



LORD CHIEF JUSTICE
OF ENGLAND AND WALES

THE RIGHT HONOURABLE THE LORD BURNETT OF MALDON

Sir Bob Neill MP

Via email: bob.neill.mp@parliament.uk

09 June 2020

Dear Bob,

During my evidence session at the Justice Committee I spoke about open justice, and the provisions which had been made for the press and public to attend hearings remotely. I noted that in one recent well-known case something like fifty members of the press were able to attend, more than would have been possible had it been in a physical courtroom. This prompted a follow-up question about the numbers of members of the public attending hearings as observers. I have endeavoured to find an answer.

Whilst arrangements are in place to enable members of the public to request joining a hearing remotely I understand that HMCTS are not collecting data on how many members of the public are connecting to listen to proceedings, and there are no plans to do so.

Jury trials recommenced three weeks ago and the numbers are growing. As you know our recovery plan to open more courts and tribunals to the public is well underway. Hearings held in our open courts have continued to be in public with the possibility of those with an interest attending. My direct experience of the Court of Appeal Criminal Division has been to facilitate the attendance not only of representatives of the press remotely, but also of others with an interest, for example family members of an appellant or victim.

Within the Press Office of the Judicial Office the general impression is that public access to remote hearings has been limited. A serious issue is that it is not possible to control recording or broadcasting or other abuse by members of the public. Decisions are taken on a case by case basis by judges in balancing that risk against the need for openness. Accredited journalists are clearly more familiar with the law and the penalty for breaking it. The requirement for open justice is generally satisfied by journalists being admitted. However, the demand for public access as things stand has been very limited and so this may be something of a moot point.

Information for the public can be found online <https://www.gov.uk/guidance/hmcts-telephone-and-video-hearings-during-coronavirus-outbreak>

With best wishes,



LORD CHIEF JUSTICE
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