

35  
811

PREM 19/1594



PART 13

MT

SECRET

Confidential Filing

LEGISLATIVE PROGRAMME

PARLIAMENT

Part 1: May 1979

Part 13: October 1984

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
<del>2.10.84</del>		4.2.85					
<del>2.10.84</del>		<del>7.2.85</del>					
<del>5.10.84</del>		<del>15.2.85</del>					
<del>9.10.84</del>		<del>22.2.85</del>					
<del>4.11.84</del>		<del>27.2.85</del>					
<del>11.11.84</del>		<del>28.2.85</del>					
<del>17.11.84</del>		<del>5/3/85</del>					
<del>14.11.84</del>		<del>24.85</del>					
<del>15.11.84</del>		<del>15/4/85</del>					
<del>16.11.84</del>		<del>18/4/85</del>					
<del>20.11.84</del>		<del>23/4/85</del>					
<del>21.11.84</del>		<del>24/4/85</del>					
<del>21.11.84</del>		<del>29/4/85</del>					
<del>22.11.84</del>		<del>1.5.85</del>					
<del>25.11.84</del>		<del>2.5.85</del>					
<del>27.11.84</del>		<del>13.5.85</del>					
<del>30.11.84</del>		<del>20.5.85</del>					
<del>14.12.84</del>		<del>28.5.85</del>					
<del>21.12.84</del>		<del>3/6/85</del>					
<del>7.1.85</del>		<del>31.5.85</del>					
<del>17.1.85</del>		(ENDS)					

PREM 19/1594



PART 13 ends:-

C(85) 14 31.5.85

PART 14 begins:-

55/Emp to Lord Pres. 3.6.85.







## 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 HANSARD, 5 March 1985, columns 877 to 1139: Water Fluoridation Bill

House of Commons HANSARD, 29 October 1984, columns 1011 to 1098: Police and Criminal Evidence Bill

Signed

J. Gray

Date

18/3/2014

**PREM Records Team**





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

Telephone (Direct dialling) 01-215)  
GTN 215) 5147  
(Switchboard) 215 7877

From the Minister of State  
for Industry and Information Technology

GEOFFREY PATTIE MP

Rt Hon The Lord Hailsham of  
St Marylebone CH FRS  
The Lord Chancellor  
House of Lords  
LONDON  
SW1A 0PW

MBPM  
28 May 1985

Dear Quentin

Thank you for your further letter of 15 May about the Copyright Bill and Sir Robin Nicholson's Green Paper. will req. if req.

I am grateful to you for agreeing that we should proceed as Willie Whitelaw has suggested. We will of course let you know what, if any, legislative proposals emerge from the further investigations being undertaken.

I am copying this letter to members of QL Committee, Sir Robert Armstrong, and First Parliamentary Counsel.

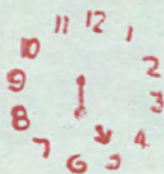
John  
Geoffrey Pattie

GEOFFREY PATTIE

MY3/MY3ABU



29. 1975







M  
2/12

HOUSE OF LORDS,  
SW1A 0PW

17 May 1985

Dear Willie:

PUBLIC TRUSTEE AND FUNDS ADMINISTRATION BILL

Thank you for your letter of 16 April conveying the approval of H Committee for the components of the above Bill, subject to separate agreement between Peter Rees and myself on his suggestion that I drop from the Bill the proposal to remove the Public Trustee's statutory obligation to break even. I have delayed replying until I was in a position to forward a copy of my announcement on unifying private assets activity, which is now enclosed.

*see request*

The announcement does not refer to the statutory obligation to break even, on which I hope to be in a position to reply to Peter shortly. My officials are also in touch with Norman Tebbit's about the position of the various elements of the combined private assets organisation under the Financial Services Bill.

Copies of this letter and its enclosure go to members of H Committee, to the Secretary of State for Trade and Industry, the Chancellor of the Duchy of Lancaster, the Minister without Portfolio, the Attorney General, the Paymaster General, First Parliamentary Counsel and Sir Robert Armstrong.

yrs

The Right Honourable  
Viscount Whitelaw CH MC  
Lord President of the Council





DRAFT PARLIAMENTARY QUESTION FOR WRITTEN ANSWER

QUESTION To ask Her Majesty's Government whether decisions have now been reached on the recommendations of the Cabinet Office Efficiency Unit scrutiny of investment activity in the Lord Chancellor's Department; and what other changes are proposed in the Department's administration of privately-owned assets.

---

ANSWER Following consultation, the majority of the recommendations have been accepted. The most significant, which I intend to bring into effect by April 1986, are the contracting-out, on a competitive basis, of the management of the Common Investment Fund (CIF) unit trusts, which the Public Trustee currently runs for the Courts; and the adoption of a 'last resort' policy for acceptance of new trusts by the Public Trustee. (This will not alter the position of existing trusts, or of any estates in which the Public Trustee may be appointed executor in the immediate future). My Department will be seeking professional advice on the contracting-out process.

As regards other changes, in May 1982 I announced (Official Report, Vol. 430, col. 870-1) that a review of the work and functions of the Public Trustee had concluded that it would eventually be difficult to justify the continued separate existence of the Public Trustee Office. After examining the work of other areas within the Department, I now plan, over the next three years to bring together into a single office the administrative work involved in the management of privately-owned assets to be known as the Public Trust





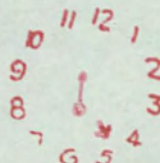
Office. This new office will incorporate the present Public Trustee Office and the Court Funds Office, and will also handle the administrative (as opposed to judicial) work of the Court of Protection and some of the trust work currently undertaken by the Official Solicitor. The Official Solicitor will retain his other duties, and the Court of Protection, which will then comprise the judicial officers only, will both remain outside the new structure. The necessary organisational changes will be introduced gradually, in order to avoid disruption in the management of existing cases.

The object of these measures will be to avoid unnecessary competition with the private sector; to enhance efficiency and secure the best possible value for money; and to provide a better service for the owners of the assets under administration.

H: of Sr M.  
17 May 85



20 MAY 1985





PRIME MINISTER

LEGISLATIVE PROGRAMME 1985/86

Attached is a note from the Policy Unit about next year's legislative programme. It argues that, in order to accommodate next year's Housing Bill, the Animals (Scientific Procedures) Bill and the Consumer Goods and Services Bill should be deleted from the programme instead of the Local Government part of the Local Government and Planning Bill. This is on the grounds that the first two of these are essentially non political, whereas the Local Government Bill extends compulsory tendering and competition to important areas of local government.

I think that it would be a mistake to intervene in the deliberations of QL in the way proposed by the Policy Unit. There are several reasons:

- i) Lord Whitelaw has had to alter the programme substantially to accommodate the Gas and Housing Bills. In order to do so he has had to put together a complex package of agreements with departmental Ministers eg Mr. Tebbit's agreement to the Gas Bill was on condition that none of his Bills were cut. A further intervention from No. 10 would greatly complicate this process and would certainly not be welcomed by Lord Whitelaw.
- ii) The arguments adduced against the Animals (Scientific Procedures) Bill apply with equal, if not greater, strength to the 1986/87 Session. Moreover, like it or not, this Bill is a manifesto commitment from both 1979 and 1983.
- iii) Why not make a virtue of necessity? It might well be a good idea to have a Session free of local government legislation so that Patrick Jenkin can concentrate on getting the rates package right and selling it. If the Local Government Bill remains in next year's programme,



E. R.

we will have legislated on local government in every  
Session of this Parliament.

---

Do you wish -

a) to write to Lord Whitelaw as proposed in the Policy  
Unit note?

or

b) not to intervene in QL's considerations? ✓

*mf*

*DF*

Timothy Flesher  
13 May 1985



PRIME MINISTER

13 May 1985

LEGISLATIVE PROGRAMME 1985/86

On Thursday, QL will consider the Legislative Programme for 1985/86. The inclusion of the Bill to deregulate the private rented sector and introduce home improvement loans will entail the removal of at least one other Bill from the Programme.

The draft paper for submission to Cabinet which QL will consider says that "if deregulation of the private rented sector is to be achieved in this Parliament, next Session is the time to do it", and recommends that a Housing Bill be included in next Session's Programme. We agree.

However, the draft paper goes on to suggest that the local government element of the Local Government and Planning Bill be deleted. But this Bill extends compulsory tendering and competition to such matters as refuse collecting and cleaning, and contains other value-for-money measures. This, too, is best done in the next Session rather than in the Session immediately preceding a General Election.

We suggest that two other Bills, considered in the Paper as possible candidates for deferment, should be deferred:

The Animals (Scientific Procedures) Bill. This longish and highly controversial Bill would update and extend existing controls over scientific procedures on living



animals by introducing a licensing system and a statutory Quango. There was a White Paper commitment in 1983 to early legislation, but we think this Bill - which is highly regulatory - should not be proceeded with in the next Session, if at all. It will be opposed vigorously by many animal groups for not being tough enough, and by medical groups worried about any further controls.

The Consumer Goods and Services Bill. This largely uncontroversial, medium-length Bill would impose upon suppliers the duty (which to some extent already exists under the Sale of Goods Act) to ensure that goods offered for sale are safe. Again, this is a regulatory Bill, and we think that - since it will be popular with most sectors and broadly acceptable to the Opposition - it would be an appropriate measure for 1986/87.

We recommend that you should send a Private Secretary's letter to Wille Whitelaw suggesting that, since the Government favours deregulation and competition rather than further regulation, the two regulatory Bills would be good candidates for deferment; and that the Local Government and Planning Bill should have its place for 1985/86 as an important, if contentious, measure to improve value for money in local authorities.



JOHN REDWOOD



CHRISTOPHER MONCKTON





2 MARSHAM STREET  
LONDON SW1P 3EB  
01-212 3434

My ref:

Your ref:

*M24 1/5*

*1 May 1985*

*Dear Mark*

When I wrote to you on 18 April seeking approval to the publication on 9 May of the Government's response to the Environment Committee's report on the Wildlife and Countryside Act, I also promised to let you have a copy of the finalised text as soon as it became available.

A copy of the response, which has been agreed by the Cabinet and is now with the printers, is enclosed. Copies have also been sent to PS/Leader of the House of Commons, PS/Paymaster General and the Chief Press Secretary, No.10.

*Yours sincerely*

*Sue Vandervord*

SUE VANDERVORD  
Private Secretary

Mark Addison Esq



CONFIDENTIAL

DEPARTMENT OF THE ENVIRONMENT

WELSH OFFICE

MINISTRY OF AGRICULTURE

FISHERIES AND FOOD

OPERATION AND EFFECTIVENESS OF PART II  
OF THE WILDLIFE AND COUNTRYSIDE ACT 1981

The Government's reply to the First Report from  
the Environment Committee

SESSION 1984-85

Presented to Parliament by the Secretaries of State  
for the Environment and Wales and the  
Minister of Agriculture, Fisheries and Food

Draft for printers - 26 April 1985

CONFIDENTIAL



## CONFIDENTIAL

### 1. INTRODUCTION

1.1 The Government welcomes the Environment Committee's report on the operation and effectiveness in England and Wales of Part II of the Wildlife and Countryside Act 1981. The report is timely. Next year the Wildlife and Countryside Act, which the Government introduced to provide a sound legislative framework for the conservation of our landscape heritage and the wide range of wild animals, birds and plants it supports, will be five years old. We have to judge now whether its basic approach is correct. There is no doubt that it represented by far the most important modern attempt to legislate in these areas. This is widely accepted, for example in evidence submitted to the Committee by Friends of the Earth. They agree that "..... the Act was the first comprehensive attempt to specifically legislate for the protection of wildlife habitats in Britain". But the Committee's report goes further. Broadly, it says the Act was successful in providing the necessary foundation, legislative and philosophical, for policy in the future. The Committee says it is working well in many areas and that it has made a significant contribution to the newly-emerging consensus on the importance of conservation. The Government welcomes the fact that after its examination the Committee has felt able to give the Act this endorsement.

1.2 It is particularly gratifying that the Committee has expressed such firm support for the voluntary philosophy embodied in the Act. The Act was a conscious attempt to strike a balance between the interests of agriculture and conservation through a process of voluntary co-operation, backed by the selective use of more rigorous measures. It is clear that the Committee considers that this is the best way forward. The Report calls for a number of urgent measures to make the Act more effective and the Government has been more than happy to respond quickly and positively to some of these concerns by expressing its support for some amendments introduced in a recent Private Member's Bill. In particular the Government supports the proposals to block the so-called loop-holes in S28 and S29; to require National Park Authorities to prepare maps of areas important for conservation; and to place a new duty on the Forestry Commission to aim at a reasonable balance between its primary duties and conservation. The Government is also urgently following up the Committee's call for action to speed up the establishment of marine nature reserves, where it believes that the voluntary approach is far from exhausted.

1.3 The Government agrees with the Committee that wide-ranging statutory controls over the countryside, together with the bureaucracy needed to administer them, should be kept to the unavoidable minimum. The Report shows that the stories about continuing, unmitigated and wholesale devastation of the countryside are gross exaggerations. The Government believes that countryside policies based on the

CONFIDENTIAL



CONFIDENTIAL

principles embodied in the Act offer the best way of maintaining effective conservation. It welcomes the Committee's support for this approach.

1.4 As the Report points out, there has been something of a revolution in attitudes to countryside issues in the last five years. Conservation is not now an optional extra with which land use and agricultural policies are decorated but is built into the structure of policy making as it should be. The Wildlife and Countryside Act has undoubtedly played a key role in bringing about this change of mood. The new mood is represented by the growing army of farmers who are initiating and experimenting with conservation techniques (for example in the network of Farming and Wildlife Advisory Groups) and of conservationists who recognise that farmers are their ready allies in fighting for the cause of the countryside. One of the ironies may be that it is only after attitudes have shifted in the farming industry, and only after the establishment of a new consensus between responsible environmentalists and farmers, that the issue has been raised in public in a heightened way by belated popular concern: it is important that emerging practical co-operation should not be damaged by this, since a return to polarised positions is exactly what all sides have been seeking to avoid. The Wildlife and Countryside Act and government policy associated with it (together with some other important strands of government policy) have helped to achieve the present better atmosphere and the Government believes it can justly take some credit for this.

1.5 Of course, the Act is not perfect. In many respects it is still young: some of its major provisions have not been in effect for much more than two years. The Private Member's Bill already mentioned deals with some of these problems and action is in hand to deal with the others. Doubtless there will be further evolution of policy in the next years. That this should be so does not invalidate the Act; rather on the contrary, it is the basic foundation for the future.

1.6 This response to the Select Committee's Report is in two main parts. Section II reviews the record of recent achievement, looks at how the Government's policies are evolving and sets out aims and objectives for the future. This enables the detailed responses on the individual recommendations in Section III to be set in the broad context of the Government's overall policies.

CONFIDENTIAL



## CONFIDENTIAL

### II. THE COUNTRYSIDE AND ITS CONSERVATION

2.1 The World Conservation Strategy published in 1980 took as its key theme economic growth based on a pattern of development that sustains the renewable natural resources of the environment - "development without destruction." This approach - managed in a way which leaves room for wildlife and natural beauty - is one to which the Government is firmly pledged.

2.2 The Select Committee draws attention to a number of issues of special significance which need to be considered in any sensible discussion of countryside policies. They are: the voluntary approach to conservation; the confines within which the Wildlife and Countryside Act should operate; the place of planning controls in the countryside; the special needs of the wider countryside; and the effects of agricultural policies. These issues are discussed more fully in the following paragraphs.

#### The Voluntary Approach

2.3 Much of the British countryside, with its "traditional" patch-work of pastures, woodland coppices, hedgerows, moor and heathland is the product of many generations of developing agricultural techniques and land holding traditions - sometimes interspersed with periods of relatively rapid change, like that of the enclosures. Most of what we now think of as most attractive in the farmed landscape is the result of farmers responding to economic and technological pressures in the past. That the result is often so beautiful validates the Government's belief that there is not only no inherent conflict between farming and landscape but that the best guarantee of the future of Britain's landscape lies in the natural feel for it possessed by those who live and work in it. This is why the heart of the Wildlife and Countryside Act is fashioned from a policy of consent. No less now than in the past, a flourishing agricultural industry is vital for Britain. There is no reason why we cannot have such an industry while preserving our wildlife and natural beauty. Landowners, farmers, fishermen and foresters - those who live and work in the areas that need to be conserved - should be the natural conservationists and the Government is most encouraged at the way its policies have been winning over allies among them.

#### Increased Resources: the record

2.4 The budgets of the two statutory agencies principally involved - the Countryside Commission and the Nature Conservancy Council - have increased consistently in the last few years at a time when most other expenditure programmes have been more heavily

CONFIDENTIAL



## CONFIDENTIAL

restrained. The Countryside Commission's grant in aid increased from £5.6 million in 1979/80 to £13.2 million in 1984/85 and provision has been made for a further increase of £2 million over baseline expenditure in 1985/86. The NCC's grant rose from £7.9 million to £18.1 million in the same period and a further increase to £22.7 million is proposed for 1985/86. This is intended to enable the NCC to make more rapid progress with the programme of re-notifying SSSIs, which extends the full protection of the Act to the sites designated. At the end of 1984, a total of 1311 sites had been renotified and a total of 902 management agreements, covering almost 95,000 hectares, had been, or were in the process of being concluded. The latest intention is for substantial completion of the re-notification programme in Wales by early 1986, in Scotland by late 1986 and in England by early 1988.

2.5 At the same time the Government has shown itself ready to use the back-up powers available under the Act when it has proved necessary. For example, as at the end of January 1985, nature conservation orders had been made to secure the protection of 14 nationally - important wildlife sites throughout Great Britain. The Government intends to continue using nature conservation orders in those cases where sites of national importance are under threat.

### Conserving the Special Areas

2.6 The main provisions of Part II of the Act are aimed at protecting specifically designated areas, such as Sites of Special Scientific Interest, and National Parks. The Committee considered whether the scope of this part of the Act was too limited, but concluded it would be wrong for it to be extended significantly. As the Committee noted, the policies contained in the Act are primarily environmental. Other policies, such as Agricultural grant policies, price-support systems, and planning policies, all have a major impact on the countryside, including the wider countryside: as do industry, housing, road proposals and a host of other policies. The Government is satisfied that these, while needing to remain appropriately sensitive to environmental policy, are not proper matters to be contained within Part II of the Act. In addition, the Act does contain some general provisions which deal with the wider countryside. For example, Section 39 empower local authorities to make management agreements throughout the countryside. Government recognise that the wider countryside has a vital role to play, since, among other things, it provides wildlife "thoroughfares" between protected sites.

2.7 Accordingly, the Government has initiated research projects on matters such as the extent of landscape change; responded positively to the Countryside Commission's report "A Better Future for the Uplands"; promoted or otherwise encouraged a number of

CONFIDENTIAL



## CONFIDENTIAL

positive conservation projects, such as "Operation Groundwork" to assist in regenerating the urban fringe and the conversion of worked-out gravel pits into nature reserves; as well as a number of successful initiatives to introduce private sector funding into conservation. In one particular area, the Broads of East Anglia, which although not a National Park have a unique landscape, the Government has authorised an experimental grazing scheme to help safeguard the landscape and to support a viable agriculture in an environmentally-sensitive area. Moreover the Countryside Commission has been authorised to pay an enhanced level of grant-in-aid for management agreements in the Broads, which have now been specified under Section 41 of the Act, and support in principle has been announced for legislation for a new statutory Broads Authority.

### Keeping it Voluntary

2.8 The Committee considered suggestions, notably from Friends of the Earth and CPRE, for the abandonment of the voluntary approach in preference for the widespread use of planning controls. The Committee did not recommend this approach. However, the Committee expressed the hope that the Government would take into account some of the CPRE's more modest suggestions which might be compatible with the voluntary philosophy, although this was not included in the formal list of recommendations. Nonetheless, the Government can respond positively at least in part.

2.9 Amongst these suggestions were a revision of the General Development Order and the memorandum on structure and local plans. DOE and the Welsh Office issued a consultation paper early in 1984 on proposed amendments to the GDOs which list the types of 'permitted development'. The consultation paper included proposals to amend the permitted development rights for agricultural buildings and works set out in Class VI of Schedule 1 to the Order, as well as to consolidate the various Classes which deal with development by water authorities.

2.10 In its response to the Countryside Commission's Report on the future of the Uplands the Government announced an intention to consult on the possibility of giving planning authorities in all the National Parks a discretionary control over the siting and design of new farm buildings and farm and forest roads permitted under Classes VI and VII of the GDO, on the lines of the long established Landscape Areas Special Development Order 1950 (which applies to parts of the original National Parks). This would enable a positive power to be made available for the National Park Authorities to exercise. A consultation paper on these lines was issued on 18 April 1985. Any substantial new proposals for amendments to Class VI would need to be the subject of further public consultation, but any extension of planning control would need strong

CONFIDENTIAL



## CONFIDENTIAL

justification in view of the extra burden it would impose on both developers and the planning system itself. As explained elsewhere Government policy is to confine those burdens to the minimum necessary to protect our surroundings.

2.11 The Government's response to "A Better Future for the Uplands" also rejected the case for the application of planning controls to the afforestation of land in the Upland areas. It does not accept the CPRE's case for such controls over all areas. Neither afforestation nor clearance of woodland could be subjected to general planning control without amendment of Section 22 of the Town and Country Planning Act 1971, the effect of which is to exclude these uses of land from the definition of development altogether.

2.12 As the CPRE recognised in their evidence local planning authorities are already incorporating guidance in their structure and local plans seeking to prevent or discourage operations damaging to landscape and wildlife conservation objectives. The Memorandum on Structure and Local Plans (accompanying DOE Circular 22/84, WO 43/84) includes advice on Agriculture and Forestry (paragraphs 4.28 and 4.29) and Environmental Protection and Conservation (paragraphs 4.35 and 4.36). More detailed advice on agricultural considerations in preparing local plans is included in Annex A of DOE Circular 75/76 (WO 110/76) (Development involving agricultural land).

### Agricultural Policies

2.13 Although the Committee felt unable, within the scope of its Report, to go too far into the details of agricultural policy, the role of the Ministry of Agriculture, Fisheries and Food and the Welsh Office Agriculture Department in relation to conservation can only be fully appreciated in the context of the objectives and mechanisms of that policy.

2.14 Within the general framework of the Common Agricultural Policy, the overall objective of United Kingdom agricultural policy is to promote an efficient and competitive farm industry making its contribution to the national economy. In broad terms this objective is fully compatible with the objectives of conservation. A general agricultural policy which ignored the need for farming to remain competitive would have serious implications for the rural economy as a whole, and this in turn would be contrary to the national conservation interest. As the Chairmen of both the Nature Conservancy Council and the Countryside Commission have publicly recognised, a prosperous agriculture is essential for effective conservation.

CONFIDENTIAL



CONFIDENTIAL

2.15 The primary mechanisms of agricultural price support are by their nature broad in their impact and ill-suited to deal with the complex and localised requirements of conservation. In individual cases where the interests of conservation and those of agricultural efficiency can conflict, measures are called for which are sensitive to the individual needs of the sites concerned. Management agreements are one such measure. The Countryside Commission/MAFF experimental scheme for the Broads is designed to explore another. More generally, positive conservation practices by farmers can be, and are, encouraged by the Agricultural Development and Advisory Service and by farm capital grants as well as by schemes operated by the conservation agencies.

2.16 The Government's overall objective is thus to secure a satisfactory balance between the needs of agriculture and conservation. In England the DOE, through its statutory agencies, pursues the task of furthering the interests of conservation. MAFF, in discharging and within the scope of its primary responsibilities towards the agriculture industry and consumers, aims to develop policies and encourage farming practices which take due account of the desirability of conserving the countryside. In Wales, the Welsh Office, with its responsibility for both agriculture and conservation, reflects all these objectives. These policies are continuing to evolve to take account of changing circumstances and priorities. In recent years this has meant major shifts in policy to the advantage of conservation. Many of these have already been brought to the Committee's attention. Since the Committee finished taking its evidence, announcements have been made of further important adjustments of the farm capital grant schemes to favour conservation, of the experimental scheme to conserve grazing marshes in the Broads and of the decision by Agriculture Departments to implement those provisions of the new agricultural structures regulation which provide for assistance to environmentally sensitive areas and, in the Less Favoured Areas, to farm tourism and crafts.

2.17 In the Government's view a healthy and balanced countryside policy must continue to rest upon the closer liaison between Departments which has led to these developments.

The Way Ahead

2.18 The Government has already taken a number of important steps to underline its commitment to the conservation of the natural environment. It is determined to build on the sound framework provided by the Wildlife and Countryside Act by:-

CONFIDENTIAL



CONFIDENTIAL

- (i) supporting significant parts of the Private Member's Bill to remedy deficiencies in the Act identified by the Committee;
- (ii) making greater efforts - with the interests concerned - to use the Act as it currently stands to press ahead with the designation of marine nature reserves; and
- (iii) continuing to monitor closely the operation and effectiveness of the Act - especially in the light of output from the various landscape monitoring exercises - and to take whatever steps it deems necessary.

2.19 In the light of the recently agreed EC Agricultural Structures Regulation, the Government will be seeking the necessary powers to implement special measures to be applied in environmentally sensitive areas. On the wider international front the Government is determined to continue its record as a world leader in conservation. For example, following its earlier ratification of the Paris protocol to the Ramsar Convention on Wetlands of International Importance especially as waterfowl habitats, and the Bern Convention on the Conservation of European Wildlife and Nature Habitats followed by the UNESCO convention for the Protection of the World Cultural and Natural Heritage in 1984, it intends in 1985 to ratify the Bonn Convention on the Conservation of Migratory Species of Wild Fauna. It will continue to pursue all its conservation policies with vigour and determination.

2.20 The Select Committee's Report has been helpful in re-inforcing the main thrust of the Government's policies and for identifying the areas in which more effort or change is required. Policy will continue to develop, but with a re-enforced confidence that the lines so far established have been correctly laid.

Scotland

2.21 As paragraph 5 of the Report indicates, the Committee did not deal separately with Scotland; nor did they take evidence from the relevant Scottish bodies. The Secretary of State for Scotland has, however, considered the recommendations in the Report and will be participating in taking forward the Government's conclusions on the Report insofar as they are appropriate to Scotland.

CONFIDENTIAL



CONFIDENTIAL

III. THE COMMITTEE'S RECOMMENDATIONS

3.1 This Section deals with the Select Committee's detailed recommendations. For convenience, the responses have been cross-referenced to the relevant paragraphs of the Report itself, as well as to the summary of recommendations.

Recommendation 1

3.2 The existing system of prior notification in National Parks (as modified in accordance with Recommendations 11 and 13) should be extended to the whole countryside. (Para 21).

Recommendation 2

3.3 Section 41(3) should be extended to all applications for capital farm grants. (Para 22).

---

3.4 The Government understands the concern which led the Committee to recommend the extension of the system of prior notification and of Section 41(3) but it does not believe that such a blanket approach is justified in the circumstances. As the Committee itself acknowledged, it would result in modifications to fewer than 5% to 15% of cases which are currently modified under the national parks notification arrangements. Yet to achieve this modest result would require considerable administrative effort with a heavy manpower commitment. Serious consideration of the environmental effects of farm developments cannot be confined to a purely desk exercise. This would do no more than provide an initial sift, leaving a sizeable number of cases which could only be sensibly assessed by means of careful study on location.

3.5 The Government takes the view that within the limited resources available, expenditure related to conservation can be used most effectively by concentrating on areas of high environmental value. It will continue to use existing powers to refuse capital grants with that aim in mind.

Recommendation 3

3.6 Conservation should be given a greatly increased priority in the training and work of ADAS staff, with increased formal guidance from MAFF on conservation objectives. (Para 27).

---

CONFIDENTIAL



CONFIDENTIAL

3.7 The Government is happy broadly to accept this recommendation. Conservation has formed an element of the Ministry's advisory policy for many years, deriving from its duty under Section 11 of the Countryside Act 1968 to have regard to the desirability of conservation in carrying out its statutory functions relating to land. In recent years, principally following the new duty laid on Ministers by Section 41(1) of the 1981 Act, the Ministry has given a greatly increased priority to conservation within the activities of the Agricultural Development and Advisory Service. Although the Ministry's statutory duty in this regard is specifically to give advice to farmers on conservation, in practice its advisory policy extends well beyond this to active promotion of conservation wherever appropriate. The measures involved were detailed in the Ministry's written evidence to the Committee.

3.8 There is broad agreement that farmers generally are showing an increasingly positive attitude towards conservation. Much of the credit for this is due to the painstaking efforts of the Agricultural Development and Advisory Service in bringing home to farmers the conservation message.

3.9 The future scope and direction of the Agricultural Development and Advisory Service was the subject of a report by its Director-General, Professor Bell, published in September 1984. Within the overall resources available to the Service, the Report recommended that a further greater priority should be given, amongst other policies, to advisory effort related to the conservation of the natural beauty and amenity of the countryside. The Minister of Agriculture, Fisheries and Food has broadly endorsed those recommendations and has initiated detailed studies on implementation of the Report's main recommendations.

Recommendation 4

3.10 A working party should be set up to investigate ways in which the duties and administrative structure of MAFF could incorporate a stronger conservation element in all agricultural policy. (Para 28).

---

3.11 The Government considers that the Committee seems to be under a degree of misapprehension over the extent to which MAFF policies accord priority to conservation objectives. These are now looked upon as being a major part of the Ministry's overall responsibilities in pursuing a fair and balanced approach which takes due account of the needs of conservation, the agriculture industry and the consumer.



CONFIDENTIAL

3.12 As far as the Government is aware, the Committee sought no detailed evidence on the internal administrative structure of MAFF. The internal structure of the Ministry, like that of any Government Department, is kept under continual review, and this will continue in the normal way. In the case of MAFF, it is the duty of the Ministry's Management Board to ensure that policy needs are reflected in the structures of the Ministry. It was the Management Board which, after reviewing the Ministry's conservation and other environmental responsibilities, set up last year the Environment Co-ordination Unit, the establishment of which the Committee welcomed. In addition a policy branch within the Lands Group has specific responsibility for the Ministry's conservation policy. Generally, the Ministry considers that, as long as there is proper provision for conservation policy formation and co-ordination, and of specialist knowledge and advice, it is better for those responsible for the various aspects of agricultural policy to have to include conservation elements in their policy consideration rather than to leave those elements to a separate structure.

Recommendation 5

3.13 The Government should urgently undertake a review of the whole use of the rural estate and produce a White Paper. (Para 29).

---

3.14 The Government agrees with the Committee that spending priorities must be subject to continual review and that possible conflict between Departmental policies should be kept to a minimum. The Government does of course have considerable machinery designed to achieve these ends. Recent evidence of the effectiveness of this machinery is provided by the Government's positive response to the Countryside Commission's report "A Better Future for the Uplands", the launch of the joint Countryside Commission/MAFF experimental scheme in the Broads, and the UK initiative which has been successful in securing the inclusion of more positive conservation provisions in the new Community structures regulation. The Government will continue to respond appropriately to other current issues of public debate affecting agriculture and the rural environment.

[3.15 and 3.16 not used]

Recommendation 6

3.17 MAFF should fundamentally change its approach on financial structures so that resources are redirected away from environmentally - damaging operations and towards conservation-conscious methods. (Para 31).

---

CONFIDENTIAL



CONFIDENTIAL

3.18 In making this recommendation the Committee may not fully have appreciated the extent of the constraints on adjustments to the system of agricultural support. On the wider system of support provided under the EC's Common Agricultural Policy, Government policy is to secure a reduction in the level of support for commodities in surplus, such as cereals, and its commitment to this objective has been voiced on many occasions by the Minister of Agriculture. But it is not open to the Government to act in isolation from the rest of the European Community. The Community is, however, beginning to respond to such arguments and the Government will continue to pursue the case for a more appropriate balance of agricultural support. But, as the Committee recognises, adjustments bring their own problems, as the introduction of milk quotas has shown so dramatically. The Government has recently succeeded in securing agreement to a new Structures package in Brussels, including provision for assisting farming in environmentally - sensitive areas.

3.19 On capital grant policy there have already been considerable adjustments away from support for operations such as hedge removal and land reclamation and in favour of positive conservation measures. These moves are part of a coherent continuing policy of seeking the right balance between the needs of an efficient agriculture and the needs of conservation. The note by Counsel to the Speaker on "Community Competence on Environmental Protection" (First Special Report from the Select Committee on European Legislation) advised that Community legislation bearing on environmental matters should be subservient to the Community's general objectives. Nevertheless, within these legal limitations, those imposed by the obligatory nature of certain agricultural structures provisions and the practical difficulty - acknowledged by the Committee - of identifying "potentially damaging operations" Agriculture Departments are continuing to review their direction of resources. Evidence of this is provided by the changes in the capital grant arrangements to enhance conservation which were made as recently as December 1984. One result of those changes is that works which are most helpful to the environment now receive the highest rates of grant.

3.20 The Committee expresses doubt about the value of the Minister of Agriculture's initiative in the context of the EC's new agricultural structures regulation and about "the seriousness of MAFF's intentions". The Minister pursued the initiative with virtually no support from other member states and his efforts have now borne fruit. The agreed Regulation now includes provisions for a measure of new support for livestock farming in environmentally sensitive areas. This provision will thus help deal with the "cleft stick" to which the Committee refers in paragraph 30 of its report. Following the agreement in Brussels, the Government will be seeking the necessary powers from Parliament and will be formulating appropriate schemes in consultation with interested parties including the statutory conservation agencies.

CONFIDENTIAL



## CONFIDENTIAL

The Government has also obtained a Council declaration committing the Commission to examine, by the end of the year, the possibility of an EC funded scheme on similar lines.

### Recommendation 7

3.21 Sections 28 and 29 should be amended to allow positive conservation operations to be included in a notification with the list of PDOs and for sections 32 and 41 to be amended to allow, explicitly, positive measures to be a part of management agreements, in line with Section 39. (Para 44).

---

3.22 The Government agrees with the Committee on the importance of positive conservation complementing agreed restrictions on potentially damaging operations. Paragraph 5(ii) of the joint Circular issued in January 1983 by the Department of the Environment, the Ministry of Agriculture, Fisheries and Food, and the Welsh Office - "Wildlife and Countryside Act 1981 : Financial Guidelines for Management Agreements" (DOE Circular 4/83; Welsh Office Circular 6/83) - drew particular attention to the potential benefits "in providing for additional measures to be undertaken, to help improve the general amenity of the land". In the Government's view it is mis-reading the Act to construe that as presently worded it discourages the possibility of positive conservation operations. Indeed, there are a number of outstanding examples of agreements which emphasise the positive aspects of management and which illustrate that the Act as it stands covers this point adequately.

3.23 The Committee was clearly influenced in much of its thinking about management agreements by the case of Mr Merricks on the Isle of Sheppey. Paragraph 43 of the Report states that in its dealings with Mr Merricks the NCC "had to use the mechanism of a nature reserve agreement (outside the 1981 Act) to ensure the incorporation of the positive element" (into the negotiations on an agreement). This statement clearly demonstrates the extent of misunderstanding which has arisen over this matter. Management agreements made by the Nature Conservancy Council arising from Section 32 are made under the Council's general powers to enter into management agreements. Agreements can also arise from the notification of potentially damaging operations under Sections 28 and 29. The principal enabling provisions for all NCC management agreements are Section 16 of the National Parks and Access to the Countryside Act 1949 (ie "Nature Reserve" agreements) and Section 15 of the Countryside Act 1968. Subsection 3(a) of Section 15 provides specifically that any agreement imposing restrictions on the exercise of rights over land "may provide for the carrying out on the land of such work and the doing thereon of such other things as may be expedient for the purposes of the agreement." It is this provision that the NCC have employed in their negotiations on a management agreement incorporating a wide range of positive conservation measures.

CONFIDENTIAL



CONFIDENTIAL

3.24 Sections 28 and 29 of the 1981 Act relate specifically to the notification of areas of special scientific interest and of potentially damaging operations (PDOs) which, in the circumstances prescribed, may not be undertaken without the consent of the Nature Conservancy Council. As such the purpose of these provisions is principally preventative and the Government believes it would be inappropriate to extend their statutory scope to encompass positive conservation operations, as the provisions do not preclude the conclusion of management agreements incorporating such operations.

3.25 As the Committee also noted, Section 39 - which provides that relevant authorities may enter into management agreements for the purposes of conservation or amenity - is a wide-ranging provision which enables such agreements to be deployed both to stipulate agreed restrictions on the use of the land concerned, and to provide for positive measures of conservation. Section 39 is the enabling power under which agreements arising from the particular circumstance of Section 41 are made, so there is no bar to such agreements including provision for positive measures.

3.26 The Nature Conservancy Council intends to take increasing advantage of its routine contacts with owners and occupiers as the SSSI re-notification programme proceeds and more PDO notifications are received to promote positive management. The Government will bear in mind the possibility of strengthening the reference to this in any future revision of the Code of Guidance published under Section 33 of the 1981 Act, which gives advice on the statutory provisions for protection of SSSIs.

Recommendation 8

3.27 A joint working party should be set up to review the Financial Guidelines and to consider the increased use of a system of standard payments. (Para 49).

Recommendation 9

3.28 In the course of the review of the Financial Guidelines, the question of the landlord's capital interest may be taken into account and more ready negotiations entered into for an acquisition or outright purchase if he cannot otherwise be properly compensated. (Para 51).

