

The Queen's Speech

Wednesday 9 May 2012

The Law Society ('the Society') is the representative body for 145,000 solicitors in England and Wales. The Society negotiates on behalf of the profession, lobbies regulators, Government and others and has a public interest role in working for reform of the law

Key Points

The Government's proposed legislative agenda for the coming parliamentary session was announced on Wednesday 9 May by Her Majesty the Queen. This briefing summarises the main announcements and provides further details of those Bills of most relevance to the legal profession. The following major announcements Bills will be introduced in the next session:

- **The Crime and Courts Bill** – A Bill to 'protect the public by enhancing the national response to serious, organised and complex crime and strengthening border security. The Bill will also help to deliver a swifter, more open and effective court and tribunal system, while also reforming the judicial appointments system'. [Click here for the official press release.](#)
- **The Defamation Bill** – A Bill to 'reform the law of defamation to ensure that a fair balance is struck between the right to freedom of expression and the protection of reputation'. [Click here for the official press release.](#)
- **The Children and Families Bill** – A Bill to 'break down barriers stopping parents and carers getting the support they need – making it easier for parents to share caring responsibilities; giving families more choice and control over specialist educational needs care and supporting the most vulnerable children, including those in care or whose parents have separated'. [Click here for the official press release.](#)
- **The Justice and Security Bill** – A Bill to 'respond to the challenge of using sensitive information in civil proceedings where the Government is party, without risking disclosure contrary to the public interest, and is also intended to enhance the current oversight regimes for the Security and Intelligence Agencies'. [Click here for the official press release.](#)
- **The Enterprise and Regulatory Reform Bill** – A Bill to 'create the right conditions for economic recovery by strengthening the business environment, reducing regulatory burdens and improving business and consumer confidence'. [Click here for the official press release.](#)

Other announced bills and draft bills will be covered in the final section of this briefing.

The Crime and Courts Bill

The main elements of the Bill will be:

1. Establishing a National Crime Agency to prevent and investigate serious, organised and complex crime.
2. Establishing a Single County Court system and Single Family Court.
3. Reforming the judicial appointments process.
4. Introducing flexible judicial deployment.
5. Increasing the efficiency of fines by providing incentives for compliance.

6. Allowing data to be shared between the courts and tribunals service and other agencies to allow fee exemption applications to be checked electronically.
7. Enabling the introduction of court broadcasting.
8. Removing the full appeal right for Family Visa Visit cases and removing in-country appeal rights from individuals excluded from the UK by the Home Secretary.

The Defamation Bill

The Bill will implement the draft Defamation Bill in accordance with the Government response to the draft Defamation Bill Committee Report. Its main elements will be: Establishing a National Crime Agency to prevent and investigate serious, organised and complex crime.

1. Introducing a requirement that a statement must have caused serious harm for it to be defamatory in order to discourage trivial claims.
2. Creating a new statutory defence of responsible publication in matters of public interest.
3. Creating statutory defences of truth and honest opinion.
4. Updating and extending the circumstances in which the defences of absolute and qualified privilege are available.
5. Introducing a single publication rule.
6. Addressing libel tourism by tightening the test to be applied by the courts in relation to actions brought against people who are not domiciled in the UK or EU Member State.

The Children and Families Bill

The main elements of the Bill in relation to family law will be:

1. Creating a time limit of six months by which care cases must be completed.
2. Making it explicit that case management decisions should be made only after impacts on the child, their needs and timetable have been considered.
3. Getting rid of unnecessary processes in family proceedings by removing the requirement for interim care and supervision orders to be renewed every month by the judge and instead allowing the judge to set the length and renewal requirements of interim orders for a period which he or she considered appropriate, up to the expected time limit.
4. Requiring courts to have regard to the impact of delay on the child when commissioning expert evidence and whether the court can obtain information from parties already involved.
5. Strengthening the law so that, where it is safe, and in the child's best interests, children have a relationship with both their parents after family separation. The Government will consult on options shortly.

The Justice and Security Bill

The Bill seeks to implement many of the proposals consulted on in the Justice and Security Green Paper. The main elements of the Bill will be:

1. Allow courts to consider all material relating to a case – even where national security prevents that information from being made public.

2. Ensure that where an individual challenges an action taken by the government, that such claims can be properly investigated and scrutinised by the courts.
3. Enable the courts to access all information relevant to the (civil) case, in a manner which does not risk harm to national security.
4. Enable the courts to fully consider all relevant information in civil claims made against the Government.
5. Modernise parliamentary oversight of the Security and Intelligence Agencies.

The Enterprise and Regulatory Reform Bill

A substantial Bill containing a number of measures, including of relevance:

1. *Workplace Dispute Resolution*
 - a. Providing options outside the employment tribunal process by encouraging 'early conciliation' where all claimants would lodge details of their claim with Acas giving parties the opportunity to engage in conciliation and renaming compromise agreements as "settlement" Agreements to more accurately reflect their function and encourage greater use.
 - b. Improving the tribunal system by increasing flexibility and encouraging employer compliance.
2. *Regulatory Reform*
 - a. Removing barriers, improving the quality and consistency of enforcement and inspections for business.
 - b. Simplifying the regulatory system and giving confidence to business that they will not be held back by outdated and unnecessary legislation.
3. *Repeals*
 - a. Removing legislation that would help to save business time and money.

Other Bills

Other Bills announced:

1. Banking Reform Bill. [Click here for the official press release.](#)
2. Croatia Accession Bill. [Click here for the official press release.](#)
3. Energy Bill. [Click here for the official press release.](#)
4. Electoral Registration and Administration Bill. [Click here for the official press release.](#)
5. European Union (Approval of Treaty Amendment Decision) Bill. [Click here for the official press release.](#)
6. Groceries Code Adjudicator Bill. [Click here for the official press release.](#)
7. House of Lords Reform Bill. [Click here for the official press release.](#)
8. Pensions Bill. [Click here for the official press release.](#)
9. Public Service Pensions Bill. [Click here for the official press release.](#)

10. Small Donations Bill. [Click here for the official press release.](#)

Draft Bills

Draft Bills announced:

1. Draft Care and Support Bill. [Click here for the official press release.](#)
2. Draft Communication Data Bill. [Click here for the official press release.](#)
3. Draft Local Audit Bill. [Click here for the official press release.](#)
4. Draft Water Bill. [Click here for the official press release.](#)

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