**LAW COMMISSION CONSULTATION PAPER 262 ON CONTEMPT OF COURT**

**RESPONSE OF THE TRANSPARENCY PROJECT**

**26 November 2024**

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**ABOUT THE TRANSPARENCY PROJECT**

1. The Transparency Project is a registered educational charity operating in England & Wales, whose charitable objects are:
   * 1. To advance the education of the public in the subject of family law and its administration, including the family justice system in England and Wales and the work of the family courts, in particular but not exclusively through the provision of balanced, accurate and accessible information about the work of family courts and the facilitating of public discussions and debates which encompass a range of viewpoints.
     2. To promote the sound administration and development of the law in England and Wales, in particular, family law, by encouraging and contributing to the transparency of processes in the family justice system, contributing to public legal education concerning family law and matters of family justice, enhancing access to justice in matters of family law and by such other means as the trustees may determine.
2. In short, our objectives are to make family justice clearer.
3. The Project has four trustees: Lucy Reed KC (practising barrister), Dr Julie Doughty (former solicitor and lecturer Cardiff University), Polly Morgan (solicitor, law Professor, UEA) and Paul Magrath (Incorporated Council of Law Reporting). The Project has a core group of volunteers, including family, Court of Protection and media lawyers and academics, and journalists (Louise Tickle, Dr Judith Townend, Malvika Jaganmohan and Alice Twaite). The Project is also supported by a ‘pool’ of occasional writers (mainly practising lawyers) and guest writers from a range of disciplines and viewpoints. Our patron, His Honour Clifford Bellamy, is a retired Circuit Judge. Between us we have written two important books about transparency in the Family Court[[1]](#footnote-1) and have been involved as journalist, counsel, judge or legal blogger in a number of family court cases with an important open justice element.
4. The Project’s core work is the publication of blog posts that furthers our charitable objectives, by explaining judgments or reports in the mainstream media, by correcting inaccurate or confused reporting by journalists, and by supporting more accurate and balanced reporting in future. We have pioneered and championed ‘legal blogging’ in the Family Courts as an alternative and complement to mainstream media reporting, and having submitted written and oral evidence to the President of the Family Division’s Transparency Review in 2020, several of our members have been actively involved in the work of the subsequent Transparency Implementation Group. Individually and as a collective, we have worked to push forward the reforms that came out of the Review through our members’ involvement in TIG, our scrutiny of its process and progress, and by making use of the reforms as they have begun to be piloted (primarily the current Reporting Pilot). We continue to press for more practical and cultural change.
5. As active legal bloggers[[2]](#footnote-2), attending and reporting on family court proceedings which are subject to automatic restraints on reporting which might leave us exposed to contempt proceedings if we get it wrong, and as watchers of social media where we regularly see parents telling their stories about the family court, either without knowledge. understanding or regard for those same automatic restraints, we have a direct interest in the operation of the law and practice in this area.
6. In addition to the above activities, the Project has previously published a series of Plain English Guidance Notes on poorly understood or problematic areas or issues, runs public debates and events, and its members are regularly invited to speak about transparency issues and legal blogging, and to train family justice professionals (lawyers, judges, social workers). Our most recent publications are ‘What to do if a reporter attends (or wants to attend) your hearing’, guidance notes for Judges and professionals, the initial version of which was endorsed by the Transparency Implementation Group FRC Subgroup earlier this year[[3]](#footnote-3).
7. In line with our charitable objectives, experience and expertise, our response to this consultation is necessarily focused upon open justice issues as they pertain to Family Courts and family justice, and in particular open justice and transparency in respect of the family court. Our responses should be read as applicable to family courts unless we say otherwise. Whilst there has been some limited progress in promoting a degree of open justice in this area since we produced our detailed evidence pack for the Transparency Review in 2020, that progress has been halting and limited, and much of what we said then is equally applicable today. The pressing need for greater transparency has certainly not diminished and if anything has become more urgent in view of the increasing resource pressures upon the system and the need for proper scrutiny of the impact of those resource issues, and because of the continuing creep of low public confidence in institutions and the justice system in particular, and the overarching erosion of the rule of law across the board in recent years. We therefore invite the consultation group to consider our 2020 evidence alongside this response, and to consider also the oral evidence given to the Transparency Review in the 2021 as part of that process[[4]](#footnote-4).

