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10 DOWNING STREET

From the Private Secretary

7 February, 1985.

Sinking of the Belgrano: Disclosure of Information to the
Foreign Affairs Committee

The Prime Minister discussed this matter, on the basis of the Defence Secretary's minute of 4 February, with colleagues this morning. The Lord President, the Foreign Secretary, the Defence Secretary, the Home Secretary, the Lord Privy Seal, the Chief Whip, the Attorney General and Sir Robert Armstrong were present.

Attention was drawn to the answer given by the Lord Privy Seal to a question in the House on 12 May 1983 (annexed to your Secretary of State's minute). It was agreed that the Government should rest so far as possible on this. It was agreed that the Defence Secretary would speak informally to the Chairman of the Committee and two senior Privy Councillors on it to explain the reasons why the Government thought it inappropriate to release the documents to them, in the light of the established guidelines.

I am sending copies of this letter to the Private Secretaries of those attending the meeting.

C.D. Powell

Richard Mottram, Esq.,
Ministry of Defence.

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PRIME MINISTER

Sinking of the Belgrano: Disclosure of Information
to the Foreign Affairs Committee

There is to be a meeting after Cabinet to discuss the Foreign Affairs Committee's request to see the 'Crown Jewels'.

The Defence Secretary and the Foreign Secretary are opposed. The Lord Privy Seal is inclined to try to find an arrangement to satisfy the Committee. The Chief Whip may be concerned with the implied reflection on the integrity of members of the House in refusing to show them documents which have been seen by jurors and Court officials.

You will recall the problem which arose over the Trade and Industry Committee's request to see British Shipbuilders' Corporate Plan (they were suspected of being the source of an earlier leak of British Steel's Corporate Plan).

As the Defence Secretary's minute (attached) points out, there are strong grounds of precedent for refusing the request, in particular the Leader of the House's reply to a Question in 1983 (also attached). There are undoubtedly security considerations involved.

Against this, it might be argued that a compromise should be sought whereby the Chairman of the Committee is allowed to see the documents on the Committee's behalf. But once locked into a negotiation with the Committee, there will be the risk of getting carried further down the road. Paragraph 4 of the Defence Secretary's minute spells out what he regards as the essential safeguards in any such arrangement.

C.D.P.

C. D. POWELL

6 February, 1985

MO 5/21

PRIME MINISTERSINKING OF THE BELGRANO: DISCLOSURE OF INFORMATION TO THE FOREIGN AFFAIRS COMMITTEE

You recently agreed that, following a request from the Defence Counsel, the detailed and highly classified chronology of the key events leading up to the sinking of the Belgrano and supporting documents which has collectively become known as the "Crown Jewels" should be made available to the Court in the current hearing of Regina v Ponting. The Foreign Affairs Committee have now requested the Ministry of Defence to provide them with these documents "on the same basis" as they were provided to the Court. The Clerk to the Committee has asked for the documents to be in his hands by noon on 5th February.

2. There would not appear to be any possible intermediate courses of action; we have a straight choice between meeting the Committee's wishes or refusing to provide the documents. I need hardly rehearse the advantage of the latter course: concern to protect the extremely sensitive information derived from intelligence sources contained in some of the documents has been the overriding consideration which has dictated our policy on the amount of information we have been prepared to disclose. However a refusal will undoubtedly promote a strong reaction from the Committee on the grounds that we are denying the House information which has been made available to a considerable number of members of the public (the jury and court officials) in the Ponting case. Moreover, while it is not normal practice to make information classified above "Secret" available to Select Committees, the "Osmotherly Rules" which give guidance on the provision of information to such committees make it clear that "Top Secret" information can be



disclosed on the personal authority of a Minister. (Although those guidelines have not been published openly, they have been made available to the Liaison Committee and to the individual Select Committees).

3. Nevertheless, in their report in 1978 the Select Committee on Procedure recognised (para 7.13) that Ministers may wish to resist requests for information on grounds of national security, although it should be ultimately the responsibility of the Minister concerned to justify such a decision. In his reply to a question from the Chairman of the Liaison Committee on 12th May 1983 (copy attached) the Leader of the House said that "there is a long-standing convention under which the Government do not provide information or answer questions in Parliament on matters of security and intelligence, and the Government would regard itself as bound by that convention in relation to Departmental select committees no less than in relation to Parliament itself". If we are to refuse to provide the documents, I believe that this long-established policy provides the strongest grounds for so doing.

