Why does the UK Supreme Court matter for Northern Ireland?

Lord Reed of Allermuir

Belfast, 13 November 2024[1]

Introduction

1st October 2009 was a significant date in the constitutional history of the UK. It is the date when the highest court in the UK ceased to be the House of Lords, where the judges were known as Law Lords, and became the newly created Supreme Court of the United Kingdom. At first sight, it might seem that little had changed. The Supreme Court inherited the functions previously discharged by the Law Lords. Its first Justices were mostly the same judges who previously sat as Law Lords. And the Supreme Court, like the Law Lords, sits in a building located on Parliament Square in Westminster**.** So, from the outside, it might appear that not much had changed.

But, while there is a degree of continuity, there is also much that is new. So what difference has the Supreme Court made in the 15 years since it was established? And why does any of this matter for Northern Ireland? During the next 45 minutes, I plan to highlight nine aspects of the Supreme Court that strike me as important. In doing so, I hope it will become clear that Northern Ireland and the Northern Irish legal system are important to the Court, and that the Court is also important to them.

But I will begin by making three introductory points about the role of the Court, and the involvement of Northern Irish judges and others from Northern Ireland in its work. First, the Court is the highest court in the UK for all civil cases, and so it sits above the Court of Appeal in Northern Ireland in Belfast, the Court of Session in Edinburgh, and the Court of Appeal in London. It is also the highest court for all criminal cases in Northern Ireland, and England and Wales. For historical reasons, the Court only hears criminal appeals from Scotland if they raise an issue relating to human rights or to the powers of the Scottish Parliament or Government.

[1] I am grateful to my judicial assistants Rebecca Fry and Alex Hughes for their assistance in the preparation of this lecture.

Secondly, the Court is a court of law, so it decides only questions of law, applying established techniques of legal reasoning. It does not decide political issues.

Thirdly, the Court comprises 12 judges. The selection commission which selects the judges is required to ensure that between them the judges will have knowledge of, and experience of practice in, the law of each part of the UK. So there has always been a Northern Irish judge on the Court. The selection commission for every appointment, whether of a Northern Irish judge or not, has to include at least one member of the Northern Ireland Judicial Appointments Commission. The selection commission also has to consult the Northern Ireland Judicial Appointments Commission on every appointment.

1: Visibility

The first aspect of the Supreme Court that I want to highlight is that it is a more visible court than its predecessor.

Why appeals from all over the UK ended up being decided by the House of Lords is a long story. In short, before the Treaty of Union of 1707, the English Parliament heard petitions of appeal against the decisions of the highest English courts, while in Scotland there was a right to petition the Scottish Parliament against the decisions of the Court of Session. The merger of the Scottish and English Parliaments in 1707 had the effect of conferring on the British Parliament at Westminster the function of a final court of appeal for the whole of Great Britain. The position in relation to Ireland was more complex, with jurisdiction to hear appeals from the Irish courts being exercised at times by both the Irish House of Lords and the English, then British, House of Lords; but the issue was finally resolved by the Acts of Union of 1800, which conferred jurisdiction on the Parliament of the United Kingdom. The House of Lords then retained jurisdiction to hear appeals from Northern Ireland following partition in 1920. Over time, this appellate function came to be performed by a committee of the House of Lords, known as the Appellate Committee or the Law Lords.[2]

The Law Lords' role was not easy for members of the public to understand. When a decision was reported in the media as having been made by the House of Lords it was not obvious that the decision had been taken by judges. As early as 1867, this situation was

[2] See Louis Blom-Cooper, Brice Dickson and Gavin Drewry (eds), *The Judicial House of Lords 1876-2009* (Oxford University Press 2009).

criticised by Bagehot on the grounds that, "[t]he supreme court… ought to be a great conspicuous tribunal…[and] ought not to be hidden beneath the robes of a legislative assembly."[3] By the early 2000's many people agreed. So in 2005 legislation was passed to provide for the establishment of the Supreme Court[4] and, in 2009, we opened our doors for the first time. Today, it is clear when we make a decision that we have done so as a court, and that the decision is made by judges.

