

LEGISLATION, JUSTICE AND CONSTITUTION COMMITTEE

EVIDENCE SESSION WITH THE LADY CHIEF JUSTICE

on

Monday, 2nd February 2026

Chair: Mike Hedges

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CHAIR: Welcome to this meeting of the Legislation, Justice and Constitutional Committee. Item 1 is introductions, apologies, substitutions and declarations of interests. No apologies have been received today. I must remind you the meeting is being broadcast live on Senedd TV and the record of proceedings will be published as usual. Please can members ensure that all mobile devices are switched to silent? Senedd Cymru operates through both the medium of Welsh and English, and language interpretation is available during today's meeting. Declarations of interest?

ADAM PRICE MS: *[In Welsh via Interpreter]* Yes, Chair. I would just like to point out my declaration of interest that my partner is a judge.

CHAIR: [And I would like to declare an interest?] in item 8(2), Women's Residential Centre, Swansea, which is in the constituency I hope to represent after May. Can I welcome the Lady Chief Justice, and can I invite you to make an opening statement before turning to questions?

THE LADY CHIEF JUSTICE: Well, prynhawn da. Thank you for inviting me to join you today. It's always good to be here in Wales. I think that you may know that my family has strong historic connections with Cardiff and Glamorgan in particular, and Wales has, of course, produced some of my closest judicial colleagues. Think of Lord Thomas, my immediate predecessor but one, Lord Lloyd-Jones from the Supreme Court and presently President of the Welsh Law Council and on the Committee on Wales on our Judges Council, and the recently retired Lady Justice Nicola Davies who is now Chancellor at Aberystwyth.

Today's constructive engagement with the Executive and the Senedd as a whole, I think, is a hallmark of present arrangements. I've met the First Minister, and indeed will be meeting her again later this week, the Counsel General, who I've seen actually here and abroad, and the Llywydd. Today's dialogue, always respecting judicial independence, I think strengthens mutual understanding and, importantly, ensures visibility of the judicial work that we carry out in Wales.

Chair, I wanted to really divide my remarks into two themes. First, the distinct Welsh identity of the administration of justice within the shared legal jurisdiction of England and Wales, and, secondly, to underscore that although Wales faces the same pressures as the wider system, I believe that Wales is well served under present arrangements. As you all know, I have no place to debate policy matters, and my focus will be confined to operational issues for reasons that we all understand.

So, to my first theme, the distinct Welsh identity of the administration of justice in Wales. Wales' legal identity is shaped by its ancient heritage, but also modern devolution characterised by growing legislative powers, evolving Welsh law, and a judiciary with a strong Welsh identity, a strong sense of Welsh collegiality, and a really strong sense of public service for the Welsh people. This culture of service for Wales is supported by a number of different strands, but including the Association of Judges of Wales with judges from both devolved and non-devolved jurisdictions, presided over until very recently by Lord Lloyd-Jones, the Judges' Council Committee on Wales, I've already mentioned, and I meet regularly with that committee. It provides a dedicated forum which ensures that Welsh needs are at the heart of judicial governance. We have a senior judge for Wales in the shape of Lord Justice Lewis.

Here in Wales, we have three presiding judges. They work closely with resident and designated judges, with the Welsh language liaison judges – we have two of them – and with leadership colleagues across the board in the non-devolved and also devolved tribunals. This is an architecture which allows issues relating to Wales to surface and hopefully be resolved quickly. It strengthens relationships between HMCTS and the professions, and ensures that Wales' distinct considerations, and I'm thinking particularly here, language and local access, are addressed in everyday decision making.

May I say, Chair, an early word about local justice and court geography? Accessibility is a fundamental principle. Wales has seen significant changes to its court estate over the last decade, including closures in some rural and predominantly Welsh-speaking areas.

The result is that some parties and witnesses must travel far to get to court, and sometimes with limited public transport. These realities reinforce why the long-standing policy that Welsh cases should be heard here in Wales is so important, because we know that justice is most effective when it is local, linguistically accessible, delivered by judges who understand Welsh law, Welsh language, and the communities they serve.

I can assure you that the policy that Welsh cases should be heard here in Wales is given effect in practice at every level in our courts. So the Administrative Court sits throughout Wales as required so that public law cases are heard locally. The Court of Appeal in both civil and crime sits regularly in Wales, I am in fact sitting here tomorrow. This is, I think, important both symbolically, but also obviously operationally for the Welsh legal community and for public confidence.

There is a separate issue related to estates that I would like to mention up front, and it may be something we mention again later. A modern, reliable court estate is foundational to access to justice. There is, I believe, an overwhelming operational case for a new civil justice centre in Cardiff, a fit-for-purpose building bringing together civil, family, public, law, and tribunal work. Lord Thomas warned back in 2019 that the then facilities, the still current facilities, were quote, “unfit for purpose”. The capital city of Wales needs a court building suited to the trial of civil, administrative law and family cases. The current position in Cardiff is untenable. That was 2019. This is 2026. Things have not changed.

Delivery of a modern centre will require collaboration, something that we here in Wales are particularly good at, collaboration between the judiciary, HMCTS, Welsh Government, local authorities and the professions, and I want to reassure you that the judiciary stands ready to play its part. I would also like to acknowledge the enormous contribution of the Counsel General, without whose drive, commitment and vision we would not be making the progress in identifying potential sites for such a centre. She has been fantastic in her support for the project and her, as I say, drive and commitment.

