Can the Judiciary be kept Honest (and by Whom)?

AUGUST 10, 2024

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Contents

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Introduction

1. This is a hastily prepared document. The purpose of this document is to provide a response to the assertions by a multitude of authorities, who have maintained steadfastly, over the years, that where the judiciary misbehaves and even refuses to observe the law, no one can do anything about it, because the judiciary is independent and to act would be to interfere with the judiciary.

(i) Many, if not all of the people and organisations who have made such utterances should know better than to make false or misleading assertions about issues that are a matter of public record.

(a) In this instance, the misleading or false assertion is that nothing can be done if the judiciary is guilty of misconduct or if it disregards the law. The public record is the Constitutional Reform Act 2005 (hereafter referred to as the Act).

2. Over the years, I have repeatedly been informed by people who included, and this is not a complete list: the Secretaries of State for Justice (Lords Chancellor), the Ministry of Justice, the Lord Chief Justice's Office, Members of Parliament and the Parliamentary Commissioner for Standards, that no action can be taken against the judiciary, regardless of how it conducts itself. I found this difficult to belief.

3. I have recently skimmed through the Constitutional Reform Act 2005; it is apparent that what I have been told over the years is not true. Where the judiciary conducts itself badly, action can be taken.

4. This document shows how Parliament, through the Act, made provisions for dealing with precisely the sort of matters I have been bringing to the attention of various authorities and figures for several years now, and which I have consistently been told could not be addressed.

5. This matter could easily be treated in greater depth. I have not done so because it appears not to be necessary: the purpose is to show that authorities can and should act, regarding the misconduct of the judiciary, of which I have complained. This document does that sufficiently well. If this is not adequate, a further document will be prepared in which this matter will be more comprehensively treated. A response stating whether this document has

shown or failed to show that the judiciary can be held to account and that it is right to do so is therefore requested from everyone to whom a copy of this document is sent.

(i) If my reasoning is flawed, if I have misread the law, or if there are reasons why the assertions I make are wrong, please inform me directly, and in the plainest language: I should be grateful for any corrections. The important thing is for the correct ideas and the truth to thrive, regardless of where they issue from.

6. It is curious that, over the years, when I have asked the Ministry of Justice to produce the document in which it is stated that the Ministry and the Secretary of State (Lord Chief Justice) may not take action when the judiciary misbehaves or disregards laws passed by Parliament, as they have claimed they could not do, I have received no response to those requests.

7. It is also curious that, when I have brought the misconduct of the judiciary to the attention of the current Cabinet Secretary, Mr Gove, and his predecessor, Mr Lidington, explained to them that the Lord Chancellor and the MoJ have told me that they are forbidden from taking action in such cases but have refused to produce the documents in which such rules are set out, and asked the Cabinet Secretaries to confirm the existence of such rules and, if they exist, to produce the documents I have requested, the response of the Cabinet Secretaries has been to erect a wall of silence and indifference.

(i) In the case of Mr Lidington, after more than a year of seeking a response and receiving none, I finally received a letter which simply informed me that my letter had been misplaced and apologised that no action had been taken. There was no attempt to answer the questions I put to him. The documents containing the rules were not produced or mentioned. That letter was sent to me after he had left his post as Cabinet Secretary. During that year in which I received no response from him, I:

(a) sent him several letters, there was no response to any of them,

(b) telephoned his office in the House of Commons and requested that he be asked to respond to my letters,

(c) Repeatedly asked staff at his office in the House of Commons to provide me with a telephone number by which I could speak to someone at the Cabinet Office. They refused to do so and would only give me a telephone number to an automated service where a recording asks people to leave a message.

(d) I left numerous messages on that machine but never once received a response; I was stonewalled.

