

The background features a collage of images including a museum exhibit with a sign that says 'CIVIL DEFENCE', a modern building with a glass facade, a view looking down a long metal walkway, a theater with red seats, and a large pile of crumpled paper. A black grid is overlaid on the entire image.

# Publishing Court Judgments and Tribunal Decisions

John Sheridan

11 September 2021

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ARCHIVES

Last year...

# Meeting the legal information challenges of BREXIT

John Sheridan

12 September 2020

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# The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020

UK Statutory Instruments ▶ 2020 No. 350 ▶ Regulation 6

[Table of Contents](#)

[Content](#)

[Explanatory Memorandum](#)

[More Resources](#)

[◀ Previous: Provision](#)

[Next: Provision ▶](#)

[Plain View](#)

[Print Options](#)

## What Version

Latest available (Revised)

Point in Time (26/03/2020)

Original (As made)

## Advanced Features

Show Geographical Extent  
(e.g. England, Wales, Scotland  
and Northern Ireland)

Show Timeline of Changes

## Opening Options

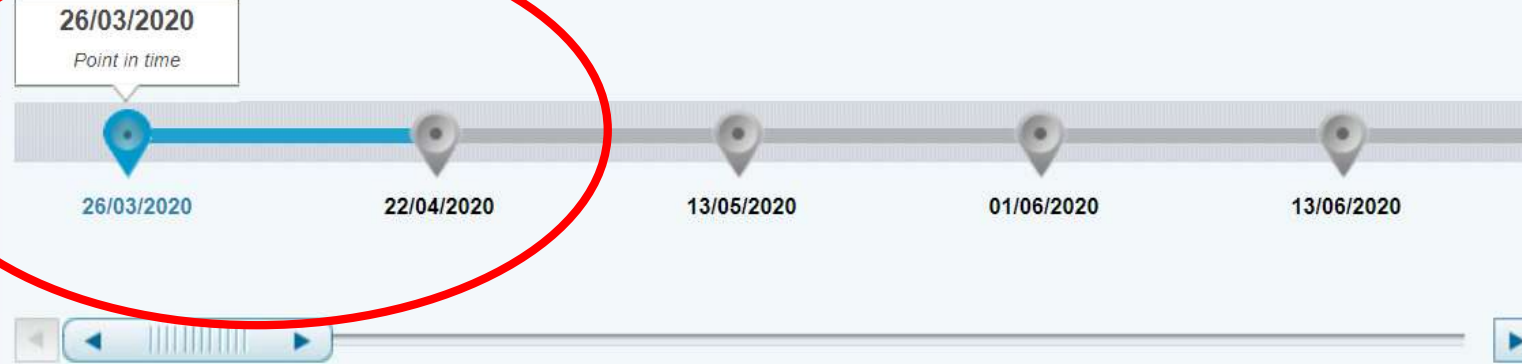
## More Resources

 [Original: Queen's Printer  
Version](#)

[View more >](#)

## Changes over time for: Section 6

Version Superseded: 22/04/2020



**Status:** Point in time view as at 26/03/2020. This version of this provision has been superseded.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020, Section 6.

### Restrictions on movement

6.—(1) During the emergency period, no person may leave the place where they are living without reasonable excuse.

(2) For the purposes of paragraph (1), a reasonable excuse includes the need—

- (a) to obtain basic necessities, including food and medical supplies for those in the same household (including any pets or animals in the household) or for vulnerable persons and supplies for the essential upkeep, maintenance and functioning of the household, or the household of a vulnerable person, or to obtain money, including from any business listed in Part 3 of Schedule 2;

(b) to take exercise either alone or with other members of their household;

# This year: Court Judgments!

(for England and Wales)

→ [Coronavirus \(COVID-19\)](#) | [Guidance and support](#)

[Home](#) > [Crime, justice and law](#) > [Courts, sentencing and tribunals](#)

Press release

# Boost for open justice as court judgments get new home

Important court and tribunal judgments will be available via The National Archives for the first time, increasing transparency and securing free access for all.

