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Questions of Procedure for Ministers.

PART I

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The documents listed above, which were enclosed on this file, have been removed and destroyed. Such documents are the responsibility of the Cabinet Office. When released they are available in the appropriate CAB (CABINET OFFICE) CLASSES

Signed *M. Dayland*

Date *15 February 2011*

PREM Records Team

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QUESTIONS OF PROCEDURE FOR MINISTERS

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QUESTIONS OF PROCEDURE FOR MINISTERS

1. Throughout this memorandum Ministers comprehend all members of the Government, including Assistant Government Whips. They do not include Parliamentary Private Secretaries (who are dealt with in section V).

1. Privy Council

Attendance at Meetings of the Privy Council

2. Once a Minister has accepted a Summons to a meeting of the Privy Council this should take precedence over all other engagements. If a Minister is subsequently unable to attend because of illness, or should some inescapable public duty intervene, the Clerk of the Council must be informed immediately. If a Minister has a meeting immediately before a Council, the agenda should be arranged to leave ample time to reach the Palace. In no circumstances is it permissible for a Minister not to attend owing to the over-running of a meeting. The failure of a Minister to attend a Council after a summons has been accepted is not only discourteous to The Queen but could result in no quorum being present to transact essential Government business.

II. Cabinet Procedure

Cabinet and Cabinet Committee business

3. Cabinet and Cabinet Committee business consists, in the main, of -

i. Questions which significantly engage the collective responsibility of the Government, because they raise major issues of policy or because they are likely to occasion public comment or criticism.

ii. Questions on which there is an unresolved argument between Departments.

Matters wholly within the responsibility of a single Minister and which do not engage collective responsibility as defined above need not be brought to the Cabinet or to a Cabinet Committee. A precise definition of such matters cannot be given; in borderline cases a Minister is well advised to seek collective consideration. Questions involving more than one Department should be examined interdepartmentally, before submission to the Cabinet, so that the decisions required may be clearly defined.

Meetings of the Cabinet and Cabinet Committees

4. Cabinet meetings take precedence over all other business except meetings of the Privy Council. Requests by Cabinet Ministers for permission to be absent should be made only in the most exceptional circumstances, and should be made at the earliest opportunity and by a personal Minute to the Prime Minister.

(See paragraph 8 below for attendance at Cabinet Committees.)

5. In order not to disturb the proceedings of the Cabinet and Cabinet Committees, Ministers should see that messages are not sent to them unless this is absolutely essential. A Minister invited to attend for a particular item will be called into the meeting by the Prime Minister's Private Secretary (or the Secretary of the Committee) as soon as the item for which he or she is required has been reached.

6. The Secretary of the Cabinet should be informed of Ministers' out-of-town engagements, and also of their weekend and holiday arrangements, so that, if a sudden emergency arises, he can inform the Prime Minister which Ministers are immediately available.

Cabinet Committees

7. The Cabinet is supported by Ministerial Committees which have a two-fold purpose. First, they relieve the pressure on the Cabinet itself by settling as much business as possible at a lower level; or failing that, by clarifying the issues and defining the points of disagreement. Second, they buttress the principle of collective responsibility by ensuring that, even though an

important question may never reach the Cabinet itself, the decision will be fully considered and the final judgment will be sufficiently authoritative to ensure that the Government as a whole can be properly expected to accept responsibility for it. When there is a conflict between Departments, it should not be referred to the Cabinet until other means of resolving it have been exhausted, including personal correspondence or discussions between the Ministers concerned.

8. If the Ministerial Committee system is to function effectively, appeals to the Cabinet must clearly be infrequent and the Chairmen of Committees are required to exercise their discretion in advising the Prime Minister whether to allow them. The only automatic right of appeal is if Treasury Ministers are unwilling to accept expenditure as a charge on the contingency reserve: otherwise the Prime Minister will only entertain appeals to the Cabinet after consultation with the Chairman of the Committee concerned. Departmental Ministers should normally attend in person meetings of Committees of which they are members or to which they are invited; unless they make it possible for their colleagues to discuss with them personally issues which they consider to be important, they cannot - except where their absence is due to factors outside their control - expect the Prime Minister to allow an appeal against an adverse decision taken in their absence.

Preparation of business for Cabinet and Cabinet Committees

9. The Secretary should be given at least seven days' notice of any business (including business to be raised orally) which a Minister wishes to bring before the Cabinet or a Cabinet Committee; and memoranda should be circulated at least two full working days before they are to be discussed. It is of the utmost importance that this "48-hour rule" should be observed if Ministers are to have a proper opportunity of considering the issues involved. Ministers who fail to comply with the rule should not be surprised if their papers are not placed on the agenda. When the subject is of major importance Ministers should normally be given more time to consider papers, and wherever possible such papers should be circulated at least seven days before the meeting.

10. Ministers' Private Secretaries can help the Secretary by indicating which Ministers other than members of the Cabinet or Committee are likely to be concerned with a subject so that arrangements may be made for their attendance.

11. Proposals involving expenditure affecting general financial policy should be discussed with the Treasury before being submitted to the Cabinet or to a Ministerial Committee; and the results of those discussions together with the best possible estimate (or estimates, if the Department's figures cannot be reconciled with the Treasury's) of the cost to the Exchequer, should be indicated in the memorandum. Where proposals affect United Kingdom obligations or interests as members of the European Community this should be clearly explained. If proposals have manpower implications or may give rise to problems of recruitment, these should be clearly stated after consultation (in the case of manpower) with the Civil Service Department. Attention should also be drawn to any accommodation problems, after consultation with the Property Services Agency. No memorandum should be circulated to the Cabinet unless any legal implications which it raises have been cleared, or at least clarified, with the Law Officers. The Cabinet Office will not normally accept a memorandum for circulation to the Cabinet or a Ministerial Committee unless these steps have been taken.

12. These rules do not limit the right of Ministers to submit to the Cabinet memoranda setting out their views on general issues of policy.

13. Memoranda for the Cabinet and Committees of the Cabinet should be as clear and as brief as possible, not exceeding two pages at maximum. Time spent in making a memorandum short and clear will be saved many times over in reading and in discussion; and it is the duty of Ministers to ensure by personal scrutiny that this is done and that, where necessary, memoranda submitted to them are revised accordingly. The model memorandum explains at the outset what the problem is, indicates briefly the relevant considerations, and concludes with a precise statement of the decisions sought. To facilitate reference in discussion, paragraphs should be numbered.

Cabinet Conclusions and Cabinet Committee Minutes

14. The record of Cabinet and Cabinet Committee proceedings is limited to the conclusions reached and such summary of the discussion as is necessary for the guidance of those who have to take action. The Cabinet Office are instructed to avoid, so far as practicable, recording the opinions expressed by particular Ministers. Matters of exceptional secrecy or political sensitivity may be recorded in a Limited Circulation Annex.

15. Any suggestions for amendment of Cabinet Conclusions or Cabinet Committee minutes must reach the Secretary not later than 24 hours after the circulation of the minutes.

16. Ministers are responsible for instructing their Departments to give effect to the conclusions of the Cabinet or of one of its Committees, and for telling subordinate Departments or branches about decisions affecting them. When immediate action is required by a Department not represented at the meeting, the Secretary will ensure that the Department concerned is notified forthwith. Where urgent action has to be taken by a Department, application may be made to the Secretary for an advance copy of the relevant conclusions.

Cabinet documents

17. Rules governing the layout, reproduction, circulation, handling and disposal of Cabinet and Cabinet Committee documents are set out in a separate memorandum: Cabinet and Cabinet Committee Documents: Standing Instructions (CSI(79) 1).

18. Ministers relinquishing office without a change of Government should hand over to their successors those Cabinet documents required for current administration and should ensure that all others have been destroyed in accordance with the standing arrangements. Former Ministers may at any time have access in the Cabinet Office to copies of Cabinet or Cabinet Committee papers issued to them while in office.

19. On a change of Government, the outgoing Prime Minister issues special instructions about the disposal of the Cabinet papers of the outgoing Administration.

20. Some Ministers have thought it wise to make provision in their Wills against the improper disposal of any official or Government documents which they might have retained in their possession by oversight.

Collective responsibility

21. Decisions reached by the Cabinet or Cabinet Committees are binding on all members of the Government. They are however normally announced and defended as the decision of the Minister concerned. On occasions it may be desirable to emphasise the importance of a decision by stating specifically that it is the decision of Her Majesty's Government. This, however, is the exception rather than the rule.

22. It is important to avoid giving any indication of the manner in which the Minister's colleagues have been consulted before any decision is announced. The principle of the collective responsibility of Ministers, upon which the Cabinet and Cabinet Committee system depends, requires opportunities for free and frank discussion between Ministers; the method adopted by Ministers for discussing among themselves questions of policy is essentially a domestic matter, and such discussion will be hampered if the processes by which it is carried on are disclosed. The growth of any general practice whereby decisions of the Cabinet or of Cabinet Committees were announced as such would lead to the embarrassing result that some decisions of government would be regarded as less authoritative than others; critics of a decision reached by a particular Committee could press for its review by some other Committee or by the Cabinet itself, thus impairing the constitutional right of individual Ministers to speak in the name of the Government as a whole. It is therefore undesirable in principle to disclose the existence, composition and terms of reference of Cabinet Committees, and the identity of their Chairmen, since ill-informed speculation about the status and authority of individual Ministers and the validity of a Committee's decisions may well result, with consequent damage to the collective responsibility of the Government.

Consultation with the Law Officers

23. The Law Officers must be consulted in good time before the Government is committed to critical decisions involving legal considerations. It will normally be appropriate to consult the Law Officers in cases where -

- i. The legal consequences of action by the Government might have important repercussions in either the foreign or domestic field.
- ii. A Departmental Legal Adviser is in doubt concerning:
 - a. the legality or constitutional propriety of legislation which the Government propose to introduce; or
 - b. the vires of proposed subordinate legislation; or
 - c. the legality of proposed administrative action.
- iii. Ministers, or their officials, wish to have the advice of the Law Officers on questions involving legal considerations, which are likely to come before the Cabinet or a Cabinet Committee.
- iv. There is a particular legal difficulty which may raise political aspects of policy.
- v. Two or more Departments disagree on legal questions and wish to seek the views of the Law Officers.

By convention, written Opinions of the Law Officers are generally made available to succeeding Administrations, unlike other Ministerial papers.

24. Ministers occasionally become engaged in legal proceedings primarily in their personal capacities but in circumstances which also involve their official responsibilities. In such cases they should consult the Law Officers before consulting their own solicitors, in order to allow the Law Officers to express a view on the handling of the case so far as the public interest is concerned or, if necessary, to take charge of the proceedings from the outset.

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III. Propriety and Security in the Conduct of Government Business

25. All Ministers should protect both the Government's reputation for integrity and the confidentiality of its proceedings. They should therefore conduct themselves, both in public and in private, in such a way as to avoid circumstances which could either damage the Government's good name or be used against them as a means of pressure by hostile intelligence agents. On first appointment, and in certain cases on appointment to a subsequent Ministerial office, Ministers will be briefed by the Security Service, who will explain both the basic threat to our security and the system of protection against it. They will also be invited to sign a declaration that they have read the relevant provisions of the Official Secrets Acts.

26. Premature or unauthorised disclosure of matters under discussion by the Cabinet or its Committees damages the reputation of the Government and impairs the efficiency of administration. Ministers who share the collective responsibility for the Government's programme must be kept generally aware of the development of important aspects of Government policy. But, outside this limited circle, knowledge of these matters should be confined to those, whether Ministers or officials, who are assisting in the formulation or execution of the particular policy concerned or need to know what is afoot because of its effect on other aspects of public business for which they are responsible.

27. Confidential aspects of Government policy should not be discussed with persons outside Government service unless this is necessary for the transaction of public business. Care should be taken that no discussions of confidential Government business are held in places where they may be overheard; and special care should be taken to protect the security of all classified Government papers.

28. Ministers should personally ensure that not only they but also members of their staffs maintain good security and that the appropriate precautions are strictly enforced in their Departments. In particular -

i. The rules governing access to Cabinet and Cabinet Committee documents are set out in the separate memorandum Cabinet and Cabinet Documents: Standing Instructions (CSI(79) 1). The main features of these are: that the "need to know" principle is paramount; that minutes and memoranda of the Cabinet and of the most sensitive Cabinet Committees must not be shown automatically to anyone within a Department except on the specific instructions of the Minister to whom the documents were issued; and that, subject to the overriding direction of the Minister or Permanent Secretary, access to Cabinet documents shall be determined on a strict "need to know" basis by the Minister's Principal Private Secretary.

ii. A member of the Cabinet has responsibilities wider than those of his or her own Department and will in that capacity receive some documents which are of no concern to any of his or her subordinates.

iii. The handling of documents reflecting the personal views of Ministers requires special care. It is contrary to the doctrine of collective responsibility to make known the attitude of individual Ministers on matters of policy.

iv. Serious leaks can occur when the media can piece together isolated items of information, each of apparently little importance, gathered from several sources. It is therefore unwise to disclose prematurely even relatively minor or partial aspects of matters. In appropriate cases it may be in the public interest to communicate certain information in confidence to a responsible editor, Lobby correspondent, etc, for purposes of guidance: but this should be done only when it is known that such confidence will be respected.

v. A PICKWICK telephone should be used for conveying TOP SECRET and SECRET information whenever possible. The normal telephone system (including Federal) is not secure and a scrambler gives no protection against deliberate interception. When PICKWICK is not available the following precautions should be taken -

a. Long distance calls. Calls from and to places within 50 miles of London may go by radio relay and are therefore particularly liable to interception. Such interception is facilitated by the comparative ease with which certain calls may be identified, ie calls over private circuits, calls to identified numbers of intelligence interest and those calls where a scrambler is used. TOP SECRET information should never be conveyed during long distance calls. SECRET and CONFIDENTIAL information should be conveyed only when the urgency outweighs the risk to security. It is essential that a scrambler should NOT be used but that the content of the call should be so disguised as to be unintelligible to a hostile intelligence service.

b. Local calls, which go by land line. Where in cases of extreme urgency TOP SECRET and SECRET information has to be referred to it is essential that a scrambler should be used, and conversation should be in guarded language. There is less objection to CONFIDENTIAL information being passed on the telephone on a local call; but this should be done in a guarded manner and a scrambler should be used whenever possible.

29. Ministers may occasionally have to take classified documents out of their Departments or to have them sent to them when they are out of London. Rules on this subject are contained in Chapters 6-8 of the Manual "Security in Government Departments"; and these should be strictly observed. Departments should ensure that security containers are provided in the homes of all members of the Cabinet and of other Ministers who find it necessary to take

a significant amount of sensitive material out of their Departments; and Ministers should consult their Permanent Secretaries both about the extent of the confidential material which they need to deal with at their homes and the adequacy of the measures for its protection.

30. It is undesirable that Minister should have direct contact with persons offering their services as intelligence agents. Any Minister approached either direct or through an intermediary should offer no comment but should as soon as possible inform his or her Permanent Secretary of the approach.

31. These rules alone will not ensure that the Government's conduct of public business is not prejudiced by premature disclosure. All Ministers are expected to set an example in exercising discretion and to see that their example is followed.

IV. Junior Ministers

32. The Minister in charge of a Department is alone answerable to Parliament for the exercise of the powers on which the administration of that Department depends. The Minister's authority may, however, be delegated, either to a junior Minister or to an official; and it is desirable that Ministers should devolve on their junior Ministers responsibility for a defined range of Departmental work, particularly in connection with Parliament. The assignment of duties to a junior Minister will thus be a matter for the Minister to decide and will vary from one Department to another but where it is proposed to confer on junior Ministers "courtesy titles" descriptive of the duties assigned to them, the Prime Minister's prior approval must be sought, and the Secretary of the Cabinet should also be informed.

33. Although a junior Minister may be authorised to supervise the day-to-day administration of a defined range of subjects, this arrangement cannot relieve the Permanent Secretary of his general responsibilities for the organisation and discipline of the Department or his duty to advise on matters of policy. The junior Minister is not subject to the directions of the Permanent Secretary; but, equally, the Permanent Secretary is not subject to the directions of the junior minister. Any conflict of view between the two can only be resolved by reference to the Minister in charge of the Department or, if the latter is absent and a decision cannot be postponed, by reference to the Prime Minister or to a Minister whom she has nominated for the purpose.

Arrangements during absence from London

34. When a Minister is to be out of touch for a considerable period because of absence or illness a junior Minister will normally take Ministerial charge of the Department. On some occasions, it may be desirable that arrangements should be made for another member of the Cabinet to be available to give political guidance to officials of the Department and to represent the Department's interests in discussions in Cabinet or Cabinet Committees. The Prime Minister's prior approval should be sought for the arrangements for superintending the work of a Department when the Minister in charge will be absent.

35. When one member of the Cabinet is acting in this way on behalf of another, special care must be taken over the exercise of statutory powers. Powers vested formally in "the Secretary of State", as distinct from a specific Secretary of State, can be exercised by any Secretary of State in the absence of another. But otherwise the statutory powers of one Minister cannot formally be exercised in the Minister's absence by a colleague in charge of another Department, and a Minister who is acting for an absent colleague should be careful to avoid appearing formally to exercise powers which are expressed by statute as exercisable by that colleague. The powers of a Board or Council may, however, be exercisable in the absence of its principal

member. There may also be statutory authority for formal documents to be signed on behalf of an absent Minister by junior Ministers or officials. Ministers will wish to seek legal advice in cases of doubt.

36. There is no similar difficulty about submissions to Her Majesty. Submissions made in the absence of a Minister can however only be made by a junior Minister who is a Privy Counsellor or by another member of the Cabinet. Submissions on behalf of an absent Secretary of State must be made by another Secretary of State.

V. PARLIAMENTARY PRIVATE SECRETARIES

37. Parliamentary Private Secretaries occupy a special position which is not always understood. They are not members of the Government, and should be careful to avoid being spoken of as such. They are Private Members, and should therefore be afforded as great a liberty of action as possible; but their close and confidential association with Ministers necessarily imposes certain obligations on them.

38. Ministers choose and appoint their own Parliamentary Private Secretaries with the approval of the Prime Minister. The Chief Whip should, however, be consulted about the choice of a Parliamentary Private Secretary; and in view of the special position which Parliamentary Private Secretaries occupy in relation to the Government, the Prime Minister's approval must also be sought before any such appointment is offered or announced.

39. Ministers should ensure that their Parliamentary Private Secretaries are aware of certain principles which should govern the behaviour of Parliamentary Private Secretaries in the House of Commons. Like other Private Members,

Parliamentary Private Secretaries are expected to support the Government in all important divisions. However their special position in relation to the Government imposes an additional obligation which means that no Parliamentary Private Secretary who votes against the Government may retain his or her position. Parliamentary Private Secretaries should not make statements in the House or put Questions on matters affecting the Department with which they are connected. Parliamentary Private Secretaries are not precluded from serving on Select Committees but they should not do so in the case of inquiries into their own Ministers' Departments and they should avoid associating themselves with recommendations critical of or embarrassing to the Government. They should also exercise great discretion in any speeches or broadcasts which they may make outside the House, taking care not to make statements which appear to be made in an official or semi-official capacity, and bearing in mind at the same time that, however careful they may be to make it clear that they are speaking only as Private Members, they are nevertheless liable to be regarded as speaking with some of the authority which attaches to a member of the Government. Generally they must act with a sense of responsibility and with discretion; and they must not associate themselves with particular groups advocating special policies.

40. Parliamentary Private Secretaries are not members of the Government, and official information given to them should generally be limited to what is strictly necessary for the discharge of their Parliamentary and political duties. This need not preclude them from being brought into Departmental discussions or conferences where appropriate, but they should not have access to secret establishments, or information graded secret or above except on the personal authority of the Prime Minister.

VI. MINISTERS' VISITS

Ministers' visits overseas

Planning the visit

41. Overseas visits (including visits to the Republic of Ireland) should not normally be made while Parliament is in session. Ministers should arrange such visits only in the Recess or, where appropriate, at weekends, except where the visit is in connection with the business of the European Community or there are other compelling reasons of Government business. In particular, overseas visits which are largely of a fact-finding kind should be reserved exclusively for the Parliamentary Recess. Moreover, in planning the overseas visits Ministers should take account of paragraph 4 above, ie that Cabinet meetings take precedence over all other business (other than meetings of the Privy Council). Sufficient Ministers must also be available during recesses to ensure effective conduct of Government business, and it may be necessary for this reason to restrict or reconsider absences abroad.

42. In order to obtain the fullest value from an overseas visit it is important that, except where the visit is to eg an international meeting on a fixed date, the Foreign and Commonwealth Office should be asked by Private Secretary letter at the earliest stage possible, to consult the diplomatic post in the country to be visited, so as to ensure that local considerations, complications of timing, clashes with other proposed Ministerial visits etc are taken into account in setting the dates and drawing up the initial programme. Ministers' Private Secretaries should not themselves approach posts direct.

43. Ministers should pay close attention to the need to be able to justify their overseas visits to Parliament and to public opinion generally. The visiting party should always be kept as small as practicable and Ministers should make it their personal responsibility to approve the size and composition of any Ministerial delegation for which their Department is responsible. (Where a delegation includes a Foreign and Commonwealth Office Minister the concurrence of the Foreign and Commonwealth Secretary in the size and composition of the

the delegation should also be obtained). In order that a central record of the cost of such visits can be maintained, Ministers should arrange for returns to be sent three times a year to Manpower Central Branch, Civil Service Department, with copies to the Secretary to the Ministerial Visits Committee, Protocol and Conference Department, Foreign and Commonwealth Office. Returns giving details of the numbers and cost of those members of the delegation travelling at public expense should be sent within three weeks of the end of each Parliamentary Recess. They should cover all visits made since the previous return, except visits to EEC countries for the purpose of attending regular meetings of the EEC Councils or Ministerial Meetings on Political Co-operation. All other visits to EEC countries should be included.

Leave of absence

44. Any member of the Cabinet who wishes to be absent from the United Kingdom, whether on duty or leave, should -

(i) Seek the Prime Minister's approval. This must be done before any commitment, even of an informal nature, is made. The reasons for the visit and a list of the countries to be visited should be given; in the case of official visits, the number of officials and the reasons for taking them should also be specified. Copies of the letter should be sent to the Foreign and Commonwealth Secretary and to the Chief Whip: their views will be taken into account by the Prime Minister before reaching a decision. A copy should also be sent to the Secretary of the Cabinet.

(ii) After the Prime Minister's approval has been obtained the Minister should, for all visits abroad other than visits to Brussels or Luxembourg on European Community business, seek the Queen's permission to leave the country. At the same time Her Majesty should be informed of the arrangements made for the administration of the Minister's office during absence.

45. Other Ministers who propose to leave the United Kingdom whether on duty or on leave need not obtain The Queen's permission to do so. They should however, after obtaining the consent of their own Ministers, take the action at paragraph 44(i) above.

Entertainment overseas

46. If it is thought that a Minister may need to provide official entertainment while overseas, the advice of the Foreign and Commonwealth Office should be sought both on the desirability and on the form of such entertainment.

Ministers recalled to vote

47. If a Minister is abroad on public duty and at public expense and is called home to vote and then returns on public duty, the extra journey back and forth is chargeable to public funds.

Ministers' visits in the United Kingdom

48. Ministers who are planning official visits to Scotland, Wales and Northern Ireland should inform the Secretary of State concerned and the Chief Whip. It is also customary to inform the Home Secretary of prospective visits to the Channel Islands and the Isle of Man.

49. It is the custom for Ministers when accepting invitations to visit constituencies to inform the Members concerned; and special care should be taken not to overlook this courtesy. It is particularly desirable to give as much notice as possible in the case of constituencies represented by Government supporters. Ministers cannot, of course, invite Members to accompany them; but adequate notice will enable Members to ensure that they receive invitations from local organisers to functions of an official nature. It will also enable them to make suggestions to the Minister about the inclusion in the itinerary of places which it would be helpful to visit.

50. When a Minister makes an official public visit to a town in the United Kingdom, the Local Authority should also be informed. If the Minister has time and cares to do so, an offer to call on the Mayor, Provost or Chairman may be made; but this is not necessary unless the visit has some particular local significance. However similar considerations apply as in paragraph 49 where the local authority is controlled by Government supporters. It is not necessary to give notice to the Local Authority if the Minister is going in a private capacity or, if in a Ministerial capacity, as the guest of an organisation which is giving a private function.

Use of official cars and travel by rail and air

51. Guidance on the use of official cars and on rail and air travel is issued separately (C(PR)(79) 2).

Expenses on travel and hospitality

52. When Ministers travel on official business, their travel expenses should normally be borne by the Departmental Vote. An exception may be made where a nationalised industry issues a specific invitation to the responsible Minister to visit its establishments or to inspect its activities in circumstances where it would be natural for the Chairman of the Board concerned to accompany the Minister and to provide reasonable hospitality or travel facilities. Alternatively, there may be rare occasions when a Minister is invited to attend, eg an industrial conference at a hotel, when it would be discourteous to refuse hospitality. Ministers may accept invitations of this nature, provided that they are not too frequent.

53. In order to avoid the risk of misrepresentation, Ministers should not normally accept offers of free travel from foreign Governments, or other organisations. In any cases of doubt, the Prime Minister should be consulted.

Travelling expenses of spouses

54. The expenses of a Minister's spouse when accompanying the Minister on the latter's official duties may on special occasions be paid from public funds, provided it is clearly in the public interest that he or she should accompany the Minister. In the case of official visits overseas, the Prime Minister's prior assent should be obtained on each occasion. For official visits within the United Kingdom, this is at the discretion of the Minister in charge of the Department concerned who should consult the Permanent Secretary. The Prime Minister's prior approval is however required for any arrangement

whereby a Minister's spouse may regularly travel at public expense within the United Kingdom; Ministers should arrange for the Civil Service Department to be consulted about such arrangements before submitting them to the Prime Minister.

Parliamentary Private Secretaries

55. Parliamentary Private Secretaries making official visits in the United Kingdom may receive the normal Civil Service travelling and subsistence allowances in respect of absences on official (ie Departmental) business, as would other MPs undertaking work for Government Departments. It is for the Minister concerned to decide whether or not the Parliamentary Private Secretary, when undertaking the same journey, is engaged on Departmental business. It may occasionally be useful for a Parliamentary Private Secretary to accompany the Minister on an official visit abroad but no such arrangements should be made without the prior approval of the Prime Minister. The point in paragraph 40 should be borne in mind when a Parliamentary Private Secretary is accompanying the Minister on a visit.

Special Advisers

56. When a Special Adviser whose salary is not met from public funds accompanies a Minister on Government business, those funds should meet any additional expenditure to which the Exchequer may be put on this account. The approval of the Prime Minister should be obtained before a Special Adviser accompanies a Minister overseas in these circumstances.

VII. Relations with other Governments

57. Ministers should remember the importance of sending to the Foreign and Commonwealth Secretary a note of the salient points of any discussions which they may have with representatives of foreign or Commonwealth countries. This applies to informal discussions as well as those held in the course of official business.

58. Special care is needed in conversations at social functions at Embassies or at other functions at which foreign diplomatic representatives are present.

Visits by Commonwealth or foreign Ministers

59. Ministers should inform the Foreign and Commonwealth Secretary before extending invitations to Ministers in other Governments to pay official visits to this country; and in any case of doubt or difficulty, they should consult him.

Foreign decorations

60. It is a well-established convention that Ministers should not, while holding office, accept decorations from foreign countries.

Offers of hospitality, open letters, etc.

61. Ministers should not overlook the possible foreign policy implications of such day-to-day matters as offering hospitality to prominent political figures visiting this country, accepting social commitments of a similar kind, giving public support for petitions, open letters, etc. Such actions, which may not necessarily appear to justify prior consultation, may be construed as significant by foreign observers of the United Kingdom. In any case of doubt Ministers should consult with the Foreign and Commonwealth Secretary before making commitments. In addition the Foreign and Commonwealth Secretary should be consulted whenever a Minister intends to make a speech touching on matters affecting foreign and Commonwealth affairs.