The Law, as I Read it

8. The Crown and Parliament Recognition Act 1689 states:

"And for the avoiding of all disputes and questions concerning the being and authority of the late Parliament assembled at Westminster the thirteenth day of February one thousand six hundred and eighty eight wee doe most humbly beseech your Majestyes that it may be enacted and bee it enacted by the King and Queenes most excellent Majestyes by and with the advice and consent of the lords spirituall and temporall and commons in this present Parlyament assembled and by authoritie of the same that all and singular the Acts made and enacted in the said Parlyament were and are laws and statutes of this kingdome and as such ought to be reputed taken and obeyed by all the people of this kingdome."

(ii) This is *"the existing constitutional principle of the rule of law"*, referred to in section 1 of the Constitutional Reform Act 2005, which states:

"1 The rule of law
This Act does not adversely affect—
(a) the existing constitutional principle of the rule of law, or
(b) the Lord Chancellor's existing constitutional role in relation to that principle."

(iii) *"the Lord Chancellor's existing constitutional role in relation to that principle."* Is to uphold the law. He must also protect the independence of the judiciary. But his primary role is to uphold the laws that Parliament has passed.

9. The meaning of the Crown and Parliament Recognition Act 1689 is clear: Parliament makes the laws and everyone observes those laws. I repeat: Acts of Parliament are the law and should be respected and observed by all, including even the judiciary. In fact, I venture even to go as far as to say that the judiciary must be especially scrupulous in observing the Acts and laws of Parliament. I sincerely hope that this is not too controversial.

(i) I ask you to hold this Act (the Crown and Parliament Recognition Act 1689) and these facts fixed firmly in your mind, as you consider this document and the matters that have necessitated its preparation.

10. Paragraph 5 of section 3 of the Constitutional Reform Act 2005 (the Act) states:

"The Lord Chancellor and other Ministers of the Crown must not seek to influence particular

judicial decisions through any special access to the judiciary."

11. I have not asked that the authorities and people to whom I have written seek to influence judicial Decisions. I asked that they take action after the fact, on the grounds that the judiciary had conducted itself improperly and or had made Decisions that were incompatible with the law.

(i) Each complaint referred to a clear case or cases of misconduct and or unlawful Decisions.

(ii) If it is said that, when I invited the Lord Chancellor and the Ministry of Justice to join me in my Appeal against an unlawful and preposterous Decision by the Court, I did ask them to seek to influence judicial Decisions, I should point out the following:

(a) It is not unheard of for the such a thing to happen, where important principles are at stake. In fact, the strange thing is that the Secretary of State for Justice and the MoJ ignored that request.

(b) Such action would not qualify as *"special access to the judiciary."* The Secretary of State does sometimes bring his own judicial review against Decisions made by the judiciary.

(iii) If it is said that, by inviting the Secretary of State for Health and Social Care to join me in my Action when, among other things, the GMC said that it owed me no duties (a request which that Secretary of State, like the Secretary of State for Justice, also ignored), I invited a Minister to exert influence on the judiciary, I repeat No.11 (ii) (a) and (b), above.

(a) I should only add that, the role of the GMC being so vital to public safety and health, I considered that the brazen rejection of the GMC's responsibility to the public, and thereby its public and unilateral revocation of section 1 of the Medical Act 1983, would stir the Secretary of State for Health to action, and that he would join me in my Action to defend the Medical Act. I was wrong; Mr Hancock had no interest in the matter.

12. Paragraph 6 of section 3 of the Act reads:

"The Lord Chancellor must have regard to —

(a) the need to defend that independence [independence of the judiciary];

(b) the need for the judiciary to have the support necessary to enable them

to exercise their functions;

(c) the need for the public interest in regard to matters relating to the

judiciary or otherwise to the administration of justice to be properly represented in decisions affecting those matters."

(iv) I have not sought to have the independence of the judiciary violated, rather, I have sought to have the judiciary held accountable. For I believe, don't you, that the judiciary can be independent and accountable, and that it is desirable and essential that it be both.

