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Award Holders: Woodhouse, Diana P

Title: The Lord Chancellor: responsibilities and accountability in a market economy

Full Report of Research Activities and Results
REPORT OF RESEARCH ACTIVITIES AND RESULTS

Background
The research proposal was submitted while Lord Mackay was in office and centred on concerns about the increasing dominance of his executive role and his lead role in controversial policy initiatives, aimed at making the legal system more efficient and reducing, or at least capping, public expenditure. Before the project began, Lord Irvine was appointed and the concerns assumed a new dimension relating to his closeness to the prime minister, his high profile role in implementing government policy and his personal style. The office of Lord Chancellor thus came under increased scrutiny, which has continued throughout the period, with further questions being raised about its viability, particularly in the light of the Human Rights Act and the extended role of the Privy Council, which has resulted from devolution legislation. Thus while the project retained its original rationale, it increased in scope, seeking to keep abreast of developments. Moreover, it moved towards providing a critical assessment of the Office of Lord Chancellor rather than an assessment of the effect of the reforms and developments of 1990 on the administration of justice.

The hypothesis on which the research was based was that the importance and nature of the Lord Chancellor’s executive role, together with the changes in the Lord Chancellor’s Department (LCD), have become such as to undermine the judicial and constitutional functions of the Lord Chancellor and to make the office of Lord Chancellor untenable.

Objectives
The research had five objectives;

1. To examine the role of the Lord Chancellor and the tension between his diverse responsibilities.

   The responsibilities of the Lord Chancellor were divided into constitutional, judicial, legislative and executive and their origins, development and operation were examined. Inherent points of tension were identified between his role as judge and head of the judiciary and his role as member of the Cabinet and politician and these were examined in the light of developments in the 1990s. At the time the proposal was submitted, these developments centred on the drive to efficiency (see objective 2 below) and this remained the thrust of the research. However, other developments could not be ignored and thus constitutional reform, the individual style of Lords Mackay and Irvine and the balance they gave to the position of Lord Chancellor were also examined.

2. To determine the effect of the drive to efficiency upon the areas of responsibility.

   The drive to efficiency was considered, first, in relation to the changes in the organisation and operation of the Lord Chancellor’s Department since 1971, but more
particularly during the 1990s, and, second, with regard to the policy initiatives, introduced by both Lords Mackay and Irvine, aimed at increasing efficiency and cutting, or at least, containing costs. The effect of these upon the balance between the executive, constitutional and judicial responsibilities of the Lord Chancellor were assessed, as was their effect upon the Lord Chancellor’s relationship with the judiciary and the legal profession.

3. To examine the operation of the Court Service Agency and the tripartite relationship between the chief executive, the judges and the Lord Chancellor.

The responsibilities and operation of the Court Service Agency was considered to determine how the establishment of the agency affected the office of Lord Chancellor and his, and his Department’s, relationship with the judges. However, many of the issues were the same as those which related to the LCD generally and were thus considered under objective 2.

4. To ascertain the effectiveness of the mechanisms by which the Lord Chancellor and his Department are held accountable.

This involved a consideration of ministerial responsibility, as it operates through the Lord Chancellor in the House of Lords and before select committees and through his junior minister(s) in the House of Commons. It also involved an examination of the accountability of the Court Service Agency to the Home Affairs Select Committee, and the roles of the Parliamentary Commissioner of Administration and the Comptroller and Auditor General in extracting accountability from the LCD. Cases brought against the Lord Chancellor, mainly by way of judicial review, were examined to determine accountability to the courts and accountability to the public involved a consideration of Courts’ Charters and complaints’ procedures.

5. To consider the overall effect on the administration of justice of the reforms and developments of the 1990s.

Given the pace of change since Labour took office in 1997 and Lord Irvine became Lord Chancellor, this objective, as phrased, proved too big within the timescale and framework of the current research project. The focus was therefore narrowed to looking at the effect of the reforms and developments of the 1990s on the sustainability of the office of Lord Chancellor.

Methods

The research was largely library based. Extensive use was made of parliamentary debates and reports, including those from select committees, the Parliamentary Commissioner for Administration and the Comptroller and Auditor General. Other official sources included Agency and LCD documentation, such as annual reports, business plans, Courts’ Charters, as well as published policies on, for instance, judicial appointments. In addition, green and white papers, as well as relevant legislation, were examined.

