

## **Message from the Chief Insolvency and Companies Court Judge**

This note relates to Practice Direction 51U - Disclosure Pilot for the Business and Property Courts ('the Disclosure Pilot').

The provisions of the Disclosure Pilot apply to the Insolvency and Companies List. The Disclosure Pilot does not apply to Practice Direction 51P that provides the procedure for Insolvency Express Trials.

The Disclosure Pilot applies to Part 7 proceedings with statements of case. Part 7 claims without particulars of claim and Part 8 claims are expressly excluded from certain of its requirements. Forms of originating process familiar to users of the Insolvency and Companies List, such as petitions and applications, are not 'statements of case' for the purpose of the Disclosure Pilot. An exception is made for petitions issued for relief pursuant to sections 994-996 of the Companies Act 2006 and/or for winding up on the just and equitable ground, since these are analogous to Part 7 proceedings with statements of case.

The Court may, as part of its case management powers, consider it appropriate to order disclosure in proceedings commenced by Part 8 claim, petition or application, either of its own motion or on the application of a party. As the Disclosure Pilot replaces Part 31 of the CPR, such disclosure will be in accordance with the Disclosure Pilot's provisions.

6<sup>th</sup> February 2019