



HOUSE OF LORDS

Select Committee on the Constitution

12th Report of Session 2021–22

Judicial Review and Courts Bill

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Select Committee on the Constitution

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[Baroness Drake](#) (Chair)

[Lord Falconer of Thoroton](#)

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[Lord Hennessy of Nympsfield](#)

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[Lord Robertson of Port Ellen](#)

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Committee staff

The current staff of the committee are John Turner (Clerk), Rachel Borrell (Policy Analyst) and Jackie Lam (Committee Operations Officer). Professor Stephen Tierney and Professor Alison Young are the legal advisers to the Committee.

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Judicial Review and Courts Bill

Introduction

1. The Judicial Review and Courts Bill was introduced to the House of Commons on 21 July 2021 and brought to the House of Lords on 26 January 2022. Second reading was on 7 February and committee stage is scheduled to begin on 21 February.
2. Part 1 of the Bill reforms judicial review. The Government committed in its manifesto to update administrative law “to ensure that judicial review is available to protect the rights of individuals against an overbearing state, while ensuring that it is not abused to conduct politics by another means or to create needless delays”.¹ To this end, the Government commissioned the Independent Review of Administrative Law (IRAL), chaired by Lord Faulks, a member of this Committee.² The Government launched a further consultation based on its response to IRAL’s report.³
3. **Judicial review is a sensitive and controversial matter in a constitutional intersection between the courts, Parliament and the Government. As noted by the Independent Review of Administrative Law, the relationship between Parliament and the judiciary is based on both parties demonstrating self-restraint and institutional deference.**
4. The Bill also makes changes to criminal procedure, online procedures, the employment tribunal system and the coronial system.

Judicial review: remedies

5. Part 1 implements two changes based on IRAL’s report and the Government’s consultation exercise: the introduction of suspended and prospective-only quashing orders and the removal of *Cart* and *Eba* judicial review.
6. Clause 1 provides that courts may issue suspended quashing orders and prospective-only quashing orders, principally by inserting new section 29A into the Senior Courts Act 1981.⁴
7. A suspended quashing order delays when a quashing order takes effect. By so doing it provides an opportunity to modify a legal defect or enact further provisions to deal with the practical consequences of a quashing order. Once a suspended quashing order has taken effect, the administrative act becomes *void ab initio*—i.e. the law treats the unlawful decision as if it had never been made.⁵

1 The Conservative and Unionist Party, *Get Brexit Done: Unleash Britain’s Potential* (2019), p 48: <https://www.conservatives.com/our-plan/conservative-party-manifesto-2019> [accessed 7 February 2022]

2 Lord Edward Faulks QC, *The Independent Review of Administrative Law* (March 2021): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/970797/IRAL-report.pdf [accessed 7 February 2022]

3 Ministry of Justice, *Judicial Review Reform: The Government Response to the Independent Review of Administrative Law* (March 2021): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/975301/judicial-review-reform-consultation-document.pdf [accessed 7 February 2022]

4 *Judicial Review and Courts Bill*, clause 1 [HL Bill 102 (2021–2022)]

5 *Explanatory notes to the Judicial Review and Courts Bill* [HL Bill 102 (2021–2022)-EN], para 90

8. A prospective quashing order removes or limits the retrospective effects of a quashing order.⁶ It means that the quashing takes effect from the date of the judgment or a date set by the court. Any incidence of the unlawful administrative act prior to this date will be treated as if it were lawful, and there might be no effective remedy for any affected party.
9. Suspended or prospective quashing orders may, under subsection (1)(a) and (b) of inserted section 29A, be granted independently or cumulatively.⁷ The court may place conditions on a suspended or prospective-only quashing order.⁸ For example, a court could rule that a suspended quashing order take effect at a future date but stipulate that the prospective-only element of the quashing order take effect from the date of the judgment itself.
10. The Bill provides criteria to which the court must have regard when deciding whether to issue a suspended or a prospective-only quashing order.
11. There has been some academic disagreement as to whether the inserted section 29A provides courts with a discretionary power, or is designed to mandate courts to grant suspended or prospective only quashing orders in certain situations. While inserted section 29A mandates courts to consider whether to issue a suspended or a prospective-only quashing order,⁹ they would have discretion on whether to issue such orders. They could conclude that a suspended or prospective-only quashing order does not provide “adequate redress” or they could find that such an order would provide adequate redress but there is good reason not to issue one.¹⁰ Nonetheless, the use of the word “must” in inserted section 29A(9) may imply a presumption on how the court must act.
12. At second reading the Minister, Lord Wolfson of Tredegar, said:

“Clause 1 provides courts with greater flexibility, allowing them to deal more practically with the ramifications of quashing while delivering justice to claimants ... Suspending a quashing order means that courts can, when appropriate, allow a decision-maker to make a new decision before the unlawful act is quashed, or put in place transitional arrangements. Making a quashing order prospective-only enables the court to consider the interests of those who have relied on a decision which is being struck down and prevent a regulatory vacuum arising when secondary legislation is quashed.”¹¹
13. The Joint Committee on Human Rights has argued that there is a lack of certainty as to how “adequate redress” may be interpreted and whether it would be compliant with Article 13 of the European Convention on Human Rights (ECHR) (the right to an effective remedy).¹² That Committee recommended removing the requirement for judges to make suspended or prospective-only quashing orders where they would provide adequate redress

6 *Ibid.*, para 87

7 *Ibid.*, para 87

8 *Ibid.*, para 88

9 [Judicial Review and Courts Bill](#), clause 1(1) [HL Bill 102 (2021–2022)]

10 *Ibid.*, see also [Explanatory notes to the Judicial Review and Courts Bill](#), para 94

11 HL Deb, 7 February 2022, [col 1343](#)

12 Joint Committee on Human Rights, [Legislative Scrutiny: Judicial review and Courts Bill](#) (10th Report, Session 2021–22, HC 884, HL Paper 129), para 28. Article 13 is not listed in Schedule 1 to the Human Rights Act 1998, which incorporates Convention rights into domestic law. Therefore, section 3 of that Act, requiring courts to read the Bill in a manner compatible with Convention rights, so far as it is possible to do so, would not apply.

and there would not be a good reason not to.¹³ It also recommended adding a requirement for courts to give due consideration to Article 13 ECHR when determining whether to issue a suspended or a prospective-only quashing order.¹⁴

14. **The House may wish to consider whether clause 1 achieves the correct balance between providing courts with discretion and placing a presumption on how they should act. Additionally, the House may wish to explore the relationship between clause 1 and Article 13 of the European Convention on Human Rights.**

Judicial review: removal of *Cart/Eba* judicial review

15. Clause 2 contains a partial ouster clause. It is designed to remove judicial review of decisions of the Upper Tribunal to refuse leave to appeal but preserves judicial review in certain situations.
16. In *Cart*¹⁵ and *Eba*,¹⁶ the issue arose of whether courts could review a decision of the Upper Tribunal to refuse leave to appeal a decision of the First-tier Tribunal. The Supreme Court concluded that it would be possible for the High Court in England and the Court of Session in Scotland to review such a decision of the Upper Tribunal, but restricted the circumstances in which it would permit such judicial review. Judicial review is available only as regards an error of law and the appeal must raise an important point of principle or practice, or there must be some other compelling reason for the court to hear the appeal. These requirements replicate the second appeals criteria for determining whether to grant a second appeal in the courts. These are referred to as *Cart* judicial reviews, or *Cart* JR.
17. IRAL recommended that *Cart* judicial reviews be discontinued. This followed an evaluation of their relatively low success rate. IRAL concluded that “the continued expenditure of judicial resources on considering applications for a *Cart* JR cannot be defended and that the practice of making and considering such applications should be discontinued”.¹⁷ Since that report the Government has revised its figures and suggests that there is a success rate of 3 per cent.
18. Clause 2 inserts new section 11A into the Tribunals, Courts and Enforcement Act 2007. It provides that the decision of the Upper Tribunal to refuse to grant permission to appeal the decision of the First-tier Tribunal is “final and not liable to be questioned or set aside in any other court”.¹⁸ Such provisions are referred to as finality clauses—but courts have interpreted finality clauses so as not to exclude judicial review for errors of law, which are classified as jurisdictional errors. Consequently, if a decision of the Upper Tribunal made an error of law, then its decision would be regarded as a purported decision. Judicial review would be available to indicate that the decision of the Upper Tribunal was only a purported and not a real decision. This is because courts