VIII. Acceptance of Gifts and Services

62. It is a well-established and recognised rule that no Minister or public servant should accept gifts, hospitality or services from anyone which would, or might appear to, place him or her under an obligation. The same principle applies if gifts etc are offered to a member of their family.

63. This is primarily a matter which must be left to the good sense of Ministers. But any Minister in doubt or difficulty over this should seek the Prime Minister's guidance.

64. There may be difficulty in refusing a gift from another Government (or Governmental organisation) without the risk of apparent discourtesy. In deciding whether to accept or to offer gifts of this kind Ministers should where possible consult their Permanent Secretaries who will be able to advise them about the rules applicable to civil servants in analogous circumstances; and in any case of doubt they should seek the Prime Minister's views. If however such a gift is accepted the following rules apply -

- a. Its receipt should, in all cases, be reported to the Permanent Secretary.
- b. Gifts of small value (currently this should be put at £30) may be retained by the recipient.
- c. Gifts of a higher value should be handed over to the Department for disposal, except that
 - i. The recipient may purchase the gift at its cash value (abated by £30).
 - ii. If the recipient wishes to reciprocate with, and pay for, a gift of equivalent value the gift received may be retained.
 - iii. The gift may be displayed or used in the Department where this is appropriate.
 - iv. If the disposal of the gift would cause offence or if it might be appropriate for the recipient to use or display the gift on some future occasion as a mark of politeness, then the gift should be retained in the Department for this purpose for a period of up to five years.

Any Minister who retains an imported gift under these rules but within 2 years seeks to dispose of it must first resolve with HM Customs and Excise the possibility of liability to duty and tax.

IX. Ministers' Private Interests

65. It is a principle of public life that Ministers must so order their affairs that no conflict arises, or appears to arise, between their private interests and their public duties.

66. Such a conflict may arise if a Minister takes an active part in any undertaking which may have contractual or other relations with a Government Department, more particularly with his or her own Department. It may arise, not only if the Minister has a financial interest in such an undertaking, but also through active association with any body, even of a philanthropic character, which might have negotiations or other dealings with the Government or be involved in disputes with it. Furthermore Ministers should be free to give full attention to their official duties, and they should not engage in other activities which might be thought to distract their attention from those duties.

67. Ministers should normally make their own decisions on the application of these principles. Over much of the field, as is shown below, there are established precedents. Where there is a doubt it will almost always be better to surrender the interest but in such cases the Prime Minister of the day must be the final judge, and Ministers should submit any such case to her for her decision.

68. Where it is proper for a Minister to retain any private interest, it is the rule that he or she should declare that interest to Ministerial colleagues if they have to discuss public business in any way affecting it, and that the Minister should remain entirely detached from the consideration of that business.

Public appointments

69. Ministers should on assuming office give up any other public appointments they may hold. Where it is proposed that such an appointment should be retained, the Prime Minister must be consulted.

Directorships

70. Ministers must on assuming office resign any directorships which they may hold, whether in public or in private companies and whether the directorship carries remuneration or is honorary. The only exception to this rule is that directorships in private companies established for the maintenance of private family estates, and only incidentally concerned in trading, may be retained subject to this reservation - that if at any time the Minister feels that conflict is likely to arise between this private interest and public duty, the Minister should even in those cases resign the directorship. Directorships or offices held in connection with philanthropic undertakings should also be resigned if there is any risk of conflict arising between the interests of the undertakings and the Government.

Partnerships

71. Ministers who are partners in professional firms, as, eg solicitors, accountants, etc, should, on assuming office, cease to play any part in the day-to-day management of the firm's affairs. They are not necessarily required, however, to dissolve their partnership or to allow eg their annual practising certificate to lapse. Beyond this it is not possible to lay down precise rules applicable to every case; and Ministers in doubt about their personal position in this respect should consult the Prime Minister.

Shareholdings

72. Ministers cannot be expected, on assuming office, to dispose of all the investments they may hold. But if a Minister holds a controlling interest in any company, considerations arise which are not unlike those governing the holding of directorships; and, if there is any danger of a conflict of interest, the right course is for the Minister to get rid of the controlling interest in the company. There may also be exceptional cases where, even though no controlling interest is involved, the actual holding of particular shares in concerns closely associated with a Minister's own Department may create the danger of a conflict of interest. Where a Minister considers this to be the case, the holding should be given up. There may also be less clear-cut cases where a Minister would feel it appropriate to place the holding in the hands of trustees.

73. Ministers should scrupulously avoid speculative investments in securities about which they have, or may be thought to have, early or confidential information likely to affect the price of those securities.

"Names" at Lloyds

74. A Minister should not be a "name" at Lloyds while holding office as Prime Minister, Chancellor of the Exchequer or Secretary of State for Trade. As regards other Ministers who, on appointment to office, are "names", it is clearly inappropriate that they should take an active part in the management of the affairs of the syndicates of which they are members; and there may be cases in which, because of the emphasis of a syndicate's business, any continued participation in it must be regarded as inconsistent with the holding of a particular Ministerial office. All Ministers are therefore required, on appointment whether to their first or to any subsequent Ministerial office, to obtain the permission of the Prime Minister before continuing a connection with Lloyds, however nominal, which they had established before appointment or establishing any such connection during their term of appointment. Before granting permission, the Prime Minister will need to be satisfied that the conditions indicated above will be met.

Nominations for International Awards, etc

75. From time to time, the personal support of Ministers is requested for nominations being made for international prizes and awards, eg, the annual Nobel prizes. Ministers should not sponsor individual nominations for any awards, since it would be inevitable that some people would assume that the Government was itself thereby giving its sponsorship.

Pressure Groups

76. Ministers are frequently asked to associate themselves with pressure groups, for example by becoming signatories of open letters or appeals or by attending a rally or other function to

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which publicity is to be given. Such invitations should normally be declined since Ministerial association with pressure groups can give rise to misunderstanding about the Government's position. Any Minister who wishes to accept an invitation from a pressure group should consult the Prime Minister.

Participation in the Parliamentary Contributory Pension Fund

77. Under the terms of the Parliamentary and Other Pensions Act 1972, as amended by the Parliamentary Pensions Act 1978, Ministers, if paid, will be required to contribute to the Parliamentary Contributory Pension Fund in respect of their Ministerial salary (less, for Members of the House of Commons, the difference between their reduced salary as a Member and a Member's ordinary salary) but they may within 12 months of their appointment elect not to do so. Details of the contributions required, and of the rates of personal and family benefit which accrue from participation in the Fund, can be obtained from the Fees Office.

78. Ministers who have accrued pension rights in another pension scheme may, if they elect to participate in the Fund in respect of their Ministerial salary, and if the rules of the other scheme permit, also elect within twelve months of their appointment to have the value of those accrued rights transferred to the Fund. The Fees Office will advise on the additional benefits which will be secured by such a transfer payment.

Participation in other pension schemes

79. Ministers with accrued pension rights in another pension scheme who do not (or cannot) elect for a transfer payment may leave these as "frozen" rights in the other scheme, with no further contributions being payable during their tenure of office. Alternatively, if the rights are secured by an insurance policy (and assuming that the rules of the other scheme so permit) the policy could be transferred to them, either on a paid-up basis or with the right to continue payment of the premiums themselves.

80. Ministers who expect to resume their former employment on ceasing to hold Ministerial office and who elect not to participate in the Parliamentary Fund in respect of their Ministerial salary may remain in active membership (that is, with continued payment of contributions, and with their period of office counting as continued pensionable employment) of any pension scheme relating to that employment provided that this can be done under the rules of the scheme. In these circumstances the continued contributions may be paid by the Minister alone, or by the former employer alone, or jointly, depending on the rules of the other scheme.

81. It must be emphasised that any arrangements made under paragraph 80 must not go outside the terms of the particular pension scheme. There would be no objection to a general alteration of the rules of a scheme when this is necessary to permit such arrangements; but approval could not be given for the addition to the scheme of a special provision relating only to the tenure of a Ministerial office. If Ministers have any doubts about the propriety of any arrangements they intend making, the Prime Minister's Private Secretary may be consulted.

82. Ministers who elect not to participate in the Parliamentary scheme in respect of their Ministerial salary, and who make arrangements of the kind set out in paragraph 80 may be entitled to claim tax relief on premiums paid under a "retirement annuity contract" to provide additional pension, etc, benefits for themselves or provision for their families in the event of death. Such contracts are issued subject to the limitations and conditions laid down in the Tax Acts. Relief is normally limited to 15 per cent of the Ministerial salary excluding, for a Minister in the Commons, the difference between a Minister's reduced salary as a Member and a Member's ordinary salary; there is also an overriding limit which varies according to individual circumstances. In some cases higher limits apply to those born before 1916.

83. The taxation effects of arrangements such as are mentioned in the paragraphs above may vary according to the Minister's particular circumstances. The Controller, Superannuation Funds Office, Inland Revenue, Apex Tower, High Street, New Malden, Surrey, KT3 4DN, will be willing to explain the effects for tax purposes of any proposed arrangement under paragraph 80; he will also give, on request, further information on the legislation and reliefs available in respect of retirement annuity contracts. Alternatively a Minister may make any enquiry through the Financial Secretary, Treasury.

X. Constituency interests

84. It is wrong in principle for Ministers to use for constituency work facilities provided at public expense to enable them to carry out their public duties. This point of principle is reflected in the entitlement of Ministers to a Parliamentary salary of £4642 (£3529 for Cabinet Ministers), in recognition of the time spent in attending to the interests of their constituents, and to reimbursement of their secretarial expenses and the expenses of living away from home when attending to constituency business, within the limits prescribed by the Resolution of the House of Commons of 28 July, 1978. Ministers should thus have their constituency work done at their own expense, as they would if they were private Members of Parliament.

Parliamentary Commissioner for Administration (PCA) Cases

85. Ministers in the Commons who are asked by Members of the public to submit cases to the PCA should where possible, act no differently from other MPs. Ministers should accordingly consider requests on their merits in deciding whether to refer complaints to the PCA, to take them up with the Minister of the Department concerned, to refer the case to another MP (where the complaint is not from a constituent of the Minister) or to decline to take action. Any Minister who has in mind the reference of a case to the PCA would naturally wish to inform in advance the Minister of the Department concerned.

86. Where a complaint from a constituent is against the Minister's own Department the Minister will generally wish to investigate it personally unless he or she, or one of the other Ministers in the Department, has already been directly involved in the case. Where a Minister has been so involved, the PCA should be asked to investigate if the case is within his jurisdiction; and there may be other circumstances in which a Minister will prefer to refer a case to the PCA straight away.

Deputations

87. Ministers should not take part in any public representations (or in deputations) to other Ministers; but they are free to make their views about constituency matters known to the responsible Minister by correspondence or by personal interview provided that this is not given publicity.

XI. APPOINTMENTS BY MINISTERS

88. The Prime Minister should be consulted in good time about any proposal to set up:-

(i) Royal Commissions: these can only be set up with the sanction of the Cabinet and after The Queen's approval has been sought by the Prime Minister.

(ii) Independent Committees of enquiry into any aspect of public policy: the Chancellor of the Exchequer should be given an opportunity to comment on these.

(iii) Committees chaired by a civil servant but appointed by a Minister, which consist partly of civil servants and partly of individuals outside the government.

Submissions proposing any of the above should contain details of the proposed size and structure of the body. This requirement is separate from the provisions concerning appointments set out in paragraph 89 below.

89. The Prime Minister should also be consulted in good time about the appointment or re-appointment of:-

(i) The Chairman, Deputy Chairman and other Members of Royal Commissions.

- (ii) The Chairman or Deputy Chairman of:-
- (a) Nationalised Industry Boards
 - (b) Public Boards including the Chairman of Regional Health Authorities
 - (c) The more important Departmental committees, including those at 88(ii) and (iii)

In all such cases she will need to be informed about the particular requirements of the post in present circumstances, the attributes essential for a candidate and the extent to which proposed candidates meet such requirements. She will also wish to be informed about any intention to advertise any post in these categories.

(iii) Members of Boards, Commissions or Committees of Enquiry in cases where the appointment is likely to have political significance. Ministers should take a wide view of what constitutes political significance. Local or regional appointments may from time to time excite an unusual amount of public interest because of the circumstances surrounding the appointment or the background of the candidate. In all cases involving political considerations submissions to the Prime Minister by the appointing Minister should be copied to the Chief Whip. The Chief Whip should invariably be consulted before a Member of the House of Commons is approached about an appointment to an office which would result in the vacation of a Parliamentary seat.

Where there is doubt about the need for consultation with the Prime Minister the Civil Service Department should be consulted.

90. In all cases falling within paragraphs 88 and 89 on which a submission is to be put to the Prime Minister, Ministers should arrange for their Permanent Secretaries to consult the Head of the Civil Service beforehand; and the submission to the Prime Minister, which should be copied both to the Head of the Civil Service and to the Secretary of the Cabinet, should indicate that this has been done. In such cases no commitment should be made to any individual before the Head of the Civil Service and the Prime Minister have been consulted. In the case of Royal Commissions, the Private Secretary to the Prime Minister should be consulted before any informal soundings are undertaken. In other cases, any informal soundings should be made in such a way as to preserve freedom

of action and avoid any appearance of commitment. And there should be no reference, either directly or indirectly by implication, to the fact that names have to be submitted to the Prime Minister.

91. Subject to the above paragraphs and to the constitution of the body to which the appointment is made, public (non-Civil Service) appointments are the responsibility of the Minister concerned, who is free to appoint the persons he or she considers best qualified after making such enquiries as he or she thinks appropriate. The Minister should keep under review the relevance and appropriateness of the criteria for selecting people, bearing in mind that it may be necessary to defend them in Parliament or the Courts because, for example, of the Sex Discrimination Act.

92. More detailed guidance for Departments is contained in The Guide to Appointments Procedures, produced by the Civil Service Department.

Personal Appointments

93. Ministers who wish to make personal appointments within their own Departments should consult their Permanent Secretaries at the outset. Permanent Secretaries will consult the Head of the Civil Service who will decide on each occasion whether or not it would be appropriate to consult the Prime Minister.

Special Advisers

94. The employment of Special Advisers on the one hand adds a political dimension to the advice available to Ministers, and on the other provides Ministers with the direct advice of distinguished experts specialising in a particular field of public administration. Special Advisers are appointed directly by the Ministers they serve. No appointments of this kind should be made until the Prime Minister's approval has been secured in each case, and no commitments to make such appointments should be entered into in the absence of such approval. Guidance on the arrangements for the appointment and employment of Special Advisers is issued separately.

XII. PARLIAMENTARY STATEMENTS AND PAPERS AND OTHER GOVERNMENT ANNOUNCEMENTS

95. Some Government announcements are of a routine character and of minor importance. These present no problem of public presentation. In some cases, however, the timing of an announcement requires careful consideration in order to avoid clashes with other Government publications, statements or announcements. The Lord President of the Council, and the Chief Press Secretary at No.10 should be given as long an opportunity as possible, and wherever possible at least two working days, to comment on the content and timing of all important Government announcements, whether in the form of a statement in Parliament, White Paper or Press conference. Whenever possible they should also be shown the draft announcement in advance.

96. When Parliament is in session, important announcements of Government policy should be made, in the first instance, in Parliament. If too many announcements are made at the end of Questions, Parliamentary business is hindered. Ministers proposing to make a statement after Questions (whether or not it is related to a Question on the Order Paper) or to answer a Question by leave at the end of Questions or to make an important announcement by means of a Written Answer are therefore asked to conform with the following procedure:

a. As long notice as possible of the intention to make an announcement should be given to (i) the Prime Minister's Private Secretary; (ii) the Private Secretary to the Leader of the House of Commons; (iii) the Parliamentary Secretary, Privy Council Office; (iv) the Chief Press Secretary at No. 10. This notice should, in all but exceptional cases, be accompanied by a draft of the proposed statement; and an indication should be given whether the announcement or policy with which it is concerned has been approved by Ministers (together with references to any relevant discussion in Cabinet or Cabinet Committees). The draft statement should have been approved in broad terms, though not necessarily in detail, by the Minister in charge of the Department.

b. Ministers should not give undertakings, either in or outside the House of Commons, that an oral statement will be made to the House on any subject at a specific time or within a particular period until agreement has been given by the Private Secretaries to the Prime Minister and the Lord President to the proposed timing and by the Ministers concerned to the terms of the statement.

- c. Ministers should, if possible, avoid any announcement of the kind discussed in a. above on Thursdays, when a considerable amount of Parliamentary time after Questions is already pre-empted by discussion of the following week's business, or, except in special circumstances, on Fridays.
- d. Copies of the final version of such announcements should be sent to the Private Secretaries to the Prime Minister and the Leader of the House, the Chief Whip and the Chief Press Secretary at No 10 as soon as they are available.
- e. A copy of the text of any oral statement to be made at the end of Questions is usually shown to the Opposition Parties shortly before it is made. For this purpose five extra copies of the final text should reach the office of the Chief Whip in the House of Commons as early as possible and in any case not later than 2.00 pm on the day on which the statement is to be made.
- f. A copy of the final text of an oral statement should in all cases be sent in advance to the Speaker.
- g. The Leader of the House of Lords should be informed of a forthcoming oral statement in the House of Commons and consulted about the desirability of repeating it in the Lords.
- h. A copy of any important Ministerial statement as actually delivered should be placed as quickly as possible in the Library of the House. This affords Members an opportunity of studying it in advance of publication in the Official Report.

Press Conferences

97. In order to explain policies or to announce new policies a Minister may decide, particularly when Parliament is not in Session, to hold a Press conference. This will be convened by the Information Branch of the Department. It will be on the record and open to any representative of the home and overseas Press. A Minister may find it desirable from time to time to give a non-attributable briefing. Where, for example, the Minister has access to an organised group of correspondents, eg industrial, defence, education,

etc., this channel may be used. The Minister may, on the other hand, seek an invitation to address the Lobby. In the latter event the Chief Press Secretary at No. 10 should be consulted both about the desirability of a Lobby briefing and about the method of organising it. Ministers should avoid repeating on the record, eg on the radio or television, remarks made non-attributably earlier in the day. This paragraph applies to the overseas, as well as to the home, Press.

Publication of White and Green Papers

98. The Secretary of the Cabinet should be given the earliest possible notice of all White Papers and Green Papers which Ministers are planning to publish so that timely arrangements can be made, where appropriate, for their collective consideration. Departments should note that even when it is agreed that no issue requiring collective consideration is involved, it is customary to circulate all White Papers to the Cabinet before publication.

99. Except where such papers are of a routine character or of minor importance, the timing of their publication is governed by similar considerations to those applying to announcements made in Parliament. Ministers are therefore asked to apply to White Papers the procedure laid down in paragraph 103(a) above. The final clearance for publication will be notified by the Chief Press Secretary at No. 10.

100. Care should be taken to avoid infringing Parliamentary privilege when publicity is being arranged for White Papers and similar documents. The Chief Information Officer in the Department concerned should arrange for final revised proof copies of White Papers to be made available to the Lobby and the Upper Gallery shortly before copies are laid in the Vote Office. Chief Information Officers should also arrange through the Chief Press Secretary at No. 10, where appropriate, for their Ministers to be invited to brief the Lobby on White Papers.

Speeches

101. Ministers cannot speak publicly only for themselves. In all cases they speak as Ministers: and the principle of collective responsibility applies. They should keep within the ambit of approved Government policy

and should not anticipate decisions not yet made public. Ministers should exercise special care in referring to subjects which are the responsibility of other Ministers. Any Minister who intends to make a speech which deals with, or makes observations which bear upon, matters which fall within another Minister's responsibilities, should invariably consult that Minister.

102. The Prime Minister should always be consulted before any mention is made of matters which either affect the conduct of the Government as a whole or are of a constitutional character. The Foreign and Commonwealth Secretary should always be consulted before any mention is made of matters affecting foreign and Commonwealth affairs, relations with foreign and Commonwealth countries and the political aspects of the affairs of dependent territories. Ministers wishing to refer to economic and defence policy should in all cases first consult the Chancellor of the Exchequer and the Secretary of State for Defence respectively. Ministers wishing to discuss or refer to Northern Ireland should in all cases first consult the Secretary of State for Northern Ireland.

103. Ministers should use official machinery for distributing texts of Ministerial speeches only when such speeches are made on official occasions. Speeches made in a Party political context should be distributed through the Party machinery.

Broadcasts

104. The provisions of paragraphs 101 and 102 apply to Ministerial broadcasts as well.

105. Radio and television broadcasts by Ministers are of four types: Party political; Budget; special broadcasts by Ministers; and interviews with Ministers for news or feature programmes:

- a. Party political broadcasts on radio and television within the Government's quota are arranged through the Chief Whip acting on behalf of the Prime Minister.
- b. Budget broadcasts (by the Chancellor of the Exchequer and a member of the Opposition in reply) constitute a special series of Party political broadcasts. These are arranged through the usual channels and agreed by the Chancellor of the Exchequer.

c. The broadcasting authorities may provide opportunities within the regular framework of their programmes for Ministers to give factual explanations of legislation or policies approved by Parliament, or to seek the co-operation of the public in matters where there is a general consensus of opinion. The Opposition have no automatic right of reply.

The British Broadcasting Corporation (BBC) may also provide the Prime Minister or a senior Cabinet Minister designated by her with an opportunity to broadcast to the nation to explain events of prime national or international importance or to seek public co-operation over such events. These are traditionally known as "Ministerial" broadcasts. The Opposition have the right to make an equivalent broadcast in reply. In this event the BBC will arrange as soon as possible for a broadcast discussion of the issues involved. A member of the Cabinet, a senior member of the Opposition, and, if they so desire, representatives of third parties with appreciable electoral support would be invited to participate.

The Independent Broadcasting Authority (IBA) is not obliged to relay either type of special broadcast, but if they transmit a "Ministerial" broadcast they must also take any Opposition reply and arrange a third stage, the discussion programme.

Proposals for a special broadcast of either type should be referred as soon as possible to the Chief Press Secretary at No. 10. The Leader of the House of Commons and the Chief Whip should also be consulted. No approach should be made to the BBC or to the IBA for a broadcast of either type without the approval of the Prime Minister.

d. The broadcasting authorities are free to invite whom they please, including Ministers, to be interviewed on radio and television. These broadcast interviews fall into the two following categories:

(i) Interviews for news bulletins. Each Minister has discretion to decide whether to accept an invitation to be interviewed for an item in a news bulletin. But the Minister should consider whether the proposed interview will provide an opportunity either to explain Government policy or to clear up a misunderstanding. The Minister may well conclude that if neither of these criteria is likely to be fulfilled an appearance on the news bulletin may be superfluous and debase the currency of Ministerial appearances on radio and television.

(ii) Magazine and feature programmes. All requests for Ministers to appear on such a programme, whether on the radio or television, should be referred to the Chief Press Secretary at No. 10, with the Minister's own recommendation as to what reply should be given to the authority making the request. Although Independent Television Network's "News at Ten" is primarily a news bulletin, the extended interviews which it sometimes offers to Ministers places it in this category and in such cases, or if there is a doubt, the Chief Press Secretary at No. 10 should be consulted.

106. Ministers invited to broadcast on radio and television in a private and not a Ministerial capacity should seek the Prime Minister's approval before accepting. Ministers invited to make broadcasts outside the United Kingdom should consult the Foreign and Commonwealth Secretary and any other Minister who may be concerned with the subject of the broadcast. They should then seek the permission of the Prime Minister. Ministers invited to broadcast while on a visit to another country should seek the advice of Her Majesty's Representative in that country.

107. Ministers should not accept payment for official broadcasts on radio or television, either on their own or on their Department's account or with a view to donating the fee to charity.

Press articles

108. Ministers are precluded from the practice of journalism including the contribution of regular weekly or fortnightly articles to local newspapers in their constituencies.

109. This rule does not debar Ministers from contributing to a book, journal or newspaper (including a local newspaper in their constituency), on occasion, for the purpose of supplementing other means of informing the public about the work of their Department, provided that publication will not be at variance with their obligations to Parliament and their duty to observe the principle of collective Ministerial responsibility. It may be appropriate on occasion for such articles to be expanded to cover broader issues of Government policy. In cases of doubt, and in all cases where a Minister is contemplating the contribution of an article going beyond the strict confines of his or her Departmental responsibility, the Prime Minister should be consulted, preferably before work has begun and in any case before any commitment to publish is entered into. In all cases where an article contains material which falls within the Departmental responsibility of another Minister, that Minister must be consulted. Ministers should not accept payment for such writings.

110. It is not in general desirable for Ministers to engage in controversy in the correspondence columns of either the home or the overseas Press. Ministers are not debarred from writing letters to newspapers; but the Prime Minister's authority should be obtained beforehand.

Books

111. Ministers who wish, while in office, to write and publish a book on their Ministerial experience should inform the Prime Minister of their intentions before any commitment to publish is made. The book's substance should be consistent with Government policy. The views expressed should be governed by the principle of collective responsibility; other Ministers concerned should be consulted on matters falling within their Departmental responsibility. The manuscript should be submitted to the Prime Minister before publication.

Party publications

112. The rule in paragraph 108 above does not debar Ministers from contributing to the publications of the political organisations with which they are associated. However, in all cases where an article contains material which falls within the Departmental responsibility of another Minister, that Minister must be consulted. Payment should not be accepted for such articles.

Interviews

113. In deciding whether to grant an interview to individual Press representatives Ministers will bear in mind the need to avoid allegations of favouritism. They may also consider that their own interests will be best protected if they are accompanied by a member of the Information Branch of their Department at such interviews.

114. Ministers are sometimes asked to give interviews to historians or other persons engaged in academic research or to fill in questionnaires at their request. Ministers should bear in mind the possibility that their views may be reported in a manner incompatible with their responsibilities and duties as members of the Government. Careful consideration should therefore be given to such invitations before they are accepted; in cases of doubt, the Prime Minister should be consulted.

Royal Commissions

115. The Prime Minister should be consulted if any Minister is invited to address a Royal Commission or Committee of Enquiry.

Supply of Parliamentary publications

116. A Minister in charge of an item of business in the House of Commons is responsible for arranging that reasonable numbers of copies of any documents published during the last two Sessions which might be needed for the debate are placed in the Vote Office and for supplying the House of Commons Library in advance with a list of all those older papers which the Minister considers relevant to the item. When any document is out of print the Minister should decide whether or not a reprint is required. Where any doubt exists about the need for any document to be available for a debate the Minister's Private Secretary should consult the Chief Whip's Private Secretary.

Money Resolutions

117. All Money Resolutions are placed on the Order Paper in the name of the Financial Secretary, Treasury. But he is not responsible for seeing a Resolution through the House of Commons. It has always been the practice

(as for Civil Estimates) that, although Resolutions appear in the name of the Financial Secretary, the Minister having Departmental responsibility for the relevant Bill is also responsible for the Money Resolution in the House of Commons.

XIII. MINISTERIAL MEMOIRS AND OTHER WRITINGS

118. The prohibition on the practice of journalism by Ministers does not extend to writings of a literary, artistic, musical, historical, scientific, philosophical or fictional character which do not draw directly on their Ministerial experience.

119. The principle of collective responsibility and the need to safeguard national security and our relations with other countries impose certain obligations on former Ministers who are contemplating the publication of material based upon their recollection of the conduct of Government business in which they took part. They are required to submit their manuscript to the Secretary of the Cabinet and to conform to the principles set out in the Radcliffe Report of 1976 (Cmnd. 6386).

120. Ministers keeping a diary of their Ministerial experience may judge it advisable to leave testamentary instructions to ensure that any arrangements for its subsequent publication conform with the requirements of the previous paragraph.

XIV. POLITICAL IMPARTIALITY OF CIVIL SERVANTS

121. Civil servants should not be asked to engage in activities likely to call in question their political impartiality, or to give rise to the criticism that people paid from public funds are being used for Party political purposes.