**Introduction**

Our response relates primarily to contempt of court which may arise from publication of family court proceedings held in private. This is referred to in **the Administration of Justice Act 1960 section 12(1)(a).**

We set out the whole of section 12 for reference:

12. Publication of information relating to proceedings in private.

(1)The publication of information relating to proceedings before any court sitting in private shall not of itself be contempt of court except in the following cases, that is to say—

(a)where the proceedings—

(i)relate to the exercise of the inherent jurisdiction of the High Court with respect to minors;

(ii)are brought under the Children Act 1989 or the Adoption and Children Act 2002; or

(iii)otherwise relate wholly or mainly to the maintenance or upbringing of a minor;

(b)where the proceedings are brought under the Mental Capacity Act 2005, or under any provision of the Mental Health Act 1983 authorising an application or reference to be made to the First-tier Tribunal, the Mental Health Review Tribunal for Wales or the county court];

(c)where the court sits in private for reasons of national security during that part of the proceedings about which the information in question is published;

(d)where the information relates to a secret process, discovery or invention which is in issue in the proceedings;

(e)where the court (having power to do so) expressly prohibits the publication of all information relating to the proceedings or of information of the description which is published.

Section 12(1)(a) AJA 1960 is an aspect of the law of contempt with which The Transparency Project is very familiar, because we have to regularly navigate it when reporting (or attempting to report) family proceedings. In this response, we refer to contempt by publishing information contrary to the privacy of proceedings as **a breach of the automatic restraints on publication** (adopting the language used by Munby J (as he then was) in Kent CC V B [2004] EWHC 411 (Fam).

We refer the Commission to a proposal for the reform of s12 submitted to the Commission in 2021 by Sir James Munby (former President of the Family Division, Louise Tickle (journalist), Lucy Reed (Chair of TP) and Julie Doughty (trustee TP).[[5]](#footnote-5) In 2020, in his Transparency Review Report, the President of the Family Division called for reform of s12.[[6]](#footnote-6) In an inquiry in 2022, the House of Commons Justice Committee considered evidence from the President and endorsed a review of s12.[[7]](#footnote-7)

Under section 12(1)(a), it may be a contempt to publish information relating to proceedings about children that are heard in private without the court making any order relating to publication. As the consultation paper does not expressly refer to this type of automatic publication based contempt, it appears to us that a publication contempt arising from private children proceedings could fall into any one of the three limbs under the new proposed structure:

* ‘contempt by publication’ if proceedings are active,
* ‘general contempt – by publication’ if proceedings have concluded, or
* contempt by breach of an order if a ‘Transparency Order’ is made.

A transparency order is a device now commonly used under the ‘Reporting Pilot’ operating in many family courts. Under rule changes approved recently by the Family Procedure Rule Committee (4 November 2024 meeting) the making of a transparency order will become the usual response to the attendance of a reporter at most private children hearings across the jurisdiction. The family court transparency order adjusts the effect of s12 and expressly permits publication of substantive information while expressly prohibiting publication of other specified information (usually identifying information). Such orders are usually worded to endure until the youngest child is 18, so potentially for long after proceedings conclude. A transparency order in a family case is similar but not identical to a transparency order made in the Court of Protection – because generally CoP hearings are in public, and so there is no underlying prohibition on publication to relax, rather a CoP transparency order imposes a prohibition on identification that would otherwise not be operative.

We are concerned that the Commission may have overlooked residual common law contempt, which has particular importance in family proceedings (and Court of Protection and mental health review contexts). Although for convenience, breach of the automatic restraints is often described in family law as a ‘breach of s12’ the contempt in question is a residual common law contempt, in respect of which s12 is merely framing rather than the source of the power to commit (see Court of Appeal judgment: *R*e F (Orse A) (A Minor) (Publication of Information) [1977] Fam 58).

