

CONFIDENTIAL



ZF

F

70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

*From the Secretary of the Cabinet and Head of the Home Civil Service*  
Sir Robert Armstrong GCB CVO

Ref. A086/224

MR MORRIS

cc Mr Wicks ✓  
Miss MacNaughton  
Mr MacLean

Questions of Procedure for Ministers (QPM)

Following Mr Wicks's minute of 20 January, the Cabinet Office will be replying to the renewed request for the release of Questions of Procedure for Ministers on the lines of the draft attached.

2. I do not know whether the Lord Privy Seal will also wish to have a word with Mr Terence Higgins MP.

MS

Private Secretary

21 January 1986

CONFIDENTIAL

DRAFT LETTER FROM MR R A C HEWES TO THE CLERK OF THE  
TREASURY AND CIVIL SERVICE SUB-COMMITTEE

Questions of Procedure for Ministers

You wrote to me on 14 January repeating the request for a copy of Questions of Procedure for Ministers to be made available to the Sub-Committee. This renewed request has been considered carefully once again, but it is not considered that the reported circumstances to which you refer change the position. The fact that a former Minister has retained a document and is now prepared to quote from it does not in the Government's view justify the release of a Cabinet document which is, as such, in the category of documents which are not, by the long standing practice of successive Governments, released to Select Committees or more generally published.

CABINET  
QUESTIONS OF  
PROCEDURE  
P 42



MR. NORRGROVE

QUESTIONS OF PROCEDURE FOR MINISTERS

Over the weekend the Prime Minister saw a minute from Robert about publication of this document. She said that she would be inclined to the view that the document should not be given to the TCSC since that if we start publishing Cabinet documents there will be no end. Past Prime Ministers know this and would, she believed, have taken a similar view during their stewardship. (This remark was prompted by information that Callaghan was minded to write to the Chairman of the TCSC that he would have no objection to the release of his Administration's version of the document.)

The Prime Minister wanted to consult the Lord President and other colleagues on Monday evening or Tuesday if possible. Cabinet Office tell me that Mr. Callaghan intends to write off this afternoon to the Select Committee and wants to know the Government's view on this Administration's intentions regarding publication of the document. I have therefore consulted Ministers on the telephone.

- The Lord President agrees strongly with the Prime Minister's view that the document should not be published.
- The Chief Whip is disinclined to publish.
- The Lord Privy Seal sees nothing to be gained from publication.

In the light of this unanimity, can I tell Armstrong's office that the Government does not intend to submit QPM to the TCSC?

(NIGEL WICKS)

20 January 1986

DN Seen



Prime Minister  
to note.

2

Ref. A086/199

MR WICKS

N.C.U.

20.1

Questions of Procedure for Ministers

When I received my copy of your letter of 20 January to Miss MacNaughton, I rang up to see if Mr Callaghan would wait for a decision until tomorrow. He said that he was not prepared to defer his answer on the matter until tomorrow: he wanted to get it out today in order to spike Mr Benn's guns.

2. You accordingly undertook further consultations, and confirmed that the general view was that QPM should not be published. I understand that you were able to confirm that the Prime Minister was content with that view.

3. I spoke to Mr Callaghan, to tell him that the Government's view was that the document should not be published. I said that this was not so much a matter of the sensitivity of the contents as the fact that it was a Cabinet document, and it was undesirable to set a precedent for publishing Cabinet documents or releasing them to Select Committees. Mr Callaghan said that he understood that, though he regarded QPM as being in a slightly different category from other Cabinet documents, in that it dealt with questions of procedure and defined relationships of Ministers to each other and to the Prime Minister. I reminded him that much of it was in fact in the public domain in one form or another. The standard text books contained a good deal about such matters as collective responsibility; and the doctrine on the private interests of Ministers had been set out in a memorandum submitted by the then Secretary of the Cabinet to the --- Royal Commission on Standards of Conduct in Public Life in 1975; copies of that document are in the Library of the House of Commons.

4. Mr Callaghan noted these references, and said that he would refer to that memorandum in his answer. He recognised that it was for the Government to decide whether to release the document.



Nonetheless, in order to forestall Mr Benn, he was saying in a letter, a copy of which would be released to the press, that, while it was up to the Government to decide whether the document should be published, he personally had refreshed his memory of the version issued when he was Prime Minister, and could see no reason why its contents need continue to be regarded as confidential.

