

Justice Committee

Oral evidence: [Pre-appointment hearing: Judicial Appointments Commission](#), HC 193

Wednesday 10 June 2026

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Members present: Andy Slaughter (Chair); Pam Cox; Sir Ashley Fox; Warinder Juss; Tessa Munt; Dr Neil Shastri-Hurst.

Questions 1-36

Witness

I: Professor Lynne Berry CBE, Government's preferred candidate for Chair, Judicial Appointments Committee.

Examination of witness

Witness: Professor Lynne Berry.

Chair: Welcome to this morning's session of the Justice Committee. This is a pre-appointment hearing in relation to the chair of the Judicial Appointments Commission, at which members of the Committee will be asking a series of questions of the Government's preferred candidate, Lynne Berry. Thank you very much, Ms Berry, for attending this morning. Before I ask you to introduce yourself and go into the questions, Committee members need to make their declarations of interest.

Warinder Juss: Good morning. I am Warinder Juss, Member of Parliament for Wolverhampton West. I am a solicitor but not practising at the moment. I am also a member of the GMB trade union's central executive council and a member of various APPGs.

Chair: I am Andy Slaughter, the Chair of the Committee and the MP for Hammersmith and Chiswick. I am a non-practising barrister, a member of the GMB and Unite trade unions, and the patron of two justice-related charities, the Upper Room for ex-offenders and Hammersmith and Fulham Law Centre.

Tessa Munt: I am Tessa Munt, the Member of Parliament for Wells and Mendip Hills in Somerset. Everything is in the Register of Members' Financial Interests, but I will highlight the fact that I am a director of WhistleblowersUK, which is a non-profit organisation.

Pam Cox: Good morning. I am Pam Cox. I am the chair of the penal affairs all-party group and my other interests are as declared in the Register of Members' Financial Interests.

Dr Shastri-Hurst: Good morning. I am Neil Shastri-Hurst, the Member of Parliament for Solihull West and Shirley. I am a practising barrister with a current practising certificate and—of relevance to today's hearing—my wife is a salaried employment judge.

Sir Ashley Fox: Good morning. I am Ashley Fox, the Member for Bridgwater. I am a former solicitor and my interests are in the Register of Members' Financial Interests.

Ms Berry: Thank you all very much indeed.

Q1 **Chair:** Could I start by asking you to introduce yourself, briefly explain your background and tell us why you applied for this role?

Ms Berry: Indeed. Good morning, everyone. I am very pleased to be here and to have a chance to talk to you, hear your thoughts and tell you some of mine. My name is Lynne Berry. I have had a career in public service, part of that in the voluntary sector and part in local authorities and in arm's length bodies, so I have quite a range of experience of governance, leadership and working in fairly tricky areas, all of which bring up some important ethical questions.



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I am currently the chair of governors and pro-chancellor at the University of Westminster, the chair of the Human Tissue Authority, which is a DHSC-sponsored arm's length body, and visiting professor at City St George's University. I do not have any other interests, other than that I am a patron of the Wollstonecraft Society, which is, clearly, a body that is concerned with human rights.

Q2 Chair: You have indicated, I think, that you will be stepping down as the chair of the Human Tissue Authority and as the chair of governors and pro-chancellor at the University of Westminster. Could you tell us when you intend to do that, and is it therefore your intention that the JAC will be your principal or exclusive job?

Ms Berry: I stand down from the University of Westminster in August. That will be an end to a fascinating experience there. At the Human Tissue Authority, my time has been extended until a replacement for me has been recruited, and my successor should be in post by the end of the year. I have said that I will stay either until someone is appointed or until the end of the year, whichever is earliest, so I will definitely have left there by the end of this calendar year. There will be a period from about September to Christmas when I will still be at the HTA, in all probability. I think I can do both tasks at once for a short period. It is not something that I think is feasible in the longer term, but I think I can do it for that sort of period, particularly if I can, as I hope to do, spend time in July doing a lot of the induction, understanding the role in detail, meeting people and talking to people, have August to have conversations, and get going properly on 1 September.

