

Prime Minister ②
CONFIDENTIAL To note be Attorney's
advice was raised
in Cabinet yesterday. AT 25/1.



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17 JAN 1985

SECRETARY OF STATE
TRANSPORT

ROYAL COURTS OF JUSTICE

LONDON, WC2A 2LL

16 January 1985

The Rt. Hon. Nicholas Ridley, MP,
Secretary of State for Transport,
Department of Transport,
2 Marsham Street,
LONDON, SW1P 3EB.

Sec of State to see
Mr Dorek - advice please
cc PS/Mrs Chalker
PS/Mr Spicer
PS/Sir Peter Lynam
Mr Holmes
Mr Beetham
Mr Blinks
Mr Oates
PSO

mb

Dear Nicholas.

DEBATE ON INSPECTOR'S REPORT ON STANSTED/HEATHROW
TERMINAL INQUIRIES

will request of
req'd.

Thank you for your letter of 8th January about the part
Ministers might play in the parliamentary debate on the
Inspector's report.

The position is that, having received the report you are
under a duty to act quasi-judicially until such time as
your decision is announced. In the meantime you should
say nothing which might pre-judge that decision, so that
when you come to address yourself to the question you may
do so genuinely, with a mind which is open to persuasion.

I do not think there can be any legal objection to outlining
the long and complex history of the matter provided, of
course, that the account is factual and accurate. Equally,
I think you could properly inform the House of the statement
of policy put forward by the Government at the Inquiry.
However, it should be made clear throughout the debate that
until you make your decision you remain open to argument
that the announced policy should be changed. Failure to

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approach the matter in this way could give rise to legal challenge on the grounds that you had precluded yourself from considering the Inspector's report fairly and without bias. It might also be considered to be inconsistent with the assurances given to the Inspector that the Government was prepared to put all its relevant airport policies at large.

I should add that the constraints to which I have drawn attention apply to all Ministers because they are collectively responsible for your final decision. It is of course for you to judge whether those constraints preclude Ministers from playing a useful part in the debate.

I am copying this letter to Ian Gow, John Biffin and John Cope.

Yours etc.
Michael