

SECRET

Part 7

Confidential Filing

Legislative Programme

PARLIAMENT

PE1: MAY 1979

PE7: APRIL 1981

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
2.4.81		13.7.81					
6.4.81		30.7.81					
8.4.81		28.7.81					
10.4.81		- ends -					
13.4.81							
15.4.81							
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16.5.81							
22.5.81							
28.5.81							
4.6.81							
8.6.81							
12.6.81							
22.6.81							
8.7.81							

PREM 19/556

PART 7 ends:-

RTA to PM

A05343 28.7.87

PART 8 begins:-

Cab off to PS

30.7.87

TO BE RETAINED AS TOP ENCLOSURE

Cabinet / Cabinet Committee Documents

Reference	Date
QL (81) 6	6.4.81
QL (81) 3 rd Meeting, Minutes	9.4.81
QL (81) 7	13.4.81
H (81) 28	13.4.81
H (81) 13 th Meeting, Minutes	15.4.81
QL (81) 4 th Meeting, Minutes	15.4.81
C (81) 22	6.5.81
C (81) 23	6.5.81
H (81) 16 th Meeting, Minute 2	12.5.81
CC (81) 19 th Conclusions, Minutes 1 and 6	14.5.81
QL (81) 8	28.5.81
QL (81) 9	28.5.81
QL (81) 5 th Meeting, Minutes	2.6.81
L (81) 77	4.6.81
C (81) 27	5.6.81
L (81) 16 th Meeting, Minute 1	9.6.81
CC (81) 22 nd Conclusions, Minutes 1 and 4	11.6.81
QL (81) 11	13.7.81
QL (81) 6 th Meeting, Minutes	16.7.81
CC (81) 29 th Conclusions, Minute 1	23.7.81
C (81) 41	24.7.81

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 Wayland

Date 16 August 2011

PREM Records Team

Parliament

Ref. A05343

PRIME MINISTER

Legislative Programme 1981-82

(C(81) 41)

BACKGROUND

On 11 June, the Cabinet provisionally approved a legislative programme for 1981-82 consisting of the 19 main programme Bills listed in the Annex to this brief, together with 5 contingent Bills (including a Bill on the Canadian Constitution), 9 Bills for Second Reading Committee, and 4 Scottish Bills (to be increased to 5 if time in the Lords permitted). They left for further consideration the length of the proposed Housing Bill, the timing of the Gas (Industrial and Commercial Supplies) Bill, and the case for an Insolvency Bill next Session. On 23 June, E Committee invited QL to consider the legislative implications of adding to the Gas (Industrial and Commercial Supplies) Bill any provisions necessary to require the British Gas Corporation (BGC) to dispose of their domestic appliance retailing interests. The memorandum by the Home Secretary (C(81) 41) reports the outcome of QL's further consideration of the outstanding points.

2. The Committee recommend that there should be no legislation next Session on either the appliance retailing or gas purchase and supply activities of the BGC, on the grounds that it could not be drafted in time to meet the demands of an exacting Parliamentary timetable, and would overstretch the resources of the Department of Energy. Since then there have been further discussions between the Secretary of State for Energy and the business managers, as the result of which the former has indicated and confirmed in his letter of 27 July that he would accept the alternative of publishing a White Paper on Gas Purchase and Supply. Time would have to be found, in his view, for legislation on gas appliances.

3. QL also recommend that drafting should proceed on all those provisions of the Housing Bill which have so far received policy approval, but that Ministers collectively should review the scope of the Bill when a complete draft is available:



some members of the Committee thought the Bill should consist only of the provisions necessary to introduce a Unified Housing Benefit, with major staff savings in DHSS. With the agreement of the Secretary of State for Trade, they recommend that the Insolvency Bill, which would be very long and controversial, should be dropped from next Session's programme, and take the view that it is highly unlikely that time will become available later on next Session for the Water Bill, which the Secretary of State for the Environment is having prepared but which is not at present included in the programme. In the light of further representations which you and others have received from the Prince of Wales and the Duchy of Cornwall authorities, they propose that time should be found for passing a Duchy of Cornwall Management Bill if, but only if, it proves possible to take it under Second Reading Committee procedure in the House of Commons.

HANDLING

4. You will wish to invite the Home Secretary to introduce his memorandum. The Chancellor of the Duchy of Lancaster and the Lord President can then say how they see the handling of the proposed programme in both Houses against the background of heightened political controversy which is likely to obtain next Session. What is the balance of the programme between the Lords and the Commons, and between the various parts of the Session? How will that balance be affected by the timing of the major Bills, bearing in mind the inevitable uncertainty about when two of the most controversial Bills - on trade union immunities and local government finance - will be ready for introduction? How will the Bill on the Canadian Constitution be fitted in if, as now seems almost certain, a formal request from the Federal Parliament reaches the United Kingdom in the course of October? Are the business managers satisfied with the present rate of progress in preparing Bills which have a provisional place in the programme?

5. You may then wish to invite the Cabinet to endorse the agreed conclusions reached in QL Committee on the Housing, Insolvency, and Water Bills. The content of the Housing Bill will be affected by the outcome of the Cabinet's earlier discussion on the proposals for the deregulation of certain private sector rents, but does not need to be settled by the Cabinet now. It can be remitted to the



Legislation Committee for further consideration, as QL suggest, when a complete draft of the Bill is available.

6. You might then focus the attention of the Cabinet on the proposed legislation on the BGC. There is a strong expectation among the Government's own supporters that proposals will be brought forward to deal with the Corporation's monopoly on gas purchase and supply. There is a firm public commitment to take any legislative action necessary to compel the BGC to dispose of their retailing interests and any substantial delay in introducing legislation would be considered by the Corporation and the unions as a retreat. The Secretaries of State for Energy and Trade can outline their latest thinking on these subjects and the Chancellor of the Exchequer and the Secretary of State for Industry may also want to comment. The business managers will be able to explain their reservations about attempting to pass four Department of Energy Bills next Session. You may wish to ask them if it would really be essential for a major gas Bill to be ready in time to have a Second Reading before Christmas. If the discussion suggests that the Cabinet is minded to accept the proposal for a White Paper on gas supply without legislation next Session, they will want to consider the implications of a separate Bill on gas appliance retailing. Can the Secretary of State for Energy say how soon such a Bill could be ready? Would it be essential for it to deal with safety matters as well as the disposal of the BGC's retailing interests?

7. The addition of the Duchy of Cornwall Management Bill to the Second Reading Committee list would not add significantly to the time taken by the legislative programme on the Floor of the House of Commons, provided that it was clearly understood that the Bill would not be proceeded with if 20 members or more objected to its going to Second Reading Committee. If the Cabinet agree to the addition of the Bill, you will wish to write to the Prince of Wales explaining the position.

8. Since the Home Secretary's memorandum was circulated, the Secretary of State for Transport has put forward proposals in his letter of 22 July to the Home Secretary for adding powers to control subsidies by local authorities to passenger transport undertakings to his Transport (Financial Provisions) Bill,

which is at present relatively uncontroversial. This Bill could still be ready for introduction at the beginning of the Session, provided that, as he also proposes, the provisions on port finances, which are not yet ready, were transferred to his main Transport Bill, which now seems unlikely to be ready, as promised, by the beginning of the Session. The policy on passenger transport undertakings and their finances will be considered by E Committee on Friday and you will not want to pre-empt that discussion; but the proposed addition to the Transport (Financial Provisions) Bill would seriously affect the balance and timing of the programme. The Chancellor of the Duchy will want to explain the reasons for this on the lines of his letter of 27 July. The Lord President will also want to comment, since a Bill on the lines now proposed would not only cease to be a money Bill but might attract protected debate in the Lords. Is Royal Assent by March 1982 a practical possibility? If not, what are the implications for the Secretary of State for Transport? How would he and the Environment Minister view the alternative of adding the relevant provisions to the Local Government Finance Bill, which will also be concerned with placing restrictions on financial overspending by local authorities. Will the Cabinet have to contemplate a third Transport Bill on this single controversial issue?

CONCLUSIONS

9. Subject to the course of discussion, you will wish to guide the Cabinet:
 - i. to confirm that the Insolvency Bill is to be dropped from next Session's programme, and to note that it is very unlikely that there will be time for a Water Bill;
 - ii. to invite the Legislation Committee to review the scope of the Housing Bill as soon as a complete draft is available;
 - iii. to record firm conclusions on whether time is to be found for legislation on the appliance retailing activities of the British Gas Corporation and whether legislation on the Corporation's supply and purchasing monopoly should be postponed;
 - iv. to approve the addition of the Duchy of Cornwall Management Bill to the Second Reading Committee list, and to note that you will inform the Prince of Wales accordingly; and



- v. to consider whether, and if so how, the new proposals relating to passenger transport activities could be incorporated in the programme if E Committee endorse the policy.

REA

ROBERT ARMSTRONG

28 July 1981

CONQUEROR

MAIN PROGRAMME PROVISIONS APPROVED BY CABINET

Essential (6 bills)

Civil Aviation

Coal Industry (Finance)

Hops Marketing Scheme (Revocation)

Nuclear Industry (Finance) (Amendment)

Shipbuilding (Borrowing Powers)

Transport (Financial Provisions)

Programme (13 bills)

Civil Jurisdiction and Judgments

Criminal Justice

Gas (Industrial and Commercial Supplies)

Housing

~~Industry~~

Local Government Finance

Local Government (Miscellaneous Provisions)

Mental Health (Amendment)

Petroleum and Continental Shelf

Shipbuilding Industry (Disposals)

Social Security

Trade Unions

Transport

CONFIDENTIAL

Paul



DEPARTMENT OF TRANSPORT
2 MARSHAM STREET LONDON SW1P 3EB

Mike Pattison Esq
Private Secretary
10 Downing Street

28 July 1981

Dear Mike

MRP

*in Cab
Folder
already
sent by MRP*

My Secretary of State wrote to the Home Secretary on 22 July about the legislative programme for 1981-82. As Cabinet will also be considering this issue at their meeting on Thursday, Cabinet Office have suggested that it would be helpful to circulate the letter to Cabinet colleagues. The Secretary of State has therefore asked me to send copies to all his Cabinet colleagues not covered by the initial circulation.

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

Yours sincerely

Alice Baker

MRS E ALICE BAKER
Private Secretary

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CONFIDENTIAL

Flout
8



DEPARTMENT OF TRANSPORT
2 MARSHAM STREET LONDON SW1P 3EB

The Rt Hon William Whitelaw CH MC MP
Secretary of State for the Home Department
Home Office
Queen Anne's Gate
LONDON
SW1

cc B/W Clarke
PS/Sir Peter Baldwin
Mr Hennigan
Mr Legard
Mrs Bridgeman
Mr Holmes
22 July 1981
Mr Robbins
Mr Wood
Mrs Ashmore
Mr Jones

Geo. Willie.

LEGISLATIVE PROGRAMME 1981-82

I am writing to let you know at the earliest opportunity about proposals I am making to colleagues which would require legislation at the beginning of the next session.

I am very concerned at the massive prospective public expenditure consequences that are now clearly emerging as a result of the proposals the GLC and some of the Metropolitan Counties have to slash fares on public transport this autumn. This is likely to exceed PESC provision this year by over £260 million in cash out-turn prices, next year by over £460 million and to continue to soar thereafter. My existing powers are quite inadequate to restrain this, and those proposed by Michael Heseltine will not bite until 1983-84. I have therefore considered urgently what might be done in this situation. I would propose to take powers to control directly the amount of subsidy that London Transport and the six Metropolitan PTEs in England could receive - in effect putting an EFL on each. I am about to put a paper to E Committee with this proposal.

CONFIDENTIAL

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If E agrees my proposals, we should need to legislate very quickly indeed. Royal Assent would be required as soon as possible and in any event in good time for me to set EFL's before the beginning of the financial year 1982-83. We would have to be ready to introduce provisions in the first days of the Session. Possibly between 12 and 15 clauses would be required. Fortunately I already have two Bills in the draft legislative programme for next session, a Transport (Financial Provisions) Bill and a Transport Bill. This means we should be able to deal with these proposals with the minimum of change from our existing plans.

With the exception of the provisions on ports, all the parts of the Transport (Financial Provisions) Bill will be ready for introduction at the beginning of the Session and instructions have already been sent to Counsel. I would therefore propose that the Ports provisions should be transferred to the Transport Bill and that, if agreed, the new public transport subsidy provisions which I have described should be included in the Transport (Financial Provisions) Bill. There would be clear tactical advantages in including provisions to control public transport subsidies in a Bill which at the same time increases grant and loan limits for the British Railways Board and the National Bus Company.

Because of the difficulties which I face with London Transport and the PTEs have been created by the most extreme elements in our political opposition among the local authorities, legislation to deal with the problem is bound to be controversial. But I expect wide support and I am sure that the alternative line of giving way is much too serious a threat to our own fiscal policies.

CONFIDENTIAL

CONFIDENTIAL

I am copying this letter to the Prime Minister,
other members of QL and to Sir Robert Armstrong.

[Handwritten signature]
[Handwritten signature]

NORMAN FOWLER

CONFIDENTIAL

PRIME MINISTER

LEGISLATIVE PROGRAMME 1981-2: SELECTIVE STRIKES AND LAY-OFFS

1. Last year it was decided to prepare legislation on a contingency basis to correct a glaring anomaly in our industrial relations system. On 9 February, Lord Soames minuted you (Flag A) to say this had been done. On 19 May, your meeting on the Civil Service strike agreed that this measure was desirable on wider grounds and decided that action in the next Session of Parliament should be considered further.
2. The papers on this subject have been very tightly restricted, and we expect few colleagues are aware of the issue.

The problem

3. At present, when a minority of a white collar work force takes selective strike action, it is not possible for the employer - whether public or private - to lay off other white collar employees without pay. In this way a union can ensure heavy costs are imposed on employers, at very little cost to itself and its members. This weapon was used in the Post Office strike in 1979 and more recently in the Civil Service dispute. (In the case of manual workers, lay-offs are possible. They are often the subject of explicit collective agreements, specifying the circumstances and notice required before lay-offs without pay can begin.)

Private sector concern

4. The private sector has now become more aware of the dangers of the present legal position. As companies become more and more dependent on small groups of people (like computer operators) the threat posed by selective action grows. In private, Terry Beckett has told us of his view that the law needs changing, though this has not yet been adopted as CBI policy as far as we know. Although this subject was not explicitly raised in the Green Paper on Trade Union Immunities, a number of firms and organisations have referred to it in their responses. These include:

- EEF - who make it their number one priority. (See Flag B)

SECRET

- GKN (their particular concern is the ability to lay off their own employees in response to strikes among their customers, rather than strikes within their own company).
 - Times Newspapers - where presumably there are vivid experiences of paying salaries to people for doing nothing (although the letter is from Rupert Murdoch).
5. We have not combed through every submission. No doubt others have also mentioned it.
6. It has sometimes been suggested that this position should be rectified for the public services only. Contingent legislation has been prepared on two different bases: public services only; and all salaried employees. We strongly recommend that a change should be made soon, but that it should apply to all white collar workers.
7. The Bill required is, we think, short. Of course it would also be controversial. But as soon as the issue is raised publicly, we think the Government's position will secure very widespread support. Some white collar unions will protest vociferously - and some of their members will feel aggrieved at a change in the implied terms of their contract of employment. But, provided it is explained, the public will applaud a restriction on the new and sinister weapon of the selective strike which has been recently deployed in a most unpopular way against the taxpayer, passport applicant, benefit recipient etc. Furthermore, many manual workers and their unions must resent the privilege given at present to salaried employees.
8. The subject was recently aired at QL, with little enthusiasm. It is not mentioned in the Home Secretary's paper for Cabinet on Thursday on the next Session's legislative programme (C(81)41). Without preparation and advocacy, it might get a hostile reception at Cabinet at present. The Home Secretary's paper already stresses the heavy and controversial nature of the programme. Several alternatives are possible:
- (1) You could raise it at Cabinet.
 - (2) We could copy a minute along the lines of paragraphs 1-7 above to all Cabinet colleagues, or to those likely to be sympathetic, as a way of raising the issue.

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(3) You could ask Jim Prior to add this change to his legislative proposals on the trade unions, which you are due to discuss in outline with him next week. He may, however, be opposed to including any such change in his package. There may also be valid reasons for making any such change the subject of separate legislation.

9. Of these three alternatives, we think that option (2) is probably the best. However, there may be other approaches and I am copying this minute to Geoffrey in case he has other thoughts.

JOHN HOSKYNS

John Hoskyns

I support this. But I think the best way of approaching Cabinet would be to ask Keith Joseph to send a letter round to colleagues. Shall we suggest it to him?

Yes not

27/7

SECRET

SECRET

~~cc Hodgkins~~
~~Repetitive~~

→ AD

2.12



~~(Handwritten initials)~~

PRIME MINISTER

LAYING OFF WITHOUT PAY

In my minute of 2 December I reported that instructions had been given for the preparation of draft Bills to permit the laying off without pay of employees who were without work because of the industrial action of others. I said that knowledge of the Bills would be tightly restricted.

Draft Bills have been drawn up by Parliamentary Counsel in consultation with officials in the Department of Employment, the legal Departments, and my Department. One Bill covers all employees; the other is confined to the civil and public services. In my view it would be unwise to widen knowledge of the Bills at this stage by sending copies of them to other Departments. Jim Prior agrees. Given priority, it should be possible to consult other Departments, and to prepare final versions, within a week of taking a decision to lay either Bill before Parliament.

The draft Bills include wide powers of lay-off but Jim Prior and I agree that this is inevitable. We also agree that we shall have to do without provision for pension protection in the Bills. My minute of 2 December warned that it would be very difficult to achieve this for the generality of employees; the study by officials has confirmed that this is so. (If we wanted to, however, we could amend the relevant civil/public service schemes without a specific provision in either of these Bills.)

In view of the severe damage which would result from a leak, I have instructed that no further work should be done on the drafts until a decision has been taken to introduce legislation.

I am copying this only to the Secretary of State for Employment and Sir Robert Armstrong.

(Large handwritten flourish)

SOAMES

9 February 1981

SECRET

EXTRACT FROM EEF SUBMISSION

11. From the foregoing it follows that some means other than restricting union immunities needs to be found to produce a fair balance of power between unions and employers, so that their vulnerability is much more evenly matched than it now is. In particular, the Federation believes that the measures outlined in (b) below need to be adopted in priority to any action on union immunities.

(b) Other Priorities for Industrial Relations Reform

12. With the steady trend of accumulating industrial power in the hands of unions and their members, the Federation believes that it is right and necessary that fair deterrents must be constructed against the irresponsible taking of industrial action. The Federation is glad to acknowledge the steps taken by the Government in this area - as, for example, by the 'deeming' of strike pay; the taxing of any social security benefit paid to strikers; and the deferment of strikers' tax rebates. Nevertheless the scale of financial loss as a result of industrial action still remains far greater on the employer's side than on the striker's, leaving aside any question of loss of customer goodwill or power to attract future investment. That is why the Federation urges that the government should as a matter of priority enact changes in the existing law that are outlined below.

- (i) Enabling an employer whose business is disrupted by industrial action by some of his employees to lay off other employees without pay

With the growing specialisation within industry - and, indeed, in employment generally - it is becoming progressively easier, and increasingly common, for unions to cripple enterprises, without great loss to themselves or their members. Thus, a relatively small number of individuals can be withdrawn from a critical area which can paralyse the operations of the whole enterprise. In this way a union's members concerned in the outcome of a dispute, and protected by statutory and contractual rights to

notice, can maintain their pay and comfortably finance a small number of their members who are actually taking industrial action on their behalf. It is essential that this abuse is countered. This should be done by enacting that an employer whose business is disrupted by industrial action taken by some of his employees should be entitled to lay off other employees without pay, even if their normal work is available. Such a measure would have a vastly more powerful, beneficial and immediate influence on the conduct of industrial relations than the highly political, sensitive and uncertain remedy of altering union immunities: and it should commend itself to the general public as an entirely fair and understandable response to the pressure of selective industrial action. Unions themselves would probably be less opposed to legislation of this character, than to measures (such as are discussed in the Green Paper) whereby their funds could be exhausted by withdrawing their existing immunity. Further, the measure could not lead to the creation of 'martyrs' since, of course, there is no possibility (again, as compared with measures discussed in the Green Paper) of anyone being committed to prison for contempt of court. Finally, there is a good prospect that such a measure would endure a change of government since the general public would support it as merely conferring a reasonable power of response on the employer who had been confronted by selective industrial action. Additionally, Section 111 of the Employment Protection Act, 1975 should be amended so as to revert to the pre-1975 position under which laid-off employees of the same grade or class as those taking part in industrial action were excluded from unemployment and supplementary benefit.

- (ii) Enabling employers to relieve themselves of the burden of having to maintain the pay of employees when large sections of the economy are paralysed by industrial action, and they are unable to continue operations.

The need for, and character of, this remedy is argued in detail in Section 3H below.

- (iii) Changing the law relating to the dismissal of employees participating in a strike or other industrial action.

Section 62 of the Employment Protection (Consolidation) Act 1978 allows a striker who has been dismissed or not offered re-engagement to claim unfair dismissal if he can show discrimination in this matter. The Federation believes that this provision tends to operate unfairly against the employer. It urges, therefore, that the law should be changed so that an industrial tribunal would be excluded from considering the fairness or otherwise of the dismissal of any striker dismissed while taking industrial action.

These measures - particularly (i) and (ii) - would have a strong and beneficial effect in reducing the present damaging over-exposure of employers to the threat and effects of industrial action. They are to be preferred to the uncertain hazard of taking immediate action to reduce union immunities.

Conclusion

13. The Federation concludes that, before action is taken to reduce union immunities, the following measures should be enacted to put employers and unions on a more even footing by providing fair deterrents against the irresponsible taking of industrial action -

- (i) enabling an employer whose business is disrupted by industrial action by some of his employees to lay off other employees without pay.
- (ii) enabling employers to relieve themselves of the burden of having to maintain the pay of employees when large sections of the economy are paralysed by industrial action, and they are unable to continue operations: (this item is dealt with in Section 3H below).
- (iii) excluding an industrial tribunal from considering the fairness or otherwise of the dismissal of an employee who was dismissed while taking industrial action.
- (iv) amending Section 111 of the Employment Protection Act 1975 so that laid-off employees of the same grade or class as those taking industrial action are excluded from unemployment and supplementary benefit.

For Cabinet folder

MAR 28 1981



FROM THE LEADER OF THE HOUSE
HOUSE OF LORDS

27 July 1981

Dear Willie,

LEGISLATIVE PROGRAMME 81 - 82

I have seen a copy of Norman Fowler's letter to you of 22 July about possible legislation early next session to control public transport subsidies. I imagine that this proposal will be the subject of discussion in Cabinet on Thursday when we consider QL's latest report on next session's Legislative Programme. I thought it desirable therefore to let you know the views of the Lords Business Managers in good time.

Whatever the merits of the proposal, any additions to the programme - especially of a contentious character - are very unwelcome. Our main worry in the Lords will, as usual, be the late arrival of the major Bills (all controversial), Local Government, Housing and Trade Union Immunities. Even so, the early months will be far from idle because there is, as you know, a good deal of legislation (including Canada) which must be enacted by, or in some cases well before, the Easter recess. Consequently, I am alarmed at the suggestion that new provisions might be added to the Transport (Financial Provisions) Bill because I had hoped that this Bill would either be certified by the Speaker or, if not, would still be very largely financial.

The alternative proposal of adding the provisions to the other main Transport Bill would, of course, convert a medium-sized and moderately controversial Bill into one of the most controversial Bills of the session. It was, as you know, a Bill which I had hoped could be started in the Lords so as to ease our problems next summer. I hope this will be duly considered.

On a general point, the Lords will by October have sat for 5 weeks longer than the Commons in just over 2 years. This is not a happy record and I shall have to consider giving the House some days longer in recess at Christmas or Easter. In any event, colleagues should be in no doubt that the new proposals will require full debate in the Lords and could well add up to three full days to the programme on the floor of the House.