2: Independence

Independence was another important driver for the creation of the Supreme Court. The constitutional principle of the independence of the judiciary requires judges to be independent so that they can make decisions by applying the law to the facts of the cases before them, free from any external influence. When the Law Lords served as the UK's highest court, their independence was, as one former Law Lord put it, "potentially compromised in the eyes of citizens by relegating the status of the highest court to the position of a subordinate part of the legislature."[5] A further difficulty was that the Lord Chancellor, a government minister, was also the head of the judiciary in England and Wales and could (and sometimes did) sit as the presiding judge in the House of Lords.[6]

The Supreme Court was consequently designed to achieve a complete separation between the UK Parliament, the UK government and the UK's most senior judges. The importance of this becomes obvious when you consider the kinds of cases the Court is required to decide. In 2019, for example, the Court heard an appeal from Scotland brought by a cross party group of members of Parliament concerning the lawfulness of the Prime Minister's advice to the Queen to prorogue Parliament in the weeks before the UK's planned withdrawal from the European Union. [7] The case was heard and decided by the Supreme Court together with an English appeal brought by Gina Miller. The English High Court, with the Lord Chief Justice presiding, had dismissed Mrs Miller's claim on the ground that the lawfulness of the advice was not justiciable in a court of law.[8] On the same day, the Inner House of the Court of Session,

[3] Walter Bagehot, *The English Constitution* (first published in 1867, Oxford University Press 2009), p. 96.
[4] Constitutional Reform Act 2005, Part 3.
[5] Lord Steyn, "The case for a Supreme Court" (2002) 118 Law Quarterly Review 382, 383.
[6] Ibid. See also Andrew le Sueur and Richard Cornes, "The Future of the United Kingdom's Highest Courts", UCL Constitution Unit (June 2001), para 3.2.4, available at: 76.pdf (ucl.ac.uk).
[7] *R (Cherry) v Advocate General for Scotland* heard and decided together with *R (Miller) v The Prime Minister* [2019] UKSC 41.
[8] *R (Miller) v The Prime Minister* [2019] EWHC 2381 (QB).

with the Lord President presiding, announced its decision that the issue was justiciable, that the advice was motivated by the improper purpose of stymying Parliamentary scrutiny of the government, and that it, and any prorogation which followed it, were unlawful and thus void and of no effect.[9] The English and Scottish courts could not both be right: Parliament could not simultaneously have been validly prorogued, as the English court had held, and not prorogued, as the Scottish court had held. So, as the only court sitting above both the English and the Scottish courts, the Supreme Court heard both appeals together. We agreed, unanimously, with the Scottish court's conclusions.

This case illustrates the importance of having a Supreme Court capable of resolving such important constitutional questions which affect the whole of the UK, and also why it is so important for the Court to be independent of the other branches of government. As my predecessor, Lady Hale, has said, it would have seemed strange, and even inappropriate, for this decision to be left to a committee of the House of Lords: a committee of the Parliament which had been purportedly prorogued.[10]

3: A constitutional court?

As a result of the Supreme Court's increased visibility, many of our decisions have attracted media and public attention. Some of this attention has been positive, while some of it has been negative. This is to be expected in a democratic society. Cases that come before the Supreme Court are necessarily difficult and important, because we only grant permission to appeal in cases that raise an arguable point of law of general public importance.[11] Where appeals have controversial consequences, people may understandably have different views, and those views may be expressed in strong terms.