Within the shared framework of a single legal jurisdiction, as I've said, the Senedd has developed a growing and important body of law in devolved areas. So housing, education, health, social care, planning, the environment, infrastructure, and agriculture. Housing law is a clear example of this, perhaps most notably the Renting Homes Wales Act 2016, and I know that the Senedd's ongoing work with the Law Commission to codify planning and agricultural law further consolidates what I always describe as a recognisably Welsh statute book.

Divergence in substantive law means that judges need Wales-specific legal training that is both practical and current. Our training is delivered by the Judicial College, a world leader in judicial training. So, in civil, judges sitting in Wales undertake a Wales housing module covering the 2016 Act and related developments. In family, judges receive updates on devolved legislation and practice that affect Welsh families. In the Court of Protection, training addresses the Social Services and Wellbeing Wales Act, the Mental Health Wales measure, and practical differences in Welsh health and social care arrangements. So my ambition, the aim, is straightforward: when people come to court in Wales, their case should be heard by a judge who understands both the legal framework and the local public service contract and context in which the parties live.

I am sure we will talk a little about Welsh language during the course of this afternoon's session, but the Welsh language is a core part of justice in Wales. The statutory framework provides that parties and witnesses may use Welsh in legal proceedings here. Welsh has official status and must be treated no less favourably than English, and you can find these principles embedded across our

rules and practice directions in all jurisdictions. So, in practical terms, hearings can, where appropriate, proceed entirely in Welsh and, wherever practicable, be listed before a Welsh-speaking judge with interpretation provided where needed.

I think delivery on the ground really matters here. HMCTS Wales, represented this afternoon here in this room, supports the use of Welsh through the amazing Welsh Language Unit in Caernarfon. The unit provides simultaneous translation and supports bilingual documentation. For those of you who may be interested, you will have seen a real increase in the amount of bilingual documentation now available. My annual report has been provided in Welsh every year since my appointment. The Leveson Report appears in Welsh. My main messages are always translated into Welsh as well as English to identify but a few examples. But I think it may be of interest to you, Chair, and the committee as a whole to know that we are trying to build a clearer picture of day-to-day Welsh usage in our courts and tribunals.

So there was a recent one-week survey in the civil and family courts in Wales, and in crime. In civil and family, Welsh was spoken substantively – so that is not greetings and oaths, but substantively – in about 8% of recorded hearings. That is the equivalent of about 1,400 hearings a year, and this sort of evidence helps us to plan judicial and interpreter capacity wherever it is most needed. It is an area, obviously, as well, where we have a keen interest in looking at AI and developing technologies to support us.

Ensuring that we have sufficient Welsh language capacity, of course, requires thoughtful planning in appointments and in training. This last year, we have agreed a new approach with the Judicial Appointments Commission, distinguishing three categories of role: no Welsh requirement, conversational Welsh and proficient Welsh. This system allows us to recruit excellent judges who already possess Welsh, but who also may have the capacity to improve their Welsh proficiency so that they can in due course conduct proceedings entirely in Welsh.

We are building this capacity in practice. In Wales, circuit judges with Welsh language skills now stand at around 48%. In the magistracy, Welsh speaking capacity varies by area, but in North West Wales it's 50%, in Carmarthenshire 34%, Ceredigion and Pembrokeshire 17%, North Central Wales 18%, Mid Wales 5%, Cardiff 5% and Gwent 3%. Across Wales as a whole, 11% of magistrates are Welsh speaking and this sort of data helps us to focus on training and targeted recruitment.

As I have mentioned, we are really trying to improve ways of improving transparency and linguistic accessibility across the board, and that includes in the publication of judgments. We've had some recent important Welsh cases, including in sensitive jurisdictions, where the judgments have been published bilingually.

Briefly then to my second theme. How is Wales served under the present arrangements? Well, like the rest of the jurisdiction, Wales faces pressures. Staffing, retention, losing legal advisors, the condition of the estate, increasing case complexity, and so on. But actually the Welsh picture remains one of strong performance, practical innovation, supported by this close collaboration that I have been talking about between the judiciary, HMCTS Wales, Welsh Government officials, and constructive engagement across the board.

In terms of capacity, some statistics for you, which I hope will be helpful to you in your deliberations. The non-devolved courts and tribunals in Wales are served by 39 circuit judges, 38 district judges, 22 tribunal judges, and 942 magistrates. They are supported by around 170 fee-paid, so part-time judges in the courts and tribunals.

Performance. Again, you may want to probe some more detail in a moment, but at headline terms, Wales has been disposing of more Crown Court cases than it receives. In civil and family, HMCTS is processing correspondence and queries within five days of receipt, and disposal times have been

running above the national averages. I respectfully suggest that, taken together with the strong bilingual offer, Wales compares very favourably with English circuits on both timeliness and throughput. Again, aligned listing practices, active case management, but fundamentally this strong collegiate culture amongst the judiciary and close joint working with HMCTS Wales.

I think it is indicative of this strong collegiality and the success of the tribunals and courts in Wales that Wales is an absolute leader when it comes to innovation. So, time and time again, you will see pilots starting here in Wales. The Pathfinder model in private family law, now rolled out across all of Wales, is a huge success. We are halving the number of cases on the outstanding caseload, and it all started here in Wales. The Domestic Abuse Protection Order pilot launched last year here in North Wales. There is an intensive supervision proposal for a women-focused problem-solving court at Swansea Magistrates' Court, and Merthyr Tydfil Magistrates' Court is successfully piloting a police witness live links pilot with evidence being able to be given from police within their own stations. All of this, I would suggest, is because Wales is seen as being such a strong performer and such a strong jurisdiction.

