**REPORT**

**Identification of the participant**

Nationality: German

Functions: Judge at the Federal Administrative Court, Leipzig.

Length of service: At the Federal Administrative Court since July 2003.

**Identification of the exchange**

Hosting jurisdiction/institution: Supreme Court of the United Kingdom

City: London

Country: United Kingdom

Dates of the exchange: 19 November 2012 to 30 November 2012
I. Programme of the exchange

**Date: 19 November 2012**

9:20am Arrival at the Supreme Court, introduction & meeting with Ms Jenny Rowe, Chief Executive
9:30am Meeting with Lord Neuberger, President of the Supreme Court
9:40am Meeting with Lord Carnwath, Justice of the Supreme Court
10:00am Read papers for the case of *R (on the application of Faulkner) (FC) (Appellant) v Secretary of State and another (Respondents)* and *R (on the application of Faulkner) (FC) (Respondent) v Secretary of State for Justice (Respondents) and The Parole Board (Appellants)*

In both cases, that were on appeal from the Court of Appeal Civil Division (England and Wales), the claimants had been in detention; they became eligible for parole. However due to a delay on behalf of the Secretary of State to provide the dossiers necessary for the review by the Parole Board, the hearings before that Board as well as the decisions had been delayed for several months. The claimants brought judicial review proceedings and claimed damages for a breach of their right to a speedy decision before the Parole Board protected by Article 5 (4) of the European Convention on Human Rights. The main issue of both cases was the correct approach to the quantification of damages for a violation of Article 5 (4).

11:00am Observe hearing in the above cases.

**Date: 20 November 2012**

9:30am Arrival at the Supreme Court; read further papers on the above cases
10:30am Observe further hearing in these cases

5:30pm First annual BAILII (British and Irish Legal Information Institute) Lecture by Lord Neuberger, President of the Supreme Court: "No Judgment – no Justice"

**Date: 21 November 2012**

Visit of the Court of Appeal, Royal Courts of Justice, London

9:30am Meeting with Lord Justice K. on the cases to observe
10:30am The Court of Appeal heard - in a panel of three Judges - several cases on appeal from the High Court Queen's Bench Division – Administrative Court. In these cases the claimants challenged the amendments to paragraph 281 of the UK Immigration Rules, that had come into effect on 29 November 2010. These amendments require the foreign spouses and partners of British citizens or persons settled in the UK who apply for
permission to enter the UK with view to settlement to pass before entry a standardised test of their knowledge of the English language (pre-entry language test). The claimants maintained that this new rule interferes with their rights under Articles 8 and 12 of the European Convention on Human Rights to marry and to live together. They also contended that the provision is discriminatory on grounds particularly of race and nationality, but also ethnic origins, language, gender and disability, and that for that reason it is contrary to Article 14 of the Convention read with Articles 8 and 12. The High Court of Justice in his judgment of 16 December 2011 had dismissed the claimants' applications.

These cases and also the parties' submissions during the hearing were particularly interesting for me as the German Federal Administrative Court had made two decisions on similar provisions in the German Residence Act (Aufenthaltsgesetz) in March 2010 and in September 2012. The first judgment of the Federal Administrative Court was mentioned and discussed in the hearing at the Court of Appeal, the second and more recent judgment was till then not yet known to the parties or the Judges.

Date: 22 November 2012

Visit to the High Court (Administrative Court), Royal Courts of Justice, Strand, London

9:30am  Meeting with Mr Justice S. to discuss the cases to be observed.
10:30am  Observe administrative law cases in the High Court

There were two cases to be heard that morning. The issue of the first case was the application of a person who had been convicted for fraud and ordered to repair the damages; she demanded that the sum to pay should be reduced, because she did not have sufficient income. The second case concerned the application of the public prosecution service to be authorised to an alternative service of official writings to persons living abroad. In the second case Mr Justice S. made an immediate oral ("ex tempore") judgment.

