



House of Commons  
Justice Committee

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# Public Appointments: Lord-Lieutenants and High Sheriffs

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**Sixth Report of Session 2007–08**

*Report, together with formal minutes, oral and  
written evidence*

*Ordered by The House of Commons  
to be printed 15 July 2008*

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## The Justice Committee

The Justice Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Ministry of Justice and its associated public bodies (including the work of staff provided for the administrative work of courts and tribunals, but excluding consideration of individual cases and appointments, and excluding the work of the Scotland and Wales Offices and of the Advocate General for Scotland); and administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers).

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Dr Alan Whitehead MP (*Labour, Southampton Test*)

### Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via [www.parliament.uk](http://www.parliament.uk)

### Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House.

All publications of the Committee (including press notices) are on the internet at [www.parliament.uk/justicecom](http://www.parliament.uk/justicecom)

### Committee staff

The current staff of the Committee are Roger Phillips (Clerk), Dr Rebecca Davies (Second Clerk), Ruth Friskney (Adviser (Sentencing Guidelines)), Ian Thomson (Committee Assistant), Hannah Stewart, (Committee Legal Specialist), Sonia Draper (Secretary), Henry Ayi-Hyde (Senior Office Clerk), Gemma Buckland (Committee Specialist) and Jessica Bridges-Palmer (Committee Media Officer).

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# 1 Introduction

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1. In July 2007 the Prime Minister launched his Green Paper on the Governance of Britain.<sup>1</sup> The subsequent White Paper and Draft Bill (which are primarily the departmental responsibility of the Ministry of Justice) were published in March 2008.<sup>2</sup> Part of our scrutiny of the Governance of Britain proposals has focused on the system for public appointments. Much of the motivation for change in this area has arisen from the Government's desire to remove the Prime Minister's (or other Ministers') role in connection with non-political appointments.

2. Although we applaud the general move to depoliticise non-political appointments and to modernise the systems for appointing to official posts, the Government is still responsible for ensuring that systems for all public appointments are transparent and that such posts are open to as wide a range of applicants as possible in order to widen opportunities and to enable the post holders as a whole to be representative of our society. It is important that this approach should be applied to largely ceremonial posts which represent the Queen and communities, and are often in the public eye. The symbolic impact of these posts, and the picture they present of diversity in public appointments, should not be underestimated.

3. We note the Nolan Committee's First Report on Standards in Public Life, which recommended (in relation to Executive Non-Departmental Public Bodies and National Health Service Bodies) inter alia that: all public appointments should be governed by the overriding principle of appointment on merit; no appointment shall take place without first being scrutinised by a panel which must include an Independent Assessor; and the principles of Open Government must be applied to the appointments process, its workings must be transparent and information must be provided about appointments made.<sup>3</sup> In both the public sector and the not-for-profit sector, part-time and voluntary positions are now also widely subject to similar procedures and publicly advertised. **In our view, the broad principles set out by the Nolan Committee in relation to public appointments should be applied wherever possible to all public offices, including largely ceremonial ones which are not remunerated.**

4. On 29th February the Committee received a memorandum from the Ministry of Justice on appointments to official offices.<sup>4</sup> This covered progress with the Government's plans for reform of Ecclesiastical and Academic Appointments, based on proposals contained in the Governance of Britain Green Paper, and Government policy on reform of the system of appointment of High Sheriffs and Lord-Lieutenants, including a description of the manner in which holders of both of the latter type of office are recruited. We subsequently took oral evidence from Michael Wills MP, Minister of State, Ministry of Justice. After the oral evidence session we received memoranda from Sir Thomas Dunne KG, KCVO, Chairman

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1 Ministry of Justice, *The Governance of Britain*, Cm 7170, July 2007

2 Ministry of Justice, *The Governance of Britain—Constitutional Renewal*, Cm 7342-I & II, March 2008

3 First Report, Cm 2850-I, July 1995

4 Ev 13

of the Association of Lord-Lieutenants,<sup>5</sup> and Mr Patrick Dent DL, Chairman of the High Sheriffs' Association of England and Wales.<sup>6</sup>

5. Mr Wills told us that he intended to give further consideration to these matters,<sup>7</sup> so we decided to publish this brief Report in the light of the evidence which we received relating to Lord-Lieutenants and High Sheriffs and the method of selection of candidates to serve in these roles. It enables us to publish the evidence with our interim assessments, pending further consultation by the minister.

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5 Ev 17

6 Ev 19

7 Q 41ff

## 2 Lord-Lieutenants

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### What they do

6. Lord-Lieutenants are unpaid and bear certain office-related costs themselves. The role is practical as well as ceremonial and is expanding in scope and activity.<sup>8</sup> Lord-Lieutenants are the personal representatives of the Sovereign in their areas. They co-ordinate Royal visits and liaise with the Royal Households on a range of matters. They give active support to the voluntary, community and charitable sectors. In many parts of England and in Wales they chair the Lord Chancellor's Advisory Committees which appoint, and oversee the conduct of, magistrates. They, or their deputies, often play a part in citizenship ceremonies. Every Lieutenancy is, however, different (whether because of geography; population density; or local economy) and the success of the role depends on each Lord-Lieutenant having the discretion to run the Lieutenancy independently.<sup>9</sup>

### How they are appointed

7. Lord-Lieutenants are appointed by the Queen on the advice of the Prime Minister. A final decision, in the light of the Green Paper on the Governance of Britain, on whether any change in the arrangements for their appointment is required, will be taken shortly.<sup>10</sup> The system for appointing Lord-Lieutenants varies throughout the constituent countries of the United Kingdom:

- In England the Prime Minister's Secretary for Appointments carries out extensive consultations in the county or city concerned, especially amongst those who play a prominent part in the life of the community and drawing on a range of representative bodies and other institutions, including the retiring Lord-Lieutenant, the area's MPs and local authorities. The consultations have widened over the years. The purpose of these soundings is primarily to establish the local needs in terms of the Lieutenancy and to build up a list of possible candidates for consideration for the post. The outcome is reported to the Prime Minister, including a short list of leading candidates.
- In Scotland, at least 3 nominations must be submitted by the out-going Lord-Lieutenant, having taken soundings as appropriate, to the First Minister who in turn makes a recommendation to the Prime Minister. Consideration is being given to extending the appointment process to include a wider range of people within the local community who might be expected to hold a view as to suitable candidates for appointment.
- In Wales, the Secretary of State for Wales invites the First Minister to nominate a successor candidate. The consultation process in Wales is broadly similar to that in England, and ends with the First Minister recommending the lead candidate to the Secretary of State who forwards this recommendation to the Prime Minister.

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8 Ev 18

9 Ibid

10 Ev 13

- In Northern Ireland there has traditionally been less widespread consultation, though soundings are taken in the county or county borough concerned, including with the outgoing Lord-Lieutenant. A number of Lord-Lieutenants are due to retire in 2009 and Northern Ireland is looking at ways to increase the degree of consultation in arriving at recommendations for future appointments. The Secretary of State puts a nomination to the Prime Minister.

8. Sir Thomas Dunne, writing on behalf of the Lord-Lieutenants Association, praised the contribution of successive Prime Ministers to the appointment process:

The Queen appoints Her Lord-Lieutenants on advice from the Prime Minister and we expect this to remain the case after the implementation of the *Governance of Britain*. Until now, the Prime Minister's Secretary for Appointments has carried out the consultations as to whom should be appointed. The Appointments Secretary has always consulted the retiring Lord-Lieutenant but only as part of a much wider consultation; and the Lord-Lieutenant has no more influence than anyone else. The Lieutenancy draws much strength from this system and we welcome the authority which selection by the Prime Minister's office has given us in our counties. That we have been recommended to The Queen by the Prime Minister following a process over which he has personal control has helped each of us to establish our ground and authority locally: our proximity to the Prime Minister's office increases our effectiveness.<sup>11</sup>

He added:

Both John Major and Tony Blair nudged the tiller on the character of person appointed Lord-Lieutenant. Their interest and changes have helped to preserve the utility of our office, continuing its development as a real role in support of the Crown. It is unlikely that this refreshment would have happened as well or as sensitively if the appointments process had not been so directly and closely connected with the Prime Minister himself.<sup>12</sup>

9. As we have seen in other areas, such as the appointment of QCs or judges, the patronage available to a determined Minister can be successfully applied to ensuring greater diversity in the range of successful candidates for public office. Sir Thomas Dunne remarked that he had written to the Prime Minister in February [2008] to set out the Association's hopes for the characteristics of a system to replace the Appointments Secretary in the light of the Government's intention to abolish that office. The Prime Minister replied in April to offer Sir Thomas a discussion with the Permanent Secretary but that discussion had not yet taken place.<sup>13</sup>

10. We raised the issue of diversity with the Minister. Mr Wills told us that about a third of Lord-Lieutenants were women, although only one came from a BME background.<sup>14</sup> When we pressed the Minister about the real diversity within the ranks of the Lord-Lieutenants

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11 Ev 18

12 Ibid

13 Ibid

14 Q 10

his reply was less convincing. We asked him about diversity of background in terms of social class or extending appointments beyond those who are very wealthy and he said:

I think you are in very difficult territory now. I think we can be pretty precise about definitions of gender and ethnic minority communities—those sorts of things have pretty consensual definitions. Social class is much more difficult to define in any kind of categorical way, so I think that would be a mistake, if I may say. However, we do have to make sure, however we define it, that we have [...] properly representative Lord-Lieutenants. There are other things that are important to bear in mind for Lord-Lieutenants because of their functions, which are to try and represent Her Majesty in these communities. They tend to have to be people who are generally well respected, and that will generally tend to mean that they are older and they have achieved a certain status in life.<sup>15</sup>

**11. We regret that the Minister was not inclined to measure diversity outside the easy-to-measure categories of ethnic origin or sex. This approach is insufficient, especially in relation to traditional ceremonial offices. The reality is that ceremonial offices such as that of Lord-Lieutenant are associated in the public mind with a narrow band of people in society. If such offices are to retain credibility as representative links between the Crown and communities then this must change.**

12. The Minister was unable to provide clear answers to questions relating to the ability of people of modest financial means to carry out the function of Lord-Lieutenant.<sup>16</sup> This is a real problem, as acknowledged by Sir Thomas Dunne:

In this context, the [Justice Committee evidence session with Mr Wills] rightly raised the issue of the cost of being a Lord-Lieutenant. (I should first say that shire Lieutenancies receive excellent administrative support from their local authorities: the chief executive is usually appointed clerk of the Lieutenancy. This is both cost-effective for central Government and practically efficient because it connects the Lord-Lieutenant to a tremendous information network.) We are not, and would not want to be, paid: our time must be given voluntarily. It is however the case that, as the Government broaden the social pool from which we are drawn, Lord-Lieutenants are no longer able or willing personally to subsidise the cost of performing their duties. A scheme for the reimbursement of expenses such as mileage, drivers, personal secretarial support and the maintenance of our uniforms is instrumental to the practical success of the Government's policy of diversifying Lieutenancy appointments. The Ministry of Justice administers just such a reimbursement scheme, but it is out of date.

