

Presidents of the Board of Trade

Summary

The Board of Trade is a Committee of the Privy Council.

The Board was supported by a team of civil servants and this over time grew into a major government department which was also known as the Board of Trade. Here is a view outside its Whitehall offices in 1842.



Some of the responsibilities of the Board of Trade were over the years spun off into other departments such as Transport.

The Board of Trade, as a departmental name, met its end in 1970 when Prime Minister Edward Heath decided to merge it with the Ministry of Technology to create the Department of Trade and Industry. This new department was headed by a Secretary of State. It is currently known as the Department for Business and Trade.

The Board itself (i.e. the Privy Council Committee) became inactive in the 1800s but it was never formally abolished. The first Secretary of State for Trade and

Industry, and all his successors, have therefore simultaneously been appointed President of the Board of Trade, and some have used the title from time to time.

Various Secretaries of State have, since the Brexit referendum in 2016, appointed a number of informal and advisory 'Boards of Trade' but they have no statutory or other authority and should not be confused with the Privy Council Committee which (although inactive) still exists.

Membership

This note was prepared by the Department of Trade and Industry's legal department in 1992.

The Board of Trade is a Committee of the Privy Council and was set up to relieve the Privy Council of the task of dealing with merchants' complaints and of protecting our overseas interests. The first Committee was set up in 1622 and was reconstituted and renamed a number of times in the 17th and 18th centuries.

The current membership of the Board of Trade was established by an Order in Council dated 23 August 1786. The membership was declared to be as follows:

The Lord Archbishop of Canterbury
The First Lord Commissioner of the Treasury
The First Lord Commissioner of the Admiralty
His Majesty's Principal Secretaries of State
The Chancellor and Under Treasurer of the Exchequer
The Speaker of the House of Commons
The Chancellor of the Duchy of Lancaster
The Paymaster General
The Treasurer of His Majesty's Navy
The Master of His Majesty's Mint
The Irish equivalent of certain of the above
and certain others, including the Master of the Rolls.

The first President of the Board of Trade was Lord Hawkesbury, then Chancellor of the Duchy of Lancaster.

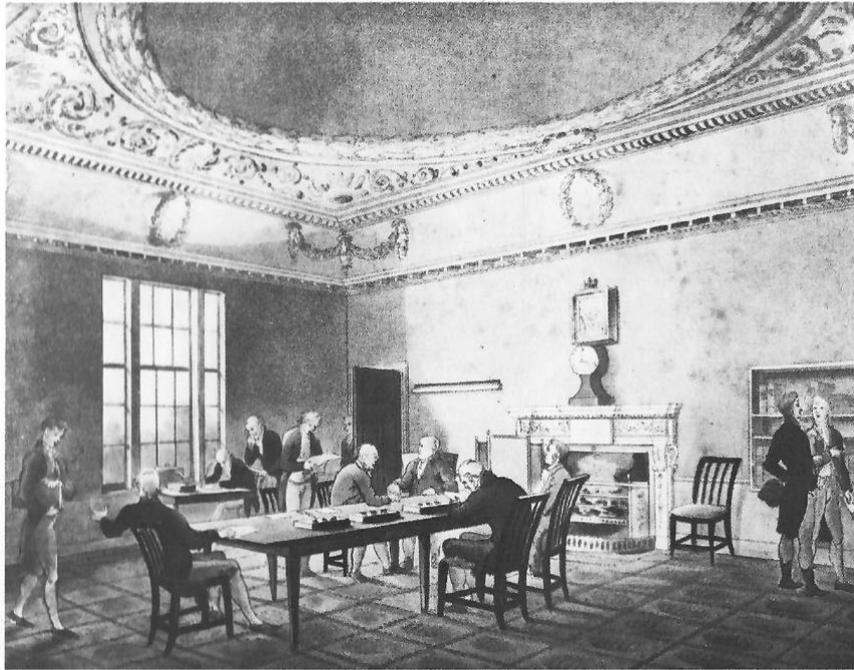
Note that the Prime Minister is a member of the Board of Trade as he or she is also First Lord Commissioner of the Treasury.

The quorum is **one** – i.e. the President.

Meetings

Before 1986, the Board of Trade last met formally in 1850. It then met in 1986 to celebrate its bi-centenary.

This painting, by Thomas Rowlandson, portrays 'The President's Room' in 1809.



Winston Churchill, when Chancellor, was asked how often the Archbishop of Canterbury had attended meetings of the Board of Trade. He is said to have replied that "Save for the President himself, no member of the Board has been more assiduous in his attendance than his Grace the Archbishop".

