



Mr G Jessel

10 September 2015

Via e-mail: G.Jessel_request-287207-3c641622@whatdotheyknow.com

Our ref: FOI 2015/38

Dear Mr Jessel,

Thank you for your email of 5 September 2015, in which you request the following information from the UK Supreme Court (UKSC):

I am simply trying to find out whether the Chancellor or Vice-Chancellor sits in the Supreme Court or not and whether the inherent jurisdiction of equity can still be accessed or if it remains hidden.

Your request has been handled under the Freedom of Information Act 2000 (FOIA). I can confirm we hold some of the information you have requested.

In response to the first section of your request:

I am simply trying to find out whether the Chancellor or Vice-Chancellor sits in the Supreme Court or not.

The answer to this is no. As I explained previously, the position of the Vice Chancellor ceased to exist in 2005 and has been replaced by the Chancellor of the High Court. The Chancellor of the High Court is the head of the Chancery Division of the High Court of Justice of England and Wales. Sir Terence Etherton has been in this post since 2013. The Chancery Division is housed in the Royal Courts of Justice which is wholly separate to the UKSC.

In reference to the second part of your request:

whether the inherent jurisdiction of equity can still be accessed or if it remains hidden.

It is not entirely clear what you mean by this. However, it appears that you are asking for advice.

As I explained previously, the Freedom of Information Act 2000 (FOIA) can be used to access recorded information held by a public body but it cannot be used to obtain guidance, opinions, conjecture or legal advice.

Section 84 of the Act states that in order for a request for information to be handled as a Freedom of Information (FOI) request, it must be for recorded information. For example, a Freedom of Information request would be for a copy of a policy, rather than an explanation as to why we have that policy in place.

Having assessed your question I have determined that it does not constitute a valid FOI request, and I am unable to deal with it under the terms of the Act. This is because you are not asking for recorded information, but are seeking an opinion or legal advice.

It might help if I explain that the role of the Supreme Court is to act as the final court of appeal in the UK for civil cases, and for criminal cases from England, Wales and Northern Ireland. It hears cases of the greatest public or constitutional importance affecting the whole population. The UKSC is not able to offer advice, legal or otherwise.

As part of our obligations under the FOIA, the UK Supreme Court has an independent review process. If you are dissatisfied with this response, you may write to request an internal review. The internal review will be carried out by someone who did not make the original decision, and they will re-assess how the Department handled the original request. If you wish to request an internal review, please write or send an email to the following address:

William Arnold
Director of Corporate Services
UK Supreme Court
Parliament Square
London
SW1P 3BD
E-mail: william.arnold@supremecourt.uk

If you remain dissatisfied after an internal review decision, you have the right to apply to the Information Commissioner's Office under Section 50 of the FOIA. You can contact the Information Commissioner's Office at the following address:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Internet: https://www.ico.gov.uk/Global/contact_us.aspx

I am sorry that I am unable to be of more assistance to you on this occasion.

Yours sincerely



Rebecca Lowson
Information Officer