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Family Law, Open Justice and the Rule of Law

Law reform lecture 2025

Sir Nicholas Mostyn

2 July 2025

Scott v Scott [1913] AC 417

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There have been many cases citing Scott. The ICLR lists 332, of which 65 were family cases and 267 were civil cases.

It has been cited in later House of Lords or Supreme Court cases 23 times.

It has been cited in courts all over the world.

To put the significance of the decision in context, the ICLR lists 259 cases which cite Donoghue v Stevenson [1932] AC 562.

It is possible that Scott is the most cited case of all time.

Earl Loreburn (Lord Chancellor 1905 – 1912)

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- "The traditional law, that English justice must be administered openly in the face of all men, is an almost priceless inheritance."
- "the Divorce Court is bound by the general rule of publicity applicable to the High Court and subject to the same exception."

Lord Atkinson (Law Lord 1905, AG for Ireland 1895 – 1905)

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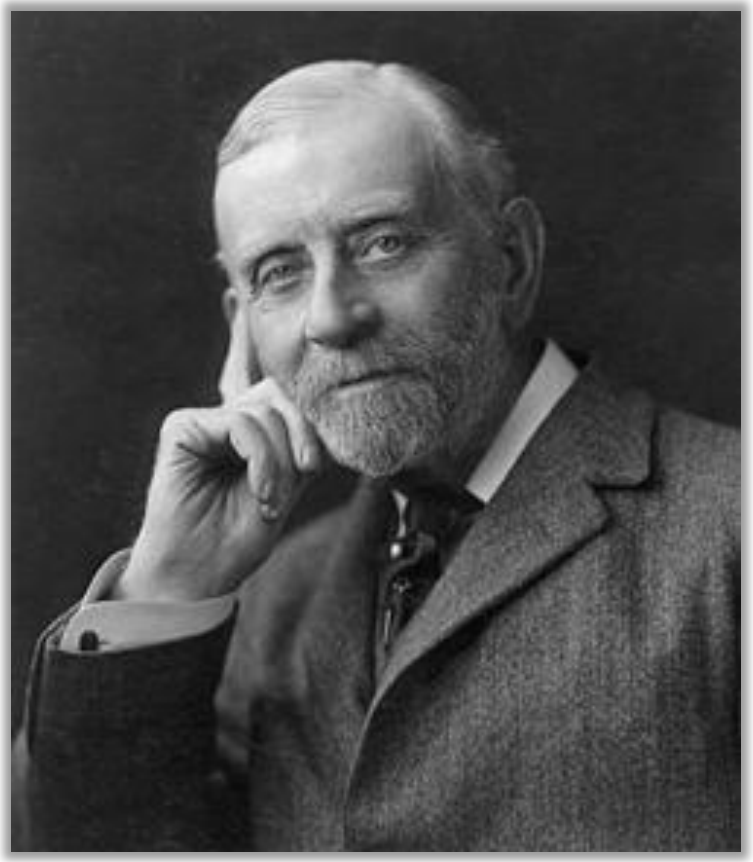
‘The hearing of a case in public may be, and often is, no doubt, painful, humiliating, or deterrent both to parties and witnesses, and in many cases, especially those of a criminal nature, the details may be so indecent as to tend to injure public morals, but all this is tolerated and endured, because it is felt that in public trial is to be found, on the whole, the best security for the pure, impartial, and efficient administration of justice, the best means for winning for it public confidence and respect.’



Viscount Haldane LC (Lord Chancellor)

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‘But unless it be strictly necessary for the attainment of justice, there can be no power in the Court to hear in camera either a matrimonial cause or any other where there is contest between parties. He who maintains that by no other means than by such a hearing can justice be done may apply for an unusual procedure. But he must make out his case strictly, and bring it up to the standard which the underlying principle requires …He may even be able to establish that subsequent publication must be prohibited for a time or altogether … He must satisfy the Court that by nothing short of the exclusion of the public can justice be done.’

Lord Shaw (Law Lord 1909, Lord Advocate 1905 – 10909)

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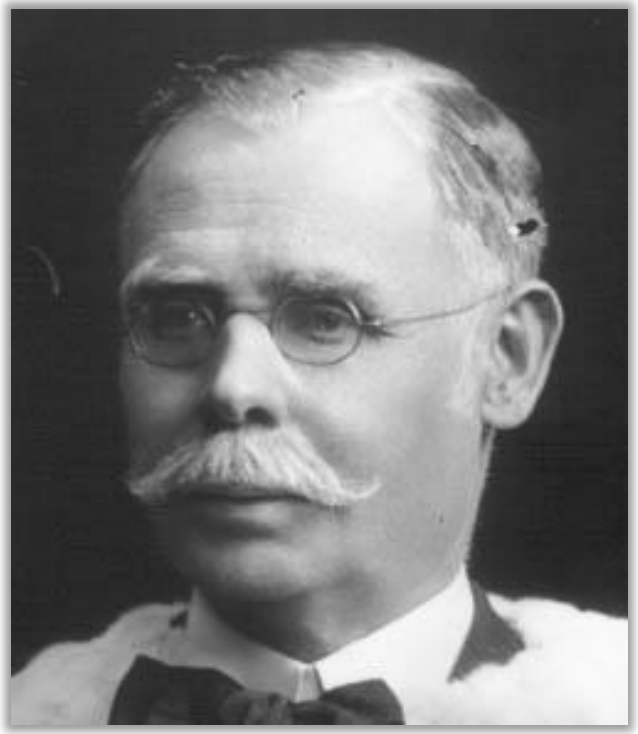
"If the judgments, first, declaring that the Cause should be heard in camera, and, secondly, finding Mrs. Scott guilty of contempt [for disclosing a transcript of the proceedings to her father, sister and a friend] were to stand, then an easy way would be open for judges to remove their proceedings from the light and to silence for ever the voice of the critic, and hide the knowledge of the truth. Such an impairment of right would be intolerable in a free country, and I do not think it has any warrant in our law. Had this occurred in France, I suppose Frenchmen would have said that the age of Louis Quatorze and the practice of lettres de cachet had returned."