5. I am sending copies of this minute to the Private Secretaries to the Lord President, the Lord Privy Seal and the Chief Whip.

RA

ROBERT ARMSTRONG

20 January 1986

ROYAL COMMISSION ON STANDARDS OF CONDUCT  
IN PUBLIC LIFE

MINISTERS' PRIVATE INTERESTS

MEMORANDUM BY THE SECRETARY OF THE CABINET

1. The Commission have asked for evidence on the regulation of private financial and business interests of Ministers of the Crown.

2. The principles which should guide Ministers in deciding whether they may properly continue to hold Company Directorships and similar offices have been stated from time to time in the House of Commons, for example by Sir Henry Campbell-Bannerman in March 1906, by Mr. Neville Chamberlain in July 1939, and by Mr. Winston Churchill in February 1952: a historical note on such statements is at Annex A.

3. The principles are summed up in the injunction that:

"Ministers must so order their affairs that no conflict arises, or appears to arise, between their private interests and their public duties."

4. For many years it has been the practice of successive Prime Ministers to give written guidance to all Ministers on these matters. This guidance has been expanded and refined over the years in the light of experience. Its current formulation is reproduced at Annex B which constitutes the main reply to the Commission's request.

5. The Commission may also wish to be aware that, on the related matter of the acceptance of gifts or services from commercial undertakings, guidance is given similarly to all Ministers in the following terms:

"It is a well-established and recognised rule that no Minister or public servant should accept gifts or services which would place him under an obligation to a commercial undertaking.

"This is primarily a matter which must be left to the good sense of Ministers. But if any Minister finds himself in doubt or difficulty over this, he may seek the Prime Minister's guidance."

*Application of the rules in practice*

6. Following the issue of written guidance by the Prime Minister, the onus rests with individual Ministers to order their affairs in conformity with it. The action required is clearly more complex for some newly appointed Ministers than for others: but the determination of the steps required appears to present little difficulty in practice. Inevitably, however, cases of doubt arise from time to time and these are referred to the Prime Minister of the day for decision; sometimes, experience of such cases leads to further refinement of the guidance to Ministers. The Prime Minister is advised by the Secretary of the Cabinet on these matters.

*Former Ministers*

7. The Commission have also sought my comments on the question of former Ministers' taking employment or acquiring interests on leaving office.

8. The guidance at Annex B does not extend to former Ministers and clearly it would be difficult for the Government of the day to exercise a discretionary function in respect of Ministers of a former Administration of a different complexion. For this and other reasons it has generally been thought to be impracticable to apply rules to former Ministers.

9. Nevertheless, the principle enunciated in paragraph 3 above should constrain Ministers while in office to ensure that no conflict arises between their public duties and their foreseeable private interests on leaving office. Former Ministers who remain Members of Parliament continue to be bound, of course, by the Parliamentary code of conduct.

10. I am not conscious of any criticism attaching to former Ministers on this matter which suggests a need to attempt to introduce any further control.

(Signed) JOHN HUNT.

*Cabinet Office,*

*25 March, 1975.*



## Historical Note

1. Sir Ivor Jennings recorded nineteenth century attitudes to Ministerial tenure of directorships in the first paragraph of his discussion of "The Qualifications of a Minister"<sup>(1)</sup>:

The most elementary qualification demanded of a minister is honesty and incorruptibility. It is, however, necessary not only that he should possess this qualification but also that he should appear to possess it. Though Lord Palmerston laid down the obvious rule that ministers must not accept presents<sup>1</sup>, he did not object to ministers holding directorships. He saw "no objection to a member of the Government retaining other employment, provided that employment can be carried on without prejudice to the Queen's service, which has the paramount claim"<sup>2</sup>. Consequently, Mr. Childers remained Director of the London and County Bank while he was Civil Lord of the Admiralty, but resigned when he was appointed Financial Secretary to the Treasury<sup>3</sup>. The law officers were similarly allowed to engage in private practice until the briefing of the Attorney-General for *The Times* in the Parnell Enquiry led the subsequent Liberal Government to alter the rule<sup>4</sup>. The Cabinet at the same meeting "considered the practice, which has prevailed from time to time, of the holding of directorships and the like, more or less lucrative, by gentlemen having the honour to serve Your Majesty in political office. The Cabinet were of the opinion that such appointments ought to stand suspended, both as to emolument and attendance, during the tenure of office; but they postponed until some early day the consideration of the exact terms in which such a resolution ought to be embodied"<sup>5</sup>.

