48.06

MT

CONFIDENTIAL FILING

Richard Holt MP's libel action against "The Teacher" magazine

DOWNING STREET

March 1986

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
~~30.4.86~~							
~~16.5.86~~							
22.5.86.							

PREM 19/1700

Dd 8398366 2M 11/83 JET

TREASURY SOLICITOR

Noted to see

her Question

With the Compliments of

The Treasury Solicitor

CF

THE TREASURY SOLICITOR

Queen Anne's Chambers
28 Broadway London SW1H 9JS

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Messrs Penningtons
99 Aldwych
LONDON WC2B 4LJ

Please quote L86/1444/RADJ
Your reference DHK
Date 22nd May 1986

Dear Sirs

HOLT -v- THE TEACHER PUBLISHING COMPANY LTD AND OTHERS

Will request if required

I write in respect of your letter dated 18th February 1986 to your client concerning draft paragraph (g) to paragraph 4 of the proposed Reply. The papers were passed to the Principal Private Secretary in the Prime Minister's Office who sought the Treasury Solicitor's advice. I must apologise for the delay in responding.

After long and careful consideration of your client's request for verification of the proposed paragraph (g) I regret that my instructions are that the Prime Minister's Office cannot assist with your client's action in the way he wishes. I am sure that you and your client will readily appreciate the reluctance of the Prime Minister's Office to place themselves in a position where members of staff might be called to give oral evidence about the internal workings of the Office.

I am sorry that I cannot be more helpful and, indeed, that it has taken so long to provide you with a negative response.

Yours faithfully

R A D JACKSON
for the Treasury Solicitor

Tim (o/r) - to see

Mr. Flesher

Noted, thank you.

N.L.W.

16.5.

Overline

& note

N.

MR. WICKS

RICHARD HOLT

You may be interested in the current state of play on Mr. Holt's libel action. I have now received the attached letter from Treasury Solicitors which is not altogether reassuring. But I do not see there is anything we can do about it.

I have been discussing the subject with the Chief Whip and Murdo, who raised the even more uncomfortable proposition that the Prime Minister might be called by a Defence which was out to cause mischief. You will recall that an attempt was made by Ron Brown MP to call the Prime Minister as a witness in rather different circumstances some time ago. We avoided this outcome by submitting written evidence.

Partly to sooth Mr. Holt and prepare him for the rejection of his request for assistance from No. 10, and partly to persuade Mr. Holt to drop all mention of the Prime Minister from his action, the Chief Whip saw him this week. He suggested to Mr. Holt that it would be a magnanimous gesture, given the end of the teachers' dispute, if he were now to drop his libel action. Mr. Holt seemed rather struck by this idea and undertook to discuss it with his solicitor. I am not entirely hopeful of a favourable outcome here, however, since Mr. Holt appears to believe that he will be able to get costs. If he proceeds with the action, the Chief Whip undertook to consider whether there was any further assistance which might be given which did not involve the Prime Minister, such as a written answer from DES.

The chances of avoiding unpleasantness seem reasonably good. The Chief Whip's ministrations seem to be inducing somewhat more realism in Mr. Holt's approach. I suggest, however, that we maintain our guard against giving the slightest indication that we are prepared to get involved.

N

Timothy Flesher

16 May 1986

DG2BBQ

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T Flesher Esq
Private Secretary
Prime Minister's Office
10 Downing Street
LONDON SW1A 2AA

Please quote L86/1444/RADJ
Your reference
Date 13th May 1986

Dear Mr Flesher

MR RICHARD HOLT'S LIBEL ACTION

Thank you for your letter of 30th April 1986 on which I consulted Duncan Watson last week.

I fully appreciate what you say in your letter and it will, indeed, be my intention to resist vigorously any subpoena served on a member of staff in the Prime Minister's Office. As I have said, I believe that the chances of setting aside such a subpoena are higher if the proposed paragraph is not included in Mr Holt's Reply. Nevertheless, I cannot rule out the possibility that a subpoena might be served if this matter ever came to trial whether or not such a paragraph is included.

There are no legal means whereby Mr Holt can be prevented from including a paragraph in his Reply, even the original version which refers directly to verification by the Prime Minister's Office.

In accordance with your instructions, I shall now write to Mr Holt's solicitors stating that you cannot assist with his action in the way he wishes. Hopefully, Mr Holt will not go ahead and include an unverified paragraph. If his legal advisers consider that the point is crucial to his case, we may yet hear from them again.

I am copying this letter to John Coleman, Legal Adviser at the DES.

Yours sincerely

R A D JACKSON

c.c. J E Coleman Esq

DOWNING ST: R. HOLT MP March, 1956

file
CCMA

10 DOWNING STREET

From the Private Secretary

30 April 1986

You ought to be aware of a difficulty we have had in relation to Mr Richard Holt MP and a libel action which he is bringing.