AND YET ……

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Thorpe LJ (2002) in Clibbery v Allan

- I have no difficulty in concluding that in the important area of ancillary relief,… all the evidence (whether written, oral or disclosed documents) and all the pronouncements of the court are prohibited from reporting and from ulterior use unless derived from any part of the proceedings conducted in open court or otherwise released by the judge.

Thorpe LJ's judgment in Clibbery v Allan is the lodestar authority for those who adhere to what I have called the cult of secrecy in financial remedy cases.

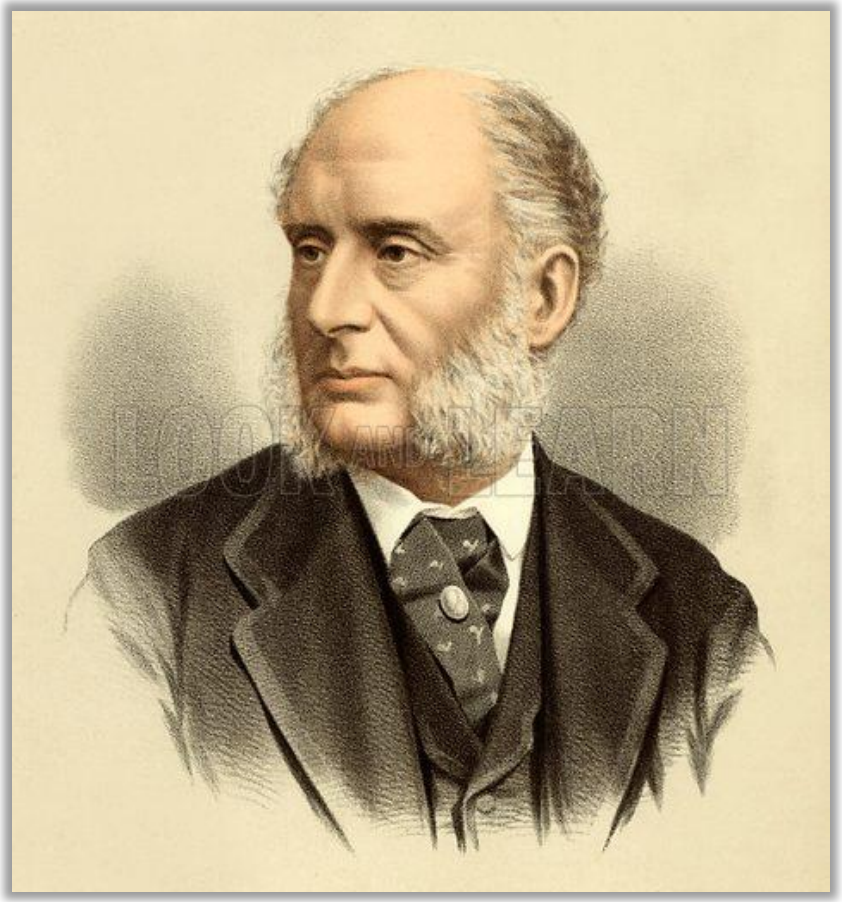
It is entirely obiter. Butler-Sloss P does not agree with it. Nor does Keene LJ (who agrees with the President). See 17, 51, 73, 79 and 83.

It stands in obvious and glaring contradiction to the general law.

I contend that there is no lawful basis for the proposition advanced by Thorpe LJ.

In order to make good this contention it is necessary to look at some history.

The Matrimonial Causes Act 1857 abolished the jurisdiction of the ecclesiastical court.It instituted judicial divorce. A new court was created: the Court for Divorce and Matrimonial Causes, headed by the Judge Ordinary – the first was Sir Cresswell Cresswell – with the power inter alia to dissolve a marriage on the ground of adultery (if the husband was petitioner) or aggravated adultery (if the wife was petitioner); to annul a marriage; to award alimony; and to settle property. To this list there was added in 1859 the power to vary nuptial settlements.



Sec 46 provided that **"the witnesses in all proceedings before the Court shall be sworn and examined orally in open Court."** The parties could verify their cases by affidavit, but were to be **"subject to be cross-examined by or on behalf of the opposite party orally in open Court."**

There was no power to hear evidence behind closed doors in any type of case.

Rule 33: **"the hearing of the cause shall be conducted in court, and the counsel shall address the Court, subject to the same rules and regulations as now obtain in the courts of common law."**

During passage of 1857 and 1859 Bills attempts were made to amend legislation to allow for hearings in private "for the sake of public decency". Both rejected in the House of Commons.

But judges openly defied section 46 and numerous cases were heard in private.

This takes us to Scott itself. A pithy summary of the proceedings was given in the Court of Appeal by Sir Herbert Cozens-Hardy MR:

"This is an action instituted by a wife for a decree of nullity of marriage. The usual order was made that the cause should be heard in camera. It was so heard and a decree of nullity was granted. The wife and her solicitor obtained copies of the shorthand notes of all that took place at the hearing and sent copies so obtained to her father, her sister and a friend. A motion was made by the husband to commit them for contempt. Bargrave Deane J. held that they had been guilty of contempt, but accepted an apology from them. He made no other order than that they should pay the costs of the motion. From this order there is an appeal"

The second appeal was allowed by the House of Lords in trenchant terms: Scott v Scott [1913] AC 417

What did Scott exactly decide?

