

PREM 19 / 1680

SECRET

26/88

26/89

PART 2

CONFIDENTIAL FILING

CABINET

QUESTIONS OF PROCEDURE  
FOR MINISTERS

PART 1: MAY 1979

PART 2: NOV 1981

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
<del>1.11.85</del>							
<del>4.7.85</del>							
<del>21.11.85</del>							
<del>3.12.85</del>							
<del>18.12.85</del>							
<del>10.1.86</del>							
<del>14.1.86</del>							
<del>20.1.86</del>							
<del>21.1.86</del>							
<del>27.1.86</del>							
<del>28.1.86</del>							
<del>29.1.86</del>							
<del>30.1.86</del>							
<del>31.1.86</del>							
<p>PREM 19/1680</p> <p>Material used by Official Historian DO NOT DESTROY</p>							
<p>PART 2 ENDS</p>							

PART Two ends:-

LIST OF MINISTERS U/D

PART THREE begins:-

M. STARK to PS/LPC 14/2

TO BE RETAINED AS TOP ENCLOSURE

**Cabinet / Cabinet Committee Documents**

Reference	Date
C(P)(81) 2	26.11.81
C(P)(83)5	27.06.83
CC(85) 20 <sup>th</sup> Conclusions, Minute 1	13.06.85
CC(85) 23 <sup>rd</sup> Conclusions, Minute 1	04.07.85

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

Signed Wayland Date 30 September 2014

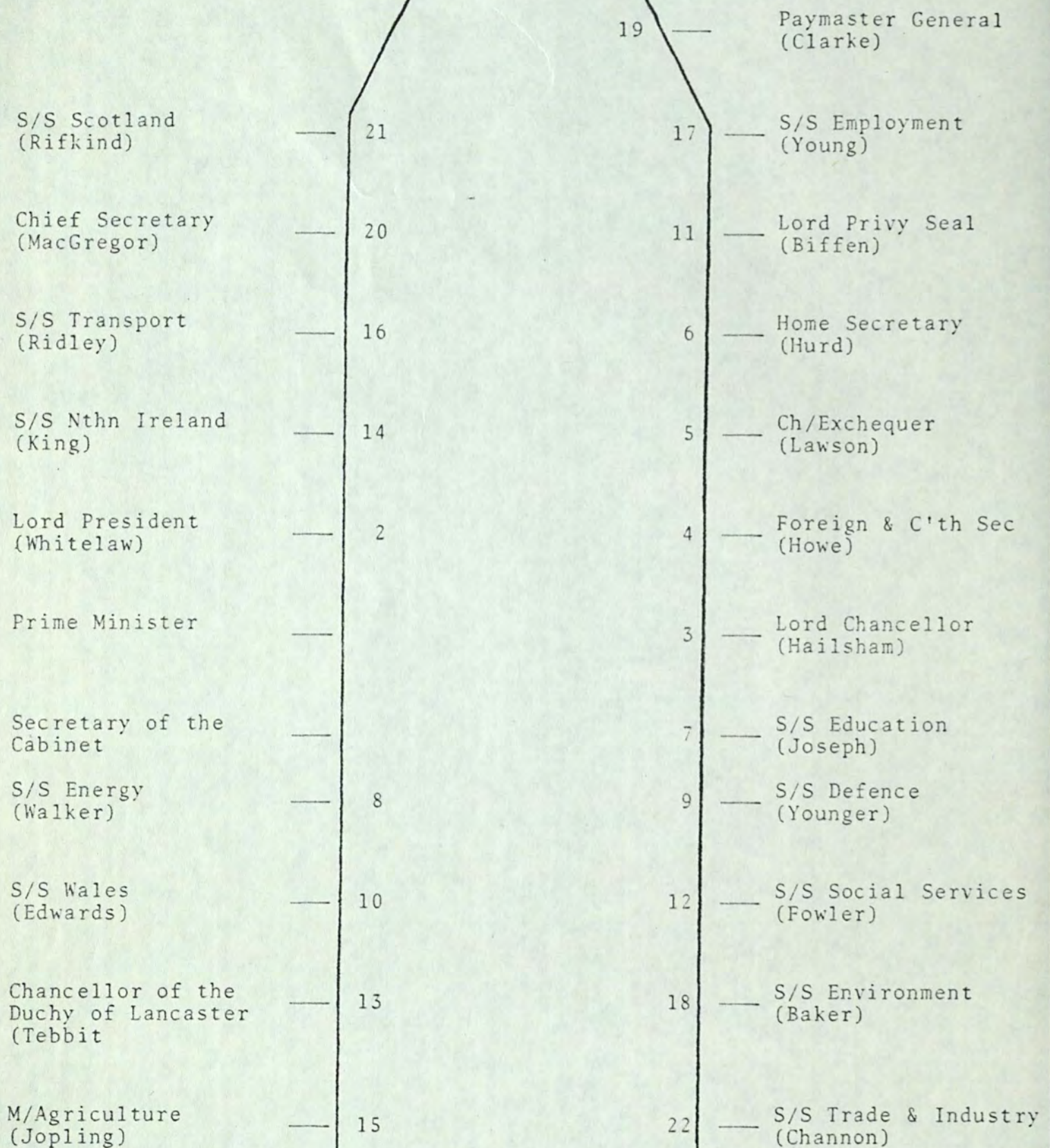
**PREM Records Team**

LIST OF MINISTERS

- |     |   |   |
|-----|---|---|
| 1.  | Prime Minister  | The Rt Hon Margaret Thatcher MP           |
| 2.  | Lord President of the Council                           | The Rt Hon Viscount Whitelaw              |
| 3.  | Lord Chancellor   | The Rt Hon Lord Hailsham of St Marylebone |
| 4.  | Secretary of State for Foreign and Commonwealth Affairs | The Rt Hon Sir Geoffrey Howe QC MP        |
| 5.  | Chancellor of the Exchequer                             | The Rt Hon Nigel Lawson MP                |
| 6.  | Secretary of State for the Home Department              | The Rt Hon Douglas Hurd MP                |
| 7.  | Secretary of State for Education and Science            | The Rt Hon Sir Keith Joseph MP            |
| 8.  | Secretary of State for Energy                           | The Rt Hon Peter Walker MP                |
| 9.  | Secretary of State for Defence                          | The Rt Hon George Younger MP              |
| 10. | Secretary of State for Wales                            | The Rt Hon Nicholas Edwards MP            |
| 11. | Lord Privy Seal   | The Rt Hon John Biffen MP                 |
| 12. | Secretary of State for Social Services                  | The Rt Hon Norman Fowler MP               |
| 13. | Chancellor of the Duchy of Lancaster                    | The Rt Hon Norman Tebbit MP               |
| 14. | Secretary of State for Northern Ireland                 | The Rt Hon Tom King MP                    |
| 15. | Minister of Agriculture, Fisheries and Food             | The Rt Hon Michael Jopling MP             |
| 16. | Secretary of State for Transport                        | The Rt Hon Nicholas Ridley MP             |
| 17. | Secretary of State for Employment                       | The Rt Hon Lord Young of Graffham         |
| 18. | Secretary of State for the Environment                  | The Rt Hon Kenneth Baker MP               |
| 19. | Paymaster General                                       | The Rt Hon Kenneth Clarke QC MP           |
| 20. | Chief Secretary, Treasury                               | The Rt Hon John MacGregor MP              |
| 21. | Secretary of State for Scotland                         | The Rt Hon Malcolm Rifkind MP             |
| 22. | Secretary of State for Trade and Industry               | The Rt Hon Paul Channon MP                |

CABINET SEATING PLAN - 28 JANUARY 1986

Chief Whip



CONFIDENTIAL



70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

*From the Secretary of the Cabinet and Head of the Home Civil Service*

Sir Robert Armstrong GCB CVO

Ref. A086/346

31 January 1986

*Dear Private Secretary*

Ministerial Changes

There are a number of matters arising from changes in Ministerial appointments to which I should draw your attention.

Papers

When Ministers leave or change office, the practice is for them to leave for the use of their successors the copies of any memoranda or minutes of the Cabinet or its Committees that were issued to them. Papers which are no longer in current use should be destroyed. I should be grateful, therefore, if you would:

(a) Confirm that your new Minister has taken over the Cabinet and Cabinet Committee documents needed for current administration.

(b) confirm that Ministers leaving the Government have not taken away any Cabinet or Cabinet Committee papers.

I should also be grateful if you would arrange for the disposal of any Cabinet or Cabinet Committee documents no longer required for current use. This applies particularly where a Minister is not replaced or a post is dissolved. May I remind you that the destruction of all SECRET and TOP SECRET documents should be supervised by two individuals, both of whom sign a destruction certificate.

Questions of Procedure for Ministers

On first appointment to the Government, the Secretary of the Cabinet writes to all new Ministers enclosing a copy of Questions of Procedure for Ministers and drawing their attention to the guidance it contains. Some of this advice may assume particular relevance if a Minister subsequently

Ms J Rutherford

/assumes

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assumes a new appointment or responsibilities, particularly in relation to potential conflicts (whether real or apparent) between private interests and new Ministerial responsibilities (Section IX).

I would draw your attention particularly to the paragraphs in this section relating to membership of Lloyd's (paragraphs 74 and 77).

Copies of this go to John Lambert, Department of Employment and to Nigel Wicks at No 10.

*Yours ever*

*Michael Stark*

(M C Stark)  
Private Secretary

CONFIDENTIAL



CONFIDENTIAL



70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

*From the Secretary of the Cabinet and Head of the Home Civil Service*

Sir Robert Armstrong GCB CVO

Ref. A086/345

31 January 1986

*Dear Matthew,*

Ministerial Changes

There are a number of matters arising from changes in Ministerial appointments to which I should draw your attention.

Papers

When Ministers leave or change office, the practice is for them to leave for the use of their successors the copies of any memoranda or minutes of the Cabinet or its Committees that were issued to them. Papers which are no longer in current use should be destroyed. I should be grateful, therefore, if you would:

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Questions of Procedure for Ministers

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Matthew Cocks Esq

/assumes

CONFIDENTIAL

CONFIDENTIAL

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I would draw your attention particularly to the paragraphs in this section relating to membership of Lloyd's (paragraphs 74 and 77).

Parliamentary Private Secretaries

I should also remind you of procedures for the appointment of Parliamentary Private Secretaries in case your Minister wishes, where appropriate, to appoint a new Parliamentary Private Secretary. The Chief Whip should be consulted about all such appointments and, in view of the special position which Parliamentary Private Secretaries occupy in relation to the Government, the approval of the Prime Minister should also be sought before any such appointment is offered and announced. It is not necessary to seek the Prime Minister's approval when a Minister wishes to reappoint a Parliamentary Private Secretary on a change of office but No 10 should be informed of such reappointments. I would also draw your attention to guidance concerning Parliamentary Private Secretaries in Questions of Procedure for Ministers (paragraph 37-40).

Copies of this go to John Mogg, Department of Trade and Industry and to Nigel Wicks at No 10.

Yours ever

Michael Stark

(M C Stark)  
Private Secretary

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Parliamentary Under  
Secretary of State

Department of Employment  
Caxton House Tothill Street London SW1H 9NF  
Telephone Direct Line 01-213 6670/6679  
Switchboard 01-213 3000

M C Stark Esq  
Private Secretary to  
Sir Robert Armstrong GCB CVO  
Secretary of the Cabinet and  
Head of the Home Civil Service  
70 Whitehall  
LONDON SW1A 2AS

✓  
30 January 1986

*Jean Michael*

MINISTERIAL CHANGES

Thank you for your letter of 27 January, following  
Mr Peter Bottomley's move to the Department of Transport.

As requested, I confirm that Mr Bottomley has not taken away  
any Cabinet or Cabinet Committee papers. (Since he is not  
being replaced in the Department there is no "new Minister" to  
take over any such documents.)

I am arranging for the disposal of Cabinet/Cabinet Committee  
documents.

I am copying this to Nigel Wicks at No 10.

*at Map*  
*Yours sincerely*

*Paul Hutt*

PAUL HUTT

CONFIDENTIAL

CABINST PT2

Questions of Procedure



**CONFIDENTIAL**

NW's seen *CC GR's*



My ref:

Your ref:

A086/271

M C Stark Esq  
Private Secretary to  
Sir Robert Armstrong GCB CVO  
70 Whitehall  
LONDON  
SW1A 2AS

*cc: PS/SS/S*  
*MW's Wick - NO. 10*  
*file*  
*fwc*  
*PSO*

29 January 1986

*Dear Stark*

MINISTERIAL CHANGES

Thank you for your letter of 27th January to Christopher Bowden, who was my predecessor. *at top*

I can confirm that our new Parliamentary Under Secretary of State, Mr Bottomley, who is assuming Mrs Chalker's old responsibilities, has taken over all Cabinet and Cabinet Committee documents needed for current administration. Mrs Chalker did not take any such documents with her to her new post at the Foreign and Commonwealth Office.

Mr Bottomley has considered the possible conflicts of interest which may arise from his new responsibilities for roads and traffic and the Secretary of State will be taking personal responsibility for two road proposals in which Mr Bottomley has personal or constituency interests.

We have noted your advice on the appointment of Parliamentary Private Secretaries and shall draw it to our new PUSS's attention as necessary.

Copies of this letter go to recipients of yours, and to Richard Bennett who has now taken over as Mr Bottomley's Private Secretary. (I have moved across to be Private Secretary to our Minister of State, Mr Mitchell).

*I am sincerely*  
*Brian Wadsworth*

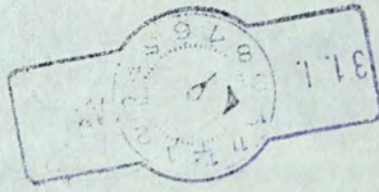
BRIAN WADSWORTH  
Private Secretary

**CONFIDENTIAL**

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CABINET PT2

Procedure



CONFIDENTIAL



Secretary of State for Trade and Industry

CONFIDENTIAL

DEPARTMENT OF TRADE AND INDUSTRY

1-19 VICTORIA STREET

LONDON SW1H 0ET

Telephone (Direct dialling) 01-215 5422

GTN 215)

(Switchboard) 01-215 7877

CONFIDENTIAL

28 January 1986

M C Stark Esq  
Private Secretary to  
Sir Robert Armstrong GCB CVO  
70 Whitehall  
LONDON  
SW1A 2AS

M/  
29/1

Dear Michael,

MINISTERIAL CHANGES

Thank you for your letter of 27 January.

2 I confirm that the Cabinet and Cabinet Committee documents have been taken over by Mr Channon. I also confirm that the disposal of Cabinet documents no longer required has also been put in hand.

3 I have today written to Mr Brittan reminding him of the Radcliffe recommendations and have sent him a copy of the Report and a summary of its conclusions.

4 Mr Channon has decided that he will continue with his present Parliamentary Private Secretary, Mr David Atkinson.

5 I have copied my letter to Nigel Wicks at No.10.

Yours ever,

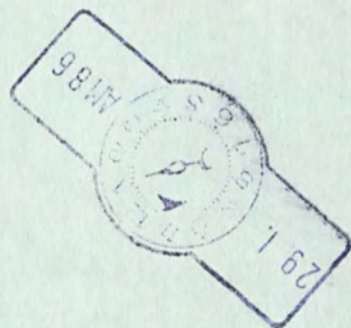
John

J F MOGG  
Private Secretary

JF2ATR

17  
19 **86**  
BOARD OF TRADE  
BICENTENARY

CABINET  
QUESTIONS OF  
PROCEDURE  
PT 2





CONFIDENTIAL



70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

*From the Secretary of the Cabinet and Head of the Home Civil Service*

Sir Robert Armstrong GCB CVO

Ref. A086/274

27 January 1986

*Dear John*

Ministerial Changes

There are a number of matters arising from changes in Ministerial appointments to which I should draw your attention.

Papers

When Ministers leave or change office, the practice is for them to leave for the use of their successors the copies of any memoranda or minutes of the Cabinet or its Committees that were issued to them. Papers which are no longer in current use should be destroyed. I should be grateful, therefore, if you would:

(a) Confirm that your new Minister has taken over the Cabinet and Cabinet Committee documents needed for current administration.

(b) confirm that your former Minister has not taken away any Cabinet or Cabinet Committee papers.

I should also be grateful if you would arrange for the disposal of any Cabinet or Cabinet Committee documents no longer required for current use. This applies particularly where a Minister is not replaced or a post is dissolved. May I remind you that the destruction of all SECRET and TOP SECRET documents should be supervised by two individuals, both of whom sign a destruction certificate.

Ministerial Memoirs

Ministers leaving the Government should also be reminded of the recommendations of the Radcliffe Report on Ministerial Memoirs. For this purpose, I enclose a copy of the Report and a summary of its conclusions and recommendations for you to pass on to your former Minister.

/Parliamentary

J F Mogg Esq

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Parliamentary Private Secretaries

I should also remind you of procedures for the appointment of Parliamentary Private Secretaries in case your Minister wishes, where appropriate, to appoint a new Parliamentary Private Secretary. The Chief Whip should be consulted about all such appointments and, in view of the special position which Parliamentary Private Secretaries occupy in relation to the Government, the approval of the Prime Minister should also be sought before any such appointment is offered and announced. It is not necessary to seek the Prime Minister's approval when a Minister wishes to reappoint a Parliamentary Private Secretary on a change of office but No 10 should be informed of such reappointments. I would also draw your attention to guidance concerning Parliamentary Private Secretaries in Questions of Procedure for Ministers (paragraph 37-40).

A copy of this letter goes to Nigel Wicks at No 10.

*Yours ever,*

*Michael*

(M C Stark)  
Private Secretary

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70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

*From the Secretary of the Cabinet and Head of the Home Civil Service*

Sir Robert Armstrong GCB CVO

Ref. A086/272

27 January 1986

*Dear Bennett,*

Ministerial Changes

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/special

R C Bennett Esq

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Copies of this letter go to the Private Secretary to the Secretary of State for Transport and to Nigel Wicks at No 10.

*Yours ever*

*Michael Stark*

(M C Stark)  
Private Secretary

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70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

*From the Secretary of the Cabinet and Head of the Home Civil Service*

Sir Robert Armstrong GCB CVO

Ref. A086/273

27 January 1986

Dear Hutt,

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/assumes

P E Hutt Esq

CONFIDENTIAL

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I would draw your attention particularly to the paragraphs in this section relating to membership of Lloyd's (paragraphs 74 and 77).

A copy of this letter goes to Nigel Wicks at No 10.

*Yours ever*

*Michael Stark*

(M C Stark)  
Private Secretary

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70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

*From the Secretary of the Cabinet and Head of the Home Civil Service*

Sir Robert Armstrong GCB CVO

Ref. A086/271

27 January 1986

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/assumes

C H Bowden Esq

CONFIDENTIAL

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Copies of this letter go to the Private Secretary to the Secretary of State for Transport and to Nigel Wicks at No 10.

*Yours ever*

*Michael Stark*

(M C Stark)  
Private Secretary





Chancellor of the Duchy of Lancaster

Al's - your papers?

CABINET OFFICE,  
WHITEHALL, LONDON SW1A 2AS

File  
MGA

Tel No: 233 3299  
7471

24 January 1986

Mark Addison Esq  
Private Secretary to the Prime Minister  
No 10 Downing Street  
LONDON  
SW1

~~CP~~  
Send 1 rec per 79 AQPM  
please MGA 24/1

Dear Mark,

ASPIRE

The Chancellor of the Duchy has received an invitation from ASPIRE (the Association for Spinal Injury Research Rehabilitation and Reintegration) to assist them with an appeal to large corporate donors for funds to construct a sports and rehabilitation centre at Stanmore.

Following advice from DHSS (please see further letter attached), the Chancellor has concluded that he should support the Appeal. However, I have asked to see the draft of the letter which ASPIRE would wish Mr Tebbit to sign, and we will, if necessary, propose changes to the draft to seek to make it clear that his support is given specifically to this appeal.

Although this does not fall squarely within the provisions of paragraph 79 of Questions of Procedure for Ministers, it would probably be right for you to know of how Mr Tebbit now proposes to proceed.

I am copying this letter to Elizabeth Mothersill (DHSS), to whom I am grateful for the earlier advice.

Your Sincerely,  
Andrew Lansley

ANDREW LANSLEY  
Private Secretary

CONFIDENTIAL



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*

Andrew Lansley Esq  
Private Secretary to  
The Rt Hon Norman Tebbit MP  
Chancellor of the Duchy of Lancaster

22 January 1986

*Dear Andrew*

The Chancellor has asked whether the DHSS would see any possible difficulty if he were to accept an invitation from ASPIRE (the Association for Spinal Injuries, Research, Rehabilitation and Reintegration) to take part in their 1986 appeal to raise funds for the Sports and Rehabilitation Centre at Stanmore Spinal Injuries Unit. I hope the following background information may be helpful to him in considering his decision.

ASPIRE was set up in 1983 to help support a new 20-bedded Spinal Injuries Unit, based at the Royal National Orthopaedic Hospital (RNOH) at Stanmore. The Unit was opened in 1984 and was a centrally funded development. One of ASPIRE's principal tasks is to help raise £1 million for a rehabilitation and sports facility for the Unit; £450,000 has been raised or pledged, on our latest information.

The issue which Mr Tebbit will wish to consider has to do with the whole future of the RNOH and so the future location of the spinal unit.

The RNOH is one of the Post-Graduate Hospitals which were transferred to Bloomsbury Health Authority in 1982, during the reorganisation of the NHS. It was formerly run by its own Board of Governors. The transfer was made following a report of the London Advisory Group which recommended that the RNOH and its specialty would benefit from close association with undergraduate teaching hospitals. The transfer has never been accepted by many of those working at the RNOH, who saw it as a loss of independence. Since then the RNOH has been caught up both in the recurrent financial pressures which face Bloomsbury DHA and in the uncertainty surrounding the DHA's long term strategy.

Last year a special study set up by the DHA into orthopaedic services in Bloomsbury (including the role of the RNOH at Stanmore) concluded that significant changes should be made to allow the hospital to concentrate on its more specialist activities. The changes proposed included reductions in beds and the closure of the accident and emergency department. In December the DHA accepted most of the recommendations and agreed that the next step was to discuss them with the North East Thames Regional Health Authority. These proposals are strongly opposed at Stanmore and by local MPs, especially Hugh Dykes.

CONFIDENTIAL

F.R.

and by local MPs, especially Hugh Dykes.

The implications for RNOH of these latest suggestions are, of course, uncertain, but even if the RNOH remained at Stanmore proposals for change following last year's special study are inevitable and will be opposed by the consultants. Even if the local Community Health Council were to agree them, Ministers here will be involved in final decisions on changes because, while Parliamentary Under Secretary for Health, John Patten said that Ministers would call in for decision any proposed changes at Stanmore on account of the status of the hospital. ASPIRE is a charity and so cannot overtly engage in political lobbying, but it is inevitable that it will be drawn into the controversy; apart from anything else, many of the individuals involved with ASPIRE and RNOH are the same. It might be difficult for any patron or sponsor to remain neutral on this issue.

I hope this information will be useful to Mr Tebbit in making what Ministers here understand must in the circumstances be a very difficult decision.

*Yours sincerely*

*Elizabeth*

ELIZABETH MOTHERSILL  
Private Secretary



CONFIDENTIAL



ZF

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70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

*From the Secretary of the Cabinet and Head of the Home Civil Service*

Sir Robert Armstrong GCB CVO

Ref. A086/224

MR MORRIS

cc Mr Wicks ✓  
Miss MacNaughton  
Mr MacLean

Questions of Procedure for Ministers (QPM)

Following Mr Wicks's minute of 20 January, the Cabinet Office will be replying to the renewed request for the release of Questions of Procedure for Ministers on the lines of the draft attached.

2. I do not know whether the Lord Privy Seal will also wish to have a word with Mr Terence Higgins MP.

MS

Private Secretary

21 January 1986

CONFIDENTIAL

DRAFT LETTER FROM MR R A C HEWES TO THE CLERK OF THE  
TREASURY AND CIVIL SERVICE SUB-COMMITTEE

Questions of Procedure for Ministers

You wrote to me on 14 January repeating the request for a copy of Questions of Procedure for Ministers to be made available to the Sub-Committee. This renewed request has been considered carefully once again, but it is not considered that the reported circumstances to which you refer change the position. The fact that a former Minister has retained a document and is now prepared to quote from it does not in the Government's view justify the release of a Cabinet document which is, as such, in the category of documents which are not, by the long standing practice of successive Governments, released to Select Committees or more generally published.

CABINET  
QUESTIONS OF  
PROCEDURE  
P 92



MR. NORRGROVE

QUESTIONS OF PROCEDURE FOR MINISTERS

Over the weekend the Prime Minister saw a minute from Robert about publication of this document. She said that she would be inclined to the view that the document should not be given to the TCSC since that if we start publishing Cabinet documents there will be no end. Past Prime Ministers know this and would, she believed, have taken a similar view during their stewardship. (This remark was prompted by information that Callaghan was minded to write to the Chairman of the TCSC that he would have no objection to the release of his Administration's version of the document.)

The Prime Minister wanted to consult the Lord President and other colleagues on Monday evening or Tuesday if possible. Cabinet Office tell me that Mr. Callaghan intends to write off this afternoon to the Select Committee and wants to know the Government's view on this Administration's intentions regarding publication of the document. I have therefore consulted Ministers on the telephone.

- The Lord President agrees strongly with the Prime Minister's view that the document should not be published.
- The Chief Whip is disinclined to publish.
- The Lord Privy Seal sees nothing to be gained from publication.

In the light of this unanimity, can I tell Armstrong's office that the Government does not intend to submit QPM to the TCSC?

(NIGEL WICKS)

20 January 1986

DN Seen





Prime Minister  
to note.

2

Ref. A086/199

MR WICKS

N.C.U.

20.1

Questions of Procedure for Ministers

When I received my copy of your letter of 20 January to Miss MacNaughton, I rang up to see if Mr Callaghan would wait for a decision until tomorrow. He said that he was not prepared to defer his answer on the matter until tomorrow: he wanted to get it out today in order to spike Mr Benn's guns.

2. You accordingly undertook further consultations, and confirmed that the general view was that QPM should not be published. I understand that you were able to confirm that the Prime Minister was content with that view.

3. I spoke to Mr Callaghan, to tell him that the Government's view was that the document should not be published. I said that this was not so much a matter of the sensitivity of the contents as the fact that it was a Cabinet document, and it was undesirable to set a precedent for publishing Cabinet documents or releasing them to Select Committees. Mr Callaghan said that he understood that, though he regarded QPM as being in a slightly different category from other Cabinet documents, in that it dealt with questions of procedure and defined relationships of Ministers to each other and to the Prime Minister. I reminded him that much of it was in fact in the public domain in one form or another. The standard text books contained a good deal about such matters as collective responsibility; and the doctrine on the private interests of Ministers had been set out in a memorandum submitted by the then Secretary of the Cabinet to the --- Royal Commission on Standards of Conduct in Public Life in 1975; copies of that document are in the Library of the House of Commons.

4. Mr Callaghan noted these references, and said that he would refer to that memorandum in his answer. He recognised that it was for the Government to decide whether to release the document.



Nonetheless, in order to forestall Mr Benn, he was saying in a letter, a copy of which would be released to the press, that, while it was up to the Government to decide whether the document should be published, he personally had refreshed his memory of the version issued when he was Prime Minister, and could see no reason why its contents need continue to be regarded as confidential.

5. I am sending copies of this minute to the Private Secretaries to the Lord President, the Lord Privy Seal and the Chief Whip.

RA

ROBERT ARMSTRONG

20 January 1986

ROYAL COMMISSION ON STANDARDS OF CONDUCT  
IN PUBLIC LIFE

MINISTERS' PRIVATE INTERESTS

MEMORANDUM BY THE SECRETARY OF THE CABINET

1. The Commission have asked for evidence on the regulation of private financial and business interests of Ministers of the Crown.

2. The principles which should guide Ministers in deciding whether they may properly continue to hold Company Directorships and similar offices have been stated from time to time in the House of Commons, for example by Sir Henry Campbell-Bannerman in March 1906, by Mr. Neville Chamberlain in July 1939, and by Mr. Winston Churchill in February 1952: a historical note on such statements is at Annex A.

3. The principles are summed up in the injunction that:

“Ministers must so order their affairs that no conflict arises, or appears to arise, between their private interests and their public duties.”

4. For many years it has been the practice of successive Prime Ministers to give written guidance to all Ministers on these matters. This guidance has been expanded and refined over the years in the light of experience. Its current formulation is reproduced at Annex B which constitutes the main reply to the Commission's request.

5. The Commission may also wish to be aware that, on the related matter of the acceptance of gifts or services from commercial undertakings, guidance is given similarly to all Ministers in the following terms:

“It is a well-established and recognised rule that no Minister or public servant should accept gifts or services which would place him under an obligation to a commercial undertaking.

“This is primarily a matter which must be left to the good sense of Ministers. But if any Minister finds himself in doubt or difficulty over this, he may seek the Prime Minister's guidance.”

*Application of the rules in practice*

6. Following the issue of written guidance by the Prime Minister, the onus rests with individual Ministers to order their affairs in conformity with it. The action required is clearly more complex for some newly appointed Ministers than for others: but the determination of the steps required appears to present little difficulty in practice. Inevitably, however, cases of doubt arise from time to time and these are referred to the Prime Minister of the day for decision; sometimes, experience of such cases leads to further refinement of the guidance to Ministers. The Prime Minister is advised by the Secretary of the Cabinet on these matters.

*Former Ministers*

7. The Commission have also sought my comments on the question of former Ministers' taking employment or acquiring interests on leaving office.

8. The guidance at Annex B does not extend to former Ministers and clearly it would be difficult for the Government of the day to exercise a discretionary function in respect of Ministers of a former Administration of a different complexion. For this and other reasons it has generally been thought to be impracticable to apply rules to former Ministers.

9. Nevertheless, the principle enunciated in paragraph 3 above should constrain Ministers while in office to ensure that no conflict arises between their public duties and their foreseeable private interests on leaving office. Former Ministers who remain Members of Parliament continue to be bound, of course, by the Parliamentary code of conduct.

10. I am not conscious of any criticism attaching to former Ministers on this matter which suggests a need to attempt to introduce any further control.

(Signed) JOHN HUNT.

*Cabinet Office,*

*25 March, 1975.*

## Historical Note

1. Sir Ivor Jennings recorded nineteenth century attitudes to Ministerial tenure of directorships in the first paragraph of his discussion of "The Qualifications of a Minister"<sup>(1)</sup>:

The most elementary qualification demanded of a minister is honesty and incorruptibility. It is, however, necessary not only that he should possess this qualification but also that he should appear to possess it. Though Lord Palmerston laid down the obvious rule that ministers must not accept presents<sup>1</sup>, he did not object to ministers holding directorships. He saw "no objection to a member of the Government retaining other employment, provided that employment can be carried on without prejudice to the Queen's service, which has the paramount claim"<sup>2</sup>. Consequently, Mr. Childers remained Director of the London and County Bank while he was Civil Lord of the Admiralty, but resigned when he was appointed Financial Secretary to the Treasury<sup>3</sup>. The law officers were similarly allowed to engage in private practice until the briefing of the Attorney-General for *The Times* in the Parnell Enquiry led the subsequent Liberal Government to alter the rule<sup>4</sup>. The Cabinet at the same meeting "considered the practice, which has prevailed from time to time, of the holding of directorships and the like, more or less lucrative, by gentlemen having the honour to serve Your Majesty in political office. The Cabinet were of the opinion that such appointments ought to stand suspended, both as to emolument and attendance, during the tenure of office; but they postponed until some early day the consideration of the exact terms in which such a resolution ought to be embodied"<sup>5</sup>.

<sup>1</sup> Ashley, *Life of Lord Palmerston*, I, p. 130.

<sup>2</sup> *Life of Childers*, I, pp. 120-21.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Letters of Queen Victoria*, 3rd Series, II, p. 171.

<sup>5</sup> *Ibid.*

2. When Sir Henry Campbell-Bannerman came into office, he followed the principle which appears to have been laid down by Mr. Gladstone and which was afterwards adopted by the Liberal Party, requiring members of his Administration to resign their directorships. In reply to a Question on 20 March, 1906, Sir Henry stated<sup>(2)</sup>:

"The condition which was laid down on the formation of the Government was that all directorships held by Ministers must be resigned except in the case of honorary directorships, directorships in connection with philanthropic undertakings, and directorships in private companies. Every member of the Government has either complied with this understanding or is in process of complying with it."

3. He later said that by "private company" he meant "that class of company in which the interest of the Minister, if a director, is substantially the same as the interest of a partner in a business firm"<sup>(3)</sup>.

4. On 2 April, 1906, Sir Henry Campbell-Bannerman was asked upon what principle a Member of the Government was precluded from being a director of a public company but was allowed to act as managing director in a large private business. He replied<sup>(4)</sup>:

"It has been found in practice that it is inconvenient for Members of the Government to hold directorships unless in exceptional circumstances, and no inconvenience has arisen from Members of the Government being also concerned in the management of private businesses in which they are interested."

(1) Cabinet Government, 1st edition, p. 85.

(2) *Hansard*, Col. 234.

(3) *Hansard*, 22 March 1906, Col. 640.

(4) *Hansard*, Col. 186.

5. Jennings records<sup>(5)</sup> that the rule was followed by all subsequent Governments except for a temporary relaxation in the first National Government of 1931 (a stop-gap Government which would be reconstructed at the general election) when Ministers retained their directorships but did not take fees.

6. In the Marconi debate of 1913, when the question of share-holding was raised, Mr. Asquith laid down the following propositions<sup>(6)</sup>:

"The first . . . and the most obvious is that Ministers ought not to enter into any transactions whereby their private pecuniary interests might, even conceivably, come into conflict with their public duty. . . . Again, no Minister is justified under any circumstances in using official information, information that has come to him as a Minister, for his own private profit or for that of his friends. Further, no Minister ought to allow or to put himself into a position to be tempted to use his official influence in support of any scheme or in furtherance of any contract in regard to which he has an undisclosed private interest. . . . Again, no Minister ought to accept from persons who are in negotiation with or seeking to enter into contractual or proprietary or pecuniary relations with the State any kind of favour. . . . Ministers should scrupulously avoid speculative investments in securities as to which, from their position and their special means of early or confidential information, they have or may have an advantage over other people in anticipating market changes."

7. On 10 June, 1937, in replying to a Question about Ministers both inside and outside the Cabinet who were solicitors in private practice, Mr. Chamberlain said<sup>(7)</sup>:

"The rule laid down by Sir Henry Campbell-Bannerman in 1906 has since been followed by successive Prime Ministers, and will be followed by myself. This rule, however, applies only to directorships, and the hon. Member's question refers to solicitors in private practice . . . it would be unreasonable to require that a solicitor, on becoming a member of the Government, should dissolve his partnership or should be obliged to allow his annual practising certificate to lapse. On the other hand, he should, in accordance with the principle underlying Sir Henry Campbell-Bannerman's rule, cease to carry on the daily routine work of the firm or to take any active part in its ordinary business, although he should not be precluded from continuing to advise in matters of family trusts, guardianships, and similar cases. A certain amount of discretion must be allowed, since it is impossible to cover every conceivable case in any rule, but I am satisfied that under the conditions I have laid down every reasonable requirement of propriety will be fulfilled."

8. Sir Henry Campbell-Bannerman's rule was refined in relation to private companies by Mr. Chamberlain on 31 July, 1939<sup>(8)</sup>:

"At the time when this rule was announced the term 'private company' had no statutory significance and was used probably to cover companies dealing wholly or mainly with family interests. Since then the term has received a statutory definition which covers a very wide field and . . . such companies may control very large amounts of capital while their shares may be in turn controlled by public companies engaged in the

<sup>(5)</sup> Cabinet Government, 1st edition, p. 86.

<sup>(6)</sup> *Hansard*, 19 June 1913, Cols. 556-57.

<sup>(7)</sup> *Hansard*, Cols. 1953-54.

<sup>(8)</sup> *Hansard*, Cols. 1937-38.

widest possible range of activities. In these circumstances it is clear that if the term 'private companies' in Sir Henry Campbell-Bannerman's ruling were to be interpreted in the statutory sense it would travel far beyond the intentions of the original framers of the rule.

"Accordingly, after consultation with my colleagues, I propose to interpret the term in future as applying only to concerns dealing wholly or mainly with family affairs or interests and not primarily engaged in trading. Since this is not a rigid definition, the Prime Minister of the day must be the final judge of whether any particular directorship held by a colleague comes within the rule or not, and Ministers will, therefore, doubtless submit to his consideration any case about which there might be a doubt. This applies to honorary directorships as well as to directorships of private companies. I would add that, as was observed by Lord Baldwin when he was Prime Minister on 5th July, 1926:

'The safeguard against any difficulty such as the hon. Member appears to have in mind lies in the traditional standards of public life in this country.'

9. A consolidated statement of the principles governing Ministers' Directorships and Shareholdings was drawn up in 1952. Mr. Winston Churchill, in answer to a Question on 25 February, 1952, had the following circulated in *Hansard*(<sup>1</sup>), referring to it as general guidance which he had recently issued:

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

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

3. Each Minister must decide for himself how these principles apply to him. Over much of the field, as is shown below, there are established precedents: but in any case of doubt the Prime Minister of the day must be the final judge, and Ministers should submit any such case to him for his direction.

