

CAYMAN ISLANDS



**Grand Court Act
(2015 Revision)**

PD 6 OF 2022 - PUBLIC ACCESS TO CRIMINAL COURTS

(SL 45 of 2022)

Supplement No. 3 published with Legislation Gazette No. 40 of 13th October, 2022.



PRACTICE DIRECTION No. 6 of 2022

Public Access to Criminal Courts

INTRODUCTION

1. Open justice and the transparency of the legal process are fundamental tenets of the Cayman legal system. Public access in respect of criminal proceedings is an aspect of and administered in accordance with this open justice principle; however, it is subject to limitations as recognised in law. The courts have inherent jurisdiction to determine how the principle should be applied in particular cases.
2. Fair and accurate reporting of proceedings is encouraged as integral to the Rule of Law and the Courts will continue to have regard to the open justice principle in considering the use of technology and access by the media.
3. Where a representative of the media requests access to material referred to in a court proceeding, there is a presumption in favour of providing access, in recognition of the role of the press as ‘public watchdog’ in a democratic society. The purpose of media access is to enable the public to understand and scrutinise the justice system
4. The presumption in favour of granting access does not mean that representatives of the media are ‘entitled to disclosure’, or that it should take place ‘by default’. Not all documents need or may be provided. The assigned or sitting Judge or Magistrate (**“the Appropriate Judicial Officer”**) may refuse access where there are compelling reasons against it. The presumption of providing access is capable of rebuttal for good and justifiable countervailing reason. Each decision must be reached on a case-by-case and document-by-document basis.

MEDIA REPRESENTATIVES

5. For the purposes of this Practice Direction, a representative of the media is a registrant on the Courts Media Register (a **“Registrant”**) or such other person as a Judge or Magistrate may, in his or her discretion, grant temporary recognition as a representative of a media outlet.

GENERAL RULE

6. In accordance with the Constitution, criminal proceedings are generally held in public, save in such special and limited cases as may be prescribed by law or determined in interests of justice. Section 10 of the Criminal Procedure Code (2021 Revision) (the “**Code**”) provides that the place in which a criminal court sits to try or hear proceedings relating to an offence shall generally be an open court. Hearings must accordingly be held in a place accessible to the public without physical barrier so that members of the public, which expression includes representative of the media, may enter without appointment.
7. Section 7(10) of the Bill of Rights scheduled to the Cayman Islands Constitution Order 2009 and Section 10 of the Code also provide for discretionary powers to exclude the public generally or particular persons from the place or proceedings for a number of reasons, including when necessary to safeguard court proceedings or the integrity of the justice system.
8. The principles that apply to hearings in private apply also to the anonymisation of a party or witness. The court may order that the identity of any party or witness must not be disclosed if it considers non-disclosure necessary in order to protect the interests of that party or witness.
9. When such powers are exercised, reasons for their exercise shall be given publicly with appropriate opportunity provided for representations by affected persons. The court may receive such representations orally or in writing and determine the issue:
 - 9.1. at a hearing, in public or in private; or
 - 9.2. without a hearing;
 - 9.3. applications for anonymity or screening of witnesses should be heard in public save in exceptional circumstances in the interests of the administration of justice, such as when the prosecution may appropriately apply *ex parte* and without notice pursuant to section 7 of the Criminal Evidence (Witness Anonymity Act) (2014 Revision), for an anonymity order.

LIVE STREAMING

10. Access to open court hearings may, if practical and appropriate and insofar as the integrity of proceedings can be safeguarded, be by live streaming. Live streaming is not to be regarded as the norm or as a right but may be a discretionary supplement to the usual court access that underlies the open justice principle. Where available a live stream will be accessible outside the precincts of the Courts to Registrants by way of encrypted access.

Court of Appeal

11. Whether or not proceedings are live streamed is a matter for the discretion of the Court taking into account the particular circumstances of the case. Typically, since the onset of the Covid-19 pandemic in order to ensure public access remotely and in keeping with Practice Direction 7 of 2020, appeals to the Court of Appeal are live-streamed and available for public view on the Judicial Website. The nature of appeals differs from that of proceedings at first instance in that appeals are usually confined to legal argument and thus the considerations may differ. Nonetheless, there may be cases in which that is not so or, for a variety of reasons, the Court of Appeal may decide that particular appeals will not be live-streamed. As in other Courts, the warning required by paragraph 15 below will apply.

