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PREM 19/2794

PART 18

CONFIDENTIAL FILING.

legislative Programme

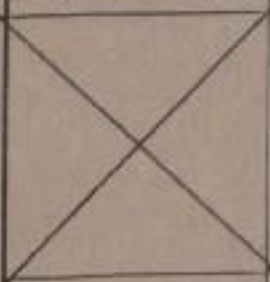
PARLIAMENT

PT1: May 1979

PT18: October 1988

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
4.10.88		27.4.89					
2.10.88		4.5.89					
17.10.88		31.5.89					
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3.11.88		28.6.89					
7.11.88		2.7.89					
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PREM 19/2794



Part 18
ENDS

● PART 18 ends:-

SS/SCOT to LPL 29.9.89

PART 19 begins:-

DM to PS/LPL 3.10.89



SCOTTISH OFFICE
WHITEHALL, LONDON SW1A 2AU

n. b. p. m.

The Rt Hon Sir Geoffrey Howe QC MP
Lord President of the Council
Privy Council Office
68 Whitehall
LONDON
SW1A 2AT

29 September 1989

Dear Geoffrey,

LEGISLATIVE PROGRAMME 1989-90: HIGHWAYS (PRIVATE FINANCE) BILL

Cecil Parkinson copied me his letter to you of 26 September concerning the above.

I would like to underline how damaging it would be to our credibility if this Bill were not to be carried forward. As in England, we have developed schemes to an advanced stage and have invested much political capital in them. We are, as with the Birmingham Northern Relief Road in England, irretrievably committed to inviting tenders for a competition on Skye Bridge in a few weeks time once Highland Regional Council vote as expected in support of proposals we have put to them. As with the Birmingham Relief Road, without the public Bill we would have to proceed with a wholly undesirable hybrid Bill.

In addition, we are just issuing a package of road proposals for formal consultation which include privately financing a £100m 25 mile link between the M74 Carlisle-Glasgow motorway and the M8 Edinburgh-Glasgow motorway on the basis of the proposals in the Green Paper "New Roads by New Means". As Cecil Parkinson said, the private sector are responding to our initiatives north and south of the Border on the perfectly reasonable assumption that there would be a Bill in the coming session.

I particularly recognise the wider problems of the legislative programme and accept we will have to live with the simplifications in the Bill that Cecil has suggested even though this Bill would have been the best vehicle for enabling progress with our plans. It is fortunate we have been preparing our proposals for Skye Bridge on the assumption that the local authority may ask us to progress the project from Central Government - which they have - so that the power for local authorities to make concession agreements is not something that is immediately required in the particular position we are in at Skye.

As to the second element of the Bill covering street works, I endorse Cecil Parkinson's remarks as to the highly favourable public reaction to those long awaited proposals.

I do hope, therefore, that this reduced Bill can now retain its place in the programme otherwise we risk taking up as much or more parliamentary time on separate scheme related Bills.

I am sending copies of this letter to the Prime Minister, Cecil Parkinson, Peter Walker, Norman Lamont and Sir Robin Butler.

Yours ever
Malcolm Rifkind

MALCOLM RIFKIND



Parliament pt 18
Legislative Programme

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ceft



THE DEPARTMENT OF TRANSPORT

1. DM - to see
2. NBM



FROM THE SECRETARY OF STATE

Recd
18/9

2 MARSHAM STREET LONDON SW1P 3EB
TELEPHONE 01-276 3000

The Rt Hon Sir Geoffrey Howe QC MP
Lord President of the Council
Privy Council Office
68 Whitehall
LONDON
SW1A 2AT

My Ref: C/PSO/12654 89

Your Ref:

Dear Geoffrey,

26 SEP 1989

LEGISLATIVE PROGRAMME 1989/90: HIGHWAYS (PRIVATE FINANCE) BILL

At our meeting on 18 September I agreed to look at shortening this Bill and making it less controversial. I have also considered whether it would be suitable for introduction in the Lords.

The proposed Bill has two elements. The first, on private finance for roads, would give effect to the proposals in the Green Paper "New Roads by New Means" (Cm 698). The second, on street works, would reform the Public Utilities Street Works Act 1950 on lines recommended by the Horne Committee in 1985.

The private finance measures are central to our strategy for involving the private sector in the provision of infrastructure. We are committed to this policy and have built up considerable expectations on the part of the private sector. Their interest would rapidly wane, and our credibility would be undermined, if there were no early legislation. The alternative of a hybrid Bill for each scheme would be unattractive to Parliament - and, no doubt, to the business managers.

There is also an immediate issue. At the urging of the Prime Minister and John Major when he was Chief Secretary, Paul Channon announced on 22 May a competition for a privately financed Birmingham Northern Relief Road (BNRR). We are irretrievably committed to this private finance competition, and have assured our supporters that the road will not be delayed as a result. Private sector firms preparing to respond to the competition - the first stage of which has now been advertised - will also expect us to get ahead as fast as possible, and will have been working on the perfectly reasonable assumption that there would be a Bill in the coming session. So I believe we must find a way of

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authorising the road on this basis. Without the new Highways Bill procedures, a hybrid Bill for the BNRR would have to be introduced. Such a Bill, authorising 30 miles of motorway, would be long, detailed and locally intensely controversial. (The second Severn Crossing will in any case require a hybrid Bill to amend the legislation governing the existing Bridge, and this will be needed in 1990/91.)

For these reasons, I am convinced that we should go ahead with the private finance measures next session. They will certainly be innovative, and create much interest. But because they will be concerned only with new roads, the measures will be nothing like as controversial as the major privatisations. Nor should the provisions as instructed be extensive.

Nevertheless, recognising the wider problems with the legislative programme, I am prepared to simplify my proposals further by abandoning:

- (a) powers to toll new publicly financed roads, which would have been controversial;
- (b) powers for local authorities to make concession agreements or to toll their own roads, which could also have led to some concern by our supporters;
- (c) simplification of the procedures for taking over as a highway a road built by a developer.

Turning to the second element: it is now over three years since we announced our intention to legislate on street works. The existing legislation is highly unsatisfactory and ill-observed. Lack of proper control over utilities' street works - about three million holes in the road a year - is a major cause of traffic congestion. Public dissatisfaction is plain. A handful of ill-timed utility works can bring traffic to a standstill across large areas, especially in London and other major cities. Electricity and water privatisations add a new element of uncertainty which could be exploited by our opponents.

The proposed street works measures will not be politically controversial. They have been widely welcomed. There is little scope for shortening the package, because it introduces an entire new system to replace the defunct one under the 1950 Act. All the elements hang together in achieving a balance between the interests of the highways authorities and the utilities. But general agreement about the measures should ensure an easy passage through Parliament, despite some technical complexity.

If it would ease pressure on the Business Managers, I would be willing to introduce this Bill in the Lords. I believe that it is not excluded on financial grounds. The tolling powers would be the most controversial element; but the street works part of the Bill is almost entirely uncontroversial.

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I hope that with these suggestions, and this explanation of the very strong case for the proposed measures, you will agree that the Bill should retain its place in the programme. After this build-up, a failure to legislate in the coming session would inevitably be seen as a climb-down. Both the private finance and street works elements of the proposed Bill have a politically high profile, and have earned the Government much praise: if we were not to take swift action, we would be accused of vacillating on two key issues.

I am sending copies of this letter to the Prime Minister, Malcolm Rifkind, Peter Walker, Norman Lamont and Sir Robin Butler.

Yours
Cecil
Parkinson

CECIL PARKINSON

CONFIDENTIAL


CABINET OFFICE
OFFICE of the MINISTER
for the CIVIL SERVICE

CF

Any previous #s?
see ref on

15/9

To: HCDA Contacts

Horse Guards Road
London SW1P 3AL

Telephone: 01-270 6152
GTN 270

13 September 1989

Dear Colleague,

HOUSE OF COMMONS DISQUALIFICATION ACT: UPDATE OF SCHEDULE 1

In his letter of 16 February 1988 (copy attached) my predecessor, Robin MacLachlan, asked you to consider any amendments required to the 11th print of Schedule 1 of the House of Commons Disqualification Act 1975 (HCDA). Your department submitted a 'nil return'. We had originally planned to amend the Act in 1988, but the timetable for the exercise has slipped significantly. In view of the delay I should be grateful if you would now re-examine your department's entries in the attached Schedule to the HCDA (on which your department's entries are highlighted) and:

(a) confirm that their inclusion continues to be appropriate; and

(b) let me know of any changes which are now required or are likely to be needed before December (with effective dates).

2. 'De Minimis' Remuneration

As Robin MacLachlan mentioned in his letter of 16 February 1988, to avoid trivial disqualifications under Section A of the criteria "offices in the profit in the gift of the Crown or Ministers", a minimum level (which is purely an administrative device) is set. He also proposed that the 'de minimis' level be increased from £5,000 to £5,500. There were no objections to this proposal.

3. Since there is still much ground to cover, including seeking Ministers' approval to the draft Order and Explanatory Note, I should be grateful for your comments by **Tuesday, 3 October.**

4. I am copying to those on the attached list and to Martin Hemming, Treasury Solicitor's Department.

Yours

Peter Martin

P MARTIN
Machinery of Government Division

Encs

Distribution List

Mr E A Yeo, OAL

Mr S Griffin, C&E

Mr R S Darnwalla, DES

Mr J R Weiss, ECGD

Mr C W Simmonds, FC

Mrs M E Moxon, HO

Mr P Martin, HMCLCL (HM Commission of Lieutenancy for the City of London)

Mr B Rennie, IR

Mr J D Harkness, LAD

Mrs S Hutcheson, LCD

Mr R M Bennett, NAO

Mr R Bulling, PCO

Mrs A Ponsonby, PMO ✓

Mr W A Ritchie, SCA



CABINET OFFICE
OFFICE of the MINISTER
for the CIVIL SERVICE

Horse Guards Road
London SW1P 3AL
Telephone: 01-270 6147

DATE RECEIVED	16/2/1988
ENTERED IN ADDRESS	✓
FILE No.	22/2/01

16 February 1988

Dear Colleague,

HOUSE OF COMMONS DISQUALIFICATION ACT 1975 - SCHEDULE 1

I am writing to set in motion the next update of Schedule 1 to the House of Commons Disqualification Act 1975 (HCDA). The Act was last updated by the House of Commons Disqualification Order 1986 (SI 1986 No. 2219) which was in turn corrected by the issue of SI 1987, No. 449.

Objectives of the HCDA

2. The objectives of the Act, which we are committed to update on a regular basis about every 1 to 2 years, are twofold -
 - i. to ensure a sufficient degree of separation between the legislative, executive and judiciary to secure their independence of each other;
 - ii. to ensure that members are able and available to look after the best interests of their constituents when sitting as members of the legislative.

Criteria for disqualification

3. Annex A to this letter lists four basic criteria for use in deciding whether offices should be included in the Schedule. Additional guidance on disqualification of office holders by reason of sections C and D only was included in a letter from my predecessor, Myra Chapman, dated 29 January 1987. A copy of the letter is enclosed at Annex B.

'De Minimis' remuneration

4. To avoid trivial disqualifications under Section A of the criteria, "Offices of profit in the gift of the Crown or Ministers," a minimum salary level (which is purely an administrative device) is set. In 1986 it was updated in line with average earnings to £5,000 from the previous, 1983, figure of £4,000. The change in the level in 1986 attracted the only comment during the debate on the resolution - a copy of the Hansard extract is attached at Annex C. The Minister subsequently wrote to the MP (Annex D) explaining the background to the increase, but committing the Government to no single indicator.

5. The level will ultimately be decided at Ministerial level, but we think there is a case for an increase to £5,500 as broadly in line with the various indices. The alternative would be to leave the figure at the present level of £5000. In order to arrive at an informed decision we need to know:

- (a) the effect on the number of disqualifications of such an increase;
- (b) your views on the change, and on the case for any other limit.

Requested Action

Excluded from current circulation.

6. I enclose at Annex E an annotated copy of Schedule 1 to the eleventh print of the HCDA which incorporates all amendments up to 1st January 1987. The numbers disqualified and the reasons for disqualification were provided by your office for the 1986 update. Will you please check the accuracy of your department's entries, which are highlighted, and record in the space provided the numbers currently disqualified and the reasons for disqualification.

7. For each change made to the Schedule (additions, deletions or amendments to current entries) please supply the information listed in Annex F. Where receipt of fees or salary is the reason for disqualification, please distinguish clearly between the effects of "de minimis" limits of £5,500 and the present £5,000.

8. Please draw to my attention any proposed amendment to the schedule which may prove sensitive, particularly where a sitting MP, or perhaps MEP, may be concerned.

9. Subsidiary bodies - For each parent body (such as a nationalised industry) which has its Chairman or members disqualified please consider whether the Chairman and/or members of any subsidiary bodies should also be disqualified even if they are not necessarily appointed by Ministers. While a member of a

board of a subsidiary body is in most cases not strictly "an office of profit in the gift of the Crown or Ministers" he could hope to benefit financially if for example either the parent body or the subsidiary were privatised. Therefore for your department could you let me know:

i. how many subsidiary bodies are attached to each parent body whose Chairman and/or members are disqualified;

ii. for each subsidiary body whether members are disqualified and for what reason(s);

iii. whether, in your view, any Chairman and/or members who are not disqualified should be and, if so, the grounds on which you base your view;

iv. whether you believe that members of subsidiary bodies already disqualified should not be. You should provide an outline of the briefing you will provide for our Minister to defend this judgement.

10. Disqualification by legislation - office holders can be disqualified from the House of Commons either by an Order amending Schedule 1 of the Act or by primary legislation. Will you check any legislation sponsored by your department in 1987 or 1988 for amendments made to Schedule 1 to the HCDA and let me have details of the Statute, the office holder(s) disqualified and the reason(s) for disqualification.

11. Non-departmental public bodies (NDPBs) - it may be appropriate to disqualify office holders in NDPBs which have been set up by administrative rather than by legislative action. Annex G is a list of all the NDPBs your department sponsors. Please could you check that the case for disqualifying office holders of each of these administratively established bodies has been considered.

12. Consultation - in the July 1985 update Douglas Hogg, MP, raised the point about consultation with office holders affected by changes. Could you please let me know, as in 1986, for each proposed change, whether -

i. it has been discussed with the individuals affected and, if so, what their reactions were;

ii. you see any difficulties about discussing proposed changes with the individuals affected.

13. I appreciate that updating the HCDA involves a considerable amount of work for departments. I hope that by starting rather earlier this time we shall alleviate some of the problems. Could you please send replies by FRIDAY 25 MARCH to -

Mr R J Appleton
Office of the Minister for the Civil Service
Machinery of Government Division
Room 61D/3
Horse Guards Road
LONDON, SW1P 3AL

14. In due course I shall again write to you to ask for briefing to cover your department's entries paying particular attention to any amendments. This will be used in providing briefing for our Minister for the debate on the resolution.

15. Copies of this letter go to those on the attached list.

Yours sincerely
Robin MacLachlan.

R W MACLACHLAN
Machinery of Government Division

1. W B Catford, No 10 * no public bodies
2. ~~C W Mitchell~~, MAFP reply by Ian Swanton.
3. ~~C Greenslade~~, DAFS * complete SO list sent (of Public Bodies). Send to Simmen in future
4. Ms C Akers, PE/Chancellor of the Duchy of Lancaster * no public bodies
5. Miss S E Sinclair, MOD
6. C E Bury, DE
7. T Brockie, DOE/DTP
8. M T Murray, FCO
9. E A Yeo, OAL
10. Miss C A Howe, C&E * no public bodies
11. P L Jones, DES (reply from Suzena Gray)
12. C J C Wright, DEN
13. J R Weiss, ECGD
14. C W Simmonds, Forestry Commission * no public bodies
15. Mrs R Palmer, DHSS
16. Mrs Moody, HO
17. F B Rennie, IR
18. D Harkness, LAD
19. Mrs S Hutchinson, LCD
20. D Grey, NICS * may be late. He will re-distribute the proof to the right place as promised. (1)
21. D Kennedy, NIO * extension of deadline until end March 31/31 - as agreed by 27/1/31
22. T Richards, ODA (reply Miss K. Parsons)
23. C E S Horsford, PCO
24. N A Ritchie, SCA
25. A Simmen, SHHD * complete SO list sent. Main SO contact/co-ordinator
26. E H Whitaker, DTI * main DTI co-ordinator.
27. G Punt, DTI * ~~candidate~~
28. Mrs A E Houghton HMT
29. H Wilkinson, T/Sol * no public bodies
30. D G Thomas, WO
31. Mrs J Percy-Davis, OFTEL
32. P M. Joffard CBE, NAO * as agreed 2.3. with Mr. Safford + Mrs. A. E. Houghton (HMT.). Annex F (PBs) not sent.

* Annex G (Public Bodies list) only sent to a Mr. Lyupah 22/2/88. - never received.
 Room 806
 DTI
 1, Victoria St.
 another copy sent 23/2/88

No 20. Dennis Gray has located our new contact * Mr. F. Edgar.

CRITERIA

The individual offices which are listed in Schedule 1 meet certain criteria which, although not contained in the Act itself, were originally drawn up during the preparation of the 1957 Act. There are four basic criteria which have been applied administratively by departments. These are -

- A. paid offices in the gift of the Crown or Ministers (but see section on 'de minimis' in covering letter);

- B. certain positions of control in companies in receipt of substantial Government grants and funds to which Ministers usually, though not necessarily, make nominations;

- C. offices imposing duties which, with regard to time or place, would prevent their holders from fulfilling Parliamentary duties satisfactorily; ie they would take too much time or otherwise prevent a Member from attending Parliament;

- D. offices whose holders are required to be, or to be seen to be, politically impartial.

Where C and/or D is the only reason for disqualification, consideration should be given to effecting the disqualification through the terms and conditions of appointment: that is, by including a requirement that the office holder should resign either when his or her candidature or prospective candidature for Parliament is publicly announced, or on election to the House of Commons.



CABINET OFFICE

ANNEX B

MANAGEMENT AND PERSONNEL OFFICE
Great George Street
London SW1P 3AL
Telephone 01-238x 270-6152

TO HCDA CONTACTS

29 January 1987

Dear colleagues,

HOUSE OF COMMONS DISQUALIFICATION ACT 1975 - AMENDMENT OF SCHEDULE 1

Don't panic. This is not a request for further action on the above topic. It is merely a note to thank you all for your help with last years exercise and to record the amendments finally made.

2. As you may have noticed from the commons Hansard report of 2 December the Resolution was passed with scarcely any comment (rather late at night). I attach copies of the Hansard report which formed the text of the Resolution submitted to the Privy Council Meeting on 17 December. These amendments will all be incorporated in the next reprint of the Act, in January 1987.

DISQUALIFICATION BY TERMS AND CONDITIONS OF SERVICE

3. This years exercise was complicated by our efforts to achieve consistency in the way departments applied the advice on effecting disqualification by administrative means. We advise that, where the only reason for disqualifying a particular office holder is either because the office holder has to be politically impartial or because an MP would be unable to devote sufficient time to perform the duties of the office effectively, departments should consider preventing the office being held by an MP by making it a condition of appointment that, in the event of deciding to stand for (or being elected to) Parliament, the office holder should resign. This would be instead of entering the office in the HCDA Schedule.

4. The reasoning behind this advice is that, where the need to prevent an MP holding a particular office stems from the needs of that office, this disqualification is "office based" and appropriately dealt with in the terms of appointment. By contrast, where disqualification of a particular office holder is needed to avoid any possibility of an unfit person being elected to Parliament ("unfit" because in general he or she holds an office in the gift of Ministers), this disqualification is to protect the House and must therefore be effected statutorily.

Effecting disqualification by administrative means has the practical advantage of allowing Ministers to respond more flexibly to any change in circumstances (for example change in the workload of an NDPB) which might alter the need for members of a particular body to be disqualified. It also helps to reduce the very long list of people statutorily disqualified from Parliament.

5. There is clearly no problem about applying this policy when a new body is set up. It is however potentially more problematic where it involves removing offices from the HCDA Schedule, and then re-imposing disqualification on the office holders involved by writing the appropriate conditions into their terms of appointment. This is however what has been done for a number of offices in this year's exercise and was contemplated in a number of other cases.

6. As far as we can tell this has not been done before. Although the policy has not changed, in the past it appears to have guided the way departments treat members of new bodies rather than to have been applied to existing bodies.

7. Parliamentary Counsel advised that it would be prudent for our Minister, Mr Luce, to make clear to Parliament that this approach was being adopted. It is considered that this should place a person making an appointment in a position to justify the imposition of an administrative disqualification on office holders now removed from HCDA Schedule. However, where the intention was to remove an office entirely from the scope of parliamentary disqualification any attempt to maintain the disqualification through the terms of an appointment may well be considered to be contrary to public policy. In the event, it was agreed that the Resolution should go through "on the nod" and this opportunity to clarify the situation was missed. There will, of course, be another chance when the Schedule is next amended (which is likely to be after the next General Election).

8. In the meantime it may be helpful to expand a little on how we see this policy working in the hope of achieving more consistent treatment of similar bodies. New NDPBs cause no problem. For existing bodies, where there appears to be a case for effecting disqualification by administrative means but office holders are currently disqualified by the HCDA Schedule, departments may like to consider, at a suitable time, making the necessary changes. The possible changes should be discussed with the office holders affected, explaining that, although their offices might be removed from the HCDA Schedule when it is next updated, being an MP would nonetheless be inconsistent with effectively carrying out the duties of their office and, from

then on, it would be a condition of their holding the office that they should resign if they decided to stand for (or were elected to) Parliament. In the event of an office holder objecting to this change, it might be necessary to maintain the statutory disqualification during the period of the appointment. This is an area where it would necessary to seek legal advice, particularly where there is a statute which provides for the vacation of an office on specified grounds.

9. In this context, "a suitable time" might be when a number of office holders come up for appointment or reappointment or well in advance of the next HCDA updating exercise.

10. Let me emphasise that this does not apply to the vast majority of entries in the Schedule which cover office holders who are disqualified because they receive more than the 'de minimis' remuneration. These should all remain statutorily disqualified by entry in the HCDA Schedule. Even where the only reason for disqualification is the need for political impartiality, you may feel that statutory disqualification is more appropriate because that approach ensures that office holders are seen to be politically impartial. For ease of reference I attach a list of entries sponsored by your Department which, according to our records, are disqualified for "office-based" reasons.

11. In a number of cases this attachment also has comments and queries specific to your own department. I hope that this letter, taken together with the attachment, completes the last HCDA updating exercise.

12. Again, many thanks for your help with this.

Yours sincerely

Myra B Chapman

Mrs Myra B Chapman
Machinery of Government

ENC

our imports, and we have been trying to restrict the level of liberalisation of these countries that:

Of course, a far more positive and active level of reciprocity is what I hope will be achieved, and that is what we shall insist on in the GATT negotiations where we would seek positive reduction at every level of tariff barriers against our imports. The House will note that this agreement lasts for five years and that should bring it substantially over the period of the GATT negotiations so that our team in the GATT is not faced with the prospect of the arrangement falling off the edge half way through them. It will have cover throughout and in that context I hope that we shall be able to negotiate a significant level of reciprocity.

The level of support that the Government give to the textile industry is a matter that I should like to dwell upon, but I shall have to omit the details. The support is extensive and I am satisfied that it covers aspects of design, fashion colleges and universities. I should like to consider the point made by hon. Members from both sides of the House.

I am aware of the concern that has been expressed under the broad heading of the so-called social clause. The clause would mean the sanction of further restrictions on trade if social and working conditions were not improved. That begs many questions: to what standard would they be improved? How would it be enforced and monitored? It can be argued that social and working conditions are more likely to be improved by allowing a country to sell its goods than by preventing it from doing that. However, I must state that I have noted the concern that has been expressed. I do not reject that possibility out of hand. Anxiety has—

It being one and a half hours after the commencement of proceedings on the Motion, MR. DEPUTY SPEAKER put the Question, pursuant to Standing Order No. 14 (Exempted Business).

Question, That the amendment be made, put and negatived.

Main question put and agreed to.

Resolved,

That this House takes note of European Community Document No. 9809/86 on renewal of the Arrangement regarding international trade in textiles (MFA), and of the Community's bilateral textile agreements and of the Department of Trade and Industry's unnumbered Explanatory Memorandum of 24th November 1986 on the provisional application of bilateral agreements on trade in textile products between the European Community and certain third countries; and welcomes the Government's achievement in the conclusion of a new Protocol extending the Multi-Fibre Arrangement for a further five-year period and the satisfactory negotiation of 26 new bilateral agreements under the Arrangement.

House of Commons Disqualification Act 1975

Motion made, and Question proposed,

That Schedule 1 to the House of Commons Disqualification Act 1975 be amended as follows:

PART I OF SCHEDULE 1

1. The following entry shall be omitted—

'Umpire or a Deputy Umpire appointed for the purposes of section 9 of the Reserve Forces (Safeguard of Employment) Act 1985.'

PART II OF SCHEDULE 1

2. The following entries shall be omitted—

The Advisory Board for the Research Councils.
The British Film Fund Agency.
The Forestry Commission.
The Gas Consumers' Council.
The Livestock Marketing Commission for Northern Ireland.

A Medical Board or Pneumoconiosis Medical Board constituted for the purposes of Part III of the Social Security Act 1975 or Part III of the Social Security (Northern Ireland) Act 1975, including any panel constituted for the purposes of any such Board.

The Mental Health Review Tribunal for Northern Ireland.

The National Consumer Council.
The National Enterprise Board.
The National Film Finance Corporation.
The National Research Development Corporation.
The Northern Ireland Fishery Harbour Authority.
The Staff Commission established under section 7 of the Greater London Council (General Powers) Act 1979.

PART III OF SCHEDULE 1

Additional entries

3. There shall be inserted at the appropriate places—

'Adjudicating medical practitioner or specially qualified adjudicating medical practitioner appointed under or by virtue of Part III of the Social Security Act 1975 or Part III of the Social Security (Northern Ireland) Act 1975.
Chairman of the Advisory Board for the Research Councils.
Chairman of the Agricultural and Food Research Council.
Chairman of the British Library Board.
Chairman of the Economic and Social Research Council.
Chairman of other full-time member of the Forestry Commission.
Chairman of the Gas Consumers' Council.
Chairman or Deputy Chairman of the General Consumer Council for Northern Ireland.
Chairman or Deputy Chairman, in receipt of remuneration, of the Historic Buildings and Monuments Commission for England.
Chairman of the Letchworth Garden City Corporation.
Chairman of the Livestock Marketing Commission for Northern Ireland.
Chairman of the London and Metropolitan Government staff Commission.
Chairman of the Mental Health Commission for Northern Ireland.
Chairman or Deputy Chairman of the National Consumer Council.
Chairman of the National Enterprise Board.
Chairman of the National Research Development Corporation.
Chairman of the Natural Environment Research Council.
Chairman of the Science and Engineering Research Council.
Director of Royal Ordnance p.l.c.
Managing director of the National Research Development Corporation.'

Member of a panel of persons appointed under Schedule 5 to the Rent (Northern Ireland) Order 1978 to act as chairmen and other members of rent assessment committees.

Entries omitted

4. The following entries shall be omitted:—
- 'Paid Chairman of an Area Transport Users Consultative Committee established under section 56 of the Transport Act 1962.
 - Chairman of the Dental Committee of the Northern Ireland Central Services Agency for the Health and Social Services.
 - Chairman of the Domestic Coal Consumer Council.
 - Director of British p.l.c. nominated by a Minister of the Crown or government department.
 - Director of Cable and Wireless Public Limited Company nominated by a Minister of the Crown or government department.
 - Director of the Cereals Committee Limited appointed by a Minister of the Crown or government department.
 - Director of any company in receipt of financial assistance under section 5 of the Films Act 1965, being a director appointed by a Minister of the Crown or government department.
 - Director of the successor company within the meaning of Part V of the Telecommunications Act 1964, being a director nominated or appointed by a Minister of the Crown or by a person acting on behalf of the Crown.
 - Industrial Assurance Commissioner or Deputy Industrial Assurance Commissioner appointed under the Industrial Assurance (Northern Ireland) Order 1979.
 - Any member of the British Library Board in receipt of remuneration.
 - Any member, in receipt of remuneration, of the Historic Buildings and Monuments Commission for England.
 - Member of the Board of the Royal Ordnance Factories.

Other amendments

5. (1) In the entry beginning 'Boundary Commissioner or Assistant Boundary Commissioner', for 'Assistant Boundary Commissioner' there shall be substituted 'Assistant Commissioner'.

(2) In the entry 'Chairman of the Police Authority for Northern Ireland', after 'Chairman' there shall be inserted 'or Vice-Chairman'.

(3) For the entry beginning 'Chairman of any of the Post Users' Councils' there shall be substituted—

'Chairman of the Post Office Users' National Council.'

(4) In the entry 'Chairman of the Prescription Pricing Agency', for 'Agency' there shall be substituted 'Authority'.

(5) In the entry 'Director of British Telecommunications plc appointed by a Minister of the Crown or government department', after 'plc' there shall be inserted 'nominated or'.

(6) In the entry 'Member appointed by a Minister of the Crown of the Agricultural Wages Board for England and Wales or of an agricultural wages committee established under the Agricultural Wages Act 1948, or chairman of such a committee' the words from 'or of an agricultural wages committee' onwards shall be omitted.—(Mr. Luce.)

11.44 pm

Mr. Alan Williams (Swansea, West): It is typical that such a controversial measure should be moved at this time of night without any explanation. I should like to ask the Minister a probing question. Why is the uprating in relation to income levels linked on this occasion to earnings rather than to the cost of living? Is that the normal practice, or is it an innovation? If the latter, what is the justification?

11.45 pm

The Minister of State, Privy Council Office (Mr. Richard Luce): I appreciate that question. As the right hon. Gentleman knows, when the Act was adopted in 1957 we started with a level of £500. That has been adjusted from time to time. The broad indicator has been the adjustment in line with the earnings index. Therefore, I thought it right that since the last sum was set at £400 in 1983 we should take into account the earnings index in that time scale. I have acted consistently with previous Governments' policies and followed that particular indicator.

Question put and agreed to.



Cabinet Office

MANAGEMENT AND PERSONNEL OFFICE

From the Minister of State
 Privy Council Office
 The Rt. Hon. Richard Luce MP

Great George Street
 London SW1P 3AL
 Telephone 01-233 8610

C86/251

The Rt Hon Alan Williams MP
 House of Commons
 LONDON SW1A 0AA

15 December 1986

Dear Alan,

You may have noticed that there was a misprint in Hansard's ... report (copy of the relevant pages attached) of last Tuesday's short debate on the Resolution to amend Schedule 1 to the House of Commons Disqualification Act.

Hansard records that this level was £400 in 1983: it should, of course, read £4,000 and arrangements are being made to have this corrected in the bound volume.

Perhaps I can also take this opportunity to amplify the reply that I gave in response to your question about the index used in uprating the 'de minimis' level. The fact is that there has never been an exact formula used for this. Indeed it has been changed only three times before; from £500 to £800 in the mid 70's, from £800 to £1,000 in 1977, and from £1,000 to £4,000 in 1983. As you know this level is a purely administrative device designed to prevent trivial disqualifications and it has always been set at an appropriate round number. In considering whether the level should be changed this year and if so by how much, we did as I understand our predecessors have done and took into account a number of relevant indicators such as the index of average earnings, and retail price index and current MPs' salaries. We felt that raising the level to £5,000 was appropriate. As stated in the explanatory note this is equivalent to uprating the 1983 level of £4,000 in line with the index of average earnings.

When the Schedule was last amended in July 1985, Barney Hayhoe explained that the 'de minimis' level of £4,000, used since 1983, was roughly equivalent to the original £500 uprated in line with the cost of living. He also promised that when the Schedule was

next amended, we would reconsider the 'de minimis' level. There was however no assumption that any single indicator would be used in deciding on a revised level.

I hope this is helpful.

Richard

RICHARD LUCE

(Annex E excluded)

Member of a panel of persons appointed under Schedule 5 to the Rent (Northern Ireland) Order 1978 to act as chairmen and other members of rent assessment committees."

Entries omitted

4. The following entries shall be omitted—
- "Paid Chairman of an Area Transport Users Consultative Committee established under section 56 of the Transport Act 1962.
 - Chairman of the Dental Committee of the Northern Ireland Central Services Agency for the Health and Social Services.
 - Chairman of the Domestic Coal Consumer Council.
 - Director of British p.l.c. nominated by a Minister of the Crown or government department.
 - Director of Cable and Wireless Public Limited Company nominated by a Minister of the Crown or government department.
 - Director of the Cereals Committee Limited appointed by a Minister of the Crown or government department.
 - Director of any company in receipt of financial assistance under section 3 of the Films Act 1935, being a director appointed by a Minister of the Crown or government department.
 - Director of the successor company within the meaning of Part V of the Telecommunications Act 1984, being a director nominated or appointed by a Minister of the Crown or by a person acting on behalf of the Crown.
 - Industrial Assurance Commissioner or Deputy Industrial Assurance Commissioner appointed under the Industrial Assurance (Northern Ireland) Order 1979.
 - Any member of the British Library Board in receipt of remuneration.
 - Any member, in receipt of remuneration, of the Historic Buildings and Monuments Commission for England.
 - Member of the Board of the Royal Ordnance Factories."

Other amendments

5. (1) In the entry beginning "Boundary Commissioner or Assistant Boundary Commissioner", for "Assistant Boundary Commissioner" there shall be substituted "Assistant Commissioner".

(2) In the entry "Chairman of the Police Authority for Northern Ireland", after "Chairman" there shall be inserted "or Vice-Chairman".

(3) For the entry beginning "Chairman of any of the Post Users' Councils" there shall be substituted—

"Chairman of the Post Office Users' National Council."

(4) In the entry "Chairman of the Prescription Pricing Agency", for "Agency" there shall be substituted "Authority".

(5) In the entry "Director of British Telecommunications plc appointed by a Minister of the Crown or government department", after "plc" there shall be inserted "nominated or".

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Question put and agreed to.

1. Information required in respect of each additional entry -

- (i) which of the criteria apply and why (see para 2, Annex C); please specify A, B, C, D or a combination; then provide specific details (eg of salary)
- (ii) who appoints the office holder;
- (iii) if paid, how much and from what source, ie grant-in-aid, levy, etc;
- (iv) how many office holders would the entry bring into Schedule 1;
- (v) how the office has been established, eg: statutorially or by administrative action and when;
- (vi) if an old office, why it has not been entered into the Schedule previously; and
- (vii) to which part of Schedule 1 it would be appropriate*

2. Information required in respect of each proposed deletion -

- (i) why the disqualifying criteria no longer applies;
- (ii) if the office has been abolished, by what means was it done, eg: statutorially or administratively and when; and
- (iii) how many office holders are removed from the Schedule.

3. Information required in respect of each proposed amendment of an existing entry -

- (i) the information as in paras 1 or 2 above depending on whether the amendment increases or decreases the entry's coverage;
- (ii) if the amendment is for any other reason (eg a change in the officer's name), details on when and how the change was effected and how many office holders are involved.

* Where (a) is the only reason please distinguish clearly between the effect of a 'de minimis' level of £5,500 and £5,000

† To ensure the separation of the judiciary from the legislature holders of certain judicial offices are disqualified in Part 1 of Schedule 1. Members of some tribunals perform judicial or quasi-judicial duties and where this is a contributory reason for disqualifying particular office holders this may be indicated by noting J along with one or more other disqualifying criteria. J should not normally appear as the only reason for disqualification.

