



HOUSE OF LORDS

Library Note

Ceremonial in the House of Lords

This Library Note focuses on the principal ceremonies that take place in the House of Lords, including the State Opening, presenting the Speaker of the House of Commons, Royal Assent, prorogation and dissolution, and the Introduction of peers. It also describes the role of Royal Commissions, the roles of the Earl Marshal and the Lord Great Chamberlain, other notable ceremonies (the Lord Speaker's Procession and presentation of an Address to the Sovereign) and finally looks at proposals for reform.

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INTRODUCTION

This Library Note provides an overview of the principal ceremonies that take place in the House of Lords. Section I looks at the history of the State Opening of Parliament from the Middle Ages to the Twentieth Century, and then goes on to look at the history of the other ceremonies of state, viz, presenting the Speaker of the House of Commons, Royal Assent, and prorogation and dissolution. Section II considers the gradual delegation of most of the Royal duties described in Section I to Royal Commissioners or to the Speakers of the two Houses. Section III describes the origins and development of the Introduction ceremony. Section IV considers the respective roles of the Earl Marshal and the Lord Great Chamberlain. Section V looks at other notable ceremonies, viz, the Lord Speaker's Procession before each day's sitting in the House and the presentation of an Address by the whole House to the Sovereign. Finally, Section VI looks at proposals for reform.

I. CEREMONIES OF STATE IN THE HOUSE OF LORDS

An authoritative history of the staging of ceremonies of state in the House of Lords is given by Henry S Cobb (Clerk of the Records 1981–1991) in Chapter 2 of *The Houses of Parliament: History, Art, Architecture*. He states that from the Middle Ages onwards “regular ceremonies have occupied a conspicuous place in the proceedings of the House of Lords. The most important of these are the royal ceremonies at which the Sovereign is present, either in person or represented by commissioners authorised by the Sovereign to act on his or her behalf. On such occasions, the Lords Chamber is something more than the House of Lords, being the place where the Sovereign, the Lords and the Commons ‘in Parliament assemble’. Such ceremonies are or were held for the opening of the Parliament, the approval of the Speaker of the Commons, the giving of the royal assent to bills and the prorogation of Parliament”.¹

The following historical overview of these ceremonies is largely drawn from Cobb’s account.

1. The State Opening of Parliament in the Middle Ages

The State Opening of Parliament has always been the most elaborate of these ceremonies. In the Middle Ages, the King, unless ill or on campaign, was expected to be present at this and other parliamentary sessions because it was his Parliament. By the later fourteenth century the opening ceremony was well-established. The Lords, and others summoned by name, assembled with the Great Officers of State in the Painted Chamber of the Palace of Westminster, where those peers attending were checked against the list of summons. The Commons gathered in Westminster Hall, where their names were read out from the sheriffs’ election returns, and they were then led to stand at the Bar of the House of Lords (in the Painted Chamber) where the King sat in state, surrounded by the Lords, who were seated and in their robes. An address was then given, almost invariably by the Chancellor, usually part sermon and part declaration of the causes of the summons, Lords and Commons being told to meet separately to discuss these matters. The separate sessions of the Lords and Commons usually began on the next day, the Lords meeting in the “White” or Parliament Chamber (their normal place of meeting in the fourteenth century) whilst the Commons met in the refectory of Westminster Abbey.

Responsibility for marshalling the Lords in Parliament in order of precedence lay with the Earl Marshal from at least 1376 but, after the office of Garter King of Arms was instituted in 1415, this duty was delegated to him. Garter and the other heralds thus became responsible for marshalling and leading the procession at the State Opening.

¹ Christine Riding and Jacqueline Riding (editors), *The Houses of Parliament: History, Art, Architecture* (2000), Chapter 2, ‘The Staging of Ceremonies of State in the House of Lords’ by Henry S Cobb, p 31. See also JC Sainty (Clerk of the Parliaments 1983–1990), *Parliamentary Functions of the Sovereign since 1509* (1980).

2. Tudor State Openings (1485–1603)

In the Tudor period the State Opening ceremony was usually composed of the following elements: the assembly of peers, Great Officers of State, heralds and others at the palace where the Sovereign was then residing; the procession to Westminster Abbey, which was a popular public spectacle, followed by the “Mass of the Holy Ghost” (the usual Mass for such occasions) in the Abbey; the procession to the Palace of Westminster; the assembly in the House of Lords when the Lord Chancellor or the Lord Keeper declared the causes for summoning Parliament and directed the Commons to choose their Speaker; and the return of the monarch to his or her place of residence.

After a fire in 1512 the Palace of Westminster ceased to be a royal residence. The 1523 and 1529 State Openings took place in Bridewell Palace with the Mass in Blackfriars church. A herald’s picture of the Parliament Chamber at the 1523 opening shows one earl standing on the King’s right hand, holding the Cap of Maintenance, with two earls on the left, one with the Sword of State and the other with the Earl Marshal’s baton. The Cap and Sword thus occupy the same positions as they do today. The Lords Spiritual sit on the right of the King, and the Lords Temporal on his left. The judges and serjeants-at-law sit on four wooolsacks in the centre, the Clerk of the Crown and the Clerk of the Parliaments kneeling behind, writing the record, with the Commons standing at the Bar of the House, the Speaker in the centre.

With the acquisition of York Palace (later Whitehall Palace) in 1529 the King obtained a more convenient residence near to the Palace of Westminster. At the 1536 opening, Henry VIII and the Lords rode from York Palace to the Palace of Westminster and there, in the Parliament Chamber, robed before processing to the Abbey for Mass. On returning to the Palace, Parliament was opened in the White Chamber, where the House of Lords sat, instead of in the Painted Chamber as previously. Thus began, with occasional exceptions, the normal practice of opening Parliament in the Upper House which continues to the present.

At the opening of the 1539 Parliament the procession was the first to go directly from Whitehall Palace to the Abbey, the Lords Temporal following the King, in order of precedence, on horseback in their robes, the longer route making a greater public spectacle. From 1545 onwards there was a change in the order, with the Lords Temporal preceding the King, the barons before the bishops, and the rest following, thus making the King the climax of the procession.

At the opening of Edward VI’s first Parliament in 1547 the King withdrew to the privy chamber after the Lord Chancellor’s oration and from there was escorted to the royal barge to be taken back to Whitehall Palace to wait until the Commons had elected their Speaker. After this time, monarchs quite often travelled to and from State Openings by barge, and thus is derived the present role of the Royal Watermen in the ceremony, ie riding on the State Coach to assist the Sovereign in alighting, passing the Crown to the Comptroller of the Lord Chamberlain’s office on its arrival at the Palace of Westminster and assisting with the Sword of State.

3. Early Stuart State Openings (1603–1649)

The procession from Whitehall Palace to Westminster Abbey, the service in the Abbey, and the procession from the Abbey to Parliament all continued with great magnificence until 1640. Sometimes, as at the opening of the Long Parliament on 3rd November

1640, the King proceeded to Parliament by barge, to avoid the crowds and the danger of plague, when he was met at the Parliament steps by the Lords, judges and bishops and then processed with them through Westminster Hall and the Court of Requests to the Abbey.

During the Tudor period it was not customary for the Sovereign to speak at the State Opening ceremony in the Parliament Chamber, the speech on the cause of summons being delivered by the Lord Chancellor or Lord Keeper, phrased as though it were his speech although it was understood to reflect Royal views. But with the accession of James I the situation changed. James often delivered long speeches himself, dispensing with the services of a spokesman. Initially, Charles I reverted to the traditional practice, remaining silent whilst the speech was delivered by the Lord Chancellor or Lord Keeper, but later in his reign he spoke with increasing frequency.

4. State Openings during the Interregnum (1649–1660)

The ceremony of the State Opening lapsed after the opening of the Long Parliament by Charles I in 1640 and the abolition of the House of Lords in 1649. However, much of the ceremonial was revived for the opening of Oliver Cromwell's "other House" on 20th January 1658.² Cromwell came by river from Whitehall to Westminster and thence by coach to the Palace in a magnificent procession, watched by a large crowd. When Cromwell was seated in his "Chayre of State" and the "Lords" were in their places, Black Rod was sent to summon the Commons. After they had come to the Bar with the Speaker, Cromwell delivered a speech, followed by Nathaniel Fiennes, one of the Lords Commissioners of the Great Seal. The Commons then returned to their House.