These cases illustrate, that the issues dealt with by the Administrative Court in the UK and the Administrative Courts in Germany do not coincide. In Germany both of these cases would not have come before the Administrative Courts.

2:00pm – 4:30pm  Discussion with Mr Justice S. on the cases observed and on the procedural rules applied at the High Court (Administrative Court).

Date: 23 November 2012

Visit to the First-tier Tribunal (Immigration & Asylum Chamber) Taylor House, 88 Rosebery Avenue, London

9:30am  Introduction to the Chamber by the Resident Judge
10:00am  Observe hearings (Asylum case – Bangladesh - and deportation case)
1:00pm  Meeting with Judges of the First-tier Tribunal (Immigration & Asylum Chamber); discussion on the Judiciary in the United Kingdom and Germany
2:00pm  Meeting with the Resident Judge on the work of the Immigration and Asylum Chamber, recent and future developments.
Date: 26 November 2012

9:30am Arrival at the Supreme Court; read papers for the case of Kinloch (AP) (Appellant) v Her Majesty’s Advocate (Respondent) (Scotland)

The Appellant had been charged with contraventions relating to the acquisition, possession and concealment of criminal property in the form of sums of cash of over 150,000 GBP. Evidence was gathered by police officers by conducting surveillance of the Appellant’s movements within public places, but without the necessary authorisation under the Regulation of Investigatory Powers (Scotland) Act 2000. This surveillance led to the Appellant’s arrest, the sums in question were recovered. The Appellant, who was convicted on the charges against him, argued that the unauthorised surveillance breached his right on a private life under Article 8 of the European Convention on Human Rights. The main issue of the case was whether the surveillance on public grounds constituted such a breach, and if so, whether leading evidence at trial derived from such surveillance is a breach of Articles 8 and/or 6 of the European Convention on Human Rights.

11:00am Observe hearing in this case

In his judgment, given on 19 December 2012, the Supreme Court unanimously dismissed the appeal. The Court held that there has been no interference with the Appellant’s rights under Articles 8 and 6 of the Convention.

Date: 27 November 2012

9:30am Arrival at the Supreme Court, read papers for the case of Lloyds TSB Foundation for Scotland (Respondent) v Lloyds Banking Group Plc (Appellant)

10:30am Observe hearing in the case

The case was on appeal from the Court of Session (Scotland). The Respondent is a charitable foundation. In 1986, amended in 1997, the Appellant had granted a deed of covenant in favour of the Respondent; the Respondent’s entitlement was to be a greater of a fixed percentage of the Appellant's "Pre-Tax Profits". Due to a change of the accounting standards required by EC Regulation adopted in 2004 the profits or losses arising from the acquisition of another company had to be included in the accounts within Pre-Tax Profits or Losses; before that change they had been treated as extraordinary items and recorded after the calculation of Profit before Tax in the Group’s accounts. In January 2009 the Appellant acquired 100% of the share capital of another bank. As a consequence the Appellant’s accounts disclosed a profit before tax due to the difference between the fair value of the net assets and liabilities at the date of acquisition and the amount actually paid ("Negative goodwill"). The Appellant argued that as a matter of construction the Pre-Tax Profit does not include negative goodwill. The Court of Session however had followed him but the Respondent's opinion, that the phrase "group profit before tax" meant the specific line in the Appellant’s audited accounts. The issues for the appeal to the Supreme Court were (i) the correct construction of the deed and (ii)
whether or not, as a matter of Scottish law, the Court can equitably adjust the 1997 deed and, if so, should do so in the present case.