(v) Does subparagraph (c) not allow, in fact demand, that the Lord Chancellor act, where misconduct by the judiciary damages the public interest? For example: where the judiciary:

(a) creates governance issues by acting contrary to laws passed by Parliament. The Country is governed such that Parliament makes laws and the judiciary applies them. When the judiciary refuses to do so, this is contrary to the constitution and against the public interest. In my case, the laws ignored are not controversial and clearly serve the public interest: transparency, equity, witnesses, etc.,

(b) conducts itself badly,

(vi) Plainly, such conduct as I have complained of could lead to erosion of public faith in the judiciary and the justice system. This engages the Lord Chancellor's duty, under subsection(c).

(vii) Furthermore: if the judiciary routinely conducts itself as it consistently has in my case, this must raise concerns about the administration of justice: injustice, rather than justice is being administered. Again, this engages the duty of the Lord Chancellor, under subparagraph (c), paragraph 6, section 3 of the Act.

(viii) Does the judiciary have the independence to disregard the laws that Parliament has created? I argue that it does not?

(a) If it does not, then how can it be said that the Lord Chancellor and or other Ministers and MPs, by taking stern action, where the Courts clearly refuse to observe laws that have been passed by Parliament, do attack the independence of the courts? Why is that any different from saying that the police, when it arrests a person who breaks the law, does breach that person's freedom?

13. If independence of the judiciary means that the judiciary should be left alone to do whatever it pleases, even to be unjust and to ignore laws, and I argue that this is not what it means, but if it did, In cases such as mine, that would create a conflict between the Lord chancellor's three duties set out at paragraph 6 of section 3 of the Act, because:

(i) the function of the judiciary (paragraph 6, subparagraph (b)) is to administer justice

and to enforce the laws created by Parliament. Cleary, in my case, the judiciary has repeatedly refused to do so.

(a) I argue that taking action to prevent such decisions from being made (even by sanctioning or removing the miscreants) would assist the judiciary in achieving its functions, since it would discourage it from acting in a manner that is contrary to its *raison d' être*, or remove elements that are interfering with the proper functioning of the judiciary, just as a surgeon excises a cancer, or a gardener prunes a bush.

(b) This would hardly be controversial. In cases such as mine, there can be no question that the judiciary has not observed the law, that it has employed lies to justify its Decisions and that it has engaged in all manner of misconduct.

(c) For the Lord Chancellor to refuse to take action in such cases is in fact to neglect his duty to provide the judiciary with *"the support necessary to enable them to exercise their functions"*

(ii) With regard to subparagraph (c) of paragraph 6, section 3 of the Act, (public interest and the proper administration of justice). It is self-evident that, if he would uphold this duty, the Lord Chancellor must take action when such cases as mine are brought to his attention.

14. It is also notable that I offered the Lord Chancellor and Secretary of State for Justice, Mr Buckland, options to meet this obligation. For example: I invited him to join me in my Appeal against the Decisions of the Court in my Action against Nottinghamshire Healthcare NHS Foundation Trust.

(i) When I did so, I gave the Lord Chancellor and Secretary of State for Justice the opportunity to Defend the law and the constitution through the Courts of law and not through any sort of special access. Such action would not have been unprecedented or controversial.

15. I argue that the independence of the judiciary is not jeopardised when the government, Lord Chancellor, MPs or anyone else challenges the judiciary, where the judiciary has overreached itself and is in fact in breach of the law and acting in a manner incompatible with the constitution. The Lord Chancellor, Government, MPs and others have a duty to act in such instances. It is not a matter of choice: justice, decency, the rule of law, proper governance and the national interest demand it.

(i) Everyone has the right to liberty. Is a person's right to liberty breached when they are investigated, arrested and imprisoned for committing a felony? Of course not.

(ii) A business has the right to offer its services and goods to whomever it pleases, it is

not compelled to sell to or trade with a party with whom it wishes not to trade. But are the courts wrong when they sanction a trader who refuses to trade with a person on the grounds that that person is a member of a particular religion or is of a particular sexual orientation? Of course not.