REPRESENTATIVES OF THE MEDIA

12. Representatives of the media may apply to the Court to receive remote access to Court proceedings by way of live stream as an alternative to sitting in the courtroom. There is no entitlement to do so, and each case will be decided on its merits by the Appropriate Judicial Officer taking into account, inter alia, cost and practicality. If a live stream is available it will be accessible by way of the media portal on the Judicial Website and with use of a password and all parties to the proceedings in court shall be notified that live streaming has been permitted.
13. Applications from representatives of the media and others to observe a hearing remotely should be made in advance to allow for inclusion during hearing setup. Such applications should be made to the Deputy Clerk of the Court (Criminal), the Clerk of the Court, or such other person as they shall designate (the

“**Administrative Officer**”). These applications will usually be considered at any case management hearing.

OVERFLOW CASES

14. At the Court’s discretion, live streaming may be permitted outside the courtroom but within the precincts of the Court to maximize public access. This may be in circumstances, for example, in a case of great public interest where the courtroom proves insufficient to accommodate all who wish to attend. If and when a public gallery is available elsewhere, the Judge or Magistrate may permit live streaming as an exceptional measure. It is not to be taken as the usual course when the public gallery in a courtroom cannot accommodate all who wish to attend. The open justice principle will usually be satisfied if there is public access to an open court.
15. Where live streaming is available, recording of the stream is prohibited without express consent of the Court. Those allowed to observe a hearing remotely are reminded that it will be a contempt of court to make unauthorised recordings of the proceedings or to use or to allow the use of such recordings to interfere with the administration of justice. In keeping with section 111 of the Penal Code (2018 Revision) and established practice, where such proceedings are being live streamed, a warning note shall be included at the bottom of the screen in the course of the streaming to this effect: *“This is a formal court proceeding in respect of which the usual rules as set out in Practice Direction 1 of 2014 apply. No photographs, filming, recordings, or dissemination may be made except with the approval of the Court.”*

RESTRICTIONS ON CASE INFORMATION IN LIMITED CIRCUMSTANCES

16. The Courts may hold proceedings in private and place restrictions on access to court documents or reporting when necessary, in the interests of the administration of justice or as otherwise prescribed by law. For example, names may be redacted in judgments, rulings, or orders. Cases in which the Courts’ jurisdiction to hear evidence in private may be exercised and/or redaction may be necessary include those where there is a risk of:

- 16.1. prejudicing law enforcement action or the administration of justice, (which includes risk of disruption);
- 16.2. affecting national security;
- 16.3. putting anyone's safety at risk;
- 16.4. identifying an anonymous witness. It is an offence to disclose information in contravention to a witness anonymity order pursuant to the Criminal Evidence (Witness Anonymity) Act (2014 Revision);
- 16.5. identifying young persons;
- 16.6. breaching the prohibition imposed by section 31 of the Criminal Procedure Code upon the reporting of the identity of a complainant in a rape case;
- 16.7. breaching medical confidentiality;
- 16.8. breaching legal privilege;
- 16.9. contravening the protection of personal information (particularly in the case of the vulnerable) which is sensitive or if disclosed could give rise to a risk of harm; or
- 16.10. breaching a contempt of Court order.

Such decisions as to restrictions or redactions are judicial decisions and can only be taken on a case-by-case basis within legal proceedings.

17. A rationale for decisions protecting information that is sensitive or could give rise to a risk of harm or be damaging or would breach any right of confidence (especially for the vulnerable such as young persons or the mentally disabled) is that there is no obvious public interest in public disclosure.
18. In any case in which an embargo on the publication of open court proceedings is considered necessary for the proper administration of justice, the Court will give reasons, if practical in writing, and seek to ensure that the public and representatives of the press are notified of the embargo to avoid the risk of non-compliance.
19. Judges should consider at the end of each hearing, with a view to possible future requests for a recording, transcript, or inspection, whether a note should be made for the case file to indicate that redaction may be necessary.

