



Ref. A085/320

PRIME MINISTER
_____Cabinet: Parliamentary Affairs: Shops Legislation

BACKGROUND

On 16 January the Home and Social Affairs (H) Committee agreed a proposal by the Home Secretary to proceed with complete deregulation of shop opening hours on the lines recommended by the Auld Committee. The Lord President reported this conclusion to you and members of the Cabinet in his minute of 22 January. While agreed in their conclusions, the Committee were concerned (a) that the present law would be virtually unenforceable in the period between an announcement and the enactment of legislation, and (b) that opposition to the proposal in Parliament could be substantial and enactment could not be guaranteed, especially if there were a free vote. The Deputy Chief Whip, in his letter of 22 January to the Home Secretary, expanded on this second concern, and the using up of goodwill that a whipped vote might entail. The Chief Secretary has also written (29 January).

2. The Home Secretary is publicly committed to a debate in Parliament on the Auld Report "early in the year". H Committee felt, primarily for the reason at (a) above, that if possible the debate should be delayed until as near Easter as possible. The Home Secretary has indicated that he would like to raise the issue at Cabinet tomorrow, particularly to have the views of his colleagues on the timing of a debate.

MAIN ISSUES

3. The main issues are -



- (a) Do the Cabinet endorse H Committee's conclusion that the recommendations of the Auld Report on deregulation of shop opening hours should be implemented?
- (b) If so, when would it be best to hold the promised debate, what should be said in it about enforcement in the period before legislation, and should there be a free or a whipped vote?

Deregulation of Shop Opening Hours

4. The view at H Committee was that the present law was completely discredited and anomalous, and that the only sensible course was repeal of the relevant restrictions, as recommended by the Auld Committee. Most members of the Cabinet were present or represented at the H discussion. Since the Lord President reported to you on 22 January, no member of the Cabinet has commented on this aspect. It seems, therefore, that there is general agreement with what is proposed.

Timing of Debate

5. To honour the Home Secretary's commitment to a debate "early in the year", it seems necessary to hold a debate before Easter at the latest. H Committee were keen that the debate should be as late as possible in this period particularly to minimise the period during which the present law would be virtually unenforceable. There is an additional consideration. The Queen's Speeches and Future Legislation (QL) Committee are at present considering the content of next Session's legislative programme (including a bid from the Home Secretary for a Shops Bill) with the intention of bringing a complete set of proposals to Cabinet at the end of February or very early in March. It would be undesirable for the Cabinet to take a view on whether there should be legislation on shops next Session until they are able to consider the 1985-86 legislative programme as a whole.



It would also be undesirable to have a debate without being able to say whether or not there is the prospect of legislation next Session. It should be possible to avoid these difficulties if the debate is planned for mid to late March.

Enforcement

6. Once it is known that legislation is to be brought forward, there may be increasing disregard for and lack of enforcement of the existing law. On the other hand, as the Deputy Chief Whip's letter makes plain, it is not certain that legislation will pass. This must reinforce the case for taking the clear line that the present law should be enforced until Parliament has expressed its view on legislation.

Free Vote

7. It seems evident that there will be pressure for a free vote both on any Bill and on the debate. On the other hand it is extremely undesirable to have a free vote on an issue of Government policy. It may be possible to leave the question of a free vote on the Bill on one side for the present. So far as the debate is concerned, the issue may turn on the one hand on the desirability of the Government taking a firm line on the need to deal with the present discredited legislation, and on the other the need to avoid a significant Conservative backbench rebellion. But a free vote on the debate will make it more difficult to resist a free vote on the legislation later.

HANDLING

8. The Home Secretary will wish to speak first. The business managers will wish to speak on the issues of Parliamentary handling.



CONCLUSIONS

9. You will wish to record conclusions on:

- (a) The Auld recommendations on deregulation of shop hours.
- (b) The timing of a debate in the House of Commons.
- (c) What should be said about enforcement of the existing law.
- (d) Whether there should be a free vote.

Robert Armstrong

for ROBERT ARMSTRONG

30 January 1985