In closing, Chair, I wanted to identify for you, I hope crisply, not only some of the practical commitment that I hope you see from the judges here, and my own commitment, attending every Legal Wales conference, attending the opening of every legal year, sitting here as often as I can, visiting your courts, doing outreach at schools, having a magnificent reception here last February with the Senedd clerks, which was a great success, encouraging visits from your MPs to our courts – Ben Lake has been to Ceredigion, Andrew Ranger to Wrexham, Becky Gittins to Prestatyn, and Torsten Bell is, I think, due to visit Swansea shortly – all of this engagement is invaluable for us to share our thoughts and show the Senedd what we do, how we do it, and why we do it.

But my commitments as Lady Chief Justice of England and Wales here are, firstly, to maintain the policy that Welsh cases are heard here in Wales. Secondly, to sustain specialist training in devolved law and in the use of Welsh language. Thirdly, to support a modern, fit-for-purpose court estate. Fourthly, to deepen engagement with the Senedd and with the Welsh Government and, fifthly, and above all, to ensure that the people of Wales can access justice that is timely, fair, and true to Wales' unique character and needs. Diolch, thank you.

CHAIR: Thank you very much for that introduction. We've got a number of questions for you. I'm sure you're going to say at least some of them, "I've already answered that in the introductory remarks." There's no problem for us with you saying that, but you may also want to add things to what you said in your introductory remarks in answer to some of the questions. If I can go first, how would you assess the overall effectiveness of the judiciary in Wales and where do you see the most pressing areas of improvement?

THE LADY CHIEF JUSTICE: I think the challenges for Wales are well recognised. Foremost amongst them is ensuring that the justice system serves the whole of Wales, including its rural and remote communities. Now, that, of course, is not a challenge unique to justice. It is one that you share with healthcare and other essential public services. But I think, at the same time, for reasons that I have touched on, Wales offers real opportunities in the justice sector. Those are opportunities that arise from its size, its constitutional landscape, and the willingness of its institutions to work together.

I think the capacity for genuine collaborative work across the devolved and non-devolved parts of the justice system is a very striking feature. So, as I mentioned, the Association of Judges for Wales now includes judges sitting in devolved jurisdictions. The involvement of the magistracy is another good example, and the working in partnership for the pilots that I've been talking about. And, somehow, it is the size of Wales, the fact that it isn't as big and spread out as England, that it enables it to deliver on the ground. Talking to representatives from HMCTS Wales, they will know every court centre inside out. They will know every judge by face and name. That is something you

can achieve here that you cannot achieve necessarily elsewhere. So, I think the size and the layout can actually be a strength. I think, therefore, that the challenges are, as I say, the topography to an extent, but also with all of that, real opportunities.

ALUN DAVIES MS: Thank you very much for that, Lady Carr. I was interested in two things that you said in your introductory remarks. You quoted Lord Thomas in his analysis of the Cardiff Centre back in 2019. A fact that, as you say has come up seven years later, we're in the same position demonstrates that the systems we have don't work, or that Wales is an afterthought. But it's a real failure, however way you want to describe it, and I'd be interested in your view of why it's a failure. Why are we still, seven years later, debating and discussing the same issues?

And secondly, in both the first and second theme, you talked at length about the importance of having local access to judges who understand local cultures and the rest of it, to the ability to seek justice in our different communities, and the ability for us, for judges, to understand the legal framework here in Wales. That's all pretty basic stuff, isn't it? Every other jurisdiction would take that for granted. I can't imagine somebody in your position making that speech in either England, Scotland, or Northern Ireland, you know, understanding the basic legal framework within which you're operating. What that tells me is that Lord Thomas is not only right about the Cardiff Centre, but he's right about the jurisdiction as well.

THE LADY CHIEF JUSTICE: Well, I obviously can't talk about—

ALUN DAVIES MS: You don't want to go into that.

THE LADY CHIEF JUSTICE: I certainly can't go into devolution, but to be clear, when it comes to the training aspect—

ALUN DAVIES MS: But it's a real failure, isn't it? If a jurisdiction of England and Wales has somebody in your position, after however many centuries we've been in, making the point that judges need to understand the legal framework.

THE LADY CHIEF JUSTICE: Well, so let's take it in stages. If I can take your second point first.

ALUN DAVIES MS: Yes.

THE LADY CHIEF JUSTICE: All judges in England and Wales need to be trained on English and Welsh law. So there is nothing unusual about judges being trained in Welsh law any more than it is English judges are trained in English law. So the purpose of highlighting the training was to give reassurance as there is fresh legislation coming in through the Senedd that is Welsh specific, that that is adequately dealt with and there is training for that. So nothing unusual about Welsh judges being trained in Welsh law any more than English judges being trained in English law. So there is training across the board all the time.

Turning to your first point, obviously it's about money. It's about having the money to invest in a proper, fit-for-purpose estate, and I suspect that it has also been a question of will across the board. In order to find the solution here in Cardiff, I think everybody would agree that what we need is cross-governmental collaboration, collaboration with the professions, some creative thinking about investment between the governments, finding the right site, and reaching the right terms.

I can't tell you why it's taken so long, but what I can tell you is that there is a fresh sense of energy around the issue. I couldn't agree more with you that it is long overdue. It's something I've been saying since my very first appearance.