4. On the other hand, if we do decide to release the papers, we should have to make clear to the Committee that we regard this case as wholly exceptional and are meeting their request solely because the document has already been made available to a court. We would also need to consider carefully the security arrangements which would apply. The Committee have asked for the papers on the "same basis" as they were provided to the Court, but in this case both jurors and the court officials were subject to security vetting, a process which I do not believe it would be acceptable to ask members of the House to undergo. Moreover, the documents have been made available only while the Court has been in session and the jury have not been allowed to keep notes on them; they will be returned to the Ministry of Defence after the trial. If we met the Committee's request the documents would under normal procedure become the property of the House: while there is an understanding that classified material should be available to members only during Committee meetings or on request in the Committee Office,



once papers are released to the House, the Government has no further control over them. In this case I think that we would have to make it a condition of release that the documents were not copied, were safeguarded under arrangements acceptable to my Department, and were returned to the Ministry of Defence at the end of the Committee's enquiries. If the Committee refused to agree to these conditions, then we should not give them the documents.

5. Finally, if the papers are to be released, I believe that we should submit them under a covering memorandum which would explain the context in which they were commissioned and some of the technical jargon used and would correct some inaccuracies which have been identified since the documents were prepared.

6. This is clearly a difficult and finely-balanced decision, and I would welcome an early opportunity to discuss it with you and other colleagues concerned. My own preference is to withhold the papers but I feel that we shall need to be very sure of our ground before we embark on this course.

7. I am copying this minute to the Lord President, the Foreign and Commonwealth Secretary, the Home Secretary, the Lord Privy Seal, the Attorney General, the Chief Whip and the Secretary to the Cabinet.

Handwritten signature

Ministry of Defence
4th February 1985

Local Authority	Conversion	Length (Miles)
Cornwall	Wadebridge to Padstow	6
Cumbria	Cumbria Cycleway	2
Derbyshire	Tissington Trail	12
	High Peak Trail	16
Devon	Barnstaple to Braunton	4
Durham	Derwent Way	7
	Brandon to Bishop Auckland	9
	Deerness Walkway	7
	Waskerley Way	9
	Lancaster Valley	5
East Sussex	East Grinstead to Groombridge	10
Greater Manchester	Whitworth Road	1
	Altwood	1
	Monton Green Walkway	1
Hertfordshire	Cole Green Way	4
	Ayot Green Way	4
	St. Albans to Hatfield	2
	Harpenden to Hemel Hempstead	1
Kent	Whitstable	1
Leicestershire	Great Central Railway	1
Lincolnshire	Spa Trail	3
Norfolk	Hellesdon to Attlebridge	4
	Aysham to Stalham	10
North Yorkshire	Scarborough to High Hawsker	19
Oxfordshire	Banbury Mineral Railway	1
	Cycle Track	
Staffordshire	Manifold Trail	8
Tyne and Wear	Newburn Cycleway	1
West Midlands	West Bromwich Parkway	3
	Kingswinford Branch	3
	Dudley to Priestfield	1
West Sussex	Worthway	5
Wiltshire	Swindon Old Town to Toothill	2

Mr. Steen asked the Secretary of State for Transport how many miles of cycle tracks are now available in London and Greater London; and what plans there are for extending cycle provisions through and around the London and Greater London parks.

Mrs. Chalker: Lengths of cycle track have been provided in the past alongside a number of trunk roads in London, but only a few miles are reserved exclusively for use by cyclists. The needs of cyclists are now considered during the preparation of all new trunk road schemes.

Provision of other cycle schemes in London is the responsibility of the Greater London council and the London boroughs, and details are not available in the Department. However, we are funding innovative elements of the GLC's ambassador route at Albert gate and Albion gate.

Serpell Report

Sir David Price asked the Secretary of State for Transport whether he is now in a position to respond to the various options proposed for the future of British Rail in the Serpell report; and if he will make a statement.

Mr. David Howell: The Serpell report presented broad illustrations about the cost of the rail network, not policy options. The report also identified scope for substantial cost savings while keeping the railway at broadly its present size. So the future of a modern and efficient railway does not mean providing ever increasing subsidies from the taxpayer. Nor does it require embarking on a major programme of route closures; and the Government do not intend to do so.

Railway Wagons

Mr. Race asked the Secretary of State for Transport, pursuant to his reply to the hon. Member for Wood Green on 15 March, *Official Report*, c. 105, how many of the wagons specified were built, or are planned to be built, outside the United Kingdom.