SCHEDULES

Sections 1, 4, 5.

SCHEDULE 1

OFFICES DISQUALIFYING FOR MEMBERSHIP

PART I

JUDICIAL OFFICES

- Judge of the High Court of Justice or Court of Appeal.
 Judge of the Court of Session.
 Judge of the High Court of Justice or Court of Appeal in Northern Ireland.
 Judge of the Courts-Martial Appeal Court.
 Chairman of the Scottish Land Court.
 Circuit Judge.
 Sheriff Principal or Sheriff (other than Honorary Sheriff) appointed under the Sheriff Courts (Scotland) Act 1907, or Temporary Sheriff Principal or Temporary Sheriff appointed under the Sheriff Courts (Scotland) Act 1971.
 County Court Judge or deputy County Court Judge in Northern Ireland.
 Stipendiary Magistrate within the meaning of the Justices of the Peace Act 1979.
 Stipendiary Magistrate in Scotland.
 Resident Magistrate or Deputy Resident Magistrate appointed under the Magistrates' Courts Act (Northern Ireland) 1964.
 Chief or other Social Security Commissioner (excluding a person appointed in pursuance of section 13(5) of the Social Security Act 1980).
 Chief or other Social Security Commissioner for Northern Ireland (excluding a person appointed in pursuance of section 13(5) of the Social Security Act 1980).
 Commissioner for the special purposes of the Income Tax Acts appointed under section 4 of the Taxes Management Act 1970.

PART II

BODIES OF WHICH ALL MEMBERS ARE DISQUALIFIED

- The Aircraft and Shipbuilding Industries Arbitration Tribunal.
 An Arbitration Tribunal established under Schedule 3 to the Industry Act 1975.
 An Area Electricity Board in England and Wales.
 The Attendance Allowance Board.
 The Attendance Allowance Board for Northern Ireland.
 The British Board of Agrement.
 The British Gas Corporation.
 The British Railways Board.
 British Shipbuilders.
 The British Steel Corporation.
 British Telecommunications.
 The British Waterways Board.
 The Broadcasting Complaints Commission.
 The Building Societies Commission.
 The Cable Authority.

SCH. 1

- The Central Arbitration Committee.
- The Central Electricity Generating Board.
- The Civil Aviation Authority.
- The Civil Service Arbitration Tribunal.
- The Commission for Local Administration in England.
- The Commission for Local Administration in Wales.
- The Commission for Local Authority Accounts in Scotland.
- The Commission for the New Towns.
- The Commission for Racial Equality.
- The Commonwealth Development Corporation.
- The Co-operative Development Agency.
- The Council of the Advisory, Conciliation and Arbitration Service.
- The Council on Tribunals.
- The Covent Garden Market Authority.
- The Criminal Injuries Compensation Board.
- The Crofters Commission.
- The Crown Estate Commissioners.
- A Dairy Produce Quota Tribunal constituted under the Dairy Produce Quotas Regulations 1984. S.I. 1984/1047.
- The Data Protection Tribunal.
- The Development Board for Rural Wales.
- The Development Commission.
- A Development Corporation within the meaning of the New Towns Act 1981 or the New Towns (Scotland) Act 1968. 1981 c. 64.
1968 c. 16.
- A Development Council established under the Industrial Organisation and Development Act 1947. 1947 c. 40.
- The Eggs Authority.
- The Electricity Council.
- The Employment Appeal Tribunal.
- The English Industrial Estates Corporation.
- The Equal Opportunities Commission.
- The Equal Opportunities Commission for Northern Ireland.
- The Fair Employment Agency for Northern Ireland.
- The Fair Employment Appeals Board.
- Food from Britain.
- The Foreign Compensation Commission.
- The Gaming Board for Great Britain.
- The General Practice Finance Corporation.
- The Health and Safety Executive.
- The Highlands and Islands Development Board.
- The Housing Corporation.
- The Immigration Appeal Tribunal.
- The Independent Broadcasting Authority.
- An Industrial Court established in Northern Ireland.

- Sch. 1
- The Industrial Development Board for Northern Ireland.
- The Industrial Injuries Advisory Council.
- The Intervention Board for Agricultural Produce and every committee of the Board performing functions of the Board.
- 1972 c. 52. A Joint Planning Inquiry Commission constituted under Part III of the Town and Country Planning (Scotland) Act 1972.
- The Labour Relations Agency.
- The Lands Tribunal.
- The Lands Tribunal for Northern Ireland.
- The Lands Tribunal for Scotland.
- The Law Commission.
- The Local Government Boundary Commission for England.
- The Local Government Boundary Commission for Scotland.
- The Local Government Boundary Commission for Wales.
- London Regional Transport.
- The Meat and Livestock Commission.
- 1975 c. 14. A Medical Appeal Tribunal constituted for the purposes of Part III of the Social Security Act 1975 or Part III of the Social Security (Northern Ireland) Act 1975, including any panel constituted for the purposes of any such Tribunal.
- 1975 c. 15.
- 1977 c. 49. A Medical Practices Committee constituted under section 7 of the National Health Service Act 1977 or section 3 of the National Health Service (Scotland) Act 1978.
- 1978 c. 29.
- 1968 c. 67. The Medicines Commission and any committee established under section 4 of the Medicines Act 1968.
- 1983 c. 20. A Mental Health Review Tribunal constituted or having effect as if constituted under the Mental Health Act 1983.
- The Mental Welfare Commission for Scotland.
- The Monopolies and Mergers Commission.
- A National Broadcasting Council.
- The National Bus Company.
- The National Coal Board.
- The National Development Team for Mentally Handicapped People.
- The National Radiological Protection Board.
- The New Towns Staff Commission.
- The North of Scotland Hydro-Electric Board.
- The Northern Ireland Economic Council.
- The Northern Ireland Electricity Service.
- The Northern Ireland Housing Executive.
- The Occupational Pensions Board.
- The Oil and Pipelines Agency.
- 1967 c. 80. The Parole Board constituted under section 59 of the Criminal Justice Act 1967.
- The Parole Board for Scotland constituted under section 59 of the Criminal Justice Act 1967.
- A Pensions Appeal Tribunal.
- The Performing Right Tribunal.
- The Pilotage Commission.

The Planning Appeals Commission established under Article 88 of the Planning (Northern Ireland) Order 1972.	SCH. 1 S.I. 1972/1634 (N.I. 17).
A Planning Inquiry Commission constituted under Part III of the Town and Country Planning Act 1971.	1971 c. 78.
A Planning Inquiry Commission constituted under Part III of the Town and Country Planning (Scotland) Act 1972.	1972 c. 52.
The Police Complaints Authority.	
The Police Complaints Board for Northern Ireland.	
The Post Office.	
A regional water authority established in accordance with section 2 of the Water Act 1973.	1973 c. 37.
The Restrictive Practices Court.	
The Review Board for Government Contracts.	
A Rural Development Board.	
The Scottish Committee of the Council on Tribunals.	
The Scottish Development Agency.	
The Scottish Land Court.	
The Scottish Law Commission.	
The Scottish Transport Group.	
The Sea Fish Industry Authority.	
The Social Security Advisory Committee.	
The South of Scotland Electricity Board.	
The Traffic Commissioners for any area (including the commissioner for the Metropolitan Traffic Area).	
The Transport Tribunal.	
The Tribunal established under the Interception of Communications Act 1985.	1985 c. 56.
The Tribunal established under the Prevention of Fraud (Investments) Act 1958.	1958 c. 45.
The Tribunal established under Part II of the Wireless Telegraphy Act 1949.	1949 c. 54.
The United Kingdom Atomic Energy Authority.	
The University Grants Committee.	
The Water Appeals Commission for Northern Ireland.	
The Welsh Development Agency.	
The Welsh Fourth Channel Authority.	
The Welsh Water Authority.	

PART III

OTHER DISQUALIFYING OFFICES

Additional Commissioner of the Commission for Racial Equality.	
Additional Commissioner of the Equal Opportunities Commission.	
Adjudicating medical practitioner or specially qualified adjudicating medical practitioner appointed under or by virtue of Part III of the Social Security Act 1975 or Part III of the Social Security (Northern Ireland) Act 1975.	1975 c. 14. 1975 c. 15.

- SCH. 1
1971 c. 77. Adjudicator appointed for the purposes of the Immigration Act 1971.
Advocate Depute (not being the Solicitor General for Scotland) appointed by the Lord Advocate.
Ambassador or Permanent Representative to an international organisation representing Her Majesty's Government in the United Kingdom.
Assessor of Public Undertakings (Scotland).
- 1972 c. 70. Assistant Commissioner appointed under Part IV of the Local Government Act 1972.
- 1973 c. 65. Assistant Commissioner appointed under Part II of the Local Government (Scotland) Act 1973.
Attorney General of the Duchy of Lancaster.
Auditor of the Civil List.
Auditor of the Court of Session.
- 1949 c. 66. Boundary Commissioner or assistant Commissioner appointed under Part I or Part II of Schedule 1 to the House of Commons (Redistribution of Seats) Act 1949.
- 1975 c. 71. Certification officer or assistant certification officer appointed under section 7 of the Employment Protection Act 1975.
Chairman of the Advisory Board for the Research Councils.
Chairman or Vice-Chairman of the Advisory Committee on Distinction Awards.
Chairman of the Agricultural and Food Research Council.
Chairman or member of a panel of deputy-chairmen of an Agricultural Land Tribunal.
Chairman or Director-General of the British Council.
Chairman of the British Library Board.
Chairman of the British Overseas Trade Board.
Chairman of the Business & Technician Education Council.
- 1958 c. 45. Paid Chairman of the Central Transport Consultative Committee for Great Britain established under section 56 of the Transport Act 1962.
Chairman or Deputy Chairman of the Civil Service Appeal Board.
- 1947 c. 54. Chairman of any of the Consultative Councils established under section 7 of the Electricity Act 1947 for the areas of Area Boards in England and Wales.
- 1979 c. 11. Chairman of either of the Consultative Councils continued in existence by section 17(1) of the Electricity (Scotland) Act 1979 for the districts of the North of Scotland Hydro-Electric Board and the South of Scotland Electricity Board.
Chairman of the Council for Small Industries in Rural Areas.

- Chairman of the Countryside Commission for Scotland and any other member of the Commission in receipt of remuneration. SCH. 1
- Chairman, Deputy Chairman or Managing Director of the Crown Agents for Oversea Governments and Administrations.
- Chairman or Vice-Chairman of the Dental Estimates Board or member of that Board appointed at an annual salary.
- Chairman of the Distinction and Meritorious Service Awards Committee for Northern Ireland.
- Chairman of the Economic and Social Research Council.
- Chairman in receipt of remuneration of the Electricity Consumers' Council.
- Chairman of Enterprise Ulster.
- Chairman of the Fire Authority for Northern Ireland.
- Chairman or other full-time member of the Forestry Commission.
- Chairman of the Gas Consumers' Council.
- Chairman or Deputy Chairman of the General Consumer Council for Northern Ireland.
- Paid Chairman of a Health Board constituted under the National Health Service (Scotland) Act 1978. 1978 c. 29.
- Chairman of the Health and Safety Agency for Northern Ireland.
- Chairman of the Health and Safety Commission.
- Chairman of a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972. S.I. 1972/1265 (N.I. 14).
- Chairman or Deputy Chairman, in receipt of remuneration, of the Historic Buildings and Monuments Commission for England.
- Chairman or Vice-Chairman of the Home-Grown Cereals Authority.
- Paid Chairman of an Industrial Training Board constituted under the Industrial Training Act 1964 or the Industrial Training Act 1982 or of a committee appointed under either of those Acts or paid Deputy Chairman of such a board. 1964 c. 16.
1982 c. 10.
- Chairman of the Land Authority for Wales.
- Chairman, Vice-Chairman or member of the executive committee of the Land Settlement Association Limited appointed at a salary.
- Chairman of the Letchworth Garden City Corporation.
- Chairman of the Livestock Marketing Commission for Northern Ireland.
- Chairman of the Local Government Staff Commission for Northern Ireland.
- Chairman of the London and Metropolitan Government Staff Commission.
- Chairman in receipt of remuneration of the London Regional Passengers' Committee.
- Chairman of the Management Committee of the Common Services Agency for the Scottish Health Service constituted under the National Health Service (Scotland) Act 1978.
- Chairman of the Manpower Services Commission.
- Chairman of the Manpower Services Committee for Scotland.
- Chairman of the Manpower Services Committee for Wales.
- Chairman of the Mental Health Commission for Northern Ireland.

- SCH. 1
1984 c. 36.
- Chairman of a committee constituted under section 91 of the Mental Health (Scotland) Act 1984.
- Chairman of the Board of the National Advisory Body for Public Sector Higher Education.
- Chairman or Deputy Chairman of the National Consumer Council.
- Chairman or Vice-Chairman of the National Dock Labour Board.
- Chairman of the National Enterprise Board.
- Chairman of the National Research Development Corporation.
- Chairman of the National Seed Development Organisation Limited.
- Chairman of the Natural Environment Research Council.
- Chairman of the Northern Ireland Central Services Agency for the Health and Social Services.
- Chairman of the Northern Ireland Civil Service Appeal Board.
- Chairman of the Northern Ireland Staffs Council for the Health and Social Services.
- Chairman of the Northern Ireland Tourist Board.
- Chairman of the Northern Ireland Training Authority.
- Any Chairman of the Plant Varieties and Seeds Tribunal.
- Chairman or Vice-Chairman of the Police Authority for Northern Ireland.
- Chairman of the Post Office Users' National Council.
- Chairman of the Prescription Pricing Authority.
- Chairman of the Probation Board for Northern Ireland.
- Chairman of the Red Deer Commission.
- Chairman in receipt of remuneration of any Regional Health Authority, Area Health Authority, District Health Authority, Family Practitioner Committee or special health authority (within the meaning of the National Health Service Act 1977).
- 1977 c. 49.
- Chairman of the Science and Engineering Research Council.
- Chairman of the Scottish Dental Estimates Board or a member of that Board appointed at an annual salary.
- Chairman of the Scottish Legal Aid Board.
- Chairman, Deputy Chairman or member of the Council of Management of the Scottish Special Housing Association, appointed at a salary.
- Chairman or Vice-Chairman of the Scottish Sports Council.
- Chairman or Chief Executive of the Simplification of International Trade Procedures Board.
- A regional or other full-time Chairman of Social Security Appeal Tribunals and Medical Appeal Tribunals.
- A full-time chairman of Social Security Appeal Tribunals and Medical Appeal Tribunals for Northern Ireland.
- Chairman or Vice-Chairman of the Sports Council.
- Chairman or Vice-Chairman of the Sports Council for Northern Ireland.
- Chairman or Vice-Chairman of the Sports Council for Wales.
- Chairman of the Staff Commission for Education and Library Boards in Northern Ireland.

- Chairman of the Standing Advisory Commission on Human Rights constituted under section 20 of the Northern Ireland Constitution Act 1973. SCH. 1
1973 c. 36.
- Chairman of the tribunal constituted under section 463 of the Income and Corporation Taxes Act 1970. 1970 c. 10.
- Chairman of the United Kingdom Central Council for Nursing, Midwifery and Health Visiting, if appointed by the Secretary of State under section 1(6)(a) of the Nurses, Midwives and Health Visitors Act 1979. 1979 c. 36.
- Chairman of the Wine Standards Board of the Company of the master, wardens and commonalty of Vintners of the City of London.
- Chairman of the Women's Royal Voluntary Service.
- Chief Electoral Officer for Northern Ireland or any whole time officer appointed under section 14A(1) of the Electoral Law Act (Northern Ireland) 1962. 1962 c. 14 (N.I.)
- Chief Executive of the National Enterprise Board.
- Chief Scientist of the Scottish Home and Health Department.
- Clerk or deputy clerk of a district council in Northern Ireland.
- The Commissioner for Local Administration in Scotland.
- Commissioner or Assistant Commissioner appointed under section 50(1) or (2) of, or Schedule 4 to, the Local Government Act (Northern Ireland) 1972. 1972 c. 9 (N.I.)
- The Commissioner appointed by the Her Majesty's Government in the United Kingdom under Article 3 of the Agreement confirmed by the Nauru Island Agreement Act 1920. 1920 c. 27. X
- Commissioner or Assistant Commissioner of Police of the Metropolis.
- Commissioner of the City of London Police.
- Commons Commissioner.
- Comptroller and Auditor General.
- Comptroller and Auditor General for Northern Ireland.
- Controller of Audit appointed under section 97(4) of the Local Government (Scotland) Act 1973. 1973 c. 65.
- Controller of Audit appointed under paragraph 7(1) of Schedule 3 to the Local Government Finance Act 1982. 1982 c. 32.
- Counsel to the Secretary of State under the Private Legislation Procedure (Scotland) Act 1936. 1936 c. 52.
- Crown Solicitor for Northern Ireland.
- The Data Protection Registrar.
- Delegate for Her Majesty's Government in the United Kingdom to the Central Rhine Commission.
- Director of the Agricultural Mortgage Corporation p.l.c. nominated by a Minister of the Crown or government department.
- Director of the British Aerospace Public Limited Company appointed subject to the approval of a Minister or government department.
- Director of British Nuclear Fuels Limited.
- Director of the British Petroleum Company p.l.c. nominated by a Minister of the Crown or government department.
- Director of British Telecommunications p.l.c. nominated or appointed by a Minister of the Crown or government department.
- Director of the Commonwealth Institute.

- SCH. 1
- 1945 c. 36.
1958 c. 41.
1967 c. 40.
1972 c. 5.
1972 c. 63.
1982 c. 52.
- 1960 c. 31.
- 1986 c. 31.
- 1986 c. 44.
- 1981 c. 61.
- 1953 c. 18 (N.I.).
- 1974 c. 47.
- Director of any company in receipt of financial assistance under the Distribution of Industry Act 1945, the Distribution of Industry (Industrial Finance) Act 1958, the Shipbuilding Industry Act 1967, the Local Employment Act 1972, Part II of the Industry Act 1972 or Part III or section 13 of the Industrial Development Act 1982, being a director nominated by a Minister of the Crown or government department.
- Director nominated by the Secretary of State of any company in respect of which an undertaking to make advances has been given by the Secretary of State under section 2 of the Highlands and Islands Shipping Services Act 1960 and is for the time being in force.
- Director of Harland and Wolff p.l.c.
- Director of International Military Services Limited.
- Director of the Northern Ireland Transport Holding Company.
- Director, or Deputy Director, of Public Prosecutions for Northern Ireland.
- Director appointed at a salary of Remploy Limited.
- Director of Royal Ordnance p.l.c.
- Director of S.B. (Realisations) p.l.c. nominated or appointed by a Minister of the Crown or government department.
- Director of Short Brothers p.l.c.
- Director of the successor company (within the meaning of the Airports Act 1986) being a director nominated or appointed by a Minister of the Crown or by a person acting on behalf of the Crown.
- Director of the successor company (within the meaning of the Gas Act 1986), being a director nominated or appointed by a Minister of the Crown or by a person acting on behalf of the Crown.
- Director General of Fair Trading.
- Director General of Gas Supply.
- Director General of the National Economic Development Office.
- Director General of Telecommunications.
- General Manager or Secretary of the Scottish Special Housing Association.
- The Governor or Administrator of a dependent territory within the meaning of section 50(1) of the British Nationality Act 1981.
- Governor of the British Broadcasting Corporation.
- Governor, Deputy Governor or Director of the Bank of England.
- Governor, Lieutenant Governor and Secretary, or Captain of Invalids of Chelsea Hospital.
- Governor, Medical Officer or other officer or member of the staff of a prison to which the Prison Act (Northern Ireland) 1953 applies.
- Health Service Commissioner for England.
- Health Service Commissioner for Scotland.
- Health Service Commissioner for Wales.
- High Commissioner representing Her Majesty's Government in the United Kingdom.
- Judge Advocate of the Fleet.
- Judge Advocate General, Vice Judge Advocate General, Assistant Judge Advocate General or Deputy Judge Advocate.
- Lay observer appointed under section 45 of the Solicitors Act 1974.

- Lay observer appointed under Article 42 of the Solicitors (Northern Ireland) Order 1976. SCH. 1
- Lay observer appointed under section 49 of the Solicitors (Scotland) Act 1980. S.I. 1976/582 (N.I. 12).
- Liquidator appointed under section 2 of the Licensing (Alcohol Education and Research) Act 1981. 1980 c. 46.
1981 c. 28.
- Lyon Clerk.
- Lyon King of Arms.
- Managing director of the National Research Development Corporation.
- Medical Officer for Complaints appointed for Wales by the Secretary of State.
- Member of an Agricultural Marketing Board appointed by the Minister under Schedule 2 to the Agricultural Marketing Act 1958. 1958 c. 47.
- Member of an Agricultural Marketing Board appointed under section 3 of the Agricultural Marketing Act (Northern Ireland) 1964 or Schedule 2 to the Agricultural Marketing (Northern Ireland) Order 1982. 1964 c. 13 (N.I.).
S.I. 1982/1080 (N.I. 12).
- Member appointed by a Minister of the Crown of the Agricultural Wages Board for England and Wales.
- Member appointed by the Secretary of State of the Scottish Agricultural Wages Board.
- Member appointed by the Head of the Department of Agriculture for Northern Ireland of the Agricultural Wages Board for Northern Ireland.
- Any member of the Audit Commission for Local Authorities in England and Wales in receipt of remuneration.
- Any member in receipt of remuneration of the British Tourist Authority, the English Tourist Board, the Scottish Tourist Board or the Wales Tourist Board.
- Any member of the Countryside Commission in receipt of remuneration.
- Member appointed by the Secretary of State of the Horserace Betting Levy Board.
- Any member of the Insolvency Practitioners Tribunal in receipt of remuneration.
- Member of the Local Enterprise Development Unit.
- Any member of the Mental Health Act Commission in receipt of remuneration.
- Member of the staff of the National Audit Office.
- Any member of the Nature Conservancy Council in receipt of remuneration.
- Member of a panel of persons who may be appointed to consider representations in accordance with section 3(4)(b) of the Employment Agencies Act 1973. 1973 c. 35.
- Member of a panel of persons appointed under Schedule 10 to the Rent Act 1977 to act as chairmen and other members of rent assessment committees. 1977 c. 42.
- Member of a panel of persons appointed under Schedule 5 to the Rent (Northern Ireland) Order 1978 to act as chairmen and other members of rent assessment committees. S.I. 1978/1050 (N.I. 20).
- Member of the panel of persons appointed under Schedule 4 to the Rent (Scotland) Act 1984 to act as chairmen and other members of rent assessment committees. 1984 c. 58.

- SCH. 1
1975 c. 15. Member of a panel appointed under section 97(2D)(a) of the Social Security (Northern Ireland) Act 1975 of persons eligible to act as chairmen of Social Security Appeal Tribunals for Northern Ireland.
- 1971 c. 62. Member of a panel appointed under section 7 of the Tribunals and Inquiries Act 1971 of persons to act as chairmen of Social Security Appeal Tribunals and Medical Appeal Tribunals.
Member of a panel of persons who may be appointed to serve on a Vaccine Damage Tribunal.
- 1985 c. 51. Any member of a residuary body established by Part VII of the Local Government Act 1985 who is in receipt of remuneration.
Member of the Trinity House Lighthouse Board nominated by the Secretary of State.
- 1980 c. 65. Any member, in receipt of remuneration, of an urban development corporation (within the meaning of Part XVI of the Local Government, Planning and Land Act 1980).
- 1986 c. 48. Member of a Wages Council appointed under paragraph 1(b) of Schedule 2 to the Wages Act 1986.
- S.I. 1982/1840 (N.I. 23). Member of a Wages Council or Central Co-ordinating Committee appointed under paragraph 1(a) of Schedule 2 to the Wages Councils (Northern Ireland) Order 1982.
Northern Ireland Commissioner for Complaints.
Northern Ireland Parliamentary Commissioner for Administration.
Officer or servant employed under the Commissioner of Police of the Metropolis or the Receiver for the Metropolitan Police District.
Officer or servant of the Crown Estate Commissioners.
- 1865 c. 89. Officer, clerk or servant appointed or employed under section 20 of the Greenwich Hospital Act 1865.
- 1981 c. 54. Officer of the Supreme Court being the holder of any office listed in any Part of Schedule 2 to the Supreme Court Act 1981 or a district registrar, or assistant district registrar, of the High Court.
Parliamentary Commissioner for Administration.
- 1938 c. 22. Person appointed to hear and decide appeals under the Trade Marks Act 1938.
- 1964 c. 16. President, or member of a panel of chairmen, of industrial tribunals established under section 12 of the Industrial Training Act 1964.
- S.I. 1984/1159 (N.I. 9). President, or member of a panel of chairmen, of industrial tribunals established under Article 30 of the Industrial Training (Northern Ireland) Order 1984.
President of Social Security Appeal Tribunals and Medical Appeal Tribunals.
President of Social Security Appeal Tribunals and Medical Appeal Tribunals for Northern Ireland.
President or Vice-President of Value Added Tax Tribunals or full-time chairman of value added tax tribunals.
Public Works Loan Commissioner.
Receiver for the Metropolitan Police District.
- 1984 c. 28. Registrar or Assistant Registrar appointed under section 6 or section 7 of the County Courts Act 1984.
Registrar or Assistant Registrar of Friendly Societies.
Registrar of the Privy Council.

Registrar of Public Lending Right.	SCH. 1
Registration Officer appointed under section 8(2) or (3) of the Representation of the People Act 1983.	1983 c. 2.
Rent officer or deputy rent officer appointed in pursuance of a scheme under section 63 of the Rent Act 1977.	1977 c. 42.
Rent officer or deputy rent officer nominated under Schedule 5 to the Rent (Northern Ireland) Order 1978.	S.I. 1978/1050 (N.I. 20).
Returning Officer under section 25(1) of the Representation of the People Act 1983 and any Deputy Returning Officer appointed by him.	
Solicitor in Scotland to any department of Her Majesty's Government in the United Kingdom.	
Standing Counsel to any department of Her Majesty's Government in the United Kingdom.	
Statutory officer appointed under section 70 of the Judicature (Northern Ireland) Act 1978.	1978 c. 23.

PART IV

OFFICES DISQUALIFYING FOR PARTICULAR CONSTITUENCIES

<i>Office</i>	<i>Constituency</i>
Her Majesty's Commissioner of Lieutenancy in the City of London.	The constituency comprising the whole of the City of London.
Her Majesty's Lord-Lieutenant or Lieutenant for Greater London.	Any constituency comprising any part of Greater London.
Her Majesty's Lord-Lieutenant or Lieutenant for a county in England or Wales.	Any constituency comprising the whole or part of the area for which he is appointed.
Her Majesty's Lord-Lieutenant or Lieutenant for a region in Scotland.	Any constituency comprising the whole or part of such part of the region as may be determined by Order in Council made by Her Majesty in which the Lord-Lieutenant holds office or in which the Lord-Lieutenant or Lieutenant discharges his functions.
Her Majesty's Lord-Lieutenant or Lieutenant for an islands area in Scotland.	Any constituency comprising the whole or part of the islands area for which the Lord-Lieutenant or Lieutenant is appointed or for which the Lord-Lieutenant holds office.
Her Majesty's Lord-Lieutenant or Lieutenant for the district of the city of Aberdeen, Dundee, Edinburgh or Glasgow.	Any constituency comprising the whole or part of the district in which the Lord-Lieutenant holds office or for which the Lieutenant is appointed.
Her Majesty's Lord-Lieutenant or Lieutenant for a county or county borough in Northern Ireland.	Any constituency comprising the whole or part of the area for which he is appointed.
Governor of the Isle of Wight.	The Isle of Wight.
The High Sheriff of Greater London.	Any constituency comprising any part of Greater London.
High Sheriff of a county in England and Wales.	Any constituency comprising the whole or part of the area for which he is appointed.

PRIME MINISTER

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1/9

After this afternoon's meeting I thought it might be helpful for you to have a short note on the legislation which needs to be concluded before the end of the Session. The position is as follows:

Bills which started in the Lords

Football Spectators Bill

has completed Commons Committee stages and will receive Commons Report in the first full week of the spillover

The Children's Bill

is in Committee in the Commons

The Companies Bill and the Brunei Appeal Bill

are similarly in Committee

Bills which started in the Commons

Employment Bill

has had Second Reading in the Lords and is about to start Committee

Local Government and Housing Bill

is in Committee in the Lords

The Self-Governing Hospital (Scotland) Bill

has had its Second Reading in the Lords



DOMINIC MORRIS

4 September 1989



CONFIDENTIAL



File
JRZATR
Meeting Record.

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

SUBJECT cc MASTER 4 September 1989

Jean Stone

LEGISLATIVE PROGRAMME 1989/1990 SESSION

The Lord President and the Prime Minister discussed the next Session's programme this afternoon. The Lord President said that he was fairly certain that legislation would be needed on Hong Kong and the detention of terrorist suspects. He shared doubts about how effective War Crimes legislation would be in securing successful prosecutions but the political pressure for legislation was such that it would almost certainly need to be carried forward. It was noted that there was an emotional, if not illogical, link between that legislation and the Waldheim Report on which the Home Secretary planned to make a statement when the House returned.

The Prime Minister noted that the Session's programme was already very crowded. It was crucial that preparatory work on the major legislative items - the Control of Pollution Bill, Broadcasting, Legal Services, Health, and Warnock, should all be ready so that the Bills could be introduced virtually on succeeding days at the beginning of the Session, to get them into the Lords as quickly as possible.

The discussion turned to which Bills might be dropped to accommodate the three newcomers. The Prime Minister felt it would not be possible to drop the Scottish Law Reform Bill since it was so much of a piece with the Lord Chancellor's work in England. She recognised that the Secretary of State for Scotland would be disappointed if the Scottish Enterprise Bill were postponed but recognised that it would probably have to move into the Fourth Session. Similarly, it was agreed that the Highways and Transport (Private Finance) Bill should be deferred until the Fourth Session. It was agreed that it would not be practicable to split the Planning Bill into a number of small, Private

6

Member's, bills. It would be a pity if it had to be deferred until the Fourth Session; it was already controversial and complex and would not improve with keeping; but that might have to be the position unless something else dropped out to make way for it. The decision on the Employment Bill was deferred pending the Secretary of State for Employment's further work on the practicability of making unions responsible for unofficial action and on strikes in essential services, where international comparisons were currently being conducted. This information would be available at the end of September. It was noted that if the Employment Bill did not find a place in the current Session it could not go forward in the Fourth Session: the provisions on Wages Councils would be portrayed as being highly contentious.

The Lord President mentioned the additional bid for amendments to the Landlord and Tenant Act 1954 as a consequence of the Government's reponse to the MMC Report on Breweries. It would be a three clause Bill. The Prime Minister agreed that it needed to be taken forward but invited the Lord President to see whether it could be taken as a Private Member's Bill.

The Fourth Session would need to start very promptly, with the State Opening ideally right at the beginning of November, with a view to the major legislation receiving Royal Assent by March-mid April, providing maximum flexibility during the fifteen months or so remaining of the Parliament's life.

The discussion turned briefly to the Health Service. The Lord President commented that the reports in the weekend press that the BMA's main objections were focussed on self-governing hospitals and GP budgets was, if true, an encouraging development since both these aspects of the Reform were voluntary. The Prime Minister felt that this might be an over-sanguine view. Her own discussions with leading "representatives" from the profession left her with the impression that they were still completely wedded to centralised planning, which treated the patient like a pawn to be moved about, rather than letting the patient determine his own future: the internal market would be the crucial issue.

In conclusion, the Prime Minister invited the Lord President to speak to the relevant Ministers and persuade them of the need to defer the Scottish Enterprise Bill and the Highways and Transport (Private Finance) Bill. The Lord President should also ask colleagues to look at the possibilities for giving to Private Members any relatively

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short and simple bills which were in the programme. There should be an early meeting of QL to finalise the programme in the light of this discussion.

I am copying this letter to Gillian Kirton (Lord Privy Seal's Office), Murdo Maclean (Chief Whip's Office), Douglas Slater (Government Whips, Lords) and Trevor Woolley (Cabinet Office).

Yours etc

Dominic

(DOMINIC MORRIS)

Steven Catling, Esq.,
Lord President's Office.

PRIME MINISTER

You have a bilateral with the Lord President on Monday afternoon to talk about the legislative programme. The position has not changed much since John Wakeham's minute before the reshuffle (Flag A) which you have seen and which I understand Geoffrey Howe largely endorses. The latest overall state of play on the legislative programme is at Flag B. The only recent additional bid was made by David Young just before the reshuffle (Flag C) for changes to the Landlord and Tenant Act arising from the Brewers' statement. It would be a three clause bill. I understand Nick Ridley wants to carry it forward.

As to the possible planning bill, there seem to be four options:

- to lose another item from the programme, though it is not easy to see which
- to get the draftsmen to start work on it now against the contingency that at least one from War Crimes, Hong Kong, or Detention of Terrorist Suspects will not in the event require legislation this coming session
- to accept that the fourth session will start late
- to leave planning until the fourth session.



DM

1 September, 1989.

CONFIDENTIAL

ccps



Adopted
21 July 1989

PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT
21 August 1989

Dear Chris

LEGISLATIVE PROGRAMME 1989-90
TOWN AND COUNTRY PLANNING BILL

Thank you for your letter of 31 July underlining your commitment to this Bill and expressing the hope that a firm place can be found for it in next Session's legislative programme. You also asked for drafting authority for the Bill meanwhile.

Asap

I fully recognise the attractions of the Bill - which, as you say, has been endorsed by Cabinet - and the desirability of securing a place for it in the programme if at all possible. However, next year's programme is, as you know, already a very heavy one and Cabinet also recognised that any additions to it would have to be offset by savings. Moreover, since Cabinet settled the provisional programme, a number of other pressing legislative contenders have emerged, including possible measures on war crimes, Hong Kong citizenship and the detention of terrorist suspects.

In the light of these developments, I cannot yet say whether it will be possible to include part or all of the Town and Country Planning Bill in next Session's programme. I can, however, assure you that the claims of the Bill will be very much in my mind as I seek to finalise the programme in discussion with colleagues over the coming weeks.

I note that your officials have separately suggested that if in the event the Bill as a whole cannot be accommodated in the programme, four elements of it might be suitable for offering to Private Members as Handout Bills. That, too, is something on which we will need to reserve judgment until the position as a whole is clearer.

As to your request for drafting authority for the Bill, I am afraid that the position remains the same as it was when John Wakeham wrote to your predecessor. Parliamentary Counsel are fully occupied in drafting Bills which already have a firm place in the programme, and must give priority to those Bills.

I will let you know as soon as the position of the Bill in relation to the programme is clear. I appreciate the desirability of clarifying matters as soon as possible.

I am copying this letter to the Prime Minister, members of QL, Sir Robin Butler and Second Parliamentary Counsel.

Handwritten signature and a purple circular stamp.

GEOFFREY HOWE

The Rt Hon Chris Patten MP

CONFIDENTIAL

PALUANGT : heqolalan PTIS



CONFIDENTIAL



pt
Norm

Treasury Chambers, Parliament Street, SW1P 3AG

The Rt Hon Tony Newton MP OBE
Secretary of State for Social Security
Richmond House
79 Whitehall
LONDON
SW1A 2NS

17th August 1989

Dear Tony

1989-90 SOCIAL SECURITY BILL

- flap

Thank you for sending me a copy of your letter of 31 July to Geoffrey Howe, seeking colleagues' agreement to the miscellaneous and minor provision in your forthcoming Bill.

