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CC(83) 12th
Conclusions

COPY NO 79

CABINET

CONCLUSIONS of a Meeting of the Cabinet
held at 10 Downing Street on

THURSDAY 14 APRIL 1983

at 10.00 am

P R E S E N T

The Rt Hon Margaret Thatcher MP
Prime Minister

The Rt Hon William Whitelaw MP
Secretary of State for the Home Department

The Rt Hon Lord Hailsham
Lord Chancellor

The Rt Hon Sir Geoffrey Howe QC MP
Chancellor of the Exchequer

The Rt Hon Francis Pym MP
Secretary of State for Foreign and
Commonwealth Affairs

The Rt Hon Sir Keith Joseph MP
Secretary of State for Education and Science

The Rt Hon James Prior MP
Secretary of State for Northern Ireland

The Rt Hon Peter Walker MP
Minister of Agriculture, Fisheries and Food

The Rt Hon Michael Heseltine MP
Secretary of State for Defence

The Rt Hon George Younger MP
Secretary of State for Scotland

The Rt Hon Nicholas Edwards MP
Secretary of State for Wales

The Rt Hon John Biffen MP
Lord President of the Council

The Rt Hon David Howell MP
Secretary of State for Transport

The Rt Hon Norman Fowler MP
Secretary of State for Social Services

The Rt Hon Leon Brittan QC MP
Chief Secretary, Treasury

The Rt Hon Baroness Young
Lord Privy Seal

The Rt Hon Nigel Lawson MP
Secretary of State for Energy

The Rt Hon Norman Tebbit MP
Secretary of State for Employment

The Rt Hon Cecil Parkinson MP
Chancellor of the Duchy of Lancaster and
Paymaster General

The Rt Hon Lord Cockfield
Secretary of State for Trade

The Rt Hon Tom King MP
Secretary of State for the Environment

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THE FOLLOWING WERE ALSO PRESENT

The Rt Hon Michael Jopling MP
Parliamentary Secretary, Treasury

Mr Norman Lamont MP
Minister of State, Department of
Industry

SECRETARIAT

Sir Robert Armstrong
Mr D J S Hancock (Items 2 and 3)
Mr A D S Goodall (Items 2 and 3)
Mr D H J Hilary (Items 1 and 4)
Mr L J Harris (Items 1 and 4)

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PARLIAMENTARY
AFFAIRS

Cardiff
North West
By-Election

1. The Cabinet were informed of the business to be taken in the House of Commons during the following week.

THE CHIEF WHIP said that a writ for the by-election for the vacant seat of Cardiff North West would have to be issued no later than 10 May, three months after the death of the previous Member. A motion for the issue of the Speaker's warrant for a new writ was to be moved by Mr Dafydd Wigley MP on Monday 18 April. It was essential that the Government should retain control of the timing of this by-election, and he proposed that they should move an amendment to Mr Wigley's motion, the effect of which would be to defer further consideration of the matter until 10 May. He was confident that such an amendment would be carried, probably with the Labour Party abstaining, if all Ministers and Parliamentary Private Secretaries supported it.

THE LORD PRESIDENT OF THE COUNCIL said that there was some pressure to hold the by-election on the same day as the forthcoming local government elections, or on the following Thursday. The conclusion of a Speaker's Conference in 1973, recorded in a letter of 26 November 1973 from Mr Speaker Lloyd to the then Prime Minister, was that it was inexpedient for by-elections to be held at the time of local elections in April or May. On the timetable suggested by the Chief Whip, the Cardiff North West by-election would take place on 2 June, and it would therefore be possible for the Government to justify the amendment of Mr Wigley's motion on narrow technical grounds, without bringing in wider political issues or discussion of the practical problems which an earlier by-election would cause for the returning officer.

The Cabinet -

1. Agreed that the motion on 18 April for the issue of the Speaker's warrant for a writ for the Cardiff North West by-election should be handled in the way proposed by the Chief Whip.

