SCL SOCIETY OF CONSERVATIVE LAWYERS

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HISTORY 1947-2022

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About the author

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FOREWORD

The Society owes a great debt to Simon Randall who has spent hours in the archives and has produced a masterly history of the Society. Simon has been a member since 1968, a few weeks before his election as a Bromley councillor. So, he was well placed to perform the task. He knew or knows many of those referred to in the text. What emerges is the important role the Society and its members have played in shaping the law of the United Kingdom these last 75 years.

The moving force in the early years was Sir David Maxwell-Fyfe QC, MP, later Lord Kilmuir LC. Simon raises the interesting hypothesis that the idea to form the Society germinated during the Nuremberg Trials where Maxwell-Fyfe and five other Conservative barristers were members of the prosecution team and founding members. Interestingly, the Society's first President was Sir Winston Churchill. He was succeeded by the then Sir Alec Douglas-Home, to be followed by Lord Hailsham and our current President, Lord Mackay of Clashfern. As the history explains, the Society has always worked closely with parliamentarians and has had an important influence on policy and law making.

From the outset, the importance of the rule of law and what the concept means in practice has been well understood by leading members. Maxwell Fyfe of course was the lead draftsman of the European Convention of Human Rights. An early example of the principles in practice came, we learn, when the Society in 1948 subscribed to the fund for the defence of Field Marshall von Manstein (ultimately found guilty of war crimes relating to the German invasion of the Crimea and the destruction of Sevastopol). In 2022, the current calamitous events in the same country echo what that poor country and citizens have suffered. We must always ensure that even those charged like von Manstein with the worst crimes are innocent until convicted and deserve to be defended. It is notable that hard bitten Nuremberg prosecutors as members of the Society should have upheld that view.

Simon reminds us that over the years the SCL has produced and published many hundreds of pamphlets and commented on reports produced by Royal Commissions and Government consultation papers. We learn that until 1967, when solicitors were first allowed to join, the Society was for barristers only. By 1952 it had 400 members, of whom 19 were MPs. Early members included Mrs Margaret Thatcher. She is our only Prime Minister, but we have numbered 4 Chancellors of the Exchequer, 4 Lord Chancellors and 2 Speakers. Not bad!

Not surprisingly perhaps, with the influence of the founding members, the Rule of Law is a persistent theme, as Simon shows. Indeed, we learn that in 1950 a lengthy pamphlet proposed amongst other things a new Administrative Division of the High Court to hear appeals on points of law from the decisions of administrative bodies – radical thinking. A later influential paper proposed defences to Murder by way of Provocation and Diminished Responsibility and the abolition of the doctrine of Constructive Malice. All were adopted in the Homicide Act 1957. In 1958 an important paper made proposals to reform trade union law which were embodied in the Industrial Relations Act 1971. In the 1960's the Society produced papers addressing the importance of an independent legal profession and the need for proper funding for legal services for those lacking means. These subjects have not gone away. Also addressed have been Privacy (1971) and House of Lords Reform (1978 and 2012). A Bill of Rights or similar (papers in 1950 and 2022) has featured, with members of the Society serving on the Cameron Government's Commission from 2011 to 2012.

The above only scratches the surface of this history and does not do it justice. I hope it will yet encourage members not only to read and enjoy as I did, but to realise the important role we have, and to be encouraged to offer contributions of their own. Law and justice are too important to be left to others. As Lord Wolfson QC has just reminded us: *Fiat Justitia ruat caelum"*!

Guy Sandhurst, May 2022
Lord Sandhurst QC. SCL Chair of Research, Bar Council Chair 2005, Excepted hereditary peer.

INTRODUCTION

The Society of Conservative Lawyers ("SCL") celebrates its 75th Anniversary in 2022. Originally established as the Inns of Court Conservative and Unionist Society (which name was to be shortened to SCL), it attracted a large membership including a host of leading and aspiring politicians of the day. Many of its members during their careers were, and have continued to be, appointed to leading government positions.

This history principally outlines the SCL's early role through its active members, its achievements over the years, some of the important events with which the SCL was concerned and its more important publications. Much of the material is held by the archives of the Conservative Party in the Bodleian Library and we are indebted to the Archivist, Anabel Farrell, for her help. The author would like to thank Lord Sandhurst for his advice throughout and his secretary, Priscilla Milton, for coping with his Morecambe-like approach to writing and amending the drafts, Will Knatchbull, our Lyell scholar, for proofreading, and Cherry Clarke for organizing the publishing. Any errors and omissions in the text are the fault of the author.

The SCL has a proud history spanning 75 years and countless Conservative-minded lawyers, including Parliamentarians, have worked tirelessly to enable it to achieve all that it has. This history cannot capture everything that SCL has done, nor those who have made this possible, but it is hoped that this reflection can recognize the SCL's role and purpose and encourage current and future members to ensure that it continues to exert influence and plays a constructive role in Conservative Party policy in the future.

FOUNDATION

A press article in the Evening Star of 14 October 1946 recorded the intention to create this new society, the driving force being Sir David Maxwell Fyfe KC MP (later Home Secretary, Lord Chancellor and 1st Earl of Kilmuir). The article read as follows:

Moaning At The Bar

"Sir David Maxwell Fyfe, in his steady climb towards leadership of the Tory Party, has found himself another platform. He is to be leading figure in a Bar Conservative Society, which barristers are now forming. It will rival the Haldane Society, a left wing organisation, which has built up a powerful faction among lawyers.

All this, and today's meeting of the newly-elected Bar Council as well, adds up to an outbreak of open politics in the profession.

I am told there is keen left versus right contest for the job of chairman of the Bar Council. He will be elected later today.

The Council will no longer be content to govern the legal profession, but – like the doctors – will take an active part in national affairs."

[Sir Charles Doughty was elected as chairman of the Bar Council]

There may also have been a more pressing need to create a Conservative Party lawyers' forum, namely the fact that there was a Labour Government under Clement Attlee in power such that much of the SCL's early work was devoted to seeking to promote Conservative Party policies and exposing the activities of the government.

Indeed, over the years the SCL has produced and published many hundreds of pamphlets and commented both on reports produced by Royal Commissions and Government consultation papers. Most of the pamphlets have been produced by a committee or an ad hoc group of the SCL which has lent considerable weight to their recommendations, as some of the examples below confirm. There are a number of topics which have, perhaps not surprisingly, attracted more interest including the rule of law and individual rights, aspects of criminal law, family law and constitutional issues including Europe and UK devolution.

The early discussion leading to the idea of forming the SCL may well have taken place amongst some of those barristers who were prosecuting counsel at the Nuremberg Trials. The photograph taken on 1 December 1945 shown below, shows eight prosecutors at a time when Sir Hartley Shawcross had taken over from Sir David Maxwell Fyfe as attorney-general following the change of government. Five of those in the photograph became members of the Society, as indicated by a star against their name. In addition, Gilbert Beyfus KC and Airey Neave were also prosecutors, Melford Stevenson was a Judge Advocate in the Peleus Affair and John Foster participated in the trials; all were members of the Society. Stephen Howard was third prosecuting counsel at the trial of William Joyce (*"Lord Haw Haw"*) and John Amery for treason, both of whom were found guilty and hanged.

