

Prime Minister cc Mr. Gou

Parliament

Despite your known views,
Mr Pym is not budging
on this.

Prime Minister
Whitehall London SW1A 2AA

24 February 1982

MAP 24/2

ms

Dear Michael,

Thank you for your letter of 11 February about the possible addition to this Session's legislative programme of a bill to extend the right to buy to tenants of leasehold properties and to charitable housing associations.

I agree that this measure is a very strong candidate for enactment this Parliament. You will have seen the Prime Minister's recent reply to a question from Bob Dunn in which she made the position very clear. However I am afraid that it is still too early to judge whether it would be wise to add to the agreed programme for this Session a highly controversial bill which the Opposition would seek to obstruct at every stage. In the circumstances I do not think it would be appropriate for the draft Bill to be considered by L Committee. This step must await a final decision on whether or not a Right to Buy Bill can proceed this Session.

That is the position so far as the House of Commons is concerned. However, you ought to be aware that Janet Young has indicated that the House of Lords would only be able to cope with a Right to Buy Bill if it were introduced in that House. Bearing in mind our experience with the Local Government, Planning and Land Bill, in the 1979/80 Session, I think it would be most unwise for us to contemplate handling such a controversial piece of housing legislation in this way. This leads me to question whether we should continue to think in terms of legislating this Session, and whether it might not be more sensible to consider a Right to Buy Bill when QL Committee turns its attention to the 1982/83 legislative programme in the very near future.

I am copying this letter to recipients of yours.

Francis Pym

FRANCIS PYM

The Rt Hon Michael Heseltine MP
Secretary of State for the Environment
2 Marsham Street
London SW1P 3EB



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CONFIDENTIAL

Parliament 2

2 MARSHAM STREET
LONDON SW1P 3EB

Prime Minister

Mr Gow

*written before your
Question Time
yesterday.*

My ref:

Your ref:

11 February 1982

MP 12 1/2

MS

Dear Lord President of the Council,

LEGISLATIVE PROGRAMME 1981-2: EXTENSION OF TENANTS' RIGHT TO BUY

You will be aware of the recent exchange of letters between our Private Secretaries on the prospects for this Bill. I have now seen the Prime Minister's comment in the letter of 2 February from No 10 to your Private Secretary, that it is important to get this Bill on the statute book if we possibly can.

The Bill would be a short measure of approximately 5 clauses which would extend the right to buy to somewhere between 110,000 and 130,000 tenants of local authorities and charitable housing associations who fall outside the provisions of the Housing Act 1980. We are under very great pressure from these tenants and their representatives to deliver the right to buy to them. We have already said, with your agreement, that we shall legislate "as soon as space can be found in the Parliamentary timetable". Although there has of course been no commitment to legislate this Session, as I pointed out in my letter of 16 November, this is the last Session of this Parliament when we can be confident that tenants benefitting from an extension of the right to buy will be successful in completing their purchases before the end of the Parliament.

I am working to have the Bill ready to go to L Committee on 24 February, for introduction immediately afterwards. I would be most grateful if you could let me know quickly whether such a timetable is acceptable from your point of view.

Copies of this letter go to the Prime Minister; the Chief Whip; the Solicitor General; members of L Committee; and to Sir Robert Armstrong.

*Your sincerely
DHS*

By MICHAEL HESELTINE

*(copy approved by the
Secy of State and signed
in his absence)*

Rt Hon Francis Pym MP

UNITED STATES

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Parliament

2 February 1982

LEGISLATIVE PROGRAMME 1981-82:
EXTENSION OF TENANTS' RIGHT TO BUY

The Prime Minister has seen the recent exchanges between your office and the Secretary of State for the Environment's office about the possibility of adding a short Right to Buy Bill for the programme for the current session.


She has commented that it is important to get this Bill on the Statute Book if we possibly can.

I am sending copies of this letter to Jeff Jacobs (Department of the Environment) and David Wright (Cabinet Office).

