

1458

MANAGEMENT AND PERSONNEL OFFICE

PART

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Office of the Lord Privy Seal

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12 NOV 1992

REVIEW



Chancellor of the Duchy of Lancaster

Lord King Seal.

You may like to glance at these papers which ~~cover~~ cover, so far as I know, your only duties as LPS. (There are my old copies - I await up-to-date ones from the Foreign Office - certainly some of the people mentioned are dead, and Chenevix has been sold, I recall!).

Of course, the LPS are co-ordinated science and technology....

B. 7/4/82

CHEQUERS TRUST

BACKGROUND

Chequers Mansion and the estate of about 1000 acres was presented to the nation in 1917 by the late Lord Lee of Fareham and Lady Lee, to be used as a country residence for the Prime Minister.

Under the deed of settlement of 24 November 1917 a trust fund was set up to maintain the Estate. The conditions for appointment of 9 Trustees were then laid down but this number was reduced to 5 under the Chequers Estate Act 1958, which amended the 1917 Act.

ROLE

The Trustees are:

- * The Lord Privy Seal, Chairman of the Trustees
- A person appointed by the Prime Minister (currently Sir Ralph Verney) Interest: the House & the Estate
- A person appointed by the Sec of State for the Environment (currently Lord Campbell of Eskan) Interests: the House & Finance
- * A person who is for the time being Chairman of the National Trust (currently The Lord Gibson) Interests: General
- * The Public Trustee (currently Mr A A Creamer) Interests: finance. Under the 1917 Act, he is the custodian Trustee.

* NOTE: Ex-officio appointments

The Prime Minister's interest is covered by his Private Secretary (currently Mr Colin Peterson) who attends all Trustee meetings, but is not a Trustee.

GENERAL

The Curator (Housekeeper) is Wing Commander Vera Thomas

The Agent to the Estate is currently Mr Kenneth Stacey, junior partner in Brown & Merry.

The Trustees meet three times a year. If the Lord Privy Seal is absent from any meeting of the Trustees, those Trustees present may elect one of their number to be their chairman for the purposes of that meeting.

There is a quorum when 2 Trustees are present.

Sources of Income: Endowment Fund Income
Rents
Grant-in-Aid

CONTACTS

The Secretary to the Trust, who attends all meetings, is currently Group Captain J M (Don) Ayre, CBE, RAF (Ret'd), appointed in 1972. Very approachable and extremely helpful.

His address is: Orchard End
20 School Lane
Weston Turville
Aylesbury
Bucks
HP22 5SE

Tel: 029-661-3716

17 AUGUST 1977

CHEQUERS TRUSTEES (as at 13.12.77)

1. The Lord Privy Seal - Chairman

2. Sir Ralph Verney, KBE, JP
Claydon House
Middle Claydon
Bucks
NK18 2EX

3. The Lord Campbell of Eskan
15 Eaton Square
London SW1

4. Mr A A Creamer, DFC
Public Trustee
Public Trustees Office
24 Kingsway
London WC2B 6JX

5. The Lord Gibson
Penn's Rock
Groombridge
Sussex
(home)

All mail to go to
official address:-

17th Floor
Millbank Tower
Millbank
LONDON SW1P 4QZ

DORNEYWOOD TRUST

ROLE

The Lord Privy Seal is a Trustee of this Trust of which there are in all four :

- a Minister of the Crown nominated by the Prime Minister
(currently the Lord Privy Seal)
(Lord Peart was appointed in Oct '76,
on his succession to the post of LPS)
- Sir Charles Russell (nominated by the National Trust)
- Mr Jack (JB) Fletcher (a solicitor)
- Sir John Hewitt (nominated by the Prime Minister)

A Chairman is appointed at each meeting by those Trustees present. All, except the Minister, are life Trustees.

The duties of the Trustees are light. The Trustees meet once a year, in the summer, at Dorneywood, and the paperwork involved then and throughout the rest of the year is not heavy.

A special meeting may be summoned at any time by any two Trustees upon 4 days notice being given to the other Trustees of the matters to be discussed.

There is a quorum when 3 Trustees are present at any meeting.

In addition to the Annual Meeting, the Trustees have in the recent past, had meetings once a quarter with Messrs J Henry Schroder Wagg & Co Ltd., their investment advisers, in order to keep as close as possible eye on the investment situation. These meetings are usually held in the offices of Charles Russell & Co., but the venue can be changed to suit the Lord Privy Seal. (Lord Peart can rarely get to these meetings).

BACKGROUND

The Dorneywood Thomson Endowment Trust Fund 'B' was founded by settlement dated 23 June 1944. The Property is administered and managed subject to and in conformity with the provisions of this settlement by the body of Managing Trustees.

The settlement also laid out the conditions for appointment of the 4 Trustees.

The Prime Minister can nominate whosoever he chooses to be the official resident of Dorneywood, on the understanding that when the nominated person does not wish to use the house it will be available to other senior Ministers (eg the Chancellor of the Exchequer and the Sec of State for Defence).

It has been customary for the Prime Minister to nominate the Secretary of State for Foreign and Commonwealth Affairs as the official resident. However, in April 1977, Mr Callaghan nominated Mr Rees, Secretary of State for the Home Department, on the understanding that the Foreign Secretary would be able to use the house for official entertainment, or for a private stay at a time when the Home Secretary would not himself be using it.

This nomination does not for the future prejudice the convention that Dorneywood is normally offered to the Foreign Sec.

CONTACTS

1. Mr Hugh (JI) Cunningham,
Secretary to the Trust
(works for Charles Russell & Co.
Hale Court,
Lincoln's Inn
London WC2A 3UL)
Tel: 242-1031

Contact Address:
Dorneywood,
Nr Burnham
Bucks.
Tel: Bucks (06286)-65361.
2. Sir Charles Russell
(as above)
Charles Russell & Co of Lincoln's Inn are the Trusts' Solicitors

DORNEYWOOD TRUSTEES (as at 13.12.77)

1. The Lord Privy Seal
2. Sir Charles Russell, BART
Middle Court
Lincoln's Inn
London WC2A 3UL
3. Sir John Hewitt, KCVO, CBE
Little Heath
Limpsfield
Surrey
4. Mr Jack Fletcher
The Little House
3 St John's Road
Farnham
Surrey

CHEVENING

BACKGROUND

On the death of Lord Stanhope on 15 August 1967, the Chevening Estate Act 1959 came into operation. Under that Act, Chevening House and the Estate were vested in the Custodian Trustees (Messrs Coutts & Co) and a body of Administrative Trustees was set up in accordance with the provisions of the Act.

Under the terms of the Act, the resident of Chevening may be either:

- i. The Prime Minister
- ii. A Minister who is a member of the Cabinet
- iii. The widow or a lineal descendant of King George VI or the spouse, widow or widower of such a descendant.

ROLE

The Administrative Trustees are a body consisting of:

- * Lord Privy Seal (Lord Peart since 1976)
- 2 persons appointed by the Prime Minister, one of whom must be experienced in estate management and forestry. (Sir John Hewitt, KCVO, CBE since 1967, Deputy Chairman; and Mr H E G Read, ^{CBE}JP, FRICS since 1967)
- a person appointed by the DOE - (Mr Lawrence Banks since September 1977)
- * The Director of the Victoria & Albert Museum (Dr Roy Strong, PhD, FSA, since 1974)

They are free to elect other persons to act with them:

Lord Hirshfield was co-opted in 1970.

* Ex-officio appointments

The Trustees are responsible for managing the endowments and other assets of the Estate (sources of income are Endowment Fund income, Rents, and The Shoot). The maintenance of the Chevening Estate & Chevening House is a charge upon the revenues of the Trust and no public funds are involved.

GENERAL

Strictly speaking the Trustees are not responsible for the nomination of the occupant of Chevening. The Prime Minister has two specific functions in relation to the Chevening Estate one of which is to appoint the 'Nominated Person' (The other is the appointment of 2 Trustees). But because of the relationship between the tenancy and the financial position of the Trust, the Trustees have an interest.

In 1974, concern arose over the finances of the Estate, and it was agreed at a meeting of the Trustees on 12 July 1974 that a Finance and General Purpose Committee (FGPC) be set up under the Chairmanship of Lord Hirshfield. This Committee agreed to meet regularly and to report all discussions, recommendations and decisions taken to the full body of Trustees.

FUTURE MANAGEMENT

The aim of the Trustees is to hand over the house to the Prince of Wales, completely renovated and redecorated outside and in.

When the house is occupied, the Trustees will continue to be responsible for all normal outgoings in connection with the House, the grounds and the estate, except:

1. Wages of indoor staff
2. Wages of grooms
3. Food and drink
4. Periodical interior redecoration
5. The cost of the shoot if taken in hand
6. Telephone calls

Until the house is fully occupied the Trustees may expect to continue to perform the same range of functions as they do now. Then however, the functions of the Trustees will be reduced to:

1. The Trust Secretariat
2. Bookkeeping, accountancy, investment and finance
3. Financial responsibility for maintenance of house and gardens
4. Management of the let properties and of the estate generally (including the shoot and woodlands)

These functions will need to be reviewed periodically depending on circumstances when the house is occupied.

The eventual reduction of administrative responsibility for the house and gardens and of the big reconstruction contracts ^{will} leave the way open for the adoption of the 'Chequers' system of management. This system employs a part-time secretary with secretarial assistance based (not resident) at Chequers, who consults as necessary a local firm of land agents in respect of professional work on the estate (to date, Chevening has had a full-time agent and secretary)

Both the Secretary and the land agency firm would have equal access to the Trustees.

Negotiations have therefore been opened with a firm of Chartered Land Agents and Surveyors, and the role of Secretary could be offered - as at Chequers - to a retired Services officer who would be based at the Chevening office.

CONTACTS:

- | | |
|---|--|
| i. On major policy issues:
The Lord Hirshfield,
Norwich House,
54 Baker St.,
London W1H 1DJ

Tel: 486-5888
(His Sec. Mrs Betty Arkell) | ii. On the 'secretarial' side
Mrs Rosemary Brewer,
Chevening Estate Office,
Chevening Village

Tel: 0732-54091
(She is the present Agent's
secretary) |
|---|--|

19 AUGUST 1977

CONTACTS:

1. The Secretary to the Trust is:-

Major-General John D C Graham CBE
Chevening Estate Office
Chevening Village

Tel: 0732-54091

2. On major policy issues, you can consult:-

The Lord Hirshfield
Norwich House
55 Baker Street
LONDON W1H 1DJ

Tel: 486-5888

(His secretary: Mrs Betty Arkell)

3. Distribution of papers on meetings and other secretarial work is done by:-

Mrs Rosemary Brewer
Chevening Estate Office
Chevening Village

Tel: 0732-54091

CHEVENING TRUSTEES (as at 13.12.77)

1. The Lord Privy Seal - Chairman

2. Sir John Hewitt, KCVO, CBE
Little Heath
Limpsfield
Surrey

3

temporarily retained

THIS IS A COPY. THE ORIGINAL IS
RETAINED UNDER SECTION 3 (4)
OF THE PUBLIC RECORDS ACT

4. Mr Lawrence Banks
13 Abercorn Place
London NW8 9EA

5. Dr Roy Strong, PhD, FSA
Director
Victoria and Albert Museum
South Kensington
London SW7 2RL

THIS IS A COPY OF THE ORIGINAL
RETAINED UNDER SECTION 5
OF THE PUBLIC RECORDS ACT

BA17/1458

Minute dated
17/08/1977



~~Foreign and Commonwealth Office~~

Lord Privy Seal 15/4

Although the attached
is some 20 years old
(discovered by a search
through our old papers)
it gives a good flavour
of the history. You
will see that some
of the former incumbents
went on to great things -
half a dozen even became
Prime Minister!

£. 7/4/82?

THE HISTORY OF THE OFFICE
OF THE LORD PRIVY SEAL

There appears to be no specific account in Whitehall of the history and functions of the Office of Lord Privy Seal, and the constitutional authorities differ about many aspects of its long story. ^{but} The following however may approximate the truth.

Summary

2. The Privy, or Private, seal was the first small seal used by English monarchs. The first reference to it - as the "priuatam sigillum" - occurs in the reign of King John (1199-1216). It was originally intended as the authorising instrument for the private business of the Sovereign. As such the Privy Seal took upon itself many of the functions of the Great Seal of the Realm, for which it was more a substitute than a duplicate. To understand therefore the origins of the Privy Seal and the changes in its functions it is first necessary to look at the history of the Great Seal.

3. The Great Seal of the Realm was (and is still) affixed to proclamations, writs, letters patent and documents which ~~gave~~ ^{giving} (and gives) power to sign and ratify Treaties. Since the Middle Ages the office of Lord Keeper of the Great Seal has been combined with that of the Lord Chancellor by whose authority it was imposed and of whose power it was the prime symbol. Being the particular instrument of the Royal Will, the limitation of the use of the Great Seal was the first ambition of the barons in the course of their long struggle (now happily ended) to reduce the Sovereign's power. Eventually they succeeded to such a degree that the Sovereign resorted to the expedient of creating a new instrument of that independent power, the Privy Seal. The Great Seal could not thereafter be set in motion without sanction of the Privy Seal. 2

4. The barons, cheated of the powers of the Great Seal, naturally turned their attention to limiting the powers of the Privy Seal which replaced it. Having begun its life in the Sovereign's Wardrobe, the Privy Seal gradually came under the control of organs of the Government outside the Household, particularly the King's Council in which the barons were deeply entrenched. The role of the Privy Seal as the instrument of the Sovereign's Will was later taken over by a secret seal (with which the Privy Seal is often confused) and later still by its successor, the Signet. Indeed by the 16th Century, the Privy Seal could not itself be set in motion without the authority of the Signet.

5. It is therefore a paradox, if a superficial one, that the same opposition by the baronage to the King which led to the birth of the Privy Seal led eventually to its circumscription and ultimate emasculation, although this was not formally complete until 1884.

Early Keepers

6. As remarked above, the first allusion to the Privy Seal is found in the reign of King John during which it was affixed to letters patent. In the 13th century it was increasingly regarded as the particular instrument of the Royal Prerogative and under Henry III (1216-1272) the Privy Seal was transferred to the custody of the Wardrobe Clerks. The first recorded Lord Keeper of the Privy Seal was appointed in 1275 and Edward I (1272-1307) gave the Controller of the Wardrobe sole responsibility for it. Its powers were growing: Edward used it to seal Acts (and even Charters), which bore no relation to the ordinary work of the Household. Barons and Commons complained of this - with more than contemporary fervour.

7. Under Edward II (1307-1327) however, there were already signs of the Privy Seal becoming officialised (in Professor Tout's inelegant term) - of it being drawn into the bureaucratic complex. The process had begun whereby the private instrument of the Household was to become a public instrument of State. In 1311 the Keeper (then William Melton) became a Minister of State on the same footing as the Chancellor and the Treasurer, though of somewhat lower dignity. (In acknowledgement of his new status Melton was accorded four ~~four~~ Clerks, a number only recently achieved by the present incumbent. But there again Edward III's Keepers had five and Henry IV's nine.) At this time the Keeper was no ordinary Minister of State like the Chancellor; his special function was not so much to collaborate with his fellow officers of state as to check, control and criticise their action in the interests of the Sovereign power. Under the ordinances of that year "a fit clerk to keep the Privy Seal" was to be chosen by the King, with the counsel and consent of the baronage.

8. But in the following year, 1312, the efforts of the barons to take the Privy Seal out of the Court had so far prevailed that Edward was compelled to separate the keepership from the controllership, and to recognise in Roger Northburgh, a baronial nominee, the first independent Lord Keeper of the Privy Seal. Northburgh was a check, almost a spy, on the King's actions rather than on those of other Ministers. Accordingly the seal ceased to fulfil its original purpose of expressing primarily the King's personal wishes. In revenge the King created the secret seal (the old pattern repeated) although for at least twelve years the Crown continued to contest the baronial claim to control the Privy Seal.

In 1316 controllership and keepership were again united. In 1323, despite Edward's real power at the time, they were finally separated. The officialisation of the Privy Seal now proceeded apace although vestiges of its original personal status survived for centuries.

Increasing Powers

9. Yet for all this change of status the zenith of the Privy Seal's powers was yet to be reached and indeed under the Walton Ordinances, issued in 1338 in the press of war in the Netherlands, a new and vital role was assigned to it. For many decades it had witnessed some of the King's letters and ordered the issue of Great Seal writs. Warrants under it had long been necessary for the issue of chancery writs or of exchequer payments. Now, under the Ordinances, both chancery and exchequer came formally under its control for all but the most routine business. How far it and its Keeper ever achieved decisive control is unclear but without doubt the powers were great and much used. Furthermore the Privy Seal became not merely the sanction of other Ministerial actions but an instrument directly declaring the Royal Will, if often in political reality, that of the barons. Already the summoning by it of councils, even great councils, had become usual. Now it intervened in legal process. (One instance, in 1379, to which Parliament forcefully objected was the driving out of the Calais butchers from their ordained part of the Calais market-hall on the pretext of a Letter of Privy Seal.) Now also it occupied itself in high diplomacy and took over the functions of the Great Seal when that went abroad with the King and when it was too cumbersome for easy use. (Even the present Great Seal weighs 135 ounces.) Sometimes, indeed, the same Minister had personal charge of both seals.