I am copying this letter to the other recipients of Norman Fowler's letter.

SOAMES

The Rt Hon William Whitelaw CH MC MP

Yours ever

Christopher

Top copy on
Nav Ind, Gas Electricity
Pricing

For Cabinet folder

MAR 28/1981

copied to

01 211 6402

01 211 6402

Rt Hon Francis Pym MC MP
Chancellor of the Duchy of Lancaster
and Paymaster General
Privy Council Office
Whitehall
London SW1

27 July 1981

Dear Francis

GAS LEGISLATION: SESSION 1981/82

It might be helpful if I set out the background to the suggestion I made about gas legislation at our meeting this morning.

Colleagues have agreed that it is desirable to break the monopoly of British Gas over the purchase, transmission and sale of gas in the UK. This would result in greater competition, encourage more exploration and hence availability of gas supplies. As a result the pressures on BGC to improve its efficiency would be increased. If, however, we are to reap the full benefits of this change, we need also to ensure that BGC's transmission system is open to the private sector.

I am in a position to bring forward in the next session a Bill aimed at breaking BGC's monopsony/monopoly position. A number of complex issues are involved, including:

- (a) Whether the breaking of the monopsony/monopoly should be confined to industry or extended to large commercial and local authority users. Difficult problems of definition are involved.
- (b) Whether BGC's existing statutory duties need to be modified.
- (c) The extent of the regulations or the regulatory agency that will be necessary to ensure that BGC do not frustrate the new arrangements by impeding access to their transmission system.

While I have formed a view on these points, I have also taken account of the pressures on the legislative programme. Rather than attempt to proceed next Session with far reaching legislation, I propose that we publish a White Paper which would indicate our intention of legislating in the 1982/83 Session to end the present position, but inviting an informed public discussion of the best way of proceeding.

This would ease the pressures on the legislative programme for the next Session. We have announced our intention that BGC should cease retailing and dispose of their showrooms and it is clear from advice I have received that legislation to effect this change will be necessary. Colleagues will wish to follow up our statement on showrooms with the necessary legislation as soon as possible. This can be ready by February 1982.

I believe that proceeding in this way, with legislation on showrooms and a White Paper on the monopoly/monopsony, would commend itself to our supporters. We would be showing determination to cut down the size of British Gas by adding the disposal of showrooms to the step we have already taken in requiring the Corporation to sell Wytch Farm. And the publication of a White Paper would demonstrate our intent to make more fundamental changes in the Corporation's future role.

I am copying this letter to Cabinet colleagues, the Chief Whip and Sir Robert Armstrong.

D A R HOWELL

David

Seen in Cab
Folder



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

Chancellor of the Duchy of Lancaster
and
Paymaster General

27 July 1981

Dear Norman,

I have seen a copy of your letter of 22 July to Willie Whitelaw about the powers which you wish to take in your Transport (Financial Provisions) Bill to restrain the subsidies received by London Transport and the six English Metropolitan PTEs.

I have no comments on the policy issue at this stage, but I am bound to say that these proposals fill me with dismay from the point of view of managing what will in any event be an extremely heavy and controversial programme next Session. On the basis of the previous information supplied by your Department, we had been assuming that both the Transport (Financial Provisions) Bill and the main Transport Bill would be ready for introduction at the beginning of next Session, and that the only deadline for Royal Assent was that the former Bill ought to become law by July of next year. If we were to follow the course suggested in your letter of 22 July, the introduction of the main Transport Bill would be delayed, while presumably the Royal Assent date for the Transport (Financial Provisions) Bill would be brought forward to February or March. Moreover, the Transport (Financial Provisions) Bill, which we had expected to be relatively short and uncontroversial, would become a much longer and more highly contentious measure, and I am not at all sure that it is realistic to believe that the extra 12 or 15 clauses could be drafted in time for introduction at the start of next Session. Because the Bill would no longer be a money bill, it would obviously take much longer in the House of Lords than we have so far allowed for.

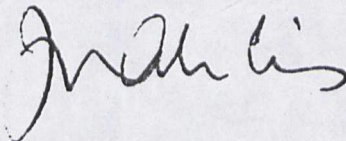
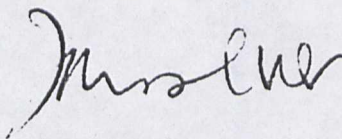
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The Rt Hon Norman Fowler MP
Secretary of State for Transport
2 Marsham Street
London SW1P 3EB

For these reasons, I am afraid that I cannot accept the approach which you recommend and would like to suggest an alternative. Your latest proposals are essentially concerned with restraining the power of local authorities to subsidise transport undertakings, and it seems to be that the necessary powers would fit better into the Local Government Finance Bill which Michael Heseltine has proposed for next Session. I realise that this would mean that the powers which you now seek could not bite from the beginning of the 1982-83 financial year, but this is, of course, true also of the wider powers which Michael is seeking. We might need to consider our general approach to both subjects further at the meeting of E Committee arranged for 31 July.

In the meantime, I should be very grateful if you could let me have as quickly as possible your revised estimates for the date of introduction and Royal Assent for both of your Bills on the alternative assumptions that they remain as originally proposed to QL and that they are amended in the way which you now suggest.

I am copying this letter to the Prime Minister, other members of E and QL, and to Sir Henry Rowe and Sir Robert Armstrong.



FRANCIS PYM

CONFIDENTIAL *Parliament* 2.



DEPARTMENT OF TRANSPORT
2 MARSHAM STREET LONDON SW1P 3EB

MS

The Rt Hon William Whitelaw CH MC MP
Secretary of State for the Home Department
Home Office
Queen Anne's Gate
LONDON
SW1

22 July 1981

From Willie.

*Prime Minister (through TPL)
Mr Fowler wants to take
new powers to limit the
transport subsidies planned by
the GLC and other authorities.
This will be discussed at E;
and, presumably, when Cabinet
takes another look at legislation next
week. *MPD 23/11**

LEGISLATIVE PROGRAMME 1981-82

I am writing to let you know at the earliest opportunity about proposals I am making to colleagues which would require legislation at the beginning of the next session.

I am very concerned at the massive prospective public expenditure consequences that are now clearly emerging as a result of the proposals the GLC and some of the Metropolitan Counties have to slash fares on public transport this autumn. This is likely to exceed PESC provision this year by over £260 million in cash out-turn prices, next year by over £460 million and to continue to soar thereafter. My existing powers are quite inadequate to restrain this, and those proposed by Michael Heseltine will not bite until 1983-84. I have therefore considered urgently what might be done in this situation. I would propose to take powers to control directly the amount of subsidy that London Transport and the six Metropolitan PTEs in England could receive - in effect putting an EFL on each. I am about to put a paper to E Committee with this proposal.

CONFIDENTIAL

CONFIDENTIAL

If E agrees my proposals, we should need to legislate very quickly indeed. Royal Assent would be required as soon as possible and in any event in good time for me to set EFL's before the beginning of the financial year 1982-83. We would have to be ready to introduce provisions in the first days of the Session. Possibly between 12 and 15 clauses would be required. Fortunately I already have two Bills in the draft legislative programme for next session, a Transport (Financial Provisions) Bill and a Transport Bill. This means we should be able to deal with these proposals with the minimum of change from our existing plans.

With the exception of the provisions on ports, all the parts of the Transport (Financial Provisions) Bill will be ready for introduction at the beginning of the Session and instructions have already been sent to Counsel. I would therefore propose that the Ports provisions should be transferred to the Transport Bill and that, if agreed, the new public transport subsidy provisions which I have described should be included in the Transport (Financial Provisions) Bill. There would be clear tactical advantages in including provisions to control public transport subsidies in a Bill which at the same time increases grant and loan limits for the British Railways Board and the National Bus Company.

Because of the difficulties which I face with London Transport and the PTEs have been created by the most extreme element in our political opposition among the local authorities, legislation to deal with the problem is bound to be controversial. But I expect wide support and I am sure that the alternative line of giving way is much too serious a threat to our own fiscal policies.

CONFIDENTIAL

CONFIDENTIAL

I am copying this letter to the Prime Minister,
other members of QL and to Sir Robert Armstrong.

J. N. Fowler.

NORMAN FOWLER

CONFIDENTIAL

PRIME MINISTER

Parliamentary Affairs

You may wish to have some discussion of the prospects for the Censure Debate.

I believe that the Lord President will want to report about a heavy defeat for the Government in the Lords tonight over the Gibraltar provisions of the Nationality Bill.

The Chancellor of the Duchy will want to tell colleagues the arrangements for the Fermanagh and South Tyrone by-election. Dafydd Elis Thomas and Ernie Roberts came to see him this morning. They have agreed to defer moving the writ until Tuesday next, on the basis that the Government will not oppose it. The by-election will therefore take place on 20 August.

MAJ

22 July 1981

016

note

u Mr Duguid



to speak to Peter Dixon (Trams) to see

CABINET OFFICE
70 WHITEHALL
LONDON SW1A 2AS

~~DISPATCH~~
233 8595

if he can persuade the

K 0198

Chancellor to pursue this. He promised to try.

17 July 1981.

R Dykes, Esq.,
P/S to Secretary of State for Employment,
Department of Employment,
Caxton House,
Tothill Street,
LONDON,
SW1H 9NF.

JK
We spoke. You are going to follow this up. The legislative programme is scheduled to come back to Cabinet on 30/viii.

→ BF = 29/7

Dear Richard,

LEGISLATIVE PROGRAMME 1981/82

MA 20/viii.

1. As your Secretary of State knows, there was a brief discussion at QL Committee yesterday of the possible need to find space in next session's programme for a bill to deal with the position of civil servants who were left without work because of industrial action taken by their colleagues.

2. We were asked not to record this discussion in the minutes but to let you know of it. Our internal record is as follows:

"The Lord President said that it had been suggested that time might have to be found next session for a bill to give powers to lay off civil servants who were not themselves on strike but who were left without work because of industrial action taken by their colleagues. He was not, however, himself in favour of such a measure, which could not, in any event, be confined to civil servants but would have to apply to other white collar workers."

Of course.

3. I am copying this letter to Mike Pattison (No 10), John Halliday (Home Office), Jim Buckley (Lord President's Office) and David Wright (Cabinet Office), but not more widely.

Yours sincerely,
Wilfred Hyde

W N HYDE

cc to Civil Disorder.

Minister in Parliament: legislation.



1.

Prime Minister. Parliament

Would you like to discuss this in Cabinet on Thursday?

JMS
14 vii

PRIME MINISTER

At Cabinet last week it was agreed that I should give urgent consideration to whether it was now necessary to introduce changes in the law like those which were contained in the Riot Act 1714. This I have done.

The likely value of such a provision, and the practical difficulties to which it could give rise on the ground, are set out in the attached note, together with a brief description of the objective of the Act of 1714, and the common law powers. We now need to decide whether to proceed with legislation, and in the light of this, what approach I should take to the issue in my speech in the debate on Thursday afternoon.

I had the opportunity to test the opinion of backbenchers on the issue at the well-attended meeting of the Home Affairs Group on Monday evening. A minority of those present were in favour of some emergency legislation; a majority said they had grave doubts about the value of any "Riot Act" provision at all. Others who were prepared to consider introducing such a provision were not eager to do so as an emergency measure.

Against that background, we could certainly move to introduce a provision immediately. (A note of what the provision might look like is also attached). Its practical value might be limited, and it would certainly give rise to some difficulties of enforcement. But to act quickly would be a symbolic gesture.

On Thursday afternoon I must, therefore, choose between announcing the introduction of a provision as an emergency; rejecting the introduction of a provision altogether; or indicating that there may be some value in such a provision, but that it should be set in the context of other changes to assist the police in maintaining public order, and dealing with riots, (in which case I consider that it would nevertheless be prudent to draft the provisions of a Bill on a contingency basis).

I would prefer the third course. The introduction of legislation immediately would be portrayed as a sign of panic, at a time when the police, better equipped, are getting things under control. We shall certainly run into demands that the legislation should be temporary. If we can set it in a broader context, we shall be better able to put the new provisions in perspective.

I am copying this minute to our Cabinet colleagues, to the Attorney General and to Sir Robert Armstrong.

LMW
14 July 1981

THE RIOT ACT 1714 AND COMMON LAW OFFENCES

The essential provisions of the Riot Act 1714 were that, if twelve or more people who were "unlawfully, riotously and tumultuously assembled together, to the disturbance of the public peace" continued to be so assembled more than an hour after a justice had by a proclamation in The Queen's name commanded them to disperse, their offence was translated from the lesser offence of misdemeanour into the graver offence of felony; that they might then be "seized and apprehended by any justice or person assisting him"; and that those who thus enforced the law were fully indemnified if, by reason of the rioters resisting their efforts, in dispersing or seizing the rioters they "killed maimed or hurt them". Some recent newspaper descriptions of the effect of the Riot Act 1714 are misleading in that, contrary to what they suggest, mere presence at the scene, as opposed to active participation in the riot, was not an offence.

The Riot Act did not create the offence of riot. Like those of affray, rout and unlawful assembly, riot is an offence at common law, which existed long before the Act of 1714 and likewise survived its repeal. The Act did not remove the common law powers of the civil authority to disperse an assembly if it seemed likely to cause a breach of the peace or was breaching the peace. Those powers co-existed with the Act and remain. Indeed, if anything the Act placed some limitation on, or at least clarified, the exercise of the powers, by implying that it would be extremely imprudent to use an armed force against a mob until the proclamation had been made and an hour had elapsed. The Act was, of course, passed in a different historical context, when there was no effective police force and the response came either from the justice and such few constables and assistants as he could muster or from troops with muskets and sabres.

The abolition of the distinction between misdemeanour and felony by the Criminal Law Act 1967, which consequentially repealed the Act of 1714, did not diminish the gravity of the offence of riot. That is an indictable offence, for which considerable penalties are available to the Crown Court. There may, of course, be evidential difficulties with trial on indictment, which the Law Commission will no doubt look at in its longer term consideration of the possible codification of the common law public order offences.

DISPERSAL OF RIOTOUS ASSEMBLIES:

THE VALUE AND DIFFICULTIES OF A NEW PROVISION

The police already have wide-ranging powers to take action against rioters in statute and common law. These cover criminal damage, theft, assault on the person, threatening or offensive conduct, and obstruction. At common law they already have power to disperse an assembly where an obstruction is being caused, or they reasonably apprehend a breach of the peace, or the assembly itself is judged to be unlawful. A new statutory power to disperse assemblies would make it simply an offence for people merely to be present in riotous circumstances. It would be directed towards assisting the police to deal with a large crowd of rioters opposing them, rather than the most common theme of recent disorders, namely running gangs of looters. Some senior police officers believe that such a change would be valuable because they argue there is a degree of uncertainty about their common law powers which make the police reluctant to use them, and those who riot reluctant to accept their use. It is also evident that bringing charges for common law indictable offences is not always quick nor necessarily successful.

Apart from the limitations of the measure under consideration, certain practical difficulties would have to be resolved. The first is how many people should constitute an assembly. The minimum of three reflects the definition of an assembly or a riot at common law. But it is not a number which in commonsense terms constitute a riot. The smaller the number chosen, the more likely the criticism will be that the police had failed to deal with small groups of offenders under any such new provision, when in fact it was not appropriate.

Secondly, it would be necessary to try to distinguish in the provisions those assemblies or groups who may not themselves be causing trouble, but who may be opposed by others who wish to cause trouble. If the provisions were limited to use against those who had already caused trouble, which would be one way round the difficulty, this would then prevent the police from using a new law to disperse assemblies where they had hard intelligence that major trouble was likely.

Thirdly, it will be necessary to try to draft the provisions in such a way as to avoid catching innocent bystanders or passers-by. Representatives of the media will, no doubt, express concern that journalists might be arrested; and there is the problem of picketing.

Parliamentary discussion of any provisions will focus on some of these practical problems, but provision for the following purposes might prove acceptable (the drafting, of course, being a matter for Parliamentary Counsel).

PROVISION FOR THE DISPERSAL OF RIOTOUS ASSEMBLIES

Where any police officer not below the rank of Assistant Chief Constable, or Commander in the Metropolitan Police, is of the opinion that an assembly of three or more persons is causing or has the purpose of causing serious disorder, he may order the persons constituting the assembly to be required to disperse forthwith. (How and by whom this should be done need perhaps not appear on the face of the Bill, but would have to be announced to the House).

Where such an order is given with respect to an assembly, any person who knowing the order to be given thereafter joined or remained in the assembly or otherwise failed to comply with the order, would be liable on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding £1,000, or both.

A constable would, without warrant, be empowered to arrest any person reasonably suspected by him to be committing an offence under these provisions.

File

883

Pattison

13 July 1981

Thank you for your letter of 10 July, about your intention to lay an Order today to clear up a legislative anomaly relating to our participation in IDA 6.

The Prime Minister is content with what is proposed.

I am sending a copy of this letter to Roderic Lyne in your Secretary of State's Office.

M. A. PATTISON

Miss S. E. Unsworth,
Overseas Development Administration.

re

010

Prime Minister

2.



OVERSEAS DEVELOPMENT ADMINISTRATION
ELAND HOUSE
STAG PLACE LONDON SW1E 5DH
Telephone 01-213 5409

Mr Marten intends to lay an order on Monday about IDA 6. This is not for a bridging operation, but simply to enable us to pay our share in September of the U.S. unblock whilst the House is in Recess.
10 July 1981

From the Minister

Handwritten initials

MAJ

Dear Mike,

You will wish to be aware that we are proposing, with the Treasury's agreement, to seek Parliamentary approval before the Summer Recess for a draft Order to clear up a legislative anomaly relating to our participation in IDA 6. I am told that the Order needs to be laid by Monday afternoon (13 July) at the latest.

The point at issue is that our formal notification given to the IDA a year ago rests on a draft Order approved by Parliament on 17 June 1980, which our Legal Advisers consider should be replaced by a fresh Order because of the implications of subsequent legislation. The documents have been prepared but it was thought advisable to await authorisation of US participation by Congress, on which the coming into effect of IDA 6 depends, before putting the matter to Parliament. The US position is still unclear, but with the possibility that it might be resolved during our Parliamentary recess we propose to go to Parliament now so as to avoid any risk that the legislative backing for our own participation might be questioned and the effectiveness of IDA 6 delayed on our account. It is particularly important for us to avoid any such risk in view of the forthcoming round of international meetings including those in which the Prime Minister will be participating, and of the recent EC démarche to the US on the IDA 6 question, in which our role as the Presidency gave us a prominent position.

This order would not enable us to make any further contribution to IDA 6 in advance of US agreement which will bring the replenishment into effect. We have agreed with the Treasury that Mr Marten will be briefed to avoid any reference to any wider questions relating to the IDA, and to emphasise that the matter is purely a technicality.

I am sending a copy of this letter to Roderic Lyne.

*Yours,
S E Unsworth*

(Miss S E Unsworth)
Private Secretary

M A Pattison Esq
10 Downing Street

GOVERNMENT LEGISLATION

N

(i) Second Reading

- ∅ Betting and Gaming Duties (L)
 Friendly Societies
 Petroleum and Continental Shelf

(ii) Report and Third Reading

- Companies (No 2) (L)
 Deep Sea Mining (Temporary Provisions) (L)
 Finance
 Wildlife and Countryside (L)

(iii) Lords Amendments

- Contempt of Court (L)
 Criminal Attempts
 Iron and Steel

(iv) <u>Orders and Regulations</u>	<u>Date Laid</u>	<u>Whether Controversial</u>	<u>Date Required</u>
Appropriation (No 2) (NI)	17/6	No	For debate 17/7
*Aviation Security Fund	10/6	Maybe	By 31/7
Building Societies	30/6	No	By Summer Recess
Child Benefit Up-Rating	3/7	No	By Summer Recess
Coal Industry (2)	2/7	No	By Summer Recess
Co-operative Development Agency	24/6	Maybe	By Summer Recess
*County Courts	26/6	No	By 17/7
Diseases of Animals (NI)	13/4	No	For Debate 17/7
*Double Taxation Relief (5)	5/6	No	By 17/7
Export Guarantees (2)	22/6	No	By Summer Recess
Family Income Supplements	3/7	No	By Summer Recess
Films	30/6	No	For debate 14/7
*Immunities and Privileges (2)	22/6	Maybe	By 23/7
Industrial Investment (Amendment) (NI)	23/6	No	For debate 17/7
∅ Consolidation			
*SI Committee			

(iv)	<u>Orders and Regulations</u>	<u>Date Laid</u>	<u>Whether Controversial</u>	<u>Date Required</u>
	London Docklands Development Corporation (Vesting of Land) (Newham)	11/6	Maybe	Subject to Lords
	London Docklands Development Corporation (Vesting of Land) (Southwark)	11/6	Maybe	Subject to Lords
	Magistrates' Courts (NI)	9/7	No	No deadline
	North of Scotland Hydro-Electric Board	7/7	No	By Summer Recess
	Pensioners' Lump Sum Payments	3/7	No	By Summer Recess
	Pool Competitions	21/5	No	For Debate 14/7
	Social Security Benefits Up-Rating	3/7	No	By Summer Recess
	Supplementary Benefit Up-Rating	3/7	No	By Summer Recess

LORDS

- ∅ Acquisition of Land (L)
- Armed Forces
- Atomic Energy (Misc Prov)
- Belize
- British Nationality
- ∅ Broadcasting
- ∅ Compulsory Purchase (Vesting Declarations) (L)
- Education
- Education (Scotland)
- Employment and Training
- Matrimonial Homes (Family Protection) (Scotland) (L)
- ∅ New Towns (L)
- Supreme Court (L)
- Transport
- ∅ Trustee Savings Banks (L)

Awaiting Royal Assent

- British Telecommunications
- Forestry
- Town and Country Planning (Minerals) (L)

- ∅ Consolidation

Bills placed upon the Statute Book (28)

Anguilla 1980
Animal Health 1981
Consolidated Fund (No 2) 1980
Consolidated Fund 1981
Energy Conservation 1981
English Industrial Estates Corporation 1981
European Assembly Elections 1981
Film Levy Finance 1981
Fisheries 1981
Gas Levy 1981
House of Commons Members' Fund and Parliamentary
Pensions 1981
Industry 1981
Insurance Companies 1981
International Organisations 1981
Iron and Steel (Borrowing Powers) 1981
Judicial Pensions 1981
Local Government (Miscellaneous Provisions) (Scotland)
1981
Merchant Shipping 1981
National Film Finance Corporation 1981
Parliamentary Commissioner (Consular Complaints) 1981
Ports (Financial Assistance) 1981
Public Passenger Vehicles 1981
Redundancy Fund 1981
Representation of the People 1981
Social Security 1981
Social Security (Contributions) 1981
Statute Law (Repeals) 1981
Water 1981

Parliament

PRIME MINISTER

Parliamentary Affairs

The business is not yet finalised, but my latest information is that the business managers have decided to accommodate Opposition demands for a debate on outbreaks of civil violence, and expect to offer next Thursday. This will provide an opportunity for the Home Secretary to report on these matters generally.

The Chancellor of the Duchy may also wish to tell colleagues what he has in mind about debates on the Brandt Commission Report and on BBC External Services.

You will also want to alert your colleagues to the arrangements for the humble Address to The Queen on the occasion of the marriage of the Prince of Wales. For reasons which are explained in a note elsewhere in the box, this will now have to be moved in the House on either Thursday, 16 July or (if you decide not to make an out-of-town visit) on Friday, 17 July. The Address will be presented at the Palace by a delegation of seven, probably comprising yourself, the Home Secretary, the Leader of the House; the Leader of the Opposition plus one; Mr. Steel; and the Speaker. The presentation will take place at 10.30 a.m. on Thursday, 23 July, and Cabinet that day will therefore start at 11.00 a.m.

(SIGNED) M.A.P.