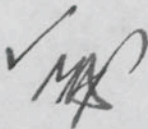
~~M. A. PATTISON~~

David Heyhoe, Esq.,
Lord President's Office.

JK



Privy Council Office,
Whitehall,
London, SW1A 2AT



With the Compliments
of the
Private Secretary
to the
Lord President of the Council

Parliament



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

28 January 1982

New Jeff

TAM

Thank you for your letter of 25 January concerning legislation to extend Tenants' right to buy.

As the Lord President explained in his letter of 20 November, he has noted the candidacy of a Right to Buy Bill for any time which may become available later in the Session for additions to the Legislative Programme agreed by the Cabinet in September. However, the Lord President considers that it is still much too early to judge whether it would be possible to make any additions to the agreed programme for this Session except in the case of Bills in the essential category. I should add that he was puzzled by your reference to "the latest position on the Canada Bill" since this measure has yet to be given a Second Reading and the timing of its further progress remains most uncertain. The Lord President therefore considers that the prospects for early introduction of a Right to Buy Bill are slight.

Accordingly, he does not believe that it would be appropriate for the Bill to be brought forward for consideration by the Legislation Committee. This step can only be taken after a final decision has been taken on whether or not it will be possible to add such a Bill to the programme this Session.

I am copying this letter to the recipients of yours.

Yours sincerely
N P M Huxtable

N P M HUXTABLE
Private Secretary

Jeff Jacobs Esq
Private Secretary to the
Secretary of State for the Environment
2 Marsham Street
LONDON



2 MARSHAM STREET
LONDON SW1P 3EB

My ref: H/PS0/10213/82

Your ref:
25 January 1982

*It is important to Prime Minister
get this bill on the
statute book if
possible can
not*

LEGISLATIVE PROGRAMME 1981-82: EXTENSION OF TENANTS' RIGHT TO BUY

My Secretary of State wrote to the Lord President on 16 November about the possibility of adding a short Right to Buy Bill to the programme for the current session. In his reply (20 November) Mr Pym said that whilst it was much too early to make any firm additions to the programme, he would be content for Parliamentary Counsel to proceed with drafting, to the extent that his other commitments allowed.

Further drafting has in fact recently been possible, and we should now be in a position to have the Bill ready for introduction in the latter half of February. For the reasons given in his previous letter, Mr Heseltine believes that it is of considerable importance that any extension of the right to buy is enacted this session rather than next. In view of this, and of the latest position on the Canada Bill, Mr Heseltine would be grateful for any indication Mr Pym can give of the prospects for early introduction. Would Mr Pym be content for us to go to Legislation Committee as soon as drafting is completed? Policy clearance has of course already been obtained.

I am copying this to the Private Secretaries to the Prime Minister; the Chief Whip; the Solicitor General; members of Legislation Committee; and Sir Robert Armstrong.

*Yours sincerely
Jeff Jacobs*

J JACOBS
Private Secretary

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26 JAN 1982



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

20 November 1981

MB
Prime Minister

MAD 20/11

Dear Michael,

Thank you for your letter of 16 November, in which you asked for drafting authority for a Bill extending the right to buy, to be introduced shortly after Christmas.

As you say, Cabinet on 24 September recognised that dropping from the Queen's Speech the references to housing policy (other than unified housing benefit) would not necessarily prevent some of the provisions which you originally proposed being introduced in a separate measure later "if the Parliamentary timetable permitted". However, I believe that we are at much too early a stage in the Session to judge whether it would be sensible to make additions to the programme agreed by colleagues. Our plans for the period up to Christmas have of course been disrupted as a result of the problems your own Local Government Finance Bill has encountered, and the timing of several other major Bills, including Canada, remains uncertain. For the moment, therefore, I would not be prepared to go further than to note your proposed Bill as one of the candidates for any time which may become available.

I would not object to Parliamentary Counsel making use of any gaps in their programme to begin the work on further drafting which you mentioned, provided that this work does not in any way interfere with the preparation of the bills already in the programme.