Having said that, it has been necessary for the Court to address misunderstandings about its role or decisions. One of those relates to the assertion that the Court is increasingly acting as the UK's constitutional court. The Court does have a constitutional role, but it is important to understand that the Court is not a constitutional court in the same sense as those that exist in many other countries. In particular, unlike the United States Supreme Court, we cannot strike

[9] *Cherry v Advocate General for Scotland* [2019] CSIH 49.
[10] Lady Hale, "Lessons from our first ten years", Supreme Court Ten-Year Anniversary Lecture Series (12 December 2019), available at: Ten year anniversary lecture series (supremecourt.uk)
[11] Supreme Court Practice Direction 3.3.3. Available at: https://www.supremecourt.uk/procedures/practice-direction-03.html

down legislation enacted by the UK Parliament. But we do decide constitutional questions of significant importance, both for Northern Ireland and for the UK as a whole.

That does not mean that the Supreme Court is "activist" or is overreaching its powers. The legal principles which make up the UK constitution are laid down partly in legislation and partly in the common law. As the highest court has the final word on the interpretation of legislation and on the development of the common law, the Law Lords were always required to adjudicate on constitutional issues, and the Supreme Court has inherited that role. In particular, as our democracy is underpinned by the constitutional principle of the supremacy of Parliament, the role of the courts has for centuries included deciding disputes as to whether the government and other public bodies have exercised their powers, and fulfilled their duties, in accordance with the law enacted by Parliament. This is not anti-democratic: we expect legislation to be made through a democratic process, but courts don't need a democratic mandate to enforce the law. And when they enforce the law enacted by Parliament, they are making democracy work.

4: The Human Rights Act

So, the Supreme Court has followed in the Law Lords' footsteps in deciding constitutional cases. However, this role has been expanded as a result of legislation enacted in the last 30 years. One of the most significant developments occurred in 1998, when the Human Rights Act gave the courts the function of assessing Acts of Parliament for compliance with the human rights protected by the European Convention.[12]

Many of the most important cases on the effect of the Human Rights Act were decided by the Law Lords before the Supreme Court's creation. The baton was passed to the Supreme Court when it began hearing appeals in 2009. Around half of the appeals that have come before the Supreme Court from Northern Ireland have concerned human rights. Many of them have raised questions with a particular relevance to Northern Ireland: for example, as to the extent of the obligation of the executive to investigate deaths which occurred during the Troubles;[13] or as to the policing of unlawful parades;[14] or as to the compatibility with the Convention of

[12] Human Rights Act 1998, section 4.
[13] See, for example, *In re McCaughey* [2011] UKSC 20; *In re Finucane* [2019] UKSC 7; *In re McQuillan* [2021] UKSC 55; and *In re Dalton* [2023] UKSC 36.
[14] *Re DB's Application for Judicial Review* [2017] UKSC 7.

the Northern Ireland law on abortion.[15] But other cases concerned with human rights have provided the Supreme Court with an opportunity to provide guidance on the application of the Convention not only in Northern Ireland but throughout the UK. A particularly important case, again with abortion as its background, raised the question whether it was contrary to the Convention for people resident in Northern Ireland to receive less favourable treatment under the law than similarly placed people resident in England: a question which had the potential to completely derail devolution, if we had held that people had to be treated in the same way everywhere in the UK.[16] Other significant cases for the whole of the UK have concerned such matters as the powers of the police[17] and the arrangements for the recall of prisoners who break the terms of their licences after being released.[18]

5: Devolution

As a Northern Irish audience will be well aware, the Human Rights Act was not the only significant constitutional statute passed in 1998. That was also the date of the Northern Ireland Act, which created and set out the powers of the Northern Ireland Executive and the Northern Ireland Assembly. Similar devolution legislation was also passed in relation to Scotland and Wales. The legislation reserved certain areas of law and administration to Westminster and Whitehall, and placed other areas within the powers of the devolved institutions. This arrangement required a court with the final authority to decide whether the devolved executives and legislatures were acting within their statutory powers. Since the Law Lords formed part of the UK Parliament, they were thought to lack the institutional independence required to determine questions relating to the division of power between Westminster, Stormont, Holyrood and Cardiff.[19] So, devolution issues were initially referred to the Judicial Committee of the Privy Council, which consisted of the same judges sitting in a different institution.