We do not know whether it is intended that this common law contempt be entirely subsumed and replaced by the new ‘general contempt’, or whether it is intended that residual common law jurisdiction would remain. If the new general contempt is to encompass the current automatic restraints that operate to protect the privacy of private family proceedings, the Commission will need to consider s12 AJA 1960 and its reform.

Given that the Commission’s aim is to clarify the law of contempt and improve its consistency, coherence, and effectiveness, we argue that proposals for reform must tackle the existing and very real issues arising from the framework for the protection of the privacy of family proceedings through the common law, s12 AJA 1960 (in combination with the FPR and s97 Children Act 1989). This is an area of law where what does and does not amount to a contempt is wholly unclear, not only to the public, but also to experienced lawyers and judges, the overall effect of which is to chill freedom of expression to a disproportionate degree while also failing to adequately protect privacy where justified. To fail to engage with these issues would be a missed opportunity to meet the objectives of the project, but also runs the risk of the reforms inadvertently exacerbating the existing difficulties associated with contempt in this area, by causing confusion between the new general contempt and the poorly understood automatic restraints.

We also draw to the Commission’s attention to the high and increasing numbers of litigants in person in family proceedings. Family Courts routinely draw orders with publication warnings on their face – although there is template wording, in practice there is not yet consistency in these warnings. The template wording is now accurate, but it is nonetheless opaque to many litigants in person, who have nobody to explain it, and who may fail to understand what is and is not permitted. Reference is made in these recitals to the rules and practice directions, but many litigants in person will not have the wherewithal to locate let alone understand these various sources.[[8]](#footnote-8) This is not because of poor drafting but because of the complexity of the legal framework. We have this month been working with the MoJ on trying to improve their guidance leaflet explaining to litigants what information can and cannot be shared, and the separate leaflet concerning what can be reported also needs urgent review.[[9]](#footnote-9) The task is extremely difficult because the legal framework is complicated.

We invite the Commission to consider (by way of illustration) the recent essay by Sir James Munby published on The Transparency Project blog, and the accompanying post written by our chair. These set out but one aspect of the current uncertainty around the scope of the existing law in this area, which spans both duration of effect and the elements of the contempt.[[10]](#footnote-10)

We note also that each of the three types of contempt under the new proposed scheme has a different set of conduct and fault based criteria that must be proved to establish contempt. This is likely to be very confusing for those trying to understand or explain when a publication of family court materials might amount to a contempt. If it takes place during proceedings but there is no transparency order in place there must be a specific intention to interfere; if there is a transparency order that would not be necessary. It appears that it would be much easier to establish contempt in transparency order cases compared to cases where no specific order had been made. If the breach took place after proceedings had concluded there is a third test relating to knowledge of the substantial risk. An additional layer of complexity is that a transparency order has a differential effect depending on who publishes – it relaxes the restraints for reporters (journalists and legal bloggers), but does not permit publication directly by parties or others.

Although the focus of the consultation is enforcement, the underlying purpose of enforcement is to ensure compliance and to support the administration of justice and public confidence. As such, issues around the ability of an ordinary member of the public to understand the law as it stands or as per the proposed reforms, are pertinent to the merits of the reforms. In family cases there are (broadly) two primary types of potential publication contempt: impermissible publication by professionals (lawyers (including representatives and bloggers) and journalists), and impermissible publication by litigants (including litigants in person). In our experience, while the former consider themselves bound by the rules of privacy of family proceedings and usually successfully adhere to those rules, litigants and litigants in person often breach those rules either in ignorance of what is and is not permissible or wilfully because of perceived injustice. The current provisions are therefore effective in respect of one group (albeit with an unhelpful chilling effect on freedom of expression), while being often ineffective in respect of another (which is arguably responsible for more breaches and more serious breaches).

Assuming that the Commission does intend the automatic restraints on publication of family proceedings to become part of general contempt by publication, we respond to the relevant questions below.