**Date: 28 November 2012**

9:30am  Visit of the Houses of Parliament
Observe debate in the House of Commons on a statement made by the Foreign Secretary on the situation in the Middle East

2:00pm  Observe further hearing in the Case of *Lloyds TSB Foundation for Scotland (Respondent) v Lloyds Banking Group Plc (Appellant)* at the Supreme Court

**Date: 29 November 2012**

Visit to the Upper Tribunal (Immigration & Asylum Chamber) – UT IAC - Field House, Breams Buildings, London

9:15am  General discussion with the Principal Resident Judge on the work of the UT IAC and the country guidance system
9:40am  Discussion with Judge W. concerning the cases to observe
10:00am Observe proceedings in tribunal hearing (Asylum and deportation)
12:30pm Discussion with Judge on cases observed
1:00pm  Discussion with Mr C. (Office of the Senior President of Tribunals) on the differences between tribunals and courts.
2:00pm  Observe further hearings (Deportation case)
4:00pm  Discussion with the Judges on the types of cases treated and the procedural rules at the UT (IAC)
7:00pm  Garner Lecture by Karl Falkenberg, Director General of DG Environment in the EU, "Better EU regulation for a greener environment and sustainable economic activity in Europe".

**Date: 30 November 2012**

from 9:30am Meetings with Lord Neuberger, President of the Supreme Court, and other Justices of the Supreme Court on observations made during my exchange visit.

**II. The hosting institution**

During my exchange visit I was "based" at the Supreme Court of the United Kingdom. In addition I had the opportunity to observe hearings and to meet and to discuss with Justices and Judges of the Court of Appeal and the High Court, the same with Judges of the First-tier and Upper Tribunal (Immigration and Asylum Chambers).

**1. The Supreme Court of the United Kingdom**

The Supreme Court of the United Kingdom is –in most cases - the final court of appeal in the United Kingdom. It hears appeals from each of the three jurisdictions forming the United Kingdom’s judicial system, as there is one legal system for England and Wales, another for Scotland and a third for Northern Ireland.

The Supreme Court is the final court of appeal for all United Kingdom civil cases (that also includes administrative law cases) as well as for criminal cases from England, Wales and Northern Ireland. For
criminal cases from Scotland the final appeal lies to the High Court of Justiciary in Edinburgh. As to England and Wales, the Supreme Court hears cases from the Court of Appeal, Civil Division and Criminal Division, and in some limited cases also from the High Court. Cases on appeal from Scotland come from the Court of Session. Appeals originating from Northern Ireland are on cases decided by the Court of Appeal in Northern Ireland and in some limited cases by the High Court.

The Supreme Court hears appeals on arguable points of law of general public importance concentrating on cases of the greatest public and constitutional importance. Nearly all cases require permission to appeal to the Supreme Court. It can be granted either by the Court below or by the Supreme Court. At the Supreme Court this decision is taken by a panel of three Justices; such applications are generally decided on paper without an oral hearing.

Besides this function as the final court of appeal the Supreme Court has taken over the jurisdiction in devolution issues from the Judicial Committee of the Privy Council in October 2009. These proceedings are about the powers of the three devolved administrations – the Northern Ireland Executive and the Northern Ireland Assembly, the Scottish Government and the Scottish Parliament and the Welsh Government and the National Assembly for Wales.

The Supreme Court is not a constitutional court in the sense, that it can carry out judicial review over legislative action and strike down Acts of Parliament on grounds of unconstitutionality. But it has also to be noted that the Supreme Court – as the Appellate Committee of the House of Lords before and also other courts in the United Kingdom – has the right to declare statutes incompatible with the European Convention on Human Rights. However it is then to be decided by Parliament whether to change that Act of Parliament or not. It has also been long established that secondary legislation, in particular statutory instruments, are susceptible to judicial review – even wholesale quashing – when they are ultra vires.

The Supreme Court has been created by the Constitutional Reform Act 2005. Since 1 October 2009 the new Supreme Court has taken over the role of the Appellate Committee of the House of Lords. There was no intention to make any changes in the powers of this court, they were neither to be increased or decreased. The basic aim of the reform was to make the separation of powers between the judiciary and the legislature more apparent and formal. Before the reform formally the highest court of the United Kingdom had been a committee of the House of Lords and the Law Lords were members of this house with – at least in theory – the right to take part in the legislative process. This aim to achieve a clear separation of powers was also influenced by the Human Convention on Human Rights requiring in its Article 6 (Right to a fair trial) the independence of the judiciary.

