



JUDICIARY OF
ENGLAND AND WALES

The Lord Chief
Justice's Report
2017

The Lord Chief Justice's Report 2017

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Introduction by the Lord Chief Justice

My final year in office has, in many ways, been the most difficult.

Brexit – We have seen the introduction of the European Union (Withdrawal) Bill and the start of negotiations with the EU. This is one of the most complex and difficult issues our country has faced in peacetime. The judiciary has helped, and will help, where it can to ensure that the Executive and Parliament are aware of the practical implications for the courts and for legal services as negotiations continue with the EU and the Bill and other legislation passes through Parliament.

The position of English law and the courts of the UK

– The pre-eminence of London as a leading centre for international dispute resolution is being maintained. The false perceptions of uncertainty caused by Brexit are being countered. The judiciary has worked closely with HM Government, the UK legal profession, the City of London Corporation and the Brexit Law Committee to promote UK Legal Services. We have jointly produced a booklet – *The strength of English law and the UK jurisdiction* – to set out the position in unequivocal terms; we used the launch of the Business and Property Courts in July 2017 to promote *LegalUK* on the international stage.

Access to Justice – Significant progress has been made in the world-leading Courts and Tribunals Modernisation Programme over the last 12 months, working closely with HMCTS. I have seen first-hand the commitment of the young to providing better access to justice for all at a 24-hour “Hackathon”, supported by the judiciary and HMCTS; the participants competed and co-operated to write software that demonstrated what can be achieved in an online court. We continue to highlight the importance of reform and how essential it is for there to be access to justice.

Judicial diversity – Encouragement of applications for judicial office from all backgrounds continues to be a priority. The Judicial Diversity Committee has developed a strong support programme, including outreach events, promotion of the judicial work shadowing and mentoring schemes and pre-application workshops, to encourage and build the confidence of applicants from under-represented backgrounds. We continue to strengthen judicial diversity in all its forms to ensure our judiciary is representative of the society it serves and attracts the best and most proficient candidates for the task.



The Lord Chief Justice (m) with Jimmy Vestbirk from Legal Geek (l) and Professor Richard Susskind (r) at a 24-hour “Hackathon”

Independence of the Judiciary – The judiciary has had to defend its independence. This is particularly important at a time where we see the deterioration of judicial independence in other jurisdictions. Judges in England and Wales decide cases without fear or favour. They must not be subject to improper pressure. Judicial independence, and its vital role in upholding the rule of law, should never be taken for granted. Much work has been done, but more is needed, to promote understanding of the role of the judiciary in the constitution and reaching out to all communities to build a better understanding of the centrality of the justice system.

None of this would have been possible without the hard work and determination of the judiciary of England and Wales, the staff of HMCTS and the Judicial Office at a time when the effects of nine years of austerity, retrenchment and other significant reductions in the provision of resources have made the task of delivering justice ever more difficult. No thanks can be adequate for all the support they have provided, and continue to provide, in the process of reform whilst maintaining the proper administration of justice and upholding the rule of law.

1. Courts and Tribunals modernisation

The Courts and Tribunals Modernisation Programme continues apace and well on track with the £1bn investment provided. The judiciary is very grateful to the new Chief Executive of HMCTS, Susan Acland-Hood, her team, the staff of the Judicial Office and the judges who have specific responsibilities for reform for the immense energy that they are all bringing to the implementation of the programme.

Digitisation and technology

Crime

The Crown Courts now operate the *Digital Case System* for all CPS prosecutions and rapid progress is being made on extending the system to all prosecutions. This has meant that the management of cases takes place without the need for paper; pre-trial applications and directions are made online. Many trials proceed without paper; there has been rapid progress in providing ancillary digital facilities such as *Clickshare* which enables advocates to display documents and photographs from their own computers.

Digitisation has not yet reached the Court of Appeal Criminal Division; the huge progress that has been made in the Crown Court can be seen in the contrast with the Court of Appeal when that court sits outside the Royal Courts of Justice.

*Digital Mark Up*¹ has been introduced and, after rigorous testing, rolled out across the Magistrates' Courts. Automated Track Case Management for Transport for London has also been introduced to enable the Single Justice Procedure to operate from receipt of a case through to a decision; it also provides data for subsequent fine and fee collection and enforcement.

Progress is being made with the development of the Common Platform Programme which will link all the paperwork in each stage of a criminal case from arrest by the police and consideration by the CPS to the involvement of the courts and the defence.

Civil, Family and Tribunals

The major decision made during the year was that the same single process would operate across all civil, family and tribunals cases, supported by a single set of new rules designed specifically for the process. Projects are now building component parts which, when put together, will form the same single process. These include:

1 An in-court programme which enables Legal Advisers and Court Associates to record the results of cases.

- Social Security and Child Support Tribunal – parties will be able to resolve their disputes online using a digital end to end service where parties and judges will be able to view evidence online through a Continuous Online Hearing. A digital case file will allow users to track and monitor their case through “Track My Appeal” and access reliable signposting and guidance. Parties will be able to see the grounds of a dispute and further evidence through digital evidence sharing.
- Apply for a Divorce – applicants will be able to process an undefended divorce online from their home, with additional features added in time, including payments and uploading documents.
- Apply for Probate – an online service for people applying for grants of probate.
- Tax Online Project – this project enables appeals to be lodged with the First-Tier Tax Tribunal online.
- Civil Money Claims – this online service will enable parties to resolve money claims online using a largely automated system for claims under £25k and streamlined digital pathway for all other civil money claims.

The Hackathon organised in July 2017 by Professor Richard Susskind (the Technology and Strategy Adviser to the Lord Chief Justice) and *Legal Geek* at the University of Law at Moorgate with the strong support of the judiciary showed the immense potential of modern technology and artificial intelligence in strengthening access to justice.

Estates

There is a surplus in the HMCTS estate which needs to be addressed. This will inevitably involve further court closures which, under the terms of the HMCTS governance arrangements, are decisions for the Lord Chancellor. It will be essential to use the remaining estate more flexibly and efficiently.

Detailed work is in progress in relation to the design of modern court buildings and courtrooms (*the court of the future*), in the better use of court buildings through the flexible hours' pilot, the greater use of *pop up* courts in rural areas and the creation of national justice centres to provide “back office” functions.

In early 2017, HMCTS became directly responsible for the courts and tribunals estate leading to the creation of the HMCTS Property Directorate. During the financial year ended April 2017, the whole of the maintenance budget was spent for the first time in many years.

The Courts and Tribunals Modernisation Programme is expected to provide improvements to the retained court estate in coming years. However, current conditions cannot be overlooked. There is a significant number of courts in very poor condition, requiring immediate maintenance work. The upkeep of court estate is vital to ensure access to justice, respect for the administration of justice and the safety and wellbeing of the judiciary, staff and users.

Governance and delivery

National Governance

HMCTS is responsible for the delivery of the programme under the joint direction of the Lord Chancellor, Lord Chief Justice and Senior President of the Tribunals. Regular meetings take place between the Lord Chancellor, the Lord Chief Justice and the Chairman and Chief Executive of HMCTS.

The Board of HMCTS (which makes the decisions on the delivery of the programme) includes three judges. There is strong judicial representation on other boards responsible for the day-to-day decisions on parts of the programme as well as on the engagement groups that look at detailed aspects of the design. A Judicial Ways of Working Group has also been established to consider the implications of reform on the judiciary and to advise the Judicial Executive Board.