Q3 Chair: By the time we get to the beginning of 2027, what proportion of your time do you expect the JAC to be taking up?

Ms Berry: I would expect it to be my main role. I do not know whether I would be doing any other things, but I do know that I would not take anything on unless I was confident that I had the space and time to do it. Certainly, at the beginning of this role, and for the first months, it would be my only role. After that, we will see how things go.

Q4 Chair: You declared that you had not undertaken any relevant political activity in the past five years. Will you confirm that that is true, and do you have any plans to engage in any future political activity?

Ms Berry: I have never undertaken any political activity and have no intention of starting.

Q5 Chair: You also declared that you have no relevant interests. Have you thought about whether any conflict of interest is likely to arise, or how you would deal with that if it did?

Ms Berry: I do not think that there is any conflict of interest at present and, given my intention that this would be my primary role once I have got through the final stages of my time at the HTA, I cannot imagine that any would emerge. I would not take anything on that created a conflict.

Q6 Chair: Rather intriguingly, this post was offered as a three-year term, but



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you have been offered an 18-month term. Do you know why that is and what is your response? It is obviously a substantially shorter period.

Ms Berry: I think it shows that the Lord Chancellor is very keen for a sense of purpose, direction and speed about activities, and so am I. He has made it clear that this could be renewed, but he has also made it clear that all the different parts of the framework of judicial bodies are undergoing quite a lot of change. There may need to be further change over the next 18 months, and that gives that sense of direction and pace to this specific role at the JAC, but also as part of the leadership network of the judicial appointments and practice system. It indicates that there may be change—there may not; it gives time to work that out.

Q7 **Chair:** I do not want to put words into your mouth, but are you saying that that is supposed to give you—if successful—a sense of urgency and purpose, that you are not just slotting into an existing role, and will be looking at whether the institution, or the organisation, operates correctly? The implication of that is that the Government are dissatisfied with the way it works at the moment. Is that your understanding? Do you agree?

Ms Berry: I do not think that the Government are saying that they are dissatisfied at all; I think what they are saying is that, after 20 or 25 years, it is time to think again. The JAC has been very successful in a number of areas—that might be something we come back to—but there are other things that it and the rest of the system need to think hard about. That gives a really strong sense of purpose. I do not see it as a problem. For quite a few of my jobs, I have been brought in not only to run them and run them well, but to think about how they operate—whether they are operating in the right way, with the right people involved, the right structures and the right relationships with other organisations. That is absolutely fine. I am used to doing that, and it seems to me a reasonable way forward.

Q8 **Tessa Munt:** The former chair of the Judicial Appointments Commission was known to be in favour of remote working. I wondered how you felt about remote working.

Ms Berry: I think working together is really important. I certainly do not see myself as being in favour of any particular type of working. What I do see is that the connections between people are crucial. Those can best be created and engaged with by actually having people in the same room, but you do not always need to be in the same room to get on with the work that you are doing. I am sure that, as a Committee, you work better for being together a lot of the time, but I am also pretty sure that you do things on your own at other times, or indeed as ambassadors out talking to other people. I do not have strong views. I would expect to be in the office a lot. I would also expect to be out and about.

Q9 **Tessa Munt:** Thank you. Would any element of your role be online, using Teams or whatever other mechanism?

Ms Berry: It could be, but not for the major part. Big meetings and so on are in person, but for things like keeping in touch with the chief executive,



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certainly in my current roles, as well as seeing people in the office or at a meeting elsewhere, we touch base using the telephone and Teams, and that is a perfectly good way of keeping in touch.

- Q10 **Tessa Munt:** Thank you. The chair's role is to be a lay person; I wondered what understanding and experience you have of the legal system and its key stakeholders.

Ms Berry: I have worked alongside the judiciary and the legal system a lot for a very long time. I have been a regulator for a long time. Inevitably, as somebody who is acting within a particular set of laws, employing large numbers of lawyers and being involved in hearing some of the judicial system, I have got to understand and know it quite well. The point of this job, as you say, is to be lay, so I am not an expert, but I know that I can learn fast. I am pretty good at doing that. I would want to spend some time, and July might be a great opportunity, being out there and understanding it, sitting in things and feeling what it is like. I have friends who are lawyers and some who have been involved in the judicial system, and I have their experience, but they are just a few; I would like to actually go and sit and experience it for myself.