10. The times were no more logical than ours. The Privy Seal, and the inchoate Ministry of State that went with it, having been seized by the barons as a dangerous instrument of Royal "overlordship", was becoming more not less independent of the normal machinery of government. Following the patterns of personal power of the time the Keeper was alternately Third Minister of State and Overlord.

Diplomatic Excursions

Dr. John Thoresby, Keeper from 1345 to 1347, was deeply involved in the gaining of Calais, which was to remain English until 1558, and witnessed its siege. He also accompanied Edward III (1327-1377) in the march on Paris. The administrative and diplomatic role of the privy seal secretariat grew with every month of its attachment to the King. When Thoresby was in England he did not hesitate to issue writs without the King's

/sanction...

sanction. (Nor in fact did Thoresby's staff without his.) Later Chancellor and Archbishop of York, Thoresby was perhaps more distinguished than any of his predecessors. Simon Islip, who succeeded him, helped negotiate the truce with France after the capture of Calais. Two years later he secured the Archbishopric of Canterbury. His successor too, Michael Northburgh, (heir to Roger) was also constantly engaged in diplomatic work as were two of the Keepers of the following decade, Buckingham and William Wykeham. The latter, however, being powerful in his own right as the king's confidential adviser, allowed the formal powers of the Privy Seal temporarily to wane.

12. Pressure from Parliament led to the award of the Keepership to the first layman, Nicholas Carew, in 1386 and the constitutional position of the keepership as the Third Minister of State rather than "overlord" was acknowledged by the King when he accepted Parliament's claim to nominate the holder. Already by 1360 the Keeper had his own department at Westminster. So officialised had the Privy Seal become that now it stayed in England as an integral part of the machinery of state. An inevitable and parallel development was the increasing use by the Sovereign of a secret seal, the *secretum sigillum*, for the exercise of his personal power. By the end of the 14th century this seal was replaced by the Signet and it was this that Richard II (1377-1399) took with him on his first Irish expedition. (It may be worth remarking that in the 16th Century the opposition once encountered by the Privy Seal was levelled at the Signet. The *secretum sigillum* lingered into Tudor times, and is a source of much historical confusion - particularly as further secret seals were introduced as time went on.)

The Powers of the Office

13. To clarify the functions of the Privy Seal in the 14th Century, perhaps its greatest period, is not easy. It functioned as warranty to chancery for issue of letters of Great Seal and as warranty to the exchequer for issues. Writs for pardons for serious crimes had to be sanctioned by it. But the real power of the Privy Seal office lay not so much in the issue of warrants to set other departments in motion, as in the original force of instruments under Privy Seal. Such instruments were not important only for communications with foreign courts but also for a large volume of domestic business. Generally the high affairs of State and law were reserved to the Great Seal, the lesser matters to the Privy Seal. The position was yet more complex in fact, for the use of the Great Seal had to be sanctioned by the Privy Seal. The Chancellor and the Keeper tended therefore, with the Treasurer, to form a committee or a permanent committee of the King's Council, the executive ministry of the realm. The Secretariat of this committee and that of the Council itself was that of the Privy Seal. Gradually also the Privy Seal took on even more judicial functions.

The Fifteenth Century

14. The formal powers of the Keeper of the Privy Seal were largely unchanged throughout the fifteenth century although the power of the incumbents varied with their individual political fortunes and the general circumstances of the time. It was in this century that the office became detached from the Household and at least its use as a warrant for payment from the Exchequer and for the affixing of the Great Seal to Letters Patent remained intact. Indeed the latter power was made a rule of the Privy Council of Henry VI and was enforced by Statute in 1535. The need of the Privy Seal for the issue of public money is described (ambiguously) by Coke as follows:-

" Every warrant of the Queen herself to issue her Treasure is not sufficient; for the Queen's warrant by word of mouth or, what is more, her warrant in writing under her privy signet is not sufficient. But the warrant which is sufficient to issue the King's Treasure ought to be under the Great or Privy Seal."

The Decline

15. From the middle of the sixteenth century the office has in oftenly been held by statesmen of the first rank, though the powers of the office itself relatively declined.

16. No doubt the rapid rise in power of the Secretaries of State, first appointed in the fifteenth century, largely account for the diminution of the Keeper's formal role. Indeed following the Ordinance of 1443 the Privy Seal could not be affixed to at least some letters of importance unless they had been sealed with the Signet which was the instrument of the Secretary of State. This addition to the Principal Secretary's power was formed by Statute under Henry VIII.

17. Among the more interesting figures in the list of Lords Privy Seal are Thomas Cromwell (1536); Dr. Robinson (1711) who was at the same time Bishop of Bristol and Plenipotentiary for concluding the Treaty of Utrecht, and Lord Chatham, who held the office as Prime Minister in 1766.

18. Incidentally, when the Duke of Newcastle was appointed in 1705 his salary of £365 a year was, at a pound a day, the same as the Keeper was receiving in the early fifteenth century. He had however the significant consolation of an additional £4 a day in lieu of "the dyet of sixteen dishes of meat" to which that officer had previously been entitled. Exquisite meat it must have been.

The Fall

19. It seems fairly clear that the office had lost much of its power if little of its technical dignity in the eighteenth century but it was not until the Great Seal Act of 1884 that all formal powers under it were abolished. The Act provided that:-

" It shall not be necessary that any instrument shall after the passing of this Act be passed under the Privy Seal."

20. Although this clause was repealed by the Statute Law Revision Act of 1898, modern enactments concerning the use of the Great Seal and the issue of public money have totally superseded the use of the Privy Seal for any purpose.

Twentieth Century

21. Lord Rosebery's remarks concerning the assumption of the office by Lord Salisbury in 1900 are touched on in Annex F. On his resignation in 1902 it was held for a short time by Mr. Balfour.

22. In the twentieth century it has of course been held by a minister deputed for special work. Mr. Thomas in 1929 was engaged in counteracting unemployment, and in 1934 Lord Avon (then Mr. Eden) was given it to act for the Foreign Office in League of Nations questions. In this case, however, the usual practice by which the office is held together with a seat in the Cabinet was not followed. Lord Waverley (then Sir John Anderson) took the office in 1938 with the task of instituting more effective air-raid precautions. In 1951 Mr. Stokes was made responsible for co-ordinating the policy of the Home Information Services and was made answerable to Parliament on questions of major broadcasting policy.

Footnote

23. Professor Tout demands the last word.

" The Privy Seal was abolished in 1884; but the Keeper, curiously enough, was not."

R.T. Higgins
(R. T. HIGGINS)
February 1, 1962.

Main Sources

Professor Tout: Chapters in Medieval Administrative History (Six volumes of chapters).
Anson: Law and Custom of the Constitution.
Wilding & Laundry: "An Encyclopaedia of Parliament".
Encyclopaedia Britannica.

ANNEXES

- A. List of holders of the Office since 1892.
- B. Precedence.
- C. The Mystery of the Purse.
- D. The Lord Privy Seal and Europe.
- E. Description of the Privy Seals.
- F. The "Times" December 7, 1900.
- G. Sociological Note.

List of the Holders of the Office of Lord Privy Seal
(since Gladstone took the office in 1892)

1892	<u>W.E. Gladstone</u>
1894	Lord Tweedmouth
1895	Viscount Cross
1900	Marquess of Salisbury
1902	<u>A.J. Balfour</u>
1903	<u>Marquess of Salisbury</u>
1905	<u>Marquess of Ripon</u>
1908	Marquess of Crewe
1911	Marquess of Lincolnshire
1912	Marquess of Crewe
1915	Earl of Curzon
1916	Earl of Crawford
1919	<u>A. Bonar Law</u>
1921	<u>Austen Chamberlain</u>
1923	Viscount Cecil
1924	J.R. Clynes
1929	J.H. Thomas
1930	V. Hartshorn
1931	T. Johnston
1931	Earl Peel
1931	Viscount Snowden
1932	<u>Stanley Baldwin</u>
1934	<u>Anthony Eden</u>
1935	Marquess of Londonderry
1935	Viscount Halifax
1937	Earl de la Warr
1938	Sir J. Anderson
1939	Sir S. Hoare
1940	Sir K. Wood
1940	<u>C.R. Attlee</u>
1942	<u>Sir Stafford Cripps</u>
1942	<u>Viscount Cranborne</u>
1943	<u>Lord Beaverbrook</u>
1945	<u>A. Greenwood</u>
1947	Lord Inman
1947	Viscount Addison
1951	R.R. Stokes
1951	Marquess of Salisbury (formerly Viscount Cranborne)
1952	H.F.C. Crookshank
1955	R.A. Butler
1959	<u>Lord Hailsham</u>
1960	<u>Edward Heath</u>

ANNEX 'B'

Precedence

The Lord Privy Seal comes eleventh in the list of Precedence in England. So high does he come - fourth in the Cabinet in terms of strict precedence - that it may be worth while quoting the first part of the list:-

The Sovereign
The Prince Phillip, Duke of Edinburgh
The Prince of Wales
The Duke of Gloucester
The Duke of Windsor
The Archbishop of Canterbury
Lord High Chancellor
Archbishop of York
The Prime Minister
The Lord President of the Council
The Speaker of the House of Commons
The Lord Privy Seal

The Lord Privy Seal therefore comes above all High Commissioners and Ambassadors and Archbishops, Secretaries of State and, indeed, very much higher than the Lord Chief Justice of England.

Nevertheless, although the Lord Privy Seal has for long been an officer enjoying considerable prestige, he has not for centuries been quite of the first rank in practice, except when Thomas Cromwell was the main agent of Henry VIII's policy from 1531 - 1540 and when Lord Salisbury was Prime Minister as well as Lord Privy Seal from 1900 - 1902.

ANNEX 'C'

The Mystery of the Purse.

I have found barely one or two references in the constitutional authorities to the Purse of the Lord Privy Seal but the existence of two of them which belonged to holders of the office, John, Lord Hervey and to his son, the Second Earl of Bristol demonstrates a gap in the history.

It is unlikely however to be an important gap. The size of the purses - about 5 ins. sq. - indicates that they might simply have been used to carry the Privy Seal - the extant (if extinct) one, that of Queen Victoria, being somewhat under 4 inches in diameter. The Great Seal is said to have been kept in a "white leathern bag and silken purse" in the Early Middle Ages.

What certainly is clear is that the Purse of the Privy Seal has no connexion with the Privy Purse which is, of course, the amount set aside in the civil list for the private and personal use of the Sovereign in England. No doubt this Purse still exists; at least it has a Keeper, Brigadier The Lord Tryon.

ANNEX 'D'

The Lord Privy Seal and Europe

Apart from the intense diplomatic activities of 14th Century Keepers the office has had few and, at that, fortuitous connexions with the European mainland until recent times. When the first Keeper of the Privy Seal of Ministerial status was appointed, in 1307, England's sole continental territory was Gascony (or Aquitaine) of which Edward I (1272 - 1307) was hereditary Prince. Of Henry III's Angevin Empire, comprising about half of France, only part of Saintonge and Gascony remained in fief. Gascony was lost in 1453, at the end of the Hundred Years War. Calais which was gained in 1347 was lost in 1558.

At least one Keeper, Adam Limber (1327-1329) had earlier served in Gascony as Constable of Bordeaux.

ANNEX E

Description of the Privy Seals

Very little is known of the first Privy Seals except that they were made of silver and that the purse of silk in which that of Henry III was kept still survived among the treasures in Edward I's wardrobe.

Complete records exist, however, of all seals since that of Edward I. Historically, the size of the seal is usually an indication of the importance of the Act sealed with it or of the owner: the size of the English Privy Seal grew steadily between the reigns of Edward I and Richard II. Edward I's was about one inch in diameter. Reign by reign they grew in size to two inches under Edward I, two and a half under Henry V and three to four inches under later monarchs. Often they were suspended on a chain of silver. Occasionally both seal and chain were of gold. The wax used for seals was of a different colour depending on the nature of the document: that used for the Privy Seal was almost always red. The Privy Seal of Edward III, King both of France and of England, bore both the lilies of France and the leopards of England and the inscription "SECRETUM EDWARDI REGIS FRANCIE ET ANGLIE". When, under the Treaty of Calais of 1360, Edward III renounced the title of King of France, fresh seals were necessarily struck. SECRETUM was omitted from the inscription and DEI GRATIA and references to the lordships of Ireland and Aquitaine were added. The French arms were retained, presumably as Edward had the right to use them by virtue of his mother's birth. Privy Seals which fell into disuse became the perquisite of the keeper which no doubt accounts for the loss of so many.

The Privy Seal of Richard II was even more magnificent than the earlier seals of his grandfather and was inscribed SECRETUM RICHARDI REGIS FRANCIE ET ANGLIE. The arms of France and England, quarterly, were surmounted by an open crown and supported by two lions couchant. Each of these beasts held up a large ostrich feather transfixing a scroll.

To the end, Privy Seals retained the royal arms.

Surviving impressions of the Seals

⁴ Impressions of the Privy Seal survive in about 5,000 files of varying size from Henry III down to the abolition in Victoria's reign. There are also

/a number....

a number of survivals for the medieval period but not so many undamaged seals that a complete sequence can be established. The Privy Seal was always single sided which meant the seals were not 'appended' or 'applied', ~~un~~like most, but were 'closed' on the tie and tongue of parchment documents. This meant in turn that the seals had to be broken to open the document - unbroken Privy Seals or warrants are therefore rare. (The method of applying the Privy Seal was all but unique but there is no need to go into the technical details.) §.

ANNEX 'F'

The "Times" December 7, 1900

Lord Rosebery was reported to have said the following in the House, about Lord Salisbury taking the office of Lord Privy Seal in addition to that of Prime Minister:-

" ... the noble marquis himself has once more resumed the headship of Government and restored the ancient and traditional office of the Prime Minister. In doing so he has taken the Privy Seal and we know that the Privy Seal has in old times been held by a Prime Minister, Lord Chatham. It was in times when there was a large salary attached to the post, some valid official duties, which interfered most seriously with the course of Lord Chatham's retirement when he was Prime Minister. But all that has been long changed; and about 16 years ago all duties, all salary were so effectually removed from the Privy Seal that when I subsequently had the honour to hold that office I found there was no apartment attached to it, no private secretary, no messenger, no staff, no duties and, not the least important, no salary. I hope the noble marquis is going to develop that office somehow and that we shall have some Minister and some assurance that arrangements are going to be made that he may fill a responsible office with the dignity appertaining to the post of Prime Minister, that his wandering feet may be found at rest somewhere, at any rate in a room, that some obscure apartment may be found in the official buildings, and that some adequate clerical and secretarial assistance may be furnished him out of public funds ...".

ANNEX G

Sociological Note

It is perhaps already a sociological cliché to point out that purely administrative methods may make a point of departure in the formation of new political or other institutions. The ascendancy of the office of the Privy Seal over that of the Great Seal in the fourteenth century was no doubt due in large measure to the greater convenience and informality which attended the use of the minor Seal. According to the written established customs of the Chancery, letters under the Great Seal had to be written on parchment, in the Latin tongue, and were encumbered with tedious formulae and the need for a specific warrant for the final sealing. It was also a disadvantage of the Great Seal that writs had to be registered and a record of their issue kept. A further consequence was the high expense in fees to the Chancery and so on and, owing to the number of statutory restrictions, the relative ease of Parliamentary control.

The Privy Seal was comparatively free of these limitations and inconveniences. Its diplomatic forms were briefer and more simple. Written in French, and sometimes in English, not necessarily on parchment, its letters were issued without warrant and were never registered or enrolled. The operations of the office were therefore much less public and much less liable to constitutional control. The advantages of expedition and secrecy caused the Privy Seal to be grasped in turn by more than one of the Government departments and hence not only the amount but the importance of the work dealt with by the Keeper and his staff increased. This was a further reason for the more purely political powers that the Keeper secured.

Natural Resources (whose functions have since been absorbed by the Minister of Housing and Local Government) and the Department of Scientific and Industrial Research and the Atomic Energy Authority were placed under the jurisdiction of the newly created office of Minister of Technology.

The Lord President of the Council was thus released for other Cabinet duties, and since Mr. Harold Wilson formed his government in October 1964 the office has been coupled with that of Leader of the House (q.v.).

The salary of the Lord President of the Council is £8,500 per annum, and when he sits in the House of Commons he is entitled to a further £1,250. A chronological list of the holders of this office appears as Appendix 23.

