
STATUTORY INSTRUMENTS

2011 No. 2346

The Solicitors Disciplinary Tribunal
(Appeals and Amendment) Rules 2011

PART 3

Appeal procedure

Prevention of disclosure or publication of documents and information

- 14.**—(1) The Tribunal may make a decision prohibiting the disclosure or publication of—
- (a) specified documents or information relating to any appeal proceedings; or
 - (b) any matter likely to lead members of the public to identify any person whom the Tribunal considers should not be identified.
- (2) The Tribunal may give a direction prohibiting the disclosure of a document or information to a person if—
- (a) the Tribunal is satisfied that such disclosure would be likely to cause that person or some other person serious harm; and
 - (b) the Tribunal is satisfied, having regard to the interests of justice, that it is proportionate to give such a direction.
- (3) If a party (“the first party”) considers that the Tribunal should give a direction under paragraph (2) prohibiting the disclosure of a document or information to another party (“the second party”), the first party must—
- (a) exclude the relevant document or information from any documents that will be sent or delivered to the second party; and
 - (b) send or deliver to the Tribunal the excluded document or information, and the reason for its exclusion, so that the Tribunal may decide whether the document or information should be disclosed to the second party or should be the subject of a direction under paragraph (2).
- (4) If the Tribunal gives a direction under paragraph (2) which prevents disclosure to a party who has appointed a representative, the Tribunal may give a direction that the documents or information be disclosed to that representative if the Tribunal is satisfied that—
- (a) disclosure to the representative would be in the interests of the party; and
 - (b) the representative will act in accordance with paragraph (5).
- (5) Documents or information disclosed to a representative in accordance with a direction under paragraph (4) must not be disclosed either directly or indirectly to any other person without the Tribunal’s consent.
- (6) The Tribunal may, on its own initiative or on the application of a party, give a direction that certain documents or information must or may be disclosed to the Tribunal on the basis that the Tribunal will not disclose such documents or information to other persons, or specified other persons.

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(7) A party making an application for a direction under paragraph (6) may withhold the relevant documents or information from other parties until the Tribunal has granted or refused the application.

(8) Unless the Tribunal considers that there is good reason not to do so, the Tribunal must send notice that a party has made an application for a direction under paragraph (6) to each other party.

(9) The Tribunal must conduct proceedings and record its decision and reasons appropriately so as not to undermine the effect of a decision made under paragraph (1) or a direction given under paragraph (2) or (6).