

Ref. A09269

PRIME MINISTER



Yes - should  
charge in  
drafting

If you agree with this, the letter to ~~Lord Bridge~~ Mr du Cann is attached for your signature. We will despatch it if Lord Bridge is content.

Security Commission

W  
2/8

Lord Bridge, the Chairman of the Security Commission, has received a letter from Mr Edward du Cann, Chairman of the Treasury and Civil Service Committee, in which Mr du Cann asserts that the Security Commission is one of the "associated public bodies" on which the Treasury and Civil Service Committee is expected to keep an eye, and invites Lord Bridge to submit a short paper, setting out the remit of the Commission, its staff and the administrative arrangements used to enable it to carry out its work.

2. Lord Bridge has asked to come and see me about this letter within the next couple of days. He says that it had never occurred to him that the Security Commission could be regarded as an "associated public body" of any Department, still less as one on which any select committee had authority "to keep an eye". He wonders whether the letter in reply to Mr du Cann should come from him or me - or perhaps someone else. He says that he would be reluctant to give the appearance of accepting, even by implication, that he was in any way answerable to the select committee in relation to the affairs of the Security Commission.

3. Standing Order 86A lays down that select committees thereby appointed are entitled to examine the expenditure, administration and policy of the principal Government Departments, and also of their "associated public bodies". Standing Orders do not define "associated public bodies"; but I attach a copy of paragraph 5 of the Memorandum of Guidance for Officials, which includes a quotation from what the then Chancellor of the Duchy of Lancaster said about this in a speech on 25 June 1979.

4. It seems to me that we should resist this attempt by the Treasury and Civil Service Committee to inquire into the workings of the Security Commission. I suggest that we should do so on the basis of two reasons:





- (i) It is not an "associated public body" of any Department, for whose activities and findings Ministers are in <sup>any</sup> no sense answerable. It is an independent advisory body reporting to you.
- (ii) The nature of its activities makes it inappropriate for it to be the subject of select committee scrutiny.

5. If you agree with this, I am minded to propose that you should write to Mr du Cann, to make it clear to him that you do not regard it as appropriate for him to inquire about the Security Commission or appropriate for Lord Bridge to respond to his request.

6. I suggest, however, that we should not return a completely blank answer to Mr du Cann's request but that I should prepare a memorandum setting out the matters for which there is Ministerial responsibility; that is to say the position and terms of reference of the Security Commission and the provision of a Secretary.

--- 7. I attach herewith a draft of a letter which you might send to Mr du Cann on that basis.

8. If you are in general content with the line proposed, I should like to discuss the matter accordingly with Lord Bridge tomorrow or the day after; I would then advise further as to whether he was content for the matter to be handled in this way.

RIA

ROBERT ARMSTRONG



5. The general terms of reference of these Committees are as set out in Standing Orders No. 86A, 86B and 86C (Appendix A of this Memorandum). The Committees are entitled to examine the expenditure, administration and policy of the principal Government Departments, and also of their "associated public bodies". The terms of the Standing Orders do not define "associated public bodies" but the Chancellor of the Duchy of Lancaster said in his speech on 25 June 1979 that:

"The Government also accept the Procedure Committee's view that the Committees must be able to look at the activities of some public bodies that exercise authority of their own and over which Ministers do not have the same direct authority as they have over their own Departments. The test in every case will be whether there is a significant degree of ministerial responsibility for the body concerned".

Associated public bodies therefore include all nationalised industries, fringe bodies and other Governmental organisations within the responsibilities of the Department or Departments concerned for which Ministers are ultimately answerable. They do not, however, include bodies for which Ministers are not answerable to Parliament, even though these bodies may be in receipt of Government funds. There will no doubt be borderline cases, but in general the existing principles of Parliamentary accountability can be applied.





Tyne for thoughts  
box pl.

DRAFT LETTER FROM THE PRIME MINISTER TO  
The Rt Hon Edward du Cann MP

Lord Bridge tells me that, as Chairman of the Treasury and Civil Service Committee, you have written to him to say that the Security Commission is one of the "associated public bodies" on which the Committee is expected to keep an eye, and to ask him to submit a short paper on the remit and working arrangements of the Commission.

The Security Commission is not an "associated public body" of any Government Department, of a kind which would come within the Committee's remit. Although its members are appointed by the Prime Minister and its reports are submitted to the Prime Minister, it is an independent advisory body and Ministers are not answerable for its work or its findings (though they are of course answerable for the decisions taken by the Government as a consequence of those findings).

Given this and the nature of the Commission's responsibilities, I do not think that it would be appropriate for Lord Bridge to respond to your request.

I am, however, asking the Joint Head of the Civil Service, Sir Robert Armstrong, to let you have a short factual memorandum on the composition and terms of reference of the Commission.