(iii) A corporate entity has the right to employ anyone it pleases and to choose not to employ a person. But are the courts wrong when they sanction a business for refusing to employ a person because they follow a certain religion, are of a particular ethnicity or are of a certain sexual orientation. Of course not.

(iv) Likewise, an investigation into, and firm action against, miscreants within the judiciary, who have conducted themselves in a manner that is not compatible with decency, justice, the law and the constitution cannot reasonably be viewed as being an encroachment on the independence of the judiciary.

16. Section 5 of the Act reads:

"*5 Representations to Parliament*

(1) The chief justice of any part of the United Kingdom may lay before Parliament written representations on matters that appear to him to be matters of importance relating to the judiciary, or otherwise to the administration of justice, in that part of the United Kingdom."

17. In 2017, I wrote to the Lord Chief Justice, informing him of the misconduct of the judiciary. I have also written to Sir Brian Leveson, President of the Queen's Bench. I received a response only from the Office of the Lord Chief Justice: I was told that there is nothing he can do and I was directed to the Judicial Conduct Investigations Office (JCIO). When I made enquiries, I discovered that the JCIO cannot act in such matters as I have described.

18. The matters I have described being of such import, I posit that, if indeed no action could be taken, the Lords Chief Justice ought to have brought that to the attention of Parliament, as he may do under section 5 of the Act, and asked Parliament to address that dangerous oversight.

(i) I posit that the President of the Queen's Bench, if he could take no action, ought to have been concerned and should have laid those concerns before Parliament. Or he should have informed the Lord Chief Justice of his concerns and, if there was no action that either of them could take and no action that the Lord Chancellor could take, he should have asked the Lord Chief Justice to lay those concerns before Parliament.

(a) If the Lord Chancellor could take action, either the President of the Queen's Bench or the Lord Chief Justice, or both, should have asked him to do so.

19. Section 7 of the Act states:

"7 President of the Courts of England and Wales

(1) The Lord Chief Justice holds the office of President of the Courts of England and Wales and is Head of the Judiciary of England and Wales.

(2) As President of the Courts of England and Wales he is responsible —

(b) for the maintenance of appropriate arrangements for the welfare, training and guidance of the judiciary of England and Wales within the resources made available by the Lord Chancellor;"

20. According to subsection (b) of paragraph 2 of Section 7 of the Act, the Lord Chief Justice is responsible *"for the maintenance of appropriate arrangements for the welfare, training and guidance of the judiciary of England and Wales within the resources made available by the Lord Chancellor;"*

(i) I posit that, where the Lord Chief Justice has been informed of the sort of conduct by the judiciary that I brought to his attention, this part of the Act does impose on him the responsibility of taking action and, at the very least, making *"arrangements for the… training [if that is required] and guidance of the"* miscreants. But he may not look away, as he has chosen to do.

(ii) It is possible that, in such cases as mine, it may be apparent that what is required is more than simply guidance and education: disciplinary action may be required. In such cases, if the Lord Justice is not empowered to take such action, he should bring the matter to the attention of those who can. If no one can take action, he must approach Parliament and ask that provisions be made for such action to be taken (see paragraph 1 of section 5 of the Act).

21. Section 17 contains the Oath of the Lord Chancellor, which is:

"I, , do swear that in the office of Lord High Chancellor of Great Britain I will respect the rule of law, defend the independence of the judiciary and discharge my duty to ensure the provision of resources for the efficient and effective support of the courts for which I am responsible. So

help me God.”.”

(i) Does the Lord Chancellor respect the rule of law if he chooses to look the other way, when he knows that the Courts are refusing to observe the law and are in fact acting in a manner that is contrary to the law. In other words: they are in breach of the law and are perpetrating injustices on a member of one of the most vulnerable people in society?

