

Letters to *The Times*

Blair's right to act as Prime Minister when retiring (3)

Introductory Note by FB

The following letter by FB of 12 June 2007 was published in answer to one by Neville Peel published in *The Times* on 9 June 2007 beginning 'On what possible authority does Francis Bennion ([letter, June 8](#)) base his contention that Mr Blair's continuing in office is unconstitutional?'. In reply to FB's 12 June letter one from Mr Peel was published in *The Times* on 14 June 2007. It ran:-

Sir,

Francis Bennion (letter, June 12) seems to have misunderstood me (letter, June 9). I didn't suggest for a moment that Mr Blair is himself above the law, simply that in retaining the confidence of the Queen and the House of Commons his position is in accordance with the law and the conventions of our constitution.

As I understand it the appointment of prime minister is a prerogative of the Crown and not subject to any legislation or indeed any of the common law yet revealed. Mr Blair, however, may, under certain circumstances, enjoy sovereign immunity from foreign prosecutions, although the House of Lords' two attempts at the Pinochet case have perhaps left the subject less clear than it might have been.

I entirely agree with Mr Bennion about the unwisdom of the manner and the fact of the Government's decision to eliminate the post of lord chancellor.

NEVILLE PEEL, Hyde, Cheshire

Lame-duck Blair (3)

Sir, Neville Peel is mistaken in saying the Prime Minister's position is no business of the courts. As Lord Denning said, "Be you ever so high, the law is above you".

Until Mr Blair ignorantly procured the removal of the vital traditional powers of the Lord Chancellor, he would have had in his Cabinet a leader of the law who would have kept him in order constitutionally. Can anyone imagine that the late Lord Hailsham of St Marylebone, when he held that office, would have sat idly by in Cabinet while a Prime Minister thus played ducks and drakes with our constitution?