

= Privy Council of the United Kingdom =

Her Majesty 's Most Honourable Privy Council , usually known simply as the Privy Council , is a formal body of advisers to the Sovereign of the United Kingdom . Its membership mainly comprises senior politicians , who are present or former members of either the House of Commons or the House of Lords .

The Privy Council formally advises the sovereign on the exercise of the Royal Prerogative , and corporately ( as Queen @-@ in @-@ Council ) it issues executive instruments known as Orders in Council , which among other powers enact Acts of Parliament . The Council also holds the delegated authority to issue Orders of Council , mostly used to regulate certain public institutions . The Council advises the sovereign on the issuing of Royal Charters , which are used to grant special status to incorporated bodies , and city or borough status to local authorities . Otherwise , the Privy Council 's powers have now been largely replaced by the Cabinet of the United Kingdom .

Certain judicial functions are also performed by the Queen @-@ in @-@ Council , although in practice its actual work of hearing and deciding upon cases is carried out day @-@ to @-@ day by the Judicial Committee of the Privy Council . The Judicial Committee consists of senior judges appointed as Privy Counsellors : predominantly Justices of the Supreme Court of the United Kingdom and senior judges from the Commonwealth . The Privy Council formerly acted as the High Court of Appeal for the entire British Empire ( other than for the United Kingdom itself ) , and continues to hear appeals from the Crown Dependencies , the British Overseas Territories , and some independent Commonwealth states .

= = History = =

The Privy Council of the United Kingdom was preceded by the Privy Council of Scotland and the Privy Council of England . The key events in the formation of the modern Privy Council are given below :

Witenagemot was an early equivalent to the Privy Council of England . During the reigns of the Norman monarchs , the English Crown was advised by a royal court or curia regis , which consisted of magnates , ecclesiastics and high officials . The body originally concerned itself with advising the sovereign on legislation , administration and justice . Later , different bodies assuming distinct functions evolved from the court . The courts of law took over the business of dispensing justice , while Parliament became the supreme legislature of the kingdom . Nevertheless , the Council retained the power to hear legal disputes , either in the first instance or on appeal . Furthermore , laws made by the sovereign on the advice of the Council , rather than on the advice of Parliament , were accepted as valid . Powerful sovereigns often used the body to circumvent the Courts and Parliament . For example , a committee of the Council ? which later became the Court of the Star Chamber ? was during the 15th century permitted to inflict any punishment except death , without being bound by normal court procedure . During Henry VIII 's reign , the sovereign , on the advice of the Council , was allowed to enact laws by mere proclamation . The legislative pre @-@ eminence of Parliament was not restored until after Henry VIII 's death . Though the royal Council retained legislative and judicial responsibilities , it became a primarily administrative body . The Council consisted of forty members in 1553 , but the sovereign relied on a smaller committee , which later evolved into the modern Cabinet .

By the end of the English Civil War , the monarchy , House of Lords , and Privy Council had been abolished . The remaining parliamentary chamber , the House of Commons , instituted a Council of State to execute laws and to direct administrative policy . The forty @-@ one members of the Council were elected by the House of Commons ; the body was headed by Oliver Cromwell , de facto military dictator of the nation . In 1653 , however , Cromwell became Lord Protector , and the Council was reduced to between thirteen and twenty @-@ one members , all elected by the Commons . In 1657 , the Commons granted Cromwell even greater powers , some of which were reminiscent of those enjoyed by monarchs . The Council became known as the Protector 's Privy Council ; its members were appointed by the Lord Protector , subject to Parliament 's approval .

In 1659 , shortly before the restoration of the monarchy , the Protector 's Council was abolished . Charles II restored the Royal Privy Council , but he , like previous Stuart monarchs , chose to rely on a small group of advisers . Under George I even more power transferred to this committee . It now began to meet in the absence of the sovereign , communicating its decisions to him after the fact .

Thus , the British Privy Council , as a whole , ceased to be a body of important confidential advisers to the sovereign ; the role passed to a committee of the Council , now known as the Cabinet .

