



## BAR COUNCIL NEWS UPDATE – FRIDAY 23 APRIL 2021

### English commercial law

**The Economist (print and [online](#))** – The Economist quotes **Chair of the Bar, Derek Sweeting QC**, in an article looking at the growing competition faced by London’s commercial courts and Britain’s legal services.

The Economist reports that: “English commercial law, like football, has been exported around the world. The game has been honed, and star players signed. Globalisation is bringing more business to London...That means jobs for British lawyers, and new competition for London.

“The number of commercial cases in London has more than doubled since 2015, to 292 in the year to April...The number of barristers serving foreign clients has doubled in a decade too.

“London is attractive, for English judges don’t take bribes, are seen as not favouring home litigants over foreigners and don’t generally get leant upon by politicians. They are often specialists, which means judgments tend to dig more deeply than those elsewhere, says **Derek Sweeting QC, Chair of the Bar Council**, the barristers’ professional body, and the common law can “adapt and develop embryonically” to new kinds of business dispute. Formats have been tweaked to speed up big cases.

“But that dominance is under pressure, from Brexit and tougher competition. The clientele in London is growing, but also becoming more domestic: Brits accounted for more than half of litigants last year, for the first time since Portland’s survey began, while those from Europe and the rest of the world have fallen as a share, to 12% and 35% respectively.

“British lawyers have lost the automatic right to practice in Europe, and migration will become harder.

“**Mr Sweeting** says Britain’s reputation for the rule of law, on which it trades, risks being tarnished by the government’s fights with lawyers and threat to break the Brexit treaty.

“Competition is growing elsewhere, with new courts emerging in the United Arab Emirates, China and Singapore since 2004.”

### **Crown Court sitting days**

[Politics Home](#), [PA Media](#), [Law Society Gazette](#) – The media reports that a funding cap on how many days judges can sit for hearings will be lifted in a bid to tackle the backlog of cases in crown courts.

The Ministry of Justice (MoJ) is removing the limit on sitting days for the 2021/22 financial year as part of efforts to clear the thousands of outstanding criminal cases waiting to be dealt with.

**Derek Sweeting QC, Chair of the Bar**, said: "This is a cause we've been campaigning for, publicly and in discussions with the Ministry of Justice, since 2019 when we opposed the Government's decision to cut sitting days.

"The criminal justice system has been paying the price ever since, with the backlog of cases in the crown courts mounting." He praised the "positive step" but said it would only work if "matched by sufficient court staff and resources to support the anticipated rise in cases going" and will need courts working at maximum capacity, alongside Nightingale courts and with a "long-term strategy" in place.

### **Backlog**

**Swindon Advertiser, Hampshire Chronicle, Shropshire Star, Basingstoke Gazette, This is Wiltshire, Wiltshire & Gloucester Standard, Wigan Evening Post, York Press, Lancashire Telegraph, Warrington Guardian, Hillingdon Times, Times Series, Lancashire & Morecambe Citizen, News & Star, Whitehaven News, Ledbury Reporter, Westmorland Gazette** - Further regional media coverage of the Bar Council’s response to the most recent criminal court quarterly statistics and of regional court backlogs across the country.

Print editions of local media report on backlog statistics in their local courts.

**Chair of the Bar, Derek Sweeting QC**, is quoted across all media. He says: “With an end to social distancing in sight the Government needs to seize the opportunity to allow the courts to deal with as many cases as possible by investing in more court capacity, more court staff and adequate sitting days.”

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

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