Civil Servants' attendance at Party Conferences

122. Ministers should not ask civil servants to attend, still less to take part in, Party Political Conferences. It is an established principle in the public service that civil servants in their official capacity should not accept invitations to conferences convened by, or under the aegis of, Party

political organisations. In order to preserve the principle that the Civil Service is politically impartial it is equally important that no civil servant should be in attendance at Party occasions. If a Minister wishes to have a brief to explain Departmental policies or actions, there is no reason why this should not be provided; but neither the author of the brief nor an Information Officer should be present at the conference or meeting. The situation is, of course, different when a Minister requires officials to be in attendance not in order to attend the conference or to take part in its business but to enable the Minister to carry out urgent Departmental business.

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WHITEHALL LONDON SW1A 2ER
Tel. 01-233 3000 (Switchboard)
01-233 8545 (Direct Line)

ODDI WRTH YSGRIFENNYDD
PREIFAT YSGRIFENNYDD
GWLADOL CYMRU

FROM THE PRIVATE SECRETARY
TO THE SECRETARY OF STATE
FOR WALES

1. *Mr. Lettman*
To me
2. *F. H.*
the
29w

29 April 1981

CONFIDENTIAL

Dear Clive

I have seen a copy of Godfrey Robson's letter to you of 15 April about the need for colleagues to consult the Scottish Office when Ministers are contemplating visits to Scotland. The same principle applies of course as far as the Welsh Office is concerned when visits to Wales are contemplated. I do not think that we have been ignored altogether very often but there is a tendency to let us know very late in the day, by which time it is often too late to make helpful suggestions and any briefing we might want to provide has to be put together unnecessarily at extremely short notice.

I therefore endorse all that Godfrey said. Perhaps in doing so I could also remind colleagues of Stephen Boys Smith's letter (to me - copied to others) of 5 November 1980 about extremist activity in Wales which adds another dimension to the need for early consultation when Ministerial visits to Wales are being arranged.

/ I am sending copies of this letter to those who received Godfrey Robson's letter.

Yours ever
J F Craig
J F CRAIG
Private Secretary

Clive Whitmore Esq
Private Secretary
10 Downing Street
LONDON

Cabinet.



SCOTTISH OFFICE
WHITEHALL, LONDON SW1A 2AU

Clive Whitmore Esq
Private Secretary
No 10 Downing Street
LONDON SW1

15 April 1981

How Clive,
No action
MA 10/4

You and your colleagues at No 10 are always most assiduous in consulting us, when the Prime Minister is contemplating a visit to Scotland (and, for that matter, when anything of Scottish interest arises).

Not all of our colleagues are so diligent. Indeed, I have the impression that the rule set out in paragraph 48 of the Memorandum of Procedure for Ministers is now breached more than it is observed. That rule is that, where Ministers are planning official visits to Scotland (and to Wales and Northern Ireland) the Secretary of State concerned should be informed.

I would be grateful if the Private Secretaries to all Cabinet Ministers, to whom I am copying this letter, could consult me whenever their Ministers, or junior Ministers in their Departments, are planning a visit to Scotland. This is not simply a matter of courtesy. It allows us to assist Ministers to make best use of their visits and to avoid pitfalls of which they might otherwise be unaware. We can also, where appropriate, provide helpful briefing. And we can ensure proper liaison with the Conservative Party in Scotland.

I would be most grateful for colleagues' co-operation in this.

Yours truly,

GODFREY ROBSON
Private Secretary



cc David Wright
CO

File

AN

10 DOWNING STREET

From the Principal Private Secretary

8. 11. 81.

Dear Stuart,

Thank you for your letter of 7 April.

We shouldn't, you know, really believe you are going till you have gone, so long have you been around - so often have we heard that you return to a quieter life was imminent! But when it finally happens we shall all have or NO 10 feel very sad. We have greatly enjoyed having you as a colleague and we have benefited enormously from your help and expertise. We have looked to establishing an equally fruitful relationship with John Rhodes.

I am sorry that I cannot crown your time in British Office by expressing to the

AA

proposal you made in your letter of 5 February.
As I explained when this came up in conversation
on the telephone a little while ago, to have
fixed times for the main Cabinet Committee would
impose additional requirements into the Prime
Minister's diary which would make life even
more difficult for us than the present system
does for you. I have little doubt that if we
adopt your suggestion, we would so often
abandon the regular times and replace them
with ad hoc meetings that in practice we
should very soon be back to today's arrangements.
Sorry!

We send you all our best
wishes for the future.

Yours now,

Stanley Hampton, Esq.

John Whitman.

Cabinet



file ds

10 DOWNING STREET

From the Private Secretary

31 March 1981

Notification of Ministerial Visits to
Constituency Members

The Prime Minister has received a complaint from Ann Taylor and David Young, the Members of Parliament for Bolton, that on several recent occasions Ministers have visited Bolton without notifying them in advance.

I know how easy it is to overlook this courtesy, but the Prime Minister has asked me to remind Private Offices of the need to observe the terms of paragraph 49 of "Questions of Procedure". I should therefore be grateful if you could circulate this note to Ministerial Offices in your Department.

I am copying this letter to the Private Secretaries to the other Members of the Cabinet and to Jim Nursaw (Law Officers Department), Murdo Maclean (Chief Whip's Office) and David Wright (Cabinet Office).

A. J. SANDERS

John Halliday, Esq.,
Home Office.

JB

File

MS



10 DOWNING STREET

THE PRIME MINISTER

31 March 1981

Dear Mrs. Taylor,

Thank you for your letter of 24 March about notification of Ministerial visits to your constituency. I am sorry if there have been occasions when the normal courtesies have not been observed, and I will arrange for my colleagues to be notified of what you have said. I hope that you will take up any recurrence with the Minister concerned.

Yours sincerely,

Margaret Thatcher

Mrs Ann Taylor MP

dl



GR
back to MS
for action
MS

10 DOWNING STREET

PRIME MINISTER

This letter from Ann Taylor MP complains that Ministers have not been giving her advance notice of their visits to Bolton. She says that the same applies to David Young MP, who is the other Member for Bolton.

"Questions of Procedure" is very clear on this. It says:

"It is the custom for Ministers when accepting invitations to visit constituencies to inform the Members concerned; and special care should be taken not to overlook this courtesy."

I will very gladly send round a note reminding Departments of the need to watch out for possible difficulties. You might write to Ann Taylor as attached.

30 March 1981

MS

From Ann Taylor, M.P.



HOUSE OF COMMONS
LONDON SW1A 0AA

cc IG

Info
24th March, 1981

Dear Prime Minister,

In recent months several of your Ministers have visited Bolton and David Young M.P. and myself have not been notified. We are both rather concerned about this.

Yours sincerely,

Ann Taylor

The Prime Minister,
Rt.Hon.M.Thatcher M.P.
10 Downing St.
LONDON SW1



JMS

CONFIDENTIAL*From the Secretary of State*

Clive Whitmore Esq
Private Secretary
10 Downing Street
London SW1

5 February 1981

*Dear Clive*CABINET COMMITTEES

The arrival of David Wright's letter PS(81)3 (attached) about Cabinet Ministers' Movements brings to mind a pet hobby-horse I took up some time ago with him.

Strictly mindful of "Questions of Procedure" we allot priority to Cabinet Committees. But this frequently means that engagements which have been arranged - sometimes months in advance - have to be rescheduled at relatively short notice. For this Office, that frequently involves complicated changes to the programmes of visiting Ministers. This apparent inability to stick to an appointment must create a poor impression on overseas visitors - and indeed on British businessmen.

Being in favour of simple solutions to difficult problems, I have suggested in the past to David that we might have fixed times each week for the main Committees, which would be taken up or not as business for them required. Inevitably there may on occasion be a need for extra meetings, but at least we should have a clear warning of times to avoid for meetings involving people outside the Department. David's view was that such a simple approach was ruled out by the Prime Minister's schedule.

I do not pretend to know the complexities of your diary, but I can imagine it has the awfulness of ours multiplied several times. It is fully accepted that we must on some occasions suffer inconvenience to make life more tolerable for the Prime Minister. It strikes me, however, that the adoption of fixed times for Committees might even take away some of your problems of fitting a pint into a half-pint pot.

Our diary secretary sits directly in my line of vision, and I have seen her and her predecessors driven frantic as they try to unscramble their wrecked diaries. Presumably the scene is regularly repeated all around Whitehall. I regard this as a waste of effort which we

CONFIDENTIAL



CONFIDENTIAL

From the Secretary of State

should try to stop - even if the solution I offer may seem unrealistically simple.

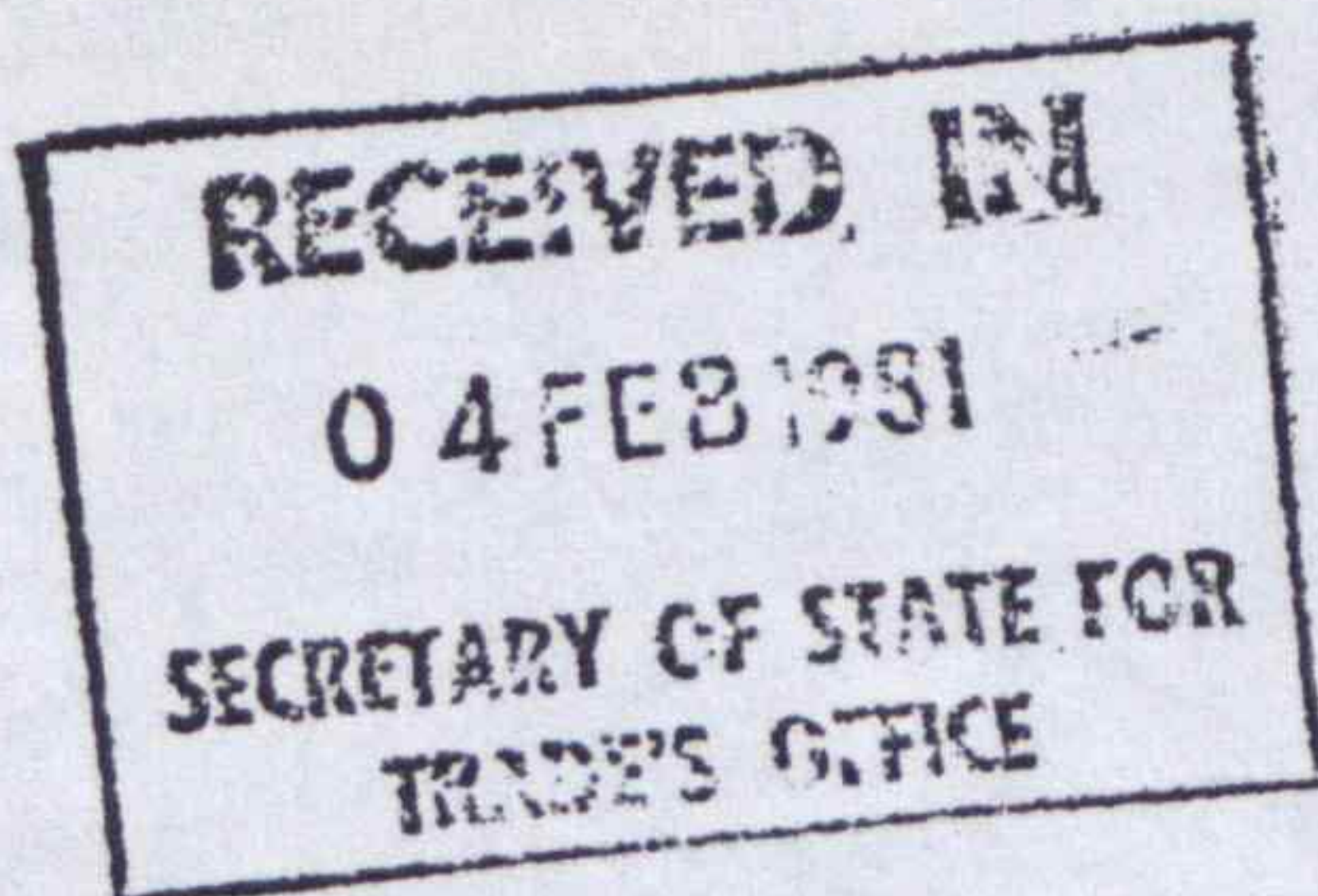
I am copying this letter to David Wright.

Yours sincerely,

Stuart Hampson

Stuart Hampson
Private Secretary

CONFIDENTIAL



CONFIDENTIAL

Cabinet Office,
70 Whitehall,
London SW1

4th February 1981

PS(81) 3

Dear Private Secretary,

Cabinet Ministers' Movements

As you know, Committee Section in the Cabinet Office telephone your office every Tuesday to confirm that your Minister is expected at Cabinet the following Thursday, to inform you of the plans for Cabinet Meetings over the next three weeks and also to request details of any plans which your Minister might have to be out of London during the same period. Over the past few months, I have discovered that the details of Ministers' likely absences from London for the forthcoming three week period have not always been accurate. I realise engagements are often fixed at short notice and that it is sometimes for this reason that the relevant information cannot be given to the Cabinet Office Committee Section. However, I should be grateful if you could emphasise to your Diary Secretary the importance of giving an accurate indication of your Minister's future movements when they are requested. This information is required here for a specific purpose. It is used in order to prepare proposals to the Prime Minister as to when she might hold meetings of those Cabinet Committees which she chairs. If incorrect information is provided, proposals can be made to the Prime Minister for meetings of her Committees which subsequently prove to be unsoundly based if it is discovered that one or other member of the Committee has long-standing plans to be absent at the time chosen for the meeting. The need for accuracy about forthcoming movements is not only true of the members of Committees such as OD and E, but of all Cabinet Ministers since they may be required to be present as invitees.

I am sending copies of this letter to the Private Secretaries to all members of the Cabinet.

Yours sincerely,

(Signed) D. J. WRIGHT

CONFIDENTIAL

CONFIDENTIAL

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a Co
(Cabinet)

10 DOWNING STREET

From the Private Secretary

26 January 1981

The Prime Minister has seen your letter of 23 January, about the inclusion of Mr. John Wakeham, M.P. in internal Foreign and Commonwealth Office meetings.

She regards this as an excellent idea and is content that Mr. Wakeham should be invited to such meetings at the Foreign and Commonwealth Secretary's discretion.

We assume that you are primarily concerned with meetings which would cover material classified "secret", and that you would not normally expect to include Mr. Wakeham if the subject was more highly classified.

I am sending a copy of this letter to David Wright (Cabinet Office).

M. A. PATTISON

G.G.H. Walden, Esq., C.M.G.,
Foreign and Commonwealth Office.

CONFIDENTIAL

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CONFIDENTIAL

4

- 1. MODRA *Am*
- 2. PRIME MINISTER



Agree that Mr Wakeham Foreign and Commonwealth Office
 may be included in London SW1A 2AH

23 January 1981

Foreign Office meetings ~~on~~
 covering sensitive matters,
 at Lord Carrington's discretion?
 would you wish explicitly to limit this to SECRET matters,
 and no higher?

L. H. H. H. H.

Dear Michael,

MA 23/1

Lord Carrington proposes to include Mr John
 Wakeham MP, Foreign Affairs Whip, in periodic internal
 meetings of Foreign and Commonwealth Office Ministers
 on foreign affairs.

As the level of discussions at these meetings
 will on occasions be classified higher than Confidential,
 I am writing, in accordance with the procedure laid down
 at the direction of the Prime Minister in Sir Laurence
 Helsby's letter of 19 April 1966 to Sir Paul Gore-Booth,
 to request the Prime Minister's approval of Mr Wakeham's
 participation on such occasions.

*For me
 GGH*

(G G H Walden)

M O'D B Alexander Esq
 10 Downing Street

KRB

CONFIDENTIAL



Whitehall 1234, ext. 178
CONFIDENTIAL

P. v. s. 1914

Prime Secretary M 1914/iv Treasury Chambers,

Copies to: Mr. Westbrook
Mr. Burton
Mr. Buxton
Mr. Gracie
Mr. Samuel

Great George Street,
London, S.W.1

19th April, 1966

Security Dept Rto *EN*
and Encl.
20 APR 1966
JSCD 123/1

Dear Gore-Booth,

Disclosure of Classified Information
to Members of Parliament

At present the practice of Departments in dealing with requests for the disclosure of classified information to Members of Parliament in connection with their parliamentary duties varies; and it has been suggested that there should be some central guidance on the point.

2. The Prime Minister has decided that, as a general rule, Members of Parliament acting in connection with their parliamentary duties should not be allowed access to information graded higher than RESTRICTED, but that access to CONFIDENTIAL information may be authorised by the responsible Minister. If, exceptionally, it is desired to give access to secret establishments or information graded SECRET or above, the responsible Minister should obtain the Prime Minister's approval before authorising access.

3. In the case of a proposal to visit a command or establishment with which more than one Service or Department is concerned, the Department sponsoring the visit will be responsible for ensuring that there is proper interdepartmental consultation before access is authorised.

4. When a Member of Parliament has to be given clearance in his private capacity - e.g. as a director of a firm undertaking secret contracts - the Home Office should be consulted.

Yours sincerely,

L. M. Kelso INDEX

Sir Paul Gore-Booth, GCMG, KCVO.



Chancellor of the Duchy of Lancaster

*Mr Sanders
Cabinet*

PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

VMS

11th December 1980

Dear Stuart,

Following my conversation today with Nicholas McInnes, I write at the request of the Leader of the House to place on record that the procedure for handling prospective oral parliamentary statements is set out in paragraphs 95 and 96 of "Questions of Procedure for Ministers", with particular reference to paragraph 96(a), which sets out the drill for consulting Number 10, this office and the Paymaster General's office.

I am sending copies of this letter to Nick Sanders (Number 10), Richard Prescott (Paymaster General's office) and Murdo Maclean (Chief Whip's office).

Yours ever,

Robin

R A BIRCH

Stuart Hampson Esq
Private Secretary
to the Secretary of State for Trade
1-20 Victoria Street
SW1

Cahner

SIR ROBERT ARMSTRONG

QUESTIONS OF PROCEDURE FOR MINISTERS

I have shown the Prime Minister your minute AO3609 of 20 November 1980. She was grateful for this warning of Mr. Michael English's interest in "Questions of Procedure for Ministers".

C. A. WHITMORE

24 November 1980

- 1. MR. SANDERS
- 2. MR. WHITMORE

✓
Mv.

In my view, there is not much in "Questions of Procedure" which would prove genuinely embarrassing, and we have already published in extenso the section on Ministers' commercial interests. But no doubt we must see Mr English off.

MJS

2/1/80

RTA reports that Michael English is making inquiries about "Questions of Procedure".

I am sure that Mr. English's real concern is to get his hands on the current document. Much of what it contains is already publicly known, but it is nevertheless an internal guidance document and I doubt whether the Prime Minister would wish to make it available to Members generally. The most sensitive aspect of the document in its present form is probably the extent of Prime Ministerial control of activities revealed in it - in some cases with the specific instruction that this should not be made known, as, for example, in the case of clearance of public appointments.

I believe that Mr. English started his inquiries by asking the House of Commons Library for the current document. The Library contacted me about it. Whilst observing the rule that Members should not be identified, the librarian in question told me that she was following up an inquiry from a particularly difficult and persistent Member. I mentioned this to David Wright, in the expectation that it was either Mr. English or Mr. Maxwell Hyslop, and that they would try the Cabinet Secretary next. This appears to be the result.

No action for us, I think. But Mr. Sanders may wish to mention to the Prime Minister the possibility of Mr. English raising the point in Question time.

MJS

010

Prime Minister

2

I am sure that Mr English has an ulterior purpose in making this enquiry; and it may well be that he is preparing the way to ask you about "Questions of Procedure" in the House. But it should not be difficult to deal with him, if he does.

Ref. A03609

MR. WHITMORE

BWH
26.11.

Questions of Procedure for Ministers

Mr. Michael English MP wrote to me on 6th November to say that he was interested in the history of "Rules for the Guidance of Ministers" and that, although he realised recent documents were likely to be restricted by the 30 Year Rule, he imagined that guidances issued by Mr. Churchill and Mr. Attlee, when they were Prime Ministers, should be available in the Public Record Office. He asked whether I could let him have the references, since the PRO index for these papers was not up to date.

2. Enquiries which have been made by the Cabinet Office reveal that the relevant papers are indeed in the PRO and open for consultation. I have therefore given Mr. English the information which he seeks, in a letter of which I attach a copy.

3. I doubt whether Mr. English's enquiry is that of a purely disinterested searcher after truth. Questions of Procedure for Ministers is periodically the object of Questions from Members of Parliament to the Prime Minister, and it has hitherto been the Prime Minister's practice to refuse requests to publish them or to place a copy in the Library of the House of Commons. Questions about individual procedural questions involving Ministers are dealt with on an ad hoc basis. I suspect that the real motive for Mr. English's enquiry about Questions of Procedure under previous Administrations is to provide himself with a basis for asking Questions about current procedure and attempting to discover whether points covered in Questions of Procedure drawn up by Mr. Churchill or Mr. Attlee are reflected in the existing version.

4. As an example of what Mr. English may be after, I attach a copy of what he will probably find the most useful document among those to which he can have access in the PRO, namely a version of Questions of Procedure issued by Mr. Attlee on 29th April 1949. This was the first occasion of a consolidated



document of guidance on a miscellany of procedural matters which had thitherto been dealt with separately. You will see that, although "Questions of Procedure" has been substantially changed and amended since then, its general approach and content is not dissimilar from the present version. There is plenty of material here for Mr. English to use as a quarry in tackling the Prime Minister and her colleagues about aspects of current Government policy and the conformity of existing procedures with those set out in the 1949 document. Questions from Mr. English on this subject can be expected to surface in due course.

REA

ROBERT ARMSTRONG

20th November, 1980



CABINET OFFICE

70 Whitehall, London SW1A 2AS Telephone 01-233 8319

From the Secretary of the Cabinet: Sir Robert Armstrong KCB CVO

Ref. A03621

20th November, 1980

I promised to look into the enquiry in your letter of 5th November about the rules for the guidance of Ministers.

The sources involved are all at the Public Record Office. We have not ourselves requisitioned them from the PRO to confirm their contents, but we believe that these references will provide you with what you are looking for.

The principal reference should be the Cabinet Office registered file 4/1/6A on "Cabinet Procedure". Parts 1 and 2, under PRO references CAB21/778 and CAB21/1622 respectively, cover the periods 1931-47. These should contain the notes for guidance issued to earlier Governments and at the beginning of the Attlee Administration. These latter were issued in the form of Cabinet memoranda, as you will see from CP(45) 99, 100 and 306 which may be found alternatively in the bound volumes CAB 66/67 and CAB 129/5.

Because of its closure date, the next part of file 4/1/6A part 3, covering the period 1947-56, is not yet open. But the only relevant item which it contains for the open period, i. e. up to 1950, is a copy of CP(49) 95 which you can obtain at the PRO in CAB 129/34. CP(49) 95 was the first document to consolidate, under the heading "Questions of Procedure for Ministers", a variety of procedural directives which had previously been issued on an ad hoc basis.

Michael English, Esq., MP

Cab 129/34

THIS DOCUMENT IS THE PROPERTY OF HIS BRITANNIC MAJESTY'S GOVERNMENT

Printed for the Cabinet. April 1949

CONFIDENTIAL

Copy No. 246

C.P. (49) 95

29th April, 1949

CABINET

QUESTIONS OF PROCEDURE FOR MINISTERS

NOTE BY THE PRIME MINISTER

My colleagues may find it convenient to have this consolidated and revised statement of the directives which I have issued from time to time on points of procedure and similar matters. Special attention is drawn to the instructions in paragraph 40 regarding references in Ministerial speeches to Commonwealth affairs, which have not been included in any of my previous directives.

2. I should be glad if Ministers in charge of Departments would bring to the notice of Junior Ministers and officials such sections as concern them. For this purpose additional copies may be obtained from the Cabinet Office.

C. R. A.

10, *Downing Street, S.W.1,*
29th April, 1949.

38000A

CONFIDENTIAL

QUESTIONS OF PROCEDURE FOR MINISTERS

I.—CABINET PROCEDURE

Preparation of Business for the Cabinet

1. The business of the Cabinet consists, in the main, of—

- (i) Questions of major policy which affect a number of Departments or engage the collective responsibility of the Government.
- (ii) Questions on which there is a conflict of interest between Departments which has not been resolved.

2. Except in cases of extreme urgency, questions falling under the second of these heads should not be referred to the Cabinet until all possible means of resolving the conflict have been exhausted, including personal correspondence or discussion between the Ministers concerned.

3. Similarly, it is the rule that matters falling under the first head should be thoroughly examined at the official level, if necessarily interdepartmentally, before they are referred to Ministers, so that the policy decisions required may be clearly defined.

4. Proposals which involve expenditure or affect general financial or economic policy should always be discussed with the Treasury—and, if Treasury agreement has not been secured at the official level, with the Chancellor of the Exchequer—before they are submitted to the Cabinet or to a Ministerial Committee. Full consideration must also be given to the probable cost in terms of man-power of any proposal involving new or extended administrative commitments. It is a standing instruction that any proposals submitted for consideration shall, if they would involve the employment of additional staff or would place a financial burden on the Exchequer, be accompanied by an estimate of—

- (a) the man-power likely to be required by Government Departments (and also, where practicable, an estimate of the man-power required outside the Government service); and
- (b) the cost to the Exchequer whether direct or through grants-in-aid of local rates.

An indication should always be given that the cost to the Exchequer has been discussed with the Treasury; and special attention should be drawn to proposals of whose potential man-power requirements the Treasury have not been informed.

5. These rules do not, of course, limit the right of Ministers to submit to the Cabinet memoranda setting out their views on general issues of policy.

6. Ministers should not hesitate to consult the Law Officers, as colleagues in the Government, on legal questions which arise in the formulation and administration of policy.

7. Matters which fall wholly within the Departmental responsibility of a single Minister and do not engage the collective responsibility of the Government need not be brought to Cabinet at all. A precise definition of such matters cannot be given and in borderline cases a Minister is well advised to bring the matter before his colleagues.

8. When a Minister wishes to raise a matter orally at the Cabinet, the Prime Minister's consent should be sought; and the earliest possible notice should be given to the Secretary.

Cabinet Memoranda

9. A memorandum intended for consideration by the Cabinet, other than one commenting on a memorandum already circulated, must be circulated two clear

days before the meeting at which it is to be considered. A precise formulation of this rule has been issued to all Departments by the Secretary of the Cabinet, who is responsible for seeing that it is strictly enforced. The permission of the Prime Minister is required for any exception to this rule and will be granted only in cases of extreme urgency.

10. Memoranda for the Cabinet should be as brief and as clear as possible. The model memorandum explains at the outset what the problem is, indicates briefly the relevant considerations and concludes with a precise statement of the decision sought. While it is sometimes useful to include a summary of the main points brought out in the body of the memorandum, such a summary should never exceed a few lines; any longer summary defeats its purpose and simply means repetition. So far as possible prefatory covering notes should be avoided. To facilitate reference in discussion, paragraphs should be numbered. Supporting data may often be relegated to an Appendix. If authority is sought to make a statement or despatch a telegram a draft may be attached. Time spent in making a memorandum short and clear will be saved many times over in reading and in discussion; and it is the duty of Ministers to ensure that this is done by personal scrutiny, and where necessary revision, of the memoranda submitted to them by their officials. In particular, the use of unnecessary neologisms and obscure technical terms should be avoided.

11. Cabinet memoranda (as distinct from memoranda for Cabinet Committees) are normally reproduced by the Cabinet Office, the text being sent by the originating Department to the Cabinet Office for the purpose. If, for any reason, a Cabinet memorandum is reproduced by the originating Department, all copies thus reproduced must be sent to the Cabinet Office, application being made to the Cabinet Office for any additional copies required by the reproducing Department. If an originating Department so wishes, a standing arrangement may be made whereby the Cabinet Office will automatically supply a fixed number of additional copies of memoranda.