Back row:
*Major J Harcourt Barrington *, Major Elwyn Jones MP, E G Robey, Lieutenant Colonel J M G Griffith-Jones * and Colonel H J Phillimore**
Front row:
*Sir David Maxwell Fyfe MP *, Attorney General Sir Hartley Shawcross MP and G D Roberts KC **

The SCL's interest in the Nuremberg Trials was noted in a 1948 article in the Swindon Evening Advertiser under the headline *"To Defend Nazi"* indicating that the Inns of Court Conservative and Unionist Society had subscribed 20 guineas (equivalent to £800 today) to a fund started by Viscount Bridgeman and Lord De L'Isle and Dudley (and supported by Winston Churchill) for the defence of Field Marshal Erich von Manstein. He was an interesting but controversial figure who rose to the rank of Field Marshal and head of the Wehrmacht, although following the disastrous battles of Stalingrad and Kursk, disagreements with Adolf Hitler led to his dismissal in March 1944. He wrote a long document presented to Nuremberg emphasising that the Wehrmacht was a "clean" organisation, unlike the Gestapo. Although there was some delay in his prosecution, he was tried on seventeen charges and he was prosecuted by Arthur Comyns Carr KC, a Liberal, and defended by Reginald Paget KC, a Labour MP. In the event, Manstein was convicted of nine of the charges and sentenced to eighteen years in prison although he only served four years.

The war crimes of which Manstein was found guilty related to the Nazi invasion of the Crimea and the destruction of Sevastopol and included poor treatment and deaths of prisoners of war and execution of commissars and civilians. The atrocities now being carried out in Ukraine by Russian troops are a chilling echo of the behaviour of German troops during Manstein's invasion.

A press report in late 1956 reported that three former attorney generals, including Sir Lionel Heald, had applied for visas to attend as observers the trials taking place of dissidents after the Russians ruthlessly stamped out the Hungarian uprising of 1956. It is hoped that SCL members will take the lead role in any International War Crimes Tribunal set up to deal with the atrocities in Ukraine.

The officers of the SCL after its foundation were:

- President – Winston Churchill OM CH MP
- Vice Presidents – Viscount Hailsham and Viscount Maughan
- Chairman – Sir David Maxwell Fyfe KC MP
- Deputy Chairman – J Selwyn Lloyd CBE KC MP
- Hon Treasurer – Mervyn Griffith-Jones
- Executive Committee whose members included Gilbert Beyfus KC, Henry Strauss KC MP, Cecil Havers KC and Melford Stevenson KC

THE EARLY YEARS

The aims of the SCL have been constant throughout their history with six principal tasks:

1. Support the Conservative & Unionist Party
2. Uphold the principles of justice and democracy
3. Consider and promote reforms in the law
4. Act as a centre for discussion of Conservative ideas
5. Provide speakers and assist in finding candidates
6. Promote and assist in the publication of literature

These aims are fulfilled in three distinct and practical ways:

a. Setting up individual committees or study groups to produce reports for publication and evidence for various Royal Commissions or Government consultation

b. Working parties which support the Conservative Party in Parliament whether in Government or in opposition

c. The provision of day to day assistance to Conservative Members of Parliament arising from their constituency correspondence.

The Executive Committee minutes during 1959 record thirteen separate committees such as Local Government, Law dealing with amendments to legislation, Costs in Legal Aid cases, Taxation, Liquor Licensing, Road and Air Traffic Licensing, Extradition of Citizens of

Commonwealth Countries, Gaming, Suicide, Police, Transport Licensing, Company Law and Building Societies. Mrs Thatcher, shortly after being elected to Parliament, chaired a committee studying Guardianship of Infants which produced recommendations forwarded to the Home Office. All these committees were overseen by the Research Committee which considered topics for consideration and publication.

Over the years the SCL has published hundreds of pamphlets, thought pieces and commentaries upon Government plans and consultation. Some of the key publications are mentioned below. When the Party is in opposition the SCL performs an enhanced role, being ready to provide specialist advice to the Shadow Cabinet and front bench spokesmen, including drafting amendments for tabling to Government legislation in both Houses of Parliament and preparing reports and ideas for legislation following a change of Government after the General Election. Two areas involved advice on what became the Localism Act 2011 and Education Act 2011 introduced by the Coalition Government under David Cameron.

DEVALUATION OF THE POUND

In September 1949 the Government devalued the £ from US $4.03 to $2.80 and an article appeared in the Belfast Newsletter under the title *"Country's Fearful Descent"*

"Devaluation dishonest", says MP Sir David Maxwell Fyfe, KC, Conservative MP for West Derby, told members of the [SCL] in London last night:

"To decide on devaluation in August, without knowing how you are going to meet its consequences, is gross negligence – to announce devaluation in September as a sovereign specific is dishonest, and to meet Parliament in October still ignorant of your intentions, is pernicious effrontery."

"Two months after they decided to devalue, the Government could tell them nothing. If they cannot stop this fearful descent let them go. Let us have no more of Cripps's bedside manner"

NEW YEAR 1950

A national newspaper on 31 December 1949 under the headline *"1950 A YEAR OF DESTINY"* and *"Conservatives' call"* has the following article:

"Sir David Maxwell Fyfe KC, Conservative MP for West Derby, chairman of [the SCL] states in a New Year's card which he has sent to the members: "The present Government has set up new records of maladministration, incompetence and folly and has debased the standards of public life. 1950 will be a year of destiny for this country. The opportunity for our party to serve the people as their Government must be seized. We, as a profession, have a tradition of fearless defence of personal liberty. Socialism and liberty are incompatible. Here and elsewhere we see Socialism while it is in power inexorably driven down the slope of compulsion and regimentation. We have the faith that our national affairs, grave as they are, can be better handled"

Other New Year Messages mentioned later in the article included:

"Robert Menzies, Australian Prime Minister – We are all looking forward to more freedom… and paragraphs from Sidney Holland, New Zealand Prime Minister, Averell Harriman and Trygve Lie, the first UN Secretary General. Ex-King Michael of Romania wrote a message which has resonance today: "Even greater sufferings may be in store, yet there are also greater hopes. Our most fervent aim, for which we have never spared any sacrifice and never shall, is freedom. For all enslaved peoples, the day of freedom begins to dawn."

PROGRESS UP TO 1950

A report in Manchester's Daily Dispatch in 1950 recorded that the membership of the Society was just short of 300, an increase of 80 in the previous 12 months, and on the roll were 19 MPs.

THE 1952 MEMBERSHIP BOOK

Full membership of the Society was then fixed at one guinea with newly qualified barristers and students being charged ten shillings and five shillings respectively. The total membership by now was just below 400. Appendix A lists some of those recorded as members and the names read like the Who's Who of the (Conservative) political and legal world. The book only records the then titles of members and if they had taken silk. The Appendix refers to the 15 MPs as of 1952 and records honours received by individuals which arose from their service during the Second World War.

Two particularly interesting entries record that Mrs M. Thatcher and Norman St. John-Stevas had joined at the ages of 27 and 23 respectively paying the five shillings student fee.

