

From 1 October 2022, subject to ministerial approval, Practice Direction 57AD of the Civil Procedure Rules will apply to existing and new proceedings in the Business and Property Courts. PD57AD replaces the three-year disclosure pilot under Practice Direction 51U. Our flow chart sets out the timelines for addressing parties' disclosure obligations under PD57AD.

## Claim Commences

Parties agree in writing to dispense with or proceed with Basic Disclosure  
The Court will determine whether to order Extended Disclosure

## Statement of Case is served

Initial Disclosure provided

## Within 28 days from the final date of service of the Statement of Case

Each party should state, in writing, whether or not it is likely to request search-based Extended Disclosure to include one or more of Models c, D or E on one or more *Issues for Disclosure* in the case. At this point it should not particularise the Model(s) or the issue(s) in the case

## Within 42 days of the final statement of case

Where search-based Extended Disclosure will be requested (i.e., Models C, D and/or E), the **claimant** must prepare and serve on the other parties a draft *List of Issues for Disclosure*, as set out in Section 1A of the DRD

## As soon as practicable and no later than 21 days from service of the draft List of Issues for Disclosure and proposals on Extended Disclosure Models

Using Section 1A DRD (and, if applicable, 1B) a party served shall indicate whether it agrees with the proposals. If the party served with the proposals does not agree, or wishes to propose alternative or additional Issues for Disclosure, other Models and/or of the Model C proposals, it should set out its alternative or additional proposals in Sections 1A and 1B of the DRD.

## In advance of the first CMC

Parties must discuss and seek to agree the draft List of Issues for Disclosure, the Models identified for each Issue for Disclosure, and the wording of any Model C proposals. Parties should consider whether any draft Issue for Disclosure can be removed.

## As soon as reasonably practicable, no later than 14 days before first CMC

Parties to agree the List of Issues for Disclosure, proposals on Model(s) for Extended Disclosure and the wording of any Model C requests

Parties to prepare and exchange drafts of Section 2 of the DRD (including costs estimates of different proposals and where possible estimates of likely amount of documents involved). (Section 2 of the DRD should be completed only if any party is seeking an order for search-based Extended Disclosure (i.e., Models C, D, and/or E)).

# Extended Disclosure Timelines PD57AD (Cont...)

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## Filing no later than 5 days before CMC

**Claimant** to file a single joint DRD

Related correspondence and earlier drafts should not ordinarily



## As soon as reasonably practicable after filing of finalised DRD but not less than 2 days before the CMC

Where search-based Extended Disclosure will be requested (i.e., Models C, D and/or E), the **claimant** must prepare and serve on the other parties a draft List of Issues for Disclosure, as set out in Section 1A of the DRD



## CMC

The Court will make an order for disclosure, noting that the court may order different disclosure models for different issues and the use of technology. The court may also provide disclosure guidance in accordance with paragraph 11, PD57AD.

**PD57AD, 6.8:** *The court will determine whether to order Extended Disclosure at the first case management conference or, if directed by the court, at another hearing convened for that purpose or without a hearing.*

**PD57AD, 6.9:** *The court may determine any point at issue between the parties about disclosure including the application or effect of any provision in this Practice Direction [PD57AD] or an order made by the court and about the scope of searches, the manner in which searches are to be carried out and the use of technology. The parties may, at any time, apply to the court to seek the determination of an issue concerning disclosure by issuing an application notice.*

## Contact



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