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PREM 19/1593



Part 6

Confidential Filing

How of Commons Procedure.  
 Reorganization of Select Committees  
 Departmental Select Committees  
 Disclosure of Documents  
 Advance copies of Command Papers  
 Replies to Select Committee Reports  
 Procedure for Clearance.

PARLIAMENT

Part 1: May 19

Part 6: April 19

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
<del>26.4.83</del>		<del>2.3.84</del>		6.10.84		<del>12.3.85</del>	
<del>3.5.83</del>		<del>6.3.84</del>		10.10.84		<del>13.3.85</del>	
7.5.83		<del>12.3.84</del>		15.10.84		14.3.85	
<del>18.5.83</del>		<del>19.3.84</del>		18.10.84		<del>25.3.85</del>	
10.6.83		16.3.84		<del>26.10.84</del>		<del>26.3.85</del>	
<del>13.6.83</del>		9.4.84		30.10.84		16.4.85	
15.6.83		<del>6.6.84</del>		2.11.84		24.4.85	
<del>22.6.83</del>		18.6.84		5.11.84		9.5.85	
13.7.83		21.6.84		15.11.84		<del>23.5.85</del>	
<del>2.7.83</del>		<del>26.6.84</del>		27.11.84		<del>3.6.85</del>	
<del>11.8.83</del>		3.8.84		11.12.84		28.5.85	
<del>11.8.83</del>		22.8.84		17.12.84		ENDS X X X X X X X X X	
21.10.83		4.9.84		23.1.85			
4.12.83		5.9.84		31.1.85			
9.2.84		<del>6.9.84</del>		11.2.85			
<del>24.2.84</del>		17/9/84		22.2.85			
		17/9/84		23.85			
		18.9.84		8/3/85			
		20.9.84		11.3.85			
		26.9.84					
		28.9.84					
		28.9.84					

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PART 6 ends:-

NIO to Nicky Roche 28.5.85

PART 7 begins:-

HMT to TF 3.6.85



TO BE RETAINED AS TOP ENCLOSURE

**Cabinet / Cabinet Committee Documents**

Reference	Date
CC(85) 8 <sup>th</sup> Meeting, item 1	07/03/1985

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 J. Gray

Date 17/3/2014

**PREM Records Team**



## Published Papers

The following published paper(s) enclosed on this file have been removed and destroyed. Copies may be found elsewhere in The National Archives.

House of Commons: Official Report – Parliamentary Debates (Hansard) Wednesday 15 June 1983. Published by HMSO

Signed J. Gray Date 17/3/2014

**PREM Records Team**



*Pam series.*



NORTHERN IRELAND OFFICE  
WHITEHALL  
LONDON SW1A 2AZ

Miss Nicky Roche  
Prime Ministers Office  
10 Downing Street  
LONDON  
SW1

28  
29 May 1985

*Dear Nicky*

On Wednesday 5 June we propose to lay before Parliament a Command Paper entitled Summary of Health and Personal Social Services Accounts for the year 1983/84.

As agreed recently, we will not supply you with proof copies of uncontroversial Command papers which list accounts in future.

I am copying this letter to Mr Hill in the Lord Privy Seals Office.

MRS J O SEAR  
Parliamentary Section



28 MAY 1966







10 DOWNING STREET

*From the Private Secretary*

28 May 1985

The Prime Minister has now seen the Lord Privy Seal's minute of 22 May about the release of documents to Select Committees. She has noted the steps which he and the Chief Whip are taking to find a way out of the current impasse with the Liaison Committee.

Timothy Flesher

David Morris, Esq.,  
Lord Privy Seal's Office.

8/1





## CABINET OFFICE

*From the Chancellor of the  
Duchy of Lancaster*

Lord Gowrie

MANAGEMENT AND PERSONNEL OFFICE  
Great George Street  
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The Rt Hon Viscount Whitelaw CH MC  
Lord President of the Council  
Privy Council Office  
Whitehall  
LONDON SW1

*N 28/5*

23 May 1985

*Dear Willie,*

### RESPONSE TO THE FOURTH REPORT FROM THE SELECT COMMITTEE ON THE PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION

The Fourth Report from the Select Committee on the Parliamentary Commissioner for Administration (PCA), Session 1983-84, recommends the extension of the PCA's jurisdiction (or in some cases the Commissioners for Local Administration's jurisdiction) to a number of non-Crown non-departmental public bodies (NDPBs) with executive or administrative functions. The list is at Annex A.

The PCA's present jurisdiction extends only to Crown bodies listed in Schedule 2 to the Parliamentary Commissioner Act 1967. These are mainly government departments but also include a handful of NPDBs which have Crown status. The Act applies only to Crown bodies; primary legislation would be needed to extend the PCA's jurisdiction to non-Crown bodies.

The definition of Crown status is extremely difficult in many cases. That in itself makes it, as the Select Committee's report points out, a flimsy basis for limiting the PCA's jurisdiction. But there is a more substantial consideration. Since the 1967 Act, when the line was drawn at 'Crown' bodies, the ombudsman system has been extended to the National Health Service and local government. NDPBs (and the nationalised industries, which as commercial trading bodies there are good grounds for excluding) now stand out as public organisations which are not covered by ombudsman arrangements. A number of NDPBs operate in ways (awarding grants, regulating activity)



which impact directly on individual citizens, small businesses and others and which are not dissimilar from central government functions. The Select Committee argues that people who have been wronged by administrative action should have all appropriate remedies open to them, and that in the case of wrongs committed by a publicly funded body whose functions might just as appropriately be those of central government, recourse to the PCA is as appropriate as when wrongs are committed by central government itself.

The Select Committee could point to little evidence of public concern at possible maladministration by NDPBs. I understand that since 1980 the PCA has received only about 20 complaints about NDPBs. But that cuts both ways: if there is little maladministration, we cannot plausibly argue that the burden on NDPBs of extension is an argument against extension. Officials' best assessment is that extension of PCA jurisdiction would have minimal manpower consequences for NDPBs.

I can see no defensible grounds of principle or of practicality for resisting extension of the PCA's jurisdiction to appropriate non-Crown NDPBs. A positive response to the Select Committee should be popular and give us political credit at very little cost. If colleagues agree, there is then the question of which NDPBs should be covered.

The Select Committee's approach would exclude nationalised industries (other than the Civil Aviation Authority), tribunals, and advisory and other bodies which do not have a significant direct impact on citizens. These exclusions are sensible and are to be welcomed. But the proposed exclusion of charities gives rise to inconsistencies in the treatment of bodies doing very similar things and I believe we should avoid such a hard and fast exclusion. We need to give thought also to the treatment of bodies funded by statutory levy; the Select Committee's approach to these was inconsistent. The statutory power to raise a levy places these bodies in a privileged position and in my view warrants extending to those with whom they deal similar protection to that which would apply if the bodies were publicly funded.

It is important that the criteria to be adopted in determining whether a particular body is subject to investigation by the PCA should be coherent and comprehensible. Otherwise we should



face difficulty in resisting attempts to add unsuitable bodies to the list. It is particularly important that we do not draw in voluntary bodies which may, from time to time, benefit significantly from public funds. Such criteria are not readily deducible from the Select Committee's list of bodies which they recommend should be covered, and indeed their list includes some odd choices. I suggest that coverage should extend to NDPBs which have executive or administrative functions which directly affect individual citizens (including private companies) and which would come within the PCA's jurisdiction if the bodies were government departments; and which colleagues have some degree of responsibility for, through control over their financing and continued existence as public bodies.

Finally, there is the question of the timing of legislation. It should be possible to proceed by way of a short Bill which should not make significant demands on the Parliamentary timetable and could be fitted in as time allowed. The timing of such a Bill would need to be considered in the normal way. But it may be worth noting that if it is too long delayed we might be pre-empted by a Private Member's Bill and lose the credit for a positive response to the Select Committee.

I am therefore seeking colleagues' agreement that:

- a. we should accept the principle of extension of the PCA's jurisdiction to appropriate non-Crown NDPBs, and indicate our readiness to introduce legislation in due course;
- b. we should put forward more satisfactory criteria for identifying bodies to be covered by such extension, together with our own list of existing bodies to be covered; and
- c. we should respond to the Select Committee's report in the terms of Annex B.

I am copying this to members of H, other Ministers in charge of departments, the Prime Minister and Sir Robert Armstrong. I should be grateful for replies by 7 June.

*Y  
Lms,  
T/MS  
2*

GOWRIE



ANNEX A

EXECUTIVE NON-DEPARTMENTAL PUBLIC BODIES WHICH THE PCA SELECT COMMITTEE SUGGESTED SHOULD BE BROUGHT WITHIN THE JURISDICTION OF AN OMBUDSMAN

**Ministry of Agriculture, Fisheries and Food**

Sea Fish Industry Authority  
Agricultural Wages Board for England and Wales  
Agricultural Wages Committees (England)

**Office of Arts and Libraries**

Arts Council of Great Britain  
British Film Institute  
Crafts Council  
Museum and Galleries Commission  
Registrar of Public Lending Right

**Department of Education and Science**

Central Bureau for Educational Visits and Exchanges  
Agricultural and Food Research Council  
British Museum (Natural History)  
Medical Research Council  
Natural Environment Research Council  
Science and Engineering Research Council  
Economic and Social Research Council

**Department of Employment**

Community Industry  
Remploy  
Wages Councils

**Department of the Environment**

British Board of Agrément  
Commission for New Towns/New Town Development Corporations  
Countryside Commission  
Council for Small Industries in Rural Areas  
Development Commission  
Housing Corporation  
London Docklands Development Corporation  
Merseyside Development Corporation  
National Heritage Memorial Fund  
Nature Conservancy Council  
Historic Buildings and Monuments Commission  
Sports Council



**Department of Health and Social Security**

Attendance Allowance Board  
Occupational Pensions Board

**Home Office**

Criminal Injuries Compensation Board

**Scottish Office**

Edinburgh New Town Conservation Committee  
Countryside Commission for Scotland  
Highlands and Islands Development Board  
New Town Development Corporations  
Scottish Development Agency  
Scottish Special Housing Association  
Scottish Sports Council  
Scottish Tourist Board  
Crofters Commission  
Red Deer Commission  
Scottish Agricultural Wages Board

**Department of Trade and Industry**

British Technology Group  
English Tourist Board  
Post Office Users Consumer Council  
Post Office Users Councils of Scotland and Wales  
Monopolies and Mergers Commission

**Department of Transport**

Civil Aviation Authority

**Welsh Office**

Cymbran Development Corporation  
Development Board for Rural Wales  
Sports Council for Wales  
Wales Tourist Board  
Welsh Development Agency  
Welsh Agricultural Wages Commission

(WP:ombuds)



DRAFT

FOURTH REPORT FROM THE SELECT COMMITTEE ON THE  
PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION

SESSION 1983-84

Observations by the Government

Introductory

1. This White Paper contains the Government's response to the observations and recommendations made in the Select Committee's Fourth Report for Session 1983-84 (HC 619).

Extension of PCA's Jurisdiction

2. A note on the existing jurisdiction and method of operation of the Parliamentary Commissioner for Administration (PCA) is at Appendix A. The Select Committee recommended that the jurisdiction of the PCA (or in some cases the Commissioners for Local Administration) should be extended to certain executive non-departmental public bodies listed in the Appendix to their report. The Select Committee excluded from their list advisory bodies, where Ministers are responsible for the use they make of advice, and tribunals, which are subject to the scrutiny of the Council on Tribunals. They also excluded professional bodies, or those whose function is to disseminate knowledge in a particular field, and various promotion examination boards.

3. The Government has considered carefully the Select Committee's recommendation. The Select Committee has put forward no evidence of any significant maladministration by any of the bodies recommended for inclusion in the PCA's jurisdiction. Nevertheless the Government agrees that there is a case in principle for extending the PCA's jurisdiction to the actions of certain non-departmental public bodies. Potential for maladministration is not confined to Crown bodies and a number of non-departmental public bodies have functions whose impact on citizens is as significant as that of government



departments. It is right that appropriate protection should be available in respect of the actions or inaction of such bodies. The Government agrees with the exclusions proposed by the Select Committee referred to in paragraph 2 above and considers that PCA jurisdiction should be extended to non-departmental public bodies which:

- a. have executive or administrative functions which directly affect individual citizens or groups of citizens (including companies) and which would be within the PCA's jurisdiction if carried out by a government department; and
- b. are subject to some degree of ultimate ministerial accountability to Parliament, in that they are dependent for their financing and continued existence on Government policy (even if legislation would be needed to abolish them).

4. As the Select Committee has recognised, the functions of non-departmental public bodies vary significantly. Extension of PCA jurisdiction needs to take account of this diversity. The Government considers that it would be inappropriate to bring within the PCA's jurisdiction bodies whose direct impact on individuals is insignificant.

#### Charities

5. The Select Committee proposed to exclude non-departmental public bodies which are charities, on the grounds that these are subject to the authority of the Charity Commissioners. The Government has some sympathy with this view but considers that a hard and fast exclusion might give rise to anomalies, in that one body which had charitable status would be excluded while a very similar body which did not have such status would be included in PCA jurisdiction. Moreover, the Charity Commissioners' remit does not extend to Scotland. The Government has therefore concluded that charities should be considered for inclusion within PCA Jurisdiction on the same basis as other NDPBs.



### Levy Funded Bodies

6. The Select Committee discussed the position of levy funded non-departmental public bodies, and expressed the hope that when these were set up in future they would be brought within PCA jurisdiction. The Government considers that it would be inconsistent to distinguish between existing and future levy-funded bodies. It proposes, therefore, to bring within PCA Jurisdiction both existing and new bodies funded by statutory levy when they satisfy the criteria in paragraph 3.

### Nationalised Industries

7. The Select Committee left the nationalised industries out of their deliberations and made no recommendations save with respect to the Civil Aviation Authority. The Government considers that nationalised industries should be subject to commercial disciplines appropriate to trading organisations. They are in no sense a part of the administrative apparatus of government. In a number of cases there are also consumer councils specifically to represent the interests of consumers. Accordingly the Government does not consider that nationalised industries should be brought within PCA jurisdiction.

### NDPBs with Commercial Functions

8. The Select Committee noted that a number of non-departmental public bodies operate in a commercial or contractual manner, but suggested that complaints relating other than to the ultimate commercial decisions of such bodies might be subject to PCA examination. The Select Committee appears to have under-estimated the extent to which the procedures operated by such bodies as well as the decisions they reach are a response to commercial considerations. Several public bodies have been set up to operate at arm's length from government in order to enable them to operate in an entrepreneurial way. Their activities are more analagous to those of nationalised industries than to those of government departments. The Government considers that NDPBs whose functions



are exclusively or predominantly commercial in character should not be brought within PCA jurisdiction.

#### Extension of Jurisdiction

9. The Government proposes to introduce legislation in due course to amend the Parliamentary Commissioner Act 1967 to allow the PCA to investigate actions which are not taken on behalf of the Crown, so as to allow the bodies listed in Appendix B to this White Paper to be added to Schedule 2 of the Act. Appendix B excludes certain bodies which were included in the Appendix to the Select Committee's report. The reasons for their exclusion are set out in Appendix C.

10. The Select Committee has proposed that all the functions of the Commission for the New Towns, New Town Development Corporations and Urban Development Corporations should be brought within the purview of the Commissioners for Local Administration (CLAs). The Government agrees that the functions of these bodies should come within the purview of an "ombudsman". But, in view of the responsibility of Ministers for their policies and funding, it would be more appropriate for the PCA to assume general jurisdiction. Two exceptions to this principle have however already been announced. Firstly, the housing functions of new town bodies will come within the jurisdiction of the CLAs, so achieving consistency with the ultimate position when those functions will become the responsibility of district councils. Secondly, the development control functions of the Urban Development Corporations will be within the purview of the CLAs since they correspond closely to local government functions. The resulting split jurisdiction between the PCA and CLAs should not present problems but the government undertakes to consult all the Commissioners before finalising the arrangements.

#### Enforcement of PCA Judgements

11. The Government has noted and accepts the Select Committee's view in paragraph 16 of their report that there is no need for Ministerial powers to order bodies whose day to day actions are not subject to Ministerial control to comply with PCA Judgements. The Select



Committee recognises that dismissal of a body's Chairman as a means of securing compliance with PCA judgements would be a sledgehammer but suggests that financial sanctions might be applied. While the Government considers withholding of funds is not to be undertaken lightly, it believes that the authority of the PCA should prove sufficient to secure an appropriate remedy.

#### Referral of Complaints

12. The Government has noted and accepts the Select Committee's view in paragraph 18 of its report that the method of referral to the PCA of complaints against non-departmental public bodies should be the usual one.



## THE ROLE OF THE PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION (PCA)

The Parliamentary Commissioner for Administration investigates complaints referred to him by Members of Parliament from members of the public who claim to have suffered injustice as a result of 'maladministration' by central government departments and certain other authorities. Separate "ombudsman" arrangements apply to the National Health Service and to local authorities.

What constitutes maladministration is not defined in the legislation governing PCA's activity (the Parliamentary Commissioner Act 1967). Before pursuing a complaint PCA will satisfy himself that it relates to a body and area of activity which is within his jurisdiction, that there is some evidence from which it may reasonably be inferred that there has been administrative fault, that there is an apparent link between the alleged maladministration and the personal injustice that the complainant claims to have suffered, and that there is some prospect of his intervention leading to a worthwhile remedy for the complainant or some benefit to the public at large. Examples of maladministration which may give rise to injustice are undue delay in dealing with a case, failure to follow prescribed procedures or a misapplication of rules.

With certain exceptions, PCA may investigate any action taken in the exercise of a department's administrative functions. He may not question the merits of discretionary decisions taken without maladministration. Nor may he conduct investigations into matters where legal remedies exist, unless in the circumstances of a particular case he considers it unreasonable to expect the complainant to resort to such remedies. The 1967 Act gives PCA ultimate discretion to initiate, continue or discontinue an investigation.

Certain areas of administrative activity, listed in Schedule 3 to the Parliamentary Commissioner Act 1967, are at present outside PCA's jurisdiction. Some of these relate to the conduct of foreign affairs. Other significant exclusions include:

- a. civil and criminal proceedings;
- b. "personnel" matters; and



- c. matters relating to contractual or other commercial transactions (other than those concerning the compulsory acquisition of land or the disposal of land acquired compulsorily.)

The bodies subject to investigation by the PCA are listed in Schedule 2 to the Parliamentary Commissioner Act 1967. This at present extends only to central government departments and a few other authorities whose functions are exercised on behalf of the Crown. Most non-departmental public bodies are thus excluded from PCA's jurisdiction.



NON-DEPARTMENTAL PUBLIC BODIES  
TO WHICH IT IS PROPOSED TO EXTEND PCA JURISDICTION

Ministry of Agriculture, Fisheries and Food

Agricultural Training Board  
Agricultural Wages Committees (England)

Office of Arts and Libraries

Arts Council of Great Britain  
British Film Institute  
British Library  
Crafts Council  
Museums and Galleries Commission  
Registrar of Public Lending Right

Department of Education and Science

Central Bureau for Educational Visits and Exchanges  
Agricultural and Food Research Council  
Economic and Social Research Council  
Medical Research Council  
Natural Environment Research Council  
Science and Engineering Research Council

Department of Employment

Industrial Training Boards

Department of the Environment

Countryside Commission  
Council for Small Industries in Rural Areas  
Development Commission  
Historic Buildings and Monuments Commission  
Housing Corporation  
New Town Development Corporations  
Commission for the New Towns  
London Docklands Development Corporation  
Merseyside Development Corporation  
National Heritage Memorial Fund  
Nature Conservancy Council  
Sports Council

Foreign and Commonwealth Office

British Council  
Institute of Development Studies



Department of Health and Social Security

Central Council for Education and Training in Social Work  
Medical Practices Committee

Home Office

Commission for Racial Equality  
Equal Opportunities Commission  
Police Complaints Authority

Northern Ireland Office

Police Complaints Board for Northern Ireland.

Scottish Office

Countryside Commission for Scotland  
Crofters Commission  
Edinburgh New Town Conservation Committee  
Highlands and Islands Development Board  
New Town Development Corporations  
Red Deer Commission  
Scottish Medical Practices Committee  
Scottish Special Housing Association  
Scottish Sports Council  
Scottish Tourist Board

Department of Trade and Industry

Co-operative Development Agency  
English Tourist Board

Department of Transport

General Lighthouse Authorities

Welsh Office

Agricultural Wages Committees  
Cwmbran Development Corporation  
Development Board for Rural Wales  
Sports Council for Wales  
Wales Tourist Board



NON-DEPARTMENTAL PUBLIC BODIES LISTED BY THE SELECT COMMITTEE WHICH  
ARE EXCLUDED FROM APPENDIX B

Sea Fish Industry Authority

In awarding grants the Authority is acting on behalf of Ministers responsible for fisheries in the exercise of their administrative functions. In the Government's views these functions are, by virtue of section 5 of the Parliamentary Commissioner Act, already within the jurisdiction of the PCA. Specifically to extend PCA jurisdiction to the Authority itself is therefore unnecessary.

Community Industry

CI is a voluntary body with which the Department of Employment has a contractual arrangement to provide work experience for disadvantaged young people. CI's relationships with citizens are exclusively contractual or personnel ones and so outside PCA Jurisdiction.

Remploy

Remploy is a trading company with no executive or administrative functions other than contractual and personnel relationships.

Wages Councils

Agricultural Wages Board for England and Wales

Scottish Agricultural Wages Board

These bodies decide on minimum wages and other terms and conditions of employment. The bodies' decisions are in their nature discretionary. Such potential for maladministration as exists relates to the administrative and executive functions of the staff who support them. These staff are civil servants employed by the Department of Employment, MAFF and the Scottish Office and as such are already subject to PCA jurisdiction.



### British Board of Agreement

The Board's relationship with manufacturers whose products it assesses at their request, with a view to award of an agreement certificate, is a contractual one and so outside PCA jurisdiction.

### Attendance Allowance Board

The Board exercises the quasi-judicial function of deciding the medical conditions for receipt of attendance allowance. The Board has no administrative functions, these being exercised by DHSS staff and so already within PCA jurisdiction.

### Occupational Pensions Board

The Board exercises a quasi-judicial function in determining whether occupational pension schemes may be certified as "contracted-out". In conducting formal hearings of appeals against these determinations it is subject to the oversight of the Council on Tribunals.

### Criminal Injuries Compensation Board

The Board is a quasi-judicial tribunal. Consideration is being given to putting the Scheme administered by the Board on a statutory basis and subjecting the Board to the supervision of the Council of Tribunals.

### British Technology Group

#### Scottish Development Agency

#### Welsh Development Agency

The components of the BTG, the National Enterprise Board and the National Research and Development Corporation, operate exclusively commercially, exercising discretionary judgements. The Agencies perform a range of functions concerning economic development and environmental improvement; they pursue these functions by means of an integrated entrepreneurial approach, promoting and responding to commercial opportunities on the basis of discretionary judgments, operating wherever possible in partnership with the private sector. These bodies' procedures are responsive to commercial considerations



and it would inhibit their effectiveness to subject them to standards of administrative procedure appropriate to government departments or other regulatory agencies.

#### Civil Aviation Authority

The CAA is a nationalised industry. Its air navigation and air traffic control services are trading activities run on nationalised industry lines and in relation to these activities the CAA should be treated on the same basis as other nationalised industries. In addition the CAA does have regulatory activities but these are subject to scrutiny by the Council on Tribunals.

#### Post Office Users Consumer Council

#### Post Office Users Councils of Scotland and Wales

The functions of these bodies are similar to those of other nationalised industry consumer councils excluded from the Select Committee's list. They have no executive or administrative functions which directly affect citizens.

#### Monopolies and Mergers Commission

The MMC's function is to advise Ministers on matters within its terms of reference. It has no executive or administrative functions. Its findings are published in full and open to judicial review.



28-50

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Prime Minister



MO

The House Committee has rejected the Lord Privy Seal proposals for ensuring that documents are released only with the authority of Departmental Ministers.

This minute records the steps now being taken by the LPS to find a way out of the impasse.

PRIME MINISTER

RELEASE OF DOCUMENTS TO SELECT COMMITTEES

17  
22/5

In my minute to you of 31 October 1984, I reported the outcome of consultations with colleagues regarding the remit to me from Cabinet on 19 July [CC(84) 27th Conclusions Item 1] to review the rules and conditions governing the production of documents of Government Departments and their associated public bodies to Departmental Select Committees. Essentially, the Standing Orders of the House give Select Committees a procedurally unconditioned right to send for persons, papers and records. The exercise of this power has, however, always been tempered by certain conventions, particularly with regard to the types of information not normally disclosed to Select Committees. With regard to potential conflicts over requests for disclosure, Francis Pym gave a pledge as Leader of the House in January 1981 that he would provide time for the House of Commons to express a view where there was "widespread general concern in the House regarding an alleged Ministerial refusal to disclose information to a Select Committee".

The review followed a dispute with the Select Committee on Trade and Industry over their request for the disclosure of the British Shipbuilders' Corporate Plan. Arising from that experience, the general view of colleagues was that our aim in future should be to get working documents of nationalised industries, and other associated public bodies, constituting "advice to Ministers", treated in the same way as Departmental documents in the same category. The agreement of the appropriate Minister would therefore be required before any such documents were disclosed. You indicated on 1 November your general agreement with this approach.

./...



As proposed, I have since had several meetings with Terence Higgins, as Chairman of the Liaison Committee of Select Committee Chairmen, with a view to seeing how far an agreement could be reached on these lines, and whether the Committee would be prepared to use its influence with individual Select Committees accordingly.

The three proposals we have been discussing are set out in detail in my letter of 11 February (copy attached). The first is aimed at dissuading Select Committees from obtaining via a nationalised industry, or other 'associated body', a Departmental document which the Minister does not consider should be disclosed. The second is a minor point confirming that requests for documents will be dealt with in the same way by all Departments, whether or not they are headed by a Secretary of State. The third is the main proposal, seeking agreement that any request by a Departmental Select Committee for the disclosure of a document in the possession of a Nationalised Industry or other 'associated public body', and constituting 'advice to Ministers', should, in the first instance be addressed to the Departmental Minister concerned. This, if accepted, would have ensured that requests from Select Committees for the disclosure of 'advice to Ministers' were judged on the same criteria, whether the document concerned was in the possession of a Government Department or of a Nationalised Industry.

The Liaison Committee (see Terence Higgins' attached reply of 9 May) have agreed the second, and least important point in my letter, but have flatly rejected the other two. In the light of this unpromising reply, and the earlier discussion, I do not think there is any realistic prospect of the Committee changing its mind. It would therefore seem that our objective can only be met either by a change in Standing Orders, if this could be achieved, or, by instructing Chairmen of Nationalised Industries, when necessary, not to disclose particular documents and being prepared to take individual cases to the Floor if the Committees press the issue. I consider both of these alternatives to be fraught with difficulties.

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### NEXT STEPS

The Liaison Committee will be publishing shortly a further report on the work of Select Committees. This may provide an opportunity to take stock of our relations with Select Committees more generally, and to consider how best to proceed. One possibility might be to refer to the Procedure Committee, under Peter Emery's chairmanship, a number of matters relating to Select Committees, which could cover this question of the disclosure by Nationalised Industries of 'advice to Ministers'; as well as the procedure for appointing the membership of the Departmental Select Committees, which has also been causing problems. In this context, therefore, I have agreed with the Chief Whip that he should take soundings amongst the Conservative Committee Chairmen and senior backbenchers to see if we can find a way forward. I will minute you again in the light of developments.

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

W J B

JOHN BIFFEN

22 May 1985





PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

11 February 1985

*Dear Terence,*

1. Following our discussion about the disclosure of documents to Select Committees I promised to let you have a note of how I saw the problems which we then discussed.
2. The first of the Government's proposals concerns the situation which could arise in the case of a Departmental document which is held in the possession both of a Government Department and also of a nationalised industry, or other 'associated body'. It is the Government's view, which I hope the Liaison Committee would share, that in these circumstances it should be for the Minister in charge of the Department concerned to decide whether or not the document should be disclosed to the Select Committee. It would not be appropriate for the Chairman or other official of the nationalised industry, or other 'associated body', to be asked by the Select Committee for a copy of the same document. The second and very minor issue concerns the slightly different powers of a Select Committee to call for papers in the case of a document in the possession of a Department headed by a Secretary of State and one in the possession of a Department headed by other Ministers. It might be helpful to confirm that the Government does not intend to take any advantage of the more rigorous procedures for documents held by Departments headed by a Secretary of State when questions of disclosure may arise.
3. The third point relates to the question of the disclosure of documents in the possession of a nationalised industry or other 'associated body' which are held to constitute "advice to Ministers".
4. As I see it, the position is as follows:
  - (i) The terms of reference of the Departmental Select Committees provide that they shall examine the "expenditure, administration and policy" of the principal Government Departments and their 'associated public bodies'.
  - (ii) For this purpose these Committees have the traditional power to "send for persons, papers and records" (PPR).

Rt Hon Terence Higgins MP  
House of Commons



(iii) These powers are unqualified in Standing Orders. In principle, however, the House has acknowledged certain limitations on their exercise. In particular, evidence is not normally given to Select Committees in the case of certain specific kinds of information: for example, information on matters which are the subject of sensitive negotiations with other Governments or other bodies, or details of legislative proposals that have not yet been divulged to the House.

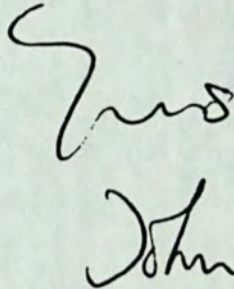
(iv) Besides these specific categories, however, Ministers also have a general responsibility to consider, as necessary, whether, in a particular case, the disclosure of other official information or documents would be in the public interest. In this respect the House has recognised, for example, that normal Departmental practice is not to disclose documents that are regarded as "advice to Ministers".

5. In the Government's reply to the First Report of the Liaison Committee (Session 1982-83) on the Select Committee system it is recognised that the exercise of Ministerial judgement in these cases may give rise to differences of opinion between Ministers and Select Committees. If such differences cannot be otherwise resolved, and there is evidence of widespread general concern in the House, a Government undertaking has been given to seek to provide time for a debate on the Floor of the House.
6. A Select Committee's powers in relation to papers in the custody of a nationalised industry or other "associated public bodies" differ from that in the case of papers held in the custody of a Government Department, since, in the former case, the PPR powers of a Select Committee are more direct. But the Government take the view that the criteria for considering whether to withhold the disclosure of a document constituting "advice to Ministers" is in the public interest, are in practice often similar, whether the document is held by a nationalised industry or by a Government Department. The Government are also concerned that the public disclosure of such 'advice' in the case of documents held by the nationalised industries might in certain instances prejudice their effective management.
7. In this connection the Clerk of the House suggested in paragraph 41 of his memorandum of evidence to the 1977-78 Committee that, in exercising their powers of PPR, "there may well be cases where a Select Committee would consider it more appropriate to address themselves to the Minister, who is accessible on the Floor of the House, rather than the officer (of the nationalised industry) concerned".
8. What the Government is asking you and the Liaison Committee to consider, therefore, is for Select Committees to follow the Clerk's suggestion in the case of nationalised industry documents that might be regarded as "advice to Ministers".
9. In this way requests for the disclosure to Select Committees of documents of a similar kind could from the outset be considered at what Ministers



10. regard as the proper point i.e. by the Minister concerned. I fully realise that "advice to Ministers" lacks definition. I doubt whether, in this context, this can be avoided.
11. I do, however, give the assurance that the scope of this suggestion is not meant to cover simply factual information; and that any decision to withhold disclosure on these grounds would be taken at Ministerial level. I also recognise that circumstances could arise where it would only be possible to resolve differences between a Minister and a Select Committee over the disclosure of documents on the Floor of the House.

I should be grateful to know whether the Liaison Committee felt able to support the three suggestions outlined in this letter. On the third, that relating to nationalised industry documents, we should of course need to consult the nationalised industry Chairmen before any change of practice were introduced.

A handwritten signature in cursive script, appearing to read "John Biffen".

JOHN BIFFEN



From: Rt Hon Terence Higgins MP



1  
MOC

13.5

HOUSE OF COMMONS  
LONDON SW1A 0AA

9th May 1985

*Dear John,*

The Liaison Committee has now considered your letter regarding the rights of select committees to send for documents from nationalised industries.

As far as your second point is concerned, the Liaison Committee agrees that with the passage of time the distinction between Departments headed by a Secretary of State and those headed by a Minister should no longer affect the working of the committees and they are grateful for your confirmation that the Government does not intend to take any advantage of the more rigorous procedure for documents held by a Secretary of State when questions of disclosure may arise.

They are not however prepared to accept your first suggestion that the Minister in charge of the Department concerned should decide whether or not a document in the possession of both the Government and a nationalised industry or other "associated body" should be disclosed to a select committee. The Liaison Committee are strongly of the view that both the original Nationalised Industries Committee and the present departmentally related committees concerned with nationalised industries have exercised their powers reasonably. They consider that if a nationalised industry is in possession of a document it will be related to its operations, and therefore if a relevant select committee wishes to see it in the course of carrying out their responsibilities to Parliament they have the right to do so, without ministerial agreement.

The Liaison Committee is also strongly opposed to your third suggestion that "advice to ministers" from nationalised industries or other "associated bodies" should only be released to a select committee if the minister concerned agrees. The Liaison Committee agrees with you about the difficulty of defining "advice to ministers" but considers that a

.../2



situation in which the minister himself decides what is and is not within the scope of this expression, and then could withhold such information, would be a wholly unacceptable limitation of the traditional rights of select committees and their ability to fulfill their duties to Parliament.

*As ever.*

*Richard*

**CHAIRMAN**  
**Liaison Committee**

**Rt Hon John Biffen MP**  
**Lord Privy Seal and Leader of the House of Commons**  
**House of Commons**  
**London**  
**SW1**



Parliament: Hoc Procedure Pt 6

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11 MAY 1987





Treasury Chambers, Parliament Street, SW1P 3AG

01-233 4749

Tim Flesher Esq  
10 Downing Street  
LONDON  
SW1

9 May 1985

*Miss Roche*

*Told HMT  
OK  
NR 10/5*

*Dear Jim,*

**TREASURY MINUTE REPLYING TO THE 6TH AND 7TH REPORTS OF THE PUBLIC ACCOUNTS COMMITTEE, 1984-85**

The Treasury wishes to publish as a Command Paper a Treasury Minute in response to the Public Accounts Committee's 6th and 7th Reports, 1984-85.

2. The text replying to this PAC report has been agreed by the Treasury and departments to whom the PAC's remarks were addressed. The Financial Secretary has approved the Government's reply being presented in his name as is customary.

3. The PAC's 6th Report dealt with the introduction of the Government's housing benefits scheme. It mostly listed the difficulties encountered by DHSS and local authorities in establishing the scheme. The reply acknowledges the transitional difficulties which have now largely been overcome. The reply also refers to the report of the review team (under Mr Jeremy Rowe) which is currently under consideration as part of the social security review. However, both we and DHSS consider the Government reply to the PAC need not be delayed on that account.

4. The Committee's 7th Report is the annual formal one listing Excess Votes. It requires no more from the Government than the traditional "take note".

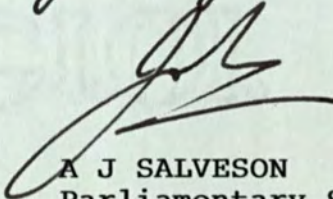
5. The Treasury's plans for publishing replies to outstanding PAC reports are complicated by uncertainties over the date of the annual PAC debate. Meantime, the Committee has asked us to reply to its reports as quickly as possible so the Committee can take account of them when the debate is held.



6. We believe we can meet the Committee's wishes in respect of its 6th/7th Reports. Therefore, we propose publication at 3.30pm on Wednesday 22 May. As usual, we should provide pre-publication (ie. CFR) copies prior to publication, including laying the Command Paper before both Houses of Parliament on the previous day (ie. 3.30pm on Tuesday 21 May). Treasury Information Division would supply copies to the Lobby on the usual arrangements. We shall also release copies to DHSS, to PAC members, and to the National Audit Office on 21 May.

7. May we, therefore, have your agreement to these arrangements? The precise reply to the PAC is not controversial or even news-worthy in itself. However, we recognise some of the subject matter could inevitably inspire other questions about the general review of social security.

8. I am sending copies of this letter and enclosure to Murdo Maclean and David Morris.

*Yours aye*  


A J SALVESON  
Parliamentary Section



CONQUEROR

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10 MAY 1985

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*file on Select Committee's please* *DUST*

JOURNAL OFFICE  
HOUSE OF COMMONS  
LONDON S.W.1

Telephone: 01-219 3000 (Switchboard)

01-219 3319 (Direct Line)

8th May 1985

Select Committee on Procedure

The Second Report of the Select Committee on Procedure for the current session - 'Public Bill Procedure' - will be published at 11 am. on Thursday 16th May. This follows an inquiry during which the Committee has in particular considered the use of Special Standing Committees, and arrangements for the allocation of time on Government bills.

Copies of the Report (to be printed as House of Commons Paper No. 49-I\*) will be made available in Confidential Final Revise (CFR) form at 11 am. on Wednesday 15th May to witnesses and representatives of the press on the strict understanding that no public use is made of them before the time of publication.

A CFR copy will be available on production of this note in the Committee Office, House of Commons, after 11 am. on Wednesday 15th.

George Cubie  
Clerk to the Committee

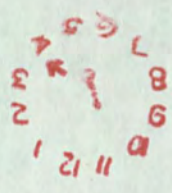
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\* The Evidence and Appendices will be published in a separate volume (HC 49-II) on Thursday 16th May.



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24 April 1985

PARLIAMENTARY TIME FOR OPPOSITION PARTIES

This is just to record that the Prime Minister was content with the Lord Privy Seal's proposals on Parliamentary time for Opposition parties set out in his minute of 22 April.

Timothy Flesher

David Morris, Esq.,  
Lord Privy Seal's Office.

dg





1  
Prime Minister

This deal looks  
both acceptable to the  
Government and equitable  
in Parliamentary terms.

PRIME MINISTER

Yes no

Agree to Mr Biffen's  
proposal?

PARLIAMENTARY TIME FOR OPPOSITION PARTIES

✓ 23/4

1. Colleagues will be aware that the Liberal and Social Democratic Parties have since the last election made frequent complaints that the amount of time they command on the Floor of the House does not reflect the extent of their support in the country. Their discontent has centred on the fact that they can choose a subject for debate only when the Labour Party are prepared to make an Opposition Day, or half-day, available: and argue that they should have a formal right to a certain amount of time in each session.

2. At the beginning of this session it became clear that Alliance Members were prepared to use procedural devices to impede the normal progress of Commons business, as a way of drawing attention to their grievance. Any prolonged use of such tactics would have seriously complicated the management of the business of the House. In addition it could have placed the Government in a bad light: those outside Parliament might find it difficult to understand why the smaller parties should be forced to depend on the goodwill of the Labour Opposition. Accordingly, when winding up the debate on the Loyal Address I indicated (O.R. 13 November 1984, Col 619-620) that discussions would take place through the usual channels to see whether a satisfactory solution could be found.

3. Those discussions are now complete. The Labour and Alliance Parties are prepared to accept a proposal that 3 Opposition Days should be offered to the Leader of the second largest Opposition Party in the House, who will dispose of them in consultation with the other minority Parties. The Ulster Unionist Party would wish to be excluded from these arrangements and would continue to negotiate with the Official Opposition for debating time. The Government would increase the number of allotted Opposition Days from 19 to 20.



4. The Chief Whip and I believe that this is a favourable outcome for the Government, providing as it does a measure of insurance against continued disruption at the price of only one additional day of Parliamentary time: while the number of days at the disposal of the Labour Party will be reduced from 19 to 17. I therefore propose to introduce in the near future a Resolution amending the relevant Standing Order to give effect to this agreement.

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

W. J. B.

W J B

22 April 1985



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R G L

M.T.B.

COMPTON





DEPARTMENT OF TRADE AND INDUSTRY  
1-19 VICTORIA STREET  
LONDON SW1H 0ET

Telephone (Direct dialling) 01-215) **3781**  
GTN 215)  
(Switchboard) 215 7877

*From the Parliamentary  
Under Secretary of State  
for Industry*

Rt Hon Peter Rees QC MP  
Chief Secretary to the Treasury  
Treasury Chambers  
Parliament Street  
LONDON SW1P 3AG

*NBPM*

*16* April 1985

*Dear Peter,*

**TRADE AND INDUSTRY COMMITTEE REPORT:  
'WEALTH OF WASTE'**

Thank you for your letter of ~~26~~ March about the financial implications of the Government's response to this Report.

I am indeed mindful that the cost of implementation has to be contained within existing public expenditure programmes.

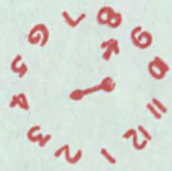
Copies of this letter go to the recipients of yours.

*Yours ever*  
*David*

DAVID TRIPPIER



PARLIAMENT; Procedure: Act 6.



17 APR 1985





*W B M*

Treasury Chambers, Parliament Street, SW1P 3AG

David Trippier Esq MP  
Parliamentary Under Secretary of State  
Department of Trade and Industry  
1 Victoria Street  
LONDON  
SW1

26 March 1985

*Dear Minister*

**TRADE AND INDUSTRY COMMITTEE REPORT: 'WEALTH OF WASTE'**

You copied to me your minute and enclosure of 20 March to the Prime Minister.

I am content with the terms of the Government response. I hope that where the Report's recommendations are still under consideration it will be kept firmly in mind that the cost of any proposals which do finally emerge will have to be contained within existing public expenditure programmes.

Copies of this letter go to the Prime Minister, William Waldegrave, David Hunt, and to Sir Robert Armstrong.

*Yours sincerely*

*Peter Rees*

**PETER REES**

*[Approved by the Chief Secretary]*



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27 MAR 1995



PRIME MINISTER

Select Committee Report on "The Wealth of Waste"

David Trippier's minute seeks your approval for the draft Government response (Flag A) to this Trade and Industry Select Committee Report. The draft response sets out each of the specific recommendations in the Committee's Report.

Mr. Trippier's draft response rejects the Committee's proposal for a single Minister with responsibility for Waste, and suggests instead that he should take on a coordinating role for dealing with these issues, while individual Ministerial responsibilities remain unchanged. Sir Robert Armstrong is content with this.

On the remaining nine recommendations, the draft adopts a low key response, sympathising with the Committee's concern, but noting that the market mechanism - undistorted by special tax reliefs - is the best approach to use. The draft response also sets on one side those proposals which sought extra Government expenditure. The Policy Unit think the response is rather mealy-mouthed, but they do not disagree it. (Flag C).

The Government reply to the Report should be submitted as early as possible next week. Content that it should go as drafted?

Man Adair

22 March, 1985.



MR ADDISON22 March 1985THE WEALTH OF WASTE

There is no virtue endeavouring to reclaim more waste than is economically viable, or in changing the situation through grants or tax concessions so as to distort the true economics. Any proposal that requires Government money to support uneconomic waste recycling projects, is throwing good money after bad, and should be scotched (eg proposal 3).

David Trippier's anodyne response to the Select Committee Report is sensible, but failed to address this matter squarely.

*Peter Warry*  
PETER WARRY

*Hartley Booth*  
HARTLEY BOOTH





JF7858

rec'd 25/3

PRIME MINISTER

TRADE AND INDUSTRY COMMITTEE REPORT ON "THE WEALTH OF WASTE"

This Select Committee Report, published on 19 December last, contains ten recommendations. The first is that a single Minister should be given overall responsibility across Departments for recycling policy and should be empowered to take decisions involving economic, environmental and energy issues. This calls for a change in Ministerial responsibilities. I am writing to seek your approval for the Government's response to this recommendation in particular.

2 Following the advice of officials, including those in the Cabinet Office, I have agreed with William Waldegrave and David Hunt that a single Minister with overall responsibility, as recommended by the committee, is not the appropriate answer. Each Department's current involvement in the recycling of waste stems from its wider responsibilities and is integral with them. However, we believe there is scope for improved co-ordination and direction of Government policies in this increasingly important area. The Committee's Report has focussed attention on the need for the Government to demonstrate that its policies on waste





recycling will be better co-ordinated and directed in the future. We therefore recommend tht you designate a DTI Minister as having special co-ordinating responsibility for waste recycling issues and that I should assume the role.