The Ministry is about to uprate certain of these allowances after a request I made in March 2007 (the first for a long time). I am grateful for the Ministry's attention, especially at a time when departmental budgets are under ever-tighter constraints. But the Ministry has not been able to respond to our request in full; nor have they yet been able to make provision for future annual consultation and, if necessary,

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15 Q 14

16 Qq 16-23

revision. This is in contrast to the admirable arrangements put in place by Her Majesty's Courts Service for the reimbursement of magistrates' expenses. I hope you might agree that a proper and up-to-date scheme of reimbursement expenses is vital to the success of the Lieutenancy, especially if the Prime Minister is to continue to recommend for appointment people who are not only able to maintain the dignity of their historic office representing The Queen, but are able to take that office forward with continued relevance.<sup>17</sup>

**13. We regard the principle that offices such as Lord-Lieutenant should be available to be filled by the widest range of people as being of great importance. However, if there is insufficient support to provide for reasonable expenses for holding the office then in effect only people with their own considerable private financial resources will be able to hold such positions. This places far too great a restriction on the range of people from which a Lord-Lieutenant can be chosen.**

## 3 High Sheriffs

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### What they do

14. The role of High Sheriffs in England and Wales is largely ceremonial. They are appointed for a year only and their work is unpaid, except for a nominal court attendance allowance. An important part of the High Sheriff's traditional role is to welcome and entertain the judges, formerly when they arrived for the Assizes. This role has been maintained in a more limited way in the modern Crown Court system: the High Sheriff meets the judges and attends the court. A High Sheriff therefore serves as a representative of the local community to visiting judges. Many High Sheriffs have been involved in initiatives to support the criminal justice system and to promote crime prevention, particularly among young people. In county constituencies the High Sheriff is the Parliamentary elections returning officer, although the role is actually carried out by a local authority senior officer as Acting Returning Officer. A few High Sheriffs, like Mayors in Borough constituencies, announce the result at the end of the count in a Parliamentary elections. High Sheriffs, like Lord-Lieutenants, are expected to attend in uniform at a wide range of public events. The general expenses of the office—which can be considerable—are borne personally by the holder.<sup>18</sup> The sole legal requirement for appointment as High Sheriff is to own property in the County.<sup>19</sup>

### How they are appointed

15. The selection of people suitable to serve as High Sheriff in the future is the personal responsibility of the serving High Sheriff. There are no current plans to reform the appointment system. According to the memorandum from the Ministry of Justice, however, the Government has for some years worked with the High Sheriffs' Association to develop a more inclusive and transparent selection system.<sup>20</sup> As a result, counties now have consultative panels, which include community representatives, designed to ensure that a systematic selection process can be carried on with an element of continuity and consistency. The county consultative panels act as a sounding board for suggestions. They are encouraged to cast the net as widely as possible and to consider candidates from a wide variety of backgrounds. Mr Wills told us that they are designed to make sure that there is a systematic selection procedure.<sup>21</sup> According to the Ministry of Justice, those nominated will almost always have a significant record of voluntary and community work in the county. All will do significant work for local and national charities during their year of office.<sup>22</sup>

16. We were told that these panels generally consist of around six to eight people: the serving High Sheriff, immediate past and future nominated High Sheriffs (two or three); a representative of the Lord-Lieutenant; and two or three members who are not connected with the Shrievalty, but who nonetheless have (or have had) a significant role within, and

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18 Ev 14

19 Ibid

20 Ibid

21 Q 29

22 Ev 14

good knowledge of, the county or, as the case may be, have special links with, for example, local ethnic communities. The task is to choose someone to become High Sheriff in four years time; someone whom the panel considers of ‘standing in the county’; someone who will perform all the required duties well and someone who can afford the time and expense involved. In other words, the High Sheriffs are essentially a self-appointing group, without any open competition or transparency in their method of appointment. There is no method of application for the position of High Sheriff and the advisory committees consist almost entirely of previous or future High Sheriffs.<sup>23</sup> The two community representatives are not elected nor are they publicly listed.<sup>24</sup>

17. The Ministry of Justice claimed that over the last few years there had been a marked increase in the number of women Sheriffs and Sheriffs from ethnic minorities, but that the need for nominees to have sufficient personal resources and time to devote to the various charitable and representative activities which High Sheriffs undertake would always be a factor limiting the range of people able to serve.<sup>25</sup> In some, mainly urban, areas there have been appointments to the Shrievalty from a wider range of people who had sufficient means, including people from ethnic minorities, but in many rural areas most High Sheriffs come from a limited range of landowners and wealthy individuals, and some are from the same families as previous holders of the position.

18. We asked the Minister about the system for appointing High Sheriffs. His response acknowledged that selection on merit from open application lists was very important in appointing public positions generally, “...but there are different roles in public life and this, I think most people feel, works perfectly well. I am not sure what you would suggest as an alternative”.<sup>26</sup> His evidence for the assertion that most people felt that the system worked very well was the absence of letters complaining about it in his mail as a constituency Member.<sup>27</sup>

19. We pressed Mr Wills to think about more open processes for appointing High Sheriffs, many of whom in some counties appear to be relations or acquaintances of previous High Sheriffs. There might be an open application process which was transparent with a body making the appointments which had some relation to the local authority or the police authority. We are pleased that Mr Wills promised to consult and send us a considered response in the coming months.

**20. It is not appropriate for an appointment body to be heavily dominated by people who hold or have previously held the position, with little or no opportunity for names to be put forward from outside their own circle of acquaintances. The methods of appointing High Sheriffs do not properly reflect modern practice, and, together with the very limited support for the costs of the office, they place an unreasonable restriction on the range of people who can be considered for the post. The same considerations apply for High Sheriffs as for Lord-Lieutenants in terms of providing**

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23 Q 35

24 Q 36

25 Ev 14

26 Q 30

27 Q 31

**sufficient support for reasonable expenses for holding the office. We believe that there is a need for reform of the system.**

## 4 Conclusion

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21. The positions of Lord-Lieutenant and High Sheriff have a very long history and are part of the tradition and pageantry which many people value: however, if they are to survive they must be made more up-to-date to reflect changes in society. Their roles must continue to develop and the method of appointing people must be seen to be fair and open. We note that there is evidence that the Lord-Lieutenants are making progress in this area, but that this is not evident in the appointment of High Sheriffs. Part of the solution to the appointment of a more diverse range of people requires reform of the system of appointments, but that is not the whole story—if appointees cannot afford to serve because the costs are large and the allowance for expenses insufficient, then no amount of good intentions will succeed in widening the range of backgrounds of office-holders. We note the evidence of the Ministry of Justice that the costs of the office of High Sheriff can be considerable and are personally borne by the office-holder.<sup>28</sup>

22. This Report is an interim statement of our views about the appointments system in relation to Lord-Lieutenants and High Sheriffs. The Minister has promised to think further about some of the issues raised by us. In particular, he has promised to provide us with a paper on the possibilities. This will also include a discussion on whether the financial implications of serving as Lord-Lieutenant or High Sheriff limit the possibility of service to those from a restricted social background.<sup>29</sup> We would expect any proposals to be at least in the spirit of the Nolan Committee principles for appointments to public office.

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28 See above, paragraph 14

29 Qq 23, 44

## Conclusions and recommendations

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1. In our view, the broad principles set out by the Nolan Committee in relation to public appointments should be applied wherever possible to all public offices, including largely ceremonial ones which are not remunerated. (Paragraph 3)
2. We regret that the Minister was not inclined to measure diversity outside the easy-to-measure categories of ethnic origin or sex. This approach is insufficient, especially in relation to traditional ceremonial offices. The reality is that ceremonial offices such as that of Lord-Lieutenant are associated in the public mind with a narrow band of people in society. If such offices are to retain credibility as representative links between the Crown and communities then this must change. (Paragraph 11)
3. We regard the principle that offices such as Lord-Lieutenant should be available to be filled by the widest range of people as being of great importance. However, if there is insufficient support to provide for reasonable expenses for holding the office then in effect only people with their own considerable private financial resources will be able to hold such positions. This places far too great a restriction on the range of people from which a Lord-Lieutenant can be chosen. (Paragraph 13)
4. It is not appropriate for an appointment body to be heavily dominated by people who hold or have previously held the position, with little or no opportunity for names to be put forward from outside their own circle of acquaintances. The methods of appointing High Sheriffs do not properly reflect modern practice, and, together with the very limited support for the costs of the office, they place an unreasonable restriction on the range of people who can be considered for the post. The same considerations apply for High Sheriffs as for Lord-Lieutenants in terms of providing sufficient support for reasonable expenses for holding the office. We believe that there is a need for reform of the **system**. (Paragraph 20)

# Formal Minutes

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**Tuesday 15 July 2008**

Members present:

Mr David Heath	Mrs Linda Riordan
Mrs Siân James	Mr Virendra Sharma
Alun Michael	Mr Andrew Turner
Julie Morgan	Mr Andrew Tyrie
Dr Nick Palmer	Dr Alan Whitehead

In the temporary absence of the Chairman, Alun Michael was called to the Chair for the meeting.

Draft Report (*Public Appointments: Lord-Lieutenants and High Sheriffs*), proposed by the Chairman, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 22 read and agreed to.

Motion made, and Question put, That the Report be the Sixth Report of the Committee to the House.

The Committee divided.

Ayes, 7	Noes, 1
Mr David Heath	Mr Andrew Turner
Mrs Siân James	
Julie Morgan	
Dr Nick Palmer	
Mrs Linda Riordan	
Mr Virendra Sharma	
Dr Alan Whitehead	

*Ordered*, That the Chairman make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Written evidence was ordered to be reported to the House for printing with the Report.

[Adjourned till Tuesday 7 October at 4.00 pm]

## Witnesses

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**Tuesday 3 June 2008**

*Page*

**Mr Michael Wills MP**, Minister of State, and **Bridget Prentice MP**, Parliamentary-  
Under Secretary of State, Ministry of Justice

Ev 1

## List of written evidence

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| 2 | Association of Lord-Lieutenants                   | Ev 17     |
| 3 | Association of High Sheriffs of England and Wales | Ev 19     |

# Reports from the Constitutional Affairs (now Justice) Committee since Session 2006-07

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First Report	Protection of Private Data	HC 154
First Special Report	The Creation of the Ministry of Justice: Government Response to the Committee's Sixth Report of Session 2006-07	HC 140
Second Report	Work of the Committee in 2007	HC 358
Second Special Report	Constitutional Role of the Attorney General: Government Response to the Committee's Fifth Report of Session 2006-07	HC 242
Third Report	Counter Terrorism Bill	HC 405
Third Special Report	Protection of Private Data: Government Response to the Committee's First Report of Session 2007-08	HC 406
Fourth Report	Draft Constitutional Renewal Bill (provisions relating to the Attorney General)	HC 698
Fourth Special Report	Counter Terrorism Bill: Government Response to the Committee's Third Report of Session 2007-08	HC 758
Fifth Report	Towards Effective Sentencing	HC 184

## Session 2006-07

First Report	Party Funding	HC 163
	<i>Government response</i>	<i>Cm 7123</i>
First Special Report	Party Funding – Oral evidence from the Lord Chancellor on the role of the Attorney General	HC 222
Second Report	Work of the Committee 2005-06	HC 259
Third Report	Implementation of the Carter Review of Legal Aid	HC 223
	<i>Government response</i>	<i>Cm 7158</i>
Fourth Report	Freedom of Information: Government's proposals for reform	HC 415
	<i>Government response</i>	<i>Cm 7187</i>
Fifth Report	Constitutional role of the Attorney General	HC 306
	<i>Government responses</i>	<i>Cm 7355;</i> <i>HC 242</i>
Sixth Report	The creation of the Ministry of Justice	HC 466
	<i>Government response</i>	<i>HC 140</i>

# Oral evidence

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## Taken before the Justice Committee

on Tuesday 3 June 2008

Members present

Mr Alan Beith, in the Chair

Mr David Heath  
Mrs Siân C James  
Alun Michael  
Julie Morgan

Mr Andrew Turner  
Mr Andrew Tyrie  
Dr Alan Whitehead

*Witnesses:* **Mr Michael Wills MP**, Minister of State, and **Bridget Prentice MP**, Parliamentary Under-Secretary of State, Ministry of Justice, gave evidence.

**Q1 Chairman:** Mr Wills, Ms Prentice, welcome. We are very pleased to have you both with us, and we are grateful to Bridget Prentice for coming along for one part of the proceedings relating to coroners. We are starting with a series of appointments which feature in the Government's constitutional proposals. If we can start with ecclesiastical appointments, you may be aware that the committee in its previous guise some years ago took evidence about ecclesiastical appointments and found that the service provided by the civil servants who dealt with them was much appreciated, particularly by parishes. You can correct me if this is an inaccurate, one-sentence summary, but the Government's position appears to be that it will continue to provide, through the relevant civil servants, the service it affords in matters of Crown and church appointments, whether senior appointments, diocesan bishops or, indeed, parishes and Crown livings, but does not wish to interpose a government view or Government recommendation on the name which goes to the Crown. There are a number of constitutional implications of this on which I wanted to seek your view. Normally the Queen only makes decisions on the advice of ministers. Is not that principle weakened by the changes if the Sovereign is making recommendations without the advice of ministers?

**Mr Wills:** No, the Prime Minister will pass the name on, so the principle is upheld, but the previous position, where the Prime Minister would make a choice, is being changed. That is being changed.

**Q2 Chairman:** But it is not really his advice, is it, because he is committing himself in advance to pass on the church's advice?

**Mr Wills:** No. There is no doubt that it is a change, but the process by which the church takes soundings, and there will be a civil servant—a director general, so at a senior level—involved in that process to reflect the importance that bishops have in the local community. That is all preserved, and that name then goes forward to the Prime Minister who then passes it on to the Queen. To that extent, the constitutional proprieties are observed. I would suggest that is a symbolic change, in the sense that it is in keeping with the overall tenor of the reforms

that we are making that the Prime Minister announced on 3 July last year, which is about limiting and, in some cases, surrendering the powers of the Executive in these prerogative areas and appointments areas. So I think is consistent with both those things. It maintains the constitutional proprieties and the Queen acts on the advice of the Prime Minister, however that advice is reached, but also it is about, as I say, surrendering or limiting the powers of the Executive.

**Q3 Chairman:** Does it follow that there is no accountability for that advice?

**Mr Wills:** Accountability to?

**Q4 Chairman:** Accountability to Parliament for the advice which has been given?

**Mr Wills:** No, I think the Prime Minister, as always, remains accountable to Parliament.

**Q5 Chairman:** The other constitutional implication is that it puts, effectively, a committee of the Church of England in the position that it nominates members of the House of Lords. Are you content with that?