For the opening of Parliament on 27th January 1659 the Lord Protector, Richard Cromwell, the "Lords" and some of the Commons attended a service in Westminster Abbey. When the Protector and "Lords" had returned to the Parliament Chamber, Black Rod was sent to the Commons, but about one hundred and fifty Members refused to attend and to recognise the "other House". The Protector made a speech, followed by Lord Keeper Fiennes, and the Commons then withdrew.

5. Late Stuart State Openings (1660–1714)

After the restoration of the monarchy in 1660 the full State Opening ceremony was also restored with the opening of the Cavalier Parliament on 8th May 1661. Charles II, wearing the "imperial crown", and the Lords Temporal in their robes rode to Westminster Abbey, the procession being composed of the same elements as in 1640 except for the Lords Spiritual, who did not return to the Upper House until November 1661. After the service, the procession then returned to the House of Lords, the peers being seated in their accustomed order, except that the King's brothers sat immediately to his left and Prince Rupert, as Duke of Cumberland, occupied the first place on the ducal bench. After the Commons had been summoned by Black Rod, the King gave his speech, which

² A Second Chamber was briefly established, from 1657 to 1659, consisting of members (including a few hereditary peers) appointed for life by the Lord Protector. See *Cokayne's Complete Peerage*, Vol IV, Appendix G, The Protectorate House of Lords, commonly known as Cromwell's "Other House" 1657–1659 (1916); CH Firth, *The House of Lords during the Civil War* (1910).

was seconded by the Lord Chancellor. The Commons were then dismissed to choose their Speaker.

For his second Parliament, in 1679, Charles II was advised for security reasons (for fear of plots) not to ride in procession to Parliament or to attend a service in the Abbey. From this time, the searching of the vaults by the Yeomen of the Guard became a regular feature before each State Opening. The Westminster Abbey service appears to have been abandoned permanently, although the procession continued in a modified form. With the expansion of the peerage from the late seventeenth century onwards, the practice of all the peers participating in the procession was dropped, and only the more important Members and Great Officers of State took part. Gold Stick-in-Waiting was introduced into the procession as being personally responsible for the Sovereign's safety.

Until 1679 Charles II usually made short introductory speeches which were expanded by his spokesman. In that year the spokesman's speech was discontinued and thereafter the only speech delivered when the Sovereign was present was his own. The exceptions were George I's speeches which, because of his poor English, were read for him by the Lord Chancellor, and Victoria's speeches after the death of the Prince Consort in 1861, again read by the Lord Chancellor.

Until 1660 it had been the usual practice for the speech declaring the causes of the summons to be delivered only at the opening of a new Parliament and not a new session. James I broke this convention by delivering speeches at the beginning of both the second and third sessions of his Parliament of 1604–1611, on 5th November 1605 and 18th November 1606 respectively. In only two instances between then and the Restoration were Parliaments extended to include a second session; and in neither case were the opening days, 16th October 1610 and 29th January 1629, marked by the delivery of a speech. However, from the Restoration in 1660 it has been the invariable practice for every session of Parliament to be opened with a speech.³

6. Hanoverian State Openings (1714–1837)

George I and George II were assiduous in attending the State Opening, as was George III until 1805. There were complaints throughout the eighteenth century of the Lords Chamber being crowded with strangers at the State Opening. In 1720 it was ordered that, prior to the King's arrival, all doors leading to the Lords Chamber should be shut to the general public and none admitted except peers, their eldest sons and assistants. Entry was also granted to foreign ministers and dignitaries authorised by the Lord Great Chamberlain, and certain ladies and gentlemen nominated by peers.

George IV, as Regent, opened Parliament five times between 1812 and 1819. But it was not until his accession in 1820 that he was able to demonstrate his taste for extravagant pageantry. Sir John Soane, at the King's command, carried out improvements to the old Palace of Westminster, including a new Royal Entrance to the House of Lords, with a staircase (the Scala Regia) leading to the Prince's Chamber and thence into the Royal Gallery, which was connected with the Painted Chamber, the King's Robing Room and the Lords Chamber (since 1801 the former Court of Requests).

³ Sainty, *ibid*, p 2.

In 1820, for his first State Opening as King, George IV altered the traditional processional route which ran from St James's Palace to Westminster. His procession started at Carlton House and proceeded down the Mall, through Cockspur Street, Charing Cross and Whitehall, thereby providing greater opportunities for people to line the route and enjoy the spectacle. George IV did not open a Parliament in person after 1826.

William IV was more assiduous than his brother in attending State Openings, missing only the final session of his reign on 31st January 1837. His arrival at the Palace of Westminster was heralded by the firing of a cannon, as happens today. There was a fanfare of trumpets as William entered the Lords Chamber, and the peers, peeresses and others rose and bowed or curtsied, again as happens today.

7. Victorian State Openings (1837–1901)

At the beginning of her reign Queen Victoria was as conscientious as her predecessor in attending State Openings. Between 1837 and the death of Prince Albert in 1861 she missed the ceremony on only four occasions, each time because of pregnancy. From 1840 to 1861 the Queen was regularly accompanied by Prince Albert. After a brief dispute, it was decided that Albert had the right to ride in the Queen's carriage to Parliament and to sit by her side in the House of Lords on a Chair of State, built especially for him.

At her first State Opening on 20th November 1837 Queen Victoria travelled from Buckingham Palace in George III's gold State Coach, accompanied by her mother, the Duchess of Kent, and watched by large and enthusiastic crowds. The Royal Procession from the Robing Room to the Lords Chamber (the Painted Chamber being used as a temporary Lords Chamber between 1835 and 1847) was led by the Pursuivants and Heralds, followed by the gentlemen ushers and equerries, household officers, more Heralds, the Lord Privy Seal and the Lord President of the Council, the Lord Chancellor, Black Rod and Garter King of Arms (flanked by the serjeants-at-arms with their silver-gilt maces). The Earl Marshal, the Lord Great Chamberlain, the Sword of State and the Cap of Maintenance were directly in front of the Queen, who was followed by the Mistress of the Robes and the Lady-in-Waiting, the Lord Steward, Gold Stick and the Master of the Horse, the Lord-in-Waiting, the Page of Honour, the Groom of the Stole and the Lord-in-Waiting to the Prince Consort, the Captains of the Yeomen of the Guard and of the Corps of Gentlemen-at-Arms, the field officers of the guard on duty and the Gentlemen-at-Arms.

Barry's Royal Approach in the New Palace of Westminster—the Royal Staircase, the Robing Room and Royal Gallery—was first used when Queen Victoria opened Parliament in February 1852. In that year also the Queen purchased, in Dublin, the Irish State Coach which is still used at State Openings today. On alighting from the coach under the Victoria Tower, she was received by the Great Officers of State, the Duke of Wellington, Garter and Black Rod. The procession mounted the stairs on the north side of the Tower to the Norman Porch and then turned into the Robing Room. Having robed, the Queen processed through the Royal Gallery, with the Duke of Wellington carrying the Sword of State, the Earl of Albemarle the Cap of Maintenance and the Marquess of Normanby the Crown. As today, the Gentlemen-at-Arms were already stationed in the Prince's Chamber before the Queen passed through it into the Lords Chamber. Within the Lords Chamber, Prince Albert sat on a Chair of State to the Queen's left. The Commons having been summoned, the Lord Chancellor, as today, advanced to the Throne, knelt and delivered the Royal Speech to the Queen which she then read.

After Prince Albert's death in 1861 Queen Victoria did not open Parliament again until February 1866. She now refused to appear in state and "there were no trumpet fanfares, there was no pageantry, there were no gingerbread coaches or royal robes."⁴ Instead, the Queen wore a widow's cap, a black dress and a long veil. She nodded to the Lord Chancellor who read the speech on her behalf. The Prince of Wales sat on the Queen's right. Subsequently, Victoria opened Parliament in person on only six further occasions (February 1867, February 1871, February 1876, February 1877, February 1880 and January 1886). On each occasion the precedent of 1866 was followed and the old pageantry omitted. When the Queen was not present in person, Parliament was opened by Royal Commission, the Prince of Wales usually being one of the Commissioners, and the Royal Speech was read by the Lord Chancellor.