So the former Lords of Appeal in Ordinary became the first Justices of the Supreme Court. They remained members of the House of Lords but are unable to sit and vote in the House. There are twelve Justices of the Supreme Court, two of them come from Scotland (Lord Hope, the Deputy President, and Lord Reed) and one from Northern Ireland (Lord Kerr); one of the Justices is a woman (Lady Hale). Since the creation of the Supreme Court some of the former Law Lords have retired. Their successors have been appointed directly to the Supreme Court on the recommendation of a selection commission. On 1 October 2012 the then Master of the Rolls, Lord Neuberger, also a former Law Lord, has followed Lord Phillips as the new President of the UK Supreme Court.

On 1 October 2009 the Supreme Court heard the first cases in its new building, Middlesex Guild Hall, situated on Parliament Square just opposite the Houses of Parliament. This building, a former courthouse and then used by the Middlesex County Council for their administration and for council meetings, has been completely refurnished to host now the Supreme Court and the Judicial Committee of the Privy Council. The hearings there are now much better accessible to the public as it had been the case with the hearings in the House of Lords, held in a remote Committee Room of that House.

At the Supreme Court the cases are usually heard by a panel of five Justices, chaired either by the President or the Deputy President of the Court. The number of Justices can be increased to seven or nine depending on the importance and complexity of the case. The practice is to sit in larger panels if the Court
is being asked to depart from a previous decision, or there is a possibility to do so, or if the case raises significant constitutional issues or is for other reasons of great public importance. The Justices of the Supreme Court sitting on a case are not individualised in advance by a functional distribution schedule ("Geschäftsverteilungsplan"); they are selected under the supervision of the President and the Deputy President according to their special expertise and experience. For example the two Scottish Justices will regularly sit on all the cases on appeal from Courts in Scotland.

A distinct body is the already mentioned Judicial Committee of the Privy Council (JCPC), even if the Judges of the JCPC are usually Justices of the Supreme Court. The JCPC originated as the highest court of civil and criminal appeal for the British Empire. It now fulfils the same purpose for some current and former Commonwealth countries (mainly the Bahamas, Trinidad and Tobago, Jamaica and Mauritius), Crown dependencies (Jersey, Guernsey and the Isle of Man), remaining UK overseas territories (Bermuda, Gibraltar and the Falkland Islands) and military sovereign base areas. The JCPC also has a domestic jurisdiction in the very occasional appeals from a number of ancient and ecclesiastical courts. Five Judges normally sit to hear Commonwealth appeals, and three for other matters. Until October 2009, the JCPC heard these appeals in the Council Chamber in Downing Street. Today it shares Middlesex Guildhall and many administrative functions with the Supreme Court.

2. Court of Appeal of England and Wales, Royal Courts of Justice, London

The Court of Appeal, where I could also observe a hearing, is the second most senior court for England and Wales, with only the Supreme Court above it. The Court of Appeal's 37 Lord or Lady Justices hear in the Court's Criminal Division, lead by the Lord Chief Justice, criminal appeals from the Crown Courts, and in the Civil Division, lead by the Master of the Rolls, civil appeals from the County Courts and the High Court of Justice. In some cases the Civil Division also hears appeals against Tribunal decisions.

Permission to appeal to the Court of Appeal is required, either from the lower court/tribunal or from the Court of Appeal itself. Decisions of the Court of Appeal can be appealed to the Supreme Court if there is an arguable point of law of general public importance.

At the Court of Appeal most appeals are heard by panels of three Judges. The majority decision prevails. Each Judge is however entitled to deliver his own separate judgment.

