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PRIME MINISTER

House of Commons Procedure
(C(80) 41 and 46)

BACKGROUND

You have agreed that the Chancellor of the Duchy should bring this matter back to Cabinet. Last week Cabinet agreed that there should not be a debate on the outstanding recommendations of the Procedure Committee before the summer Recess. They were influenced by a letter from Mr. Merlyn Rees suggesting that the Opposition did not want a debate until October. At Business Questions last Thursday, however, Mr. Callaghan pressed the Chancellor of the Duchy for a debate (though not on a Friday). Other members, including Mr. du Cann, joined in. The Opposition have now written again saying that they would like a general debate before the Recess but votes on specific procedural resolutions taken in the spill-over in October.

2. The Chancellor of the Duchy argues that there must be a debate before the Recess. His paper suggests two options, with variants of the second:

- (i) A substantive debate with votes before the Recess, as he proposed in C(80) 41. He prefers this; it meets his pledges in full and would get the matter out of the way. He argues that it provides the best chance of securing an outcome favourable to the Government, but it is not what the Opposition have asked for and it requires Cabinet to have reached final views on the Procedure Committee's recommendations.
- (ii)(a) A debate on the Adjournment with votes after the Recess. The debate would probably run widely to include the work of the departmental Select Committees. There would be no opportunity for the House to show its opinions in a vote, which might leave the Government more room to manoeuvre in the

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autumn. On the other hand the procedural reformers in the House might monopolise the debate and the Government might find it more difficult to ignore what was said.

(ii)(b) A take-note debate. The House could be invited to take note only of the outstanding recommendations of the Procedure Committee's report, and substantive votes would follow in October. The take-note motion would itself be amendable, e. g. to add "and urges their early implementation", and there would be votes on such amendments as the Speaker selected. This form of debate does not in the circumstances seem to have much to recommend it.

3. The most likely date for any debate would be Thursday, 31st July. Whatever form it took, the Chancellor of the Duchy would have to give some indication of the Government's views. He would therefore like the Cabinet to consider the proposals in his earlier memorandum (C(80) 41), on which you have my brief for last week's Cabinet.

4. If the Cabinet were to support the Chancellor of the Duchy's preference for option (i) they would need to reach a view on the proposals in C(80) 41. If they favoured option (ii) they might prefer the Chancellor of the Duchy to make a relatively neutral speech reflecting the differing arguments. There might still, however, be a case for his indicating the Government's views on matters on which the Cabinet are of one mind, e. g. the proposed declaratory resolution relating to European legislation and the proposal to set up a Procedure Committee next Session to look at the control of supply.

HANDLING

5. You will want first to invite the Chancellor of the Duchy to introduce C(80) 46 so that the Cabinet can form a view on the need for a debate before the summer Recess and, if one is to be held, on the form it should take. The Chief Whip will have views. He may argue that the strength of feeling in favour of a debate is to be weighed against the disadvantage of occupying a full day before the Recess. He may also argue against devoting two days to Procedure - one now and one in October. How busy will the House be in

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October? If option (ii) were preferred, would the votes on substantive resolutions have to be in prime time? Others who may have views include the Home Secretary and the Secretary of State for Employment.

6. If the discussion showed a preference for option (ii) you might then invite the Chancellor of the Duchy to deal briefly with the main points in his paper (C(80) 41. You have a fuller brief; but, in short, those likely to want to comment are: the Chief Whip (generally), the Home Secretary, the Secretaries of State for Employment, Defence and for Northern Ireland (as regards the proposal for Public Bill Committees), the Lord Privy Seal (as regards the European legislation) and the Chancellor of the Exchequer (as regards the proposal to establish a Procedure Committee on the control of supply).

CONCLUSION

7. Subject to the discussion, you might guide the Cabinet to agree that there should be a debate on the Adjournment before the summer Recess. The Cabinet might invite the Chancellor of the Duchy to take a generally neutral line in speaking in that debate, drawing attention to the advantages of the recommendations, but also to the concern that you and other Members of the Cabinet feel about the increasing burden that would be placed both on Ministers and on backbench Members. He might also, subject to the course of the discussion, indicate the Government's willingness to table a declaratory resolution embodying their undertaking on the House's scrutiny of European legislation and their willingness to see a new Procedure Committee established next Session to examine the control of supply.

8. The Cabinet might invite the Chancellor of the Duchy to come back to them in September with his proposals for Government motions, taking into account the Cabinet's views and those expressed in the debate. An alternative would be to remit this to an ad hoc group under the Home Secretary on the lines which I suggested in my earlier brief.



(Robert Armstrong)

23rd July, 1980