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COPY NO

78

March 1988

CABINET

THE LEGISLATIVE PROGRAMME 1988-89

Memorandum by the Lord President of the Council

BACKGROUND AND PROPOSED PROGRAMME

The Legislative Programme for the present Session is universally recognised to be one of the very heaviest on record. One result of this is that although the Session began in mid-summer it will also need to run unusually late - probably later than any Session since 1979. The best estimate is that there will thus be about six weeks less sitting time before Christmas next Session than we have had in the present one. Next Session's Legislative Programme will therefore be under very heavy pressure right from the start.

2. Nevertheless we have a great deal more vigorous and controversial legislation to enact and, for various reasons, much of it must not be postponed beyond next Session. In particular, we must clearly legislate on two massive privatisation measures (water and electricity) and this Session's Housing Bill was approved on the basis that another long Bill on local authority housing finance and capital controls would be needed next Session. As presently predicted, those three measures alone will total some 460 clauses.

3. The Queen's Speeches and Future Legislation Committee (QL) have now been through the usual process of seeking bids and having discussions with the Ministers concerned. The Programme they now recommend to the Cabinet is set out at Annex A. It contains 29 Bills of which 16 are of medium length or greater. Disregarding the Bills carried over or reintroduced from the previous Parliament, this is the same number of medium or longer Bills as Cabinet approved last July for the present Session. Many of the Bills are also highly controversial.

4. While I believe that QL have judged the political needs correctly, I must emphasise that the Programme they are putting forward is at the outermost limits of what can be competently prepared and successfully carried through Parliament. It contains absolutely no margin for additions of any size. And it will be manifest to any knowledgeable observer that such a weighty Programme will demand yet another long spillover, on top of the pressures at the end of the present Session.

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5. In submitting this Programme to the Cabinet, therefore, I must ask colleagues to accept that the whole Programme would be prejudiced if any significant additions were made without compensating reductions. It would be helpful if colleagues seeking the addition of any measures would indicate the ones that they suggest should be deleted to make the necessary room.

BILLS NOT RECOMMENDED FOR INCLUSION

6. The Bills that QL decided not to include in the recommended Programme are set out in Annex B. They include a number of measures for which there is a good political case and which have been left out only because of the pressure on the Programme. In particular, Cabinet colleagues should be aware of the special arguments pointing to legislation next Session that have been put to QL in respect of the following topics.

a. Student Support. Our General Election Manifesto noted that we had begun a review of student support arrangements, including the possibility of top-up loans, and promised that "we will take care to ensure that the best aspects of the present system are retained in any new proposals that we bring forward". The review is now near completion, and the Secretary of State for Education and Science and the Chancellor of the Exchequer believe that the next Session represents the only politically feasible window for legislation on the matter in the present Parliament. The difficulty facing QL, however, is that the policy on this matter has not yet been collectively considered. Though a Bill on the subject might not be very long, it could well consume a good deal of Parliamentary time. QL did not think that it would be reasonable to make the necessary room for it by deleting from the recommended Programme a Bill that already has policy approval.

b. The Crown Agents. The Government has been committed to the privatisation of the Crown Agents since 1984. The Foreign and Commonwealth Secretary and the Chancellor of the Exchequer believe that after such a long delay privatisation will cease to be a realistic option after next Session. It was put to QL that if the opportunity is not seized, then there will still have to be legislation in a later Session to implement some less satisfactory and more expensive solution. But, while the Bill is not one of the more controversial privatisation proposals, it would be yet another medium length Bill in a Programme that already includes two massive privatisation measures.

c. London Bus Deregulation. We are publicly committed to extending bus deregulation to London and we have indicated that it should take place by the early 1990s. The Secretary of State for Transport believes that if a Bill is not enacted next Session, then deregulation would not be practicable until well into 1991, which would rule it out for this Parliament. In recognition of the pressures on the Programme, the Secretary of State for Transport has agreed not to press the inclusion of other public transport

measures to which he attaches priority. But, even so, the London bus deregulation provisions would amount to a Bill of substantial length and controversial content.

d. Human Fertilisation and Embryology. This Bill is not controversial in party terms but it will arouse strong individual views. The preparations for it have now been very carefully laid, however, and it was strongly argued to QL that the issue will become increasingly difficult to handle if it is not settled in the second Session of the Parliament. There would also be a continual risk of private Members' Bills until Government legislation was introduced. On the other hand, this Bill (which would probably have to be introduced in the Commons) would take a good deal of Parliamentary time, especially in the House of Lords. QL also had to consider whether it would be right to include in the same Programme two major Department of Health and Social Security Bills - Human Fertilisation etc; and Children and Family Services - that were not of a party political nature. The Committee concluded that the Programme could only bear one such measure and, for next Session, they put a higher priority on the Children and Family Services Bill.

e. Elections (Northern Ireland). QL see no difficulty in recommending a short non-controversial Bill to extend the franchise in Northern Ireland local elections to the "I" voters. On the other hand, they believe that the proposed candidates' declarations abjuring support for proscribed organisations and acts of terrorism carry the risk of consuming much Parliamentary time. The Committee do not, therefore, recommend the inclusion of that item, though this would mean that the declarations could not be put in place before the Northern Ireland local government elections in May 1989.

ADVANCE DRAFTING AUTHORITY

7. In recent years it has been found useful to give advance drafting authority to a few very complex and long Bills of cardinal political importance that are likely to be needed for the Session after the one under consideration. Nothing of that nature has emerged in QL's work this year, however, and I do not recommend that we should lower the criteria in order to give advance drafting authority to any of the Bills that we can already identify as candidates for the 1989-90 Session.