Recommendation 10

3.29 The outright purchase option should be used more readily to achieve long-term economies and Government book-keeping should be adjusted to meet the needs of the situation and not vice-versa. (Para 52).

---

3.30 The Government agrees that the Financial Guidelines should be reviewed, to take account of the Committee's points. Experience gained in the application of the Financial Guidelines for management agreements since publication in 1983 has been relatively limited. Nevertheless the Government recognises the force of some of the



CONFIDENTIAL

criticisms that have been made of the Guidelines, particularly about their complexity, and it accepts the Committee's recommendation that a review of their content and presentation would be timely.

3.31 Accordingly, consultants Laurence Gould have been commissioned to undertake a wide-ranging review which will include study of the scope for increased use of a system of standard payments; of the case for new arrangements for compensating landlords for any long-term loss of capital value resulting from a management agreement; and of the development of techniques for direct comparison of the financial costs of management agreements - involving either annual or lump sum payments - with the capital costs of outright purchase by conservation authorities.

3.32 Pending completion of this review the Government must obviously reserve its position on the Committee's recommendations on these matters.

3.33 The statutory conservation agencies are grant in aid bodies: this enables them to exercise an effective degree of freedom in determining the manner in which resources are to be utilised within the overall totals determined by the Government and voted by Parliament. It is not the Government's view that book-keeping constraints prevent the NCC from exercising outright purchase of sites as an effective option and, indeed, sites are not infrequently purchased by the Council. The NCC, in common with other grant in aid bodies is, of course, precluded from borrowing as a means of increasing the expenditure (and thereby, public expenditure as a whole) beyond the amount annually approved by Parliament. This is not a book-keeping constraint; it is part of normal expenditure control.

Recommendation 11

3.34 MAFF rules should be changed, if necessary by legislative amendment, so that grants are refused or reduced for operations which have been notified retrospectively (Para 56).

---

3.35 The Government fully accepts that retrospective notifications in National Parks can pose real problems for the administering authorities, but there can be a variety of circumstances in which such notification may take place. It would not necessarily be equitable or desirable automatically to withhold grant for a purely technical breach not involving environmentally damaging operations even if Agriculture Ministers had a clear statutory power to do so. Nevertheless, the Government will discuss with the Countryside Commission and park authorities ways of achieving a better degree of compliance with the notification arrangements, especially in the context of the new capital grant provisions which it expects to introduce later in the year.

CONFIDENTIAL



CONFIDENTIAL

Recommendation 12

3.36 National Park Authorities should be enabled to apply for Landscape Conservation Orders to be made, analagous to Nature Conservation Orders under Section 29 as a power of last resort. (Para 57).

---

3.37 National Park Authorities already benefit from an administrative requirement that they should be notified of any proposed scheme for which farm capital grant will be claimed. Section 41(3)(b) of the 1981 Act further provides that, where such an Authority has objected to the making of the grant on conservation grounds, Agriculture Ministers shall not make the grant except after considering the objection and, in England, after consultation with the Secretary of State for the Environment.

3.38 The Government recognises that these arrangements do not cover proposed operations which are ineligible for farm capital grant or where a farmer is prepared to proceed without grant. In such instances National Park Authorities may not be informed of farmers' intentions and, even if they are, have no means of postponing a proposed damaging operation in the hope that it may be possible to negotiate a management agreement. The Government accepts that, in these circumstances, the powers of the National Park Authorities do not equate with those available to the Nature Conservancy Council and will therefore give further consideration to the Committee's proposition that they should be enabled to apply for Landscape Conservation Orders. Other important considerations, including the resource implications, still have to be evaluated and it is not possible at this stage to announce any decision.

Recommendation 13

3.39 MAFF should clarify and simplify its administrative procedures with respect to farm grant notification and consequent objections by NPAs. (Para 58).

---

3.40 Neither the Countryside Commission's evidence nor the Committee's report makes entirely clear the ways in which it would like administrative procedures clarified and simplified. The Ministry of Agriculture, Fisheries and Food and the Welsh Office Agriculture Department will, however, consult the Commission about the implementation of the new EC structures regulation and will be glad to pursue the matter in the course of those consultations.

Recommendation 14

3.41 Government should increase central grant aid for management agreements in all National Parks, the Broads and Areas of Outstanding Natural Beauty to 90% and for other areas to 75%. (Para 59).

---

3.42 Local government has traditionally played a significant role in matters of scenic protection, partly because the canvas is a large one over which national executive

CONFIDENTIAL



CONFIDENTIAL

responsibility must necessarily be limited (more than 20% of the total land surface of England and Wales is designated as National Park or as an Area of Outstanding Natural Beauty) and because of the close relationship with issues of land use planning for which local planning authorities are responsible.

3.43 This is reflected, for example, in the composition of National Park Authorities, to which two thirds of the membership are appointed by the relevant local authorities and, in the majority of cases, have the status of committees of the county council or councils concerned. In the case of Areas of Outstanding Natural Beauty, following confirmation of their designation by the Secretary of State, there are no statutory arrangements for separate administration; while the Broads Authority is a consortium of local and public authorities.

3.44 It is against this background - the perceived importance of the local input - that the pattern of central grant aid towards the cost of management agreements to protect landscape has been established. Indeed it is only comparatively recently that agreements reached in AONBs, and by the Broads Authority, have qualified for assistance from the Countryside Commission at 75%. Previously a rate of 50% applied as it still does elsewhere in the wider countryside, outside National Parks. Exmoor, with its rate of 90% aid for moorland conservation (introduced following the Porchester report on the extent of moorland loss in the Park), has always been regarded as a special case.

3.45 The results of the recently-announced experimental grazing scheme in the Broads may have implications for the future pattern of management agreements, and the Government considers that it would be prudent to assess such results before any further changes in rates of grant aid are contemplated.

Recommendation 15

3.46 Consideration should be given to extending Section 43 to include areas in addition to moor and heath. (Para 61).

---

3.47 The Government accepts this recommendation and recognises that there is a growing body of opinion in favour of broadening the scope of maps prepared under section 43 of the Act to include areas in addition to moor and heath. The Committee's recommendation in this respect has been paralleled by the inclusion of a clause to that effect in the current Wildlife and Countryside (Amendment) Bill. That Bill seeks to amend section 43 so as to place a duty on National Park Authorities to prepare maps of any areas of natural beauty which they regard particularly important to conserve



CONFIDENTIAL

and to consult the Countryside Commission and other interested bodies on the criteria to be adopted and on the areas proposed for inclusion.

3.48 Although the Government has indicated its support in principle for this measure, the view is taken that it would be preferable to restrict to open country the areas that would be mapped under the provisions of the new Bill and an amendment has been accepted which would achieve that. This amendment would also require the Countryside Commission to publish guidance on the criteria to be used in drawing up the maps, after consultation with interested national organisations; and require National Park Authorities to prepare and review the maps in accordance with such guidance.

Recommendation 16

3.49 The criticisms made to us in evidence, particularly about the performance of Internal Drainage Boards, should be taken into account in the revision of the DOE guidelines for water and drainage authorities (Para 67).

---

3.50 The Government agrees that the guidelines when revised should take on board the need for IDBs to consider the special requirements of conservation and is pleased that the Committee has recognised the significantly improved attitude of the land drainage industry towards conservation and that it is premature to consider modification of the Wildlife and Countryside Act 1981. Many of the points raised in evidence to the Committee had already been put to the Department during consultations on the review of the guidelines. The Committee's view that water authorities have responded reasonably well to the requirements of S.48 of the Act is noted. Nevertheless, it recognises, as the evidence from the NCC underlined, that some IDBs have not done all they might in meeting the requirements of the Act. The Act and the Guidelines covering Section 22 of the Water Act 1973 are recent and the industry has needed time to react.

3.51 The administrative structure relating to land drainage is covered in the Consultation Paper which was issued recently on the administration and financing of land drainage, flood protection and coast protection. This will enable the issue to be thoroughly discussed. However, the fact that the picture currently is not so black as is sometimes painted is illustrated by the history of the 3 proposals which the RSPB gave as examples in their evidence. The proposal relating to North Duffield Carrs has been withdrawn following rejection of grant aid, on environmental grounds, by the Minister of Agriculture; the West Sedgemoor scheme seems unlikely to be proceeded with, in the light of conservation objections; and no application for grant aid has been received by MAFF relating to the River Brue scheme.

CONFIDENTIAL



CONFIDENTIAL

Recommendation 17

3.52 A provision, analagous to section 48 (which gives Water Authorities explicit duties towards nature conservation and the countryside), should be extended to the Forestry Commission. (Para 68).

---

3.53 The Government accepts the aim of the Committee's recommendation. It is pleased to note the Committee's appreciation of the efforts of the Forestry Commission with regard to conservation, and their acknowledgement that the Commission has been introducing new policies in line with the changing climate in which forestry now operates. The Committee recorded its belief, however, that there was still some cause for concern and recommended that a statutory duty be placed on the Commission in order to clarify its responsibilities towards conservation.

3.54 Because of the impact that forestry can have on the countryside, the Government accepts that a new duty should be added to Section 1 of the Forestry Act 1967 which sets out the duties with which the Forestry Commissioners are charged. A replication of the duty placed on Water Authorities in Section 48 of the Wildlife and Countryside Act would not be appropriate since the activities of the Forestry Commission and the Water Authorities are very different; a duty on the Commission will have to be framed in such a manner as to take proper account of the way in which it operates. This would appear to be what the Committee had in mind when it recommended that such a provision should be analagous to - rather than the same as - Section 48 of the Act.

3.55 The Government already requires the Forestry Commission in undertaking its Departmental duties - both in relation to its Forestry Authority and Forestry Enterprise roles - to pursue policies and practices that represent a reasonable balance between forestry and conservation. The Government is therefore supporting a clause in the Wildlife and Countryside (Amendment) Bill designed to give statutory effect to this.

Recommendation 18

3.56 As a matter of urgency, DOE and MAFF should take action to break the deadlock in negotiations, if necessary by amending Section 36 and 37 of the Act, so as to give the NCC or the Secretary of State adequate powers to enable the NCC to set up Marine Nature Reserves. (Para 72).

---

3.57 The Government shares the concern expressed that the Nature Conservancy Council has not so far been able to achieve agreement to specific proposals for Marine Nature Reserves. It does not, however, believe that the possibilities offered by the present



CONFIDENTIAL

legislation for resolving such difficulties have by any means been exhausted. It believes that the voluntary principle embodied in the present legislation is important, not least because the co-operation of local people as well as of relevant authorities is especially important to the effective policing of conservation bye-laws in a marine environment.

3.58 Negotiations and discussions are proceeding well in respect of certain areas proposed for designation. Where this is not the case the Ministry of Agriculture, Fisheries and Food, together with the Department of the Environment and the NCC, are urgently examining how best to overcome the difficulties encountered in giving effect to the existing statutory provisions.

3.59 In these circumstances the Government considers amendments to Sections 36 and 37 Act to provide stronger powers neither necessary nor desirable at present.

CONFIDENTIAL



Parliament Legislation Pt 13.

E1 MAY 1985

10  
9  
8  
11 12





2

Ref. A985/1244

PRIME MINISTER  

---

Legislative Programme 1985-86: Consequences of the  
Inclusion of a Gas Bill  
(C(85) 11)

## BACKGROUND

At the meeting of the Sub-Committee on Economic Affairs which approved the proposals by the Secretary of State for Energy for the privatisation of the gas industry, the Lord President was invited to discuss the consequences for next Session's programme of including a Gas Bill with the Queen's Speeches and Future Legislation Committee (QL) and to report back to Cabinet. This item will therefore only need to be discussed if the decision of Cabinet in the previous item is to include a Gas Bill in next Session's programme. The legislative programme agreed by Cabinet on 28 February is annexed.

FLAGA

## MAIN ISSUE

2. The main issue is which Bills to drop from the programme agreed by Cabinet on 28 February if a Gas Bill is to be included.

3. The Lord President's memorandum suggests that the Nationalised Industries Bill and the Northern Ireland (Emergency Provisions) Bill should be deleted. E(NI) effectively agreed last week that the Nationalised Industries Bill might be deferred to a later session, and this seems unlikely to give rise to any difficulty. It is not easy to select a second Bill. Mr Hurd will no doubt argue that Northern Ireland (Emergency





Provisions) should not be dropped. But there are very few useful alternatives. Sir Keith Joseph's Education Bill is perhaps the most serious alternative.

4. The memorandum also points out that there are three other Bills which Cabinet did not agree to put into the programme, but which were left on one side for further consideration. These are Housing, Dockyards and Deregulation. QL is to consider the problems which including any or all of these Bills would create for the legislative programme and will report back to Cabinet before the end of May. There is therefore no need to discuss this aspect of the programme at this meeting.

#### HANDLING

5. You will wish to invite the Lord President to introduce his memorandum. Cabinet will be aware already, from the previous discussion, of the size, complexity and controversiality of the Gas Bill. You might therefore wish to invite the Secretary of State for Northern Ireland and the Chief Secretary to react to the proposals that their Bills should be dropped. Most members of Cabinet will have a view on the appropriate changes in the programme; you may like to invite the Lord Privy Seal to give his general view on the likely situation in the Commons next session towards the end of the discussion.

#### CONCLUSIONS

6. You will wish Cabinet

- a. to agree on the Bills to be deleted to create room for a Gas Bill; and



SECRET



b. to note that QL Committee will consider during May any further restructuring of the programme which may appear to be necessary and will report back to Cabinet before the end of the month.

RA

ROBERT ARMSTRONG

1 May 1985

CONQUEROR

3

SECRET

BRIABH



CONFIDENTIAL

ANNEX

BILLS ORIGINALLY RECOMMENDED BY QL FOR INCLUSION IN  
LEGISLATION PROGRAMME 1985-86

ESSENTIAL (4)

- |  |            |
|--|------------|
| 1. Armed Forces                          | medium     |
| 2. EC (Portuguese and Spanish Accession) | very short |
| 3. Crown Agents (Waiver of Interest)     | short      |
| 4. Northern Ireland Loans                | very short |

PROGRAMME (21)

- |   |                  |
|---|------------------|
| 17. Agriculture   | short            |
| ⊙ 20. Education   | medium           |
| 22. Wages   | medium           |
| 25. Atomic Energy Authority   | short            |
| 28. Local Government and Planning                                   | long             |
| 34. Commonwealth Development Corporation<br>(Overseas Subsidiaries) | very short       |
| 35. Social Security   | long             |
| ⊙ 38. Animals (Scientific Procedures)                               | substantial      |
| 39. Shops   | short            |
| 41. Public Order  | medium           |
| 46. Latent Damage   | short            |
| — 48. <u>Northern Ireland (Emergency Provisions)</u>                | medium <u>==</u> |
| 49. Museum of London (Amendment)                                    | short            |
| 50. Housing (Scotland)  | long             |
| 51. Legal Aid (Scotland)  | substantial      |
| 52. Law Reform (Parents and Child) (Scotland)                       | medium           |
| ⊙ 56. Financial Services  | long             |
| 57. Consumer Goods and Services                                     | medium           |
| 61. Civil Aviation  | medium           |
| 62. Building Societies  | long             |
| ✓ 63. Nationalised Industries                                       | medium           |

CONFIDENTIAL



CONFIDENTIAL

UNCONTROVERSIAL (8)

L	64.	Fellowship of Engineering and Further Education Unit Grants	very short
	65.	Superannuation (British Council and Commonwealth Institute Pensions) Act (Amendment)	very short
	66.	Irish Sailors' and Soldiers Land Trust (Winding Up)	short
L	69.	Family and Matrimonial (Miscellaneous Provisions)	long but Law Commission drafted
L	45.	Public Trustee and Funds Administration	short
L	70.	Land Registration	short
L	71.	Regulation of Activities in Outer Space	short
L	72.	Trade Marks (Consequential Amendments)	short

CONFIDENTIAL



CONFIDENTIAL



CC 110

MINISTRY OF DEFENCE WHITEHALL LONDON SW1A 2HB

TELEPHONE 01-218 9000  
DIRECT DIALLING 01-218 2111/3

MO 10/2

29th April 1985

NSM

Dear Lord

Thank you for your letter of 15th April. I am sorry that you cannot give a clear guarantee that a Bill on the Royal Dockyards will find its way into the 1985/86 programme. Nevertheless I appreciate your position.

Work has continued on the instructions to Counsel and we are ready to submit them at any time. I understand however that First Parliamentary Counsel has said he would not wish to receive them until a final decision on the place in the legislation programme has been taken by QL. I hope that this can be fairly soon.

As a result of the further work on refining the instructions to Counsel, I am advised that the length of the Bill might possibly stray outside the "short" category (ie 5-12 clauses) into the "medium" bracket (13-25). If it does - and this is not certain - the advice is that it would not be by very much, but I thought you ought to be aware of the possibility. This does not however imply any change in our thinking about the scope of the Bill.

I am copying this letter to the Prime Minister, members of QL and E(A) Committees, to First Parliamentary Counsel and to Sir Robert Armstrong.

Yours ever  
  
Michael Heseltine

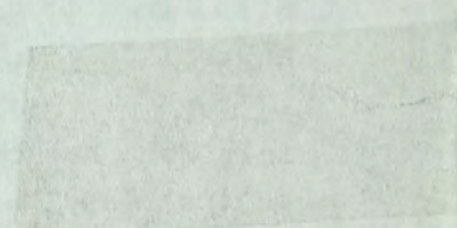
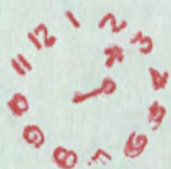
The Rt Hon Viscount Whitelaw CH MC



PARLIAMENT: Legislative Programme

pt 13.

-1 MAY 1985







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

NBRM  
0102 25/4

FOREIGN AND COMMONWEALTH SECRETARY

**LEGISLATION: CROWN AGENTS AND COMMONWEALTH DEVELOPMENT CORPORATION:  
POLICY CLEARANCE FROM OD**

Thank you for copying to me your minute of 17 April to the Prime Minister.

2. I am content with your proposals for bills dealing with the Crown Agents and the Commonwealth Development Corporation, subject to the following points:

(i) on the Crown Agents, any waiver would, of course, be subject to Treasury agreement year by year;

(ii) on the Commonwealth Development Corporation, I must reserve my position on the use of any power to offer grants as well as loans until the implications for the aid programme and for CDC's own borrowing have been considered.

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

N.L.  
24 April 1985



PARLIAMENT

leg.

A 13

25 FEB 1985

11 12 1  
7 2  
5 3 4





file

67

10 DOWNING STREET

*From the Private Secretary*

23 April 1985

You wrote to me on 18 April setting out your Secretary of State's proposals on the publication of the Government's response to the Environment Select Committee's Report on the Wildlife and Countryside Act. The Prime Minister is content with the publication arrangements suggested by your Secretary of State.

I am sending a copy of this letter to David Morris (Lord Privy Seal's Office) and to Alex Galloway (Paymaster General's Office).

(Mark Addison)

Miss S Vandervord  
Department of the Environment





10 DOWNING STREET

Hasky Booth will consider,  
in particular whether European  
instrument is mandatory or optional.

1BF

MEFA 23/4



CONFIDENTIAL

MR. FLESHER



cc. Mr. Allison

Mr. Enoch Powell's Bill

The Prime Minister discussed with the Lord President, Lord Privy Seal and Chief Whip today the prospects of Mr. Powell's Bill becoming law. She noted that this had received a majority of 238 to 66 on the Second Reading and that it was very popular with many on the Government side. Moreover, if it were passed, there would be less urgency for a DHSS Bill to implement the rest of the Warnock recommendations. The Lord President confirmed that there would not be room for such a DHSS Bill in the coming session. In discussion it was agreed that the Whips could not be of any overt assistance to Mr. Powell's Bill. Its passage would be assisted if Mr. Tim Smith withdrew his Bill which was First Business for 3 May, but the Business Managers should not be seen to have a hand in that. It was also noted that Mr. Powell was considering a special procedure, for which there were precedents, e.g., on the Abortion Bill, which would prevent further amendments at report stage. It was agreed that Mr. Allison should keep closely in touch with Mr. Powell about the prospects for getting his Bill on to the Statute Book.

F.R.B.

22 April, 1985.



Prime Minister.

Consent with the proposal to publish the Government response on 9 May, and with the response itself?

PRIME MINISTER

Wildlife and Countryside Act -  
Reply by DOE to Select Committee

Yes  
Yes no  
M&A 19/4

DOE's reply to a substantially favourable Select Committee report holds no horrors. It is in line with the views expressed by yourself and colleagues at your meeting on 23 January this year.

DOE wish to publish their reply on 9 May and we recommend you consent to this course. We note that the attention and interest generated around this legislation is part of a trend of public concern towards conservation issues. The report supports the voluntary principle and has no new significant resource implications.

no

*Hartley Booth*

Hartley Booth  
19 April 1985



CC 100  
2 MARSHAM STREET  
LONDON SW1P 3EB

My ref:

Your ref:

18 April 1985

Dear Mark

Following its inquiry into Part II of the Wildlife and Countryside Act 1981, the Environment Select Committee issued a major report on 30 January.

The tenor of the report was generally highly favourable both towards the Government's policies for conservation of the countryside and the Act itself. More particularly, the voluntary approach towards conservation was given a strong endorsement. At the same time however, the Committee called for some amendments to the Act - including the so-called "loopholes" in Sections 28 and 29 - and for the adoption of agricultural policies more sympathetic towards conservation. The tone of the Report proved well in line with the decisions taken at the meeting chaired by the Prime Minister on 23 January about agricultural and environmental policy.

The enclosed draft of what hopefully will be the final version of our response - give or take some last minute polishing - was prepared by an interdepartmental group of officials and finalised by Ministers here. The previous draft was seen by Cabinet Ministers. Mr Waldegrave, in particular, has been very closely involved in shaping the response, which gives the Committee's report a broad welcome, pointing out that the Government is supporting some of the crucial measures to improve the Act in Dr Clark's Private Member's Bill, setting out the Government's considerable record of achievement on conservation and looking forward to our aims and objectives for the future. The response also highlights Michael Jopling's recent successes in Brussels on the new agricultural structures regulation.

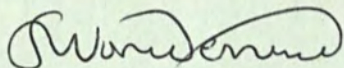
Cabinet approval has been obtained for a Government response in the form of a Command Paper. My Ministers have agreed with their MAFF and Welsh Office colleagues that they should be co-signatories of the Paper.



We have promised the Chairman of the Environment Committee, Sir Hugh Rossi MP, the Government's response to their report before the end of May. In fact our aim is to publish the Command Paper on Thursday 9 May. To do this the final text of the response needs to be with the printers on Wednesday 24 April. The Secretary of State has accordingly today written to the Lord President of the Council and colleagues seeking approval to the text by close of play on Tuesday 23 April. Could you please let me know before then whether our proposed publication arrangements are acceptable?

Copies of this letter and the enclosure have been sent to PS/Leader of the House of Commons, PS/Paymaster General and the Chief Press Secretary, No 10. I shall of course let you have a copy of the finalised text of our response as soon as it becomes available.

*Yours sincerely*



MISS S VANDERVORD  
Private Secretary



19 APR 1985





CONFIDENTIAL

DEPARTMENT OF THE ENVIRONMENT

MINISTRY OF AGRICULTURE

FISHERIES AND FOOD

WELSH OFFICE

OPERATION AND EFFECTIVENESS OF PART II  
OF THE WILDLIFE AND COUNTRYSIDE ACT 1981

The Government's reply to the First Report from  
the Environment Committee

SESSION 1984-85

CONFIDENTIAL



## CONFIDENTIAL

### INTRODUCTION

1.1 The Government welcomes the Environment Committee's report on the operation and effectiveness in England and Wales of Part II of the Wildlife and Countryside Act 1981. The report is timely. Next year the Wildlife and Countryside Act, which the Government introduced to <sup>provide</sup> ~~prove~~ a sound legislative framework for the conservation of our landscape heritage and the wide range of wild animals, birds and plants it supports, will be five years old. We have to judge now whether its basic approach is correct. There is no doubt that it represented by far the most important modern attempt to legislate in these areas. Evidence submitted to the Committee by Friends of the Earth confirms this. They agree that "..... the Act was the first comprehensive attempt to specifically legislate for the protection of wildlife habitats in Britain". But the Committee's report goes further. Broadly, it says the Act was successful in providing the necessary foundation, legislative and philosophical, for policy in the future. The Committee says it is working well in many areas and that it has made a significant contribution to the newly-emerging consensus on the importance of conservation. The Government welcomes the fact that after its examination the Committee has felt able to give the Act this endorsement.

1.2 It is particularly gratifying that the Committee has expressed such firm support for the voluntary philosophy embodied in the Act. The Act was a conscious attempt to strike a balance between the interests of agriculture and conservation through a process of voluntary co-operation, backed by the selective use of more rigorous measures as necessary. It is clear that the Committee considers that this is the best way forward. The Report calls for a number of urgent measures to make the Act more effective and the Government has been more than happy to respond quickly and positively to some of these concerns by expressing its support for some amendments introduced in a recent Private Member's Bill. In particular the Government supports the proposals to block the so-called loop-holes in S28 and S29; to require National Park Authorities to prepare maps of areas important for conservation; and to place a new duty on the Forestry Commission to aim at a reasonable balance between its primary duties and conservation. The Government is also urgently following up the Committee's call for action to speed up the establishment of marine nature reserves, where it believes that the voluntary approach is far from exhausted.

1.3 The Government agrees with the Committee that wide-ranging statutory controls over the countryside, together with the bureaucracy needed to administer them, should be kept to the minimum necessary. The Report shows that the stories about continuing, unmitigated and wholesale devastation of the countryside are gross exaggerations. The Government believes that countryside policies based on the principles embodied in the

CONFIDENTIAL



CONFIDENTIAL

Act offer the best way of maintaining a ~~play~~ of effective conservation without the creation of an army of new bureaucrats and a jungle of new regulations. It welcomes the Committee's support for this approach.

1.4 As the Report points out, there has been something of a revolution in attitudes to countryside issues in the last five years. Conservation is not now an optional extra with which land use and agricultural policies are decorated but is built into the structure of policy making as it should be. The Wildlife and Countryside Act has undoubtedly played a key role in bringing about this change of mood. The new mood is represented by the growing army of farmers who are leading and experimenting with conservation techniques (for example in the network of Farming and Wildlife Advisory Groups) and of conservationists who recognise that it is not farmers per se who are their opponents but some of the older production incentives to which farmers have responded, and which can be and have been modulated to respect different priorities in the countryside. One of the ironies may be that it is only after attitudes have shifted in the farming industry, and only after the establishment of a new consensus between responsible environmentalists and farmers, that the issue has been raised in public in a heightened way by belated popular concern: it is important that emerging practical concern should not be damaged by this, since a return to polarised positions is exactly what all sides have been seeking to avoid. The Wildlife and Countryside Act and government policy associated with it (together with some other important strands of government policy discussed) have helped to achieve the present better atmosphere and the Government believes it can justly take some credit for this.

1.5 Of course, the Act is not perfect. In many respects it is still young: some of its major provisions have not been in effect for much more than two years. The Private Member's Bill already mentioned deals with some of these problems. Doubtless there will be further evolution of policy in the next years. That this should be so does not invalidate the Act; rather the contrary, it is the basic foundation for the future.

1.6 This response to the Select Committee's Report is in two main parts. Section II reviews the record of recent achievement, looks at how the Government's policies are evolving and sets out aims and objectives for the future. This enables the detailed responses on the individual recommendations in Section III to be set in the broad context of the Government's overall policies.

CONFIDENTIAL



## CONFIDENTIAL

### THE COUNTRYSIDE AND ITS CONSERVATION

2.1 The World Conservation Strategy published in 1980 took as its key theme economic growth based on a pattern of development that sustains the renewable natural resources of the environment - "development without destruction." This approach - managed in a way which leaves room for wildlife and natural beauty - is one to which the Government is firmly pledged.

2.2 The Select Committee draws attention to a number of issues of special significance which need to be considered in any sensible discussion of countryside policies. They are: the voluntary approach to conservation; the confines within which the Wildlife and Countryside Act should operate; the place of planning controls in the countryside; the special needs of the wider countryside; and the effects of agricultural policies. These issues are discussed more fully in the following paragraphs.

#### The Voluntary Approach

2.3 Much of the British countryside, with its "traditional" patch-work of pastures, woodland coppices, hedgerows, moor and heathland is the product of many generations of slowly changing agricultural techniques and land holding traditions - sometimes interspersed with periods of relatively rapid change, like the enclosures. Most of what we now think of as most attractive in the farmed landscape is the result of farmers responding to economic and technological pressures in the past. That the result is often so beautiful validates the Government's belief that there is not only no inherent conflict between farming and landscape but that the best guarantee of the future of Britain's landscape lies in the natural feel for it possessed by those who live and work in it. This is why the heart of the Wildlife and Countryside Act is fashioned from a policy of consent. No less now than in the past, flourishing agricultural industry is vital for Britain. There is no reason why we cannot have such an industry while preserving our wildlife and natural beauty. Landowners, farmers, fishermen and foresters - those who live and work in the areas that need to be conserved - should be the natural conservationists and the Government is most encouraged at the way its policies have been winning over allies for conservation.

#### Increased Resources: the record

2.4 The budgets of the two statutory agencies principally involved - the Countryside Commission and the Nature Conservancy Council - have increased consistently in the last few years at a time when most other expenditure programmes have been more heavily

CONFIDENTIAL



CONFIDENTIAL

restrained. The Countryside Commission's grant in aid increased from £5.6 million in 1979/80 to £13.2 million in 1984/85 and provision has been made for a further increase of £2 million over baseline expenditure in 1985/86. The NCC's grant rose from £7.9 million to £18.1 million in the same period and a further increase to £22.7 million is proposed for 1985/86. This is intended to enable the NCC to make more rapid progress with the programme of re-notifying SSSIs, which extends the full protection of the Act to the sites designated. At the end of 1984, a total of 1311 sites had been renotified and a total of 902 management agreements, covering almost 95,000 hectares, had been, or were in the process of being concluded. The latest intention is for substantial completion of the re-notification programme in Wales by early 1986, in Scotland by late 1986 and in England by early 1988.

2.5 At the same time the Government has shown itself ready to use the back-up powers available under the Act when it has proved necessary. For example, as at the end of January 1985, nature conservation orders had been made to secure the protection of 14 nationally - important wildlife sites throughout Great Britain that were under threat. The Government intends to continue using nature conservation orders in those cases where sites of national importance are under threat.

Conserving the Special Areas

2.6 The main provisions of Part II of the Act are aimed at protecting specifically designated areas, such as Sites of Special Scientific Interest, and National Parks. The Committee considered whether the scope of this part of the Act was too limited, but concluded it would be wrong for the scope of the Act to be extended significantly. As the Committee noted, the policies, contained in the Act are primarily environmental. Other policies, such as Agricultural grant policies, price-support systems, and planning policies all have a major impact on the countryside, including the wider countryside: as do industry, housing, road proposals and a host of other policies. The Government is satisfied that these, while needing to remain appropriately sensitive to environmental policy, are not proper matters to be contained within Part II of the Act. In addition, the Act does contain some general provisions which deal with the wider countryside. For example, Section 39 empower local authorities to make management agreements throughout the countryside. Government recognise that the wider countryside has a vital role to play, since, among other things, it provides wildlife "thoroughfares" between protected sites.

2.7 Accordingly, the Government has initiated research projects on matters such as the extent of landscape change; it has responded positively to the Countryside Commission's report "A Better Future for the Uplands"; has promoted or otherwise

CONFIDENTIAL

NCC =  
Nature  
Conservancy  
Council



## CONFIDENTIAL

encouraged a number of positive conservation projects, such as "Operation Groundwork" to assist in regenerating the urban fringe; it has promoted the conversion of worked-out gravel pits into nature reserves; and it has supported a number of successful initiatives to introduce private sector funding into conservation. In one particular area, the Broadland area of East Anglia, which has a unique landscape though not of National Park status, the Government has authorised an experimental grazing scheme to safeguard the landscape and to support a viable agriculture in an environmentally-sensitive area. The Government has also authorised the Countryside Commission to pay an enhanced level of grant-in-aid for management agreements in the Broads, and has announced designation under Section 41 of the Act, and support in principle for legislation for a statutory Broads Authority.

### Keeping it Voluntary

2.8 The Committee considered suggestions, notably from Friends of the Earth and CPRE, for the abandonment of the voluntary approach in preference for the widespread use of planning controls. The Committee did not recommend this approach. However, the Committee expressed the hope that DOE would take into account some of the CPRE's more modest suggestions which might be compatible with the voluntary philosophy, although this was not included in the formal list of recommendations. Nonetheless, the Government can respond positively at least in part.

2.9 Amongst these suggestions were a revision of the General Development Order and the memorandum on structure and local plans. The Department issued a consultation paper early in 1984 on proposed amendments to the GDOs which list the types of 'permitted development'. The consultation paper included proposals to amend the permitted development rights for agricultural buildings and works set out in Class VI of Schedule 1 to the Order, as well as to consolidate the various Classes which deal with development by water authorities.

2.10 In its response to the Countryside Commission's Report on the future of the Uplands the Government has already announced an intention to consult on the possibility of giving planning authorities in all the National Parks a discretionary control over the siting and design of new farm buildings and farm and forest roads permitted under Classes VI and VII of the GDO, on the lines of the long established Landscape Areas Special Development Order 1950 (which applies to parts of the original National Parks). This would enable a positive power to be made available for the National Park Authorities to exercise. Any substantial new proposals for amendments to Class VI would need to be the subject of further public consultation, but any extension of planning control would need strong justification in view of the extra

CONFIDENTIAL



## CONFIDENTIAL

burden it would impose on both developers and the planning system itself. As explained elsewhere Government policy is to confine those burdens to the minimum necessary to protect our surroundings.

2.11 The Government's response to "A Better Future for the Uplands" also rejected the case for the application of planning controls to the afforestation of land in the Upland areas. It does not accept the CPRE's case for such controls over all areas. Neither afforestation nor clearance of woodland could be subjected to general planning control without amendment of Section 22 of the Town and Country Planning Act 1971, the effect of which is to exclude these uses of land from the definition of development altogether.

2.12 As the CPRE recognised in their evidence local planning authorities are already incorporating guidance in their structure and local plans seeking to prevent or discourage operations damaging to landscape and wildlife conservation objectives. The Memorandum on Structure and Local Plans (accompanying DOE Circular 22/84, WO 43/84) includes advice on Agriculture and Forestry (paragraphs 4.28 and 4.29) and Environmental Protection and Conservation (paragraphs 4.35 and 4.36). More detailed advice on agricultural considerations in preparing local plans is included in Annex A of DOE Circular 75/76 (WO 110/76) (Development involving agricultural land).

### Agricultural Policies

2.13 Although the Committee felt unable, within the scope of its Report, to go too far into the details of agricultural policy, the role of the Ministry of Agriculture, Fisheries and Food in relation to conservation can only be fully appreciated in the context of the objectives and mechanisms of that policy.

2.14 Within the general framework of the Common Agricultural Policy, the overall objective of United Kingdom agricultural policy is to promote an efficient and competitive farm industry making its contribution to the national economy. In broad terms this objective is fully compatible with the objectives of conservation. A general agricultural policy which ignored the need for farming to remain competitive would have serious implications for the rural economy as a whole, and this in turn would be contrary to the national conservation interest. As the Chairmen of both the Nature Conservancy Council and the Countryside Commission have publicly recognised, a prosperous agriculture is essential for effective conservation.

CONFIDENTIAL



## CONFIDENTIAL

2.15 The primary mechanisms of agricultural price support are by their nature broad in their impact and ill-suited to deal with the complex and localised requirements of conservation. In individual cases where the interests of conservation and those of agricultural efficiency can conflict, measures are called for which are sensitive to the individual needs of the sites concerned. Management agreements are one such measure. The Countryside Commission/MAFF experimental scheme for the Broads is designed to explore another. More generally, positive conservation practices by farmers can be, and are, encouraged by the Agricultural Development and Advisory Service and by farm capital grants as well as by schemes operated by the conservation agencies.

2.16 The Government's overall objective is thus to secure a satisfactory balance between the needs of agriculture and conservation. The DOE, through its statutory agencies, pursues the task of furthering the interests of conservation. MAFF, in discharging and within the scope of its primary responsibilities towards the agriculture industry and consumers, aims to develop policies and encourage farming practices which take due account of the desirability of conserving the countryside. These policies are continuing to evolve to take account of changing circumstances and priorities. In recent years this has meant major shifts in policy to the advantage of conservation. Many of these have already been brought to the Committee's attention. Since the Committee finished taking its evidence, announcements have been made of further important adjustments of the farm capital grant schemes to favour conservation, of the experimental scheme to conserve grazing marshes in the Broads and of the decision by MAFF to implement those provisions of the new agricultural structures regulation which provide for assistance to environmentally sensitive areas and, in the Less Favoured Areas, to farm tourism and crafts.

2.17 In the Government's view a healthy and balanced countryside policy must continue to rest upon the closer liaison between Departments which has led to these developments.

