

## PRACTICE DIRECTION

## RESERVED JUDGMENTS

**This Practice Direction supplements Part 40**

## SCOPE AND INTERPRETATION

- 1.1** This Practice Direction applies to all judgments given in –
- (a) the Court of Appeal (Civil Division); and
  - (b) the Queen’s Bench Division and Chancery Division of the High Court at the Royal Courts of Justice,  
including judgments given by Masters, Registrars and Costs Judges.
- 1.2** In this Practice Direction –
- (a) ‘relevant court office’ means the office of the court in which judgment is to be given; and
  - (b) ‘working day’ means any day on which the relevant court office is open.

## AVAILABILITY OF RESERVED JUDGMENTS BEFORE HANDING DOWN

- 2.1** Where judgment is to be reserved the Judge (or Presiding Judge) may, at the conclusion of the hearing, invite the views of the parties’ legal representatives as to the arrangements to be made for the handing down of the judgment.
- 2.2** Unless the Court directs otherwise, the following provisions of this paragraph apply where the Judge or Presiding Judge is satisfied that the judgment will attract no special degree of confidentiality or sensitivity.
- 2.3** The Court will provide a copy of the draft judgment to the parties’ legal representatives by 4 p.m. on the second working day before handing down, or at such other time as the Court may direct.
- 2.4** A copy of the draft judgment may be shown, in confidence, to the parties provided that:
- (a) neither the judgment nor its substance is disclosed to any other person or used in the public domain; and
  - (b) no action is taken (other than internally) in response to the judgment, before the judgment is handed down.
- 2.5** Any breach of the obligation of confidentiality prescribed by paragraph 2.4 may be treated as contempt of court.
- 2.6** The case will be listed for judgment, and the judgment handed down at the appropriate time.

## ATTENDANCE AT HANDING DOWN

- 3.1** Where any consequential orders are agreed, the parties' advocates need not attend on the handing down.
- 3.2** Where an advocate does attend the Court may, if it considers such attendance was unnecessary, disallow the costs of the attendance.
- 3.3** If the parties do not indicate that they intend to attend, the judgment may be handed down by a single member of the Court.

## AGREED ORDERS FOLLOWING JUDGMENT

- 4.1** Unless the parties or their legal representatives are told otherwise when the draft judgment is circulated, the parties must, in respect of any draft agreed order –
  - (a)** fax or e-mail a copy to the clerk to the Judge or Presiding Judge (together with any proposed corrections or amendments to the draft judgment); and
  - (b)** file four copies (with completed backsheets) in the relevant court office, by 12 noon on the working day before handing down.
- 4.2** A copy of a draft order must bear the case reference, the date of handing down and the name of the Judge or Presiding Judge.

## CORRECTIONS TO THE DRAFT JUDGMENT

- 5.** Unless the parties or their legal representatives are told otherwise when the draft judgment is circulated, any proposed corrections to the draft judgment should be sent to the clerk to the judge who prepared the draft with a copy to any other party.

(Paragraphs 15.12 to 15.21 of the Practice Direction supplementing Part 52 contain provision about the handing down of reserved judgments in appeals).