Classic texts, such as Heuston, ‘Lives of the Lord Chancellors’ (1964, 1987) and Stevens, ‘The Independence of the Judiciary; the view from the Lord Chancellor’s Office’ (1993) were used to provide valuable information and a literature search was undertaken, thus enabling
the material in academic texts and articles, along with biographies and autobiographies and professional journals, to be utilised.

A lexis search was undertaken to ascertain cases brought against the Lord Chancellor and written and oral questions in both the House of Lords and House of Commons for the period 1991-92 – 1997-8 were systematically categorised to determine the volume and subject matter of questions and the instances when an answer was refused and the basis for the refusal.

Some informal interviewing was undertaken with members of the legal profession, judges and politicians to consolidate and reinforce findings and conclusions.

Results

1. **An increased executive role**

1.1 The research found that, although throughout the twentieth century there had been an inherent tension between the constitutional and judicial roles of the Lord Chancellor and his executive or political role, direct conflict had mainly been avoided. During the 1990s, this position changed. Under Lord Mackay and then Lord Irvine, the executive role became more political, as both Lord Chancellors sought to implement policies in line with the government’s aim to increase efficiency and reduce, or at least cap, public expenditure. These policies were seen by some judges and lawyers as undermining the system by which justice was administered, threatening their livelihoods and suggesting that the Lord Chancellor was more concerned with giving effect to the political commitments of the Government than with protecting the status and independence of his fellow judges. The resulting tension between Lord Mackay and the judges, as evident in debates in the House of Lords and judicial writings, suggested that the increased domination of the Lord Chancellor’s executive role was making his position as head of the judiciary untenable. The evidence suggested that he could not fulfil his executive responsibilities effectively and retain the confidence of the judiciary.

1.2 The conflict between executive and judicial/constitutional roles has become even more apparent under Lord Irvine. He has continued many of the reforms started by his predecessor and has also increased his executive power. Particularly contentious was the Access to Justice Act 1999, which finally removed the Bar’s monopoly on rights of audience, extended the use of contingency fees and replaced the Legal Aid Board with a Legal Services Commission. However, the Act also gave the Lord Chancellor new, and far reaching, powers. These were seen by judges as a further encroachment by the executive on judicial territory. Moreover, Irvine, like Mackay, insisted that what was spent on the legal system and how it was spent was a matter of policy and for the government, not the judges, to decide (HL Deb., 9 Dec 1997, col. 47). The administration of justice therefore continues to raise questions about the viability of the position of the Lord Chancellor as head of the judiciary, and protector of its interests.

1.3 It is evident that the concerns about the role of the Lord Chancellor also relate to the high political profile assumed by Lord Irvine. Upon taking office he assumed a
pivotal role in Labour’s constitutional reform programme, becoming chair of the
committees on devolution, the incorporation of the ECHR, freedom of information
and, subsequently, the reform of the House of Lords. He argued that this ensured that
the reforms interconnected (Public Administration Committee (1997-98) HC 398-v, q.
294). But his role is not confined to constitutional reform. In 1998 he held positions
on ten Cabinet committees, including a leading role on the public expenditure
committee. He therefore has considerable influence. Moreover, his closeness to the
prime minister means that this operates informally, as well as formally, resulting in
‘unparalleled powers he apparently wields in and out of Cabinet’ (Lord Ackner, HL,

1.4 Lord Irvine’s position at the centre of government raises questions about his role as
head of the judiciary and as judge. Moreover, the Human Rights Act may challenge
one of his high profile executive responsibilities – the appointment of judges. Aspects
of the appointment system may be discriminatory and thus contrary to the ECHR. (At
the time of writing the Peach Report on the appointment system is awaited.) Lord
Irvine’s high political profile has also drawn attention to the ease with which the
power of a non-elected politician/judge can be extended, bringing into question the
executive role itself. The research found no evidence to suggest that it should not be
regularised and passed to a Secretary of State, accountable to the House of Commons.
(This point links with those made about the LCD and accountability, below).

