

## **TIG FRC Sub Group**

### **Minutes of Meeting dated 24<sup>th</sup> February 2022**

#### **Attendees:**

**His Honour Judge Stuart Farquhar**

**Samantha Hillas QC**

**Harry Oliver QC**

**Penelope Reed QC**

**Caroline Park**

**Deborah Dinan-Hayward**

**Emily Ward**

1. Update. We now have a secretary – Henrietta Boyle, from 1 Hare Court and a new District Judge member, Susan Bennett, the Lead Judge for Mid and West Wales. We are to provide the terms of reference which we consider appropriate.
2. Terms of Reference. It was agreed that these should be sufficiently wide to enable all issues of transparency within the FRC to be considered but the main areas of interest are:
  - a. Should FRC cases be heard in Private or in Open Court;
  - b. Should the parties remain anonymous;
  - c. What documents, if any, should be made available to the press;
  - d. How should highly confidential information (including that which is commercially sensitive) be considered;
  - e. Contents of published judgments.
3. Membership of Sub-Group. At present the membership is all lawyers and judges. It was agreed that a relevant member of the press should be invited to join the group. There were discussions as to whether any other stakeholders should be invited to join such as HMCTS or any academics. It was decided that such input is not required at present, but this can be re-considered in the future. Likewise, there will need to be discussions organisations representing trustees, Banks and Pension Fund administrators, but they would not require to be members of the group.
4. Initial Steps. The initial phase is one of “fact finding” as follows:
  - a. The first task is to understand the legal and factual position at present in terms of what is happening in the FRC. A paper will be prepared on these issues.

- b. A paper to be prepared as to how issues of transparency are dealt with in the Chancery Division.
  - c. A paper to be prepared as to how issues of transparency are dealt with in the Court of Protection.
  - d. Consideration should be given to discovering the position in other countries if possible.
  - e. These steps will involve substantial work and it is hoped that they can be completed shortly after Easter 2022.
5. Future Steps There will need to be substantial consultation once the “fact-finding” phase has been completed. Consideration is to be given to the format of such consultation and how various stakeholders can be approached.
6. Next Meeting 28<sup>th</sup> April 2022 at 4.30pm