In May last year Mr Holt rang this office to give notice that, since he was on the Order Paper for Prime Minister's Questions, he would be asking a question about the action taken by teachers at a school near his constituency in which they left the Headmaster to cope on his own with the handicapped children for which the school provided. Subsequently we checked the position via the DES and the Prime Minister's reply was based upon the information which we received. I attach the Hansard of the exchange.

Subsequently there was a dispute between Mr Holt and the local NUT about the facts of the matter. This culminated in an article in the magazine "The Teacher" in which Mr Holt was accused of giving a false impression and leading the Prime Minister into giving an untrue response. Mr Holt subsequently decided to sue the magazine and the authors of the article for libel.

In the course of this action Mr Holt's solicitors have approached this office to strengthen his side of the case by the assertion that the facts set out in the exchange between Mr Holt and the Prime Minister were independently verified by No. 10. The first and relatively minor problem was that we had no independent source of information other than through the DES and the local education authority. The second and much

more difficult problem is that if Mr Holt's solicitors place in their formal evidence before the court a formula along the lines which he is suggesting there is a significant possibility, which Treasury Solicitors have confirmed, that a member of No 10 staff will be called to give evidence on the internal workings of this office. I think we can assume this is all the more likely since the NUT lawyers would probably be more interested in causing embarrassment than in seeking the truth.

We do not consider this risk to be acceptable and we have therefore indicated to the Treasury Solicitors that they should turn down the request for help by Mr Holt's solicitors. The Prime Minister has agreed with this course of action. In view of the fact that we are in essence rejecting a request for help from a Government backbencher, however, I thought that we should draw this to the attention of the Chief Whip. It may be necessary at some stage for the Chief Whip, if he thinks it appropriate, to have a word with Mr Holt to explain the difficulties and discuss whether there is anything else we might do for him.

I should be happy to discuss this if you think it helpful.

T Flesher

Murdo Maclean Esq

and there will be a debate on the matter this afternoon. If I receive any requests for a meeting I will of course give them full consideration.

Rev. Martin Smyth: I welcome the Minister's response but will he recognise that the matter concerns not only the rest of the United Kingdom but has specific implications for job opportunities in Northern Ireland? Will he use his influence with his right hon. Friend the Minister to have such an agreement speedily implemented, for the good of all the textile industry?

Dr. Boyson: I realise, as does the hon. Gentleman, that the percentage of people employed in the textile and clothing industries in Northern Ireland is three times greater than in the rest of Britain and that is an important matter. If the hon. Gentleman is staying longer this afternoon, I suggest that he tries to catch your eye, Mr. Speaker, in the debate on the multi-fibre arrangement.

Mr. Bell: Does not the Minister realise that that answer is not acceptable to those who work in the textile industry in Northern Ireland? Does he not recognise that it would be socially intolerable to increase the existing pressures on employment in Northern Ireland through non-renewal of the multi-fibre arrangement? Will he give the House an assurance that he is prepared to fight his corner with the Secretary of State for Trade and Industry?

Dr. Boyson: Obviously, my right hon. Friend the Secretary of State and I put forward the views of Northern Ireland. But as the hon. Member for Belfast, South (Rev. Martin Smyth) knows, the decision is made by this Parliament and not just by Northern Ireland. Indeed, those hon. Members who are integrationists want the decision to be made by this Parliament. Consequently, this afternoon's debate will be the decisive factor.

PRIME MINISTER

Engagements

Q1. **Mr. Winnick** asked the Prime Minister if she will list her official engagements for Thursday 9 May.

The Prime Minister (Mrs. Margaret Thatcher): This morning I presided at a meeting of the Cabinet and had meetings with ministerial colleagues and others. In addition to my duties in this House I shall be having further meetings later today.

Mr. Winnick: If it is true that today the Cabinet decided to abolish or phase out the state earnings-related pension scheme, how can the Prime Minister justify 11 million people being swindled out of their right to be able to spend their retirement in comfort and dignity? How many of those 11 million people who will be adversely affected by the Cabinet's decision believed the pledges that were given at the time by her and her colleagues to the effect that the scheme would not be touched?

The Prime Minister: The hon. Gentleman must contain himself in patience. Today the Cabinet completed its consideration of the social security review. My right hon. Friend the Secretary of State for Social Services will now finalise the Green Paper, which is to be published following the Cabinet's decision. He hopes to be able to publish it and accompany it by a statement to the House soon after the Whitsun recess.

Mr. Holt asked the Prime Minister if she will list her official engagements for Thursday 9 May.

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

Mr. Holt: During her busy day would my right hon. Friend care to reflect on the fact that at the Endeavour school in Middlesbrough handicapped childre who are confined to wheelchairs are being abandoned by their teachers at lunch-time, in connection with the dispute, and that so-called professionals are causing great distress to both parents and children?

The Prime Minister: I believe that the information that my hon. Friend has given about the school in his constituency is correct. I understand that for a time the head teacher was trying to cope on his own but was unable to do so. I am amazed that the teachers should have taken this action, and my sympathy lies with the children, many of whom are in wheelchairs, and with their parents.

