

Note of meeting between Lord Burns and Lewison LJ

Royal Courts of Justice: Wednesday 14th October: 9.10am to 9.35am

1. Lord Burns opened by explaining that the Commission had launched a call for evidence paper on the 9th October which covered the terms of reference of the Commission. Lord Burns explained that he was keen to understand Lewison LJ's views on the paper and in particular on the appeals structure for FOI and whether the existing appeals system is working effectively.
2. Lewison LJ explained the structure of the tribunal system and that the FTT heard appeals on fact and law and the Upper Tribunal on points of law. The Tribunals dealt with different categories of case and there have been great efforts made in recent years to create a unified tribunal structure. The judiciary were exempt from the Freedom of Information legislation and therefore did not have experience of using exemptions. However, officials working in support of the judiciary were subject to the legislation for some purposes, and there had been recent caselaw that considered the position of Judicial Office and the judiciary in applying FOI.
3. Lewison LJ offered to arrange for Lord Burns to visit the relevant tribunals.