

# Judicial Communications Office

**EMBARGO UNTIL 19:10, 31 MARCH 2011**

## **LORD CHIEF JUSTICE SAYS HE IS COMMITTED TO ENSURING THE JUDICIARY PLAYS ITS PART IN SECURING PUBLIC CONFIDENCE IN THE JUSTICE SYSTEM**

**31 March 2011**

The Lord Chief Justice in a speech this evening at the University of Ulster said that judges have an important role to play in the new devolved structures in helping to improve the justice system and that it is important that they actively engage to achieve that purpose.

The Lord Chief Justice, Sir Declan Morgan, was speaking at the 5<sup>th</sup> Chancellor's Lecture at the University's Belfast Campus. He said he felt **it was important to explain the role of the judiciary in the context of devolution of justice** as part of this process of engagement:

“There is often a lack of understanding of why judges need to be independent, what it means to say that a judge or the judiciary are independent and why judges are not and should not be accountable outside the system of appeals for their decisions.”

The Lord Chief Justice firstly explained what is meant by the rule of law. He said **the rule of law is one of the fundamentals upon which democracy is based**. Sir Declan Morgan said that the judiciary's contribution towards upholding the rule of law is the fair and impartial resolution of disputes between individuals and between individuals and the State in accordance with the law. Only the judiciary can carry out this function:

“The obligation which the law imposes on the courts is to strike a balance between the rights and freedoms of the individual and the protection of the rights and freedoms of the community. Where they arise these are often difficult balances to strike but the duty of the judiciary is to ensure that the balance is struck in accordance with law without fear or favour, affection or ill-will. Every party before the

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court is entitled to a fair and impartial resolution of the dispute.

The Lord Chief Justice said that in order to carry out this function it is **critical that each judge is independent of each other and of the state**. He described the measures that must be put in place by the state to secure judicial independence. These include:

- **A constitutional or statutory guarantee for judicial independence.** This means that judges are able to act without pressure, threat or interference, direct or indirect, from any quarter but particularly from Parliament or Government. The Lord Chief Justice acknowledged the respect for this aspect of judicial independence which was shown by the Minister of Justice;
- **Independent judicial appointments, security of tenure and judicial remuneration.** These are all designed to ensure that an individual judge or the judiciary generally are not at risk of financial disadvantage should they reach a decision which is not agreeable to Parliament or Government;
- A disciplinary system which ensures that **the high standards of probity and integrity expected of judges** are maintained and that appropriate action is taken if such standards are breached;
- A budget for the judiciary which is established in collaboration with Government but administered by the judiciary itself or a body independent of Parliament and Government which acts in consultation with the judiciary. This is the model that has been implemented in Scotland and the Republic of Ireland. The Lord Chief Justice said he has already indicated to the Minister of Justice that a similar model would be appropriate for Northern Ireland: **“Strategic control of the budget for the administration of judicial work is a fundamental aspect of judicial independence which I would expect to see delivered in the forthcoming Assembly”**.

The Lord Chief Justice said that considerable progress has been made since devolution in ensuring that judicial independence is respected and upheld. He added, however, that this responsibility lies not just upon the state:

“Internally the judiciary also have to promote and secure independence. Every judge is an independent judge. No judge can be told how to deal with a case or what conclusion he or she should come to. The independence of the judiciary includes personal independence of each and every judge to reach their own conclusion according to law.”

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The Lord Chief Justice then touched on judicial accountability. He said he had considerable reservations about this notion. He accepted that **the judiciary have an obligation to take all reasonable steps to secure public confidence in the administration of justice but felt that this does not make judges accountable to anyone. The Lord Chief Justice said he preferred to think of the judiciary as having responsibilities.** In fulfilment of these responsibilities judges are expected to give decisions which explain the reasoning for their outcome. If any party is dissatisfied with the outcome they frequently have a right of appeal. The Lord Chief Justice also noted the role of the media in this respect. **He said the media are entitled to criticise any judicial decision with which they do not agree and where appropriate to campaign for changes in the law if deemed necessary. He added that the media have, of course, a responsibility to present an accurate and comprehensive account of the material facts but that the judiciary must never be accountable to the media.**

The Lord Chief Justice said that judges have an important role to play in helping to improve the justice system. He mentioned initiatives aimed at achieving this including the engagement between the judiciary and different parts of the criminal justice system to address the issue of avoidable delay. He also cited **the work the judiciary are doing to improve transparency and consistency in sentencing.** The Lord Chief Justice said that such engagement does not offend the principle of judicial independence but represents an entirely appropriate collaboration between the judiciary and others who have an interest in the justice system generally. He emphasised that **“judicial independence does not mean judicial isolation”**.

The Lord Chief Justice concluded that there should be dialogue between each of those involved in the justice system. In doing so, each should respect the proper interests of the other and be aware of the need to ensure as far as possible that public confidence in all aspects of the administration of justice should be maintained. He hoped he had succeeded in conveying the message that the judiciary should engage with the community at large in carrying on its work and stressed that he is both willing and anxious to do so:

**“The objective for all of us is to build a justice system of which the people in this community can be proud and which secures widespread support and the confidence of the public. I am absolutely committed to ensuring that the judiciary plays its part in achieving that end.”**

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## NOTES TO EDITORS

1. The full text of the Lord Chief Justice's speech is available on the Northern Ireland Courts and Tribunals Service website ([www.courtsni.gov.uk](http://www.courtsni.gov.uk)).

2. **For planning purposes:** If you are planning to attend you should contact Pauline Reynolds (Tel: 90368390), Chris Barnes (Tel: 90368310 or 07828 965007), Press Officers or Alastair Nevin, Photographer (Tel: 90368214 or e-mail [a.nevin@ulster.ac.uk](mailto:a.nevin@ulster.ac.uk)) at the University of Ulster. There will be an opportunity to take photographs in advance of the speech between 18.15 and 18.30. Filming is not permitted. There will not be an opportunity to interview the Lord Chief Justice.

## ENDS

If you have any further enquiries about this or other court related matters please contact:

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