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From: [Ministry of Justice](#) and [HM Courts & Tribunals Service](#)

Published 16 June 2021

- Court and tribunal judgments moved to a new website
- The storage and publication of judgments to be managed by The National Archives
- Judiciary welcomes the move to increase the transparency of the justice system

The website will host thousands of court judgments, saving time and money for lawyers, judges, academics, journalists, students and members of the public who require them for vital case preparation or research purposes.

Judicial Review rulings, European case law, commercial judgments and many more cases of legal significance from the High Court, Upper Tier Tribunal, and the Court of Appeal will be readily available to anyone from April 2022.

At present, there are multiple sources for court judgment publications, of which BAILII is the largest. The long-term aim is for all of them to migrate onto The National Archives website which has a track record in hosting digital files safely and securely.

The Lord Chancellor, Robert Buckland QC MP, said:

“ Ensuring court judgments are easily accessible is central to the rule of law and the principle of open justice.”



# Rule of Law and Open Justice Restored as UK Government Commissions National Archives Service for Wider Court Judgment Access

Up to now, the system in the UK for disseminating judgments has been deemed ‘*complex*’, with non-public, Government and Court websites all part of the exercise – in fact, there are currently 11 sources of judgments in total, with the British and Irish Legal Information Institute (BAILII) being the largest.

As evidence of the system’s ‘*complexity*’, back when the UK was still a member of the European Union (EU), it was the lowest ranked Member State, in terms of general public access to online judgments.

Such a statistic threatened to undermine the ‘*constitutional right of unimpeded access to the courts*’, as emphasised by the Supreme Court, in *UNISON, R (on the application of) v Lord Chancellor* [2017] UKSC 51.

Publishing its Digital Justice **Report**, in 2019, the Legal Education Foundation (LEF) recommended that the system for providing free, public access to court and tribunal judgments undergo reform to address stakeholders’ concerns over database coverage, content comprehensibility (without legal training) and publication formatting.

Acquiescing to these recommendations, the Ministry of Justice (MoJ) subsequently committed itself to standardising the Department’s approach to the publication of judgments, upon the expiration of the Government’s 20-year contract with BAILII.

From April 2022, the MoJ will migrate all sources of Court judgments into a centralised, safe, secure and free-to-use National Archives service, whose website will likely resemble [legislation.gov.uk](https://www.legislation.gov.uk) (launched by the National Archives, in 2010).<sup>[i]</sup>

## British and Irish Legal Information Institute

Access to Freely Available British and Irish Public Legal Information - [DONATE to keep BAILII running](#) - [Major Donors](#)

Welcome to BAILII, based at the Institute of Advanced Legal Studies, where you can find British and Irish case law & legislation, European Union case law, Law Commission reports, and other law-related British and Irish material. BAILII thanks [The Scottish Council of Law Reporting](#) for their assistance in establishing the [Historic Scottish Law Reports](#) project. BAILII also thanks [Sentral](#) for provision of servers and [Bytemark](#) for provision of hosting services. For more information, see [About BAILII](#).



### BAILII RESOURCES

[Recent Decisions Lists](#)  
[Recent Additions Lists](#)  
[New Cases of Interest](#)

#### BAILII Databases

- [United Kingdom](#)
- [England and Wales](#)
- [Scotland](#)
- [Northern Ireland](#)
- [Jersey](#)
- [Saint Helena](#)
- [Ireland](#)
- [Europe](#)
- [United Arab Emirates](#)
- [Qatar](#)
- [Other Documents](#)

[A-Z case name index](#)  
[A-Z legislation title index](#)  
[A-Z other titles index](#)

[OpenLaw - Leading Cases by Subject](#)

[BAILII Sir Henry Brooke Lectures](#)

[How to Link to BAILII](#)

### SEARCH BAILII

  
in  

- [Find by Case Citation](#)
- [Find by Case Title](#)
- [Case Law Search](#)
- [Legislation Search](#)
- [Other Materials Search](#)
- [Advanced Search](#)

#### BAILII beta page design

See the [beta version of a new BAILII home page](#).

#### BAILII and MoJ working for open justice

Press release [here](#).

#### Data sharing agreement for AI for English Law

BAILII and Oxford University have concluded a groundbreaking [data sharing agreement](#) for the AI for English Law project.

