

*Parliament*

Ref. A083/0286

PRIME MINISTER

Cabinet: Parliamentary Affairs: Recommendations of the Parliamentary
Boundary Commission for England

BACKGROUND

The House of Commons (Redistribution of Seats) Act 1949 requires the Secretary of State to lay each Parliamentary Boundary Commission's report before Parliament, together with a draft Order or Orders in Council giving effect to its recommendations with or without modifications, "as soon as may be" after it has been submitted. The Home and Social Affairs Committee (H) agreed in November that the reports of the English, Scottish and Welsh Commissions should be laid before Parliament as soon as possible after receipt. H Committee envisaged a period of eight days between receipt and laying as the minimum necessary to avoid the charge that no consideration could have been given to the possibility of modifying the Commission's recommendations. On 11 November 1982 the Cabinet noted H Committee's decision when agreeing that the report of the Northern Ireland Commission should be laid forthwith.

2. The Court of Appeal yesterday upheld the Divisional Court's dismissal of the Leader of the Labour Party's application for an injunction to prevent the English Commission from forwarding its report to the Home Secretary. But an injunction temporarily restraining the Commission from doing so was continued, so as to follow a petition to the House of Lords for leave of appeal.

3. It is possible that the House of Lords may decide the petition on 3 February. The Home Secretary is considering whether to lay the English report at once upon receipt, without waiting for eight days. He would then be open to criticism for allowing no time for consideration or representations, but he would much reduce the scope for the Labour Party to seek an injunction preventing him from laying the report.



4. The Government's stated aim is to have the new constituency boundaries in force in time for a General Election in the autumn of 1983. With some administrative difficulty they could still probably be ready, if necessary, for a June Election, but that would be in jeopardy if proceedings were started against the Home Secretary.

5. The Northern Ireland Commission's report has already been approved by Parliament. No difficulties have so far arisen over the Welsh and Scottish reports: the Welsh report has been received and the Home Secretary proposes to lay it on 7 February; the Scottish report is expected in mid-February.

HANDLING

6. After the Home Secretary has explained the problem, you may wish to invite the Attorney General's view on the propriety of laying the draft Order immediately on receipt of the Commission's report, and on the risk of further delay arising as a result of proceedings by the Labour Party against the Home Secretary. The Lord Chancellor may wish to comment. The Lord President, the Lord Privy Seal and the Chief Whip may be able to assess the likely Parliamentary reaction to immediate laying of the draft Order.

CONCLUSION

7. Subject to the course of the discussion, the Cabinet might either agree that the Home Secretary should lay the draft English Order immediately on its receipt from the Boundary Commission (in which case there would be no further opportunity for the Cabinet to consider it); or agree that there should be an interval of eight days between receipt and laying (in which case there would be time for the Home Secretary to report further to the Cabinet after the report is received).

A handwritten signature in dark ink, appearing to read 'RIA'.

ROBERT ARMSTRONG

26 January 1983