(ii) It should not be forgotten that there is a clear distinction between the law and the judiciary. The Law exists in and of itself and is not part of the judiciary. **The first duty of the Lord Chancellor, the Lord Chancellor's first loyalty and protection, is to and for the law. He has no duty to protect the judiciary come what may. That means to say: he has no duty to protect the judiciary when it tears the statute books and becomes a desperate, marauding bandit, a law unto itself. This is so important it bears repeating yet again: the Lord Chancellor has no duty or responsibility to mollycoddle people or bodies that break the law and perpetrate injustices on vulnerable people, even if that body is the judiciary. Since it is so important, I repeat once more: there is and should be no expectation that the Lord Chancellor will shield the judiciary, should it decide to cease to perform, its function and if it starts to act in a manner that is clearly incompatible with the law.**

(a) The judiciary is the body of authorities that is tasked with the administration of justice and the law. As a policeman is not the law and the priest not God, so is the judiciary not the law.

(b) It can happen that the judiciary loses its way or its perspective and ceases properly and faithfully to administrate the law. There can be no question that, should we arrive at such a point, and all the evidence shows that, at least in my case, we have been living in such times since at least 2015, the Lord Chancellor has a duty to protect the law from what can only be described as the thuggery of the judiciary.

(c) Put another way: the judiciary is not an end in itself: it is a vehicle that should take us to justice, and it can only make that journey by following the narrow railway line of the law. That train must not be vandalised because of the sanctity of its purpose: to transport us to justice and to the sort of society that we, through Parliament, have said we want to be and to the preservation of the values that we, through Parliament, have said we hold dear. If, however, the train breaks down, or if it becomes derailed, it would be perverse to suggest that, since the train is intended to take us to a sacred destination, we dare not fix it or return it to the tracks, for that would be to interfere with the train. If we do that we should never arrive at the sacred destination. We become fools who have lost perspective and now venerate the means of conveyance, rather than the important destination to which we created that conveyance to transport us. We become believers who have turned their back on God and chosen instead to worship the cathedral.

(d) The politicians and others have tried to convince me that, to continue the allegory, the cathedral is more important than God. No one can earnestly expect another person to believe that. Such responses to the concerns I have raised are an unwarranted and contumelious affront.

(iii) I suppose it's all a really long-winded way of simply saying: this nonsense now must cease: the Chancellor, the Lord Chief Justice, the President of the Queen's Bench and anyone else who reads this must act, forthwith. No one should wait for another to act: the bell tolls for him who hears it.

22. Holding the judiciary to account is acceptable and healthy. What is not acceptable is for people whose duty it is to act in such situations as this to be indifferent to injustice, as they clearly they have been.

Disciplinary Measures

23. Paragraph 3 of section 108 of the Act states:

"The Lord Chief Justice may give a judicial office holder formal advice, or a formal warning or reprimand, for disciplinary purposes (but this section does not restrict what he may do informally or for other purposes or where any advice or warning is not addressed to a particular office holder)."

24. This is self-explanatory: it means that the Lord Chief Justice may, formally or informally, reprimand a member of the judiciary.

(i) When I filed complaints with the Lord Chief Justice, I was informed by his Office that he could not take any action. The Office instead directed me to an organisation that could not take meaningful action in the matters I had reported (the JCIO, see No.17, above). If the actions of the staff of the Lord Chief Justice are the actions of the Lord Chief Justice, and I argue that they are, then:

(a) an extremely vulnerable person reported to the Lord Chief Justice, serious misconduct by the judiciary, and the Lord Chief Justice gave him a response that was not true (that he was powerless to act).

(b) Moreover: that response was misleading and could only have led to my complaint running aground, and the abuses I reported going unchecked and unchallenged. In short: the Lord Chief Justice embarrassed my efforts to have those wrongs addressed, and he essentially covered up the misconduct of fellow members of the judiciary.

