

C O N F I D E N T I A L

cc legal procedure July 79
(Contempt of Court Bill)
Parliament

PRIME MINISTER

Legislation Programme - (C(80) 22)
Contempt of Court Bill - (C(80) 21)

BACKGROUND

The Cabinet last discussed this Session's legislative programme in January (CC(80) 3rd Conclusions, Minute 1), when they noted that the position in the House of Commons was reasonably satisfactory but that there was a risk of serious congestion in the House of Lords. Since then the business managers have had to accommodate the Health Services (Invalid Direction) Bill and the Social Security (No.2) Bill. They have become increasingly conscious of the problems in the Lords, about which the Minister of State, Ministry of Agriculture, Fisheries and Food, sent you a minute on 29th February. The discussion between Ministers, which you then suggested should be held, has clarified but not resolved the issues, and a recent meeting of Legislation Committee failed to agree on the future of the Contempt of Court Bill.

2. The Chancellor of the Duchy of Lancaster and the Minister of State, Ministry of Agriculture, Fisheries and Food, raised two sets of issues in their memorandum C(80) 22:-

- (a) Can those Bills whose introduction, for whatever reason, has been delayed (and in particular the Contempt of Court Bill) now be added to the programme?
- (b) What should be the order of priority in the Lords and for Royal Assent of the major Bills now before the Commons?

The Lord Chancellor argues in C(80) 21 that the Contempt of Court Bill should be introduced into the Lords even though its chances of becoming law are uncertain. There are no policy issues outstanding. The Bill is ready for introduction.

HANDLING

3. When the Chancellor of the Duchy has introduced his paper, and the Minister of State, Ministry of Agriculture, Fisheries and Food (Lord Ferrers) has explained the problem in the Lords and the constraints on the timetabling of Bills there, you may find it convenient to take the two sets of issues separately.

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4. On additions to the Programme, you may like to ask the Lord Chancellor to argue the case for the Contempt of Court Bill. The Home Secretary may support him. There is Press interest, led by the Sunday Times, in some provisions of the Bill. The Paymaster General may have views on whether it is better to introduce the Bill even though it may not become law or to defer it. Would the publication of the Bill in the form of a White Paper be helpful? The Chief Whip will want to support the general proposition that the Government should not introduce Bills which are unlikely to receive Royal Assent. While this proposition is normally right, other members of the Cabinet may want, in this instance, to support the Lord Chancellor.

5. There should be no dispute about the introduction of the Coal Industry Bill (deferred because of the steel strike), a one-clause Bill on the White Fish Authority, or of the Port of London (Financial Assistance) Bill. Each is quite short and restricted to finance. You may, however, want to ask the Minister of Transport why his Bill is not yet ready. The Secretary of State for Energy may wish to argue for the full Energy Conservation Bill, and the Secretary of State for Trade for the full Films Bill. Cabinet has not, however, the arguments for or against these Bills before them, and you may prefer, as the paper suggests, to remit the matter to Legislation Committee, with an indication that the Bills, so far as practicable, should be restricted to financial provisions.

6. As regards orders of priority, the Chancellor of the Duchy of Lancaster and the Minister of State, Ministry of Agriculture, Fisheries and Food, have suggested two possibilities. They differ only in that the first (paragraph 6) aims to secure the Housing and Tenants' Rights (Scotland) Bills before the summer recess, and the Local Government, Planning and Land Bill after it. The alternative (paragraph 8) defers the Housing, and the Tenants' Rights Bills in favour of the Local Government, Planning and Land Bill. You will want to ask the Secretary of State for the Environment for his views. He is likely to support the first order of priority, arguing the political importance of securing the council house provisions of the Housing Bill as soon as possible. The Minister of State, Ministry of Agriculture, Fisheries and Food might be asked

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to assess the risk of the Government defeats over the block grant provisions in the Local Government Bill. Are they really increased if the Bill is not law before the Party Conference? Are the business managers over-reacting to the recent defeat on school transport?

7. Given the length and complexity of the Local Government, Planning and Land Bill and the fact that it was introduced into the Commons after the Housing Bill, the Cabinet may prefer the first order of priority rather than the second. In either event, the Secretary of State for Social Services will protest at the suggestion that the Health Services Bill cannot become law until October. There are good reasons in paragraph 3 of the Annex to C(80) 22 for it to become law earlier. You may want to press the Minister of State, Ministry of Agriculture, Fisheries and Food, on the possibility of time being found for it. If something else has to give way, how strong is the argument put by the Secretary of State for Scotland that the Tenants' Rights (Scotland) Bill must not slip seriously behind the Housing Bill? Other Ministers are likely to be content with what is proposed, which meets the arguments set out in Annex A; for particular Bills. It would be helpful if the Secretary of State for Employment could accept the Employment Bill becoming law by the end of July instead of by 10th July as he wishes. Would three weeks really have the effect suggested in paragraph 2 of Annex A?

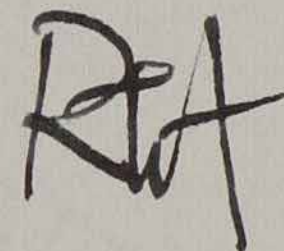
8. Finally, Cabinet may wish to endorse the view provisionally taken in January that, despite the difficulties caused for Scottish members, the summer recess should not begin until 8th August. The exact length of the spillover in October can be settled later, when the Lord President has reassessed the situation on his return from Rhodesia.

CONCLUSIONS

9. Subject to the discussion, you might guide the Cabinet:-
- (i) to agree to the introduction in the House of Lords of the Contempt of Court Bill;

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- (ii) to remit the Energy Conservation and Films Bills to Legislation Committee, with a strong indication that their provisions must be limited to financial matters not requiring lengthy debates in the Lords;
- (iii) to endorse the order of priority in paragraph 6 of C(80) 22, giving priority to the Housing Bill rather than to the Local Government, Planning and Land Bill;
- (iv) to urge the business managers to try and find time for the Health Services Bill in the Lords before the summer recess, but not at the expense of the Bills in (iii) above.



(Robert Armstrong)

17th March 1980