



BAR COUNCIL NEWS UPDATE – FRIDAY 10 JULY 2020

Jury trials

The Daily Telegraph (print page 3 and [online](#)), [Yahoo](#) - Juries could be reduced to as few as seven people for the first time since the Second World War under plans drawn up by Justice Secretary Robert Buckland, reports the Daily Telegraph.

The Justice Secretary is considering the change as part of a package of measures to reduce a backlog of crown court cases that has risen to 41,000 from 37,000 at the start of the year, after trials were halted during the pandemic.

The move, which requires primary legislation, would see juries in all but the most serious cases including murder start with nine members and judges able to accept majority verdicts of 8-1. It could reduce to seven if two jurors fell ill but would then require a unanimous verdict.

The **Bar Council** said it had seen “no modelling” to justify changing the constitution to allow smaller juries, while the Criminal Bar Association said it was a “last resort” only to be considered if all other measures failed.

Hong Kong

[The Times](#), [The Guardian](#), [New Law Journal](#), [Law Society Gazette](#) - The Bar Council and the Law Society have written to the Chief Executive of Hong Kong, raising concerns about the new security law that has come into force in Hong Kong.

In the letter, they said that “the law was not adequately published thereby undermining the principle of legal certainty”.

“This means that the people to whom this law applies did not know which conduct would violate its provisions and expose them to possible arrest and criminal prosecution,” they said.

They said this was “especially concerning since some Hong Kong citizens had already been arrested under the law”.

“The law has broadly worded extra-territorial application,” the UK lawyers said, pointing out that it applies “to actions not committed within Hong Kong by persons who are not permanent residents of Hong Kong”.

Professional negligence

[Legal Futures](#) – Legal Futures reports that the average barrister only makes one notification of a possible professional negligence claim every 20 years, figures from the Bar Mutual Indemnity Fund (BMIF) have revealed.

They also show that, of the 24,140 barristers BMIF has insured over the 32 years of its existence, just 512 (2%) have generated more than one valid claim.

The Bar Council deployed the statistics in its response to the Legal Services Board’s call for evidence on its review of continuing competence, using them as part of its argument that there was no need to introduce periodic reaccreditation.

The Bar Council said: “The fact that notifications are so infrequent might be thought to suggest that notifications tend to arise from one-off carelessness, rather than incompetence, because if there were ingrained incompetence it would be expected to manifest itself on a repeating basis.”

This was supported by the absence of many ‘repeat offenders’.

Investment in courts

[New Law Journal](#) - The Bar Council and Law Society have given a cautious welcome to government investment of £142m in digital upgrades and maintenance for about 100 courts this year. The investment was announced this week during the Prime Minister’s ‘New Deal’ infrastructure speech.

Bar Council Chair **Amanda Pinto QC** said the investment was ‘a positive step following years of cuts, in which the courts have been neglected for too long, hindering the delivery of justice as a consequence. The improvements in technology and the court estate that this crucial funding will go towards are particularly welcome as they should help our justice system operate more efficiently at a time when it needs it the most.’ She added: ‘Although this money will help, on its own it cannot undo years of neglect’.

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