There have in recent years been informal meetings of around 15 advisers which Secretaries of State have referred to as 'Boards of Trade' - but these bodies should not be confused with the real thing. Rather confusingly, some other Secretaries of State have been named in the list of those 'advisers' despite the fact that they were already full members of the real Board.

Presidents

All modern Presidents are also appointed Secretary of State for Business and/or Trade and/or International Trade. They have, however, with one exception, still been generally addressed as 'Secretary of State'. The one exception was Michael Heseltine (1992-95) who was always referred to as President.

Liam Fox, Secretary of State for International Trade from 2016, used the 'President' title only occasionally. The Board was then 'revived as an advisory body' by in 2017 'to attract more inward investment to the UK and boost exports'. Dr Fox appointed several "advisers to the Board of Trade" and began a number of 'quarterly' (but in practice less frequent) meetings around the UK beginning in Bristol in October 2017.

Dr Fox's successors have maintained the advisory board and continued its occasional meetings. These boards began submitting advisory reports from March 2021.

Kemi Badenoch, for instance, relaunched the Board in August 2023 to focus specifically on exports. "Advisers to the Board act as external champions of UK trade and promote and advocate UK economic interests. They are senior leaders with a wealth of expertise and years of experience in business, trade, exporting and/or the politics of trade and exporting." There were 25 advisers; 9 ministers and 16 others.

Trade Departments

- 1970- Department of Trade and Industry (DTI)
- 1974- Department of Trade (*separate from Department of Industry*)
- 1983- Department of Trade and Industry
(A 2005 rebranding as *the Department of Productivity, Energy and Industry* (PENIS ?) was quickly abandoned.)
- 2007- Department for Business, Enterprise and Regulatory Reform (BERR)
(note the disappearance of the word 'Trade')
- 2009- Department for Business, Innovation and Skills (BIS)
- 2016- Department for International Trade (*separate from Department for Business, Energy and Industrial Strategy* (BEIS)
The word 'Trade' reappears after the 2016 Brexit referendum.
- 2023- Department for Business and Trade

More Detail

Attached are:

1. My own (slightly tongue-in-cheek) 1992 letter confirming the Prime Minister's agreement that Michael Heseltine would be known as President.
2. A detailed history of the Board compiled in 1966.

Notes

Trade has always been a very important policy area. As long ago as the 1600s, British Monarchs appointed ministers such as *Lords of Trade and Plantations*.

There is a detailed history of the Board of Trade in Susan Foreman's *Shoes and Ships and Sealing Wax* (ISBN 0 11 513825 0).

This was a 19th Century emergency service in Whitehaven Harbour.



Martin Stanley



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21 April 1992

It was good of you to confirm that Mr Heseltine has been appointed, and will be known as, "President of the Board of Trade".

From the list of Board members (attached) you will see that the First Lord of the Treasury, the Chancellor of the Exchequer, and almost all other members of the Cabinet, now report to Mr Heseltine. Indeed, the only Cabinet member who appears not to be on the Board of Trade is the Minister of Agriculture. As policy toward the GATT clearly falls to be determined by the Board of Trade, this should ensure that agricultural aspects of this issue will receive the attention which they deserve.

No doubt Tim Sutton will stand ready to advise in due course on the procedure for dismissing and replacing members of Mr Heseltine's team.

I shall unfortunately have little opportunity to practise saying "Yes President" instead of "Yes Secretary of State" as I am being succeeded by Peter Smith from Wednesday 22 April. I should therefore like to take this opportunity to thank you, your colleagues at No 10 and copy recipients for your unfailing good humour over the last couple of years as we have tackled interesting and varied issues from superguns to bananas.

I am copying this to the Private Secretaries to members of the Board of Trade and also to David Rossington and Juliet Wheldon.

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The Board of Trade

Origin and Development of the Board of Trade

1. The Board of Trade is now and throughout its history has been an emanation from or a committee of the Privy Council. The reason for the original establishment of such a committee was the necessity of relieving the Privy Council of the task of dealing with merchants' complaints and of protecting England's overseas interests. A succession of committees existed throughout the greater part of the period from 1622 to the time of the Civil War. There followed separate committees which had at least some continuity of membership and staff, and a tradition of policy was built up. This was continued by the body established by William III ~~(1689-1702)~~. The King revived the all but defunct Lords Commissioners for Trade and Plantations in 1696 and this new body did not differ materially from the Councils for Trade and Plantations constituted by Cromwell and Charles II but there was a new and enlarged reference and financial resources were greatly increased. However, the new body (which historians call a Board) had a constitution similar to those of the earlier committees and like its predecessors it was intended to be advisory rather than administrative, and executive force could only be given to its recommendations through the instrumentality of some other authority such as a Secretary of State.