External Services

24th July

Concluding Address

8 July 1981



Chancellor of the Duchy of Lancaster

Palmer

PRIVY COUNCIL OFFICE
WHITEHALL, LONDON, SW1A 1AA

22 June 1981

*copied to Palmer
Disqualification
& Preservers*

Dear John,

REPRESENTATION OF THE PEOPLE:
TIMING OF ISSUE OF BY-ELECTION WRITS

Thank you for your letter of 19 June on this subject.

As I have already mentioned to you on the telephone, the Chancellor of the Duchy agrees that, despite the difficulties, the course of action proposed by the Home Secretary is the best available.

You explained, when we spoke, that the Home Secretary does not intend to declare an intention to introduce the amendment in his opening speech today. You may like to know that the Chancellor of the Duchy has discussed this point with the Chief Whip and both are in full agreement with the Home Secretary's decision.

I am copying this letter to the recipients of yours.

Yours ever

David

D C R HEYHOE
Private Secretary

J F Halliday, Esq
Private Secretary to the
Home Secretary
Queen Anne's Gate
LONDON



10 DOWNING STREET

From the Private Secretary

22 June 1981

The Prime Minister has seen your letter of 19 June to David Heyhoe, about amending the Representation of the People Bill to cover the question of the timing of issue of by-election writs.

The Prime Minister has not followed the fine detail of the drafting of the Bill: against that background, she has commented that it seems doubtful whether the proposed amendment will actually clarify the matter. But if the Home Secretary is confident that it will do so, she is content that he should go ahead as he proposes.

I am sending copies of this letter to Murdo Maclean (Chief Whip's Office), Stephen Boys-Smith (Northern Ireland Office), David Heyhoe (Chancellor of the Duchy's Office), David Wright (Cabinet Office) and to Sir Henry Rowe.

M. A. PATTISON

John Halliday, Esq.,
Home Office.

JS

referred to
Parliament
Disqualification
& Provisions

HU

Handwritten notes:
Parliament
Sept 1980



10 DOWNING STREET

PRIME MINISTER

The legislative programme is on the Cabinet agenda for Thursday.

The proposals agreed in QL include the dropping of the Remuneration of Teachers Act. Before this is finally confirmed in Cabinet, you should be aware of the point brought out in John Vereker's note below. This was not mentioned by Mr. Carlisle in the last Cabinet discussion, and does not appear to have arisen in QL.

Handwritten signature: MP

5 June 1981



HOME OFFICE
QUEEN ANNE'S GATE LONDON SW1H 9AT

19 June 1981

Prime Minister

Do you agree with the Home Secretary's view on the handling of the Fermanagh writ in relation to the new Bill? MJP 19/vi.

REPRESENTATION OF THE PEOPLE BILL:
TIMING OF ISSUE OF BY-ELECTION WRITS

The Home Secretary has been considering the question which Murdo Maclean put to First Parliamentary Counsel, and to which Sir Henry Rowe replied in his letter of 17 June. He agrees that, since the Warrington writ may be issued before the Bill receives Royal Assent, the Bill should be amended to put beyond doubt the timetable on which any pending by-election should be held. He agrees that the amendment should provide that any election for which a writ had been issued before Royal Assent should take place on the existing, rather than the new timetable.

This would mean - of course - that if the Fermanagh writ had also been issued before Royal Assent the existing timetable would apply. We assume that such an amendment could be so drafted as not to affect the new procedure for disqualifying nominations. The returning officer at Fermanagh could then still disqualify a nomination if the last day for handing in nomination papers fell after Royal Assent.

This is a big assumption.

As you know, the invalidation of nominations takes place as soon as practicable after the last day for nominations, which falls at the returning officer's discretion between the fourth and eighth day after the issue of the writ. Provided that the Bill was enacted in sufficient time before the by-election took place, therefore, the nomination of an IRA prisoner could be declared invalid before voting took place. This might make the position of the Chief Electoral Officer in Northern Ireland even more difficult, however, and the Home Secretary considers that it would still be prudent to seek to defer the issue of the Fermanagh writ if an attempt is made to move it before Royal Assent. He realises that to defer the Fermanagh writ, while allowing the Warrington by-election to proceed, with a provision on the face of the Bill preserving the existing timetable for by-elections pending on Royal Assent, is not an ideal combination of decisions to defend. But he sees no better alternative, and believes that the reasons for such an approach would be generally understood.

/The Home Secretary

David Heyhoe Esq

*To you not ultimately
also with the relevant
it seems doubtful whether the
amendment will
clearly the matter.
19
agree on
Home Office
not sufficient*

*copied to
Potham
Disqualification
& Treason*

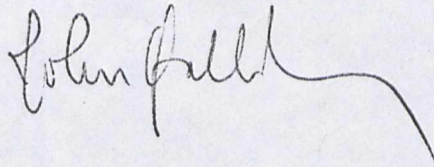
Dear David,

assume?

The Home Secretary would prefer to introduce the amendment in the House of Commons. He is considering whether to declare an intention to introduce it during the debate on Second Reading.

I am sending a copy of this letter (with - for convenience - a copy of Sir Henry Rowe's letter) to the Private Secretaries to the Prime Minister, the Chief Whip, the Secretary of State for Northern Ireland, Sir Robert Armstrong and to Sir Henry Rowe.

Yours ever,

A handwritten signature in cursive script, appearing to read 'John F. Halliday', with a long, sweeping tail extending to the right.

(J F HALLIDAY)

M. Wasserman
R. Tamph

~~12/3/81~~

5288

Murdo Maclean Esq
Government Whips' Office
12 Downing Street
SW1

17 June 1981

Dear Murdo

REPRESENTATION OF THE PEOPLE BILL

You asked me to say what I think should be done if a writ to fill the Warrington seat were moved before the Representation of the People Bill had received the royal assent.

There would clearly be neither need nor justification for tampering with the proposed new disqualification. The disqualification would bite as soon as the Bill became law. If, at that time, the election campaign was still under way a disqualified candidate could not be validly elected; and if it was over and a disqualified person had been elected he would lose his seat on royal assent.

But it would be necessary to do something about the Parliamentary Election Rules which the Bill seeks to modify. One could not allow a situation to arise where it might not be clear whether a notice of election had been valid, nomination papers received in time, or the polling day appointed correctly. These matters are independent of the new disqualification and any uncertainty about them could therefore throw doubts on the validity of the election of a perfectly respectable candidate.

The best way to deal with the situation would then be to postpone the changes in the Parliamentary Election Rules so that they would not affect any election for which a writ had been issued before royal assent. This could be done by an amendment to clause 3, which, if necessary, could be made in the Lords.

The matter does not therefore appear to be desperately urgent. No one would want to propose an amendment for fun. You will no doubt assess the chances of a writ for Warrington being issued before royal assent. If they seem negligible you may leave it at that. But if an amendment were decided on we would of course appreciate an early warning.

Yours sincerely

H P ROWE

810

12 DOWNING STREET,
S.W.1.

With

The Private Secretary's

Compliments

GOVERNMENT LEGISLATION

JW.

Parliament

- (i) Second Reading
Petroleum and Continental Shelf
Representation of the People
- (ii) Special Standing Committee
Deep Sea Mining (Temporary Provisions) (L)
- (iii) Standing Committee
Companies (No 2) (L)
Finance
Matrimonial Homes (Family Protection) (Scotland) (L)
Supreme Court (L)
Wildlife and Countryside (L)
- (iv) Report and Third Reading
Contempt of Court (L)
Town and Country Planning (Minerals) (L)
- (v) Lords Amendments
Fisheries
- (vi) Orders and Regulations
- | | <u>Date Laid</u> | <u>Whether Controversial</u> | <u>Date Required</u> |
|--|------------------|------------------------------|----------------------|
| Aviation Security Fund | 10/6 | Maybe | By 31/7 |
| Diseases of Animals (NI) | 13/4 | No | No deadline |
| Double Taxation Relief (5) | 5/6 | No | By 17/7 |
| Employment Subsidies Act 1978 | 12/5 | No | By 1/7 |
| *European Communities | 2/6 | No | By PC Mtg on 31/7 |
| *Financial Assistance for Industry | 1/6 | No | a.s.a.p. |
| Hosiery and Knitwear Industry | 9/6 | No | By 30/6 |
| *Job Release Act 1977 | 12/5 | No | By 30/9 |
| London Docklands Development Corporation | 27/11 | Maybe | Subject to Lords |
| London Docklands Development Corporation (Vesting of Land) (GLC) | 9/4 | Maybe | Subject to Lords |
| London Docklands Development Corporation (Vesting of Land) (PLA) | 9/4 | Maybe | Subject to Lords |

*SI Committee

(vi)	<u>Orders and Regulations</u>	<u>Date Laid</u>	<u>Whether Controversial</u>	<u>Date Required</u>
	London Docklands Development Corporation (Vesting of Land) (Newham)	11/6	Maybe	Subject to Lords
	London Docklands Development Corporation (Vesting of Land) (Southwark)	11/6	Maybe	Subject to Lords
	Merseyside Development Corporation (Vesting of Land) (5 Orders)	14/4	Maybe	Subject to Lords
	Pool Competitions	21/5	No	By 24/7
	Road Traffic (Car-sharing Arrangements) (NI)	28/4	No	By Summer Recess
	Shipbuilding (Redundancy Payments Scheme)	1/6	No	By 26/6
	Shipbuilding (Redundancy Payments Scheme) (NI)	2/6	No	By 26/6
	Wool Textile Industry (2)	9/6	No	By 30/6

LORDS

Armed Forces

Atomic Energy (Misc Prov)

∅ Betting and Gaming Duties (L)

British Nationality

British Telecommunications

Criminal Attempts

Education

Education (Scotland)

Employment and Training

Forestry

Insurance Companies

Iron and Steel

Social Security

Transport

∅ Consolidation

Bills awaiting introduction (Either House)

(Date of Legislation Committee)

Belize Independence

?

Bills placed upon the Statute Book (24)

Anguilla 1980

Animal Health 1981

Consolidated Fund (No 2) 1980

Consolidated Fund 1981

Energy Conservation 1981

English Industrial Estates Corporation 1981

European Assembly Elections 1981

Film Levy Finance 1981

Gas Levy 1981

House of Commons Members' Fund and Parliamentary Pensions 1981

Industry 1981

International Organisations 1981

Iron and Steel (Borrowing Powers) 1981

Judicial Pensions 1981

Local Government (Miscellaneous Provisions) (Scotland) 1981

Merchant Shipping 1981

National Film Finance Corporation 1981

Parliamentary Commissioner (Consular Complaints) 1981

Ports (Financial Assistance) 1981

Public Passenger Vehicles 1981

Redundancy Fund 1981

Social Security (Contributions) 1981

Statute Law (Repeals) 1981

Water 1981

Parliament

Ref: A05039

PRIME MINISTERLegislative Programme 1981-82: C(81) 27

BACKGROUND

At their meeting on 14 May, the Cabinet invited QL Committee to re-examine their proposals for the legislative programme for next session so that it gave more adequate expression to the Government's main strategic objectives. The Home Secretary's memorandum (C(81) 27) reports the outcome of the Committee's further consideration.

The Committee now recommend that 6 of the 22 main programme bills which they originally proposed for next session should be deferred. The Ministers concerned have agreed. A one-clause Coinage Bill has been added to the Second Reading Committee list in partial replacement of the Currency and Banking Bill. The Committee recommend the retention of the Mental Health (Amendment) Bill mentioned at the last discussion as a candidate for deferment. The other main points to emerge from the QL's review of their earlier proposals are their continuing concern about the ability of the Department of Energy to handle four major bills in a single session; concern at the possible scope of the Housing Bill; their rejection of the bid by the Secretary of State for the Environment for a Water Bill; and the Secretary of State for Defence's belated suggestion, in response to the last Cabinet discussion, that room should be found for a bill to privatise the Royal Ordnance Factories.

The Home Secretary emphasises that the overall weight of the programme and the timing of the various bills means that the revised programme will be more demanding in terms of Parliamentary handling than that originally proposed. (In particular the deferment of the more "technical" bills means that only six of the main bills are now judged suitable to start in the House of Lords.) He asks the Cabinet to accept that there should be no major additions to the

programme without compensating deletions. He also stresses the need for Ministers to honour their commitments on the timing of the preparation and introduction of the bills for which they are responsible, as set out in the Annexes to C(81) 23.

HANDLING

You will wish to begin by inviting the Home Secretary to introduce his memorandum, and then inviting the Lord President and the Chancellor of the Duchy of Lancaster to add any general comments they may have.

It might be convenient to confirm at the outset that no major political or other difficulties are likely to result from postponing any of the six bills mentioned in paragraph 2 of C(81) 27. The Home Secretary can explain the consequences for his new citizens' band radio proposals of not proceeding with the Wireless Telegraphy (Amendment) Bill and the Secretary of State for Education and Science of not proceeding with the Teachers' Remuneration and Other Conditions of Service Bill. You will have seen the correspondence in which he and the Secretary of State for Employment have said that they think the risk is acceptable. In theory the two major local authority associations could combine to outvote central government on the management panel of the pay negotiating machinery and force a reference of next year's teachers pay claim to arbitration.

The Cabinet might then look at the general balance and size of the revised draft programme, leaving aside so far as possible the arguments for and against particular bills. Do the changes made adequately meet the criticisms voiced in the previous discussion and does the programme now give adequate priority to the Government's main objectives? The Secretary of State for Industry may want to comment. Are the Cabinet convinced by the arguments in paragraph 10 of C(81) 27 about the size of the programme, or do they think that QL and the business managers have erred on the side of caution? A programme containing only 18 main programme bills is by any standards modest, but many of the bills will be strongly opposed in the Commons and to add other major controversial bills likely to have to start in that House would risk serious problems in the Lords towards the end of the session. The Lord President and the Chief Whip will have views.

The Cabinet might then consider paragraphs 4-8 of C(81) 27 and any possible additions to the programme. They can confirm the inclusion of the Gas (Industrial and Commercial Supplies) Bill, but you will wish to ask the Secretary of State for Energy about the timetable for its preparation. The misgivings of the business managers about the legislative capacity of the Department are based on the experience of the last two sessions. Is there any realistic chance of a better performance? How much preparatory work has been done on the bill? Could instructions to Counsel be ready in September rather than October so that the Bill itself might be ready before Christmas?

The Secretary of State for the Environment put revised proposals for three bills to QL. He can say whether he accepts the position now reached. The length and scope of the Housing Bill can best be left in the hands of the Home and Social Affairs Committee for the time being, though the arguments about deregulation of private sector rents may need to be resolved in Cabinet. Can the Secretary of State confirm that he will not seek to add to the Local Government Finance Bill any of the provisions he originally suggested for a Public Bodies Management Bill except those for the Accounts Commission. Do Cabinet agree that the Water Bill should be deferred? The Secretary of State for Wales, who strongly supports the abolition of the National Water Council and the restructuring of the regional water authorities, will wish to comment. Is this a bill which could safely start in the House of Lords?

Since the last meeting the Secretary of State for Defence has proposed legislation next session on the Royal Ordnance Factories. He will argue strongly that such legislation would be in line with Government policy and an announcement of it would form a useful part of his forthcoming statement on defence policy. You will want to avoid discussion of the merits of his proposals. They were sent to certain Ministers on 5 June and reactions have not yet been received. Discussion might concentrate rather on QL's conclusion that any Bill on the subject would be better deferred to 1982-83. This would give time for policy discussion and the preparation of what might then be complicated legislation but lose the advantages of following any announcement with immediate legislation.

Is there a foreseeable need for any other major bill next session, apart from the Canada Bill, which might well have to be introduced then if the Supreme Court were not to deliver their judgment before they begin their summer recess on 25 June? Pressure for legislation on trade union immunities or the closed shop (for which no firm bid for time next session has so far been formulated) is likely to increase.

If the Cabinet wish to leave space for such a major bill and accept QL's conclusion that the programme is already over-subscribed, they will need to consider whether any of the bills still recommended in Annex A might be deferred. The main candidate seems to be the Insolvency Bill. It would save 570 civil servants in the Department of Trade but require some more staff in other departments. It has not yet received final policy approval (the Lord Chancellor maintains his reservation on the proposal that the Official Receiver should withdraw from personal bankruptcy work) and will be controversial because of the opposition of sections of the legal and accounting professions. The Civil Jurisdiction and Judgments Bill should not occupy much time in either House and the Local Government (Miscellaneous Provisions) Bill is essential if a great deal of time is not to be spent in the House of Lords on private bills promoted by local authorities. That leaves only the Mental Health Amendment Bill, which is the only "social measure" in the programme since the other programme bills listed in Annex A fit squarely within the main stream of Government policy.

CONCLUSIONS

Subject to the course of the discussion, you will wish to guide the Cabinet to -

1. Approve the revised draft legislative programme set out in Annexes A to D in C(81) 27, with or without further additions or deletions;
2. Invite the Secretary of State for Energy to give urgent consideration to ways of improving the timetable for the preparation of the Gas (Industrial and Commercial Supplies) Bill and to report the outcome to the Home Secretary and other members of QL;



3. Note that the Home and Social Affairs Committee are still considering the overall length and scope of the proposed Housing Bill; and
4. Recognise the importance of the stated timetables for the preparation and introduction of all bills for next Session's programme being rigorously observed.

A handwritten signature in black ink, consisting of the letters 'RWA' in a stylized, cursive script.

Robert Armstrong

10 June 1981

CONFIDENTIAL



From the Secretary of State

PRIME MINISTER

I have just seen a copy of C(81)27 about the legislative programme for the next Session, with a reference in para 11 to the possibility that the Insolvency Bill might have to be dropped if it became necessary to accommodate some other pressing legislation. As I am leaving for a Ministerial visit to Scandinavia tomorrow morning, I am writing this letter to record my reactions to such a suggestion.

It is obvious that a saving of over 500 staff is a major contribution to a policy to which we are publicly committed: there is no way in which my Department could replace more than a small fraction of that saving if the Bill were to go. Any postponing or cancellation of the Insolvency Bill would have to reflect this when setting Department manpower targets.

Furthermore there is a strong case - in its own right and apart from staff savings - in having the Insolvency Bill.

I must impress on my colleagues the need for this Bill, and I devoutly hope it can be retained in the programme for 1981/82.

I am copying this to Cabinet Colleagues.

n. m. Jones

Department of Trade
1 Victoria Street
London SW1H 0ET

pp J.B.

(Approved by the Secretary of State
and signed in his absence)

9 June 1981

CONFIDENTIAL



cc Mr Verker

Caxton House Tothill Street London SW1H 9NA
Telephone Direct Line 01-213 6400 GTN 213
Switchboard 01-213 3000

[Handwritten scribbles]

Rt Hon Mark Carlisle QC MP
Secretary of State
Department of Education and Science
Elizabeth House
York Road
LONDON SE1

8 June 1981

MS

Prime Minister

Dear Mark

*This letter from Mr Pica
draws colleagues' attention
to the arbitration point.*

In your letter of 21 May to Willie Whitelaw you conclude that, subject to the views of colleagues, it would be right to withdraw your Bill to amend the Remuneration of Teachers Act from next year's legislative programme to help to make room for other Bills.

*MAO
9/vi*

As you point out, withdrawing your Bill will take away the opportunity to amend the two-House procedure, under which arbitration awards can be overridden, in time for the 1982 negotiations. This would mean that if the unions and the local authority associations were to agree to arbitration, and if, as last year, we were again faced with an unpalatable award, it would be harder to overturn than would otherwise have been the case. But as arbitration cannot now take place unless both the unions and the local authority associations agree, I consider it most unlikely that we would wish to try to persuade Parliament that an award should be set aside. I therefore agree with your judgement that the risks of leaving matters as they stand for a further year are acceptable.

Copies of this letter go to the Prime Minister, Willie Whitelaw, other members of the Cabinet, Sir Henry Rowe and Sir Robert Armstrong.

[Handwritten signature]

CONFIDENTIAL

Polliamet



NORTHERN IRELAND OFFICE
GREAT GEORGE STREET,
LONDON SW1P 3AJ

SECRETARY OF STATE
FOR
NORTHERN IRELAND

MAJ

The Rt Hon William Whitelaw CH MC MP
Secretary of State for the Home Department
50 Queen Anne's Gate
London SW1H 9AT

8 June 1981

Dear Willie,

I have seen Mark Carlisle's letter to you of 21 May proposing that the amendment of the Remuneration of Teachers Act in the 1981-82 session should be deferred.

From the Northern Ireland point of view the postponement of the proposed Bill would not cause us embarrassment. Nevertheless it does seem to us that the sooner the amendment can proceed the better. It is obviously desirable that pay and conditions of service should be brought together for negotiation in the same forum as soon as possible, and as soon as this is achieved for teachers in England and Wales it would be our intention to follow suit in Northern Ireland.

I appreciate that Mark's proposals have met some opposition, but this was not unexpected. Our fear would be that this opposition will gradually build up and become more organised if there is delay. Another factor is that the next round of pay negotiations is unlikely to be concluded as easily as the last and the new restrictions on recourse to arbitration will apply. In such circumstances any goodwill that exists will rapidly disappear and the proposed amendment might then be much more controversial than it would be now.

I am copying this letter to those who received Mark's letter of 21 May.

Yours ever

JG

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cc: Mr. Duguid

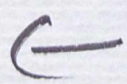
*Done
MAD
Please 9/1/81 make this point
to Home Sec in advance
of Cabinet
not.*

MR. PATTISON

Remuneration of Teachers' Act

We had a word about Mr. Carlisle's letter of 21 May to Mr. Whitelaw indicating that he is prepared to postpone the introduction of the Remuneration of Teachers' Act for 1981/82 Session.

A small but significant point^{which} arises from this, of which the Prime Minister should be aware when she comes to decide which Bills^{are} to be withdrawn, is that the Remuneration of Teachers' Act affects the arbitration arrangements for teachers' pay. The Prime Minister will recall that the arbitration rules for teachers have recently been changed so that access is only by joint agreement. But "joint agreement" means jointly between management and unions, and the management side could outvote the Department of Education and Science. So circumstances could still arise under which the Department of Education and Science would wish to overturn an arbitration award. As I understand it, it is proposed that the new Bill would provide for an award to be overruled by negative resolution of both Houses, which is of course much easier than the present requirement for a positive resolution. Other things being equal, therefore, I would prefer that this Act is introduced in the current Session.



J.

28 May 1981

CONFIDENTIAL



MINISTRY OF DEFENCE
 MAIN BUILDING WHITEHALL LONDON SW1
 Telephone 01-~~988 7022~~X 218 2111/3

MO 21/1

29th May 1981 *KMS*

MS
 Dear John,

Prime Minister (through CW)
 Mr Nott has it in mind to add
ROF privatization to the legislative
programme for next session.

LEGISLATIVE PROGRAMME 1981/82

In his letter of 18th May the Home Secretary asked my Secretary of State whether he would be prepared to see the International Military Services (Financial Provisions) Bill dropped from the legislative programme for 1981/82, and brought forward in a later session.

As the Home Secretary knows, the Bill is necessary to provide statutory authority for Mr Nott's exercise as Secretary of State for Defence of Functions involving Financial liabilities which were assumed as long ago as 1st April 1977. Legal advice is that legislation should be introduced as soon as reasonably practicable. Moreover, the Public Accounts Committee has been taking an interest in the matter and as time goes on the pressure for legislation to be introduced can be expected to build up. Against the background of the discussion in Cabinet on 14th May, however, and the need to find room within the 1981/82 programme for more important Bills Mr Nott would not object to the IMS Bill being deferred if that is what QL decide to recommend. He would, however, hope that in the light of the considerations set out above a request for the IMS Bill to be included next session would be sympathetically considered.