12. Subject to such special instructions in regard to any particular paper as he may receive from the Prime Minister or from the responsible Minister, the Secretary circulates memoranda and other documents prepared for their use to all members of the Cabinet and, where appropriate, to other Ministers whose Departments are affected.

13. In no circumstances, other than those provided for in paragraph 11 above, are Cabinet memoranda to be reproduced or copied in Departments. If a Department requires an additional copy or copies of a memorandum, application must in every case be made to the Cabinet Office.

Attendance at Cabinet

14. It is of assistance to the Secretary if Private Secretaries indicate, when asking for a subject to be placed on the Agenda, which Ministers, other than members of the Cabinet, are likely to be affected, so that arrangements may, if necessary, be made for their attendance.

15. Ministers summoned to meetings of the Cabinet for particular items will receive an Agenda Paper on which an approximate time will be set against each item. Every endeavour is made not to keep Ministers waiting, but the time at which each item will be reached cannot be forecast exactly. Cabinet meetings take precedence over other business. The utmost endeavours should be made by Ministers to be punctual and thus avoid wasting the time of their colleagues.

16. The Prime Minister's Private Secretary on duty at the Cabinet room is responsible for ensuring that the proceedings of the Cabinet are not disturbed. To assist him, Ministers should give general instructions that messages are not to be sent to them while in Cabinet, unless they are so urgent that they cannot wait until the end of the meeting.

17. If a member of the Cabinet, or a Minister summoned for a particular item, is unable, for any reason, to be present at a Meeting of the Cabinet, he should notify the Secretary, who will inform the Prime Minister and will also consider whether any rearrangement of business is required.

18. The Secretary should also be informed of Ministers' out-of-town engagements, and also of their week-end and holiday arrangements, in order that, if some sudden emergency arises, he may be in a position to inform the Prime Minister at once which Ministers are immediately available.

Cabinet Conclusions

19. It is an instruction to the Secretary, in drafting Cabinet Conclusions, to avoid, so far as practicable, reference to opinions expressed by particular Ministers. The record in respect of each item will be limited to the decision of the Cabinet, together with such summary of the discussion as may be necessary for the guidance of those called upon to take action on the decision. Matters of exceptional secrecy may be recorded in a "Confidential Annex."

20. Copies of the Conclusions are circulated by the Secretary to Cabinet Ministers and Ministers of Cabinet rank. Copies of "Confidential Annexes" are sent only to the Ministers directly concerned.

21. Any suggested amendments to Cabinet Conclusions must reach the Secretary not later than the next day but one following that on which the Meeting was held. Thereafter the Conclusions will be sent to be printed in final form.

22. All Ministers are responsible for giving such instructions to their Departments as may be necessary to give effect to the Conclusions of the Cabinet, and for communicating to subordinate Departments or branches decisions of which they should be made aware. Where an urgent matter arises in Cabinet unexpectedly, and a decision is reached requiring immediate action by a Department not represented at the meeting, the Secretary will ensure that the Department concerned is notified forthwith.

23. Where a Department has to take action upon, or is otherwise directly affected by, a particular Conclusion, the actual decisions of the Cabinet on that matter may be copied in the Department, together with so much of the record of the discussion as is essential to a proper understanding of them, and these extracts may be passed to responsible officers in the Department, as may be necessary. The distribution within a Department of such extracts from Cabinet Conclusions should be limited to the occasions on which it is strictly necessary for the efficient discharge of public business and care should be taken to see that extracts are sent only to those officers of the Department who need be acquainted with the actual terms of the decision. Duplicate copies of the complete Conclusions are not issued for this purpose by the Cabinet Office save in exceptional cases. Where action has to be taken at once by a Department without waiting for the circulation of the full Conclusions, application may be made to the Secretary for an advance copy of the relevant Conclusions.

24. In this connection the position of the Parliamentary Secretary should not be overlooked. He may have to deputise for his Minister, at Cabinet or in the House, at short notice. Apart from any special responsibility assigned to him in a limited field, he should be fully informed of the work of the Department and kept in general touch with all Cabinet matters affecting it, so that when called upon to attend a meeting in place of the Minister he understands the subject and does not merely recite a brief. (On the work of Parliamentary Secretaries generally see C.P. (49) 31.)

Return of Cabinet Documents

25. Cabinet documents remain the property of the Crown. The normal practice is therefore, that Ministers, on relinquishing office, return to the Cabinet Office all Cabinet documents, with the exception of any immediately required for current administration, which may be handed on to their successors. In order to facilitate this arrangement, Ministers are asked to arrange for the return to the Cabinet Office during their tenure of office, say, at intervals of three to six months of such Cabinet documents as are not required for current administration.

The provision above for handing on certain Cabinet documents to a Minister's successor does not always apply on a change of Government: special instructions will be issued to cover such cases.

II.—COMMITTEES OF THE CABINET

Committee Procedure

26. The procedure outlined above applies *mutatis mutandis* to Ministerial Committees of the Cabinet.

27. While Committee meetings provide at times a useful forum for the discussion of policy and for enabling Ministers to ensure that their points of view

are understood and to make a contribution to the formulation of policy, their prime object is the despatch of business and the making of decisions. Interdepartmental questions should be settled as far as possible between officials, or failing that between Ministers, of the Departments directly concerned. They should not be allowed to drag on. Where colleagues have to be consulted, but only two or three are directly concerned, agreement can often be reached by correspondence or by personal meetings; much time can be saved by personal contact. Failing agreement recourse can be had to the Prime Minister, Lord President or Chancellor of the Exchequer. This will often make it unnecessary to take the matter to a Committee.

28. Particular points which the Prime Minister wishes the Chairmen of Committees to keep in mind are:—

- (a) Care should be taken to prevent papers coming forward for discussion which could be settled otherwise; and Secretaries of Committees should be encouraged to submit suggestions for reducing the amount of business to be transacted at full meetings.
- (b) Attendance should be restricted to the permanent members and other Ministers who have a major interest in the question under discussion. Ministers should not be required to sit through lengthy discussions in case points affecting their Departments should be raised; nor should they insist on attending meetings for the purpose of making Departmental points which have no important bearing on the main issues under discussion. Arrangements should be made for the attendance of one of the Law Officers at meetings at which legal issues are likely to arise.
- (c) Discussion should be kept to the point; irrelevance or repetition should be checked.
- (d) Conclusions should not be framed in a way which will require further discussion by Ministers, if that is not necessary. Once a policy decision has been taken, responsibility for its detailed working out and the supervision of its execution can usually be left to the Ministers departmentally concerned.
- (e) The dilatory process of referring a question from one Committee to another should be avoided as far as possible.
- (f) Much time is lost in the aggregate if meetings do not begin punctually at the appointed hour.

Secrecy of Cabinet Committees

29. While the collective responsibility of Ministers often calls for discussion between Ministers on some important question which falls wholly or mainly within the purview of a single Department, the normal course is for the resulting decision to be announced and defended by the Minister concerned as his own decision.

30. There may be rare occasions when it is desirable to emphasise the importance of some decision by stating specifically that it is the decision of His Majesty's Government. This, however, should be the exception rather than the rule. The growth of any general practice whereby decisions of the Cabinet were announced as such would lead to embarrassment. Thus, some decisions of Government would be regarded as less authoritative than others. It is contrary to accepted practice for Government decisions to be announced in terms which disclose or imply that they have been reached by a particular Committee of the Cabinet. Critics of the decision reached by a particular Ministerial Committee would press for its review by some other Committee or by the Cabinet, while the constitutional right of individual Ministers to speak in the name of the Government as a whole would be impaired.

31. The underlying principle is, of course, that the method adopted by Ministers for discussion among themselves of questions of policy is essentially a domestic matter, and is no concern of Parliament or the public. The doctrine of collective responsibility of Ministers depends, in practice, upon the existence of opportunities for free and frank discussion between them, and such discussion is hampered if the processes by which it is carried on are laid bare.

32. For these reasons it is also the general peace-time practice to avoid disclosure of particulars of the composition and terms of reference of Cabinet Committees, other than of one or two long-established Standing Committees.

III.—PRECAUTIONS AGAINST UNAUTHORISED DISCLOSURES OF INFORMATION

33. Disclosures in the Press of matters under discussion by the Cabinet or its Committees damage the reputation of the Government, impair the efficiency of its administration and assist its opponents.

The General Rule

34. Ministers who share the collective responsibility for the Government's programme must be generally aware of the development of important aspects of Government policy. But, outside this narrow circle, knowledge of these matters should be confined to those, whether Ministers or officials, whose duty it is to assist in the formulation of the particular policy concerned, or who need to know what is afoot because of its effect on other aspects of public business for which they are responsible.

35. Government policy should not be discussed with persons outside Government service unless this is necessary for the transaction of public business; and care should be taken to see that private discussions between Members of the Government are not held in places where they may be overheard. In particular, it is contrary to the doctrine of collective responsibility to make known the attitude of individual Ministers on matters of policy.

Points to be Kept in Mind

36. Ministers have a personal responsibility for ensuring that all members of their staffs understand the need for exercising the strictest discretion, and in particular for seeing that the appropriate precautions are strictly observed in their Departments. In this connection the following considerations should be borne in mind:—

- (1) While it is within the discretion of Ministers to decide which of their advisers or subordinates should be shown Cabinet papers, the normal rule is that such papers should not be seen by any save their immediate advisers concerned in the formulation of policy. In particular, Cabinet papers should not be circulated as a matter of course to Information Officers or their staffs. It is important that these Officers should have enough background information to enable them to discharge their own functions intelligently, and to offer advice on matters within their province in time for it to be effective; and it is necessary for these reasons that they should be informed at once of some of the decisions of the Cabinet or its Committees and, on occasion, of progress in the formulation of policy by the Cabinet or its Committees. Each Minister is, however, personally responsible for deciding how much of this information should be conveyed to his Information Officer; and it is preferable that the information should be imparted, with appropriate guidance, by the Minister himself.
- (2) Ministers are expected to exercise a real measure of control in this matter, and must satisfy themselves from time to time that their instructions are being carried out.
- (3) A Minister who is a Member of the Cabinet has responsibilities wider than those of his own Department, and will in that capacity receive some documents which are of no concern to any of his subordinates.
- (4) A Parliamentary Private Secretary is not a member of the Government; and the information given to him should be correspondingly limited.
- (5) Documents containing or reflecting the personal views of Ministers are in a special category, and their handling requires special care, if the collective responsibility of the Cabinet as a whole is to be preserved. This applies particularly to the Minutes of the Cabinet and its main Standing Committees, in the handling of which the procedure laid down in paragraph 23 above should be followed.
- (6) If occasions arise on which it is necessary that any considerable number of officers should be consulted in particular issues arising out of Cabinet memoranda, this should be done by means of minutes addressed to the officers concerned, confined to the particular points on which they are required to advise, thus avoiding a wide circulation of the memoranda themselves.

- (7) Experience has shown that leakages of information have often occurred as a result of the skilful piecing together, by representatives of the Press, of isolated scraps of information, each in itself apparently of little importance, gathered from several sources. The only safe rule is, therefore, never to mention such matters even in the form of guarded allusions, except to those who must be informed of them for reasons of State, until the time has come when disclosure, in whole or in part, is authorised. Reasons of State may require, in appropriate cases, the confidential communication of some information to a responsible editor, lobby correspondent, &c., for purposes of guidance; but such communication is only justified where it can be ensured that the confidence and the terms on which it is made are respected.

Need for Discretion

37. Secrecy cannot, however, be secured solely by rules, however carefully drawn, restricting the circulation of papers; public business cannot be transacted without a fairly wide dissemination of confidential information within Government circles; and the essential point is the observance of a high standard of discretion by all who acquire knowledge of such information in the course of their duties—an attitude of mind which puts first the interests of the Government as a whole and subordinates everything to that end. It is the duty of Ministers to set this standard of discretion in regard to all confidential matters which come within their knowledge, to give an example to others, and to see that their example is followed.

Responsibility of the Lord Chancellor

38. The Prime Minister has asked the Lord Chancellor to assume a general responsibility for investigating unauthorised disclosures of information about the proceedings of the Cabinet or Cabinet Committees. Ministers are asked to notify the Lord Chancellor of any such disclosure which comes to their notice and to assist him in any investigation involving their Department.

IV.—MINISTERIAL SPEECHES, BROADCASTS, &c.

General

39. When addressing meetings Ministers must keep within the ambit of Government policy and not anticipate decisions not yet made public. They must be careful in dealing with matters within the responsibility of other Ministers not to embarrass them by statements at variance with Ministerial pronouncements. In all cases of doubt they should consult the Minister concerned.

40. The Foreign Office should invariably be consulted before any mention is made of matters affecting our relations with foreign Powers or foreign affairs; and Ministers wishing to make reference to broad matters of defence policy should in all cases first consult the Minister of Defence. Ministers should also be specially careful in referring to matters affecting our relations with self-governing Commonwealth countries, or to the political aspects of Colonial affairs, *e.g.*, self-government in certain Colonies, and should consult the Commonwealth Relations Office or Colonial Office respectively, except where the matters falls within their own responsibility.

41. In the present international situation care is needed as to what is said by Ministers in conversations at social functions at Embassies. If matters of foreign policy are discussed at such functions, a note should be made afterwards of the salient points of the conversation and a copy sent to the Foreign Secretary.

Effect on Parliamentary Business

42. Unless they have first obtained the agreement of the Leader of the House of Commons, Ministers should avoid saying anything which might affect the programme of Government business in Parliament. Thus, they should not, without his agreement, promise White Papers, the publication of which might result in a demand for a special debate: and legislation should never be promised without the express approval of the Cabinet or the Legislation Committee. This is a matter in which special care is necessary, since statements made by Ministers are liable to be represented in the Press as foreshadowing early legislation.

Speeches at Parliamentary By-Elections and Local Government Elections

43. Members of the Cabinet should not normally speak at By-elections; but other Ministers, including those of Cabinet rank, may do so. As a general rule Ministers above the rank of Parliamentary Secretary should not speak at local government elections. There may, however, be occasions on which a Minister may feel obliged to do so for special reasons, particularly in his own constituency.

Broadcasting Arrangements

44. Ministerial broadcasts should be kept to the minimum. All Ministers intending to broadcast should communicate with the Postmaster-General, who will be responsible for obtaining the Prime Minister's approval in all cases and for making the necessary arrangements with the B.B.C. In view of the fact that broadcasts by Ministers may be regarded by the B.B.C. or by the Opposition as controversial and therefore giving a claim to a reply, the subject of the broadcast must in all cases be given and the Prime Minister may require to see either an outline or the text of a broadcast before giving approval.

V.—PRESS ARTICLES AND INTERVIEWS BY MINISTERS

Press Articles

45. Ministers are precluded from journalism in any form; but this prohibition does not extend to authorship of writings of a literary, historical, scientific, philosophical or romantic character. For these there are abundant precedents.

46. This rule need not be interpreted as debarring Ministers from writing, on occasion, articles or letters to newspapers, in order to supplement the means already used for enlightening the public in regard to measures before Parliament and other administrative questions affecting the work of their Departments. (On replies to letters and statements in the Press, see paragraph 62 below.)

47. Should a Minister deem it necessary to write such an article, he should not accept payment if it is offered. In deciding whether to write an article he should bear in mind his obligations to Parliament. For example, he should be careful not to discuss a Bill before it has received its Second Reading in the House of Commons.

48. These rules govern dealings with the foreign as well as the home Press.

Interviews

49. The granting of special interviews to individual Press representatives is a matter for the discretion of the Minister concerned. As a general rule, however, the same considerations should apply as for written articles, *i.e.*, if granted, an interview should be confined to elucidating the policy or work of the Minister and Department concerned. The same considerations regarding obligations to Parliament also apply, and Ministers should bear in mind that an interview granted to a representative of a single newspaper or agency may arouse jealousy and thus hostility in the rest of the Press.

Contributions to Party Publications

50. The general prohibition on the writing of articles for the Press need not be regarded as debarring Ministers from contributing to the publications of the political organisations with which they are associated. Payment should not be accepted for such articles.

General

51. In general, Ministers should keep such activities to a minimum, and bear in mind that their relations with the Press are always liable to be the subject of Questions in Parliament. Ministers should refer to the Prime Minister in any case about which they are in doubt.

VI.—PARLIAMENTARY PRIVATE SECRETARIES

52. Parliamentary Private Secretaries occupy a special position which is not always understood by the general public, either at home or abroad. They are not members of the Government, and should be careful not to be spoken of as such. They are Private Members, and should therefore be afforded as great a liberty of action as possible; but their close and confidential association with Ministers necessarily imposes certain obligations on them, and has led to the generally accepted practice set out in the following paragraph.

53. Parliamentary Private Secretaries should not make statements in the House or put Questions on matters affecting the Department with which they are connected. They should also exercise great discretion in any speeches or broadcasts which they make outside the House, taking care not to make statements which appear to be made in an official or semi-official capacity, and bearing in mind at the same time that, however careful they may be to make it clear that they are speaking only as Private Members, they are nevertheless liable to be regarded as speaking with some of the authority which attaches to a member of the Government. Generally they must act with a sense of responsibility and with discretion; and they must not associate themselves with particular groups advocating special policies.

VII.—ABSENCE OF MINISTERS FROM THE UNITED KINGDOM

54. It is the established practice for a Member of the Cabinet or a Minister in charge of a Department to obtain the King's permission to be absent from the United Kingdom, whether on duty or on leave, and to inform His Majesty of the arrangements which he proposes to make for the administration of his office during that time.

55. Any such arrangements must have the Prime Minister's prior approval and are subject to certain general limitations. In the absence of a Secretary of State, submissions to His Majesty must be made on his behalf by another Secretary of State. Submissions on behalf of the First Lord of the Admiralty may be made in his absence by the Senior Lord Commissioner. In the absence of other Cabinet Ministers, submissions may be made by the Parliamentary Secretary of the Department concerned, if he is a Privy Councillor; if not, by another Cabinet Minister.

56. Parliamentary Secretaries who wish to be absent from the United Kingdom should obtain the consent of the Prime Minister as well as of their own Minister.

VIII.—MISCELLANEOUS

57. Ministers may find it helpful to have available in this note a reference to instructions issued from time to time on other procedural and allied matters.

Statements after Questions

58. When Parliament is in session, important announcements of Government policy should be made, in the first instance, in Parliament. At the same time it is desirable to keep to the minimum the number of announcements made by way of statements at the end of Questions.

Ministers are asked to conform with the following procedure:—

- (a) Ministers proposing to make a statement after Questions, whether or not it is related to a Question on the Order Paper, should notify the Prime Minister's Private Secretary as early as possible and in any event not later than 10 a.m. on the day on which the statement is to be made. Particulars should be given of the subject matter of the proposed statement, the date on which it is desired to make it, and the grounds for making it on that date and adopting this method of announcement. It should also be stated whether the announcement has been approved by the Cabinet or one of its Committees.

- (b) Copies of the draft statement should be sent, as soon as it is available, to the Prime Minister's Private Secretary and to the Leader of the House of Commons and the Chief Whip. These copies should arrive not later than 10 a.m. on the day on which the statement is to be made.
- (c) It is at times desirable that a copy of such a statement should be shown to the Opposition shortly before it is made. If this is desired, a copy of the final text should reach the office of the Chief Whip in the House of Commons not later than 10 a.m. on the day on which the statement is to be made.
- (d) A copy of the final text should in all cases be sent to the Speaker.
- (e) It may sometimes be expedient that a statement should be made simultaneously in the House of Lords. Ministers should, where necessary, consult the Leader of the House of Lords on this point.

Publicity Arrangements for White Papers

59. Care must be taken to avoid any possibility of an infringement of Parliamentary Privilege when publicity arrangements are made for White Papers. The accepted practice is for final revised proof copies of White Papers to be made available to Lobby Correspondents somewhat in advance of their being laid in the Vote Office and for Ministers to hold a Lobby Conference if they think it desirable. The Prime Minister has made his Adviser on Public Relations responsible for these arrangements generally and he should always be consulted by Department officials if there is any question of a wider advance distribution than this. Such wider distribution—*e.g.*, to industrial correspondents—is to be avoided save in exceptional circumstances.

Signature on Subordinate Legislation

60. As a normal rule Ministers should themselves sign all statutory instruments (other than Orders in Council) which fall within the terms of reference of the Select Committee on Statutory Instruments, *i.e.*, all instruments laid or laid in draft before Parliament, being instruments upon which proceedings may be, or might have been, taken in either House in pursuance of any Act of Parliament.

Crown Proceedings Act

61. Under the provisions of the Crown Proceedings Act, 1947, an order for discovery of documents may be made against Government Departments. If, however, the appropriate Minister is of opinion that the production of a particular document would be injurious to the public interest, he may withhold production of that document. This right to withhold production of a document is of the greatest importance and should be exercised only after the most careful consideration. The Minister himself must personally consider the document in question and form his own judgment, with such advice as he thinks fit to take, whether or not the public interest would be injuriously affected by its disclosure.

Replies to Letters and Statements in the Press

62. Possible methods of dealing with letters and statements to the Press which are inaccurate or otherwise objectionable are set out in C.P. (47) 178. The general line to be taken was stated in the Prime Minister's reply to a question on 8th October, 1946—

“It should be, I think, a general rule that, where the personal conduct of Ministers is concerned, the matter should be dealt with by the Minister himself.” (*Hansard*, Vol. 427, Col. 25),

and the reply given by Mr. Churchill in the House on 22nd February, 1945—

“The best practice is that Ministers of the Crown should themselves expound all matters of Government policy, and that press interviews by officials should only be given on Ministerial responsibility and after due authorisation by the political chief. Such expressions of opinion by officials would usually have regard to technical aspects only. Of course, in an emergency, exceptions may be made. The principle of Ministerial responsibility to Parliament is paramount” (*Hansard*, Vol. 408, Col. 954).

63. Letters to the Press from Information Officers should be purely informative and must not enter into arguments on the merits of Government policy.

Consultation with the Trades Union Congress, &c.

64. Ministers should be careful to ensure that, wherever appropriate, the Trades Union Congress—and in suitable cases individual Trades Unions—are taken into consultation at an early stage. Hard and fast rules cannot be laid down and individual Ministers must judge cases on their own merits. The normal practice as regards consultation on matters of general industrial policy and principle and on appointments to Government bodies, &c., is outlined in C.P. (47) 46. Ministers should also bear in mind the desirability of including in the membership of Government Committees and other bodies, where appropriate, either an official representative of the Co-operative Movement or a member of the Co-operative Movement chosen in his personal capacity.

Employment of Judges

65. Ministers should not approach Judges for extra-judicial work without consulting the Lord Chancellor.

Cabinet

5 November 1980

I thought I should just write to emphasise the importance of the message I gave you by telephone earlier today about copying draft statements to the Paymaster General and the Chief Press Secretary at No. 10, as set out in "Questions of Procedure". We are always glad to be given generous advance notice of statements, but it always causes difficulties if some of these who should receive copies are missed out. Dare I suggest that it does no harm to ensure from time to time that the Heads of Divisions are well acquainted with the terms of the relevant paragraphs of "Questions of Procedure"?

N.J. SANDERS

Jonathan Hudson, Esq.,
Department of Industry.

R.

File

Cabinet

DSG

MR. WRIGHT
CABINET OFFICE

Thank you for your minute of 15 September about Ministerial travel and the revision of Questions of Procedure for Ministers.

I am sure that it would be useful to write to Private Offices as in the draft attached to your minute. I have no comment on the text.

M. A. PATTISON

16 September 1980

CONFIDENTIAL



Ref. A02987

MR. PATTISON

Questions of Procedure for Ministers: Ministerial
Travel

In your minute of 18th August which I received following my return from leave, you suggested a change to the draft Note by the Secretary of the Cabinet amending paragraph 43 of Questions of Procedure for Ministers as it deals with Ministerial travel.

Sir Robert Armstrong has agreed your proposed change to the Note and we are arranging for it to issue.

Sir Robert Armstrong also agrees that there might be advantage in Private Offices being informed separately that the central record on travel is no longer to be maintained. I enclose a draft Private Secretary letter to this effect and should be grateful for your comments.

A handwritten signature in dark ink, appearing to read 'D. J. Wright', written over a horizontal line.

D. J. WRIGHT

15th September, 1980

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DRAFT

PS(80)

Dear Private Secretary,

Ministerial Travel

You will shortly be receiving a Note by the Secretary of the Cabinet containing a number of amendments to Questions of Procedure for Ministers. The first of these concerns paragraph 43 of C(P)(79) 1 which deals with Ministers' visits overseas.

You will see from this amendment that existing arrangements for maintaining a central record of the cost of visits overseas are being discontinued. This decision has been taken with the Prime Minister's agreement following the discovery that the existing central records which should have been maintained in accordance with paragraph 43 were inadequate and did not cover all Ministers' visits overseas. Since this system has been found not to be working adequately, it has been decided that henceforward Departments should be responsible for maintaining their own records of visits overseas by Ministers and Ministerial delegations. These Departmental records should be maintained in an up-to-date and readily accessible form so that they can be drawn upon at short notice if it should be necessary to produce a statement of the overall costs and level of Ministerial travel

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overseas. In this respect, the disappearance of the central record is not to be taken as implying a relaxation in the need for close and regular scrutiny of the costs and level of travel. Inquiries about such questions will in future be directed to Departments themselves, and they will be expected to be in a position to provide a full account of travel by their Ministers. Ministers should continue to be guided by the principles set out in the Note by the Prime Minister covering the Cabinet Procedure paper on Travel by Ministers (C(P)(79) 2) issued in May last year; in particular they should be satisfied that their travel arrangements can be defended in public if challenged.

I am sending copies of this letter to the Private Secretaries to all members of the Cabinet, the Minister of Transport and the Chief Whip. I should be grateful if you could all ensure that this letter is drawn to the attention of all Private Secretaries to Ministers in your Department and also to the Division responsible for Ministerial travel.

Yours sincerely,

D. J. WRIGHT

CONFIDENTIAL



10 DOWNING STREET

From the Private Secretary

MR. WRIGHT
CABINET OFFICE

Thank you for your minute of 15 August, enclosing a draft notification of amendments to Questions of Procedure.

The text on travel suggests that Departments have not maintained accurate and accessible records up to date. This may well be true, but it might be preferable for the first part of the relevant paragraph to read:

"Each Minister in charge of a Department should ensure that the Department draws up and maintains a comprehensive and central record of travel by Ministers in the Department".

Secondly, I doubt whether the amendment, standing by itself, will convey the message that we are abandoning existing arrangements for maintaining a central record on travel because these have been inadequately observed by Departments. I still think that it might be useful for a note to go to Departments explaining that we have found existing central records inadequate, that Departments will therefore now be made responsible for maintaining their own records in an accessible form, and that enquiries about the cost of travel and other aspects of travel will generally be directed to individual Departments, in line with the gist of the Prime Minister's instructions in "Travel By Ministers". The letter, which would be directed to those who normally handle Ministerial travel arrangements, and which would, one hopes, penetrate to the travel sections of Departments, would also refer to the forthcoming/recently issued amendment to Questions of Procedure on the subject.

I am sending copies of this minute to Jeremy Colman (CSD) and Christopher Jebb (Foreign and Commonwealth Office).



