

Summary of presentation

The dismantling of the criminal justice system in the UK

In three key areas of the criminal justice system in England and Wales the protections afforded to suspects, accused persons and those who have been the subject of unreasonable decisions of the organs of the state are slowly being dismantled. Paul Garlick will review the changes that have brought into effect in the areas of: legal aid; extradition and judicial review of the decisions of public (state) bodies.

Legal aid

Last week the British press summed up the attitude of the government to the Justice system in the UK in these words:

“ Another week, another nail in the coffin for the lord chancellor’s legal aid reforms. The intervention by the children’s commissioner, Maggie Atkinson, saying that the cuts to legal aid were harming access to justice for vulnerable children struck another blow against Chris Grayling.

He is already on the back foot after last week’s landmark ruling in the high court, where he was found to have acted unlawfully in the consultation to implement cuts to legal aid. Throughout the process, he has sought to hoodwink both the legal profession and the public, and force through his draconian, ill-conceived, ideologically driven reforms that will restrict access to justice, undermine the principle of equality before the law and fatally wound our world-renowned justice system.”

Legal aid in England and Wales was established in 1949 and, until now, it has been key to the administration of the British justice system. By ensuring the right to counsel, it safeguards equality before the law and the right to a fair trial. Yet, there is a dire risk of legal aid being dismantled and becoming an illusory right.

The UK government has already taken £320m out of the annual legal aid budget, and it plans to remove a further £220m each year until 2018. The scope of these cuts is frightening, and they will affect many areas of criminal and civil law. The government’s argument is that, with an annual budget of £2bn per year, England and Wales’ legal aid system is the most expensive in the world and that it needs reform. Paul will review the devastating effect that the UK government’s policies are having on the right to a fair trial.

Extradition

The UK government has introduced new rules which severely affect the right of appeal to the High Court by defendants in extradition proceedings. Paul will review the diminution of the rights of accused defendants in extradition proceedings.

Judicial Review

The UK government has introduced new rules which will limit the scope for judicial review of the decisions and actions of public (state) bodies. Paul will review the restrictions which the UK government intends to introduce into the process of judicial review.

Paul Garlick QC