4. Where it is proper for a Minister to retain any private interest, it is the rule that he should declare that interest to his colleagues if they have to discuss public business in any way affecting it, and that he should entirely detach himself from the consideration of that business.

5. Ministers include all members of the Government except unpaid Assistant Government Whips.

#### *Directorships*

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

(<sup>1</sup>) Cols. 702-3.

*Shareholdings*

7. Ministers cannot be expected, on assuming office, to dispose of all their investments. But if a Minister holds a controlling interest in any company considerations arise which are not unlike those governing the holding of directorships and, if there is any danger of a conflict of interest, the right course is for the Minister to divest himself of his controlling interest in the company. There may also be exceptional cases where, even though no controlling interest is involved, the actual holding of particular shares in concerns closely associated with a Minister's own Department may create the danger of a conflict of interest. Where a Minister considers this to be the case, he should divest himself of the holding.

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

10. This statement was circulated again in *Hansard* on 28 January, 1960<sup>(10)</sup>.

11. In an Answer on 15 December, 1966<sup>(11)</sup>, Mr. Wilson said that these rules about conflict of interests had not changed and were still being operated.

12. On the related matter of the acceptance by Ministers of gifts and services from commercial undertakings, Mr. Winston Churchill said in answer to a Question on 20 February, 1952<sup>(12)</sup>:

"... it is well understood that no Minister or public servant should accept gifts or services which would place him under an obligation to a commercial undertaking."

*Former Ministers*

13. On 20 November, 1962, Mr. Macmillan was asked if he would consider introducing legislation prohibiting Ministers from moving to executive positions in industry and commerce during a specified period. In replying to this and a related Question he said<sup>(13)</sup>:

"I do not think that such legislation would be wise or necessary. . . . I think that it is desirable and beneficial to the country that men of considerable experience should be available, when they leave the Government, to the service of industry and commerce."

14. On 20 June, 1968, Mr. Wilson, when asked whether he would seek to require a minimum period of four years to elapse before Ministers took up appointments in commercial concerns with which they or their Departments had had administrative relations, replied<sup>(14)</sup>:

"No. I think that these matters are better left to the discretion and good sense of the individuals concerned."

(10) Cols. 372-73.

(11) *Hansard*, Col. 657.

(12) *Hansard*, Col. 230.

(13) *Hansard*, Cols. 999-1,000.

(14) *Hansard*, Col. 171.



### Ministers' Private Interests

1. The principles which should guide Ministers in deciding whether they may properly continue to hold Company Directorships and similar offices have been stated from time to time in the House of Commons. The conventions at present to be observed are set out below.

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

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

4. Each Minister must decide for himself how these principles apply to him. Over much of the field, as is shown below, there are established precedents; but in any case of doubt the Prime Minister of the day must be the final judge, and Ministers should submit any such case to him for his direction.

5. Where it is proper for a Minister to retain any private interest, it is the rule that he should declare that interest to his colleagues if they have to discuss public business in any way affecting it, and that he should entirely detach himself from the consideration of that business.

6. Ministers comprehend all members of the Government, including Assistant Government Whips. They do not include Parliamentary Private Secretaries.

#### *Directorships*

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

#### *Partnerships*

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

### Shareholdings

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

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

### "Names" at Lloyds

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

### Pension arrangements

#### Participation in the Parliamentary Contributory Pension Fund

12. Under the terms of the Parliamentary and Other Pensions Act 1972, a Minister will be required to contribute to the Parliamentary Contributory Pension Fund in respect of his Ministerial salary (less, if he is a Member of the House of Commons, the difference between his reduced salary as a Member and a Member's ordinary salary) unless *within three months of his appointment* he elects not to do so. Details of the contributions required, and of the rates of personal and family benefit which accrue from participation in the Fund, can be obtained from the Fees Office.

13. A Minister who has accrued pension rights in another pension scheme may, if he elects to participate in the Fund in respect of his Ministerial salary, and if the rules of the other scheme permit, also elect *within three months of his appointment* to have the value of those accrued rights transferred to the Fund. The Fees Office will advise on the additional benefits which will be secured by such a transfer payment.

*articulation in other pension schemes*

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

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

16. It must be emphasised that any arrangements made under paragraph 15 must not go outside the terms of the particular pension scheme. There would be no objection to a general alteration of the rules of a scheme when this is necessary to permit such arrangements; but approval could not be given for the addition to the scheme of a special provision relating only to the tenure of a Ministerial office. If Ministers have any doubts about the propriety of any arrangements they intend making, the Prime Minister's Private Secretary may be consulted.

17. Where the Minister elects not to participate in the Parliamentary scheme in respect of his Ministerial salary, and no arrangements are made of the kind set out in paragraph 15, he may be entitled to claim tax relief on premiums paid under a "retirement annuity contract" to provide additional pension, etc., benefits for himself or provision for his family in the event of his death. Such contracts are issued subject to the limitations and conditions laid down in the Tax Acts. Relief is normally limited to 15 per cent of the Ministerial salary excluding, for a Minister in the Commons, the difference between his reduced salary as a Member and a Member's ordinary salary; there is also an overriding limit which varies according to individual circumstances. In some cases higher limits apply to those born before 1916.

18. The taxation effects of arrangements such as are mentioned in the paragraphs above may vary according to the Minister's particular circumstances. The Controller, Superannuation Funds Office, Inland Revenue, Apex Tower, High Street, New Malden, Surrey, KT3 4DN, will be willing to explain the effects for tax purposes of any proposed arrangement under paragraph 15; he will also give, on request, further information on the legislation and reliefs available in respect of retirement annuity contracts. Alternatively a Minister may, if he prefers, make his enquiry through the Financial Secretary, Treasury.

JDS AHR

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10 DOWNING STREET

*From the Principal Private Secretary*

20 January, 1986.

QUESTIONS OF PROCEDURE FOR MINISTERS (QPM)

The Prime Minister would like to discuss with the Lord President, at their meeting tomorrow at 1215, the matter raised in Sir Robert Armstrong's minute attached concerning the release of Questions of Procedure for Ministers to the Treasury and Civil Service Select Committees.

The Prime Minister has commented that she is inclined to the view, set out in paragraph 4 of Sir Robert's minute, that if the Government starts publishing Cabinet documents, there will be no end to that procedure. Past Prime Ministers know this, and would, she believes, have taken a similar view during their stewardship.

I am sending copies of this letter to David Morris (Lord Privy Seal's Office), and Murdo Maclean (Chief Whip's Office) so that they know the matter will be raised at tomorrow's meeting.

N.L. Wicks

Miss Joan MacNaughton,  
Lord President's Office.

Al

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10 DOWNING STREET

*From the Principal Private Secretary*

SIR ROBERT ARMSTRONG

QUESTIONS OF PROCEDURE FOR MINISTERS (QPM)

As you know from my letter to Joan MacNaughton of today, the Prime Minister sought the views of the Lord President, Lord Privy Seal and Chief Whip about the recommendation in your minute that MPO should continue to refuse to submit a copy of QPM to the Treasury and Civil Service Sub Committee ((TCSC)).

The Lord President, Lord Privy Seal and Chief Whip all agree with the Prime Minister's inclination that the TCSC request for a copy of QPM should indeed be refused. The Prime Minister believes that once Ministers start publishing Cabinet documents, there will be no end to that process.

I am sending a copy of this minute to the Private Secretaries to the Lord President, Lord Privy Seal and Chief Whip.

N.L. WICKS

20 January 1986

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Prime Ministers'

Agree to continue to refuse to give the TCSC QPM?

N.L.W. 17.1

Ref. A086/175  
PRIME MINISTER

Will consult with Lord Privy Seal

colleagues on

Monday evening

if possible on Monday

Questions of Procedure for Ministers (QPM)

If I am not likely to be asked would you consult Lord Privy Seal - chief why

1. You agreed in December that the Cabinet Office (MPO) should refuse the Treasury and Civil Service Sub-Committee request for a copy of QPM. You also agreed that the Lord Privy Seal should first explain the reasons for that decision to Mr Terence Higgins MP, the Chairman of both TCSC and the Liaison Committee. Both of these steps have been taken; but the Sub-Committee have renewed their request to the MPO "in case the circumstances surrounding Mr Benn's evidence to the Sub-Committee should have given you cause to reconsider your position".

2. There are probably two strands to this. Mr Benn is due to give evidence to the Sub-Committee next Wednesday, 22 January, and it has been reported in the press that his written evidence contains a copy of an earlier version of QPM. Mr Benn made an unsuccessful attempt in 1982 to put QPM on the record by laying it before the House or in the Library, and there is speculation that he will see the oral evidence session next Wednesday as an opportunity for another such attempt. Some members of the Sub-Committee may encourage him in this.

3. The second strand is of course the Westland matter. QPM deals explicitly with collective responsibility, clearance of Ministerial statements etc. An article in Saturday's Guardian has already linked this to the Sub-Committee's request.

4. None of this is reason for going back on your previous decision. QPM is a confidential Cabinet document and it would be contrary to the practice of successive Governments to make it available to the Select Committee or the House. I recommend that you agree that MPO should continue to hold that line.

I intend to check with the rest of the Ministers' Secretariat

to the end of P.M.

and know this

have taken a 1

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during the session



5. You will, however, want to have in mind the risk of embarrassment if you subsequently found that line untenable, under further pressure in the House, perhaps on a report from the Select Committee, which forced the release of QPM. You should also be aware that Mr Callaghan became aware of Mr Benn's intention, and asked to see the version of QPM which he issued as Prime Minister. He has since rung to say that he finds it "largely innocuous" and is minded to write to the Chairman of the TCSC saying that he would have no objection to its release: this, he feels, would spike Mr Benn's guns and make the matter one of academic interest, rather than turn it into a cause celebre. But he recognises that the decision on release is a matter for the present administration.

6. I am copying this minute to the Lord Privy Seal in view of his earlier involvement.

RA

ROBERT ARMSTRONG

17 January 1986

THE  
CONFIDENTIAL







SCOTTISH OFFICE  
WHITEHALL, LONDON SW1A 2AU

Your Ref: A086/85

M C Stark Esq  
Private Secretary  
Cabinet Office  
70 Whitehall  
LONDON  
SW1A 2AS

14 January 1986

*Dear Michael*

MINISTERIAL CHANGES

Thank you for your letter of 9 January. I can confirm that my new Secretary of State has taken over the Cabinet and Cabinet Committee documents needed for current administration and that my former Secretary of State has not taken away any Cabinet or Cabinet Committee papers.

I note what you say about the appointment of Parliamentary Private Secretaries. Mr Rifkind has reappointed Lord James Douglas-Hamilton MP as his Parliamentary Private Secretary and I hope that Nigel Wicks will accept his copy of this letter as fulfilling the requirement to inform No 10 of the reappointment of Parliamentary Private Secretaries. I am also copying this to Murdo Maclean (Chief Whip's Office).

*Yours ever*

*Robert Gordon*

Robert Gordon  
Private Secretary

Questions of Procedure: CABINET P42



11 January 1986

Private Secretary  
Cabinet Office  
10 Whitehall  
LONDON  
SW1A 2AR

Dear Sir

INTERESTING CHARGES

I am writing to you in connection with the charges which have been raised against me in the House of Commons on 11 January 1986. I am sorry that I have not been able to attend the proceedings myself but I have been advised that the charges are unfounded and that I should not be concerned. I am sure that you will be able to confirm this for me. I am sure that you will be able to confirm this for me.

Yours faithfully

*[Signature]*

Robert Gordon  
Private Secretary



MINISTRY OF DEFENCE  
MAIN BUILDING WHITEHALL LONDON SW1A 2HB  
Telephone 01-~~230 0232~~ 218 2111/3

MO 17G

10th January 1986

Internal: PS/PUS

*Hon Michael,*

MINISTERIAL CHANGES

Thank you for your letter of 9th January. <sup>*attached*</sup>

I can confirm that the new Secretary of State for Defence has taken over the Cabinet and Cabinet Committee documents needed for current administration and that the Rt Hon Michael Heseltine MP has not taken away any Cabinet or Cabinet Committee papers.

I have informed Mr Heseltine of the recommendations of the Radcliffe Report on Ministerial Memoirs as requested.

I have not yet been able to discuss with Mr Younger the question of his Parliamentary Private Secretary. When I have done so, I will inform No 10 in the normal way.

I am copying this letter to Nigel Wicks at No 10.

*Yours etc,*

*Richard Mottram*

(R C MOTTRAM)

Michael Stark Esq  
Cabinet Office



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70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

*From the Secretary of the Cabinet and Head of the Home Civil Service*

Sir Robert Armstrong GCB CVO

Ref. A086/84

9 January 1986

*Dear Richard,*

Ministerial Changes

There are a number of matters arising from changes in Ministerial appointments to which I should draw your attention.

Papers

When Ministers leave or change office, the practice is for them to leave for the use of their successors the copies of any memoranda or minutes of the Cabinet or its Committees that were issued to them. Papers which are no longer in current use should be destroyed. I should be grateful, therefore, if you would as soon as possible:

- (a) confirm that your new Minister has taken over the Cabinet and Cabinet Committee documents needed for current administration;
- (b) confirm that your former Minister has not taken away any Cabinet or Cabinet Committee papers.

I should also be grateful if you would arrange for the disposal of any Cabinet or Cabinet Committee documents no longer required for current use. This applies particularly where a Minister is not replaced or a post is dissolved. May I remind you that the destruction of all SECRET and TOP SECRET documents should be supervised by two individuals, both of whom sign a destruction certificate.

Ministerial Memoirs

Ministers leaving the Government should also be reminded of the recommendations of the Radcliffe Report on Ministerial

/Memoirs. For this

R C Mottram Esq

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Memoirs. For this purpose, I enclose a copy of the Report and a summary of its conclusions and recommendations for you to pass on to Mr Heseltine.

Questions of Procedure for Ministers

On first appointment to the Government, the Secretary of the Cabinet writes to all new Ministers enclosing a copy of Questions of Procedure for Ministers and drawing their attention to the guidance it contains. Some of this advice may - particularly in relation to potential conflicts (whether real or apparent) between private interests and Ministerial responsibilities (Section IX) - take on particular relevance when a Minister subsequently assumes a new appointment or responsibilities.

Parliamentary Private Secretaries

I should also remind you of procedures for the appointment of Parliamentary Private Secretaries in case Mr Younger wishes to appoint a new Parliamentary Private Secretary. The Chief Whip should be consulted about all such appointments and, in view of the special position which Parliamentary Private Secretaries occupy in relation to the Government, the approval of the Prime Minister should also be sought before any such appointment is offered and announced. It is not necessary to seek the Prime Minister's approval when a Minister wishes to reappoint a Parliamentary Private Secretary on a change of office but No 10 should be informed of such reappointments. I would also draw your attention to guidance concerning Parliamentary Private Secretaries in Questions of Procedure for Ministers (paragraph 37-40).

A copy of this letter goes to Nigel Wicks at No 10.

*Yours ever*

*Michael*

(M C Stark)  
Private Secretary



CONFIDENTIAL



70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

*From the Secretary of the Cabinet and Head of the Home Civil Service*

Sir Robert Armstrong GCB CVO

Ref. A086/85

9 January 1986

Dear Robert,

Ministerial Changes

There are a number of matters arising from changes in Ministerial appointments to which I should draw your attention.

Papers

When Ministers leave or change office, the practice is for them to leave for the use of their successors the copies of any memoranda or minutes of the Cabinet or its Committees that were issued to them. Papers which are no longer in current use should be destroyed. I should be grateful, therefore, if you would:

(a) confirm that your new Minister has taken over the Cabinet and Cabinet Committee documents needed for current administration;

(b) confirm that your former Minister has not taken away any Cabinet or Cabinet Committee papers.

I should also be grateful if you would arrange for the disposal of any Cabinet or Cabinet Committee documents no longer required for current use. This applies particularly where a Minister is not replaced or a post is dissolved. May I remind you that the destruction of all SECRET and TOP SECRET documents should be supervised by two individuals, both of whom sign a destruction certificate.

Questions of Procedure for Ministers

On first appointment to the Government, the Secretary of the Cabinet writes to all new Ministers enclosing a copy of

/Questions of Procedure

R S B Gordon Esq

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Questions of Procedure for Ministers and drawing their attention to the guidance it contains. Some of this advice may assume particular relevance if a Minister subsequently assumes a new appointment or responsibilities, particularly in relation to potential conflicts (whether real or apparent) between private interests and new Ministerial responsibilities (Section IX).

Parliamentary Private Secretaries

I should also remind you of procedures for the appointment of Parliamentary Private Secretaries in case your Minister wishes, where appropriate, to appoint a new Parliamentary Private Secretary. The Chief Whip should be consulted about all such appointments and, in view of the special position which Parliamentary Private Secretaries occupy in relation to the Government, the approval of the Prime Minister should also be sought before any such appointment is offered and announced. It is not necessary to seek the Prime Minister's approval when a Minister wishes to reappoint a Parliamentary Private Secretary on a change of office but No 10 should be informed of such reappointments. I would also draw your attention to guidance concerning Parliamentary Private Secretaries in Questions of Procedure for Ministers (paragraph 37-40).

A copy of this letter goes to Nigel Wicks at No 10.

*Yours ever*

*Michael Stark*

(M C Stark)

Private Secretary

CONFIDENTIAL



10 DOWNING STREET

*From the Principal Private Secretary*

Sir Robert Armstrong

**QUESTIONS OF PROCEDURE FOR MINISTERS**

The Prime Minister has seen your minute of 16 December about the request from the Sub-Committee of the Treasury and Civil Service Department for a copy of Questions of Procedure for Ministers (QPM).

The Prime Minister agrees with the advice in paragraph 4 of your minute that you should tell the Clerk that, as the document is a Cabinet paper, giving it to the Sub-Committee would be contrary to the Memorandum of Guidance for Officials, and you should draw the Sub-Committee's attention to the memorandum by your predecessor to which you refer in your minute.

I am sending copies of this minute to the Private Secretaries to the Lord Privy Seal and the Minister of State, Privy Council Office.

NLW

18 December, 1985.

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Prime Minister

Agree the Sub C+tee  
should not be given Questions  
of Procedure as advised in  
§ 4 below ?

N.L.W.  
17.12.

Ref. A085/3282

PRIME MINISTER

*Should not*

Questions of Procedure for Ministers

The Sub-Committee of the Treasury and Civil Service Committee has asked for a copy of Questions of Procedure for Ministers (QPM), in connection with its current inquiry into 'Civil Servants and Ministers: Duties and Responsibilities'. I  
--- attach the letter of 12 December from the Clerk, in which the Clerk states that the copy would be kept in secure conditions, and not copied or otherwise reproduced. The Sub-Committee have probably learned of the document's existence from an article of  
--- 5 September by Hugo Young (attached), which claims to quote from the 1966 edition.

2. QPM is a Cabinet paper. The Memorandum of Guidance for Officials Appearing Before Select Committees, paragraph 27  
--- (attached), states that:

'In no circumstances should any Committee be given a Cabinet paper or extract from it'.

The Memorandum has the approval, albeit grudging, of the Liaison Committee.

3. So far as I am aware, QPM has never been given to a Parliamentary body, though specially-prepared memoranda covering part of the subject matter have occasionally been provided to  
--- Select Committees and other bodies: notably, a memorandum by my predecessor on Minister's private interests, which in effect reproduced the relevant paragraphs of QPM, was sent to the Royal Commission on Standards of Conduct in Public Life in March 1975, and copies were placed in the libraries of the two Houses. QPM

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is personal guidance from the Prime Minister to his or her Ministerial colleagues. I do not think that the Sub-Committee, or the House itself, have any reasonable grounds for demanding to see it, even if it were likely to assist a Select Committee inquiry, which in the present case it is not.

4. I therefore propose that the reply to the Clerk should say that, as the document is a Cabinet paper, giving it to the Sub-Committee would be contrary to the Memorandum of Guidance for Officials; but should draw the Sub-Committee's attention to the memorandum by my predecessor to which I have referred. It is possible that the Sub-Committee (chairman Mr Austin Mitchell, with Mr Brian Sedgemore a member) will seek to move the main Committee (chairman Mr Terence Higgins) to report the refusal to the House. I am therefore copying this minute to the Lord Privy Seal, who I understand has himself had a request for QPM from Mr Higgins. I am also copying it to Mr Luce for information.

5. The Sub-Committee have asked to receive QPM by 12 noon on Wednesday, 18 December. Arrangements are being made to tell them that it is not likely to be possible to meet this deadline.

MS

for

ROBERT ARMSTRONG

16 December 1985

LPS  
agrees  
with  
RTAs  
advice.



COMMITTEE OFFICE  
HOUSE OF COMMONS  
LONDON SW1A 0AA  
01-219 5766 Direct Line  
01-219 3000 Switchboard

TREASURY AND CIVIL SERVICE COMMITTEE  
SUB-COMMITTEE

12 December 1985

Bob Hewes Esq  
Room 61  
3rd Floor Machinery of Government Division  
Cabinet Office (MPO)  
70 Whitehall  
LONDON  
SW1A 2AS

*Dear Bob*

At its meeting yesterday the Sub-Committee considered progress on its inquiry into Civil Servants and Ministers: Duties and Responsibilities. The Sub-Committee agreed that it would be of great assistance to its inquiries if Members were able to consult the document known as "Questions of Procedure for Ministers."

I have been instructed to ask MPO to let the Sub-Committee have a copy of the most recent edition of this paper. The Sub-Committee is aware of the memorandum's classified status. I understand that Members would be prepared, if necessary, to receive a single copy which would be kept in a security cabinet in the Clerk's office, available for consultation there or at meetings of the Sub-Committee or full Committee. The text would not be copied or otherwise reproduced.

I look forward to hearing from you shortly. Members would hope to be able to gain access to the memorandum on the above-mentioned basis before 12 noon on Wednesday 18 December.

*Yours sincerely*

S PRIESTLEY  
Clerk to the Committee

# The secret code that locks the Cabinet door against 50 million enemies 21

## COMMENTARY Hugo Young



MINISTERS are the most public people but they live, it turns out, by secret rules. This will have been the first discovery of those eager backbenchers hoisted into government two days ago. They are subject to a code of conduct which tells them what to do and how to behave in almost all circumstances. Although lacking even the vestige of a security aspect, this intriguing state paper has, curiously, never been published. It is time to bring it out of the closet.

A copy of it is in my possession. It contains a formidable set of rubrics which, were they to be published as a matter of course, would provide meat for much debate about the degree to which ministers in fact observe the rules, as well as clarifying some of the reasons why ministers and officials act as they do vis-a-vis the outside world. It is for this very reason, presumably, that Questions of Procedure for Ministers, as it is drily called, remains such a jealously-guarded document.

Quite a lot of it is taken up with what might be called the serious trivia of ministerial life. Thus, Rule 1 says that a summons to the Privy Council must take precedence over all other engagements, and that a minister must drop everything to ensure that he has "ample time to reach the Palace." Later we learn that a Cabinet minister who intends to go abroad should secure not only the agreement of the prime minister but the permission of the Queen.

Other relatively minor matters include such diverting details as an instruction

about who may and may not continue to be a "name" at Lloyd's. All ministers are enjoined to "avoid speculative investments in securities about which they have, or may be thought to have, early or confidential information." They must not be associated with any body, "even of a philanthropic character" which might have dealings, however remote, with government. Also, ministers "should not, while holding office, accept decorations from foreign countries". And they should watch what they say at all times: "Special care is needed in conversations at social functions at embassies or at other functions at which foreign diplomatic representatives are present."

But the guts of Questions of Procedure concern the conduct of Cabinet business and, in particular, the control of information about it inside and outside the Government. We see here, newly spelled out for private consumption, the overriding obsession which the official mind has with confining all possible information within the narrowest possible circle. As evidence that secrecy is not merely a procedural tool but is at the heart of the Government's very being, the document adds fresh weight to an already substantial corpus.

The rulebook has a lengthy pedigree. A version

of it seems first to have been put together after the first world war, with the greater formalisation of Cabinet business which occurred at that time. Since then it has evolved by accretion, under the hand of different Cabinet Secretaries, as successive prime ministers have added more and more rules to the list to meet changing circumstances.

The 1936 version runs to a mere four pages, and consists mainly of somewhat testy injunctions to ministers to circulate papers to the Cabinet only after they have worked out the legal and financial implications of their proposals. At that time, personal conduct seems to have required no instruction. But the 1983 edition, covering everything from the propriety of private pension schemes to the rules about travelling wives, is more than six times as long.

The edition quoted here was put out by Harold Wilson after the 1966 election.

There is no reason to suppose, however, that its central passages have been significantly altered, still less than the prime ministerial power it delineates has been in any way diminished. Serving ministers, when shown it, aver that while parts have been "modernised" and the process of accretion keeps on adding to it, the essential sense of it remains the same. Ministers from the Callaghan Government—who were

obliged to return their copies on leaving office—recall large chunks of the 1966 version surviving unaltered at least until 1979.

Some of the rules are not very surprising but, formally laid down what is a quasi-constitutional text, they throw more precise light than has been available on the hidden places of government.

"Normally," the rulebook states, "the Cabinet Office should be given seven days' notice of any business which a minister wishes to bring before the Cabinet." Memoranda must have been circulated at least two working days before being put on the

agenda. These rules may only be broken with the Prime Minister's permission "which will be granted only for reasons of extreme urgency." Nothing may be raised orally without the Prime Minister's prior consent.

With these Cabinet papers we come to the first weapons of control. They are not meant to be circulated by the minister who actually writes them. If Peter

Walker, says, wants to circulate a dissenting minute on the economic situation, the rule says he should do so only through the Cabinet Office. All copies are made and sent out by them. Strictly speaking, the minister must apply to the Cabinet Office for more copies of his own minute.

The Cabinet minutes themselves are not minutes at all. The record of Cabinet meetings "is limited to the decisions taken and such summary of the discussion as may be necessary for the guidance of those who have to take action on them." The Cabinet Secretary, moreover, "is under instructions to avoid, so far as practicable, recording the opinions expressed by particular ministers." So much for the interest of historians, 30 years on.

What happens next to these decisions to act, however, begins to reveal the real extent of the Government's commitment to non-disclosure. There is no such thing as open government even inside government itself. The rulebook concedes that "ministers who share the collective responsibility for the Government's programme must be kept generally aware of the development of important aspects of Government policy." But this knowledge should be strictly limited.

Rule 24 of the Wilson version states: "Outside this narrow circle, knowledge of these matters should be confined to those, whether ministers or officials, who are assisting in the formulation

or execution of the particular policy concerned, or need to know what is afoot because of its effect on other aspects of public business for which they are responsible."

To achieve this essential confinement, the rulebook proposes a number of guidelines. Cabinet papers should be shown by ministers only to their "immediate advisers." And one group of advisers is beyond the pale: "In particular, Cabinet papers should not be circulated as a matter of course to information officers and their staffs."

Within the general category of secret papers, there is a sub-group which requires special vigilance: If exposed, these, it seems, would blow apart the most sacred element of the British constitution, an experience from which civil servants need as much protection as anyone else. "Documents reflecting the personal views of ministers," the rulebook intones, "are in a special category and their handling requires special care." Why? "It is contrary to the doctrine of collective responsibility to make known the attitude of individual ministers on matters of policy."

Shoring up collective responsibility, in fact, is the purpose behind the entire edifice of information control. A familiar theory, no doubt. But, few other documents have spelled out the nuances so instructively, or offered such a bald and candid account of the need for myth-making about the exercise of power.

Government decisions, first, must not be announced as the decisions of the

cont...

people who took them. They are "normally announced and defended by the minister concerned as his own decision." There may be occasions when it is better to announce them as "the decisions of Her Majesty's government." But these should be the exception. And why?

"The growth of any general practice whereby decisions of the Cabinet or of Cabinet committees were announced as such would lead to the embarrassing result that some decisions of government would be regarded as less authoritative than others."

And an even greater horror might beckon. "Critics of a decision reached by a particular committee could press for its review by some other committee or by the Cabinet, and the constitutional right of individual ministers to speak in the name of the Government as a whole would be impaired."

All this kind of stuff, indeed, is an unwarrantable intrusion into the legitimate privacy of government. "The method adopted by ministers for discussion among themselves," says Rule 22, is essentially a domestic matter, and is no concern of Parliament or the public. The doctrine of collective responsibility of ministers depends, in practice, upon the existence of opportunities for free and frank discussion between them, and such discussion is hampered if the processes by which it is carried on are laid bare." For this reason, there is a powerful imperative not to expose to public view anything whatever about Cabinet committees.

Not all of these rules, it will already have been observed, are unflinchingly obeyed by ministers. Mrs Thatcher has taken the commendable minor step of referring to Cabinet committees from time to time. It must be doubted whether Mr Walker can be relied upon in all circumstances to circulate his subversive ideas only by permission of the Cabinet Secretary. The fearsome command that the views of individual ministers should never become known can hardly be said to have had much effect on the Wilson Government to which this particular document was directed.

The instruction nevertheless went forth. The official mind showed that it knew a thing or two about the ways of journalists and was ready with advice to any innocents in governing circles.

"Experience has shown", it cautions, "that leakages of information have often occurred as a result of the skilful piecing together, by representatives of the press, of isolated scraps of information gathered from several sources, each in itself apparently of little importance".

The only safe rule, it goes on, was, therefore, "never to mention such matters even in the form of guarded allusions". The only safe people to talk to belong to a tried and trusted institution, the Lobby journalists. "But ministers should not at any time refer to such meetings; to do so would endanger the very special relationships with the Lobby, which have been developed over many years."

As well as being the bible of private government, Questions of Procedure is also an official almanac of prime ministerial power. It formalises in black and white the right of the Prime Minister to decide matters small and large but especially to make those apparently trivial adjudications which are the real hallmark of bureaucracy and its remorselessly centralising tendency.

Thus, as well as determining who may raise what in Cabinet, the Prime Minister, even in Wilson's day, had to approve all appointments to boards, commissions and committees (rule 44); authorise any broadcast by a minister "in a private and non-ministerial capacity" (53b); be given details of all public-speaking engagements by ministers (57); approve before a minister could write a letter to a newspaper (59); assent to a minister's spouse accompanying them at public expense (66).

If this has changed at all, it is without doubt towards more not less centralisation and constraint. Questions of Procedure describes a world in which to a significant extent the electorate is seen not as the master of the politicians but as the enemy at the gates: a private world surrounded by menace—and one where the rules of conduct themselves, often pretty uncontroversial, must nevertheless remain undeclared.

For a tyro minister with a distaste for any of this and any appetite for freedom of communication which escapes the rigidities here laid down, the rulebook offers but one consolation. Ministers, it says in one of its sterner passages, are precluded from the practice of journalism "in any form". But there is one chink of light. "This prohibition does not extend to authorship or to writings of a literary, historical, scientific or romantic character".

GENERAL NOTICE GEN 80/38

MEMORANDUM OF GUIDANCE FOR OFFICIALS APPEARING BEFORE SELECT COMMITTEES

SCOPE AND PURPOSE

1. This Notice advises departments that the Civil Service Department, in consultation with other departments primarily concerned, has revised the Memorandum of Guidance for Officials appearing before Select Committees. The Memorandum is attached.

ACTION

2. Departments should:

a. be guided by the Memorandum, which has been approved by Ministers, in their dealings with Select Committees; and

b. bring the Memorandum to the attention of staff as and when they have or may have contact, directly or indirectly, with Select Committees.

3. The relationship between the Government and Select Committees is a developing one which needs to be kept under review. For this reason it will be helpful if departments would inform the Civil Service Department of any notable developments in their own dealings with Select Committees. The Civil Service Department should in any case be consulted in the event of difficulty.

SUPERSEDED MATERIAL

4. This Notice and Annex supersede General Notice GEN 76/78 and Addendum and General Notice GEN 78/11.

CSD CONTACT

5. Enquiries should be addressed to Miss J. BUCHAN ~~A. H. Dickinson~~, Machinery of Government Division (01-273 3644).

Authorised by: E B C Osmotherly  
File reference: MG 23/113/01  
Date of issue: 16 May 1980

Civil Service Department (MG)  
Whitehall  
LONDON  
SW1A 2AZ



vi. Matters which are, or may become, the subject of sensitive negotiations with Governments or other bodies, including the European Community, without prior consultation with the Foreign and Commonwealth Secretary, or in relation to domestic matters the Ministers concerned (see paragraph 32).

vii. Specific cases where the Minister has or may have a quasi-judicial or appellate function, eg in relation to planning applications and appeals, or where the subject-matter is being considered by the Courts, or the Parliamentary Commissioner (see paragraphs 33-34).

Where, exceptionally, matters such as iv-vii have to be discussed, application may be made for "sidelining" (see paragraph 46). There is no objection to saying in general terms why information cannot be given and it is very unusual for a Committee to press an official who indicates that he is in difficulty on such grounds in answering a question. If however this happens, it may be best to ask for time to consider the request and to promise to report back. Paragraphs 6-7 should be referred to.

#### Collective Responsibility

26. Departmental witnesses, whether in closed or open session, should preserve the collective responsibility of Ministers and also the basis of confidence between Ministers and their advisers. Except in a case involving an Accounting Officer's responsibility (see C8 and 9 of "Government Accounting") the advice given to Ministers, which is given in confidence, should not therefore be disclosed, though Departments may of course need to draw on information submitted to Ministers. It is necessary also to refuse access to documents relating to interdepartmental exchanges on policy issues. Equally the methods by which a current study is being undertaken, eg by the Central Policy Review Staff, should not normally be disclosed without the authority of Ministers, unless they have already been made public. Nor should Departments reveal the level at which decisions were taken. It should be borne in mind that decisions taken by Ministers collectively are normally announced and defended by the Minister responsible as his own decisions, and it is important that no indication should be given of the manner in which a Minister has consulted his colleagues (see also paragraph 31 on the special position of the Law Officers).

27. In no circumstances should any Committee be given a Cabinet paper or extract from it, or be told of discussions in a Cabinet Committee. Nor should information be given about the existence, composition or terms of reference of Cabinet Committees, or the identity of their chairmen, beyond that information disclosed by the Prime Minister in answer to a Parliamentary Question on 24 May 1979 (see Appendix B), and if witnesses are questioned on such matters they must decline to give specific answers. There is, however, no objection to pointing out in general terms that consultation between Departments runs through the whole fabric of government and occurs at all levels both official and Ministerial.

28. Departmental files will tend to concern the matters referred to in paragraph 25 above, and Departments should consult their Ministers, and should also advise the Civil Service Department when dealing with any request

ROYAL COMMISSION ON STANDARDS OF CONDUCT  
IN PUBLIC LIFE

**MINISTERS' PRIVATE INTERESTS**

MEMORANDUM BY THE SECRETARY OF THE CABINET

1. The Commission have asked for evidence on the regulation of private financial and business interests of Ministers of the Crown.

2. The principles which should guide Ministers in deciding whether they may properly continue to hold Company Directorships and similar offices have been stated from time to time in the House of Commons, for example by Sir Henry Campbell-Bannerman in March 1906, by Mr. Neville Chamberlain in July 1939, and by Mr. Winston Churchill in February 1952: a historical note on such statements is at Annex A.

3. The principles are summed up in the injunction that:

“Ministers must so order their affairs that no conflict arises, or appears to arise, between their private interests and their public duties.”

4. For many years it has been the practice of successive Prime Ministers to give written guidance to all Ministers on these matters. This guidance has been expanded and refined over the years in the light of experience. Its current formulation is reproduced at Annex B which constitutes the main reply to the Commission's request.

5. The Commission may also wish to be aware that, on the related matter of the acceptance of gifts or services from commercial undertakings, guidance is given similarly to all Ministers in the following terms:

“It is a well-established and recognised rule that no Minister or public servant should accept gifts or services which would place him under an obligation to a commercial undertaking.

“This is primarily a matter which must be left to the good sense of Ministers. But if any Minister finds himself in doubt or difficulty over this, he may seek the Prime Minister's guidance.”

*Application of the rules in practice*

6. Following the issue of written guidance by the Prime Minister, the onus rests with individual Ministers to order their affairs in conformity with it. The action required is clearly more complex for some newly appointed Ministers than for others: but the determination of the steps required appears to present little difficulty in practice. Inevitably, however, cases of doubt arise from time to time and these are referred to the Prime Minister of the day for decision; sometimes, experience of such cases leads to further refinement of the guidance to Ministers. The Prime Minister is advised by the Secretary of the Cabinet on these matters.

*Former Ministers*

7. The Commission have also sought my comments on the question of former Ministers' taking employment or acquiring interests on leaving office.

8. The guidance at Annex B does not extend to former Ministers and clearly it would be difficult for the Government of the day to exercise a discretionary function in respect of Ministers of a former Administration of a different complexion. For this and other reasons it has generally been thought to be impracticable to apply rules to former Ministers.

9. Nevertheless, the principle enunciated in paragraph 3 above should constrain Ministers while in office to ensure that no conflict arises between their public duties and their foreseeable private interests on leaving office. Former Ministers who remain Members of Parliament continue to be bound, of course, by the Parliamentary code of conduct.

10. I am not conscious of any criticism attaching to former Ministers on this matter which suggests a need to attempt to introduce any further control.

(Signed) JOHN HUNT.

