

GUIDELINES FOR REPORTING

Why decisions are reported

The key reasons why decisions are reported are that they (i) contribute to the coherent development or operation of the law or (ii) 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. In determining this 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 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 or a further reported decision would be useful.
- if it gives practical guidance to decision-makers or appeal tribunals.

A decision of a single Upper Tribunal Judge sitting alone or with members of the Upper Tribunal will not be reported unless it commands the broad assent of the majority of the salaried Upper Tribunal Judges of the Chamber who regularly determine appeals in the jurisdiction to which the decision relates or which engage the issues that merit the decision being reported.

Naturally, such assent does not mean that a decision will be reported rather than highlighted or simply published on the AAC website or elsewhere and many unreported decisions command that assent.

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 applied 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; (ii) to the subject matter of the appeal and (iii) 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."

A decision of a Three Judge Panel will normally be reported and it should be highlighted if it is not.

Court judgments

The criteria for reporting Court judgments are that (i) they satisfy the criteria for reporting a decision by a single Upper Tribunal Judge, except the broad assent of the relevant Upper Tribunal Judges and (ii) deal with an area of law within the Upper Tribunal Judges' jurisdiction. Normally they will 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.

PART 2

GUIDELINES FOR HIGHLIGHTING

Why decisions are highlighted

The key reasons why decisions are highlighted are that having regard to the guidelines for reporting they are of current general interest or importance or should for other reasons be brought to the attention of the public.

If a highlighted decision conflicts with an earlier reported or unreported decision, the fact that it is not (or is not yet) reported should not be taken as an indication that the majority of the relevant Upper Tribunal Judges broadly agree or disagree with it.

Editorial Board June 2006 (updated December 2009, September 2010 and December 2013)