Local Leadership Groups

Thirty-six Local Leadership Groups representative of the judiciary and HMCTS and chaired by a senior judge, have been established across England and Wales. Local Leadership Groups will make decisions on local implementation of the Courts and Tribunals Modernisation Programme in accordance with nationally agreed principles and national decisions. New terms of reference are being agreed to clarify which issues the LLGs should deal with. The creation of these groups is a significant step to the restoration of more local control over justice after the combined effect of *Beeching* in the early 1970s and the abolition of the Magistrates Courts' Committees in 2003 that removed most local decision making.

The professions

HMCTS has established professional engagement groups to ensure practitioners' views are understood as reform proposals develop; similarly a litigant in person group has also been established.

Communication

A real effort is being made to provide much better information about the progress of reform. Articles feature on the judicial intranet and in every edition of the judiciary's internal *Benchmark* publication and a series of events was held this year to assist leadership judges in their engagement with judges and magistrates locally.

Legislation

A Bill to support the programme reached its Second Reading with near universal support for the clauses dealing with the programme, however it was lost with the dissolution of Parliament in April 2017.

A new Bill must be introduced to cover the changes necessary to implement the programme. There is no reason to doubt that the support given earlier in the year will continue and the Bill will receive a speedy passage through both Houses of Parliament.

2. Appointments and Diversity

Recruitment

Significant difficulties remain in recruitment to the judiciary, in particular to the senior levels. At this time, whilst awaiting the outcome of the present recruitment competitions, it appears this may be a difficulty for other levels of the judiciary as well.

The judiciary continue to work with the Judicial Appointments Commission to improve the criteria for selection. An example of a significant change over the past year has been the removal of the requirement for candidates to have a background in a particular jurisdiction, and, instead to select on potential to be a judge in a given jurisdiction, with the Judicial College providing the necessary training after appointment. This should enable civil or family practitioners to sit in crime and those who are criminal specialists or work for the CPS to sit in civil or family or in the tribunals. An assessment of the effects of this change will be made over the coming months as the results of large scale recruitment across courts and tribunals become known.

Diversity: the position in April 2017

Whilst judicial appointment is always on merit the judiciary is undertaking a wide range of initiatives to encourage those from under-represented groups to consider a judicial career or progress to higher office and to help them prepare for the application process.

Steady progress has been made in some areas over the past four years. The percentage of female judges has increased from 18% to 24% in the Court of Appeal; 18% to 22% in the High Court and 24% to 28% in the courts judiciary. In the tribunals, the proportion of female judges has increased from 43% to 45%. For BAME judges, the percentage has increased from 6% to 7% in the courts, and from 9% to 10% in the tribunals; and four of the 29 new Deputy High Court Judges who declared their ethnicity were BAME. The diversity profile is changing amongst younger judges, and although judges under 40 make up only 2% of the total judiciary, at the end of this reporting year about half of all courts judges (49%) and just under two thirds of tribunals judges (62%) aged under 40 were female and 10% of courts judges and 14% of tribunals judges under 40 were from a BAME background. However, there is much more to be done to improve the recruitment of both female and BAME lawyers to the bench.

There are currently 16,129 magistrates, more than half of whom (54%) are female. Of those who have declared their ethnicity, 11% are from a BAME background. However, only 4% of magistrates are aged under 40 compared with 86% aged over 50. Approaches to improving age ratios are being considered as part of a wider review of Judicial Office HR support for the magistracy.

The Judicial Diversity Committee

In April 2017, the Judicial Diversity Committee of the Judges' Council² published its annual report for 2016-17 and, for the first time, a plan for 2017-18.³ The report is a testament to the Committee's and the wider judiciary's commitment to improving representation of female, BAME candidates, and those from less socially advantaged backgrounds. Supported by judges from all backgrounds, the Committee has sought to build the confidence of under-represented groups through outreach events and promotion of the judicial work shadowing scheme, mentoring scheme, and positive action support programme (which includes a pre-application workshop). The support programme has seen positive progress: in the last Deputy High Court Judge selection exercise, 5 of the 21 Judges appointed (24%) had participated in the support programme.

Bearing in mind the evidence of this year's statistics, the Committee will be considering what else might be done to improve judicial diversity over the next 12 months. It will continue its dialogue with BAME lawyers to identify barriers and options to address them. It will also explore opportunities to reach the broadest range of talent; create networking opportunities and run pre-application workshops around the country to support career progression; and improve monitoring and evaluation of all initiatives.

Diversity and Community Relations Judges

The Committee also supports the work of about 100 Diversity and Community Relations Judges (DCRJ) across England and Wales. In the past year, these judges have reached over 4,000 university students, 4,000 school children, 1,800 legal professionals and 1,200 members of their respective local communities.

At its annual training event in July 2017, the Diversity and Community Relations Judges explored the subject of social mobility, in particular how to improve their activities with those from less socially advantaged backgrounds and how to recognise and expose unconscious bias. The event included presentations from the Social Mobility Foundation (including young people from the Young Aspiring Professionals Programme), an academic, a diversity champion and a charity that sponsors mentors for girls from deprived backgrounds.

2 Further information about the Committee's activities can be found at <https://www.judiciary.gov.uk/about-the-judiciary/who-are-the-judiciary/diversity/judicial-diversity-committee-of-the-judges-council-report-on-progress-and-action-plan/>.

3 See: <https://www.judiciary.gov.uk/wp-content/uploads/2017/04/judicial-diversity-committee-progress-report-16-17-1.pdf>.

3. Welfare, Morale, Training and Discipline

Welfare and Morale

The Judicial Attitude Survey conducted in the autumn of 2014 set out the serious loss of morale across the judiciary and continuing dissatisfaction over (1) working conditions, (2) the volume of work and (3) pay and pensions. The 2016 survey confirmed that position. The Judicial Executive Board continues to be immensely concerned about these findings and is doing all it can to address the issues.

First, the Courts and Tribunals Modernisation Programme is beginning to provide real opportunities to improve basic working conditions. Expenditure is now being directed towards addressing the dilapidated state of many court buildings. The provision of up-to-date IT has continued through the work of the IT team for the judiciary: obsolete Windows operating systems have been replaced for the judiciary; eJudiciary, with modern email and speedy access to online law reports and eBooks, is working well. The remaining issues for judges still using out-of-date IT should be resolved as the court systems are modernised.

Second, the Programme should also enable better support to be given to the judiciary. The *Digital Case System* provided for the Crown Court is an example of how paperless files and hearings can begin to assist judges in the better management and control of their work.

Third, it is hoped that issues relating to pay and pensions will be addressed by the Senior Salaries Review Body's Major Review of the judicial salary structure and levels. It will report to HM Treasury by June 2018. The terms of reference require the Major Review to take a fundamental look at three strategic areas:

- The judicial salary structure (the allocation of posts to pay groups within it, including whether there is scope for simplification).
- The way in which judicial leadership should be rewarded and incentivised.
- The relevance of pay to judicial recruitment, retention and motivation.

There is a wide range of judicial input to the Major Review. The SSRB is being advised by an Advice and Evidence Group comprising courts and tribunals judges, and will be informed by a wider consultation with the judicial associations and other stakeholders.

Any failure to address the problems of pay and pensions will have a serious impact on morale and on recruitment.

Training

The Judicial College delivers training for approximately 27,000 judges, coroners, tribunals members, magistrates and legal advisers. Most are located in England and Wales, although some are in reserved tribunals across the United Kingdom.

Training includes both induction and continuation training in the core legal subjects, with social context and diversity issues embedded through case studies. In 2016-17 the College has delivered some 339 courses, despite the reduction in financial resources. The College has therefore had to innovate. E-learning is now blended with face-to-face training; online courses can be accessed through the *Learning Management System*, which supports online booking and evaluation and hosts course and reference materials.

