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C(84) 8

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24 February 1984

CABINET

LEGISLATIVE PROGRAMME 1984-85

Memorandum by the Lord President of the Council

The Queen's Speeches and Future Legislation Committee (QL) have considered the proposals made by Departments for a total of 74 Bills for next Session's legislative programme. We have, as appropriate, discussed these with the Ministers concerned. This memorandum seeks the Cabinet's agreement to the Committee's recommendations. Further details of the Bills concerned are given in C(84) 9.

2. 1984-85 will be the first Session of this Parliament in which our choice of legislative programme is not largely conditioned by those Bills which fell at the General Election. We have therefore taken the view that it should be a full programme which represents the main strands of Government policies. To a certain extent our work had already been started. Cabinet had previously agreed that a place should be found in next Session's programme for the Bill to abolish the Greater London Council (GLC) and the Metropolitan Counties (CC(83) 19th Conclusions, Minute 4) and for a Bill to regulate elections in Northern Ireland (CC(83) 27th Conclusions, Minute 3). We were also aware of the need to provide for legislation on privatisation if we are to achieve all that we want to in this field during the course of this Parliament. The difficulties which we encountered in this area, however, illustrate one of the major problems which faced us. Bills to implement the privatisation programme are inevitably large, complex and controversial. They therefore need to be introduced at the beginning of the Session. However, this is most unlikely if policy has not yet been decided at least in broad outline. We were in practice faced with a choice between three Bills - Gas, Public Transport and Civil Aviation - none of which, in the view of the Committee, would be certain to be ready by the beginning of the Session. Of the three, we felt that Public Transport, to privatise the National Bus Company, had the best chance of success next Session. However, we appreciated the political attractions of the Bill to privatise the gas industry, despite the even later stage at which it was likely to be ready for introduction. We are therefore submitting to Cabinet an alternative recommendation in this field. We feel that there is only room in the legislative programme for one Bill on privatisation and that it should be either Gas or Public Transport. We invite the Cabinet to decide.

3. These and the remaining Bills that we have selected for the programme are listed at Annex A. They total 21 Bills in all (excluding Finance, Consolidation, Second Reading Committee and contingent Bills), which is a heavy programme. Although this Session has been planned on the assumption that there would be no spillover, we cannot guarantee that this will in fact be the case. Consequently, we must assume that next Session will be of normal length. A number of the Bills listed in Annex A are substantial and controversial. It will not therefore be an easy Session. We have however been able to select a reasonable number of Bills which can start their progress in the House of Lords; this has the advantage of enabling more rational planning to take place so that the House of Lords is not congested at the end of the Session.

4. We have not been able to satisfy all our colleagues and there will inevitably be pressure to increase the number of Bills included in the programme. We would therefore direct colleagues' attention to Annex B, in which the contingent Bills are listed. Several of these seem almost certain to require enactment during the course of the Session. In addition, we must expect some unforeseen Bills which will have to be found a place in the programme because they are absolutely essential. We must therefore recommend to the Cabinet that if it decides to include any other Bills in next Session's programme, their inclusion must be met by equivalent deletions.

5. Annex C lists 10 Bills for inclusion in the programme on condition that they are ready for introduction at the beginning of the Session and the Opposition then raise no objections to their being dealt with under the Second Reading Committee procedure in the House of Commons. Second Reading Committee Bills cannot be accorded a high drafting priority and it is essential that instructions should be sent to Parliamentary Counsel very early if they are to have a reasonable prospect of being ready in time.

6. QL recognised that our choice of Bills left out of next Session's programme a number of substantial measures for which there is a real political need and these and others which would benefit from continuing preparation over the next 12 months with the assurance of a place in our 1985-86 programme. Just as the Abolition of the GLC and Metropolitan Counties Bill was last year given a place in the 1984-85 programme, so we should like to see a small number of suitable Bills given places in the 1985-86 Session. Preparations can then go ahead on a firm basis and instructions can be ready for Parliamentary Counsel very early in 1985. Naturally the numbers involved must be small, otherwise too much of the Session will be pre-empted. We suggest that perhaps three or four Bills should be treated in this way (the two privatisation measures not included in the 1984-85 programme are prime candidates).

7. Finally, I must emphasise the importance of maintaining or improving the timetables for the preparation of Bills as set out in C(84). Because of the leave season, Parliamentary Counsel is unlikely to be able to start drafting before September Bills for which instructions are not

received until late July. That will almost certainly mean that Bills of any size in this position will not be ready by the beginning of the Session. The Lord Privy Seal must be informed immediately if there is any failure to meet the agreed timetable for the despatch of instructions.

I therefore invite colleagues to:

- a. Approve the list of programme Bills at Annex A making a choice between Gas and Public Transport.
- b. Note the contingent Bills listed in Annex B and agree that they should be brought forward if necessary.
- c. Approve the list of Second Reading Committee Bills in Annex C.
- d. Agree that a small number of Bills should be given a firm place now in the 1985-86 programme.
- e. Accept the need for all Departments to adhere to or improve on the stated timetables for the preparation of Bills for which they are responsible.

W W

Privy Council Office

24 February 1984

BILLS RECOMMENDED FOR INCLUSION IN THE
MAIN LEGISLATIVE PROGRAMME 1984-85

Essential (5)

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| 1. Corporal Punishment in Schools (England and Wales) | 2. New Towns and Urban Development Corporations |
| L 3. Mineral Workings | 4. Civil Aviation |
| L 5. Fluoridation | |

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| L 6. Pollution (Protection of Food and the Marine Environment) | 14. Local Government (Greater London and Metropolitan Counties) |
| L 19. Brunei | 21. Social Security and Health |
| 22. Representation of the People | L 23. Prosecutions |
| L 30. Administration of Justice | 32. Elections (Northern Ireland) |
| L 34. Heritage (Scotland) | L 35. Family Law (Financial Provisions) (Scotland) |
| L 37. Law Reform (Miscellaneous Provisions) (Scotland) | L 38. Insolvency |
| L 39. Bankruptcy (Scotland) | 49. Public Transport / or 12A. Gas |
| 51A Trustee Savings Bank | 52. Nationalised Industries |

Note: The numbers are those used in C(84) 9. "L" indicates that the Bill is expected to be suitable for Lords introduction.

CONTINGENT BILLS RECOMMENDED FOR
INCLUSION IN THE LEGISLATIVE PROGRAMME
1984-85

Contingent (11)

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|---|--------------------------------------|
| 53. Public Services (Transfer of Functions) | 62. Insolvency Payments |
| 63. Local Government Commission | 64. Australia |
| 65. Territorial Sea | 66. Communications |
| 68. Export Guarantees | 69. Shipbuilding Redundancy Payments |
| 70. Imports, Exports and Customs Powers Defence Act (Amendment) | 71. Doorstep Selling |
| 72. Ports (Finance) | |

UNCONTROVERSIAL BILLS RECOMMENDED FOR
INCLUSION IN THE LEGISLATIVE PROGRAMME 1984-85

ONLY IF SUITABLE FOR SECOND READING COMMITTEE PROCEDURE

Uncontroversial (10)

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| 8. Further Education Establishments
(Commercial Activities) | 54. Opencast Coal (Planning) |
| 18. State Immunity Act
(Amendment) | 55. Foreign Compensation |
| 56. Enduring Power of Attorney | 57. Land Registry and Law of
Property (Amendment) |
| 58. Child Custody Orders
(International Enforcement) | 58A Insurance |
| 50. Merchant Shipping | 60. English Industrial Estates
Corporation |

Note: All these Bills are suitable for Lords introduction