Mr. Steel: Is the Prime Minister aware that a very warm welcome awaits her on her visit to Scotland tomorrow? As we have just passed the 10th anniversary of her pledge to abolish the rating system, will she recognise that no announcement of temporary relief—however welcome—would be a substitute for redeeming that pledge?

The Prime Minister: As the right hon. Gentleman is aware, we have made some provision for temporary relief on domestic rates in Scotland—as was announced some time ago—amounting to about £90 million. My right hon. Friend the Secretary of State hopes to be able to make a further announcement to the House next week, which will help with commercial rates. We are also studying the longer-term reform of rates, and we hope to be in a position to make an announcement about that when the studies have been completed.

Mr. Michael Morris: Is my right hon. Friend aware that one of the reasons stated for the loss of the Bosporus bridge contract was the time taken to put together an aid and trade project? Is she further aware that although she returned from her highly successful visit to Sri Lanka three and a half weeks ago, we still await the result of the aid and trade negotiations on the Samanala-Wela dam?

The Prime Minister: When I was in Sri Lanka I announced a further aid package of £20 million for Sri Lanka, following the £115 million aid package that was given to enable the building and completion of the Victoria dam. My hon. Friend asked about the Bosporus bridge. The contract went the other way because the rival consortium gave heavy aid, not only for the bridge but for the road contract. We are still in contact with the Turkish Government and hope that we can rescue something from that contract.

Mr. Kinnock: The Prime Minister had what she quaintly called her rates summit at Chequers six weeks ago. Was it there that the decision was made to rush through a panic Bill for Scottish commercial rates relief, or did the decision come later, without the benefit of a seminar, but with the benefit of the knowledge that the right hon. Lady was going to a Scottish Tory party conference that is on the warpath?

The Prime Minister: The relief that has already been given to domestic ratepayers in Scotland has been very

file

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

30 April 1986

Thank you for your letter of 24 April about Mr Holt's libel action. I have now discussed the matter once again with colleagues here and consulted the Prime Minister. It is our view that it would be unacceptable for a member of staff of this office to be called to give oral evidence about the internal workings of the Prime Minister's office and the way in which she is briefed for Prime Minister's Questions. We are not therefore prepared to take any action which would increase the risk that this might happen. Accordingly I shall be grateful if you could arrange to reply to Mr Holt's solicitors to the effect that we cannot assist with his action in the way in which he wishes. I assume that this would mean indicating that any statements he wishes to make are on his own responsibility and without the corroboration of this office. Please let me know if this causes difficulties. I am sorry that we have had to go through this exercise in order to reach a conclusion which perhaps should have been apparent to us at the outset.

T Flesher

R A D Jackson Esq
The Treasury Solicitor

RPS please

PRIME MINISTER

Richard Holt MP

May I consult you please on a rather difficult request that we have had from the above. You may recall that in May last year Richard Holt asked you a question on which he had given us notice about the activities in a school for disabled children near his constituency of teachers who withdrew from lunchtime supervision leaving the Headmaster to cope alone. I attach a copy of the Hansard exchange. Your reply was based on enquiries which we had made through DES.

As is often the case with these reports there were differing accounts of what was really going on. Although it seems that what both Richard Holt and you said was essentially true the local teachers' union put a different interpretation on events at the school. They accused Mr Holt, in an article in the magazine "The Teacher" of giving a false impression and leading you into making an untrue response. Mr Holt subsequently decided to sue the magazine and the authors of the article for libel.

That is the background. The nub of our problem is that Mr Holt wishes to strengthen his side of the case by saying that the facts in his question were verified by an independent check carried out by the Prime Minister's office. The first and relatively minor problem is that we had no independent

source of information other than through the DES and the local education authority. That is relatively easily resolved. The second and much more difficult problem is that if Mr Holt's solicitors place in their formal evidence before the court a formula along the lines which he is suggesting there is a possibility, which Treasury Solictors have confirmed, that a member of No. 10 staff will be called to give evidence about internal workings of this office. This is all the more likely since the teachers' lawyers will be far more interested in causing embarrassment than in seeking truth.

Neither Nigel nor I believe this risk to be acceptable. Even if this were a well-founded libel action (and I must say that it looks like a pretty eccentric one) I would still be extremely reluctant to get this office involved in a way which would expose members of the Prime Minister's personal staff (which essentially means Nicky Roche or myself in this case) to the risk of being asked questions in court about how we brief you for Prime Minister's Questions. In the present case I can see no advantage whatsoever in doing so. This does however mean that No. 10 would be turning down a request for help from a Conservative backbencher and for that reason I seek your agreement to the line that we are proposing.

Agree to instruct Treasury Solicitors to turn down the request from Mr Holt's solicitors for No. 10 to be ~~pray-in-aid~~ prayed in aid on his libel action?

Yes - the information came essentially from him and D.E.S. is our only source of information.