I am content with your proposals. This is of course on the understanding that you will be separately advising colleagues on the main policy issues to be included in your Bill, and that further provisions may be needed depending on decisions taken in the public expenditure Survey.

I am copying this letter to members of H and E(A) Committees, and to Sir Robin Butler.

Norm
186
1989
NORMAN LAMONT

PARL: Legislation pr 18





C.P.H.

DEPARTMENT OF HEALTH
Richmond House, 79 Whitehall, London SW1A 2NS
Telephone 01-210 3000

From the Parliamentary Under Secretary of State for Health

Rt Hon Tony Newton OBE MP
Secretary of State for Social Security
Richmond House
79 Whitehall
London
SW1A 2NS

NBRM

RH6

11/8

10th August 1989

Dear Tony,

1989-90 SOCIAL SECURITY BILL

Thank you for copying to Kenneth Clarke your letter of ¹¹31 July to Geoffrey Howe seeking approval for various proposals in your Social Security Bill. You propose to take powers to recover grants made to Local Authorities or voluntary organisations to provide resettlement facilities if the use as hostels is subsequently changed. While I agree with this proposal in principle, I have one reservation in that we ought to be clear first how Local Authorities would make such repayments. Perhaps our officials could look into this issue. Providing they can resolve it satisfactorily, I would have no objection if you proceeded with your legislation.

You also propose to abolish the six month qualifying period for Attendance Allowance in the case of someone who is terminally ill. This will have the effect of making more money available for the care of the dying in the community and is something for which various organisations have been pressing for for some time. I welcome the proposal.

I am copying this letter to members of H and E(A) Committees, and to Sir Robin Butler.

*Humour
Note.*

ROGER FREEMAN

CEPT



150
SCOTTISH OFFICE
NEW ST. ANDREW'S HOUSE
ST. JAMES CENTRE
EDINBURGH EH1 3SX

Rt Hon Tony Newton OBE
Secretary of State for Social Security
Department of Social Security
Richmond House
79 Whitehall
LONDON
SW1A 2NS

26/8

9 August 1989

Dear Tony

1989/90 SOCIAL SECURITY BILL

flap

Thank you for sending me a copy of your letter to Geoffrey Howe about the miscellaneous matters proposed to be included in the 1989/90 Social Security Bill.

The items set out in the Annex to your letter appear to us to be acceptable and we would raise no objection to them. I am therefore content that they should be included in your forthcoming Bill.

I am copying this letter to members of H and E(A) Committees, and to Sir Robin Butler.

Yours ever

Michael

MICHAEL FORSYTH

PARLIAMENT: Legislatu AT18





ELIZABETH HOUSE
YORK ROAD
LONDON SE1 7PH
01-934 9000

Rt Hon Sir Geoffrey Howe QC MP
Lord President of the Council
Privy Council Office
Whitehall
London SW1A 2AT

NBM

*RCG
15/8*

10 AUG 1989

Dear Lord President

1989-90 SOCIAL SECURITY BILL

I refer to Tony Newton's letter of 31 July.

I have no objection to the inclusion in the Bill of the minor and miscellaneous provisions listed in the annex to that letter. I do of course have a major interest in some at least of the substantial policy issues the Bill is intended to deal with, and I look forward to having the opportunity to consider, and if necessary discuss with colleagues, the implications of these for the public service pension schemes.

I am copying this letter to members of H and E(A) Committees, and to Sir Robin Butler.

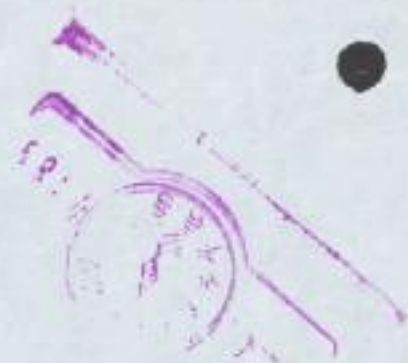
Yours sincerely

S. P. Crowne

PP JOHN MACGREGOR

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

Post heg Pr 18.



Handwritten notes in purple ink, including the word "Micro" and some illegible scribbles.



QUEEN ANNE'S GATE LONDON SW1H 9AT

1 August 1989

CD 1/8

Dear Cecil.

AVIATION AND MARITIME SECURITY BILL

attached
Paul Channon's memorandum of 18 July (OD(T)(89)) sought comments on his proposals for the Aviation and Maritime Security Bill.

In general I welcome the proposals and I believe the public will support what will be seen as a tightening of security at airports. I am also glad that the opportunity is being taken to adopt new powers in relation to security at sea ports, where there is clearly room for improvement.

I recognise that to be effective new requirements on the wearing of passes at airports must be stringently applied, and I am happy to confirm the undertaking given by my officials that immigration officers will be instructed to conform to this requirement. For the police we shall have to clear our lines with the Association of Chief Police Officers, but provided account is taken of their operational functions I would not expect difficulty about this. I understand it is also the intention that if airport security staff believe it necessary they should be able to search a member of the Immigration Service in the presence of supervisors. I wonder whether this is necessary; if the purpose of these measures is to detect impersonation of a member of a control authority, and a senior officer has confirmed the identity of the suspected person, there seems to be no reason to search the individual. If there is any suspicion that the person is carrying something illegal the matter should be referred to the police.

A number of new offences are proposed, notably in relation to the security checks on passengers. I agree entirely with the goal of ensuring that passengers do not board an aircraft without being thoroughly checked, but I am not convinced that a criminal sanction is the right way to achieve this. The most effective way of convincing a passenger that it is in his interests to comply with the checks and searches is surely to deny him access to the aircraft unless he has done so. Making it a criminal offence will not prevent the passenger travelling and will be an empty threat for those not returning to the country.

The Rt Hon Cecil Parkinson, MP.
Secretary of State for Transport

/over....

I am anxious that the operators should not transfer to the police and the criminal justice system the responsibility for taking action when and where it is most required. I should be glad, therefore, if you would agree that officials should consider carefully the need for the criminal offences proposed against the strict test of need and achievement of the objective.

Our officials are already discussing the issue of the appointment of Special Constables at certain sea ports, which causes me some concern. The proposals on security at sea ports will inevitably have implications for policing at these ports and I continue to be worried about the lingering power at some ports to appoint as Constables people who are in effect security guards. I hope, therefore, that you will agree that the Bill should be used to tidy up this anomaly.

Subject to these points, I am content that policy approval should be given to the Bill.

A copy of this letter goes to other members of OD(T) and to Sir Robin Butler.

Handwritten signature:
Dwyer.





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CTU

2 MARSHAM STREET
LONDON SW1P 3EB

01-276 3000

My ref:

Your ref:



31 July 1989

The Rt Hon Sir Geoffrey Howe QC MP
Lord President of the Council
Privy Council Office
68 Whitehall
LONDON
SW1

Dear Lord President

LEGISLATIVE PROGRAMME 1989/90
TOWN AND COUNTRY PLANNING BILL

When ^{attached} Cabinet discussed the legislative programme for next session (CC(89) 9th Conclusion, item 5) the Prime Minister, summing up the discussion, said that if circumstances dictated any change in the provisionally approved programme then the possibility of including the Town and Country Planning Bill should be reconsidered since this was a most valuable measure. Since then, consultation on and policy clearance of the main elements of the Bill have proceeded, and officials have been working on instruction to Counsel, so that there would be no delay if the Bill were, in the event, to secure a place.

My own view, having looked at the proposed contents of the Bill, is that it would be very desirable to take it forward next session. The provisions on compensation are needed to draw the sting of the opposition to major development proposals; those on development plans are overdue and are important to introducing more certainty into development control; those on enforcement have been widely welcomed, especially by our own supporters, those designed to relieve the burden on the system and to enable it to work better will not all be so popular, but they become increasingly important if the machinery for dealing with applications and appeals is to cope with the volume of work which continues to reach new peaks and to show no sign of abating. I hope therefore that a firm place can be found for this Bill as the programme firms up. In the meantime, while I realise that the Bills provisionally approved by Cabinet must have the priority claim on Parliamentary Counsel's time, it would be very desirable for Parliamentary Counsel to be working on this Bill as and when they can. I know that your predecessor declined to give drafting authority in May but we are now 2 months nearer the beginning of the next session and I hope that you will be prepared to give drafting authority on the basis I have proposed.

I am sending copies of this letter to members of QL, the Prime Minister, Sir Robin Butler and First Parliamentary Counsel.

Yours sincerely

PP CHRIS PATTEN

(Approved by the Secretary of State
and Signed in his Absence)



DEPARTMENT OF HEALTH AND SOCIAL SECURITY

Richmond House, 79 Whitehall, London SW1A 2NS

Telephone 01-210 3000

From the Secretary of State for Social ~~Services~~ Security

CEPO

CONFIDENTIAL

31 July 1989

Rt Hon Sir Geoffrey Howe QC MP
Lord President of the Council
Privy Council Office
Whitehall
London SW1A 2AT

NBHM at this stage.

John Geoffrey

*Recd
31/7*

1989-90 SOCIAL SECURITY BILL

As you know, I have a place for a Social Security Bill in the next Parliamentary Session. The Bill will deal with a number of substantial policy issues, notably on Occupational Pensions. The agreement of colleagues to the policy content of the major items is being sought separately in the normal way, and the Bill as a whole will of course be subject to approval by L Committee.

The purpose of this letter is to obtain colleagues' agreement to the policy behind a number of miscellaneous and minor provisions which I propose to include in the draft Bill. These are set out in an annex. A number have been carried over from this year's Bill in order to avoid delay to Royal Assent. It would assist my preparation of the Bill to know quickly if colleagues are content.

I am copying this letter to members of H and E(A) Committees, and to Sir Robin Butler.

h
ever.
Tony
TONY NEWTON

SOCIAL SECURITY BILL

MISCELLANEOUS AND MINOR ITEMS

1. Tort Damages

Three minor amendments to the 1989 Social Security Act have been held over to this Bill to avoid delaying Royal Assent. The 1989 Act includes provisions to recoup benefits from recipients of compensation payments. Two of these new amendments are minor and technical, the other is a change to the definition of a compensation payment to include payments made by the Motor Insurers' Bureau to the victims of unidentifiable drivers.

2. Widows' Benefits

There is a beneficial amendment required to give a small group of widows the benefit of the easement provided for in the 1989 Act. The difficulty concerns Widowed Mother's Allowance (Personal) (WMA(P)) - this provides the continuing payment of the personal rate of WMA where the youngest child is aged 16-19 and although no longer dependent, remains in the widows household. The 1988 Social Security Reforms abolished this provision but the 1989 Act sought to restore it for those women widowed before 11 April 1988. The Act achieved this aim aside for this small group of widows who were not already receiving WMA, WMP(P) or Widow's Allowance immediately before 11 April 1988.

We also wish to amend section 165A(2)(a) of the Social Security Act 1975 to relax the twelve months limit on benefit backdating so as to allow the backdating of widow's benefit for claimants where the husband has disappeared and it is some considerable time before it can be positively established that he is in fact dead. We propose that widow's benefit should be paid back to the accepted date of death, unless death was first established more than 12 months before the date of claim when the normal 12 months limitation on the payment of arrears will apply. It is not proposed to allow more than 12 months arrears on claims to widows benefit where the husband's death has to be presumed, by an adjudication officer or in Scotland by the Courts, 7 years or more after his disappearance. Both these changes are beneficial.

3. Trade Disputes Relevant Sum

This is the weekly sum which is arbitrarily assumed to be the responsibility of the person involved in a trade dispute or his union in providing for the maintenance of the striker's family. The relevant sum is currently £18.50.

Last April we uprated several of the Income Support amounts by different percentages - reflecting the extra help given to families with children. This has however caused a minor problem because current law required the "relevant" sum to be uprated by the single percentage by which applicable amounts are increased. This time there was more than one percentage. We need a new formula to avoid problems in the future. The recommended formula is that the uprating of the sum should be linked to the percentage used to uprate the personal allowance in Income Support for single claimants aged not less than 25; and the Social Security Act 1986 therefore needs to be adjusted. This is a minor provision, but of course the principle behind the relevant sum is controversial.

4. Changes to National Insurance Contributions (uncontroversial)

4.1 Small Earnings Exception (SEE)

All self-employed people, except those over pensionable age, are liable to pay Class 2 National Insurance contributions - currently £4.25 a week. A self-employed person can, however, apply to be excepted from liability if his earnings from self-employment are low enough: in the current year this limit is £2350.

Problems can arise when self-employed people discover part way through the financial year that their earnings fall below this limit. If contributions have already been paid they cannot as the law stands be refunded, as they have not been paid in error. Conversely, if contributions have not been paid, then liability is usually waived for the whole year. This creates inequities among the self-employed. To correct this we propose to amend the regulation making powers in the 1975 Act that cover the refund of contributions in a way that will remove the link between error and refund in SEE cases. We will then legislate to allow refunds to Class 2 contributions in SEE cases in defined circumstances.

4.2 Dock Labour Scheme

The Dock Work Act 1989 provides for the abolition of the Dock Labour Scheme from 3 July 1989. The Act, inter alia, repeals section 145 of the Employment Protection (Consolidation) Act 1978, which prevented registered dock workers from benefitting from the redundancy payment provisions in that Act. Section 4(7) of the Social Security Act 1975 contains a reference to Section 145 of the EP (C) Act and we propose to repeal this reference as a consequential of the abolition of the Dock Labour Scheme.

4.3 Abolition of Treasury Supplement

Clause 3 of the 1989 Social Security Act abolishes the Treasury Supplement to National Insurance contributions. Section 152 (6) of the Social Security Act 1975 contains a reference to 'the Treasury supplements' and we propose to repeal this reference.

4.4 Interest on Class 1 and 4 NICs

Last year's Finance Bill introduced a provision to make an interest charge on employers who delay payments of PAYE to the Revenue beyond the end of the tax year; the provisions will not come into effect before 1993 at the earliest. Because of the close link between collection of tax and NICs, there must be similar provisions for NICs. Since many of the practical details have still to be worked out the primary legislation needs to be in place as soon as possible.

The provisions will mirror the Inland Revenue legislation so that interest may be charged on sums due - including NICs.

4.5 Penalties for late end of year returns

This year's Finance Bill makes provision for new penalties for late and incorrect filing of employers' end of year returns of PAYE deductions. The appropriate clause provides for automatic penalties of £100 for each 50 employees and for each month the return is late up to 12 months beyond the new filing date of 19 May; such provisions will operate from 1995 but in the

interim period there will be a gradual tightening up of penalties. There will be separate, fully-mitigable penalties for delays in completing end of year returns of more than 12 months, and for incorrect returns of up to 100 per cent of the tax unpaid or paid late in consequence.

Because PAYE and NIC is paid in a single sum, it would not be practicable to charge penalties on the one but not the other; there must therefore be similar provisions for NICs. It is the intention, therefore, that the provisions will mirror the Revenue legislation.

5. Resettlement Units

Following the creation of the Resettlement Executive as an Agency we are proposing changes to the Social Security Act 1980. The major changes involve converting the Secretary of State's power to provide resettlement units into a power to finance them. We also propose to take a power to recover capital grants made to Local Authorities and voluntary organisations who are funded to provide facilities but subsequently change the use of a hostel. These changes are part of the implementation of our agreed policy of replacing DSS Resettlement Units with similar facilities provided by other organisations.

6. Attendance Allowance: Abolition of the 6 months qualifying period for the Terminally Ill

This is an inescapable public commitment, given to Parliament, and which we are pledged to legislate for very quickly at an estimated cost of some £30 million in a full year. It has been cleared with the Chief Secretary. The change is beneficial but will lead to further debate on disability benefits.

7. Regulation Making Powers

A provision to tidy up regulations making powers to make it clear under which parliamentary procedure (negative or affirmative) a set of regulations falls.

8. Occupational Pensions

In addition to the main changes there are three minor and technical Occupational Pension matters arising out of the 1989 Act. Amendments could

have been made to that Act but have been carried over to assist in achieving Royal Assent quickly. Amendments are needed to cover two technical issues in a Schedule to the 1989 Act where it has now been recognised that the wording does not agree with the policy intention. A further amendment is needed to clarify the definition of an occupational pension scheme under the 1975 Social Security Act. Schemes are currently defined as "any scheme or arrangements which is comprised in one or more instruments or agreements". This does not cover all pension schemes - notably those established by Acts of Parliament such as the judicial and Parliamentary schemes. We propose to extend the definition to cover all such schemes; if the law is not changed then none of these should legally be contracted out of the state scheme with serious unintended consequences for the schemes concerned.

9. Disclosure of Information

Some minor and technical amendments were drafted for the 1989 Bill to clarify the scope of the provisions relating to unlawful disclosure of information by people engaged in Social Security Administration. We now propose to make these in this Bill.

10. Relocation of Work to Belfast

Following the major initiative in transferring Social Security work from London to new Social Security Centres - including Belfast - we have to make a minor technical change so that Adjudication Officers adjudicating on GB claims can be staff of the DHSS(NI) as well as of DSS and the Department of Employment. This may lead to some debate on the relocation policy, but the provision itself is very minor.

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ATM

the department for Enterprise

Eric Forth MP
Parliamentary Under Secretary of State for
Industry & Consumer Affairs

The Rt Hon Sir Geoffrey Howe QC MP
Lord President of the Council and
Leader of the House of Commons
68 Whitehall
LONDON SW1A 2AT

Department of
Trade and Industry

1-19 Victoria Street
London SW1H 0ET

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Fax 01-222 2629

Direct line 215 4301
Our ref C20AAM
Your ref
Date 28 July 1989

Dear Lord President

PRIVATE MEMBERS'S BILL: HOUSE OF COMMONS

Mr Terry Lewis MP has tabled the following Notice of Motion
under Standing Order 58:

Telecommunications (Premium Rate Services and Consumer
Representation): Bill to amend the Telecommunications Act
1984 with respect to the provision of advice about premium
rate services and to provide for consumer representation on
advisory committees.

The Government should not support this Bill if it reaches its
second reading. It concerns matters which are the
responsibility of the Director General of Telecommunications,
already adequate, under the terms of the Telecommunications
Act 1984.

I am copying this letter to the Chief Whip, First
Parliamentary Counsel, the Lord Advocate's Department, Members

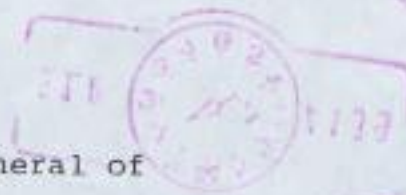
the
Enterprise
Initiative



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dti

the department for Enterprise



of L Committee, and the Director General of Telecommunications.

Yours sincerely
Ian Gibson

pp

ERIC FORTH

(Approved by the Minister and
signed in his absence).

the
Enterprise
Initiative



Recycled Paper

CONFIDENTIAL

memoit



10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

28 July 1989

LEGISLATIVE PROGRAMME 1989-90

As you know, the Prime Minister has seen Mr. Wakeham's minute of 21 July. She had a very preliminary discussion yesterday with Sir Geoffrey Howe, but I know she would welcome a further discussion with the Lord President before taking a firm decision on the proposals in the note. Mrs. Ponsonby will be in touch with your office to fix a suitable time.

DOMINIC MORRIS

Steven Catling, Esq.,
Lord President's Office

CONFIDENTIAL



SCOTTISH OFFICE
WHITEHALL LONDON SW1A 2AU

J G Fuller Esq
Cabinet Office
70 Whitehall
London
SW1

26 July 1989

new John
PRIVATE MEMBERS' HANDOUT BILLS FOR 1989/90

will require if req'd
Thank you for your letter of 7 July asking that we should update our list of bids for the 1989/90 session.

2. We no longer wish to pursue the Farm Diversification (Exemption from Rating) Bill. Nor are we in a position meantime to pursue the Child Abduction (Scotland) Bill until we have completed our exchanges with the Home Office. However, we do wish to retain the two other Bills listed in the attachment to your letter (viz The Crofter Forestry (Scotland) Bill and the Irrigation (Scotland) Bill).³

3. In addition we would like to bid for the following additions:-

- a. The Drought (Scotland) Bill in the light of our failure to include those provisions in the Water Bill.
- b. The Age of Legal Capacity (Scotland) Bill which was introduced this Parliamentary session by Sir Nicholas Fairbairn but which did not get beyond a First Reading.
- c. The Requirements of Writing (Scotland) Bill which was introduced by Allan Stewart and also failed to get beyond a First Reading.
- d. The Term and Quarter Days (Scotland) Bill which is being considered for inclusion in the Law Reform (Miscellaneous Provisions (Scotland) Bill but may not win a place because of the need to reduce the size of the latter Bill.

4. I enclose brief details of the proposed additions. Copies of this letter go to the recipients of yours.

Yours,
David
DAVID CRAWLEY
Private Secretary

PRIORITY AND
TITLE; PURPOSE

DEPT

LENGTH

INTERESTED GROUPS
AFFECTED AND LIKELY
ATTITUDES

FINANCIAL
MANPOWER OR
EC ASPECTS

TIMING OF POLICY APPROVAL
AND INSTRUCTIONS TO
COUNCIL

DROUGHT
(SCOTLAND) BILL

SO

Short:
6 Clauses
and
Two
Schedules

COSLA would have
preferred more
far-reaching emergency
powers.

Possible
compensation
payments by
water authorities,
if use of new
powers harmed
existing business
etc: these
however are likely
to be very rare.

No manpower or
EC implications

H Committee approval given
September 1984.

Instructions have been sent to
Counsel and a first draft of
the Bill has been prepared.

To make
available to
water authorities
and, to a limited
extent, to water
development
boards in
Scotland, the
powers obtained
in England and
Wales in 1976 to
restrict use of
water during
drought.

PRIORITY AND TITLE; PURPOSE	DEPT	LENGTH	INTERESTED GROUPS AFFECTED AND LIKELY ATTITUDES	FINANCIAL MANPOWER OR EC ASPECTS	TIMING OF POLICY APPROVAL AND INSTRUCTIONS TO COUNCIL
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AGE OF LEGAL CAPACITY (SCOTLAND) BILL	SO	10 Clauses and 2 Schedules	Very general support from a wide body of interests including the legal profession.	No public H expenditure manpower or EC implications.	Committee approval given on 11 October 1988
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To amend the capacity of young people under the age of 18 to enter into legal transactions as recommended in the Scottish Law Commission's Report on the Legal Capacity and Responsibility of Minors and Pupils (SLC No 110)

PRIORITY AND TITLE; PURPOSE	DEPT	LENGTH	INTERESTED GROUPS AFFECTED AND LIKELY ATTITUDES	FINANCIAL MANPOWER OR EC ASPECTS	TIMING OF POLICY APPROVAL AND INSTRUCTIONS TO COUNCIL
<p>REQUIREMENTS OF WRITING (SCOTLAND) BILL</p> <p>To reform and modernise the law of Scotland requiring writing and writing of a particular type for certain legal purposes. Based on recommendation of Scottish Law Commission on their Report on the Requirements of Writing (SLC No 112).</p>	SO	<p>16 Clauses plus 5 schedu- les</p>	<p>Law Society support Bill subject only to one relatively minor reservation.</p>	<p>No public expenditure manpower or EC implication</p>	<p>H Committee approval given on 7 March 1989</p>

PRIORITY AND TITLE; PURPOSE	DEPT	LENGTH	INTERESTED GROUPS AFFECTED AND LIKELY ATTITUDES	FINANCIAL MANPOWER OR EC ASPECTS	TIMING OF POLICY APPROVAL AND INSTRUCTIONS TO COUNCIL
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TERM AND QUARTER DAY (SCOTLAND) BILL

SO

2 Clauses

A majority of those consulted support the proposals

No public expenditure manpower or EC implications

H Committee approval given on 5 September 1988.

To remove uncertainty and confusion by providing a statutory definition of the expressions Whitsunday, Martinmas, Candlemas and Lammas as recommended in the Scottish Law Commissions Report on the Scottish Term and Quarter Days (SLC No 108)

CONFIDENTIALPRIME MINISTERLEGISLATIVE PROGRAMME 1989-90

As one of his last acts as Lord President, John Wakeham has offered the suggestions at flag A on how to incorporate the three new candidates (War Crimes, Hong Kong and Detention of Terrorist Suspects) into the legislative programme for the coming session. He recommends deferring the Highway and Transport (Private Finance) Bill and Scottish Enterprise. Both would be 50-60 clause Bills. He also assumes that the Planning Bill fails to advance from its position as first reserve. The note you saw in June summarising what was then the latest state of play for the overall programme is attached at flag B so that you can see the proposals in context.

I understand that Sir Geoffrey Howe agrees with John Wakeham's analysis (though he may want to do more to find room for the Planning Bill). I offer one other thought: it is not as obvious as John Wakeham's minute suggests why the Law Reform (Miscellaneous Provisions) Scotland Bill needs to be taken in the coming session. Scotland is already closer to the Lord Chancellor's model than England and Wales, and there are the precedents of education reform and the community charge for Scottish legislation being out of phase with that in England and Wales. Deferring the Scottish Legal Bill for a session would open the way for either

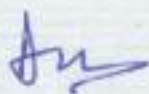
- Scottish Enterprise (which Malcolm Rifkind sees as a flagship of the Scottish programme);
- or
- the Planning Bill (but that would mean no Scottish legislation at all next session).

Each of these Bills is about the same length as the Law Reform (Miscellaneous Provisions) Scotland Bill.

Content with the proposals in John Wakeham's minute;

or

In the light of the above, are there any changes you wish to make?


DOMINIC MORRIS

26 July 1989

CONFIDENTIAL

*I must discuss with the
new Lord President*

dti

the department for Enterprise

Handwritten initials and a red mark in the top right corner.

The Rt. Hon. Lord Young of Graffham
Secretary of State for Trade and Industry

Rt Hon John Wakeham MP
Lord President of the Council
Privy Council Office
68-72 Whitehall
London SW1A 2AT

Department of
Trade and Industry

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NBA

John

stage.

*RAG
24/7*

Direct line 215 5422
Our ref MM1AOK
Your ref
Date 24 July 1989

John

BEER: LANDLORD AND TENANT ACT 1954

Asp.

You wrote to me about this on 30 June, and we discussed it when we met on 3 July to discuss the Parliamentary handling of the Government's response to the Monopolies and Mergers Commission report.

As you will appreciate from my Statement on 10 July, and the many comments that were made in the House on the position of licensed tenants, the question of tenants' security is a key part of the follow up to the MMC report. Without the protection that the Landlord and Tenant Act provides, tenants will not be in a position to exercise the greater freedoms my proposed measures will provide. Brewers will, as in the past, be able to exert pressure on tenants to prevent them going to competitive outside suppliers for the drinks we are releasing from ties to the national brewers, such as low alcohol beers and soft drinks.

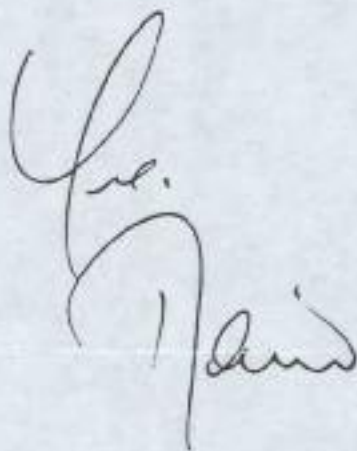
The proposed amendments to the Landlord and Tenant Act were set out in the Statement of 10 July. I understand they should require no more than about 3 clauses. I agreed not to press the case for including these clauses in the Local Government and Housing Bill, and in your letter you suggested that it might instead be possible to find time in the next Session for such a short measure.

dti

the department for Enterprise

My officials are discussing with those in the Department of the Environment responsible for the working of the Landlord and Tenant Act the technical detail of what is proposed. So that we can move forward with this key part of the response to the MMC report, I should be grateful for your and colleagues' agreement to drafting authority on the basis of a legislative slot in the forthcoming Session.

I am sending copies of this letter to the Prime Minister, John Belstead, Nicholas Ridley, John MacGregor and other members of L.



GOVT MAIL: Monopolies + Mercantile
- Priv.





PRIME MINISTER

LEGISLATIVE PROGRAMME 1989-90

In the last few weeks three new candidates have emerged for places in the legislative programme: war crimes, Hong Kong and, most recently in the Home Secretary's minute to you of 20 July, the detention of terrorist suspects. There are of course uncertainties about each of these potential measures. Nevertheless I wanted to share with you my initial thoughts about how we should handle their implications for the rest of the programme provisionally agreed for next session.

That programme is, of course, already a very heavy one. It is important that we aim to start the fourth session of Parliament as close to the conventional time as possible. With these factors in mind, Cabinet agreed that there should be no additions to the programme without offsetting savings. The three potential additions to the programme seem likely each to be Bills of up to 10 clauses. Equally important, at least two - and probably all three of them - will be controversial, requiring a fair amount of prime Parliamentary time. So we would need to identify, say, two substantial Bills which could be dropped from the provisional programme if these three measures are to be brought forward. Their addition would also mean that we could not find a place for Nick Ridley's Town and Country Planning Bill as we had hoped.

Some of the Bills in the provisional programme are essential, such as broadcasting: others are too small to represent a sufficient saving in Parliamentary time and the resources of the draftsmen. Identifying possible candidates for savings among substantial programme Bills is not easy. Bills in this category include:

i. Food - but the impending White Paper will build up an expectation of action here which we cannot easily disappoint;

ii. Human Fertilisation and Embryology - but we have acknowledged the case for legislation and because of its controversial nature, cutting across Party lines, this is not a measure which it would be sensible to bring forward later than the third session of a Parliament;

iii. Law Reform (Miscellaneous Provisions) (Scotland) - but this Bill will introduce in Scotland changes relating to the legal professions similar to those which the Lord Chancellor intends to introduce in England and Wales.

Of the remainder, I judge the best candidates to be:

iv. Highways and Transport (Private Finance) - this is a Bill of at least 50 clauses, a number of whose provisions will be controversial.

v. Scottish Enterprise and New Towns (Scotland) - this is a Bill to establish Scottish Enterprise to replace the Scottish Development Agency and the Training Agency in Scotland and to provide powers to reconstruct Development Corporations' liabilities and to allow for the winding up of Development Corporations. While I know that Malcolm Rifkind will be very disappointed if this legislation cannot be brought forward, it does not seem critical that it should be carried in the next session.

The Employment Bill is another Bill in this category. As you know, it may well grow if we decide to legislate to deal with unofficial industrial action and strikes in essential services. On one argument, there might be something to be said for

reserving legislation of this nature till nearer the end of this Parliament. You may judge, however, that recent disruption in the transport sectors makes early legislation on these issues desirable.

To conclude, if we have to find places in next session's programme for Bills on war crimes, Hong Kong and the detention of terrorist suspects, we shall not be able to find room for the Town and Country Planning Bill and will have to drop two substantial Bills already in the provisional programme. I believe that the Highways and Transport (Private Finance) and the Scottish Enterprise and New Towns (Scotland) Bills are probably the least difficult candidates for this. I should be glad to know if you agree. I would not, of course, plan to put final proposals on this to QL until after the recess, but an early steer from you would be helpful.



JOHN WAKEHAM

21 July 1989

ANDREW TURNBULL

PARLIAMENTARY BUSINESS BEFORE THE RECESS

The Lord President and Murdo Maclean had separate private conversations with me about the difficulties of getting Commons business completed as planned before the Recess.

The problem stems from the desire of Labour MPs from the mining areas, led by Dennis Skinner, to frustrate the passage of the Associated British Ports Bill, which will facilitate coal imports. Skinner and Co were threatening to hold up other business if they did not win a concession; and both the Lord President and Murdo took this threat seriously.

They were therefore seeking to negotiate a suitable agreement with Foster to secure Commons business. This would take the form of agreeing to defer Commons Third Reading of the ABP Bill until the spill-over. John Wakeham had discussed this informally with Keith Stuart of ABP, who was said to be relaxed about that delay - not least because, whether or not the Commons Third Reading is before the Recess, there is no question but that the Bill will have to be carried over until the next Session for its Lords stages.

I questioned whether, whatever ABP's views, Department of Energy might be concerned about delaying Third Reading, either because of the substantive effect or because of the victory that Skinner and Co would undoubtedly claim. Murdo assured me that he would check this point with Department of Energy.

On the basis of that assurance, I said that I thought it was a matter for the business managers' judgment whether or not to do a deal with Foster involving delaying the Third Reading of the ABP Bill in return for securing passage of the desired business before the Recess. But the business managers should report to the Prime Minister at the regular meetings on Monday what position had been reached.

Signature of Paul Gray

PAUL GRAY

14 July 1989

dti

the department for Enterprise

cc PH.

The Rt. Hon. Tony Newton OBE, MP
Chancellor of the Duchy of Lancaster and
Minister of Trade and Industry

CONFIDENTIAL

Rt Hon Lord MacKay of Clashfern
House of Lords
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SW1A 0PW

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*PPS?
OBS*

*NBPM
OBS*

Direct line 215 5147
Our ref
Your ref
Date 28 June 1989

L James

RIGHTS OF ACCESS TO NEIGHBOURING LAND

attached

Thank you for copying to me your letter of 20 June to John Wakeham which seeks H Committee agreement to implement the recommendations made in the above report by the Law Commission.

I agree with the recommendations in the Commission's report and hope that it will be possible to implement them in the next Session so that business and householders can benefit as soon as possible.

I am copying this letter to the other members of H Committee, Sir Robin Butler and First Parliamentary Council.

*h. ever.
Tony*

TONY NEWTON

RC3AAX



2
PRIME MINISTER

RA
M

COVERAGE OF THE 1989 HEALTH SERVICES BILL

You will wish to be aware of some recent correspondence on the coverage of next session's Health Services Bill.

Kenneth Clarke (Flag A) has written round proposing that the Bill should not include provision for the merger of district health authorities and Family Practitioner Committees. His case for this omission is:

- to minimise the risks of delay to the Bill;
- to avoid the Opposition (who have supported the idea of a merger) from claiming a victory.

You will recall that it was the Treasury who argued most strongly in the NHS Review for FPC/DHA mergers. But the Chancellor (Flag B) has now accepted Kenneth Clarke's proposal not to include legislation procedure in next year's Bill. The Scottish and Welsh Secretaries have also supported this approach.

Paul Gray
PAUL GRAY

23 June 1989

SLHBHG

ccpu



SCOTTISH OFFICE
WHITEHALL, LONDON SW1A 2AU

Stephen Catling Esq
Principal Private Secretary to the
Lord President of the Council
Privy Council Office
Whitehall
LONDON
SW1A 2AT

MBM

REC

23/6/89 June 1989

Dear Stephen,

LEGISLATIVE PROGRAMME 1989-90: HEALTH SERVICES BILL

Andy McKeon copied to me his letter of 9 June to you.

My Secretary of State is content with the arrangements described in the letter - and, in particular, the intention to have a GB Bill, with a Scottish Minister serving on the Standing Committee.

I am sending copies of this letter to Andy McKeon (Department of Health), Paul Gray (No 10), Alex Allan (Treasury), Nick Gibbons (Lord Privy Seal's Office), Murdo Maclean (Chief Whip's Office), Douglas Slater (Lord Chief Whip's Office), Stephen Leach (Northern Ireland Office), Stephen Williams (Welsh Office) and to Trevor Woolley (Sir Robin Butler's Office) and First Parliamentary Counsel.

Yours sincerely,

DAVID CRAWLEY
Private Secretary

PARLIAMENT: Legislature
Pt 18





House of Lords,
SW1A 0PW

Our Ref: 252/256/05

20 June 1989

CONFIDENTIAL

The Right Honourable
John Wakeham MP
The Lord President of the Privy Council
Whitehall
London SW1A 2AT.

