

BV  
CONFIDENTIAL

THIS DOCUMENT IS THE PROPERTY OF HER BRITANNIC MAJESTY'S GOVERNMENT

C(82) 11

COPY NO 83

13 April 1982

CABINET  
-----

SUMMARY OF BILLS PROPOSED FOR THE LEGISLATIVE  
PROGRAMME 1982-83

Note by the Secretary of State for the Home Department  
-----

My memorandum C(82) 10 contains recommendations for the legislative programme for next Session. In considering these recommendations colleagues may wish to refer to the attached summaries of the individual Bills listed in the Annexes to C(82) 10.

W W

Home Office

13 April 1982

CONFIDENTIAL

## BILLS RECOMMENDED BY QL FOR INCLUSION IN THE LEGISLATIVE PROGRAMME 1982-83

## INDEX

Essential

1. Mobile Homes
2. Water
3. Carriage by Railway.

Programme

4. Agriculture
5. Museums, etc.
6. Further Education
7. Dock Work Regulation
8. Gas Safety
9. Electricity and Nuclear Installations (Amendment)
10. Housing and Building Control
11. Commonwealth Development Corporation (Amendment)
12. Health and Social Services (Miscellaneous Provisions)
13. Police and Criminal Procedure
14. Data Protection
15. Telecommunications
16. Shipbuilding Industry (Disposals)
17. Conwy Tunnel (Miscellaneous Provisions).

Contingent

18. Agriculture (Levies on Livestock Producers)
19. Milk
20. Equal Pay Amendment
21. European Communities (Portuguese and Spanish Accession)
22. Law of the Sea Convention
23. Channel Link

Second Reading Committee

24. Plant Varieties and Seeds Act 1964 (Amendment)
25. Dental
26. Civil Aviation (Eurocontrol) (Amendment)
27. Registration of Yachts
28. Physical Protection of Nuclear Material
29. Marriage (Invalids and Detained Persons)
30. Rights of Reverter
31. Currency and Banking
32. Miscellaneous Financial Provisions
33. National Savings

Scottish

34. Electricity (Financial Provisions) (Scotland)
35. Mental Health (Scotland)
36. Divorce (Jurisdiction) and Legal Aid (Scotland)

CONFIDENTIAL

BILLS RECOMMENDED BY QL FOR INCLUSION IN THE LEGISLATIVE PROGRAMME 1982-83

ESSENTIAL

1. Mobile Homes (Department of the Environment); very short.

Purpose: to renew the provisions of the Mobile Homes Act 1975, which gave residents of mobile homes the right to agreements with the site owners giving them security of tenure for five years, renewable for a further three.

Essential because agreements under the 1975 Act start to run out in 1983. Policy approval April; instructions before the end of May. Royal Assent July. Not controversial in principle, but tenants will seek strengthening of 1975 provisions while site-owners will resist. Suitable for Lords introduction. No expenditure or manpower implications.

2. Water (Department of the Environment); very short.

Purpose: to increase the borrowing limits of the water authorities. Royal Assent by September.

3. Carriage by Railway (Department of Transport); short.

Purpose: 1. To give effect in the UK to the International Rail Transport Convention, which replaces existing agreements on the terms of international carriage of goods and passengers by rail, and establishes an intergovernmental organisation to monitor its functioning.

2. To enable the technical and other provisions of the Convention to be amended by secondary legislation.

Essential, because British Rail would not be able to issue international passenger tickets or freight documents if UK had not ratified Convention before it comes into force, probably on 1 January 1984. UK will not be able to attend Enacting Conference planned for 1983 unless Convention ratified. Policy approval April 1982; instructions by end of May. Royal Assent essential by end 1983, but highly desirable as soon as possible in 1982/83 Session. Substance covered by existing conventions; uncontentious. Suitable for Lords introduction, Second Reading Committee in Commons. No new manpower or expenditure costs; adoption of English as a working language should bring some savings.

## PROGRAMME

4. Agriculture (Ministry of Agriculture, Fisheries and Food); short.

Purpose: to amend the Agriculture Act 1967 to widen remit of Central Council for Agricultural and Horticultural Co-operation to include development of marketing throughout the agricultural industry, and to give the Council more independence from Government; and to authorise payment of grant to milk producer-retailers for the installation of on-farm pasteurisation equipment. Instructions before the end of May. Suitable for Lords introduction.

