer thereof indicated in the form of request.

5. Together with the document there shall be sent an envelope capable of containing the document and fully directed to the Head Clerk of the Department of the Central Office by whom the document is sent, at the Royal Courts of Justice, Strand, London, W.C.2, and duly franked for use in returning the document to the Central Office.

6. Together with the document there shall also be sent a Certificate in the form No. 2 in the Appendix hereto and a covering letter addressed to the Court or Tribunal or the Judge or Officer thereof to whom the document is being sent and containing a description of the document sent and stating at whose request and for what purpose it is sent and referring to these Rules and containing a request that the document be returned to the Head Clerk by whom it is sent in the enclosed envelope so soon as the Court or Tribunal no longer requires it.

7. It shall be the duty of the Court or Tribunal or the Judge or Officer thereof to whom a document is sent under these Rules to keep it in safe custody, and to return it by registered post to the Head Clerk of the Department of the Central Office by whom it was sent, as soon as the Court or Tribunal no longer requires it.

8. A record shall be kept in each department of the Central Office from which documents are sent pursuant to these Rules, containing a description of each document sent and the date when it is sent and the Court or Tribunal Judge or Officer to whom it is sent and the date of its return. It shall be the duty of the Head Clerk of each such department to see that each document is duly returned within a reasonable time and to make enquiries and report to the Senior Master as to any document which is not so returned, so that steps may be taken to secure the return thereof.

9. Notwithstanding the preceding rules, the Senior Master or Practice Master may in any particular case in which he thinks there is sufficient reason for so doing, require that an Officer of the Department shall attend the Court or Tribunal for the purpose of producing the document in accordance with the practice in force prior to the 1st October, 1925.

SUPREME COURT, ENGLAND

10. These Rules may be cited as the Supreme Court Documents (Production) Rules, 1926.

Dated the 29th day of April, 1926.

Cave, C.
Hewart, C.J.
T. Willes Chitty.

APPENDIX

No. 1

In the High Court of Justice,
Division.

I,of.....
in the.....of.....
the Plaintiff [or Defendant or Solicitor for the Plaintiff or Defendant] in
the action of.....v.....
192 No..... [or the matter of.....
(or as the case may be, describing the Applicant so as to show that he is a proper
person to make the request)] HEREBY REQUEST that the following document
[or documents] viz. (here describe the document or documents) be produced
to the (here describe the Court or Tribunal) on the.....day of
.....192 [and following days] and I request that the said
document [or documents] be sent by registered post to (here describe the
Court or Tribunal or the Judge or proper officer of the Court or Tribunal to
which the document or documents is or are to be sent) for production to that
Court [or Tribunal] on that day.

(Signed).....

Dated the.....day of.....192 .

No. 2

I, A.B., Head Clerk in the.....Department of the
Central Office, Royal Courts of Justice, London, certify that the document
sent herewith for production to the (here describe the Court or Tribunal) on
the.....day of.....192 in the action of.....
.....v.....[or the matter of.....]
and marked "A.B." is (describe the document) and I, FURTHER CERTIFY that
the said document has been filed in and is produced from the custody of
the said.....Department of the High Court of
Justice.

(Signed).....

Dated the.....day of.....192 .