This changed with the advent of the Supreme Court, as it took over the Privy Council's devolution jurisdiction. So we have had to decide a number of references from Northern

[15] *Re Northern Ireland Human Rights Commission's Application for Judicial Review* [2018] UKSC 27.
[16] *R (A and B) v Secretary of State for Health* [2017] UKSC 41.
[17] *Re JR 38's Application for Judicial Review* [2015] UKSC 42.
[18] *Re Hilland* [2024] UKSC 4.
[19] Andrew Le Sueur, "What is the future for the Judicial Committee of the Privy Council?", UCL Constitution Unit (May 2001), pp. 11-14, available at: Microsoft Word - 72_judcomm.doc (ucl.ac.uk). See also Lady Hale, "Welcome to the UK Supreme Court?" The Bar Association for Commerce, Finance and Industry (BACFI) Denning Lecture 2008, available at: LEADERSHIP IN THE LAW: WHAT IS A SUPREME COURT FOR (bacfi.org).

Ireland, Scotland and Wales, all of which have raised controversial questions. One of the most high-profile was referred to us by the High Court and the Court of Appeal of Northern Ireland, who asked a number of questions about the constitutional process for giving notice of withdrawal from the EU, including the question whether an Act of Parliament was required, as the Supreme Court held was the case.[20] Another important case was referred to us by the Attorney General for Northern Ireland, who asked whether a provision of a Bill which was designed to protect the right of women to access abortion services, by restricting protests outside clinics, would be outside the Northern Ireland Assembly's legislative competence (or power to make legislation).[21] The Court held that the Bill was within the legislative competence of the Northern Ireland Assembly. Although it restricted the exercise of protesters' Convention rights, the restrictions were considered to be justified and proportionate, given the abuse which women had suffered and the limited effect of the restrictions.

Quite understandably, people will hold a range of views on the consequences of the Court's decisions in these cases. But most people seem to have understood that the Court was responding to legal questions, and that our decisions were taken on legal grounds.

6: A UK-wide final court of appeal

The Supreme Court's role is not confined to deciding constitutional questions: they form only a small part of our work. We decide a very wide range of disputes as the UK's final court of appeal. In doing so, we fulfil a role which is different from that of the intermediate appellate courts: the Court of Appeal, the Court of Appeal in Northern Ireland, and the Inner House of the Court of Session.

First, it is necessary for someone to decide the UK's most difficult and most significant legal problems. It is difficult for this need to be met fully by the intermediate appellate courts, as they are required to deal quickly and efficiently with thousands of cases every year, sitting normally in panels of two or three judges.[22] In contrast, the Supreme Court hears a far more limited number of cases, sitting normally in panels of five or seven judges. Because permission

[20] *In re McCord; In re Agnew* [2017] UKSC 5.
[21] *Reference by the Attorney General for Northern Ireland – Abortion Services (Safe Access Zones) (Northern Ireland) Bill* [2022] UKSC 32.
[22] For an overview of the workload of the Court of Appeal of England and Wales, see Civil Justice Statistics Quarterly: January to March 2024 - GOV.UK (www.gov.uk) and 24.16_JO_A_Review_of_the_Year_In_the_Court_of_Appeal_Criminal_Division_2022-23_WEB (judiciary.uk).

to appeal is granted only in cases which raise an arguable point of law of general public importance, we can focus on the relatively small number of cases which raise the most important issues of principle brought to us from across the UK. To give you a sense of the numbers, in 2023, the Supreme Court granted permission to appeal in just 43 cases.[23] We handed down 52 judgments, alongside a further 44 judgments of the Privy Council, which is comprised of the same judges, but hears appeals from countries in the Commonwealth.[24]

Secondly, the Northern Irish, English and Scottish courts may disagree on the correct interpretation of legislation or common law principles which apply across the UK, as we saw in the prorogation case. This can lead to inconsistency and uncertainty across the three jurisdictions which can only be resolved by the Supreme Court as the highest appellate court for all three jurisdictions.