5. Museums etc. (Department of Education and Science; Ministry of Agriculture, Fisheries and Food; Department of the Environment; Scottish Office); substantial.

Purpose: to transfer management of the Victoria and Albert and Science Museums, of the Royal Botanic Gardens, and of the Royal Scottish Museum to boards of trustees; and to establish a new agency to take over the management and advisory functions of the DOE and other bodies in relation to ancient monuments and historic buildings. Suitable for Lords introduction. Perhaps not controversial in principle. Royal Assent needed by 1 April 1983, so as to secure the early saving of nearly 3,000 Civil Service posts. Instructions before the end of May.

6. Further Education (Department of Education and Science); medium

Purpose: to re-define the duties and powers of local education authorities with respect to the provision of further education, including advanced FE, adult education and the youth service; their powers in relation to overseas students; and the arrangements for fees payments and the recoupment of the costs of educating out-county or out-district students.

The provision of much further education is ultra vires and the current definitions are largely outdated. Because of an increasing risk of legal challenge, early legislation is indicated and may well become essential. Ministers are committed to considering legislation in the light of recent public consultation. Likely to be well received generally, though there might be controversy on a few provisions and there would be much scope for new clauses promoted by pressure groups. Policy still under discussion. Suitable for Lords introduction. Instructions by the end of June.

CONFIDENTIAL

7. Dock Work Regulation (Department of Employment); short.

Purpose: to repeal the Dock Work Regulation Act 1976 (under which the Secretary of State is required to bring forward a new Dock Labour Scheme which might be extended to new work); to re-enact provisions constituting the National Dock Labour Board as a body corporate and for related purposes; and to re-enact amended financial provisions governing loans to the NDLB.

Need to repeal Act to remove obligation to prepare new Dock Labour Scheme and to make it more difficult for a future Government to extend DLS to other ports. Policy already approved. Instructions before the end of June. There is likely to be warm support from employers' organisations; there may be some criticism from the General Council of British Shipping that the Dock Workers (Regulation of Employment) Act 1946 is not also being repealed; there will be strong opposition from the dockers' unions. Direct implications on public spending and manpower likely to be negligible.

8. Gas Safety (Department of Energy); short.

- Purpose:
1. To set up statutory licensing of individuals and companies carrying out gas installation and servicing to ensure maintenance of gas safety standards in the light of BGC's possible withdrawal from the gas appliance market.
  2. To amend section 31 of the Gas Act 1972 to cover permanently piped Liquid Petroleum Gas (LPG) installations (a desirable and uncontroversial safety measure to put LPG on equal footing with natural gas).

The Government is committed to taking action to ensure that gas safety standards would be maintained when implementing the Government's decisions on gas appliance retailing, enabling powers for which are in the current Oil and Gas (Enterprise) Bill. Instructions mid-June. Royal Assent needed as soon as possible to allow Government action on BGC's appliance retailing. Reaction to the Bill as far as gas safety is concerned is likely to be limited, but the opportunity will be used to attack the appliance retailing decision. Licensing body, which could be a statutory body or an extension to a Government Department, is intended to be self-financing but some start-up costs could arise. No PESG provision. Staff needs could be 100-200, of whom about 60 might be expected to transfer from the existing voluntary body for registration. It may be possible to deal with the matter by subordinate legislation under the Health and Safety at Work Act; if so, a Bill would be unnecessary.

9. Electricity and Nuclear Installations (Amendment) (Department of Energy); substantial.

- Purpose:
1. To enable private concerns to supply electricity to others as a main business.
  2. To raise limits of operators' liability under the Nuclear Installations Act 1965 for nuclear damage, and to make minor improvements to the existing legislation.
  3. To rationalise some of the electricity and nuclear industries' powers of entry.

Instructions on 1 by the end of June if possible; highly controversial.

Instructions on 2 and 3 by the end of April; not controversial.