ALUN DAVIES MS: I didn't say it was overdue, I said it was a failure.

THE LADY CHIEF JUSTICE: Well, it's obviously disappointing. "Failure" is a word that it wouldn't be for me to say, is the way I would answer that. I would certainly say that those of you who were around in October 23 can confirm, with my very first breath, I said at the Wales Legal Conference, this has to be a priority.

CHAIR: Thank you. How do you engage with the Welsh and UK governments to improve the delivery of the justice system in Wales?

THE LADY CHIEF JUSTICE: Sorry, could you repeat that, please?

CHAIR: My voice is going as well.

THE LADY CHIEF JUSTICE: *[Laughs]*

CHAIR: How do you engage with the Welsh and UK governments to improve the delivery of the justice system in Wales?

THE LADY CHIEF JUSTICE: Well, I go about that externally with direct engagement, as you know, with the Lord Chancellor, with the First Minister, and direct engagement when I make the case, I hope effectively, for investment in the justice system, the rule of law, and all of that. And I think a very effective way of making the case and working with government is business as usual: maintaining public confidence by sitting in the cases and being as visible as I possibly can. Today might be seen as a good example of that. I think it's also important to identify the invitations to MPs to visit courts, to encourage MPs across the board to engage more with the justice system and learn and find out as much as possible about it. So I think there are many levels. Obviously, a direct level, I as Lady Chief Justice will have direct engagement, but then we have engagement across the board with ministers, and I hope I am seen as somebody who is accessible and ready and willing to give information and share information whenever I'm called upon.

CHAIR: Thank you very much and, finally from me, what progress we made in implementing the One Judiciary reforms in Wales and what impacts have you seen so far?

THE LADY CHIEF JUSTICE: Yes. So, One Judiciary has a number of different strands to it. The most obvious strand is bringing the work of the courts and tribunals together and increasing a collaborative atmosphere between judges working in the tribunals and judges working in the courts. Wales is lucky because many of the court centres involve both jurisdictions sitting together, and so it's very easy for the judges to come together. It's less easy in other places, in England in particular.

But at the heart of One Judiciary as well lies the question of flexible cross-deployment. So being able to make better use of the judges we have in our systems. Many of the judges who sit in your devolved jurisdictions also sit in non-devolved jurisdictions. That's a very good way of fostering One Judiciary and getting the judiciary to feel as if it is one body, not a segregated or divided organisation. But beyond the actual day-to-day stuff, the cross-deployment, it is a question of culture. It's bringing everybody in together and fostering a really inclusive culture within the judiciary.

CHAIR: Thank you very much. Adam Price?

ADAM PRICE MS: *[In Welsh via interpreter]* Good afternoon. We're all aware of the general backlog that is typical of the criminal cases across England and Wales at present. But to what extent is the situation in Wales better, worse, or is it broadly similar to what we see across England and Wales?

THE LADY CHIEF JUSTICE: Thank you for your question. So, the backlogs across England and Wales, obviously you read the newspapers, they are at an all-time high and a matter of real concern. Wales is a strong performer nationally. You have got, we have got, shorter waiting times, higher trial effectiveness and strong operational delivery. So your open caseload here in Wales is just under 3,000.

We often talk about numbers of backlogs, but actually timeliness is probably a more important matrix for you. In terms of timeliness, the average waiting time here in Wales from case receipt to first main hearing is 15.9 weeks. If you take England and Wales as a whole, it's 24.2 weeks. So you are doing a lot better here.

In the Magistrates' Court, the ineffective trials rate – that's the rate at which trials collapse – across the nation is 23%. Here in Wales, it's 10%. Going back to the Crown Court, I think that the backlog in all of Wales, this is a statistic that caught my eye, is less than the backlog in one of our largest London Crown Courts. So in Snaresbrook, the open caseload is actually bigger than the entire open caseload in Wales. So the news is relatively positive in the Crown Court and in the Magistrates' Court in particular.

ADAM PRICE MS: That's very encouraging to hear about those aspects in which Wales is doing so well. Do you attribute those positive outcomes to the characteristics that you mentioned earlier on that Wales, due to its nature and the way information flows more rapidly, etcetera, do you attribute it to that?

THE LADY CHIEF JUSTICE: Yes, I think it is the *esprit de corps*. I feel great national pride amongst the Welsh judges. [Laughs] They're quite a competitive lot, and they take great national pride in their work, and there is a particularly strong relationship, I feel, between the judges and HMCTS Wales. So that is His Majesty's Courts and Tribunal Service, who provide the support operationally on the ground, and I think it is that relationship, if I had to single one thing out, I think that's what works particularly well and can claim the greatest credit for this very strong performance.

ADAM PRICE MS: I know that you may not want to go into different policy areas, but those of us in favour of devolution, we would use this as further evidence of the potential that devolving this would represent. Just in terms of drilling down to the statistics some more, are there any areas that are comparable in terms of where Wales is doing worse overall than in England? Are there parts of Wales, are there specific courts, where there's a more difficult situation for various reasons, perhaps relating to the estate or staffing, etc.? Or is there a variety of issues, perhaps?

