



British and Irish Legal Information Institute (BAILII)
www.bailii.org

Press Release
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BAILII AND MoJ WORKING FOR OPEN JUSTICE

BAILII welcomes the announcement of the new role for the National Archives (TNA) in archiving and publishing judgments of the superior courts of England and Wales. BAILII has long advocated an official repository of court judgments.

BAILII will continue to offer the essential and independent service which it has provided over the past 20 years in support of access to justice. It will remain the most comprehensive single source of free legal information not just for England & Wales but also for Scotland, Northern Ireland, the Republic of Ireland and other important common law jurisdictions applying the law of this country.

BAILII is grateful for an undertaking by TNA to make available to BAILII for publication all the judgments which TNA publishes to add to BAILII's extensive databases.

BAILII is delighted that it will be working together with the Legal Education Foundation (LEF) to support TNA in developing its new services and to develop BAILII's own broader service.

BAILII has ambitious plans to further enhance its databases with links to commentary and interpretative content from independent sources, and to add to its student service, OpenLaw.

Sir Ross Cranston, Chair of the BAILII Trustees, said: "BAILII very much welcomes this new role for The National Archives. These changes in no way diminish BAILII's role in providing free access to the judgments of the courts and tribunals of the UK, Ireland and other common law jurisdictions. The continued generosity of our donors and supporters will allow us to expand our offering not only to those throughout the UK and Ireland, but also internationally where our law is used and valued."

Andrea Coomber, Director of the human rights and law reform organisation JUSTICE and a BAILII Trustee, said: "For over twenty years BAILII has been a stalwart of access to justice in the UK, day-in day-out providing practitioners and the public with the latest court and tribunal judgments in accessible, searchable formats - and for free."

Matthew Smerdon, Chief Executive, the Legal Education Foundation, said: “BAILII has played a key role in the international movement calling for free access to law as means to promote justice and rule of law. In that context, LEF welcomes the announcement of the new role of the National Archives as making a positive contribution to this goal and to helping people to understand and use the law. In the transition, it is important that BAILII is supported to engage fully in transition arrangements and to enhance its continuing role to help interpret content and ensure that public access to case law is maintained.”

Notes to Editors

BAILII’s contract with the Ministry of Justice will end with effect from April 2022 and there will therefore be no central government financial support for BAILII after that date.

BAILII looks forward to announcements in due course on the scope, structure and design of TNA’s new services, on the level of funding which will be provided, and on the governance structures which will ensure that the services are seen to be appropriately independent. BAILII understands that TNA’s new services will relate only to courts and tribunals of England & Wales.

BAILII as a charity provides independent online free access to the most comprehensive set of British and Irish primary legal materials available for free and in one place on the internet. It is simple to use, popular, fast and low cost. It loads new judgments within hours of receipt. Usage is anonymous, it requires no logon or registration, uses no cookies, trackers or analytics.

BAILII is governed by a Board of Trustees supported by an Advisory Council drawn from a broad range of stakeholders in the judiciary, the legal professions, legal education, and the charitable sector and is based at the Institute of Advanced Legal Studies, University of London (<https://www.bailii.org/bailii/personnel.html>).

BAILII’s recent annual costs of around £230,000 have been met from two sources. About 75% of its income derives from donations from a range of sources primarily from users themselves, individually and institutionally, together with £50,000 from the Ministry of Justice under a contract which will end in April 2022. BAILII has also received grants from the Legal Education Foundation in previous years.

BAILII contains 102 databases covering 10 jurisdictions comprising 169+ gigabytes of legal materials and over a million searchable documents with links to a worldwide network of free access to law partners. Over 35,000 items are added each year (rather less during 2020 as a result of the effects of the pandemic on court hearings).

These derive from many sources: actively sought from courts and individual judges, from collaborative digitisation projects, donated by or licensed from partners and supporters, in addition to the judgments received under an arrangement with the MoJ and in future from the TNA.

BAILII supports legal education through its OpenLaw project originally funded by the Higher Education Funding Council. It provides leading judgments categorised by legal topic and selected by specialist academic lawyers. The project is currently being updated with the assistance of the Institute of Advanced Legal Studies and individual academic lawyers, for example <https://www.bailii.org/openlaw/tort.html>. BAILII is by far the most popular free legal database used in law schools (https://sas-space.sas.ac.uk/6961/1/SLS_BIALL_Report_20162017_survey_final.pdf).

Usage of BAILII continues to grow. During 2020 page views increased by 3 million to 79 million and downloads increased from 3.7 million to 5.4 million. According to an independent survey of BAILII users in 2018, '92% of survey respondents said that BAILII is very important in enabling free access to law; 50% of respondents said that BAILII was very important to their work, while another 36% said that it was fairly important.

BAILII was formed as a charity in December 2000 with Sir Henry Brooke as chair to 'free the law'. He explains the early history and the motivation: "We believe passionately in the need to create a level playing field for access to all, free of charge, to our case law and statutes and other publicly available legal materials", <https://sirhenrybrooke.me/2015/10/26/bailii-how-and-why-it-all-started/>.

BAILII has as part of its mandate a commitment to research in legal information. It sponsors an annual lecture by leading members of the judiciary and eminent academic lawyers, most recently Professor Richard Susskind (<https://www.bailii.org/bailii/lecture/>). BAILII is now collaborating with an Oxford University research project team investigating the implications of AI for law, (<https://www.law.ox.ac.uk/unlocking-potential-artificial-intelligence-english-law>). It is expected that the findings of the research will assist both MoJ/HMCTS and BAILII build future robust data governance structures and inform future decisions on how data might be shared for AI applications and under what conditions.

BAILII is a member of the international Free Access to Law Movement (FALM, <http://www.fatlm.org/>) which comprises over 60 members. The FALM members agree a Declaration of Free Access to the Law which includes the proposition that "public legal information from all countries and international institutions is part of the common heritage of humanity" (<http://www.worldlii.org/worldlii/declaration/>). BAILII uploads materials to the Commonwealth Legal Information Institute

(<http://www.commonlii.org/>) and the World Legal Information Institute (<http://www.worldlii.org/>). In this it demonstrates its international scope and commitment to comparative research.

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