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From: THE PRIVATE SECRETARY

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HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

Prime Minister:

The appeal
will, I understand,
be heard on
12 January.

23 DEC 1982

[Handwritten signature]

Dear Tim,

TF 23/12

LITIGATION AGAINST THE PARLIAMENTARY BOUNDARY
COMMISSION FOR ENGLAND

Further to our conversation about this, I
enclose for your information a note summarising
the judgements delivered on Wednesday on the
two cases brought against the English Commission.

Yours sincerely,

Lesley Pallett.

MRS. L. PALLETT

Tim Flesher, Esq.

LITIGATION AGAINST THE PARLIAMENTARY BOUNDARY COMMISSION FOR ENGLAND

The proceedings brought by the Rt Hon Michael Foot and others, and by Gateshead Metropolitan Borough Council and others were dismissed by Lord Justice Oliver and Mr Justice Webster on 21 December. Both parties intend to appeal and arrangements have been made for these appeals to be heard on Wednesday, 12 January 1983. The Commission has informed the Court that it will not report to the Home Secretary before this date.

2. The judgments were lengthy and took some 3 hours 45 minutes to deliver. Transcripts are not yet available but the Court's reasons for rejecting both applications may be summarised as follows.

Foot and Others

3. The applicants' case was, in essence, that the Commission's own published documents, its procedure in setting up local inquiries and its current proposals for new constituencies in certain areas showed that it had failed to pay proper regard to the rules for the redistribution of seats set out in the House of Commons (Redistribution of Seats) Acts 1949 and 1958 and that no reasonable Commission, properly directed, could have decided to put forward such proposals to the Home Secretary, having regard to the disparities involved.

4. Lord Justice Oliver said that the evidence adduced by the applicants did not support the complaints which they had made and that no case was made out on the merits. He decided the case on three grounds. First that, for the purposes of the rules governing those entitled to challenge the decisions of public bodies, the applicants did not have a sufficient interest to bring the proceedings; (the applicants had not brought the proceedings as representatives of the Labour party). Second that, in the circumstances of the case, the courts should exercise their discretion against granting relief even if a case for relief had been made out (which it was not). His reason for this was that the effect of the relief would be to interfere with the legislative process of Parliament. Third that, the relief sought should not in any event be granted in view of the delay in challenging the various proposals and the resulting delay to the Commission, which would be detrimental to good administration.

5. Mr Justice Webster agreed that the evidence before the court did not support the objections raised and decided that the application should be rejected. He also

said that he would have rejected the application on the grounds of the delay in bringing the proceedings in the event that a case for relief had been made out.

Gateshead Metropolitan Borough Council and Others

6. The complaint as presented to the court was that the Assistant Commissioner who held the local inquiry into the Commission's proposals for the County of Tyne and Wear did not give proper consideration to a scheme which gave that County 14 constituencies instead of the 13 proposed by the Commission. It was further alleged that the report he produced as a result of that inquiry which did not set out in detail the proposal for 14 constituencies thereby precluded the Commission from giving proper consideration to that alternative proposal. Both Lord Justice Oliver and Mr Justice Webster rejected the application on its merits.

22 December 1982

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