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Held, (1.) that the order to hear in camera was made without jurisdiction; (2.) that the order, assuming that there was jurisdiction to make it, did not prevent the subsequent publication of the proceedings`

Earl Loreburn: 'But to say that all subsequent publication can be forbidden and everyone can be ordained to keep perpetual silence as to what passed at the trial is far in excess of the jurisdiction, and is indeed an unwarrantable interference with the rights of the subject. It is not that a Court ought to refrain from exercising its power in such a way. It is that the Court does not possess such a power.'

All the law lords accepted that on exceptional facts the court had an inherent common law power to sit in camera, and to make a consequential order prohibiting parties from making a "subsequent publication" of the evidence. All accepted that the paradigm example of the type of case that would justify exercise of the power was the trial of an issue about a trade secret. If it were not held in camera, and subsequent publication prohibited) the very subject-matter of the action, namely the secret, would be destroyed by the process.

Earl Loreburn "Yet nothing can be more clear than that an order for a hearing in camera of a trial involving a secret process might be utterly illusory if the evidence could be published afterwards with impunity. There must be some power to prevent that, or the undoubted assertion by the very highest authorities of a right to close the Court in such cases would be reduced to an idle mockery."

Certainly, the Court had the equitable power to grant an injunction against a party - confirmed in sec 25(8) of the Supreme Court of Judicature Act 1873 (now sec 37 Senior Courts Act 1981) - where just or convenient, and had developed a "Spycatcher" power to bind third parties by notification of the injunction: Seaward v. Paterson [1897] 1 Ch 545.

So when the Law Lords say there is "no power" to make an in-camera-plus- subsequent-publication-prohibition order in a nullity case they do not mean that the court does not have the vires to clear the court and make such an order. Rather, that it would never be proper to exercise that power in a nullity case no matter how private and personal the subject matter.

And that any change to that rule was a matter for Parliament alone.

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Viscount Haldane LC

‘A mere desire to consider feelings of delicacy or to exclude from publicity details which it would be desirable not to publish is not, I repeat, enough as the law now stands. I think that to justify an order for hearing in camera it must be shewn that the paramount object of securing that justice is done would really be rendered doubtful of attainment if the order were not made. Whether this state of the law is satisfactory is a question not for a Court of justice but for the Legislature

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Earl Loreburn:

‘Some passages in various judgments in this and other cases indicate that the Court has a right to close its doors in the interest of public decency. Apart from some Act of Parliament authorizing such a course in particular cases, I regret that I cannot find warrant for this opinion. However true it may be that the publicity given to obscene or bestial matter by trial in open Court stimulates and suggests imitation, as many judges have learned from experience at assizes, and however deplorable it may be that they have no power to prevent it, the remedy must be found by the Legislature or not at all.’

But he did say, en passant, that an in camera order may be justified where

“the court is satisfied that to insist upon publicity would in the circumstances reasonably deter a party from seeking redress.”

We will see that this has been disapproved and that the disapproval has been endorsed by Parliament.

On proceedings in chambers

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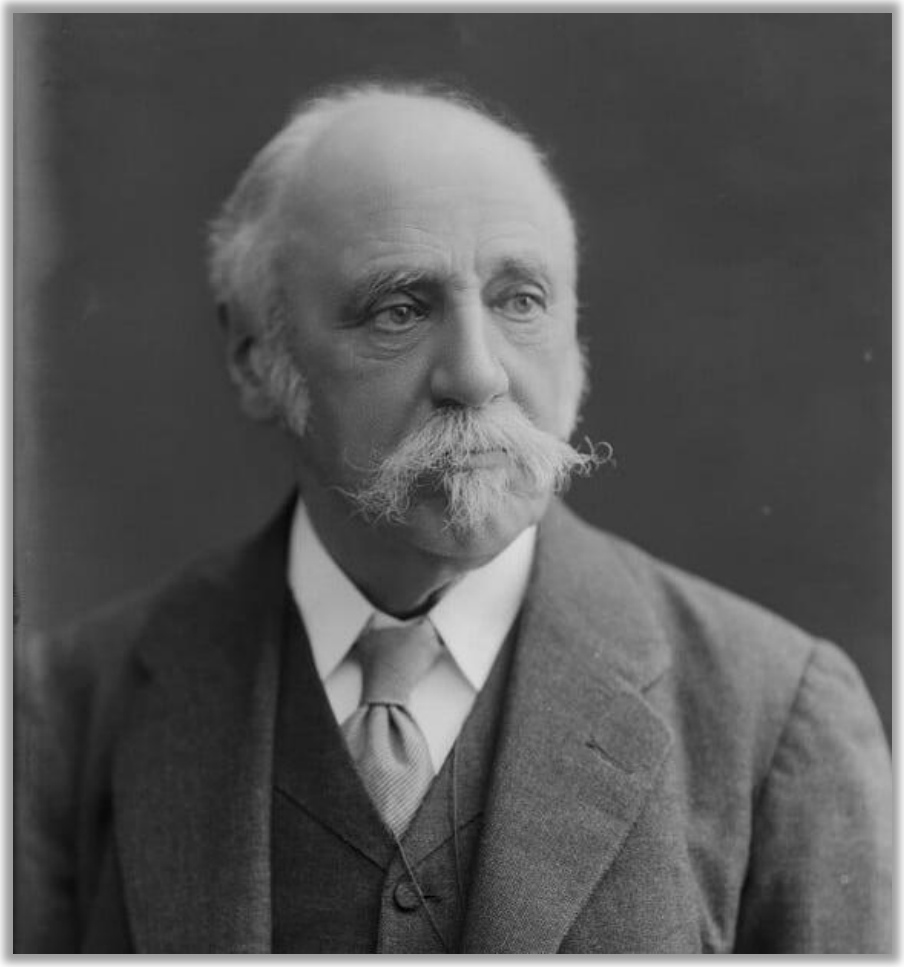
Lord Moulton (1912)

- ‘The language of the order provides for privacy at the hearing. It has nothing to do with secrecy as to the facts of the case. …I have never heard it suggested that there is the slightest obligation of secrecy as to what passes in chambers… Everything which there transpires is and always has been spoken of with precisely the same freedom as that which passes in Court.’