**Mr Wills:** I think it does at the moment, but, as I think the committee is well aware, we are about to produce our proposals for the reform of the House of Lords, and the time to perhaps answer your question would be after those proposals have been published.

**Q6 Chairman:** "About to produce"?

**Mr Wills:** Soon.

**Q7 Mr Heath:** The Lord Chancellor has always made it plain he had no intention of doing anything about the bishops.

**Mr Wills:** That is the position, but, as I say, the time to answer that particular question, I think, would be when we have made our proposals clear about how we see the future of the House of Lords; so you will forgive me just for a few weeks.

**Q8 Chairman:** To get the record clear, if the present position is maintained with the Government's intentions in both respects, that is to say not changing the position of bishops in the House of Lords and going ahead with these particular changes to how they are appointed, it would then be the case that the Church of England would directly itself nominate them to the House of Lords.

**Mr Wills:** No, I do not think the changes are as significant as you are suggesting. At the moment the process comes forward and the Prime Minister makes a choice between two people on the basis that he makes the choice. To that extent there is a change, and you are right, but in substance I do not think there is really a significant change from where we are now. At the moment the bishops are there on the basis of seniority. They come out of the Church of England and the Church of England has an extraordinarily important say now, today, about who sits in the House of Lords in those positions, and that continues.

**Chairman:** Let us turn to Lords Lieutenants.

**Q9 Mrs James:** How well is the appointments system working basically? Are there any plans to reform both the appointments system and the roles of Lord Lieutenants?

**Mr Wills:** No, I do not think there are any plans to reform the role of the Lord Lieutenants. Can I just say from my personal experience in Wiltshire, it is working extremely well. I now have had experience, as member of Parliament for Swindon, of two Lord Lieutenants directly. They both have been exemplary public servants, extremely active and diligent and playing an extraordinarily valuable role in the community and playing a particular role in Wiltshire, which is a rural county, and Swindon is a urban manufacturing town which often felt very alienated from its county, and both Lord Lieutenants have gone to great efforts to try and integrate the two together and actually played a unique role in doing so. So, just on a personal level, my experience has been that it is working extremely well. More generally, I think the Government feels that it is working well.

**Q10 Chairman:** We have had some very good bishops as well.

**Mr Wills:** There are some very good bishops who are also playing a very important role in our community, and, again from personal experience, I can say both the bishops in Swindon I have experience of have played an exemplary role as public servants well. So I think the system is working well. There are areas, clearly, which need to be looked at, and we are now looking at new ways in which the system can evolve, because we believe that, wherever possible, the Prime Minister should remove himself from these sorts of appointments, and that is a process that we are now discussing with people like the Association of Lord Lieutenants about how best to do that. There are issues of diversity which we need to continue to look at. Something like a third of Lord Lieutenants, for example, are women—there are very few BME Lord

Lieutenants, only one, I think, from memory—so there are clearly issues of diversity that need to continue to be looked at to make sure that they are genuinely representative of the people they represent on behalf of her Majesty.

**Q11 Mrs James:** I only have experience of one Lord Lieutenant and I would like to pay tribute to him because he has recently retired, Commander Bob Hasting. He has been fantastic, and I am sure the next Lord Lieutenant will be great, but what has struck me is that these gentlemen, and they tend to be gentlemen, come from a particular background and a particular class or series of experiences in life. Are there any plans to broaden that and to widen the backgrounds of the Lord Lieutenancy?

**Mr Wills:** I think, as I was saying, there are issues of diversity that need to be considered. They are being considered now, and there has been a considerable increase in the number of women, for example, in recent years.

**Q12 Mrs James:** I am talking specifically about class and background: maybe the Army, the Armed Forces, et cetera.

**Mr Wills:** They have to be properly representative of the people they represent, and that is a constant.

**Q13 Mr Heath:** Which is the Queen in this context.

**Mr Wills:** The people they represent, and they represent the Queen too, and that is an issue that must be looked at and, obviously, that is one of the things that is already being looked at. It is not part of the reforms that we are bringing forward, but you are right, we need to make sure that they are properly diverse.

**Q14 Chairman:** Does diversity include social class? Does it include extending it beyond those who are either very wealthy or who have had a particular range—

**Mr Wills:** No. I think you are in very difficult territory now. I think we can be pretty precise about definitions of gender and ethnic minority communities—those sorts of things have pretty consensual definitions. Social class is much more difficult to define in any kind of categorical way, so I think that would be a mistake, if I may say. However, we do have to make sure, however we define it, that we have a properly representative Lord Lieutenants. There are other things that are important to bear in mind for Lord Lieutenants because of their functions, which are to try and represent Her Majesty in these communities. They tend to have to be people who are generally well respected, and that will generally tend to mean that they are older and they have achieved a certain status in life. That does not necessarily mean they have to be in the armed services, as you mentioned; there are all sorts of ways of getting older and achieving distinction in a career, from all walks of life and, indeed, all social classes, however they are defined. That is, I think, important.

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**Q15 Chairman:** You are not seriously suggesting that the existing range of Lord Lieutenants covers all social classes, are you?

**Mr Wills:** No, I was not; I was saying that there are issues of diversity which are being looked at and which need to continue to be looked at.

**Q16 Mrs James:** One of the challenges is that they have to have substantial private means because this is not a paid role; they often have to fund a lot of activity. In the circumstances of the gentlemen I have known, there is a huge array of work and right across a large county like Glamorgan. So are there any plans to make the position of the role more answerable, or evaluated in some way? If we look at what the true costs are and what people need to help them take on this role, if you have not got substantial private means it would be impossible to do it.

**Mr Wills:** I am sure that is one of the issues that the Association will be looking at. They are issues and they are issues not specific to Lord Lieutenants, as you know; they are issues for all public servants, actually.

**Q17 Mrs James:** Are you evaluating what sort of activities they get up to?

**Mr Wills:** We do not, as a department, no.

**Q18 Mrs James:** So there is no form that they fill in—

**Mr Wills:** No, there is no continuous job assessment.

**Q19 Chairman:** Are you relying wholly on the Association of Lord Lieutenants?

**Mr Wills:** No; they are an important player but this is an evolving process at the moment, and the previous system where the Number 10 Appointment Secretary played a key role is now changing, but what is going to replace it is still under discussion. We are not in a position to say exactly what is going to happen, but all these issues are being discussed.

**Q20 Chairman:** When can we expect an outcome from those discussions?

**Mr Wills:** Again, I can only say soon; I cannot give you a precise date. It is not in our departmental brief. As the Committee will be aware, we have a co-ordinating role for the whole *Governance of Britain* programme but a lot of it actually falls to other departments.

**Q21 Chairman:** I do not think this does. What other department does this fall to?

**Mr Wills:** Number 10 has a very important role to play in this.

**Q22 Chairman:** You have the departmental responsibility.

**Mr Wills:** We have an overall departmental responsibility for The Governance of Britain programme, yes, but there are other departments that have a view on this.

**Q23 Dr Whitehead:** Just briefly, is not a system which appears to be limited by, essentially, the extent to which a Lord Lieutenant can fund him or herself in pursuit of his or her duties rather a self-limiting system? Does the Government have any plans, perhaps, to introduce a proportion of affordable Lord Lieutenants into the system? Would that not involve, perhaps, the allocation of some funding for the purpose? Does that have a knock-on effect that you would consider to be appropriate?

**Mr Wills:** I am not sure I accept the premise that this is a self-limiting system at the moment. I think it is a system which is changing already. We have to see where these changes go before we can assess whether it is self-limiting. If you look at the way that Lord Lieutenants and the Deputy Lieutenants are now being appointed, it is quite different. Things are changing and I think if you look back in 20 years it will be quite a different system. We need to look at these issues. On the issue of funding, it seems an attractive intellectual proposition to make but I am not sure what the evidence is and I am not sure, really, when you look at the profile of Lord Lieutenants, that they would necessarily describe themselves as very wealthy. They may be able to afford some of these costs, but it might be at quite considerable personal expense to them, and they tend to be older, retired, living on pensions and they make a considerable personal sacrifice, some of them. This is not an easy thing. We are not talking about billionaires who are doing it with a bit of spare cash out of their Swiss bank accounts here; we are talking about public servants who are, as I say, making considerable personal sacrifices. I am not sure that it therefore follows that this is a self-limiting selection in quite the way that you are suggesting. Where I do agree is that we have to make sure that the Lord Lieutenants, who, as I say, play an extremely important part in our civic life (and I think all MPs are aware of that), continue to command the confidence of all of our constituents. At the moment they do, but diversity and a proper, representative nature of the sample as a whole is going to be important for that to continue in the future—I think there is no question about that.

**Q24 Chairman:** Do you think that somebody on a modest occupational pension, for example, could take on the duties of Lord Lieutenant?

**Mr Wills:** Again, you have to look at which particular county you are talking about, and if there are large distances to travel which involve a lot of travel costs—<sup>1</sup>

**Q25 Chairman:** Do you think there is a county in which someone living on a modest occupational pension, taxed at normal rate and not at the upper rate, could actually carry out the duties of Lord Lieutenant?

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<sup>1</sup> *Note by Witness:* Lord-Lieutenants may claim reimbursement from MOJ for reasonable travel costs and other non-entertainment expenses up to a prescribed threshold, incurred as a result of their official duties. The Ministry of Justice administers these reimbursement claims.

**Mr Wills:** I can certainly conceive of circumstances where that might be possible, depending on your exact definition of “modest”. It is possible. It is obviously easier for people with substantial means, of course, but people manage to perform public service on modest occupational pensions. A lot of the job of a Lord Lieutenant is purely representative; they turn up and so a lot of the costs are travel costs and that is it. There are ways in which these things could be managed. Of course it is easier if you have substantial means—of course it is—but from my experience I would say that, of the Lord Lieutenants I have experience of, I think they make a considerable personal sacrifice themselves. This is not easy.

**Q26 Mr Heath:** I think most of us would agree that Lords Lieutenants do a good job in our communities, although I am not convinced that they have quite the social diversity that the Minister appears to think. I wonder if we could move to the shrievalty. I have a bee in my bonnet about High Sheriffs and I will freely admit that I used to harass the luminaries holding your post in the past, such as Mr Hoon and Mr Vaz, on exactly the same subject. Can you justify for one moment the appointment system of High Sheriffs?

**Mr Wills:** I can give you a justification, yes.

**Q27 Mr Heath:** Go on then.

**Mr Wills:** This is an unrewarded, ceremonial job done by a public servant—

**Q28 Mr Heath:** Which is handed around families and friends in a self-perpetuating oligarchy.

**Mr Wills:** No, that is not the situation, with all respect. They are responsible for appointing—

**Q29 Mr Heath:** Themselves?

**Mr Wills:** —their successors, but they do now, as you probably know, have consultative panels on which community representatives sit and they are very important in the process. They are designed to make sure that there is a systematic selection procedure, so it is not handed out in quite the way that you have described.

**Q30 Mr Heath:** I think it would be very hard to say that it is entirely a selection on merit from open application lists. Would you agree?

**Mr Wills:** These things are very important in appointing public positions generally, but there are different roles in public life and this, I think most people feel, works perfectly well. I am not sure what you would suggest as an alternative.

**Q31 Chairman:** What is the evidence for the remark you have just made?

**Mr Wills:** With all respect to this Committee, I have to say that in relation to complaints about High Sheriffs in my postbag in the last ten years in Wiltshire, where there are a lot of people who feel quite strongly about some of the issues that you have mentioned—and I have a constituency with people who, like Mr Heath, have lots of bees in their

bonnets about this sort of thing—I have had no letters at all. That is my evidence for saying that. Anecdotal and based on Swindon, based on Wiltshire, but that is my evidence.

**Q32 Mrs James:** But that does beg the question how many ordinary people come into association with the shrievalty? I have a great deal to do with it now in my public role, but prior to that I had had absolutely no exposure to it.

**Mr Wills:** Again, I can only answer anecdotally. This is something that does not fall to this department so you will forgive my lack of general experience.

**Q33 Mr Heath:** What is not your department?

**Mr Wills:** The High Sheriff—

**Q34 Chairman:** It must be your department.

**Mr Wills:** Can I answer that question, and then I will answer your question. The point about this is that in my experience, actually, they do put themselves about a lot, and if you are active in the community—and people from all social backgrounds in Swindon are active in the community—you will come across the High Sheriff, and they perform a ceremonial role and do that sort of thing. It is an important part of local community life—not the only part of it at all; they do not take part in all community activity, they tend to take part in activities which are quite specifically non-political, and that excludes quite a lot of community activity, one way and another. They are pretty active and people seem to value what they do.

