

Prime Minister

The Chief Whip will raise this with you at your meeting tomorrow at 1700. If the situation is not stabilised, it could unravel to the point where you are forced into a reshuffle, which gives the changes on the past year you have sought to avoid.

Political

PRIME MINISTER

AT
26/6

SCOTLAND

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I am receiving regular calls from Michael Forsyth, and now Jim Goold, who believe the situation in Scotland is becoming desperate. Gerry Malone and Jeffrey Archer (who has been visiting constituencies there) have independently rung me and given the same story.

The immediate cause is the Scottish Law Reform Bill. Although the sittings motion was narrowly passed, our three backbenchers (Nicholas Fairbairn, Bill Walker and Allan Stewart) continue to threaten to sabotage the Bill. Malcolm is resisting their demands to drop large parts of the Bill, in which case there will almost certainly have to be a guillotine, which they will oppose. If the guillotine is forced through with the help of English members, they are likely to set out to wreck the Bill. The Scottish press, which has been writing of little else for days, regards the demise of the Bill as a foregone conclusion and is now speculating on when Malcolm Rifkind will resign / be moved / be sacked.

A large part of the problem appears to be that the three backbenchers have lost confidence in Malcolm, while Malcolm suspects that Michael Forsyth is involved with them in a plot to oust him. Jim Goold (and others) believe that Malcolm cannot survive for much longer under this pressure and is already beginning to show signs of cracking. Andrew Dunlop shares this view. They believe the only hope of averting disaster is for you to move Malcolm to another position as soon as possible.

Jim Goold has asked to see you urgently to give you his views: I have explained the problem with your diary and suggested that he might ring you at the weekend.

Press coverage of unceasing warfare in the Scottish Party is doing us enormous damage. Michael Forsyth is in a state of great depression. It is clear that something needs to be done quickly.

You might consider:

- (a) talking to George Younger, as one of the few sensible and disinterested Scottish Conservatives
- (b) trying to talk sense into Nicholas Fairbairn, Bill Walker and Allan Stewart and to explain the damage they are doing to the Party. *(or get George Younger to do so)*
- (c) getting in both Malcolm and Michael, either together or separately

JAW

JOHN WHITTINGDALE

26 June 1990



COMMENT

Mutinuous Tories courting disaster

THIS week's farce at the Commons committee stage of the Scottish Law Reform Bill came close to a collapse of good government.

Most of the bill is exceptional but the clauses that dismantle the solicitors' conveyancing monopoly and break the stranglehold of high-charging advocates in supreme-court appearances has caused fury in the Scottish legal profession.

The government deserves support in its attempts to introduce competition to reduce costs further for clients in conveyancing and court appearances. So thought Scottish Tory MPs, until they were got at by the legal mafia in their constituencies.

Last Monday, behind the scenes at the Scottish Grand Committee in Edinburgh, backbench Tory committee heroes — Sir Nicholas Fairbairn, Sir Hector Monro, Allan Stewart and Bill Walker — ganged up to threaten that they would not support the government. The tidings were wrapped in a pompous excuse that there was insufficient time for proper consideration of the bill and a guillotine was unacceptable. This was like a sermon from Burke and Hare on the sanctity of corpses.

Malcolm Rifkind backed down and secured respite from immediate humiliation at the first sitting of the committee the next day by agreeing to soften conveyancing reforms and a woolly offer of further concessions, unspecified.

With Sir Nicholas remaining rebellious the parliamentary arithmetic was nip-and-tuck in Mr Rifkind's favour, helped by the masochism of Labour's Brian Wilson, absent on a trip to watch other heroes in Italy.

But the price of the "private arrangement" the Tory MPs reached with their own government ministers, where free votes on some controversial reforms appear to have been promised, quickly proved high for Mr Rifkind who, to the astonishment of colleagues, was forced to rush from Thursday's cabinet meeting to vote in committee on a procedural amendment from the Social and Liberal Democrats to save his bill — and probably his career too.

Why the emergency call? Mr Stewart was on the phone

and could not be found as the crucial division drew near. Mr Walker attacked the government, found favour with the amendment of Menzies Campbell, the SLD spokesman, but having done his arithmetic and realised the government's position, voted the opposite way.

His statement explaining why is worth re-reading: "I am a government supporter and any agreement I had reached with the government did not involve this amendment. I am not out to pick fights with the government. I have arrived at an understanding which I am honouring." Meaningless, it hints to any puzzled explorer of Mr Walker's reasoning, such as Mr Campbell, that the time has come to give up.

Let there be no doubt about the consequences of failure to get this bill on the statute book, substantially intact. If Mr Rifkind is unable to deliver half the Scottish legislative programme it is hard to see how he could continue. Tory support in Scotland would be destroyed by his departure.