28 April 1986

E.R.

Rt Flesher,
I agree, but
let us talk
through. N.L.W.
24.4

MR. WICKS

MR. RICHARD HOLT MP

As agreed I wrote to Treasury Solicitors along the lines set out in my minute to you of 17 April. Treasury Solicitors have now replied as attached. As you will see, Treasury Solicitors judge that the chances that a member of No. 10 staff will be called to give evidence in Mr. Holt's libel action are increased by the inclusion of a paragraph along the lines discussed in previous correspondence. We therefore have to decide whether, in the cause of being helpful to Mr. Holt, we should accept the risk that someone from here will be called to give evidence.

Nor do I.

I do not think this risk is acceptable. I am not inclined to expose Nicky Roche to such a risk and I am not keen on accepting it on my own behalf. I believe therefore that we should instruct the Treasury Solicitors that we are not prepared to help Mr. Holt.

If you agree to this, I think we shall have to consult the Prime Minister, since what I propose involves withholding assistance from a Parliamentary colleague. Indeed even if we go ahead and help Mr. Holt, I think we should have to consult the Prime Minister in view of the risk which Treasury Solicitors have identified.

Or the Establishment officer.

Perhaps we could discuss. It may be that there are other sources of advice to which we ought to look, e.g. the Cabinet Secretary. I do not, however, see any way out of a choice along the lines I have indicated earlier.

N

Timothy Flesher
24 April 1986

(RAMAFQ)

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Private Secretary
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London SW1A 2AA

Please quote L86/1444/RADJ
Your reference
Date 24 April, 1986

Dear Mr. Flesher,

MR. RICHARD HOLT'S LIBEL ACTION

Thank you for your letter of 18th April, 1986 and I shall deal with the points you make in turn.

First, whether or not the proposed paragraph goes into Mr. Holt's Reply, there is a risk that a member of staff in the Prime Minister's Office will be called upon to give oral evidence. If the person concerned does not wish to give evidence voluntarily, either the Plaintiff or the Defendant will be entitled to serve a Subpoena. If the proposed paragraph is not included, the chances of having the Subpoena set aside are high, because there will be no issue on the pleadings involving the Prime Minister's Office. On the other hand, it will be difficult to have the Subpoena set aside if the paragraph goes in. Having said this, the oral evidence to be given by the member of staff will be limited to the point raised on the pleadings and he or she will be entitled to decline to answer questions going beyond the scope of the paragraph.

Thus, I cannot rule out totally the possibility of a member of staff being required to give evidence, but I accept that it will be more difficult to resist a Subpoena if the proposed paragraph goes in Mr. Holt's Reply.

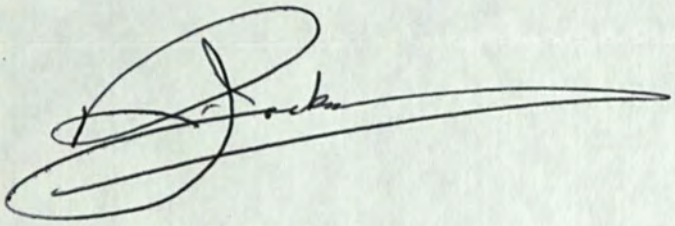
On your second point, I have written to John Coleman agreeing with your suggestion that the draft paragraph be cleared with the Chief Education Officer of Cleveland County Council and have proposed that the Department do this direct. I believe it would be worthwhile to clear the paragraph pending your further confirmation, or otherwise, of your willingness to have the draft paragraph included in the pleading.

/Contd.

Finally, the suggestion that Mr. Holt's Solicitors be supplied with a copy of the draft Answer and the Background Notes was no more than that: a suggestion. I am quite content for them not to see the document. My only reason for proposing that they should see a copy was to put the matter into context, having regard to the fact that the Supplementary Question, as put, was not in exactly the same terms as proposed.

I look forward to hearing from you once you have reconsidered your position in the light of my advice on the likelihood of oral evidence being called for from the Prime Minister's Office.

Yours sincerely,



R.A.D. Jackson

FS.

Education:
Teachers Pay Pt 7

file

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

18 April 1986

Thank you for your letter of 15 April about the libel action brought by Mr Richard Holt MP. I have discussed this with Nigel Wicks here.

We are broadly content that, if absolutely necessary, Mr Holt's solicitors can use a paragraph along the lines set out in paragraph five of Duncan Watson's letter of 4 April to DES Legal Officers. Before finally agreeing, however, can I just check that the inclusion of such a paragraph in Mr Holt's submissions to the Court will not carry with it the risk that a member of staff of this office will be called to give evidence. I am not in the slightest concerned that it will become apparent that some Members of Parliament give the Prime Minister notice of their supplementary questions; I am however most concerned about the prospect of a member of staff of this office being asked questions in Court about the internal workings of No. 10. We have to remember, I think, that Mr Holt's opponents in this case are likely to be less concerned with the pursuit of truth than of embarrassment.

