

Request For Further Information “Part 18 Request”

During the pre-trial stage of court proceedings, a party may take the view that the Particulars of Claim or Defence (known as the statements of case), does not provide enough information about the nature of their claim or defence. If this happens, it may be beneficial to make a formal request to the opponent to either clarify or give additional information.

WHAT IS A PART 18 REQUEST?

A Part 18 request, or better known as a “*request for further information*”, is a formal written request pursuant to Part 18 of the Civil Procedure Rules (the rules that govern litigation in England and Wales) - hence being known as a Part 18 request. Normally a Part 18 request will be made shortly after the Particulars of Claim or Defence is served.

WHEN ARE PART 18 REQUESTS USED?

Part 18 requests are often used to:

- Narrow the issues between the parties;
- Obtain information about facts which the opponent needs to prove to support its case;
- Reveal weaknesses in the opponents case;
- To obtain admissions;
- Clarify the opponent’s case or limit the opponent to depart from that case; and
- Ascertain details of the opponent’s case to reduce any surprise when witness statements are exchanged.

Part 18 requests should not be made to simply highlight the weaknesses of the other party’s case.

THE PROCEDURE FOR A PART 18 REQUEST

The preliminary request

The party making the request, must serve it on the opponent (either by email or letter), stating a reasonable date by which a response should be received. The Part 18 request should only deal with matters which are reasonably necessary and proportionate to enable you to prepare your case or to understand the case that needs to be met. The response may take the form of an answer or objection.

The response to the preliminary request

A Part 18 request made by email, will usually be responded to by email. It should formally state that it is a response to the Part 18 request and only deal with those matters raised. The response will either agree to provide the additional information sought or object.

When can you object to a Part 18 request?

If a party feels that the time provided to respond to the Part 18 request is too short, the matter should be raised promptly. Aside from the issue of time, a Part 18 request may be objectional due to the fact it is:

- A “fishing” request where the party does not have evidence supporting its statements of case;
- Not relevant to the issues in dispute;
- Oppressive and disproportionate in terms of scope and costs; and
- A request purely as to the credibility of a witness.

A Part 18 order

If the response is not satisfactory or one is not received, an application can be made to the court for an order forcing the party to provide the relevant information or response. The application can be dealt with by the court without a hearing.

STRATEGY

A Part 18 request is a powerful tool that can provide insight into the opponent’s case. The benefits must be balanced as it can also highlight a party’s line of enquiry. This may allow the opponent to bolster its case.

A Part 18 request is best used where a party knows that the opponent is withholding information and this needs to be brought into the open.

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