



**Bar Council response to the call for evidence
by the Commission on Justice in Wales**

1. This is the response of the General Council of the Bar of England and Wales (the Bar Council) to the Commission on Justice in Wales's call for evidence.
2. The Bar Council represents approximately 16,000 barristers in England and Wales. It promotes the Bar's high-quality specialist advocacy and advisory services; fair access to justice for all; the highest standards of ethics, equality and diversity across the profession; and the development of business opportunities for barristers at home and abroad.
3. A strong and independent Bar exists to serve the public and is crucial to the administration of justice. As specialist, independent advocates, barristers enable people to uphold their legal rights and duties, often acting on behalf of the most vulnerable members of society. The Bar makes a vital contribution to the efficient operation of criminal and civil courts. It provides a pool of talented men and women from increasingly diverse backgrounds from which a significant proportion of the judiciary is drawn, on whose independence the Rule of Law and our democratic way of life depend. The Bar Council is the Approved Regulator for the Bar of England and Wales. It discharges its regulatory functions through the independent Bar Standards Board.
4. The Bar Council welcomes the opportunity to contribute to the Commission's inquiry. Rather than submit a full response of our own, we write this submission as a supplement to the response from the Wales & Chester Circuit. It should be read in conjunction therewith.
5. The Wales & Chester Circuit's response describes numerous problems of access to justice in Wales. We share those concerns, and observe that many are a cause of major concern in England, as well as in Wales, or in some parts of England that share some similarities with Wales.
6. Chief among those concerns are the significant under-funding of criminal justice, the erosion of legal aid in civil and family cases, and the under-investment in the physical infrastructure of the courts system. The Bar Council is only one of the

many outspoken critics of the policies that have led to this state of affairs and of the destructive effect that it has had on access to justice for the most vulnerable in society.

7. The Circuit also highlights several issues that are of concern more specifically to Wales. First among these is the fact that per capita spending on justice is significantly lower in Wales than in England, a disparity for which there is no obvious justification.

8. We are also troubled by the geographical lack of access to justice that arises from a combination of court closures and limited public transport. Courts should be relatively local, for accessibility and legitimacy, both in Wales and in England. We agree that residents of Wales should have better access to the Court of Protection, Court of Appeal and IP/enterprise small claims track via London.

9. Finally, while litigants have a right to conduct their cases in the Welsh language, it appears that in practice there are limits to the enjoyment of that right. On top of limited availability (or readiness) of Welsh-speaking judges or court staff, there may not always be access to legal representatives capable of conducting a case in Welsh.

10. These various problems appear to stem from both a lack of adequate resources and a lack of sufficient regard for the administration of justice in Wales, especially in the context of Welsh language and geography. The availability of legal representation should be secured by a properly funded justice system; and access to courts, and to Welsh language proceedings, should be facilitated by organisational decisions that take into account the geography and specific needs of Wales. Moreover, a well-functioning justice system requires a thriving legal profession, with as many opportunities for those practising outside London—including in Wales—as for those practising in London.

11. The Circuit's response concludes with a number of broader recommendations for constitutional reform and devolution. As our members in both England and Wales are likely to have a range of views on these recommendations, some of which also involve political questions, we refrain from expressing any view on them.

12. Finally, we would like to take the opportunity to express appreciation for the thought, research and effort that has gone into preparing the Circuit's response, which sets out clearly the many problems with the state of justice in Wales.

Bar Council
4 June 2018

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