<sup>1</sup> Ashley, *Life of Lord Palmerston*, I, p. 130.

<sup>2</sup> *Life of Childers*, I, pp. 120-21.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Letters of Queen Victoria*, 3rd Series, II, p. 171.

<sup>5</sup> *Ibid.*

2. When Sir Henry Campbell-Bannerman came into office, he followed the principle which appears to have been laid down by Mr. Gladstone and which was afterwards adopted by the Liberal Party, requiring members of his Administration to resign their directorships. In reply to a Question on 20 March, 1906, Sir Henry stated<sup>(2)</sup>:

"The condition which was laid down on the formation of the Government was that all directorships held by Ministers must be resigned except in the case of honorary directorships, directorships in connection with philanthropic undertakings, and directorships in private companies. Every member of the Government has either complied with this understanding or is in process of complying with it."

3. He later said that by "private company" he meant "that class of company in which the interest of the Minister, if a director, is substantially the same as the interest of a partner in a business firm"<sup>(3)</sup>.

4. On 2 April, 1906, Sir Henry Campbell-Bannerman was asked upon what principle a Member of the Government was precluded from being a director of a public company but was allowed to act as managing director in a large private business. He replied<sup>(4)</sup>:

"It has been found in practice that it is inconvenient for Members of the Government to hold directorships unless in exceptional circumstances, and no inconvenience has arisen from Members of the Government being also concerned in the management of private businesses in which they are interested."

(1) Cabinet Government, 1st edition, p. 85.

(2) *Hansard*, Col. 234.

(3) *Hansard*, 22 March 1906, Col. 640.

(4) *Hansard*, Col. 186.

5. Jennings records<sup>(5)</sup> that the rule was followed by all subsequent Governments except for a temporary relaxation in the first National Government of 1931 (a stop-gap Government which would be reconstructed at the general election) when Ministers retained their directorships but did not take fees.

6. In the Marconi debate of 1913, when the question of share-holding was raised, Mr. Asquith laid down the following propositions<sup>(6)</sup>:

"The first . . . and the most obvious is that Ministers ought not to enter into any transactions whereby their private pecuniary interests might, even conceivably, come into conflict with their public duty. . . . Again, no Minister is justified under any circumstances in using official information, information that has come to him as a Minister, for his own private profit or for that of his friends. Further, no Minister ought to allow or to put himself into a position to be tempted to use his official influence in support of any scheme or in furtherance of any contract in regard to which he has an undisclosed private interest. . . . Again, no Minister ought to accept from persons who are in negotiation with or seeking to enter into contractual or proprietary or pecuniary relations with the State any kind of favour. . . . Ministers should scrupulously avoid speculative investments in securities as to which, from their position and their special means of early or confidential information, they have or may have an advantage over other people in anticipating market changes."

7. On 10 June, 1937, in replying to a Question about Ministers both inside and outside the Cabinet who were solicitors in private practice, Mr. Chamberlain said<sup>(7)</sup>:

"The rule laid down by Sir Henry Campbell-Bannerman in 1906 has since been followed by successive Prime Ministers, and will be followed by myself. This rule, however, applies only to directorships, and the hon. Member's question refers to solicitors in private practice . . . it would be unreasonable to require that a solicitor, on becoming a member of the Government, should dissolve his partnership or should be obliged to allow his annual practising certificate to lapse. On the other hand, he should, in accordance with the principle underlying Sir Henry Campbell-Bannerman's rule, cease to carry on the daily routine work of the firm or to take any active part in its ordinary business, although he should not be precluded from continuing to advise in matters of family trusts, guardianships, and similar cases. A certain amount of discretion must be allowed, since it is impossible to cover every conceivable case in any rule, but I am satisfied that under the conditions I have laid down every reasonable requirement of propriety will be fulfilled."

8. Sir Henry Campbell-Bannerman's rule was refined in relation to private companies by Mr. Chamberlain on 31 July, 1939<sup>(8)</sup>:

"At the time when this rule was announced the term 'private company' had no statutory significance and was used probably to cover companies dealing wholly or mainly with family interests. Since then the term has received a statutory definition which covers a very wide field and . . . such companies may control very large amounts of capital while their shares may be in turn controlled by public companies engaged in the

<sup>(5)</sup> Cabinet Government, 1st edition, p. 86.