### The Way Ahead

2.18 The Government has already taken a number of important steps to underline its commitment to the conservation of the natural environment. It is determined to build on the sound framework provided by the Wildlife and Countryside Act by:-

- (1) supporting significant parts of the Private Member's Bill to remedy deficiencies in the Act identified by the Committee;

CONFIDENTIAL



CONFIDENTIAL

(ii) making greater efforts - with the interests concerned - to use the Act as it currently stands to press ahead with the designation of marine nature reserves; and

(iii) continuing to monitor closely the operation and effectiveness of the Act - especially in the light of output from the various landscape monitoring exercises - and to take whatever steps it deems necessary.

2.19 In the light of the recently agreed EC Agricultural Structures Regulation, the Government will be seeking the necessary powers to implement special measures to be applied in environmentally sensitive areas. On the wider international front the Government is determined to continue its record as a world leader in conservation. For example, following its earlier ratification of the Paris protocol to the Ramsar Convention on Wetlands of International Importance especially as waterfowl habitats, and of the UNESCO convention for the Protection of the World Cultural and Natural Heritage in 1984, it intends in 1985 to ratify the Bonn Convention on the Conservation of Migratory Species of Wild Fauna. It will continue to pursue all its conservation policies with vigour and determination.

2.20 The Select Committee's Report has been helpful in re-inforcing the main thrust of the Government's policies and for identifying the areas in which more effort or change is required. Policy will continue to develop, but with a re-enforced confidence that the lines so far established have been correctly laid.

Scotland

2.21 As paragraph 5 of the Report indicates, the Committee did not deal separately with Scotland; nor did they take evidence from the relevant Scottish bodies. The Secretary of State for Scotland has, however, considered the recommendations in the Report and will be participating in taking forward the Government's conclusions on the Report insofar as they are appropriate to Scotland.

CONFIDENTIAL



CONFIDENTIAL

III. THE COMMITTEE'S RECOMMENDATIONS

3.1 This Section deals with the Select Committee's detailed recommendations. For convenience, the responses have been cross-referenced to the relevant paragraphs of the Report itself, as well as to the summary of recommendations.

Recommendation 1

3.2 The existing system of prior notification in National Parks (as modified in accordance with Recommendations 11 and 13) should be extended to the whole countryside. (Para 21).

Recommendation 2

3.3 Section 41(3) should be extended to all applications for capital farm grants. (Para 22).

---

3.4 The Government understands the concern which led the Committee to recommend the extension of the system of prior notification and of Section 41(3) but it does not believe that such a blanket approach is justified in the circumstances. As the Committee itself acknowledged, it would result in modifications to fewer than 5% to 15% of cases which are currently modified under the national parks notification arrangements. Yet to achieve this modest result would require considerable administrative effort with a heavy manpower commitment. Serious consideration of the environmental effects of farm developments cannot be confined to a purely desk exercise. This would do no more than provide an initial sift, leaving a sizeable number of cases which could only be sensibly assessed by means of careful study on location.

3.5 The Government takes the view that within the limited resources available, expenditure related to conservation can be used most effectively by concentrating on areas of high environmental value. It will continue to use existing powers to refuse capital grants with that aim in mind.

Recommendation 3

3.6 Conservation should be given a greatly increased priority in the training and work of ADAS staff, with increased formal guidance from MAFF on conservation objectives. (Para 27).

---

CONFIDENTIAL



CONFIDENTIAL

3.7 The Government is happy broadly to accept this recommendation. Conservation has formed an element of the Ministry's advisory policy for many years, deriving from its duty under Section 11 of the Countryside Act 1968 to have regard to the desirability of conservation in carrying out its statutory functions relating to land. In recent years, principally following the new duty laid on Ministers by Section 41(1) of the 1981 Act, the Ministry has given a greatly increased priority within the activity of the Agricultural Development and Advisory Service to conservation. Although the Ministry's statutory duty in this regard is specifically to give advice to farmers on conservation, in practice its advisory policy extends well beyond this to active promotion of conservation wherever appropriate. The measures involved were detailed in the Ministry's written evidence to the Committee.

3.8 There is broad agreement that farmers generally are showing an increasingly positive attitude towards conservation. Much of the credit for this is due to the painstaking efforts of the Agricultural Development and Advisory Service in bringing home to farmers the conservation message.

3.9 The future scope and direction of the Agricultural Development and Advisory Service was the subject of a report by its Director-General, Professor Bell, published in September 1984. Within the overall resources available to the Service, the Report recommended that a further greater priority should be given, amongst other policies, to advisory effort related to the conservation of the natural beauty and amenity of the countryside. The Minister of Agriculture, Fisheries and Food has broadly endorsed those recommendations and has initiated detailed studies on implementation of the Report's main recommendations.

Recommendation 4

3.10 A working party should be set up to investigate ways in which the duties and administrative structure of MAFF could incorporate a stronger conservation element in all agricultural policy. (Para 28).

---

3.11 The Government considers that the Committee seems to be under a degree of misapprehension over the extent to which MAFF policies accord priority to conservation objectives. These are now looked upon as being a major part of the Ministry's overall responsibilities in pursuing a fair and balanced approach which takes due account of the needs of conservation, the agriculture industry and the consumer.

CONFIDENTIAL



## CONFIDENTIAL

3.12 As far as the Government is aware, the Committee sought no detailed evidence on the internal administrative structure of MAFF. The internal structure of the Ministry, like that of any Government Department, is kept under continual review, and this will continue in the normal way. In the case of MAFF, it is the duty of the Ministry's Management Board to ensure that policy needs are reflected in the structures of the Ministry. It was the Management Board which, after reviewing the Ministry's conservation and other environmental responsibilities, set up last year the Environment Co-ordination Unit, the establishment of which the Committee welcomed. In addition a policy branch within the Lands Group has specific responsibility for the Ministry's conservation policy. Generally, the Ministry considers that, as long as there is proper provision for conservation policy formation and co-ordination, and of specialist knowledge and advice, it is better for those responsible for the various aspects of agricultural policy to have to include conservation elements in their policy consideration rather than to leave those elements to a separate structure.

### Recommendation 5

3.13 The Government should urgently undertake a review of the whole use of the rural estate and produce a White Paper. (Para 29).

---

3.14 The Government agrees with the Committee that spending priorities must be subject to continual review and that possible conflict between Departmental policies should be kept to a minimum. The Government does of course have considerable machinery designed to achieve these ends. Recent evidence of the effectiveness of this machinery is provided by the Government's positive response to the Countryside Commission's report "A Better Future for the Uplands", the launch of the joint Countryside Commission/MAFF experimental scheme in the Broads, and the UK initiative which has been successful in securing the inclusion of more positive conservation provisions in the new Community structures regulation. The Government will continue to respond appropriately to other current issues of public debate affecting agriculture and the rural environment.

[3.15 and 3.16 not used]

### Recommendation 6

3.17 MAFF should fundamentally change its approach on financial structures so that resources are redirected away from environmentally - damaging operations and towards conservation-conscious methods. (Para 31).

---

CONFIDENTIAL



CONFIDENTIAL

18 In making this recommendation the Committee may not fully have appreciated the extent of the constraints on adjustments to the system of agricultural support. On the wider system of support provided under the EC's Common Agricultural Policy, Government policy is to secure a reduction in the level of support for commodities in surplus, such as cereals, and its commitment to this objective has been voiced on many occasions by the Minister of Agriculture. But it is not open to the Government to act in isolation from the rest of the European Community. The Community is, however, beginning to respond to such arguments and the Government will continue to pursue the case for a more appropriate balance of agricultural support. But, as the Committee recognises, adjustments bring their own problems, as the introduction of milk quotas has shown so dramatically. The Government has recently succeeded in securing agreement to a new Structures package in Brussels, including provision for assisting farming in environmentally - sensitive areas.

3.19 On capital grant policy the Ministry has already made considerable adjustments away from support for operations such as hedge removal and land reclamation and in favour of positive conservation measures. These moves are part of a coherent continuing policy of seeking the right balance between the needs of an efficient agriculture and the needs of conservation. The note by Counsel to the Speaker on "Community Competence on Environmental Protection" (First Special Report from the Select Committee on European Legislation) advised that Community legislation bearing on environmental matters should be subservient to the Community's general objectives. Nevertheless, within these legal limitations, those imposed by the obligatory nature of certain agricultural structures provisions and the practical difficulty - acknowledged by the Committee - of identifying "potentially damaging operations" the Ministry is continuing to review its direction of resources. Evidence of this is provided by the changes in the capital grant arrangements to enhance conservation which were made as recently as December 1984. One result of those changes is that works which are most helpful to the environment now receive the highest rates of grant.

3.20 The Committee expresses doubt about the value of the Minister's initiative in the context of the EC's new agricultural structures regulation and about "the seriousness of MAFF's intentions". The Minister pursued the initiative with virtually no support from other member states and his efforts have now borne fruit. The agreed Regulation now includes provisions for a measure of new support for livestock farming in environmentally sensitive areas. This provision will thus help deal with the "cleft stick" to which the Committee refers in paragraph 30 of its report. Following the agreement in Brussels, the Government will be seeking the necessary powers from Parliament and will be formulating appropriate schemes in consultation with interested

CONFIDENTIAL



## CONFIDENTIAL

erties including the statutory conservation agencies. The Government has also obtained a Council declaration committing the Commission to examine, by the end of the year, the possibility of an EC funded scheme on similar lines.

### Recommendation 7

3.21 Sections 28 and 29 should be amended to allow positive conservation operations to be included in a notification with the list of PDOs and for sections 32 and 41 to be amended to allow, explicitly, positive measures to be a part of management agreements, in line with Section 39. (Para 44).

---

3.22 The Government agrees with the Committee on the importance of positive conservation complementing agreed restrictions on potentially damaging operations. Paragraph 5(ii) of the joint Circular issued in January 1983 by the Department of the Environment, the Ministry of Agriculture, Fisheries and Food, and the Welsh Office - "Wildlife and Countryside Act 1981 : Financial Guidelines for Management Agreements" (DOE Circular 4/83; Welsh Office Circular 6/83) - drew particular attention to the potential benefits "in providing for additional measures to be undertaken, to help improve the general amenity of the land". In the Government's view it is mis-reading the Act to construe that as presently worded it discourages the possibility of positive conservation operations. Indeed, there are a number of outstanding examples of agreements which emphasise the positive aspects of management and which illustrate that the Act as it stands covers this point adequately.

3.23 The Committee was clearly influenced in much of its thinking about management agreements by the case of Mr Merricks on the Isle of Sheppey. Paragraph 43 of the Report states that in its dealings with Mr Merricks the NCC "had to use the mechanism of a nature reserve agreement (outside the 1981 Act) to ensure the incorporation of the positive element" (into the negotiations on an agreement). This statement clearly demonstrates the extent of misunderstanding which has arisen over this matter. Management agreements made by the Nature Conservancy Council arising from Section 32 are made under the Council's general powers to enter into management agreements. Agreements can also arise from the notification of potentially damaging operations under Sections 28 and 29. The principal enabling provisions for all NCC management agreements are Section 16 of the National Parks and Access to the Countryside Act 1949 (ie "Nature Reserve" agreements) and Section 15 of the Countryside Act 1968. Subsection 3(a) of Section 15 provides specifically that any agreement imposing restrictions on the exercise of rights over land "may provide for the carrying out on the land of such work and the doing thereon of such other things as may be expedient for the purposes of the agreement." It is this provision that the NCC have employed in their negotiations on a management agreement incorporating a wide range of positive conservation measures.

CONFIDENTIAL



**CONFIDENTIAL**

3.24 Sections 28 and 29 of the 1981 Act relate specifically to the notification of areas of special scientific interest and of potentially damaging operations (PDOs) which, in the circumstances prescribed, may not be undertaken without the consent of the Nature Conservancy Council. As such the purpose of these provisions is principally preventative and the Government believes it would be inappropriate to extend their statutory scope to encompass positive conservation operations, as the provisions do not preclude the conclusion of management agreements incorporating such operations.

3.25 As the Committee also noted, Section 39 - which provides that relevant authorities may enter into management agreements for the purposes of conservation or amenity - is a wide-ranging provision which enables such agreements to be deployed both to stipulate agreed restrictions on the use of the land concerned, and to provide for positive measures of conservation. Section 39 is the enabling power under which agreements arising from the particular circumstance of Section 41 are made, so there is no bar to such agreements including provision for positive measures.

3.26 The Nature Conservancy Council intends to take increasing advantage of its routine contacts with owners and occupiers as the SSSI re-notification programme proceeds and more PDO notifications are received to promote positive management. The Government will bear in mind the possibility of strengthening the reference to this in any future revision of the Code of Guidance published under Section 33 of the 1981 Act, which gives advice on the statutory provisions for protection of SSSIs.

Recommendation 8

3.27 A joint working party should be set up to review the Financial Guidelines and to consider the increased use of a system of standard payments. (Para 49).

Recommendation 9

3.28 In the course of the review of the Financial Guidelines, the question of the landlord's capital interest may be taken into account and more ready negotiations entered into for an acquisition or outright purchase if he cannot otherwise be properly compensated. (Para 51).

Recommendation 10

3.29 The outright purchase option should be used more readily to achieve long-term economies and Government book-keeping should be adjusted to meet the needs of the situation and not vice-versa. (Para 52).

---

3.30 The Government agrees that the Financial Guidelines should be reviewed, to take account of the Committee's points. Experience gained in the application of the Financial Guidelines for management agreements since publication in 1983 has been relatively limited. Nevertheless the Government recognises the force of some of the



## CONFIDENTIAL

criticisms that have been made of the Guidelines, particularly about their complexity, and it accepts the Committee's recommendation that a review of their content and presentation would be timely.

3.31 Accordingly, consultants Laurence Gould / have been commissioned to undertake a wide-ranging review which will include study of the scope for increased use of a system of standard payments; of the case for new arrangements for compensating landlords for any long-term loss of capital value resulting from a management agreement; and of the development of techniques for direct comparison of the financial costs of management agreements - involving either annual or lump sum payments - with the capital costs of outright purchase by conservation authorities.

3.32 Pending completion of this review the Government must obviously reserve its position on the Committee's recommendations on these matters.

3.33 The statutory conservation agencies are grant in aid bodies: this enables them to exercise an effective degree of freedom in determining the manner in which resources are to be utilised within the overall totals determined by the Government and voted by Parliament. It is not the Government's view that book-keeping constraints prevent the NCC from exercising outright purchase of sites as an effective option and, indeed, sites are not infrequently purchased by the Council. The NCC, in common with other grant in aid bodies is, of course, precluded from borrowing as a means of increasing the expenditure (and thereby, public expenditure as a whole) beyond the amount annually approved by Parliament. This is not a book-keeping constraint; it is part of normal expenditure control.

### Recommendation 11

3.34 MAFF rules should be changed, if necessary by legislative amendment, so that grants are refused or reduced for operations which have been notified retrospectively (Para 56).

---

3.35 The Government fully accepts that retrospective notifications in National Parks can pose real problems for the administering authorities, but there can be a variety of circumstances in which such notification may take place. It would not necessarily be equitable or desirable automatically to withhold grant for a purely technical breach not involving environmentally damaging operations even if the Minister had a clear statutory power to do so. Nevertheless, the Government will discuss with the Countryside Commission and park authorities ways of achieving a better degree of compliance with the notification arrangements, especially in the context of the new capital grant provisions which it expects to introduce later in the year.

CONFIDENTIAL



## CONFIDENTIAL

### Recommendation 12

3.36 National Park Authorities should be enabled to apply for Landscape Conservation Orders to be made, analagous to Nature Conservation Orders under Section 29 as a power of last resort. (Para 57).

---

3.37 National Park Authorities already benefit from an administrative requirement that they should be notified of any proposed scheme for which farm capital grant will be claimed. Section 41(3)(b) of the 1981 Act further provides that, where such an Authority has objected to the making of the grant on conservation grounds, Agricultural Ministers shall not make the grant except after considering the objection and, in England, after consultation with the Secretary of State for the Environment.

3.38 The Government recognises that these arrangements do not cover proposed operations which are ineligible for farm capital grant or where a farmer is prepared to proceed without grant. In such instances National Park Authorities may not be informed of farmers' intentions and, even if they are, have no means of postponing a proposed damaging operation in the hope that it may be possible to negotiate a management agreement. The Government accepts that, in these circumstances, the powers of the National Park Authorities do not equate with those available to the Nature Conservancy Council and will therefore give further consideration to the Committee's proposition that they should be enabled to apply for Landscape Conservation Orders. Other important considerations, including the resource implications, still have to be evaluated and it is not possible at this stage to announce any decision.

### Recommendation 13

3.39 MAFF should clarify and simplify its administrative procedures with respect to farm grant notification and consequent objections by NPAs. (Para 58).

---

3.40 Neither the Countryside Commission's evidence nor the Committee's report makes entirely clear the ways in which it would like administrative procedures clarified and simplified. The Ministry of Agriculture, Fisheries and Food will, however, consult the Commission about the implementation of the new EC structures regulation and will be glad to pursue the matter in the course of those consultations.

### Recommendation 14

3.41 Government should increase central grant aid for management agreements in all National Parks, the Broads and Areas of Outstanding Natural Beauty to 90% and for other areas to 75%. (Para 59).

---

3.42 Local government has traditionally played a significant role in matters of scenic protection, partly because the canvas is a large one over which national executive



## CONFIDENTIAL

responsibility must necessarily be limited (more than 20% of the total land surface of England and Wales is designated as National Park or as an Area of Outstanding Natural Beauty) and because of the close relationship with issues of land use planning for which local planning authorities are responsible.

3.43 This is reflected, for example, in the composition of National Park Authorities, to which two thirds of the membership are appointed by the relevant local authorities and, in the majority of cases, have the status of committees of the county council or councils concerned. In the case of Areas of Outstanding Natural Beauty, following confirmation of their designation by the Secretary of State, there are no statutory arrangements for separate administration; while the Broads Authority is a consortium of local and public authorities.

3.44 It is against this background - the perceived importance of the local input - that the pattern of central grant aid towards the cost of management agreements to protect landscape has been established. Indeed it is only comparatively recently that agreements reached in AONBs, and by the Broads Authority, have qualified for assistance from the Countryside Commission at 75%. Previously a rate of 50% applied as it still does elsewhere in the wider countryside, outside National Parks. Exmoor, with its rate of 90% aid for moorland conservation (introduced following the Porchester report on the extent of moorland loss in the Park), has always been regarded as a special case.

3.45 The results of the recently-announced experimental grazing scheme in the Broads may have implications for the future pattern of management agreements, and the Government considers that it would be prudent to assess such results before any further changes in rates of grant aid are contemplated.

Recommendation 15

3.46 Consideration should be given to extending Section 43 to include areas in addition to moor and heath. (Para 61).

---

3.47 The Government accepts this recommendation and recognises that there is a growing body of opinion in favour of broadening the scope of maps prepared under section 43 of the Act to include areas in addition to moor and heath. The Committee's recommendation in this respect has been paralleled by the inclusion of a clause to that effect in the current Wildlife and Countryside (Amendment) Bill. That Bill seeks to amend section 43 so as to place a duty on National Park Authorities to prepare maps of any areas of natural beauty which they regard particularly important to conserve

CONFIDENTIAL



## CONFIDENTIAL

and to consult the Countryside Commission and other interested bodies on the criteria to be adopted and on the areas proposed for inclusion.

3.48 Although the Government has indicated its support in principle for this measure, the view is taken that it would be preferable to restrict to open country the areas that would be mapped under the provisions of the new Bill and an amendment has been accepted which would achieve that. This amendment would also require the Countryside Commission to publish guidance on the criteria to be used in drawing up the maps, after consultation with interested national organisations; and require National Park Authorities to prepare and review the maps in accordance with such guidance.

### Recommendation 16

3.49 The criticisms made to us in evidence, particularly about the performance of Internal Drainage Boards, should be taken into account in the revision of the DOE guidelines for water and drainage authorities (Para 67).

---

3.50 The Government agrees that the guidelines when revised should take on board the need for IDBs to consider the special requirements of conservation and is pleased that the Committee has recognised the significantly improved attitude of the land drainage industry towards conservation and that it is premature to consider modification of the Wildlife and Countryside Act 1981. Many of the points raised in evidence to the Committee had already been put to the Department during consultations on the review of the guidelines. The Committee's view that water authorities have responded reasonably well to the requirements of S.48 of the Act is noted. Nevertheless, it recognises, as the evidence from the NCC underlined, that some IDBs have not done all they might in meeting the requirements of the Act. The Act and the Guidelines covering Section 22 of the Water Act 1973 are recent and the industry has needed time to react.

3.51 The administrative structure relating to land drainage is covered in the Consultation Paper which was issued recently on the administration and financing of land drainage, flood protection and coast protection. This will enable the issue to be thoroughly discussed. However, the fact that the picture currently is not so black as is sometimes painted is illustrated by the history of the 3 proposals which the RSPB gave as examples in their evidence. The proposal relating to North Duffield Carrs has been withdrawn following rejection of grant aid, on environmental grounds, by the Minister of Agriculture; the West Sedgemoor scheme seems unlikely to be proceeded with, in the light of conservation objections; and no application for grant aid has been received by MAFF relating to the River Brue scheme.

CONFIDENTIAL



CONFIDENTIAL

Recommendation 17

3.52 A provision, analagous to section 48 (which gives Water Authorities explicit duties towards nature conservation and the countryside), should be extended to the Forestry Commission. (Para 68).

---

3.53 The Government accepts the aim of the Committee's recommendation. It is pleased to note the Committee's appreciation of the efforts of the Forestry Commission with regard to conservation, and their acknowledgement that the Commission has been introducing new policies in line with the changing climate in which forestry now operates. The Committee recorded its belief, however, that there was still some cause for concern and recommended that a statutory duty be placed on the Commission in order to clarify its responsibilities towards conservation.

3.54 Because of the impact that forestry can have on the countryside, the Government accepts that a new duty should be added to Section 1 of the Forestry Act 1967 which sets out the duties with which the Forestry Commissioners are charged. A replication of the duty placed on Water Authorities in Section 48 of the Wildlife and Countryside Act would not be appropriate since the activities of the Forestry Commission and the Water Authorities are very different; a duty on the Commission will have to be framed in such a manner as to take proper account of the way in which it operates. This would appear to be what the Committee had in mind when it recommended that such a provision should be analagous to - rather than the same as - Section 48 of the Act.

3.55 The Government already requires the Forestry Commission in undertaking its Departmental duties - both in relation to its Forestry Authority and Forestry Enterprise roles - to pursue policies and practices that represent a reasonable balance between forestry and conservation. The Government is therefore supporting a clause in the Wildlife and Countryside (Amendment) Bill designed to give statutory effect to this.

Recommendation 18

3.56 As a matter of urgency, DOE and MAFF should take action to break the deadlock in negotiations, if necessary by amending Section 36 and 37 of the Act, so as to give the NCC or the Secretary of State adequate powers to enable the NCC to set up Marine Nature Reserves. (Para 72).

---

3.57 The Government shares the concern expressed that the Nature Conservancy Council has not so far been able to achieve agreement to specific proposals for Marine Nature Reserves. It does not, however, believe that the possibilities offered by the present

CONFIDENTIAL



CONFIDENTIAL

legislation for resolving such difficulties have by any means been exhausted. It believes that the voluntary principle embodied in the present legislation is important, not least because the co-operation of local people as well as of relevant authorities is especially important to the effective policing of conservation bye-laws in a marine environment.

3.58 Negotiations and discussions are proceeding well in respect of certain areas proposed for designation. Where this is not the case the Ministry of Agriculture, Fisheries and Food, together with the Department of the Environment and the NCC, are urgently examining how best to overcome the difficulties encountered in giving effect to the existing statutory provisions.

3.59 In these circumstances the Government considers amendments to Sections 36 and 37 Act to provide stronger powers neither necessary nor desirable at present.

CONFIDENTIAL





NBAM  
AT 1874 CENG

SCOTTISH OFFICE  
WHITEHALL, LONDON SW1A 2AU

MANAGEMENT - IN CONFIDENCE

The Rt Hon Michael Heseltine MP  
Secretary of State for Defence  
Ministry of Defence  
Main Building  
Whitehall  
LONDON  
SW1A 2HB

18 April 1985

Dear Michael,

THE ROYAL DOCKYARDS

Your letter of 1 April to the Lord President of the Council asks for support for the inclusion of a Dockyards Bill in the 1985/86 Legislative Programme. I agree that such a Bill should be included.

I am sending copies of this letter to the Prime Minister, members of QL and E(A) Committees, First Parliamentary Counsel and Sir Robert Armstrong.

Yours res,  
George



Parliament PT13 5

legislation

18 APR 1985







SPW

10 DOWNING STREET

*From the Private Secretary*

18 April 1985

Legislation: Crown Agents and  
Commonwealth Development Corporation

The Prime Minister has considered the Foreign Secretary's minute PM/85/32 about the two short bills dealing with the Crown Agents and the Commonwealth Development Corporation.

Subject to the views of colleagues, the Prime Minister is content with what is proposed.

I am copying this letter to the Private Secretaries of members of OD and to Richard Hatfield (Cabinet Office).

C D POWELL

L V Appleyard Esq  
Foreign and Commonwealth Office

RW





PM/85/32

PRIME MINISTER

Prime Minister  
Agree these  
two Bills?

①

COP  
17/4

Yes mt

Legislation: Crown Agents and Commonwealth Development Corporation: Policy Clearance from OD

1. At Cabinet on 28<sup>att.</sup> February, we accepted the recommendations of QL that time should be found in the 1985/86 Legislative Session for two short bills dealing, respectively, with the Crown Agents and the Commonwealth Development Corporation.

2. I am now writing to seek formal approval for the bills' policies following allocation of legislative time. Both bills would be very short and should arouse little interest in the House.

3. On the Crown Agents, I recommended to QL that a Privatisation Bill should be taken in the 1985/86 Session but, in the event, no time was available for it. The Cabinet agreed with QL that it was essential for a short bill to be introduced in that session, to continue my power to waive interest on the Crown Agents' commencing capital debt, if this seems necessary at the time. The existing power expires on 31 December 1986, and the financial forecasts for Crown Agents are such that it could be very difficult for their continued operations if I had to insist on full repayment of interest after that date. The present powers were granted for five years, with the option to renew, subject to parliamentary approval, for a further two years, and I propose that the new legislation should provide for a similar seven-year period.





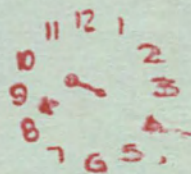
4. On the Commonwealth Development Corporation, the purpose of the legislation would be to enable an overseas subsidiary or subsidiaries of the Corporation to borrow overseas on a commercial basis and invest these funds in any project overseas which the CDC was authorised to undertake. This January's Public Expenditure White Paper allows CDC to borrow up to £15 million in 1985/86 and £10 million in 1986/87 but makes no allowance for such borrowing in 1987/88. I am, however, anxious that CDC should continue to be able to borrow commercially in order to sustain their investment programme. To avoid this qualifying as public expenditure, legislation is needed to enable the Corporation to borrow, through a subsidiary registered abroad, for on-lending anywhere abroad. I propose also to take the opportunity provided by this bill to seek powers to enable grants, as well as loans, to be provided to CDC from the Aid Programme. There is no immediate intention to make use of this power, but it might be useful in the future, to provide greater flexibility in the terms of the finance supplied to CDC by Government.

5. The above proposals have been discussed and agreed with the Treasury. I hope that other colleagues will be able to accept them without the need for a meeting.

6. I am copying this minute to our colleagues on OD, and to Sir Robert Armstrong.



17 APR 1985







CG/NO

PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

15 April 1985 <sup>WJM</sup>

Dear Michael

**THE ROYAL DOCKYARDS**

Thank you for your letter of 1 April reporting that your proposals for a Bill have now been endorsed by E(A) Committee and seeking agreement to legislation in 1985/86.

I am glad that progress has been made in settling the policy, and note that the instructions could be delivered to Counsel by early May. I think it would be helpful if work could proceed on these, although I am sure that you will understand that there can be no guarantee that the Bill can find a place in next Session's programme. QL will have to look at the programme as a whole when the position on the other candidates - in particular Housing and deregulation of businesses - is clearer. Until then, we can reach no decision on your Bill. Meanwhile, I am content that you should proceed with an announcement of your proposals, but with no commitment as to the timing of legislation to implement them.

I am sending copies of this letter to the Prime Minister, members of QL and E(A) Committees, First Parliamentary Counsel and Sir Robert Armstrong.

Yours  
WJM

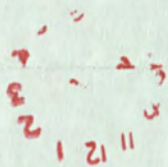
The Rt Hon Michael Heseltine MP



Parliament

A 13

Legislation



16 APR 1985





*NDPM  
MAY 3/4*

Treasury Chambers, Parliament Street, SW1P 3AG

Rt Hon Patrick Jenkin MP  
Secretary of State for the Environment  
Department of the Environment  
2 Marsham Street  
London  
SW1P 3EB

2 April 1985

*Dear Secretary of State*

**NEW BURDENS ON LOCAL GOVERNMENT**

*with MEA.*

Your letter of 21 March on the resource implications of the National Park mapping proposals in Dr Clark's Bill raises a general question about whether some new burdens can genuinely be regarded as de minimis. Clearly, proper consultation and quantification must take place in all cases (otherwise we will have no means of determining that a particular case really is de minimis). But I suggest that we do not focus further attention on initiatives where we are reasonably certain that the additional burden will be below £100,000 per annum. This limit should also apply to the cumulative total of related proposals. De minimis items would still need to appear on your lists and if in total they became significant we might have to reconsider devoting time to them.

Where new burdens are likely to exceed £100,000 per annum I will continue to press either for identifiable equivalent functions or duties to be dropped or for PES transfers into LA current provision from Departmental resources. I appreciate George Younger's and Keith Joseph's points that we cannot presume that such a transfer will always be possible. I would also accept that a PES transfer may not be appropriate in special cases where new burdens are not deliberately imposed on local authorities, but arise as a modest by-product of changes designed to secure much larger savings in central government expenditure. However, I would remind colleagues that in normal cases the only alternative is increased public expenditure jeopardising our wider policy aims including reductions in the overall tax burden. I suggest that where the Department and the Treasury are unable to agree about the source of this transfer, the issue should be discussed in a small group of Ministers, i.e. the spending Minister, you and me.

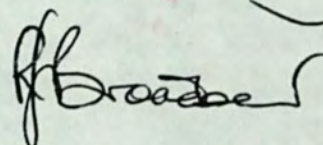
/ Finally



Finally, subject to colleagues' views I think it would be useful if your officials and mine could devise a joint guidance note setting out our approach to new burdens for wide promulgation amongst officials dealing with such proposals. This could be drafted taking account of Leon Brittan's concern that we must not inhibit the development of genuinely worthwhile policies, especially those which secure greater value for money. My officials will be in touch with yours about this shortly.

I am copying this letter to the Prime Minister, Members of E(LA), of (H) and to Sir Robert Armstrong.

Yours sincerely



for PETER REES

[Approved by the Chief Secretary]



PARC: Legislative Prog: P413

3 APR 1985





Treasury Chambers, Parliament Street, SW1P 3AG

Rt Hon Patrick Jenkin MP  
 Secretary of State for the Environment  
 Department of the Environment  
 2 Marsham Street  
 London  
 SW1P 3EB

MBM  
 2 April 1985

*Patrick Jenkin*

**WILDLIFE AND COUNTRYSIDE (AMENDMENT) BILL**

Thank you for your letter of 21 March on the resource implications of the National Park mapping proposals in Dr Clark's Bill. *attached*

Subject to the views of colleagues I am content with the amendments you propose for report stage.

The estimate of total extra costs for authorities of £10,000 per annum raises the general question of whether some new burdens are genuinely de minimis. I have written to you separately about this suggesting a de minimis limit of £100,000. Assuming my proposals in this respect are acceptable then the mapping proposals in Dr Clark's Bill and also those of the proposed new Landscape Areas Special Development Order in William Waldegrave's letter of 11 February would come into this category.

I am copying this letter to the Prime Minister, Members of E(LA), of (H) and to Sir Robert Armstrong.

*Peter Rees*

PETER REES



02 APR 1965







MO 10/2

LORD PRESIDENT OF THE COUNCIL

THE ROYAL DOCKYARDS

You will recall that when the Cabinet discussed the legislative programme for 1985-86 on 28th February (C(85) 7th Meeting Minute 5) it was agreed that, although a place could not be earmarked for a Royal Dockyards Bill at that stage, it might still find a place if the policy could be settled quickly. E(A) accordingly considered on 21st March my proposals for commercial management of the Royal Dockyards at Devonport and Rosyth and agreed that we should proceed. On the basis of this agreement I was invited by E(A) to submit proposals for a Dockyards Bill to be included in the 1985-86 programme.

2. The Dockyards have been the subject of 5 major reports in the last decade or so. I believe the time for action has arrived and that my proposals for commercial management will make a very important contribution to the government's aim of securing greater value for the money we spend on defence; and will remove the Dockyards, presently employing some 19,500 people, from the Civil Service numbers count. But only with a Bill in the 1985/86 session can we be sure of achieving these gains in the lifetime of the present Parliament. I hope therefore that you and other members of QL can as a matter of urgency agree to support the inclusion of a Dockyards Bill in the 1985/86 programme.

3. It may be helpful to remind you of the relatively limited scope of the proposed Bill. The concept of commercial management is that contractors would tender to complete work in progress in the





Dockyards and to undertake a programme of refit work for a 5 year period (or thereabouts). They would employ the workforce (who would cease to be civil servants) through the mechanism of employing companies and would operate the Dockyards themselves, but the Dockyard assets would remain in Government ownership. The contracting out of the Dockyards in this way does not of itself require legislation, but we would need a Bill to cover certain consequential. The main purposes would be:

- a. to cover, in accordance with convention, the establishment by means of employing companies to employ the Dockyard workforce - these companies would then be transferred to the successful contractors;
- b. to ensure that the Transfer of Undertakings (Protection of Employment) Regulations 1981 applied;
- c. to oust any possible entitlement to redundancy compensation those transferring might otherwise have under the Principal Civil Service Pension Scheme.

The latter two requirements were also covered in the recent Royal Ordnance Factories legislation.

4. On this basis I am advised that the Bill would be short (5-10 clauses) and uncomplicated. Work has been in hand for some while and, if QL supports the Bill, I can confirm that I would be able to provide instructions to Parliamentary Counsel by early May.

5. Meanwhile I intend to make an announcement in the House about my proposals shortly after the Easter recess. That will initiate a period of consultation before a final decision is taken. Since the Bill is essentially an enabling one and its provisions are limited in scope, I would not expect this process





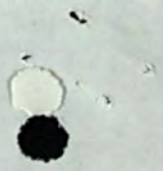
to create major difficulties for the Bill although one of the aims of consultation will of course be to discuss with potential contractors the form of arrangements under which it is envisaged they would be operating.

6. I am copying this to the Prime Minister, members of E(A) and colleagues on QL, to Sir Robert Armstrong and to First Parliamentary Counsel.

A handwritten signature in black ink, appearing to be "M. S. D." or similar, written in a cursive style.

Ministry of Defence  
1st April 1985





25 1944 1945





2 MARSHAM STREET  
LONDON SW1P 3EB  
01-212 3434

My ref:

Your ref:

32586/165

21 March 1985

Dear Peter,

I am sorry that I was unable to write to you concerning the resource implications of our amendment to Clause 5 of Dr Clark's Bill before Committee stage on 6 March, but as you know, it was agreed in 'H' that morning that we should do all we could to ensure that all six clauses were dealt with in the one sitting.

Having achieved that objective, I can now tell you that it will be possible to achieve a situation in which the resource costs would be minimal. This could be done by relaxing the timetable in Clause 5 governing the preparation and review of the maps.

At present, the Clause carried forward the requirements of Section 43 for the maps to be prepared within two years of commencement and reviewed at future monthly periods thereafter.

However, our amendment carried on 6 March effectively prevents National Park Authorities from beginning work on their maps until the Countryside Commission has issued its guidelines, and the requirement for an annual review thereafter would lead to a virtually continual process of consultation. I do not believe that would be in anyone's interests.

It would therefore, in my view, be desirable to promote further amendments to the Bill at Report stage which would set the clock ticking for the two year period of initial preparation from the date when the Commission's guidelines are issued; and to provide for quinquennial reviews thereafter to mesh in with the statutory arrangements governing the review of National Park Plans as provided for in Schedule 17 to the Local Grant Act 1972.

On that basis the Parks estimate the likely additional costs at no more than £100 per Park per year, ie £10,000 pa in total. I hope you will agree that we could regard such a figure as de minimis and not requiring any adjustments to local authority PES.

I understand that the Countryside Commission, the National Park Officers and the Council for National Parks, who are the prime movers behind Clause 5, would also strongly support those proposed amendments. The CNP are briefing David Clark directly on this so I think we could persuade him of their desirability.







3 APR 1985







HOUSE OF LORDS,  
SW1A 0PW

February 1985

27

Dear Wikie;

CABINET


LEGISLATIVE PROGRAMME 1985/86 and 1986/87

I am writing to support the argument and conclusions we reached in The Queen's Speeches and Future Legislation Committee and which you set forth in your Memorandum C(85)5 for Cabinet on the 1985/86 programme and on the provisional allocations for 1986/87, as my doctor has advised me to stay away.

The proposed programme of 33 Bills for 1985/86 is heavier than we would have wished and even that will be enlarged, to some degree, by contingencies and by the clouds on the horizon.

I believe that the Committee has gone at least as far as it safely can and I share your view that each of us must supervise and adhere to the timetables we have set ourselves in our bids this year.