3. High Court of Justice (Administrative Court), Royal Courts of Justice, London

The High Court for England and Wales deals – as opposed to the County Courts which are often referred to as the small claims courts (claims for debt repayment; personal injury; breach of contract concerning goods or property; family issues and housing disputes) – with higher level disputes within three divisions: these are the Queen’s Bench Division, the Chancery Division and the Family Division. The Queen's Bench Division of the High Court includes the Administrative Court dealing with claims for judicial review, i.e. cases where the decision of a public authority is challenged.

Most High Court cases are heard by a single judge; certain kinds of proceedings, especially in the Queen's Bench Division, are assigned to a Divisional Court, a bench of two or more Judges. High Court Judges – there are about 110 Judges in the High Court for England and Wales - are appointed by the Queen on recommendation of the Judicial Appointments Commission from qualified lawyers.

Before the High Court the litigants are normally represented by counsel. They may also be represented by solicitors qualified to hold a right of audience and they may also act in person.

4. First-tier and Upper Tribunal (Immigration and Asylum Chambers)

Besides the court system – parts of it have already been described – there is still another important forum to resolve legal disputes in the United Kingdom: the Tribunals. These Tribunals decide on a wide range of cases from workplace disputes between employers and employees to appeals against decisions of
Government Departments or other public authorities (including for example social security benefits, immigration and asylum law or tax issues). The Tribunals hear about a million cases each year, more than any other part of the Judicial System in the United Kingdom.

On 3 November 2008, the Tribunals, Courts and Enforcement Act 2007 came into force creating a new unified two-tier Tribunal system. It consists of a First–tier Tribunal and an Upper Tribunal, both of which are divided into various Chambers. In February 2010 the Immigration and Asylum Chambers were integrated in this Two-tier-structure. Each of the Chambers comprises similar jurisdictions or brings together similar types of experts to hear appeals. At the First-Tier Tribunal there are the Social Entitlement Chamber, the Health, Education and Social Care Chamber, the General Regulatory Chamber, the War Pensions and Armed Forces Compensation Chamber, the Tax Chamber, the Property Chamber and – last but not least – the Immigration and Asylum Chamber.

The Upper Tribunal (Administrative Appeals Chamber, Tax and Chancery Chamber, Immigration and Asylum Chamber and Lands Chamber) primarily, but not exclusively, reviews and decides appeals arising from the First–tier Tribunal. Like the High Court, it is a superior court of record. As well as having the existing specialist judges of the senior Tribunals judiciary at its disposal, it can also call on the services of High Court judges. For example, in some of the cases I observed at the Upper Tribunal (Immigration and Asylum Chamber), the panel consisted of a High Court Judge and a Judge of the Upper Tribunal. There is a further right of appeal on a point of law to the Court of Appeal (or in Scotland, the Inner House of the Court of Session) and thereafter in cases of general importance to the UK Supreme Court. So there is at that point a linkage between the Court and the Tribunal System.

Each First-tier Tribunal and Upper Tribunal consists of legally qualified members (Judges) and other members. Members have either transferred from existing tribunals or have been newly appointed. Most tribunal appointments are held on a fee-paid basis, but there are around 500 salaried tribunal judges. Most tribunal appointments are made through the Judicial Appointments Commission, and must meet the statutory qualification necessary for the particular tribunal. A person is eligible to be appointed as a judge of the First-tier Tribunal when he or she has a legal qualification and at least five years' post-qualification legal experience. A period of seven years' post-qualification is necessary to be appointed as a Judge at the Upper Tribunal. In both cases persons other than legally-qualified persons may be appointed if the have appropriate legal experience but not a relevant legal qualification. The tribunal judiciary and the common administrative services are overseen and lead by the Senior President of Tribunals.

III. The law of the hosting country

The "architecture" of the Court and Tribunal system in the United Kingdom is widely different from the Judiciary in my country. In Germany there is a strict distinction and separation between the five "branches" forming our Judiciary (Civil and penal law courts; (general) administrative law courts; tax and revenue law courts; social security law courts and labour law courts). Each of these "branches" has its own court system comprising generally two or three levels and also its proper internal appeal system; the cases – also when appealed – remain in the same branch. In the United Kingdom administrative law cases are either integrated in the general court system (High Court, Court of Appeal and Supreme Court) or are, as for example most of the cases on immigration and asylum law, transferred to the separate Tribunal system.