Cabinet Office,

25 March, 1975.

### Historical Note

1. Sir Ivor Jennings recorded nineteenth century attitudes to Ministerial tenure of directorships in the first paragraph of his discussion of "The Qualifications of a Minister"<sup>(1)</sup>:

The most elementary qualification demanded of a minister is honesty and incorruptibility. It is, however, necessary not only that he should possess this qualification but also that he should appear to possess it. Though Lord Palmerston laid down the obvious rule that ministers must not accept presents<sup>1</sup>, he did not object to ministers holding directorships. He saw "no objection to a member of the Government retaining other employment, provided that employment can be carried on without prejudice to the Queen's service, which has the paramount claim"<sup>2</sup>. Consequently, Mr. Childers remained Director of the London and County Bank while he was Civil Lord of the Admiralty, but resigned when he was appointed Financial Secretary to the Treasury<sup>3</sup>. The law officers were similarly allowed to engage in private practice until the briefing of the Attorney-General for *The Times* in the Parnell Enquiry led the subsequent Liberal Government to alter the rule<sup>4</sup>. The Cabinet at the same meeting "considered the practice, which has prevailed from time to time, of the holding of directorships and the like, more or less lucrative, by gentlemen having the honour to serve Your Majesty in political office. The Cabinet were of the opinion that such appointments ought to stand suspended, both as to emolument and attendance, during the tenure of office; but they postponed until some early day the consideration of the exact terms in which such a resolution ought to be embodied"<sup>5</sup>.

<sup>1</sup> Ashley, *Life of Lord Palmerston*, I, p. 130.

<sup>2</sup> *Life of Childers*, I, pp. 120-21.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Letters of Queen Victoria*, 3rd Series, II, p. 171.

<sup>5</sup> *Ibid.*

2. When Sir Henry Campbell-Bannerman came into office, he followed the principle which appears to have been laid down by Mr. Gladstone and which was afterwards adopted by the Liberal Party, requiring members of his Administration to resign their directorships. In reply to a Question on 20 March, 1906, Sir Henry stated<sup>(2)</sup>:

"The condition which was laid down on the formation of the Government was that all directorships held by Ministers must be resigned except in the case of honorary directorships, directorships in connection with philanthropic undertakings, and directorships in private companies. Every member of the Government has either complied with this understanding or is in process of complying with it."

3. He later said that by "private company" he meant "that class of company in which the interest of the Minister, if a director, is substantially the same as the interest of a partner in a business firm"<sup>(3)</sup>.

4. On 2 April, 1906, Sir Henry Campbell-Bannerman was asked upon what principle a Member of the Government was precluded from being a director of a public company but was allowed to act as managing director in a large private business. He replied<sup>(4)</sup>:

"It has been found in practice that it is inconvenient for Members of the Government to hold directorships unless in exceptional circumstances, and no inconvenience has arisen from Members of the Government being also concerned in the management of private businesses in which they are interested."

(1) *Cabinet Government*, 1st edition, p. 85.

(2) *Hansard*, Col. 234.

(3) *Hansard*, 22 March 1906, Col. 640.

(4) *Hansard*, Col. 186.

5. Jennings records<sup>(5)</sup> that the rule was followed by all subsequent Governments except for a temporary relaxation in the first National Government of 1931 (a stop-gap Government which would be reconstructed at the general election) when Ministers retained their directorships but did not take fees.

6. In the Marconi debate of 1913, when the question of share-holding was raised, Mr. Asquith laid down the following propositions<sup>(6)</sup>:

"The first . . . and the most obvious is that Ministers ought not to enter into any transactions whereby their private pecuniary interests might, even conceivably, come into conflict with their public duty. . . . Again, no Minister is justified under any circumstances in using official information, information that has come to him as a Minister, for his own private profit or for that of his friends. Further, no Minister ought to allow or to put himself into a position to be tempted to use his official influence in support of any scheme or in furtherance of any contract in regard to which he has an undisclosed private interest. . . . Again, no Minister ought to accept from persons who are in negotiation with or seeking to enter into contractual or proprietary or pecuniary relations with the State any kind of favour. . . . Ministers should scrupulously avoid speculative investments in securities as to which, from their position and their special means of early or confidential information, they have or may have an advantage over other people in anticipating market changes."

7. On 10 June, 1937, in replying to a Question about Ministers both inside and outside the Cabinet who were solicitors in private practice, Mr. Chamberlain said<sup>(7)</sup>:

"The rule laid down by Sir Henry Campbell-Bannerman in 1906 has since been followed by successive Prime Ministers, and will be followed by myself. This rule, however, applies only to directorships, and the hon. Member's question refers to solicitors in private practice . . . it would be unreasonable to require that a solicitor, on becoming a member of the Government, should dissolve his partnership or should be obliged to allow his annual practising certificate to lapse. On the other hand, he should, in accordance with the principle underlying Sir Henry Campbell-Bannerman's rule, cease to carry on the daily routine work of the firm or to take any active part in its ordinary business, although he should not be precluded from continuing to advise in matters of family trusts, guardianships, and similar cases. A certain amount of discretion must be allowed, since it is impossible to cover every conceivable case in any rule, but I am satisfied that under the conditions I have laid down every reasonable requirement of propriety will be fulfilled."

8. Sir Henry Campbell-Bannerman's rule was refined in relation to private companies by Mr. Chamberlain on 31 July, 1939<sup>(8)</sup>:

"At the time when this rule was announced the term 'private company' had no statutory significance and was used probably to cover companies dealing wholly or mainly with family interests. Since then the term has received a statutory definition which covers a very wide field and . . . such companies may control very large amounts of capital while their shares may be in turn controlled by public companies engaged in the

<sup>(5)</sup> Cabinet Government, 1st edition, p. 86.

<sup>(6)</sup> *Hansard*, 19 June 1913, Cols. 556-57.

<sup>(7)</sup> *Hansard*, Cols. 1953-54.

<sup>(8)</sup> *Hansard*, Cols. 1937-38.

widest possible range of activities. In these circumstances it is clear that if the term 'private companies' in Sir Henry Campbell-Bannerman's ruling were to be interpreted in the statutory sense it would travel far beyond the intentions of the original framers of the rule.

"Accordingly, after consultation with my colleagues, I propose to interpret the term in future as applying only to concerns dealing wholly or mainly with family affairs or interests and not primarily engaged in trading. Since this is not a rigid definition, the Prime Minister of the day must be the final judge of whether any particular directorship held by a colleague comes within the rule or not, and Ministers will, therefore, doubtless submit to his consideration any case about which there might be a doubt. This applies to honorary directorships as well as to directorships of private companies. I would add that, as was observed by Lord Baldwin when he was Prime Minister on 5th July, 1926:

'The safeguard against any difficulty such as the hon. Member appears to have in mind lies in the traditional standards of public life in this country.'

9. A consolidated statement of the principles governing Ministers' Directorships and Shareholdings was drawn up in 1952. Mr. Winston Churchill, in answer to a Question on 25 February, 1952, had the following circulated in *Hansard*<sup>(\*)</sup>, referring to it as general guidance which he had recently issued:

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

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

3. Each Minister must decide for himself how these principles apply to him. Over much of the field, as is shown below, there are established precedents: but in any case of doubt the Prime Minister of the day must be the final judge, and Ministers should submit any such case to him for his direction.

4. Where it is proper for a Minister to retain any private interest, it is the rule that he should declare that interest to his colleagues if they have to discuss public business in any way affecting it, and that he should entirely detach himself from the consideration of that business.

5. Ministers include all members of the Government except unpaid Assistant Government Whips.

#### *Directorships*

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

(\*) Cols. 702-3.

### Shareholdings

7. Ministers cannot be expected, on assuming office, to dispose of all their investments. But if a Minister holds a controlling interest in any company considerations arise which are not unlike those governing the holding of directorships and, if there is any danger of a conflict of interest, the right course is for the Minister to divest himself of his controlling interest in the company. There may also be exceptional cases where, even though no controlling interest is involved, the actual holding of particular shares in concerns closely associated with a Minister's own Department may create the danger of a conflict of interest. Where a Minister considers this to be the case, he should divest himself of the holding.

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

10. This statement was circulated again in *Hansard* on 28 January, 1960<sup>(10)</sup>.

11. In an Answer on 15 December, 1966<sup>(11)</sup>, Mr. Wilson said that these rules about conflict of interests had not changed and were still being operated.

12. On the related matter of the acceptance by Ministers of gifts and services from commercial undertakings, Mr. Winston Churchill said in answer to a Question on 20 February, 1952<sup>(12)</sup>:

" . . . it is well understood that no Minister or public servant should accept gifts or services which would place him under an obligation to a commercial undertaking."

### Former Ministers

13. On 20 November, 1962, Mr. Macmillan was asked if he would consider introducing legislation prohibiting Ministers from moving to executive positions in industry and commerce during a specified period. In replying to this and a related Question he said<sup>(13)</sup>:

"I do not think that such legislation would be wise or necessary. . . . I think that it is desirable and beneficial to the country that men of considerable experience should be available, when they leave the Government, to the service of industry and commerce."

14. On 20 June, 1968, Mr. Wilson, when asked whether he would seek to require a minimum period of four years to elapse before Ministers took up appointments in commercial concerns with which they or their Departments had had administrative relations, replied<sup>(14)</sup>:

"No. I think that these matters are better left to the discretion and good sense of the individuals concerned."

<sup>(10)</sup> Cols. 372-73.

<sup>(11)</sup> *Hansard*, Col. 657.

<sup>(12)</sup> *Hansard*, Col. 230.

<sup>(13)</sup> *Hansard*, Cols. 999-1,000.

<sup>(14)</sup> *Hansard*, Col. 171.

### Ministers' Private Interests

1. The principles which should guide Ministers in deciding whether they may properly continue to hold Company Directorships and similar offices have been stated from time to time in the House of Commons. The conventions at present to be observed are set out below.
2. It is a principle of public life that Ministers must so order their affairs that no conflict arises, or appears to arise, between their private interests and their public duties.
3. Such a conflict may arise if a Minister takes an active part in any undertaking which may have contractual or other relations with a Government Department, more particularly with his own Department. It may arise, not only if the Minister has a financial interest in such an undertaking, but also if he is actively associated with any body, even of a philanthropic character, which might have negotiations or other dealings with the Government or be involved in disputes with it. Furthermore Ministers should be free to give full attention to their official duties, and they should not engage in other activities which might be thought to distract their attention from those duties.
4. Each Minister must decide for himself how these principles apply to him. Over much of the field, as is shown below, there are established precedents; but in any case of doubt the Prime Minister of the day must be the final judge, and Ministers should submit any such case to him for his direction.
5. Where it is proper for a Minister to retain any private interest, it is the rule that he should declare that interest to his colleagues if they have to discuss public business in any way affecting it, and that he should entirely detach himself from the consideration of that business.
6. Ministers comprehend all members of the Government, including Assistant Government Whips. They do not include Parliamentary Private Secretaries.

#### *Directorships*

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

#### *Partnerships*

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



### *Shareholdings*

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

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

### *"Names" at Lloyds*

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

### *Pension arrangements*

#### *Participation in the Parliamentary Contributory Pension Fund*

12. Under the terms of the Parliamentary and Other Pensions Act 1972, a Minister will be required to contribute to the Parliamentary Contributory Pension Fund in respect of his Ministerial salary (less, if he is a Member of the House of Commons, the difference between his reduced salary as a Member and a Member's ordinary salary) unless *within three months of his appointment* he elects not to do so. Details of the contributions required, and of the rates of personal and family benefit which accrue from participation in the Fund, can be obtained from the Fees Office.

13. A Minister who has accrued pension rights in another pension scheme may, if he elects to participate in the Fund in respect of his Ministerial salary, and if the rules of the other scheme permit, also elect *within three months of his appointment* to have the value of those accrued rights transferred to the Fund. The Fees Office will advise on the additional benefits which will be secured by such a transfer payment.

*Participation in other pension schemes*

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

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

16. It must be emphasised that any arrangements made under paragraph 15 must not go outside the terms of the particular pension scheme. There would be no objection to a general alteration of the rules of a scheme when this is necessary to permit such arrangements; but approval could not be given for the addition to the scheme of a special provision relating only to the tenure of a Ministerial office. If Ministers have any doubts about the propriety of any arrangements they intend making, the Prime Minister's Private Secretary may be consulted.

17. Where the Minister elects not to participate in the Parliamentary scheme in respect of his Ministerial salary, and no arrangements are made of the kind set out in paragraph 15, he may be entitled to claim tax relief on premiums paid under a "retirement annuity contract" to provide additional pension, etc., benefits for himself or provision for his family in the event of his death. Such contracts are issued subject to the limitations and conditions laid down in the Tax Acts. Relief is normally limited to 15 per cent of the Ministerial salary excluding, for a Minister in the Commons, the difference between his reduced salary as a Member and a Member's ordinary salary; there is also an overriding limit which varies according to individual circumstances. In some cases higher limits apply to those born before 1916.

18. The taxation effects of arrangements such as are mentioned in the paragraphs above may vary according to the Minister's particular circumstances. The Controller, Superannuation Funds Office, Inland Revenue, Apex Tower, High Street, New Malden, Surrey, KT3 4DN, will be willing to explain the effects for tax purposes of any proposed arrangement under paragraph 15; he will also give, on request, further information on the legislation and reliefs available in respect of retirement annuity contracts. Alternatively a Minister may, if he prefers, make his enquiry through the Financial Secretary, Treasury.



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✓

Treasury Chambers, Parliament Street, SW1P 3AG

M C Stark Esq  
Private Secretary to  
Sir Robert Armstrong GCB CVO  
Secretary of the Cabinet  
Cabinet Office  
70 Whitehall  
LONDON SW1A 2AS

3 December 1985

*Dear Michael,*

**MINISTERIAL CHANGES**

Many thanks for your letter of 21 November. Taking in turn the points you raise:

- I confirm that Mr Brooke has taken over the Cabinet and Cabinet Committee documents needed for current administration; and that Mr Gow did not take with him any Cabinet or Cabinet Committee papers.
- I have arranged for all such papers in this office to be reviewed regularly; we have a constant programme of returns to the Chancellor's office for onward transmission or disposal.
- I have passed on to Mr Brooke a copy of the Radcliffe Report on Ministerial Memoirs, and summary. We have noted the advice contained in Questions of Procedure for Ministers concerning potential conflicts between private interests and new Ministerial responsibilities and have received a letter from Nigel Wicks about membership of Lloyd's.
- Thank you for your reminder about the procedures for appointing a Parliamentary Private Secretary. These we shall follow when the need arises, which may be soon.

I am copying this letter to recipients of yours.

*Yours ever,  
Mike Norgrove*

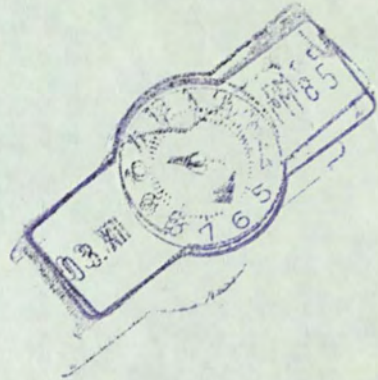
**M W NORGROVE**  
Private Secretary

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CABINET

QUESTIONS OF PROCEDURE

PT 2



CONFIDENTIAL



70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

*From the Secretary of the Cabinet and Head of the Home Civil Service*

Sir Robert Armstrong GCB CVO

Ref. A085/3003

21 November 1985

*Dear Ros,*

Ministerial Changes

There are a number of matters arising from changes in Ministerial appointments to which I should draw your attention.

Papers

When Ministers leave or change office, the practice is for them to leave for the use of their successors the copies of any memoranda or minutes of the Cabinet or its Committees that were issued to them. Papers which are no longer in current use should be destroyed. I should be grateful, therefore, if you would:

- a. confirm that your new Minister has taken over the Cabinet and Cabinet Committee documents needed for current administration;
- b. confirm that his predecessor has not taken away any Cabinet or Cabinet Committee papers.

I should also be grateful if you would arrange for the disposal of any Cabinet or Cabinet Committee documents no longer required for current use. May I remind you that the destruction of all SECRET and TOP SECRET documents should be supervised by two individuals, both of whom sign a destruction certificate.

Questions of Procedure for Ministers

On first appointment to the Government, the Secretary of the Cabinet writes to all new Ministers enclosing a copy of "Questions of Procedure for Ministers" and drawing their attention to the

/guidance it

Ms Ros Turp

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guidance it contains. Some of this advice may assume particular relevance if a Minister subsequently assumes a new appointment or responsibilities, particularly in relation to potential conflicts (whether real or apparent) between private interests and new Ministerial responsibilities (Section IX).

I believe that Mr Walden is not at present a member of Lloyd's, but should he at any point consider becoming one while still holding Ministerial office he will wish to consider particularly the paragraphs in this section relating to membership of Lloyd's (paragraphs 74 and 77).

Copies of this letter go to the Private Secretaries to the Secretary of State for Education and Science and to Nigel Wicks at No 10.

*Yours ever,*

*Michael Stark*

(M C Stark)  
Private Secretary

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Cabinet folder



File

10 DOWNING STREET

Prime Minister ①

Mr Ridley is upset that someone at the Cleary meeting has broken the confidentiality of the discussion and ~~was~~ revealed the nature of his remarks, that not totally accurate. He would like to raise the issue at Cabinet unless you advise against.

No record was circulated to Ministers - only a restricted record for the officials who were there.

Agree Mr Ridley raises the issue?

Yes or

HT  
2/7

...finds was linked with the Brighton bomb and the police "stars", terrorists...

# Message from Chequers

It MUST have seemed a good idea at the time. When Sir Keith Joseph suggested it to Mrs Thatcher, she readily agreed. How better to spend a Sunday than getting the whole cabinet together to talk about the long-term trends of public expenditure? It could be that most ministers had other weekend ideas, but to the prime minister and her indefatigable education secretary-cum-guru, such a sabbatical seminar is little short of bliss.

Chequers may have been intended as a country retreat where prime ministers are supposed to relax. But, as is well known, Thatcher does not relax, at least not in the conventional sense. Her inability to do so may indeed be the secret of her longevity at the top. In her time as opposition leader, a concerned Labour frontbencher once urged her to take life more gently. She had just returned from Iran, where her aides were impressed by the Shah's strong-arm rule, and was bustling along a Commons corridor with no time to spare. "Margaret, you should spend the weekend in bed," cautioned the Labour elder. "How boring," she said, and swept on.

Six years of relentless grind have not changed her view on this. So the no-refusals invites went out for last Sunday's

Chequers summit, designed to plot where the government goes from here, as the biggest-spending administration ever known in Britain's peacetime history.

PETER REES, the Treasury's chief secretary, arranged a slide show, without which no cabinet review is complete these days - and the cabinet duly assembled for what was billed as an informal examination of the prospects and problems, with no need to take hard decisions.

In times past, such gatherings used to warrant a group photograph. Harold Macmillan and his team posed for one at Chequers in 1963. And a self-satisfied lot they looked - as well they might - after a decade in power. Sartorially, however, they were a bit of a mess. Lord Hailsham's jacket was far too tight, Reggie Maudling wore a pullover while Edward Heath and Enoch Powell paraded in three-piece suits. Thatcher, who likes her men spruce and well-pressed, would not have been pleased. But, there, in the back row, is the one Macmillan minister who would undoubtedly have passed

**Inside Politics**  
by MICHAEL JONES  
Political Editor



Thatcherite muster, immaculately tailored and standing beamingly to attention: Keith Joseph.

The prime minister has declared him to be "a great Englishman" against whom she will not hear a word. What he had in mind for last Sunday, however, could hardly have been what actually happened. For when Rees gave his presentation, it quickly became obvious that the Treasury had failed to transmit its alarm to the spending ministers.

One graph line showed the rising curve of state spending in figures, another as a proportion of the country's gross domestic product. Since 1979, the latter has been squeezed by recession, while the former has shot ahead. An uncharitable view would be

that the Thatcher administration has been positively spendthrift. As Norman Tebbit bemoaned last Thursday, total state spending in 1979 was a mere £77 billion; today it stands at £132 billion and is rising. Even allowing for inflation, the National Health Service takes 20% more, and law-and-order 40% more. Tebbit did not mention the spiralling cost of unemployment, but he made his point all the same. Spending had not been cut, only "brought under control".

THE GOVERNMENT'S dilemma, as last Sunday's meeting showed, is that it does not know whether to cheer or weep at this modest achievement. Is the unstoppable level of high public spending a symptom of failure, as the

Institute of Directors would have us believe, or should it be a source of justifiable pride, as the cabinet's consolidators are beginning publicly to urge?

Tebbit gives some Tory MPs the impression of being in two minds about it. Doctrinally, the industry secretary wants to cut taxes, and knows that the only way to do so significantly is to cut state spending. But he also wants the Tories to take credit for their largesse in what he calls priority areas. Wearing this political hat, he therefore accepts the case for fresh funds for British Leyland and the west Midlands. As a business proposition, ministers regard the investment as a 45% risk but, without the cash injection, they reckon the danger of electoral disaster a 95% certainty. So the money goes in.

Thatcher is equally aware of the voters' sensitivity about Treasury cuts in major spending areas. Publicly she declares herself a tax-cutter. But she does not say when it will happen, merely that it should and must.

Biffen weighed in last Wednesday with a declaration that the true face of "social

government... it is based on the people and that, since state deduction has risen by 8% spending has risen by 8% above inflation under Thatcher and will not easily come down, the Tories had better make the best of it. When ministers were invited to give their views last Sunday, it quickly became apparent that the Biffen view was in the ascendant.

Where Peter Walker once fought alone as the cabinet's licensed Tory wet, others now jostle for position. Norman Fowler at Health and Social Security, George Younger at the Scottish Office and Nick Edwards at the Welsh Office all warned the Treasury to keep away. When Nicholas Ridley, the pro-Treasury transport secretary, had his say at the tailend, he glumly concluded that most ministers had put the case for tax rises, not tax cuts.

Brecon's by-election result this week seems certain to accentuate this cabinet tension, and the government's testing time now looks upon it. At stake is the strategy that will take the Tories up to the next general election. She wants to win in 1987 or 1988 and this calculation, more than anything, will determine who wins the cabinet fight.

NBRM

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

*Secretary of the Cabinet and Head of the Home Civil Service*

Sir Robert Armstrong GCB CVO

Ref. A085/1693

21 June 1985

*Dear Tony*

Thank you for your letter suggesting that the next edition of Questions of Procedure for Ministers might contain rather clearer guidance relating to cases where Ministers may be contemplating private legal action. You may take it that I have noted this suggestion and am sympathetic towards it.

I am sending a copy of this letter to Robin Butler at No 10.

A handwritten signature in dark ink, appearing to read 'R P Hatfield'.

(R P Hatfield)  
Private Secretary

Tony Dyer Esq

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Questions of Procedure ; CABINET  
172.



NBPM

Ref. A085/1692

MR BUTLER <sup>16/85</sup>Questions of Procedure for Ministers

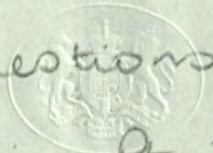
Thank you for your minute of 20 June supporting Tony Dyer's suggestion that the next edition of Questions of Procedure for Ministers might say something more on the subject of Ministers undertaking private legal actions.

2. I am very sympathetic of this request and have already set in hand some research into the past precedents - which as you know did not at first sight appear to support fully the clear assertion of principle made by the then Secretary of the Cabinet during consideration of the case of Lord Bethell. The results of this research will be included in the revision of the Cabinet Office Precedents Book (the "bible" that the Private Secretary to the Secretary of the Cabinet uses to help interpret the often very necessary general guidance in Questions of Procedure itself). My initial view is that we should not put very much into Questions of Procedure, so long as there is a clear and easily identifiable instruction to consult before taking any action: it is always difficult to legislate for individual cases (especially in legal matters) and I would not expect problems of this sort to arise very often.

R P HATFIELD

21 June 1985

CABINET : Questions of  
Procedure : Pt 2.



Questions

1. Will the Government be pleased to state whether the Government are aware of the fact that the Government of India have not yet decided to take any steps to improve the conditions of the Government of India?

2. Will the Government be pleased to state whether the Government are aware of the fact that the Government of India have not yet decided to take any steps to improve the conditions of the Government of India?

3. Will the Government be pleased to state whether the Government are aware of the fact that the Government of India have not yet decided to take any steps to improve the conditions of the Government of India?

4. Will the Government be pleased to state whether the Government are aware of the fact that the Government of India have not yet decided to take any steps to improve the conditions of the Government of India?

MS2A2F



10 DOWNING STREET

*From the Principal Private Secretary*

MR HATFIELD

QUESTIONS OF PROCEDURE FOR MINISTERS

I have seen Tony Dyer's letter of 19 June to you and I have some sympathy with his suggestion that we do need to beef up Questions of Procedure for Ministers on the question of libel suits by Ministers in office. I would therefore support the suggestion that this should be marked down as a passage to be looked at again when the document next comes to be revised.

feb.

20 June 1985

SKW



FROM THE PRIVATE SECRETARY TO THE LEADER OF THE HOUSE  
AND THE CHIEF WHIP

19 June 1985

Dear Richard

In the light of Lady Cox's proposed libel action against the Daily Express I wonder whether it might not be useful to have a look at the adequacy of the guidance in Questions of Procedure for Ministers about the bringing of legal actions.

As far as I can see, the only guidance that document contains on the institution of legal proceedings is set out in paragraph 24. But I must admit that I did not find it until after the event because it is tucked away, where one would not logically expect to find it, at the end of the section dealing with Cabinet Procedure; and it is not referred to at all in the corresponding section in the summary of QPM. In many ways this is perhaps fortuitous because the obverse of paragraph 24 is that approval is not needed when official responsibilities are not involved. If Lady Cox had been more familiar with QPM it occurs to me that she might well have construed official responsibilities quite narrowly and come to the conclusion that she could go ahead without approval. Quite clearly, however, the sort of action which Lady Cox had in contemplation has considerable potential for embarrassment, and ought not to be embarked upon without appropriate approval.

My purpose in writing is therefore only to suggest that, when Questions of Procedure for Ministers next falls due for revision, it might be worthwhile giving a more prominent position to the present material on the institution of legal proceedings by Ministers which also made it absolutely clear that any action with a potential for political embarrassment required an appropriate level of approval. And since it is the first place that one looks, it might also be helpful to have a reference in the preceding digest of QPM.

Copies of this letter go to Robin Butler and Jean Caines at No.10, Joan MacNaughton in the Lord President's Office, and Steve Hyett in the Attorney General's Office.

Yours ever

A R DYER  
Assistant Private Secretary

*Tony Dyer*

Richard Hatfield Esq  
Private Secretary to Sir Robert Armstrong  
Cabinet Office



From: THE PRIVATE SECRETARY

NBPM

*TSK*

**CONFIDENTIAL**



HOME OFFICE  
QUEEN ANNE'S GATE  
LONDON SW1H 9AT

2.4.85.

Dear Hatfield

*will request if required*

*we have received*

Thank you for your letter of 28 March which I have shown to Lord Glenarthur. I confirm that he has taken over the Cabinet and Cabinet Committee documents needed for current administration and that Lord Elton has not taken away any Cabinet or Cabinet Committee documents.

I am copying this letter to Robin Butler for information.

*Yours*

*Russell Yates*

R G YATES

Private Secretary

R P Hatfield Esq.

**CONFIDENTIAL**

02 APR 1985





10 DOWNING STREET

hand has -

Agrees strongly  
with P.N.

C.W.

Disinclined to publish

Should not publish

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AD

70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

*From the Secretary of the Cabinet and Head of the Home Civil Service*

Sir Robert Armstrong GCB CVO

Ref. A084/3229

4 December 1984

*Dear Richard,*

OD and OD(FAF) Meetings on 11 December 1984

Memoranda on the Beach Report and the latest Falkland Islands Force Level Review are due to be considered at the meetings of OD and OD(FAF) on 11 December, and should therefore have been circulated not later than today in accordance with the standing instruction that papers for consideration by Ministerial Committees should be tabled at least seven days in advance. I understand that these memoranda are not yet cleared for circulation, although both meetings were arranged three weeks ago, and that because the Secretary of State for Defence will be in Brussels until tomorrow evening, you may have some difficulty in circulating the papers before the end of the week.

The seven-day rule is designed to allow the Prime Minister and other Ministers adequate time to consider Committee papers and to receive briefing from officials. There is also ample evidence that last-minute circulation of papers is a recipe for an unsatisfactory discussion particularly on a subject as complex as that of the Beach Report. Sir Robert Armstrong has therefore said that the two memoranda must be circulated by 13.00 hours at the very latest on Friday 7 December so that Ministers may consider them over the weekend if the meetings of OD and OD(FAF) on 11 December are to proceed. Should you be unable to meet this timescale I can see no prospect, given the pressure of other business, of rearranging these two meetings before Christmas.

I am copying this letter to Charles Powell (No 10).

*Yours*

(R P Hatfield)  
Private Secretary

R C Mottram Esq

CONFIDENTIAL

GW  
CONFIDENTIAL



PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

29 November 1984

*Davis  
30/11*

*Dear Richard,*

H COMMITTEE CORRESPONDENCE

The arrangement whereby less important items of H Committee business are dealt with by correspondence is a convenient one which should be used to the full. However, the Lord President is anxious to ensure that such business is dealt with expeditiously while giving colleagues an adequate opportunity to consider the acceptability of proposals. He wrote to the Lord Chancellor on 2 November 1983 about this, and this letter repeats and supplements the guidance given then.

Timescale

It is important both that recipients of correspondence are given adequate time to respond, and that Ministers seeking clearance in correspondence are not unreasonably held up by delays in replying. In normal circumstances, therefore, letters seeking policy approval should give at least 10 working days ie (normally two calendar weeks, but longer if there are intervening public holidays and preferably longer during Parliamentary adjournments) for comment. Recipients should aim to reply within this period. The Lord President as chairman will then write with the Committee's overall conclusion as soon as possible after the closing date; his silence should not be taken to imply consent. It may sometimes be necessary to seek approval in less than 10 days - in these cases the reason should be clearly explained. Only in the most exceptional circumstances beyond the Minister's control should approval be sought in five days or less. Where timescales are tight the originating Department should alert the Cabinet Office (Mr Hickson 233 7665), and Departments with a known interest, by telephone when the letter is despatched. Departments who, exceptionally, will be unable to reply by the deadline should inform the Secretariat and the originating Department by telephone.

You may like to ensure that your officials are aware of the "10 working day rule" so that they can make submissions to your Ministers in good time.

Richard Stoate Esq  
Private Secretary to the  
Lord Chancellor

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CONFIDENTIAL

Circulation

All H Committee correspondence should, as a matter of course, be addressed to the chairman and copied to all members of the Committee, the Chancellor of the Duchy of Lancaster, the Minister without Portfolio, the Paymaster General, and the Secretary of the Cabinet. Care should be taken to ensure that copies also go to other Ministers in charge of departments and to the Law Officers when their interests are concerned or when their advice might be sought. The interest of the Prime Minister in appropriate cases should not be overlooked. Where the content of legislation is concerned, a copy should go to First Parliamentary Counsel or the First Parliamentary Draftsman (Scotland).

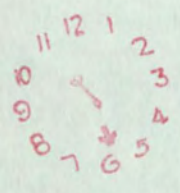
I am sending copies of this letter to the Private Secretaries to members of H Committee, to other Ministers in charge of departments, the Prime Minister, the Minister without Portfolio, the Paymaster General, the Attorney General, the Lord Advocate, First Parliamentary Counsel and Sir Robert Armstrong.

*Yours sincerely,  
Janet Lewis-Jones.*

JANET A LEWIS-JONES  
Private Secretary

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0 NOV 1984



CONFIDENTIAL



*Mr. Fisher - to see*

70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

*W  
3/10*

*From the Secretary of the Cabinet and Head of the Home Civil Service*

Sir Robert Armstrong GCB CVO

Ref. A084/2871

30 October 1984

*My dear Antony,*

--- My attention has been drawn to an item in yesterday's Times Diary ("Balancing Act" - copy attached) which says that the Foreign and Commonwealth Secretary's Parliamentary Private Secretary, Mr Richard Ryder MP, is to write leaders for the Daily Telegraph.

I must say that I find the suggestion, if true, very difficult to square with the guidelines on the position of Parliamentary Private Secretaries contained in Questions of Procedure for Ministers (paragraph 37-40). The difficulty, as pointed out in paragraph 39 of Questions of Procedure, is that, however careful they may be to make it clear that they are speaking (or writing) only as private Members, Parliamentary Private Secretaries are nevertheless liable to be regarded as speaking with some of the authority which attaches to a member of the Government. For this reason, I believe that it is very difficult for a Parliamentary Private Secretary to publish articles bearing or commenting upon matters relating to government policy or business - particularly (but not only) the business of the Department whose Minister he serves. These considerations seem to me to apply with added force in the case of leader articles in the Daily Telegraph; indeed, the item in The Times illustrates some of the criticism to which these would be open.

I should also add that Sir Keith Joseph is considering appointing George Walden as his Parliamentary Private Secretary, and has sought advice on whether in that circumstance it would be appropriate for Walden to continue his articles on foreign policy and current affairs in The Times and elsewhere. I have felt bound to advise that, while there would be no objection to his continuing to publish book reviews in the TLS and Books and

/Bookmen

Sir Antony Acland KCMG KCVO

CONFIDENTIAL



CONFIDENTIAL

Bookmen, I do not believe that it would be appropriate for him to continue with his weekly articles in The Times if he was appointed a Parliamentary Private Secretary. If Richard Ryder were nonetheless to be permitted to contribute leaders to the Daily Telegraph, George Walden would have legitimate grounds for complaint.

*Yours ever*

*Robert*

CONFIDENTIAL

...the case...  
...legally...  
...although he did...  
...not unmoved by the...  
...By then Dr Patel...  
...who had throughout strenuously...  
...denied the charges, but had under-...  
...standably claimed diplomatic...  
...immunity, had returned to India...  
...Yesterday Dr Patel said: "We looked...  
...after her every need and she went...  
...back happily." An ASE spokesman...  
...said the selection committee had...  
...been aware of the case.

### Red rag

Sir James Goldsmith, incensed by jibes that after three years his £50,000 prize for exposés of Soviet infiltration of the western media is still unawarded, tells me he is determined to find a worthy recipient next year. Journalists in search of easy loot should not call him; he will call them. The presentation will be made on October 8 - the anniversary of this month's settlement of *Der Spiegel's* libel action against him. Sir James's belief in the communist threat is as fierce as ever; indeed he has even slipped journalists the odd fiver to encourage red-bashing, but won't name names.

● Robert Maxwell's paranoia continues apace: the Mirror Group is currently advertising for a barrister and a solicitor, emphasizing the importance of experience - in litigation.

### Balancing act

*Daily Telegraph* journalists fear they have lost all credibility for political independence following the disclosure at the weekend that Sir Geoffrey Howe's new PPS, Richard Ryder, MP, is to write leaders for the paper. They contend that he cannot comment impartially in the *Telegraph* while carrying out his duty to promote the Government. Ryder's first leader was due today but he failed to write it because he was unwell. He protested that he will not comment on foreign affairs, and will only be doing Sunday relief. "You mean there is a feeling that I could be biased?" he asked. "Well that is not for me to comment."

### Cross purposes

Brian Crozier, founder of the Institute for the Study of Conflict, says he has chosen to write a novel about Soviet espionage because the "British law of libel is a very real obstacle in factual works." For the book, *The Andropov Deception*, he has adopted the pen name John Rossiter. It is not fictional enough to avoid other difficulties. The agent for a real-life John Rossiter, ex-policeman and crime novelist, has written to Crozier's publishers. "Andropov? I've never met the chap," he says.

HARRY FANTONI

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...fiction" sums up th...*

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~~PRIN PS~~  
~~PS ECO~~  
~~PS TSY~~  
~~PS PARLY~~  
~~PS HOME~~  
~~PS DIARY~~

70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

*From the Secretary of the Cabinet and Head of the Home Civil Service*

Sir Robert Armstrong GCB CVO

PS(84) 23

30 October 1984

Dear Private Secretary,

Ministerial Correspondence and Memoranda for Cabinet  
and Cabinet Committees

As the new Session gets under way Private Offices may find it useful to be reminded of a number of points concerning the submission of Cabinet and Cabinet Committee memoranda and the circulation of Ministerial correspondence.

Memoranda for Cabinet and Cabinet Committees

Departments should ensure that, save in the most exceptional circumstances, all memoranda for Cabinet or Cabinet Committees are circulated at least seven days in advance of the meeting at which they are to be discussed. This is necessary to allow Ministers sufficient time to read, digest and to be properly briefed on memoranda.

This and other guidance on the preparation of business for Cabinet and Cabinet Committees is contained in Questions of Procedure for Ministers C(P)(83) 5. In addition, this office is of course always ready to answer any questions you may have on these procedures.

Ministerial Correspondence

- a. Wherever possible, Ministerial correspondence should be given a title; this makes correspondence easier to identify.
- b. When the subject of Ministerial correspondence has any Parliamentary implications Private Offices should ensure that it is copied to the Chief Whip's Office, even when the subject concerns a Cabinet Committee of which the Chief Whip is not a member.