PREPARATION AND HANDLING OF BILLS

8. It is usual at this time to invite departmental Ministers to do all they can to ensure the timely preparation of Bills for which they are responsible. This request is clearly of special importance this year, when there will be less Parliamentary time than usual at the start of the Session. It is crucially important that all the large Bills introduced in the House of Commons should be introduced in time to get their Second Reading by Christmas.

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9. The successful management of the programme will also depend on a reasonable number of weighty Bills being introduced early in the Session in the House of Lords. The Lord Privy Seal and I will look to colleagues to co-operate with us in making these choices.

CONCLUSIONS

10. I invite the Cabinet -

- a. To approve the list of Bills at Annex A as the provisional Legislative Programme for the Next Session, on which preparatory work should now be put in hand.
- b. To endorse the comments about the preparation and handling of Bills in paragraphs 8 and 9 above.

J W

Privy Council Office

4 March 1988

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DTI Companies long
(c 160 clauses)

To implement EC company directives (essential), to amend mergers procedures (originally proposed as part of Fair Trading Bill), and miscellaneous regulatory and deregulation measures.

DTp Road Traffic substantial
(c 30 clauses)

To introduce a unitary driver licensing system (essential), and to provide for automated traffic guidance systems.

PROGRAMME

MAFF Pesticides very short
(one clause)

To allow MAFF to recover full costs of dealing with pesticides applications.

DEn Electricity long
(c 100 clauses)

To provide for the privatisation of the electricity supply industry in Great Britain.

DEn/FCO Continental Shelf (Amendment) very short

To give effect to any treaty delimiting UK continental shelf.

DOE Water Privatisation long
(over 200 clauses)

To provide for the privatisation of the water industry in England and Wales.

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HO Representation of the People very short/short

To amend the law on overseas and absent voting.

NIO Fair Employment (Northern Ireland) substantial
(c 25-30 clauses)

To strengthen anti-discrimination legislation in Northern Ireland in the field of employment.

SO Transport (Scotland) medium

To provide for the privatisation of the Scottish Transport Group.

SO Housing (Scotland) long
(c 70 clauses)

To reform the home improvement grants system and local authority housing revenue accounts.

SO Education (Scotland) substantial
(c 30 clauses)

To enable Government to control management side in negotiations on teachers' pay and conditions; and to make various reforms in Scottish education.

DTp Ports substantial

To privatise trust ports and ports owned by local authorities; and to eliminate Government financial assistance to London and Liverpool ports.

UNCONTROVERSIAL

HO Police (Officers Seconded to Central Service) very short

To provide that a police officer seconded to central service does not cease to be a member of a police force.

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LCD Conveyancing Procedures short

To give effect to 4 Law Commission reports on technical issues relating to conveyancing.

OAL National Maritime Museum very short

To enable National Maritime Museum to hold land.

DTI Share Dematerialisation short

To provide for an electronic means of transferring and registering shares.

NIO Elections (Northern Ireland) very short

To amend Northern Ireland local government franchise.

BILLS NOT RECOMMENDED FOR INCLUSION IN 1988/89 PROGRAMME

PROGRAMME

MAFF Agricultural Marketing short

To amend the current potato and wool price support and marketing regimes.

MAFF Slaughterhouses short/medium

To implement Farm Animal Welfare Council recommendations on the slaughter of redmeat animals.

MAFF Agriculture very short

To provide for agricultural levies to facilitate establishment of development councils.

DES Student Support short/medium

To introduce a loan element into student finances.

DES Teachers' Pay and Conditions short/medium

To establish a Teachers' Negotiating Group to succeed the Interim Advisory Committee

DES Education (Recoupment) very short

To reform the system of inter-authority payments for pupils crossing LEA boundaries.

DOE Environment and Planning long
(c 80 clauses)

To implement miscellaneous pollution control and planning provisions.

DOE	Crown Suppliers	short (6 clauses)
To privatise the Crown Suppliers.		
FCO	Crown Agents (Future Arrangements)	medium
To privatise the Crown Agents.		
FCO	Diplomatic and Consular Premises (Disturbances)	very short
To control demonstrations which disturb embassies and consulates.		
DHSS	Human Fertilisation and Embryology (Control)	substantial (40-50 clauses)

To regulate embryo research, storage, use and disposal.

DHSS (OPCS)	Registration Services	substantial (c 50 clauses)
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To update legislation relating to the Registration Service.

HO	International Criminal Jurisdiction and Mutual Assistance	substantial
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To reform the law on territorial and extra-territorial jurisdiction; and to provide for international assistance in dealing with crime.

HO	Prohibition of Torture	short
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To enable the UK to ratify the United Nations Convention on Torture.

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LCD Choice of Law in Contract medium

To enable the UK to ratify the 1980 Rome Convention on the Law of Contractual Obligations.

NIO Elections (Northern Ireland) short

To require candidates to disassociate themselves from terrorism.

OAL Museums and Galleries substantial
(30 clauses)

To regularise funding status of National Museums and Galleries and to enable them to dispose of parts of their collections.

SO New Towns (Scotland) short

To provide the Scottish Secretary with powers to effect a reconstruction of New Towns' liabilities.

SO Electricity (Scotland) long
(c 70 clauses)

To provide for the privatisation of the electricity supply industry in Scotland. [Now to be achieved instead by GB Bill]

DTI Fair Trading long
(c 80 clauses)

To amend procedures for merger control [to be included in Companies Bill] and to make deregulatory provisions on consumer credit and weights and measures.

DTI Wireless, Telegraphy and medium
Telecommunications

To provide for spectrum pricing.

DTI Export Guarantees and short/medium
 Overseas Investments

To regularise the diversification of Export Credit Guarantees Department's operations.

DTP Public Transport substantial

To extend bus deregulation to London; provide for the privatisation of London Buses and local authority transport undertakings; and transfer to British Rail the Government's responsibility for payments to British Rail pension funds.