

Transparency and Open Justice Board

Stakeholder Committee Forum Q&A

22 July 2026

Contents

Public Domain Documents and Court of Appeal Pilots	1
Access to Skeleton Augments.....	3
Court Document Fees and Applications.....	4
Publication, Reporting and Accuracy	5
Intensive Supervision Courts	8
Governance Arrangements.....	8

Publication status: This is a contemporaneous record of the responses given on 22 July 2026, revised to distinguish the current legal or procedural position from the Board’s policy objectives and to identify matters requiring further verification.

Public Domain Documents and Court of Appeal Pilots

Question	Submitted by	Response
When will the Public Domain Documents Pilot be reviewed, could it be extended to other courts, and how does it relate to the Court of Appeal access to core documents pilot? Is it anticipated that after the Chancery Division becomes the Business and Property Division, this may apply to all Courts within it?	Richard Hoyle	The six-month review will take place over the summer of 2026. It will draw on stakeholder feedback, particularly from the press, the London Solicitors Litigation Association and COMBAR, together with HMCTS data on office-copy requests. The pilot currently operates in the Commercial Court, London Circuit Commercial Court, and Financial List. Any extension to other courts or lists, including following any change to the structure or designation of the Chancery Division, remains under consideration and has not been agreed.
How is the access to Public Domain Documents Pilot being monitored? What data is being collected to feed into any planned evaluation of the pilot?	Harry Holbrook	The evaluation will consider stakeholder feedback, HMCTS information on office-copy requests and the practical experience of operating the pilot. The principal issues identified so far are the cost of obtaining documents and the time taken to provide them. Documents need to be available when required to understand and report proceedings. Receiving them several days after a hearing may not support effective scrutiny or timely reporting. Further consideration is needed as to whether documents should be available only when they are considered by the court or, in appropriate circumstances, before the hearing begins. No final position has been reached.

Is there a formal document recording the requirements of / qualifying criteria for the Court of Appeal pilot? It appears from looking at the CoA streaming landing page that skeleton arguments for some streamed appeals are provided but not others. Will this become mandatory for any civil appeal from a PD51ZH pilot court in which skeletons were previously published as a public domain document?	Richard Hoyle	There is currently no publicly available document setting out formal selection criteria. The pilot is being operated administratively by the Court of Appeal and has not required a separate Practice Direction. It is limited in scope and remains subject to judicial decisions concerning confidentiality, sensitivity and the suitability of individual cases. The pilot does not apply to all cases. Cases involving confidentiality issues or potentially sensitive personal information are generally excluded, and the number of cases that can be included is limited by available resources. Although a case falling within the PD51ZH pilot may be suitable for inclusion in the Court of Appeal livestream pilot, there is no guarantee that any particular case will be selected. Further public information about the Court of Appeal pilot, including its scope and operation, would assist transparency.

Access to Skeleton Augments

Question	Submitted by	Response
Will skeleton arguments become a category of document to which non-parties have a routine right of access?	Zainab Saleem	The Board considers skeleton arguments fundamental to understanding many proceedings. The Board's policy position is that skeleton arguments and other written submissions relied upon in proceedings held in public should ordinarily be available to the public and media, subject to any order of the court and to the protection of confidential or sensitive information. The Board recognises that the present

		procedural rules do not yet provide a uniform mechanism for routine access in every jurisdiction. Access should not depend on whether an individual solicitor or barrister agrees to provide a copy. The court should hold the document and make it available through an established process. Where a document contains material that must lawfully remain confidential, the court may direct the preparation of a public version, redaction, a confidential annex or another suitable arrangement. The Board's objective is to establish routine access through the necessary rule changes, while preserving the court's power to restrict or refuse access where that is justified.
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Court Document Fees and Applications

Question	Submitted by	Response
Why has the fee for obtaining a court document increased from £11 to £14, particularly where documents are supplied electronically?	Sam Tobin	The Ministry of Justice and HMCTS explained the increase as an inflation-linked adjustment. Fees are not increased annually but are generally raised in larger increments after several years. The current cost-recovery model was developed when court staff had to retrieve physical files and photocopy documents. It is more difficult to justify the same structure in a digital system, particularly where charges increase according to the number or length of documents. The Board has asked the Ministry of Justice and HMCTS to undertake a structured review of the charging model and fee levels, including their cumulative impact on journalists, researchers, and other court observers. The Board also

		intends to publish a position statement on fees and public access to court documents. Any fee stated in this document should be checked against the current fees order before publication.
Why might a non-party seeking documents in insolvency proceedings have to make a formal application and pay approximately £115?	Jacob Atkins	Where documents fall outside the limited categories covered by CPR 5.4C and the parties do not consent to their release, a non-party may have to make a formal application and pay an application fee. The precise position under the insolvency rules, including the basis and amount of the fee referred to in the question, requires further clarification. If the applicable rules do not provide a proportionate route by which a non-party can seek routine access, the procedural framework may require further consideration. The Board will look into the matter and, as appropriate, liaise with the Insolvency Rules Committee.

