

010



Prime Minister +
Parliament 11/10

Management and Personnel Office
Whitehall London SW1W 2JW
Telephone 01 273 4400
GYN 273

11 October 1982

The Rt Hon William Whitelaw, CH, MC, MP
Secretary of State for the Home
Department
50 Queen Anne's Gate
LONDON SW1H 9AT

Dear Sir,

UPDATING OF SCHEDULE 1 TO THE HOUSE OF COMMONS DISQUALIFICATION ACT 1975

Schedule 1 to the above Act lists the offices whose holders are disqualified for membership of the House of Commons. The Schedule was last updated in February this year. But since then discussions at official level have brought to light over 50 further amendments. This means that another Commons Resolution and an Order in Council under section 5(1) of the 1975 Act are needed to bring the legislation up to date and to fulfil a promise made when the last Resolution was debated: that we should endeavour to bring forward amendments more regularly and not allow them to accumulate. We should like to be in a position to put a Resolution and amending Order before Parliament around the turn of the year, in time for the amendments to appear in a March 1983 reprint of the Act.

The question of which offices disqualify for membership of the Commons is of course primarily a matter for the 'sponsor' Minister concerned (although Barney Hayhoe as MPO spokesman in the Commons would be responsible for seeing the Order through the House). My purpose in writing to you and other colleagues is therefore:

- a. to seek agreement generally to update the Schedule to the Act in the coming Session;
- b. to seek confirmation from Ministers concerned of the amendments proposed by their Departments; and that making these amendments would not affect the position of any sitting MP or MEP;
- c. to seek confirmation from other Ministers that they have no amendments (including additions and deletions) that they wish to see made.

I am attaching a note on the administrative criteria which are normally applied in deciding whether an office should disqualify and on the procedures for amending the Schedule.

We also undertook during the last Debate on an amending Order to ensure that in future each proposed amendment is supported by an explanatory note so that the House knows what it is voting on. We have included some explanations with each proposed entry in the material I am now circulating. Obviously these will have to be tidied up nearer the time when a Resolution is moved, but I should be grateful for any initial comments that sponsor Ministers may have.

Officials have been carrying out a more general review of the workings of disqualification legislation as a result of criticism voiced in the Debate last February, and we expect their report fairly soon. But we should not delay making an amending Order on that score; it can be a quite separate exercise.

I should be very grateful for replies by 15 October. I am also writing to the Lord President of the Council to seek his agreement to the use of Parliamentary Counsel to draft the Motion and amending Order, subject to colleagues' agreement that we should proceed.

I am sending copies of this letter to the Prime Minister and other Ministers in charge of Departments, to the Law Officers, and to Sir Robert Armstrong and First Parliamentary Counsel. In the interests of economy, I am at this stage sending lists of proposed amendments only to those Ministers who are responsible for the offices in question.

*Your own
Dance*

BARONESS YOUNG

HOUSE OF COMMONS DISQUALIFICATION ACT 1975
ORDER IN COUNCIL TO AMEND SCHEDULE 1

EXPLANATORY NOTE

1. The 1975 Act provides for the disqualification of the holders of certain offices for membership of the House of Commons. Several broad categories of office holders are disqualified in the body of the Act (Section 1 disqualifies, among others, the civil service and members of the regular armed forces). In addition, disqualification applies to the members of bodies or to the holders of offices listed in Schedule 1 of the Act.

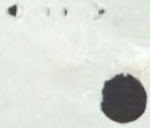
2. The Act does not specify principles to determine which offices should be disqualified. But the following criteria are known to the House and were used in preparing both the present Schedule and the proposed amendments to it. The presumption is that the House would want the office holder to be disqualified:

a. if his office is in the gift of the Crown or a Minister and is one for which a salary, fee or other payment will or might be paid (administratively it has been the practice to disregard those which attract remuneration of less than £1000 pa);

b. if the duties of the office are such that it is particularly important that the holder should be seen to be free from political bias.

3. Schedule 1 is amended from time to time by separate legislation establishing or abolishing public offices. These amendments are incorporated in subsequent annual reprints of the 1975 Act as provided for in section 5(2) of the Act. The latest reprint incorporates the amendments in force at 1 March 1982.

4. Schedule 1 may also be amended by Resolution of the House, followed by an Order in Council. This procedure makes it possible to deal with offices which are not created or abolished by statute. Before an Order in Council can be made under section 5(1) of the Act, a Resolution of the House of Commons is required. Such Resolutions and Orders were made in 1961, 1963, 1968, 1975 and 1982.



