A01924

MR. SANDERS

Departmental Select Committees: Memorandum of Guidance to Ministers

— below

The Chancellor of the Duchy of Lancaster has asked whether the Prime Minister is content with the draft memorandum of guidance enclosed with Mr Stevens's letter of 11 April to you.

As regards attendance by officials, paragraph 7 of the memorandum describes the present position. When I discussed with the Prime Minister the question of Sir Derek Rayner appearing before the Select Committee on the Social Services, she was inclined (I think) to the view that it was not satisfactory that in the last resort a Select Committee could issue a formal order for the attendance of a named official, even if the Minister concerned did not wish that official to represent him.

Any proposal to give Ministers an unchallengeable right to refuse attendance by a named official of a Select Committee's choice would involve inviting the House of Commons to agree to a diminution of its formal powers. This would no doubt be extremely controversial; the Government could not count on a majority in favour of such a proposal.

/What

What the Chancellor of the Duchy is proposing is in effect that the Government should not raise the issue as a matter of principle at this stage. It is to be hoped that any problems that arise will be capable of being solved, as the problem of Sir Derek Rayner's attendance was solved, without invoking formal powers or precipitating confrontation between the Government and a Select Committee.
If ever a problem could not be solved, in that way, we should have to consider whether to try to raise the issue of principle with the House of Commons. It seems sensible, however, not to do so except in the context of a specific and otherwise insoluble difficulty.

ROBERT ARMSTRONG

RTA

11 April 1980