10. Housing and Building Control (Department of the Environment); medium.

- Purpose:
1. To extend the right to buy to public sector tenants whose landlord is not the freeholder, and to tenants of charitable housing trusts.
  2. To permit assignment of local authority mortgages to the private sector (the "Warburg Scheme").
  3. To make changes to housing association rent phasing arrangements.
  4. To make other minor changes in housing law.
  5. To provide powers to simplify building regulations.
  6. To permit building control to be carried out by approved private professionals and to increase the scope for self-regulation.
  7. To repeal the Building Control Act.

On housing, some clauses have been drafted and instructions for others have been drafted. Instructions have been sent on building control and some clauses have been drafted. Highly controversial.

11. Commonwealth Development Corporation (Amendment) (Foreign and Commonwealth Office); one clause.

Purpose: to increase the CDC's temporary borrowing limit from £10 million to £50 million.

The CDC have asked for early legislation. It would allow them to meet any temporary financial shortfall during the period from 1-3 years ahead, as they adjust to a slightly lower level of aid allocation, and as their historically high level of present commitments works its way through into disbursements. Delay in the Bill would remove this resource at a time when it could be of greatest value. Instructions by the end of April. Target date for Royal Assent December 1982. Unlikely to be controversial, though could give rise to debate on aid policy generally. No significant effect on manpower. Would affect the PSBR, and might also have some limited and temporary effect on public expenditure.

12. Health and Social Services (Miscellaneous Provisions) (Department of Health and Social Security); medium.

- Purpose:
1. To safeguard old people living in private houses, etc., by improvements in registration with local authorities.
  2. To provide the handicapped and elderly with more opportunities for care in the community.
  3. To stimulate family doctor services by improving the status of Family Practitioner Committees with the NHS.
  4. To abolish three quangos.
  5. To reconstitute and reduce in size the Central Council for Education and Training in Social Work.
  6. To make minor amendments in children's and young persons' law.
  7. To extend the Health Service Commissioner's jurisdiction.
  8. To permit sick pay for doctors temporarily removed from register because of ill-health.
  9. To amend the Medicines Act 1968.
  10. To make miscellaneous changes.

Items 4-10 already drafted. Instructions for 1-3 by the end of May. Should be generally welcomed, though the Labour Party may challenge the proposed change of status for Family Practitioner Committees. Negligible public expenditure implications. Should make for more efficient administration and some of the changes should lead to small but helpful manpower savings.



13. Police and Criminal Procedure (Home Office); substantial.

- Purpose:
1. To implement Royal Commission on Criminal Procedure recommendations on crime investigation powers (eg arrest, detention and questioning of suspects).
  2. To make amendments, mostly arising from the Royal Commission's report, in the law of criminal evidence.
  3. To reform procedures for complaints against the police.
  4. To improve consultation between the police and the community.

Items 1 and 2 are consistent with Manifesto commitment to strengthen police ability to fight crime. Item 3 discharges a public commitment following the Scarman report and is seen as adding to the safeguards in 1 and 2. Item 4 follows the Scarman report. The Bill will be controversial and stimulate much debate on the right balance between police powers and safeguards to suspects, and on the extent of an independent element in the complaints procedure. Identifiable additional annual expenditure arising from 1 and 2 could be £2 million for the introduction of tape-recorded police interviews and up to £6 million on increased take-up of legal advice for suspects at police stations. But there may be offsetting savings. For 3 an additional £½ million per annum may be required. No PESC provision. Instructions mid-June.

14. Data Protection (Home Office); medium to substantial.

Purpose: to safeguard the privacy of information about identifiable individuals held on computers in both the public and the private sectors anywhere in the UK, in conformity with the standards adopted by other European countries and set out in the Council of Europe Convention on Data Protection 1980.

Desirability of legislation in 1982/83 will be considered in the light of reactions to the forthcoming White Paper.

15. Telecommunications (Department of Industry); medium

The policy is under consideration, but the main purposes of the Bill would be to convert British Telecom into a Companies Act company, shares in which could be sold to the private sector; possibly to pave the way for the introduction of cable television; and to permit more effective enforcement of the provisions of the 1949 and 1967 Wireless Telegraphy Acts.

