

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Seventh Delegated Legislation Committee

DRAFT MAXIMUM NUMBER OF JUDGES ORDER 2015

Thursday 22 October 2015

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STRICT ADHERENCE TO THIS ARRANGEMENT WILL GREATLY
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IN GENERAL COMMITTEES

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The Committee consisted of the following Members:

Chair: GERAINT DAVIES

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|---|---|
| † Beresford, Sir Paul (<i>Mole Valley</i>) (Con) | † Rayner, Angela (<i>Ashton-under-Lyne</i>) (Lab) |
| † Cadbury, Ruth (<i>Brentford and Isleworth</i>) (Lab) | † Rees, Christina (<i>Neath</i>) (Lab) |
| Campbell, Mr Gregory (<i>East Londonderry</i>) (DUP) | † Turner, Karl (<i>Kingston upon Hull East</i>) (Lab) |
| † Campbell, Mr Ronnie (<i>Blyth Valley</i>) (Lab) | † Vara, Mr Shailesh (<i>Parliamentary Under-Secretary of State for Justice</i>) |
| Donelan, Michelle (<i>Chippenham</i>) (Con) | † Vickers, Martin (<i>Cleethorpes</i>) (Con) |
| † Doyle-Price, Jackie (<i>Thurrock</i>) (Con) | Wilson, Sammy (<i>East Antrim</i>) (DUP) |
| † Grant, Mrs Helen (<i>Maidstone and The Weald</i>) (Con) | † Wragg, William (<i>Hazel Grove</i>) (Con) |
| † Heapey, James (<i>Wells</i>) (Con) | |
| Jenrick, Robert (<i>Newark</i>) (Con) | Daniel Whitford, <i>Committee Clerk</i> |
| † Jones, Graham (<i>Hyndburn</i>) (Lab) | |
| † Mackinlay, Craig (<i>South Thanet</i>) (Con) | † attended the Committee |

Seventh Delegated Legislation Committee

Thursday 22 October 2015

[GERAINT DAVIES *in the Chair*]

Draft Maximum Number of Judges Order 2015

11.30 am

The Parliamentary Under-Secretary of State for Justice (Mr Shailesh Vara): I beg to move,

That the Committee has considered the draft Maximum Number of Judges Order 2015.

It is a pleasure to serve under your chairmanship this morning, Mr Davies. I anticipate that this sitting will be brief.

The effect of the draft order is simply to increase the number of Court of Appeal judges by one. The number is set by statute under section 2 of the Senior Courts Act 1981, which currently provides for a maximum of 38 Court of Appeal judges. In March 2015, Lord Justice Pitchford, an existing Court of Appeal judge, was appointed by the Home Secretary to lead an inquiry into undercover policing and the operation of the Metropolitan police's special demonstration squad. The inquiry, which began on 17 July, was established under the Inquiries Act 2005 and is anticipated to conclude around the end of 2018.

Having been appointed as such, Lord Justice Pitchford remains a Court of Appeal judge and remains counted in the current complement of 38. However, he is unable to fulfil any duties in the Court of Appeal while he leads the inquiry. To ensure that the total number of Court of Appeal judges available for deployment remains at current levels, it is necessary to increase their number by one. There is no method for revising the number of Court of Appeal judges other than by this order. This is a reasonable amendment that aims to maintain the complement of Court of Appeal judges while one of their members is engaged in other important work.

Ruth Cadbury (Brentford and Isleworth) (Lab): I note that only eight women are Court of Appeal judges. I do not know how many are black and minority ethnic, but only 7% of judges across all courts and tribunals are BME. Might this be an opportunity to address some of the diversity issues among the judiciary?

Mr Vara: The hon. Lady makes a good point. We are very keen that there should be proper judicial diversity. The judiciary should include women and people from diverse ethnic and social backgrounds. I think that the hon. Lady would agree that it is nevertheless important that we have people with the right qualities, but I entirely agree that we should do everything possible to increase diversity. There is a set procedure for appointing a Court of Appeal judge. I am sure that when they consider who to appoint, they will bear in

mind what the hon. Lady has articulated and what I know is felt across the political divide. She makes a good point and I thank her for that.

The Chair: Order. I remind the Minister that we are talking about a specific number.

Mr Vara: On that point, Mr Davies, I would like to take this opportunity to thank Lord Justice Pitchford on behalf of the Government for agreeing to take the lead on this inquiry. I commend the draft order to the Committee.

11.33 am

Karl Turner (Kingston upon Hull East) (Lab): It is a pleasure to serve under your chairmanship, Mr Davies, for the first time. Given the proceedings thus far, I am sure it will be a pleasure and a privilege. I must declare an interest. My wife is a fee-paid judge who sits in the first-tier social welfare tribunal. I do not think that that is recorded in the Register of Members' Financial Interests, but no doubt it will be now. The Opposition do not object to the order. We too want to congratulate Lord Justice Pitchford on his appointment to lead a very important inquiry.

I have some questions for the Minister. I think I am right in saying that there has been no need to extend the number of Court of Appeal judges since 2008; it is a relatively rare occurrence. I wonder whether an increase might be required again any time soon. Do the Government plan to increase the number of Court of Appeal judges? If they do, would that be due to the fact that there is clearly a delay in Court of Appeal cases? Cases are being bumped and there is a backlog. Might that require another increase in the number of judges in the not too distant future?

My hon. Friend the Member for Brentford and Isleworth properly raised the issue of diversity. Might the measure provide an opportunity for the Government to look at that again? Across the House, we are always concerned about diversity in the legal profession generally—among solicitors, the Bar and the judiciary. This might be an opportunity to improve the diversity of gender and ethnicity in the judiciary. That said, we have no real objection. Will the Minister clarify those points?

Mr Vara: I am very happy to do so. Before I do, may I take the opportunity to congratulate the hon. Gentleman on his relatively recent appointment as shadow Solicitor General? The position carries huge responsibility. I wish him well and look forward to working with him.

We are making this appointment because, in the general scheme of things, 38 is not a large number of Court of Appeal judges. Taking one away from that contingent would have an impact on the current number of cases and how they are progressed. It is important that we continue with the current flow of dealing with cases, which is why we have this new appointment. Any future appointment is a matter to be considered at a later date. At the moment, we are simply filling an existing gap.

The hon. Gentleman rightly raised the issue of diversity. I made some comments about that earlier. I emphasise those and add that diversity is critical. We

have to ensure that the judiciary, at all levels, is representative of mainstream society. Given the interest that he declared, he will be aware that, at a certain level, there is diversity. It is crucial that we have that diversity in the upper echelons of judiciary—more women, more people from ethnic minorities and more people from other social backgrounds. I, for one, am very keen on

that. I have regular meetings with the judiciary and the commission that appoints judges to ensure that that matter is foremost in their minds.

Question put and agreed to.

11.38 am

Committee rose.

