

17th February, 1981

Thank you so much for your very kind hospitality at lunch today.

I enjoyed my visit enormously, as I always do, and it was good to be with so many old friends again.

I admired, greatly, your speech in the Lords on 4th February.

With renewed thanks.

Lord Harris of High Cross.

HARRIS.



10 DOWNING STREET

17th February, 1981

Right to Work Bill

First of all, thank you very much for your kind hospitality at lunch yesterday. I enjoyed the occasion enormously.

Thank you for having handed to me the draft Bill which you will be discussing with others.

As you know, I share your views entirely. Indeed, I take the liberty of enclosing an extract from Hansard in our House for 7th February, 1979.

You may like to consider the possibility of amending the Trades Disputes Act 1927, so as to provide that no Public Authority should enter into a Closed Shop agreement.

For that connection, you may like to have a word with Stephen Abbott, whose telephone number is Liss 2878.

Ian Gow

Lord Harris of High Cross

b.c.c. Mr Rt. Hon. Sir Geoffrey Howe, Q.C., M.P.



## WORKERS' FREEDOM

3.48 p.m.

**Mr. Ian Gow (Eastbourne):** I beg to move,

That leave be given to bring in a Bill to protect the rights of workers by regulating picketing and the closed shop.

Yesterday the House granted leave to my hon. Friend the Member for Gloucestershire, South (Mr. Cope) to introduce a Bill of which I was a sponsor to clarify the law on picketing. This proposed Bill goes further. It seeks to amend the existing law, which is far from clear, to protect the rights of workers against what a growing number of trade unionists consider to be the twin evils of unreasonable picketing and the closed shop.

I deal first with picketing. Section 15 of the Trade Union and Labour Relations Act 1974 makes no reference to the number of pickets who may attend for the purpose of persuading peacefully a person to abstain from working. Yet in the consultation paper on picketing issued last November by the Department of Employment these words appear:

"The police can face problems of maintaining law and order at the scene of picketing, particularly in the rare cases"—

I wish to add that they are not now so rare—

"of mass picketing, where crowds can often be difficult to control."

The document continues

"The general public have an interest in not having the highway or footpaths obstructed, in not having the nuisance of crowds outside their premises or homes and in the avoidance of violence or other breaches of the peace."

I agree with the Secretary of State that it is the sheer numbers of pickets that can, and do, intimidate those who wish to work. We must allow peaceful communication and persuasion, but we must not allow intimidation to replace peaceful persuasion.

This proposed Bill would limit the number of pickets in any one place. I suggest 10 at each factory entrance or plant. However, the exact number is a matter which can be dealt with in Committee.

The Trade Union and Labour Relations (Amendment) Act 1976 changed the law so as to give immunity to almost all secondary picketing—that is, immunity

from civil action even when secondary picketing induces a breach of contract between parties neither of whom is involved in the industrial dispute. The 1976 Act, which was presented to Parliament under the dubious dual paternity of the Lord President and the Attorney-General, removed the previous vital limitation that immunity from legal action applied only to inducing a breach of contract of employment. The Government have extended the legal immunity to those inducing breaches of any contract, including commercial contracts.

When the 1976 Act was going through the House, my right hon. Friend the Member for Lowestoft (Mr. Prior) warned that it would open the way to a vast extension of blacking and blockading. Workers who have been in no way involved in a dispute, including those in my constituency, have been flung out of work. We are now reaping a fearful harvest of the failure to heed the warnings given from these Benches three years ago. The case for reverting to the pre-1976 law is overwhelming.

Another change in the law introduced by the present Government has had a powerful effect in strengthening the hands of the secondary picket. The threat that anyone who goes through a picket line may have his union card withdrawn is often enough to stop a lorry going through. Where there is a closed shop, the loss of a union card will mean the loss of a man's livelihood. By encouraging and legalising the closed shop, the Labour Party has done more to make secondary picketing effective than any change in the law of picketing.

That brings me to the closed shop. The founding fathers of the trade union movement, and indeed the founding fathers of the Labour Party, would be appalled to know that nowadays workers are being conscripted into the unions as a precondition of employment instead of joined willingly. [HON. MEMBERS: "They are frogmarched".] The unions should be able to sustain their membership on a voluntary basis and not under coercion.

