



## BAR COUNCIL NEWS UPDATE – FRIDAY 21 MAY 2021

### Judicial review

**The Times (print and [online](#))** – During the House of Lords debate on the proposed [Queen’s Speech] bills earlier this week, Lord Faulks, the former Conservative justice minister and now a crossbench peer, who was charged with carrying out a review of the judicial review process, said the government’s loss in the [2019 Supreme Court] case “may be a factor” in the decision to set up his study.

Critics argue that proposals in the six-week consultation published in March would weaken the rule of law and access to justice. They include plans to introduce ouster clauses to remove the power of the courts to consider some government decisions and to make the remedies in successful cases prospective-only. Academics, lawyers and former judges have also spoken out against the government’s plans.

**Derek Sweeting QC, Chair of the Bar**, said that there is no evidence for the government’s claim that the balance between the executive, legislature and the courts had been lost.

### Immigration

**[Legal Futures](#)** – Further coverage of the Bar Council’s response to the New Plan for Immigration.

Government plans to impose a ‘good faith’ requirement on immigration lawyers have been “strongly attacked” by the Bar Council, Law Society and Immigration Law Practitioners Association (ILPA), reports Legal Futures. The Legal Services Board (LSB) has also decided to wade in, saying the requirement was unnecessary and could prove difficult to enforce.

The Bar Council said that, so far as its membership was concerned, barristers were “required by their regulatory code to act with honesty and integrity and owe stringent duties to the court” as well as being regulated by the Bar Standards Board.

“Other than signalling a distrust of legal advisors, imposing a good faith requirement on regulated legal professionals would add nothing to existing regulatory regimes. Doing so in one jurisdiction and not others is particularly objectionable.

“So far as individual applicants are concerned, a requirement of good faith is inbuilt to the system at every stage.”

### Remote hearings

[The Scotsman](#) (print and online) – An op-ed by the Faculty of Advocates references the joint statement of the Four Bars on remote vs. in person work.

Dean of the Faculty of Advocates, Roddy Dunlop QC writes: “I made it clear on behalf of the faculty that while remote hearings have proved a useful addition to the options available for court business while social distancing measures have been in force, they should not enjoy recognition as a one-size-fits-all approach in the future.

“The faculty, along with the other Bars of Ireland, Northern Ireland, and England and Wales, issued a joint statement before the conference to this effect. The Four Bars are in agreement that while the continued use of technology in court is to be supported, the future default position for court hearings – other than procedural business – should be in-person hearings.”

### Diversity

[LawCareers.net](#) – On average Black female barristers earn around £19,000 less per annum than their white male counterparts, according to a Bar Council report published at the start of May.

The report also highlighted the difference in pay between white male QCs – who earn on average £57,400 more than the average earnings mark – and Black female barristers. The total average pay gap is more than £76,000.

### Human rights

[The Times](#) (print and online) – The Bar Human Rights Committee (BHRC) has publicly called on Dominic Raab, the foreign secretary, to “issue a statement of unambiguous support for an independent investigation into alleged war crimes in the occupied Palestinian territory by the ICC [International Criminal Court]”.

The Times, however, suggests BHRC should change its name to avoid any confusion about its role and independence from the Bar Council.

## BAR COUNCIL TWEETS



**The Bar Council**  @thebarcouncil · May 17 ...

Positive news that @UKLabour has backed our call to make non-means tested legal aid available in domestic abuse cases.

Labour's Green Paper: [labour.org.uk/press/labour-p...](https://labour.org.uk/press/labour-p...) @DavidLammy @LordCFalconer @elliereeves @jessphillips

Read more in our Budget Submission:



Bar Council Budget Submission January 2021

[barcouncil.org.uk](https://barcouncil.org.uk)

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**The Bar Council**  @thebarcouncil · May 18 ...

Tomorrow, @WeAreAdvocate will be taking over our Instagram channel to share the amazing work they do to increase access to legal help.

Don't miss out: [instagram.com/thebarcouncil/](https://instagram.com/thebarcouncil/)

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