## PRESS CONFERENCE

held by

## THE LORD CHIEF JUSTICE OF ENGLAND AND WALES

(Lord Thomas)

on Tuesday 05 November 2013

at THE ROYAL COURTS OF JUSTICE, THE STRAND, LONDON, WC2A 2LL

Computer Aided Transcription by Wordwave International Ltd (a Merrill Communications Company) 190 Fleet Street, London EC4 Telephone 020-7421 4040 (Official Shorthand Writers to the Court)

**STEPHEN WARD (HEAD OF NEWS, JUDICIAL OFFICE):** Good morning everybody. Thanks for coming this morning. It is a wet day. This is completely on the record. The only questions we cannot take are about cases, which the Lord Chief Justice cannot talk about - either live or up-coming cases. But any other subject, it is your choice. Would you put up your hand and identify yourself for the transcript.

I will introduce the new Lord Chief Justice, Lord Thomas.

**THE LORD CHIEF JUSTICE:** I do not propose to make any opening statement. Thank you all for coming, particularly on such a wet morning, and then I would like to have the first question from whomever.

**MARTIN BENTHAM (EVENING STANDARD):** In the recent ruling on the case of the niqab, Judge Peter Murphy appealed to either the higher courts or to Parliament to take a stance on this and to set of clear rules. Given that you have not yet had a case, would you like to be in position to do that? The CPS didn't appeal on that particular case. Or would you rather that Parliament took a stance?

THE LORD CHIEF JUSTICE: We consider the best way of dealing with this matter is to make a Practice Direction. It is not an easy subject and we are in the process of drafting a Practice Direction. The basic principle will be that it must be for the judge in any case to make his (or her) own decision, but we will give clear guidance. We hope to be able to issue a draft for consultation in the very near future, and I do not want to anticipate, beyond what I have just said, what will go there. But we shall look forward to all your assistance in trying to reach the right answer to what is without doubt a problem that many people find divisive.

**JOSHUA ROZENBERG (LAW IN ACTION):** Lord Chief Justice, are you saying then that you would welcome public consultation on this, because it is a matter of great concern to the public at large. The present guidance really tells the judge to do no more than use his or her own judgment. Do you think that, given that Judge Murphy said that the niqab has become the "elephant in the courtroom", it is really necessary for the senior judiciary to give a lead on this?

**THE LORD CHIEF JUSTICE:** Yes. I would not describe it as the "elephant in the courtroom", but it is an important issue that has to be addressed. I regard it as the responsibility of the senior judiciary to give guidance, and it will be guidance that is not merely: "Well, it all depends", but starting from a clear starting point and giving fairly reasonable guidance as to what should happen. What we intend to do is to put that out for public consultation and then finalise it.

**CATHERINE BAKSI (LAW SOCIETY GAZETTE):** Do you have any concerns about the increased televising of the courts, seeing it, as some do, as a slippery slope towards a new form of reality TV, or is it genuinely something that can inform the public? And what concerns do you have about extending it to criminal trials?

**THE LORD CHIEF JUSTICE:** We have just started. We have had two or three days so far. Our view is that we will wait and see how it goes. So far I am not sure it makes the exciting television, but as you all know, being reporters, court cases are fairly often very routine and

not terribly interesting. But what we want to do is to see how it goes, see how the reporting works, what the public reaction is, and then take a decision on it. I do not think we should anticipate where we are going.

**VICTORIA WADE (SKY NEWS):** If the Philpott appeal will take place in Nottingham Crown Court, would we be able to bring the cameras to that Court of Appeal?

**THE LORD CHIEF JUSTICE:** It will be a Court of Criminal Appeal. I have taken the view that it is right that we ought to do more justice out of London, but I ought to set a good example and go and do it. As it is a Court of Appeal, subject of course to the ability to put TVs into that court room - that is a technical matter - but as far as jurisdiction, it is a Court of Appeal as much as you see here. So the answer is: yes, subject to technical issues.

**SIMON ISRAEL (CHANNEL 4 NEWS):** Is a picture emerging to you of the impact of cuts in legal aid, both in civil and criminal justice?

THE LORD CHIEF JUSTICE: Yes.

SIMON ISRAEL: What is it?