**Mr. Dennis Canavan (West Stirling-shire):** What about the lawyers?

**Mr. Gow:** I am coming to the lawyers. The legal profession is often criticised as a closed shop. The House knows that

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I am a solicitor. My trade union is the Law Society. On 1 January 1979 there were 32,000 solicitors in practice, of whom 25,500 only were members of the Law Society. Thus there are 6,500 solicitors, more than 20 per cent. of the total, who are not members of the trade union. The closed shop is being extended all the time.

With each new closed shop agreement we move nearer to a closed shop Britain. It is not union bashing to make that assertion. It is the plain truth. In other EEC countries and in the United States the closed shop is either unlawful or damages are available for those who suffer its consequences. We must never argue that we will abandon justice for the minority because the majority is too powerful. Too many liberties have been eroded or are under attack today for the Tory Party to pass by on the other side when a man has been robbed of his employment and stripped of his right to work.

The Prime Minister told the House yesterday that he is at present engaged in discussions with the TUC about the closed shop. I wish I could believe that a code of practice would work or would be permitted to work by the trade unions. The trade unions will never agree to a proper or effective code of practice since they have acquired their increased power largely because of the closed shop.

The law no longer recognises conscientious objection, except on the narrow basis of religious belief, as grounds for exemption from trade union membership. That law should be changed along the lines of the recently concluded agreement between the GLC and its 15,000 manual workers. That agreement provides that

"an employee shall be exempted from the obligation regarding trade union membership if he or she genuinely objects on grounds of religious belief or personal conviction to being a member of any trade union whatsoever."

The GLC has set a pattern that should be backed up by the protection of Parliament and the law.

It is clear that the Government have decided to make no change either in the law of picketing or about the closed shop. That is hardly surprising given the attitude of the Prime Minister. On page 254 of the autobiography of his noble Friend Lord Wigg, the former Paymaster General, he described the Prime

Minister's attitude to the paymasters of the Labour Party. He wrote:

"I remember Callaghan describing to me way back in the '40s his own recipe for political success—wait till the trade unions decide their line and then follow them."

The present Government have neither the courage nor the resolution to introduce these long overdue reforms. It is time that they made way for my right hon. Friends who have that courage.

3.57 p.m.

Mr. Doug Hoyle (Nelson and Colne)  
*rose—*

Mr. Speaker: Is the hon. Member rising to oppose?

Mr. Hoyle: I am indeed, Mr. Speaker.

The hon. Member for Eastbourne (Mr. Gow) is always giving the game away. He always opposes anything to do with good industrial relations. The present game of the Opposition is to play on the politics of ignorance. They are using scaremongering tactics. This follows their previous appeals on the massive social security frauds and the flood of immigrants. It is now the widespread lawlessness of pickets or the inequities of the closed shop. It is the usual pattern. They are pursuing the politics of mischief making. They are not interested in good industrial relations or the fact that there are talks between the Government and the TUC and that there is a new concordat on the way. I shall allow them to smile, but nevertheless it is coming. There will be a code of conduct on picketing, but they choose to believe that there is not because they see party political advantage in doing so. But one opinion poll does not mean that they will win the general election. They might be crowing too soon.

The Opposition are trying to take away the liberties of ordinary people which have existed since 1906. These are liberties that have allowed people in a trade dispute peacefully to persuade others not to work. That is the liberty of the ordinary people that they are trying to take away. It is union bashing of the crudest sort. I am amazed that they never learn their lesson. We shall have successive Ten-Minute Bills devoted to picketing and asking that the proposed law be introduced, despite the fact that the Tory Industrial Relations Act 1971



[Mr. Hoyle.] showed that the law had no place in good industrial relations. They are returning to it because they believe that it is electorally possible and probable that they will get away with it and panic the people of this country. But it will not lead to industrial peace.

Mr. Jerry Wiggin (Weston-super-Mare): What about the Bill?

Mr. Speaker: Order. I gather that these are the hon. Gentleman's reasons for opposing the Bill.

Mr. Hoyle: The hon. Gentleman neglected to say that the closed shop is welcomed also by management. A survey of managements in which closed shop operated showed that 75 per cent. saw advantages in it. It leads to better industrial relations and order in industrial relations.

