

## PRACTICE DIRECTION

## RESERVED JUDGMENTS

**This Practice Direction supplements CPR Part 40****Scope and interpretation**

- 1.1** This Practice Direction applies to all reserved judgments which the court intends to hand down in writing.
- 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 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 supplied, in confidence, to the parties provided that –
- (a) neither the draft 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 draft judgment, before the judgment is handed down.
- 2.5** Where a copy of the draft judgment is supplied to a party’s legal representatives in electronic form, they may supply a copy to that party in the same form.
- 2.6** If a party to whom a copy of the draft judgment is supplied under paragraph 2.4 is a partnership, company, government department, local authority or other organisation of a similar nature, additional copies may be distributed in confidence within the organisation, provided that all reasonable steps are taken to preserve its confidential nature and the requirements of paragraph 2.4 are adhered to.
- 2.7** If the parties or their legal representatives are in any doubt about the persons to whom copies of the draft judgment may be distributed they should enquire of the judge or Presiding Judge.

- 2.8** Any breach of the obligations or restrictions under paragraph 2.4 or failure to take all reasonable steps under paragraph 2.6 may be treated as contempt of court.
- 2.9** The case will be listed for judgment, and judgment handed down at the appropriate time.

### **Corrections to the draft judgment**

- 3.1** 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 of the judge who prepared the draft with a copy to any other party.

### **Orders consequential on judgment**

- 4.1** Following the circulation of the draft judgment the parties or their legal representatives must seek to agree orders consequential upon the judgment.
- 4.2** In respect of any draft agreed order the parties must –
- (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.
- 4.3** 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.
- 4.4** Where a party wishes to apply for an order consequential on the judgment the application must be made by filing written submissions with the clerk to the judge or Presiding Judge by 12 noon on the working day before handing down.
- 4.5** Unless the court orders otherwise –
- (a) where judgment is to be given by an appeal court (which has the same meaning as in rule 52.1(3)(b)), the application will be determined without a hearing; and
  - (b) where judgment is to be given by any other court, the application will be determined at a hearing.

### **Attendance at handing down**

- 5.1** If there is not to be an oral hearing of an application for an order consequential on judgment –
- (a) the parties' advocates need not attend on the handing down of judgment; and
  - (b) the judgment may be handed down by a judge sitting alone.
- 5.2** Where paragraph 5.1(a) applies but an advocate does attend the handing down of judgment, the court may if it considers such attendance unnecessary, disallow the costs of the attendance.