Dear John,

RIGHTS OF ACCESS TO NEIGHBOURING LAND

The purpose of this letter is to seek the agreement of H Committee to implementation of the recommendations of the Law Commission in its report, Rights of Access to Neighbouring Land (Law Com. No. 151) published in December 1985. A summary of the recommendations is attached.

The report proposes a solution to a problem which exists under the present law: it is that a person who needs access to his neighbour's land in order to carry out necessary work to his own property cannot (in general) lawfully enter the neighbour's land without the neighbour's permission. Typically, the problem arises where a building belonging to one person is so close to the boundary with a neighbour's property that the building owner cannot carry out repairs to its exterior without trespassing on the neighbour's land.

The Law Commission proposes that the law should be changed so as to enable a person to obtain, on application to a county court, a right of access to neighbouring land for the purpose of carrying out this kind of work. (I would hope that a court order will not usually be necessary, as a neighbour who unreasonably refuses access will be at risk of having to pay the costs of an application to the court.)

: .../2.

The right of access will only apply to preservation work, ie. work needed to maintain, repair, clean, decorate, etc. the applicant's property (including non-structures such as trees); it will not apply to the construction of new buildings. The applicant would have to make good any damage, so far as reasonably practicable, and to indemnify the neighbour against any loss or damage to his land arising from the entry upon it. The court would be able to attach further conditions to the order. An access order would not be obtainable against the Crown. Further details are given in the attached summary.

A draft Bill to give effect to the proposals was attached to the Law Commission's report. The report has not generated any controversy and a Bill to implement it is likely to be generally welcomed.

EC implications

The proposals have no European Community implications.

Financial implications

The proposals are estimated to cost the Court Service a maximum £100,000 in respect of additional cases in the county court. The additional legal aid has been estimated to cost £800,000 in the first year and £500,000 thereafter.

Implementation

Although the Bill does not have a place in the Government's legislative programme for next Session, it has been put on the list of those Bills suitable for handing out to Private Members for that Session.

Unless I hear to the contrary by June 30, I shall assume that colleagues are content to give their approval to this measure. I am copying this letter to the Members of the Committee, Sir Robin Butler and First Parliamentary Counsel.

James

James

SUMMARY OF RECOMMENDATIONS

5.1 In this part of the report we summarise the recommendations for reform which we have made earlier. Where appropriate, we identify the relevant provisions of the draft Access to Neighbouring Land Bill (contained in Appendix A to this report) which are intended to give effect to these recommendations.

Our principal recommendation

- (1) The law should be changed so as to enable a person to obtain a right of access to neighbouring land for the purpose of carrying out work to his own land. This right of access should arise only by virtue of an order made on application to a court.

(paragraph 3.42)

The work for which access should be available

- (2) The types of work for which access should be available under the scheme should be limited to *preservation work*. Other types of work should fall outside the scheme.

(paragraphs 4.2-4.6)

- (3) "Preservation work" should include any work that is intended to preserve an applicant's property. It should thus include the inspection, decoration, cleaning, care, maintenance and repair of any building, fence, wall or other thing constructed on or under the land, including the strengthening of foundations, damp-proofing and the making good of lost support or shelter.

(paragraph 4.7)

- (4) Improvements and alterations done for their own sake should not count as preservation work. However, improvements and alterations that were merely incidental to the carrying out of work that did count as preservation work should be covered.

(paragraph 4.8)

- (5) Demolition of a structure (or any part of one) and its rebuilding or replacement should be capable of being treated as preservation work; but an access order should be available for rebuilding or replacement work following demolition only if the work amounted to preservation work.

(paragraphs 4.9-4.11)

- (6) The scheme should also apply to non-structures. So it would cover preservation work to trees, hedges and other natural growths.

(paragraph 4.12)

- (7) The right of access should, if granted, also permit access to anyone reasonably assisting the applicant in connection with the work; it should also permit the placing on the neighbouring land of materials, plant and equipment needed in the course of the work and any waste arising from the work.

(paragraph 4.13)

arded against the legal aid fund only in limited circumstances),¹²⁶ a presumption that B should never be out of pocket would cause difficulties if A are an assisted person. Win or lose, B would be unable to recover his full costs from anyone.¹²⁷ We cannot see that there is any satisfactory solution to this problem. In theory, the legal aid scheme could be amended so that the receipt of legal aid by A should not affect his liability to pay (or give security for) costs. But we cannot recommend such an amendment which would be consistent with the basis of the legal aid scheme. If A is too poor to pay his own costs, he is unlikely to be in a position to pay (or give security for) someone else's.¹²⁸ We therefore take the view that no special rules as to costs could be justified where a party was legally assisted.

4.118 We accordingly recommend that the court should have its normal discretion as to costs (including the ordering of security for costs) and should exercise that discretion in accordance with existing principles, including those applicable to cases where any party is legally assisted.

Contracting out

4.119 In our working paper we considered¹²⁹ how far it should be possible to contract out of the right to apply for access under our scheme. Our provisional view was that an agreement, whenever made, which would have the effect of preventing an application under the scheme should be enforceable, but that a grant of rights of access more extensive than those available under this scheme should remain, *pro tanto*, effective.

4.120 Most of those who commented on this proposal agreed with our provisional view that contracting out should not be permitted, on the grounds set out in the working paper; it was generally accepted that to allow contracting out might undermine the scheme. We accordingly recommend that it should be possible for a right to apply for access under our scheme to be excluded by agreement, irrespective of the date or form of the purported exclusion.

Procedure

4.121 We make no special recommendations as to procedural matters, since we intend procedure on an application for access to be governed by existing rules of court, with the addition of such new rules as may be required.

¹²⁶ In general, an unassisted party who "wins" can have his costs paid out of the legal aid fund if the case was brought by the assisted party and only if the court is satisfied both that the assisted party will suffer severe financial hardship unless the order is made and that it would be just and equitable in all the circumstances: Legal Aid Act 1974, s.13.
¹²⁷ If B himself also receiving legal aid, he would be concerned with recovering only such (if any) of his costs as were not being met by the legal aid fund.
¹²⁸ Such an amendment would, moreover, tend to run contrary to the legal aid philosophy that even of limited means should not be deterred from claiming or defending his rights either because he cannot afford professional representation, or because he is too poor to be able to give security or accept the risk of paying his opponent's costs.

The property to be entered

- (8) The scheme should, in general, permit entry to any neighbouring land of any description.
(paragraphs 4.14—4.16)
- (9) The scheme should not authorise the making of an order against the Crown.
(paragraph 4.17)
- (10) The scheme should not apply so as to afford access to the highway.
(paragraph 4.18)
- (11) No exception should be made for agricultural land.
(paragraphs 4.19—4.23)
- (12) The scheme should not contain any provisions restricting or excluding its application in cases where the access required was either to repair a structure built by the applicant on or close to the boundary or else would be impeded or blocked by something already on the neighbouring land.
(paragraphs 4.21—4.25)

Automatic provisions

- (13) The following provisions should be contained in every access order:—
- (a) *The work*: this provision will describe the work for which access is authorised;
- (b) *The land*: this provision will describe the land access to which is authorised;
- (c) *Timing*: this provision will include the dates on or between which access is to be allowed.
(paragraphs 4.2, 4.34 and 4.39)

Automatic obligations

- (14) The following obligations should attach to every access order:—
- (a) *Access*: the neighbour to be required to permit the applicant to have the access (and any other facilities) provided in the order;
- (b) *Making good*: the applicant to be required to reinstate fully the property entered and make good any damage so far as reasonably practicable;
- (c) *Indemnity*: the applicant to be required to indemnify the neighbour against any loss or damage to the land resulting from the entry.
(paragraphs 4.31, 4.50 and 4.106)

Conditions of access

- (15) The court should have power to impose conditions on any access order, with a view to minimising the neighbour's inconvenience and loss of privacy; to reducing security risks and the risks of financial loss, physical damage or personal injury; to ensuring that the work is done properly and quickly; and to awarding compensation if appropriate.

- (16) This power should specifically enable the imposition of conditions dealing with the following matters:—

- (a) *Method of work*: this condition would be that work should be done in a particular way.
- (b) *Precautions and safeguards*: this condition relates to the prescribing of precautions and safeguards to eliminate or reduce the risk of damage or injury, or to take account of security risks. It is to be wide enough to provide for the taking out of insurance cover.
- (c) *Neighbour's supervision of work*: this condition would be that the work should be done under the neighbour's supervision.
- (d) *Reimbursement of fees and expenses*: this condition would be that the applicant should pay any fees and expenses reasonably incurred by the neighbour in connection with the access.
- (e) *Giving security*: this condition would be that the applicant should be given security for any payment that might become due from him in connection with the access.
- (f) *Compensation*: this condition would be that the applicant should pay compensation for any loss, damage or injury which the neighbour suffers as a result of the access. But no compensation should be payable for nuisance or inconvenience or for the access itself, nor should the enhanced value of the applicant's property (or any consequential reduction of the value of the neighbouring property) arising from the access be relevant for the purposes of assessing compensation.
(paragraphs 4.29—4.61)

The nature of the right of access

- (17) A right of access granted under the scheme should not be a permanent right, but should subsist only for the purpose of carrying out the particular project of work for which the right of access was sought. It would thus be a "one-off" right.
(paragraphs 4.62—4.64)

The applicant

- (18) There should be no restrictions on the categories of person entitled to apply for access under the scheme.
(paragraphs 4.65—4.67)

The neighbour

- (19) There should be no restrictions on the categories of person capable of being treated as neighbours under the scheme: the applicant would be free to make respondent to his application anyone whose interest in the neighbouring land appeared to him to be such as to make it necessary that he be bound by an order.

(20) Only a person who was a party to an access order would be bound by it. The effect of a neighbour's being so bound would be to prevent him bringing any action in trespass in respect of the applicant's entry on the neighbouring land in accordance with the order.

(paragraph 4.73)

(21) A person who was not a party to the order would not be bound by it and should be able, for example, to sue the applicant in trespass even though the applicant had entered the neighbouring land in accordance with the access order.

(paragraph 4.73)

(22) An applicant should, however, be entitled to apply to the court, at any time before completion of the work, for any person to be joined as a party to the access proceedings.

(paragraph 4.74)

(23) It should be possible for any party to the access proceedings to apply at any time for the access order or conditions to be varied, suspended or discharged.

(paragraph 4.76)

(24) In a case where, because the neighbouring land is unoccupied, the applicant does not know whom to make respondent to his application, he should be able to apply *ex parte* for an order on satisfying the court that he has taken such steps to identify respondents as are reasonable in the circumstances.

(paragraphs 4.77-4.79)

(25) An applicant should, in general, enjoy no special immunity against actions in nuisance. He should, however, be immune from an action in nuisance brought on the ground that the exercise of the right of access pursuant to an order would interfere with the respondent's easement over the neighbouring land.

(paragraphs 4.80-4.83)

(26) An applicant entering land pursuant to an access order should be immune from prosecution under any provision making it a criminal offence either to trespass, or to enter, or be, on that land without the respondent's consent.

(paragraphs 4.84-4.87)

Jurisdiction

(27) The county court should have an initial, unlimited and exclusive jurisdiction in access proceedings, with power for the proceedings to be transferred to the High Court.

(paragraphs 4.88-4.93)

(28) There should be no preliminary procedure (involving notices and counter-notices) operating prior to the access application.

(paragraphs 4.94-4.95)

Getting the access order

(29) The scheme should contain no detailed guidelines as to the court's exercise of its power to grant access. However, this power should arise on its being satisfied that the work for which access is sought:

(a) is reasonably necessary for the preservation of the land to which the work is to be carried out; and

(b) cannot be done (or would be substantially more difficult or expensive) without that access.

The power should then be exercised in favour of the applicant unless the respondent satisfies the court that, despite any terms and conditions that the court may be prepared to attach to the order, entry by the applicant would cause such hardship that it would be unreasonable to make an order. If, but only if, the respondent is able to satisfy the court on this point, the order should be refused.

(paragraphs 4.98-4.105)

Enforcement of the order

(30) The rights created by an access order should, in principle, be enforceable in the same way and to the same extent (but without the need for separate proceedings) as if they arose out of a contractual right of access expressly created between the parties.

(paragraphs 4.107-4.109)

Costs

(31) In deciding the question of costs, the court should have its normal discretion, which it should exercise in accordance with existing principles, including those applicable where any party is legally assisted.

(paragraphs 4.113-4.118)

Contracting out

(32) The power of the court to make an access order should not be capable of being excluded or restricted by any agreement, whether made before or after the legislation comes into force.

(paragraphs 4.119-4.120)

(Signed) RALPH GIBSON, Chairman
TREVOR M. ALDRIDGE
BRIAN DAVENPORT
JULIAN FARRAND
BRENDA HOGGETT

J. G. H. Gasson, Secretary
24 September 1985

CONFIDENTIAL

ref



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GWYDYR HOUSE

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FROM THE PRIVATE SECRETARY
TO THE SECRETARY OF STATE
FOR WALES

CT/5319/89

19 June 1989

*with Treasury
concl.*

New Stephen,

PRC 12/6

LEGISLATIVE PROGRAMME 1989/90: HEALTH SERVICES BILL

Andy McKeon has copied to me his letter to you of 9 June about the timetable for the Health Services Bill.

My Secretary of State agrees that it would be important to keep the Bill as tightly drawn as possible so as to secure the enactment of essential elements by July 1990. For this reason, he agrees that the Bill should not include enabling provision to make possible mergers of district health authorities and family practitioner committees, although he regards the service advantages of merger as compelling and believes that within the longer term successful implementation of the White Paper proposals will require merger.

Mr Walker has noted that the involvement of a Welsh Office Minister on the Standing Committee would be welcome if there are to be complex separate Welsh provisions. That does not at present seem likely, but the position can be reviewed when a draft of the Bill has been produced.

I am sending copies of this letter to Paul Gray (No 10), Alex Allan (Treasury), Nick Gibbons (Lord Privy Seal's Office), Murdo Maclean (Chief Whip's Office), Douglas Slater (Lord Chief Whip's Office), David Crawley (Scottish Office), Stephen Leach (Northern Ireland Office), Andy McKeon (Department of Health) and Trevor Woolley (Sir Robin Butler's Office).

*Yn niachy.
Steph Allan*

S R WILLIAMS

Stephen Catling Esq
Private Secretary to
The Rt Hon John Wakeham MP
Lord President of the Council
Privy Council Office
Whitehall
LONDON SW1A 2AT

PARLIAMENT: Legislation
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Treasury Chambers, Parliament Street, SW1P 3AG
01-270 3000

19 June 1989

A J McKeon Esq
PS/Secretary of State for Health
Department of Health
Richmond House
79 Whitehall
LONDON
SW1A 2NS

Dear Andy.

LEGISLATIVE PROGRAMME 1989-90: HEALTH SERVICES BILL

The Chancellor has seen your letter of 9 June to Steve Catling.

He accepts that omitting the provisions for merger of districts and FPCs would make it easier to achieve the Government's other important proposals for practice budgets and indicative drug budgets. For this reason, and for the others described in your letter, he is prepared to agree to what your Secretary of State proposes.

When the Bill is published, however, the Government will be questioned about the absence of these provisions, which were clearly set out in paragraph 3.20 of the White Paper "Working for Patients". In that event, it should be made clear that the door has not been closed on mergers between districts and FPCs in the longer term. It should be said that the Government had concluded that, since the question would not arise immediately, and since it would raise complex issues in its own right, it should be the subject of further primary legislation at the appropriate time.

I am sending copies of this letter to Steve Catling and other recipients of yours.

Yours sincerely,
Duncan Sparkes

DUNCAN SPARKES
Assistant Private Secretary

PARLIAMENT. LEGNET
A 18





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10 DOWNING STREET

LONDON SW1A 2AA

From the Principal Private Secretary

12 June 1989

Dear Stan,

LEGISLATIVE PROGRAMME

The Lord President discussed the outstanding issues on the 1989 Legislative Programme with the Prime Minister this morning. Also present was the Chief Whip.

The Prime Minister commented on the Lord President's minute of 6 June as follows:

- (i) Courts and Legal Services: the Lord Chancellor was amending his proposals in the light of the responses to the Green Paper. He expected to be able to bring a paper to E(CP) on 6 July and to Cabinet on 13 July.
- (ii) Food: the Prime Minister said she no longer wished to include provisions in the Bill to abolish the Potato Marketing Board. In discussion, it was agreed that the White Paper accompanying the Bill should set out the Government's record on food safety in full; without this there was a danger that the Bill alone would be seen as an inadequate response.
- (iii) Teachers' Pay versus Computer Hacking: the Prime Minister said that she was keen to proceed with the Bill on Computer Hacking (which could be introduced into the Lords) but the decision on whether to withdraw the Bill on Teachers' Pay to make room for it would not be taken until Wednesday's meeting of E(EP).
- (iv) Crown Suppliers, PSA, NEL: the Prime Minister agreed that powers to privatise PSA should be added to the existing Crown Suppliers Bill but there should be no action on NEL. This would keep the Bill within DOE and would avoid engaging the science lobby.
- (v) Private Roads versus Town and Country Planning: the Prime Minister said she felt the Planning Bill was a greater priority as it would have a bigger impact

KWB

over a wider front than the Private Roads Bill. This would involve reversing the provisional ranking agreed when Cabinet discussed the Legislative Programme. The Lord President agreed to consider how to carry this forward.

The Lord President said that good progress was being made on this year's Legislative Programme and he hoped that it would be possible to reach the Opening of Parliament earlier than last year. It might be possible to bring forward the Parliamentary Pensions Bill as well as the Representation of the People Bill into the current Session.

I am copying this letter to Nick Gibbons (Lord Privy Seal's Office), Murdo Maclean (Chief Whip's Office), Douglas Slater (Government Whips' Office, Lords) and Sir Robin Butler.

Yours sincerely

Andrew Turnbull

ANDREW TURNBULL

Stephen Catling, Esq.,
Lord President's Office.



DEPARTMENT OF HEALTH AND SOCIAL SECURITY

Richmond House, 79 Whitehall, London SW1A 2NS

Telephone 01 210 3000

From the Secretary of State for ~~Health~~ Health

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A

CONFIDENTIAL

Stephen Catling Esq
Principal Private Secretary
Lord President of the Council
Privy Council Office
Whitehall
LONDON
SW1A 2AT

9 June 1989

Dear Steve

LEGISLATIVE PROGRAMME 1989/90: HEALTH SERVICES BILL

Thank you for your letter of 18 May about the timetable for next session's Health Services Bill.

My Secretary of State was grateful for the Lord President's assurance that the Business Managers will use their best endeavours to secure Royal Assent by July.

The Secretary of State considers it essential that the Bill is drawn as tightly as possible to minimise the danger to the timetable. He intends that it should in the main include only those items necessary to achieve successful implementation of the NHS Review and to give effect to the outcome of the continuing discussions on community care. Other provisions linked to the Review will need to be weighed against the need for early Royal Assent.

One particular example needs to be spelled out more fully. The White Paper "Working for Patients" left open the possibility of eventual merger of certain District Health Authorities and Family Practitioner Committees after the establishment of NHS Hospital Trusts. Such merger would involve the creation of a new legal entity in the NHS and so require complex enabling legislation. Our initial estimate is that the change would require a minimum of 5 clauses and a lengthy schedule of amendments.

The Secretary of State considers that taking enabling powers in the Bill would increase handling difficulties in the course of its passage. The prospect of merger has not been given a higher profile in the presentation of the NHS Reforms, nor has it received attention in the specialist press. In contrast, the Opposition has indicated that it favours wholesale merger of the 2 authorities as a major plank of its Health policy. Including lengthy legislative provision would on the one hand be fiercely criticised by GPs and their representatives, while the Government's opponents would be able to claim that the policy debate was moving in their favour and have the opportunity to introduce immediate amendments.

My Secretary of State also considers that the prospect of early merger would demoralise managers and doctors in the Family Practitioner Services at a time when their support is crucial to the implementation of key aspects of the White Paper, including the GP Practice Budget and Indicative Drug Budget schemes. He believes that the case for allowing merger may be more apparent and more widely supported in a few years time when the Reforms as a whole have been implemented. For these reasons, he does not intend to take enabling powers in the current Bill.

The Secretary of State would welcome a Scottish Minister serving on the standing committee as he believes that the Bill will need to cover Great Britain. Similarly he would welcome a Welsh Minister on the standing committee if there are to be complex separate Welsh provisions.

I am sending copies of this letter to Paul Gray (No 10), Alex Allan (Treasury), Nick Gibbons (Lord Privy Seal's Office), Murdo Maclean (Chief Whip's Office), Rhodri Walters (Lord Chief Whip's Office), David Crawley (Scottish Office), Stephen Leach (Northern Ireland Office), Stephen Williams (Welsh Office) and to Trevor Woolley (Sir Robin Butler's Office) and First Parliamentary Counsel.

John

And

A J McKEON
Principal Private
Secretary

PARL:legislasi pr 18



PRIME MINISTER

LEGISLATIVE PROGRAMME

The Lord President is coming 15 minutes before the colleagues' meeting to discuss his minute. You reviewed this with Robin Butler and generally the programme is in good order. The main issues relate to the shape of the programme.

- (i) Potato Marketing Board: your inclination is not to proceed with this, although there is no technical obstacle to adding it to the Food Bill.
- (ii) Teachers' Pay versus Computer Hacking: you tended to prefer the Computer Hacking Bill, but this will not be decided finally until Wednesday's meeting of E(EP).
- (iii) Crown Suppliers, PSA, NEL: you agreed to add PSA to the existing Crown Suppliers Bill but not NEL. This keeps the Bill within DOE and avoids engagement with the science lobby.
- (iv) Private Roads versus Town and Country Planning: you have yet to decide which you prefer.
- (v) Warnock: the Lord President sent you a minute - flag A - setting out his tactics for dealing with the Abortion Bill issue.

AS

ANDREW TURNBULL

9 June 1989

PM3APW

CONFIDENTIAL



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

7 June 1989

*NBLm
PCC
2/6*

Dear Tom

I am writing to remind colleagues whose Bills have provisional places in the next Session, of Cabinet's conclusion at its meeting on 9 March that Ministers responsible for such Bills should keep a close eye on their preparation and ensure that they are ready for prompt introduction.

The programme for the next Session is a very full one and the time available for preparation is circumscribed by the need to avoid a late start to the fourth Session of the Parliament. It is, therefore, essential that instructions to Parliamentary Counsel should be delivered according to the timetable put forward by Departments in the bids submitted to QL for legislation in the next Session. I would be grateful if you could take a personal interest in seeing that this timetable is adhered to and that any difficulties are notified to Parliamentary Counsel at an early stage.

I am copying this letter to members of QL Committee and to Sir Robin Butler.

*Yours
John*

JOHN WAKEHAM

The Rt Hon John MacGregor OBE MP
Minister of Agriculture, Fisheries and Food
Whitehall Place
LONDON
SW1A 2HH

and to attached list.

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MINISTERS WITH BILLS IN THE NEXT SESSION

Minister of Agriculture, Fisheries and Food

Secretary of State for Defence

Secretary of State for Education

Secretary of State for Employment

Secretary of State for Energy

Secretary of State for the Environment

Secretary of State for Health

Home Secretary

Lord Chancellor

Secretary of State for Scotland

Secretary of State for Social Security

Secretary of State for Trade and Industry

Secretary of State for Transport

Chancellor of the Exchequer

Foreign Secretary



CABINET OFFICE

R.T.J. Wilson

~~Paul Gray~~

AT

You may like
to see R.T.J.'s note.

Ph. C6

You may find it helpful
to have these papers for
the purpose of planning
business: see in particular
X and Y which point to an
E(A) in early July. When
FERB has seen the PM I will
do a note to summarise where

We are on business between
now and the future.

Att 7/6



PRIME MINISTER

LEGISLATIVE PROGRAMME 1989-90: STATE OF PREPARATION

At our meeting with colleagues on 22 May you asked for a note reviewing the preparations that are being made for next year's legislative programme.

I attach a table showing in respect of each of the Bills in the programme which has been provisionally agreed by Cabinet the policy issues outstanding, whether any other policy statement or publication is envisaged ahead of publication of the Bill, and the Ministerial forum and timescale in which it is envisaged that decisions on outstanding issues would be reached.

The programme overall is again a very heavy one and there remain a number of important areas for decision in respect of key Bills. As regards the most important Bills in the programme:

1. Courts and Legal Services - crucial decisions are necessary in the next month or so over the final shape of the Lord Chancellor's proposals and whether any compromise is to be made on the Green Paper. It is envisaged that the issues be discussed in E(CP) on 6 July and at Cabinet on 13 July. Thereafter, instructions will need to be prepared rapidly for Counsel: because of both its controversial nature and the need to start it in the Lords, this is a Bill which must be introduced at the very beginning of the session.

2. Environmental Protection - most of the proposals have policy clearance, though those on the proposed reorganisation of the countryside bodies have yet to be

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discussed by H Committee. The proposals on litter, which you have already approved, ought also formally to be put to H.

3. Food - again, most of the main constituents have policy clearance but the recommendations of the Richmond Committee on the microbiological safety of food will not be available before September and could complicate the timely preparation of the Bill. There is also an issue in relation to the possible inclusion in the Bill of provisions to abolish the Potato Marketing Board, which I deal with below.

4. Health Services - Kenneth Clarke is taking a robust line with critics of his proposals and, assuming that there are no changes to them, aims to have instructions to Parliamentary Counsel by the end of June with the object of introducing the Bill at the start of next session. The decisions on community care also need to be put to E(A) before the Summer Recess.

5. Human Fertilisation and Embryology (Control) - policy is decided but there is a major handling issue in relation to possible amendments on abortion, on which I have minuted you separately.

6. Broadcasting - you are due to reach decisions in MISC 128 in the course of the next month on the outstanding aspects of this complex and lengthy Bill.

There are also a number of issues to be resolved in respect of other important Bills in the provisional programme, including the possible inclusion of provisions on unofficial industrial action in the Employment Bill and whether to proceed with legislation on teachers' pay and conditions as provisionally planned. The position is set out in full in the attached tables.

If we are to deliver the planned programme, it will be essential to resolve before the Summer Recess as many as possible of the

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outstanding policy questions, at least in relation to the key Bills. It will also be necessary for colleagues to keep to the promises which they have made for delivering instructions to Parliamentary Counsel in good time. I am writing to colleagues to remind them of this.

There are, inevitably, a number of candidates still jostling for inclusion in the programme. Cabinet identified Nick Ridley's Town and Country Planning Bill as, in effect, first reserve and Nick is still very keen for it to secure a place in the programme, although his proposals have not yet got policy approval. Cabinet also agreed, however, that any significant additions to the programme would need to be offset by matching reductions. I do not see any immediately obvious way in which Nick Ridley's Bill could be included unless, for example, Paul Channon's Bill paving the way for private financing of roads (which Cabinet gave a place in the provisional programme and which is of roughly equal length to the Town and Country Planning Bill) was to be dropped. On the other hand there might be a case for giving priority to Paul's potentially more controversial Bill on this occasion and for leaving over the Planning Bill to the fourth session of this Parliament.

Some other bids envisage additions to Bills which already have places in the provisional programme:

1. Potato Marketing Board - E(CP) decided on 8 May that John MacGregor should consult me about the possibility of including in the Food Bill provisions to abolish the Potato Marketing Board. Although E(CP) saw advantage in this proposal, and Nigel Lawson has written to me emphasising the importance he attaches to it, John MacGregor, Malcolm Rifkind and Peter Walker believe that the abolition of the Board would serve further to exacerbate relations with the farming community. Technically it would be possible to include provisions abolishing the Board in the Food Bill, but a decision to do so would potentially open the Bill to controversial amendments on other issues. This would

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greatly increase the difficulty of handling the Bill and I know that John Belstead feels that this would be particularly difficult in the House of Lords where the rules of scope are much wider.

2. Property Services Agency (PSA) and the National Engineering Laboratory (NEL) - Nick Ridley is keen to use the Crown Suppliers Bill as a vehicle for privatising the Property Services Agency and David Young has proposed that it should also be used as a means for paving the way to privatisation of the National Engineering Laboratory. Final policy decisions on these proposals await the conclusion of additional work which is in hand. There are serious difficulties from a business management point of view about these proposed extensions to the Crown Suppliers Bill: to include them would risk turning the Bill into a Privatisation (Miscellaneous Provisions) Bill so heightening the controversiality of the legislation. For example, there would be considerable interest and might be hostility among the science and technology lobby in the House of Lords to proposals to privatise NEL.

Other bids would require the addition of new Bills to the programme. The most notable example of this is computer hacking on which your recent meeting concluded by inviting the Home Secretary to bring forward proposals for a Bill on unauthorised access to computer information in the next Session. We should need to find an offsetting saving if such a Bill was to be introduced, but I am reasonably confident that we could find a place for this measure if, for example, Ken Baker's Teachers' Pay and Conditions Bill was not to be pursued. A Bill on computer misuse would have the additional advantage that it would be suitable for introduction in the House of Lords. Other initiatives which might result in bids for legislation are current policy reviews of homelessness, lone parent families and tourism, although as yet these have not produced any firm legislative proposals. Any such proposals would of course require offsetting reductions in the present programme.

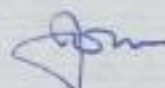
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On deletions from the provisional programme we have only the possibility of Kenneth Baker's Teachers' Pay and Conditions Bill, which I understand he has discussed with you. There are also two Bills - the Representation of the People Bill and the Parliamentary (and other) Pensions Bill - which we hope to slip through in the present Session, but this cannot be guaranteed: if we are unable to do so they would have to be taken through as part of next year's programme.

To conclude, preparation of the programme agreed by the Cabinet is reasonably on course but there remain a number of important decisions to be taken on key Bills. It will be essential for colleagues to furnish timely instructions on their Bills to Parliamentary Counsel and the letter which I am writing to colleagues will encourage them to ensure this. There are a number of candidates for additions to the programme in respect of which policy issues have still to be decided. It will be essential if additions are made, that we find compensating savings as agreed by Cabinet, since the programme - like this year's - is a very heavy one.

It would be helpful to have your preliminary steer on the issues, following which I would propose to convene a meeting of QL to consider what adjustments might need to be made to next session's programme. I am at your disposal should you wish to discuss this minute.

I am copying this minute to the Lord Privy Seal, the Chief Whips (Commons and Lords) and Sir Robin Butler.



JW

6 June 1989

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BILL	DEPARTMENT	POLICY CLEARANCES STILL NEEDED	FURTHER POLICY STATEMENTS FOR PUBLICATION	EXPECTED FORUM AND DATE FOR REMAINING POLICY CLEARANCE
Food	MAFF	Due diligence defence	White Paper in July	MISC 138 end-June
		Recommendations of Richmond Committee on the micro- biological safety of food (invited by September)		
Environmental Protection	DOE	Reorganisation of countryside bodies		H June
		Litter	Consultation paper on litter in mid-July and on release of genetically manipulated organisms in June	H (in correspon- dence) June
Health Services	DH	Possible abolition of controls on private hospital developments of over 120 beds		E(A) end-July
		Possible abolition of controls on allocation of pay beds in NHS hospitals		E(A) end-July

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Social Security	DSS	Decisions of Working Group on Community Care	Statement in July and White Paper in Autumn	E(A) July
		Social Security consequences of decisions on community care		
		Methods to be employed in complying with EC Directive on equal treatment in contracted-out pension arrangements		E(A) June
		Requirements on occupational pension schemes following Occupational Pensions Board remit		E(A) June
		Changes to National Insurance contributions		E(A) (in correspondence) June
		Changes to disability benefits		H July or later
Human Fertilisation and Embryology (Control)	DH	Nil		-
Broadcasting	HO	Competitive tendering; Channel 4; night hours services; and transmission	Announcements will be made as decisions reached, precise format to be decided	MISC 128 June and July

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Courts and Legal Services	LCD	Action on legal services arising from the Review of the Legal Profession and Civil Justice Review	Statement before Summer Recess. Possible White Paper in October	E(CP) early July
Law Reform (Miscellaneous Provisions) (Scotland)	SO	Provisions on reform of the legal profession		E(CP)
		Some civil law components		H
Scottish Enterprise	SO	Scottish Enterprise and New Towns elements	New Towns White Paper June/July	E(A) (in correspondence) June/July
Employment	DEm	Final decisions on reform of Trade Union law in light of Green Paper consultation		E(A) June/July
		Proposals for action on unofficial industrial action	Possible consultation paper.	E(A) June
		Proposals for reform of the Wages Council system		E(A) June/July
Student Support	DES	Policy clearance already given by E(EP)	Statement late-June or early-July	-
Teachers' Pay and Conditions	DES	Setting up permanent statutory framework for determining teachers' pay (Bill may not be required)		E(EP) 14 June
Export Credit and Investment Guarantees	DTI	Proposals to enable Export Credit Guarantees Department to take advantage of capital market developments		E(A) (in correspondence) June

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Highways and Transport Private Finance	DTP	Possible additional power to provide for payment of charges to highway authorities for occupation of road space in designated areas by statutory undertakers and others who obstruct traffic		H (in correspondence) June
Crown Suppliers	DOE	Nil		-
Mutual Legal Assistance	HO	Nil		-
Civil Aviation Authority (Borrowing Limits)	DTP	Increasing the ceiling on aggregate borrowing by the CAA		E(NI) (in correspondence) June/July
Aviation and Marine Security	DTP	Tightening powers relating to airport, ferry and port security		OD(T) June
Government Trading Funds	HMT	Minor aspects	White Paper around October	In correspondence
Greenwich Hospital MOD		Removing constraints on the admission of pupils to the Royal Hospital School		H (in correspondence) June

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Pensions (Miscellaneous Provisions)	HMT	Pensions increase for widowers Scoring the cost of pensions increase in teachers' and NHS' notional funds	Lord President plus Ministers responsible for public pension schemes (in correspondence) June/July
Protocols additional to the Geneva Convention	FCO	UK ratification of additional protocols	Possible need for consideration at OD(E) in Autumn
Contracts	LCD	UK ratification of 1980 Rome Convention on the law on contractual relations	OD(E) (in correspondence) May
BILLS WITH PLACES IN NEXT SESSION'S PROGRAMME WHICH MAY BE DEALT WITH IN THE CURRENT SESSION			
Parliamentary (and other) Pensions	HMT	Nil	Details may be reported in forthcoming debate on Parliamentary pensions -
Representation of the People	HO	Candidates' election expenses	H (in correspon- dence) June

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BILLS WITH CONTINGENT PLACES

Coal Industry	DEn	Increasing the limit on restructuring grants payable to BCC and/or changing BCC's capital	E(NI) (in correspondence)
Pakistan	FCO	Provisions consequent upon Pakistan's possible readmission to the Commonwealth	OD (in correspondence)
Fiji	FCO	Provisions consequent upon Fiji's possible departure from the Commonwealth	OD (in correspondence)

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From: R T J Wilson
6 June 1989

SIR ROBIN BUTLER

LEGISLATIVE PROGRAMME 1989-90

1. The Lord President will, as requested, be minuting the Prime Minister this evening about the state of preparation for the legislative programme next session; and you will be seeing the Prime Minister about it on Thursday.