THE LORD CHIEF JUSTICE: Civil legal aid first. There are many more litigants in person and our system is going to have to adjust to it. One example is that our rules of procedure were by and large designed for cases with lawyers, and as we do not have lawyers in quite a lot of small cases now, we are going to have to look at our forms of procedure. I found on one of my visits to the courts out of London that the district judges there were being highly innovative and thinking "How do we best help a litigant navigate his way through the new way people without legal aid are going to have to do things?" But I should also add people who cannot afford lawyers, because they are not always the cheapest either. So you have the two: people who cannot afford a lawyer and people who cannot get legal aid, and who would never have been able to get legal aid because their income is higher than the minimum levels. So in civil work we are looking at that, and we are going to have to make adjustments to the volume of work people can do.

In crime the impact has so far been very minimal. We will have to wait and see what happens.

**CLIVE COLEMAN (BBC):** Can I ask you - you probably won't be surprised by this one - the Conservatives want to scrap the Human Rights Act and possibly withdraw from the European Convention on Human Rights. What is your judicial perspective on all of that?

**THE LORD CHIEF JUSTICE:** It must be for the Government to decide what treaties they enter into, and the European Convention is actually a treaty. The courts always took the view that until the treaty had been given effect to, save in one or two rare circumstances, by internal legislation, namely the Human Rights Act, they would not apply it in our courts. If we withdrew from the Convention, Parliament would have to decide what it did. Did it substitute its own code of rights; and what were the judges to do? For example, would it retain the declaration of incompatibility, or would it proceed on some other basis? But it must be for Parliament - it can only be for Parliament and the Government - to decide whether we continue to adhere to the Convention. To speculate beyond that, I do not think

is possible.

**CLIVE COLEMAN:** Can I just ask a very brief follow-up? The Home Secretary has said that a group of judges - immigration judges - have chosen effectively to flout the wishes of Parliament in relation to Article 8. How to you react to that as Head of the Judiciary?

THE LORD CHIEF JUSTICE: It is not right that I should comment on individual cases. One would hope that any government minister would always take the view that if they think a judge has misapplied a case, they would appeal. That is the traditional route, and that is what I think they should do. But in relation to Article 8 and immigration, I think the Government has taken a course which is interesting and I hope will be successful, which is namely to legislate in the Bill that is now out for review by setting criteria by which the courts should proceed. I cannot comment on that at all, because obviously the way the criteria are to be applied, and the compatibility of the criteria for Article 8, will be something that may come up in future court cases. But the view the judiciary has always taken - and I do not think I am saying anything different from any of my predecessors - is: if the Government is unhappy with a decision of the lower court, appeal.

**GRANIA LANGDON-DOWN (FREELANCE):** Going back to legal aid, what would be your view if barristers decide not to continue with cases or not to take on cases?

THE LORD CHIEF JUSTICE: Whether they continue with existing cases or not must be a matter for their professional obligations. If they decide not to accept briefs, then obviously a question will arise as to what is to happen. I hope we will never reach that position. I have spoken publicly and said I very much hope these matters can be resolved, but we do live in a country where you are entitled not to provide services if the Government does not pay you enough in your view. But I am sure that a solution will be arrived at, but this is a problem we may have to face in the New Year.

**OWEN BOWCOTT (THE GUARDIAN):** You talked at the weekend about the ways of funding the Tribunal and Courts Service and I think the MOJ has put a £200 million saving against that re-organisation. Can you give us any indication of where the funding is going to come from?

THE LORD CHIEF JUSTICE: Well, I think what we need to do is this. It is very easy when governments have traditionally cut back, say, five or ten per cent, to think, well, you will just be a bit more efficient and do things slightly differently, but given the scale of the cuts that have occurred, we really need to think properly how we do things. First of all, the IT in the courts is not what one would describe as the most modern, and we do need to make significant investment in IT, and one of the difficulties has been that there has not been the vehicle for long-term investment - that is one. Two, I do not think that the Government necessarily has always been very successful at the way it has handled IT contracts. So I regard long-term investment with a properly managed structure as the first thing to put forward. Secondly, I do think that in the long term we have to look at the court estate. Every other country in Europe has had to look at its court estate to decide: actually have we got courts in the right locations, and are they courts that are fit for purpose? Thirdly, we have to look at the procedures that we have and adapt them to changed circumstances. And I do not think that we have any alternative but to do each of those three things.