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

Yrs:  


The Right Honourable  
The Viscount Whitelaw, CH., MC.,  
Lord President of the Council.





Ref. A085/626

PRIME MINISTER

---

The Legislative Programme 1985-86 and 1986-87

C(85) 5

BACKGROUND

The Lord President's memorandum (C(85) 5) contains the recommendations of The Queen's Speeches and Future Legislation Committee (QL) for next Session's legislative programme and their suggestions for a small number of places for the 1986-87 programme. The Bills recommended by QL are listed at Annex A. A full list of the 72 bids is at Annex B together with summaries of individual Bills.

2. QL has proposed a programme of 4 essential, 21 programme, 8 uncontroversial and 11 contingent Bills. This is an increase of 2 Bills in total over the programme proposed to Cabinet last year, but the balance is such that the programme category (the most important one) has an additional 5 Bills.

3. The programme section of QL's recommendations contains a comparatively large number of political controversial and weighty Bills. These include:

- a. Agriculture - to introduce charges for Agricultural Development and Advisory Service (ADAS) services.
- b. Education - to reform school government.
- c. Wages - possibly to abolish the Wages Councils, possibly to introduce a wider range of employment creating measures.





- d. Local Government and Planning - to introduce more competition into provision of local government services, provisions on local authority capital controls and certain planning changes.
- e. Social Security - to introduce the reforms in social security currently the subject of review.
- f. Shops - to deregulate shop opening hours.
- g. Public Order - to implement the outcome of the Home Secretary's review.
- h. Financial Services - to implement the Gower Report on investor protection.
- i. Civil Aviation - to privatise the BAA and introduce changes relating to local authority airports.
- j. Building Societies - to extend powers of building societies.
4. The list of contingent Bills includes the Channel Fixed Link which will be hybrid and no doubt extend over more than one Session, and Local Government (Commissioners) to deal with the situation that may arise in Liverpool or elsewhere.
5. QL discussed its provisional recommendations with Departmental Ministers and inevitably had to disappoint some. The following Ministers are expected to argue for the reinstatement of bids:

The Foreign and Commonwealth Secretary will press for legislation to privatise the Crown Agents.





The Secretary of State for Defence will press for the inclusion of a measure to provide for the contractorisation of the Royal Dockyards.

The Secretary of State for Energy will press Petroleum in addition to Atomic Energy Authority.

The Secretary of State for the Environment will press hard for a Housing Bill to make changes in the private rented sector and the allocation of housing improvement grants. He will also argue for the inclusion of a provision on dog licensing in Local Government and Planning.

The Secretary of State for Transport will argue for Merchant Shipping, which amongst other things, will reform the pilotage system.

The Minister without Portfolio has written pressing for a place for a Bill on small firms/deregulation to remove burdens from small businesses. No specific bid was received, although the Committee were aware of the possibility that some legislation might be required. Lord Young's minute also strongly supports a Housing Bill.

#### HANDLING

6. You will wish to invite the Lord President to introduce C(85) 5. You may then wish to ask the Lord Privy Seal if he has anything to add from the point of view of Commons business next Session.

#### Size of Programme

7. The first point to establish is the size of the programme. The Committee have recommended 25 essential and programme Bills with a further 8 uncontroversial Bills suitable for Second





Reading Committee procedure. Does Cabinet agree that this is about the right number, bearing in mind the 11 contingent Bills, several of which will inevitably be required? Inevitably, the programme will in the event also include some Bills which have not yet been foreseen. If Cabinet accepts that the programme is of the right size, it follows that any additions must be balanced by equivalent deletions.

#### Essential and Programme Bills

8. On substance, the Cabinet might first deal with the most important part of the proposals - the essential and programme Bills listed at Annex A of C(85) 5.

9. The first issue arises on the essential Bill on Crown Agents. This is required to continue a power for the Secretary of State to waive interest owed to the Government by Crown Agents. QL have accepted that this is properly an essential Bill, but are not prepared to extend it to the privatisation provisions which the Foreign Secretary also requested.

10. On the programme section, the major point for discussion is Housing. The Secretary of State for the Environment will argue that, if changes are to be made in the private rented sector, they need to be in place well before the next General Election. QL judged that the political attractions of such a course of action are not sufficiently great to warrant legislation in this Parliament, but H Committee this morning took the view that legislation was required before the next General Election, that the proposals now put forward were acceptable and that this therefore implied legislation in 1985-86.

11. The Secretaries of State for Defence, Energy and Transport will wish to argue their cases for Royal Dockyards, Petroleum and Merchant Shipping respectively. The Secretary of State for





the Environment may also wish to press his views on the need to include the reform of dog licensing in Local Government and Planning.

12. If at this stage Cabinet has accepted any additional bids, you will wish to identify equivalent deletions. The Home Secretary has 3 major Bills (Animals (Scientific) Procedures, Shops and Public Order); could one of these wait until a later Session? Could Education and Consumer Goods and Services be delayed until 1986-87? How urgent is the new legislation on Nationalised Industries?

#### Uncontroversial and Contingent Bills

13. These Bills should not give rise to much discussion. The uncontroversial Bills are included on the basis that they will be suitable for Second Reading Committee procedure in the House of Commons and may accordingly be blocked by the Opposition. They are mainly small and will in any case have a lower drafting priority. Although there is a temptation to add uncontroversial Bills to this list (Secretary of State for Transport may press for the inclusion of Transport Goods Vehicle 'O' Licensing or even Merchant Shipping) there are limits to the resources of the legislative system.

#### 1986-87 Session

14. For the first time last year, Cabinet awarded a small number of places two years in advance. This has worked well for the Financial Services and Building Societies Bills in 1985-86. The Lord President has suggested that up to 5 Bills should be given a place in this way and QL has recommended Copyright, Petroleum and Criminal Justice. They suggest that the other two places should be filled as a result of Cabinet discussion. The Secretary of State for the Environment may well press for Clean Air (which was his bid). There is no need for Cabinet to reach





final conclusions on this aspect; they could ask QL to make further recommendations in the light of the discussion.

## CONCLUSION

15. You will wish the Cabinet to agree on:

- a. The overall size of the programme for 1985-86.
- b. Any changes to the essential, programme, contingent and uncontroversial sections as recommended in Annex A.
- c. The Bills to be given an advance place in the 1986-87 programme.

16. You will also wish to guide the Cabinet to note the importance of restricting the content of the Bills to that agreed and of maintaining or improving on the timetables noted in C(85) 5 Annex B. QL Committee might be invited to review the position of any Bill which fails to meet its timetable.

REA

ROBERT ARMSTRONG

27 February 1985



LEGISLATIVE PROGRAMME

This is the last year for heavyweight political legislation in this Parliament.

There are two notable omissions:

1. A Housing Bill. This morning, H Committee approved Patrick Jenkin's radical and exciting proposal to deregulate the private rented sector, subject to agreement between DoE and Treasury on who will pay the small, short-run cost. If all the work on housing policy is to bear fruit in this Parliament, it must be put into legislation in 1985-86.
2. A Bill to tackle privatisation in the energy industries: its absence will set back the whole privatisation and financial strategy;

Against this, the Programme Bill category has excess baggage.

The Bill on Latent Damage is a dull and uninspiring measure that could be left over to nearer an Election. Few people seem to be actively campaigning for it, and it has little political attraction.



E.P.

Northern Ireland (Emergency Provisions) will reopen a whole series of difficult issues. It is another one of those compromise Bills which leave the Government exposed from both sides - in this case from those who want greater liberality on sensitive civil rights issues, and from the Unionists and hard-liners who will resent any relaxation at all in Northern Ireland legal systems. It will however be thought important for Northern Ireland policy.

Scotland has two legal Bills - Legal Aid, and Law Reform Parent and Child. Couldn't the rationalisation of existing criminal and civil legal aid arrangements in Scotland be left over for a less political year? The need for Law Reform Parent and Child (Scotland) could also be questioned at this stage in a Parliament.

The Consumer Goods and Services Bill is imposing new duties and regulations on suppliers of goods, and involves some amendment to the Health and Safety at Work Act. We should not be adding a new regulatory measure just before launching a major deregulation drive. This Bill should be deleted, or left over.

In the uncontroversial category, there is also an opportunity to make more space. The very long Bill on Family and Matrimonial (Miscellaneous Provisions) will bog the House down for a considerable length of time. This, too, could be left over. It is also dubious whether it is a



10.18.  
good idea to bring the British Council and Commonwealth Institute staff pensions into the Civil Service Scheme.

Conclusions

1. Go for a shorter, more political Programme that will advance the main causes of this Government.
2. Include a Housing Bill and a Bill to privatise energy industries. Less important, but useful; leave open a slot for a short Dockyards Bill to allow commercial management to be introduced (Michael Heseltine has been too preoccupied lately to clear this with colleagues).
3. Delete or hold over Latent Damage, Legal Aid Scotland, Law Reform Parent and Child Scotland, Consumer Goods and Services and Family and Matrimonial (Miscellaneous Provisions).
4. Consider whether Northern Ireland is a good idea in relation to NI policy and the political problems it will face.

*John Redwood*  
PP JOHN REDWOOD



CONFIDENTIAL

PRIME MINISTER

**FUTURE LEGISLATION: LEGISLATIVE PROGRAMME FOR 1985/86**

I will be in China when the Cabinet discusses the legislative programme. Hence this minute about the possibility of a small firms/deregulation bill and a housing bill. It would almost certainly fall to the Secretary of State for Trade & Industry to take the lead in steering the former through Parliament but its subject matter is of great concern to me.

SMALL FIRMS/DEREGULATION

As you know, I am chairing one ministerial group on small firms (MISC 108) and you have asked me to chair another group on 'deregulation' (where we will be following up the recent inter-departmental scrutinies of the administrative and legislative burdens on small firms and dealing with some general issues concerned with deregulation).

I feel strongly that we will need legislation if we are to deal adequately with the burdens which government places on small firms and business generally. And it was clear from the meeting you chaired today that there is some sympathy for this view among colleagues. I believe that the legislative solution to the problem will have to be rather more than additions to individual departments' bills. We will almost certainly need an 'umbrella' measure. This would, of course, reduce the need for further departmental primary legislation.

I say this because in the short time I have held ministerial office, responsible for the promotion of enterprise policies, it has been repeatedly brought home to me that we have a deep-seated problem, the solution to which is going to depend in part on legislative action. I note that many of our own supporters in both Houses share this view. Michael Grylls' Small Business Bill is but one manifestation of the pressure for reform and, though I

CONFIDENTIAL



CONFIDENTIAL

- 2 -

would not necessarily adopt his precise approach, I am sympathetic to his broad aims. Removing burdens on business is a major plank in our enterprise policies and I would not like us to miss the boat for the 1985/86 session just because we cannot at this stage put forward any precise policy proposals. Indeed, in terms of the handling of the workload, particularly on Parliamentary Counsel, there may be advantages in putting a small firms/deregulation bill firmly in the programme for 1985/86 rather than hoping that room for a 'late entrant' will suddenly appear. I would envisage a White Paper in July which would allow us to draft instructions for Parliamentary Counsel with a view to introducing a bill in November. A Small Firms/Deregulation Bill would be an attractive item for the Queen's Speech and I hope that the Cabinet will agree to its inclusion in the programme.

#### HOUSING

The Lord President of the Council's Memorandum refers to a large and contentious bill. Since he wrote, the Secretaries of State for the Environment and Wales have brought forward some strong and clear proposals for deregulation of the private rented sector which H Committee are about to consider. You are shortly to chair a meeting to resolve the difficulties that have arisen over the proposals to alter the system of home improvement grants and to introduce a loans regime. I am writing separately on these issues but I should like to record here my strong support both for deregulation and home improvement loans. Action on the former would assist in improving labour mobility which is a significant impediment to economic growth. Providing policy agreement can now be reached on both fronts, I would very much hope that time can be found for a Bill.

CONFIDENTIAL



CONFIDENTIAL

- 3 -

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

*Ref*

DY

26th February, 1985

CONFIDENTIAL



40



DEPARTMENT OF TRANSPORT  
2 MARSHAM STREET LONDON SW1P 3EB

01-212 3434

*Prime Minister* (2)

*The legislative programme  
will be discussed at Cabinet  
on Thursday.*

*AT 26/2*

26 February 1985

The Rt Hon Viscount Whitelaw CH MC  
Lord President of the Council  
Privy Council Office  
68 Whitehall  
LONDON SW1A 2AT

*Dear Willie*

*mt*

Thank you for your letter of 18 February letting me know the outcome of QL's final deliberations on my bids. It is essential that a place is provided for the Civil Aviation Bill to implement airports policy.

*will request if required.*

However I am most disappointed to see that you now propose that the Merchant Shipping Bill should be excluded from the programme. I must urge that this be reconsidered.

The proposed Bill would be in two parts. The first would consist of a much overdue reform of the outdated legislation on marine pilotage. The present legislation is virtually unworkable and has led to a situation in which there are many more pilots than are needed, productivity is very low, and costs to the shipping and port industries are unnecessarily high. Since the pilots are technically self-employed their numbers cannot easily be reduced, and attempts to improve the situation under the existing legislation have failed. I therefore published last December a Green Paper containing proposals for reform, the central features of which were that pilotage should be made the responsibility of the harbour authorities, and that there should be a statutory compensation scheme (financed by a levy on the industry) for surplus pilots. The period of



consultation has just ended, and the responses I have received are very encouraging. Almost all those who have responded have stressed the need for early action. The shipping and port industries have warmly welcomed our proposals and even those bodies from whom we expected some opposition, such as Trinity House and the pilots' organisations, accept the need for change and are concentrating on securing their interests under a new regime.

The pilots themselves are divided in their views. Almost all accept that something needs to be done and the majority are prepared to go along with our proposals provided that the terms of the compensation, which have yet to be settled, are satisfactory. There is a small but concerted lobby of Trinity House pilots, largely concentrated in East Anglia, who are lobbying their MPs in opposition to our proposals. This is one of the areas where the scope for making economies is the greatest, and it is no coincidence that the pilots who have gained most from exploitation of the present system are those who are protesting more strongly at its proposed abolition.

The publication of the Green Paper has created a momentum for reform which we must now sustain: indeed if we cannot bring the legislation forward this will be represented as a victory for the minority of pilots who are opposed to us and will be a deep disappointment to the shipping industry. We must do all we can to help the shipping industry, which is in a bad way. John Prescott, for the Opposition, has in the past said that they have little sympathy for the pilots, so I do not anticipate that the legislation should pose difficulty in party political terms.

The remainder of the Bill would deal with a number of useful reforms in ship registration and other matters affecting the shipping industry. These measures were



originally planned for inclusion in a Merchant Shipping Bill in the 1984/85 Session, and you will recall that I reluctantly agreed to the postponement of this Bill in order to reduce pressure on Parliamentary draftsmen. This was on the understanding that a bid for a Merchant Shipping Bill in the 1985/86 Session would be sympathetically considered, and John Biffen in his letter of 31 December undertook to do his best to secure a place for the Bill in the 1985/86 Session. The shipping industry was very disappointed that this Bill was postponed, and they will be really cross if the Bill is postponed again, because they would not be able to secure the reductions in their costs which the reform of pilotage would offer. As I have explained in my recent paper to colleagues on MISC 19 the shipping industry is in a beleaguered state at present and its difficulties were increased by the fiscal changes introduced in the last Budget. The Government has few means at its disposal to assist the industry, and my Merchant Shipping Bill was one important and tangible measure of assistance which we could offer.

I very much hope that in the light of this colleagues will agree that the Bill should be reinstated in the programme. Although, as I said, there will be some Parliamentary interest in the pilotage provisions I would not anticipate that it would be likely to cause any serious Parliamentary difficulties: indeed I think it might well be a candidate for introduction in the Lords.

I am sending copies of this letter to members of Cabinet, the Paymaster General, the Chief Whip, the Captain of the Gentlemen at Arms, First Parliamentary Counsel and Sir Robert Armstrong.

*Yours  
Nicholas*

NICHOLA RIDLEY



Spoke accordingly to D.F.  
ad to H. Seabright.

PRIME MINISTER

'H' COMMITTEE NEXT WEEK

Please p.a.

Dmb  
15/

There are three significant items on 'H' Committee's Agenda next week: employed solicitors, on which there is a separate note in the Box; the Armed Forces Bill; and major public inquiries.

The Armed Forces Bill

The contentious point in Mr Heseltine's proposed 1986 Armed Forces Bill is the retention of the death penalty for a small number of uniquely serious Service offences. The Secretary of State believes that the death penalty remains justified for crimes which amount to the military equivalent of treason (for which, of course, the death penalty is still mandatory).

\*

Major Public Inquiries

The Secretary of State for the Environment has circulated a lengthy paper about major public inquiries, in response to concern which you expressed some time ago about the length of time which some inquiries are now taking (eg. Sizewell). He concludes that long inquiries are the exception rather than the rule (out of 3000 inquiries each year, only 20-30 last more than a month); that radical alternatives to the inquiry system are not on; but that much could be done to improve current procedures.

Very disappointed

Of course  
but this  
are  
still  
ridiculous  
long.

'H' Committee will be asked to endorse this analysis, and to decide whether procedural reforms should themselves be the subject of an external review.

Dmb

David Barclay  
15 February 1985

I hope they will  
not endorse this  
analysis. This  
a way of getting out  
of decisions not



CONFIDENTIAL

CENO

NDPM

AF 8/2



Treasury Chambers, Parliament Street, SW1P 3AG  
Rt Hon Peter Walker MBE MP  
Secretary of State  
Department of Energy  
Thames House South  
Millbank  
London  
SW1P 4QJ

7 February 1985

**PETROLEUM BILL**

You wrote to Nigel Lawson on 21 December seeking his agreement to the proposals for a Petroleum Bill set out in your draft E(A) paper.

I am content with the majority of those of your proposals in which I have an interest and positively welcome proposals (b), (d), (e) and (i) together with that aimed at easing the privatisation of the GPSS.

I have some difficulty, however, with your proposals on the financial aspects of abandonment; I am concerned that your proposal to legislate on the rights of the Crown Estates Commissioners should not bring an end to the search for an administrative solution; and finally I believe you should use this legislative opportunity to solve the cash flow problem from moving from Royalty in Kind to Royalty in Cash. These points are set out in more detail in the rest of this letter.

**Abandonment**

Given the large sums at stake on abandonment, I am concerned that your proposals at 3a(iv) and to a lesser extent 4c may pre-empt decisions we still have to take on how to deal with the whole question of the treatment of abandonment costs.

3a(iv) proposes imposing a duty on operators to satisfy you that finance will be available at the end of field life. The introduction of measure of this sort risks increasing pressure for current tax relief for future costs, and bringing forward general pressures to make decisions (with large Exchequer complications) on tax treatment of

CONFIDENTIAL



CONFIDENTIAL

abandonment costs before we are ready. We need to be able to set this risk against an assessment of the consequences of not including your proposed provision - to what extent are companies likely to default on their removal obligations? Such information has not so far been made available. In addition, I understand that, despite preliminary work by officials, it is far from clear how such a statutory duty would be applied in practice. Considerably more work is therefore needed before I can give policy approval to this proposal. However, if you can provide an assessment of the risk of default, and proposal for a viable means of applying the duty, I would be happy to look at the proposal again.

If, in the light of this, I did feel able to agree that such a provision was needed, I would much prefer to see the Bill provide enabling power rather than impose a duty. Your draft implies the latter. An enabling power could lessen the immediate pressures to resolve the tax treatment. It seems, in any case, too early to impose a duty: we cannot yet assess with any precision what the costs of abandonment will be, and hence could not calculate what financial provision would be needed.

Proposal 4c would allow abandonment costs to be offset against past royalty payments. It therefore appears to assume that we will want to go down the fiscal route in sharing the costs to companies of abandonment. Although this is implicit in current PRT and CT legislation, a number of important matters have not yet been resolved, and UKOOA, in representations made last year which still have to be properly discussed with them, seem now to be favouring a non-fiscal approach (on the lines of that being adopted in Norway). Thus we have yet to decide on this and I would not want to pre-empt the outcome of further consideration of the issues in the light of further discussion with the industry.

I would be prepared to accept this proposal if, in bringing it forward, you could make clear that we retain an open mind in these matters and would be prepared to reconsider it in the light of any wider discussion with the industry in the period before the Bill is introduced.

Crown Estate Commissioners

I hope that the Law Officers can give us their opinion quickly. In the meantime, I think we should continue to try for an administrative solution. I regard legislation as being very much a last resort. In view of the sensitive nature of the proposal I also hope that you will discuss it with Robin Crawford, the First Crown Estate Commissioner, at an early stage.

Royalty in Cash

As you know, switching from payment of Royalty in Kind to Royalty in Cash involves a substantial once and for all PSBR loss (as well as a smaller continuing one). It needs primary legislation to remedy this and I hope



CONFIDENTIAL

you could agree that this Bill provides a suitable vehicle. This would remove a significant constraint on policy options in this area. I would for my part be prepared to propose legislation in a Finance Bill to ensure that the PRT rules did not operate to negate the cash flow advantage thus preserved.

I am copying this to the Prime Minister and to Sir Robert Armstrong.

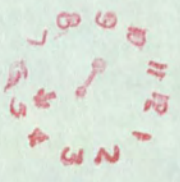
*Peter Rees*

PETER REES

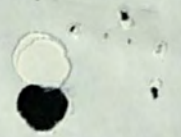
CONFIDENTIAL



Parliament: Legislation Pt 13



-8 FEB 1965





CONFIDENTIAL



10 DOWNING STREET

MS  
file  
a MASTER SET

From the Private Secretary

4 February 1985

This is just to record the main points which arose when the Lord President discussed the legislative programme with the Prime Minister today:-

- (i) The Prime Minister is not greatly attracted by the prospect of the Crown Agents Bill as a major element in the next legislative programme. She felt that it was insufficiently attractive as a privatisation measure to warrant such a central position.
- (ii) The Prime Minister thought that progress towards gas privatisation was highly desirable and in this context was politically more attractive than the proposed Petroleum Bill. The Lord President undertook to raise this in his forthcoming discussions with the Secretary of State for Energy.
- (iii) The Prime Minister agreed that the Local Government (Competition) Bill should form part of the legislative programme. She also considered that reform of town and country planning should if possible find a place in the programme and the Lord President undertook to look at the possibility of combining the two measures.
- (iv) The Prime Minister agreed with the Lord President that the evolution of housing policy was at too early a stage to warrant a firm place for a Housing Bill in next year's programme.

CONFIDENTIAL (v)



CONFIDENTIAL

-2-

- (v) The Prime Minister agreed to the inclusion in the programme of the Financial Services and Building Societies Bills. She also agreed that the Public Order, Shop Hours, and Animal (Scientific) Procedures Bills should be included.
- (vi) On the question of legislation to implement the Warnock Report, the Prime Minister said that it was her view that provided that there was early legislation on commercial surrogacy, other provisions in the report could wait.
- (vii) On the proposed Social Security Bill the Prime Minister noted that this would clearly have to await the outcome of the Cabinet discussion of the social security reviews. At this stage however the proposed timetable looked ambitious.
- (viii) The Prime Minister said that she was attracted by the inclusion of the Agriculture Bill in the legislative programme, all the more so since it proposed the saving of public money.
- (ix) The Prime Minister considered that the Consumer Goods and Services Bill was not a strong candidate for next year but might be considered for inclusion in one year nearer the end of the Parliament.

The Lord President undertook to take all these points into consideration in further discussions on the legislative programme.

Tim Flesher

Miss Janet Lewis-Jones  
Lord President's Office.

CONFIDENTIAL



CONFIDENTIAL

25 January 1985

MR FLESHER

LEGISLATIVE PROGRAMME 1985/86

It's early days, and there are far too many Bills on offer.

In our view, the central ones for the Programme are:

- a. Social Security to implement the Welfare Reviews.
- b. Nationalised Industries - it slipped from last year, and is important in the privatisation programme.
- c. Education - vital to the programme for improving standards, and may also need to include proposals for the middle way not yet covered in the scope of this Bill.
- d. Housing - for improvement policy and private rented sector.
- e. Town and Country Planning - but should also include results of current DoE review into simplifying and speeding up the planning process.
- f. Civil Aviation - BAA privatisation.

CONFIDENTIAL



- g. A Home Office Bill which could include some of the matters covered in the Criminal Justice and Public Order proposals. *DP*
- h. Royal Dockyards.
- j. Wages - to deal with Wages Council system, which could also include any proposals arising out of the review of employment protection measures.
- k. Local Government - the statutory right to tender.
- l. Financial Services Bill to implement the White Paper.
- m. Agriculture - to introduce ADAS proposals.

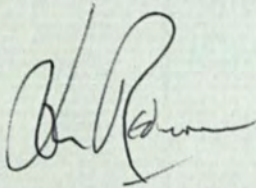
This would give MOD, DES, Employment, Energy, DHSS, DTI, Transport, Treasury, Agriculture and the Home Office major Bills, and would give 2 Bills to DoE.

The most notable omission in the runners is any Bill to tackle the future of the gas industry, although something could be achieved if the Nationalised Industry Bill were put on the Statute Book. Energy's proposals for a Petroleum Bill is rather lacklustre - although we might need powers for a final solution to the BNOc problem, these are not



CONFIDENTIAL

included in this measure - and the proposal for an Atomic Energy Authority Bill will involve the Government in controversy without leading to any particular privatisation pay-off.



JOHN REDWOOD

CONFIDENTIAL



29 January 1985

MR FLESHER

LEGISLATIVE PROGRAMME 1985/86: JOHN BIFFEN'S PAPER

It's early days, and there are far too many Bills on offer.

We agree with John Biffen that the following Programme Bills are strong runners:

1. From Annex A (Bills Proposed for Inclusion):

Nationalised Industries - slipped from last year, and is important in the privatisation programme.

Education - vital to the programme for improving standards, and may also need to include proposals for the middle way not yet covered in the scope of this Bill.

Royal Dockyards.

Wages - to deal with Wages Council system; could also include any proposals arising out of the review of employment protection measures.

Local Government - contracting-out: the statutory right to tender.



Financial Services Bill - to implement the White Paper.

Building Societies. - *Greaves*

2. From Annex B (Bills with a strong case for inclusion)

Social Security - to implement the Welfare Reviews.

Housing - for improvement policy and private rented sector.

Civil Aviation - BAA privatisation.

Agriculture - to introduce ADAS proposals.

We would add:

Town and Country Planning - should also include results of current DoE review into simplifying and speeding up the planning process.

Home Office Bill - could combine some of the matters covered in the Criminal Justice and Public Order proposals, which John Biffen rejects.

Another notable omission - not even mentioned in John Biffen's minute - is a Bill to tackle the future of the gas



industry. Something could be achieved for gas if the Nationalised Industry Bill were put on the Statute Book. But an additional Gas Bill would be far more satisfactory.

This would be better than the Department of Energy's lacklustre proposals for a Petroleum Bill which (though backed by John Biffen) do not even contain a solution to the BNOOC problem.

We are sceptical about the value of the Merchant Shipping and Latent Damage Bills. And the inclusion of three Scottish Bills is surely excessive.

#### Conclusion

We recommend the Programme Bills in Annex A and Annex B, minus Petroleum, Merchant Shipping, one of the Scottish Bills, and Latent Damage; but plus a Criminal Justice/Public Order, a Planning and a Gas measure.

*John Redwood*

JOHN REDWOOD



610  
CONFIDENTIAL



PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

9 January 1985

*Dear Nick,*

LEGISLATIVE PROGRAMME: TRUST PORTS

*N 9/1  
- will request P. rec.*

I have seen your Private Secretary's letter of 4 January and the Chief Secretary's letter of 8 January urging the need for a decision about legislation on Trust Ports.

I now understand fully the need for urgency as far as a commitment to legislation is concerned and I have considered very carefully the best way of achieving your objective. Taking into account the need to introduce the Public Transport Bill as soon as possible and the very strong advice I have received from First Parliamentary Counsel on the dangers of delaying that Bill if we attempt to add further clauses, it seems to me that the balance of advantage remains as it did when I last considered the matter. I am therefore prepared to agree to the inclusion in this Session's legislative programme of a small single purpose Bill to make the changes which you require in the legislation relating to Trust Ports. I understand that instructions for such a Bill are already with Parliamentary Counsel and I now give my authority for his employment on the drafting of such a Bill. I have no objection to the announcement of such legislation before the publication of the Public Expenditure White Paper, if that is felt to be necessary.

In taking this decision I am conscious that there is some risk that the introduction of a small Bill will give rise to a discussion in Parliament about other aspects of the ports, possibly the Dock Labour Scheme. However, such a debate would strictly be out of order and I believe that, on balance, the risk is worth taking in order to avoid the delay to the Public Transport Bill which could possibly embarrass us much more seriously towards the end of the Session.

I am copying this letter to the Prime Minister, members of L, members of Misc 19, to Sir Robert Armstrong and Sir George Engle.

*Yours  
John Biffen*

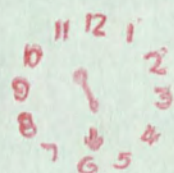
JOHN BIFFEN

Rt Hon Nicholas Ridley MP  
Secretary of State for Transport

CONFIDENTIAL



10 JAN 1985







CONFIDENTIAL

PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

31 December 1984

*no you  
and  
2/1*

*Dear Nick,*

LEGISLATIVE PROGRAMME: TRANSPORT LEGISLATION

*Attached*

Thank you for your letter of 19 December and your welcome proposal that work on the Merchant Shipping Bill should be halted so that Counsel's resources can be devoted to the Public Transport Bill. As you know, I have been concerned for some time about the progress of the latter and I entirely agree that this is the best way to proceed given the circumstances in which we now find ourselves. I can, of course, give no guarantee that it will reach Royal Assent, but the Business Managers will exert every effort to ensure this.

The future of the Merchant Shipping Bill will of course be a matter for consideration by QL, but for my part, I can assure you that I will do my best to secure a place for it in the programme.

I do not think that I can say more about the position of a short bill on Trust Ports than I did in my earlier letter. When the proposals are in a fit state for drafting we can look at the position of the programme as a whole and see whether we can fit such a Bill into it. I can assure you, that I very much share your hopes that it will be possible to do so.

I am copying this letter to the Prime Minister, members of L, members of Misc 19, Sir Robert Armstrong and Sir George Engle.

*Yours  
John Biffen*

JOHN BIFFEN

Rt Hon Nicholas Ridley MP  
Secretary of State for Transport

CONFIDENTIAL



52 JAN 1925

12 1 2 3 4 5 6 7 8 9 10 11



CONFIDENTIAL

~~CE NO~~



PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

31 December 1984

NGP AT 211

AT: to see

Dear Gray,

THE MUSEUM OF LONDON AND THE LOCAL GOVERNMENT BILL

Thank you for your letter of 27 November about the consequences which follow from the necessary changes in the provision in the Local Government Bill relating to the financing of the Museum of London. I have also seen Patrick Jenkin's letter of 14 December.

As you will remember from our discussions in L Committee, it was felt that a short Bill to provide for a 50:50 split between the City of London and the Government in the financing of the Museum of London as from 1 April 1986 could be accommodated in the 1985/86 programme. I understand your fears about the hybridity of such a Bill, but I am reassured by what Patrick has to say on the subject in his letter. Unless, therefore, you have further and better legal advice that such a Bill would be in real danger of hybridity and that the GLC could use the fact to delay its progress and embarrass the Government, I suggest that we proceed as originally intended.

If you are content with this, it will obviously be necessary for you to make a formal bid for such a Bill to The Queen's Speeches and Future Legislation Committee, although in the light of Willie Whitelaw's comments at Legislation Committee, you will be in little doubt of its reception. I very much hope that on this basis and that of Patrick's reassurances about the effect on the City's contribution to the London Rate Equalization Scheme, you will feel able to go ahead in this way.

I am copying this letter to members of L Committee, members of Misc 95 who are not also members of L, the Prime Minister and to Sir Robert Armstrong and Sir George Engle.

JOHN BIFFEN

The Rt Hon the Earl of Gowrie  
Chancellor of the Duchy of Lancaster

CONFIDENTIAL



Parliament: Legislation Pt 13.

11 12 1 2 3 4 5 6 7 8 9 10  
S D

-2 JAN 1985



CONFIDENTIAL

CC 110

01 211 6402

NBPM  
N.

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

21 December 1984

*Dear Chancellor,*

I attach a paper outlining the provisions I have in mind for a Petroleum Bill which I have proposed for the 1985/1986 session. As you will see, its provisions are somewhat specialised and of major interest only to your department and mine. I would like to be able to tell the Prime Minister that what is proposed in the paper is agreed between us, and to suggest that given its limited interest to other members of E(A) I should circulate the paper to them for clearance by correspondence. I should be grateful to know if you are content.

I should draw your attention to items f, g and h in paragraph 4 of the paper. These are essentially technical provisions which have not previously been put specifically to Ministers, but have been cleared by correspondence at official level with both the Revenue and Treasury.

I am copying this to the Prime Minister and to Sir Robert Armstrong.

*Yours sincerely*  
*John Neilson*

P.P. PETER WALKER  
(approved by the  
Secretary of State  
and signed in his absence)

CONFIDENTIAL





PETROLEUM BILL

Memorandum by the Secretary of State for Energy

1. I seek the agreement of colleagues to the policy content of a Petroleum Bill, which I have proposed as a candidate for the 1985/6 Session. The broad theme of the Bill is the proper management of oil and gas on the UK Continental Shelf; but it would also amend present controls over land pipelines; and authorise sale or lease of the Government oil pipeline and storage system if a decision to privatise were the outcome of an interdepartmental study now in progress.

2. The offshore management provisions fall into four groups:-

- (i) changes in the regime for controlling offshore developments especially in relation to platform removal;
- (ii) clauses to clarify and simplify the law on petroleum royalties;
- (iii) clauses to place licensing of offshore gas storage on the same basis as licensing of other offshore oil and gas developments. This affects the interests of the Crown Estate;
- (iv) clauses establishing safety zones around offshore installations automatically rather than by order.

These and the other provisions are summarised in the following paragraphs.





Regulation of oil and gas developments

3. (a) Abandonment of disused offshore installations

- (i) to impose a duty on operators to dismantle and remove disused oil and gas installations at the end of their productive life unless the Secretary of State for Energy (SOS) agrees otherwise;
- (ii) to give the SoS power to approve plans for platform removal;
- (iii) to give the SoS power to set appropriate removal standards; and
- (iv) to impose a duty on operators to satisfy the SoS that finance will be available at the end of field life to meet abandonment costs.

Some of these provisions would also apply to pipelines. They are needed now because some fields will quite soon be nearing the end of their productive life and plans will need to be made in good time to ensure that the process takes place in an orderly way. Although most operators already assume that they will be responsible for platform removal, and some are already making financial provisions in their accounts, there are no satisfactory provisions for removal in existing legislation. It is important to note that clarifying the obligation to remove will encourage efforts to extend the economic use of installations by further marginally profitable exploitation of oil and gas fields: with advantages to the economy and the Exchequer.

(b) Extension of licensing regime to N Ireland territorial waters

At present neither the Great Britain nor the Northern Ireland petroleum licensing (and thus taxation) legislation applies in these waters.





Royalties

4. The changes proposed in relation to new situations are:

(c) To put royalty payments on a cumulative basis

The effect would be to put the treatment of platform abandonment costs and of post production tariff receipts (eg for use of pipelines) on broadly the same basis for royalty purposes as for Petroleum Revenue Tax (PRT) and corporation tax (CT) purposes.

(d) To apply to royalty payments amendments to the PRT valuation rules

This change would also facilitate the collection of royalty, as well as PRT and CT, on "capacity charges". "Capacity charges" may be an important part of the receipts of a developer who contracts to supply gas on demand at peak periods only.

(e) To provide for royalty rights on injected gas

This would provide that rights to take royalty are not lost when gas produced from one field is injected into another to assist production.

The changes proposed to simplify procedures and correct anomalies are:

(f) To simplify calculations of residual cash royalties due where royalty in kind is taken

This would bring within the formal procedures a simple method, already in use by mutual agreement, of calculating residual cash royalties due where most of the royalty is taken in the form of oil.

(g) To simplify the provision of royalty-related returns by licensees

Under this change the existing Modified Payments Procedure, under which some licensees will have to submit a full Statement of Value only once a year, would be brought more fully within the scope of the licence model clauses.





(h) To correct anomalies on dispute procedures

At present different licence model clauses provide for different notice periods and procedures for resolving different types of dispute between the SoS and a licensee; these would be brought into line with each other.

(i) To amend petroleum measurement requirements

The licence model clauses would be amended to enable the SoS to require separate measurement of petroleum won and saved from fields located in the same licensed area; licensees would also be required to measure the quality of petroleum as well as the quantity. These amendments would facilitate the verification of quantities of petroleum for tax and royalty purposes where there is more than one field in a licensed area or where petroleum is commingled.

(j) To change present arrangements for sharing licence revenues with the Isle of Man

This would compensate the Manx authorities for the loss of royalty from new fields, resulting from the 1983 fiscal changes, which they would otherwise have received.

Offshore Gas Storage

5. (k) To enable the SoS to licence the storage of gas (and other petroleum) offshore. At present this function falls - anomalously - to the Crown Estate Commissioners.

Safety Zones

6. (1) To amend existing legislation so that a protective 500 metre safety zone would automatically be created around new offshore installations, avoiding the need for hundreds of separate Orders.