THE LADY CHIEF JUSTICE: I think that it would be mainly the estates' problems that are particularly bad in certain areas. There is a real accessibility problem in Wales. There's a lot of good work going on in terms of individual projects. But I think what HMCTS Wales is undertaking, what it needs to undertake, is a comprehensive organisation-wide approach to address the estate as a whole. So there are a number of, as I say, you probably won't be interested in the detail, but we've got new heating and cooling systems in Port Talbot, we've got new lighting system in Swansea, heating and cooling systems in Newport, civil and family, and various bits of redecoration and recarpeting. But actually, there are some fundamental problems. You've got very, very old lifts in nearly all of the buildings – I see a nod from the chair – and they're very expensive and very difficult to repair and maintain. So I think accessibility is a real problem.

ADAM PRICE MS: And although, according to the statistics that you shared with us, the situation in some aspects is relatively better in Wales, would you accept that the backlog in general has been increasing in Wales as it has been increasing in England also? That it's more of a problem now than it was previously, and could you tell us what are the most significant consequences of that? The consequences of those backlogs for victims, for witnesses, for defendants, and the wider operation of the justice system in Wales.

THE LADY CHIEF JUSTICE: Yes, I think I'm on record as having spoken many times about the consequences. There are obvious immediate consequences in terms of day-to-day living for complainants and defendants who have to wait years for justice in some cases, and witnesses as well where they are involved. But there are knock-on consequences, for example, in terms of efficiency, because a defendant who knows that he or she is not facing trial for many years may decide to plead not guilty. There will be no incentive with the prospect of an imminent trial to, as it were, consider whether really or not that is going to be the long-term situation.

There are also, obviously massive impact on efficiencies as well as to the real day-to-day lived experience of those directly involved. But, of course, also every delay, delays of years affects the quality of justice because memories fade and these are by definition cases where memories are likely to be very important. Also, consequences in terms of increased cost, because cases that should come on that are prepared and ready to be presented that go off for a year will then have to be re-prepared by the lawyers and others involved.

So there are all of those obvious consequence and then, if you want to travel out the consequences, consequences for the rule of law, consequences for public confidence, also consequences on the health services, on the economy, because the more people who are impacted by delays in this sort of jurisdiction, the less likely they are to be effective at work, to look after themselves, etc. So it does travel out, and I think have a ripple effect in many, many, many different areas.

ADAM PRICE MS: Do we have any figures for the victims, for example, and the effect of that backlog on the tendency to pull out of cases, out of criminal cases? Also, you referred earlier to the record in Wales and how it was better in terms of those ineffective cases, those that fail due to various reasons, but is that a worsening picture also due to that pressure of the backlog?

THE LADY CHIEF JUSTICE: Yes, in answer to your question, I don't have a statistic for you on the victim attrition rate, but I think we can all see it happening. Clearly, the longer a victim has to wait, there will be those who just can't face it anymore and do withdraw and that is, as you rightly point out, a serious problem. In terms of the ineffective trial rate that I gave you in the Magistrates' Court, that is actually not due to victim attrition rate. That is due to prosecution not being ready, defendant not being delivered to the right court, illness, and so on and so forth. So the statistic I gave you for the ineffective trial rate in the Magistrates' Court was not related, I think, to victim attrition, rather related to the other reasons why trials are not effective on the day that they should be.

ADAM PRICE MS: But is there still a broader connection between that backlog and the number of ineffective trials?

THE LADY CHIEF JUSTICE: No, I don't think so, except in the way that I describe, which is that the longer the wait, the less likely a defendant is to perhaps decide whether or not it should be a guilty plea that should be entered. Particularly in the sort of cases you may be thinking about in what we call the RASSO cases, the sex offender cases, where long delays take place, in particular because a defender will not be in custody, and that is where we see victim attrition really come into play.

ADAM PRICE: Can we turn therefore to how we improve the situation? If you only had one of these in Wales next year, more sitting days, or more judicial appointments, or, thirdly, more administrative staff, which would you choose? Which do you think would be most effective?

THE LADY CHIEF JUSTICE: That's a fantastic question. *[Laughs]* Can I not have all three, please? We must be allowed to sit to maximum capacity. So we must be allowed to sit with unlimited capacity and days, and we must have not only the right numbers of staff, but we must have the

experienced staff. So in some areas, we are losing, as you know, for example, legal advisors who are absolutely critical to the work of the magistrates, losing them to higher-paid positions in other parts of government, the Crown Prosecution Service. So we train up these brilliant young people who, after two years of training, then go to a different part of the organisation. That is a real challenge for us, recruitment and retention of the right level of experienced staff.

So if you really, really ask me to choose, I would go for more sitting days, but it is a real close run between more sitting days and more administrative staff. Those would be my top two.

ADAM PRICE MS: And just to stay on that point for a moment then, how does that decision across Wales, England and Wales too, in terms of that maximum number of sitting days, how has that affected Wales? Have there been cases where the courts in Wales have failed to sit due to Wales, to all intents and purposes, has run out of sitting days that are funded?

THE LADY CHIEF JUSTICE: Yes. I don't know the chapter and verse on that, and if I may, Chair, I'd like to see if I can get Mr Price the relevant information.

CHAIR: Can you send the clerks the note on it, please?

THE LADY CHIEF JUSTICE: Yes, I think that would be very helpful, because I don't know what the numbers are. I certainly know in London in particular, the cap on sitting days has had a very real effect. A lot of it depends on the listing profile and the listing processes, and I just don't have data at my fingertips on how many cases may have been affected here in Wales, but yes.

