

This Practice Direction is made by the Master of the Rolls under the powers delegated to him by the Lord Chief Justice under Schedule 2, Part 1, paragraph 2(2) of the Constitutional Reform Act 2005, and is approved by _____, Parliamentary Under Secretary of State, by the authority of the Lord Chancellor.

PRACTICE DIRECTION 51F – NON-DISCLOSURE INJUNCTIONS INFORMATION COLLECTION PILOT SCHEME

1. This Practice Direction is made under rule 51.2. It provides for a pilot scheme for the recording, and transmission to the Ministry of Justice for analysis, of certain data in relation to injunctions prohibiting publication of private or confidential information. The purpose of the scheme is to enable the Ministry of Justice to collate and publish, in anonymised form, information about applications for injunctions where section 12 of the Human Rights Act 1998 is engaged.
2. The pilot scheme will operate from 1 August 2011 to 31 July 2012, and will apply in any civil proceedings in the High Court or Court of Appeal in which the court considers an application for an injunction prohibiting the publication of private or confidential information, the continuation of such an injunction, or an appeal against the grant or refusal of such an injunction. The scheme does not apply to proceedings to which the Family Procedure Rules 2010 apply, to immigration or asylum proceedings, to proceedings which raise issues of national security or to proceedings to which Part 21 applies.
3. An injunction to which this Practice Direction applies is called a “Non-disclosure injunction”.
4. Except where a direction under paragraph 6 is made, following the hearing of an application for a non-disclosure injunction or any appeal against the grant or refusal of any such injunction the judge will record the following information in the form attached in the Annex (the information):
 - (a) the claim or application number;
 - (b) whether the hearing was of —
 - (i) an application for an interim injunction;

- (ii) an application for an extension or variation of an interim injunction;
- (iii) an application for a final injunction; or
- (iv) an appeal against the grant or refusal of an interim or final injunction.

(c) whether the hearing was on notice, or without notice to—

- (i) the defendant; or
- (ii) any third party liable to be affected by the order.

(d) whether the parties consented to the order;

(e) whether any derogations from the principle of open justice were sought, and if so—

- (i) what they were;
- (ii) whether they were granted;
- (iii) if granted, whether with the parties' consent.

5. Derogations from the principle of open justice include, but are not limited to,—

- (a) an order that the hearing be held wholly or partly in private;
- (b) an order that the names of one or more of the parties not be disclosed;
- (c) an order that access to documents on the court file be restricted (under rule 5.4C or the inherent jurisdiction);
- (d) an order that the provision of documents to third parties be restricted (under Practice Direction 25A, paragraph 9.2); and
- (e) an order prohibiting disclosure of the existence of the proceedings or the order.

6. Subject to any express direction to the contrary in the order, any order made by the court on an application for a non-disclosure injunction or appeal from the grant or refusal of such an injunction shall be deemed to include a provision giving permission to a court officer to transmit the information to the Chief Statistician in the Ministry of Justice in order for it to be analysed and published in such form as does not enable the public identification of the parties to any proceedings.

7. If, in exceptional circumstances, the judge makes any direction under paragraph 6, the judge shall report that fact, and the nature of any derogation

from open justice contained in the non-disclosure injunction to the Master of the Rolls. The Master of the Rolls is, following consultation with the judge, entitled to transmit such information as he sees fit to the Chief Statistician to enable publication by the Ministry of Justice of the bare fact that an injunction of that type had been made.

8. Once completed the form in the Annex will be sent by a court officer to the Chief Statistician in the Ministry of Justice.

The Right Honourable The Lord Neuberger of Abbotsbury
Master of the Rolls and Head of Civil Justice

Signed by authority of the Lord Chancellor:

Parliamentary Under Secretary of State
Ministry of Justice

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HIGH COURT & COURT OF APPEAL PRIVACY INJUNCTIONS STATISTICS FORM

This form is to be completed at the hearings where an Order is sought in civil proceedings which seeks to restrain the publication of information and to which the Practice Guidance on Interim Non-Disclosure Orders applies. It should **not** be completed for any other proceedings, e.g. family, immigration, asylum proceedings, proceedings which raise national security issues, or proceedings to which CPR 21 applies.

It should be *completed by the judge, only at hearings for:*

- with notice/without-notice applications for interim injunctions where HRA s12 is engaged;
- appeals from the grant of interim injunctions where HRA s12 was engaged;
- final judgments in proceedings in the course of which interim injunctions have been granted where HRA s12 was engaged.

Please enter a tick in the relevant boxes. Please tick ONE BOX ONLY for each question, except for Questions 6 and 10 where you should tick all which apply.

1. Please enter the Case ID in the following box (leave blank if unknown):

2. Please enter the date and time of the hearing:

Date

Time

3. The hearing was in:

☐

Queen's Bench Division

☐

Chancery Division

☐

Court of Appeal

4. The hearing was for:

☐

New interim injunction

☐

Continuation or variation of an existing interim injunction

☐

Final injunction

☐

Appeal against a grant or refusal of an interim or final injunction

5. The claimant / applicant / appellant was:

☐

Individual – male

☐

Individual – female

☐

Company or other organisation

☐

More than one claimant / applicant / appellant

6. If the application was for an interim injunction was it (please tick ALL which apply):

☐

On-Notice to defendants

☐

Without-Notice to defendants

☐

On-Notice to third parties

☐

Without-Notice to third parties

7. Outcome of the application / appeal:

☐

Non-disclosure order made, upheld or varied

☐

Non-disclosure order refused or discharged

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8. Did the parties consent to the substantive Order? (Please tick "No" if the application was without-notice to defendants and/or third parties)

☐ Yes

☐ No

9. Were any derogations from the principle of open justice granted?

☐ Yes

☐ No

10. Please fill in the table below with details about derogations from the principle of open justice.

In each column, please tick ALL which apply. If none apply, please leave all boxes in that column blank.

	(a) Which derogations from open justice were granted?	(b) Where derogations were granted, to which of these did the parties consent?	(c) If the hearing was for the continuation of an existing interim injunction, which derogations were granted in the initial injunction?
A private hearing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Party anonymity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Restrictions on access to documents (CPR PD 5.4(C) and the inherent jurisdiction)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Restriction on provision of documents to third parties (CPR PD 25A 9.2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A prohibition on disclosing the fact of proceedings or the order (a super-injunction or reporting restriction clause)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please state in the box below)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Enter text here for other derogations from open justice:			

This form should be completed after each Court sitting.