An analysis of the list records individuals who had distinguished careers in politics and the law with some mentioned below:

Prime Minister – Margaret Thatcher (1979-1990); Four Chancellors of the Exchequers – Selwyn Lloyd (1960 to 1962), Reginald Maudling (1962 – 1964), Tony Barber (1970 – 1974) and Geoffrey Howe (1979-1983); Four Lord Chancellors – David Maxwell Fyfe (1954 – 1962), Reginald Manningham Buller (1962 – 1964), Viscount Hailsham (1979 – 1987) and Michael Havers (1987); and two Speakers of the House of Commons – Harry Hylton-Foster (1959 – 1966) and Selwyn Lloyd (1971 – 1976). Others mentioned in the list such as Lionel Heald, Peter Rawlinson and Jack Simon were appointed to one or more of the legal positions within government.

Many of those listed in Appendix A were noted barristers in criminal proceedings including some of the most high-profile cases of the day. Some were able to combine a parliamentary career with a successful career at the Bar. The most notable case involving four SCL members was the trial of Ruth Ellis, the last woman to be hanged which took place at the Old Bailey. Sir Cecil Havers was the presiding judge, Christmas Humphreys (the non-SCL member) led the prosecution with Mervyn Griffith-Jones as his junior and Melford Stevenson QC led for the defence with Peter Rawlinson as his junior. It is reported that Sir Cecil wrote to the Home Secretary (Gwillym Lloyd George) recommending a reprieve for Ruth Ellis on the grounds of the action being a *"crime passionnel"* which was refused. Apparently, Sir Cecil sent money annually for the upkeep of Ruth Ellis's son (who was 10 at the time of her hanging) and Christmas Humphreys paid for the son's funeral after he committed suicide in 1982.

Griffith-Jones also led the prosecution relating to Lady Chatterley's Lover in 1960 and gained some notoriety for his comment questioning whether the novel was something *"you would even wish your wife or servants to read?"* He also prosecuted Stephen Ward. The well-known criminal barrister, Victor Durand QC was leading counsel for Christine Keeler in connection with her trial for perjury. Melford Stevenson QC was noted for representing the litigants in the Crichel Down affair and supporting the prosecution, with the attorney general, Sir Reginald Manningham Buller QC leading, in the unsuccessful prosecution of Dr John Bodkin Adams.

The trial of the Kray twins in 1968 involved Sir Melford Stevenson as the presiding judge with Ivan Lawrence as junior defence counsel representing Ronald Kray. Another more recent case in 1983 involving the serial killer, Denis Nilsen, had SCL members Sir David Croom-Johnson as the presiding judge and Ivan Lawrence (now QC) as his principal defence counsel.

One of the noted early SCL members was the talented Richard Wilberforce who came to prominence when he drafted the instrument of the German Surrender which was signed by Field Marshal William Keitel on 8 May 1945. He was appointed to the High Court in 1961 and in 1964 was appointed straight to the House of Lords as a Lord of Appeal in Ordinary, where he served from 1964 to 1982. Two other SCL members of note at this time are: George Scarman (ultimately Lord Scarman) who had a successful career at the Bar and then as a leading judge was head of the Law Commission and went on to chair several Government inquiries, and Jack Simon who was an MP and solicitor-general from 1959 to 1962, leaving politics eventually to become a Law Lord.

THE RULE OF LAW

This is the most discussed topic amongst SCL members. It has resulted in many pamphlets. The first discussion arose at the Party Conference when a motion drafted and moved by John Boyd-Carpenter MP on behalf of the SCL proposed that the time had come to reaffirm the rights of the subject. It called upon the Party to undertake all necessary steps to reduce to the minimum rule by regulation and to ensure that whenever the individual comes into conflict with any Ministry,

local council or other public authority, his rights should be protected by appeal to the courts or other independent safeguard. The resolution was carried. But it is interesting to reflect that most of our legislation is now done through regulations. These are not subject to much parliamentary scrutiny and are either contemplated within primary legislation or introduced by Henry VIII clauses too often included in all such primary legislation.

A preliminary pamphlet was drafted on the issue and a much longer pamphlet was published by the Conservative Political Centre, on behalf of the SCL, (referred to below). The earlier publication received significant publicity in the national press, referring to the need for a new Magna Carta. The real danger it argued was that the Executive would overtop the other functions of the Government and would grow beyond the control of legislation or the judiciary. In particular, it noted that Ministers had powers to:

1. Requisition property without the right of appeal
2. Compel service in the Armed Forces
3. Restrict entrance to or exit from the country
4. Add to legislated powers further powers by way of a scheme or regulations
5. Control how and when or where the subject is to earn their daily bread.

One of the SCL's members, Anthony Marlowe KC MP, introduced a Private Member's Bill entitled the Liberties of the Subject Bill, which appears to have been introduced by Viscount Samuel in the House of Lords on 27 June 1950, where it received a second reading. It is unclear if it was introduced in the House of Commons. Mr Marlowe commented that if his Bill passed into law, the Crichel Down incident would never have happened and the general idea was to prevent civil servants and Government departments from riding roughshod over the individual.

The substantive pamphlet, titled **Rule of Law** was 76 pages long and was prepared by an eminent committee of the SCL chaired by Sir Patrick Spens QC MP with eight other MPs, namely Jack Simon, Philip Bell, Charles Fletcher-Cooke, Anthony Marlowe, Airey Neave, William Rees Davies, David Renton and Derek Walker-Smith plus other leading members of the SCL. The pamphlet had an appropriate quote from Edmund Burke:

"Those who give and those who received Arbitrary Power are alike criminal and there is no man but is bound to resist it to the best of his power, whenever it shall show its face to the World. It is a crime to bear it when it can be rationally shaken off – Law and Arbitrary Power are in dreadful enmity."

The pamphlet had four main themes underlying the study:

1. *"Great concentrations of power are liable to lead to great tyranny. The grant of wide discretionary powers not subject to any effective check or supervision amounts in contemporary society to a very considerable concentration of power. The citizen has then, no longer, the protective of an objective Law but is subject to the indulgence or caprice of an executive officer.*
2. *Human beings are fallible, and institutions worked by humans are therefore liable to error. A system which makes inadequate provision for review of the decisions of its servants enshrines and sanctions errors.*
3. *There are certain rules of fair procedure the disregard of which experience has shown to be particularly liable to occasion inequity. These are sometimes called rules of natural justice. They consist in such obligations as the duties to hear both sides of a dispute; to be unbiased towards one or the other; to take reasonable steps to ascertain accurately the facts in issue and to be unmoved by extraneous facts; and, if called on, to give reasons for any decision.*
4. *Fairness and justice should be as much an object of the administrative process as of the legal, although no doubt it must be reconciled with the need for efficiency and a reasonable consistency."*

The pamphlet made a number of specific recommendations. Perhaps the most significant was the proposal that a suitable instrument for review would be a new Administrative Division of the High Court which would hear appeals on points of law from the decision of any administrative body. This involved a two-stage approach where any aggrieved individual must first obtain permission to apply for judicial review in order to proceed to a full hearing in open court.

This proposal for the new Division was not taken up for many years. Nor did it immediately encourage many applications. Statistics released by the Government in one of their recent papers on the topic of judicial review recorded that in 1974 there were 160 applications butby 2000 this had risen to nearly 4,250 and by 2011 had reached 11,000. However, it is noteworthy that in 2015 only one in six received permission – or 760 out of a total number of 4,680. Of those, fewer than 300 had a full hearing. There are still fears that judicial review, important to assist an applicant with a genuine grievance, puts an excessive burden of unmeritorious litigation on public authorities.