LORD PRIVY SEAL

The early Kings of England used their private seal when the Great Seal (q.v.) was not available, or was considered too cumbersome for everyday use, and in the reign of King John it was being affixed to letters patent. There is no doubt that in the 13th century the private seal was regarded as the particular instrument of the Royal Prerogative. Edward I used it to seal acts (and even charters) which bore no relation to the ordinary work of the Household, in spite of complaints from barons and commons. From 1275 there was a Keeper of the Privy Seal who became in 1311 a Minister of State on the same footing as the Chancellor and the Treasurer, though of somewhat lower dignity. In the 15th century the office of Keeper of the Privy Seal became detached from the Household, and the use of the Privy Seal became specially connected with financial business as a warrant for payment from the Exchequer, and for the affixing of the Great Seal to letters patent.

The use of the Privy Seal was abolished by a statute of 1884, but long before this the office of Lord Privy Seal had ceased to involve any personal action by its holder. However, the Lord Privy Seal, who may be a member of either House, can be a very useful auxiliary minister, able to give his attention to any matter of urgency which may arise. In 1932 Anthony Eden was appointed to the office and deputed to deal with League of Nations business, while Lord Waverley (then Sir John Anderson) was Lord Privy Seal in 1938-9 with the job of instituting more effective air-raid precautions. When the Labour Government was in office in 1951 the Lord Privy Seal was responsible for co-ordinating the policy of the Home Information Services, and was made answerable to Parliament on questions of major broadcasting policy. In 1959 Lord Hailsham was appointed to the office with duties synonymous to those of a Minister for Science, and later in the same year this office was officially created, Lord Hailsham being designated

Lord Privy Seal and Minister for Science. (See also LORD PRESIDENT OF THE COUNCIL.) Mr. Edward Heath succeeded Lord Hailsham as Lord Privy Seal in 1960 and was given the special function of acting as the Government's spokesman in the House of Commons on foreign affairs, a peer (Lord Home) having been appointed Foreign Secretary (q.v.).

The Lord Privy Seal is appointed by letters patent and the delivery of the Privy Seal, and his salary when a member of the Cabinet is £8,500. When he sits in the House of Commons he is entitled to a further £1,250. A chronological list of the holders of this office appears as Appendix 24.

LORDS AMENDMENTS, CONSIDERATION OF

See BILL, PASSAGE OF.

LORDS COMMISSIONERS

Before the opening of a new Parliament the Queen issues, by the advice of the Privy Council, a Commission conferring on the Lord Chancellor and other Lords of the Privy Council, or any three or more of them, full powers in her name (1) 'to begin and hold' the Parliament which she has ordered to be holden, (2) to 'open and declare the causes of holding the same', (3) to 'proceed upon' the arduous and urgent affairs mentioned in the writ, and (4) 'if necessary' to continue, adjourn and prorogue the said Parliament'. A week before the Speech from the Throne, the Lord Chancellor and usually 4 Lords Commissioners summon the Members of the House of Commons and their Clerk and Serjeant-at-Arms to the House of Lords, where the Lord Chancellor informs them that it is Her Majesty's pleasure that they 'retire to the place where you are to sit, and there proceed to the choice of some proper person to be your speaker'. The next day the Lords Commissioners sit again to receive the new Speaker, who announces his election and is assured by the Lord Chancellor that the Queen approves him as Speaker. Prior to the passage of the Royal Assent Act in May 1967 it was the custom for some hundred years for the Sovereign to appoint Lords Commissioners as for the Opening of Parliament to give the Royal Assent (q.v.) to Bills, except that usually only 3 Commissioners sat instead of 5. Lady Horsburgh was the first woman to act as a Commissioner in May 1961. The Royal Assent Act, while making other arrangements for the signification of the Royal Assent to Bills, continues to permit the signification of the Royal Assent in the historic manner, that is by the Queen in person or by Royal Commission. However, the Royal Assent has not been signified by the Sovereign in person since 1854, and it is anticipated that the practice of pronouncing the Royal Assent by Royal Commission will be observed in future only on the last day of a session.

KEEPERS OF THE PRIVY SEAL

- 1307 William Melton
 1312 Roger Northburgh
 1316 Thomas Charlton
 1320 Robert Baldock
 1323 Robert Wodehouse
 1323 Robert Ayleston
 1324 William Airmyn
 1325 Henry Cliff
 1325² William Harleston
 1326 Robert Wyvill 'acted as keeper
 of the privy seal used by
 Edward, Duke of Aquitaine,
 while governing the realm
 in his father's name'
 1327 Richard Airmyn
 1328 Adam Limber (Lymbergh)
 1330 Richard Bury
 1334 Robert Ayleston
 1334 Robert Tawton
 1335 William de la Zouche
 1337 Richard Bentworth
 1338 William Kilsby
 1342 John Offord
 1344 Thomas Hatfield
 1345 John Thoresby
 1347 Simon Islip
 1350 Michael Northburgh
 1354 Thomas Bramber
 1356 John Winwick
 1360 John Buckingham
 1363 William of Wykeham
 1367 Peter Lacy
 1371 Nicholas Carew
 1377 John Fordham
 1381 William Dighton
 1382 Walter Skirlaw
 1386 John Waltham
 1389 Edmund Stafford
 1396 Guy de Mone
 1397 Richard Clifford
 1401 Thomas Langley
 1405 Nicholas Bubwith
 1406 John Prophet
 1415 John Wakering
 1416² Henry Ware
 1418 John Kemp
 1421 John Stafford
 1422 William Alnwick
 1432 William Lyndwood
 1443 Thomas Beckington
 1444 Adam Moleyns
 1450 Thomas Kent
 1450 Andrew Hulse
 1452 Thomas Kent
 1452 Thomas Lisieux
 1456 Lawrence Booth
 1460 Robert Stillington
 1467 Thomas Rotherham
 1470 John Hales (Keeper during the
 brief restoration of Henry
 VI)
 1471 Thomas Rotherham
 1474 John Russell
 1483 John Gunthorp
 1485 Peter Courtenay
 1487 Richard Fox (first to be
 designated Lord Privy Seal)
 1516 Thomas Ruthall
 1523 Lord Marny
 1523 Cuthbert Tunstall
 1530 Thomas Boleyn, Earl of Wilt-
 shire & Ormond
 1536 Thomas Cromwell
 1540 Earl of Southampton
 1542 John Russell
 1555 Sir Robert Rochester
 1555 Lord Paget
 1571 Lord Burghley (styled Keeper
 —Nicholas Bacon is said to
 have acted as Keeper at the
 beginning of Elizabeth's
 reign)
 1572 Lord Howard of Effingham
 1573 Sir Thomas Smith
 1576 Francis Walsingham
 1590² Lord Burghley

Appendixes

1598	Robert Cecil		
1608	Earl of Northampton	1731	Abraham Stanyan) Robert Jackson) Commissioners
1614	Earl of Somerset		
1616	Earl of Worcester	1731	Duke of Devonshire
1628	Sir John Coke	1733	Viscount Lonsdale
1628	Sir Robert Naunton	1735	Earl of Godolphin
1628	Earl of Manchester	1740	Lord Hervey of Ickworth
1643	Sir Edward Nicholas	1742	John Leveson Gower
1644	Earl of Bath	1743	Earl of Cholmondeley
1655-7	Nathaniel Fiennes, 'Com- missioner of His Highnes Privy Seale', received the customary allowance from March 1655 until June 1657 during the Protectorate	1744	Earl Gower (formerly John Leveson Gower)
1661	John Robartes	1755	Duke of Marlborough
1673	Earl of Anglesey	1755	Granville Leveson Gower
1682	Marquess of Halifax	1757	Earl Temple
1685	Earl of Clarendon	1761	William Sharpe) Jeremiah Dyson) Commissioners
1687	Lord Arundell of Wardour	1761	Duke of Bedford
1689	Marquess of Halifax	1763	Duke of Marlborough
	William Cheyne or Cheney }	1765	Duke of Newcastle-upon-Tyne and Duke of Newcastle- under-Lyne
1690	Sir John Knatchbull } Sir William Pulteney } Commissioners	1766	Earl of Chatham (in February 1768 the office was put in Commission for a short time. Chatham took the oath again in March 1768)
1692	Earl of Pembroke		
1699	Viscount Lonsdale		
1700	Earl of Tankerville	1768	Earl of Bristol
	Edward Southwell }	1770	Earl of Halifax
1701	Christopher Musgrave } James Vernon }	1771	Earl of Suffolk & Berkshire
	Commissioners	1771	Duke of Grafton
1702	Duke of Buckinghamshire & Normanby	1775	Earl of Dartmouth
1705	Duke of Newcastle-upon- Tyne	1782	Duke of Grafton
1711	John Robinson	1783	Earl of Carlisle
1713	Earl of Dartmouth	1783	Duke of Rutland
1714	Marquess of Wharton		William Fraser }
	Edward Southwell }	1784	Evan Nepean) Stephen Cottrell) Commissioners
1715	Christopher Musgrave } Andrew Charlton }	1784	Marquess of Stafford
	Commissioners	1794	Duke of Marlborough
1715	Earl of Sunderland	1794	Earl of Chatham
1716	Duke of Kingston	1798	Earl of Westmorland
1719	Duke of Kent	1806	Viscount Sidmouth
1720	Duke of Kingston	1806	Lord Holland
1726	Lord Trevor of Bromham	1807	Earl of Westmorland
1730	Earl of Wilmington	1827	Duke of Devonshire
		1827	Earl of Carlisle
		1828	Edward Law

Appendixes

1825	Earl of Rosslyn	1915	Earl Curzon
1830	Earl of Durham	1916	Earl of Crawford
1833	Earl of Ripon	1919	A. Bonar Law
1834	Earl of Carlisle	1921	Austen Chamberlain
1834	Earl of Mulgrave	1923	Viscount Cecil
1834	Lord Wharnclyffe	1924	J. R. Clynes
1835	Lord Duncannon	1924	Marquess of Salisbury
1840	Earl of Clarendon	1929	J. H. Thomas
1841	Duke of Buckingham	1930	V. Hartshorn
1842	Duke of Buccleuch	1931	T. Johnston
1846	Earl of Haddington	1931	Earl Peel
1846	Earl of Minto	1931	Viscount Snowden
1852	Marquess of Salisbury	1932	Stanley Baldwin
1853	Duke of Argyll	1934	Anthony Eden
1855	Earl of Harrowby	1935	Marquess of Londonderry
1858	Marquess of Clanricarde	1935	Viscount Halifax
1858	Earl of Hardwicke	1937	Earl de la Warr
1859	Duke of Argyll	1938	Sir J. Anderson
1866	Earl of Malmesbury	1939	Sir S. Hoare
1868	Earl of Kimberley	1940	Sir K. Wood
1870	Viscount Halifax	1940	C. R. Attlee
1874	Earl of Malmesbury	1942	Sir Stafford Cripps
1876	Earl of Beaconsfield	1942	Viscount Cranborne
1878	Duke of Northumberland	1943	Lord Beaverbrook
1880	Duke of Argyll	1945	A. Greenwood
1881	Lord Carlingford	1947	Lord Inman
1885	Lord Rosebery	1947	Viscount Addison
1885	Earl of Harrowby	1951	R. R. Stokes
1886	<u>W. E. Gladstone</u>	1951	Marquess of Salisbury (formerly Viscount Cranborne)
1886	Earl of Cadogan	1952	H. F. C. Crookshank
1892	<u>W. E. Gladstone</u>	1956	R. A. Butler
1894	<u>Lord Tweedmouth</u>	1959	Viscount Hailsham
1895	Viscount Cross	1960	Edward Heath
1900	Marquess of Salisbury	1963	Selwyn Lloyd
1902	A. J. Balfour	1964	Earl of Longford
1903	Marquess of Salisbury	1965	Sir Frank Soskice
1905	Marquess of Ripon	1966	Earl of Longford
1908	Marquess of Crewe		
1911	Marquess of Lincolnshire		
1912	Marquess of Crewe		

1973 *Lord Windlesham*
1974 *Lord Shepherd*



Role of LPS

Civil Service Department
Whitehall London SW1A 2AZ

10 August 1976

D J Newman Esq BA Econ
The North Gloucestershire College of Technology
The Park
Cheltenham
Glos

Miss Morrison

Dear Mr Newman,

Thank you for your letter of 28 July, asking about the work of the Lord Privy Seal and Leader of the House of Lords.

In common with other Ministers of the Crown, the Lord Privy Seal is appointed by Her Majesty on the nomination of the Prime Minister. In considering the role of the Lord Privy Seal, it is necessary to distinguish between the formal functions of the office and the role in Government which its holder plays.

As the name suggests, the Lord Privy Seal was originally in charge of the Privy Seal, whose authority was required for the issue of money from the Exchequer and for the fixing of the Great Seal to Letters Patent. Since the passing of the Great Seal Act 1884, which rendered the use of the Privy Seal unnecessary, the office of Lord Privy Seal has been a sinecure one; no formal functions are attached to the office as such.

Notwithstanding the sinecure nature of the office, however, successive holders of the office have played an important part in Government. The holder of the office has usually been a member of the Cabinet. The absence of formal functions vested in the office has allowed its holder to undertake a variety of functions under different Governments. Since 1945, for instance, the office has been held on nine occasions by the Leader of the House of Lords and on four by the Leader of the House of Commons. At different times the office has also been held by Ministers charged with responsibility for the supply of raw materials during the Korean War, for Science, and for the negotiation of United Kingdom entry into the European Community. In October 1938 the Lord Privy Seal of the day had responsibility for co-ordinating civil defence preparations.

Apart from his general responsibilities as a Cabinet Minister, the present Lord Privy Seal, Lord Shepherd, is Leader of the House of Lords and Minister responsible to the Minister for the Civil Service (an office held by the Prime Minister) for the day-to-day work of the Civil Service Department. In the former role, he is responsible for every aspect of the management of the Government's business in the House of Lords; he also speaks for the Government in major debates and assists with legislation. The latter role covers responsibility for the central management of the Civil Service

/and such

D J Newman Esq BA Econ

10 August 1976

and such matters as pay, superannuation, recruitment, training manpower and personnel management. It has been performed by successive Lords Privy Seal since the creation of the Civil Service Department in November 1968, with the exception of the period from March to October 1974 when the Lord President of the Council was in day-to-day charge of the Department.

In addition, the present Lord Privy Seal has been given by the Prime Minister responsibility for monitoring and co-ordinating Government policy in a number of areas. These include population, science and technology, and matters connected with the law of the sea, the use of the sea and the seabed, and measures necessary for the protection of our offshore and other maritime interests.

In addition, the Lord Privy Seal has Ministerial responsibility for HM Stationery Office and the Central Office of Information and also takes the lead in arranging interdepartmental consideration of common services issues where this is necessary.

I hope this information is helpful to you in the preparation of your lecture. Should you wish to conduct further research into the origins of the office of the Lord Privy Seal, you may find the
... attached list of references useful.

Yours sincerely,

N B J Gurney

N B J Gurney
Private Secretary

LORD PRIVY SEAL

ANSON W R

The law and custom of the constitution, 3rd edition
Volume II: The crown. Part I
Clarendon Press 1907

Most useful source - various pagination

DAALDER H

Cabinet reform in Britain 1914-1963
Oxford University Press 1964

see pp24-25 'The holders of sinecure offices'

COSTIN W C and WATSON J S

The law and working of the constitution
Volumes I and II
Adam & Charles Black 1952

Historical account of the office - various pagination

JEWELL R E C

British constitution, 3rd edition
Hodder & Stoughton 1975

see pp115 and 125-127 'The sinecure offices'

KEIR D L

The constitutional history of modern Britain since
1485, 9th edition
Adam & Charles Black 1969

Historical account of the office - various pagination

WILDING N and LAUNDY P

An encyclopaedia of parliament, 4th rev edition
Cassell 1972

see pp445-6 entry for 'Lord Privy Seal'

OUTLINE HISTORY OF THE OFFICE OF THE LORD PRIVY SEAL

There are, in English history, two important seals - the Great Seal of the Realm and the Privy (Private) Seal. The Lord Chancellor is the Keeper of the former, the Lord Privy Seal the Keeper of the latter.

The Great Seal of the Realm was and still is, the authorising instrument of much the most important State business. Originally, it was the instrument for the private business of the Sovereign, but by the end of the 12th Century the English barons had managed to restrict its use - and therefore restrict the King's personal power - to such a degree that the Sovereign created a new small and private seal - the Privy Seal.

The Privy Seal therefore was the first small seal to be used by English monarchs. The first reference to it occurs in the reign of King John (1199-1216), when it was affixed to letters Patent.

