

FROM:

THE RT. HON. LORD HAILSHAM OF ST. MARYLEBONE, C.H., F.R.S., D.C.L.



HOUSE OF LORDS,
SW1A 0PW

CONFIDENTIAL

Prime Minister

Prime Minister
QL's provisional conclusions,
which the Committee will discuss
further before reporting to
Cabinet.

Legislative Programme 1983-84

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1. The Queen's Speeches and Future Legislation Committee met under my chairmanship yesterday afternoon to consider the proposals put forward by Departments for Bills for inclusion in next Session's legislative programme. These are summarised in the Schedule attached to QL(83)1. The Home Secretary is writing to all the Ministers concerned to give them an opportunity to comment on the Committee's provisional conclusions before he circulates a memorandum to the Cabinet, but you may find it helpful to have a note of the position reached so far in QL.

2. Until the date of the next General Election is settled, there must inevitably be some uncertainty about both the length and the character of next Session. As you agreed with the Home Secretary last year, Departments were asked to divide their bids for Bills for next Session into three categories:

- A. Bills capable of being passed within a maximum of 6 months in a Session beginning in the Autumn of 1983, whether this turns out to be a short final Session of the present Parliament, or the first, normal length, Session of a new Parliament.
- B. Bills additional to those in category A, suitable for a Session beginning in the Autumn of 1983 only if it were of normal length.
- C. Bills not in categories A or B suitable for a long 1984-85 Session starting in the Spring of 1984.

3. The Committee decided to concentrate on the first two of these categories, taking as their starting point the two helpful memoranda circulated by the Lord President (QL(83)2 and 3).

4. If next Session is known to be limited to six months, the Opposition will have a great deal of scope for deliberate obstruction of Government business if they are so minded, and in certain circumstances might be minded to withdraw normal co-operation. The Committee agreed with the Lord President that in these circumstances it would be unwise to include in the programme for a short Session any Bills which were either long or highly controversial. Seven of the Bills proposed in category A are essential, in most cases for financial reasons. The Lord President suggested, and the Committee agreed, that it would be realistic to think in terms of adding a further four programme Bills to give a balanced and manageable main programme of 11 Bills. The Committee also agreed that room should be found for two of the less controversial Bills suggested by the Scottish Office, and also for another three Bills on condition that the Opposition agree to their being handled in the Commons under the Second Reading Committee procedure. The full list of Bills provisionally selected by the Committee for a short Session is set out in Annex A to this minute.

5. The Committee recognised that other Bills proposed by Departments arguably had stronger claims for inclusion on purely political grounds. The Public Services Transfer of Functions Bill (which will be needed soon if the privatisation programme is not to be delayed by the problem of technical redundancy payments) and the Royal Ordnance Factories Bill (which could not come into effect until the Transfer of Functions Bill had been passed) were mentioned as possible alternatives to one or two of the four programme Bills we have recommended. But the Committee agreed that it would be pointless to introduce these highly contentious measures in the knowledge that the Opposition would almost certainly be able to prevent their passage in a short Session, and concluded that they would have to wait for the first Session of the new Parliament.

6. Neither Departments nor Parliamentary Counsel have the resources to prepare completely different short and normal programmes for the 1983-84 Session. It follows that a normal programme would have to be based on the short programme plus some additional Bills. Subject to the reservations set out below the Committee agreed that a further nine main programme Bills might be added (giving a total of twenty) plus one more (controversial) Scottish Bill and seven Second Reading Committee Bills. These proposed additions are listed in Annex B.