If this Rule of Law pamphlet had been written this year it might well have considered the rule of law

and its implications for politicians who break the law. As Lord (David) Wolfson QC (a distinguished SCL member) implied in his recent letter of resignation as a Ministry of Justice minister, the rule of law is a fundamental democratic principle to be upheld. No one, I observe, not least a Prime Minister, is above the law of the United Kingdom.

MURDER

This was the title of a short 1956 pamphlet published by the SCL with some suggestions for the reform of the law relating to murder in England. A committee was created to consider the issues and was chaired by Sir Lionel Heald with three MPs, John Foster, Stephen Howard and William Rees-Davies and other SCL members, including Victor Durand.

The pamphlet does not come to a definitive view as to the possible abolition of the death penalty other than indicating that public opinion needs to be assessed. The issue has a quote from Burke who wrote that *"Half a dozen grasshoppers under the fern make the field ring with their importunate chink whilst thousands of great cattle, reposed beneath the shadow of the British oak, chew the cud and are silent"*.

The authors chose to comment critically on four specific areas where concerns had been raised:

1. Provocation - if a person is indicted for murder it shall be lawful for the jury to return a verdict of manslaughter if it is satisfied that, at the time he committed the act which resulted in the death, that person was in fact deprived of his self-control by such provocation as to cause a reasonable man to lose his self-control and to use violence with fatal results.
2. Constructive malice – culpable homicide shall not be deemed to constitute the crime of murder by reason only of the fact that it was committed in the course of furtherance of another offence and that that other offence was a felony or was the offence of resisting or escaping from or rescuing from arrest or custody.
3. Diminished responsibility – where a person is indicted for murder it shall be lawful for the jury to return a verdict of "murder with diminished responsibility" if it is satisfied that at the time of the offence the person charged, though not insane, was suffering from mental weakness or abnormality bordering on insanity to such an extent that his responsibility was substantially diminished.
4. Procedure upon a plea of guilty but insane was clarified.

The Homicide Act 1957 contained various provisions including those relating to the first three above which remain in force today – a quick acceptance of one of the SCL's proposals.

The abolition of the death penalty was not enacted until the Murder (Abolition of the Death Penalty) Act 1965.

THE CRIMINAL LAW AND ITS ADMINISTRATION

It is perhaps not surprising that as many members of the SCL were barristers working at the criminal bar, the topic of criminal law and its administration should give rise to many pamphlets dealing with both significant issues of principle and individual issues to improve the efficiency of the system. The overriding reason was stated in one pamphlet which drew attention to crime becoming an alarming large-scale growth industry with significant increases in serious crimes and violent crimes against the person. The same pamphlet, titled **The Conviction of the Guilty** by Petre Crowder QC MP and Ivan Lawrence, one of SCL's prolific pamphleteers, stated: *"It is therefore obvious that if society wishes to deter a significant proportion of violent and organised criminals, it must devise a system wherein the risks of detection, conviction and severe punishment are much higher"*.

Some early pamphlets included **Public Order** under a committee chaired by Sir Derek Walker-Smith QC MP in 1970 considering demonstrations and the like. **The Conquest of Crime** by W R Rees-Davies MP in the same year deals with detection. **A Case for Trial** by Edward Gardner QC MP in 1966 on one aspect of trial procedure, whilst **The Silence of the Accused** by Sir John Hobson QC MP, Sir David Renton QC MP, Sir John Foster QC MP and Ian Percival QC MP in 1966 dealt with another aspect which has been considered on a number of occasions over the years.

Before the 1970 general election, the Rt Hon Quintin Hogg QC MP, as he then was, set up a committee of lawyers and specialists to suggest ideas for the reform of the British penal system. After the election, as Lord Hailsham of Marylebone, he became Lord Chancellor, the

committee continued its work as an SCL research committee with a strong membership including Edward Gardner QC MP, William Deedes MP, Norman Fowler MP, Michael Havers QC MP, Ernle Money MP and Ivan Lawrence. Their pamphlet titled **Crisis in Crime – and punishment** was published in 1971. The objectives remain resonant today and the document recorded that their proposals sought to:

(i) Keep out of prison people who should not be there;

(ii) Use alternative and possibly more effective forms of punishment, and

(iii) To improve our prison system for those for whom there is no alternative to imprisonment.

The pamphlet suggests that the abolition of the death penalty left a vacuum, a dangerous vacuum which *'life imprisonment'* was supposed to fill and that in practice it is no more than a false name and an empty threat as it rarely lasts more than 9½ years; a weak sanction that too easily gives rise to hope of early release and an unjust sentence as it cannot be varied judicially to fit the crime. The pamphlet draws attention to the fact that the post-war prison population was 15,000 and this increased to 36,000 in 1969 and had passed 40,000 by 1970. The prison population continued to expand to 85,000 in 2014 with a reduction in 2020 to 79,000. The pamphlet suggested immediate reductions in the number of prisoners through wider use of bail provisions, and consequently fewer remand prisoners, in addition to greater use of suspended sentences introduced earlier by the Criminal Justice Act 1967. There were no concrete proposals to adjust the arrangements for life imprisonment. This was eventually incorporated in the Criminal Justice Act 2003 whereunder judges could make recommendations as to minimum terms or whole life terms for particularly serious crimes. In contrast, the Attorney General had powers in the Criminal Justice Act 1988 to apply to the Court of Appeal if a sentence was considered too lenient. In the last recorded five years the number of sentences increased was 141 in 2017, 137 in 2017, 99 in 2018, 93 in 2019 and 61 in 2020.

There were a number of suggestions proposing alternatives to imprisonment including wider use of fines, compensation or reparation for victims of crime, wider use of the probation service, supervised liberty and service to the community as recommended in the Wootton Report. All of these have been introduced over the years, although the probation service has recently had a difficult time with the failed outsourcing from which it will take some time to recover.

The pamphlet by Petre Crowder QC and Ivan Lawrence, referred to above and published in 1972, dealt with important proposals relating to the cautions to, and interviewing of, suspects including issues relating to confessions. The issue which gives rise to much comment relates to the 'right of silence' which is also addressed in the following 1992 pamphlet and shortly afterwards the Criminal Justice and Public Order Act 1994 enacted that there was a common law right for the accused to refuse to answer questions when charged, and that adverse inferences may be drawn in certain circumstances as set out in the legislation.

The 1992 pamphlet **Correcting the Scales: Proposals for Preventing Miscarriages of Justice** was the result of deliberations by an SCL committee chaired by Sir Ivan Lawrence QC MP (as he then was) and included Ken Hind MP, Martin Howe and Jeffrey Gordon (one of the first solicitors who became an SCL member in 1967). The motivation for this pamphlet was the fact that the British system of criminal justice had been marred by a very disturbing number of miscarriages of justice. It drew on "the Guildford Four", "the Maguire Seven", "the Birmingham Six", Judith Ward, Stefan Kiszko and "the Tottenham Three", whose convictions had all been found to be unsafe and therefore quashed by the Court of Appeal. The pamphlet made a number of recommendations dealing with the conduct of police investigations, supervision by the Crown Prosecution Service, pre-trial disclosures, standard of expert witnesses, conduct of the trial, the difficult issue of previous convictions and the right to silence.