2 Changes at the LCD

2.1 During the 1990s, the LCD has become more concerned with administrative and
management functions and less with the interests and requirements of judges. New
public management methods and principles have been introduced, which focus on
strategic plans, objectives and key indicators of performance, and the administration
of justice has become governed by value for money considerations, hence its
fundamental aim of ensuring the ‘efficient and effective administration of justice’ has
been supplemented by the need for it to be at ‘at an affordable cost’ (Home Affairs
Select Committee (1992-93) HC 655-i, para 1). Like the rest of Whitehall, it is also
dominated by new management techniques and engages in market testing exercises,
contracting out, IT development, public/private finance initiatives and a change in
accounting practices.

2.2 In 1998 the Supreme Court (Offices) Act removed the requirement that the permanent
secretary must be a solicitor or barrister of at least ten years standing, or, since the
Court and Legal Services Act 1990, have had at least five years experience in the
LCD. The job description of the permanent secretary has therefore become very
similar to that of other permanent secretaries, requiring experience and ability in the
management of a large organisation and in strategic policy development. Notions of
the LCD as constitutionally special, because of its relationship with the judiciary, and
thus demanding different treatment, therefore no longer apply, as the appointment of
Sir Hayden Phillips, the first non-lawyer to hold the position since its inception in
1885, confirmed. The LCD is no longer detached from the executive and political arm
of government. Indeed, the research found that executive, rather than judicial
responsibilities, now dominate. This is evident from the ‘key challenges’ set out in its
Strategic Plan (1994/5-1996/7), none of which make reference to its judicial responsibilities.

2.3 The LCD’s position in the mainstream of government administration was confirmed by the establishment of the Court Service Agency in 1995. Lord Mackay was insistent that the change to agency status would not affect judicial independence and he confirmed the judges’ continuing role within the agency structure. Judicial involvement in the administration of the courts is formalised through consultation procedures which gives judges the opportunities to express their views and, even if the need of the chief executive to meet his target is dominated by ‘how much’ and ‘how many’, the evidence supports the view that consultation does take place at different levels, although it is more effective when concerned with day-to-day issues than it is when matters of strategy are considered.

2.4 However, overall, the evidence suggests that the relationship between the LCD and judges is changing with officials seeing their function as serving the court user rather than the abstract concept of the law or the judges. This means that the interests of judges may now be unrepresented in political circles. If this is the case, the LCD and the Lord Chancellor may no longer be fulfilling their constitutional function of acting as a channel of communication between the judiciary and the executive.

3. Accountability

3.1 The accountability of the Lord Chancellor in the House of Lords, rather than the House of Commons, means that he is insulated from questions of a party political nature. He does, however, have to defend his actions and policies, although between June 1996 and November 1999, Lords Mackay and Irvine between them faced only seven Starred Questions, three on legal aid, two on civil justice, one on human rights and the judiciary and one on the judicial functions of the Lord Chancellor. However, both Lord Chancellors faced motions in which they had to defend their position, for instance, Lord Mackay on the incident of Mr Justice Wood (HL Deb., 27 April 1994, col. 754) and Lord Irvine, on the separation of powers (HL Deb., 17 Feb. 1999, col. 710) and have encountered difficulties in steering controversial legislation through the House. Much of the opposition has come from past and present law lords and the clashes that have ensued raise questions about the Lord Chancellor’s role as head of the judiciary.

3.2 The justification for the insulation of the Lord Chancellor from the party political rough and tumble of the House of Commons is dubious, given that he is now head of a large spending department whose funds are voted by the Commons. It can also be questioned now that, in recognition of his increased executive responsibilities, he has a junior minister, or, as at present, junior ministers, in the lower chamber. If they can be exposed to party political questioning, then why not the Lord Chancellor himself. Much of the material collected on accountability has yet to be fully analysed. However, it is evident that the appointment of a junior minister to answer for the Lord Chancellor in the House of Commons resulted in a doubling of the number of parliamentary questions (from 363 in 1988/89 to 717 in 1993/94). It has since stayed more or less constant (between six and eight hundred), with the questions reflecting the spread of the Lord Chancellor’s responsibilities. Moreover, although there has been a tendency towards more oral questions, which average around twenty per cent of the total, most seek information rather than explanation or justification.
3.3 While there has been an improvement in accountability since the appointment of junior ministers, answers are frequently refused on grounds of confidentiality, disproportionate costs or the information not being available. It was evident that, in the early 1990s, the LCD was not accustomed to collecting and collating the type of information required by the House of Commons. Indeed, on his first appearance before the Home Affairs Committee, Lord Mackay was chided for being unable to provide the statistics required (1991-2 HC 214, q. 50). Early appearances of officials before the select committee were also less than satisfactory with Sir Thomas Legg, then permanent secretary, being accused of having a ‘laid-back attitude’ to the resignation of magistrates ‘something about which Members of Parliament…feel very strongly’ (1992-3 HC655-i, Q50), and being seen as unco-operative in his refusal to provide information on interdepartmental collaboration.

