

cc P.U.



PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

NBPM  
at this  
stage  
AS

24/10

23 October 1990

*Dear Tony*

DSS LEGISLATION 1990-91: CHILD MAINTENANCE

*- with CAS?*

I refer to your letter of 16 October drawing together your proposals for legislation next Session, and in particular to your comment that the bill dealing with child maintenance would have to be introduced in the New Year incomplete in a number of respects. You have also circulated a draft White Paper, on which the Prime Minister, James Mackay, Norman Lamont and Michael Howard have commented.

We had a brief word after Cabinet on Thursday about the state of preparation of the bill, and I also spoke to James Mackay. As I said, I am unhappy about embarking on this bill on the basis you propose. It seems to me that, having made an announcement in July on the basis of considerable study, embarked on widespread consultation, and then produced a substantial White Paper, we would be open to justifiable criticism if our proposals when they eventually appeared in the form of a bill were subject to uncertainty and any significant degree of amendment. Instead of seizing and holding the initiative in this politically important area we would be put on the defensive. I do not want that to happen.

I see from James Mackay's letter of 18 October commenting on the draft White Paper that there are a number of what he describes as major policy points outstanding. I suggest that it might be helpful for us to have a brief meeting to review these and any other matters which require to be settled so that the two months between now and introduction of the bill can be used to the best effect. If you and James Mackay agree to this proposal I will ask my office to make the arrangements for a meeting. If you would both find it helpful, I will ask the Cabinet Office to arrange for the preparation of an annotated agenda.

I am copying this letter to James Mackay and also to the Prime Minister and Sir Robin Butler.

GEOFFREY HOWE

The Rt Hon Tony Newton MP



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Telephone 071-210 3000

ce PM  
JS PM  
CWS

*From the Secretary of State for Social Security*

**POLICY IN CONFIDENCE**

The Rt Hon Sir Geoffrey Howe QC MP  
Lord President of the Council  
Privy Council Office  
Whitehall  
London  
SW1

30 October 1990

**DSS LEGISLATION 1990-91: CHILD MAINTENANCE**

Thank you for your letter of 23 October. <sup>Acap</sup>

2. We are all, of course, fully committed to the objective of ensuring that the Bill contains, on introduction, clauses covering all the main aspects of our reforms, and I think there may be an element of misunderstanding between us over the extent to which a Bill introduced in the New Year risks being incomplete.

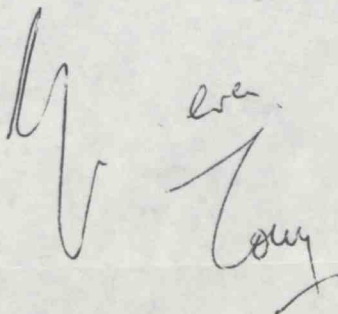
3. Lawyers here have completed a draft of instructions to Counsel so far as they are able - final drafts for urgent comments from other Departments were circulated on 26 October - on most of the key areas to do with the system for assessing child maintenance, the formula, the making of estimated assessments, and the making of deductions from benefit; the collection and enforcement of maintenance payments; the staffing, structure and powers of the Child Support Agency, including its powers of access to necessary information; the appointment and functions of officers of the Child Support Agency; the obligation to claim maintenance which we shall be imposing on benefit recipients; and the availability of the Child Support Agency's services to those not on benefit. They have also been working on the nature of the liability which we seek to create on all parents to maintain their children. I know that James Mackay's officials are anxious that we should be fully aware of the impact of our proposals on existing family law for which a number of Departments are responsible. I recognise their concern, and understand that my officials have just received a paper from James' which set out the issues and will be a useful basis for their early resolution.

4. Officials here have also taken work as far as they can on the interface between the Child Support Agency and the courts - I know that James Mackay's officials have been working with mine to identify ways of resolving several issues which previously appeared difficult. On the appeals structure, we are all agreed on the status of the initial assessment and of an initial review within the Child Support Agency; arguments about the destination of appeals beyond that are finely balanced, and we are not yet completely of one mind. My officials have agreed with James', however, that it will be perfectly in order for this matter to be covered by regulation-making powers in the primary legislation; and we shall, of course, be continuing urgent efforts to resolve the substantive issue. We are clear that it should be resolved at the latest in time for the introduction of the Bill.

5. I am conscious that the fact that we have been preparing these instructions simultaneously with working on the White Paper means that there must be a possibility that some of their contents will not be absolutely final, particularly on detailed technical matters. But the major policy is clear, and the measure of agreement between James and me - as evinced in my reply of 19 October (which I hope you have now seen) to his letter of 18 October - makes me confident that we are well on course.

6. In view of all this, I do not believe that a meeting of the three of us would serve any particularly useful purposes at this stage. If the work being done by our officials identifies specific issues which we need to resolve, then I shall, of course, be happy to discuss again.

7. I am copying this to the Prime Minister, to James Mackay and to Sir Robin Butler.

A handwritten signature in dark ink, appearing to read 'Tony Newton'. The signature is stylized and somewhat cursive, with a large initial 'T' and 'N'.

TONY NEWTON

SOCIAL SERVICES : Uprabonaj PT6