2. By 1730 practically all that remained of its rights was that of being kept informed, either before or after the event, of what passed through the office of the Secretary of State. Between 1737 and 1747 the paralysis of the Board's activities was accentuated by the incapacity of Lord Monson, its President. The prestige of the Board was restored by his successor, Lord Halifax, who tried, unsuccessfully, to stipulate that as President he should be a third Secretary of State or that he should be a member of the Cabinet with direct access to the King on plantation matters. He failed in both these endeavours but an order in Council was made in 1752 relating to power to nominate

and correspond with Colonial Officers. It was also agreed that Board papers could be sent to the King through either Secretary of State and that Halifax could be present at Cabinet meetings. The enhanced powers of the Board under the Order of 1752 related solely to the plantation side of its functions which overshadowed its work as general supervisor of trade. In 1779 Edmund Burke presented to the House of Commons a bill to abolish the Board but it was not until 11th July 1782 that it was extinguished - the Civil List and Secret Service Money Act, 1782. This Act (page 351 Statutes at Large) refers to an "Establishment commonly called the Board of Trade and Plantations" and by the Act this and the offices "shall be, and are hereby utterly suppressed and taken away". The duties and powers of the suppressed Board were divided between the Secretary of State for the Home Department and the Privy Council. A new Committee on Trade and Plantations was established 5th March 1784 and the term "Board of Trade" was used to describe it about that time. [cf. also Harbours and Passing Tolls Act, 1861 and Interpretation Act, 1889, post].

3. William Pitt desired to strengthen the Committee's position and a new Board of Trade was constituted by Order in Council dated 23rd August, 1786. The full text of the Order is as follows:-

"At the Court of St. James's, the 23rd August, 1786.

Present:

The King's Most Excellent Majesty

Archbishop of Canterbury

Lord Steward

Duke of Montagu

Marquis of Carmarthen

Lord Chamberlain

Earl of Clarendon

Earl of Courtown

Lord Amherst

Lord Sydney

Lord Hawkesbury

Sir Geo. Yonge, Bart.

Mr. Pitt

W.W. Grenville, Esq.

His Majesty is this day pleased to revoke his Order in Council, bearing the date the 5th day of March, 1784, appointing a Committee of Privy Council for the consideration of all matters relating to trade and foreign plantations, and to declare the said Committee dissolved. And His Majesty is pleased at the same time to appoint a new Committee of Privy Council for the business above mentioned, and to declare that -

The Lord Archbishop of Canterbury,

The First Lord Commissioner of the Treasury,

The First Lord Commissioner of the Admiralty,

His Majesty's Principal Secretaries of State,

The Chancellor and under Treasurer of the Exchequer,
and

The Speaker of the House of Commons,

should be members of the said Committee.

And that such of the Lords of His Majesty's Most Honourable Privy Council as shall hold any of the following offices, viz.:

The Chancellor of the Duchy of Lancaster,

The Paymaster or Paymasters General of His Majesty's Forces

The Treasurer of His Majesty's Navy, and

The Master of His Majesty's Mint,

should be members of the said Committee.

And His Majesty is at the same time pleased to order that the Speaker of the House of Commons of Ireland, and such persons as shall hold offices in His Majesty's Kingdom of Ireland and shall be members of His Majesty's most Honourable Privy Council in this Kingdom, should also be members of the said Committee.

And His Majesty is further pleased to order that -

Lord Frederick Campbell,
Robert, Lord Bishop of London,
Lord Grantley,
Sir Lloyd Kenyon, Master of the Rolls,
The Honourable Thomas Harley,
The Honourable Sir Joseph Yorke, K.B.,
Sir John Goodriche, Bart.
William Eden, Esq.,
James Grenville, Esq., and
Thomas Orde, Esq.,

should also be members of the said Committee.

And His Majesty is hereby further pleased to order that the Right Honourable Lord Hawkesbury, Chancellor of the Duchy of Lancaster, and in his absence the Right Honourable William Wyndham Grenville, be President of the said Committee."

This still continues in force as the fundamental instrument from which the Board derives its general authority as the Department concerned with trade though many of its present duties and powers have been expressly imposed or authorised by subsequent Acts of Parliament.