M. A. PATTISON

18 August 1980

Rth



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Ref. A02901

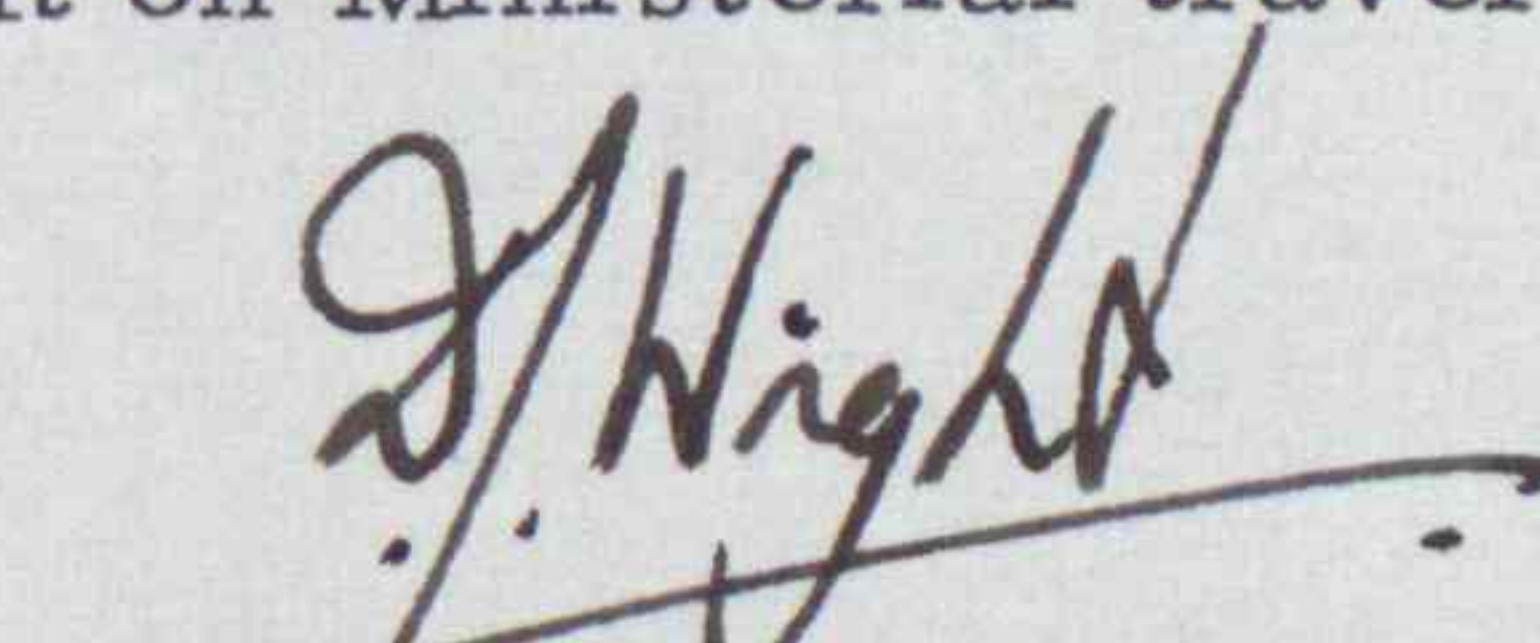
MR. PATTISON

Questions of Procedure for Ministers: Ministerial Travel

In your letter of 8th August to Jeremy Colman, you suggested that Departments might be advised of the changes to the instructions for recording Ministerial visits by a Private Secretary letter from No. 10. I mentioned to you on the telephone that we already have two amendments to Questions of Procedure which have to be circulated to Government Departments, following recent decisions by the Prime Minister. Since the changed arrangements for the recording of Ministerial travel which have been accepted by the Prime Minister will require a consequential amendment to Questions of Procedure also, one way of notifying Departments of these changes would be to issue a Note by the Secretary of the Cabinet containing all three amendments to Questions of Procedure.

2. I enclose a copy of a draft of such a note which has been agreed by Sir Robert Armstrong. The second and third changes are straightforward but the first on Ministerial travel is based upon a draft which I have drawn up following receipt of the recent correspondence on this subject. I have also, on Sir Robert Armstrong's suggestion, changed the instructions given in the existing version of paragraph 43 to ask Departments to include visits to EC countries for EC Councils or Political Co-operation meetings. Sir Robert thinks that there is as much likelihood of Ministers being asked about the costs of travel incurred on EC business as about travel to conduct bilateral business. Since Departments are being instructed to maintain their own records, they could include details of EC visits at the same time as including others with little extra work being involved.

3. I should be grateful if you, Jeremy Colman (CSD) and Christopher Jebb (FCO) to whom I am copying this minute and the enclosure could let me know whether you are content with the draft on Ministerial travel or whether you have some amendments to propose.


(D.J. Wright)

15th August, 1980

DRAFT

C(P)(80) 3

COPY NO

1980

CABINET: PROCEDURE

QUESTIONS OF PROCEDURE FOR MINISTERS:
AMENDMENTS

Note by the Secretary of the Cabinet

The Prime Minister has agreed that the following changes should be made to the current version of "Questions of Procedure for Ministers"

(C(P)(79) 1) issued in May last year:-

i. Paragraph 43

Delete the second half of the paragraph from "In order that a central record of the cost of such visits can be maintained" to "All other visits to EEC countries should be included" and substitute the following:-

"Each Minister in charge of a Department should arrange for the Department to draw up and maintain a comprehensive and central record of travel by Ministers in the Department. This record should contain details of the numbers and costs of all Ministerial delegations whose travel has been at public expense, including visits to EC countries for the purpose of attending regular meetings of EC Councils or Ministerial meetings on political co-operation. The record should be maintained in such a way that an up to date list of visits and costs of such visits can be made available by Departments at short notice in the event of Departmental Ministers being asked to account for travel undertaken by Ministers in their Departments."

ii. Paragraph 64

The sum of £30 mentioned in sub-paragraphs (b) and (c)(i) should be amended to read £50.

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iii. Paragraph 114, first sentence to read:

"Ministers are sometimes asked to give interviews to historians or to other persons engaged in academic research or in market opinion surveys, or to fill in questionnaires at the request of such people or organisations".

Signed ROBERT ARMSTRONG

Cabinet Office

August 1980

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Cabinet

10 DOWNING STREET

From the Private Secretary

**MR. WRIGHT
CABINET OFFICE**

Thank you for your letter of 11 July (Ref. A02598) about the acceptance of gifts and services.

The Prime Minister accepts the advice that the £30 limit defining gifts which may be retained should now be increased to £50. She also agrees that the figure should be reconsidered when Questions of Procedure for Ministers is re-issued as a new government takes office.

The Prime Minister would expect the £50 figure to apply to both Ministers and officials.

I am sending a copy of this minute to Mr. Churchill (Civil Service Department).

M. A. PATTISON

21 July 1980

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CABINET OFFICE

70 Whitehall, London SW1A 2AS Telephone 01-233 8319

From the Secretary of the Cabinet: Sir Robert Armstrong KCB, CVO

Agree
£50 for
Minister and officials
not.

15/7 11th July, 1980

Ref. A02598

Dear Mike,

Acceptance of Gifts and Services

You sent me a copy of your letter of 17th June to Toby Churchill in Sir Ian Bancroft's office. I have seen a copy of Toby's reply of 30th June.

We have been examining our own papers to see if we can shed any light on the origin of the £30 figure. I have also consulted Sir Robert Armstrong about the possibility of changing it.

The £30 figure dates, as Toby Churchill said in his letter, from 1976. The papers available to us reveal a very similar situation to that described in Toby's letter. The question was examined extensively by officials in 1973-77, not simply because of the Poulson case but also because of gifts bestowed on Ministers by Middle East Governments. (Sir Burke Trend's minute, A04907, to Mark Forrester refers.) At that time, Questions of Procedure contained no reference to a value for a gift, below which it might be retained but consideration was given to the idea of introducing a £50 limit. This particular figure was partly influenced by a decision that Lord Carrington should keep a watch presented to him by the Saudi Arabian Minister of Defence, of which the value was estimated at around £650, provided he paid £50 to the Exchequer to discharge any obligation in respect of the gift.

Although there is no evidence of many other problems with Ministers over gifts at that time, there were signs of a danger that the idea of discharging an obligation through making a payment to the Exchequer might be getting out of hand. In particular, the sums for payment to the Treasury seemed to be being chosen rather arbitrarily. This consideration and others were discussed by the Secretary of the Cabinet and the Head of the Civil Service, before the Civil Service Department decided, as Toby Churchill mentioned, that £15 seemed an appropriate figure below which officials might accept gifts. At the same time it was decided not to revise the relevant section of Questions of Procedure by including a specific figure. The Secretary of the Cabinet did, however, write to the Ministry of Defence to discourage the developing practice of trying to discharge an obligation for a

/ gift

M. A. Pattison, Esq.

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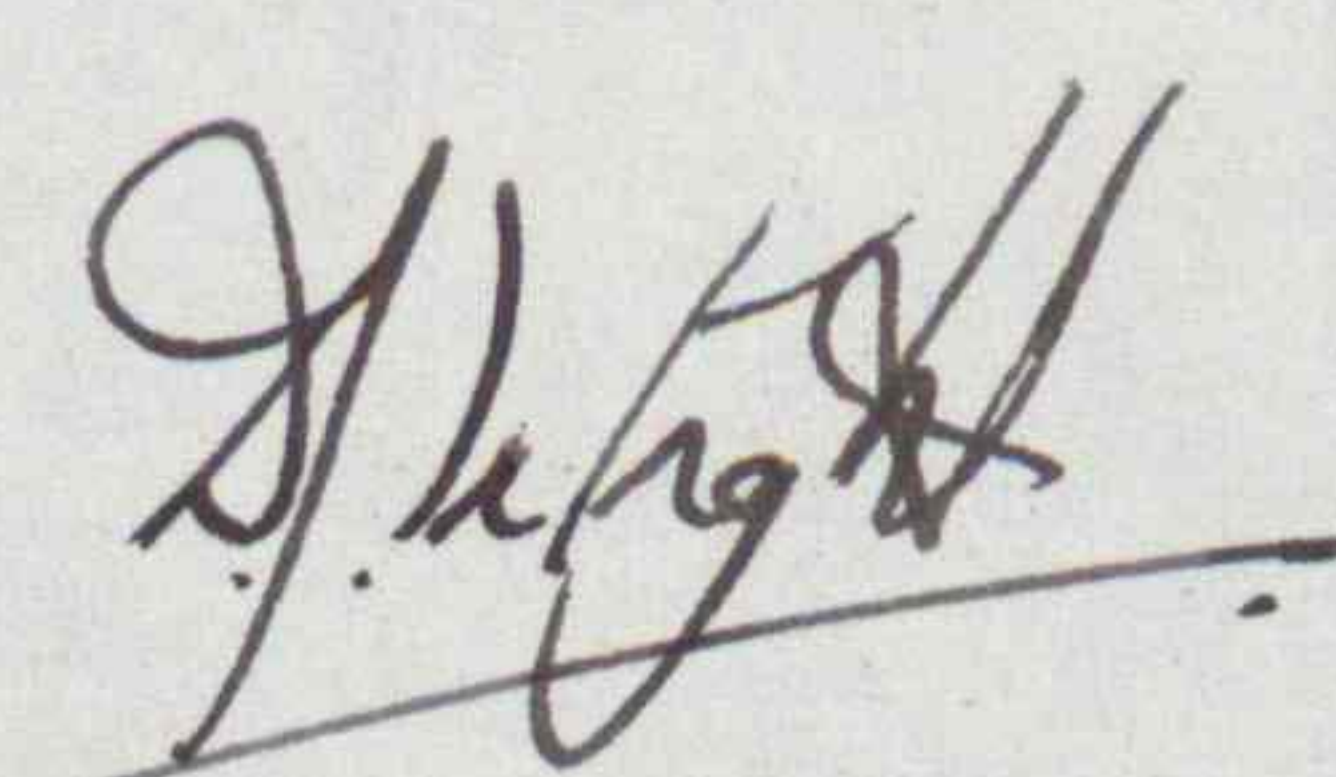
gift by making a payment to the Treasury. The Ministry of Defence were therefore advised that Ministers should not accept gifts unless they discharged the full obligation and that £15 was thought to be closer to the mark below which a gift could automatically be accepted, than £50.

The subject rested there until January 1976 when the Principal Private Secretary in No. 10 minuted Sir John Hunt about the problems caused by the distribution of gifts by Crown Prince Fahd. In his minute of 29th January 1976, Mr. Stowe recorded the Prime Minister's view that "Gifts of a small value (currently this should be put at about £30) may be retained by the recipient". This provision, together with the other points made in Mr. Stowe's minute, were taken into account in redrafting Section X of Questions of Procedure in a form which is virtually identical with that currently in use. There is, however, no indication on our files of why the £30 figure was selected at that time. It looks as if the decision on the figure may have been taken by the then Prime Minister himself.

If £30 was reasonable in 1976, it would not be unreasonable to set the limit at £50 now, to take account of the change in the value of money over the period. But it is for consideration whether it is necessary to change the figure at all. There have been no complaints to us that the £30 limit is too low, and any change would run the risk of unwelcome publicity.

The time to change the figure would really have been in May 1979, when we issued a new edition of Questions of Procedure after the new Government took office. The fact that we missed that opportunity means that the figure is now four years out of date (and would by the next Election be up to eight years out of date); and that argues in favour of a change now. Whether or not the Prime Minister decides that we should change the figure now - and on the whole Sir Robert Armstrong is inclined to think that we should do so - we could note the papers to the effect that the right time to review the limit is when a new Government takes office and Questions of Procedure for Ministers is reissued. This would have the advantage of making it a formality, and it could readily be defended as such.

I am sending a copy of this letter to Toby Churchill (CSD).

Yours ever, 

(D. J. Wright)
Private Secretary

CONFIDENTIAL



CIVIL SERVICE DEPARTMENT
WHITEHALL LONDON SW1A 2AZ
Telephone 01 273 5400

*Sir Ian Bancroft G.C.B.
Head of the Home Civil Service*

Mike Pattison Esq
Private Secretary
Office of the Prime Minister
10 Downing Street
LONDON SW1

30 June 1980

Dear Mike,

Thank you for your letter of 17 June enquiring about the £30 limit for gifts of "small value" which may be retained by Ministers in accordance with the provisions in Questions of Procedure for Ministers. The same figure is used in the rules applying to civil servants, so we can provide some background, but the Cabinet Office have the more direct interest and David Wright will no doubt also be responding to your letter.

Arising out of the Poulson case, in 1973 the Cabinet Office consulted CSD as to whether more detailed guidance about the acceptance of gifts by Ministers should be issued, specifying a figure to define gifts which could be retained without hesitation. A figure of £50 was suggested. CSD surveyed the practice of main departments in relation to civil servants. The then rules for civil servants allowed retention of "small and inexpensive" gifts. In practice, departments generally applied a fairly restrictive line and on this evidence, CSD advised that a figure of £15 seemed nearer the mark. However, so far as civil servants were concerned, we then had it in mind to review the existing rules after Lord Redcliffe-Maud had reported on Conduct in Local Government. We understand it was decided that the Guidance for Ministers should remain unchanged pending any revision of the rules for civil servants.

We had not introduced any specific figure however when, in early 1976, the then Prime Minister decided that the rules governing the acceptance of gifts by Ministers should set a figure for gifts of "small value" at "about £30". This yardstick was then adopted in the Civil Service rules.

Await C.O. Comments
Cabinet
MAJ

BF 7.7.80.

If the figure were increased in the guidance for Ministers we should want to consider whether such a higher figure, if adopted in the Civil Service rules, would still be adequately restrictive.

I am copying this letter to David Wright.

*Yours sincerely
Toby Churchill.*

TOBY CHURCHILL
Assistant Private Secretary

cc CO

HS

Cabinet

~~B/F 24.6.80~~

17 June 1980

We had a word about the provisions in Questions of Procedure for Ministers relating to acceptance of gifts and services.

It has been suggested to the Prime Minister that the £30 figure might be due for review. Could you please let me have a note explaining the origin of this figure, the considerations which were taken into account in setting it, and any factors which ought to be taken into account in considering the possibility of changing it.

I am sending a copy of this letter to David Wright (Cabinet Office).

M.A. PATTISON

Toby Churchill, Esq.,
Civil Service Department.

CONFIDENTIAL

Cabinet (Questions
of Procedure)

Copy.



Subject filed on: Govt
Mach: promotion of efficiency
and elimination of waste
PT 6

10 DOWNING STREET

THE PRIME MINISTER

Personal Minute

No. M 10/80.

SECRETARY OF STATE FOR TRADE

Thank you for your minute of 12 March about waste in Government.

I propose to hold a special meeting of the Cabinet on 25 April to discuss questions of efficiency and manpower policy in the Civil Service. Your minute raises a number of points which we should consider at that meeting, and I am sending copies of it, with copies of this minute, to all Cabinet colleagues.

On Cabinet Committees I agree that we must make the system work for us and not let it take us over. In principle I am in favour of keeping down the numbers both of Committees and of Committee meetings. I am told that in both respects we still compare well with previous Governments. But do not let us lose sight of what the system can do for us. Apart from the advantages you mention - the crystallisation of issues and the proper recording of decisions - it is one way of enabling senior Ministers to exercise a political influence on decisions going beyond their departmental interests; and it helps us to know, and so to be able to defend, what each other is proposing and doing. The system provides a convenient framework for that, and for enabling us to deal with issues in an orderly way and at the right time.

The fact that something has been discussed in a Cabinet Committee should not mean that every subsequent development must be reported back in correspondence copied to all members of the Committee.

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/There are times

There are times when an exchange of correspondence is a less wasteful way of exchanging information or agreeing decisions than a meeting would be. But the ease with which documents can be copied makes people thoughtless about proliferation of them, which is not only wasteful but bad for security. The only way of disciplining prodigality is for those whose duty it is to decide to whom documents are to be copied to confine them always and strictly to those with a positive need to know. Ministers and their Private Offices should set an example on this.

As to sponsorship, each industry has a primary relationship with Government in one particular Department. That does not mean that that Department needs to monitor all that industry's relations with Government. I agree with you that there are considerable savings to be won by cutting out departmental activities which consist simply of monitoring what other Departments are doing. I am glad that Paul Channon is going to put proposals to us on this.

As to delegated authorities, the problem is to make Ministers and their Departments cost-conscious. You mentioned the CSD control over purchase of vehicles for the Coastguards. I am told that, left to itself, the Department would have spent a great deal more than they needed to spend. I should like to see the central departments concentrate more on broad control of expenditure, setting general rules and standards and leaving detail to spending departments; but we shall have to find some way of making Ministers and their departments more cost and resource conscious than they seem to be. We need to look at the whole problem of control of expenditure. We must discuss this, amongst other things, on 25 April.

On public appointments, I should like to continue to be consulted in advance about the appointment of all chairmen of nationalised industries and public appointments, and about all appointments of members which have political significance or implications. I am content not to be consulted about appointments of Deputy Chairmen, except those which have political implications, but in deciding whether or not to consult me I would like colleagues to bear in mind that a Deputy Chairman can often be asked to stand in for, or even take over from, a Chairman.

CONFIDENTIAL

- 3 -

On attendance at Cabinet, I am prepared to waive the requirement of a personal minute seeking permission to be absent from a Cabinet meeting, where the absence is accounted for by an overseas visit which I have approved, on the understanding that the request for approval for the visit is copied to the Secretary of the Cabinet, who needs to know who is away when.

I am content not to be consulted about overseas visits by Ministers other than Cabinet Ministers, provided that such visits are approved by the Ministerial head of the department concerned, the Foreign and Commonwealth Secretary and the Chief Whip. I gather that at least one Department has introduced a cash limit on travel by Ministers; that is an example that others could well follow, to keep this expenditure in bounds. This change of procedure does not affect the requirement for my approval to be sought for official visits overseas by Ministers' spouses and by Parliamentary Private Secretaries (see paragraphs 54 and 55 of Questions of Procedure for Ministers (C(P)(79)1)).

I am sending a copy of this minute to the Secretary of the Cabinet, who will arrange for "Questions of Procedure for Ministers" to be revised to take account of paragraphs 7, 8 and 9.

Raymond DeLia

10 April 1980

CONFIDENTIAL



10 DOWNING STREET

PRIME MINISTER

You asked about the £30 limit on the value of gifts which Ministers are allowed to retain.

(C(P)(79)1

This note from the Cabinet Office reports the background. You will see that the £30 figure was arbitrarily selected; that Sir Robert Armstrong feels that a revision to £50 now would not be unreasonable; and that he suggests that the limit should in future be automatically reviewed when a new Government takes office.

Would you like to proceed in this way?

[Handwritten signature]

17 July 1980

E. R.

PRIME MINISTER

PARLIAMENTARY AFFAIRS

This item has been left off the Cabinet agenda by an oversight. The Chief Whip will be ready to set out the business for the week after the Recess, and I hope you will ask him to do so.

This would be a convenient moment in the proceedings to explain to your colleagues the announcement you are going to make about the composition of Cabinet Committees. A speaking note is attached.

MS

23 May 1979



Speaking Note for Cabinet

I have a Question this afternoon asking whether I will answer Questions on the membership and terms of reference of Cabinet Committees: and, since I shall be making a departure from previous practice I would like my colleagues to know the line that I shall be taking.

The doctrine that the forum in which Ministers reach a decision is a domestic matter and that a decision by a Cabinet Committee, unless referred to the Cabinet, engages the collective responsibility of all Ministers is a sound one. Nor is it desirable to start revealing the composition or terms of reference of individual Committees. On the other hand it is frankly absurd to disclose no information at all, particularly when it is sometimes common knowledge anyhow. I have therefore decided to make a short statement about the main Standing Committees of the Cabinet giving the names of their chairmen, but I do not intend to be drawn any further or to answer Questions about the work of Cabinet Committees. One other point. As a Government we intend to keep Committee work to a minimum: but if it becomes necessary to set up further Committees they will be established as Sub-Committees of the main Standing Committees and I will not make any further announcement about them.

The answer I shall be giving this afternoon reads as follows:-

"I have established five Standing Committees of the Cabinet: a Defence and Oversea Policy Committee and an Economic Strategy Committee, both under my chairmanship; a Home and Social Affairs Committee and (a Queen's Speech and Future Legislation Committee) under the chairmanship of my right hon. Friend the Home Secretary; and a Legislation Committee under the chairmanship of the Lord Chancellor. Attendance at these Committees will vary according to the subject under discussion. Where appropriate Sub-Committees of the Standing Committees will be established to deal with particular categories of business. I do not propose to add to this information, or to answer Questions about the membership, terms of reference, meetings or agendas of the Standing Committees or their Sub-Committees."

REVISED

ANSWER

ATTACHED

MS

Mr. Mike Thomas: To ask the Prime Minister, if she will now answer Questions on the membership and terms of reference of cabinet committees.

I have established 4 Standing Committees of the Cabinet: a Defence and Overseas Policy Committee and an Economic Strategy Committee, both under my chairmanship; a Home and Social Affairs Committee under the chairmanship of my right hon. Friend the Home Secretary; and a Legislation Committee under the chairmanship of the Lord Chancellor. Attendance at these Committees will vary according to the subject under discussion. Where appropriate, Sub-Committees of the Standing Committees will be established. Membership, and terms of reference of the Standing Committees or their Sub-Committees will remain confidential.

Cabinet

Mr. Vile
Cabinet Office.

The Prime Minister has seen Sir John Hunt's minute (AO9607) about revelation of the main Cabinet Committees.

The Prime Minister will consider the draft Answer in preparing for tomorrow's Question time, but she has agreed to raise this matter at Cabinet on Thursday.

I will ensure that Sir John's speaking note is put to her for Cabinet, together with any changes she may choose to make in the presentation of the Answer.

M.A. PATTISON

23 May 1979

Alpin

E.R.
4.
PRIME MINISTER

Following your discussion with Sir John Hunt about the traditional secrecy of Cabinet Committees, he now proposes in the attached submission that you should announce the decision you have taken in response to an oral Question from Mr. Mike Thomas (which will in fact not be reached) on Thursday of this week.

Sir John's attached submission also suggests that you should warn your colleagues of this announcement, and he includes at Flag B a draft speaking note which you might use at Cabinet on Thursday. Alternatively, would you prefer Ken Stowe to write around to all Cabinet Ministers' Private Offices once you have approved the Answer, thus saving one small item of business from Thursday's Cabinet agenda?

22 May 1979

MPD
I will do it
at lunchtime
ms



Ref. A09607

MR. PATTISON

Revelation of Cabinet Committees

The Prime Minister, as you know, discussed my minute A09515 with me on 17th May and decided that she would announce the main Standing Committees of the Cabinet, with the names of their chairmen, but would refuse to be drawn any further. The corollary of this is that if it becomes necessary to set up any further Ministerial Committees they should be established as a Sub-Committee of one of the main Standing Committees.

The Prime Minister has an oral Question from Mr. Mike Thomas (which will not however be reached) on Thursday of this week: and I attach at flag A a draft reply which I think reflects the Prime Minister's wishes.

I think the Prime Minister ought to warn her colleagues of this innovation and of where she proposes to draw the line in future. Otherwise there may be some misunderstanding. Accordingly I attach at flag B a draft speaking note which the Prime Minister might care to use under the Parliamentary Affairs item at Cabinet on Thursday.

(John Hunt)

22nd May, 1979

Mr. Mike Thomas (Newcastle upon Tyne East): To ask the Prime Minister, if she will now answer Questions on the membership and terms of reference of Cabinet Committees.

DRAFT ANSWER

I have established five Standing Committees of the Cabinet: a Defence and Oversea Policy Committee and an Economic Strategy Committee, both under my chairmanship; a Home and Social Affairs Committee and a Queen's Speech and Future Legislation Committee under the chairmanship of my right hon. Friend the Home Secretary; and a Legislation Committee under the chairmanship of the Lord Chancellor. Attendance at these Committees will vary according to the subject under discussion. Where appropriate Sub-Committees of the Standing Committees will be established to deal with particular categories of business. I do not propose to add to this information, or to answer Questions about the membership, terms of reference, meetings or agendas of the Standing Committees or their Sub-Committees.

Speaking Note for Cabinet

I have a Question this afternoon asking whether I will answer Questions on the membership and terms of reference of Cabinet Committees: and, since I shall be making a departure from previous practice I would like my colleagues to know the line that I shall be taking.

The doctrine that the forum in which Ministers reach a decision is a domestic matter and that a decision by a Cabinet Committee, unless referred to the Cabinet, engages the collective responsibility of all Ministers is a sound one. Nor is it desirable to start revealing the composition or terms of reference of individual Committees. On the other hand it is frankly absurd to disclose no information at all, particularly when it is sometimes common knowledge anyhow. I have therefore decided to make a short statement about the main Standing Committees of the Cabinet giving the names of their chairmen, but I do not intend to be drawn any further or to answer Questions about the work of Cabinet Committees. One other point. As a Government we intend to keep Committee work to a minimum: but if it becomes necessary to set up further Committees they will be established as Sub-Committees of the main Standing Committees and I will not make any further announcement about them.

The answer I shall be giving this afternoon reads as follows:-

"I have established five Standing Committees of the Cabinet: a Defence and Oversea Policy Committee and an Economic Strategy Committee, both under my chairmanship; a Home and Social Affairs Committee and a Queen's Speech and Future Legislation Committee under the chairmanship of my right hon. Friend the Home Secretary; and a Legislation Committee under the chairmanship of the Lord Chancellor. Attendance at these Committees will vary according to the subject under discussion. Where appropriate Sub-Committees of the Standing Committees will be established to deal with particular categories of business. I do not propose to add to this information, or to answer Questions about the membership, terms of reference, meetings or agenda of the Standing Committees or their Sub-Committees."



Cabinet

10 DOWNING STREET

This is a regular plea: but
the Prime Minister wishes
to emphasize that issues
should be carefully
analysed before Ministers
put them to ~~the~~ Cabinet
or Cabinet Committees,
and that ^{they} ~~submit~~
~~papers~~ should ~~therefore~~
be presented for discussion
and decision. Sincerely,

CONFIDENTIAL



re Cabinet
Hof Trans.
Sir John Hunt
CWO.
file

10 DOWNING STREET

From the Principal Private Secretary

21 May 1979

Dear Private Secretary,

The Prime Minister has now authorised the circulation of "Questions of Procedure for Ministers", and it is currently being printed. It should be available to you later this week.