3 The intention is that I would not have decision-making powers in areas which are properly the responsibility of other Ministers, but I would have a particular responsibility for identifying any inconsistencies or omissions in Government policy. Such inconsistencies would then be dealt with through the normal inter-Departmental processes. I would also have responsibility for handling Parliamentary debates and Questions on general recycling matters which extend beyond the responsibilities of individual Ministers.

... 4 I attach a copy of our proposed Government response to the Select Committee Report as a whole. You will see that for the other nine recommendations, we have adopted a modest or low key response in line with current Government policies.

5 The deadline for the reply was officially 19 March but we have been given a few days grace until the end of this week.





6 I am copying this letter to Peter Rees, William  
Waldegrave, David Hunt, and Sir Robert Armstrong.

A handwritten signature in dark ink, appearing to be 'D.T.' with a stylized flourish underneath.

D T

March 1985

Encl

Department of Trade and Industry





**TRADE AND INDUSTRY COMMITTEE : REPORT ON 'THE WEALTH OF WASTE'**

Memorandum by the Department of Trade and Industry

1. In their Fourth Report, published on 19 December 1984, the Select Committee made ten recommendations, all of them addressed to the Government in whole or in part.

2. The Government welcomes the report of the Committee as an important contribution to the determination of public policies in a field of increasing economic and environmental interest. It believes that the report will in itself stimulate reappraisal of policies and practices whenever decisions have to be taken on recycling possibilities, including recycling in the form of energy. The Government's broad approach, as set out in its original memorandum to the Committee, is to favour recycling where this makes economic and commercial sense. The assessment of this is, of course, influenced by the impact of environmental policies. In addition, a constructive view needs to be taken of what may prove, in the long term, to be economic options following appropriate research and development. The Government adopts this view in determining its own research and development programmes in this field and looks to industry and other public authorities to do the same.

3. The following, in the light of this broad approach, are the Government's comments on the Committee's specific recommendations:-

**Recommendation 1:** A Minister should be given overall responsibility across departments for recycling policy, and empowered to take decisions which in this area inevitably involve economic, environmental and also energy issues.

Responsibility for waste recycling policy is at present divided between the Departments of Trade and Industry (DTI), Environment (DOE) and Energy (DEn). Each Department's involvement stems from its wider responsibilities (DTI's industrial sponsorship, DOE's local government and environmental protection responsibilities, and DEn's overall energy role) and is integral with them. A transfer to a single Minister of responsibility for all aspects of recycling policy is not, therefore, considered appropriate.

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Nevertheless, the Government recognises the importance of reclamation and recycling of waste and the need for proper coordination and direction of its policies in this area. The Parliamentary Under Secretary of State in the Department of Trade and Industry will therefore have a special coordinating responsibility for waste recycling issues. He will not have decision making powers in areas which are properly the responsibility of other Ministers but he will have a particular responsibility for identifying any inconsistencies or omissions in Government policy, which would then be dealt with through the normal inter-departmental processes, and for handling Parliamentary debates and Questions on general recycling matters which extend beyond the responsibilities of individual Ministers.

**Recommendation 2:** The Government should give the UK Reclamation Council the necessary financial support to publicise and promote recycling schemes.

The Government is very willing to discuss with the United Kingdom Reclamation Council specific recycling schemes which, in the Council's opinion, need publicity and promotion. In view of the current constraints on public expenditure, however, the Government cannot guarantee to provide financial support.

**Recommendation 3:** The Government should make capital grants available to the appropriate tier of local authority - on perhaps a 50:50 basis - for specific approved recycling schemes.

The Government's general policy is to grant-aid local authority relevant expenditure primarily through the block grant system, and not to seek to control local authority priorities through specific allocation of funds for particular purposes. There are exceptions to this rule but these are limited in number.

The Government do not at present intend to introduce specific capital grants for recycling schemes. Such an arrangement would, in any event, do little to assist local authorities in undertaking capital projects. Under the capital control system, capital grants from Central Government are not treated as capital receipts for the purposes of supplementing prescribed expenditure allocations - they are simply financing - and authorities would be required to find the necessary resource cover from within their existing allocation. Furthermore, the amount of borrowing for capital purposes an authority could undertake in a given year would be reduced by the amount of any such grant received. To be effective, therefore, a grant would require to be accompanied by a specific allocation of an equal amount, as is the practice with Urban Aid projects such as derelict land. However, this would have to be accommodated within the overall PESC provision, with a consequent reduction in resources for other services.





**Recommendation 4:** The Government should encourage more Waste Disposal Authorities to follow the commendable example set by the GLC and others, whereby financial rebates are paid to Collection Authorities for glass which is recycled through the Bottle Bank Scheme.

This is already Government policy and the Government will consider what steps it might now take to further encourage this practice, including the possibility of issuing a Circular to local authorities on this and related matters.

**Recommendation 5:** The Government should give urgent consideration to the implementation of section 12-14 of the Control of Pollution Act 1974.

The Government is currently considering whether or not to bring into operation the provisions of sections 12 - 14 of the 1974 Act. It is accepted that there would be considerable advantages in so doing, not least the clarification and codification of the powers and duties of local authorities in relation to various categories of waste, but the implications for public expenditure have to be carefully assessed in the light of the present financial constraints; both the Department of the Environment and the Local Authority Associations would be strongly opposed to a move to implement these sections if there was an expenditure increase. The DoE has now placed in the Library a summary of the results of a review of the costs of implementation.

It is, however, not necessary to bring these provisions into operation for waste collection authorities to levy appropriate charges for collection of trade waste. General powers to collect and duties to charge are already available for this under the Public Health Act 1936 (Sections 73(1) and (2)). The levying of appropriate charges is considered critically important to securing progress.

By the same token, it is important that those disposing of their waste, other than through waste disposal authorities, should be required to do so to adequate environmental standards, and thus bear the true economic costs of the option chosen. DoE is considering reaffirmation of these points in a Circular.

**Recommendation 6:** The Design Promotion Scheme should be extended to include recycling and reclamation.

The main purpose of the Government's design policy is to encourage a greater awareness amongst senior management in industry and commerce of the benefits companies can derive from good design. There is no specific reference to reclamation and recycling at present, but the Government agree that the message will be broadened to include a reference, where appropriate, to design for good resource management including the reclamation and recycling of materials.





**Recommendation 7:** The government should give incentives to industry, through use of section 8 of the Industry Act 1972, for companies involved in recycling.

The current position is that waste recycling projects are not excluded from support under the general facility criteria which were introduced under Section 8 of the Industry Act 1972 (now superseded by the Industrial Development Act 1982). However, to obtain support under these arrangements, projects would have to meet the very tight criteria which limit assistance to those which would not otherwise go ahead in the form or timescale proposed and for which exceptional national benefit can be demonstrated. A new scheme, specifically designed for waste reclamation activities, could be developed but the Government doubts the need for one.

**Recommendation 8:** The commendable Research and Development work at Warren Spring should be enhanced and greater collaboration with industry encouraged.

Research and development at Warren Spring Laboratory into waste reclamation and recycling has been strongly supported by the Department of Trade and Industry for many years and significant R&D projects are also supported by the Departments of Environment and Energy. The Government expect this support to continue although any enhancement must be judged against R&D priorities in other fields. Close collaboration with industry has been a main objective of this work and the Laboratory would welcome approaches or initiatives from industry, either from individual companies or organisations such as the UK Reclamation Council, aimed at identifying gaps in knowledge, increasing technical collaboration and technology transfer.

**Recommendation 9:** The Government should examine closely the possibility of taxation policy being used to encourage the greater use of recycled materials.

The present tax system does not discriminate against the use of recycled materials. A special tax relief to promote the greater use of recycled material would run counter to the Government's general policy of reducing or eliminating special tax reliefs which distort business decisions. The Government doubts that making an exception in this case would be either practicable or of benefit to the national economy.





**Recommendation 10:** Public purchasing policy as a whole should be directed towards the greater use of recycled materials whenever economically sensible, and Government Departments, local authorities and other public bodies should seriously examine the possibility of specifying percentages of recycled material to be used in the goods which they purchase, in all appropriate cases.

Public purchasing policy is aimed at ensuring the best value for tax-payer's money and the Government favours greater use of recycled materials whenever this is the more cost effective option. So far as paper is concerned, it is already HMSO policy to encourage the use of recycled fibre in the products it purchases subject to considerations of performance and value for money. DOE Ministers announced in March 1984 their decision to use recycled paper for that Department's requirements for letter head stationery as soon as existing stocks are exhausted. The bulk of stationery used in DTI already has a recycled content. The Government hopes that public sector bodies generally will also examine the economics of using products containing recycled fibre. On the other hand, the Government is not in favour of specifying in advance percentages of recycled materials to be used in goods which it purchases as such an approach would pre-empt the judgement of best value for money which public purchasing policy requires.





Treasury Chambers, Parliament Street, SW1P 3AG  
01-233 4749

*Wick*  
*done*  
*15/3*  
*OK*

T J Flesher Esq  
10 Downing Street  
LONDON  
SW1

14 March 1985

*Dear Jim,*

TREASURY MINUTE REPLYING TO THE 5TH REPORT OF THE PUBLIC ACCOUNTS COMMITTEE, 1984-85.

The Treasury wishes to publish as a Command Paper a Treasury Minute in response to the Public Accounts Committee's 5th Report, 1984-85.

2. The text replying to this PAC report has been agreed by the Treasury and Ministry of Defence to whom the PAC's remarks were addressed. The Financial Secretary has approved the Government's reply being presented in his name as is customary.

3. The PAC report neatly falls into two distinct parts. First, it makes some conventional urgings for assessing, evaluating and financing international collaborative defence projects: to which MOD has been able to make a fairly helpful, if straightforward, response. Second, it questioned the useful practice adopted by MOD last year, with Treasury concurrence, for end-year cash control. We believe the Committee has misunderstood these arrangements because they do not mean any departure from the established principles of government accounting which the PAC's recommendations imply had occurred. Accordingly, the Government reply rejects the Committee's views.

4. We expect MOD will want to use the end-year cash procedures again this year. It is clearly preferable to do this openly, having dealt with the PAC's doubts. Therefore, we ought to reply as soon as we can before 31 March. Although PAC only published its report on 13 February, we have been able to produce a fairly quick reply. However, the earliest possible publication we can manage is 3.30pm on Wednesday 20 March. As usual, we expect to provide pre-publication (ie. CFR) copies prior to publication, including

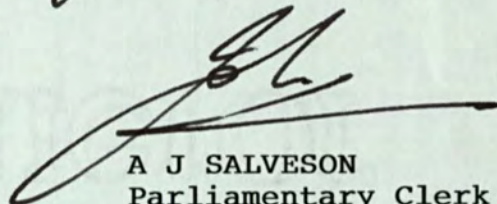


laying the Command Paper before both Houses of Parliament on the previous day (ie. 3.30pm on Tuesday 19 March). Treasury Information Division would supply copies to the Lobby on the usual arrangements. We shall also release copies to the Ministry of Defence, to PAC members, and to the National Audit Office on 19 March.

5. I should be grateful for your agreement to these arrangements. We appreciate we are seeking an urgent decision at a difficult time but in the circumstances we have little choice. The reply to the PAC is not controversial in terms of the press etc. The argument about end-year procedures is relatively technical and should not attract much, if any, attention.

6. I am sending copies of this letter to Murdo Maclean and David Morris.

*Yours aye*



A J SALVESON  
Parliamentary Clerk





PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

13 March 1985

Dear Private Secretary

*W*  
*13/3*

MOTION ON THE EASTER ADJOURNMENT

The Motion on the Easter Adjournment is expected to take place on Tuesday 26 March.

In keeping with past practice, we shall be preparing a list of subjects which we think are likely that backbenchers will raise during the debate and will shortly be asking relevant Departments to provide briefing on these for the Lord Privy Seal to use when winding-up.

It would also be helpful if Departments could let me know by telephone, on receipt of this letter, of any topics that they have a strong suspicion might be raised during the debate, so that this can be included in the list of briefing topics.

I should be grateful if all Departments could also provide, by Friday 22 March at the latest, the usual list of Officials who will be "standing by" in case additional briefing is required during the debate.

Perhaps I could take this opportunity to introduce myself as I believe that Philip Olney did not inform Departments of his move.

*Yours sincerely,*

*M. H. P. Hill*

M H P HILL  
Parliamentary Clerk

All Private Secretaries





Foreign and Commonwealth Office

London SW1A 2AH

12 March 1985

C M J Marshall Esq  
Private Secretary to the Lord  
Privy Seal  
Privy Council Office  
Whitehall  
SW1A 2AS

*Dear Charles*

*N  
12/3*

ORAL STATEMENTS

Please refer to your letter of 7 March to Jim Acton, Home Office about the desirability of avoiding oral statements during the period 19-22 March when the House will be debating the Budget.

The Foreign Secretary is likely to have to make an oral statement to the House following the 17-20 March EC Foreign Affairs Council. This extended Council will be dealing with issues of crucial importance to the Community and will be the last meeting of Foreign Ministers before Heads of Government meet at the 29/30 March European Council. It will, almost inevitably, give rise to a great deal of press and parliamentary interest with consequent requests from the Opposition and others for an oral statement. As you know, there is an obligation upon Ministers to report the outcome of all Council meetings to the House as soon as possible. We cannot say for sure that an oral, as opposed to a written, statement will be required. But, given the prominence of the meeting an oral statement is likely to be necessary.

Sir Geoffrey Howe's Private Secretary has therefore agreed that I should ask you to make provisional arrangements for an oral statement by the Foreign Secretary on 21 March.

I am copying this letter to Tim Flesher at No 10 and to Murdo Maclean in the Chief Whips Office.

*Johnson*  
*Philip*

P H Johnson  
Parliamentary Clerk



PARLIAMENT: HC Procedure: Pt 6.





**DEPARTMENT OF HEALTH & SOCIAL SECURITY**  
Alexander Fleming House, Elephant & Castle, London SE1 6BY  
Telephone 01-407 5522 ext 7692

Charles Marshall Esq  
Privy Council Office  
Whitehall  
LONDON  
SW1A 2AJ

11 March 1985

Dear Charles

N 12/3

ORAL STATEMENTS

Your letter to Jim Acton on 7 March refers.

Subject to 'H' Committee approval this week we would expect a statement by our Secretary of State on medical and dental immigration, possibly on 18 March.

There could also be a statement on Supplementary Benefit board and lodging payments, although at this particular point in time it seems unlikely to be finalised before the Budget.

I am copying this letter to Tim Flesher at No. 10 and to Murdo Maclean.

Yours sincerely  
Louise

LOUISE MADERSON  
Parliamentary Clerk



PARLIAMENT: HC Procedure: Pt 6

12 MAR 1985

12 MAR 1985



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TF



PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

7 March 1985

Dear Jim

W  
7/3

ORAL STATEMENTS

The date of the Budget is Tuesday 19 March and the remainder of that week will be taken up with debates on the Budget. This does not preclude oral statements being made in the House on those days but it would be desirable to avoid them as far as possible.

It would, therefore, be very helpful if you and copy addressees could consider whether your Departmental Ministers will have to make any oral statements before Monday 25 March of which I have not been advised. I will then be in a position to consider whether there is any scope for bringing forward the dates of those statements.

I am copying this letter to the Parliamentary Clerks of all Departments, to Tim Flesher at No 10 and to Murdo Maclean.

yours  
Charles

C M J MARSHALL  
Private Secretary

Jim Acton Esq  
Parliamentary Clerk  
Home Office





TF  
TOLD HMT OK,  
NR 25/2

Treasury Chambers, Parliament Street, SW1P 3AG

01-233 4749

T J Flesher Esq  
10 Downing Street  
LONDON  
SW1

22 February 1985

*Dear Jim,*

TREASURY MINUTE REPLYING TO THE 1ST TO 4TH REPORTS OF THE PUBLIC ACCOUNTS COMMITTEE 1984-85

The Treasury wishes to publish as a Command Paper a Treasury Minute in response to the Public Accounts Committee's 1st to 4th Reports of 1984-85 Session.

2. The texts in reply to the PAC's reports covered by the Treasury Minute have been agreed between the relevant departments, including the Treasury. The Financial Secretary has approved the Government's reply being presented in his name as is customary.

3. We aim to have the Government's reply to these PAC reports published in time for the debate on the PAC which we understand is currently planned for 14 March. Therefore, we propose publishing the Command Paper at 3.30pm on Wednesday 6 March. As usual, we expect to provide pre-publication (ie. CFR) copies prior to publication, including laying the Command Paper before both Houses of Parliament on the previous day (ie. 3.30pm on Tuesday 5 March). Treasury Information Division would supply copies to the Lobby on the usual arrangements. We shall also release copies to the departments which have contributed to the text, to PAC members, and to the National Audit Office on 5 March.

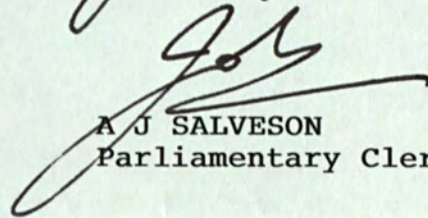
4. For convenience I enclose a note explaining the background to the particular PAC reports. We expect the Treasury Minute to attract little attention in the press etc: except that the existence of a reply to a report relating to Inland Revenue work will inevitably attract greater notice than usual because of the proximity of the Budget. Although the original report



and the reply are both innocuous in themselves, you should be aware of this aspect.

5. I am sending copies of this letter and enclosure to Murdo Maclean and David Morris.

*Yours ay*

A handwritten signature in black ink, appearing to read 'A J Salvesson', written in a cursive style with a long horizontal flourish extending to the right.

A J SALVESON  
Parliamentary Clerk



## SUMMARY OF THE PUBLIC ACCOUNTS COMMITTEE'S 1ST TO 4TH REPORTS

### 1st Report: Maintenance of major RAF equipments (Ministry of Defence)

The Committee were generally content with operational effectiveness of RAF maintenance but thought there should be a review of the balance of work carried out in house by RAF and externally in the private sector. It also urged greater civilianisation and improvements in MOD's management information systems.

### 2nd Report: Control of Diplomatic Service manpower (Foreign and Commonwealth Office)

A generally favourable report, noting that staffing of the Diplomatic Service is scrutinised regularly and carefully. The Committee welcomed Treasury participation in a sample of FCO staff inspections.

### 3rd Report: National Audit Office Estimates for 1985-86

Really addressed to Public Accounts Commission, since the House made the Commission responsible for recommending the NAO's Estimates to Parliament, after listening to any advice from the Committee (hence this report) and the Treasury (which submitted separate comments).

### 4th Report: Control of investigation work (Inland Revenue)

Another generally welcoming report of what the department is already doing to achieve greater taxpayer compliance, further action against the 'black economy' and more effective deployment of investigative resources.



UNITED STATES DEPARTMENT OF JUSTICE

22 FEB 1954

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NBRM

AT

1/2

The Rt Hon Sir Keith Joseph Bt MP  
 Secretary of State  
 for Education and Science  
 Elizabeth House  
 York Road  
 LONDON  
 SE1

11 February 1985

*Dear Keith,*

HOUSE OF LORDS SELECT COMMITTEE ON SCIENCE AND TECHNOLOGY: SUB COMMITTEE  
 ON EDUCATION AND TRAINING FOR NEW TECHNOLOGIES

Thank you for your letter of 23 January.

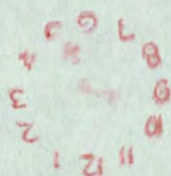
I quite agree that we shall have to give very careful thought to our reply to this substantial document. It is clear that your Department should take the lead, though we have reservations about several of the proposals and I am keen for our officials to stay closely in touch.

I am copying this letter to the Prime Minister, Michael Heseltine, Norman Tebbit, Peter Rees, David Young, Sir Robert Armstrong and Sir Robin Nicholson.

*2u*  
  
*K*



Parliament: Hoc Procedures Pt 6



14 FEB 1985



NBM  
AT 1/2



DEPARTMENT OF TRADE AND INDUSTRY  
1-19 VICTORIA STREET  
LONDON SW1H 0ET  
TELEPHONE DIRECT LINE 01-215 5422  
SWITCHBOARD 01-215 7877

Secretary of State for Trade and Industry

31 January 1985

Rt Hon Sir Keith Joseph Bt MP  
Secretary of State for Education and  
Science  
Department of Education and Science  
Elizabeth House  
York Road  
London SE1 7PH

*D Keith*

HOUSE OF LORDS SELECT COMMITTEE ON SCIENCE AND TECHNOLOGY:  
SUB-COMMITTEE ON EDUCATION AND TRAINING FOR NEW TECHNOLOGIES

*with request*

Thank you for sending me a copy of your letter of 23 January to Tom King.

2 I agree that the sub-Committee's report is a substantial document, and that we shall have to give very careful thought to the Government's reply. It is clearly for your Department to take the lead, and I am quite content with the arrangements you propose.

3 I am copying this letter to the Prime Minister, Michael Heseltine, Tom King, Peter Rees, David Young, Sir Robert Armstrong and Sir Robin Nicholson.

NORMAN TEBBIT

JH2AEJ



- 1 FEB 1985







## DEPARTMENT OF EDUCATION AND SCIENCE

ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH

TELEPHONE 01-928 9222

FROM THE SECRETARY OF STATE

The Rt Hon Tom King MP  
 Secretary of State for Employment  
 Caxton House  
 Tothill Street SW1H 9NF

*nbpm*  
*ous*  
*23/1*

23 January 1985

*Tom*

HOUSE OF LORDS SELECT COMMITTEE ON SCIENCE AND TECHNOLOGY: SUB-COMMITTEE  
 ON EDUCATION AND TRAINING FOR NEW TECHNOLOGIES

The Department has been sent an advance copy of the report Lord Gregson's Sub-Committee is to publish at the end of January. I gather that copies have also been sent to some other Government Departments but am attaching the section of "Conclusions and Recommendations" in case you should not have seen them before.

The report is substantial and the recommendations are extensive and wide ranging. Consideration of the Government's reply, for which a White Paper would seem likely to be appropriate, will clearly involve discussion involving a number of departments and the MSC. Since the lion's share of the recommendations would appear to fall to the DES, however, I imagine you would agree that this Department should take the lead in co-ordinating the Government's response. On that assumption, I would plan to write to Lord Gregson immediately the report is published acknowledging the scale of his Sub-Committee's activities and indicating that careful discussion inter-departmentally would be required before a response were drawn up. That process would naturally take a little time but I should have thought we could realistically expect to let the Sub-Committee have a reply before the Summer Recess.

Unless you (or others to whom this is copied) have reservations about proceeding in this way, I shall ask my officials to set the necessary arrangements in hand. In particular early attention will need to be given to the central proposal for the establishment of an "Education and Training Board" which would clearly raise issues for a number of departments and, with the CBI about to establish an IT Skills Agency, comes at a sensitive time.



To enable me to respond to Lord Gregson as soon as the report is published, I would be grateful to receive your response by Wednesday 30 January. Unless I have heard from others by that date, I shall assume they are content.

I am sending copies of this letter to the Prime Minister, Norman Tebbit, Michael Heseltine, Peter Rees, David Young, Sir Robert Armstrong and Sir Robin Nicholson.

Erin,

Kevin



23 JAN 1985

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## CHAPTER 9. SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

### Education and the needs of industry

9.1 Technological progress in the UK is being hampered by failure to develop its human resources. The UK's competitive edge in international trade is at stake. There is no more serious challenge than the adequate provision of people properly qualified and trained to exploit new technologies as they emerge. (5.1-2)

9.2 New technologies make great demands on the intellectual resources of the nation. Hitherto the response of the education and training system has been insufficient. Attention must be given to longer-term needs, to redress the lack of correlation between educational provision and industrial requirements. (5.3-6)

9.3 The development and application of new technologies depend on leading edge technologists. The emphasis of UK policy should be on the encouragement of scientists and technologists of high quality; on underpinning such excellence by raising the technological literacy of the nation; and on continuous learning and updating. (5.7-5.11)

9.4 Initial education should provide boys and girls equally with a broad grounding of relevant knowledge and an understanding of the scientific principles underlying new technologies, coupled with a receptive attitude towards technological progress and its demands. (5.12)

9.5 Specialisation should be deferred as late as possible, to the end of formal education and to the early years of employment. (5.13)

9.6 Industry should accept more responsibility for the education and training of its recruits. (5.16)

9.7 For technologists first degrees are too short. The necessary specialisation should take place mainly at postgraduate and post-experience levels. HEIs should move towards this pattern in appropriate subjects. (6.2-3)

9.8 Educational provision should be more closely related to employment needs. Educational institutions should be given more guidance on the skills likely to be required by industry. (6.4-9)

9.9 A national body should be vested with the functions of analysing and forecasting the UK's needs for skilled people over the short and long term and of ensuring that those needs are met. (6.10)

9.10 The Committee therefore propose the establishment of an Education and Training Board:



(i) it should be a central Board, drawn from industry, the academic world, and government. The DES, DTI and MSC should nominate members to the Board either jointly or separately. (6.11, 6.17, 7.37)

(ii) the creation of an entirely new body is undesirable. The Board should be part of SERC with the independent power to report to Parliament. (6.13-15)

(iii) it should commission research on manpower needs on a continuing basis and have power to call for reports from Government Departments. (6.18)

(iv) it should be responsible for funding postgraduate taught courses within the dual support system. (6.25, 6.28)

(v) it should advise on priorities in undergraduate courses, conversion and post-experience courses, and training and retraining for technicians and craftsmen (6.26, 8.4, 8.6, 8.11, 7.36-7).

### Funding

9.11 Education for new technologies is particularly dependent on a healthy research base in HEIs. The erosion of government funding for technological research should cease. University research should be strengthened, and new opportunities for research in polytechnics created. (6.20)

9.12 Selective grants should be introduced to encourage young PhDs to remain in scientific and engineering research at university. At least 50 per cent of the awards should be in areas identified as of priority by the Education and Training Board. All such awards should include a substantial element of industrial funding. (6.21)

9.13 There should be a more selective approach to funding higher education, coupled with priority for schemes particularly at postgraduate and post experience levels which involve funding through or by industry. (6.22 and 6.28)

9.14 The Education and Training Board should fund postgraduate taught courses within the dual support system by the following methods:

(i) a fund should be set up and administered by the Board, which should dispense grants on the basis of tenders from HEIs and in accordance with its identification of long-term priorities. (6.25)



(ii) a fund should be set up to support courses which have industrial sponsors. (6.30)

9.15 UGC and NAB should be more selective in funding undergraduate courses taking into account the long term priorities of the Education and Training Board. This should be brought about through some earmarking of funds. (6.26)

9.16 There should be a shift in higher education places from the arts to the sciences and engineering greater than that now proposed by the Government. Because of the higher cost of science places, extra resources from the Government will be required. (6.27)

9.17 A system of tax credits should be established to encourage industrial investment in educational and research institutions. (6.29)

9.18 In providing services to industry, whether of teaching, research or consultancy, HEIs should aim to ally with, and to develop their excellence in, particular sectors of industry. (6.31)

9.19 The equipment needs of HEIs should be assisted by encouraging the donation of equipment from industry, particularly through tax credits, and through collaboration between HEIs. (6.32)

9.20 HEIs should establish centres for multidisciplinary research and teaching in engineering, in collaboration with industry and assisted on a pump-priming basis by Government. (6.33)

9.21 Current levels of funding technological education and training are insufficient. If either the Government or industry thinks that the nation's economic problems can be solved without spending money they are deluding themselves. In addition to the transfer of funds, increased investment is essential. (6.34)

### The Curriculum

9.22 The curriculum should include some lessons in basic economics and the significance of technological and industrial developments. Industrial problems should be integrated into the teaching of science and technology. It is the responsibility of industry to take the initiative in increasing liaison between schools and industry, which should be fostered at local and regional levels through the network of Science and Technology Regional Organisations. (7.6-7)



9.23 The efforts of the Equal Opportunities Commission, the Engineering Council and others to encourage girls to take up science and technology are supported. The emphasis of initiatives should be at primary school and in the early years of secondary school. (7.8-9)

9.24 All local education authorities should draw up programmes to develop the interest of girls in science and technology, making use of positive action in favour of girls. (7.10-11)

9.25 The unified examination at 16-plus is welcomed. At the same time there should be a rationalisation of the plethora of different syllabuses. (7.14)

9.26 Some instruction in mathematics, the sciences, and the humanities should be compulsory for all children in the UK up to age 16. (7.14)

9.27 A/S levels should be introduced as soon as possible. (7.15)

9.28 Efforts to upgrade the teaching of craft, design and technology are supported. Where possible, design elements should be integrated in the teaching of mathematics and physics. (7.16)

9.29 New schemes to develop the use of computers across the curriculum are necessary, with special attention to the retraining of teachers and the introduction of educational software. Consideration should be given to merging the Micros and Schools schemes and the MEP and establishing support on a permanent footing under the DES and Scottish Education Department. (7.17)

9.30 Computer centres should be established outside the classroom, either in colleges and HEIs, or in association with ITECs, for use by schoolchildren and adults. (7.18)

9.31 The Engineering Council should use its powers of accreditation to further multidisciplinary development in the undergraduate syllabus. Courses structured around core modules should be more extensively adopted by universities. (7.21)

9.32 HEIs should consider setting up committees to facilitate liaison with industry and involving industrialists in some academic decisions. (7.23)



## Teachers

9.33 To improve the supply and quality of teachers and lecturers, differential payments should be introduced for teachers in shortage subjects, particularly mathematics and the natural sciences, using the discretionary allocation of points on the Burnham scale, and the power to pay differential salaries should be introduced for lecturers in important technological subjects. In HEIs consideration should be given to allowing teachers involved in industrially-related courses or research to earn an additional salary direct from course or research grant income. (7.25-6)

9.34 All secondary school teachers in the UK should be graduates or equivalent in the subject they teach. (7.28)

9.35 All initial teacher training should include some structured introduction to industry and the economic importance of wealth creation. Lecturers in further and higher education should be encouraged to broaden their experience of and contact with industry. (7.5)

9.36 Initial training for all primary school teachers should include an element of mathematics and basic science. (7.28)

9.37 The DES and local education authorities should take all steps possible to raise the level of in-service training of teachers. (7.29)

9.38 Industrial companies should increase their efforts to interest local teachers and headteachers in the company's business. They should consider putting on summer schools for teachers, and paying them their expenses. (7.4)

## Industrial Training

9.39 Low levels of initial training and especially the inadequacy of continuing training are causes of concern and must be corrected. Correction of skill shortages lies mainly in industry's own hands. (7.30-32)

9.40 A national training levy should be introduced across all sectors of industry and commerce. The rate of the levy should be high enough to be effective, and should be remissible to those companies which engage in or pay for training. Firms employing less than ten people should be exempt. All in-house and some out-of-house training should count as a credit against the levy; if practicable, training for new technologies should qualify for a weighted credit. (7.35)



9.41 Work experience and sandwich courses are important. The CBI should investigate the availability of industrial placements for students on vocational courses, especially undergraduate courses in engineering and technology, and take steps to ensure that the number of placements increases. (7.22)

9.42 In collaboration with both sides of industry and the Education and Training Board the Government should establish a national training policy. As the national training authority, the MSC should implement the policy, employing the existing bodies in the training field as its managing agents. (7.36)

9.43 The MSC should, on the advice of the Education and Training Board, implement programmes of special priority in training and retraining at technician and craft levels. (7.37)

9.44 Late developers at school should be given greater encouragement to enter industry as technicians and craftsmen. BTEC should take steps to publicise such possibilities among schoolchildren. (7.19)

9.45 Industry should be encouraged to identify its own skill requirements through the adoption of technical audits. Voluntary audits should be more widely adopted as standard company practice. (7.39)

9.46 Disclosure of expenditure on training should be included as a discrete element in company accounts. (7.40)

9.47 In its support schemes for technological improvement the DTI should make specific provision for the identification of the need for training and updating. In areas of skill shortage, grants for capital equipment should be conditional on the inclusion of the company's relevant training proposals in its application. (7.41)

9.48 The Ministry of Defence and other large Government purchasing Departments should devote more effort to monitoring training standards and technological skills among contractors. Consideration should be given to making the award of government contracts subject to stiffer conditions concerning such standards. (7.42)

9.49 Management education should include greater emphasis on technological skills and awareness. This should be encouraged not only by the Engineering Council but by the DTI and other relevant bodies. (7.43)

9.50 The extension of the use of distance learning for managers should be encouraged. The Government should support the development costs of such courses which include a module on technological development. (7.44)



## Continuous learning

9.51 There should be a large-scale increase in provision of continuing education and in employers' updating and retraining programmes, which have an importance approaching that of initial education. Individuals will have to recognise the importance of self-improvement in retraining. (8.3-4)

9.52 Advice on the availability of post-experience courses should be part of the responsibility of the Education and Training Board. (8.4)

9.53 Employers should invest more in retraining and updating. Provision should mix on-the-job training in-house with instruction externally to the company. (8.8-9)

9.54 The short-term needs of industry can only be met by increasing further the amount of retraining and conversion courses. In particular there should be more courses designed to meet the needs of women re-entering employment. The Education and Training Board should advise on and monitor the quality and relevance of conversion courses. (8.2, 8.6)

9.55 There is great potential in techniques of distance learning; activity in this field should be expanded. (8.7)

9.56 The use of tutored video instruction should be widely adopted, notably in disseminating the teaching of centres of excellence through videoed lectures. Local colleges of further education, polytechnics and universities should provide tutors in association with the centres of excellence. There should be an expansion in the networking of computer-based training, at work and in the home. The Open University and Open Tech should take the lead in promoting such techniques. (8.10)

9.57 The Government should relax their insistence that all courses in continuing education should be self-financing, and should support some courses with additional funding on the advice of the Education and Training Board. Short courses aimed at technologists are particularly important. (8.5, 8.11)

9.58 The Committee propose two methods of funding post-experience courses:

(a) Support could be geared to industrial sponsorship of new courses, where industry contributes at least 50 per cent of the cost of development and student support. The Education and Training Board should have responsibility for assessing the level of government funding.

(b) A fund could be set up to help medium and small-size businesses in particular which give paid leave for upgrading and updating courses. (8.11-12)



9.59 ITeCs should be developed as local centres of training and retraining of adults in IT skills. (8.13)

9.60 A grant element should be introduced to the funding of updating courses put on by the Open University. (8.14)

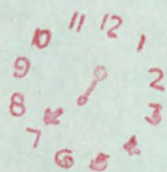
9.61 The Open University should broadcast material from courses put on by other HEIs; modules from separate HEIs could be combined to form courses leading to an OU degree. (8.14)

9.62 The Educational Counselling and Credit Transfer Information Service (ECCTIS) and the PICKUP-sponsored directory of vocational short courses are welcomed providing that they are sufficiently funded and publicised. (8.15)

9.63 Credit transfers for long courses should be encouraged by the clear stipulation of entrance requirements for new courses and by publicising them through ECCTIS and this should be extended to existing courses as well. Credits should be given for attendance on short courses. (8.16-17)



24 JAN 1985





cc. Co



10 DOWNING STREET

THE PRIME MINISTER

17 December, 1984.

Dear Lord Diamond,

Thank you for your letter of 13 December and for letting me have the views of the Advisory Committee on Business Appointments about the recommendations contained in the Eighth Report from the Treasury and Civil Service Committee on the Acceptance of Outside Appointments by Crown Servants. It is very helpful to have the Advisory Committee's comments and the Government will take them carefully into account in considering its response to the recommendations of the Select Committee.

Yours sincerely  
Margaret Thatcher

The Rt. Hon. Lord Diamond

Co





10 DOWNING STREET

*From the Principal Private Secretary*

SIR ROBERT ARMSTRONG

The Prime Minister has received from Lord Diamond the comments of the Advisory Committee on Business Appointments on the Eighth Report from the Treasury and Civil Service Committee on the Acceptance of Outside Appointments by Crown Servants. I enclose a copy of Lord Diamond's letter, and of the Prime Minister's letter of acknowledgment.

14 December, 1984



9150  
"Aynhoe"  
Doggett's Wood Lane  
Chalfont St Giles  
Buckinghamshire

0100  
The Rt Hon Mrs Margaret Thatcher MP  
10 Downing Street  
London SW1

13<sup>th</sup> December 1984

Dear Prime Minister

ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

pps at flap  
The Advisory Committee on Business Appointments understand that you would welcome their views on the recommendations contained in the Eighth Report from the Treasury and Civil Service Committee on the Acceptance of Outside Appointments by Crown Servants, which are of direct relevance to their work. The Committee have now carefully considered that Report and they hope the following comments will be helpful to the Government in formulating its response.

Extension of the Maximum two year period to five years

Recommendation (ii)

On no occasion since it was set up in 1975 has the Advisory Committee felt that it would have been appropriate to recommend a waiting period longer than two years, had such a sanction been available to them. Indeed, it has only been considered necessary to recommend the full two year period, available under the existing rules, in two cases. Furthermore, the Committee believe that any period in excess of two years would effectively constitute a bar to employment, rather than a postponement, since a prospective employer would almost certainly lose interest in the applicant; and after such a long delay, the applicant is unlikely still to be suitable for the appointment.

The Committee consider that the existing waiting period of two years provides a sufficient safeguard against any possible charges of impropriety.

Extension of the Advisory Committee's Role

Recommendation (xv) and (xvii)

The Select Committee have proposed that our remit be extended to cover all cases at under secretary level and above. They further recommend that the Advisory Committee should become



a source of advice for departments and ensure consistency by reviewing, periodically, the handling of cases at lower levels. Taken together, these two proposals would represent a considerable increase in the workload of what is essentially a very senior Committee whose Members, by definition, are extremely busy and have many other commitments.

The Advisory Committee understand the Select Committee's concern to secure consistency between the decisions taken on the basis of recommendations from them and those taken by Departments. We see no evidence, however, to suggest that the present rules are not being applied consistently and it remains the case, as it was at the time of the previous Select Committee enquiry into this subject, that the Management and Personnel Office (MPO) provides a means of ensuring consistency at all levels of the public service. Nevertheless, we feel that it is important to be able to demonstrate that consistency is, in fact, being actively encouraged and we therefore suggest that the MPO should be asked to provide us retrospectively with regular statistical reports on all the cases that have been referred to them. From these reports, the Chairman would select for detailed examination a sample of cases to ensure that their handling was consistent with the principles adopted by the Advisory Committee.

As to the proposal that all applications from under secretary level applicants and above should be considered by the Committee, we feel that the introduction of the type of retrospective check suggested in the previous paragraph should go some way to reduce the need for such a measure. But if the Government thought it appropriate, we would be ready and, indeed, we would see value in having all cases at deputy secretary level and above being sent to us for consideration together with such cases at lower levels which, in the view of the MPO raise new points of principle or special considerations.

We hope that this would not impose an excessive burden of additional work on the Members of the Advisory Committee; but we think it prudent to envisage that it may become desirable to enlarge our Membership to some extent if the extra volume of cases requires us to meet more often in panels.

#### More Use of Conditions Governing Behaviour

##### Recommendation (iii)

The Advisory Committee have made very little use of conditions which seek to preclude certain types of activity, preferring to rely almost exclusively on the use of waiting periods; they believe this is the most effective way of preventing an



individual, and especially a very senior officer, from undertaking work which, under the rules, should not be permitted. They consider it would be wholly impracticable, as well as inappropriate, for them to impose behavioural conditions and subsequently to check that these were being complied with. Furthermore, independent checks would be quite impossible without the type of powers given to an Ombudsman. We think, therefore, that having recommended a waiting period which takes account of likely future events, there is no need to do other than rely on the sense of honour and the professionalism of former Crown servants.

### Membership

#### Recommendations (xx) and (xxi)

The Select Committee have recommended adding to the Advisory Committee's Membership two senior Members of the House of Commons. We recognise that questions of membership are entirely for you, but, having said that, we would deprecate any change which might introduce an element of current political partisanship into our proceedings. We also recognise, however, the advantage of having on the Committee (as has been the case since the Committee was formed) two former members of the House of Commons who can add a political dimension to the discussion, while at the same time being immune from present party political pressures.

The Select Committee also recommended that Members should be appointed for three years with two being replaced each year. Again, this is entirely a matter for you, but you may like to know that, in our experience, three years is rather too short a time. We would prefer to see a more flexible system, perhaps for three years in the first instance, but capable of renewal. Without such continuity, it might be difficult to achieve the greater consistency that the Select Committee themselves are seeking.

### Publishing Decisions

#### Recommendation (xxii)

To announce decisions at the time they are taken, together with supporting details, would represent a significant departure from existing practice and would call into question the whole basis of confidentiality upon which the Advisory Committee works. We feel that our work would be severely hindered if this proposal were to be accepted, since applicants might be less likely to be ready to co-operate fully with us by providing detailed and sometimes confidential information.



Publishing Periodic Reports on the Workings of the System

Recommendation (xxiii)

It can be argued that there might be benefit in publishing statistical analyses, perhaps at three yearly intervals. There would, however, be a danger that purely statistical reports would not satisfy the Select Committee and they might well give rise to further pressure for additional information which we would wish to resist on the grounds of protecting confidentiality.

Applicants should always be interviewed

Recommendation (xii)

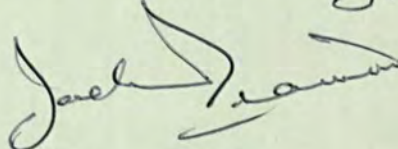
We believe that our present practice on this is right, ie we normally invite applicants to an interview where conditions (other than the minimum waiting period) are being contemplated. We would therefore be content with the proposal that applicants should have the right to be seen if conditions were imposed, if they so choose, but there should continue to be a measure of discretion and flexibility.

Meetings in Private

Recommendation (xxiv)

We would like to record our satisfaction that the Select Committee have recognised the necessity for the Advisory Committee's proceedings to be conducted in private. We also welcome the recommendation not to turn the Committee into a decision making body, though we believe this is dependent upon the Government not making announcements when they decide not to accept the Advisory Committee's advice. Such announcements could easily give rise to a breach of confidentiality.

While the Advisory Committee have agreed their views upon some of the other recommendations made in the Select Committee's Report, they doubt whether those recommendations would be regarded as "of direct relevance" to the Committee's work. If, however, any further comments are desired, the Committee would be glad to respond.

Yours sincerely,  


DIAMOND



# PARLIAMENT: Procedure

Pt 6

10/10

THE HOUSE OF COMMONS

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THE HOUSE OF COMMONS

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*[Handwritten signature]*





MINISTRY OF DEFENCE  
MAIN BUILDING WHITEHALL LONDON SW1  
Telephone 01-220 7022 218 6169

D/S of S/PS/20/164/1

13th December 1984

*Charles*  
*NBPM, I think*  
*Any obs?*  
*T.*

*Dear Tim,*

The House of Commons Defence Committee published its Report on "The Physical Security of Military Installations in the United Kingdom" (HC 397) on 26th July. The Defence Secretary proposes that the Government Observations on the Report should be published as a Command Paper on Thursday 10th January, the day after the House reassembles following the Christmas Adjournment.

I attach a copy of the draft Observations, which have been prepared in consultation with Home Office officials and the Treasury Solicitor. The Observations, you will note, fall into three main sections, mirroring the structure of the Defence Committee's report:

- a. security at nuclear bases;
- b. security at the Royal Ordnance Factories; and
- c. the Ministry of Defence Police.

I would be grateful if you could confirm that the Prime Minister is content for the draft Observations to be published as a Command Paper on Thursday 10th January 1985. Copies of this letter and the attached draft go to Nigel Pantling (Home Office), Alan Davies (Department of the Environment), Charles Marshall (Lord Privy Seal's Office), Murdo MacLean (Chief Whip's Office), Bernard Ingham, and Richard Hatfield in Sir Robert Armstrong's Office.