**Q35 Chairman:** Just going back to the appointing mechanism which Mr Heath was questioning you about, there is, as I understand it, no method of application for this position, unlike others, and the advisory committee to which you referred consists almost entirely of previous High Sheriffs.

**Mr Wills:** And community representatives.

**Q36 Chairman:** Two community representatives who, as far as we are aware, are not elected nor are they publicly listed anywhere. Are they?

**Mr Wills:** No.

**Q37 Chairman:** So we do not know who they are.

**Mr Wills:** No.

**Q38 Chairman:** You have not got a list in the department. If you have, perhaps you could let us have it.

**Mr Wills:** I have asked and no, we do not.

**Q39 Chairman:** You are saying to the Committee you have a system in which there are some people representing the public interest but you do not know who they are. How can you tell us that this is working?

**Mr Wills:** Well, because this is a ceremonial office which goes back a thousand years, or whatever. It is not part of the democratic system in this country; it is a ceremonial role—

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**Chairman:** Nobody is denying that.

**Mr Heath:** So are Lord Mayors, but we do not appoint them from members of our family.

**Mr Turner:** You are absolutely right, it is not democratic—it is jolly good!

**Q40 Chairman:** Has Mr Turner correctly put your view—that this is not democratic and it is a good thing that it is not?

**Mr Wills:** I was going to say that my judgment was not a value judgment; it was a description. I just want to make this clear: I am in favour of democratic things, but part of our public life sometimes is not democratic, and that is just the way it is.

**Q41 Mr Heath:** Here is a suggestion: if we are going to retain this very important ceremonial post (and I have got nothing against that; it is part of our history, absolutely right), why do we not give the police authorities the responsibility for appointing from their number somebody to have the position of High Sheriff? They would then have that degree of accountability, they would be public servants, they could do the job very well and they would fulfil the ceremonial post. Would that be a suggestion that you would countenance or are you very happy with the arrangement which works very well at the moment?

**Mr Wills:** I am not a complacent person; I am very happy to countenance it and I will undertake to this Committee to take it away and produce an answer to you. We will consult properly and we will come back to you in due course, having talked to people about it, but we will come back to you with an answer on our view on that particular question.

**Q42 Chairman:** Alternatively, could there not be an open application process and a body making the decision which bore some relation to the local government structure or other parts of the system?

**Mr Wills:** Let me come back to you on the general point about High Sheriffs on this, because I think the police authority is one idea, and there are all kinds of democratic mechanisms. Why do I not come back to you with a considered view, having consulted High Sheriffs themselves about their views, about introducing a democratic element, whether indirect or of the sorts that have been—

**Q43 Chairman:** Even more transparency.

**Mr Wills:** I will come back to you with a departmental view.

**Q44 Mrs James:** Another consideration, perhaps, is the length of time, because again I have known several High Sheriffs since I have been here at Westminster, since I have been elected, and they have all been super, and they have all been great and they have all been very active in the community, but it seems to be a year and it is a revolving door, and there is another one coming along. Apparently we know for several years in advance who is going to be High Sheriff. If we are looking at that and reviewing it, possibly the length of it and maybe beefing it up a little bit.

**Mr Wills:** Can I offer something else to the Committee? As I have now undertaken to consult on this particular question, I think it would also be valuable to consult on what Alan Whitehead was saying about the self-limiting aspect. We will ask them for their experience of how far they feel this has been a limiting factor for them or an influencing factor in some way. We will ask the sort of questions that you have been asking, and we will come back to you. In terms of timescale, can I say this will probably take a few months, as we are coming up to recess. I would not expect it until towards the end of the year.

**Q45 Mr Heath:** It has been around for hundreds of years.

**Mr Wills:** This has been here for a thousand years. We will get back to you before then.

**Chairman:** Can we move to citizenship.

**Q46 Julie Morgan:** I wanted to ask you about Lord Goldsmith's citizenship review and to ask what plans have you got to take forward the recommendations of the review?

**Mr Wills:** We are looking at it now—again, I am afraid it is slightly premature for me to say. They have provided recommendations, they fall to different departments, they are under active consideration, and we will look at them. They will have to be seen as part of the context of the other areas of work that we are doing, some of which fall to the Home Office and some of which fall to this department in terms of the statement of values, which we want to take forward. I think we will be looking at all these in the piece and we would expect really to have afforded a view on how best to take them forward by the autumn, I would say. It is that sort of timescale. We hope to announce our departmental plans on the statement of values and the Bill of Rights by the recess. We would expect the whole piece to become clear by the autumn.

**Q47 Julie Morgan:** So the British Statement of Values—that will be by the recess, will it?

**Mr Wills:** We are planning to make an announcement on how we want to go forward with that and the Bill of Rights by the recess.

**Q48 Julie Morgan:** I think Lord Goldsmith laid a lot of emphasis on the importance of education in terms of contributing to citizenship, and I wondered what evidence is there that education in citizenship does help people to become citizens in the way that we would like?

**Mr Wills:** The evidence is accumulating as we speak. In terms of the curriculum, it is relatively recent and it is really too soon to evaluate.

**Q49 Julie Morgan:** So it has not been evaluated?

**Mr Wills:** It is being evaluated all the time but we cannot reach any conclusions about it. Of course it is being evaluated all the time and we are getting slightly different responses, depending on what questions you ask. Just axiomatically, it must be a good thing to teach young people about their history

and what it means to be a British citizen because that will help them become good citizens in time, and it is certainly helpful and something very much appreciated by new citizens. I think people were very sceptical about citizenship ceremonies when they were first suggested but I cannot think of anyone who, now, from all sides of the political spectrum who does not think they are very worthwhile things to happen. Certainly we know that they are appreciated by those who take part in them. It is a very important, symbolic rite of passage.

**Q50 Julie Morgan:** One of the issues that I think Lord Goldsmith brought up about the status of people living in Britain was the issue of asylum seekers. I believe he did recommend that he thought asylum seekers should be able to work. I just wondered what your comment about that was because it does seem to me that the status of asylum seekers in the UK is really something that many people are concerned about. I know he did make some recommendations about that.

**Mr Wills:** As I say, all his recommendations are being looked at.

**Q51 Julie Morgan:** Have you any comment on that particular evidence?

**Mr Wills:** I will have.

**Q52 Julie Morgan:** You are not revealing anything?

**Mr Wills:** Not at the moment. I think we need to look at all these things together. He has made an important contribution to the debate which is being considered as part of the debate, but we, as the Government, will bring forward our proposals soon.

**Julie Morgan:** Thank you.

**Q53 Dr Whitehead:** Could I turn our attention to post-legislative scrutiny. I appreciate that the recent Command Paper that has just been produced on an approach to post-legislative scrutiny arose from the Office of the Leader of the House of Commons, but the paper itself endorses the idea that there should be substantially greater post-legislative scrutiny, perhaps three to five years after a Bill has been passed, and that an evaluation of what bits of the Bill have been introduced or not introduced and its effectiveness, and so on, ought to be part of further Command Papers and, possibly, scrutiny by joint committees. Do you think that, in addition to that, there might be some work that could be done in terms of the process of legislation itself of making sure that Bills are, as it were, fixed to be scrutinised post legislation, so that actually, for example, they have a clear definition of what the Bill is about in the Bill, so that one can scrutinise the Bill subsequently, and, perhaps, in addition, a (maybe self-limiting, maybe organisationally limited) method of making sure that governments do not “Christmas-tree” their Bills and do not add all sorts of arbitrary provisions to the Bill during the passage which actually ends up making them rather different from that which they were originally intended to be? That is three questions in one.

**Mr Wills:** I was going to say, you have raised several important questions. Of course it is right that we think post-legislative scrutiny is a valuable process, and it will, over time, improve the quality of legislation—we have no doubt about that. As always with these things, you have got to be careful how you go forward. I agree with you it is very important that there is something to measure the post-legislative scrutiny against, and the more that Bills are, as you have described, “Christmas-tree” Bills the harder it is. Whether there should be, as it were, a defined purpose for the Bill in the sort of way that you are suggesting, I think, is quite difficult sometimes to be precise about. I think Ministers would find that quite a limiting process and it might be self-defeating in various ways; it may limit the proper scope of the post-legislative scrutiny that was not perhaps intended. When any Bill is introduced Ministers are usually pretty clear about what their intentions are—second reading debates and public statements. There is, actually, enough evidence of what Ministers intend, usually, and the Parliamentary process and the *Newsnight* process tend to elucidate them even if Ministers do not start off being very clear. By and large, I think it is generally crystal clear what governments want from a particular Bill, so I am not sure we need that kind of very precise statement of purpose that you are suggesting, and it may have perverse consequences. In relation to the adding on of amendments, I think we need to be clear: there is a good process of amendment and refinement of legislation as it goes through the Committee process, and that is the whole point of the process that Bills go through—it is to improve and refine the legislation. That is why it goes to Committee to be scrutinised, and it would be actually worrying if no Bills were ever changed throughout that process. So I think we can agree that for governments to bring forward amendments, to have listened to what is said in Committee and to respond to it and to make changes accordingly, which often happens, is a worthwhile process in itself. I think, probably, what you are referring to is when governments somehow, as it were, shoe-horn urgent bits of legislative business into a Bill which they do not naturally fit with, but which somehow can just about be brought within its scope (if I can interpret what you are saying). I have a lot of sympathy with that view; I think governments have to be extremely careful about how they do that, and in an ideal world they would never do it. In an ideal world there would be plenty of time for legislation and there would be no urgent need to bring legislative remedies forward for urgent problems. That is not the world we live in. The world we live in is that Parliamentary time is limited—too limited—and all governments find intense pressure on it and it makes it very, very difficult in all sorts of ways. Sometimes problems just come up, and they do—whatever people say—sometimes need legislative remedies. Governments do not legislate lightly, but sometimes there is no alternative to deal with a problem but to legislate and then you need to find the legislative time. In an ideal world it would never happen and everything would flow smoothly and we

would always have the legislative time that we wanted, but that is not the world we live in. So, while I have sympathy, I think in the real world we are never going to get to that ideal state of affairs.

**Q54 Mr Heath:** I am not sure I can let the Minister quite get away with that. Look at Criminal Justice Bills over the last few years; look at the rewriting of Bills at report stage to introduce whole new sections that were not even considered by a Committee, and look at the subsequent removal of those sections in the Lords. Surely there ought to be a better legislative process that does not allow for whole new sections, whole new chapters of a Bill, not responding to urgent legislative requirement but simply because Ministers have decided that this is a suitable vehicle to add whole new areas of work and then restricting Parliamentary debate on that by a process of programming at report stage. That cannot be right, can it? It is not just the world we live in; this is the way that legislation is currently being organised.

**Mr Wills:** I am afraid I actually disagree with you. Ministers do not bring forward legislation lightly.

**Q55 Mr Heath:** Look at the Criminal Justice Bill and the Immigration Bill this session, where a huge amount was put in at report stage and taken out again in the Lords, simply because of expediency.

**Mr Wills:** It is not simply because of expediency; Ministers bring forward legislation at whatever stage because they see a need to deal with a problem. That is what we are here for and it would be completely remiss to say: "Well, because this makes the process untidy in some way we should not bring forward a bit of legislation or bring forward a new clause which we see a need for". What happens, often, is you bring forward, with the best of intentions, legislation; something comes up that needs to be dealt with urgently, for whatever reason, and we deal with it. Sometimes you do not deal with it in a way that commands universal assent, and you try and listen and you respond to the concerns that have been raised, and you adapt and change. Rather than it being as you described it, you might describe that process as responsive, sensitive, pragmatic and practical. There is another side to this coin.

**Q56 Mr Heath:** Nobody who objectively looked at the process of the Criminal Justice Bill and the Immigration Bill would describe it in that way.

**Mr Wills:** I think, maybe, when historians can see the full detail of all the discussions that went into the process of that Bill, perhaps in 20 years' time, then they may share my view rather than yours.

**Q57 Dr Whitehead:** Could I put the converse to you, very briefly? I would imagine, and indeed this is alluded to in the Command Paper on post-legislative scrutiny, that when and if post-legislative scrutiny seriously gets under way people will be astonished at the extent to which things are simply not implemented in Bills. Indeed, I did some work (which reflects on myself more than anything else) on looking at bits of Bills that have not been

implemented last year and I was pretty surprised. Would you think that, perhaps, post-legislative scrutiny might be considered as a salutary method of referring back to forthcoming legislation to eliminate bits of legislation upon post-legislative scrutiny that simply have not been implemented?

**Mr Wills:** I certainly think it could be a very valuable function. If I may say, you have just highlighted one of the benefits of post-legislative scrutiny. If we are finding out that there are any kinds of systemic reasons why bits of Bills are not being implemented (and, maybe, Mr Heath is right in his description of the process and I am wrong) then we must learn the lessons from that. That is the whole point of that. That is precisely why it could be so valuable. I agree with you.