The Prime Minister has asked me to underline two points about Cabinet business to which she attaches particular importance. "Questions of Procedure" will stress that papers for Cabinet or Cabinet Committees should be circulated at least two full working days before they are to be discussed. The Prime Minister wishes to ensure that Private Offices put these papers before Ministers at least 48 hours before the meeting, and do not hold them up until the night beforehand.

Secondly, I have been asked to stress the need for brevity in Cabinet papers. This is a regular plea: but the Prime Minister wishes to emphasize that issues should be carefully analysed before Ministers put them to Cabinet or Cabinet Committees, and that they should be presented for discussion and decision succinctly.

I would be grateful if you could ensure that these two points are always borne in mind when you are preparing papers for consideration in Cabinet or at a Cabinet Committee.

I am sending copies of this letter to the Private Secretaries to all members of the Cabinet, including the Minister of Transport, and to Sir John Hunt. I would be grateful if Private Secretaries could ensure that it is brought to the attention of their Junior Ministers.

Yours sincerely,
K.R. Stone.

The Private Secretary

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10 DOWNING STREET

From the Principal Private Secretary

21 May 1979

Dear Private Secretary,

The Prime Minister has now authorised the circulation of "Questions of Procedure for Ministers", and it is currently being printed. It should be available to you later this week.

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Secondly, I have been asked to stress the need for brevity in Cabinet papers. This is a regular plea, but the efficient despatch of business can best be achieved if documents are carefully prepared to set out the case as succinctly as possible, and the Prime Minister is likely to ask for papers to be redrafted if she finds them overlong and rambling.

I would be grateful if you could ensure that these two points are always borne in mind when you are preparing papers for consideration in Cabinet or at a ^{Cabinet} Committee.

I am sending copies of this letter to the Private Secretaries to all members of the Cabinet, including the Minister for Transport, and to Sir John Hunt. I would be grateful if Private Secretaries could ensure that it is brought to the attention of their Junior Ministers.

The Private Secretary

CONFIDENTIAL



*Thank you
Q. 22/5*

With the Compliments
of the
Private Secretary
to the
Secretary of the Cabinet

M. A. Pattison, Esq

~~Mr. James too~~ CA 21/5

~~Mr. Anson~~ to see &
return, pl.

*MAP
187
/v.*

Cabinet Office,
London, S.W.1.

MR. VILE

c Mr. Pattison (No. 10)

Revelation of Cabinet Committees

The Prime Minister discussed with me today my minute of 10th May. No no. 10 Private Secretary was present so I am sending a copy of this minute to Mr. Pattison.

2. I began by repeating that I was relatively relaxed on the matter but that I thought she needed to consider very carefully where if she made a move forward she could draw the line at a new place on which she could stand and not get pushed further. I then drew attention to Mr. Mike Thomas's Question for Answer on Thursday, 24th May asking her whether "She will now answer Questions on the membership and terms of reference of Cabinet Committees".

3. The Prime Minister said that she would like to announce that there were four main Standing Committees of the Cabinet dealing with (i) Defence and Oversea Policy Affairs, (ii) Economic Strategy, (iii) Home Affairs and (iv) Legislation; and that she would be prepared to announce the chairman of each. She would not however be prepared to disclose the composition or terms of reference, and thought that we should use some such formula as "the composition varies from time to time and also according to the subject under discussion".

4. I pointed out to her that while I thought she had been entirely right to start with very few Committees, she would inevitably have to add some e.g. on terrorism and security and there would also be the question of ad hoc groups. She accepted the need for some additional Committees but thought we should follow the precedent established by OD(E) - in other words make them all Sub-Committees of one of the main Standing Committees of the Cabinet. She would not be prepared to disclose the existence of sub-committees or, of course, of ad hoc groups. In other words she envisaged a very cautious step forward by acknowledging the existence of the main Standing Committees of the Cabinet: and she was clear that Press Offices etc. would not be free to answer Questions about their meetings, agendas, etc.

5. I think this is workable, though there are a few loose ends to be tidied up e.g. should we announce QL as well as L?

6. I think the immediate action required is as follows:-

(a) Questions of Procedure for Ministers.

Delete the last sentence of paragraph 22. I do not think that the preceding sentence is inconsistent in any way with what the Prime Minister has decided, since she would not reveal subjects discussed by Cabinet or particular Committees.

(b) Mr. Thomas's Question of 24th May.

I think the answer should be on the lines of (but I have not had time to reflect on this carefully):-

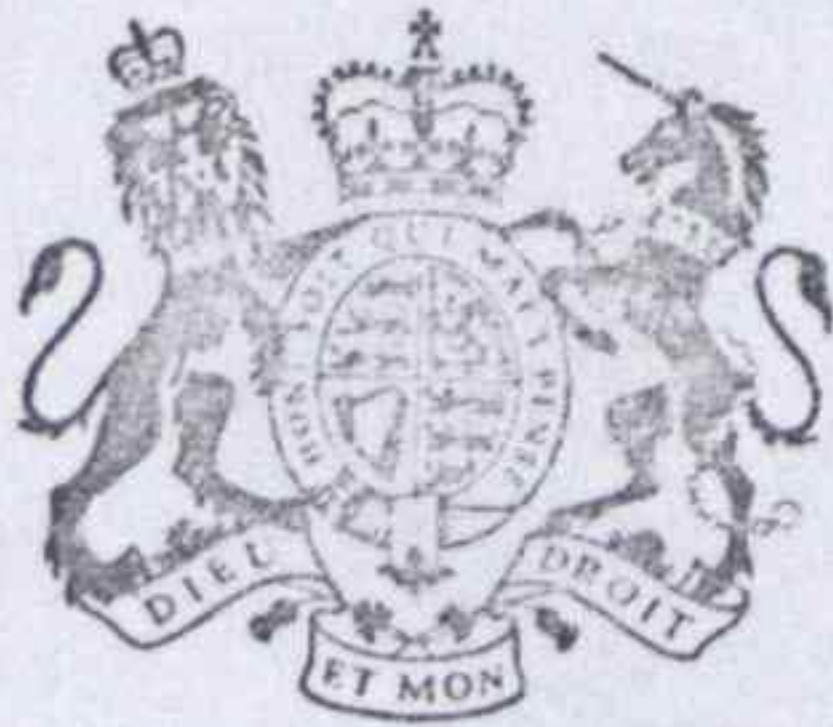
"There are four (or five, depending on QL) main Standing Committees of the Cabinet. They are the Defence and Oversea Policy Committee, which meets under my chairmanship; the Economic Strategy Committee, which also meets under my chairmanship; the Home and Social Affairs Committee, which meets under the chairmanship of the Home Secretary; the Legislation Committee, which meets under the chairmanship of the Lord Chancellor and the Queen's Speech and Future Legislation Committee, which meets under the chairmanship of the Home Secretary. The membership of these Committees varies from time to time and also according to the subject under discussion: and each Committee has a number of Sub-Committees. I am not prepared to go further than this or to answer questions about the membership and terms of reference of the Cabinet Committees or about their various Sub-Committees".

This is very much a cockshy. I should be grateful if you would look at it carefully and let me have your comments for my box on Sunday.

(c) Given this change of policy, the Prime Minister ought perhaps to tell the Cabinet what she is proposing to do and where she intends to draw the line in future. Similarly I ought perhaps to make the position clear to Permanent Secretaries.

17th May 1979

John Hunt



10 DOWNING STREET

From the Private Secretary

MR. VILE
CABINET OFFICE

The Prime Minister has seen Sir John Hunt's minute of 15 May, with which he enclosed a draft cover note and Summary of Questions of Procedure for Ministers. She has agreed that this cover note and Summary should be issued.

The Prime Minister hopes to be able to have a word with Sir John about disclosure of Cabinet Committees when they meet for other business later today.

M. A. PATTISON

16 May 1979

JPB



Ref. A09564

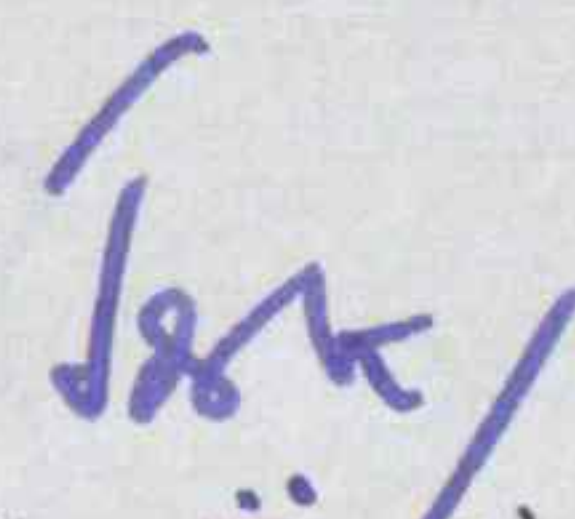
PRIME MINISTER

Questions of Procedure for Ministers

In consultation with your office we have now incorporated amendments into the main document covering all your detailed points except that on disclosure of Cabinet Committees which you wished to discuss with me.

It would be helpful if we could issue the document soon because we are beginning to get a number of enquiries from Ministers about e.g. disposal of their private interests. I think, if I may say so, that your idea of a Summary for Ministers is a good one but suggest that it ought to be in the form of a cover note rather than go out as a separate document. This is partly so that the whole text carries your authority and partly because the Summary could mislead unless Ministers know where to look for more detailed guidance on e.g. private interests if they need it.

Accordingly I attach a draft cover note with Summary which would go out over the main work of reference and should be grateful to know whether you are content with it.


(John Hunt)

15th May, 1979

Summary agreed
as

DRAFT



QUESTIONS OF PROCEDURE FOR MINISTERS

Note by the Prime Minister

1. I circulate herewith a memorandum giving guidance to Ministers on matters of procedure. Much of it is more appropriate as a day to day handbook for Private Offices but a Summary draws attention to the main contents and I ask all Ministers to be aware of these and to refer to the full text on any points on which they are doubtful.
2. I attach the highest importance to the principles enunciated in the memorandum concerning collective and Ministerial responsibility. These must inform all our work, in Departments, in our collective deliberations and in our public activities.
3. It is of the essence of collective responsibility that decisions reached by the Cabinet and its Committees are binding on all members of the Government. The quality of these decisions will in large measure depend on our ability to have free and frank discussions amongst ourselves in an atmosphere of mutual confidence that the confidentiality of our deliberations will be maintained.
4. There are other rules of conduct which Ministers should uphold: consulting Ministerial colleagues about matters concerning their responsibilities; giving colleagues sufficient time to consider matters which they bring before them; attending personally meetings of Cabinet Committees of which they are members or to which they are invited; accepting that appeals to the Cabinet must be the exception rather than the rule: and avoiding conflict between their private interests and their public duties.
5. In our public activities we must take every opportunity to propound our policies, in Parliament and in the media. But we must always remember that as Ministers we cannot speak publicly



only for ourselves. In all cases we speak as Ministers and are bound by the principle of collective responsibility. Ministers must therefore neither anticipate decisions not yet made public; nor refer to subjects which are the responsibility of another Minister without prior consultation

M H T

10 Downing Street

May 1979



QUESTIONS OF PROCEDURE FOR MINISTERS

Summary

- Section I. Privy Council (paragraph 2)
Attendance at a Privy Council meeting takes precedence over all other engagements.
- II. Cabinet Procedure (paragraphs 3 - 24)
Cabinet and Cabinet Committee business consists mainly of questions that engage the collective responsibility of the Government, or on which there is an unresolved argument between Departments, or on which Ministers wish the advice of their colleagues.
Cabinet meetings take precedence over all other business except Privy Council meetings. Requests for absence must be made personally to the Prime Minister.
Cabinet Committees relieve the pressure on Cabinet and ensure that decisions not taken by the full Cabinet are nevertheless authoritative and fully considered. Appeals to Cabinet must be infrequent and are at the Prime Minister's discretion. Ministers should attend meetings in person when invited. Cabinet and Cabinet Committee memoranda should be circulated in time to enable Ministers to consider them for at least two working days; should reflect requirements to consult other Departments concerned; and should be no longer than two pages.
Decisions reached by the Cabinet or Cabinet Committees are binding on all Ministers. They are normally announced and defended as the decision of the Ministers. No indication of the manner in which other Ministers have been consulted should be given.



III. Propriety and Security in the Conduct of Government Business (Paragraphs 25 - 31)

Ministers must protect the Government's reputation for integrity and the confidentiality of its proceedings.

Premature or unauthorised disclosure of matters under discussion within Government must be avoided. Knowledge of such matters must be confined to those who need to know. Ministers should personally ensure good security in their Departments.

IV. Junior Ministers (paragraphs 32 - 36)

Ministers are alone answerable to Parliament for the exercise of their powers, but may delegate authority for a defined range of Departmental work to a junior Minister. The Prime Minister's approval must be sought for the arrangements for supervising the work of a Department when the Minister in charge will be absent.

V. Parliamentary Private Secretaries (PPSs) (paragraphs 37 - 40)

Ministers choose and appoint their own PPSs but must consult the Chief Whip about their choice and obtain the Prime Minister's approval before offering any such appointment. PPSs, as Private Members, should be afforded as great a liberty of action as possible, but in view of their close and confidential association with Ministers, must act with responsibility and discretion. They may not vote against the Government or speak in Parliament on matters affecting their Department. Official information given to PPSs should be limited to what is necessary for the discharge of their Parliamentary and political duties.

VI. Ministers' Visits (paragraphs 41 - 56)

Overseas visits, except for European Community meetings, should normally be made only in the recess or at weekends. The Foreign and Commonwealth Office should be consulted



in good time before the programme for an overseas visit is drawn up. Ministerial parties should be kept as small as possible.

Ministers who wish to be absent from the United Kingdom should seek the Prime Minister's approval before any commitment is made. After the Prime Minister's approval has been obtained members of the Cabinet should additionally, except for visits on European Community business, seek The Queen's permission.

Ministers planning official visits to Scotland, Wales and Northern Ireland should inform the Secretary of State concerned and the Chief Whip. Ministers visiting constituencies should inform the Member concerned.

Ministers visiting towns should inform the Local Authority.

Ministers should not accept offers of free travel. Travelling expenses of spouses accompanying a Minister on official duties may be met from public funds.

VII. Relations with Other Governments (paragraphs 57 - 61)

Ministers should send to the Foreign and Commonwealth Secretary a note of the salient points of any discussions they may have with representatives of foreign countries.

The Foreign and Commonwealth Secretary should be informed before a Minister in a foreign Government is invited to pay an official visit.

VIII. Acceptance of Gifts and Services (paragraphs 62 - 64)

No Minister should accept gifts, hospitality or services which would, or might appear to, place him or her under an obligation. The same principle applies in respect of a Minister's family. In cases of doubt the Prime Minister should be consulted.

Special rules apply in the case of gifts from foreign Governments.



XI. Ministers' Private Interests (paragraphs 65 - 83)

Ministers must so order their affairs that no conflict arises, or appears to arise, between their private interests and their public duty. In cases of doubt the Prime Minister must be consulted.

Where a private interest is retained it must be declared to other colleagues where appropriate.

Special rules apply in respect of appointments; directorships; partnerships; shareholdings; "names" at Lloyds; pressure groups; and participation in the Parliamentary Contributory Pension Fund and in other pension schemes.

X. Constituency Interests (paragraphs 84 - 87)

Ministers should have their constituency work done at their own expense. Ministers should consider any request by a member of the public to submit^a case to the Parliamentary Commissioner for Administration (PCA) on its merits in deciding whether to refer it to the PCA, to take it up with the Minister of the Department concerned or to refer it to another MP (if the complaint is not from the Minister's constituency). A Minister will generally investigate personally any complaint against his own Department. However if the Minister, or another Minister in the Department has been involved in the case, the PCA should be asked to investigate.

Ministers may not take part in public representations or deputations to other Ministers.

XI. Appointments by Ministers (paragraphs 88 - 94)

Special procedures apply to proposals by Ministers to set up Royal Commissions, independent Committees of Inquiry or Committees consisting partly of civil servants and partly of individuals outside government; to appointments to Royal Commissions, Nationalised Industry Boards, Public Boards including Regional Health Authorities, and the more important departmental committees; and to appointments of members of Boards, Commissions or Committees of Inquiry where the appointment is likely to have political significance.



Ministers should consult their Permanent Secretaries if they wish to make personal appointments.

Separate guidance is issued about the appointment of Special Advisers.

XII. Parliamentary Statements and Papers and Other Government Announcements (paragraphs 95 - 117)

The Paymaster General and the Chief Press Secretary at No. 10 should be given as long an opportunity as possible to comment on the content and timing of all important Government announcements, whether in the form of a statement in Parliament, White Paper or Press conference, and whenever possible they should also be shown the draft announcement in advance.

When Parliament is in session important announcements of Government policy should be made in the first instance to Parliament. Ministers proposing to make a statement after Questions or to make an important announcement by means of a Written Answer should, before giving any undertakings that a statement will be made at a particular time, inform the Prime Minister, the Leader of the House of Commons and the Paymaster General. Ministers should, if possible, avoid any announcement of this kind on Thursdays.

Five copies of oral statements must be given to the Chief Whip in the House of Commons as early as possible, and certainly no later than 2.00 pm in order that they can be shown to the Opposition Parties. The final text should also be sent in advance to The Speaker.

Ministers planning to publish a White or a Green paper should give as much notice as possible of their intention to the Prime Minister, the Leader of the House, the Paymaster General and the Secretary of the Cabinet.



Ministers must bear in mind in making speeches or broadcasts that in all cases they speak as Ministers and are bound by collective responsibility. They must keep within Government policy and not anticipate decisions not yet made public. They should consult other Ministers concerned about any reference to matters within their responsibility. Ministers should be ready to accept invitations to take part in radio and television programmes which provide an opportunity to propound Government policies or to clear up a misunderstanding.

Ministers may not practice regular journalism. Nor may they write and publish, while in Office, books on their Ministerial experiences.

XIII. Ministerial Memoirs and Other Writings (paragraphs 118-120)

Former Ministers contemplating the publication of material based upon their recollection of the conduct of Government business in which they took part are required to submit their manuscript to the Secretary of the Cabinet and to conform to the principles set out in the Radcliffe Report of 1976 (Cmnd. 6386).

Ministers who wish to keep a diary of their Ministerial experiences must first consult the Prime Minister.

XIV. Political Impartiality of Civil Servants (paragraphs 121 - 122)

Civil servants should not be asked to engage in activities likely to call in question their political impartiality.



1.

10 DOWNING STREET

PRIME MINISTER

You wanted to discuss with Sir John Hunt the question of secrecy of the Cabinet Committee structure. This needs to be resolved before "Questions of Procedure for Ministers" can be issued.

Sir John Hunt could come over fifteen minutes before Cabinet starts on Thursday: alternatively, there might be an opportunity to take this up with him following your Cabinet Office briefing at 1800 on Wednesday. Can we fix the Thursday time, unless you manage to dispose of it on Wednesday evening?

14 May 1979

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Cabinet

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10 DOWNING STREET

From the Private Secretary

11 May 1979

The Prime Minister has seen Sir John Hunt's minute of 10 May, about the treatment in "Questions of Procedure for Ministers" of information about Cabinet committees.

She would like to have a word with Sir John on this point.

M. A. PATTISON

M.J. Vile, Esq.,
Cabinet Office.

Re

mb



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PRIME MINISTER ¹

You asked for para 22 (flagged) to be re-considered. Sir J Hunt offers two alternatives approaches in para 5 below. Should we adopt "x" or "y"?

MAP 10/1

Ref. A09515

PRIME MINISTER

Questions of Procedure for Ministers

Your Private Secretary's letter of 7th May recorded that you were not convinced that it is "undesirable in principle" to disclose the structure and detail of Cabinet Committees and that you would like this section (paragraph 22) to be reconsidered.

2. I have, if I may be allowed to say so, a lot of sympathy with the view you have expressed. But before suggesting what we might do about the matter I ought perhaps to recapitulate the reasons why previous Prime Ministers, whatever the advice they have been given, have always eventually come down on the side of the status quo.

3. The traditional argument runs as follows. The Cabinet Committee system grew up as the load on the Cabinet itself became too great. It allows matters of lesser importance to be decided without troubling the whole Cabinet; and major issues to be clarified in order to save the time of the Cabinet. The method adopted by Ministers for discussing policy questions is however essentially a domestic matter: and a decision by a Cabinet Committee, unless referred to the Cabinet, engages the collective responsibility of all Ministers and has exactly the same authority as a decision by the Cabinet itself. Disclosure that a particular Committee had dealt with a matter might lead to argument about the status of the decision or demands that it should be endorsed by the whole Cabinet. In any case taking the initiative to publish details of the Committees could be positively misleading. The existence of some (e.g. on nuclear matters) could not be disclosed on security grounds: others have a transient life and the Government would not want to reveal the existence of ad hoc groups on subjects where the Government had work in hand about which it was not ready to make any announcement. Furthermore the absence of a Committee on a particular subject (e.g. agriculture) does not mean that the Government do not attach importance to it: and the fact that a particular Minister is not on a Committee does not mean that




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he does not attend when his interests are affected. It has been argued therefore that publication of the Committee structure would lead to pressures for both more and larger Committees. In particular it has been felt that disclosure would make it harder to exclude Ministers (particularly the territorial Ministers) who have marginal cases for membership of Committees. For all these reasons previous Prime Ministers have tended to feel that disclosure of the Committee structure would hamper their own freedom in setting up, and disbanding, Committees and in appointing Ministers to them.

4. Frankly I think that some of these arguments have been overdone, particularly since parts of the Committee structure are often quite widely known and discussed in the Press. There is however a difference between taking a more relaxed attitude to the question and positively volunteering this information. If you do the latter, would you be able to refuse to answer Questions in the House of Commons about the work of Committees? How would your Press Office respond to the inevitable questions they would get? And so on. There is also a particular problem in relation to Select Committees: if the Government publishes the names of Chairmen this would have implications for the responsibilities of Departmental Ministers since Select Committees would probably start summoning Chairmen (or other members) to give evidence as well as the responsible Minister.

X | 5. You may feel therefore that the first part of the argument in paragraph 3 above is soundly based (i.e. that the method by which a Government takes a decision is a domestic matter and that the Government should not get into a position of having to answer questions about it): but that we need not be unduly troubled if the existence of Cabinet Committees becomes known. If so, the right thing would be to delete the last sentence of paragraph 22. In other words, retain the general constitutional position but be a bit more relaxed about it. If Y | however you want to publish details of the main standing Committees and feel you can hold the line there, I would see no objection. This is essentially a political matter.


(John Hunt)

Agree have
wrd?


10th May, 1979

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10 DOWNING STREET

From the Private Secretary

7 May 1979

Questions of Procedure for Ministers

The Prime Minister has seen Sir John Hunt's minute of 4 May, with which he encloses a draft "Questions of Procedure for Ministers".

The Prime Minister regards a document of this length and detail as being particularly useful for Private Offices, but would like to see a briefer summary document prepared for Ministers to study with greater care than they are likely to be able to give the full version.

I would be grateful if you could arrange for such a summary document to be prepared. I attach for your information a copy of the draft annotated by the Prime Minister, which shows points she particularly wishes to see emphasised. Could we please see the summary in draft before it is issued.

The longer text requires a few amendments. I set these out below:-

- | | |
|--------------|--|
| Paragraph 3 | Insert "unless he or she wishes to have the advice of colleagues." after ".... to a Cabinet committee". |
| Paragraph 9 | Redraft to instruct that Ministers must see the papers 48 hours before the meeting, and that Private Offices must not hold papers back until the night before the meeting. |
| Paragraph 22 | The Prime Minister is not convinced that it is "undesirable in principle" to disclose the structure and detail of Cabinet committees. She takes the view that this is unnecessary secrecy, and that the information eventually gets out, after providing fertile ground for speculation. Could you therefore please reconsider this section. |

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.../Paragraph 96e.

-2-
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Paragraph 96e.

The Prime Minister has commented that extra copies of the text of statements after Questions rarely reached her in Opposition before 3 p.m. on the day in question, and were often delayed further than this. Could you please ensure that the text brings out the importance which the Prime Minister attaches to compliance with this instruction.

Paragraph 105d(i) & (ii)

The Prime Minister wishes Ministers to be readily available to propound their policies in the media. Please include a sentence to this effect.

Paragraph 109

The Prime Minister would wish Ministers to make such contributions only rarely. Please include this in the paragraph.

Paragraph 111

The Prime Minister does not wish any Minister to write and publish a book on ministerial experience whilst in office. This should be without exception, and the paragraph should be redrafted accordingly.

Paragraph 116

The Prime Minister wishes to ensure that this is scrupulously observed.

Paragraph 118-120

The Prime Minister intends to discuss these matters at tomorrow's informal meeting of the Cabinet: I will let you know thereafter how she wishes the subject to be treated in "Questions of Procedure".

Could you please provide amended texts for these paragraphs: once these are agreed, the full length version can be issued in advance of the summary if necessary.

M. A. PATTISON

CONFIDENTIAL

M.J. Vile, Esq.,
Cabinet Office.

PRIME MINISTER

Ref: A09469

CONFIDENTIAL

PRIME MINISTER

Are you content?

*This is a reference
MS
Walc for private office could
we have a digest for Ministers
ms*

Questions of Procedure for Ministers

You will recall from your previous Ministerial experience that at the outset of a new Administration the Prime Minister issues to his colleagues a compendium of guidance on a variety of matters that relate to the running of the Government and to the conduct of Ministers. All Governments since the war have found such a document valuable as a source of reference on matters about which Ministers would otherwise be constantly looking to No. 10 or the Cabinet Office for guidance. Virtually the whole document reflects practice that has become common to both major parties in office; indeed some of it, such as the guidance on private interests, has been made public.

2. I accordingly attach for your approval a draft of Questions of Procedure for Ministers and of a cover note in your name under which it would be circulated, in printed form, to all Members of the Government. It is desirable to issue this as early in the life of a new Government as possible since Ministers need to be aware of some of the guidance e.g. that on private interests, Cabinet procedure and appointments, virtually straightaway.

3. Much of the document will be familiar to you and much is purely procedural. I would however draw your attention particularly to the following paragraphs which contain guidance that reflect the spirit in which the Government is to conduct its affairs:-

Paragraph 8 (Appeals to the Cabinet from Cabinet Committees)

Paragraphs 21, 22 and 101 (Collective Responsibility)

Paragraphs 25-31 (Propriety and Security in the conduct of Government business)

Paragraph 39 (Conduct of Parliamentary Private Secretaries)

J.H.
John Hunt

4th May, 1979

DRAFT

CABINET: PROCEDURE

QUESTIONS OF PROCEDURE FOR MINISTERS

Note by the Prime Minister

1. I circulate with this note a memorandum which brings together guidance on matters of procedure and Ministerial conduct. The principles set down have evolved through successive Administrations over many years.
2. I ask my colleagues to read the memorandum with great care and to make sure that its contents are familiar to their Private Offices and to their principal Departmental advisers.
3. Guidance on the rules governing travel by Ministers is issued separately.

M H T

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THIS DOCUMENT IS THE PROPERTY OF HER BRITANNIC MAJESTY'S GOVERNMENT

QUESTIONS OF PROCEDURE FOR MINISTERS

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QUESTIONS OF PROCEDURE FOR MINISTERS

1. Throughout this memorandum Ministers comprehend all members of the Government, including Assistant Government Whips. They do not include Parliamentary Private Secretaries (who are dealt with in section V).

1. Privy Council

Attendance at Meetings of the Privy Council

2. Once a Minister has accepted a Summons to a meeting of the Privy Council this should take precedence over all other engagements. If a Minister is subsequently unable to attend because of illness, or should some inescapable public duty intervene, the Clerk of the Council must be informed immediately. If a Minister has a meeting immediately before a Council, the agenda should be arranged to leave ample time to reach the Palace. In no circumstances is it permissible for a Minister not to attend owing to the over-running of a meeting. The failure of a Minister to attend a Council after a summons has been accepted is not only discourteous to The Queen but could result in no quorum being present to transact essential Government business.