*Yours ever,*  
*Benny*  
(B P NEALE)

T Flesher Esq



SECOND REPORT FROM THE DEFENCE COMMITTEE -

THE PHYSICAL SECURITY OF MILITARY INSTALLATIONS IN THE UNITED KINGDOM

Observations presented by the Secretary of State for Defence

1. The House of Commons Defence Committee published its report on the Physical Security of Military Installations in the United Kingdom on 26 July 1984. The Government welcomes this report and notes that the Committee shares its view of the high importance of maintaining the security of defence assets against a wide range of potential threats.

2. The Government notes that the report concentrates on three main issues: the security of nuclear bases, the security of the Royal Ordnance Factories and the Ministry of Defence Police. The Committee have made a number of recommendations which are the subjects of detailed comments in the following paragraphs. But in general the Government agrees with the broad thrust of the Committee's comments, though not necessarily with all the specific recommendations. In particular, as the Committee have noted, a decision in principle to retain the Ministry of Defence Police at the Royal Ordnance Factories for at least some time after their change of status, has already been taken.

Security of Nuclear Bases

3. One of the principal points highlighted in the Committee's report is the recent emergence of a threat to security from protest groups when taking physical action, often deplorably of an illegal nature, to express their opposition to the Government's policies on nuclear weapons.



4. The Government shares the Committee's concern that the practice of forcibly entering nuclear bases for the purpose of a protest could give increased scope to terrorists and other violent extremists. Ministers have drawn attention publicly to the gross irresponsibility of the organisers of demonstrations who encourage attempts at forcible entry and to the potential danger to life which such acts entail. As the Committee notes, guard forces at all nuclear sites are prepared at all times for armed attack by terrorists and saboteurs and are appropriately armed to meet such threats. These guard forces are put on enhanced alert when demonstrations take place. Security personnel are instructed to exercise vigilance to identify in advance groups of protestors who might constitute a potential danger.

5. The Government notes the Committee's observation that it believes that incursions into nuclear bases by protestors have been unacceptably frequent, and its recommendations that means should be sought to keep them to a minimum. In its evidence to the Committee the Ministry of Defence made clear its view that incursions through perimeter fences were not in themselves necessarily serious breaches of security provided that sensitive areas and equipments within such bases remained securely guarded; such highly guarded areas have not been penetrated.

6. The Government shares the Committee's view of the importance of keeping incursions to the minimum by the flexible use of physical and manpower security arrangements, so as to ensure that confronta-



tions do not ensue between demonstrators and armed guards charged with the protection of sensitive equipment; and the Government recognises the validity of the Committee's observation that unacceptably high numbers of incursions, though in themselves posing no threat to security, could lead to unfounded fears as to the genuine security of nuclear installations. The Ministry of Defence has continually sought means of keeping such incursions to a minimum. As the Committee has noted, however, airfields in particular have very long perimeters - that at Greenham Common being 9 miles long - and an absolute assurance that all attempts at incursions could be prevented at all possible sites of demonstrator activity could be achieved only by the diversion of very substantial financial and manpower resources from other high priority defence tasks. The Government has preferred to deal with the problem posed by demonstrations in the most flexible and economic manner by concentrating additional security measures including reinforcement and physical improvements at times and at bases where events made them necessary and will continue with this policy.

7. The Ministry's arrangements have had to take account of changing patterns of demonstrator activity; for example while in 1983 such activity was characterised by a small number of very large demonstrations at particular sites, 1984 has so far seen a pattern of smaller scale local activities at a wide variety of Defence establishments, not all of them predictable in advance.



8. The Government welcomes the Committee's support for its policy of keeping to a minimum contact between US Service personnel and anti-nuclear demonstrators, although it is not possible to give an absolute assurance that demonstrators will never encounter US personnel. The main priority must therefore be to ensure that demonstrators do not penetrate to sensitive areas where armed United States personnel are concentrated. Where temporary deployments of UK personnel are necessary for this purpose, this will, as the Committee recommends, be done. The Ministry of Defence and the United States Military Authorities in this country both recognise the importance of preventing such confrontations.

9. The Government notes the Committee's observation that where possible Ministry of Defence Police or RAF Police should be responsible for handling unauthorised intruders rather than ordinary Servicemen; and that if necessary police manpower should be increased. This observation accords with the Ministry of Defence's policy that demonstrators should wherever possible be dealt with by Ministry of Defence Police, (or by RAF Police on those RAF stations where they are normally deployed) and this policy is reflected in the recent decision to establish a police reserve unit and extra complements at locations previously without MDP (see also paragraphs 30-31). But it would be an uneconomical use of manpower to increase police complements to the level where they could deal without reinforcement with the very few major demonstrations that take place. For such occasions it remains the Ministry's view that the most sensible solution is temporary police reinforcement supplemented as necessary



by unarmed Servicemen acting in their support. (The broader question of Ministry of Defence Police numbers is discussed in paragraphs 29-31).

10. The Government notes the Committee's view that "lasting improvements" should be made in the security of establishments storing nuclear weapons or materials. The Government wishes to stress that in more than 30 years in which nuclear weapons and associated materials have been deployed in the UK there has been no unauthorised penetration into the areas where they are stored.

11. The Committee's report discusses perimeter security at Greenham Common as the key to maintaining the security of the storage area. The Government accepts the importance of providing adequate perimeter security, but it does not accept that the relationship between that and the security of sensitive areas is necessarily as direct as the Committee describes; or that perimeter security at all establishments containing storage areas should be based on experience at RAF Greenham Common. As the Committee notes the Ministry of Defence takes the view that it is neither practical nor cost effective to attempt to provide a level of security which could guarantee to prevent unauthorised entry of the outer perimeter to all establishments which contain such storage areas within their boundaries; and that resources should be concentrated primarily on preventing access to sensitive areas within establishments. Adjustments to the level of security provided must be related to the character of the establishments, the level and nature of the security threat and the importance of the assets to be protected.



12. Accordingly improvements in security provision at the relevant Royal Navy and Royal Air Force establishment in the last five years have been made to meet specific requirements. These improvements have included physical security measures and changes to the procedures and training of the guard forces. Further arrangements are in hand to achieve lasting improvements to the current state of security. The Government is playing an active part in joint work at official level under the auspices of the NATO Ministerial Nuclear Planning Group to improve procedures and training for guard forces throughout the Alliance including those at British bases. There is a well established programme of routine evaluations of security at such bases. This programme is being enhanced by further tests to counter the known capabilities of terrorists. Thus development of revised and expanded NATO procedures will maintain the uniformity of standards at nuclear storage sites noted by the Committee but will allow sufficient flexibility for the requirements of individual sites to be met.

13. The Government notes the recommendation that weldmesh fencing, supported by appropriate intruder alarm systems should be installed at RAF Greenham Common and a number of other sites. The Ministry of Defence agrees that perimeter security would be enhanced by these means against certain kinds of threat, particularly that represented by protest groups. But, as the Committee noted, the cost of any such measures would be substantial; and to constitute an effective barrier the fencing must be supplemented by intruder detection devices and adequate manpower. The use of weldmesh and associated



measures is already planned at the Clyde Submarine Base. Further trials have taken place, the initial results of which are encouraging and the evidence is now being reviewed before final decisions are taken on the implementation of weldmesh at Greenham Common and elsewhere.

14. The Government notes the Committee's recommendations that the civil police, as well as playing the principal security role outside base perimeters - a recommendation with which they wholly agree - should, in the event of major incursions, provide assistance within the perimeter when this is necessary; and that in certain circumstances the Ministry of Defence should defray part of their costs.

15. The Government is concerned that the Committee's recommendations, if put into effect, would not be the most efficient and effective way of providing reinforcements in the circumstances which the Committee envisage. The Civil Police can assist with policing inside the perimeter at RAF Greenham Common; under the common law, they have the power to enter in order to deal with or prevent a breach of the peace. They could also enter at the invitation of the Ministry of Defence to assist the MDP or RAF Police. Once there, the Civil Police would still have their Constabulary powers: broadly speaking their position would be no different from members of the MDP or RAF Police. But the question which the Committee raises is whether, as a matter of policy, the MOD should look to the Civil Police, rather than Servicemen, to act as reinforcements during large scale disturbances. Generally the police look to the owners of vulnerable or dangerous property to take their own precautions to secure their premises. There are, of course, occasions where operational considerations lead the Civil Police to make deployments on private property. For example, in an emergency they may have to enter private property of their own volition because of their perception of the threat to public order



or they may agree with the owner of land or premises to take up a position within the property. In the Government's view, however, the scope for such actions or arrangements does not justify the adoption of a policy of relying on emergency reinforcement by Civil Police within the perimeter of a military installation.

16. Whilst it may be desirable that the first 2 lines of defence of a military base should be provided by the Police (the Civil and MDP or RAF Police), it is not, in the Government's view, unreasonable that those who breach those defences should then find themselves confronted by Servicemen. Moreover, the operational dispositions are such that the only practical way of providing short term, large scale emergency reinforcement of a base is through the use of Servicemen. In the sort of circumstances which are envisaged, it is highly likely that the resources of the Civil Police would be as badly stretched as those of the MDP and RAF Police. It must also be remembered that a decision whether to commit Civil Police Officers in such a way rests not with the Government, but with the Chief Officer of the Police Force involved. He will be rightly concerned to ensure that his force acts, and is seen to act, impartially. While liaison between the Civil Police and MDP and RAF Police is obviously important, it would not be proper for Government policy to anticipate Chief Officers' decisions on how to deploy the police officers in their command.

17. The Committee's proposal would also pose practical difficulties for command and control of security activities within the perimeter of bases during demonstrations. The task of military base Commanders in such circumstances is clearly facilitated if they can exercise close operational control of reinforcing personnel, as at present, but as a matter of law, the police may not subject themselves to the operational control of others.



18. The Government notes the Committee's recommendations that the Rules of Engagement issued to armed servicemen at bases where nuclear weapons may be present and the manner in which they are issued should be made identical for British and American servicemen. Under the NATO Status of Forces Agreement governing the conditions under which US units are based in the UK, the Americans are responsible for security at the bases they use. This responsibility extends to the rules governing the carriage and use of fire arms by members of guard forces on duty. US security personnel follow the same basic principles as UK personal: and they are required to use the absolute minimum force necessary in a situation; they are subject to and must act within UK law. There are, however, detailed differences in the orders and procedures of British and American guards at nuclear sites. The detailed procedures for US forces are designed to enable their servicemen to adapt easily to different conditions throughout the world; and with this in mind the Americans prefer to rely on oral instructions. Thirty years of responsible conduct under the Status of Forces Agreement attest to the adequacy of the arrangements hitherto. Nevertheless, the Government is in close and regular contact with the US authorities on security matters particularly given the increased activity of the protest movement and following the Committee's recommendation, will discuss further what more might be done to align procedures.

19. The Ministry of Defence also takes note of the Committee's comments on the effect of the differences between English and Scottish Law. As Ministers explained in evidence to the Committee



this comparison raises complex issues affecting statute and common law in England and Scotland. Careful consideration of the legal consequences will be needed before any measures are taken to introduce changes. Ministers are examining the implications of the Committee's recommendation in consultation with their colleagues.

20. The Government notes the Committee's view that the Government should publicise more details of the security arrangements which will be in force when armed cruise missiles are deployed off-base during a period of tension. Ministers have made it clear that the joint Defence Force of US Air Force and RAF Regiment personnel exists to protect cruise missile flights on and off-base in both peace and war. As the Committee has noted, live missiles will not be carried during peacetime training exercises. It should not normally be necessary, therefore, for the accompanying elements of the Joint Defence Force to be armed with live weapons. For operational deployments during a period of tension or war both the British and American personnel in the Joint Defence Force would be appropriately armed to protect the deployed cruise missiles from attack. Detailed contingency arrangements exist for such operational deployments but the Government considers these must be kept secret for overriding reasons of security and to preserve the validity and effectiveness of the system as a deterrent.

21. On a specific point the Government notes the Committee's views on the MDP detachment at RAF St Mawgan. The purpose of this detachment is to provide a small on the spot force with constabulary



powers to deal with minor no-notice incidents and to provide a nucleus of police officers with local knowledge and experience which could be rapidly and effectively reinforced. The detachment at RAF St Mawgan is one of several similar small detachments introduced at a number of military establishments earlier this year as part of the continuing effort to improve the security response to the activities of protest groups. It is intended to review the effectiveness of these detachments in the Autumn.

#### Security at the Royal Ordnance Factories

22. The Government, together with (following Vesting Day) the Board of Royal Ordnance plc, will take decisions on the future arrangements for guarding and physical security at Royal Ordnance Factories (ROFs) in the light of the requirements of the authorities responsible for the issue of licences under the Firearms Act 1968 and the Explosives Act 1875 and following consultation as appropriate with Parliament and others.

23. Following Vesting Day, the Ministry of Defence will continue to monitor security arrangements and, through contractual arrangements, will require the company to meet the level of security which it considers necessary. Subject to these procedures which will be kept under review, responsibility for satisfying the requirements of the licensing authorities, will rest with the Board of the Company.



24. The Government will not withdraw the Ministry of Defence Police (MDP) from any ROF until it is satisfied that a company guard force is available that can, in conjunction with other measures of physical security, provide effective and adequate protection there. On this basis it is planned that MDP will be retained at all factories for at least three years; the question of further extension of this period will be considered at a suitable time. The Committee's detailed observations and recommendations will be taken fully into account in the preparation of any proposals for a company guard force.

25. As is the practice for companies engaged in work for the Ministry of Defence, Royal Ordnance plc will appoint a security controller at Headquarters with any necessary support. Factory security officers will be appointed either full-time or part-time, with support if appropriate, according to the needs of security at individual factories. Account will be taken in these arrangements of the continuing presence of the MDP and the continuing responsibilities of the Ministry of Defence.

26. Action is in hand to enhance physical security at ROFs in the light of discussions with the civil police forces concerned and the Health and Safety Executive following the recent police surveys.

27. The Government notes the recommendations of the Committee about the minimum number of guards on duty at any one time. Manning levels will be determined in relation to all relevant factors



including the current perceived threat, the tasks to be performed, the physical security arrangements, the size and nature of the site, and its remoteness and the availability of back up support. The frequency of stopping and searching of both personnel and vehicles is being reviewed. Arrangements are being made for regular exercises to test the security of each of the factories.

28. The Government was particularly concerned to read the Committee's comments about security at the Royal Small Arms Factory at Enfield even though, as the Committee recognised, plans for a substantial programme of improvements for physical security were well advanced when the Committee began its enquiry. These plans are being extended in the light of the recommendations of the Metropolitan Police survey of security at Enfield, and the specific weaknesses to which the Committee drew attention are being remedied. The Government has increased the complement of Ministry of Defence Police at Enfield and there are now more MDP officers there than at any time in the last decade.

#### The Ministry of Defence Police

29. The Committee discussed in extenso the roles and size of the Ministry of Defence Police, and the particular and valuable contribution the force makes to ensuring the security of defence assets.

30. The Committee have highlighted a number of problem areas in the Ministry of Defence Police among which is the overstretch being



generated in a force now faced with the more extreme activities of the anti-nuclear protest movement. The Government has taken a number of steps designed to rectify the situation, particularly by authorising the forming of a 50 strong reserve unit for flexible deployment to establishments under threat from major demonstrations, and the establishment of an MDP presence at several establishments where previously there had been none.

31. These measures may not be sufficient to cure the problem of overstretch, particularly given the decision to retain MDP at the Royal Ordnance Factories; nor do they address some of the other problems highlighted by the Committee such as the statutory basis under which the MDP operate. It has therefore been decided to commission an independent and wide-ranging study of all aspects of the Ministry of Defence Police to formulate a long term strategy for the force's future role, composition and size. Term of Reference for the study are being drawn up. Meanwhile steps will be taken to set up a second reserve unit as soon as manning levels permit.

### Conclusion

32. Security is a subject which permeates virtually all areas of the work of the Ministry of Defence and impinges on other government departments. The Government attaches great importance to the maintenance of appropriate security standards at defence installations while ensuring that the resources devoted to security are deployed in the most cost-effective manner and against the most likely threat. The Government's view is that its general approach



to security is sound and feels that this is largely supported by what is said in the Committee's report. It is nevertheless accepted that in certain specific areas the Committee have identified weaknesses. The fact that they have done so, and that the Government has been prepared to take prompt action to rectify them is , as the Committee say in their report, a vindication of the Select Committee system.



810

TF



PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

11 December 1984

W 11/12

Dear James,

GOVERNMENT ANNOUNCEMENTS BEFORE THE CHRISTMAS RECESS

As you know, the House will adjourn for the Christmas Recess on Friday 21 December. It is, therefore, time for me to make my usual plea about controversial announcements immediately before that date.

The pressure of Parliamentary business before the Recess frequently results in a large number of Answers being delivered during the last couple of days; and this can lead to problems where Answers are given on controversial subjects in that the Opposition frequently allege that such Answers have been deliberately timed to prevent the House from adequately considering the matter in question. I should, therefore, be obliged if you and copy addressees would take what steps you can to ensure that no controversial Written Answer is delivered later than Tuesday 18 December, thus appearing in Hansard on the Wednesday morning. Where the timing of a Question is such that it seems impossible to meet this requirement, this Office should be warned in advance.

I am copying this letter to the Parliamentary Clerks in all Government Departments, Tim Flesher and Murdo Maclean.

yours

Charles

C M J MARSHALL  
Private Secretary

J Acton Esq  
Parliamentary Clerk  
Home Office



111 DEC 1984

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*Questions*

*2*

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*

*Pne Munk*

*To note*

*N 20/11*

Nigel Pantling Esq  
Private Secretary to  
The Rt Hon Leon Brittan QC MP  
Secretary of State for the Home Department  
Home Office  
50 Queen Anne's Gate  
LONDON  
SW1H 9AT

27 November 1984

*Dear Nigel,*

ETHNIC QUESTION IN THE CENSUS

As you know, my Secretary of State proposes to publish the Government Reply to the Second Report of the Home Affairs Committee on Thursday 29 November. I enclose for information the text of the proposed PQ.

I am copying this to Tim Flesher (No 10), Janet Lewis-Jones (Lord President's office), Elizabeth Hodgkinson (Department of Education and Science) and John Ballard (Department of Environment).

*W. S. Hickey*  
*S. H. F. Hickey*

S H F Hickey  
Private Secretary



GOVERNMENT REPLY TO THE SECOND REPORT FROM THE HOME  
AFFAIRS COMMITTEE

DRAFT OF ARRANGED PQ FOR ANSWER ON 29 NOVEMBER

Question

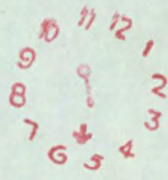
To ask the Secretary of State for Social Services, what response the Government proposes to make to the Home Affairs Committee report on an ethnic question in the census.

Answer

The Government's Reply to the Second Report from the Home Affairs Committee is published today (Cmnd     ). The Government welcomes this report and accepts that the Committee has made a good case in principle for the inclusion of an ethnic question, but it will necessarily be several years before final decisions can be taken about what questions are to be included in the next census. As I announced in the House of Commons on 14 July 1983 [Official Report Vol 45, No 21, Col 450] census planning will proceed on the assumption that the next census will be held in 1991. In the meantime, valuable information about the numbers and circumstances of the ethnic minorities will continue to be available from other sources. A decision on whether to supplement information derived from these sources with national data from an ethnic question in the census will depend on practical issues and in particular, as the Committee recognises, on the public acceptability of such a question. This will need to be tested well in advance. Accordingly, the Government has decided to invite the Registrars General to carry out whatever tests are necessary to see if a reliable and publicly acceptable census question on ethnic origin can be developed for inclusion in the 1991 Census if that is the wish of the Government of the day.



28 NOV 1984







DEPARTMENT OF TRADE AND INDUSTRY  
 1-19 VICTORIA STREET  
 LONDON SW1H 0ET  
 TELEPHONE DIRECT LINE 01-215 5422  
 SWITCHBOARD 01-215 7877

JF7348

Secretary of State for Trade and Industry

CONFIDENTIAL

Charles Marshall Esq  
 Lord Privy Seal's Office  
 68 Whitehall  
 LONDON  
 SW1A 2AT

*Dear Charles,*

15 November 1984

- 1, Mr. Tebbets
- 2, Pire Murte

*Mr Tebbets*

*reluctant agreement  
 to the Lord Privy Seal's  
 proposals*

RELEASE OF DOCUMENTS TO SELECT COMMITTEES

The Secretary of State has now had an opportunity to consider the correspondence initiated by the Lord Privy Seal's minute to the Prime Minister of 31 October. He has commented that he reluctantly agrees with the Lord Privy Seal's proposals as set out in that minute, but considers it dangerous and to conflict with good managerial practice for Select Committees to be free to go on fishing expeditions looking for papers within nationalized industries whose disclosure would be damaging to the nationalized industries or to Government. However, given the present position that has been reached, he believes that the Lord Privy Seal's proposals are the best which the Government could hope to achieve. The Secretary of State also agrees that it is probably best not to try to agree a definition of "policy papers" for fear of worsening an already unsatisfactory situation.

*15/11/84*

2 There are two further points I have been asked to make. First, it would be desirable if the proposals on "advice to Ministers" also caught documents which had not been sent to the Department concerned, but were prepared by the nationalized industry with a view to seeking a Ministerial decision. Companies where the Government is the major shareholder (such as BL and Rolls Royce) should also have the same level of protection as the nationalized industries would have under the Lord Privy Seal's proposals.

3 I am copying this letter to the Private Secretaries of Cabinet Members and of the Paymaster General, to Murdo Maclean and to Richard Hatfield.

*Yours ever,*

*Ruth*

RUTH THOMPSON  
 Private Secretary





## CABINET OFFICE

*From the Chancellor of the  
Duchy of Lancaster*  
Lord Gowrie

MANAGEMENT AND PERSONNEL OFFICE  
Great George Street  
London SW1P 3AL  
Telephone 01-233 8610

The Rt Hon John Biffen MP  
Lord Privy Seal  
70 Whitehall  
LONDON SW1

5 November 1984

*Dear John,*

HOUSE OF COMMONS SELECT COMMITTEE ON PROCEDURE

Thank you for sending me a copy of your draft Memorandum for the Select Committee on Procedure.

Like Quintin Hailsham I strongly support the approach you propose. A better use of Parliamentary time should result in attention being focused on the more important aspects of legislation. Often these may be the more contentious ones but some of the contention may be eased if the reasoning behind the proposals, and the related background information, can be explained and understood more clearly. In addition 'evidence taking' sessions mentioned in the final paragraph of the Memorandum could, I imagine, provide a useful opportunity for a Lords' Minister to explain his proposals to his Commons colleagues.

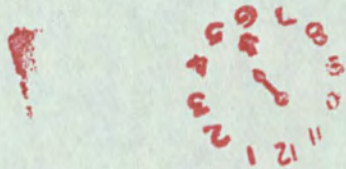
I am copying this letter to Cabinet colleagues, the Paymaster General, the Deputy Chief Whip and Sir Robert Armstrong.

*Yours,  
Gowrie*

GOWRIE



Parlament: Hoc Doodur Atb,



7. 11. 1984





CENO

PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A2AT

2 November 1984

W  
2/11

Dear Quentin,

HOUSE OF COMMONS SELECT COMMITTEE ON PROCEDURE

In your minute of 30 October to the Prime Minister you refer to proposals dealing with procedures on technical Bills, which you had in mind for possible submission to the Select Committee on Procedure. I very much welcome this suggestion.

It occurs to me that it might be helpful if the note you propose were to be circulated in the first instance to the members of Legislation Committee.

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

*John Biffen*

JOHN BIFFEN

Rt Hon the Lord Hailsham of St Marylebone CH FRS DL  
Lord Chancellor



HK Procedure; PARLIAMENT A6.

2 NOV 1984







file ECU

bc: DTI

10 DOWNING STREET

*From the Private Secretary*

1 November 1984

RELEASE OF DOCUMENTS TO SELECT  
COMMITTEES

The Prime Minister has seen the Lord Privy Seal's minute on the release of documents to Select Committees. Subject to the views of colleagues she agrees with the line proposed by Mr Biffen.

(Tim Flesher)

Charles Marshall, Esq.,  
Lord Privy Seal's Office.

RJ



13/10



Rose Murray

Yes but

PRIME MINISTER

It must be agreed by Norman Falbit specifically no to colleagues?

Agree to this approach, subject to colleagues?

Dr 3/11/42

RELEASE OF DOCUMENTS TO SELECT COMMITTEES

1. You will remember that on July 19th Cabinet discussed the request that the House of Commons Select Committee on Trade and Industry had made to British Shipbuilders to provide them with copies of the British Shipbuilders Corporate Plan and other related material. The Select Committee had said that if necessary the authority of the House of Commons would be sought to provide the documents in question. After discussions between myself, the Chief Whip and the Secretary of State for Trade and Industry, it was decided that a major disagreement between the Government and the Select Committee had to be avoided and that the Chairman of British Shipbuilders was authorised to provide the documents in question to the Committee. As a result of this the Cabinet invited me to review the rules and conventions governing the production of documents of Government Departments and their associated Public Bodies to Departmental Select Committees.

2. I set out my proposals in my letter to the Home Secretary of 1 August. In that letter I proposed first that we might seek to establish through the Liaison Committee an understanding



with Select Committees that "policy" documents held by Nationalised Industries and other associated Public Bodies should be on a common footing with those held by Government Departments as regards disclosure to Departmental Select Committees. Such an understanding would be despite the differences in the formal procedural powers of Select Committees in the two instances.

3. Colleagues are generally agreed that it would not be appropriate to change the procedures for all "policy" documents. But their general view, which I support, is that working documents of Nationalised Industries or Other Public Bodies, which constitute "advice to Ministers", should be treated in the same way as those of Government Departments in this category ie the agreement of the appropriate Minister would be required for disclosure. On the other hand Select Committees should not be able to demand any Departmental documents from Nationalised Industries to which they had been denied access by the Department itself.

4. Secondly I asked whether we should try and made more precise the definition of "internal working documents", particularly those termed as "advice to Ministers". The general consensus here is in favour of no change.



5. Next steps. With your agreement I now propose to consult with Mr Terence Higgins, the Chairman of the Liaison Committee, on the best way of taking this matter forward with the Liaison Committee. Both the Chancellor of the Exchequer and the Secretary of State for Trade and Industry regard prior consultation with the Nationalised Industries Chairmen as being desirable. I appreciate the importance of this and I will take Mr Higgins' mind on this point too, and report again to colleagues.

5. I am copying this minute to Cabinet colleagues, the Paymaster General, the Deputy Chief Whip and to Sir Robert Armstrong.

W J B

W J B



Not Incl. Shipbuilding Party A 7



30 OCT 1984





2

Government Chief Whip

12 Downing Street, London SW1

FROM THE PRIVATE SECRETARY

30 October 1984

*Rue Murto*

*ms*

*JB nra*

*Dear Tim,*

At the meeting in the House of Commons yesterday evening, the Prime Minister expressed concern lest we were creating an undesirable precedent in agreeing to the Opposition speaking first on a Government day.

*AD*

*30m*

On Wednesday 29th October 1980, almost 4 years to the day, there was a debate in Government time on Unemployment, on a Motion for the Adjournment of the House. Mr Healey opened for the Opposition, Sir Geoffrey Howe opened for the Government, Mr Foot wound up for the Opposition and Mr Prior for the Government.

I cannot recall precisely what the circumstances were leading up to this arrangement but the Government agreed that Mr Healey should be allowed to speak first. Such days are, of course, extremely rare, but I have made clear to the Opposition that today's arrangement should not be regarded as a precedent, if, for any reason they should be able to choose a subject for debate in Government time, in the future.

I am sending a copy of this letter to David Peretz (HM Treasury) and to Charles Marshall (Lord Privy Seal's Office).

*yours ever,  
Maclea*

M MACLEAN

T Flesher Esq  
Office of the Prime Minister  
10 Downing Street  
London SW1



# Pam procedure

July 1940 - 1941

1. The first step is to determine the scope of the project. This involves identifying the objectives and the resources available. It is important to have a clear understanding of what you are trying to achieve and what you have to work with.

2. Next, you need to develop a plan. This should include a timeline, a budget, and a list of tasks. It is important to be realistic and to allow for some flexibility in case things do not go as planned.

3. Once you have a plan, you need to put it into action. This involves delegating tasks to others and monitoring progress. It is important to communicate regularly and to be open to feedback.

4. Finally, you need to evaluate the results. This involves comparing the actual results with the objectives and identifying any areas for improvement. It is important to be honest and to learn from your mistakes.

## NOTATIONS

1. The first notation is the date of the meeting. This should be written in full at the top of the page.

2. The second notation is the name of the person who is taking the minutes. This should be written below the date.

3. The third notation is the name of the person who is presiding over the meeting. This should be written below the name of the person taking the minutes.

4. The fourth notation is the name of the person who is recording the minutes. This should be written below the name of the person presiding over the meeting.

5. The fifth notation is the name of the person who is presenting the report. This should be written below the name of the person recording the minutes.

6. The sixth notation is the name of the person who is presenting the motion. This should be written below the name of the person presenting the report.

7. The seventh notation is the name of the person who is presenting the amendment. This should be written below the name of the person presenting the motion.

8. The eighth notation is the name of the person who is presenting the resolution. This should be written below the name of the person presenting the amendment.

9. The ninth notation is the name of the person who is presenting the vote. This should be written below the name of the person presenting the resolution.

10. The tenth notation is the name of the person who is presenting the result. This should be written below the name of the person presenting the vote.





MINISTRY OF AGRICULTURE, FISHERIES AND FOOD  
WHITEHALL PLACE, LONDON SW1A 2HH

From the Minister

The Rt Hon John Biffen Esq MP  
Lord Privy Seal  
70 Whitehall  
London SW1

30 October 1984

W  
31/10

HOUSE OF COMMONS SELECT COMMITTEE ON PROCEDURE

I have seen your minute of 26 October to the Prime Minister, and there are three comments that I would like to make.

First, we must never forget that radical Governments, in general, wish to enact significantly more, highly contentious legislation than Conservative Governments.

Second, it follows that it would be unwise to ease the passage of highly contentious legislation.

Third, if the Government makes a practice of timetabling highly contentious legislation very soon after second Reading, filibusters are much more likely to spill over, to effect relatively uncontroversial Bills.

I am copying this letter to members of the Cabinet, the Pay Master General, the Deputy Chief Whip and to Sir Robert Armstrong.

MICHAEL JOPLING



FROM:

THE RT. HON. LORD HAILSHAM OF ST. MARYLEBONE, C.H., F.R.S., D.C.L.



HOUSE OF LORDS,  
SW1A 0PW

Prime Minister

HOUSE OF COMMONS SELECT COMMITTEE ON PROCEDURE

1. I have seen the Lord Privy Seal's draft Memorandum for the Select Committee on Procedure and his accompanying minute of 26th October 1984. ✓
2. As the best use of Parliamentary time must always be at the root of the legislative process, I strongly support the approach he proposes to adopt in giving evidence to the Select Committee.
3. His concern is with the time which can be taken in Committee over controversial Bills, but I believe that there is also room for improvements in procedure on technical Bills including those on law reform other than consolidation Bills. The improvements I have in mind might include such matters as the provision of more thorough explanatory and background material and improving the opportunities for making technical and professional evidence available to Committees.
4. As these matters are quite distinct from those to be taken by the Lord Privy Seal, I propose to prepare a note on them for our consideration and for possible submission to the Select Committee very shortly.
5. I am copying this minute to Cabinet colleagues, the Paymaster General, the Deputy Chief Whip and to Sir Robert Armstrong.

*H. of S. M.*

30 October 1984



Parliament: #1 Common Procedure Pt 6

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CCNO



PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

26 October 1984

H  
27/10

Dear Willie,

I have recently been considering the handling of the report which the Select Committee on Procedure published just before the Recess on the question of possible limitations being placed on the length of Member's speeches on the Floor of the House [First Report from the Select Committee on Procedure (Session 1983-4): Short Speeches].

In their report the Committee propose an experimental Sessional Order for the duration of the 1984-5 Session whereby the Speaker could in certain debates (Second Readings, Opposition Days and full-day debates on Government Motions) announce a 10-minute limit on speeches between either 7 pm and 9 pm or 6 pm and 8 pm. This would be a modified revival of the experiment undertaken in the 1979-80 Session, following a report by an earlier Select Committee on Procedure. The Committee has come down against any general limitation on the length of speeches and against the proposal that a list of Speakers in a debate should be 'published' beforehand.

These recommendations seem mild and uncontroversial, and the enquiry appears to have aroused very little concern amongst back-benchers. Nevertheless, it seems desirable for the House to have an early opportunity to consider the report, partly because a number of Second Reading debates to which the recommendations might apply will take place early in the new Session, and partly in the light of the need to maintain good relations with the Committee, which will shortly be moving on to matters of more substance.

I have therefore arranged for the necessary debate to be held on Wednesday 31 October, the date of prorogation. The subject is of course a 'free vote' one, and there is no need to express a Government view.

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

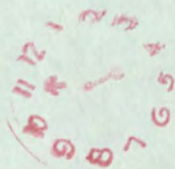
*John Biffen*

JOHN BIFFEN

Viscount Whitelaw CH MC  
Lord President of the Council



26 OCT 1984







Prime Minister

HOUSE OF COMMONS SELECT COMMITTEE ON PROCEDURE

Following their First Report (on Short Speeches), the Select Committee on Procedure has now begun a general enquiry into Public Bill procedure. The chairman, Peter Emery, anticipates that the Committee's "main preoccupation will be to assess ways in which the House might make the most efficient use of time spent on public legislation".

I have been asked by the Committee for a memorandum of evidence, and I propose to submit the attached note. Its scope is confined to Standing Committee procedure in relation to Government Bills and it is deliberately unspecific. I believe that there is room for improvement here, but only if changes can be devised which have general support on both sides of the House. I expect to give oral evidence to the Committee sometime next month.

I am copying this minute to Cabinet colleagues, the Paymaster General, the Deputy Chief Whip and to Sir Robert Armstrong.

W. J. B.

W J B

26 October 1984

Prime Minister: 2

The Lord Privy Seal essentially defends existing procedure. Possibly the most controversial proposal is earlier timetable returns.

26/10



Draft Memorandum by the Lord Privy Seal for the Select Committee  
on Procedure

Public Bill Procedure: Standing Committees

1. The aspect of Public Bill procedure on which most discussion concentrates is the consideration of Bills in Standing Committee. I have accordingly confined the scope of this memorandum to the single area of Standing Committee procedure, and have done so only in relation to the consideration of Government Bills.
2. The overriding purpose of a Bill's Committee stage is, I believe, to provide an opportunity for the scrutiny and elucidation of its detailed provisions. This purpose needs, however, to be achieved within a wider framework that takes account for example, of the Parliamentary time-table as a whole.
3. Committee stage procedures also need to be sufficiently flexible to be able to take into account factors whose significance only emerges in the course of Committee scrutiny. The procedures also need to command the respect of the general public for the effectiveness of Parliamentary institutions, and to retain the interest and enthusiasm of Members themselves. What may be acceptable to one generation of Members - say in relation to late-night sittings - may not necessarily be as readily acceptable to another. Unless such factors are taken into account, the House will not give of its best, whatever the formal procedures.



4. Some critics of existing standing committee procedure argue that its failings arise inevitably from its present "debate-and party-orientated" basis and that what is required is a fundamental change in the consideration of Bills in Committee to an investigatory and questioning basis on the pattern of a select committee enquiry. I do not share this view. I believe that the present normal "debate" format of Standing Committee proceedings is essential to the type of detailed scrutiny which most legislation requires. I accordingly agree with the conclusion of the 1977-78 Procedure Committee that it is neither desirable nor practicable for the generality of Bills to be dealt with on a "Select Committee" basis at their Committee Stage. (See paragraph 15 below for further comments on Special Standing Committees).

5. It is worthwhile to recognise that the number of Bills each session in which the present standing Committee Procedure has led to allegations of delay and inefficiency is fairly small. For example, I note that while 29 Government Bills went to a Commons Standing Committee last session, about three-quarters of the total Committee time was occupied by six Government Bills, and three Bills alone (the Housing and Building Control Bill, the Telecommunications Bill and the Police and Criminal Evidence Bill) occupied virtually half the total time spent in Committee on Government Bills during the session. The time spent in Standing Committee on Government legislation has been more evenly distributed during the current session (1983-84) but some



six Bills have occupied well over half the total time spent in Standing Committee on Government legislation.

6. Nevertheless, there seems to be little doubt that on occasion (I would cite the Telecommunications Bill as a recent example) party controversy in Committee has overwhelmed the requirements of proper debate. Such experiences have undoubtedly led to growing support in the House for a reappraisal of the balance between the legitimate power of Members to delay the progress of individual legislation and the cost of the present procedures.

7. The most frequent response to such criticisms in the past has been to examine the case for a further extension of the provisions for the "timetabling" of legislation, or even the automatic application of some form of timetabling to all Public Bills.

8. As indicated in paragraph 5 above, I see little evidence that the automatic timetabling of all Government Bills would be justified. The considerations against any system of general timetabling outlined by the 1977-78 Procedure Committee (paragraph 2.34) are clearly relevant. There seems no reason to believe that for the majority of Government Bills automatic timetabling would give results more generally satisfactory to the House than the present system of informal discussion through the usual channels.



9. I would suggest, therefore, that the examination of the case for any change in the "timetabling" procedures of the House need only be concerned with that fairly small number of Bills each session where there appears a clear risk that political controversy may override the requirements of an effective, and reasonably apportioned, Committee stage.

10. At present, such Bills are ideally identified as the Committee Stage proceeds and a 'voluntary' timetable is agreed between the usual channels before too much time has been spent unnecessarily. Failing this, a Government has of course at its disposal the power to table an Allocation of Time Motion if it is considered essential for progress. In recent years the practice has grown up that Governments are reluctant, whatever lack of progress there may have been in Committee, to move for an Allocation of Time Order until a Standing Committee has sat for about 70-80 hours. By contrast, between 1945 and 1960 the normal practice was that a guillotine motion was moved before a committee had sat for at most 30 hours. The result of present practice is that at the point at which a 'timetable' Motion is now normally moved, a considerable amount of Parliamentary time has already been spent in Committee, and the scope for allocating sufficient further time for the completion of the Bill's Committee scrutiny has become that much more circumscribed.



11. The Committee might take the view that one possible way of meeting the recent criticism would be for 'timetable' Motions to be moved, where required, at a somewhat earlier stage than at present, even possibly immediately after Second Reading. The principal problem then to be surmounted would be that of identifying those Bills for which such Motions would be appropriate in a way likely to command sufficiently broad agreement in the House. It is one thing to propose a 'timetable' Motion when it can be reasonably demonstrated on the evidence of what has already happened that a Bill is unlikely to achieve a satisfactory Committee stage. It could be much more potentially contentious to single out Bills for timetabling without this evidence. Further, the problem of prior identification would be compounded by the fact that the reasons why the Committee stage of a particular Bill may prove unsatisfactory, or be unnecessarily protracted, may arise not from the controversial character of the Bill itself, but from the overall political situation at the time.

12. I should emphasise that I do not see the value of earlier "time-tabling" as necessarily being in an overall saving of time; but rather as enabling the Bill as a whole to be better considered. This requires a measure of co-operation between the parties. In considering any new 'time-tabling' proposal it would therefore be necessary to consider whether it would be possible in any way to find some means of compensating an Opposition for what would no doubt be represented as



a significant reduction of its general power to delay and harass Government legislation. I note, for example, that in 1947 when what are basically the present procedures for the timetabling of proceedings in Committee were in their early stages after the war, it was proposed by Mr Chuter Ede\* that "when the guillotine procedure has to be followed, both sides should have an opportunity of making an effective contribution towards setting up the guillotine which is to be operated" - in other words, he was seeking to take the "political" edge off the guillotine. I would go further and suggest that if consideration were to be given to the possibility of 'timetable' Motions being introduced at some earlier stage than at present, it should also be considered whether the Opposition of the day should have a larger voice in the way in which the time available in Committee, before the terminal date for reporting the Bill to the House, should be allocated to the various parts of the Bill concerned.

13. Aside from the question of timetabling, the Committee may care to consider some ways in which proceedings in Standing Committee might perhaps be improved:

- i. I entirely recognise the need to maintain the non-partisan position of the Chairman in Standing Committees, and the reasons for the general alignment

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\* 443 HC Deb 1725 (4 November 1947)



of procedures in Standing Committee with those on the Floor. The Committee might, however, wish to consider asking the Speaker whether he sees any scope for increasing the powers of Standing Committee Chairman with a view to enabling them to curb blatantly repetitious debate more easily.

ii. The possible introduction of some form of preliminary general debates on clauses before particular amendments are debated. This might to some extent reduce the need for "probing" amendments, and strengthen the Chairman's effective power to restrict repetitious debate on amendments. It might also lessen the time spent on debates on 'clause stand part'.

iii. The operation of Standing Order 31 in so far as it relates to closure of debate during Committee proceedings. During the Committee stage of the Telecommunications Bill a member spoke at length on an amendment without actually moving it. The Standing Order makes provision for closure of debate in these circumstances but the provision has not been used for many years. The Committee may wish to consider whether the provisions remain adequate in the circumstances of today.

14. On a more detailed aspect, some difficulty has arisen in recent instances when a Standing Committee sits in the



morning (eg in the recent case of the Police and Criminal Evidence Bill), and it is possible for amendments to be selected for the afternoon session that were only tabled overnight and first appeared on the Order Paper that morning. This makes it difficult for Ministers and officials to deal with them properly and without delay, particularly since they may well be personally involved in the morning session. The Committee may be willing to consider whether some longer notice of amendments is desirable in these circumstances.

15. Finally, the Committee will no doubt be considering the future of the Special Standing Committee procedure, first introduced experimentally in October 1980. The "evidence-taking" sessions provided for under this procedure have proved of some value in the case of legislation that cuts across party lines, and have helped in some instances to crystallise issues before the normal Committee stage. Even so there seems little scope for extending their use to Bills with a clear "Party political" content. In their consideration, however, the Committee may perhaps wish to take into account the possible value and practicality of some form of preliminary Standing Committee session



at which Ministers might explain to the Committee what a Bill seeks to achieve, and answer questions from the Committee. Such sessions could take place either at the beginning of a Bill's Committee Stage or at the beginning of the consideration of individual parts or clauses of a Bill.



CONFIDENTIAL

NBPM

AT 22/10

S/MO



## DEPARTMENT OF EDUCATION AND SCIENCE

ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH

TELEPHONE 01-928 9222

FROM THE SECRETARY OF STATE

The Rt Hon John Biffen MP  
 Lord Privy Seal  
 68 Whitehall  
 LONDON SW1A ZAT

18 October 1984

*John Biffen*

Thank you for copying to me your letter of 1 August to Leon Brittan asking for comments on a possible review of the rules and conventions governing the release of documents to Departmental Select Committees. I have read the comments colleagues have made with interest.

As to the treatment of the documents of "associated public bodies", I am not myself in any particular difficulty. In 1981 my predecessor, Mark Carlisle, made it clear that he regarded advice to the holder of my office from one of the main bodies of this type in my field, the University Grants Committee, as attracting the same measure of confidentiality as advice from Departmental officials. Although I have recently chosen to publish certain advice from the UGC, I would want to stand by the general principle involved. My Select Committee has probed at this on occasion but we seem to have an acceptable modus vivendi. Although it has not attracted probing of this kind, similar considerations apply to my other relevant main body, the Advisory Board for the Research Councils. For my part therefore I would not wish to ventilate the matter unnecessarily but I accept that colleagues with particular problems may have a different perspective.

As to the idea of pursuing a sharper definition of "internal documents" and "advice to Ministers" I strongly agree with what seems to be the general view among colleagues that there is probably more disadvantage than advantage in our raising this. I agree with for example what Nicholas Ridley says about preserving a useful degree of flexibility to handle particular cases in the most appropriate way.

I am copying this to Cabinet colleagues and to Sir Robert Armstrong.

