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FROM THE PRIVATE SECRETARY TO THE LEADER OF THE HOUSE  
AND THE CHIEF WHIP

15 May 1985

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Dear Elizabeth

LOCAL GOVERNMENT BILL

Clause 21 of the Local Government Bill ("Review of administration of education in Inner London") was taken in Committee of the whole House in the Lords last Monday, 13 May. The handling of amendments 101, 105 and 106 caused some difficulty, and it may be helpful if, for the record, I set out how things stand.

These three amendments had the effect of making the Secretary of State's review of the ILEA's exercise of its functions optional rather than compulsory, and of removing the provision for the Secretary of State to make a determination that those functions should, in whole or in part, be transferred to other bodies.

Amendment 101 was moved by the Bishop of London, who made clear that he was speaking also to amendments 105 and 106, which he described as being consequential to it. At the end of his speech he invited the Committee to support all three amendments. Amendment 101 was carried in a Division, and the Committee Stage was then adjourned for a Statement to be taken. After that Statement, when amendment 105 was called, the Bishop of London was no longer in the Chamber. At that point Lord Gowrie indicated that he did not regard amendments 105 and 106 as necessarily consequential on amendment 101 (which they clearly were not) and said that he would resist them. Amendment 105 was accordingly negatived (without a Division) and amendment 106 was not moved.

Miss C E Hodkinson  
Private Secretary to the Secretary of State  
for Education and Science

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Unfortunately Lord Gowrie had not, in his speech on amendment 101, challenged the Bishop's statement that amendments 105 and 106 were consequential. In Lord Denham's view, it is therefore clear that the Committee understood that, when voting on amendment 101, it was reaching a decision also on amendments 105 and 106. The convention is on such occasions that the result of the first division is treated as applying to all the amendments in the group. Thus it was wrong for the Government to resist the later amendments (and, had the Government won the first division, it would have been wrong for the proponents of amendments 105 and 106 to have pressed them). It is too late to put the matter right at Committee Stage, and Lord Denham has therefore agreed that if identical amendments are tabled at Report Stage they will be agreed to without challenge. The Government spokesman ought at that stage, however, to make clear to the House that in allowing the amendments through on the nod the Government cannot be taken to have accepted them, and that they reserve their position on the amendments when the Bill returns to the House of Commons. Incidentally, I should perhaps make clear for the sake of completeness that it will not be open to the Government to seek to reopen the matter on Third Reading in the Lords; any reversal or compromise proposal will have to wait until the Commons consider the Lords amendments.

I am sending copies of this letter to Tim Flesher (No. 10), John Ballard (Patrick Jenkin's office) and Sonia Phippard (Lord Gowrie's office).

*Yours sincerely*

*David Beamish.*

D R BEAMISH