Parliamentary
Control of
Expenditure
(Reform) Bill

Previous
Reference:
CC(83) 7th
Conclusions,
Minute 1

THE CHIEF SECRETARY, TREASURY, said that clause 22 of the Parliamentary Control of Expenditure (Reform) Bill incorporated the compromise agreed between the Government and the sponsors of the Bill under which value for money audits would be carried out in the nationalised industries by their own commercial auditors, with their reports being made available to Ministers and to Parliament. The debate on the clause at Committee Stage in the House of Commons had almost been completed, though it would not be voted on until Wednesday 20 April. The majority of the Opposition Members on the Committee were opposed to the clause in its present form because they objected to the employment of private sector auditors rather than the Comptroller and Auditor General's staff on this work. It was likely that the clause would be defeated in Committee, but even if it were approved it would probably result in the Bill being blocked by Opposition Members on Report. In these circumstances, Mr Joel Barnett, the principal Opposition sponsor of the Bill, no longer felt able to support the agreed compromise, though he continued to recognise its merits in principle. He was in favour of deleting all audit provisions from the Bill, thereby reducing it to a measure which dealt mainly with the

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appointment and functions of the Comptroller and Auditor General. Mr Norman St John-Stevas, the Member in charge of the Bill, had suggested that the Bill, which in its present form had been almost wholly drafted by the Government, should be taken over as a Government measure, or that Government time should be made available for its remaining stages, so as to enable it to be passed without the deletion of clause 22. There were some merits in this proposal: it would permit the enactment of provisions which should improve the efficiency and accountability of the nationalised industries, and would greatly diminish the likelihood of a more extensive and less acceptable Private Member's Bill being brought forward in a future Session. If the Bill continued to be treated as a Private Member's measure, and if clause 22 were defeated, the Government would have to decide whether they could continue to support the Bill, or whether they should themselves arrange for it to be blocked at Report Stage.

THE PRIME MINISTER, summing up a brief discussion, said that the compromise agreed on clause 22 had been accepted by the sponsors of the Bill as a fair and reasonable one. The adoption of the Bill by the Government, or the provision of Government time for its remaining stages, would set a bad precedent, and would leave the Government in a vulnerable position in relation to future Private Members' Bills which commanded wider public interest and support. The Bill should continue to take a normal course, and a decision on whether or not to block it at Report Stage would be deferred until the Committee Stage had been completed.

The Cabinet -

2. Agreed that the Parliamentary Control of Expenditure (Reform) Bill should not be adopted as a Government measure and that no Government time should be made available for its further consideration.

THE SECRETARY OF STATE FOR THE ENVIRONMENT said that the Royal Commission on Environmental Pollution was to publish a major report on environmental lead on Monday 18 April. The Chairman of the Royal Commission, Professor Southwood, had given a presentation of the contents of the report to the Departmental Ministers mainly concerned on Tuesday 12 April. The Commission had clearly dealt with this complex subject in great depth, and their report would command widespread respect both in this country and abroad. The Government would clearly need to give close and urgent attention to all the Commission's recommendations, but he considered that the Government should make an immediate and positive response to the recommendations which proposed that the lead content of petrol should be phased out altogether over an appropriate period, and that the price of unleaded petrol should not exceed that of the highest grade of leaded petrol during that period. Although the Commission had found no conclusive evidence to support the proposition that lead in petrol presented a serious health hazard, there was considerable public concern on the issue, and he believed that the implementation of the Commission's latest proposals could be seen as a natural progression from the planned reduction by 1985 in the maximum

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permitted level of petrol-lead from 0.4 to 0.15 grammes per litre. Many new cars were already being designed to run on lead-free petrol, and the Commission considered that the cost of introducing a lead-free requirement for new vehicles from, for example, 1990 would be negligible, especially when set against the improved performance in fuel consumption terms expected to be achieved in engine design over the next decade. There had been a marked change in the attitude of the oil and motor manufacturing industries over the past two years, and he was confident that they would not strongly oppose the change recommended by the Royal Commission, provided that an adequate transitional period was allowed. Any move to abolish lead in petrol would require agreement within the European Community (EC), both because of our existing commitments under Community law and because of the need to avoid damaging the competitive position of our industries within the Community. He therefore proposed to make a Parliamentary statement the day after the Report was published indicating that the Government accepted in principle the recommendations on lead in petrol, and would be opening negotiations with other EC countries forthwith.