- Q11 **Tessa Munt:** Do you have any other comments to make about judicial independence and how that might affect the work of the JAC?

Ms Berry: One of the things that really attracts me about this job is that it is a very important time for reinforcing a commitment to the independence of the judiciary, its integrity and the fact that it already represents a range of groups in society, although that pool needs to be wider and deeper. It is absolutely crucial that the judiciary has the trust of people in the legal system and of Parliament, but also of the public. That bit—having the trust and confidence of the public—is a part of the role that I would really like to focus on. I am not sure that there has been enough yet, looking at discussion about it, about whether the public can really feel confident that we have the judiciary we need. All those things about being independent, about integrity, about having great judgment, about being good at the law, obviously, and about being able to manage a system that is clearly getting stuck at the moment are important. I want my role in this job to be to make sure that we understand what needs to be done to reinforce not only the reality of independence and integrity, but the perception of independence and integrity.

- Q12 **Dr Shastri-Hurst:** If you are appointed to the role, can you set out your approach to managing your relationship with the other commissioners and the relationship between those commissioners, with particular reference to the non-judicial office holders compared with the judicial office holders?

Ms Berry: Certainly. It is in some ways similar to the position I have at the moment at the Human Tissue Authority where we have lay members, professional clinicians, professional researchers in human tissue, people involved in the care of the deceased, and people involved in research into how human tissue is used. We have got a huge range of people coming—some lay, some professional—from a range of professions.



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We are tackling quite tricky issues. At the moment, with the DHSC, we are looking at how the Government are going to respond to Sir Jonathan Michael's report into the offending of David Fuller. That was, as I am sure many of you know, a horrendous case of abusing deceased bodies. The law does not currently cover all this. The Government are thinking about their response to it.

The different parts of that board, equivalent to the commissioners, have different experiences and expectations. The public and the professionals working in those areas have different expectations. My job is to bring together people from very different perspectives to help them come to decisions so that we can advise DHSC and Ministers, although what happens is obviously their decision. We can advise them and then together move forward with whatever the response is.

They will not all agree with everything, but my job as a chair is to help people feel heard and know that their views matter, to get to a point where we can make a decision that people will stand by, and to do that in a timely and decisive way while still recognising difference. That is particularly important when you are balancing the interests of highly qualified, very specialist professionals and lay members. I do that every month at our meetings.

Q13 Dr Shastri-Hurst: There is a statutory requirement that the non-judicial commissioners outnumber the judicial office holders. What is your understanding of why that is the case?

Ms Berry: It is not unusual. It is the same in the HTA and other bodies that I have been part of. It is an attempt to get to a place of public confidence so that there is not just judicial and professional confidence in the system; it is also a proxy for the views of people, and the public having a stake in the decisions is part of that. That is what it is, and it seems to me right. I have no difficulty with that; it is a very common principle that is far from unique to the judiciary and the JAC.

Q14 Dr Shastri-Hurst: You have set out the approach you would take to the relationship between commissioners. Can you talk a little bit about how you would develop and maintain a relationship with the chief executive?

Ms Berry: I have experience of being both and that helps enormously. I have been the chair of quite a few bodies and the chief executive of quite a few others. I know that that partnership is vital. It has to be trusting and clear, and the roles of the different partners have to be understood and accepted. There are different accountabilities and it is a vital part of the chair's role, and the chief executive's role, to make that relationship work.

Others look to the chair and chief exec for modelling behaviour, for how disagreements are resolved, and for how, together, they can become a very powerful driver for change. It is vital to work on that. Having experience of being on both sides of that, I am pretty comfortable in going into that, even when it is a difficult situation. I am not expecting that, but if it were to be, I would feel comfortable about managing and handling that to maintain the confidence in the leadership of the organisation.



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- Q15 Dr Shastri-Hurst:** The job description for this role asks for candidates with “substantial knowledge or understanding of making senior appointments on merit” and a “strong track record of delivery of senior recruitment”. What experience do you have of making senior appointments?