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**Consultation question 3**

13.3 We provisionally propose that to establish the conduct element of general

contempt, there should be a requirement to prove that the actual or risked

consequence of the defendant’s conduct was an interference with the

administration of justice.

Do consultees agree?

Answer:

This depends on whether the Commission takes the view that a contempt under s 12 is in itself interference, or whether the new conduct element requires evidence of the actual or risked consequence, as we explain in subsequent questions. Would the consequence of interference would be presumed simply because information relating to the proceedings has been published, or would it depend on what was published and how widely, and the impact of it upon either the process, the parties (including any subject child) or both?

**Consultation Question 4.**

13.4 We provisionally propose that to establish the conduct element of general

contempt it should be sufficient to prove that the defendant’s conduct actually

interfered with the administration of justice in a non-trivial way.

Do consultees agree?

Answer:

We are not clear if a breach of the automatic restraints is presumed or deemed to be non-trivial. Please clarify. If not, consideration needs to be given to what a non-trivial breach would look like in family proceedings about children.

There is a high risk of unintentional breach if the law is not clarified, particularly if the definition of ‘publication’ is unclear or is defined in line with our current understanding of s12 (which is to encompass any sharing to a third party even if just to one person by email – see Kent CC v B [2004] EWHC 411 (Fam).

At present the rules around sharing of information are complex and cumbersome – layered on top of s12 and the common law are the Family Procedure Rules (see 12.73 and 12.75) and Practice Direction 12G. Inadvertent but inconsequential breaches because of a poor understanding of the boundaries of permissible communication (publication) are in our experience as common as intended wider publication.

**Consultation Question 5.**

13.5 We provisionally propose that to establish the conduct element of general

contempt it should be sufficient to prove that the conduct created a risk of

interfering with the administration of justice in a non-trivial way.

Do consultees agree?

Answer:

As above, please clarify whether publication of information relating to private children proceedings would automatically create a risk of interference. If not, this will need further definition. The use of ‘non-trivial’ may cover the inadvertent breach by sharing of information contrary to the Family Procedure Rules or PD12G, but we would welcome clarification – some inadvertent breaches are consequential.

**Consultation Question 6.**

13.6 We provisionally propose that to establish the conduct element of general

contempt on the basis that the defendant’s conduct created a risk of interfering

with the administration of justice in a non-trivial way, it should be a requirement to

prove that the conduct created a substantial risk of such an interference. By

“substantial risk” we mean a risk that is not remote (which is the meaning the

courts have given to the term in section 2(2) of the Contempt of Court Act 1981).

Do consultees agree?

Answer:

There is no requirement under the automatic restraints for a substantial risk, or indeed any risk, to be proved. We agree in principle that amending the law to require proof of a substantial risk would be beneficial, but do not see how this could be achieved without an amendment to section 12 (or repeal of it as part of any package of law reforms that created general contempt).

We do question how easy it would be in practice for a lay person (as opposed to a journalist, editor or legal professional) to know what did and did not give rise to a ‘substantial risk’ in this context Case law on section 2 of the Contempt of Court Act 1981 relates mainly to the risk of prejudicing a jury in criminal proceedings, which is a different purpose to that of the s 12 restrictions. The type of risk analysed in those judgments are entirely different from any risk posed to the administration of justice in a family court hearing held in private.

One of the perennial difficulties with the framing of s12 is that its wording is imprecise (for instance ‘information relating to proceedings’ is capable of substantially divergent interpretations). We would invite consideration of more concrete language or non-exhaustive list of types of risk. Whatever terms are used should be clearly defined. At present one provision (s12) refers to ‘publication’ which is not defined by statute but which case law tells us is drawn very broadly, while related provisions (s97 Children Act 1989) use the phrase ‘publication to a section of the public at large’, which is plainly narrower but again difficult to interpret. For example, does it include the extended family of a child subject to proceedings, or the local school community? These questions of definition may be very important in the context of any offence based on a concept of ‘substantial risk’.