During 2016-17, the College established a Faculty, including external academics, to co-ordinate pervasive work themes. These are activities, skills and knowledge (rather than the substantive law) that are applicable and common to all regardless of jurisdiction. Skills training includes *Training Judges to be Trainers*; *Business of Judging*, which provides opportunities to consider ethics; Communication; Unconscious Bias; Leadership and Management; Appraiser and Mentor Skills; and *Judge as a Communicator*. Separately, the *Leadership Masterclasses* were attended by 150 leadership judges. Another seminar on the Welsh language took place to assist those members of the judiciary undertaking hearings in Welsh. The College also prepared a range of distance learning and training packs, for local delivery by magistrates and accredited legal advisers.

College publications this year included the *Guidelines for the Assessment of General Damages in Personal Injury Cases*, the *Equal Treatment Bench Book*, jurisdictional bench books, Tribunals Journal and e-letters that provide updates in the crime, civil and family jurisdictions.

Judicial Library and Information Service

The Judicial Library and Information Service, now in its second year as part of the Judicial Office, provides legal information services to 1,700 salaried judges, 7,500 fee-paid judges and 1,100 legal advisers in the courts and tribunals. Through the library in the Royal Courts of Justice, a central legal research and enquiry service for judges across England and Wales is offered. Last year, the Library Service provided over 30,000 print publications, as well as access to an unrivalled collection of online legal information, and dealt with over 2,500 research enquiries.

The cost of legal information is substantial, but, last year, significant savings were achieved by working with judges to review their requirements and to reduce duplication. Whilst print remains the format of choice for many judges, the use of online information and eBooks is being encouraged and is steadily increasing. Digital resources have the advantage of currency and accessibility, enabling judges to work more flexibly, thus supporting the aims of the Courts and Tribunals Modernisation Programme. The priority over the coming year, therefore, will be to implement a comprehensive training programme so that judges are equipped with the necessary skills to take advantage of the many benefits offered by digital resources.

Judicial security

Ensuring the safety and security of the judiciary is vital. Unfortunately, members of the judiciary continue to be subject to serious threats and physical attacks which has resulted in reconsideration of various security protocols. The minimum security standards approved by the Judicial Security Committee in June 2016 were approved by the HMCTS Senior Management Team in August and are currently being used to determine whether hearing rooms are fit for purpose. HMCTS Property Directorate is currently overseeing delivery of a £1.7m programme to deliver minimum security standards to all hearing rooms. HMCTS is also reviewing security procedures on entry to court buildings.

Discipline

The Judicial Conduct Investigations Office is an independent office that supports the Lord Chancellor and Lord Chief Justice in their joint responsibility for judicial discipline. Having made improvements to processes over the last three years, the office is now developing a new IT system to further improve timeliness and accessibility.

The Judicial Conduct Investigations Office reports separately to Parliament.⁴

4 For the most recent report, please visit: <https://judicialconduct.judiciary.gov.uk/reports-publications/>.

4. Criminal Justice

The just, effective and timely delivery of criminal justice remains of real concern to the judiciary. Whilst the number of cases continues to fall in both the Magistrates' and Crown Courts, the complexity and length of cases continues to increase.⁵ Crimes such as fraud and cybercrime are growing. The courts are still faced with a heavy volume of sexual offences – both historic and contemporary. There has been a reduction in the number of outstanding sex offence cases since the second quarter of 2016, as the courts have been able to conclude cases at a faster rate than new cases are brought to court.⁶

However, because of the lack of data in relation to case length, which the current technology cannot provide, it is presently impossible to gauge accurately the effect of the reduction of case numbers on the workload of the courts. It appears that the reduction in the number of cases is counterbalanced by the increase in complexity and length.

The continuing rise in the number of longer term prisoners is an increasing concern. Although the number of those held under Imprisonment for Public Protection continues to decline, the impact of the introduction of Extended Sentences is now evident, as is the steady increase of those sentenced to custody for four years or more. The state of the custodial conditions under which young persons are detained is in real need of reform. A visit by the Lord Chief Justice to Feltham Young Offenders Institution during the inspection by the Chief Inspector of Prisons provided ample evidence of the serious issues that are faced. The work being conducted by bodies such as the Prison Reform Trust to provide employment on release is welcomed by the judiciary at a time when much needs to be done to improve the effectiveness of the Community Rehabilitation Companies.

Reform undertaken by the judiciary

In a year when the political climate meant ensuring continuity of projects had an extra layer of difficulty, the judiciary, through the Criminal Justice Leadership Team, has continued to pursue different ways of achieving improvements to the administration of criminal justice.

An example of this has been the support for the work being undertaken by Professor Cheryl Thomas of University College London to develop notices for jurors to help them understand their legal responsibilities when serving on a jury.

Monitoring and preparing for the changing landscape has meant that judicial involvement on the National Criminal Justice Board has been essential to ensure that all sections of the criminal justice system work together to understand the challenges.

5 <https://www.gov.uk/government/statistics/criminal-court-statistics-quarterly-january-to-march-2017>.

6 <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingdec2016>.

Evidence given by children

During the past year, thanks to the hard work and dedication of the judges in the Crown Courts in Leeds, Liverpool and Kingston, the pilots for pre-recorded cross-examination under s.28 of the Youth Justice and Criminal Evidence Act 1999 for witnesses under 18 years and adults without capacity have become embedded in those areas. The judiciary are leading on the timetabling and sequencing of the wider roll out for child witnesses and adults without capacity. For the sake of some of the most vulnerable people in the criminal justice system it is important that roll out is done in a systematic and achievable way so that the benefits already seen in the pilot areas are not undone. The original courts at Leeds, Liverpool and Kingston, which have built particular expertise and have begun to pilot cross-examination under s.28 of complainants in sexual offences or modern slavery offences. This is already proving to be a much more complex task than provision of cross-examination of children.

Forensic science

Over the last year, the judiciary has continued to encourage strong links between the legal and scientific communities. The multi-jurisdictional work across both communities puts the UK at the forefront of global thinking about how robust and usable scientific evidence can be developed for the court. The judiciary welcomes the establishment of the Science and Justice System Forum under the chairship of Dr Julie Maxton, Executive Director of the Royal Society, to coordinate this work.

The Leverhulme Research Centre for Forensic Science at Dundee University has celebrated its first anniversary. Professor Dame Sue Black and Professor Niamh Nic-Daeid at Dundee have been instrumental in ensuring continued momentum in the link between science and the law. The Royal Society is working with the Royal Society of Edinburgh and senior members of the judiciary on a series of primers on scientific evidence to assist the judiciary and legal teams. DNA and gait analysis primers are currently being developed. This will be the culmination of the initial stage of successful joint working, articulating agreed science through the lens of its application in the courtroom.

Work has also started on examining similar progress on issues of medical science which arise in court proceedings, particularly in relation to infant deaths.

Court of Appeal (Criminal Division)

Over the last year there has been a reduction in case receipts for both conviction and sentence, though there has been a significant increase in references by the Attorney General; references require speedy hearings and generally a greater degree of casework. Overall, live caseload and the number of old cases has increased slightly, although efforts to reduce the number of cases continues. It has also been noted that the appeal work has increased in complexity requiring greater input from case officers.

Average waiting time from receipt to final disposal is within target for conviction renewal cases, but remains out of target for sentence-only cases and conviction grants/referrals. This is mainly due to significant staff shortages over the past 9 months (compounded by delays in recruitment and lengthy training due to the specialised nature of the roles).

A matter of concern, due to the reduction of number of High Court judges and the difficulties in obtaining deputies, is the time taken to allocate a case to the single judge. The time taken has increased significantly in the past 12 months.