THE PRIME MINISTER, summing up a brief discussion, said that the Cabinet agreed that the Secretary of State for the Environment should make a statement on 19 April on the lines which he had proposed. It was important that this major new initiative in the field of environmental protection should be presented in a way which would minimise the scope for further malicious and ill-informed criticisms of the Government's record on environmental matters of the kind made by Mr Des Wilson of the Campaign for Lead-Free Air (CLEAR) in a recent radio programme. It might be better for the Secretary of State for the Environment to make the Parliamentary announcement by means of a Written Answer, to be followed by a press conference in which he would be able to present the Government's case more fully. He should settle the form of the announcement with the Lord President of the Council.

The Cabinet -

3. Agreed that the Government should accept the recommendations of the Royal Commission on Environmental Pollution on lead-free petrol in principle, and invited the Secretary of State for the Environment, in consultation with the Lord President of the Council, to consider how this decision might best be announced.

THE PRIME MINISTER said that in recent early morning radio programmes there had been totally misleading interviews with critics of the Government's record on environmental protection and on personal taxation. In the case of the item on taxation, the Chancellor of the Exchequer had been able to arrange an interview the following morning in the course of which he had given a complete and convincing refutation of the earlier comments, but no Department of the Environment Minister had been available to counter the damaging accusations made by Mr Des Wilson. All Ministers in charge of Departments should immediately appoint a junior Minister with responsibility for monitoring all early morning radio and television programmes, with the assistance of Parliamentary Private Secretaries and suitable backbenchers on the Government side. As soon as any damaging

or inaccurate item appeared, the Departmental Minister monitoring the programme should contact the broadcasting organisation concerned with the object of ensuring that the Government's case was properly presented, by the one o'clock news if possible, and also of securing a Ministerial interview the following morning at the same time as the original item had been broadcast. It would also be helpful if the Secretary of State for the Environment would circulate to the Cabinet a note about the Government's record in the field of environmental protection.

The Cabinet -

4. Invited all Ministers in charge of Departments to appoint a junior Minister to monitor all early morning radio and television programmes, and to take corrective action as necessary, as indicated by the Prime Minister.

5. Invited the Secretary of State for the Environment to circulate to the Cabinet a note about the Government's record in the field of environmental protection.

2. THE FOREIGN AND COMMONWEALTH SECRETARY said that he had been warmly welcomed on his recent round of visits to Gulf capitals: the freeze in Britain's relations with the Arab world appeared to be over. In Saudi Arabia Shaikh Yamani had spoken in encouraging terms about the prospects for maintaining the stability of oil prices. A general feature of the scene in the Gulf was the increasing strength of Islamic fundamentalism; and some of the Rulers had expressed concern that rising frustration at lack of progress towards solving the Arab/Israel dispute could lead to their overthrow. In Amman King Hussein of Jordan had given him a first-hand account of the negotiations with the leader of the Palestine Liberation Organisation, Mr Arafat, which had led the King to abandon his efforts to make progress on the basis of President Reagan's proposals. The King felt let down by Mr Arafat and also by the Governments of Saudi Arabia and Morocco; and his confidence in the United States had been shaken. The Foreign and Commonwealth Secretary said that in his view some strong and imaginative move from the United States Government was urgently needed if President Reagan's proposals were to be saved. He had made this clear in a further personal message to the United States Secretary of State, Mr Shultz. Unfortunately the United States Administration seemed unable to grasp the need for urgency and professed to believe that their proposals could simply be left on the table. The crucial requirement was for them to put pressure on the Israeli Government to stop further Israeli settlements on the West Bank. But it was uncertain whether President Reagan could secure Congressional backing for this course, or indeed whether he was seriously trying to do so. The situation in the Middle East was deteriorating in a way which was dangerous for peace and threatening to Western interests. It was unlikely that the Soviet Union would continue to stand on the sidelines; there were already 5,000 Soviet personnel in Syria and there was an evident risk that the Soviet Union might seek to seize the diplomatic initiative. Meanwhile, it had been agreed that the British component

FOREIGN
AFFAIRS

Middle East
Previous
Reference:
CC(83) 11th
Conclusions,
Minute 2

in the multinational force in the Lebanon would remain in Beirut (where its presence was warmly appreciated) for a further three months, despite the consequent shortfall in the strength of the British contingent of the United Nations Force in Cyprus, but should not be increased.