A further paper, **Paying for Justice**, contained recommendations to reduce the cost of litigation and the burden of legal aid, the debate upon which still continues with much dissatisfaction from barristers practising in the Criminal Bar. A high-powered SCL committee undertook the research led by Dominic Grieve and Robert (Bob) Neill (before they were elected MPs) and including Patrick Ground QC and Tony Holland, former President of the Law Society. Their proposals were designed to reduce the direct cost to the public purse by better management of cases, simplification of matrimonial litigation and creating a Contingency Legal Aid Fund to be established initially through the National Lottery. The latter proposal was also considered by the Bar Council in July 2009 under the chairmanship of Guy Mansfield QC (now Lord Sandhurst and SCL's current Chairman of Research) and supported by Anthony Speaight QC (another of SCL's prolific pamphleteers). The idea of a Contingency Legal Aid Fund was first mooted in 1966 and has been considered by a wide range of groups since that date with no indications that such a fund will be created primarily due to the rising cost of legal aid generally.

The legal aid issue has been raised in two further pamphlets. The first in March 2011 titled ***"Access to Justice: four essays"*** was a response to two Government consultation papers and the second, in March 2020, titled ***"Access to justice in the 2020s"*** written by Lord Sandhurst QC. Both pamphlets recorded less than satisfactory progress resolving the issues. Lord Sandhurst in a recent contribution in the House of Lords referred to Lord Rushcliffe's 1945 report which urged that: *"Legal aid should be available to all Courts and in such manner as will enable persons in need to have access to the professional help they require"*. Lord Sandhurst pointed out that at the last pre-Covid count (in 2019), in more than half the local authorities in England and Wales, with some 22 million people, there was no provider in the field of housing legal aid. He pointed out that it would be a simple first step in the process of levelling up to take immediate steps to find at least one such provider in each such local authority.

INDUSTRIAL RELATIONS

The SCL has been particularly active in reviewing our industrial relations legislation although unlike the speed achieved in reforming aspects of homicide law referred to above, changes to the law relating to trade unions took many years.

The SCL archives had an article from the Times of 17 August 1955 about restrictive practices at the docks including the difficulty of introducing machines. There was an undated paper outlining current legal problems relating to the trade unions including, in particular, the "closed shop" principle where a non-union member might be prevented from working in that business and a member might not have a right of redress when prevented from working in his trade.

This eventually led to a major pamphlet in 1958, titled **A Giant's Strength**, which had a quote from William Shakespeare's *"Measure for Measure" - "O it is excellent to have a giant's strength; but it is tyrannous to use it as a giant"*. The pamphlet had chapters dealing with the right to strike, restrictive practices, trade unions and the individual, recognition of unions and inter-union disputes. There was a summary of the recommendations which deserves to be set out below:

Strikes

1. The present doubt as to whether a strike for purely or predominately political purposes is legal or not should be removed by the passing of a declaratory act stating that such strikes are illegal.
2. In the future the privileges given to trade unions under various Acts [stretching back to 1871] should only be available if the trade unions have been registered with the Registrar of Friendly Societies.
3. A strike in breach of union rules would be illegal and the union or persons calling the strike would lose the protection in legislation.
4. The privileges mentioned above will only be available if certain steps are taken before a strike is called.

Registration of unions

1. The Registrar can refuse registration if a number of provisions are not inserted relating to the right of persons of good character to join a union, there should be a right of appeal against any union decision relating to one of its members and restrictions on the expulsion of members.
2. A refusal of registration could be appealed to the High Court.

Restrictive practices

1. The then existing Restrictive Practices Court could be appropriate to consider cases where it is alleged that restrictive practices are being operated by workmen.
2. As a matter of urgency, the Government and employers in consultation with the unions should consider ways in which the workers' not unnatural fear of the short-term effects of unemployment may be removed

Inter-union disputes

1. These should be dealt with by the Trades Union Congress (**"TUC"**) although there was uncertainty as to whether that would be acceptable to both the TUC and the trade unions. A fallback suggestion was made that the Restrictive Practices Court might be involved if the disputes were within the scope of the Bridlington Agreement which came into force in 1939 originally to prevent unions from "poaching" members from other unions.
2. The rules of all trade unions should commit them to being bound by the Bridlington Agreement.
3. As a matter of good industrial practice, when a new union has for a substantial time retained a substantial proportion of workers in a particular grade of industry it should be recognised.

Royal Commission on Trade Unions

In 1965 the Government established a Royal Commission to examine the trade unions. The SCL submitted evidence following a Sub-Committee set up for that purpose. Its membership of MPs was chaired by Sir Derek Walker-Smith and had four other MPs (all Queens Counsel) including Sir John Hobson, Sir Lionel Heald, Geoffrey Howe and Ian Percival. This paper recognised that it was regrettable that the history of the trade unions in relation to the law had not so far been a happy one. It also expressed the view that law and legislation can provide only part of the answer and that *"good human relations and attitudes on both sides of industry are crucial"*.

The original proposals in the 1958 pamphlet were incorporated in the Industrial Relations Act 1971 under the Heath Government only to be largely reversed in the Trade Union and Labour Relations Act 1974.

Patrick Medd, one of the secretaries of the SCL who had a successful career as a barrister wrote in his Memoir, ***"Taking in Sail"***:

"It so happened some sixteen years after "A Giant's Strength" had been published I was appearing in a case in the House of Lords in which Jack Simon, who had by then become one of the Law Lords as Lord Simon of Glaisdale, was one of the judges. It was the day on which [the 1974 Act] had been given its second reading in the House of Commons. I had finished my final speech and was leaving the court room when a flunkey in a tailcoat and white tie came up to me and handed me a note. I thought, "Oh heavens, I am going to be asked to go back and explain some point I have not made plain to their Lordships", When I read the note, it was from Lord Simon and was concise. It was in these terms:

Question: What is the definition of a Tory reactionary?

Answer: A person who suggests a much-needed reform nearly twenty years before it becomes law."

SOLICITORS TO BECOME ELIGIBLE FOR MEMBERSHIP OF SCL?

At the meeting of the Executive Committee on 12 January 1966, there is a handwritten addition to the minutes about a discussion which took place about the *"desirability"* of admitting solicitors to membership of the SCL. Geoffrey Howe was to prepare a memorandum for consideration by the Committee and reference would be made at the forthcoming annual general meeting. There was a progress report about admitting solicitors at the meeting on 14 June 1966. At the following meeting on 20 July 1966, it was suggested by one member that there should be a two-tier organisation with one for barristers and the other for solicitors with an over-arching parent.

The Chairman, Sir Derek Walker-Smith, had had correspondence with Lord Chelmer, effectively the chief executive of the Conservative Party who was a solicitor, and following a meeting with all parties a way forward was proposed as follows:

(a) There should be a minimum support of between 50 and 100 from solicitors;

(b) Election of members would continue to be approved by the Executive Committee and once elected that there would be no differentiation between barrister and solicitor members;

(c) There would be a ceiling of 500 members for barristers and 500 for solicitors [This was not implemented];

(d) Solicitors, with effect from the next annual general meeting would be entitled to become members of the Executive Committee and officers of SCL.