<sup>(6)</sup> *Hansard*, 19 June 1913, Cols. 556-57.

<sup>(7)</sup> *Hansard*, Cols. 1953-54.

<sup>(8)</sup> *Hansard*, Cols. 1937-38.

widest possible range of activities. In these circumstances it is clear that if the term 'private companies' in Sir Henry Campbell-Bannerman's ruling were to be interpreted in the statutory sense it would travel far beyond the intentions of the original framers of the rule.

"Accordingly, after consultation with my colleagues, I propose to interpret the term in future as applying only to concerns dealing wholly or mainly with family affairs or interests and not primarily engaged in trading. Since this is not a rigid definition, the Prime Minister of the day must be the final judge of whether any particular directorship held by a colleague comes within the rule or not, and Ministers will, therefore, doubtless submit to his consideration any case about which there might be a doubt. This applies to honorary directorships as well as to directorships of private companies. I would add that, as was observed by Lord Baldwin when he was Prime Minister on 5th July, 1926:

'The safeguard against any difficulty such as the hon. Member appears to have in mind lies in the traditional standards of public life in this country.'

9. A consolidated statement of the principles governing Ministers' Directorships and Shareholdings was drawn up in 1952. Mr. Winston Churchill, in answer to a Question on 25 February, 1952, had the following circulated in *Hansard*(<sup>1</sup>), referring to it as general guidance which he had recently issued:

1. It is a principle of public life that Ministers must so order their affairs that no conflict arises, or appears to arise, between their private interests and their public duties.

2. Such a conflict may arise if a Minister takes an active part in any undertaking which may have contractual or other relations with a Government Department, more particularly with his own Department. It may arise, not only if the Minister has a financial interest in such an undertaking, but also if he is actively associated with any body, even of a philanthropic character, which might have negotiations or other dealings with the Government or be involved in disputes with it. Furthermore Ministers should be free to give full attention to their official duties, and they should not engage in other activities which might be thought to distract their attention from those duties.

3. Each Minister must decide for himself how these principles apply to him. Over much of the field, as is shown below, there are established precedents: but in any case of doubt the Prime Minister of the day must be the final judge, and Ministers should submit any such case to him for his direction.

4. Where it is proper for a Minister to retain any private interest, it is the rule that he should declare that interest to his colleagues if they have to discuss public business in any way affecting it, and that he should entirely detach himself from the consideration of that business.

5. Ministers include all members of the Government except unpaid Assistant Government Whips.

#### *Directorships*

6. Ministers must on assuming office resign any directorships which they may hold, whether in public or in private companies and whether the directorship carries remuneration or is honorary. The only exception to this rule is that directorships in private companies established for the maintenance of private family estates, and only incidentally concerned in trading, may be retained subject to this reservation—that if at any time the Minister feels that conflict is likely to arise between this private interest and his public duty, he should even in those cases divest himself of his directorship. Directorships or offices held in connection with philanthropic undertakings should also be resigned if there is any risk of conflict arising between the interests of the undertakings and the Government.

(<sup>1</sup>) Cols. 702-3.

*Shareholdings*

7. Ministers cannot be expected, on assuming office, to dispose of all their investments. But if a Minister holds a controlling interest in any company considerations arise which are not unlike those governing the holding of directorships and, if there is any danger of a conflict of interest, the right course is for the Minister to divest himself of his controlling interest in the company. There may also be exceptional cases where, even though no controlling interest is involved, the actual holding of particular shares in concerns closely associated with a Minister's own Department may create the danger of a conflict of interest. Where a Minister considers this to be the case, he should divest himself of the holding.

8. Ministers should scrupulously avoid speculative investments in securities about which they have, or may be thought to have, early or confidential information likely to affect the price of those securities.

10. This statement was circulated again in *Hansard* on 28 January, 1960<sup>(10)</sup>.

11. In an Answer on 15 December, 1966<sup>(11)</sup>, Mr. Wilson said that these rules about conflict of interests had not changed and were still being operated.

