

Lieutenancy and magistracy: what's the link?

Susan Lochner JP DL (Chairman, Surrey Branch) explains the historical relationship between the ancient offices of magistrate and Lord-Lieutenant



The flag of a Lord Lieutenant

Well-known for his questionable record on state-sponsored domestic violence, King Henry VIII is perhaps rather less famous (though more deserving of credit) for instituting permanent 'Lieutenants' in a number of the counties of England and Wales from the 1540s onwards.

Such officers had previously been appointed for specific purposes by Henry and many of his predecessors, primarily to command armies against invasion or to put down rebellions, but this was the first time that these commissions had been issued on a standing basis with the responsibility to raise and equip troops ('levies', later the militia) within the shires.

Quite quickly, these Lieutenants assumed more importance than the Sheriffs, whose military role they had taken over, and as a result they became the monarch's representative for a growing number of other purposes. Interestingly, they were described by William Camden, the Elizabethan historian, as 'extraordinary magistrates', and by the end of Elizabeth I's reign in 1603 they were already playing a major role in the social and administrative lives of their counties. Over time, given that most were noblemen, they came to be known colloquially as Lord-Lieutenants - though it was not until 1972 that that term came to be formally recognised.

Justices of the Peace (and High Sheriffs) have been around a lot longer, of course, but it is often forgotten that their role grew enormously in scope as the centuries passed. Indeed, there is a link with Henry VIII here too, for when he made the ecclesiastical parish the unit for local government it was the cue for a number of administrative functions to come the way of the local justices in addition to their judicial one. In Surrey, for example, the Surveyor

of Highways reported to the county justices from 1555, and during the Commonwealth, when church weddings were banned, it was the local JP who performed civil marriage ceremonies.

By the end of the Napoleonic Wars JPs not only officiated at Petty and Quarter Sessions, but were also responsible for such delights as regulation of alehouses, apprenticeships, books, bread, butchers, carriers, churches and churchyards, fast days, gaming, gaols, gunpowder, lecturers and schoolmasters, Quakers, physicians, tobacco, and weights and measures, not to mention control of badgers, maintenance of bridges, customs and excise, and rivers and navigation. And the person in the county to whom these clearly overworked JPs were responsible was the Lord-Lieutenant.

As the role of the Lord-Lieutenants grew, it became clear that they would require deputies to assist them, and they were therefore given authority to commission a number of people as Deputy Lieutenants. Perhaps unsurprisingly, given that they were already doing a lot of the work, JPs regularly numbered among these Deputies and of course the Lord-Lieutenant was in any case responsible for nominating suitable persons for appointment as JPs. Indeed, from 1689 onwards, it became general practice for the Lord-Lieutenant to be appointed *custos rotulorum* (i.e. Keeper of the Rolls of the county's magistrates) and effectively the county's chief magistrate.

Lord-Lieutenants are appointed by the Sovereign on the advice of the Prime Minister, following extensive consultation within the county. Several are JPs, and they may appoint a number of Deputies (roughly one per 25,000 of the county's population, chosen to reflect its diversity and with a record of public service) subject only to their names being passed to Buckingham Palace in advance and 'not disapproved!' The first female Lord-Lieutenant was appointed (in West Sussex) in 1974, and today over a third are women. A uniform, based on that of an Army General, may be worn (the equivalent for Deputies is based on that of a Colonel) with Tudor rose badges in England and Prince of Wales's feathers in Wales, but only by male incumbents! Those who have served in the Armed Forces may alternatively wear the uniform of their rank.

Today, the primary duty of Lord-Lieutenants is to be the Sovereign's representative in their county, and to uphold the dignity of the Crown. They arrange visits of Members of The Royal Family, receiving and escorting them as required; they are involved in the honours system (including The Queen's Awards for Enterprise and Voluntary Service); they liaise with local units of the Armed Forces, their Reserves and Cadet Organisations; they participate in civic, voluntary and social events; and last, but by no means least, they remain closely involved with the Magistracy, often as Chairman of the Lord Chancellor's Advisory Committee on JPs for their county.