POSTPONEMENT OF REPORTING

20. In criminal cases, broadcasting or otherwise reporting on proceedings may be suspended in the interests of justice, for example, to prevent transmission to subsequent witnesses or otherwise compromise proceedings.
21. Subject to the limited exceptions to an open hearing (referred to in this Practice Direction) or as otherwise specified in relevant legislation, legal argument before a Judge will be held in public. It may be in the absence of the jury if there is one but in the presence of representatives of the media, and this will usually be subject to an order for delayed reporting. Where there is a jury, the Judge will usually order that media publication of this part of the proceedings (legal submissions in absence of jury) be postponed until the jury have reached their conclusion. This would usually be on the ground that there is a risk of substantial prejudice to the administration of justice because the jury might read about the submissions and be improperly influenced by them.

PUBLIC NOTICE OF HEARINGS

22. An Administrative Officer shall no later than in the week before each hearing of an offence in the Grand Court and the day before each hearing of an offence in the Summary Court cause to be published on the Judicial Website and/or in the public precincts of the Court a listing containing the following information in relation to cases:
 - 22.1. The name of the defendant;
 - 22.2. The Indictment or charge number, as appropriate;
 - 22.3. The nature of the charge or indictment and of the hearing;
 - 22.4. The court in which the hearing is to take place;
 - 22.5. The name of the Judge or Magistrate assigned to that Court.
23. In the event that any matter is brought before a court in circumstances that make such publication impossible within the specified timeframe, the Administrative Officer shall cause publication to be made as soon as possible.

PUBLICATION OF REGISTER OF CRIMINAL PROCEEDINGS ON THE JUDICIAL WEBSITE

24. Subject to redaction or other exclusion in the interests of justice or otherwise prescribed by law, directed or ordered in accordance with this Practice Direction, the following case information shall be published on the Judicial Website or otherwise be available to the public:
- 24.1. Charges and indictments;
 - 24.2. Final orders, directions, rulings and judgments;
 - 24.3. Applications for orders or directions (excluding factual material);
 - 24.4. The dates of public hearings;
 - 24.5. The Judge or Magistrate by whom a decision, order direction or judgment at a public hearing was made;
 - 24.6. Summary of Allegations.

EMBARGO OR RESTRICTION ON PUBLICATION

25. In cases in which a restriction on publication is prescribed by law (for example, in cases involving children) the prosecutor shall supply the Deputy Clerk of the Court (Criminal) with a copy of the relevant document suitably redacted or anonymised to be published on the Judicial Website or otherwise.
26. In other cases, where a prosecutor or defendant seeks to omit, redact, anonymise or delay the publication of any information required by paragraph 22 or 24, he or she shall apply in writing, providing to the Deputy Clerk of the Court (Criminal), in a timely manner, details of the proposed omission and/or a draft of any proposed redaction or anonymisation and/or what information should be subject to delay in publication. The application should be accompanied by reasons that it is contrary to law or the interests of justice for the full information to be published or for there to be a delay in such publication. An Administrative Officer shall forthwith place the matter before the Appropriate Judicial Officer for decision. The Appropriate Judicial Officer shall consider the extent to which it is appropriate to allow timely representations from any other party and when and to whom reasons for the decision should be given.

OFFICIAL RECORDING OF PROCEEDINGS

27. A recording is deemed to be a document for the purposes of this Practice Direction.
28. A recording of proceedings will be kept in accordance with established court practices and the National Archives and Public Records Act (2015 Revision) as amended or revised and policies made thereunder.
29. Court stenographers are engaged to provide the verbatim records of proceedings in Grand Court in criminal cases. In Summary Court, the notes kept by the Chief Magistrate and Magistrates will continue to comprise the official record of procedures until an official digital recording system is engaged.
30. Transcripts in criminal appeals are provided to parties only where truly necessary for the preparation and presentation of an appeal. Preparation of transcripts is burdensome and costly. Neither the public nor the media has an entitlement to a transcript. Transcripts of criminal proceedings whether in the Grand Court or Summary Courts are not routinely made. See Practice Direction 3 of 2017 (Court Stenographer Services) and Court of Appeal Rules (2014 Revision) rule 33A.
31. Where transcripts of open court hearings are (1) available or (2) otherwise sought for good reason, copies (or extracts) may, subject to direction or order, be obtained on application to the Deputy Clerk of the Court (Criminal) explaining the purpose to which the transcript will be put and on payment of the prescribed fee. The Judge or Magistrate shall determine whether or not provision of the same will be disproportionately costly or burdensome. The Deputy Clerk of Court (Criminal) shall keep a written record by way of receipt that a transcript has been provided and to whom and on what date.