By the 13th Century, the Privy Seal was regarded as the particular instrument of the Royal Prerogative, the first recorded Lord Keeper of the Privy Seal being appointed in 1275. (In 1311, the Keeper became a Minister of State on the same footing as the Chancellor and the Treasurer, and by 1360, the Keeper had his own department at Westminster.)

In the 14th Century, the Privy Seal was used largely to affix the Great Seal to letters Patent, but was also used as a warrant for payments to be made from the Exchequer, and to sanction writs for pardons for serious crimes.

In the 15th Century the former powers of the Keeper of the Privy Seal were largely unchanged, but the office now became detached from the Royal Household.

In the 16th Century, although the office was still held by statesmen of the first rank, the use of the Privy Seal itself was greatly restricted by the barons, and the Sovereigns of that period had to resort to various other instruments of their personal power. However with the increase of the powers of Parliament, the Sovereigns' independent power became altogether more limited. The Seal was used less and less in the 17th and 18th Centuries, and all powers under it were finally abolished under the Great Seal Act of 1884.

Since that Act of 1884, the office of the Lord Privy Seal has been a sinecure one - no formal functions are attached to it.

However, successive holders of the office have played an important part in Government, and the holder of the office has usually been a member of the Cabinet. The absence of formal functions vested in the office have allowed its holder to undertake a variety of jobs under different Governments, and all at the request of the Prime Minister - at different times the office has been held by Ministers charged with responsibility for the supply of raw materials (during the Korean War), for Science, and for the negotiation of United Kingdom entry into the European Community. In October 1938 the Lord Privy Seal had responsibility for co-ordinating civil defence preparations. Since 1945,

the office has been held on 9 occasions by the Leader of the House of Lords and on 4 by the Leader of the House of Commons.

The Lord Privy Seal is appointed by HM The Queen on the nomination of the Prime Minister. The present Lord Privy Seal (Lord Peart) is Leader of the House of Lords and Minister responsible to the Minister for the Civil Service (The Prime Minister) for the day to day work of the Civil Service Department. In the former role, he is responsible for every aspect of the management of the Government's business in the House of Lords; he also speaks for the Government in major debates and assists with legislation. The latter role covers responsibility for the central management for the Civil Service and such matters as pay, superannuation, recruitment, training, manpower and personnel management, and has been performed by successive Lords Privy Seal since the creation of the Civil Service Department in November 1968, (with the exception of the period from March to October 1974 when the Lord President of the Council was in day to day charge of the Department.)

In addition the present Lord Privy Seal has been given, by the Prime Minister, responsibility for monitoring and co-ordinating Government policy in a number of areas. These include population, science and technology, and matters connected with the law of the sea, the use of the sea and the seabed, and measures necessary for the protection of our offshore and other maritime interests. In addition, the Lord Privy Seal has Ministerial responsibility for HM Stationery Office and the Central Office of Information.

A list of holders of the office of Lord Privy Seal since 1900 can be found in "British Political Facts 1900-1975" by Butler and Sloman [MacMillan Press Ltd; 1975].

~~CHD~~ -

23.5.78

xxxxxxx 273 5493

22 November 1977

Mr Nicholas Jones
86 Woodland Road
Northfield
Birmingham B31 2HY

Dear Nicholas

Lord Peart thanks you for your letter asking about the work of Lord Privy Seal, and has asked me to reply.

In common with other Ministers of the Crown, the Lord Privy Seal is appointed by Her Majesty on the nomination of the Prime Minister. In considering the role of the Lord Privy Seal, it is necessary to distinguish between the formal functions of the office and the role in Government which its holder plays.

As the name suggests, the Lord Privy Seal was originally in charge of the Privy Seal, whose authority was required for the issue of money from the Exchequer and for the fixing of the Great Seal to Letters Patent. Since the passing of the Great Seal Act 1884, which rendered the use of the Privy Seal unnecessary, the office of Lord Privy Seal has been a sinecure one; no formal functions are attached to the office as such.

Notwithstanding the sinecure nature of the office, however, successive holders of the office have played an important part in Government. The holder of the office has usually been a member of the Cabinet. The absence of formal functions vested in the office has allowed its holder to undertake a variety of functions under different Governments. Since 1945, for instance, the office has been held on nine occasions by the Leader of the House of Lords and on four by the Leader of the House of Commons. At different times the office has also been held by Ministers charged with responsibility for the supply of raw materials during the Korean War, for Science, and for the negotiation of United Kingdom entry into the European Community. In October 1938 the Lord Privy Seal of the day had responsibility for co-ordinating civil defence preparations.

Apart from his general responsibilities as a Cabinet Minister, the present Lord Privy Seal, Lord Peart, is Leader of the House of Lords and Minister responsible to the Minister for the Civil Service (an office held by the Prime Minister) for the day-to-day work of the Civil Service Department. In the former role, he is responsible for every aspect of the management of the Government's business in the House of Lords; he also speaks for the Government in major debates and assists with legislation. The latter role covers responsibility for the central management of the Civil Service and such matters as pay,

superannuation, recruitment, training, manpower and personnel management. It has been performed by successive Lords Privy Seal since the creation of the Civil Service Department in November 1968, with the exception of the period from March to October 1974 when the Lord President of the Council was in day-to-day charge of the Department.

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In addition, the Lord Privy Seal has Ministerial responsibility for HM Stationery Office and the Central Office of Information and also takes the lead in arranging interdepartmental consideration of common services issues where this is necessary.

I hope this information will be helpful to you; your collection sounds most interesting.

The photograph enclosed is the only official picture I have of Lord Peart.

Yours sincerely

B Collins

Information Division

Personal (with taken in my private
on office duties. etc.) Hisse Hisse

FOREIGN OFFICE, S.W.1.

January 30, 1962

Your letter of November 8 arrived at this office a few days later and I am very sorry that it has taken so long to reply. The Lord Privy Seal himself, the Right Honourable Edward Heath, M.B.E., M.P., has been extremely busy, as also have we, his Private Secretaries. In fact, I am dictating this reply at 8. o'clock in the evening.

The first thing I ought to explain is that there are in English history two important seals - the Great Seal of the Realm and the Privy Seal. Mr. Heath is the Keeper of the latter seal which is, I fear, rather the less important of the two. Should you require any further information about the Great Seal of the Realm you should write to the Office of the Lord Chancellor (who is its Keeper) at the House of Lords, London, S.W.1.

In essence the story of the Seals is as follows. The Great Seal of the Realm was and is the authorising instrument of much of the most important state business. Originally it was the instrument for the private business of the sovereign but by the end of

/the 12th....

Miss Nancy Lohr,
Delaware Valley Central School,
Mileses,
NEW YORK,
U.S.A.

the 12th century the English barons had managed to restrict its use (and hence restrict the King's personal power) to such a degree that the Sovereign created a new small and private seal. Privy Seal really means Private Seal.

By the 16th century the use of the Privy Seal itself was also greatly circumscribed by the barons, and Sovereigns of that period had recourse to various other instruments of their personal power. Naturally, with the growth of the powers of Parliament, the Sovereign's independent power became more and more limited. The Great Seal had already become a fully constitutional instrument of power. So also had the Privy Seal but this Seal was less and less used in the 17th and 18th centuries and all powers under it were finally abolished under the Great Seal Act of 1884. The Great Seal remains an important instrument. A new one is created for each reign and the present one, bearing the arms of Queen Elizabeth II, weighs 135 ounces. Its holder is, as I mentioned above, the Lord Chancellor, with whose office that of Keeper of the Great Seal was combined about 700 years ago.

I tell you all this because there is in fact no pamphlet or booklet on the subject so far as I can discover, but if you want to go into it in great detail I would recommend a book in several volumes entitled "Chapters in Medieval Administrative History" by Professor T.S. Tout, which was published by the Manchester University Press in and around 1930. Short accounts of the history of both Seals may be found in "An Encyclopaedia of Parliament" by Norman Wilding and Philip Laundry, published by Cassell in 1958.

/You asked....

You asked which of the former Lords Privy Seal had played an important part in the Government of England. It would require much more knowledge of history than I have to answer this question with any great confidence, but by and large the Lords Privy Seal have not been quite of the first rank amongst English Ministers. Thomas Cromwell was, of course, outstanding. He was the main agent of Henry VIII's policy from 1531-1540. More recent holders of the office have been Mr. Gladstone, the Marquis of Salisbury (who held the office together with that of Prime Minister in 1900), Mr. Bonar Law, Mr. Baldwin, Mr. Anthony Eden (now Lord Avon) in 1934, Lord Halifax (late British Ambassador in Washington), Mr. (now Lord) Attlee in 1940, and Mr. R.A. Butler in 1955.

You also asked some questions about the Office as it exists today. That of the Lord Chancellor I shall leave to you to discover by either reading the books or by writing to his Private Secretary direct. As to the Lord Privy Seal, he has become since the 19th century a kind of Minister without Portfolio who is asked, when he takes up his office, to take on whatever kinds of problem that the Prime Minister decides he should. The present Lord Privy Seal, Mr. Heath, took this office in July 1960 (he was formerly Minister of Labour) to be a second Cabinet Minister in the Foreign Office (which is in Downing Street, Whitehall) under the Foreign Secretary. In this capacity he has two particular tasks. The first is to speak for the Foreign Office in the House of

/Commons....

Commons, which the Foreign Secretary cannot do being a Peer, and the second is to be particularly responsible for European affairs. In August this year the Lord Privy Seal was, in addition, given responsibility for the United Kingdom negotiations with the European Economic Community. The Lord Privy Seal has not for centuries had an office or a staff of his own and his staff is drawn from one or many departments depending on the responsibilities he is given by the Prime Minister. At present his personal staff is drawn from the Foreign Office in which department he has his own office.

It is difficult to say how one becomes the Keeper. Both the Keepers, the Lord Chancellor and the Lord Privy Seal, are of course politicians and both are Cabinet Ministers. They are appointed by the Sovereign on the advice of the Prime Minister and are almost always, of course, drawn from either the House of Commons or the House of Lords. Similarly it is impossible to say how many years the offices are held for - this depends on the wishes of the Prime Minister and hence on the fate of the Government at general elections.

I hope you will find this of some small value in your studies and, as I said, I am sorry not to have written to you before.

(R. T. Higgins).

Personal

Resident Clerk's Men,
Foreign Office,
Downing Street,
S.W.1.

January 22, 1965.

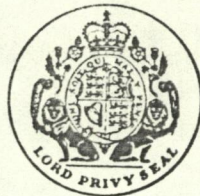
Dear Lord Longford,

As I was turning over some old personal papers the other evening, prior to a purge, I came across a copy, which I enclose, of a piece I wrote for Edward Heath in such spare time as one had as one of his private secretaries! He had asked me to look into the origins of the office of Lord Privy Seal since there seemed to be little in any one place about it.

As the thing no doubt shows, I am no historian. It is merely a collation of fragments. There will be errors. But, having seen you just before you received your appointment to

The same place, it occurred to me that you might
just like to have it.

Yours very sincerely,
Ronald Higgins.



VALUATION OF 2 STATUETTES IN
LORD PRIVY SEAL'S OFFICE, OAB

The 1972 valuation for the 2 pieces of work
together is £400, ie:

1. Ref.7275 "Study for Standard Unique"
by Elizabeth Frink - £200.

2. Ref.7279 "Study for the Witch of Agresi"
by F E McWilliams - £200.

Elisabeth Frink

Sculptor - Painter

1930 Born Thurlow, Suffolk

Studied at
Chelsea School of Art

One-man exhibition

1955 Waddington Gallery London

1958 Waddington Gallery London

1961 Waddington Gallery London

1958 Bertha Shaefer Gallery New York

1961 Los Angeles

Official purchases

1952 Tate Gallery

1963 Tate Gallery

Arts Council

Walker Art Gallery Liverpool

Commissioned work for Coventry Cathedral
L.C.C. and other public bodies and in
private collections in Britain, Europe and
United States of America

*A lecture for Coventry Cathedral
Concrete 'Wild Boar' for Harlow New Town
Bronze 'Blind Man & Dog' for Bethnal Green.*

F. E. McWILLIAM

1909 Born Banbridge, Ireland

1928 Left Ireland, studied at Slade School of Art until 1931

1931-32 Worked in Paris

1939 First one-man exhibition, London Gallery, Cork Street

1940-5 Served with RAF at home and in the Far East

1947 Exhibited in 'Ung Engelsk Konst' Stockholm and Gothenburg

1948 'International Open Air Exhibition of Sculpture', Battersea Park, London

1949 One-man exhibition, Hanover Gallery, London

1950 'The Private Collector', CAS Exhibition, Tate Gallery

1951 Sculpture 'The Four Seasons' commissioned for Country Pavilion, South Bank Exhibition, Festival of Britain
Sculpture 'Parents and Children' commissioned by Arts Council, Festival of Britain
Exhibited: 'International Open-Air Exhibition', Battersea Park, London

1952 One-man exhibition, Hanover Gallery, London
Exhibited: 'Contemporary Drawings from 12 Countries 1945-1952', Art Institute, Chicago

1953 '20th Century Form', Whitechapel Art Gallery, London
'Unknown Political Prisoner', Tate Gallery (prix de concours)
'International Open-Air Exhibition', 2nd-Biennale, Middleheim, Antwerp

1954 'International Open-Air Sculpture Exhibition', Holland Park, London
'British Painting and Sculpture', Whitechapel Art Gallery

1955 British Council Touring Exhibition, 'Yunge Englishe Bildhauer', Germany

1955-56 British Council Touring Exhibition, 'Young British Sculptors', Chicago, Minneapolis, Cincinnati, Buffalo, Toronto

1956 'The Seasons', CAS Exhibition, Tate Gallery
'Eleven British Sculptors', Galerie Chalette, New York
'International Open-Air Exhibition', Rodin Museum, Paris

1957 'Open-Air Sculpture', Holland Park

1957-58 British Council Exhibition 'Ten British Sculptors', 4th Biennale, Sao Paulo, Brazil; Rio de Janeiro; Buenos Aires; Montevideo; Santiago; Lima; Caracas

- 1958 Carnegie Exhibition, Pittsburg
 'The Religious Theme', CAS Exhibition, Tate Gallery
- 1959 'Recent Acquisitions', CAS Exhibition, Tate Gallery
 5th Biennale, Open-Air Museum, Middleheim, Antwerp
 'International Exhibition of Sculpture', Municipal Art Gallery, Dublin
- 1959-60 'British Artist Craftsmen' circulated by Smithsonian Institution, USA
- 1960 One-man Exhibition, Queens University, Belfast
 'International Open-Air Sculpture Exhibition', Battersea Park, London
- 1961 One-man Exhibition, Waddington Galleries, London
 International Open-Air Exhibition, Rodin Museum, Paris
 John Moores Exhibition, Liverpool (prizewinner)
 Pittsburgh International Exhibition, Carnegie Institute
- 1962-63 'British Art Today', San Francisco, Dallas, Santa Barbara
- 1963 One-man exhibition: Landau Gallery, Los Angeles

PUBLIC COMMISSIONS:

'Princess Macha', Altnagelvin Hospital, Londonderry, N. Ireland

'Portrait of Sculptress', Market Square, Harlow New Town
 'Archimedes', Technical College, Shrewsbury
 'Homer', Bumpus Book Shop, Baker Street, London
 'Man with Bird', Basildon New Town
 'Hosea Kutako', UNO Buildings, New York
 'Puy de Dome Figure', Arts Wing, Southampton University
 'Seated Figure', Queens University, Belfast

PUBLIC ACQUISITIONS INCLUDE:

The Tate Gallery; Victoria and Albert Museum; Arts Council of Great Britain; Museum of Modern Art, New York; National Gallery of South Australia; Art Gallery, Western Australia; Open-Air Museum, Middleheim, Antwerp; Art Institute, Chicago; Art Galleries; Belfast, New Zealand; Temple Newsam, Leeds; Avery Hill Teachers Training College, Eltham, London, *Min. of Works.*

file please.
(PO Admin.)

TITLE	ARTIST	MEDIUM	SIZE	ORIGIN
✓ George, Viscount Keith (L wall farthest from LPS' desk)	W Owen	Oil	30" x 25" (canvas)	On loan from the National Maritime Museum
✓ Battle of the Texel (Rt of fireplace)	R Woodcock	Oil	44" x 74" (canvas)	On loan from the National Maritime Museum
✓ Battle of the Saints (over fireplace)	T Whitcomb	Oil	31" x 50" (canvas)	On loan from the National Maritime Museum
✓ Coronation Review (L of fireplace)	N Wilkinson	Oil		On loan from the National Maritime Museum
○ Royal Yachts with the Fleet (behind LPS' desk)	Unknown	Oil		On loan from the National Maritime Museum
✓ First Earl of Sandwich (L of LPS' desk)	Lely	Oil	28" x 23½" (canvas)	On loan from the National Portrait Gallery
✓ Admiral Lord Nelson and Lady Hamilton in the Grounds of Merton, c 1802 (R of LPS' desk on cabinet)	W Goldsmith	Water-Colour Drawing	18¾" x 20¾" (outer)	
- Bird 5	E Frink	Water-Colour Drawing	37" x 28" (outer)	
h Whitehall Palace: Parkside	Inigo Jones	Engraving	29" x 42" (outer)	
W facing LPS' desk } Whitehall Palace: Waterside	Inigo Jones	Engraving	29" x 42" (outer)	
Whitehall Palace: Charing Cross Side	Inigo Jones	Engraving	29" x 42" (outer)	

Donegal Seascope Navy Armour

The last 5 pictures are owned by the Department of the Environment.