= = Origin of the term = =

According to the Oxford English Dictionary , the definition of the word privy in Privy Council is obsolete meaning " of or pertaining exclusively to a particular person or persons , one 's own " ; hence the Council is personal to the sovereign . It is closely related to the word private , and derives from the French word privé .

= = Composition = =

The sovereign , when acting on the Council 's advice , is known as the King @-@ in @-@ Council or Queen @-@ in @-@ Council . The members of the Council are collectively known as The Lords of Her Majesty 's Most Honourable Privy Council ( sometimes The Lords and others of ... ) . The chief officer of the body is the Lord President of the Council , who is the fourth highest Great Officer of State , a Cabinet member and normally , either the Leader of the House of Lords or of the House of Commons . Another important official is the Clerk , whose signature is appended to all orders made in the Council .

Both Privy Counsellor and Privy Councillor may be correctly used to refer to a member of the Council . The former , however , is preferred by the Privy Council Office , emphasising English usage of the term Counsellor as " one who gives counsel " , as opposed to " one who is a member of a council " . A Privy Counsellor is traditionally said to be " sworn of " the Council after being received by the sovereign .

The sovereign may appoint anyone a Privy Counsellor , but in practice appointments are made only on the advice of the Her Majesty 's Government , and generally consist only of senior members of Parliament , the Church of England and HM Judiciary . There is no statutory limit to its membership : at January 2012 , there were about 600 members ; they had risen in number to over 650 by June 2015 .

However , the members have no automatic right to attend all Privy Council meetings , and only some are summoned regularly to meetings ( in practice at the Prime Minister 's discretion ) .

The Church of England 's three senior bishops ? the Archbishop of Canterbury , the Archbishop of York and the Bishop of London ? become Privy Counsellors upon appointment . Senior members of the Royal Family may also be appointed , but this is confined to the current consort and heir apparent and consort . Prince Philip is at present the most senior member by length of service , and he is the only current Privy Counsellor not appointed by the reigning monarch , having been sworn of the Council by her father . The Private Secretary to the Sovereign is always appointed a Privy Counsellor , as are the Lord Chamberlain , the Speaker of the House of Commons , and the Lord Speaker . Justices of the Supreme Court of the United Kingdom , judges of the Court of Appeal of England and Wales , senior judges of the Inner House of the Court of Session ( Scotland 's highest law court ) and the Lord Chief Justice of Northern Ireland also join the Privy Council ex officio .

The balance of Privy Counsellors is largely made up of politicians . The Prime Minister , Cabinet ministers and the Leader of HM Opposition are traditionally sworn of the Privy Council upon appointment . Leaders of major parties in the House of Commons , First Ministers of the devolved assemblies , some senior Ministers outside Cabinet , and on occasion other respected senior parliamentarians are appointed Privy Counsellors .

Because Privy Counsellors are bound by oath to keep matters discussed at Council meetings secret , the appointment of the Leaders of Opposition Parties as Privy Counsellors allows the Government to share confidential information with them " on Privy Council terms " . This usually only

happens in special circumstances , such as in matters of national security . For example , Tony Blair met Iain Duncan Smith ( then Leader of HM Opposition ) and Charles Kennedy ( then Leader of the Liberal Democrats ) , " on Privy Council terms " to discuss the evidence for Iraq 's weapons of mass destruction .

Although the Privy Council is primarily a British institution , officials from some other Commonwealth realms are also appointed . By 2000 , the most notable instance was New Zealand , whose Prime Minister , senior politicians , Chief Justice and Court of Appeal Justices were traditionally appointed Privy Counsellors . However , appointments of New Zealand members have since been discontinued . The Prime Minister , the Speaker , the Governor @-@ General and the Chief Justice of New Zealand are still accorded the style , Right Honourable , but without membership of the Council . Until the late 20th century , the Prime Ministers and Chief Justices of Canada and Australia were also appointed Privy Counsellors . Canada also has its own Privy Council , the Queen 's Privy Council for Canada ( see below ) . Prime Ministers of some other Commonwealth countries that retain the Queen as their sovereign continue to be sworn of the Council .

