

Unlawful appointment of Lord Chancellor (2)

by Francis Bennion

Ross Midgeley (letter, Sept 10) is mistaken in his criticism of me. I said that Mr David Cameron's recommendation of Chris Grayling was in breach of statute and so void. That is correct, and it is what a higher court would hold if it were relevant in any case before it. The Lord Chancellor is mentioned in various Acts of Parliament that might come before such a court. Or, as Mr Midgeley says, someone might make an application for judicial review.

Mr Cameron's invalid recommendation contravened the rule of law, which he claims to uphold. [In a speech to the Foreign Policy Centre in 2005 he said: 'Everything we do should be consistent with upholding the rule of law. As a start this means ensuring the consistent application of the law.' Only this year he said in a speech to the Council of Europe: "We have an ambitious agenda for the coming months ... to strengthen the rule of law across Europe."]¹

Note: The passage in square brackets was omitted from the published letter.

See also on this subject:

[Unlawful appointment of Lord Chancellor](#) and [Failures of the CPS](#)

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The Times 12 Sep 2012

Any footnotes are shown at the bottom of each page

For full version of abbreviations click 'Abbreviations' on FB's website

References:

None

¹ *The Times* 12 September 2012.