16. Shipbuilding Industry (Disposals) (Department of Industry); very short.

Purpose: to replace British Shipbuilders' statutory duties to promote activities by permissive powers to carry out those activities itself or through other persons; to take powers to enable the Secretary of State to direct BS to cease the activity and to dispose of assets; and for related purposes. The Bill is nearly ready. Highly controversial. No effect on manpower. The scope for disposals seems small and the net effect on public expenditure would also be small.

17. Conwy Tunnel (Miscellaneous Provisions) (Welsh Office); short

Purpose: To supplement Orders under existing legislation so as to make provision for the construction of the A55 Conwy Tunnel including:

- i. power to deepen, dredge and place obstructions in the Conwy Estuary for the construction, maintenance and protection of the tunnel;
- ii. discretionary powers of compensation, including payment for remedial work to offset damage to fish or shellfish stocks;
- iii. powers to disapply statutory provisions (eg on noise) which might prevent or hinder construction;
- iv. powers to control navigation and other activities in the area.

Construction of tunnel agreed as part of Welsh trunk road programme. Instructions have been sent to Parliamentary Counsel. Hybrid. Possibly suitable for Welsh Grand Committee. Government are committed to completion of route, including tunnel, by 1987-88, implying 1984 start. No political opposition so far, but ecological interests and individuals directly affected may petition. Cost within existing public expenditure provision.

CONTINGENT

18. Agriculture (Levies on Livestock Producers) (Ministry of Agriculture, Fisheries and Food); short.

Purpose: to empower Ministry to raise levies on livestock or poultry producers to finance part or all of the costs of eradication of designated animal and poultry diseases. Likely to be very controversial. Legislation would become essential if the current arrangements under which poultry producers subscribe voluntarily to the cost of Newcastle Disease eradication break down.

19. Milk (Ministry of Agriculture, Fisheries and Food); short or very short.

Purpose: to ensure that the UK can provide adequate safeguards in respect of imported ultra-heat-treated (UHT) milk and cream comparable to those currently applicable to domestic products under the Food and Drugs Acts.

The need for this Bill would arise in the event of an unfavourable outcome to a European Court case in which the Commission is challenging UK health and hygiene regulations in so far as these act to prevent imports of UHT milk. The judgment is now unlikely to emerge before the summer recess. Could prove controversial. Public expenditure and manpower implications not yet known but probably small.

20. Equal Pay Amendment (Department of Employment); short

The European Commission has alleged that the UK has failed fully to implement an EEC Directive as regards the elimination of discrimination between men and women in respect of work to which equal value is attributed. If the European Court finds against the UK, the Equal Pay Act will have to be amended. The opportunity could be taken at the same time to consider other amendments to take account of recent judgments of the Court.

The decision of the European Court can be expected early in the second half of 1982. The Bill cannot be prepared until the decision is known. Any significant delay in amending our law to comply with the Court's decision could lead to confusion as to the rights of individual women in related cases and the way in which such cases should be handled by tribunals. The Bill would not be welcome to Government back-benchers or to employers, but they would recognise its necessity. There would be pressure from the Equal Opportunities Commission and TUC to widen the scope of the Bill. No significant public expenditure or manpower implications.

21. European Communities (Portuguese and Spanish Accession) (Foreign and Commonwealth Office); very short.

Purpose: to amend the European Communities Act 1972 by providing for the inclusion of the treaties relating to Portuguese and Spanish accession among the "Community Treaties" described in section 1 of the Act.

The applicants are aiming at completion of the accession negotiations by the end of 1982, but there is a strong possibility that this timing might slip, perhaps by many months.

22. Law of the Sea Convention (Foreign and Commonwealth Office); substantial.

Purpose: to permit the ratification of a Law of the Sea Convention at present being drafted by the UN Law of the Sea Conference.

Would create a 200-mile economic zone, and an international regime for deep seabed mining. Law Commission proposals on criminal jurisdiction for offences at sea might also be included. The need for a Bill could only be decided after conclusion of the negotiations, perhaps in September 1982. Collective policy clearance not possible until negotiations concluded. If signature is in 1982 and other countries ratify quickly, enactment by November 1983 could be necessary. Uncontroversial in Party political terms. Substantial UK contribution to new body: £250,000 p.a. for up to 10 years, plus £500,000 p.a. for 8 years for Preparatory Commission, plus £40 million in loans and loan guarantees. No FESC provision.

