

NBRM

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*Secretary of the Cabinet and Head of the Home Civil Service*

Sir Robert Armstrong GCB CVO

Ref. A085/1693

21 June 1985

*Dear Tony*

Thank you for your letter suggesting that the next edition of Questions of Procedure for Ministers might contain rather clearer guidance relating to cases where Ministers may be contemplating private legal action. You may take it that I have noted this suggestion and am sympathetic towards it.

I am sending a copy of this letter to Robin Butler at No 10.

A handwritten signature in dark ink, appearing to read 'R P Hatfield'.

(R P Hatfield)  
Private Secretary

Tony Dyer Esq

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Questions of Procedure ; CABINET  
172.



NBPM

Ref. A085/1692

MR BUTLER <sup>16/85</sup>Questions of Procedure for Ministers

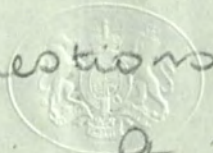
Thank you for your minute of 20 June supporting Tony Dyer's suggestion that the next edition of Questions of Procedure for Ministers might say something more on the subject of Ministers undertaking private legal actions.

2. I am very sympathetic of this request and have already set in hand some research into the past precedents - which as you know did not at first sight appear to support fully the clear assertion of principle made by the then Secretary of the Cabinet during consideration of the case of Lord Bethell. The results of this research will be included in the revision of the Cabinet Office Precedents Book (the "bible" that the Private Secretary to the Secretary of the Cabinet uses to help interpret the often very necessary general guidance in Questions of Procedure itself). My initial view is that we should not put very much into Questions of Procedure, so long as there is a clear and easily identifiable instruction to consult before taking any action: it is always difficult to legislate for individual cases (especially in legal matters) and I would not expect problems of this sort to arise very often.

R P HATFIELD

21 June 1985

CABINET : Questions of  
Procedure : Pt 2.



Questions

1. Will the Government be pleased to state whether the Government are aware of the fact that the Government of India have not yet decided to take any steps to improve the conditions of the Government of India?

2. Will the Government be pleased to state whether the Government are aware of the fact that the Government of India have not yet decided to take any steps to improve the conditions of the Government of India?

3. Will the Government be pleased to state whether the Government are aware of the fact that the Government of India have not yet decided to take any steps to improve the conditions of the Government of India?

4. Will the Government be pleased to state whether the Government are aware of the fact that the Government of India have not yet decided to take any steps to improve the conditions of the Government of India?

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10 DOWNING STREET

*From the Principal Private Secretary*

MR HATFIELD

QUESTIONS OF PROCEDURE FOR MINISTERS

I have seen Tony Dyer's letter of 19 June to you and I have some sympathy with his suggestion that we do need to beef up Questions of Procedure for Ministers on the question of libel suits by Ministers in office. I would therefore support the suggestion that this should be marked down as a passage to be looked at again when the document next comes to be revised.

feb.

20 June 1985

SKW



FROM THE PRIVATE SECRETARY TO THE LEADER OF THE HOUSE  
AND THE CHIEF WHIP

19 June 1985

Dear Richard

In the light of Lady Cox's proposed libel action against the Daily Express I wonder whether it might not be useful to have a look at the adequacy of the guidance in Questions of Procedure for Ministers about the bringing of legal actions.

As far as I can see, the only guidance that document contains on the institution of legal proceedings is set out in paragraph 24. But I must admit that I did not find it until after the event because it is tucked away, where one would not logically expect to find it, at the end of the section dealing with Cabinet Procedure; and it is not referred to at all in the corresponding section in the summary of QPM. In many ways this is perhaps fortuitous because the obverse of paragraph 24 is that approval is not needed when official responsibilities are not involved. If Lady Cox had been more familiar with QPM it occurs to me that she might well have construed official responsibilities quite narrowly and come to the conclusion that she could go ahead without approval. Quite clearly, however, the sort of action which Lady Cox had in contemplation has considerable potential for embarrassment, and ought not to be embarked upon without appropriate approval.

My purpose in writing is therefore only to suggest that, when Questions of Procedure for Ministers next falls due for revision, it might be worthwhile giving a more prominent position to the present material on the institution of legal proceedings by Ministers which also made it absolutely clear that any action with a potential for political embarrassment required an appropriate level of approval. And since it is the first place that one looks, it might also be helpful to have a reference in the preceding digest of QPM.

Copies of this letter go to Robin Butler and Jean Caines at No.10, Joan MacNaughton in the Lord President's Office, and Steve Hyett in the Attorney General's Office.

Yours ever

A R DYER  
Assistant Private Secretary

Tony Dyer

Richard Hatfield Esq  
Private Secretary to Sir Robert Armstrong  
Cabinet Office