The Slynn Memorial Lecture
Criminal Justice: The Past and The Future
Sir Brian Leveson,
President of the Queen's Bench Division and Head of Criminal Justice
12th June 2019

Introduction

1. Can I start by expressing my thanks for having been asked to deliver this lecture, although it is a particularly poignant time for me? In exactly 10 days' time I reach the official age of judicial senility and will depart the scene after nearly 50 years of operating at all levels across the criminal justice system. It seems fitting therefore that this evening I start to talk about how a number of aspects of that system have evolved during my time working within it, and I will focus on the evolution and development of the trial process. For those of you who really have nothing better to do, I will be following this lecture with a Valedictory Lecture tomorrow evening at UCL where I will focus on one small but vital part of the system which attracts too little attention. Forgive me if I do not provide a spoiler!

2. I feel honoured to be delivering this lecture named after a judge before whom I appeared when he was on the High Court bench but not thereafter. I have two memories of him. The first was of his sweeping along the Law Lords corridor waiting to argue some pressing case when I, a young junior, stood nervously to resist an application for leave to appeal; he stopped to provide a kindly word. The second was also in the 1970s when I appeared before him at the Employment Appeal Tribunal. I had taken over an appeal and abandoned many of the grounds which I felt unarguable; he commended my approach, commenting that I had obvious experience pruning roses.

The Professions

3. I am particularly pleased to be here addressing so many of you who fulfil the essential role of both litigators and advocates in court as Higher Rights Advocates. I am acutely aware that there are often many unsung and unrecognised functions behind the scenes that you diligently fulfil to keep the system running. Your role, alongside that of your fellow solicitors and barristers around the country, is invaluable to the effective administration of

justice. The commitment that you demonstrate on a daily basis deserves acknowledgment and thanks. I would like to express both this evening.

4. While I am on the subject of the professions, can I make a point that is close to my heart? That is the enduring quality and vital importance of the criminal legal profession. The value that the professionalism, drive and commitment shown by the solicitors, barristers and legal executives provide every day up and down the country does not go unnoticed. In recent years I had been made aware, anecdotally at first, about the ageing population of criminal defence practitioners. At my request, I asked the Law Society to create a Heat Map[1] which for the first time shows the very real stark problem that is fast approaching. The average age of a criminal defence solicitor is now 47 and in many areas that age is higher. In some parts of the country, more than 60% of the practising criminal solicitors are in their 60s. Now of course there is absolutely nothing wrong with people still working until the very end of that decade in their life and, of course, I would like to think that they will still be producing work of the highest calibre, but it does create a problem for the future, as does the limited number of those prepared to practise in criminal law.

5. Similarly, the picture with the Bar and number of junior criminal practitioners and pupillages is troubling. From a survey in 2017[2], although the current call profile of criminal barristers is broadly similar compared to the Bar as a whole, 33% of criminal barristers said they would leave the Bar if they could; this is a rise of 8% since 2011. Breaking it down into age profile, that figure is 31% of those over 55 and 41% of those aged between 45 and 54. More worrying for the future than the older members of the profession, the figure for those under 35, when barristers should be at the most exciting stage of their career, 10% would leave if they could. 58% of barristers surveyed said they felt under too much work pressure, with only 21% expressing the converse view. These figures compare adversely with those in other areas of practice.

[1] https://www.lawsociety.org.uk/policy-campaigns/campaigns/criminal-lawyers/

[2] The Bar Council, (2018). Barristers' Working Lives 2017. The survey was carried out in 2017 by the Institute of Employment Studies and Employment Research Ltd. The final response rate for the survey was 26.4% (4,092 barristers).

6. The practitioners of today are the judges of tomorrow, and we cannot and will not compromise on the quality of the judges that we appoint. From the magistrates' courts up to the Court of Appeal and beyond, we need the finest legal minds to conduct our criminal trials which requires a real understanding of the criminal justice system, along with compassion and an overall commitment to the administration of justice at the highest level. But that requires a good pool of potential candidates.

7. I raise this concern, not for the first time, but so that it remains a live issue on the agenda going forward. I know those within the professions are working hard to encourage new recruits, and so, too, across the judiciary to improve diversity. It is critical that this vital work continues. I say all of this knowing full well of the current sensitivities in this area. As a serving judge, it would be entirely inappropriate for me to comment on the commercial negotiations between the professions and the Ministry, and I will not do so. I observe only that I am pleased that discussions are on-going and I hope that both sides will find a common way forward.