*Erasmus Klein*



Parliament - House of Comm. Procedure Part 6



11 8 OCT 1984

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10 9 8





Tim Flesher Esq  
Private Secretary  
10 Downing Street  
LONDON SW1

NORTHERN IRELAND OFFICE

WHITEHALL

LONDON SW1A 2AZ

17 October 1984

Dear Mr Flesher,

COMMITTEE OF PUBLIC ACCOUNTS: MEMORANDA OF REPLY TO THE  
24th and 25th REPORTS

I am writing to seek the Prime Minister's agreement to the laying before Parliament on Tuesday 23 October of the Department of Finance and Personnel Memoranda of Reply to the 24th and 25th Reports of the Committee of Public Accounts. The 24th Report deals with arrears of public debt, heating charges and rates in Northern Ireland. The 25th Report contains the highly critical examination of many aspects of the De Lorean project.

It is planned to lay the Memoranda with a number of Treasury Minutes of Reply to other PAC reports. The terms of the response on De Lorean are likely to be closely scrutinised both inside and outside the House. The Memorandum may spark off further calls for Government action to pursue criminal charges; to secure redress for the creditors, or to censure those at a high level in Government who dealt with Mr De Lorean.

The Memorandum of Response records that the original decision to fund the project was a matter of policy by the then Government; there were in its judgment positive factors which justified the commitment of substantial resources and the risks. As late as November 1981, the consultants McKinsey and Co reported optimistically on the company's prospects. Extensive arrangements for monitoring the company's progress were made but in the event they failed to detect the misappropriation of a large sum of public money made available to the company for the development of the De Lorean Car. The Memorandum fully recognises a large number of important lessons to be learnt from the De Lorean experience. Government policy has changed and industrial support would not now be made available for a new project of this kind unless a substantial part of the financial resources were provided by the private sector. The position of Government nominee Directors has been reassessed and detailed formal advice has been issued.

A copy of this letter goes to the Private Secretaries to the Lord President of the Council, the Lord Privy Seal, the Secretary of State for Trade and Industry, the Chief Secretary to the Treasury, the Attorney General, the Chief Whip and Mr Bernard Ingham.

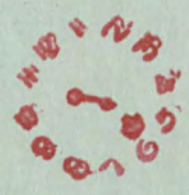
yours sincerely,  
*D Coleman*  
D COLEMAN



ROYAL CANADIAN MOUNTED POLICE  
MONTREAL  
MONTREAL, QUEBEC



18 OCT 1984







Treasury Chambers, Parliament Street, SW1P 3AG

01-233-4749

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*J. Salveson told*  
*17/10/84*  
*Duty Clerk 17/10*

T J Flesher Esq  
 10 Downing Street  
 LONDON  
 SW1

15 October 1984

*Dear Jim*

TREASURY MINUTE REPLYING TO THE 19TH TO 23RD AND 26TH TO 36TH REPORTS OF THE PUBLIC ACCOUNTS COMMITTEE 1983-84

The Treasury wishes to publish as a Command Paper a Treasury Minute which, together with a separate Memorandum the Northern Ireland Office is preparing concurrently, will complete the Government's response to the Public Accounts Committee's Reports of 1983-84 Session. We have already replied to the Committee's reports 1 to 18 inclusive. We are now ready to reply to the Committee's remaining reports. The Treasury will deal with reports 19-23 and 26-36 by Treasury Minute; NIO will reply to reports 24-25.

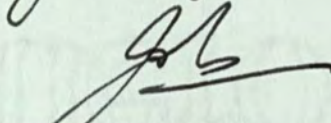
2. The texts in reply to the PAC's reports covered by the Treasury Minute have been agreed between the relevant departments, including the Treasury. The Financial Secretary has approved the Government's reply being presented in his name as is customary. Northern Ireland Office will consult you separately about its Memorandum in reply to the PAC. If it proves practicable, we aim to publish the Treasury Minute and NIO Memorandum on the same day.

3. The PAC published the reports to which the Government now intend to reply throughout the month of July. It was not feasible to publish the Government reply before the House rose for the Summer Recess. Since we try to avoid publication of these Treasury Minutes in reply to the PAC when the House is not sitting, the earliest date available to us is during the week the House of Commons returns (ie. on 22 October). We, therefore, propose publishing the Command Paper at 3.30pm on Wednesday 24 October. As usual, we expect to provide pre-publication (ie. CFR) copies prior to publication, including laying the Command Paper before both Houses of Parliament on the previous day (ie. 3.30pm on Tuesday 23 October). Treasury Information Division would supply copies to the Lobby on the usual arrangements. We shall also release copies to the departments which have contributed to the text, to PAC members and to the National Audit Office, on 23 October.



4. The Treasury Minute covers a good deal of ground. For convenience, therefore, I enclose a note explaining the background to the particular PAC reports. These Treasury Minutes normally attract little attention. However, responses dealing with defence and NHS matters invariably provoke some comment. There could well be interest, too, in the reply about fraud in the Property Services Agency. And Ministers are currently reviewing regional industrial incentives policy. On the other hand, the Treasury Minute is responding to PAC reports which, themselves, dealt with matters occurring some time in the past. Thus there is little which is new or significant appearing in the Treasury Minute itself.

5. I am sending copies of this letter and enclosure to Murdo Maclean and David Morris.

*Yours very truly*  


A J SALVESON  
PARLIAMENTARY CLERK



## SUMMARY OF PAC REPORTS, 1983-84 AND LIST OF DEPARTMENTS RESPONSIBLE FOR REPLIES

19th Report : UK Trident Programme (MOD)

A generally favourable report on MOD's performance of the Trident programme, in contrast with the predecessor Committee's report (9th Report, 1981-82) which pointedly criticised MOD's provision of information and accountability to Parliament for the Chevaline project. Some warning advice for MOD to keep an eye on cost monitoring and project control and minimising the cost of funding arrangements in the USA.

20th Report : ECGD Accounts (ECGD)

The report was based on ECGD's 1982-83 accounts (ie before the Matthews Report). The Committee generally expressed concern about provision for losses and growth in insurance risks and claims payments against an increasingly uncertain international financial background.

21st Report : Regional Industrial Incentives (DTI/Scottish Office/Welsh Office)

The Committee contend that since 1972 regional incentives have provided many examples of poor value for money. Therefore the changes now proposed for development grants and selective assistance should improve schemes' effectiveness. However, there remains a problem about the lack of measurability of the results of regional incentives and the time needed to allow for a full review of the effectiveness of the revised regional incentives.

22nd Report : Dockyard Operations and Manpower (MOD)

This report pre-dates Mr Levene's report to the Defence Secretary and the further work resulting from that. The PAC was fairly critical (in part deserved) of MOD's failing to take effective action on the department's own internal reports since 1971 to deal with the basic organisational and financial difficulties facing the dockyards. Among improvements the Committee suggests are needed are clearer customer/supplies responsibilities making Naval staff fully accountable for real cost of Navy requirements, introducing outside competition wherever appropriate and better management information.



23rd Report : Home Improvement Grants (DoE)

Generally low-key criticism of DOE's monitoring of grant arrangements against objectives. A loophole in the Housing Act 1974 which is being exploited by developers should be closed at the earliest opportunity.

24th Report : Northern Ireland Matters

25th Report : De Lorean

These two reports are the responsibility of the Northern Ireland Office which will publish the replies to PAC separately from the Treasury Minute. They are, therefore, not covered in this summary.

26th Report : PSA Fraud (PSA)

This report followed evidence given by the then Chief Executive of PSA (Mr Alfred) who subsequently left the Agency. The PAC criticised PSA management for failing to act more speedily to counter the serious problems over frauds which had been known about for some years. There is a welcome for the steps which are being taken but scepticism that PSA's "action plan" for implementing the Wardale Report's recommendations go far or fast enough. The PAC announced its intention to follow up whether any significant improvements were evident in a year's time.

27th Report : Administrative Computers (Treasury/DHSS)

The main purpose of the report is to point out the Committee's concern of the potential high risks and penalties of failure and delay, with evidence of some computer projects cancelled resulting in significant nugatory expenditure. Planning by departments was not given sufficient priority nor did the Treasury do enough to counter departments' failings. Some important improvements were being made but there was much that still had to be done, eg shortage of highly skilled specialist staff, most sensible deployment of scarce and stretched resources, unrealistic expectations of benefits and timescales of projects. The report also commented critically on a particular DHSS computer project on social security benefits where the Committee was sceptical of the department's estimates (costs and staff savings), realisation of the project and monitoring arrangements.

28th Report : NHS Supplies (DHSS/Scottish Office/Welsh Office)

This is part of the matter about which Mr Ralph Howell, MP has written to the Prime Minister on a number of occasions over the past couple of years. The PAC's main message is of missed opportunities to secure available economies over the past 30 years and urges the three Health departments and health authorities to seize the opportunity to make savings now. Cost consciousness is the responsibility of those directly responsible for patient care as much



as administrators. The Committee promised further comment about the British Oxygen Company's contract to supply medical gasses (about which there had been some unfavourable press comment) after the Health Services Supply Council and DHSS completed their reviews of the contract.

29th Report : NHS Drugs (DHSS/Scottish Office)

The report is largely a progress report and closer to its predecessor's 10th Report, 1982-83. The Committee's latest report concluded that the PPRS scheme had not ensured the reasonableness of drug prices generally and that the target profit rate DHSS allowed drug companies was too high. There is a related, though separate, problem of over-reimbursement of chemists for the cost of drugs dispensed. PAC urged recovery of any over-reimbursements, re-examination of the Health Departments' contract with chemists for NHS dispensing and imposition of a settlement for the future profit formula if agreement cannot be reached with the chemists.

30th Report : Building Maintenance Expenditure (PSA)

The C&AG produced a report containing a number of fundamental criticisms of management structure and management information systems in the PSA, some of which had been identified earlier but with no adequate remedial action. In evidence PSA agreed it needed to take remedial action on the lines suggested by the C&AG. The PAC welcomes the PSA acknowledgement and lists a number of areas where the Committee expects improvements to be forthcoming; and sets the beginning of 1985 as a target date for the PSA's "action plan" to deal with the various reports (eg including Wardale - see 26th Report) on the department's shortcomings.

31st Report : Control of Manpower in Non-Departmental Public Bodies Sponsored by DES (DES)

This report used DES' bodies as a sample for NDPBs generally, and extended the relevant disciplines to the Open University. It is a rather bland report. It generally endorses DES' practice for reviewing and monitoring manpower control in its NDPBs, with a warning that flexibility should not imply a less rigorous approach than in government departments. But the Committee urged DES to seek more positive assurances about manpower control in the Open University.



32nd Report : Development of Nuclear Power (Department of Energy)

A somewhat anodyne report recommending UKAEA establish time and cost targets for its programme objectives and criticising the lack of a Government decision on the commencement of a commercial demonstration fast reactor.

33rd Report : Economy of Stores Support (MOD)

PAC listed a number of specific comments/criticisms/recommendations about what it viewed as MOD's tendency to build up excessive accumulation of stocks. The Committee specifically advised better management information, greater use of direct supply and running contracts, clearer identification of the full costs of financing and holding stocks and introduction of responsibility budgets in all central stores depots; and ask to be kept informed of the current reviews by the Defence Secretary and Mr Levene about the need for three separate Service supply organisations.

34th Report : Enforcement Powers of the Revenue Departments (Inland Revenue/ Customs and Excise)

This report reviews a number of previous PAC recommendations looking for improvements in taxpayer compliance which the departments had put on ice while awaiting the Keith Committee Report. Now that Keith has reported the PAC expects the Revenue departments to pursue its previous recommendations: specifically more investigative powers, automatic interest penalties on tax unpaid, and tax-geared penalties for delayed or under-stated payments of tax.

35th Report : Quality Control Over District Office Procedures (Inland Revenue)

The PAC commented on error rates in Inland Revenue district offices operating PAYE. It notes progress made in controlling the quality of clerical work but expects more progress with quality control of technical work (eg larger Schedule D and company taxpayers). The Committee specifically advise early identification of areas where checks are needed, drawing up comprehensive and effective checking systems, monitoring the results and aiming for lower percentage error targets.

36th Report : Reliability of Companies Register (DTI)

The C&AG reported that in 1983 more than 40 per cent of companies were failing to meet the requirements of the Companies Acts for rendering annual accounts and returns to the Register. The PAC advocated its usual forceful policy of prosecuting defaulters in the light of the C&AG's findings. But it also criticised quite severely DTI senior management for failing to take



effective action more promptly to deal with the growing problem of non-compliance. There was specific criticism of the absence of reliable statistics to allow assessment of monitoring compliance with the Register and efficiency of the Companies' Registration Offices. The Committee also suggested the present level of fees might act as an additional tax on companies, recovering as they do more than the cost of the service provided.



2/10



**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*

N  
12/10

The Rt Hon Viscount Whitelaw CHMC MP  
Lord President of the Council  
68 Whitehall  
London SW1

October 20 1974

*Dear Willie.*

SECOND REPORT OF THE HOME AFFAIRS SELECT COMMITTEE: ETHNIC QUESTION IN THE CENSUS

*Will request  
PPS if  
required.*

Thank you for your letter of 12 June agreeing to the text of the Government reply to the Home Affairs Committee on the ethnic question in the census, with the revision proposed by Leon Brittan in his letter of 18 May. I have seen Leon's letter of 29 August and am content to proceed on the basis he suggests.

I attach for the convenience of colleagues the text of the reply, which I intend to send to the Committee and publish when Parliament returns.

I am copying this letter and enclosure to the Prime Minister, members of H Committee, Sir Robert Armstrong and to Sir John Boreham.

*J. ...*

NORMAN FOWLER

ENC





The Government Reply to the  
Second Report from the  
Home Affairs Committee  
Session 1982 — 83 HC 33-I

Ethnic and Racial Questions in the Census

*Presented to Parliament by the  
Secretary of State for Social Services and the Secretary of State for Scotland  
by Command of Her Majesty  
October 1984*

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GOVERNMENT REPLY TO THE SECOND REPORT FROM THE HOME  
AFFAIRS COMMITTEE

(SESSION 1982-83 HC 33-1)

ETHNIC AND RACIAL QUESTIONS IN THE CENSUS

1. The Government recognises that racial discrimination and racial disadvantage are continuing problems in our society. As indicated in its Reply† to the Select Committee's Report on Racial Disadvantage\* it is firmly committed to working towards the elimination of these problems and it has accepted that, in order to measure future trends and to assess more accurately the extent of racial disadvantage, there must be further monitoring of the social and economic position of ethnic minority groups. The Government therefore welcomes the Committee's Report, for its helpful analysis of the many problems which are associated with the use of the census of population as one of the sources of information about the numbers and circumstances of the ethnic minorities.
2. The Committee's inquiry was conducted during a period in which no decision had been taken on the date of the next census. At that time therefore the Committee's recommendations could have been immediately relevant to the design of a mid-term Census in 1986. However, on 14 July 1983 the Secretary of State for Social Services announced (Official Report Vol 45 No 21, column 450) that there will be no mid-term Census in 1986 and that planning will proceed on the assumption that the next census will be held in 1991.
3. The Government accepts that the Committee has made a good case in principle for the inclusion of an ethnic question, but it will necessarily be several years before final decisions can be taken about what questions are to be included in the 1991 Census. In the meantime, it is to be expected that valuable information about the numbers and circumstances of ethnic minorities will continue to be available from other sources, for example, the Labour Force Survey, *ad hoc* enquiries (including any held in lieu of a mid-term Census) or local authority surveys. A decision on whether it would make sense to attempt to supplement information derived from these sources with national data from an ethnic question in the Census will probably depend crucially on practical issues and in particular, as the Committee recognises, on the public acceptability of such a question. This will need to be tested well in advance.
4. If, therefore, the inclusion of an ethnic question in the Census is to be a realistic option in 1991, it will be necessary to set the preparatory work in hand well before then: to be effective, census plans have to be laid and tested well in advance. Accordingly, the Government has decided to invite the Registrars

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†Cmnd. 8476, paragraph 8.

\*Session 1980-81, HC424.



General to carry out whatever tests are necessary to see if a reliable and publicly acceptable census question on ethnic origin can be developed so that one can be included in the 1991 census if that is the wish of the Government of the day.

5. The following paragraphs consider each of the detailed recommendations in turn.

#### **Recommendations**

##### **6. Recommendation 1**

“Questions on ethnic or racial origin should be asked in future censuses, subject to

- (a) adequate reassurances on confidentiality, the misuse of data, and abuse of data in the future
- (b) the unequivocally-stated objective being to improve existing programmes against racial discrimination and disadvantage and to provide evidence for the development of new ones when policies are shown to be inadequate, ineffective or discriminatory.”

If there is a question on ethnic or racial origin in the next census, the Registrars General consider that the existing provisions to safeguard confidentiality and to prevent the misuse of data will be adequate. The Census Act of 1920 provides penalties for the improper disclosure of census information by persons employed in taking a census. Moreover, it has been made clear by the legal adviser to the Registrar General for England and Wales (Annex 1 to the Committee's report) that it would be illegal for the Registrar General to disclose individual census returns to a Minister even if asked to do so.

7. With regard to proviso (b), the Government has re-iterated in paragraph 1 above that it is its policy to work towards the elimination of racial discrimination and disadvantage and it would see no difficulty in confirming that the inclusion of a question on ethnic origin in the next census would be in support of this policy. However it believes that a further important proviso is that questions on ethnic origin should only be included in a compulsory census if they have been shown to be acceptable to the public who would have to answer them. As indicated in paragraph 4 above, it will be necessary to carry out tests before the next census to assess public reaction to a census form containing an ethnic question for such clearly stated purposes. Participation in such tests would be voluntary, which means that they could not be held under the exact conditions of a full census, but it will be important nevertheless for such tests that the stated objectives for an ethnic question are endorsed by the Government in advance of the tests.

##### **8. Recommendation 2**

“This objective should be set on the question form itself.”

It has been accepted in previous censuses that public cooperation in a census is enhanced when the objective of all census questions is fully explained to those



employed as enumerators so that they in turn can explain these purposes to members of the public. In 1981 this was done in a wide range of publications, including a special booklet called "Background to the Census 1981" which was given to each enumerator and which explained in simple language the reasons for each question and the uses to which census information would be put. Further, each householder was given a leaflet explaining the general objectives of the Census. On present plans the same policy will be followed in 1991. Although the Government accepts that there is a case for printing the objectives of questions on the census form itself, and recognises that such explanations may not be so effective if they are provided in separate leaflets, it also believes that it is essential to ensure that the census form is simple to complete and convenient for the census offices to use for preparing the census results. It may not prove practical to implement this recommendation for a question on ethnic origin alone. In any case if there were to be an ethnic origin question in the next census there would have to be publicity well in advance to explain its objective and to allay possible anxieties about it. The Government believes that a final decision on whether the objective of an ethnic question should be stated on the census form itself should be left to be decided nearer the time in the light of other arrangements for the 1991 Census.

**9. Recommendation 3**

"The Manpower Services Commission should monitor the take-up of all its programmes by ethnic origin."

The Government accepts that the Manpower Services Commission should, as far as possible, monitor the take-up of its programmes by ethnic origin. The Commission monitors by ethnic origin the use made of the Youth Training Scheme; arrangements are in hand for regular statistical monitoring of the Community Programme and the Training Opportunities Scheme. Monitoring coverage and procedures will be kept under review. It will also be possible, from the Labour Force Survey, to produce estimates of the total number of persons on special schemes by a broad grouping of their ethnic origin.

**10. Recommendation 4**

"There should be a question on school education in the Census."

The Government is aware of the arguments in favour of collecting information in the census on school based qualifications which can then be related to other social and household data. However, there are some doubts about the suitability of the census for this purpose. For the 1981 Census it was decided to limit the question on educational qualifications to those normally obtained after leaving school (eg a degree). This was felt to be the most appropriate procedure, since details about the wide variety of subjects and levels of lower qualifications are more appropriately collected in sample surveys. The Government accepts that this decision will need to be reconsidered before the 1991 Census.



#### 11. Recommendation 5

"DES should incorporate the collection of data on the ethnic origin of all pupils into its annual statistical exercise and should introduce ethnic classifications into its school leavers survey."

The Government accepts that the most effective means of collecting information on ethnic origin for educational purposes is through the education service itself. For example, schools may well need information on ethnic origin, language usage and perhaps even religion; and the schools themselves are best placed to collect this information. Enforcing collection on a national basis, however, needs careful consideration. In view of the sensitivity of the issue it is essential to gain the confidence of the ethnic minorities themselves through wide ranging consultations and to provide adequate safeguards on confidentiality and the use of the information. For this reason a Working Group has been set up to consider what information on pupils' ethnic origin might be collected by schools, how this might be passed on to Local Education Authorities and what statistics might be forwarded to the DES. At each stage regard must be paid to ensuring confidentiality and minimising the administrative burden on those involved. The Government believes that if it proves possible to devise a means of collecting statistics which has the broad support of parents, teachers and Local Education Authorities across the country, this will prove the best source of national information on the educational achievement of ethnic minority children. A decision on the issues raised by Recommendation 5 will be taken after the Working Group has reported later this year.

#### 12. Recommendation 6

"The privacy leaflet distributed to households during the Census should encourage people, if they wish, to use sealed envelopes to return their forms."

The Committee's Report suggests that the wording of the privacy leaflet used in the 1981 Census gave people the impression that sealed returns were available only if a person knew the enumerator. The Government is not convinced that this was the case. It points out that this leaflet also advised householders that if *for any other reason* they did not wish the enumerator to see their census form, they could ask for an envelope, and the envelopes would be passed unopened to the local census headquarters. This advice does not seem to the Government to be very different from that which the Committee seems to have had in mind when it expressed its detailed recommendation in paragraph 69 of the Report. This states: "We therefore recommend that the leaflet be clearer, along the lines of 'If you do not want the enumerator to see your form, you will be given an envelope in which to seal it'." The Government believes that to go further than making it clear that a sealed enveloped procedure was available if required—by actively encouraging people to make use of it—would be to run the risk of substantially increasing the cost of the census. Enumerators have to check census forms for completeness when they collect them in order to minimise the cost of calling again later for missing information. If a householder uses a sealed envelope, this check would have to



be carried out by the Census Officer, as would any subsequent visits to obtain missing details. The Government fully respects the right of people to make a separate census return (and it intends that this option should continue to be available); but it also has responsibility to carry out the census at reasonable cost. It is not yet persuaded that any change needs to be made to the 1981 arrangements.

**13. Recommendation 7**

"The first time an ethnic question is asked names and addresses, as at present, should not be computerised and all forms should be destroyed."

The practice in respect of recent censuses, including the 1981 Census, is that forms are retained for 100 years. At the end of that time they are made available to the public for inspection. Any proposal to destroy census forms must therefore be considered against their undoubted value as public records for eventual social and historical research. They also have an immediate value to the OPCS in carrying out its responsibilities for medical research. A proposal to destroy census forms was considered by the Government prior to the 1981 Census but it was decided that the forms should continue to be retained.

14. As the Committee recognises, the present procedure for processing the census results is one which excludes names and addresses from the computer record. The Government believes that the same procedure should be followed in 1991 and that steps should be taken to make sure that the point is well understood by the public. In the meantime it is not persuaded that the census forms should be destroyed the first time an ethnic question is included in a census.

**15. Recommendation 8**

"The next Census should not include

- (a) a specific nationality question
- (b) a parents' country of birth question
- (c) a date of immigration question"

The Government does not at present see a need to include any of these questions in the next census. At present the Government's needs for data on nationality and date of immigration are for broad totals for the country as a whole and are met from the Labour Force Survey. It is most unlikely that the question on parents' countries of birth (which was not used in 1981) will be needed again. It was used in 1971 as a substitute for a question on ethnic origin but by 1991 will be of little value for that purpose.

**16. Recommendation 9**

"The form of questions should not compel people to define themselves solely by their own or their ancestors' immigrant origin. It should enable them to



identify themselves in a way acceptable to them whilst at the same time meeting the needs of users who need to measure disadvantage and discrimination."

The Government accepts this recommendation in principle and agrees that the form of any ethnic question in a future census should take account of it.

**17. Recommendation 10**

"The following form of question should be asked."

**RACIAL DISCRIMINATION AND DISADVANTAGE**

The answers to these questions will help Government, local authorities, employers and other organisations to identify racial discrimination and disadvantage, to develop more effective policies against them, and to monitor the progress of these policies.

- a. Are you white?** Yes/no
- b. Are you black?** Yes/no  
If you are black, are you  British  
 West Indian  
 African  
*Tick as many boxes as apply*  Other
- c. Are you of Asian origin?** Yes/no  
If yes, are you  British  
 Indian  
 Pakistani  
 Bangladeshi  
 West Indian  
 Chinese  
 Vietnamese  
*Tick as many boxes as apply*  Other
- d. Other groups**  
Are you  Mixed race  
 Arab  
 Greek Cypriot  
 Turkish Cypriot  
*Tick one box*  None of these

The Government accepts that this form of question is a useful basis on which to start planning for the next census. It is the Government's intention that OPCS should carry out small scale tests to assess the reliability and acceptability of the wording, starting in the mid 1980s and before any large scale 'dress rehearsal' of the 1991 census form and procedures is undertaken.



**18. Recommendation 11**

"A religion question for Southern Asian groups only should be included in the Census."

The Government has been advised that it would be necessary to amend the Census Act 1920 before any question on religion could be included in the census. In general however the Government does not think it is appropriate to include questions on religion in a compulsory census, but this is a matter which can be considered further if the tests, referred to in paragraph 17 above, suggest that a question on religion for Southern Asian groups would make an ethnic question more acceptable to members of those communities.

**19. Recommendation 12**

"Language questions should be included in the Census which cover both Asian language spoken other than English and English-speaking ability."

OPCS is planning to carry out tests of questions on languages, along the lines of those included in the 1980 Census of the USA, in advance of the next census. The Government will decide in the light of the results of such tests whether or not to include such language questions in the 1991 Census.

**20. Recommendation 13**

"Any test of an ethnic question should not be concentrated in one area but spread over the country as a whole."

The Government accepts that it is desirable for census tests to be carried out in more than one area. The small scale tests held each year from 1975 to 1979, were designed to determine the most appropriate form of words for an ethnic question, and were carried out by sampling in a number of different areas. However, the Government also recognises that, in carrying out tests of the acceptability of the full range of census questions and procedures, it is important to be able to simulate actual census conditions as closely as possible. Otherwise major problems which could jeopardise the main census may not be revealed in time. This was the purpose of the large scale test which was held in Haringey in 1979. Before the 1991 Census it may well be desirable to conduct similar large scale tests of the main procedures in more than one area. However, to conduct such a test in a large number of areas would be expensive.

**21. Recommendation 14**

"The Commission for Racial Equality should advise OPCS on planning the promotion of an ethnic question in the Census."

The Government welcomes and accepts this recommendation. The Commission for Racial Equality was involved in the design and testing of a question on ethnic origin for the 1981 Census, and collaborated closely with OPCS over plans for involving ethnic minority organisations at national and local level in



this preparatory process. The Government agrees that OPCS should consult the Commission about any similar plans for the next census. Preliminary discussions with representatives of the Commission have already taken place following publication of the Committee's Report.

**22. Recommendation 15**

"A unit similar to the US National Services Programme should be set up within OPCS."

The Government has reservations about the need for such a unit but it is continuing to study the implications of this recommendation. The US National Service Programme was established six years prior to the 1980 Census as part of a wide ranging programme of consultation with the ethnic minority communities in the United States. The total promotion programme cost over \$13 million or 1.2 per cent of the US Census budget. By contrast OPCS spent the same proportion of its 1981 Census budget (about £660,000) on its entire publicity campaign. The costs and benefits of establishing a similar programme in this country are still being considered.

**23. Recommendation 16**

"OPCS should appoint people with local experience to identify and advise all people or organisations who could contribute to the success of an ethnic question in the Census."

The Government agrees in principle with this recommendation. As part of the US Census promotion programme, referred to in paragraph 22 above, about 200 such people were appointed on a temporary basis for some two years before and one year after the 1980 Census. The cost of their employment accounted for most of the \$13 million spent on the total programme. For the 1991 Census in this country, the benefits likely to accrue from adopting a similar strategy will need to be weighed carefully against the costs. This is one of the issues that it is intended that the OPCS should discuss with the Commission for Racial Equality well before the 1991 Census.

**24. Recommendation 17**

"OPCS should consider the ethnic origin of enumerators in allocating them to areas with large ethnic minority populations."

In 1981 OPCS did try to recruit enumerators from ethnic minority backgrounds to work in areas with large ethnic minority populations, but found that there were problems in making an appropriate match in areas containing several ethnic groups. A general precaution taken to safeguard the confidentiality of the census is to avoid appointing enumerators to work in areas where they are likely to be personally known to many of the residents. Thus enumerators are not usually allocated to the immediate area in which they live. However, the Government agrees that efforts should be made in the next census to employ enumerators from ethnic minority groups to a greater extent than was the case in 1981.



**25. Recommendation 18**

“OPCS should second senior staff to the US Bureau of the Census to study their Census promotion programmes.”

The Government does not believe that secondments of this kind are necessary since other appropriate arrangements are made to draw on the US experience. A senior member of the OPCS staff has recently made a short visit to the US Bureau of the Census and to Statistics Canada to discuss with officials there a wide range of issues relating to census operations including promotional programmes of the kind envisaged in the Committee Report. Other visits to discuss specific aspects of census operations are planned but there seems little to be gained in the intercensal period by seconding senior staff as suggested in the Report. OPCS maintains close relations with the US Bureau of the Census and will be keeping in touch with officials there and considering carefully which aspects of the US census arrangements might be applicable to this country.



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10<sup>th</sup> October 1984

*J. M.W.*

*Dear Charles,*

MINISTERIAL STATEMENTS

I am replying to your letter of 13<sup>th</sup> September to Nigel Pantling. There is one Northern Ireland issue on which the Secretary of State feels there may be developments during October that could lead to pressure for an Oral Statement to the House.

This concerns the enquiry by the Royal Ulster Constabulary into the circumstances surrounding the attempt in Belfast on 12 August to arrest Martin Galvin of NORAID and the subsequent death of Mr Sean Downes. The enquiry may well be completed before the end of the month; and because the incident generated widespread concern, both in this country and abroad, there could be strong pressure on the Secretary of State to make a statement once he has received a copy of the report of the enquiry.

This does not at present merit a firm bid for time for a Ministerial Statement in the period 22 - 31 October but the Lord Privy Seal will wish to be aware that developments during the remainder of this month could make a bid for an Oral Statement necessary.

I am copying this letter to the other recipients of yours.

*Yours sincerely*

*Neil Ward.*

N D WARD



Parliament Pt 6

HLCIS Procedure

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CONFIDENTIAL



10 DOWNING STREET

*From the Principal Private Secretary*

SIR ROBERT ARMSTRONG

Treasury and Civil Service Select Committee Report:  
Outside Appointments of Crown Servants

The Prime Minister has seen your minute of 3 October (A084/2638) and is content with the way in which you propose to handle consideration of the recommendations of the Select Committee and the preparation of a Government response.

5 October 1984

CONFIDENTIAL

SR





Prime Minister

Content with the

way Sir R. Armstrong proposes to handle this?

Ref. A084/2638

MR BUTLER

*Handwritten initials and scribbles*

FERB

4.10.

Treasury and Civil Service Select Committee Report:  
Outside Appointments of Crown Servants

*attached*

Mr Hatfield sent you on 19 September a summary of the Select Committee's recommendations.

2. These recommendations are now being considered by a Working Group of the Departments principally affected, and I shall submit a draft response when that work is done. I will then make proposals for Ministerial consideration; I presume the Prime Minister will think that the response should be considered by Ministers collectively.

3. Some of the Committee's recommendations relate to the terms of reference and composition of the Advisory Committee. I propose, if the Prime Minister agrees, to ask the Advisory Committee to consider those recommendations and let us have their comments, so that these can be taken into account in preparing the Government's response.

*Handwritten signature: RA*

ROBERT ARMSTRONG

3 October 1984





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

28 September 1984

The Rt. Hon. John Biffen MP  
Lord Privy Seal

A handwritten signature in cursive script, appearing to read 'John Biffen'.

**DISCLOSURE OF INFORMATION TO SELECT COMMITTEES**

I have delayed replying to your letter of 1 August to Leon Brittan until I was able to take into account the comments of nationalised industries sponsor Ministers.

Having now seen the various replies, I am sure it is right, as I argued when we first discussed this matter in July, that nationalised industry working documents which can be broadly construed as "advice to Ministers" should be subject to the same disclosure procedures as Departmental documents. At the same time, I think we ought to agree a further understanding that would allow Chairmen to indicate to Committees material that it is needed to be treated as commercially confidential.

I am much more doubtful about the proposal that we should attempt to define Departmental papers which might be regarded as "advice to Ministers" or "internal working papers". It is very difficult, in practice, to arrive at a form of words which is sufficiently comprehensive, yet which cannot be represented as covering virtually every document in a Department. To attempt too comprehensive a definition would invite rejection by Select Committees while prompting a discussion which might eventually force us to agree definitions which are less favourable than the present arrangements, ambiguous though they may be. My instinct here is to leave well alone.

There is a stronger case for defining the kind of "policy papers" in nationalised industries about which we are concerned. If we were to do this, I think Norman Tebbit's definition would be appropriate. However, I am concerned that, since we are seeking to put nationalised industries and Government Departments on a common footing, an attempt to define "policy papers" in the context of nationalised industries may lead inexorably to a comparable definition for Departmental papers. To avoid the dangers of that, I conclude that, on balance, it would be better not to agree any precise definitions, even for nationalised industries.



Parliament A6  
H.C. Procedure



I certainly agree that it would be useful to seek the views of the nationalised industries Chairmen's Group in confidence before any approach is made to the Liaison Committee. This might suitably be done by officials and, as the Treasury normally acts as the point of communication with the Group, we will sound them out if you think this would be helpful.

I am sending copies of this letter to Cabinet colleagues and to Sir Robert Armstrong.

NIGEL LAWSON

*Lawson*  
*Nigel*





NEW ST. ANDREWS HOUSE  
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EDINBURGH EH1 3SX

The Rt Hon John Biffen MP  
Lord Privy Seal  
Privy Council Office  
Whitehall  
LONDON  
SW1A 2AT

28 September 1984

Dear John,

DOCUMENTS FOR DEPARTMENTAL SELECT COMMITTEES

Thank you for sending me a copy of your letter of 1 August to Leon Brittan about the rules and conventions governing the production to select committees of documents of Government Departments and their associated bodies. I have also seen some of our colleagues' responses.

It would certainly seem appropriate, for the purpose of forming a judgement on disclosure to select committees, to treat policy documents held by associated bodies and by Government Departments on a similar footing. Inappropriate disclosure of some of the working documents of our nationalised industries could be very damaging and I would certainly hope that the Liaison Committee would accept the reasonableness of what you propose. I assume that if the new convention is accepted and, at some time in the future, a select committee takes the view that the convention should not apply in the case of a particular document then, as Nicholas Ridley suggests in his letter of 4 September, the nationalised industry should be able to refer the Committee to the Secretary of State for a decision.

We have managed, so far, to avoid any serious conflict with the Scottish Affairs Committee over the withholding of documents either from my own Department or from our associated bodies and we have not found it necessary to supply the Committee with documents on an "in confidence" basis. I would hope that in seeking to obtain agreement to new definitions of "internal working documents" and "advice to Ministers" we do not obtain greater precision at the cost of storing up more trouble for ourselves in the future.

Copies of this go to Cabinet colleagues and Sir Robert Armstrong.

Yours, we,  
George.







*u/s*

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*Oddi wrth y Gweinidog Gwladol*

*From The Minister of State*

LT/113/84

26 September 1984

*whopun*  
*sub*  
*26/9*

*Dear John,*

In your letter of 1 August to Leon Brittan, you asked for comments on the review of rules and conventions governing the production of documents to Departmental Select Committees by Government Departments and their associated public bodies. I am responding in Nick's absence.

I agree with your proposal that we should seek to establish through the Liaison Committee an understanding with Select Committees that nationalised industries and other associated public bodies should be treated as on a par with Government Departments when forming judgements on disclosure. Although other Departments appear to have experienced more difficulties on this front than we have with the Welsh Affairs Committee, I feel that the present unsatisfactory position may increasingly cause problems relating to disclosure, and that an approach to the Liaison Committee is justified. As far as the basis of this approach is concerned, I am sure that our objective should be the logically defensible one of ensuring parity of treatment: that is, if a document would be withheld by a Government Department it should not be available to a Select Committee from an associated public body. To go further than this and attempt to circumscribe the accessibility of Select Committees to a vaguer category of 'policy documents' could to my mind be counter-productive, and stimulate the Committees to seek to advance the frontiers further than at present.

/I am also

The Rt Hon John Biffen MP  
Lord Privy Seal  
Privy Council Office  
Whitehall  
LONDON  
SW1A 2AT





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I am also doubtful whether there is much to be gained by seeking to redefine the terms "internal working documents" and "advice to Ministers". The general nature of the present 'rules' gives Ministers room for manoeuvre which could well be lost if we were to be constrained by more precise definitions. It is unlikely that any list of conditions would fully cover all the circumstances likely to arise in the future, and unless carefully expressed that list might be found to be unduly rigid. The relationship we have by now built up with the Welsh Affairs Committee leads me to conclude that the flexibility of the present understanding is an advantage rather than the reverse.

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

Yours ever,  
John.

JOHN STRADLING THOMAS

PARLIAMENT  
H/C Proceedings  
Pt 6.





DEPARTMENT OF HEALTH AND SOCIAL SECURITY  
 Alexander Fleming House, Elephant & Castle, London SE1 6BY  
 Telephone 01-407 5522

*From the Minister for Health*

The Rt Hon John Biffen MP  
 Lord Privy Seal  
 Privy Council Office  
 Whitehall  
 London  
 SW1A 2AT

20.9.84

*Dear John,*

Thank you for copying to Norman Fowler your letter of 1 August to Leon Brittan about the production of documents to Departmental Select Committees.

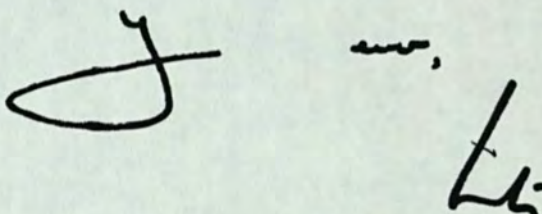
We have perhaps been fortunate, but I think it is fair to say that we have so far experienced very little difficulty in being pressed to supply information which we were unwilling to disclose. We can recall two incidents recently when we declined to meet requests for information from the Social Services Committee, but neither became a major issue. The first concerned the Clerk's request to look through comments received from health authorities and others about the Griffiths Report on NHS Management. Our objection was partly one of timing - the comments had not then been sifted by officials, let alone considered by Ministers - and partly to the proposed method, which could have led to a distorted view of the overall picture. Nor were we willing to copy all the responses. We provided a list of bodies making the comments and left it to the Committee to pursue directly. The second incident concerned a question to my PFO at an oral session about the value of certain tenders for computer projects. He declined, on Commercial grounds, to indicate the value and the reasons were readily accepted by the Committee. I should perhaps add that we have also had to discuss commercially sensitive material with the PAC recently and found that Committee too very ready to respect its confidentiality.

You ask for views on whether a more precise definition of "internal working documents" and "advice to Ministers" may be possible. My initial reaction - no doubt coloured by our relatively trouble-free passage so far - is that there is little to be gained, and perhaps something to be lost, from attempting more precise definitions. The first aim should be to build up a relationship of mutual trust and co-operation between Departments and Committees and their Clerks: a Department which is normally helpful in meeting requests, even at considerable cost in staff time and effort, is more likely to be able to resist successfully a request for information which it wishes to withhold. Refusals in my view should be only exceptional; the circumstances which may justify them cannot always be foreseen; and in the end the decision (in the case of Government departments) is for the responsible Minister. Where a request spans the interests of several Departments or the Government as a whole, it will be for Ministers collectively to decide. In reaching their decisions and defending them, Ministers will take account of all the circumstances and definitions are unlikely to help.



When it comes to nationalised industries and other 'associated bodies' we in this Department are perhaps less likely than others to encounter the kinds of difficulties which have arisen in connection with the nationalised industries. Nonetheless, we can envisage situations in which we would not wish our main associated public bodies (the health authorities) to disclose "policy" documents. I have in mind not only commercial information but also material which Ministers or authorities would not wish to be disclosed on general policy grounds. I therefore endorse in principle your proposal that these public bodies should be regarded as on the same footing as Government Departments as far as the criteria for disclosure are concerned. But it may not be easy to negotiate such an understanding with the Liaison Committee who are likely to see our aims as contrary to their pursuit of 'open government'. We need therefore to be careful not to end our negotiation in a position less favourable than that afforded by the present lack of clarity.

Copies of this letter go to members of the Cabinet, the Minister for the Arts and Sir Robert Armstrong.

A handwritten signature in black ink, consisting of a large, stylized 'K' followed by 'L' and 'C'.

KENNETH CLARKE



Parliament At 6

Select Committee.





Prime Minister <sup>2</sup>

Ref. A084/2517

MR BUTLER

Treasury and Civil Service Select Committee:  
Outside Appointments of Crown Servants

The Prime Minister will wish to know that the Eighth Report from the Treasury and Civil Service Select Committee entitled "Acceptance of Outside Appointments by Crown Servants" will be published on Thursday 20 September.

- 2. The attached summary of recommendations is drawn from the Confidential Final Revise of the Report.
3. Sir Robert Armstrong is arranging for urgent consideration to be given to the Government's response.

R

MS

R P HATFIELD

19 September 1984



CHAPTER 7

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

- (i) We recommend that the rules should be redrafted following the sequence of subjects in this report (paragraph 3.2).
- (ii) We recommend for under secretaries and above an extension of the maximum two year period of delay to five years (paragraph 3.13).
- (iii) We recommend the more extended use by the Advisory Committee and by Government Departments, particularly the Ministry of Defence, of conditions governing behaviour after leaving the public service. Enquiries relating to the adherence to the conditions should be made after one year to ensure that all such conditions are being complied with and this should be continued during the period to which the conditions relate (paragraph 3.17).
- (iv) We recommend that officials of the rank of under secretary and above leaving the public service should be required to give a written undertaking to abide by a code of conduct under which they would be prohibited for a period of five years from representing their new employer on specific and significant matters for which they were responsible in their official capacity. Contracts of employment would provide a useful further safeguard and, if they are introduced for civil servants, such a prohibition for senior officials could be included in them (paragraph 3.21).
- (v) In general we think our own system is based upon the correct approach. We would not want to replace it by a system relying exclusively on a statutory code of conduct (paragraph 3.22).
- (vi) We believe that sanctions may be needed if and when evidence becomes available of abuses of the present rules and the proposed code of conduct. If our recommendations on policing the rules and code of conduct are adopted, abuse should be effectively reported, so alerting Parliament to the need for review of suitable sanctions. We are impressed with the difficulties of introducing specific legislation and the problems of definition which would be involved and, therefore, recommend that, if sanctions become necessary, the Government should make it clear that it is prepared to take steps to abate automatically the pension of any civil servants who act in defiance of the rules on business appointments (paragraph 3.26).
- (vii) We recommend that the rules should state specifically that all under secretaries and above need to apply for approval to take up business appointments, and other civil servants need to when there has been contact with the prospective employer or they have been responsible for anyone having such contact or the employer concerned has extensive dealings with the civil servant's Department. Contact is to be understood as meaning not only face-to-face dealings but also involvement in such dealings behind the scenes (paragraph 4.6).
- (viii) We recommend that the rules should state explicitly and fully and in one place what the criteria are for deciding whether or not to give

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## ND RECOMMENDATIONS

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needed if and when evidence become ent rules and the proposed code e is on policing the rules and code e ld be effectively reported, so alerting view of suitable sanctions. We an introducing specific legislation and the uld be involved and, therefore, recom- necessary, the Government should ma- take steps to abate automatically the act in defiance of the rules on busi-

should state specifically that all un- pply for approval to take up busi- n-ervants need to when there has been oyer or they have been responsible to the employer concerned has exten- Department. Contact is to be unde- o-face dealings but also involvement (paragraph 4.6).

should state explicitly and fully and e for deciding whether or not to

approval to a proposed business appointment. The criteria should deal with the following points which we regard as essential:

- (i) if a civil servant has had contact with a prospective employer in the course of his official duties, the nature of his dealings with the employer is the crucial consideration. Contact is to be understood as meaning not only face-to-face dealings with the employer but also behind the scenes involvement in such dealings. It is relevant to know whether or not, in those dealings, the civil servant exercised a significant amount of discretion in determining the outcome or, if he was acting as a member of a team, the extent to which he was able to influence the outcome. It is important to know whether or not the employer would have benefited substantially from a favourable outcome. It is also relevant to know the nature of the job to which the civil servant proposes to go and the extent of the connection between it and his official job. The question is whether there has been or will be any potential for improper behaviour before or after the move;
  - (ii) if a civil servant has not had previous contact with his prospective employer or has had contact but of an insignificant kind as judged by the criteria in (i), the question of whether or not the prospective employer has extensive dealings with the civil servant's Department needs to be taken into account. If the employer has, it is important to establish, having regard to the nature of the work being offered, if the civil servant is being recruited because of his knowledge of the working of the government machine or his professional knowledge of some area of government activity and can be expected to have dealings with his old Department. If the answer is in the affirmative the question to be weighed is whether, following a move, any potential damage to the Department's interests is outweighed by any potential public benefit;
  - (iii) if the prospective employer is operating in a competitive field, it is necessary to establish that competing firms do not object to the appointment. If competition is restricted it is necessary to look at the recruitment pattern to put the situation in perspective (paragraph 4.19).
- (ix) We recommend that the rules should lay down the following principles in the light of which applications should be judged:
- (i) those in authority over those directly involved in dealings with a firm should be deemed to be involved;
  - (ii) in considering the nature of the job to be taken, it should be borne in mind that any civil servant taking up an appointment to the board of a company will share with the rest of the board a collective responsibility for all the activities of the company including its dealings with his old Department (paragraph 4.29).
- (x) On balance, we do not think a case has been made for a complete ban on the movement of permanent secretaries into the private sector. We believe greater openness in implementing the rules is the most effective way of removing the suspicion of impropriety (paragraph 4.35).