**Q58 Alun Michael:** Could I take you on to another topic, and that is the topic of data protection, which this Committee has commented on? Can you tell us what progress is being made on the Poynter Review and the review led by Sir Gus O'Donnell on procedures for storage and use of data?

**Mr Wills:** They are both about to produce their final reports—there have been interim reports but they are both about to produce their final reports, so they are pretty close to conclusion, as indeed is the Walport/Thomas Review on data sharing.

**Q59 Alun Michael:** Can you tell us as well whether the Information Commissioner has started his spot checks on departmental compliance with the Data Protection Act?

**Mr Wills:** I will find out. I cannot tell you exactly where we are on that. If he has not started them he is very shortly about to, but I cannot tell you. I will write very shortly—I will write by the end of this week.<sup>2</sup>

**Q60 Alun Michael:** Just on this whole area of data protection, I am very keen that we remember the need for balance. Could I ask you whether you feel that the Government now, in responding to concerns over data protection and retention and safety, is able to get the balance right, considering that, on the one hand, when you have some of the issues that we had over the last year or so, you have requested (?) that the press and the media imply that virtually nothing ought to be kept and then, on the other hand, in response to a different set of events, such as the Soham murders, for instance, there is almost the implication in the press and the media that absolutely every detail of every individual ought to be retained and, indeed, shared without restraint. It is a difficult balance, is it not?

**Mr Wills:** Absolutely. If I may say, I think you have put it extremely well. There are huge benefits for the public in data-sharing and in the retention of data and the effective use of data—we know that—huge benefit (such as free school dinners). You go across the field of public policy and you can see the benefits of it. On the other hand, people, quite rightly, are extremely sensitive about their personal privacy, and

<sup>2</sup> Ev 16

quite rightly, and government has a duty to protect it. We have never been complacent about this, and it may just be worth reminding the Committee that we set up the Walport/Thomas Review on 25 October—in other words, before this rash of revelations about the loss of data—precisely because we are aware of these concerns. It may just be worth putting this in the overall context that the reason why this has become such a live and salient issue now is because of this extraordinary technological change that has taken place, and it has taken place at great speed. It is absolutely clear that both the private sector and the public sector have been very slow to change their managerial processes to keep up with the technology. In other words, we can accumulate huge quantities of data without necessarily putting in the cultures that have been needed to keep them protected properly, and to use them effectively as well. These are huge challenges for all organisations, and it is not just the public sector. The public sector is now very visible and transparent in its failures but the private sector has them, actually, just as badly, as far as we can see; they are just not as visible to the public and, by their nature, some of them do not add up to quite such large numbers.

**Q61 Alun Michael:** However, you would accept that it is the culture as much as the technology that is important?

**Mr Wills:** The culture is absolutely vital to this and, without wishing to pre-empt these reviews at all, one of things we have all got to learn is just how incredibly important the protection of data is. We are, culturally, as organisations, quite used to dealing with money. We have to deal with data with exactly the same degree of scrupulousness and sensitivity as we deal with money—it is that precious. These are lessons that have to be learnt; and they are being learnt. The point of these reviews is to entrench new processes and new cultures, and we will drive it forward. This is going to be a continuing challenge to us; the technology is not going to stop and we have to keep adapting. One of the key lessons that we have learnt already is the need for really high-level vigilance; it has to start at the top of an organisation and permeate all the way through, so this culture permeates every nook and cranny.

**Q62 Alun Michael:** I am sure we will return to this when we see those reports. Can I turn to another issue which is in the draft Queen's Speech, that of the proposed Coroners Bill? Firstly, can you tell us what consultation has been held with representatives of coroners since last year?

**Bridget Prentice:** Since last year. I meet the Coroners' Society on a fairly regular basis, and I have met individual coroners from time to time (in fact, I think I am due to meet the Coroners' Society again this week, as it happens), as well as people representing Coroner Support Officers and so on. So a regular dialogue goes on between myself, the department and the officials and the coroners.

**Q63 Alun Michael:** If you are meeting them this week, perhaps if you cannot immediately answer the next question you could ask them! Are the coroners generally content with the Government's proposals to be included in the Bill?

**Bridget Prentice:** I suppose the short answer to that is: give me 24 hours and I will give you a more accurate answer. Yes, I think they are. Since the Coroners Bill was first mooted, which was a couple of years ago now, there has been ongoing consultation, and indeed things were taken out of the original draft Bill that people felt were not appropriate and other things put in, and so on. We are upgrading, for example, the Charter for the Bereaved, which we hope to be able to deal with even pre-the Bill coming in. So there is constant dialogue with the coroners, with bereaved families and with others as to what we can do pre-legislation, as well as what is actually in the Bill itself. As you know, of course, the Bill now includes work from the Department of Health in death certification. That is the two departments working very closely together, which I know this Committee has been banging on about for some time.

**Q64 Alun Michael:** Obviously, the question of the legislation is one part but the question of resources has come up continually in relation to coroners' courts. Will extra resources be provided for the coroners system as part of the reforms to be implemented in the Bill? I ask that question because it is difficult to see how the system can be improved without the resources being available to do so.

**Bridget Prentice:** Of course, the resources are provided at local level. I think local authorities and police authorities now are much more aware of the importance of the coroners' service and are making appropriate resources available. It is true that there are not, for example, specific coroners' courts in every single area, and some coroners use the council chamber or other appropriate venues. I would not necessarily go as far as saying that every time you change the law or you bring together, as we are doing in the Coroners Bill, some of the ideas that people have put forward about the way the service should be conducted necessarily means you have to increase financial resources. A lot of it has to do with changing mindsets, and that applies not simply to coroners, who I think are very much in support of what is happening here, but also the setting-up, for example, of a Chief Coroner who will be able to ensure that there is a basic standard being provided at local authority level. It will make a difference, but it does not necessarily mean huge amounts of extra financial resource going in. I know everybody would love to see more money going in, but I cannot guarantee that.

**Q65 Alun Michael:** I am tempted in two directions. One is that, obviously, when a piece of legislation comes forward you have to explain to Parliament and will the resources to deliver the intentions. Obviously, that will be a point of scrutiny at the

point that the Bill comes forward. Are you satisfied that you are going to be in a position to will not just the legislation but the resources that go with it?

**Bridget Prentice:** Yes, I am, because so much thought and work has gone into the detail of putting the draft Bill together over a period of time that I think we are able to be quite confident that proper resourcing will be made available and that we will be able to see the kind of service that people have been desperately needing for some time.

**Q66 Alun Michael:** You referred to the role of the Chief Coroner, and you described it as an important one, and it is obviously an important innovation. What actual powers will the Chief Coroner have, because, surely, powers will be needed in order for the role to be effective in fulfilling the function that you have just described?

**Bridget Prentice:** The Chief Coroner will be able to set the standards. He will be able to ensure, for example, that there is consistency across the coronial service throughout the country. That may mean direct dialogue with coroners but it may also mean dialogue with local authorities where he feels that the local authority, or the policy authority (whoever is leading in a particular area) is not perhaps doing as much as it could to give the service the right level of support. So he will have that power and, of course, he will publish (I should not just say “he”, it could be a she)—

**Q67 Chairman:** You said “power”. Is that a power? Are you not describing a co-ordinating function or a role of persuading authorities to spend more money rather than a power?

**Bridget Prentice:** I think it is more than a role or a function. The publication by the Chief Coroner of what he or she would expect to see in a particular area, or if he felt there was a failing in an area, will be a very important leverage on a local authority to ensure that the coroner is given the proper service that he or she needs.

**Q68 Alun Michael:** Even if it is residual, is there not a necessity for some power there? We have seen the capacity to criticise the lack of resources and delays that follow from the lack of resources, and so on, and that does not seem to have led to the necessary resources coming into place. Is this a matter that you are considering further?

**Bridget Prentice:** It is certainly something that I would be prepared to consider further. I think, by inference, you are talking about the Oxfordshire situation, and the department did indeed give extra financial backing for a very particular issue in dealing with the backlog that had accumulated in Oxfordshire over, particularly, military inquests.

**Q69 Alun Michael:** That was very particular, as you say, and extra finance was provided, but there have been criticisms of lack of resources and delays in a less dramatic way in a variety of circumstances.

**Bridget Prentice:** The difficulty with giving a blanket response to that is that because of the very nature of an inquest, and the fact that you are dealing with

people during what is a very sensitive and traumatic experience for the families, it is difficult to say, in general terms, that there is something systematic there. There may be individual, different reasons why there is a delay. For example, sometimes the families themselves ask for delays on inquests for reasons that they are perfectly entitled to; there may be other reasons—one would be if there was a criminal case being taken at the same time, and so on. I do not think it is an easy thing to say there is a general position that you can take on it. It can be very individual.

**Q70 Alun Michael:** I would accept that there are more reasons for delay than simply that of resources, but I think that has been an element in the delay that has caused a lot of anguish for families. Therefore, I think the question of the role of the Chief Coroner in obviating that sort of problem in the future is quite important, which I think the Committee would want to return to. Could I ask one other thing on the question of resources? I think many people have watched with fascination bordering on bewilderment the quite extraordinary amount of resources that went into the inquest of Princess Diana. Do you have any comment on the question of whether those resources might have been better directed to dealing with the many ordinary inquests up and down the country that were waiting to be dealt with?

**Bridget Prentice:** I can perfectly understand why the general public would look at the amount of money that was spent on that particular inquest, compared to what is happening elsewhere. It is a perfectly understandable position for people to take. What I have to say is that, as far as the department is concerned, it was our duty to provide that inquest. When a death occurs abroad then we must provide for an inquest here. So that happened. Of course, that particular inquest was always going to be one that was going to get a great deal of publicity; it became clear not very long into the inquest that the coroner felt that he needed to get lots of information from a variety of people, including people coming from abroad, and so on, and I do not think it would be appropriate for me to comment any further on that—other than that as far as the department is concerned we were obliged to make sure that the inquest was conducted.

**Q71 Alun Michael:** Perhaps the Chief Coroner might save us from that in the future.

**Bridget Prentice:** The Chief Coroner may well give a different perspective in the future.

**Q72 Chairman:** On another aspect of it, why is it appropriate to bring forward provisions relating to coroners in legislation currently before the House rather than in this Bill?

**Bridget Prentice:** That is because (and you are referring to the Counter-Terrorism Bill) the issues that have come up in the Counter-Terrorism Bill need to be dealt with now. The Home Office felt that it was appropriate that we put that bit of legislation into the Counter-Terrorism Bill rather than wait,

because at the time that that came up as an issue we did not know there was going to be a Coroners Bill in the draft legislative programme. The urgency of it was the reason it was put in the Counter-Terrorism Bill.

**Q73 Mr Heath:** In fact, presumably, the proposals in the Counter-Terrorism Bill will need amendment in the context of the Coroners Bill, because there will be a new entity in the Chief Coroner who will have an involvement, I would presume, in the formula which the Government are now adopting, which is the one I suggested in Committee—so I am quite pleased about that. I wanted to ask a totally different question, in terms of military inquests, which is whether the backlog of military inquests and the quite proper concerns that have been expressed over the last year or so are reflected in the new legislation at all, or whether there is any new provision for military inquests.

**Bridget Prentice:** I can give you some figures on the state of the backlog now, and indeed military inquests in general. I think, probably, the really significant issue in the Coroners Bill is that there will not be the obligation for the inquest to take place in the jurisdiction of the coroner where a body is returned to this country. That, clearly, has been part of the problem in building up—

**Q74 Mr Heath:** How will the jurisdiction be determined?

**Bridget Prentice:** I would like to see the jurisdiction being the most appropriate place for the family, or where the person has lived. I have been really, really concerned about the fact that families have had to travel up and down the country in order to attend inquests. I know that both the coroners and the military have always tried to be as sensitive as possible in dealing with that but, nevertheless, it is an added burden for a family at a very, very difficult time. So having an inquest that is far closer to home, I think, just makes it much better.

**Q75 Mr Heath:** Will that include transfer to other national jurisdictions within the United Kingdom?

**Bridget Prentice:** If you are referring to Scotland—

**Q76 Mr Heath:** Northern Ireland would be the same.

**Bridget Prentice:** Scotland, of course, has a different system entirely; it has a fatal accident inquiry system, and there is no provision whatsoever in Scotland for inquests. We are in discussion with the Scottish Executive about this and I do think that they need to move more quickly. People in Scotland would expect, now they have been used to having the inquest system, albeit they are having to come to England to receive that system, a similar system in Scotland. It is not for me to make that decision, of course, but I would like to think that they would consider that very seriously indeed.

