



# Courts and Tribunals Judiciary

## Transparency & Open Justice Board Key Objectives: Proposals

1. The principles of transparency and open justice require the proceedings and decisions of Courts and Tribunals to be open and accessible to the public and the media. On a practical level this should include:
  - (1) timely and effective access to information about cases that are pending before a Court or Tribunal including:
    - (a) identification of the principal subject matter of the case and, if available, the date of the next hearing;
    - (b) for each hearing that has been scheduled:
      - the identity of the case (including the names of the parties);
      - the Court or Tribunal before which the hearing is to take place;
      - where the hearing is to take place;
      - the date and time of the hearing;
      - the general nature of the hearing, e.g. application, case management hearing, or trial;
      - whether the hearing is to be held in public;and, when known,
      - the name(s) of the judge(s)/magistrate(s)/tribunal member(s) hearing the case; and
    - (c) details of any reporting restrictions that apply to a case and the terms of any restrictions;
  - (2) timely and effective access to the core documents relating to the proceedings held by the Court or Tribunal, including:
    - (a) the document that identifies the principal subject matter of the case e.g. a Claim Form or Appeal Notice in a civil or tribunal case, or the Summons or Indictment in a criminal case;
    - (b) the evidence (including any expert and/or audio/visual evidence) that is, or has been, considered by the Court or Tribunal at a hearing in public;

- (c) any written submissions (including skeleton arguments) that are, or have been, considered by the Court or Tribunal at a hearing in public; and
  - (d) any public judgments or Orders of the Court or Tribunal.
- (3) effective access to hearings of Courts and Tribunals held in public, including:
  - (a) enabling members of the public and media representatives to attend the hearing in person (including maintaining designated spaces for media representatives) or remotely by video link where appropriate;
  - (b) permitting, where appropriate, broadcasting of the whole or part of the hearing; and
  - (c) enabling transcripts to be obtained of proceedings in public (subject to any applicable fees).
- 2.** Open justice is the default position but there are recognised limitations to the principle. Some of the limitations are imposed by statute or statutory rules, which are set by Parliament not the Judiciary; any changes are a matter for Parliament, not the Judiciary. Sometimes, a Court or Tribunal will only be able to do justice in a particular case by departing from the principle of open justice. Any such departure from open justice must be necessary, proportionate, and justified.
- 3.** In some areas, the ability of the Courts and Tribunals to deliver open justice is dependent upon the availability of resources and support from the Ministry of Justice and HMCTS.