General picture

2. The general picture which emerges is that there are a lot of loose ends to be tied up but that it should all be manageable. The following is a checklist of the main points which you may want to raise with the Prime Minister (it follows the order of items in the Annex to the Lord President's letter):

i. food. A decision is needed on whether the Food Bill should include provisions to abolish the Potato Marketing Board. The Prime Minister may wish to discuss this with the Lord President. More generally, the White Paper on Food Safety will need to be cleared for publication in July: MISC 138 will meet on 29 June for the purpose.

ii. the NHS reforms. Mr Clarke shows every sign of wishing to press on without compromise. I imagine that the Prime Minister will agree with this. But it is an important judgement.

iii. community care. We are on course for a statement by Mr Clarke in July, but the timetable could be tight. The next meeting of the Ministerial group is on 20 June. There is a procedural point about whether formal endorsement should be

by the Cabinet, or whether E(A) would do. 17

iv. broadcasting. A series of MISC 128 meetings has been set up to consider outstanding issues. The Prime Minister may wish to encourage the Home Secretary to bring all the decisions into one announcement.

v. legal reforms. Perhaps the most important issue is whether to modify the Lord Chancellor's proposals. The risk is that the Law Officers will resign over rights of audience. The Prime Minister is to see Lord Mackay on Thursday. E(CP) will consider the subject again on 6 July, with a view to final decisions in Cabinet on 13 July.

vi. education. Depending on what is decided about negotiating machinery for teachers' pay, it may be possible to drop the legislation proposed for next Session in favour of a Bill on computer hacking. This goes to E(EP) on 14 June (along with student union financing, teacher training and - if not cleared in correspondence - student loans).

vii. employment. There is a batch of issues coming up for decision on Mr Fowler's side, including reform of trade union law, action against unofficial strikes, and possibly the abolition of the Wages Councils. We shall need a meeting of E(A) around the end of the month, not yet fixed. 1X

viii. Crown Suppliers Bill. Mr Ridley and Lord Young want to use this Bill to take powers to privatise the PSA and NEL. The Prime Minister will want to discuss this with the Lord President. Anything which looked like a Bill to privatise the Civil Service would be controversial.

3. There are a lot of other issues listed in the Annex but the hope is that most or all of them can be dealt with in correspondence.

4. The next step should probably be for the Prime Minister to have a talk with the Lord President on the points which directly concern the legislative programme, in particular:

- inclusion of the Potato Marketing Board in the Food Bill;
- extending the Crown Suppliers' Bill;
- replacing the Teachers' Pay Bill with a Bill on computer hacking; and
- possibly finding room for Mr Ridley's Town and Country Planning Bill, at the expense of Mr Channon's Bill.

The Lord President will then be able to take account of the Prime Minister's views in future QL discussions.

MAIN POINTS

5. You may find it helpful to have the following background.

Food

6. The Government has said that it intends to abolish the potato guarantee. E(CP) have decided that early action to abolish the Potato Marketing Board would also be highly desirable. There is however no place in next Session's programme for legislation on potato support, Mr MacGregor's bid for one having been rejected by QL.

7. The Prime Minister has suggested that the necessary provisions could be added to the Food Bill. E(CP) asked Mr MacGregor to pursue with the Lord President the possibility of doing this, or adding them to some other Bill in the approved programme. Mr MacGregor wrote accordingly to the Lord President on 22 May, but made it clear that he was himself opposed to an addition to the Food Bill because this would widen its scope and

make it more controversial. He has since received support from Mr Rifkind and Mr Walker. The Chancellor on the other hand wrote on 31 May pressing the Lord President to find time for legislation on potato support next Session. The Lord President has not yet replied. You may wish to tell the Prime Minister that a decision is needed on whether to add a provision abolishing the potato support arrangements to the Food Bill.

Health

8. My understanding is that Mr Clarke is at present not minded to make any changes in the NHS reforms in response to public discussion. The Prime Minister may well agree with this and is not likely to want collective discussion of the matter. But the decision not to make any major concession is an important judgement which you may wish to draw to her attention.

Community Care

9. The aim is to make a statement on community care before the Summer Recess. Another meeting of the Prime Minister's group has been arranged for 20 June. With luck this may be able to settle the main outstanding issues. Failing that, one more meeting in early July will be needed. Thereafter the proposals will need formal collective endorsement, either from E(A) or Cabinet. If they went to Cabinet, it would have to be on 6 July (the meeting on 13 July will be fully taken up with legal reform and public expenditure) which is very tight; so I would hope it could be just E(A). You may want to remind the Prime Minister that decisions on community care will need formal endorsement.

10. One of the DSS items is their review of disability benefits, to be taken "in July or later". My impression from DSS is that this has public expenditure implications which need to be discussed in the Survey and that they are unclear how their Ministers want to play this review. Ideally it would be taken in parallel with the review on community care. But in practice we must probably accept that the two exercises are separate.

Broadcasting

11. Decisions on outstanding issues - competitive tendering, Channel 4, night hours services and transmission - are to be taken in MISC 128 on 6 and 21 June and 4 July. The Home Secretary is thought to be planning a series of announcements as Ministers reach conclusions. It might however be better to have a single announcement before the Summer Recess which brought everything together. The Prime Minister may wish raise this with the Home Secretary, either in MISC 128 or bilaterally. She may also wish to consider whether the Group's conclusions should be reported to Cabinet in view of the potential controversy. You may wish to raise these questions with the Prime Minister.

Law Reform

12. The Lord Chancellor has not yet decided how far to change his legal reform proposals in response to the representations. As you know, he is minded to accept that his Advisory Council on legal training should not have any executive power and that the issue of certificates of qualification should be the responsibility of the professional bodies, subject to statutory guidance. The central point however is the major risk that both Law Officers will resign unless the proposals on rights of audience for solicitors in higher courts are amended. I understand that the Prime Minister will be having a private talk with Lord MacKay on Thursday. You may wish to tell her about your talk with Sir Derek Oulton.

13. As to procedure, we are planning a discussion in E(CP) on 6 July, with Cabinet on 13 July. An important point is how the Law Officers should be handled. There could be a case for inviting both of them to E(CP) and Cabinet, so as to involve them fully in collective discussion. (The Attorney General was invited to previous Cabinet and E(CP) discussions and has been invited to the meeting on 6 July). You might like to touch on the procedure for dealing with legal reform, and in particular on the handling

of the Law Officers.

14. As to legal reform in Scotland, Mr Rifkind's current view is that he does not want to make proposals until he sees the decisions made for England and Wales. He accepts that this may rule out a statement before the Summer Recess. There have been signs that Mr Rifkind does not want to go as fast as the Lord Chancellor. You may wish to see whether the Prime Minister is content for Scottish legal reform to be handled in this way.

Education

15. Mr Baker has proposed to the Prime Minister that the Government should give up its preference, set out in a 1987 Green Paper, for a Teachers Negotiating Group (TNG) in which it would have the controlling position on the employers' side and a power of override. He proposes instead a system in which teachers' pay is fixed mainly by local education authorities negotiating within the constraints of the community charge regime. Mr Baker saw the Prime Minister about this proposal recently. Our understanding is that she is sympathetic to his proposal to give up the TNG but may have in mind a system of negotiation by individual local authorities, whereas Mr Baker expects national negotiations to continue, at least for some time to come. The Treasury may argue for retention of the TNG. The subject will be discussed in E(EP) on 14 June. If the TNG is dropped there may be no need for legislation next Session on teachers' pay which would make room for a Bill on computer hacking. You may wish to point out that if the Bill on teachers' pay is dropped there may be room for computer hacking in the programme.

16. Mr Baker was asked by E(EP) in March 1988 to bring forward a paper on the financing of local student unions and the NUS. We understand that a paper may be ready for E(EP) next week although there is some confusion in DES about this. DES say that any necessary legislation could be incorporated in the Bill on

student support. You could mention that this may come to E(EP) on 14 June.

17. On student loans, the main outstanding question is the mechanism for making the loans. Mr Baker expects to circulate a minute later this week proposing a private sector solution although the cost may be high. Ministers generally are likely to welcome this. If the Treasury accept the financial implications collective discussion may be unnecessary. Discussion in E(EP) on 14 June would however be possible although it would make the agenda very long. You may wish simply to report the position to the Prime Minister.

Employment

18. The return from the Department of Employment has four important items:

a. further reform of trade union law. Mr Fowler's Green Paper in March proposed further changes in trade union law. His department say that he will want a decision in late June or early July about the contents of the legislation in the light of the public response, and that an E(A) discussion will be necessary. This suggests that he may have in mind something different from simply legislating for the Green Paper proposals. You might like to tell the Prime Minister that Mr Fowler wants a discussion.

b. wages councils. DEem say that Mr Fowler still wants to abolish the wages councils and hopes to clear the issue in correspondence. Earlier the Prime Minister had some misgivings about the proposal, because of the statements made by Government spokesmen about the value of wages councils. She therefore decided that, although abolition was desirable in principle, a final decision should await

the outcome of the consultation process. She might therefore prefer to have a discussion. You may wish to mention this.

c. employment service. E(A) in March discussed Mr Fowler's proposals to privatise the job-placement functions of Jobcentres and invited him to report back on the issues raised, for example about the position of the civil servants affected. We now understand from DEM that no report is likely for some time and indeed that further consideration may well slip beyond the Recess. This may be acceptable, although there is a commitment to announcing a decision before the Recess about turning the Employment Service into an executive agency. You may wish to warn the Prime Minister about possible delay in further consideration of privatising Jobcentres.

d. unofficial action. The Prime Minister recently saw Mr Fowler's proposals for action against unofficial strikes, and asked him to bring a proposal before E(A). We understand that he hopes to do this, and publish a consultation document, in June. (He has already said publicly, in the Vauxhall by-election, that the Government is considering such action). You may wish to tell the Prime Minister about this timetable.

Privatisation legislation

19. Mr Ridley would like to use the Crown Suppliers Bill to privatise the Property Services Agency, and Lord Young would like to use it to privatise the National Engineering Laboratory (NEL). When E(A) discussed the Employment Service in February, it was suggested that there might be a general enabling Bill to provide legal authority for privatisation. But the Prime Minister had doubts about the proposals for the Employment Service, especially as they affected civil servants. The outstanding questions on

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the Employment Service have not yet been resolved. You might wish to remind the Prime Minister that there are still substantial questions to be settled on privatisation of Civil Service functions before any legislation can go ahead.

R. T. J. WILSON

R T J WILSON

P 03460

CONFIDENTIAL



CCP

Treasury Chambers, Parliament Street, SW1P 3AG
01-270 3000

31 May 1989

Rt Hon John Wakeham MP
Lord President of the Council
and Leader of the House of Commons
Privy Council Office
68 Whitehall
LONDON
SW1

*Notion of this
stage.*

*FACE
2/6*

Dear Lord President

LEGISLATIVE PROGRAMME 1989-90: POTATO MARKETING ARRANGEMENTS *flaf*

I am grateful to John McGregor for writing to you on 22 May, following E(CP)'s discussion of potato marketing on 8 May. *below*

I understand why John is reluctant to include provisions abolishing the Potato Marketing Board in the Food Bill. Nevertheless, E(CP) felt that it would be highly desirable to abolish the potato marketing arrangements, and create a free market in potatoes, in the next session, if at all possible. This would also strengthen John's negotiating position in his forthcoming discussions with the Milk Marketing Board.

I therefore hope that you will do everything you can to find a way of accommodating provisions to abolish the Potato Marketing Board in next session's programme. I agree, however, that we will wish to do everything possible to limit the scope of the Bill consistent with this.

I am copying this letter to the Prime Minister, members of E(CP) and QL, Peter Walker, Tom King, Malcolm Rifkind and to Sir Robin Butler.

Yours sincerely

Jonathan Taylor

JP NIGEL LAWSON

*[Approved by the Chancellor
and signed on his behalf.]*

PARLIAMENT: Legation PT 18.





NBR 18 26/5

Ministry of Agriculture, Fisheries and Food

Whitehall Place, (West Block), London SW1A 2HH

Tel: 01-270-3000 Direct line: 01-270- GTN: 270

Telex: 889351 Fax: 01-270-8125

J G Fuller Esq
Cabinet Office
70 Whitehall
LONDON
SW1A 2AS

26 May 1989

Dear John,

LEGISLATIVE PROGRAMME 1989/90

Thank you for copying me your letter of ~~22~~ ²⁶ May about the Legislative Programme for 1989/90. *Acir*

1) State of Policy Clearance

As far as the Food Bill is concerned H Committee gave policy clearance in a letter of 15 August from the then Lord President.

More recently (2 May) MISC 138 discussed a paper on the proposed Bill. As a result my Minister was invited to circulate proposals for a White Paper or similar document on food safety. This would put the proposed Bill into perspective and explain what else the Government was doing in the food safety area. A White paper is now in hand and a draft has been circulated at official level. Our target date for publication is mid-July. MISC 138 also felt that more thought should be given to the interplay between the introduction of a due diligence defence - endorsed by H Committee in 1987 - and the ending of the Warranty Defence. They invited the Minister, in consultation with the Home Secretary, to come forward with revised proposals. Consultations with the industry are now under way on this and my Minister hopes to circulate revised proposals during the course of June. We would expect MISC 138 to be the forum for further discussion of the Food Bill. However Departments not represented on the Committee have an interest in some of the ground it will cover, such as Crown Immunity. The Parliamentary Secretary for Health has written to other Departments with an interest in this proposal recently.

You should also note that Sir Mark Richmond has agreed to let Ministers have by September advance notice of any recommendations from his Committee on the micro-biological safety of food which might need to be referred to in this Bill.



ii) Instructions to Parliamentary Counsel

The bulk of instructions on the Food Bill have gone to Parliamentary Counsel who has already started work. We are still finalising instructions on registration, novel foods, on-farm controls and defences. Except for defences where we are committed to circulating proposals at Ministerial level, it should be possible to finalise these in further discussion at official level.

* I am copying this letter to the Private Secretaries to all Ministers responsible for Departments and sending copies for information to Steve Catling (Lord President's office), Nick Gibbons (Lord Privy Seal's office), Murdo Maclean (Chief Whip's office), Douglas Slater (Lord's Chief Whip's office) and Trevor Woolley (Cabinet Office).

Yours sincerely,

Rory Alderton

R L ALDERTON
Parliamentary Clerk

6 11 11
2011



10 DOWNING STREET

LONDON SW1A 2AA

From the Principal Private Secretary

22 May 1989

At today's meeting with colleagues, the Prime Minister asked for a note reviewing the preparations that are being made for next year's legislative programme. This will need, for each of the Bills in the programme, to cover the extent to which there are still policy issues outstanding, the timetable for resolving them, the most suitable forum for doing this, and whether any further policy statement for publication will be required.

The Prime Minister asked the Lord President to coordinate the preparation of such a note. As much of the work will be processed through Cabinet Committees, I am copying this letter to Sir Robin Butler.

BF/ Could this note be ready at the start of the week beginning 5 June?

ANDREW TURNBULL

Steven Catling, Esq.,
Lord President's Office

to

CONFIDENTIAL

pm for information



CABINET OFFICE

70 Whitehall London SW1A 2AS Telephone 01-270 0135

22 May 1989

Dear Private Secretary,

LEGISLATIVE PROGRAMME 1989/90

The Lord President wishes to take stock of the preparedness of the provisional legislative programme for the next Session. We would therefore be grateful to receive, by noon on Thursday 25 May, the following information in respect of the main elements of Bills which have been granted provisional places in the 1989/90 programme:

- i. The state of policy clearance: has policy clearance been obtained, and if not when is clearance expected;
- ii. Instructions to Parliamentary Counsel: have instructions already been given to Parliamentary Counsel, and if not when is it expected that instructions will be sent.

Since the aim of this exercise is to evaluate the preparedness of the programme as a whole, it is not necessary to provide details on every provision of each Bill but only of the main elements or any of the minor elements which are likely to hold up the preparation of the Bill.

I am copying this letter to the Private Secretaries to all Ministers responsible for departments, and sending copies for information to Steve Catling (Lord President's office), Nick Gibbons (Lord Privy Seal's office), Murdo Maclean (Chief Whip's office), Douglas Slater (Lords Chief Whip's office) and Trevor Woolley (Cabinet Office).

Yours faithfully,

J G Fuller

J G FULLER

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Ministry of Agriculture, Fisheries and Food
Whitehall Place, London SW1A 2HH

CABINET OFFICE
 E 1154
 122 MAY 1989
 FILING INSTRUCTIONS
 FILE No.

*WBM
RCCG
22/5*

From the Minister

The Rt Hon John Wakeham MP
Lord President of the Council
Privy Council Office
68 Whitehall
London SW1A 2AT

cc Mr Gray MD 10

*- in case you want
not seen this*

22 May 1989

*Note Spike Steve Collins and reminded
him that his possibility had been
raised by the P.M.*

9 return

22/5

Doc John

*RCCG
22/5*

LEGISLATIVE PROGRAMME 1989/90: POTATO MARKETING ARRANGEMENTS

As you are aware, E(CP) considered on 8 May the future potato marketing arrangements in Great Britain. A number of members felt that the termination of the Potato Marketing Scheme was desirable, and I was therefore asked (without prejudice to the final decision) to consult you again over the possibility of adding the necessary provisions to the Food Bill or another suitable vehicle in the 1989/90 parliamentary session.

My own view on this issue is quite clear: if we are to proceed with legislation to deal with the Potato Marketing Scheme and the potato guarantee, I would much prefer a free-standing Bill confined to these issues (but which could conveniently deal with the wool guarantee at the same time).

The alternative would be, as E(CP) has suggested, to add these provisions (other than the wool guarantee, for which separate legislation would still be needed) to the Food Bill. This was as you know a possibility which QL considered and rejected at its meeting on 22 February. But in the light of the E(CP) discussion last week we now need to consider the possibility once again.

There are as I see it three main difficulties in adding provisions on potatoes to the Food Bill.

/First and most ...

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First and most serious would be the inevitable widening of the scope of the Bill through the inclusion of provisions dealing with two new and discrete issues - the Potato Marketing Scheme and the potato guarantee. As it is the Board (operating under the terms of the Scheme) which administers the guarantee arrangements, we clearly could not terminate the Scheme, wind up the Board and still leave the guarantee in place. But by including these two new items in the Bill, its scope would be extended to cover everything within the area of which its provisions were examples - which would then include food, agricultural marketing and agricultural guarantees. Each of these topics has its source in different and discrete pieces of legislation - the food and drugs legislation of the 1930s, the Agriculture Acts of 1947 and 1957 and the agricultural marketing legislation of the 1930s.

To bring all these together in one Bill would virtually mean a Food and Agriculture Miscellaneous Provisions Bill, which would be extremely difficult to manage. We would in particular open up the possibility of a wide range of amendments being tabled and debated which might have little or nothing to do with the provisions of the Bill themselves. This would offer great scope for mischief by the Opposition, who would be able to raise virtually any matter in some way related to food, agricultural marketing or agricultural support (eg milk marketing arrangements or CAP support measures). It could also substantially delay the passage of the Bill through Parliament, which would of course have implications for the legislative programme as a whole.

Second, the addition of new and contentious provisions on potatoes could limit our room for manoeuvre when we come to decide where the Bill should be introduced. It could be less easy to introduce the Bill in the Lords if that is what we wanted to do.

Third, action to terminate the Potato Marketing Scheme would certainly be contentious and the discussion of the two or three clauses dealing with this matter would take up much more parliamentary time. Some of our own supporters may oppose the measure, but I think we can handle that!

My own concern lies mainly with the first of the 3 points; I am strongly opposed to a Miscellaneous Provisions Bill in these areas, which could be very prolonged and difficult. I am myself much less concerned about the other two points, but thought I ought just to draw attention to them.

You will no doubt wish to consider these and let me have your views. I hope that you will be able to respond fairly soon so that E(CP) can return to the matter quickly in the light of your comments.

I am copying this letter to Malcolm Rifkind, Peter Walker, Tom King, to other members of E(CP) and QL, and to Sir Robin Butler.

Yours ever,
JH

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JOHN MacGREGOR



the department for Enterprise

Eric Forth MP
Parliamentary Under Secretary of State for
Industry & Consumer Affairs
John Fuller Esq
Room 208
Cabinet Office
70 Whitehall
LONDON SW1A 2AS

**Department of
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Enquiries
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Telex 8811074/5 DTHQ G
Fax 01-222 2629

215 4301

Direct line CMIACM

Our ref

Your ref

Date

18 May 1989

Dear John,

Will REQUEST IF REQUIRED

I refer to my Minister's letter of 17 May to the Lord President concerning Mr James Paice's notice of motion for a bill on Take Away Food (Biodegradable Packaging). Further to our telephone conversation today, I am writing to confirm that my Minister is now content for the motion not to be opposed, with Ministers abstaining in the event of a division, but that the bill should be blocked on second reading.

I am copying this letter to Members of L Committee.

Yours

Mark

MARK CARVELL
Private Secretary

the
Enterprise
Initiative



Recycled Paper

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cepm



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

18 May 1989

nbpm

Dear Andy,

LEGISLATIVE PROGRAMME 1989/90 : HEALTH SERVICES BILL

Thank you for your letter of 4 May ^{*sent*} about the timetable for next Session's Health Services Bill.

The Lord President has noted that your Department's bid to QL indicated that the Bill was unlikely to be ready for introduction until early next year and that Royal Assent was not required until the end of the Session. He does not believe that a target of Royal Assent by May would be realistic, although the Business Managers will certainly use their best endeavours to secure Royal Assent by July. However, there can, of course, be no guarantee that this can be achieved. The Lord President agrees with your Secretary of State that, if there is to be any prospect of delivering the Bill on this timetable, it will need to be ready for introduction as early as possible in the new Session. Finally, the Lord President has noted that the Chancellor of the Exchequer has emphasised the importance of his officials being fully consulted at the earliest opportunity if your proposed timetable is to be met.

I am sending copies of this letter to **Paul Gray** (No 10), Duncan Sparkes (Chancellor of the Exchequer's office), Nick Gibbons (Lord Privy Seal's office), Murdo Maclean (Chief Whip's office), David Crawley (Scottish Secretary's office), Stephen Williams (Welsh Secretary's office) and Stephen Leach (Northern Ireland Secretary's office) and to Trevor Woolley (Sir Robin Butler's office), First Parliamentary Counsel and the First Parliamentary Draftsman for Scotland.

Yours ever
Steve

STEVE CATLING
Private Secretary

A J McKeon Esq
Principal Private Secretary to
the Secretary of State for Health
Department of Health
Richmond House
Whitehall
LONDON
SW1A 2NS

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Parliament: Reg Prog Pt 18.

SECRET

ccp



Treasury Chambers, Parliament Street, SW1P 3AG
01-270 3000

11 May 1989

A J McKeon Esq
Private Secretary to the
Secretary of State for Health
Department of Health
Richmond House
79 Whitehall
LONDON
SW1A 2NS

NBA
RACG
11/11

Dear Andy.

LEGISLATIVE PROGRAMME 1989-90

- will PG/PAR?

The Chancellor has seen your letter of 8 May to Stephen Catling concerning the NHS Reform Bill.

He has noted that the proposed timetable is very ambitious. The Bill is likely to be a substantial one, involving a large number of detailed policy issues, many of which have still to be settled. It will not be easy to achieve the objectives of complete instructions to Parliamentary Counsel by the end of June and introduction of the Bill at the start of the next session. From the Treasury's point of view, full and early consultation is essential, since we will have a close interest in many of its detailed provisions. If this does not occur, it can only delay the timetable for introducing the Bill. The Chancellor has therefore asked me to emphasise that he expects his officials to be kept fully informed from the outset and as the policy develops.

I am copying this letter to Stephen Catling and to other recipients of yours of 4 May.

Yours sincerely.

Duncan Sparkes

DUNCAN SPARKES
Assistant Private Secretary

Paul: Leg 13. Prog. pt 18





DEPARTMENT OF HEALTH AND SOCIAL SECURITY

Richmond House, 79 Whitehall, London SW1A 2NS

Telephone 01-210 3000

C.P.O.

From the Secretary of State for ~~SECRETARY~~ Health
CONFIDENTIAL

PA

Prime Minister²

Stephen Catling Esq
Principal Private Secretary
Lord President of the Council
Privy Council Office
Whitehall
LONDON
SW1A 2AT

R.C.G.
S/S

4 May 1989

mt

Dear Steve

LEGISLATIVE PROGRAMME 1989/90

I am writing to seek the Lord President's agreement to a timetable for the introduction of the NHS Reform Bill that will enable us to meet the current timetable for implementation of the NHS Review proposals, as set out in the White Paper "Working for Patients". *attached*

The timetable in the White Paper was designed to reduce the uncertainty that would inevitably follow from an over-lengthy consultation period and to allow the benefits of the White Paper to be made available sooner. The consultation period on the major areas that would require primary legislation is planned to end in May 1989. We intend to put complete instructions to Counsel by the end of June. Detailed work here has shown that we need legislative provision as early as possible to enable implementation of the White Paper proposals to proceed. The implementation timetable will require Royal Assent for legislation by July 1990 at the very latest to allow key elements of the reform - such as creation of the first NHS Hospital Trusts - to run to programme.

Even this will delay the process and Mr Clarke would prefer to have a target of end of May 1990 if business managers believe that feasible. He attaches considerable importance to this timetable. Allowing it to slip would cast doubt on the Government's commitment to a challenging programme of reform, and would affect the motivation of those charged with implementing it. The Secretary of State would therefore be grateful for the Lord President's agreement to the NHS Reform Bill obtaining a very early place in the 1989/90 legislative programme, and would ask for it to be given the priority necessary to allow its introduction as soon as possible after the Queen's Speech, with a view to its receiving Royal Assent as early as possible in 1990.

E.R.

I am sending a copy of this letter to Paul Gray (No 10), Alex Allan (Treasury), Nick Gibbons (Lord Privy Seal's Office), Murdo Maclean (Chief Whip's Office), Rhodric Walters (Lords Chief Whip's Office), to the private secretaries of the Secretaries of State for Scotland, Wales and Northern Ireland and to William Fleming at the Cabinet Office. A copy also goes to the First Parliamentary Counsel and First Parliamentary Draftsman for Scotland.

Yours

Andy

A J McKEON
Principal Private
Secretary

dti

the department for Enterprise

CE/PU

The Rt. Hon. Tony Newton OBE, MP
Chancellor of the Duchy of Lancaster and
Minister of Trade and Industry

Lord Mackay of Clashfern
Lord Chancellor
House of Lords
LONDON
SW1A 0PW

Department of
Trade and Industry

1-19 Victoria Street
London SW1H 0ET

Switchboard
01-215 7877

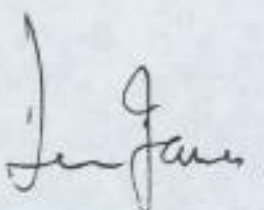
Telex 8811074/5 DTHQ G
Fax 01-222 2629

Direct line
Our ref
Your ref
Date

215 5147

27 April 1989

ASBPM
RAC
27/4

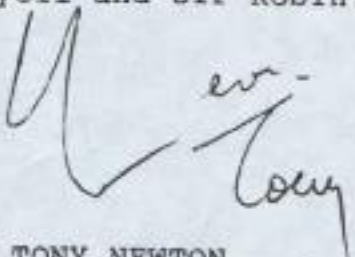


LAWRENCE CUNLIFFE'S CITIZENS' COMPENSATION BILL

Thank you for copying me your letter of 20 April to *will request if required*
John Wakeham.

On the question of a no-fault compensation scheme, my officials stand ready to participate in the proposed feasibility study. I am also content that there should be a review of the level of bereavement damages.

I am copying this to H Committee colleagues, Paul Channon, Patrick Mayhew, Nicholas Lyell and Sir Robin Butler.



TONY NEWTON

dti

the department for Enterprise

CSFO

The Rt. Hon. Tony Newton OBE, MP
Chancellor of the Duchy of Lancaster and
Minister of Trade and Industry

Rt Hon Malcolm Rifkind QC MP
Secretary of State for Scotland
Scottish Office
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Direct line
Our ref
Your ref
Date

215 5147

no pm

12 April 1989

John Malcolm

LICENSING (SCOTLAND) ACT 1976: PROPOSED AMENDMENTS: PRIVATE
MEMBER'S BILL

Thank you for copying to me your letter of 6 April to
John Wakeham, setting out your proposals for controlling
under-age drinking to be included in Jimmy Hood's Private
Member's Bill.

*with request
if required*

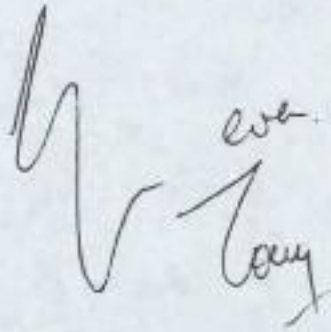
I am glad that you have felt able to adopt the compromise sought
by the trade of a separate wrapping and pricing point, with no
special check-out provision except that sales must be effected
or supervised by adults. Of course, the resulting additional
costs will even so not be insignificant, and I hope it would be
possible to monitor the effectiveness of the provisions once
implemented to make sure that they justify the burdens. I
understand that the Compliance Cost Assessment for the proposal
has been discussed with the Enterprise and Deregulation Unit,
and I am more than content with its thoroughness, given the very
short time which has been available for its preparation. For my
part, therefore, I would be content to see a Bill on this basis
handed to Jimmy Hood for early introduction.

BRYAAD

dti

the department for Enterprise

I am also copying this letter to the members of H Committee, to colleagues in other Departments represented on the Ministerial Group on Alcohol Abuse, and to Sir Robin Butler.

A handwritten signature in black ink, appearing to read 'Tony Newton'. The signature is stylized with a large initial 'N' and a flourish at the end. There are some faint, illegible markings above the signature.

TONY NEWTON

BRYAAD

A089/674

PRIME MINISTER

Cabinet: The Legislative Programme 1989/90:

C(89)5

DECISIONS

You will wish the Cabinet to reach a clear conclusion on the next session's legislative programme, so that preparation of the Bills can start in good time. There will doubtless be some adjustments to the programme during the course of the year, however, and the final programme will be reported to Cabinet at the time of the Queen's Speech, in the usual way.

2. You may also wish the Cabinet to accept that the programme put forward by QL is the most that can be envisaged and that any significant additions to it would have to be balanced by offsetting reductions.

3. Depending on the course of the discussion, you may wish the Cabinet to reach a view on which of the additional bids should be chosen as first reserve, to move into the programme if room appears for it. You have indicated to the Lord President that the Town and Country Planning Bill would probably be your choice for this. If you wished that Bill to enter the programme now, however, it would have to be at the expense of some other Bill, which you might not wish to delete at this stage. Nevertheless, you have indicated to the Lord President that the Highways and Transport (Private Finance) Bill will probably not be ready in time for the next Session, and the Town and Country Planning Bill would almost certainly present fewer parliamentary difficulties than that measure. You will also wish to bear in mind that further study will be needed on how to manage the likely abortion dimension of the Human Fertilisation and Embryology (Control) Bill

- the Warnock Bill - but as there is a clear promise to legislate on Warnock in the present Parliament, this Bill should presumably retain its place at this stage.

4. Finally, you may wish the Cabinet to endorse the Lord President's comments about the need for Ministers to ensure that their Bills are ready for introduction in good time, and also that Ministers should cooperate with the Business Managers in choosing enough important Bills to introduce in the House of Lords.

MAIN ISSUES

i. Size and character of the programme

5. The Lord President's paper itself summarises the main considerations. First, the next session will be squeezed between, on the one hand, the substantial spillover that will be needed to complete the present session's programme of legislation and, on the other hand, the need to avoid a late start for the fourth (1990/91) session. As you know, the pressures at the end of the session tend to be mainly in the House of Lords. I understand that the Lord Privy Seal is advised that the programme now being put forward should enable a State Opening for the fourth session around the second week of November (though forecasts of the situation at the end of next year are necessarily very uncertain).

6. The second main constraint is the customary reckoning that the third session of a Parliament is the latest time for introducing measures that may be divisive among Government supporters, whilst less controversial and demanding legislation is particularly helpful in the subsequent sessions. QL believe that the Courts and Legal Services Bill, the Highways and Transport (Private Finance) Bill and the Warnock Bill would all raise problems if they were deferred beyond the forthcoming session, while the Broadcasting Bill, and the Health Services Bill virtually select themselves.

7. This undoubtedly comprises a heavy programme of legislation that is controversial in more than the normal inter-Party sense and which will have its problems in parliamentary management, especially in the House of Lords. Ideally, you might wish the programme to shed a little weight, but there are strong reasons for the presence of all the major items, and the sponsoring Ministers would expect any newly arising vacancies to be given to the three strong candidates that have been excluded. You may, therefore, decide to accept the size and general shape of QL's recommended programme, but also to stipulate that it must not be allowed to grow any larger.

ii. Notes on certain Bills recommended by QL

8. Annex A to the Lord President's paper sets out the recommended programme, including a short indication of the contents of each Bill. You may, however, find it useful to have the following comments on a few of the Bills that may attract discussion.

(a) The Food Bill will be a long and comprehensive measure to overhaul food safety law throughout Great Britain. The Agriculture Minister persuaded QL that it was not practicable to think in terms of a short Bill confined to essential points. There is now so much expectation of this Bill that it would doubtless be very difficult to defer it. But the inter-action with the new Advisory Committee on Micro-biological Aspects of Food Safety may well be difficult to manage, and this Bill will certainly require very clean and competent handling.

(b) Both the DES Bills are short but highly controversial. The Student Support Bill will need to be taken through quickly at the beginning of the session. The Teachers Pay and Conditions Bill would replace the existing interim arrangements for England and Wales only, as decided in E(EP) last year. Mr Baker may wish to argue at some stage that the interim machinery has enabled the Government to gain all its objectives, and that it should not be replaced in a hurry.

(c) The Warnock Bill will undoubtedly cause difficulty and argument in both Houses, but it is hard to see how the commitment to legislate in this Parliament can now be qualified. On the face of it, the Bill is a classic example of an inherently divisive measure that should not be left to the fourth session. However, it is only recently that the abortion reformers have realised that this Bill would almost certainly provide them with a vehicle, and the full implications of this have yet to be analysed. You may in any event wish to invite the Lord President and the Health Secretary to explore the procedural possibilities for managing the abortion aspect and to report back to you. You might also wish to go a step further and indicate that a final decision on a Warnock Bill's place in the programme must depend on the assessment of the abortion problem.

(d) The mutual assistance provisions are all that is left of the Home Secretary's original bid for a Criminal Justice Bill: they are needed both in the context of terrorism and in the run-up to 1992. The Home Secretary is perfectly content to defer legislation on the right of silence to a large Criminal Justice Bill in a later session. The Lord Chancellor and the Northern Ireland Secretary, however, might wish to speak in favour of an earlier Bill on the right of silence, which would ease the presentation of the action taken in Northern Ireland.

The Representation of the People Bill is to prolong the period of franchise for British people living abroad, in line with a manifesto commitment. It will take up time on the floor of the House of Commons at the beginning of the session if it cannot be fitted in at the tail-end of the current session.

(e) The Highways and Transport (Private Finance) Bill is to implement Mr Channon's proposals for a completely new procedure for planning and financing road construction, on which E(A) recently agreed that he should publish a consultative document in the second half of May. These proposals have a considerable bearing on Private Bill procedure, which

is assuming greater topicality in the context of the Channel Tunnel link. The handling of Mr Channon's proposals will also need to be squared with the Government's response to the report of the Joint Committee on Private Bill Procedure which was published at the end of last year.

