



## BAR COUNCIL NEWS UPDATE – FRIDAY 28 MAY 2021

### Police, Crime, Sentencing and Courts Bill

[City AM](#), [MSN](#) – The media reports that the Bar Council has warned the Government it risks “criminalising annoying speech” in the Policing Bill currently making its way through Parliament.

The Bar Council said that proposals for “harassment in a public place” would render irritating or annoying speech a criminal offence.

The provisions go much further than current laws which only criminalise speech that is either disorderly or likely to cause harassment, alarm or distress.

### Remote hearings

**The Economist** – The Economist looks at how Covid-19 has pushed lawyers online and the possibility of greater use of remote hearing in future.

“Online justice is not secondary justice, it’s justice,” argues David Wolfson, the justice minister in the article.

The Economist reports: “**The Bar Council**, which represents barristers, argues that interactions are less satisfactory online because cross-examination and assessing evidence are much harder. (“A lot of them are desperate thespians...and see the online platform as not providing the same opportunities,” says a sceptical observer.) Some want assurances that video hearings in the family courts will be drastically curtailed. A family barrister says that watching parents being separated from their children over the phone has been difficult. Barristers nonetheless believe that remote hearings should stick around for procedural work or short cases.”

### Interview with Chair of the Bar

[Law Society Gazette](#) – The Gazette publishes an interview with **Chair of the Bar, Derek Sweeting QC** in which he covers the impact of the pandemic on the Bar, pupillages and the current backlog in the justice system.

### **Legal Services Board mission creep**

[Law Society Gazette](#) – The Gazette reports that the Bar Council has suggested that the Legal Services Board (LSB) is exceeding its remit, citing the super-regulator's 'surprising' plans to reshape the justice sector.

**Chair of the Bar, Derek Sweeting QC**, told the Gazette: "Although we certainly want to be on good terms with the LSB, and applaud the good work they do, I think it's important for us to ensure there's a little bit of tension about whether or not they're doing what they should be doing under the Legal Services Act.

"I'm personally a bit surprised they are setting out 10-year plans involving explicitly the reform of the justice sector. It seems to me that's not what the Legal Services Act requires them to do, and I think it's just important that we should occasionally question whether they are performing the role that parliament intended them to perform.

The Chair of the Bar also cited the LSB's 'surprising' consultation on the responsible use of technology. "There is no reason for LSB to do things that don't necessarily need a regulatory response," he said.

### **Bar exams**

**The Times** – The Times reports on the independent review of the BSB's handling of last year's online Bar exams after concerns were raised by students last year.

The review, which was led by Rebecca Huxley-Binns of the University of Hull and a former senior figure at the University of Law, said that if remote exams were to continue, then it "must consider ways to incorporate breaks during the assessments".

**Chair of the Bar, Derek Sweeting QC**, welcomed the review. He said: "We hope that the BSB's action plan will ensure that any repeat of the difficulties students experienced last year will be avoided."

### **BAR COUNCIL TWEETS**



The Bar Council

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Our full response to the Independent review of criminal legal aid has been submitted and is now available on our website: [barcouncil.org.uk/uploads/assets...](https://barcouncil.org.uk/uploads/assets...)

Deadline for submissions is 11.59 on 28 May 2021: [gov.uk/government/con...](https://gov.uk/government/con...)

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Independent review of criminal legal aid: Call for Evidence  
The Review is inviting interested parties at the heart of the Criminal Legal Aid System to submit evidence on how the ...  
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