Gibraltar
Previous
Reference:
CC(83) 11th
Conclusions,
Minute 2

THE FOREIGN AND COMMONWEALTH SECRETARY said that the extravagant reaction by the Spanish Government to the current visit to Gibraltar by units of the Royal Navy stemmed from Spanish domestic political considerations, notably the forthcoming Spanish local elections on 8 May and the weak position of the Spanish Foreign Minister, Senor Moran, whose own future was uncertain and who was continuing to look for excuses not to implement the Lisbon Agreement. It was sensible for the United Kingdom to treat the Spanish reaction as unjustified and to respond to it calmly.

Falkland
Islands
Previous
Reference:
CC(83) 11th
Conclusions,
Minute 2

THE FOREIGN AND COMMONWEALTH SECRETARY said that the proposed visit to the Falkland Islands by a party of Argentine next-of-kin organised by a private Argentine citizen, Senor Destefanis, was presenting serious difficulties. Senor Destefanis's most recent public statements cast increasing doubt on the humanitarian nature of his venture and confirmed earlier suspicions that his motivation was political; and the Argentine Government had declined to accept any responsibility for Senor Destefanis's activities. The International Committee of the Red Cross (ICRC) were still inclined to give Senor Destefanis the benefit of the doubt: they were resisting his proposal to include press representatives in the party but were less than robust on other aspects. The Acting United Kingdom Permanent Representative to the United Nations at Geneva was being given firm instructions to deal with the ICRC at the highest level and to make it clear to them that it was the ICRC and not the British Government which was in negotiation with Senor Destefanis. Meanwhile the visit to the Falkland Islands by the party of British next-of-kin, which had earlier appeared to be at some risk because of Senor Destefanis's activities, had passed off successfully: great credit for the arrangements was due to the military and civil authorities on the Islands.

THE PRIME MINISTER, summing up a short discussion, said that it must be made clear to the ICRC that they were not acting as a post box between the British Government and Senor Destefanis. Responsibility for the visit lay with them: it had been made clear to them that the visit could take place only if it was organised and supervised by the ICRC, and on certain specified conditions. That position must be adhered to.

United States

THE SECRETARY OF STATE FOR TRADE said that the United States authorities had now agreed to withdraw the litigation they had instituted against the British Airports Authority and himself on the question of landing charges at Heathrow Airport. The settlement had been reached on the basis of a Memorandum of Understanding which set out existing British practice and

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offered consultation. This satisfactorily ended one small dispute between the United Kingdom and the United States in the trade field, although other important issues remained unresolved.

The Cabinet -

Took note.

COMMUNITY
AFFAIRS

1983 Farm Price
Negotiations

Previous
Reference:
C(83) 11th
Conclusions,
Minute 3

3. THE MINISTER OF AGRICULTURE, FISHERIES AND FOOD said that the Council of Ministers (Agriculture) would be meeting in Luxembourg on 18-19 April to discuss the Common Agricultural Policy price fixing. It was significant that two members of the Council had changed since the last meeting. The new French Minister of Agriculture, Monsieur Rocard, was a formidable personality, a very effective negotiator and had been a credible candidate for the Presidency of the French Republic. He was, of course, most anxious to ensure that his first price fixing brought clear advantages to French farmers. The new German Minister of Agriculture and President of the Council, Herr Kiechle, was in a strong political position because his appointment had been the price demanded by the Chairman of the Christian Social Union, Herr Strauss, for not insisting on a post in the new Federal Government. The Minister of Agriculture, Fisheries and Food had met Herr Kiechle the day before and it became clear that Herr Kiechle was not following a strict budgetary line in his approach to the negotiations. In these circumstances, the role of the European Commission would be crucial. The Vice-President of the Commission, Mr Tugendhat, had made a speech to the European Parliament explaining how rapidly agricultural expenditure was rising. Despite this, the Commission did nothing to restrain the cost. They ought in logic to adjust their price proposals downwards but there was no sign that they would do so.

In discussion it was pointed out that the prospects for a moderate price settlement had been made worse by the recent realignment of exchange rates. The revaluation of the Deutschemark had caused the French to press for an even larger cut in the German monetary compensatory amount than had earlier been proposed. This would give the German Government a clear incentive to go along with a higher price increase than they would otherwise want. The risk to the United Kingdom was that an unchecked increase in agricultural expenditure would use up the available margin of Community revenues in 1984 and induce the other member states to argue that there was no money available for further refunds to the United Kingdom.