Criminal Procedure Rule Committee

The Committee, which brings together representatives of all those involved in criminal court proceedings continues its important work in developing and updating rules to ensure that the practice and procedure of the courts keeps pace with the changes in legislation, the implementation of longstanding provisions (such as s.28) and suggestions for the better conduct of criminal proceedings. The Court of Appeal Criminal Division has continued to make requests to the Committee, as review by the Committee of an issue can provide a wider perspective than that provided to the Court in the hearing of an appeal. During the year, Criminal Procedure Rules 2017 have been published. Subsequent amendments, along with updates to Criminal Practice Directions, ensure that the codification of the procedural criminal law continues at pace; it is a welcome development that most legislation now leaves issues of procedure to the Committee rather than including provisions in primary legislation. It is good to be able to note that use of the Criminal Procedure Rules and Practice Directions are now generally acknowledged to be essential to the proper conduct of appearance in the courts.

Sentencing Council

The work of the Council continues in its programme to provide guidelines for most offences and revising the existing guidelines where necessary. The number of definitive guidelines published include *Sentencing Young People and Children*, *Reduction for a Guilty Plea* and the *Imposition of Community and Custodial Sentences*. *Consultations on Manslaughter, Breach of Court Orders and Child Cruelty* have also been released. The Council brings together a wealth of experience from across the criminal justice system to ensure that all those involved in the sentencing process have constructive and informative guidelines to reply upon. The Sentencing Council publishes a separate report⁷.

The Courts Martial

The introduction of Better Case Management has, as expected, brought greater efficiencies to the Courts Martial. Whilst the number of cases coming into the system seems to have stabilised, the trend is undeniably towards fewer but more serious offences, making judicial initiatives to improve the Service Justice System more important than ever. The Judge Advocate General has therefore continued to press for a wide-scale review of the operation of the courts to ensure that best practice from the civilian criminal jurisdiction is adopted, whilst continuing to limit the impact on military operational effectiveness. Notwithstanding the drive for further modernisation, the service judiciary and courts continue to be highly respected globally and high-level delegations have been received from Canada and Australia in particular.

7 <https://www.sentencingcouncil.org.uk/>.

5. Civil Justice

Efforts to reform and modernise work in the civil jurisdiction has continued apace. Major developments in the reporting period include the development of the Business and Property Courts, and publication of the Civil Courts Structure Review's final report.

A new leadership structure has been put in place to oversee the operation of the civil courts, with a Judicial Civil Justice Board and a Civil Executive Team meeting more regularly to tackle implementation of reforms and respond to business pressures and concerns. Presiding Judges now report to the Deputy Head of Civil Justice on civil business matters.

One of the main areas of focus has been the civil aspects of the Courts and Tribunals Modernisation Programme, and the judiciary at all levels has been helping to shape and inform the programme and its application in the civil justice system. This includes the Civil Money Claims project (to which a District Judge has been seconded), and civil aspects of other reform topics such as case officers, open justice and the courtroom of the future.

The Business and Property Courts

As of July 2017, the specialist civil jurisdictions of England and Wales, comprising the Commercial Court, the Technology and Construction Court, and the courts of the Chancery Division, became known together as the Business and Property Courts. From 2 October 2017, the Business and Property Courts will operate on the basis of the following courts or lists:

- (1) Admiralty Court (QBD)
- (2) Business List (ChD)
- (3) Commercial Court (QBD)
- (4) Competition List (ChD)
- (5) Financial List (ChD/QBD)
- (6) Intellectual Property List (ChD)
- (7) Insolvency and Company List (ChD)
- (8) Property, Trusts & Probate List (ChD)
- (9) Revenue List (ChD)
- (10) Technology & Construction Court (QBD)

This reform stems from the recognition that the judiciary and legal services contribute significantly to the UK economy, and that it is therefore crucial that, after Brexit, the domestic and international commercial communities are able to identify the wide scope of dispute resolution that is provided by the English and Welsh courts. Presenting these courts under one umbrella also displays the full strength of the judiciary of England and Wales, while retaining, for those familiar with the existing procedures, the choice that comes with each of the jurisdictions.

The strength of the Business and Property Courts comes not just from a combination of the distinct jurisdictions, but also from the tightening of the link that exists between the work of these courts in London, and that of their counterparts in the civil justice centres in the regions of England and Wales. Transfers between the courts in London and those in the English regions and in Wales are being facilitated through a Business and Property Courts Practice Direction; and judges of the right level of expertise will be deployed more flexibly across all the courts. The courts will also be linked by a modern technology system that will facilitate judicial access to court files and documents. The aim is to support the principle that no case is too large to be tried in the English regions or in Wales with increased resources and improved infrastructure. That same principle is being applied across the civil jurisdiction.

Civil Courts Structure Review

The 62 recommendations in the final report for the Review undertaken by Lord Justice Briggs (published in July 2016) have been broadly supported and welcomed by both the senior judiciary and the Government. The focus over the last 12 months has been on implementation, led by the Civil Executive Team. A number of the recommendations, including the use of the *Online Court* for civil disputes, are being taken forward as part of the Courts and Tribunals Modernisation Programme.

Proposals are being developed to ensure that other cases in the English regions and in Wales are also retained or heard in local courts rather than London. The jurisdictional limits between the High Court and County Court are being reviewed. Pilots will be taking place in three court centres for out-of-hours mediation services.

Court of Appeal (Civil Division)

The reforms designed to relieve pressures on the Court of Appeal's Civil Division have started to have a positive impact on the backlog and pressures of work in the court. The context is an increase in the court's work of almost 60% in the last five years, with no increase in judicial resources.

The reforms included: dealing finally with more applications for permission to appeal without the need for an oral hearing; re-routing some appeals from the County and Family Courts to the High Court; and increasing the number of two judge courts (rather than three).

Immigration and asylum appeals now make up over half the permission to appeal applications received by the court (4,300 in 2016), and on average only 15% receive permission to proceed to a hearing. A range of measures is being pursued to manage this heavy volume, and legislative and procedural reforms are being considered. Shorter term steps, such as using retired High Court judges with specialist expertise, have also been taken.

Control of litigation costs and disclosure

Lord Justice Jackson was commissioned by the Lord Chief Justice and the Master of the Rolls to undertake a further review into civil litigation costs in November 2016. The terms of reference for this review were:

1. To develop proposals for extending the present civil fixed recoverable costs regime in England and Wales so as to make the costs of going to court more certain, transparent and proportionate for litigants.
2. To consider the types and areas of litigation in which such costs should be extended, and the value of claims to which such a regime should apply.
3. To report to the Lord Chief Justice and the Master of the Rolls by 31 July 2017.

The report was published⁸ and made a number of recommendations for extending fixed costs, and other measures to control recoverable costs (e.g. cost capping). The report proposes a new “intermediate track” with streamlined procedure for less complex claims up to a value of £100,000.

The report will now be considered by the senior judiciary and the Government, which has committed to consulting before implementing any reforms.

Civil litigation costs have been a major public policy issue in the last twelve months with the Government consulting on reforms to whiplash claims and the small claims limit for personal injury cases, as well as fixed costs in clinical negligence cases.

The high cost of litigation is also being addressed through an initiative to control the costs and scope of disclosure, in particular in business litigation where disclosure can sometimes reach disproportionate levels relative to the value of the claim. A working group has agreed a number of principles for controlling disclosure that will be piloted in the Business and Property Courts from 2018 onwards. This initiative is intended to contribute to keeping the courts of England and Wales competitive.

Financial list

The Financial List has continued to be successful. As part of the Financial List initiative launched in October 2015, the Financial Markets Test Case Scheme also came into effect. The purpose of this scheme is to provide a procedure which enables issues to be brought before the court by interested parties without the need for an underlying dispute. It allows for immediately relevant authoritative English law guidance on a point to be provided. The scheme, while implemented only as a pilot scheme in October 2015, has in 2017 been extended for a further three years. As Brexit may necessitate the need for speedy market test case determinations, the test case scheme is likely to be important for the future.