23. Chanel Link (Department of Transport); substantial.

Purpose: to make provision for the construction of a fixed cross-Channel link, including: (i) powers to acquire land and carry out works; (ii) financial provisions; (iii) constitution, duties and powers of body to construct, operate and own the link; (iv) miscellaneous provisions, including application of UK law, tax, definition of frontier, regulation of system, abandonment.

If decision to construct link taken, policy clearance will be sought mid-April, though details may not be settled until summer. First instructions end June; first draft before Summer Adjournment; final instructions early September; introduction beginning Session. Bill hybrid; passage will occupy entire Session. Assuming agreement, French will expect legislation in 1982/83. Not controversial in Party terms, but could be a focus for anti-EC lobby. Shipping and ports interests will oppose; environment lobby may criticise. Local authority attitudes will depend on nature of link. Financial arrangements may be criticised. Link itself will be privately funded; associated expenditure on rail and roads would be within agreed figures. Cancellation for political reasons would create call on Contingency Reserve for compensation. May be limited increase in Customs and immigration staff.

## SECOND READING COMMITTEE

24. Plant Varieties and Seeds Act 1964 (Amendment) (Ministry of Agriculture, Fisheries and Food); short.

Purpose: to enable the United Kingdom to ratify the International Convention for the Protection of New Varieties of Plants. Instructions ready. Suitable for Lords introduction.

25. Dental (Department of Health and Social Security); medium.

Purpose: to amend the Dentists Act 1957 in relation to the constitution of the General Dental Council; discipline; the registration of dentists; training; and other miscellaneous matters.

Policy approval obtained in 1979. Instructions could be ready in June 1982 and the Bill ready for introduction in November. No special date for Royal Assent. Suitable for Lords introduction and a Private Member. Not likely to be controversial. The General Dental Council with the general support of the British Dental Association has taken the initiative for the proposed amendments, most of which were first put forward over 10 years ago.

26. Civil Aviation (Eurocontrol) (Amendment) (Department of Trade); short to medium.

Purpose: to give effect in UK law to an amending Protocol to the Eurocontrol International Convention relating to Co-operation for the Safety of Air Navigation and a new Multilateral Agreement on Route Charges, so that the UK can ratify the Protocol.

Instructions ready. The UK has been a prime mover in the review of Eurocontrol and should ratify the Protocol by the target date of March 1983 (= Royal Assent before 28 February). Delay in ratification will be embarrassing and will provide ammunition to other Member States who, unlike the UK, will face increased expenditure under the new arrangements and may wish to prove that they are unworkable. The Protocol removes the UK from communal financing arrangements for air navigation facilities and, together with the new charging agreement, increases the UK's autonomy over the level of charges it sets for air traffic control services. Under the winding up of communal financing arrangements the UK should receive about £4 million. No other public expenditure or manpower implications. Suitable for Lords introduction.

27. Registration of Yachts (Department of Trade); short.

Purpose: to deal with difficulties which have arisen over the application of the present registration system to pleasure craft in foreign waters. There is a commitment to the French to sort these out by 1984. Suitable for Lords introduction.

28. Physical Protection of Nuclear Material (Home Office); short.

Purpose: to implement the UN Convention on the Physical Protection of Nuclear Material.

The Government has announced its intention to ratify the Convention when the necessary legislation has been enacted but no commitment has been made on timing. Unlikely to be controversial. Suitable for Lords introduction, and possibly for a Private Member. Instructions by end of May. The European Commission has signed the Convention as a separate entity but cannot ratify until all Member States are ready to do the same. The FCO would like the UK to be in a position to ratify during 1985. The position of our European partners is not known, except that none has yet ratified.

29. Marriage (Invalids and Detained Persons) (Home Office); short.

Purpose: to amend the marriage law of England and Wales to enable marriages to be solemnised elsewhere than in churches and other buildings registered for marriage where a party to the marriage, by reason of illness or compulsory detention in prison or hospital, is unable to attend a church or registered building. The Bill would bring the law into conformity with the European Convention on Human Rights as now interpreted.

