

DT031 - Role of the courts

You today report the Lord Chief Justice as saying that it is 'the court's role to hold the balance between the rights of the individual and the rights of the state'. If that is true, which I doubt, it is a newly-created role, self created by the courts themselves. Under our ancient common law the role of the court is to apply the law. Nowadays the law is chiefly made by our democratic Parliament, subject to European incursions. It is therefore for Parliament, not the judges, to decide where to draw the line between the rights of the individual and the rights of the state.