Mr. Eyre: Of the 428 new wagons referred to in that reply, one order for 25 wagons was placed outside the United Kingdom.

Contracts are placed by the grant applicant, not the Government, and I cannot forecast the source of wagons not yet ordered.

Volvo Cars (Investigations)

Mr. Arthur Lewis asked the Secretary of State for Transport whether he will make a statement on the progress of investigations into apparent faults on the automatic transmission of certain Volvos 343 and 345; and whether, until the problem is cleared and his investigation proves that no danger or damage to the public or drivers of these vehicles is involved, he will seek to make a temporary order banning these vehicles from the public highway.

Mrs. Chalker: My Department is investigating the allegation that Volvo 300 series cars fitted with automatic transmission can move off from rest at an uncontrolled speed. The investigation is being carried out in co-operation with Volvo Car Concessionaires Ltd., the Motor Industry Research Association and Volvo BV, the Dutch manufacturers. As yet no cause for these cars behaving in this way has been identified, but the investigations are being pursued as quickly as possible.

HOUSE OF COMMONS

Select Committees

Mr. du Cann asked the Lord President of the Council if he will publish the Government's reply to the report of the Liaison Committee on the Select Committee system.

Mr. Biffen: The Government's reply, which was conveyed in a letter dated 27 April from me to my right hon. Friend the Member for Taunton (Mr. du Cann) as Chairman of the Liaison Committee was as follows:

"I am writing to let you know the outcome of the consideration which Ministers have recently been giving to the recommendations made by the Liaison Committee in their First Report (Session 1982-83) on the select committee system. This

report is acknowledged as a most valuable and comprehensive progress report on the work of the Departmental select committees since their establishment in 1979.

It is noted that the Committee's principal conclusion is that the work of the new committees, whilst making great demands on Members, has 'considerably extended the range of the House's activity, strengthened its position relative to that of the Government, and deepened the quality of its debates'. The Committee's view confirms that of the Government that the Departmental committees have now established themselves as an important part of the general structure of Parliamentary scrutiny. The importance of the position they occupy in relation to Ministerial accountability to Parliament is indicated by the fact that there had by November 1982 been 190 Ministerial appearances before them.

The Government recognise, furthermore, the significant part that has been played by the Liaison Committee itself in the achievements of the new select committee system; in facilitating co-ordination and the avoidance of overlap between select committee enquiries (paragraph 81); in encouraging the economic use of resources (paragraph 76); and generally in serving as a focal point for the consideration of matters affecting select committees as a whole. I am particularly pleased in this respect to see the references in the report to the productive exchanges which have taken place between the Committee and the Government, and with the House of Commons Commission. The Government share the Committee's view (paragraphs 83 and 84) that in order to help facilitate further co-ordination in the work of select committees it is desirable that individual committees should in future be able to show their evidence to other committees, and that they should be given the power to join with other committees in order to take evidence, deliberate or make reports. It is proposed to table the necessary amendments to Standing Orders in due course.

The first six specific conclusions and recommendations made in the report (Paragraphs 24, 27, 40, 42, 33 and 39) all relate to various aspects of the structure of the select committee system. Of these recommendations it is proposed that two should be decided by a new Parliament—those relating to the question of whether the terms of reference of the Home Affairs Committee should be extended to include the Law Officers Department and the Lord Chancellor's Department (paragraph 24) and the proposed changes in sizes of membership of select committees (paragraph 33). It would also seem appropriate that, as I said recently in the House (OR, 30 March, 1983, cols. 396-7) with reference to the contrary recommendation made by the Select Committee on Standing Orders (Revision), any decision by the House with regard to the repeal of the sub-section of the Standing Order relating to the Nationalised Industries Sub-Committee (paragraph 40) should take account of the outcome of the Parliamentary Control of Expenditure (Reform) Bill now before the House. I have also noted the Committee's comments (paragraph 23) about the Industry and Trade Committee.

The Committee also recommend (paragraph 39) that the House should have a further opportunity to decide whether more Departmental select committees should have the power to appoint a sub-committee. The Government fully recognise that this question must ultimately be for the House to decide. Their concern remains, however, to achieve the necessary balance between any further extensions of the select committee system at the present time and the Government's aim of maintaining strict control over the running costs of public administration, including manpower.