Instructions on invalids and persons detained in prison could be ready by the end of May. On mental patients, consultations with the medical profession have not yet started, but these provisions could be added during the passage of the Bill.

30. Rights of Reverter (Lord Chancellor); short.

Purpose: to implement a Law Commission report published in November 1981 and designed to deal with difficulties which have arisen from the operation of various 19th-century statutes under which the ownership of land granted for schools, churches, etc. reverts to the original donor when the land ceases to be used for these purposes. The Law Commission recommends the abolition of certain rights of reverter and, for the rest, that a definitive register should be established for a limited period of three years. Rights not registered in that period would be abrogated.

It is hoped to obtain policy clearance in the spring and the drafting of a short bill reasonably soon thereafter.

31. Currency and Banking (Treasury); short

- Purpose:
1. To establish new Parliamentary procedure to control fiduciary note issue.
  2. To permit changes in the manufacture of coins, including their shape and composition.
  3. To give legal tender status to certain bank notes, and make other changes to outdated provisions about notes and coins.
  4. To change the Banking Act 1979 so as to bring certain Scottish Savings Banks within the statutory definition of an "institution".

Much of the Bill is drafted. Instructions on the remainder mid-May. Suitable for Lords introduction. Long-term saving of about £0.5 million on coinage contract.

32. Miscellaneous Financial Provisions (Treasury); short.

- Purpose:
1. To make provision for the writing-off of £13.4 million of Consolidated Fund payments in connection with Zimbabwean independence.
  2. To make provision about the charging of fees by and membership of the Pensions Commutation Board.
  3. To modify section 3(2) of the Crown Estate Act which limits Crown Estate leases to 99 years.
  4. To clarify the powers of the Council for Small Industries in Rural Areas to make grants or loans to profit-making bodies.
  5. To reduce Government supervision of the Development Commission by changing it into a grant-aided body.

Instructions mid-May. Suitable for Lords introduction. Negligible public expenditure and manpower implications.

33. National Savings (Treasury); short.

- Purpose:
1. To make deposits with the National Savings Bank (NSB) Ordinary Account a direct liability on the National Loans Fund (as with other NS Accounts) instead of being separately funded.
  2. To make the Statutory Instrument procedure for the NSB and the NS Stock Register wholly administrative, as for other NS procedures, with Instruments being laid before Parliament after being made.
  3. To implement any changes agreed as a result of the review of the Premium Savings Bond Scheme planned for 1982.

Instructions mid-May: Suitable for Lords introduction. Negligible public expenditure and manpower implications.



SCOTTISH

34. Electricity (Financial Provisions) (Scotland); very short.

Purpose: to raise the borrowing limits of the Scottish Electricity Boards.

An essential Bill. Policy clearance May; instructions to Counsel end June; introduction early November. Not intrinsically controversial, but anti-nuclear lobby might seek to link to construction of Torness nuclear power station. Expenditure provision already made; no manpower implications. Suitable for Second Reading in Scottish Grand Committee.

35. Mental Health (Scotland); medium.

Purpose:

1. To bring mental health law in Scotland into line with judgment of European Court of Human Rights on appeals by detained patients.
2. To make similar reforms in Scottish mental health legislation to those currently being made for England and Wales.
3. To hive off the State Hospital at Carstairs from the Scottish Office.

Policy approval summer 1982; instructions September; introduction December; Royal Assent end March 1983 (to enable staff savings from 3 to be obtained before 1 April). Commitment to legislate "in due course" on 1. Parts of 2 may be controversial. Manpower implications not quantified, but within existing provision. Suitable for Lords introduction, Second Reading in Scottish Grand Committee.

36. Divorce (Jurisdiction) and Legal Aid (Scotland); short.

Purpose:

1. To give concurrent jurisdiction in divorce to the Sheriff Court.
2. To enable the Secretary of State to prescribe what fees and charges shall be eligible for legal aid, and how they are to be fixed.

Policy approval spring 1982; instructions summer; introduction beginning of Session; Royal Assent by end of financial year 1982-83 desirable. Not politically controversial; some parts of legal profession may object. Suitable for Lords introduction, Second Reading in Scottish Grand Committee. Small but significant increase in manpower of courts more than offset by savings on legal aid. 3 additional staff required in Scottish Office.