QL decided to include the Highways and Transport (Private Finance) Bill because E(A) had just expressed its policy approval and because it is unsuitable for a fourth session (especially because the compulsory purchase provisions will be unwelcome to various land-owning interests). The logic of QL's decision is impeccable. But if you are already clear that the private highway finance proposals will not be ready for legislation this Parliament, then Mr Ridley's Town and Country Planning Bill would be the obvious measure to take their place. That would, however, leave Mr Channon without any major Bill in the programme. He might feel aggrieved at that outcome, especially since his very worthy Road Traffic Bill has also been rejected while Mr Ridley already has the high profile Environmental Protection Bill.

(f) The Pensions (Miscellaneous Provisions) Bill must have a place in order to deal with EC requirements on widowers. The Treasury also want to use the Bill to score the cost of pensions increases in the notional funds for teachers and the NHS, and Mr Baker or Mr Clarke may point out that this proposal has not been cleared with them. If the point is raised you may wish to say that the place of the Bill is not in doubt but that the inclusion of provisions on the teachers and NHS schemes depends on policy approval being obtained in the usual way.

iii. Additional Bids

9. The Lord President's paper describes the following three major Bills which have been excluded from the recommended programme simply because all the available space has been taken up by measures that it would be difficult to defer.

a. The Town and Country Planning Bill is particularly important to simplify the planning system and to improve compensation payments to facilitate major projects. It is strongly supported by the Welsh Secretary. QL thought that it would be manageable in the fourth session, but it will not be welcomed by county councils.

b. A Bill on Restrictive Trade Practices is very strongly backed by the Chancellor of the Exchequer and it would certainly help the Lord Chancellor's Courts and Legal Services Bill, since barristers would prefer the Lord Chancellor's proposed regulatory system to the one that the Trade and Industry Secretary is proposing for other professions. Although a large number of professional interests stand to be affected, the Trade and Industry Secretary does not judge that the Bill would be highly controversial. QL thought that it would be appropriate for the fourth session. It is also a Bill that could suitably start in the Lords.

c. The Road Traffic Bill would implement the recent White Paper on the reform of road traffic law, which has been given a wide welcome by lawyers, motoring interest groups and the public at large. There is undoubtedly some force in Mr Channon's plea to ride the crest of this wave. But the Bill is admirable material for a fourth session and was stood over by QL with that in mind.

10. The other, less important, unsuccessful bids are not described in the body of the Lord President's paper, but are simply relegated to an Annex B. Most of these unsuccessful bids have been accepted by the responsible Ministers, but it is possible that the following points might be raised.

a. The Employment Secretary wishes to graft a few provisions to restrict Government assistance for the tourism industry on to his Employment Bill. QL resisted this on the grounds that there was nothing whatsoever in common between the two subjects, and that it was a dubious practice to use a

controversial guillotined Bill to carry extra material in the way proposed.

b. The Trade and Industry Secretary might want to press the case for a Bill of about 20 clauses to provide for the privatisation of the British Technology Group, which QL decided could not justify so much Parliamentary time. Lord Young might also press that provisions for privatising the National Engineering Laboratories might be amalgamated with Mr Ridley's Crown Suppliers Bill, since similar legal provisions would be required in each case. QL were, on balance, against this conjunction of separate topics but the combined Bill would probably be manageable in practice and the Lord President might well be content to concede the point if it assisted an amicable settlement with Lord Young. (It is also possible that Mr Lawson or Lord Young might argue that the Export Credit and Investment Guarantees Bill should be cut down to its essentials, in order to assist the other DTI bids. QL looked into this proposal, but concluded that the Export Credit etc Bill was such an inoffensive measure that there was nothing to be gained by trimming it.)

c. The Minister of Agriculture may ask for the Agricultural Marketing Bill to be reconsidered. This would be a short Bill to remove the Government's liability for potato and wool guarantees. It would be unpopular with farming interests, and QL decided that it was too controversial for a place in the programme.

11. While the Home Secretary will probably not press for a Bill on Summer Time to be included in the programme at this stage, he may register his view that the next session is the latest practicable time for legislation on this topic during the present Parliament. Mr Hurd is bound to publish a consultation paper on Summer Time shortly, and it may then become apparent that there would be a widespread welcome for the existing Summer Time to be extended to the whole year, with an extra hour of "Double Summer Time" in the summer months. Such an arrangement (which could not be effected

by secondary legislation) might be quite unpopular in Scotland and the most northern parts of England, and for this reason Mr Hurd does not see this legislation as material for the later sessions of the Parliament. While Mr Hurd's assessment seems perfectly sound, however, there is little to be done at this stage. The English public may not, in the event, be so enthusiastic about the idea of Double Summer Time, and there is always the option of postponing legislation until next Parliament. If Mr Hurd raises the matter, therefore, you may wish to say that you are grateful to him for giving early warning of a decision that may be needed later in the year, but that it would not be practicable to keep open a slot for a Bill on a topic of this kind on which policy remains to be decided. It is also just possible that Mr Hurd might mention the manifesto commitment "We will...look for an acceptable way forward to bring sense and consistency to the law on Sunday trading", but there is no reason to suppose that Parliamentary opinion on this topic has significantly changed since the last Parliament and the Business Managers are quite clear that a Bill would not be practicable.

HANDLING

12. You may wish to invite the Lord President to introduce his paper, and the Lord Privy Seal to add any comments from the point of view of the House of Lords. You may wish to indicate at that stage whether you agree with QL's judgement that any additions to the proposed programme will require off-setting reductions.

13. You may then wish to leave it to members of the Cabinet to argue the case for any Bills they wish to press.

R.R.B.

ROBIN BUTLER

8 March 1989

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Oddi wrth Ysgrifennydd Gwladol Cymru

From The Secretary of State for Wales

The Rt Hon Peter Walker MBE MP

CT/3141/89

8 March 1989

W.P.

W.P.

**PRIVATE MEMBERS 10 MINUTE RULE MOTION: BILL TO REGULATE
QUALITY OF SERVICES AND STANDARDS OF CARE OF HOMES FOR THE
ELDERLY AND FOR OTHER PURPOSES**

I have seen Kenneth Clarke's letter of 28 February seeking support for blocking the Second Reading of Malcolm Moss' Ten Minute Rule Bill.

I entirely agree that we should not allow this Bill to proceed particularly in view of our current deliberations on Sir Roy Griffiths' report on community care and Lady Wagner's report on residential care.

Copies of this letter are being sent to the Prime Minister, L Committee colleagues and Sir Robin Butler.

The Rt Hon John Wakeham MP
Lord President of the Council and Leader of
the House of Commons
Privy Council Office
Whitehall
LONDON SW1A 2AT

PARLIAMENT: Legislation

A 18





copy

PRIVY COUNCIL OFFICE
WHITEHALL LONDON SW1A 2AT

6 March 1989

nbpm

See ka

MALCOLM MOSS'S TEN MINUTE RULE MOTION FOR WEDNESDAY 8 MARCH

Thank you for your letter of 28 February setting out your proposals for handling Malcolm Moss's Ten Minute Rule Motion for Wednesday 8 March.

I agree that the Motion should not be opposed, that, in the event of a division, any colleagues present should abstain and that any resultant Bill should be blocked at Second Reading. We shall make the necessary arrangements to secure this.

I am copying this letter to the Prime Minister, members of L Committee, Sir Robin Butler and First Parliamentary Counsel.

John Wakeham
[Signature]

JOHN WAKEHAM

The Rt Hon Kenneth Clarke QC MP
Secretary of State for Health



Me pm
(SB)

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

6 March 1989

The Prime Minister has seen your letter of 3 March with the attached draft Cabinet paper on the Legislative Programme 1989-90. She agrees with the suggestion that the two passages should be omitted.

I am copying this letter to Trevor Woolley (Cabinet Office).

P. A. Bearpark

Stephen Catling, Esq.,
Lord President's Office.



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

Prime Minister

3 March 1989

Would you like to include the high-lighted passages and require Cabinet to discuss the first reserve now: or omit as the Lord Pres suggests?

Dear Andrew

I agree with Lord President. Omit the 2 passages.

ps
3/3

mk

The Lord President asked me to let you have the attached draft Cabinet Paper for the Prime Minister's consideration over the weekend. (The Annexes have not yet been prepared, but the recommended programme at Annex A to the paper would be the same as the one set out in the Annex to QL(89)4, which QL approved on Thursday.) Subject to any comments the Prime Minister may have, the Lord President proposes to circulate the paper next Tuesday for consideration at the Cabinet meeting on Thursday.

The Lord President particularly asked me to draw attention to the passage in paragraph 2 on the Warnock Bill. This simply brings out the connection with abortion and would enable the Prime Minister to note at Cabinet that this problem required further study. The Lord President is having a private discussion of the problem with Mr Clarke on Monday, however, and if that should call for any amendment to the passage I will let you know on Monday evening.

The Prime Minister will also recall that she indicated to the Lord President that one conclusion of the Cabinet discussion might be to indicate that the Town and Country Planning Bill should be selected as first reserve. The draft paper includes two passages in square brackets specifically seeking a Cabinet decision on the relative priority to be attached to the three main additional bids, in case the Prime Minister would find it helpful to have attention focussed on the choice that needs to be made. The Lord President's instinct, however, would be to omit the two passages.

I am sending a copy of this letter to Trevor Woolley in the Cabinet Office.

Yours

STEVE CATLING
Private Secretary

Andrew Turnbull Esq
PS/Prime Minister
10 Downing Street



THE LEGISLATIVE PROGRAMME 1989-90

BACKGROUND AND PROPOSED PROGRAMME

As the Cabinet recognised a year ago (CC(88) 9th Meeting), the present session's programme is at the limits of what can be managed, and this very heavy programme is bound to have a knock-on effect on the starting date for the next session. It is essential, however, that we plan for the fourth (1990-91) session of this Parliament to begin at the conventional time. Next session's programme must be constructed with both these pressures in mind. We must also recognise that there are some necessary Bills which would not be suitable for a fourth or fifth session of the Parliament and which therefore have a strong claim on next session's programme. Equally, there are other Bills that would be perfectly suitable for the later sessions and could be deferred with that in mind.

2. Taking all these considerations into account, the Queen's Speeches and Future Legislation Committee (QL), has been through the usual process of consultation with colleagues and now proposes the programme set out at Annex A. The main elements of the proposed programme, which has a very different character from those of recent years, are the Broadcasting Bill, the Courts and Legal Services Bill, the Food Bill, the Environmental Protection Bill, the Health Service Bill, and the Human Fertilisation and Embryology (Control) Bill. The programme contains several Bills which would be controversial and will consume a good deal of time in both Houses. One particular difficulty is that amendments to the abortion law are likely to be within the scope of the Human Fertilisation and Embryology (Control) Bill, and this is bound to complicate the Bill's passage.

3. The programme which QL recommend is again at the limits of what can be delivered in the session, and there is no contingency margin for unforeseeable extras. Once again I must ask colleagues to accept that any significant additions to the programme would need to be offset by matching reductions.

BILLS NOT RECOMMENDED FOR INCLUSION

4. A list of the Bills which QL decided not to include in the recommended programme is at Annex B. As usual, the list contains a number of attractive bids, and I particularly draw the Cabinet's attention to the arguments which were put to QL in favour of the following
 - (a) Town and Country Planning Bill. This Bill would provide for changes to land compensation arrangements, which would be of help in connection with major infrastructure projects such as the channel tunnel rail link; changes to development plans, which were the subject of a White Paper published last month; charging for appeals, which should help to reduce the backlog of planning applications and appeals; and, subject to colleagues' policy agreement, measures on planning enforcement, which is a subject on which there is widespread public concern. There is clearly a strong case for proceeding quickly with this Bill, but planning law is a politically lively issue and, although the Bill would probably be no more than 30-40 clauses, it would undoubtedly take up a good deal of Parliamentary time.
 - (b) Open Markets Bill. The Secretary of State for Trade and Industry has indicated that, in order to assist QL, he would be prepared to trim this to a Bill containing 50 clauses on restrictive trade practices and, if there was room, a further 30-40 clauses on consumer credit. Both the Secretary of State for Trade and Industry and the Chancellor of the Exchequer emphasised that legislation on restrictive trade practices is an important element of the

Government's policy of increasing competition and promoting enterprise. The policy proposals were set out in a Green Paper published last year. Provided that the Bill were introduced next session it would provide a very helpful background for the Lord Chancellor's Bill on the reform of legal services, and the corresponding Scottish measure. Legislation on consumer credit, which is also of a deregulatory nature, would be welcome in view of current concerns about credit practices.

- (c) Road Traffic Bill. The Secretary of State for Transport has indicated that he would be prepared to trim this Bill to a 70 clause measure to implement the North Review of Road Traffic Law, together with some miscellaneous amendments to the Road Traffic Act. The White Paper setting out the Government's response to the North Review, which was published last month, has been extremely well received. The reform of road traffic law is widely seen to be overdue and legislation would be welcomed on all sides. The Secretary of State for Transport is concerned that the Government would be criticised for delay and would lose the initiative if legislation were not brought in at the first opportunity. We might also be faced with a number of Private Members' Bills next session, seeking to legislate on elements of our own White Paper proposals.

In each of these cases, QL recognised that there were powerful arguments for proceeding in the 1989-90 Session, but were simply unable to find room in the programme. QL considered that all three Bills would be suitable for a fourth Session.

- [5. It would be helpful if the Cabinet could indicate which of the above Bills should be regarded as the first reserve if another Bill were to drop out of the programme.]

PREPARATION AND HANDLING OF BILLS

6. As usual, I must invite colleagues to take a particular interest in ensuring the timely preparation of Bills for which they are responsible. I appreciate the great efforts that were made to have most of our major Bills ready at the beginning of the present session, and it is essential that we repeat that performance this year as it provides the foundation for managing the whole session's business. The management of the programme also depends on a reasonable number of weighty Bills being introduced in the House of Lords. The Lord Privy Seal and I will once again be looking to colleagues to cooperate with us in making the necessary choices.

CONCLUSION

7. I invite the Cabinet
 - (a) to approve the list of Bills at Annex A as the provisional legislative programme for next session, on which preparatory work should now be put in hand;
 - [(b) to indicate which of the three Bills listed at paragraph 4 should be regarded as first reserve should a means be found of accommodating it;]
 - (c) to endorse the comments in paragraph 6 above about the preparation and handling of Bills.



DEPARTMENT OF HEALTH AND SOCIAL SECURITY

Richmond House, 79 Whitehall, London SW1A 2NS

Telephone 01-210 3000

From the Secretary of State for ~~Health~~ Health

The Rt Hon John Wakeham MP
 Lord President of the Council and
 Leader of the House of Commons
 Privy Council Office
 Whitehall
 LONDON
 SW1A 2AT

28 February 1989

PRIVATE MEMBERS 10 MINUTE RULE MOTION: BILL TO REGULATE QUALITY OF SERVICES AND STANDARDS OF CARE OF HOMES FOR THE ELDERLY AND FOR OTHER PURPOSES

Introduction

You will have seen that Malcolm Moss is seeking leave to introduce a Ten Minute Rule Bill on 8 March 1989 to regulate quality of service and standard of care of homes for the elderly and for other purposes. There is no need to oppose leave to introduce the Bill but it should not be allowed to receive a Second Reading.

Background

The Registered Homes Act 1984 provides for the registration and inspection of independent residential care homes and nursing homes which include homes for the elderly.

The Act lays down certain criteria for registration including the suitability of the person running the home and of the premises. The Act also enables regulations to be made concerning the conduct of registered homes. Regulations have been made with provisions covering the facilities and services to be provided at a home.

There are a number of possible aspects of homes regulation which Malcolm may have in mind which have been raised in a number of recent reports such as that of Sir Roy Griffiths on community care and Lady Wagner on residential care. So far as we are aware Malcolm has shown no particular parliamentary interest in this subject and we have been unable to find out what his interest in the Bill is.

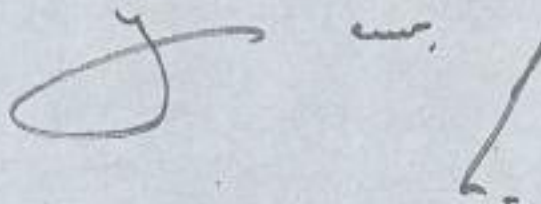
We are at present exploring a number of steps that might be taken within the existing legislative framework to improve the quality of care in homes. I enclose a copy of press statement issued on 22 February.

Conclusion

Until the key decisions are taken on the Griffiths and Wagner Reports we would not wish to open up the Registered Homes Act 1984 to amendments.

For these reasons, I propose, subject to your and colleagues' agreement, that any Bill resulting from the motion should not receive a Second Reading. Should the motion be opposed and a division take place, I suggest Ministers should abstain.

I am sending a copy of this letter to the Prime Minister, members of "L" Committee and to Sir Robin Butler.

A handwritten signature in dark ink, appearing to be 'K. Clarke', written in a cursive style.

KENNETH CLARKE

CONFIDENTIAL

DRAFT QL MEMORANDUM BY THE LORD PRESIDENT OF THE COUNCIL

THE LEGISLATIVE PROGRAMME 1989/90

BACKGROUND - THE PROVISIONAL PROGRAMME

At our first meeting we provisionally agreed on a programme that represented our view of the Bills that might be accommodated in the next Session without jeopardising the objective of starting the fourth Session of this Parliament at the conventional time. The main Bills in this programme were the Broadcasting Bill, the Courts and Legal Services Bill, the Environmental Protection Bill and the Health Services Bill. In addition, the Human Fertilisation and Embryology (Control) Bill is one that is likely to consume a great deal of Parliamentary time and its handling will almost certainly be complicated by the abortion issue. We included an Animal Health Bill in the provisional programme since a decision on this had been taken by the Ministerial Group on Food Safety (MISC 138) the previous day, but we recognised that this might prove to be a controversial measure.

ADDITIONAL BIDS

2. The programme as provisionally agreed at the first meeting is, I believe, very close to the limit and, in principle, no new measures should be added without offsetting reductions. A number of the representations made to us by our colleagues at our second meeting were, however, extremely persuasive and I do not believe that, in practice, it will be possible to identify many countervailing reductions. The representations that were made to us, and my suggestions on how we might respond, are as follows.

Scotland

5. The proposal that emerged in discussion with the Scottish Secretary was that virtually the whole of the proposed New Towns (Scotland) Bill should be amalgamated with the Scottish Enterprise Bill. I think that the Committee judged this to be a manageable proposition and, accordingly, I suggest that we approve this proposal. I think that we also agreed that provisions to deal with restrictive practices in the legal professions in Scotland should be included in the Law Reform (Miscellaneous Provisions) (Scotland) Bill. This would in turn necessitate the Lord Chancellor's Courts and Legal Services Bill being introduced at the very outset of the Session.

Office of Arts and Libraries

6. There was considerable sympathy in the Committee for the Minister of State, Privy Council Office, in pressing the case for his long-deferred Museums and Galleries Bill. Hitherto the proposal to confer power on the trustees of certain national collections to dispose of unwanted holdings has been seen as the main barrier to this Bill being accepted as an uncontroversial measure suitable for Second Reading Committee procedure, and a modified disposal provision remains in the Bill. In any event, the present argument across the whole area of museum policy makes it most unlikely that any Bill in this field could be accepted as uncontroversial. With regret, I do not see that we can give it a place.

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Home Office

3. The Home Secretary has a number of potential additions to the programme, but I do not think that it would be practicable to keep open a slot for Bills on Sunday Trading or Summer Time, on which policy is still undecided. As between measures on the Right of Silence and Private Sector Involvement in the Remand System, the Committee was especially impressed by the argument that provisions on citizens' rights in Northern Ireland should not be allowed to be out of step with those in England and Wales to any greater extent, or for any longer, than is absolutely necessary. While legislating on the right of silence in isolation was not the Home Secretary's preference, he did not reject that possibility, and I sense that it was the Committee's firm preference. On this point, therefore, I think that we should confirm our earlier decision on the Home Office component of the provisional programme.

*could have
this open*

Department of the Environment

4. The Town and Country Planning Bill is clearly a very strong contender that we would do well to accommodate in the next Session if possible. Although the Bill would probably not be more than 30-40 clauses, planning law is a highly controversial area, and this Bill would be a major addition to the programme. The Committee was not attracted to the idea of amalgamating any parts of it with the Environmental Protection Bill. I do not see how the Bill could be added to the programme unless some other measure of roughly equal weight was removed to make room.

*None
importance
than some
other*

Department of Transport

7. The Secretary of State for Transport is prepared to cut down his proposed Road Traffic Bill to a 70-clause measure to implement the North Review on Road Traffic Law, together with some minor necessary amendments to the Road Traffic Acts. This Bill would get a good reception from the public and from virtually all interested quarters, and there is an excellent case for pressing on with it while the Government retains the initiative. There appears to be no way, however, in which the most attractive elements of this Bill could be extracted for rapid enactment, and the whole Bill would represent a major addition to the programme. I do not believe that we can take it on board.

Department of Trade and Industry

8. The proposed provisions for the privatisation of the British Technology Group would come to a Bill of about 20 clauses, and I do not believe that we can accept this. It may be that the provisions for privatising the National Engineering Laboratories can be amalgamated with the Crown Suppliers Bill, but I will not make a recommendation on this point until we have more detailed advice from the lawyers available at our next meeting. We shall also need to consider whether coupling these two sets of privatisation provisions is sensible from a wider political point of view. I doubt if there is much advantage in pressing for the shortening of the Export Credit and Investment Guarantees Bill, which is unlikely to cause problems in Parliament.

9. The Secretary of State for Trade and Industry's main bid was for an Open Markets Bill, and I think that this has effectively

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now been boiled down to a 50 clause Bill on restrictive trade practices. This Bill is strongly supported by the Chancellor of the Exchequer, on the grounds that it represents a main theme of economic policy, and it would undoubtedly provide a background that would assist the passage of the Courts and Legal Services Bill and the corresponding provisions of the Law Reform (Miscellaneous Provisions)(Scotland) Bill. It is clearly a strong candidate for inclusion in the programme. Nevertheless I do not see at this stage how it could be included before we have identified an offsetting saving. ✓

Department of Employment

10. The question here was whether it would be sustainable to add the, relatively uncontroversial, provisions on the tourism industry to a highly controversial Employment Bill that would almost certainly need to be guillotined. I think that the majority of the Committee felt that it would be wrong to authorise the conjunction of such different matters in this way, and that such a precedent would make the Committee's future work appreciably more difficult.

Ministry of Agriculture, Fisheries and Food

11. Subject to the Committee's view, I think that the Minister of Agriculture, Fisheries and Food made out a persuasive case for a comprehensive Food Bill, and that we should therefore drop the suggestion of a shorter measure confined to essential points. I suggest that it will be very important, however, to prevent this already difficult measure from being used as the vehicle for other Government initiatives in the MAFF field, since the problems of

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this Bill would be greatly compounded if the scope were enlarged. It is extremely unlikely that any of the provisions of the proposed Agricultural Marketing Bill would be appropriate for incorporation in the Food Bill, and I do not think that we can change our earlier decision that there is no room for a separate Agricultural Marketing Bill. The Minister of Agriculture, Fisheries and Food confirmed our provisional view that an Animal Health Bill would be a very highly controversial measure, and he mentioned possible difficulties with the timing of this measure. Nevertheless, I think we must still proceed on the basis that it forms part of the programme.

CONCLUSIONS

12. If the Committee approves all the suggestions made above, we will have a programme as at the annexed list. In particular, we will

- (i) retain the Animal Health Bill in the knowledge that it will be a highly controversial measure
- (ii) authorise the inclusion of a comprehensive Food Bill instead of the truncated measure for which we had hoped
- (iii) virtually double the length of the Scottish Enterprise Bill by adding to it the provisions of the proposed New Towns (Scotland) Bill

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- (iv) include provisions on restrictive practices in the Scottish legal professions in the Law Reform (Miscellaneous Provisions)(Scotland) Bill, which is otherwise an uncontroversial measure.

These changes amount to a significant addition. They will make it very difficult to start the fourth session at the conventional time, and I am sure that they leave us with no room to include any additional items in the programme that we submit to Cabinet. While the Restrictive Trade Practices Bill, the Road Traffic Bill and the Town and Country Planning Bill are all very strong contenders on their merits, all these would be practicable subjects for legislation in the fourth Session.

A POSSIBLE PROGRAMME FOR THE 1989-90 SESSION

Essential

1. DTp Civil Aviation Authority
(Borrowing Limits) Very short


Programme with essential elements

2. HO Broadcasting Long
32. LCD Courts and Legal Services Long*
& 3. (including the provisions of the
Judicial Pensions Bill, which are
the essential element)
4. HMT Pensions (Miscellaneous Provisions) Short

Contingent

5. DEn Coal Industry Short
6. FCO Fiji Short*
6a. FCO Pakistan Short*

Programme

7. MAFF Food Long
7a. MAFF Animal Health Medium

13. DES Teachers' Pay and Conditions Short =
14. DES Student Support Short
16. DEmp Employment (excluding tourism
provisions) Medium
17. DOE Environmental Protection Long
19. DOE Crown Suppliers Very short

25.	DE	Health Services	Long
26.	DR	Human Fertilisation and Embryology (Control)	Substantial
28.	HO (part)	Mutual Assistance	Substantial*
28.	HO (part)	Right of Silence	Short
29.	HO	Representation of the People	Short
35. & 36.	SO	Scottish Enterprise (including the provisions of the New Towns (Scotland) Bill)	Long
37.	SO	Law Reform (Miscellaneous Provisions) (Scotland)	Long
38.	DSS	Social Security <i>Disability Allowance House Rules</i>	Substantial
41.	DTI	Export Credit and Investment Guarantees	Medium
43.	DTp	Highways and Transport (Private Finance) (confined to highways provisions)	Substantial
43a.	DTp	Aviation and Marine Security	Short
44.	HMT	Government Trading Funds	Short
45.	HMT	Parliamentary Pensions	Short

Uncontroversial

11.	MAFF	Forestry	Very short
46.	MOD	Greenwich Hospital	Very short
47.	FCO	Protocols Additional to the Geneva Conventions	Very short*
49.	LCD	Contracts	Medium*

Bills considered suitable for introduction in the Lords are asterisked.



File 20.

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

27 February 1989

Dear Steve

LEGISLATIVE PROGRAMME 1989/90

The Prime Minister has seen, and commented on, the Lord President's minute of 24 February with which he enclosed a draft of the paper he was proposing to circulate to QL this week.

The Prime Minister's main point is that she feels the proposed programme is too long. And she suggests that reconsideration be given to the Animal Health Bill, the Home Office Right of Silence Bill, and to Warnock.

Other specific points she has made are that she agrees that it is not practicable to keep open a slot for Bills on Sunday Trading or Summer Time, and that the Town and Country Planning Bill is indeed of more importance than some others. She agrees that it is not practicable to take on board the proposed Road Traffic Bill, or the privatisation of the British Technology Group Bill. The Prime Minister appreciates the importance of the Open Markets Bill, but agrees that it cannot be included unless an offsetting saving can be identified.

You will wish to take these various points on board before preparing a further paper for circulation to QL. No doubt you will let me know if the Lord President wishes to have a short meeting tomorrow with the Prime Minister.

Zw

Andy

(P.A. BEARPARK)

Steven Catling, Esq.,
Lord President's Office.

CONFIDENTIAL

dti

the department for Enterprise

ccpk

nbpm

Eric Forth MP
Parliamentary Under Secretary of State for
Industry & Consumer Affairs

Rt Hon John Wakeham MP
Lord President of the Council
Privy Council Office
Whitehall
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Your ref

Date

215 4301

D65ABT

27 February 1989

John Wakeham

Mr Menzies Campbell has tabled a Notice of Motion for a Bill to prohibit the resale of tickets to events to which the public are admitted at a price more than 10% above their face value.

I recommend that this Bill should be blocked at Second Reading.

The activities of ticket touts are undoubtedly unpopular. However, such a measure would reduce or eliminate both the ability and the readiness of reputable ticket agencies to buy unwanted tickets and make them available to those who would rather pay a premium price than miss the event. It would also restrict the freedom of individuals to negotiate the sale of unwanted tickets on mutually acceptable terms. Furthermore, by restricting the legitimate availability of tickets through these channels, it could result in the less desirable elements of the trade continuing underground at prices inflated more highly than at present.

I do not therefore believe that this is an area in which we would be justified in departing from our general deregulatory stance.

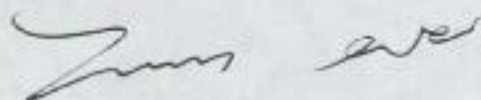
The logo features the word "Enterprise" in a stylized font with an arrow pointing upwards and to the right, and the word "Initiative" below it.

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the department for Enterprise

The Code of Practice for Traders on Prices issued under Part III of the Consumer Protection Act 1987 which comes into force on 1 March stipulates that where tickets are offered for sale at prices in excess of their face value, their face value must be declared. This should help to ensure that consumers are aware of the premium they are being asked to pay when deciding whether to buy resold tickets. However, the sale of tickets over face value is not necessarily contrary to Section 20 of the Act. I am copying this to Secretaries of L. Committee.



ERIC FORTH



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Prime Minister

PRIME MINISTER

I think this is
too long

Contact with the memorial
programme?

Reconsider

~~Amend health Bill~~
~~The Animal Health Bill~~

24/2

LEGISLATIVE PROGRAMME 1989/90

and ? into right to life etc

The Queen's Speeches and Future Legislation Committee (QL) is meeting on 28 February to finalise its recommendations to the Cabinet. I thought you should see the attached draft of the paper that I have it in mind to circulate.

As you know from our earlier talk, there are a number of awkward Bills which are unsuitable for a fourth session, and for which we should, therefore, aim to find places in the session starting at the end of this year. These include the Courts and Legal Services Bill (together with its equivalent Scottish provisions which will be incorporated in a Scottish law reform Bill); the Warnock Bill (which will unavoidably become entangled with abortion issues); and Paul Channon's Bill on privately-financed highways. In addition, there are the major Bills on Broadcasting and the Health Service and two extremely difficult, though short, DES Bills.

The programme that is taking shape, as set out in the Annex to the attached draft, therefore, contains an unusual number of items that will be difficult in both Houses. This programme has a different flavour from those of recent years and it is difficult to calculate the Parliamentary time that it will require. I have been through this with John Belstead and our joint view is that a programme of this kind would push the opening of the fourth session on to around the middle of November, which is a good deal later than we had hoped.

I think I should also draw your attention to the two MAFF Bills. The Bill to amend the compensation provisions of the Animal Health Act did not, of course, appear in John MacGregor's initial bid, but was added to the programme in discussion in MISC 138. John MacGregor has not made any complaint about taking on this Bill in addition to the comprehensive Food Bill for which he has now made out his case, but these two measures will represent a very heavy load for such a small Department, and for Ministers who have to spend so much time in Brussels.

Contd 2/ . . .

While I have no doubt about our ability to deliver a programme on these lines, it is clearly heavier than we would have wished. It has no contingency margin for unforeseeable extras, and it does not have room for any of the three additional items (Restrictive Trade Practices; Town and Country Planning; and Road Traffic) for which colleagues are pressing. All of these are attractive.

Even if QL shares all my uneasiness about a late start to the fourth session, it is, on past form, unlikely to identify any viable way of reducing the programme unless it is very clearly pointed out to the Committee. I should, therefore, be most grateful to know whether you are content for me to put a recommended programme to QL on the lines of the attached draft (or whether you think there is any item that should be deleted at this stage). You will understand that if we take nothing out now, then I should have to argue against any additions being made when the programme is considered by the Cabinet.



JW

24.2.89

CONFIDENTIAL

PRIME MINISTER

LEGAL PROFESSION: LEGISLATIVE PROGRAMME

The Lord President came to see me to report the state of play on the legislative programme. The most contentious issue is likely to be the Bill to implement the Green Paper on the Legal Profession. Opposition is coming from two sources - the lawyers (Attorney General, Chief Whip) who oppose the substance; and the opportunists (Lord Young) who covet the Parliamentary time. Dropping this Bill might allow one large and one small Bill to be admitted. The Lord President's concern is that if these proposals are not enacted in the next session they will probably not be enacted at all.

Before he circulates his Paper to Cabinet, the Lord President will send you a draft and will probably want a word with you on it.

AT

ANDREW TURNBULL

22 February 1989

203 158

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dti

the department for Enterprise

Eric Forth MP
Parliamentary Under Secretary of State for
Industry & Consumer Affairs

The Rt Hon John Wakeham MP
Lord President of the Council
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D64AAP

21 February 1989

John Toth

Lawrence Cunliffe MP has tabled a Notice of Motion as follows:

FUNERAL INDUSTRY (CODE OF PRACTICE): A Bill to
establish a compulsory Code of Practice for
Funeral Directors.

I recommend that the Government should not oppose the Motion
but that any resulting Bill should be blocked at Second
Reading. If the Motion results in a division, colleagues
should abstain.

The Motion is prompted by a report published by the Office of
Fair Trading (OFT) on 10 January recording the results of a
survey monitoring the effectiveness of the National
Association of Funeral Directors' Code of Practice. The
report focuses on the high cost of funerals and the lack of
information about prices and options which may prevent the
bereaved from "shopping around". It concludes that key
elements of the NAFD Code are being ignored.

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The report has excited much press comment. There have been a number of Parliamentary questions, and there was an adjournment debate on 6 February. In replying to Mr Cunliffe during the debate, I emphasised that the next step was for the industry to discuss the report's findings with OFT who had set a deadline of 6 months for the industry to respond with proposals for improvement. While the main funeral director companies have argued against some of the OFT's conclusions, the NAFD is clearly concerned and a meeting with OFT has already been arranged. There is no justification at this stage for introducing a statutory code.

I am copying this letter to the Chief Whip, First Parliamentary Counsel, the Lord Advocate's Department and the Secretaries of L Committee.

Eric Forth
E

ERIC FORTH

dti

the department for Enterprise

CEP

The Rt. Hon. Tony Newton OBE, MP
Chancellor of the Duchy of Lancaster and
Minister of Trade and Industry

Rt Hon Malcolm Rifkind MP
Secretary of State
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Date

6 February 1989

Jan Malcolm

LAW REFORM (REQUIREMENTS OF WRITING AND QUARTER DAYS) (SCOTLAND)
BILL

Thank you for your letter of 19 January seeking policy approval
for the above Private Members' Handout Bill.

will request if required

I am content with your proposals for this Bill although I
understand that there are some detailed points still to be
resolved between officials.

I am sending copies of this letter to the other members of
H Committee, the Lord Advocate and Sir Robin Butler.

*ever.
Tony*

TONY NEWTON

FELAAB

Parliament - regulator.



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

31 January 1989

nbpm

Dear Douglas

CLARE SHORT'S INDECENT DISPLAYS (NEWSPAPERS AND WORK PLACES) BILL

Thank you for your letter of 18 January in which you sought colleagues' agreement that Clare Short's Indecent Displays (Newspapers and Work Places) Bill should be blocked at Second Reading in the Commons.

No other colleague has commented and you may therefore take it that you have H Committee's agreement that the Bill should be prevented from making progress. As you will be aware, the handling of the Bill was discussed at this morning's meeting of the Committee.

I am copying this letter to the Prime Minister, members of H and L Committees, Patrick Mayhew, Richard Luce and to Sir Robin Butler and First Parliamentary Counsel.