ADAM PRICE MS: Just in terms of recruitment, are there challenges that are specific to Wales in terms of recruitment of judges, full-time judges, or judges who are paid through fees, and to what extent is that movement towards... I'm not sure what the term is, I'm not sure if I know the word in English or in Welsh, but cross-deployment between the courts and the tribunals. How has this helped Wales in terms of recruitment?

THE LADY CHIEF JUSTICE: Thank you. So I think that one of the big advantages at the moment is the ability for Wales to have access to the entire English judiciary as well as the Welsh judiciary. So any judge of England or Wales can sit in England or Wales by definition. So there is this great breadth and depth of opportunity and access here in Wales to all judges in England and Wales, and that, I think, is a massive advantage. In terms of issues relating to recruitment, I'm unaware of any difficulties, particularly relating to recruitment here. As I explained in my opening remarks, we are modernising the recruitment system in terms of identifying judges with the three levels of Welsh language and to identify where in Wales Welsh language speaking judges are going to be most useful to have a more targeted and more effective approach to that. So there are some competitions where we are looking for judges who must have full Welsh proficiency. That may be a limiting factor in terms of the available pool, but I'm not aware of any particular recruitment difficulties.

ADAM PRICE MS: Alun Davies, I'm sure we'll come back to this question relating to the Welsh language in the system. But, finally from me, could you tell us briefly, broadly, how the proposed criminal court reforms and sentencing changes influence efforts to reduce the backlog that we've been discussing?

THE LADY CHIEF JUSTICE: So the sentencing changes which are now in the Sentencing Act, which has passed, are, I think, primarily directed at alleviating pressure on the prisons rather than at alleviating the backlogs. So the changes to sentencing, having longer suspended sentences and so on and so forth, is really aimed at targeted more at prison population issues than backlog issues.

The criminal court reforms under Sir Brian Leveson that have been put forward are currently before...I think, yet to be presented to the House and have yet to go through. So we don't know

precisely what shape the reforms will take and quite where lines will be drawn. So things are very much up in the air. I know that HMCTS Wales has been looking at the Welsh estate to identify, for example, rooms that could be used for non-jury trials if that's where we end up. But at the moment we are, I'm afraid, well, I am afraid, you know, slightly in suspended animation. We've been waiting a long time. We just need to be told what Parliament's will is and we will then comply with the legislation as it is enacted and do our level best to reduce the backlogs.

I mean every single criminal judge in the Magistrates' Court and the Crown Courts worries about these backlogs. We care about them, and we want to get them down as fast as possible. But ultimately it will be for Parliament to decide what reforms go through, and then for us to act on the will of Parliament.

MARK ISHERWOOD MS: Good afternoon. I'll just ask a supplementary first, just following on from some of the earlier questions. Views are often expressed by members of the Senedd over why Wales has consistently had a higher imprisonment rate than England. Obviously, you can't comment on the devolution specifically or otherwise, but from a sentencing or judiciary viewpoint do you have any explanation for that?

THE LADY CHIEF JUSTICE: No, we all apply the same law in the same way, so I wasn't actually aware that there were higher imprisonment rates in Wales. That's right, is it?

MARK ISHERWOOD MS: Members often state there are. I've just had a...according to AI, there are.

THE LADY CHIEF JUSTICE: *[Laughs]*

MARK ISHERWOOD MS: And I've certainly seen statistics periodically indicating that was the case.

THE LADY CHIEF JUSTICE: Right.

MARK ISHERWOOD MS: Members often express views for that. I don't know how evidence-based those are. I'm just wondering if you had any...?

THE LADY CHIEF JUSTICE: I'm afraid I don't.

MARK ISHERWOOD MS: You don't.

THE LADY CHIEF JUSTICE: I may be better informed after I've been to Cardiff Crown Court tomorrow. *[Laughs]*

MARK ISHERWOOD MS: Okay, thank you. Well, if I move on to the judicial estate, you've already made some reference to this. You rightly said or emphasised the necessity of a modern foundational estate. You referred to current estate being unfit for purpose and particularly focused on Cardiff and the proposed Civil Justice Centre. But I represent North Wales, I live in Flintshire, I live near Wrexham, I live near Chester. So, looking at Wales in its entirety, what is your assessment of the quality of court facilities in Wales and available to people living in Wales?

THE LADY CHIEF JUSTICE: My focus is largely on accessibility. That's my main focus, and there are some serious problems with roofs and the like, and the estate generally is very difficult to manage. I think we've got over 128 rooms, 22 in the Crown Court, 20 magistrates, 68 civil and family. It's a big challenge, and there has been historic underfunding as a matter of record across the board. I think we've also, as you may have picked up, Mr Isherwood, had some very real security concerns with attacks on judges and social media and in the press, and we have had a real blitz,

I'm glad to say, on improving physical security in the courts, and that has meant improvements, particularly in civil and family courts. We haven't really talked about civil and family much, have we, apart from the Civil Justice Centre in Cardiff. But the work there and the sort of cases that are carried out and presided over by judges in sometimes very small confines with very real security risks. So there's been a lot of work going on in the estates in relation to security.

MARK ISHERWOOD MS: Thank you. Well, you referred to accessibility and as you'll know the Inns of Court provide guidance to courts and judges in relation to things like disability, autism, sensory loss and so on. What is your... and I frequently, because I mention I chair the cross-party groups on those issues in the Senedd, and often hear worrying stories about perhaps the interviewing processes, not understanding the barriers that individuals might face because of their conditions. Some of that's physical, some of that is more attitudinal or educational, a lack of understanding. But what is your understanding of the importance, not only of general accessibility, but of meeting the needs of people who encounter barriers because of the conditions they might have?

