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PRIME MINISTER

Parliamentary Boundary Commission

This note is to let you know the current state of play on the Labour Party's action against the Boundary Commission. The Divisional Court is now hearing arguments of substance in the case. The decision is expected early next week. If the Labour Party lose, they can appeal to the Court of Appeal; the hearing would be, we believe, in early January. If they lost there, they might be given leave to appeal to the House of Lords, who could be expected to hear the case quickly. In the process, they could apply for an injunction to prevent the Boundary Commission from delivering its report while the case was still before the Courts. They would probably lose; but if they won, the injunction would only bite if the Court proceedings continued beyond the point at which the Commission expects to present its reports, probably late January/early February.

The advice I have from the Home Office is that the Court procedures themselves are unlikely to hold up the timetable which would permit a General Election on the new boundaries. The crucial point is not the procedures, but the decision. If the Court decides in favour of the Labour Party, I assume that the Boundary Commissioners would wish themselves to appeal; otherwise, they will virtually have to start all over again.

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8 December, 1982