



CIRCULAR TO PRACTITIONERS

No. 2 of 2025

Dear Practitioners,

RE: REQUESTS FOR ACCESS TO WARDENS COURT DOCUMENTATION

As a result of a recent increase in ad hoc requests for access to documentation pertaining to Wardens Court proceedings, the Wardens have decided to publish this guidance by way of a Circular to Practitioners.

This guidance will in due course, be formalised into a Practice Direction, however for present purposes, and pursuant to Regulation 152(1)(l) of the Regulations, the Wardens now require requests for access to documentation held for the purposes of any Wardens Court proceedings, to be made by way of the following process:

- 1) An Interlocutory Application filed in the relevant proceeding;
- 2) The Interlocutory Application is to be accompanied by a Statutory Declaration or Affidavit of the party making the request in support, and addressing the following matters:
 - a) The identity of the party seeking access;
 - b) What the matter number is (Tenement Application / Objection Number / Dealing Number / Decision citation);
 - c) What documents are sought to be accessed;
 - d) The **detailed** reason for the request for access;
 - e) The parties known to be involved in the matter.
- 3) The Interlocutory Application & Accompanying Statutory Declaration is to be sent to the Mining Registrar of the field from which the relevant proceeding arises, under cover of a letter, identifying it as a third party request for access to Wardens Court documentation.

- 4) Where solicitors are making a request, they are to identify that fact, and further, identify the party on behalf of whom the request is made.
- 5) The letter, Interlocutory Application & Accompanying Statutory Declaration are required to be served by the party seeking access upon the parties to the matter, or their representatives, to the satisfaction of the Mining Registrar.
- 6) The Mining Registrar in question will forward the request for access to the Wardens for consideration on the papers at first instance.
- 7) In the event a Warden considers it necessary to hear from the applicant for access, or any other party, appropriate programming orders will be made.

Please note that any party or person who has recently written to the Court, in an ad hoc fashion, will have that communication responded to by reference to this circular.



Warden TW McPhee

7 April 2025



Warden SJ Davies

7 April 2025