**OWEN BOWCOTT:** That implies selling off some more buildings?

THE LORD CHIEF JUSTICE: No, I do not think it does mean selling off some more buildings. It means looking at what is the best court estate that we can have, and actually investing for long term. How you do the investment is a matter that - I am not a person who invests in property, but there are plenty of people, I am sure, who could in a modern management on a Courts Service Board actually drive forward a modern estate to the benefit of everyone, and there are innovative ways of actually providing local justice, bearing in mind we have things such as Skype and FaceTime, without necessarily having a full scale apparatus of a local court every day. We need to loosen up our use of Skype and FaceTime. The current IT systems do not really allow it. I am very keen we should because with most of what happens in court you do not have problems of security, and therefore you can be much more open to the use of Skype and FaceTime than we traditionally have been.

**STEVE DOUGHTY (DAILY MAIL):** Lord Chief Justice, do you agree with your predecessor and with the President of the Family Division that no one should ever be committed for contempt of court without their name being published and without the details of their contempt being made known, or do you think that there are exceptions to that rule?

**THE LORD CHIEF JUSTICE:** I cannot think of any exceptions as I sit here, but the danger of always saying that is that there might turn out to be one. But I cannot think of one as I sit here now.

**FRANCES GIBB (THE TIMES):** Can I just come back to legal aid and take in judicial review? Do you agree with the comments of Lord Neuberger that the cuts to legal aid and the curbs on judicial review that are proposed are a threat to access to justice and undermine the rule of law?

THE LORD CHIEF JUSTICE: We are in a position at the moment where one cannot foresee - if I take them each in half - the effect the cuts on legal aid will be. At the moment I am not persuaded that the cuts that are being made to legal aid so far are affecting access to justice. We are looking at ways of helping people, and I hope that the other half of the legal profession, which is in comparison very well, will look for a solution. If the state is withdrawing its funds, we, as lawyers and judges, owe a means of actually making certain people have access to justice. So, on the civil side, I see a proactive role for us.

In relation to judicial review, this is the subject of consultation at the moment. Judicial review has been one of the huge success stories of the way in which the law has been developed over the last thirty or forty years. It has, I think, made government better. It has enabled people to challenge bad decisions and it would be a great mistake if it was in any way imperilled. However, it is realistic to say that sometimes people do bring judicial review proceedings which are wholly unmerited. I, during the course of the summer, sat on a number of cases arising out of the use of it to delay immigration deportations, and I gave a number of judgments on which I do not wish to add. So there are areas of the system where there is abuse, and the Government is quite right to be looking at it.

**CLIVE COLEMAN (BBC):** Can I ask you about out of court disposals? Your predecessor said on one occasion that every assault should always come to court. We know that that does not happen and we know that from the last set of available figures some nineteen rapes

were dealt with by way of caution. What is your view on the use of out of court disposals and cautions? Is there a level of offending that should always mean that the offender is brought to court?

**THE LORD CHIEF JUSTICE:** The problem with out of court disposals is that the system has grown without anyone standing back at any one time and stopping and seeing where we have got to. The history is quite a complicated one. I attempted to trace it to an extent in a judgment I gave earlier this year in a case called "Stratton". What has effectively happened is that over the years the policy has moved and no one has actually stopped and said: "What ought we to do?"

The origins of it were very sensible. If someone committed a minor offence, you did not want to criminalise them. But so that there was some form of record, you kept a record for a certain amount of time and if he did not offend again, you got rid of it. Events occurred which, quite understandably at the time, decided that destroying records was not necessarily sensible. But we retained the records and put them on the Police National Computer so that people who committed some minor offence had that record against them for a very long period of time, and that undermined the rehabilitation for the particular individual. So there is that area of it.

The second area is the level of crime you use it for. I would agree that for serious crime you should not use it at all, but you do need (a) clear guidance, and (b) you need a review system and a proper system of accountability by whoever is making the decisions, whether it be the police or the CPS. The view I have always taken is that those decisions that are made on cautions ought always to be the subject of public accountability, and one of the problems with the current system is that the system is basically unaccountable. So I am delighted that the Government is intending to conduct a thorough and fundamental review. It is very badly needed.

**DAVID BARRET (DAILY TELEGRAPH):** On the same subject of cautions, you have mentioned serious offending being dealt with is not always a sensible way forward.

THE LORD CHIEF JUSTICE: Yes.

**DAVID BARRETT:** But what about the prolific offender perhaps in relation to the more minor crimes? Is there a figure that you have in mind that might be an appropriate use for cautions in terms of repeat offending? Is five cautions too many? How do you think it should be dealt with?