John Wakeham

JOHN WAKEHAM

The Rt Hon Douglas Hurd CBE MP
Home Secretary

Jike E. AM



10 DOWNING STREET
LONDON SW1A 2AA

From the Principal Private Secretary

30 January 1989

Dear Steven,

THE LEGISLATIVE PROGRAMME FOR THE NEXT SESSION

The Lord President discussed his minute of 25 January with the Prime Minister today. She was disturbed to read that a substantial spill-over was in prospect for the current Session which would force a late start for the next Session. (Earlier in the day the Lord President had said he expected the House of Lords to require an extra five weeks.) She urged the Lord President to make as much as possible, though she recognised that the main problem lay with the House of Lords. She thought that eventually some change to its procedures would be required.

Turning to the 1989-90 programme, the Prime Minister was broadly in agreement with the Bills the Lord President had selected as the core of the programme. Points were made on the following Bills:

6. Fiji. The Prime Minister hoped it would be possible to avoid this.
- 7 - 11. MAFF Bills. The Lord President said the Minister of Agriculture was bidding for five separate Bills but he would not be able to offer him more than two. He expected there to be a Food Bill, and a miscellaneous Provisions Bill. The former could either be a major Bill which introduced new measures and consolidated all existing legislation, or a Bill simply putting right major weaknesses. The Prime Minister agreed that a Food Bill was essential, though without taking a view of this choice. It was important that the policy work should be accelerated.
- 13 - 14. Teachers' Pay and Conditions and Student Support. It was agreed that these were important.
15. Research Councils. The Prime Minister did not think this Bill was necessary.
- 17 - 18. Environmental Protection and Town and Country Planning. These were a major priority.

ho

20. Commons. The Lord President thinks it could find a place in the programme as it could be introduced in the Lords.

22. Brunei (Appeals to the Privy Council). The Lord President said it was possible that it could be completed in the current Session.

23. Diplomatic and Consular Premises (Disturbances). The Prime Minister was strongly in favour.

25. Health Service. This was one of the major Bills of the Session.

26. Human Fertilisation and Embryology (Control). The Lord President suggested that this could provide an opportunity to tackle the abortion issue. If this were not done, this issue would cause problems in every Session and would be likely to give rise to undesirable pressures to modify the procedures for Private Members' Business. The Prime Minister agreed that this Bill should be used to resolve the abortion issue and asked the Lord President to discuss this with the Secretary of State for Health.

28. Criminal Justice. The Lord President said it would be possible to hive off the clauses on international mutual assistance and introduce them as a separate Bill in the Lords.

30 - 31. Summer Time and Shops. The Prime Minister commented that there was as yet no agreement on what should be done.

39 - 41. DTI Bills. The Prime Minister commented that the claims of the Secretary of State for Trade and Industry were excessive.

43. Highways and Transport Private Finance. The Prime Minister said it was important to remove obstacles to road construction, eg in Docklands.

45. Parliamentary Pensions. It was noted that this would be unsuitable for the 1990-91 Session.

The Lord President said that he would be seeking in QL to cut back these bids substantially. His objective was a programme which could be completed without a large over-spill so that the 1991 Session could start early. This would keep the Government's options open.

*Your sincerely
Andrew Turnbull*

ANDREW TURNBULL

Steven Catling, Esq.,
Lord President's Office



cc PH
RBEK
Food Bills
- Wards
Planning

PRIME MINISTER

THE LEGISLATIVE PROGRAMME FOR NEXT SESSION

As you know, the Queen's Speeches and Future Legislation Committee (QL) is to begin considering the next legislative programme on 8 February. A list of the bids made by departments is annexed to this minute.

2. Although it is too early to set the dates, it is already clear that we shall need another substantial spillover period this autumn, and this will force next session into a late start. You may think, however, that we should aim for a reasonably early start for the 1990-91 session, which will be the fourth of this Parliament. This indicates that the programme for next session should probably be somewhat less heavy than the present session's programme of about 30 Bills, of which 15 will be of medium length and above.
3. More generally, it is not too early to take a broad view about the way in which material might be distributed between the next session and the one for 1990-91. Other things being equal, the third session may be thought to be the last occasion for bringing forward any measures that raise "conscience issues" or are otherwise likely to be particularly divisive with our own supporters. On the other hand, the bids include some items that are particularly appropriate for a fourth session, and which may be deferred with that in mind.
4. Against that background, I think that the core of the programme should be provided by the following eight Bills. The first three are all aimed at exposing entrenched professional practices and vested interests to a more competitive climate, and I think they will set the tone for next session.

Health Services

A long Bill to implement the forthcoming White Paper.

Courts and Legal Services

A long Bill to implement the Lord Chancellor's reforms in the legal professions.

Broadcasting

A massive Bill to implement last year's White Paper. It is now in the essential category, because of the timetable for changing the ITV franchise system.

Environmental Protection

A very long Bill on an emerging Government priority.

Social Security

Most sessions now include a substantial Bill of this kind to improve the social security system.

Student Support

A short but politically lively Bill that will need to be enacted before April 1990.

Teachers' Pay and Conditions

Another short but controversial Bill. It would replace the present interim negotiating machinery, as agreed in E(EP).

Human Fertilisation and Embryology (Control)

We are committed to legislation in the present Parliament, and the third session is the latest realistic time. But it is now quite clear that proponents of reform of the Abortion Act will try to use this Bill as a vehicle and it is doubtful if it will be possible to prevent this. We shall need to give further thought to this.

5. In selecting the other main Bills I believe that the main problems and choices will lie in the following areas.

Criminal Justice

The Home Secretary has bid for an extremely large Criminal Justice Bill to cover a wide range of topics including reform of the parole system, improved forms of non-custodial punishment in the community and private sector involvement in the custody and escort of remand prisoners. As we saw with the previous Criminal Justice Bill (which was enacted as recently as last session), Bills of this kind take up much time in both Houses and are especially likely to accumulate further provisions during their passage. I doubt if it would be manageable to take on such

a large Home Office Bill alongside the Broadcasting Bill in the next session, and I believe that we should ask Douglas Hurd to limit this Bill to the parts that are really urgent. He might, for example, extract the 30-40 clauses on mutual assistance arrangements with other countries into a substantial Bill in its own right that might start in the House of Lords; and we might deal separately with the priority subject of the right of silence in a short Bill of tightly limited scope. The other large issues that Douglas is canvassing might then be left for consideration for the following session, where they might be particularly appropriate.

Department of Transport Bills

Paul Channon has bid for two major Bills. One is a Road Traffic Bill, to improve the law on driving offences on lines to be announced in a White Paper next month. The other would be a Bill to facilitate private sector involvement in highway financing, to take power to compel local authorities to privatise their bus companies, and to take various powers on ports privatisation. I doubt whether we can find room for two large Transport Bills, and I believe that Paul Channon's second proposal brings together three such very different topics that it would be exceptionally difficult to control. At present, I am inclined to think that we should ask Paul to defer his Road Traffic Bill to the following session, and that we should accept only the highway financing provisions from his second bid. If the ports provisions were to be retained, however, then I think that this would have to be done in a separate Bill.

Trade and Industry Bills

David Young is bidding for two major Bills. One would provide for the privatisation of the National Engineering Laboratory and the British ^{Technology} Trade Group. The other would be a very long miscellaneous provisions Bill to implement a number of proposals that have been canvassed in David's deregulation White Papers. My first reaction is that he might be asked to make a choice between these two Bills, though I think that the deregulation Bill would need to be trimmed down to its two major components (restrictive trade practices and consumer credit).

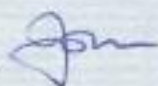
Employment

Norman Fowler has bid for a Bill to deal with the pre-entry closed shop, amongst other matters. I understand that he will shortly be sending you a minute outlining this and other proposals, and I am working on the assumption that this bid should be kept in the programme. It might, however, be necessary to ask Norman to drop his tourism industry proposals from this Bill, in order to keep its scope within manageable limits.

Food

This has a long history. Willie Whitelaw gave H Committee's policy approval in 1987 for a Bill to streamline and bring up to date the present law on food quality control. As part of their response to recent events the Department have announced in Parliament that work is indeed in hand on the preparation of comprehensive legislation. Provided that we remain satisfied that these proposals are sufficiently robust to command confidence in present circumstances, there is a strong case for this Bill to proceed. You may, however, wish for some further assessment to be made before a final decision is taken. In order to limit the scope for amendment, one possibility might be to restrict this exercise to the minimum substantive new provisions that John MacGregor believes he needs, leaving consolidation and other minor tidying-up until a later session.

6. Depending on the decisions taken on the other bids, we might also have room for the Town and Country Planning Bill and the three Scottish Bills. In addition, we will need a number of shorter measures: I would particularly mention the Representation of the People Bill, which is needed to implement the manifesto commitment on overseas voters, and the Parliamentary Pensions Bill, which will deal with Ministers' severance pay and with the pensions of the holder of your office, the Speaker and the Lord Chancellor.
7. I should be most grateful for an opportunity to discuss this with you before I prepare proposals for QL's consideration.



JW

25.1.89

GOVERNMENT BILLS PROPOSED FOR 1989/90

(Asterisked Bills are those which Departments consider might be suitable for Lords introduction)

A. ESSENTIAL

1. Civil Aviation Authority very short
(Borrowing Limits) (DTp)
To increase the ceiling on aggregate borrowing by the Civil Aviation Authority.

B. PROGRAMME WITH ESSENTIAL ELEMENTS

2. ↗ Broadcasting (HO) long
(150-200 clauses)
To implement the Broadcasting White Paper and the Radio Green Paper and to strengthen provisions on broadcasting standards.
3. Judicial Pensions (LCD) *short
(8-10 clauses)
To bring judicial pensions into line with the requirements of the Social Security Acts 1985 and 1986.
4. Pensions (Miscellaneous Provisions) short
(HMT)
To provide for pensions increases for widowers in accordance with EC Directives; and to score cost of pensions increases in teachers/NHS notional funds.

C. CONTINGENT

5. Coal Industry (DEn) short
To increase the statutory limit on restructuring grants payable to the British Coal Corporation.

6. Fiji (FCO) *short
To make provisions consequent upon Fiji's possible departure from Commonwealth.

D. PROGRAMME

7. *Food* (MAFF) *long
(c 90 clauses)
To replace the Food Acts for England, Wales and Scotland with an improved Great Britain Act.
8. Agricultural Marketing (MAFF) *short
To abolish the potato and wool price support regimes and possibly to amend the potato marketing scheme.
9. Slaughterhouses (MAFF) *medium
To strengthen welfare controls on the slaughter of red meat animals and to extend the Slaughterhouses Act 1974 to farmed deer and rabbits.
10. Agriculture Capital Grants (Expenditure Management) (MAFF) very short
To transfer provision for farm capital grants to a cash limited Vote.
11. Forestry (MAFF) *very short
To increase the maximum membership of Forestry Regional Advisory Committees.
12. Defence Research Agency (MOD) short
To enable MOD's research establishments to be established as a "Next Steps" Agency outside the Civil Service.
- A* 13. Teachers' Pay and Conditions (DES) short
To establish a permanent statutory framework for determining teachers' pay.

14. Student Support (DES) short
To introduce a loan element into student finances.
15. Research Councils (DES) *short
(Reorganisation)
To merge the Agriculture and Food Research Council with the Natural Environment Research Council and possibly part of the Engineering and Science Research Council.
16. Employment (DEmp) medium
To abolish the pre-entry closed shop and the Wages Council system; and to reorganize arrangements for promoting tourism.
17. Environmental Protection (DOE) long
(100 clauses)
To introduce an integrated system of pollution control, to amend waste disposal legislation and to make provision for other environmental protection measures.
18. Town and Country Planning (DOE) *substantial
(30-40 clauses)
To make deregulatory changes to the planning system.
19. Crown Suppliers (DOE) very short
To prepare the Crown Suppliers for privatisation.
20. Commons (DOE) *long (over
100 clauses)
To provide for more effective management of, and improved access to, common land.
21. Antarctic Minerals (FCO) *short
To give effect to the Convention regulating Antarctic minerals development.
22. Brunei (Appeals to the Privy Council) (FCO) *very short
To provide for the Judicial Committee of the Privy Council to advise the Sultan of Brunei in appeal cases from Brunei.

23. Diplomatic and Consular Premises (Disturbances) (FCO) very short
To control demonstrations which disturb Embassies and Consulates.
24. China Indemnity (Application) (FCO) *short
To wind up the Chinese Government Purchasing Commission and provide for the use of remaining funds.
25. Health Service (DH) long
To implement the NHS White Paper.
26. Human Fertilisation and Embryology (Control) (DH) *substantial
To regulate embryo use, research, storage and disposal.
27. Registration Services (DH) *substantial (c 35 clauses)
To implement proposals in Green Paper for modernising the Registration Service.
28. Criminal Justice (HO) long (over 100 clauses)
To provide for international mutual assistance in dealing with crime; to make improved provision for non-custodial punishment; to reform the law on parole; to reform the law on right of silence; and to make provision for private sector involvement in the remand system.
29. Representation of the People (HO) (8 clauses) short
To amend the law on overseas and absent voting.
30. Summer Time (HO) very short
To coordinate time with other EC countries and to allow more summer time in UK.
31. Shops (HO) short
To relax restrictions on Sunday trading.

32. Courts and Legal Services (LCD) *long
(c 60 clauses)
To implement proposals in the Green Paper on the Legal Profession and in the Civil Justice Review.
33. Commonhold and Land Obligations (LCD) *long
(90-100 clauses)
To facilitate the transfer and management of inter-dependent properties.
34. Museums and Galleries (OAL) medium
(c 25 clauses)
To make changes to the status of certain museums and galleries.
35. Scottish Enterprise (SO) substantial
(c 30 clauses)
To establish Scottish Enterprise to take over the functions of the Scottish Development Agency and the Training Agency in Scotland with additional powers.
36. New Towns (Scotland) (SO) medium
(20-25 clauses)
To provide the Scottish Secretary with powers to reconstruct development corporations' liabilities; and to extend powers for winding up development corporations.
37. Law Reform (Miscellaneous Provisions) (Scotland) (SO) *medium/
substantial
To make miscellaneous reforms to Scottish administration of justice and criminal law.
38. Social Security (DSS) substantial
(c 30 clauses)
To make changes in disability and housing benefits and miscellaneous other reforms.
39. Open Markets (DTI) *long
(c 110 clauses)
To reform the law on restrictive practices, consumer credit, weights and measures and other matters.

40. Privatisation (Miscellaneous Provisions) (DTI) substantial (30-40 clauses)
To make provision for privatising the National Engineering Laboratories and the British ^{Technology} Trade Group; and to reorganize British Shipbuilders into a residuary body.
41. Export Credit and Investment Guarantees (DTI) medium (c 15 clauses)
To enable the Export Credit Guarantees Department to take advantage of recent capital market developments.
42. Road Traffic (DTp) long (c 130 clauses)
To revise road traffic law in the light of the North Review; and to reduce the statutory requirements on operators of goods vehicles.
43. Highways and Transport Private Finance (DTp) long (c 80 clauses)
To establish new procedures for authorising privately financed roads; to compel local authorities to privatise their bus companies; and to complete the conversion of the ports to a private sector industry.
44. Government Trading Funds (HMT) short
To widen powers for "Next Steps" Agencies to be taken out of the Vote accounting system.
45. Parliamentary Pensions (HMT) short
To provide for severance pay for House of Commons Ministers and to alter the pension arrangements for the Prime Minister, the Speaker and the Lord Chancellor.

E. UNCONTROVERSIAL

46. Greenwich Hospital (MOD) *very short
To remove constraints on the admission of pupils to the royal hospital school.

47. Protocols Additional to the Geneva Conventions (FCO) *very short
To enable the UK to ratify additional protocols to the Geneva Conventions.

48. Civil Jurisdiction and Judgements (LCD) *medium
To give effect to the Lugano Convention on civil jurisdiction and the recognition and enforcement of judgements.

49. Contracts (LCD) *medium
To permit the UK to ratify the 1980 Rome Convention on contracts law.



mbp m
cep

QUEEN ANNE'S GATE LONDON SW1H 9AT

18 January 1989

Dear John,

CLARE SHORT'S INDECENT DISPLAYS (NEWSPAPERS AND WORKPLACES) BILL

Clare Short came tenth in the ballot for private members bills and has introduced a Bill not yet published which "seeks to remove pornography from the press and the workplace." The Bill is second order for debate on 3 February, behind Tony Worthington's Right to Reply Bill.

Ms Short will undoubtedly claim that her Bill will outlaw material which is degrading to women, cheapening to male/female relations and can lead men to commit sexual assault. While the link between the sort of mildly titillating material at issue and sexual assaults is not established, there will be some sympathy with her aims, particularly insofar as they affect the "Sunday Sport" which has been the subject of some correspondence from MPs. But if the Bill resembles her previous two on the same subject (in the 1985/86 and 1987/88 Sessions) it is likely to be so flawed as to be unworkable. The Bill, in seeking to ban pin-ups from newspapers and workplaces would impose on the press (and only the press) a threshold of acceptability far more restrictive than that which Parliament rejected when it considered both Winston Churchill's and Gerald Howarth's attempts to reform the Obscene Publications Act 1959. It would also be a major restriction of the right of the individual to choose what he views.

I take the view that attempts to tackle material which is considered offensive or harmful are best made by seeking to persuade Parliament to change the definition of obscenity. (Our recent action to outlaw possession of child pornography in the Criminal Justice Act was an exception justified by the extreme seriousness of the matter.) As you know, we fully supported the Churchill and Howarth Bills. Ms Short voted against both. The concentration on newspapers leaving more explicit material in magazines untouched is illogical and leads one to suspect that the Murdoch press may be as much a target as topless pin-ups. As

/to the "workplace"

-The Rt Hon John Wakeham, MP
- Lord President of the Council

to the "workplace", the second limb of Ms Short's Bill, the Indecent Displays (Control) Act 1981 already catches indecent material displayed publicly. For material displayed in workplaces to which there is no public access, we take the view that the employer should be responsible. We have given a lead as employers by banning such material in Government buildings.

For these reasons, I believe we should oppose Ms Short's Bill. This needs to be handled sensitively; Ministers should not be seen actively and publicly to oppose what purports to be an anti-pornography measure aimed at material which is widely judged to be degrading. I therefore propose that proceedings on the Bill which precedes Ms Short's, Mr Tony Worthington's Right of Reply Bill, should be prolonged to the point where either Ms Short's Bill is not reached or where it can easily be talked out and that any attempt to force an early closure of the debate on either Bill should be blocked.

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

Lowry,

Dough.

dti

the department for Enterprise

copy

Eric Forth MP
Parliamentary Under Secretary of State for
Industry & Consumer Affairs

The Rt Hon John Wakeham MP
Lord President of the Council
Privy Council Office
Whitehall
London
SW1

Department of
Trade and Industry

1-19 Victoria Street
London SW1H 0ET

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01-215 7877

Telex 8811074/5 DTHQ G
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Direct line
Our ref
Your ref
Date

215 4301
D55ABO

12 January 1989

Dear John,

My letter of 9 January (copy attached for your convenience) sought the agreement of L Committee that the Weights and Measures (Amendment) Bill should be allowed to proceed with Government support. I am now enclosing a draft Bill, prepared by Parliamentary Counsel, and request your approval to hand the Bill to Jerry Wiggin who will present the Bill under Standing Order 58 on 17 January.

I am copying this letter to Members of L Committee.

Yours sincerely

Eric Forth

ERIC FORTH

the
Enterprise
initiative

DRAFT
OF A
B I L L
TO

Make provision for and in connection with the passing and stamping of certain weighing and measuring equipment, as being fit for use for trade, by persons other than inspectors of weights and measures. A.D. 1989.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- 5 1.—(1) The Secretary of State may grant a licence authorising any person who—
- (a) carries on business as a manufacturer, installer or repairer of equipment to which section 11 of the Weights and Measures Act 1985 ("the 1985 Act") applies; and
 - 10 (b) satisfies such other requirements as the Secretary of State may determine,
- to pass and stamp for the purposes of that section, in such circumstances and subject to such conditions as may be specified in the licence, equipment to which that section applies which is of a class or
- 15 description so specified.
- (2) An application for a licence shall be made in such manner and be accompanied by such fee as the Secretary of State may direct.
- (3) A licence shall be in writing and shall continue in force until, in accordance with any term contained in it, the licence is, or is
- 20 deemed to be, revoked by the Secretary of State.
- (4) Without prejudice to the generality of subsection (1) above, conditions included in a licence may require the authorised person—
- (a) to pay the Secretary of State such fee as the Secretary of State may determine;
 - 25 (b) to pay to the local weights and measures authority, for any inspections or tests carried out by an inspector in accordance with the terms of the licence, such fees as the authority may reasonably require; and

Persons
authorised to
pass and stamp
equipment.
1985 c. 72.

(c) as respects items of equipment passed and stamped by him which are not in his possession, to keep proper records of such information as becomes available to him about the names and addresses of any persons in whose possession those items are or have been.

5

(5) Any sums received by the Secretary of State under subsection (2) above or in consequence of the provisions of any condition of a licence shall be paid into the Consolidated Fund.

Passing and stamping of equipment by authorised persons.

2.—(1) Section 11 of the 1985 Act (certain equipment to be passed and stamped by inspector) shall be amended as follows.

10

(2) In subsection (2), after the word "inspector" there shall be inserted the words "or authorised person" and at the end there shall be added the words "and in this Act 'authorised person' means a person authorised by a licence under section 1 of the Weights and Measures (Amendment) Act 1989 to pass and stamp equipment to which this section applies".

15

(3) In subsection (4), after the word "passed", in the first place where it occurs, there shall be inserted the words "by an inspector" and for the words "an inspector" there shall be substituted the words "the inspector".

20

(4) After that subsection there shall be inserted the following subsection—

"(4A) An authorised person may (subject to the provisions of this Act, of any regulations under section 15 below and of any conditions included in his licence)—

25

(a) test any equipment to which this section applies by means of other equipment which has already been tested and which is suitable for the purpose, and

(b) if the equipment falls within the prescribed limits of error, stamp it with the prescribed stamp or, as the case may require, make a statement in writing, to be kept with the equipment, to the effect that it is passed as fit for use for trade."

30

(5) In subsection (6), after the words "An inspector" there shall be inserted the words "or authorised person".

35

(6) In subsection (7), after the words "subsection (4)(c)" there shall be inserted the words "or (4A)(b)".

has been duly tested and

Other amendments of the 1985 Act.

3.—(1) The 1985 Act shall be further amended as follows.

(2) In section 16(1)(a) (offences in connection with stamping of equipment), after the word "inspector", in the first place where it occurs, there shall be inserted the words "or authorised person".

40

(3) After section 75 there shall be inserted the following section—

"Offences by authorised persons.

"75A. Any authorised person who stamps any weighing or measuring equipment in contravention of any provision of this Act or of any instrument made under this Act, or without duly testing it, shall be

45

guilty of an offence."

(4) In section 79(1) (general powers of inspection and entry), at the end of paragraph (a) there shall be added the words "or passed for such use by an authorised person".

5 (5) In section 94(1) (general interpretation), immediately before the definition of "capacity measurement" there shall be inserted the following definition—

10 "‘authorised person’ means a person authorised by a licence under section 1 of the Weights and Measures (Amendment) Act 1989 to pass and stamp equipment to which section 11 above applies;"

15 4. In making arrangements to give effect in their area to the purposes of the 1985 Act so far as relating to authorised persons, and to equipment passed and stamped by such persons, a local weights and measures authority shall have regard to any guidelines issued by the Secretary of State.

Guidelines by
Secretary of
State.

20 5.—(1) Where an inspector has reasonable cause to believe that any equipment passed by an authorised person does not comply with the appropriate requirements, he may give to that person instructions in writing requiring him—

Additional
powers of
inspectors.

25 (a) if the equipment is in his possession, to keep the equipment at a place specified in the instructions and at the disposal of the inspector for the period of seven days beginning with the time when the inspector gives him the instructions or such shorter period as the inspector may specify;

(b) if the equipment is not in his possession, to furnish the inspector with such information as he possesses about the name and address of any person in whose possession the equipment is or has been.

30 (2) Where an inspector exercises the power conferred by subsection (1)(a) above in relation to any equipment, the local weights and measures authority shall be liable to pay compensation to any person having an interest in the equipment in respect of any loss or damage caused by reason of the exercise of the power if—

35 (a) the equipment complies with the appropriate requirements, and
(b) the exercise of the power is not attributable to any neglect or default by that person.

40 (3) Any dispute as to the right to or the amount of any compensation payable under this section shall be determined by arbitration or, in Scotland, by a single arbiter appointed, failing agreement between the parties, by the sheriff.

45 (4) Any person who without reasonable cause fails to comply with a requirement made of him in pursuance of subsection (1) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(5) In this section "the appropriate requirements", in relation to any equipment, means the requirement that it should fall within the

prescribed limits of error and such of the other requirements of regulations under section 15 of the 1985 Act as are applicable to it.

Short title,
construction,
commencement
and extent.

6.—(1) This Act may be cited as the Weights and Measures (Amendment) Act 1989.

(2) Subject to subsection (3) below, this Act and the 1985 Act shall be construed as if sections 1, 4 and 5 above were contained in that Act. 5

(3) The reference in section 75(1A) of the 1985 Act to any instrument made under that Act shall not be construed as including a reference to a licence granted under section 1 above. 10

(4) This Act shall come into force at the end of the period of two months beginning the day on which it is passed.

(5) This Act does not extend to Northern Ireland.

dti

the department for Enterprise

Pim Huisw².

Eric Forth MP
Parliamentary Under Secretary of State for
Industry & Consumer Affairs

The Rt Hon John Wakeham MP
Lord President of the Council
Privy Council Office
Whitehall
London
SW1

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Direct line 215 4301
Our ref D54ABD
Your ref
Date

9 January 1989

mt

Jim Johnson,

L Committee agreed in November that a Weights and Measures (Amendment) Bill to establish a self-verification scheme for weighing and measuring equipment should be offered to Members successful in the Ballot for Private Member's Bills. The Bill was included in the handout list, but has not so far been taken up.

Mr Jerry Wiggin, although unsuccessful in the ballot, has been alerted to the Bill in his capacity as Parliamentary Adviser to the National Federation of Scale & Weighing Machine Manufacturers and has taken the initiative to table a Notice of Motion under Standing Order 58 to present the Bill on 10 January.

The Government accepted (Cmnd 9850) the recommendation of the Eden Committee that a self-verification scheme should be established and the industries affected have pressed strongly for its introduction. This is a deregulatory Bill which will enable manufacturers to perform the checking and stamping of their production. Policy approval for the introduction of a self-verification scheme was given by H Committee in correspondence in June 1986, and I now seek your agreement and that of L Committee to allow the Bill to proceed.

the
Enterprise
initiative

dti

the department for Enterprise

Parliamentary Counsel has already produced a first draft, and the final draft will be available shortly. As soon as the final draft is available I will seek L Committee's agreement to hand the Bill to Jerry Wiggin. I will make it clear to him that Government time cannot be made available for the Bill and that if it is to stand any chance of success it will probably have to go through the Commons on the nod. Subject to that I strongly recommend that the Government should support the Bill. My Department would provide assistance to Mr Wiggin. I am copying this letter to Members of L Committee.

Zus eve

Eric

ERIC FORTH

the
Enterprise
Initiative



CONFIDENTIAL

See Intro

CABINET OFFICE

70 Whitehall London SW1A 2AS Telephone 01-270 0135

9 December 1988

*AB to see the
now*

Dear Private Secretary,
hap

LEGISLATIVE PROGRAMME 1989/90

In my letter of 18 November I said that we would be holding meetings in the Cabinet Office with the departmental officials responsible for the main Bills in Departments' bids. You may wish to inform the officials concerned that these meetings are likely to take place on the afternoons of 16 and 17 January.

QL Committee will probably meet for the first time on 8 February to draw up a provisional programme of legislation based on Departments' bids. The second meeting of the Committee, to which Ministers wishing to appeal against QL's provisional decisions are customarily invited, is likely to be held on the morning of Wednesday 22 February.

I should emphasise that our timetable is heavily dependent upon all bids being received by Wednesday 4 January and it is very important therefore that this deadline should be strictly observed. It would, of course, be extremely helpful to receive as many returns as possible before that date.

I am copying this letter to the Private Secretaries to all Ministers responsible for Departments and to Alison Smith (Lord President's office), Nick Gibbons (Lord Privy Seal's office), Murdo Maclean (Chief Whip's office) and Rhodri Walters (Lord Chief Whip's office). I am also sending copies to First Parliamentary Counsel and to the First Parliamentary Draftsman for Scotland.

Yours sincerely
William Fleming

WILLIAM FLEMING

CONFIDENTIAL

Page: Legislation 1978



PRIME MINISTER

Second Readings before Christmas are currently planned as follows:

Monday 5 December - Elected Authorities (Northern Ireland) Bill

Tuesday 6 December - Prevention of Terrorism Bill

Wednesday 7/

Thursday 8 December - Water Bill

Monday 12 December - Electricity Bill

? - Security Service Bill ✓

? - Scottish Transport Bill

I assume you would not want to be on the front bench for any of the main debates, although I know you will want to vote in a number of cases. But could you please tick any where you want us to see if you can be on the front bench for the wind-up speeches.

PSJ

P.A. BEARPARK

2 December 1988

EL3DDW

BA

Prime Minister

cc Lord President
Chief Whip
R T J Wilson
Press Officers

*Rec
3/11*

MR GRAY

BUSINESS TO END OF YEAR

mb

The latest return of business to the end of the year is detailed below. So far I think our system has kept things under reasonable control.

Bills

Other Events

- Nov 30 - Official Secrets
- Scottish Bus Privatisation
- Dec 1 ? - Electricity Privatisation
- Dec 1 - Road traffic - (HOL)
- Dec 1/2 - Employment of Young People
- Dec 2 - Atomic Energy
- Dec 14/15 - Fair Employment in NI
- Dec 21 - Companies
- mid Dec - Football
- before Xmas Social Security
- Early 1989- Housing and Local Government
- Football
- Education, Scotland

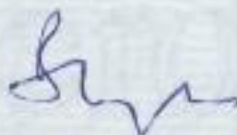
- Steel privatisation; offer closes Dec 2; trading Dec 5
- EuroCouncil, Rhodes Dec 2-3
- Christmas drink-drive campaign - Dec 5
- Skynet launch - Dec 12
- New Year Honours List Dec 31

White Paper

- Dec 5 - Training Arrangements
- Dec 6 - Scottish Enterprise
- Undated - Care in Community

Others

Cox Report on AIDS numbers
(? Nov 30)
Tanks - before Xmas
Anglo-Irish Review
Nurses regrading
Thames TV on Gib report
(before Xmas)
Environmental initiatives



BERNARD INGHAM

30 November 1988

CONFIDENTIAL



file
to 62

10 DOWNING STREET

LONDON SW1A 2AA

From the Principal Private Secretary

29 November, 1988.

I have shown the Prime Minister your letter of 28 November about the constraints on the legislative programme between now and Christmas. As I said on the telephone this morning, the Prime Minister had no comments on the timetable outlined in your letter, except that she thought it would be much better for the Security Service Bill to have its second reading on Thursday, 15 December, and not on Monday, 12 December.

I am sending copies of this letter to Alison Smith (Lord President's Office) and Trevor Woolley (Cabinet Office).

(N.L. Wicks)

Murdo Maclean, Esq.,
Chief Whip's Office.

CONFIDENTIAL

8

CONFIDENTIAL



Government Chief Whip
12 Downing Street, London SW

Prime Minister

X is not ideal bearing in mind Mr. Gorbachev arrives late that evening.

It would be possible to have the second reading on Thursday 15 December
28 November 1988

From the Private Secretary

Thursday 15 Dec

Dear Nigel,

not

at 7. Which do you prefer?

I undertook to let you have a note about the constraints on the legislative programme between now and Christmas. N.C.U.

The objective of the Lord President and the Chief Whip is to secure as many Second Readings as we can before Christmas so that we get Standing Committees underway as soon as possible. Obviously we have had to give priority to those Bills which have an early deadline for Royal Assent, whilst bearing in mind the particular problems of the Security Service Bill and the Official Secrets Bill. 28-11

We have already obtained Opposition agreement for the Second Reading of the Petroleum Royalties etc. Bill this week, ie before the normal "two weekend" convention has been observed.

It is perhaps easiest to demonstrate the constraints which we face by outlining the main programme to the end of the year as I would recommend it to the business managers.

- Monday - 5 December - Elected Authorities (N.I) Bill - Second Reading
- Tuesday - 6 December - Prevention of Terrorism (Temporary Provisions) Bill - Second Reading
- Wednesday - 7 December - Water Bill - Second Reading
- Thursday - 8 December - ?Water Bill - Second Reading

X

- Monday - 12 December - Security Service Bill - Second Reading
- Tuesday - 13 December - Electricity Bill - Second Reading
- Wednesday - 14 December - Scottish Transport Bill - Second Reading
- Thursday - 15 December - ?Opposition Day (1st Day)

Y /

CONFIDENTIAL

Monday - 19 December - Until 7.00 pm. Private Members Motions

Tuesday - 20 December - Until 7.00 pm. Social Security Orders followed by motion on Scottish Affairs Select Committee

Wednesday - 21 December - Official Secrets Bill - Second Reading

Thursday - 22 December - Consolidated Fund Bill

This programme may be somewhat ambitious but I think that the Lord President and the Chief Whip would like to aim for it.

The Home Secretary is keen to have the Second Reading of the Official Secrets Bill before we embark on the Committee Stage on the floor of the Security Service Bill. It would probably be possible to bring the Second Reading of the Official Secrets Bill forward to the week commencing 12 December but perhaps it is asking a lot from the Home Secretary to take two major Second Readings in one week.

Immediately after Christmas, we shall have the Second Readings of the Social Security Bill and the Employment Bill, as well as a two-day debate on the Public Expenditure White Paper.

There is a bit of room for manoeuvre in all this but not a great deal. Obviously if we postpone Security Service (and Official Secrets) there will be consequences for the rest of the programme. We will not have the Social Security Bill or the Employment Bill available for Second Reading in week commencing 12 December so there would be some slippage in the general progress of Bills if they are postponed. At the end of the day however it would probably all still be manageable albeit that we had not achieved the wish to make maximum progress on the Security Service Bill as quickly as possible.

I am sending a copy of this letter to Alison Smith (Lord Presidents Office) and to Sir Robin Butler.

yours ever,
Murdo

(Murdo Maclean)

Nigel Wicks Esq CBE
10 Downing Street
LONDON SW1

RA

Prime Minister²
To note the other events planned
for Thursday + Friday. PRCG

cc Lord President
Chief Whip
R T J Wilson
Press Officers

~~MR GRAY~~

23/11

BUSINESS TO END OF YEAR

The publication of Bills is, if anything, more fluid the closer we get to their actual appearance. The current tally is set out below with Bills, White Papers etc on the left and other events on the right.

It all looks reasonably satisfactory, but it is a pity water and children are coming together on Thursday.