7. This would be a very heavy programme for a normal Session, comparable in terms of controversiality with the programme for the first Session of the present Parliament. Whether or not it turned out to be manageable in practice would depend largely on the progress made on the policy and drafting of the two local government Bills. If both were ready in time for introduction in a normal 1983-84 Session - and First Parliamentary Counsel has consistently expressed doubts about whether this is possible - one or more of the other 18 main programme Bills would almost certainly have to be dropped. If, on the other hand, one or both of the local government Bills could not be ready for the first Session of the new Parliament, the programme would be on the light side. Unless preparation of other Bills begins well before the Summer on a contingency basis, the consequent gap could only be filled by bringing forward Bills not listed in Annexes A or B, but whose drafting is completed or at any rate well advanced (such as some Law Commission Bills, or the Dock Work Regulation Bill). QL will make recommendations on this point when the Home Secretary circulates their final report to the Cabinet.

8. Two further points should be noted at this stage. First, the Bills listed in the Annexes to this minute have been provisionally selected on the basis of the descriptions given by Departments in submitting their original bids. If any Minister wishes at a later stage to expand a Bill after its inclusion in the programme has been approved, compensating deletions elsewhere may have to be considered. Second, if a General Election were to be held in or before May or June this year, it is virtually

certain that at least three of this Session's major Bills (Data Protection, Telecommunications and Police and Criminal Evidence) would not receive Royal Assent before the Dissolution. In that event, they would be a first charge on the legislative time available in the first Session of the new Parliament, and the programme provisionally agreed by QL would have to be adjusted accordingly.

9. I am copying this minute to the other Members of QL, to First Parliamentary Counsel, and to Sir Robert Armstrong.

H: of S: M.

1st March, 1983

ANNEX A

BILLS PROVISIONALLY RECOMMENDED BY QL FOR INCLUSION IN A SHORT
1983-84 SESSIONQL(83)1 ReferenceBillESSENTIAL

- 2 Coal Industry: to increase the limit on the borrowing power of the National Coal Board; to modify the powers under which the Secretary of State may make certain grants and payments; and to abolish certain powers of entry.
- 3 New Towns (Money): to increase the limit on borrowing by the new town corporations in England, Scotland and Wales.
- 4 Social Security: to amend the law to comply with the EC Directive on equal treatment for men and women in relation to social security; and to make other essential and technical amendments.
- 5 Shipbuilding: to increase British Shipbuilders' borrowing limit.
- 6 Co-operative Development Agency: depending on the outcome of a review to be undertaken this Spring, either to make provision for the continuation of the Agency or to close it down.
- 7 Merchant Shipping: to specify the tonnage of merchant ships to be used by the courts for limitation of liability, thus permitting the UK to continue to meet its international obligations.
- 9 International Monetary Arrangements: requirements arising from (a) increase in the UK's IMF quota; (b) revision of the General Arrangements to Borrow; (c) provision of guarantees to the Bank of England with respect to participation in transactions of the Bank for International Settlements.

PROGRAMME

- 15 Prevention of Marine and Food Pollution: to extend the powers to control dumping at sea and any activities connected with the production, processing or marketing of food which may be affected by radio-active release.
- 17 Education (Grants to Local Authorities): to empower the Secretary of State to make regulations providing for the payment of specific grants to local education authorities.
- 21 Gas Safety: to remedy defects revealed by a recent legal case in the enforcement provisions of gas safety legislation and to strengthen the criminal sanctions available.
- 27 Prevention of Terrorism: to implement the recommendations of Lord Jellicoe's recent review of the Prevention of Terrorism (Temporary Provisions) Act 1976, repealing and re-enacting the 1976 Act with some changes.

SCOTTISH

- 43 Conditions in Leases (Scotland): to clarify and amend the law on conditions in leases and their registration, and on irritancies on leases.
- 44 Irrigation (Scotland): to fulfil a commitment to legislate to give effect to recommendations of the Scottish River Purification Advisory Committee on control of water abstractions from surface and underground waters for purposes of irrigation.

SECOND READING COMMITTEE

- 24 Somerset House (Management Powers): to clarify the Secretary of State's management powers in respect of Somerset House and to remove a restriction limiting its use to public offices and buildings.

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Death Certification (Miscellaneous Provisions):

to give effect to recommendations of Departmental Committee on medical certificates of fact and cause of death and disposal of bodies; and to include miscellaneous material on marriage fees and the Registration Service.