#### BAILII Sir Henry Brooke Lecture 2020

Professor Richard Susskind OBE's lecture on The Future of Courts, given on Wednesday 25 November 2020, may now be viewed [here](#).

#### BAILII: The First 20 Years

A timeline of BAILII is [now available](#).

### WORLD LAW RESOURCES

[Asia \(AsianLII\)](#)  
[Australasia \(AustLII\)](#)  
[Canada \(CanLII\)](#)  
[Common Law \(CommonLII\)](#)  
[Cyprus \(CyLaw\)](#)  
[Droit Francophone](#)  
[Germany \(Juristisches Internetprojek Saarbrücken\)](#)  
[Global Legal Information Network](#)  
[Hong Kong \(HKLII\)](#)  
[Ireland \(IrLII\)](#)  
[Italy \(ITTIG\)](#)  
[Kenya \(KenyaLaw\)](#)  
[University of Montreal \(LexUM\)](#)  
[New Zealand \(NZLII\)](#)  
[Pacific Islands \(PacLII\)](#)  
[Philippines \(LawPhil\)](#)  
[Southern Africa \(SAFLII\)](#)  
[UK Territories & Dependencies](#)  
[USA \(Cornell\)](#)  
[World Legal Information Institute](#)

→ [Coronavirus \(COVID-19\)](#) | Guidance and support

**BETA** This part of GOV.UK is being rebuilt – [find out what beta means](#)

[Home](#)

# Employment tribunal decisions

From: [HM Courts & Tribunals Service](#) and [Employment Tribunal](#)

Find decisions on Employment Tribunal cases in England, Wales and Scotland from February 2017 onwards.

If the decision was made before February 2017, contact [Bury St Edmunds County Court](#) for cases in England or Wales, or [Glasgow Employment and Immigration Tribunals](#) for cases in Scotland.

# Court Judgments as public records

- Court records are public records under the Public Records Act 1958
- From a record keeping perspective, the judgment is the most important record of the court – the decision and the reason for the decision
- As a common law jurisdiction, judgments are also a primary source of law – as important as legislation for understanding the law

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# Court Judgments and The National Archives

- We are securing the record for the nation
- We are becoming the nation's legal publisher (not just legislation)
- By receiving the judgments straight away (not waiting 20 or 30 years), we are able to add more value – both in terms of preservation and access.
- We're connecting our historic purpose and outstanding collection of legal manuscripts and rolls with our contemporary role as digital archive

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## Data from BAILII

- We have received 48,937 judgments from BAILII, covering decisions from April 2003 to June 2021
- 40,250 are in Word or RTF which we can convert to LegalDocML using our new parser
- 8,687 are in PDF
- We would like to obtain access to the emails containing the original Word documents to compare with the published versions

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Not set

OFFICIAL

OFFICIAL-SENSITIVE

SENSITIVE-COMMERCIAL

SENSITIVE-PERSONAL

Neutral Citation Number: [2016] EWCA Civ 1

Case No: A2/2014/3610

**IN THE COURT OF APPEAL (CIVIL DIVISION)**  
**ON APPEAL FROM THE TECHNOLOGY AND CONSTRUCTION COURT**  
**MANCHESTER DISTRICT REGISTRY**  
**HH Judge Raynor QC**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 13.1.2016

**Before:**

**LORD JUSTICE BEATSON**  
**LORD JUSTICE SIMON**  
and  
**THE RT HON. SIR ROBIN JACOB**

**Between:**

**(1) Andrew Brown**  
**(2) Caroline Brown**

**Appellants**

and

**Complete Buildings Solutions Limited**

**Respondent**

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**Lord Justice Simon:****Introduction**

1. This appeal from the judgment of HH Judge Raynor QC raises a short issue as to whether an adjudicator (appointed under the terms of a building contract) had jurisdiction to decide a dispute between the parties. The Appellants' contention is that he had no jurisdiction because he was being asked to adjudicate the same or substantially the same dispute as had been decided by another adjudicator in an earlier adjudication. The Respondent contends, as the Judge found, that he did have jurisdiction.

