



The Bar Council

SPEECH BY DEREK SWEETING QC, CHAIR OF THE BAR, AT THE SWEARING IN OF THE NEW LORD CHANCELLOR, DOMINIC RAAB MP

My Lord,

On behalf of the Bar of England and Wales, may I welcome the new Lord Chancellor, the returning Attorney General and new Solicitor General at their swearing in and declaration.

Many things have been different about my own role this year as Chair of the Bar. It did seem at one time that there was little prospect of there being a change of Lord Chancellor or of the Law Officers and very little chance of a ceremony of this sort. I should not have worried. Notwithstanding a one-year term, the odds of a Chair of the Bar attending an occasion such as the present are high. Our new Lord Chancellor and Solicitor General are each the eighth incumbents of their offices during the last 10 years whilst the Attorney General brings up the rear as the fifth. The only ministry with more changes at the top is the Department for Culture, Media and Sport.

So, it turns out I have ended up with a full house; Attorney General, Solicitor General and Lord Chancellor. With the addition of a second Solicitor and returning Attorney in one year I may, I believe, now hold the record among Chairs of the Bar.

In 2005 the Lord Chancellor lost two of the three wigs worn in the past and no longer has a role in the House of Lords or the judiciary. But the Lord Chancellor has retained the most important role; responsibility for the effective functioning and independence of the courts in England and Wales.

It remains essential, both practically and symbolically, that the highest-ranking officer of state, whose role dates back many centuries, to the reign of Edward the Confessor; appointed by the sovereign; a member of the cabinet and ahead even of the Prime Minister in order of precedence, should have responsibility for maintaining the independence of the judiciary.

In the absence of a written constitution the position is unique and vital. It should be occupied by someone who fully understands the justice system, the workings of our constitution and the need to defend the rule of law, whilst also appreciating the

importance to society and the economy of access to justice. The fact that the last three Lord Chancellors have all been lawyers suggests, perhaps, that the experiment with non-lawyer appointments is over and that the role is larger than that of Justice Secretary.

The title of Deputy Prime Minister has been vacant since 2015, during the coalition government. We might hope that combining the position of Lord Chancellor with that of Deputy Prime Minister will help ensure that our justice system gets the attention and support that it needs.

Although it might appear that the diplomacy of foreign affairs and the more domestic role of Lord Chancellor are worlds apart there are areas of high principle and politics where the two overlap.

I listened with some admiration to our new Lord Chancellor, when he was Foreign Secretary, describe the plight of vulnerable people in a distant country as involving “gross, egregious human rights abuses.”

Those abuses continue because of the inability of those who suffer them to assert their human rights under laws which respect them, before judges who can adjudicate on them independently and before courts with the power to vindicate them.

Our moral authority on the international stage to say so is commensurate with our own respect for human rights and the rule of law. In simple terms we should set high standards for ourselves and apply them.

As we emerge from a global health emergency with significant backlogs in an underfunded justice system it is difficult to think of a more challenging time to become Lord Chancellor. The need for our jurisdiction to have real leadership as we seek to rebuild and improve our justice system could not be greater.

We welcome the opportunity to work with the Lord Chancellor and both Law Officers to ensure that the rule of law in England and Wales is upheld, that everyone has access to justice in this country and that the positive relationship that has been enjoyed by the Bar Council with the Ministry of Justice and the Law Officers, particularly during the pandemic, continues.

The Attorney General is the leader of our profession and I look forward to welcoming her and the Solicitor General, as her deputy, to our forthcoming Bar Council meetings. On behalf of the Bar of England and Wales we wish the Lord Chancellor, the Attorney General and the Solicitor General well.