Publication, Reporting and Accuracy

Question	Submitted by	Response
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Has consideration been given to the impact of search engines permanently indexing judgments containing individuals' personal information?	Paul Magrath	The Board recognises the need to balance open justice with data protection, privacy, and rehabilitation. Three related but distinct questions arise: the permanent retention of a judgment in an authoritative archive; its continued publication or availability through a particular service; and its indexing and discoverability through general search engines. The National Archives' Find Case Law service provides an authoritative repository for judgments and decisions transferred to it for publication within its current coverage. A broader service designed to support more comprehensive publication for open justice purposes may require different presentation and arrangements concerning publication, discoverability and retention. No specific retention period has been agreed. The reference during the discussion to 12 to 18 months was illustrative rather than a proposal. The Board has reached no conclusion on retention, removal, or de-indexing. A wider public discussion is likely to be needed about the relationship between continuing open justice value, data protection, privacy and rehabilitation. Some aspects of that balance may ultimately require a decision by Parliament.
How are judgments corrected after publication, and how can users establish whether they have the current version?	Tom Deacon	Judgments may be corrected after publication, commonly to address minor typographical or grammatical errors. Depending on the nature of the correction and the jurisdiction, a correction may also be made under the slip rule or an equivalent procedural power. Some platforms indicate that a judgment has been revised by using a revision marker or number.

		For judgments published through the National Archives, generally those from the High Court and above, the corrected version is sent to the National Archives. Other publishers or services that obtain and update judgments from the National Archives should then be able to replace the earlier version, although the timing and consistency of that process may vary. More significant action may occasionally be required, including replacement or withdrawal of a version that inadvertently contains information capable of identifying a person protected by a statutory reporting restriction. Arrangements may be less consistent for judgments not held by the National Archives. Where there is doubt, the relevant court or tribunal may need to be contacted to confirm whether a judgment is the current version. The absence of a simple, uniform means of verification is itself an issue requiring further consideration.
Research concerning the Ministry of Defence Afghan data leak suggested that the related super-injunction was not recorded in the civil justice statistics, what measures are in place to ensure that super-injunctions are recorded accurately at each stage of proceedings, and how can the public be assured that the published statistics are complete and reliable?	Daniel Clark	Practice Direction 40F requires the collection of data on specified civil injunctions restricting publication of private or confidential information. Its scope is defined and it does not provide a comprehensive record of every injunction that restricts publication or disclosure. The injunction in the Ministry of Defence Afghan data-leak litigation fell outside the reporting requirements because of the exception for national security. Accordingly, the published PD40F statistics are complete only in relation to the categories of injunction falling within the Practice Direction. They should not be understood as a comprehensive record of every injunction that restricts publication or disclosure.

Intensive Supervision Courts

Question	Submitted by	Response
Will all hearings in Intensive Supervision Courts be open to the public, as criminal court hearings normally are? If not, which hearings will not be public and why?	Penelope Gibbs	Formal sentencing hearings take place in open court, as do subsequent court proceedings concerning alleged breaches or non-compliance, subject to the ordinary powers of the court. Supervision, treatment, and rehabilitation activity may instead be undertaken as probation-led, therapeutic or administrative work and will not generally be open to public observation. Practice currently varies between pilots. Some judicial review hearings have taken place in open court, while other supervision reviews or meetings, including those associated with the Women's Intensive Supervision Court in Birmingham, have operated outside a formal court setting. The description used should reflect whether the activity is an exercise of judicial power or a non-court supervision process. There may be scope for aspects of the process to be observed or studied in future, including through an agreed academic research framework. Any such arrangements would need to protect participants' privacy and support, rather than undermine, rehabilitation.

Governance Arrangements

Question	Submitted by	Response
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What is the rationale for the change in the structure and organisation of the Board? Will non-judicial or government stakeholders, such as legal professionals and civil society organisations, be part of the Steering Group?	Harry Holbrook	The Board had grown deliberately to include the range of judicial representation needed from different courts and tribunals during the implementation phase. However, a large Board was not sufficiently small or agile to support regular strategic decision-making. A smaller Executive Board has therefore been established to provide strategic oversight, meet more frequently and make decisions more promptly. The wider body has become the Steering Group, which will focus on delivery against the Key Objectives and work with jurisdictional and thematic groups. The Executive Board will oversee and monitor that delivery. The final membership of the Steering Group has not yet been settled. External stakeholder engagement, including engagement with legal professionals, civil society organisations and government stakeholders, will continue through the Stakeholder Committee Forum.
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