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It was not until 1935 that Parliament finally provided that

‘In any proceedings for nullity of marriage, evidence on the question of sexual incapacity shall be heard in camera unless the judge is satisfied that in the interests of justice any such evidence ought to be heard in open court’

(sec 4, Supreme Court of Judicature (Amendment) Act 1935).

Thereby the actual decision of the House of Lords was reversed.

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In August 1914 war broke out

It was not until the passage of the fourth Defence of the Realm Act of 16 March 1915, that provisions allowing espionage proceedings to take place in camera were first promulgated. However, these provisions only applied to a civil trial by judge and jury, which a defendant who was a British subject could claim, and not to a court-martial (where all foreign spies were tried).

Major-General Lord Cheylesmore who presided over all courts martial for spies held in Britain dring the war. No law was ever promulgated allowing courts-martial to sit behind closed doors, and the Manual of Military Law 1914 positively forbad this.

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The Times 11 September 1915

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Unnamed Spy Executed.

- Tried by Court Martial.
- It is officially announced that a person who was charged with espionage and tried by General Court Martial on August 20 and 21 was found guilty and sentenced to death. The sentence was duly confirmed and carried out yesterday morning.

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During the war a total of nine spies were shot at the Tower and one hanged in Wandsworth prison, following courts-martial, and a further two were shot at the Tower following civil trials. Most of these trials were entirely secret.

It is not difficult to see the force of Lord Shaw's doom-laden predictions should the principle of open justice not be observed.

In McPherson v McPherson [1936] AC 177, the husband was the Minister of Public Works for the Province of Alberta. He petitioned for divorce alleging the wife's adultery. The petition was not defended. The suit was heard during the luncheon interval in the judge's library at the courthouse in Edmonton behind a door marked "Private". The suit was not announced in a published daily cause list. Lord Blanesborough was unimpressed : "Their Lordships have felt impelled to regard the inroad upon the rule of publicity made in this instance …as one not to be justified, and now that it has been disclosed, as one that must be condemned so that it shall not again be permitted."

SECTION 12, ADMINISTRATION OF JUSTICE ACT 1960

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(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 relate to the wardship or adoption of an infant or wholly or mainly to the guardianship, custody, maintenance or upbringing of an infant, or rights of access to an infant;

(b) where the proceedings are brought under Part VIII of the Mental Health Act, 1959, or under any provision of that Act authorising an application or reference to be made to a Mental Health Review Tribunal or to a county court;

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(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

…the effect of section 12 (1) of the Act of 1960 is that a newspaper may publish information about proceedings in chambers in a civil action, and about the pleadings, affidavits, and reports therein, without any fear of being thereby in contempt of court.' Re F (orse A) (A Minor) (Publication of Information) [1977] Fam 58, Lord Denning MR

"civil action" can only mean an action not listed in section 12(1)(a) - (d)

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Lord Bridge:‘

- The general rule which the section declares is that it is not a contempt to publish information relating to proceedings in court merely because the proceedings are heard in private. But the exceptions to that rule expressed in paragraphs (a) to (d) of subsection (1) must indicate that it is, at least prima facie, a contempt to publish information relating to the proceedings in the cases indicated’ Pickering v Liverpool Daily Post and Echo Newspapers Plc and others [1991] 2 AC 370

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Sec 62(7) of the Children Act 2004 inserted sec 76(2A) into the Courts Act 2003. This provided:

"Family Procedure Rules may, for the purposes of the law relating to contempt of court, authorise the publication in such circumstances as may be specified of information relating to family proceedings held in private."

This only allows rules to be made which authorise publications for the purposes of the law relating to contempt of court. Thus, a rule can say that a publication which would have been in breach of sec 12, will no longer be in breach. What the rule-making power cannot do is to say that a publication that does not fall within sec 12 and therefore does not amount to contempt of court, will be so treated in the future.

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The currently authorised publications are specified by FPR rules 12.73, 12.75, 12 73A and PDs 12G, and 12R for children proceedings under Part 12 with equivalent rules and PDs made in relation to adoption proceedings under Part 14. These permitted publications allow "transparency orders" to be made in those children proceedings covered by sec 12. It is important to note that these rules permitting disclosure to various people and bodies only apply to children and adoption proceedings and do not apply to financial remedy proceedings.

I would respectfully suggest that it is self-evident that if the Rule Committee is prevented by Act of Parliament from making something that is presently not a contempt into a contempt then it is impossible for the judiciary to do so by issuing practice guidance.

No cases in ICLR citing Scott from 1932 - 1967

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- B (orse P) v Attorney-General [1967] P 119 was a legitimacy suit by two children acting by their mother as next friend whose position was that she would not proceed with the petitions unless they were heard in private. Wrangham J doubted Earl Loreburn's "deterrence" exception and held there was no power to hear a legitimacy suit in camera.
- In consequence Parliament passed the Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968, sec 2 of which permitted legitimacy suits to be heard in camera.
- Thus, Earl Loreburn's additional common law reason for holding a case in camera, namely that a hearing in public would reasonably deter a party from seeking justice, is completely dead in the water.