Conservatives are always talking about the odd exceptions in which people lose their livelihoods. They neglect to tell us that those who lose their livelihood have the right of appeal to the courts which they always portray as the upholders of justice. What are they complaining about? Also, people who lose their livelihood have a right of appeal to the TUC—to an independent court with a professor of law as the chairman. I do not understand what all the fuss is about. Of course, it is just part of the campaign that the Opposition are building up.

We can all hear the Tories' boots on the cobblestones as they march along, because we all know what they want. They want to weaken the trade union movement in this country. They have not even caught up with current events. They are still talking about secondary picketing, yet in the hospital dispute it is all primary picketing. I have no doubt that we shall have a spate of Bills soon on primary picketing. It is very strange that we never hear a word about picketing when it is ineffective. We have not heard a word from the Tories about Garners' steak houses where workers get disgraceful wages, and where they have been out for 12 months.

I hope that the House will reject this ill conceived and mischievous Bill.

10 M 30

Mr. Michael Jopling (Westmorland): On a point of order, Mr. Speaker. There is a custom in this House that when we make speeches we declare our interests. The hon. Member for Nelson and Colne (Mr. Hoyle) holds an extremely important position in a very large trade union. I am not complaining about that, but is it not right that he should declare his interest?

Mr. Hoyle: There is nothing secret about that. If the hon. Member for Westmorland (Mr. Jopling) cares to look at the Register of Members' Interests, he will find my position stated there. I have never hesitated to state my interest. In fact, I am very proud of my position.

Mr. Jerry Wiggin (Weston-super-Mare): On a point of order, Mr. Speaker. You rebuked me earlier, Mr. Speaker, and I apologise for speaking from a sedentary position. But it is the convention that points of order should not be raised during Question Time or Ten-Minute Bills. Recently you have made it your practice, with the support of the whole House, to indicate that questions should be related to the questions tabled. In the same way, surely speeches on Ten-Minute Bills should be related to the Bills before the House? It was for that reason that I raised the matter from a sedentary position.

Several Hon. Members rose—

Mr. Speaker: Order. There is no need for excitement. I do not know whether the hon. Member for Weston-super-Mare (Mr. Wiggin) was here to listen to the speech of his hon. Friend the Member for Eastbourne (Mr. Gow). If he was, he will know that I allowed a great deal of latitude. I think that we should now move on to the Division and let the House make up its mind.

Mr. Eric S. Heffer (Liverpool, Walton): On a point of order, Mr. Speaker. I appeal to the House as someone who has been rebuked by yourself on many occasions. When an hon. Member is rebuked, he should accept it and not argue.

Sir Derek Walker-Smith (Hertfordshire, East): On a point of order, Mr. Speaker. For the avoidance of doubt, would you make it clear, following what



was said by the hon. Member for Nelson and Colne (Mr. Hoyle) in extenuation of his failing to declare his interest, that the fact that an interest is registered in the Register of Members' Interests in no way takes away the responsibility of an hon. Member to declare that interest?

**Mr. Speaker:** The right hon and learned Gentleman is quite correct. To record an interest in the register is not sufficient, but I am in no way rebuking anyone on this matter. I am sure that the hon. Member for Liverpool, Walton (Mr. Heffer) was merely casting his bread on the waters.

**Mr. Hoyle:** I am never afraid of declaring my interest, but if it is right for this side of the House to do so, it is right that Conservative Members should do so, too. The hon. Member for Eastbourne should have declared that he is the director of a company.

*Question put, pursuant to Sunding Order No. 13 (Motions for leave to bring in Bills and Nomination of Select Committees at Commencement of Public Business):—*

*The House divided: Ayes 179, Noes 178.*

## Division No. 72]

## AYES

[4.04 p.m.