**Consultation Question 8.**

13.8 Our provisional view is that where potentially contemptuous conduct occurs

following the conclusion of particular proceedings, then any application of the law

of contempt will inevitably be concerned with the risk of interference with future

proceedings.

Do consultees agree?

Answer:

No, because a breach of the automatic restraints does not necessarily interfere with future proceedings and the purpose of the automatic restraints is not solely connected with the protection of the proceedings themselves as much as their subject and the inherent privacy of the subject matter. The common law automatic restraints are generally assumed in case law to continue after the conclusion of proceedings, though it is unclear how long for. However, in most authorities this point has been assumed, not argued, and the question of how enduring the restraints are is opaque, and needs urgent clarification. (see James Munby essay above add ref). On one view the automatic restraints operate to protect the privacy and welfare of subject children until their majority even if there are no ongoing or anticipated proceedings.

Similarly, a breach by publication after the end of proceedings may also be a general contempt by breach of a specific order (a transparency order).

We are unclear what proposals, if any, the Commission has in relation to matters concerned with the welfare or upbringing of children, where it seems reasonable to assume that some degree of privacy should be generally retained until a child is 18, on the basis that the court would retain the power to make a specific order adjusting those restraints as appropriate on the facts. This clarification could be achieved by replacing the automatic restraints with the new general contempt, and providing that where contempt is by publication of information relating to proceedings wholly or mainly relating to the welfare or upbringing of children the contempt would apply until (say) the 18th birthday of the youngest child involved in the proceedings, unless any different order has been made.

A clearer alternative approach would be wholesale reform of s12 to provide that a contempt would only be committed where the child is identified in conjunction with the publication of information relating to proceedings or where a specific order prohibits such publication. This would place the current Reporting Pilot ‘transparency order’ provisions (see: <https://www.judiciary.uk/courts-and-tribunals/family-law-courts/reporting-pilot/> ) on a statutory footing (without the complications of a transparency order having to be made), would vastly simplify and clarify the regime around sharing information and reporting, would give due respect to Art 10 rights of both media and family members, and would still enable the court to more robustly protect the privacy rights of children or adults, and the proceedings themselves where required by the specific facts or circumstances. Such a provision could specifically provide for categories of information to be treated differently, for example the contents of medical or psychological reports or records; any material protected by provisions giving a lifetime right of anonymity to complainants; or where related criminal proceedings are imminent or active.

**Consultation Question 9.**

13.9 We provisionally propose that the fault element of general contempt should be

satisfied by intention, which will be established where it is proved that the

defendant intended to interfere with the administration of justice in a non-trivial

way.

Do consultees agree?

Answer:

We do not fully answer this question as we do not know if it assumes a breach of the automatic restraints is non-trivial. Although *AG v Dowie* [2022] EWFC 25 was prosecuted on the basis of an intentional or reckless interference contempt, other authority suggests (*Re F* above) that all that is required is knowledge the proceedings are private, involve a child and are ongoing but not necessarily that publication is prohibited or that any specific intent to interfere with the administration of justice. We do not know whether the Commission has appreciated the lack of clarity on this issue or whether it intends to retain or clarify the requisite *mens rea* in this area. We suggest that wherever it is set, this needs urgent clarification.

On one view imposing a requirement of intention to interfere with the administration of justice would be a material narrowing of the protection offered to these sorts of proceedings. We are not sure if this was intentional.

In our experience a lay party who shares information with a reporter or via social media is likely to consider themselves seeking or ensuring justice by publishing their story, not interfering with it. They are unlikely to understand what an intention to interfere with the administration of justice in a non-trivial way means for them in terms of what they are allowed to do.

We are unclear if the proposal is to use the term non-trivial or substantial but if a qualifier is to be used we prefer the term substantial, but are not confident that either will represent a clarification of the law in practical terms that facilitate understanding or encourage compliance.