Reflecting the tenor of the earlier discussion in Cabinet, however, my Secretary of State would now also like to suggest that a place be found for what he believes will be an attractive piece of legislation, to enable the privatization of the Royal Ordnance Factories. As the Home Secretary will know, he recently received

1

J F Halliday Esq

CONFIDENTIAL



a report of the Study Group on the Future development of the Royal Ordnance Factories. He will shortly be putting proposals about the way ahead to those colleagues most directly concerned but the course he proposes to take will involve legislation to enable privatization of the ROFs to proceed under arrangements whereby companies would be formed for 2, 3 or 4 groups of the ROFs in which the Government and the relevant parts of private industry would jointly hold the equity. Knowledge that the Study Group has reported has aroused much interest in Parliament and among the ROF workforce and it is desirable that an early statement should be made about the Government's intentions.

My Secretary of State believes that an ROF privatization bill would constitute exactly the kind of major strategic bill which the Cabinet wanted to see in the legislative programme.

My Secretary of State has seen a copy of the Foreign and Commonwealth Secretary's minute to the Home Secretary of 21st May on the similar deferment of the Territorial Sea Bill. The Ministry of Defence's main concern on this is to ensure that when we come to legislate we have an acceptable regime of passage through international straits which will be newly enclosed by an extension to 12 nautical miles. We would prefer such an extension to take place in the context of agreement to a Convention at the Law of the Sea Conference although early agreement to a Convention is now less likely. Deferment of the Bill would, therefore, give rise to no difficulties for the Ministry of Defence.

I am sending copies of this letter to Tim Lankester (No 10), to the Private Secretaries to the Foreign and Commonwealth Secretary, the Chief Whip and the members of QL; and to Sir Henry Rowe and David Wright (Cabinet Office).

Yours etc.

Brian Norbury

(B M NORBURY)

MAIN STRATEGY BILLS NOT RECOMMENDED BY QL

BILL	DESCRIPTION	CURRENT STATUS	TIMING			
			POLICY APPROVAL	INSTRUCTIONS	INTRODUCTION	ROYAL ASSENT
Further and Higher Education	A medium length bill transferring certain higher education institutions to a new national body.	Not recommended by QL, No Cabinet decision. Consultations with local authorities etc continuing.	June 1981	October 1981	January 1982	Desirable by July 1982
Gas (Industrial and Commercial Supplies)	A substantial bill to remove British Gas Corporation's monopoly over non-industrial gas supplies; and to remove Corporation's first option on purchase of North Sea gas for industrial fuel purposes.	Not recommended by QL. Supported by Cabinet.	June 1981	October 1981	February 1982	End of Session
Energy (Miscellaneous Provisions)	A substantial bill whose main purpose is to increase competition in supply of electricity.	Not recommended by QL. No Cabinet decision, though noted that "there was a strong case for including the bills relating to the gas and electricity industries."	Main provisions approved; rest June 1981	July 1981	February 1982	End of Session

Public Bodies (Management)	A long bill establishing Local Authority Accounts Commission; providing for changes in status of certain bodies; abolishing New Towns Commission; revising system of building controls; repealing provisions on planning compensation and betterment.	Not recommended by QL. Cabinet noted that privatisation proposals were in line with main objectives of Government; invited QL to consider whether some provisions could be added to a bill dealing with local government finance (see QL(81)8).	June 1981	September 1981	December 1981	Desirable April 1982 for Accounts Commission
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From the Secretary of State

Prime Minister

One more programme bill
 moves to be non-essential

MP 26/V

The Rt Hon William Whitelaw CH MC MP
 Secretary of State for Home Affairs
 Home Office
 Queen Anne's Gate
 London SW1

26 May 1981

Dear Wilke,

ms.

1981/2 LEGISLATIVE PROGRAMME

Peter Carrington has sent me copies of your correspondence on the possible withdrawal of the Territorial Sea Bill from the 1981/2 legislative programme. As he says, although lead responsibility for this Bill falls to him the principal arguments in favour of early action arise in my area of responsibility.

The consequences of extending our territorial waters to 12 miles include, in the field of pollution prevention and control, extension of our powers of direction in the event of a casualty threatening major pollution; of the area of coverage of liability for pollution damage; and of the power to prosecute foreign vessels. There has been considerable pressure for extension from environmentalist interests, and in the event of a pollution incident in the 3 to 12 mile zone we should be exposed to criticism for not having done everything possible to protect our coasts. I hope the immediate pressure will be defused by our imminent announcement that we are preparing legislation, but it will build up again if there appears to be an undue delay between the announcement and the introduction of legislation.

The Territorial Sea Bill ought to be non-controversial in party political terms, to gain us credit for acting in the pollution field,

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From the Secretary of State

and to protect us from the embarrassment of an incident to which the additional powers would have been relevant. The Bill should be suitable for introduction into the Lords.

In this light, I would prefer the Territorial Sea Bill to remain in the 1981/2 programme. But I acknowledge that it is not a major measure in terms of implementing our broad economic policies, and if colleagues feel that it cannot be accommodated I can reluctantly agree to its deferment. But this is on the understanding that the Bill will have a high priority for the 1982/3 Session.

I am copying this letter to the Prime Minister, Peter Carrington, members of QL, Sir Robert Armstrong and Sir Henry Rowe.

A handwritten signature in cursive script, reading "John Biffen".

JOHN BIFFEN

CONFIDENTIAL

26 MAY 1981

GOVERNMENT LEGISLATION(i) Second Reading

∅ Animal Health (L)
 Companies (No 2) (L)
 Petroleum and Continental Shelf

(ii) Special Standing Committee

Deep Sea Mining (Temporary Provisions) (L)

(iii) Standing Committee

Finance
 Matrimonial Homes (Family Protection) (Scotland) (L)
 Supreme Court (L)
 Wildlife and Countryside (L)

(iv) Report and Third Reading

British Nationality
 Contempt of Court (L)
 Education
 Education (Scotland) (No 2)
 Employment and Training
 Town and Country Planning (Minerals) (L)

(v)	<u>Orders and Regulations</u>	<u>Date Laid</u>	<u>Whether Controversial</u>	<u>Date Required</u>
	Diseases of Animals (NI)	13/4	No	No deadline
	Employment Subsidies Act 1978	12/5	No	By 1/7
	Job Release Act 1977	12/5	No	By 30/9
	London Docklands Development Corporation	27/11	Maybe	Subject to Lords
	London Docklands Development Corporation (Vesting of Land) (GLC)	9/4	Maybe	Subject to Lords
	London Docklands Development Corporation (Vesting of Land) (PLA)	9/4	Maybe	Subject to Lords
	Merseyside Development Corporation (Vesting of Land) (5 Orders)	14/4	Maybe	Subject to Lords
	Pool Competitions	21/5	No	By 24/7
	Road Traffic (Car-sharing Arrangements) (NI)	28/4	No	By Summer Recess
	Sheep Variable Premium	21/5	No	By 2/7

LORDS

Armed Forces
Atomic Energy (Misc Prov)
British Telecommunications
Criminal Attempts
Fisheries
Forestry
Insurance Companies
Iron and Steel
Local Government (Misc Prov) (Scotland)
Ports (Financial Assistance)
Social Security
Transport

Bills awaiting introduction (Either House)

(Date of Legislation Committee)

Belize Independence

?

Bills placed upon the Statute Book (21)

Anguilla 1980
Consolidated Fund (No 2) 1980
Consolidated Fund 1981
Energy Conservation 1981
English Industrial Estates Corporation 1981
European Assembly Elections 1981
Film Levy Finance 1981
Gas Levy 1981
House of Commons Members' Fund and Parliamentary
Pensions 1981
Industry 1981
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Iron and Steel (Borrowing Powers) 1981
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Merchant Shipping 1981
National Film Finance Corporation 1981
Parliamentary Commissioner (Consular Complaints) 1981
Public Passenger Vehicles 1981
Redundancy Fund 1981
Social Security (Contributions) 1981
Statute Law (Repeals) 1981
Water 1981

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PRIME MINISTER

Trident Briefing

Mr. Nott would like to arrange a briefing on the Trident programme for members of the Cabinet in the near future. He gave a presentation on the programme to Junior Ministers a short while ago in an effort to encourage them to take an active part in the publicity campaign which ~~Mr. Nott~~^{he} has been leading to turn back the criticism from the CND movement and others of our nuclear weapons policy. Plainly, however, a briefing for Cabinet Ministers would need to be more detailed and more highly classified than what was done for Junior Ministers.

Mr. Nott's reasons for wishing to arrange such a briefing are plain. But I am afraid that there are risks about it. It would almost certainly become public knowledge and critics might suggest that it implied that Cabinet is not fully behind the original decision to acquire Trident. Moreover, someone might ask why Cabinet is being given a briefing now and not when the decision to go for Trident was made: the point here of course is that the vital decisions were not taken by Cabinet as a whole.

On balance, I incline against the briefing. Do you wish Mr. Nott to proceed with it or not?

*I am reluctant
to give it to*

Cabinet as a whole.

*Can we try a particular group
not*

FM.

21 May 1981

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2



DEPARTMENT OF EDUCATION AND SCIENCE

ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH

TELEPHONE 01-928 9222

FROM THE SECRETARY OF STATE

November 20

Mr Carlisle is ready to withdraw his Bill from next yr's programme, provided he can choose his own timing to let interested parties know.

The Rt Hon William Whitelaw CH MC MP
Secretary of State for the Home Department
50 Queen Anne's Gate
London SW1H 9AT

21 May 1981

MAP 21/v

MS

Deo Millic.

At Cabinet on Thursday I was pressed to reconsider the need to amend the Remuneration of Teachers Act in the 1981-82 session, to help to make room for other Bills of high political priority.

We have already achieved one of the objectives we set ourselves on the teachers' pay machinery: I have by administrative action made access to arbitration dependent on the agreement of both Panels instead of unilateral. Without a Bill early in the 1981-82 session I would be unable to make any other changes before the April 1982 negotiating round. This would have two important consequences. First, we would have to rely in the 1982 negotiations on the powers I now have, namely, the veto within the Management Panel and the two-House procedure in respect of an arbitration award. Secondly, the local authority employers would have to wait until 1983 before being able to negotiate pay and other conditions of service in the same forum.

There would, on the other hand, be some offsetting compensation if we postponed. My discussions with all the interested associations have revealed more opposition to my proposals than I had hoped, and if we were to press on with a 1981 Bill on the present timetable it would not be an agreed one and might well be controversial. More time now for trying to reduce the opposition might save us Parliamentary time in the end.

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I conclude therefore that unless any of my Cabinet colleagues feel that the risks of postponement are unacceptable, then it would be right to agree to withdraw this Bill from next year's legislative programme. I would however emphasise that, since the local authority employers would be disappointed it would be essential for me to be able to choose the moment of my telling them, in relation to the progress of my talks with all the parties. Premature hints about postponement would be a great embarrassment to me.

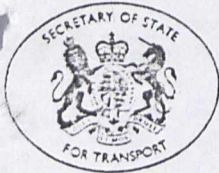
I am copying this to the Prime Minister, all members of Cabinet, Sir Henry Rowe and Sir Robert Armstrong.

Yours ever

Mark

MARK CARLISLE

CONFIDENTIAL



Polhane
DEPARTMENT OF TRANSPORT
2 MARSHAM STREET LONDON SW1P 3EB

~~any P...~~

~~NSPAA~~

WV 15/5

Colin Walters Esq
Private Secretary to
the Secretary of State for the
Home Department
Home Office
50 Queen Anne's Gate
LONDON
SW1

15 May 1981

Dear Colin

REPORT OF INTERDEPARTMENTAL WORKING PARTY ON ROAD TRAFFIC LAW

As you know, H committee agreed, H(81)13th, to the publishing of this report together with a joint foreword by the Home Secretary and my Secretary of State.

I now attach the final copy of the foreword which incorporates various comments from the Secretary of States' colleagues. This has now been sent to the printers. The Secretary of State proposes to publish the report next Wednesday at 2.30 p.m. and announce this by way of a short inspired PQ and a press statement.

I am sending copies of this to the Private Secretary to the Prime Minister, the Private Secretaries to the other members of H, the Attorney General, the Lord Advocate, the Minister of State at the Home Office and Sir Robert Armstrong.

Yours sincerely

C R EDWARDS
Private Secretary

FOREWORD BY THE HOME SECRETARY AND THE SECRETARY OF STATE FOR
TRANSPORT

One of the Government's chief objectives is to simplify the law and to improve its enforcement. The traffic law is part of this process. One of our chief aims here is to reduce the burden on the police and the courts. In November 1979 therefore the Government set up an Inter-Departmental Working Party to study ways of simplifying and improving traffic law and of making it fairer for drivers. This is the report of that Working Party.

The report suggests how the operation of the fixed penalty system can be improved; how it can be extended to a wide range of less serious traffic offences; and how the present totting-up procedure can be replaced by a points system under which offences would attract a number of points related to their seriousness.

The Government welcome this report and generally accept the Working Group's recommendations. The opportunity has already been taken to introduce legislation on the points system in the Transport Bill which is now before Parliament. This will be much fairer to the motorist than the present system under which three endorsements for traffic offences, however serious or trivial, make the motorist liable to disqualification. In drafting this legislation we had the benefit of early advice from the Working Party and we have followed their recommendations except on the question of allowing discretion to the courts to vary the number of points imposed for the more serious offences. On this we considered that it would make for greater simplicity and certainty to have fixed points values for most offences. It is

only for the offences of failure to stop, to give particulars or to report to a police station after an accident - which can in practice vary considerably in importance from case to case - that we are providing for the courts to have discretion about the number of points to allot.

The proposed extension of the fixed penalty system to the less serious moving traffic offences will allow substantial savings of time for the police and the courts, where there are at present quite intolerable delays in disposing of criminal cases. Not only would waiting times in the magistrates courts be reduced considerably, but the way would be paved to reducing delays in the Crown Court by enabling further classes of case to be dealt with by summary trial. We believe that this extension of the fixed penalty system is a more appropriate way of handling such offences than by a court hearing. It will allow justice to be administered efficiently and simply but will preserve the right of any motorist to contest his liability in court if he desires to do so.

The improvement of the existing fixed penalty system, which applies mainly to parked vehicles, is also much needed. Far too high a proportion of penalties imposed are currently not recovered. The Working Party's recommendations should make the system much more effective.

On one issue the Government do not accept the Working Party's proposals. This is the proposal for the compulsory carrying of driving licences. In our view this would make a criminal offence out of what might be a purely inadvertent failure to carry the licence on every occasion. However, we do accept that production of a licence does assist the police to identify a driver and they will also need to inspect it to ascertain the

existing number of points endorsed on it, if the extended fixed penalty system is to operate efficiently. The Government therefore propose to adopt the alternative course of providing that fixed penalty treatment should not be available to a driver stopped for a moving traffic offence if he is unable to produce his licence. This would provide an incentive, rather than an obligation, to carry the licence.

On one further issue the Government would welcome comment. This is the proposal that, where a person does not duly respond to a fixed penalty notice either by paying the penalty or denying liability, the penalty should be treated as a fine imposed on conviction and be recoverable without the need for a court hearing. This change would save court time; would enable unpaid penalties to be enforced much more effectively and would not prejudice the individual's right to appear before a court if he wished to contest liability. But there may nevertheless be misgivings such as were felt by the majority of the Stewart Committee on Alternatives to Prosecution in Scotland in their report "The Motorist and Fixed Penalties (Cmnd 8027)" over whether the essential safeguards for accused persons would be sufficiently maintained.

The Government accept the other recommendations in the report. In particular they propose to increase the maximum fine for parking offences from £20 to £50, and to increase the fixed penalty, under existing powers, from £6 to £10. And if we decide to adopt the Working Party's recommendation on treatment of unpaid penalties as fines imposed on conviction, we shall also adopt the related recommendation (appropriate only in England and Wales) that an additional amount should be recoverable as costs in such cases.

Any comments should be sent in writing, not later than
22 June, 1981 to

Department of Transport
C16/16
2 Marsham Street
LONDON
SW1P 3EB

Finally, we would like to thank all those who contributed to the work in producing this report, especially those outside Government who gave valuable time and the benefit of their experience to the Working Party.

W S I WHITELOW
Secretary of State for the
Home Department

NORMAN FOWLER
Secretary of State for
Transport

May 1981

JU 85



Secretary of State for Industry

✓
MP

Parignon

DEPARTMENT OF INDUSTRY
ASHDOWN HOUSE
123 VICTORIA STREET
LONDON SW1E 6RB
TELEPHONE DIRECT LINE 01-212 3301
SWITCHBOARD 01-212 7676

13 May 1981

The Rt Hon William Whitelaw CH MC MP
Secretary of State for the Home Department
Home Office
50 Queen Anne's Gate
London SW1H 9AT

Jim Hillier

LEGISLATIVE PROGRAMME 1981-82

Thank you for your letter of 10 May in reply to mine of 1 May about the need for a Co-operative Development (Amendment) Bill.

2 You are quite correct in pointing out that sufficient funds could be provided under the existing legislation to enable the CDA to continue to function throughout the 1981-82 Session. But at current rates of expenditure the Agency would run out of funds by December 1982 in which case we would have to rush a Bill through very early in the 1982-83 Session.

3 As promised in my letter of 1 May I shall be writing to you and other colleagues concerned within the next few days to let you know the conclusion I have reached about the future of the CDA. In the meantime I have no objection to the proposed Bill being put in the "contingent" category.

4 I am sending copies of this letter to the Prime Minister and other members of the Cabinet, to the Chief Whip, to Sir Henry Rowe and to Sir Robert Armstrong.

Ken

Ken

PRIME MINISTER

*Ltd's Suckled ->
Ltd's Training*

*Parents rights
provisions.
October*

PARLIAMENTARY AFFAIRS

Parliament

On business, Mr. Younger is most unhappy that further work on the Education (Scotland) Bill is not to be taken next week. He believes that this will make it impossible to obtain the Royal approval before the summer recess, and will therefore jeopardise a manifesto commitment. He will want to raise this.

The Chancellor of the Duchy proposes to raise the writ for Fermanagh. As you will see from Robert Armstrong's note and brief beneath the proposed business, this is likely to lead into a wider discussion on Northern Ireland.

*Gov. Bill of
Ndx -*

Legis

MP

13 May 1981

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13 May 1981

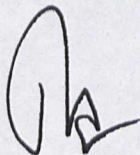
Policy Unit

*no Whitmore
KLS*

PRIME MINISTER

LEGISLATIVE PROGRAMME 1981/2

1. You recently wrote to Walter Goldsmith at the Institute of Directors assuring him that the Government would not hesitate to introduce further reforms if that seemed appropriate. We think a concerted call from industry for further action is likely.
2. The Home Secretary's memorandum refers (at paragraph 7) to the view of "some colleagues" that a major Bill will be needed on trade union law. Jim Prior has obviously not made the case and the strong implication is that, since policy is not yet decided, there will be no Bill.
3. It would obviously be premature to decide now on the need for a Bill. But I suggest you refer to it in passing so that Cabinet acknowledges tomorrow the possible need for one. After all, the letter you sent to Walter Goldsmith was drafted by the Department of Employment.



JOHN HOSKYNS

CONFIDENTIAL

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PRIME MINISTER

Legislative Programme 1981-82
(C(81) 22 and 23)

BACKGROUND

The Queen's Speeches and Future Legislation Committee (QL) have considered a total of 70 bids (including 50 main programme Bills) put forward by Departments for Bills for next Session's legislative programme. The Annexes to the Home Secretary's memorandum (C(81) 22) list the 22 Bills which QL recommended for inclusion in the main programme (Annex A), together with 5 contingent Bills (Annex B), 8 Bills for inclusion if they are judged suitable for Second Reading Committee procedure in the Commons (Annex C) and either 4 or 5 Scottish Bills to be handled in Scottish Grand Committee (Annex D). Annex E lists those bids for programme Bills which QL did not accept, but which have not so far been withdrawn by the Ministers concerned. Details of each of the Bills listed are given in the schedules attached to C(81) 23.

2. QL have had to strike a balance between a number of not always compatible considerations:-

- (i) The legislative time available in a Session of normal length with the minimum of spillover in the autumn of 1982;
- (ii) The existence of a number of Bills either earmarked last year for the 1981-82 programme or dropped from the current Session's programme because of lack of time.
- (iii) When Bills can realistically be ready for introduction - have the relevant policies been worked out and approved by Ministers?
- (iv) The need for a reasonable stock of Bills suitable for early introduction in the Lords.
- (v) The desirability of forwarding the Government's wider economic aims while giving some social policy content to the programme.

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3. The Home Secretary stresses the need for the orderly preparation of legislation at all stages and, in particular, for the timings given in C(81) 23 to be observed.

HANDLING

4. You will wish to invite the Home Secretary to introduce C(81) 22. The Chancellor of the Duchy of Lancaster will be able to say how he sees the proposed programme from the point of view of Commons business next session, and the Lord President can confirm that the proposals include an adequate number of Bills suitable for fairly early introduction in the Lords; seven of the proposed main programme, and most of the suggested Second Reading Committee, Bills fall into this category.

5. You may find it convenient to dispose first of the essential and contingent proposals in Annexes A and B respectively of C(81) 22. QL accepted all 12 bids in these two categories. Most of the essential Bills raise borrowing limits. The idea of a composite "borrowing limits increase" Bill has been considered and rejected in the past: is it worth reconsidering, or would it create a precedent which you would prefer not to set? The bid for the Co-operative Development Agency (Amendment) Bill was very late. In the light of further information supplied by the Secretary of State for Industry the Home Secretary has suggested that this Bill should be moved from the essential to the contingent list. If the Secretary of State is willing to accept this, these two lists can be taken as agreed. The Canada Bill seems likely to be needed this Session, but remains contingent for next Session.

6. You may then wish to deal with, and get out of the way, the Scottish and Second Reading Committee proposals. The Lord President has agreed to find time in the Lords for the first four Scottish Bills listed in Annex D, and for the fifth (Police (Scotland)) to be introduced if the pressure of business in the Lords permits. All these Bills should be suitable for Scottish Grand Committee procedure in the Commons, so the demand on Floor time will be minimal. The Secretary of State for Scotland can confirm that he is content. The Second Reading Committee list has been substantially agreed in the course

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of the QL discussions, though the Secretaries of State for Education and for Trade would have preferred their Superannuation Act 1972 Amendment and Merchant Shipping (Liner Conferences) Bills respectively to have been included in the programme category.

General Discussion

7. You might next turn to the overall size and balance of the list of programme Bills recommended in Annex A, bearing in mind that time will have to be found for 6 or 7 essential Bills and for contingent and unforeseen Bills. The need to reduce public expenditure could create a demand for urgent legislation. You may nevertheless wish to press the business managers on whether it is not too cautious to provide for a maximum of only 21 or 22 main programme Bills, especially since most of the essential Bills should be short and straightforward, while a fair number of the 15 programme Bills are unlikely to be controversial in party political terms. There were 26 main programme Bills in the 1980-81 programme approved by the Cabinet at this time last year. There were a number of subsequent additions and deletions, and no progress will be made with the Petroleum and Continental Shelf Bill. The final total for this Session will be 28 (29 if there is a Canada Bill). That number has proved manageable in the Commons despite the late start to the Session. In the Lords a spillover of 3 - 4 weeks in October seems likely. Is the avowed aim of not having a spillover in 1982 a realistic one?

8. In the light of the views of the business managers, the Cabinet will need to decide whether they can safely plan on the basis of, say, 25 main programme Bills rather than 22.

9. Before looking at individual proposals you may also wish to invite the Cabinet to consider the political impact of the programme. It is not very attractive in political and Parliamentary terms. But QL do not in practice "tout for business"; they work only on the basis of firm departmental bids. Would it be possible to add one or more of the Bills mentioned, without supporting particulars, in paragraph 7 of C(81) 22 - competition policy; local government finance; trade union law. The Chancellor of the Exchequer and the Secretary of State for Industry are among those who may have views on the

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general content of the programme, and the Secretaries of State for Trade, for the Environment and for Employment will have views on these three suggestions. What would be the possible timetable for policy decisions on either rating reform or trade union law? Even if it would not be possible to have radical proposals for rating reform ready, are we likely to need legislation to limit local authority spending or rate increases?

see also note below from John Hoskyn on T.U. law.

