

Worshipful Company of Arbitrators Banquet - Mansion House
Wednesday 25 January 2006

Junior Warden's Toast to The Guests

Master; Wardens; My Lord Mayor Locum Tenens, My Lord Chief Justice, Master of the Rolls, Sheriffs, Mr Presidents; Ladies and Gentlemen.

When I was asked to propose this toast, I cast around for some unique approach that would colour if not altogether avoid the usual recitation of curricula vitae. I hit upon a great idea. This is the week of the 250th anniversary of the birth of arguably the greatest composer of all time, Wolfgang Amadeus Mozart. I therefore devised an intricate web of musical association interlaced with the various highlights of our distinguished guests' careers. Then I decided to run the idea past the Honorary Clerk. Her response was not encouraging. If you must, she said, but confine yourself to Eine Kleine Nachtmusik, with the emphasis on the "Kleine".

Duly chastened, I was forced to fall back on the more traditional approach.

Firstly may I welcome each and every one of the guests of our Liverymen and Freemen and in particular the ladies who have so charmed us this evening with their elegance, beauty and conversation. It is also a great pleasure to welcome Mrs Diana Uff, Master Clockmaker, not in her Livery capacity this time, but as the wife of one of our Freemen, Professor John Uff QC. Master, I think this is one of your last functions before the installation of your new Master next Monday. We congratulate you on a splendid year.

To all of the guests of our Liverymen and Freemen, you are most welcome.

It is my enormous privilege to welcome one of the most distinguished groups of senior members of the Judiciary you could hope to find assembled anywhere except the dining room of the Royal Courts of Justice. What is more, they are all strong supporters of arbitration, each having practised at the Commercial Bar.

The Lord Chief Justice, Lord Phillips of Worth Matravers, was educated at Bryanston School, Blandford, Dorset and King's College, Cambridge. Lord Phillips was called to the bar in 1962, took silk in 1978 and served as a recorder from 1982 to 1987. From 1987

he served as a High Court judge, and has experience of criminal trials presiding over the Maxwell pension fund and Barlow Clowes cases. He was appointed chairman of the BSE inquiry in December 1997. Almost three years later, having heard evidence from more than 900 witnesses, his report concluded that although the Government did not lie to the public about BSE, its concern with preventing alarm by underplaying the risks to humans and its delay in giving effect to policy were serious errors of judgment.

Lord Phillips was made a Law Lord in January 1999 and two months later was one of the majority allowing an appeal permitting extradition of General Pinochet in respect of allegations of torture committed during his regime.

In June 2000, he was appointed Master of the Rolls.

A fluent French speaker, his early schooling was at the French Lycée in South Kensington. In terms of his views on the judiciary's structure and composition, Lord Phillips has called for the High Court and county courts to be replaced by a single, unified civil court. He also opposes wigs and robes for judges, preferring the simple

European-style black robe fastened with Velcro.

He is well known for keeping fit by swimming outdoors all year in Hampstead ponds and for using a bicycle — crowned by a colourful crash helmet — to get to and from court.

In April last year, with Lord Woolf, he led city lawyers, voluntary sector lawyers and caseworkers on a sponsored 10km walk around legal London to raise funds for London's voluntary legal agencies including Law Centres and advice agencies. According to the Camden New Journal, he also plays tennis every week. The correspondent advises that he has a great backhand but was less complimentary about his serve.

Lord Phillips is held in the highest regard by his former Commercial Bar Colleagues.

Jonathan Sumption QC, the well-known advocate who appeared for the Government in the Hutton Inquiry, describes his former pupil-master in these terms: "At the Bar and on the bench he has been a fantastic legal analyst with the ability to communicate complex thoughts in terms of absolute linguistic clarity. I do not think I have ever heard anyone as good at making a point as incredibly briefly and incredibly lucidly".

I am told that Worth Matravers is one of the most beautiful villages in Dorset. In the

picturesque churchyard lies buried one Benjamin Jesty, whose gravestone carries the inscription:

"An upright and honest man, particularly noted for having been the first person (known) that introduced the Cow Pox by inoculation, and who from his great strength of mind, made the experiment from the cow on his wife and two sons in the year 1774", and we all thought it was Edward Jenner who was the smallpox vaccine pioneer.

Lord and Lady Phillips, you are most welcome to our Banquet.

Lord Justice Clarke, Master of the Rolls, was educated at King's College, Cambridge and was called to the bar in 1965, took silk in 1979 and was appointed a Recorder in 1985.

For a man who went into shipping law by chance, he has enjoyed a great career. While at Kings College, Cambridge Sir Anthony was introduced to barrister and past Kings Scholar, Nicolas Phillips, now the Lord Chief Justice, and one of our principal guests this evening. Nicolas suggested to Barry Sheen QC, incidentally, whose memorial service was held earlier this evening, that he offer Anthony Clarke pupillage at 2 Essex Court,

which he did then and there. Barry Sheen was later, in 1978, to become Admiralty Judge. One year afterwards, Anthony Clarke took silk and replaced Sheen as Head of Chambers. In 1993 Sir Anthony again succeeded Sir Barry Sheen, this time as Admiralty Judge, and, in turn, was replaced by another Essex Court man, Sir David Steel.