Anonymity

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Lord Sumption (2019)

- "The inherent power of the courts extends to making orders for the conduct of the proceedings in a way which will prevent the disclosure in open Court of the names of parties or witnesses or of other matters, and it is well established that this may be a preferable alternative to the more drastic course of sitting in private

Lord Neuberger MR (2012)

- ‘Anonymity is an exception to the principle of open justice. It can only be ordered where it is strictly necessary’

Logically, the test must be the same as for exclusion

See the oft-quoted statement of Lord Burnett LCJ in R v Sarker [2018] EWCA Crim 1341 at [29(vii)] that any derogation from open justice must be established by “clear and cogent evidence”.

Contra mundum order made possible by sec 11, Contempt of Court Act 1981:

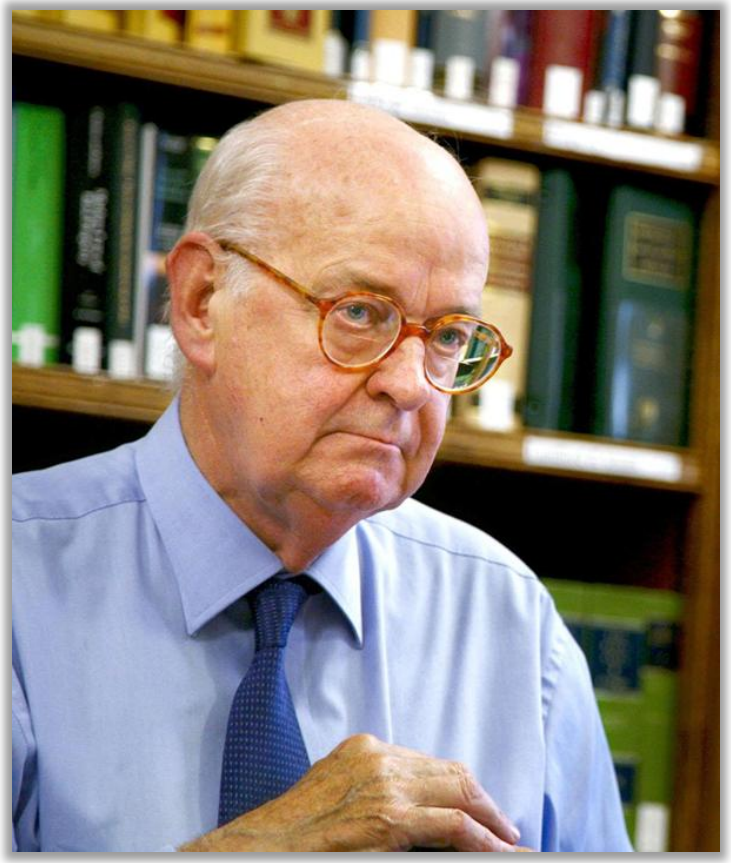
- "In any case where a court (having power to do so) allows a name or other matter to be withheld from the public in proceedings before the court, the court may give such directions prohibiting the publication of that name or matter in connection with the proceedings as appear to the court to be necessary for the purpose for which it was so withheld."

But an order can only be made if the name or matter has not been mentioned already

If sec 11 not possible: make anonymity injunction against parties and serve on press saying relying on Spycatcher principle.

Anonymity – post HRA 1998

- "It is unlawful for a public authority to act in a way which is incompatible with a Convention right" - sec 6(1)
- In Re S (A Child) (Identification: Restrictions on Publication) [2005] 1 AC 593, per Lord Steyn
- The House unanimously takes the view that since the 1998 Act came into force in October 2000, the earlier case law about the existence and scope of inherent jurisdiction need not be considered in this case or in similar cases. The foundation of the jurisdiction to restrain publicity in a case such as the present is now derived from Convention rights under the ECHR'



Lord Steyn

"In oral argument it was accepted by both sides that the ordinary rule is that the press, as the watchdog of the public, may report everything that takes place in a criminal court. I would add that in European jurisprudence and in domestic practice this is a strong rule. It can only be displaced by unusual or exceptional circumstances.