8. Why is all this so important? It is because of the pivotal function that the criminal justice system provides to society. Confidence in the fairness of the system is a fundamental tenet to a working democracy and a safe, civilised society in which all should be given the opportunity to function and flourish. Knowing that there is a fair and transparent system to hold to account those who deviate from society's acceptable code of behaviour is there to act as a deterrent to unlawful behaviour, as well as a protector to those who may become the victim of an unlawful act or omission. It is without doubt that the criminal courts deal with some of the most harrowing, depressing, and saddening cases that exist. To find a way through that, be it as a practitioner or a member of the judiciary is no easy feat, but it is a vital one.

9. Indeed, the Overriding Objective in the Criminal Procedure Rules is to deal with cases justly[3] including by acquitting the innocent and convicting the guilty. Our criminal justice system requires life-changing decisions thousands of times a day across the country from the minor to the most serious cases. To work in this environment, dealing with people whose lives have fallen apart is an incredibly challenging one, albeit very rewarding.

[3] https://www.justice.gov.uk/courts/procedure-rules/criminal/docs/2015/crim-proc-rules-2015-part-01.pdf

10. This system, or series of interlocking systems as I like to describe it, has been under considerable pressure at various points over my 50-year career. It is currently feeling the strain in several areas, but I know that there is considerable work being done with the intention of ensuring that the Spending Review takes a holistic look across the system to see how savings in one department's budget impacts on a different department somewhere down the line. I will repeat what I recently said at my final attendance at the Criminal Justice Board: for the system to operate and evolve to cater for changing criminality and increased demands within a parched landscape, calls for strong strategic leadership and collaborative working across the system; all must work together to tackle some of the most complex issues ever faced by the respective heads of the component parts. The criminal justice system continues to evolve, as it must: society changes, public opinion shifts and the ways that crime are committed, investigated and tried have to keep up with that pace of change. There will always be flux in the system and things that work less well. Legislation and procedural change take time to come up with the best response to new problems. That has always been the case.

11. In my judicial career, I have engaged with all – or almost all – of the so-called 'stakeholders' involved with criminal justice, discussing the way in which the criminal justice system has developed over the last 50 years and some of the origins of the issues with which we are now faced. First, these include developments to the trial process and the fact that this can lead to the competing rights of victims and witnesses being pitted against the unquestionable and immovable right of a defendant to a fair trial. Second, there is the double-edged sword that is the technological revolution that continues to make us more efficient yet brings with it a plethora of problems, resolution of which is both complicated and potentially expensive. Third, there are the developments in society which impact the changes in the way that crimes have been, and are committed, investigated, tried and sentenced.

12. Let me take you back to the 1970's when I started out as a junior barrister in Liverpool. The average brief would arrive, capable of being folded in half and carried in one hand, a far cry from the many multiple boxes that are now so common. I remember a number of occasions when I was involved in two trials in the same day and one occasion when we started a third. In the Magistrates' Court, at a remand, the arresting officer would present himself in the witness box and provide his evidence of what had happened. There was no

PACE, no proper identification procedures, no real disclosure – and for summary trials, no disclosure at all even of statements of prosecution witnesses. There was no provision to make bad character or hearsay applications, no special measures and no rules to standardise procedures. Admittedly, this made for a quick trial, but certainly not one that we would judge by modern standards as being particularly satisfactory.

13. One of the most interesting aspects of movements within criminal justice has been the pace of change. This pace has increased from the glacial to almost the legal equivalent of the speed of light – not instantaneous but with dramatically greater speed. Let me offer some examples of the rate of change so that we can be aware of what may happen in the future.

Developments in identification

14. I can illustrate this phenomenon by reference to the development of robust and effective identification procedures. The high-profile miscarriages of justice that have occurred as a result of flawed identification procedures have in themselves been instrumental to the development of the entire criminal justice system and are worthy of note. We can go back to slightly before my time, the late 1800s, when Adolph Beck was twice wrongfully convicted for fraud in 1895 and 1904 based on confident identifications from 14 witnesses. This *cause célèbre* led to the creation of the Court of Criminal Appeal in 1907, which we still see today in a similar form, and revised guidance, but not to any legislative amendment. In 1925 a circular was issued to all English police forces suggesting several safeguards that could be utilised to improve the reliability of identification evidence, including the conduct of parades by officers outside the investigation, use of foils of similar appearance to the suspect and full record-keeping. That position remained for a considerable time.