8 <https://www.judiciary.gov.uk/announcements/statement-from-the-lord-chief-justice-and-the-master-of-the-rolls-review-of-fixed-recoverable-costs-publication-of-report/>.

The impact of Brexit

The work in which the judiciary is engaged with others in relation to the promotion of English law and UK jurisdiction is set out in the International section of this Report.

The senior judiciary, along with others, have emphasised the importance of the Government providing clarity on issues relating to proper law clauses, jurisdiction clauses and the recognition and enforcement of judgments. These are issues on which decisions cannot be delayed as clarity is essential for those entering into contracts at the present time.⁹

The publication on 22 August 2017 of the paper “Providing a cross-border civil judicial cooperation framework” was welcome, but there remains significant issues to be addressed and clarified.

⁹ For example, the speech made by the Lord Chief Justice at the opening of the Business and Property Courts for Wales on 24 July 2017: <https://www.judiciary.gov.uk/wp-content/uploads/2017/07/speech-lcj-opening-of-the-business-and-property-courts-for-wales.pdf>.

6. Family justice

Increase in public law cases

2016 saw a large and sustained rise in public law applications. Between January and November 2016, the year-on-year increase averaged 20%. This was on top of a similar scale of increase in 2015. Since the beginning of 2017 the rate of increase has slowed, but the trend is still upwards. There were 5,051 new public law applications in January to March 2017, up 5% on the equivalent quarter in 2016.¹⁰ Average case duration is beginning to move up again after a long and sustained fall, it now stands at 28 weeks after several quarters hovering around 27 weeks. This rise in caseload comes at a time of static judicial resources.

The President of the Family Division has described the situation as a crisis, a view with which the Lord Chief Justice concurs. The judiciary has taken a leading role in looking for means of controlling the rise in public law cases through the pilot of settlement conferences and are supportive of other initiatives like PAUSE,¹¹ FDAC¹² and the New Orleans Intervention Model¹³ being piloted by LIFT,¹⁴ which seek to tackle the problems which drive families into public law proceedings.

HMCTS data on numbers of public law applications by region reveals wide variations between local authorities of broadly similar demographics and measures of deprivation. The judiciary welcomes the research¹⁵ conducted by Professor Judith Harwin and others, at Lancaster University, to analyse the reasons for such variations in demand for care proceedings.

Domestic violence

The judiciary has pressed for the ending of an alleged perpetrator's right to cross-examine an alleged victim in the Family Court for many years and welcome the Government's commitment to legislate on this issue. The President commissioned a review of the effectiveness of Practice Direction 12J dealing with the court's approach to child contact in those cases where there are allegations of domestic violence. A report was published in January 2017 which proposed a number of amendments to 12J. Several submissions on the new draft 12J were received from Women's Aid, Families Need Fathers and others. The draft Practice Direction has been revised and considered by the Family Procedure Rule Committee. An amended 12J is expected to come into force by September 2017.

10 Family Court Statistics Quarterly Jan to March 2017. <https://www.gov.uk/government/statistics/family-court-statistics-quarterly-january-to-march-2017>

11 PAUSE – a therapeutic intervention model that works with mothers who have had more than one child removed from their care to help them break the cycle. Following a successful pilot the model is being rolled out across the country.

12 Family Drug and Alcohol Court. A specialist problem-solving court to deal with cases involving addition issues. Parents who complete treatment successfully under FDAC supervision are more likely to have their children returned to their care.

13 New Orleans Intervention Model – this intensive social work intervention model is being piloted in a number of areas in the UK to determine whether it produces better outcomes than existing good practice.

14 London Infant and Family Team. A multi-disciplinary team at Croydon Children Services.

15 New entrants and repeat children: continuity and change in care demand over time. Harwin & Alrouh, April 2017.

Intermediaries

The judiciary of the family courts has been seeking, for some time, to improve support for vulnerable witnesses to match the level currently available in the criminal courts. Draft rule changes are currently before the Family Procedure Rule Committee and it is envisaged that new provisions will be implemented before the end of 2017.

Radicalisation

Care cases involving radicalisation have continued to be dealt with according to the President's Guidance issued in October 2015. Numbers of cases deriving from actual, or attempted, travel to IS territory have reduced over the last 12 months. During this year, the Family Court dealt with a number of cases arising from radicalisation and terrorism in a purely domestic context and, over the next 12 months, it is anticipated that cases will also arise when the families of UK citizens return from IS territory. The Guidance will be kept under review.

Appeals

From October 2016, the Family Division of the High Court took over responsibility from the Court of Appeal for the majority of appeals in private law cases from the Family Court. A single Family Division judge now considers appeals that were dealt with previously by three Court of Appeal judges. A new procedure has demonstrated that these cases can be dealt with expeditiously and fairly.

Anglo-Scottish judicial cooperation

A protocol is currently being developed to promote closer co-operation between the judges of the Family Courts of England and Wales and their colleagues in Scotland. The protocol will cover a number of issues of mutual interest including how to approach care cases with a cross-jurisdictional element. It is hoped that, in time, the provisions of the protocol will be further developed and extended to support co-operation on care cases across the whole of the UK.

7. Administrative Justice

The work of the Tribunals and the future aim

The work of the Tribunals largely comprises the resolution of disputes between the State and its citizens. The work is summarised in the annual report of the Senior President of Tribunals.¹⁶

The long-term aim is for the merger of the courts and tribunals and the creation of one justice system. This was set out in the joint statement that the Lord Chancellor, the Lord Chief Justice and Senior President of Tribunals issued in September 2016 – the plan “to create one system and one judiciary”.¹⁷ The Lord Chief Justice explained its historic context and made suggestions for taking the matter forward in a speech in Cardiff in October 2016.¹⁸

The Administrative Court and the Planning Court

The Administrative Court has continued to take significant steps to improve how the Court works. Suggestions for improvement and amendments to the Judicial Review Guide 2016 are being incorporated into an updated version of the guide that was issued on 1 August 2017.¹⁹ The Guide received significant praise from the court user community having drawn together relevant statutory provisions, rules of procedure, practice directions and case law on the procedural aspects of judicial review.

From February 2017, certain powers of the High Court were delegated to the Administrative Court Office lawyers.. It has had a positive effect on saving judicial resources for more complex matters. Lawyers are now able to deal with the making of case management directions, decisions on whether a matter ought to be listed before a Divisional Court and some applications for relief from sanctions where for example a matter has been closed where no application fee has been paid. Between February and May 2017 the total number of lawyer decisions made under delegated powers totalled 503; 320 were determined by the London team and 183 by the teams in Cardiff, Birmingham, Leeds and Manchester. A review of the use of delegated powers by the Master of the Administrative Court demonstrated that the powers continue to be used appropriately and effectively.

A pilot scheme to extend the role of case progression officers within the Administrative Court has proved successful in supporting the lawyers in exercising delegated powers. Under lawyer supervision, the team has played a significant role in progressing cases, particularly extradition cases, which have seen an increase in number over the last 12 months. This in turn has enabled the lawyer team to focus its attentions on preparing and dealing with complex matters that raise novel points of law, draft guidance and provide greater assistance to members of the judiciary.

16 <https://www.judiciary.gov.uk/publications/senior-president-of-tribunals-annual-report-2017/>.

17 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/553261/joint-vision-statement.pdf.

18 <https://www.judiciary.gov.uk/wp-content/uploads/2016/12/lcj-single-judiciary-wales-Oct-2016.pdf>.