THE PRIME MINISTER, summing up the discussion, said that she would send messages to the President of the Commission and to Mr Tugendhat to urge them to ensure that the Commission behaved in a manner consistent with their responsibilities for the management of the Community budget.

The Cabinet -

Took note.

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LEGISLATIVE
PROGRAMME
1983-84

4. The Cabinet considered memoranda by the Home Secretary (C(83) 9 and 10) setting out the recommendations of the Queen's Speeches and Future Legislation Committee (QL) on the legislative programme for 1983-84.

THE HOME SECRETARY said that QL had considered the proposals put forward by Departments for Bills in the legislative programme for the 1983-84 Session of Parliament on the basis of two alternative assumptions about the length of the next Session. Under the first, the 1983-84 Session would begin in late October or early November 1983, and would end with a General Election in the spring of the following year. Bearing in mind the scope for disruption which would be available to the Opposition in a short Session, QL considered that the programme should be kept short and uncontroversial. In addition to the six or seven Bills which would in any event be essential, they recommended that there should be four other main programme Bills, together with two Scottish Bills and three Bills whose introduction would be conditional upon the Opposition's agreement to their being taken under the Second Reading Committee procedure in the House of Commons. The Bills recommended by QL were set out in Annex A to C(83) 9. He recognised that there was a case for including Bills of a somewhat higher political content in a short pre-Election Session, and the Bill which would give most satisfaction to the Government's supporters was perhaps the Trade Union Bill, possibly confined in a short Session to dealing with the rules for union elections. The second programme suggested by QL assumed that the General Election would be held in the summer or early autumn of 1983, so that the 1983-84 Session would be of normal length and, as the first of the new Parliament, might be expected to include a high number of major and controversial Bills. QL recommended that, with the exception of the Scottish Bills, the programme for a normal Session should include all those recommended for a short Session, together with the additional Bills listed in Annex B to C(83) 9, giving a main programme of 20 Bills. There was some doubt about whether both the long and highly contentious local government Bills provisionally recommended by QL would be ready in time. If they were, the overall programme might well be too heavy, but if one or both of them failed to materialise there could be scope for adding another Bill or Bills to the programme. QL had suggested a reserve list of three further Bills which might be brought forward in the latter event, but they recommended that the proposed programme should in any case be reviewed, perhaps in June, when the fate of the local government Bills had become clearer. He invited the Cabinet to approve the recommendations of QL on this basis, and to note the importance of all Ministers observing the timetables to which they were committed for the preparation of Bills in the programme.

In discussion of the proposed programme for a short 1983-84 Session, the following main points were made -

- a. The publication of the Green Paper on Trade Union Reform had created an expectation of early legislation on the subject, and the Government would face strong criticism from their supporters if they failed to take any action in a short pre-Election Session. A Trade Union Bill brought forward in a short Session could be confined to dealing with ballots for union offices. Although this would be strongly opposed by the Opposition, it was much less contentious than the proposals on the political levy and would probably not in itself provoke the Opposition to withdraw co-operation in Parliamentary business. But even a short and less controversial Bill would, unless its scope was very tightly

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restricted, be exposed to attempts to amend and extend its provisions. This, besides being potentially embarrassing for the Government in political terms, could make it difficult to guarantee the passage of the other Bills in the programme. It would in any event be necessary to give a firm public commitment to bring forward wider trade union legislation in the first full Session of the new Parliament.

b. The programme proposed by QL included a Bill to restore the position on the fees for overseas students thought to obtain before the House of Lords judgment in December 1982. It was now clear, in the light of further advice from the Solicitor General, that there would be a very substantial increase in public expenditure unless corrective legislation were passed during the current Session. It was recognised that that could pose a threat to other Bills in the current programme; but if it were possible, it would mean that there would be space in the programme for a short 1983-84 Session for the alternative Bill authorising the payment of specific grants to local education authorities.

c. In a short Session, the Conditions in Leases (Scotland) Bill should be taken in preference to the Irrigation (Scotland) Bill proposed by QL. The two Bills were of comparable length and controversiality.

d. A Contempt of Court Bill would be needed to restore to county courts the power to commit contemnors to prison for up to two years, as intended by the Contempt of Court Act 1981, instead of the maximum of one month resulting from a recent judgment of the House of Lords.

e. The Prevention of Terrorism Bill was not now regarded as suitable for Lords introduction in either a short or a normal Session.

