



LORD CHIEF JUSTICE
OF ENGLAND AND WALES

THE RIGHT HON. THE LORD BURNETT OF MALDON

SWEARING IN OF THE LORD CHANCELLOR
COURT 4, ROYAL COURTS OF JUSTICE

18 January 2018

My Lord Chancellor, it is my great pleasure to welcome you here today on behalf of Her Majesty's Judges and to receive your affirmation on taking office as Lord High Chancellor of Great Britain. It is an historic office, a great office of state and an office of single constitutional importance. We are particularly delighted to welcome your mother, Susan, wife, Rachel, and sons, William, Robert and Henry, to share in our pleasure at witnessing the beginnings of the next step in your most distinguished career.

The offices of Lord Chancellor and Lord Keeper of the Great Seal are ancient, but this ceremony is a recent development that reflects the constitutional evolution of the office in recent times. We greet you in our full ceremonial robes, not that often worn, perhaps a little over dressed for some. But the solemnity of this occasion is designed to reflect the most important position that the office of Lord Chancellor occupies in our constitutional settlement. That importance is reflected in the statutory oath which we have just heard. All Ministers are required by the Constitutional Reform Act to uphold the independence of the judiciary but you, my Lord Chancellor, have a special duty to defend that independence, as well as to respect the rule of law and ensure the necessary resources for the courts and tribunals for which you are responsible.

Your appointment had many lawyers and legal historians dusting down their copies of Lord Campbell's great work, 'The Lives of The Lord Chancellors'. He was, of course, Lord Chancellor himself and also Lord Chief Justice. His work on 'The Lives of The Chief Justices' alas attracts less attention. Lord Campbell's work is consulted because parallels may be found between any new Lord Chancellor and one or more of his or her predecessors.

My Lord Chancellor, you are an East Anglian man, indeed an Ipswich man, and was there educated at Northgate High School. You are not, of course, the first Lord Chancellor from Ipswich. One of that town's most famous sons was Thomas Wolsey, Cardinal Archbishop of York and Lord Chancellor to Henry VIII. Sadly, the emoluments of your office will not enable you to live in the style to which he became accustomed, to build palaces, or to endow schools and colleges.

From Ipswich, you went to St Edmund Hall, Oxford to study law. You determined on a career in the law and qualified as a solicitor, training with Richards Butler, and then practising in corporate law with Macfarlanes from 1997 to 2005. But the lure of politics was strong. In 2005, you were elected as Member of Parliament for South West Hertfordshire, a seat you have held at each of the subsequent general elections. You served on both the Procedure Select Committee and the Treasury Select Committee before being appointed a Shadow Treasury Minister in 2007.

That experience, my Lord Chancellor, propelled you to the Treasury following the general election in 2010. You were appointed Exchequer Secretary, an office you held until 2014. You then became Financial Secretary, in 2014, before entering the cabinet as Chief Secretary to the Treasury in 2016. You slipped free of the Treasury last year when you were appointed as Secretary of State for Work and Pensions.

One question which excited the legal *Twitterati* 10 days ago when your appointment was announced was whether you were the first solicitor to be Lord Chancellor. One suggestion that was mooted was that Sir Thomas More had started life as a solicitor. That caused collective apoplexy in Lincoln's Inn and does not appear to have been the case. A more hopeful possibility was Edward, Lord Thurlow. He was Lord Chancellor for 14 years between 1778 and 1792 under four different Prime Ministers. He certainly did articles with a solicitor. At the time, this was a common feature of the training of barristers, but I believe that he did not qualify as a solicitor. In the nineteenth century, another possibility was Edward Sugden, Lord St. Leonards. He was Lord Chancellor for a brief ten months in 1852, much ahead of his time in serving for months rather than years. He began his career working as a solicitor's clerk, but he too did not qualify and was instead called to the bar.

More promising still was Thomas Wilde, Lord Truro. In 1805 he was admitted as an attorney. That was undoubtedly the equivalent of a solicitor. That side of the profession was divided between solicitors and attorneys, solicitors practising in the Equity Courts and attorneys practising in the Common Law Courts. That distinction was swept away in the 1870s along with many other cobwebs surrounding the legal profession and courts, and the single profession of solicitor emerged. But, my Lord Chancellor, I readily recognise that entering an equivalent profession is not the same as qualifying as a solicitor.

So, with some confidence, and subject to contradiction from the President of the Law Society or 1,000 tweets before we leave this court, we can take it that you are indeed the first solicitor to have achieved the great office of Lord Chancellor. That is a distinct achievement of which both you and the profession can be justly proud. Your legal experience as a solicitor will bring fresh insight and a new perspective as you discharge the obligations and responsibilities of your office.

Your work as a solicitor will also have left you with a clear understanding of the central importance of well-functioning and properly funded courts and tribunals, and a vigorous legal profession, in securing the rule of law and access to justice, both of which underpin social and economic growth and stability.

As we prepare to leave the European Union, we must ensure that appropriate legal instruments are in place to provide necessary continuity and to support our courts and legal profession in their pre-eminent position in international and commercial dispute resolution. You will also understand the importance of promoting English law as the law of choice for contracts worldwide and the flexibility that the Common law offers in a fast-developing commercial world.

One question which few people seem to have asked themselves is whether you are the first Secretary of State for Work and Pensions, or equivalent, to have been appointed Lord Chancellor. I think not. In October 1944, Sir William Jowitt was appointed Minister of National Insurance at the head of the then, newly formed, Ministry of National Insurance in the wartime coalition government. The Department for Work and Pensions is the lineal descendant of that Ministry. Sir William remained there for only seven months. That has a familiar ring. But, following the general election in 1945, he was appointed Lord Chancellor by Clement Attlee. You too, my Lord Chancellor, served for seven months as head of the Department of Work and Pensions and you too have been appointed Lord Chancellor. Lord Jowitt, as he became, remained Lord Chancellor

until the next general election in 1951, a period of six years. Might I be allowed to whisper that stability in office of that sort has its advantages.

We now have fixed term parliaments, subject of course to events, and the next is scheduled for 2022. We look forward in the years ahead to developing a strong, productive and harmonious working relationship with you. My Lord Chancellor, on behalf of the judiciary I congratulate you and welcome you warmly to your office.