

Swearing-in Ceremony
The Lord High Chancellor of Great Britain
24 May 2023

My Lord Chancellor, it is our great pleasure to welcome you to court today to receive your oaths as Lord High Chancellor of Great Britain. It is also our pleasure to welcome your wife Sarah Beslee, your daughters Emma and Lara and your son Finn who at only two has not reacted at all badly to his father emerging in unconventional dress. Does that suggest you have been practising at home in the few weeks since your appointment? We also welcome your father and step-mother and other members of your family to share in this historic occasion and a very special day.

You have arrived in the office of Lord Chancellor with a wide range of experience both legal and political. After history at Oxford, you converted to law and were called to the bar by the Middle Temple in 2001. You started your practice at 6 Pump Court known then especially for its clinical negligence work and then embarked on a very high-quality criminal practice at 6 KBW undertaking cases well beyond the usual for your chronological call. And there you practised until you were elected to Parliament as member for Cheltenham at the general election of 2015. We first encountered each other when you were on the Justice Select Committee along with Madam Attorney under the gentle tutelage of its chairman then as now, Sir Robert Neill. Your first ministerial role came in February 2020 as Parliamentary Under-

Secretary of State at the Ministry of Justice. That timing was not perfect. Within a month coronavirus had swept the nation and we were in lockdown. The period that followed was one of the most difficult in the history of our courts. The closest of harmonious working relationships between the judiciary, ministers and officials in the Ministry of Justice and His Majesty's Courts and Tribunals Service resulted in the courts continuing to function in all jurisdictions, including the Crown Court, with remarkably nimble adaptations of working practices. We continue to suffer the scars of that period but they might have been much worse. In September 2021, after a brief spell as prisons minister, you were appointed Solicitor General for England and Wales. My Lord Chancellor, you resigned as a matter of principle from that office on 5 July 2022 and may well have thought "that was that" so far as ministerial office was concerned. But the turbulence of government over the last year saw you return as Minister of State for Defence Procurement in October 2022.

I take heart from that because you became used to signing very large cheques.

The office of Lord Chancellor, to which you were appointed on 21 April, is a fixture in our constitutional firmament spanning our history from Anglo-Saxon times, first of England and then of Great Britain and the United Kingdom. The role has changed over the centuries. Unlike other cabinet ministers you have among your predecessors saints and

countless archbishops and bishops but, perhaps more in the political mainstream, also one or two noted sinners. The list of Lord Chancellors shows a tilt towards the appointment of laymen, predominantly lawyers rather than clerics, from the Reformation. In common with many of our constitutional foundations, the Glorious Revolution at the end of the 17th century saw the Lord Chancellor exercising both political and judicial functions which cemented over the course of the following 300 odd years. The Lord Chancellor was a cabinet minister with great authority, albeit in the House of Lords where he was presiding officer or speaker. He had departmental responsibilities relating to the administration of justice. He was also head of the judiciary sitting as a judge and making judicial appointments.

The anomaly of reposing in a single individual, apex roles in the legislature, judiciary and executive called for change and was dealt with first by executive action and then by legislation. When Lord Falconer became Lord Chancellor in 2003 a concordat was agreed with the judiciary and was followed by the Constitutional Reform Act 2005. Plans to abolish the office of Lord Chancellor proved impossible. Instead, presiding in the chamber of the House of Lords became the function of the Lord Speaker; the Lord Chief Justice became head of the judiciary; the Lord Chancellor was no longer a judge nor even necessarily a lawyer; the Judicial Appointments Commission was created to make recommendations for appointment

and the Supreme Court was created so that the final court of appeal would no longer be a committee of the House of Lords.

Despite the profound legislative changes to the role, the Lord Chancellor remains the constitutional lynchpin between executive and judiciary. It is the Lord Chancellor who is charged particularly with defending the independence of the judiciary and who solemnly undertakes to do so in the oath of office. That entails a duty to engage publicly on behalf of the judiciary in the rare circumstances when public attacks are launched upon the judiciary as a whole or upon individual judges. It calls for Lord Chancellors to bring to the cabinet table not only their political experience and judgment as Secretary of State for Justice but also, as Lord Chancellor, their enhanced duty with respect to the rule of law and judicial independence.

There are also countless functions that we exercise jointly or on which one of us consults the other, including judicial discipline and internal appointments to leadership roles, rulemaking and much more. The Lord Chancellor retains responsibility for judicial terms and conditions and for advancing policy in Government which results in legislation to improve the way in which the courts and tribunals operate. In every Parliament there is need for what might be described as a bill to deal with constitutional plumbing as well as constant law reform pressures.

The functions of Lord Chancellor in a modern age might be thought enough to keep a minister fully occupied. The original concept of a Department for Constitutional Affairs did just that. But then along came prisons bringing with it an obvious potential conflict of interest and problems themselves enough to consume the energies of a superhuman. That marriage may not have been made in heaven. When political breathing space allows, the time may well have come for the role of Lord Chancellor to be looked at again. The question is whether the current arrangements appropriately serve the administration of justice which is one of the building blocks of society. It always was a destination job with incumbents often serving for a whole Parliament or more; but that is no longer the case.

In the 20 years since Lord Falconer assumed office, there have been 13 Lord Chancellors, one twice. In the preceding 64 years going back to the outbreak of the Second World War there were 13 Lord Chancellors, one twice and including one who died very shortly after his appointment. That tells its own story. My Lord Chancellor, you are my seventh in just under six years, albeit one twice. You, I hope are my last otherwise I would find myself, somewhat surprisingly, with something in common with Elizabeth Taylor. She has eight husbands – one twice.

Should a calm debate about the role of Lord Chancellor ever be held I would be happy to contribute from the equivalent of the judicial back benches.

In the meantime I should say, my Lord Chancellor, that by common consent (in which I include journalists and sketch writers in our newspapers) we welcome you as a Lord Chancellor steeped in our constitutional arrangements, the rule of law and the independence of the judiciary, acutely aware of the centrality of the role of Lord Chancellor to the administration of justice and ready to discharge the onerous duties imposed on you by the Constitutional Reform Act.

On behalf of the judiciary may I congratulate you on your appointment. We look forward very much to working with you and your team of ministers in all the tasks so vital for wider justice and the increased prosperity of our nation state.