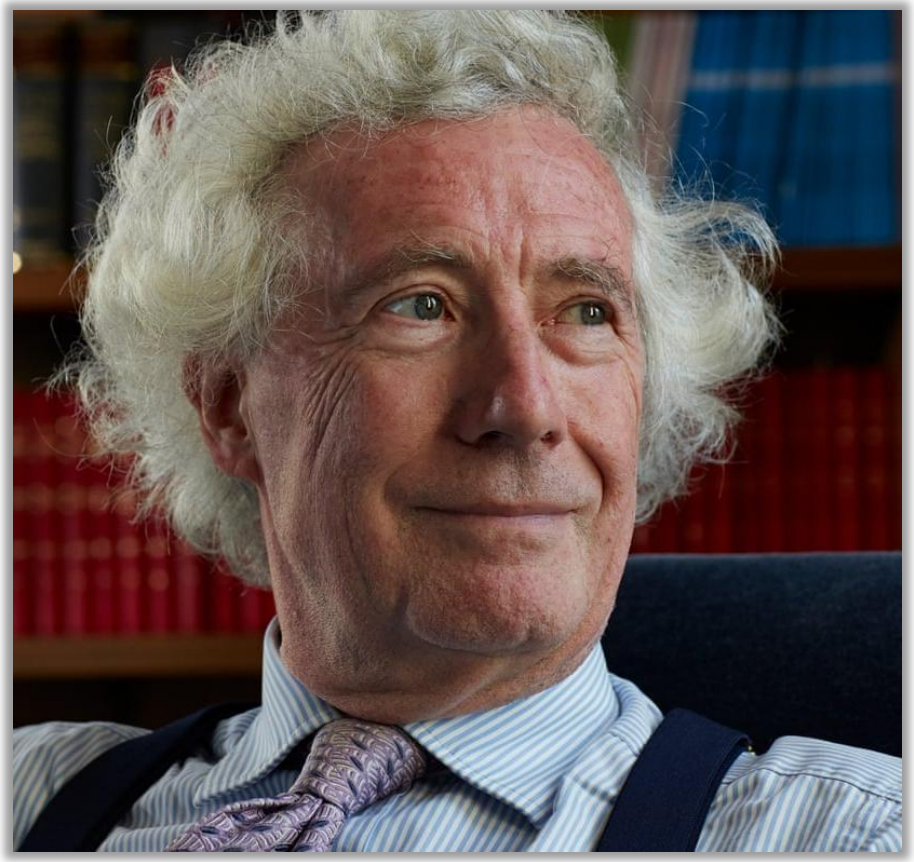
…

First, neither article has as such precedence over the other. Secondly, where the values under the two articles are in conflict, an intense focus on the comparative importance of the specific rights being claimed in the individual case is necessary. Thirdly, the justifications for interfering with or restricting each right must be taken into account. Finally, the proportionality test must be applied to each. For convenience I will call this the ultimate balancing test."

BUT

Lord Sumption in Khuja v Times Newspapers Ltd [2019] AC 161

- "in deciding what weight to give to the right of the press to publish proceedings in open court, the courts cannot, simply because the issues arise under the heading "private and family life", part company with principles governing the pre-emptive restraint of media publication which have been accepted by the common law for many years in the cognate areas of contempt of court and defamation, and are reflected in a substantial and consistent body of statute law as well as in the jurisprudence on article 10 of the Human Rights Convention."



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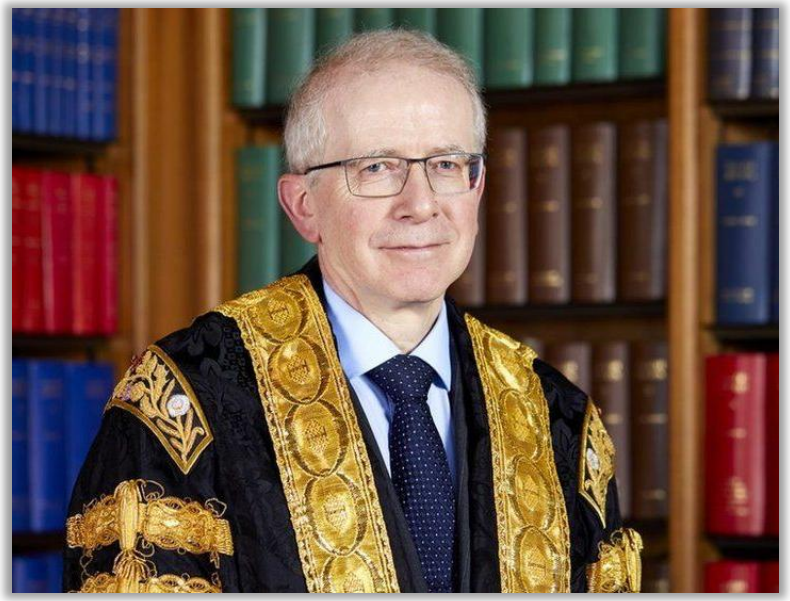
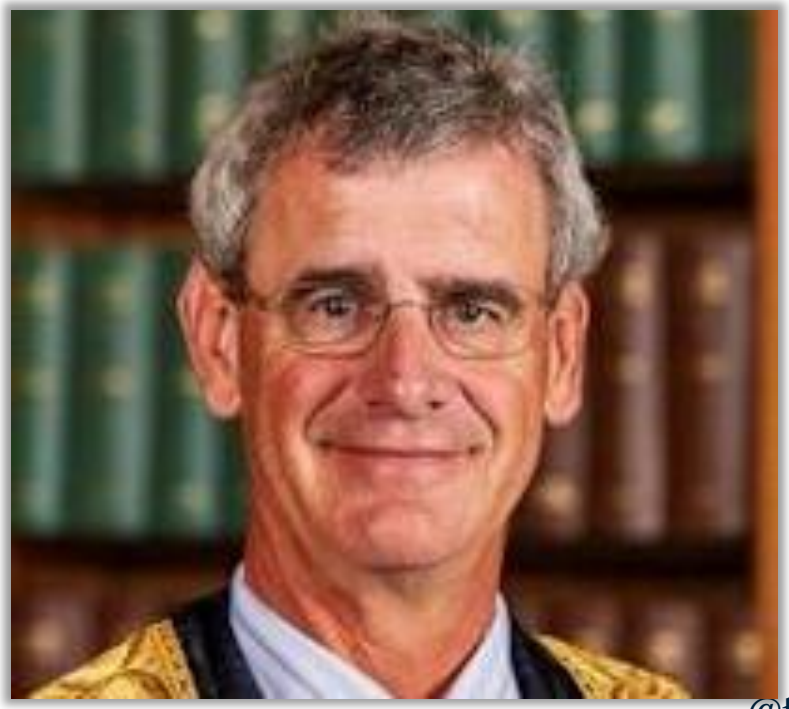
Abbasi v Newcastle upon Tyne Hospitals NHS Foundation Trust [2025] 2 WLR 815

- [89]: "The court does not act in a way which is incompatible with a Convention right by insisting that individuals avail themselves of the domestic cause of action which is available to protect that right, and that the action is brought by the individual whose Convention right is in issue."
- [98]: …"the general rule [is] that parties should protect their Convention rights by availing themselves of the appropriate cause of action under our domestic law,"
- [94]: If a cause of action is either unavailable or fails to provide "practical and effective" protection of the applicant's Convention rights then the court can exercise its broader equitable jurisdiction under section 37 of the Senior Courts Act 1981 read with section 6(1) of the Human Rights Act 1998: see [98]. (This approach means that the invocation of direct protection of Convention rights is to be used as a safety net rather than as the first and last port of call.)
- i[93]: Lord Steyn's reasoning in Re S, where he went directly to section 6(1) of the Human Rights Act 1998, without pausing to consider the availability of domestic remedies, was "highly unusual".
- [94]; The law had "moved on" since Re S. The courts now "are willing to develop the common law when necessary, in order to meet the requirements of the Convention, and have deprecated the tendency to see the law solely in terms of the Convention itself."
- This is a major change.