TEXT-BASED COMMUNICATIONS, RECORDINGS, PHOTOGRAPHS

32. Readers are reminded that the Practice Guidance issued with Practice Direction 1 of 2014 remains in force as amplified by this Practice Direction.
33. Unless otherwise specifically ordered, live text-based communications by legal commentators or registered representatives of the media for the sole purpose of fair and accurate reporting are permitted at all public hearings. Phones, laptops, and other electronic devices must be used silently. Unregistered representatives of the media and legal commentators shall be required to identify themselves as such

before or at the outset of the relevant hearing and may be required to produce evidence of their status and identity. The Court shall have discretion as to whether such status should be recognized and whether or not a proper journalistic or legal commentary purpose is served.

34. Other members of the public who wish to make records in this way must apply for permission to the Judge or Magistrate charged with the conduct of the hearing .
35. Except as set out above, mobile phones and other recording electronic devices must be switched off.
36. No sound recording may be taken except with the permission of the Judge or Magistrate charged with conduct of the hearing. Where appropriate he or she may permit a legal commentator or registered representative of the media to record proceedings. In all cases in which a recording of proceedings is allowed, it shall be permitted only so long as it is used as an aide memoire to fair and accurate reporting; the recording must not be broadcast or used for any other purpose. It will be a matter for the Court to decide whether or not a proper journalistic or legal commentary purpose is served.
37. Photographs or other images, still or moving, in court or within the precincts of the court are not permitted. Jurors and vulnerable parties and witnesses, especially, must be protected from publicity.

INSPECTING A COURT FILE BY AN ATTORNEY, DEFENDANT IN PERSON, OR YOUNG PERSON

38. Where an attorney is on record for a defendant or a defendant acts in person, he or she shall be allowed to review case documents, upon satisfying the Administrative Officer as to his or her status, without having to complete a formal application. In the event that a document is within the categories set out in paragraph 61 herein or by direction or order made in accordance with this Practice Direction redacted or otherwise excluded in the interests of justice or as prescribed by law, the Administrative Officer shall before such review consult with the Appropriate Judicial Officer as to the appropriate course.
39. An affected Young Person, his or her parents, legal guardian(s), other person in loco parentis and attorneys of record may inspect and/or obtain copies of select

Youth Court documents (or documents in other Court proceedings affecting the Young Person) by making application in writing in **Form [1]** . There may be a risk that the interests of another Young Person are thereby prejudiced and in such a case or in respect of any document that may fall within the categories set out in paragraph 61 herein, the Administrative Officer shall consult with the Appropriate Judicial Officer before granting the application. Photo identification and other documents deemed appropriate might be requested to confirm the identity of the applicant before allowing the viewing of a Youth Court document. Youth Court documents will not be emailed.

40. The Administrative Officer will arrange by agreement with the applicant a suitable and timely date and time to view case documents.

PUBLIC ACCESS TO MATERIAL IN PROCEEDINGS

41. As set out in paragraphs 22 and 24 herein, information will be published on the Judicial Website. Application for other information and material may involve significant clerical and judicial time. The open justice principle is not unlimited and as explained there may be countervailing principles or rights that outweigh it in a particular case. Open justice forms part of the overriding principle that justice must be done. The principle serves two primary purposes: namely, to enable public scrutiny of court decisions and to enable the public to understand how the justice system works and why decisions are taken.
42. The Court does not itself retain all case documents. Some may, for example, be returned to the prosecution. Typically, the Court will return non-documentary exhibits, in particular, to the prosecution for retention in accordance with the Rules. Thus, access granted by the Court on application relates to court records, namely those records retained by the Court.
43. Not all records retained by the Court are accessible or disclosable. Materials may be disclosed in a case but not referenced in the proceedings, and so may not be accessible. Some records may have personal annotations made merely for ease of reference by the Judge or Magistrate; such annotations are therefore not accessible. Access will usually be granted to material actually seen or referred to in the course of the proceedings, including documents such as maps, photographs, CCTV

footage, audio, and videotapes. Accessible documents may, with leave of the Court, include applications and supporting evidence for witness anonymity that may be appropriately redacted. They may also include skeleton arguments and written legal submissions that have been referred to in Court but may be redacted or anonymized by order of the Court upon representations from and with the involvement of counsel.