**Q77 Chairman:** In general or simply in relation to military deaths?

**Bridget Prentice:** I think, probably, in general. In England and Wales, if a person dies abroad, we have to have an inquest in England and Wales. I think the system ought to be the same throughout the United Kingdom. That is my personal opinion on the subject.

**Q78 Chairman:** But not, so far, the opinion of the Scottish Executive?

**Bridget Prentice:** Not so far, but perhaps they will listen to your deliberations and reconsider.

**Chairman:** Can we turn to Michael Wills for a brief update on a number of issues on which one could speak at great length?

**Q79 Mr Turner:** May I ask one question: it says that the Coroners Bill “creates a new National Coroners’ Service . . . moving towards whole-time coroners working to national minimum standards”. It says “moving towards”—I am hoping it will never actually get there if this means there cannot be coroners on the Isle of Wight. Would that be your proposal?

**Bridget Prentice:** How would there not be coroners on the Isle of Wight?

**Q80 Mr Turner:** You will not be able to fill one’s time.

**Bridget Prentice:** I do not like the phrase “whole-time”; most of us would say “full-time” coroners. I know that is the phrase that we use, and I have asked them to change that. The idea will be to have a full-time service, but that does not mean that coroners could not be part-time if it was appropriate.

**Q81 Chairman:** Is the legislation going to preclude part-time coroners, even in areas where that is the only way to—

**Bridget Prentice:** No, it is not, but the idea is to move as close to a full-time service as possible. There will always be the odd exception, and the Isle of Wight may be that kind of exception. There is no reason why a full-time coroner could not go to the Isle of Wight to do an inquest—

**Q82 Mr Turner:** That is not good enough. I am sure you will understand.

**Bridget Prentice:** You want your own full-time coroner on the Isle of Wight?

**Mr Turner:** Not full-time, but on the island.

**Q83 Chairman:** This is an issue that came up when the Committee originally considered the first Bill, and the discussions we had then highlighted that in some ways if you do not make use of part-time coroners you are dependent upon a coroner coming from a very long distance away, and who may only be able to do so infrequently, with the result that inquests, and the ability to speak to the coroner, or indeed to have a coroner’s office, are all denied to more remote areas.

**Bridget Prentice:** The idea is to move as closely towards a full-time service as possible. There will always be exceptions, and I do like to think that given the discussions that we have had in the past

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couple of years in putting this Bill together we are building in the flexibility that will be needed to cover those exceptional circumstances, including the Isle of Wight.

**Q84 Mr Turner:** What progress is being made, Michael Wills, on the House of Lords reform?

**Mr Wills:** We will shortly be publishing a White Paper.

**Q85 Chairman:** Soon?

**Mr Wills:** Soon.

**Q86 Chairman:** We have a long list of “soons”!

**Mr Wills:** I know. There is a lot happening very soon.

**Chairman:** “Very soon”!

**Q87 Mr Turner:** Very soon. That is this side of the summer, I assume.

**Mr Wills:** Yes. That is the intention.

**Q88 Chairman:** With the legislation to come when?

**Mr Wills:** After consultation. What we propose is that after a period of consultation we will come up with our reforms. Our proposal will be that we will put that in our manifesto commitment. We have always made it clear that we very much hope that this can be done on a consensual, cross-party basis; that is the basis on which the cross-party talks have been proceeding. We hope there will be agreement on that package of reforms and that every party will put that in their manifesto, so that whatever the outcome of the next election we can, finally, move to concluding a process that has taken, probably, getting on for a hundred years to complete.

**Q89 Dr Whitehead:** I am anticipating a reply to this question. How soon do you think we can expect to see legislation brought forward to reform the system of party funding?

**Bridget Prentice:** I am not going to use the word “soon”, if I can avoid it. Imminently. Does that help? We have had detailed discussions with all of the political parties, although the Conservative Party walked out of the discussions late last year, and I have had more recent discussions with the parties in Northern Ireland, and so on. Obviously, we have to go through the Parliamentary process of Cabinet clearance, etc, but I would like to think that, really imminently, that will be—

**Q90 Dr Whitehead:** That suggests “very soon indeed”.

**Bridget Prentice:** How soon is “very soon”?

**Chairman:** Imminently.

**Q91 Dr Whitehead:** Very soon.

**Bridget Prentice:** I hope I am not setting any hares running if I say I would like to think before the end of this month.

**Q92 Mr Heath:** Legislation, or the White Paper?

**Bridget Prentice:** The White Paper.

**Q93 Dr Whitehead:** So legislation in the next—

**Bridget Prentice:** Legislation, again, is in the programme of the Queen’s Speech.

**Q94 Dr Whitehead:** You mentioned the state of negotiations between the parties which has involved one party walking out of the negotiations. Does the fact that that party has not walked back into negotiations have any bearing whatsoever on the speed with which legislation might be introduced?

**Bridget Prentice:** That, of course, is entirely up to that particular party, in that sense. The Secretary of State has been very keen, rightly, that we try to do this by consensus, and I think there is broad consensus on a number of the issues, but it will be up to the Conservative Party to decide whether they are going to come with the rest of Parliament on this or whether they are going to be obstructive or not. Of course, that is a political decision, really, for them.

**Q95 Chairman:** Finally, I want to ask Michael Wills a brief question about the Bill of Rights and Responsibilities on which it proposes to consult the British people. Just looking at the responsibilities, will any of these responsibilities be enforceable in any way whatsoever?

**Mr Wills:** There are responsibilities that are enforceable already, and people have duties to obey the law and pay tax, and so on. We want to consult on this but, primarily, when we talk about responsibilities (and I should make it clear, because this question does come up frequently, that we do not see rights as being contingent on responsibilities; they are integrally linked) all we are trying to focus on is the fact that in the European Convention, in the Human Rights Act, actually, very many of the rights are inextricably linked with responsibilities, and rightly so. That is not often understood, and there is a problem of public perception with the Human Rights Act and, indeed, with the European Convention. People believe that somehow this is a licence for people, and it is not; both rights and responsibilities have to be seen in the context of mutual obligation. So we are not thinking of new enforceable responsibilities necessarily. We may want to explore certain things, although we are not necessarily in favour of them ourselves. There may be a duty to vote that we want to explore with people. It is not something the Government is proposing but people do recommend it from time to time. We have to be open to what people come back to us with in this consultation. That consultation is going to start, I am afraid, soon. Again, we want to publish our proposals before the recess, just to give a little bit more definition to the Committee.

**Q96 Chairman:** So it will be about a Bill of Rights which are enforceable, and Responsibilities which do not add to the list of existing criminal offences or things for which there is a civil penalty if you do not carry them out—like paying for your television licence?

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**Mr Wills:** We are not necessarily talking only about new rights which are enforceable in that way. There is a spectrum of legal effect that you can give to rights, just so we are clear about this: there are directly judicable rights, there are interpretative principles, if you like, and then there is declaratory, which has very little legal effect and, in some cases, none at all. That is one of the things that we are going to be looking at, and we will be putting forward our views on this. Again, as indeed with party funding and with House of Lords reform, this is potentially major constitutional reform. It is very important, as far as possible, that you proceed on a consensual basis, and there will be intensive consultation on this. We want people's views. This is not, as it were, a straightforward government white paper which we are putting out and going through in 12 weeks and then putting through legislation; as far as possible we want to build the consensus around this.

**Q97 Mr Heath:** It seems very optimistic to view any declaratory statements in statutes as being non-justiciable. How are you going to avoid a competition with the Human Rights Act and the eventual confusion in the courts as a consequence of recodifying rights in two different ways?

**Mr Wills:** We are not, because this will build on the Human Rights Act and make clear its place in it. In terms of the justiciability, there is a spectrum of legal effect. In some constitutions—the Irish constitution, for example—they have declaratory principles, but there is a specific ouster which says quite specifically “this can have no effect in the courts”; “this has no legal effect”. You can have interpretative principles, if you like, whereby if a case is raised in the courts the courts could take these principles into account, but they do not give rise to a direct course of action themselves. Then there are directly justiciable effects, such as you can have under the Human Rights Act. We are very cautious about creating a battery of new rights.

**Q98 Mr Heath:** Quite rightly so, in my view. I simply do not understand how you are going to avoid more confusion in this area.

**Mr Wills:** One of the purposes of bringing forward a Bill of Rights would be to make sure that people are aware of the rights and responsibilities they already have. Because of the nature of our constitution, which is a mixture of common law and statute, and so on, people are not always aware of the rights they have. They have economic rights, which they are not aware of; they have rights to health care, which they are not aware of. There are all sorts of rights. The act of codifying those rights is in itself enormously valuable if you believe in the value of a cohesive society, of knowing what we share together the rights of citizens. Fully empowered citizens are citizens who, by definition, must be conscious of the rights that they already possess. I do not think that is true of many of our citizens today. That is important. In exactly the same way, to go back to the question of responsibilities, these responsibilities are owed to people and that sort of communitarian approach is very important to us, and I think you will see when we produce our paper eventually it is going to be a very important strand in it.

**Chairman:** We are at the beginning of a very long and very complex discussion, which I do not think we should, really—

**Q99 Mr Heath:** Could I ask one specific question, very quickly, just to ask if the department is doing any further review of the Human Rights Act to look at the interpretation by the courts. It did something of this sort a couple of years ago, but it seems to be a logical part of the preparation for this.

**Mr Wills:** We are not going to repeat the exercise we did a couple of years ago. That was a fairly thorough and comprehensive exercise. We are not planning to repeat that but we do, of course, keep it under review, and when House of Lords decisions are reached, for example, on the *YL* case, of course, we need to take cognisance of them. We have already taken action in response to that judgment and we will be looking further at how we deal with that. Case law evolves and we have to evolve with it.

**Chairman:** Thank you both very much indeed. We look forward to hearing from you on some of the matters that you promised to get back to us on. Thank you very much.

# Written evidence

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## Memorandum submitted by the Ministry of Justice

The Committee has asked for a memorandum on appointments to official offices covering progress on the Government's plans for reform of Ecclesiastical and Academic Appointments, based on proposals contained in the Governance of Britain Green Paper, paragraphs 57–68; and Government policy on reform of the system of appointment of High Sheriffs and Lord-Lieutenants, including a description of the manner in which holders of both of the latter type of office are recruited.

### ECCLESIASTICAL APPOINTMENTS

Since the Green Paper, the Church of England has been developing and consulting on new systems to replace the current ones. The Church's General Synod voted on proposals on 14 February which, *inter alia*, invite the Government to agree that there should be a continuing role for a senior civil servant in the selection process for senior church appointments in the Crown's gift and that the Government should continue to provide the necessary staff work to support the Crown's parochial patronage responsibilities. We now await a formal request from the Archbishop of Canterbury, following this vote. The Church did not seek to overturn the Prime Minister's declared wish no longer to have a choice between candidates.

### ACADEMIC APPOINTMENTS

The Prime Minister's office has consulted all the academic institutions to which the Crown makes appointments in England and asked them to consider devising new arrangements which would accord with the Green Paper's intentions. The finalisation of their proposals are of course subject to each institution's own timetables for reaching decisions on such matters. All have reached or are close to reaching final agreement and the Government hopes to have heard from all the institutions formally in the near future. We do not envisage any significant difficulty in new arrangements being put in place.

### LORD-LIEUTENANTS

#### *The role of the Lord-Lieutenant*

The role of a Lord-Lieutenant is a voluntary one. Lord-Lieutenants are unpaid although certain limited expenses are available. But most, if not all, Lord-Lieutenants will find themselves bearing certain costs themselves. The role is a practical one as well as ceremonial and has been, and still is, expanding in scope and activity.

Lord-Lieutenants are the personal representatives of the Sovereign in their areas. They co-ordinate Royal visits and liaise with the Royal Households on a range of matters. They give active support to the voluntary, community and charitable sectors. They promote the honours system, and The Queens' Awards, including assisting the government in ensuring meritorious candidates are honoured. They support the armed forces and their reserves. In many parts of England and in Wales they chair the Lord Chancellor's Advisory Committees which appoint, and oversee the conduct of, magistrates. And they from time to time associate themselves with certain government initiatives—for example they or their deputies now often play a part in citizenship ceremonies.

#### *The present appointments process*

Lord-Lieutenants are appointed by the Queen on the advice of the Prime Minister. A final decision on whether any change in the arrangements is required, in the light of the Green Paper, will be taken shortly.

#### *England*

In England the Prime Minister's Secretary for Appointments, on the Prime Minister's behalf, currently carries out extensive consultations in the county or city concerned, especially amongst those who play a prominent part in the life of the community and drawing on a range of representative bodies and other institutions, including the retiring Lord-Lieutenant, the area's MPs and local authorities. The consultations have widened over the years. The purpose of these soundings is primarily to establish the local needs in terms of the lieutenancy and to build up a list of possible candidates for consideration for the post. The outcome is reported to the Prime Minister, including a short list of leading candidates.