Adley, Robert  
Arnold, Tom  
Atkins, Rt Hon H. (Spelthorne)  
Atkinson, David (B'mouth, East)  
Baker, Kenneth  
Banks, Robert  
Berry, Hon Anthony  
Biffan, John  
Blaker, Peter  
Body, Richard  
Boucawen, Hon Robert  
Boyson, Dr Rhodes (Brent)  
Brittan, Leon  
Brooke, Hon Peter  
Broiherton, Michael  
Buchanan-Smith, Alick  
Buck, Antony  
Bulmer, Esmond  
Burden, F. A.  
Butler, Adam (Bosworth)  
Carlisle, Mark  
Chaiker, Mrs Lynda  
Clark, Alan (Plymouth, Sutton)  
Clark, William (Croydon S)  
Cooke, Robert (Bristol W)  
Cope, John  
Cormack, Patrick  
Costain, A. P.  
Critchley, Julian  
Crouch, David  
Douglas-Hamilton, Lord James  
Drayson, Burnaby  
du Cann, Rt Hon Edward  
Dunlop, John  
Durant, Tony  
Eden, Rt Hon Sir John  
Elliott, Sir William  
Eyre, Reginald  
Fairbairn, Nicholas  
Fairgrieve, Russell  
Farr, John  
Fisher, Sir Nigel  
Fletcher, Alex (Edinburgh N)  
Fookes, Miss Janet  
Forman, Nigel  
Fox, Marcus  
Freud, Clement  
Gardiner, George (Reigate)  
Gilmour, Rt Hon Sir Ian (Chesham)  
Gilmour, Sir John (East Fife)  
Glyn, Dr Alan  
Goodhart, Philip  
Goodhew, Victor  
Grey, Hamish  
Grieve, Percy  
Grinstead, Rt Hon J.  
Grist, Ian  
Grylls, Michael  
Hamilton, Archibald (Epsom & Ewell)  
Hamilton, Michael (Salisbury)  
Hannam, John

Harvie Anderson, Rt Hon Miss  
Haselhurst, Alan  
Hastings, Stephen  
Havers, Rt Hon Sir Michael  
Hawkins, Paul  
Hayhoe, Barney  
Heseltine, Michael  
Hodgson, Robin  
Holland, Phillip  
Howe, Rt Hon Sir Geoffrey  
Howell, David (Guildford)  
Howell, Ralph (North Norfolk)  
Howells, Geraint (Cardigan)  
Hutchison, Michael Clark  
Irving, Charles (Cheiltenham)  
James, David  
Jenkin, Rt Hon P. (Wansl'd&W'd'd)  
Jessel, Toby  
Jones, Arthur (Daventry)  
Jopling, Michael  
Joseph, Rt Hon Sir Keith  
Kellell-Bowman, Mrs Elaine  
Kimball, Marcus  
King, Evelyn (South Dorset)  
King, Tom (Bridgwater)  
Kitson, Sir Timothy  
Knight, Mrs Jill  
Lamont, Norman  
Latham, Michael (Melton)  
Lawson, Nigel  
Le Marchant, Spencer  
Lester, Jim (Beeston)  
Lewis, Kenneth (Rutland)  
Lloyd, Ian  
Luce, Richard  
Macfarlane, Neil  
MacGregor, John  
MacKay, Andrew (Stechford)  
McVair-Wilson, M. (Newbury)  
Marshall, Michael (Arundel)  
Marten, Neil  
Mates, Michael  
Mather, Carol  
Mawby, Ray  
Maxwell-Hyslop, Robin  
Mayhew, Patrick  
Meyer, Sir Anthony  
Miller, Hal (Bromsgrove)  
Mitchell, David (Basingstoke)  
Moate, Roger  
Monro, Hector  
Montgomery, Fergus  
Moore, John (Croydon C)  
More, Jasper (Ludlow)  
Morgan-Giles, Rear-Admiral  
Morris, Michael (Northampton S)  
Morrison, Hon Peter (Chester)  
Mudd, David  
Nelson, Anthony  
Newson, Tony  
Oaslow, Cranley