/c. It would

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c. It would be helpful if Private Offices could ensure that the names of originators and copy addressees are clearly marked on correspondence. When letters are copied and recopied many times, names can easily be lost or become faded into illegibility. Security classifications should similarly be marked to avoid their suffering the same fate.

I am sending copies of this letter to the Private Secretaries to all members of the Cabinet, the Law Officers, the Chief Whip and the Paymaster General. I should be grateful if recipients would ensure that this information is made available to all concerned within their Departments.

(Signed) R P HATFIELD

RESTRICTED



FEB

70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

*From the Secretary of the Cabinet and Head of the Home Civil Service*

Sir Robert Armstrong GCB CVO

PS(84) 20

18 October 1984

Dear Private Secretary,

Ministers' Weekend Addresses

It is usual at this time of year, as the Recess draws to a close, for this office to send out a reminder about the need to keep the Cabinet Office informed each week with information about your Ministers' weekend addresses as required in paragraph 6 of "Questions of Procedure for Ministers" (C(P)(83) 5). Private Offices fulfil this requirement by providing the information to Mr Robertson in Committee Section here. Would you please, therefore, ensure that a designated individual in your Private Office submits details, as required, if possible by each Thursday evening, but in any event no later than 10.00 am on a Friday morning. Any subsequent updating should be telephoned to Committee Section (FED 2287 or 1560).

I am copying this letter to the Private Secretaries to members of the Cabinet, the Attorney General, and the Chief Whip.

Yours sincerely,

(Signed) LINDSAY WILKINSON (MISS)



## CABINET OFFICE

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

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

David Barclay Esq  
Private Secretary  
10 Downing Street

*Please circulate*

18 October 1984

*Emb  
25/10*

*Dear David,*

Further to Mary Brown's letter of 8 August to Hugh Taylor regarding correspondence copied to Lord Gowrie, I thought it might be helpful to fellow Private Secretaries if I were to clarify Lord Gowrie's responsibilities in the wake of the recent reshuffle.

Lord Gowrie's formal title is Chancellor of the Duchy of Lancaster and Minister for the Arts. He has two main departmental responsibilities. Firstly, he assists the Prime Minister in her capacity as Minister for the Civil Service, by discharging day-to-day responsibility for the functions of the Management and Personnel Office. Secondly, Lord Gowrie is Minister for the Arts, in charge of the Office of Arts and Libraries.

In addition Lord Gowrie is chief Government spokesman on economic affairs in the House of Lords and a member of the Cabinet. He is also a member of, or on the circulation list for, ES, E(A), E(LF), E(CP), E(DL), E(LA), E(NI), E(PSP), H, L, OD, QL, MISC 95, MISC 104 and MISC 106.

Our address for all correspondence is as shown on the above letter-heading. The Private Office staff are:

	<u>Phone Nos</u>	
Paul Thomas - Principal Private Secretary -	233 8610	}
Miss Sonia Phippard - Assistant Private Secretary -	233 8865	
John Dowling - Assistant Private Secretary -	233 8923	
	(Diary)	

FED  
3030

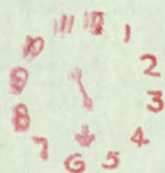
The Support Unit is in Room 61A/2, telephone numbers 233 8960  
233 8980

I am copying this letter to all Private Secretary colleagues.

*Yours sincerely  
Paul Thomas*

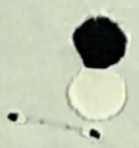
PAUL THOMAS  
Private Secretary

179011984



CONQUETOI

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CONFIDENTIAL



~~PRIN PS~~  
PS FCO  
PS TSY  
PS PARLY  
PS HOME  
PS DIARY

70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

*From the Secretary of the Cabinet and Head of the Home Civil Service*  
Sir Robert Armstrong GCB CVO

PS(84) 14

11 September 1984

Dear Private Secretary,

Ministerial Changes

There are a number of matters arising from changes in Ministerial appointments to which I should draw your attention.

Papers

When Ministers leave or change office, the practice is for them to leave for the use of their successors the copies of any memoranda or minutes of the Cabinet or its Committees that were issued to them. Papers which are no longer in current use should be destroyed. I should be grateful, therefore, if the Private Secretaries concerned would:

- (a) confirm that their new Ministers have taken over the Cabinet and Cabinet Committee documents needed for current administration;
- (b) confirm that their predecessors have not taken away any Cabinet or Cabinet Committee documents no longer required for current use. May I remind you that the destruction of all secret and top secret documents should be supervised by two individuals, both of whom sign a destruction certificate.

Questions of Procedure for Ministers

On first appointment to the Government, the Secretary of the Cabinet writes to all new Ministers enclosing a copy of Questions of Procedure for Ministers and drawing their attention to the guidance it contains. Some of this advice may assume particular relevance if a Minister subsequently assumes a new appointment or responsibilities, particularly in relation to potential conflicts (whether real or apparent) between his private interests and new Ministerial responsibilities (Section IX).

/I would

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I would draw your attention particularly to the paragraphs in this section relating to membership of Lloyd's (paragraphs 74 to 77).

Parliamentary Private Secretaries

I should also remind you of procedures for the appointment of Parliamentary Private Secretaries in case your Minister wishes, where appropriate, to appoint a new Parliamentary Private Secretary. The Chief Whip should be consulted about all such appointments and, in view of the special position which Parliamentary Private Secretaries occupy in relation to the Government, the approval of the Prime Minister should also be sought before any such appointment is offered and announced.

Ministerial Memoirs

--- Ministers leaving the Government should also be reminded of the recommendations of the Radcliffe Report on Ministerial Memoirs. For this purpose, I enclose a copy of the Report for Private Secretaries in the offices concerned, for them to pass to their former Ministers.

I am sending copies of this letter to the Private Secretaries to Cabinet Ministers in all departments affected by the changes and to Private Secretaries in all other Ministerial offices affected. I am also sending a copy to Robin Butler at No 10, for information.

(Signed) R P HATFIELD

CONFIDENTIAL

Not GR.



INDEPENDENT BROADCASTING AUTHORITY

70 Brompton Road London SW3 1EY Tel: 01-584 7011 Telex: 24345

10th August, 1984

*Sub  
20/8*

*PPS*

Dear Mr. Barclay,

Many thanks for your letter of 7th August and I am most grateful to you for your kindness in pursuing my enquiry about acceptances of gifts and rewards particularly when, as I know, you are so busy.

I am sure that the guidance note will be helpful.

Yours sincerely,

*Barbara Hosking*

Barbara Hosking  
Controller of  
Information Services

David Barclay, Esq.,  
Private Secretary to  
Mr. F.E.R. Butler,  
10 Downing Street,  
London, SW1

Cabinet: Questions of Procedure for Minutes  
Pt 2



OXFORD  
UNIVERSITY PRESS



FILE

(DCAAEL)

10 DOWNING STREET

*From the Private Secretary*

7 August 1984

I am sorry not to have sent a full reply before now to your letter of 16 July.

I am afraid that your request for a speaker has put Whitehall in something of a quandary. Surprisingly perhaps the number of people dealing with this subject is very small, and there is no obvious candidate who could come and talk to the Royal College of Physicians. But I thought you might at least find it helpful to have the enclosed summary of the rules that apply to Civil Servants - rules which apply to Ministers are broadly similar.

If you would like further details, you may wish to contact the Private Secretary to the Secretary to the Cabinet. He is Richard Hatfield, and can be reached on 01-233-8319.

David Barclay

Miss Barbara Hosking

ACCEPTANCE OF GIFTS AND REWARDS : GUIDANCE FOR CIVIL SERVANTSGeneral

Civil Servants are expected to bear in mind the need to avoid giving any impression either to the public or to those with whom they deal that they may be influenced in the conduct of their duty by any gift or consideration. An officer must not accept any gift either from a member of the public, or from an organisation with which he deals in the course of his official duty, except in the following circumstances:

- a) Isolated gifts of a trivial character, or inexpensive seasonal gifts (such as calendars).
- b) Conventional hospitality provided that it is limited to what is normal and reasonable.

In cases of doubt, Civil Servants are expected to consult their Establishment Officer.

Gifts from Overseas Governments

There may sometimes be difficulty in refusing a gift from an overseas Government or Government organisation without the risk of apparent discourtesy. Where a gift is accepted for this reason the following rules apply:

- a) Its receipt must be reported to the Establishment Officer.
- b) Following acceptance the gift may be sold; displayed or used in the Department if appropriate; retained in the Department for later sale when the risk of discourtesy is small; or, exceptionally and if the gift is worth less than £75.00, the recipient may be allowed to retain it.



DCAAEM

10 DOWNING STREET

*From the Private Secretary*

MR. HATFIELD (on return)  
CABINET OFFICE

Thank you very much for your advice in your minute of 6 August on the rules which govern gifts to Civil Servants.

In view of your obvious expertise, and indeed enthusiasm for the subject, I have passed on your name and telephone number to Miss Hosking, together with a summary of the Civil Service rules.

(David Barclay)

7 August 1984



Ref. A084/2276

MR BARCLAY

---

You wrote to me on ~~17~~ July asking whether we could assist the Royal College of Physicians over guidance on the acceptance of gifts.

2. As you know, the rules applying to Ministers are set out in Questions of Procedure for Ministers. However, Questions of Procedure is classified CONFIDENTIAL and, in any case, I doubt whether Ministers are really the best parallel for Physicians; perhaps Civil Servants would be a more appropriate example (the rules are very similar to those for Ministers).

3. I attach a copy of the relevant section of the Civil Service Code (paragraphs 9882-9885) which is not classified in any way. Nevertheless, I suggest that you might want to paraphrase it or put into ordinary English before passing it on. I would have done so myself (of course) but I had not time to do so before going on my (very well earned) leave.

4. Incidentally, I would have offered to speak but I doubt if they could afford the fee.

Carl Bowdery

pp. R P HATFIELD

6 August 1984





Cabinet : procedure  
Pt 2

GOVERNMENT OF INDIA

SECRET

## SALES TO CIVIL SERVANTS

9876 Civil servants are of course free to buy articles of Government property which are on general public sale; for example, HMSO publications. They are also permitted to buy surplus Government articles which may be offered by departments for sale to the public unless:

- a. they have, because of their official position, been able to obtain special knowledge about the condition of the goods to be sold: or
- b. they have been officially associated with the disposal arrangements.

9877 When goods are disposed of privately to civil servants by departments there is a risk of criticism that the purchasers are receiving a benefit denied to the general public; a low price, for example, or access to goods in short supply. If a department wishes to make a private sale of Government property to a civil servant it should ensure that the transaction can give no grounds for suspicion of this kind. In particular the price should be no less than would have been charged to a member of the public.

9878 A civil servant who is not sure whether it would be proper for him to buy an article should consult his Establishment Officer.

## HANDLING OF CONTRACTS AND PURCHASES FROM CIVIL SERVANTS

9879 No Government contract may be let to a Government servant in the Contracting department, or to any partnership of which he is a member (except to a corporation in which he is a shareholder), or to any company of which he is a Director (except as a nominee of the Government) unless he has disclosed fully the measure of his interest in the contract and the Permanent Head of his department has given permission for the letting of the contract to proceed. No Government servant may accept a directorship, except as a nominee of the Government or with the express permission of the Permanent Head of his department, in any company holding a contract with his department. An officer who comes into official contact with any matter concerning a business organisation in which he has an interest must disclose his interest to the Permanent Head of department and ask that some other officer may deal with the matter. Similar considerations of potential conflict of interest will be relevant when a civil servant proposes to sell goods to a Government department.

9880-9881 unallocated

## ACCEPTANCE OF GIFTS AND REWARDS

9882 The behaviour of officers as regards the acceptance of gifts, hospitality etc should be governed by the following general guidance. The conduct of a civil servant should not foster the suspicion of a conflict of interest. Officers should therefore always have in mind the need not to give the impression to any member of the public or organisation with whom they deal, or to their colleagues, that they may be influenced, or have in fact been influenced, by any gift or consideration to show favour or disfavour to any person or organisation whilst acting in an official capacity. An officer must not, either directly or indirectly, accept any gift, reward or benefit from any member of the public or organisation with whom he has been brought into contact by reason of his official duties. The only exceptions to this rule are as follows:

- a. isolated gifts of a trivial character or inexpensive seasonal gifts (such as calendars);
- b. conventional hospitality, provided it is normal and reasonable in the circumstances. In considering what is normal and reasonable, regard should be had:
  - i. to the degree of narrow personal involvement. There is of course no objection to the acceptance of, for example, an invitation to the annual dinner of a large trade association or similar body with which a department is much in day to day contact; or of working lunches (provided the frequency is reasonable) in the course of official visits;

**General Principles of Conduct**  
paragraphs 9882 to 9893

ii. to the usual conventions of returning hospitality, at least to some degree. The isolated acceptance of, for example, a meal would not offend the rule whereas acceptance of frequent or regular invitations to lunch or dinner on a wholly one-sided basis even on a small scale might give rise to a breach of the standard of conduct required.

9883 If, in the application of these exceptions, an officer has any doubts about the propriety of himself or a member of his family accepting any gift, reward or benefit he must consult his Establishment Officer. Similarly, should an officer feel that there are circumstances surrounding a particular gift or occasion which are not covered by the exceptions but which merit special consideration, he should consult his Establishment Officer at the earliest opportunity.

9884 The preceding paragraphs relate to the Civil Service code of conduct in regard to acceptance of gifts and hospitality. Irrespective of that, it is an offence under the Prevention of Corruption Act 1906 for an officer corruptly to accept any gift or consideration as an inducement or reward for:

- a. doing, or refraining from doing, anything in his official capacity; or
- b. showing favour or disfavour to any person in his official capacity.

9885 Furthermore, under the Prevention of Corruption Act 1916, any money, gift or consideration received by an officer from a person or organisation holding or seeking to obtain a Government contract will be deemed by the Courts to have been received corruptly unless the officer proves the contrary.

9886-9881 unallocated

**Gifts from Overseas Governments etc.**

9892 It is possible that there may be difficulty about refusing a gift from an overseas Government or government organisation without the risk of apparent discourtesy. Although the principles set out above apply generally to such gifts, on some occasions it may be necessary that a gift should be offered in return. In such cases guidance should be obtained from the Foreign and Commonwealth Office and also, on those occasions when the proposed gifts have very substantial value, from the Civil Service Department.

9893 If a gift is accepted the following rules apply:-

- a. Its receipt should, in all cases, be reported to the Establishment Officer.
- b. When the acceptance of a gift is reported, it is open to the department to follow one of the following courses:
  - i. the gift may be disposed of by sale;
  - ii. it may be displayed or used in the department where this is appropriate;
  - iii. if the disposal of the gift would cause offence or if it might be appropriate for the recipient to use or display the gift on some future occasion as a mark of politeness, the gift should be retained in the department against these considerations for up to 5 years;
  - iv. if the gift is of small value (which should not in any case exceed £50) the recipient may in appropriate cases be allowed to retain it. £75
- c. In all cases of gifts imported by or on behalf of the recipient or sent to him from abroad, liability to duty and Value Added Tax should be resolved with HM Customs & Excise (International Customs Division C). The Department must be consulted also if, having been relieved of duty and tax at the time of importation, the gift is to be disposed of within 2 years. This responsibility lies with the individual officer if he has been allowed to retain the gift.

If there is any doubt about the disposal of a gift, the department should consult the Civil Service Department (PM5 Division).

Ref. A084/2276

MR BARCLAY

---

You wrote to me on 17 July asking whether we could assist the Royal College of Physicians over guidance on the acceptance of gifts.

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R P HATFIELD

6 August 1984

## SALES TO CIVIL SERVANTS

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9878 A civil servant who is not sure whether it would be proper for him to buy an article should consult his Establishment Officer.

## HANDLING OF CONTRACTS AND PURCHASES FROM CIVIL SERVANTS

9879 No Government contract may be let to a Government servant in the Contracting department, or to any partnership of which he is a member (except to a corporation in which he is a shareholder), or to any company of which he is a Director (except as a nominee of the Government) unless he has disclosed fully the measure of his interest in the contract and the Permanent Head of his department has given permission for the letting of the contract to proceed. No Government servant may accept a directorship, except as a nominee of the Government or with the express permission of the Permanent Head of his department, in any company holding a contract with his department. An officer who comes into official contact with any matter concerning a business organisation in which he has an interest must disclose his interest to the Permanent Head of department and ask that some other officer may deal with the matter. Similar considerations of potential conflict of interest will be relevant when a civil servant proposes to sell goods to a Government department.

9880-9881 unallocated

## ACCEPTANCE OF GIFTS AND REWARDS

9882 The behaviour of officers as regards the acceptance of gifts, hospitality etc should be governed by the following general guidance. The conduct of a civil servant should not foster the suspicion of a conflict of interest. Officers should therefore always have in mind the need not to give the impression to any member of the public or organisation with whom they deal, or to their colleagues, that they may be influenced, or have in fact been influenced, by any gift or consideration to show favour or disfavour to any person or organisation whilst acting in an official capacity. An officer must not, either directly or indirectly, accept any gift, reward or benefit from any member of the public or organisation with whom he has been brought into contact by reason of his official duties. The only exceptions to this rule are as follows:

- a. isolated gifts of a trivial character or inexpensive seasonal gifts (such as calendars);
- b. conventional hospitality, provided it is normal and reasonable in the circumstances. In considering what is normal and reasonable, regard should be had:
  - i. to the degree of narrow personal involvement. There is of course no objection to the acceptance of, for example, an invitation to the annual dinner of a large trade association or similar body with which a department is much in day to day contact; or of working lunches (provided the frequency is reasonable) in the course of official visits;

**General Principles of Conduct**  
paragraphs 9882 to 9893

ii. to the usual conventions of returning hospitality, at least to some degree. The isolated acceptance of, for example, a meal would not offend the rule whereas acceptance of frequent or regular invitations to lunch or dinner on a wholly one-sided basis even on a small scale might give rise to a breach of the standard of conduct required.

9883 If, in the application of these exceptions, an officer has any doubts about the propriety of himself or a member of his family accepting any gift, reward or benefit he must consult his Establishment Officer. Similarly, should an officer feel that there are circumstances surrounding a particular gift or occasion which are not covered by the exceptions but which merit special consideration, he should consult his Establishment Officer at the earliest opportunity.

9884 The preceding paragraphs relate to the Civil Service code of conduct in regard to acceptance of gifts and hospitality. Irrespective of that, it is an offence under the Prevention of Corruption Act 1906 for an officer corruptly to accept any gift or consideration as an inducement or reward for:

- a. doing, or refraining from doing, anything in his official capacity; or
- b. showing favour or disfavour to any person in his official capacity.

9885 Furthermore, under the Prevention of Corruption Act 1916, any money, gift or consideration received by an officer from a person or organisation holding or seeking to obtain a Government contract will be deemed by the Courts to have been received corruptly unless the officer proves the contrary.

9886-9881 unallocated

**Gifts from Overseas Governments etc.**

9892 It is possible that there may be difficulty about refusing a gift from an overseas Government or government organisation without the risk of apparent discourtesy. Although the principles set out above apply generally to such gifts, on some occasions it may be necessary that a gift should be offered in return. In such cases guidance should be obtained from the Foreign and Commonwealth Office and also, on those occasions when the proposed gifts have very substantial value, from the Civil Service Department.

9893 If a gift is accepted the following rules apply:-

- a. Its receipt should, in all cases, be reported to the Establishment Officer.
- b. When the acceptance of a gift is reported, it is open to the department to follow one of the following courses:
  - i. the gift may be disposed of by sale;
  - ii. it may be displayed or used in the department where this is appropriate;
  - iii. if the disposal of the gift would cause offence or if it might be appropriate for the recipient to use or display the gift on some future occasion as a mark of politeness, the gift should be retained in the department against these considerations for up to 5 years;
  - iv. if the gift is of small value (which should not in any case exceed ~~£50~~ the £75) the recipient may in appropriate cases be allowed to retain it.
- c. In all cases of gifts imported by or on behalf of the recipient or sent to him from abroad, liability to duty and Value Added Tax should be resolved with HM Customs & Excise (International Customs Division C). The Department must be consulted also if, having been relieved of duty and tax at the time of importation, the gift is to be disposed of within 2 years. This responsibility lies with the individual officer if he has been allowed to retain the gift.

If there is any doubt about the disposal of a gift, the department should consult the Civil Service Department (PM5 Division).



ls

10 DOWNING STREET

*From the Private Secretary*

17 July, 1984.

I enclose a copy of a letter which a former member of the No.10 staff has sent to us in confidence. She asks whether Whitehall could provide a speaker to assist the Royal College of Physicians by talking to them privately about the Government rules on the acceptance of gifts.

BF |

I should be grateful to know whether you could suggest a name which I could put forward in reply.

David Barclay

Richard Hatfield, Esq.,  
Cabinet Office.



lo

10 DOWNING STREET

*From the Private Secretary*

17 July, 1984.

Many thanks for your letter of 16 July.

As you no doubt used to say when you were here, "I am making enquiries, and will come back to you as soon as possible".

Robin Butler sends his regards. He was pleased to hear from you again.

David Barclay

Miss Barbara Hosking





INDEPENDENT BROADCASTING AUTHORITY

70 Brompton Road London SW3 1EY Tel: 01-584 7011 Telex: 24345

BARBARA HOSKING  
Head of Information

16th July, 1984

David

Yes.

FERS

CONFIDENTIAL

Dear Private Secretary,

I am writing to ask your advice on a private matter. This letter is therefore written in confidence.

A colleague of mine is a lay-member of an advisory committee to the Royal College of Physicians. The College is at present considering their professional ethics, particularly in relation to the sometimes embarrassing generosity of pharmaceutical companies. I have been able to suggest speakers who could talk privately about the rules which are observed by our television and radio programme-makers. However, I have also been asked to suggest how to find a speaker from Whitehall.

When, many years ago, I was at No. 10 there were I remember some very useful rules about the circumstances and cost of presents offered to Ministers. I should be most grateful if I could be pointed in the right direction so that I can find a speaker who would be prepared privately to discuss this problem with the Royal College.

Kind regards to Robin,

Yours sincerely,

*Barbara Hosking*

Private Secretary to  
Mr. F.E.R. Butler,  
Principal Private Secretary  
to the Prime Minister,  
10 Downing Street,  
London, SW1

Cabinet : Questions of procedure 172.



1933  
172

CONSTITUTION

III

3

SIR ROBERT ARMSTRONG

Thank you for your minute of 22 June (A084/1807) about a breach of security by the Home Secretary. The Prime Minister has seen and noted the action which has been taken.

FERB

27 June 1984

gl.



Prime Minister  
To note

Ref. A084/1807

MR BUTLER

ms

At my meeting with the Prime Minister this morning I mentioned a breach of security by the Home Secretary, in leaving classified papers uncovered in his official car.

2. When I went to see the Home Secretary this afternoon, he readily acknowledged the breach of security. He undertook that in future, when he took official papers to read in the car, if he wished to leave them while he was out of the car for a time, he would leave them in a locked box in the custody of a Private Secretary or the driver.

RA

ROBERT ARMSTRONG

22 June 1984



70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

*From the Secretary of the Cabinet and Head of the Home Civil Service*

Sir Robert Armstrong GCB CVO

Ref.A084/1519

21 May 1984

*Dear Sack,*

Ministerial Changes

Following Lord Cameron's appointment as Lord Advocate, there are a number of matters arising from changes in Ministerial appointments to which I should draw your attention.

Papers

When Ministers leave or change office, the practice is for them to leave for the use of their successors the copies of any memoranda or minutes of the Cabinet or its Committees that were issued to them. Papers which are no longer in current use should be destroyed. I should be grateful, therefore, if you would;

- (a) confirm that Lord Cameron has taken over the Cabinet and Cabinet Committee documents needed for current administration;
- (b) confirm that Lord Mackay has not taken away any Cabinet or Cabinet Committee papers.

I should also be grateful if you would arrange for the disposal of any Cabinet or Cabinet Committee documents no longer required for current use. May I remind you that the destruction of all secret and top secret documents should be supervised by two individuals, both of whom sign a destruction certificate.

Questions of Procedure for Ministers

On first appointment to the Government, the Secretary of the Cabinet writes to all new Ministers enclosing a copy of Questions of Procedure for Ministers and drawing their attention to the guidance it contains. Some of this advice

/may assume

I A Jack Esq

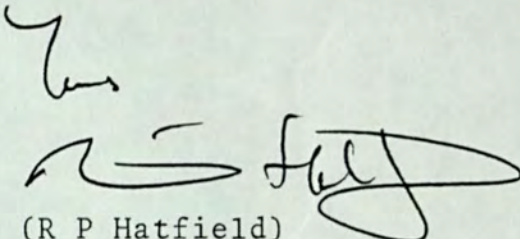
CONFIDENTIAL

may assume particular relevance if a Minister subsequently assumes a new appointment or responsibilities, particularly in relation to potential conflicts (whether real or apparent) between his private interests and new Ministerial responsibilities (Section IX). I would draw your attention particularly to the paragraphs in this section relating to membership of Lloyd's (paragraphs 74 to 77).

Ministerial Memoirs

Ministers leaving the Government should also be reminded of the recommendation of the Radcliffe Report on Ministerial Memoirs. For this purpose, I enclose a copy of the Report for you to pass to Lord Mackay.

I am sending a copy of this letter to Robin Butler at No 10, for information.

  
(R P Hatfield)  
Private Secretary

CONFIDENTIAL

22 Nov 1984



*David  
8/11*

COPY FOR INFORMATION

MINISTERS IN CHARGE OF DEPARTMENTS

Since I became Chief Whip I have had a few complaints from Members about the delay in receiving replies from Ministers, and the matter has now been raised with me by the Chairman of the 1922 Committee.

I am only too well aware of the problems and of the greatly increased number of matters which Members ask Ministers to look into, but if you can do anything to speed up the service in your department it will be very helpful.

*John Wakeham*

8 November 1983





Mr. Fletcher  
Pl. deal with x/.

DEPARTMENT OF TRANSPORT <sup>FERB</sup>  
2 MARSHAM STREET LONDON SW1P 3EB 1.11

01-212 3434

R P Hatfield Esq  
Private Secretary to  
Sir Robert Armstrong GCB, CVO  
Secretary of the Cabinet  
Cabinet Office  
70 Whitehall  
LONDON SW1A 2AS

CF

to Ato

31 October 1983

Dear Richard,

#### MINISTERIAL CHANGES

Thank you for your letter of 18 October. I can give the confirmation you requested that my new Secretary of State has taken over the Cabinet and Cabinet Committee documents needed for current administration, and that any such documents no longer required have been disposed of.

x | Angela Rumbold MP is the Secretary of State's Parliamentary Private Secretary. She was his PPS when he was at the Treasury, but I regret to say I have not so far informed No 10 of her reappointment. Perhaps Robin Butler, to whom I am copying this letter, could note the reappointment now. I am also sending a copy to Murdo Maclean in the Chief Whip's office.

Yours,

Dinah

DINAH NICHOLS  
Private Secretary

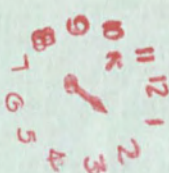
CABINET <sup>and</sup> ~~Chair~~ of Procedure

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MR. SHERBOURNE

John Selwyn Gummer

Thank you for your minute of 27 October about Mr. Gummer. Paragraph 118 of 'Questions of Procedure for Ministers' says:-

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

I realise that the arrangement which Mr. Gummer has hitherto had is not quite the same since he suggests that the broadcasting authorities should make a contribution to charity rather than passing it on himself. But I think that he should nevertheless simply refuse a fee. The suggestion that the broadcasting authorities should make a donation to charity could still be regarded as putting Mr. Gummer under some obligation to them which is best avoided.

F. E. R. BUTLER

27 October 1983

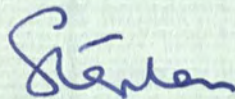
MR. BUTLER

John Selwyn Gummer

John Gummer has been receiving a number of fees from appearances on television and radio, which he of course returns being a Minister.

In the past he has written a letter as the attached shows, gently suggesting that they might consider sending his fee on to a charity.

He has now asked me to advise him as to whether or not he can continue to do this. I would be very grateful for your advice on this.



Stephen Sherbourne

27th October, 1983



## Conservative Central Office

32 Smith Square Westminster SW1P 3HH  
Tel. 01-222 9000 Telex 8814563

From  
THE CHAIRMAN OF THE PARTY  
John Selwyn Gummer MP

October 1983

Thank you very much for your fee. As a Minister I am not able to accept it. If therefore you feel that it could be sent to a charity of your own choice then that would, I am sure, be appreciated.

Two charities whose work I have found particularly interesting are; The Church Union, 7, Tufton Street, London SW1, and The Shrine of Walsingham, The Bursar, The Shrine Office, Walsingham, Norfolk.

D.G. Martin, Esq.,  
Head of Artists' Contracts, Television.

All letters being held back at the moment

D. B.

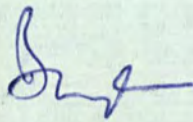
MR BUTLER

P1. despatch to  
Private secretaries of  
Minister in charge of Departments.

FERB 26.10

I am quite content with your reformulation of the letter on co-ordination to Private Secretaries etc, and with the inclusion on paragraph 111 which I had left out since this instruction is observed.

The inclusion of Parliamentary branch is helpful.



B. INGHAM

26 October 1983

SUBJECT



Top  
ce master

10 DOWNING STREET

From the Principal Private Secretary

24 October 1983

Dear Private Secretary,

As Parliament returns from the recess, I am writing to ask you to make sure that you and the other staff in your Private Offices, Parliamentary Branch and Information Division are aware of the procedures for handling Government announcements in paragraphs 106 - 111 of Questions of Procedure for Ministers and follow them closely.

These procedures are an essential part of the arrangements for co-ordinating the presentation of the Government's policies and of ensuring that announcements achieve the required public impact.

I particularly draw your attention to the statement in paragraph 107(a) that draft statements or Parliamentary Answers should be accompanied by background notes which identify the likely points of attack and suggest how these can be met with the object of securing positive presentation.

Yours sincerely,

E. E. R. BUTLER

COPIED TO:-	HO	DTI	Govt. Whips
	LCO	LPO	H/C & H/L
	HMT	DTrans	
	FCO	DHSS	
	DES	CS-HMT	
	NIO	LPS	
	MOD	DEng	
	MAFF	DEmp	
	DEnv	CDL	
	SO	CO	
	WO	LOD	

The Private Secretary

20

F E R ~~Butler~~ Esq

1. ~~Mr. Fletcher~~ - to see

2 NBPM



CABINET OFFICE

Appointments

With the compliments of  
The Private Secretary to the  
*Secretary of the Cabinet*

70 Whitehall, London SW1A 2AS

Telephone 01-233 8319



CONFIDENTIAL



70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

*From the Secretary of the Cabinet and Head of the Home Civil Service*

Sir Robert Armstrong GCB CVO

Ref. A083/2923

18 October 1983

Ministerial Changes

There are a number of matters arising from changes in Ministerial appointments to which I should draw your attention.

Papers

When Ministers leave or change office, the practice is for them to leave for the use of their successors the copies of any memoranda or minutes of the Cabinet or its Committees that were issued to them. Papers which are no longer in current use should be destroyed. I should be grateful, therefore, if you would:

- (a) confirm that your new Minister has taken over the Cabinet and Cabinet Committee documents needed for current administration;
- (b) confirm that Mr Parkinson has not taken away any Cabinet or Cabinet Committee papers.

I should also be grateful if you would arrange for the disposal of any Cabinet or Cabinet Committee documents no longer required for current use. May I remind you that the destruction of all secret and top secret documents should be supervised by two individuals, both of whom sign a destruction certificate.

Parliamentary Private Secretaries

I should also remind you of procedures for the appointment of Parliamentary Private Secretaries in case your new Minister wishes to appoint a new Parliamentary Private Secretary. The Chief Whip should be consulted about all such appointments and, in view of the special position which Parliamentary Private Secretaries occupy in relation to the Government, the approval of the Prime Minister should also be sought before any such appointment is offered and announced.

/It

M C McCarthy Esq

CONFIDENTIAL

CONFIDENTIAL

It is not necessary to seek the Prime Minister's approval when a Minister wishes to reappoint a Parliamentary Private Secretary on a change of office but No 10 should be informed of such reappointments. I would also draw your attention to guidance concerning Parliamentary Private Secretaries in Questions of Procedure for Ministers (paragraphs 37-40).

Ministerial Memoirs

Ministers leaving the Government should also be reminded of the recommendations of the Radcliffe Report on Ministerial Memoirs. For this purpose, I enclose a copy of the Report for you to pass to Mr Parkinson.

I am sending a copy of this letter to Robin Butler at No 10 for information.

R. HATFIELD

(R P Hatfield)  
Private Secretary

CONFIDENTIAL

CONFIDENTIAL



70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

*From the Secretary of the Cabinet and Head of the Home Civil Service*

Sir Robert Armstrong GCB CVO

Ref. A083/2924

18 October 1983

Ministerial Changes

There are a number of matters arising from changes in Ministerial appointments to which I should draw your attention.

Papers

When Ministers leave or change office, the practice is for them to leave for the use of their successors the copies of any memoranda or minutes of the Cabinet or its Committees that were issued to them. Papers which are no longer in current use should be destroyed. I should be grateful therefore if you would confirm that your new Minister has taken over the Cabinet and Cabinet Committee documents needed for current administration. I should also be grateful if you would arrange for the disposal of any Cabinet or Cabinet Committee documents no longer required for current use. May I remind you that the destruction of all secret and top secret documents should be supervised by two individuals, both of whom sign a destruction certificate.

Parliamentary Private Secretaries

I should also remind you of procedures for the appointment of Parliamentary Private Secretaries in case your new Minister wishes to appoint a new Parliamentary Private Secretary. The Chief Whip should be consulted about all such appointments and, in view of the special position which Parliamentary Private Secretaries occupy in relation to the Government, the approval of the Prime Minister should also be sought before any such appointment is offered and announced. It is not necessary to seek the Prime Minister's approval when a Minister wishes to

/reappoint

J B Shaw Esq

CONFIDENTIAL

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reappoint a Parliamentary Private Secretary on a change of office but No 10 should be informed of such reappointments. I would also draw your attention to guidance concerning Parliamentary Private Secretaries in Questions in Procedure for Ministers (paragraphs 37-40).

I am sending a copy of this letter to Robin Butler at No 10, for information.

**R. HATFIELD**

(R P Hatfield)  
Private Secretary

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70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

*From the Secretary of the Cabinet and Head of the Home Civil Service*

Sir Robert Armstrong GCB CVO

Ref.A083/2925

18 October 1983

### Ministerial Changes

There are a number of matters arising from changes in Ministerial appointments to which I should draw your attention.

#### Papers

When Ministers leave or change office, the practice is for them to leave for the use of their successors the copies of any memoranda or minutes of the Cabinet or its Committees that were issued to them. Papers which are no longer in current use should be destroyed. I should be grateful, therefore, if you would confirm that your Minister has taken over the Cabinet and Cabinet Committee documents needed for current administration. I should also be grateful if you would arrange for the disposal of any Cabinet or Cabinet Committee documents no longer required for current use. May I remind you that the destruction of all secret and top secret documents should be supervised by two individuals, both of whom sign a destruction certificate.

#### Parliamentary Private Secretaries

I should also remind you of procedures for the appointment of Parliamentary Private Secretaries in case your new Minister wishes to appoint a new Parliamentary Private Secretary. The Chief Whip should be consulted about all such appointments and, in view of the special position which Parliamentary Private Secretaries occupy in relation to the Government, the approval of the Prime Minister should also be sought before any such appointment is offered and announced. It is not necessary to seek the Prime Minister's approval when a Minister wishes to reappoint a Parliamentary Private Secretary on a change of office

/but No 10

Miss Dinah Nichols

CONFIDENTIAL

CONFIDENTIAL

but No 10 should be informed of such reappointments. I would also draw your attention to guidance concerning Parliamentary Private Secretaries in Questions of Procedure for Ministers (paragraphs 37-40).

I am sending a copy of this letter to Robin Butler at No 10, for information.

R. HATFIELD

(R P Hatfield)  
Private Secretary

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E. R.  
MR BUTLER

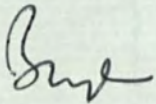
CO-ORDINATION - PROCEDURES

You have agreed to circulate a letter to private secretaries with the objective of tightening up co-ordination within Government.

I attach a draft for that purpose, together with a copy of my original minute suggesting the move.

Could I suggest you circulate your letter on Thursday so that Private Offices and Information Divisions are alive to your request before Parliament re-assembles?

There is every evidence on my front that this kind of initiative is necessary.



B. INGHAM

13 October 1983

DRAFT LETTER FROM MR BUTLER TO PRINCIPAL PRIVATE SECRETARIES

As ~~the~~ Parliament returns from the Recess, I am writing to  
~~I am writing to you before the House returns after the Recess~~  
~~to seek your co-operation in improving co-ordination within the~~  
Government. ask you to ~~remind yourself of the arrangements~~ make sure that  
you and other staff in Private Offices, ~~Information Parliamentary Branch and Information~~  
Division are aware of the procedures for handling government announcements in paras. 106-111

The procedures which should be followed are set out fully in  
Questions of Procedure for Ministers. I would particularly ask  
you to ensure that your staffs (and your Information Divisions) are  
familiar with Chapter XIII (pages 25-30) and especially paras 106-110  
inclusive.