13 Joint Committee on Human Rights, *Legislative Scrutiny: Judicial review and Courts Bill* (10th Report, Session 2021–22, HC 884, HL Paper 129), para 31

14 *Ibid.*, para 28

15 *R (Cart) v Upper Tribunal* [2011] UKSC 28 [accessed 11 February 2022]

16 *Eba v Advocate General for Scotland* [2011] UKSC 29 [accessed 11 February 2022]

17 The Lord Chancellor and Secretary of State for Justice, *Independent Review of Administrative Law Report*, CP 407 (March 2021), para 3.46: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/970797/IRAL-report.pdf [accessed 11 February 2022]

18 *Clause 2*, inserting section 11A(2) into the Senior Courts Act 1981.

would not be questioning a decision of the Upper Tribunal: they would be pointing out that the Upper Tribunal had failed to make a decision given the legal error.¹⁹

19. In order to ensure that inserted section 11A removes *Cart* judicial review, the Bill states that “the Upper Tribunal is not to be regarded as having exceeded its powers by reason of any error made in reaching the decision”.²⁰ This is designed to ensure that courts do not conclude that a decision of the Upper Tribunal that made a legal error is only a purported decision that can still be reviewed by the courts. This is reinforced by the inclusion of a “purported decision” in the definition of a “decision”.²¹
20. In addition, inserted section 11A states that “the supervisory jurisdiction does not extend to, and no application or petition for judicial review may be made or brought in relation to, the decision.”²² The wording of this provision is designed to ensure that courts do not read down the ouster clause, thus preserving judicial review, in a manner similar to how the majority of the Supreme Court interpreted an ouster clause in *Privacy International*.²³ In that case, legislation specifically stated that decisions as to whether the Investigatory Powers Tribunal had jurisdiction to act were not subject to appeal or able to be questioned in a court.²⁴ The majority of the Supreme Court concluded that this wording was insufficiently clear to remove judicial review for legal errors. At second reading the Minister spoke of a “legal arms race between the courts and Parliament” and said that clause 2 was “in the form it is in because jurisprudential history has told us that if Parliament is to have an ouster clause, we need to be clear and precise.”²⁵
21. Inserted section 11A is a partial ouster clause as it preserves judicial review of decisions of the Upper Tribunal to refuse to grant leave to appeal from a decision of the First-tier Tribunal in four circumstances. First, to challenge whether the application made to the Upper Tribunal was invalid.²⁶ Second, where the Upper Tribunal was not properly constituted.²⁷ Third, where the Upper Tribunal acts in bad faith.²⁸ Fourth, for a procedural defect which “amounts to a fundamental breach of the principles of natural justice”.²⁹ No definition is provided of a “fundamental breach” of natural justice. The Explanatory Notes to the Bill explain that this would include such things as decisions tainted by bias or corruption.³⁰

19 *Anisminic Ltd v Foreign Compensation Commission* [1969] 2 AC 147.

20 [Clause 2](#), inserting section 11A(3)(a) into the Senior Courts Act 1981.

21 [Clause 2](#), inserting section 11A(7) into the Senior Courts Act 1981.

22 [Clause 2](#), inserting section 11A(3)(b) into the Senior Courts Act 1981.