Thirdly, the intermediate appellate courts are generally bound by precedent: that is to say, they are expected to follow their own previous decisions and those of the Appellate Committee and the Supreme Court. There are good reasons for this, but it restricts their ability to develop the law in response to the evolving needs of society. In contrast, the Supreme Court is not bound by precedent and can depart from its own previous decisions, or those of the Appellate Committee, where it appears right to do so.[25]

Discharging each of these functions requires an understanding of the coherence of the law as a whole, of its development over time, and of how it should develop now to respond to the evolving needs of our society. Judges are selected to sit on the Supreme Court because they are assessed as having those capabilities.

Let me try to bring our work to life with some examples. The case of *Lee v Ashers Baking Company*[26] in 2018 established that neither equality legislation nor the Convention imposed civil liability on individuals for refusing to express a political opinion contrary to their religious beliefs. On the facts, the Court found that the owners of a bakery business did not discriminate against a customer on grounds of sexual orientation, religious belief or political

---

[23] Permission to appeal - The Supreme Court. That amounted to 26% of the 163 cases in which permission was sought

[24] Decided cases - The Supreme Court and Decided cases - Judicial Committee of the Privy Council (JCPC)

[25] Practice Statement (HL: Judicial Precedent) [1966] 1 WLR 1234, [1966] 3 All ER 77 (26 July 1966). The Practice Statement has equal effect in the Supreme Court, so it has not been necessary for the Court to re-issue it as a fresh statement of practice in the Court's own name. See *Austin v Mayor and Burgesses of the London Borough of Southwark* [2010] UKSC 28, para 25 (Lord Hope). See also Supreme Court Practice Direction 3.1.3, Applications for permission to appeal | Practice direction 3 - The Supreme Court

[26] *Lee v Ashers Baking Company Ltd* [2018] UKSC 49.

opinion by refusing to bake a cake that was inscribed with the words "Support Gay Marriage". The objection was to the message on the cake, not to any personal characteristics of the customer. The owners could not refuse to provide their products to a customer because he was a gay man or because he supported gay marriage, but that was different from obliging them to supply a cake iced with a message with which they profoundly disagreed.

More recently, the case of *Allister* in 2023 concerned the lawfulness of the Northern Ireland Protocol, and raised important questions about the effect of the Acts of Union of 1800 and of the provision in section 1 of the Northern Ireland Act 1998 which gave the people of Northern Ireland the right to determine whether to remain part of the UK. In the *Dalton* case, also decided last year, the Court provided guidance on how far back the duty to investigate deaths applies, under the Convention.[27] And just last month, the Court delivered an important judgment in relation to the availability of judicial review, holding that a person was not prevented from applying for judicial review to challenge the lawfulness of a public authority's failure to take action in respect of emissions from a landfill site because she might alternatively have brought proceedings against the operator of the site.[28] Other important Northern Irish appeals have concerned matters such as social security, [29] employment law, [30] mental health law[31] and criminal sentencing.[32]

Altogether, the Court has handed down 49 judgments in appeals from Northern Ireland. This represents over 5% of the Court's workload:[33] a higher proportion than one might expect, since approximately 3% of the UK's population lives in Northern Ireland. So Northern Ireland is more than pulling its weight in the contribution it makes to our case law. This looks like continuing. Our forthcoming hearings include one from Northern Ireland concerned with religious education in schools, and one concerned with the withholding of evidence at inquests on grounds of national security.

Life in Northern Ireland has also, of course, been affected by judgments given by the Court in appeals from the other parts of the UK. For example, in the *Nicklinson* case in 2014 the Court declined to hold as a matter of judicial decision that there was a human right to

---

[27] *In the matter of an application by Rosaleen Dalton for Judicial Review (Northern Ireland)* [2023] UKSC 36.
[28] *In the matter of an application by Noeleen McAleenon for Judicial Review* [2024] UKSC 31.
[29] *Re McLaughlin's Application for Judicial Review* [2018] UKSC 48.
[30] *Chief Constable of the Police Service of Northern Ireland v Agnew* [2023] UKSC 33.
[31] *Re RM's Application for Judicial Review* [2024] UKSC
[32] *R v Maugham* [2022] UKSC 13.
[33] Between 2009 and 1 November 2024, the Supreme Court handed down 933 judgments in total.