**The facts**

2. By the terms of a JCT Minor Works Building Contract (2011 Edition) dated 22 December 2011 ('the Contract') the Respondent agreed with the Appellants to demolish a dwelling house (at Asstead in Surrey) and to build a new house for a price of £496,578, or such other sum as might become due under the contract.
3. The Architect certified practical completion on 9 April 2013, and issued a Certificate of Making Good Defects on 25 October 2013.
4. On 31 October the Architect issued a 'Final Certificate' under the contract and, on 20 December 2013, the Respondent sent a letter claiming that a final payment of £115,450.50 was due.
5. The sum was not paid and a Notice of Adjudication was sent on 7 February 2014 ('the First Adjudication Notice').
6. Section 7 of the Contract was headed 'Settlement of Disputes', and clause 7.2 provided:

If a dispute or difference arises under this Contract which either Party wishes to refer to adjudication the Scheme shall apply except that for the purposes of the Scheme the Adjudicator shall be the person (if any) and the nominating body shall be that stated in the Contract Particulars.

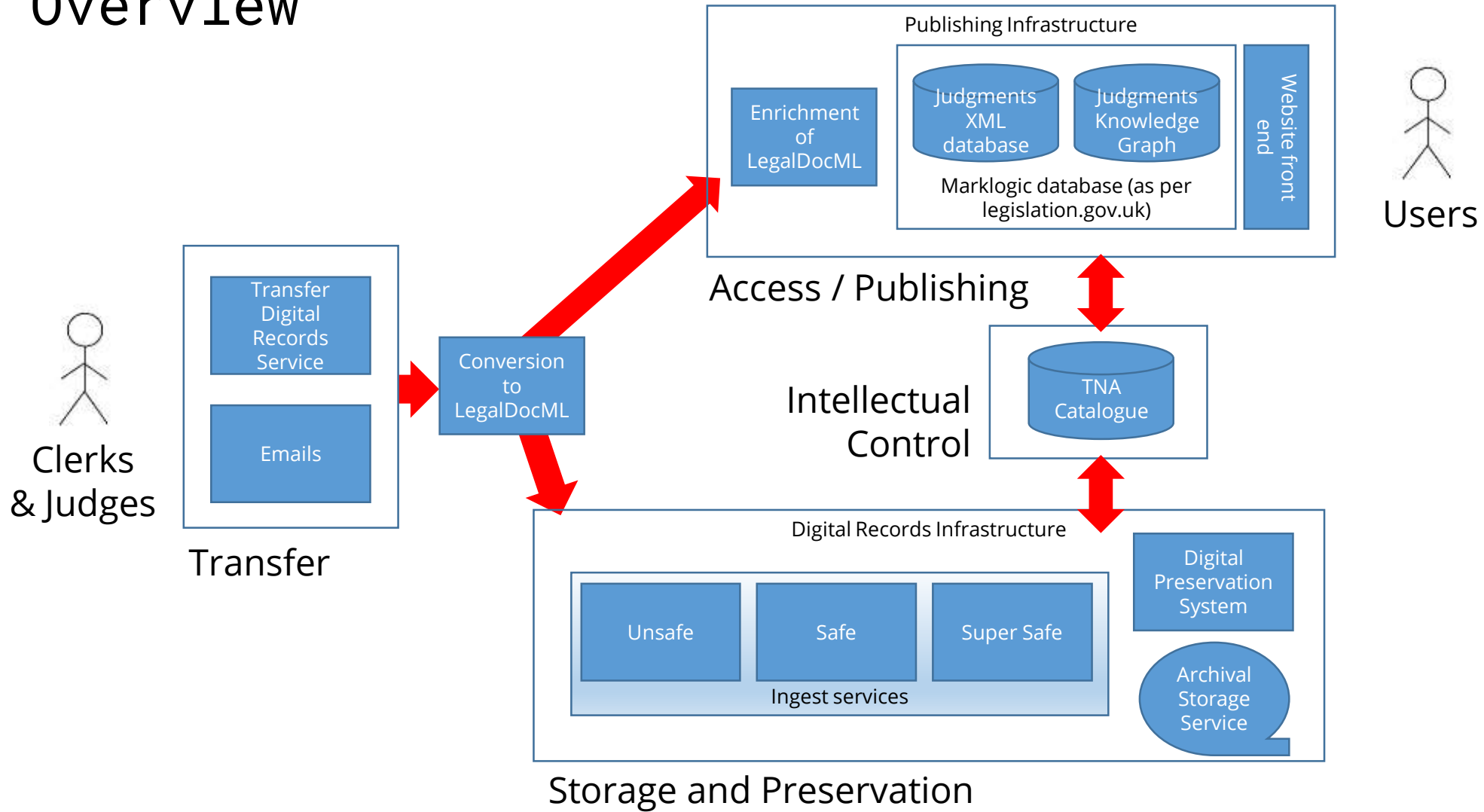
7. No Adjudicator was named in the Contract Particulars but on 10 February 2014 the nominating body appointed Mr CJ Calcroft as Adjudicator under the terms of clause 7.2.
8. The Respondent accepted that the Architect's 'Final Certificate' was uncontractual in that it was not issued in accordance with Clause 4.8.1 but relied on clause 4.8.4 of the Contract which provided:

If the final certificate is not issued in accordance with clause 4.8.1,

1. the Contractor may give a payment notice to the Employer with a copy to the Architect/Contract Administrator stating



# Overview



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# Components of the service

- Transfer
- Storage and preservation
- Intellectual control
- Conversion
- Enrichment
- Access

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# Conversion

- We will publish judgments and decisions in several formats HTML, XML (Akoma Ntoso) and PDF
- We expect to receive content in Word, either as .doc or .docx files, which will be stored in the archive, and to convert the source documents into publication formats.
- Creating PDFs of Word documents is straightforward.
- Creating HTML is more complicated. We first convert the source material into Akoma Ntoso.
- We are developing a parser for the Word documents, using Microsoft's Open XML Software Development Kit.
- Whilst the initial data conversation process will not take full advantage of all the facilities provided by Akoma Ntoso, we are introducing a data model that is capable of representing far more than just typographical and layout information.

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# Enrichment

- We will process the text of judgments to enrich the content, with citation links to other judgments held, and potentially citations to judgments held elsewhere, as well as references to legislation and longer term potentially to other sources.
- To do this we will use a natural language processing solution, GATE, the General Architecture for Text Engineering, with specific pipelines for enriching the content. This process will add extra metadata to the Akoma Ntoso base data. We already uses a GATE based workflow as part of legislation.gov.uk, to identify direct and indirect references to other pieces of legislation, and also for identifying and classifying amendments.
- The aim will be that all metadata about the judgments, including the data added through the enrichment process, will be added to the knowledge graph.

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# Access

- We are researching user needs
- We know the importance of flexible document navigation and viewing, good search and browse options, and persistent URLs (to paragraph level) for reliable citation and referencing. The approach to managing judgments as data will enable those features in a new public service.
- We are mindful of the importance of rapid publication and aware of some of the complexities around publishing timelines.

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## Access

- We intend to provide free public access to court judgments through our website, [www.nationalarchives.gov.uk](http://www.nationalarchives.gov.uk)
- We are building solid foundations to provide a service that meets user's needs from 1 April 2022
- We know users expect:
  - Faithful rendition of the document
  - In document navigation and links (at paragraph level)
  - Rapid publication
  - Search and advanced search options
  - Browse (by court; by year)
  - New judgments
- Search engine indexing is going to be important for discovery
- Bulk access (under a licence) is important for downstream re-use

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## Why Akoma Ntoso?