Particular Bills

10. You will wish to avoid detailed discussion of all the programme Bills recommended in Annex A. There may however be a need to delete one or two to make room for others in Annex E. The least popular could be the Insolvency Bill, but the Secretary of State for Trade and the Lord President of the Council will wish to obtain the saving of 570 staff. The Mental Health (Amendment) Bill might be vulnerable, especially since the policy on certain provisions cannot be settled in advance of a Strasbourg judgment, but, as the Home Secretary and Secretary of State for Social Services will argue, it provides a social element to the programme and is an overdue response to Lord Butler's Royal Commission.

11. The Cabinet will need, however, to look briefly at each of the Bills listed in Annex E, to see if, bearing in mind their state of preparation, any of them can be added to the programme, viz:-

(a) the Secretary of State for Education believes that unless the Further and Higher Education Bill is enacted next Session it will have to be abandoned for the rest of the present Parliament. But is there any realistic chance of policy agreement being reached and consultations being completed in time for introduction in January 1982, as forecast in C(81) 23? The Home Secretary may wish to comment as Chairman of H Committee;

(b) the Gas (Industrial and Commercial Supplies) and Energy (Miscellaneous Supplies) Bills are arguably more central to the Government's economic and industrial strategy than most of the Bills listed in Annex A. Provision has, however,

see minute from Mr Howell below



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already been in the programme for two essential Department of Energy Bills as well as for the postponed Petroleum and Continental Shelf Bill. Is the Secretary of State for Energy confident that his Department (whose previous record on the handling of legislation has not been impressive) has the resources to cope with the preparation and passage of four or five major and controversial Bills in a single Session? Could this be justified in terms of the overall political and economic balance of the programme? Neither Bill would be ready for introduction until February. Is that not too late?

(c) the Public Bodies (Management) Bill would make a number of important local government reforms, but was rejected by QL partly on the grounds that after the difficulties with Department of the Environment legislation in the Government's first two sessions it would be unwise to have a second major DOE Bill next Session (the Housing Bill, because of the proposed unified housing benefit proposals, offers scope for much bigger manpower and public expenditure savings). QL were also very sceptical if such a major Bill could be got ready in time. That becomes the more true if major provisions on local government finance were also to be included. The Secretary of State for the Environment, the Chancellor of the Duchy of Lancaster and the Lord President will want to comment. So may the Home Secretary as chairman of QL;

(d) the Health and Social Services Bill was dropped from the present Session on the understanding that time would be found for it in 1981-82. That gives it a strong "moral" claim. It would be largely uncontroversial and, since most of its provisions are already drafted, could certainly be ready for introduction at the beginning of the Session.



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- But it does not carry enough political weight to justify substitution for one of the Bills already in Annex A, and it would have to be treated as a net addition to the programme;
- (e) the Nationalised Industries (Consumers' Councils and Committees) Bill would help to forward the policy of reducing quangos, but its inclusion would give the Department of Trade three main programme Bills, including the highly controversial Insolvency Bill. The Secretary of State for Trade may be able to say how far his objectives in this area could be achieved without further legislation;
- (f) the Duchy of Cornwall Management Bill would be short and intrinsically uncontroversial, though critics of the Royal Family in the Commons would no doubt use it as a further opportunity to air their views. The Chancellor of the Exchequer has already promised the Duchy authorities that a Bill will be introduced when time permits, and will be able to explain the arguments for dealing with the matter next Session.

CONCLUSION

12. You will wish if possible to guide the Cabinet to agree on a legislative programme based on the recommendations in C(81) 22 which strikes a reasonable compromise between the policy objectives of departmental Ministers and the anxieties of the business managers. It may be possible to settle on a main programme of about 25 Bills, consisting of:

- (a) the essential Bills listed in Annex A of C(81) 22 except the Co-operative Development Agency (Amendment) Bill; and
- (b) the programme Bills listed in Annex A.

together with one or more of the Gas (Industrial and Commercial Supplies), Health and Social Security and Duchy of Cornwall Management Bills. A Bill on trade union law might find a place on a provisional basis, subject to confirmation before the Recess. A major local government Bill might be noted as a major contender for next Session.



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13. The Cabinet might then formally:
- (a) note the list of contingent Bills in Annex B plus the Co-operative Development Agency (Amendment) Bill; and
 - (b) Agree the list of Second Reading Committee and Scottish Bills in Annexes C and D.

14. You will also wish to guide the Cabinet to note the points about the management of the programme made by the Home Secretary in paragraphs 8 and 9 of C(81) 22, and to agree that L Committee should review the position of any Bill which fails to meet the timetable set out in the Annexes to C(81) 23.

RA

(Robert Armstrong)

13th May 1981

CONFIDENTIAL



Partiael

DEPARTMENT OF HEALTH & SOCIAL SECURITY

Alexander Fleming House, Elephant & Castle, London SE1 6BY

Telephone 01-407 5522

From the Secretary of State for Social Services

MM

The Rt Hon William Whitelaw CH MC MP
 Secretary of State for the Home Department
 50 Queen Anne's Gate
 London
 SW1

12 May 1981

Dear Willie,

FUTURE LEGISLATION: CABINET PAPER C(81)22

I was grateful for your letter of 5 May in which you explained why QL Committee did not recommend that my Health and Social Services Bill (which was dropped from this session's programme at the last minute), should be amalgamated with the Mental Health (Amendment) Bill which you and I have been considering for next session.

I am naturally relieved to see that, in the paper which you have now circulated for Cabinet, the Mental Health (Amendment) Bill is recommended for the main programme. But I would like to explain why I do not find it easy to accept the recommendation to defer the Health and Social Services Bill, in its entirety, to a later session.

Firstly, the Bill is ready and it seems to me to make sense to deal with it in 1981-82, rather than defer to the 1982-83 session which will be a crowded one, to judge from your paper. Secondly, I think I can manage with only a short Bill, by excluding some of the items which are not absolutely pressing. This would mean a Bill of about six Clauses (see below) and this should enable us to slot it in conveniently. I should be prepared to start both Bills in the Lords (ie the longer Mental Health Bill and, right at the beginning of the session, the shortened Health and Social Services Bill). Alternatively, I would like to offer the Health and Social Services Bill to the Commons for the Second Reading Committee procedure.

The essential, and largely non-controversial, items which I propose for the shortened Bill are:

- One Clause and Schedule to improve the constitution of the Central Council for Education and Training in Social Work: a highly desirable reform;

- One Clause, to provide power to pay sick pay to doctors suspended on health grounds by the General Medical Council;
- One Clause, to close an important gap in my revenue raising powers to charge for licenses given to pharmaceutical firms for manufacture of medicines; I am open to serious challenge in the courts.
- One Clause, to provide for control, on health and safety grounds, of the use of tobacco substitutes and additives.
- Provisions to amend local authority powers to charge for certain social services. This has been agreed with their associations, but is perhaps the sort of item I should be prepared to defer in order to secure agreement to the Bill being taken by the Second Reading Committee procedure. (The provisions were previously drafted in six Clauses, but could be redrafted as two Clauses and a Schedule.)

I am sending a copy of this letter to the Prime Minister, to other members of the Cabinet and to Sir Robert Armstrong and Sir Henry Rowe.

Your ever
D
Tatnel



RESTRICTED

Prime Minister

LEGISLATIVE PROGRAMME 1981-82

I have seen the Home Secretary's paper, C(81)22 of 6 May, about next session's legislative programme. It may be helpful if I set out more fully why I believe it essential that the Gas (Industrial and Commercial Supplies) Bill should be included.

Broadly, the Bill I propose would do two things. First, it would remove the statutory privileges enjoyed by BGC on gas purchase and supply which in practice had the effect of preventing anyone from buying, supplying or using natural gas as an industrial fuel except through BGC or with BGC's agreement. Second, it would introduce the measures necessary to make private sector participation a practical possibility, in particular by providing access to BGC's transmission network.

The effect of these changes would be to expose BGC to private sector disciplines for the first time on the major part of their business. We are still examining the detailed practical implications of the proposed Bill, but I believe that there would be benefits from the changes I am proposing both in offshore activities and in the industrial gas market.

With the exception of activity associated with the gas gathering pipeline, interest in offshore gas has languished for some years. The Seventh Licensing Round failed to indicate any marked upturn. The oil industry argue that the main reason for this is the control ~~by~~ BGC exercise, using their virtual monopoly power, over the timing of gas developments and in particular the price paid to producers. Producers argue they do not have the incentive they require to explore and develop gas with the prices BGC are currently proposing to offer.

Breaking BGC's monopsony should encourage increased development of gas fields and increase the amount of gas available. This would benefit industry as would the restructuring of the market which is likely to follow once BGC's rigid marketing policy is faced with competition. The bulk users in particular should be helped and the proposed Bill ~~could~~ be presented as part of our strategy for supporting our manufacturing industry.



RESTRICTED

We have received representations from the Chemical Industries Association, BP and others about BGC's privileges, and a number of our back-benchers are pressing for changes in BGC's position. If the Bill is delayed beyond the next Session, we will come under increasing criticism from the suppliers and be accused of dragging our feet. We would do better in my view to take the initiative and introduce the Bill as soon as we can.

I am copying this minute to the members of the Cabinet and Sir Robert Armstrong.

04.

SECRETARY OF STATE FOR ENERGY
12 May 1981

CONFIDENTIAL

Prime Minister

2

Background for this week's
Cabinet discussion.

QUEEN ANNE'S GATE LONDON SW1H 9AT

MAP
11/v.



10 May 1981

Dear Keith

will repress
if required

amb

LEGISLATIVE PROGRAMME 1981-82

You wrote to me on 1 May setting out the background to your Department's belated bid for a place in the "essential" category of the legislative programme for 1981-82 for a Co-operative Development Agency (Amendment) Bill.

Your Department's original bid was received after the last QL discussion, at which we settled our recommendations to the Cabinet for next Session's legislative programme, but I agreed on the basis of the information then available that it would be reasonable to add the Bill to the "essential" lists in the two memoranda which I have just circulated to Cabinet for discussion next week. I am, however, bound to say that the fuller explanation contained in your letter of 1 May makes me very doubtful whether it was appropriate to treat the bid in this way. There is, as I read it, no financial reason why the Agency should not continue to function on the basis of the existing legislation throughout the 1981-82 Session, and although I accept that it might be highly desirable to restructure or to abolish the Agency, I do not think that a Bill for this purpose next Session can strictly be said to be essential. In fairness to other colleagues whose bills with equal or stronger claims to legislative time next Session have been rejected by QL, the Cabinet will wish to consider whether the Co-operative Development Agency (Amendment) Bill should remain in the programme, and, if so, whether it would be preferable to move it from the "essential" to the "contingent" category so that a final decision can be taken by QL in the light of the state of the legislative programme at the time when it is ready for introduction.

I am sending copies of this letter to the Prime Minister and other members of the Cabinet, to the Chief Whip, to Sir Henry Rowe, and to Sir Robert Armstrong.

Joseph
Bt

The Rt Hon Sir Keith Joseph Bt MP

CONFIDENTIAL

12 DOWNING STREET,
S.W.1.

With

The Private Secretary's

Compliments

8th May 1981

GOVERNMENT LEGISLATION

Mr. Williams
M. P. A.
SV

(i) Second Reading

- ∅ Animal Health (L)
- Companies (No 2) (L)
- Matrimonial Homes (Family Protection) (Scotland) (L)
- Petroleum and Continental Shelf
- Town and Country Planning (Minerals) (L)

(ii) Special Standing Committee

- Deep Sea Mining (Temporary Provisions) (L)

(iii) Standing Committee

- British Nationality
- Contempt of Court (L)
- Finance
- Supreme Court (L)
- Wildlife and Countryside (L)

(iv) Committee of the Whole House

- Armed Forces
- Finance

(v) Report and Third Reading

- Atomic Energy (Misc Prov)
- Education
- Education (Scotland) (No 2)
- Employment and Training
- Iron and Steel
- Ports (Financial Assistance)
- Social Security

(vi) Orders and Regulations

	<u>Date Laid</u>	<u>Whether Controversial</u>	<u>Date Required</u>
Diseases of Animals (NI)	13/4	No	No deadline
* Employment Protection	15/4	No	By 26/6
* European Communities	30/4	No	By 22/5
General Practice Finance Corporation	1/5	No	By 12/6
Licence (BBC)	27/4	No	Debate in w.c. 18/5

*SI Committee
∅Consolidation

(vi)	<u>Orders and Regulations</u>	<u>Date Laid</u>	<u>Whether Controversial</u>	<u>Date Required</u>
	Local Loans	16/4	No	For Debate 11/5
	London Docklands Development Corporation	27/11	Maybe	Subject to Lords
	London Docklands Development Corporation (Vesting of Land) (GLC)	9/4	Maybe	Subject to Lords
	London Docklands Development Corporation (Vesting of Land) (PLA)	9/4	Maybe	Subject to Lords
	Merseyside Development Corporation (Vesting of Land) (5 Orders)	14/4	Maybe	Subject to Lords
*	New Towns	8/4	No	a.s.a.p.
	Road Traffic (Car-sharing Arrangements) (NI)	28/4	No	By Summer Recess
	Sheriff Courts (Scotland)	6/5	No	By 22/5

LORDS

British Telecommunications

Criminal Attempts

Fisheries

Forestry

Insurance Companies

∅ Judicial Pensions (L)

Local Government (Misc Prov) (Scotland)

Transport

Awaiting Royal Assent

Energy Conservation (L)

Statute Law (Repeals) (L)

* SI Committee

∅ Consolidation

Bills awaiting introduction (Either House)

(Date of Legislation Committee)

Belize Independence

?

Bills placed upon the Statute Book (18)

Anguilla 1980

Consolidated Fund (No 2) 1980

Consolidated Fund 1981

English Industrial Estates Corporation 1981

European Assembly Elections 1981

Film Levy Finance 1981

Gas Levy 1981

House of Commons Members' Fund and Parliamentary Pensions 1981

Industry 1981

International Organisations 1981

Iron and Steel (Borrowing Powers) 1981

Merchant Shipping 1981

National Film Finance Corporation 1981

Parliamentary Commissioner (Consular Complaints) 1981

Public Passenger Vehicles 1981

Redundancy Fund 1981

Social Security (Contributions) 1981

Water 1981



10 DOWNING STREET

Top copy
Housing Policy
Pet. CF

26

From the Principal Private Secretary

7 May 1981

HOUSING LEGISLATION: DEREGULATION OF RENTS

When the Home Secretary called upon the Prime Minister this afternoon, they discussed briefly his minute of 5 May 1981 reporting the conclusions of H on the proposals of the Secretaries of State for the Environment and Wales for housing legislation next Session.

The Prime Minister said that her primary concern was to increase the amount of private accommodation in cities and big towns which was available to rent. She was doubtful whether the proposal for the deregulation of rents set out in H(81)33 was worth pursuing: if the power to disapply the fair rents system from lettings to new tenants was not to be used in metropolitan areas, the amount of additional accommodation that would become available for renting would be unlikely to be big enough to offset the inevitable political controversy. We should find other ways to encourage new private sector building for renting. One possibility was to exempt new property built for renting from rent control.

The Home Secretary said that he would arrange for the Prime Minister's suggestion to be explored as part of the further work which was being done in preparation for H Committee's resumed discussion in a fortnight's time.

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

C. A. WHITMORE

John Halliday, Esq.,
Home Office.

CONFIDENTIAL

PH



10 DOWNING STREET

From the Principal Private Secretary

7 May 1981

LEGISLATIVE PROGRAMME 1981/82

When they met this afternoon, the Prime Minister and the Home Secretary discussed the proposals for the legislative programme for 1981/82 set out in Mr. Whitelaw's papers C(81)22 and 23 which Cabinet are due to discuss next week.

The Prime Minister said that she was generally content with the proposed programme, though it was far from exciting. The main gaps in it were the lack of provision for legislation on trade union law reform and reform of the rating system. Ministers had not yet considered collectively their policy on the future of the rating system, and it would probably not now be possible to have a Rates Bill until the start of the 1982/83 Session. This made it all the more necessary to do something in the forthcoming Session about trade union law reform.

The Home Secretary said that the other omission from the proposed programme for 1981/82 was the lack of legislation which abolished entire functions of Government and thus made possible the saving of large numbers of staff. As regards trade union law reform, he would introduce his papers at Cabinet next week in such a way as to prompt discussion of the need for such a Bill.

I am sending a copy of this letter to David Wright (Cabinet Office). I should be grateful if you and he would give this letter only a very limited circulation.

C A WHITMORE

John Halliday, Esq.,
Home Office.

PRIME MINISTER

You are due to see the Home Secretary at 1545 tomorrow,
Thursday to discuss:-

a) The legislative programme for 1981-82. Mr. Whitelaw's
papers for Cabinet next week are in the attached folder,
together with a minute from him on the particular subject
of legislation to deregulate rents.

b) His proposal to include a new clause on non-
discrimination in the British Nationality Bill.

May I suggest that you take this opportunity to mention
to him the names you have in mind to recommend for Life
Peerages and Privy Councillorships in the Birthday 1981 Honours
List. I will give you a list of these in time for the meeting.

KW.

6 May 1981

PRIME MINISTER

Legislative Programme

see Housing file. — I attach the Home Secretary's report on the H Committee discussion together with the H paper on the proposed Housing Bill (Flag A), the paper for next week's Cabinet summarising the position on the legislative programme (Flag B) and the fuller summary of proposals for the same Cabinet discussion (Flag C).

The Home Secretary wants to take your mind on the political significance of some of the unresolved issues over next year's legislation. I believe that he will have in mind in particular possible Bills on local government finance and trade union law. As paragraph 7 of Flag B shows, QL was seriously divided on these.

He may also want to raise two other Bills where programme management issues arise. The first is Mr. Howell's proposed Gas Bill. QL has not recommended this for inclusion in the programme. In theory, there is a strong case for having it. In practice the Department have not performed too well in preparing legislation; they forecast that the Bill will only be ready for introduction in February, which on past form suggests that it will not in fact be available until Easter; and therefore the business managers have no enthusiasm for it. Similarly, QL has not recommended the inclusion of Mr. Heseltine's Bill on Public Bodies (Management). DOE legislation has caused plenty of problems already; the business managers accept the need for a housing bill, but see no reason for a second complex piece of DOE legislation, which would - on past form - fail to meet its introduction timetable.

MA

6 May 1981

Top copy
Housing Policy, Pt 2.

PRIME MINISTER

HOUSING LEGISLATION: DEREGULATION OF RENTS

Prime Minister

Here is the Home Secretary's report of his discussion on Housing Legislation. He will want to cover this when he discusses the legislative programme with you tomorrow. See X in particular

MAJ
6/11

You will have seen the paper circulated to the Home and Social Affairs Committee by the Secretaries of State for the Environment and Wales (H(81) 33) outlining their proposals for housing legislation next session. The purpose of this minute is to report how matters stand on the Bill, and in particular to invite your consideration, and that of other Cabinet colleagues, of the proposals in paragraphs 9 and 10 of the paper for some deregulation of rents.

We had a lengthy, but inevitably incomplete, discussion of the Secretaries of State's proposals at yesterday's meeting of H Committee. We all recognised the economic and political case for taking further steps, beyond those in the 1980 Housing Act, to extend the possibilities for home ownership and to revitalise the private rented sector. We recognised also that the Housing Bill - which QL Committee have recommended should have a place in next session's programme - is going to be a major and highly controversial piece of legislation. In addition to the series of measures discussed in H(81) 33 the Bill must include provisions for unified housing benefit. These are essential to achieve our targets of reducing civil service manpower, but may well be opposed by the local authorities, including some of our own supporters. Not all the proposals in H(81) 33 can find a place in the Bill, if only because instructions have to be available to Parliamentary Counsel in July if there is to be any prospect of introducing the Bill, as the Secretaries of State wish, early next session, and it became clear that some proposals raise difficult policy and legal issues which have little chance of being resolved in time.

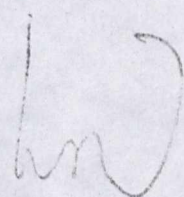
CONFIDENTIAL

Against that background, H Committee endorsed some of the proposals in H(81) 33 and asked for further work to be done on others. We agreed to resume discussion in a fortnight's time on the proposals about rent control. Here the arguments are essentially political. There are strong arguments, not least to encourage greater mobility of labour, for relaxing the stranglehold of rent control over private lettings. Given the political controversy surrounding the subject, especially in London, the Secretaries of State proposed that any change in the law should be applied initially only outside the metropolitan areas. New tenants would retain security of tenure, but their rents could be increased from the statutory "fair rent" to a rent assessed on an open market basis. Some members of the Committee strongly supported this proposal as a modest but realistic first step towards a new and better system. Others felt that the relatively small housing gains likely to result from such a change in the law, operating in areas where housing problems were least acute, did not outweigh the political disadvantages of opening up the whole subject to debate.

The Committee were agreed on the need to remove the barriers to resident landlords letting their own property, and endorsed in principle the proposals to that end in paragraph 11 of H(81) 33.

As indicated in paragraph 3, I have it in mind, subject to your views, that H Committee should resume their discussion of the proposals on a partial relaxation of rent control in a fortnight's time.

I am sending copies of this minute to all our Cabinet colleagues, to the Attorney General, and the Solicitor General, the Chief Whip, Sir Robert Armstrong and Sir Henry Rowe.



5 May 1981

The Bill's advice?
On the subject of an
unnecessary new clause
we have doubt on
PRIME MINISTER
all the other principles in the Bill;
part.



Top Copy on
Immigration,
July 79,
British Nationality
11/1
5/1

BRITISH NATIONALITY BILL: NEW CLAUSE ON NON-DISCRIMINATION

The Opposition have tabled a New Clause providing that, wherever the citizenship of any person may be affected by the exercise of any discretion, that discretion shall be exercised without any regard to that person's race, colour or religion.

The New Clause is strictly speaking unnecessary because its principles are of course already observed. We are indeed committed by international convention to their observance. But I believe that to resist the principle enshrined in the New Clause would lead to grave difficulties.

You and I have consistently and constantly maintained, quite rightly, that the British Nationality Bill is not racist in any way. Opposition to the New Clause would, however, give the opponents of the Bill a great deal of ammunition with which to cast doubt on our past statements. It would be said that we were not prepared to see a statement in the Bill that decisions were to be taken without regard to race, colour or religion. It would be said that the Government feared to see such a provision in the Bill in case it could be used against them in situations where they did wish to discriminate in this way. I think that this could be very damaging.

I must, however, mention that although some of our supporters would be in favour of the New Clause others would raise strenuous objections to accepting it or anything like it. They would argue that the New Clause was unnecessary, and insulting to the extent that it implied that discrimination was practised already; and that it would also make it difficult to resist further amendments introducing rights of appeal.

There is force in these arguments but they are not conclusive. We shall of course deny strongly that any discrimination at all is practised at present. And the existing safeguards (Parliamentary accountability and the prospect of investigation by the Parliamentary Commissioner for Administration) are sufficient to enable us to argue that acceptance of a non-discrimination clause does not pave the way to a right of appeal.

If we oppose the New Clause we shall, I believe, stand a good chance of being defeated on the matter in Committee. Even if we avoided that, a Clause on similar lines could well be passed against us in the House of Lords in very damaging circumstances politically. Given that there are in any case very real

/presentational difficulties



presentational difficulties in opposing the Clause, I hope that you will agree that in Committee we should accept the New Clause's provisions in principle, although we should table our own New Clause, which would be technically sounder but achieve much the same intended effect, and invite the Committee to vote for that in preference to the one tabled by the Opposition.

We are to talk about this on Thursday 7 May.

