

GUIDANCE: CIRCULATION OF DRAFT JUDGMENTS FOR FACTUAL ACCURACY

1. STATUS AND PURPOSE

- 1.1 It sets out the circumstances in which the Tribunal may circulate a draft written judgment to the parties prior to publication, and the obligations that apply to the handling of such drafts.
- 1.2 The purpose of circulating a draft judgment under this Practice Direction is strictly limited to enabling the correction of factual, typographical or clerical errors before the judgment is finalised.

2. CIRCUMSTANCES IN WHICH A DRAFT JUDGMENT MAY BE CIRCULATED

- 2.1 The Tribunal may, at its discretion, circulate a draft judgment to the parties where it considers that:
 - (a) the case is factually complex; or
 - (b) there is some other good reason why checking by the parties would assist in ensuring accuracy.
- 2.2 Draft judgments will not ordinarily be circulated in routine or straightforward cases.
- 2.3 The Tribunal may also circulate a draft judgment at the request of one or more parties but is under no obligation to do so and will determine any such request on a case-by-case basis. This decision may be taken by the Tribunal or the Clerk.

3. CONFIDENTIALITY AND HANDLING OF DRAFT JUDGMENTS

- 3.1 Any draft judgment circulated under this Practice Direction is provided on a strictly confidential basis.
- 3.2 A draft judgment must not be disclosed, shared, or discussed with any person other than:
 - (a) the parties' legal representatives; and
 - (b) such members of their immediate legal teams as are necessary for the purpose of identifying permitted corrections.

- 3.3 Draft judgments must not be shared with clients, witnesses or colleagues outside the legal team, or any other third party.
- 3.4 The responsibility for compliance with this Practice Direction rests personally with the legal representatives to whom the draft judgment is provided.

4. PERMITTED SCOPE OF CORRECTIONS

- 4.1 Parties may notify the Tribunal only of:
- (a) factual inaccuracies;
 - (b) typographical or clerical errors;
 - (c) errors in dates, names, figures, citations or references; or
 - (d) other minor errors.
- 4.2 This process must not be used to:
- (a) re-argue the case;
 - (b) advance further submissions;
 - (c) challenge findings, reasoning or conclusions; or
 - (d) seek substantive amendments to the judgment.
- 4.3 The Tribunal retains full discretion as to whether any suggested correction will be adopted.

5. TIME LIMITS FOR NOTIFYING CORRECTIONS

- 5.1 Unless otherwise directed, any proposed corrections must be notified to the Tribunal in writing within **seven days** of the date on which the draft judgment is sent to the parties.
- 5.2 The Tribunal may, where appropriate, specify a different time limit in a particular case.
- 5.3 If no response is received within the applicable time limit, the Tribunal will proceed on the basis that no corrections are proposed, and the judgment may be finalised and published in its existing form without further notice.

6. STATUS OF DRAFT JUDGMENTS

- 6.1 A draft judgment circulated under this Practice Direction does not constitute the Tribunal's final written judgment.

7. FINAL JUDGMENT

- 7.1 Following consideration of any permitted corrections, the Tribunal will issue its final written judgment.
- 7.2 The final written judgment may differ from the draft judgment circulated under this Practice Direction.

8. REVIEW PROVISIONS

- 8.1 This Practice Direction takes effect from 9 March 2026.
- 8.2 The Tribunal will review the operation of this Practice Direction periodically and issue further guidance as appropriate.