A conspicuous feature of State Openings in Queen Victoria's time, as in the time of her two predecessors, was the presence of a large number of ladies seated in the Lords Chamber, the peeresses in full state robes. Whilst ladies-in-waiting had been present at the State Openings of Elizabeth I and, in the eighteenth century, peeresses and other ladies had obtained orders of admission from the Lord Great Chamberlain, they did not appear in such numbers as in the nineteenth century. Pictures of the State Opening by Alexander Blaikley in 1845 and by Joseph Nash in the 1850s show the House of Lords almost exclusively occupied by ladies, peers having given up their customary places to their wives, daughters and other ladies.⁵

8. Twentieth-Century State Openings

The accession of Edward VII in 1901, like that of George IV, marked the revival of the traditional grand ceremonial for the State Opening of Parliament. The new King, like George IV, had a taste for pageantry, which he enhanced by various personal requirements. The latter are set out in Parliamentary Archives document LGC/5/16/1, including seating arrangements for the Royal Family and changes to the fabric of the thrones. Photographs from the Stone Collection show how the single throne used by Queen Victoria was replaced by a throne for the King and a companion throne for the Queen Consort, Alexandra, and the removal of the railings around the edge of the steps.

The *Times* noted that "the chamber was thronged by a vast assembly of peers in their robes and peeresses in mourning attire", while on the processional route from Buckingham Palace "immense crowds of people had gathered, long before the hour fixed for the starting of the procession", their Majesties being "greeted with a roar of cheers ... along the whole route" from "vast and orderly crowds". The only complaint was that the Lords Chamber was so crowded, because of the large number of peeresses who came, that Members of the House of Commons had great difficulty in finding room to stand where they could see or even hear the Royal Speech, and there was "an unseemly scramble" when they were summoned by Black Rod.⁶

A Joint Select Committee of both Houses was set up in 1901 to investigate this and other problems that arose at State Openings. Evidence was taken from two Members who claimed to have been injured (one knocked to the ground) in the rush to get to the Lords, and from other Members and officials of both Houses. The Joint Committee

⁴ Cobb, *ibid*, p 42, citing Walter L Arnstein, 'Queen Victoria opens Parliament: the Disinvention of Tradition' (1990) *LXIII Historical Research* 178, at pp 185–6.

⁵ See George Chowdhary-Best, 'Peeresses at the opening of Parliament' (1972/73) *XLI The Table* 10.

⁶ EA Smith, *The House of Lords in British Politics and Society 1815–1911* (1992), pp 24–5.

recommended that room for more seating should be created on the floor of the Lords Chamber, that seats in the Strangers' Gallery and other galleries in the Lords Chamber should be reserved for Members of the House of Commons, and that the Royal Gallery should be fitted up so as to allow peeresses who could not be accommodated in the Lords Chamber, as well as the wives of Commons' Members, to view the Royal Procession on its progress from the Robing Room.⁷ Since that time, the procession of Members to the Bar of the House of Lords has been comparatively orderly in nature.

Edward VII opened every session in person until his death in 1910. His son, George V, and successive sovereigns have since maintained that tradition almost without a break. Since Edward VII's time, the Royal Speech has again been read by the Sovereign in person.⁸ George V opened every session of Parliament of his reign in person except on three occasions (15th February 1916, 2nd July 1929, and 3rd December 1935). Edward VIII opened the 1936–37 session in person on 3rd November 1936. After his abdication, George VI opened every session of Parliament of his reign in person except the last, when he was seriously ill (6th November 1951). Elizabeth II has opened every session of Parliament in her reign in person except two, on both occasions being pregnant, with Prince Andrew and Prince Edward respectively (27th October 1959 and 12th November 1963).

Looking at the overall history of the State Opening, Walter L Arnstein concludes that in Great Britain royal pageantry was "primarily a product not of the years after 1870 but of the years after 1901. It was Edwardian rather than late Victorian, but it had been foreshadowed during the reign of King George IV and during the early Victorian years."⁹

At present day State Openings, the Queen, who may be accompanied by members of the Royal Family, leaves Buckingham Palace in the Irish State Coach. Other coaches carrying members of the Royal Household precede the State Coach, and there is an escort of Household Cavalry. The State Coach turns in under the Royal Entrance of the Victoria Tower, where the Queen is received by the Earl Marshal and the Lord Great Chamberlain, who are attended by the Heralds. As the Queen moves up the steps leading to the Norman Porch, the Royal Standard is broken on the flagpole atop the Victoria Tower, and artillery salutes are fired in Hyde Park and at the Tower of London. The staircase is lined by the Household Cavalry, and the Queen's procession is preceded by the Lord Great Chamberlain, walking backwards so that he faces the Queen and holding his white wand. At the top of the staircase the Queen turns right and enters the Robing Room. The Royal Procession from the Robing Room to the Lords Chamber is in much the same order as in the 1840s. The principal differences are that the Queen wears the Crown rather than it being carried before her, four Pages of Honour follow immediately behind the Queen (there is no Groom of the Stole); next come the Captains of the Gentlemen-at-Arms and the Yeomen of the Guard (the Chief and Assistant Government Whips respectively in the House of Lords), then the Chief of the Defence Staff, the Comptroller of the Lord Chamberlain's Office, and the Field-Officer-in-Brigade-Waiting. The Lieutenant of the Yeomen of the Guard and his opposite number in the Corps of Gentlemen-at-Arms take up the rear of the procession. The Yeomen of

⁷ House of Lords and House of Commons Joint Select Committee, *Report on the Presence of the Sovereign in Parliament*, HL Paper 111, 1901, Vol VIII, p 205; HC Paper 212, 1901, Vol VII, p 213.

⁸ Sainty, *ibid*, pp 6–8.

⁹ Walter L Arnstein, 'Queen Victoria opens Parliament: the Disinvention of Tradition' (1990) LXIII *Historical Research* 178, at p 194. Arnstein counters the thesis of David Cannadine, 'The context, performance and meaning of ritual: the British Monarchy and the "invention of tradition" c 1820–1977' in *The Invention of Tradition*, edited by E Hobsbawm and T Ranger (1983), which implies that large-scale royal ritual aimed at a mass audience was absent from British life during the eighteenth and early nineteenth centuries.

the Guard line the processional route through the Royal Gallery. The Queen then crosses the Prince's Chamber, which is lined by the Gentlemen-at-Arms.

As the Queen enters the Lords Chamber the lights of the House, which have been dimmed, are turned up. If attending, Prince Philip sits on the throne on the Queen's left, the Prince of Wales on the Prince of Wales's Chair of State, and the Princess Royal on the other Chair of State, both of which stand below the two central thrones. The Great Officers of State stand in their customary places, the Mistress of the Robes and Ladies of the Bedchamber stand behind the Throne on the left, and the Pages stand on the right. The Commons are summoned by Black Rod and after their arrival the Lord Chancellor ascends the steps of the Throne, withdraws the Royal Speech from his purse and hands it to the Queen. After the Speech, the procession returns to the Robing Room in the order in which it came, and the Queen is escorted back to the Irish State Coach as before.¹⁰

9. Presenting the Speaker

The other ceremonies at which the Sovereign was present, presentation of the Speaker for Royal approval, Royal Assent to bills, and the prorogation or dissolution of Parliament did not involve a procession on the scale of the day of the State Opening. Nevertheless, the Sovereign was crowned and robed and the peers wore their Parliament Robes, the Great Officers of State bearing the regalia before the Sovereign on entry into the House of Lords.

As regards presentation of the Speaker for Royal approval, Sir John Sainty describes the historical evolution of the ceremony as follows:

It is apparent from the Rolls of Parliament, where the opening ceremonies are regularly described from the fourteenth century, that it had long been the practice for the causes of summons to be declared and for the Commons to be directed to choose a Speaker on the first day and for the Speaker to be presented for approval on the second day of a new Parliament. This practice remained unchanged until the Parliament of James II in 1685. On this occasion the Sovereign's direction to the Commons and his approval of their choice both took place on the first day and the King's speech declaring the causes of commons was delayed until a subsequent day. Thereafter it was invariable for the proceedings in relation to the election of the Speaker to be completed before the delivery of the speech. Until 1790 it was usual for the direction to choose a Speaker to be given on the first day and for the Speaker to be approved and the speech delivered on the second day. However, on two occasions, in 1707 and 1714, two separate days were set aside for the proceedings in relation to the election of the Speaker, the delivery of the speech being delayed to a subsequent day. Since 1796 this has been the invariable practice.

A special procedure has evolved in connection with the election of a Speaker to fill a vacancy which occurs during the course of a Parliament. This differs from the procedure observed at the beginning of a Parliament in that the direction to elect has almost invariably been conveyed to the Commons by a minister in that House and the presence of the Sovereign or his representatives has only been required to approve the choice made by the Commons. However, in two cases, in February 1533 and February 1673, when the vacancy had occurred during a

¹⁰ John Brooke-Little, *Royal Ceremonies of State* (1980), pp 75–80.

period of prorogation, the Sovereign appeared in Parliament at the beginning of the new session both to direct the Commons and to approve their choice.