23 *R (Privacy International) v Investigatory Powers Tribunal* [2019] UKSC 22. Four of the Justices of the Supreme Court concluded that these words were insufficient to remove judicial review over decisions of the Investigatory Powers Tribunal for errors of law. Two concluded that the clause was sufficiently clear to remove judicial review of substantive legal errors made by the Investigatory Powers Tribunal but was not sufficiently clear to remove procedural legal errors (for example, that the Investigatory Powers Tribunal had been incorrectly composed when it made its decision). One concluded that the clause would succeed in removing judicial review for errors of law.

24 Regulation of Investigatory Powers Act 2000, section 67(8).

25 HL Deb, 2 February 2022, [col 1381](#)

26 [Clause 2](#), inserting section 11A(4)(a) into the Senior Courts Act 1981.

27 [Clause 2](#), inserting section 11A(4)(b) into the Senior Courts Act 1981.

28 [Clause 2](#), inserting section 11A(4)(c)(i) into the Senior Courts Act 1981.

29 [Clause 2](#), inserting section 11A(4)(c)(ii) into the Senior Courts Act 1981.

30 [Explanatory notes to the Judicial Review and Courts Bill](#), para 104

22. While this partial ouster clause was recommended by IRAL and Lord Carnwath³¹, we note that the Joint Committee on Human Rights was concerned about possible implications for immigration decisions, concluding that “while only a small proportion of *Cart* judicial review applications are successful, those applications may prevent individuals being wrongly removed from the UK to face the most heinous human rights violations”³² and has argued for limiting *Cart* judicial reviews instead of ousting them.³³
23. We further note the possibility that the clause may be used as a template for future ouster clauses in situations where removal of judicial review would clearly undermine the rule of law.
24. **The House may wish to consider how clause 2 might operate in practice and whether it achieves the right balance between efficiency and access to justice.**

Criminal procedure

25. Clause 3 introduces an automatic online conviction and penalty for summary offences that are not punishable by imprisonment.³⁴ Individuals, aged 18 or over when charged,³⁵ will be notified electronically with an explanation that, if they intend to plead guilty, they may agree to be convicted and penalised for that offence. Individuals may accept an automatic online conviction through sending an electronic notification setting out that they plead guilty to the offence and agree to be convicted and penalised.
26. The clause empowers the Lord Chancellor to make regulations, subject to affirmative resolution, specifying the offences for which online convictions can be available.³⁶ Although the online procedure would be available only for summary offences that are not punishable by imprisonment, there are no further limits on the power of the Lord Chancellor. The Explanatory Notes to the Bill state that it is the Government’s intention “to initially extend this provision to travelling on a train or tram without a ticket and fishing with an unlicensed rod”.³⁷
27. Concerns have been raised that this potentially interferes with the right to a fair trial, particularly for vulnerable people who may not understand the consequences of accepting an automatic online conviction. The Government argues that the procedure would apply only to low-level offences, would be optional and would include a requirement that the accused is provided with adequate information. At second reading, the Minister noted that there was “a cooling-off period and the courts will have the power to set aside any conviction that appears unjust.”³⁸

31 Lord Carnwath: *Where next for Judicial Review? Some lessons from 8 years in the Supreme Court*, Bar Law Reform Group Lecture 2020, 3 December 2020, p. 11: <https://www.barcouncil.org.uk/uploads/assets/e48a2f16-b857-4363-af71aefd2b6b9d3b/Law-Reform-Lecture-speech-2020-Lord-Carnwath.pdf> [accessed 15 February 2022].

32 Joint Committee on Human Rights, *Legislative Scrutiny: Judicial Review and Courts Bill* (Tenth report, Session 2021–22, HC 884, HL Paper 120), para 41

33 *Ibid.*

34 **Clause 3**, inserting section 16H(4) into the Magistrates’ Courts Act 1980.

35 **Clause 3**, inserting section 16H(3)(b) into the Magistrates’ Courts Act 1980.

36 **Clause 3**, inserting section 16H(3)(a) into the Magistrates’ Courts Act 1980.