Pipelines

7. (m) To exempt certain BGC pipelines from the present notification requirements

This would relieve BGC of the need to notify the SoS of proposals to construct new high-pressure pipelines of 1km or less. The aim is administrative saving. The private sector would be able to continue to make representation in respect of longer pipelines, but the notifications of small lengths have proved excessive and of no interest to the private sector.

(n) Public enquiries on pipeline route modification

These enquiries would be made discretionary rather than obligatory; the aim is administrative saving.

(o) Pipeline insurance

To take powers to require the owner of a pipeline to have adequate third party insurance.

Government Oil Pipeline and Storage System (GPSS)

8. (p) Legal advice is that the rights given by the wayleave orders under which the GPSS has been constructed, maintained and used are personal to the SoS, and cannot be sold, or even leased, to anyone else without new primary legislation. A report will shortly be made to Ministers about the scope for privatising the GPSS; if the decision were in favour of some form of privatisation, this Bill would be the appropriate vehicle for the necessary new provisions.

Controversy and timing

9. Most of these provisions are unlikely to be seriously controversial. Some of the royalties proposals may possibly give rise to some opposition from the industry though our consultations so far do not suggest that





serious opposition is likely. The provisions affecting the Crown Estate could be controversial: it would be advantageous if their objectives could be achieved without legislation, but our appreciation is that there may be real statutory difficulties for the Crown Estate Commissioners in agreeing to the kind of administrative solution we would favour. Privatisation of the GPSS, if added, could be expected to attract ritual opposition.

10. On timing, these provisions are directed at situations which are already of practical significance in offshore oil and gas administration, or affect Government finances. Deferment of legislation could put some royalty revenue at risk as well as creating delays damaging to development and to the reputation of the UKCS as a well managed oil province.

#### Financial Implications

11. It is impossible to put a figure of net cost or benefit to the Exchequer on the provisions proposed for this Bill, but broadly its impact must be to the advantage of the Exchequer. Some of the provisions remove risks of loss to the Exchequer from ambiguities or gaps in the existing law. Making "capacity charges" by gas developers liable to royalty will increase revenue in the period immediately ahead. Some of the provisions achieve or entrench administrative savings, with modest Exchequer benefits. There could be proceeds to the Exchequer from the privatisation of the Government pipeline system if Ministers decided to proceed with this, though it is difficult to quantify the yield at this stage. Potentially the largest financial implications flow from the provisions for controlling dismantling of disused rigs. The amounts of tax relief to which companies will be entitled over a long period for removal expenditure is bound to be substantial but it would be wrong to regard that as a "cost" of this Bill. It has in fact long

... been





been recognised that companies cannot reasonably be denied full relief on abandonment costs against tax and royalty; and this Bill brings the royalty position broadly into line with the existing tax position. In giving recognition to this for royalty however the Bill would at the same time reduce the risk that the Government might find itself obliged to finance the removal of a rig through default by the licensee. Unless developers are required by law to demonstrate the capacity to finance removal, there is a real risk that finance for removal may just not be available after the period of profitable exploitation. In that respect the Bill would protect the Exchequer. And if the costs of removal encourage extended exploitation, that should produce some benefit to the Exchequer.

Manpower Implications

12. Minimal

Community Implications

13. None

Recommendations

14. I ask colleagues to approve the principle of a Petroleum bill and the inclusion of provisions (a) to (p) above.

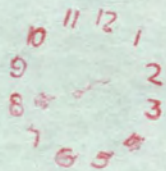
PEW

Secretary of State for Energy

18 December 1984



21 DEC 1984





CONFIDENTIAL



DEPARTMENT OF TRANSPORT  
2 MARSHAM STREET LONDON SW1P 3EB

01-212 3434

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

19 December 1984

*Dear John*

*NBPM  
Jm*

LEGISLATIVE PROGRAMME

As I think you are aware, Sir George Engle has been discussing with my Permanent Secretary the state of drafting of two of my programme Bills this session: the Public Transport Bill and the Merchant Shipping Bill.

I understand that it will be impossible for Counsel to complete the drafting of the Public Transport Bill by the end of January without help. Sir George Engle suggested that help could be provided by means of directing the Counsel due to start work on the Merchant Shipping Bill (on which instructions have been ready for some time) to assist on the Public Transport Bill. I have said I am reluctantly prepared to agree.

This will mean dropping the Merchant Shipping Bill altogether for this session. I am very unhappy to have to do that; the disappointment caused to the industry will be substantial and staff savings in my Department will be delayed. Sir George has, however, suggested that the provisions making up the Merchant Shipping Bill - which are as you know non-controversial - could be attached to the pilotage provisions on which I have recently published a consultation paper, and for which I am bidding for a 1985/86 slot. But the immediate problem is that we must make a choice between Merchant Shipping and Public Transport. The political priority must (as I am sure you will agree) be given to fulfilling the manifesto commitment on buses.

I reached my decision on the firm assumption, with which I hope you will agree, that, if the Public Transport Bill can be ready by the end of January, there will be time for it to achieve Royal Assent before the end of the session.

I had been considering whether the provisions needed to take trust port finance out of the public sector might be incorporated in the Merchant Shipping Bill but, if you agree

CONFIDENTIAL



CONFIDENTIAL

that resources should be concentrated on the Public Transport Bill, I must either return to my original suggestion that this point should be included in the Public Transport Bill or have as strong an assurance as you can manage that the single-purpose Bill which you mentioned in your letter of 26 November can be achieved.

Also, the rest of the Merchant Shipping Bill will have to be held over to the next session - disappointing the shipping industry, as I have said, and causing loss of momentum and delay of some staff savings. It could be combined in the next session with measures on pilotage - which will be my top priority for that session. As the instructions are already with Counsel (apart of course from those on pilotage), you may think that it would be useful for him to start drafting at the first opportunity so as to be sure the Bill can be introduced at the start of the session.

I am copying this letter to the Prime Minister, members of L, members of MISC 19, to Sir Robert Armstrong and to Sir George Engle.

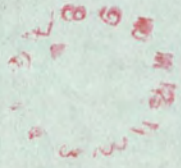
*Nicholas Ridley*  
*Admiral*

NICHOLAS RIDLEY

CONFIDENTIAL



Hand: registration



20 DEC 1984



**CONFIDENTIAL**



NBPM 105 19/12 CENO

2 MARSHAM STREET  
LONDON SW1P 3EB  
01-212 3434

My ref:

Your ref:

14 December 1984

Dear John,

The Museum of London and the Local Government Bill

Grey Gowrie sent me a copy of his letter to you of 27 November about the situation in which he finds himself as a result of the last minute change that we were forced to make in Clause 41 of the Local Government Bill. I am sorry that he was put in this position - which was not, of course, of our making either!

So far as the promotion of a single-purpose Bill to restore the position is concerned, I am less worried than Grey about the risk of hybridity. Whether or not the Bill were likely to be ruled to be hybrid would, of course, depend on the precise contents of the Bill. My understanding is that the original Museum of London Act was only ruled to be hybrid because of its effects on testators' rights; and there has been a subsequent public Act which amended the original Act which was not classed as hybrid.

Even if the Bill is so classified, there will be ample time for prior consultation with interested parties to defuse effective opposition and, if the Common Council are happy with what is proposed, it may be that there would be no-one else who could petition. Our advice was that the ratepayers as such may well have no locus in the matter, and it is difficult to see how the GLC itself could establish a claim to be an interested party when the Bill, by definition, would be dealing with a time after the abolition of the GLC, and the Bill to provide for the abolition would, by then, have been passed.

So far as the financial arrangements are concerned, I have agreed that if the City takes on an additional one-sixth share of the cost of supporting the museum, this extra share will be taken into account in calculating its contribution to an extended London Rate Equalisation Scheme. This does not mean that City ratepayers will pay nothing towards these costs - after all, all London's ratepayers pay at present through the GLC precept. But the aim of the LRES adjustment will be to ensure that City ratepayers bear only a fair share of the costs, equivalent to what they would have contributed if the cost of supporting the museum had been divided between all the boroughs.



**CONFIDENTIAL**

If we do not legislate for the new permanent arrangements for the Museum before 1986/87, there will inevitably be an interim period when London ratepayers do not have to meet these costs. This would be unfortunate and could well give rise to presentational problems when they are asked to pay more in 1987/88. For this reason I do hope that it will prove possible to secure legislation before abolition.

I have copied this to members of L Committee, members of MISC 95 who are not also members of L, to the Prime Minister, and to Sir Robert Armstrong.

*Your ever  
Pat*

PATRICK JENKIN



Parliament: Legislation: Pt 13.



1984



E.P.  
PRIME MINISTER 4

pa  
dms  
17/12

PRIVATE MEMBERS BILLS

1. Sexual Offences Bill

The Home Secretary has virtually reached agreement with Janet Fookes on the contents of the Sexual Offences Bill which she is to sponsor.

The main provisions are:

- (i) Three new offences to tackle "kerb-crawling".
- (ii) An increase in the maximum penalty for attempted rape from 7 years to life imprisonment.

2. Intoxicating Substances (Supply) Bill

Mr. Neville Trotter will sponsor the Intoxicating Substances (Supply) Bill. The Bill would make it an offence in certain circumstances to supply young people with substances which are likely to be misused. The offence would arise only if the prosecution could prove that the supplier knew, or had reasonable grounds for believing, that the substance was likely to be inhaled.

dms

mt

13 December, 1984



Leojan

F. B. I.





Caxton House Tothill Street London SW1H 9NF

Telephone Direct Line 01-213 6400  
Switchboard 01-213 3000

CCNO

NBPM  
for

Rt Hon Nicholas Ridley  
Secretary of State for Transport  
2 Marsham Street  
London SW1

30 November 1984

*Nick*

TRANSPORT BILL

I would not disagree with your minute of 13 November on the Transport Bill, but there are two brief points I would like to make.

First, with regard to the clause on reporting of accidents to railway staff, I strongly support a proposal to allow the Secretary of State for Transport to set by Order the basis for reporting accidents (in terms of number of days absence from work). However, in any public statement it is important not to pre-empt the advice I expect to receive early in 1985 from the Health and Safety Commission. They may propose a change in the reporting basis from 3 days to 7 days but this is not yet certain. At all events, it is important to have the clause so that railway accident reporting procedures can be aligned with those for the generality of industry in due course.

Second, a general point that is of interest to me in terms of my general responsibilities for the health and safety of workers. This is the frequency of violent assaults on public transport staff. I know that your Department has set up a working party on the matter, on which this Department is represented, and that it meets for the first time on 7 December. I would like to record that I see this as an issue that merits urgent attention and I am looking forward to seeing the conclusion of this group.

I am copying this to other members of E(A), to members of Land to Sir Robert Armstrong.

*Lu*  
*lan*



PARLIAMENT : legislaturii Pe 13

30 NOV 1981

10  
9  
8  
7  
6



CONFIDENTIAL

MSM AT *cto*  
27/6



OFFICE OF ARTS AND LIBRARIES  
Great George Street  
London SW1P 3AL  
Telephone 01-233 8610

*From the Minister for the Arts*

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

27 November 1984

*Dear John,*

THE MUSEUM OF LONDON AND THE LOCAL GOVERNMENT BILL

I undertook to write to you, following our discussion at Legislation Committee on Tuesday last, to confirm our understanding of the position of the future of the Museum of London after abolition. *Wednesday 21/11 att. p. 2. L(R), 2<sup>th</sup>*

In order to avoid the risk of a challenge to the Local Government Bill on grounds of hybridity, we have been obliged to leave the City's one-third share of the funding of the Museum untouched. This will mean that the Government will have to assume the GLC's one-third share, in addition to its own existing one-third share, in the face of the Local Government Bill.

As you know, this has been a last minute change, and one which is damaging to our policy of 50:50 funding with the City. After some quite hard negotiation, the City had agreed to an equal partnership provided that the extra money they had to pay (half the GLC's share) would come from an adjustment to the London Rates Equalisation Scheme. This had also been agreed in principle by Kenneth Baker.

We agreed at L that we should seek to introduce a single purpose Bill to restore the position as originally intended. If this could be enacted before the abolition date, no additional payment would be required from Central Government.

I am grateful for the efforts which colleagues made at L Committee to help me out of a difficulty which was not of my making. It is, however, not at all certain that this solution will work. To introduce such a Bill in the 1985-86

CONFIDENTIAL



CONFIDENTIAL

Session could give the GLC an opportunity for mischief. The Bill would most likely be hybrid and the GLC, as an interested party, could make representations. It may therefore, be better to leave its introduction to the 1986-87 Session. But in that case the additional financial burden of half the GLC's share (about £800,000) would either need to be found centrally for at least a year, or be subtracted from the Museum's already tight budget, with a knock-on effect on the City's own contribution as well. Secondly, and this is even more worrying, it seems to me quite possible that despite the agreement I have reached with them the City will reverse engines and refuse to agree to the Amending Bill, protesting themselves quite content with the new statutory position. The Museum's Governors and staff will also most probably approve of the Government's assuming two-thirds of the funding, and appointing two-thirds of the Governors. In that event, the £800,000 would need to be added permanently to my budget if the Museum's operation was not to be severely curtailed, and the consequences blamed on the Government's abolition policy.

I must make it clear, as I said at L, that I do not have this additional money. When we calculated the central funding needed to maintain the major museums and galleries after abolition, we worked on the assumption that the City would take on half the GLC's share of the funding of the Museum of London. £800,000 is not a large sum in public expenditure terms, but it is so in relation to the funds available for dealing with the consequences of abolition and the multiplying claims upon them. I could not find such a sum for a year, let alone permanently. So I must look to our Environment colleagues to find this sum, if necessary, from their larger budget. As was said at Committee, I doubt if this is money that Peter Rees should be asked to inject at this stage, but if it is not forthcoming, the Museum will find itself severely underfunded.

Finally, before writing to the City I must be able to assure them that, at whatever date the separate amending Bill is enacted, the extra monies to be paid by the City will be set against their LRES contribution. Unless I can give this assurance the City will not countenance its one-third funding position being changed. I should be grateful for Kenneth Baker's confirmation that the LRES offset will be available to the City.

I am copying this to members of L Committee, to members of MISC 95 who are not also members of L, to the Prime Minister and to Sir Robert Armstrong.

*Y  
Luo,  
e/uy  
2*

GOWRIE

CONFIDENTIAL





NDPM  
AT 26/11  
WJH

HOUSE OF LORDS,  
SW1A 0PW

26 November 1984

REVIEW OF LEGISLATION ON FALSE  
AND MISLEADING PRICE INFORMATION

*My dear Ken,*

In view of tomorrow's meeting of E(A) Committee, which, though in theory restricted to discussion of proposals on the safety of goods, may well touch on wider aspects of consumer law, I am writing to answer some of the points which you took in your letter of 19th November to Michael Lucas. You had reservations about a number of the proposals in my letter to him of 9th November on ways in which the law could more effectively safeguard the interests of consumers.

I accept that the criminal law has an important part to play in consumer protection arrangements, but my concern is that it should not be our only weapon against suppliers or traders who consistently fail to meet required standards. Furthermore, I believe it would be undesirable in practice to place additional burdens on the Crown Court. Even if only a small proportion of defendants elect for trial on indictment, this will significantly increase the workload of the Crown Court, inevitably resulting in an increase in the number of persons remanded in custody, and in the length of time for which they await trial for totally different offences.

In order to protect the consumer more effectively, and in particular to prevent a recurrence of objectionable trading practices, I envisage the criminal law as having a limited application. Breach of the relevant duty, properly defined, would give rise to a summary offence, and responsibility for the prosecution of those offences would remain with local authorities. I have no reason to believe

The Right Honourable  
The Lord Cameron of Lochbroom, Q.C.,  
Lord Advocate's Department,  
Fielden House,  
Great College Street, S.W.1.

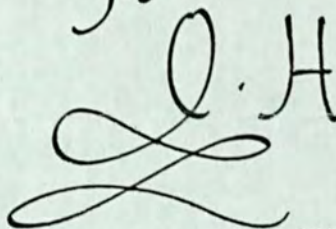
cont...2



that the powers of magistrates' courts to award criminal compensation would be insufficient to provide an adequate measure of redress in the great majority of cases involving complaints by consumers. Nor, in the generality of cases, do I believe that the sanctions available to magistrates, at least in the first instance, are insufficient to penalise defendants.

However, to deal with consistent and repeated offences the criminal law should be backed up by the injunctive relief available to the civil courts. The detailed operation of such a scheme would obviously be a matter for careful consideration. I entirely take your point that relator actions would not be appropriate in Scotland, but that is a matter of detail rather than of principle. So long as you agreed with the principle, it would I presume be possible to find in each of the law districts an individual who could protect the public by applying for civil relief. Indeed, as I mentioned in my earlier letter <sup>(both of us)</sup> we already have such an individual in the shape of the Director General of Fair Trading, who already has considerable power under Part III of the Fair Trading Act 1973, which extends to the whole of the United Kingdom.

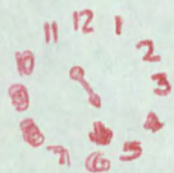
I am copying this letter to colleagues on H and E(A) Committees, Michael Havers and to Sir Robert Armstrong.

Yrs:  


From: THE RT. HON. LORD HAILSHAM  
OF ST. MARYLEBONE, CH, FRS, DCL.



6 NOV 1984





C O N F I D E N T I A L

*WJ*



DEPARTMENT OF THE ENVIRONMENT  
2 MARSHAM STREET LONDON SW1P 3EB  
01-212 3434

My ref:  
Your ref:

*26* November 1984

*reopen!  
done  
26/11*

*Dear Michael,*

DOG LICENSING

*-will request  
if required*

Thank you for your letter of 21 November to Patrick Jenkin. I am replying in his absence.

I can see the force of your argument for retaining a mandatory exemption for working sheepdogs and I am anxious to avoid further delay. I therefore agree to add an appropriate reference in paragraph 26 of the paper, which I now plan to issue on Wednesday 28 November.

I am copying this to the Prime Minister, members of H Committee, the Secretary of State for Trade and Industry, the Deputy Chief Whip and to Sir Robert Armstrong.

*WJ*

WILLIAM WALDEGRAVE

The Rt Hon Michael Jopling MP

C O N F I D E N T I A L



PARLIAMENT 1. Leg 1713



18  
17  
16  
15  
14  
13  
12  
11  
10  
9  
8  
7  
6  
5  
4  
3  
2  
1

NOV 9 1964





SECRETARY OF STATE  
FOR  
NORTHERN IRELAND

The Rt Hon Nicholas Ridley MP  
Secretary of State for Transport  
Department of Transport  
2 Marsham Street  
LONDON  
SW1P 3EB

MB pm AT 23/11 CC NO  
NORTHERN IRELAND OFFICE  
WHITEHALL  
LONDON SW1A 2AZ

22 November 1984

Dear Nick,

You sent me a copy of your minute of 13 November to the Prime Minister on proposals for inclusion in the Transport Bill.

The issue of PSV Driver Licensing and Railway Accident Reporting are covered by separate legislation in Northern Ireland and I will consider its amendment by way of Order in Council in the light of the detailed consideration of your proposals.

I am copying this to other members of E(A), and to Sir Robert Armstrong.

over,  
Douglas.



Parliament #13  
legislation

23 NOV 1984





CONFIDENTIAL

CNO



PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

22 November 1984

sub  
23/11

Dear Patrick

DOG LICENSING

Thank you for your letter of 16 November seeking the agreement of H Committee to the publication of your consultation paper on this. I have also seen the letters of 21 November from Michael Jopling and Peter Rees' Private Secretary. I understand that the points they raise are acceptable to you and, on that basis, you may take it that you have the agreement of the Committee to publication of the consultation document.

I am sending copies of this letter to the Prime Minister, members of H Committee, to the Secretary of State for Trade and Industry, the Minister of Agriculture, Fisheries and Food, the Chief Whip and Sir Robert Armstrong.

Yours  
L. Hill

The Rt Hon Patrick Jenkin MP

CONFIDENTIAL



23 NOV 1994

11 12 11 2 3 4  
9 8 7 6 5  
R 1





CC/50  
DEPARTMENT OF TRANSPORT  
2 MARSHAM STREET LONDON SW1P 3EB

01-212 3434

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

22 November 1984

Dear John

W  
23/11

TRANSPORT BILL

I wrote to the Prime Minister, as Chairman of E(A), on 13 November seeking policy approval for some minor additional provisions to go in the Transport Bill. I think my minute provides all the necessary background, and I attach a copy for ease of reference; though I will, of course, be happy to provide any further information.

The Prime Minister replied by means of a letter from her Private Secretary of 15 November, recording that she was content subject to the views of colleagues. Her views on the involvement of consumer bodies with fare levels settle, I think, that issue, which was referred to in my 13 November minute as being still open. All other E(A) colleagues are, I understand, content with the additions.

Michael Lucas has since written (20 November) with another proposed addition on guidelines for consumer bodies: I do not think we can accept that, and David Mitchell is writing to him separately to suggest an alternative approach.



I am therefore writing to you to seek the necessary authority to draft the additional provisions proposed in my minute of 13 November.

I am copying this letter to the Prime Minister, members of E(A) and L Committees and to Sir Robert Armstrong.

*Nicholas Ridley*  
*Andrews*

NICHOLAS RIDLEY



16

91

Prime Minister

PS/Mrs Chalker

PS/Mr Mitchell

PS/Mr Spicer

PS/Mr Lazarus

Mr Palmer

Mr Brown

Mr Dempster

Mr Hall

Mr Osmotherly

Mr Beetham

Mr Evans

Mr Moss

Mr Kroll

Mr Carty

Mr Ledgerwood

Mrs Ramsey

F

TRANSPORT BILL

I am writing to seek policy approval for inclusion in the Transport Bill of some minor provisions which do not form part of the proposals approved for legislation by E(A).

I am very conscious of the need to restrict the length of the Bill and I have ruled out a number of desirable but inessential bids. I believe however there is a strong case for including the following items:

Transport Consumer Bodies

This provision would extend the power of the transport consumer bodies to allow them to consider the relativity of fares and charges imposed by BR and London Regional Transport, and reductions in British Rail services. There can be no question of giving them powers which could affect the ability of the industries to meet their targets. At present the consumer bodies are statutorily precluded from considering these matters. Provisions to extend their powers as I propose will fulfil a commitment given during passage of the LRT Bill to introduce legislation when and if a suitable opportunity arose. As such they will be welcomed. The Transport Bill already contains provisions on bus substitution which affect the consumer bodies' role and as such it is a convenient vehicle to use to honour the commitments made. Indeed, if provisions are not included in the Bill, we can expect amendments to be tabled on the matter.



We are discussing one matter of detail about the fares provision with DTI Ministers. The point can, I am sure, be settled between us quickly.

The Secretary of State for Trade and Industry is responsible for arranging staff for these transport bodies. At his request, I should like to take this opportunity to empower the Central Transport Consultative Committee and the Transport Users Consultative Committees to recruit and employ their own staff. This would bring them into line with the London Regional Passengers' Committee and most other nationalised industry consumer bodies.

These provisions would probably need 2 clauses.

#### Trust Ports

I propose to seek the removal of a variety of ministerial controls and restrictions on the borrowing and audit of trust ports. This will allow a reclassification of trust ports to the private sector bringing public expenditure savings of about £50 million per year. This provision would obviously broaden the scope of the Bill, but I believe the advantages in public expenditure terms outweigh the disadvantages of its inclusion. Peter Rees is prepared to take account of the public expenditure savings in the Autumn Statement and the Public Expenditure White Paper; but we need to announce our intention to legislate as soon as possible.

This provision would need 2 clauses.

#### Control of Harbour Development

Earlier this year Parliament approved the revocation of the Harbour Development Orders under which the Government exercised control over harbour investment in excess



of £3 million. I propose now to seek the repeal of Sections 9 and 10 of the Harbours Act under which those Orders were made. This formalises a policy which has already been effected, and I would not anticipate significant opposition.

This provision would need 1 clause.

#### PSV Driver Licensing

The present regulations governing the testing and licensing of Public Service Vehicle (PSV) drivers rest on unsatisfactory powers. I propose to provide for a firmer legislative basis. This is a minor non-controversial provision, but is consistent with our general commitment in the "Buses" White Paper to maintain safety standards in the bus industry. This provision would however also enable drivers of very small PSVs (typically cars used as PSVs) to be exempt from the requirement to hold a PSV driver's licence, a requirement which is often unnecessary, as, for instance, when the Post Office are using estate cars as Post Buses in remote areas. It is within scope of the Bill as approved.

This provision would probably need 1 clause.

#### Railway Accident Reporting

This provision would allow us to bring accident reporting procedures for British Rail and other statutory railways into line with the proposed new Health and Safety Executive Regulations for other industries. These will almost certainly change the basis for reporting accidents from 3 days absence to 7 days absence from work. In the case of railways the 3 day basis is incorporated in railway



legislation, and I propose to seek power to amend the time limit by order. This is a non-controversial but important provision. It would avoid an unwelcome difference in the basis on which industrial injuries are reportable under the railway and Health and Safety legislation. The Health and Safety Executive supports strongly its inclusion because it would retain the comparability of accident statistics throughout industry. It is within the scope of the Bill as approved. It would need 1 clause.

### Conclusion

Work on all these provisions is very advanced and none would delay the introduction of the Bill. None is particularly controversial. They are unlikely therefore to delay the passage of the Bill. On the other hand they have significant advantages. The transport consumer provision can be presented as a plus point for the consumer. The two ports provisions are a further step to bringing increased commercial disciplines to the ports industry and reducing Government control. The other two provisions are minor but very helpful.

In view of the need for a quick decision on the Trust Port item, I should be grateful for your early agreement, as Chairman of E(A), to these additional provisions.

I am copying this to other members of E(A) , to members of L and to Sir Robert Armstrong.

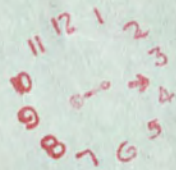


NICHOLAS RIDLEY

13 November 1984



23 NOV 1984





CONFIDENTIAL



*WJH*  
*2/11/84*

Treasury Chambers, Parliament Street, SW1P 3AG

John Ballard Esq  
Private Secretary to  
Secretary of State for the Environment  
Department of the Environment  
2 Marsham Street  
London SW1P 3EB

21 November 1984

*Dear John*

**DOG LICENSING**

I have seen a copy of your letter of 16 November to Willie Whitelaw seeking agreement to the publication of the consultation document on the proposed future dog licensing arrangements.

I am content for the consultation paper to issue. However, demonetisation of the halfpenny (paragraph 32) is subject to the formal approval of the Royal Proclamation by the Privy Council at their meeting on 22 November and your officials should check with Willie Whitelaw's office that approval was granted before the consultation paper is published.

I am copying this letter to the Private Secretaries to the Prime Minister, members of H Committee, the Secretary of State for Trade and Industry, the Minister of Agriculture, the Chief Whip and to Sir Robert Armstrong.

*Yours sincerely*  
*Richard Broadbent*

RICHARD BROADBENT  
Private Secretary

CONFIDENTIAL



Page: Leg Pt 13

3

22 NOV 1984

10 11 12 1 2 3 4 5 6 7 8 9





From the Parliamentary Under Secretary  
of State for Trade and Industry

NDPM AT 21/11 MS  
DEPARTMENT OF TRADE AND INDUSTRY  
1-19 VICTORIA STREET  
LONDON SW1H 0ET

Telephone (Direct dialling) 01-215 4041

GTN 215

(Switchboard) 215 7877

The Rt Hon Nicholas Ridley AMICE MP  
Secretary of State for Transport  
Department of Transport  
2 Marsham Street  
LONDON  
SW1 3EB

20 November 1984

*Nick*

#### TRANSPORT BILL

I am in general content with the proposals in your minute of 13 November. I have also seen Mr Turnbull's letter of 15 November conveying the Prime Ministers comments.

I support the proposals for using this opportunity to fulfil commitments to put the Transport Consumer Bodies on a similar basis to those for the other nationalised industries. This will be an important step towards completing implementation of the policy towards nationalised industry consumer councils set out in our 1982 "Strategy for Reform" Paper.

There is one outstanding point from the 1982 proposals which is not mentioned in your minute but about which I have been in touch with David Mitchell. This concerns provision for formal approval by the Government of guidelines for the activities of the Councils (in this case the Central Transport Consultative Committee). This would enable the Government to clarify in a reasonably flexible manner grey areas not easily dealt with by the statute itself. The proposals for guidelines in the 1982 Paper were widely welcomed and I am sure that a provision on these lines would not be controversial.

I am sending copies of this letter to the Prime Minister, to other members of E(A), to members of L and to Sir Robert Armstrong.

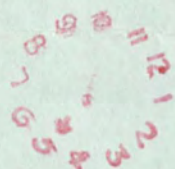
*Lucas*

LORD LUCAS OF CHILWORTH



PARLIAMENT: 62

A13



21 NOV 1984





HOME OFFICE  
QUEEN ANNE'S GATE  
LONDON SW1H 9AT

20 November 1984

Dear Mr Sutherland

W WM

REPRESENTATION OF THE PEOPLE BILL

Subject to Legislation Committee's approval tomorrow I should be grateful if you would arrange for notice of presentation of this Bill to be tabled on Wednesday 21 November for introduction in the House of Commons at the commencement of public business on Thursday 22 November and publication on Friday 23 November at 9.30 am.

The Bill should be presented by Mr Secretary Brittan, supported by:

Mr Secretary Howe  
Mr Secretary Younger  
Mr Secretary Edwards  
Mr John Biffen  
Mr Secretary Hurd  
Mr David Mellor

I should be grateful if, for press briefing purposes, you would arrange for 60 copies of the Bill addressed to the Home Secretary to be delivered to the Vote Office for collection at the time of publication.

I have copied this letter to Tim Flesher (Prime Minister's Office), Simon Hickson (Cabinet Office), David Morris (Lord Privy Seal's Office), Murdo Maclean (Chief Whip's Office, Commons), David Beamish (Chief Whip's Office, Lords) and Brian Shillito.

Yours sincerely

Richard Rhodes

R P RHODES

Deputy Parliamentary Clerk

E R Sutherland Esq



Pa  
Doub  
19/6

- 1. <sup>ECS</sup> MR. BUTLER - to see last paragraph
- 2. PRIME MINISTER

Env Affairs - Acid Rain  
H.S.  
cc Parliament. legislation

H Committee

To report:

+ HOME AFFAIRS,  
Disposal of  
Nuclear Waste  
~~But~~ July 79

NIREX

Consideration of Mr. Jenkin's proposals for the use of Special Development Orders was deferred, pending further details of counter-proposals from Sir Walter Marshall. These were reported orally to the Committee - they involve long term storage (as opposed to disposal) of intermediate-level waste, using existing nuclear sites. The Committee will return to this subject within a fortnight.

The Broads

H shared your doubts, both about 90% grant-in-aid, and about a special "grazing grant". They felt decisions should await the full review of the Wildlife and Countryside Act for which you have asked (and which is due to come forward very shortly). Meanwhile the Secretary of State is asking the Broads Authority to renew their temporary management agreements with Broads farmers.

Scotch Whisky

There was not much support for Mr. Jopling's defence of the producers of full strength whisky. The Committee felt that prohibiting the sale of under strength whisky, provided it was so labelled, was a doubtful application for the criminal law, as well as a restriction of consumer choice. If despite this the Scotch Whisky Association succeeded in



DEPARTMENT/SERIES ..... <i>PREM 19</i> ..... PIECE/ITEM ..... <i>1594</i> ..... (one piece/item number)	Date and sign
Extract/Item details:  <i>Minute from Barclay to Butler and          PM dated 16 November 1984          (page 2 only)</i>	
CLOSED FOR ..... YEARS UNDER FOI EXEMPTION	
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
TEMPORARILY RETAINED	<i>18 March 2014          C. Wayland</i>
MISSING AT TRANSFER	
MISSING	
NUMBER NOT USED	





2 MARSHAM STREET  
LONDON SW1P 3EB  
01-212 3434

My ref:

Your ref:

*Await colleague*

16 November 1984

*Dear Lord Whitelaw,*

DOG LICENSING

As you know, following my letter to you of 3 August, publication of the consultation paper was delayed because of Treasury doubts about the financial basis of the proposed arrangements, and specifically about whether licensing income should be classed as a charge or a tax. After discussions with the Treasury, I am pleased to be able to report that they are content with my proposal that licensing income should be classed as a charge (paragraph 31 of the draft consultation paper).

I hope the way is now clear for the issue of the consultation paper. I enclose a text which (apart from minor editorial changes) varies from that which I circulated in August only in that it includes in paragraph 32 a positive announcement of the interim level of the licence fee in the light of the proposed demonetisation of the halfpenny; this reflects the position agreed by colleagues.

In view of the delay, I am anxious that the paper should now be issued as soon as possible, with the consultation period running until the end of February 1985. Unless I fear to the contrary by close on Tuesday 20 November I shall proceed to publication on Tuesday 27 November. I propose that William Waldegrave should announce what we have done in reply to a written Parliamentary Question.

I am sending copies of this letter to the Prime Minister, members of H Committee, the Secretary of State for Trade and Industry, the Minister of Agriculture, the Chief Whip and to Sir Robert Armstrong.

*Yours sincerely,*  
*Patrick Jenkin*

for PATRICK JENKIN

*(acted by the Secretary of State, & signed in his absence)*



# DOG LICENSING: FUTURE ARRANGEMENTS IN GREAT BRITAIN

## CONSULTATION PAPER

### SUMMARY

1. The dog licensing regime in Great Britain is now absurd. The licence fee of 37½p has remained unchanged since 1878. In England and Wales the fee provides an annual revenue for local authorities of about £0.9 million; the Department of the Environment pays the Post Office about £3.4 million a year for the costs of issuing licences. (There is a corresponding deficit in Scotland, but the detailed arrangements differ). Probably less than half of all dogs are licensed. Local authorities can make bylaws about dogs and employ dog wardens, while the police have the duty of dealing with strays.
2. The Public Accounts Committee in 1982 rightly criticised Governments for continuing with such a regime, and the Select Committee on the Environment in 1984 accused the Government of lacking sufficient urgency in dealing with the question.
3. The facts, and the criticisms, are discussed at greater length below. Taken together, they do not allow any Government which values good administration to continue to do nothing. The reason for the decades of avoidance of the problem by all Governments is not far to seek. Any solution is bound to be controversial; everyone has an opinion, many strongly held. The two broad options - total abolition of the licensing system, or its reorganisation with an increased fee - both have passionate adherents.
4. This consultation paper sets out the Government's reasons for suggesting that the right course is to maintain a licensing system with local options about its implementation and (within limits) about the fee.
5. Comments are welcomed and should be sent to one of the addresses in paragraph 33 to arrive by 28 February 1985.
6. Only one option is excluded altogether: that of doing nothing to end the current absurdity.

### THE BACKGROUND

7. Any policy should start from the fact that dogs are a major source of comfort and companionship to millions of families, adding significantly to human happiness. Ownership of a dog can teach children how to be kind to animals and so enhance their understanding of the animal world as a whole. The companionship of a dog does much to relieve loneliness, not only, but perhaps especially, among the elderly and housebound. It is not surprising that any proposals that touch on the subject of dogs or dog ownership are likely to arouse strong feelings.
8. However, dog ownership also creates problems in society. The great majority of dog owners are responsible, exercising proper care for, and control of, their pets. But there are some who treat dog ownership too casually and who do not exercise the care and control that are needed. There is growing concern about problems caused by



dogs, for example because of strays or the fouling of footpaths, children's playgrounds and other public spaces. These problems appear to be increasing, and there are many people who believe that stronger control measures are needed. Any such controls should be seen not only as a means of reducing problems affecting the public but as a means of reducing suffering by dogs. Dogs that are neglected and ill-treated are likely to be those that cause the greatest difficulties: stray dogs, for example, may sometimes cause danger to the public, but are themselves often hungry and miserable animals. Firmer controls could do much to reduce avoidable suffering.

9. Recognition of the need to consider these issues goes back some years. In 1974 the then Government appointed the Working Party on Dogs with the following terms of reference:

To examine the law, custom and practice relating to the control of dogs, including licensing arrangements and the problem of strays; and to make recommendations.

The Working Party reported\* in 1976. Its main recommendations were that the annual licence fee of 37½p, unchanged since 1878, should be increased to £5, and that, in Great Britain, responsibility for strays should be transferred from the police to local authorities, who should consider setting up discretionary dog warden services.

10. None of the Working Party's recommendations has been implemented. Successive Governments have felt unable to grasp the nettle of dealing with the complex and contentious issues involved. The need to do so has become more urgent because, in recent years, and as a consequence of inflation, the costs of dog licensing have far exceeded the revenue raised. The Committee of Public Accounts reported† critically on this in 1982.

#### COMMITTEE OF PUBLIC ACCOUNTS REPORT ON DOG LICENSING

11. The Committee noted that payments to the Post Office for fee collection in England and Wales, borne on a Department of the Environment Vote, amounted to some £10m over the financial years 1977/78 to 1981/82, compared with revenue of under £5m, which accrued directly to local authorities. More recent figures are now available; the cost of issuing licences in 1982/83 was £3.3m and the revenue raised £0.9m; in 1983/84 the issuing costs were £3.4m and the revenue again £0.9m. There are additional costs (eg in maintaining registers) which fall on local authorities.