Page, John (Harrow West)  
Page, Rt Hon R. Graham (Crosby)  
Page, Richard (Workington)  
Parkinson, Cecil  
Pattis, Geoffrey  
Penhaligon, David  
Percival, Ian  
Price, David (Eastleigh)  
Prior, Rt Hon James  
Rathbone, Tim  
Rhys Williams, Sir Brandon  
Ridsdale, Julian  
Rifkind, Malcolm  
Roberts, (Michael) (Cardiff NW)  
Roberts, Wyn (Conway)  
Ross, Stephen (Isle of Wight)  
Rost, Peter (SE Derbyshire)  
Sainsbury, Tim  
St. John-Stevas, Norman  
Scott-Hopkins, James  
Shaw, Giles (Pudsey)  
Shaw, Michael (Scarborough)  
Shelton, William (Streatham)  
Sims, Roger  
Skeet, T. H. H.  
Smith, Cyril (Rochdale)  
Smith, Timothy John (Ashfield)  
Spicer, Jim (W Dorset)  
Sproat, Iain  
Stainton, Keith  
Stanbrook, Ivor  
Stanley, John  
Steel, Rt Hon David  
Steen, Anthony (Wavertree)  
Stewart, Ian (Hitchin)  
Stokes, John  
Stradling Thomas, J.  
Tapsell, Peter  
Taylor, Teddy (Cathcart)  
Temple-Morris, Peter  
Thatcher, Rt Hon Margaret  
Thorpe, Rt Hon Jeremy (N Devon)  
Townsend, Cyril D.  
Vaughan, Dr Gerard  
Viggers, Peter  
Wareham, John  
Walker-Smith, Rt Hon Sir Derek  
Wall, Patrick  
Walters, Dennis  
Warren, Kenneth  
Weatherill, Bernard  
Wells, John  
Whitney, Raymond  
Wiggin, Jerry  
Winterlon, Nicholas  
Young, Sir G. (Ealing, Acton)  
Younger, Hon George

## TELLERS FOR THE AYES:

Mr. Nicholas Ridley and  
Mr. Ian Gow.



## NOES

Armstrong, Ernest  
 Atkinson, Norman (H'gay, Tott'ham)  
 Barnett, Guy (Greenwich)  
 Bates, Alf  
 Benn, Rt Hon Anthony Wedgwood  
 Bennett, Andrew (Stockport N)  
 Bidwell, Sydney  
 Bishop, Rt Hon Edward  
 Blenkinsop, Arthur  
 Bray, Dr Jeremy  
 Brown, Hugh D. (Provan)  
 Brown, Robert C. (Newcastle W)  
 Buchan, Norman  
 Buchanan, Richard  
 Callaghan, Jim (Middleton & P)  
 Campbell, Ian  
 Canavan, Dennis  
 Cant, R. B.  
 Carmichael, Neil  
 Carter-Jones, Lewis  
 Cartwright, John  
 Clemitson, Ivor  
 Cocks, Rt Hon Michael (Bristol S)  
 Cohen, Stanley  
 Colzman, Donald  
 Colquhoun, Ms Maureen  
 Concannon, Rt Hon John  
 Cook, Robin F. (Edin C)  
 Corbett, Robin  
 Cowans, Harry  
 Cox, Thomas (Tooling)  
 Craigen, Jim (Maryhill)  
 Cronin, John  
 Crowther, Stan (Rotherham)  
 Cryer, Bob  
 Davidson, Arthur  
 Davies, Bryan (Enfield N)  
 Davies, Rt Hon Denzil  
 Davies, Ifor (Gower)  
 Deakins, Eric  
 Dean, Joseph (Leeds West)  
 Dell, Rt Hon Edmund  
 Dempsey, James  
 Dormand, J. D.  
 Dunn, James A.  
 Eadie, Alex  
 Edge, Geoff  
 Ellis, John (Brig & Scun)  
 Ennals, Rt Hon David  
 Evans, Fred (Caerphilly)  
 Evans, Gwynfor (Carmarthen)  
 Evans, Ioan (Aberdare)  
 Evans, John (Newton)  
 Ewing, Harry (Stirling)  
 Fernyhough, Rt Hon E.  
 Fitt, Gerard (Belfast W)  
 Flannery, Martin  
 Fletcher, Ted (Darlington)  
 Forrester, John  
 Garrett, John (Norwich S)  
 George, Bruce