15. In the late 1960s, the then Lord Chief Justice raised concerns over identification evidence and two distinguished academic lawyers published a critique of the law and procedure, recommending reform. Even then, nothing was done and it was a series of cases in the 1970s that brought the issue back to public attention. At that time, the guidelines were lacking, the law was unchanged and practice remained circumspect.

16. Lord Devlin was then appointed to review the law and procedure, and his 1976 report confirmed what was a troubling picture. He recorded 38 cases of verified mistaken identity

in England and Wales since 1945, a number which likely excludes other cases where action to overturn convictions was unsuccessful. Further, he reported that in 1973-74, the Court of Criminal Appeal heard 67 appeals involving identification evidence, of which 48% were allowed.

17. Lord Devlin made a number of recommendations pertaining to both the pre-trial and trial processes. As to pre-trial procedures, he recommended that further safeguards be introduced and by way of statutory guidelines, including prohibition of showing photographs before a parade, and that judges should be required to treat as a nullity any identification in breach of the guidelines or which was otherwise unsatisfactory. As to the conduct of trials, judges should discuss identification carefully in summing-up, dock identification should generally be available only if a parade has taken place and always with a jury warning, and most radically, identification-only cases should be allowed in only exceptional circumstances.

18. Except for his most radical proposition, Lord Devlin's recommendations have largely been implemented. The Court of Appeal delivered guidance through *R v Turnbull*[4] in 1977 which remains authoritative today. *Turnbull* did not preclude leaving a case to the jury on the basis solely or largely of identification, but rather emphasised a distinction between "good" and "bad" identification – the fleeting glimpse. Such reliance on "good" identification was acceptable so long as proper caution was observed. The judge must warn the jury of the need for caution and explain why, including the need for caution as to the level of support for identification that may be derived from the rejection of an alibi. The jury must also be directed to examine the circumstances in which the identification was made and be reminded of any specific weaknesses in the identification evidence. Where the prosecution has reason to believe there is a material discrepancy, they must disclose it.

19. In relation to pre-trial, it took longer for Lord Devlin's vision to be realised. Statutory guidelines were not introduced until the Police and Criminal Evidence Act 1984. This legislation has served to bring with it some of the most significant changes in the way that criminal trials have developed from the 19th century to what we recognise as the modern trial. The Codes of Practice made pursuant to s. 60(1)(a) and 66-67 of PACE have been a

[4] [1977] QB 224; 63 Cr App Rep 132

critical mechanism for implementing change. Thus, Code D came into effect in 1986 and revolutionised the processes by which identification of suspects can take place.

20. Further, the value of the Codes of Practice has been the ability to respond to modern challenges by revisions to the Codes. Thus, in relation to identification, change became critical in response to the development of social media. In 2012, Sir John Thomas, then President of the Queen's Bench Division, said in *R v Alexander and McGill* (at [28])[5],

> 'if…identifications occur in the way in which this identification occurred, namely by looking through Facebook, it is incumbent upon the police and the prosecutor to take steps to obtain, in as much detail as possible, evidence in relation to the initial identification. For example, it would be prudent to obtain the available images that were looked at and a statement in relation to what happened.'

21. The recent updates to Code D in 2017[6] now allow for this process, and importantly apply a legislative structure and procedure around this technological innovation. There are many other examples of the way that the Codes have responded to modern conditions. Besides updated procedures for obtaining eye-witness identification evidence, they include the provisions for taking and retaining fingerprints and DNA, the use of live-links for interpreters and the use of electronic recording devices and with provisions and safeguards for the detention and care of juveniles at police stations before and after charge, and the role of the appropriate adult for juvenile and mentally vulnerable suspects.

Special Measures

22. Another dramatic change in approach unimaginable 50 years ago relates to the way that the criminal justice system approaches vulnerable complainants and witnesses. Although these changes started in the 1980s, while I was at the Bar, they have accelerated dramatically over the 19 years that I have been on the bench and concern the approach adopted both to such witnesses and to their evidence. This is especially so for complainants and witnesses who are vulnerable. It is not long ago that the vulnerable were given very little support either before the trial or during the court process.

[5] [2012] EWCA Crim 2768, [2013] 1 Cr App Rep 334
[6] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/592562/pace-code-d-2017.pdf

23. It was the Children and Young Person's Act 1933 that extended provision for children to provide unsworn evidence in relation to some offences and to give sworn evidence in support of some, including sexual offences. When children were testifying in cases involving "decency" or "morality", the Act also allowed for courts to be closed to anyone other than the press and those directly concerned in the case. However, "children of tender years" could give sworn evidence only if in the opinion of the court they understood "the nature of an oath". If they did not, they could still give unsworn evidence but only if in the opinion of the court they had "sufficient intelligence to justify the reception of their evidence". This came with the proviso that a defendant could not be convicted on the sole basis of such unsworn evidence. Such evidence had to be corroborated.

