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Ministry of Justice  
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03/06/2019

Dear Mr Paffvett,

### **Freedom of Information Act (FOIA) Request – 190519007**

Thank you for your request dated 19/05/2019 in which you asked for the following information from the Ministry of Justice (MoJ):

**In the earliest times the Sovereign was a key figure in the enforcement of law and the establishment of legal systems in different areas of the UK. As such the Sovereign became known as the 'Fount of Justice'.**

**While no longer administering justice in a practical way, the Sovereign today still retains an important symbolic role as the figure in whose name justice is carried out, and law and order is maintained. Under the Magistrates, County and High Court Acts of England and Wales including Civil Procedure Rules (criminal and civil). I CANNOT find the all orders, writs, commissions, rules and process issued by the courts are made in the name of the Queen.**

**Question 1. In civil court proceedings A, Are all orders, writs, commissions and process issued from any tribunal in England and Wales made in the name of the Queen? and B, In which Acts under what sections and C If not why not?**

**Question 2. In civil court proceedings B, Are all orders, writs, commissions and process issued from any court in England and Wales made in the name of the Queen? and B, In which Acts under what sections and C If not why not?**

**Question 3. In criminal court proceedings A, Are all orders, writs, commissions and process issued from any tribunal in England and Wales made in the name of the Queen? and B, In which Acts under what sections and C If not why not?**

**Question 4. Are all orders, writs, commissions and process issued from any tribunal and court in England and Wales made in the name of the Queen? and B, In which CPR rules and under what sections and C If not why not?**

**Question 4, I note civil and criminal proceedings cannot be taken against the Sovereign as a PERSON under UK law. Why?**

**Question 5, However, The Queen is careful to ensure that all her activities in her personal capacity are carried out in strict accordance with the law? Why?**

**I appreciate these questions might take a bit to research, but i do appreciate the time and effort spent answering these questions. Thank you.**

Your request has been handled under the FOIA.

I can confirm that the MoJ holds the information that you have requested and I have provided it below.

The Queen as head of state has sovereign immunity from both civil and criminal proceedings. That is a long established customary rule of law not statutory provisions. Such sovereign immunity is common to other jurisdictions.

Judges are appointed by the Sovereign and dispense justice in the name of the Sovereign. As a result, all orders of the court, civil and criminal are on behalf of the Crown.

Criminal cases are prosecuted by the Crown Prosecution Service, in the name of the Sovereign against a defendant. In civil cases the court dispenses justice on the authority of the Sovereign.

It is also worth noting that the Crown Proceeding Act 1947 allows for civil actions to be brought against the Crown in certain circumstances but this in general terms means Her Majesty's Government rather than the Sovereign.

Finally, you asked why her Majesty the Queen complied with the law that she is not subject to. This is clearly a matter for Her Majesty but reflects her respect for the rule of law dispensed on her behalf.

### **Appeal Rights**

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

[data.access@justice.gov.uk](mailto:data.access@justice.gov.uk)

Disclosure Team, Ministry of Justice, 10.38, 102 Petty France, London, SW1H 9AJ

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

Polly Newman  
Criminal Courts Policy