**THE LORD CHIEF JUSTICE:** I do not think you can do that. I think it all depends upon the individual. What I am not prepared to do - and I think it would be very foolish - I think the subject needs a proper review. It is not possible for me to give you off-the-cuff remarks as to what the detail of that review should be. All I can do is welcome the review that the Government is undertaking and say that it is dealing with a part of our justice system that people do not properly understand. People do not properly understand the implications of receiving a caution and you need to look at it thoroughly all over again.

**MARTIN BENTHAM (EVENING STANDARD):** You have been quite robust on a couple of occasions about immigration lawyers bringing unmerited last-ditch appeals.

## THE LORD CHIEF JUSTICE: Yes.

**MARTIN BENTHAM:** How big a problem is this, and do you think that lawyers in this position have a public duty to think more broadly about the money that they're spending and the time they are using up a judicial resource and so on?

**THE LORD CHIEF JUSTICE:** Virtually all the cases are privately funded, so there is no question of the legal aid fund paying anything. They are dealing with people who are, ex hypothesi, vulnerable. They do not want to leave this country, and any lawyer has a very firm duty not only to the court but to his own client not to pursue a case that is hopeless. The only thing I can say is that when I speak to judges - and I spoke to one yesterday who had been doing these sort of duties that we have these problems in - things are much better. We are not getting so many abusive and poorly presented claims.

**FRANCES GIBB (THE TIMES):** Would judges like to retain the option to impose a whole life tariff?

**THE LORD CHIEF JUSTICE:** All I can say to you about that is that that matter will come before me as a judge and I will give my decision in due course.

**JOSHUA ROZENBERG:** I am intrigued by your references to Skype and FaceTime. Are we talking about the possibility that a defendant wouldn't have to turn up at a traditional court, but would go along to a room somewhere where they would appear on what has previously been described as closed-circuit television, and would be able to interact with the court in that way?

THE LORD CHIEF JUSTICE: At the moment I think there is scope for use of this at pre-trial hearings. One of the difficulties that we have - and both sides of the profession are very interested in this - is that to make a court case need well you need a pre-trial hearing. But it is often very expensive to get a prisoner or a person who is out on bail to come to court, to get the lawyers to come to court, and I think a lot of this could be solved by the use of technology. Why I refer to Skype and to FaceTime is cost. Closed-circuit television, specially dedicated, is very expensive and one of the difficulties that we had is that, instead of using cheap technology, we go in for over-engineered solutions, supposedly mandated by security concerns. But actually when you stand back and look at them, these security concerns are illusory in the kind of case that I believe it could be dealt with.

I have done quite a lot of receiving of witnesses' evidence over the video link and some of it from overseas, and as long as you can be sure there is no one in the room actually prompting the witness or dropping bits of paper in front of them, or with an earpiece or something, you can see someone and, as you know, our system depends on being able to see someone and the quality of the video-links have improved so enormously I do not see why we cannot do it. We have to look at solutions that are innovative and will bring down the cost of litigation, because we cannot afford to go on as we once did.

**SIMON ISRAEL (CHANNEL 4 NEWS):** How much further do you think the courts and the judiciary have to go in order to protect vulnerable witnesses?

THE LORD CHIEF JUSTICE: We have moved quite a long way in the past few months. A lot of work was done by Joyce Plotnikoff and her firm over the years dealing with children, and we did bring about quite a significant improvement in the way children are dealt with in court. We think that more needs to be done to make certain that the way in which witnesses are questioned is done in a way that enables the truth to be ascertained, but without the witness being put through some of the kinds of cross-examinations that we have seen. So a great deal more is being done, and I very much hope that the Advocacy Training Council will receive the necessary funding so that it can train all those who are likely to have to cross-examine vulnerable witnesses in a way that assists in getting at the truth, but, on the other hand, is respectful of the vulnerability of that witness.

**SIMON ISRAEL:** I mention it because of a recent case of a deaf, severely traumatised victim who was in a witness box, I think, for a total of 35 days on a re-trial up in Manchester, and I just wondered about whether or not the court system can sustain that sort of way where a witness has to spend that amount of time, for example?

THE LORD CHIEF JUSTICE: I cannot comment on that individual case because I do not know anything about it and it might come before me on appeal. But certainly in the period over the last three or four months we have taken very substantial steps to make certain that much clearer guidelines are in place - and some of it reflected in the new consolidated Criminal Practice Direction, but we are also making certain that judges are better trained are dealing with this. We hope intermediaries will be much more generally available - and people who know how to use them properly, and, most importantly, that members of the advocacy profession - barristers and solicitors - know how to handle such people. The most effective cross-examinations normally are the shortest.