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Foreign Limitation Periods: to provide that where under English rule of private international law a foreign law is applied in proceedings in England, the provisions of that law relating to limitation of actions should also apply and not (as now) the provisions of English law.

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ANNEX B

BILLS PROVISIONALLY RECOMMENDED BY QL FOR INCLUSION IN A NORMAL
1983-84 SESSION

All the Bills listed in Annex A plus:

QL(83)1 Reference

Bill

PROGRAMME

- 16 Royal Ordnance Factories: to create a Companies Act company to run the Royal Ordnance Factories.
- 20 Trade Union: to require secret ballots for elections in trade unions; possibly to bring up to date the Trade Union Act 1913, in particular by replacing contracting-out by contracting-in; and possibly to provide for mandatory secret ballots before strikes.
- 28 Cable and Satellite Broadcasting: to set up a Cable Authority and provide a framework of rules within which cable systems can develop, and to give statutory franchising powers, probably to the IBA, for commercial channels of direct broadcasting by satellite.
- 38 Public Services Transfer of Functions: to prevent payment of redundancy compensation in certain circumstances to civil servants and NHS employees when functions are transferred to the private sector, and to give powers to buy out detriment to terms and conditions of service.
- 46 Agriculture: to implement a package on agricultural holdings agreed between the National Farmers Union and the Country Landowners Association.

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- 49 Local Government: on the GLC and metropolitan counties.
- 50 Local Government Rating and Expenditure: on the rating system.
- 58 Matrimonial Causes: to amend guidance to courts on financial provision after divorce; to change the time bar on divorce petitions from discretionary three years to absolute one year, with relaxation of the one year bar for certain nullity petitions; to provide financial relief in Great Britain for parties to foreign divorces; and to amalgamate the matrimonial jurisdiction of the High Court and county courts.
- 64 Public Transport (London): to provide for the London Transport Executive to be converted into a Metropolitan Transport Authority.

SCOTTISH

- 69 Local Government (Miscellaneous Provisions) (Scotland): to improve the Government's control of local authority expenditure; to amend certain anomalies in the valuation system in Scotland; and to make certain amendments in local authority rating matters.

SECOND READING COMMITTEE

- 31 Prevention of Discrimination against Sikhs: to ensure that Sikhs are protected by the Race Relations Act 1976.
- 32 Repatriation of Prisoners: to enable implementation of the Council of Europe Convention on the Transfer of Sentenced Persons, which deals with the transfer of prisoners to serve their sentences in their own countries.

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- 35 Insurance Law Reform: to reform the law on non-disclosure and breach of warranty in relation to consumer insurance contracts, as recommended by the Law Commission.
- 37 Fosdyke Bridge: to repeal a 19th century private Act, which requires the Fosdyke Bridge to be constructed so as to allow river traffic to pass up the River Welland.
- 40 Occupiers' Liability: to clarify duties of occupier towards persons who come on his land without permission; and to remove protection of Unfair Contract Terms Act 1977 from recreational visits to the countryside, as regards injuries caused by the state of the premises.
- 60 Illegitimacy: to remove provisions of the law which discriminate against illegitimate children, and to widen powers of courts to make orders for maintenance and as to parents' rights.
- 68 Pensions Commutation Board: to abolish the Pensions Commutation Board and Transfer its functions to Departments.

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Parliament

10 DOWNING STREET

From the Private Secretary

2 March 1983

Legislative Programme 1983-84

The Prime Minister has seen the Lord Chancellor's minute of 1 March reporting the provisional conclusions of QL. She has noted this without comment.

I am copying this to Tony Rawsthorne (Home Office), David Heyhoe (Lord President's Office), First Parliamentary Counsel and Richard Hatfield (Cabinet Office).

W. P. S. RICKETT

David Staff, Esq.,
Lord Chancellor's Office.

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