In 1999 and 2000, Sir Anthony led two inquiries into the Marchioness disaster, in which 51 people died in a pleasure boat accident on the River Thames. The reports that he produced were warmly praised by the Deputy Prime Minister; certainly that appears to be the best interpretation that can be placed on what Mr Prescott actually said.

When interviewed by The Maritime Advocate, Sir Anthony stated that he thinks a good judge is one who blends his experience with an understanding of the documents presented to him but also has the ability to identify the key issues, focus on them and look at contemporary evidence that may influence the case - a perfect example, if I may say so, for commercial arbitrators.

Sir Anthony continues to enjoy life enormously. His humour and his enthusiasm for life

have made him one of the most popular figures in the modern judiciary. Although he gave up regular hockey some years ago, he plays golf and manages to fit in the occasional game of tennis with friends or with his wife.

Sir Anthony and Lady Rosemary Clarke, you are most welcome.

Sir Mark Potter, President of the Family Division and Head of Family Justice, is reputedly a close friend of the Lord Chancellor, Lord Falconer of Thoroton. That alleged fact is sufficient in itself to return hundreds of hits on Google. Sir Mark, whose father was founder and dean of the law faculty at King's College, London, was educated at the Perse School, Cambridge and Gonville and Caius College, Cambridge, where he wrote the college revue with David Frost.

He did national service in Hong Kong and met his wife, Undine, when she was an art student at Cambridge.

While in practice at the Bar, he was counsel for Richard Branson in the early days of

Virgin Records, and prosecuted Last Tango in Paris on behalf of Mary Whitehouse. He is a practising Anglican. A long-time resident, like Lord Falconer, of Islington, north London, he describes himself in the Gray's Inn magazine 'Graya' as "irredeemably metropolitan".

Sir Mark, who has a background as a commercial lawyer, is universally liked, and described as clever and media-friendly. A barrister who knows him well but is not a family law practitioner said: "He's a bright man, a very approachable man, very sensitive and I think he will be a breath of fresh air in the family division.

"I saw one report describe his predecessor as a Dickensian figure and he is the complete opposite of Dickensian. I think it's very exciting news. He's got intellectual robustness, the compassion to deal with family issues, and will take on all the issues raised by the various interest groups. It's a great move to introduce new reforms.

"I think he would really spot the shortcomings in the family division and make it more responsive to modern needs and demands. He's not an old fuddy-duddy and he's

connected to the modern world."

Sir Mark was also the former pupil-master of the attorney general, Lord Goldsmith. All

three practised from the elite Fountain Court chambers when they were at the bar.

In March 2004 Sir Mark was one of three judges who handed David Blunkett an embarrassing defeat in the appeal court when they held that the then home secretary had acted "inappropriately" and "unlawfully" in certifying a man jailed without charge at the high security Belmarsh prison as an international terrorist.

Sir Mark and Lady Potter, you are most welcome at our banquet.

Finally I turn to our principal guest of this evening, George Bartlett QC, President of the Lands Tribunal. Before taking up his present post, Mr Bartlett had a distinguished career as a Planning Silk at Landmark Chambers. He also undertook a lot of Parliamentary work.

The Lands Tribunal was established by the Lands Tribunal Act 1949 to determine questions of disputed compensation arising out of the compulsory acquisition of land; to decide rating appeals; to exercise jurisdiction under section 84 of the Law of Property Act 1925 (discharge and modification of restrictive covenants); and to act as arbitrator under references by consent. Under the 1949 Act other jurisdictions may be added, and a number have been since the Tribunal came into existence on 1 January 1950. The Tribunal's jurisdiction is exercised in England and Wales. Since 1971 there has been a separate Lands Tribunal for Scotland and from 1964 in Northern Ireland.

The Tribunal is a court of law, and appeal from its decisions lies to the Court of Appeal. Cases are usually heard by a single Member, but they may sometimes be heard by two Members (where substantial issues of both law and valuation arise, a lawyer and a valuer) or, in exceptional cases, by three members. The Tribunal has its own hearing rooms in London, at Ludgate Hill, but it sits wherever in the country the proper disposal of the case requires. Decisions are given in writing.

The Tribunal consists of a President and other Members appointed by the Lord

Chancellor. The President must have been a judge or a barrister, and the other Members must be either lawyers or persons experienced in the valuation of land. The present membership of the Tribunal is Mr Bartlett as President, one other part-time lawyer and three Chartered Surveyors.

Mr Bartlett and Mrs Bartlett you are most welcome to our banquet and we look forward, Sir, to your reply.

I would ask all of the members of the Livery to rise, charge their glasses and drink a toast to "Our Guests".

HSC - 25 January 2006