

Home Office and Lord Chancellor's Department Historical Background

Home Office

The Home Office dates from 1782 when a new division of labour between the two Secretaries of State was made: one taking responsibility for home, the other for foreign affairs. A series of administrations with policy responsibility for domestic matters have developed within, and then split off from, the Home Office: for instance the Poor Law, one source of the DH and DSS.

Much of the recognisable Home Office, however, dates from Peel's incumbency, which anticipated a series of Victorian rationalisations of the public order aspects of its work – particularly the police and penal system.

Two core Home Office responsibilities have developed only in the twentieth century:

- Immigration and passport control. Increasingly prominent since the 1905 Alien Act.
- Equality issues. Equal Opportunities Commission (now DfEE-based) was formed following the Equal Opportunities Act 1975; Commission for Racial Equality following the Race Relations Act 1976.

Lord Chancellor's Department

The office of Lord Chancellor is of ancient, initially ecclesiastical, origin. Under Edward III, the Chancellor's court and household took on an independent existence from those of the King, and these developed into the Court of Chancery. Reform of the Court in the late nineteenth century (it was amalgamated with the High Court) limited the Lord Chancellor's functions to ones involving the House of Lords as court and second chamber. The core of his permanent staff – a small secretariat before 1971 – dates from 1873.

The modern Lord Chancellor's Department, headquarters of the administration of justice, dates only from 1971, when the Courts Act brought the administration of what had been the assizes and the quarter sessions under its aegis.

(The LCD's responsibility for the Public Records Office is a legacy of the Chancellor's ancient function as secretary to the King. Its responsibilities were formalised by the Public Records Act 1958.)

Transfers between Home Office and Lord Chancellor's Department

The traditional distinction was that the Home Office takes responsibility for administration of the criminal side of the law, the LCD for the civil side. The Home Office remains the home of the Criminal Law Revision Committee, for instance. The division has been breaking down in recent decades however:

- responsibility for the administration of criminal legal aid passed from Home Office to the LCD in 1974
- responsibility for the administration and organisation of magistrates passed from the Home Office to the LCD in 1992.