



Treasury Chambers, Parliament Street, SW1P 3AG
01-233 3000

28 September 1984

The Rt. Hon. John Biffen MP
Lord Privy Seal

A handwritten signature in cursive script, appearing to read 'John Biffen'.

DISCLOSURE OF INFORMATION TO SELECT COMMITTEES

I have delayed replying to your letter of 1 August to Leon Brittan until I was able to take into account the comments of nationalised industries sponsor Ministers.

Having now seen the various replies, I am sure it is right, as I argued when we first discussed this matter in July, that nationalised industry working documents which can be broadly construed as "advice to Ministers" should be subject to the same disclosure procedures as Departmental documents. At the same time, I think we ought to agree a further understanding that would allow Chairmen to indicate to Committees material that it is needed to be treated as commercially confidential.

I am much more doubtful about the proposal that we should attempt to define Departmental papers which might be regarded as "advice to Ministers" or "internal working papers". It is very difficult, in practice, to arrive at a form of words which is sufficiently comprehensive, yet which cannot be represented as covering virtually every document in a Department. To attempt too comprehensive a definition would invite rejection by Select Committees while prompting a discussion which might eventually force us to agree definitions which are less favourable than the present arrangements, ambiguous though they may be. My instinct here is to leave well alone.

There is a stronger case for defining the kind of "policy papers" in nationalised industries about which we are concerned. If we were to do this, I think Norman Tebbit's definition would be appropriate. However, I am concerned that, since we are seeking to put nationalised industries and Government Departments on a common footing, an attempt to define "policy papers" in the context of nationalised industries may lead inexorably to a comparable definition for Departmental papers. To avoid the dangers of that, I conclude that, on balance, it would be better not to agree any precise definitions, even for nationalised industries.

Parliament A6
H.C. Procedure



I certainly agree that it would be useful to seek the views of the nationalised industries Chairmen's Group in confidence before any approach is made to the Liaison Committee. This might suitably be done by officials and, as the Treasury normally acts as the point of communication with the Group, we will sound them out if you think this would be helpful.

I am sending copies of this letter to Cabinet colleagues and to Sir Robert Armstrong.

Lawson
Nigel

NIGEL LAWSON