The following two recommendations, those relating to paragraphs 48 and 50, refer to matters concerned with the submission of Government evidence to select committees. The first concerns the need for committees to be able to bring to the Floor of the House disputes between Ministers and select committees about the disclosure of information. The Government welcome the Committee's acknowledgement (paragraph 48) that the Government's commitment to make every effort to ensure that the fullest possible information is made available to the select committees has been satisfactorily honoured. For their part the Government are pleased to recognise the manner in which it has generally proved possible to reach agreement on these matters within the longstanding conventions that have applied in this field under successive administrations.

Nevertheless, as the Committee point out, there is always the possibility of differences of opinion arising between Ministers and select committees as to whether it would be in the public

interest for particular information to be disclosed. The Government recognise the importance of the undertaking they have given to seek to provide time on the Floor, if there should be evidence of widespread general concern in the House regarding an alleged Ministerial refusal to disclose information to a select committee.

As regards the Committee's recommendation (paragraph 50) that the Central Policy Review Staff should inform the appropriate select committees of the conclusions they reach in their investigations, and should make available to committees the evidence they have gathered, the Government remain of the view that reports made by the CPRS are generally in the nature of confidential advice to Ministers, and that it would accordingly be contrary to the conventions applying to the disclosure of information to select committees for such reports to be made available to them.

On a further matter relating to evidence to select committees, it would be wrong for me to pass over without comment the statement in paragraph 25 of the report that "one Government activity which already falls within the ambit of the Departmental select committees is the work of the security services". It is by no means clear to me that the security and intelligence agencies are to be regarded as being within the ambit of any of the Departmental select committees. Even, however, if it was accepted that they were to be so regarded, the Government's view is that the committees would be right to continue to refrain from inquiries in this field, for the reasons which the report indicates. As you know, there is a long-standing convention under which the Government do not provide information or answer questions in Parliament on matters of security and intelligence, and the Government would regard itself as bound by that convention in relation to Departmental select committees no less than in relation to Parliament itself.

With regard to the other recommendations made in the report, the Government note the Committee's view (paragraph 58) that the House should make clear that it would not expect paired Members, who are absent abroad on select committee work, to break short visits in order to participate in a division. It is appreciated that the recall of Members in such circumstances can involve expense and the risk of apparent discourtesy. In some cases such recalls may be considered essential, but it is hoped that discussions through the usual channels can avoid this whenever possible.

As regards the recommendation that the Government should give an undertaking that "more days will be made available for debates on select committee reports in future" (paragraph 65), this is clearly one aspect of the need to which the Committee attach cardinal importance and in which the Government fully concur—"that the House and its committee system should not work in isolation from each other". As the report recognises, however, it is by no means necessary that a select committee report should be specifically debated in order for it to be influential on the formation of views in the House or elsewhere or to provide the basis of informed debate.

For example, the reports of the Foreign Affairs Committee on the British North America Acts were highly relevant to the debates on the Canada Act. Reports made by the Treasury and Civil Service Committee have been of great value to the House in the consideration of the Government's Public Expenditure White Papers; and reports by the Defence Committee have provided a similar background for debates on Defence expenditure.

It would, in the Government's view, be inappropriate, in view of the pressures of other urgent matters on Parliamentary time, for time on the Floor to be allocated in advance each session to the debate of a fixed number of select committee reports. I would hope, however, that it may be possible in future to provide more time for such debates, especially when a report arouses particular interest.

In respect of debates in the Scottish and Welsh Grand Committees, the Committee's suggestion that at least one day a session might usefully be devoted to debates on reports made by the Scottish Affairs and Welsh Affairs Committees has also been noted. The topics for debates in the Welsh Grand Committee and for Matter Day debates in the Scottish Grand Committee are at present decided following discussion between the Government and the Opposition. As the report acknowledges, however, on two occasions during 1982, when the Scottish Grand Committee

debated youth unemployment and training, and road and sea transport, these debates were closely related to enquiries made by the Scottish Affairs Committee.

The Government also note the view of a majority of the Committee that the work of select committees might, in certain circumstances, be considerably enhanced by being televised. The House gave leave to Mr. Austin Mitchell on 13 April, under the "10-minute rule" Bill procedure, to bring in a Bill for this purpose.