12. The Committee also noted that broadly similar arrangements obtained in Scotland. The main difference is that the income from the fees is set against the payments to the Post Office, with the result that no payments are now made to the local authorities. The difference between income from fees and the cost of collection led to a deficit of £177,500 in 1982/83 and £186,350 in 1983/84.

---

\* Department of the Environment: Report of the Working Party on Dogs (HMSO, 1976)

† First Report from the Committee of Public Accounts, Session 1982/83 (HC99)



13. The Committee recognised that difficult and controversial issues of policy were involved: their concern was purely with the unacceptable position on the costs of dog licensing. They concluded that the present licensing arrangements served no useful national purpose and recommended that they be suspended temporarily until a policy decision became possible.

14. The Select Committee on the Environment also drew attention to the unsatisfactory situation identified by the Committee of Public Accounts in the course of their scrutiny of the Department of the Environment's Main Estimates 1984-85. They expressed concern in their report\* that the Government were not pursuing with sufficient urgency the question of how to meet the Committee of Public Accounts' recommendations. The Estimates were debated in the House of Commons on 4 July 1984, and particular attention was drawn to the provision for meeting the Post Office's costs for issuing licences in England and Wales. In responding to the debate, the Parliamentary Under Secretary at the Department of the Environment (Mr William Waldegrave) announced that the Government intended to issue a consultation paper proposing changes to the present system.

15. As the Government pointed out in their response<sup>+</sup> to the Public Accounts Committee, however, the present arrangements could be suspended only by abolishing them, which would require primary legislation. And since the financial question cannot sensibly be separated from the policy issues, abolition would itself amount to a major decision of policy. The Government have therefore re-examined the existing arrangements as a whole, taking account of the recommendations of the 1976 Working Party's report. This consultation paper sets out the Government's proposals for future arrangements in Great Britain<sup>#</sup> for dog licensing and control.

## THE PRESENT POSITION

### Licensing

16. Under the Dog Licences Act 1959 all dogs must be licensed, except for puppies under 6 months, hounds under 12 months never entered in a pack, working sheepdogs, and dogs for the blind. There is no minimum age for a licence holder, and no requirement to hold a

---

\* Second Report from the Select Committee on the Environment, Session 1983-84 (HC414).

+ Treasury Minute on the First to Eighth and Tenth to Eleventh Reports from the Committee of Public Accounts Session 1982/83 (Cmnd 8995).

# The problems of dog control in Northern Ireland were recognised by the Working Party as being much more serious than in Great Britain and following wide-ranging consultations new legislation (the Dogs (Northern Ireland) Order 1983 - SI 1983 No. 764 (NI8)) was made on 18 May 1983. This provides for a dog control scheme operated by district councils, financed partly by an increased licence fee of £5 and partly by a contribution from the district rates. The main provisions of the new Order became operative on 19 December 1983.



licence before owning a dog. Ministers<sup>+</sup> may vary by order the amount of the fee, the time for payment, the age at which the fee becomes chargeable and the period for which the licence is to be in force, and may prescribe the form of the licence. Local authorities have a statutory duty to issue dog licences (this is in practice generally done through the Post Office), and to keep a register of licence holders.

17. The Working Party estimated in 1976 that there were over 6 million dogs in Great Britain. The number has almost certainly increased since then, though no more recent estimate is available. There is extensive evasion of the requirement for a licence: taking the Working Party's dog population estimates, less than half of the total number of dogs are licensed. The maximum fine for failure to obtain a licence is £50 and there are about 3,000 prosecutions a year.

#### Dog Nuisance

18. The problems associated with dogs include the following:

- large numbers of strays (the Working Party suggested up to one million)
- fouling of public places
- traffic accidents
- worrying of livestock
- attacks on people
- transmission of disease
- noise from barking dogs.

A number of powers are available to deal with these problems. Under the Dogs Act 1906 the power to seize, impound and dispose of strays rests with the police. Local authorities have a range of measures available to them. For example, they may make bylaws prohibiting the fouling by dogs of footways and certain types of grass verges, or banning them from certain enclosed parks and other places of recreation. More than 100 local authorities in England and Wales have set up dog warden schemes under general powers (eg Section 137 of the Local Government Act 1972) to assist in dealing with dog problems and, generally, to promote responsible dog ownership and dog welfare. Some have also acquired, in private legislation, the same powers as the police in respect of strays. Under Road Traffic legislation local authorities may make orders requiring owners to keep their dogs on leads on certain designated roads in the interests of road safety. Separate legislation provides for the control and welfare of dogs in various situations, for example guard dogs, dangerous dogs, dogs in pet shops and in breeding establishments. The worrying of livestock by dogs on agricultural land is prohibited under the Dogs (Protection of Livestock) Act 1953; subsequent amendments give farmers a defence against civil action for causing death or injury to a dog if they acted for the protection of livestock, provide for the payment of compensation, and make it an offence to allow a dog to be at large in a field or enclosure in which there are sheep unless on a lead or otherwise under close control. The Control of Dogs Order 1930 requires all dogs to have a collar and address tag when in a highway or place of public resort. The penalty for failure to comply is imprisonment or a fine of up to £2,000, but there are very few prosecutions.

---

+ The Minister of Agriculture, Fisheries and Food and the Secretaries of State for Scotland and for Wales.



19. In Scotland, the Civic Government (Scotland) Act 1982 provides specific measures to deal with the problem of dog fouling and to allow the appointment of dog wardens by local authorities. It also extends the powers of both the police and dog wardens in Scotland in respect of stray dogs, and provides a defence in civil proceedings on death or injury to dogs which may have been worrying livestock, similar to the protection given to farmers in England and Wales.

20. A list of relevant statutory provisions is at Annex A.

#### PROPOSALS FOR THE FUTURE

21. Dog licensing is a highly contentious and emotive issue. The Government realise that no proposals are likely to command universal support; there are sharp divisions of opinion. The most fundamental of these is between those in favour of a substantially increased licence fee and those in favour of abolishing the licence. The latter argue that, since the problems created by dogs are largely attributable to irresponsible behaviour by a small proportion of owners, it would be unjust to penalise the great majority of owners who exercise proper care for, and control of, their dogs. They point out that there is no licensing requirement for other domestic animals, which can also cause nuisance. They also argue that the already high level of evasion of licensing will rise still further if the fee is increased, and that the only effective way to tackle the problems associated with dogs is through the education of dog owners.

22. There are, however, strong counter arguments. Many responsible bodies that are closely involved with dogs support the continuance of a licensing requirement. These include the main local authority associations, the Institution of Environmental Health Officers, the Farming Unions, the British Veterinary Association, the Joint Advisory Committee on Pets in Society, the National Canine Defence League and the Royal Society for the Prevention of Cruelty to Animals. Generally, these bodies see the licensing system as an aid to responsible dog ownership and to dog control, and argue that, in terms of costs to dog owners, even a substantially increased fee would not be significant compared with the costs of feeding and caring for a dog. Local authorities in particular have to deal with many of the problems caused by dogs; about one quarter already choose to operate dog warden services. These local authorities would view the total abolition of any form of licensing as a significant weakening of their ability to carry out their functions at a time when the problems are increasing. Abolition might be interpreted as a lessening of public concern about dog nuisance and of public commitment to the welfare of dogs. As to evasion, it is argued that more effective control would increase the risk that it would be detected.

23. The Government have weighed these arguments carefully. The principal aim of policy should be to promote responsible dog ownership, and they do not believe that abolition would best serve that end. In the words of the National Farmers' Union: "Choosing abolition would be to throw away the means of financing proper dog control, throw away the obvious way of tracing the owner of a stray, throw away the potential deterrent to casual purchases, throw away, indeed, all hope of improvement in dog control in the future."

24. Given the financial absurdity criticised by the Committee of Public Accounts, the simplest course would be to increase the



licence fee to remove the deficit, otherwise maintaining the existing arrangements: this could be done by Ministerial Order. The question of revenue is, however, only one factor and needs to be considered with others such as improving dog control and welfare. Needs vary widely from one area to another. The Government are therefore unwilling to impose what would amount to a national tax on all dog owners, whether or not there are significant needs in their particular areas.

25. The Government propose that the present national licensing arrangements should be abolished and that new, discretionary powers should be given to district and London borough councils (district and islands councils in Scotland) to make schemes for the registration of dogs kept in their areas, for which they would be required to levy a fee. Authorities establishing registration schemes would have discretion to prescribe the fee for registration, subject to limits which the Government would prescribe from time to time. The aim would be to assist authorities in exercising a degree of control appropriate to the circumstances in their areas, by enabling them to set fees at levels adequate to finance registration and some part at least of control measures. These new arrangements would require primary legislation. This 'local option' scheme is not unlike that in existence in a number of other countries (such as the Federal Republic of Germany and New Zealand). As in any other area of policy where local discretion is involved, there are obvious potential problems derived from lack of national uniformity; but in the sense that local requirements can be fitted to local needs, this lack of uniformity is itself a source of strength.

26. The legislation envisaged by the Government would provide for registration schemes to include mandatory fee exemptions for guide dogs for the blind, and discretionary exemptions and part exemptions for other categories, such as dogs owned by the elderly: local authorities would be free to decide on the nature and scope of the discretionary exemptions to be adopted. It is for consideration to what extent authorities establishing schemes should have discretion to decide other basic features of the arrangements or whether these should be prescribed nationally. Examples are: the dog age at which a licence should be required; whether an age limit should be set below which licences should not be issued to persons; and whether an identification system should be used to facilitate checking that a dog has been licensed, and thus aid enforcement. The Government would, in any case, issue guidance on these and other aspects with the aim of encouraging general conformity of practice.

27. The legislation would define offences under registration schemes. It would be an offence to keep an unregistered dog in an area where a local authority operated a registration scheme; the place of keeping a dog would thus need to be defined. The legislation would also define the extent of the powers available to local authorities in exercising controls over dog nuisance. The Government propose to adopt as a basis for consultation the recommendation of the Working Party on Dogs on the powers of dog wardens. Where there is a registration scheme, a dog warden would be empowered:

- (i) to obtain information from any person whom he has reasonable cause to believe to be the keeper, of a dog which is of legitimate concern to him (for example, a dog which is causing a disturbance in his area);



- (ii) to ask for the name and address of any person in charge of a dog which is causing or has caused an offence to be committed; and
- (iii) to require a dog keeper to produce a valid licence on demand.

The Government also propose that authorities should continue to be empowered to make bylaws or adopt regulations to help with dog control.

### Stray Dogs

28. Stray dogs constitute a particularly severe problem in some areas. The Working Party recommended that responsibility for dealing with strays should be transferred from the police to local authorities. The Government agree and propose to transfer to district councils and London boroughs the present responsibility of the police under the Dogs Act 1906 for the seizure, custody and disposal of stray dogs. This would apply to all these councils whether or not they chose to establish a registration scheme. Many district councils in practice already discharge these responsibilities, in cooperation with the police, and some, as already mentioned, have taken powers in private legislation. District and islands councils in Scotland have discretionary powers under the Civic Government (Scotland) Act 1982. (See paragraph 19).

### Financial and Manpower Implications

29. As indicated in paragraph 25 the Government propose that where registration schemes are introduced, the authority should set the fee subject to a prescribed maximum. Under any such scheme, each authority would have formal responsibility for issuing licences and collecting the fees; the authority would have power to employ agents (including the Post Office) for this purpose - bearing in mind the current statutory requirement\* that people should be able to obtain licences near their homes - and would be responsible for meeting the cost of any such agency service. It should be a requirement of principle that any scheme should cover its own administration costs, but it would be open to authorities to set the fee at a level which would, in addition, provide some revenue for the support of dog welfare and control measures. Subject to ensuring that the registration costs are covered by fee income, and to the prescribed maximum fee, it would be for the discretion of local authorities how far dog control measures should be financed from the general rate fund or from licence revenue. Under the Government's proposals local authorities that did not establish registration schemes would still be responsible for dealing with strays and in those cases the associated costs would need to be borne on the rates. The Government accept that some marginal increase in manpower may be involved in these proposals, but given the extent to which local authorities are already active in this area, they do not believe that any overall increase would be significant.

30. Appropriate fee levels would need to be settled in the light of consultation. The minimum necessary would depend on various factors, but on the basis of the costs of the present system it seems unlikely that a fee of less than about £3 would cover the costs of issuing licences and of registration. A preliminary view is that a

---

\* Dog Licences Act 1959, S.7(2)



maximum in the region of £10 might be appropriate; the Government envisage a statutory power to vary the maximum from time to time as circumstances required.

31. Some technical changes would be needed. Under the present arrangements the income which local authorities receive from dog licences counts as tax income, which is deemed not to be part of the the General Rate Fund. Authorities cannot therefore net off such income from their rate fund expenditure, and the full cost of their expenditure on dog control measures counts as total expenditure as defined for rate support grant purposes. Under the proposed arrangements, income from any registration scheme would be treated like other local authority charges, and would therefore be deductible from their rate fund expenditure. As any income from the fee, after deducting the costs of registration, would be used for control and welfare measures for dogs only, the proposals need not lead to any net increase in local authority expenditure.

#### INTERIM ARRANGEMENTS

32. The halfpenny will no longer be legal tender after 31 December 1984. A change in the current licence fee will therefore be required before new arrangements can be introduced following this consultation exercise. In view of the discretionary nature of the arrangements proposed, the Government consider that it would not be feasible materially to change the present fee and they have therefore decided that, when the halfpenny ceases to be legal tender, this should be rounded down to 37p for the interim period.

#### COMMENTS

33. The Government would welcome written comments from organisations and individuals on these proposals. In the light of comments received the Department of the Environment, the Welsh Office and the Scottish Development Department will undertake more detailed discussions with the local authority associations and other bodies. Comments should be sent by 28 February 1985, to one of the following addresses as appropriate:

AN Division  
Department of the Environment  
Room B3.57, Romney House  
43 Marsham Street  
London SW1P 3PY

Scottish Development Department  
Room 4/95  
New St Andrew's House  
Edinburgh  
EH1 3SZ

Water and Environmental Protection Division  
Welsh Office  
Room 2002  
Cathays Park  
Cardiff  
CF1 3NQ



## LEGISLATION RELATING TO DOGS

TOWN POLICE CLAUSES ACT 1847

Makes it an offence to allow any unmuzzled ferocious dog to attack or menace any person or animal.

DOGS ACT 1871

Empowers magistrates to order the destruction or control of dangerous dogs.

DOGS ACT 1906

Empowers the police to seize, detain and dispose of stray dogs.

PROTECTION OF ANIMALS ACT 1911

Makes it an offence to cause unnecessary suffering to any domestic or captive animal.

CONTROL OF DOGS ORDER 1930  
(made under powers consolidated in the ANIMAL HEALTH ACT 1981)

Requires dogs to wear identity discs in public places and enables local authorities to make curfew regulations to control dogs.

PROTECTION OF ANIMALS (CRUELTY TO DOGS.) ACT 1933

Enables courts to disqualify for keeping dogs those convicted of cruelty to them under the 1911 Act.

PET ANIMALS ACT 1951

Provides for the inspection and licensing by local authorities of pet shops.

DOGS (PROTECTION OF LIVESTOCK) ACT 1953

As amended, makes it an offence to allow a dog to worry livestock.

DOG LICENCES ACT 1959

As amended, requires licences for the keeping of dogs.

LOCAL GOVERNMENT ACT 1966

Empowers Minister to alter licence fee, etc.

LOCAL GOVERNMENT (SCOTLAND) ACT 1966

Empowers Minister to alter licence fee, etc in respect of Scotland.

ANIMALS ACT 1971 (not applicable to Scotland)

Provides the defence in civil proceedings for injuring or killing a dog, of showing that the action was taken for the protection of livestock.

LOCAL GOVERNMENT ACT 1972 (and PUBLIC HEALTH ACT 1875, OPEN SPACES ACT 1906)

Provides powers to make and confirm bylaws.

ROAD TRAFFIC ACT 1972

Makes it an offence to allow a dog to be on a designated road without being held on a lead.



BREEDING OF DOGS ACT 1973

Provides for the inspection and licensing by local authorities of dog-breeding establishments.

RABIES (CONTROL) ORDER 1974

Provides for special controls or destruction of animals in infected areas.

GUARD DOGS ACT 1975

Lays down requirements for the supervision of guard dogs.

ANIMAL HEALTH ACT 1981

Consolidates powers in Control of Dogs Orders and provides for the regulation of the control of strays.

WILDLIFE AND COUNTRYSIDE ACT 1981

Widens definition of livestock worrying to include dogs being at large in a field, etc where there are sheep.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

In Scotland, makes it an offence to allow a dog to foul certain public places; extends powers to deal with stray dogs to local authority officers; extends the defence in civil proceedings on death or injury to dogs which may have been involved in livestock worrying.



Postament - Legislation #13



TF



01-930 5422 ext

CABINET OFFICE  
70 WHITEHALL  
LONDON SW1A 2AS

15 November 1984

Dear Private Secretary,

W  
llm

#### LEGISLATION COMMITTEE PROCEDURES

During the summer we have taken the opportunity to review how L Committee operates, with a view to tightening up its procedures where necessary but also to streamlining some of its operations. The changes will be incorporated in revisions of the Guide to Legislative Procedures (produced by the MPO) and of the European Affairs Secretariat's guidance to Departments about the handling of debates on EC documents. The purpose of this letter is to bring Departments' attention to the changes now so that they can be put into effect immediately.

#### Preparation of Government Bills

(i) Departments are reminded that memoranda to Legislation Committee should cover the various points itemised in paragraph 8.3 of the Guide to Legislative Procedures. It is important to ensure that other Departments with an interest have been properly consulted during the preparation of a Bill, and that no policy issues have been left unresolved. Furthermore, whether or not a Bill had been identified as controversial at the time a bid was submitted, the process of drafting can highlight fresh points which could cause Parliamentary problems. It is important that memoranda to L Committee should identify these.

(ii) Memoranda must be circulated seven days before the meeting at which they are to be discussed. There is an arrangement under which the prints of Bills can be circulated later, but this can leave little time for other Ministers and Departments to scrutinise a Bill. To help as much as possible, Parliamentary Counsel are making arrangements to ensure that, except in the most unusual circumstances, prints of Bills are circulated no later than mid-day on the Friday before a meeting.

#### Additions to Bills or to the Legislative Programme

Any proposal to add to a Bill, or to add a Bill to the legislative programme, should be addressed to QL Committee if it relates to a future session, and to L Committee if it relates to the current one. Those Committees' roles are of course limited to considering the impact on the legislative programme; policy approval has to be sought separately from the relevant policy Committee.



Private Members' Bills

(i) If a Department wishes either to support or to remain neutral towards a Private Member's or Private Peer's Bill, it is necessary to consult the relevant policy Committee before approaching L Committee. If time is very short the policy Committee may be consulted by letter at the same time as a memorandum is circulated to L Committee.

(ii) If a Private Member's Bill has been introduced under the Ballot arrangements, or is a Bill which the Government wishes to support or remain neutral towards, it should in the normal course of events be discussed at a meeting of L Committee rather than dealt with by correspondence. Any other Bill (ie a Private Peer's Bill or a non-ballot Private Member's Bill which the Department wishes to oppose) should normally be dealt with by L Committee correspondence even if the Committee has meetings at the relevant time. Ministerial letters should come at least two weeks before Second Reading, and be copied to any other Ministers with an interest who are not members of L.

(iii) If it has been drafted in good time a prospective handout Bill should be brought before the Committee well in advance of the Second Reading date which has been nominated. However Parliamentary Counsel must normally give priority to drafting of Government Bills, and ultimately it is acceptable to bring a handout Bill to the Committee 8 to 15 days before the Second Reading date.

Ten Minute Rule Motions

Most motions propose Bills which in the event the Government decides to oppose. Opposing the motion itself, however, requires the Government to put up a speaker against it, to ask Ministers to vote or possibly to enlist backbench opposition too. Such steps may be desirable where the issue is of political importance to the Government; but where the subject is of a more routine nature the Business Managers prefer to block the Bill at Second Reading. It would be helpful if Departments could bear this distinction in mind when making recommendations about the handling of Ten Minute Rule motions and the Bills which may result from them.

Debates on EC documents

The Chairman of L Committee is particularly anxious to ensure that EC documents are debated in Parliament in good time before they require approval in Brussels. The following preparatory steps should be taken:



(i) 5 weeks before a debate is needed (and preferably earlier if it is wanted near Christmas or the summer adjournment) the Department's Parliamentary Clerk should inform the L Committee Secretariat by telephone about the likely timing, place and duration of debate, and seek agreement on when L Committee's approval is needed.

(ii) Ministerial letters proposing debates should in future be addressed to L Committee's Chairman, with copies to L members, OD(E) members, any other Departmental Ministers with an interest and Sir Robert Armstrong. They should be despatched  $\frac{1}{2}$  weeks before the debate is needed.

I am sending copies of this letter to the Private Secretaries to all Ministers responsible for Departments and copying it to Janet Lewis-Jones (Lord President's Office), David Morris (Lord Privy Seal's Office), Murdo Maclean (Chief Whip's Office), David Beamish (Chief Whip's Office, House of Lords), Brian Shillito (Parliamentary Counsel's Office) and Fiona Rodger (Office of the First Parliamentary Draftsman for Scotland).

*Your faithfully*  
*S B Hickson*

S B HICKSON



16 NOV 1984

10 11 12 1 2 3  
9 8 7 6 5 4



NBPM



PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

15 November 1984

*Dear Robin,*

The Lord President has seen Mr Ingham's minute of 14 November to you and the Prime Minister suggesting that the Local Government Bill should be published on Thursday 22 November rather than on the following Friday.

The Lord President strongly supports Mr Ingham's views and has commented that it would be highly undesirable to publish the main Bill of the Session on a Friday.

I am sending a copy of this letter to Bernard Ingham.

*Yours sincerely,  
Janet Lewis-Jones*

JANET A LEWIS-JONES  
Private Secretary

F E R Butler Esq







CONFIDENTIAL

RUE SAHAFU



L: LPSO  
LPCO  
LCO  
SO  
WO  
AOD  
LAD

Parl. Sec. HMT  
M/S, FCO (Mr Rifkin)  
M/S, HO (Mr Shaw)  
Fin. Sec. Office HMT  
Captain of Genl Air Army  
Office

10 DOWNING STREET

From the Private Secretary

15 November, 1984

bc N.O.

Transport Bill

The Prime Minister has seen your Secretary of State's minute of 13 November. Subject to the views of colleagues, she is content with the additional clauses proposed for the Transport Bill. She has commented, however, that care should be taken in defining the role of Transport Consumer Bodies. It should be made very clear that their right to comment extends only to structures and relativities of fares and charges, and not to levels; and in commenting on reductions in services, TCBs should have regard to the effects which the maintenance of uneconomic services may have on BR's capacity to improve other services.

I am copying this letter to Private Secretaries to members of E(A), to members of L and to Richard Hatfield (Cabinet Office).

ANDREW TURNBULL

Miss Dinah Nichols,  
Department of Transport

CONFIDENTIAL



Mr. Jenkin is planning at present to publish the Bill on Friday. The problem is that the Bill cannot be introduced and therefore published until after the Business Statement and there would not be time for Mr. Jenkin to give a press conference and do television interviews before the 5 p.m. meeting. He does not want Mr. Baker to do all the television. You may like to raise with Mr. Jenkin. We could try

- 1. MR BUTLER
- 2. PRIME MINISTER

BILLS

We are in danger of doing ourselves no good presentationally in connection with the publication of the Local Government Abolition and the Representation of the People bills.

move the meeting with Sir J. Sainsbury to 1730.

There is a clear risk that the two will be published on Friday, November 23. Friday is a bad day in any case because there is limited room in Saturday newspapers.

FEBB  
14.11.

I am not particularly concerned to secure publicity for the Representation of the People Bill. Its provisions are pretty well known and it is acceptable to publish it on a Friday.

It is not, however, acceptable to publish the GLC/MCC Abolition Bill on a Friday. This is throwing away an opportunity to maximise publicity for a decisive act of government which is to rid the public of spendthrift and largely useless local authorities.

We need therefore to ensure that the Abolition Bill is published on Thursday, November 22 no later than 4.30pm.

So far as I can see the only obstacle in the way of this is that you have a meeting at <sup>5</sup>4pm on Thursday, November 22 with Patrick Jenkin. This is described as immovable and as such would prevent a publicity exercise to launch the Bill with a press conference at 4.30pm.

It is the meeting with Sir John Sainsbury and his group.

Agree that the Department of the Environment publish, with a press conference, no later than 4.30pm, and that your meeting with Mr Jenkin is rearranged?

BERNARD INGHAM  
14 November 1984



D10

SC 10



PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

14 November 1984

D  
15/11/84

Dear Norman,

OCCUPATIONAL PENSIONS BILL

Thank you for your letter of 13 November informing me of the changes which you wish to make in this Bill.

Whilst understanding the reasons why you have had to amend the Bill at such short notice, I had hoped that we would have heard the full extent of your proposals a little earlier. It does make it very difficult for the Committee to express a view at such short notice. However, in the circumstances, I think that it will be right to give the Committee's agreement to what you propose.

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

*John Biffen*

JOHN BIFFEN

Rt Hon Norman Fowler MP  
Secretary of State for Social Services



Parliament: Legislative: Pt 13.

14 NOV 1981

6  
5  
4  
3  
2  
1  
6  
5  
4  
3  
2  
1



Prime Minister ①

Agree to Ridley's proposals, subject to colleagues, and to the clarification of the role of TCB's suggested below.

CONFIDENTIAL

MR TURNBULL

Yes - but

the working will not in fact prevent

14 November 1984

AT 14/11

from commenting on levels

TRANSPORT BILL

With one exception, the proposed provisions in the Transport Bill reinforce, in their different ways, our liberal transport policy. Subject to the proviso suggested below, they should, in my view, all be accepted.

The provision which gives slight cause for concern is the first, which allows Transport Consumer Bodies (TCBs) to consider fares charged by BR and LRT, and reductions in BR services. Although the provision meets legitimate consumer demands, it will inevitably add to pressure on BR and LRT to underprice and on BR to maintain uneconomic services.

Nicholas Ridley is aware of the danger referred to above, which is why he refers to "relativity of fares and charges" rather than to levels.

I suggest that the Prime Minister should indicate that, subject to the views of colleagues, she is content with the proposals. The TCBs' provision might be phrased to indicate that:

- 1) TCBs' right to comment extends only to structures and relativities of fares and charges, and not to levels;

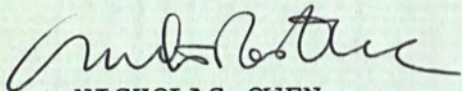
CONFIDENTIAL



CONFIDENTIAL

- 2 -

- 2) in commenting on reductions in services, TCBS should have regard to the effects which the maintenance of uneconomic services may have on BR's capacity to improve other services.



NICHOLAS OWEN

CONFIDENTIAL



Prime Minister <sup>①</sup>

TRANSPORT BILL

I am writing to seek policy approval for inclusion in the Transport Bill of some minor provisions which do not form part of the proposals approved for legislation by E(A).

I am very conscious of the need to restrict the length of the Bill and I have ruled out a number of desirable but inessential bids. I believe however there is a strong case for including the following items:

Transport Consumer Bodies

This provision would extend the power of the transport consumer bodies to allow them to consider the relativity of fares and charges imposed by BR and London Regional Transport, and reductions in British Rail services. There can be no question of giving them powers which could affect the ability of the industries to meet their targets. At present the consumer bodies are statutorily precluded from considering these matters. Provisions to extend their powers as I propose will fulfil a commitment given during passage of the LRT Bill to introduce legislation when and if a suitable opportunity arose. As such they will be welcomed. The Transport Bill already contains provisions on bus substitution which affect the consumer bodies' role and as such it is a convenient vehicle to use to honour the commitments made. Indeed, if provisions are not included in the Bill, we can expect amendments to be tabled on the matter.





We are discussing one matter of detail about the fares provision with DTI Ministers. The point can, I am sure, be settled between us quickly.

The Secretary of State for Trade and Industry is responsible for arranging staff for these transport bodies. At his request, I should like to take this opportunity to empower the Central Transport Consultative Committee and the Transport Users Consultative Committees to recruit and employ their own staff. This would bring them into line with the London Regional Passengers' Committee and most other nationalised industry consumer bodies.

These provisions would probably need 2 clauses.

Trust Ports

I propose to seek the removal of a variety of ministerial controls and restrictions on the borrowing and audit of trust ports. This will allow a reclassification of trust ports to the private sector bringing public expenditure savings of about £50 million per year. This provision would obviously broaden the scope of the Bill, but I believe the advantages in public expenditure terms outweigh the disadvantages of its inclusion. Peter Rees is prepared to take account of the public expenditure savings in the Autumn Statement and the Public Expenditure White Paper; but we need to announce our intention to legislate as soon as possible.

This provision would need 2 clauses.

Control of Harbour Development

Earlier this year Parliament approved the revocation of the Harbour Development Orders under which the Government exercised control over harbour investment in excess





of £3 million. I propose now to seek the repeal of Sections 9 and 10 of the Harbours Act under which those Orders were made. This formalises a policy which has already been effected, and I would not anticipate significant opposition.

This provision would need 1 clause.

PSV Driver Licensing

The present regulations governing the testing and licensing of Public Service Vehicle (PSV) drivers rest on unsatisfactory powers. I propose to provide for a firmer legislative basis. This is a minor non-controversial provision, but is consistent with our general commitment in the "Buses" White Paper to maintain safety standards in the bus industry. This provision would however also enable drivers of very small PSVs (typically cars used as PSVs) to be exempt from the requirement to hold a PSV driver's licence, a requirement which is often unnecessary, as, for instance, when the Post Office are using estate cars as Post Buses in remote areas. It is within scope of the Bill as approved.

This provision would probably need 1 clause.

Railway Accident Reporting

This provision would allow us to bring accident reporting procedures for British Rail and other statutory railways into line with the proposed new Health and Safety Executive Regulations for other industries. These will almost certainly change the basis for reporting accidents from 3 days absence to 7 days absence from work. In the case of railways the 3 day basis is incorporated in railway





legislation, and I propose to seek power to amend the time limit by order. This is a non-controversial but important provision. It would avoid an unwelcome difference in the basis on which industrial injuries are reportable under the railway and Health and Safety legislation. The Health and Safety Executive supports strongly its inclusion because it would retain the comparability of accident statistics throughout industry. It is within the scope of the Bill as approved. It would need 1 clause.

Conclusion

Work on all these provisions is very advanced and none would delay the introduction of the Bill. None is particularly controversial. They are unlikely therefore to delay the passage of the Bill. On the other hand they have significant advantages. The transport consumer provision can be presented as a plus point for the consumer. The two ports provisions are a further step to bringing increased commercial disciplines to the ports industry and reducing Government control. The other two provisions are minor but very helpful.

In view of the need for a quick decision on the Trust Port item, I should be grateful for your early agreement, as Chairman of E(A), to these additional provisions.

I am copying this to other members of E(A) , to members of L and to Sir Robert Armstrong.

A handwritten signature in dark ink, appearing to be 'NR' with a flourish.

NICHOLAS RIDLEY

13 November 1984





## DEPARTMENT OF HEALTH &amp; SOCIAL SECURITY

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

Telephone 01-407 5522

*From the Secretary of State for Social Services*

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

*H*  
*13h*

13 November 1984

*Dear John*

*attached* Legislation Committee approved the Occupational Pensions Bill on 24 October (L(84)8th) for introduction on 7 November.

Since the Committee considered the Bill it has become necessary that a number of other changes approved by MISC 106 and Cabinet will need primary legislation. I therefore intend to add these items to what will become the Social Security Bill.

The additional items are:

- (i) Statutory sick pay. The Bill will extend an employer's liability to pay Statutory Sick Pay to all employees covered by the scheme from 8 to 28 weeks. A number of consequential amendments will be needed; I intend to take powers in the Bill to deal with them in regulations.
- (ii) Overlap of benefits. The Bill will prevent the overlap of invalidity allowance with the additional component of invalidity pension or retirement pension and with the guaranteed minimum pension paid under occupational pension schemes.
- (iii) Earnings limits. The Bill will make changes in the earnings limits for adult dependants of people receiving long-term benefits such as invalidity and retirement pensions.

Some of these changes are complicated and items (ii) and (iii) will not be drafted in time to be included in the Bill when it is presented.



I therefore intend to introduce them at Committee stage in the House of Commons. This does create a problem because the scope of the Bill as presently drafted is now not wide enough to allow these items to be added later.

I therefore intend to add two comparatively minor items which have been awaiting a suitable opportunity, which will be generally welcomed and which will widen the scope of the Bill. They are:

- (i) Abatement of invalidity pension. The Bill will restore, at the 1985 review of benefits, the 5 per cent abatement that was made to invalidity pension in 1980. As you know, the restoration was agreed by Cabinet last week and announced by the Chancellor yesterday.
- (ii) Over 80s pension. The Bill will allow married women who are entitled to the over 80s pension at the lower rate (currently £12.25) to qualify for the standard rate (currently £20.45) which is paid to men and other women over age 80. This is a minor benefit change which has been agreed with the Treasury.

The changes in Statutory Sick Pay will result in public expenditure savings (at 1984 benefit levels) of £200 million in 1986/87 and a manpower saving of 300/400 staff. The overlap of benefits with the abatement of invalidity pension will produce savings of £10 million in 1985/86; £17 million in 1986/87; and £29 million in 1987/88. Details of the earnings limit changes have yet to be settled but there is likely to be an eventual saving of over £30 million a year. There will be additional costs for the over 80s pension of £75,000 in 1985/86 and £225,000 in 1986/87.

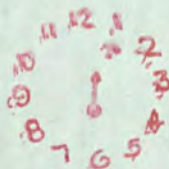
I shall be presenting the Bill to the House of Commons on Friday 16 November to keep up with your timetable.

I am copying this letter to the Prime Minister and members of L Committee.

*Norman Fowler*

NORMAN FOWLER \_\_\_\_\_

15 NOV 1984





010



HOME OFFICE  
QUEEN ANNE'S GATE  
LONDON SW1H 9AT

13 November 1984

Dear Mr Caldwell

N 13/11

PROSECUTION OF OFFENCES BILL

Legislation Committee will be invited at their meeting tomorrow morning, 14 November, to agree to the introduction in the House of Lords of the Prosecution of Offences Bill on Thursday 15 November.

Subject to that agreement I should be grateful if you would arrange for the Bill to be handed in for introduction by Lord Elton after Questions on Thursday and for publication on Friday morning at 9.30 am in order that copies are available when a Home Office Minister briefs the Press at 10.30 am.

I have sent copies of this letter to Tim Flesher (No 10), Richard Watson (Cabinet Office), David Morris (Lord Privy Seal's Office), Murdo Maclean (Chief Whip's Office, Commons), David Beamish (Chief Whip's Office, Lords), and Brian Shillito.

Yours sincerely

R P Rhodes

R P RHODES

Deputy Parliamentary Clerk

E G Caldwell Esq

hcc Mr Pantling  
Mr Yates  
Mr Davidson  
Mr Mower  
Mr Inglese  
Miss MacNaughton



Legislation

13 NOV 1984





## CABINET OFFICE

70 Whitehall, London SW1A 2AS Telephone 01-233

7 November 1984

Dear Private Secretary

## LEGISLATION IN THE 1985/86 and 1986/87 SESSIONS

The purpose of this letter is to ask for your Minister's proposals for Government legislation in the 1985/86 Session of Parliament and (on the limited terms explained below) the 1986/87 session; and his proposals for Bills which might be offered to Private Members in 1985/86. Details should be included of those Bills which have already been awarded places in the Government programme for 1985/86 on the basis that instructions to Parliamentary Counsel would be delivered not later than January 1985.

Government Bills in 1985/86

2. We should be grateful if you could let us have four copies of your Department's proposals (on white paper) in the form shown at Annex A. Notes on the completion of Annex A are also enclosed and it would be appreciated if you would follow them closely. The entries should be grouped by category of Bill, and numbered in your Minister's order of priority within each category.

3. It is not possible at this stage to give specific guidance about the size and shape of the programme Ministers will wish to have in 1985/86. But in compiling bids it should be assumed that the session will be of normal length, beginning in October or early November. The number of bids is usually double the number of places which can be made available, and importance will therefore attach to the order of priority in which Departments list their bids and what is said about their timing. If Royal Assent is required before the end of the session - ie October or November 1986 if there is a spillover - the date should be specified and the reason given. Estimates about preparation time and comments about state of readiness must be realistic, taking account in particular of any time needed for public consultation, and of the length of time (frequently underestimated by Departments) likely to be needed to draft Bills. Unrealistic estimates, of which there were a large number in the bids for 1984/85 (particularly as regards delivery of drafting instructions), cause difficulties in the management of Parliamentary business which can operate to the disadvantage of all Departments.

Private Secretary to the -  
Prime Minister



Government Bills in 1986/87

4. Because some Bills take longer to prepare than the normal one-year cycle allows, bids are also invited for a handful of places in the 1986/87 programme. Selection will be confined to Bills which are important and will clearly need a long time to prepare; and to which Departments are prepared to devote sufficient staff at an early stage to have full instructions to Parliamentary Counsel ready by the end of January 1986. Bills which do not meet these criteria should be the subject of bids next year when the full 1986/87 programme will be considered. A Bill may be proposed simultaneously for 1985/86 and 1986/87, or solely for one session. In either case, a copy of Annex A should be used. Departments will wish to bear in mind that 1986/87 is likely to be the last full-length session before the next General Election.