+ Donegal seascope



Department of the Environment

Miss Anne O Fletcher
 Private Secretary/
 Lord Privy Seal
 Civil Service Department
 Whitehall
 LONDON
 SW1A 2AZ

PSA

Property Services Agency
 (Room 3/02)

Fortress House

23 Savile Row London W1X 2AA

Telegrams
 Telephone 01-734 6010 (ext 165)

FEB 1974

Our ref

AA 3325/1
 Your ref

Date

20th February 1974

Dear Miss Fletcher,

You asked me on the telephone for a list of the pictures which hang in the Lord Privy Seal's room. I have pleasure in enclosing this.

Yours sincerely,

C L Davies

C L DAVIES

ENC

Aof on Monday



Department of the Environment

 Room Fortress House 23 Savile Row
 London W1X 2AA

Telephone 01-734 6010 ext 165

File 1B

 GRW - to see
 O.R.

 B/f 14
 4/2 Good
 h/h

 Miss Anne O Fletcher
 Private Secretary/Lord Privy Seal
 Civil Service Department
 Whitehall
 LONDON SW1A 2AZ

Your reference

Our reference AA 3325/1

AA 4001/24

 Date 7th September 1973

Dear Miss Fletcher,

I am writing to thank you for your letter of 7 August about pictures on loan from the National Maritime Museum.

This came into the office while I was on holiday and I regret that we have not acknowledged it before now, but you can leave the matter in our hands ~~as~~ ^{as} that this Department ~~will~~ take all the pictures under its wing and look after them. I see from our file on loans that, in fact, the pictures which have been in the Lord Privy Seal's room for some while have already been taken on our charge and we will now do the same with the remainder. We are corresponding with the Curator of the Museum about their loans generally and we will include mention of these additional pictures in a letter we will be writing to them very shortly.

Thank you for your help in this matter and I am sorry that your time was taken up with the correspondence with Treasury.

Yours sincerely,

C L Davies

C L DAVIES



Civil Service Department
Whitehall London SW1A 2AZ

7 August 1973

C L Davies Esq
Department of the Environment
Fortress House
25 Savile Row
London W1X 2BT

Dear Mr. Davies,

I am writing to you about the question of the insurance of the pictures in the Lord Privy Seal's room. I understand from Mr McKean, the Treasury Officer of Accounts, that you are the expert on these matters.

... The position is set out in the attached copies of correspondence between Mr McKean and myself and I think I can do no more at this stage than ask you to consider these. I should be most grateful for your advice.

Yours sincerely,
Anne O. Fletcher.

ANNE O FLETCHER
Private Secretary

- 7 AUG 1973



Treasury Chambers
Great George Street
London SW1

Telephone 01-930 1234 ext

6 August 1973

Miss A O Fletcher
Civil Service Department
Whitehall
LONDON SW1A 2AZ

Dear Miss Fletcher

Thank you for your letter of 30 July about insurance of the paintings on loan from the National Maritime Museum which are at present in the Lord Privy Seal's room.

I understand that the Lord Privy Seal negotiated the loan of these paintings personally. The Museum are therefore justified in raising the question of insurance, as they would regard this as a loan to a private person. However, it is normal for the Department of the Environment to borrow paintings to furnish Ministerial rooms. If you would care to write to Mr C L Davies of DOE at Fortress House, 25 Savile Row W1X 2BT, explaining the position, I think you will find that DOE would be willing to take over responsibility for these pictures. The question of insurance would not then arise since, as you rightly say, the Government does not as a general rule insure.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Douglas McKean', written in a cursive style.

D McKean

AOF.



Civil Service Department
Whitehall London SW1A 2AZ

30 July 1973

D McKean Esq
Treasury Officer of Accounts and
Public Purchasing
HM Treasury
Great George Street
London SW 1

Dear Mr. McKean,

I am writing to ask your advice on a point of insurance.

There are several paintings in the Lord Privy Seal's room which are on loan from the National Maritime Museum, two being obtained very recently, and the Museum have raised the question of their insurance. I believe that it is not Government policy for the Civil Service to insure itself but I should be grateful if you could clarify this point so that we can give the Museum an official answer.

Yours sincerely,
Anne O. Fletcher.

ANNE O FLETCHER
Private Secretary



LORD PRIVY SEAL
HOUSE OF LORDS
LONDON S.W.1

27 March 1974

Dear Mr Bryant,

Lord Shepherd, the Lord Privy Seal, has asked me to thank you for your letter of 17 March. Unfortunately there is no personal coat of arms of which I can let you have a copy, but you will see that I am writing on notepaper of the Lord Privy Seal. I hope you will find it helpful if I give some details of the Privy Seal and the Office of its Keeper.

The first thing I ought to explain is that there are in English history two important Seals - the Great Seal of the Realm and the Privy Seal. Lord Shepherd is Keeper of the latter seal. In essence the story of the Seals is as follows. The Great Seal of the Realm was and is the authorising instrument of much of the most important state business. Originally it was the instrument for the private business of the Sovereign but by the end of the 12th century the English barons had managed to restrict its use (and hence restrict the King's personal power) to such a degree that the Sovereign created a new small and private seal. Privy Seal really means Private Seal.

By the 16th century the use of the Privy Seal itself was also greatly circumscribed by the barons, and Sovereigns of that period had recourse to various other instruments of their personal power. Naturally, with the growth of the powers of Parliament, the Sovereign's independent power became more and more limited. The Great Seal had already become a fully constitutional instrument of power. So also had the Privy Seal but this Seal was less and less used in the 17th and 18th centuries and all powers under it were finally abolished under the Great Seal Act of 1884. The Great Seal remains an important instrument.

The Privy Seal is still in existence and the crest at the top of this letter is similar to the impression of the Seal. Although the Seal is no longer in use the Keeper has remained a Cabinet Minister. Keepers are appointed by the Sovereign on the advice of the Prime Minister and are almost always, of course, drawn from either the House of Commons or the House of Lords. Lord Shepherd the present Lord Privy Seal, is Leader of the House of Lords.

I hope that you will find this information of some value.

Yours sincerely,

M E Inglis
Private Secretary

Malcolm Inglis

S G Bryant Esq
The Cottage
The Old Vicarage
Turville
Henley on Thames
Oxon

17/3/74

The Cottage
The Old Vicarage
Turnville
Henley on Thames
Oxon

Dear Sir,

Please forgive my writing. I would be very grateful if you could help me. But I do not want to be a nuisance. To introduce myself. - Age 64 yrs. - Semi-invalid. (Heart Trouble - Bronchitis - Bad Legs & Feet). Most of my life, I have been employed in Public Service (minor capacity) - (ie) Hospital - (Medical Orderly) - Ambulance Service - (Accident Section). At present, I am still able to do 'light work'. Voluntary Services (In the Past - Unable to do it now), - "Red Cross" - "Aged Peoples Welfare" - "Youth Service" - Hobbies - Collecting "Metal Badges" & "Coat of Arms". Please if it possible, for you to spare me a copy of your "Coat of Arms", if possible, Illustrated in Colour, Plus its History, for my Private Collection. I would appreciate your kindness, Thanking you in anticipation.

I am,

Yours Sincerely

S. G. Bryant

KPS Do you have anything along
or lines, otherwise I could
haps write on your behalf on
'S notepaper.

Caroline - You might find this useful (if you don't already have it!) John

Lord Privy Seal

Mr. Hogg was appointed to it while remaining Lord President of the Council.

When the Labour Party returned to office in October 1964 the functions of Lord President of the Council and Secretary of State for Education and Science were separated under a general reorganization of ministerial responsibilities. The latter minister became responsible for scientific research and civil scientific policy and became answerable for the work of such bodies as the Medical Research Council, Agricultural Research Council and Science Research Council. The Nature Conservancy became the responsibility of the Minister of Lands and Natural Resources (whose functions were afterwards absorbed by the Minister of Housing and Local Government) and the Department of Scientific and Industrial Research and the Atomic Energy Authority were placed under the jurisdiction of the newly created office of Minister of Technology (q.v.).

The Lord President of the Council was thus released for other Cabinet duties, and since Mr. Harold Wilson formed his government in October 1964 the office has been coupled with that of Leader of the House (q.v.).

The salary of the Lord President of the Council is £8,500 per annum, and when he sits in the House of Commons he is entitled to a further £1,250. A chronological list of the holders of this office appears as Appendix 23.

LORD PRIVY SEAL

The early Kings of England used their private seal when the Great Seal (q.v.) was not available, or was considered too cumbrous for everyday use, and in the reign of King John it was being affixed to letters patent. There is no doubt that in the 13th century the private seal was regarded as the particular instrument of the Royal Prerogative. Edward I used it to seal acts (and even charters) which bore no relation to the ordinary work of the Household, in spite of complaints from barons and commons. From 1275 there was a Keeper of the Privy Seal who became in 1311 a Minister of State on the same footing as the Chancellor and the Treasurer, though of somewhat lower dignity. In the 15th century the office of Keeper of the Privy Seal became detached from the Household, and the use of the Privy Seal became specially connected with financial business as a warrant for payment from the Exchequer, and for the affixing of the Great Seal to letters patent.

The use of the Privy Seal was abolished by a statute of 1884, but long before this the office of Lord Privy Seal had ceased to involve any personal action by its holder. However, the Lord Privy Seal, who may be a member of either House, can be a very useful auxiliary minister, able to give his attention to any matter of urgency which may arise.

Lords Amendments, Consideration of

In 1932 Anthony Eden was appointed to the office and deputed to deal with League of Nations business, while Lord Waverley (then Sir John Anderson) was Lord Privy Seal in 1938-9 with the job of instituting more effective air-raid precautions. When the Labour Government was in office in 1951 the Lord Privy Seal was responsible for co-ordinating the policy of the Home Information Services, and was made answerable to Parliament on questions of major broadcasting policy. In 1959 Lord Hailsham was appointed to the office with duties synonymous to those of a Minister for Science, and later in the same year this office was officially created, Lord Hailsham being designated Lord Privy Seal and Minister for Science. (See also LORD PRESIDENT OF THE COUNCIL.) Mr. Edward Heath succeeded Lord Hailsham as Lord Privy Seal in 1960 and was given the special function of acting as the Government's spokesman in the House of Commons on foreign affairs, a peer (Lord Home) having been appointed Foreign Secretary (q.v.).

The Lord Privy Seal is appointed by letters patent and the delivery of the Privy Seal, and his salary when a member of the Cabinet is £8,500. When he sits in the House of Commons he is entitled to a further £1,250. A chronological list of the holders of this office appears as Appendix 24.

LORDS AMENDMENTS, CONSIDERATION OF

See BILL, PASSAGE OF.

LORDS COMMISSIONERS

Before the opening of a new Parliament the Queen issues, by the advice of the Privy Council, a Commission conferring on the Lord Chancellor and other Lords of the Privy Council, or any three or more of them, full powers in her name (1) 'to begin and hold' the Parliament which she has ordered to be holden, (2) to 'open and declare the causes of holding the same', (3) to 'proceed upon' the arduous and urgent affairs mentioned in the writ, and (4) 'if necessary to continue, adjourn and prorogue the said Parliament'. A week before the Speech from the Throne, the Lord Chancellor and usually 4 Lords Commissioners summon the Members of the House of Commons and their Clerk and Serjeant-at-Arms to the House of Lords, where the Lord Chancellor informs them that it is Her Majesty's pleasure that they 'retire to the place where you are to sit, and there proceed to the choice of some proper person to be your speaker'. The next day the Lords Commissioners sit again to receive the new Speaker, who announces his election and is assured by the Lord Chancellor that the Queen approves him as Speaker. Prior to the passage of the Royal Assent Act in May 1967 it was the custom for some hundred years for the Sovereign to appoint Lords Commissioners as for the Opening of Parliament to

T/B
100 file
H

OUTLINE HISTORY OF THE OFFICE OF THE LORD PRIVY SEAL

There are, in English history, two important seals - the Great Seal of the Realm and the Privy (Private) Seal. The Lord Chancellor is the Keeper of the former, the Lord Privy Seal the Keeper of the latter.

The Great Seal of the Realm was and still is, the authorising instrument of much the most important State business. Originally, it was the instrument for the private business of the Sovereign, but by the end of the 12th Century the English barons had managed to restrict its use - and therefore restrict the King's personal power - to such a degree that the Sovereign created a new small and private seal - the Privy Seal.

The Privy Seal therefore was the first small seal to be used by English monarchs. The first reference to it occurs in the reign of King John (1199-1216), when it was affixed to letters Patent.

By the 13th Century, the Privy Seal was regarded as the particular instrument of the Royal Prerogative, the first recorded Lord Keeper of the Privy Seal being appointed in 1275. (In 1311, the Keeper became a Minister of State on the same footing as the Chancellor and the Treasurer, and by 1360, the Keeper had his own department at Westminster.)

In the 14th Century, the Privy Seal was used largely to affix the Great Seal to letters Patent, but was also used as a warrant for payments to be made from the Exchequer, and to sanction writs for pardons for serious crimes.

In the 15th Century the former powers of the Keeper of the Privy Seal were largely unchanged, but the office now became detached from the Royal Household.

In the 16th Century, although the office was still held by statesmen of the first rank, the use of the Privy Seal itself was greatly restricted by the barons, and the Sovereigns of that period had to resort to various other instruments of their personal power. However with the increase of the powers of Parliament, the Sovereigns' independent power became altogether more limited. The Seal was used less and less in the 17th and 18th Centuries, and all powers under it were finally abolished under the Great Seal Act of 1884.

Since that Act of 1884, the office of the Lord Privy Seal has been a sinecure one - no formal functions are attached to it.

However, successive holders of the office have played an important part in Government, and the holder of the office has usually been a member of the Cabinet. The absence of formal functions vested in the office have allowed its holder to undertake a variety of jobs under different Governments, and all at the request of the Prime Minister - at different times the office has been held by Ministers charged with responsibility for the supply of raw materials (during the Korean War), for Science, and for the negotiation of United Kingdom entry into the European Community. In October 1938 the Lord Privy Seal had responsibility for co-ordinating civil defence preparations. Since 1945,

the office has been held on 9 occasions by the Leader of the House of Lords and on 4 by the Leader of the House of Commons.

The Lord Privy Seal is appointed by HM The Queen on the nomination of the Prime Minister. The present Lord Privy Seal (Lord Peart) is Leader of the House of Lords and Minister responsible to the Minister for the Civil Service (The Prime Minister) for the day to day work of the Civil Service Department. In the former role, he is responsible for every aspect of the management of the Government's business in the House of Lords; he also speaks for the Government in major debates and assists with legislation. The latter role covers responsibility for the central management for the Civil Service and such matters as pay, superannuation, recruitment, training, manpower and personnel management, and has been performed by successive Lords Privy Seal since the creation of the Civil Service Department in November 1968, (with the exception of the period from March to October 1974 when the Lord President of the Council was in day to day charge of the Department.)

In addition the present Lord Privy Seal has been given, by the Prime Minister, responsibility for monitoring and co-ordinating Government policy in a number of areas. These include population, science and technology, and matters connected with the law of the sea, the use of the sea and the seabed, and measures necessary for the protection of our offshore and other maritime interests. In addition, the Lord Privy Seal has Ministerial responsibility for HM Stationery Office and the Central Office of Information.

A list of holders of the office of Lord Privy Seal since 1900 can be found in "British Political Facts 1900-1975" by Butler and Sloman [MacMillan Press Ltd; 1975].

CHD -

23.5.78

MALS → New NDPBs
file. 14/11

COVERING RESTRICTED

16/05

From Myra Chapman
Date 12 November 1986

Note for file

cc Mr Hewes

CHEVENING ESTATE BILL
L(86)76

The Lord Privy Seal sought colleagues' agreement to introducing the Chevening Estate Bill in the House of Lords. H Committee approval for certain provisions was given as long ago as the Lord President's letter of 5 November 1984. The other provisions were approved in a letter from the Lord President on 17 September 1986.

The Board of Trustees of the Chevening Estate look very like a quango.* See attached draft of the Bill.

Myra B Chapman

Myra B Chapman

* It seems to be closely analogous to Chequer Trust which is counted as an NDPB (see MQD 10/074 - attachments after correspondence of 5-10-84).