Ms Berry: I have made appointments regularly to positions equivalent to the commissioner role. Externally, I have been sat on, and occasionally chaired, panels for chairs and chief executives of a whole range of public bodies. I have done that in DHSC, but also in the Cabinet Office. I used to be very involved in a lot of the better regulation committees and working groups and whatever. I have been part of making pretty senior public appointments. It is a role I am pretty comfortable in. I have not made them for senior members of the judiciary or the equivalent, obviously, but I would be looking for the same things: integrity, great judgment, being able to work as part of a team, and being a leader as well as a specialist. I want someone who could be a real catalyst and leader for whatever is needed in that particular role. I am very used to doing it.

- Q16 Dr Shastri-Hurst:** The job description specifically sets out merit, and I think the public would want to know that it is the best candidates who are being selected for this important role. Do you agree that merit alone should be the sole consideration?

Ms Berry: I do not believe that merit alone is the only consideration that the law allows. Merit is crucial, but so is a focus on diversity and on good character. There are a number of things there, but without merit you do not go further. Merit is crucial.

- Q17 Dr Shastri-Hurst:** Where do you see the balance between those competing factors? Most people, if they are before a judge, would want to know that the person making that decision is the most qualified to do so, irrespective of colour, religion, caste or race. How do you do that balancing exercise to ensure that you are getting the best person for the job?

Ms Berry: You start off by being really clear about what constitutes merit. I have found it really interesting that there are quite a few different views of what merit looks like. For me, it means integrity, independence, good judgment and sound and excellent intellectual capacity. It also means practical things such as being able to run a court well. These are increasing issues, particularly with the perception—and the reality—that cases are taking far too long. Those are the basics; any person getting through needs to be able to demonstrate those.

Quite possibly, they need to be able to demonstrate other things too. In the very complex cases that go to certain levels of judge, there is a whole range of issues about balancing different rights and making sure that decisions are made well. Judges need to be good communicators. I really think that that is quite important. It is not something that you do out of the public eye; it is something that you do in the public eye. Words have significance, meaning and consequences. I would want to make sure that the judges were also good communicators. If, in addition, issues about



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good character and diversity are coming into it, that is really important, but the first step is merit.

- Q18 Sir Ashley Fox:** Ms Berry, you have been appointed for an 18-month term, not a three-year term. Has the Lord Chancellor set you any short-term targets, in relation to the diversity of the judiciary, to accomplish in those 18 months?

Ms Berry: No. Clearly, I have not yet been appointed, though I hope to be, but as I said earlier, I think he wants a sense of pace and a sense of direction. Like many organisations that are of this sort of era, it needs to be refreshed, and he certainly wants to see a vision for the JAC. He wants to see a commitment to working at pace. He wants to see it looking again at its processes, which I think everyone regards as probably a bit slow and convoluted. He wants to see how it can really work to give Parliament, the judiciary and the public confidence in the courts.

He would also want me, as part of a broader group, to be part of increasing the pool from which judges are drawn, but that is not something that the JAC can do on its own. It does not control who applies—it does have quite a bit of control, but certainly it has an authority to look at the processes that people go through. He has not set me any targets, but I think the nearest he has got is to say that he would want to see me working with him, with the Lady Chief Justice, with the Law Society, with the Bar and with the people from CILEX to see what can be done about expanding that pool. But he has not set any targets.

- Q19 Sir Ashley Fox:** The implication of an 18-month term is that if you do not achieve the results that he desires, you are not reappointed. That suggests a certain political pressure to achieve certain targets that he has in mind.

Ms Berry: I do not perceive it that way. I perceive it as an organisational pressure to get the organisation in a fit place, along with the conversation he is having with all those other groups, so that we are all in a fit place, in about 18 months, to be able to move forward. I do not see it as political pressure.