**DAVID BARRETT:** Another follow-up on Skype. When you first mentioned Skype I thought you were talking about defendants appearing on it from home and not going somewhere to log in somewhere else, because that seems to me to be self-defeating. We are trying to eliminate the need for somebody to go somewhere to appear.

THE LORD CHIEF JUSTICE: Yes.

**DAVID BARRET:** So, as you are talking about it, would you envisage somebody logging on from home to appear in court?

**THE LORD CHIEF JUSTICE:** I can see it happening for pre-trial hearings. Whether one would ever go any further would depend. But certainly the pre-trial hearing stage is one place we have to make changes. I think there would be significant difficulties if in a criminal case you were to think the defendant did not have to be present. In a civil case obviously things are very different. But in a criminal case I cannot see how that can happen, save possibly in the most trivial kind of motoring offence, but most people do not turn up anyway; they plead guilty by post. But in an ordinary criminal trial I cannot see that happening. It is pre-trial hearings that I see the use of modern technology as being hugely important in saving costs.

**GRANIA LANGDON-DOWN:** I just wonder whether the constitutional changes that have been - the first non-lawyer Justice Secretary - do you feel you have, as Lord Chief Justice, the proper people at the table in decisions about the judiciary and courts?

**THE LORD CHIEF JUSTICE:** Well, under the constitutional settlement most decisions in relation to the internal governance of the judiciary are taken here. As to the way in which the decisions of the legislature will affect the judiciary, at the moment I would have no reason to believe anything other than we would be properly consulted and so far on various issues that have arisen, although not of a very great nature, I have always been consulted.

**CATHERINE BAKSI (LAW SOCIETY GAZETTE):** With the legal aid cuts, many fear that they will prevent many bright people, particularly from more diverse backgrounds, entering the profession and will also cause people to leave the profession who would otherwise form the judiciary of the future. Do you have concerns about the future of the judiciary, particularly its diversity?

THE LORD CHIEF JUSTICE: Yes. The judiciary have always taken the position that the level of remuneration that has to be paid to those who are doing publicly-funded work must be commensurate with an amount that will attract people into it - and before you ask me the questions "What is that amount?" - all I would say to you is that that is really a matter for the way in which the market works and for the Government. We have always taken the view that you cannot allow fees to drop to a level which does not attract people of sufficient ability, and I think like almost every one of my colleagues, we would all take a very, very dim view if the legal profession was seen as the preserve of the wealthy. But what I would go on to say is that the private side of the profession is immensely prosperous, and it is one profession. As I said on Saturday to the Bar - and I will say again today - you have actually, if you are in a profession and enjoying the privileges the profession does enjoy, you have your duty to do for the whole of the profession and I sometimes think that that is something that people forget.

**OWEN BOWCOTT (THE GUARDIAN):** Just to follow on from that, if I read that correctly, you are talking about the position at the Bar?

**THE LORD CHIEF JUSTICE**: And the solicitors' profession. The problem is exactly the same.

**OWEN BOWCOTT:** You seem to be almost suggesting that those on the civil side who are doing very well ought to subsidise in some ways those on the less well-funded, publicly funded work.

THE LORD CHIEF JUSTICE: What I feel they should do is actually enable people to come to the legal profession and view it as one profession. I do not think there can be any question of ongoing subsidy, but it is actually funding entry. The fact that today you have to incur a very considerable expenditure that my generation did not have to incur, we have to make certain that we attract people from every background into the profession and that those who want to do work - for example, crime - have that opportunity to come into the profession. That is why I think the whole profession really needs help, and I am very encouraged by the Bar Standards Board and the Solicitors Regulation Authority and CILEX Professional Services in what they are doing fundamentally to look at the whole problem of legal education and how you ensure we get a diverse profession for the future. There are lots of ways this can be done. We just need to think a bit outside the box, if I may say so.

**MARTIN BENTHAM (EVENING STANDARD):** Do you agree with Lord Neuberger on that issue of public duty, that lawyers have a public duty to keep their costs as low as possible

and in particular that the hourly rate is wrong in principle and rewards the slow and ignorant at the expense of those who are efficient and speedy?