We have not been consulted about its NDPB status (or anything else) - presumably because this was not realised.

In response to my round-robin to depts. sponsoring legislation in 1986/87, Alison Smith of Lord Privy Seal's office mentioned the Chevening Estate Bill but said specifically no quango implications.

See little point in fussing at this stage.

MBC 14/11

Chevening Estate Bill

EXPLANATORY MEMORANDUM

This Bill creates an incorporated board of trustees to manage the Chevening estate, its contents and the related trust fund and transfers to that board property and functions currently vested in administrative and custodian trustees. In amending the trust instrument set out in the Schedule to the Chevening Estate Act 1959 ("the instrument") the Bill lifts the restriction on the disposal of certain land comprised in the estate and empowers the board to delegate its investment functions. The Bill also amends the instrument so that after the termination of the present trusts for the occupation of Chevening by a nominated member of the Cabinet or Royal Family ("the nominated person") there will be two further opportunities for such occupation before the estate, contents and trust fund vest absolutely in the National Trust.

Clause 1 establishes a body corporate known as the Board of Trustees of the Chevening Estate ("the Board") to be trustee of the trusts contained in the instrument and confers on the Board the functions now vested in Coutts & Co as custodian trustee ("the Bank") together with those vested in administrative trustees.

Schedule 1 makes provision for the status, membership, proceedings and expenses of the Board and provides for the present administrative trustees to be its first members.

Clause 2 transfers to, and vests in, the Board all property, rights, liabilities and obligations in respect of the trust property to which the Bank or the administrative trustees are entitled or subject.

Clause 3 and Schedule 2 provide for the trust instrument to have effect subject to certain amendments.

Paragraph 1 of Schedule 2 amends the instrument to reflect the transfer to the Board of the functions of the Bank and the administrative trustees, which include the functions conferred upon whichever of them is from time to time "the Relevant Person" for the purposes of the instrument.

Paragraph 2 varies the sequence of the existing trusts, which confer the right to occupy Chevening on, successively, the nominated person (currently the Secretary of State for Foreign and Commonwealth Affairs), the Canadian High Commissioner and the United States Ambassador. The effect of the variation is that, if the present trusts in favour of the nominated person were to terminate, similar trusts would arise again after those in favour of the Canadian High Commissioner and once more after those in favour of the United States Ambassador. The ultimate beneficiary remains the National Trust.

Paragraph 3 amends the Second Schedule to the instrument by removing certain outlying pieces of land from the area of the estate referred to in the instrument as "the Specified Land". The effect of this amendment is that the Board may sell, lease, exchange or raise money on the security of the land so removed, provided the transaction has the Prime Minister's prior approval.

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Chevening Estate

Paragraph 4(1) amends clause 12 of the instrument so as to enable the Board to grant leases of and easements over the Specified Land, with the exception of Chevening House and its pleasure gardens. These gardens are described in the Third Schedule to the instrument, which is added to it by *Paragraph 4(3)*.

Paragraph 5 inserts in the instrument a provision to enable the Board to delegate to professional agents its trustee functions relating to the investment of capital comprised in the Chevening Trust Fund. The functions so delegated may be exercised by the agents without any requirement of consultation with the Board, and such investments may stand in the agents' names or in the names of any other nominees or trustees anywhere in the world.

Paragraph 6 omits spent provisions from the instrument and makes consequential amendments to the instrument.

Clause 4 confers on the Board exemptions from tax corresponding to those presently enjoyed by its predecessors, the Bank and the administrative trustees.

Clause 5(2) provides for commencement on such day as the Lord Privy Seal appoints by order made by statutory instrument.

Financial and Public Service Manpower Effects

The Bill will have no effects on public expenditure or on public service manpower.

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TO

Establish an incorporated board of trustees of the trusts contained in the trust instrument set out in the Schedule to the Chevening Estate Act 1959; to confer functions on, and to transfer property, rights and liabilities to, the board; to amend the trust instrument; and for purposes connected therewith. A.D. 1984.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) There shall be a body corporate known as the Board of Trustees of the Chevening Estate (in this Act referred to as "the Board").

Incorporations
and functions of
Board of Trustees.

(2) The Board shall be the trustee of the trusts contained in the trust instrument, as amended by this Act, and shall have the functions conferred by this Act and by that instrument as so amended.

(3) In this Act "the trust instrument" means the trust instrument set out in the Schedule to the Chevening Estate Act 1959.

1959 c.49.

(4) Schedule 1 to this Act shall have effect with respect to the Board.

2.—(1) On the appointed day there are hereby transferred to and vested in the Board, as trustee under the trust instrument as amended by this Act,—

Transfer of assets,
liabilities etc. from
trustees to the
Board.

(a) all the property and rights which, immediately before that day, are held by any of the Chevening trustees on the trusts contained in the trust instrument; and

(b) any liability or obligation to which, immediately before that day, any of the Chevening trustees are subject in their capacity as trustees under that instrument.

(2) In this section "the Chevening trustees" means the persons who, immediately before the appointed day, are "the Bank" or "the Administrative Trustees" for the purposes of the trust instrument.

(3) References in this section to property, rights, liabilities or obligations are references to any property, rights, liabilities or obligations whether or not capable of being transferred or assigned.

(4) Without prejudice to the generality of subsection (1) above, any legal proceedings or applications to any authority pending immediately before the appointed day by or against any of the Chevening trustees in their capacity as trustees under the trust instrument, shall be continued by or against the Board.

5

(5) Anything done before the appointed day in the exercise or performance of any power or duty conferred or imposed by the trust instrument shall, in so far as it relates or is capable of relating to any time on or after that day, have effect as if it had been done in the exercise or performance of the corresponding power or duty conferred or imposed by that instrument as amended by this Act.

10

Amendments of trust instrument.

3.—(1) The trust instrument shall have effect on and after the appointed day subject to the amendments specified in Schedule 2 to this Act.

1959 c.49.

(2) Any reference in the Chevening Estate Act 1959 to the trust instrument shall, in relation to any time on or after the appointed day, be construed as a reference to the trust instrument as so amended.

15

Amendments of 1959 Act.

4. In consequence of the provisions of this Act, section 2 of the Chevening Estate Act 1959 (tax provisions) shall have effect on and after the appointed day with the following amendments:—

20

- (a) in subsection (1)(a) (exemption from Schedule B income tax) for the words “the Bank or the administrative trustees in their capacity as trustees” there shall be substituted the words “the Board in its capacity as trustee”;
- (b) in subsection (8) (relief from stamp duty) paragraph (b) is hereby repealed and in paragraph (c) for the words “the Bank or the administrative trustees” there shall be substituted the words “the Board”; and
- (c) in subsection (10) (definitions) for the words “ ‘the Bank’, ‘the administrative trustees’ ” there shall be substituted the words “ ‘the Board’ ”.

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30

Short title, citation and commencement

5.—(1) This Act may be cited as the Chevening Estate Act 1987 and this Act and the Chevening Estate Act 1959 may be cited together as the Chevening Estate Acts 1959 and 1987.

(2) This Act shall come into force on such day as the Lord Privy Seal may by order made by statutory instrument appoint (in this Act referred to as “the appointed day”).

35

SCHEDULES

SCHEDULE 1

Section 1(4).

THE BOARD OF TRUSTEES OF THE CHEVENING ESTATE

Status

5 1.—(1) The Board shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

(2) The members of the Board and any secretary or other staff employed by the Board shall not be regarded as civil servants and any property of the Board shall not be regarded as property of, or held on behalf of, the Crown.

10

Membership

2.—(1) The Board shall consist of the following members—

- (a) the Lord Privy Seal;
- (b) two persons appointed by the Prime Minister;
- (c) a person appointed by the Secretary of State;
- 15 (d) the Director of the Victoria and Albert Museum; and
- (e) such other persons as are from time to time appointed by the members holding office under paragraphs (a) to (d) above.

(2) At least one of the persons for the time being appointed under sub-paragraph (1)(b) above shall be a person experienced in estate management and forestry.

(3) The appointment of a member under sub-paragraph (1)(b) or (c) above shall be by an instrument signed by the Minister responsible.

(4) A member appointed under sub-paragraph (1)(b) or (c) above shall hold office for life unless—

- 25 (a) he is given written notice, signed by the Minister responsible, terminating his appointment; or
- (b) he resigns his office by giving written notice to the Minister responsible.

(5) Any member appointed under sub-paragraph (1)(e) above shall hold office in accordance with the terms of his appointment.

30 (6) Any appointment or election of a person as an Administrative Trustee under—

- (a) head (ii) or (iii) of paragraph (c) of clause 1 of the trust instrument, or
- (b) the provision of that paragraph following head (iv),

35 which is in force immediately before the appointed day shall have effect on and after that day as an appointment under paragraph (b), (c) or (e), as the case may be, of sub-paragraph (1) above.

(7) In this paragraph "the Minister responsible" means—

- 40 (a) the Prime Minister, in relation to an appointment under paragraph (b) of sub-paragraph (1) above; and
- (b) the Secretary of State, in relation to an appointment under paragraph (c) of that sub-paragraph.

3.—(1) The Lord Privy Seal shall be the chairman of the Board, but if he is absent from any meeting the members present may choose one of their number to be the chairman for the purposes of that meeting.

(2) Subject to sub-paragraphs (1) above and (4) below, the Board may regulate its own procedure. 5

(3) In doing so, the Board may make arrangements for any of its functions, other than the power to acquire or dispose of land, to be discharged by committees consisting of at least three members of the Board; and, if the arrangements so provide, anything done under them by a committee shall have effect as if done by the Board. 10

(4) The quorum for meetings of the Board or any committee shall be not less than three but neither the Board nor any committee shall reach a decision by correspondence unless all the members of the Board or, as the case may be, the committee have agreed in the correspondence to that decision. 15

(5) The validity of any proceedings shall not be affected by any vacancy among the members of the Board or by any defect in the appointment of a member.

Payments to members

4. Members of the Board shall be entitled to be paid out of the trust property— 20

(a) such expenses as they would be entitled to be so paid if they (and not the Board) were the trustees of the trusts contained in the trust instrument, as amended by this Act; and

(b) in the case of members who are solicitors or engaged in any other profession or business, such professional or other charges as are for the time being authorised by that instrument. 25

Instruments

5.—(1) The fixing of the seal of the Board shall be authenticated by the signature of a member of the Board or the secretary to the Board. 30

(2) A document purporting to be duly executed under the seal of the Board, or to be signed on the Board's behalf, shall be received in evidence and, unless the contrary is proved, be deemed to be so executed or signed.

Section 3(1).

SCHEDULE 2

AMENDMENTS OF THE TRUST INSTRUMENT

35

Transfer to Board of certain functions of former trustees etc.

1.—(1) Subject to the provisions of this Schedule, the word "Board" shall be substituted for the words "Administrative Trustees", "Bank" and "Relevant Person" wherever occurring.

(2) In clause 1 (definitions)—

(a) paragraph (b) ("the Bank") shall be omitted; 40

(b) for paragraph (c) ("the Administrative Trustees") there shall be substituted the following paragraph—

“(c) ‘The Board’ shall mean the Board of Trustees of the Chevening Estate (constituted by section 1(1) of the Chevening Estate Act 1987)”;

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(c) in paragraph (g) (“the Chevening Trust Fund”) for head (i) there shall be substituted the following head—

“(i) so much of the property, rights, liabilities and obligations transferred to the Board by the Chevening Estate Act 1987 as constituted the Chevening Trust Fund immediately before that transfer”,

and in head (iii) for the words from “to the Bank” to “person” there shall be substituted the words “by or at the direction of any person whomsoever” and the words “with the concurrence of the Administrative Trustees” shall be omitted;

(d) paragraph (k)(ii) (“the Lord Privy Seal”, “the Minister of Works” and “the Director of the Victoria and Albert Museum in London”) shall be omitted; and

(e) paragraph (p) (“the Relevant Person”) shall be omitted.

(3) In clause 4 (Settlor and Bank to hold Estate and Contents upon trusts there mentioned) for the words from the beginning to “set forth” there shall be substituted the following words—

“The Board shall stand possessed of the Chevening Estate and of the Contents upon the trusts in this and the next five following Clauses set forth”.

(4) In clause 9 (persons who may exercise the powers conferred by section 29 of the Settled Land Act 1925) the words from “so long” onwards shall be omitted.

(5) In clause 10 (Bank to hold land to order of Settled Land Act trustees) the words from “but so” onwards shall be omitted.

(6) In clause 16 (power to sell Contents) the words from the beginning to “then” shall be omitted.

(7) For clause 17 (duty to maintain inventory of contents and insurance) there shall be substituted the following clause—

“17.—(1) An inventory of the Contents shall be maintained by the Board and the inventory as revised from time to time shall be signed by each member of the Board.

(2) The Board shall arrange for such insurances and valuations of the Contents as it from time to time thinks fit.

(3) The cost of maintaining the inventory and of the preservation and insurance of the Contents shall be paid out of the capital or income of the Chevening Trust Fund as the Board thinks fit.

(4) The Board shall not be bound to see to the custody or preservation of the Contents or to interfere in any way in relation thereto (other than to maintain the inventory and have revisions thereof signed as aforesaid) and shall not be responsible for any omission neglect or default of the person entitled to the use or enjoyment thereof but shall nevertheless be at liberty at any time to interfere for the protection of the Contents or any of the Contents.”

(8) In clause 21 (trusts of the Chevening Trust Fund)—

(a) for the words preceding paragraph (i) there shall be substituted the words “The Board shall pay and apply the income of the Chevening Trust Fund for such one or more of the following purposes and in such manner as it thinks fit that is to say—”;

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- SCH. 2
- 1925 c. 18.
- (b) in paragraph (i) the words from "of the acceptance" to "hereof and" shall be omitted;
 - (c) at the end of paragraph (v) there shall be added the words "(or of members of the Board)"; and
 - (d) in paragraph (viii) the words "paid to the Bank and" shall be omitted. 5
- (9) in clause 23 (application of capital money)—
- (a) in paragraph (a), in the paragraph substituted for paragraph (i) of section 73(1) of the Settled Land Act 1925, for the word "his" there shall be substituted the word "its"; and
 - (b) paragraphs (d) and (e) shall be omitted. 10
- (10) Clauses 24 to 28 and the heading relating to clause 24 (which relate to the appointment and proceedings of the administrative trustees) shall be omitted.
- (11) In clause 30 (trustees for the purposes of the Settled Land Act 1925 to be successively the Bank, the Administrative Trustees and the Bank, and the Bank to be special executor)— 15
- (a) for paragraphs (a) to (c) (the Settled Land Act trustees) there shall be substituted the following paragraph—
 - "(aa) the Board shall be the trustee hereof for the purposes of the Settled Land Act 1925"; and 20
 - (b) in paragraph (d) (Bank deemed to have been special executor at Settlor's death) for the words "the Bank" there shall be substituted the words "Coutts & Company".
- (12) Clause 35 (power of Bank to charge for its services as trustee) shall be omitted. 25
- (13) In clause 36 (trustee charging provision) for the words "Any Trustee for the time being hereunder being" there shall be substituted the words "Any member of the Board for the time being who is".
- (14) In the testimonium, for the words "the Bank has caused its Common Seal" there shall be substituted the words "Coutts & Company have caused their Common Seal". 30

Revival of trusts in favour of the Nominated Person

- 2.—(1) In clause 5 (which provides that in certain events the trusts in favour of the Nominated Person shall absolutely determine and trusts in favour of the Canadian High Commissioner shall arise) after the words "absolutely determine" there shall be inserted the words "(but without prejudice to Clauses 5A and 6A hereof)". 35
- (2) Clause 6 (trusts in favour of the United States Ambassador to arise upon the determination of the trusts in favour of the Canadian High Commissioner) shall be re-numbered as clause 5A and for the words "United States Ambassador" in both places where they occur there shall be substituted the words "Nominated Person". 40
- (3) After clause 5A there shall be inserted the following clause—
- "6. If at any time after the Nominated Person has become entitled to occupy use and enjoy the Chevening Estate under the provisions of Clause 5A hereof either— 45
- (a) there shall have been no Nominated Person during a continuous period of six years (such period beginning at a date after the determination of the trusts declared by Clause 5 hereof) or

- (b) during any continuous period of six years (such period beginning as aforesaid) no Nominated Person shall have occupied Chevening House or
- (c) the Prime Minister and the Leader of the Opposition notify the Board in writing that they desire to determine the trusts declared by Clause 5A hereof

then and in any such event the trusts and provisions of Clause 5A hereof shall absolutely determine (but without prejudice to Clause 6A hereof) and the Chevening Estate and the Contents shall be held upon trust to permit the United States Ambassador to occupy use and enjoy the same as a furnished country residence and estate for such period or periods continuous or discontinuous as the United States Ambassador may think fit."