I am copying this letter to the recipients of yours.

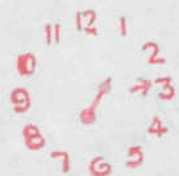
M. Heseltine

Francis Pym

FRANCIS PYM

The Rt Hon Michael Heseltine MP
Secretary of State for the
Environment
2 Marsham Street
London SW1P 3EB

20 NOV 1981



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HOUSE OF LORDS,
SW1A 0PW

Prime Minister

One more sign of the
general sniping at Mr Heseltine
from his colleagues, on legislation.

With the
Lord Chancellor's Compliments

MP
11/11

[Handwritten signature]

FROM:

THE RT. HON. LORD HAILSHAM OF ST. MARYLEBONE, C.H., F.R.S., D.C.L.



HOUSE OF LORDS,
SW1A 0PW

CONFIDENTIAL

18th November, 1981

The Right Honourable
Francis Pym, MC MP
Lord President of the Council,
Privy Council Office.

Dear Francis:

Legislative Programme 1981/82:
Extension of Tenants' Right to Buy

Michael Heseltine has copied to me his letter to you of 16th November in which he seeks your approval for the drafting of a short Bill extending the right to buy, and making amendments to the present provisions.

I have of course no objections to the policy, but I am concerned about Michael's suggestion that his Bill should be drafted as quickly as possible, and introduced as shortly as possible after Christmas. Both drafting resources and Parliamentary time are limited, and the granting of either at this stage to a new Bill can only be at the expense of a Bill already in the Government's programme. I have in mind in particular the Administration of Justice Bill and the Legal Aid Bill. I am responsible for both, and both are at present held up because the draftsmen assigned to them are dealing with Bills with a higher priority. I had at one time hoped that the Administration of Justice Bill would have its Second Reading before Christmas, and Janet Young has just written to seek my assurance on this point; but it now seems that I shall be lucky if the Bill is ready for introduction by then.

I would have no objection to your granting drafting permission to the proposed Housing Bill if Michael were prepared to postpone one of the other Bills for which he is responsible, but I would have grave misgivings if one of my own Bills were adversely affected. I do not doubt that other colleagues feel similarly about Bills for which they are responsible.

I would be glad if you could bear this point in mind when considering Michael Heseltine's request. I am copying this letter to him and to the recipients of his letter.

Yrs :

CONFIDENTIAL



19 NOV 1984
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NBPM yet

*With the compliments of
the Solicitor-General*

MD
19/81

*Attorney General's Chambers,
Law Officers' Department,
Royal Courts of Justice,
Strand. W.C.2A 2LL*

01 405 7641 Extn. 3407

Parliament

01-405 7641 Extn

ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

18 November, 1981

The Rt. Hon. Francis Pym, MC MP,
Lord President of the Council,
Privy Council Office,
Whitehall,
London SW1.

Dear Francis,

LEGISLATIVE PROGRAMME 1981-82: EXTENSION OF TENANTS' RIGHT TO BUY

TPM
I have seen a copy of Michael Heseltine's letter to you of
16 November.

I have agreed to the proposals for the extension of the right to buy to certain charitable property, (M.H.'s letter sub para ii), upon the understanding that the Bill will contain a clause regularising the position of existing tenants of charitable housing associations who in law are not regarded as being in necessitous circumstances. This clause has the two-fold purpose of preventing the extension of the right to buy being defeated by claims for possession against tenants who seek to exercise the right and of making a start in clearing up the widespread breaches of trust which have been disclosed by our investigations into this extension of the right to buy.

The Attorney General and I have a special interest in that last purpose because unless such a provision is included the Attorney General will be faced with very difficult questions as to how to enforce compliance by the trustees with their charitable trusts.