On 27 February 1967 the rule changes were passed, and 23 solicitors were elected, who included Lord Chelmer and five MPs namely Walter Clegg, Graham Page, Daniel Awdry, Sir Donald Kaberry and Hugh Rossi. The SCL advertised the opportunity for solicitors to join the SCL and large numbers did during the early months, some of whom have been members of the SCL ever since. The SCL currently has 110 members signing up as barristers, 107 as solicitors, 85 younger members and 2 academics.

CHALLENGE FROM EDWARD HEATH

In June 1967 Edward Heath spoke to the SCL and *"called upon lawyers in our Party to take a new look at the responsibilities of their ancient professions and see how adequately they are being fulfilled as we approach the 1970s. In particular, I asked them to consider whether legal services are genuinely available to all sections of our community, and if, as many of us suspected they were not, to make recommendations to me for action"*. The SCL created a committee,

to research and examine the issues, chaired by Edward Gardner QC and including David Hirst QC, Walter Clegg MP, Mark Carlisle MP and Leon Brittan who went on to have a long political career serving as Home Secretary and Secretary of Trade and Industry in Thatcher's Cabinet.

Their 1968 pamphlet, **Rough Justice** contained a robust defence of the importance of an independent legal profession in the following terms:

"This pamphlet is a statement of the views of a Committee of Conservative Lawyers on the future of the law. It is prejudiced. It is prejudiced against any attempt to nationalise the legal profession. It is prejudiced particularly in favour of reforms which will improve the law and the services of the lawyer to the public. Like governments, lawyers cannot expect to be popular. But like governments they are part of the ultimate defence against anarchy. No political party can ignore them and no people can keep its freedom that does not keep its lawyers independent of the executive"

"The danger of state control of the legal profession is not, we fear, as remote as one could wish. The state has the right and the duty to see that public funds used for legal aid are spent to the best advantage. But the argument that this can be best done by a nationalised salaried legal service for the State hardly bears examination. It is our belief, shared, we believe, by most people in the country that '…. a legal profession, independent of the executive is essential to the fabric of a free society."

The pamphlet drew attention to the complexity and volume of legislation which pours from Parliament - [and continues to do so with the large amount of secondary legislation] - making the understanding of the laws and the rights and duties it creates for the individual more necessary and more difficult than ever before.

The pamphlet identified three objectives:

(a) To see that the grievances of the individual against maladministration, national and local, are properly dealt with;

(b) To keep the legal profession free from political control;

(c) To maintain, and where possible improve, the services of the legal profession.

Redress of Grievances

There are three key areas:

1. the creation of an Administrative Court;
2. the strengthening of the powers of the Parliamentary Commissioner or Ombudsman and regional Commissioners to investigate complaints of maladministration by local authorities;
3. creating additional tribunals and improving the practice and procedure of existing tribunals.

The SCL's 1955 publication **Rule of Law**, referred to above, had commented upon the many tribunals which operated and made some recommendations as to their operation. However, this 1968 pamphlet referred to several *"startling"* examples of injustice which exposed the need for a proper system of judicial review. The examples included cases involving an alien denied entry to the UK or an intending immigrant refused entry who should have the opportunity to state their case before a tribunal; war victims, such as former prisoners of war in Nazi concentration camps, who might have a claim for compensation should be able to put their case to a tribunal; withdrawal of a passport with no redress and town and country planning decisions taken without proper consideration. All these instances (where applicable) now have avenues for aggrieved citizens to complain.

In 1968 there was only one public sector Ombudsmen, namely the Parliamentary Commissioner. Since then, 19 public and private sector Ombudsman operating in the UK have been founded, with another 15 complaint handling organisations covering many areas of life in the UK including those for the motor and removals industries, furniture & home improvements and waterways.

Freedom from political control

The pamphlet states that *"Freedom denotes equality before the law. Equality before the law, if it means anything, means that everyone must have ready access to advice and representation by members of the legal profession. A legal system which provides one law for the rich and one law for the poor is clearly wrong."*

It then contrasts the fact that the National Health Service which provides a *"free"* service to the public is operated by doctors employed by the NHS and considers why such an arrangement would not work for the legal profession. The pamphlet makes the difference clear, namely that

"Doctors are concerned with the health of their patients, and their interests are likely to accord with the public interest. Lawyers are concerned with the rights of their clients, which may often be contrary to the interest of the public at large, and which may indeed be assailed by the State itself. In criminal cases the very fact that the prosecution is taken in the name of the Crown is indicative of such a conflict…. It is the prime task of the lawyer to stand up to the Executive; it is incompatible with that duty that he should be dependent on the Executive for his living". The Legal Aid Scheme is justifiable in that the client obtains financial

assistance and once this has been granted the only criterion is the interests of the client.

Legal services

The problem outlined by the authors of the pamphlet is the failure of the present legal service to reach those many people who need little more than legal advice to resolve their problems. The issues were threefold: a shortage of solicitors in the poorest areas of the country, the reluctance of many people to even consider consulting a solicitor and the fact that the system of legal aid was geared towards litigation rather than the provision of legal advice. These issues have been referred to above and although some increased funds have been made available by the Ministry of justice, the future of the criminal bar and solicitors overly-dependent upon legal aid continued to be threatened, particularly in poorer areas.

The pamphlets suggested that lawyers should be encouraged to offer their services (on a legal aid or pro bono basis) to their local Citizen's Advice Bureaux where those reluctant to fix an appointment directly with a solicitor could see one in an informal setting.

1968 was a year in which the SCL responded to various consultation documents from the Law Commission on diverse subjects such as the abolition of the action for damages for breach of promise, civil liability for animals, maritime law, termination of tenancies, codification of the criminal law and proposals relating to amendments to the Sale of Goods Act 1893.

PRICE OF PRIVACY

In 1971 the Younger Committee on Privacy was considering the law in this area and the SCL's **Price of Privacy** pamphlet was a response to that committee. The SCL formed a team headed jointly by Alan Campbell QC and Alan Woods. The pamphlet covered the law as it then stood, the mass media, industrial espionage and credit rating agencies and set out views as to what should be done. However, it was not a unanimous report in that three members of the team, Derek Hene, Derek Lewis and G R F Niblett submitted a note of dissent. It outlined the key arguments which have a resonance today even though the issue of privacy has become such a vexed issue with the onset of the internet and the importance of data protection.

The initial sentence in the publication states that *"Perhaps no subject other than privacy has generated so much discussion with so little result. So far as the United Kingdom is concerned, the essential question is whether a general right of privacy should be established by statute…. and should provide adequate safeguards for the press"*.

The majority view of the SCL Committee was that the existing law afforded sufficient general protection when read in conjunction with the criminal law which prohibits extortion or blackmail and all participants generally were agreed that some legal measures were desirable to prevent the abuse of credit rating agencies, the misuse of data bank facilities, the harassment of individuals by the information media and wrongful acquisition of industrial secrets. The dissenting parties considered that it would not be possible to legislate rationally nor apply sanctions fairly unless there is a sound basic principle establishing a right to privacy. Since the date of this pamphlet, the need for a clear law of privacy still remains with the increasing degree of information available about individuals and corporate entities on the internet.