These procedures ~~have not always been followed as closely as~~  
~~coordinating the presentation of the Government's policies and of ensuring~~  
~~they should be and sometimes we have suffered embarrassment as a~~  
~~that announcements make the required impact, receive proper attention.~~  
consequences

~~I am sure Government would benefit from the requirement in~~  
~~paragraph 107(a) to complement draft statements or answers with~~  
~~background notes which identify the likely points of attack and~~  
~~suggest how these can be met with the objective of securing~~  
~~positive presentation.~~

~~I also draw your attention to His statement~~  
~~in paragraph 107(a) to complement draft statements or answers with~~  
~~background notes which identify the likely points of attack and~~  
~~suggest how these can be met with the objective of securing~~  
~~positive presentation.~~

of Questions of  
Procedure for  
Ministers  
and follow  
them closely.

in  
accompanying





820

DA  
3/11/83

70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

*From the Secretary of the Cabinet and Permanent Secretary to the Management and Personnel Office*

Sir Robert Armstrong GCB CVO

Ref.A083/1890

29 June 1983

Dear Sir,

We spoke on the telephone this morning about the possibility that the Prime Minister may receive an unsolicited gift of a case of Ashbourne mineral water from the company concerned. I understand that one or two Cabinet Ministers have already received such a gift and it seems likely that similar gifts will be made to the rest of the Cabinet members.

Paragraphs 62-64 of Questions of Procedure for Ministers set out the guidance on acceptance of gifts and services. The general principle is that no Minister or public servant should accept gifts, hospitality or services from anyone which would, or may appear to, place him or her under an obligation. Although, as Questions of Procedure recognises, there may be circumstances in which it is difficult to refuse a gift (primarily from another Government or Government organisation) without the risk of discourtesy, the general rule is that gifts should be declined and the precedents show that this has been applied rigidly to gifts from commercial organisations and the only recognised exceptions are small gifts given to commemorate a visit or ceremony.

On this basis, we agreed that I should advise any Ministers who receive such an offer that it should be declined.

I am copying this letter to the Private Secretaries to all Cabinet Ministers.

Yours

(R P Hatfield)  
Private Secretary

T J Flesher Esq



FILE

207

10 DOWNING STREET

*From the Principal Private Secretary*

SIR ROBERT ARMSTRONG

The Prime Minister has now studied your submission of 10 June (A083/1616) and has agreed the circulation of the revised version of Questions of Procedure for Ministers, subject to the amendments which you recommended. In the revised version of paragraph 64, I agreed with your office that the words " or the knowledge that one will be offered" should be inserted after "the acceptance of a gift" in the second sentence. The Prime Minister has suggested that the sentence "In any case of doubt they should seek the Prime Minister's views" should be deleted. The Prime Minister does not wish to make any changes in the arrangements for Special Advisers and the reference in Questions of Procedure and the memorandum itself can stand.

E. E. R. BUTLER

17 June, 1983

CONFIDENTIAL

Prime Minister

1

Ref. A083/1616

PRIME MINISTER

Yes  
ms

Agree the circulation of  
the new questions of procedure  
subject to points X, Y and Z

FRB

Questions of Procedure for Ministers

Mr Butler's minute of 22 March recorded your agreement to the circulation of a revised version of Questions of Procedure for Ministers. This was about to be issued, but I decided to delay it when the General Election was called. Although it can now be issued rapidly, you had agreed that we should reconsider after the Election the limit placed on the value of gifts that can be retained, and there are two other minor amendments which I recommend incorporating at the same time.

X { 2. The limit on gifts would need to be increased to just over £60 to take account of inflation since it was last raised in September 1980. But I believe that it would be more sensible to raise it to a higher level, say £75, with the object of not having to raise it again during the new Parliament.

3. I should also like to take advantage of the delay in issuing a new edition to propose a slightly wider revision of the section on gifts, in particular to include advice on the offering as well as acceptance of gifts, and a revision of the guidance concerning Names at Lloyds.

Y — 4. Questions of Procedure has hitherto been silent on the subject of offering (as opposed to accepting) gifts. Although the implication of both the guidance on accepting gifts and the advice given to civil servants on this point suggests that Ministers should not initiate or encourage an exchange of gifts, one or two recent inquiries suggest that Ministers might find it useful to have explicit guidance on this point. I attach a draft of a possible revised paragraph 64 for this purpose. *Slightly amended.*

Z ✓ 5. As you know, following an approval<sup>ach</sup> from Sir Peter Green I have also been considering proposals for tightening up the rules governing membership of Lloyds as outlined in my minute of 10 March (A083/0787). After further consultation with Sir Peter Green and Sir Lawrence Airey I attach proposed revised paragraphs to replace those currently included in Questions of Procedure.

CONFIDENTIAL

CONFIDENTIAL



6. Finally, Questions of Procedure includes a small section on Special Advisers which refers to a separate memorandum giving detailed arrangements. I assume that you do not wish to make any changes in the arrangements for Special Advisers and that the reference in Questions of Procedure and the memorandum itself can stand.

Attached at  
flag A

7. I should be grateful for your agreement to circulate a new edition of Questions of Procedure as previously agreed, subject to the additional amendments proposed in this minute.

RA

ROBERT ARMSTRONG

10 June 1983

CONFIDENTIAL

# CONFIDENTIAL

64. There may be difficulty in refusing a gift from another Government (or Governmental organisation) without the risk of apparent discourtesy. On the other hand the acceptance of a gift, <sup>or the knowledge that one will be offered,</sup> may in some countries and in some circumstances entail the offer of a gift in exchange. As a general rule Ministers should not offer gifts or initiate an exchange. In deciding whether to accept gifts from or offer gifts to members of other Governments (or Governmental organisations) Ministers should wherever possible consult their Permanent Secretaries who will be able to advise them of the rules applicable in such circumstances. ~~In any case of doubt they should seek the Prime Minister's views.~~ If a gift is accepted (whether or not a gift is offered in exchange) the following rules apply:

# CONFIDENTIAL

## DRAFT REVISED PARAGRAPHS

### Membership of Lloyd's

74. A Minister holding office as Prime Minister, Chancellor of the Exchequer, or Secretary of State for Trade, or as a Minister in the Treasury dealing with taxation, or as a Minister in the Department of Trade dealing with insurance matters, should not be a member of Lloyd's or, if already a member of Lloyd's on appointment, should suspend his underwriting so long as he holds that office.

75. As regards Ministers in other offices who are members of Lloyd's on appointment to office, it is clearly inappropriate that they should take an active part in the management of the affairs of syndicates of which they are members and they should on appointment as Ministers withdraw from such active participation. There may also be cases in which, if a Minister is a member (as a "name" only and not as an active participant in management) of a syndicate which underwrites business in an area in which his Department has responsibility, he may be required to suspend underwriting risks in that area (or, if necessary, in the whole business of the syndicates) so long as he holds that office. Thus the Secretary of State for Health and Social Services would be required, if a member of Lloyd's, to suspend underwriting pensions and life insurance; the Secretary of State for Employment would be required, if a member

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of Lloyd's, to suspend underwriting employers' liability insurance; the Secretary of State for Transport would be required, if a member of Lloyd's, to suspend underwriting United Kingdom motor insurance while he held that office; and the Minister of Agriculture, Fisheries and Food would be required, if a member of Lloyd's, to suspend underwriting livestock insurance; so long as they held those offices.

76. Every Minister is required, on appointment to a first or subsequent Ministerial office, to obtain the Prime Minister's permission before continuing a connection with Lloyd's, however nominal. Any Minister wishing to establish any such connection during his term of appointment should likewise obtain the Prime Minister's permission to do so. Before granting permission, the Prime Minister will need to be satisfied that the conditions indicated above will be met.

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77. The Secretary of the Cabinet is required to keep a list of Ministers who are members of Lloyd's. He will ask every Minister on appointment to a first or subsequent office whether he is a member of Lloyd's, and if so whether he proposes to continue or suspend underwriting while he holds Ministerial office.

[Lloyd's will also supply the Secretary of the Cabinet with a copy of the Annual List of Members.]

- (iii) Deputy Chairmen where they are being appointed with a view to the succession
- (iv) Deputy Chairmen and Members of Boards, Commissions or Committees of Enquiry in cases where the appointment is likely to have political significance. Ministers should take a wide view of what constitutes political significance. Local or regional appointments may from time to time excite an unusual amount of public interest because of the circumstances surrounding the appointment or the background of the candidate. In all cases involving political considerations submissions to the Prime Minister by an appointing Minister should be copied to the Chief Whip. The Chief Whip should invariably be consulted before a Member of the House of Commons is approached about an appointment to an office which would result in the vacation of a Parliamentary seat. As in (ii) above, the Prime Minister will wish to be informed about any intention to advertise a post of Deputy Chairman.

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

to the Prime Minister, which should be copied both to the Head of the Civil Service and to the Secretary of the Cabinet, should indicate that this has been done. In such cases no commitment should be made to any individual before the Head of the Civil Service and the Prime Minister have been consulted. In the case of Royal Commissions, the Private Secretary to the Prime Minister should be consulted before any informal soundings are undertaken. In other cases, any informal soundings should be made in such a way as to preserve freedom of action and avoid any appearance of commitment. And there should be no reference, either directly or indirectly by implication, to the fact that names have to be submitted to the Prime Minister.

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

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

#### *Personal Appointments*

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

#### *Special Advisers*

94. The employment of Special Advisers on the one hand adds a political dimension to the advice available to Ministers, and on the other provides Ministers with the direct advice of distinguished experts specialising in a particular field of public administration. Special Advisers are appointed directly by the Ministers they serve. No appointments of this kind should be made until the Prime

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Minister's approval has been secured in each case, and no commitments to make such appointments should be entered into in the absence of such approval. Guidance on the arrangements for the appointment and employment of Special Advisers is issued separately.

## XII. Parliamentary Statements and Papers and Other Government Announcements

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

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

- (a) As long notice as possible of the intention to make an announcement should be given to (i) the Prime Minister's Private Secretary; (ii) the Private Secretary to the Leader of the House of Commons; (iii) the Private Secretary to the Paymaster General; (iv) the Chief Press Secretary at No. 10. This notice should, in all but exceptional cases, be accompanied by a draft of the proposed statement; and an indication should be given whether the announcement or policy with which it is concerned has been approved by Ministers (together with references to any relevant discussion in Cabinet or Cabinet Committees). The draft statement should have been approved in broad terms, though not necessarily in detail, by the Minister in charge of the Department.
- (b) Ministers should not give undertakings, either in or outside the House of Commons, that an oral statement will be made to the House on any subject at a specific time or within a particular period until agreement has been given by the Private Secretaries to the Prime Minister and the Leader of the House of Commons to the proposed timing and by the Ministers concerned to the terms of the statement.
- (c) Ministers should, if possible, avoid any announcement of the kind discussed in (a) above on Thursdays, when a considerable amount of Parliamentary time after Questions is already pre-empted by discussion of the following week's business, or, except in special circumstances, on Fridays.



CIVIL SERVICE DEPARTMENT  
WHITEHALL LONDON SW1A 2AZ

Telephone 01 273 5400

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

cc (Miss Badham  
(Mr Burrett  
(Dr Allen  
without attachments (Mr King  
(Mr E J Morgan  
(Mr J K Moore  
(Mr Hart  
(Mr Russell

with (Mr Buckley  
Memorandum (Mr Green  
only (Mr Pattison

with (Mr Lawrance  
two (Mr Davie + pps  
attachments SAs File

Sir Douglas Wass KCB  
HM Treasury  
Parliament Street  
London SW1

14 May 1979

*Dear Douglas,*

SPECIAL ADVISERS

... With the Prime Minister's approval I now attach a Memorandum on the employment of Special Advisers which incorporates the basic guidance provided to Ministers in Ken Stowe's "Dear Private Secretary" letter of 7 May. I would draw your attention particularly to the guidance on pay in paragraph 9.

... I also attach a draft model letter of appointment for use in connection with Special Advisers in Category i. ie those who are appointed to assist Ministers with that part of their work which is partly governmental and partly political. For those in Category ii. ie who are appointed because they are recognised as distinguished experts in their particular professional field, a personally tailored letter of appointment will probably be necessary in each case. Accordingly no appointment letter should be issued to such Advisers without prior consultation with CSD (PM5 Division).

I am copying this letter to all Permanent Secretary Heads of Departments, with the request that the Memorandum should be made available to Ministers' Private Secretaries as required, and that the Memorandum and draft model letter of appointment should be made available to Establishment Officers.

*Yr evh,*  
*Ian*

IAN BANCROFT

INTRODUCTION

There will be two categories of Special Adviser:

- i. Those who can assist Ministers with that part of their work which is partly governmental and partly political; and
- ii. those who are recognised as distinguished experts in their particular professional field.

Only Cabinet Ministers may appoint Special Advisers and each such appointment should be made personally by the Minister following consultation with the Permanent Head of the Minister's Department and after the Prime Minister's approval has been secured.

2. Each Cabinet Minister may appoint only one Special Adviser in category i.; subject to the Prime Minister's approval there is no such limitation for those in category ii.

3. Special Advisers will have direct access to their Minister, and will normally be outside the departmental hierarchy; that is, they should not work directly under a permanent civil servant, nor, apart from the usual secretarial assistance, should permanent civil servants work directly for them unless the Prime Minister so decides. The Minister should lay down the duties of each Special Adviser appointed.

APPOINTMENT PROCEDURE

4. The Minister must seek the Prime Minister's approval of a proposed appointment. No commitment as to salary should be given until Civil Service Department (CSD) approval of the salary to be paid has been obtained (see paragraph 9 below). Details of the appointment should subsequently be provided to CSD (PM5 Division) for central records. All Special Advisers must be positively vetted.

DURATION OF APPOINTMENT

5. Special Advisers' appointments automatically cease either:

- i. with the end of the Administration under which they were appointed, ie when the Prime Minister resigns; or
- ii. when there is a General Election, on the day after Polling Day; or
- iii. when the appointing Minister leaves his or her present appointment.

6. If termination of appointment is brought about by any of these circumstances but there is not a change of Government, there will be an opportunity to review Special Advisers' appointments and, if it is wished, to make re-appointments, subject to the Prime Minister's approval. Fresh letters of appointment should be issued in all such cases. The date on which re-appointment takes effect will be the date on which it is made by the Minister concerned save that, where a Special Adviser has not resigned (eg to take part in an Election campaign) and is re-appointed to serve either in the same department, or under the same Minister, the date of re-appointment may be such that there is no break in service.

7. Special Advisers are members of the Civil Service, are paid from public funds, have the same conditions of service and are subject to the same rules of conduct as other civil servants, with the exception of the rules governing the acceptance of outside business appointments after resignation or retirement (see para 11 below) and certain aspects of the rules on political activities, (see para 14 below) All other provisions of the Civil Service Pay and Conditions of Service Code therefore apply to Special Advisers, who should be given access to a copy of the Code on appointment or to departmental staff regulations if these stand in place of the Code. Details of the application of some particular rules are given in paragraphs 12-18 below; these details, and the particular location of the Code and/or staff regulations should be brought to the specific attention of Special Advisers on appointment.

8. As with other civil servants, the Permanent Secretary of the department will be responsible for bringing the rules to the notice of Special Advisers, and ensuring that they are observed.

#### PAY AND CONDITIONS OF SERVICE

9. The rate of pay is subject to <sup>Trommy</sup> ~~CSD~~ approval. Regard will be had to the nature of the post to be filled and the age and relevant background of the person concerned. Special Advisers may be covered by the Principal Civil Service Pension Scheme but where the Special Adviser is a member of some other scheme the CSD should be consulted as to whether the employers contribution may be met from public funds.
10. The terms and conditions of service may vary slightly according to the circumstances. A model draft letter of appointment will be available from CSD (PM5 Division).

#### OUTSIDE OCCUPATIONS ON LEAVING THE SERVICE

11. The rules about business appointments following resignation or retirement (Code para 9961) will not apply to Special Advisers. But, as a corollary, they should neither have access to the kind of information (eg about individual companies) nor be involved in the kind of business (eg contracts) which underlies the need for the rules applicable to career civil servants.

#### POLITICAL ACTIVITIES

12. Subject to certain specific exceptions (see para 14), the Civil Service rules on political activities should be adhered to as closely as possible by all Special Advisers. For the purposes of the rules, which are set out in Code paragraphs 9923-9950, Special Advisers will be members of the "politically restricted" group.
13. In particular:

a. Advisers publicly identified as Parliamentary candidates or prospective candidates by adoption by a political party must thereupon resign their appointments (see Code paras 9923a, 9948);

b. Advisers who wish to take part in a general or by-election campaign, or to help in a Party headquarters or research unit during such a campaign, must first resign their Civil Service appointments (Code paras 9923a-e);

c. it is essential that public funds (including departmental resources) should not be used in any way for party political purposes.

14. There are, however, two areas of political activity where Special Advisers may be allowed more freedom than other civil servants in the "politically restricted" group. With the approval of their Ministers, Special Advisers may:

a. attend Party functions (although they may attend the Party Conference only as observers) and maintain contact with Party members;

b. take part in policy reviews organised by the Party, or officially in conjunction with it, for the purpose of ensuring that those undertaking the review are fully aware of the Government's view and their Minister's thinking and policy; it would not be open to Special Advisers to advocate policies going beyond or departing from those of the Government as a whole.

In maintaining these political connections, Special Advisers must at all times observe discretion and aim at avoiding public controversy. They must not identify themselves with criticism of the Government or its policies.

15. Subject to the approval of the Minister concerned, Special Advisers will be permitted to undertake or to continue to undertake, all forms of local political activity (see Code para 9924). This does not include local activities in support of national politics as defined in Code paragraph 9923. The decision should be taken in each case by the Minister concerned who is responsible for ensuring, in consultation with colleagues as necessary, that no questions of conflict arise either with the policies for which the Minister is responsible or those of colleagues (Code para 9927).

16. Special Advisers who are allowed to take part in local political activities must observe the code of discretion set out in Code para 9929. In particular, if they serve on a local authority they should bear in mind the following points, which should be brought to their attention by the Permanent Head of their Department:

a. they should not speak publicly or in the Council or vote on matters for which their own Minister has responsibility;

b. they should not serve on any committee considering such matters;

c. they should not take part in deputations or other representations to their Ministers;

- d. they should declare an interest in relation to any case or application which comes before the Council and in which their department is involved;
- e. they should observe great discretion in relation to policies for which other Ministers are responsible, in order to avoid causing them embarrassment;
- f. they should not disclose to the Council privileged information which they obtained in the course of their duties.

#### OUTSIDE ACTIVITIES

- 17. Advisers who wish to take part in any outside activity where information or experience gained in the course of their work as an Adviser is likely to be relevant must first seek permission from the Permanent Head of their Department (Code para 9910).
- 18. Observance of the general principles of conduct required of all civil servants (Code para 9870) will also have a bearing on the activities engaged in by Special Advisers whether as part of their official duties or in a private capacity. Their position as Advisers to Ministers in no way frees them from the need to avoid public or political controversy (Code para 9870e) and they should at all times act with moderation and discretion on the matters referred to in Code paragraph 9929.

#### ACCESS TO PAPERS

- 19. Special Advisers should not have access to sensitive, security or intelligence reports, or to papers relating to civil servants personally, eg on appointments, reports on efficiency etc. The rules applying to Ministers as regards papers of a previous Administration apply to Special Advisers also. With these exceptions and that discussed in paragraph 11, Special Advisers may have access, at the Minister's discretion, to all papers submitted to the Minister. In order to facilitate their work they may be encouraged to join in departmental deliberations on matters which are in course of preparation for submission to the Minister.

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10 DOWNING STREET

*From the Principal Private Secretary*

SIR ROBERT ARMSTRONG

The Prime Minister has now had a chance to study the revised version of Questions of Procedure for Ministers which was attached to your minute of 16 February (A083/0526).

She is content that a revised version should be circulated in the form attached to your minute, incorporating the revised versions of paragraphs 42 and 43 which Miss Wilkinson sent to me subsequently.

The Prime Minister notes that you will be re-considering the guidance, when it is next issued, on the limit on the value of gifts which may be retained.

F.E.R.B.

22 March 1983

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AH



10 DOWNING STREET

Mr BUTEN

He discussed.

If the frame (unsub's) comments refer to the advertising point, then I am content to await an opportunity to set the point on the record.

But there is, I am assured, a need to have such an instruction. You may also feel that the row over the MoD's film anti-CND campaign - which is unlikely to occur - underlines the point.

If we have a CoI, and its independent Advisory Committee on Advertising, we might make sure it is used.

J. P. Jones 22/3





10 DOWNING STREET

Mr. Ingham

P. see PM's comment  
below.

May we have a word please!

FEBB

21.3.

MR BUTLER

QUESTIONS OF PROCEDURE FOR MINISTERS

I have been through the re-draft as it affects the Government Information Service. The re-draft reflects all the points I made at an earlier stage and I am satisfied that it now offers more effective and practical guidance.

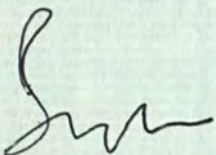
I am particularly pleased that we have included a procedure for handling references to the Press Council; I have discovered that there has already been two under this Government, one of which we knew nothing about.

I am under pressure from some Chief Information Officers to have included at an appropriate point (between paras 123 and 124 of the draft) the following:

"Ministers should not become personally involved in the selection of advertising agencies. An independent Advisory Committee on Advertising exists to approve such appointments and the Central Office of Information is responsible, in consultation with Departments, for putting proposals to the Committee."

I have consulted Donald Grant, Head of Profession and Director General, COI. He is very keen it should be included; there is evidence of a need for Ministers to be aware of the long standing procedures which exist to ensure absolute impartiality and value for money and protect Ministers and officials for canvassing.

I would be grateful if you would seek the addition of the paragraph as drafted above.



B. INGHAM  
8 March 1983

No. 1 do not think  
such an instruction to  
Ministers would be welcome  
- indeed they may object to have  
such a decision removed from them. not



CABINET

Ref. A083/0697

MR BUTLER

Incorporated in the text shown  
to the PM.

TE RB

18.3.

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I attach two copies of further revised versions of paragraphs 42 and 43 only of Questions of Procedure as promised.

Lindsay Wilkinson

LINDSAY WILKINSON

1st March 1983



## VI. MINISTERS' VISITS

## MINISTERS' VISITS OVERSEAS

## Planning the visit

42. In order to obtain the fullest value from an overseas visit it is essential that the Foreign and Commonwealth Office should be asked by Private Secretary letter, (copied to the Department of Trade where the visit has a trade promotion aim) at the earliest stage possible, to consult the diplomatic post in the country to be visited, so as to ensure that local considerations, complications of timing, clashes with other proposed Ministerial visits etc. are taken into account in setting the dates and drawing up the initial programme. Even in the case of visits to international meetings on a fixed date it is important to inform the Foreign and Commonwealth Office of the visit as it will have a bearing on the timing of other visits. This should be distinct from the subsequent letter seeking the Prime Minister's or the Foreign and Commonwealth Secretary's approval. (See 44(i) and 45). Ministers' Private Secretaries should not themselves approach posts direct nor should they make tentative preparations before telling the Foreign and Commonwealth Office or the post: arrangements for official Ministerial visits should invariably be put in the hands of the diplomatic post.

43. Ministers should pay close attention to the need to be able to justify their overseas visits to Parliament and to public opinion generally. Ministers should make it their personal responsibility to approve the size and composition of any Ministerial delegation for which their Department is responsible. (Where a delegation includes a Foreign and Commonwealth Office Minister the concurrence of the Foreign and Commonwealth Secretary in the size and composition of the delegation should also be obtained.) Each Minister in charge of a Department should ensure that the Department draws up and maintains a comprehensive and



central record of travel by Ministers in the Department. This record should contain details of the numbers and costs of all Ministerial delegations whose travel has been at public expense, including visits to EC countries for the purpose of attending regular meetings of EC Councils or Ministerial meetings on Political Cooperation. The record should be maintained in such a way that an up-to-date list of visits and costs of such visits can be made available by Departments at short notice in the event of Departmental Ministers being asked to account for travel undertaken by Ministers in their Departments. Ministers should give a lead in keeping down the size of parties of visitors, by keeping their own parties as small as possible.

Ref. A083/0526

PRIME MINISTER



we have checked the version attached, which incorporates <sup>all</sup> the revisions we were expecting. Most of them are in the sections dealing with handling of the press and Bernard Ingham's comments are immediately below.

If you want to glance through the revisions quickly, they are all sidelined.

Agree, subject to the addition suggested in Bernard's

--- I submit for your approval a revised version of Questions of Minute? Procedure for Ministers. Since the paper was issued in May 1979, <sup>FERB</sup> a number of amendments, some substantial, have been made: annexed <sup>18.3-</sup> is a checklist of all the amendments issued to date. In the main, these have reflected your own decisions and views on such questions as the timing and presentation of memoranda for the Cabinet and Cabinet Ministerial Committees; proper Departmental accounting of overseas visits; authority for overseas visits by Ministers other than Cabinet Ministers; appointments by Ministers. A new section (Section XII) has been included to take account of the change in Ministerial responsibilities arising from the consideration of allocation of responsibilities for United Housing Benefit in November 1981.

2. The section on Parliamentary statements and papers and other Government announcements has been extensively altered to take account of changes since the last revision was carried out some 10 years ago.

3. I wondered whether to suggest that the limit on the value of gifts which may be retained should be raised from £50 to some higher figure. This figure was set at £30 in 1976, and raised to £50 in September 1980. If we were simply revising it to take account of changes in the value of money, it could arguably be increased to £60. That change seems hardly worth making, however; and I therefore recommend leaving the figure at £50 and reconsidering the limit at the time of the issue of the next guidance (presumably shortly after the next Election).

RA

ROBERT ARMSTRONG

16 February 1983

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C(P)(83)

COPY NO

1983

CABINET: PROCEDURE

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QUESTIONS OF PROCEDURE FOR MINISTERS

NOTE BY THE PRIME MINISTER

---

I circulate herewith a revised and up to date memorandum giving guidance to Ministers on matters of procedure.

2. It replaces the memorandum which I circulated in May 1979 (C(P)(79) 1). All that I said in my covering note to that memorandum remains as valid as ever; I am therefore also re-circulating a copy of that covering note as an annex to this note.

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C(P)(79)1  
May 1979

CABINET: PROCEDURE

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QUESTIONS OF PROCEDURE FOR MINISTERS

NOTE BY THE PRIME MINISTER

---

1. I circulate herewith a memorandum giving guidance to Ministers on matters of procedure. Much of it is more appropriate as a day to day handbook for Private Offices but a Summary draws attention to the main contents and I ask all Ministers to be aware of these and to refer to the full text on any points on which they are doubtful.

2. I attach the highest importance to the principles enunciated in the memorandum concerning collective and Ministerial responsibility. These must inform all our work, in Departments, in our collective deliberations and in our public activities.

3. It is of the essence of collective responsibility that decisions reached by the Cabinet and its Committees are binding on all members of the Government. The quality of these decisions will in large measure depend on our ability to have free and frank discussions amongst ourselves in an atmosphere of mutual confidence that the confidentiality of our deliberations will be maintained.

4. There are other rules of conduct which Ministers should uphold: consulting Ministerial colleagues about matters concerning their responsibilities; giving colleagues sufficient time to consider matters which they bring before them; attending personally meetings of Cabinet Committees of which they are members or to which they are invited; accepting that appeals to the Cabinet must be the exception rather than the rule: and avoiding conflict between their private interests and their public duties.

5. In our public activities we must take every opportunity to propound our policies, in Parliament and in the media. But we must always remember that as Ministers we cannot speak publicly only for ourselves. In all cases we speak as Ministers and are bound by the principle of collective responsibility. Ministers must therefore neither anticipate decisions not yet made public; nor refer to subjects which are the responsibility of another Minister without prior consultation.

M.H.T.

10 Downing Street  
24 May 1979

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QUESTIONS OF PROCEDURE FOR MINISTERS

SUMMARY

Section I

Privy Council (paragraph 2)

Attendance at a Privy Council meeting takes precedence over all other engagements.

Section II

Cabinet Procedure (paragraphs 3-24)

Cabinet and Cabinet Committee business consists mainly of questions that engage the collective responsibility of the Government, and of questions on which there is an unresolved argument between Departments, or on which a Minister wishes to have the advice of his colleagues.

Cabinet meetings take precedence over all other business except Privy Council meetings. Requests for absence must be made personally to the Prime Minister.

Cabinet Committees relieve the pressure on Cabinet and ensure that decisions not taken by the full Cabinet are nevertheless authoritative and fully considered. Appeals to Cabinet must be infrequent and are at the Prime Minister's discretion. Ministers should attend meetings in person when invited. Cabinet and Cabinet Committee memoranda should be circulated at least seven days before the meeting on which they are due to be discussed; should reflect requirements to consult other Departments concerned (particularly the Treasury); and should be <sub>1</sub> no longer than two pages.

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Decisions reached by the Cabinet or Cabinet Committees are binding on all Ministers. They are normally announced and defended as the decision of the Minister concerned. No indication of the manner in which other Ministers have been consulted should be given.

Section III

Propriety and Security in the Conduct of Government Business  
(paragraphs 25-31)

Ministers must protect the Government's reputation for integrity and the confidentiality of its proceedings. Premature or unauthorised disclosure of matters under discussion within Government must be avoided. Knowledge of such matters must be confined to those who need to know. Ministers should personally ensure good security in their Departments.

Section IV

Junior Ministers (paragraphs 32-36)

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

Section V

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

Ministers choose and appoint their own PPSs but must consult the Chief Whip about their choice and obtain the Prime Minister's approval before offering any such appointment. PPSs, as Private Members,

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should be afforded as great a liberty of action as possible, but in view of their close and confidential association with Ministers must act with responsibility and discretion. They may not vote against the Government or speak in Parliament on matters affecting their Department. Official information given to PPSs should be limited to what is necessary for the discharge of their Parliamentary and political duties.

Section VI

Ministers' Visits (paragraphs 41-56)

Overseas visits, except for European Community meetings, should normally be made only in the recess or at weekends. The Foreign and Commonwealth Office should be consulted in good time before the programme for an overseas visit is drawn up. Ministerial parties should be kept as small as possible.

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

A Minister planning an official visit to Scotland, Wales and Northern Ireland should inform the Secretary of State concerned and the Chief Whip. A Minister making a visit within the United Kingdom should inform the Members for the constituencies included in the itinerary for the visit. A Minister visiting a town in the United Kingdom should also inform the Local Authority. Ministers should not accept offers of free travel. Travelling expenses of spouses accompanying a Minister on official duties may in certain circumstances be met from public funds.

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Section VII

Relations with Other Governments (paragraphs 57-61)

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

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

Section VIII

Acceptance of Gifts and Services (paragraphs 61-64)

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

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

Section IX

Ministers' Private Interests (paragraphs 65-83)

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

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

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

Section X

Constituency Interests (paragraphs 84-87)

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

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

Section XI

Appointments by Ministers (paragraphs 88-94)

Special procedures apply to proposals by Ministers to set up Royal Commissions, independent Committees of Inquiry or Committees consisting partly of civil servants and partly of individuals outside government; to appointments to Royal Commissions, Nationalised Industry Boards, Public Boards including Regional Health Authorities,

and the more important departmental committees; and to appointments of members of Boards, Commissions or Committees of Inquiry where the appointment is likely to have political significance.

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

Separate guidance is issued about the appointment of Special Advisers.

#### Section XII

Changes in Ministerial Responsibilities (paragraphs 95-102)

The Prime Minister's approval should be sought on proposals to reallocate functions between Ministers and on the allocation of new functions where Ministerial responsibility is not clear.

#### Section XIII

Parliamentary Statements and Papers and Other Government Announcements (paragraphs (103-126)

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

When Parliament is in session important announcements of Government policy should be made in the first instance to Parliament. Ministers proposing to make a statement after Questions or to make

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an important announcement by means of a Written Answer should, before giving any undertakings that a statement will be made at a particular time, inform the Prime Minister and the Leader of the House of Commons. Ministers should, if possible, avoid any announcement of this kind on Thursdays.

Six copies of oral statements must be given to the Chief Whip in the House of Commons as early as possible, and certainly no later than 3.00 pm. (10.30 am in the case of statements made on a Friday) in order that they can be shown to the Opposition Parties. The final text should also be sent in advance to The Speaker.

Ministers planning to publish a White or a Green paper should give as much notice as possible of their intention to the Prime Minister, the Leader of the House of Commons and the Secretary of the Cabinet. It is customary to circulate all White Papers to the Cabinet before publication.

Ministers must bear in mind in making speeches or broadcasts that in all cases they speak as Ministers and are bound by collective responsibility. They must keep within Government policy and not anticipate decisions not yet made public. They should consult other Ministers concerned about any reference to matters within their responsibility.

Ministers must be ready to accept invitations to take part in radio and television programmes which provide an opportunity to propound Government policies or to clear up a misunderstanding.

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

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Section XIV

Ministerial Memoirs and Other Writings (paragraphs 127-129)

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

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

Section XV

Political Impartiality of Civil Servants (paragraphs 130-131)

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

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QUESTIONS OF PROCEDURE FOR MINISTERS

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

1. Privy Council

Attendance at Meetings of the Privy Council

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

II. Cabinet Procedure

Cabinet and Cabinet Committee business

3. Cabinet and Cabinet Committee business consists, in the main of -
- (i) Questions which significantly engage the collective responsibility of the Government, because they raise major issues of policy or because they are likely to occasion public comment or criticism.
  - (ii) Questions on which there is an unresolved argument between Departments.

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

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

Meetings of the Cabinet and Cabinet Committees

4. Cabinet meetings take precedence over all other business except meetings of the Privy Council. Requests by Cabinet Ministers for permission to be absent should be made only in the most exceptional circumstances, and should be made at the earliest opportunity and by a personal Minute to the Prime Minister. A personal Minute can however be dispensed with when the reason for absence from Cabinet is an overseas visit for which the Prime Minister's approval has already been obtained. As is indicated in paragraph 44(i) below, a copy of the letter seeking the Prime Minister's approval for the overseas visit should be sent to the Secretary of the Cabinet. (See paragraph 8 below for attendance at Cabinet Committees.)

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

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

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Cabinet Committees

7. The Cabinet is supported by Ministerial Committees which have a two-fold purpose. First, they relieve the pressure on the Cabinet itself by settling as much business as possible at a lower level; or failing that, by clarifying the issues and defining the points of disagreement. Second, they buttress the principle of collective responsibility by ensuring that, even though an important question may never reach the Cabinet itself, the decision will be fully considered and the final judgment will be sufficiently authoritative to ensure that the Government as a whole can be properly expected to accept responsibility for it. When there is a conflict between Departments, it should not be referred to the Cabinet until other means of resolving it have been exhausted, including personal correspondence or discussions between the Ministers concerned.

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

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Preparation of business for Cabinet and Cabinet Committees

9. The Secretary should be given at least seven days' notice of any business (including business to be raised orally) which a Minister wishes to bring before the Cabinet or a Cabinet Committee. Memoranda should be circulated in sufficient time to enable Ministers to read and digest them, and to be properly briefed on them. The rule is that memoranda for Cabinet and Cabinet Ministerial Committees should be circulated at least seven days in advance of the meeting at which they are to be discussed. When there is no time constraint, or when a subject is of major importance or complexity, this rule should be complied with. If decisions are urgently required, and an interval of seven days is not possible, memoranda should be circulated as long before a meeting as possible, and at the very least two full working days before they are to be discussed. This exception to the seven-day rule will normally be made only for papers commissioned at one meeting of the Cabinet or Cabinet Committee for consideration at its next meeting. Apart from that, papers submitted late for the seven-day deadline will be taken off the agenda of the meeting for which they were intended, unless the Cabinet Office is satisfied that the delay was unavoidable and that the dispatch of public business requires them to be taken on the date originally intended. To ensure that the seven-day rule is complied with in the case of Cabinet memoranda, drafts will have to be received by the Private Secretary to the Secretary of the Cabinet early in the afternoon (certainly not later than 4.00 pm) of the Wednesday, eight days ahead of the Thursday Cabinet at which the memorandum is to be discussed.

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

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

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

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

and argument, together with supplementary detail, should be dealt with, where necessary, in annexes.

Cabinet Conclusions and Cabinet Committee Minutes

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

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

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

Cabinet documents

17. Rules governing the layout, reproduction, circulation, handling and disposal of Cabinet and Cabinet Committee documents are set out in a separate memorandum: Handbook for the Cabinet Documents Officer (CSI(81)1).

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

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

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

#### Collective responsibility

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

22. It is important to avoid giving any indication of the manner in which the Minister's colleagues have been consulted before any decision is announced. The principle of the collective responsibility of Ministers, upon which the Cabinet and Cabinet Committee system depends, requires opportunities for free and frank discussion between Ministers; the method adopted by Ministers for

discussing among themselves questions of policy is essentially a domestic matter, and such discussions will be hampered if the processes by which it is carried on are disclosed. The growth of any general practice whereby decisions of the Cabinet or of Cabinet Committees were announced as such would lead to the embarrassing result that some decisions of government would be regarded as less authoritative than others; critics of a decision reached by a particular Committee could press for its review by some other Committee or the Cabinet itself, thus impairing the constitutional right of individual Ministers to speak in the name of the Government as a whole.