(ii) If the actions of the Office of the Lord Chief Justice are not the actions of the Lord Chief Justice then, if not the Lord Chief Justice, the Office of the Lord Chief Justice behaved as has been described at No.24 (i) (a) and (b), above.

25. Of other actions that the Lord Chief Justice may take (apart from issuing a warning or reprimand, as set out at paragraph 3 of Section 108 of the Act), subsection (c) of paragraph 5 of Section 108 of the Act states, of the Lord Chief Justice, that:

"(5) He may suspend a person from a judicial office for any period if —
(c) it appears to the Lord Chief Justice with the agreement of the Lord Chancellor that the suspension is necessary for maintaining confidence in the judiciary."

26. Again, No.25, above, is proof that the Lord Chief Justice can take meaningful action.

(i) I put it to you that members of the judiciary do jeopardise the credibility of the judiciary when, among other things, they:

(a) employ lies to justify decisions they make. I repeat: they lie,

(b) make Decisions that are not compatible with the law,

(c) in explaining their decisions, offer such preposterous reasons as that something that is clearly lucid is incomprehensible, and obstinately stick to this nonsense, even when it has been exposed to be true, making it clear that they are availing themselves of a pretext to make an unjust Decision and are unconcerned if that is known,

(d) refuse to correct such flaws, when they are pointed out to them, and continue to repeat statements that have been exposed as lies, and, by such brazenness, show contempt not only for the party against whom the Decisions are made, but also for they law and the public, since these are public processes. Essentially, they display a disturbing degree of impunity.

(ii) Such conduct as I have exposed should never occur, certainly not on the scale it has in my case. But if it does, swift and firm action by the Lord Chief Justice (and indeed others to whom the matter was reported) would be action that might go some way towards maintaining confidence.

(iii) When one considers the response of the Lord Chancellor, the Lord Chief Justice and others to such abuses, it quickly becomes apparent that the impudence of the miscreants is based on the certain knowledge that they are above the law: Lord Deming's famous words *(be ye never so high, the law is above you.)* apply to others but not to them. They appear to have known that they would face no consequences.

General

27. Section 115 of the Act states:

"115 Regulations about procedures
The Lord Chief Justice may, with the agreement of the Lord Chancellor, make regulations providing for the procedures that are to be followed in —
(a) the investigation and determination of allegations by any person of misconduct by judicial office holders;
(b) reviews and investigations (including the making of applications or references) under sections 110 to 112."

28. Section 115 is clear: where there exist no regulations or where there is no serviceable system in place for the investigation of judicial office holders, or the investigation of claims against them, the Lord Chief Justice may, together with the Lord Chancellor, create such a system and regulations.

(i) Why then have both the Lord Chief Justice and the Lord Chancellor informed me that they are powerless to act?

(ii) If indeed there do exist no regulations and no protocols for the investigation and discipline of members of the judiciary, is it not grossly negligent for the Lord Chief Justice and the Lord Chancellor not to have created them, before I made a made a complaint and certainly after I did? Surely the need for such a system must have been apparent.

29. Section 115 of the Act also shows that it was accepted that there should be a mechanism by which the judiciary may be held to account and kept honest.

(i) Do you accept or deny that a process exists by which complaints of misconduct, such as I have brought against the judiciary may be investigated?

(ii) If they do not exist, why have they not been created?

(iii) If they do exist, why have the Lord Chief Justice, the Lord Chancellor and even the Parliamentary Commissioner for Standards told me that nothing can be done, in cases of misconduct by members of the judiciary?

(iv) Why have the Lord Chief Justice, the Lord Chancellor, the Parliamentary Commissioner for Standards and other authorities told me that nothing can be done? Clearly something can be done, mechanisms can be created to allow such complaints to be dealt with.

30. Section 118 states:

"118 Extension of discipline provisions to other offices
(1) This Chapter applies in relation to an office designated by the Lord Chancellor under this section as it would apply if the office were listed in Schedule 14.
(2) The Lord Chancellor may by order designate any office, not listed in Schedule 14, the holder of which he has power to remove from office.
(3) An order under this section may be made only with the agreement of the Lord Chief Justice."