19 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/634238/HMCTS_Admin_Court_JRG_2017_310717.pdf.

The introduction of changes to the court counter service (a drop box facility for non-urgent papers) and the withdrawal of a checking service for represented claimants has reduced the time taken to refer urgent matters to the judiciary for determination and reduced counter queuing times. Both initiatives have received positive feedback from the Court's user community.

All these initiatives have been successful due to the unwavering commitment and collaborative working of the lawyers, administrative teams and the judges working together to save judicial time, speed up the progress of cases and improve the customer experience of using both the Administrative and Planning Courts.

The Coronial system

The Chief Coroner provides judicial leadership and guidance, oversees the flow of cases through the system (in particular, high profile cases and those requiring the appointment of judges) and exercises several statutory and administrative functions in respect of the coroner system.

Since October 2016 the Chief Coroner has focused particularly on developing the training and appointments processes. He is also taking early steps on a system of coroner appraisal.

Major incidents

This year has been marked by significant pressures on the work of coroners nationally, from the terrorist attacks in Westminster, Manchester and London Bridge, to the disaster at Grenfell Tower.

Manchester and Grenfell Tower have highlighted the key role coroners have to play in the immediate aftermath of a mass fatality, combining operational leadership, on-the-ground legal decision-making and co-ordination of partner agencies. This is all before they set foot in a courtroom to conduct an inquest, which in many of the cases would be some time down the line. Coroners must co-ordinate and organise the body recovery, identification and return to families of the dead. Mass fatalities, such as the Grenfell Tower tragedy, can pose extremely difficult issues around the identification of remains and about how that information is communicated sensitively and in a timely way to families.

Events worldwide have shown that it is important to deal with the process of identification in a clear and methodical way to make sure that the correct identifications are made. The Chief Coroner has worked closely with each of the Senior Coroners in the coroner areas where these incidents have taken place.

Training

The Chief Coroner trains approximately 1,000 people in coroner work each year: 380 coroners and approximately 600 coroners' officers. This training, under the auspices of the Judicial College, has been highly successful. Training is delivered through a range of two-day residential courses, which are all compulsory. These include an induction course for newly appointed assistant coroners, continuation courses for all coroners and continuation courses for all coroners' officers, as well as one day events.

Last year, the coroners' continuation courses concentrated on mental health issues in investigations and inquests. This year the annual continuation courses for coroners focused on disaster victim identification and preparedness for mass fatality incidents, which was timely given subsequent events. The first and second (of five) continuation courses have taken place and were met with universal approval.

Cases over 12 months old

The Chief Coroner is required to monitor coroner investigations lasting longer than 12 months. The Chief Coroner has a statutory duty to report to the Lord Chancellor on these cases.

Following the introduction by the Chief Coroner in 2014 of a standard procedure for reporting on cases over 12 months, there has been a marked decrease in the numbers of cases outstanding. There has been a reduction from 2,673 cases first reported in 2014 to 1,508 cases reported in 2017. This figure is approximately 0.5% of all deaths reported.

8. Wales

The Wales Act 2017

The Wales Act 2017 received Royal Assent on 31 January 2017. This latest phase of devolution for Wales gave new powers and areas of competence to the National Assembly. The Act creates a new judicial post, the President of Welsh Tribunals, to be appointed by the Lord Chief Justice in consultation with the Lord Chancellor and Welsh Ministers. The President of Welsh Tribunals will establish and communicate the judicial strategic direction for the Welsh Tribunals and play a critical role in ensuring that the independence of the Welsh Tribunals can be and be seen to be robustly protected. The first President of Welsh Tribunals is due to be appointed later this year, once the necessary provisions of the Wales Act 2017 are commenced.

As the reforms to HMCTS develop, it is important that the Welsh Tribunals are given equal opportunity to modernise and benefit from innovative processes and services.

Welsh legislation

The National Assembly for Wales currently has legislative competence in 20 areas and has been active in all of these since 2007. During this period it has passed more than 50 pieces of primary legislation and, since 1999, more than 4,000 Welsh Statutory Instruments have been made, both to support the Welsh primary legislation and also pursuant to powers conferred on the Welsh Ministers under legislation made by the UK Parliament.

The operation of a justice function to manage the impact of this legislation for Wales remains of concern as it is unresolved. The Ministry of Justice had sought to address this through the establishment of its cross-government Justice in Wales Working Group. Although its proposed recommendations have not yet been published, the judiciary is hopeful that there remains a commitment to ensuring that there are necessary underpinning mechanisms to enable legislation to operate effectively.

The Judges' Council Committee for Wales continues to monitor the impact of increasing levels of divergent legislation on the courts and tribunals systems and the judiciary. The Committee set up a sub-committee, the Wales Strategy Group, to look at a number of immediate issues and to put in place practical actions for dealing with Welsh law. Its recommendations are being implemented.

Given the extent that the introduction of legislative provisions depend upon the issue of subordinate and secondary legislation, it is important for the judiciary to receive timely notifications of potential changes. The judiciary is grateful to the Welsh Government for recognising the importance of this and extending existing practices in notifying the Lord Chief Justice of primary legislation to include secondary legislation.

Welsh language

Despite issues with data collection in 2016-17, it is anticipated that the Welsh language will have been used in 600-700 cases by the end of this year. The number of Welsh-speaking judges has risen, with a third of all Circuit Judges, a third of District Judges and just under a half of District Judges (Magistrates' Courts) being able to conduct cases in Welsh.

There is an increased awareness and understanding of the impact of devolution in Wales. Training has been organised through the Welsh Committee of the Judicial College and is available at least bi-annually. The Judicial College now produces an e-letter for Wales which is bilingual.

The rights of court users in Wales to speak Welsh in the Family and Civil Courts will be embodied in the Court Rules, and those changes are currently before the Rules Committees. This has already been achieved within the criminal courts.

9. The legal profession and Justice out of London

The legal professions

LegalUK

The twin pillars of our legal system are an independent, diverse, impartial and incorruptible judiciary and an independent, strong, diverse and effective legal profession. As a nation, we have a longstanding history and well-earned reputation for excellence in respect of each pillar. It is because of this strength that English law is so often the law of choice in commercial contracts; why our courts, arbitral institutions and ADR providers are so often used in cases of dispute; and, why the UK is able to contribute significantly to the promotion of the rule of law and fundamental rights worldwide. The UK is therefore, rightly, seen as a world-leader in law and justice.

The UK accounts for some 10% of global legal services fee revenues and 27% of the world's 320 legal jurisdictions use English law. At home, the legal services sector employs over 370,000 people, two-thirds of whom work outside London. The legal sector's trade surplus has nearly doubled over the past decade to £3.4bn in 2015, helping to partially offset the UK's trade in goods deficit. Legal services' contribution to the UK economy increased by over 36% (in the period 2008–2015) to £25.2bn or 1.5% of GVA.²⁰

The legal profession and legal services regulation

Necessarily, the judiciary has a keen interest in the quality of all branches of the legal profession. Barristers, solicitors and legal executives appearing in the courts and tribunals as advocates or as litigators on record must conduct themselves with the highest standards of professional conduct and ethics. There remains, at present, debate about the regulation of legal professionals and the regulation of the legal services market. Now, more than ever, it is critical that careful thought is given to any changes and that strong safeguards are put in place when changes are made. Most importantly, the highest standards of training and practice must be encouraged and the practitioner's overriding duty to the court preserved so as to maintain the world-class reputation of our jurisdiction.

There is a nascent concern that the public interest too often gives way to the consumer interest, which is itself too narrowly defined.²¹ Therefore, the judiciary will take a more structured approach to engagement with the representative and regulatory bodies in future to make sure the constitutional position of the legal profession is properly understood and weighted accordingly as decisions are taken.