#### Consultation with the Law Officers

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

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



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

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

### III. Propriety and Security in the Conduct of Government Business

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

26. Premature or unauthorised disclosure of matters under discussion by the Cabinet or its Committees damages the reputation of the Government and impairs the efficiency of administration. Ministers who share the collective responsibility for the Government's programme must be kept generally aware of the development of important aspects of Government policy. But outside this limited circle, knowledge of these matters should be confined to those, whether

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Ministers or officials, who are assisting in the formulation or execution of the particular policy concerned or need to know what is afoot because of its effect on other aspects of public business for which they are responsible.

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

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

- (i) The rules governing access to Cabinet and Cabinet Committee documents are set out in the separate memorandum Handbook for the Cabinet Documents Officer (CSI(81) 1). The main feature of these are: that the "need to know" principle is paramount; that minutes and memoranda of the Cabinet and of the most sensitive Cabinet Committees must not be shown to anyone within a Department except on the instructions of the Minister to whom the documents were issued; and that, subject to the overriding direction of the Minister or Permanent Secretary, access to Cabinet documents shall be determined on a strict "need to know" basis by the Minister's Principal Private Secretary.
- (ii) A member of the Cabinet has responsibilities wider than those of his or her own Department and will in that capacity receive some

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documents which are of no concern to any of his or her subordinates.

- (iii) The handling of documents reflecting the personal views of Ministers require special care. It is contrary to the doctrine of collective responsibility to make known the attitude of individual Ministers on matters of policy.
- (iv) Serious leaks can occur when the media can piece together isolated items of information, each of apparently little importance, gathered from several sources. It is therefore unwise to disclose prematurely even relatively minor or partial aspects of matters. In appropriate cases it may be in the public interest to communicate certain information in confidence to a responsible editor, Lobby correspondent, etc, for purposes of guidance: but this should be done only when it is known that such confidence will be respected.
- (v) The normal telephone system (including FEDERAL) is not secure and a scrambler gives no protection against deliberate interception. If TOP SECRET or SECRET information has to be passed by telephone, the civil Secure Telephone Scheme (STS) or the Defence Secure Speech System (DSSS) should be used for the purpose. If neither STS nor DSSS facilities are available, the following precautions should be taken:
- (a) Long distance calls. Calls from within a radius of 50 miles of London to places outside that radius and vice versa may go by radio relay and are therefore especially vulnerable to interception. Such interception is facilitated by the comparative ease with which certain calls may be identified, i.e. calls over private circuits, calls to identified numbers of intelligence interest and those calls where a scrambler is used. TOP SECRET information should never be conveyed during long distance

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calls. SECRET and CONFIDENTIAL information should be conveyed only when the urgency outweighs the risk to security.

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

29. Ministers may occasionally have to take classified documents out of their Departments or to have them sent to them when they are out of London. Rules on this subject are contained in Chapters 6-8 of the Manual "Security in Government Departments"; and these should be strictly observed. Departments should ensure that security containers are provided in the homes of all members of the Cabinet and of other Ministers who find it necessary to take a significant amount of sensitive material out of their Departments; and Ministers should consult their Permanent Secretaries both about the extent of the confidential material which they need to deal with at their homes and the adequacy of the measures for its protection.

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

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

#### IV. Junior Ministers

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

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

Arrangements during absence from London

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

35. When one member of the Cabinet is acting in this way on behalf of another special care must be taken over the exercise of statutory powers. Powers vested formally in "the Secretary of State", as distinct from a specific Secretary of State, can be exercised by any Secretary of State in the absence of another. Otherwise the statutory powers of one Minister cannot formally be exercised in the Minister's absence by a colleague in charge of another Department, and a Minister who is acting for an absent colleague should be careful to avoid appearing formally to exercise powers which are expressed by statute as exercisable by that colleague. The powers of a Board or Council may, however, be exercisable in the absence of its principal member. There may also be statutory authority for formal documents to be signed on behalf of an absent Minister by junior Ministers or officials. Ministers will wish to seek legal advice in cases of doubt.

36. There is no similar difficulty about submissions to Her Majesty. Submissions made in the absence of a Minister can however be made only by a junior

Minister who is a Privy Councillor or by another member of the Cabinet.

Submissions on behalf of an absent Secretary of State must be made by another Secretary of State.

V. Parliamentary Private Secretaries

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

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

39. Ministers should ensure that their Parliamentary Private Secretaries are aware of certain principles which should govern the behaviour of Parliamentary Private Secretaries in the House of Commons. Like other Private Members, Parliamentary Private Secretaries are expected to support the Government in all important divisions. However their special position in relation to the Government imposes an additional obligation which means that no Parliamentary Private Secretary who votes against the Government may retain his or her position. Parliamentary Private Secretaries should not make statements in the House or put Questions on matters affecting the Department with which they are connected.

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Parliamentary Private Secretaries are not precluded from serving on Select Committees but they should not do so in the case of inquiries into their own Ministers' Departments and they should avoid associating themselves with recommendations critical of or embarrassing to the Government. They should also exercise great discretion in any speeches or broadcasts which they may make outside the House, taking care not to make statements which appear to be made in an official or semi-official capacity, and bearing in mind at the same time that, however careful they may be to make it clear that they are speaking only as Private Members, they are nevertheless liable to be regarded as speaking with some of the authority which attaches to a member of the Government. Generally they must act with a sense of responsibility and with discretion; and they must not associate themselves with particular groups advocating special policies.

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

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42. In order to obtain the fullest value from an overseas visit it is essential that the Foreign and Commonwealth Office should be asked by Private Secretary letter, (copied to the Department of Trade where the visit has a trade promotion aim) at the earliest stage possible, to consult the diplomatic post in the country to be visited, so as to ensure that local considerations, complications of timing, clashes with other proposed Ministerial visits etc. are taken into account in setting the dates and drawing up the initial programme. Even in the case of visits to international meetings on a fixed date it is important to inform the Foreign and Commonwealth Office of the visit as it will have a bearing on the timing of other visits. This should be distinct from the subsequent letter seeking the Prime Minister's or the Foreign and Commonwealth Secretary's approval. (See 44(i) and 45). Ministers' Private Secretaries should not themselves approach posts direct nor should they make tentative preparations before telling the Foreign and Commonwealth Office or the post: arrangements for official Ministerial visits should invariably be put in the hands of the diplomatic post.

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VI. MINISTERS' VISITS

MINISTERS' VISITS OVERSEAS

Planning the visit

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

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

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43. Ministers should pay close attention to the need to be able to justify their overseas visits to Parliament and to public opinion generally. Ministers should make it their personal responsibility to approve the size and composition of any Ministerial delegation for which their Department is responsible. (Where a delegation includes a Foreign and Commonwealth Office Minister the concurrence of the Foreign and Commonwealth Secretary in the size and composition of the delegation should also be obtained.) Each Minister in charge of a Department should ensure that the Department draws up and maintains a comprehensive and

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central record of travel by Ministers in the Department. This record should contain details of the numbers and costs of all Ministerial delegations whose travel has been at public expense, including visits to EC countries for the purpose of attending regular meetings of EC Councils or Ministerial meetings on Political Cooperation. The record should be maintained in such a way that an up-to-date list of visits and costs of such visits can be made available by Departments at short notice in the event of Departmental Ministers being asked to account for travel undertaken by Ministers in their Departments. Ministers should give a lead in keeping down the size of parties of visitors, by keeping their own parties as small as possible.

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

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

Leave of absence

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

- (i) Seek the Prime Minister's approval. This must be done before any commitment, even of an informal nature, is made. The reasons for the visit and a list of the countries to be visited should be given; in the case of official visits, the number of officials and the reasons for taking them

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should also be specified. Copies of the letter should be sent to the Foreign and Commonwealth Secretary and to the Chief Whip: their views will be taken into account by the Prime Minister before reaching a decision. A copy should also be sent to the Secretary of the Cabinet.

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

45. Other Ministers who propose to leave the United Kingdom whether on duty or on leave need not obtain the Queen's permission to do so. There is also no need for them to seek the Prime Minister's approval for such a visit, provided that approval has been given by the Ministerial head of the department concerned, the Foreign and Commonwealth Secretary and the Chief Whip. These arrangements do not affect the requirement for the Prime Minister's approval to be sought for official visits overseas by Ministers' spouses and by Parliamentary Private Secretaries (paragraph 54 and 55 below).

#### Entertainment overseas

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

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Ministers recalled to vote --

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

Ministers' visits in the United Kingdom

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

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

50. When a Minister makes an official public visit to a town in the United Kingdom, the Local Authority should also be informed. If the Minister has time and cares to do so, an offer to call on the Mayor, Provost or Chairman may be made; but this is not necessary unless the visit has some particular local significance. However similar considerations apply as in

paragraph 49 where the Local Authority is controlled by Government supporters. It is not necessary to give notice to the Local Authority if the Minister is going in a private capacity or, if in a Ministerial capacity, as the guest of an organisation which is giving a private function.

Use of official cars and travel by rail and air

51. Guidance on the use of official cars and on rail and air travel, including the class of air travel, available to Ministers, Ministers of State and Parliamentary Secretaries, is issued separately (C(P)(79) 2).

Expenses on travel and hospitality

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

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

Travelling expenses of spouses

54. The expense of a Minister's spouse when accompanying the Minister on the latter's official duties may on special occasions be paid from public funds, provided that it is clearly in the public interest that he or she should accompany the Minister. In the case of official visits overseas, the Prime Minister's prior assent should be obtained on each occasion. For official visits within the United Kingdom, this is at the discretion of the Minister in charge of the Department concerned who should consult the Permanent Secretary. The Prime Minister's prior approval is however required for any arrangement whereby a Minister's spouse may regularly travel at public expense within the United Kingdom; Ministers should arrange for the Treasury to be consulted about such arrangements before submitting them to the Prime Minister.

Parliamentary Private Secretaries

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



Special Advisers

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

VII. RELATIONS WITH OTHER GOVERNMENTS

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

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

Visits by Commonwealth or foreign Ministers

59. Ministers should inform the Foreign and Commonwealth Secretary before extending invitations to Ministers in other Governments to pay official visits to this country; and in any case of doubt or difficulty, they should consult him. Departments should also inform the Foreign and Commonwealth Office about all visits which become known to them, whether

private or official, by Ministers in other Governments or by any other Governments or by any other person of equivalent status potentially at risk, so that the security implications can be considered at the earliest possible stage.

Foreign decorations

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

Offers of hospitality, open letters, etc.

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

VIII. ACCEPTANCE OF GIFTS AND SERVICES

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

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

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

- (a) Its receipt should, in all cases, be reported to the Permanent Secretary.
- (b) Gifts of small value (currently this should be put at up to £50) may be retained by the recipient.
- (c) Gifts of a higher value should be handed over to the Department for disposal, except that
  - (i) The recipient may purchase the gift at its cash value (abated by £50).
  - (ii) If the recipient wishes to reciprocate with, and pay for, a gift of equivalent value the gift received may be retained.
  - (iii) The gift may be displayed or used in the Department where this is appropriate.

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- (iv) If the disposal of the gift would cause offence or if it might be appropriate for the recipient to use or display the gift on some future occasion as a mark of politeness, then the gift should be retained in the Department for this purpose for a period of up to five years.

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

**IX. MINISTERS' PRIVATE INTERESTS**

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

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

67. Ministers should normally make their own decisions on the application of these principles. Over much of the field, as is shown below, there are established precedents. Where there is a doubt it will almost always be better to surrender but in such cases the Prime Minister must be the final judge, and Ministers should submit any such case to her for her decision. 34

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

#### Public appointments

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

#### Directorships

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

#### Partnerships

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

Shareholdings

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

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

"Names" at Lloyds

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

continuing a connection with Lloyds, however nominal, which they had established before appointment or establishing any such connection during their term of appointment. Before granting permission, the Prime Minister will need to be satisfied that the conditions indicated above will be met.

Nominations for International Awards, etc.

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

Pressure Groups

76. Ministers are frequently asked to associate themselves with pressure groups, for example by becoming signatories of open letters or appeals or by attending a rally or other function to which publicity is to be given. Such invitations should normally be declined since Ministerial association with pressure groups can give rise to misunderstanding about the Government's position. Any Minister who wishes to accept an invitation from a pressure group should consult the Prime Minister.

Participation in the Parliamentary Contributory Pension Fund

77. Under the provisions of the Parliamentary and Other Pensions Acts 1972-1981, Ministers, if paid, will be required to contribute to the Parliamentary Contributory Pension Fund in respect of their Ministerial salary (less, for Members of the House of Commons, the difference between their reduced salary as a Member and a Member's ordinary salary) but they may within 12 months of their appointment elect not to do so. Details of the contributions required, and of the rates of personal and family benefit which accrue from participation in the Fund, can be obtained from the Fees Office.

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

Participation in other pension schemes

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

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



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

82. Ministers who elect not to participate in the Parliamentary scheme in respect of their Ministerial salary, and who make no arrangements of the kind set out in paragraph 80, may be entitled to claim tax relief on premiums paid under a "retirement annuity contract" to provide additional pension etc benefits for themselves or provision for their families in the event of death. Such contracts are issued subject to the limitations and conditions laid down in the Tax Acts. Relief is normally limited to  $17\frac{1}{2}$  per cent of the Ministerial salary excluding, for a Minister in the Commons, the difference between a Minister's reduced salary as a Member and a Member's pensionable salary. Higher limits apply to those born before 1934 .

83. The taxation effects of arrangements such as are mentioned in the paragraphs above may vary according to the Minister's particular circumstances. The Controller, Superannuation Funds Office, Inland Revenue, Lynwood Road, Thames Ditton, Surrey, KT7 0DP, will be willing to explain the effects for tax purposes of any proposed arrangement under paragraph 80; he will also give, on request, further information on the legislation and reliefs available in respect of retirement annuity contracts. Alternatively a Minister may make any inquiry through the Financial Secretary, Treasury.

X Constituency interests

84. It is wrong in principle for Ministers to use for constituency work facilities provided at public expense to enable them to carry out their public duties. This point of principle is reflected in the entitlement of Ministers to a Parliamentary salary in recognition of the time spent in attending to the interests of the constituents, and to reimbursement of their secretarial expenses and the expenses of living away from home when attending to constituency business, within the limits prescribed by the Resolution of the House of Commons of 5 June, 1981. Ministers should thus have their constituency work done at their own expense, as they would if they were private Members of Parliament.

Parliamentary Commissionery for Administration (PCA) Cases

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

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

there may be other circumstances in which a Minister will prefer to refer a case to the PCA straight away.

Deputations

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

XI Appointments by Ministers

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

- (i) Royal Commissions: these can only be set up with the sanction of the Cabinet and after The Queen's approval has been sought by the Prime Minister.
- (ii) Independent Committees of inquiry into any aspect of public policy: the Chancellor of the Exchequer should be given an opportunity to comment on these.
- (iii) Committees chaired by a civil servant but appointed by a Minister, which consist partly of civil servants and partly of individuals outside the government.

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

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

- (i) The Chairman and other Members of Royal Commissions.
  
- (ii) The Chairman of -
  - (a) Nationalised Industry Boards
  
  - (b) Public Boards including the Chairman of Regional Health Authorities
  
  - (c) The more important Departmental committees, including those at 88(ii) and (iii)

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

(iii) Deputy Chairman<sup>e</sup> where they are being appointed with a view to the succession

(iv) Deputy Chairman<sup>e</sup> and Members of Boards, Commissions or Committees of Enquiry in cases where the appointment is likely to have political significance. Ministers should take a wide view of what constitutes political significance. Local or regional appointments may from time to time excite an unusual amount of public interest because of the circumstances surrounding the appointment or the background of the candidate. In all cases involving political considerations submissions to the Prime Minister by an appointing Minister should be copied to the Chief Whip. The Chief Whip should invariably be consulted before a Member of the House of Commons is approached about the appointment to an office which would result in the vacation of a Parliamentary seat. As in (ii) above, the Prime Minister will wish to be informed about any intention to advertise a post of Deputy Chairman.

Where there is doubt about the need for consultation with the Prime Minister the Management and Personnel Office should be consulted.

90. In all cases falling within paragraphs 88 and 89 on which a submission is to be put to the Prime Minister, Ministers should arrange for their Permanent Secretary to consult the Head of the Home Civil Service beforehand; and the submission to the Prime Minister, which should be copied to the Head of the Home Civil Service should indicate that this has

been done. In such cases no commitment should be made to any individual before the Head of the Home Civil Service and the Prime Minister have been consulted. In the case of Royal Commissions, the Private Secretary to the Prime Minister should be consulted before any informal soundings are undertaken. In other cases, any informal soundings should be made in such a way as to preserve freedom of action and avoid any appearance of commitment. And there should be no reference, either directly or indirectly by implication, to the fact that names have to be submitted to the Prime Minister.

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

92. More detailed guidance for Departments is contained in the Guide to Appointments Procedures, produced by the Management and Personnel Office.

#### Personal Appointments

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

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#### Special Advisers

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

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XII Changes in Ministerial Responsibilities

95. The Prime Minister is responsible for the overall organisation of the Executive and the allocation of functions between Ministers in charge of Departments. Her approval should therefore be sought where changes are proposed that affect this allocation and responsibilities for the discharge of Ministerial functions. This applies whether the functions in question are derived from statute or from the exercise of the Royal prerogative, or are general administrative responsibilities.

96. The Prime Minister's approval should be sought where it is proposed to transfer functions -

a. between Ministers in charge of Departments (unless the changes are de minimis, can be made administratively and do not justify public announcement - but see para 101 below);

b. within the field of responsibility of one Minister - eg. by 'hiving off' the discharge of some functions to a non-Departmental public body - where the change is likely to be politically sensitive or to raise wider issues of policy or organisation;

c. between junior Ministers within a Department when a major reallocation of work or a change in Ministerial titles is involved (see also para 32 above).

97. In addition, her approval should be sought for proposals to allocate new functions to a particular Minister where the function does not fall wholly within the field of responsibilities of one Minister, or where there is disagreement about who should be responsible.



98. The Prime Minister will also determine questions where there is disagreement eg. because one Minister has proposed a transfer of functions that is not accepted by the other(s) affected.

99. In giving approval or in determining disputed issues, the Prime Minister may want to take the advice of the Head of the Home Civil Service. The Minister responsible should therefore ensure that he is consulted directly by the Permanent Secretaries of the Departments concerned, or that the officials of the Machinery of Government Division in the Management and Personnel Office are approached so that they can bring the proposals to his attention, before proposals for a transfer or allocation of functions are submitted to the Prime Minister. Where that procedure is not possible for any reason, the submission to the Prime Minister should be copied to the Secretary of the Cabinet and Head of the Home Civil Service.

100. Responsibility for making a submission to the Prime Minister should normally lie with the ceding Minister in the case of transfers of existing functions, and the principal receiving Minister in the case of allocation of new functions.

101. Unresolved disputed issues concerning the allocation of functions should preferably be referred to the Head of the Civil Service before a submission is made to the Prime Minister; and it may be appropriate for him to make the submission on behalf of the Minister concerned. All proposals for a transfer of functions, including those not considered to require the Prime Minister's approval, should be notified to the Machinery of Government Division in the Management and Personnel Office before they are implemented.

102. More detailed guidance for Departments is contained in the Heads of Departments Personal Handbook.

XIII Parliamentary Statements and Papers and Other Government Announcements

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

104. When Parliament is in session, important announcements of Government policy should be made, in the first instance, in Parliament. If too many announcements are made at the end of Questions, Parliamentary business is hindered. Nevertheless, careful consideration should be given in the case of important or particularly sensitive issues to the desirability of making an Oral Statement rather than an announcement by Written Answer. Ministers proposing to make a statement after Questions (whether or not it is related to a Question on the Order Paper) or to answer a Question by leave at the end of Questions or to make an important announcement by means of a Written Answer are therefore asked to conform with the following procedure:

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- (a) As much notice as possible of the intention to make an announcement should be given to (i) the Prime Minister's Private Secretary; (ii) the Private Secretary to the Lord President and Leader of the House of Commons; (iii) the Private Secretary to the Chief Whip; (iv) the Chief Press Secretary at No 10. This notice should, in all but exceptional cases, be accompanied by a draft of the proposed statement or answer; and an indication should be given whether the announcement of policy with which it is concerned has been approved by Ministers (together with references to any relevant discussions in Cabinet or Cabinet Committees). The draft statement or answers should have been approved in broad terms, though not necessarily in detail, by the Minister in charge of the Department. Draft statements or answers should be accompanied by background notes which identify the likely points of attack and suggest how these can best be met, with the object of securing positive presentation. Particular attention should be paid to the timing of Written Answers in this context. From Monday to Thursday an Answer to a Written Question may not be released before 3.30 pm (12 noon on Fridays) on the day for which the Question stands on the Order Paper for reply. Early release is sometimes advantageous presentationally, and in this event the Question may be tabled one day earlier, the Answer being held back until the following morning. This

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procedure should be used with discretion and then only with the approval of No 10, the office of the Leader of the House of Commons and the Chief Whip's office.

- (b) Ministers should not give undertakings, either in or outside the House of Commons, that an oral statement will be made to the House on any subject at a specific time or within a particular period until agreement has been given by the Private Secretaries to the Prime Minister and the Leader of the House of Commons to the proposed timing and by the Ministers concerned to the terms of the statement.
  
- (c) Ministers should, if possible, avoid any announcement of the kind discussed in (a) above on Thursdays, when a considerable amount of Parliamentary time after Questions is already pre-empted by discussion of the following week's business, or, except in special circumstances, on Fridays.
  
- (d) Copies of the final version of such announcements should be sent to the Private Secretaries to the Prime Minister, the Leader of the House and the Chief Whip and to the Chief Press Secretary at No 10 as soon as they are available.
  
- (e) A copy of the text of any oral statement to be made at the end of Questions is usually shown to the Opposition Parties shortly before it is made. For this purpose six extra copies of the final text must reach the office of the Chief Whip in the House of Commons as early as possible and in any case not later than 3.00 pm (Monday-Thursday) on the day on which the statement is to be made and not later than

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3.00 pm (Monday-Thursday) on the day on which the statement is to be made and not later than 10.30 am in the case of statements made on a Friday.

- (f) A copy of the final text or an oral statement should in all cases be sent in advance to the Speaker.
- (g) The leader of the House of Lords should be informed of a forthcoming oral statement in the House of Commons and consulted about the desirability of repeating it in the Lords.
- (h) A copy of any important Ministerial statement as actually delivered should be placed as quickly as possible in the Library of the House. This affords Members an opportunity of studying it in advance of publication in the Official Report.
- (i) Every effort should be made to avoid leaving significant announcements to the last day before a Recess. This practice does not redound to the credit of the Government and can reduce the positive publicity which decisions might otherwise have attracted.

Press Conferences

105. In order to explain policies or to announce new policies a Minister may decide to hold a press conference. This will be convened by the Chief Information Officer of the Department. All press conferences are on the record and open to any representative of the home and overseas media. It is often the practice of Ministers to give separate radio and TV interviews afterwards in order to secure the most effective presentation of their views or announcement. From time to time a Minister may find it desirable to give a non-attributable briefing whether to an individual journalist or to an organised group of correspondents - eg industrial, defence, education, energy etc. Again the arrangements are normally made by the Chief Information Officer of the Department. Where a Minister wishes to seek an invitation to address the Lobby the Chief Press Secretary at No 10 must be consulted both about the desirability of such a briefing and the method of organising it. Ministers should avoid repeating on the record - eg on radio and TV - remarks they have made non-attributably earlier in the day. This paragraph applies to the overseas as well as to the home media.

Publication of White and Green Papers

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

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107. Except where such papers are of a routine character or of minor importance, the timing of their publication is governed by similar considerations to those applying to announcements made in Parliament. Ministers are therefore asked to apply to White Papers the procedure laid down in paragraph 104(a) above. The final clearance for publication will be notified by the Chief Press Secretary at No 10. From time to time, White Papers are laid before Parliament in the name of the Prime Minister. In all such cases, the lead Department on the policy issues concerned takes responsibility for the processing and distribution of the White Paper. This should be handled in close consultation with the Parliamentary Clerk at 10 Downing Street.

108. Care should be taken to avoid infringing Parliamentary privilege when publicity is being arranged for White Papers and similar documents. The Chief Information Officer in the Department concerned may arrange for confidential final revise proof copies (CFRs) of White Papers to be made available under embargo to the Lobby and Upper Gallery, and with discretion to members of other organised groups of correspondents, up to 24 hours before copies are laid in the Vote Office - ie up to 24 hours before publication. A shorter period than 24 hours may well be appropriate in some cases; and there may be cases (for instance, where commercially sensitive information is involved) when copies should not be made available to the media until the time of publication. Any proposal to issue CFRs under an embargo of longer than 24 hours must be cleared with the Chief Press Secretary at No 10. CFRs may be given only to representatives of the media and then only under strict embargo. Any breach of an embargo is a serious matter and must be reported immediately by the Chief Information Officer of the Department to the Minister and the Chief Press Secretary at No 10 with a recommendation for action.

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Speeches

109. Ministers cannot speak publicly for themselves alone. In all cases they speak as Ministers; and the principle of collective responsibility applies. They should keep within the ambit of approved Government policy and should not anticipate decisions not yet made public. Ministers should exercise special care in referring to subjects which are the responsibility of other Ministers. Any Minister who intends to make a speech which deals with, or makes observations which bear upon, matters which fall within another Minister's responsibilities should consult that Minister except where speaking notes giving clear guidance on the points to be covered have been issued through the office of the Leader of the House of Commons.

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

111. Ministers should use official machinery for distributing texts of Ministerial speeches only when such speeches are made on official occasions and deal with Government as distinct from party policy. Speeches made in a Party political context should be distributed through the Party machinery.

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Broadcasts

112. The provisions of paragraphs 109 and 110 apply to Ministerial broadcasts as well.

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

(a) Party political broadcasts on radio and television within the Government's quota are arranged through the Chief Whip acting on behalf of the Prime Minister.

(b) Budget broadcasts (by the Chancellor of the Exchequer and a member of the Opposition in reply) constitute a special series of Party political broadcasts. These are arranged through the usual channels and agreed by the Chancellor of the Exchequer.

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

The British Broadcasting Corporation (BBC) may also provide the Prime Minister or a senior Cabinet Minister designated by her with an opportunity to broadcast to the nation to explain events of prime national or international importance or to seek public co-operation over such events. These are traditionally known as "Ministerial"

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broadcasts. The Opposition have the right to make an equivalent broadcast in reply. In this event the BBC will arrange as soon as possible for a broadcast discussion of the issues involved. A member of the Cabinet, a senior member of the Opposition, and, if they so desire, representatives of third parties with appreciable electoral support would be invited to participate.

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

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

- (d) When Ministers are invited by the broadcasting authorities to give interviews or otherwise take part in radio and television programmes (whether news bulletins or magazine or feature programmes) they should as a rule respond positively, subject to their being satisfied that they will be given an adequate opportunity to explain Government policy and measures. In the interests of effective co-ordination of the presentation of Government policies, Ministers should ensure that No 10 Press Office is informed of their intentions. This will enable them to use broadcasting opportunities to best advantage and to avoid duplication with colleagues. The

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Chief Press Secretary at No 10 is available to advise and help Ministers in securing their objective of propounding Government policies.

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

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

#### Press articles

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

117. Ministers may contribute to a book, journal or newspaper (including a local newspaper in their constituency) for the purpose of supplementing other means of informing the public about the work of their Department provided that publication will not be at variance with their obligations to Parliament and their duty to observe the principle of collective Ministerial

responsibility. Such contributions should however be made sparingly. In cases of doubt, and in all cases where a Minister is contemplating the contribution of an article going beyond the strict confines of his or her Departmental responsibility, the Prime Minister should be consulted, preferably before work has begun and in any case before any commitment to publish is entered into. In all cases where an article contains material which falls within the Departmental responsibility of another Minister, that Minister must be consulted. Ministers should not accept payment for such writings.

118. It is not in general desirable for Ministers to engage in controversy in the correspondence columns of either the home or the overseas press. Ministers may however see advantage in correcting serious errors or mis-statements of fact which lead to false conclusions. Such letters should be brief and confined to the exposition of facts. The Prime Minister's authority should be obtained beforehand, through the Chief Press Secretary at No 10.

#### Complaints

119. Ministers who wish to make a complaint against a journalist or a particular section of the media either to the Press Council or to the Broadcasting Complaints Commission must have the authority of the Prime Minister. The nature of the complaint and the case for referring it to the appropriate body should be set out in a letter to the Chief Press Secretary at No 10, copied to the Secretary of the Cabinet.

#### Books

120. Ministers may not, while in office, write and publish a book on their Ministerial experience.

Party publications

121. The rule in paragraph 116 does not debar Ministers from contributing to the publications of the political organisations with which they are associated. However, in all cases where an article contains material which falls within the Departmental responsibility of another Minister, that Minister must be consulted. Payment should not be accepted for such articles.

Interviews

122. In deciding whether to grant an interview to individual journalists. Ministers will bear in mind the need to avoid allegations of favouritism. Their interests will be best protected if they are accompanied by a member of the Information Branch of their Department at such interviews.

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

Royal Commissions

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

Supply of Parliamentary publications

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

Money Resolutions

126. All Money Resolutions are placed on the Order Paper in the name of the Financial Secretary, Treasury. But he is not responsible for seeing a Resolution through the House of Commons. It has always been the practice (as for Civil Estimates) that, although Resolutions appear in the name of the Financial Secretary, the Minister having Departmental responsibility for the relevant Bill is also responsible for the Money Resolution in the House of Commons.

XIV Ministerial Memoirs and Other Writings

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

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

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

#### XV Political Impartiality of Civil Servants

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

#### Civil Servants' attendance at Party Conferences

131. Ministers should not ask civil servants to attend, still less take part in, Party Conferences. It is an established principle in the public service that civil servants in their official capacity should not accept invitations to conferences convened by, or under the aegis of, Party political organisations. In order to preserve the principle that the Civil Service is politically impartial it is equally important that no civil servant should be in attendance at Party occasions. If a Minister

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wishes to have a brief to explain Departmental policies or actions, there is no reason why this should not be provided; but neither the author of the brief nor an Information Officer should be present at the conference or meeting. The situation is, of course, different when a Minister requires officials to be in attendance not in order to attend the conference or to take part in its business but to enable the Minister to carry out urgent Departmental business.

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LIST OF AMENDMENTS TO QUESTIONS OF PROCEDURE FOR MINISTERS

Paragraph 4 -

Delete and Substitute -

"4. Cabinet meetings take precedence over all other business except meetings of the Privy Council. Requests by Cabinet Ministers for permission to be absent should be made only in the most exceptional circumstances, and should be made at the earliest opportunity and by a personal Minute to the Prime Minister. A personal Minute can however be dispensed with when the reason for absence from Cabinet is an overseas visit for which the Prime Minister's approval has already been obtained. As is indicated in paragraph 44(i) below, a copy of the letter seeking the Prime Minister's approval for the overseas visit should be sent to the Secretary of the Cabinet. (See paragraph 8 below for attendance at Cabinet Committees.)"

Paragraph 9 -

Amend to read -

"9. The Secretary should be given at least seven days' notice of any business (including business to be raised orally) which a Minister wishes to bring before the Cabinet or a Cabinet Committee. Memoranda should be circulated in sufficient time to enable Ministers to read and digest them, and to be properly briefed on them. The aim is to circulate all memoranda for Cabinet and Cabinet Ministerial Committees at least seven days in advance of the meeting at which they are to be discussed. When there is no time constraint, or when a subject is of major importance or complexity, papers should be circulated in accordance with this seven day rule. If decisions are urgently required, and an interval of seven days is not possible, memoranda should be circulated as long before a meeting as possible, and at the very least two full working days before they are to be discussed. This exception to the seven day rule will normally only be made for papers commissioned at one meeting of the Cabinet or Cabinet Committee for consideration at its next meeting. Apart from that, papers submitted late for the seven-day deadline will be taken off the agenda of the meeting for which they were intended, unless the Cabinet Office is satisfied that the delay was unavoidable and that the dispatch of

public business requires them to be taken on the date originally intended. To ensure that this rule is complied with in the case of Cabinet memoranda, drafts will have to be received by the Private Secretary to the Secretary of the Cabinet early in the afternoon (certainly not later than 4.00 pm) of the Wednesday, eight days ahead of the Thursday Cabinet at which the memorandum is to be discussed."

Paragraph 28(v)(a) -  
Delete and Substitute -

"The normal telephone system (including FEDERAL) is not secure and a scrambler gives no protection against deliberate interception. If TOP SECRET or SECRET information has to be passed by telephone, the civil Secure Telephone Scheme (STS) or the Defence Secure Speech System (DSSS) should be used for the purpose. If neither STS nor DSSS facilities are available, the following precautions should be taken:

- (a) Long distance calls. Calls from within a radius of 50 miles of London to places outside that radius and vice versa may go by radio relay and may therefore be intercepted. Such interception is facilitated by the comparative ease with which certain calls may be identified, ie calls over private circuits, calls to identified members of intelligence interest and those calls where a scrambler is used. TOP SECRET information should never be conveyed during long distance calls. SECRET and CONFIDENTIAL information should be conveyed only when the urgency outweighs the risk to security."

Paragraoh 43, line 8

Delete from "In order that.....should be included."

Substitute:

"Each Minister in charge of a Department should ensure that the Department draws up and maintains a comprehensive and central record of travel by Ministers in the Department. This record should contain details of the numbers and costs of all Ministerial delegations whose travel has

been at public expense, including visits to EC countries for the purpose of attending regular meetings of EC Councils or Ministerial meetings on Political Co-operation. The record should be maintained in such a way that an up to date list of visits and costs of such visits can be made available by Departments at short notice in the event of Departmental Ministers being asked to account for travel undertaken by Ministers in their Departments."

Paragraph 45 -

Delete and Substitute -

"45. Other Ministers who propose to leave the United Kingdom whether on duty or on leave need not obtain the Queen's permission to do so. There is also no need for them to seek the Prime Minister's approval for such a visit, provided that approval has been given by the Secretary and the Chief Whip. These arrangements do not affect the requirement for the Prime Minister's approval to be sought for official visits overseas by Ministers' spouses and by Parliamentary Private Secretaries (paragraphs 54 and 55 below)."

Paragraph 89(i)-(w)

Delete and Substitute

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

- (i) The Chairman and other Members of Royal Commissions.
  
- (ii) The Chairman of -
  - (a) Nationalised Industry Boards
  
  - (b) Public Boards including the Chairman of Regional Health Authorities
  
  - (c) The more important Departmental committees, including those at 88(ii) and (iii)

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

(iii) Deputy Chairmen where they are being appointed with a view to the succession

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

Where there is doubt about the need for consultation with the Prime Minister the Management and Personnel Office should be consulted.

After paragraph 94 -

Insert new Section XII -

XII Changes in Ministerial Responsibilities

95. The Prime Minister is responsible for the overall organisation of the Executive and the allocation of functions between Ministers in charge of Departments. Her approval should therefore be sought where changes are proposed that affect this allocation and responsibilities for the discharge

of Ministerial functions. This applies whether the functions in question are derived from statute or from the exercise of the Royal prerogative, or are general administrative responsibilities.

96. The Prime Minister's approval should be sought where it is proposed to transfer functions:

- a. between Ministers in charge of Departments (unless the changes are de minimis, can be made administratively and do not justify public announcement - but see paragraph 101 below).
- b. within the field of responsibility of one Minister - eg by 'hiving off' the discharge of some functions to a non-Departmental public body - where the change is likely to be politically sensitive or to raise wider issues of policy or organisation.
- c. between junior Ministers within a Department when a major reallocation of work or a change in Ministerial titles is involved (see also paragraph 32 above).

97. In addition, her approval should be sought for proposals to allocate new functions to a particular Minister where the function does not fall wholly within the field of responsibilities of one Minister, or where there is disagreement about who should be responsible.

98. The Prime Minister will also determine questions where there is disagreement eg because one Minister has proposed a transfer of functions that is not accepted by the other(s) affected.

99. In giving approval or in determining disputed issues, the Prime Minister may want to take the advice of the Joint Head of the Home Civil Service (the Permanent Secretary of the Management and Personnel Office). The Minister responsible should therefore ensure that he is consulted directly by the Permanent Secretaries of the Departments concerned, or that the officials of the Machinery of Government Division

in the Management and Personnel Office are approached so that they can bring the proposals to his attention, before proposals for a transfer or allocation of functions are submitted to the Prime Minister. Where that procedure is not possible for any reason, the submission to the Prime Minister should be copied to the Secretary of the Cabinet and Joint Head of the Home Civil Service.

100. Responsibility for making a submission to the Prime Minister should normally lie with the ceding Minister in the case of transfers of existing functions, and the principal receiving Minister in the case of allocation of new functions.

101. Unresolved disputed issues concerning the allocation of functions should preferably be referred to the Joint Head of the Civil Service before a submission is made to the Prime Minister; and it may be appropriate for him to make the submission on behalf of the Minister concerned. All proposals for a transfer of functions, including those not considered to require the Prime Minister's approval, should be notified to the Machinery of Government Division in the Management and Personnel Office before they are implemented.