31. Again section 118 is self-explanatory: it extends the powers to create mechanisms and rules for the investigation of office holders against whom complaints are made, from those particularised in Schedule 14 to any office holder whom the Lord Chancellor has the power to remove from office.

Removals

32. Section 133 states:

"133 Removal from most senior judicial offices
(1) The Lord Chief Justice, Lords Justices of Appeal and judges of the High Court hold office during good behaviour (subject to section 26 of, and Schedule 7 to, the Judicial Pensions and Retirement Act 1993)."

33. Section 133 is self-explanatory: the position of a judge is not a job for life, regardless of conduct: it is dependent on the "good behaviour" of the judge.

(i) I posit that the conduct of the judiciary, which necessitated my complaints, constitutes bad behaviour. That behaviour includes (not an exhaustive list):

(a) making Decisions that are not compatible with the law,

(b) lying,

(c) supporting Decisions with nonsense reasons,

(d) displaying bias against a party in a legal process

34. Paragraph 2 of section 133 of the Act explains what can be done when a judge behaves badly. It states:

"(2) Her Majesty may on an address presented to Her Majesty by both

Houses of Parliament remove a person from office as Lord Chief Justice, a Lord Justice of Appeal or a judge of the High Court."

35. Section 133 means:

(i) Where the Lord Chancellor learns of serious misconduct by a Judge, one of his options (by no means the only one, as we have seen) is to bring the matter to the attention of Parliament and set in motion the chain of events described in paragraph 2 of section 133. And so, again, it is not true that the Lord Chancellor is powerless to act.

(a) It is my argument that, where the Lord Chancellor is aware of such conduct as I have described, he should not choose to conceal it from Parliament and refuse to act, as has happened in my case. He should act, and, given that these are matters of some moment, and given the implications of such conduct as has been described, he should also bring such matters to the attention of Parliament. After all, it is the laws of Parliament that the judiciary has, since 2015, consistently refused to apply. Parliament has a right to know.

(b) It is my argument that, for the Lord Chancellor not to act, is not only to be grossly negligent, but also to betray the oath to uphold the law.

(ii) The Lord Chief Justice may also bring such matters to the attention of the Lord Chancellor and or Parliament. He ought not to conceal them from Parliament and to refuse to act. Parliament could then decide what action to take.

(a) It is my argument that for the Lord Chief Justice not to act is not only to be grossly negligent, but also to fail to uphold the law.

(iii) Individual MPs, should they become aware of such incidents as I have described, should not refuse to act, as some have, and thereby effectively conceal such gross misconduct. They should bring the matter to the attention of Parliament and allow Parliament to decide whether it should request the removal of the miscreant or take some other measure.

(a) It is my argument that, for an MP who becomes aware of such matters, not to act is not only to be grossly negligent, it is also: conduct incompatible with paragraph 5 of The House of Commons' Code of Conduct (The Code), which states: *"Members have a duty to uphold the law..."*

(b) Conduct incompatible with paragraph 6 of The Code, which states: *"Members have a general duty to act in the interests of the nation as a whole; and a special duty to their constituents."* For it is contrary to the interests of the nation and the constituents of any MP to have the judiciary conducting itself as it has been doing, and indeed continues to do.

(c) Conduct incompatible with paragraph 7 of The Code, which states: *"Members should*

act on all occasions in accordance with the public trust placed in them. They should always behave with probity and integrity…" For, to be indifferent to such injustices and breaches of the law is not to act in accordance with the public trust placed in MPs.

(d) Conduct incompatible with paragraph 11 of The Code, which states: *"Members shall base their conduct on a consideration of the public interest..."* and

(e) Conduct incompatible with paragraph 17 of The Code, which states: *"Members shall never undertake any action which would cause significant damage to the reputation and integrity of the House as a whole, or of its Members generally"*

(iv) The Parliamentary Commissioner for Standards (the Commissioner), should she become aware of such misconduct as I have described, and she did (I brought it to her attention), has a duty to bring it to the attention of Parliament. She should not conceal the matter.