12. On the related matter of the acceptance by Ministers of gifts and services from commercial undertakings, Mr. Winston Churchill said in answer to a Question on 20 February, 1952<sup>(12)</sup>:

"... it is well understood that no Minister or public servant should accept gifts or services which would place him under an obligation to a commercial undertaking."

*Former Ministers*

13. On 20 November, 1962, Mr. Macmillan was asked if he would consider introducing legislation prohibiting Ministers from moving to executive positions in industry and commerce during a specified period. In replying to this and a related Question he said<sup>(13)</sup>:

"I do not think that such legislation would be wise or necessary. . . . I think that it is desirable and beneficial to the country that men of considerable experience should be available, when they leave the Government, to the service of industry and commerce."

14. On 20 June, 1968, Mr. Wilson, when asked whether he would seek to require a minimum period of four years to elapse before Ministers took up appointments in commercial concerns with which they or their Departments had had administrative relations, replied<sup>(14)</sup>:

"No. I think that these matters are better left to the discretion and good sense of the individuals concerned."

(10) Cols. 372-73.

(11) *Hansard*, Col. 657.

(12) *Hansard*, Col. 230.

(13) *Hansard*, Cols. 999-1,000.

(14) *Hansard*, Col. 171.

### Ministers' Private Interests

1. The principles which should guide Ministers in deciding whether they may properly continue to hold Company Directorships and similar offices have been stated from time to time in the House of Commons. The conventions at present to be observed are set out below.

2. It is a principle of public life that Ministers must so order their affairs that no conflict arises, or appears to arise, between their private interests and their public duties.

3. Such a conflict may arise if a Minister takes an active part in any undertaking which may have contractual or other relations with a Government Department, more particularly with his own Department. It may arise, not only if the Minister has a financial interest in such an undertaking, but also if he is actively associated with any body, even of a philanthropic character, which might have negotiations or other dealings with the Government or be involved in disputes with it. Furthermore Ministers should be free to give full attention to their official duties, and they should not engage in other activities which might be thought to distract their attention from those duties.

4. Each Minister must decide for himself how these principles apply to him. Over much of the field, as is shown below, there are established precedents; but in any case of doubt the Prime Minister of the day must be the final judge, and Ministers should submit any such case to him for his direction.

5. Where it is proper for a Minister to retain any private interest, it is the rule that he should declare that interest to his colleagues if they have to discuss public business in any way affecting it, and that he should entirely detach himself from the consideration of that business.

6. Ministers comprehend all members of the Government, including Assistant Government Whips. They do not include Parliamentary Private Secretaries.

#### *Directorships*

7. Ministers must on assuming office resign any directorships which they may hold, whether in public or in private companies and whether the directorship carries remuneration or is honorary. The only exception to this rule is that directorships in private companies established for the maintenance of private family estates, and only incidentally concerned in trading, may be retained subject to this reservation—that if at any time the Minister feels that conflict is likely to arise between this private interest and his public duty, he should even in those cases divest himself of his directorship. Directorships or offices held in connection with philanthropic undertakings should also be resigned if there is any risk of conflict arising between the interests of the undertakings and the Government.

#### *Partnerships*

8. Ministers who are partners in professional firms, as, e.g. solicitors, accountants, etc., should on assuming office, cease to play any part in the day-to-day management of the firm's affairs. They are not necessarily required, however, to dissolve their partnership or to allow, e.g. their annual practising certificate to lapse. Beyond this it is not possible to lay down precise rules applicable to every case; and any Minister who is in doubt about his personal position in this respect should consult the Prime Minister.

### Shareholdings

9. Ministers cannot be expected, on assuming office, to dispose of all their investments. But if a Minister holds a controlling interest in any company, considerations arise which are not unlike those governing the holding of directorships; and, if there is any danger of a conflict of interest, the right course is for the Minister to divest himself of his controlling interest in the company. There may also be exceptional cases where, even though no controlling interest is involved, the actual holding of particular shares in concerns closely associated with a Minister's own Department may create the danger of a conflict of interest: where a Minister considers this to be the case, he should divest himself of the holding. There may also be less clear-cut cases where a Minister would feel it appropriate to place his holding in the hands of trustees.

10. Ministers should scrupulously avoid speculative investments in securities about which they have, or may be thought to have, early or confidential information likely to affect the price of those securities.