- (xi) We recommend that Departments review their arrangements for ensuring that all staff who, judged by the criteria we set out in paragraph 4.6, might possibly be within the scope of the rules are specifically informed of this fact before resignation or retirement (paragraph 5.1).
- (xii) We recommend that applications for approval to take up a business appointment should be made in writing in a standard form along the lines of that used by the Ministry of Defence. Applicants should always be interviewed if a refusal or the imposition of conditions is being contemplated. In other cases applicants should have the right to be interviewed (paragraph 5.4).
- (xiii) We recommend that prospective employers should be consulted about applications and informed of the outcome and any conditions imposed (paragraph 5.5).
- (xiv) We recommend that the rules should require that officials of the rank of under secretary and above do not discuss offers of post-retirement employment with prospective employers within the last year of service prior to retirement. If offers are made to such officials in mid career or to more junior officials in any circumstances, they may be discussed with prospective employers but the offers should first be reported to those in authority and appropriate permissions sought (paragraph 5.6).
- (xv) We recommend that the Advisory Committee should consider all applications from under secretaries and above (paragraph 5.8).
- (xvi) We recommend that the rules should state explicitly that the MPO should be consulted before a decision is taken in cases which raise substantial doubts and for which no precedents exist. The MPO should periodically review a selection of cases where Departments have taken the decisions without consultation (paragraph 5.11).
- (xvii) We recommend that the MPO should take the initiative in sending to the Advisory Committee before a decision is taken Departmental cases on which it has been consulted and which raise issues of importance. The Advisory Committee should take the initiative in periodically calling for and reviewing a selection of the decisions taken by Departments after consulting the MPO. In these ways, the Advisory Committee would become a source of advice for Departmental Ministers as well as the Prime Minister (paragraph 5.12).
- (xviii) We recommend that the sections of the MPO dealing with business appointments and standards of conduct should be merged, as a contribution towards securing more effective leadership in this field (paragraph 5.13).
- (xix) We do not recommend turning the Advisory Committee into a decision-making body, provided the Government always make an announcement when they decide not to follow the Committee's advice (paragraph 5.14).
- (xx) We recommend that the Government should add two senior back bench Members of the House of Commons to the Advisory Committee
- (xxi) We recommend that those appointed for 1
- (xxii) We recommend that the advice of the public bodies they are taken into account an indication of whether they have been accepted
- (xxiii) We recommend that the reports on the
- (xxiv) We have read the Committee on
- (xxv) We recommend that the movement of public bodies and other public bodies in the MPO (
- (xxvi) We would wish to see a result of the public bodies appointments
- (xxvii) We believe that the taking up of public sector appointments should take a



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- (xxi) We recommend that members of the Advisory Committee should be appointed for three years and two replaced each year (paragraph 5.17).
- (xxii) We recommend that the decisions taken by the Government on the advice of the Advisory Committee should be announced at the time they are taken, together with the terms of any conditions imposed and an indication of the occasions when the Committee's advice has not been accepted (paragraph 5.18).
- (xxiii) We recommend that the Government should publish periodically reports on the working of the system (paragraph 5.19).
- (xxiv) We have reached the conclusion that the hearings of the Advisory Committee ought not to be in public (paragraph 5.20).
- (xxv) We recommend that information about the levels and patterns of movement of board members and senior staff of nationalised industries and other public bodies should be collected by the new unified section in the MPO ((xviii) above) (paragraph 6.3).
- (xxvi) We would wish to be informed, in due course, of the extent to which, as a result of the approaches made by Departments, non-departmental public bodies have adopted rules to govern the taking up of outside appointments (paragraph 6.5).
- (xxvii) We believe that it would be appropriate, in principle, for rules governing the taking up of outside appointments to be adopted throughout the public sector and we recommend that the Departments concerned should take appropriate action to that end (paragraph 6.6).





Chancellor of the Duchy of Lancaster

CC 20

The Rt Hon John Biffen MP  
 Lord Privy Seal  
 Whitehall  
 LONDON SW1A 2AT

18 September 1984

abpm  
 25/9

Dear John,

Thank you for sending me a copy of your letter of 1 August to Leon Brittan about the disclosure of information to Select Committees.

From the viewpoint of my arts and libraries responsibilities, I agree with your general proposition that "policy" documents held in the custody of non-departmental public bodies (I have no responsibility for any nationalised industries as such) should be treated on a common footing with those of Government departments, as regards the question of disclosure to Select Committees.

But - like a number of colleagues - I am more doubtful about the need for a more precise definition of "internal working documents" and "advice to Ministers". I can see the attraction of establishing clear rules agreed with the Select Committees in order to avoid arguments over particular documents. On the other hand I think it would be very difficult to frame a definition which took adequate account of the wide differences in the nature of non-departmental bodies and their dealings with Government. There would be a risk of creating awkward anomalies and of limiting future flexibility, which could be to the disadvantage of both Government and the Committees.

While I would not want to discourage bodies in the arts field from making routine documents and information available wherever appropriate, there are cases where confidentiality is necessary. Some would be covered by the categories in paragraph 4(ii) of your aide memoire, or by the general "commercial - in confidence" rule. Others would probably fall within the categories of "internal working documents" and "advice to Ministers": I have in mind, for example, bodies'



detailed bids to me for annual financial allocations, their responses to informal consultations on major policy issues, or their internal assessments of grant applications and strategies prior to announced decisions. Some of these are inter-linked, and to attempt to codify them precisely and comprehensively would be difficult. It would also limit the flexibility for discretionary treatment to which Patrick Jenkin has rightly drawn attention.

That said, I am not aware of any recent difficulties with the Education, Science and Arts Committee or other Select Committees on disclosure in the arts field. On the whole, working relations with ESAC have been fairly harmonious, and it has normally been possible broadly to satisfy the Committee's information requests with memoranda specially produced for the purpose and with general oral evidence, rather than by supplying existing unpublished internal documents or answering specific questions about them.

On a more general point we shall, of course, need to time any approach to the Liaison Committee carefully. There is a danger, as Patrick Jenkin mentioned, of such an approach being misinterpreted as an attempt to muzzle Committees or to restrict their existing powers and override past departmental practice. This would run counter to the emphasis the Prime Minister laid on the important role of departmental Select Committees in the "Freedom of Information" context in her letter of 7 December 1983 to Des Wilson, the Chairman of the Freedom of Information Campaign.

I am copying this to Cabinet colleagues and to Sir Robert Armstrong.

*Lewis,  
e/ren  
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GOWRIE



Parliament A 6

Select Committees

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From the Minister

MINISTRY OF AGRICULTURE, FISHERIES AND FOOD  
WHITEHALL PLACE, LONDON SW1A 2HH

CONFIDENTIAL

The Rt Hon John Biffen MP  
Lord Privy Seal  
Privy Council Office  
Whitehall  
London SW1A 2AT

*Dub  
18/9*

18 September 1984

*Dear Lord Privy Seal,*

POWERS OF PARLIAMENTARY SELECT COMMITTEES TO CALL FOR DOCUMENTS

Thank you for sending me a copy of your letter of 1st August to Leon Brittan on this subject.

Your letter proposed that we should seek to establish an understanding that "policy" document held in the custody of nationalised industries, other associated public bodies and Government Departments should be regarded as being on a common footing in forming a judgment about disclosure; and sought advice about whether we should seek to establish a workable and more precise definition of "internal working documents" and "advice to Ministers".

On the latter point I doubt whether a more precise definition that was workable could readily be devised; and I agree with those who have commented in this correspondence that, provided there are good relations with the Select Committee concerned, the flexibility implicit in the present definition is an advantage not a disadvantage.

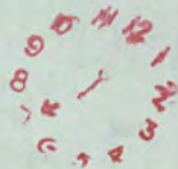
As regards your first proposal, I agree that it should be the objective to ensure consistency of treatment in relation to government policy documents so that, if a Select Committee was refused access by a Government Department to a policy document, it would not be able to obtain from a Non-Departmental Public Body the same document, other documents based on it or documents referring to relevant policy discussions with the Department.

In general one could expect Parliament to be unsympathetic to attempts to tighten up the conventions in relation to NDPBs and, like Patrick Jenkin I am doubtful whether it would be profitable to seek a general tightening up of the availability of other "policy" documents produced by NDPBs apart from the cases I mention above.

/In such cases the .....



Parliament - H/C Roadwe: A6



19 SEP 1984

In such cases the answer might be for the Chairman of the NDPB to refer to the Minister concerned any cases which fell within specific categories of information which the Chairman considered should not be disclosed.

One category which must certainly continue to be carefully protected is commercially confidential information. I should also mention another category of business information to which restraints on disclosure apply. Section 47 of the Agricultural Marketing Act 1958 places restrictions on disclosing information obtained under that Act, particularly where it relates to individual businesses. Similar restrictions apply under Section 3 of the Agricultural Statistics Act 1979 to agricultural census information.

I am not aware of any cases where these requirements have caused difficulty in our dealings with Select Committees and they may, in any case, be regarded as covered by the categories set out in paragraph 4(ii) of the note enclosed with your letter. However if you think it would be useful to spell this out in any recodification of the conventions governing disclosure my officials can supply the necessary details.

Finally, I note from your letter that the present conventions treat Secretaries of State differently from other Ministers such as the Chancellor or the Minister of Agriculture. There seems no good reason of public policy for this distinction, which evidently has not been applied in practice and I suggest that we seek to establish it that other Departmental Ministers should be treated in the same way as Secretaries of State. For instance, you will recall that I refused to become a Secretary of State in June 1983, purely for reasons of tradition and history.

I am sending copies of this letter to Cabinet Colleagues and Sir Robert Armstrong.

Yours sincerely,

David Hebburn

pp MICHAEL JOPLING

(Approved by the Minister  
and signed in his absence)





HOUSE OF LORDS,  
SW1A 0PW

17 September 1984

CONFIDENTIAL

*whoever  
ends  
17/9*

*My dear John:*

PRODUCTION OF PAPERS TO DEPARTMENTAL SELECT COMMITTEES

I am content with the suggestion in your letter of 1 August to Leon Brittan that we should seek to establish through the Liaison Committee a common basis for decisions on the propriety of the release of 'policy' documents to departmental select committees, whether the papers are held by Government departments, nationalised industries or other associated bodies. Ministers are responsible for policy and I do not myself consider that such advice should ordinarily be disclosable. To disclose the advice would undermine the anonymity of civil servants and their freedom from political responsibility.

I have no comments at this stage on the wider issue of defining 'internal working documents' and 'advice to Ministers'. I shall willingly participate in the review you had in mind if you think that would be helpful.

I agree with Geoffrey Howe that the production of older documents withheld from the public domain under the Public Records Acts could well become a matter of controversy with select committees. But I ought to point out that while the Lord Chancellor has a number of general and specific responsibilities under the Acts, decisions on access by individuals (or committees) to records subject to extended closure rest - like decisions on access to material less than 30 years old - with the department concerned.

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

The Rt Hon John Biffen MP  
Lord Privy Seal  
Privy Council Office

*Yrs:*





4/10

NORTHERN IRELAND OFFICE  
WHITEHALL  
LONDON SW1A 2AZ

SECRETARY OF STATE  
FOR  
NORTHERN IRELAND

The Rt Hon John Biffen MP  
Lord Privy Seal  
Privy Council Office  
Whitehall  
LONDON  
SW1A 2AT

*nbpm*  
*John B*  
*17/9*

16 September 1984

*Dear John,*

Your letter of 1 August asked for comments about the review of rules and conventions governing the production of documents to Select Committees.

It would seem sensible for 'policy' documents of nationalised industries and other associated public bodies to be treated in the same way as those of Government Departments and your proposal to take this to the Liaison Committee would be a good way to take this forward.

The Northern Ireland Office has no experience in this area though there are issues, for example with De Lorean, which could possibly alter the situation. I am content therefore to keep a watching brief on developments and let colleagues with a major involvement make the running.

Copies of this letter go to Cabinet colleagues and Sir Robert Armstrong.

*over,*  
*Doug*



PARLIAMENT: Select Cttee's

Pt 6

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PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

13 September 1984

*Mr Fletcher*

*To see o/v*

*Ans  
13/9*

*NR  
11/10*

*Dear Nigel,*

MINISTERIAL STATEMENTS

Experience has shown that one consequence of the business of Government continuing through the Summer while Parliament is not sitting is that there is a profusion of bids for Oral Statements to be made in the few days immediately following the long recess. This can result in unacceptable pressure on the business scheduled for those days, and lead to difficulties where time has to be found at short notice for an unforeseen Statement on a topical subject.

I should, therefore, be grateful if you and copy addressees could now begin to give some thought to whether any issues have arisen or decisions been taken in recent weeks which will necessitate Ministers making Oral Statements in the House in the period 22-31 October. In view of the likely need to juggle with competing requirements, it would be helpful to have any such bids, giving details of the subject matter and any circumstances which militate in favour of the Statement being made on a particular day, by Friday 12 October.

Copies of this letter go to the Private Secretaries to all Cabinet Ministers in charge of Departments, to Tim Fletcher at No 10 and Murdo Maclean in the Chief Whip's Office. No doubt you and they will ensure that it is drawn to the attention of Private Secretaries to junior departmental Ministers.

*yours*

*Charles*

C M J MARSHALL  
Private Secretary

N Pantling Esq  
Assistant Private Secretary to the  
Secretary of State for the Home Department



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DEPARTMENT OF TRADE AND INDUSTRY  
1-19 VICTORIA STREET  
LONDON SW1H 0ET  
TELEPHONE DIRECT LINE 01-215 5422  
SWITCHBOARD 01-215 7877

JU994

Secretary of State for Trade and Industry

7 September 1984

CONFIDENTIAL

Charles Marshall Esq  
PS/Lord Privy Seal  
Lord Privy Seal's Office  
Whitehall SW1

*AMS  
b/g*

*Dear Charles,*

RULES AND CONVENTIONS GOVERNING THE RELEASE OF DOCUMENTS TO  
SELECT COMMITTEES

I regret that my Secretary of State's letter of 5 September to the Lord Privy Seal contained errors in paragraph 6. I should be grateful if you and others to whom this letter is copied would note that the text of paragraph 6 of the letter should have read as follows:

"The satisfactory resolution of present difficulties will also need the co-operation of the nationalised industry chairmen. We do not have the power to direct the Chairmen on what to do with their papers. I suggest, therefore, that the proposals should first be put on a strictly confidential basis to the Nationalised Industries Chairmen Group before any approach is made to the Liaison Committee. I think the Nationalised Industries Chairmen would welcome the proposals since their position would be clarified. It could moreover be helpful to tell the Liaison Committee at the appropriate moment that we have the support of the Nationalised Industry Chairmen".

I am copying this letter to the Private Secretaries to Cabinet Ministers, the Minister for the Arts and to Sir Robert Armstrong.

*Yours es,*  
*Andrew Lansley*

ANDREW LANSLEY  
Private Secretary



Parliament: Procedure Pt 6.



CONFIDENTIAL

CC NO/



QUEEN ANNE'S GATE LONDON SW1H 9AT

7 September 1984

*no p.m. sub 7/9*

*2 Jan,*

Your letter of 1 August sought comments from colleagues about this review of rules and conventions governing the production of documents to Departmental Select Committees by Government Departments and their associated public bodies.

It would certainly seem sensible for "policy" documents of nationalised industries and other associated public bodies to be treated in the same way as those of Government Departments and I agree that this would be a good starting point to take to the Liaison Committee for consideration.

As you know, the Liaison Committee and the Select Committees have accepted, albeit reluctantly, that in the case of advice to Ministers, details of consultation between Ministers, and inter-departmental exchanges, disclosure will usually be refused. Our experience so far of the Select Committees has not suggested that these categories of information need to be more precisely defined or that they would be inadequate, taken with the specific categories set out in paragraph 4(ii) of the aide memoire to your letter, to protect information that ought not to be disclosed.

I recognise, however, that this experience may not be representative of Select Committees as a whole. Home Office associated public bodies are not commercial and are unlikely to have policy papers of interest to Select Committees that should not be disclosed. The Home Affairs Committee has not yet pressed for written evidence under the present "in confidence" procedure (though they may do so in connection with their forthcoming inquiry into police Special Branches) and they have taken oral evidence under the procedure on only one occasion (from a Chief Constable).

I am copying this letter to the recipients of yours.

*Law*  
*Law*

The Rt Hon John Biffen, M.P.

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LORD PRIVY SEAL

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1. Thank you for copying to me your letter of 1 August to Leon Brittan about reviewing the rules and conventions governing the production of documents of Government Departments and their associated public bodies to Departmental Select Committees. Related to this question, but essentially a matter for the Lord Chancellor, is the problem of the production of older documents which have been withheld from the public domain under the Public Records Acts. This too could become a matter of controversy with Select Committees.
  
2. I agree with your general approach to this problem. It is important for the Government that Select Committees should not make requests to which it is clear the Government cannot agree, and anything we can do with the Liaison Committee to clarify the demarcation line will be beneficial.
  
3. As far as the FCO is concerned, we have no problems in respect of nationalised industries. Nor have we so far had any problem with the FAC in relation to the production of documents from our two principal "associated bodies", ie the BBC External Services and the British Council. We can envisage cases where the internal documents of these two bodies (for example, on relations with overseas countries) should not be disclosed and where the existing criteria of "national security" and "the subject of sensitive negotiation with governments" might need to be widened.
  
4. Twice in recent years we have formally refused to provide papers which the FAC have requested. The first was the text of the agreement with the government of Belize about the garrisoning of troops which was refused on grounds that it was a confidential matter between the two governments. The second was correspondence

/with





The second was correspondence with the Treasury over the introduction of cash limits which was refused on the grounds that it constituted inter-departmental exchanges on policy issues. On neither occasion did the FAC pursue their requests. Our relations with the Committee have to date been good and most of the potential problems in this area have been settled amicably on the basis of consultation before they arise.

5. Regarding the specific categories of information not normally disclosed (paragraph 4 (ii) of the Aide Memoire), the FCO is directly and consistently concerned with (a) national security, (b) information relating to the private affairs of individuals or individual bodies, where the information has been given on a confidential basis, and (d) negotiations with other governments. On (a) we would not wish the term "national security" to be clarified, since the definition must be reserved to the Government; and on (d), as the Belize case showed, we must continue to reserve our position. On (b) the majority of consular cases deal with the private affairs of individuals where the information has been given on a private, in confidence, or even confidential basis. Some or all of this information may be made available to MPs writing on behalf of individuals who are their constituents but this has to be carefully judged on an ad hoc basis. It would not normally be right to disclose the information to a Select Committee, and there should certainly be no automaticity.

6. Finally, it may be worth adding that in all our dealings with select committees, we have found particularly useful the guidance in paragraph 8 of the Government's reply to the Education, Science and Arts Committee of July 1980 (Cmnd 7982).





7. Like you I am copying this letter to ~~Cabinet~~ colleagues,  
the Minister for the Arts and Sir Robert Armstrong.

A handwritten signature in black ink, consisting of a stylized 'G' followed by a series of connected loops and a final horizontal stroke.

GEOFFREY HOWE

Foreign and Commonwealth Office

6 September, 1984



Pam procedure

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- 6 SEP 1984





C

DEPARTMENT OF TRADE AND INDUSTRY  
1-19 VICTORIA STREET  
LONDON SW1H 0ET  
TELEPHONE DIRECT LINE 01-215 5422  
SWITCHBOARD 01-215 7877

Secretary of State for Trade and Industry

5 September 1984

CONFIDENTIAL

The Rt Hon John Biffen MP  
Lord Privy Seal  
Privy Council Office  
Whitehall  
LONDON  
SW1A 2AT

*John.*

RULES AND CONVENTIONS GOVERNING THE RELEASE OF DOCUMENTS TO  
SELECT COMMITTEES

Thank you for sending me a copy of your letter of 1 August to Leon Brittan. I have also seen Alick Buchanan-Smith's letter of 22 August and No 10's letter of 3 August.

2 I do not underestimate the difficulty of trying to persuade Select Committees to accept a review or closer definition of their powers to send for persons, papers and records; particularly as we will be asking them to give up access to documents which they have managed in the past to obtain, albeit after a struggle. But the fact that an unsatisfactory situation, which has largely been tackled on an ad hoc basis, has existed to date does not seem to me a good reason for allowing it to continue. The problem which arose recently over the demand for British Shipbuilders' Corporate Plan concerns me because it disclosed advice to Ministers. If similar demands were made of the British Steel Corporation (they have been pre-empted for the present by the need for their plan to be revised after the end of the miners' strike) it could be politically damaging and embarrassing. I therefore very much welcome your proposed initiative.

3 The fact that the powers of Select Committees to "send for persons, papers and records" are unqualified in the Standing Orders of the House and have become governed by working conventions which are only loosely defined and somewhat illogical does give the Government good reason to review the situation and to seek a new understanding with the Committees.

4 I agree with your proposal that all policy papers in the custody of nationalised industries and other public bodies

JHLAVR





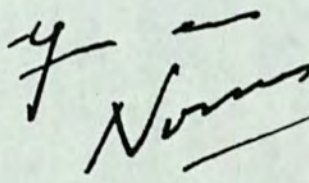
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should be treated in the same way as those of Government Departments and released to Select Committees only at the discretion of the Secretary of State. I suggest that "policy papers" should be defined as "any document prepared or provided with a view to a decision by a Minister" and that the term should be taken to include internal working papers pertinent to them. I think that it is important also to ensure that companies where the Government is the major shareholder (such as BL and Rolls Royce) have at least the same level of protection as the nationalised industries would have under your proposals.

5 As far as I am aware, Committees have respected commercially confidential material but there could be advantage in reiterating this understanding in a review of the conventions.

6 The satisfactory resolution of the present difficulties will also need the co-operation of the nationalised industry Chairmen. We do not have the power to direct the Chairmen on what to do with their papers. I suggest therefore that the proposals should first be put on a Chairmen Group before any approach is made strictly confidential basis to the Nationalised Industries: to the Liaison Committee - I think they would welcome the proposals since their position would be clarified. It could moreover be helpful to tell the Liaison Committee at the appropriate moment that we have their support.

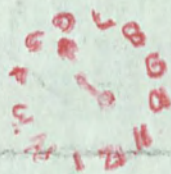
7 Copies of this letter go to Cabinet colleagues, the Minister for the Arts and Sir Robert Armstrong.

  
NORMAN TEBBIT

JH1AVR



Pam Procedure



SEP 6 1984





2 MARSHAM STREET  
LONDON SW1P 3EB  
01-212 3434

My ref:

Your ref:

*Nopm*

*DMS*

*99*

5 September 1984

*Dear John,*

Thank you for sending me a copy of your letter of 1 August to Leon Brittan, about the disclosure of information to Select Committees.

In so politically sensitive an area where the rules - at present - skate over a number of semantic delicacies, we must be clear about our aims before deciding how to refine the existing procedures.

In relation to the 'Advice to Ministers' rule and documents falling within that category which are prepared, not within Departments themselves but by NDPBs, the key point seems clearly to be that if such a document has been or would be withheld by the Government from a Select Committee, the same document ought not then to be available to Select Committees through the NDPB: a document disqualified for disclosure by the one source should obviously also be protected from disclosure by the other. I therefore agree with the proposal in your sixth paragraph to seek an understanding with the Select Committees on this issue through the Liaison Committee; (I do not need to stress that the case will need to be based on procedural consistency if we are not to be suspected of seeking to muzzle the Committees).

This would mean that the documents for which we would be aiming for parity of treatment in this way should remain limited to those within the category of advice to Ministers, not extended to cover a potentially much more varied and miscellaneous category of 'policy' documents, as your letter appears to suggest.

I do not find very convincing the specific suggestion in your fifth paragraph that policy documents produced by NDPBs for their own purposes should now be made more inaccessible to Select Committees, nor do I think it would be easy to defend. Matters of commercial sensitivity are, as Alick Buchanan-Smith has pointed out, already safeguarded by a separate convention which I believe has been honoured hitherto.

On what you call the 'broader issue', I question whether we should seek significantly to redefine the terms 'internal working documents' and 'advice to Ministers'. By remaining so general, these terms obviously help to guarantee the privacy which ensures that the advice



Ministers receive is undistorted by the threat of disclosure. But they also, of course, allow Ministers adequate discretion to provide Select Committees (on a confidential basis if necessary) with information which comes close to revealing the decision processes - provided that they know it will be used responsibly. This flexibility is advantageous to all concerned,

In practice a good deal will continue to depend on the working relationship built up between Departments and their Select Committees. Where these relationships are good, the present procedural terms seem generally to have proved flexible and workable enough to provide for dealings acceptable to both parties. This certainly seems to have been the case so far with my own Department; though with the Environment Select committee undertaking investigations of up to four of our NDPBs next year, the full test may lie ahead.

I am copying this letter to Cabinet colleagues, the Minister for the Arts and Sir Robert Armstrong.

*Your ever*

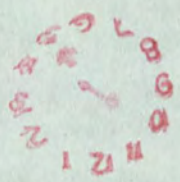
*Patrick*

PATRICK JENKIN

The Rt Hon John Biffen MP



Pam Procedure Pt 6



6 SEP 1984



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CCM/O



DEPARTMENT OF TRANSPORT  
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01-212 3434

NBPM  
RT  
4/9

The Rt Hon John Biffen MP  
Lord Privy Seal  
Privy Council Office  
68 Whitehall  
LONDON SW1A 2AT

4 September 1984

Dear John

Thank you for sending me a copy of your letter of 1 August to Leon Brittan about the disclosure of information to Select Committees.

I agree that you should seek an understanding with the Select Committees through the Liaison Committee that "policy" documents held in the custody of both Government Departments and nationalised industries or other associated public bodies should be treated as being on a common footing as far as disclosure is concerned. Before we do so however I think we will need to give further thought to what documents should be included in that category. It may need to include only those documents which nationalised industries are required or asked to prepare by the Government and those which they prepare and send in support of proposals to Government Departments. Candid communication between Departments and Boards is important to maintaining successful working relations and a risk that papers of this sort might be requisitioned by a Parliamentary Committee could jeopardise it. Policy documents which are purely for internal use by a nationalised industry could on the other hand reasonably be left to be treated by Select Committees in the same way as

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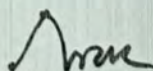
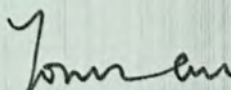
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the documents of any other private organisation. An understanding restricted to the former class of documents could be presented as seeking consistency of treatment of documents which might be sought from either Departments or nationalised industries and defended against criticism that it was a move to restrict the availability of information.

An important part of an understanding about nationalised industry documents would be that when a Select Committee wanted a document which appeared to the nationalised industry concerned to fall within the scope of the understanding they should be able to refer the Committee to the Secretary of State for a decision. Otherwise the understanding might not achieve the consistency of treatment which we are seeking.

I hope that your discussion with the Liaison Committee will lead to an understanding rather than to "rules", because documents and their sensitivity vary in ways which defy codification. For this reason I would also prefer, so far as release of documents by Departments is concerned, that we do not seek tighter definitions of "internal working documents" and "advice to Ministers". These broad criteria allow a useful degree of flexibility, providing a context in which to judge individual cases rather than specifications which might prove difficult by not fitting particular cases. Experience suggests that where there are good working relations with a Committee, flexibility is a benefit not an obstacle.

I am copying this letter to Cabinet colleagues, to the Minister for the Arts and to Sir Robert Armstrong.



NICHOLAS RIDLEY

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Parliament : H.O.C. Proceeding. A76 .



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THE MINISTER OF STATE

DEPARTMENT OF ENERGY  
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Direct Line 01-211 3290  
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The Rt Hon John Biffen MP  
Lord Privy Seal  
Privy Council Office  
Whitehall  
LONDON  
SW1A 2AT

*NBPm*  
*Jr.*  
22 August 1984

*Dear John.*

In your letter of 1 August to Leon Brittan you discussed your review of the rules and conventions governing the production of documents to Departmental Select Committees by Government Departments and their associated public bodies.

I believe there is a strong case for reiterating the convention that documents constituting "advice to Ministers" are not normally released to select committees nor otherwise published. Peter Walker has recently had to resist a number of requests in PQs for copies of correspondence with nationalised industry Chairmen. An understanding with the select committees of the kind you suggest treating certain nationalised industry documents (or parts of them) on the same basis as "advice to Ministers" would be a helpful reinforcement of the existing conventions about disclosure. Indeed, could it not be argued that private communications between Secretaries of State and associated bodies should not be disclosed since their disclosure would, in effect, be circumvention of the Address procedure which applies to the papers of Secretaries of State?

Before any approach is made to the select committees you may feel it would be worthwhile to consult the nationalised industries on their policies on handling select committee requests. The energy NIs follow Government policy of making available as much information as possible. They have sometimes withheld commercially confidential information though at other times it has been provided, but under protection. This has worked well. In cases of difficulty where the industries were unwilling to release all the information sought my Department has been consulted and an acceptable compromise solution worked out.

Some years ago some guidelines were issued to NIs on this subject. It is not clear if they are still extant and in any event they are doubtless now in need of revision. This might be an appropriate way of preparing for your suggested approach to the select committee.

You also suggest a more precise definition of "internal working documents" and "advice to Ministers". I see some attraction in this, in spite of the possible danger of some loss of flexibility. It seems to me that, almost by definition, "internal working documents" can be seen as communications of a preparatory kind between Civil

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Servants which should not be disclosed because they have not been endorsed by Ministers. Similarly, it must be evident that submissions to Ministers or ultimately intended for them, as well as work undertaken specifically at the request of Ministers, must constitute "advice to Ministers". You may feel that these elaborations do help. Between them they cover a lot of ground, including the area of some recent "leaks" and some recent areas of argument with Committees. Incidentally, in offering further guidance we must avoid weakening the currently accepted safeguard for commercially confidential information. This has been fully honoured by committees on a number of occasions, and may not necessarily fall within any definition of "advice to Ministers".

As requested my officials have reviewed my Department's practice in making such information available to select committees. The need to withhold information has arisen on only four occasions in recent years. Only two outright refusals have been necessary; one concerning an internal document prepared for Ministers and another involving our quasi-judicial role in a planning consent. My officials are preparing a detailed list of recent cases in response to MPO's recent request designed to update their precedent list.

Copies of this go to Cabinet colleagues, the Minister for the Arts and Sir Robert Armstrong.

*Your cv.*  
*AS*

---

ALICK BUCHANAN-SMITH

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Procedure of H/C: PARLIAMENT Pt 6.



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SH



10 DOWNING STREET

*From the Private Secretary*

3 August, 1984

The Prime Minister has seen a copy of the Lord Privy Seal's letter of 1 August to the Home Secretary about the rules and conventions governing the production of documents to Departmental Select Committees.

Subject to the views of colleagues, the Prime Minister is content with the general approach to this matter taken in the Lord Privy Seal's letter.

I am sending copies of this letter to Private Secretaries to members of the Cabinet, to Mary Brown (Lord Gowrie's Office) and to Richard Hatfield (Cabinet Office).

DAVID BARCLAY

Charles Marshall, Esq.,  
Lord Privy Seal's Office

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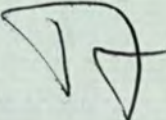
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PRIME MINISTER

You will recall the dispute in July about the papers which may be presented to Select Committees. The Lord Privy Seal was charged with the task of exploiting the possibilities for amending the current doctrine that Select Committees may have access to virtually any papers of a nationalised industry. The attached note is his first shot in the campaign. What he is proposing is that the Government should suggest to the Liaison Committee that "policy" papers should be treated in the same way for the nationalised industries as for the Government. Select Committees do not have access to the latter.

Are you content with this general approach?

*Y. M. S.* 

2 August 1984



✓CNO



PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

1 August 1984

*Dear Leon,*

Following discussion in Cabinet on 19 July of the release to the Select Committee on Trade and Industry of the British Shipbuilders Corporate Plan and other documents, I was invited to review the rules and conventions governing the production of documents of Government Departments and their associated public bodies to Departmental select committees (CC(84)27th Conclusions, Item 1).

I attach a short aide memoire which summarises the procedural position with regard to the formal powers of these select committees to send for "persons, papers and records (PPR)", especially those held by Government Departments, and their "associated public bodies", including the nationalised industries.

As will be noted from the aide memoire, the powers of a select committee are more direct in relation to documents held by associated public bodies than they are with regard to papers held by a Government Department headed by a Secretary of State, in that only in the former case can the committee order their production without the need for an Address, which would involve the Floor of the House.

A further principal source of potential disagreement between Ministers and select committees, which the recent dispute over the British Shipbuilders Corporate Plan has highlighted, is that whereas the categories of other normally withheld papers, such as those listed at paragraph 4 ii (a) to (e) of the Aide Memoire, are reasonably clear cut, there is no accepted definition of the range of paper constituting "advice to Ministers" or "internal working documents" (paragraph 4 iii of the Aide Memoire) which Departments or associated public bodies can by convention be expected to withhold from select committees, and not be pressed to produce without the authority of the House itself.

The Rt Hon Leon Brittan QC MP  
Home Secretary



As far as the position of documents held by the nationalised industries and other associated bodies is concerned, our aim must clearly be to ensure that, as far as possible, the disclosure of information does not prejudice efficient management. I can see, prima facie, no clear reason why the disclosure of "policy" documents should, procedural differences apart, be any different from that in the case of documents held by Government Departments. Indeed, insofar as they are more likely to deal with matters of commercial sensitivity, there is perhaps a case for the disclosure rules being tigher.

I would, however, propose, as a starting point for further consideration, that we might seek to establish through the Liaison Committee an understanding with select committees that "policy" documents held in the custody of nationalised industries and other associated public bodies, and in that of Government Departments, should be regarded as being on a common footing for the purpose of forming a judgement on the propriety of their disclosure to Departmental select committees.

On the broader issue of how far it may be possible to arrive at a workable and more precise definition, acceptable to the House, of "internal working documents" and "advice to Ministers" which would not normally be disclosed to Departmental select committees, I should be grateful for the views of colleagues and any suggestions they may have as to the way in which any such definitions might be framed, or the conditions of disclosure "in confidence" tightened up. As a further aspect of this they may wish to review the extent to which such information has been made available in recent years to Departmental select committees under the existing practice of individual Departments, and their associated public bodies. This may bear upon our effective room for manoeuvre.

In the light of colleagues' views and suggestions I would then hope to carry this review further with a view to reporting to Cabinet in October before the Select Committees resume.

I am copying this to Cabinet colleagues, the Minister for the Arts and Sir Robert Armstrong.

*Yours*  
*John Biffen*

JOHN BIFFEN



AIDE MEMOIRE

1. The terms of reference of the Departmental select committees provide (House of Commons Standing Order 99) that they shall examine the "expenditure, administration and policy" of the principal Government Departments and their "associated public bodies".
2. For this purpose these committees have, like most other select committees of the House, the traditional power to "send for persons, papers and records" (PPR).
3. The general procedural position with regard to the exercise of these powers, particularly in respect of PPR, is set out in the Memorandum of Guidance to Ministers on Departmental Select Committees (C(P)(80)2, especially paragraphs 14 to 17 and the Annex). A more detailed analysis, by the then Clerk of the House, is at Appendix "C" to the First Report from the Select Committee on Procedure, 1977-78.
4. The powers of PPR are unqualified in the Standing Orders of the House. In practice, however, the House of Commons has conventionally acknowledged certain limitations on their exercise. The most important of these are:-

- i. Papers held by a Secretary of State

A select committee has no power to send for any papers which, if required by the House itself, would be sought by Address. In practice this means that a select committee is not capable of taking the formal step of ordering a Secretary of State to produce papers.

Where papers or records are held by a Minister who is not



a Secretary of State (eg the Chancellor of the Exchequer) a select committee with powers of PPR could make an Order for their production, although there is no record of this having been done. The Clerk's memorandum expresses the view that it is doubtful whether a committee has the power to order a civil servant to produce papers, since these are not in Civil Service custody, but in that of Ministers.

ii. Specific categories of information not normally disclosed to select committees

By accepted convention evidence is not given to select committees on the following matters:

- (a) Matters of national security;
- (b) Information relating to the private affairs of individuals or individual bodies, where the information has been given on a confidential basis;
- (c) Specific cases where the Minister has a quasi-judicial or appellate function;
- (d) Matters which are the subject of sensitive negotiation with Governments or other bodies;
- (e) The details of legislative proposals that have not yet been divulged to the House.

These categories were first summarised in 1967 in a letter by the then Leader of the House (Mr Crossman) to the chairmen of certain select committees, including the Select Committee on the Nationalised Industries.



iii. Non-disclosure of "advice to Ministers"

Besides these specific categories it is recognised that Ministers also have a general responsibility to judge, where necessary, whether the disclosure of any particular official information or document to a select committee, whether under conditions of confidentiality or otherwise, would be in the public interest. Within this responsibility it has been, for example, the normal policy to withhold from select committees, unless there are strong reasons to the contrary, the "internal working documents" of Government Departments, particularly those which could be broadly construed as "advice to Ministers".

In the Government's reply to the First Report of the Liaison Committee (Session 1982-83) on the Select Committee System it is recognised that such judgements may give rise to differences of opinion between Ministers and select committees as to whether it is in the public interest for particular information to be disclosed. In such instances, and if the difference cannot otherwise be resolved, it rests, in the last resort, with the House of Commons to decide whether or not to support the Government's judgement. A Government undertaking has been given to seek to provide time for a debate if there should be evidence of widespread general concern in the House regarding an alleged Ministerial refusal to disclose information to a select committee.

5. The Position of the Nationalised Industries

The procedural position with regard to a select committee's powers



to send for papers in the custody of a nationalised industry or other "associated public bodies" differs in certain respects from that in the case of papers held in the custody of a Government Department. In particular, the limitation in respect of papers held in the custody of a Secretary of State does not apply, and a committee has the power to issue an order for the production of papers held in the custody, for example, of the Chairman of British Railways. In his memorandum to the 1977-78 Procedure Committee the Clerk of the House stated -

"41. The case of officers of Nationalised Industries is different from that of civil servants, since the former are not servants of the Crown, and the institutions are formally independent of government, except insofar as the power of giving ministerial directions of one sort or another is concerned; Ministers also have the power to require information under statute from the industries. It is clear therefore that the full powers of PPR can be exercised by Select Committees in regard to Nationalised Industries."

But the Clerk then went on to raise the possibility that "there may well be cases where a select committee would consider it more appropriate to address themselves to the Minister, who is accessible on the Floor of the House, rather than the officer (of the nationalised industry concerned)".

6. Until 1979 there was a separate Select Committee on the Nationalised Industries. Under Standing Order 99(4) there is an unused power whereby a sub-committee, with its membership drawn from several of the Departmental select committees, could be established to consider "any matter affecting two or more nationalised industries".



NAT IND AT7  
Shipbuilding

2 AUG 1984



1 AUG 1984







*cf pa*

Treasury Chambers, Parliament Street, SW1P 3AG

01-233-4749

T Flesher Esq  
10 Downing Street  
LONDON  
SW1

*Miss Stevens*

*Pse OK*

*28/7*

*Miss*

24 July 1984

*ST*

*24/7*

*Dear Jim,*

TREASURY MINUTE REPLYING TO THE 13th TO 18th REPORTS  
OF THE PUBLIC ACCOUNTS COMMITTEE 1983-84

The Treasury wishes to publish a further Treasury Minute replying to a number of reports from the Public Accounts Committee. We have already replied to the Committee's first twelve reports of this Session. We are ready to reply to the next group of reports, ie 13 to 18 inclusive. (You may be aware that the Committee has or will have published a further dozen or so reports during this month alone. Those reports are not the subject of this letter as we shall not be ready to respond to any of those until the House returns in the Autumn).

2. The texts in reply to the PAC's 13th to 18th Reports have been agreed between the relevant departments, including the Treasury. The Financial Secretary has approved the Government's reply being presented in his name as is customary. Therefore, we now propose to publish our response to the PAC, in the traditional form of a Treasury Minute, before the House rises for the Summer Recess.

3. We have asked HM Stationery Office to publish the Treasury Minute as a Command Paper. Timing is, as often, tight to achieve publication before the Summer Recess. As we always try to avoid publishing these Treasury Minutes when the House is not sitting, if we do not publish by 1 August, we would then have to wait until October for the next opportunity.

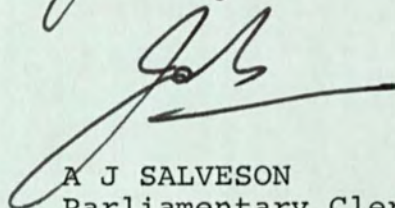
4. May we, therefore, have your approval to publish the Command Paper at 10.00am on Wednesday 1 August. We suggest, again subject to your approval, we should provide pre-publication (ie CFR) copies as normal prior to publication. We propose laying the Command Paper before both Houses of Parliament on Tuesday 31 July at 3.30pm. Treasury Information Division would supply copies to the Lobby on the usual arrangements. We shall also release copies to the departments which have contributed to the text, to PAC members and to the National Audit Office on 31 July.



5. I enclose a note explaining the background to the particular PAC reports. We do not expect this Treasury Minute will attract much attention, even on a generally otherwise slack newsday. There are a couple of items, eg Vehicle Excise Duty (13th Report), BTG, specifically INMOS and NEXOS (15th Report) and the Britoil sale (17th Report) which might stimulate some interest. But we consider that is due to the on-going interest in these particular subjects. There is nothing new or significant as such in the Treasury Minute.

6. I am sending copies of this letter and enclosure to Murdo Maclean and David Morris.

*Yours age*

A handwritten signature in dark ink, appearing to be 'A J Salvesson', with a long horizontal flourish extending to the right.

A J SALVESON  
Parliamentary Clerk



SUMMARY OF PAC REPORTS AND LIST OF DEPARTMENTS  
RESPONSIBLE FOR REPLY

13th REPORT: VEHICLE EXCISE DUTY (Department of Transport)

A rather obvious set of recommendations suggesting that the scale of VED evasion may be larger than Department of Transport's past surveys have indicated; a further survey is needed; if evasion on this scale remains a problem alternative systems of vehicle taxation should be re-considered; meanwhile the present VED system should be more strongly enforced and larger fines imposed on evaders brought before the courts.

