



## **Bar Council response to the call for evidence by the Commission on Justice in Wales – follow up questions**

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 set of further questions, prompted by its earlier call for evidence<sup>1</sup>.
2. This response should be read in conjunction with our response on 4 June 2018 to the call for evidence<sup>2</sup>.

### **Follow up questions:**

#### **Whether, and if so how, there should be someone in the Welsh Government with responsibility for justice.**

3. This is a question, relating to the approach to justice jurisdiction, which has a political dimension, and on which our members in both England and Wales are likely to have a range of views on this question. For those reasons we refrain from giving an answer either way.

#### **Whether, and if so how, there should be a law of England and a law of Wales, or a continuation of the law of England and Wales.**

4. This is another question which has a political dimension, and on which we believe that our members in both England and Wales are likely to have a range of views, both as to the principle and the practicalities. For those reasons we again refrain from giving an answer either way.

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<sup>1</sup>[Commission on Justice in Wales](#)

<sup>2</sup>[https://www.barcouncil.org.uk/media/662528/bc\\_response\\_to\\_commission\\_on\\_justice\\_in\\_wales.pdf](https://www.barcouncil.org.uk/media/662528/bc_response_to_commission_on_justice_in_wales.pdf)

**Whether, and if so how, there should be a separate judiciary for Wales.**

**Whether, and if so how, there should be a separate legal sector in Wales.**

5. Based on what we believe to be the views of a significant majority, we believe that neither the Bar of England and Wales as a whole, nor (separately) those who are based in and/or practise to a material extent in Wales, favour either a separate judiciary for Wales or any separation of the Bar between England and Wales even if there were some form of separation between the court systems in England and Wales.

6. We would also urge the commission not to ignore the realities for those barristers who practise in North Wales, in particular. Very many are based in Chester or elsewhere in the north west of England. This applies whether they have general or specialised practices. This may be partly a result of history, but it is also a reflection of commercial, geographical and practical realities. This would add a further complexity to any attempt to split the Bar between England and Wales.

**Whether, and if so how, there should be separate forms of 'justice infrastructure' for Wales.**

7. This is another question which has a political dimension, and on which we believe our members in both England and Wales are likely to have a range of views, on both the principle and the practicalities. For those reasons we refrain from giving an answer either way.

8. We would also question whether there is a clear majority view on all of the aspects of these questions, even among those who are based in and/or practise to a material extent in Wales.

**Bar Council  
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