

Clearing the Court for Niqab wearers

The Judicial Studies Board has added to what it calls the *Equal Treatment Bench Book* guidance to judges and others on wearing in court the Muslim niqab, which involves the full covering of the woman's face. The guidance says (oddly) that to ask for the removal of this veil 'would likely serve to exclude and marginalise further women with limited visibility in courts and tribunals'.

The guidance says that if the veil is required to be removed the woman's discomfiture may be lessened by "clearing the public gallery", and asks 'for the court to be cleared of anyone other than those strictly involved with the case'.

This advice is of doubtful legality, since it contravenes the open court rule laid down in *Scott v Scott* (1913), where Lord Halsbury said 'every court of justice is open to every subject of the King'.

The advice is likely to cause resentment among members of the public affected. I suggest it should be withdrawn.

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