

GUIDELINES FOR REPORTING

Why decisions are reported

The key reasons why decisions are reported is that they (i) 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 Upper Tribunal Judges

Whether a particular decision should be reported is based on these criteria –

- if it is of value as a precedent. This requires that the decision commands the broad assent of a majority of the Chamber. 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 Upper Tribunal Judges' jurisdiction.
- for comments that are not essential to the decision but 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 two or three Judge Panels of Upper Tribunal Judges

A decision of a Two or Three Judge Panel will be considered for reporting using the same criteria as apply to the decision of a single Judge, save that the Editorial Board will also have regard:

(i) to the number of Judges who sat on the appeal; and (ii) to paragraph 3(a) of, and to analogous provisions in, the Practice Statement by the Senior President of Tribunals on the "Composition of Tribunals in relation to matters that fall to be decided by the Administrative Appeal Chamber of the Upper Tribunal on or after November 2008."

Court judgments

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

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

Editing

In some rare cases, it may be appropriate for a case to be edited so that not all paragraphs appear in the reported version. If so, this will be indicated in the report and a full copy of the original decision will be available on our website.

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