We would also invite some consideration also of an equivalent protection to the strict liability defence in respect of contemporary reports of proceedings (as per s4 Contempt of Court Act 1981, which currently applies only where proceedings are held in public and not when permissive orders are made in private proceedings). We do not think that reporters who are reporting ongoing private proceedings contemporaneously or more or less contemporaneously as permitted by either a transparency order (as presently) or statute (in the case of reform) should be at greater risk of contempt proceedings than those who are reporting proceedings held in public.

**Consultation Question 11.**

13.11 We provisionally propose that where general contempt is committed by

publication, the fault element for general contempt should be satisfied only by

intention.

Do consultees agree?

Answer:

See our reply to Q 9 above.

**Consultation Question 39.**

5.118 In family, Court of Protection or other proceedings where orders may be made and review hearings set down for the future, or in similar circumstances where the

nature of proceedings is that they may be dormant for some time, what should be

the status of proceedings between the hearings?

5.119 Where there is uncertainty about whether proceedings are active, how might that most effectively be addressed?

Answer:

We do not understand this question. Proceedings are active until final orders are made, even if there are prolonged gaps between hearings. We are unaware of any suggestion that parties may discuss or share information about their proceedings between hearings. The practice of adjourning generally with liberty to restore is no longer routinely used, but we suggest that where it is, any general contempt provision could make clear that where proceedings are adjourned generally without a hearing being fixed the proceeding are considered to be live for a fixed period after the last hearing (for example, six months), unless the court has made an order expressly extending the duration of any restraints on publication.

This question is largely irrelevant to family proceedings and Court of Protection proceedings. There appears to be a misunderstanding in paras 5.115-117, which state that the reason families may feel constrained is because they are not certain if proceedings are still active. However, the main reason families cannot discuss proceedings whether or not they are active is not because they are unsure if the case has ended but because they will be in contempt under s 12 AJA which is thought to be indefinite in duration.

We believe there to have been far more actions for contempt in family proceedings under s 12 than prosecutions under the Act 1981 regarding publication during active proceedings in a family court. In *AG v Dowie* (above), the prosecutions under section 9 Contempt of Court Act 1981 and under s 12 AJA 1960 succeeded, but the prosecution under the strict liability rule did not. When proceedings are no longer active, parties and families are not able to speak publicly about their cases (beyond the very limited information recently summarised by Mostyn J in *EBK v DLO* [2023] EWHC 1074 (Fam)). We do not understand the suggestion here that families are going to be told that the status of their case changes when the proceedings end and that they can then share information in breach of Section 12 AJA 1960. We suggest that the uncertainty of the duration of section 12 is the more pressing issue that needs addressing by the Law Commission, rather than uncertainty about the end of active proceedings.

We note the discussion about whether criminal proceedings should be deemed active between verdict and sentence. We suggest that one way of partially implementing the suggestion made by Sir James Munby that the prohibition on publication in relation to private children proceedings should continue until the youngest child is 18 would be to deem the proceedings active for the purposes of contempt until the youngest subject child is 18.[[11]](#footnote-11) We make that suggestion on the basis though that there would need to also be parallel consideration of what was prohibited, as in our view not all information needs to be or should be the subject of a prohibition for that period on a blanket basis (see discussion about transparency orders).

A more straightforward approach would be to amend the law to prohibit identification of children in similar terms to those in the Youth Justice and Criminal Evidence Act 1999 section 45.

**Questions 18-22 on breach of orders**

As we explain above, at present, our primary concern is a breach of the automatic restraints, in contrast to which we think dealing with a breach of a transparency order would be relatively straightforward and we have no specific views on this.

**Questions 29-40 on publication during active proceedings**

Although in theory, a person could commit contempt in family proceedings under the strict liability regime in the Contempt of Court Act 1981, we find it difficult to envisage a situation where a publication could reach the threshold of substantive risk of serious prejudice or impediment.

We have not answered these questions, but we have noted above that clarity is needed as to whether or not three different types of contempt may apply in a family court, under the Commission’s proposals.

