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Mr [REDACTED]
Head of the Crown Office and Deputy Clerk to the Crown
Ministry of Justice
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18 February 2014

JUDGES' SERVICES

We refer to our letter dated 9 December 2013 in response to yours dated 4 December 2013, with which you kindly enclosed lists of judges who had accepted invitations to the Judges' Services in 2011, 2012 and 2013. As we understand it, that information was disclosed pursuant to the Freedom of Information Act so by now we expected to see those lists shown in the Ministry's log of FoI disclosures on its website. As at today's date, the lists do not appear in the logs for December 2013 or January 2014.

Your letter referred to the FOI log and neither the letter nor the lists were marked 'In Confidence' or the like. We presumed that they could and would be disclosed under the FoI and shown in the log. May we now ask you to arrange for the information to be disclosed promptly in the MoJ FOI log, please. If there is any reason to the contrary, would you please let us know what it is.

We arranged for a copy of your letter to be posted on the website of the Lawyers Secular Society ("LSS"), along with other communications in our campaign to enhance judicial impartiality as regards religion, but we did not arrange for those lists to be so posted, as we were expecting them to appear on the Ministry's log. If, by 1 March 2014, the Ministry has not so shown those lists, and we have not received advice stating why they should not be posted on the LSS website, we shall then ask the LSS so to post them, and shall alert the media to that.

In the event that a further Judges' Service takes place in October 2014, we request that a list of the judges who accept invitations to attend be supplied to us, and then be promptly published under the FoI, in September 2014.

In your letter dated 4 December 2013 you stated that:

“The Lord Chancellor, the President of the Supreme Court and the Lord Chief Justice are united in their support for the continuation of the Annual Judges' Service.”

This implies that discussions about the issue of the Annual Judges' Service have taken place at the highest level, and that the Lord Chancellor feels able to speak for the judiciary on the issue. We should therefore be grateful if you would confirm whether the Lord Chancellor does indeed now speak for the judiciary on religious issues.

As stated in our letter, we remain concerned that the attendance of judges at these services plainly compromises their impartiality on religious issues. It has since occurred to us that the senior judiciary may, for that reason, prefer to see these services discontinued, but that Ministers have persuaded them not to state that fact publicly. If that were so, it would mean judicial independence from the executive was being compromised.

Please would you advise us what discussions on this issue have taken place between Ministers and the senior judiciary; and, if Ministers are keen for these services to continue, why that is the case.

John V C Butcher

Peter J Fisher