Substantially similar reforms are already in place for a reluctant English profession at the hands of the wily Lord Mackay of Clashfern, the Lord Chancellor — and a Scot. The government's credibility, should it fail to dish out the same medicine to lawyers north of the border, would be in tatters.

There is dismay in government, not just over the behaviour of Tory backbenchers, but at Mr Rifkind's willingness to concede to their demands. The rot set in when, after the 1987 election, as an apparent act of courtesy, the Scottish secretary agreed to attend regular backbench meetings with ministerial colleagues. But to frustrated backbenchers, all but one of whom had served in government, it was much more than that.

It was a declaration of their intention to hold the Scottish secretary to account. Now that they have, the results are disastrous. Mr Rifkind is undermined, they look foolish and important reforms will probably be lost. Governing with only 10 MPs always looked a tall order. The Scottish Tories have only themselves to blame for making it look impossible.

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Tory denies 'plot' against Rifkind . . .

By **STUART TROTTER**,
Political Correspondent

TORY MP for Eastwood Mr Allan Stewart yesterday vigorously denied reports of a conspiracy or plot by some Scottish Tory MPs against Scottish Secretary Mr Malcolm Rifkind.

In a letter to his constituency party chairman, Mr Jackson Carlaw, he described them as "absurd."

However, he also said he could see no present justification for Mr Rifkind seeking a guillotine for the Scottish law reform Bill, which some regard as the only way the Bill can be pushed through the committee now considering it in time for it to become law.

The four Scots Tory backbench MPs on the committee last night dined in London with leading officials of the Scottish Law Society, which is strongly opposed to a number of the provisions in the second part of the Bill which would, for

example, end the solicitors' monopoly on conveyancing.

Mr Stewart said in his letter that various reports of plots against Mr Rifkind had appeared in the press "although Malcolm has, of course, never been quoted as making such allegations."

He said: "Some of the reports have undoubtedly been designed to exploit a difficult situation by suggesting that legitimate concern about a real and practical problem is a front for some kind of undercover campaign."

His view was "that it would be best that the present excellent Scottish Office team, led so well by Malcolm, should stay in office unchanged at least for the rest of this Parliament."

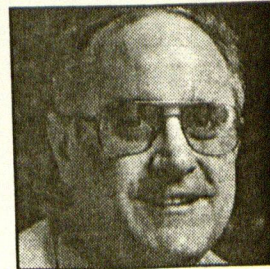
The Scottish Standing Committee on the Bill resumes this morning for what could be a lengthy, late sitting, but many members of the committee still feel that there is too much material in the Bill for there to be any hope of all its contents be-

. . . but MP warns against law Bill guillotine

ing discussed by the end of July when the Commons rises for the summer recess.

As yet, there is no sign of the tactics the Scottish Office will adopt.

Mr Stewart went out of his way to emphasise that, while there had been "a great deal of misinformed and mischievous comment about the Secretary of State's position in all this," the problem caused by the Bill's late arrival in the Commons from the Lords, "was not in any



Allan Stewart

way created by Malcolm Rifkind."

Mr Stewart said the reasons were "not wholly clear."

Whatever they were, he believed they were created in the House of Lords, and Ministers now were faced with a Bill which had generated an unexpectedly high level of opposition both inside and outside Parliament.

"They are trying to fulfil the Queen's Speech commitment to a Bill in a timetable which most MPs, irrespective of party, be-

lieve to be unreasonably, if not impossibly short. Various formulae to try to resolve the problem have been put forward, but so far none has proved successful," he said.

A Commons reply to Mr Stewart, expected soon, will give the dates on which the Lord Advocate, Lord Fraser of Carmyllie, was out of the country earlier this year, but Scottish Office sources insist it will show that the trips — which included a visit to the United States in connection with the Lockerbie inquiry — did not affect the Bill's timetable in the Lords.

The committee looks like being bogged down for much if not all of today's session in the first section of the Bill making changes in the law relating to charities and giving the Lord Advocate new regulatory powers which have been questioned by some MPs.

The changes to the Scottish legal system come next, and after that the committee has to tackle changes to divorce law,

licensing changes — including the opening of off-sales on Sundays — and giving police powers of entry to private clubs without a warrant, to name only a few of the variety of changes proposed in the 105-page Bill.

Mr Stewart makes plain in his letter that he advised the Scottish Office against going ahead with the legal changes, which the Opposition also has suggested should be dropped

Because of the resistance of the Scots backbench Tories, the Government's control of the committee is uncertain, and a decision will have to be taken soon on whether to risk a guillotine — which the Government would carry easily in the Commons, but which could embarrassingly see all the Scots Tory back benchers involved speaking and possibly voting against it — or to drop large sections of the Bill, possibly even more humiliating as the chance of doing this earlier was passed up.

Action