

PREM19

89

LEGAL PROCEDURE

(Authority to order drafting
of Bills)

(Chancellor of the Duchy to
be given)

Confidential Filing

Ministerial Responsibility for the
Drafting Authority for Bills

LEGAL PROCEDURE

May 1979

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
18.5.79							
PREM 19/89							



FILE

VLS

Legal Procedure

CONFIDENTIAL

MR. VILE
CABINET OFFICE

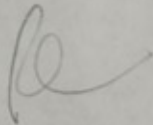
Drafting Authority for Bills

The Prime Minister has seen Sir John Hunt's minute of 17 May (A09577), seeking her agreement for the Chancellor of the Duchy being given drafting authority for Bills.

The Prime Minister agrees that this should be done and would be grateful if the Cabinet Office could arrange for Departmental Ministers to be informed of the arrangements.

N. J. SANDERS

18 May 1979



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Ref. A09577

PRIME MINISTER

Drafting Authority for Bills

As you know, there is a long-established arrangement under which the employment of Parliamentary Counsel on the drafting of Bills is controlled centrally. Usually this central authority has rested with the Lord President as Leader of the House of Commons; for several years before that the Leader of the House shared the responsibility with the Lord Chancellor by virtue of their chairmanship of the relevant legislation committees.

2. For the Government's major Bills, drafting authority is a formality. There is no question of withholding drafting consent for a Bill which has been included in The Queen's Speech, or which Ministers collectively recognise as politically important. Difficulty is more likely to arise over Bills of acknowledged low priority which a departmental Minister wishes to have drafted, say, for handing to a Private Member or for introduction if there is a convenient gap in the Parliamentary programme. The Minister responsible for drafting authority then has to consider whether Parliamentary Counsel have the capacity to take on the extra work, or whether they could do so only at the expense of more important Bills. There are also occasions in a busy Session when the Minister with drafting authority must indicate to Parliamentary Counsel the relative priority to be given to particular Bills, so that work on one can be slowed down to speed up work on others.

3. The Lord President is now the Leader of the House of Lords, and he will be much less familiar with the situation in the Commons where the main pressures and conflicts of priorities arise. Given the present Ministerial responsibilities, there are three other possible choices for the task - the Home Secretary would qualify as Chairman of The Queen's Speeches and Future Legislation Committee; the Lord Chancellor would be a candidate as Chairman of Legislation Committee; but neither has a continuing responsibility for the progress of the legislative programme as a whole, and each of them has considerable programmes on their

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PRIME MINISTER

This makes sense in operational terms, and Mr St John Stevas would be hurt if he did not receive drafting authority.

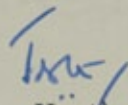
Agree with Sir J Hunt's recommendation?
mjs

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own departmental legislation: and I do not think either would want to take on this responsibility. Accordingly I suggest that the Chancellor of the Duchy as Leader of the House of Commons, would be the most appropriate choice. He has the main interest in the House of Commons' timetable and the flow of Bills. He presents the programme of Bills to QL and the Home Secretary has already asked him to chase Departments up on getting ahead with drafting as quickly as possible. The fact that he is not Chairman of either of the Legislation Committees would not matter. The authority for employing Parliamentary Counsel has never been a subject for discussion in the Committees themselves, and consultation between Ministers has always been undertaken bilaterally.

4. If you agree, I shall arrange for departmental Ministers to be informed of the arrangements for seeking drafting authority.

Agreed mt.


(John Hunt)

17th May, 1979

END

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