20 For further information, see TheCityUK's Legal Services Report 2016 (<https://www.thecityuk.com/assets/2016/Reports-PDF/UK-Legal-services-2016.pdf>). The 2017 Report will be published later this year.

21 See, for instance, Lady Hale's comments to the House of Lords Constitution Committee: <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/constitution-committee/president-and-deputy-president-of-the-supreme-court/oral/49543.pdf>.

Justice out of London

Those who practise in London on occasion forget the importance of the very strong Bars and solicitors' firms which are based outside London. They provide excellent legal services and access to justice at a cost that is often significantly less than the cost of such services in London.

The senior judiciary is committed to supporting the legal profession outside London by strengthening the work of the courts. Of greatest significance in the last year is the launch of the Business and Property Courts of England and Wales described earlier. This not only makes it very clear what *LegalUK* has to offer the international dispute resolution market; it also provides a truly national network of expert, specialist courts in our major cities. In future, no case will be too big or too complex to be tried outside London. The UK will therefore continue to innovate and lead in the resolution of national and international disputes.

The Court of Appeal (Civil Division) continues to sit in Cardiff twice a year. During the last legal year, the Court of Appeal (Criminal Division) sat in Cardiff, Birmingham, Leeds, Liverpool, Oxford, Swansea and Winchester. The feasibility of increasing the number of sittings of both Divisions of the Court of Appeal outside London remains under review.

10. Working with Parliament, Government and other judiciaries of the United Kingdom

This year has tested the relationships between the three branches of the State. In particular, for the judicial branch, the Article 50 (or *Miller*)²² litigation brought to the surface the reality of widespread misunderstanding of the role and function of the judiciary, its place within the constitution and of the centrality of justice and the rule of law to our society. This year marks the tenth anniversary of the coming into force of the Constitutional Reform Act 2005, which made the Lord Chief Justice the Head of the Judiciary of England and Wales. The time was right to reflect on the operation of these still relatively new constitutional arrangements.

In a series of two lectures, the Lord Chief Justice considered, first, the governance and cohesion of the judiciary,²³ and second, the judiciary's interrelationship with the other two branches of the State and the media.²⁴ The first lecture recognised the importance of a cohesive structure that was necessary to safeguard the institutional and individual independence of the judiciary. The second lecture concluded that the effective operation of our constitution required both independence and interdependence, with due respect afforded to the roles and functions of each branch of the State.

These lectures notwithstanding, it is clear that much more needs to be done in terms of deepening the understanding of the centrality of justice and the rule of law among the public, as well as public servants and politicians working in the executive and legislative branches.

Parliament

The Lord Chief Justice gave evidence to the House of Commons Justice Committee.²⁵ The evidence session principally focused on matters relating to and arising from his 2016 Report.²⁶ In addition, the Lord Chief Justice gave evidence to the House of Lords Constitution Committee about matters affecting the judiciary and the justice system more broadly.²⁷ In particular, the Lord Chief Justice drew the Committee's attention to ten issues of critical importance that were, and remain, of current concern.²⁸

22 <https://www.judiciary.gov.uk/judgments/r-miller-v-secretary-of-state-for-exiting-the-european-union/> and <https://www.supremecourt.uk/news/article-50-brexite-appeal.html>.

23 <https://www.judiciary.gov.uk/announcements/lionel-cohen-lecture-by-the-lord-chief-justice-the-judiciary-within-the-state-governance-and-cohesion-of-the-judiciary/>.

24 <https://www.judiciary.gov.uk/announcements/michael-ryle-memorial-lecture-by-the-lord-chief-justice-the-judiciary-within-the-state-the-relationship-between-the-branches-of-the-state/>.

25 <http://www.parliament.uk/business/committees/committees-a-z/commons-select/justice-committee/news-parliament-20151/lord-chief-justices-report-2016-evidence-16-17/>.

26 <https://www.judiciary.gov.uk/wp-content/uploads/2016/11/lcj-report-2016-final-web.pdf>.

27 <https://www.parliament.uk/business/committees/committees-a-z/lords-select/constitution-committee/other-work/parliament-2015/lord-chief-justice/>.

28 <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/constitution-committee/lord-chief-justice/written/49332.pdf>

The judiciary remains willing to provide assistance to Parliament on other matters in accordance with proper constitutional boundaries. The established Guidance and excellent working relationships between the Parliamentary Clerks and Judicial Office officials ensure that requests for judges to give evidence are properly managed.²⁹ Separately, and in a novel use of their powers, the Lord Chief Justice and Senior President of Tribunals laid joint representations before the Public Bill Committee reviewing the Prisons and Courts Bill 2017 to explain the background to and need for the justice-related provisions.³⁰

Twice yearly, the Lord Chief Justice separately meets with the Chair of the Justice Committee, the Chair of the Constitution Committee and other peers with an interest in justice matters, and the Clerk of the House of Commons to discuss matters of common interest and concern. These informal exchanges provide a valuable opportunity for discussion and learning on each side, so that each branch can better discharge its functions in the public interest.

In keeping with this, the judiciary is keen for Members of Parliament, Peers and Parliamentary Clerks to visit the courts and tribunals so they can see first-hand the work of judges. A scheme, operated in conjunction with the Industry & Parliament Trust, has been re-vitalised to take account of the many demands on time.³¹ It is very much hoped that, whether through this scheme or by separate arrangement through the Lord Chief Justice's Private Office, more MPs will take up the invitation.

Government

The Lord Chief Justice and other senior leadership judges continue to meet regularly with the Lord Chancellor, other Justice Ministers and the Permanent Secretary to the Ministry of Justice. In addition to the regular meeting calendar, meetings dedicated to the Court and Tribunals Modernisation Programme also take place. Senior judges meet with the Home Secretary and Attorney General and, as and when required, Ministers from and Permanent Secretaries to other Government departments.

Guidance to the judiciary on engagement with the Executive,³² which was released last year, has been put to good use and is regularly relied upon. In particular, a Judicial Working Group (with membership as need dictates) has been assisting Government on matters arising from the UK's withdrawal from the EU to the extent the judiciary and justice system will be affected.

The City of London

The judiciary has continued to work closely with City institution as the recognition of the interdependence between the financial markets, financial services, legal services and the provision of an effective legal system by the judiciary has become more clearly recognised. The links include work with the Financial Markets Law Committee and the Banking Standards Board. The Governor

29 https://www.judiciary.gov.uk/wp-content/uploads/JCO/Documents/Guidance/select_committee_guidance.pdf.

30 <https://publications.parliament.uk/pa/cm201617/cmpublic/PrisonsCourts/memo/PCB19.pdf>.

31 <http://www.ipt.org.uk/courts-and-tribunals-fellowship-scheme.aspx>.

32 <https://www.judiciary.gov.uk/wp-content/uploads/2016/07/guidance-to-the-judiciary-on-engagement-with-the-executive.pdf>.

of the Bank of England, the Chairman of the Federal Reserve Bank of New York and the Lord Chief Justice spoke at a conference in the Bank of England on Ethics in Banking in March 2017³³.

Justices of the UK Supreme Court and the judiciaries of Scotland and Northern Ireland

The Lord Chief Justice meets regularly with the President of the Supreme Court. They, together with the Lord President of the Court of Session and the Lord Chief Justice of Northern Ireland, meet on a termly basis to discuss matters of common interest and concern.