assisted suicide, holding instead that it was a matter for democratic decision by Parliament.[34] In the *UNISON* case in 2017 the Court decided that it was unlawful for the government to introduce fees for bringing claims before employment tribunals that were set a level which effectively made it unaffordable for claims to be brought.[35] The *Steinfeld* case in 2018 made it possible for heterosexual couples to enter into civil partnerships, by finding that the existing law, under which civil partnership was restricted to gay couples, was discriminatory: a finding to which Parliament responded by changing the law.[36] The *Uber* case in 2021 decided that taxi drivers working for Uber were entitled to employment rights such as minimum wages and paid holidays, and had implications for the employment rights of all workers in the gig economy.[37] Those are only a few out of hundreds of examples.

As I have mentioned, the Court includes a judge from Northern Ireland as well as judges from England and Wales and Scotland, and we all sit on cases from all parts of the UK, as well as on cases in the Privy Council. Both the Northern Irish judges who have served on the Court, Lord Kerr and Lord Stephens, previously served as judges in Northern Ireland, Lord Kerr as Lord Chief Justice. Inevitably, the Northern Irish Justices act as ambassadors for the Northern Irish legal system, and Lord Kerr and Lord Stephens have enhanced the reputation of Northern Irish lawyers not only in the rest of the UK but internationally.

We also invite senior judges from Northern Ireland to sit with us in both Supreme Court and Privy Council hearings. That was not possible in the House of Lords unless the relevant judge also happened to be a peer, which was rarely the case. There are great benefits in extending these invitations, both because they can strengthen the relationship between the Supreme Court and the intermediate appellate courts, and because they provide judges on those courts with experience of working on the Court and the opportunity to contribute to its judgments.

Since I became President in 2020, the Lady Chief Justice, Dame Siobhan Keegan, has sat with us in five Supreme Court cases: an English appeal concerned with the introduction of voter identification in local elections;[38] an English appeal concerned with the proper approach to making care orders in relation to children, where she wrote the judgment;[39] and three

[34] *R (Nicklinson) v Ministry of Justice* [2014] UKSC 38.
[35] *R (UNISON) v Lord Chancellor* [2017] UKSC 51.
[36] *R (Steinfeld and Keidan) v Secretary of State for International Development* [2018] UKSC 32.
[37] *Uber BV v Aslam* [2021] UKSC 5.
[38] *R (Coughlan) v Minister for the Cabinet Office* [2022] UKSC 11.
[39] *In re H-W (Children)* [2022] UKSC 17.

Northern Irish appeals, of which the first two were the cases of *Safe Access Zones* and *Dalton* which I mentioned earlier. Most recently, she sat in a case concerning the duties of the Home Secretary when making immigration decisions that affect the safeguarding and welfare of children, where she co-wrote the judgment.[40] During the last five years we have also benefited from the expertise of other judges from the Court of Appeal in Northern Ireland who have sat with us, including Sir Declan Morgan, who is a member of our supplementary panel and has also sat in five cases, Sir Bernard McCloskey and Sir Mark Horner.

7: An international court

The Supreme Court also has an international role which is important to Northern Ireland as well as to the rest of the UK. This has a number of aspects.

In the first place, 80% of the world's trade is governed by the common law. Shipping, banking and insurance contracts around the world are commonly governed by English law and contain clauses choosing English courts or arbitrations for the resolution of disputes. The same is true of much of the world's trade in financial instruments. This is crucial to the UK's role as a leading centre for international legal and financial services, and so is of great importance to the UK economy. Northern Ireland shares in this, directly as well as indirectly, with Belfast acting as an important centre for legal services.