(b) Should a complaint be made to the Commissioner that MPs have refused to act, when they have been made aware of such conduct by the judiciary as I have described, and therefore breached several Articles of The House of Commons' Code of Conduct (as shown at No.35 (iii), above), the Commissioner should not summarily reject such a complaint on the grounds that the MPs can do nothing in such cases. To do so is to propagate a falsehood and essentially to cover up very serious misconduct, not only by the MPs, but also by the judiciary. Moreover: it is to deny a person in a position of extreme vulnerability, the opportunity to obtain justice.

(c) It is my argument that, for the Commissioner to conduct herself as described above, and I say that she did so, is not only to be grossly negligent, but also, among other things, to be dishonest and to conduct herself in a manner that is likely to bring her office into disrepute and to undermine public confidence in her office, in the House of Commons, in politics and in the broader system of governance. Such conduct threatens the very foundation on which the prosperity of the nation is built, and it is an assault on the values we hold dear, an insult to decency itself.

(v) Since April, 2018, I have written to the Chief Executive of HMCTS, Ms Acland-Hood, bringing to her attention the misconduct of the judiciary. Her response has been to erect a wall of indifference and silence; she has not even extended the courtesy of a response. For the Chief Executive of HMCTS to be indifferent to such misconduct is to conceal such misconduct and to act in a way that damages the national interest. It is to ignore an attack by the judiciary against the constitution, and to oversee the breakdown of governance and the rule of law, both of which are important pillars of the success of the nation, things that are dear to all decent people, enlightened values and basic necessities of a civilised society.

(a) At the very least, such conduct by the Chief Executive of HMCTS is grossly negligent,

and gross negligence is equivalent to bad intention.

36. For holders of other judicial offices (not senior judges), the method of removal from office is described in section 134 of the Act, which states:

"134 Removal from listed judicial offices
(1) A person holding a listed judicial office other than as a judge of the High Court may be removed from office (and suspended from office pending a decision whether to remove him) but only in accordance with this section.
(2) The power to remove or suspend him is exercisable by the Lord Chancellor.
(3) He may only be removed if a tribunal convened under section 135 has reported to the Lord Chancellor recommending that he be removed on the ground of misbehaviour or inability to perform the functions of the office.
(4) He may only be suspended if the tribunal, at any time when it is considering whether to recommend his removal, has recommended to the Lord Chancellor that he be suspended.
(5) He may not be removed or suspended except after consultation with the Lord Chief Justice.
(6) If he is suspended he may not perform any of the functions of the office until the decision whether to remove him has been taken (but his other rights as holder of the office are unaffected)."

37. Section 134 speaks for itself. I shall not here repeat points that I have made earlier in this document. I simply observe that section 134 of the Act shows that those mentioned at No.35, above (and indeed numerous others who, for reasons of brevity were not mentioned, but are by no means blameless in this matter), can and should act, by raising those issues with the Lord Chancellor, bringing them to the attention of Parliament or making complaints through the existing processes.

(i) If no process of complaint exists then they have a duty to petition the Lord Chancellor and or Lord Chief Justice for the creation of such a system, using the powers described at sections 115 and 118 of the Act.

Can the Judiciary be kept Honest (and by Whom)?

38. Yes. The quoted parts of the Constitutional Reform Act 2005 show that the following can take action, where the judiciary has conducted itself badly, and this may not be a complete list: as I have said, this is only a cursory treatment of the question:

(i) the Lord Chancellor,

(ii) the Lord Chief Justice and

(iii) Parliament.

39. I conclude with a question and a statement: Do you know that freedom of speech is protected under Chinese Law? It is not enough to fine laws.