(4) Clause 7 (Chevening Estate, Contents and Trust Fund to be held for the National Trust absolutely upon the determination of the trusts in favour of the United States Ambassador) shall be re-numbered as clause 6A and in that clause for the words following "Contents" there shall be substituted the words "shall be held upon trust to permit the Nominated Person to occupy use and enjoy the same as a furnished country residence and estate for such period or periods continuous or discontinuous as the Nominated Person may think fit."

(5) After clause 6A there shall be inserted the following clause—
"7. If at any time after the Nominated Person has become entitled to occupy use and enjoy the Chevening Estate under the provisions of Clause 6A hereof either—

- (a) there shall have been no Nominated Person during a continuous period of six years (such period beginning at a date after the determination of the trusts declared by Clause 6 hereof) or
- (b) during any continuous period of six years (such period beginning as aforesaid) no Nominated Person shall have occupied Chevening House or
- (c) the Prime Minister and the Leader of the Opposition notify the Board in writing that they desire to determine the trusts declared by Clause 6A hereof

then and in any such event the trusts and provisions of Clause 6A hereof shall absolutely determine and the Chevening Estate and the Contents and the Chevening Trust Fund shall be held upon trust for the National Trust absolutely."

(6) In consequence of the amendments made by sub-paragraphs (1) to (5) above—

- (a) in clause 9 (trusts deemed public trusts for purposes of section 29 of the Settled Land Act 1925) for the words "Clauses 5 and 6" there shall be substituted the words "Clauses 5 to 6A";
- (b) in clause 10 (manner in which land to be held) for the words "Clauses 4, 5 or 6" there shall be substituted the words "Clauses 4 to 6A";
- (c) in clause 32 (matters to be regarded in the exercise of certain powers of disposition and management) for the words "Clauses 4, 5 and 6" there shall be substituted the words "Clauses 4 to 6A"; and
- (d) in clause 38 (construction of references to Chevening Estate) for the words "Clauses 4, 5, 6 and 7" there shall be substituted the words "Clauses 4 to 7".

Disposal and management: outlying parts of the specified land

3. In the Second Schedule (which describes those parts of the estate referred to as "the Specified Land", whose disposal the trust instrument prohibits) there

SCH. 2 shall be added at the end the words "except so much thereof as lies to the south of Ovenden Road or to the south or east of Sundridge Road".

Power to grant leases of and easements over the specified land

4.—(1) For clause 12 (which provides that the powers to sell, lease, exchange or mortgage shall not apply to the specified land or Chevening House and shall not be exercisable in respect of any other part of the estate without the approval of the Prime Minister) there shall be substituted the following clause— 5

"12.—(1) The powers to sell, lease or exchange land or to raise money on the security of land (to the extent that their exercise is not prohibited by sub-paragraph (2) hereof) shall not be exercised in relation to any land comprised in the Chevening Estate unless the transaction has previously been approved by the person who, on the date of the contract of sale or other contract in question, is the Prime Minister. 10

(2) The prohibitions referred to in sub-paragraph (1) hereof are that—

(a) the powers to lease land and grant easements shall not be exercisable in relation to Chevening House or so much of the Specified Land as consists of the pleasure gardens (for the purposes of this Clause being the land described in the Third Schedule hereto) and 15

(b) the other powers to sell and exchange land and raise money on the security of land shall not be exercisable in relation to Chevening House or any of the Specified Land." 20

(2) In clause 32 (matters to be considered when exercising certain powers, including leasing) for the words "(other than Chevening House and the Specified Land)" there shall be substituted the words "(being land in relation to which the power is exercisable)". 25

(3) After the Second Schedule there shall be added the following Schedule—

"THE THIRD SCHEDULE

The lands tenements and hereditaments situate at Chevening aforesaid and shown edged red on the plan marked with the designation "Chevening House and the Pleasure Gardens" and prepared in triplicate one copy of which has been deposited in each of the following offices— 30

- (a) the Office of the Clerk of the Parliaments
- (b) the Private Bill Office of the House of Commons and
- (c) the Chevening Estate Office." 35

Delegation of trustee investment functions

5.—(1) In clause 23 (application to the Chevening Trust Fund of the provisions of the Settled Land Act 1925 relating to capital money) for the words "subject to the last preceding Clause" there shall be substituted the words "subject to Clauses 22 and 23A hereof". 40

(2) After clause 23 there shall be inserted the following clause—

"23A.—(1) The Board may arrange for its powers, duties and discretions relating to the investment of capital money comprised in the Chevening Trust Fund (and to the retention, transposition and disposal of investments) to be exercised or performed, without any requirement of consultation with the Board, by agents appointed by the Board at such remuneration and upon such other terms and conditions as the Board thinks fit. 45

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(2) Without prejudice to the generality of sub-paragraph (1) hereof, the Board may permit any investments for the time being subject to the trusts hereof to stand in the names of agents appointed under that sub-paragraph or in the names of any other nominees or trustees in any part of the world.

SCH. 2

5 (3) Nothing in this Clause shall be taken to prejudice the generality of Clauses 19 and 29 hereof."

Omission of spent provisions and amendments in consequence

10 6.—(1) The following provisions (being covenants performed, interests determined, conditions satisfied and matter connected with the Settlor's death) shall be omitted—

- (a) clause 2 and the heading immediately preceding it (Settlor's covenant to deliver Contents to the Bank);
- (b) clause 3 and the heading immediately preceding it (Settlor's covenant to transfer investments to the Bank);
- 15 (c) clause 4(i) (Settlor's life interest, determined by his death on 15th August 1967);
- (d) clause 18 (power of Settlor to make gifts or bequests of certain chattels comprised in the Contents);
- (e) clause 20 (income of trust fund to be paid to Settlor during his life).

20 (2) In consequence of the omission of clause 4(i) the words "after the death of the Settlor" shall be substituted for the words from "after the determination" to "Clause 4(i) hereof"—

- (a) in both places where such words occur in clause 5 (trusts in favour of the Canadian High Commissioner);
- 25 (b) in clause 9 (persons who may exercise the powers conferred by section 29 of the Settled Land Act 1925); and
- (c) in clause 10 (person in whom land to be vested).

[BARONESS STEDMAN.]
 appreciate the work of that organisation. The prison officers also have their own training establishment. Why is the probation service the only part of the Home Office service that has no training establishment?

The Earl of Caithness: My Lords, I should like to join the noble Baroness in paying tribute to the work done by the Fire Service College and the new Prison Service College at Newbold Revel. The probation service does not have a college of its own. It was rejected after consideration in the late 1970s for a number of reasons. These included cost and insufficiently established need.

Baroness Faithfull: My Lords, will the Minister agree that before setting up such a college one ought to consider the effectiveness of the Central Council for Education and training in Social Work and secondly, the National Institute for Social Work at Mary Ward House. Cannot these two establishments increase and improve the training of probation officers?

The Earl of Caithness: My Lords, I am grateful to my noble friend. The Government are always looking to see whether the training of probation officers in this instance can be improved. I am grateful for the suggestions.

Lord Hunt: My Lords, will the Minister accept that, along with many Members of your Lordships' House, from personal experience, I am very much in favour of staff colleges for various services? However, will he also bear in mind the proposal put forward in 1977 by the Central Council of Probation and after-care Committees, the then Association of Chief Probation Officers, and NAPO for the establishment of a national centre for probation studies? That may sound a similar organisation but in fact it would be available to all members of the probation service without competitive connotations. It may well be that this is the proposition that he mentioned in one of his replies. We should all be interested to know how that is progressing.

The Earl of Caithness: My Lords, indeed it was that matter to which I referred in an earlier answer. I gave the reason why it was not proceeded with. As to our present negotiations, it is too early to say what will emerge.

Lord Harris of Greenwich: My Lords, is the noble Earl aware that while many of us welcome the fact that these discussions are taking place we hope very much that they will lead to agreement by the Home Office to establish such an institution. Is he aware, for instance, that the National Association of Senior Probation Officers and many others in the field of probation are firmly in favour of this? Is the noble Earl further aware that at a time when the Government are trying to promote the cause of non-custodial alternatives to imprisonment it is vitally important that the responsible service has a staff college like other Home Office services?

The Earl of Caithness: My Lords, we are very aware that a number of organisations and individuals have

raised this point with us. That is one of the reasons why we are having discussions at the moment. Many more discussions will take place in the future.

Lord Mishcon: My Lords, while not wanting to repeat any of the very valid points that have been made, can I ask that the investigation that is taking place into this matter includes the desirability of really worthwhile recruitment? Might not such a staff training college encourage better recruitment into the probation service?

The Earl of Caithness: My Lords, this is one of the many factors that we are looking at. I am grateful to the noble Lord for raising that matter today.

Business of the House

2.54 p.m.

Lord Denham: My Lords, on behalf of my noble friend the Leader of the House, I beg to move the Motion standing in his name on the Order Paper.

Moved, That Standing Order 44 (*No two stages of a Bill to be taken on one day*) be suspended tomorrow.—(*Lord Denham.*)

On Question, Motion agreed to.

Minors' Contracts Bill [H.L.]

2.55 p.m.

The Lord Chancellor (Lord Hailsham of Saint Marylebone): My Lords, I shall in fact be moving a similar Motion on this and the next item. I understand that no amendment has been set down to this Bill and that no noble Lord has indicated a wish to move a manuscript amendment or to speak in Committee. Therefore, unless any noble Lord objects, I beg to move that the order of commitment be discharged.

Moved, That the order of commitment be discharged.—(*The Lord Chancellor.*)

On Question, Motion agreed to.

Recognition of Trusts Bill [H.L.]

The Lord Chancellor: My Lords, I understand that no amendment has been set down to this Bill and that no noble Lord has indicated a wish to move a manuscript amendment or to speak in Committee. Therefore, unless any noble Lord objects, I beg to move that the order of commitment be discharged.

Moved, That the order of commitment be discharged.—(*The Lord Chancellor.*)

On Question, Motion agreed to.

Chevening Estate Bill [H.L.]

2.56 p.m.

The Minister of State, Foreign and Commonwealth Office (Baroness Young): My Lords, I beg to move that this Bill be now read a second time. I hope I need not detain your Lordships for long in moving the

Second Reading of this short and, I believe, uncontroversial Bill. Before I turn to the Bill itself, may I say a few words about the Chevening Estate Act 1959 and trust instrument, which this Bill amends.

Chevening Estate had been the family residence of the Stanhope family for nearly 250 years when the seventh Earl drew up a trust instrument which is now set out in the schedule to the Chevening Estate Act 1959. The trust instrument established arrangements for the management and occupation of the estate, to come into effect during the seventh Earl's lifetime. The management of the estate and its contents and the trust fund were conferred on the administrative trustees, and the estate, its contents and the trust fund were vested in a bank, Coutts and Company. Thus the responsibility for the financial management and administration of the estate were divided. Moreover, the trust instrument limited the powers of the administrative trustees to dispose of interests in land, and particularly so in the case of areas of the estate known as "specified land".

The trusts for the occupation of the estate are left in the first instance with the Prime Minister, who was given the power to nominate a member of the Cabinet or the Royal Family to occupy the estate. This person is referred to in the trust instrument as "the Nominated person" and I shall for convenience refer to him in this way also. If the trusts in favour of the nominated person were terminated, trusts in favour of the Canadian High Commissioner would arise, enabling him to occupy the estate. If these trusts were terminated, for example if he did not wish to use the estate, trusts to allow the United States Ambassador to occupy Chevening would arise. On the termination of these trusts the estate, contents and trust fund would pass to the National Trust absolutely.

Since the seventh Earl Stanhope died in 1967 Prime Ministers have continued to use their power to nominate the occupant of the estate. At present this is my right honourable and learned friend the Foreign Secretary. But the experience of the operation of the provisions of the trust instrument over the years has led the administrative trustees, chaired by my right honourable friend the Lord Privy Seal, to believe that the wishes of the seventh Earl could be better pursued by amendments of the trust instrument. They are intended to allow further opportunities for occupation by the nominated person and greater flexibility and ease of management. Thus, this Bill comes before your Lordships' House.

There are three main areas where the Bill alters the present arrangements and to which I would draw to your Lordships' attention. The first simplifies and eases the arrangements for managing the estate. Instead of the existing division of responsibilities between the administrative trustees and the bank, to manage Chevening there would be an incorporated board of trustees in which the estate, its contents and the trust fund would be vested. The board would thus be the sole trustee and combine the functions both of the administrative trustees and of the bank.

Secondly, the Bill varies the arrangements for the occupation of the estate which I outlined to your Lordships earlier. Your Lordships will recall that under these arrangements at present the trusts to allow

occupation by the nominated person arise once only. When they terminate as I described, they terminate forever. Given Chevening's important and continuing role as part of the national heritage, and the use which has been made of it by nominated occupants, it now seems right to provide further opportunities for occupation by the United Kingdom nominated person.

Accordingly, the Bill provides for similar trusts in favour of the United Kingdom nominated person to arise after the termination of the trusts in favour of the Canadian High Commissioner, and once more after the termination of those in favour of the United States Ambassador. Chevening will still pass to the National Trust absolutely after the termination of the final nominated person trusts. I should say to your Lordships that the Canadian High Commissioner, the United States Ambassador and the National Trust have all been consulted about this provision and all have said that they are content with it.

The final important change to the original arrangements which I should mention relates to the area known as the specified land over which the trustees presently have no powers of sale, leasing, exchange or mortgage. The Bill would redefine the specified land to exclude from it certain outlying areas, some of which have been cut off from the main part of the specified land by motorway development. Apart from the areas taken for the motorway, these areas would still be part of the estate, but would no longer be subject to the restrictions in relation to the specified land which I have just outlined.

More generally, those restrictions on the disposal of interests in the specified land would be eased somewhat by giving the trustee certain limited powers to grant leases of and easements over the specified land, with the significant exception of Chevening House and the gardens immediately surrounding it. I am sure that your Lordships will agree that this represents the best way of providing greater flexibility of management, while ensuring the integrity and proper direct management of the central part of the estate.

In conclusion, I have sought to show how this Bill would improve both the efficiency and the effectiveness with which Chevening Estate is administered. I believe, therefore, that these provisions do not conflict with the wishes of the seventh Earl. I am sure that he would have wanted the best possible use to be made of his generous gift to the nation. My Lords, I commend this Bill to the House.

Moved, That the Bill be now read a second time.—(*Baroness Young.*)

3.2 p.m.

Lord Cledwyn of Penrhos: My Lords, we are grateful to the noble Baroness for explaining this Bill to the House. It is not without its complications and, as the noble Baroness has just said, it is the second piece of legislation which has been necessary to deal with this estate following the Chevening Estate Act 1959. When we consider the legislative burden generally and the number of worthy Bills which are in the pipeline, as well as Bills which noble Lords and honourable Members in another place would like to promote, I

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wonder whether the time and the effort needed to process this Bill are really justified. In my view, we should with respect try to think of some less burdensome procedure to deal with this kind of problem.

As the noble Baroness has described, the object of this Bill is to simplify the way in which to run this particular estate and the historic house that goes with it, and to establish a body corporate—the board of trustees—with power to undertake the functions now vested in Coutts and Company and in the administrative trustees. This seems to be a sensible and workable solution which we fully support.

However, a layman reading this Bill, will not find it easy to follow and there are some points which need clarification. For example, we are glad to note that the Bill will have no effects on public expenditure or on public service manpower. This means—and I hope that the noble Baroness can confirm this later—that there is ample capital and income to run the estate. In this context, I think that Clause 4 of the Bill is worth a passing reference because it confers exemption from Schedule B income tax and stamp duty, an exemption which was also allowed in Section 2 of the 1959 Act. Perhaps the noble Baroness will remind us of the justification for this exemption from income tax and the annual loss to the Exchequer as a result of it. There is probably an adequate explanation, but I think that the House might wish to know what it is.

Furthermore, will the noble Baroness tell us a little more about the future use of the estate? As she explained in her speech, the intention of the late Lord Stanhope was that the house should be occupied by a nominated person; that is, a member of the Royal Family or a Cabinet Minister, then the Canadian High Commissioner, and afterwards the United States Ambassador, with an ultimate disposition to the National Trust. Can the noble Baroness say how this has worked out in practice? Have Lord Stanhope's wishes been fulfilled? That was not made absolutely clear in the noble Baroness's initial remarks.

In the years since the trusts were set up has Chevening House been full, or fairly full, used, and, if so, specifically by whom and for what purpose? We are all aware of the uses and the trusts which apply to Chequers and Dorneywood, but somehow Chevening House seems a little off the beaten track; we do not know quite so much about it as about the others. I believe that the House would be interested to know what specific future uses would be made of this property. Are any significant changes contemplated in the use of Chevening and the surroundings?

