

PRIME MINISTER

cc Mr Turnbull

SCOTLAND

Andrew Turnbull copied to me his note to you of last night, reporting on the Chief Whip's discussions with the rebel backbenchers. Unfortunately, rather than reflecting privately on what was said, Bill Walker and others have spoken to the press, resulting in the headline in today's "Scotsman" which I attach.

As you will see, Bill Walker makes clear his continued opposition to the guillotine and claims it raises constitutional issues. If he does vote against the guillotine, this will of course require him to resign as Vice-Chairman of the Party in Scotland. I understand that Adrian Shinwell, the senior Vice-President of SCUA (and also a lawyer) would also resign. If the Government does force the guillotine through with the help of English backbenchers, I have no doubt that the Labour Party will also take the same line as Bill Walker and try to turn it into a constitutional crisis.

Michael Forsyth has also rung me. He has heard from "Scotland on Sunday" and the "Sunday Times" that Willie Whitelaw saw you yesterday to discuss the position in Scotland. He also knows that this was the result of Willie having spoken to Arthur Bell, the Chairman of the Tory Reform Group in Scotland, and John Mackay - both of whom oppose you philosophically and on Scottish matters. He fears that the result will be yet more damaging coverage on Sunday. He is also demoralised by the fact that Malcolm Rifkind has made it quite clear to him that he believes Michael is somehow in cahoots with the rebel backbenchers. I have done my best to bolster his morale.

JW
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JOHN WHITTINGDALE

29 June 1990

Deadline for law-reform rebels

MPs warned as crisis looms for embattled Rifkind

THE GOVERNMENT has dramatically upped the stakes in the row over the Scottish law reform bill — setting a Monday deadline for Conservative rebel back-benchers to give it their backing.

The chief whip, Tim Renton, has stepped in to offer concessions on the contents of the bill in return for the rebels' agreement to back a guillotine motion which would speed the bill through.

If they do not fall into line, English Tory MPs will be used to over-ride the votes of the rebels, a move which one MP said would create a constitutional crisis.

As party divisions have deepened at Westminster, anxious Conservative Party office-bearers in Scotland expressed fears that Mr Rifkind's troubles over the law

reform bill might push him into resignation.

A senior party source said: "There are a number of people who are concerned that, given the number of banana skins that have cropped up and which seem to go back to Malcolm's door, the cumulative effect may be that he might resign or be sacked."

But it is understood that Mr Rifkind has secured the unequivocal backing of the Prime Minister, and is confident that he can survive the battle with his MPs.

As the confusion and whispers continued at Westminster over the fate both of the bill and Mr Rifkind, it was disclosed that Mr Renton called in back-benchers

individually on Wednesday night.

Mr Renton, who consults the Prime Minister regularly, is understood to have asked them not to vote against a guillotine motion, which sets a rigid timetable for debate on the bill. After two weeks of debate, the Scottish Standing Committee is only at clause three, with 58 other clauses to be covered in the remaining three weeks.

A Government source said that while no final decision has been taken yet, it was expected the guillotine motion would be announced next Thursday and debated on the floor of the Commons the following week.

Sir Nicholas Fairbairn, the Conservative MP for Perth and Kinross, will almost

By EWEN MacASKILL
and PETER JONES

certainly vote against a guillotine, as probably will Allan Stewart, MP for Eastwood, and Bill Walker, MP for Tayside North.

Mr Walker said a guillotine would create a constitutional

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crisis because of guarantees for the Scottish legal system in the 1707 Act of Union.

"We would have English members pushing through a guillotine to restrict debate on the constitutional structure of the legal system in Scotland," he said.

Asked how that crisis would come about, he said: "I know what I would be doing if I were a nationalist or the Labour Party demanding an Assembly — it is heaven sent.

"My consistent purpose, and the position I have taken all along, is that in the unitary Parliament, we must give adequate time to debate properly and fully Scottish legislation, particularly that most affecting the essential law of Scotland."

Constituency association chairmen and other leading members of the voluntary section of the party are desperate to avert a Rifkind resignation. They believe that if he were forced into leaving his job, it would scupper any chances that the Tories might

have of making an electoral recovery in Scotland.

Mr Walker revealed that he had been present at a meeting of the SCUA office-bearers and other leading party officials on Monday. "I can assure you, without giving any details, that the view was that the Government had got it wrong and ought to be encouraged to do something about it."

Adrian Shinwell, a SCUA vice-president, would not comment on the meeting. He said: "All I would say is that there is concern at the apparent disunity within the party over the progress of the law reforms bill.

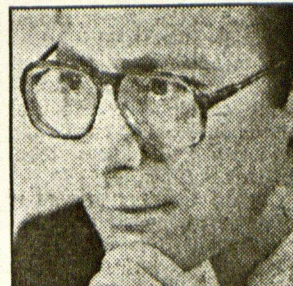
"But there is no doubt that the Secretary of State enjoys the confidence of the membership of the party — that

was shown quite clearly at the party's conference in Aberdeen."

As the crisis has dragged on, the conspiracy theorists within the party have had a field day, arguing about who might be plotting against Mr Rifkind. Those who have heard the theories dismiss them on the prosaic grounds that no-one except the party's opponents have anything to gain from them.

Mr Walker said: "Anyone who thinks I am trying to engineer a conspiracy involving Nicky Fairbairn, Allan Stewart and Hector Monro doesn't know these characters. If there is any conspiracy, it is coming from the Scottish Office. They are the people putting out all the leaks.

The Government view is that a handful of back-benchers cannot hold the



Malcolm Rifkind: Backed by Prime Minister

Government to ransom. It is also expected to argue that there is no constitutional crisis because the majority of Scottish Conservative MPs, though not of the back-benchers, will support the motion: the five Scottish ministers, plus presumably George Younger, the former cabinet minister, and any of the other back-benchers they win to their side.