102. More detailed guidance for Departments is contained in the Heads of Departments Personal Handbook.

Sections XII-XIV should be re-numbered XIII-XV respectively.

Paragraph 96 (now paragraph 104), line 4

Insert after 'hindered'

"Nevertheless, careful consideration should be given in the case of important or particularly sensitive issues to the desirability of making an Oral Statement rather than an announcement by Written Answer."

Paragraph 96(a) (now paragraph 104(a) -  
Delete and Substitute -

a. As much notice as possible of the intention to make an announcement should be given to (i) the Prime Minister's Private Secretary; (ii) the Private Secretary to the Leader of the House of Commons; (iii) the Chief Press Secretary at No 10. This notice should, in all but exceptional cases, be accompanied by a draft of the proposed statement or answer; and an indication should be given whether the announcement or policy with which it is concerned has been approved by Ministers (together with references to any relevant discussion in Cabinet or Cabinet Committees). The draft statement or answers should have been approved in broad terms, though not necessarily in detail, by the Minister in charge of the Department. Draft statements or answers should be accompanied by background notes which identify the likely points of attack and suggest how these can best be met, with the object of securing positive presentation. Particular attention should be paid to the timing of Written Answers in this context. From Monday to Thursday an Answer to a Written Question may not be released before 3.30 pm (12 noon on Fridays) on the day for which the Question stands on the Order Paper for reply. Early release is sometimes advantageous presentationally, and in this event the Question may be tabled one day earlier, the Answer being held back until the following morning. This procedure should be used with discretion and then only with the approval of No 10, the office of the Leader of the House of Commons and the Chief Whip's office.

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Paragraph 96(e) (now Paragraph 104(e)) -

Delete and Substitute -

(e) A copy of the text of any oral statement to be made at the end of Questions is usually shown to the Opposition Parties shortly before it is made. For this purpose, six extra copies of the final text must reach the office of the Chief Whip in the House of Commons as early as possible and in any case not later than 3.00 pm (Monday - Thursday) on the day on which the statement is to be made and not later than 10.30 am in the case of statements made on a Friday.

After paragraph 96(h) (now paragraph 104(h)) -

Insert new paragraph 104(i) -

104(i). Every effort should be made to avoid leaving significant announcements to the last day before a Recess. This practice does not redound to the credit of the Government and can reduce the positive publicity which decisions might otherwise have attracted.

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Paragraph 97 (now paragraph 105) -

Delete and Substitute:-

"In order to explain policies or to announce new policies a Minister may decide to hold a press conference. This will be convened by the Chief Information Officer of the Department. All press conferences are on the record and open to any representative of the home and overseas media. It is often the practice of Ministers to give separate radio and TV interviews afterwards in order to secure the most effective presentation of their views or announcement. From time to time a Minister may find it desirable to give a non-attributable briefing whether to an individual journalist or to an organised group of correspondents - eg industrial, defence, education, energy etc. Again the arrangements are normally made by the Chief Information Officer of the Department. Where a Minister wishes to seek an invitation to address the Lobby the Chief Press Secretary at No 10 must be consulted both about the desirability of such a briefing and the method of organising it. Ministers should avoid repeating on the record - e.g. on radio and TV - remarks they have made non-attributably earlier in the day. This paragraph applies to the overseas as well as to the home media."

Paragraph 99 (now paragraph 107)

Add at the end -

"From time to time, White Papers are laid before Parliament in the name of the Prime Minister. In all such cases, the lead Department on the policy issues concerned takes responsibility for the processing and distribution of the White Paper. This should be handled in close consultation with the Parliamentary Clerk at 10 Downing Street."

Paragraph 100 (now paragraph 108) -

Delete and Substitute:

"Care should be taken to avoid infringing Parliamentary privilege when publicity is being arranged for White Papers and similar documents. The Chief Information Officer in the Department concerned may arrange for confidential final revise proof copies (CFRs) of White Papers to be

made available under embargo to the Lobby and Upper Gallery, and with discretion to members of other organised groups of correspondents, up to 24 hours before copies are laid in the Vote Office-ie up to 24 hours before publication. Any proposal to issue CFRs under a longer embargo must be cleared with the Chief Press Secretary at No 10. CFRs may be given only to representatives of the media and then only under strict embargo. Any breach of an embargo is a serious matter and must be reported immediately by the Chief Information Officer of the Department to the Minister and the Chief Press Secretary at No 10 with a recommendation for action."

Paragraph 101 (now paragraph 109), last line,

Delete and Substitute:

"should consult that Minister except where speaking notes giving clear guidance on the points to be covered have been issued through the office of the Leader of the House of Commons".

Paragraph 103 (now paragraph 111), first sentence

Delete and Substitute:

"Ministers should use official machinery for distributing texts of Ministerial speeches only when such speeches are made on official occasions and deal with Government as distinct from party policy."

Paragraph 105 (d) (now paragraph 113 (d) -

Delete and Substitute

"When Ministers are invited by the broadcasting authorities to give interviews or otherwise take part in radio and television programmes (whether news bulletins or magazine or feature programmes) they should as a rule respond positively, subject to their being satisfied that they will be given an adequate opportunity to explain Government policy and measures. In the interests of effective co-ordination of the presentation of Government policies, Ministers should ensure that No 10 Press Office is informed of their intentions. This will enable them to use broadcasting opportunities to best advantage and to avoid duplication with colleagues. The Chief Press Secretary at No 10 is available to advise and help Ministers in securing their objective of propounding Government policies."

Paragraph 109 (new paragraph 117) -

Delete - "Ministers invited to contribute.....  
.....however be made sparingly."

Substitute -

"Ministers may contribute to a book, journal or newspaper, (including a local newspaper in their constituency) for the purpose of supplementing other means of informing the public about the work of their Department provided that publication will not be at variance with their obligations to Parliament and their duty to observe the principle of collective Ministerial responsibility. Such contributions should however be made sparingly."

Paragraph 110 (new paragraph 118) -

Delete and Substitute -

"It is not in general desirable for Ministers to engage in controversy in the correspondence columns of either the home or the overseas press. Ministers may however see advantage in correcting serious errors or mis-statements of fact which lead to false conclusions. Such letters should be brief and confined to the exposition of facts. The Prime Minister's authority should be obtained beforehand through the Chief Press Secretary at No 10."

Insert new paragraph (to be numbered 119) between paragraph 110 (new paragraph 118) and paragraph 111 (new paragraph 120) as follows -

Complaints

"Ministers who wish to make a complaint against a journalist or a particular section of the media either to the Press Council, or the Broadcasting Complaints Commission must have the authority of the Prime Minister. The nature of the complaint and the case for referring it to the appropriate body should be set out in a letter to the Chief Press Secretary at No 10, copied to the Secretary to the Cabinet."

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Paragraph 113 (now paragraph 122) -  
Delete and Substitute -

"In deciding whether to grant an interview to individual journalists Ministers will bear in mind the need to avoid allegations of favouritism. Their interests will be best protected if they are accompanied by a member of the Information Branch of their Department at such interviews."

Paragraph 114 (now paragraph 123), first sentence -  
Delete and Substitute -

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

Paragraphs 115-122 should be renumbers 124-131 respectively.

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Cabinet



file  
cc: B. Lughan

BSP

10 DOWNING STREET

*From the Private Secretary*

20 January 1983

MR. IAN STEWART, M.P.

Thank you for your letter of 20 January.  
We would have no objection to the Chancellor  
writing to 'The Times' as he proposes.

W. F. S. RICKETT

John Kerr, Esq.,  
HM Treasury

WJ



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

20 January 1983

W F S Rickett Esq  
No 10  
Downing Street  
LONDON SW1

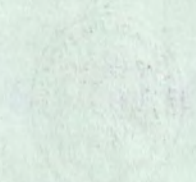
*Dear Willie,*

MR IAN STEWART MP

- .. I enclose a copy of the back-page article on "speechless" MPs in Tuesday's Times. The Chancellor thought its reference to Ian Stewart was unfair; and he is considering sending the
- .. Times, for publication, the attached repost.

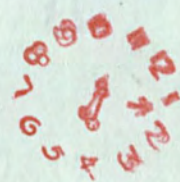
Paragraph 110 of "Questions of Procedure" is clearly relevant. I should be grateful if you could confirm, as soon as possible, that the Prime Minister would have no objection to the despatch of the letter.

*Yours ever,*  
*J O Kerr*  
J O KERR



Library Chamberlain Street SW1P 3JQ  
01-238 3000

COMPACTOR



20 JAN 1983



HOUSE OF COMMONS  
LONDON SW1A 0AA

20 January 1983

The Editor  
The Times  
New Printing House Square  
Grays Inn Road  
LONDON WC1

Sir,

I was dismayed to see your backpage report on Tuesday (18 January), giving pride of place, in your list of "speechless" MPs, to Ian Stewart, now Parliamentary Under Secretary at the Ministry of Defence.

He was until two weeks ago my Parliamentary Private Secretary. By convention a PPS is not expected to take part in proceedings that affect his Minister's department. Treasury interests are involved in almost everything that comes before the House, so that it was understood between Mr Stewart and myself that he was thus precluded from virtually every area of debate. That is the only reason for Mr Stewart's "speechlessness" during the last three and a half years. During the years before 1979 he was a vigorous and effective speaker from the Opposition Front Bench. And during his subsequent years of silence he has been an outstandingly faithful and sagacious PPS.

And throughout all this time he has been a conscientious and respected representative of his constituents in Hitchin. It would be a great injustice - unintended, no doubt - if Mr Stewart's reputation was in any way diminished as a result of your correspondent's careful, but in this case less than fair, report.

GEOFFREY HOWE



### Sealink in talks on cutting ferry

The possibility of Sealink ending its Harwich to Hook of Holland passenger ferry service grew yesterday as Mr Michael Bosworth and Mr Len Merryweather, chairman and managing director of Sealink UK, travelled to Holland to meet representatives of the Dutch Zeeland Steamship Company which shares the service with the British firm.

A senior Sealink executive confirmed that their talks would explore the possibility Sealink ending its 90-year partnership with the Dutch company and withdrawing from the route.

Moves to cut jobs and costs on the loss making route led to a bitter strike at Harwich last year and national disruption to Sealink services at the height of the holiday season.

Yesterday there was a threat of renewed conflict as Sealink claimed that seamen based at Harwich, had refused to back plans to stem a £3m a year loss on the route.

The company claimed that of 450 ballot papers sent out in support of its proposals only 174 were returned. Although 158 of these voted in favour of Sealink's scheme, there was no guarantee that seamen and shore workers who boycotted the ballot would support the planned changes.

At the heart of the dispute is Sealink's plan to shed 130 jobs by replacing the ferry St George and her sister ship St Edmund with a single 14,000-ton Swedish ship.

The seamen's union claims it has already agreed to give up 100 jobs and bring in savings of £350,000 a year on the route. It also claims that at least 155 jobs will be lost under the new plans.

Seamen are due to hold a crisis meeting on board the St George today and officials hinted last night that immediate strike action was a possibility.

### US puts stress on deterrence

Washington (Reuter)—The White House, responding to press reports that the Pentagon is preparing for the possibility of a lengthy atomic war extending into outer space, said yesterday United States Policy was to deter nuclear conflict.

Mr Mort Allin, a White House spokesman, told a press briefing: "our policy is deterrence through strength."

## Ten MPs who left the House speechless



Ian Stewart Hitchin



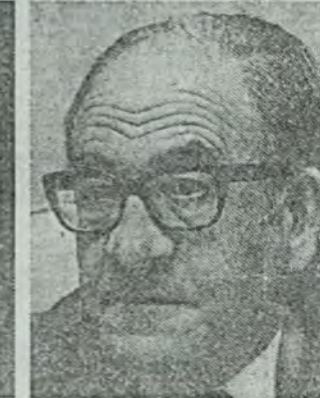
Raymond Mawby Totnes



Owen Carron Fermanagh, S. Tyrone



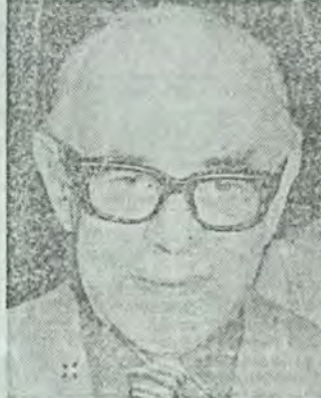
Michael O'Halloran Islington, N.



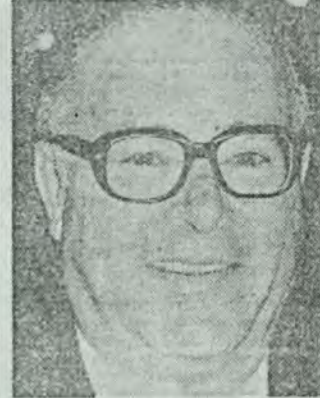
Frederick Mulley Sheffield, Park



Andrew McMahon Glasgow, Govan



Raymond Fletcher Ilkeston



Jack Dunnett Nottingham, E.



Sir Donald Kaberry Leeds, N.W.



John Parker Barking, Dagenham

By Anthony Bevins, Political Correspondent

Ten backbench MPs failed to record one spoken word in the Chamber of the House of Commons in the last session of Parliament, according to the official Index to the House of Commons Parliamentary Debates.

Three of those MPs are not mentioned at all in any of the 36 weekly Hansard indices which cover the period from November 4 1981, to October 28, 1982; indicating that they were not only silent, but that they also failed to ask any written Commons questions.

They were: Mr Owen Carron, The Anti-H Block MP for Fermanagh and South Tyrone, elected in a by-election in August, 1981, who has since failed to take his seat in the Commons; Mr Jack Dunnett, Labour, Nottingham, East; and Mr Raymond Fletcher, Labour, Ilkeston.

One former Cabinet Minister, the "Father of the House", and the only backbench MP promoted into the Government in Mrs Thatcher's latest shuffle, are among those who were silent in the Chamber, making no speech or asking any oral questions, during the session ending last October.

The remaining seven were: Sir Donald Kaberry, Conservative, Leeds, North-West, chair-

man of the Industry and Trade Select Committee, who also served as a chairman of standing committees; Mr Andrew McMahon, Labour, Glasgow, Govan, who asked about 100 written questions; Mr Frederick Mulley, Labour, Sheffield, Park, the former Secretary of State for Defence; Mr Raymond Mawby, Conservative, Totnes; Mr Michael O'Halloran, the Social Democrat member for Islington, North; Mr John Parker, Labour, Barking, Dagenham, the 76-year-old "Father of the House" who was first elected to Parliament in 1935 and has represented Dagenham since 1945; and Mr Ian Stewart, Conservative, Hitchin, the Chancellor of the Exchequer's former Parliamentary Under-Secretary at the Ministry of Defence this month. During the session, he is recorded as having asked one written Commons question.

### 100 written questions

A further 12 made no speeches in the Chamber, but the indices record that they did intervene to ask oral questions of ministers.

Those who were speechless in the Chamber include a former Prime Minister, Sir Harold Wilson, and another former Secretary of State for Defence, Mr Roy Mason.

The speechless dozen were: Mr Bernard Conlan, Labour, Gateshead East; Mr Ednyfed Hudson Davies, Social Democrat, Caerphilly; Mr Harold Gourlay, Labour, Kirkcaldy; Mr George Grant, Labour, Morpeth; Sir John Langford-Holt, Conservative, Shrewsbury, who was chairman of the Defence Select Committee until May 20, 1981; Mr Roy Mason, Labour, Barnsley, the former Defence Secretary, who was a member of the Shadow Cabinet until 1981; Mr David Mudd, Conservative, Falmouth and Camborne; Mr Keith Stainton, Conservative, Sudbury and Woodbridge; Mr Peter Tapsell, Conservative, Horcastle; Mr James White, Labour, Glasgow, Pollok, who put down one oral question during the year; Sir Harold Wilson, Labour, Huyton, the only former Prime Minister in the Commons who refrained from making a parliamentary intervention on the Falklands; and Mr William Wilson, Labour, Coventry, South-East.

Mr Mason asked nearly 100 written questions, but his only

recorded oral intervention, in the indices, was a point of order.

There are other MPs who were neither silent nor speechless, they include Mr Bryan Magee, Social Democrat, Waltham Forest, Leyton, made an 8-minute speech and a five-line Hansard intervention on the Films (Distribution) Levy on July 21, 1982; Mr Ralph Bonner Pink, Conservative, Portsmouth, South, a chairman of standing committees, made an 11-minute speech on July 1, 1982, and asked two written questions.

### More signs of neglect

Mr Robert Edwards, Labour, Wolverhampton, South-East, made a 15-minute speech on December 8, 1981, and asked three written questions. Mr Ernest Roberts, Labour, Hackney, North, and Stoke Newington, made a four minute speech on 25 June 1982, and asked a dozen written and oral questions. Mr Alan Fitch, Labour, Wigan, made one 13-minute speech on February 2, 1982 and asked seven written and oral questions.

The Chamber of the House is not the only forum for MPs. There are standing committees,

which vet and amend legislation; there are select committees, which monitor the departmental work of the executive and administration; there is constituency work, which is often carried out in direct correspondence with ministers; not to mention the party political work which may consume much MPs' time.

An MP's failure to put questions to ministers or to make speeches in the Commons Chamber does not mean that he or she is not attending to his constituency or other parliamentary work.

Analysis of Hansard indices gives no indication of an MP's diligence in attending the House for votes or for meetings, parliamentary or otherwise. Neither does it record whether an MP has been too ill to carry out a comprehensive parliamentary workload.

But there are some MPs who see increasing signs that the Chamber is being neglected in spite of the dramatic illustration of its power and influence during the Falklands campaign.

Index to the House of Commons Parliamentary Debates: HMSO; for weekly Hansard volumes 1220-1230, 50 pence each; for volumes 1231-1255, 65 pence each.

## Frank Johnson in the Commons Don't shoot - he's only the Home Secretary

Labour members fired a large number of shots at Mr William Whitelaw in a crowded part of London yesterday.

But, amid the ensuing screams and confusion, it became known that they had shot the wrong man. Mr Whitelaw was completely innocent. He was only an ordinary Home Secretary. Moreover, he was as confused and angry as anybody else about the fate that befell Mr Stephen Waldorf in Pembroke Road, west London, at the hands of the police last Friday.

For when Mr Whitelaw arrived to make a statement to the House about the incident he was wearing what we have come to regard as his confused and angry look. He has much experience of wearing it last year. That was the year in which a man was found in the Queen's bedroom - furthermore, a man other than the Duke of Edinburgh. Mr Whitelaw thus became the first Home Secretary to have to make several statements to the House explaining how such a thing could happen, the Home Secretary becoming more confused and angry the more statements he had to make.

This year has started even more disastrously. But Mr Whitelaw seemed determined to be just as dismayed and upset as the Labour Party about what happened last Friday. "Nothing like it must happen again", came his familiar bark.

### Willie-isms to the fore

Those lucid, forceful words came while he was reading from a prepared text. But, answering subsequent questions about the incident, he produced some of those more elliptical, more enigmatic, phrases with which he is associated and which have come to be known as Willie-isms. Thus, answering Mr Roy Hattersley's demand for an investigation other than the one being carried out by the Metropolitan Police themselves, Mr Whitelaw observed: "In the first instance, it must be correct to do what has always happened in the past".

That of course is the intellectual basis of all the more philosophical forms of Conservatism. Burke himself could not have put it better. But one had the impression that Willie was saying the first thing that came into his head. And who could blame him?

He was faced with a mass of devious questions designed less to elicit information about the tragedy than to undermine the police - and by implication himself.

At one stage, Mr Norman Atkinson, the left-wing Member for Tottenham, started firing at random. "A large proportion of the 4,000 cases to which the Home Secretary has referred (cases of police being issued with guns last year) are incidents in which the police broke and entered innocent people's homes during the early hours of the morning and, at gunpoint, threatened the occupants to get out of bed and have their homes searched."

### The long arm of the door keepers

Every London constituency represented by a Labour member had experienced such incidents, Mr Atkinson claimed. "Is it not time the Home Secretary came to the House and said he has the guts to stand up to the police and say: no more gun law from them?"

By now, many Labour members had got the taste for expressions of concern about the police in general. Some seemed to think things would be better if the Metropolitan force were under the control of the GLC: the Livingstone Cops.

Later, when Mr Whitelaw had gone, Mr Frank Allaun, of Salford East, produced further injustice. Some female peace demonstrators in the Central lobby had been handled roughly by the police, he complained, on a point of order. Whereupon, several women in the gallery shouted and were removed by the long arm of the doorkeepers. Several more were removed later in the day.

Let us hope that no home counties Conservative ladies in the gallery were seized by mistake. Mr Whitelaw can be expected to endure no further errors of judgment by law enforcement officers. Miss Jo Richardson, Labour member for Barking, sought an assurance from the Speaker that the detained women were being provided with tea and sandwiches. The Speaker, replying, said it was a serious offence to interrupt the proceedings of the House and no encouragement should be given to do so. So, with the New Year, society's injustices continued.

No 61,4

Let's ARGUE really all

FRANKS Report OUT.

### Right immig

Ministers of uniting Party in planned d ration rule instead Conservati opposition Commons defeat

### Grom

The US determining ing and Western would ne warnings Gromyko

### Princ

Prince E Prince C University College n archaeology history. S place is un

### Wate

The first avert the threatened employes Acas. Af said the st

### Video

Sanyo has make vide Britain a factory in imported expanding component

### Train

Train d rted for



Cabinet

Robin Butler

Pl. file under

Ministerial procedure

10 DOWNING STREET

From the Press Secretary

6 January 1983

Dear Peter

I have now had an opportunity to consult the Prime Minister on your generous offer to donate part of the proceeds of the programme you are making about her to a charity of her choice.

The Prime Minister very much appreciates your kind gesture and she would like to nominate the NSPCC.

On her behalf I would like to extend to you, Michael Gill and all your team very best wishes for 1983 and for a very successful production. We enjoyed working with you.

John Smith  
Bernard Ingham

BERNARD INGHAM

Peter Bevan Esq  
Cleve House  
BLEWBURY  
Oxon



10 DOWNING STREET

RTA's office informed

let them go ahead. 15/11

The value should be reviewed when the paper is reissued at the beginning of the next Parliament.

FERB

15/11

Value of Gifts / Presents

received by civil servants. Lindsay

Wilkinson, cabinet office, would like to

know if the new Questions of Procedure

can be sent for typing now or do you

want it to wait on a decision

whether or not the value will be

altered.

Gur

15/11/52

Cabinet Pt 2  
Questions of Procedure

MR. BUTLER

Acceptance of Official Gifts

Extracts  
from Cabinet Pt 2  
Questions of Procedure

1. As requested, I attach the main history/  
background.
2. The last time the limit was changed was in  
July 1980 from £30 to £50 at which it currently  
stands.
3. The RPI Index change since that time is as  
follows:-
 

July 1980 - July 1981	10.9%
July 1980 - July 1982	20.6%
July 1980 - Aug. 1982	20.6%
4. Questions of Procedure is due to be reviewed  
within the next few weeks but there is no intention  
at this stage to change the current £50 limit.

(A LOGAN)

Duty Clerk.

4 October, 1982.

1. History of limit in amount (value)  
of gift which a Member / Pp may  
accept - Question of Procedure. - including  
changes to limit.

2. The last time the limit was changed  
and a breakdown of the change in  
the Retail Price Index since that  
change

limit changed July 1980  
from £30 to £50.

3. When Question of Procedure is next  
likely to be raised, within  
next few weeks.  
Steel set at £50.

→ RPI % change

July 1980 - '81 10.9%

July 1980 - '82 20.6%

July 1980 - Aug 82 20.6%.

2.6 AA

MR MOWER

cc Mr Gow

PRESS ARTICLES BY CABINET MINISTERS

I mentioned to you that the Prime Minister has agreed that Mr Gow should encourage certain Cabinet Ministers to write some 'think-pieces' for The Times about the development of policy within their departmental responsibility.

These will be within the normal rules of procedure for Ministers, i.e. they will be articles about the work of their Departments. The rules require that, if any article contains material falling within the departmental responsibility of another Minister, that Minister should be consulted: in particular, anything touching on the prospects for the economy or with implications for public expenditure must be cleared with the Treasury.

We discussed and agreed that I should not write round to Private Offices about these articles, in case such a letter should leak. Instead we agreed that you would contact the Press Office of each Minister approached by Mr Gow and ensure that the rules were understood and would be observed.

Please will Mr Gow let you or me know when he has approached each of the Ministers concerned, so that these arrangements can be put in place.

F.R.B.

26 August 1982

AA

Prime Minister

Agreed Yes

But John <sup>of Ian Gow</sup> 2 1  
Baker & David Howell  
can both write widely -  
also ~~the~~ Nigel Lawson.

Articles by Ministers <sup>But economics</sup>  
<sub>affects all of them.</sub>  
<sub>not</sub>

Wilkie Rickett has told me the background to the  
attached, viz. that you and Ian Gow are thinking of  
Ministers' contributing think-pieces to The Times on  
the development of policy.

The short point is that it is within the  
present rules for a Minister to write occasional  
articles on policy within his departmental responsibility. If  
on any general basis Ministers wrote articles going  
more widely than their departmental responsibility it  
would require a change in the rules, which I think  
that you would have to announce in view of your  
answer to Arthur Lewis quoted in the minute below.

But Ian tells me that you are thinking of the  
former - i.e. articles on subjects within departmental  
responsibility - and, if so, no extension of the rules arises.  
I attach Ian's list of Cabinet Ministers who, in his view,  
could write good articles. He has it in mind to suggest to  
Charles Douglas-Home that, if he approached these Ministers, he  
can expect to get a sympathetic response and to tell the Ministers  
that, if they agree to write such an article, they would have your support.  
Agree? FERB 25.8.



10 DOWNING STREET

1. GEOFFREY HOWE.
2. KEITH JOSEPH
3. JOHN NOTT (HE WROTE  
IN THE TIMES LAST MONTH)
4. JOHN BIFFEN
5. DAVID HOWELL
6. NORMAN FOWLER
7. NIGEL LAWSON
8. ARTHUR COCKFIELD.
9. FRANCIS PYN (SOMEONE  
ELSE COULD WRITE HIS  
ARTICLE FOR HIM).

25/8/1952





Ref. A09337

MR. RICKETT

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Questions of Procedure for Ministers

You asked for advice on whether paragraphs 108-110 of the present Questions of Procedure for Ministers should be interpreted as precluding the contribution of an occasional series of articles by senior Ministers to The Times on the broad philosophy and policies of the Government.

2. These paragraphs, copy attached, follow the practice of previous Administrations and there has been no recent change in the advice given to Ministers on the question of contributing articles to the press (or, indeed, on the question of accepting fees). As you may be aware, Questions of Procedure for Ministers has been undergoing revision, but the revised draft which will shortly be submitted to the Prime Minister will not contain any changes of substance on this subject. It will merely make the advice on writing articles about the work of Ministers' Departments more permissive and would not constitute a significant change in practice.

3. As for interpretation, it is clear that a series of articles of the sort you suggest would go beyond the strict confines of a Minister's Departmental responsibility and beyond the spirit at least of the exceptional procedure envisaged in the latter part of paragraph 109. Perhaps more importantly it is likely that such articles would be generally seen as a clear breach of the long-standing practice which has been specifically reaffirmed in unambiguous terms by the Prime Minister as recently as 25 June this year in a Written Answer to Mr. Arthur Lewis:

"The rule under this Administration remains that Ministers are precluded from the practice of journalism and from regular journalistic activities but may contribute to a journal or newspaper for the purpose of supplementing other means of informing the public about the work of their Department. They do not accept payment for such writings".

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4. You may wish to be aware that a similar suggestion has been considered at least once before, in 1973, when the advice of the Secretary of the Cabinet against a change in practice was largely accepted although there was some extension of the latitude of the permitted exception covering articles about the work of a \_\_\_\_\_ Department (paragraph 7.12 of the Precedent Book refers). I am sure that Sir Robert Armstrong would himself wish to offer advice if a revision of this rule was once again to be contemplated.

A handwritten signature in blue ink, which appears to read 'R. P. Hatfield'.

R. P. HATFIELD

25th August, 1982

CONFIDENTIAL

*Press articles*

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

109. Ministers invited to contribute to a book, journal or newspaper (including a local newspaper in their constituency), for the purpose of supplementing other means of informing the public about the work of their Department are not debarred from making such a contribution, provided that publication will not be at variance with their obligations to Parliament and their duty to observe the principle of collective Ministerial responsibility. Such contributions should however be made sparingly. In cases of doubt, and in all cases where a Minister is contemplating the contribution of an article going beyond the strict confines of his or her Departmental responsibility, the Prime Minister should be consulted, preferably before work has begun and in any case before any commitment to publish is entered into. In all cases where an article contains material which falls within the Departmental responsibility of another Minister, that Minister must be consulted. Ministers should not accept payment for such writings.

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

*Books*

111. Ministers may not, while in office, write and publish a book on their Ministerial experience.

*Party publications*

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

*Interviews*

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

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

*in market  
opinion  
surveys, or*

*Royal Commissions*

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

FROM THE PRIVATE SECRETARY



HOUSE OF LORDS,  
SW1A 0PW

22nd June, 1982

Willie Rickett Esq.,  
Private Secretary to  
The Right Honourable  
The Prime Minister,  
10 Downing Street,  
London, SW1.

*Gave clearance by  
phone to  
23/6.*

*Dear Willie,*

Broadcast Interview

Professor Bannerman, a professor at Indiana University, is on a six-month sabbatical in this country studying the English criminal justice system, with the intention of writing and producing a series of documentary programmes for radio to be broadcast nation-wide in the United States. He has asked if he might interview the Lord Chancellor, and record the interview for broadcasting.

The Lord Chancellor is in principle content to give him such an interview, but since it is for broadcasting he would be glad to know whether the Prime Minister has any objection. I understand that Mr. Mayhew, the Minister of State at the Home Office, has already given Professor Bannerman such an interview, presumably with the approval of the Prime Minister, so I imagine that she has no objection. Nevertheless I would be grateful for your confirmation of this.

*Yours sincerely,  
Michael Collon*

M.H. Collon

Faint, illegible text, possibly bleed-through from the reverse side of the page.

23 JUN 1982



*M*



FILE SW  
Cabinet

10 DOWNING STREET

*From the Private Secretary*

MR. WRIGHT  
Cabinet Office

I have seen Sir Robert Armstrong's letter of 13 April to Sir Wilfrid Bourne about the Lord Chancellor's intention to set up a Committee to review the procedure of the courts in matrimonial cases.

This is just to say that Clive Whitmore has already shown Sir Wilfrid's letter to the Prime Minister, and she has noted what is proposed without comment.

I am copying this to Jeremy Colman (Sir Douglas Wass' Office) and Diana Dalgliesh (Sir Wilfrid Bourne's Office).

W. F. S. RICKETT

13 April, 1982

B

C A Whitmore Esq



CABINET OFFICE

With the compliments of  
Sir Robert Armstrong KCB, CVO  
*Secretary of the Cabinet*

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



CABINET OFFICE

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

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

Ref. A08100

13 April 1982

Thank you for your letter of 7 April about the Lord Chancellor's intention to set up a Committee to review the procedure of the courts in matrimonial cases. I am grateful to you for drawing this to my attention. I agree that the financial and other consequences of recent legislation on divorce are matters which are increasingly the object of public interest. Paragraph 88 of Questions of Procedure does not specifically cover committees of enquiry presided over by members and judiciary, apart, of course, from Royal Commissions. But as this is a matter of considerable public interest, I think that it would be appropriate for the Prime Minister to be informed of what is proposed. Perhaps Clive Whitmore could look after that, on the basis of his copy of your letter to me.

I am sending copies of this letter to Douglas Wass and Clive Whitmore.

ROBERT ARMSTRONG

Sir Wilfrid Bourne KCB QC



HOUSE OF LORDS,  
S.W.1

*With the Compliments of the  
Permanent Secretary  
to the Lord Chancellor*



From Sir Wilfrid Bourne, K.C.B., Q.C.

HOUSE OF LORDS,  
SW1A 0PW

7th April 1982

163/256/04

2/

Cabinet

*From: Minister*  
*AK*  
*8/4/82*

*see Pt. 1*

The Lord Chancellor has it in mind to set up a Committee which might conceivably (though I think it probably does not) fall within paragraph 88 of "Questions of Procedure for Ministers" and in order to be on the safe side, I thought I had better write to you now.

Last December there was published a report by the Law Commission on the Financial Consequences of Divorce (Law Com. No. 112) in which the Commission recommended, among other things, a review of the procedure of the courts in matrimonial causes. The Lord Chancellor accepted this recommendation and wishes the review to be conducted by an ad hoc Committee.

His intention is that the Committee should be presided over by a High Court Judge (he would like Mrs. Justice Booth to undertake this task) and that the membership should include a Circuit Judge, a Registrar, representatives of the Bar and the solicitors' profession and a substantial lay element with experience of probation and court welfare services, etc. The Terms of Reference he has in mind are something like this:-

"To examine the procedure and practice of the High Court and county courts in respect of proceedings under the Matrimonial Causes Act 1973, and to recommend reforms which might be made:-

Sir Robert Armstrong, K.C.B., C.V.O.

- (a) to mitigate the intensity of disputes;
- (b) to encourage settlements; and
- (c) to provide further for the welfare of the children of the family,

having regard to the desirability of achieving greater simplification and the saving of costs."

Obviously, the proposed Committee would deal mainly with technical matters of court procedure; the nature of the subject is, however, such that it may attract a certain amount of public interest. Even so, I would not myself have thought that it did fall within paragraph 88; nevertheless, I have thought it right that you should know of the Lord Chancellor's proposal in case you think I should take any more formal steps on the Lord Chancellor's behalf.

I am sending copies of this letter to Douglas Wass at the Treasury and Clive Whitmore at No. 10.

J.W. BOURNE

**CONFIDENTIAL**

*Mr.*  
*Cabinet.*

Cabinet Office  
70 Whitehall  
London SW1

17 March 1982

PS(82) 8

Dear Private Secretary

Security of Ministers Travelling Overseas

Section VI of Questions of Procedure for Ministers (C(P)(79) 1) sets out the procedure which Departments should observe in planning Ministerial visits overseas. In particular, it emphasises the importance of early consultation with the Foreign and Commonwealth Office.

I should be grateful if all Private Secretaries would ensure that these established procedures are fully observed, in particular so that appropriate measures can be taken to ensure the security of Ministers travelling overseas. The procedures require that when Departments seek the Foreign and Commonwealth Secretary's approval for overseas visits they should at the same time provide full details of the Minister's proposed travelling plans. If this is done, the security aspects of the proposed visit can be assessed at the same time as political approval is considered.

It is particularly important that the Foreign and Commonwealth Secretary should be consulted as early as possible about proposed Ministerial visits overseas. This will not only give the FCO time to consult the relevant posts abroad, but it will also allow sufficient time for alternative travel arrangements for a visit to be made if the Foreign and Commonwealth Secretary has to advise against the proposed plans for security reasons. The security grounds for advice will be given, and, where possible, some indication of the degree of risk. It is, of course, the responsibility of the individual Minister to decide whether to accept or reject such security advice and, in the light of the advice received from the FCO and the appropriate political clearance, responsibility for the practical arrangements rests with Ministers' own Departments.

Departments may like to note that the Security Section of the FCO's Protocol and Conference Department (Colonel P A W G Durrant, tel no 233 5037) is responsible for consulting the Security Service and then advising the Foreign and Commonwealth Secretary on the security aspects of Ministers' travel overseas. I understand, however, that they are at the moment seldom being provided by Departments with sufficient details on which to base sound advice.

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Proposals for Ministerial travel overseas should always include the following details:

- (a) Destination.
- (b) Dates.
- (c) Name of airline, and if possible the flight number and timings.
- (d) Purpose of the visit and likelihood of advance publicity.
- (e) Such programme and accommodation details as may be available.

I am sending copies of this letter to the Private Secretaries to the Foreign and Commonwealth Secretary, the other members of the Cabinet, the Chief Whip and the Law Officers. I should be grateful if those Private Secretaries could draw my letter to the attention of all Private Offices in their Departments.

Yours sincerely

(Signed) D J WRIGHT

DD

CONFIDENTIAL



DEPARTMENT OF HEALTH AND SOCIAL SECURITY  
ALEXANDER FLEMING HOUSE  
ELEPHANT AND CASTLE LONDON SE1 6BY  
TELEPHONE 01-407 5522 EXT

*From the Minister for Health*

D J Wright Esq  
Private Secretary  
Cabinet Office  
70 Whitehall  
London  
SW1

16 March 1982

*Dear David*

Thank you for your letter of 15 March. I can confirm that Kenneth Clarke QC MP has taken over all current Cabinet and Committee documents issued to Dr Gerard Vaughan MP prior to 5 March 1982, and that all such papers not in current use have been disposed of in accordance with standing instructions.

I am copying this to Peter Waller at Department of Trade and Clive Whitmore at No 10.