Bills

Other Events

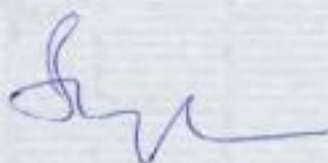
- | | | |
|--------------------|------------------------------|---|
| <u>Tomorrow</u> | - Security Service | Steel privatisation: price tomorrow; offer closes |
| | - Petroleum Royalties | Dec 2; trading Dec 5 |
| <u>(Thurs)</u> | - Water | EuroCouncil, Rhodes Dec 2-3 |
| | - NI Electoral Bill | Christmas drink-drive campaign - Dec 5 |
| | - Children | Skynet launch - Dec 12 |
| <u>(Friday)</u> | - Prevention of Terrorism | New Year Honours List |
| <u>Nov 29 ?</u> | - Social Security | New Year Honours List |
| <u>Nov 30</u> | - Official Secrets | Dec 31 |
| | - Scottish Bus Privatisation | |
| <u>Dec 1 ?</u> | - Electricity Privatisation | |
| <u>Dec 5</u> | - Employment of Young People | |
| <u>Dec 8</u> | - Fair Employment in NI | |
| <u>early Dec</u> | - Road traffic | |
| <u>Dec 21</u> | - Companies | |
| <u>Early 1989-</u> | Housing and Local Government | |
| | Football | |
| | Education, Scotland | |

White Paper

- Dec 5 - Training Arrangements
- Scottish Enterprise
- Undated - Care in Community

Others

- Anglo-Irish Review
- Nurses regrading
- Thames TV on Gib report
- Environmental initiatives
- Cox Report on AIDS numbers



BERNARD INGHAM

22 November 1988

PROGRAMME FOR 1988/89 SESSION

Prevention of Terrorism (Temporary Provisions)
Official Secrets
Water
Electricity
Housing and Local Government
Employment
Social Security
Children [previously know as Children and Family Services]
Companies
Road Traffic
Football Spectators
Fair Employment (Northern Ireland)
Elected Authorities (Northern Ireland) [previously known as Elections (Northern Ireland)]
Transport (Scotland)
Education (Scotland)
Atomic Energy
Pesticides
Antarctic Minerals
Fiji
Brunei (Appeals to Privy Council)
Eurocontrol
Petroleum Royalties and Continental Shelf (Amendment) [previously known as
Continental Shelf (Amendment)]
Police Officers (Central Service)¹
Law of Property (Miscellaneous Provisions)¹ [previously know as Conveyancing
Procedures]

National Maritime Museum¹

Share Dematerialisation¹

[Representation of the People²]

- 1 Uncontroversial Bill included in the programme on the understanding that it can be dealt with by the Second Reading Committee procedure
- 2 It is proposed that a final decision should be taken in the New Year on whether or not this Bill can be accommodated

FOR INFORMATION

AKS



CABINET OFFICE

70 Whitehall London SW1A 2AS Telephone 01-270 0135

18 November 1988

CONFIDENTIAL

Dear Private Secretary,

LEGISLATIVE PROGRAMME 1989/90

I am writing to ask for your Minister's proposals for legislation in 1989/90.

Attached at Annex A is guidance on the completion of the forms at Annexes B and C. I should be grateful if you could let me have four copies of the completed forms listing your proposals for Bills. Government Bills should be divided into Essential, Programme, Contingent and Uncontroversial categories, with each category being listed on a separate sheet of the form at Annex B. Bids for Private Member Handout Bills (also four copies, please) should be set out in the form at Annex C. If you have no candidates please let me have a "nil" return.

I should be grateful if you could send me replies by Wednesday 4 January. We intend to hold meetings in the Cabinet Office in January with those in your Department who will be responsible for the main Bills in your bids so that we can have a reasonably good idea of the contents of these Bills. To this end it would be very helpful if you could send me, with your bids, the name and telephone number of the officials who will be responsible for each of the main Bills you are putting forward so that we can arrange a meeting directly with them. QL Committee will begin their consideration of bids for the 1989/90 Session early in the New Year, in the usual way.

I am sending this letter to the Private Secretaries of all Ministers responsible for Departments and sending copies to Alison Smith (Lord President's Office), Nick Gibbons (Lord Privy Seal's Office), Murdo Maclean (Chief Whip's Office) and Rhodri Walters (Lords Chief Whip's Office). I am also sending copies to First Parliamentary Counsel and First Parliamentary Draftsman for Scotland.

Yours sincerely
William Fleming
WILLIAM FLEMING

Annex A

NOTES ON COMPLETING ANNEXES B AND C

ANNEX B

GENERAL

1. Entries should be in note form, grouped by class of Bill (see below) and numbered in order of priority within each class. If there is space successive items may be listed on the same page; conversely a few longer items may need to run over onto a further page. Returns should be on white paper.

CLASS OF BILL

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

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

b. Contingent. These are Bills which might during the relevant Session become essential as defined above, for example if a pending court judgment were to put important powers into question. Bills which

may become desirable for some non-technical reasons should be included in the 'programme' or 'uncontroversial' class - with a brief explanation at the bottom of the PURPOSE entry of what they depend on.

c. Programme. These will form the main part of the legislative programme and are Bills which can already be identified as being desirable for enactment in the relevant Session, have a significant political priority and can be prepared in time.

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

PRIORITY AND TITLE

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

PURPOSE

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

DEPARTMENT

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

POLITICAL ASPECTS

6. Please state briefly what, if any, commitments the Government have made about the legislation in question. Please also cover briefly -

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

LENGTH

7. An estimate of the length of the Bill is needed so that the demands on drafting capacity and Parliamentary time can be assessed at the earliest possible stage. It will not normally be possible to give an accurate forecast of the number of clauses and schedules, but some indication such as 'very short' (ie not more than 4 clauses), 'short' (5-12 clauses),

'medium' (13-25 clauses), 'substantial' (26-50 clauses) or 'long' (over 50 clauses) should be given. The approximate number of clauses for substantial and long Bills should be indicated. If the Bill would be short but the schedules lengthy please say so. Where a Bill would cover more than one distinct topic, please indicate roughly what proportion of the Bill would be devoted to each topic. Departments should consult their legal advisers about the likely length of Bills.

PARLIAMENTARY PROCEDURE

8. A Bill may be suitable for special forms of Parliamentary procedure. Please state whether it might be suitable for or require any of the following -
- a. Introduction in the House of Lords.
 - b. Second Reading Committee procedure in the House of Commons - that is, the Bill is likely to be accepted on all sides of the House as uncontroversial and of little or no political significance (there is no need to mention this specifically in the case of Bills categorised as 'uncontroversial').
 - c. Scottish or Welsh Grand Committee procedure in the House of Commons.
 - d. Offering to a Private Member successful in the Ballot. Such a Bill should be short, simple, non-controversial in party political terms and without significant financial implications. (In such a case a full entry for the Bill should also be made in the separate schedule dealing with Bills suitable for Private Members - Annex C).
 - e. Special Standing Committee procedure in advance of normal Committee Stage.
 - f. Committee proceedings on the Floor of the House of Commons, for part of all of the Bill.

g. Committee proceedings in a Public Bill Committee in the House of Lords.

h. Treatment as a hybrid or potentially hybrid Bill.

ROYAL ASSENT

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

FINANCIAL AND MANPOWER IMPLICATIONS

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

EUROPEAN COMMUNITY (EC) IMPLICATIONS

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

TIMETABLE FOR PREPARATION

12. We need to have the best possible estimates of -

a. when Ministers' collective policy clearance will be sought (ie from the appropriate Ministerial Cabinet Committee or, exceptionally, full Cabinet). If this is expected to be in stages, eg outline

clearance before public consultation and detailed clearance afterwards, please cover each stage. Any likely cause of delay, eg dependence on autumn PES decisions or publication of an inquiry report, must be covered;

b. whether and if so when and for how long any public consultation on the proposals will be carried out;

c. when firm instructions will be delivered to Parliamentary Counsel. (If it is proposed to deliver instructions in instalments or at different times for different topics please give details); and

d. when the Bill is expected to be ready for introduction.

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

ANNEX C

This annex is for Bills your Department considers would be suitable, and can be made ready, for offering to Private Members of the House of Commons who are successful in the Ballot for Bills which will take place at the beginning of the 1989/90 Session. The purpose of putting together this list now is to avoid a rush of requests for policy clearance and drafting in the autumn when pressure of work on Government Bills is at its greatest. Once Departments' proposals have been considered and agreed, it should be possible to carry out preparatory work on at least some of the Bills in advance of the Ballot. There is of course no guarantee that a particular Bill will be taken up. Your Department's list should include any Bills which have been offered or introduced in previous Sessions without success and which you would like to offer again.

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

Overlap Between Lists

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

Cabinet Office

November 1988

PROPOSED PRIVATE MEMBER HANDOUT BILLS FOR 1989/90

PRIORITY AND TITLE; PURPOSE	DEPT	LENGTH	INTEREST GROUPS AFFECTED AND LIKELY ATTITUDES	FINANCIAL MANPOWER OR EC ASPECTS	TIMING OF POLICY APPROVAL AND INSTRUCTIONS TO COUNCIL

GOVERNMENT BILLS PROPOSED FOR 1989/90

[Please indicate Class of each Bill (Essential, Programme, Contingent or Uncontroversial)]

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

010

CCPO



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT
3 November 1988

Handwritten initials

Dear Paul

NICHOLAS BENNETT'S TEN MINUTE RULE MOTION FOR TUESDAY 8 NOVEMBER

WILL REQUEST IF ADVISED

Thank you for your letter of 5 October with your proposals for handling Nicholas Bennett's Ten Minute Rule Motion for Tuesday 8 November.

I agree that the Motion need not be opposed, that, in the event of a division, any Ministers present should abstain and that any resultant Bill should be blocked at Second Reading, should it reach that stage. We shall make the necessary arrangements to secure this.

It might be helpful if you would write to Nicholas outlining the Government's position on this matter.

I am copying this letter to the Prime Minister, members of L Committee, Cecil Parkinson, Nicholas Ridley, David Young, Sir Robin Butler and First Parliamentary Counsel.

Handwritten signature

JOHN WAKEHAM

The Rt Hon Paul Channon MP
Secretary of State for Transport

dti

the department for Enterprise

MSK

*With the Compliments of the Private Secretary to the Parliamentary
Under Secretary of State for Industry
and Consumer Affairs.*

**Department of
Trade and Industry**

1-19 Victoria Street
London SW1H 0ET

Switchboard
01-215 7877

Telex 8811074/5 DTHQ G

Fax 01-222 2629

the
Enterprise
initiative

dti

the department for Enterprise

ref

Eric Forth
Parliamentary Under Secretary of State for
Industry & Consumer Affairs

The Rt Hon Lord Belstead
Lord Privy Seal
Cabinet Office
68 Whitehall
London
SW1A 2AT

Department of
Trade and Industry

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Direct line 215 4301
Our ref D39ACF

Your ref

Date

24 October 1988

Dear John,

TEN MINUTE RULE MOTION

Dr Michael Clark has tabled a motion for leave to introduce a Bill under Standing Order 15 "to extend and entrench the protection of the consumer by means of a system of Statutory Registration of professional chemists; to protect the public interest by achieving higher standards of practice within the profession of chemistry and to highlight the skills of members of the Royal Society of Chemistry; and for purposes connected thereto." The Motion is down for debate on Tuesday 25 October 1988.

It is agreed within the Department that the stated purpose of achieving higher standards of practice within the profession of chemistry is highly desirable, but we feel the interests of consumers would be better protected by accreditation of the competence of laboratories than by registration of individual chemists. Statutory registration could well conflict with impending EC proposals and could possibly be construed as a restrictive practice.

the
Enterprise
Initiative

I have therefore concluded that the right approach in the circumstances is not to oppose the motion (and for colleagues to abstain if a vote is taken) but for the Whips to ensure that any resulting Bill does not receive a Second Reading.

I am copying this letter to David Waddington, Donald Thompson, Edwina Currie, John Butcher, Peter Fraser, First Parliamentary Counsel and the Secretaries to L Committee.

Yours ever
Eric

ERIC FORTH



CCPC

PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

NBM

19 October 1988

*Rec 6
20/10*

Dear Cecil,

Pg 17

PETROLEUM ROYALTIES

Peter Morrison wrote on 23 September proposing that, if agreement with the Irish were not reached in time for the continental shelf provisions to be introduced at the very beginning of next Session, those provisions should be dropped from your Bill and that you should proceed instead with a truncated measure confined to the abolition of royalty in the Southern Basin of the North Sea. I have also seen Geoffrey Howe's letter endorsing that proposal but indicating that agreement has now been reached at official level with the Irish and that everything possible was being done to ensure that final agreement was secured in time for the continental shelf provisions to be ready at the start of the Session.

From a business management point of view, it would obviously be unfortunate if separate Bills were to be required for these two matters. I should be grateful, therefore, if you and Geoffrey could continue to ensure that all possible steps are taken to try to secure agreement with the Irish in time for the continental shelf provisions to be included in the Bill. I agree with Peter and Geoffrey, however, that, if this cannot be achieved, the Bill should be confined to the royalty relief provisions. In that event, there could be no presumption that there would be room for a separate Bill later in the Session and you would need to put forward a fresh bid in the usual way.

There is, of course, a risk that some Opposition members will seek to use the Bill as a vehicle for raising points about safety on oil rigs. While it remains essential that the Bill should be available right at the beginning of the Session, we shall need to consider precise timings a little later in the light of the likely response of the Opposition.

My Business Manager colleagues and I will certainly do our best to secure the passage of the Bill by the end of February, but, as you will appreciate, this is a very tight timetable and its achievement is dependent on the House of Lords being prepared to give the Bill a fair wind. I am sure it would be prudent, therefore, to ensure that you have a contingency plan against the possibility that Royal Assent cannot be achieved on this timetable.

I am copying this letter to the Prime Minister, other Cabinet colleagues, members of QL, Sir Robin Butler and First Parliamentary Counsel.

John Wakeham
John

JOHN WAKEHAM

The Rt Hon Cecil Parkinson MP
Secretary of State for Energy



dti

the department for Enterprise

cc/pt
nbpm

Eric Forth
Parliamentary Under Secretary of State for
Industry & Consumer Affairs

The Rt Hon John Wakeham MP
Lord President of the Council
Privy Council Office
Whitehall
London
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Fax 01-222 2629

Direct line 215 4301

Our ref D38ABQ

Your ref

Date

17 October 1988

Dear John,

LEGISLATIVE PROGRAMME : PRIVATE MEMBER'S BILL

Among the measures proposed for inclusion in a Weights and Measures Bill is the introduction of a self-verification scheme for manufacturers of weighing and measuring instruments. The scheme was recommended in the Eden Committee's review of Weights and Measures Control and accepted in the Government Response (Cmd 9850) as a valuable reduction in burdens on business.

It has not been possible to find Parliamentary time for this Bill in the 1987/88 or 1988/89 sessions and I should be pleased to have your agreement, and that of colleagues, that a Bill to implement the self-verification scheme should be included in the list of Government items for Private Member's Bills to be offered at the beginning of the 1988/89 session.

The introduction of this scheme, permitting approved manufacturers to verify their own products, is widely recognised as a deregulatory move and is eagerly awaited by industry. Some companies have already introduced the Quality Assurance systems necessary for participation in the scheme and I have received several representations on their behalf

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dti

the department for Enterprise

urging the Government to find time for the necessary legislation.

This is likely to be a non-controversial Bill. Early doubts expressed by some local authorities have been mostly laid to rest and the prompt introduction of the scheme would now be welcomed by all concerned.

I am copying this letter to members of L Committee.

Yours ever

Eric

ERIC FORTH


the
Enterprise
Initiative



~~FCS~~
nbpm

FCS/88/168

LORD PRESIDENT OF THE COUNCIL

Petroleum Royalties Relief Bill

Apap PT17 (23 A)

1. I have only just seen a copy of Peter Morrison's letter of 22 September recording his wish to drop from the Bill provisions, relating to dedesignation of certain areas of our continental shelf, if agreement with the Irish were not reached in time for the whole Bill to be introduced at the very beginning of the next Session of Parliament.

2. Since Peter wrote, agreement has been reached at official level by our negotiators with the Irish, ad referendum to Ministers on both sides. I shall be circulating a paper to OD shortly, recommending acceptance of the agreement. Our officials are endeavouring to ensure that Irish ministerial approval is forthcoming in the right timescale, and they are optimistic that this will be possible: they have certainly left their Irish counterparts in no doubt about the implications of delay.

3. I accept nevertheless that, should our hopes be misplaced and there is a delay, the continental shelf provisions should be struck from the Bill as Peter Morrison proposes, and that he should proceed with the Royalty Relief provisions on their own.



4. I am copying this letter to the recipients
of Peter's.

A handwritten signature in dark ink, appearing to be 'G. Howe', written in a cursive style.

(GEOFFREY HOWE)

Foreign and Commonwealth Office
7 October 1988

PARLIAMENT: legislation PT18.



COVERING RESTRICTED



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

6 October 1988

Dear Andy, ^{PS 6/10}

Please find attached, as requested by 'phone yesterday, a list of the Bills currently proposed for the 1988/89 Session.

Yours sincerely
Jane F. Sell.

JANE F SELL
Parliamentary Clerk

Andy Bearpark Esq
PS/Prime Minister
10 Downing St

RESTRICTED
~~SECRET~~

BILLS CURRENTLY PROPOSED FOR 1988/89 SESSION

Prevention of Terrorism (Temporary Provisions)

Employment

Atomic Energy

Companies

Road Traffic

Pesticides

Electricity

Continental Shelf (Amendment)*

Water Privatisation

Housing and Local Government

Antarctic Minerals †

Fiji

Brunei (Appeals to Privy Council) †

Children and Family Services

Social Security

Official Secrets

Representation of the People

Fair Employment (Northern Ireland)

Elections (Northern Ireland)

Transport (Scotland)

Education (Scotland)

Posts

Football Hooligans^B

* If negotiations with the Irish Republic are not concluded in sufficient time, this could be shortened to deal only with ending certain types of North Sea Oil Royalties.

† May not be required; FCC to confirm one way or the other.

B Added since Cabinet consideration

BILLS PROVISIONALLY APPROVED BY CABINET BUT SUBSEQUENTLY DROPPED

Broadcasting

Housing (Scotland)



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT
4 October 1988

Dear Andy, 10/6/10

You asked for a note on the state of the legislative programme and also two lines on each piece of legislation outlining its purpose. Aside from Consolidated Fund Bills, the following 32 pieces of Government legislation have received Royal Assent already this Session:

Arms Control and Disarmament (Privileges & Immunities) Act: Enables the UK to implement the requirements of the Stockholm Document, or other disarmament or arms control arrangements, by extending the necessary privileges and immunities under UK law to observers or inspectors travelling to the UK in the performance of their official function, under those arrangements.

British Shipbuilders (Borrowing Powers) Act: Increases the borrowing limit of British Shipbuilders and makes provision for future increases, subject to affirmative resolution of the House, up to £1.8b. The limit being the statutory ceiling on the funds which the Corporation may acquire in the form of public dividend capital from the Government and loans from the commercial market.

British Steel Act: Enables the property, rights and liabilities of the British Steel Corporation to be vested in a successor company nominated by the Secretary of State.

Channel Tunnel Act: Authorises the construction of a railway tunnel under the English Channel which will link Britain with France.

Civil Evidence (Scotland) Act: Reforms the law relating to civil proceedings in Scotland by removing the requirement for corroboration and by rendering hearsay evidence admissible.

Coroners Act: Consolidation measure.

Court of Sessions Act: Consolidates, with amendments, enactments relating to the Supreme Civil Court of Scotland. It enables many old Acts (dating back to 1594) to be repealed and should also enable the rules of court to be simplified.

Criminal Justice Act: Brings up-to-date the law of extradition; increases the powers of the courts; and improves the working of criminal justice and the help given to victims of crime.

Dartford-Thurrock Crossing Act: Provides for the construction of a road bridge over the river Thames between Dartford in Kent and Thurrock in Essex.

Duchy of Lancaster Act: Extends the powers of the Chancellor and Council of the Duchy of Lancaster to lease land and property in the possession of the Duchy on such terms as they think fit.

Education Reform Act: Provides a National Curriculum for schools and for delegated budgets to schools and colleges of further education. Also makes provision for grant maintained schools, supports the establishment of City Technology Colleges, reforms the structure of education in Inner London and provides for reforms in higher education, including greater independence for polytechnics and certain other colleges.

Electricity (Financial Provisions) (Scotland) Act: Raises the statutory limit imposed on the borrowing powers of the two Scottish Electricity Boards from £2,700m to £3,000m.

Employment Act: Gives trade union members protection against abuses of union power and provides for greater democracy within trade unions. It also amends the arrangements for employment and training set out in the Employment and Training Act 1973.

Farmland and Rural Development Act: Helps farmers to diversify and encourages the planting of farm woodland.

Finance Act 1988: Radically reformed the personal tax system. Basic rate of income tax cut 25%. No personal tax rate left above 40%. Independent taxation for husband and wife introduced. Capital gains tax reformed, inheritance tax simplified, tax treatment of covenants and maintenance payments reformed. Number and value of tax breaks reduced. First balanced budget since 1969.

Finance (No 2) Act 1987: Completes legislation left over from Finance (No 1) Act 1987 before the Election. Introduces tax relief for profit-related pay and provisions for personal pension schemes; and reforms rules for occupational pension schemes.

Immigration Act: Makes further provision for the regulation of immigration into the United Kingdom.

Income & Corporation Taxes Act: Consolidation measure.

Legal Aid Act: Reforms and codifies the law on legal aid, and sets up a new Legal Aid Board to administer the system.

Licensing Act: Amends the Licensing Act 1964, introduces greater flexibility in licensing hours whilst strengthening provisions to curb alcohol abuse, particularly by the young.

Local Government Act: Introduces compulsory competition for certain activities carried out by local authorities and lays down conditions regarding public supply and works contracts. It gives powers to provide financial assistance for privately let housing accommodation and includes other miscellaneous provisions, amongst which are the prohibition on the promotion of homosexuality and the abolition of the duty on dog licenses.

Local Government Finance Act: Ends the present discredited and unfair domestic rating system. It abolishes domestic rates and introduces a new community charge on adult residents; introduces a national non-domestic rate for businesses, which will increase by no more than the level of the RPI; and introduces a simplified system of paying central Government grants to local authorities.

Matrimonial Proceedings (Transfers) Act: Deals with a lacuna in the Matrimonial and Family Proceedings Act 1984, which, if uncorrected, would have meant that a large number of divorces would be invalid.

Merchant Shipping Act: Amends the law relating to the registration of ships and further provides to the safety of shipping; provides for the training of merchant seamen and the establishment of a Merchant Navy Reserve plus other measures which assist the Merchant Shipping Industry.

Multilateral Investment Guarantee Agency Act: Enables the United Kingdom to give effect to the convention establishing the Multilateral Investment Guarantee Agency (MIGA) by ratifying it. MIGA is intended to promote economic development in developing countries by encouraging foreign direct investment especially in the form of equity.

Norfolk and Suffolk Broads Act: Establishes a statutory authority, known as the Broads Authority.

Public Utility Transfers and Water Charges Act: Prepares for the sale of the water authorities and electricity supply industry, and makes provision for the fixing of water charges.

Regional Development Grant (Termination) Act: Closed the revised RDG scheme to applications after 31 March 1988. The revised RDG scheme was essentially automatic with no prior assessment of whether a project was viable or required assistance to go ahead. In the light of rising investment and economic recovery the Government believed that resources would be better deployed on the selective assistance schemes of aid provided under the Enterprise Initiative.

Scottish Development Agency Act: Raises the statutory financial limit of the Agency from £700m to £1,200m.

Social Security Act: Makes a number of amendments to the law relating to social security, including provisions to raise the minimum age for general entitlement to income support to 18; to change the contribution conditions for sickness and unemployment benefits; and to reduce to 55 the age at which an occupational pension is taken into account for unemployment benefit. It also makes fresh statutory provision for the welfare foods scheme and for the remission of NHS charges and the payment of travelling expenses for certain persons availing themselves of NHS services.

Urban Development Corporations (Financial Limits) Act: Removes the limit on the amount of grants that may be made to urban development corporations; and provides a new limit, applicable only to the amounts currently outstanding in respect of sums already issued by the Treasury.

Welsh Development Agency Act: Raises the Welsh Development Agency's cumulative financial limit from £450m to £700m.

This leaves for the overspill in the House of Lords four Bills which have completed their passage through the House of Commons and are continuing their passage through the Upper House:

Firearms (Amendment) Bill: Amends the Firearms Act 1968; makes further provision for regulating the possession of, and transactions relating to, firearms and ammunition.

Health and Medicines Bill: Gives effect to the Government's intentions for improving Primary Health Care.

Housing Bill: Stimulates choice and investment in rented housing. It will free up the private rented market by deregulating rents, and enable housing associations to expand their provision with the use of private finance; provide for Housing Action Trusts to be set up to revitalize major concentrations of run-down council housing; and enable council tenants to choose a new landlord through the Tenants Choice provisions.

School Boards (Scotland) Bill: Requires education authorities to establish a Board for each publicly maintained school in Scotland. For the first time this will give parents and members of the community a role in the running of their local schools.

In addition, the House of Lords have to consider the Commons amendments to the **Copyright, Designs and Patents Bill (Lords)**, which reforms the law of Copyright providing for the repeal of the Copyright Act 1956 and its replacement with a fresh statement of the law on a more logical and consistent basis; it also provides, for the protection of performers, a new form of protection for original designs and amends the Patents Act.

For the House of Commons in the overspill there will be consideration of the Lords amendments to the above Bills and to the **Housing (Scotland) Bill**, which creates a new Scottish housing agency (Scottish Homes); encourages the private rented sector, through the introduction of assured tenancies; and gives public sector tenants a new right to choose a new landlord.

Consideration will also be give by the House of Commons to the following four Bills which have completed their passage in the Lords:

Road Traffic Bill - consolidation measure

Road Traffic (Consequential Provisions) Bill - consolidation measure

Road Traffic (Offenders) Bill - consolidation measure

Foreign Marriage (Amendment) Bill: Gives effect to the recommendations of the Law Commission and the Scottish Law Commission on choice of law rules in marriage.

In addition, there will be consideration of the most recent additions to the programme: the European Communities Finance Bill (received its Second Reading in the Commons on 11 July), which seeks Parliamentary approval for the new Council decision on the Community's own resources and for payments under intergovernmental agreement (IGA) [following the European Council agreement in February this year.]; and the Rate Support Grant Bill (not yet introduced), which will provide local authorities with greater certainty about their grant entitlement in 1989/90 and earlier years; will remove the risk that local authorities will use creative accounting to gain extra grant; and provide the basis for an orderly transission to the new system of local authority finance.

This gives a total of 44 Bills in the Government's legislative programme for this Session.

Yours sincerely

Jane F. Sell

JANE F SELL
Parliamentary Clerk

Andy Bearpark Esq
PS/Prime Minister
10 Downing Street

1. MR GRAY
2. PRIME MINISTER

BUSINESS TO END 1988

Prime Minister Not Q
 This follows up the discussion at Cabinet yesterday. We will liaise with Cabinet office next week on handling. You may like to have to hand for the week ahead meeting. RCG 3/19

Press Office has completed its autumnal trawl of Departments for a perspective of the business to come up to Christmas.

The detailed list is at Annex I.

The main items are set out below (left hand column) against known events (right hand column).

Bills

- Water privatisation
- Electricity privatisation
- Housing and Local Govt
- Official Secrets Act
- Prevention of Terrorism
- N.I. Electoral Bill
- Football
- Companies
- Social Security
- Employment of Young People
- Fair Employment in N.I.

Known Events

- Queen visits Spain (Oct17-21)
- House Resumes (Oct 19)
- Defence debate (Oct 19)
- RSG Bill (spillover)
- Health Service charges (spillover)
- EC air control mtg (Oct 20)
- Chancellor's Mansion House Benefit uprating (Oct 25)
- Barlow-Clowes report (?late Oct)

White Papers

- Broadcasting
- Student loans
- Training Arrangements
- Scottish Enterprise
- NHS Review
- Care in the Community (Griffiths)

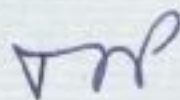
- Prime Minister visits Poland (end Oct)
- General Household Survey (early Nov)
- Prince & Princess of Wales visit France (Nov7-11)
- WEU Ministerial (Nov15-17)
- Prime Minister visits Washington (Nov15-17)
- Queen's Speech (?Nov 22)
- Autumn statement (Nov)
- EuroCouncil, Rhodes (Dec2-3)
- Skynet launch (Dec 12)
- New Year Honours List

Others

- Review Anglo Irish Conference
- Nurses regrading
- King's Cross Fire report

The reality is that there will be a great rush of announcements immediately after the Queen's Speech with the publication of Bills. We need to:

- avoid publication of two (or more) major Bills on any one day, consistent with interests of Government's timetable
- closely watch publication and major announcements after Queen's Speech in view of Bill traffic
- publish as much as possible of that for which we want positive publicity in the spillover.



BERNARD INGHAM

30 September 1988

LIST OF BILLS, WHITE PAPERS, GREEN PAPERS AND ANNOUNCEMENTSEXPECTED BEFORE CHRISTMASBILLS

- HO - Firearms Bill, report stage in HOL (in spillover)
- HO - Official Secrets
- Prevention of Terrorism
- ? Elections - Extension of qualification for Overseas Voters
- NIO - Fair Employment in Northern Ireland
- Northern Ireland Electoral Bill (Declaration against violence) (IS NOT YET PUBLICALLY KNOWN)
- DEM - Rationalisation of Employment of Young People
- DOE - Housing and Local Government *Finance*
- Football
- RSG (in spillover)
- Water Privatisation
- DEN - Electricity Privatisation
- DTI - Companies
- LCD - ?Children
- Property Law Miscellaneous Provisions
- DSS - Social Security (?November 28)

WHITE PAPERS

- HO - Broadcasting (October/November)
- DES - Response to ESAC on Spending on Education (? September 30)

- Student Loans (? end November)
- DHEALTH - ? Response to Griffiths Report on Care in the Community
- DEM - Training Employed People (early November)
- Regional Structure and Successor to Training Commission (November)
- DTI - Deregulation (late November)

CONSULTATION DOCUMENTS/GREEN PAPERS

- HO - Committal proceedings (October/November)
- ? Summer Time
- LCD - ? Civil Law Review
- ? Solicitors and Legal Profession Monopoly (Marr Report)
- OPCS - ? Reform of Registration Service (late November early December)

ANNOUNCEMENTS etc

- HO - Second phase of crime prevention campaign (end October)
- Publication of Carlisle Report on Parole (November)
- ?Response on Fire Safety Standards on Kings Cross Report
- ?Proposals on Soccer Violence
- DTRANSPORT - ? Kings Cross Report + ? Government Reponse
- Drink-Drive Campaign (early December)
- EC Civil Aviation Ministers Conference (will discuss British initiative on air line flow control) (October 20)
- Civil Aviation Conference, Lancaster House (November 7)

- Transport Select Committee - Paul Channon to give evidence on air safety (November 16)
 - Interim Report on Airspace Capacity from CAA (? early December)
 - ? Central London Rail Study
- NIO
- Start of Review of Workings of Anglo-Irish Intergovernmental Conference
- DSS
- Benefit Uprating (October 25)
- DHEALTH
- Measles, Mumps, Rubella Campaign (October 3)
 - ? Publication of D. Health Evidence to Nurses Pay Review Body 1988-89 (?October 4) (NOT YET PUBLICALLY KNOWN)
 - Nurses Regrading Talks
 - ? NHS Review
- MOD
- Government Response to HCDC on Procurement (October 14)
 - Defence Debate (October 19)
 - HCDC Session on the future of the gurkhas (October 26)
 - WEU Ministers meeting (November 14-15)
 - SKYNET Launch (December 12)
 - Chieftain Replacement (November/December)
 - Main development contract for EFA (November/December)
- HMT
- Mansion House Speech (October 20)
 - Autumn Statement (November)
- DTI
- Barlow Clowes - Le Quesne Report (?late October)
 - BP/KIO (WITHIN NEXT COUPLE OF WEEKS)

- Shipbuilding: NEI Shipbuilders (mid/late October)
- DSS/OPCS - Disability (Volume 2 - financial implications) (late November)
- OPCS - Drinking Survey: part 1 of 2 before/after legislation on opening hours (late November)
- Population Projection Figures: will include an assumption for Aids for first time (early December)
- General Household Survey - prelim results (early November)

VISITS

- ?PM's visit to Poland — end October/early November
- Queen's State Visit to Spain — October 17 - 21
- ? Prince and Princess of Wales' Visit to France — November 7 - 11
- State Visit of the President of Senegal — November 8 - 11
- ?PM's visit to Washington — November 15 - 17
- EC Council - Rhodes — December 2 - 3
- IMF Annual Visit — November/December

Political

Laysan Island, P.H.I.

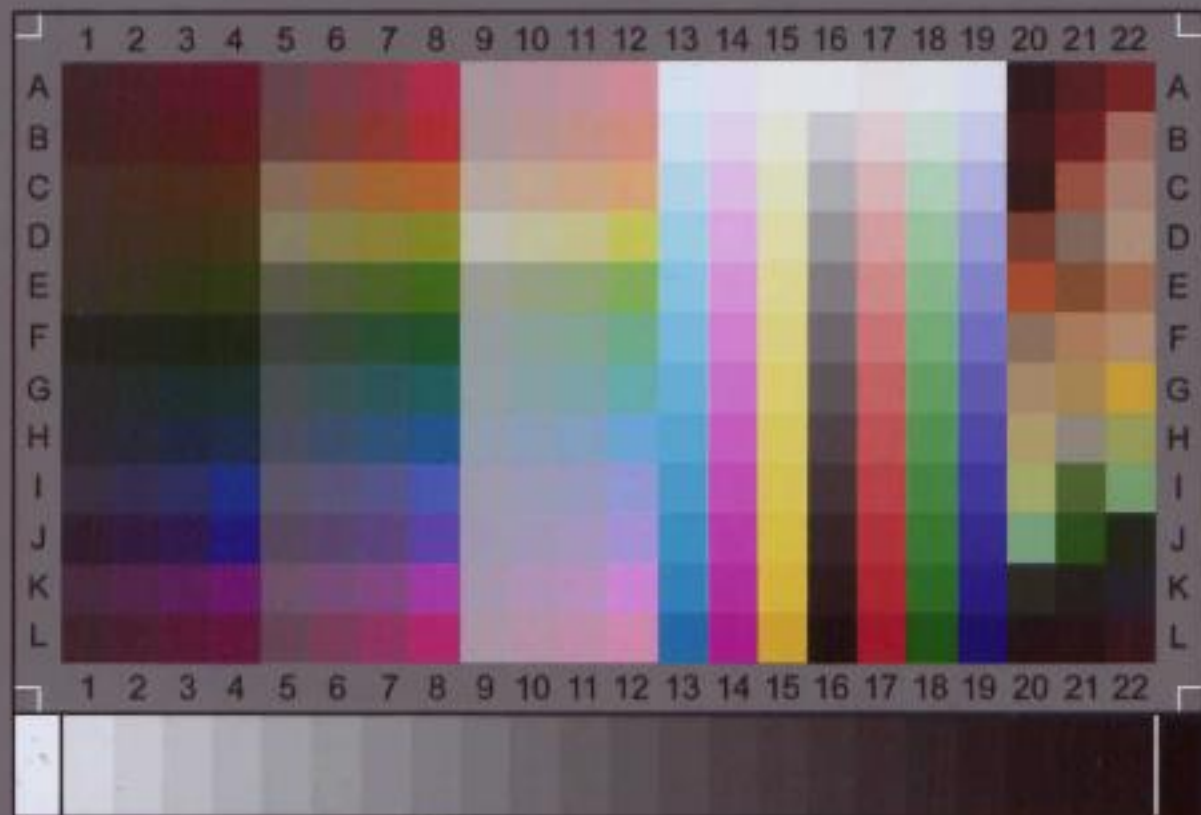


PART 17. ends:-

MS (GUGU) to UPC. 23.9.88

PART 18 begins:-

PCC to PAB. 4.10.88.



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