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10 DOWNING STREET

*From the Principal Private Secretary*

SIR ROBERT ARMSTRONG

I write to record our conversation this evening following my conversation with the Chief Whip.

Appearance of officials before Select Committees

You told me that you hoped that in one way or another, officials directly concerned with the disclosure of certain contents of the Solicitor General's letter of 6 January would not appear before the Departmental Select Committees. Mr McDonald and Mr O'Shea of the Department of Trade and Industry would answer policy questions while Sir Brian Hayes could, if necessary, deal with questions affecting the conduct of officials. We would consult the Prime Minister if No. 10 officials were asked to appear before the Select Committee. Our advice, very definitely, would be that they should not. If the Select Commission pressed, you would be ready to attend. You were minuting the Prime Minister about all this.

Production of documents to the Select Committees

I reported to you the Chief Whip's information that Mr Heseltine had declined to answer further questions before the Defence Select Committee until Mr Brittan's minute of 4 October and the letter of 17 October from Mr Hosker in the Department of Trade and Industry to Mr Mottram in the Ministry of Defence had been published. I further reported the Chief Whip's view that this request might be handled by e.g. Sir Brian Hayes submitting a memorandum to the Committee which gave the relevant gist of the two documents. The Chief Whip would be ready, if this approach was acceptable, to talk to Mr Heseltine to see whether he would be willing then to appear before the Select Committee. You undertook to consider this approach with Sir Brian Hayes.

Appearance before the Select Committee on Defence

I reported the Chief Whip's information that the Defence Select Committee would seek the appearance of the Solicitor General in order to question him about developments following his second letter to the then Defence Secretary. You thought that precedent suggested that Law Officers did not appear before Select Committees. In any event it appeared that the Select Committee's interest in this matter

would better be addressed to the responsible department, presumably the MOD. The Solicitor General's function was simply as adviser within the Government.

I should be grateful if you could follow up these points.

N.L.W.

N.L. Wicks

28 January 1986