Two important series of essays were produced by the SCL: the first in 1987 titled **The Road to Reform: Thoughts for a Third term** contained suggestions relating to the Rent Acts, the reform of the Official Secrets Act, the case for a statutory right to interest, creating a Family Court and reforming the laws relating to mortgages; the second in 1991 titled **Holding Fourth: Thoughts and Themes for the Fourth term** with a long essay under the title **Cathy Come Home: the Conservative Way**, and others titled **Corporate Government: Where Big Ben meets Big Business**, **Walking the Tightrope: Conflicting Rights and the Calcutt Report** and **A New Approach to Access: Making Justice a Flexible Friend**.

In April 1989 the SCL submitted a series of papers in response to various Green Papers issued by the Lord Chancellor covering a range of issues including codes of professional conduct and complaints, conveyancing and legal services provision, probate, specialisms, contingency fees, advocacy and the organisations of the Bar and the appointment of judges. In the introduction it stated that the SCL had 639 members of whom 362 were practising barristers, 211 were solicitors, 19 were academics and 47 were students.

HOUSE OF LORDS REFORM

The SCL has published two papers on reform of the House of Lords, the first in 1978 was drafted by a committee under the chairmanship of Alan Campbell QC which proposed an elected senate approach to which two members of the committee dissented opposing the proposal for a senate and suggesting a new approach to the appointment of members of the House of Lords. The proposal for elections was partially echoed in a 2012 pamphlet written by Oliver Heald MP (as he then was) titled **An Elected Second Chamber – Building a Better House?** Although his suggestion was that there should be indirect elections on the basis that each political party would publish a list of its candidates and would gain seats in exact proportion to the share of the electorate's support won in the General Election.

TRIAL BY JURY

This is an issue which has been considered on various occasions during the past 40 years with various attempts being made to reduce the individual's right to opt for a trial by jury. In 1986 Lord Roskill's Committee on Fraud Trials was considering this specific issue in a team headed by Leolin Price QC and the submission to the Committee contained the following:

"The curious system of trial by jury is part of our long history. Its existence and its operation make it part of our inheritance and organically part of our society…The belief that the trial of serious crime is a matter which cannot be left in the hands of experts is a wise Anglo-Saxon attitude. The system of jury trial contributes greatly to public confidence in the law and to the independence of the judiciary; and no change is worthwhile if it would undermine or destroy that confidence or that independence." It was suggested that some reforms to assist with the procedure at fraud trials were desirable and the then Government created the Serious Fraud Office in the Criminal Justice Act 1987. One well known lawyer opined that "Left Wing thinkers are apt to favour trial by jury on the negative ground that it is preferable to trial by public school judges. It is very important that a party of the Right should understand and proclaim its true significance."

Jack Straw, as Home Secretary, made a comment to Parliament in 1997 *"Surely cutting down the right to jury trial, making the system less fair, is not only wrong but short-sighted and likely to prove ineffective."* However, the Labour Government two years later indicated that it would be introducing legislation to abolish the ability of defendants to decide for themselves whether to be tried in a Magistrates Court or the Crown Court and the SCL published a strongly worded rebuttal to such proposal under a committee chaired by Sir Ivan Lawrence QC. It quoted a comment made by the Lord Chief Justice of England and Wales who said of the jury system *"it is the most effective bulwark against tyrannical and oppressive Government overbearing judicial dictation that the world has ever seen"*.

In the event, the Labour Government introduced two changes to the jury system in the Criminal Justice Act 2003. Section 43 proposed that applications could be made by the prosecution for certain fraud cases to be conducted without a jury and Section 44 proposed that applications by the prosecution could be made for trial without a jury where there was danger of jury tampering. In the event Section 43 was never used and was eventually repealed by Section 113 of the Protection of Freedom Act 2012 and Section 44 has only been used on one occasion and is still on the statute book.

SOME OTHER PUBLICATIONS DURING THE LABOUR GOVERNMENT

The first publication in 2001 was a series of essays from SCL members under the title **Lawyers, Politics and the Future**. This covered issues such as "The Rise of Judges" and "The Decline of Parliament: Judicial Review and the Human Rights Act", by Michael Howard QC MP, "Is Europeanisation of our Legal System Inevitable?" By Sir Ivan Lawrence QC, and "Government dominance of the judiciary and the legal system a constitutional disfunction" by Stanley Brodie QC. In the Foreword, Lord Carlisle QC wrote that *"A common strand in all these essays is the desire to promote the law in a way that serves the best interests of the country, whilst reflecting the Conservative traditions of independence, choice and freedom."*

One other important publication was a response to the Labour Government's consultation papers on a new way of appointing judges, a Supreme Court for the United Kingdom and the future of Queen's Counsel. The Government's papers were prepared in the light of its intention to politicise the

role of the Lord Chancellor including some control on the appointment of judges. The SCL 2003 paper titled **Constitutional Upheaval** argued against any significant change to the role of the Lord Chancellor or the appointment of judges, was sceptical about the Supreme Court and strongly opposed the abolition of the silk system.

THE SCL INTO THE 21st CENTURY

During the early part of the century the SCL was challenging the Labour Government with vigour as some of the publications referred to above attest. One important pamphlet titled **"A Modern Bill of Rights"** towards the end of the Labour Government confirmed the SCL's continuing interest in this area of the law. It consisted of extracts from a series of pamphlets written by other keen pamphleteers and included Dominic Grieve MP, Martin Howe QC, Anthony Speaight QC, Jonathan Fisher QC – who wrote a preface – Edward Faulks QC (as then was) and Andrew Warnock. Both Anthony Speaight and Jonathan Fisher served on the Government's Commission on a UK Bill of Rights from 2011 to 2012.
The election of the Coalition Government and subsequent majority Conservative administrations afforded the opportunity to promote some of the SCL's cherished topics but latterly required a more problematic review of the implications of the rule of law.

This topic, coupled with the implications of devolution, the Covid Pandemic and Brexit spawned many publications. Indeed, the latter with its complex legal issues gave rise to six research papers and others dealing with public procurement.

Almost the most recent pamphlet related to the SCL's response to the Bill of Rights Consultation. It was titled **"A Glorious Revolution"** and the front cover had the famous picture of William of Orange and Mary accepting the crown. The proposal to substitute a Bill of Rights in place of the Human Rights Act 1998 has been supported by pamphlets published over many years, but has many opponents who consider that the proposals will make it harder for individuals to stand up for their rights and to hold public bodies to account. Dominic Raab, the justice secretary, pointed out that the changes would reinforce parliament's role as ultimate decision maker, and strengthen rights such as freedom of speech. This latest paper treads a middle way.

Aspects of the rule of law came to the fore in the Supreme Court over the prorogation of parliament, closely followed by aspects of the Coronavirus Act 2020 and its accompanying regulations.
As far as the former was concerned the Court considered that the action taken by Government was inappropriate. Anthony Speaight QC in a personal paper suggested that the action taken by the Government was lawful but unconservative. In his paper he wrote:

"The very fact that conventions are unenforceable by the courts means that respect for fair and decent constitutional practice can be assured only by a climate of behaviour. Therefore, our own self-interest as much as political morality ought to make the Tories diligent in upholding constitutional traditions." He continued *"There is perhaps an analogy to the Laws of Cricket which begin by stating that the game should be played "not only according to the Laws, but also within the Spirit of Cricket". Conservatives should uphold the spirit of our constitution."* Shortly after, Lord Sandhurst QC expressed a different view, supporting the decision of the Supreme Court and referring back to the prorogations of the Stuart kings!