= = Privy Council oath and initiation rite = =

It was formerly regarded by the Privy Council as criminal , and possibly treasonous , to disclose the oath administered to Privy Counsellors as they take office . However , the oath was officially made public by the Blair Government in a written parliamentary answer in 1998 , as follows . It had also been read out in full in the House of Lords during debate by Lord Rankeillour on 21 December 1932 .

You do swear by Almighty God to be a true and faithful Servant unto the Queen 's Majesty , as one of Her Majesty 's Privy Council . You will not know or understand of any manner of thing to be attempted , done , or spoken against Her Majesty 's Person , Honour , Crown , or Dignity Royal , but you will let and withstand the same to the uttermost of your Power , and either cause it to be revealed to Her Majesty Herself , or to such of Her Privy Council as shall advertise Her Majesty of the same . You will , in all things to be moved , treated , and debated in Council , faithfully and truly declare your Mind and Opinion , according to your Heart and Conscience ; and will keep secret all Matters committed and revealed unto you , or that shall be treated of secretly in Council . And if any of the said Treaties or Counsels shall touch any of the Counsellors , you will not reveal it unto him , but will keep the same until such time as , by the Consent of Her Majesty , or of the Council , Publication shall be made thereof . You will to your uttermost bear Faith and Allegiance unto the Queen 's Majesty ; and will assist and defend all Jurisdictions , Pre @-@ eminences , and Authorities , granted to Her Majesty , and annexed to the Crown by Acts of Parliament , or otherwise , against all Foreign Princes , Persons , Prelates , States , or Potentates . And generally in all things you will do as a faithful and true Servant ought to do to Her Majesty . So help you God .

A form of this oath dates back to at least 1570 .

Privy counsellors can choose to affirm their allegiance in similar terms should they prefer not to take a religious oath . At the induction ceremony , the order of precedence places Anglicans ( being those of the established church ) before others .

The initiation ceremony for newly appointed privy counsellors is held in private and typically requires kneeling on a stool before the sovereign and then kissing hands . According to the The Royal Encyclopaedia : " The new privy counsellor or minister will extend his or her right hand , palm upwards , and , taking the Queen 's hand lightly , will kiss it with no more than a touch of the lips . " The ceremony has caused difficulties for privy counsellors who advocate republicanism ; Tony Benn said in his diaries that he kissed his own thumb , rather than the Queen 's hand , while Jeremy Corbyn reportedly did not kneel . Not all members of the privy council go through the initiation ceremony ; appointments are frequently made by an Order in Council , although it is " rare for a party leader to use such a course . "

= = Term of office = =

Membership is conferred for life . Formerly , the death of a monarch ( " demise of the Crown " ) brought an immediate dissolution of the Council , as all Crown appointments automatically lapsed . By the 18th century , it was enacted that the Council would not be dissolved until up to six months after the demise of the Crown . By convention , however , the sovereign would reappoint all members of the Council after its dissolution . In practice , therefore , membership continued without a break . In 1901 the law was changed to ensure that Crown Appointments became wholly unaffected by any succession of monarch .

The sovereign however may remove an individual from the Privy Council . On 8 June 2011 , the former MP Elliot Morley was expelled following his conviction on charges of false accounting in connection with the British parliamentary expenses scandal . Before this , the last individual to be expelled from the Council against his will was Sir Edgar Speyer Bt , who was removed on 13 December 1921 for collaborating with the enemy German Empire , during the First World War . Individuals can choose to resign , sometimes to avoid expulsion : three members voluntarily left the Privy Council in the 20th century : Jonathan Aitken , on 25 June 1997 following allegations of perjury , John Profumo , who resigned on 26 June 1963 , and John Stonehouse , who resigned on 17 August 1976 . On 4 February 2013 , Chris Huhne announced that he would voluntarily leave the Privy Council after pleading guilty to perverting the course of justice .

The Lord Prescott stood down on 6 July 2013 as an act of protest against the delays in the introduction of press regulation , expecting others to follow , and Denis MacShane was forced to resign on 9 October 2013 prior to a High Court hearing at which he pleaded guilty of false accounting and was subsequently imprisoned . Both are former Labour MPs .