Proposals for televising proceedings, whether on the Floor or in Committee, have been regarded by successive administrations as a House, rather than a Government, matter. But Members will no doubt wish to consider the Committee's majority view in the light of the progress of Mr. Mitchell's Bill, and assess whether they would wish the further consideration of this issue to be in the context of a further general debate on the televising of Parliamentary proceedings. If the House decided in principle in favour of the televising of proceedings, whether generally or only in respect of proceedings in select committees, a decision could then be taken as to whether the question of the method of implementation should be referred to the Committee on Sound Broadcasting.

In conclusion, I recall that when the new system of select committees was first established the then Leader of the House, Norman St. John-Stevas, gave an undertaking that all Ministers would seek to make it a success, and to co-operate fully in the provision of official evidence. I would like to take the opportunity provided by this progress report to renew, on behalf of the Government, the observations made on that occasion.

With regard to the future, it would seem clearly of great importance as emphasised in the report, that the work of the Departmental select committees should, wherever possible, be integrated with the other work of the House and with other procedural changes aimed at strengthening Parliamentary powers of scrutiny. The part which select committees are able to play in relation to the new "Estimates Days", and other changes designated to strengthen Parliamentary control over expenditure, will no doubt be significant in this respect.

I noted some time ago a comment quoted in a review of the new select committee system by the Outer Circle Policy Unit that "nowhere else are Ministers and their senior civil servants questioned so closely and so publicly about their activities; or their replies evaluated so critically". It is clearly of the highest importance to the House that this reputation is maintained and enhanced.

NORTHERN IRELAND

Political Developments

1. Mr. Flannery asked the Secretary of State for Northern Ireland if he will consider approaching the major political parties of the United Kingdom and the Republic of Ireland to discuss the developing situation in Northern Ireland.

Mr. Prior: I am always ready to discuss developments in Northern Ireland with representatives of the constitutional parties in the United Kingdom. I am also happy to explain Government policy to representatives of such parties from the Republic of Ireland and to hear their views. But I must emphasise that the constitutional future of Northern Ireland is a matter for the people of Northern Ireland, and the Government and Parliament of the United Kingdom.

Kinsale Gas

2. Mr. Stallard asked the Secretary of State for Northern Ireland when he expects to reach an agreement with the Republic of Ireland Government concerning the piping of Kinsale gas to Northern Ireland.

Mr. Adam Butler: Negotiations between the United Kingdom and the Republic of Ireland Government on the terms of a supply of Kinsale natural gas to Northern

Ireland have been continuing during recent weeks. Both parties have been faced with areas of real difficulty, but I very much hope that negotiations will be concluded one way or the other as soon as possible.

Substandard Housing

6. Mr. Ron Brown (Leith) asked the Secretary of State for Northern Ireland how many houses are currently classed as substandard in Northern Ireland.

Mr. David Mitchell: The house condition survey 1979 indicated that 142,588 dwellings required substantial repair, improvement or renewal.

Labour Statistics

9. Mr. R. C. Mitchell asked the Secretary of State for Northern Ireland how many young people between the ages of 16 and 18 years were unemployed in Northern Ireland at the latest available date.

Mr. Adam Butler: At 14 April 1983 there were 13,614 unemployed claimants in Northern Ireland between the ages of 16 and 18 years inclusive.

Mr. Parry asked the Secretary of State for Northern Ireland if he will make a statement on the latest unemployment figures in the Province.

Mr. Adam Butler: At 14 April 1983 there were 116,373 unemployed claimants in Northern Ireland, which was 20.9 per cent. of all employees. That was an increase of 2,704 since last month, accounted for in part by the influx of Easter school leavers.

Finance Allocation

10. Mr. Campbell-Savours asked the Secretary of State for Northern Ireland what are the principal reasons that led Her Majesty's Government to decide on the level of allocation of moneys to Northern Ireland which do not apply to the rest of the United Kingdom.

Mr. John Patten: The public expenditure allocation for Northern Ireland is decided as part of the annual public expenditure survey. The allocation is a positive response to Northern Ireland's special needs, which are a unique combination of social and economic disadvantages coupled with a necessarily high expenditure on law and order.

Management Development Programme

17. Mr. Trippier asked the Secretary of State for Northern Ireland if he has any plans to review the range of aids available under the management development programme in Northern Ireland.

Mr. Adam Butler: It is hoped to expand the scope of the management development programme later this year and the programme is also under review to determine whether any modification in its application to particular sectors might be desirable.

Improvement Grants

21. Mr. William Ross asked the Secretary of State for Northern Ireland if he has any plans to relax the floor area conditions for dwellings on which improvement grants are being paid.

Mr. David Mitchell: Not at present.