As far as the Coronavirus Pandemic was concerned there were companion pamphlets titled **"Pardonable in the heat of a crisis – building a solid foundation for action"** and **"Pardonable in the heat of a crisis – but we must urgently return to the rule of law"**, where the authors set out their views on legal restrictions imposed to cope with the serious public health emergency. All of these restrictions, particularly during lockdown, had to be observed by every citizen. We seem to have come full circle from the post-war restrictions and compulsory powers referred to above.

Although these topics have dominated the SCL's focus during the past few years, other pamphlets have been published on a varying range of issues including employment rights following the Uber judgement, devolution, housing and the law on cannabis

During the pandemic the SCL continued to hold meetings and a number of webinars on topical issues. We plan to continue online meetings, but as face-to-face meetings make a comeback we will adopt a system of hybrid meetings streamlining the event for those unable to attend in person.

Simon Randall, May 2022

LAWYERS IN THE HOUSE OF COMMONS

Although early statistics are hard to come by, the number of lawyers in the House of Commons in recent years has changed dramatically with far fewer barristers as the more recent statistics from the House of Common Library highlight:

	1979	1987	1997	2001	2005	2010	2015
Barrister	67	57	36	33	34	38	38
Solicitor	29	31	21	35	38	48	51

This may be a reflection of the difficulties faced by Members of Parliament having significant outside professional careers competing with the growing demand to fulfil their political roles. However, Sir Ivan Lawrence was able to fulfil both roles with distinction as Sir Geoffrey Cox is currently doing. The House of Commons does need to attract more lawyers as the principal legislative decision-maker.

ACKNOWLEDGEMENTS

The SCL owes its success to many individuals who have given significant time promoting the Society and their expertise towards the publications we have produced which have greatly contributed towards Conservative Party policymaking. Many of them are mentioned in the pagers of this pamphlet. There are perhaps five people who deserve a special mention and they are Sir Oliver Heald QC MP, Dominic Grieve QC and Peter Moran whose respective periods as Chairman of the Executive Committee were notable for their enthusiasm in promoting our work and increasing membership; and Sir Ivan Lawrence QC and Anthony Speaight QC whose contribution in writing pamphlets and research papers is reflected in this history.

SECRETARIES

The SCL has been very fortunate in having some first-class secretaries. In date order they are Patrick Medd, Pamela Thomas OBE, Frances Bouchier, Sarah Walker and Cherry Clarke.

Pamela Thomas was closely involved with the SCL for over thirty years and served as its Secretary for twenty. Pamela died in October 2007 and made a generous bequest to the SCL in her will; the Society has committed to ensuring that this legacy is used for activities relating to research, education and the pursuit of excellence including the Pamela Thomas Memorial Lecture. The members of the Executive Committee during the period when she was Secretary included so many young Conservative lawyers who went on to the most illustrious careers in politics and the law. As an example, in Charles Moore's biography of Margaret Thatcher when writing of her time at the Bar he refers to Pamela Thomas, who used to talk politics with Mrs Thatcher almost every day.

The legacy also funds the Lyell Scholarship, named after the Rt Hon Lord Lyell QC, the UK's longest serving law officer and former Chairman of the Society, to give experience for young people looking to join the legal profession.

APPENDIX 1
SOME OF THE SCL MEMBERS LISTED IN THE 1952 MEMBERSHIP BOOK

Anthony Barber MP
Gilbert Beyfus KC
John Boyd-Carpenter MP
Sir H Cohen KC
David Croom-Johnson DSC
Lord Croft
Victor Durand KC
William Fearnley-Whittingstall KC
Charles Fletcher-Cooke MP
John Foster KC MP
Sir N Goldie KC
W Percy Grieve
Mervyn Griffith Jones MC
Sir Cecil Havers KC
Viscount Hailsham
Michael Havers
Sir Lionel Heald KC MP
Gerald Howard KC MP
Geoffrey Howe MP
Harry Hylton-Foster MP
Sir George Jones KC
Alan King-Hamilton
Lord Llewellin of Upton
Selwyn Lloyd CBE KC MP
Lord Mancroft
Sir Reginald Manningham-Buller KC MP
Reginald Maudling MP
Sir David Maxwell Fyfe KC MP
Airey Neave DSO OBE MC
Henry Phillimore OBE KC
Peter Rawlinson
Marquess of Reading
David Renton MP
William Rees Davies
George Scarman OBE
Lord Schuster
Jocelyn (Jack) Simon MP
Sir Patrick Spens
Sir Henry Strauss QC MP
Mr Justice Streatfeild (Donation)
Norman St.John-Stevas
Melford Stevenson KC
Mrs M Thatcher
Miss Pamela Thomas
Sir Lucas Tooth MP
Derek Walker-Smith MP
Richard Wilberforce OBE

APPENDIX 2
SENIOR OFFICERS OF THE SCL

The SCL has been fortunate to have had the support of many exceptional lawyers who have been willing to give their time unstintingly. The following includes some of those who have chaired the SCL and the SCL Executive Committee and held honorary positions as Presidents or Vice-President. There are also countless others who have contributed in a range of capacities, including serving in the important role of Chairman of the Research Committee.

President

Sir Winston Churchill

Sir Alec Douglas-Home, later Lord Home of the Hirsel

Lord Hailsham of St Marylebone

Lord Mackay of Clashfern

Vice-Presidents

1st Viscount Hailsham and Viscount Maugham

Earl of Kilmuir, Selwyn Lloyd and Quintin Hogg (after disclaiming his peerage)

Selwyn Lloyd, Quintin Hogg and Viscount Dilhorne

Lord Hailsham of St Marylebone, Lord Broxbourne and Sir Edward Gardner

Lord Hailsham, Lord Broxbourne, Lord Havers, Sir Edward Gardner and Lord Mackay of Clashfern

Lord Hailsham, Lord Mackay, Sir Edward Gardner, Lord Carlisle of Bucklow and Lord Kingsland

Lord Mayhew of Twysden, Lord Howe of Aberavon, Lord Howard of Lympne and Lord Brittan of Spennithorne

Lord Howard, Kenneth Clarke and Sir Ivan Lawrence

Lord Howard of Lympne, Lord Clarke of Nottingham, Sir Ivan Lawrence and Sir Robert Buckland

Chairman of SCL

Sir David Maxwell Fyfe

Jocelyn (Jack) Simon

Sir Lionel Heald

Sir Derek Walker-Smith

Edward Gardner

Leon Brittan

Lord Alexander of Weedon

Lord Lyell of Markyate

Lord Hunt of Wirral

Chairman of the Executive Committee

Selwyn Lloyd

Charles Fletcher-Cooke

Sir Derek Walker-Smith

John Arnold

Edward Gardner

Mark Carlisle

Anthony Buck

Leolin Price

James Lemkin

Richard Ottaway

Peter Moran

Edward Garnier

Oliver Heald

Eleanor Laing

Dominic Grieve

Robert Buckland

Victoria Prentis

Sir Bob Neill

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