

IN THE HIGH COURT OF JUSTICE

CLAIM NO: QB-2022-001420

KING'S BENCH DIVISION

Before Mrs Justice Tipples

7 October 2022

BETWEEN:

SHELL U.K. OIL PRODUCTS LIMITED

and

CHIEF CONSTABLE OF SURREY POLICE



QB-2022-001420

Respondent

ORDER

UPON the Claimant's application by notice dated 7 October 2022 under CPR Part 31.17

AND UPON the parties agreeing to the terms of a draft Consent Order

AND UPON CPR Part 31.2 of the Civil Procedure Rules providing that "*a party discloses a document by stating that the document exists or has existed*"

AND UPON CPR Part 31.17 providing that this "*this rule applies where an application is made to the court under any Act for disclosure by a person who is not a party to the proceedings*"

IT IS ORDERED:

1. The Application be listed for an oral hearing before the Applications Judge at 10.30am on 14 October 2022 or so soon thereafter as the application can be heard with a time estimate of not more than one hour.
2. The Claimant shall lodge a skeleton argument in relation to the Application with the Court by 12 noon on Wednesday 12 October 2022.
3. The Respondent shall, if so, advised lodge a skeleton argument with the Court by 12 noon on Thursday 13 October 2022 in response to the Claimant's skeleton argument.

Reasons

The draft Order appears to be seeking extensive relief which goes beyond the ambit of CPR Part 31.17, namely disclosure of documents which do not exist, but may come into existence in the future (see, for example, paragraph 1(b) of the draft Order).

The parties cannot confer jurisdiction on the court consent, and the court needs to be satisfied that the criteria under CPR Part 31.17(3) are satisfied in relation to the relief sought. The court would be assisted submissions from Counsel at an oral hearing in relation to all paragraphs of the draft Order, and this matter will be listed for hearing on Friday 14 October 2022 at 10.30am before the Applications Judge or so soon thereafter as it can be heard. If the time estimate for the hearing is more than 1 hour, the Court must be notified and the application will be taken out of the Applications List and placed in the warned lists.

Signed: Mrs Justice Tipples

Dated: 7 October 2022.