11 12 1
1982
11 12 1
1982

11 2 OCT 1982



Treasury Chambers, Parliament Street, SW1P 3AG

The Rt Hon The Baroness Young
Lord Privy Seal
Management & Personnel Office
Old Admiralty Building
Whitehall
LONDON SW1A 2AZ

27 October 1982

Dear Janet,

UPDATING SCHEDULE 1 TO THE HOUSE OF COMMONS DISQUALIFICATION ACT
1975

Thank you for your letter of 11 October.

As you know I agree that Schedule 1 should be updated and I am content with the amendments and explanatory notes covering Treasury and Customs and Excise appointments; no sitting MP or MEP is affected. Any changes to our lists of disqualifying offices will be promptly notified to your officials.

I am copying this letter to the recipients of yours.

Barney Hayhoe

BARNEY HAYHOE



27 OCT 1982

1 2 3 4 5 6 7 8 9 10 11 12

13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32



MINISTRY OF AGRICULTURE, FISHERIES AND FOOD
WHITEHALL PLACE, LONDON SW1A 2HH

From the Minister

The Rt Hon The Baroness Young
Lord Privy Seal
Management and Personnel Office
Whitehall
London
SW1

15 October 1982

R. Smeat

UPDATING OF SCHEDULE 1 TO THE HOUSE OF COMMONS DISQUALIFICATION ACT
1975

Thank you for sending me a copy of your letter of 11 October to the Home Secretary on this subject.

The amendments proposed in respect of my Department's entries are not entirely correct as presently drafted. I therefore attach revised entries covering a number of minor typing errors in the draft enclosed with your letter and incorporating a more substantial amendment in respect of the proposed entry for the Wine Standards Board (which our officials have recently agreed). I can confirm that these entries will not affect the position of any sitting MP or MEP. I also fully endorse the proposal to update the Schedule in the coming Session.

The review of the workings of this Act undertaken by your office, has prompted us to undertake a detailed review, not only of our current entries in the Schedule, but also of our departmental procedures for ensuring that our list of disqualifying offices is maintained up to date on a regular basis. I therefore see no problem in our being able to keep your office fully informed in the future - either on a regular or ad hoc basis - of any required changes to entries sponsored by my Department, together with explanatory notes if required.

I am copying this letter to the Prime Minister, other members of Cabinet, the Law Officers, Barney Hayhoe, Sir Robert Armstrong and First Parliamentary Counsel.

Peter Walker

PETER WALKER

PROPOSED AMENDMENTS

MINISTRY OF AGRICULTURE FISHERIES AND FOOD

PART III ADDITION

Entry in Schedule

Chairman of the Wine Standards Board
of the Vintners' Company (MAFF)

Explanatory Notes

The Board was set up in 1973 by a Memorandum of Agreement between the Minister of Agriculture, Fisheries and Food and the Vintners' Company. It has not been included in the Schedule previously because only since the beginning of 1981, have the operations of the Board been part-funded by the Government.

The Chairman is paid an honorarium of £1000 and is nominated by the Minister and formally approved by the Vintners' Company. Ministerial nominations are subject to prior consultation with SHHD, DANI and WOAD

PART III ADDITION

Chairmen of Regional Land Drainage
Committees of English Water
Authorities (MAFF)

The Committees are responsible for Water Authorities' programmes of land drainage/sea defence works, which are grant-aided by MAFF. The Committees were established by Schedule 5 to the Water Act 1973, superseded by the Land Drainage Act 1976, Section 2. Chairmen are paid £2675 pa and are appointed by the Minister from among his appointees to the relevant Water Authorities.

PART III AMENDMENT

Entry in Schedule

'Director of the Agricultural Mortgage Corporation Limited nominated by a Minister of the Crown or government department' to read:

'Director of the Agricultural Mortgage Corporation Public Limited Company nominated by a Minister of the Crown or government department' (MAFF)

Under the Companies Acts 1948-1980 the Corporation has re-registered as the Agricultural Mortgage Corporation plc. The Government Directors of the Corporation are appointed by Ministers and entitled to a salary of £2675 pa, which is payable from Corporation funds.

PART III - DELETION

Director of the British Sugar Corporation Limited appointed by the Ministers as defined by Section 17 of the Sugar Act 1956 (MAFF)

The Company changed its Articles of Association in 1982, they no longer provide for government appointed Directors.