Within the UK Judiciary the Supreme Court is not only the final court of appeal for almost the whole range of issues from criminal law to civil law, including administrative law issues; additionally the cases appealed to the Supreme Court may – as already mentioned - come from each of the three legal systems of the United Kingdom. In the German judicial system the five Supreme Courts decide only on the legal issues of their own branch, with the Federal Constitutional Court above them to decide - in case of a reference - on the constitutionality of Acts of Parliament or on the question, whether a judgment of the courts below was in interference with the fundamental rights of a party to this case.
In the senior courts of the UK which I have visited (Supreme Court, Court of Appeal and High Court) the Justices and Judges are to a larger extent generalists in law as their corresponding colleagues in the German Courts. So for example the Judges of the High Court and the Court of Appeal, who I had met, were sitting in commercial law cases in one week and in administrative law cases in the next. On the other hand at the Tribunals specialisation is one of their characteristics.

For me it was most interesting to discover the distinction made in the UK Judiciary between Courts and Tribunals, a structural difference that does not exist in Germany, and to know more about the Tribunal system as such. I had not been aware of the large number of cases that are adjudicated by Tribunals and of the great variety of the specialised chambers within this system.

IV. The comparative law aspect in the exchange

Another remarkable impression when observing the hearings at the Supreme Court and at the Court of Appeal was the eminent role and also the considerable time granted to these oral hearings. This is – as I was told - part of the judicial tradition of the United Kingdom. In the United Kingdom for example – unlike to Germany – not only the proceedings in civil law cases but also those in administrative law cases are governed by the adversarial and not by the inquisitorial principle.

At the Supreme Court the oral hearings usually take two days, in some cases also three days or even longer. There is – the same in the Court of Appeal – no reporting judge, who prepares before the hearing for the other Justices of his panel a summary of the facts and issues of the case and also gives a proposition of the decision to be taken. There is – in difference to the practice at the Federal Administrative Court in Germany for example – only a rather brief pre-deliberation before the hearing. It is up to the litigant's counsel to present the facts and legal background first by written statements and appendices containing all the relevant authorities, and then in the oral hearing itself. These hearings have - at least at the senior courts - very often the character of a "learned seminar" with the counsel of each party going through the relevant precedents – putting the weight on different cases or on the same cases but with different conclusions - and with the Justices of the Court asking further questions or making remarks on the parties' submissions.

This is in pure contrast to the oral hearings I had observed at the Conseil d'Etat, the highest Administrative Court in France. There – as in France the procedure in administrative law cases is written and for that reason as a principle new legal arguments couldn't be brought forward in the oral hearing – the counsel regularly just refer to their written submissions. And also the Justices hearing the case keep silent. The only person presenting orally his opinion on the facts of the case and the possible solution is the "rapporteur public", the former "commissaire du gouvernement". But his submissions just represent his personal view and not - at least not necessarily - the Court's opinion.

The practice of the German Administrative Courts lies between these two patterns. The general rule for administrative law cases is that there has to be an oral hearing and that during this hearing the court shall discuss the issues with the parties (Section 103 of the German Code of Administrative Court Procedure). In the hearing the Presiding Judge will focus the discussion on the crucial issues of the case as seen by the court. He will also indicate, with the necessary restraint, the Justices' – provisional – opinion on these issues after the pre-deliberation. Oral hearings before the Federal Administrative Court when sitting as court of final appeal will rarely take more than one or two hours per case; more time will be given to the parties' submissions, when the Court is - as for example in airport building/extension or important road planning cases - sitting as court of first and last resort.