The following questions on enforcement do not relate to the types of contempt discussed above, but is another topic on which The Transparency Project has a view (paras 8.214 and 8.223):

**Consultation Question 82.**

8.225 We invite consultees’ views on whether the burden of bringing a contempt

application for breach of an order should lie always with the party seeking to

enforce the order.

Answer:

A contempt application is an ineffective and often inappropriate tool to enforce compliance in matters relating to children, especially where it involves a threat to the parent with care which, as the Commission notes in para 8.214 can have adverse consequences for the child. Pursuit of committal by one parent against the other is unlikely to be in a child’s best interests. There is a disparity between the provisions for enforcement of a family court order through contempt and enforcement of a child arrangements order through s 11J Children Act 1989 where the court may not enforce an order against a person who had a reasonable excuse for failure to comply (s 11J(3)).

However, we disagree with the use of the term ‘parental alienation’ in para 8.223, as this is a particularly contentious concept and irrelevant to the suggestion here that a child would hold a negative view of a parent they perceived as being responsible for the committal proceedings.

In practice there is limited availability of criminal legal for respondents to contempt application, although it has been suggested that this can be awarded by the court (*Chelmsford CC v Ramet* [2014] EWHC 56). Solicitors appear unwilling to take on such cases.

**Consultation Question 83.**

8.226 We invite consultees’ views on whether there should be a new enforcement body that is empowered to make a contempt application for breach of an order.

Answer:

This does not seem to us to be a realistic practical suggestion and nor do we see how it would solve any problem. We suggest power should remain with the parties and the court.

1. The ‘Secret’ Family Court - Fact or Fiction (HH Clifford Bellamy, Bath Publishing, 2020) and Transparency in the Family Court - Publicity and Privacy in Practice (Doughty, Reed & Magrath, Bloomsbury Professional Press, 2nd Edition 2024. [↑](#footnote-ref-1)
2. By which we mean both people who write blog posts with a legal subject matter and, more particularly, ‘duly authorised lawyers’ permitted to attend private family hearings in a quasi journalistic role pursuant to Family Procedure Rule 27.11 [↑](#footnote-ref-2)
3. <https://transparencyproject.org.uk/new-guidance-note-what-to-do-if-a-reporter-attends-your-hearing/> [↑](#footnote-ref-3)
4. That evidence and recordings of oral sessions is gathered together here <https://www.judiciary.uk/guidance-and-resources/update-family-divisions-transparency-review-2/>, see our written evidence linked to here <https://transparencyproject.org.uk/transparency-review-call-for-evidence-closes-our-response/> and oral evidence here <https://www.youtube.com/watch?v=2PF8RebPZn8> [↑](#footnote-ref-4)
5. Proposal to the Law Commission for Transparency Reform at <https://transparencyproject.org.uk/proposal-to-the-law-commission-for-transparency-reform/> [↑](#footnote-ref-5)
6. <https://www.judiciary.uk/guidance-and-resources/transparency-in-the-family-courts-report-3/> [↑](#footnote-ref-6)
7. HC Justice Committee, Open Justice: Court Reporting in the Digital Age HC339 para 145 <https://committees.parliament.uk/publications/31426/documents/176229/default/> [↑](#footnote-ref-7)
8. And we note that the almost mothballed justice.gov.uk website which houses the Civil and Family procedure rules in a free version for the public is not reliably up to date. See for instance, at the time of writing the version of PD27B to the FPR which still refers to the Family Proceedings Rules 1991, which were replaced in 2010. [↑](#footnote-ref-8)
9. See EX710 and EX711. [↑](#footnote-ref-9)
10. Contempt of court by publication of information relating to family (children) proceedings – a simple question without a simple answerathttps://transparencyproject.org.uk/contempt-of-court-by-publication-of-information-relating-to-family-children-proceedings-a-simple-question-without-a-simple-answer/ [↑](#footnote-ref-10)
11. The Pressing Need for Reform of Section 12 https://transparencyproject.org.uk/the-pressing-need-for-reform-of-section-12/ [↑](#footnote-ref-11)