### *Scotland*

In Scotland, the current position is that at least three nominations must be submitted by the out-going Lord-Lieutenant, having taken soundings as appropriate, to the First Minister who in turn makes a recommendation to the Prime Minister. Consideration is being given to extending the appointment process to include a wider range of people within the local community who might be expected to hold a view as to suitable candidates for appointment.

### *Wales*

In Wales, the Secretary of State for Wales invites the First Minister to nominate a successor candidate. The consultation process in Wales is broadly similar to that in England, and ends with the First Minister recommending the lead candidate to the Secretary of State who forwards this recommendation to the Prime Minister.

### *Northern Ireland*

In Northern Ireland there has traditionally been less widespread consultation, though soundings are taken in the county or county borough concerned, including with the outgoing Lord-Lieutenant. A number of Lord-Lieutenants are due to retire in 2009 and Northern Ireland is looking at ways to increase the degree of consultation in arriving at recommendations for future appointments. It is the Secretary of State who puts a nomination to the Prime Minister.

In all four countries of the UK, the range of candidates appointed has been, and continues to be, widened with appointments coming from a wider range of backgrounds.

## THE APPOINTMENT OF HIGH SHERIFFS OF ENGLAND AND WALES

### *The Role of the High Sheriff Today*

The role of High Sheriffs these days is largely ceremonial and representative. They are appointed for a year only and their work is voluntary and unpaid, except for a nominal court attendance allowance. The general expenses of the office—which can be considerable—are borne personally by the holder. The sole legal requirement for appointment as High Sheriff is to own property in the County.

The system of appointing Sheriffs reflects the antiquity of the office. Although it is accepted that this does not reflect best practice in public appointments, but nor is the office of Sheriff a typical example of a public appointment, since virtually no public expense is involved, there are no current plans to reform the appointment system.

However, the Government has for some years worked closely with the Association of High Sheriffs to develop a more inclusive and transparent selection system. Counties now have consultative panels, which include community representatives, designed to ensure that a systematic selection process can be carried on with an element of continuity and consistency. The panels are encouraged to cast the net as widely as possible and to consider candidates from a wide variety of backgrounds. Over the last few years there has been a marked increase in the number of women Sheriffs and Sheriffs from ethnic minorities, but the need for nominees to have sufficient personal resources and time to devote to the various charitable and representative activities which High Sheriffs undertake will always be a factor.

Service as a High Sheriff is a good example of public service for no reward and at one's own expense. Those nominated will almost always have a significant record of voluntary and community work in the county. All will do significant work for local and national charities during their year of office. There are two national initiatives supported by most Sheriffs: National Crimebeat which seeks to keep young people from going into crime and the DebtCred scheme, which aims to improve standards of financial literacy, so that people are more aware of the dangers of debt, how to avoid it, and how to cope with it. These reflect the Sheriffs' historic role—now defunct—as law enforcement officers and collectors of debts.

### *The Selection of Future High Sheriffs in England and Wales*

The selection of people suitable to serve as High Sheriff in the future is a personal responsibility of the serving High Sheriff. In order to make the appointment process more transparent, and to ensure that a wider range of individuals are considered than perhaps was the case in the past, all counties have established their own county consultative panels, to act as a sounding board for suggestions. These panels generally consist of around six to eight individuals: the serving High Sheriff, immediate past and future High Sheriffs; a representative of the Lord-Lieutenant; and two or three members who are not connected with the Shrievalty, but who nonetheless have (or have had) a significant role within, and good knowledge of, the county or, as the case may be, have special links with, for example, local ethnic communities. The task is to choose someone to become High Sheriff in four years time; someone whom the panel considers of “standing in the county”; someone who will perform all the required duties well and someone who can afford the time and

expense involved. The choice is made entirely on the calibre of the person being considered. Once the panel has identified a suitable candidate, the High Sheriff approaches the person in question, briefs that person about the role of the High Sheriff and asks them whether he/she would be prepared to take on the Office.

#### *The Nomination and Appointment Process*

The High Sheriff is a direct appointment of the Sovereign by Royal Warrant, and takes office by making the statutory Declaration of fidelity, as set out in the Sheriffs Act 1887 (which is traditionally made within one month of appointment).

On 12 November, each year (or, if a Sunday, on the following day), three persons are nominated (their names are “read out” by the Queen’s Remembrancer) for the Office of High Sheriff, in Court 4 (the Lord Chief Justice’s Court) in the Royal Courts of Justice, before certain of the “Great Officers” of state, as directed by the Sheriffs Act 1887 (Section 6). These are the Lord Chief Justice, a member of the Privy Council (usually a Lord Justice of Appeal) and two Judges of the High Court. The Clerk of the Privy Council also attends to witness the event.

This practice does not apply to Lancashire, Greater Manchester, Merseyside or Cornwall where, for historical reasons, the Duchies of Lancaster and Cornwall have similar but independent arrangements.

In March of each year the Roll of High Sheriffs in Nomination is submitted to the Queen in Council who “pricks” ie appoints, the High Sheriffs for the ensuing year. The names are then published in *The London Gazette* and usually in *The Times* and the *Daily Telegraph*. Those appointed receive their Warrants of Appointment from the Privy Council Office.

#### *The Role of the Government in the High Sheriff Appointment Procedure*

Following the November nomination ceremony at the Royal Courts of Justice, the Queen’s Remembrancer’s Office (QRO) provides the Privy Council Office (PCO) with a list of all of the nominees whose names were “read out”. The PCO writes to each of them, informing them of their nomination to serve as High Sheriff in the next three years. The office arranges for the list of nominees to be published in *The London Gazette* and in the press.

A month or so later the PCO writes to the High Sheriff in nomination for the ensuing year, to inform them of their responsibility to provide the name of a future High Sheriff, and providing a form to complete for the purpose, which they should return to the QRO, at the Royal Courts of Justice, by the following June.

Before the March Privy Council meeting, the QRO produces the Roll of High Sheriffs, with the names of all the nominees for each County, that were read out at the November nomination ceremony, entered onto it. At the March Privy Council meeting, The Queen “pricks” the roll next to the name of the High Sheriff appointed for each County. Following the meeting, the PCO sends each appointed High Sheriff a Warrant. The PCO also arranges for the list of appointees to be published in *The London Gazette* and in the press.

#### *Background: Office of High Sheriff*

The Office of High Sheriff is the oldest secular Office in the United Kingdom after the Crown, and dates from Saxon times. The exact date of origin is unknown but the Office has certainly existed for over 1,000 years, since the Shires were formed. The word “Sheriff” derives from “Shire-Reeve” or the Anglo-Saxon “Scir-gerefa”. Probably the Office derived from the King’s Reeve also known as the “High” Reeve. It began as a Saxon Office and some Sheriffs led contingents at the Battle of Hastings. The Normans continued the Office and added to its powers, and also to its rewards. During the 11th and 12th Centuries the Sheriffs’ powers were very extensive and, for example, they:

- judged cases in the monthly court of the hundred (a sub-unit of the Shire);
- had law enforcement powers and would raise the “hue and cry” in pursuit of felons within their Shire;
- could summon and command the “posse comitatus”—the full power of the Shire in the service of the Sovereign;
- collected taxes and levies and all dues on Crown lands on behalf of the Crown;
- were in charge of Crown property in the Shire; and
- were the principal representatives and agents for the Crown and were very powerful men within the Shire.

Of the 63 clauses in the Magna Carta of 1215, 27 relate to the role of the Sheriff.

From 1254 the Sheriff supervised the election to Parliament of two Knights of the Shire.

These powers were steadily eroded over succeeding centuries. Henry I organised the Exchequer to take over tax collection and also to audit the Sheriff’s accounts. Henry II introduced the system of Itinerant Justices from which evolved the Assizes. The Sheriff was responsible for issuing Writs, having ready the Court, prisoners and juries, and then executing the sentences which were pronounced. It was also the

Sheriff's responsibility to ensure the safety and comfort of the Judges. This is the origin of the High Sheriff's modern day duty of care for the well-being of High Court judges. In the middle of the 13th Century, Coroners and Justices of the Peace were created. Under the Tudors, Lord-Lieutenants were created as personal representatives of the Sovereign. Queen Elizabeth I is generally believed to have originated the practice that continues to this day of the Sovereign choosing the High Sheriff by pricking a name on the Sheriffs' roll with a bodkin. It is said that she did this whilst engaged in embroidery in the garden. This is probably a myth since there is a Sheriffs' Roll of the reign of Henry VII (1485–1508) where the names are pricked through vellum. The real reason for pricking through vellum was that the choice was not always a welcome honour. A mark with a pen such as a tick could easily be erased with a knife, but a hole in the skin (vellum) could never be repaired or removed. By Acts of 1856 and 1865 all the Sheriff's powers concerning police and prisons passed to the Prison Commissioners and local Constabulary; and under an Act of 1883 the care of Crown Property was transferred to the Crown Commissioners.

The Sheriffs Act 1887 consolidated the Law relating to the Office of High Sheriff and the Act remains in force to this day. It repeated: that the Office should be held for one year only; that a Sheriff who was a Magistrate should not sit as such during his year of Office; and confirmed the historic process of nomination and selection by the Sovereign.

*February 2008*

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### **First supplementary memorandum submitted by the Ministry of Justice**

#### INFORMATION COMMISSIONER SPOT CHECKS OF CENTRAL GOVERNMENT DEPARTMENTS

I write following my oral evidence at the Committee Hearing of 3 June 2008 where I agreed to provide further information about whether the Information Commissioner has commenced spot checks of Central Government Departments.

Officials at the Ministry of Justice are working closely with the Information Commissioner's Office (ICO) to agree final arrangements for the spot checks. The ICO is negotiating with the first Department identified for audit, and expect to commence this shortly. The ICO also intends to commence at least two further audits by the end of the year.

*Michael Wills MP  
Minister of State*

*June 2008*

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### **Second supplementary memorandum submitted by the Ministry of Justice**

#### *Follow up to 3 June evidence session on coroner reform*

When I appeared before the Committee on 3 June, I agreed to write providing further information on whether coroners are generally satisfied with the contents of the Coroners and Death Certification Bill, and the role and associated powers of the Chief Coroner in a reformed system.

On coroners' satisfaction with the contents of the Bill, I mentioned that I was meeting representatives of the Coroners Society the following day. They acknowledged the opportunity they had been given to engage with my officials on the drafting of the Bill in the run up to its planned introduction last autumn. Several of the points they raised, including what they regarded as the most significant point (in relation to the proposed appeals system) were reflected in the Bill. However, as the Bill was never published, they did not have formal confirmation of what had been incorporated, although officials gave them an informal briefing.

When the Bill was confirmed in the draft programme for the next session on 14 May, arrangements were almost immediately put in place for meetings, during June and July, with the Coroners Society to discuss any remaining or new concerns they may have. I made it clear to coroners whom I met that I am happy to consider any further suggestions they may make which will improve the practical delivery of the Bill.

Turning now to the Chief Coroner. He or she will have a number of important functions in relation to resources, performance management, training, services to bereaved families, and responding to appeals and complaints.

A key role will be to ensure the delivery of a consistent quality of service across England and Wales, and he or she will push for sufficient resources for coroner areas—a concern coroners continue to raise with me—from local and police authorities which do not provide this. It would clearly be inappropriate for an unelected judicial officer to have powers to direct that a local authority provide more resources to a

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particular part of its responsibilities. However, the Bill as now drafted places a statutory duty on the relevant authority (either a local or police authority) to provide the necessary officers (and other staff), and to provide or procure the necessary accommodation, to enable coroners to carry out their functions. These Bill provisions will give the Chief Coroner a lever to support those coroners who are having difficulties with their local authorities. Combined with his or her role to provide central operational leadership to the coroners' service, by reallocating work between coroners to avoid delays and backlogs, this gives the Chief Coroner genuine authority in the overall provision and management of resources.

The Chief Coroner will have an important role in setting national minimum standards and promoting best practice across a range of coroner functions, bringing consistency to the system across England and Wales. In terms of services to bereaved families, the Chief Coroner will be responsible for overseeing the operation of the Charter for Bereaved People—a draft copy was included at the back of the draft Bill, and an updated version is being published for consultation on 18 June. The Charter will set out the services bereaved families can expect from a reformed service and their rights of redress, including through a new appeal system, if services are not provided.

Specifically on appeals, the Bill establishes a new accessible appeal route to the Chief Coroner, replacing the existing statutory procedure of application to the High Court (in some circumstances via the Attorney General). Interested persons to an inquest will have the right to appeal against certain decisions and determinations (set out in the Bill) made in connection with investigations and inquests. If the appeal is allowed, the Chief Coroner may, amongst other things, substitute or quash the decision and remit the matter for a fresh decision, or amend or quash the determination and order a fresh investigation.

