



**THE SOCIAL SECURITY & CHILD SUPPORT COMMISSIONERS
OF GREAT BRITAIN**

PRACTICE MEMORANDUM No 2

The Publication and Citation of Commissioners' Decisions

1. Decisions of Commissioners are available on notice for inspection and for the purchase of copies either at the London Office or the Edinburgh Office of the Commissioners. They are also available electronically (further details of which can be found on the Office website, at www.osspsc.gov.uk/decisions/subscriptions.htm).
2. Selected decisions of Commissioners are published on the website of the Commissioners' Office (www.osspsc.gov.uk). Decisions of more general importance that have been issued in the last 12 months are highlighted on the website under "What's New?", and will also be sent by e-mail or in hard copy to subscribers. Details of the subscription service are available from either of the Commissioners' Offices.
3. Decisions are selected for reporting in the official series of reports by an Editorial Board of Commissioners, after consultation with all other Commissioners. Relevant decisions of the higher courts are published in the same series of reports. Decisions are selected for reporting because they are considered to be of general significance and to contribute to the orderly development and operation of the law. They will usually be decisions that deal with points of construction of legislation or with questions of legal principle but, where experience has shown a particular need for guidance in some area of practice, may be decisions that illustrate the application of legislation or established legal principle in that area.
4. Reported decisions of individual Commissioners may be taken to command the broad assent of at least a majority of Commissioners.
5. Suggestions as to, or comments on, the suitability of any decision for reporting and/or publication on the website may be sent to the Secretary to the Editorial Board at the London Office of the Commissioners.
6. In whatever form Commissioners' decisions are published or made available for public inspection, the anonymity of parties to decisions will be preserved so far as reasonably practicable.
7. Any decision of a Commissioner may be cited to the Commissioners in written submissions or at an oral hearing. However, reported decisions should be cited in preference to unreported decisions and, in general, unreported cases should be cited only if they decide some point of relevant principle. Citation of numerous unreported

decisions that are merely illustrative of the application of a principle to similar facts is unlikely to be of assistance.

8. Where an unreported decision is relied upon by a party in proceedings before a Commissioner, a copy of that decision should be sent by that party to the relevant Commissioners' Office.

9. At least 14 days before an oral hearing, each party should send to the appropriate Commissioners' Office (i) a list of authorities relied that will be relied upon at the hearing and (ii) a copy of any unreported decision that will be relied upon, unless a copy has already been sent.

10. When citing a reported Commissioner's decision, the report number should be used (e.g. R(CS)1/05). When citing a decision that is not reported, the Commissioners' file number should be given in full (e.g. CIS/1234/2005). The former "starred decision" numbers should not be used. For higher court decisions, the usual citation should be used but, in addition, if the case is also reported in the Commissioners' series of reports, that report number should also be used.

11. For the avoidance of doubt, the Chief Commissioner's Practice Memorandum of 25 March 2002 in respect of the publication and citation of Commissioners' decisions is revoked.

**His Honour Judge Gary Hickinbottom
Chief Commissioner
31 December 2004**