



LORD CHIEF JUSTICE
OF ENGLAND AND WALES

THE RT HON. THE LORD THOMAS OF CWMGIEDD

SWEARING IN OF THE LORD CHANCELLOR

COURT 4, ROYAL COURTS OF JUSTICE

19 June 2017

1. My Lord Chancellor, it is a real pleasure to welcome you today on behalf of Her Majesty's judges. Your appointment comes at a time of real challenge for our justice system. You are a Lord Chancellor for interesting times; ones that will reshape our justice system for the 21st Century.
2. You first bring to your office your scholarship as a historian. Your doctorate at Cambridge focused on the enforcement of penal statutes from 1558-1576 before the Court of Exchequer. It is quite some time since a Lord Chancellor has been an expert on that particular court.
3. I hope that the study did not extend too closely to my predecessors who were Chief Justices during that period and, if so, that they did not shape your view of a Chief Justice. The one who occupied that post for almost the entire period of your study was Sir Robert Catlynne. He presided over the conviction of the Duke of Norfolk for treason. Lord Campbell concluded that Sir Robert Catlynne acted in a manner in which he could "hardly be defended from the charge of consciously perverting the law of treason." However, we all know that Lord Campbell, who became a historian after he retired as Lord Chancellor, does not enjoy a reputation for total accuracy.

4. We have moved some way away from the practices and procedures common to the Court of Exchequer and the other courts before the Chief Justiceship of Sir Edward Coke in 1606. The Barons of Exchequer are now long gone; although, of course, one former and very important official of the court and at one time the Lord Chancellor's clerk, the Chancellor of the Exchequer, remains. Although with robes similar to those worn by the Lord Chancellor, his role is not a judicial one.
5. You also bring significant political experience to your office. You were first elected to Parliament for Aylesbury in 1992. Within a short period of time you were appointed to the education select committee and then worked as parliamentary private secretary to, first, Michael Howard as shadow Home Secretary. Following that you worked in the same position for William Hague, the then Leader of Her Majesty's Most Loyal Opposition. You have served in the shadow cabinet in a number of positions, not least as Shadow Financial Secretary to the Treasury. And from 2010 until 2016 you served as Minister of State for Europe; holding the office for longer than any previous Minister.
6. While Minister for Europe you very properly noted the fundamental importance of securing effective access to justice secured by a robust independent judiciary. As you put it on International Human Rights Day in December 2015,

‘A state which respects the rights of its citizens and fosters an independent judiciary and equality before the law, will be safer, more orderly and more prosperous. For this reason, strengthening the rule of law and access to justice is – and will remain – central to our work around the world.’

As I recently said to the European Network of Councils for the Judiciary, Poland and Turkey are clear present examples of what happens when the independence of the judiciary is undermined. Your work and experience in strengthening the rule of law and access to justice abroad will, I hope, also form a strong foundation for our future work throughout England and Wales.

7. From 2016 until your appointment as Lord Chancellor, you served as Leader of the House of Commons and Lord President of the Council.

8. Your experience, both as a scholar and politician, will, I very much hope, enable us, as Lord Chancellor and Lord Chief Justice, to work constructively together to meet the enormous and real challenges that currently face every aspect of our justice system. These include those we had until recently assumed as “givens”, such as the centrality of justice to the stability and prosperity of our State, the importance of the position of the judiciary and the courts within our State and the pre-eminence of our law and our courts internationally.
9. Challenges, including these, are there to be met and, as the Attorney General will explain, you have particular experience and success with challenges.
10. Each of the three oaths you have taken is of great importance, but it is the third that encapsulates the special constitutional responsibilities for respecting the rule of law, for defending the independence of the judiciary and for the provision of resources which Parliament has entrusted to the Lord Chancellor. So important and significant are they that Parliament uniquely required the holder of the office to swear a solemn oath to perform, as we have just witnessed. Indeed, it is self-evident that it is vital for the whole of our State that these responsibilities are fully discharged.
11. We share, in addition, a very large number of responsibilities for our system of justice and for the rule of law, including our joint responsibilities for the governance of HMCTS and the reform programme on which I look forward to working with you personally in these very difficult and sombre times.
12. Besides the formal nature of this occasion and its very great constitutional significance which I have outlined, it has another characteristic of the swearing of those appointed to judicial office or to be one of Her Majesty’s Counsel learned in the law – it is an occasion also for the family who have played so important a part in the achievement. We therefore welcome your four sons who are seeing this ceremony appropriately from the jury box. They will no doubt give their verdict to you later. I look forward to welcoming your wife Helen on another occasion, as unfortunately she cannot be here this afternoon.
13. My Lord Chancellor, above all, I warmly welcome you to your office.