44. Where a witness has given evidence, observing the testimony given in open court is usually sufficient for open justice purposes. The written statement of the witness is not evidence and need not be provided. Parts of statements (and other documents) are often not read out because of their sensitive nature. Where a witness statement (or other document) has been referred to by the Judge or Magistrate and relied on for a ruling or conclusion but not read out, access to the Judgment will usually be sufficient for an understanding of the salient aspects of the witness statement.
45. It will be a matter for the Appropriate Judicial Officer to decide in such cases whether to provide the statement or other document (redacted or otherwise). Where the Appropriate Judicial Officer considers it appropriate, he or she may permit a representative of the media to see the whole of a witness statement but only on the condition that those parts not read out (and not relied on) may not be used or reported.
46. A member of the public (including a representative of the media) may be permitted to take a photograph on a hand-held device of a document as a copy in lieu of photocopying on payment of a reasonable cost as may be prescribed. Redaction may be necessary and again a reasonable cost may be charged for the same.

MEDIA ACCESS

47. Where possible, rulings that are likely to affect reporting should be decided at an early stage. The parties should if practicable raise any issue relating to restriction of access, redaction, or other limits on reporting at case management hearings, so that, should the media wish to challenge them, they may do so at the time.
48. Judges and Magistrates should, so long as it does not interfere with the administration of justice, give the media, on request, the opportunity to make representations on matters that are of importance to them. Where time permits, representations should be reduced to writing prior to oral submissions. In

appropriate cases, the Court may allow a defendant to be heard on the issues, in which instance the procedure whenever determined may be treated as part of the proceedings.

49. Making requests during the course of proceedings, particularly at a time of sensitive evidence, may be disruptive to the proceedings and place a great burden on the Court. It may also distress others. Representatives of the media have a responsibility to take this into account and minimise requests that may be time-consuming and distracting from the purpose of any hearing.
50. In complex or high-profile cases, Judges and Magistrates should consider at a case management hearing whether any special arrangements need to be made for media representation, including:
 - 50.1. the provision or copying of relevant documents;
 - 50.2. special seating arrangements;
 - 50.3. overflow room facilities; and
 - 50.4. how any day-to-day requests from the media may be managed without unnecessary interruption to the proceedings.
51. Representatives of the media should, if they wish for special arrangements to be made, submit written representations well in advance of the case management hearing and should be permitted to make oral representation at the hearing.

APPLICATIONS FOR SUPPLY OF INFORMATION ABOUT PROCEEDINGS

52. Unless expressly otherwise specified in this Practice Direction, when by **Form [2]** addressed to the Deputy Clerk of the Court (Criminal) specifying, in particular, the information requested and shall pay any fee prescribed. A non-party applying for access to material must explain why such access will advance the open justice principle.
53. Such applications will be considered on their merit, taking into account the open justice principle and the imperative of avoiding disproportionately burdensome and costly disclosure. If the Court holds documents that have not been referenced in Court or adduced in evidence, these need not be disclosed. The public and Representatives of the media are not entitled to see documents not referred to or used in open Court. The Administrative Officer may determine the identity and

status of an unregistered applicant seeking case information or requesting inspection of case documents.

54. In all cases the open justice principle requires that all applications be dealt with in a timely manner.
55. These provisions are without prejudice to the paragraphs herein relating to Recording of Proceedings.
56. In appropriate circumstances, the Administrative Officer will—
 - 56.1. supply to the applicant, by word-of-mouth or in writing, information about the case; or
 - 56.2. allow the applicant to inspect or copy a document, or part of a document (on payment of the prescribed fee), containing information about the case.
57. Viewing case documents may be by inspection of hard copy, zoom or other electronic communication or other means deemed by the court to be appropriate.
58. In any case the Court may determine an application:
 - 58.1. at a hearing, in public or in private; or
 - 58.2. without a hearing.