II. Cabinet Procedure

Cabinet and Cabinet Committee business

3. Cabinet and Cabinet Committee business consists, in the main, of -

i. Questions which significantly engage the collective responsibility of the Government, because they raise major issues of policy or because they are likely to occasion public comment or criticism.

ii. Questions on which there is an unresolved argument between Departments.

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Matters wholly within the responsibility of a single Minister and which do not engage collective responsibility as defined above need not be brought to the Cabinet or to a Cabinet Committee.

A precise definition of such matters cannot be given; in borderline cases a Minister is well advised to seek collective consideration. Questions involving more than one Department should be examined interdepartmentally, before submission to the Cabinet, so that the decisions required may be clearly defined.

Meetings of the Cabinet and Cabinet Committees

4. Cabinet meetings take precedence over all other business except meetings of the Privy Council. Requests by Cabinet Ministers for permission to be absent should be made only in the most exceptional circumstances, and should be made at the earliest opportunity and by a personal Minute to the Prime Minister.

(See paragraph 8 below for attendance at Cabinet Committees.)

5. In order not to disturb the proceedings of the Cabinet and Cabinet Committees, Ministers should see that messages are not sent to them unless this is absolutely essential. A Minister invited to attend for a particular item will be called into the meeting by the Prime Minister's Private Secretary (or the Secretary of the Committee) as soon as the item for which he or she is required has been reached.

6. The Secretary of the Cabinet should be informed of Ministers' out-of-town engagements, and also of their weekend and holiday arrangements, so that, if a sudden emergency arises, he can inform the Prime Minister which Ministers are immediately available.

Cabinet Committees

7. The Cabinet is supported by Ministerial Committees which have a two-fold purpose. First, they relieve the pressure on the Cabinet itself by settling as much business as possible at a lower level; or failing that, by clarifying the issues and defining the points of disagreement. Second, they buttress the principle of collective responsibility by ensuring that, even though an

important question may never reach the Cabinet itself, the decision will be fully considered and the final judgment will be sufficiently authoritative to ensure that the Government as a whole can be properly expected to accept responsibility for it. When there is a conflict between Departments, it should not be referred to the Cabinet until other means of resolving it have been exhausted, including personal correspondence or discussions between the Ministers concerned.

8. If the Ministerial Committee system is to function effectively, appeals to the Cabinet must clearly be infrequent and the Chairmen of Committees are required to exercise their discretion in advising the Prime Minister whether to allow them. The only automatic right of appeal is if Treasury Ministers are unwilling to accept expenditure as a charge on the contingency reserve: otherwise the Prime Minister will only entertain appeals to the Cabinet after consultation with the Chairman of the Committee concerned. Departmental Ministers should normally attend in person meetings of Committees of which they are members or to which they are invited; unless they make it possible for their colleagues to discuss with them personally issues which they consider to be important, they cannot - except where their absence is due to factors outside their control - expect the Prime Minister to allow an appeal against an adverse decision taken in their absence.

Preparation of business for Cabinet and Cabinet Committees

9. The Secretary should be given at least seven days* notice of any business (including business to be raised orally) which a Minister wishes to bring before the Cabinet or a Cabinet Committee; and memoranda should be circulated at least two full working days before they are to be discussed. It is of the utmost importance that this "48-hour rule" should be observed if Ministers are to have a proper opportunity of considering the issues involved. Ministers who fail to comply with the rule should not be surprised if their papers are not placed on the agenda. When the subject is of major importance Ministers should normally be given more time to consider papers, and wherever possible such papers should be circulated at least seven days before the meeting.

Ministers must read them before the meeting. Please insist that papers are held up before the meeting.

- agreed

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10. Ministers' Private Secretaries can help the Secretary by indicating which Ministers other than members of the Cabinet or Committee are likely to be concerned with a subject so that arrangements may be made for their attendance.

11. Proposals involving expenditure affecting general financial policy should be discussed with the Treasury before being submitted to the Cabinet or to a Ministerial Committee; and the results of those discussions together with the best possible estimate (or estimates, if the Department's figures cannot be reconciled with the Treasury's) of the cost to the Exchequer, should be indicated in the memorandum. Where proposals affect United Kingdom obligations or interests as members of the European Community this should be clearly explained. If proposals have manpower implications or may give rise to problems of recruitment, these should be clearly stated after consultation (in the case of manpower) with the Civil Service Department. Attention should also be drawn to any accommodation problems, after consultation with the Property Services Agency. No memorandum should be circulated to the Cabinet unless any legal implications which it raises have been cleared, or at least clarified, with the Law Officers. The Cabinet Office will not normally accept a memorandum for circulation to the Cabinet or a Ministerial Committee unless these steps have been taken.

12. These rules do not limit the right of Ministers to submit to the Cabinet memoranda setting out their views on general issues of policy.

13. Memoranda for the Cabinet and Committees of the Cabinet should be as clear and as brief as possible, not exceeding two pages at maximum. Time spent in making a memorandum short and clear will be saved many times over in reading and in discussion; and it is the duty of Ministers to ensure by personal scrutiny that this is done and that, where necessary, memoranda submitted to them are revised accordingly. The model memorandum explains at the outset what the problem is, indicates briefly the relevant considerations, and concludes with a precise statement of the decisions sought. To facilitate reference in discussion, paragraphs should be numbered.

Cabinet Conclusions and Cabinet Committee Minutes

14. The record of Cabinet and Cabinet Committee proceedings is limited to the conclusions reached and such summary of the discussion as is necessary for the guidance of those who have to take action. The Cabinet Office are instructed to avoid, so far as practicable, recording the opinions expressed by particular Ministers. Matters of exceptional secrecy or political sensitivity may be recorded in a Limited Circulation Annex.

15. Any suggestions for amendment of Cabinet Conclusions or Cabinet Committee minutes must reach the Secretary not later than 24 hours after the circulation of the minutes.

16. Ministers are responsible for instructing their Departments to give effect to the conclusions of the Cabinet or of one of its Committees, and for telling subordinate Departments or branches about decisions affecting them. When immediate action is required by a Department not represented at the meeting, the Secretary will ensure that the Department concerned is notified forthwith. Where urgent action has to be taken by a Department, application may be made to the Secretary for an advance copy of the relevant conclusions.

Cabinet documents

17. Rules governing the layout, reproduction, circulation, handling and disposal of Cabinet and Cabinet Committee documents are set out in a separate memorandum: Cabinet and Cabinet Committee Documents: Standing Instructions (CSI(79) 1).

18. Ministers relinquishing office without a change of Government should hand over to their successors those Cabinet documents required for current administration and should ensure that all others have been destroyed in accordance with the standing arrangements. Former Ministers may at any time have access in the Cabinet Office to copies of Cabinet or Cabinet Committee papers issued to them while in office.

19. On a change of Government, the outgoing Prime Minister issues special instructions about the disposal of the Cabinet papers of the outgoing Administration.

20. Some Ministers have thought it wise to make provision in their Wills against the improper disposal of any official or Government documents which they might have retained in their possession by oversight.

Collective responsibility

21. Decisions reached by the Cabinet or Cabinet Committees are binding on all members of the Government. They are however normally announced and defended as the decision of the Minister concerned. On occasions it may be desirable to emphasise the importance of a decision by stating specifically that it is the decision of Her Majesty's Government. This, however, is the exception rather than the rule.

22. It is important to avoid giving any indication of the manner in which the Minister's colleagues have been consulted before any decision is announced. The principle of the collective responsibility of Ministers, upon which the Cabinet and Cabinet Committee system depends, requires opportunities for free and frank discussion between Ministers; the method adopted by Ministers for discussing among themselves questions of policy is essentially a domestic matter, and such discussion will be hampered if the processes by which it is carried on are disclosed. The growth of any general practice whereby decisions of the Cabinet or of Cabinet Committees were announced as such would lead to the embarrassing result that some decisions of government would be regarded as less authoritative than others; critics of a decision reached by a particular Committee could press for its review by some other Committee or by the Cabinet itself, thus impairing the constitutional right of individual Ministers to speak in the name of the Government as a whole. It is therefore undesirable in principle to disclose the existence, composition and terms of reference of Cabinet Committees, and the identity of their Chairmen, since ill-informed speculation about the status and authority of individual Ministers and the validity of a Committee's decisions may well result, with consequent damage to the collective responsibility of the Government.

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Consultation with the Law Officers

23. The Law Officers must be consulted in good time before the Government is committed to critical decisions involving legal considerations. It will normally be appropriate to consult the Law Officers in cases where -

- i. The legal consequences of action by the Government might have important repercussions in either the foreign or domestic field.
- ii. A Departmental Legal Adviser is in doubt concerning:
 - a. the legality or constitutional propriety of legislation which the Government propose to introduce; or
 - b. the vires of proposed subordinate legislation; or
 - c. the legality of proposed administrative action.
- iii. Ministers, or their officials, wish to have the advice of the Law Officers on questions involving legal considerations, which are likely to come before the Cabinet or a Cabinet Committee.
- iv. There is a particular legal difficulty which may raise political aspects of policy.
- v. Two or more Departments disagree on legal questions and wish to seek the views of the Law Officers.

By convention, written Opinions of the Law Officers are generally made available to succeeding Administrations, unlike other Ministerial papers.

24. Ministers occasionally become engaged in legal proceedings primarily in their personal capacities but in circumstances which also involve their official responsibilities. In such cases they should consult the Law Officers before consulting their own solicitors, in order to allow the Law Officers to express a view on the handling of the case so far as the public interest is concerned or, if necessary, to take charge of the proceedings from the outset.

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III. Propriety and Security in the Conduct of Government Business

25. All Ministers should protect both the Government's reputation for integrity and the confidentiality of its proceedings. They should therefore conduct themselves, both in public and in private, in such a way as to avoid circumstances which could either damage the Government's good name or be used against them as a means of pressure by hostile intelligence agents. On first appointment, and in certain cases on appointment to a subsequent Ministerial office, Ministers will be briefed by the Security Service, who will explain both the basic threat to our security and the system of protection against it. They will also be invited to sign a declaration that they have read the relevant provisions of the Official Secrets Acts.

26. Premature or unauthorised disclosure of matters under discussion by the Cabinet or its Committees damages the reputation of the Government and impairs the efficiency of administration. Ministers who share the collective responsibility for the Government's programme must be kept generally aware of the development of important aspects of Government policy. But, outside this limited circle, knowledge of these matters should be confined to those, whether Ministers or officials, who are assisting in the formulation or execution of the particular policy concerned or need to know what is afoot because of its effect on other aspects of public business for which they are responsible.

27. Confidential aspects of Government policy should not be discussed with persons outside Government service unless this is necessary for the transaction of public business. Care should be taken that no discussions of confidential Government business are held in places where they may be overheard; and special care should be taken to protect the security of all classified Government papers.

28. Ministers should personally ensure that not only they but also members of their staffs maintain good security and that the appropriate precautions are strictly enforced in their Departments. In particular -

i. The rules governing access to Cabinet and Cabinet Committee documents are set out in the separate memorandum Cabinet and Cabinet Documents: Standing Instructions (CSI(79) 1). The main features of these are: that the "need to know" principle is paramount; that minutes and memoranda of the Cabinet and of the most sensitive Cabinet Committees must not be shown automatically to anyone within a Department except on the specific instructions of the Minister to whom the documents were issued; and that, subject to the overriding direction of the Minister or Permanent Secretary, access to Cabinet documents shall be determined on a strict "need to know" basis by the Minister's Principal Private Secretary.

ii. A member of the Cabinet has responsibilities wider than those of his or her own Department and will in that capacity receive some documents which are of no concern to any of his or her subordinates.

iii. The handling of documents reflecting the personal views of Ministers requires special care. It is contrary to the doctrine of collective responsibility to make known the attitude of individual Ministers on matters of policy.

iv. Serious leaks can occur when the media can piece together isolated items of information, each of apparently little importance, gathered from several sources. It is therefore unwise to disclose prematurely even relatively minor or partial aspects of matters. In appropriate cases it may be in the public interest to communicate certain information in confidence to a responsible editor, Lobby correspondent, etc, for purposes of guidance: but this should be done only when it is known that such confidence will be respected.

v. A PICKWICK telephone should be used for conveying TOP SECRET and SECRET information whenever possible. The normal telephone system (including Federal) is not secure and a scrambler gives no protection against deliberate interception. When PICKWICK is not available the following precautions should be taken --

a. Long distance calls. Calls from and to places within 50 miles of London may go by radio relay and are therefore particularly liable to interception. Such interception is facilitated by the comparative ease with which certain calls may be identified, ie calls over private circuits, calls to identified numbers of intelligence interest and those calls where a scrambler is used. TOP SECRET information should never be conveyed during long distance calls. SECRET and CONFIDENTIAL information should be conveyed only when the urgency outweighs the risk to security. It is essential that a scrambler should NOT be used but that the content of the call should be so disguised as to be unintelligible to a hostile intelligence service.

b. Local calls, which go by land line. Where in cases of extreme urgency TOP SECRET and SECRET information has to be referred to it is essential that a scrambler should be used, and conversation should be in guarded language. There is less objection to CONFIDENTIAL information being passed on the telephone on a local call; but this should be done in a guarded manner and a scrambler should be used whenever possible.

29. Ministers may occasionally have to take classified documents out of their Departments or to have them sent to them when they are out of London. Rules on this subject are contained in Chapters 6-8 of the Manual "Security in Government Departments"; and these should be strictly observed. Departments should ensure that security containers are provided in the homes of all members of the Cabinet and of other Ministers who find it necessary to take

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a significant amount of sensitive material out of their Departments; and Ministers should consult their Permanent Secretaries both about the extent of the confidential material which they need to deal with at their homes and the adequacy of the measures for its protection.

30. It is undesirable that Minister should have direct contact with persons offering their services as intelligence agents. Any Minister approached either direct or through an intermediary should offer no comment but should as soon as possible inform his or her Permanent Secretary of the approach.

31. These rules alone will not ensure that the Government's conduct of public business is not prejudiced by premature disclosure. All Ministers are expected to set an example in exercising discretion and to see that their example is followed.

IV. Junior Ministers

32. The Minister in charge of a Department is alone answerable to Parliament for the exercise of the powers on which the administration of that Department depends. The Minister's authority may, however, be delegated, either to a junior Minister or to an official; and it is desirable that Ministers should devolve on their junior Ministers responsibility for a defined range of Departmental work, particularly in connection with Parliament. The assignment of duties to a junior Minister will thus be a matter for the Minister to decide and will vary from one Department to another but where it is proposed to confer on junior Ministers "courtesy titles" descriptive of the duties assigned to them, the Prime Minister's prior approval must be sought, and the Secretary of the Cabinet should also be informed.

33. Although a junior Minister may be authorised to supervise the day-to-day administration of a defined range of subjects, this arrangement cannot relieve the Permanent Secretary of his general responsibilities for the organisation and discipline of the Department or his duty to advise on matters of policy. The junior Minister is not subject to the directions of the Permanent Secretary; but, equally, the Permanent Secretary is not subject to the directions of the junior minister. Any conflict of view between the two can only be resolved by reference to the Minister in charge of the Department or, if the latter is absent and a decision cannot be postponed, by reference to the Prime Minister or to a Minister whom she has nominated for the purpose.

Arrangements during absence from London

34. When a Minister is to be out of touch for a considerable period because of absence or illness a junior Minister will normally take Ministerial charge of the Department. On some occasions, it may be desirable that arrangements should be made for another member of the Cabinet to be available to give political guidance to officials of the Department and to represent the Department's interests in discussions in Cabinet or Cabinet Committees. The Prime Minister's prior approval should be sought for the arrangements for superintending the work of a Department when the Minister in charge will be absent.

35. When one member of the Cabinet is acting in this way on behalf of another, special care must be taken over the exercise of statutory powers. Powers vested formally in "the Secretary of State", as distinct from a specific Secretary of State, can be exercised by any Secretary of State in the absence of another. But otherwise the statutory powers of one Minister cannot formally be exercised in the Minister's absence by a colleague in charge of another Department, and a Minister who is acting for an absent colleague should be careful to avoid appearing formally to exercise powers which are expressed by statute as exercisable by that colleague. The powers of a Board or Council may, however, be exercisable in the absence of its principal

member. There may also be statutory authority for formal documents to be signed on behalf of an absent Minister by junior Ministers or officials. Ministers will wish to seek legal advice in cases of doubt.

36. There is no similar difficulty about submissions to Her Majesty. Submissions made in the absence of a Minister can however only be made by a junior Minister who is a Privy Counsellor or by another member of the Cabinet. Submissions on behalf of an absent Secretary of State must be made by another Secretary of State.

V. PARLIAMENTARY PRIVATE SECRETARIES

37. Parliamentary Private Secretaries occupy a special position which is not always understood. They are not members of the Government, and should be careful to avoid being spoken of as such. They are Private Members, and should therefore be afforded as great a liberty of action as possible; but their close and confidential association with Ministers necessarily imposes certain obligations on them.

38. Ministers choose and appoint their own Parliamentary Private Secretaries with the approval of the Prime Minister. The Chief Whip should, however, be consulted about the choice of a Parliamentary Private Secretary; and in view of the special position which Parliamentary Private Secretaries occupy in relation to the Government, the Prime Minister's approval must also be sought before any such appointment is offered or announced.

39. Ministers should ensure that their Parliamentary Private Secretaries are aware of certain principles which should govern the behaviour of Parliamentary Private Secretaries in the House of Commons. Like other Private Members,

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Parliamentary Private Secretaries are expected to support the Government in all important divisions. However their special position in relation to the Government imposes an additional obligation which means that no Parliamentary Private Secretary who votes against the Government may retain his or her position. Parliamentary Private Secretaries should not make statements in the House or put Questions on matters affecting the Department with which they are connected. Parliamentary Private Secretaries are not precluded from serving on Select Committees but they should not do so in the case of inquiries into their own Ministers' Departments and they should avoid associating themselves with recommendations critical of or embarrassing to the Government. They should also exercise great discretion in any speeches or broadcasts which they may make outside the House, taking care not to make statements which appear to be made in an official or semi-official capacity, and bearing in mind at the same time that, however careful they may be to make it clear that they are speaking only as Private Members, they are nevertheless liable to be regarded as speaking with some of the authority which attaches to a member of the Government. Generally they must act with a sense of responsibility and with discretion; and they must not associate themselves with particular groups advocating special policies.

40. Parliamentary Private Secretaries are not members of the Government, and official information given to them should generally be limited to what is strictly necessary for the discharge of their Parliamentary and political duties. This need not preclude them from being brought into Departmental discussions or conferences where appropriate, but they should not have access to secret establishments, or information graded secret or above except on the personal authority of the Prime Minister.

VI. MINISTERS' VISITS

Ministers' visits overseas

Planning the visit

41. Overseas visits (including visits to the Republic of Ireland) should not normally be made while Parliament is in session. Ministers should ~~arrange such~~ visits only in the Recess or, where appropriate, at weekends, except where the visit is in connection with the business of the European Community or there are other compelling reasons of Government business. In particular, overseas visits which are largely of a fact-finding kind should be reserved exclusively for the Parliamentary Recess. Moreover, in planning the overseas visits Ministers should take account of paragraph 4 above, ie that Cabinet meetings take precedence over all other business (other than meetings of the Privy Council). Sufficient Ministers must also be available during recesses to ensure effective conduct of Government business, and it may be necessary for this reason to restrict or reconsider absences abroad.

42. In order to obtain the fullest value from an overseas visit it is important that, except where the visit is to eg an international meeting on a fixed date, the Foreign and Commonwealth Office should be asked by Private Secretary letter at the earliest stage possible, to consult the diplomatic post in the country to be visited, so as to ensure that local considerations, complications of timing, clashes with other proposed Ministerial visits etc are taken into account in setting the dates and drawing up the initial programme. Ministers' Private Secretaries should not themselves approach posts direct.

43. Ministers should pay close attention to the need to be able to justify their overseas visits to Parliament and to public opinion generally. The visiting party should always be kept as small as practicable and Ministers should make it their personal responsibility to approve the size and composition of any Ministerial delegation for which their Department is responsible. (Where a delegation includes a Foreign and Commonwealth Office Minister the concurrence of the Foreign and Commonwealth Secretary in the size and composition of the

the delegation should also be obtained). In order that a central record of the cost of such visits can be maintained, Ministers should arrange for returns to be sent three times a year to Manpower Central Branch, Civil Service Department, with copies to the Secretary to the Ministerial Visits Committee, Protocol and Conference Department, Foreign and Commonwealth Office. Returns giving details of the numbers and cost of those members of the delegation travelling at public expense should be sent within three weeks of the end of each Parliamentary Recess. They should cover all visits made since the previous return, except visits to EEC countries for the purpose of attending regular meetings of the EEC Councils or Ministerial Meetings on Political Co-operation. All other visits to EEC countries should be included.

Leave of absence

44. Any member of the Cabinet who wishes to be absent from the United Kingdom, whether on duty or leave, should -

(i) Seek the Prime Minister's approval. This must be done before any commitment, even of an informal nature, is made. The reasons for the visit and a list of the countries to be visited should be given; in the case of official visits, the number of officials and the reasons for taking them should also be specified. Copies of the letter should be sent to the Foreign and Commonwealth Secretary and to the Chief Whip: their views will be taken into account by the Prime Minister before reaching a decision. A copy should also be sent to the Secretary of the Cabinet.

(ii) After the Prime Minister's approval has been obtained the Minister should, for all visits abroad other than visits to Brussels or Luxembourg on European Community business, seek the Queen's permission to leave the country. At the same time Her Majesty should be informed of the arrangements made for the administration of the Minister's office during absence.

45. Other Ministers who propose to leave the United Kingdom whether on duty or on leave need not obtain The Queen's permission to do so. They should however, after obtaining the consent of their own Ministers, take the action at paragraph 44(i) above.

Entertainment overseas

46. If it is thought that a Minister may need to provide official entertainment while overseas, the advice of the Foreign and Commonwealth Office should be sought both on the desirability and on the form of such entertainment.

Ministers recalled to vote

47. If a Minister is abroad on public duty and at public expense and is called home to vote and then returns on public duty, the extra journey back and forth is chargeable to public funds.

Ministers' visits in the United Kingdom

48. Ministers who are planning official visits to Scotland, Wales and Northern Ireland should inform the Secretary of State concerned and the Chief Whip. It is also customary to inform the Home Secretary of prospective visits to the Channel Islands and the Isle of Man.

49. It is the custom for Ministers when accepting invitations to visit constituencies to inform the Members concerned; and special care should be taken not to overlook this courtesy. It is particularly desirable to give as much notice as possible in the case of constituencies represented by Government supporters. Ministers cannot, of course, invite Members to accompany them; but adequate notice will enable Members to ensure that they receive invitations from local organisers to functions of an official nature. It will also enable them to make suggestions to the Minister about the inclusion in the itinerary of places which it would be helpful to visit.

50. When a Minister makes an official public visit to a town in the United Kingdom, the Local Authority should also be informed. If the Minister has time and cares to do so, an offer to call on the Mayor, Provost or Chairman may be made; but this is not necessary unless the visit has some particular local significance. However similar considerations apply as in paragraph 49 where the local authority is controlled by Government supporters. It is not necessary to give notice to the Local Authority if the Minister is going in a private capacity or, if in a Ministerial capacity, as the guest of an organisation which is giving a private function.

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Use of official cars and travel by rail and air

51. Guidance on the use of official cars and on rail and air travel is issued separately (C(PR)(79) 2).

Expenses on travel and hospitality

52. When Ministers travel on official business, their travel expenses should normally be borne by the Departmental Vote. An exception may be made where a nationalised industry issues a specific invitation to the responsible Minister to visit its establishments or to inspect its activities in circumstances where it would be natural for the Chairman of the Board concerned to accompany the Minister and to provide reasonable hospitality or travel facilities. Alternatively, there may be rare occasions when a Minister is invited to attend, eg an industrial conference at a hotel, when it would be discourteous to refuse hospitality. Ministers may accept invitations of this nature, provided that they are not too frequent.

53. In order to avoid the risk of misrepresentation, Ministers should not normally accept offers of free travel from foreign Governments, or other organisations. In any cases of doubt, the Prime Minister should be consulted.

Travelling expenses of spouses

54. The expenses of a Minister's spouse when accompanying the Minister on the latter's official duties may on special occasions be paid from public funds, provided it is clearly in the public interest that he or she should accompany the Minister. In the case of official visits overseas, the Prime Minister's prior assent should be obtained on each occasion. For official visits within the United Kingdom, this is at the discretion of the Minister in charge of the Department concerned who should consult the Permanent Secretary. The Prime Minister's prior approval is however required for any arrangement

whereby a Minister's spouse may regularly travel at public expense within the United Kingdom; Ministers should arrange for the Civil Service Department to be consulted about such arrangements before submitting them to the Prime Minister.

Parliamentary Private Secretaries

55. Parliamentary Private Secretaries making official visits in the United Kingdom may receive the normal Civil Service travelling and subsistence allowances in respect of absences on official (ie Departmental) business, as would other MPs undertaking work for Government Departments. It is for the Minister concerned to decide whether or not the Parliamentary Private Secretary, when undertaking the same journey, is engaged on Departmental business. It may occasionally be useful for a Parliamentary Private Secretary to accompany the Minister on an official visit abroad but no such arrangements should be made without the prior approval of the Prime Minister. The point in paragraph 40 should be borne in mind when a Parliamentary Private Secretary is accompanying the Minister on a visit.

Special Advisers

56. When a Special Adviser whose salary is not met from public funds accompanies a Minister on Government business, those funds should meet any additional expenditure to which the Exchequer may be put on this account. The approval of the Prime Minister should be obtained before a Special Adviser accompanies a Minister overseas in these circumstances.

VII. Relations with other Governments

57. Ministers should remember the importance of sending to the Foreign and Commonwealth Secretary a note of the salient points of any discussions which they may have with representatives of foreign or Commonwealth countries. This applies to informal discussions as well as those held in the course of official business.

58. Special care is needed in conversations at social functions at Embassies or at other functions at which foreign diplomatic representatives are present.

Visits by Commonwealth or foreign Ministers

59. Ministers should inform the Foreign and Commonwealth Secretary before extending invitations to Ministers in other Governments to pay official visits to this country; and in any case of doubt or difficulty, they should consult him.

Foreign decorations

60. It is a well-established convention that Ministers should not, while holding office, accept decorations from foreign countries.

Offers of hospitality, open letters, etc.

61. Ministers should not overlook the possible foreign policy implications of such day-to-day matters as offering hospitality to prominent political figures visiting this country, accepting social commitments of a similar kind, giving public support for petitions, open letters, etc. Such actions, which may not necessarily appear to justify prior consultation, may be construed as significant by foreign observers of the United Kingdom. In any case of doubt Ministers should consult with the Foreign and Commonwealth Secretary before making commitments. In addition the Foreign and Commonwealth Secretary should be consulted whenever a Minister intends to make a speech touching on matters affecting foreign and Commonwealth affairs.

VIII. Acceptance of Gifts and Services

62. It is a well-established and recognised rule that no Minister or public servant should accept gifts, hospitality or services from anyone which would, or might appear to, place him or her under an obligation. The same principle applies if gifts etc are offered to a member of their family.

63. This is primarily a matter which must be left to the good sense of Ministers. But any Minister in doubt or difficulty over this should seek the Prime Minister's guidance.

64. There may be difficulty in refusing a gift from another Government (or Governmental organisation) without the risk of apparent discourtesy. In deciding whether to accept or to offer gifts of this kind Ministers should where possible consult their Permanent Secretaries who will be able to advise them about the rules applicable to civil servants in analogous circumstances; and in any case of doubt they should seek the Prime Minister's views. If however such a gift is accepted the following rules apply -

- a. Its receipt should, in all cases, be reported to the Permanent Secretary.
- b. Gifts of small value (currently this should be put at £30) may be retained by the recipient.
- c. Gifts of a higher value should be handed over to the Department for disposal, except that
 - i. The recipient may purchase the gift at its cash value (abated by £30).
 - ii. If the recipient wishes to reciprocate with, and pay for, a gift of equivalent value the gift received may be retained.
 - iii. The gift may be displayed or used in the Department where this is appropriate.
 - iv. If the disposal of the gift would cause offence or if it might be appropriate for the recipient to use or display the gift on some future occasion as a mark of politeness, then the gift should be retained in the Department for this purpose for a period of up to five years.

