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*Parliament*

Ref. A09761

PRIME MINISTER

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House of Commons Procedure

(C(79) 16)

BACKGROUND

You invited the Chancellor of the Duchy of Lancaster to submit a paper on the Procedure Committee's proposals for Select Committees in advance of the House of Commons debate now proposed for Monday 25th June. C(79) 16 deals with the principle of Departmental Committees (paragraphs 2 and 4, and paragraphs 1 to 7 of Annex A); the number of Departmental Committees and the abolition of the existing "Subject" Committees (paragraphs 5 and 6, and paragraphs 8 to 11 of Annex A); the powers of Select Committees (paragraph 7, and Annex B) and Parliamentary handling (paragraph 8).

2. On the question of principle, the arguments are clear enough: on the one hand, more effective scrutiny of the work of Government by Parliament for which there is support inside and outside the House; on the other hand, risks of more work for Ministers and officials, a possible weakening of collective responsibility and encouragement of Departmental separatism, and a possible undermining of Ministerial accountability to the House as a whole. The risks exist to some degree, however, with the present Committee structure - page 2 of Annex A.

*Flag A* 3. You will recall the Lord Chancellor's minute of 8th June stressing that Select Committees should be excluded from discussing the appointment and conduct of the Judiciary. This should not be difficult. His further proposal for leaving out smaller Departments such as his own and the Law Officers - which would come under the mantle of Home Affairs - would be more controversial.

4. On numbers, Annex A (paragraph 8) offers an alternative of 9 Committees through the grouping of Departments. Other groupings would be possible resulting in even fewer committees, but the objections remain as stated. The Chancellor of the Duchy proposes a reduction in the permitted number of sub-committees from 7 to 4 on grounds of economy. The Procedure Committee said that most committees should have no power to appoint sub-committees with investigative

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powers; but the Treasury, Foreign Affairs and Home Affairs Committees should be able to appoint two sub-committees each (which inter alia might cover the Civil Service Department, overseas development and race relations). The Chancellor of the Duchy visualises that these three Departmental Committees would each appoint one sub-committee; the fourth and joint Sub-Committee would cover nationalised industries. It would be open to the House to give permission for the appointment of specific additional sub-committees.

5. The Cabinet will presumably wish to support the abolition of the present Select Committees, although it will be resisted by some MPs: the Home Secretary sounds a warning about Race Relations and Immigration in his Private Secretary's letter of 7th June. In the February debate, the strongest pleading favoured the retention of the Select Committees on Nationalised Industries and the Parliamentary Commissioner for Administration.

6. The proposals on powers are twofold: that Select Committees should be able to order the attendance of Ministers, and the production of papers and records by Ministers; and that the Committee should be able to claim precedence over Government business for a debate in the House in the event of a refusal to produce papers. The serious risks in accepting the first proposal are set out in paragraphs 3 and 4 of Annex B. Assuming that the Cabinet decides to resist this proposal, there is the question how much should be said in the debate about the Government's willingness to disclose material to committees and what limitations there will be. The issue on the second proposal is very much a matter of tactics: the Government cannot accept an automatic right of debate - will it be easier to hold the line on a 'no change' basis, or by putting forward the alternative procedure described in paragraph 7 of the paper? A further variant would be to offer no change in the formal procedures of the House, but to give an undertaking to act in accordance with the alternative suggested.

HANDLING

7. You may wish to invite the Chancellor of the Duchy to introduce his paper. You could then take each of the main issues separately or you might run together the discussion on principle and numbers. You could begin by seeking the Home Secretary's views and then those of Ministers dealing with sensitive matters,

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the Lord Chancellor, the Secretary of State for Foreign and Commonwealth Affairs, the Chancellor of the Exchequer, and the Secretary of State for Defence. You will wish to establish whether there is agreement to setting up Departmental Committees on the basis proposed by the Procedure Committee (listed in paragraph 1 of Annex A); and whether there should be any necessary restrictions on their discussions (e.g. the Judiciary).

8. In the event of such agreement, the abolition generally of the present committee structure is unlikely to need discussion, but the Lord President, as Minister for the Civil Service, might be asked about the retention of the Select Committee on the Parliamentary Commissioner for Administration before seeking the collective view of the Cabinet.

9. Turning to powers, you might invite the Home Secretary to express a view, and possibly seek the views of the Chancellor of the Duchy and the Chief Whip on the likely response of backbenchers to the alternative courses put forward, before inviting general discussion.

10. On Parliamentary handling, there is likely to be general agreement that the Government should retain the initiative. You may want to discuss what steps should be taken to ensure a welcome for the Government's Motions, e.g. with the 1922 Committee, bearing in mind the Free Vote.

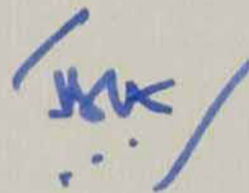
CONCLUSIONS

11. In the light of the discussion, you will wish to check that decisions have been taken on:-

- (a) the proposals for 12 departmentally related Committees subject to closer restrictions on the number of investigative sub-committees, and to any matters which should not be discussed.
- (b) The abolition of the existing structure of Select Committees, but the retention of the Select Committee on the PCA.
- (c) The powers of Select Committees.
- (d) Provision for an early debate on Motions to be tabled by the Government.

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You will also wish to invite the Chancellor of the Duchy to bring forward the further paper he suggests on the remaining recommendations of the Procedure Committee.



(John Hunt)

13th June, 1979