### "Names" at Lloyds

11. A Minister cannot properly continue to be a "name" at Lloyds while holding office as Prime Minister, Chancellor of the Exchequer or Secretary of State for Trade. In each case he is required to suspend his underwriting activities. As regards other Ministers who, on appointment to office, are "names", it is clearly inappropriate that they should take an active part in the management of the affairs of the syndicates of which they are members; and there may be cases in which, because of the emphasis of a syndicate's business, any continued participation in it must be regarded as inconsistent with the holding of a particular Ministerial office. All Ministers are therefore required, on appointment whether to their first or to any subsequent Ministerial office, to obtain the permission of the Prime Minister before continuing a connection with Lloyds, however nominal, which they had established before appointment or establishing any such connection during their term of appointment. Before granting permission, the Prime Minister will need to be satisfied that the conditions indicated above will be met.

### Pension arrangements

#### Participation in the Parliamentary Contributory Pension Fund

12. Under the terms of the Parliamentary and Other Pensions Act 1972, a Minister will be required to contribute to the Parliamentary Contributory Pension Fund in respect of his Ministerial salary (less, if he is a Member of the House of Commons, the difference between his reduced salary as a Member and a Member's ordinary salary) unless *within three months of his appointment* he elects not to do so. Details of the contributions required, and of the rates of personal and family benefit which accrue from participation in the Fund, can be obtained from the Fees Office.

13. A Minister who has accrued pension rights in another pension scheme may, if he elects to participate in the Fund in respect of his Ministerial salary, and if the rules of the other scheme permit, also elect *within three months of his appointment* to have the value of those accrued rights transferred to the Fund. The Fees Office will advise on the additional benefits which will be secured by such a transfer payment.

*articulation in other pension schemes*

14. A Minister who has accrued pension rights in another pension scheme and who does not (or cannot) elect for a transfer payment may leave these as "frozen" rights in the other scheme, with no further contributions being payable during his tenure of office. Alternatively, if the rights are secured by an insurance policy (and assuming that the rules of the other scheme so permit) the policy could be transferred to him, either on a paid-up basis or with the right to continue payment of the premiums himself.

15. If a Minister who expects to resume his former employment on ceasing to hold Ministerial office elects not to participate in the Parliamentary Fund in respect of his Ministerial salary, he may remain in active membership (that is, with continued payment of contributions, and with his period of office counting as continued pensionable employment) of any pension scheme relating to that employment *provided that this can be done under the rules of the scheme*. In these circumstances the continued contributions may be paid by the Minister alone, or by the former employer alone, or jointly, depending on the rules of the other scheme.

16. It must be emphasised that any arrangements made under paragraph 15 must not go outside the terms of the particular pension scheme. There would be no objection to a general alteration of the rules of a scheme when this is necessary to permit such arrangements; but approval could not be given for the addition to the scheme of a special provision relating only to the tenure of a Ministerial office. If Ministers have any doubts about the propriety of any arrangements they intend making, the Prime Minister's Private Secretary may be consulted.

17. Where the Minister elects not to participate in the Parliamentary scheme in respect of his Ministerial salary, and no arrangements are made of the kind set out in paragraph 15, he may be entitled to claim tax relief on premiums paid under a "retirement annuity contract" to provide additional pension, etc., benefits for himself or provision for his family in the event of his death. Such contracts are issued subject to the limitations and conditions laid down in the Tax Acts. Relief is normally limited to 15 per cent of the Ministerial salary excluding, for a Minister in the Commons, the difference between his reduced salary as a Member and a Member's ordinary salary; there is also an overriding limit which varies according to individual circumstances. In some cases higher limits apply to those born before 1916.

18. The taxation effects of arrangements such as are mentioned in the paragraphs above may vary according to the Minister's particular circumstances. The Controller, Superannuation Funds Office, Inland Revenue, Apex Tower, High Street, New Malden, Surrey, KT3 4DN, will be willing to explain the effects for tax purposes of any proposed arrangement under paragraph 15; he will also give, on request, further information on the legislation and reliefs available in respect of retirement annuity contracts. Alternatively a Minister may, if he prefers, make his enquiry through the Financial Secretary, Treasury.

JDS AHR

CONFIDENTIAL



10 DOWNING STREET

*From the Principal Private Secretary*

20 January, 1986.

QUESTIONS OF PROCEDURE FOR MINISTERS (QPM)

The Prime Minister would like to discuss with the Lord President, at their meeting tomorrow at 1215, the matter raised in Sir Robert Armstrong's minute attached concerning the release of Questions of Procedure for Ministers to the Treasury and Civil Service Select Committees.