(JC Sainty, *Parliamentary Functions of the Sovereign since 1509* (1980), p 2)

The last occasion on which the Sovereign personally participated in the election of the Speaker was by George III in 1790, since which time the direction to the Commons to elect a Speaker and the approval of their choice has been carried out by Royal Commissioners, robed and seated between the Throne and the Woolsack.¹¹ The Commissioners (usually five, including the Lord Chancellor) command Black Rod to summon the Commons to attend at the Bar of the Lords and, having done so, the Lord Chancellor reads the Sovereign's direction to the Commons to elect a Speaker. On the day following the election, Black Rod again summons the Commons to attend in the Lords and the Speaker elect presents himself for Royal approbation, which is then pronounced by the Lord Chancellor.

10. Royal Assent

The Sovereign used to be present for the giving of the Royal Assent to bills, which originally occurred only on the final day of the session and was immediately followed by the prorogation or dissolution of Parliament. During the sixteenth century, Royal Assent was sometimes given on other occasions, and in 1542, for the first time, Henry VIII delegated the giving of the Royal Assent (in this case the bill for the attainder of Queen Katharine Howard and a related bill on treason) to Commissioners. Since 1660 it has been the established practice for Royal Assent to be given at regular intervals during the session. After 1764, George III increasingly delegated this function to Commissioners, and George IV, William IV and Queen Victoria each gave Royal Assent in person only once apart from at prorogations, the last occasion being in 1837, when Queen Victoria attended to approve the Civil List.¹²

At a Commission, the Commissioners (who include the Lord Chancellor and the Lord Speaker¹³) order Black Rod to summon the Commons, who then attend at the Bar of the Lords with their Speaker. Any supply bills that may be ready for Royal Assent are brought up by the Clerk of the Commons, to whom they have been previously returned. The Clerk of the Parliaments receives them from the Speaker at the Bar, and brings them to the Table, bowing to the Commissioners. The Lord Chancellor remaining seated and covered, reads the Commission.

The Clerk of the Parliaments and the Clerk of the Crown then rise and stand at the Despatch Boxes on either side of the Table, bowing to the Commissioners as they reach their places. From the Temporal side the Clerk of the Crown reads out the short title of each bill in turn. As soon as each title has been read, both the Clerks bow to the Commissioners. The Clerk of the Parliaments then turns towards the Bar, where the Commons are assembled, and pronounces the appropriate formula in Norman French (the formula varying according to whether the bill is a supply bill, a public or private bill or Measure, or a personal bill). When all the bills have been thus disposed of, the two

¹¹ Cobb, *ibid*, p 45.

¹² Cobb, *ibid*, p 45. See also Sainty, *ibid*, p 3.

¹³ The office of Lord Speaker, separate from that of the Lord Chancellor, was created in July 2006, in accordance with the provisions of the Constitutional Reform Act 2005. See Section II below on the composition of Royal Commissions.

Clerks bow to the Commissioners and return to their places at the Table. The Commons and the Commissioners then retire.¹⁴

In 1967, however, provision was made for the Royal Assent to bills to be notified to the two Houses, sitting separately, by their respective Speakers (Royal Assent Act 1967), and this is now the normal practice, except at prorogation. When the latter occurs, the (usually) five Lords who are appointed Commissioners by Letters Patent to prorogue Parliament are commanded by the same Letters Patent to declare the Royal Assent to both Houses together in the House of Lords.¹⁵

11. Prorogation and Dissolution of Parliament

The prorogation or dissolution of Parliament on the final day of the session originally comprised four principal elements. Firstly, the Speaker made a speech mainly concerned with the subsidy bill which he had brought up from the Commons. This was followed by a speech from the Lord Chancellor or Lord Keeper replying to the points made by the Speaker and expressing thanks for the subsidy bill. The Royal Assent was then given to the bills passed by both Houses. Finally, the Lord Chancellor, in obedience to the Sovereign's instructions, either prorogued or dissolved Parliament. The Sovereign was customarily present on these occasions and, from the seventeenth century onwards, usually made the speech before prorogation or dissolution.¹⁶

In the early nineteenth century the prorogation was still accompanied with considerable ceremony. Thus in 1815 the Prince Regent rode in the State Coach with a cavalry escort through St James's Park to the Palace of Westminster, and on his arrival was announced with a salute of cannon. In the House of Lords the peers were fully robed, with a number of peeresses and other ladies in full dress. The Commons were summoned by Black Rod, and the usual speeches by the Speaker and the Regent, and prorogation by the Lord Chancellor followed. The Regent then retired, disrobed and returned to Carlton House.¹⁷ George IV and William IV also often attended prorogations.

On 17th July 1837 Queen Victoria, in her robes of state, rode in her carriage for the very first time to the Palace of Westminster to prorogue the last Parliament of William IV as a prelude to dissolution and the holding of a general election. In the 1840s, the procession from the Royal Entrance to the Robing Room and thence to the Lords Chamber appears to have been identical in composition to that at State Openings. Victoria continued to prorogue Parliament regularly until 1854, after which she ceased to attend, allegedly because she disliked the ceremony. This was the last occasion on which the Sovereign prorogued Parliament or gave the Royal Assent in person, and was also the last time the Speaker made a speech at prorogation.¹⁸

From 1855, a prorogation speech, prepared by the Government, was read by the Lord Chancellor, and in 1867 Disraeli introduced the custom of having the Lord Chancellor

¹⁴ *Companion to the Standing Orders and Guide to the Proceedings of the House of Lords*, Appendices E and H.

¹⁵ *Erskine May's Parliamentary Practice*, 23rd ed, 2004, p 653.

¹⁶ *Erskine May's Parliamentary Practice*, 23rd ed, 2004, p 653.

¹⁷ EA Smith, *The House of Lords in British Politics and Society 1815–1911* (1992), pp 8–9.

¹⁸ EA Smith, *ibid*, pp 20–3; Arnstein, *ibid*, pp 182–3; Sainty, *ibid*, pp 6–8. Victoria missed the 1844, 1846, 1849 and 1853 prorogations, in some cases because of pregnancy. On such occasions, the Sovereign being absent, the Speaker's speech was dispensed with and the Lord Chancellor read the Queen's prorogation speech in the third person.

read the prorogation speech in the first person, as if the Queen were speaking the words herself; and this practice continues at Royal Commissions for prorogation today.

In recent decades, when Parliament has met all the year round, the prorogation of one session has usually been followed by the opening of a new session of Parliament only a few days later.

As regards dissolution, *Erskine May* gives the following summary:

Parliament is dissolved either by the passage of time or by proclamation. Under the Septennial Act 1715 it ceased to exist after seven years from the day on which, by writ of summons, it was appointed to meet; this period was reduced to five years by the Parliament Act 1911 (s 7). In the exceptional circumstances of world war, the Parliaments which assembled in 1911 and 1935 were prolonged beyond this limit by annual statutes to 1919 and 1945 respectively. Parliament is no longer dissolved by the demise of the Crown.¹⁹

Parliament is usually dissolved by proclamation under the Great Seal.²⁰ There is no fixed relationship between dissolution, prorogation and adjournment; proclamations have been issued after Parliament was prorogued to a specified day,²¹ on the same day as prorogation,²² after a proclamation continuing an earlier prorogation²³ or even when both Houses stood adjourned, without recourse to prorogation.²⁴ When Parliament is prorogued with a view to dissolution, the dissolution proclamation has frequently been issued the same day and the writs dispatched by that evening's post. The provisions in the standing orders respecting recall ... have sometimes been put into operation when it has been proposed to dissolve Parliament at a time when both Houses stood adjourned, after which prorogation has taken place, followed by the issue of the proclamation of dissolution.²⁵

(*Erskine May's Parliamentary Practice*, 23rd ed, 2004, pp 273–4)

For much of the twentieth century the ancient custom of proroguing Parliament before its dissolution was continued. The only exceptions were in 1922, 1964 and September 1974 when Parliament was dissolved by proclamation, without a prior prorogation, both Houses already being adjourned for the summer recess. Robert Blackburn, in his classic work on *The Meeting of Parliament*, comments:

The precise reason for preferring an adjournment in September 1974—as indeed had been the case in 1922 and 1964—was that both Houses were already in adjournment for the long summer recess. Thus on July 29, 1974 the Commons

¹⁹ Representation of the People Act 1867, section 51. Before the Triennial Act 1694 there was no limit to the duration of a Parliament.

