



LORD CHIEF JUSTICE
OF ENGLAND AND WALES

**THE RIGHT HON. THE LORD THOMAS OF CWMGIEDD
LORD CHIEF JUSTICE OF ENGLAND AND WALES
SWEARING IN OF THE LORD CHANCELLOR**

21 JULY 2016, COURT 4, ROYAL COURTS OF JUSTICE

1. My Lord Chancellor, it is a pleasure to welcome you to court today. It is also a pleasure to welcome your husband Hugh, daughters Frances and Liberty and other members of your family on this great – historic – occasion. As we were reminded by our former Prime Minister, it is very often our families who make enormous sacrifices. I am extremely glad to be able to welcome both you and your family on this special day.
2. The swearing in of a new Lord Chancellor is, of course, always an historic occasion. Today is no exception. The office of Lord Chancellor spans the history of our nation. It can be traced back to Anglo-Saxon times. It has survived civil war, restoration, 19th century industrialisation and, more recently, constitutional reform. It remains central to our constitution.
3. At one time only members of the clergy were appointed Lord Chancellor. The Empress Matilda put an end to that monopoly when she gave her Great Seal into the keeping of a layman, William Fitzgilbert. At the time there were two monarchs, two Great Seals, and two Lord Chancellors to have custody of them.
4. At other times, and in fact for most, but not all, of its history following the time Sir Thomas More was Lord Chancellor it was only ever held by a lawyer. That, of course, changed in 2012, when your predecessor-but-one was appointed and given custody of the Great Seal. Times change and My Lord Chancellor's great office changes with them.

5. Today another longstanding monopoly has been swept away; and it is plainly not before time. It is one that has stood since 1254. Why 1254? In that year, we are told William de Kilkenny was appointed Lord Chancellor by Eleanor of Provence, Queen consort of Henry III.
6. The question though is who was William de Kilkenny's predecessor? If a monopoly has stood from his appointment, what was the difference between the two? A quick look to Wikipedia won't, unusually, provide the right answer. It tells us, misleadingly, that William was Lord Chancellor from 1250 to 1255 and that his immediate predecessor was Sir John Lexington. We must turn to Lord Campbell, a 19th century Lord Chancellor, who in his retirement wrote a multi-volume scholarly, but at times gossipy, history of this great office of State - *The Lives of the Lord Chancellors* - for the answer; and the answer is Eleanor of Provence.
7. In 1253 Henry III was about to embark on a short military expedition to Gascony. He had a rebellion to deal with. Rather than retain Sir John Lexington, who was then Lord Chancellor, in office he appointed Eleanor of Provence, his Queen, as Lady Keeper of the Great Seal; one who would during his absence exercise all powers of that office and that of Lord Chancellor: ministerial and judicial, sitting as a judge in the *Aula Regia*. Her Commission, as Lord Campbell makes clear, remains extant.
8. We know a little more about Eleanor of Provence from Matthew Paris. Not the well-known political commentator, but the thirteenth century Benedictine monk of St Albans and his *Historiae Anglorum*. Eleanor of Provence's twentieth century biographer summaries the evidence. She had formidable political skills, was courageous, indomitable in adversity, resolute and practical. She was acclaimed by thirteenth century contemporaries as a "warrior heroine".

9. Eleanor of Provence remained Lady Keeper until she resigned the office in 1254, at which point Willian de Kilkenny succeeded to the office of Lord Chancellor.
10. My Lady, you are the first female custodian of the Great Seal since Eleanor of Provence was Lady Keeper. You *are* the first female Lord Chancellor. Today *is* an historic occasion. It marks another step in the evolution of your great office, one that has for so long formed and continues to form the fulcrum between the judiciary and government, has served to defend and secure the due administration of justice, and maintained the rule of law. It is a step long, indeed very long, overdue. We are delighted that you are here today at the Royal Courts of Justice at this significant constitutional occasion at which you have taken the oaths of office.
11. My Lord Chancellor it is readily apparent that you have had to date a distinguished career which has demonstrated your great skills and wide experience. Having been educated in Scotland, Canada and England, you read Philosophy, Politics and Economics at Merton College, Oxford. You then worked in a number of commercial roles in industry, before qualifying as a management accountant and taking up a role as Deputy Director of the think tank '*Reform*'. In the latter role you not only argued for increased rigour in academic standards, but also were particularly concerned with how best to tackle serious and organised crime. You entered Parliament for South West Norfolk in 2010, served on the Justice Committee of the House of Commons, were Parliamentary Under-Secretary of State at the Department for Education from 2012 to 2014 and you served as Secretary of State for the Environment, Food and Rural Affairs from 2014 to 2016. If that were not impressive enough, you have also co-authored a number of books whilst in Parliament.
12. We very warmly welcome you to your new office today. As Lord Chancellor and as Lord Chief Justice we have a shared constitutional responsibility to ensure justice is at the centre of our society; to secure access to justice for all whatever their means or abilities; to provide the where-with-all through which the judges can administer justice openly and swiftly without fear or favour,

affection or ill-will. The radical reform programme is well underway to affirm our world leadership in the delivery of justice and to underpin the common law's international role. We look forward very much to working with you and your team of Ministers in all these tasks so vital for wider social justice and the increased prosperity in our nation state.