In discussion of the proposed programme for a normal 1983-84 Session, the following main points were made -

f. The discovery of an increasing number of defects in prefabricated houses which had been sold to private buyers by local authorities, in many cases under the right to buy provisions, had made it doubtful whether it would be proper to extend the scheme of financial assistance already announced for owners of defective Airey houses without specific statutory cover. The scale of the problem was still unclear, but a Bill giving authority for future payments should be added to the contingent list to be brought forward if necessary.

g. There was increasing pressure for improvements in animal welfare legislation, and a Bill for this purpose should be included in the Second Reading Committee list for a normal Session, as proposed by the Minister of Agriculture, Fisheries and Food.

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h. Under present legislation, planning permission for surplus Crown land could not be obtained before disposal. This meant that surplus land had to be sold at well below its potential market value. There was a strong case for legislation to correct the situation in the first normal Session of the new Parliament. It was suggested that the necessary provisions might be appropriate for a Private Member's Bill.

i. It was argued that an Industrial Development Bill on regional policy should be given a high priority, so as to reduce the potential damage to inward investment which would be caused by continuing uncertainty, and to maximise receipts from the Regional Development Fund of the European Community. It was noted, however, that decisions on future regional policy had yet to be taken.

j. The very substantial recent improvement in the profitability of British Airways (BA) made it highly desirable that a Civil Aviation Bill should be brought forward in a normal 1983-84 Session to provide for the capital reconstruction of BA as a necessary prelude to privatisation. It might be possible to include this in a general transport privatisation Bill, incorporating also the provisions on the privatisation of the National Bus Company proposed by the Secretary of State for Transport, but not recommended by QL.

k. There would be a strong case for introducing the Education (Wider Parental Choice) (Pilot Schemes) Bill in the first Session of a new Parliament.

l. The recent House of Lords judgment had made the proposed Prevention of Discrimination against Sikhs Bill unnecessary.

THE PRIME MINISTER, summing up the discussion, said that the Cabinet agreed that the legislative programme for a short 1983-84 Session should include a Trade Union Bill confined to dealing with election to union offices, with the firm intention of securing Royal Assent by the end of the Session. The Secretary of State for Education and Science should discuss further with the business managers the possibility of passing a Bill dealing with overseas students in the current Session. If that proved possible, the place provisionally allocated for such legislation by QL in a short 1983-84 Session could be taken by the Education (Grants to Local Authorities) Bill. The Cabinet agreed that the Conditions in Leases (Scotland) Bill should be substituted for the Irrigation (Scotland) Bill proposed by QL. They noted that the Prevention of Terrorism Bill was not now thought suitable for Lords introduction. A Bill to cover the payment of financial assistance to owners of defective prefabricated houses would be included in the list of contingent Bills. On the proposed programme for a normal 1983-84 Session, the Cabinet agreed to the inclusion of a Bill on animal welfare on the clear understanding that it would not be proceeded with if the Opposition raised objections to its being taken in the House of Commons under the Second Reading Committee procedure. The Prevention of Discrimination against Sikhs Bill would be deleted. The scope for further additions to the programme would depend in part on the progress made on the two major local government Bills, but the Cabinet would take account of the case

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made for legislation dealing with planning permission for Crown land, regional development, parental choice in education, the capital reconstruction of BA, and the privatisation of the National Bus Company when they reviewed the proposed programmes later in the summer.

The Cabinet -

1. Invited the Secretary of State for Education and Science to consult the Lord President of the Council, the Lord Privy Seal and the Chief Whip further about the possibility of passing a Bill on overseas students in the current Session of Parliament.
2. Agreed to consider further the proposed legislative programme for a normal 1983-84 Session of Parliament when the position on the two local government Bills was clearer, and in the light of any policy developments on the additional Bills put forward in discussion for inclusion in the programme.
3. Subject to 1 and 2, and to the other points made by the Prime Minister in her summing up of their discussion, approved the recommendations of the Queen's Speeches and Future Legislation Committee as set out in C(83) 9.

Cabinet Office

14 April 1983