= = Meetings = =

Meetings of the Privy Council are normally held once each month wherever the sovereign may be in residence at the time . The quorum , according to the Privy Council Office , is three , though some statutes provide for other quorums ( for example , section 35 of the Opticians Act 1989 ( c . 44 ) provides for a lower quorum of two ) .

The sovereign attends the meeting , though his or her place may be taken by two or more Counsellors of State . Under the Regency Acts 1937 to 1953 , Counsellors of State may be chosen from among the sovereign 's spouse and the four individuals next in the line of succession who are over 21 years of age ( 18 for the heir to the throne ) . Customarily the sovereign remains standing at meetings of the Privy Council , so that no other members may sit down , thereby keeping meetings short . The Lord President reads out a list of Orders to be made , and the sovereign merely says " Approved " .

Few Privy Counsellors are required to attend regularly . The settled practice is that day @-@ to @-@ day meetings of the Council are attended by four Privy Counsellors , usually the relevant Minister to the matters pertaining . The Cabinet Minister holding the office of Lord President of the Council , currently the Rt Hon David Lidington MP , invariably presides . Under Britain 's modern conventions of parliamentary government and constitutional monarchy , every order made in Council is drafted by a Government Department and has already been approved by the Minister responsible ? thus actions taken by the Queen @-@ in @-@ Council are formalities required for validation of each measure .

Full meetings of the Privy Council are held only when the reigning sovereign announces his or her own engagement ( which last happened on 23 November 1839 , in the reign of Queen Victoria ) ; or when there is a demise of the Crown , either by the death or abdication of the monarch . A full meeting of the Privy Council was also held on 6 February 1811 , when George , Prince of Wales was sworn in as Prince Regent by Act of Parliament . The current statutes regulating the establishment of a regency in the case of minority or incapacity of the sovereign also require any regents to swear their oaths before the Privy Council .

In the case of a demise of the Crown , the Privy Council ? together with the Lords Spiritual , the Lords Temporal , the Lord Mayor and Aldermen of the City of London as well as representatives of Commonwealth realms ? makes a proclamation declaring the accession of the new sovereign and

receives an oath from the new monarch relating to the security of the Church of Scotland , as required by law . It is also customary for the new sovereign to make an allocution to the Privy Council on that occasion , and this Sovereign 's Speech is formally published in The London Gazette . Any such Special Assembly of the Privy Council , convened to proclaim the accession of a new sovereign and witness the monarch 's statutory oath , is known as an Accession Council . The last such meetings were held on 6 and 8 February 1952 : as Elizabeth II was abroad when the last demise of the Crown took place , the Accession Council met twice , once to proclaim the sovereign ( meeting of 6 February 1952 ) , and then again after the new queen had returned to Britain , to receive from her the oath required by statute ( meeting of 8 February 1952 ) .

= = Functions = =

The sovereign exercises executive authority by making Orders in Council upon the advice of the Privy Council . Orders @-@ in @-@ Council , which are drafted by the government rather than by the sovereign , are secondary legislation and are used to make government regulations and to make government appointments . Furthermore , Orders @-@ in @-@ Council are used to grant Royal Assent for Measures of the National Assembly for Wales , and laws passed by the legislatures of British Crown dependencies .

Distinct from Orders @-@ in @-@ Council are Orders of Council : the former are issued by the sovereign upon the advice of the Privy Council , whereas the latter are made by members of the Privy Council without requiring the sovereign 's approval . They are issued under the specific authority of Acts of Parliament , and most commonly are used for the regulation of public institutions .

The sovereign also grants Royal Charters on the advice of the Privy Council . Charters bestow special status to incorporated bodies ; they are used to grant " chartered " status to certain professional , educational or charitable bodies , and sometimes also city and borough status to towns . The Privy Council therefore deals with a wide range of matters , including university and livery company statutes , churchyards , coinage and dates of bank holidays .

Members of the Privy Council are privileged to be given advance notice of any prime ministerial decision to commit HM Armed Forces in enemy action .

