

Lord Chancellor's Questions

A recent column dealt with questions in the House of Commons to the Prime Minister. Now it is the Lord Chancellor's turn. For obvious reasons there cannot be questions to him in the House of Commons. What happens instead is that there are questions to a Parliamentary Secretary in his department, in this case Jane Kennedy MP. She began her working life as a residential child care officer with Liverpool City Council and then became an area organiser for NUPE. Although not a lawyer, she is a member of the Belgian Shepherd Dog Association. Her grilling occurred on February 22.

The Conservative Dominic Grieve kicked off. He is a barrister who spent some years as a lay visitor to police stations before becoming an MP in 1997. He wanted to know why he had gained the impression that representations by the Council of Circuit Judges on issues such as court layout, new court building and information technology appeared to be disregarded by the Lord Chancellor. Mrs Kennedy tartly answered that she could not be held responsible for any impressions Mr Grieve might form.

Gerald Bermingham (Labour), another barrister, got a friendlier reception for his request that the Lord Chancellor, bearing in mind the change in format and procedure that will arise from the incorporation of the European Convention on Human Rights on 2 October, should ensure that the judges sitting in the Crown Court will have been well tutored in the complex nature of the proposals and the various cases that have been decided in the European courts. He was told he had made a good point, and that great efforts are being made to ensure that the judiciary and those responsible for administering the Court Service are well briefed on all implications of the Human Rights Act 1998.

A third barrister, the Conservative Nick Hawkins, was rather rude to Lord Irvine of Lairg, the Lord Chancellor. Did Mrs Kennedy accept that it was a matter of profound concern if the Lord Chancellor gave the impression that he goes through the motions of receiving delegations from the judiciary, but that the judiciary feels that its views are simply being ignored and that all that is happening is a face-saving exercise? Increasingly as one talks to people at all levels of the legal profession (said Mr Hawkins), the impression left by the Lord Chancellor is that he is contemptuous and dismissive of any representations that are made to him. Mrs Kennedy ignored this and moved on.

How many times, asked Mr Gordon Prentice (Labour), has the Lord Chancellor sat in a judicial capacity in the last twelve months? The answer, said Mrs Kennedy, is four. "That is four times too many" retorted Mr Prentice. Mrs Kennedy begged to disagree. If the Lord Chancellor were not a judge, she said, he could not have the necessary close relationship with the senior judiciary. The relationship between the executive and the judiciary could therefore deteriorate, with damaging consequences and consequential risks to the judiciary's independence.

It was now the turn of a solicitor, David Kidney (Labour). He wanted to know about the progress made by the Office for the Supervision of Solicitors in dealing with complaints against solicitors. Mrs Kennedy told him there were fewer outstanding cases, and the last month had also seen an improvement in the turnaround of complaints. "However", she went on, "there are still areas of serious concern, particularly in relation to the quality of adjudication of complaints. My colleague as Parliamentary Secretary, my honourable Friend the Member for Wyre Forest (Mr. Lock), will be visiting the OSS on March 20 to discuss

these concerns. In the meantime, we will continue closely to monitor the progress made at the OSS". Reminded of the reserve powers in the Access to Justice Act 1999, she said it would be better if the OSS itself met the targets set by the Government. If it did not, the Government would act.

Ian Bruce (Conservative), who is not a lawyer, then informed the House that one of his constituents is Mr Tony Walden-Biles, a leading light in the organisation Complaints Against Solicitors - Action for Independent Adjudication (CASIA). "I have on a number of occasions taken him to see two Conservative Ministers and now three lots of Labour Ministers. They all promised that as the supervision of solicitors was not really going according to plan and that as it was a last chance, the Government would probably start to impose supervision of solicitors from outside. Why do Ministers constantly say at the Dispatch Box that they are still not happy with the OSS while doing nothing about it? When my constituents have a serious complaint about solicitors, they are not satisfied with simply having their bills reduced and having a maximum compensation limit of £1,000."

Mrs Kennedy stalled on that one.

Francis Bennion

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