²⁰ This proclamation is issued by the Queen, with the advice of her Privy Council, and announces that the Queen has given orders to the Lord Chancellor of Great Britain and the Secretary of State for Northern Ireland to issue out writs in due form, and according to law, for calling a new Parliament; and that the writs are to be returnable in due course of law. Earlier Parliaments were dissolved by the Sovereign in person, the last such case occurring in 1681, though the dissolution of 1818 was effected by the Prince Regent in person and in 1831 William IV prorogued Parliament in person 'with a view to its immediate dissolution'.

²¹ 1951, 1997.

²² 1945, 1955, 1959, 1966, 1970, 1974 (February), 1992.

²³ 1950.

²⁴ 1974 (September), 1979, 1983, 1987, 2001.

²⁵ CJ (1950–51) 321; *ibid* (1958–59) 320–321; *ibid* (1969–70) 337.

stood adjourned until October 15. Prorogation in this situation would have entailed recalling MPs and Peers, under the emergency recall procedures in what is now Standing Order 143 in the Commons and Standing Order 14 in the Lords, simply to inform them of the termination of the session, and to go through the ceremony of the Lords Commissioners. There was no other outstanding business. Once it was pointed out that a prorogation was merely the usual thing to do, as opposed to being strictly necessary, and that all that was needed was the Royal Proclamation for dissolution, the Government readily decided to dispense with the recall of Members and Peers, and the concomitant paper work for the clerks together with that in arranging the prorogation Commission.

The realisation of the simplicity with which the September 1974 dissolution was effected then raised the question of why the more involved prorogation procedure has to be used at all, when an adjournment was available as an alternative. Therefore, as the House of Lords Information Office has stated:

Between July 1974 and the 1979 dissolution, there were various discussions at the level of officials as to whether the prorogation ceremony to a fictitious date was necessary or desirable. The general view was that the fictitious date procedure should be dropped, and a few months before the 1979 election it was finally agreed that the procedure of adjournment followed by the Proclamation of dissolution would be used. The procedure was decided initially by officials of both Houses and of the Crown, and subsequently by the Leaders of both Houses, the Speaker and the Lord Chancellor, on advice from their officials.

(Robert Blackburn, *The Meeting of Parliament* (1990), pp 47–8)

In addition, Blackburn points out (pp 48-9), the Royal Assent Act 1967 meant that Commissions for Royal Assent in the Lords were no longer necessary, as Assent by Notification by the respective Speakers became the accepted practice. Administrative convenience therefore told against the prorogation ceremony, which was time consuming and came just a few days into the election campaign.

Thereafter, in 1979, 1983 and 1987, proclamation of dissolution following the previous adjournments of both Houses, without a prorogation, became the norm.

However before the 1987 dissolution Speaker Weatherill expressed regret that the prorogation ceremony was not taking place, pointing out that many Members would not be standing again and the ceremony would have given them and himself the opportunity to bid farewell to each other. He hoped that that would not become a precedent, stating: "Such ceremonies have good historical reasons and act as a reminder of many of the past struggles of those who have been before us in this place. It would be a matter of regret if one were to let them go" (HC *Hansard*, 12th May 1987, col 180).

In 1992, 1997 and 2005 prorogation was continued, although not in 2001.

II. ROYAL COMMISSIONS

From the above it may be noted that for well over a hundred years the only one of the functions described which the Sovereign has performed in person has been to open the session or a new Parliament, the remaining duties having been gradually delegated to Commissioners or to the Speakers of the two Houses.

A detailed examination of the record of personal attendances by successive monarchs from the accession of Henry VIII in 1509 is given by Sir John Sainty in his paper on *Parliamentary Functions of the Sovereign since 1509* (1980), pp 4–6.

A Royal Commission consists of three or more (usually five) Commissioners, who are Privy Counsellors appointed by Letters Patent to perform functions on the Queen's behalf. The Lord Chancellor normally presides, but Standing Order 77 provides that Commissioners for prorogation should be members of the House of Lords, and since the Lord Chancellor ceased to be a peer the Leader of the House has presided at prorogation. Characteristics peculiar to particular Royal Commission ceremonies have been noted above (and may be found in detail in Appendices F–J of the *Companion to the Standing Orders and Guide to the Proceedings of the House of Lords*). But the overall structure is the same for each ceremony (and may be found in detail at Appendix E of the *Companion*).

Thus, the Lords Commissioners enter the Chamber by the door on the Spiritual side near the Throne, all in their Parliament robes and all except the Lord Chancellor wearing cocked hats. (For women commissioners the hat is optional, and a different style of hat is worn). They sit on a form placed between the Throne and the Woolsack. If the Lord Chancellor is presiding, he puts on his tricorn hat. He sits in the centre; the senior in order of precedence of the other Lords Commissioners sits on his right and the next senior on his left, the remaining two in order of seniority on the right and left of these respectively.

The presiding Commissioner commands Black Rod to summon the Commons. The Commons proceed from their Chamber and advance to the Bar of the Lords, bowing three times. Each bow is acknowledged by the Lords Commissioners, male Commissioners raising their hats, but female Commissioners not.

The Commission is read by the Reading Clerk at the Table. He bows to each Commissioner named, and the Commissioner responds by raising his hat, but women Commissioners keep their hats on.

After the particular function for which the Commission is appointed has been carried out, the Commons withdraw, with three bows which are acknowledged as on their arrival.

The Commissioners then depart. The presiding Commissioner leaves by the door on the Spiritual side near to the Throne, after which, in the case of prorogation, the Deputy Serjeant-at-Arms takes up the Mace from the Woolsack and the Lord Speaker leaves by the Bar, as at the end of any sitting of the House. The remaining Commissioners leave by the door on the Spiritual side near the Throne, and disrobe.

III. INTRODUCTION OF PEERS

A ceremony of introduction was originally used for all new peers. However, the House of Lords resolved in 1663 that peers who succeed by descent should not be introduced (the actual practice having been abandoned long before). Under the House of Lords Act 1999 only the Duke of Norfolk, as Earl Marshal, and the Lord Great Chamberlain, if a peer, inherit seats in the Lords by inheriting peerages, and almost all other hereditary peers were excluded. Thus, in practice almost all peers taking their seats are introduced.

The present ceremony derives from that first used in 1621, which was reformed in 1998 after a Select Committee report.

The Lords Spiritual are also introduced, but by a slightly different ceremony, on appointment. If a Lord Spiritual is “translated”, ie transferred, to another see, he is reintroduced.

1. Origins

An overview of the origins of the ceremony is given in the 1998 Report of the Lords Select Committee on the Ceremony of Introduction, as follows:

The ceremony of introduction of newly created peers dates in its present form from 1621. Before then peerage dignities were conferred by the sovereign in person, originally within Parliament itself and then outside Parliament. Investitures for peerages were abandoned in the early 17th century, although they continue for lesser honours such as knighthoods. The ceremony of introduction is thus a substitute for the personal investiture of a new peer by the sovereign. The reason for the change in 1621 appears to be that during the first twenty years of the 17th century James I conferred peerages at a rate which was unprecedented at that time, and the frequent repetition of the ceremony of investiture by the sovereign had become inconvenient—and perhaps embarrassing at a time when titles were available for money.

(House of Lords Select Committee on Ceremony of Introduction, *Report on Ceremony of Introduction*, 1997–98, HL Paper 78, para 4)

The Select Committee cite the detailed historical research by Sir Anthony Wagner and JC Sainty in *The Origin of the Introduction of Peers in the House of Lords*, who conclude:

The ceremony was apparently not devised by the House of Lords itself since, if it had been, one would have expected some trace of it to be found in the Standing Orders which were being codified at this very moment. The known facts are entirely consonant with the view that it was devised to meet the king’s wishes by the Earl of Arundel who was appointed Earl Marshal on 29th August 1621. As we have seen, ceremonial of this kind was traditionally a matter for the Earl Marshal and the restoration of this office to the Howard family from which it had been separated since 1572 probably resulted in a new assertion of its ancient rights by the new holder.

The ceremony itself apparently represents a conflation of investiture in the presence of the king and the introduction of barons by writ into the House of

Lords. Barons by writ, since their sole entitlement to a seat in the House of Lords was their writ of summons, had no investiture. Prior to 1589 they appear to have taken their seats in the same way as other peers without any additional formality. After this date a new departure is recorded in the *Lords' Journals*. Before being placed in the House under Garter's supervision, the new baron by writ in his parliament robes was led into the House by two supporters similarly attired. It seems that this ceremony was adapted to cater for peers created by letters patent and that various elements were introduced into it from the ceremony of investiture.