On the text of the paragraph itself I only have one point: should the Chief Educational Officer of Cleveland be so clearly indicated as the source of the information. This is of course not a matter for us but I should have thought the paragraph in question would need to be cleared with him first. You may of course already be doing this so forgive my making the point.

I am afraid that I see very considerable difficulty with your second request that we should supply Mr Holt's solicitors with a copy of the draft answer and the background notes dictated by the Department of Education and Science and taken down and typed by a member of No. 10 staff. We would be very reluctant indeed to release internal working papers of No. 10 to a litigant involved in a case which essentially has nothing whatsoever to do with this office simply because one side thinks that it might help their case. Quite apart from its intrinsic indesirability, such a course seems to us a very dangerous precedent indeed.

I recognise that this is not an especially helpful reply but I am sure you will understand our disinclination to be in any real sense involved with this legal action. No doubt you will be in touch further. I am returning the papers as requested.

T Flesher

R A D Jackson Esq
Treasury Solicitor

Mr Fletcher
I agree with your advice. On the proposed reply in §5 of Watson's letter, is it alright to finger the CEO of the Cleveland Cty Council in the way suggested? Very embarrassing for him. Perhaps discuss

MR WICKS

Richard Holt MP

You will recall (although I would imagine you wish you did not) the attached papers relating to Richard Holt's libel action against the Teacher magazine. Mr Holt wished to pray-in-aid the Prime Minister's office for the accuracy of his question which had been the subject of criticism by the magazine. We sought the advice of Treasury Solicitors. The attached papers are the result. Briefly the Treasury Solicitors propose that we should reply to the request for assistance from Mr Holt's solicitors along the lines set out in paragraph ~~4~~ 5 of Duncan Watson's letter of 4 April: these words clearly indicate that we had no ~~individual~~ separate source of information but relied upon what was told to us by the DES.

N.L.W. 13.4

Leaving aside my doubts about the wisdom (or even the sanity) of the whole action I suppose we had better be content with what Duncan Watson proposes. I see no particular problem about "revealing" that Members of Parliament occasionally give the Prime Minister notice of supplementary questions, a fact which will come as rather less than a surprise to everybody in the House of Commons. I would however need to be assured by Duncan Watson that this form of words would give us protection against any members of No. 10 staff being called to give evidence in the legal proceedings.

Not do I

Vital

D. R.

So do I.

Where I do draw the line is at Duncan Watson's suggestion that we should provide Mr Holt's solicitors with a copy of the No. 10 pieces of paper setting out the draft answer to Mr Holt's question and the background notes dictated over the phone by DES. It seems to be a very bad principle indeed that we should, at the request of a firm of solicitors, be required to hand over internal No. 10 working papers simply because the solicitors think it might help their case.

Perhaps we might discuss. If you agree I would write to Treasury Solicitors on the lines I have indicated.

17 April 1986

THE TREASURY SOLICITOR

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T Flesher Esq
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10 Downing Street
LONDON SW1

Please quote L86/1444/RADJ

Your reference

Date 15th April 1986

Dear Mr Flesher

MR RICHARD HOLT'S LIBEL ACTION

You may recall that we spoke, briefly, about this matter on 25th March. Following our conversation, I discussed the matter with John Coleman, Legal Adviser to the DES.

I am returning the papers enclosed with Mr Wicks' letter of 17th March to John Bailey together with copies of letters to this office from John Coleman dated 27th March and 2nd April, a copy of Duncan Watson's letter of 4th April and John Coleman's reply of 11th April.

Mr Coleman's letter of 11th April speaks for itself and I agree with him that I need to take instructions from the Prime Minister's Office on the status of Supplementary Questions.

If you and your colleagues wish to maintain the position that the Prime Minister has no prior knowledge of Supplementary Questions, then this means that we cannot agree to the inclusion of "paragraph (g)" in Mr Holt's Reply. However, this will not prevent him from including it if he is still advised that it is necessary and appropriate. Furthermore, if the matter ever came to a trial, the truth will be revealed; namely, that the Prime Minister does, indeed, have prior knowledge of Supplementary Questions.

These considerations would also apply to the compromise positions proposed by Mr Coleman.

If you are content to acknowledge that the Prime Minister is forewarned of Supplementary Questions then I should be grateful if you would confirm whether or not you are content (a) with the proposed wording for "paragraph (g)" given towards the end of page 1 of Duncan Watson's letter of 4th April; and (b) whether or not you are content to provide Mr Holt's solicitors with a copy of the draft Answer and the Background Notes.

I look forward to hearing from you.*

Yours sincerely

R A D JACKSON

* Please return the papers when replying.

Educ: Teachers Pay

NB
all pps sent
to CB Bailey

file SRWAAJ

10 DOWNING STREET

From the Principal Private Secretary

17 March 1986

Dear John,

May I bother you with a small but troublesome piece of legal business which has come our way.