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Millicom Services UK Ltd v Clifford [2023] ICR 663, CA Warby LJ at [29]:

- "The effect of the HRA is not that the Convention supplants or replaces domestic statutory or common law rules; rather it provides certain guarantees against the enforcement of those rules to the extent that would be incompatible with fundamental human rights. As Mr Callus eventually conceded, it is not necessarily the case that the answer given by the common law will be the same as that arrived at through a Convention analysis. And if the two are different, that does not necessarily mean the common law answer is incompatible with the Convention."

Therefore, the court's correct approach where an anonymity order is sought is first to identify and invoke an available cause of action. That would be Viscount Haldane's common law exception. If that answers the question positively then the order may be made and consideration of Convention rights simply does not arise. If the answer is negative then it is only at that stage that the competing Convention rights applicable by virtue of the facts, come into play and are to be weighed.

This does not mean, however, that one starts the weighing exercise with the pans empty and the scales balanced. The idea of a metaphorical weighing exercise beginning with the scales imbalanced because of the presence on one pan of a particularly important juridical principle is given by the Supreme Court in AIC Ltd v Federal Airports Authority of Nigeria [2022] 1 WLR 3223 where the principle in question was the finality of litigation. Lord Briggs and Lord Sales said at [39]:

"The question is whether the factors favouring re-opening the order are, in combination, sufficient to overcome the deadweight of the finality principle together with any other factors pointing towards leaving the original order in place."

So here. The weighing process starts with the deadweight of the open justice principle already in one of the pans, to which will be added the specific factors militating in favour of full publicity. The question is whether the specific factors in favour of anonymity can overcome that combined weight on the other side.

See also R (Marandi) v Westminster Magistrates' Court [2023] EWHC 587 (Admin) at [44(5) - (6)] where Warby LJ explained that "clear and cogent" evidence was needed as the court is "evaluating the claimant's case against the weighty imperatives of open justice."

My anonymity test reconciling the common law and ECHR

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The facts relied on must be proved by clear and cogent evidence. If those facts show that by nothing short of anonymisation could justice be done, then it may be ordered under the common law. Only if the common law answer is negative does the court balance the competing Convention rights engaged by those facts. In that evaluation the open justice principle itself must be reckoned as a weighty factor in favour of publicity. Any restriction of freedom of expression must be justified by a pressing social need. Ultimately, it must be shown that anonymity is strictly necessary for the attainment of justice.

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Lord Steyn (2004)

it needs to be said clearly and unambiguously that the court has no power to create by a process of analogy, except in the most compelling circumstances, further exceptions to the general principle of open justice.

Lord Sumption (2019)

The dependence of this area of law on statute and the extent of statutory intervention mean that it is fair to speak of a statutory scheme occupying the ground to the exclusion of discretions arising from the common law or the court's inherent powers.

Financial remedies practice

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- Between September 2023 and March 2025 84 judgments were published by the FRC of which 71 were anonymised and only 7 contained any reasons for anonymisation (none of which came near to passing Viscount Haldane's test).
- A mere 13 complied with the open justice principle and were published fully with names.
- 48 had a rubric threatening contempt of court if anonymity breached, even to a legal adviser or spouse, without limit of time. Not one of these had an order made either under s11 CCA 1981 or s6 HRA / s37 SCA

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Standard rubric: “This judgment was delivered in private. The judge has given leave for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment the anonymity of the children and members of their family must be strictly preserved. All persons, including representatives of the media and legal bloggers, must ensure that this condition is strictly complied with. Failure to do so may be a contempt of Court.”

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- The FRC is presently subject to a national pilot scheme which is not operating under Part 36, but under Guidance which does not appear to be approved by the Rule Committee, the LCJ or the Lord Chancellor.
- The pilot scheme recommends that in every case where a reporter attends the hearing a reporting restriction order should be made without limit of time in the following terms

- This purports to convert presently permissible disclosures into contempts of court
- This is far fiercer than the rubric
- What are we to make of this?
- How has something so at variance with the general law been allowed to happen in plain sight?

8. This Order will remain in force until further order, but the duration will be kept under review by the court at each hearing.

What may and may not be published?

9. A reporter may publish any information relating to the proceedings save to the degree restricted below.

10. No person may publish any information relating to the proceedings to the public or a section of it, which includes:

    a. The names and addresses of the parties (including any intervenors) and their children and any photographs of them;
    b. The identity of any school attended by a child of the family;
    c. The identity of the employers, the name of the business or the place of work of any of the parties;
    d. The address of any real property owned by the parties;
    e. The identity of any account or investment held by the parties;
    f. The identity of any private company or partnership in which any party has an interest;
    g. The name and address of any witness or of any other person referred to in the hearing save for an expert witness.

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The answer is: Thorpe LJ greenlit it in Clibbery

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Note: Decision in Clibbery allowed Part IV judgment to be fully published.

President felt that exclusion of public gave some limited privacy to matrimonial litigants. But 2009 rule change let press in and legality of formally excluding the public has never been tested and is not consistent with Scott.

Thorpe LJ pronounces a blanket ban on everything said in court, of all evidence and of anything said by the judge including the judgment.

