

Prime Minister

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PRIME MINISTER

We think the attached drafts, which are intended for consultation, are pretty good. But in the light of what happened over the secondary strike consultation, it would be useful if we asked the Prime to circulate the main comments that he receives. Contact?

CODES OF PRACTICE ON PICKETING AND THE CLOSED SHOP

I intend to publish consultative drafts of these codes as soon as the Employment Bill receives Royal Assent and gives ~~me~~ the statutory authority to do so. The Bill is now unlikely to return to the Commons ^{TL} before the week beginning 21 July so I am thinking of publication of the draft codes around the end of July. ^{11/7}

It is most important that the codes should be in operation as early as possible in the autumn and I intend to seek Parliamentary approval for them soon after the summer recess. This will allow only August and September for consultation, which is bound to be criticised as too short. But since I have no statutory authority to publish drafts before the Bill becomes law, we shall have to risk this. As it is, I have taken powers in the Bill to carry out the required consultation with ACAS before the Bill becomes law and have already asked ACAS for any views they wish to give me on preparation of the codes.

I have now prepared the attached draft Codes, in the drafting of which my officials were helped by confidential and informal contacts with the CBI. The Code on picketing explains the law - both civil and criminal - as it affects pickets themselves and also others affected by picketing; and it gives guidance on the conduct and organisation of pickets. The Code on the closed shop gives detailed guidance on the operation of a closed shop, whether it already exists or is to be newly established; and also sets out the matters that industrial tribunals will be expected to take into account in deciding cases of unreasonable exclusion or expulsion from a trade union.

In view of the importance of the issues covered by these two codes, I should welcome any comments that you and colleagues have on the enclosed drafts and on the accompanying papers under cover of which I intend to issue them for consultation. In order to keep to the timetable for publication, I should be grateful to receive any comments by Wednesday 16 July.



I am sending copies of this minute and of the draft codes and covering papers to all members of E Committee, the Lord Chancellor, the Home Secretary, the Attorney General and the Lord Advocate and to Sir Robert Armstrong.

JP
2 JULY 1980

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IndPd

10 DOWNING STREET

From the Private Secretary

14 July 1980

Mr Richard.

Codes of Practice on Picketing and the Closed Shop

The Prime Minister has now considered your Secretary of State's minute of 2 July, and is content for him to circulate for consultation the draft codes of practice which he enclosed with it. She would be grateful if, at the end of the consultation process and before the codes are finalised, Mr. Prior would circulate to colleagues the main comments which he has received.

I am sending copies of this letter to Private Secretaries to members of E Committee, Ian Maxwell (Lord Chancellor's Office), John Halliday (Home Office), Bill Beckett (Law Officers' Department), Mary Howat (Lord Advocate's Department) and David Wright (Cabinet Office).

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Tim Laker.

Richard Dykes, Esq.,  
Department of Employment.

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