(Sir Anthony Wagner and JC Sainty, *The Origin of the Introduction of Peers in the House of Lords* (1967), pp 133–4)

Garter's participation in the ceremony is attributed by Wagner and Sainty to the fact that soon after the institution of the office of Garter King of Arms in 1415 the execution of the Earl Marshal's responsibility for marshalling the lords in parliament was largely delegated to Garter, and thus when the ceremony of introducing a new peer was instituted it was performed by Garter as the officer responsible for marshalling the lords in order (*ibid*, p 129).

2. Lords Temporal Ceremony

Prior to 1998 the ceremony of introduction was composed of the following elements²⁶:

(1) There was a procession into the Chamber, in which Black Rod and Garter King of Arms led the new peer, carrying his Writ of Summons, who was accompanied by two supporters (who were of the same rank of peerage as the new peer). The new peer and his supporters wore parliamentary robes and carried cocked hats. At the Woolsack, the new peer knelt and presented his Writ of Summons to the Lord Chancellor (who wore court dress) while Garter presented the new peer's Letters Patent of Creation.

(2) At the Table of the House the Reading Clerk read the Patent and Writ and the new peer took the Oath of Allegiance or made a Solemn Affirmation and signed the Test Roll.

(3) Garter "placed" the new peer, by conducting him, with his supporters, to the bench appropriate to their degree in the peerage; there, three times in succession, they sat, put on their hats, rose, doffed their hats and bowed to the Lord Chancellor; all involved then proceeded out of the Chamber, the new peer shaking hands with the Lord Chancellor on the way out.

The 1998 Lords Select Committee Report identified periodic criticism of the ceremony as follows:

11. Dissatisfaction with the ceremony of introduction to the House of Lords has surfaced periodically. Criticism has largely been confined to members of the House. In the early 1960s and again in the early 1970s the ceremony gave rise to dissatisfaction. This feeling had been exacerbated by the great increase in the number of introductions at that time: the ceremony had become repetitive and some members of the House were getting bored with it. Some believed that the

²⁶ House of Lords Select Committee on Ceremony of Introduction, *Report on Ceremony of Introduction*, 1997–98, HL Paper 78, para 3.

ceremony, or parts of it such as the doffing of hats, were ridiculous and bad for the House's image.

12. In 1964 fifty-three new peerages were created, about four times the annual average at that time. This led some peers to ask whether the ceremony could be shortened. In 1964 the Procedure Committee considered three possibilities of shortening the ceremony –

- (1) to dispense with the reading aloud either of the Patent of Creation or the Writ of Summons, or both;
- (2) to dispense with the ceremony of placing the new peer and doffing of hats;
- (3) to introduce more than one peer at a time.

The Procedure Committee in 1964 concluded that it did “not recommend any change in the ceremony for the time being”.

13. In 1970 Lord Airedale and Lord Brown suggested that if there were two introductions on the same day, both peers should be taken through the ceremony together. In 1971 the Group on the Working of the House suggested that consideration be given to the possibility of curtailing the ceremony. In 1971 the Leader of the Opposition (Lord Shackleton) suggested that there was a case for reconsidering the ceremony, which he considered took longer than was necessary.

14. The matter was taken up again in 1975 by Lord Raglan who tabled a motion “That an Humble Address be presented to Her Majesty praying Her Majesty that she will be graciously pleased to place her prerogative and interest so far as they may be concerned at the disposal of the House of Lords for the purpose of the consideration of alterations in the ceremony on Introduction by a select committee”. An amendment to the motion was moved by Lord Denham (then Opposition Deputy Chief Whip) that “this House has no desire to change the ceremony of Introduction”. After a debate on 17 March 1975 the amendment was agreed to by 106 votes to 31.

(House of Lords Select Committee on Ceremony of Introduction, *Report on Ceremony of Introduction, 1997–98*, HL Paper 78)

The ceremony was not debated on the floor of the House again until 27th October 1997, when the House agreed to a motion to present an Humble Address to Her Majesty praying that she “place her prerogative and interest so far as they may be concerned at the disposal of the House of Lords for the purpose of the consideration of alterations in the ceremony of Introduction” (HL *Hansard*, 27th October 1997, cols 885–96, 915–35), as a result of which the Select Committee was appointed on 2nd December 1997.

The Select Committee found that “Far from being dignified, the practice of kneeling to the Lord Chancellor is particularly awkward because the new peer, wearing robes, simply kneels down on the floor with nothing to lean on for support.” As the new peer acknowledged the Lord Chancellor at the end of the ceremony by shaking hands the Committee saw “no need to retain the act of kneeling before the Lord Chancellor”.²⁷ The Committee also recommended that the reading of the Writ of Summons, which was of the same form for all peers, be ceased, but that the reading of the Letters Patent, which

²⁷ Ibid, paras 30 and 31.

were often unique to the new peer (varying between degrees of the peerage, between life and hereditary peers, and for the Law Lords) and were received only once (Writs of Summons being issued before the meeting of each Parliament), be continued.²⁸ The Committee further suggested that the wearing of hats and the hat doffing ceremony which “serves no symbolic purpose” should also cease. The wearing of parliamentary robes, however, which had been the practice since 1621, should continue.²⁹ Finally, the Committee recommended that, since the seating of peers in order of the degree of peerage was an outdated practice, peers now sitting by party, the ceremony of “placing” a new peer should be abolished and, accordingly, Garter King of Arms should no longer take part in the ceremony of Introduction.³⁰

The Select Committee’s Report was adopted by the House of Lords on 30th April 1998 (HL *Hansard*, 30th April 1998, cols 389–440), except that the recommendation that Garter King of Arms should be excluded from the ceremony was not adopted, after an amendment moved by the Duke of Norfolk, the Earl Marshal, was agreed to without a division (*ibid*, col 440).

Thus, as a result of the 1998 reforms, the present ceremony (which may be found in detail in Appendix L of the *Companion to the Standing Orders and Guide to Proceedings of the House of Lords*) involves the same procession as the former one, but instead of proceeding to the Woolsack it stops in front of the Table of the House. The Reading Clerk reads the Letters Patent presented to him by Garter King of Arms, and administers the Oath of Allegiance or Solemn Affirmation to the new peer, who then signs the Test Roll upon the Table. The new peers and his supporters together bow to the Cloth of Estate (ie, to the position which the Sovereign, if present, would occupy). The procession then proceeds out of the Chamber towards the Prince’s Chamber, the new peer stopping at the Woolsack to shake hands with the Lord Speaker (previously the Lord Chancellor). The new peer and his supporters, without their parliamentary robes, then return to the Chamber and the new peer sits for the first time with his party or, if of no party, on the crossbenches.

3. Lords Spiritual Ceremony

The ceremony for Lords Spiritual was not affected by the recommendations of the 1998 Select Committee, who found no criticism of it.³¹ It is broadly the same as for Lords Temporal, but Lords Spiritual are not preceded by Garter or Black Rod and have no Letters Patent to present (full details may be found in Appendix L of the *Companion*).

The supporters of Lords Spiritual are other Lords Spiritual and all three wear their episcopal robes. The procession, with the junior supporter in front and the senior supporter behind the new bishop, arrives at the Table of the House. The new bishop hands his Writ of Summons to the Reading Clerk, who then reads the Writ and administers the Oath of Allegiance to the new bishop, who signs the Test Roll upon the Table. The procession then processes in front of the Crossbenches. All three bishops turn to face the Woolsack and bow to the Cloth of the State. They then progress, on the Spiritual side, to the Woolsack, where the new bishop shakes hands with the Lord Speaker. Finally, the three bishops immediately take their seats on the Bishops’ Benches.

²⁸ *Ibid*, paras 35 and 36.

²⁹ *Ibid*, paras 25–7.

³⁰ *Ibid*, paras 39–42, 53.

³¹ *Ibid*, para 10.

IV. THE EARL MARSHAL AND THE LORD GREAT CHAMBERLAIN

As noted above in Section III, since the House of Lords Act 1999 the only peers who now inherit seats in the House of Lords are the Earl Marshal and the Lord Great Chamberlain, if a peer, both of whom perform functions in relation to the State Opening ceremony (they formerly also took part in the Introduction ceremony, following Black Rod and Garter King of Arms in the procession, but for many years this only occurred at Royal Introductions, the last being that of the Duke of York on 11th February 1987).