- Q20 Pam Cox:** You have acknowledged that this is a time of great change in the judicial system. If the Government succeed in introducing the new Crown Court Bench Division, there is likely to be increased public interest in the selection of judges, and some of that interest may become very focused on the JAC. Have you experienced that kind of pressure before, and how did you deal with it? You mentioned that you had worked in areas that are tricky and raise ethical issues. I wonder if you could expand on that.

Ms Berry: The areas I have been involved in that have created the greatest public interest were to do with the registration of social workers and with child protection—clearly and rightly, subjects that people are very concerned about. I have dealt with a lot of pressure around that, and a lot of the support I have had has been not only from those within an organisation, but from stakeholders externally.



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My role is to speak up, in all sorts of ways, for the appropriate and collective way forward. It is also to stand up for people who are vulnerable—children who have been abused in care, in that particular case—and to have a supportive but questioning role about the professions and the way they make decisions sometimes. It can be tricky, but that is okay: it is part of the job.

Q21 Pam Cox: What kind of tactics have you found most effective?

Ms Berry: Keeping very calm—that is the main one—and being pretty well briefed. Keeping calm is really important.

Q22 Warinder Juss: Ms Berry, in your CV you described your leadership style as “collaborative and collegiate”, but we know from the Lord Chancellor that you have also described your style as “measured radicalism”. What do you mean by that, and how would you apply it to being chair of the JAC?

Ms Berry: Yes, I have, haven’t I? I think what it is about is being careful, being considerate, being respectful and acknowledging that there will be considerable differences between different views, but also recognising that there is a job to do and that that might involve quite a lot of change—so I don’t come in and bounce.

One thing I thought about, on hearing about the 18 months, was “Is there a sense of ‘Go fast and break things’?” No, I don’t think it is, nor do I think that is my skill. My skill is “Go fast and build solid foundations,” and that is what I would want to do. You cannot do that—you cannot be radical in the ideas you bring—unless you are also fairly measured, supportive, collegiate and all those things. Otherwise, people will just say, “I’m outta here.” What I want them to say is, “Let’s do this together.” I hope that helps.

Q23 Warinder Juss: You have also said that you will lead the commission’s response to the recommendations of the independent review of the criminal courts, while also working on the commission’s long-term strategic direction. What insight do you have as to what this work will involve?

Ms Berry: I am not entirely sure, obviously, but it is something to do with pace. The report made it clear that the whole process of going through the JAC takes too long. It appears very inflexible, and it appears to be more interested in excluding—not letting people in, in the first place—rather than in looking at what the outcome is.

For me, it would be about shifting it from looking just at inputs to looking at outcomes. That is really important. It is not good enough just to say, “We have to speed this up.” We also have to look at whether people can get through the system in a way that works effectively for them and the courts, and which enables enough new judges to be appointed and get into the many places where they are needed. I would want to look at those processes and whether or not they can be turned on their head a bit to make sure that people come in, but also that the right people, with all the attributes I have already spoken about, come out at the other end.



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People have said that it is a very bureaucratic system. Quite a few people have contacted me saying, "I never got through it." It is important to find a way of communicating what is really being looked for, ensuring you get it by the end of the process, and speeding it up. The report was talking about how there is an average of 50 days at the moment, and how it could be faster. I am sure that is right; most decisions can be made more quickly.

- Q24 **Warinder Juss:** You have already acknowledged, in answer to previous questions, that in selecting judges we need to look at merit, good character and diversity. The Lady Chief Justice has said that the JAC should examine its criteria and culture and whether the JAC's culture and processes need to be looked at. Do you feel that the current processes and culture are unfairly disadvantaging certain kinds of people who may go for judicial selection?

Ms Berry: It has come to be seen as very bureaucratic and slow. It is certainly seen as working well for those who are good at working their way through long, complex systems. I am sure that there are things that can be done to speed it up. Sometimes it is about changing the processes; sometimes it is about weighting the answers to different questions differently. It is at no point about getting rid of your basic criterion of merit.

- Q25 **Warinder Juss:** On that issue, yes, obviously, we need to look at merit and good character, but you will be aware that over the past decade only 1% of judges have been Black, which is a dismal statistic. What might you do differently in order to change that?

