

Guidelines for Reporting

When should decisions be reported

Decisions should be reported if (i) they decide difficult issues, (ii) contribute to the coherent development or operation of the law or (iii) give practical guidance to decision-makers or appeal tribunals.

Decisions of single Commissioners

A decision may be reported -

- if it is of value as a precedent. This requires that the decision commands the broad assent of a majority of the Commissioners. Relevant factors include: whether the decision decides an issue for the first time; whether it modifies a reported decision; whether the decision resolves a conflict or settles a doubtful point; whether it has been overtaken by amendments to the legislation; and the number of cases in which it is likely to be relevant.
- if it extends existing principles to new areas of the Commissioners' jurisdiction.
- for comments that are not essential to the decision if they contribute to the coherent development of the law.
- as an illustration of how the law applies if the issue commonly arises and there is no other reported decision.
- if it gives practical guidance to decision-makers or appeal tribunals.

Decisions of Tribunals of Commissioners

A decision of a Tribunal of Commissioners should be reported in the absence of exceptional reasons for not doing so.

Court decisions

Court decisions should be reported if (i) they satisfy the criteria for reporting a decision by a single Commissioner, except the broad assent of the Commissioners and (ii) deal with an area of law within the Commissioners' jurisdiction. They should not be reported if they deal with other areas of law, even if they relate to the Commissioners' jurisdiction.

Decisions on permission to appeal are only reported if they contain useful analysis.

Editing

This is permissible, provided severance is possible.