Provision not requiring Written Application

59. Provided that in a case in which the information sought is that set out in paragraphs 22 or 24 herein and for some reason the information is not still on the Judicial Website, the application may be oral. In such a case the Administrative Officer shall record on the case file the application, when and by whom it was made and the outcome of the application.
60. The Administrative Officer, subject to any direction or Court order to the contrary in respect of the same, shall supply—by word-of-mouth or by direction to the Judicial Website—information as to:
 - 60.1. the date of any public hearing (unless any party has yet to be notified of that date);
 - 60.2. the alleged offence, charge or indictment and any plea entered;
 - 60.3. the court's decision in a public hearing;
 - 60.4. the Judge or Magistrate by whom a decision, order, direction, or judgment at a public hearing was made;

60.5. whether the case is under appeal;

60.6. Summary of Allegations

Closed materials

61. The following documents shall not be open to inspection without written permission of the Appropriate Judicial Officer:

61.1. Public Interest Immunity material, so deemed by order of the Court;

61.2. A document that was sealed by current order of the Court at any stage in criminal proceedings;

61.3. Files relating to sexual offences and witness statements involving the evidence of witnesses in firearms cases.

61.4. Youth Court cases;

61.5. Witness statements of those subject to witness anonymity orders or in cases involving the same;

61.6. Letters or communications presented to the Judge or Magistrate for consideration but not adduced into evidence;

61.7. Medical, Probation or social enquiry reports;

61.8. Any other document that is not in the public domain;

62. The Administrative Officer in any case to which paragraphs 16 or 61 herein apply or may apply shall seek direction from the Appropriate Judicial Officer.

63. Before permission for disclosure is given in such a case, opportunity shall be given to the Director of Public Prosecutions and any other interested party to make representations.

Reasons for Refusal

64. In refusing an application for disclosure the Appropriate Judicial Officer should give brief reasons and refer to:

64.1. The application;

64.2. The nature of the material requested;

64.3. Whether the application has 'legitimate journalistic purpose';

64.4. The principle of open justice and relevant Constitutional Rights;

64.5. Any presumption in favour of disclosure;

64.6. The countervailing reasons against disclosure;

64.7. The refusal of the application;

64.8. The grounds for refusal.

APPLICATIONS BY “PERSONS AFFECTED” PURSUANT TO SECTION 193 OF THE CRIMINAL PROCEDURE CODE

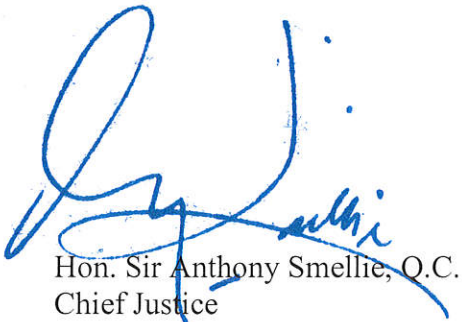
65. Applicants are reminded that certain categories of information are published on the Judicial Website. Applications for provision of a copy of an order, ruling, judgment, deposition, or other part of a record of proceedings under the Code pursuant to section 193 of the Code shall be by **Form [3]** addressed to the Deputy Clerk of the Court (Criminal).
66. The applicant shall therein identify the basis upon which he or she applies as a person affected and provide such proof as is reasonably requested. He or she should explain why the already published information is insufficient. The Administrative Officer shall, as appropriate, seek direction from the Appropriate Judicial Officer.
67. The Administrative Officer shall thereafter provide the document or record to a person affected so long as he or she is satisfied or directed that such provision is in the interests of justice and is not otherwise precluded by law.
68. In any case to which paragraph 61 applies, before the Appropriate Judicial Officer grants permission to provide the information, opportunity shall be given to the Director of Public Prosecutions and any other interested party to make representations.
69. In any case, the Court may determine an application:
- 69.1. at a hearing, in public or in private; or
 - 69.2. without a hearing.