Ginsburg, David  
 Gould, Bryan  
 Graham, Ted  
 Grant, George (Morpeth)  
 Grant, John (Islington C)  
 Grocott, Bruce  
 Hamilton, James (Bothwell)  
 Hardy, Peter  
 Harrison, Rt Hon Walter  
 Hart, Rt Hon Judith  
 Heffer, Eric S.  
 Home Robertson, John  
 Howell, Rt Hon Denis (B'ham, Sm H)  
 Hoyle, Doug (Nelson)  
 Hughes, Robert (Aberdeen N)  
 Hughes, Roy (Newport)  
 Hunter, Adam  
 Irving, Rt Hon S. (Dartford)  
 Janner, Greville  
 Jay, Rt Hon Douglas  
 Jeger, Mrs Lena  
 Jenkins, Hugh (Putney)  
 John, Brynmor  
 Johnson, James (Hull West)  
 Johnson, Walter (Derby S)  
 Jones, Alec (Rhondda)  
 Jones, Dan (Burnley)  
 Judd, Frank  
 Kaufman, Rt Hon Gerald  
 Kelley, Richard  
 Kerr, Russell  
 Kilroy-Silk, Robert  
 Lamborn, Harry  
 Lamond, James  
 Latham, Arthur (Paddington)  
 Lester, Miss Joan (Eton & Slough)  
 Lewis, Ron (Carlisle)  
 Litterick, Tom  
 Lofthouse, Geoffrey  
 Luard, Evan  
 Lyon, Alexander (York)  
 McDonald, Dr Oonagh  
 McElhone, Frank  
 MacFarquhar, Roderick  
 McGuire, Michael (Ince)  
 MacKenzie, Rt Hon Gregor  
 MacLennan, Robert  
 McMillan, Tom (Glasgow C)  
 Madden, Max  
 Marks, Kenneth  
 Marshall, Dr Edmund (Goole)  
 Marshall, Jim (Leicester S)  
 Mason, Rt Hon Roy  
 Mikardo, Ian  
 Millan, Rt Hon Bruce  
 Mitchell, Austin (Grimsby)  
 Molloy, William  
 Morris, Alfred (Wythenshawe)  
 Morris, Rt Hon Charles R.  
 Morton, George  
 Moyle, Rt Hon Roland  
 Murray, Rt Hon Ronald King  
 Newens, Stanley  
 Orbach, Maurice  
 Ovenden, John  
 Owen, Rt Hon Dr David  
 Palmer, Arthur  
 Park, George  
 Parker, John  
 Parry, Robert  
 Pavitt, Laurie  
 Pendry, Tom  
 Price, C. (Lewisham W)  
 Radice, Giles  
 Richardson, Miss Jo  
 Robertson, George (Hamilton)  
 Roderick, Caerwyn  
 Rodgers, George (Chorley)  
 Rowlands, Ted  
 Sedgemore, Brian  
 Sever, John  
 Sheldon, Rt Hon Robert  
 Short, Mrs Renée (Wolv NE)  
 Silkin, Rt Hon John (Deptford)  
 Silkin, Rt Hon S. C. (Dulwich)  
 Silverman, Julius  
 Skinner, Dennis  
 Snape, Peter  
 Spriggs, Leslie  
 Stallard, A. W.  
 Stewart, Rt Hon M. (Fulham)  
 Stoddart, David  
 Strang, Gavin  
 Summerskill, Hon Dr Shirley  
 Taylor, Mrs Ann (Bolton W)  
 Tierney, Sydney  
 Tinn, James  
 Tomlinson, John  
 Urwin, T. W.  
 Wainwright, Edwin (Dearne V)  
 Walker, Harold (Doncaster)  
 Walker, Terry (Kingswood)  
 Ward, Michael  
 Watkins, David  
 Watkinson, John  
 Weetch, Ken  
 White, Frank R. (Bury)  
 White, James (Pollok)  
 Whitehead, Phillip  
 Willey, Rt Hon Frederick  
 Williams, Rt Hon Alan (Swansea W)  
 Williams, Alan Lee (Hornch'ch)  
 Wilson, William (Coventry SE)  
 Wise, Mrs Audrey  
 Woodall, Alec  
 Wool Robert  
 Young, David (Bolton E)

## TELLERS FOR THE NOES:

Mr. Stan Thorne and  
 Mr. Ron Thomas.

*Question accordingly agreed to.*

Bill ordered to be brought in by Mr. Ian Gow, Mr. Nicholas Ridley, Mr. Patrick Mayhew, Mr. John Cope, Mr. John Biggs-Davison, Mr. Ivor Stanbrook, Mr. Norman Tebbit, Mr. Geoffrey Pattie, Mr. Graham Page, Mr. Antony Buck, Mr. Iain Sproat and Mr. Neil Marten.

## WORKERS' FREEDOM

Mr. Ian Gow accordingly presented a Bill to protect the rights of workers by regulating picketing and the closed shop; and the same was read the First time; and ordered to be read a Second time upon Friday 9 February and to be printed. [Bill 70.]