24. Even if such evidence was sworn, it continued to be the case that a warning was necessary. The warning was to the effect that it would be dangerous to convict on such evidence if not corroborated by other sources. The judge was able to add that they could convict on such evidence if, having considered the warning, they were convinced of the accused's guilt. In that regard, the words of Lord Goddard CJ in 1958 are reflective of the prevailing attitude. Of the calling of a five-year-old as a witness in a child sex case, he said: "The Court deprecates the calling of a child of this age as a witness…The jury could not attach any value to the evidence of a child of five; it is ridiculous to suppose that they could."

25. Thus, while children between 10 and 14 remained subject to a rebuttable presumption that they did not have criminal capacity (the concept of *doli incapax* now itself confined to history), the system continued to treat their evidence as unreliable. Despite this perception, children were also expected to handle the demands of appearing in court like any adult: there were no protective measures or provisions for anonymity. Indeed, this went for all witnesses who were vulnerable. Many sexual offence cases would simply not proceed in circumstances when it was thought that the witness would not be able to stand up to cross-examination. I have equally no doubt that this concern led to robust challenge of a complainant in many such cases to test whether that was so.

26. The Criminal Justice Act 1988 changed that approach. It removed the requirement for corroboration in relation to all allegations of sexual offending and removed the

requirement for a jury to be warned of the danger of convicting on the uncorroborated evidence of a child, where the only reason for the warning was that the evidence is that of a child. Unsworn evidence admitted under s.38 of the 1933 Act was made capable of corroborating evidence given by any person, sworn or unsworn. The Act also permitted children under 14 to give evidence by video link in cases involving allegations of sexual misconduct or violence.

27. In 1989, a committee formed under the chairmanship of the then Common Serjeant, who I am delighted to record was a Northern Circuiteer, His Honour Judge Pigot QC, recommended further change, namely that the competence requirement regarding children and corroboration warnings in all sexual offence cases be removed. It also recommended that children ought never be required to appear in public hearings if they did not wish, and rather that they be examined and cross-examined out of court, with a recording of that evidence being played to the jury.

28. Then followed the Criminal Justice Act 1991 which abolished the competency test. By ss. 52-55, the provisions in the 1988 Act were amended in a number of important respects. First, by s. 33A of the 1988 Act as amended, the evidence of those under 14 was required to be given unsworn. Further, in relation to allegations of sexual offending, violence or child cruelty, the concept of transferring cases from the Magistrates' Court to the Crown Court was introduced[7], and by s. 32A video recordings were authorised of the evidence of child witnesses under 17 in sexual cases and those under 14 in cases of violence. Further, s. 34A of the 1988 Act as amended banned cross-examination of the child in such proceedings by a defendant acting in person. These were the provisions that started the revolution in relation to the approach to evidence in cases of young and vulnerable witnesses.

29. And as to protective measures, the law has developed considerably. First, the Youth Justice and Criminal Evidence Act 1999 allows for witnesses who are under 18 at the time of hearing, have issues of incapacity or whose evidence may be compromised by fear or distress, to be protected by a range of measures designed to make the process less intimidating; from screening the witness from the accused to the giving of evidence away

[7] s. 53 Criminal Justice Act 1991

from court. Second, there now exist fuller measures to protect the anonymity of such witnesses, including reporting restrictions, withholding identification to the courtroom and the availability of anonymity orders. Third, in cross-examination, complainants in proceedings for sexual offences, child complainants and other child witnesses are protected from cross-examination by the accused in person.

30. Thus the comments of Lord Judge CJ in the specially constituted Court of Appeal Criminal Division in the case of *R v Barker*[8] in 2010 are a world away from his predecessor:

> "The trial process must, of course, and increasingly has, catered for the needs of child witnesses, as indeed it has increasingly catered for the use of adult witnesses whose evidence in former years would not have been heard, by, for example, the now well understood and valuable use of intermediaries. In short, the competency test is not failed because the forensic techniques of the advocate (in particular in relation to cross-examination) or the processes of the court (for example, in relation to the patient expenditure of time) have to be adapted to enable the child to give the best evidence of which he or she is capable. At the same time the right of the defendant to a fair trial must be undiminished."