The noble Baroness has dealt with specified land; but can she tell us the extent of the land comprised in the estate? What is the total acreage; how much of it is farmed; how many are employed in farming and on other tasks in the estate? Lastly, may we assume that the maintenance of the house is more than fully covered by the income from the farm? Subject to those points, we wish the Bill a speedy passage.

3.8 p.m.

The Earl of Selkirk: My Lords, I had the honour and pleasure for a time of being a trustee of the

Chevening Estate. It was during the very early period when we were engaged mostly on refurbishing the house and making it fully fit for its future use. I think a compliment should be paid to Mr. Donald Insall for the manner in which he has refurbished his house—I believe with great distinction indeed.

I believe it is recognised as such.

I must disagree somewhat with the noble Lord, Lord Cledwyn. I think that this was an immensely imaginative idea on the part of the late Earl Stanhope. I believe it is important that people holding very high appointment should have the opportunity of enjoying the peace and quiet of the English countryside in coming to the difficult and hard decisions which they have to make. I cannot say exactly how Prime Ministers enjoy living at Chequers, but judging by such reading as I have of biographies they make a great deal of use of it. My own reaction is that they find the peace and satisfaction there of great value. I believe the same could be true of Chevening. I hope the Secretary of State and Lady Howe are happy and enjoying themselves there, and are finding the peace that the countryside gives of some value in the very grave decisions that they have to make.

There is one question that I should like to ask. This house contains one of the most remarkable eighteenth century libraries in this country. It contains an enormous number of original documents which could be of great value to many students. Is it being used by students? What access do students have to it? How can they make use of it? It would be very sad if this library were not used and would be a thorough waste of the magnificent collection of pamphlets and books.

I had an exchange of letters with my noble friend, because I wondered whether we really wanted a Bill of such fantastic complexity to deal with such small matters as are involved. This is a document of nine pages, five of which are schedules. I tried, in my limited way, to read the schedules. I got about half way through, and I must confess that I was completely confused.

The Foreign Office kindly recognised the difficulty and have acknowledged that no consolidation will take place, so they have made a consolidation themselves, such as it is. It contains 25 pages of detailed work. Do we really want to have Bills as complicated as this? I am pretty sure that not one Member of this House who has looked through the schedules or tried to work them out, or has read the documents, will disagree with me. I suggest that this document should be completely rewritten so that we have a Bill clearly laying out the purpose of Chevening.

In a manner of speaking, it is simply what you have in any Act of Parliament—the terms of association. That is what this Bill is. It lays down the purposes of the Chevening Trust; what they should do; how they should be appointed; their purpose and their powers. You can look at these documents and find out precisely what they are, but only with difficulty. The noble Baroness said in her letter to me that there is going to be no question of a consolidation, and we shall, be saddled with this for all time.

The noble Lord, Lord Hirshfield, has of course been a trustee for, I think, 20 years. He will not find this difficult, but I am not so sure about any new trustee.

He would have a terrible job to find out exactly what his tasks are. I should have thought that you could either do that, or alternatively write a clear statement and say that where the new Act applies it will take precedence over the previous Act.

There is a difficulty (and I can see this) about repealing Lord Stanhope's will, though of course it remains an official document, but I should have thought that something of a more simple nature could take place. This Bill is a sensible Bill. It is probably going to make the Chevening Estate better, but I think that this could be achieved in slightly more simple terms.

3.12 p.m.

Lord Hirshfield: My Lords, several Members of your Lordships' House have been closely associated as administrative trustees with the restoration and maintenance of Chevening House and the estate. I am pleased to see that in the House this afternoon are at least two of those trustees; so collectively there is much practical experience available to your Lordships concerning management of the estate.

I believe that I was an administrative trustee for longer than any other Member of your Lordships' House during a continuous period, not of 20 years but of eleven and a quarter years—which was long enough—until my resignation in July 1981. For seven of those years I was also chairman of the finance and general purposes committee from its inception in July 1974. Therefore it is appropriate that I make this modest contribution to the Second Reading.

I have a passion for things which possess artistic and architectural merit, such as fine paintings or drawings, furniture and *objets d'art*. All of these are to be found at Chevening. In particular, I am much interested in the preservation of Britain's stately homes (other fine houses such as Chevening) and the connected amenity grounds and lands; so I enjoyed every moment of my long and active involvement.

I shall always recall with pride my several interesting discussions with His Royal Highness the Prince of Wales, who was then the nominated occupant of the house, and with his uncle, the late Earl Louis Mountbatten, both at Chevening and at Broadlands, concerning the redecoration and furnishings. I was also privileged to receive on behalf of the trustees from His Royal Highness the Duke of Edinburgh at Windsor Castle a heritage award for the restoration of a house of architectural and historic importance.

The Secretary of State for Foreign and Commonwealth Affairs now occupies Chevening, as we have heard, and uses it regularly for meetings with foreign and other visitors. During my recent worldwide travels I met a number of diplomats and overseas representatives who have spoken of the excellent facilities they have enjoyed during meetings at Chevening. Many people, particularly in the locality, are delighted by the use that it is now having, and many of us feel that, after all, our work was worthwhile.

I am pleased that the house is being used and that it serves a useful purpose. In fact, the last activity with which I was involved before retiring as a trustee was to oversee the preparation and equipment of the main

conference room area in which the Foreign Office meetings are now frequently held, and I am delighted to know of these favourable reactions by persons who use the facilities.

Hopefully it will not be considered out of order when I use this opportunity to record our gratitude to the trustees past and present for their valuable co-operation, and the considerable time devoted towards the highly successful accomplishment of a most excellent scheme of restoration. Inigo Jones's architectural connection with the house was uncovered early in the restoration process.

In preparation for this Second Reading, I refreshed my memory of the trustees' activities by reviewing a large part of the minutes of their meetings. I have also discussed this Bill's aims and objectives with some former colleagues, notably with Mr. Hugo Read, who managed the Duke of Devonshire's estate until his retirement. I am indebted to Hugo Read for his experienced observations, which substantially reflect my own views; so I hope they will be covered faithfully in my remarks.

I share the conviction of former trustees that what this Bill seeks to achieve is precisely what is required. The Bill will put the matter on the footing that Lord Stanhope is alleged to have always clearly wanted. According to Mr. Read, that was in fact evidenced by a statutory declaration made on 8th May 1970 by the settlor's solicitor. It is also sensible at this advanced stage in the restoration of the house and grounds to replace Coutts and company (who were necessary as custodian trustees during Lord Stanhope's lifetime) by an incorporated board of trustees which would be empowered to act without the signature of each individual trustee.

Nevertheless, in this regard I voice a note of caution since I wonder whether the excessively wide terms of delegation of trustee investment functions proposed in the Bill is really necessary or desirable if the trustees are to retain proper control. It makes sense for them to have power to delegate in special circumstances, though not, I should have thought, in such an extreme way.

The Bill apparently contains a printer's error which probably need not be mentioned today. In Clause 5, at lines 37 and 39, there is reference to the Chevening Estate Act 1986, but on page 5 of the Bill the year of the Act is stated as 1987.

In place of the two categories of land under the subsisting trust there will be three categories: first, the house and amenity areas, no part of which may be leased; secondly, the specified land, which may be leased but not sold; and, thirdly the rest of the estate generally, which may be leased but may be sold only with the consent of the Prime Minister.

Occasionally under the present trust the trustees have encountered problems due to the limitations and restrictions placed upon their management of the estate. For example, little was achieved by the trustees up to now towards restoring the former splendid kitchen gardens due to the high cost involved and other priorities. At some future time the trustees may want to let off the gardens to the north-west of the house as a commercial business. It should be possible to do so, with suitable safeguards, without damaging

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either the amenity or the security of the house if the kitchen gardens were omitted from the amenity area.

The trustees would also have greater freedom of management if most of the specified land to the north of the woodlands and towards Knockholt were cut off and put instead into the third category; namely, the land which may be leased but which may be sold only with the consent of the Prime Minister. While there are obvious practical advantages in using a road as a boundary, ownership on the northern edge of the estate is fragmented so that the woodland boundary would be more purposeful and give the trustees greater freedom in the management of Chine Farm.

Change has become the order of modern times, sometimes to advantage but not always. I question, for example, the wisdom of life appointment of trustees which may cause problems in spite of the Minister's power to give written notice terminating an appointment. Instead, why not provide an age limit? For example, it could be 75, as in the cases, I believe, of tax commissioners and Lords Lieutenant, or even 80, as some private trusts stipulate. Subject to those few reservations and suggestions which I hope the Government will examine before the Third Reading, I fully support and shall vote for the Second Reading of this Bill.

3.22 p.m.

Lord Simon of Glaisdale: My Lords, I apologise for not putting my name down on the list of speakers. I hope your Lordships will allow me to slip into the gap on the list. I do so because I was as a Minister in another place concerned with the original Chevening Act. As such, I was invited down to Chevening to discuss the matter with Lord Stanhope, and to view all parts of what was rightly described by Winston Churchill as his "princely gift".

I wish to say only three things. The first is with reference to what the noble Earl said. The library is truly remarkable. However, what has remained chiefly in my mind about it is less the manuscripts—valuable as they must be to scholars—than the fact that the complete library of the first Earl is contained here. It is quite remarkable to see what sort of library a statesman and nobleman would have had at the beginning of the eighteenth century.

The second point is with reference to what the noble Lord, Lord Cledwyn, said about the endowments. My recollection is that the estate was not only endowed with the agricultural land and the money that the leases provided, but also that Lord Stanhope made another endowment of a quarter of a million pounds in investments. I see that the noble Lord, Lord Hirshfield, confirms that. The third matter is what led me to intervene today. Lord Stanhope discussed his aspirations for this estate in detail with me, and I have no doubt at all that in the circumstances that have supervened he would wholly have approved of the subject matter of this Bill.

3.24 p.m.

Lord Cornwallis: My Lords, perhaps I also may apologise for intervening. However, I felt that perhaps as the successor to the noble Lord, Lord Hirshfield, as

chairman of the finance and executive committee of the trustees of Chevening, it might appear odd if I did not at least rise to support the Bill.

This Bill will make our administration very much easier and very much more effective. I hope that it will also lead to a much better management of our investments. We are very tied in the way in which we can deal with some of these matters now. I should like to comfort the noble Lord, Lord Hirshfield, by telling him that the garden wall to the kitchen garden (which I believe is one of the only two in existence in this country), is under active consideration for restoration when we can find the money to do so. I beg to support the Bill.

3.26 p.m.

Baroness Young: My Lords, we have had a very useful short debate on this Bill. I am sure that we have listened with very great interest to those noble Lords who have spoken from extensive personal experience as trustees of the Chevening Estate. I was particularly interested to hear the noble and learned Lord, Lord Simon of Glaisdale, say that he felt that Lord Stanhope would have approved of the Bill, and also what the noble Lord, Lord Hirshfield, had to say, speaking from his long experience as a trustee.

A number of particular points have arisen which I shall do my best to answer. I begin by saying to my noble friend Lord Selkirk that we all appreciated what he had to say about Chevening. It is a beautiful house, with the most beautiful gardens to go with it. If I may speak on behalf of my right honourable and learned friend, I think that it would be true to say that he has made great use of it and that he much enjoys going to Chevening for precisely the kind of reasons my noble friend suggests. But more than that, it has been a house in which he has been able to entertain many distinguished foreign guests. I have no reason for thinking that they too have not greatly enjoyed the opportunity to see what I think can only be described as a very great English country house which is set in a most magnificent garden.

Turning now to the Bill, the noble Lord, Lord Cledwyn, asked me a number of quite specific points. Perhaps I may start off by giving another example of what we believe are benefits that will come from this Bill. It is a Bill which modernises and rationalises the arrangements for the administration of the estate. I should like to draw your Lordships' attention to paragraph 5 of Schedule 2—an example mentioned by the noble Lord, Lord Hirshfield. That enables the trustee to delegate investment functions to professional investment managers. The expertise of the investment managers will ensure that the best use is made of the trust funds. There will be greater efficiency in their use, since transactions will not be subject to delays while the consent of the trustee is sought. I give this as an example of a way in which we think the administration will be made more efficient and effective.

The noble Lord, Lord Cledwyn, asked about the use of the estate. The trusts in favour of the United Kingdom nominated person are still valid. Previous occupants in Chevening have included the Lord Chancellor and His Royal Highness Prince Charles.

There are no significant changes to the use of the estate which are at present envisaged. Any change would have to be consistent with the terms of the trust.

The noble Lord, Lord Cledwyn, referred to tax. That is mentioned in Clause 4 of the Bill. The Chevening trusts are public in nature. They must therefore have been considered worthy of the tax exemptions bestowed upon them by the 1959 Act. This Bill—and in particular Clause 4—merely continues the existing exemptions. The noble Lord also asked about specified land. I am afraid that I do not have immediately available to me the acreage of areas which are being included from the specified land or the use to which they are to be put. I shall write to the noble Lord on this matter. He might find it helpful to look at the large-scale map which is available in the Whip's Office.

My noble friend Lord Selkirk asked one or two detailed questions. It gives me an opportunity, in answering the first one about the library, to say that I think no one who has ever had the pleasure of visiting Chevening can have failed to be struck by the splendour and interest of the library; and we all recognise its importance. The Bill does not alter the arrangements for access to the library, but certainly students who wish to use what the library contains can apply to the trustees for access. Any request would of course be considered carefully.

As my noble friend Lord Selkirk knows, I have been in correspondence with him. There is a long document which is available from the Government Whip's Office to which reference is made. It is long because it sets out the complete trust instruments as it is to be amended by this Bill. It may help your Lordships to see clearly how the amended draft instrument will look. I might say to my noble friend that when he wrote to me about repealing the original Act and re-enacting the trust instrument of the 1959 Act I explained that if we sought to follow this approach we should have to replace Lord Stanhope's original trust instrument with some purely statutory trusts. I believe that it is preferable to retain as much as we can of the original trust instrument.

I agree it is important that the amendments should be clearly understood but the changes to the trust instrument are set out in Schedule 2 to this Bill and will thus remain identifiable as amendments now made to the original trust instrument. But, to assist your Lordships in considering the amendment, we have prepared a document setting out the trust instrument, as amended, and this is available for any of your Lordships who may wish to look at it.

Finally, perhaps I might comment on one specific point made by the noble Lord, Lord Hirshfield, on the life appointment of trustees. The provisions for membership of the board set out in paragraph 2 of Schedule 1 to the Bill merely reflect the existing provisions of the instrument. There is no need in the context of this Bill, we believe, to depart from those provisions.

I hope that I have answered all the points that have been raised. I shall read carefully what has been said in this short but, I think, useful debate. May I thank your Lordships for your support for this short but helpful Bill, which I think will make the management of the

Chevening Estate more efficient and more effective, support that has been received from all sides of the House.

On Question, Bill read a second time.

BBC Financing: Peacock Report

3.34 p.m.

Lord Annan rose to call attention to the *Report of the Committee on Financing the BBC* (the Peacock Report) Cmnd. 9824; and to move for Papers.

The noble Lord said: My Lords, I must begin by thanking the Leader of the House for his kindness and generosity in allowing me to move in Government time the Motion standing in my name on the Order Paper. The next thing that I must say is this. I am sure that we all of us want to thank Professor Peacock and his colleagues for the excellent way in which they have presented their report and for their courage and imagination. It is a bold report. No former report on broadcasting has ever attempted to peer so far into the future; and it is typical of Professor Peacock's vigour of mind that he has made us sit up and recognise that change is bound to come.

Many people criticise the Government for asking Professor Peacock to consider whether the BBC should take advertising. I do not think that that proposal was any more partisan than the labour Government's injunction to the Public Schools Commission, on which I sat. We were told then to produce a plan to integrate independent and maintained schools on the grounds that the public schools were socially divisive, as indeed they are. It was understandable that the Government should consider a painless alternative to the licence fee because every government are embarrassed when the BBC beg them to raise the licence fee. But there was a better reason than embarrassment for asking the Peacock Committee to think the unthinkable.

There is a grave financial imbalance in broadcasting and it grows worse every year. The gross revenue of the independent companies is some £1,200 million a year; the revenue of the BBC is £750 million. No wonder that the committee were asked whether some of the ITV revenue could not be siphoned off and piped into the BBC. The committee rejected this solution, very rightly in my judgment. But the problem remains and I am very worried indeed at the committee's proposal that in the short term the licence fee should be indexed. That will make the imbalance far worse.

I myself am sorry that the committee did not recommend a return to the system of imposing the ITV levy on the companies' advertising revenue instead of on net profits. That would reduce the imbalance a bit. It would also check the feather-bedding restrictive practices and bloated wage bills—as bad as anything in Fleet Street—that the ACTT has been able to extort from the companies. The 1977 committee on broadcasting did not recommend this only because the change in the method of applying the levy had been made as recently as 1974 and they believed that we should see how it worked before passing judgment. Well, I do now pass judgment. It was a bad change and ought to be