37 *Explanatory notes to the Judicial Review and Courts Bill*, para 42

38 HL Deb, 7 February 2022, [col 1345](#)

28. **Clause 3 contains a broad power for the Lord Chancellor to add to the list of offences for which the automatic online conviction procedure is available. While the current intention is that the procedure should be used for low-level offences, there is the potential for it to be extended, including by future governments. The Government should clarify whether further guidelines on the use of this power will be published.**
29. Clauses 4 and 6 to 8 extend the circumstances in which individuals may indicate a plea “in writing”. However, the Bill does not define that phrase. The Explanatory Notes refer to “The Common Platform”.³⁹ This platform is being rolled out and is currently used by the judiciary, court staff and professional court users, but the requirements may be unclear to those unfamiliar with the system.
30. **The Bill should define how to plead “in writing” under clauses 4 and 6 to 8, both to provide greater clarity and to ensure that this procedure is available for all and not just those with access to legal advice.**
31. Clause 17 includes a Henry VIII power allowing the Lord Chancellor to make consequential or supplementary provisions in relation to the modification of criminal procedure rules made by the Bill. The Henry VIII clause is subject to the affirmative resolution procedure. **We note that clause 17 is another example of a Henry VIII clause containing power to make consequential provision.**

Online procedures

32. Chapter 2 of Part 2 provides for the making of Online Procedure Rules for civil proceedings, family proceedings, proceedings in the First-tier Tribunal and the Upper Tribunal, proceedings in employment tribunals and the Employment Appeal Tribunal, as well as proceedings specified in regulations by the Lord Chancellor.⁴⁰
33. Clause 21 contains a power for the Lord Chancellor to make regulations determining when online procedures should be available, when they should not be used or cease to be used, as well as when those that are excluded may be regulated by online procedures.⁴¹ These regulations require the concurrence of the Lord Chief Justice, when they relate to civil or family proceedings in England and Wales, or of the Senior President of Tribunals when they relate to the First-tier Tribunal, the Upper Tribunal, employment tribunals or the Employment Appeals Tribunal.⁴² They are subject to the affirmative resolution procedure.
34. **In our report *COVID-19 and the Courts*⁴³ we drew attention to the implications for access to justice of increased use of online procedures. There may also be concerns about open justice, with the media potentially facing difficulty gaining access to online procedures, and about access to justice generally. However, we consider that the requirement that regulations under clause 21 have the concurrence of the Lord Chief Justice provides a sufficient safeguard.**

39 [Explanatory notes to the Judicial Review and Courts Bill](#), paras 31 and 35

40 [Clause 20\(1\)](#)

41 [Clause 21](#)

42 [Clause 21](#)

43 Constitution Committee, [COVID-19 and the Courts](#) (22nd Report, Session 2019–21, HL Paper 257), paras 97–101.

35. The Bill establishes an Online Procedure Rule Committee, appointed by the Lord Chief Justice, to make Online Procedure Rules. The Committee would consist of judges, a barrister, a person with experience in the lay sector and a person with experience of using the requisite technology.⁴⁴ The Lord Chancellor may change the rules relating to composition of the Online Procedure Rule Committee, with the concurrence of the Lord Chief Justice and the Senior President of Tribunals, and after consulting the Head of Civil Justice, the Deputy Head of Civil Justice and the President of the Family Division.⁴⁵
36. Under clause 23 Online Procedure Rules have to be signed by at least half the Committee and submitted to the Lord Chancellor who may allow or disallow a rule made by the Committee, having regard to the needs of those who require online personal assistance. The Lord Chancellor must ensure the provision of support that the Lord Chancellor considers appropriate and proportionate for those who require online procedural assistance.⁴⁶
37. Clause 27 empowers the Lord Chancellor to “amend, repeal or revoke” enactments where the Lord Chancellor considers it “necessary or desirable in consequence of, or in order to facilitate the making of” Online Procedure Rules. The Lord Chancellor must consult the Lord Chief Justice and the Senior President of Tribunals before making rules under this section.
38. Clause 29 contains a Henry VIII power to allow the Lord Chancellor to make consequential or supplementary amendments in relation to the provisions in the Bill on online procedure.
39. Our report on the Courts and Tribunals (Online Procedure) Bill 2017–19, which contained similar provisions, welcomed them as a necessary modernisation package, but suggested that they could undermine the right to oral hearings and recommended that the Lord Chief Justice should concur in any change of rules.⁴⁷
40. ***We recommend that clauses 27 and 29 be amended so that the Lord Chancellor may amend enactments to facilitate the Online Procedure Rules only with the concurrence of the Lord Chief Justice or the Senior President of Tribunals. This should be accompanied by a duty to ensure the right to a fair hearing. This is in line with the recommendations of this Committee in its report on the Courts and Tribunals (Online Procedure) Bill 2017–19.***