3.4 The changes at LCD, whereby statistics on performance are necessary to measure efficiency, have resulted in more information being readily available, both in the House of Commons and before select committees. Accountability has also been aided by the establishment of the Court Service Agency, which accounts to the committee via its annual reports and evidence given by the chief executive. However, the research suggests there are still fundamental weaknesses. As far as select committees are concerned, the Lord Chancellor can only be invited to attend, the House of Commons having no jurisdiction to summon a peer; the chief executive, like all officials, appears and speaks on behalf of the minister, in this case the Lord Chancellor, and thus cannot reveal any shortcomings which have their origins in policy decisions or operational interference by the Lord Chancellor; and the scrutiny of the LCD has tended to be patchy and inadequate, due to the other responsibilities of the Home Affairs Committee (Liaison Committee, the Work of Select Committees (1996-97) HC 323-I, para 46). The need is therefore for a dedicated committee for the LCD. Where accountability on the Floor of the House of Commons is concerned, the way in which a Lord Chancellor personally exercises his powers cannot adequately be questioned and, of course, he is not in the House to answer for legislation brought before it in areas of his responsibility. This has become problematic during the 1990s, when such legislation has moved from being concerned with the technicalities of judicial and legal administration to being concerned with matters of political import.

3.5 Accountability for judicial appointments has been particularly weak, although improved by the publication in November 1999 of an annual report on appointments. As far as financial accountability is concerned, this is the same as with other departments, the LCD being subject to audit by the C&AG and the permanent secretary appearing before the PAC as accounting officer. The chief executive of the Court Service Agency is also accountable to the PAC as agency accounting officer. Accountability to the public has improved with the establishment of an internal complaints procedure for court users and the extension of the PCA’s jurisdiction so that he can hear complaints relating to court officials. The main causes of complaint are recorded as being administrative error and delay and ex gratia payments of over £600,000 were made during 1996-7 by way of compensation. There are, however, still gaps in accountability to the public, most notably when they have complaints about the behaviour of a judge. These are dealt with in private by the LCD. One way forward would be the establishment of a Judicial Ombudsman who investigates
complaints and reports to the Lord Chancellor on his findings, which are then made public.

3.6 The Lord Chancellor, like all ministers, is accountable through the courts for the way in which he exercises his executive powers and between 1993-99 9 applications for judicial review were made, one of which resulted in the Lord Chancellor having to change his policy on court fees (R v. Lord Chancellor, ex parte Witham, [1998] QB 575). This compares with one application during the previous ten year period, indicating the increase in judicial review and/or the controversial use by the Lord Chancellor of his powers (but note the relatively low number of applications made against the Lord Chancellor compared with those against other ministers). Legal actions are not confined to judicial review. In 1999 a case which claimed discrimination by Lord Irvine was, in part, successful. Accountability to the courts seems likely to increase when the Human Rights Act 1998 becomes operational. (The possible effect of the Act on his capacity to sit as a judge is discussed under that heading.)

4. The constitutional role

4.1 The Lord Chancellor is charged with constitutional responsibility for preserving and protecting judicial independence, a concept which lacks definition and about which, during the 1990s, there has been dispute as to its meaning and requirements. For the government, Lord Mackay and, subsequently, Lord Irvine confined it to the right of judges not to be subject to any interference in their application of the law (see, Mackay, Current Legal Problems (1991) p.247 and Irvine, HL Deb., 5 June 1996, col. 1258). However, this is a narrower view than that taken by many senior judges who have argued that it requires the judiciary to have a significant role in the administration of the courts (e.g. Purchas, Browne Wilkinson) and there has been public disagreement between them and the Lord Chancellor over who runs the courts. Such disagreement has seriously weakened the Lord Chancellor’s constitutional role, as a bulwark or buffer between the judiciary and the executive and protector of judicial independence.

