



**SPEECH BY MARK FENHALLS KC, CHAIR OF THE BAR, AT THE SWEARING IN
OF THE NEW LORD CHANCELLOR, BRANDON LEWIS MP**

My Lord,

On behalf of the Bar of England and Wales, may I welcome the Lord Chancellor, the returning Attorney General and the Solicitor General at their swearing in and declaration.

May I start with a confession of sorts. My year as Chair of the Bar has not quite turned out as I expected, or indeed as I had hoped. It has not been the quiet, forgettable year that I had all too whimsically wished for, a year of consolidation and rebuilding as the country emerged from the pandemic and focused on recovery.

Frankly until the events of July, I had given little thought to the possibility of my year seeing a change of Lord Chancellor, or of Law Officers, indeed of the chance of a ceremony of this sort at all. I should not have worried about a missed opportunity. Notwithstanding a one-year term, even in quieter years, in recent times the odds of a Chair of the Bar attending such an occasion are high.

Our new Lord Chancellor and Solicitor are each the ninth/ tenth incumbents of their offices during the last decade, whilst the Attorney is only the sixth. With his reappointment he has made a valuable contribution to slowing the ministerial R number. After such frequent changes, my Lord, I am sure I am not the only person who longs for a little less “news”, a bit more peace and quiet, so that we can all address the important long-term challenges facing the country. My Lord I hope I will be indulged while I briefly explain myself.

In the absence of a written constitution the position is unique and vital. It should be occupied by someone who fully understands the justice system, the workings of our constitution and the need to defend the rule of law.

I know from your words today and our conversations that you do understand these critical foundations of our society; how you began training as a barrister and planned to practise before the lure of an alternative career in business diverted you away; that you have many barrister and solicitor friends. I am sure that your understanding of the value of the professions, how each is integral to the smooth functioning of the justice system, will stand you in good stead.

You have of course been appointed Lord Chancellor at a time where the justice system requires attention and support like never before. This ceremony is taking place nestled between two party conferences where access to justice has been-will be - a topic of considerable importance, and the health of our economy is the subject of intense debate.

Access to justice for the people of this country is essential to public confidence in the workings of the state. In the difficult economic times many predict ahead, fair access for all will be more important than ever.

But the importance of a healthy justice system is not just important for the people of this country, given the influence and reach of law of England and Wales in commercial transactions around the world.

My Lord, your court, this ceremony, is not a place for politics or political comment. It would be quite wrong for me to say anything about the discussions going on elsewhere as efforts are made to resolve the acute problems that exist in the Crown Court. So, my Lord Chancellor, I hope it is appropriate for me to simply thank you for having engaged with the professions at the earliest practicable opportunity following your appointment on 7 September and the period of Mourning that followed Her Majesty's death. I know there are many across the country who fervently hope that this swift and positive engagement will lead to a satisfactory resolution, so that the justice system can begin to function properly again and return to serving the people of this country.

My Lord we of course look forward to the formal Opening of the Legal Year that will take place next Monday. What is perhaps less well known than the famous images of our Judiciary processing across Parliament Square, is that senior legal figures from many countries arrive in London for these events - perhaps the most important annual international gathering of Judges and lawyers that takes place anywhere in the world. This of course reflects the fact that our law and our courts are arguably the second most important potential expression of influence of this country after the English language itself.

My time as Chair has permitted me to travel in a way denied to my two immediate predecessors; and travel this year comes with a perspective shaped by the experience of the pandemic and the savage and unlawful invasion of Ukraine.

Everywhere I have gone; lawyers from every country I have met have been asking themselves questions about the Rule of Law with an added sense of urgency. In all my trips, I have been struck by the fact that everyone wants to know about this country's view, and to reassure themselves that our hitherto unshakeable commitment to the Rule of Law has not in some way been eroded.

Looking beyond England and Wales, one of the most pleasurable aspects of my job has been our dealings with colleagues in Scotland, Northern Ireland and the Republic of Ireland. Indeed tomorrow night in Belfast I have the honour to attend a dinner hosted by the Lord Chief Justice NI to celebrate 100 years of law in Northern Ireland. A few minutes ago, I began my speech with reference to welcoming you on behalf of England and Wales. May I amend that welcome slightly and with their permission include Scotland's Faculty of Advocates and the Bar of Northern Ireland; and with them express our joint hope and expectation that defending the rule of law remains foremost in your minds in these challenging times.

At the start of this year we knew we were emerging from a global health emergency with significant backlogs in an underfunded justice system. Now we confront the economic consequences of the war in Ukraine, and the reality of our position outside the European Union. It is difficult to think of a more challenging time to become Lord Chancellor. The need for our jurisdiction to have real leadership as we seek to rebuild and improve our justice system could not be greater.

So my Lord we welcome the opportunity to work with the Lord Chancellor and both Law Officers to ensure that the rule of law in England and Wales is upheld, that everyone has access to justice in this country and that the positive relationship that has been enjoyed by the Bar Council with the Ministry of Justice and the Law Officers, particularly during the pandemic, continues.

The Attorney General is the leader of our profession and I look forward to welcoming him and the Solicitor General, as his deputy, to our forthcoming Bar Council meetings. Their roles as Law Officers providing independent advice to the Government will remain critical in the months and years ahead. The Bar stands ready to assist when called upon.

On behalf of the Bar of England and Wales, the Faculty of Advocates in Scotland and the Bar of Northern Ireland we wish the Lord Chancellor, the Attorney General and the Solicitor General well.

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