

RIGHTS OF THE SOVEREIGN AND THE DUCHY OF CORNWALL BILL [HL]

EXPLANATORY NOTES

INTRODUCTION

1. These explanatory notes relate to the Rights of the Sovereign and the Duchy of Cornwall Bill [HL]. They have been prepared in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by Parliament.
2. The notes need to be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. So where a clause or part of a clause does not seem to require any explanation or comment, none is given.

BACKGROUND

3. The purpose of the Bill is to clarify the operation of the Sovereign Grant Act 2011, amend the status of the Duchy of Cornwall and the inheritance rights to the title, and remove the practice of seeking the approval of the Monarch, the Prince of Wales, the Duke of Cornwall and the Regent to consideration of public bills in so far as they affect their private interests.

COMMENTARY ON CLAUSES

Clause 1 – Amendment to the Sovereign Grant Act 2011

5. Subsection (2) allows the Sovereign Grant to be used to provide funding for the support of the Duke of Cornwall's Royal duties in addition to those of the Queen. This is necessary for when the Duke of Cornwall loses the income from the Duchy under Clause 2 (3) of this Bill.
6. Subsection (3) restricts the recipients of the Royal Travel Grant to six persons rather than the present 12. The number six was chosen to align with the number of relations of the Monarch whose must obtain the consent of the monarch to marrying, as set out in the Succession to the Crown Bill.

Clause 2 – Amendments to the Duchy of Cornwall estate

7. This clause makes provision for the eldest child of the monarch to hold the title of Duke of Cornwall regardless of the gender of the child. It follows the policies set out in the Succession to the Crown Bill which allows the eldest child of the monarch to succeed to the throne regardless of gender.

8. This clause also requires the assets of the Duchy of Cornwall to be transferred to a public trust for the benefit of the people of Cornwall and the Isles of Scilly. It seeks to regularise the status of the Duchy. It would also mean that the Trust would be liable to pay tax, be subject to the Freedom of Information Act, required to comply with environmental and adopt housing and leasehold policies and other legislation as a public body with no Crown Immunity. It would not be able to obtain free legal advice from the Treasury Solicitor.

9. No income would be transferred from the Trust to the Prince of Wales who would instead receive income under the Sovereign Grants Act 2011 as set out in Clause 1.

Clause 3 – Removal of Queen’s and Prince’s Consent

10. This clause would stop the current practice of the monarch and the heir to the Throne to be consulted on legislation that might affect their private interests.

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*These notes refer to the Rights of the Sovereign and the Duchy of Cornwall Bill [HL]
as introduced in the House of Lords on 13th May 2013
[HL Bill 15]*

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