4.2 Other issues have also been seen by judges as challenging the Lord Chancellor’s position as protector of judicial independence. These included Lord Mackay’s failure in 1992 to ensure that judicial salaries were raised in line with the recommendation of the Committee on Top Salaries, his increase of the qualifying period for pensions (Judicial Pensions and Retirement Act 1993), and his apparent attempt in 1994 to interfere in the running of the Employment Appeals Tribunal in order to save money. These issues, which had financial implications, raised the question of who decides such matters, the judges themselves or the executive, and what is the position of the Lord Chancellor in such a situation. Does he, as head of the judiciary, assert the views of the judges or does he, as a minister, support the government in its view of what the country can afford? The secrecy of government decision making makes it impossible to gather hard evidence, although statements made by Lord Mackay and Irvine indicate that on this issue they act in accordance with their ministerial role. Clearly, however, this may conflict, or appear to conflict, with their constitutional responsibility.
4.3 The Lord Chancellor’s responsibility for protecting judicial independence may also be undermined by the lack of tenure for those appointed to the position of assistant recorders, who may be stood down by the Lord Chancellor, if he considers they do not merit promotion. Moreover, in 1993 the Lord Chancellor acquired the power, through the Judicial Pensions and Retirement Act (S26(5), to extend the tenure of a judge beyond the retirement age of 70 on an annual basis up to the age of 75 and, no matter how scrupulously it is used by the Lord Chancellor, there is a danger that it will be seen as a mechanism by which the government can keep in office the judges it favours. Its inclusion in the legislation was strongly opposed by current and retired law lords as ‘unconstitutional’. Moreover, the case law of the ECHR suggests that the exercise of this power and the appointment of assistant recorders, might be contrary to the Human Rights Act. The Scottish High Court ruled in November 1999 that the appointment of temporary sheriffs on a one year basis by the Lord Advocate, who is a member of the executive, infringed the requirement of the right to an impartial tribunal, as required by Article 6 of the ECHR. Although there significant differences, similar accusations might be made against the appointment of Assistant Recorders and the annual extensions of judicial contracts.

5. The Lord Chancellor as judge

5.1 The arguments for the Lord Chancellor sitting as judge and presiding over the House of Lords and Privy Council, when he sits, are well rehearsed, as are the concerns relating to the infringement of the separation of powers, caused by a government minister sitting as judge. In modern times, Lord Chancellors have accepted that, to protect judicial independence and to maintain confidence in the legal system, they should not sit in cases where there is a direct government interest or where there is a party political element. Cases where there is an indirect interest have, however, proved more problematic and Lord Mackay was criticised for giving judgment, as Lord Chancellor, in two appeals, which he had heard as a law lord, one of which had implications for the government (Rowlings v. Takaro Properties [1988] 1 All ER 163), and the other, for the legal aid budget for which he, as Lord Chancellor, was now responsible (Hone v. Mazr Prison Board of Visitors [1988] 1 All ER 3210). Most controversial was his decision to preside over the House of Lords in Pepper v. Hart ([1993] 1 All ER 423), an Inland Revenue case, which also raised the question of whether judges should be able to refer to Hansard, an issue in which the government had an interest.

5.2 However, despite the criticisms levelled at Lord Mackay, the matter of whether the Lord Chancellor should sit as judge did not arise in any serious way until Lord Irvine took office and assumed a high political profile. The furthest he has been prepared to go in offering a definition of the cases in which Lord Chancellors should not sit is ‘any appeal where the government might reasonably be expected to have a stake in the outcome.’ (HL Deb., 17 Feb. 1999, col. 735) This would appear to have a narrow application, given his decision to sit in a case, which concerned the judicial review of a public authority, and another, which concerned the Public Order Act 1986 (DDP v. Jones (4/3/99)) and thus the rights of the individual against an organ of the state of which the Lord Chancellor was a member.

5.3 More important for the long term future of the office of Lord Chancellor are the implications of the Human Right Act and devolution legislation. The Human Rights Act will involve the Appellate Committee of the House of Lords making judgments,
which will be seen as political. This will result in greater scrutiny of its members, as evidenced by the Pinochet cases. Similar attention is likely to be paid to the Judicial Committee of the Privy Council when, under legislation which devolved powers to Scotland, Wales and Northern Ireland, it hears disputes concerning vires. For the Lord Chancellor to sit on either committee would suggest a conflict of interest. Yet Lord Irvine has refused to give assurances that he will not sit, arguing that ‘it is not desirable to lay down rigid rules’ and that no cases should be labelled ‘no-go areas’ for the Lord Chancellor (HL Deb., 20 Oct. 1998, col. WA 138). However, if the judiciary is to be seen as independent, it would seem unacceptable for the Lord Chancellor to sit on any case, other perhaps than one that is entirely within the bounds of private law.

