

Bert Geisherd  
request-651651-6c0d7ff6@whatdotheyknow.com

data.access@justice.gov.uk

27 March 2020

Dear Mr Geisherd,

### **Freedom of Information Act (FOIA) Request – 200302014**

Thank you for your request, received on 2 March 2020, in which you asked for the following information from the Ministry of Justice (MoJ):

***‘...The respondent to the application...was allowed a significant amount of time for a “pre-hearing briefing” between the Justices Clerk and the legal representative of the council...under what statute, regulation, etc this meeting took place...’***

Your request has been handled under the FOIA.

The MoJ does not hold any information within the scope of your request. This is because there is no statute that covers your interpretation of a ‘pre-hearing briefing’ between a court official and a legal professional. The FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. The duty is to only provide the recorded information held.

Outside of the Act, it may be helpful to explain that legal advisers or court clerks, may hold short administrative meetings with professional court users before court starts in order to assist with managing the list as smoothly as possible. This can include getting up to date information about time estimates for cases, any cases, which need to be called on early, and cases that may not be ready to be called on, until further information is gathered.

Such pre-meetings are supported by the overarching principles of Sections 28 & 29 of the Courts Act 2003, which provide the overall statutory authority for the role of the Justices’ Clerks and assistants. You can read more about this at the following link:

<http://www.legislation.gov.uk/ukpga/2003/39/part/2/crossheading/justices-clerks-and-assistant-clerks>.

If you require additional information in regard to this matter, you may refer your query back to the court where they may be able to clarify matters further or handle any complaint you have in regard to the handling of your case.

### **Appeal Rights**

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

data.access@justice.gov.uk

Disclosure Team, Ministry of Justice, 10.38, 102 Petty France, London, SW1H 9AJ

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

*C Murray*

Christine Murray  
Delivery Director South West Region