I understand that Michael Heseltine's proposals outlined in his letter to you include the provisions which he and I have agreed for achieving that purpose and on that basis have to say that such a Bill would be of much assistance to us in dealing with the difficult situation which has emerged, and accordingly I would respectfully urge that a place be found for it in the legislative programme for this Session.

I am copying this letter to the recipients of Michael Heseltine's.

Yours ever
Jan.



178 NOV 1991

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2 MARSHAM STREET
LONDON SW1P 3EB

Prime Minister

My ref:

Your ref:

16 November 1981

De Francis

17/11/81
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x

MF

LEGISLATIVE PROGRAMME 1981-82: EXTENSION OF TENANTS' RIGHT TO BUY

The minutes of the Cabinet discussion of the legislative programme (C(81)32nd) record that although our proposals for the Housing and Building Control Bill (other than unified housing benefit) would not be announced in the Queen's speech, at least some of them could be introduced as a separate measure later if the Parliamentary timetable permits.

I believe it is essential to proceed with a further Bill in this Session, but confined strictly to right to buy matters to achieve maximum progress. This is the last Session of this Parliament when we can be confident that tenants benefitting from an extension of the right to buy will be successful in completing their purchases before the end of the Parliament. If left to the 1982-83 Session, a Bill may well not be enacted until the summer of 1983, by when I fear that many Labour authorities will be playing for time.

I therefore propose that we introduce a short Bill making two significant extensions of the right to buy:-

- i. extension of the right to buy to tenants whose landlord does not own the freehold. Some 40-50,000 tenants are affected in England; sheer lack of time prevented us from dealing with the point in the Housing Act 1980. There are concentrations of leasehold council property in Bolton, Newcastle, Birmingham and the Dulwich area of South London, and we are coming under very great and justifiable pressure from colleagues in the Parliamentary Party and in local government (as well as from the tenants) to deliver the right to buy to them;
- ii. extension of the right to buy to tenants of charitable housing associations who are living in dwellings wholly or largely funded with public money and indistinguishable from other housing association dwellings where the tenants have the right to buy already. This is the only important group of local authority and housing association tenants (other than those in leasehold dwellings) who do not have

the right to buy because of the elderly persons' or disabled persons' exclusion, we estimate that a further 70-80,000 would be brought within the scope of the right to buy. Extending the right in this way would produce a financial benefit to the public sector from the repayment of housing association grant. Charitable funds would be protected by abating the recovery of grant where necessary. The Solicitor General has agreed this proposal.

In addition, I should like to make two smaller amendments to the 1980 Act: first, to prevent landlords from depriving tenants of the right to buy by insisting that exchanges take place by mutual assignment (we have already announced our intention to stop this practice); and secondly, to ensure that in the event of intervention where a local authority has failed to discharge its responsibilities under the Act, I can exercise various discretionary powers with regard to sales, without being bound by the previous policy of the authority. This last amendment would be of considerable help if I have to intervene, as well as a deterrent to councils against risking intervention.

These proposals all have policy clearance from H Committee, subject, on (ii) above, to the agreement of the Solicitor General and the Secretary of State for Wales, which I have obtained. They could be embodied in a short Bill of about ten clauses, seven of which are already in draft.

We have under consideration a few other small amendments to the existing right to buy provisions to overcome difficulties that tenants have encountered in certain authorities. These would not add greatly to the Bill's length, and (subject to policy clearance from H Committee) I should like to include them. We are consulting Parliamentary Counsel and the House authorities on how the Bill could be restricted as tightly as possible to a limited number of right to buy topics.

I should like to press on as quickly as possible with the preparation of a short Bill on these lines, in consultation with the Secretary of State for Wales. I should therefore be grateful for your agreement that Parliamentary Counsel should continue with drafting. I should welcome your views on whether an introduction shortly after Christmas may be possible.

I am copying this to the Prime Minister; the Chief Whip; the Solicitor General; to other members of Legislation Committee; and to Sir Robert Armstrong and George Engle.

Yours ever
MHE

MICHAEL HESELTINE

16 NOV 1981

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