Private Members' Bills

5. We should be grateful if you would let us have four copies of a list, set out in the form at Annex B (on white paper), of the Bills your Department considers would be suitable, and can be made ready, for offering to Private Members of the House of Commons who are successful in the ballot for Bills which will take place at the beginning of the 1985/86 session. The purpose of putting together this list now is to avoid a rush of requests for policy clearance and drafting in the autumn when pressure of work on Government Bills is at its greatest. Once Departments' proposals have been considered and agreed, it should be possible to carry out preparatory work on at least some of the Bills in advance of the ballot. There is no guarantee that a particular Bill will be taken up - that is a matter for individual Private Members - but if it is not chosen in one session a ready-drafted Bill will remain available for subsequent sessions. Your Department's list should include any Bills which have been offered or introduced in previous sessions without success and which you would like to offer again.

6. To be suitable for offering to a Private Member a Bill should normally be short, simple, non-financial and not controversial in party political terms. It may be unsuitable if it is likely to be unpopular with prominent non-parliamentary interest groups, but such proposals may be included on the list provided that the likely reaction of outside groups is explained. There is no need to use a separate page of Annex B to list each bid, but the bids should be numbered in the Department's order of priority.

Overlap between lists

7. Departments may consider that some Bills merit places in the Government programme but would also be suitable for offering to Private Members. If genuinely suitable for both categories they should be included on both lists, with a cross-reference in each entry to the other one. Inclusion in the Private Members' list as well as the Government one will not necessarily lead to a Bill being excluded from the latter by QL Committee. It is important for each entry to make clear whether there are any special timing considerations which could influence the choice which is finally made.

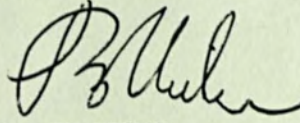
Closing Date

8. We should be grateful if Departments could complete and let us have four copies of forms A and B by Wednesday 12 December. If you have no candidates please let us have a 'nil' return.



I am sending this letter to the Private Secretaries to all Ministers responsible for Departments and copying it to Janet Lewis-Jones (Lord President's Office), David Morris (Lord Privy Seal's Office), Murdo Maclean (Chief Whip's Office), David Beamish (Lords Chief Whip's Office), Sir George Engle (First Parliamentary Counsel) and Norman Adamson (First Parliamentary Draftsman for Scotland).

Yours sincerely

A handwritten signature in cursive script, appearing to read 'S B Hickson', written in dark ink.

S B HICKSON



## GOVERNMENT BILLS PROPOSED FOR 1984/85 AND 1986/87

CATEGORY OF BILL:

WHICH SESSION(S):

PRIORITY AND TITLE; PURPOSE	DEPT	POLITICAL ASPECTS	LENGTH; PARL. PROCEDURE; ROYAL ASSENT	FINANCIAL, MANPOWER AND EC ASPECTS	TIMETABLE FOR PREPARATION



CONFIDENTIAL

NOTES ON COMPLETING ANNEX A (DESCRIPTION OF EACH BILL  
PROPOSED FOR 1985/86 OR 1986/87 LEGISLATIVE PROGRAMME)

GENERAL

1. Entries should be in note form. If there is space successive items may be listed on the same page; conversely a few longer items may need to run over onto a further page.

CATEGORY OF BILL

2. Each Bill should be described as 'essential', 'contingent', 'programme' or 'uncontroversial'. There are notes on these descriptions below. Where different parts of a Bill would fall into different categories, please include brief notes on this at the foot of the Bill's entry in the PURPOSE column.

a. Essential. Bills may be included in this category only if they must be enacted during the Session in question, eg because existing powers or finance would otherwise expire or because of treaty obligations. Please give the reason in the PURPOSE column. A Bill should not be described as essential simply because it has high political priority; that can be made clear in the POLITICAL ASPECTS column. A Bill which is basically essential can sometimes include some non-essential items too. They should be clearly distinguished, and before including them Departments should consider their effect on the length of the Bill and the need to avoid controversial provisions which might affect the Bill's prospects of enactment by the required date.

b. Contingent. These are Bills which might during the relevant Session become essential as defined above, for example if a pending court judgement were to put important powers into question. Bills which may become desirable for some non-technical reason should be included in the 'programme' or 'uncontroversial' category - with a brief explanation at the bottom of the PURPOSE entry of what they depend on.

c. Programme. These are Bills which can already be identified as being desirable for enactment in the relevant session, have a significant political priority and can be prepared in time.

d. Uncontroversial. This category is confined to Bills which are desirable for enactment in the relevant session but are not expected to be controversial in Parliament. It will be assumed that a Bill in this category is suitable for Second Reading Committee Procedure (see paragraph 8b. below) unless the PARLIAMENTARY PROCEDURE entry specifically records that it is not, and briefly indicates why. In the case of a Bill which might also be suitable for a Private Member, reference to this should be made in the PARLIAMENTARY PROCEDURE column and a full entry should also be made in the separate schedule covering Bills suitable for offering to Private Members (Annex B).

PRIORITY AND TITLE

3. Within each category, please number your Bills in the order in which your Department would like to give them priority. As regards the title, a provisional wording is quite acceptable.



CONFIDENTIAL

PURPOSE

4. Please list the various topics to be covered by the Bill, briefly indicating the purpose in each case. This list should cover all the substantive topics likely to be included. Because of their impact on drafting capacity and parliamentary handling, the business managers and other members of Legislation Committee are likely to resist attempts to make substantial additions later on.

DEPARTMENT

5. Only the Department which would take the lead in preparing the Bill needs to be mentioned here. It is sufficient to use the short form: eg "DHSS", "DTp".

POLITICAL ASPECTS

6. Please state briefly what, if any, public commitments have been given by the Government about the Bill's introduction or timing (NB firm commitments should not have been made without prior consultation with the Chairman of QL Committee, and in any case should normally be avoided until a prospective Bill has secured a place in the programme). Reference should be made to any relevant manifesto commitment. Please also cover briefly -

- a. its likely reception in Parliament, including whether it is likely to arouse particular interest in the House of Lords;
- b. what the attitude of the official Opposition is likely to be;
- c. whether it is likely to be controversial politically or for any other reason;
- d. whether there is pressure for the Bill from groups representing particular interests;
- e. whether it is likely to appeal to or be strongly opposed by any particular sections of the community.

LENGTH

7. An estimate of the length of the Bill is needed so that the demands on drafting capacity and Parliamentary time can be assessed at the earliest possible stage. It will not normally be possible to give an accurate forecast of the number of clauses and schedules, but some indication such as 'very short' (ie not more than 4 clauses), 'short' (5-12 clauses), 'medium' (13-25 clauses), 'substantial' (26-50 clauses) or 'long' (over 50 clauses) would be useful. If the Bill would be short but the schedules lengthy please say so. Where a Bill would cover more than one distinct topic, please indicate roughly what proportion of the Bill would be devoted to each topic.

PARLIAMENTARY PROCEDURE

8. A Bill may be suitable for special forms of Parliamentary procedure. Please state whether it might be suitable for or require any of the following -

- a. Introduction in the House of Lords;



- b. Second Reading Committee procedure in the House of Commons - that is, the Bill is likely to be accepted on all sides of the House as uncontroversial and of little or no political significance (there is no need to mention this specifically in the case of Bills categorised as 'uncontroversial').
- c. Scottish or Welsh Grand Committee procedure in the House of Commons;
- d. Offering to a Private Member successful in the Ballot. Such a Bill should be short, simple, non-controversial in party political terms and without significant financial implications. (In such a case a full entry for the Bill should also be made in the separate schedule dealing with Bills suitable for Private Members - Annex B).
- e. Special Standing Committee procedure in advance of normal Committee Stage.
- f. Committee proceedings on the floor of the House of Commons, for part or all of the Bill.
- g. Treatment as a hybrid or potentially hybrid Bill.

## ROYAL ASSENT

9. For 'essential' and 'contingent' Bills, please give with reasons the date by which Royal Assent is needed. For other Bills, please give a target date (with reasons) only if Royal Assent is essential or desirable before the end of the session - ie before November 1986 (for 1985/86 Bills) or November 1987 (for 1986/87 Bills). Please make it clear in each case whether Royal Assent by a particular date is essential - eg because borrowing limits will otherwise be exceeded - or desirable but not essential.

## FINANCIAL AND MANPOWER IMPLICATIONS

10. Please indicate the effect on central and local government expenditure and manpower of the proposed Bill for the PES period, and whether PES provision has been made for any necessary expenditure. Any separate implications for the Public Sector Borrowing Requirement (PSBR) should also be mentioned, especially if they affect the date by which Royal Assent is required (see also paragraph 9 above on ROYAL ASSENT).

## EUROPEAN COMMUNITY (EC) IMPLICATIONS

11. Please say whether the Bill is required to fulfil any EC commitment. If so, any relevant timing considerations should also be mentioned under ROYAL ASSENT.

## TIMETABLE FOR PREPARATION

- 12. We need to have the best possible estimates of -
  - a. when Ministers' collective policy clearance will be sought (ie from the appropriate Ministerial Cabinet Committee or, exceptionally, full Cabinet). If this is expected to be in stages, eg outline clearance before public consultation and detailed clearance afterwards, please cover each stage. Any likely cause of delay, eg dependence on autumn PES decisions or publication of an inquiry report, must be covered.



- b. whether and if so when and for how long any public consultation on the proposals will be carried out;
- c. when firm instructions will be delivered to Parliamentary Counsel. (If it is proposed to deliver instructions in instalments or at different times for different topics please give details); and
- d. when the Bill is expected to be ready for introduction.

It is important to have realistic estimates to enable Ministers to plan the use of Parliamentary time. Over-optimistic timetables are unhelpful all round. Please be as specific as you can - indicating where possible 'early', 'mid or 'late' when naming a month. In cases of doubt, earliest and latest dates should be given for each stage. Account should be taken of Parliamentary Counsel's absence on leave (normally for the whole of August).

---

Cabinet Office

November 1984



## PROPOSED PRIVATE MEMBER HANDOUT BILLS 1985/86

PRIORITY AND TITLE; PURPOSE	DEPT	LENGTH	INTEREST GROUPS AFFECTED AND LIKELY ATTITUDES	ANY FINANCIAL, MANPOWER OR EC ASPECT	TIMING OF POLICY APPROVAL AND INSTRUCTIONS TO COUNSEL





FEO told  
Nicks  
No objections  
Foreign and Commonwealth Office

London SW1A 2AH

6 November 1984

T Flesher Esq  
10 Downing Street  
LONDON  
SW1

Dear Tim

WHITE PAPER - HONG KONG

We propose that the report of the Assessment Office in Hong Kong and the separate report of the independent Monitoring Team, both of which should reach us in the week beginning 26 November, should be published as a White Paper before the House debates the agreement which we hope will be during the week beginning 3 December.

The two reports are logically linked in that the Monitors are reporting on the work of the Assessment Office. It can be made clear that the Monitors have reported directly to the Foreign Secretary and the Assessment Office has reported through the Governor by ensuring that, as is the standard procedure, the two reports begin by quoting the terms of reference according to which each unit has operated. An explanatory note on the first inside page will make it clear also that the two reports are entirely separate.

I should be grateful if you, and those to whom I am copying this letter, would kindly confirm as soon as possible that there is no objection to publication.

Yours sincerely  
Philip Johnson

P J Johnson  
Parliamentary Clerk

cc: D R Morris Esq  
Office of the Lord Privy Seal  
and Leader of the House  
70 Whitehall  
LONDON SW1

C Roberts Esq  
Government Chief Whips Office  
12 Downing Street  
LONDON SW1



Foreign and Commonwealth Office

London SW1A 2AH



NOV 12 1981

9 NOV 1981



BILLS TO BE INTRODUCED IN THE 1984/85 PARLIAMENTARY SESSION

Local Bus Services Bill: - to abolish licensing so that any operator would be able to run a bus service wherever he judged there to be a demand. Operator licensing to be continued. Local authorities would still be able to subsidise unprofitable services but required to put those services out to tender. Concessionary fare schemes to continue. Additional resources for rural services and safety checks. National Bus Company to be reorganised into smaller units and sold to private sector. Municipal bus undertakings to be incorporated into companies owned by the local authority.

Trustee Savings Bank Bill: - to transfer all of TSB business to new companies set up for the purpose under the Companies Acts and the issue of shares in the new group holding company. TSB Group plc with priority to depositors. Will bring to an end the special arrangements under which the Treasury supervises the TSBs. TSBs will be placed on the same footing as other retail banks.

Insolvency Law Reforms: - to simplify procedures and maximise the use of voluntary arrangements for the collective settlement of debts. This should reduce 'official' involvement and enable the Official Receiver to fulfil his proper investigatory role. The second purpose would be to provide the means for dealing with delinquent directors and rogue liquidations. Personal bankruptcy provisions would only apply to England and Wales.

Bankruptcy (Scotland): - to reform law of personal bankruptcy in Scotland to take account of principles of Scots law.



Films: - to repeal existing films legislation and to end the film quota system, the requirement to register films and licence cinemas and distributors and the restrictions on blind and advance booking. Cinematograph Films Council would be abolished, the 'eady' levy on cinema admissions to be ended earlier than the present law provides, the British Films Fund Agency to be wound up, and the National Film Finance Corporation (NFFC) dissolved. S/S DTI empowered to make available £1.5 million a year to a private British company set up to encourage commercial production of British films, and to allow rights of NFFC to be enjoyed by private successor company. A film project development scheme of £0.5 million a year to be established.

Reorganisation of Local Government in Greater London and Metropolitan Counties: -

Representation of the People: - right to vote at Parliamentary and European Parliament elections extended to British citizens resident abroad who have lived in UK within previous six years; holidaymakers eligible for postal and proxy votes; Parliamentary candidates deposit increased to £1,000 but threshold for forfeiture reduced to five per cent of total votes cast.

Prosecution of Offenders: - would establish an independent prosecution service for England and Wales headed by DPP, under the superintendence of the Attorney General. The new service would take over the conduct of all criminal proceedings instituted by the police; provide advice to police on criminal matters; provide advocates in



Magistrates' Courts in all proceedings instituted by the police; brief Counsel in such cases tried in the Crown Court. Attorney General would be able to refer to the Court of Appeal those cases where it might appear the sentence given in a Crown Court was too lenient. Criminal proceedings subject to '110 day rule'.

Interception of Communications: - to establish a new and comprehensive statutory framework to govern the interception of communications. Would bring the law into conformity with the European Convention on Human Rights following the Malone case.

Administration of Justice: - to simplify and speed up house transfer and to remove barriers to competition in this field, while maintaining adequate consumer protection; to transfer the Registry of County Court Judgements (RCCJ) from the Lord Chancellor's Department to the users themselves. The RCCJ provides information about County Court judgements where more than £10 remains outstanding more than one month after entry of the judgement.

Law Commission Reports: -

(a) Under present law an individual who appoints an attorney to manage his affairs and later becomes mentally incapable finds that power of attorney is invalid - this Bill will seek to introduce enduring powers of attorney.

(b) Williams and Glyn's Bank v. Boland - proposals still being considered.

International Enforcement of Child Custody Orders: - to enable UK to ratify the European Convention on Recognition and enforcement of decisions concerning custody of children and related Hague Convention which aim to provide solution



to 'child kidnapping' by parents. Would enable UK to more effectively combat international child abduction.

Occupational Pensions Proposals: - to revalue the deferred pensions of future early leavers by five per cent a year compound or the rise in prices, whichever is the less over the whole period from leaving to pension age.

Food and Environment Protection: - to ensure safe and efficient use of pesticides; would protect the public from food which had been subject of incident involving harmful substances. To up date Dumping at Sea Act 1974 to cover marine incineration.

Corporal Punishment: - to give parents of children educated at public expense the right to exempt them from corporal punishment; it is proposed that schools should seek the views of parents of all children who might be subject to corporal punishment.

Electoral Fraud in Northern Ireland: - would require voters to produce a document to confirm their identify. The list of acceptable documents will be set out. It will be an offence to be in possession of documents for the purpose of personation.

Heritage (Scotland): - to provide for the establishment of a Board of Trustees to manage jointly the Royal Scottish Museum and the National Museum of Antiquities of Scotland and the establishment of a trustee Board to manage the Royal Botanic Garden, Edinburgh.

Law Reform (Scotland): - to include provisions on divorce for a fair sharing of matrimonial property; fair recognition of contributions and disadvantages; fair sharing of economic burden of child care; fair provision for adjustment to independence; and relief of grave financial hardship.



From: THE PRIVATE SECRETARY



NORTHERN IRELAND OFFICE  
WHITEHALL  
LONDON SW1A 2AZ

Mr R Clayton  
Home Office  
Legal Advisers  
50 Queen Anne's Gate  
LONDON  
SW1

| November 1984

*Dear Richard*

*NJM*

ELECTIONS (NORTHERN IRELAND) BILL

As you know Legislation Committee agreed yesterday to the introduction of our Elections (Northern Ireland) Bill in the Commons. I would therefore be grateful if you could instruct parliamentary counsel to arrange for notice of presentation to be tabled on Tuesday 6 November for introduction of the Bill at the commencement of public business on Wednesday 7 November, and publication on Thursday 8 November at 3.30 pm.

The Bill should be presented by Mr Secretary Hurd, supported by:

Prime Minister  
Mr Secretary Brittan  
Mr Attorney General  
Mr Peter Rees  
Mr John Biffen  
Dr Rhodes Boyson  
Mr Nicholas Scott  
Mr Christopher Patten

Full publicity is being given to the introduction of this Bill and I should be grateful if you could arrange for 160 copies of the Bill to be delivered to the Vote Office for collection by midday on 8 November. These should be addressed to the Secretary of State for Northern Ireland.

I am sending copies of this letter to Tim Flesher (Prime Minister's Office), Richard Hatfield (Cabinet Office), Nigel Pantling (Home Office), Janet Lewis Jones (Lord President's Office), Murdo Maclean (Chief Whips Office, Commons), David Beamish (Chief Whips Office, Lords) and Mr Shillito in the Office of the Parliamentary Counsel.

*Yours Sincerely  
Neil Ward*

N D WARD



CONFIDENTIAL

MR. BUTLER

HAMPTON COURT

In view of the interest shown by the Palace, you should perhaps be aware that Patrick Jenkin has now circulated a paper to H Committee setting out his proposals for granting leases to companies on flats at Hampton Court.

The Prime Minister's doubt about this proposition, and in particular the idea of the leases being granted by the Secretary of State as opposed to an independent body such as the Crown Estate Commissioners, are on the record (my letter of 1 August at the flap). The matter is being considered by H Committee with the Prime Minister's agreement, at the request of the Lord President.

I do not think we need to intervene again at this stage. But we might ask the Lord President to report the outcome of the discussion.

Agree?

David Barclay <sup>Dub</sup> 5/11

Dub

Yes.

It seems to me that the simple solution would be for the Secretary of State to lease the apartments to the Crown Estate Commissioners on terms which allowed them to sub-lease.

1 November 1984

But perhaps that is too simple?!  
(You might try it on the Cabinet secretariat).  
FERB  
1.11.

VSCADU

Done. They will put it to Doc. Dub



SUBJECT  
ce Master.

CONFIDENTIAL

E.C.C. A.H.



10 DOWNING STREET

*From the Private Secretary*

29 October 1984

The Prime Minister held a meeting today to discuss Lord Scarman's amendments to the Police and Criminal Evidence Bill. The Home Secretary, the Lord President, the Lord Privy Seal, the acting Chief Whip and Mr Alison were present.

The Home Secretary said that Lord Scarman had successfully moved three amendments to the Police and Criminal Evidence Bill in the House of Lords. Two, on the powers of plain clothes policemen to stop and search and on the admissibility of evidence, were very damaging and had to be defeated; the other, which would require a specific offence of racial discrimination in the police disciplinary code, was also undesirable but in the judgment of the Home Secretary less so than the others. Indeed the Home Secretary had argued throughout the passage of the Bill that the amendment was unnecessary since any behaviour amounting to racial discrimination would be caught by other elements of the existing disciplinary code. In practice therefore the passage of the amendment would make no difference to the police as the Police Federation had recognised since they too had argued that the amendment was unnecessary. Indeed more damage might be done to the interests of the police by an excessive reaction to the amendment than by the amendment itself. The view of the business managers was that agreeing to Lord Scarman's amendment on racial discrimination was the price necessary to secure the safe passage of the Bill. It was unfortunate that the acceptance of Lord Scarman's amendment had been portrayed by police spokesmen as hostile but at the same time it should be recognised that the passage of the Bill would greatly strengthen the position of the police overall.

The Prime Minister said that she was greatly concerned by the need to accept Lord Scarman's amendment. This was no time for the Government to be seen to be going against police wishes especially in view of the magnificent performance of the police during the miners' strike and the

CONFIDENTIAL

li



increased anxiety about IRA actions. She believed that the passage of the amendment would make a difference to the police in that it would encourage baseless complaints against the police. In this context she suspected that the objection to the amendment by the Police Federation was based on this fear rather than any belief that the amendment was unnecessary. Moreover it would be difficult for the Home Secretary to argue that the amendment made no difference in a debate in which most of the other speeches either from Opposition speakers who approved of the amendment or Government backbenchers who opposed it would argue to the contrary. The Government would be in the embarrassing position of having opposed the amendment throughout the passage of the Bill and then doing a complete volte-face by whipping its supporters in favour of the amendment. If the session were a week longer she would have no hesitation at all about voting down Lord Scarman's amendment, all the more so since Lord Scarman had ignored the conventional separation between the judicial and political aspects of the role of the law lords. Nevertheless, in view of the standing of Lord Scarman in the House of Lords, the shortage of time, and the need to pass the Bill she very reluctantly accepted that the Government have to vote to accept the amendment. In this context she noted the assessment of the acting Chief Whip that a maximum of 60 Government backbenchers and in all likelihood rather fewer would oppose this line.

The Home Secretary said that he would be seeing Mr Eldon Griffiths MP and the Police Federation later that day to explain the position to them. He would endeavour to explain the constraints on the Government's actions and the need to obtain the Bill as a whole. The Prime Minister said that if the Federation wished she too would be willing to see them.

I am sending a copy of this to Janet Lewis-Jones (Lord President's Office), David Morris (Lord Privy Seal's Office) and to Murdo Maclean (Chief Whip's Office).

(Tim Flesher)

Hugh Taylor Esq  
Home Office



CONFIDENTIAL



cc Ms Bateman (1. cc 20)  
2. file  
Dr Alderslade  
Mr Knorpel  
Dr Ford  
Mr Doran  
Mr Rayner  
CDO  
Mr Allen  
Mr Dodger  
Mr Luce

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

The Rt Hon The Viscount Whitelaw CH MC  
Lord President of the Council  
Privy Council Office  
70 Whitehall  
LONDON  
SW1A 2AT

23 October 1984

*New Willie.*

THE QUEEN'S SPEECH: THE WATER (FLUORIDATION) BILL

As you know, there is a place in the forthcoming session's programme for a bill to make secure the powers under which Water Authorities, at the request of Health Authorities, may add fluoride to water supplies in order to reduce the incidence of dental caries. Our decision to prepare this legislation followed a court judgement in Scotland which found that the powers under which fluoridation was provided there were defective. The powers available in England and Wales are similar, so the bill is drafted to provide proper powers throughout Great Britain.

Since we decided to introduce the bill this session questions about the safety of fluoride have been raised on the basis of some recent research abroad. The research is not yet complete, and has not been fully evaluated. British studies to check the results at first provided no confirmation of the doubts; but very recently suggested that there is at least a question to answer. In view of this very recent development it would not now be possible for us to repeat without qualification the assurances about the safety of fluoride that have been given in the past. It would take a little time to assess the issue more thoroughly, but I have concluded - and in view of the shortage of time we have already informed the Cabinet Office - that it would not be right to retain a mention of the Bill in the Queen's Speech. I still hope to be able to keep the Bill in the 1984/85 programme and intend to confirm this by December.

I am sending copies of this letter to the Prime Minister, Members of L Committee and Sir Robert Armstrong.

*Yours ever*

NORMAN FOWLER

CONFIDENTIAL



1968  
JAN 12  
11 12

JAN 12 1968



② *Waldgrave*  
LEGISLATION IN THE 1984/85 PROGRAMME

① *Pr...*

JH

Competition and local bus services

JH

Return the National Bus Company to the private sector

JH

Reform Insolvency Law

JH

De-regulate film and cinema industries X

X Abolition of GCL and MCCs X

Electoral Reform

National Prosecution Service

Inception of communications

*Admin*

Y

Demonstration of Justice

JH

Improvement of Occupation Pension schemes X

Reform of water authorities

Corporal punishment

JH

Trustee Savings Bank X

*[Large handwritten scribbles at the bottom of the page]*





*fle vs*

10 DOWNING STREET

*From the Private Secretary*

9 October 1984

I am writing on behalf of the Prime Minister to thank you for your further letter of 5 October, which I shall, of course, draw to her attention.

TIMOTHY FLESHER

The Right Honourable  
Lord Renton, K.B.E., T.D., Q.C.

*cc*



From: The Rt. Hon. Lord Renton, Q.C.



CF  
22 Old Buildings  
Lincoln's Inn  
London WC2 3UJ

seb  
5th October 1984

The Rt. Hon. Mrs. Margaret Thatcher, M.P.  
10 Downing Street,  
S.W.1

cc CO (red)  
Ack 8/10

Dear Prime Minister,  
see P+12

Thank you for your letter of 27<sup>th</sup> September, and for the further thought which you have given to the problems of legislative drafting, about which we have been corresponding.

I note your view, which of course I accept, that the Government is collectively responsible for the structure and language, as well as for the content of the legislation which it presents to Parliament.

I also note your view that you do not consider that the Lord Chancellor should be made responsible for the work of the Parliamentary Counsel, and as you have clearly given plenty of thought to this matter I will not trouble you further with it.

I am grateful to you for saying that you will make sure that Parliamentary Counsel are made aware of the need to avoid unnecessary detail or purely administrative matters in legislation.

Thank you also for saying that I may discuss our correspondence with the Lord Chancellor and with Jack Simon.

With very best wishes for the success of our Party Conference,  
Yours ever,  
David.



Parliament: 609 Pt 13



Parliamentary Office  
London

10/13

THE SECRETARY OF STATE  
FOR THE HOME DEPARTMENT  
LONDON

Dear Sir,  
I have the pleasure to acknowledge the receipt of your letter of the 10th inst. in relation to the proposed amendments to the Criminal Justice Act, 1967, and in reply to inform you that the Home Office is currently considering the proposals. It is necessary to consult the views of other departments and to carry out a full assessment of the proposals. I am sorry that I cannot give you a more definite answer at this time, but I will be glad to discuss the proposals with you if you wish.

Yours faithfully,  
The Secretary of State

Enclosed for you are two copies of the proposed amendments to the Criminal Justice Act, 1967, and a copy of the explanatory memorandum. I am sure that you will find these documents of interest. I am sure that you will find the proposals to be of great value to the criminal justice system. I am sure that you will find the proposals to be of great value to the criminal justice system.





Machinery of Government  
CABINET OFFICE

70 Whitehall, London SW1A 2AS Telephone 01-233 7250

2 October 1984

Dear Mr. Wilson,

HOUSE OF COMMONS DISQUALIFICATION ACT 1975 - UPDATE OF SCHEDULE 1

You will be aware that Schedule 1 to the House of Commons Disqualification Act was brought up to date by the House of Commons Disqualification Order 1984 (SI 1984 No 705) which came into operation on 18 May. We would like to thank departments once again for the amount of work they put into this.

2. Unfortunately the amendments listed in SI 1984 No 705 were not ready in time for the last reprint of the Act (Reprint No 9). In order to ease departments' task on this occasion I therefore enclose, at Annex A, a copy of the Schedule attached to the last reprint amended in manuscript to indicate the changes introduced by the SI.

3. In view of the undertaking given in 1982 by Mr Hayhoe that amendments to the Act should not be allowed to accumulate, we are now firmly committed to ensuring that Schedule 1 is regularly updated so that a complete record is always readily available. The purpose of this letter is consequently to set in motion the next update. On this occasion the update will be a little different from previous exercises because Ministers have agreed that we should use the year's updating to look critically at some of the entries -

- (i) in connection with the application of the 'de minimis rule': and
- (ii) in order to achieve more consistency in connection with the treatment of Boards and Members of Non Departmental Public Bodies. (Lord Gowrie's letter of 12 June to the Lord Privy Seal refers).

4. I would be grateful therefore if departments could let me know of any additions or deletions they would like to make to Schedule 1. I attach at Annex B a short note, summarising the objectives of the Act and the criteria used in deciding which offices should be included in the Schedule, which you might find useful.

5. As far as the rationalisation is concerned you might find it helpful to refer to the lists at Annexes C and D. The first - List A - attempts to identify those Ministerial appointments which are not currently included in

J B Wilson Esq  
Department of the Environment and  
Department of Transport  
2 Marsham Street  
London SW1



the Schedule but which, according to the information which will be contained in 'Public Bodies 1984', attract remuneration in excess of £4,000 pa, and ought perhaps therefore to be disqualified. The list is not necessarily comprehensive and is intended mainly as a guide. Departments will wish to check whether the details on the list are correct and if so whether they wish to see specific appointments added to the Schedule. They will also wish to check whether any of the other appointments for which Ministers are responsible, are in a similar position and should also be disqualified.

that  
/

6. List B - Annex D - attempts to identify those appointments which are currently disqualified, where the remuneration is under £4,000 pa, and where according to information supplied a couple of years ago by departments the other criteria (see criteria 2 b-d in Annex B) do not apply. In these cases there seems, subject to departments' views on specific cases, little justification for disqualification. There is a difficulty in relation to fee-paid appointments in that in some cases the average annual fees may amount to more than £4,000 in which case those holding the appointments ought to continue to be disqualified. Departments will no doubt draw any such instances to our attention. The list is not totally comprehensive and departments may be able to identify other appointments falling in the same category.

7. I attach at Annex E details of the information we will need in respect of any proposed additional entry, deletion or amendment. I would also appreciate early warning of any proposed amendment to the Schedule which may prove sensitive, particularly where a sitting MP-or perhaps MEP - may be concerned.

8. On this occasion we do not propose, subject to departments' views, to suggest that the de minimis level for paid appointments warranting disqualification should be raised above the current level of £4,000 pa agreed in 1982. We would, however, be grateful for departments' views on this, and on how frequently they consider the level should be revised.

9. This letter is copied to those on the attached list. We would be grateful for a response by 31 October please. A nil response will be assumed in the case of any departments which have not replied by that time. We do not envisage a need for a meeting but if departments feel they would find this helpful we would be happy to arrange one.

MRS D C MILLER



REPRINT 9.

*House of Commons Disqualification Act 1975*      c. 24      7

## SCHEDULES

### SCHEDULE 1

Sections 1, 4, 5.

#### OFFICES DISQUALIFYING FOR MEMBERSHIP

##### PART I

##### JUDICIAL OFFICES

- Judge of the High Court of Justice or Court of Appeal.
- Judge of the Court of Session.
- Judge of the High Court of Justice or Court of Appeal in Northern Ireland.
- Judge of the Courts-Martial Appeal Court.
- Chairman of the Scottish Land Court.
- Circuit Judge.
- Sheriff Principal or Sheriff (other than Honorary Sheriff) appointed under the Sheriff Courts (Scotland) Act 1907, or Temporary Sheriff 1907 c. 51.  
Principal or Temporary Sheriff appointed under the Sheriff Courts 1971 c. 58. (Scotland) Act 1971.
- County Court Judge or deputy County Court Judge in Northern Ireland.
- Stipendiary Magistrate within the meaning of the Justices of the Peace Act 1979 c. 55.
- Stipendiary Magistrate in Scotland.
- Resident Magistrate or Deputy Resident Magistrate appointed under the Magistrates' Courts Act (Northern Ireland) 1964.      1964 c. 21 (N.I.).
- Chief or other Social Security Commissioner (excluding a person appointed in pursuance of section 13(5) of the Social Security Act 1980).      1980 c. 30.
- Chief or other Social Security Commissioner for Northern Ireland (excluding a person appointed in pursuance of section 13(5) of the Social Security Act 1980).
- Umpire or Deputy Umpire appointed for the purposes of section 43 of the National Service Act 1948.      1948 c. 64.

##### PART II

##### BODIES OF WHICH ALL MEMBERS ARE DISQUALIFIED

- The Advisory Board for the Research Councils.
- The Aircraft and Shipbuilding Industries Arbitration Tribunal.
- An Arbitration Tribunal established under Schedule 3 to the Industry Act 1975 c. 68.      Act 1975.
- An Area Electricity Board in England and Wales.
- The Attendance Allowance Board.
- The Attendance Allowance Board for Northern Ireland.



- SCH. 1
- The British Airports Authority.
  - The British Airways Board <sup>p. 1. c.</sup>
  - The British Board of Agrément.
  - The British Film Fund Agency.
  - The British Gas Corporation.
  - The British National Oil Corporation.
  - The British Railways Board.
  - British Shipbuilders.
  - The British Steel Corporation.
  - British Telecommunications.
  - The British Waterways Board.
  - The Broadcasting Complaints Commission.
  - The Central Arbitration Committee.
  - The Central Electricity Generating Board.
  - The Civil Aviation Authority.
  - The Civil Service Arbitration Tribunal.
  - The Commission for Local Administration in England.
  - The Commission for Local Administration in Wales.
  - The Commission for Local Authority Accounts in Scotland.
  - The Commission for the New Towns.
  - The Commission for Racial Equality.
  - The Commonwealth Development Corporation.
  - The Co-operative Development Agency.
  - The Council of the Advisory, Conciliation and Arbitration Service.
  - The Council on Tribunals.
  - The Covent Garden Market Authority.
  - The Criminal Injuries Compensation Board.
  - The Crofters Commission.
  - The Crown Agents for Oversea Governments and Administrations.
  - The Crown Estate Commissioners.
  - The Development Board for Rural Wales.
  - The Development Commission.
  - 1981 c. 64. A Development Corporation within the meaning of the New Towns Act 1981 or the New Towns (Scotland) Act 1968.
  - 1968 c. 16. A Development Council established under the Industrial Organisation and Development Act 1947.
  - 1947 c. 40.
  - The Eggs Authority.
  - The Electricity Council.
  - The Employment Appeal Tribunal.
  - The English Industrial Estates Corporation.
  - The Equal Opportunities Commission.



- SCH. 1
- The Equal Opportunities Commission for Northern Ireland.
  - The Fair Employment Agency for Northern Ireland.
  - The Fair Employment Appeals Board.
  - Food from Britain.
  - The Foreign Compensation Commission.
  - The Forestry Commission.
  - The Gaming Board for Great Britain.
  - The General Practice Finance Corporation.
  - The Health and Safety Agency for Northern Ireland.
  - The Health and Safety Commission.
  - The Health and Safety Executive.
  - The Highlands and Islands Development Board.
  - The Home-Grown Cereals Authority.
  - The Housing Corporation.
  - The Immigration Appeal Tribunal.
  - The Independent Broadcasting Authority.
  - An Industrial Court established in Northern Ireland.
  - The Industrial Development Board for Northern Ireland.
  - The Industrial Injuries Advisory Council.
  - The Intervention Board for Agricultural Produce and every committee of the Board performing functions of the Board.
  - A Joint Planning Inquiry Commission constituted under Part III of the Town and Country Planning (Scotland) Act 1972. 1972 c. 52.
  - The Labour Relations Agency.
  - The Land Authority for Wales.
  - The Lands Tribunal.
  - The Lands Tribunal for Northern Ireland.
  - The Lands Tribunal for Scotland.
  - The Law Commission.
  - The Livestock Marketing Commission for Northern Ireland.
  - The Local Government Boundary Commission for England.
  - The Local Government Boundary Commission for Scotland.
  - The Local Government Boundary Commission for Wales.
  - The Manpower Services Commission.
  - The Meat and Livestock Commission.
  - A Medical Appeal Tribunal constituted for the purposes of Part III of the Social Security Act 1975 or Part III of the Social Security (Northern Ireland) Act 1975, including any panel constituted for the purposes of any such Tribunal.
  - A Medical Board or Pneumoconiosis Medical Board constituted for the purposes of Part III of the Social Security Act 1975 or Part III of the Social Security (Northern Ireland) Act 1975, including any panel constituted for the purposes of any such Board.



