

# **JUSTICE DENIED!**

## **A Liberal Reponse to the Restriction on Access to Trial by Jury**



**The Liberal Party is implacably opposed to the Government's proposals to abolish the right to trial by jury in all but the most serious cases**

Long before there was a European Convention of Human Rights, before this country was a representative democracy, before the first parliament was summoned, the availability of trial by a jury of your peers was the first and most important safeguard against an oppressive or tyrannical executive.

**It remains so.**

*"Our jury system may be centuries old, but it is still fit for purpose today."*

Not our words, but the words of David Lammy in the 2017 'Lammy Review' into discrimination within the policing and criminal justice systems in the UK

The same review concluded that Jury trials consistently delivered the most equitable results, being found to be consistently free from bias, particularly racial

bias and prejudice. The fact that juries are representative of local populations coupled with the requirement for open, group deliberation, leaves '*no hiding place for bias or discrimination*'.

**What a difference a job makes.** Now, as Minister of Justice and Lord Chancellor, the very same David Lammy, after a calamitous start to his new job, has proposed the abolition of the right to trial by jury in all but the most serious of offences.

Presumably now bias and prejudice don't really matter, or perhaps now he's Minister of Justice he will be able to ensure it's the right sort of bias and prejudice.

At a time when there is an increasing feeling of 'two tier justice', prosecutions for social media posts and police searching homes for 'brexit books', we all need the security of a right to jury trial in all but the most minor of offences.

Having said that, we are not blind to the current crisis in the Criminal Justice System, with years of backlogs in the system. Justice delayed is justice denied.

### **Wider Issues With The Criminal Justice System**

The current level of delay is unconscionable and serves to increase the distress and anxiety of both Defendants and complainants (who may be the victims of very serious crimes) alike.

We are also aware of the snowball effect of the delays awaiting Crown Court trial, with some Defendant's taking advantage of such delays to elect for jury trial simply to delay the case.

The current crisis is the result of years of chronic neglect of the justice system in general and the criminal justice system in particular under governments of all colours. The inevitable outcome of such cuts and underinvestment is the the crisis we now face, with too few courts that in many cases are not fit for purpose an two few lawyers available to deal with such cases given the derisory level of public funding for criminal matters.

### **The Liberal Solution**

The government needs to take urgent steps to resolve the crisis, and this will involve both firm political will and the expenditure of public funds both in the short and long term.

The Liberal Party proposes:

1. The appointment of additional judges:
  - a. An additional High Court Judge with a remit to assist with judicial sittings on the most serious criminal cases nationally and to be specifically charged with oversight of management of the current backlog;
  - b. The appointment of an additional 20 Circuit Judges to sit on Criminal Cases with the section process commencing immediately such that all such judges are in post and sitting within the next 12 months.
  - c. The appointment of up to 50 additional Recorders to sit exclusively on criminal cases;
2. The proposed closure of Lancaster Crown Court is cancelled and the Courts reopened for use as Crown Courts in less serious cases and other cases where security concerns are less of an issue.
3. An urgent examination of the Court estate (including Court buildings listed or scheduled for sale) to identify properties suitable for use as (or conversion to) Crown Courtrooms.

4. The reduction in number of jurors to 7 in cases which do not concern grave crimes (in which cases juries of 12 members would continue), such a provision having effect for the remainder of this parliament.
5. An immediate 20% increase in the level of fees paid in publicly funded criminal cases to assist with recruitment and retention of practitioners, particularly the retention of mid seniority practitioners.
- . We welcome the decision of the Ministry of Justice that they will not now close the 3 current 'nightingale' Crown Courts (Croydon, Cirencester and Chichester) and they will be re-incorporated back into the permanent court estate.

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