He relies on the duty to give full and frank disclosure and on the implied undertaking as showing intrinsic difference to civil proceedings. He suggests that there is no duty of disclosure in civil proceedings

"In civil proceedings… the parties bring into the arena such material as they choose to bring together with such material as they may be ordered to bring during the development of the case."

In contrast, he said:

"the determination of an ancillary relief application proceeds on a very different basis. First it is to be noted that litigants may not bring into the proceedings such material as they think fit. All parties are under a duty of full and frank disclosure".

Quite wrong: the obligation under CPR 31.6(b) when giving standard disclosure to disclose all documents which (i) adversely affect your own case, (ii) adversely affect another party's case, and (iii) support another party's case, is just as exacting as Fam Div standard.

His reliance on the implied undertaking is baffling as it is expressly legislated in CPR 31.22

(1) A party to whom a document has been disclosed may use the document only for the purpose of the proceedings in which it is disclosed, except where (a) the document has been read to or by the court, or referred to, at a hearing which has been held in public; (b) the court gives permission; or (c) the party who disclosed the document and the person to whom the document belongs agree.

At common law the undertaking does not apply to a journalist covering the case – Harman v Home Office [1983] 1 AC 280 per Lord Diplock and Lord Roskill

So totally irrelevant

This is in maximum conflict with Scott:

Only legislation can turn something that was not a contempt into a contempt. Yet this is what Thorpe LJ seeks to do.

His pronouncement reverses the burden of proof. Someone seeking anonymity should have to show why it is in the public interest that anonymity should be granted. He upends that key principle

It subverts entirely the exceptionality of the remedy

It pays no regard to the principles enunciated by the HoL

It pays no regard to the importance of the open justice principle and the dangers faced by society where secret or semi-secret justice becomes the norm

It has led to thousands of litigants being wrongly threatened with fine and imprisonment if they talk about their judgment with anyone, including their family.

It is a scandal happening in plain sight

My personal view is that unless the case is protected by sec 12 it is not in the public interest for parties to be anonymous for the reasons given by Viscount Haldane, Lord Atkinson and Lord Shaw in 1913

I acknowledge fully that there is a strong view held by many laypersons, professionals and judges that financial remedy cases should be treated as a class apart from ordinary civil litigation and that as such the extensive anonymity as spelt out in the Guidance Annex II draft order is right and just for them.

But I do strenuously maintain that if this view is to be vindicated it must be achieved in the High Court of Parliament and not in the High Court of Justice.

I end with this prescient declaration from Lord Moulton: **"Nothing would be more detrimental to the administration of justice in any country than to entrust the judges with the power of covering the proceedings before them with the mantle of inviolable secrecy."**


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Spotlight YOPD
CURE PARKINSON'S
Sign the Parkinson's Petition
We need 100,000 signatures in order to trigger a debate in Parliament. Scan the QR code to sign.
As a priority, we want everyone referred for a possible Parkinson's diagnosis to see a consultant within 18 weeks and at least once a year after that.
www.parkypetition.com

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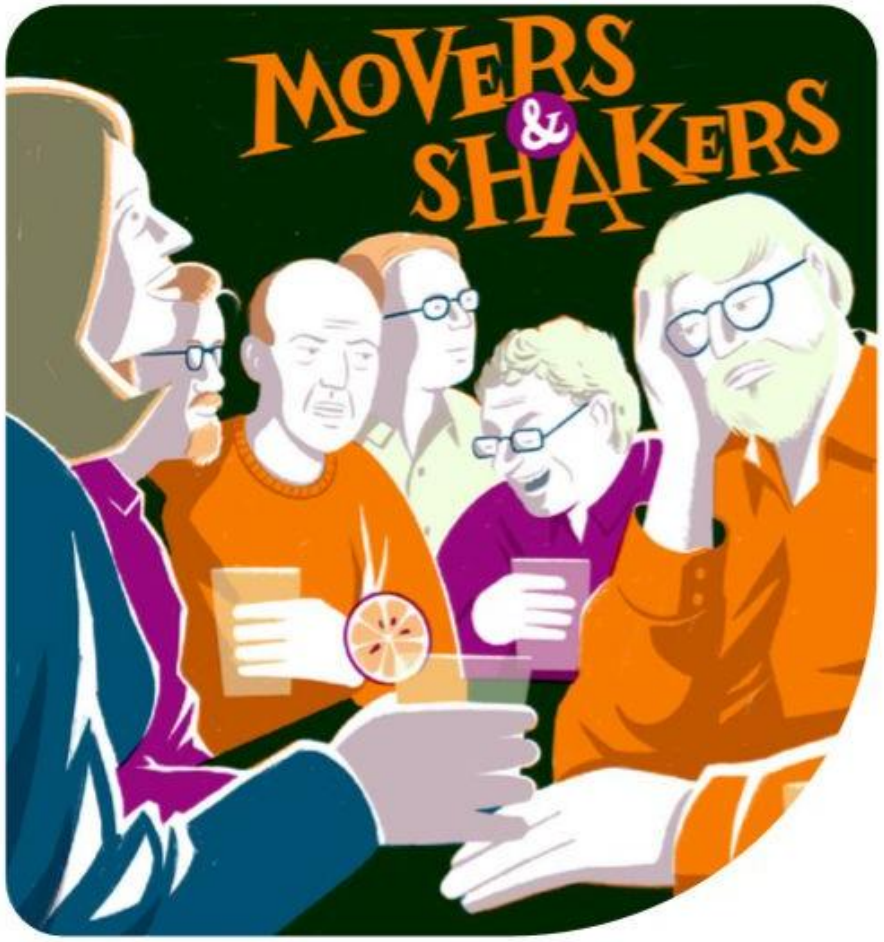

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Thank you