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The Rt Hon John Biffen MP
Lord Privy Seal
Privy Council Office
Whitehall
LONDON
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28 September 1984

Dear John,

DOCUMENTS FOR DEPARTMENTAL SELECT COMMITTEES

Thank you for sending me a copy of your letter of 1 August to Leon Brittan about the rules and conventions governing the production to select committees of documents of Government Departments and their associated bodies. I have also seen some of our colleagues' responses.

It would certainly seem appropriate, for the purpose of forming a judgement on disclosure to select committees, to treat policy documents held by associated bodies and by Government Departments on a similar footing. Inappropriate disclosure of some of the working documents of our nationalised industries could be very damaging and I would certainly hope that the Liaison Committee would accept the reasonableness of what you propose. I assume that if the new convention is accepted and, at some time in the future, a select committee takes the view that the convention should not apply in the case of a particular document then, as Nicholas Ridley suggests in his letter of 4 September, the nationalised industry should be able to refer the Committee to the Secretary of State for a decision.

We have managed, so far, to avoid any serious conflict with the Scottish Affairs Committee over the withholding of documents either from my own Department or from our associated bodies and we have not found it necessary to supply the Committee with documents on an "in confidence" basis. I would hope that in seeking to obtain agreement to new definitions of "internal working documents" and "advice to Ministers" we do not obtain greater precision at the cost of storing up more trouble for ourselves in the future.

Copies of this go to Cabinet colleagues and Sir Robert Armstrong.

Yours, we,
George.

MEMORANDUM
FOR THE RECORD
DATE: 2 OCT 1951

Parliament Pt 6
H/C procedure

[Faint, mostly illegible typed text, appearing to be the main body of a memorandum or report.]

u/s

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Oddi wrth y Gweinidog Gwladol

From The Minister of State

LT/113/84

26 September 1984

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26/9

Dear John,

In your letter of 1 August to Leon Brittan, you asked for comments on the review of rules and conventions governing the production of documents to Departmental Select Committees by Government Departments and their associated public bodies. I am responding in Nick's absence.

I agree with your proposal that we should seek to establish through the Liaison Committee an understanding with Select Committees that nationalised industries and other associated public bodies should be treated as on a par with Government Departments when forming judgements on disclosure. Although other Departments appear to have experienced more difficulties on this front than we have with the Welsh Affairs Committee, I feel that the present unsatisfactory position may increasingly cause problems relating to disclosure, and that an approach to the Liaison Committee is justified. As far as the basis of this approach is concerned, I am sure that our objective should be the logically defensible one of ensuring parity of treatment: that is, if a document would be withheld by a Government Department it should not be available to a Select Committee from an associated public body. To go further than this and attempt to circumscribe the accessibility of Select Committees to a vaguer category of 'policy documents' could to my mind be counter-productive, and stimulate the Committees to seek to advance the frontiers further than at present.

/I am also

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I am also doubtful whether there is much to be gained by seeking to redefine the terms "internal working documents" and "advice to Ministers". The general nature of the present 'rules' gives Ministers room for manoeuvre which could well be lost if we were to be constrained by more precise definitions. It is unlikely that any list of conditions would fully cover all the circumstances likely to arise in the future, and unless carefully expressed that list might be found to be unduly rigid. The relationship we have by now built up with the Welsh Affairs Committee leads me to conclude that the flexibility of the present understanding is an advantage rather than the reverse.

I am copying this letter to members of Cabinet and Sir Robert Armstrong.

Yours ever,
John.

JOHN STRADLING THOMAS

PARLIAMENT
H/C Proceedings
Pt 6.



4/10

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SECRETARY OF STATE
FOR
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nbpm
John B
17/9

16 September 1984

Dear John,

Your letter of 1 August asked for comments about the review of rules and conventions governing the production of documents to Select Committees.

It would seem sensible for 'policy' documents of nationalised industries and other associated public bodies to be treated in the same way as those of Government Departments and your proposal to take this to the Liaison Committee would be a good way to take this forward.

The Northern Ireland Office has no experience in this area though there are issues, for example with De Lorean, which could possibly alter the situation. I am content therefore to keep a watching brief on developments and let colleagues with a major involvement make the running.

Copies of this letter go to Cabinet colleagues and Sir Robert Armstrong.

over,
Doug

PARLIAMENT: Select Cttee's

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17 SEP 1984

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