~~CONFIDENTIAL~~

W. L. W.

5 May 1981

EVENTS IN THE HOUSE

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The announcement of the guillotine on the Nationality Bill passed off extremely quietly. John Silkin, speaking for the record, described the move as "an absolute scandal", and there was token opposition from the Labour backbenchers. Roy Hattersley said that the only reason for making the announcement today rather than before Easter was to give time for you to complete your visit to India and get back safely.

Mr. Pym dealt with all of this without difficulty. He said that Ministers had not decided until last week to bring forward the guillotine motion, and that there would be an opportunity to debate the other points raised on Wednesday.

As these things go, there could not have been less opposition to the guillotine, and there was no real feeling about it.

Ian Paisley: SO9

E || Ian Paisley moved an SO9 debate on the worsening security situation in Northern Ireland. He said that he would have expected the Government voluntarily to come forward with a Statement today. He said that the IRA, armed with machine guns, had blocked a road in Northern Ireland, and that RUC vehicles had been diverted to avoid another road block in his own constituency. He said that Marian Price had been carrying out Republican activities since her release and that this put a question mark over the release of Dolours Price. Further, he said that two Protestants had been brutally murdered during the Easter Recess. Everyone was now talking about the choice facing Bobby Sands; these two and their families had not been presented with the choice of living or dying.

As expected, the Speaker turned Mr. Paisley's application down. The House was very empty, but there were some mutterings of support for him from the Government backbenchers.

16th April 1981

GOVERNMENT LEGISLATION

VMS

(i) Second Reading

Deep Sea Mining (Temporary Provisions) (L)
Matrimonial Homes (Family Protection) (Scotland) (L)
Petroleum and Continental Shelf
Statute Law (Repeals) (L)
Supreme Court (L)
Town and Country Planning (Minerals) (L)
Wildlife and Countryside (L)

(ii) Select Committee

Armed Forces

(iii) Standing Committee

British Nationality
Contempt of Court (L)
Finance
Iron and Steel
Ports (Financial Assistance)

(iv) Committee of the Whole House

Finance
Judicial Pensions (L)

(v) Report and Third Reading

Atomic Energy (Misc Prov)
Education
Education (Scotland) (No 2)
Employment and Training
Social Security

(vi) Orders and Regulations

	<u>Date Laid</u>	<u>Whether Controversial</u>	<u>Date Required</u>
Diseases of Animals (NI)	13/4	No	No deadline
European Communities	9/4	No	By 22/5
Local Loans	16/4	No	By 15/5
London Docklands Development Corporation	27/11	Maybe	Subject to Lords

Consolidation

(vi).	<u>Orders and Regulations</u>	<u>Date Laid</u>	<u>Whether Controversial</u>	<u>Date Required</u>
	London Docklands Development Corporation (Vesting of Land) (GLC)	9/4	Maybe	Subject to Lords
	London Docklands Development Corporation (Vesting of Land) (PLA)	9/4	Maybe	Subject to Lords
	Merseyside Development Corporation (Vesting of Land) (5 Orders)	14/4	Maybe	Subject to Lords
	*New Towns	8/4	No	a.s.a.p.
	Sheriff Courts (Scotland)	15/4	No	By 22/5

LORDS

∅ Animal Health (L)
British Telecommunications
Companies (No 2) (L)
Criminal Attempts
Energy Conservation (L)
Fisheries
Forestry
Insurance Companies
Local Government (Misc Prov) (Scotland)
Transport

*SI Committee

∅ Consolidation

Bills awaiting introduction (Either House)

(Date of Legislation Committee)

~ Belize Independence

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Bills placed upon the Statute Book (18)

Anguilla 1980

Consolidated Fund (No 2) 1980

Consolidated Fund 1981

English Industrial Estates Corporation 1981

European Assembly Elections 1981

Film Levy Finance 1981

Gas Levy 1981

House of Commons Members' Fund and Parliamentary
Pensions 1981

Industry 1981

International Organisations 1981

Iron and Steel (Borrowing Powers) 1981

Merchant Shipping 1981

National Film Finance Corporation 1981

Parliamentary Commissioner (Consular Complaints)
1981

Public Passenger Vehicles 1981

Redundancy Fund 1981

Social Security (Contributions) 1981

Water 1981

10th April 1981

GOVERNMENT LEGISLATION

✓
MS

(i) Second Reading

- Deep Sea Mining (Temporary Provisions) (L)
- ∅ English Industrial Estates Corporation (L)
- ∅ Film Levy Finance (L)
- Finance
- ∅ Judicial Pensions (L)
- ∅ National Film Finance Corporation (L)
- Petroleum and Continental Shelf
- ∅ Public Passenger Vehicles (L)
- Statute Law (Repeals) (L)
- Supreme Court (L)
- Town and Country Planning (Minerals) (L)
- Wildlife and Countryside (L)

(ii) Select Committee

Armed Forces

(iii) Standing Committee

British Nationality
Contempt of Court (L)
Education (Scotland) (No 2)
Employment and Training
Iron and Steel
Ports (Financial Assistance)

(iv) Report and Third Reading

Atomic Energy (Misc Prov)
Education
Social Security
Transport

(v) Orders and Regulations

	Date Laid	Whether Controversial	Date Required
European Communities	9/4	No	By 22/5
London Docklands Development Corporation	27/11	Maybe	Subject to Lords
London Docklands Development Corporation (Vesting of Land) (GLC)	9/4	Maybe	Subject to Lords

∅ Consolidation

(v) Orders and Regulations

	<u>Date Laid</u>	<u>Whether Controversial</u>	<u>Date Required</u>
London Docklands Development Corporation (Vesting Of Land) (PLA)	9/4	Maybe	Subject to Lords
New Towns	8/4	No	a.s.a.p.

LORDS

∅ Animal Health (L)

British Telecommunications

Companies (No 2) (L)

Criminal Attempts

Energy Conservation (L)

Fisheries

Forestry

Insurance Companies

Local Government (Misc Prov) (Scotland)

Matrimonial Homes (Family Protection) (Scotland) (L)

Awaiting Royal Assent

International Organisations (L)

Merchant Shipping (L)

Parliamentary Commissioner (Consular Complaints) (L)

Water

∅ Consolidation

Bills awaiting introduction (Either House)

(Date of Legislation Committee)

Belize Independence

?

Bills placed upon the Statute Book (10)

Anguilla 1980

Consolidated Fund (No 2) 1980

Consolidated Fund 1981

European Assembly Elections 1981

Gas Levy 1981

House of Commons Members' Fund and Parliamentary
Pensions 1981

Industry 1981

Iron and Steel (Borrowing Powers) 1981

Redundancy Fund 1981

Social Security (Contributions) 1981



Parliament

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✓
 MJ

W N Hyde Esq
 Cabinet Office
 Whitehall
 LONDON SW1A 2AF

10 April 1981

Dear Hyde,

LEGISLATIVE PROGRAMME 1980-81 EMPLOYMENT AND TRAINING BILL

Thank you for your letter of 1 April.

The Employment and Training Bill has two main purposes - namely to permit the Government to abolish or change the scope of an industrial training board without a recommendation to that effect from the Manpower Services Commission, and to permit such a board to use for its operating costs money raised from levy on employers in its industry. I will take these in turn.

As regards abolishing or changing the scope of industrial training boards the position is that the Manpower Services Commission is currently conducting a review of training arrangements in each sector of industry with a view to putting forward proposals on what should be done following a special meeting to be held on June 17. In order to avoid further delay, and pressures building up, my Secretary of State will probably want to reach decisions on this subject and make an announcement before the summer recess and some of these decisions may well be to abolish boards contrary to the advice of the Commission. Ministers here feel that it will be politically very difficult if the Employment and Training Bill does not receive Royal Assent by or soon after the middle of June, as publication of the Commission's recommendations will provoke further parliamentary pressure to deny the Government the power to act other than in accordance with the Commission's advice.

The provisions which will once more enable an industrial training board to use levy money for its operating costs were included in the Bill so as to permit the reduction of exchequer support for such costs in 1981/82, and its cessation thereafter. Boards have been told to plan on the assumption that in fact exchequer support will cease at the end of 1981. My Secretary of State has said that he will consider the timing of this again in the light of the review by the Manpower Services Commission, but there is no provision in the Government's present public expenditure plans for expenditure on the operating costs of boards beyond that date.



Against this background it is desirable that boards should be planning and implementing as soon as possible arrangements to pay for their operating costs from levy. Indeed one board has already proposed to raise its levy rate for this reason, and this is of doubtful legality under the present legislation. We need to minimise the period during which it is not lawful for boards to impose a levy for the purpose of meeting their operating expenses, by having Royal Assent as soon as possible.

The Bill will also permit an industrial training board to impose a levy of up to 0.2% of emoluments without there having to be any exemption arrangements. The purpose of this provision is primarily to enable boards to meet their operating costs in this way, and a fair number of boards are delaying putting forward levy proposals until after Royal Assent so that they may take advantage of this provision in the Bill. A delay of Royal Assent until October would mean that these proposals could not be approved by the Commission until then, and board proposals need also to be approved by my Secretary of State, and the necessary statutory instrument made, before the levy can be collected.

The Government is already under strong pressure from both the Opposition and the Confederation of British Industry to postpone or phase the cessation of exchequer support for board operating costs, and a significant delay in Royal Assent would increase this pressure, and make it more difficult to resist.

For the reasons given above, therefore, Ministers here would like to continue to aim for Royal Assent for the Employment and Training Bill by not later than the end of June.

I am copying this letter to the recipients of yours.

Yours
Richard Dyke



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MS

Treasury Chambers, Parliament Street, SW1P 3AG
01-233 3000

W N Hyde Esq
Cabinet Office
Whitehall
LONDON
SW1A 2AS

PC 51/013

9 April 1981

Dear Hyde

LEGISLATIVE PROGRAMME 1980-81

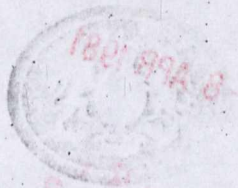
Thank you for sending us a copy of your letter of 1 April to John Halliday.

2. I can confirm that the Finance and Appropriation Bills do indeed need to reach the Statute Book by "the end of July". For the sake of precision, the absolute deadline for the Finance Bill is 5 August, after which the legislative cover given to the Budget Resolutions by the Provisional Collection of Taxes Act would lapse.
3. So far as other departments' legislation is concerned, our only comment is on the Employment and Training Bill. We hope this will receive Royal Assent by the end of July since delay until the autumn could make it harder to secure public expenditure savings on Industrial Training Boards, which have been assumed in the Government's Public Expenditure White Paper.
4. I am copying this letter to the Private Secretaries of all members of the Cabinet, to Murdo MacLean and Michael Pownall in the Whip's Offices and to David Wright in the Cabinet Office.

yours sincerely

A J SALVESON
Parliamentary Clerk

CONFIDENTIAL



Paul

SECRETARY OF STATE FOR ENERGY

THAMES HOUSE SOUTH

MILLEANE LONDON SW1P 4QJ

01-211-6402

W N Hyde Esq
Cabinet Office
70 Whitehall
London SW1A 2AS

V
MS

8 April 1981

Dear Wilfred,

LEGISLATIVE PROGRAMME 1980/81

Thank you for copying to me your letter of 1 April to John Halliday. The two Bills for which this Department is responsible are the Energy Conservation Bill and the Atomic Energy (Miscellaneous Provisions) Bill. Subject to the comments below, I can confirm that both are correctly placed in your Annex B.

We have previously asked for the Energy Conservation Bill to be enacted as soon as possible in order to comply with the EEC Heat Generators Directive. Since it will pass its remaining Commons stages today, it should be in a position to receive Royal Assent very shortly after Easter.

It is essential that the Atomic Energy (Miscellaneous Provisions) Bill be enacted this Session to enable a sale of shares in The Radiochemical Centre early in 1982. We will begin to investigate potential purchasers during the summer and there should be no doubt in their minds that the target date can be met. Therefore, although Royal Assent could wait until October, it would be desirable if it could be enacted by the summer to avoid such doubts and to reduce uncertainty on the part of the Radiochemical Centre and its staff.

I am copying this letter to recipients of yours.

Yours sincerely,

John West

J. D. WEST
Private Secretary

PRIME MINISTER

Seat Belts

PA - CFFile

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MS
23/4/81 DM

There have been stories in the Press in the last couple of days that you have agreed to a free vote on compulsory seat belts, with the implication that the vote will happen quite soon.

I cannot trace the source of these stories, which to the best of my knowledge are wholly without foundation. The position is that the Transport Bill, which has been guillotined, has come out of Committee and is due for Report and Third Reading next week. As things stand, there will not be an opportunity for debate on Mr. Ennals' seat belt amendment at Report Stage because he was elbowed out of the way (literally!) by Sir Ronald Bell at the crucial moment at the end of the Committee Stage. Everyone expects that the House of Lords will carry an amendment making the wearing of seat belts compulsory, and both the DHSS and the Department of Transport are relaxed about leaving it to the House of Lords to do this. I think that the DHSS will ensure that the terms of the amendment are workable.

Cabinet will then have to decide how to handle the Lords amendment in the Commons. Health Ministers will want to vote in favour of it, and I suspect that Mr. Fowler will want to vote against it. You have committed the Government to allowing a free vote (see your letter of 23 February to Roger Moate - attached). The question which will arise in due course is, therefore, whether to allow the pay roll vote complete freedom on this issue. Although I suspect that your own sympathies may be against compulsory seat belts, I should think that the Cabinet itself may well be very considerably divided on the issue.

MS

6 April 1981

CF ✓ to note
24/2



cc Trans
CDLO
CWO

vb

10 DOWNING STREET

THE PRIME MINISTER

23 February 1981

Dear Roger

Thank you for your letter of 16 January about the Government's position on compulsory seat belt wearing.

I appreciate your concern and I can confirm that my Answer of 15 January does indeed mean that we would not expect to depart from the tradition of allowing a free vote on this issue should it arise. At the same time, I know from your very helpful contribution to the Second Reading debate that you yourself appreciate the importance of the proposals which are already included in the Transport Bill. We are determined to ensure the Bill's success and I am sure I can count on your continuing support in helping us to bring this about.

Yours ever

MT

Roger Moate, Esq., M.P.

jfh

Q2. Mr. Bob Dunn asked the Prime Minister if she will list her official engagements for Thursday 15 January.

The Prime Minister: I refer my hon. Friend to the reply which I have just given.

Mr. Dunn: Does my right hon. Friend share the view that staffing levels in local government have increased partly because of the nature of the legislation that has been passed by successive Governments? Does she agree that local bureaucracies could be further reduced by repealing some of that legislation?

The Prime Minister: Over the years increasing burdens have been placed on local authorities. That alone has led to increased manpower. Indeed, over the past 30 years manpower has doubled. We have reduced some of the functions and statutory duties of local authorities by means of the recent Local Government, Planning and Land Act. The Community Land Act has been repealed and planning powers are no longer duplicated. In addition, there is a good deal of relaxation of capital controls. Two things are involved: a reduction in the number of functions, and the scope to carry out existing functions more efficiently and economically.

Mr. Foot: During the right hon. Lady's study of speeches today, has she had a chance to study the speech by the Financial Secretary to the Treasury? From the very heart of the Government—I think that that is the description she approved of in *The Times*—could she tell us whether it is a good idea that the Financial Secretary should declare that, despite the fact that the two main pillars of the Government's economic policy—money supply and the public sector borrowing requirement—have crumbled, the Government will continue building the same old edifice?

The Prime Minister: If the right hon. Gentleman were to read the whole speech thoroughly—it is in the Library—he would probably agree with leader writers who, almost unanimously, called the speech “remarkably frank and intelligent”, “modest and intelligent” and so on. They said that it was intelligent.

Mr. Foot: I have had a chance to read the whole speech. Does the right hon. Lady agree with the proposition underlined in that speech—it has never before been so candidly admitted—namely that the right hon. Lady's Government has increased the real burden of taxation? Is that part of the policy that the right hon. Lady is so determined to continue?

The Prime Minister: I cannot in any way disagree with that highly intelligent speech. The person who made it is a lot more intelligent and perceptive than some of his critics. I do not disagree that the total burden of taxation, for the time being, has increased. However, it has not been increased on personal incomes. Indeed, the burden has been shifted from personal incomes to indirect taxation. That was part of our manifesto, which we intend to continue to carry out.

Mr. Moate: On the controversial subject of the compulsory wearing of seat belts, may I ask my right hon. Friend to confirm that it is still the Government's policy to abide by the results of a free vote in the House?

The Prime Minister: The Government's policy has not changed.

Q3. Mr. Christopher Price asked the Prime Minister if she will list her official engagements for 15 January.

The Prime Minister: I refer the hon. Member to the reply which I gave some time ago.

Mr. Price: Given the right hon. Lady's recent interest in leaks and in briefing small groups of the lobby, will she find time today to consider genuine open government? Will she tell the House why her Chief Whip has told all her Ministers to cancel their engagements tomorrow and to be on a parade at 2.30 pm? Will she assure the House that the reason is that they will be able to vote for my motion, which contains the recommendations of an all-party group and which seeks to make a modest increase in open government in relation to Select Committees?

The Prime Minister: Conservative Members will vote with or against the hon. Gentleman as they wish. *[Interruption.]* I think that I heard one of my right hon. Friends say that he would vote against the motion, and I believe that he will be followed by quite a number of my right hon. and hon. Friends. I understood that the objection of the Leader of the Opposition to the speech made by the Financial Secretary was that it was open.

Mr. Latham: Will my right hon. Friend confirm that in the fight against inflation it is important to ensure that the nationalised industries do everything possible to absorb price increases, rather than pass them on to the consumer?

The Prime Minister: I agree with my hon. Friend. There is a strong feeling that the private sector is much better at cutting costs than is the public sector. Over the past six years the increases in nationalised industries' prices, taken as a whole, have greatly exceeded any increases in prices in the private sector. *[Interruption.]* Opposition Members seem to be muttering “Gas”. When the revenue from gas is taken into account, about £3 billion of taxpayers' money still has to be paid to subsidise the nationalised industries.

Mr. John Home Robertson: Will the right hon. Lady reaffirm an undertaking that she gave in 1974 to the effect that the domestic rating system would be abolished during the course of a Parliament? If she does, she will certainly have my support.

The Prime Minister: I must consider whether I find that prospect tempting. I refer the hon. Gentleman to the manifesto issued during the last election. We did not undertake to abolish the domestic rating system during the lifetime of this Parliament. It has always been my view, and that of my right hon. and hon. Friends, that the rating system will have to be abolished at some time. It is thoroughly undemocratic and unfair. I stand by both of those descriptions.

Q4. Mr. Montgomery asked the Prime Minister if she will list her official engagements for 15 January.

The Prime Minister: I refer my hon. Friend to the reply which I gave some time ago.

Mr. Montgomery: Will my right hon. Friend find time today to remind people that while the latest figures show that the living standards of those in work rose last year, they did so at the expense of many jobs, because people priced their products out of the market? Is there not a lesson there for the seamen?

The Prime Minister: It is a tragedy that by demanding wages that are far greater than can be borne by their

NUCLEAR WEAPONS: PUBLIC ATTITUDES

The Government's policy on nuclear weapons has of late increasingly become a matter of public discussion - in the universities, in the media and among movements such as the Campaign for Nuclear Disarmament. This very discussion, of course, reflects the high priority we are according to defence but it centres on the Government's decision to invest in the Trident missile system as the successor to Polaris as our independent strategic deterrent; and it also follows the NATO decision, in December 1979, in which HMG played a full part, to modernise the Alliance's Theatre Nuclear Forces and to allow United States' cruise missiles to be based in this country.

There is a great deal of talking and arguing to be done if, in view of the distortions, half-truths and lies produced by some of those who espouse the unilateralist cause, we are to convince people in the country generally of the validity of the decisions taken.

Attached to this note for the use of Ministers are:-

ANNEX 'A'. A list of key points to make on Britain's nuclear defence policy;

ANNEX 'B'. A note in amplification of the
key points;

ANNEX 'C'. A nuclear essay, in a form suitable
for drawing upon as a speaking note;

ANNEX 'D'. A set of material in "Question and
Answer" form dealing with the points most often
raised by those opposing the Government's
nuclear defence policy - for example the "better
red than dead" argument.

Chancellor of the Duchy of Lancaster
and Paymaster General
Privy Council Office
68 Whitehall
LONDON SW1

6th April 1981

BRITAIN'S NUCLEAR POLICY: THE KEY POINTS TO MAKE

1. GENERAL

- a) The Government understands public concern about nuclear weapons; but they cannot be disinvented.
- b) The Government shares the same aim as opponents of nuclear weapons - to ensure they are never used; but we differ on the means to achieve this.
- c) We have avoided war in Europe for 35 years. Anyone who wants to tear up existing policy must show that their alternative will work as well.

2. THE CASE FOR DETERRENCE

- a) The aim of deterrence is to prevent war - nuclear or conventional by persuading anyone thinking of attacking us that it would not be worth their while.
- b) As long as the Soviet Union possesses massive nuclear and non-nuclear forces, NATO needs sufficient of both to convince them that they could not hope to gain by using these forces.
- c) But deterrence is not the whole story: in parallel, whilst a military balance is maintained, we are constantly seeking lower levels of forces on both sides through arms control and disarmament.

3. THE CASE AGAINST UNILATERAL DISARMAMENT

- a) Unilateral nuclear disarmament would increase the risk of war by reducing the West's ability to deter aggression.
- b) It would not make UK any less of a target for attack.
- c) It takes no account of the existing Soviet conventional superiority in Europe.
- d) The Russians, who give such priority to their military power, would never follow our example.
- e) It would cut no ice with countries thinking of acquiring nuclear weapons.
- f) It would cut across international efforts to achieve multilateral arms control agreements.

4. THE CASE FOR TRIDENT

- a) The United Kingdom's nuclear force under independent control adds to deterrence by increasing the risks faced by the Russians if they were contemplating attacking NATO.
- b) Polaris will need to be replaced by about 1995; the Trident decision has been taken to maintain this capability.
- c) Trident will cost only 3% of the defence budget up to 1995.

5. THE CASE FOR CRUISE MISSILES

- a) Imbalance of 4 to 1 in long range theatre nuclear forces in Europe. Soviet SS20 and Backfire already being deployed; NATO's comparable capability ageing and increasingly vulnerable.
- b) NATO needs cruise missiles to deter the Russians from threatening limited nuclear strikes on Europe.
- c) The unanimous NATO decision to modernise its Theatre Nuclear Forces was accompanied by a parallel offer to negotiate limitations with the Russians on these weapons.
- d) Cruise missiles are not:
 - an American plan to fight a limited nuclear war in Europe; they are to deter the Russians from thinking they could do so.
 - a new capability: US and UK aircraft based in Britain have been doing the same job for years.
 - first strike weapons: their long flight time makes them unsuitable and the SS20s are mobile anyway.

6. THE CASE FOR CIVIL DEFENCE

- a) Deterrence can prevent war, but as long as the Soviet Union poses a threat to our security, any humane Government must cater for the remotest possibility that war might come.
- b) No civil defence measures could make nuclear war acceptable to the Government but it has a duty to help survivors if we were ever attacked.

THE CASE FOR AN INDEPENDENT BRITISH NUCLEAR DETERRENT

Britain's nuclear forces are fully committed to the NATO Alliance, but they remain ultimately under the control of the United Kingdom Government. It is this independent control which makes their contribution to deterrence so important. Even if the Russians, perhaps some time in the future, thought they could take the risk of attacking the Alliance in the mistaken belief that the United States would not be prepared to use its nuclear weapons, they would also have to take account of those weapons - with enormous destructive power - in European hands. The risks and uncertainties they would face in starting a war would be so much greater. So therefore would the likelihood that they would be deterred. We have made this unique contribution to Alliance deterrence for over twenty-five years. Our Allies have repeatedly and clearly recognised its importance. To give it up, or let it fade away, would be an act of folly at a time when Soviet military power is growing at an alarming rate, and the disparity between the forces of NATO and those of the Warsaw Pact is continuing to widen.