TIMELINE

70. Pursuant to this Practice Direction case information will be published on the Judicial Website and thus publicly available. The timeline for dealing with applications in respect of other information or documents will be on a case-by-case basis depending on the circumstances, the nature of what is sought, and the judicial and clerical time required for consideration of the applications. The Court will

endeavor to grant permitted access promptly and within 2-5 days of receipt of an application will notify the applicant of the status of the application.

71. This Practice Direction supersedes Practice Directions No. 2 of 2015, entitled “Applications for Inspection of Criminal Court Files, Section 193 of the Criminal Procedure Code (2013 Revision)”, and (insofar as they relate to criminal proceedings) Practice Direction 8 of 2020 entitled, “Public Access to Court Proceedings by Audio or Video Links”. Nothing in this Practice Direction shall be taken to affect Rule 14 of the Criminal Procedure Rules 2019. Practice Direction 1 of 2014 (Use of portable cameras, recording and electronic devices in court buildings) remains in force.



Hon. Sir Anthony Smellie, O.C.
Chief Justice

10 October 2022



Form [1]
Form for Application for Inspection or Copies of
Non-Public Material in Youth Court and Related Criminal Cases

Practice Direction 6 of 2022
[Paragraphs 39 & 61]

Part A: To Be Completed by Applicant

I Title of the Case which is the Subject of this Application:

II Status of Applicant:

- | | |
|--|---|
| 1. <input type="checkbox"/> An Affected Young Person | 3. <input type="checkbox"/> A Legal Guardian |
| 2. <input type="checkbox"/> The Parent of an Affected Young Person | 4. <input type="checkbox"/> Another Person “in Loco Parentis” |
| | 5. <input type="checkbox"/> The Attorney of Record |

III Photo Identification Provided:

1. ☐ Driver's Licence: # _____, or
2. ☐ Passport: Country of Issue: _____ # _____, or
3. ☐ Other accepted identification: _____

IV Application for Youth Court Document/s:

The Purpose of this Application is to

1. ☐ Inspect, and/or
2. ☐ Obtain copy/ies

Details of the Requested Youth Court Document/s:

1. _____
2. _____
3. _____

V Application for General Criminal Case Document/s Affecting the Young Person:

The Purpose of this Application is to

1. ☐ Inspect, and/or
2. ☐ Obtain copy/ies

Details of the ☐ Summary Court or ☐ Grand Court Document/s Affecting the Young Person:

1. _____
2. _____
3. _____

**Part B: To Be Completed by the *Administrative Officer & Signed by
*Appropriate Judicial Officer**

I. ***Name of Administrative Officer:** _____ (*See
Directions 6/2022, paragraph 13)

II. **Title of Administrative Officer:** _____

III. **I have certified that the requested document/s fall within the categories set out in paragraph 61 of Practice Direction No. 6 of 2022:** ☐ Yes ☐ No

IV. **Date Arranged for Provision of or Viewing of Requested Documents:**

(Please note that Youth Court documents cannot be emailed)

V. **In the case of documents included in the categories set out in paragraph 61 of Practice Direction No. 6 of 2022, I hereby undertake to consult with the Appropriate Judicial Officer.**

VI. **Upon Consultation, the *Appropriate Judicial Officer:**

1. has approved ☐ provision and/or ☐ viewing of the following document/s:

- i. _____
- ii. _____
- iii. _____

AND/OR

2. has denied ☐ provision and/or ☐ viewing of the following document/s:

- i. _____
- ii. _____
- iii. _____

Signature Administrative Officer

Signature of *Appropriate Judicial Officer (See paragraph 4, Practice Directions 6/2022)



Form 2
Procedures for Application for Information about a Case
Practice Direction 6 of 2022
[Paragraph 22, 24, 52 & 60]

Part 1 For Information of Applicant:

I Case Information Not Requiring Written Application:

Subject to any court direction or order to the contrary, information about case aspects listed in paragraphs 22, 24, 52, 57, and paragraph 60 of this Practice Direction—

- i) may be requested and provided by word-of-mouth, including by direction to www.Judicial.ky, and
- ii) in appropriate cases, hard copies of documents may be inspected or viewed via Zoom or other electronic communication, or other means deemed appropriate by the Court, on payment of the prescribed fee.

