

The british judiciary is
both independent and
impartial



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The Judiciary of the United Kingdom is not a single body. Each of the separate legal systems in England and Wales, Northern Ireland and Scotland has their own judiciary. The British Judiciary plays a vital part in British Politics. This is unblemished as the judicial system is significantly responsible for a multitude of political roles. The senior judiciary help interpret the meaning of law and directly enforce the rule of law. Similarly they also declare and interpret common law in addition to reviewing executive decision.

Essentially the judiciary thrives as a noteworthy system that has been rooted in British history for numerous years. It substantiates to be an efficient system that functions smoothly. So much so that other countries have been influenced to directly copy the system in Britain, many countries are still changing and evolving their current systems to meet the needs of their societies. The British judiciary is widely regarded as one of the best and most independent systems in the world.

However the question pondered recently is how independent and neutral is the British judiciary? An independent judiciary is Significant as it results in a justice system that is not influenced by either the legislative or executive branch. Moreover it is free to make decisions based upon law and not upon the pressure forced from other groups. The quote " It is vitally important in a democracy that individual judges and the judiciary as a whole are impartial and independent of all external pressures and of each other (Baroness Butler-Sloss-May 2012) visibly condenses this.

Fortunately many argue that the British Judiciary is in essence the most independent of all systems in the world. This is evident due to many reasons. One of which is the constitutional reform act (CRA). The act ensures British Judicial independence as it removes the title of speaker of the House of Lords and also head of the judiciary of England and Wales from the office of the Lord Chancellor. This took place when concerns arose that a member of the judiciary who was also a member of one of the other two branches could not be suitably impartial.

Before the CRA was passed, the House of Lords formed some amendments retaining the office of the Lord Chancellor, but significantly reducing his role in judicial affairs. This is not only momentous in the context of Britain but also the European convention on human rights, something the Judiciary is responsible for enforcing so that all have the right to a fair trial. At the same time it can also be disputed that the British Judiciary is impartial, this is subsequently because of the broken relationship from the government.

The British judiciary is not influenced by politicians as the judicial system is profoundly independent. Fundamentally the judiciary decides matters before the government on the foundation of facts in accordance with the law. Without any restrictions, improper influences, inducements, pressures, threats or interferences direct or indirect from any sector or for any reason. It is highly prominent that the British judiciary contains an element of 'impartiality' as it allows the system to be neutral in the affairs it allocates itself with.

There are no major personal biases when administering justice and as a result the following rules under the law are respected; Equality, no one

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exceeds the law and most importantly everyone is entitled to a fair trial. Ultimately the British judiciary is both impartial and independent, both play vital roles in holding each other securely in place, the absence of judicial independence threatens judicial neutrality and in the same way without impartiality, independence cannot be guaranteed.

Moreover, I agree that the British Judiciary is independent as it is assured by the nation and is enshrined in the constitution or the law of Britain. It is essentially the duty of all governmental and various institutions to respect and observe the independence of the judiciary, this is due to the fact that the judiciary has superior jurisdiction over all issues of a judicial nature and has exclusive authority to decide where an issue submitted for its decision is within its competence as defined by law .

In addition to this the British judiciary is independent because the judiciary cannot successfully support a government act as it would most likely backfire. This is because it would be upgraded to a European court ruling that takes precedence over a British court decision; in essence the judiciary is free from liability. However it can be argued that the British judiciary is not both impartial and independent. The concept of neutrality can be portrayed as weak due to the understanding that the Judiciary does not include a prodigious deal of Female judges.

With the insight that only 23% of the Judges are women it becomes unavoidable that there is gender discrimination within the system. Another factor concerning the lack of independence and impartiality is the issue surrounding judicial appointments. It can be argued that there is lack of separation of powers relating to the appointments as the Lord Chancellor still

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manages a magnitude of power. This illustrates how his influence in the appointment can be unfair as it deprives the ideology behind neutral and independent nomination.

Essentially judicial appointments were made by the Lord chancellor and monarch however in the modern age the judiciary cannot run as effectively if it fulfilled its old system and it must appear more transparent to aid the Judiciary with distinctive impartiality and independence. Similarly to this its profoundly comprehensible that despite the Judicial Appointments Commission (JAC) statistics exclaim that most of the senior judges are white middle class men with attainment of education from 'Oxbridge' This ultimately elucidates a separation of powers and goes against the promise of "more diverse judiciary" made by the JAC.

From the information I have gathered I can gain the understanding that the British Judiciary is both impartial and independent as it is engraved in the constitution that the government has to respect the independence of the judiciary, similarly the most prominent factor elucidating this is that there is no major link between politics and the judiciary hence the judiciary can guarantee equal justice to all, judges and juries are free from influence and can make fair and honest decisions about cases subsequently creating a far more efficient system that works for the nation as a whole.

Ultimately decisions can be reached without fear of retaliation of other groups or special interests. Despite the fact that the judiciary abstains its imperfections that deprive it of complete independence and neutrality, such as the factor consisting of lack of separation of powers' and influence within

the political system, there is major transmogrification that suggests the judicial system is becoming more transparent.

The JAC announced that 8% of the people recommended for judicial jobs last year were black or Asian and correspondingly 156 new women were chosen for appointment under the new system. The British judiciary ultimately proves to be an efficient and momentous system that works, it does so by being both impartial and independent.