The Decision to Acquire Trident

Our Polaris submarines first came into service in the 1960s. They will continue to provide a formidable deterrent for the next decade or so. But it will become increasingly difficult and costly to maintain both submarines and missiles in service beyond the early 1990s. In addition to being fully under United Kingdom control, any replacement system must be able to pose a convincing threat. In other words it must be able to inflict damage on the Soviet Union out of all proportion to any gains they might hope to make by attacking us. It must also be invulnerable to surprise attack. The choice of another nuclear-propelled submarine, like the Polaris boats, as the vehicle to carry the weapons was essentially dictated by this need for invulnerability. Unlike any land-based system these submarines are almost impossible to detect once deployed in the deep oceans.

The choice of missile lay between another ballistic missile like Polaris, or a cruise missile. Cruise missiles cost less each. But much larger numbers are needed to provide an equivalent deterrent threat, and they are much more vulnerable to long-term improvements in Soviet defences. Because of the larger numbers, cruise missiles would need many more submarines, and these are the most expensive single component of a new force. A cruise missile force would therefore cost more. It would also be more uncertain than a ballistic missile force. For a deterrent capability intended to last well into the next century, Trident has clear advantages over any other ballistic missile system on both operational and cost grounds. It is a proven system with a formidable capability, already in service with the US Navy. Its purchase from the US, on very favourable terms, will allow us to continue the highly successful collaboration which we have over Polaris.

The Cost of Trident

At a total estimated cost of £5 billion (mid-1980 prices) over the next 15 years, Trident will be a major item in the

defence programme. But it is similar to other major programmes like the Tornado aircraft, taking about 3% of the total defence budget on average over this period. Once in service it will, like Polaris, be very economical in running costs and its demand on skilled Service manpower. Over the last twenty-five years we have devoted between 2% and 10% of the defence budget to our strategic nuclear forces, so Trident does not represent any dramatic change. It should not be seen as an addition to the defence programme, but an integral part of it. The Trident programme will not prevent continued improvements in other areas of Britain's contribution to NATO. But it is hard to imagine any way in which this money could be spent on other defence uses which would make such a major contribution to the collective security of the Alliance.

GROUND LAUNCHED CRUISE MISSILES (GLCMs)

Both NATO and the Warsaw Pact have had long-range theatre nuclear forces in Europe for many years. For the last ten years NATO's forces have comprised F111 and Vulcan aircraft based in the UK, now totalling some 220. Over this period the Russians have been modernising and increasing their equivalent forces, so that they now have about 900 medium-range missiles and aircraft deployed against Europe, including the formidable new SS20 missile and Backfire bomber. NATO's small force is ageing and becoming increasingly vulnerable to new Soviet weapons. For NATO to do nothing in these circumstances would permit a reduction in military capability and show a lack of resolve to maintain Alliance security. It could give the Russians the impression that they could somehow use their growing nuclear arsenal to threaten limited nuclear strikes against Western Europe from a sanctuary in the Soviet Union - strikes which they would judge as being not sufficiently devastating as to provoke an all-out response with strategic weapons. For all these reasons the Alliance judged that some modernisation of its capability was necessary to sustain deterrence. Accordingly NATO Ministers decided unanimously to introduce Pershing II and Ground Launched Cruise Missiles in Europe, starting in 1983.

That is the basic reason for the NATO decision. Above all it underlies the American commitment to the defence of Europe. It is not part of some plot to ensure that a limited war can be fought on European soil which will not involve the super powers. Nor does it mean that Britain is made more of a target for nuclear attack. The Americans have never assumed that they could limit a nuclear war to Europe. It was in fact the Europeans themselves who wanted cruise missiles in Europe to deter the Russians from any belief that they themselves would fight a nuclear war in Europe without putting Russian territory at risk. Britain itself will always be a prime Soviet target in the event of war because of our political, military and industrial importance. And American F111 aircraft, as well as British Vulcans, have been based here for many years. Both have been capable of carrying out the same tasks that cruise missiles will be able to do more effectively.

In parallel with the decision to deploy GLCMs and Pershings the Alliance also agreed that the United States should make an offer to the Soviet Union to negotiate about the limitation of

these long range theatre nuclear weapons in Europe. Although they initially refused to talk, the Russians eventually agreed and preliminary exchanges took place in October 1979. But if the Russians are to be persuaded to negotiate seriously, NATO must continue to implement its own modernisation in the meantime. Without this the Russians have no incentive to agree to reductions in their own massive armoury. The cruise missiles will not be deployed in Europe until 1983, and NATO has made it clear it is prepared to modify the scale of its programme if real results can be achieved in negotiations. In addition, as an indication that NATO is not seeking an arms race, the US have unilaterally withdrawn 1,000 nuclear warheads from the European stockpile, and further warheads will be withdrawn on a one-for-one basis as the new missiles are deployed.

ARMS CONTROL

The pursuit of multilateral arms control agreements remains a key element of our security policy. We are committed to negotiating realistic and verifiable measures of arms control and disarmament which can enable all states party to them to maintain their security at a lower level of risk and expense. Our aim is to achieve balanced disarmament in both nuclear and conventional forces, through a gradual step-by-step process. This follows closely the approach endorsed by the international community at the UN Special Session on Disarmament in 1978. But as the Final Document of UNSSD makes clear, this is not a simple process. It has not been possible to agree on ambitious plans for world disarmament. So for some years we have concentrated on more limited agreements. For example, Britain initiated the Biological Weapons Convention of 1972 which is the only genuine disarmament measure since the Second World War. Other measures aim to control the arms race by stopping the spread of weapons or by limiting the number of weapons. We played a prominent part in the negotiations of two agreements with over 100 parties: the Partial Test Ban Treaty and the Non-Proliferation Treaty. We have supported the efforts of the United States and Soviet Union to reach agreement on the limitation of strategic arms, and we want to see the SALT process continue. We have signed an agreement with the Soviet Union on the prevention of accidental nuclear war, and we have given the non-nuclear states an assurance that nuclear weapons will not be used against them. We played a leading part in tabling and getting agreement on the Convention on Inhumane Weapons which was adopted by a UN Conference in 1980. Our draft convention on chemical weapons in 1976 was a major contribution to the negotiations, which are continuing in Geneva.

There are other important negotiations still in progress - on limiting long-range theatre nuclear forces (TNF), on a comprehensive nuclear test ban (CTB), on limiting NATO and Warsaw Pact forces in Central Europe (MBFR). A number of other subjects are being discussed in the Committee on Disarmament, and preparations are being made for the second UN Special Session on Disarmament in 1982. All this adds up to intensive international activity in the field of disarmament.

Against this background of multilateral effort, the Government do not accept that unilateral disarmament is a rational policy. As has been explained, Britain and its allies maintain nuclear weapons as part of a wider defence effort to deter Soviet aggression. Any unilateral reduction by the West would weaken its ability to deter aggression and could therefore increase rather than decrease the risks of war. Nor would Britain be safer without nuclear weapons: our key geographical position in the Alliance would still make us a tempting target in any war. Moreover, unilateral nuclear disarmament takes no account of conventional forces in Europe where the existing imbalance in favour of the Warsaw Pact without the restraint imposed by nuclear weapons, would be a source of great uncertainty and threat.

There is no evidence to suggest that unilateral nuclear disarmament by Britain would persuade others to follow suit. It is inconceivable that any unilateral move by Britain would be followed by the Russians; it would not therefore be a significant step in reducing the number of nuclear weapons in Europe. Nor is there any reason to think that it would help to prevent the further proliferation of nuclear weapons elsewhere in the world. Above all, there is the danger that talk of unilateral moves will encourage the Russians to block any negotiations in the belief that if they wait long enough the West will disarm on its own, damaging its security interests without seeking Soviet concessions in return.

We believe the best hopes for progress lie in a measured approach by negotiation. We cannot hope to secure balanced agreements from a position of military weakness, and thus there is a fundamental link between progress towards disarmament and the maintenance of a satisfactory armed defence against aggression.

CIVIL DEFENCE

NATO and the UK seek to avoid war through deterrence. That policy has succeeded and will continue to do so provided the Alliance maintains its unity and strength. But as long as we believe that the Soviet Union proves a real threat to our security any humane Government must cater for even the remotest possibility that deterrence might fail and that war might come. If that ever happened our basic civil defence arrangements could save millions from the effects of nuclear attack. These arrangements include an effective warning of attack and fallout radiation, practical advice to help people survive the attack, stockpiles of vital supplies, arrangements for medical care and the continuation of government at all levels to organise recovery. No civil defence arrangements could possibly reduce the consequences of a large scale nuclear attack to a level which would make nuclear war acceptable to the UK. But it is the Government's duty to be able to help survivors if we were ever attacked, remote as that possibility is.

NUCLEAR WEAPONS AND PREVENTING WAR

1. Nuclear weapons have transformed our view of war. Though they have been used only twice, half a lifetime ago, the terrible experience of Hiroshima and Nagasaki must be always in our minds. But that makes careful thinking all the more vital. We may have to learn again, in the hardest of ways, that abhorrence is no substitute for clear and realistic plans for prevention.
2. There can be opposing views about whether the world would be safer if nuclear weapons had never been invented. But that is academic; they cannot be disinvented. Our task now is to device a system for living in peace and freedom while ensuring that nuclear weapons are never used, either to destroy or to blackmail.
3. Nuclear weapons are the dominant aspect of modern war potential. But they are not the only aspect we should fear. Save at the very end, World War II was fought entirely with what are comfortably called "conventional" weapons, yet during its six years something like fifty million people died prematurely. Since 1945 "conventional" war has killed up to ten million more. The "conventional" weapons with which any East/West war would be fought today are much more powerful than those of 1939-1945. Action about nuclear weapons which left, or seemed to leave, the field free for non-nuclear war could be calamitous.
4. We must therefore seek to prevent any war, not just nuclear war, between East and West. And the part nuclear weapons have to play in this is made all the greater by the facts of military power. The combination of geography and totalitarian direction of resources gives the Soviet Union a massive preponderance in Europe. The Western democracies could match the East, if their

peoples so chose. But the cost to social and other aims would be huge, our nuclear weapons would still be necessary. No Western non-nuclear effort could keep us safe against one-sided Eastern nuclear power.

5. The central aim of deterrence is to influence the calculations of anyone who might consider aggression; to influence them decisively; and, crucially, to influence them before aggression is ever launched.

6. Planning deterrence means thinking through the possible reasoning of an adversary. It also means doing this in his terms, not in ours; and allowing for how he might think in future circumstances, not just in today's. We seek to ensure that whatever aggression or bullying a future Soviet leader might contemplate, he could not foresee any likely situation in which the West would be left with no realistic alternative to surrender.

7. To make provision for having practical courses of action available in nuclear war (or for reducing its devastation by modest civil defence precautions) is not in the least to have a "warfighting strategy", or to plan for nuclear war as something expected or probable. It is, on the contrary, a necessary path to deterrence, to rendering nuclear war as improbable as we humanly can. The further evolution last year of United States nuclear planning illustrates the point. The reason for having a wider range of "non-city" target options available was not in order to fight a limited nuclear war - the United States repeatedly stressed that they did not believe in any such notion - but to help ensure that even if an adversary believed in limited nuclear war (as Soviet writings sometimes suggest) he could not expect actually to win one.

8. The United Kingdom helped to develop NATO's deterrent strategy, and we are involved in its nuclear aspects at three levels. First, we endorse it as helping to guarantee our

security, and we share in the protection it gives all Alliance members. Second, we co-operate directly, like several other members, in the United States power which is the main component of the nuclear armoury, by making bases available and providing certain delivery systems to carry United States warheads. Third, we commit to the Alliance nuclear forces of various kinds - strategic and theatre - under our independent control. The details of all this are matters of debate, which the Government welcome. But the debate should recognise that positions which seek to wash British hands of nuclear affairs, while continuing (as NATO membership implies) to welcome United States nuclear protection through the Alliance, offer neither moral merit nor greater safety. Whether we like the fact or not, and whether nuclear weapons are based here or not, our country's size and location make it militarily crucial to NATO, and so an inevitable target in war. A "nuclear-free" Britain would mean a weaker NATO, weaker deterrence, and more risk of war; and if war started we would if anything be more likely, not less, to come under nuclear attack.

9. The East/West peace has held for thirty-five years. This is a striking achievement, with political systems so sharply opposed and points of friction potentially so many. No-one can prove that deterrence centred on nuclear weapons has played a key part, but common sense suggests that it must have done. Deterrence can continue to hold, with growing stability, as the two sides deepen their understanding of how the system must work and how dangers must be avoided. Not since the Soviet gamble over Cuba in 1962 have we come anywhere near the brink. It is entirely possible, if we plan wisely, to go on enjoying both peace and freedom - that is, to avoid the bogus choice of "Red or dead".

10. To recognise the success of deterrence is not to accept it as the last word in ensuring freedom from war. Any readiness by one nation to use nuclear weapons against another, even in self-defence, is terrible. No-one - especially from within the

ethical traditions of the free world, with their special respect for individual life - can acquiesce comfortably in it as the basis of international peace for the rest of time. We have to seek unremittingly, through arms control and otherwise, for better ways of ordering the world. But the search may be a very long one. No safer system than deterrence is yet in view, and impatience would be a catastrophic guide in the search. To tear down the present structure, imperfect but effective, before a better one is firmly within our grasp would be an immensely dangerous and irresponsible act.

Q1. WHY HAS THERE BEEN NO DEBATE ON NUCLEAR WEAPONS?

A1. There has been considerable debate. This Government has made more information available about its nuclear weapons policy than any before it; this includes publication of a special information pack on Cruise Missiles and a detailed memorandum on the choice of the successor to Polaris. On 24 January 1980 a full debate was held in Parliament at the Government's initiative on the role of nuclear weapons in United Kingdom defence policy, the first such debate for some 15 years. In addition, a great deal of evidence has been readily given to and published by the House of Commons Defence Committee.

Q2. ISN'T HIGH EXPENDITURE ON NUCLEAR WEAPONS UNACCEPTABLE AT A TIME WHEN SPENDING ON, FOR EXAMPLE, HEALTH, EDUCATION AND SOCIAL WELFARE IS BEING DRASTICALLY REDUCED?

A2. The Government understands and sympathises with the feelings of those people who believe that money devoted to defence would, at a time of economic stringency, be better spent on other areas of public expenditure. However, the first responsibility of the Government must be the security of the nation, and if they were to put that security at risk by inadequate precautions they would inevitably endanger all the things such as health, education and social welfare, which we quite rightly value in our society. We, and a good many others, learnt that lesson the hard way in the 1930s and World War II.

Q3. ISN'T IT BETTER TO BE RED THAN DEAD?

A3. The question presents a false choice: these are not the only alternatives open to us. Indeed the central objective of the Government's defence policy is to ensure that we never have to face such a choice. We belong to NATO, and are committed with our Allies to the strategy of deterrence. The aim of this strategy is to make it clear to any potential aggressor that any attack on any NATO member would involve risks to himself out of all proportion to the advantages which he might hope to gain. We have had both peace and freedom in West Europe for some 35 years now - our defence policies, including deterrence, have seen to that. As long as we maintain deterrence, we see no reason why the British people should ever have to decide whether to be "red or dead".

Q4. ISN'T 'DETERRENCE' AN OBSOLETE EXCUSE FOR THE ARMS RACE?

A4. We have to accept that nuclear weapons, including the knowledge, technology and materials necessary to make them, exist in both East and West. The policy of all British Governments in recent times, and all our Western Allies, is based on nuclear deterrence: to ensure that the Soviet leadership can never calculate that any possible gain from starting a war against us would be worth the risks. But that is not the end of it. No-one - especially from within the ethical traditions of the free world - can rest comfortably on such a policy alone as the basis of international peace for the rest of time. That is why we have to search unremittingly for better ways of ensuring a stable world. Vital amongst these is the Government's commitment to pursue effective measures of arms control and disarmament.

Q5. AREN'T YOU NOW PLANNING FOR A LIMITED NUCLEAR WAR?

A5. The West does not believe that nuclear weapons could be used to achieve a military victory in any meaningful sense; and once nuclear exchanges began there would be an appalling risk of escalation into all-out nuclear war. We need no convincing of this, as the US Defence Secretary made quite clear in public last year. But we also have to convince the Russians that they could not hope to win a limited nuclear war either. With the deployment of accurate modern weapons like the SS20 or their new anti-ship nuclear cruise missile, the Russians are acquiring the capacity to mount limited nuclear strikes on our military bases and war-ships. The purpose of, for example, mobile cruise missiles is to demonstrate that we have the means of responding to such attacks (and of evading them) without having to resort immediately to all-out retaliation.

We have no desire to fight a limited nuclear war and no belief that we could in any sense win one; our aim is simply to ensure that the Russians do not believe that they could win one.

Q6. CRUISE MISSILES AND TRIDENT ARE "FIRST STRIKE" WEAPONS - HOW DO YOU RECONCILE THIS WITH A POLICY OF DEFENCE AND DETERRENCE?

A6. A "first strike" means a surprise attack intended to destroy an opponent's nuclear weapons and, hence, remove his ability to retaliate. Cruise missiles and Trident are neither intended for a "first strike" role, nor are they capable of it.

NATO concepts of deterrence do not envisage any type of "first strike" - the main aim is to maintain the peace. But in any event, as the Soviet Union can see quite clearly, the West has not and is not developing the physical capability for a "first strike" strategy even if we wanted one.

Cruise missiles, because of their slow speed, would take 3-4 hours to reach the Soviet Union from the UK, and the target missiles could have been launched from their silos well before they arrived. The number to be deployed in Europe is much smaller than the number of Soviet missile silos.

Trident missiles have a shorter flight time, but like all current submarine-launched ballistic missiles do not have the precise accuracy needed to knock out Soviet missile silos. The Russians have, in any case, now deployed over 100 mobile SS-20 ballistic missiles facing Western Europe which are invulnerable to attack once they have deployed away from their main bases (as are the Soviet Union's missile-firing submarines with their - nearly 1,000 - ballistic and long-range cruise missiles).

Q7. ARE CRUISE MISSILES REALLY 'THEATRE' WEAPONS OR RATHER STRATEGIC ONES?

A7. NATO classifies them as 'theatre' weapons because they do not have the range to reach from the US to the USSR, and for comparison with similar weapons possessed by other countries. But these classifications are to some extent artificial - a matter of convention or viewpoint. The important point is that Cruise Missiles strengthen deterrence by making clear to the Russians that if they tried to fight a nuclear war in Europe, NATO would have the ability to respond against targets in the Soviet Union even without resorting to all-out "strategic" nuclear exchanges. In contemplating any attack on NATO they must therefore be aware of the appalling risks it would entail. Cruise missiles are thus a clear reaffirmation of the United States' commitment to the defence of Europe and the Alliance's objective of deterring aggression.

Q8. WHY SHOULD WE TRUST THE UNITED STATES WHEN THEY CLEARLY INTEND TO LIMIT ANY FUTURE WAR TO EUROPE?

A8. The United States are under no illusion that they can launch limited nuclear strikes against the Soviet Union - from Europe or elsewhere - without putting their homeland at risk; and the essential point of the new missiles, as with the older long-range aircraft that we and the United States have here now, is precisely to underline to the Russians that Soviet territory would be at risk if they attack Europe. The Russians would know very well that the United States President had agreed to any decision to fire the missiles. It is precisely for that reason that the United States' willingness to deploy the systems here enhances deterrence. It will visibly demonstrate to the Soviet Union that the United States see the defence of Europe as indissoluble from the defence of their own country. There can be no better way of showing them that Europe cannot be fought over in a 'limited' war, away from superpower sanctuaries.

Q9. WHY ARE CRUISE MISSILES UNDER SOLE US CONTROL?

A9. The use of the bases concerned in an emergency will be a matter for joint decision between the two Governments, in the light of the circumstances prevailing at the time. This is exactly the same arrangement under which US nuclear forces have been deployed in the UK for nearly 30 years. There is no point of principle involved here; the option of having a "dual-key" was open to us. We could have taken it up if we had purchased the missiles and supporting equipment and provided British servicemen to man them, with the United States providing only the nuclear warheads. But this would have cost hundreds of millions of pounds and required over 1,000 additional British servicemen. We judged this was not the best way to use our limited defence resources, especially as we are satisfied with the arrangements for joint decision that have existed for 30 years.

Q10. HAVEN'T CRUISE MISSILES TURNED THE UNITED KINGDOM, ESPECIALLY GREENHAM COMMON AND MOLESWORTH, INTO A PRIME SOVIET TARGET?

A10. It is a regrettable fact that if a war should break out our political, geographical and industrial importance would inevitably make the United Kingdom a primary target in any case. The Cruise Missiles which will be based in peacetime at Greenham Common and Molesworth will be moved from their bases to secret locations in times of tension to prevent the enemy being able to make a direct attack on them. These locations do not need any advance preparation since the only requirement is for a reasonably level piece of ground with some concealment against air attack. Cruise missiles can be moved from one site to another at frequent intervals.

The precise locations of the peacetime bases are not therefore likely to be priority targets as a result of the Cruise Missile deployments. The key point is that the presence of cruise missiles will make a war less likely in the first place. Nuclear weapons have been based in the UK for more than 30 years with precisely this aim.

Q11. ISN'T THE POSSESSION OF NUCLEAR WEAPONS IMMORAL?

A11. The whole question of nuclear weapons raises grave and difficult ethical issues just as much even for pacifists as for anyone else. The most central issue is whether it is morally wrong to threaten to use nuclear weapons in order to prevent others using them. The greater good is undoubtedly served by preventing nuclear war.

Whatever view one takes of this question, there is no moral justification for suggesting that Britain should refuse to allow nuclear weapons on its soil while remaining part of an Alliance which relies on them to deter an attack by the Warsaw Pact (which possesses a very considerable superiority in conventional forces). The only logical consequence of unilateral nuclear disarmament is neutrality, and without membership of NATO we would have no means of guaranteeing our security.

In addition, unilateral disarmament by Britain would not prevent others from using nuclear weapons against us; if it increased the risk of nuclear war, then many would argue that unilateral disarmament would be morally wrong itself. Nor is it likely to persuade any other nuclear weapon state to give up their weapons, or influence any non-nuclear weapon power determined to acquire a nuclear capability from doing so.

Q12. WOULDNT UNILATERAL DISARMAMENT BE THE FIRST STEP TOWARDS MULTILATERAL DISARMAMENT?

A12. For Britain to give up its nuclear weapons unilaterally would be an eye-catching gesture, but would not help to improve the prospects for peace. Indeed by undermining NATO's ability to deter aggression it might make war more likely. There is no evidence to suggest that any other country would follow our example. In particular no compensating reductions in Russian missiles could be expected. Britain is the only nuclear power in Europe which is committed to the common defence of NATO countries. We are an integral part of the balance of power within Europe. The Government would certainly like to see a world in which nuclear weapons for deterrence were not needed. Our approach however is to work towards a steady reduction in both conventional and nuclear armaments on both sides.

Q13. WHAT IS THE GOVERNMENT DOING ABOUT ARMS CONTROL?

A13. The Government is committed to working for balanced and verifiable arms control and disarmament agreements as an integral part of Britain's national security policy. We pursue negotiational agreements because they enhance our security: we recognise that there are some security areas where both East and West have an interest in exercising mutual restraint. To that end the United Kingdom plays a full role in the work of the United Nations and the Committee on Disarmament in Geneva and in negotiations such as those on Mutual and Balanced Force Reductions in Central Europe and those aimed at agreeing a Comprehensive Nuclear Test Ban Treaty.

In addition we strongly support American and Soviet efforts to agree limitations on strategic and theatre nuclear weapons. The net result of NATO's modernisation programme will be a decrease in the numbers of warheads in Europe. The US have already withdrawn 1,000 warheads from Europe without seeking any direct reciprocation from the Soviet Union. As the new Pershing and Cruise Missile systems are deployed, further warheads will be removed one-for-one.