The Chief Coroner will have responsibilities relating to complaints. While complaints should initially be discussed with the coroner concerned, if the complainant continues to be dissatisfied, then he or she should bring their concerns to the attention of the Chief Coroner. The Chief Coroner will have power to investigate the complaint—but referring cases about professional misconduct to the Office for Judicial Complaints (in line with the system enabled by the Constitutional Reform Act 2005, which includes coroners)—and to decide what action should be taken. The Chief Coroner will also determine complaints from professional groups who interact with coroners, such as the police, medical practitioners or prosecuting authorities.

On training, the Chief Coroner will have responsibility for preparing and maintaining appropriate arrangements for coroners. The intention is that the Chief Coroner will have a strategic overview of the training programme, and a programme of relevant courses will be organised to ensure good induction arrangements and ongoing professional development. The Chief Coroner will also be responsible for ensuring appropriate arrangements are in place for providing training and guidance to coroner's officers and other staff.

You will be aware also of my plans to enhance the public protection role of coroners—I will be laying a proposed change to the existing Coroners Rule 43 very shortly. In a reformed system, the Chief Coroner will have an essential national co-ordinating function in ensuring that lessons learned from particular deaths are disseminated widely and reach those organisations which have responsibility for taking action to prevent deaths from similar or related causes.

Finally, the Chief Coroner will provide a vital source of advice and counsel for the Lord Chancellor on matters relevant to the operation and administration of the coroner system, representing the views of coroners to him, and through him, to Parliament. The Chief Coroner will send an annual report to the Lord Chancellor to summarise activities he or she has undertaken during the year and to detail, amongst other things, the number of complaints and appeals received. This will provide, for the first time, an annual snapshot of how the system is functioning across England and Wales.

*Bridget Prentice MP*  
*Parliamentary Under-Secretary of State*

*June 2008*

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**Memorandum submitted by the Association of Lord-Lieutenants**

I have had the benefit of seeing the transcript of your recent evidence session with Michael Wills MP, Minister of State at the Ministry of Justice, about Crown appointments in the light of the White Paper on the Governance of Britain. I wonder whether I might take the opportunity to clarify one or two matters from the point of view of this Association, of which all serving Lord-Lieutenants are members and which exists for us to guide each other on how to fulfil our roles and to provide a channel for liaison with the Government and Households.

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## ROLE OF A LORD-LIEUTENANT

The Lord-Lieutenant is The Queen's personal representative in his county. Although the office is historic, our role is practical and expanding. We co-ordinate Royal visits and liaise with the Royal Households on any number of matters. We encourage the voluntary and charitable sectors. We promote the honours system (including The Queen's Awards for enterprise and for voluntary service) and assess certain nominations. We support the armed forces and their reserves. We chair the Lord Chancellor's Advisory Committees which appoint magistrates. Our involvement with government initiatives has much increased in recent years: an ongoing commitment is that we conduct citizenship ceremonies; a one-off example is how we shall be helping the Office for National Statistics to encourage hard-to-reach communities to complete the next census. The appointment is thus far from a ceremonial one. Every Lieutenancy is however different (geography; population density; economy etc) and the success of the role depends on each Lord-Lieutenant having the discretion to run his Lieutenancy as he thinks fit. For that reason I would be reluctant to draw comparisons of activity between Lieutenancies as suggested in the evidence session.

## APPOINTMENT PROCESS

It could be inferred from the transcript that this Association, and Lord-Lieutenants as individuals, are involved in the appointments process for Lord-Lieutenants. This is not the case. The Queen appoints Her Lord-Lieutenants on advice from the Prime Minister and we expect this to remain the case after the implementation of the Governance of Britain. Until now, the Prime Minister's Secretary for Appointments has carried out the consultations as to whom should be appointed. The Appointments Secretary has always consulted the retiring Lord-Lieutenant but only as part of a much wider consultation; and the Lord-Lieutenant has no more influence than anyone else. The Lieutenancy draws much strength from this system and we welcome the authority which selection by the Prime Minister's office has given us in our counties. That we have been recommended to The Queen by the Prime Minister following a process over which he has personal control has helped each of us to establish our ground and authority locally: our proximity to the Prime Minister's office increases our effectiveness. In my own case, I was appointed on Jim Callaghan's recommendation, which has always stood me in very good stead.

Both John Major and Tony Blair nudged the tiller on the character of person appointed Lord-Lieutenant. Their interest and changes have helped to preserve the utility of our office, continuing its development as a real role in support of the Crown. It is unlikely that this refreshment would have happened as well or as sensitively if the appointments process had not been so directly and closely connected with the Prime Minister himself.

I wrote to the Prime Minister in February to set out the Association's hopes for the characteristics of a system to replace the Appointments Secretary in the light of his intention to abolish that office. He replied in April to offer me a discussion with his Permanent Secretary but that discussion has not yet taken place.

## DIVERSITY

You spent some time in your evidence session considering the issue of diversity in Lieutenancy appointments. As I have said, the Association is not itself involved in appointments but I think that, if you compared the backgrounds of those appointed over the last 10 years with the previous decade, you would find that the Government have a better tale to tell than you might assume: a broad range of business, public and voluntary service backgrounds and interests; a great redress in the number of women.

In this context, the evidence session rightly raised the issue of the cost of being a Lord-Lieutenant. (I should first say that shire Lieutenancies receive excellent administrative support from their local authorities: the chief executive is usually appointed clerk of the Lieutenancy. This is both cost-effective for central Government and practically efficient because it connects the Lord-Lieutenant to a tremendous information network.) We are not, and would not want to be, paid: our time must be given voluntarily. It is however the case that, as the Government broaden the social pool from which we are drawn, Lord-Lieutenants are no longer able or willing personally to subsidise the cost of performing their duties. A scheme for the reimbursement of expenses such as mileage, drivers,<sup>1</sup> personal secretarial support and the maintenance of our uniforms is instrumental to the practical success of the Government's policy of diversifying Lieutenancy appointments. The Ministry of Justice administers just such a reimbursement scheme, but it is out of date.

The Ministry is about to uprate certain of these allowances after a request I made in March 2007 (the first for a long time). I am grateful for the Ministry's attention, especially at a time when departmental budgets are under ever-tighter constraints. But the Ministry has not been able to respond to our request in full; nor have they yet been able to make provision for future annual consultation and, if necessary, revision. This is in contrast to the admirable arrangements put in place by Her Majesty's Courts Service for the reimbursement of magistrates' expenses. I hope you might agree that a proper and up-to-date scheme of

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<sup>1</sup> You might think a claim for drivers out of date but Lord-Lieutenants are regularly called upon to act in uniform and it both causes practical inconvenience and reduces the impact of their arrival and departure when forced by economy to drive themselves. Whether or not in uniform, Lord-Lieutenants are also regularly on duty at night, often far from home (a few can have to travel up to 260 miles within their Lieutenancy), and it is in our opinion unwise and undesirable for those in their seventies, especially women, to have to drive themselves on such occasions.

reimbursement expenses is vital to the success of the Lieutenancy, especially if the Prime Minister is to continue to recommend for appointment people who are not only able to maintain the dignity of their historic office representing The Queen, but are able to take that office forward with continued relevance.

*Sir Thomas Dunne KG, KCVO*

*June 2008*

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### **Memorandum submitted by the Association of High Sheriffs of England and Wales**

1. The Association of High Sheriffs of England and Wales has noted the evidence relating to the appointment of High Sheriffs given before the Committee on 3 June (Q26 to Q45 in the uncorrected transcript published on the Committee's website). The Association believes it would be helpful to the Committee if it were to provide the following background information on the appointment of High Sheriffs.

2. High Sheriffs in England and Wales (known collectively as "the Shrievalty") are appointed by Her Majesty following nomination in accordance with the provisions of the Sheriffs Act 1887. That Act provides that there shall be a High Sheriff for each County, who is to serve for a year; and that the nominations are to be made by certain "Great Officers of State". The modern nomination ceremony takes place on 12 November every year and is presided over by the Lord Chief Justice and two other judges. This ceremony is organised by the Queen's Remembrancer (the Senior Master for the time being of the Queen's Bench Division of the High Court). Following the nomination ceremony the names are sent to the Privy Council Office, which arrange for them to be presented to Her Majesty in Council for approval in March. The new Sheriffs then take up office in April. Separate arrangements apply to the sheriffs in the Duchies of Lancaster and Cornwall (Lancashire, Greater Manchester, Merseyside and Cornwall).

3. The names of those regarded as suitable to serve as High Sheriff are provided to the Queen's Remembrancer every year by the incumbent Sheriff. There is no national selection mechanism for High Sheriffs: the arrangements are purely local. Given the fact that 54 names have to be selected every year any national mechanism would be a full time process which in the Association's view would be beyond the current resources of either The Privy Council Office or the Queen's Remembrancer's Office. The position differs from that of Lord-Lieutenants, where relatively few new appointments are required every year, and the process can be undertaken centrally. The Lord President of the Council does, however, take soundings of the Lord-Lieutenant of each County to ensure that there is no reason why an individual who has been nominated as High Sheriff should not serve.

4. The Association is conscious that this process does not reflect normal practice for public appointments, but has joined with the Privy Council Office to seek to ensure that the process is as open as possible, and that it draws from as wide a pool as possible. There are a number of factors which need to be taken into account, including the following:

- (a) The role of High Sheriff is unremunerated, and the expenses of the Office are borne entirely by the holder. No High Sheriff gains any personal monetary benefit from serving: the opposite is true.
- (b) Almost every statutory responsibility of High Sheriffs has now been either repealed or transferred to other bodies or individuals. The role of the High Sheriff is ceremonial and representative. This role is nonetheless highly valued in Counties, especially by charities and voluntary organisations which benefit from the work High Sheriffs do to support them, and by many other groups. Two in particular are new Britons whose Citizenship Ceremonies are made special by the attendance of local dignitaries, including High Sheriffs; and people who are rewarded by the Courts for bravery in helping to apprehend criminals, and who receive their reward and recognition at public ceremonies conducted by the High Sheriff. High Sheriffs also support the work of public services such as the Police, Fire and Ambulance services often contributing significantly to local initiatives which promote crime prevention. High Sheriffs are generally very effective at building bridges between different groups and working constructively with statutory bodies and voluntary organisations.
- (c) The requirement to appoint High Sheriffs annually for each County and the appointments process could be changed only through primary legislation.

5. Against this background it needs to be recognised that the Association has worked to widen access to the post of High Sheriff, recognising that the lack of any kind of remuneration will, inevitably, limit the field to those who have the necessary resources, both of money and time, to devote to the appointment, and that the infrastructure needed for a centralised appointment system would require considerable public funds which are unlikely to be forthcoming.

6. The Association has long recognised that the diversity of the Shrievalty is a potential source of criticism. Rather than adopting a defensive attitude it has put much work into tackling head-on the question of access, which is, in the Association's view, the only area which could be seen to detract from the real good that High Sheriffs do. There is no statutory power to allow the Government—or anyone else—to take over the High Sheriffs' role of selecting future candidates for nomination, so improvements to the system have to be by agreement. Against this background it is a considerable achievement that all Counties, with the

encouragement of the Government and the Association, have established consultative panels, whose job is to identify suitable candidates from as wide a pool as possible, always recognising the constraints already described. Over the past ten years there has been a marked increase in the number of nominations of people from non-traditional backgrounds. The Association wishes to see this continuing, and is always happy to consider constructive suggestions as to how the system can be improved, given that it will always have to rely on people giving their time wholly voluntarily.

7. The Association does not seek to defend the Shrievalty purely on the grounds that it is the oldest established secular public office. That would be no defence if the Shrievalty were performing no useful function and was a drain on the public purse. But the High Sheriffs have created a role for themselves in the modern world which does an immense amount of good, and which is popular. Most people think it is a good thing that their County has a High Sheriff. Some have higher profiles than others, but all of them put in, at their own expense, a year's very hard work which, across England and Wales, touches the lives of millions of people, and which costs the State nothing. High Sheriffs have often raised substantial sums for good causes. They have supported any number of voluntary organisations and encouraged positive networking within their Counties between the statutory and voluntary sectors. Above all they do this in a non-political, non-confrontational and wholly constructive way. The Association believes that this is a genuine example of voluntary public service which would render the country poorer if it were to be discontinued. At a time when volunteering is a real issue with many voluntary organisations finding it increasingly difficult to attract individuals to give of their time, the Office of High Sheriff shows that there are still competent and dedicated people who are prepared to devote time, money and goodwill to encouraging worthy initiatives in their Counties and thus set an example.

8. Our Association will continue to work with anyone who wishes to help to ensure that as many people as possible have the opportunity to participate in the work that High Sheriffs do. Annexed to this memorandum is a copy of our Guide to the Office of High Sheriff. This publication outlines the duties and responsibilities of the role as our members see it in the 21st century.

*June 2008*

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