II To Be Completed by Applicant

A. Title of case subject to the above listed paragraphs: _____

B. Date of application: _____ D. Name of applicant _____

For information of applicant: In appropriate cases, the application may be referred to the Appropriate Judicial Officer, who may decide the application at a hearing: in public; in private; or without a hearing.

For Official Completion

A. Prescribed fee paid: ☐ Yes ☐ No.

B. Outcome of application: ☐ Granted ☐ Not Granted

C. Reason for not granting application: _____

Part 2 Case Information Requiring Written Application:

“Closed Material” requiring written application for disclosure by means of this form is detailed in paragraphs 9, 16, 61, 68 & 70 of this Practice Direction.

To Be Completed by the Deputy Clerk of Court Criminal

In these cases, the following actions and information shall be recorded via this Form by the Deputy Clerk of Court (Criminal):

A. Title of the case which is the subject of application for “Closed Information”:

B. Name of applicant: _____

C. Status of applicant: ☐ Party to the case ☐ Non-Party to case, including registered member of media

D. Identity and status of unregistered non-party to the case: _____

E. Explanation as to reason case access would advance the Open Justice principle:

F. Was the requested information referenced in court and/or introduced into evidence:
☐ Yes ☐ No

G. Following referral to the Appropriate Judicial Officer, the application was decided—
☐ at a hearing: ☐ in public; ☐ in private; or ☐ without a hearing.

H. Before permission for disclosure is given in such a case, opportunity has been given to the Director of Public Prosecutions and any other interested party to make representations:
☐ Yes ☐ No

I. Upon subsequent direction by the Appropriate Judicial Officer or Court order, the Deputy Clerk of Court (Criminal) may, respectively—

i) supply the applicant with information about the case—

☐ in writing; or

☐ the applicant may inspect, copy, or view via Zoom or other electronic communication, or other means deemed appropriate by the Court, on payment of a *prescribed fee.

ii) ☐ not supply the information.

J. Reasons for non-disclosure: In refusing an application for disclosure the Appropriate Judicial Officer shall refer to paragraph 64 and provide a brief summary of reasons for non-disclosure: _____

K) Timeliness of response to application: Response was made—

☐ within 2-5 days' of application; ☐ within _____ days. Reason for delay:

***Prescribed Fee Paid:** ☐ Yes ☐ No



Form 3
Practice Direction 6 of 2022
[Paragraphs 24 & 65 to 70]

Application by Persons Affected
Pursuant to Section 193 of Criminal Procedure Code

For Copy/ies of
An Order, Ruling, Judgment, Deposition, or
Other Part of a Record of Proceedings

Form to be Submitted to the Deputy Clerk of Court (Criminal)

Part A: Details of Application

I Title of the Case that Is the Subject of this Application:

II Name of applicant _____

III Procedures for Consideration of Application by Deputy Clerk of Court (Criminal):

1. Status as an “affected person”:

- i) ☐ has provided proof
- ii) ☐ has not provided proof

2. Applicant’s evidence of insufficiency of information available on register of criminal proceedings:

- i) ☐ has provided credible evidence;
- ii) ☐ has not provided credible evidence.

Part B: Details of Outcome

I Upon consultation by the Deputy Clerk, the Appropriate Judicial Officer decided the application:

- i) ☐ At a public hearing
- ii) ☐ At a private hearing
- iii) ☐ Without a hearing

II Representations

☐ made:

- i) ☐ by Director of Public Prosecution, and/or
- ii) ☐ other Person _____

☐ Not made

III The Appropriate Judicial Officer ruled that disclosure:

- i) ☐ is in the interest of Open Justice;
- ii) ☐ is not in the interest of Open Justice.
- iii) ☐ is prohibited by law.

IV Timeline

1. Information was provided to the applicant within:

- i) ☐ 2 to 5 days of application
- ii) ☐ Other: _____

2. Delay in response due to:

- i) ☐ Nature of request
- ii) ☐ Judicial and clerical time required

Signature Deputy Clerk of Court (Criminal)