

# Dover's VIP Visitor

**Peter Sherred**

The first Judge to be elected to the Supreme Court when it was set up in 2009, Lord Tony Clarke, Baron Clarke of Stone cum Ebony, was a welcome visitor to the town in February. The purpose of his visit was as the prestigious guest speaker for the first open meeting of the calendar year organised by the Rotary Club of South Foreland at the Dover Marina Hotel.

In a packed restaurant at the hotel more than 80 people, including members of the Dover Society, attended to hear Lord Clarke talk about his career and the reasons for the establishment of the Supreme Court.

As the club's immediate past president and as a fellow lawyer I had the pleasure of introducing Lord Clarke in which I commented that he had experienced a "meteoric rise" through the legal profession, from first being called to the bar in 1965 and becoming Queen's Counsel in 1979 to his election to the Supreme Court. In between he had sat as a Recorder between 1985 and 1992, had been appointed a High Court Judge sitting in the Queen's Bench Division, being knighted in the process, then entering the Court of Appeal, becoming a Privy Councillor and then appointed the 94th Master of the Rolls joining the illustrious order of his predecessors who included Thomas Cromwell and the almost legendary Lord Tom Denning. The



*Lord Clarke and Peter Sherred (L to R)*

Master of the Rolls is the second most senior judge in England and Wales, after the Lord Chief Justice, and serves as the presiding officer of the Civil Division of the Court of Appeal and Head of Civil Justice. His next stop was the House of Lords where he attained the status of Baron Clarke and so to the Supreme Court. Following the death of Gerald Darling Q.C. he was appointed Judge Official and Commissary of the Court of Admiralty of the Confederation of the Cinque Ports and Two Antient Towns, of which I am Surrogate Judge being Lord Clarke's Deputy. Together with his gracious wife Rosemary Lord Clarke has added gravitas, dignity and charm to Cinque Ports events.

Lord Clarke, who has lived in Kent since

1971, said the House of Lords had been the final Court of Appeal in England for many centuries, but it wasn't really satisfactory that the Legislature and the Executive were the same body and separation was essential. He said he regretted that only one of the 12 members of the Supreme Court, who is Baroness Hale of Richmond, currently Deputy President of the Court, is female but felt certain this would change.

The process of setting up the court, which cost £60 million, had been started under a Labour government which had also wished to abolish the post of Lord Chancellor. The latter objective was not achieved because of the complex and numerous legislative commitments associated with the post as discovered when the reform process was initiated, however the present occupant of the post was a non-lawyer. Lord Clarke doubted the establishment of the Supreme Court would have happened under Conservative Prime Minister David Cameron but that said he thought the Court was here to stay.

"I like to think it hasn't been a waste of time or money," he said. "No-one knows how long it will take to see if it was". In this context he referred to the reported response of the Chinese Prime Minister, Chou En-Lai, an avid student of French History, when asked what he thought had been the impact of the French Revolution on western civilisation. The Prime Minister considered the question for a few minutes before responding "The impact of the French revolution on western civilisation? - too early to tell!"

What is important, in Lord Clarke's view, is that the Supreme Court "is a defender of rights against governments that sometimes can be overbearing." The

court was more transparent than had historically been the case with the Highest Court in the land, he said, with people being able to watch its sittings on Sky TV and he encouraged people to visit in person and listen to one of the hearings "but not for too long".

The court hardly ever deals with shipping or commercial cases - Lord Clarke's specialities - but mainly rules on Administrative and European and Human Rights law although it is still the final court of appeal in the UK. In addition to his position in the Supreme Court Lord Clarke also sits as a non-permanent judge of the Court of Final Appeal of Hong Kong.

He said new shipping regulations over the past 30 years had made the English Channel and the River Thames in particular much safer, resulting in fewer marine accident and disaster hearings. His experience of matters maritime include presiding over the Thames Safety Inquiry and presiding over the Marchioness/Bow Belle Disaster Judicial Inquiry.

Lord Clarke said the legal profession in this country had "very high standards".

Questions from the audience ranged from the experience of examining the Marchioness disaster in 1989, and the European Court of Human Rights which, he said, was "much maligned", to the nature of the Rolls of which he had been Master. Lord Clarke explained that the Master of the Rolls post had a great history attached to it and the Rolls referred to were the rolls or records of the Court of Chancery, the Keeper of which was the most senior of Chancery clerks who, from time to time, acted as keeper of the Great Seal of the Kingdom.

An article about Lord Clarke began "Lord Clarke is most definitely not what you would expect a British Supreme Court Judge to be like". Those attending on the night had the distinct privilege of listening to a good speaker on an interesting subject, which, he delivered in a free and easy manner laced with humour demonstrating himself to be a down to earth person with an extremely affable and gregarious nature. He most certainly came across as a person who had enjoyed his life in the law and his elevated status did not render him detached from the realities of life as judges are so often portrayed.

President James Rouse, in proposing a vote of thanks, reminded those present of Lord Clarke's busy commitments by indicating he had travelled to Dover after

sitting in the Supreme Court on the day of his talk and would be back sitting in the Court early the next day. To ensure his schedule was maintained arrangements for his visit had been planned with military precision by past President Keith Playforth aided and abetted by past President Andrew Eberlein ensuring Lord Clarke's arrival, stay and return to London did not interfere with his professional obligations. It had been quite a coup to tempt someone of Lord Clarke's status to come to Dover in the middle of his busy schedule.

The Club's open speaker evenings are open to all comers and include a supper before the talk. More prestigious speakers are booked to come to Dover and Dover Society members are always welcome to attend with guests.

\* \* \* \* \*

# **Florland** **CARPETS**

ESTABLISHED 1993

## **DOMESTIC & CONTRACT FLOORING**

Please come in and browse  
or telephone for  
further information

**62 London Road, Dover**  
**Kent CT17 0SP**  
**Tel: 01304 240071**

## **Ann & Pams Florist**

Tel: 01304 202796

Email: [info@annandpamsflorist.co.uk](mailto:info@annandpamsflorist.co.uk)

[www.annandpamsflorist.co.uk](http://www.annandpamsflorist.co.uk)

## *Quality Florist*

4 Cherry Tree Avenue,  
Dover, Kent. CT16 2NL