4. The Board as constituted in 1786 consists of the President and the holders of the offices specified in the Order. "The Board never meets in fact, and for all practical purposes the President is the Board of Trade and is the responsible political head" [Halsbury's "Laws of England", Vol.7 (1954) p.421.] Historically, it is doubtful if the collective activities of the Board of Trade as a deliberative Committee ever really recovered from the prolonged interruption caused by the Napoleonic Wars. The greater part of the business continued to be performed by the President and Vice-President, but by this time the collective functions of the Board were fast becoming obsolete. The last recorded full meeting was on 23rd December, 1850. An Act of 1817, 57 Geo.3, c.66, (page 245 Statutes at Large) describes itself as "an Act to amend an Act of the twenty second year of his present Majesty [the 1782 Act] for suppressing or

regulating certain Offices therein mentioned, so far as it relates to the Board of Trade :.....". A salary not exceeding £2,000 was payable to the Vice-President but the office was not to be deemed a new office. In 1867 by 30 & 31 Vict. c.72, (page 824 Statutes at Large) the Office of Vice-President of the Board of Trade was abolished and there was substituted therefor a Parliamentary Secretary. A Permanent Secretary was also appointed in that year.

5. It has been said that "to all intents and purposes the President is the Board of Trade". Up to 1867 the Vice-President was a second "live member". He was not expressly subordinated to the President and deputised for him during absence. At other times, presumably, he possessed the ordinary powers of a member of the Board. However, his exact position and relationship to the President and Secretariat formed the subject of numerous departmental minutes and memoranda. These ambiguities disappeared in 1867 with the abolition of the Office of Vice-President and there are no ambiguities about the status of the Parliamentary Secretary or those of the Permanent Secretaries. They are not members of the Board and are responsible to the President who alone is their chief. The relations between the President and Permanent Secretaries do not differ in practice from those which obtain between the responsible Ministers and the chief officials of other Departments of State. It has been said that notwithstanding the title of the President, his personal authority over his Department is in practice quite as direct and complete as that exercised by a Secretary of State or other Minister.

6. The Board's comprehensive mandate to deal with all matters relating to trade is not based on any Act of Parliament but on the terms of the Order in Council of 1786. Up to about forty years ago all important acts of the Board including appointments of officials and of members of committees purported to be done at a meeting of the Committee of the Council held at the Council Chamber, Whitehall. The President was the only member present. This leads, inevitably, to the notion of a quorum of

One, namely the President, which, if feasible legally, would afford a comparatively simple solution to various problems including that of delegation. There are references to this idea.

(1) In the introduction to "A Short Survey of the Board of Trade" (1959) the following words are used - "A President of the Board of Trade observed a few years ago that it worked 'very well with a quorum of one' and that he would not like to 'disturb that arrangement'."

(2) Surprisingly, the notion of a one man quorum in the person of the President of the Board of Trade was argued at length by Mr. W.S. Morrison, M.P. (as he then was) as Counsel at Wimbledon Magistrates' Court in Surrey County Council v. A. Charles Ltd. (January 18th 1933). The full argument appears

as ^{*}Appendix "A" to this Memorandum and Appendix "B" consists of a statement by Mr. R.B. Wood ^{an officer at the time} of the Solicitor's Department of the Board of Trade. Owing to lack of further documentation it is not possible to say why such argument was necessary (save as is indicated in the text), what was the nature of the allegation against the defendant or what decision was reached by the court. There is nothing in "The Times" newspaper of the day.

(3) Hansard H.C. 1950-51 Vol. 487 pp. 2138, 2139.

"Board of Trade"

Mr. Langfold-Holt asked the President of the Board of Trade of what persons the Board of Trade is composed; and on what date it is last recorded that it met.

Sir H. Shawcross: I must apologise for the length of this answer. The Board is a Committee of the Privy Council for Trade and Foreign Plantations, appointed by Order in Council of 23rd August, 1786. The members of that Committee appointed by that Order in Council were as follows:

[They were named at length by Sir Hartley]

The present members of the Board of Trade are the President and the holders, if members of the Privy Council, of such of the offices referred to as still exist. The last recorded meeting

of the Board, as a collective entity, was on 23rd December, 1850 but I must refer the hon. Member to the answer given by the right hon. Gentleman - the then President of the Board of Trade on 15th March, 1901, when he said:

'The Board of Trade does not meet. The quorum consists of one person - myself'.

Mr. Langford-Holt: Is the right hon. and learned Gentleman aware that a predecessor of his in 1923 replied that there was no record of the Board of Trade ever having met? Can he tell the House what future is contemplated for this distinguished body?

Sir H. Shawcross: I am considering the possibility of calling a meeting of the Board specially in connection with the Festival of Britain."

1st August 1966