Employment tribunals and the Employment Appeal Tribunal

41. Chapter 3 of Part 2 implements changes to the regulation of employment tribunals and the Employment Appeal Tribunal that were originally in the Prisons and Courts Bill 2016–17. The Bill transfers the power to make rules on practice and procedure of employment tribunals from the Secretary of State⁴⁸ to the Tribunal Procedure Committee.⁴⁹

44 [Clause 22](#)

45 [Clause 24](#)

46 [Clause 28](#)

47 Constitution Committee, [Courts and Tribunals \(Online Procedures\) Bill](#) (21st Report, Session 2017–19, HL Paper 373), para 12

48 [Employment Tribunals Act 1996](#), section 7

49 [Clause 33](#)

42. Schedule 5 sets out the issues that can be regulated by the Tribunal Procedure Committee, replicating the powers of the Tribunal Procedure Committee to make procedural rules for other tribunals.
43. Schedule 5 also transfers powers from the Secretary of State to the Lord Chancellor to:
- set the amount of a deposit required to continue to participate in the hearing or to pursue specific allegations in that hearing;
 - issue directions regarding employment disputes arising in certain Crown employment proceedings which raise issues of national security;
 - set the interest rate payable on sums recoverable following a decision of an employment tribunal; and
 - make regulations on the composition of an Employment Appeal Tribunal regarding disputes in certain Crown proceedings issues when a Minister has issued a direction relating to national security concerns; these regulations may overturn statutory requirements about the composition of the Employment Appeal Tribunal.⁵⁰
44. Paragraph 24 of Schedule 5 provides the Lord Chancellor with a prospective Henry VIII power, to “amend, repeal or revoke any enactment to the extent that the Lord Chancellor considers necessary or desirable ... to facilitate the making” of the Procedure Rules regulating employment tribunals and the Employment Appeal Tribunal.
45. The Bill empowers the Lord Chancellor to make regulations, after consulting the Senior President of Tribunals, about the matters that may fall before an employment tribunal and the Employment Appeal Tribunal and the number of members composing a tribunal or appeal tribunal.⁵¹
46. The Bill also transfers the power of remuneration of members of employment tribunals and the Employment Appeal Tribunal from the Secretary of State to the Lord Chancellor.
47. **We note that Chapter 3 of Part 2, and Schedule 5, transfer a significant number of powers to the Lord Chancellor.**
48. Clause 36 amends the Tribunals, Courts and Enforcement Act 2007 to empower the Senior President of Tribunals to authorise court staff and tribunal staff to exercise functions of the Employment Appeal Tribunal. **When this Committee considered the Tribunals, Courts and Enforcement Bill 2006–07⁵² it requested clarification on the power of the Senior President of Tribunals to delegate functions. We request similar clarification of the extension of that power in clause 36 of this Bill.**

Coroner reforms

49. Chapter 4 of Part 2 regulates coroners. Most of these provisions are designed to make the system run more efficiently. The Chapter broadens

⁵⁰ These requirements are found in section 28 of the Employment Tribunals Act 1996.

