



An independent association of
Equitable Life Members & Policy-Holders
funded by subscription

Equitable Members Action Group Ltd

Address for correspondence:

42 Bartholomew Villas, Kentish Town, London NW5 2LL

Telephone: 020 7267 5938 www.emag.org.uk

Mr Ian Pearson MP.
Economic Secretary to the Treasury,
1 Horseguards Road,
London SW1A 2HQ

9 February, 2009

Dear Mr Pearson,

“A decade of regulatory failure” – the appointment of Sir John Chadwick

I am writing to you in my capacity as Chairman of the Equitable Members Action Group (EMAG). EMAG has consulted its solicitors, Bindmans LLP, about various aspects of the Government’s response to the Parliamentary Ombudsman’s report “A decade of regulatory failure”.

EMAG’s board considered that I should write to you about one matter at once. We sought a legal opinion about the appointment of Sir John Chadwick to advise the Treasury on matters arising from the Government’s response to the Ombudsman’s report. I enclose a copy of the advice received. Bindmans advise that Sir John’s appointment appears to be contrary to the constitutional principle of the independence of the judiciary and to the terms of the Guide to Judicial Conduct. It also appears to contradict the Lord Chancellor’s decision in November 2008 not to change the rule precluding retired judges from providing legal advice to any person. That decision was made following a process of consultation, in the course of which the Judges’ Council expressed its firm view that any change would seriously undermine judicial independence. For the reasons set out in the advice, this is not a case in which Sir John is carrying out an independent commission or exercising independence, objectivity and authority.

As the advice makes clear, section 3(1) provides that the Lord Chancellor and other Ministers of the Crown must uphold the continued independence of the judiciary. This is an unqualified duty. I am therefore writing to you now to invite you to reconsider Sir John Chadwick’s appointment. Further, I ask that you should think again and withdraw Command Paper 7538 forthwith.

I would add that we do not intend in any way to impugn Sir John's personal or professional integrity. It may be that the degree of controversy surrounding the Government's response and its proposed remedial scheme has become clear only since the Ombudsman and others have given evidence to the Public Administration Select Committee. However that may be, it is right that this matter should be resolved as soon as possible.

I am writing in similar terms to the Lord Chief Justice. I am also sending copies to the Lord Chancellor, the Chairmen of the Public Administration and Justice Select Committees and, as a matter of courtesy, to Sir John Chadwick.

I look forward to hearing from you.

Yours sincerely,

John Newman
Chairman of EMAG
Equitable Members' Action Group Limited

