



Mr. Phillips 31

Department of the Environment  
2 Marsham Street London SW1P 3EB  
Telephone 01-212 3434

CCSD

4 October 1984

TR.

Jan Miller

ABOLITION: BY-ELECTIONS

I have been considering whether we should legislate in the abolition Bill to restrict further the scope for the GLC or the MCCs to call "stunt" by-elections.

Section 2(3) of the Paving Act cancels all by-elections after 1 October 1985 other than:

- (a) vacancies pending on 1 October; or
- (b) where the number of vacancies exceeds one-third.

(a) means that individual by-elections could be held up to the first week of November, because a vacancy declared on 30 September might not be filled until 8 November. (b) means that there could be mass by-elections up to abolition day. Incidentally, Labour members could stage mass by-elections in all the MCCs, except Merseyside, without losing political control in the election period.

The London Government Act 1963 cancelled all by-elections from Royal Assent. The 1972 Act cancelled all by-elections from the end of that year - Royal Assent being received in October. We could legislate in the abolition Bill to prohibit by-elections (other than those pending) from Royal Assent, which we hope will be July 1985. This would follow the 1963 Act precedent.

The GLC by-elections had only a limited impact. Although some MCC leaders are making threatening noises, it is now rather less likely than seemed the case early in the summer that other Labour councillors will resign and force by-elections. If they did they would presumably choose a time most likely to embarrass the Government, ie May 1985, when the GLC/MCC elections would have been held, or critical dates as the Bill goes through Parliament. We could not prevent these by-elections. All we can do is ensure that no by-elections are held after August 1985.

Although such legislation would reduce the scope for potentially embarrassing by-elections and for wasting ratepayers' money on election gimmicks, it would introduce a controversial element into the Bill to counter a situation which may well not arise. Moreover, the GLC experience suggests that stunt by-elections harm opponents of abolition rather than the Government.

I therefore propose, subject to your views and those of Leon Brittan, not to include provision on by-elections in the abolition Bill.

I am copying this to Leon Brittan, the members of MISC 95, John Selwyn Gummer and Sir Robert Armstrong.

*[Handwritten signature]*  
*[Handwritten signature]*

KENNETH BAKER

The Rt Hon The Viscount Whitelaw CH MC DL *Lord President*

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NAPM  
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PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

9 October 1984

Dear Lord President

ABOLITION BY-ELECTIONS

attached

I have seen Ken Baker's letter of 4 October to you and I agree generally with its conclusion.

Although the position in the Metropolitan County Councils is not precisely the same as that of London and I am not therefore entirely persuaded that mass by-elections there would not damage our case, I do think that the most likely period in which this tactic might be used is the time when the Abolition Bill is going through Parliament. This danger could not be countered by the Abolition Bill and, since the powers which we took in the Paving Bill have been limited in operation to the period after 1 October 1985, to attempt to strengthen them now when there is no evidence of a greater danger in that period would seem to me to be over emphasising the problem. The more we can keep the question of elections out of the Abolition Bill, the better I shall be pleased.

I am copying this letter to Leon Brittan, Ken Baker, the other members of Misc 95, John Selwyn Gummer and Sir Robert Armstrong.

Yours sincerely

Charles Marshall

for JOHN BIFFEN

(approved by the Lord Privy Seal  
and signed in his absence)

Viscount Whitelaw CH MC  
Lord President of the Council

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- 9 OCT 1984





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70 Whitehall,  
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Telephone 01-233 3340

October 1984

Dear Michael,

**ABOLITION: BY-ELECTIONS**

The Paymaster General has seen Mr Baker's letter of 4 October. He has asked me to say that he agrees with the proposal not to include provisions on by-elections in the abolition Bill.

I am sending a copy of this letter to the Private Secretaries to the Home Secretary, the members of MISC 95 and to Richard Hatfield.

Yours sincerely,

Alex Galloway

A K GALLOWAY  
Private Secretary

Michael Bailey Esq  
Private Secretary to the  
Minister for Local Government  
Department of Environment  
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LONDON SW1P 3EB