Any Minister who retains an imported gift under these rules but within 2 years seeks to dispose of it must first resolve with HM Customs and Excise the possibility of liability to duty and tax.

IX. Ministers' Private Interests

65. It is a principle of public life that Ministers must so order their affairs that no conflict arises, or appears to arise, between their private interests and their public duties.

66. Such a conflict may arise if a Minister takes an active part in any undertaking which may have contractual or other relations with a Government Department, more particularly with his or her own Department. It may arise, not only if the Minister has a financial interest in such an undertaking, but also through active association with any body, even of a philanthropic character, which might have negotiations or other dealings with the Government or be involved in disputes with it. Furthermore Ministers should be free to give full attention to their official duties, and they should not engage in other activities which might be thought to distract their attention from those duties.

67. Ministers should normally make their own decisions on the application of these principles. Over much of the field, as is shown below, there are established precedents. Where there is a doubt it will almost always be better to surrender the interest but in such cases the Prime Minister of the day must be the final judge, and Ministers should submit any such case to her for her decision.

68. Where it is proper for a Minister to retain any private interest, it is the rule that he or she should declare that interest to Ministerial colleagues if they have to discuss public business in any way affecting it, and that the Minister should remain entirely detached from the consideration of that business.

Public appointments

69. Ministers should on assuming office give up any other public appointments they may hold. Where it is proposed that such an appointment should be retained, the Prime Minister must be consulted.

Directorships

70. Ministers must on assuming office resign any directorships which they may hold, whether in public or in private companies and whether the directorship carries remuneration or is honorary. The only exception to this rule is that directorships in private companies established for the maintenance of private family estates, and only incidentally concerned in trading, may be retained subject to this reservation - that if at any time the Minister feels that conflict is likely to arise between this private interest and public duty, the Minister should even in those cases resign the directorship. Directorships or offices held in connection with philanthropic undertakings should also be resigned if there is any risk of conflict arising between the interests of the undertakings and the Government.

Partnerships

71. Ministers who are partners in professional firms, as, eg solicitors, accountants, etc, should, on assuming office, cease to play any part in the day-to-day management of the firm's affairs. They are not necessarily required, however, to dissolve their partnership or to allow eg their annual practising certificate to lapse. Beyond this it is not possible to lay down precise rules applicable to every case; and Ministers in doubt about their personal position in this respect should consult the Prime Minister.

Shareholdings

72. Ministers cannot be expected, on assuming office, to dispose of all the investments they may hold. But if a Minister holds a controlling interest in any company, considerations arise which are not unlike those governing the holding of directorships; and, if there is any danger of a conflict of interest, the right course is for the Minister to get rid of the controlling interest in the company. There may also be exceptional cases where, even though no controlling interest is involved, the actual holding of particular shares in concerns closely associated with a Minister's own Department may create the danger of a conflict of interest. Where a Minister considers this to be the case, the holding should be given up. There may also be less clear-cut cases where a Minister would feel it appropriate to place the holding in the hands of trustees.

73. Ministers should scrupulously avoid speculative investments in securities about which they have, or may be thought to have, early or confidential information likely to affect the price of those securities.

"Names" at Lloyds

74. A Minister should not be a "name" at Lloyds while holding office as Prime Minister, Chancellor of the Exchequer or Secretary of State for Trade. As regards other Ministers who, on appointment to office, are "names", it is clearly inappropriate that they should take an active part in the management of the affairs of the syndicates of which they are members; and there may be cases in which, because of the emphasis of a syndicate's business, any continued participation in it must be regarded as inconsistent with the holding of a particular Ministerial office. All Ministers are therefore required, on appointment whether to their first or to any subsequent Ministerial office, to obtain the permission of the Prime Minister before continuing a connection with Lloyds, however nominal, which they had established before appointment or establishing any such connection during their term of appointment. Before granting permission, the Prime Minister will need to be satisfied that the conditions indicated above will be met.

Nominations for International Awards, etc

75. From time to time, the personal support of Ministers is requested for nominations being made for international prizes and awards, eg, the annual Nobel prizes. Ministers should not sponsor individual nominations for any awards, since it would be inevitable that some people would assume that the Government was itself thereby giving its sponsorship.

Pressure Groups

76. Ministers are frequently asked to associate themselves with pressure groups, for example by becoming signatories of open letters or appeals or by attending a rally or other function to

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which publicity is to be given. Such invitations should normally be declined since Ministerial association with pressure groups can give rise to misunderstanding about the Government's position. Any Minister who wishes to accept an invitation from a pressure group should consult the Prime Minister.

Participation in the Parliamentary Contributory Pension Fund

77. Under the terms of the Parliamentary and Other Pensions Act 1972, as amended by the Parliamentary Pensions Act 1978, Ministers, if paid, will be required to contribute to the Parliamentary Contributory Pension Fund in respect of their Ministerial salary (less, for Members of the House of Commons, the difference between their reduced salary as a Member and a Member's ordinary salary) but they may within 12 months of their appointment elect not to do so. Details of the contributions required, and of the rates of personal and family benefit which accrue from participation in the Fund, can be obtained from the Fees Office.

78. Ministers who have accrued pension rights in another pension scheme may, if they elect to participate in the Fund in respect of their Ministerial salary, and if the rules of the other scheme permit, also elect within twelve months of their appointment to have the value of those accrued rights transferred to the Fund. The Fees Office will advise on the additional benefits which will be secured by such a transfer payment.

Participation in other pension schemes

79. Ministers with accrued pension rights in another pension scheme who do not (or cannot) elect for a transfer payment may leave these as "frozen" rights in the other scheme, with no further contributions being payable during their tenure of office. Alternatively, if the rights are secured by an insurance policy (and assuming that the rules of the other scheme so permit) the policy could be transferred to them, either on a paid-up basis or with the right to continue payment of the premiums themselves.

80. Ministers who expect to resume their former employment on ceasing to hold Ministerial office and who elect not to participate in the Parliamentary Fund in respect of their Ministerial salary may remain in active membership (that is, with continued payment of contributions, and with their period of office counting as continued pensionable employment) of any pension scheme relating to that employment provided that this can be done under the rules of the scheme. In these circumstances the continued contributions may be paid by the Minister alone, or by the former employer alone, or jointly, depending on the rules of the other scheme.

81. It must be emphasised that any arrangements made under paragraph 80 must not go outside the terms of the particular pension scheme. There would be no objection to a general alteration of the rules of a scheme when this is necessary to permit such arrangements; but approval could not be given for the addition to the scheme of a special provision relating only to the tenure of a Ministerial office. If Ministers have any doubts about the propriety of any arrangements they intend making, the Prime Minister's Private Secretary may be consulted.

82. Ministers who elect not to participate in the Parliamentary scheme in respect of their Ministerial salary, and who make arrangements of the kind set out in paragraph 80 may be entitled to claim tax relief on premiums paid under a "retirement annuity contract" to provide additional pension, etc, benefits for themselves or provision for their families in the event of death. Such contracts are issued subject to the limitations and conditions laid down in the Tax Acts. Relief is normally limited to 15 per cent of the Ministerial salary excluding, for a Minister in the Commons, the difference between a Minister's reduced salary as a Member and a Member's ordinary salary; there is also an overriding limit which varies according to individual circumstances. In some cases higher limits apply to those born before 1916.

83. The taxation effects of arrangements such as are mentioned in the paragraphs above may vary according to the Minister's particular circumstances. The Controller, Superannuation Funds Office, Inland Revenue, Apex Tower, High Street, New Malden, Surrey, KT3 4DN, will be willing to explain the effects for tax purposes of any proposed arrangement under paragraph 80; he will also give, on request, further information on the legislation and reliefs available in respect of retirement annuity contracts. Alternatively a Minister may make any enquiry through the Financial Secretary, Treasury.

X. Constituency interests

84. It is wrong in principle for Ministers to use for constituency work facilities provided at public expense to enable them to carry out their public duties. This point of principle is reflected in the entitlement of Ministers to a Parliamentary salary of £4642 (£3529 for Cabinet Ministers), in recognition of the time spent in attending to the interests of their constituents, and to reimbursement of their secretarial expenses and the expenses of living away from home when attending to constituency business, within the limits prescribed by the Resolution of the House of Commons of 28 July, 1978. Ministers should thus have their constituency work done at their own expense, as they would if they were private Members of Parliament.

Parliamentary Commissioner for Administration (PCA) Cases

85. Ministers in the Commons who are asked by Members of the public to submit cases to the PCA should where possible, act no differently from other MPs. Ministers should accordingly consider requests on their merits in deciding whether to refer complaints to the PCA, to take them up with the Minister of the Department concerned, to refer the case to another MP (where the complaint is not from a constituent of the Minister) or to decline to take action. Any Minister who has in mind the reference of a case to the PCA would naturally wish to inform in advance the Minister of the Department concerned.

86. Where a complaint from a constituent is against the Minister's own Department the Minister will generally wish to investigate it personally unless he or she, or one of the other Ministers in the Department, has already been directly involved in the case. Where a Minister has been so involved, the PCA should be asked to investigate if the case is within his jurisdiction; and there may be other circumstances in which a Minister will prefer to refer a case to the PCA straight away.

Deputations

87. Ministers should not take part in any public representations (or in deputations) to other Ministers; but they are free to make their views about constituency matters known to the responsible Minister by correspondence or by personal interview provided that this is not given publicity.

XI. APPOINTMENTS BY MINISTERS

88. The Prime Minister should be consulted in good time about any proposal to set up:-

(i) Royal Commissions: these can only be set up with the sanction of the Cabinet and after The Queen's approval has been sought by the Prime Minister.

(ii) Independent Committees of enquiry into any aspect of public policy: the Chancellor of the Exchequer should be given an opportunity to comment on these.

(iii) Committees chaired by a civil servant but appointed by a Minister, which consist partly of civil servants and partly of individuals outside the government.

Submissions proposing any of the above should contain details of the proposed size and structure of the body. This requirement is separate from the provisions concerning appointments set out in paragraph 89 below.

89. The Prime Minister should also be consulted in good time about the appointment or re-appointment of:-

(i) The Chairman, Deputy Chairman and other Members of Royal Commissions.

- (ii) The Chairman or Deputy Chairman of:-
- (a) Nationalised Industry Boards
 - (b) Public Boards including the Chairman of Regional Health Authorities
 - (c) The more important Departmental committees, including those at 88(ii) and (iii)

In all such cases she will need to be informed about the particular requirements of the post in present circumstances, the attributes essential for a candidate and the extent to which proposed candidates meet such requirements. She will also wish to be informed about any intention to advertise any post in these categories.

(iii) Members of Boards, Commissions or Committees of Enquiry in cases where the appointment is likely to have political significance. Ministers should take a wide view of what constitutes political significance. Local or regional appointments may from time to time excite an unusual amount of public interest because of the circumstances surrounding the appointment or the background of the candidate. In all cases involving political considerations submissions to the Prime Minister by the appointing Minister should be copied to the Chief Whip. The Chief Whip should invariably be consulted before a Member of the House of Commons is approached about an appointment to an office which would result in the vacation of a Parliamentary seat.

Where there is doubt about the need for consultation with the Prime Minister the Civil Service Department should be consulted.

90. In all cases falling within paragraphs 88 and 89 on which a submission is to be put to the Prime Minister, Ministers should arrange for their Permanent Secretaries to consult the Head of the Civil Service beforehand; and the submission to the Prime Minister, which should be copied both to the Head of the Civil Service and to the Secretary of the Cabinet, should indicate that this has been done. In such cases no commitment should be made to any individual before the Head of the Civil Service and the Prime Minister have been consulted. In the case of Royal Commissions, the Private Secretary to the Prime Minister should be consulted before any informal soundings are undertaken. In other cases, any informal soundings should be made in such a way as to preserve freedom

of action and avoid any appearance of commitment. And there should be no reference, either directly or indirectly by implication, to the fact that names have to be submitted to the Prime Minister.

91. Subject to the above paragraphs and to the constitution of the body to which the appointment is made, public (non-Civil Service) appointments are the responsibility of the Minister concerned, who is free to appoint the persons he or she considers best qualified after making such enquiries as he or she thinks appropriate. The Minister should keep under review the relevance and appropriateness of the criteria for selecting people, bearing in mind that it may be necessary to defend them in Parliament or the Courts because, for example, of the Sex Discrimination Act.

!! 92. More detailed guidance for Departments is contained in The Guide to Appointments Procedures, produced by the Civil Service Department.

Personal Appointments

93. Ministers who wish to make personal appointments within their own Departments should consult their Permanent Secretaries at the outset. Permanent Secretaries will consult the Head of the Civil Service who will decide on each occasion whether or not it would be appropriate to consult the Prime Minister.

Special Advisers

94. The employment of Special Advisers on the one hand adds a political dimension to the advice available to Ministers, and on the other provides Ministers with the direct advice of distinguished experts specialising in a particular field of public administration. Special Advisers are appointed directly by the Ministers they serve. No appointments of this kind should be made until the Prime Minister's approval has been secured in each case, and no commitments to make such appointments should be entered into in the absence of such approval. Guidance on the arrangements for the appointment and employment of Special Advisers is issued separately.

XII. PARLIAMENTARY STATEMENTS AND PAPERS AND OTHER GOVERNMENT ANNOUNCEMENTS

95. Some Government announcements are of a routine character and of minor importance. These present no problem of public presentation. In some cases, however, the timing of an announcement requires careful consideration in order to avoid clashes with other Government publications, statements or announcements. The Lord President of the Council, and the Chief Press Secretary at No.10 should be given as long an opportunity as possible, and wherever possible at least two working days, to comment on the content and timing of all important Government announcements, whether in the form of a statement in Parliament, White Paper or Press conference. Whenever possible they should also be shown the draft announcement in advance.

96. When Parliament is in session, important announcements of Government policy should be made, in the first instance, in Parliament. If too many announcements are made at the end of Questions, Parliamentary business is hindered. Ministers proposing to make a statement after Questions (whether or not it is related to a Question on the Order Paper) or to answer a Question by leave at the end of Questions or to make an important announcement by means of a Written Answer are therefore asked to conform with the following procedure:

a. As long notice as possible of the intention to make an announcement should be given to (i) the Prime Minister's Private Secretary; (ii) the Private Secretary to the Leader of the House of Commons; (iii) the Parliamentary Secretary, Privy Council Office; (iv) the Chief Press Secretary at No. 10. This notice should, in all but exceptional cases, be accompanied by a draft of the proposed statement; and an indication should be given whether the announcement or policy with which it is concerned has been approved by Ministers (together with references to any relevant discussion in Cabinet or Cabinet Committees). The draft statement should have been approved in broad terms, though not necessarily in detail, by the Minister in charge of the Department.

b. Ministers should not give undertakings, either in or outside the House of Commons, that an oral statement will be made to the House on any subject at a specific time or within a particular period until agreement has been given by the Private Secretaries to the Prime Minister and the Lord President to the proposed timing and by the Ministers concerned to the terms of the statement.

c. Ministers should, if possible, avoid any announcement of the kind discussed in a. above on Thursdays, when a considerable amount of Parliamentary time after Questions is already pre-empted by discussion of the following week's business, or, except in special circumstances, on Fridays.

d. Copies of the final version of such announcements should be sent to the Private Secretaries to the Prime Minister and the Leader of the House, the Chief Whip and the Chief Press Secretary at No 10 as soon as they are available.

e. A copy of the text of any oral statement to be made at the end of Questions is usually shown to the Opposition Parties shortly before it is made. For this purpose five extra copies of the final text should reach the office of the Chief Whip in the House of Commons as early as possible and in any case not later than 2.00 pm on the day on which the statement is to be made.

f. A copy of the final text of an oral statement should in all cases be sent in advance to the Speaker.

g. The Leader of the House of Lords should be informed of a forthcoming oral statement in the House of Commons and consulted about the desirability of repeating it in the Lords.

h. A copy of any important Ministerial statement as actually delivered should be placed as quickly as possible in the Library of the House. This affords Members an opportunity of studying it in advance of publication in the Official Report.

*This really
Agreed. We
are likely to
Opposition - 4/1
we start by
3.00pm
Addressed
in 2.11 - 3.20pm*

Press Conferences

97. In order to explain policies or to announce new policies a Minister may decide, particularly when Parliament is not in Session, to hold a Press conference. This will be convened by the Information Branch of the Department. It will be on the record and open to any representative of the home and overseas Press. A Minister may find it desirable from time to time to give a non-attributable briefing. Where, for example, the Minister has access to an organised group of correspondents, eg industrial, defence, education,

etc., this channel may be used. The Minister may, on the other hand, seek an invitation to address the Lobby. In the latter event the Chief Press Secretary at No. 10 should be consulted both about the desirability of a Lobby briefing and about the method of organising it. Ministers should avoid repeating on the record, eg on the radio or television, remarks made non-attributably earlier in the day. This paragraph applies to the overseas, as well as to the home, Press.

Publication of White and Green Papers

98. The Secretary of the Cabinet should be given the earliest possible notice of all White Papers and Green Papers which Ministers are planning to publish so that timely arrangements can be made, where appropriate, for their collective consideration. Departments should note that even when it is agreed that no issue requiring collective consideration is involved, it is customary to circulate all White Papers to the Cabinet before publication.

99. Except where such papers are of routine character or of minor importance, the timing of their publication is governed by similar considerations to those applying to announcements made in Parliament. Ministers are therefore asked to apply to White Papers the procedure laid down in paragraph 103(a) above. The final clearance for publication will be notified by the Chief Press Secretary at No. 10.

100. Care should be taken to avoid infringing Parliamentary privilege when publicity is being arranged for White Papers and similar documents. The Chief Information Officer in the Department concerned should arrange for final revised proof copies of White Papers to be made available to the Lobby and the Upper Gallery shortly before copies are laid in the Vote Office. Chief Information Officers should also arrange through the Chief Press Secretary at No. 10, where appropriate, for their Ministers to be invited to brief the Lobby on White Papers.

Speeches

101. Ministers cannot speak publicly only for themselves. In all cases they speak as Ministers: and the principle of collective responsibility applies. They should keep within the ambit of approved Government policy

and should not anticipate decisions not yet made public. Ministers should exercise special care in referring to subjects which are the responsibility of other Ministers. Any Minister who intends to make a speech which deals with, or makes observations which bear upon, matters which fall within another Minister's responsibilities, should invariably consult that Minister.

102. The Prime Minister should always be consulted before any mention is made of matters which either affect the conduct of the Government as a whole or are of a constitutional character. The Foreign and Commonwealth Secretary should always be consulted before any mention is made of matters affecting foreign and Commonwealth affairs, relations with foreign and Commonwealth countries and the political aspects of the affairs of dependent territories. Ministers wishing to refer to economic and defence policy should in all cases first consult the Chancellor of the Exchequer and the Secretary of State for Defence respectively. Ministers wishing to discuss or refer to Northern Ireland should in all cases first consult the Secretary of State for Northern Ireland.

103. Ministers should use official machinery for distributing texts of Ministerial speeches only when such speeches are made on official occasions. Speeches made in a Party political context should be distributed through the Party machinery.

Broadcasts

104. The provisions of paragraphs 101 and 102 apply to Ministerial broadcasts as well.

105. Radio and television broadcasts by Ministers are of four types: Party political; Budget; special broadcasts by Ministers; and interviews with Ministers for news or feature programmes:

- a. Party political broadcasts on radio and television within the Government's quota are arranged through the Chief Whip acting on behalf of the Prime Minister.
- b. Budget broadcasts (by the Chancellor of the Exchequer and a member of the Opposition in reply) constitute a special series of Party political broadcasts. These are arranged through the usual channels and agreed by the Chancellor of the Exchequer.

c. The broadcasting authorities may provide opportunities within the regular framework of their programmes for Ministers to give factual explanations of legislation or policies approved by Parliament, or to seek the co-operation of the public in matters where there is a general consensus of opinion. The Opposition have no automatic right of reply.

The British Broadcasting Corporation (BBC) may also provide the Prime Minister or a senior Cabinet Minister designated by her with an opportunity to broadcast to the nation to explain events of prime national or international importance or to seek public co-operation over such events. These are traditionally known as "Ministerial" broadcasts. The Opposition have the right to make an equivalent broadcast in reply. In this event the BBC will arrange as soon as possible for a broadcast discussion of the issues involved. A member of the Cabinet, a senior member of the Opposition, and, if they so desire, representatives of third parties with appreciable electoral support would be invited to participate.

The Independent Broadcasting Authority (IBA) is not obliged to relay either type of special broadcast, but if they transmit a "Ministerial" broadcast they must also take any Opposition reply and arrange a third stage, the discussion programme.

Proposals for a special broadcast of either type should be referred as soon as possible to the Chief Press Secretary at No. 10. The Leader of the House of Commons and the Chief Whip should also be consulted. No approach should be made to the BBC or to the IBA for a broadcast of either type without the approval of the Prime Minister.

d. The broadcasting authorities are free to invite whom they please, including Ministers, to be interviewed on radio and television. These broadcast interviews fall into the two following categories:

*I hope Ministers
will be readily
available to
prop and answer
queries on the
radio*

(i) Interviews for news bulletins. Each Minister has discretion to decide whether to accept an invitation to be interviewed for an item in a news bulletin. But the Minister should consider whether the proposed interview will provide an opportunity either to explain Government policy or to clear up a misunderstanding. The Minister may well conclude that if neither of these criteria is likely to be fulfilled an appearance on the news bulletin may be superfluous and debase the currency of Ministerial appearances on radio and television.

(ii) Magazine and feature programmes. All requests for Ministers to appear on such a programme, whether on the radio or television, should be referred to the Chief Press Secretary at No. 10, with the Minister's own recommendation as to what reply should be given to the authority making the request. Although Independent Television Network's "News at Ten" is primarily a news bulletin, the extended interviews which it sometimes offers to Ministers places it in this category and in such cases, or if there is a doubt, the Chief Press Secretary at No. 10 should be consulted.

Notes

106. Ministers invited to broadcast on radio and television in a private and not a Ministerial capacity should seek the Prime Minister's approval before accepting. Ministers invited to make broadcasts outside the United Kingdom should consult the Foreign and Commonwealth Secretary and any other Minister who may be concerned with the subject of the broadcast. They should then seek the permission of the Prime Minister. Ministers invited to broadcast while on a visit to another country should seek the advice of Her Majesty's Representative in that country.

107. Ministers should not accept payment for official broadcasts on radio or television, either on their own or on their Department's account or with a view to donating the fee to charity.

Press articles

AV need

108. Ministers are precluded from the practice of journalism including the contribution of regular weekly or fortnightly articles to local newspapers in their constituencies.

109. This rule does not debar Ministers from contributing to a book, journal or newspaper (including a local newspaper in their constituency), on occasion, for the purpose of supplementing other means of informing the public about the work of their Department, provided that publication will not be at variance with their obligations to Parliament and their duty to observe the principle of collective Ministerial responsibility. It may be appropriate on occasion for such articles to be expanded to cover broader issues of Government policy. In cases of doubt, and in all cases where a Minister is contemplating the contribution of an article going beyond the strict confines of his or her Departmental responsibility, the Prime Minister should be consulted, preferably before work has begun and in any case before any commitment to publish is entered into. In all cases where an article contains material which falls within the Departmental responsibility of another Minister, that Minister must be consulted. Ministers should not accept payment for such writings.

110. It is not in general desirable for Ministers to engage in controversy in the correspondence columns of either the home or the overseas Press. Ministers are not debarred from writing letters to newspapers; but the Prime Minister's authority should be obtained beforehand.

Books

111. Ministers who wish, while in office, to write and publish a book on their Ministerial experience should inform the Prime Minister of their intentions before any commitment to publish is made. The book's substance should be consistent with Government policy. The views expressed should be governed by the principle of collective responsibility; other Ministers concerned should be consulted on matters falling within their Departmental responsibility. The manuscript should be submitted to the Prime Minister before publication.

Party publications

112. The rule in paragraph 108 above does not debar Ministers from contributing to the publications of the political organisations with which they are associated. However, in all cases where an article contains material which falls within the Departmental responsibility of another Minister, that Minister must be consulted. Payment should not be accepted for such articles.

To be used rarely

This must not be done in any circumstances

Interviews

113. In deciding whether to grant an interview to individual Press representatives Ministers will bear in mind the need to avoid allegations of favouritism. They may also consider that their own interests will be best protected if they are accompanied by a member of the Information Branch of their Department at such interviews.

114. Ministers are sometimes asked to give interviews to historians or other persons engaged in academic research or to fill in questionnaires at their request. Ministers should bear in mind the possibility that their views may be reported in a manner incompatible with their responsibilities and duties as members of the Government. Careful consideration should therefore be given to such invitations before they are accepted; in cases of doubt, the Prime Minister should be consulted.

Royal Commissions

115. The Prime Minister should be consulted if any Minister is invited to address a Royal Commission or Committee of Enquiry.

Supply of Parliamentary publications

*Plans
for the
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sup
branch*

116. A Minister in charge of an item of business in the House of Commons is responsible for arranging that reasonable numbers of copies of any documents published during the last two Sessions which might be needed for the debate are placed in the Vote Office and for supplying the House of Commons Library in advance with a list of all those older papers which the Minister considers relevant to the item. When any document is out of print the Minister should decide whether or not a reprint is required. Where any doubt exists about the need for any document to be available for a debate the Minister's Private Secretary should consult the Chief Whip's Private Secretary.

Money Resolutions

117. All Money Resolutions are placed on the Order Paper in the name of the Financial Secretary, Treasury. But he is not responsible for seeing a Resolution through the House of Commons. It has always been the practice

(as for Civil Estimates) that, although Resolutions appear in the name of the Financial Secretary, the Minister having Departmental responsibility for the relevant Bill is also responsible for the Money Resolution in the House of Commons.

XIII. MINISTERIAL MEMOIRS AND OTHER WRITINGS

Be will discuss this drafts - 4

118. The prohibition on the practice of journalism by Ministers does not extend to writings of a literary, artistic, musical, historical, scientific, philosophical or fictional character which do not draw directly on their Ministerial experience.

119. The principle of collective responsibility and the need to safeguard national security and our relations with other countries impose certain obligations on former Ministers who are contemplating the publication of material based upon their recollection of the conduct of Government business in which they took part. They are required to submit their manuscript to the Secretary of the Cabinet and to conform to the principles set out in the Radcliffe Report of 1976 (Cmd. 6386).

120. Ministers keeping a diary of their Ministerial experience may judge it advisable to leave testamentary instructions to ensure that any arrangements for its subsequent publication conform with the requirements of the previous paragraph.

XIV. POLITICAL IMPARTIALITY OF CIVIL SERVANTS

121. Civil servants should not be asked to engage in activities likely to call in question their political impartiality, or to give rise to the criticism that people paid from public funds are being used for Party political purposes.

Civil Servants' attendance at Party Conferences

122. Ministers should not ask civil servants to attend, still less to take part in, Party Political Conferences. It is an established principle in the public service that civil servants in their official capacity should not accept invitations to conferences convened by, or under the aegis of, Party

political organisations. In order to preserve the principle that the Civil Service is politically impartial it is equally important that no civil servant should be in attendance at Party occasions. If a Minister wishes to have a brief to explain Departmental policies or actions, there is no reason why this should not be provided; but neither the author of the brief nor an Information Officer should be present at the conference or meeting. The situation is, of course, different when a Minister requires officials to be in attendance not in order to attend the conference or to take part in its business but to enable the Minister to carry out urgent Departmental business.