On 9 May last year when the Prime Minister was due to answer Oral Questions in the House, Mr. Richard Holt, MP, who was at No. 2 on the Order Paper, telephoned the Political Office here to give the Prime Minister notice of the Supplementary Question which he wished to ask. He said that he wished to refer to reports of industrial action at a school for such children near his constituency which led to handicapped children being abandoned by their teachers at lunchtime. In order to ensure that the Prime Minister's response to Mr. Holt was accurate, the Parliamentary Questions Clerk in No.10 contacted the Department of Education and Science and asked them to make enquiries. Given the shortage of time (we would have had about an hour's notice) the attached internal note was, we assume, dictated over the telephone by a Department of Education and Science official. The exchange duly took place in the House of Commons that afternoon and I enclose a copy of the relevant section of the official report.

Subsequently it seems there was some dispute about the accuracy of the exchange between Mr. Holt and the Prime Minister which culminated in an attack on Mr. Holt being published in "The Teacher" magazine in July. That report claimed that Mr. Holt had been "responsible for feeding false information" to the Prime Minister and that "the Prime Minister was made to look extremely foolish" as a result.

Mr. Holt has now taken legal action against those involved in the publication of those remarks. In his statement to the Court he is proposing to say that the information which was given to the House of Commons was "independently verified by the Prime Minister's office." He further says "that the Prime Minister's office made their own enquiries as to the position at Endeavour School" and "that the Prime Minister's office themselves spoke to the Chief Education Officer and themselves checked the facts relevant to the question I proposed to ask so that the Prime Minister would be in a position to answer it in the House". Mr. Holt's solicitors have written to him to ask that he should check with this office that the assertions he makes are valid. In doing so, Mr. Holt's solicitors pointed out that a statement from Downing Street of the kind necessary

to verify Mr. Holt's assertions might cause the defence in the case to issue subpoenas against members of No.10 staff. Mr. Holt has now contacted Michael Alison, MP, the Prime Minister's Parliamentary Private Secretary, informally to seek a statement from here of the kind which would verify his assertions to the Court.

Despite the informality of the approach from Mr. Holt, our judgement is that this is a matter on which the response should come formally from Treasury Solicitors. If you agree, we shall inform Mr. Holt, through Michael Alison, that his solicitors, who are Penningtons of 99, Aldwych, should make a direct approach to you for the information which they seek. I should be happy to discuss this if you need any further background; alternatively Tim Flesher is the Private Secretary who was principally involved and Oral Questions are his territory within No.10.

Yours sincerely
Nigel Wicks.

(N L WICKS)

I attach the documents which the MP has sent us via the PM's PPS, Michael Alison.

J. B. Bailey, Esq., C.B.,
Office of the Treasury Solicitor.

and there will be a debate on the matter this afternoon. If I receive any requests for a meeting I will of course give them full consideration.

Rev. Martin Smyth: I welcome the Minister's response but will he recognise that the matter concerns not only the rest of the United Kingdom but has specific implications for job opportunities in Northern Ireland? Will he use his influence with his right hon. Friend the Minister to have such an agreement speedily implemented, for the good of all the textile industry?

Dr. Boyson: I realise, as does the hon. Gentleman, that the percentage of people employed in the textile and clothing industries in Northern Ireland is three times greater than in the rest of Britain and that is an important matter. If the hon. Gentleman is staying longer this afternoon, I suggest that he tries to catch your eye, Mr. Speaker, in the debate on the multi-fibre arrangement.

Mr. Bell: Does not the Minister realise that that answer is not acceptable to those who work in the textile industry in Northern Ireland? Does he not recognise that it would be socially intolerable to increase the existing pressures on employment in Northern Ireland through non-renewal of the multi-fibre arrangement? Will he give the House an assurance that he is prepared to fight his corner with the Secretary of State for Trade and Industry?

Dr. Boyson: Obviously, my right hon. Friend the Secretary of State and I put forward the views of Northern Ireland. But as the hon. Member for Belfast, South (Rev. Martin Smyth) knows, the decision is made by this Parliament and not just by Northern Ireland. Indeed, those hon. Members who are integrationists want the decision to be made by this Parliament. Consequently, this afternoon's debate will be the decisive factor.

PRIME MINISTER

Engagements

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The Prime Minister (Mrs. Margaret Thatcher): This morning I presided at a meeting of the Cabinet and had meetings with ministerial colleagues and others. In addition to my duties in this House I shall be having further meetings later today.

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The Prime Minister: I believe that the information that my hon. Friend has given about the school in his constituency is correct. I understand that for a time the head teacher was trying to cope on his own but was unable to do so. I am amazed that the teachers should have taken this action, and my sympathy lies with the children, many of whom are in wheelchairs, and with their parents.

Mr. Steel: Is the Prime Minister aware that a very warm welcome awaits her on her visit to Scotland tomorrow? As we have just passed the 10th anniversary of her pledge to abolish the rating system, will she recognise that no announcement of temporary relief—however welcome—would be a substitute for redeeming that pledge?