33 <http://www.bankofengland.co.uk/publications/Pages/speeches/2017/970.aspx> and <https://www.judiciary.gov.uk/wp-content/uploads/2017/03/lcj-worthy-of-trust-law-ethics-and-culture-in-banking-20170321.pdf>

11. Outreach and Communications

The Judicial Office Press Team

The Press Team continued to provide support to judges in interviews and in relation to high profile court cases, including arranging full transcripts to be published online throughout the Divisional Court hearing on Article 50, and the Court Martial Appeal on Alexander Blackman, helping journalists, lawyers and others to read the full arguments quickly. In each case evidence was transmitted by closed circuit television to overspill courtrooms to allow wider access to live proceedings. The number of Twitter followers for judiciary news and announcements increased steadily to almost 45,000.

Cases continued to be televised on all channels under the provisions of the Court of Appeal (Recording and Broadcasting) Order 2013, including live streaming of a challenge to the categories of Labour Party members entitled to vote in a leadership election.

Broadcasters carried out test filming of sentencing in Crown Courts which was not for broadcast, but was the start of the process of assessing the possibility of selected live filming in future.

Judiciary website and judicial intranet

Through the judiciary website the Judicial Office Corporate Communications Team informed the public, helping to increase understanding of the work of the judiciary through timely publication of significant judgments, sentencing remarks, judicial speeches and reports.

Judges and magistrates were provided with essential updates on administrative and legal matters through the judicial intranet and its supporting email alerts system. Regular bulletins were also posted on the judicial intranet to ensure there was easy access to the latest information on HMCTS reform, IT and digitalisation.

12. International

This year has again been a busy one in relation to international work. Our relationships with judiciaries overseas are of ever greater importance in a rapidly changing world. Mindful of the contribution that our judiciary and legal services make to the UK economy, the judiciary of England and Wales, working in conjunction with the UK Supreme Court and judiciaries of Scotland and Northern Ireland, continues to prioritise work which contributes to our global profile. This work has aimed to strengthen the rule of law, particularly where this supports the UK's interests, and has sought to promote the UK's dispute resolution centres and English law in established and emerging economies, thus strengthening the judiciary's expertise and supporting the UK's legal services sector as a whole.

International work is very carefully balanced against the need for judges to satisfy the significant demands of our own domestic courts. Judicial time and the use of public money continue to be subjected to the strictest controls and the judiciary has continued with its aim of identifying priorities so that the most strategic partnerships are promoted.

International judicial relations

Judges with leadership responsibilities for international work have continued to focus on building relationships across the world, focusing on Europe, Central America, Pakistan, China, and some developing countries and parts of the Commonwealth. Through these relationships, our judges have helped other judiciaries develop expertise in particular areas and have brought significant experience back to our own jurisdiction. These relationships also promote the rule of law internationally and raise the profile of English law.

The judiciary takes part in regular bilateral exchanges with other jurisdictions, including with the Court of Justice of the European Union (in April 2016) and with the European Court of Human Rights in (June 2017).

In total, officials arranged 41 incoming visits for approximately 222 international delegates from 23 different countries during 2016/17. This comprised 4 from Africa, 5 from the Americas, 11 from Asia, 6 from Europe, and one from Australasia.

Europe and the impact of Brexit

As the Lord Chief Justice has made clear:³⁴

Brexit does not affect the quality or certainty of English law, or the standing of our courts or London's arbitration centres. They remain as before June last year... Rumour may insinuate that English law is no longer certain; that London is no longer a safe forum to bring disputes. Such rumours are wrong and unequivocally so.

To address misconceptions and issues around enforcement, for example, the Brexit Law Committee was established to provide a common strategic view. The membership includes a senior judge and representatives from the Bar, the solicitors' profession, TheCityUK, GC100, the City of London, and (in the future) the Financial Markets Law Committee.

The judiciary, in conjunction with members of the Brexit Law Committee and others, produced and disseminated a booklet called *The strength of English law and the UK jurisdiction*.³⁵ This sets out in unequivocal terms the strengths of our jurisdiction and reinforces the message that English contract and commercial law is unaffected by Brexit. It also makes clear that Brexit does not affect the quality or certainty of English law or the standing of courts in England and Wales or London's arbitration centres. A second, more detailed booklet entitled "English law, UK courts and UK legal services after Brexit – The view beyond 2019" was also produced to assist our representatives working overseas. As 2019 approaches, this work will become increasingly critical.

The European Committee of the Judges' Council, which meets each term, also continues to provide leadership in this area and judicial relationships in Europe have remained healthy.

Standing International Forum of Commercial Courts

The inaugural meeting of the Standing International Forum of Commercial Courts brought together commercial courts from across the world to its first meeting in London in May 2017.³⁶ The Standing International Forum of Commercial Courts aims to ensure that users, that is, businesses and markets, are best served through the sharing of best practice between courts and to ensure that courts are working together to keep pace with rapid commercial change. Such collaboration also allows for courts acting together to make a stronger contribution to the rule of law than they can separately, and

34 <https://www.judiciary.gov.uk/wp-content/uploads/2017/07/lcj-mansion-house-speech-july-2017.pdf>.

35 <https://www.judiciary.gov.uk/wp-content/uploads/2017/08/legaluk-strength-of-english-law-draft-4-FINAL.pdf>.

36 This followed a series of speeches made by the Lord Chief Justice in:
Dubai - <https://www.judiciary.gov.uk/announcements/speech-by-the-lord-chief-justice-commercial-justice-in-the-global-village/>
Singapore - <https://www.judiciary.gov.uk/announcements/speech-by-the-lord-chief-justice-cutting-the-cloth-to-fit-the-dispute-steps-towards-better-procedures-across-the-jurisdictions/>
Cayman Islands - <https://www.judiciary.gov.uk/announcements/speech-by-the-lord-chief-justice-grand-court-of-the-cayman-islands-guest-lecture-2017/>
Beijing - <https://www.judiciary.gov.uk/announcements/speech-by-the-rt-hon-the-lord-thomas-of-cwmgiedd-commercial-dispute-resolution-courts-and-arbitration/>.

through that contribute to stability and prosperity worldwide. Of course, the Standing International Forum of Commercial Courts also acts as a means of supporting developing countries to enhance their attractiveness to investors by offering effective means for resolving commercial disputes. The meeting was an unequivocal success. The secretariat of the Standing International Forum of Commercial Courts is being established within the City of London.

International judicial training

The Judicial College has an excellent reputation internationally and continues to participate in judicial training projects which strengthen judicial independence and reinforce the judiciary as a key institution of democratic governance within the UK and across the globe. The International Committee of the Judicial College provides the governance for this activity and reports to the Judicial College Board.

Judicial College trainers delivered training to judges from a wide range of countries. The Judicial College hosted this year's International Organisation for Judicial Training Executive Committee Meeting. The College has continued as an active member of the European Judicial Training Network and to promote and participate in Academy of European Law (ERA) events throughout Europe.

International family justice

International family law work has an individual role of its own. There continue to be a large number of family law issues requiring resolution both in court and out. The Office of the Head of International Family Justice has remained busy dealing with all manner of legal and practical queries and correspondence from both domestic and external sources (judges in this country and abroad, practitioners, officials in the field of international family law and academics). Through the Office, the Head of International Family Justice and others have assisted with international family law issues arising in individual cases, including in cross-border public law (care) cases relating to children, and in international child abduction and relocation cases, and have addressed issues arising under Brussels IIA, the 1980 Hague Convention and the 1996 Hague Convention, as well as other European regulations and international conventions. They have also participated in shaping developments in European and international family law, practice, and policy, and have attended domestic and international seminars/conferences. The ultimate aim is to facilitate smooth and expeditious justice in individual cases, thereby assisting the children and families involved in them and reducing the burdens on the legal system. Presently, there is also an additional focus upon preparation for the forthcoming 7th Special Commission on the practical operation of the 1980 and 1996 Hague Conventions, which is to take place in The Hague in October 2017.