= = Committees of the Privy Council = =

The Privy Council comprises a number of Standing Committees :

Baronetage Committee

Cabinet of the United Kingdom

Committee for the Affairs of Jersey and Guernsey

Committee for the Purposes of the Crown Office Act 1877

Judicial Committee of the Privy Council

Scottish Universities Committee

Universities Committee

The Baronetage Committee was established by a 1910 Order in Council , during Edward VII 's reign , to scrutinise all succession claims ( and thus reject doubtful ones ) to be placed on the Roll of Baronets .

The Committee for the Affairs of Jersey and Guernsey recommends approval of Channel Islands legislation .

The Committee for the purposes of the Crown Office Act 1877 consists of the Lord Chancellor and Lord Privy Seal as well as a Secretary of State . The Committee which last met in 1988 is concerned with the design and usage of wafer seals .

The Scottish Universities Committee considers proposed amendments to the statutes of Scotland 's four ancient universities . The Universities Committee , which last met in 1995 , considers petitions against statutes made by Oxford and Cambridge Universities and their colleges .

The Judicial Committee of the Privy Council , consists of senior judges who are Privy Counsellors .

The decision of the Committee is presented in the form of " advice " to the monarch , but in practice it is always followed by the sovereign ( as Crown @-@ in @-@ Council ) , who formally approves the recommendation of the Judicial Committee .

Within the United Kingdom , the Judicial Committee hears appeals from ecclesiastical courts , the Court of Admiralty of the Cinque Ports , prize courts and the Disciplinary Committee of the Royal College of Veterinary Surgeons , appeals against schemes of the Church Commissioners and appeals under certain Acts of Parliament ( e.g. , the House of Commons Disqualification Act 1975 ) . The Crown @-@ in @-@ Council was formerly the Supreme Appeal Court for the entire British Empire , but a number of Commonwealth countries have now abolished the right to such appeals . The Judicial Committee continues to hear appeals from several Commonwealth countries , from British Overseas Territories , Sovereign Base Areas and Crown dependencies . The Judicial Committee had direct jurisdiction in cases relating to the Scotland Act 1998 , the Government of Wales Act 1998 and the Northern Ireland Act 1998 , but this was transferred to the new Supreme Court of the United Kingdom in 2009 .

In addition to the Standing Committees , ad hoc Committees are notionally set up to consider and report on Petitions for Royal Charters of Incorporation and to approve changes to the bye @-@ laws of bodies created by Royal Charter .

Committees of Privy Counsellors are occasionally established to examine specific issues . Such Committees are independent of the Privy Council Office and therefore do not report directly to the Lord President of the Council . Examples of such Committees include :

- the Butler Committee ? operation of the intelligence services in the runup to military intervention in Iraq

- the Chilcot Committee ? for the Chilcot Inquiry on the use of intercept materials

- the Gibson Committee of enquiry set up in 2010 ? to consider whether the UK security services were complicit in torture of detainees .

= = Notable orders = =

The Civil Service is formally governed by Privy Council Orders , as an exercise of the Royal prerogative . One such order implemented HM Government 's ban of GCHQ staff from joining a Trade Union . Another , the Civil Service ( Amendment ) Order in Council 1997 , permitted the Prime Minister to grant up to three political advisers management authority over some Civil Servants .

In the 1960s , the Privy Council made an order to evict the 2 @, @ 000 inhabitants of the 65 @-@ island Chagos Archipelago in the Indian Ocean , in preparation for the establishment of a joint United States ? United Kingdom military base on the largest outlying island , Diego Garcia , some 60 miles ( 97 km ) distant . In 2000 the Court of Appeal ruled the 1971 Immigration Ordinance preventing resettlement unlawful . In 2004 , the Privy Council , under Jack Straw 's tenure , overturned the ruling . In 2006 the High Court of Justice found the Privy Council 's decision to be unlawful . Sir Sydney Kentridge described the treatment of the Chagossians as " outrageous , unlawful and a breach of accepted moral standards " : Justice Kentridge stated that there was no known precedent " for the lawful use of prerogative powers to remove or exclude an entire population of British subjects from their homes and place of birth " , and the Court of Appeal were persuaded by this argument , but the Law Lords ( at that time the UK 's highest law court ) found its decision to be flawed and overturned the ruling by a 3 ? 2 decision thereby upholding the terms of the Ordinance .