14th REPORT: NEED FOR WORK IN GOVERNMENT DEPARTMENTS (HM Treasury)

More a set of "hopes" than firm conclusions or recommendations. The only real point of substance from the report was that the need for work to be done at all must be systematically examined. There was also criticism of reductions in the frequency of staff inspections. But generally the report helpfully includes some steers which could prove useful for the Financial Management Initiative.

15th REPORT: MONITORING OF BRITISH TECHNOLOGY GROUP  
(Department of Trade and Industry)

A quite fair report which raises genuine questions that need further study about the required supervision of BTG by the Government. The report also highlights INMOS (generally favourably, but with a warning that the PAC will be monitoring the terms and destination of HMG's shares) and NEXOS (generally unfavourably, criticising the explanations given so far for the losses incurred on NEXOS and recommending DTI to carry out a full and proper investigation). The latter failing has permitted PAC to parade a favourite hobby-horse that the C&AG should have full access to the books and records of BTG (ie an HMG-owned company).

There have been two recent announcements by DTI Ministers which have a bearing on this response: the establishment of a special investigation into the NEXOS loss (5 July) and the sale of the NEB's shareholding in INMOS to Thorn-EMI (12 July).



16th REPORT: NHS MATTERS (DHSS/SHHD/Welsh Office)

A predictably long report covering a number of areas where the Committee is dissatisfied with the running of the NHS. Mainly a progress report, and chaser, on reports of its predecessor Committee (particularly the 17th Report, 1981-82). The report is particularly critical on monitoring and control of staff. Action by the Health departments on other fronts, i.e. accountability to Parliament, cost of remedying defects in hospitals, reimbursement to the NHS of overpayments to opticians, and control of stores, are given a guarded welcome in principle but departments are urged to speed things up. The report's comments about control of stores, which the Government response will merely have to acknowledge, is relevant to the campaign currently being run by Mr Ralph Howell, MP against the C&AG, on which Mr Howell has written on a number of occasions over the past year or so to the Prime Minister.

17th REPORT: SALE OF GOVERNMENT SHAREHOLDINGS IN BRIT OIL AND ASSOCIATED BRITISH PORTS (Departments of Energy and Transport)

Somewhat like the 16th Report a follow-up to one of its predecessor's reports (10th Report, 1981-82). Mainly with the benefit of hindsight the Committee's conclusions are generally critical of the use of underwriting and involvement of underwriting firms in the pricing while pressing the Committee's favoured method of sales by tender and phased releases of shares. The response is not an easy one as it has to explain the reasons for the particular arrangements adopted for specific sales and take account of circumstances surrounding the recent Enterprise Oil sale and the anticipated British Telecom sale.

18th REPORT: FORESTRY COMMISSION (Forestry Commission)

The PAC's regular quinquennial review. Broadly the report is not much more than commonplace observations or urgings in favour of maximum efficiency. But the report does pose one



difficult question for the Government; the maximum possible disclosure of selling prices and purchasers when forestry land is disposed of. This goes far wider than the Forestry Commission and in the time available it has been necessary to include only a holding reply until the matter of confidentiality in selling prices and names of purchasers can be properly considered.



NBren  
RT 26/2



GWYDDFA GYMREIG  
GWYDYR HOUSE  
WHITEHALL LONDON SW1A 2ER  
Tel. 01-233 3000 (Switsfwrdd)  
01-233 6106 (Llinell Union)

WELSH OFFICE  
GWYDYR HOUSE  
WHITEHALL LONDON SW1A 2ER  
Tel. 01-233 3000 (Switchboard)  
01-233 6106 (Direct Line)

*Oddi wrth Ysgrifennydd Gwladol Cymru*

*From The Secretary of State for Wales*

THE RT HON NICHOLAS EDWARDS MP

26 June 1984

*Dear Chancellor*

TREASURY AND CIVIL SERVICE COMMITTEE: LONG TERM TRENDS ENQUIRY

Thank you for sending me a copy of your letter of 11 June to the Lord Chancellor.

I agree with the general approach you suggest. *will request if required* The Committee's requests to the two territorial departments are awkward, as you imply, and I am not sure that we can say anything particularly helpful in reply. That is, after all, why it was agreed the territorial programmes should not receive full treatment in the Green Paper. However, my officials will be in touch with yours and George Younger's to see what can be said without potential embarrassment to us all.

I am copying this to the other Ministers who received your letter.

*Yours sincerely,*

*Ch. Jones*

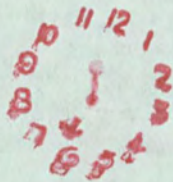
*Approved by the Secretary of State and signed in his absence.*

The Rt Hon Nigel Lawson MP  
The Chancellor of the Exchequer



Parliament : Procedure  
Pt 6

26 JUN 1984







NBPM

AT 26/2

**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*

D Peretz Esq  
Private Secretary to the  
Chancellor of the Exchequer  
Treasury Chambers  
Parliament Street  
London SW1P 3AG

AT

22 June 1984

*Dear David,*

TREASURY AND CIVIL SERVICE COMMITTEE: LONG-TERM TRENDS  
INQUIRY

I refer to the Chancellor of the Exchequer's letter of 11 June to the Lord Chancellor. My Secretary of State is content with the Chancellor's proposals.

I am copying this to the Private Secretaries to the recipients of the Chancellor's letter.

*Yours sincerely*  
*Stephen Hickey*

S H F HICKEY  
Private Secretary



~~Civ Service Long~~  
~~PKM P-15~~



CONFIDENTIAL

NBPM

CF

~~Any previous ppt?~~

END  
25/6

01-211-6402

Miss Margaret O'Mara  
Private Secretary to the  
Chancellor of the Exchequer  
HM Treasury  
Parliament Street  
LONDON  
SW1P 3AQ

22 June 1984

Dear Margaret,

TREASURY AND CIVIL SERVICE COMMITTEE: LONG TERM  
TRENDS INQUIRY

My Secretary of State has seen the Chancellor of  
the Exchequer's letter of 11 June to the Lord  
Chancellor, and is content with the approach he  
proposes.

*will request, if required*

I am copying this to the private secretaries  
of other Ministers involved in this correspondence.

Yours

*John*

J S NEILSON  
Private Secretary

CONFIDENTIAL



PARLIAMENT: Procedure A6

23 JUN 1984





CONFIDENTIAL

NIDRM  
AS 25/6



NORTHERN IRELAND OFFICE  
WHITEHALL  
LONDON SW1A 2AZ

SECRETARY OF STATE  
FOR  
NORTHERN IRELAND

The Rt Hon Nigel Lawson MP  
Chancellor of the Exchequer  
Treasury  
Parliament Street  
LONDON  
SW1P 3AG

21 June 1984

TREASURY AND CIVIL SERVICE COMMITTEE:  
LONG TERM TRENDS ENQUIRY

*- will request, if required*

Thank you for your letter of 11 June about the inquiry which the TCSC has launched into Long Term Trends in Resources and Public Expenditure.

I agree with your suggestion that only those departments approached by the Committee need be involved in this exercise and that we should not volunteer information more widely. As you indicate, this would release Northern Ireland as we have received no request for material.

I am copying this letter to the recipients of yours.

CONFIDENTIAL



PARLIAMENT: Procedure  
pt 6

25 JUN 1984







JU566

Secretary of State for Trade and Industry

DEPARTMENT OF TRADE AND INDUSTRY  
1-19 VICTORIA STREET  
LONDON SW1H 0ET

Telephone (Direct dialling) 01-215 5422  
GTN 215 .....  
(Switchboard) 215 7877

18 June 1984

CONFIDENTIAL

The Rt Hon Nigel Lawson MP  
Chancellor of the Exchequer  
Treasury Chambers  
Parliament Street  
London SW1P 3AG

*D. Nigel.*

TREASURY AND CIVIL SERVICE COMMITTEE: LONG TERM TRENDS ENQUIRY

Thank you for sending me a copy of your letter of 11 June to the Lord Chancellor.

The Committee's request does pose difficulties but I agree that we should try to be helpful. Your suggestion of providing an account of the longer term pressures on the main expenditure programmes seems to me to be an acceptable compromise.

My officials will keep in touch with yours about the timetable and content of the paper.

I am copying this letter to the Lord Chancellor and other colleagues.

*Norman*

NORMAN TEBBIT



Copies to:

Foreign Secretary  
Home Secretary  
Secretary of State for Education and Science  
Secretary of State for Northern Ireland  
Secretary of State for Energy  
Secretary of State for Defence  
Secretary of State for Scotland  
Secretary of State for Wales  
Secretary of State for the Environment  
Secretary of State for Social Services  
Secretary of State for Trade and Industry —  
Secretary of State for Employment  
Minister of Agriculture  
Chief Secretary  
Secretary of State for Transport

*Andrew Turnbull.*

*John Biggin*





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

11 June 1984

The Rt. Hon. Lord Hailsham of St Marylebone CH FRS DL  
Lord Chancellor

*Stan Quinlan*

**TREASURY AND CIVIL SERVICE COMMITTEE:  
LONG TERM TRENDS ENQUIRY**

The Treasury and Civil Service Committee has launched an enquiry into Long Term Trends in Resources and Public Expenditure by asking Departments for a wide range of factual papers, mostly by the end of this month. Some questions have been directed at the Treasury; some at other Departments. They raise some awkward issues, and we need to consider carefully how to respond.

The Committee is spreading its shot very widely, as you will see from the requests listed in the annex to this letter. We must obviously do what we can to assist the Committee within the limits of what it is reasonable and practicable to offer beyond the information contained in our Green Paper on Public Expenditure and Taxation into the 1990s. But there can be, I believe, no question of meeting the Committee's request for 10 year projections of programme expenditure in the terms it has set. In my view it would be quite impossible to construct and agree any useful figures for even the main programmes projected so far beyond present public expenditure plans - the concept of "present policies" so far ahead would become meaningless and the other uncertainties are too great. Even if that were not so, to provide such projections would be totally at odds with the Government's policy towards public spending in the longer term. Revenue must determine expenditure, not the other way round.

Since the Committee cannot have the figures for which it asks, we need to consider how else to respond. The simplest thing would be to rest on the Green Paper as the Government's contribution. But that might seem churlish when the Government has encouraged public debate on long term spending; and it would no doubt precipitate a major row.

Alternatively, having drawn attention to the Green Paper, and the reasons why "present-policy" projections are inappropriate, we could offer to provide the Committee instead with an account of the longer-term pressures - upwards and downwards - bearing on the main expenditure programmes. This would build on the approach followed in the Green Paper. The degree of detail would no doubt vary from programme to programme but that need not matter. Where quantitative illustrations were readily available, they might be mentioned, as in the Green Paper. But no attempt would be made to cost whole programmes, or to provide comprehensive data.

This last approach is the most clearly consistent with Government policy and is the one I recommend. I hope that none of our colleagues sees any insuperable

CC No.  
NDPM  
AT  
12/6





difficulty in adopting it. I suggest that only those Departments that have been approached by the Committee for material need be involved, and that we should not volunteer information any more widely. That would, for example, release Northern Ireland from the exercise. And so far as Scotland and Wales are concerned, there will, of course, need to be close liaison with other Departments. For the present, I understand the Treasury Committee proposes to defer consideration of defence expenditure, pending a separate enquiry by the Defence Committee into the implications of ending the 3 per cent NATO commitment. Michael Heseltine and I may need to be in touch again at a later stage.

The Treasury Committee, as I have said, has asked for papers by the end of June. If colleagues are content with what I propose, Treasury officials will circulate a draft timetable and suggest how the exercise might be conducted among officials. The Treasury will also need to reply to the Committee, explaining why detailed projections are not available, and offering help in the way I have suggested. Thereafter, I think it might be best for Departments to send their contributions directly to the Treasury Committee, after clearance with the Treasury and other Departments as necessary. Departments will need to keep closely in touch when the Committee gets round to taking oral evidence.

I see less difficulty in responding to the Committee's other demands. The requests for tax projections do not raise anything like the same problems, and we should be able to provide much of the past data on public expenditure for which the Committee has asked and some limited data on prospective spending by economic category up to 1986-87, consistent with the Public Expenditure White Paper. We should also be able to provide material on long-term planning procedures overseas.

I am sorry to press you for an early reply, but we ought to let the Committee know soon what we propose, in case it needs to rearrange its programme.

Copies of this letter go to those of our colleagues shown below.

NIGEL LAWSON

A handwritten signature in dark ink, appearing to read 'Nigel Lawson', written over the typed name.



**REQUESTS FOR INFORMATION MADE TO DEPARTMENTS**

- (i) The Treasury has been asked for a paper showing how programme expenditure are likely to evolve over the next 10 years, assuming that existing policies are maintained and using explicit assumptions about prospective demographic, economic and technological developments.
- (ii) The Committee has written separately to a number of other Departments, asking for Departmental projections in identical terms.
- (iii) The Revenue Departments have been asked for revenue projections over the next 10 years on the basis of present tax rates and allowances.
- (iv) The Treasury (and the CSO) have been asked for data on public spending and receipts for the last 10 years, and for the next 10 years, by economic category (public sector value-added; current spending on goods and services; capital spending and so on) and for material about longer term public expenditure planning procedures in other countries.
- (v) The Committee has asked the Registrar General for demographic projections.



**Copies to:**

Foreign Secretary

Home Secretary

Secretary of State for Education and Science

Secretary of State for Northern Ireland

Secretary of State for Energy

Secretary of State for Defence

Secretary of State for Scotland

Secretary of State for Wales

Secretary of State for the Environment

Secretary of State for Social Services

Secretary of State for Trade and Industry

Secretary of State for Employment

Minister of Agriculture

Chief Secretary

Secretary of State for Transport

*John Biffen.*





PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

6 June 1984

*Dear Hugh,*

*AS 7/6*

There have recently been a number of instances of applications for emergency debates being made under Standing Order No 10 without a Minister from the relevant Government Department being present. These have given rise to points of order alleging discourtesy to the House.

Notice of an S.O. No 10 application is, strictly speaking, confidential between the Member concerned and the Chair; and it is right that this should be so, because a Member may give the Speaker notice of an application before midday (as required by S.O. No 10), and later decide not to proceed with it.

In practice, however, the Clerk's Department in the House normally advises the relevant Government Department when notice of an application has been received before 12 noon in order to ascertain the facts (though in cases of extreme urgency, an application under S.O. No 10 can be made much later, and then the Clerks will not have this opportunity).

The Lord Privy Seal feels that (except in such cases of extreme urgency) offence is likely to be given if the relevant departmental Minister is not present and listening to the case which is being made in the application. He would therefore be grateful if, whenever a Department has been informed of an impending S.O. No 10 application, a Minister is present on the bench to hear it. If this is not possible, then the Lord Privy Seal would wish to be informed.

I should emphasise that nothing in this letter is intended to disturb the existing arrangements under which S.O. No 10 applications are confidential to the Chair and are made known to Departments on an informal and voluntary basis. Departments should not therefore approach the House authorities in the first instance with regard to possible S.O. No 10 applications.

I am copying this letter to the Private Secretary to the Prime Minister, to all members of the Cabinet, to the Chief Whip and to Sir Robert Armstrong.

*Yours sincerely,  
David Morris*

D R MORRIS  
Private Secretary

Hugh Taylor Esq  
PS/Home Secretary



07 JUN 1984

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Miss Stevens ✓ Cfpa  
Ple tell Jim T  
time is OK

Treasury Chambers, Parliament Street, SW1P 3AG

01-233 3000

Direct Line 01-233 4749

Tim Flesher Esq  
10 Downing Street  
LONDON  
S W 1

9th April 1984

Dear Tim,

TREASURY MINUTE REPLYING TO THE 10th, 11th AND 12th REPORTS OF THE PUBLIC ACCOUNTS COMMITTEE, 1983-84

You may recall that the Treasury published replies to a number of reports of the Public Accounts Committee last month:

- (i) Cmnd 9178 dealing with PAC Reports 1 - 8
- (ii) Cmnd 9191 about Hamilton College (9th Report)

2. The PAC published three further reports (10th - 12th) during March. The texts of the replies to these Reports have been agreed between the Departments concerned, including the Treasury, and the Financial Secretary has approved the reply to the PAC being presented in his name, as is customary. We should now like to publish the Government's response in the usual form of a Treasury Minute, before the House rises for the Easter Recess.

3. H M Stationery Office will publish the Treasury Minutes as a Command Paper. Timing is rather tight to achieve publication before the House rises. Subject to your approval, we propose publication at 4.00 pm on Thursday 12th April. We shall also arrange for pre-publication (ie CFR) copies to be available as normal prior to publication. We suggest laying the Command Paper before both Houses of Parliament at 3.30 pm on 12th April. Information Division of the Treasury will provide copies for the Lobby. Copies will also be resleased to the Departments which have contributed to the text, to PAC Members and to the National Audit Office.

4. I attach a note explaining the background to the particular PAC Reports and the intended response. We believe that it is most unlikely that this Treasury Minute will attract much, if any, attention (unlike the previous Minute on Hamilton College).

5. I should be grateful for an early indication that you are content with the proposed arrangements - a telephone call will suffice.

6. I am copying this letter and enclosure to Murdo Maclean and to David Heyhoe.

Yours sincerely  
  
K J SALVESON  
Parliamentary Clerk



#### 10TH REPORT: EXCESS VOTES

A formal report recommending Parliament approves departments' Excess Votes for 1982-83. This <sup>is</sup> part of the standard Parliamentary Supply procedure. There is no action other than to take note of the Committee's recommendation.

#### 11TH REPORT: GENERAL LIGHTHOUSE FUND

Basically a progress report on the report of the Committee's predecessor (29th Report, 1981-82). Endorses action taken so far but urges renewed Government efforts to obtain a more equitable cost-sharing arrangement between HMG and the Irish Government of the expenditure incurred on the lighthouse service in the Republic of Ireland. Arguably a rather superfluous report but can be seen as enabling the Government to point to Parliamentary pressure for a fair settlement between the UK and Eire.

#### 12TH REPORT: PREMATURE RETIREMENT IN THE NHS

A critical report of the way use was made of premature retirements in the NHS to achieve the desired re-organisation in the service; and of departments' (particularly DHSS) limited oversight of the policy. The main criticisms were failure to set clear objectives; no proper monitoring; decisions too readily delegated to individual health authorities allowing inconsistent application across different regions. Much of the topicality of the subject has been removed through the House's debate on NHS Supplementary Estimates on 8 March. This dealt extensively with the Committee's report and thus, unusually, resulted in the main (and immediate) Government response to the report in advance of the formal written reply by Treasury Minute.

Taking the replies to the three reports together, therefore, there is little in them to which the Government reply should stimulate interest. And there is no real interest to the Government in doing so.

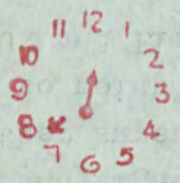


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SUBJECT

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10 DOWNING STREET

*From the Principal Private Secretary*

16 March 1984

The Prime Minister discussed with your Secretary of State, the Lord Privy Seal, Chief Whip and Sir Robert Armstrong yesterday morning the issues raised by the appointment of a working journalist, Mr. Antony Preston, as adviser to the Select Committee on Defence.

Your Secretary of State said that two issues concerned him. One was the protection of information given to the Select Committee in connection with their current enquiry into the lessons to be learned from experience of weapon systems used in the Falklands campaign; and the second was the difficulty of defending to other journalists the privileged access to information which Mr. Preston would enjoy by virtue of his position. The appointment of Mr. Chapman Pincher as adviser to the committee which had considered relations between the Government and press during a period of hostilities was not a precedent since that enquiry had been specifically concerned with press matters.

The Chief Whip said that it was likely that Mr. Preston's appointment would come to an end after the Select Committee's current enquiry. The Chairman of the Select Committee had also said that he would informally give the Government advance warning of future proposed appointments of advisers by the Select Committee.

The Lord Privy Seal said that it would be helpful to relations with the Select Committee if the current problem could be handled in a low key way. It would be difficult to establish a general proposition that particular categories of people were ineligible to be appointed as advisers. He suggested that it would be useful for him to discuss the general issue with the Chairman of the Liaison Committee.

Summing up the discussion, the Prime Minister said that it would be useful for the Lord Privy Seal to discuss the general problem with the Chairman of the Liaison Committee. He should take the line that the Government was bound to take into account those advisers who would have access to material when deciding what material they could provide to select committees. In the present case, while Mr. Preston remained

/ an adviser

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- 2 -

an adviser to the Defence Select Committee, the Secretary of State would be bound to avoid submitting material of higher sensitivity than that which he would normally be prepared to make available to a working journalist.

I am sending a copy of this letter to David Heyhoe (Lord Privy Seal's Office), Murdo Maclean (Chief Whip's Office) and to Richard Hatfield (Cabinet Office).

E. E. R. BUTLER

Richard Mottram, Esq.,  
Ministry of Defence

CONFIDENTIAL





Foreign and Commonwealth Office

London SW1A 2AH

16 March, 1984

*John Wood*

*100-16/3*

*h-a.*

Select Committee on European Legislation

Thank you for your letter of 13 March about recent breaches of the Government's undertaking on Parliamentary scrutiny of EC documents.

As you say, it is not always easy for Departments to judge the pace of negotiations in Brussels. Inevitably occasions are going to arise when, for good reasons, Ministers will want to invoke the 'special circumstances' provision in the undertaking. But we (and the Cabinet Office) are conscious of the need to keep such occasions to the minimum. Departments were in fact reminded of their obligations in the matter at a recent EQO Meeting (EQO (84) 8th Meeting). We have suggested to the Cabinet Office that they might like to follow this up with a further reminder.

I am copying this letter to the Private Secretaries to the Prime Minister, the Lord President of the Council, Cabinet Ministers in charge of Departments, the Attorney General and Sir Robert Armstrong.

*Yours  
R B Bone*

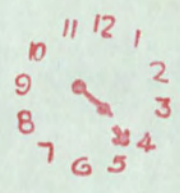
(R B Bone)  
Private Secretary

David Heyhoe Esq  
Lord Privy Seal's Office



Parliament: select committees. Pt 6

16 JAN 1984







10 DOWNING STREET

MR. BARCLAY

Could you please arrange for a talk about this. You might have a word with Richard Mottram about the timetable. Could it be done by inviting the Secretary of State for Defence to join the meeting at 1215 hrs on Monday, 26 March for part of the time? Or should we try to do it earlier at the end of Cabinet?

FERB  
...

14 March, 1984

CF

Meeting arranged for  
after Cabinet tomorrow.

DMS  
14/3



CONFIDENTIAL



KUE

ew

10 DOWNING STREET

*From the Principal Private Secretary*

14 March, 1984

The Prime Minister has seen the exchange of letters between your Secretary of State and the Lord Privy Seal about the position of Mr. Antony Preston as Special Adviser to the Select Committee. The Prime Minister takes the view that there is a good deal of substance in the Secretary of State for Defence's concern; and she would be most unhappy about making classified material available to a committee which employs a working journalist as a Special Adviser. On the other hand, she recognises that this could create a difficult Parliamentary situation.

The Prime Minister would like to discuss the problem with the Lord President, the Secretary of State for Defence, the Lord Privy Seal and the Chief Whip; and we will arrange a meeting accordingly.

I am sending a copy of this letter to Janet Lewis-Jones (Lord President's Office), David Heyhoe (Lord Privy Seal's Office), Murdo Maclean (Chief Whip's Office) and Richard Hatfield (Cabinet Office).

E. E. R. BUTLER

R. Mottram, Esq.,  
Ministry of Defence

CONFIDENTIAL





Mr. Fisher to see.

PRIVY COUNCIL OFFICE

WHITEHALL, LONDON SW1A 2AT

A.F.C.  $\frac{13}{3}$

13 March 1984

Dear Roger,

SELECT COMMITTEE ON EUROPEAN LEGISLATION

On two occasions recently, decisions have been taken in the Council of Ministers on European instruments before debates recommended by the Select Committee on European Legislation had taken place. The Committee has expressed considerable concern about this, and has invited the Lord Privy Seal to appear before it to give oral evidence on the operation of the scrutiny procedure. I shall in due course ask the relevant Departments for briefing for that appearance. In the meantime, however, it seems appropriate to remind Departments of the need for care in adhering strictly to the terms of the Government's undertaking on Parliamentary scrutiny of European Community documents.

On 30 October 1980 it was laid down by a Resolution of the House that no Minister should give agreement in the Council of Ministers to any proposal for European legislation which the Select Committee had recommended for consideration by the House before the House had given it that consideration, unless:

- (a) the Select Committee had indicated that agreement need not be withheld, or
- (b) the Minister decides that for special reasons agreement should not be withheld.

In the latter case the Minister should explain the reason for this decision to the House at the earliest opportunity. Extensive guidance on the procedure to follow has been issued by the Cabinet Office (EQO(82) 138).

It is, of course, not always easy for Departments to judge the likely progress of negotiations in Brussels and therefore suggest an optimum time for the debate. Nonetheless it is important to avoid both the appearance of discourtesy to the House, and the complications which can arise if the subject is of a significance which warrants the imposition of a Parliamentary reserve. Departments should therefore take all possible steps to ensure that debates are held before decisions have to be taken in Council; and should err on the side of caution when considering the timing of such debates.

/Where circumstances ...



Where circumstances arise which necessitate Ministers' agreement in Council without placing a Parliamentary reserve on matters which have been recommended for debate, a full statement must be given to the House explaining the reasons and indicating the likely timing of the debate. In certain cases an expression of regret at the impracticability of arranging an earlier debate may also be appropriate. The scrutiny process is an important part of the Parliamentary procedure, and every effort should be made to ensure that the procedures are properly applied, and are seen to be so.

I am copying this letter to the Private Secretaries to the Prime Minister, the Lord President of the Council, Cabinet Ministers in charge of Departments, the Attorney General and Sir Robert Armstrong.

*Yours,*

*Charles Marshall*

C M J MARSHALL  
Private Secretary

R Bone Esq  
Assistant Private Secretary to the  
Secretary of State for Foreign and  
Commonwealth Affairs



10 MAR 1984

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*I agree with the  
but clearly the LPS Larkin a  
more relaxed here.  
I should be most unhappy  
y. 'hard' documents about this with Lord President, SS Defence  
were to be released. Sir Robert Armstrong proposer? or would you  
prefer simply to express a view? **FERS***

Ref. A084/792

PRIME MINISTER

Prime Minister

Agree to have a talk

The Secretary of State for Defence has sent you copies of his  
correspondence with the Lord Privy Seal about the position of  
Mr Antony Preston as a Special Adviser to the Select Committee on  
Defence.

12.3.

2. Mr Preston is a working journalist, on the editorial panel  
of "Jane's Defence Weekly". This is a new publication, working  
very hard to establish itself. In the nature of the case the  
editorial staff will be seeking to build up information and  
establish contacts on as wide a footing as possible. There is  
some difference of view as to whether he has been retained as a  
Special Adviser for one inquiry or on a more permanent basis.

3. The usual inquiries have yielded nothing to suggest that  
Mr Preston is someone to whom access to classified information  
should be denied. There are no grounds for objecting on security  
grounds to his employment as a Special Adviser to the Select  
Committee.

4. Nonetheless the use of a working journalist poses two problems:

- (1) he would find it virtually impossible not to use  
for journalistic purposes at some future time  
sensitive knowledge acquired as a Special Adviser  
to the Select Committee;
- (2) as a Special Adviser he would have access to  
material which would never be made available to  
him as a journalist, or to any other journalist;  
and that could create problems with the rest of  
Fleet Street.

5. There is no precedent for this problem. The Select Committee  
on Defence used Chapman Pincher as a Special Adviser for its  
inquiry into relations with the media during the South Atlantic  
War; but that was rather different.





6. It seems to me that there is a good deal of substance in the Secretary of State for Defence's concern. Given that the Government cannot direct the Select Committee as to whom it should or should not employ as a Special Adviser, the only way of resolving the difficulty would appear to be for the Chairman of the Committee (Sir Humphrey Atkins) to be told that the Committee's use of a working journalist creates a difficult situation for the Government, and he should be aware that, so long as a working journalist is employed in that role, the Government will feel obliged not to give the Committee any information which it would not be prepared to release to the press.

7. Such a line would no doubt be extremely unwelcome to the Committee, and could lead to a Parliamentary row, which the press would be bound to highlight.

8. You may wish to discuss this with the Lord President, the Secretary of State for Defence, the Lord Privy Seal and the Chief Whip. The point is one of general significance, and it may be that the Lord Privy Seal should discuss it with the Chairman of the Liaison Committee.

RA

ROBERT ARMSTRONG

12 March 1984



CONFIDENTIAL

cc P.C.

R. Butler

A + C 73



MINISTRY OF DEFENCE WHITEHALL LONDON SW1A 2HB

TELEPHONE 01-218 9000  
DIRECT DIALLING 01-218 6169

Note: I have spoken to Sir Robert Armstrong who will advise.

FRB  
7.3.

6th March 1984

D/S of S/PS/22/7

BF

*John Biffen*

attached

Thank you for your advice in your letter of 22nd February about the position of Mr Antony Preston as Special Adviser to the Select Committee on Defence.

I note what you say about not making any formal approach to the Committee, and I quite share your wish to avoid damaging our relationship with them. Nevertheless, there are elements of all this which still give me some cause for concern, and these are linked to the central issue of the safety of classified material passed to the Committee. In addition, I am conscious of the potential difficulties arising from the position of Mr Preston as a working journalist and our relationship vis-à-vis his colleagues in Fleet Street.

I am, I must confess, still less than happy about the possible conflict of interest to which I referred in my earlier letter, whereby Mr Preston will surely find it virtually impossible not to use for journalistic purposes at some future time sensitive knowledge acquired during his appointment as a Special Adviser. I accept that we might seek to minimise his access to such material by withholding particularly sensitive documents from the Committee, but with respect I think there is a wider issue of principle at stake. His access to any classified

The Rt Hon John Biffen MP





material could result in the unacceptable risk that he will use it in future articles, to the embarrassment not only of me and my colleagues here in the Ministry of Defence, but also of the Defence Committee themselves. This, surely, would also have the effect of souring our relationship with them.

But I wonder if we do not also have to bear in mind the likely attitude of the rest of Fleet Street towards the very special access being afforded to one of their number, and their perception of the possible problems posed by the conflict of interest which I have suggested exists? There is perhaps an even more hazardous situation here, involving the somewhat fragile relationship between the Government and Fleet Street based on mutual trust and co-operation. I cannot help thinking that this relationship is bound to suffer when Mr Preston's journalist colleagues perceive that he is being given very favourable treatment which they do not enjoy, and is having access to material which would not ever be made available to them.

In view of the significance of all this, I would welcome the further general views of my colleagues, perhaps, if an opportunity arises, within the margins of an early Cabinet; and I am therefore sending a copy of this letter to the Prime Minister (together with a copy of our earlier correspondence) and to Willie Whitelaw, John Wakeham and Sir Robert Armstrong.

Yours  
Michael

Michael Heseltine





PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

22 February 1984

Dear Michael,

Thank you for your letter of 10 February <sup>attached</sup> about the appointment of Mr Antony Preston as Special Adviser to the Select Committee on Defence.

Of course I understand your concern about the difficulty Mr Preston will face in maintaining a clear distinction between the information he acquires as Adviser to the Committee and that available to him as a Journalist. I am conscious of your need to satisfy yourself, when deciding whether to disclose information to a Select Committee, that there is no unacceptable risk to National Security.

As you know, however, Select Committees are entitled to choose their own Advisers and they are jealous of their independence. I would, therefore, strongly advise that you should not make any formal approach to the Select Committee. Were you to do so, and the Members of the Committee chose to stand on their rights and choose Mr Preston regardless, you would have succeeded only in souring your relationship with them to no purpose. I suggest that you have another word with Humphrey Atkins to explain your concern in more detail. If, as I expect, he remains unwilling to seek to change the Committee's decision, then you will no doubt wish to consider very carefully whether particularly sensitive documents should be withheld: though given that Mr Preston has been cleared to SECRET level, I would hope that no very radical departure from previous practice will be necessary. In this connection, it may help you to know that Mr Preston's appointment as Special Adviser is for the duration of the Committee's current enquiry only; though, of course, there is no guarantee that it will not be extended.

A copy of this letter goes to Willie Whitelaw and John Wakeham.

JOHN BIFFEN

Rt Hon Michael Heseltine MP  
Secretary of State for Defence





MINISTRY OF DEFENCE WHITEHALL LONDON SW1A2HB

TELEPHONE 01-218 9000  
DIRECT DIALLING 01-218 6169

D/S of S/PS/22/8

10<sup>th</sup> February 1984

I feel that you should know of my concern at the appointment of Mr Antony Preston, the Naval Editor of "Jane's Defence Weekly", as a Special Adviser to the House of Commons Select Committee on Defence.

Mr Preston has worked closely with my Department in the past and indeed was once a member of it. He is regarded, I understand, as a competent and sensible journalist with a great deal of detailed technical knowledge and a wide network of contacts, both official and unofficial, in the defence field. He is, however, a working journalist, and there is clearly a conflict of interest between his role as journalist and his position as Special Adviser to the Defence Committee. He has, I understand been vetted by the Management and Personnel Office and so he is now permitted access to classified material up to SECRET level which my Department makes available to the Committee. The Committee, of course, has perfectly satisfactory arrangements for the safekeeping of classified material provided to them, and I am not doubting Mr Preston's personal reliability or indeed his good intentions. But I do<sup>not</sup> believe it is reasonable to expect

The Rt Hon John Biffen MP





Mr Preston to keep separate in his mind information acquired in his capacity as a Special Adviser from that acquired as a professional journalist. I feel that classified information could well be leaked. That will make my dealings with the Committee very difficult and my willingness to release classified information will naturally be affected by these considerations.

I am aware that there is at least one precedent for the Defence Committee appointing journalists as Advisers. Messrs Chapman Pincher and Simon Jenkins were engaged, I believe, on the Committee's inquiry into the handling of press and public information during the Falklands conflict: their particular professional experience was appropriate to that inquiry. But the circumstances of Mr Preston's appointment are very different. He is likely to be involved in several very sensitive inquiries which the Defence Committee are planning on the Trident programme, the physical security of military installations in this country, and the implications of ceasing, after 1985/86, our commitment to a 3% annual increase in defence expenditure. We must assume that information which we will be making available to the Committee in connection with these (and other) inquiries will be seen by Mr Preston. Otherwise, I see little object in his appointment as far as the Committee is concerned.

I fully support the Government's commitment to work as closely as possible with the Select Committees, and we are also doing all we reasonably can to help them in their work. I am also conscious of the Committee's sense of independence and their desire to exercise complete control over their own proceedings. But I have strong reservations about Mr Preston's appointment which I feel I must make plain to the Chairman of the Defence Committee in writing. I have already warned him orally of my disquiet.





I would very much welcome your support and any views you may have, together with those of other colleagues, before I set out my case to the Chairman of the Committee.

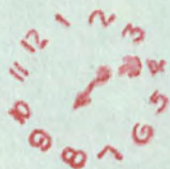
A copy of this letter goes to Willie Whitelaw and John Wakeham, and to Sir Robert Armstrong.

for me  
A handwritten signature in dark ink, consisting of several loops and a long horizontal stroke at the end.

Michael Heseltine



- 7 MAR 1984



4





PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

2 March 1984

Dear Willie,

JB 2/3

HOUSE OF COMMONS COMMITTEE ON PROCEDURE

I wrote to you on 18 January about my intention to table a Motion for the establishment of a House of Commons Select Committee on Procedure. *will request if required*

I am afraid the setting up of this Committee has been somewhat protracted, principally because of delays by the Opposition in putting forward names for the Committee.

I should draw attention to a change from the original proposals as set out in my letter of 18 January. The original intention was that this Committee should merely be a Sessional Committee, albeit with the possibility of renewal next Session. Further discussions, however, have shown a preference for the Committee to be set up for the Parliament. The Motion provides accordingly.

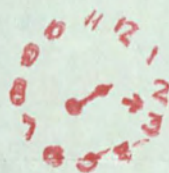
I am copying this to Cabinet colleagues, to the Chief Whip and to Sir Robert Armstrong.

JOHN BIFFEN

Viscount Whitelaw CH MC  
Lord President of the Council



1 - 11-15 1984







Treasury Chambers, Parliament Street, SW1P 3AG

01-233 3000

Direct Line 01-233 4749

Miss Stevens

Pse under the  
TMT hat has  
traveller is acceptable

JD

24/2

Tim Flesher Esq  
10 Downing Street  
LONDON  
SW1

24 February 1984

Dear Tim

TREASURY MINUTE REPLYING TO REPORTS OF THE PUBLIC ACCOUNTS COMMITTEE

The Treasury is now ready to reply to the 1st to 8th Reports of the Public Accounts Committee, which the Committee has published in the 1983-84 Session. All of the Reports were published during December, although with one exception (the 8th) they relate to evidence taken by this Committee's predecessor in the last Parliament.

2. The Financial Secretary has approved the reply to the PAC - in the usual form of a Treasury Minute - being presented in his name. The Stationery Office will publish it as a Command Paper. We propose publication at 3.30 pm on Wednesday 7 March. Pre-publication CFRs would be presented to Parliament at 3.30 pm on Tuesday 6 March. Copies would also be released at that time to the relevant departments which have contributed to the Treasury Minute, to PAC Members and the National Audit Office; and by way of the Treasury's Information Division, to the Lobby.

3. I enclose a list of the PAC Reports to which the Treasury Minute is replying (Annexe A), together with a summary of the main conclusions and recommendations of the PAC's Reports (Annexe B).

4. These Treasury Minutes normally attract scant attention from the House except from Members of the PAC themselves. The media, too, tend to pay little attention to them as a rule. It is hard to imagine this Treasury Minute being of much news value but it is conceivable that a number of the subjects might stimulate some interest if it is otherwise a fairly dull day for news generally.

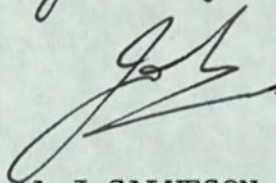
5. For example, parts of the Treasury Minute refer to strike action by civil servants (Customs and Excise in this instance) in 1981; to detection and prevention of social security benefit fraud; effectiveness of special employment measures; the rather "over generous" (to some eyes) standards of accommodation for some diplomats overseas; and to "Whitehall" control of certain nationalised industries.



6. May we have approval to proceed to publication of the Treasury Minute on 7 March? An early reply would be appreciated so that we may adhere to the printing timetable HMSO is arranging.

7. I am sending copies of this letter and enclosures to Bernard Ingham in your Press Office and to Murdo Maclean at 12 Downing Street.

*Yours age*

A handwritten signature in cursive script, appearing to read 'A J Salvesson', written in dark ink.

A J SALVESON  
Parliamentary Clerk



PAC REPORTS

1st Report	Customs and Excise	Financial effects of strike action by civil servants
2nd Report	Department of Health and Social Security	Prevention and detection of evasion of national insurance contributions and of fraud and abuse relating to social security benefits
3rd Report	Department of Trade & Industry	Supervision and monitoring of British Leyland
4th Report	Department of Employment Manpower Services Commission	Special Employment measures
5th Report	Ministry of Defence Foreign & Commonwealth Office Property Services Agency	Economy measures in the civil, defence and overseas estates
6th Report	Department of Trade & Industry Industry Department for Scotland Welsh Office English Industrial Estates Corporation Highlands and Islands Development Board Scottish Development Agency Welsh Development Agency	Construction and management of factories
7th Report	Department of Energy Department of Trade & Industry Department of Transport	Monitoring and control of activities of sponsor departments of nationalised industries
8th Report	Treasury	1984-85 Estimates of the Exchequer and Audit Department/National Audit Office



FIRST REPORT

- (i) Customs and Excise should now review carefully how to recover more quickly from any comparable situation in future. It should also review trader compliance and VAT enforcement together with appropriate remedial measures.
- (ii) The department should study carefully why it had repeatedly failed to achieve targets for standard control visits to traders so that realistic targets could be set for the future; should better select traders for standard control visits with a view to encouraging more realistic planning and a better balance in their visiting programme.
- (iii) The department should also give priority to developing a comprehensive management information system so that it is fully and accurately informed about the actual time spent on control visits, why programmes are not being met and which types of visit are providing the best yields against costs. Meanwhile, as an interim measure, other steps should be considered to provide improved information.
- (iv) The department should allow room for highly productive investigation within whatever limit is placed on total staff numbers. It should aim to employ more staff on the more cost-effective areas for visiting traders, and to monitor the results of controlled variations in the level of different types of visiting, in order to identify as accurately as possible where marginal returns could be greatest.

SECOND REPORT

- (i) DHSS should give priority to completing its study to determine the extent of national insurance contribution loss arising from fluctuating earnings, so that any necessary counter-measures can be devised, with retrospective action where appropriate.



- (ii) DHSS, Inland Revenue and Customs and Excise should continue to study all possibilities of joint exercises and exchanges of information relating to possible fraud, in order to combat fraud and abuse, and to reduce possible duplication of effort, on visits to employers' premises to examine national insurance, PAYE and VAT records.
- (iii) DHSS should ensure that they keep to the operational date of 1986 for their new computerised system.
- (iv) DHSS should seek to establish whether additional visits could be undertaken without increasing the net cost of benefit payments.
- (v) DHSS should complete the re-assessment of the reliability of their management information which indicates the results of different approaches to the detection of benefit fraud, and take account of their findings in their deployment of anti-fraud staff.
- (vi) DHSS should maintain prosecution of those concerned in all levels of deliberate fraud, as a deterrent and should undertake new studies to find practical ways to secure the data needed to provide a reasonably sound estimate of the extent of undetected benefit fraud.

### THIRD REPORT

- (i) The department should report the outcome of its discussions with British Leyland (BL) on the inclusion of performance indicators in the company's accounts. The setting of a challenging financial target now assumes greater importance.
- (ii) BL and the department can be commended for the business information supplied and the appraisal of that information but should maintain a close scrutiny of the bulk of such sales.



- (iii) The lack of definition of matters on which BL should consult the department has now resulted in a further important case where the company had failed to draw attention to a commercial decision which had significant national interest implications.

#### FOURTH REPORT

- (i) Before a new special employment measure (SEM) is introduced there should be a systematic review of its prospects against defined criteria; when a measure has been adopted, its actual register effect, net cost and performance against other quantifiable objectives should be compared regularly with original estimates.
- (ii) Alternative uses of those funds which might achieve the same or very similar objectives should be fully examined and evaluated. There should be renewed efforts both to devise ways of comparing alternative forms of public expenditure, and to assess - even if only on a broad basis - the second round economic effects of SEMs.
- (iii) MSC should secure better achievements on placements and substitution and to exercise proper oversight of the standards of vocational training.
- (iv) MSC should achieve at least between 80 and 90 per cent of community planning participants from the priority groups, which should be clearly defined.
- (v) Job release scheme expenditure was not effectively controlled and DE unduly delayed action to repair the omission.
- (vi) Young workers' scheme monitoring should cover the scheme's effectiveness in achieving a downward influence on young peoples' wages which is the aim of the scheme.



- (vii) The uncertainty about the usefulness of some - possibly a substantial part - of £800 million spent on temporary short time working compensation schemes illustrates the importance of establishing reliable means of assessing the effectiveness of individual SEMs as quickly as possible after they are introduced.
- (viii) In determining the staffing needs for administering SEMs systematic manpower assessment procedures, which allow for learning curve problems, are needed.
- (ix) Assurances which MSC gave PAC in 1980 regarding improved monitoring of the operation of schemes did not materialise in practice; MSC have still some way to go in achieving satisfactory monitoring and audit arrangements and should give this matter much more serious and continuing attention.
- (x) Management information should wherever possible be based on factual information from DE and MSC records, sponsors and employers rather than from sample surveys.
- (xi) The operation of youth training schemes requires strong and effective manpower boards whose work should be kept under review by MSC.