THE LADY CHIEF JUSTICE: Yes, so I don't have any Welsh-specific experience or information to share with you on that, Mr Isherwood, but absolutely, if you look at our Equal Treatment Bench Book, if you look on the Judicial College website, the amount of training that is going on, particularly in neurodiversity and so on and so forth, is enormous. So it's very, very much a live issue for all of us. There's a lot of training going on and a lot of learning going on, and I think we've seen a sea change in attitude, not only to youth actually, but developmental maturity and the development of individuals, but also in terms of reasonable adjustments and the like.

Obviously, the subject of intermediaries is one that may be very close to your heart. You may have indirect or direct experience of their use in court, but obviously the way we look after young and vulnerable witnesses or parties has changed over recent years beyond all recognition.

MARK ISHERWOOD MS: Okay, the final question from me, and you already partially touched on it, but it is in relation to securing improvements to judicial estate. What specific discussions have you had with the Welsh Government and UK Government, if any, about securing said improvements, not just the Cardiff Civil Justice Centre, although that's important, but also elsewhere across Wales?

THE LADY CHIEF JUSTICE: So, I make the case to government at every opportunity I have to invest in the estate across the board, and the conversations in question are normally with the Lord Chancellor. There is obviously a concordat process every year with a capital budget and a maintenance budget and so on and so forth. So I make the case whenever I can, as best I can. I haven't had the opportunity to have any conversations in detail with the First Minister on that, other than to talk about the Cardiff Civil Justice Centre in recent discussions.

MARK ISHERWOOD MS: Thank you.

THE LADY CHIEF JUSTICE: Thank you.

CHAIR: Following on Mark Isherwood's question, at the current rate of expenditure, how long will it take to get the estate up to a required or acceptable standard?

THE LADY CHIEF JUSTICE: Well, I mean, the figure I have for the estimate of the maintenance backlog is 1.3 billion. So I have no way of putting years on that, I'm afraid. It is decades. It's taken decades to get here. So I don't think it's going to be an easy, quick fix, I'm afraid.

CHAIR: Thank you. Alun Davies?

ALUN DAVIES MS: That's a pretty sad reflection on the state of the justice system across our jurisdictions. In terms of taking the conversation forward, I thought your response, Lady Carr, to questions on language were very persuasive and convincing. I'm less persuaded by your response to some of the questions on the place of the judiciary in the distinct legal landscape created by devolution, because you have two elements, don't you? You have both the law that's written down, which is distinct and different in different fields between Wales and England, and then you have that sort of cultural place, if you like, you touched upon earlier. You know, having sat here for nearly 20 years now, my experience is that London finds the UK quite a difficult concept to understand. It doesn't really get the UK outside of the M25, and my sense is that the judiciary and the jurisdiction is an English jurisdiction with Wales patched on, and I struggle with that as a legislator and as a citizen. I find that... and I'd like to be convinced that the judiciary does in some ways buck that trend.

THE LADY CHIEF JUSTICE: So I'm not here to persuade or convince you of anything. I am here to give my best evidence and information to you and to answer your questions. So I'm not making a case for anything, as you, I think, understand, Mr Davies. What I can do is assure you of the way the judiciary in Wales works, the way we train our judges in England and Wales, and to give you as much information as to the detail of that.

I have spoken, you haven't asked me, about the interaction between, for example, the Committee on Wales that sits on our Judges' Council with judges from all jurisdictions in Wales who have the discussions and with whom I meet regularly. We haven't talked about the President of Welsh Tribunal sitting on the Transparency and Open Justice Board, on the Committee on Wales, all the sorts of engagements that we have. So what I would say, without trying to persuade or convince anybody, is I would say Wales is front and centre of the work that we do in England and Wales, and that we try to be as inclusive, as One Judiciary as possible, the Chair asked me about that a little earlier, across the board. So we don't make distinctions between, as it were, Welsh judges on the one hand and English judges on the other. We are One Judiciary, we are a shared legal jurisdiction, and we serve or aim and try to serve the people of Wales in an accessible way that reflects their distinct identity, their distinct qualities, for example, the legislation that the Senedd passes to make sure that English and Welsh judges are delivering and applying the law in a fair and accurate way. So I hope that's an answer.

ALUN DAVIES MS: So in terms...thank you for that. So to what extent then can you be confident that members of the judiciary fully understand that distinct legal landscape in Wales?

THE LADY CHIEF JUSTICE: Well, to the extent of the training that we have, we have a Welsh training committee on the Judicial College, we have Wales newsletters, we have an e-library. So the whole point of some of the things that I was saying in my opening is to demonstrate how Wales-centric in that sense we are, and that the needs of Wales are catered in the manners in which I've described.

ALUN DAVIES MS: And to what extent... describe the work which you do with either colleagues here at the Senedd or the Welsh Government or any other stakeholders in Wales to actually strengthen that understanding of devolved law.

THE LADY CHIEF JUSTICE: Sorry, the work...?

ALUN DAVIES MS: Describe the work which you would undertake during a year, say the last year, with the Welsh Government, with the colleagues here in the Senedd or others, to strengthen that judicial understanding of Welsh law.

