

Mr Adder

CF

Mr MacLean

From: Mrs L J Brown
Date: 10 October 1986

Mr Wicks

cc PS/Lord Privy Seal
PS/Mr Luce
PS/Sir Robert Armstrong
Miss M. L. L.
Mr Hewes
Mr Townley

DEFENCE COMMITTEE REPORTS ON WESTLAND: GOVERNMENT REPLY

I understand that the Chief Whip is seeing both Sir Humphrey Atkins and Mr Higgins on Monday, to give them a copy of the Government's reply to the Defence Committee's Reports on Westland.

I enclose three copies of the White Paper, one for the Chief Whip's own use and the other two to be handed over. I also enclose a speaking note and some defensive briefing.

L. J. Brown

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- RTA's office to send over Qad A.

SPEAKING NOTE FOR USE ON MONDAY 13 OCTOBER BY:

LORD PRIVY SEAL
CHIEF WHIP

DEFENCE COMMITTEE REPORT ON WESTLAND: GOVERNMENT REPLY

In the Third Report, the Government found the Committee's discussion of the various issues well-informed and most interesting.

The Committee raised a number of points in the Third Report, and the views of the Committee have been noted and are being taken into account by the Government.

The reply to the Fourth Report deliberately seeks not to go over yet again the events of earlier this year; the Government stands by the very full accounts that have already been provided to Parliament.

The Government has, however, commented on some of the Fourth Report's judgements and conclusions, in particular the final paragraphs dealing with accountability.

The reply sets out clearly the basic principles of Ministerial and civil service accountability, both to Parliament and to Select Committees; this builds on what was said in reply to the Seventh Report from the Treasury and Civil Service Committee.

The Government wishes to maintain the long-standing principles of accountability, and has been disturbed by recent moves by various Select Committees to call individual civil servants to account, instead of Ministers. Therefore, to ensure that these principles are maintained, the Government is making clear to civil servants one logical extension of Ministerial accountability - that they should not answer questions put by Select Committees about their own or other civil servants' conduct.

DEFENSIVE

Q. Is this consistent with the Government's pledges to assist the work of Select Committees.

A. Yes. We have no intention of going back on these pledges. The Government wishes to maintain a posture of constructive helpfulness to Select Committees, consistent with Ministerial accountability. We do not consider that Committees' attempts to pillory individual civil servants serve in any way the cause of open and informed debate. It is personal attacks on civil servants we are seeking to prevent, not the legitimate questioning of either them or Ministers.

Q. What is meant by 'conduct'?

A. We do not want to prescribe this in advance. We are not seeking to prevent Select Committees from legitimate questioning of civil servants or Ministers. It is the assumption of the role of a disciplinary tribunal that we consider inappropriate.

Q. Does the Government propose to change Standing Orders? On what constitutional basis will witnesses withhold this information?

A. Standing Orders are of course a matter for the House as a whole, not the Government. I can see no need to change them. We are simply pointing out the long-standing convention that Ministers, not civil servants, are accountable to the House.

Q. Will it be possible for Parliament to continue to carry out effective enquiries, such as the ones into de Lorean and the Crown Agents?

A. I can see no reason why this point should make any difference to the efficiency of Parliamentary scrutiny. It is not intended to.

Q. Would the same restriction apply to Select Committees other than departmental ones?

A. Yes.

[NOTE: The position with regard to the PAC is difficult, because Accounting Officers, not Ministers, give evidence to that Committee. If pressed on the PAC, you are advised to avoid giving a definite answer, on the lines of:

The PAC is in a special position, which we shall bear in mind.]