The Prime Minister: As the right hon. Gentleman is aware, we have made some provision for temporary relief on domestic rates in Scotland—as was announced some time ago—amounting to about £90 million. My right hon. Friend the Secretary of State hopes to be able to make a further announcement to the House next week, which will help with commercial rates. We are also studying the longer-term reform of rates, and we hope to be in a position to make an announcement about that when the studies have been completed.

Mr. Michael Morris: Is my right hon. Friend aware that one of the reasons stated for the loss of the Bosporus bridge contract was the time taken to put together an aid and trade project? Is she further aware that although she returned from her highly successful visit to Sri Lanka three and a half weeks ago, we still await the result of the aid and trade negotiations on the Samanala-Wela dam?

The Prime Minister: When I was in Sri Lanka I announced a further aid package of £20 million for Sri Lanka, following the £115 million aid package that was given to enable the building and completion of the Victoria dam. My hon. Friend asked about the Bosporus bridge. The contract went the other way because the rival consortium gave heavy aid, not only for the bridge but for the road contract. We are still in contact with the Turkish Government and hope that we can rescue something from that contract.

Mr. Kinnock: The Prime Minister had what she quaintly called her rates summit at Chequers six weeks ago. Was it there that the decision was made to rush through a panic Bill for Scottish commercial rates relief, or did the decision come later, without the benefit of a seminar, but with the benefit of the knowledge that the right hon. Lady was going to a Scottish Tory party conference that is on the warpath?

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PROPOSED QUESTION FROM RICHARD HOLT - QUESTION 2

"Would my RHF care to comment without wishing to take a positive view on the professional attitude of teachers at the Endeavour School, Middlesborough, which is a school for physically handicapped children, who despite the reached pact betwen Cleveland County Council and school teachers' Union representatives are abandoning their wheelchair bound children at lunchtimes to the great distress of the children and their parents?"

Line to Take

I understand that the pact referred to by my hon Friend is one reached between the National Union of Teachers and Cleveland Local Education Authority. In return for the Authority's support for the teachers' pay claim, the NUT have exempted the Authority from strike action. However, I understand that the exemption does not extend to withdrawal of midday supervision, nor does it cover action by other unions. My sympathy goes to those children and their parents who are affected in this way.

Background Note

i) Mr Holt has spoken to the LEA this morning after a complaint from a parent. This is not a new situation.

ii) Endeavour School is a school for the physically handicapped, 30 - 40% of whom are wheelchair bound. The teaching staff are refusing to undertake midday supervision and the Head Teacher has attempted to cope on his own. However, in view of the nature of the children's disabilities he can no longer cope. He has written to parents and asked them to make arrangements for their children over the lunch period.

and there will be a debate on the matter this afternoon. If I receive any requests for a meeting I will of course give them full consideration.

Rev. Martin Smyth: I welcome the Minister's response but will he recognise that the matter concerns not only the rest of the United Kingdom but has specific implications for job opportunities in Northern Ireland? Will he use his influence with his right hon. Friend the Minister to have such an agreement speedily implemented, for the good of all the textile industry?

Dr. Boyson: I realise, as does the hon. Gentleman, that the percentage of people employed in the textile and clothing industries in Northern Ireland is three times greater than in the rest of Britain and that is an important matter. If the hon. Gentleman is staying longer this afternoon, I suggest that he tries to catch your eye, Mr. Speaker, in the debate on the multi-fibre arrangement.

Mr. Bell: Does not the Minister realise that that answer is not acceptable to those who work in the textile industry in Northern Ireland? Does he not recognise that it would be socially intolerable to increase the existing pressures on employment in Northern Ireland through non-renewal of the multi-fibre arrangement? Will he give the House an assurance that he is prepared to fight his corner with the Secretary of State for Trade and Industry?

Dr. Boyson: Obviously, my right hon. Friend the Secretary of State and I put forward the views of Northern Ireland. But as the hon. Member for Belfast, South (Rev. Martin Smyth) knows, the decision is made by this Parliament and not just by Northern Ireland. Indeed, those hon. Members who are integrationists want the decision to be made by this Parliament. Consequently, this afternoon's debate will be the decisive factor.

PRIME MINISTER

Engagements

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Mr Fowler.

We discussed + I agreed we should put this in the hands of T. Sol. PC but we have a doubt.

N.C.W.
17.3.

MR. WICKS

RICHARD HOLT, M.P.

Michael Alison has passed to me the attached bunch of papers on which I should like your advice. The story is this. On 9 May 1985, Mr. Holt, who is Conservative Member for Langbaurgh (near Middlesbrough) was No. 2 on the Order Paper. He telephoned the Political Office and informed them that he wanted to ask a question about industrial action at a school in his constituency for the handicapped which meant that parents were having to take children home at lunchtime. In view of the fact that only a few weeks before we had been given bad information by the DES about industrial action at the school for the handicapped (which had led to the Prime Minister apologising to the staff), we arranged for the position to be checked with DES. You will see from the attached briefing note the outcome.

