

Letter to *Criminal Law & Justice Weekly*.

Dear Sir,

Separation of Powers: the Lord Chancellor

In his editorial at page 322 *ante* the Consultant Editor alleged that the traditional pre-Blair function of the Lord Chancellor 'breached the principle of the separation of powers'. If this is meant to refer to a principle of *total* separation I do not recognise it. The separation of powers *was* a feature of the pre-Blair British constitution but did not envisage absolute separation. It was in a sensible form that recognized bridging.

By this I mean that it allowed for the existence of state offices, such as that of Lord Chancellor, that provided bridges between the quasi-separate constitutional powers. Each was thereby made aware of prospective moves by another power which would or might affect it. It also allowed for desirable consultation and exchanges of information and opinion between the constitutional powers. That sophisticated feature was one of our constitutional glories, honed and polished through centuries.

Although he is a lawyer himself, Tony Blair failed to understand the British constitution. Like a child at play, he damaged it heedlessly – to our great loss.

Yours faithfully,

Francis Bennion