THE LORD CHIEF JUSTICE: How lawyers charge is always an interesting question. Personally, I have always felt that the piece-work principle was better. Traditionally, an awful lot of work was done on a piece-work time basis, rather than an hourly rate basis, but that has crept in. I suspect that most commercial clients would use hourly billing as a guide, but then look back and say, "Well, this is what the work is worth", and I think that you need how long it takes the competent and average practitioner to do something, not the slow and inexperienced person. It is a guide. So hourly rates have their place, but the difficulty that we have is that we have never really thought how we could substitute a system of piecework for the huge variety of civil work we do.

In crime the great virtue of the graduated fee system is it basically works on a piece-rate basis.

**GRANIA LANGDON-DOWN:** Going back to the diversity aspect, are you a supporter of the "tipping-point" principle?

**THE LORD CHIEF JUSTICE:** I think if you find two people of equal merit, of course. But we must maintain - and this is why I would like to pay tribute to the Judicial Appointments Commission, they are doing their utmost (a) to increase diversity, and (b) they have stuck to what we really must stick to, which is appointment on merit.

**GRANIA LANGDON-DOWN:** Well, it is very difficult to do that because you never have two clones coming up together with the same backgrounds.

**THE LORD CHIEF JUSTICE:** No, but I think you can apply the provision. You do not have to have two clones, but you can apply the provision quite well when you have two people of equal merit viewed across the spectrum.

**GRANIA LANGDON-DOWN:** And at that point then you could decide?

**THE LORD CHIEF JUSTICE:** Well, the law provides - and Parliament has so provided, and (a) it is my duty to follow it, but (b) insofar as it would be for me to say, I think it is a sensible provision in the current circumstances.

**FRANCES GIBB (THE TIMES):** It is a different topic. Do you agree with [Sir James] Munby's recent comments that it is no longer the job of judges to impose morality in the courts and that Christianity should no longer hold sway over other faiths?

**THE LORD CHIEF JUSTICE:** We are a court where we have to apply the law and the law is essentially a secular law and so, yes, I do agree as it is our duty to apply law which is secular law, we should do that. I think in the past where judges have taken views in relation to what is not law, they sometimes get themselves into difficulties.

**DAVID BARRETT:** Last month the Magistrates' Association Conference quite narrowly defeated a motion which called for senior members of the judiciary to be effectively disbarred from their organisation on the grounds that they are members of the Garrick. Do

you think that there is some merit in the magistrates considering that issue?

**THE LORD CHIEF JUSTICE:** I do not belong to any club, so it would be invidious of me to comment on what goes on in such clubs. But my own view is that we now have a system of appointment done by the Judicial Appointments Commission, where there are lay majorities on absolutely everything. The JAC commissioners are strong individuals and I cannot believe that anything that might happen in a gentlemen's club would have any bearing on the way in which appointments are made at all. I think it is a myth from the past.

**DAVID BARRETT:** Their position was more meant to be a stand against a club that only accepts males members rather than any suggestion of single (inaudible).

**THE LORD CHIEF JUSTICE**: I think that what judges do out of their court lives should only be subject to the narrowest of constrictions. There are certain clubs which may be only male. I daresay there are certain evenings where one would like just an evening or a time with those of your same sex. I see nothing wrong with that, but I think a lot of this is just myth. I do not believe there is anything really in the view that going to a party where there only women, or a party where there are only men, or going to an institution which is predominantly dominated with one or the other, really has any adverse outlook, or any adverse effect on you, or in any way affects your ability to be a judge.

**GRANIA LANGDON-DOWN:** What is your view about the Sharia law?

THE LORD CHIEF JUSTICE: Well, I am one of the few judges who have probably applied Sharia law, but that was in a case to do with a partnership dispute, and so I had to learn a great deal about how Sharia law worked, and I was not surprised, for example, that they had the concept of the lion's share, because our systems do develop from very similar standpoints. So, yes, you have contracts that are governed by Sharia law, or relationships that are governed by Sharia law, and where they are, by our rules, the proper law of the relationship - whether it be contractual or personal - then we apply it. There may be provisions of Sharia law that would be repugnant to our public policy, but in general terms the system of Sharia law, as it is developing, contains many principles that would operate in ordinary contracts, which is the area with which I am most familiar.

**STEPHEN WARD:** Thank you everybody. Thank for coming.

**THE LORD CHIEF JUSTICE**: Thank you very much.