5.4 The Lord Chancellor’s position as judge is also challenged by Article 6 of the European Convention on Human Rights, which provided for the right to a fair hearing before an independent and impartial tribunal. In 1999 the European Commission on Human Rights held that the Royal Court of Guernsay, which is presided over by the Bailiff, contravened the requirements of Article 6 (McGonnell v. UK). It was not an independent and impartial tribunal because the Bailiff, who spends most of his time discharging judicial functions, also has legislative and executive functions. The case is currently awaiting a decision of the ECHR but has implications for the position of Lord Chancellor.

6. Conclusion

The evidence suggests that the Lord Chancellor no longer adequately fulfils his constitutional role, whereby he is required to protect the independence and integrity of the judiciary, and that he should no longer sit as judge. Moreover, given his increased ministerial responsibilities and the fact that his Department has been integrated into Whitehall, his executive role is now such that it would be better undertaken by a secretary of state, who is a member of the House of Commons and, as such, accountable in that arena. The position of Lord Chancellor should therefore be abolished. His constitutional role should transfer to the Lord Chief Justice, his executive responsibilities should be undertaken by a Minister of Justice or Legal Affairs, and his appointment role by a Judicial Commission.

Outputs

Because of the academic, judicial and political interest to which Lord Irvine’s first few months in the position of Lord Chancellor gave rise, it was considered necessary to indicate that research was being undertaken in this area. This was done, firstly, through a paper given as part of the seminar series, Constitutional Reform; a Critical Analysis. The series, which was held at Oxford Brookes University during the Winter of 1998, included papers by Geoffrey Marshall (Human Rights Act), Vernon Bogdanor (Devolution), Robert Hazell (Reform of the House of Lords), Adam Tomkins (Freedom of Information) and myself (The Office of Lord Chancellor; the case for reform). The session on the Lord Chancellor was attended by an official from the LCD as well as academics. It was done, secondly, by writing and securing publication of an article on the Lord Chancellor in the Winter edition of Public Law (see, ‘The Office of Lord Chancellor’ Public Law [1998] 617-632. This was much sooner than originally intended and was therefore partly based on the background material which had been gathered for the research proposal.
It was on the basis of the paper and article that an invitation was subsequently received to give a paper at the Conference, *Legal Aspects of Devolution*, which was organised by the Constitutional Unit and Faculty of Law, UCL and held on September 1999. The paper was concerned with the implications on the office of Lord Chancellor of the role of the Privy Council, under devolution legislation, and that of the Appellate Committee of the House of Lords, under the Human Rights Act. This is at present being worked into an article for publication.

Further papers on the research have also been given at Oxford Brookes University and the Oxford Institute of Legal Practice and a contract with Hart Publishing for a book, entitled *The Office of Lord Chancellor*, has been secured with publication in January 2001.

**Impacts**

The *Public Law* article was cited by Lord Lester, during the debate in the House of Lords on the separation of powers (17 February 1999, col. 712) and, as a result of the article and Lord Lester’s citation, participation in ‘The Office the Lord Chancellor’ in the series *Unreliable Evidence* (6 April 1999, Radio 4) was invited. The programme was presented by Clive Anderson and other participants were Lords Mackay and Lester and Sir Richard Scott.

The Constitution Unit at UCL has also expressed interest in the findings of the research as it relates to its research on Supreme Courts, and two American researchers, who have an interest in judicial appointments, have made contact.

**Future Research Priorities**

Further research on judicial appointments is necessary in the light of the Peach Report and the Lord Chancellor’s response to it and ECHR case law. In addition, research is necessary to determine the effect on joined-up government initiatives on the LCD and the Home Office and the impact on the administration of justice, and on other areas for which the Lord Chancellor is responsible, of redistributing the responsibilities of the Lord Chancellor. On a larger scale, the responsibility and accountability of all the agencies involved in the administration of justice need to be subjected to detailed scrutiny.