- SCH. 1  
1977 c. 49.  
1978 c. 29.
- 1968 c. 67.  
1983 c. 20.
- 1967 c. 80.
- S.I. 1972/1634  
(N.I. 17).
- 1971 c. 78.
- 1972 c. 52.
- A Medical Practices Committee constituted under section 7 of the National Health Service Act 1977 or section 3 of the National Health Service (Scotland) Act 1978.
- The Medicines Commission and any committee established under section 4 of the Medicines Act 1968.
- A Mental Health Review Tribunal constituted or having effect as if constituted under the Mental Health Act 1983.
- The Mental Health Review Tribunal for Northern Ireland.
- The Mental Welfare Commission for Scotland.
- The Monopolies and Mergers Commission.
- A National Broadcasting Council.
- The National Bus Company.
- The National Coal Board.
- The National Consumer Council.
- The National Dock Labour Board.
- The National Enterprise Board.
- The National Film Finance Corporation.
- The National Radiological Protection Board.
- The National Research Development Corporation.
- The New Towns Staff Commission.
- The North of Scotland Hydro-Electric Board.
- The Northern Ireland Economic Council.
- The Northern Ireland Electricity Service.
- The Northern Ireland Fishery Harbour Authority.
- The Northern Ireland Housing Executive.
- The Northern Ireland Tourist Board.
- The Occupational Pensions Board.
- The Parole Board constituted under section 59 of the Criminal Justice Act 1967.
- The Parole Board for Scotland constituted under section 59 of the Criminal Justice Act 1967.
- A Pensions Appeal Tribunal.
- The Performing Right Tribunal.
- The Pilotage Commission.
- The Planning Appeals Commission established under Article 88 of the Planning (Northern Ireland) Order 1972.
- A Planning Inquiry Commission constituted under Part III of the Town and Country Planning Act 1971.
- A Planning Inquiry Commission constituted under Part III of the Town and Country Planning (Scotland) Act 1972.
- The Police Complaints Board.
- The Police Complaints Board for Northern Ireland.
- The Post Office.



- The Red Deer Commission. SCH. 1  
 A regional water authority established in accordance with section 2  
 of the Water Act 1973. 1973 c. 37.
- The Restrictive Practices Court.  
 The Review Board for Government Contracts.  
 A Rural Development Board.  
 The Scottish Committee of the Council on Tribunals.  
 The Scottish Development Agency.  
 The Scottish Land Court.  
 The Scottish Law Commission.  
 The Scottish Transport Group.  
 The Sea Fish Industry Authority.  
 The Social Security Advisory Committee.  
 The South of Scotland Electricity Board.  
 The Staff Commission established under section 7 of the Greater London Council (General Powers) Act 1979. 1979 c. xxiii.  
 The Traffic Commissioners for any area (including the commissioner  
 for the Metropolitan Traffic Area).  
 The Transport Tribunal.  
 The Tribunal established under the Prevention of Fraud (Investments) Act 1958. 1958 c. 45.  
 The Tribunal established under Part II of the Wireless Telegraphy Act 1949. 1949 c. 54.  
 The United Kingdom Atomic Energy Authority.  
 The University Grants Committee.  
~~A Value Added Tax Tribunal.~~  
 The Water Appeals Commission for Northern Ireland.  
 The Welsh Development Agency.  
 The Welsh Fourth Channel Authority.  
 The Welsh Water Authority.

## PART III

## OTHER DISQUALIFYING OFFICES

- Additional Commissioner of the Commission for Racial Equality.  
 Additional Commissioner of the Equal Opportunities Commission.  
 Adjudicator appointed for the purposes of the Immigration Act 1971. 1971 c. 77.  
 Ambassador or Permanent Representative to an international  
 organisation representing Her Majesty's Government in the United  
 Kingdom.  
 Assessor of Public Undertakings (Scotland).  
 Assistant Commissioner appointed under Part IV of the Local Government Act 1972. 1972 c. 70.

Advocate Depute (not being the Solicitor General for  
 Scotland) appointed by the Lord Advocate.



- SCH. 1  
1973 c. 65. Assistant Commissioner appointed under Part II of the Local Government (Scotland) Act 1973.  
Attorney General of the Duchy of Lancaster.  
Auditor of the Civil List.  
Auditor of the Court of Session.
- 1949 c. 66. Boundary Commissioner or Assistant Boundary Commissioner appointed under Part I or Part II of Schedule 1 to the House of Commons (Redistribution of Seats) Act 1949.
- 1975 c. 71. Certification officer or assistant certification officer appointed under section 7 of the Employment Protection Act 1975.  
Chairman or Vice-Chairman of the Advisory Committee on Distinction Awards.  
Chairman or member of a panel of deputy-chairmen of an Agricultural Land Tribunal.
- S.I. 1977/2156.  
(N.I. 27). Chairman of an Appeal Tribunal constituted in accordance with Schedule 4 to the Supplementary Benefits (Northern Ireland) Order 1977, or Senior Chairman in relation to such a tribunal.
- 1962 c. 46. Paid Chairman of an Area Transport Users Consultative Committee established under section 56 of the Transport Act 1962.  
Chairman or Director-General of the British Council.  
Chairman of the British Overseas Trade Board.  
Paid Chairman of the Central Transport Consultative Committee for Great Britain established under section 56 of the Transport Act 1962.  
Chairman or Deputy Chairman of the Civil Service Appeal Board.
- 1947 c. 54. Chairman of any of the Consultative Councils established under section 7 of the Electricity Act 1947 for the areas of Area Boards in England and Wales.
- 1979 c. 11. Chairman of either of the Consultative Councils continued in existence by section 17(1) of the Electricity (Scotland) Act 1979 for the districts of the North of Scotland Hydro-Electric Board and the South of Scotland Electricity Board.  
Chairman of the Countryside Commission for Scotland and any other member of the Commission in receipt of remuneration.  
Chairman of the Dental Committee of the Northern Ireland Central Services Agency for the Health and Social Services.  
Chairman or Vice-Chairman of the Dental Estimates Board or member of that Board appointed at an annual salary.  
Chairman of the Distinction and Meritorious Service <sup>Awards</sup> Committee for Northern Ireland.  
Chairman of the Domestic Coal Consumer Council.  
~~Chairman of the Electricity Consumer Council.~~  
Chairman in receipt of remuneration of the Electricity Consumers' Council.  
Chairman of Enterprise Ulster.



- Paid Chairman of a Health Board constituted under the National Health Service (Scotland) Act 1972. *SCH. 1*  
1972 c. 58.
- Chairman of a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972. *S.I. 1972/1265.*  
(N.I. 14).
- Paid Chairman of an Industrial Training Board constituted under the Industrial Training Act 1964 or the Industrial Training Act 1982 or of a committee appointed under either of those Acts 1982 c. 10. or paid Deputy Chairman of such a board.
- Chairman, Vice-Chairman or member of the executive committee of the Land Settlement Association Limited appointed at a salary.
- Chairman of the Local Government Staff Commission for Northern Ireland.
- Chairman of a Local Tribunal constituted under section 97(2) of, and Schedule 10 to, the Social Security (Northern Ireland) Act 1975 c. 15. 1975.
- Chairman of the Management Committee of the Common Services Agency for the Scottish Health Service *constituted under the National Health Service (Scotland) Act 1978*
- Chairman of the Manpower Services Committee for Scotland.
- Chairman of the Manpower Services Committee for Wales.
- Chairman of a committee constituted under section 90 of the Mental Health (Scotland) Act 1960 c. 61. 1960.
- ~~Chairman of any of the National Boards constituted under the Nurses, Midwives and Health Visitors Act 1979, if appointed by the Secretary of State under section 5(8)(a) of that Act.~~ 1979 c. 36.
- Chairman in receipt of remuneration of the National Gas Consumers' Council or any Regional Gas Consumers' Council.
- Chairman or Vice-Chairman of the National Seed Development Organisation Limited.
- Chairman of the Northern Ireland Central Services Agency for the Health and Social Services.
- Chairman of the Northern Ireland Civil Service Appeal Board.
- Chairman of the Northern Ireland Staffs Council for the Health and Social Services.
- Any Chairman of the Plant Varieties and Seeds Tribunal.
- Chairman of the Police Authority for Northern Ireland.
- Chairman of any of the Post Office Users' Councils established under *Section 14 of the Post Office Act 1969.*
- Chairman of the Prescription Pricing Agency.
- Chairman of the Probation Board for Northern Ireland.
- Chairman in receipt of remuneration of any Regional Health Authority, Area Health Authority, District Health Authority or special health authority (within the meaning of the National Health Service Act 1977) c. 49. 1977.
- Chairman of the Scottish Dental Estimates Board or a member of that Board appointed at an annual salary.



## c. 24 House of Commons Disqualification Act 1975

- Chairman or Chief Executive of the Simplification of International Trade Procedures Board.
- SCH. 1 Chairman, Deputy Chairman or member of the Council of Management of the Scottish Special Housing Association, appointed at a salary.
- Chairman or Vice-Chairman of the Scottish Sports Council.
- A regional or other full-time Chairman of Social Security Appeal Tribunals and Medical Appeal Tribunals.
- Chairman or Vice-Chairman of the Sports Council.
- Chairman or Vice-Chairman of the Sports Council for Northern Ireland.
- Chairman or Vice-Chairman of the Sports Council for Wales.
- Chairman of the Staff Commission for Education and Library Boards in Northern Ireland.
- 1973 c. 36. Chairman of the Standing Advisory Commission on Human Rights constituted under section 20 of the Northern Ireland Constitution Act 1973.
- 1970 c. 10. Chairman of the tribunal constituted under section 463 of the Income and Corporation Taxes Act 1970.
- 1979 c. 36. Chairman of the United Kingdom Central Council for Nursing, Midwifery and Health Visiting, if appointed by the Secretary of State under section 1(6)(a) of the Nurses, Midwives and Health Visitors Act 1979.
- Chairman of the Wine Standards Board of the Company of the master, wardens and commonalty of Vintners of the City of London.
- Chairman of the Women's Royal Voluntary Service.
- 1962 c. 14 (N.I.). Chief Electoral Officer for Northern Ireland or any whole time officer appointed under section 14A(1) of the Electoral Law Act (Northern Ireland) 1962.
- Chief Executive of the National Enterprise Board.
- Chief Scientist of the Scottish Home and Health Department.
- Clerk or deputy clerk of a district council in Northern Ireland.
- The Commissioner for Local Administration in Scotland.
- 1972 c. 9 (N.I.). Commissioner or Assistant Commissioner appointed under section 50(1) or (2) of, or Schedule 4 to, the Local Government Act (Northern Ireland) 1972.
- The Commissioner appointed by Her Majesty's Government in the United Kingdom under Article 3 of the Agreement confirmed by the Nauru Island Agreement Act 1920.
- 1920 c. 27. Commissioner or Assistant Commissioner of Police of the Metropolis.
- Commissioner of the City of London Police.
- Comptroller and Auditor General.
- Comptroller and Auditor General for Northern Ireland.
- Constable, Lieutenant or Major of the Tower of London.
- 1936 c. 52. Counsel to the Secretary of State under the Private Legislation Procedure (Scotland) Act 1936.
- Crown Solicitor for Northern Ireland.
- Controller of Audit appointed under section 97(4) of the Local Government (Scotland) Act 1973.
- Controller of Audit appointed under paragraph 7 of Schedule 3 to the Local Government Finance Act 1982.



Director of Britoil P.L.C. nominated by a Minister of the Crown or government Department.

Delegate for Her Majesty's Government in the United Kingdom to the Central Rhine Commission. SCH. 1

Director of the Agricultural Mortgage Corporation p.l.c. nominated by a Minister of the Crown or government department.

Director of the British Aerospace Public Limited Company appointed subject to the approval of a Minister or government department.

Director of British Nuclear Fuels Limited.

Director of the British Petroleum Company p.l.c. nominated by a Minister of the Crown or government department.

Director of Cable and Wireless Public Limited Company nominated by a Minister of the Crown or government department.

Director of the Cereals Committee Limited appointed by a Minister of the Crown or government department.

Director of the Commonwealth Institute.

Director of any company in receipt of financial assistance under the Distribution of Industry Act 1945, the Distribution of Industry (Industrial Finance) Act 1958, the Shipbuilding Industry Act 1967, 1958 c. 41. the Local Employment Act 1972, Part II of the Industry Act 1967 c. 40. 1972 or Part III or section 13 of the Industrial Development Act 1972 c. 5. 1982, being a director nominated by a Minister of the Crown or government department. 1972 c. 63. 1982 c. 52.

Director nominated by the Secretary of State of any company in respect of which an undertaking to make advances has been given by the Secretary of State under section 2 of the Highlands and Islands Shipping Services Act 1960 and is for the time being in force. 1960 c. 31.

Director of Harland and Wolff Limited.

Director of ICL Public Limited Company nominated ~~or appointed~~ by a Minister of the Crown or government department.

Director of International Military Services Limited.

Director of the Northern Ireland Transport Holding Company.

Director, or Deputy Director, of Public Prosecutions for Northern Ireland.

Director appointed at a salary of Remploy Limited.

Director of S.B. (Realisations) p.l.c. nominated or appointed by a Minister of the Crown or government department.

~~Director of the Scottish Agricultural Securities Corporation p.l.c. nominated by a Minister of the Crown or government department.~~

Director of Short Brothers Limited.

Director General of Fair Trading.

Director General of the National Economic Development Office.

~~Distributor of Stamps appointed by the Commissioners of Inland Revenue for the Stock Exchange at Glasgow.~~

General Manager or Secretary of the Scottish Special Housing Association.

The Governor or Administrator of a dependent territory within the meaning of section 50(1) of the British Nationality Act 1981. 1981 c. 61.



- SCH. 1
- Governor of the British Broadcasting Corporation.  
Governor, Deputy Governor or Director of the Bank of England.  
Governor, Lieutenant Governor and Secretary, or Captain of Invalids of Chelsea Hospital.
- 1953 c. 18.  
(N.I.). Governor, Medical Officer or other officer or member of the staff of a prison to which the Prison Act (Northern Ireland) 1953 applies.  
Health Service Commissioner for England.  
Health Service Commissioner for Scotland.  
Health Service Commissioner for Wales.  
High Commissioner representing Her Majesty's Government in the United Kingdom.
- S.I. 1979/1574  
(N.I. 13). Industrial Assurance Commissioner or Deputy Industrial Assurance Commissioner appointed under the Industrial Assurance (Northern Ireland) Order 1979.  
Judge Advocate of the Fleet.  
Judge Advocate General, Vice Judge Advocate General, Assistant Judge Advocate General or Deputy Judge Advocate.
- 1974 c. 47. Lay observer appointed under section 45 of the Solicitors Act 1974.
- S.I. 1976/582  
(N.I. 12). Lay observer appointed under Article 42 of the Solicitors (Northern Ireland) Order 1976.
- 1980 c. 46. Lay observer appointed under section 49 of the Solicitors (Scotland) Act 1980.
- 1982 c. 10. Levy Exemption Referee for the purposes of the Industrial Training Act 1982.
- 1981 c. 28. Liquidator appointed under section 2 of the Licensing (Alcohol Education and Research) Act 1981.  
Lyon Clerk.  
Lyon King of Arms.  
Medical Officer for Complaints appointed for Wales by the Secretary of State.
- 1958 c. 47. Member of an Agricultural Marketing Board appointed by the Minister under Schedule 2 to the Agricultural Marketing Act 1958.
- 1964 c. 13 (N.I.). Member of an Agricultural Marketing Board appointed under section 3 of the Agricultural Marketing Act (Northern Ireland) 1964 or Schedule 2 to the Agricultural Marketing (Northern Ireland) Order 1982.
- 1948 c. 47. Member appointed by a Minister of the Crown of the Agricultural Wages Board for England and Wales or of an agricultural wages committee established under the Agricultural Wages Act 1948, or chairman of such a committee.  
Member appointed by the Secretary of State of the Scottish Agricultural Wages Board.  
Member appointed by the Head of the Department of Agriculture for Northern Ireland of the Agricultural Wages Board for Northern Ireland.  
Any member of the Audit Commission for Local Authorities in England and Wales in receipt of remuneration.



- Any member of the British Library Board in receipt of remuneration. SCH. 1
- Any member in receipt of remuneration of the British Tourist Authority, the English Tourist Board, the Scottish Tourist Board or the Wales Tourist Board.
- Any member of the Countryside Commission in receipt of remuneration.
- Any member, in receipt of remuneration, of the Historic Buildings and Monuments Commission for England.
- Member appointed by the Secretary of State of the Horserace Betting Levy Board.
- Member of the Local Enterprise Development Unit.
- Any member of the Mental Health Act Commission in receipt of remuneration.
- Member of the staff of the National Audit Office.
- Any member of the Nature Conservancy Council in receipt of remuneration.
- Member of a panel of persons who may be appointed to consider representations in accordance with section 3(4)(b) of the Employment Agencies Act 1973. 1973 c. 35.
- Member of a panel of persons appointed under Schedule 10 to the Rent Act 1977 to act as chairmen and other members of rent assessment committees. 1977 c. 42.
- Member of the panel of persons appointed under Schedule 5 to the Rent (Scotland) Act 1971 to act as chairmen and other members of rent assessment committees. 1971 c. 28.
- Member of a panel appointed under section 7 of the Tribunals and Inquiries Act 1971 of persons to act as chairmen of Social Security Appeal Tribunals and Medical Appeal Tribunals.
- Member of a panel of persons who may be appointed to serve on a Vaccine Damage Tribunal.
- Member of the Board of the Royal Ordnance Factories.
- Any member, in receipt of remuneration, of an urban development corporation (within the meaning of Part XVI of the Local Government, Planning and Land Act 1980). 1980 c. 65.
- Member of a Wages Council or Central Co-ordinating Committee appointed under paragraph 1(1)(a) of Schedule 2 to the Wages Councils Act 1979 or chairman of a committee appointed under paragraph 1(1)(a) of Schedule 3 to that Act. 1979 c. 12.
- Member of a Wages Council or Central Co-ordinating Committee appointed under paragraph 1(a) of Schedule 2 to the Wages Councils (Northern Ireland) Order 1982. S.I. 1982/1840 (N.I. 23).
- Northern Ireland Commissioner for Complaints.
- Northern Ireland Parliamentary Commissioner for Administration.
- Officer or servant employed under the Commissioner of Police of the Metropolis or the Receiver for the Metropolitan Police District.



- SCH. 1 Officer or servant of the Crown Estate Commissioners.
- 1865 c. 89. Officer, clerk or servant appointed or employed under section 20 of the Greenwich Hospital Act 1865.
- 1981 c. 54. Officer of the Supreme Court being the holder of any office listed in any Part of Schedule 2 to the Supreme Court Act 1981 or a district registrar, or assistant district registrar, of the High Court.
- 1938 c. 22. Parliamentary Commissioner for Administration.
- 1964 c. 16. Person appointed to hear and decide appeals under the Trade Marks Act 1938.
- 1964 c. 18 (N.I.). President, or member of a panel of chairmen, of industrial tribunals established under section 12 of the Industrial Training Act 1964.
- President, or member of a panel of chairmen, of industrial tribunals established under section 13 of the Industrial Training Act (Northern Ireland) 1964.
- President of Social Security Appeal Tribunals and Medical Appeal Tribunals.
- Public Works Loan Commissioner.
- Receiver for the Metropolitan Police District.
- 1959 c. 22. Registrar or Assistant Registrar appointed under section 18 or section 19 of the County Courts Act 1959.
- Registrar or Assistant Registrar of Friendly Societies.
- Registrar of the Privy Council.
- 1983 c. 2. Registrar of Public Lending Right.
- Registration Officer appointed under section 8(2) <sup>or (3)</sup> of the Representation of the People Act 1983.
- 1949 c. 68. ~~Registration Officer appointed under section 6(3) of the Representation of the People Act 1949.~~
- 1977 c. 42. Rent officer or deputy rent officer appointed in pursuance of a scheme under section 63 of the Rent Act 1977.
- S.I. 1978/1050 (N.I. 20). Rent officer or deputy rent officer nominated under Schedule 5 to the Rent (Northern Ireland) Order 1978.
- Returning Officer under section 25(1) of the Representation of the People Act 1983 and any Deputy Returning Officer appointed by him.
- Solicitor in Scotland to any department of Her Majesty's Government in the United Kingdom.
- Standing Counsel to any department of Her Majesty's Government in the United Kingdom.
- 1978 c. 23. Statutory officer appointed under section 70 of the Judicature (Northern Ireland) Act 1978.
- President or Vice-President of Value Added Tax Tribunals or full-time chairman of value added tax tribunals.



## PART IV

## SCH. 1

## OFFICES DISQUALIFYING FOR PARTICULAR CONSTITUENCIES

Office	Constituency
Her Majesty's Commissioner of Lieutenancy in the City of London.	The constituency comprising the whole of the City of London.
Her Majesty's Lord-Lieutenant or Lieutenant for Greater London.	Any constituency comprising any part of Greater London.
Her Majesty's Lord-Lieutenant or Lieutenant for a county in England or Wales.	Any constituency comprising the whole or part of the area for which he is appointed.
Her Majesty's Lord-Lieutenant or Lieutenant for a region in Scotland.	Any constituency comprising the whole or part of such part of the region as may be determined by Order in Council made by Her Majesty in which the Lord-Lieutenant holds office or in which the Lord-Lieutenant or Lieutenant discharges his functions.
Her Majesty's Lord-Lieutenant or Lieutenant for an islands area in Scotland.	Any constituency comprising the whole or part of the islands area for which the Lord-Lieutenant or Lieutenant is appointed or for which the Lord-Lieutenant holds office.
Her Majesty's Lord-Lieutenant or Lieutenant for the district of the city of Aberdeen, Dundee, Edinburgh, or Glasgow.	Any constituency comprising the whole or part of the district in which the Lord-Lieutenant holds office or for which the Lieutenant is appointed.
Her Majesty's Lord-Lieutenant or Lieutenant for a county or county borough in Northern Ireland.	Any constituency comprising the whole or part of the area for which he is appointed.
Governor of the Isle of Wight.	The Isle of Wight.
The High Sheriff of Greater London.	Any constituency comprising any part of Greater London.
High Sheriff of a county in England and Wales.	Any constituency comprising the whole or part of the area for which he is appointed.



## HOUSE OF COMMONS DISQUALIFICATION ACT 1975

Objectives

The objectives are twofold -

- i. to ensure a sufficient degree of separation between the Legislature, Executive and Judiciary to secure their independence of each other - which carries with it the further implication that individual members of each must be free from undue pressures from members of the others.
- ii. to ensure that Members are able and available to look after the best interests of their constituents when sitting as members of the legislature.

Criteria

2. The individual offices which are listed in Schedule 1 meet certain criteria which are not contained in the Act itself and which were originally drawn up during the preparation of the 1957 Act. There are four basic criteria which have been applied administratively by departments. These are:

- a. paid offices in the gift of the Crown or Ministers (to prevent "trivial disqualifications, a minimum salary level of £4,000 pa has now been adopted);
- b. certain positions of control in companies in receipt of substantial Government grants and funds to which Ministers usually, though not necessarily, make nominations;
- c. offices imposing duties which, with regard to time or place, would prevent their holders from fulfilling Parliamentary duties satisfactorily; ie they would take up too much time or otherwise prevent a Member from attending Parliament;
- d. offices whose holders are required to be, or seen to be, politically impartial.



LIST A Examples of Ministerial patronage (over £4000 per annum\*) which are not already disqualified by the Act

MAFF

1. Chairman of the Agriculture Training Board - receives £7,708.
2. Chairman of the Apple and Pear Development Council - receives £9,252.

MOD

3. Chairman (?) of International Military Services Limited - receives £5,000 - £10,000 (Director IMS is included but not the Chairman).
4. Deputy Chairman (?) of the Services Sound and Vision Corporation - receives £36,000.

DES

5. Chairman of the Business and Technician Education Council - receives £13,650.
6. Chairman of the National Advisory Body for Local Authority Higher Education - receives £20,550.

D/Energy

7. Members of British Nuclear Fuels Limited - receive £30,000 + (The Director BNFL is disqualified but not the other Board Members).

DOE

8. Chairman of the Council for Small Industries in Rural Areas - receives £11,559.
9. Commons Commissioners - receive £27,000-£35,580.
10. Chairman of the Letchworth Garden City Corporation - receives £13,140.

DHSS

11. Chairman and Deputies of the National Development Team for Mentally Handicapped People - receive £17,268 and £13,300-£13,600 respectively.

---

\* All pay details taken from Public Bodies 1984.



LIST A (Cont'd)

NHS Authorities

12. Chairman of Central Blood Laboratories Authority - receives £6,670.
13. Chairman of Rampton Hospital Review Board - receives £6,480.
14. Chairman of State Hospital Management Committee - receives £5,295.
15. Chairman of Welsh Health Technical Services Organisation - receives £7,590.

Home Office

16. Horserace Totalisator Board - Chairman and 7 members - receive £23,272 and £4,385 respectively.

LCD

17. 1 Member of Judicial Studies Board - receives £5,220.

NIO

18. Chairman of Northern Ireland Training Executive - receives £8,420.
19. Chairman of Northern Ireland Economic Council - receives £9,045.

DTP

20. Chairman and Members of Trinity House - receive £20,493-£27,853.



LIST B Examples of Ministerial patronage (under £4,000 per annum) which are disqualified by the Act but not for reasons of political impartiality, the bodies concerned being in receipt of large Government funds, or the burden of work being too great to allow the incumbent to sit as an MP

MAFF

1. Vice-Chairman of the National Seed Development Organisation Ltd - receives £3,500\*. (Amend Part III to disqualify Chairman only).
2. Chairman or member of a panel of deputy-chairmen of an Agricultural Land Tribunal~~£~~ (delete from Part III altogether).

MOD

3. Constable, Lieutenant or Major of the Tower of London (delete from Part III altogether).

DEm

4. Deputy-Chairman and Members of the Central Arbitration Committee.~~£~~ (Move from Part II to Part III to disqualify Chairman only)
5. The Civil Service Arbitration Tribunal~~£~~ (delete from Part II altogether).
6. Members of the Council of the Advisory, Conciliation and Arbitration Service.~~£~~ (Move from Part II to Part III to disqualify Chairman only).
7. The Employment Appeal Tribunal~~£~~ (delete from Part II altogether).
8. Members of the National Dock Labour Board - receive £1,100. (Move from Part II to Part III to disqualify Chairman and Deputy Chairman only.)
9. Member of a Wages Council or Central Co-ordinating Committee appointed under paragraph 1(1)(a) of Schedule 2 to the Wages Councils Act 1979 or Chairman of a Committee appointed under paragraph 1(1)(a) of Schedule 3 to that Act~~£~~. (Delete from Part III altogether.)

DOE

10. Members of the British Waterways Board - receive £3,000. (Move from Part II to Part III and disqualify Chairman and Deputy Chairman only.)
11. Members of a Development Corporation within the meaning of the New Towns Act 1981 - receive £2,450. (Move from Part II to Part III and disqualify Chairman and Deputy Chairman only.)
12. Members of a regional water authority established in accordance with section 2 of the Water Act 1973. (Move from Part II to Part III and disqualify Chairman only.)

---

\* All pay details taken from Public Bodies 1984.

~~£~~ Fee paid appointments - if total annual fees average £4,000+ then the Office holders ought to continue to be disqualified.



LIST C (Cont'd)

DOE (Cont'd)

13. Any member, in receipt of remuneration, of an urban development corporation (within the meaning of Part XVI of the Local Government, Planning and Land Act 1980) receives up to £3,060. (Amend Part III entry to disqualify Chairmen and Deputy Chairmen only.)

FCO

14. Members of the Commonwealth Development Corporation - receive £3,220. (Move from Part II to Part III and disqualify Chairman and Deputy Chairman only.)
15. Board Members of Crown Agents for Overseas Government and Administrations receive £3,100-£3,650. (Move from Part II to Part III to disqualify Chairman, and Managing Director only.)
16. Director of the Commonwealth Institute. (Delete from Part III altogether.)

DHSS

17. Chairman of the United Kingdom Central Council for Nursing, Midwifery and Health Visiting, if appointed by the Secretary of State under section 1(b)(a) of the Nurses, Midwives and Health Visitors Act 1979. (Delete from Part III altogether.)

Home Office

18. Members of the Equal Opportunities Commission~~£~~. (Move from Part II to Part III and disqualify Chairman and Deputy Chairman only.)
19. Additional Commissioner of the Commission for Racial Equality~~£~~. (Delete from Part III altogether.)
20. Additional Commissioner of the Equal Opportunities Commission~~£~~. (Delete from Part III altogether.)

NIO

21. The Attendance Allowance Board for Northern Ireland~~£~~. (Delete from Part II altogether.)
22. Members of the Health and Safety Agency for Northern Ireland~~£~~. (Move from Part II to Part III and disqualify Chairman only.)

---

~~£~~ Fee paid appointments - if total annual fees average £4,000+ then the Office holders ought to continue to be disqualified.



LIST C (Cont'd)

NIO (Cont'd)

23. Members of Northern Ireland Economic Council - receive £1,815. (Move from Part II to Part III and disqualify Chairman only.)
24. Members of the Northern Ireland Housing Executive. (Move from Part II to Part III and disqualify Chairman and Vice-Chairman only.)
25. Members of the Northern Ireland Tourist Board - receive £1,310. (Move from Part II to Part III and disqualify Chairman only.)
26. Lay observer appointed under Article 42 of the Solicitors (Northern Ireland) Order 1976. (Delete from Part III altogether).
27. Member appointed by the Head of the Department of Agriculture for Northern Ireland of the Agricultural Wages Board for Northern Ireland~~£~~. (Delete from Part III altogether).
28. Member of a Wages Council or Central Co-ordinating Committee appointed under paragraph 1(a) of Schedule 2 to the Wages Council (Northern Ireland) Order 1982~~3~~. (Delete from Part III altogether).

Scottish Office

29. The Deputy and Members of the Commission for Local Authority Accounts in Scotland - receive £3,500 and £1,745 respectively. (Move from Part II to Part III and disqualify Chairman only.)
30. Members of a Development Corporation within the meaning of the New Towns (Scotland) Act 1968 - receive £2,450. (Move from Part II to Part III and Chairmen and Deputy Chairmen only.)
31. Members of the Red Deer Commission. (Move from Part II and Part III and disqualify Chairman only.)
32. Members of the Scottish Development Agency - receive £3,200. (Move from Part II to Part III and disqualify Chairman, Deputy Chairman and Chief Executive only.)
33. Lay Observer appointed under Section 49 of the Solicitors (Scotland) Act 1980. (Delete from Part III altogether.)

---

~~£~~ Fee paid appointments - if total annual fees average £4,000+ then the Office holders ought to continue to be disqualified.



LIST C (Cont'd)

DTI

34. The British Film Fund Agency - receive £1,695-£3,400. (Delete from Part II altogether.)
35. Members of the Co-operative Development Agency. (Move from Part II to Part III and disqualify Chairman only.)
36. Members of the National Consumer Council - receive £2,620. (Move from Part II to Part III and disqualify Chairman and Deputy Chairman only.)
37. Members of the National Film Finance Corporation - receive £3,620. (Move from Part II to Part III and disqualify Chairman and Managing Director only.)

DTp

38. Deputy Chairman and Members of the Pilotage Commission - receive £3,920 and £3,500 respectively. (Move from Part II to Part III and disqualify Chairman only.)

Welsh Office

39. Members of the Land Authority for Wales - receive £3,500. (Move from Part II to Part III and disqualify Chairman only.)



1. Information required in respect of each additional entry -
  - (i) which of the criteria apply and why (see para 2, Annex B);
  - (ii) who appoints the office holder;
  - (iii) if paid, how much and from what source, ie grant-in-aid, levy, etc;
  - (iv) how many office holders would the entry bring into Schedule 1;
  - (v) how the office has been established, eg; statutorially or by administrative action, and when;
  - (vi) if an old office, why it has not been entered into the Schedule previously; and
  - (vii) to which part of Schedule 1 it would be appropriate?
2. Information required in respect of each proposed deletion -
  - (i) why the disqualifying criteria no longer applies;
  - (ii) if the office has been abolished, by what means was it done, eg statutorially or administratively and when; and
  - (iii) how many office holders are removed from the Schedule.
3. Information required in respect of each proposed amendment of an existing entry -
  - (i) the information as in paras 1 or 2 above depending on whether the amendment increases or decreases the entry's coverage;
  - (ii) if the amendment is for any other reason (eg a change in the officer's name), details on when and how the change was effected and how many office holders are involved.



COPI ADDRESSEES

1. Mrs A R Marriot  
Establishments (General)  
Division, Branch B,  
Ministry of Agriculture,  
Fisheries and Food  
Victory House  
Kingsway  
LONDON  
WC2B 6TU 868 7161 x156
2. J L Railton Esq  
HM Customs and Excise  
Kent House  
Upper Ground  
LONDON  
SE1 9PS 2516 491
3. M Maiden Esq  
Management Services Organ-  
isation Division,  
Room 60/3  
Ministry of Defence  
Northumberland House  
Northumberland Avenue  
LONDON SW1 218 0732
4. T A Dooling Esq  
Department of Education and  
Science  
Elizabeth House  
York Road  
LONDON  
SE1 7PH 928 9222 x 3193
5. A P Hull Esq  
Department of Employment  
GPU 4  
Room 704  
Caxton House  
Tothill Street  
LONDON SW1
6. A D Proud Esq  
Department of Energy  
Energy Policy Division  
Thames House South  
Millbank  
LONDON  
SW1P 4QJ 211 5098
7. R O Kieran Esq  
Estabs.  
ODA  
Eland House  
Stag Place  
LONDON  
SW1 213 6791
8. N Houghton Esq  
Head of Personnel Policy Dept.  
Foreign and Commonwealth Office  
LONDON  
SW2A 2AL 233 3244
9. B B Hargreaves Esq  
Department of Health and  
Social Security,  
Central Office (EP6A)  
NEWCASTLE UPON TYNE  
NE98 1YX GTN 2024 5467
10. R J Weatherill  
Home Office  
Elections Division  
Queen Anne's Gate  
LONDON SW1H 9AT GTN 213 4339
11. A H Hewins Esq  
Home Office  
General Division  
Queen Anne's Gate  
LONDON SW1H 9AT GTN 213 7178
12. G L J Lucas Esq (TRIBS)  
Department of Trade and Industry  
Sanctuary Buildings  
20 Gt Smith Street  
LONDON  
SW1P 3DB 215 5611
13. Mrs S M Morgan  
Personnel Management Division 1A,  
Department of Trade and Industry,  
Room 652, Sanctuary Building  
Gt Smith Street  
LONDON SW1 215 3139
14. F Gilhooly Esq  
Board of Inland Revenue  
Section M1/5  
7th Floor  
NW Wing, Bush house  
WC2B 4PP 438 6485
15. J D Harkness Esq  
Lord Advocate's Department  
Fielden House  
10 Great College Street  
LONDON  
SW1P 3SL 212 7676
16. Mrs N A Oppenheimer  
LCD  
House of Lords  
LONDON  
SW1A OPN



17. D Brooker Esq  
Northern Ireland Office  
Old Admiralty Building  
LONDON  
SW1A 2AZ 273 5148
18. J Wilson Esq  
Lord Chancellor's Department  
Northern Ireland Court Service  
Windsor House  
9-15 Bedford Street  
BELFAST  
BT2 7LT
19. J D Blair Esq  
DFP (N Ireland)  
Rosepark House  
Upper Newtownards Rd  
BELFAST  
BT4 3MR 02318 4585
20. J R Grant Esq  
Scottish Courts Administration  
PO Box 37  
28 North Bridge  
EDINBURGH  
EH1 1RA 031 226 5911
21. A Simmen Esq  
Scottish Home and Health Dept.  
Old St Andrews House  
via Dover House  
Whitehall  
Edinburgh 2034 2772
22. G Binns Esq  
HM Treasury  
Parliament Street  
LONDON  
SW1P 3AG 233 7640
23. B Duddridge Esq  
Welsh Office  
Cathay's Park  
Cardiff  
CF1 3NQ 2064 5285
24. M D Townley Esq  
Cabinet Office  
70 Whitehall  
233 7123
25. P D Pink Esq  
Department of Trade  
Insolvency Service  
2-14 Bunhill Row  
LONDON  
EC1Y 8LL 2509 120
26. Miss A Simkins  
DHSS  
Mental Health Division  
Alexander Fleming House  
LONDON  
SE1 6BY 2915 7604
27. R Catford Esq  
Appointments Sec  
10 Downing Street
28. J Cammack Esq  
Office of Arts & Libraries  
Government Offices  
Great George Street  
LONDON SW1



ANUAMST: Legislativ

1812





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

TELEPHONE DIRECT LINE 01-215 5422  
SWITCHBOARD 01-215 7877

JU247  
Secretary of State for Trade and Industry

1 October 1984

The Rt Hon Lord Hailsham PC CH FRS DL  
House of Lords  
London SW1

N  
2/10

*D. Quintin*

CO-OPERATIVE DEVELOPMENT AGENCY AND INDUSTRIAL DEVELOPMENT BILL

You wrote on 13 September to Nigel Lawson commenting on my proposal to dispense with the two month period between enactment of this Bill and its coming into force. You expressed some slight concern about the proposal in regard to provisions in the CDA part of the Bill.

Whilst repeal of S.3(2) and S.3(3)(b) of the CDA Act 1978 will allow the Agency to engage in commercial activities and form partnerships, the Agency will only be able to act commercially in carrying out its statutory functions. It will not be able to undertake any commercial activity it thinks fit, merely to raise money. In any case, the Agency does not propose to engage in any significant commercial activity in the initial period after enactment of the Bill and is conscious of the need to ensure that its activities do not have a detrimental effect on other parties.

In the circumstances I am satisfied that dispensation of the two month period will have no adverse effect in regard to the Agency's activities.

I am copying this letter to others members of E(A), the Lord Privy Seal, members of L Committee, Sir Robert Armstrong and the First Parliamentary Counsel.

*Norman Tebbit*

NORMAN TEBBIT







PART 12 ends:-

PM to Lord Renton 26.9.84

PART 13 begins:-

S/S DTI to Lord Chancellor  
1.10.84