31. Further, considerable efforts have been made to develop the training and procedure associated with cross-examination of vulnerable witnesses. The Court of Appeal's guidance confirms that departure from the traditional approach to cross-examination is necessary and appropriate in such cases. It is the judge's duty to ensure that limitations are complied with. Comments on inconsistencies are not to be made during cross-examination. This does not mean that the defendant's case may not be put, but the vulnerability of the witness means that this should not be put by traditional formulations such as accusations of untruthfulness. The Criminal Practice Directions now contain a wealth of guidance in relation to the appropriate handling of vulnerable witnesses and indeed, defendants. The Advocates' Toolkit does the same for advocates.[9] There has been a significant change in attitudes of all components in the system to recognising vulnerabilities and adapting the trial process as far as is possible to ensure that the defendant's right to a fair trial is not encroached.

32. A recent success in this area is the long-awaited extension of the use of s.28 of the Youth Justice and Criminal Evidence Act 1999 in relation to child and mentally vulnerable witnesses. From earlier this month, this important special measure is now available at 6

[8] [2010] EWCA Crim 4
[9] https://www.theadvocatesgateway.org/toolkits

more Crown Courts, as well as the 3 original pilot sites, Leeds, Liverpool and Kingston. There has been a huge amount of work across the system and particularly at the original sites to make this special measure an operational success. This collaboration will doubtless continue to ensure that the some of the most vulnerable in the system are enabled to give their best evidence, whilst ensuring that the essential components of a fair trial process are not lost.

33. What the pilot of s.28 taught us was the significance and importance of the Ground Rules Hearing. This relatively new procedural development enables the judge to go through in forensic detail, the issues, topics and potentially, the actual questions that the witness will be asked. In the Criminal Practice Directions 2015, Amendment No. 5, it was set out that "Clear limitations have to be imposed on the cross-examination of vulnerable young complainants." [10]

34. As the Court of Appeal made clear in *R v Lubemba and Pooley*[11] at [43],

> "The ground rules hearing should cover, amongst other matters, the general care of the witness, if, when and where the witness is to be shown their video interview, when, where and how the parties (and the judge if identified) intend to introduce themselves to the witness, the length of questioning and frequency of breaks and the nature of the questions to be asked. So as to avoid any unfortunate misunderstanding at trial, it would be an entirely reasonable step for a judge at the ground rules hearing to invite defence advocates to reduce their questions to writing in advance."

35. Further, the court in *Lubemba* at [45] went on to emphasise that:

> "It is now generally accepted that if justice is to be done to the vulnerable witness and also to the accused, a radical departure from the traditional style of advocacy will be necessary. Advocates must adapt to the witness, not the other way round. They cannot insist upon any supposed right "to put one's case" or previous inconsistent statements to a vulnerable witness. If there is a right to "put one's case" (about which we have our doubts) it must be modified for young or vulnerable witnesses. It is perfectly possible to ensure the jury are made aware of the defence case and of significant inconsistencies without intimidation or distressing a witness."

36. This fundamental change in approach means that courts now address the problems of those who are vulnerable and who would have never previously been able to participate in a trial.

[10] https://www.judiciary.uk/wp-content/uploads/2017/07/amendment-no-5-cpd-july-2017-update.pdf
[11] [2014] EWCA Crim 2064

We now have to balance the potential need for a range of special measures, including the use of intermediaries for witnesses and defendants with a far greater understanding of the difficulties that giving evidence can generate. Whilst undoubtedly of great value, we must, however, recognise that this progress brings complexity and challenge to those at the operational front line who are tasked with bringing the policy intent to a functioning reality.

Technological Developments

37. The developments and improvements that have been made in technology have moved at break-neck speed, particularly over the last decade. I go back to my start at the Bar. Telephones were static; documents were typed with copies provided by carbon paper. The photocopier, fax, word processor and other supposedly labour-saving devices have all led to a vastly increased dependency on paper, but that is nothing in comparison to the IT revolution. 30 years ago, the mobile phone, usually the size of a brick, was ground-breaking; 20 years ago, the ability to send text messages of longer that 100 characters was remarkable; but now it is common place for that phone to also be a credit card, a boarding pass, a train ticket, a photo album, a book, a monitor of sleep and steps walked, a newspaper, a bank account, a games console, a hailer of taxis and much more. Their computing power has increased exponentially. Add to that, computers, the world wide web, the dark web, and e-mails.