This has two significant consequences for the Supreme Court. First, as the highest UK court, the Supreme Court plays a critical role in developing the law that governs a large part of world trade. Every year we decide cases concerned with the impact of current events on standard contracts used in international trade. A recent example was a case concerned with the impact of EU sanctions against Russia on the liability of German banks under bonds which they had issued to a subsidiary of the Russian energy giant Gazprom guaranteeing the performance of contracts entered into by German companies for the construction of power stations in Russia.[41] The bonds were governed by English law, and so this dispute between German banks and a Russian energy company came to our court.

The second consequence is that the UK's position as a global centre for legal and financial services is underpinned by international confidence in the UK judiciary and our

[40] *CAO v Secretary of State for the Home Department (Northern Ireland)* [2024] UKSC 32.
[41] *UniCredit Bank GmbH v RusChemAlliance LLC* [2024] UKSC xx.

reputation as a country where the rule of law is upheld: matters which ultimately depend on the Supreme Court.

The level of international confidence in our courts is reflected in the fact that foreign governments also choose to litigate or arbitrate in the UK. An example in the Supreme Court recently was a dispute between Ukraine and Russia, where both governments agreed that their contract would be governed by English law and that any disputes would be decided by the English courts.[42]

The Supreme Court's international standing is reflected in the level of international interest in the Court. Some countries are keen to learn from the way we manage hearings and appeals. For example, I spent a week in Tokyo last year as a guest of the Japanese Supreme Court, as they wished to learn about our methods of case management, our use of oral hearings, and our use of technology. That contributed to a tangible benefit, as Japan has now relaxed its rules enabling UK lawyers to work there. Other countries want to learn from our approach to outreach, communications, transparency and diversity, so as to develop their own efforts in these areas. An example is Bosnia, where the Constitutional Court wants to build trust across a divided community. Other countries want to learn from how we protect ourselves against political risks to our independence. In fact, we receive visits almost every week from judges and justice ministers from other countries.

As the UK's highest court, we also represent the UK in international judicial networks. So, for example, I attend every year the meeting of the Presidents of EU Supreme Courts, at which we remain a valued participant**.** I also attend the J20, the meeting of the most senior judges of the G20 countries. This year's meeting in Rio focused on the role of the courts in relation to social inclusion, climate change and artificial intelligence. In September I took part in a conference in Miami concerned with international financial crime, at which I was asked by the US State Department to give the opening address. These are valuable opportunities to influence legal thinking outside the UK and to present the UK judiciary to the wider world.

[42] *Law Debenture Trust Corporation plc v Ukraine* [2023] UKSC 11.

8: Transparency, accessibility and open justice

Polling conducted for the Economist magazine in 2022 found that about a third of the public know a great deal or a fair amount about the Supreme Court.[43] Among those who do, the proportion who have a high level of confidence that the Court will do its job well is 84%. Among those who do not know much about us, the proportion drops to 52%. So knowledge about the court, and therefore transparency, are critical to public confidence in the Court.

This is one of the most important differences which has resulted from the move from the House of Lords. As an independent court, the Supreme Court has been able to employ an expert communications team and has made use of a number of strategies to inform the public about our work.

To begin with, it is much easier to get inside the Supreme Court building and to come and watch our hearings in person. The Law Lords sat in a committee room at the end of a long corridor tucked away deep in the House of Lords. In contrast, members of the public are actively encouraged to step into the Supreme Court to watch our hearings and tour our court rooms. We have had over a million visitors since the Court opened, and our court rooms are usually busy with school and university students and other visitors. Our basement contains an exhibition area, where visitors can learn more about the Court and its case law, as well as a public café.