Britain has in the past made a unique contribution to arms control and disarmament. We will continue our efforts to do so in the future.

Q14. ISN'T THERE A DANGER THAT FAILURE OF WARNING SYSTEMS WILL PLUNGE US INTO ACCIDENTAL NUCLEAR WAR?

A14. All complex detection systems can produce ambiguous data, and early warning systems are no exception. However, highly trained personnel are constantly on watch to evaluate such data. Also, the decision to use nuclear weapons would have to be taken at the highest political level. They could never be used automatically in response to an early warning system alone.

There are agreements between the Governments of the United Kingdom and the Soviet Union (and between the United States and the USSR) specifically to prevent the outbreak of accidental nuclear war: there are also 'hot lines' for communication.

Neither the US or the UK has a policy of launching nuclear weapons purely on early warning evidence, nor do we need any such policy; this is one of the many advantages of having strategic deterrent weapons at Sea in submarines.

Q15. SINCE 1945 THERE HAVE BEEN NUMEROUS ACCIDENTS WITH NUCLEAR WEAPONS - ISN'T THE RISK OF POSSESSING THEM THEREFORE UNACCEPTABLE? IN PARTICULAR HASN'T THERE BEEN A 50% FAILURE RATE WITH CRUISE MISSILES?

A15. There have been no accidents involving United States or United Kingdom nuclear weapons which have produced an 'atomic bomb type' explosion, and there is no prospect of this happening in the future. Nor have there been any accidents involving United Kingdom nuclear weapons or United States nuclear weapons in the United Kingdom which have led to a release of radioactivity. The total overall number of significant accidents is minimal. There have been continual improvements made in nuclear weapon safety over the years and the risks are very low indeed.

In the case of Cruise Missiles, a success rate of the order of 80% has been achieved in test firings of Tomohawk Cruise Missiles from a variety of platforms in the United States. It is perfectly normal for there to be failures in early flight trials of any missile - it is an important part of the development process to iron out design faults before the missile is put into production, and to push it up to the limit of its capability. No flight trials of Cruise Missiles will in any case be undertaken in the United Kingdom: during the occasional road transport exercises of the Cruise Missile launch vehicles which will be undertaken no nuclear warheads will be carried, nor will there be fuelled motors.

If fired, a cruise missile's warhead would not be finally armed until it was within a short distance of its target. A missile which crashed before this final arriving sequence was complete could not cause a nuclear explosion.

Q16. WHY DO BRITISH CIVIL DEFENCE ARRANGEMENTS COMPARE SO UNFAVOURABLY WITH THOSE OF OTHER COUNTRIES?

A16. There is no doubt that in certain respects, such as shelter provision, our arrangements may not be as good as those in, say, Switzerland, Sweden or Norway. Similarly, none of the major NATO states, including the United States, West Germany, France and Italy, has comparable provision. Neither does the Soviet Union. On the other hand, there are several aspects of civil defence where British arrangements are at least as good as if not superior to those of our allies, of neutrals and of potential enemies. For example, our systems for giving warning of enemy attack and for monitoring the intensity of fallout radiation are more highly developed than those of other countries. Our plans for the continuation of government and the provision of essential services at all levels after any general nuclear attack are in no way inferior to the plans of other countries. Our training arrangements for public officials in their wartime duties are well up to the level of other nations, and the plans we have made for public information in crisis and war are at least as good.

However, we are by no means complacent and are studying the arrangements made in other countries to see how far they can be applied here within reasonable limits of expenditure, having regard to our current assessment of the risk.

Q17

WHY SPEND ONLY ABOUT £20 MILLION ANNUALLY ON CIVIL DEFENCE?

A17

We should spend more and, following the 1980 Review, we aim to spend about £45 million annually by 1983/84, compared with about £27 million as was intended before the Review. That is at 1980 price levels. The Government has to balance civil defence expenditure against the remote risk of war in Europe. Our NATO deterrence policy minimises the danger, so only a relatively small insurance premium is payable. It is meaningless to compare what we spend on civil defence with the £12,000 million we will spend on general defence in 1981/82. That is the enormous cost of the men, weapons, equipment and support needed to help preserve peace. The smaller cost of civil defence is to enable our civil resources to respond if peace is broken and there is an enemy attack. Of course we must modernise our arrangements as the need arises; hence the recent decisions to spend more. But massive expenditure will not be necessary as long as we remain determined to deter aggression.

Q18

WHY DOESN'T THE GOVERNMENT HAVE A MORE POSITIVE SHELTER POLICY LIKE THE SWISS?

A18

Both public and private shelter building programmes are highly expensive and not justified by our present assessment of the danger of war. Even if the nation's economic position was better, it is hard to see how the expenditure of billions of pounds could be defended. The Government's peacetime policy, therefore, is limited to relatively low cost measures of advice and planning. For those citizens who wish themselves to provide suitable shelters or to have information on how to construct a shelter during a crisis, the Government has published sound guidance for both the layman and the professional builder. We intend to keep this advice up to date. The possible need for a measure of public shelter is not being overlooked. In conjunction with the local authorities, the Government intends to conduct surveys of buildings and structures suitable as communal shelter for people unable to find adequate protection at home. These surveys will include recording any necessary adaptation, equipping, provisioning and arrangements for occupation that would need to be undertaken in a period of crisis.

Q19

DON'T OUR CIVIL DEFENCE ARRANGEMENTS MERELY PROTECT A GOVERNING AND MILITARY ELITE?

A19

Certainly not. The most senior ministers, officials and service officers would remain in London to manage the crisis and lead the nation during any period of conventional or limited war. If central London were attacked with nuclear weapons, they would be killed. The ministers and staffs of regional government in emergency headquarters should be regarded as reserves, able to assume the full responsibilities of government in the event of the Government in London being isolated or destroyed. Even the emergency headquarters themselves are not proof against attack since they are not sufficiently hardened to withstand a close explosion. They afford shielding against fallout radiation and some protection against blast and fire. They are constructed so as to permit the regional staffs to administer vital functions for the welfare of the survivors. The armed services have similar arrangements to enable those forces remaining in this country to be employed on important military tasks and in support of the civil authorities. The continuation of government is not an end in itself but a necessary instrument of survival and recovery.

Q20

HOW WILL THE COUNTRY BE GOVERNED IN WAR?

A20

For as long as possible by central and local government operating through the normal democratic systems. There are plans to ensure that, if central government lost contact or was destroyed, we could continue with a form of regional government until central control could be resumed. Similarly, local authorities have plans to ensure that they could continue to provide essential services to their populations. In such circumstances the usual forms and procedures of democratic government might have to be suspended to permit swift and effective decision making in the face of appalling catastrophe. But control would remain firmly in civilian hands; the rules of law and civilised behaviour would be upheld by the police and military acting in support of civil authority. A proper system of justice would be administered under regulations approved by Parliament before an attack took place. The whole purpose of the surviving administrations would be to help the survivors by providing essential services and information, as a prelude to the process of recovery.

Q21

HOW COULD ANYTHING BE DONE IF WE HAVE ONLY FOUR MINUTES WARNING?

A21

It is extremely unlikely that the first hint of Soviet aggression would be a few minutes warning from the Flyingdales Ballistic Missile Early Warning System. In such circumstances, it is true, we would have no time to activate our civil defence arrangements. But while a missile attack 'out of the blue' is theoretically conceivable, the Soviet Union would have to calculate that Western response to such an attack might be massive retaliation by an invulnerable submarine-launched strategic missile. There is no likelihood that war could start without some sort of political crisis and at least a short warning period of some days during which Soviet military preparations were apparent. Such a warning period might well be followed by a conventional conflict lasting for some days, possible weeks, before the war either stopped or escalated to some level of nuclear exchange. During all this time the government would be implementing its plans for advice to and protection of the public, for the continuation of essential services, and for the continuity of organised government. If, during a period of conventional war, the Soviet Union attacked us with missiles, people would be prepared and ready to take the immediate self-protective action necessary in response to broadcast public announcements and the sounding of the attack sirens.

Q22

WHAT ARRANGEMENTS ARE MADE FOR THE PROVISION OF ESSENTIAL SUPPLIES AND SERVICES?

A22

The Government's plans and those of local authorities and public utilities include provision for the continued supply of food, water, shelter, fuel, medical care, transport, information and other vital supplies and services. The extent and quality of the supply would naturally depend on the severity of the attack, but effective peacetime planning is fundamental to the achievement of properly organised emergency arrangements. That is why the Government has decided to devote further resources to contingency plans and to ensuring the continuity of government at all levels. In some cases strategic stockpiles are of value; in others what is needed is planning to make optimum use of the normal peacetime stocks, reserves and distribution arrangements.

Q23. WHY DO CIVILIANS HAVE NO PROTECTION AGAINST BIOLOGICAL OR CHEMICAL ATTACK?

A23. The Soviet Union have ratified the 1972 Biological Weapons Convention which prohibits the possession of biological weapons, and we have no reason to believe that they have an offensive biological warfare capability. They are also a signatory to the 1925 Geneva Protocol which in effect bans the first use of chemical weapons against other parties, including the United Kingdom, although the possession of chemical weapons is not in itself banned. We know that the Soviet Union has a substantial chemical capability. However, we in the UK have no chemical weapons. This, together with the prospect that NATO might be forced to retaliate with nuclear weapons, makes it unlikely that the Soviet Union would attack the civilian population at large with chemical weapons. The Government strongly supports the negotiations towards an effective and verifiable convention that would prohibit possession of chemical weapons.

Q24

WHY DOESN'T THE GOVERNMENT REACTIVATE THE CIVIL DEFENCE CORPS AND THE AUXILIARY FIRE SERVICE SO THAT WE HAVE PROPER CIVIL DEFENCE?

A24

The Civil Defence Corps and Auxiliary Fire Service which existed before 1968 were first-class volunteer organisations. They were also very expensive to maintain and administer. The Government certainly sees a role for substantial voluntary effort in civil defence but believes that this contribution can be harnessed more effectively through local and health authorities according to local circumstances. Well-established national organisations such as the WRVS, Red Cross and St John's have continued to play a valuable part. In some local authority areas many individual volunteers train and exercise in their communities in order to assist their fellow citizens in the event of war. The Government is urging local authorities to foster volunteer effort in this way, and has appointed Air Marshal Sir Leslie Mavor to assist them in this work. Part of the additional funds allocated for local civil defence plans may be used for this purpose.

Q25. WHAT WILL THE GOVERNMENT DO IF LOCAL AUTHORITIES REFUSE TO CO-OPERATE IN CIVIL DEFENCE PLANNING?

A25. The Government is confident that the great majority of local authorities will continue to discharge their statutory obligations under the Civil Defence (Planning) Regulations 1975 which, briefly, require them to plan in peacetime for the protection of the public and the continuation of essential services in war. The Government believes that, in a matter so closely related to the nation's vital defence interest, of which the Government is elected to be the judge, local authorities will wish to follow the policy determined by central government and make use of the additional resource which central government has decided to allocate to local civil defence planning. The Government would certainly wish to discuss with local authorities any particular problems they might have discharging their obligations, and believes that it will be able to resolve any anxieties which any local authority may have about the efficacy and prudence of the Government's policy. In the last resort the Government could take power to direct a local authority to comply with the Regulations and follow precise instructions given by the Government for compliance with those Regulations. Statutory sanctions are available to the Government under the Civil Defence Act 1948, but the Government would not wish to exercise such powers while there remained any reasonable prospect that local authorities were willing to comply with the Regulations within the financial resources made available.

Q26. ISN'T THE ADVICE IN "PROTECT AND SURVIVE" AND OTHER GOVERNMENT PUBLICATIONS USELESS?

A26. Not at all. No one pretends that survival is possible near to a nuclear explosion. But the further away you are, the better your chance of survival with some form of shelter and basic precautions against fire. At certain distances quite simple types of shelter will make all the difference between death, injury and being unharmed. Away from areas of blast and fire, fallout radiation can be significantly reduced by taking to simple refuges and staying in them for a few days. To store essential food and water is plain commonsense. Obviously the better your shelter, the better your chances. For those who wish to plan for more than minimum protection the Government has provided guidance on stronger shelters. And the advice in "Protect and Survive" and other Government publications is only part of what would, in a crisis, be an intensive campaign of information to the public on radio, TV and in the press.

Q27. HOW CAN THE GOVERNMENT EXPECT PEOPLE TO 'STAY PUT'
INSTEAD OF HAVING PROPER EVACUATION SCHEMES?

A27. The reason for the 'stay put' policy is that no part of the country can be totally safe from all the effects of a nuclear attack, and that on balance people will be better off in their homes than in other places where no adequate provision might exist for them. We cannot know for sure what targets the Russians would attack. It is not self-evident that large towns and cities are the most obvious targets. An enemy might decide to attack UK targets relevant to our war effort; such attacks might be limited and relatively precise and not cause extensive casualties beyond the target area. However, the Government keeps the threat assessment under constant review and will adapt its policies in response to any change. Limited, selective dispersal schemes might be feasible, but we must not underestimate the difficulties of mass evacuations from major centres of population during a short period of crisis before war was thought likely to begin. Perhaps the worst circumstances would be to have large numbers of people caught in transit when an attack occurred.

Q28. NUCLEAR WAR WOULD LEAVE FEW IF ANY SURVIVORS WHO WOULD HAVE NOTHING TO LIVE FOR?

A28. If the Soviet leaders delivered some thousands of nuclear weapons against us only a small proportion of our population will survive. They would be most unlikely to do so, because of our inevitable retaliation and because it could serve no useful purpose. Any form of limited attack designed to accomplish a purpose more useful to the Soviet Union would certainly leave many millions of survivors, and their numbers would be increased by even elementary civil defence measures. Their survival and recovery would depend in no small measure on the plans which had been made in peacetime and on the implementation of those plans by the surviving agencies of government. The Government intends, with its allies, above all to avert war. It does not attempt to understate the consequences of war. It does face up to its responsibilities for those who survive it.

Q29. WHY DOES THE GOVERNMENT NOW ALLOW THE FILM "THE WAR GAME" TO BE BROADCAST ON TELEVISION?

A29. The Government has not attempted to prevent the transmission of the film, which is entirely within the discretion of the Broadcasting Authorities. The film is in fact being shown quite widely in commercial cinemas and any attempt at censorship would be pointless anyway. The film is a powerful though in some ways misleading and unbalanced portrayal of events following the breakdown of law and order after a nuclear attack. It is misleading in that it conveys the impression that the destruction and suffering close to the scene of a nuclear explosion is representative of what would be the state of affairs in all parts of the country. It is unbalanced in that it fails to reveal the contribution to saving life and alleviating suffering which can be made by effective and determined measures of civil defence. But the question of whether or not it is shown on television is entirely in the hands of the Broadcasting Authorities, and not the Government.

The message of the film - that nuclear war is inevitable within a few years if we do not give up our nuclear weapons - is at odds with the fact that 15 years after the film was made deterrence continues to maintain peace.

Parliament

MAF trace
TRA
MS
8/4



DEPARTMENT OF TRANSPORT
2 MARSHAM STREET LONDON SW1P 3EB

W N Hyde Esq
Cabinet Office
70 Whitehall
LONDON
SW1

6 April 1981

Dear Mr Hyde

LEGISLATIVE PROGRAMME: 1980/81

I have seen a copy of your letter of 1 April to John Halliday.

I can confirm that the Transport Bill and Ports (Financial Assistance) Bill do need Royal Assent by the end of July and neither could slip until October. You might like to know however that the Ports (Financial Assistance) Bill does not need Royal Assent earlier than July.

I am copying this letter to the recipients of yours.

Yours truly

C R EDWARDS
Private Secretary

3rd April 1981

GOVERNMENT LEGISLATION

(i) Second Reading

- Deep Sea Mining (Temporary Provisions) (L)
∅ English Industrial Estates Corporation (L)
∅ Film Levy Finance (L)
Finance
∅ Judicial Pensions (L)
∅ National Film Finance Corporation (L)
Petroleum and Continental Shelf
∅ Public Passenger Vehicles (L)
Statute Law (Repeals) (L)
Supreme Court (L)
Town and Country Planning (Minerals) (L)
Wildlife and Countryside (L)

✓
M

(ii) Select Committee

Armed Forces

(iii) Standing Committee

Atomic Energy (Misc Prov)
British Nationality
Contempt of Court (L)
Education (Scotland) (No 2)
Employment and Training
Iron and Steel
Ports (Financial Assistance)

(iv) Report and Third Reading

Education
Energy Conservation (L)
Insurance Companies
Social Security
Transport

(v) Lords Amendments

Water

∅ Consolidation

(vi)	<u>Orders and Regulations</u>	<u>Date Laid</u>	<u>Whether Controversial</u>	<u>Date Required</u>
	Financial Assistance to Industry (ICL)	24/3	Maybe	For Debate 6/4
	London Docklands Development Corporation	27/11	Maybe	Subject to Lords
	Queen's University of Belfast (NI)	25/2	No	For Debate 7/4

LORDS

∅ Animal Health (L)
 British Telecommunications
 Companies (No 2) (L)
 Criminal Attempts
 Fisheries
 Forestry
 Local Government (Misc Prov) (Scotland)
 Matrimonial Homes (Family Protection) (Scotland) (L)

Awaiting Royal Assent

International Organisations (L)
 Merchant Shipping (L)
 Parliamentary Commissioner (Consular Complaints) (L)

∅ Consolidation

Bills awaiting introduction (Either House)

(Date of Legislation Committee)

Belize Independence

?

Bills placed upon the Statute Book (10)

Anguilla 1980

Consolidated Fund (No 2) 1980

Consolidated Fund 1981

European Assembly Elections 1981

Gas Levy 1981

House of Commons Members' Fund and Parliamentary
Pensions 1981

Industry 1981

Iron and Steel (Borrowing Powers) 1981

Redundancy Fund 1981

Social Security (Contributions) 1981



Treasury Chambers, Parliament Street, SW1P 3AG
01-233 3000

2 April 1981

T.P. Lankester, Esq,
10, Downing Street

1. *[initials]* to see
2. MAP

MS

Dear Tim

3/4

LEGISLATIVE PROGRAMME 1981-82

..... The Chancellor asked me to copy to you the attached reply from the Financial Secretary to the Secretary of State for Energy's letter of 31 March about his Department's bids for next year's legislative programme.

*will
reprint
if required*

*Yours ever
Peter*

P.S. JENKINS



Treasury Chambers, Parliament Street, SW1P 3AG

The Rt Hon William Whitelaw CH MC MP
Secretary of State for the Home Department
Home Office
Queen Annes Gate
Petty France
LONDON
SW1

2 April 1981

Ben White

LEGISLATIVE PROGRAMME 1981-82

I have seen David Howell's letter to you of 31 March, responding to yours of 24 March about his Department's bids for next year's legislative programme.

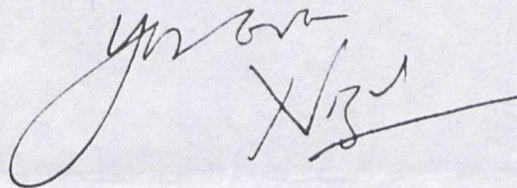
I have discussed this with Geoffrey Howe, and with his strong support would like to endorse the points made by David Howell about the political importance of some of the measures we are finding it hard to find room for. In particular, although we have yet to see David Howell's detailed proposals, we have been sympathetic to the idea of curtailing British Gas's gas purchase monopoly, which David proposes for the Gas (Industrial and Commercial Supplies) Bill. BGC is one nationalised industry where we have not yet made the progress we might have liked on introducing private sector disciplines, and we would be extremely reluctant to lose the legislative opportunity for action on BGC's monopoly position during the next session.

The removal of the prohibition on supplying electricity as a main business, proposed for the Energy (Miscellaneous Provisions) Bill, is also a worthwhile element in our policy of increasing competition in the nationalised industries; and I agree that it would be desirable to implement our announced intention as soon as possible.

I have only two further comments to make. The first is relates to the Energy (Miscellaneous Provisions) Bill, where, as David Howell is aware, we are not persuaded of the case for setting up the new independent body he proposes to exercise certain statutory functions,

nor of the validity of the manpower savings he hopes to achieve by doing so. The second is that it might be worth looking at the possibility of combining these two proposed Bills into a single Bill, to make a little more room in the legislative programme.

I am sending copies of this letter to David Howell, other members of QL Committee, and to Sir Robert Armstrong and Sir Henry Rowe.

A handwritten signature in black ink, appearing to read 'Nigel Lawson', with a large, sweeping flourish on the left side.

NIGEL LAWSON



XXXXXXXXXX
233 8595

K 0105

815
CABINET OFFICE
70 WHITEHALL
LONDON SW1A 2AS

2 pm
1 April 1981.

J F Halliday, Esq.,
P/S to Home Secretary,
Home Office,
50 Queen Anne's Gate.

MAP to see

NBM

MS

2/4

Dear John,

LEGISLATIVE PROGRAMME: 1980/81

1. At the request of the Chancellor of the Duchy of Lancaster we have been reviewing with the Private Secretaries to the Chief Whips in both Houses the possible timetable for the current legislative programme in the remainder of this session. It has been clear for some time that, despite the best endeavours of the business managers, a "spillover" in the autumn of at least three weeks will be inevitable. The Chancellor of the Duchy is anxious to identify those bills which must receive Royal Assent before the summer recess and those which could, if necessary, wait until the end of the session. We have already been in touch with Departments on the telephone: the purpose of this letter is to ask you and others to confirm the information we have been given and to raise queries on five current bills.
2. Annex A to this letter lists those bills for which, because of compelling financial or other reasons, Royal Assent by the end of July is essential and not merely desirable. In some cases, for example the Ports (Financial Assistance) and Social Security Bills, there are earlier dates which have to be met. We should be glad if we could be notified immediately of any corrections to this list; in particular, do any of the Departments concerned now consider that there would not be undue difficulty if Royal Assent were allowed to wait until October?
3. Annex B lists most of the remaining bills in the current programme. Most of these, particularly the shorter bills, may well receive Royal Assent before the summer recess, but we are assuming that there are no compelling reasons why Royal Assent should not wait until October for these bills in order to give priority to those that have greater operational urgency. Again, we should be glad to be told at once of any corrections to this list.
4. That leaves five bills where the sponsoring departments have indicated to us that Royal Assent is needed by the end of July, but which do not, prima facie, seem to have the same urgency as the bills listed in Annex A. I am therefore writing separately to the departments concerned with these bills, which are: The Deep Sea Mining (Temporary Provisions) Bill, the Wildlife and Countryside Bill, the Town and Country Planning (Minerals) Bill, the Education (Scotland) Bill, and the Employment and Training Bill.

CONFIDENTIAL

5. I am copying this general letter to the Private Secretaries of all members of the Cabinet, to Murdo MacLean and Michael Pownall in the Whips' Offices and to David Wright in the Cabinet Office. I should be grateful for any comments by the end of next week.

Yours

W N Hyde

W N HYDE

CONFIDENTIAL

BILLS NEEDED BY THE END OF JULY

Ports (Financial Assistance)

Social Security

Iron and Steel

Water

Belize

Forestry

Fisheries

British Telecommunications

Transport

Local Government (Miscellaneous Provisions) (Scotland)

Energy Conservation

Finance and Appropriation

BILLS WHICH COULD, IF NECESSARY, WAIT UNTIL OCTOBER

Armed Forces

Contempt of Court

Education (Special Educational Needs)

Companies

Insurance Companies

Merchant Shipping

Supreme Court

Energy Conservation

Atomic Energy (Miscellaneous Provisions)

British Nationality

Criminal Attempts

International Organisations

Parliamentary Commissioner (Consular Complaints)

Matrimonial Homes (Family Protection) Scotland

PART 6 ends:-

LPS to Home Sec 31/3

PART 7 begins:-

Cab office to Home Office 1/4