#### FIFTH REPORT

- (i) Timetables for energy conservation schemes should be further accelerated. PSA and MOD should make adequate special allocations of funds for schemes providing a high rate of financial return.
- (ii) PSA should continue their commendable search for economies in the civil estate through town reviews and rationalisation, and action to achieve them should not be delayed by shortage of funds for "spend to save" schemes.
- (iii) PSA and MOD should press ahead vigorously with implementation of defence maintenance economy review (MER) recommendations.



- (iv) PSA and MOD should maintain a high-level oversight of all defence MERs overseas.
- (v) MOD should seek to release surplus land and buildings promptly and to provide "spend to save" funds in cases where sales require initial investment.
- (vi) FCO should, without delay, take more vigorous action to implement the revised accommodation standards in the Overseas estate and to impress the need for economy on their overseas line managers.
- (vii) The results of town surveys in the Overseas estate suggest that much needs to be done, and amply demonstrate the value of independent, professional appraisals of property holdings.
- (viii) FCO should adopt a radical change in attitude to personal accommodation overseas, giving a new and positive emphasis to considerations of cost-effectiveness rather than to considerations of prestige or tradition.

#### SIXTH REPORT

- (i) Departments should attempt to measure the cost-effectiveness of the factory building programme and for this purpose should take a greater interest in the relationship of employment statistics to the programme.
- (ii) Operational research studies of output measures for assessing cost-effectiveness should include a qualitative assessment of the businesses using the factories.
- (iii) Departments should ensure that in their efforts to meet financial targets the bodies do not depart from their statutory objectives; departments should also consider whether subsidiary measures of efficiency should be established in support of the targets.



- (iv) The bodies' forward factory building plans agreed with departments should be governed by maximum vacancy levels related to the factory units in current demand.
- (v) The departments should undertake joint comparative studies of the bodies' factory building costs, which should include comparisons with other public and private sector bodies building factories.
- (vi) The bodies should maintain their efforts to maximise private sector investment in and sales of factories, though they should ensure that the arrangements secure a fair return for the Exchequer.

#### SEVENTH REPORT

- (i) Sponsor departments should seek to ensure that all nationalised industries prepare corporate plans annually and provide in them the essential information specified in the 1978 White Paper. They should ensure that they get all they need from the industries, and promptly.
- (ii) Some form of published efficiency target remains appropriate for British Telecommunications whilst it retains its present status.
- (iii) Industries should establish confidence in the effectiveness of their investment appraisal systems by providing sponsor departments with information about the returns actually secured on new investment compared with the returns forecast.
- (iv) The Department of Transport should not leave it to British Railways Board to decide how much to invest in the "social" railway.
- (v) The setting of attainable but demanding performance targets is an essential feature of a sponsor department's control function; actual practice by departments falls considerably short of what is needed.



- (vi) Sponsor departments have not been able to ensure that external financing limits (EFLs) operate effectively to provide a firm discipline on management of the industries on an annual basis. Where circumstances change and other features are given precedence in a particular year, Parliament should be informed.
- (vii) It is unsatisfactory that the Government have to make choices about the competing demands of the industries for public finance without a complete framework of corporate plans and investment appraisal.
- (viii) If the present deficiencies in the application of the 1978 White Paper system were remedied, the present level of sponsor department intervention in matters which are properly the responsibility of the industries should be reduced.

#### EIGHTH REPORT

- (i) The C&AG should be in a position to provide to Parliament the results of independent value for money examinations over a reasonable cycle for all major activities of departments and other bodies subject to his audit or inspection.
- (ii) The staff of the National Audit Office needs to expand further at 5 per cent per annum until 1987 in order to achieve a 50:50 split between certification and value for money audit. This needs to be accompanied by an improved management structure.
- (iii) Provision should be made for increasing use of seconded staff or sub-contracting particularly whilst the National Audit Office remains significantly short of trained staff.
- (iv) In determining the pay and conditions of service of the staff of the National Audit Office the C&AG should bear in mind the importance of securing adequate numbers



of high quality staff to perform the National Audit Office vital role on behalf of Parliament.

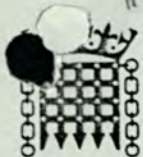
- (v) Authority to proceed with the acquisition of a single new headquarters building should be granted at the earliest possible date.



24 JAN 1984







01-219 3273  
3274

COMMITTEE OF PUBLIC ACCOUNTS.  
COMMITTEE OFFICE  
HOUSE OF COMMONS

INFORMATION FOR THE PRESS  
Committee of Public Accounts  
1984 PROGRAMME

*DD*  
*13/2*

The Committee has decided on the following programme of public\* meetings from February 20 to the end of May -

- Feb 20: Pharmaceutical price regulation scheme; chemists' remuneration, disposal of surplus land (DHSS Welsh Office & SHDD).
- Feb 22: Procurement of NHS supplies (DHSS, Welsh Office, SHDD)
- Feb 27: Wardale enquiry into PSA frauds; systems controls in district works offices (Sir G Wardale, Mr A Herron & PSA)
- Feb 29: systems controls in district works offices - continued (PSA)
- Mar 21: control of dockyard operations and manpower (MoD)
- Mar 26: UK Trident programme (MoD)
- Mar 28: administrative computing in Govt Departments (Treasury & DHSS)
- April 2: nuclear power development (Energy & AEA)
- April 4: regional assistance to industry (Industry)
- April 9: Northern Ireland subjects
- April 25: economy of stores support (MoD)
- April 30: continued
- May 2: quality control over district office procedures (Inland Revenue)
- May 9: Keith Report on enforcement powers of revenue departments (Inland Revenue and Customs & Excise)
- May 14: control of grants to voluntary colleges (Education, control of manpower in fringe bodies (Education, MPO, Agricultural Research Council, National Environmental Research Council)
- May 16: building maintenance expenditure (PSA)
- May 21: continued

Meetings usually take place on Mondays at 4.45 pm and on Wednesdays at 4.15 pm, with brief private sessions at the beginning.

Limited numbers of memoranda relevant to particular meetings will be made available at the beginning of the public sessions to which they relate, if they have not been previously published by the C&AG.

\* Please note that the Committee always reserves the right both to change its programme and to meet in private if necessary. The programme for late February and early March has changed in some respects from that set out in the last Press Notice.



Publication of Ninth Report

The Ninth Report from the Committee, on Hamilton College of Education: Disposal of Land and Buildings (HC 122 1983-84), will be published at noon on Wednesday 22 February. A Press Conference will be held at 12 noon in Committee Room 21, Upper Committee Corridor.

Confidential Final Revise copies of the Report will be available at 2.30 pm on 20 February both in the Press Gallery, House of Commons and from Room 309, St Stephen's House, Victoria Embankment. Copies for witnesses should be collected from Room 309, St Stephen's House at or after 2.30 pm and will be posted if not collected by 3.30 pm.

If you require any further information please telephone 219-3274.

Thursday 9 February

JOHN ROSE





*With the Compliments  
of the  
Lord Privy Seal*





JH 14/12

PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

14 December 1983

*Dear Willie,*

DEPARTMENTAL SELECT COMMITTEES

As colleagues will be aware, there has already been considerable delay over the reappointment of the Departmental Select Committees. This has arisen from dissatisfaction with the representation proposed for the minor Opposition parties by the Committee of Selection.

The membership of eight of the fourteen Departmental Select Committees was agreed to by the House last Friday. But there are still six to be set up, those on Agriculture; Defence; Education, Science and Arts; Employment; Social Services; and Welsh Affairs.

Following discussions through the usual channels it seems that the best hope of resolving the differences over these remaining six committees would be to increase the number of members of those committees at present with nine members to eleven members. This will give greater room for manoeuvre in allocating places between the minor Opposition parties. I understand John Wakeham has already spoken to the Ministers in charge of the four Departments concerned (Agriculture; Education, Science and Arts; Employment; and Social Services).

It is intended that the necessary Motions should be debated on Wednesday night. At the same time the opportunity is being taken to propose the amendment of the relevant Standing Order (SO 99) to take account of two minor recommendations concerned with facilitating co-operation (joint meetings and availability of evidence etc) between the work of Departmental Select Committees. These were made by the Liaison Committee last session in their First Report, and the Government is committed to their acceptance by the reply to the Report given in my letter to Edward Du Cann of 27 April.

If any points are raised in the debate about any of the other recommendations made in the Liaison Committee's Report - for example, on the question of further sub-committees - I propose to say no more than that the main concern at present is to get the Departmental Select Committees re-established as soon as possible and to see how they go before considering any further changes.

I am copying this to Cabinet colleagues and to Sir Robert Armstrong.

*John Biffen*

JOHN BIFFEN

Viscount Whitelaw CH MC  
Lord President of the Council



14 DEC 1983

9 10 11 12 1  
8 7 6 5 4 3





DEPARTMENT OF TRADE AND INDUSTRY  
1-19 VICTORIA STREET  
LONDON SW1H 0ET

TELEPHONE (DIRECT LINE) 01-215 5662  
GTN 215  
(SWITCHBOARD) 215 3000

From the  
Parliamentary Under Secretary of State  
for Corporate and Consumer Affairs

*N. Fletcher.*

*21/10*

The Rt Hon John Biffen MP  
The Lord Privy Seal and Leader of  
the House of Commons  
Privy Council Office  
Whitehall  
London SW1A 2AT

31 October 1983

*pa*

*John Biffen*

*RT 31/10*

EUROPEAN ECONOMIC INTEREST GROUPINGS

*will request if required*

Thank you for your letter of 6 October in reply to my letter of 13 September about the interest of the staff of the House of Lords European Communities Scrutiny Committee in obtaining for this Committee the replies to the Department's forthcoming consultative document on the draft Regulation on the European Economic Interest Grouping.

I am also grateful to Willie Whitelaw, Rhodes Boyson and Adam Butler for their views.

Following your agreement, officials here have written to the staff of the House of Lords Scrutiny Committee explaining that the forthcoming consultative document will be accompanied by a covering letter stating that its recipients may be shortly receiving requests from the Lords Committee for their views; the staff of the Lords Scrutiny Committee have also been told that they will be given a list of those to whom the consultative document is being sent. They are also being informed that any future requests for similar co-operation will have to be examined on their merits and, therefore, that they cannot necessarily assume that Departments will be in a position to help again in this way.

As it may be convenient in the future to be able to refer to this letter I attach a copy of it.

I am sending copies of this letter and enclosures to the other recipients of this correspondence.

*Alex Fletcher*

ALEX FLETCHER



COMPANIES LEGISLATION DIVISION

DEPARTMENT OF TRADE AND INDUSTRY  
SANCTUARY BUILDINGS  
20 GREAT SMITH STREET  
LONDON SW1P 3DB

Telephone (Direct dialling) 01-215) 5955  
GTN 215) .....  
(Switchboard) 215 7877



P Rees Esq  
The Clerk  
Sub Committee E  
Select Committee on the European  
Communities,  
House of Lords,  
LONDON SW1A 0PW

24 October 1983

*Dear Rees,*

On 3 August, your colleagues Newman, Higginson and Stoodley saw me in order to discuss the Select Committee's examination of the EC draft Regulation on the European Economic Interest Grouping. At that meeting I explained that the Department would be publishing later this year a further consultative document on the draft Regulation and on the additional national legislation required to supplement it, in order to seek the views of industry, commerce and the professions on these matters. At this meeting, Newman and his colleagues said that it would greatly assist the Committee in its work if it could see copies of the replies sent to the Department in response to the consultative document, for example by writing to those receiving the Department's consultative document asking whether they would be prepared to make available to the Committee their replies.

Although it might be presented as something of an innovation in the relationship between Parliament and Government Departments, we are ready to go along with the Committee's wishes. I should, however, explain that any future requests by a Select Committee for a similar procedure to be adopted in relation to consultation with industry, etc, over other items of Community legislation would have to be considered on their merits and that agreement on this occasion should not be regarded as implying any undertaking as to the future.

I shall be writing shortly to those in industry, commerce and the professions explaining that your Committee will also be seeking their views on the consultative document. I will send you as soon as possible a copy of my letter and of the consultative document, together with the list of people to whom I am writing.

I am sending copies of this letter to Wilson, the Clerk of the House of Commons Select Committee on European legislation.

*Yours*

*David Steel*

D STEEL



31 OCT 1961

11 12 1 2 3 4  
5 6 7 6 5 4



010  
CC NO

From the Private Secretary

cc PS/Minister of State, Tsy  
PS/Permanent Secretary  
PS/2nd Permanent Secretary  
Mr Trevelyan

HEADS OF DIVISIONS

W. rals

All Under Secretaries  
Mr Stubbs

LIAISON WITH TREASURY AND CIVIL SERVICE SELECT COMMITTEE

The Treasury and Civil Service Select Committee (TCSSC) is now expected to start work again in the late autumn. Heads of Division may find it useful to have a note now of the arrangements for liaison which have been agreed by Lord Gowrie.

Lord Gowrie has stressed the importance of maintaining good relations with the Select Committee. We will be letting the new members have an introductory memorandum about MPO's work. He would also like the TCSSC to receive copies of all material (excluding of course ordinary PQs) which we publish or release to Parliament or the press. He hopes to have occasional informal meetings with the members of the Select Committee.

The arrangements will be as follows:

- (i) Machinery of Government Division (Mrs E C Flanagan, 233 7217, or Miss J Buchan, 233 7250) already act as the chief contact point with the Committee, advise on the preparation of material requested by the TCSSC, coordinate submissions and answer any queries on Select Committee procedures. They will try to provide feedback on the TCSSC's reception of our material.
- (ii) The TCSSC should receive any MPO material which is published, or released to Parliament or the press.  
This material will be sent from Lord Gowrie's Private Office or by Machinery of Government Division, depending on the content and nature of the information. In general, major publications, policy statements or publicity about major achievements will be sent by Private Office, and routine or minor publications not requiring maximum publicity by the Machinery of Government Division.
- (iii) Divisions are asked to consult Machinery of Government Division as far as possible in advance of the publication or release date so that the level and time at which the material should go to the Committee can be decided. Divisions should also inform Press Office (Mr Stubbs) and Parliamentary Clerk (Mr Lawrie) as soon as it is known that an item will be released. Final copies of the document should go to Private Office or Machinery of Government Division as appropriate, if possible three working days before the date of publication. Normally 5 copies of any report will be enough, but MG will advise when more are needed.



If the Division concerned would like any particular points to be made in the covering letter to the Select Committee it would be helpful if they could provide a draft; otherwise a simple pro forma letter (on the lines of the attached) will be used. It would be helpful to the Committee if we could state, where possible, the Departmental objective or activity to which the publication relates.

- (iv) Divisions are asked to keep MG informed of any topics or problems likely to be of interest to the Committee which might be discussed at any informal meetings between Lord Gowrie and the members of the Select Committee.

Machinery of Government Division will circulate a list of members of the TCSSC when they are appointed.

Mary Brown.

MRS M E BROWN

28 September 1983



Clerk to the Treasury and Civil Service Select Committee  
House of Commons  
LONDON SW1A 0AA

The Committee may be interested to see the Minister's statement today at about ..... I enclose 5 \*copies of the associated report for members' use.

The report covers the work done in relation to MPO's third objective for 1982/83 (see MPO Management Document para x)7.....

Please let me know if you require further copies.

\* MG will advise on number of copies. For most items five will be enough. But in some cases the Clerk may wish to have copies for all members of the Committee.





LAW OFFICERS' DEPARTMENT  
ROYAL COURTS OF JUSTICE  
LONDON, WC2A 2LL

H. Steel CMG OBE

11 August 1983

A R Rawsthorne Esq  
Principal Private Secretary  
Secretary of State for the Home Department  
Home Office  
Queen Anne's Gate  
LONDON S W 1

*Handwritten initials: R 15/8*

*Handwritten signature: H. Steel*

DISCLOSURE OF LAW OFFICERS' ADVICE

We had an unfortunate case recently - not, I hasten to add involving the Home Office - in which a Minister, in answering a written Parliamentary Question, disclosed without the prior authority of the Law Officers the advice which they had given on a problem that his Department had put to them. This was of course contrary to the long-established rules about revealing the advice of the Law Officers which we had assumed to be well understood by all in Whitehall. However, when we expostulated about this particular breach of the rules, we discovered that there was a disquieting ignorance of them in the Department concerned, both among officials and among Ministers, and we fear that this may be true of other Departments also. The Attorney General has therefore instructed me to write round to all Departments to remind them of what the rules are and to ask that those Departments that do not already do so should adopt some procedure for ensuring that the rules are from time to time drawn to the attention of all who need to be aware of them.

Briefly, the basic rule is that it is not permissible, save with the express prior authority of the Law Officers, to disclose to anybody outside UK Government service what advice the Law Officers have given on a particular question or whether they have given any advice on that question or even whether their advice on it has been or is going to be or may be sought. Such prior authority is occasionally given but only in very exceptional circumstances. The rule applies to advice given by one of the Law Officers individually as well as to advice given by the Law Officers collectively and it is equally applicable to advice given by the Scottish Law Officers or one of them. The rule prohibits not only express reference to advice given by the Law Officers but also indirect reference, e.g. by such phrases as "the advice that has been given at the very highest level" or "the Government have been advised". The

/rule





H. Steel CMG OBE

LEGAL SECRETARY.

LAW OFFICERS' DEPARTMENT  
ROYAL COURTS OF JUSTICE  
LONDON, WC2A 2LL

rule applies to all situations and is therefore the basis of the instructions given to Ministers and officials appearing before Committees of either House of Parliament that they should decline to answer questions about advice given by the Law Officers: see, for example, what is said in paragraph 31 of the Memorandum of Guidance for Officials appearing before Select Committees.

I should be grateful if you and the other recipients of this letter would arrange for its substance to be drawn, in whatever way seems appropriate, to all those in your respective Departments, both Ministers and officials, who are likely to come up against the problem and for subsequent reminders of the need to be alert to it be given from time to time.

I am copying this letter to the Private Secretaries to all Ministers in charge of Departments, to Richard Hatfield in Sir Robert Armstrong's office and to Norman Adamson in the Lord Advocate's Department (who has agreed that I might write in the above sense on his behalf also).

*Yours ever,*  
*Henry Steel*



15 AUG 1983  
1 2 3 4  
5 6 7 8 9

15 AUG 1983

1 2 3 4  
5 6 7 8 9



NOTE FOR THE RECORD

A CHANGE OF SPEAKER

This note sets out the procedure to be followed on the retirement of the Speaker. It assumes that the Speaker retires in the course of a Parliament, as recommended by the Select Committee on Procedure in 1971/72. The changes in the procedure to be followed if the Speaker retires at the dissolution of a Parliament are set out in the last paragraph.

The process is started by an announcement in the House by the Speaker that he intends to retire on a certain date. The Leader of the House responds to this announcement by expressing his regret and setting out the procedures that will be followed for the election of a new Speaker. The statement made by the Leader of the House in 1976 is attached at Flag A.

The Prime Minister then makes a submission to The Queen informing her that the Speaker has announced his retirement and seeking her authority to proceed to the election of a new Speaker. The submission made in 1976 is attached at Flag B. Wide consultations are then held on the choice of a new Speaker. The Prime Minister will normally consult the Chief Whip and Leader of the House, and the Chief Whip will consult both the Opposition and the backbenchers of his own Party. It is therefore wise for the Private Office to arrange an early meeting between the Prime Minister, Chief Whip, and Leader of the House. Once a name has been identified a submission to The Queen can be prepared. Two drafts should be produced: the first should assume that the candidate will be elected unanimously by the House (Flag C); the second assumes that the election is opposed (Flag D). Both of these submissions are sent to the Palace in advance of the election because one of them will have to be approved at very short notice (see below). The letter sent by No.10 to the Palace covering these submissions in 1983 is at Flag E.

On the day of the Speaker's retirement business is as follows:

- (a) A statement by the Speaker of about 5-10 minutes in which he takes leave of the House.



- (b) A speech by the Prime Minister in which he/she moves a motion of thanks to the retiring Speaker. The Private Secretary to the Prime Minister should ask the Chief Whip's office to produce a draft motion in consultation with the Leader of the House. Once this has been cleared by the Prime Minister, the Chief Whip's office should be asked to arrange for the motion to be tabled. The motions moved in 1976 and 1983 are attached at Flag F. The Leader of the Opposition replies to this speech and a number of other Members usually speak as well. The question is then put by the Speaker and agreed.
- (c) The Prime Minister then informs the House that The Queen has given leave for the election of a new Speaker (the form of words used in 1976 is at Flag G). The Father of the House then moves the election of the chosen candidate. Other speakers may propose other candidates as amendments to the motion but it is rare for the chosen candidate not to be elected unanimously.
- (d) The Speaker-elect takes the chair and the Prime Minister makes a speech of congratulation, followed by the Leaders of the Opposition Parties and other speakers.
- (e) The Prime Minister then informs the House that it is Her Majesty's pleasure that the House should present their Speaker at a certain time in the House of Peers for Royal Approbation and the sitting is suspended. The length of the suspension is determined by the need for The Queen to approve the election of the new Speaker by initialling one of the Prime Minister's submissions and signing documents submitted by the Lord Chancellor, all of which would normally have been sent to the Palace in advance. Normally the election of the Speaker will have been completed by 3.30 pm and the House can be called to the Lords by 4.30 pm. The Private Secretary to the Prime Minister should fix the length of the suspension in consultation with the Private Secretary to The Queen, and the offices of the Chief Whip and Leader of the House.



- (f) After the Speaker has been presented for Royal Approbation in the Lords, the House meets again and a motion for a Humble Address praying Her Majesty to confer some mark of royal favour on the retiring Speaker is passed, usually unanimously. The motion used in 1983 is at Flag H. It should be possible to use this form of words on all future occasions. The Chief Whip's office should be asked to arrange for the motion to be tabled.
- (g) The House then adjourns.

It is clear from the above that one of the Prime Minister's Private Secretaries should inform The Queen's Private Secretary as soon as the new Speaker has been elected. The Queen can then initial the Prime Minister's submission seeking her approval for the Speaker's election and sign the Lord Chancellor's documents. These are then returned post haste so that the Lord Chancellor can signify Her Majesty's approval in the House of Lords.

Following the election of the Speaker and the passing of the Humble Address ((f) above) a submission is sent immediately to the Palace seeking The Queen's approval for the granting of an honour to the retiring Speaker. This refers to the Humble Address that will be presented to her. The standard form of words is at Flag I. No written reply is made to the Humble Address itself. The approval by The Queen of the Prime Minister's submission seeking an honour for the retiring Speaker is the only answer required. The Vice Chamberlain reports this to the House on behalf of the Prime Minister, and the Chief Whip's office should be asked to arrange this. The standard form of words is at Flag J. In 1976 and 1983 written replies to the Humble Address were prepared and were approved by The Queen, but it is clear from the precedents of 1951 and 1959 that the only reply needed is The Queen's approval of the Prime Minister's submission.

If the Speaker retires at the dissolution of a Parliament, the procedures are different. The motion of thanks is moved before the dissolution; the first business of the new Parliament is the election of the new Speaker, when the Father of the House takes the Chair; the Royal Approbation takes place on the second day of



the Parliament; and the motion for the Humble Address is moved some time subsequently. The Government effectively has only the period between the General Election and the meeting of the new Parliament to consult on the choice of the new Speaker; this is a very tight timetable and it can cause considerable problems.

*W. S. Rickett*

August 1983



The Prime Minister: In my view—  
 [Interruption.] Sweden? When I dis-  
 cussed this with the Prime Minister of  
 Sweden yesterday, he was able to point  
 out—[Interruption.] I was asked about  
 Sweden. The Swedish Prime Minister was  
 able to point out that there is a very  
 large—

Mr. Skinner: Save the steel jobs.

The Prime Minister:—thriving, high-  
 priced market for Sweden's principal pro-  
 ducts—forestry products: timber, pulp  
 and paper.

However, I say finally in regard to my  
 hon. Friend's question, in which he said  
 that we should not seek solutions solely  
 in Europe, that he knows that we are not  
 doing that. He knows, for example—  
 [Interruption.] When the extremists on  
 both sides have finished their laughing, I  
 shall finish the answer. We are not seek-  
 ing the solution solely within Europe. The  
 Rambouillet Summit included the six  
 leading industrial nations, covering three  
 continents. My hon. Friend will know  
 of the conference that we had with the  
 Commonwealth, and our proposals there.  
 He is totally wrong in saying that we are  
 seeking a solution solely within Europe.  
 But if we try to seek a solution without  
 Europe, we shall not find one.

Several hon. Members rose—

Mr. Speaker: Order. I have a short  
 statement to make to the House.

\* MR. SPEAKER (RETIREMENT)

Mr. Speaker: I have to tell the House  
 that I have today informed Her Majesty  
 the Queen of my intention to relinquish  
 the office of Speaker. I propose to do  
 so on 3rd February next, the tenth Sitting  
 day from today. This is in accordance  
 with Standing Order No. 103A and the  
 First Report of the Select Committee on  
 Procedure, during the Session 1971-72,  
 ordered to be printed on 26th January  
 1972.

The Lord President of the Council and  
 Leader of the House of Commons (Mr.  
 Edward Short): The whole House, Mr.  
 Speaker, will have learned with very  
 much regret of your decision to relin-  
 quish your office. I understand that it is  
 your own wish that there should be no

speeches on this occasion, but there will,  
 of course, be an opportunity to speak on  
 your retirement later. However, I think  
 that it would be for the convenience of  
 the House now that I should outline the  
 procedure for electing your successor, in  
 accordance with Standing Order No.  
 103A.

On Tuesday 3rd February I understand  
 Mr. Speaker, that you would wish to  
 make a statement to the House. After  
 this, the usual motion to mark your  
 long and distinguished service will be  
 moved. That motion will also give the  
 House the opportunity to pay its tributes  
 to you.

Accordingly, after your statement and  
 the following speeches, I would propose  
 that the House will then proceed imme-  
 diately to the election of a new Speaker  
 under the procedure laid down under  
 Standing Order No. 103A with you, Mr.  
 Speaker, still in the Chair. After you  
 have put the Question, or Questions, as a  
 result of which the new Speaker will be  
 elected, you will leave the Chair and  
 the Speaker-Elect will then be conducted  
 to the Chair. Thereafter the procedure  
 will follow that of previous occasions.







10 Downing Street  
Whitehall

Mr. Wilson, with his humble duty to The Queen, begs to advise Your Majesty that the Right Honourable John Selwyn Brooke Lloyd, C.H., C.B.E., T.D., Q.C., D.L., M.P., Speaker of the House of Commons, having acquainted Your Majesty of his desire to resign with effect from Tuesday, 3 February 1976, has so informed the House of Commons. Mr. Wilson recommends that Your Majesty be graciously pleased to accept the resignation of Mr. Lloyd.

Mr. Wilson begs that authority may be given for an announcement to be made in the House of Commons on Tuesday, 3 February 1976 that Your Majesty directs the House to proceed with a new Election, and that permission be given to signify, after the Election, that it be Your Majesty's pleasure that the new Speaker be presented in the House of Lords at a given time for Your Majesty's gracious approval.

22 January 1976



Mr. Wilson, with his humble duty to The Queen,  
has the honour to acquaint Your Majesty that, by a  
Resolution passed nemine contradicente by the House  
of Commons today, the Right Honourable Thomas George  
Thomas, M.P., has been appointed Speaker of the House,  
and Mr. Wilson humbly submits this appointment for  
Your Majesty's most gracious approval.

(SIGNED) HAROLD WILSON

3 February 1976



ALTERNATIVE SUBMISSION  
PREPARED IN CASE MR. GEORGE  
THOMAS WAS NOT ELECTED  
UNANIMOUSLY

Mr. Wilson, with his humble duty to The Queen,  
has the honour to acquaint Your Majesty that, by a  
Resolution passed by the House of Commons today,  
the Right Honourable Thomas George Thomas, M.P.,  
has been appointed Speaker of the House, and  
Mr. Wilson humbly submits this appointment for  
Your Majesty's most gracious approval.

(SIGNED) HAROLD WILSON

3 February 1976



DEPARTMENT/SERIES ..... <i>PRCM 19</i> ..... PIECE/ITEM ..... <i>1593</i> ..... (one piece/item number)	Date and sign
Extract/Item details:  <i>Flag E attached to          Note for the Record dated August 1983</i>	
CLOSED FOR ..... YEARS UNDER FOI EXEMPTION	
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
TEMPORARILY RETAINED	<i>17/3/2014          G-Gray</i>
MISSING AT TRANSFER	
MISSING	
NUMBER NOT USED	



**Instructions for completion of Dummy Card**

Use **Black Pen** to complete form

Use the card for one piece/item number only

Enter the Department, Series and Piece/Item references clearly  
e.g.

DEPARTMENT/SERIES	.....GRA 168.....
PIECE/ITEM	.....49.....
(ONE PIECE/ITEM NUMBER ONLY)	

Please Sign and Date in the box adjacent to the description that applies to the document being replaced by the Dummy Card

If the document is Closed under a FOI exemption, enter the number of years closed. See the TNA guidance *Preparation of records for transfer to The National Archives*, section 18.2

The box described as 'Missing' is for TNA use only (it will apply to a document that is not in its proper place after it has been transferred to TNA)



1976

That this House tenders its gratitude to the Right Honourable Selwyn Lloyd for his skilful, reasonable and firm guidance of our affairs; offers thanks for his personal kindnesses, hospitality and friendship; records appreciation of the clarity of his decisions and his success in achieving fairness to all Members; and unite in wishing him well on his retirement from the chair to which he has brought such distinction.

1983

That the thanks of this House be given to the Right Honourable George Thomas for the great distinction with which he has upheld the traditions of the Speakership during the past seven years; that he be assured that his unvarying fairness, personal kindness and dedication to the House have earned him its respect and affection; and that all Members unite in wishing him every happiness in his retirement.



Mr. Speaker, I have to acquaint the House that Her Majesty, having been informed of the wish of Mr. Speaker to relinquish his office, gives leave to the House to proceed forthwith to the choice of a new Speaker.



Hansard - Thursday, 23 June 1983

175

*Mr. Speaker Thomas (Retirement)*

23 JUN

**MR. SPEAKER THOMAS (RETIREMENT)**

*Resolved nemine contradicente,*

That an humble Address be presented to Her Majesty, praying Her Majesty that she will be most graciously pleased to confer some signal mark of her Royal Favour upon the Right honourable George Thomas for his eminent services during the important period in which with such distinguished ability and dignity he presided in the Chair of this House.—[*Mr. Biffen.*]





10 DOWNING STREET

FLAG I  
Aye  
-  
R

Mrs Thatcher, with her humble duty to The Queen,  
begs to report that the House of Commons has this day resolved  
that an humble Address be presented to Your Majesty praying  
that Your Majesty be graciously pleased to confer some signal  
mark of the Royal favour upon the Right Honourable Thomas  
George Thomas for his eminent services during the period in  
which he has presided in the Chair. The Address will reach  
Your Majesty in due course through the usual channel and  
Mrs Thatcher humbly recommends to Your Majesty that in  
accordance with custom the prayer of the Address be granted  
and that the dignity of a Viscountcy of the United Kingdom be  
conferred upon Mr Thomas.

*Margaret Thatcher*

23 June 1983



## VOTES AND PROCEEDINGS OF THE HOUSE OF COMMONS

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The House met at half-past Nine o'clock.

### PRAYERS.

1 Mr Speaker Thomas's Retirement (Answer to an Address).—The Vice-Chamberlain of the Household acquainted the House, on behalf of the Prime Minister, That the Address of 23rd June, praying Her Majesty that she will be most graciously pleased to confer some signal mark of her Royal Favour upon the Right honourable Thomas George Thomas for his eminent services during the important period in which with such distinguished ability and dignity he presided in the Chair of this House, had been presented to Her Majesty, and Her Majesty had been pleased to receive the same very graciously, and had commanded him to acquaint this House that Her Majesty is desirous, in compliance with the request of her Faithful Commons, to confer upon the Right honourable Thomas George Thomas some signal mark of her Royal Favour.

2 Republic of Korea (Resolution).—Mr Speaker acquainted the House, That he had received a unanimous Resolution from the Assembly of the Republic of Korea, as follows :

In commemoration of the one hundredth anniversary of the signing of the Treaty of Friendship and Commerce between Great Britain and Korea on 26th November 1883 which provided for the formal opening of diplomatic relations between the two countries, the National Assembly of the Republic of Korea,

Noting with satisfaction that the traditional bonds of friendship subsisting between the people of the United Kingdom and the Republic of Korea have been continuously strengthened on the basis of common respect for freedom, justice and peace ;

Never forgetting the fact that hundreds of British officers and men laid down their lives in the defence of Korean freedom and peace in the early 1950s ;

1. Wishes to record its deep appreciation of the noble sacrifices made by the British soldiers in the Korean War and for the positive support consistently extended to the Republic of Korea by the government and people of the United Kingdom in international forums ;

2. Trusts that the Parliament of the United Kingdom will continue its support to the Republic of Korea in its efforts to bring about stability, development and early peaceful reunification of the Korean peninsula ;

3. Resolves to send this resolution to the Parliament of the United Kingdom in the name of the Korean people to further enhance friendly and co-operative relations between the two countries in political, economic, cultural and all other fields on the basis of the principles of reciprocity and equality in the years to come.

3 Accounts and Papers.—Several Papers were presented (see Appendix).

4 Adjournment.—A Motion was made, and the Question being proposed, That this House do now adjourn—(*Mr Alastair Goodlad*) ;

And it being Eleven o'clock, Mr Speaker interrupted the proceedings, pursuant to Standing Order No. 5 (Friday Sittings).

L



PRIME MINISTER

As you know, the Opposition were pressing last week for a debate on public expenditure. The business managers resisted this. The outcome is that the Opposition have now made a formal request for a statement on public expenditure. The Chancellor is firmly against this, though the Lord Privy Seal is somewhat concerned that the Opposition may press their request and create trouble by making a Front Bench request for a SO10 debate if we refuse. I have told the business managers that I think you will wish to refuse the Opposition's request. After all, we cannot have a statement after every Cabinet. The Business managers will therefore refuse the Opposition's request for the time-being.

Agreed

mt

WJ

22 July 1983





de

10 DOWNING STREET

*From the Private Secretary*

13 July 1983

Treasury Minute Replying to Reports of the  
Public Accounts Committee

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Thank you for your letter of 12 July. Subject to any comments from the Lord Privy Seal's Office, we have no objection to your presenting and publishing this minute on 26 July, provided that that is not the last day before the Recess.

I am copying this to Murdo Maclean (Chief Whip's Office) and Nick Huxtable (Lord Privy Seal's Office).

! W. F. S. RICKETT

A. J. Salveson, Esq.,  
HM Treasury.

B



010

The Rickett  
OK, But not last day  
before recess. We  
must avoid  
that  
J B  
h



Mr. J. G. ...  
any comments?  
The 5th and 10th reports  
seem the only ones of any  
interest. I can see no  
objection to what is  
proposed.

Treasury Chambers, Parliament Street, SW1P 3AG

01-233 3000

Direct line 01-233 4749

WJ  
12/7

W F S Rickett Esq  
10 Downing Street  
LONDON  
SW1

12 July 1983

Dear Willie,

TREASURY MINUTE REPLYING TO REPORTS OF THE PUBLIC ACCOUNTS COMMITTEE

Assuming the House does not go into recess before 27 July, we propose to present at 2.30 and publish at 3.30 on Tuesday 26 July the Government's response to those Public Accounts Committee Reports outstanding from the last Parliament, for which H M Treasury have the responsibility to reply. If the recess were to begin the previous week, we would have to advance the date to Thursday 21 July. It is not customary to publish replies to PAC Reports when the House is not sitting so if we were to miss the current opportunity we would have to delay publication until the Autumn.

2. The Financial Secretary has agreed to the reply to the PAC - in the normal form of a Treasury Minute - being presented in his name. I enclose (Annex A) a list of the PAC Reports to which we are replying with a summary (Annex B) of the main conclusions and recommendations appearing in the various reports.

3. These Treasury Minutes usually attract scant attention except from members of the PAC themselves. The media tend to pay them little attention as a rule. However, one or two things have recently occurred which might raise the odd ripple of interest.

4. The Public Accounts Committee is one of the few select committees so far appointed in the new Parliament (on 7 July). Also, although, as usual, there is little of significance in the Treasury Minute itself, it does refer to one particular matter of political and general public interest. This is the rate of profit obtained by firms in the defence and drugs industries.

5. The relevant PAC Reports (5th on Defence and 10th on the NHS) criticised what it saw as excess profits obtained by defence and drugs firms under the existing arrangements. The two reports received some publicity at the time they were published and defensive briefing on them was provided for your office accordingly. Further interest in the Government's reactions to those particular reports may well be stimulated by the Chancellor of the Exchequer's announcement last week which mentioned both defence and the NHS as needing to contribute to the proposed public expenditure savings. The remaining PAC Reports to which the Treasury Minute will reply are the usual mixed bag. They include a response to the report on Dog Licences (1st Report) where the text has been kept carefully non-committal in order not to



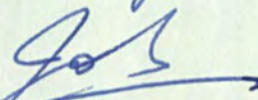
prejudice the future discussion in H Committee, currently being considered.

6. We are about to ask HMSO to arrange for printing and publication of the Treasury Minute on 26 July. We propose to arrange for pre-publication (CFR) copies as usual: for laying before the House, for supply to the relevant departments, to PAC Members and to the Lobby (the latter through the Treasury's Information Division).

7. May we have approval to proceed to publication of the Treasury Minute on 26 July as proposed? An early reply would be appreciated so that we can adhere to the printing timetable that HMSO are arranging.

8. I am sending copies of this letter to Bernard Ingham and Murdo MacLean.

*Yours very*



A J SALVESON  
Parliamentary Clerk



PAC REPORTS

	<u>Department(s)</u>	<u>Subject(s)</u>
1st Report	Department of the Environment	Dog Licencing
2nd Report	HM Treasury	Development of Internal Audit in Central Government
3rd Report	HM Treasury	Financial provision for and development of Exchequer and Audit Department
4th Report	HM Treasury	Excess Votes
5th Report	HM Treasury and Ministry of Defence	Storekeeping and accounting at Central Ordnance depots; effectiveness of Navy and Army equipment; fatigue damage to Buccaneer aircraft; pricing and post-costing of non-competitive contracts; development and production of Tornado aircraft; use of commercial insurance
6th Report	Department of Education and Science	Grants to voluntary colleges
7th Report	HM Treasury and Overseas Development Administration	Annual audited statements; remission of loans
8th Report	Department of Health and Social Security, Scottish Home and Health Department, Welsh Office	Joint financing of care by the National Health Service and Local Government; Disposal of surplus NHS land and buildings
[9th Report*	Northern Ireland Departments	Northern Ireland matters]
10th Report	DHSS, SHHD, Welsh Office	Dispensing of drugs in NHS
11th Report	Export Credits Guarantee Department	General work of ECGD

\* not covered by Treasury Minute



SUMMARY OF MAIN CONCLUSIONS AND RECOMMENDATIONS OF PAC REPORTS1st Report

The report high-lighted the failings of the current arrangements: costs of collecting licence fees far outstripped revenue obtained through them; fewer than half dog population was licenced; central government bore most of the operating costs while local authorities received the revenue collected. Recommended temporary suspension of present arrangements until firm policy decisions taken.

2nd Report

General criticism of relatively low grading of internal audit staff and low numbers of professionally qualified staff. However, report concluded an encouraging amount of progress had been made and expected impetus to be maintained.

3rd Report

At the time a "trailer" for the then private member's Bill sponsored by Mr St John Stevas. The Bill subsequently became the National Audit Act 1983. The Report recommended the 1983-84 Estimate for E&AD should be approved without any cuts being proposed. by Treasury, a new headquarters building for E&AD, further expansion and development of E&AD, improved grading and pay prospects for E&AD staff and an indemnity against financial loss arising out of the activities of the C&AG and his staff.

4th Report

Formal examination of Excess Votes. No substantive comment.

5th Report(a) Storekeeping at Central Ordnance Depots

Stocktaking results at Bicester are not up to the expected standard. MOD should keep position under review. PAC supports "the continued search for streamlined and cost effective procedures".



(b) Effectiveness of Navy and Army Equipments

PAC supports efficient procedures for monitoring the effectiveness of all major equipments but doubts the wisdom of merging development and production of weapons systems.

(c) Buccaneer aircraft

The testing of this aircraft had clearly been improved by more sophisticated techniques but difficult for PAC to judge whether this might have been done earlier. Such testing is critically important and demands the allocation of the necessary resources.

(d) Non-Competitive Contracts

Last year's PAC Report (16th Report 1980-81) had expressed concern that 1980 Review recommended and Treasury accepted a target profit rate of 20%, rather than 17% suggested by straight comparability with industry generally; and that this assumed a 15% inflation rate (compared with the then rate of 11-12 per cent). E&AD had calculated that 20% instead of 17% was worth £30 million a year to defence contractors. Allowing for current (5%) rate of inflation PAC claims it is worth £75 million a year compared with the Review Board's calculations.

PAC finds this disturbing and expresses surprise that the Government have allowed the 20% rate to continue unchallenged. It means profits £150m 'too high' in 1980 and 1981 and continuing at that rate until the outcome of the present review.

PAC strongly recommends urgent completion of present review and subsequent negotiations; restoration of "the principle of comparability; proper reflection of inflation factors; and provision for review within the intended three years currency of the new arrangements if circumstances justify it.



(e) Tornado aircraft

Extra costs incurred through stretching out the production period for this aircraft. Due to budgetary difficulties in UK and Germany. This is not an "end year flexibility" problem as MOD appeared to claim. It was a case of overcommitment of prospective Defence Budget. The decision whether to stretch out Tornado deliveries or "to take some other step" should not have been left to MOD with the Treasury" only concerned that agreed limits should not be exceeded on an annual basis." Cost sharing arrangements should preferably be met by distribution of work and jobs rather than cash payments. Pricing of some contracts has been very late.

(f) Commercial Insurance

PAC is content with the experiment with commercial insurance for third party and employers' liability claims authorised for MOD.

6th Report

This (rightly) criticises DES for advancing grant to voluntary colleges before it was needed by them - mainly in order to avoid surrendering unspent money at the end of the financial year. The result was that the Colleges carried large, interest earning, balances in their books while the taxpayer was borrowing more than needed to in order to finance the issues to the Colleges. (These balances have since been recovered by DES.)

7th Report

(a) Annual audited statements

Previous PACs had complained about the delays experienced by ODA in receiving audited statements from overseas governments about local expenditure met by voted monies. The position appeared to be getting worse. ODA was advised to maintain its efforts to obtain audited statements more quickly and consider suitable alternatives when



such statements are badly delayed. ODA management is criticised for insufficient attention to records against which to measure how many statements were overdue.

(b) Remission of loans

This concerns a test case brought by E&AD to establish whether the PAC expected Parliament positively to authorise the write off of aid loans remitted or whether it was enough merely to inform them. ODA had done the latter. The PAC thinks it should have done the former.

8th Report

(a) Disposal of Surplus NHS land and buildings

There are long delays in this, despite some incentive arrangements which put the proceeds or part of them back into the NHS. DHSS have recently examined the problem and the PAC is in favour of "the most effective use of their estate, including carrying out realistic cost and benefit appraisals of land prior to making decisions on its retention or sale." The Treasury are invited to consider one recommendation, for notional rents, for wider application. The PAC endorses DHSS's attempts to allow departments to obtain full planning permission before selling land.

(b) Joint Financing of Care by the NHS and Local Authorities

This concerns an area at the boundary between DHSS and Local Authority responsibilities. The Government's policy is that most elderly, mentally handicapped and mentally ill people should be cared for in the community rather than, as many of them have been, in hospital. But it is difficult to engineer the change without incentives and encouragement to local authorities to accept the greater responsibilities and expenditure, which fall to them under the policy.

The PAC is concerned that there has been inadequate joint planning between health authorities and local authorities and that local authorities are therefore able to finance



schemes at the health services' expense without proper consideration for NHS priorities. They appreciate the need in the early stages to get the schemes off the ground and generally welcome DHSS assurances about closer control in future.

#### 9th Report

This is the responsibility of the Northern Ireland Office.]