As someone who had never lived in London until I went to work on the Court, I am very conscious that it is not easy for everyone in the UK to visit the Court in person. One of our first innovations was, therefore, to livestream every appeal hearing on the Court's website. Recordings of our past hearings are also available on our website and on our YouTube channel.[44] We also livestream the delivery of our judgments, when the Justice who has written the lead judgment gives a short explanation of the Court's decision in ordinary language. We also post on our website a short written summary of the judgment and the reasons for it prepared by our Judicial Assistants, expressed in plain language. We also sit outside London as often as our budget allows. In 2018, we sat in Belfast for three days in the Bar Library. We have also sat in Edinburgh, Cardiff and Manchester. In each case, as well as our hearings we had a busy

[43] Ipsos/The Economist, "UK Supreme Court polling" (May 2022). Available at: https://www.ipsos.com/sites/default/files/ct/news/documents/2022-06/Ipsos%20Supreme%20Court%20polling_300522_PUBLIC%20%28002%29.pdf

[44] https://www.youtube.com/user/uksupremecourt?app=desktop

programme of meetings with legal professionals, educational events with schools and universities, and meetings with community leaders.

We also pursue legal education with schools and universities. One example is a scheme we call "Ask a Justice", which gives students at schools across the UK, particularly in areas of deprivation, the opportunity to participate in a live question and answer session with a Supreme Court Justice directly from their classroom via a video link. Ten Northern Irish schools have participated so far, and the feedback from the pupils and their teachers has been extremely positive. Northern Irish schools have also taken part in our Debate Day programme, when they debate a problem in our main courtroom, and Queen's University Belfast and Ulster University have both taken part in our mooting programme, when they conduct a mock hearing in front of one of the judges of our court.

We also make use of social media and online education. My hope is that, through these initiatives, we are sending the message that the Court exists to serve the whole of the UK, as well as promoting greater public understanding of our work.

9: Diversity, inclusion and belonging

Last but not least, we are taking steps to improve the degree of diversity on the Supreme Court and in the judiciary more broadly. When I became President of the Court, I identified improving diversity as one of my priorities. The public has to be confident that judges are able to understand the cases before them and deliver justice fairly, and that can be difficult if the bench is drawn from a narrow section of society. We also need to ensure that we are recruiting the highest quality lawyers as judges, and not missing out on talented people. For me, this is also a question of fairness: that every lawyer should have the opportunity to progress in their career and to apply for judicial appointment.

In 2021, the Court published its first Judicial Diversity and Inclusion Strategy, which sets our aim to support the progress of under-represented groups at every stage of their legal career, and into judicial roles.[45] We have pursued this aim through a range of initiatives targeted at lawyers and judges at all stages of the career pipeline.

[45] Judicial diversity and inclusion strategy 2021-2025 (supremecourt.uk)

One example is an internship programme for aspiring lawyers from under-represented groups, including people from Northern Ireland, in partnership with a charity called Bridging the Bar. The feedback we receive indicates that it has a significant impact on the interns' confidence and contributes to a sense of feeling welcomed and respected in the legal profession. Similar schemes have now been adopted by other courts in England and Wales.

For those who are further on in their careers, we have held webinars on career pathways, which provided early and mid-career professionals with an opportunity to learn more about the judicial appointments process and the skills and experience required. More recently, we held a very successful event in partnership with the Black Talent Charter,[46] and other events with lawyers from other minority ethnic groups.

I have not lost sight of the need for diversity on the Supreme Court itself. I have made a particular effort to encourage women to apply, and 50% of the new appointments since I began chairing the selection commission have been of women. We have also recently increased the diversity of the Privy Council, with the appointment of a senior judge from the Caribbean, Dame Janice Pereira.

More needs to be done. But progress is being made in encouraging and supporting people from all backgrounds across the UK to join and progress in the legal profession and to proceed into judicial roles.

Conclusion

I began by asking why the Supreme Court matters to Northern Ireland. I hope you now have some idea of why it is relevant to Northern Ireland. Over the next 15 years, we look forward to working with all the nations of the UK so that we can continue to respond to the evolving needs of our society and use the opportunities presented by emerging technologies to achieve our overall goal: to make justice happen, every day, for the benefit of everyone in our jurisdiction.

[46] A video featuring this event alongside other highlights of our work supporting diversity and inclusion is available at: Court looks back on year of milestones - The Supreme Court