Ms Berry: One of the things I find fascinating is that you can see a real difference in terms of gender since the JAC was set up. It has been quite effective at that. I suspect it has not been good enough at looking at other aspects of representing Britain as it is, and the range of people who live here and are part of it and want to have a stake in it.

The JAC has also not been very good at opening up some of the other professions where people from a range of different backgrounds may well be practising. It still favours people with experience at the Bar; it is not doing enough about people who come in from a solicitor background or, indeed, a legal official-type background. That is why I am glad that there is already somebody very senior with a solicitor background and that they are opening up another commissioner role to somebody with a CILEX-type background.

All these things are important, because people could come to the judiciary from a range of backgrounds. We have to look where people are and encourage people to come, and that will open it up. It is quite shocking that the proportion of people from specifically Black communities was 1% 20 years ago and is still 1%. For other groups—gender, in particular, but also some other ethnic minority groups—it has changed. It must be possible to do something about that, and it may involve looking in different areas as well as at the Bar.

Q26 Warinder Juss: Do you think that the JAC has the right tools to improve diversity? What do you think about having a target? Do you think we need a clearer and more formalised selection process?

Ms Berry: I think we need to know what we are heading for, which is not the same as having a target. That is what I meant by turning things round. You look at who comes out of the system, not just at who goes in. In order to do that, yes, it is important to look at whether we are asking the right questions in the right way, and whether we are asking people to illustrate their experience. I know there have been moves to ensure that questions are asked not just in terms of court experience, but in terms of judgment in other legal settings, but I am sure there is more that could be done about that.

There also has to be a serious will to do it. I think that is something that people are committed to, but they are not quite sure how to do it. There are people who have done that in other professions. I think there is a lot to learn, and we can move some of those lessons in.

Q27 Warinder Juss: We have also had the creation of the Judicial and Legal Diversity Board. It is clear why that has been set up. How do you think that board will complement the work of the JAC?

Ms Berry: It will give it leadership. It will give it a sense of determination to work not just with the JAC but across the legal profession and the different institutions and groups there. Changing the nature and diversity of the judiciary while keeping merit is not something that the JAC can do on its own.

The fact that the Lord Chancellor and Lady Chief Justice will jointly chair the board will bring confidence that there is commitment and ensure that they have the clout to make things happen. That sounds like a good idea. I think they have had only one meeting. I would look forward to being part of that collective approach to solving this quite intractable problem.

Q28 Chair: Ms Berry, the Committee has published today a report on the Courts and Tribunals Bill—we do not expect you to have read it.

Ms Berry: Sadly, no.

Chair: It is a good read.

Ms Berry: I'm sure!

Q29 Chair: There is a chapter on equality and diversity. One of the recommendations says, "We recommend that the government works with the judiciary and the Judicial Appointments Commission to develop and formalise clearer progression routes from...other lower courts and tribunals into the senior judiciary. The government must set itself a clear, national target to achieve a representative judiciary and magistracy by 2035." Do you agree with that?

Ms Berry: It is a very partial recommendation. It is important that such statements are made. I think it will add to that sense of leadership and



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clout to make things change. I am genuinely not sure whether targets are the right way—they may be. I do not think they have been the most effective mechanism in other professions, but certainly saying this matters. It is important, and making it possible for people from very diverse backgrounds does work in a whole range of professions. I see no reason why it cannot in the judiciary.

The judiciary is one way of people from a whole range of backgrounds feeling that they have a voice, a stake in society and a stake in what justice is. It was shocking that so few women were getting through into those positions before; I am glad they are now. I would like that opportunity to be there for others.

Once thing I have realised, which I had not known before I became involved in this process, is that there is no career path for a judge. I think that needs looking at. There need to be pathways and opportunities for people to experience a whole range of lower level courts on their way up. Certainly the idea of creating some sort of career structure is one I would really support.

Q30 Warinder Juss: Ms Berry, I think I agree with you when you say that having a target might not be the correct way forward, because that would mean that you end up appointing somebody just because you have to reach that target, even though the merit may not be there. But there is obviously a problem. As you will be leading the way to increase diversity, do you have any views as to why only 1% of judges are Black?

