

## From the Lords to the Supremes

Its official! The House of Lords no longer exists and has been replaced by the Supreme Court. Since the 1<sup>st</sup> October and at a cost in excess of £50 million our highest court in the land and its incumbent judges have moved home a few hundred yards to take up residence in a shiny new Supreme Court in Middlesex Guildhall.

The central effect of the change will be to sever the institutional link between the House of Lords, as a legislative chamber, and the judicial work of the 12 lords of appeal (now Supreme Court Judges, though there singing may not be quite up to the same level as the Supremes.)

These changes have been introduced by The Constitutional Reform Act 2005 (CRA 2005), its long title states CRA 2005 is:

“An Act to make the provision for modifying the office of Lord Chancellor, and to make provision relating to the functions of that office; to establish a Supreme Court of the UK, and to abolish the appellate jurisdiction of the House of Lords; to make provision about the jurisdiction of the Judicial Committee of the Privy Council and the judicial functions of the President of the Council; to make other provision about the judiciary, their appointment and discipline; and for connected purposes.”

### **But Why the Change?**

The intent of the CRA 2005 was expressed thus: “It is designed to enhance the independence of the judiciary and to ensure clarity in the relationship between the executive and the judiciary” In addition in a House of Lords debate in 2005, the Lord Chancellor set out the purpose of reform as being:

“..to modernise and redefine the relationship between the executive, the legislature and the judiciary. We want to protect and indeed enhance judicial independence, to clarify the roles of the government and the judiciary, and to set out the relationships between us on an explicit and transparent basis.”

The lack of division between the Legislature and the Judiciary has by some commentators been considered as a weakness in the English Legal system as this blurring can lead to criticism that there is lack of transparency as to how our laws are or should be interpreted. However, as one retired law lord (Lord Lloyd) remarked at the second reading of the Constitutional Reform Bill:

“The only benefit so far identified by the government is the removal of the so-called perception in the mind of the public: a perception that the Law Lords are not independent: a perception that their decisions are politically motivated: and a perception that they are operating under the shadow of Parliament...I have never met anyone with those perceptions and I wonder whether the noble and learned Lord Chancellor has done so...”

The government have put no evidence forward that any such perception exists. There has been no response from the public on that point because the government did not ask the relevant question.”

Let us hope that this is not a change for changes sake and that our new Supreme Court Judges will stand tall above our political masters as clear protectors of “The Rule of Law”.

#### **Disclaimer**

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