#### 10th Report

The PAC complains that the target returns of profit obtained under the Pharmaceutical Price Regulation Scheme (PPRS) are considerably higher than those obtained by the rest of British industry. This is in similar vein to the comment on defence contracts (5th Report). It is unhappy about the element of subjective judgment of firms that is involved (though offers nothing better). It therefore welcomes the projected review of the PPRS and expresses the hope that it will "have regard to" current rates of return in industry generally, will examine efficiency indicators etc. etc. The PAC also expresses concern about the level of pharmaceutical wholesalers' profits and criticises chemists for not co-operating with the DHSS in examining their remuneration/profits.

#### 11th Report

This covers examination of ECGD on the basis of a "management consultancy" type of report by the C&AG and also on the basis of their accounts for 1981-82.

There is nothing very critical in the first part - just recognition of the great difficulty in finding a satisfactory basis for measuring the department's financial performance and so setting a financial objective in volatile economic conditions.

So far as 1981-82 is concerned the PAC shares the C&AG's misgivings about the lack of provisions for unforeseen or unpredictable political or economic events. It emphasises the importance of good underwriting intelligence and wants premium increases to be minimised (while at the same time imposing no net cost on the Consolidated Fund). Finally, there is mild criticism of the technique adopted of an "interest free loan" from the national interest part of the business to the straight commercial business side.



2 JUL 1988





*P. A. B. C. D. E. F. G. H. I. J. K. L. M. N. O. P. Q. R. S. T. U. V. W. X. Y. Z.*  
For Distribution to:-

Prime Minister	Bench	Mr P Moore	Mr M Cocks (2)
Mr M Alison (2)	All Whips	Mr Speaker	Clerk of the House
Chief Whip	Leader of the House (3)	Chairman W/M (3)	(3)
D/Chief Whip	Mr M MacLean	Notice Board	

WEDNESDAY 22ND JUNE 1983

11 25 am Mr Speaker will take the Chair.

Prayers

11.30 am Black Rod with a message to the Commons to attend the Lords Commissioners in the House of Lords.

Opening of the New Session

On the return from the Lords the sitting of the Commons will be suspended until 2.20 pm, the Mace remaining on the Table.

2.20 pm The Speaker will swear in Members.

2.30 pm The Sessional Orders will be put and agreed to:-

1. Double Elections;
2. Inability of Peers to vote;
3. Bribery;
4. Tampering with witnesses;
5. False evidence;
6. Clearing of approaches to the House;
7. Printing of the Votes and Proceedings;

Outlawries Bill read a First time.

The resolutions relating to the printing of the Journal and Index will be passed.

The Prime Minister to move:



The Address in reply:

Sir Peter Mills to move:

Mr M Thornton to second:

Leader of the Opposition to follow.

The Prime Minister's Speech.

Other Speakers.

Then the Whip to move:

"That the Debate be now adjourned."

When asked when it is to be resumed

The Whip to say ..... TOMORROW

Then the Whip to move:-

"That this House do now adjourn"

Sir Nicholas Bonsor ..... The Treatment of  
Juvenile Offenders.  
(Mr D Mellor)



D.R.

The Prime Minister asked  
the Chief Whip to deal with Mr.  
I have confirmed with the Chief  
Whip that he has been in touch  
with Mr. Steel.

ROBIN

FERS 23.6.

David Steel telephoned at 9.55: he  
apologised for doing so but has asked  
if he may see the Prime Minister about  
his accommodation at the Commons.

Preferably he would like to do this  
at the House, in order for the Prime  
Minister to see the situation.

Apparently it has been suggested that  
he has Harold Wilson's suite in the  
Norman Shaw Building but Mr Steel does  
not think he should move from the House.

Angela

22 June 1983



B. R.  
PRIME MINISTER

Speaker

Murdo Maclean came to tell me how things were going with consultations for the Speaker.

He said that the tide is running strongly in favour of Jack Weatherill.

The feeling coming in from the Government side is far and away in favour of Jack Weatherill (although it is not known how this would be affected if they believed that Francis Pym were a candidate).

The Labour Party have said that if Francis Pym were standing, he would be the clear favourite; otherwise they would support Weatherill.

The Liberals have withdrawn their reservations about Weatherill, although they cannot guarantee that all their members would vote in favour of him. The SDP's position is similar.

The SDLP and Ulster Unionists will support Weatherill, although the latter do not yet know Enoch Powell's views: Mr. Atkins and Mr. Pym are not acceptable because of their previous association with Northern Ireland affairs.

The Leader of the House and the Chief Whip will report formally to you tomorrow.

13 June, 1983



PRIME MINISTER

PARLIAMENT: THE FIRST TWO DAYS

Election of the Speaker: 15 June

The House will meet at 2.30 with Mr. James Callaghan (the Father of the House) in the Clerk's chair at the Table.

Black Rod will summon the House to the Lords, where the Commission for opening the new Parliament will be read and the Lords' Commissioners will direct the Commons to proceed to the election of a Speaker. The procession to and from the Lords will be led by Mr. Callaghan, followed by the Clerk, and then members, led by you and Mr. Foot.

When the procession returns from the Lords, Mr. Callaghan will again take the Clerk's chair and will call the proposer and seconder. Mr. Speaker-Elect will then make a short speech signifying his willingness to be elected.

If there are any other candidates, they will then be proposed and seconded as amendments to the motion and will submit themselves for election. The amendments are then put and presumably defeated. The question is then put.

Either way, the Speaker-Elect will then be conducted with the traditional reluctance to the upper Chair. He will stand on the upper step and express his acknowledgment of the honour done him. He will then sit down in the Chair and the Serjeant will place the mace upon the Table.

Congratulatory speeches follow, with your speech first. You should allow time for the mace to be placed on the Table before rising to speak. You need only speak for about 5 minutes.

I attach some speech notes at A.

/Swearing In: 16 June ....



Swearing In: 16 June

The House will meet at 1430. Black Rod will once again summon Members to the Lords to hear the Royal Approbation for the Speaker. The procession is led by the Serjeant at Arms, the Speaker-Elect, the Clerk, the Proposer and Seconder, followed by other Members - led once again by yourself and Mr. Foot.

When the procession returns to the Commons, the Speaker takes the Oath first, announces the timetable for the Swearing In of other Members, and then you take the Oath. If you agree, the usual procedure is for you to invite Mr. Foot to take the Oath next, before the Government Front Bench. If you are happy with this, I will tell his office of your decision.

W. F. S. RICKETT

13 June, 1983



Mr. Speaker-Elect, there have been over 150 Speakers that this House has met to elect, many of them more than once. It is over 600 years since the Commons met at Westminster "just after sunrise" to elect men like Sir Thomas Hungerford or Sir Peter de la Mare to speak on their behalf. Today we are honouring, fortunately, a little later in the day than our ancestors, one of the oldest traditions of this House. It is a real pleasure to put aside the arguments of the Election and to join the long list of hon. and rt. hon. Members who have risen over the centuries to congratulate the new Speaker-Elect.

It is a privilege to congratulate you on behalf of the House, and to express the happiness of the House at your election. Perhaps the only drawback is that there can by now be few new or original ways of congratulating you. But whatever I say, you can take pride in achieving the highest office this House can bestow, and in upholding the great traditions of our democracy.

Of course, the office of Speaker is more than just a tradition; it is an office whose burdens have changed with the times. You will preside over a House that has fifteen more members than the last. On occasions it will no doubt be correspondingly noisier and while I hope that your call for order will not have to be heard too often, I have little doubt that it will quickly become as famous as your predecessor's.

/With the



With the changes there have been in the character of the House, it is no longer safe to rely on the words of Speaker Yelverton when he described the qualities required of his office some 400 years ago. "He that supplieth this place", he said, "ought to be a man big and comely, stately and well-spoken, his voice great, his carriage majestic, his nature haughty, and his purse plentiful".

In modern circumstances that sounds more like a Master of Foxhounds than a Speaker of the House, and though some may see some remote similarities between those two offices, I'm not sure Speaker Yelverton was really describing someone who would win the confidence, respect, and love of this House. Maybe he realised that himself, for he was one of our most famous Speakers and he described himself as "small, not so well-spoken, my voice low, my carriage lawyerlike and of the common fashion, my nature soft and bashful, my purse thin, light and never yet plentiful".

Whatever our ancestors may have had to say about the office of Speaker, despite their different qualities <sup>each one of</sup> your predecessors has risen to the demands of his position. Some may have been executed, one may have been canonised, but they have all seen it as their greatest duty to protect our liberties and guide our deliberations. It is a lonely job but you bring to it your own unique experience and abilities. (Passage on these). To those qualities I know you will add the support and friendship of this House and the respect and admiration of the nation.





10 DOWNING STREET

*From the Principal Private Secretary*

CHIEF WHIP

Mr. David Steel telephoned me this morning to congratulate the Prime Minister on her election. He then raised two further points:-

i) He said that he hoped there would be consultations with the Opposition parties about the Speakership.

ii) The second was about his own accommodation. He said that it was already too small, both for operational purposes and for receiving visitors. With a larger number of Liberal MPs and the growth in Liberal support in the country, life would be impossible. He hoped that he could have the Prime Minister's support in finding a solution to the problem. He said that a complete solution would be provided if he could have the room next door, hitherto occupied by Mr. Bradshaw as Clerk Assistant, when Mr. Bradshaw vacated it to become Clerk to the House.

Could I put these two points in your hands: it would be very helpful if Mr. Maclean could let me know what transpires on them in case Mr. Steel rings me again.

I am sending a copy of this minute to the Lord President's office.

E. E. R. BUTLER

10 June 1983



file Soc

PRIME MINISTER

Mr. David Steel telephoned me this morning and asked me to convey to you his personal congratulations on your campaign and your Election success, and his best wishes for your new term of office.

He then raised two specific points, set out in the attached minute which I have sent to the Chief Whip.

Would you like me to telephone Mr. Steel back and tell him that you were grateful for his congratulations on the campaign, which you reciprocate, and have asked the Chief Whip to pursue the two points which he raised.

F. E. R. BUTLER

10 June 1983



MR. BUTLER

### Election of the Speaker

The House meets on 15 June to elect a Speaker. The timetable will be tight, and consultations on the preferred candidate may be difficult to complete. Obtaining Royal approval should however present few problems.

Procedure for the election is simple. The Father of the House (most likely, James Callaghan) will take the Clerk's chair at 1430 on 15 June. Black Rod will summon the House to the Lords where the Commission for opening the new Parliament will be read and the Lords Commissioners will direct the Commons to proceed to the election of a Speaker. Back in the Commons, the Father of the House will again take the Clerk's chair and will call the proposer and seconder. If there are any other candidates they will then be proposed and seconded as amendments to the Motion. A few speeches follow, including those by the candidates signifying their willingness to be elected. The amendments are put and presumably defeated. The question is then put. Mr. Speaker-elect then expresses his thanks and is conducted to the Upper Chair. The Prime Minister makes a short speech of congratulation, followed by the Leaders of the other Parties and usually the Father of the House.

Royal Approbation will take place at 1430 the next day. This is followed by the swearing in of Members, which last year took more than two full days.

### Consultation with Other Parties

There were wrangles over the election of the Speaker in 1951, 1959, and 1971. Following the last, the Select Committee on Procedure reviewed procedure for the election of the Speaker. They blamed the previous wrangles on "the failure of consultation between Leaders of both Parties and their backbenchers". The Select Committee largely accepted the view of the then Lord President that it was "clearly the duty of a Leader of the House in a matter of such importance ... to ensure that the soundings of opinion are as wide and as thorough as possible, not only among the members of his own Party, but in the House as a whole".

/ They



They rejected a proposal that the Speaker should be elected by secret ballot of Members.

There will be little time between 9 and 15 June for the Conservative Party to consult on its preferred candidate, put his name to the Labour Party and the Leaders of the minority Parties, and give them time to react. As you said, an early meeting of the Prime Minister, Lord President, Chief Whip, Chairman, and Home Secretary is clearly necessary. I imagine the earliest date would be the Sunday after the Election, or that Monday. But since the candidate will come from the Conservative Party in any event, the Prime Minister may wish to consider an earlier meeting so that consultations can begin on 10 June, despite the fact that the Cabinet will not have been formed by then.

The meeting will need to consider not only who should be the preferred candidate, but the form that consultations within the Conservative Party should take. In 1976, the Labour Party held a meeting of the Parliamentary Labour Party, and impressed on the Conservative front bench the need for wide consultation with their backbenchers.

#### Royal Approval

Two submissions to The Queen are required: one from the Prime Minister and one from the Lord Chancellor. The Lord Chancellor is involved since he has to signify The Queen's approval in the House of Lords. Although The Queen will be at Ascot that week there should be few problems. I suggest you agree with Sir Philip Moore that we and the Lord Chancellor will send him in advance submissions covering the two most likely eventualities: the election of the preferred candidate nemine contradicente, and the opposed election of the preferred candidate. The standard submission is attached. If the election is opposed the words "nemine contradicente" are simply omitted. Once the Commons have completed their deliberations we can let Sir Philip Moore know which one to submit to The Queen. In the unlikely event of the election of another candidate, we will send him



a revised submission. He need only return the approved submissions to the Lord Chancellor before the House meets the next day.

Prime Minister's Speech

The Prime Minister will have to make a speech congratulating the Speaker on his election. We cannot draft this until we know the preferred candidate. I would have thought that the Prime Minister could easily speak off the cuff since she will presumably know the candidate fairly well. If there is to be a draft this may be best left to her PPS.

CM

25 May 1983





Agd  
EL

10 Downing Street  
Whitehall

, with his humble duty to The Queen,  
has the honour to acquaint Your Majesty that, by a  
Resolution passed nemine contradicente by the House  
of Commons today,

has been appointed Speaker of the House,  
and humbly submits this appointment for  
Your Majesty's most gracious approval.

3 February 1976



12 DOWNING STREET,  
S.W.1.

pm.  
W  
19/5

*With*

*The Private Secretary's*

*Compliments*





Parliament

Government Chief Whip

12 Downing Street, London SW1

MR TOWNLEY

cc MR RICKETT  
MR HEYHOE

HUMBLE ADDRESS FOR MR SPEAKER

Mr Heyhoe sent me a copy of his minute to you of  
16 May on this subject.

Whilst not in any way disagreeing with the need to  
have a motion available in good time, I am extremely  
doubtful that Wednesday 15 June would be the right  
day to take this - indeed it is a fairly fine  
point as to whether the House would in fact have  
the right to do so on that day.

M MACLEAN

18 May 1983



110.111.1983





Privy Council Office,  
Whitehall,  
London, SW1A 2AT

*With the Compliments  
of the  
Private Secretary  
to the  
Lord President of the Council*



20  
Mr Heyhoe

c Mr Hilary

Please copy  
up to Mr Rickett  
(No. 10),

ELECTION OF A SPEAKER

84  
25/5.

1. You asked for a note on the procedures for consultation, etc in connection with the election of a Speaker.
2. The most convenient source of information about the procedure for electing a Speaker is the First Report from the Select Committee on Procedure, 1971-72. The annexes to this, in particular the memorandum by the Clerk of the House (pages 13 to 20), are particularly useful. Paragraphs 3 to 11 of the Clerk's memorandum deal with the history of complaints from backbenchers about "lack of consultation" up to and including the election of Mr Speaker Selwyn Lloyd in 1971.
3. It was the controversies behind the scenes, and on the Floor of the House, surrounding the election of Mr Speaker Selwyn Lloyd on 12 January, 1971 that led to the examination of the existing procedure by the Select Committee on Procedure in Session 1971-72. On that occasion an alternative Member was proposed for the Speakership (Sir Geoffrey de Freitas) by Mr Maxwell Hyslop and Mr William Hamilton. Sir Geoffrey de Freitas had not been consulted about this, but the House divided on the Motion that Mr Selwyn Lloyd should take the Chair, and the Motion was carried by 294 votes to 54. Several prominent Members of the House voted against the Motion, eg Mr Michael Stewart, Mr Crossman and Dr Owen.
4. The gravamen of the criticism of the procedures that were followed in 1971 was insufficient consultation with backbenchers. Mr Hamilton, for example, stated that there had been no attempt whatever to consult backbench Members of the Labour Party. Mr Pardoe also criticised the lack of any formal consultation beyond the Front Benches.
5. The Procedure Committee recommended in their report a number of detailed proposals for changes in the formal procedure for electing a Speaker. These are at paragraph 28 of their report. The principal were:-
  - a. that, where a Speaker has retired, the election should be presided over by the longest-serving Member, instead of the Clerk of the House as previously;



and b. that, even if there were a sole candidate, the question should be put on the Motion for his election (the nomination of Sir Geoffrey de Freitas had been necessary in order to force a vote on the Motion for the election of Mr Selwyn Lloyd).

The Procedure Committee's recommendations were adopted by the House on 8 August, 1972, with two minor modifications proposed by the Government.

6. Although the Procedure Committee did not make formal recommendations on the issue, its report did nevertheless deal at some length (paragraphs 5-13) with the question of prior consultations with backbenchers. There seems to have been a general consensus (eg paragraph 10) that the consultations leading up to Mr Selwyn Lloyd's election had not been as well carried out as they might have been. The Procedure Committee merely drew attention to the points of view that had been expressed in evidence.

7. When Mr Speaker Thomas was elected on 3 February, 1976, it seems clear that there had been much wider consultation beforehand than in 1971. The then Prime Minister (Mr Harold Wilson) referred (OR, 3 February, 1976, column 1160) to the criticism of the previous occasion, and spoke of "fullest consultation among backbenchers" and consideration by the Cabinet and the Opposition Front Bench: "the initiative in your selection came exclusively from backbenchers expressed through party meetings and in other ways". The Motion that Mr George Thomas should take the Chair was resolved without a division, whereupon the retiring Speaker left the Chair.

8. The general sense of the matter seems to be, therefore, that whatever consultative procedures were adopted in 1976 seem to have satisfied the House; and that the public clues as to what these procedures were can to some extent be deduced from what Mr Harold Wilson said on the occasion of Mr Speaker Thomas' election, and from the evidence given to the Procedure Committee in 1971-72 about what had been found wanting on previous occasions. It seems likely that there was in 1976 consultation with backbenchers on the Conservative side through the mechanism of the 1922 Committee, but this is only based on inference and not personal knowledge.



ELECTION OF A SPEAKER AT THE BEGINNING OF A  
NEW PARLIAMENT

Aide-Memoire on procedure to be followed

1. The object of this Aide-Memoire is to set forth the detailed procedure which will need to be followed in implementing the new S.O. No. 103A (Election of the Speaker) at the beginning of every new Parliament. In accordance with the recommendations of the Select Committee on Procedure of Session 1971-72 (First Report, paragraph 25) that Standing Order was drafted, "except as provided in their (sc., the Committee's) earlier recommendations, in a form approximating as closely as possible to the procedure established by ancient usage"; this consideration has been borne in mind in devising the proposed consequential detail which follows.

2. The procedure described hereunder is to be observed even if the former Speaker is a candidate for re-election (since he, in common with all other Members, will have ceased to be a Member at the previous dissolution, and the provisions of S.O. No. 103A (1) will therefore apply).

3. Details of Procedure

(1) The back-bench Member present in the House who has served for the longest continuous period<sup>1</sup> takes the lower Chair just before 2.30 p.m.<sup>2</sup>; the Clerk and Clerk Assistant take the middle and left-hand places at the Table, and the Second Clerk Assistant attends behind the Chair.

(2) When Black Rod has delivered his summons, the senior back-bench Member accompanies him (walking on his left) to hear the Commission read; they are followed by the Clerk of the House, walking alone. On the return journey the senior back-bencher and the Clerk of the House together lead the procession back to the Commons, the Clerk walking on the right. They bow at the Bar, in the middle of the floor and at the Table, to the Speaker's Chair. The Clerk Assistant does not return to the Table till the Senior back-bencher and the Clerk of the House have resumed their places there.

---

1 The selection of this Member will doubtless have been made beforehand through the usual channels. If a Member senior in service to the Member who it has been agreed should preside wishes to be present, though not in the Chair (as, e.g., would be the case if a candidate for the Speakership were thus senior), he should wait beyond the Bar of the House until the Member who is to preside has taken the Chair.

2 The object in recommending that the senior back-bencher should be established in the Chair before the summons to the Lords, and should thereafter accompany Black Rod to that House, is to ensure (a) that he is identified as early as possible as the man who is going to preside, and (b) that he has immediate access to the Chair on the return from the Lords, which might be difficult if he were to become involved in the body of other returning Members.



(3) The senior back-bencher calls two Members in turn to move and second the motion for a Speaker<sup>3</sup>, and proposes the question; other Members may then speak, but the Chair should defer calling any Member who may wish to move an amendment until the candidate first proposed has been called to make the usual speech submitting himself to the House. If no amendment is then offered to be moved, the Chair puts the question; if, however, an amendment is moved and seconded<sup>4</sup>, the question is proposed "That the amendment be made", and the candidate whose name is put forward in the amendment is also called upon to submit himself before the question on the amendment is put. If the first amendment is negatived, others may be moved, the procedure being the same in each case. Once any amendment has been agreed to, however, no further amendment can be moved, and the main question as amended must accordingly be decided. When all amendments have been disposed of, the main question (or, the main question as amended) is put.

(4) When all questions have been disposed of, the senior back-bencher leaves the lower Chair and the successful candidate is conducted to the Upper Chair by the Members who have proposed and seconded his candidature. From the upper step he expresses acknowledgement of the honour done him by the House, and sits down in the Chair; congratulatory speeches follow.

---

3 If it is known beforehand that more than one candidate is likely to be proposed, the decision as to the order in which the Members proposing the respective candidates shall be called rests entirely in the discretion of the Chair (if possible after consultation and agreement with the Members concerned).

4 Despite the removal in 1960 by S.O. No.12 of the formal requirement for the seconding of motions, motions for the election of a Speaker have continued since that date to be seconded. It is considered desirable that under the new procedure amendments also should be seconded, in order to preserve an equality of status among the candidates, and to ensure that whatever the outcome of the election there will be two Members available to conduct the successful candidate to the Chair.





WM  
9/5

2 MARSHAM STREET  
LONDON SW1P 3EB  
01-212 3434

My ref: K/PSO/12241/83

Your ref:

-9 MAY 83

Dear John,

Thank you for copying to me your note of 19 April to the Prime Minister together with the draft reply to the First Report of the Liaison Committee 1982-83. I should like to endorse the line you are proposing to take in the reply. There is no doubt that a considerable volume of work is now being generated by Select Committee requests for information and evidence. I should not like to see the system further extended without some safeguard in this respect and clearer evidence of the benefits which might accrue.

I am copying this letter to the recipients of yours.

TOM KING



Parliament  
H/C Procedure  
PTG

9 MAY 1963

12 1 2 3 4 5  
6 7 8 9 10 11





Parliament  
WJ/S

SECRETARY OF STATE FOR ENERGY  
THAMES HOUSE SOUTH  
MILLBANK LONDON SW1P 4QJ

01 211 6402

The Rt Hon John Biffen MP  
The Lord President of the Council  
The Cabinet Office  
70 Whitehall  
London  
SW1

3rd May 1983

Dear Lord President

Thank you for copying to me your note to the Prime Minister about your proposed reply to the Liaison Committee's Report on the Select Committee System.

I have only one comment on your draft. This relates to page 3 of your text. I would rather omit the sentence which reads:

"Nevertheless, as the Committee point out, there is always the possibility of differences of opinion arising between Ministers and Select Committees as to whether it would be in the public interest for particular information to be disclosed".

I am now involved in such a difference of opinion. I have just received a letter from the Chairman of the Energy Committee about the refusal by officials appearing before the Committee to disclose details of discussion within Government organisation for energy conservation. I do not think it would be sensible to encourage more than is unavoidable the thought that this matter might be debated on the floor of the House. It would help if this sentence were omitted and the succeeding sentence was prefaced by: "However" and linked to the preceding paragraph.

I am copying this letter to Cabinet colleagues and Sir Robert Armstrong.

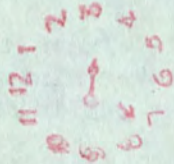
Yours sincerely  
*Nigel Lawson*

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



Parliament,  
Select Committee,  
P76

3 MAY 1981







*Replecement*

MINISTRY OF DEFENCE WHITEHALL LONDON SW1A 2HB

TELEPHONE 01-218 9000  
DIRECT DIALING 01-218 6169

MO 21/8/4

26th April 1983

*W.R. 28/4*

*A.J.C. 25/4*

*De Ldn*

REPLY TO THE LIAISON COMMITTEE'S REPORT  
ON THE SELECT COMMITTEE SYSTEM

Thank you for sending me a copy of your minute of 19th April to the Prime Minister about the Liaison Committee's report on the Select Committee system. This is just to confirm that I am content with the terms of your proposed reply to Edward du Cann.

I am sending a copy of this letter to the Prime Minister, and to Sir Robert Armstrong.

*Yours ever*  
*M.H.*

Michael Heseltine

The Rt Hon W John Biffen MP



Eccen Polye  
Larson Cth  
A 3

18 APR 1985

10 11 12 1  
9 8 7 6  
5 4 3 2





10 DOWNING STREET

From the Private Secretary

21 April 1983

Liaison Committee Report on the Select  
Committee System

The Prime Minister has seen the Lord President's minute of 19 April. Subject to the views of colleagues, she is content for him to reply to Mr. Du Cann as proposed.

I am copying this to Murdo Maclean (Chief Whip's Office), Lesley Pallett (Home Office) and Richard Hatfield (Cabinet Office).

W. F. S. RICKETT

David Heyhoe Esq  
Lord President's Office.



E. R.  
PRIME MINISTER

LIAISON COMMITTEE REPORT ON THE SELECT COMMITTEE SYSTEM

The Liaison Committee published this Report in January. The attached note from the Lord President seeks agreement to the Government's response, which would take the form of a letter to Edward Du Cann, Chairman of the Liaison Committee.

The draft letter (Flag A) follows the Government's policy of resisting any pressures for further developments in the Select Committee system.

A number of the Liaison Committee's recommendations, such as their suggestion that the work of Select Committees should be televised, are primarily for the House to consider. There are few recommendations of importance for the Government to consider.

The only passages of interest in John Biffen's reply are those dealing with the Committee's recommendations on papers by the CPRS, and the activities of the Security Services.

On the former, the reply repeats that the reports of the CPRS are confidential advice to Ministers and that it would not be right to make them available to Select Committees.

On the latter, the reply takes up a comment by the Liaison Committee that the activities of the Security Services fall within the ambit of Select Committees. The reply says that the Government's view is that Committees should refrain from enquiries in this field, and that the Government regards itself as bound by the convention that it does not provide information or answer questions in Parliament on matters of security and intelligence.

Content for Mr. Biffen to reply to Mr. Du Cann as proposed, subject to the views of colleagues?

WM

Yes

20 April, 1983





PRIME MINISTER

REPLY TO THE LIAISON COMMITTEE'S REPORT ON THE SELECT COMMITTEE SYSTEM

The House of Commons Liaison Committee, comprising the chairmen of select committees, published in January a report (First Report from the Liaison Committee, Session 1982-83, HC 92) on the work so far of the Departmental select committees set up in 1979.

The Committee's main conclusion on the work of these committees is that:

"All this increased activity has made great demands on Members, but it is our view that it has considerably extended the range of the House's activity, strengthened its position relative to that of the Government, and deepened the quality of its debates".

The other conclusions and recommendations of the Committee are summarised at paragraph 95 of the report (attached). These essentially propose the continuance of the select committee system in its present form, subject to a number of detailed changes. The Committee recommend that decisions on several of these proposals, including those relating to the size of select committees in future, and the position of the Law Officers' and Lord Chancellor's Departments, should be deferred for a new Parliament. Amongst the remainder, the most significant is perhaps the expression of the majority view on the Committee that the work of select committees might be enhanced by being televised. Negatively, the Committee do not propose any fundamental changes in the present structure of the select committee system, or in the present powers of select committees.

These somewhat low-key conclusions would appear generally compatible with those reached in the Government's own review of the work of these committees undertaken in 1981. The Ministerial consensus reached then was that at best these committees had made "a modest but useful contribution" to improved Parliamentary scrutiny - and this sometimes at the expense of disproportionate Ministerial and official effort. It was felt that the main lesson to be drawn was that any pressures for further developments of the select committee system, either through the creation of further committees or sub-committees or by the extension of their powers, should be strongly resisted.

Cont.../...



I would suggest that this should remain our policy, but that we should continue, wherever possible, to avoid general confrontations and deal with specific cases of difficulty as they arise.

.. Subject to the views of colleagues, I would accordingly propose to reply to Edward du Cann, as Chairman of the Liaison Committee, in terms of the draft reply attached.

I am copying this to Cabinet colleagues and to Sir Robert Armstrong.

W J B

W.J.B.

19 April 1983



95. This report has looked at the way in which the new select committees have examined the policy, administration and expenditure of the departments concerned and draws the principal conclusion that:

“All this increased activity has made great demands on Members, but it is our view that it has considerably extended the range of the House’s activity, strengthened its position relative to that of the Government, and deepened the quality of its debates” (*Paragraph 6*).

Other conclusions and recommendations are:

The Report recommends that in the next Parliament the terms of reference of the Home Affairs Committee should be extended to include the Law Officers’ Department and the Lord Chancellor’s Department (*Paragraph 24*).

It should be possible for the departmental committees to oversee the many associated bodies adequately during the course of a Parliament (*Paragraph 27*).

It was right that the nationalised industries should have been formally included within the competence of their respective departmental committees (*Paragraph 40*).

The sub-section of the Standing Order relating to the Nationalised Industries Sub-Committee should be repealed (*Paragraph 42*).

We recommend that in the next Parliament select committees with one sub-committee should have eleven Members, and those without sub-committees should have nine (*Paragraph 33*).

There is a clear disagreement between the committees and the Government on the need for each committee to have a sub-committee. This would seem a proper matter for the House to consider and decide upon (*Paragraph 39*).

The House should be aware of the importance to select committees of the Government’s undertaking to provide time on the floor of the House if there should be widespread general concern in the House regarding any alleged ministerial refusal to disclose information to a committee. The provision of information is so basic a need of committees that they would in the last resort need to bring a dispute quickly to judgement on the floor, and would look to the House to support them in such circumstances (*Paragraph 48*).

We recommend that, while in no way derogating from their independence of action, the Central Policy Review Staff should as a matter of course inform the appropriate select committees of the conclusions they reach in each of their investigations, and should be allowed to make available to committees the evidence which they have gathered (*Paragraph 50*).

In view of the wasted expense and the discourtesy involved, we think that the House should make clear beyond dispute that it would not expect paired Members, who are absent on the business of the House, to break short visits in order to participate in a division (*Paragraph 58*).

We request an undertaking from the Government that more days will be made available for debates on committees reports in future, and that they should be regularly spaced out through the year. The new opportunities could usefully include at least one day a session in the appropriate Grand Committees for debates on the reports of the Scottish Affairs and Welsh Affairs Committees (*Paragraph 65*).

We have taken steps to have the expenditure of each select committee published every year. It is for the House to say if the costs are in any way



excessive. It is our view that the benefit has been out of all proportion to the expense (*Paragraph 76*).

We have taken steps to see that select committees get early warning of inquiries by other committees which may overlap their jurisdiction (*Paragraph 81*). Where there is common interest in an inquiry it would be helpful if a committee could show its evidence to the other committee, and we recommend that the necessary change in Standing Orders be made (*Paragraph 83*). All select committees should be given the power to join with other committees in order to take evidence, deliberate or make reports (*Paragraph 84*).

We place on record the conviction of most of us that the work of select committees would not be damaged, and might be considerably enhanced, if it took place with television cameras present (*Paragraph 87*). We are concerned that there is no body in the House at present empowered to look into the problems, technical and otherwise, to be solved before any change of this kind can be made, and recommend that the terms of reference of the Sound Broadcasting Committee be extended to enable it to do so (*Paragraph 88*).

For the future we are concerned to see that there should be closer ties between the work done by Members in select committees and on the floor of the House. We think it is of the greatest importance for the long-term benefit of Parliament that the House and its committee system should not work in isolation from each other (*Paragraph 94*).



A

I am writing to let you know the outcome of the consideration which Ministers have recently been giving to the recommendations made by the Liaison Committee in their First Report (Session 1982-83) on the select committee system. This report is acknowledged as a most valuable and comprehensive progress report on the work of the Departmental select committees since their establishment in 1979.

It is noted that the Committee's principal conclusion is that the work of the new committees, whilst making great demands on Members, has "considerably extended the range of the House's activity, strengthened its position relative to that of the Government, and deepened the quality of its debates". The Committee's view confirms that of the Government that the Departmental committees have now established themselves as an important part of the general structure of Parliamentary scrutiny. The importance of the position they occupy in relation to Ministerial accountability to Parliament is indicated by the fact that there had by November 1982 been 190 Ministerial appearances before them.

The Government recognise, furthermore, the significant part that has been played by the Liaison Committee itself in the achievements of the new select committee system; in facilitating co-ordination and the avoidance of overlap between select committee enquiries (paragraph 81); in encouraging the economic use of resources (paragraph 76); and generally in serving as a focal point for the consideration of matters affecting select committees as a whole. I am particularly pleased in this respect to see the references in the report to the productive exchanges which have taken place between the Committee and the Government, and with the House of Commons Commission. The Government share the Committee's view (paragraphs 83 and 84) that in order to help facilitate further co-ordination in the



work of select committees it is desirable that individual committees should in future be able to show their evidence to other committees, and that they should be given the power to join with other committees in order to take evidence, deliberate or make reports. It is proposed to table the necessary amendments to Standing Orders in due course.

The first six specific conclusions and recommendations made in the report (paragraphs 24, 27, 40, 42, 33 and 39) all relate to various aspects of the structure of the select committee system. Of these recommendations it is proposed that two should be decided by a new Parliament - those relating to the question of whether the terms of reference of the Home Affairs Committee should be extended to include the Law Officers Department and the Lord Chancellor's Department (paragraph 24) and the proposed changes in sizes of membership of select committees (paragraph 33). It would also seem appropriate that, as I said recently in the House (OR, 30 March, 1983, Cols 396-7) with reference to the contrary recommendation made by the Select Committee on Standing Orders (Revision), any decision by the House with regard to the repeal of the sub-section of the Standing Order relating to the Nationalised Industries Sub-Committee (paragraph 40) should take account of the outcome of the Parliamentary Control of Expenditure (Reform) Bill now before the House. I have also noted the Committee's comments (paragraph 23) about the Industry and Trade Committee.

The Committee also recommend (paragraph 39) that the House should have a further opportunity to decide whether more Departmental select committees should have the power to appoint a sub-committee. The Government fully recognise that this question must ultimately be for the House to decide. Their concern remains, however, to



achieve the necessary balance between any further extensions of the select committee system at the present time and the Government's aim of maintaining strict control over the running costs of public administration, including manpower.

The following two recommendations, those relating to paragraphs 48 and 50, refer to matters concerned with the submission of Government evidence to select committees. The first concerns the need for committees to be able to bring to the Floor of the House disputes between Ministers and select committees about the disclosure of information. The Government welcome the Committee's acknowledgement (paragraph 48) that the Government's commitment to make every effort to ensure that the fullest possible information is made available to the select committees has been satisfactorily honoured. For their part the Government are pleased to recognise the manner in which it has generally proved possible to reach agreement on these matters within the longstanding conventions that have applied in this field under successive administrations.

Nevertheless, as the Committee point out, there is always the possibility of differences of opinion arising between Ministers and select committees as to whether it would be in the public interest for particular information to be disclosed. The Government recognise the importance of the undertaking they have given to seek to provide time on the Floor, if there should be evidence of widespread general concern in the House regarding an alleged Ministerial refusal to disclose information to a select committee.

As regards the Committee's recommendation (paragraph 50) that the Central Policy Review Staff should inform the appropriate select committees of the conclusions they reach in their investigations,



and should make available to committees the evidence they have gathered, the Government remain of the view that reports made by the CPRS are generally in the nature of confidential advice to Ministers, and that it would accordingly be contrary to the conventions applying to the disclosure of information to select committees for such reports to be made available to them.

\* On a further matter relating to evidence to select committees, it would be wrong for me to pass over without comment the statement in paragraph 25 of the report that "one Government activity which already falls within the ambit of the Departmental select committees is the work of the security services". It is by no means clear to me that the security and intelligence agencies are to be regarded as being within the ambit of any of the Departmental select committees. Even, however, if it was accepted that they were to be so regarded, the Government's view is that the committees would be right to continue to refrain from inquiries in this field, for the reasons which the report indicates. As you know, there is a long-standing convention under which the Government do not provide information or answer questions in Parliament on matters of security and intelligence, and the Government would regard itself as bound by that convention in relation to Departmental select committees no less than in relation to Parliament itself.

With regard to the other recommendations made in the report, the



Government note the Committee's view (paragraph 58) that the House should make clear that it would not expect paired Members, who are absent abroad on select committee work, to break short visits in order to participate in a division. It is appreciated that the recall of Members in such circumstances can involve expense and the risk of apparent discourtesy. In some cases such recalls may be considered essential, but it is hoped that discussions through the usual channels can avoid this whenever possible.

As regards the recommendation that the Government should give an undertaking that "more days will be made available for debates on select committee reports in future" (paragraph 68), this is clearly one aspect of the need to which the Committee attach cardinal importance and in which the Government fully concur - "that the House and its committee system should not work in isolation from each other". As the report recognises, however, it is by no means necessary that a select committee report should be specifically debated in order for it to be influential on the formation of views in the House or elsewhere or to provide the basis of informed debate.

For example, the reports of the Foreign Affairs Committee on the British North America Acts were highly relevant to the debates on the Canada Act. Reports made by the Treasury and Civil Service Committee have been of great value to the House in the consideration of the Government's Public Expenditure White Papers; and reports by the Defence Committee have provided a similar background for debates on Defence expenditure.

It would, in the Government's view, be inappropriate, in view of the pressures of other urgent matters on Parliamentary time, for time on the Floor to be allocated in advance each session to the debate of a fixed number of select committee reports. I would hope, however, that



it may be possible in future to provide more time for such debates, especially when a report arouses particular interest.

In respect of debates in the Scottish and Welsh Grand Committees, the Committee's suggestion that at least one day a session might usefully be devoted to debates on reports made by the Scottish Affairs and Welsh Affairs Committees has also been noted. The topics for debates in the Welsh Grand Committee and for Matter Day debates in the Scottish Grand Committee are at present decided following discussion between the Government and the Opposition. As the report acknowledges, however, on two occasions during 1982, when the Scottish Grand Committee debated youth unemployment and training, and road and sea transport, these debates were closely related to enquiries made by the Scottish Affairs Committee.

\* The Government also note the view of a majority of the Committee that the work of select committees might, in certain circumstances, be considerably enhanced by being televised. The House gave leave to Mr Austin Mitchell on 13 April, under the "10-minute rule" Bill procedure, to bring in a Bill for this purpose.

Proposals for televising proceedings, whether on the Floor or in Committee, have been regarded by successive administrations as a House, rather than a Government, matter. But Members will no doubt wish to consider the Committee's majority view in the light of the progress of Mr Mitchell's Bill, and assess whether they would wish the further consideration of this issue to be in the context of a further general debate on the televising of Parliamentary proceedings. If the House decided in principle in favour of the televising of proceedings, whether generally or only in respect of proceedings in select committees, a decision could then be taken as to whether the question of the method of implementation should be referred to the Committee on Sound Broadcasting.



In conclusion, I recall that when the new system of select committees was first established the then Leader of the House, Norman St John-Stevas, gave an undertaking that all Ministers would seek to make it a success, and to co-operate fully in the provision of official evidence. I would like to take the opportunity provided by this progress report to renew, on behalf of the Government, the observations made on that occasion.

With regard to the future, it would seem clearly of great importance, as emphasised in the report, that the work of the Departmental select committees should, wherever possible, be integrated with the other work of the House and with other procedural changes aimed at strengthening Parliamentary powers of scrutiny. The part which select committees are able to play in relation to the new "Estimates Days", and other changes designed to strengthen Parliamentary control over expenditure, will no doubt be significant in this respect.

I noted some time ago a comment quoted in a review of the new select committee system by the Outer Circle Policy Unit that "nowhere else are Ministers and their senior civil servants questioned so closely and so publicly about their activities; or their replies evaluated so critically". It is clearly of the highest importance to the House that this reputation is maintained and enhanced.





(ZMZ 4/1)

Foreign and Commonwealth Office

London SW1A 2AH

13 April, 1983.

Sir Robert Armstrong, GCB, CVO,  
Cabinet Office.

*Dear Robert,*

Thank you for copying to Antony Acland your letter of 30 March to Oulton and the attached draft.

We are in complete agreement with the line which you propose to take in replying to Christopher Price.

I am copying this letter to the recipients of yours.

*Yours  
P.R.H. Wright*

(P.R.H. Wright)

cc A.D.M. Oulton, Esq., CB,  
Lord Chancellor's Office.  
Sir Brian Cubbon, KCB,  
Home Office.  
F.E.R. Butler, Esq.,  
10 Downing St.  
D.C.R. Heyhoe, Esq.,  
PS/Lord President of the Council.



Palman  
Hc Proctor  
P.S.

4 APR 1963

1963 APR 4





2 MARSHAM STREET  
LONDON SW1P 3EB

01-212 3434

My ref: K/PSO/11911/83

Your ref:

13 April 1983

NBPM

ms 14/4

Smith's

Dear Leon,

SELECT COMMITTEES: DEPARTMENTAL MEMORANDUM ON MAIN ESTIMATES

Thank you for your letter of 28 March. We have now submitted a memorandum on selected items of our main Estimates (comprehensive coverage would have been too voluminous). A copy is being sent to your officials.

I note with interest that you are considering further possibilities for changing and developing the presentation of information in Part II of the White Paper and in the Estimates. I would hope that in the course of such developments we shall be able in particular to improve the presentation of local authority expenditure. I hope that DOE can be closely associated with the development of thinking on this aspect.

I am sending copies of this letter to all Members of the Cabinet and to Sir Robert Armstrong.

Tom

TOM KING



PARLIAMENT: H/C Procedure Pt 5.

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HOUSE OF LORDS,  
S.W.1

*With the Compliments of the  
Permanent Secretary  
to the Lord Chancellor*





HOUSE OF LORDS,  
SW1A 0PW

12 April 1983

Dear Robert.

SELECT COMMITTEE ON EDUCATION, SCIENCE AND ARTS:  
INQUIRY INTO PUBLIC RECORDS

Thank you for your letter of <sup>will request & required</sup> 30 March about the renewed efforts by Mr Price to secure your appearance before the Select Committee on Education, Science and Arts. I am sure you are right to seek to resist this if you can, because although Mr Price says that his Committee are concerned to examine the Cabinet Office's own record keeping practices, I am sure they would take the opportunity to question you about the retention by Departments of security related papers, and about your role in this in relation to the Lord Chancellor.

There is however one point in your letter about which I am not very happy. It is certainly correct that the Lord Chancellor is responsible, under Section 3(4) of the Act, for granting approval for the retention of records by Departments. But in the case of the blanket approvals I suggest that the responsibility for deciding whether or not a particular document comes within the terms of a blanket approval must rest with the Department retaining it. I do not see that the Lord Chancellor can or should be responsible for such a decision, since neither he nor his officials will necessarily have ever seen the document concerned. Similar considerations apply in relation to the question of whether a document, although coming within the terms of a blanket approval, may nevertheless be sufficiently antiquated to be capable of release, its sensitivity having evaporated. Again, I do not see how the Lord Chancellor can or should take responsibility for such a decision.

Rather than air all this in a letter to the Committee, my inclination would be to drop lines 10 - 20 from the third paragraph of your draft reply, and to rely on the point that, since the Committee are concerned to examine the Cabinet Office's own record keeping arrangements, your Establishment Officer and your Departmental Record Officer are better placed than you to assist the Committee.

I am sending a copy of this letter to the recipients of yours.

Yours. Derek.

A.D.M. OULTON

Sir Robert Armstrong, GCB, CVO



4 APR 1988

12 1 2 3 4  
5 6 7 8 9



PART 5 ends:-

WR to LPC's Office 30/3/83

PART 6 begins:-

Ld Chancellor's Office  
to RTA 12/4