THE LADY CHIEF JUSTICE: Well, the engagement with government by myself and other senior members wouldn't really strengthen the understanding of the judges of England and Wales. It might

strengthen the understanding of the Senedd and others as to a little bit more about what we do, it's one of the reasons I'm here. But, in terms of the judges' understanding of Wales' identity and Welsh law, it's the presiding judges that I referred to, it's the Welsh architecture, it's the presence on Judges' Council. All of these things that come together to make sure that there is that package, as you were, of understanding.

ALUN DAVIES MS: Okay, okay. I think Adam wants to return to the tribunals.

ADAM PRICE MS: *[In Welsh via an interpreter]* Do we have time, Chair?

CHAIR: Yes.

ADAM PRICE MS: Just a couple of questions to conclude from me. In terms of the Welsh language, just a specific question: The Welsh Language Commissioner has recently raised concerns about the consultation by the Committee for Regulations and Procedures – I don't know whether that's the right title – in terms of a specific situation that arises where there is ambiguity regarding the Welsh text and the English text in pieces of legislation and, at present, what happens is that you, as courts, seek to demand that there is a Welsh-speaking judge presiding in order to understand the two versions in full. But the suggestion is that there should be a movement away from that and to allow non-Welsh speaking judges with an assessor or an independent advisor who can provide linguistic advice to them. The Welsh Language Commissioner has said that that is in her view, I'm seeking to paraphrase, but that is not in alignment with the status of the Welsh language as far as legislation decides. Can you respond to that concern expressed by the Commissioner?

THE LADY CHIEF JUSTICE: Yes, so I'm unaware of that concern. Nobody has drawn that to my attention, and I will follow it up. We have...I mean, HMCTS' Welsh Language Scheme is approved by the Welsh Language Commissioner. Actually, we had a very good presentation by the Welsh Language Commissioner back in last October in Bangor. So I'm not aware of there being any suggestion that any proposals we have are out of alignment and, if that is the case, then we need to look at that.

ADAM PRICE MS: I'm grateful for that and just finally from me, I want to ask about the relationship with the Welsh tribunals. We've heard about One Judiciary in Wales, but we have two sets of judiciary in Wales, one might say. But you appoint, do you not, the President of the Welsh Tribunals? Is that the case? But the President has raised...how may I put it? Has expressed some frustration, or perhaps that's overstating it, but has mentioned a desire to see greater cooperation between the Welsh tribunal system and the tribunals and courts across England in terms of the Judicial College. At present, there is no full access. Is that something...could you give us an update on any discussions that you've had in that regard, and the links and connections in general with that system? Because you do appoint the President of the Welsh Tribunal, so you do have a role in that regard as far as the system currently stands.

THE LADY CHIEF JUSTICE: So I'm lucky, so Gary Hickinbottom is a very good friend of mine. I didn't appoint him, so there's no conflict to declare. But I work very closely with him, just to put in context how often I see him. So he's a member of the Judges' Council Committee on Wales, he's on the Tribunal Judiciary Executive Board, he's on the Administrative Justice Council, and he's on the Transparency and Open Justice Board that I established, so he is very much in my sights. We correspond whenever we need to. Obviously, as the Welsh tribunals are devolved, the Judicial College isn't responsible for training them. However, you are absolutely right that we have, when there is capacity, sometimes on a discretionary basis, allowed devolved tribunals judges to join in on the training, particularly when the training is in proficiency in the Welsh language.

So I suspect it'll be a capacity problem, whether or not we have capacity to support, but certainly we have good working relationships with Sir Gary. I'm sighted on his issues. There was an issue

recently about, I think, access to eJudiciary, which is our electronic online system, which, again, we have no responsibility to, obligation to allow devolved tribunal judges to have access to, but we are providing them with access, at least on an interim basis, until they are able to set their own systems up to get them up and running. So it is not a hostile relationship, far from it, and Sir Gary and I are closely sighted on all sorts of issues, including, for example, parity of pay for the tribunal judges in devolved tribunals that came up recently, where I work with him to the best of my ability and within the bounds of the constitutional arrangements that exist.

CHAIR: Can I thank you very much, firstly, for coming along, and secondly, for answering our questions. I've got to tell you, you will get a copy of the transcript. I've seen you answering questions, and you do what I do when you turn towards the person who asked you the question. The problem with that is every now and again it misses out a word. So when you check the transcript, you may find, as I sometimes do, a word missing.

THE LADY CHIEF JUSTICE: As long as it's not a "not". *[Laughs]*

CHAIR: No, no, it's just sometimes as you turn away, it doesn't necessarily pick up the word. It's happened to me on several occasions. I hope it hasn't happened to you today, but please check it, because you might want to add a "too" or an "and" in there, which was missed when it was being picked up.

THE LADY CHIEF JUSTICE: Thank you.

CHAIR: But again, thank you very much for coming.

THE LADY CHIEF JUSTICE: Thank you. I know that you have a very busy agenda, but I have just brought, just in case it's of any interest, the Annual Report in Welsh, and just to say thank you, Chair. This is a moment in history. No Lord Chief or Lady Chief Justice has ever come before the committee before. I feel it's very important. We may not always have the answers. We may not necessarily persuade or convince. As I say, it's not my role to do that. But I do think that this open engagement is really important and please do encourage your colleagues to reach out to their local courts and tribunals. Because, as I say, the more that we all know about what we do, why we do it, and how we do it, the better, in my experience. So, thank you for this opportunity. I will follow up on those issues that we said we would look at for you, and I hope that this is the beginning of a bigger programme of engagement where we can discuss and inform as far as possible so, thank you.

CHAIR: As do we, thank you.

[Ends]