



## BAR COUNCIL NEWS UPDATE – FRIDAY 26 MARCH 2021

### Crown Court Backlog

[Daily Mail](#), [Evening Standard](#), [Politics Home](#), [Herald Scotland](#), [Worcester News](#), [expressandstar.com](#), [Droitwich](#), [Windsor Observer](#), [Darlington and Stockton Times](#) + [170 others media outlets](#) – The media reports that the proportion of criminal cases waiting more than a year to be dealt with by crown courts in England and Wales has “increased markedly” amid the pandemic, new figures show.

According to the Ministry of Justice (MoJ), 18% of cases had been outstanding for a year or more in the three months to December last year. This is three times as high as for the same period at the end of 2019 (6%), before the coronavirus outbreak.

**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.”

### China’s sanctions

[The Guardian](#), [Law Society Gazette](#), [The Global Legal Post](#) – The media reports that China has issued sanctions against Essex Court Chambers, accusing it of spreading “lies and disinformation” about the treatment of the Uighur Muslim minority group in Xinjiang.

The chambers is one of four UK ‘entities’ named by China’s Ministry of Foreign Affairs (MFA) today alongside nine individuals in retaliation to sanctions imposed by the UK government on Monday over human rights abuses against the Uighur Muslim minority group.

**Chair of the Bar, Derek Sweeting QC**, is quoted in media coverage. He said: “The Bar Council strongly condemns any threat against members of the Bar simply for doing their job. Sanctioning a chambers or any legal organisation because a member has given a legal opinion in accordance with their professional obligations is an attack on the rule of law.”

## **Independent Review of Administrative Law**

[New Law Journal](#), [Politics Home](#) – Further media coverage appears of the Bar Council’s response to the public consultation on judicial review. The New Law Journal reports that lawyers have urged caution on proposals to reform judicial review, following the publication of former Conservative minister Lord Faulks QC’s 195-page report.

**Chair of the Bar, Derek Sweeting QC**, is quoted as saying: “Whilst there is always room for sensible adjustments and reform, the number of judicial reviews in all areas (including immigration) has been falling over recent years.

“Outcomes show that across the board, of those cases which proceeded to a substantive hearing, the success rate for claimants between 2014 and 2019 ranged from 39% to 44%, and the reality is that the judicial review process already includes safeguards, including a filter mechanism to ensure that cases which lack merit do not proceed.”

## **Covid Operating Hours**

[Law Gazette](#) – **The media** reports that Covid operating hours are “still on the table.”

In an update to barristers, **Chair of the Bar, Derek Sweeting QC**, said Lord Chancellor, Robert Buckland QC, does not want to impose restrictions on the right to a jury trial or to replace 12-person juries with a judge and two magistrates.

However, following a meeting with the Lord Chancellor last week, Sweeting said temporary Covid operating hours are still under consideration. “I have reiterated our opposition to this measure and our doubts about whether it will make any substantial impact on the backlog rather than just consuming sitting days inefficiently,” he said.

## **Autonomous Vehicles**

[New Law Journal](#) – Coverage of the Bar Council’s response to the consultation on autonomous vehicles appears in the media. New Law Journal reports that lawyers at Kennedys have said the minimum safety standard for an autonomous vehicle (AV) should be higher than that of the ‘average’ human driver.

However, the Bar Council response suggested using the same legal standard as that applied to human drivers, as the courts have shown they can adapt that standard to circumstance.

## **BAR COUNCIL TWEETS**



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During Covid-19, the Bar Council has stood up and spoken out for the Bar in unprecedented times. Watch our new explainer video to find out how we have focused efforts to ensure the most effective impact and how barristers can help us #BacktheBar in 2021. [youtu.be/5odlChSRC9c](https://youtu.be/5odlChSRC9c)



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