The Prime Minister has commented that she is inclined to the view, set out in paragraph 4 of Sir Robert's minute, that if the Government starts publishing Cabinet documents, there will be no end to that procedure. Past Prime Ministers know this, and would, she believes, have taken a similar view during their stewardship.

I am sending copies of this letter to David Morris (Lord Privy Seal's Office), and Murdo Maclean (Chief Whip's Office) so that they know the matter will be raised at tomorrow's meeting.

N.L. Wicks

Miss Joan MacNaughton,  
Lord President's Office.

Al

CONFIDENTIAL





10 DOWNING STREET

*From the Principal Private Secretary*

SIR ROBERT ARMSTRONG

QUESTIONS OF PROCEDURE FOR MINISTERS (QPM)

As you know from my letter to Joan MacNaughton of today, the Prime Minister sought the views of the Lord President, Lord Privy Seal and Chief Whip about the recommendation in your minute that MPO should continue to refuse to submit a copy of QPM to the Treasury and Civil Service Sub Committee ((TCSC)).

The Lord President, Lord Privy Seal and Chief Whip all agree with the Prime Minister's inclination that the TCSC request for a copy of QPM should indeed be refused. The Prime Minister believes that once Ministers start publishing Cabinet documents, there will be no end to that process.

I am sending a copy of this minute to the Private Secretaries to the Lord President, Lord Privy Seal and Chief Whip.

N.L. WICKS

20 January 1986

CONFIDENTIAL

Prime Ministers'

Agree to continue to refuse to give the TCSC QPM?

N.L.W. 17.1

Ref. A086/175  
PRIME MINISTER

Will consult with Lord Privy Seal

colleagues on

Monday evening

if possible on Monday

Questions of Procedure for Ministers (QPM)

If I am not likely to be asked would you consult Lord Privy Seal - chief why

1. You agreed in December that the Cabinet Office (MPO) should refuse the Treasury and Civil Service Sub-Committee request for a copy of QPM. You also agreed that the Lord Privy Seal should first explain the reasons for that decision to Mr Terence Higgins MP, the Chairman of both TCSC and the Liaison Committee. Both of these steps have been taken; but the Sub-Committee have renewed their request to the MPO "in case the circumstances surrounding Mr Benn's evidence to the Sub-Committee should have given you cause to reconsider your position".

2. There are probably two strands to this. Mr Benn is due to give evidence to the Sub-Committee next Wednesday, 22 January, and it has been reported in the press that his written evidence contains a copy of an earlier version of QPM. Mr Benn made an unsuccessful attempt in 1982 to put QPM on the record by laying it before the House or in the Library, and there is speculation that he will see the oral evidence session next Wednesday as an opportunity for another such attempt. Some members of the Sub-Committee may encourage him in this.

3. The second strand is of course the Westland matter. QPM deals explicitly with collective responsibility, clearance of Ministerial statements etc. An article in Saturday's Guardian has already linked this to the Sub-Committee's request.

4. None of this is reason for going back on your previous decision. QPM is a confidential Cabinet document and it would be contrary to the practice of successive Governments to make it available to the Select Committee or the House. I recommend that you agree that MPO should continue to hold that line.

I intend to check with the rest of the Ministers' Secretariat

to the end of P.M.

and know this

have taken a 1

CONFIDENTIAL

during the session



5. You will, however, want to have in mind the risk of embarrassment if you subsequently found that line untenable, under further pressure in the House, perhaps on a report from the Select Committee, which forced the release of QPM. You should also be aware that Mr Callaghan became aware of Mr Benn's intention, and asked to see the version of QPM which he issued as Prime Minister. He has since rung to say that he finds it "largely innocuous" and is minded to write to the Chairman of the TCSC saying that he would have no objection to its release: this, he feels, would spike Mr Benn's guns and make the matter one of academic interest, rather than turn it into a cause celebre. But he recognises that the decision on release is a matter for the present administration.

6. I am copying this minute to the Lord Privy Seal in view of his earlier involvement.

RA

ROBERT ARMSTRONG

17 January 1986

THE  
CONFIDENTIAL