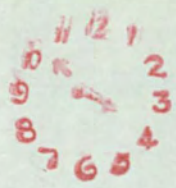
*Yours ever*

*Bob Vennings*

R W D VENNING  
Private Secretary

*Wh  
17/3*

77 MAR 1982





MO 8/14

MINISTRY OF DEFENCE  
MAIN BUILDING WHITEHALL LONDON SW1

Telephone 01-830 7032 218 2111/3

3rd March 1982

Dear Michael,

ml

You will recall that you wrote to me on 20<sup>th</sup> January about the Rayner Scrutiny carried out into the functions of the Claims Commission. You indicated that the Prime Minister had expressed an interest in this study and I am writing to let you know the outcome.

The proposals for contracting out to commercial insurance MOD claims work in the areas of motor accidents and employer's liability in the UK stem from a detailed comparison which followed on from the original Rayner Scrutiny Report of 1980. This involved tendering action with four leading firms of brokers. When the tenders were compared with the costs to the Exchequer of operating the Claims Commission as it is now, there were shown to be clear financial and administrative advantages in entering the commercial field. The most advantageous option, involving the transfer to full insurance of the two areas of work using two separate firms of brokers to handle our business, will throw up a total anticipated saving to the Exchequer, over a ten-year period, of some £11.4M, of which some £5.7M would fall to the Ministry of Defence. These savings include a reduction of 79 non-industrial staff posts over a three-year period.

With these worthwhile savings in mind, MOD Ministers have decided to implement the proposals from 1st April. This decision will have some impact upon the long-standing principle that the Crown does not (save in very exceptional circumstances) insure its risks; and because of this question of principle involved we have taken steps to inform the Public Accounts Committee of what is involved. Mr Geoffrey Pattie has also written to Sir Derek Rayner, letting him know how the study originally conducted under his sponsorship, has turned out. The Treasury have raised no objection to the scheme.

Useful savings in public expenditure will be achieved by the implementation of these proposals and our Ministers do not rule out their extension into other fields when we have had some experience of the working of the new arrangements in the claims area. It is possible also that other Ministries

M C Scholar Esq





may wish to participate in the arrangements we are making, at a later point. Our officials are, therefore, making sure that other Departments are kept informed.

It is proposed to announce the arrangements by means of a PQ on Friday 5th March, followed by a Press briefing. Copies of this letter go to Terry Mathews (Chief Secretary's Office), Nicholas McInnes (Department of Trade), Miss J Sullivan (Private Secretary to Sir Derek Rayner) and to David Wright (Cabinet Office).

*Yours sincerely*

*Nick Evans*

(N H R EVANS)

MAR 1932



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

COMMISSIONER



*cabinet 288*  
*cc: B. Ingham*

10 DOWNING STREET

*From the Private Secretary*

MR. WRIGHT

CABINET OFFICE

Thank you for your minute of 22 February, with which you enclosed a draft revision of paragraph 105(d) of Questions of Procedure for Ministers.

I have consulted the Prime Minister about this revised draft. She has approved the draft, subject to the deletion of "or to correct a misunderstanding" at the end of the first sentence; and of "overall" in the last line of the paragraph. I should be grateful if you would in due course circulate a corrigendum to Questions of Procedure for Ministers to take account of this change.

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

M. C. SCHOLAR

*CS*

26 February 1982



Prime Minister

(1)

Bernard is content

with these revised paragraphs  
and thinks them sufficiently  
encouraging.

Content for Questions of Procedure

Ref. A07578

MR SCHOLAR

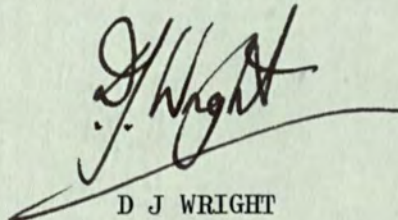
CF  
PP<sup>2</sup> PL  
as amended M/S  
of 24/2

Presentation of Economic Policy: Questions of Procedure <sup>to be amended</sup>

accordingly?  
M/S 24/2

Your minute of 17th February, contained a draft revision of paragraph 105(d) of Questions of Procedure for Ministers. This was to meet the Prime Minister's wish to give more encouragement to Ministers to take every opportunity to present the Government's economic policy through radio and television programmes.

I have consulted Sir Robert Armstrong about this revised draft. He has said that he is content for the paragraph in question to be amended to meet the Prime Minister's wishes but has made a number of changes to the draft contained in your minute. I attach a copy of this revised draft and should be grateful if you could let me know whether you are content with it. We can then in due course circulate a corrigendum to Questions of Procedure for Ministers to take account of this.

  
D J WRIGHT

22nd February 1982



## REVISED DRAFT

"When Ministers are invited by the broadcasting authorities to give interviews or otherwise take part in radio and television programmes (whether news bulletins or magazine or feature programmes) they should as a rule respond positively, subject to their being satisfied that they will be given an adequate opportunity to explain Government policy and measures ~~(or to correct a misunderstanding.)~~ In the interests of effective co-ordination of the presentation of Government policies, Ministers should ensure that No 10 Press Office is informed of their intentions. This will enable them to use broadcasting opportunities to best advantage and to avoid duplication with colleagues. The Chief Press Secretary at No 10 is available to advise and help Ministers in securing their ~~overall~~ objective of propounding Government policies."

CONFIDENTIAL

Cabinet



From the  
Minister of State  
for Consumer Affairs

DEPARTMENT OF TRADE  
1 VICTORIA STREET  
LONDON SW1H 0ET

TELEPHONE DIRECT LINE 01 215 5662  
SWITCHBOARD 01 215 7877

JW  
B-

D J Wright Esq  
Cabinet Office

17 February 1982

Dear Wright,

Thank you for your letter of 15 February. I can confirm that Mrs Oppenheim has not taken away any Cabinet or Cabinet Committee papers and that we are arranging for the disposal of those documents no longer required for current use.

As requested I have passed on to Mrs Oppenheim the summary of the recommendations of the Radcliffe Report on Ministerial Memoirs.

I am copying this letter to Clive Whitmore at Number 10.

Yours sincerely  
Peter McCarthy

PETER McCARTHY  
Private Secretary

CONFIDENTIAL

118 FEB 1982

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Top copy a  
Strategy Pt 13  
Cabinet

10 DOWNING STREET

From the Private Secretary

MR. WRIGHT  
CABINET OFFICE

Presentation of Economic Policy: Questions of Procedure

The Prime Minister read with interest Sir Robert Armstrong's minute to me of 26 January, together with a note from Mr. Ingham of 27 January (copied to yourself).

The Prime Minister believes that the relevant paragraphs in "Questions of Procedure for Ministers" need redrafting. She thinks that the general tone of these paragraphs is restrictive, "so much so that one is quite surprised to find encouragement at the end of paragraph 105(d)ii."

We have had a go here at redrafting so as to meet the Prime Minister's wishes. It seemed to us that paragraphs 101-105(c) did not need any change; nor do paragraphs 106-107. We concentrated our attention on paragraph 105(d), and suggest the following:

"(d) The broadcasting authorities invite whom they please, including Ministers, to be interviewed on radio and television. Ministers should generally respond positively to requests, subject to their being satisfied that they will be given an adequate opportunity to explain Government policy and measures or to correct a misunderstanding. This applies to invitations to give interviews for both news bulletins and magazine and feature programmes.

In the interests of effective co-ordination of the Government's presentational effort, Ministers should ensure that No. 10 Press Office is informed of their intentions. This will enable them to deploy their broadcasting to best advantage and to avoid duplication with colleagues. The Chief Press Secretary is available to advise and help Ministers to secure their overall objective of propounding Government policies."

I should be grateful if you would let me have advice on what the next step should be.

MS

17 February 1982



MR SCHOLAR

Top Copy a  
Strategy Pt B

PRESENTATION: PROCEDURE FOR MINISTERS

You asked me to have a shot at a re-draft of the above to make the existing guidance more positive.

I do not believe paras 101 to 105(c) inclusive require attention or for that matter paras 106 to 107.

We need therefore to concentrate our attention on para 105(d) which the Prime Minister identified as requiring particular treatment. I do not accept that the present wording is - or intended to be - restrictive but it might be expressed more positively and the suggested revision below seeks to do that. I think the best way of doing this is to end the distinctive treatment of news and magazine and feature programmes and to offer general advice which is more in line with current practice in any case.

The suggested re-draft is:

"(d) The broadcasting authorities invite whom they please, including Ministers, to be interviewed on radio and television. Ministers should generally respond positively to requests, subject to their being satisfied that they will be given an adequate opportunity to explain Government policy and measures or to correct a misunderstanding. This applies to invitations to give interviews for both news bulletins and magazine and feature programmes.

"In the interests of effective co-ordination of the Government's presentational effort, Ministers should ensure that No 10 Press Office is informed of their intentions. This will enable them to deploy their broadcasting to best advantage and to avoid duplication with colleagues. The Chief Press Secretary is available to advise and help Ministers to secure their overall objective of propounding Government policies."

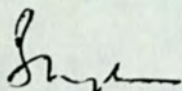
The suggested re-draft offers more positive encouragement while at the same time safeguarding No 10's essential co-ordinating function. We could soon be in potentially serious trouble if we

were not informed of Ministers' activities. There is a distinction to be drawn between news and magazine and feature programmes but not in terms of Ministers' approach which should be uniformly positive. The distinction is catered for by the proviso that they should be satisfied that they have an adequate opportunity to explain policy and by the requirement to inform No 10 to avoid duplication.

Although Departments at present feel under less compulsion to let us know of Ministerial news broadcasts, we really do need to know of them - especially on Tuesdays and Thursdays when the Prime Minister is answering Questions.

I believe the suggested re-draft will accentuate the positive while preserving co-ordination.

If it is accepted, I shall have to re-instruct Heads of Information. This in itself could be useful in emphasising the need to respond positively to requests for interviews.



B. INGHAM

15 February 1982

Loagn

Do you retain  
this sort of  
thing



ADJ 16/2

CABINET OFFICE

With the compliments of  
Sir Robert Armstrong KCB, CVO  
*Secretary of the Cabinet*

C. A. Whitmore, Esq

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

CONFIDENTIAL



AW  
16/2

CABINET OFFICE

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

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

Ref: A07496

15th February 1982

There are two matters which arise from your Minister's resignation to which I should draw your attention.

When Ministers leave office, the practice is, as you will know, for them to leave for the use of their successors the copies of any memoranda or minutes of the Cabinet and its Committees that were issued to them. Papers which are no longer in current use should be destroyed. I should be grateful if you would, therefore, confirm that Mrs. Oppenheim has not taken away any Cabinet or Cabinet Committee papers.

I should also be grateful if you would arrange for the disposal of any Cabinet and Cabinet Committee documents no longer required for current use. May I remind you that the destruction of all Secret and Top Secret documents should be supervised by two individuals, both of whom sign the destruction certificate.

Ministers leaving the Government should also be reminded of the recommendations of the Radcliffe Report on Ministerial Memoirs. For this purpose I am enclosing a copy of the summary of the Report for you to pass on to Mrs. Oppenheim.

I am copying this letter to Clive Whitmore at No. 10.

**D. J. WRIGHT**

D. J. Wright

P. McCarthy, Esq.



10 DOWNING STREET

Bernard

Top Copy  
on Saturday  
Pt 13

Would you like to have a  
go at a redraft? (sorry to  
have held this up).

To preserve the mistics  
sh<sup>dnt</sup> I then propose y<sup>r</sup>  
draft to Rob<sup>r</sup> Armstrong?

MUS 5/2

MR SCHOLAR

cc Mr D Wright

PRESENTATION OF ECONOMIC POLICY: QUESTION OF PROCEDURE

You asked me for comments on Sir Robert Armstrong's minute of January 2<sup>nd</sup> on the above.

There are two aspects to this:

1. 'Question of Procedure of Ministers' (with which Sir Robert deals); and
2. Supplementary Guidance.

First, Procedure of Ministers. As Sir Robert says, there is nothing in this to discourage Ministers from participating. Indeed, the whole tenor is positive rather than negative. And I can assure you that the attitude of myself and No 10 Press Office is positive - and much more positive than <sup>in</sup> previous Governments I have known!

So far as the distinction between news bulletins and magazine programmes is concerned, we expect Ministers (as does "Questions of Procedure of Ministers") to take every opportunity to hammer home news announcements, policy developments, measures, statements, reacting to events etc. But Sir Robert does not state positively enough the need for coordination with No 10 on magazine programmes. How can No 10 Press Office fulfil its co-ordinating function on a basis of ignorance?

How can we ensure that the Government's point of view gets over, in ignorance of the voices being raised on its behalf? How can we prevent 2 or 3 or 4 Ministers appearing counter-productively in one programme without knowing who has been asked? And how can we ensure that the right format is obtained - ie one which gives the Minister the best chance of getting over the Government's point of view? In short, I stress the importance of clearance of all bar radio and tv news appearances with No 10.

No-one is disputing this

M/S

He does  
back  
the continuation  
of this consultation  
and co-ordination  
by demand  
M/S

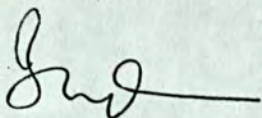
Second, Supplementary Guidance. Angus Maude's letter to the Home Secretary, copied to Cabinet colleagues and others of February 21, 1980, (see Annex I, please ignore marginal notes) may well be the reason for any feeling that Ministers are discouraged from making radio and tv appearances. In fact that is not the intention. As the letter suggests the balance is a fairly fine one, but experience is against heated confrontation, especially in front of invited audiences.

I have already undertaken to raise the whole issue of the differentiation (which cannot be defended in logic) between radio "Any Questions?" and TV's "Question Time"; I will report as soon as possible.

Third, at risk of appearing negative, I must register my utter and absolute opposition to 'fly on the wall' radio and tv techniques, which Angus Maude's letter deals with. If anyone has any doubt, just pause and think about the consequences of the BBC's series on the police, featuring (devastatingly) Thames Valley Police.

#### Conclusion

I believe the tradition, rules and practices are essentially positive. I cannot sustain the argument that rules are always interpreted positively. But I can work to achieve positive interpretation. I had another go at my meeting of Chief Information Officers on Monday.



B. INGHAM

27 January 1982

Ref. A07241

MR SCHOLAR

CONFIDENTIAL

*We ought to redraft.  
The general tone is  
restrictive so much so  
that we are likely  
to be criticised  
in management  
end of 195 (a) in*

*Top copy on  
Strategy 13 (1)  
Prime Minister*

*Please see Bernard Ingham's  
note on this.*

*You will shortly be receiving a  
letter from Francis Pym on the other  
issues raised at the 20 Jan meeting.*

*Agree that Questions of Procedure*

Presentation of Economic Policy: Questions of Procedure

*Does not need amendment  
on this score?  
MS2*

In your letter of 20th January to John Kerr, recording the discussion which the Prime Minister had with a number of her colleagues about the presentation of economic policy, you said that the Prime Minister wished to make sure that the relevant paragraphs in "Questions of Procedure for Ministers" about TV and radio appearances did not discourage such appearances. You subsequently minuted Mr Wright asking for advice on this.

2. I attach a copy of the relevant paragraphs of "Questions of Procedure" (paragraphs 101 to 107). The category of broadcast into which any appearances designed to improve the presentation of Government policy would fall is that described in paragraph 105d, notably interviews for news bulletins and magazine and feature programmes. There is nothing in the instructions given in this paragraph which need discourage Ministers. Indeed, the instructions given both for appearances on news bulletins or on magazine programmes contain sentences encouraging Ministers to take every opportunity that presents itself to appear in such programmes. I do not think that the requirements that Ministers invited to appear on magazine and feature programmes should consult the Chief Press Secretary in No 10 is unreasonable: it gives Mr Ingham a chance both to encourage appearances and to coordinate them.

3. The only other general requirement in Questions of Procedure which affects Ministerial appearances is that which instructs Ministers to take care about how they refer to subjects which are the responsibility of other Ministers. This is particularly relevant to any consideration of improving the presentation of economic policy. But it is a requirement which must remain in order to ensure the proper coordination of Government policy, and it should not be an inhibiting



CONFIDENTIAL

requirement for non-Treasury Ministers who will in any case need guidance from the Treasury on what it is appropriate for them to say. The reactivation of the Lord President's Liaison Committee should provide a method of dealing with this requirement.

RA

ROBERT ARMSTRONG

26th January 1982

CONFIDENTIAL

proof copies of White Papers to be made available to the Lobby and the Upper Gallery shortly before copies are laid in the Vote Office. Chief Information Officers should also arrange through the Chief Press Secretary at No. 10, where appropriate, for their Ministers to be invited to brief the Lobby on White Papers.

### Speeches

101. Ministers cannot speak publicly only for themselves. In all cases they speak as Ministers: and the principle of collective responsibility applies. They should keep within the ambit of approved Government policy and should not anticipate decisions not yet made public. Ministers should exercise special care in referring to subjects which are the responsibility of other Ministers. Any Minister who intends to make a speech which deals with, or makes observations which bear upon, matters which fall within another Minister's responsibilities, should invariably consult that Minister.

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

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

### Broadcasts

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

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

- (a) Party political broadcasts on radio and television within the Government's quota are arranged through the Chief Whip acting on behalf of the Prime Minister.
- (b) Budget broadcasts (by the Chancellor of the Exchequer and a member of the Opposition in reply) constitute a special series of Party political broadcasts. These are arranged through the usual channels and agreed by the Chancellor of the Exchequer.
- (c) The broadcasting authorities may provide opportunities within the regular framework of their programmes for Ministers to give factual explanations of legislation or policies approved by Parliament, or to seek the co-operation of the public in matters where there is a general consensus of opinion. The Opposition have no automatic right of reply.

The British Broadcasting Corporation (BBC) may also provide the Prime Minister or a senior Cabinet Minister designated by her with

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

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

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

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

(i) Interviews for news bulletins. Each Minister has discretion to decide whether to accept an invitation to be interviewed for an item in a news bulletin. But the Minister should consider whether the proposed interview will provide an opportunity either to explain Government policy or to clear up a misunderstanding. Ministers should be ready to accept any such opportunity that occurs.

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

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

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

*Press articles*

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

109. Ministers invited to contribute to a book, journal or newspaper (including a local newspaper in their constituency), for the purpose of supplementing other means of informing the public about the work of their Department are not debarred from making such a contribution, provided that publication will not be at variance with their obligations to Parliament and their duty to observe the principle of collective Ministerial responsibility. Such contributions should however be made sparingly. In cases of doubt, and in all cases where a Minister is contemplating the contribution of an article going beyond the strict confines of his or her Departmental responsibility, the Prime Minister should be consulted, preferably before work has begun and in any case before any commitment to publish is entered into. In all cases where an article contains material which falls within the Departmental responsibility of another Minister, that Minister must be consulted. Ministers should not accept payment for such writings.

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

*Books*

111. Ministers may not, while in office, write and publish a book on their Ministerial experience.

*Party publications*

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

*Interviews*

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

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

or in market  
question  
surveys.

*Royal Commissions*

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



PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

21 February 1980

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

Dear Willie,

#### MINISTERIAL RADIO AND TELEVISION APPEARANCES

I have been examining with the Chief Press Secretary at Number 10 and Departmental Heads of Information the difficult presentational questions posed by 'confrontation' programmes on radio and television. This note sets out our conclusions and I hope that, as a Government, we can agree to accept them as guidelines for the future. It would therefore be helpful if you would circulate this note to your Ministerial team.

First, I should explain what we mean by confrontation programmes. Essentially, they are those programmes in which Ministers are invited to have a discussion with their 'shadows' or other party opponents, with or without an invited audience.

Over the last ten years or more, Governments have generally been against participation in such programmes. There are a number of reasons for this:

- they raise the status of the opponent and give him a platform he might not otherwise obtain;
- heated argument, which these programmes often produce, is not usually the best way of getting over the Government's policy; and
- confrontation, combined with audience participation, especially on television, is calculated more to entertain than enlighten.

The general disposition against such programmes is felt to have served Governments reasonably well. There are, however, counter-arguments. These are notably that:

- Ministers are in a strong position to win most discussions, and arguments tested in debate are likely to be found more persuasive;
- the audiences offered by radio and television are wider and more useful than those offered by other media; and
- a refusal to participate may leave the field to the Opposition, though this need not necessarily result.

/Our

Hon William Whitelaw CH MC MP (contd.) 21.2.80

Our objective, against this background, must be to secure the greatest advantage for the Government, and I agree with Chief Information Officers that some basic guidelines are required if this is to be achieved.

Accordingly, we are agreed that:

- there is little to be said for taking part in studio audience participation programmes and, as a general rule, members of the Government should not accept invitations to do so;
- it is a long-standing convention that Ministers do not take part in the BBC radio 'Any Questions?' programme and this should be maintained; this programme should be left to Backbenchers;
- some Ministers have already appeared on the BBC TV 'Question Time' programme and some have doubted the value of doing so; Ministers and their Chief Information Officers should examine very rigorously what advantage is likely to accrue to the Government from participation;
- phone-in programmes, whether involving direct discussion with the caller or answering queries posed by callers and put by a host - eg the Jimmy Young Show - are a different kettle of fish; these can provide Ministers with a useful means of scoring points and the Jimmy Young Show is felt to be particularly useful;
- as a general rule, Ministers should not confront Opposition spokesmen; it is, however, felt that there may be advantage for junior Ministers in arguing the Government's case in local radio or regional television political discussion programmes;
- there is a strong prejudice against 'fly on the wall' radio and television techniques; this includes a recent proposal by BBC Radio's 'Inside Parliament' to tape Ministerial briefing prior to an Oral Answer and the Minister's subsequent reaction; and against intercutting - ie the dissection of an interview and its edited interleaving with extracts from interviews with other people. This is seldom, if ever, helpful or balanced and should be avoided.

These guidelines do not, of course, absolve Chief Information Officers from securing the best possible deal for their Ministers. But they will be used by the Chief Press Secretary in co-ordinating day-to-day operations. He must, of course, be consulted as set out in 'Questions of Procedure for Ministers'.

I am copying this letter to Cabinet colleagues, Norman Fowler, Paul Channon and Sir Robert Armstrong.

*Yours ever,*  
*Angus Maide*

1e  
DRAFT REPLY TO SIR IAN TRETHOWAN, DIRECTOR-GENERAL, BBC

Thank you for your letter of July 20 about the practice of Ministers not to appear on BBC Radio's "Any Questions?", even though they do appear on BBC TV's "Question Time".

I am not aware that "Any Questions?" panels are hampered by the absence of Ministers. We have always regarded this programme as the preserve of Backbenchers who invariably give as good as they get.

I would be very reluctant indeed to upset the existing order which I think serves all those concerned, including Backbenchers, pretty well.

Subject a  
Econ Rd  
Shahary  
Pt 13

cc Ingham  
Duguid  
Vercher

BK

10 DOWNING STREET

cc LPO  
PEO  
CSO  
CO

From the Private Secretary

20 January 1982

R

Master set

Dear John,

The Prime Minister discussed this morning with the Chancellor, the Lord President, the Chief Secretary and the Paymaster General, the Chancellor's minute to her of 23 December on how to improve the presentation of economic policy.

It was decided to reactivate the Lord President's Liaison Committee on the longer-term co-ordination of the presentation of Government policy. This Committee might normally consist of the Lord President, the Paymaster General, the Chief Secretary, the Secretary of State for Employment and a representative of the Whips' office together with the Prime Minister's Chief Press Secretary; it would be for consideration whether there should also be a representative of the Conservative Research Department. It would be important for the Committee to meet regularly and look ahead to identify the message on which it was desired to concentrate attention over the coming week or weeks. The Committee would give careful attention to the need for close liaison with the Party. The Prime Minister would at regular intervals chair the Committee, so as to keep in close touch with its work. One of the tasks of the Committee would be to orchestrate the Government's presentation of a particular policy initiative: for example, if it were decided to put the emphasis for a particular week on our good trade performance, it would be necessary to ensure that there was not simply one speech by, say, the Secretary of State for Trade, but a continuing and sustained effort to get this message across, built around the Secretary of State's speech. Similarly, if it were, for example, desired to concentrate on the Government's policy of returning ownership of assets to the people, there should be a concerted effort - comprehending council house sales, the distribution of British Aerospace shares to its workforce, and the growth of share ownership schemes, together with other suitable candidates for this list. The reactivation of this Committee was not of course a substitute for a convincing presentation of individual policies by the responsible Departments. Departments had to be very careful to ensure that their presentation of their policies was clear and persuasive. Too much of the material currently produced lacked imagination as well as clarity; there was often little conviction in these presentations. The Committee should be able to help by subjecting to close scrutiny individual Departments' material.

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Beshaw  
unclike

/ The Prime Minister

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- 2 -

The Prime Minister said that it was also important to secure as much exposure as possible for Ministers on TV and radio, subject to an appropriate format being negotiated on each occasion. She would have a look at the relevant paragraphs in "Questions of Procedure for Ministers" to make sure that what was said here did not appear to be discouraging to such appearances. The Prime Minister said that she would like loose-leafed Briefing Notes for Government Ministers, which had been used during previous administrations, to be revived. She was also considering the possibility of detailing a junior Minister to work closely with her Chief Press Secretary. The Lord President was asked to consider this suggestion and to let the Prime Minister have his views both on this matter and on the membership of his Co-ordinating Committee.

I am sending copies of this letter to David Heyhoe (Lord President's Office), Keith Long (Paymaster General's Office), Terry Mathews (Chief Secretary's Office) and David Wright (Cabinet Office).

Yours sincerely,

Michael Scholar

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John Kerr, Esq.,  
HM Treasury

CONFIDENTIAL

Cabinet

file

MANAGEMENT IN CONFIDENCE

ds



10 DOWNING STREET

*From the Private Secretary*

20 January 1982

Claims Commission Study:  
Ministerial Responsibility

Thank you for your letter of 12 January about the upshot of the Rayner Scrutiny of the work of the Claims Commission.

The Prime Minister has noted with interest your conclusion that there may be financial advantage in transferring to commercial insurance claims within the United Kingdom in the areas of motor accident and employer's liability.

I am sending a copy of this letter to Terry Mathews (Chief Secretary's Office), Nicholas McInnes (Department of Trade) and David Wright (Cabinet Office).

M. G. SCHOLAR

N.H.R. Evans, Esq.,  
Ministry of Defence.

MANAGEMENT IN CONFIDENCE

M



Treasury Chambers, Parliament Street, SW1P 3AG

Michael Scholar Esq  
10 Downing Street  
London SW1

19 January 1982

*Dear Michael,*

CLAIMS COMMISSION STUDY: MINISTERIAL RESPONSIBILITY

As I told you on the telephone, the Treasury has no objection to the specific proposal in Nick Evans' letter of 12 January to you.

On the question of insurance versus "own risk", the Treasury does of course welcome any change which can be shown to secure economies in cost in the long run. We are aware of this proposal, and have had preliminary discussions about it with the Ministry of Defence. More information is required and, so far as we are aware, the Ministry are at present seeking this from the insurance companies. When all the facts are available, Treasury Ministers will be consulted, but until that time I cannot say that the change has Treasury approval.

*Yours sincerely  
Terry Mathews*

T F MATHEWS

Private Secretary

20 JAN 1968



Резюме Справочка: Бюджетный список №116 370



CF pl get me x

MANAGEMENT IN CONFIDENCE Prime Minister

2

MUS at flap of Part 1 file



MINISTRY OF DEFENCE To note MUS 15/1  
MAIN BUILDING WHITEHALL LONDON SW1  
Telephone 01-~~900 7022~~ 218 2111/3

MO 2/4

12th January 1982

Dear Michael,

CLAIMS COMMISSION STUDY: MINISTERIAL RESPONSIBILITY

I am writing to inform you of an interesting situation that has arisen in the context of paragraph 74 of "Questions of Procedure for Ministers (C(P)(79)1)", which deals with the position of Ministers who are "names" at Lloyds.

A Rayner Scrutiny conducted in this Department in early 1980 examined the work of the Claims Commission, which acts as the MOD's "insurance company" and processes common-law claims to the value of about £11M per year both for this Ministry and other Government Departments. The Study Report, endorsed by Ministers in July 1980, recommended that a detailed costing exercise should be undertaken to compare the full costs of the present system with competitive quotations from the insurance industry for the bulk of the Commission's work in the areas of motor accident and employer's liability claims.

This exercise has now been completed. It suggests that there would be financial advantage in transferring to commercial insurance claims in these two categories arising within the United Kingdom. Subject therefore to the completion of final consultations we expect shortly to be considering a proposal that negotiations with the insurance industry should take place early next year with the aim of awarding a contract to a selected broker or brokers as from 1st April 1982.

Mr Wiggin, to whom as Under Secretary of State for the Armed Forces, Claims Commission matters would normally fall in the general division of departmental responsibilities, has felt that it would not be right for him, since he is a member of Lloyds, to become involved with this exercise; and similar considerations preclude Mr Blaker from taking back this part of the responsibilities that he has delegated to Mr Wiggin. My Secretary of State has therefore agreed, exceptionally, that Mr Pattie should, with immediate effect, assume responsibility for all Claims Commission matters. This will

Michael Scholar Esq

MANAGEMENT IN CONFIDENCE



mean that Mr Blaker and Mr Wiggin will have no part in the decision whether or not to go for commercial handling of claims.

I am copying this letter to Nicholas McInnes (Trade) and David Wright (Cabinet Office).

*Yours sincerely*

*Nich Evans*

(N H R EVANS)

CONFIDENTIAL

File A44



ces. Ministers in charge  
depts

10 DOWNING STREET

+ CO  
Tsy  
Tsy S

FPC  
LA/FCO

From the Principal Private Secretary

21 December, 1981

Cabinet

Dear Jim,

LEGAL ADVICE

The Prime Minister has seen the Attorney General's minute of 14 December 1981 and she has indicated her general agreement with his views on the provision of legal advice.

I am sending copies of this letter to the Private Secretaries to all Ministers in charge of departments, and to the joint Heads of the Civil Service, the Treasury Solicitor, First Parliamentary Counsel, and the Legal Adviser to the Foreign and Commonwealth Office.

Yours ever,

Shirley Williams.

Jim Nursaw Esq.,  
Attorney General's Chambers.

CONFIDENTIAL

AK



01-405 7641 Extn 3201

Prime Minister

Words of wisdom from

the Attorney

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*[Handwritten initials]*  
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ROYAL COURTS OF JUSTICE  
LONDON, WC2A 2LL

*[Handwritten signature]*

14 December 1981

ALL MINISTERS IN CHARGE OF DEPARTMENTS

LEGAL ADVICE

I have been increasingly concerned of late about the treatment of advice from the Law Officers and related matters.

2. Problems occur most often where one or more of the Law Officers gives written advice to a Minister on a topic which later on has to be raised with other colleagues, or with Ministers generally for a collective decision. In such cases the substance of the advice often has to be passed on by any recipient, since we may well not be aware, when we give it, how wide a circulation might eventually be appropriate.

3. Normally what happens is that our advice is summarised in the ensuing Ministerial correspondence; and my present concern is that these summaries have recently been wrong, incomplete or misleading. This, of course, only makes for more work by way of correction and it can delay the policy-making process.

4. It is not surprising that problems occur when Ministers concerned may not be given our full advice. Some of the questions which are put to us are very complex and as a result it may be difficult or impossible to get the message across using other, and fewer, words than those we have used ourselves in giving our answers (which we have always kept as concise as possible, within the limits of a clear exposition).





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5. I suggest that in most cases this problem can be dealt with very simply, by annexing a copy of our advice to the relevant correspondence. This will not preclude a summary of the conclusions reached; and this will be much less prone to risk than now, since the detailed material will be available with it.

6. This suggestion is equally valid for correspondence signed by officials in this Department where such correspondence records the Law Officers' views. Where for reasons of urgency only verbal advice is given, wherever possible the Law Officer(s) or the official concerned in this Department should be consulted on the text of any Ministerial correspondence from other Departments which records that advice. Similarly - and this is important - any draft papers for collective discussion should be cleared with us if they deal with Law Officers' advice.

7. I believe that a similar difficulty may arise in relation to advice given by Departmental lawyers. There is no reason in principle why these guidelines should not apply also in respect of legal advice given within Departments, especially where Ministers are consulted by their officials on matters on which lawyers in their Departments have already expressed a view. While I recognise that suitable working arrangements to meet this difficulty are an internal matter, I do have an interest in that

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lack of them does not ease the Law Officers' task when a matter is subsequently referred to them.

8. There will be some, but I think few, cases where these guidelines will not provide an appropriate solution. The important factor is that it is very risky to attempt to summarise legal advice given by others if the full advice is not provided at the same time.

9. There have also come to my attention recently a number of important problems which "cried out" for advice from Departmental lawyers, where their help was either not sought at all or not sought as early as it could have been. In my view, it ought to be possible for senior officials to single out cases with a legal element with greater speed and consistency than appears to be the rule at present, and take advice from their lawyers accordingly. In this context may I remind colleagues of paragraph 23 of "Questions of Procedure for Ministers" (24 May 1979) which concerns the taking of advice from the Law Officers. If Departmental lawyers are not consulted at the proper time, it is unlikely that the Law Officers in their turn will be able to give the assistance expected of them when an issue comes their way.

10. This minute is sent to all Ministers in charge of Departments. It is also copied to the Joint Heads of the Civil Service, the Treasury Solicitor, First Parliamentary Counsel, and the Legal Adviser to the Foreign Office.

*M.H.*

17/12/81

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10 DOWNING STREET

*From the Private Secretary*

MR. WRIGHT

We have spoken about the processing of White Papers which are to be presented to Parliament in the name of the Prime Minister.

In recent months, we have twice found that, because no clear written guidance is available to Departments, the detailed arrangements for these White Papers can sometimes fall between several stools.

There is no easy way of ensuring that the procedures are correctly understood. At working level, officials may well find themselves handling such a White Paper only once, so that they are unable to rely on accumulated experience. It might, nevertheless, be helpful to make some reference to the procedures in "Questions of Procedures for Ministers". I have already checked that there are no existing instructions in the handbook available to Departmental Parliamentary Clerks.

The question might be covered by an additional paragraph in "Questions of Procedure" between the existing paras. 99 and 100. This might be on the following lines:

"From time to time, White Papers are laid before Parliament in the name of the Prime Minister. In all such cases, the lead Department on the policy issues concerned takes responsibility for the processing and distribution of the White Paper. This must be handled in close consultation with the Parliamentary Clerk at 10 Downing Street."

M. A. PATTISON

18 November 1981

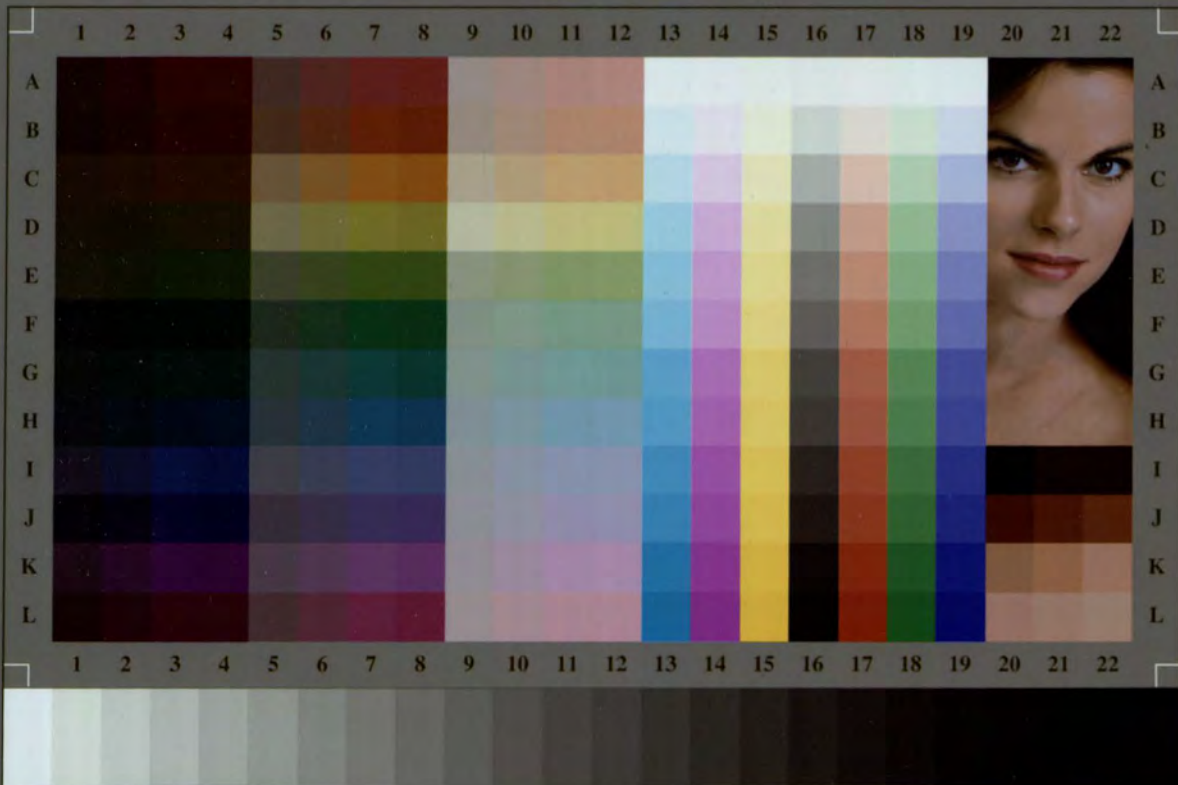
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PART 1 ends:-

30.9.87

PART 2 begins:-

18.11.87



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