

# **SUBMISSION TO THE COMMISSION ON JUSTICE IN WALES**

**ON**

## **ACCOMMODATION FOR JUSTICE IN CARDIFF**

**BY**

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1. This is a late submission to the Commission by the authors, who do so in a personal capacity, but in the hope that other organisations and stakeholders will indicate support for the proposal set out in this submission. It has been generated by a situation that has only just come to prominence but which could have a far-reaching impact on the future shape of justice in Wales.
2. In summary, the authors invite the Commission to recommend the holding of a symposium to debate the future design and accommodation requirements for civil justice in Cardiff and related activities such as legal education and research and accommodation for the legal profession. While this note's focus is on Cardiff, it has been prepared with the wider needs of civil justice in Wales very much in mind.
3. The Commission has, rightly, placed great emphasis on the potential of digital developments to transform the delivery of legal services and to raise fundamental questions for the nature of the rule of law. Personal interactions, including oral hearings (whether conducted in one location or remotely) will however still have an important place in the administration of justice.
4. There are a number of factors that point to the time being right for a broadly-based debate on the nature of the future court estate in Wales and the economic and social impact of the location of justice facilities, and for arrangements in Cardiff which address the needs of Court users of all kinds within the civil justice system:
  - (a) The imminent redevelopment of the former General Post Office in Westgate Street, which houses the Civil Justice Centre, as a luxury hotel by a consortium that includes the Welsh Rugby Union and the Celtic Manor Hotel.

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- (b) The need to accommodate appropriately the devolved and the non-devolved tribunals. The non-devolved tribunals are currently poorly accommodated. For example, it cannot be considered satisfactory that Employment Tribunals in Cardiff are held in the Magistrates Court. The scope of the Welsh Tribunals' jurisdiction can only increase, as Welsh legislation continues to make distinct provision for Wales and the Welsh tribunal system currently lacks its own infrastructure of hearing and administrative facilities.
  - (c) The challenge facing the law schools in Wales to adapt to the teaching of law and the common law tradition in a setting that reflects the development of a body of Welsh law and the desirability of facilitating close collaborative working with each other and with the justice system and legal profession.
  - (d) The agglomeration effects of a new civil justice and tribunals centre as the hub for legal teaching and research and accommodation for legal professionals, especially counsel's chambers (or the alternative of a "bar library" type arrangement as operates in Northern Ireland) and smaller solicitors' firms.
5. This combination of factors calls for a joint exploration of the issues and the potential of these factors so that decisions by the Ministry of Justice and the Welsh Government can be informed by a sound understanding of the needs of the justice system in Wales. The recent history of the administration of justice in Wales is disfigured by a succession of decisions based on short-term expedients which have turned out, in the light of entirely foreseeable subsequent events, to have been ill-judged. An obvious example was the decision to centralise county court trials for North Wales in Chester and the construction of a building which served neither the needs of Wales nor of Cheshire. Many others can be listed. Only through an inclusive debate, focused on particular Welsh needs and potential, can the repetition of such mistakes be avoided.
6. The importance of court buildings as civic spaces and how these should be designed to meet modern concepts of access and visibility of the judicial process and the influence of architecture on the trial or hearing process itself is a subject of current academic interest and innovative thinking, for example in the work of Professor Linda Mulcahy.<sup>7</sup>
7. We suggest an approach that would see a small steering group bringing together practitioners, legal teachers, architects and surveyors, together with the local authority, to generate papers that would form the basis for a stakeholders symposium with the Welsh Government and the Ministry of Justice culminating in a report of the proceedings to inform future policy.
8. The aim of the process would be to explore the potential for a new civil justice centre to:
- (a) Ensure its compatibility with the emerging requirements of justice in Wales;
  - (b) Maximise its economic benefits.

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- (c) Address the opportunities for the MoJ and the Welsh Government to collaborate in meeting the justice requirements.
  - (d) Stimulate the development of a legal and associated professional<sup>8</sup> “hub” or quarter in Cardiff and to identify where this might be located.
  - (e) Provide an opportunity for an innovative and forward-looking architectural approach to court and tribunal design.
9. The process would not be dissimilar to the process of analysis and stakeholder consultation that led to the establishment of the Cardiff Bay Development Corporation to plan and manage the regeneration of south Cardiff.

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<sup>8</sup> accountants, surveyors, consulting engineers etc