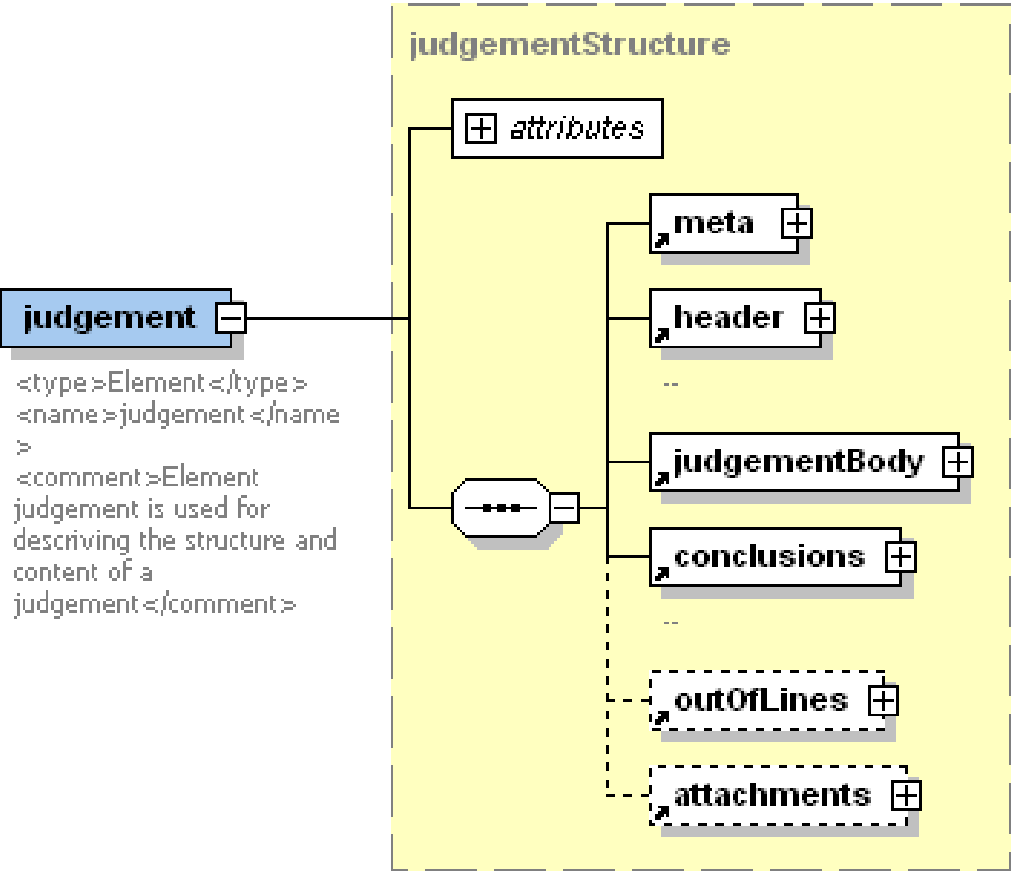
- Akoma Ntoso was a natural – indeed the only feasible - choice
- Already supported by legislation.gov.uk and underpins the *lawmaker* drafting tool for Bills, Amendments and SIs
- Provides a common standard for any:
  - **type of court:** International courts or supra-order courts, supreme courts, high courts etc.
  - **level of judgment:** first order, appeal, etc.
  - **nature of case:** civil, criminal, administrative, etc.
  - **legal system:** common and civil law
- Document model:
  - the **document** is the center of the representation
  - **descriptive** approach rather than prescriptive