Both offices are numbered amongst the Great Offices of State and may be traced back to offices in the early medieval Royal Household. The Earl Marshal emerges as early as the reign of Henry I and eventually became hereditary in the house of Howard from 1672, when Henry, Earl of Norwich was created Earl Marshal of England in tail male. Since his succession to the Dukedom of Norfolk in 1677 the dignity of Earl Marshal has descended with that title. The office of Lord Great Chamberlain dates from Norman times and is also hereditary, now being vested jointly, following a decision by the House of Lords Committee for Privileges in 1902 (which re-affirmed a previous decision of 1781), in the families of Cholmondeley, Ancaster and Carington, rotating between the three holders in successive reigns. The current holder is the Marquess of Cholmondeley.

A detailed history of both offices is given in *Cokayne's Complete Peerage*, edited by The Hon Vicary Gibbs, Vol II, Appendix D, 'The Great Officers of State' (1912), and a classic history of the Earl Marshalship may be found in *The Commune of London and Other Studies* by JH Round (1899).

The Earl Marshal is head of the College of Arms, which comprises the Kings of Arms, Heralds and Pursuivants, and is responsible for ceremonial involving the Sovereign, such as State Openings of Parliament, coronations, royal weddings and royal funerals.

The Lord Great Chamberlain was formerly responsible on behalf of the Sovereign for the Palace of Westminster (deriving from his duty of personal attendance on the Sovereign on great occasions of State ceremony³²). However, on 26th April 1965, with the consent of the Queen, control of the Palace passed to the two Houses, except that control of Westminster Hall was vested jointly in the Lord Great Chamberlain as representing the Queen and in the two Speakers on behalf of the two Houses. The Lord Great Chamberlain retains his functions on Royal occasions, and control of Her Majesty's Robing Room (and the staircase and ante-room adjoining), the Royal Gallery and the Chapel of St Mary Undercroft remains in his hands.³³

³² House of Lords and House of Commons Joint Select Committee, *Report on the Presence of the Sovereign in Parliament*, HL Paper 111, 1901, Vol VIII, p 205 at p 295, Memorandum by Sir William Anson, Bart, MP.

³³ *Erskine May*, 23rd ed (2004), pp 204–5. Services in the Chapel are mostly conducted by the clergy of St Margaret's Church, Westminster.

V. OTHER CEREMONIES

In addition to the ceremonies described above other notable ceremonies are the Lord Speaker's Procession before each day's sitting in the House and the presentation of an Address by the whole House to the Sovereign.

The Lord Speaker's Procession is described in detail in the *Companion to the Standing Orders and Guide to Proceedings of the House of Lords* (2007) at paras 3.04 to 3.06.

Before each day's sitting the Lord Speaker walks in procession from her room to the Chamber, preceded by the Mace. The procession consists of a Doorkeeper, followed by the Deputy Serjeant-at-Arms or Principal Doorkeeper bearing the Mace, followed by the Lord Speaker. The procession crosses the Prince's Chamber, where Black Rod joins the end of the procession, and then moves down the Not Content Lobby, entering the Chamber from below the Bar on the Temporal side. The Lord Speaker continues up the Temporal side to the Woolsack. After the Bishop has read the Psalm, the Lord Speaker and other Members present kneel or stand for prayers. The Lord Speaker then takes her seat on the Woolsack.

If the Lord Speaker is absent at the beginning of the sitting, the Deputy Serjeant-at-Arms, alone, takes the Mace by way of the Library Corridor to meet the Deputy Speaker at the Brass Gates in the Peers' Lobby.

The present form of the Lord Speaker's Procession evolved from that of the Lord Chancellor, and results from recommendations made by the Procedure Committee in May 2006,³⁴ following the changes made in the Speakership of the House of Lords by the Constitutional Reform Act 2005, whereby the Lord Chancellor was replaced as Speaker of the House by a Lord Speaker, and which took effect in July 2006. Formerly, the Lord Chancellor in his procession was accompanied by a Train Bearer and a Purse Bearer.

For sittings of the House the Lord Speaker wears a gown without a train and no wig (unlike the Lord Chancellor who wore both) and under the gown court dress is worn. On ceremonial occasions the Lord Speaker wears Parliamentary robes, but for State occasions and similar ceremonies outside the Chamber, when Parliamentary robes might be unsuitable, the Lord Speaker wears a black and gold robe, also without a train.

The ceremonial for an Address by the whole House to the Sovereign is described in detail in the *Companion* at paras 2.27 and 2.28. Until 1897 (Queen Victoria's Diamond Jubilee) such Addresses were presented at Buckingham Palace or another Royal residence. Since then Addresses by the whole House have been presented, together with Addresses from the House of Commons, within the Palace of Westminster. Thus Addresses were presented in Westminster Hall to mark the 50th Anniversary of the end of World War II (5th May 1995) and the Queen's Golden Jubilee (30th April 2002).

After prayers on the day appointed for the presentation of the Address, the House proceeds to the designated place. The Lord Speaker and the Commons Speaker either lead their respective Houses or arrive with their processions after the Members of both Houses are seated; in either case the Commons Speaker arrives first. Both Houses sit facing the Queen, the Commons on Her left and the Lords on Her right. As soon as the Queen has arrived, the Clerk of the Parliaments hands to the Lord Speaker the Lords'

³⁴ House of Lords Procedure Committee, *Speakership of the House*, 2005–06, HL Paper 172, May 2006.

Address, which the Lord Speaker reads and presents kneeling to the Queen. The Clerk of the Commons hands the Commons' Address to the Speaker, who likewise reads and presents it. The Queen delivers Her reply to the Addresses and withdraws. The Lords withdraw followed by the Commons. The House then adjourns during pleasure and resumes its sitting later in the Chamber.

VI. REFORM

It may be seen from the above account that the development of ceremonial in the House of Lords has been extremely gradual and there have been very few proposals for reform.

The Joint Committee of both Houses which was set up in 1901 following the first State Opening by Edward VII (when the full grand ceremonial was restored and when problems arose because of the crush of Members of the Commons rushing to the House of Lords when summoned and the large number of guests, especially ladies) was charged with considering the accommodation available in the House of Lords when the Sovereign was personally present in Parliament and also with the advisability of substituting Westminster Hall on such occasions for the House of Lords.

The Joint Committee made a number of recommendations providing for better accommodation in the House of Lords, but rejected the use of Westminster Hall as a venue for the State Opening, concluding as follows:

32. There appears to be no constitutional objection to Parliament being summoned by the King to meet where His Majesty pleases. Parliaments have been held at York, Northampton, Lincoln, Winchester, Bury St Edmunds, Leicester, Coventry, Reading, Salisbury, Gloucester, Carlisle, Nottingham, Shrewsbury, Blackfriars, and at Oxford as recently as the reign of Charles II. Till then generally, and since then invariably, Parliaments have been summoned to Westminster. But in ancient days, though they usually met in Westminster, they sat in various places. The Chapter House is described as "The ancient and accustomed House" of the House of Commons, and it was in the reign of Edward VI, that the Lower House first met in St Stephen's Chapel, almost on the spot where it now sits. Richard II held a Parliament in a large hall built for the purpose outside Westminster Hall, and Henry II held meetings of the Barons in the Great Hall itself. Westminster Hall became devoted to that side of the King's Great Council which developed into the Courts of Law, the side that became Parliament as we now know it meeting not in the Hall but in its immediate neighbourhood. Parliament is even now summoned to Westminster, and not to any particular building therein.

...

37. Having considered the relative advantages of the House of Lords and of Westminster Hall, the Committee are unanimously of opinion that if possible the opening of Parliament by the Sovereign in person should continue where it has so long taken place. They would be loath to break with the custom and associations of centuries; and it appears to them anomalous and undesirable that the opening of Parliament should take place outside the Houses themselves.

38. There are certain not unimportant practical objections to Westminster Hall. Amongst them the Committee do not include the question of expense. This, though considerable, would, they believe, be gladly borne by the country if desirable ends could thereby be attained. The preparation of Westminster Hall must necessarily take some time, and there must often be uncertainty as to the King's coming in person. His coming, too, even if decided on, might have to be put off for reasons of illness or mourning, and the preparations would have been made in vain; or, on the other hand, his coming, especially for prorogations, might be prevented for lack of preparation, when the decision to come had not been arrived at sufficiently long beforehand for such preparations to be made. The

Committee are bound to remember that the opening of Parliament usually takes place in January or February, often in very inclement weather. They find it difficult to believe that Westminster Hall could adequately be warmed, but consider that it would often be cold and draughty. Sudden change to bad weather might prevent many persons, especially ladies in full dress, from venturing to come, and many seats might be left empty, giving the vast hall a miserable appearance. As the Committee cannot get evidence as to the acoustic properties of the Hall when fitted up for and filled with those who attend a State ceremony, they are unable to say whether speakers under such circumstances could be heard in the Hall.