38. All this technology serves an increasingly vital function in our society, but these facilities have created one of the greatest challenges ever to be faced by the criminal justice system: that of disclosure. Their impact can be measured in several ways across the system. The police have an increasingly difficult time downloading and analysing the contents of mobile phone or a computer. So, for example, an iPhone XS which holds 256 MB of data, if printed out, would amount to some 51.2 million sheets of paper. I appreciate that not everyone would have an iPhone XS but the point is clear. The time and resource commitment required to download and examine is immense, but the police have to ensure that all their effort is proportionate to the seriousness of the offence. Further, this is for one phone: multiply the number of devices a suspect might own: this could be numerous phones, an iPad, a computer. Then multiply again for a multi-handed investigation, particularly involving the young, for whom use of this technology is second nature.

39. The issue is equally troublesome to the investigation of complex and serious fraud, where the amounts of seized data run into the terabytes. These cases are also serious and it is critical for the maintenance of public confidence that they are investigated and, if appropriate, prosecuted. The volume of data involved, cannot, of itself, be a bar to justice.

40. But despite it bringing the problems, it may be that in time technology will provide some of the solutions: AI programs using search engines are in development that will no doubt in time improve – but they need to. I suspect that in the future, the legal wrangling will come from defining what appropriate search terms are. Broad enough to identify the relevant material, but not so broad as to encompass everything. As recent developments have shown us, in trying to cope with the Pandora's Box that is data management, the system comes up against the rights of complainants and witnesses: to what extent should their data be interrogated in the light of a "reasonable line of enquiry"?

41. Of course, technology has already created endless opportunities for improving efficiency. As the *Review into Efficiency*[12] that I conducted in 2015 recommended, some of the technological developments that will have real system impact need co-ordination and expenditure from across the system: the cost will be to all, but likewise, there needs to be greater recognition that the benefit will be experienced by all with improved efficiency. So, we have been keen to lead digital change; the best example of this is the development of the Digital Case System creating something new and much more user-focussed as a starting point. The DCS has assisted immeasurably in terms of savings in time and paper. No longer are piles of paper being created, served, moved, lodged, amended, updated, looked for and misplaced. This is of huge benefit to HMCTS staff who no longer have to create paper trails to follow the paper around the building.

42. This lecture does not provide the time to go through the ongoing work to develop and improve the ways by which technology can assist in communication across the system, whether it be that video conferencing is available so that lawyers can confer with clients remanded into custody or routine applications made through the DCS, thereby reducing the number of hearings for parties to attend in person, which in these times of stretched resource can only be a good thing. But, again, advances come with new challenges and we must not

[12] https://www.judiciary.uk/wp-content/uploads/2015/01/review-of-efficiency-in-criminal-proceedings-20151.pdf

do anything that undermines appropriate involvement of all concerned in the trial process or its ultimate fairness.

43. Similarly, the Criminal Procedure Rule Committee operating under s. 69 of the Courts Act 2003 has also been able to be dynamic in its response to developments of practice enabling changes to be made by secondary legislation in which all involved in the various constituent parts of the criminal justice system have a role. That includes judges, practitioners, police, CPS, and others involved in the criminal justice system – including JUSTICE, the body Lord Gardiner called the conscience of the legal profession.

44. Much has been achieved. The Committee has the statutory responsibility of ensuring that the criminal justice system is accessible, fair and efficient and that the rules are both simple and simply expressed. Its mode of operation is equally flexible and its ability to drive change is due to the hard work of its members but also the dedication, encyclopaedic knowledge and hard work of its Secretary. It is right that I conclude by paying tribute to Jonathan Solly, the Secretary, who has done enormous work to ensure the Rules are equally as flexible as they are simple.

45. There is no doubt that the diet of the work is changing and the landscape in which the majority of you continue to operate, for hopefully a long time to come, is vastly different to the one in which I started. Criminal behaviour has changed and therefore so has the understanding and the response to it. There has without doubt been a hardening of the case mix and with it the complexity levels have raised.

Conclusion

46. The change over 50 years has been truly huge. There has been much benefit to the system, the public and the wider interests of justice. The pace of change has necessarily ebbed and flowed depending on the wider political climate, and societal changes in attitudes which dictate the public policy decisions taken by the Government of the day.

47. There is more work to do, and there always will be. This is not because we have been idle but because the criminal justice system or, as I prefer, series of systems constitute a living "organism" which reflects and responds to the ever-changing world in which we live and we need it to be fully functioning to serve our democratic society.

48. It has been a real privilege to be part of the system during this period of seismic change and I will look on with great interest to see what the future has in store. I wish you well. The future is in your hands.

49. Thank you.