= = Rights and privileges of members = =

The Privy Council as a whole is termed " The Most Honourable " whilst its members individually , the Privy Counsellors , are entitled to be styled " The Right Honourable " . The term is only used for addressing living people ; it is never used for dead people .

Peers below the rank of marquess who are not members of the Privy Council are nowadays customarily prefixed with " The " before their title , omitting " The Right Honourable " , although this

used to be considered to be correct form when addressing them in writing ( prior to 1999 ) . All those sworn of the Privy Council , including barons , viscounts , and earls , are accorded the style " The Right Honourable " ; non @-@ royal dukes are styled " The Most Noble " and marquesses as " The Most Honourable " .

Modern custom as recommended by Debrett 's is to use the post @-@ nominal letters " PC " in a social style of address for peers who are Privy Counsellors . For commoners , " The Right Honourable " is sufficient identification of their status as a Privy Counsellor . The Ministry of Justice revises current practice of this convention from time to time .

Privy Counsellors are accorded a formal rank of precedence , if not already having a higher one . At the beginning of each new Parliament , and at the discretion of the Speaker , those members of the House of Commons who are Privy Counsellors usually take the oath of allegiance before all other members except the Speaker and the Father of the House , who is the most senior member of the House . Should a Privy Counsellor rise to speak in the House of Commons at the same time as another Honourable Member , the Speaker usually gives priority to the " Right Honourable " Member . This parliamentary custom , however , was discouraged under New Labour after 1998 , despite the Government not being supposed to exert influence over the Speaker .

Only Privy Counsellors can be signatories , by the monarch 's command i.e. Royal Assent , to the examination of a Bill affecting the rights of the Crown .

Privy Counsellors technically are allowed to sit on the steps of the Sovereign 's Throne in the Chamber of the House of Lords during debates , a privilege which was shared with heirs apparent of those peerage titles who were to become members of the House of Lords before Labour 's partial Reform of the Lords in 1999 , diocesan bishops of the Church of England yet to be Lords Spiritual , retired bishops who formerly sat in the House of Lords , the Dean of Westminster , Peers of Ireland , the Clerk of the Crown in Chancery and the Gentleman Usher of the Black Rod . Nowadays this privilege is rarely exercised .

Each Privy Counsellor has the right of personal access to the sovereign . Peers were considered to enjoy this right individually ; members of the House of Commons possess the right collectively . In each case , personal access may only be used to tender advice on public affairs .

= = Other councils = =

The Privy Council is one of the four principal councils of the sovereign . The other three are the courts of law , the Commune Concilium ( Common Council , or Parliament ) and the Magnum Concilium ( Great Council , or the assembly of all the Peers of the Realm ) . All are still in existence , or at least have never been formally abolished , but the Magnum Concilium has not been summoned since 1640 and was considered defunct even then .

Several other Privy Councils have advised the sovereign . England and Scotland once had separate Privy Councils ( the Privy Council of England and Privy Council of Scotland ) . The Acts of Union 1707 , which united the two countries into the Kingdom of Great Britain , created a single body . Both Privy Councils were abolished in 1708 and a new joint Privy Council created . Ireland , on the other hand , continued to have a separate Privy Council even after the Act of Union 1800 . The Privy Council of Ireland was abolished in 1922 , when the southern part of Ireland separated from the United Kingdom ; it was succeeded by the Privy Council of Northern Ireland , which became dormant after the suspension of the Parliament of Northern Ireland in 1972 . No further appointments have been made since then , and only four appointees were still living as of May 2014 .

Canada has had its own Privy Council ? the Queen 's Privy Council for Canada ? since 1867 . While the Canadian Privy Council is specifically " for Canada " , the Privy Council discussed above is not " for the United Kingdom " ; in order to clarify the ambiguity where necessary , the latter was traditionally referred to as the Imperial Privy Council . Equivalent organs of state in other Commonwealth realms , such as Australia and New Zealand , are called Executive Councils .