39. For these reasons the Committee are unwilling to recommend the removal of the ceremony from the House of Lords if by any re-arrangements or regulations sufficient accommodation can be made there for those whose duty it is to attend.

(House of Lords and House of Commons Joint Select Committee, *Report on the Presence of the Sovereign in Parliament*, HL Paper 111, 1901, Vol VIII, p 205 at p 221)

Similar conclusions were reached in a Memorandum of 6th July 1972 by the Clerk of the Parliaments, Sir David Stephens (House of Lords Registry File No C1/7/4), which was prepared in response to a suggestion by Lord Kennet at a meeting of the Procedure Committee on 16th May 1972 that consideration should be given to using Westminster Hall as a venue for the State Opening rather than the House of Lords.

After reviewing the history of Westminster Hall and the administrative problems involved in such a change, Sir David drew the following conclusions:

(1) Westminster Hall had never been used for a meeting or Opening of Parliament as we know it.

The two most notable meetings of Parliament in Westminster Hall in medieval times were both connected with the deposition of Kings, that of Edward II in 1327 and that of Richard II in 1399. In *The House of Lords in the Middle Ages* by J Enoch Powell and Keith Wallis (1968) it was stated (at p 190 footnote) that in its parliamentary use Westminster Hall was a place of promulgation not of deliberation and was not a place where Parliament was normally summoned to meet (para 3).

(2) Great administrative difficulty as well as substantial expense and also greater strain for the Queen would be involved in any transfer of the State Opening ceremony from the Chamber of the House of Lords to Westminster Hall.

The Chamber was built specifically for the ceremony, which was “now fantastic in its elaboration and all its details would have to be reviewed and adapted to a new and much less suitable setting—less suitable because in Westminster Hall the whole of the background of the Throne, Cloth of Estate, etc would have to be artificially created like a film set” (para 4).

Other administrative difficulties were heating the Hall in November, its lighting and acoustics, the preparation of the Hall, which would take longer than preparation of the Chamber because everything for the ceremony would have to be specially constructed, and the processional route. On the latter, Sir David pointed out that “the Sovereign’s procession would still have to start from the Robing Room because on arrival at the Palace the Queen has to robe and put on the crown and the regal ornaments. The present procession from the Robing Room to the Lords’ Chamber is comparatively easy

and straightforward. But short as it is, it nevertheless imposes considerable strain upon the Sovereign who has a heavy crown upon her head and a long train carried by four pages. This route would be replaced by a much longer, less suitable and more tortuous route via corridors and lobbies from the Robing Room to St Stephen's Hall and finally to Westminster Hall extending in distance over half the length of the whole Palace. In the opinion of the Lord Great Chamberlain it would be neither appropriate nor reasonable to impose upon the Queen the additional strain and discomfort of this much longer and less suitable route" (para 5).

(3) Whenever a change from the Lords' Chamber to Westminster Hall had been proposed in the past it had always been rejected. Sir David referred to the conclusions of the 1901 Joint Committee, and added that in 1971 the Leader of the House considered in consultation with the Leaders of other parties and the Lord Great Chamberlain whether any change was desirable in the arrangements for the State Opening, including a transfer of the ceremony to either the Royal Gallery or Westminster Hall. The Party Leaders took the view that neither alternative was acceptable (paras 9 and 10).

(4) If it was decided to take the matter any further, the Lord Great Chamberlain, the Earl Marshal, the House of Commons and finally the Queen herself would need to be consulted (para 11(4)).

The Clerk of the Parliaments' Memorandum was discussed at a meeting of the Procedure Committee on 10th July 1972. The Minutes indicate that although there was no general wish for a change in the place used for the State Opening, there was nevertheless a case for considering the detailed arrangements for it. It was pointed out that arrangements had been considered only the previous year by the Party Leaders, and in the absence of radical change, small modifications were unlikely to give satisfaction. The Committee invited the Leader of the House to consider the matter in consultation with the other Party Leaders and the Lord Great Chamberlain.

In 1998 the Introduction ceremony was reformed following a Select Committee report—see Section III above.

In 2009 the House of Lords Information Committee considered the ceremonial aspects of Parliament in Chapter 8 of its report, *Are the Lords Listening? Creating connections between people and Parliament*, 2008–09, HL Paper 138, 15th July 2009.

The Committee stated that it had received contradictory submissions on the ceremonial aspects of Parliament, and in particular the State Opening. Using the Committee's web forum, a number of people said that the ceremonies in the Chamber were a barrier to understanding the work of the House, whereas others thought that Parliament should retain its ceremonies, saying that the pomp and pageantry were envied by the world and gave a sense of national identity and were a reminder of parliamentary history (ibid, paras 105 and 106).

Dr Meg Russell, Reader in British and Comparative Politics at University College London's Constitution Unit, pointed out to the Committee that it was difficult to find a picture accompanying a House of Lords story, in the print or broadcast media or online, which did not show peers in ermine-trimmed robes³⁵ gathered for the Queen's Speech. "This remains", said Dr Russell, "the ubiquitous and enduring image of the Lords, but it portrays an event which happens only once a year." Dr Russell argued that this image perpetuated the impression of "an ancient institution, out of step with modern times." The House of Lords had "an 'ermine-clad' image" which was "an obstacle to communicating its role as a modern, functioning institution." She concluded that until this image was "consigned to history" the House would "struggle to convince the wider world of the important work that it does" (ibid, para 107).

As a solution to this problem Dr Russell suggested that members of the Lords (like MPs) should start wearing everyday clothing for the Queen's Speech. She stressed that this "small change need have no implications for any other aspect of the ceremony", but that it would be "symbolically extremely important" and that "there could be disproportionate, and essential, benefit from making this small symbolic change." Lord Lipsey agreed, saying: "we should abolish ermine. While we wear it, editors and broadcasters will choose pictures of us in it as if it was our daily garb. This makes us look pompous and ridiculous." However, journalists that the Committee spoke to questioned what the impact would be of this change. An alternative solution that the Committee considered was whether it would be possible for the State Opening of Parliament to take place in Westminster Hall (with or without robes), in order to separate the symbolic ceremonial event of the Queen in Parliament from the work that Members do in the Lords Chamber (ibid, para 108).

Overall, the Committee concluded that Parliament's ceremonies raised a number of issues which were "complicated, contentious and go well beyond the remit of this Committee. Furthermore, any recommendation on State Opening in this report could detract from our other recommendations, which are practical and should lead to changes which make the House of Lords more open and transparent. We decided therefore that our Chairman should, after our report has been considered by the House, seek to initiate a separate debate in the Chamber on the impact of the ceremonial aspects of the House on public understanding of its work" (ibid, para 109).

Lord Desai, in a letter to the *Times* of 18th November 2009, suggested that Westminster Hall should be used for the State Opening, arguing that the speech from the Throne had always been political, as it was the Prime Minister's speech read out by the Head of State, "using prose she would not wish to." The splendid ceremony could be preserved and even enhanced if it was moved to Westminster Hall where both Lords and Commons

³⁵ Peers have two kinds of ceremonial outfits: Coronation robes and Parliament robes, both differing according to the rank of the peer. Coronation robes, worn only at coronations (together with coronets) are crimson velvet and include a hood and cape of miniver, with the rank of the peer indicated by bars of sealskin spots on the cape. Parliament robes, worn by a newly created peer at his introduction into the House of Lords and by his supporters, and by all peers at State Openings, are made of scarlet wool and include a collar of miniver, with miniver bars indicating the rank of the wearer, as with Coronation robes. The origin of both kinds of robes is unclear. The *Encyclopaedia Britannica* (11th ed, 1910–11, entry "Robes") states that as early as the end of the 14th century peers seemed to have worn at their creation (when they were personally invested by the Sovereign with the ornaments of their title—a ceremony discontinued from 1621: see Section III above) some kind of robe of honour, a conclusion drawn from the description of the investiture of the Earl of Somerset in 1397 (*Rot. Parl.* iii, 343) and, further, that there are references in Henry VIII's time to the "parliament robes" of peers, implying that there were others. In the classic work *Titles of Honour* (1614) by John Selden the descriptions of peers' robes virtually match in detail the robes worn today.

could sit down in comfort. The Queen could tell the gathering of her own travel plans and then invite the Prime Minister to read the speech outlining the Government's programme. "This will make it clear that the Queen is head of the State and she has arrived to open Parliament and hear what her Government has in store for her people. Westminster Hall is a splendid setting for this ceremony in the oldest standing structure within the Palace of Westminster."

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