The exchange duly took place on the Floor of the House with the Prime Minister basing her reply on the information we had received from DES. The exchange infuriated local teachers who claimed that it was not a valid account of what was taking place. Accordingly, they published in the July edition of "The Teacher" some rather abusive material about Mr. Holt, including the allegation that he had fed the Prime Minister false information. Mr. Holt took umbrage and sued them for libel. In his statement to be given to the court, Mr. Holt has prayed in aid of the accuracy of the exchange the fact that the words used in the House were "independently verified by the Prime Minister's Office prior to the reply being given in the House of Commons". He goes on "The Prime Minister's Office made their own enquiries as to the position at the Endeavour School on which the Prime Minister based her reply" and further "The Prime Minister's Office themselves spoke to the Chief Education Officer".

Mr. Holt's Solicitors have now asked Mr. Holt to check with No. 10 that what he has said was true. The Solicitors raised

the possibility that the defendants issue subpoenas against people at 10 Downing Street.

Michael Alison has now asked for a reply to Mr. Holt giving the information he wants.

I am very uneasy about replying to Mr. Holt by giving a blow-by-blow account of enquiries made by this office, although they are harmless enough. Contrary to Mr. Holt's assertion, we would only have asked DES to make the relevant enquiries and that would have been done by Nicky Roche. But I would prefer to find some way, if we can, of keeping out of this litigation which strikes me as being extraordinarily pointless. If we are not careful, as the Solicitors point out, we are going to find either myself or Stephen Sherbourne or Nicky Roche called before the court to give evidence.

Could we have a word? I think the best course might be to seek the advice of the Treasury Solicitors.

Timothy Flesher
17 March 1986

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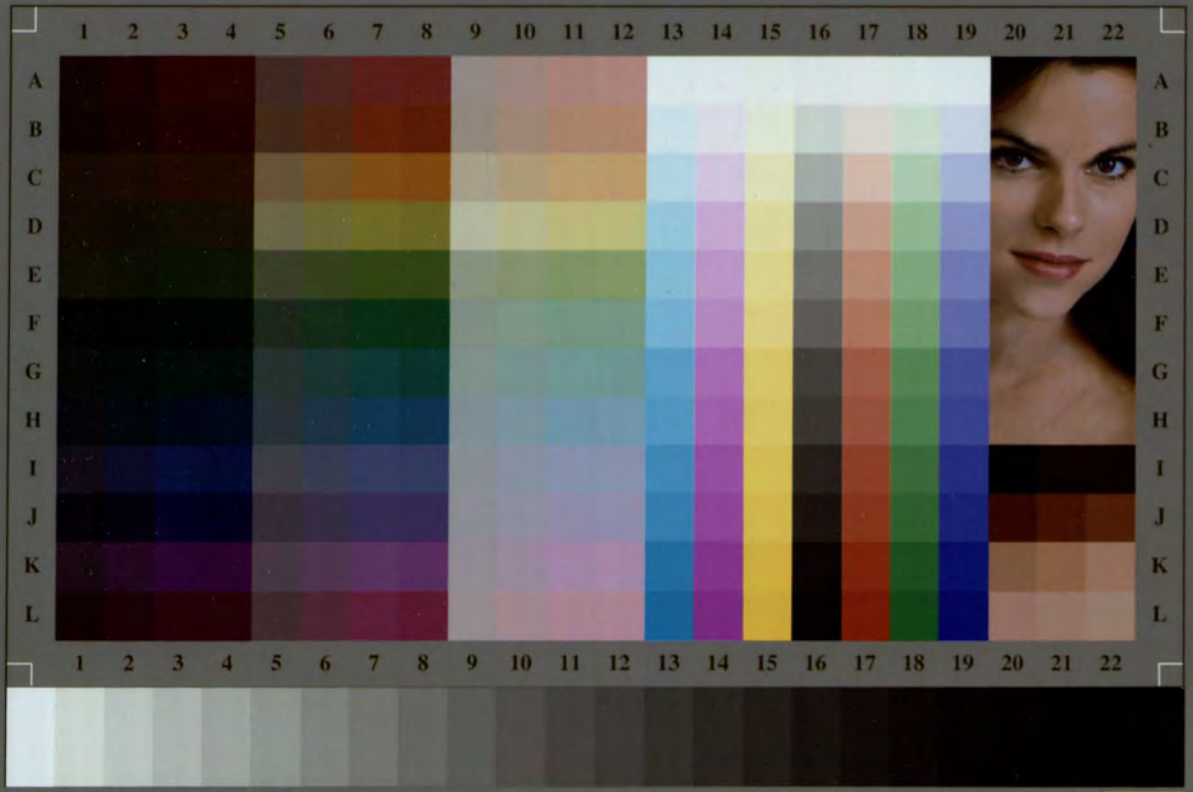
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