⁵¹ [Clause 34](#)

⁵² Constitution Committee, *Tribunals, Courts and Enforcement Bill* (1st Report, Session 2006–07, HL Paper 13)

the circumstances in which a coroner can discontinue an investigation where a cause of death becomes clear, enables coroners' inquests that proceed without a jury to take place in writing, and enables the Lord Chief Justice to make rules to allow coroners' hearings to be held wholly or partly through the electronic transmission of sounds or images.

50. **The provisions of Chapter 4 of Part 2 may potentially affect protection of privacy and enable the misuse of information obtained by electronic means. The Lord Chief Justice should be required to take account of the implications for open justice and for privacy when making these rules.**

Miscellaneous provisions: local justice areas

51. Clause 43 provides for the abolition of local justice areas. It includes a Henry VIII clause empowering the Lord Chancellor to make consequential and supplementary provisions in relation to the abolition of local justice areas, subject to the affirmative resolution procedure. Other regulations are made through the negative resolution procedure. The provision to abolish local justice areas was originally in the Prison and Courts Bill in 2016–17. However, the method of achieving this policy aim has changed. The Prison and Courts Bill provided for an extensive list of repeals and consequential modifications in a Schedule. The current Bill, instead, provides a broad power to the Lord Chancellor.
52. **Clause 43 represents a change of approach to abolishing local justice areas. In the Prison and Courts Bill in 2016–17, repeals and consequential modifications were included in the Bill. The current Bill provides the Lord Chancellor with a broad power to make those changes.**

APPENDIX 1: LIST OF MEMBERS AND DECLARATIONS OF INTEREST

Members

Baroness Doocey
 Baroness Drake (Chair)
 Lord Falconer of Thororon
 Lord Faulks
 Baroness Fookes
 Lord Hennessy of Nympsfield
 Lord Hope of Craighead
 Lord Howarth of Newport
 Lord Howell of Guildford
 Lord King of Bridgwater
 Lord Robertson of Port Ellen
 Lord Sherbourne of Didsbury
 Baroness Suttie

Declarations of interest

Baroness Doocey
No relevant interests
 Baroness Drake (Chair)
Past member of Employment Appeals Tribunals
 Lord Falconer of Thoroton
No relevant interests
 Lord Faulks
Chair, Independent Review of Administrative Law
Barrister in practice
 Baroness Fookes
No relevant interests
 Lord Hennessy of Nympsfield
No relevant interests
 Lord Hope of Craighead
No relevant interests
 Lord Howarth of Newport
No relevant interests
 Lord Howell of Guildford
No relevant interests
 Lord King of Bridgwater
No relevant interests
 Lord Robertson of Port Ellen
No relevant interests
 Lord Sherbourne of Didsbury
No relevant interests
 Baroness Suttie
No relevant interests

A full list of members' interests can be found in the Register of Lords' Interests:
<https://members.parliament.uk/members/lords/interests/register-of-lords-interests>

Professor Stephen Tierney, University of Edinburgh, and Professor Alison Young, University of Cambridge, acted as legal advisers to the Committee.

Professor Young declared the following interests:

Part of the committee of academic experts that helped JUSTICE compile their response to the Independent Review of Administrative Law and to the Government's consultation exercise on Judicial Review Reform

Attended an academic roundtable organised by the Public Law Project with regard to their submission of evidence to the Independent Review of Administrative Law

Co-authored the submission from the Cambridge Centre for Public Law to the Independent Review of Administrative Law

Submitted own evidence to the Ministry of Justice with regard to their consultation on Judicial Review Reform

Gave evidence in a public hearing to the Joint Committee on Human Rights on 12 October 2020 with regard to their inquiry into the Independent Review and its potential impact on the protection of human rights

Took part in a panel discussion on Part 1 of the Judicial Review and Courts Bill organised by 39 Essex Street, which looked at the potential meaning of the clauses and how they may be interpreted in later case law

Has given a series of lectures to Cambridge undergraduate students on the clauses 1 and 2 of the Judicial Review and Courts Bill