## PETITIONS TO THE QUEEN

### 1. General information

1.1 Every subject of the Queen has a right to petition her, and although this right is not constitutionally available to foreign nationals, their petitions are, as a matter of grace, treated in the same way as those of Commonwealth citizens.

1.2 It is the duty of each Secretary of State to receive petitions, which are usually in the form of letters, relating to the work of his Department and to lay them before The Queen with advice as to the action to be taken and the reply to be made. As the Home Secretary is responsible for nationality law and the administration of immigration control for the whole of the United Kingdom, he would deal with a petition from a person in Scotland or in any other part of the United Kingdom relating to that subject. The Secretary of State for Scotland would deal with a petition on a matter exclusive to his own field of responsibility. It should be noted that the Secretary of State for Foreign and Commonwealth Affairs is responsible for conveying replies to all petitions from overseas; and that the Home Secretary is responsible for transferring petitions relating to the work of Departments which do not have a Secretary of State.

### 2. Petitions sent direct to The Queen

2.1 Most petitions are sent direct to The Queen at Buckingham Palace. It is usual for The Queen's Private Secretary to acknowledge a petition relating to the work of the Home Office by informing the writer that the petition has been referred to the Home Secretary. The petition is then sent to the Home Office main registry which directs it to the appropriate Directorate. It is treated as having been laid before The Queen and a reply should be sent as follows:

- **If the request cannot be granted**:

  "I am directed by the Secretary of State to say that your petition of (date) has been referred by The Queen to the Secretary of State, who, by Her Majesty's Command, has given it consideration but regret that he is unable to advise The Queen to issue any Command thereon."

- **If the request can be granted in whole or in part**:

  "I am directed by the Secretary of State to say that your petition of (date) has been referred by The Queen to the Secretary of State, who, by Her Majesty's command, has given it consideration and has decided ...."

2.2 If a petition appears to concern another Government Department, either wholly or in part, Constitutional Unit must be consulted.

### 3. Petitions sent direct to the Home Office

3.1 Some petitions to The Queen are addressed not to Buckingham Palace but to the Home Office. It is important that they should receive a prompt answer and

also that it should be clear that the appropriate constitutional action has been taken.

3.2 The following action should be taken on receiving a petition:

- A petition which would be dealt with by the Border and Immigration Agency if it had been addressed to the Secretary of State or the Permanent Under Secretary of State should be laid before The Queen and dealt with by the Agency in accordance with the procedure set out below

- A petition relating to the work of another Directorate of the Home Office should be referred to that Directorate (e.g. a petition complaining about treatment in prison should be referred to the appropriate part of the Prison Service)

- A petition relating to the work of another Secretary of State's Department (e.g. the Foreign and Commonwealth Office) should be transferred immediately to the Department with the advice that it has not been laid before The Queen. The petitioner should be informed that his petition has been transferred.

- A petition from a foreign national relating to the work of another Government Department other than a Secretary of State's Department should be sent to Constitutional Unit's registry so that the appropriate action can be taken there.

## 4. Petitions not laid before The Queen

4.1 The Secretary of State will ensure that a petition is not laid if:

- it is couched in disrespectful or offensive language

- it is incoherent

- the writer is obviously mentally disturbed

- it is a second petition from the same person on the same subject

4.2 In the latter case, the petitioner should be informed that no-one is permitted to petition The Queen more than once on the same subject. With these exceptions, all petitions should be dealt with promptly and minuted, through the Director, to the Secretary of State for submission to The Queen. The final minute on the file, when it is sent to the Palace, should be complete in itself. It should give a summary of the case and end by recommending what action should be taken.

## 5. Form of recommendation

5.1 The form of recommendation should be one of the following:

- If the request cannot be granted, the minute should end as follows:

  "? 1. Lay before The Queen with a recommendation that no Command be issued thereon.

  2. Inform the petitioner accordingly."

- If the request, or part of it, can be granted the minute should make a recommendation to that effect and should end as follows:

  "? 1. Decide that .... (set out briefly the action which it is proposed to take).

  2. Lay before The Queen.

  3. Inform the petitioner of the Secretary of State's decision."

- If a decision favourable to the petitioner had been taken before the petition was submitted, but the petitioner has not yet been informed the minute should record the fact and should end as follows:

  "? 1. Lay before The Queen.

  2. Inform the petitioner of the Secretary of State's decision."

6. **Form of reply to the petitioner**

6.1 When the papers have been laid before The Queen and are returned to the Home Office by The Queen's Private Secretary a letter conveying Her Majesty's Command should be sent as follows:

- If the request cannot be granted:

  "I am directed by the Secretary of State to say that your petition of (date) has been laid before The Queen, but the Secretary of State regrets that he was unable to advise Her Majesty to issue any Command thereon."

- If the request can be granted in whole or in part:

  "I am directed by the Secretary of State to say that your petition of (date) has been laid before The Queen. The Secretary of State has, by Her Majesty's Command, given it consideration and has decided ...."

7. **Petitions to other members of the Royal Family**

7.1 Other members of the Royal Family have no constitutional authority to issue commands to a Minister, and letters written to them, and referred to the Home Office, should not be treated as petitions. An appropriate form of reply is:

"I am directed by the Secretary of State to say that your ..... to ..... of (date) has been referred to the Secretary of State, who has given it

consideration (but regrets that he cannot agree to .....) (and has decided .....)."

8. **Counsellors of State**

8.1 Counsellors of State are appointed to act on behalf of The Queen when Her Majesty is absent from the United Kingdom. When a petition is sent direct to The Queen, and is referred by the Palace to the Home Office during the period for which Counsellors of State are appointed, the reply should be as follows:

"I am directed by the Secretary of State to say that the Counsellors of State, in the exercise of the powers delegated to them by Her Majesty by Letters Patent, have referred your petition of (date) to the Secretary of State, who has given it consideration
(and has decided .....) (but regrets that he is unable to advise The Queen to issue any Command thereon)."

8.2 When a petition is addressed to the Home Office for transmission to The Queen during the period for which Counsellors of State are appointed, the file should be minuted to the Secretary of State as described in paragraph 1.5 above. The reply to the petitioner should not, however, say that the petition has been laid before Her Majesty. The wording should be the same as that set out above.

9. **Petitions from abroad**

9.1 The answer to a petition sent from abroad should be conveyed to the Foreign and Commonwealth Office. An official letter, making use of the formula given below, should be addressed to the Foreign and Commonwealth Office, enclosing the petition and **either** suggesting the substance of the reply **or** giving any information which might be helpful to that Department (e.g. the reference number of related correspondence with a post abroad).

"The Secretary of State would be glad if arrangements could be made for Mr ..... to be informed that .....".

9.2 In any case of doubt or difficulty, reference should be made to Constitutional Unit.