After a hearing at the UK Supreme Court the Justices will deliberate. In this discussion they exchange - rather briefly again - their respective points of view whether or not to allow the appeal; the last appointed of the Justices will start. One of the Justices is then individualized to write the "leading" judgment reflecting the majority's opinion. The other Justices can add – if they want - their individually written judgements with concurring or dissenting opinions. In other cases it is added at the start of the "leading" judgment that and who of the other Justices agree. The Justices of the Supreme Court have rejected
suggestions that they should strive to arrive at a single judgment in all cases; they value their independence from each other and their right to say what they believe.

In German Courts it is again the Reporting Judge who will write the judgement according to the result found by the majority of the panel. The other judges will read his draft judgement, they can make amendments or changes; in the end it is the majority that decides on the reasoning in the written judgment. So the judgements of German courts will be single judgements. An exception to that is the German Federal Constitutional Court; there the Justices may add a concurring or dissenting opinion to the majority judgment.

V. The European aspect of the exchange

European law, particularly the European Convention on Human Rights, played – as the brief description of the cases already given may illustrate - an important role in many of the cases I have observed. As the United Kingdom has no written constitution and in particular no written catalogue of fundamental rights as for example that in the German Basic Law, all the issues that would be discussed before German Courts with reference to the fundamental rights of the Basic Law are discussed in UK legal disputes with a view to the rights in the European Convention on Human Rights. This became particularly apparent when comparing the German judgments in the cases on the pre-entry language requirements in immigration law on the one hand with the judgment of the High Court, been appealed to the Court of Appeal, on the other hand.

VI. The benefits of the exchange

For me as a German Judge with a continental law background it was very interesting and inspiring to compare the structures of the judiciary as well as the way of thinking and the working methods of the Judges in the United Kingdom with ours. I appreciated the opportunity that I was given during this exchange visit: to have an insight view of how the Justices and Judges at the UK courts and Tribunals prepare their cases and which are the fundamental principles of the court/tribunal proceedings. On many occasions I could discuss with my British colleagues and try – in exchange - to explain the principles and practices of our judicial system to them. After my return to Germany I found my colleagues at the Federal Administrative Court very interested to hear about the observations and experiences during my exchange visit in the United Kingdom.

VII. Suggestions

I'm very grateful that I could take part in the ACA Europe Judicial Exchange Programme. For me these two weeks in UK Courts and Tribunals were and still are an extremely enriching and inspiring experience. In my view this type of exchange is an excellent way to come to a better understanding of the legal culture and the judicial systems of our European partners and to build up by personal contacts a judicial network.

Finally I would like to thank all the Justices and Judges who I had the opportunity to meet and to talk to for their warm and open welcome and also for the time they took to answer my questions. I also give my thanks to Ms Jenny Rowe and to Ms Ayo Onatade of the UK Supreme Court for the extremely interesting programme they had prepared for my visit.
ANNEX
GUIDELINES FOR DRAFTING THE REPORT

I- Programme of the exchange
Institutions you have visited, hearings, seminars/conferences you have attended, judges/prosecutors and other judicial staff you have met…
The aim here is not to detail each of the activities but to give an overview of the contents of the exchange.
If you have received a programme from the hosting institution, please provide a copy.

II- The hosting institution
Brief description of the hosting institution, its role within the court organisation of the host country, how it is functioning…

III- The law of the host country
With regard to the activities you took part in during the exchange, please develop one aspect of the host country’s national law that you were particularly interested in.

IV- The comparative law aspect in your exchange
What main similarities and differences could you observe between your own country and your host country in terms of organisation and judicial practice, substantial law..? Please develop.

V- The European aspect of your exchange
Did you have the opportunity to observe the implementation or references to Community instruments, the European Convention of Human Rights,...? Please develop.

VI- The benefits of the exchange
What were the benefits of your exchange? How can these benefits be useful in your judicial practice? Do you think your colleagues could benefit of the knowledge you acquired during your exchange? How?

VII- Suggestions
In your opinion, what aspects of the Exchange Programme could be improved? How?