



BAR COUNCIL NEWS UPDATE – MONDAY 20 MARCH 2017

The Brexit Papers

Further media coverage of the recently published Brexit Papers highlights the Bar Council's recommendations for a bespoke deal for the City and call for free movement. [PoliticsHome](#) says that the Brexit Papers offer "a concise and informative evaluation of the legal challenges posed by leaving the EU, and their practical implications for the economy and society", whilst [Here is the City](#) observes that the Bar Council's "legal eagles have become the latest in a string of experts calling on the government to secure a bespoke deal for the financial sector in the Brexit negotiations."

[The New Law Journal](#) quotes Hugh Mercer QC, chair of the Bar Council's Brexit Working Group, saying "the Brexit Papers outline a legal scheme that will give the UK complete sovereignty and autonomy over immigration policy and allow the government to control how EU citizen workers access UK benefits. It will also help the government to identify the parts of the economy that benefit most from immigration and to set its own rules for refusing or granting admission to the UK where that is necessary."

Judges urged to launch a media offensive

[Financial Times](#) report that the justice secretary Liz Truss has urged Britain's top judges "to launch a media offensive to explain the importance of an independent judiciary, saying they will face together public scrutiny after Brexit." Liz Truss, who was criticised including by the Bar Council last year for failing to stand up for High Court judges after the Daily Mail labelled them as "enemies of the people", warned the judiciary that the attack by the media was a sign of things to come, as after leaving the EU the Supreme Court would become the final court of appeal, and its judgements would receive "even greater attention".

Litigation post-Brexit

[The New Law Journal](#) informs that experts are cautiously optimistic about litigation future post-Brexit." Hugh Mercer QC is quoted saying that it's important not to

overstate how much influence Brexit would have on London as financial centre, because of the infrastructure and services, and the mass of people who can service it. But he emphasised that the rule of law depends on legal certainty.

“You don’t start litigation unless you’re going to be able to enforce. At the moment we have a unique situation in the world whereby we’re plugged into the EU system of enforcing judgments, the New York Convention for Arbitration and we also have reciprocal enforcement with the Commonwealth countries. Our judgments are uniquely transportable around the world and it’s important that we try to maintain that post-Brexit”, said Hugh Mercer QC, speaking in a New Law Journal debate.

Rape law reform

[The Times](#), [ITV News](#), [the Independent](#), [the Sun](#) and other media outlets reports that alleged rape victims will no longer face cross-examinations live in court, under reforms announced by Liz Truss, the justice secretary. From September victims will be able to give evidence in a pre-recorded video that will be played to the jury once the trial begins, noted **The Times**. In an exclusive interview for the Sunday Times, Truss revealed that she is bringing forward plans for recorded cross-examinations for all adult sexual offences tried in crown courts after three cities used taped evidence in child sex cases.

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Pet passports, driving licences and property ownership - all must be negotiated. Cant just legislate them in to Great Repeal Bill - DG.

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We will need a transitional period. Two years negotiating will not be enough - David Greene @TheLawSociety APPG #Brexit