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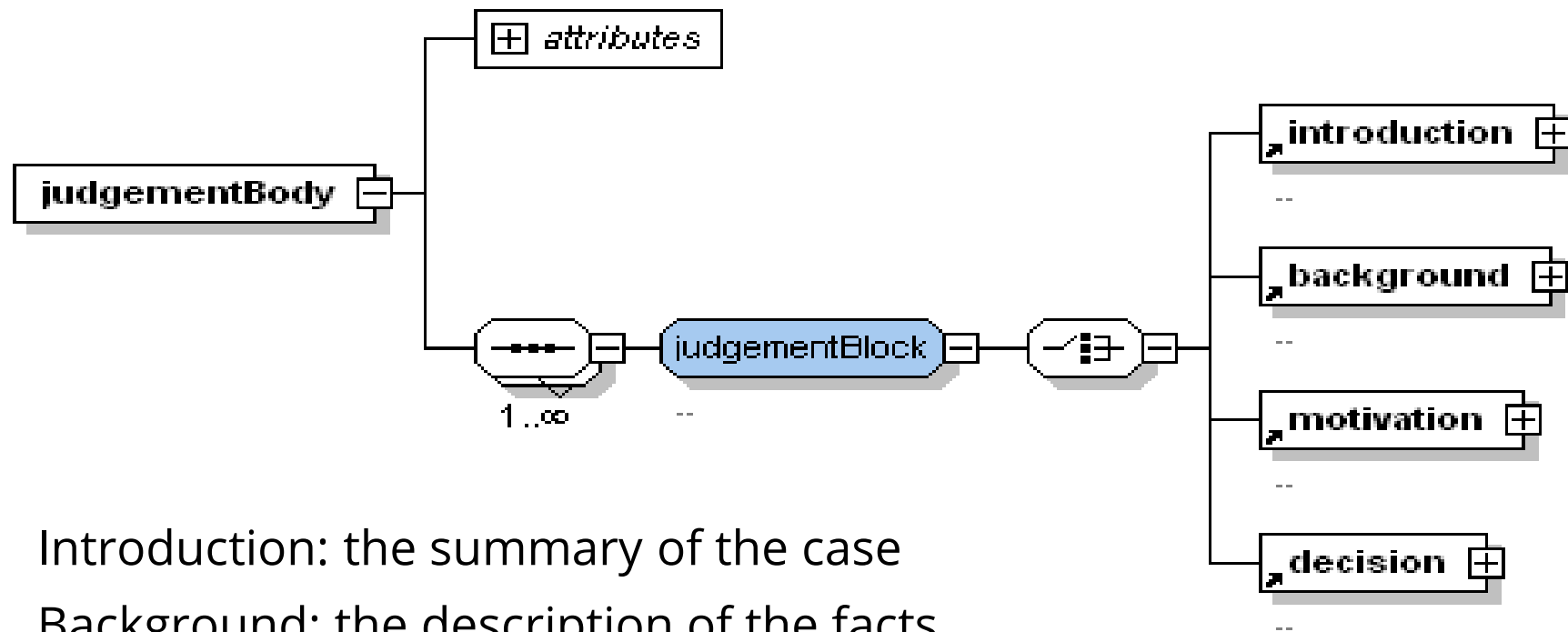
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# Structure of a judgment in LegalDocML





# Judgment Body in LegalDocML



- Introduction: the summary of the case
- Background: the description of the facts
- Motivation: the legal arguments
- Decision: the decision and the final order

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## Some *really* handy features

- <neutralCitation> element
- <party> element and its @as attribute that lets us connect a party to a "role" (such as "appellant" or "respondent")

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# Conversion to LegalDocML

- Five levels of conversion
  - Typographic and layout
  - Header information / metadata
  - Document structure
  - References and citations
  - Semantic representation of document components

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# Currently: extracting header information

- Name and place of court
- Number case
- Neutral citation
- Parties
- Names of Judges
- Dates: delivery, hearing, publication, registration, etc.
- Summary/Abstract

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## Medium term possibilities

- Widen scope of courts and tribunals transferring the record of their decision to The National Archives (e.g. family courts; lower courts)
- Widen scope of court and tribunal records that can be transferred (e.g. sentencing remarks) to aid transparency and to secure the record
- Gradate access to manage sensitive access issues. Develop an offer around “non consumptive” research. Pioneer an “access risks” model
- Integrate legally significant judgments with legislation.gov.uk
- Maybe adapt “lawmaker” as a drafting tool that gives the judge / clerk more fine grained control over what goes on to be published (see the report from New Zealand: Judgments as Data)
- Explore the potential for central preservation of digital records with local access arrangements through local archives

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# Lastly: Akoma Ntoso in the UK

## Legislatures

- All UK Primary Legislation – as enacted and revised - **DONE**
- UK Parliament Bills and Parliamentary amendments – **IN PROGRESS**
- Scottish Parliament Bills and Parliamentary amendments – **IN PROGRESS**
- Wales and Northern Ireland Bills – NOT STARTED

## Executive

- UK Secondary Legislation – as enacted and revised - **DONE**
- Retained Direct EU Legislation – as adopted and revised - **DONE**
- Explanatory Notes (to Acts) and Explanatory Memoranda – **TO DO**

## Courts

- Court Judgments and Tribunal Decisions – **NOW STARTED!**

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