Ms Berry: No, I do not know, but I would want to find that out. It would be important to talk to groups who have felt excluded, as well as groups who have felt excluded but something happened that made it possible for them to feel, "I'll give this a go."

Some of those reasons may well be in the control of the JAC. Many others will not be, but I still need to understand it so that I can lead, within the JAC and as part of the joint leadership of the system, actions that will lift barriers. It is really important to lift barriers. My perception of what a barrier is will not be the same as somebody who is actually experiencing that, so I need to understand that. Once I have, then I can work with others on trying to lift them. I think that is right.

I just do not know about targets; there are very different views. I am conscious of not creating a situation where, exactly as you said, people say "They're only there to fill the numbers"—that is not right. To your point, people have to be appointed on merit, and there are other things that must be taken into account, too. People need a voice and they need to be represented in the judiciary, and we need to make sure that our judiciary continues being what it is at the moment: the way it is seen around the world is as the gold standard for expertise, integrity and independence. That drives a whole lot of economic benefits for Britain; it can drive a whole lot of social and justice benefits for Britain, too.

Q31 Chair: You talked about the structural difficulties of appointments and that



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that could be done quicker. But isn't there also a problem with finding the right quantity and quality of judges to fill positions? In particular, there are judges who are reluctant to become salaried because they want to maintain practice, or salaried judges who are looking to retire and not be replaced by other salaried judges, and that is at different levels of the judiciary. Have you thought about how the JAC under your leadership could deal with those issues?

Ms Berry: I have not yet really got my head around the difference and how it works between different types of judiciary—fee-earning and salaried, and the different ranges. But I think one way of dealing with it is getting to that issue described earlier about creating some sort of career structure.

If people know what is to be expected of them at different times, what hurdles they are going to need to overcome, and what things they need to do to be able to demonstrate their capacity and abilities in all those areas, perhaps that will help in making people feel, "This is something that I want to get involved in." What I've picked up, which is not a lot, is that there is a sense that it's still—well, I think the Senior Salaries Review Board reinforced a sense that people do not feel well enough paid. That may or may not be true, but it is certainly something that people have said.

There is a sense that people are still not quite sure that, even if the judiciary at the lower levels is increasingly open to people, they will necessarily get through to the other stages. I think it still feels a bit opaque to an awful lot of people. How do you actually navigate the system? I think that needs sorting out.

The difficulty of people going into the judiciary, again, is one that the JAC cannot deal with on its own, but it can deal with it with its potential partners. Work clearly needs to be done by the Bar Council, and through solicitors and CILEX, to make sure that there is real change—and real opportunities for people to get the experience that will enable them to go forward.

Q32 **Chair:** But if, as surveys show, the reason why candidates are not applying to be salaried full-time judges is the pressure of work, backlogs or other issues like that, or that you have to take a cut in salary, or that the available positions tend to be in London and the south-east, which are expensive places to live, how are you going to change that scenario?

Ms Berry: It is not for the JAC to change that. That is not part of its role.

Q33 **Chair:** But you deal with the consequences of it.

Ms Berry: We deal with the consequences, yes. But I think it is important, whatever evidence there is and whatever judgments can be made around that, to be part of a system trying to solve the problem as a whole. More than that, I really do not know.

Q34 **Chair:** You are probably also aware that there are fewer outstanding or strong candidates appointed who are adequate to the task, but not in those higher categories. Are you worried at all about the quality of judicial



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appointments?

Ms Berry: No. Everyone who is appointed is appointable and therefore has reached a basic bar. More than that, I know that this discussion is going on, but I honestly do not know enough about it.

Q35 **Chair:** I do not have any further questions, and I am looking around at my colleagues in case they do. I am conscious that we may not have covered every area that you wished us to. Is there anything that you wanted to add?

Ms Berry: No, I don't think so. I am sure that you have in your papers the written answers I gave to various things. I think those and this discussion, which I found very valuable, have covered most things. I think this is a great role. It is one that I think I can do and would like to do. I would want to say that.

Q36 **Chair:** Thank you very much. If there is nothing further, I shall end the meeting at this point.