



## CABINET OFFICE

70 Whitehall, London SW1A 2AS Telephone 01-233

7 November 1984

Dear Private Secretary

## LEGISLATION IN THE 1985/86 and 1986/87 SESSIONS

The purpose of this letter is to ask for your Minister's proposals for Government legislation in the 1985/86 Session of Parliament and (on the limited terms explained below) the 1986/87 session; and his proposals for Bills which might be offered to Private Members in 1985/86. Details should be included of those Bills which have already been awarded places in the Government programme for 1985/86 on the basis that instructions to Parliamentary Counsel would be delivered not later than January 1985.

Government Bills in 1985/86

2. We should be grateful if you could let us have four copies of your Department's proposals (on white paper) in the form shown at Annex A. Notes on the completion of Annex A are also enclosed and it would be appreciated if you would follow them closely. The entries should be grouped by category of Bill, and numbered in your Minister's order of priority within each category.
  
3. It is not possible at this stage to give specific guidance about the size and shape of the programme Ministers will wish to have in 1985/86. But in compiling bids it should be assumed that the session will be of normal length, beginning in October or early November. The number of bids is usually double the number of places which can be made available, and importance will therefore attach to the order of priority in which Departments list their bids and what is said about their timing. If Royal Assent is required before the end of the session - ie October or November 1986 if there is a spillover - the date should be specified and the reason given. Estimates about preparation time and comments about state of readiness must be realistic, taking account in particular of any time needed for public consultation, and of the length of time (frequently underestimated by Departments) likely to be needed to draft Bills. Unrealistic estimates, of which there were a large number in the bids for 1984/85 (particularly as regards delivery of drafting instructions), cause difficulties in the management of Parliamentary business which can operate to the disadvantage of all Departments.

Private Secretary to the -  
Prime Minister

Government Bills in 1986/87

4. Because some Bills take longer to prepare than the normal one-year cycle allows, bids are also invited for a handful of places in the 1986/87 programme. Selection will be confined to Bills which are important and will clearly need a long time to prepare; and to which Departments are prepared to devote sufficient staff at an early stage to have full instructions to Parliamentary Counsel ready by the end of January 1986. Bills which do not meet these criteria should be the subject of bids next year when the full 1986/87 programme will be considered. A Bill may be proposed simultaneously for 1985/86 and 1986/87, or solely for one session. In either case, a copy of Annex A should be used. Departments will wish to bear in mind that 1986/87 is likely to be the last full-length session before the next General Election.

Private Members' Bills

5. We should be grateful if you would let us have four copies of a list, set out in the form at Annex B (on white paper), of the Bills your Department considers would be suitable, and can be made ready, for offering to Private Members of the House of Commons who are successful in the ballot for Bills which will take place at the beginning of the 1985/86 session. The purpose of putting together this list now is to avoid a rush of requests for policy clearance and drafting in the autumn when pressure of work on Government Bills is at its greatest. Once Departments' proposals have been considered and agreed, it should be possible to carry out preparatory work on at least some of the Bills in advance of the ballot. There is no guarantee that a particular Bill will be taken up - that is a matter for individual Private Members - but if it is not chosen in one session a ready-drafted Bill will remain available for subsequent sessions. Your Department's list should include any Bills which have been offered or introduced in previous sessions without success and which you would like to offer again.

6. To be suitable for offering to a Private Member a Bill should normally be short, simple, non-financial and not controversial in party political terms. It may be unsuitable if it is likely to be unpopular with prominent non-parliamentary interest groups, but such proposals may be included on the list provided that the likely reaction of outside groups is explained. There is no need to use a separate page of Annex B to list each bid, but the bids should be numbered in the Department's order of priority.

Overlap between lists

7. Departments may consider that some Bills merit places in the Government programme but would also be suitable for offering to Private Members. If genuinely suitable for both categories they should be included on both lists, with a cross-reference in each entry to the other one. Inclusion in the Private Members' list as well as the Government one will not necessarily lead to a Bill being excluded from the latter by QL Committee. It is important for each entry to make clear whether there are any special timing considerations which could influence the choice which is finally made.

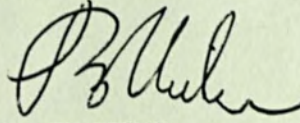
Closing Date

8. We should be grateful if Departments could complete and let us have four copies of forms A and B by Wednesday 12 December. If you have no candidates please let us have a 'nil' return.

CONFIDENTIAL

I am sending this letter to the Private Secretaries to all Ministers responsible for Departments and copying it to Janet Lewis-Jones (Lord President's Office), David Morris (Lord Privy Seal's Office), Murdo Maclean (Chief Whip's Office), David Beamish (Lords Chief Whip's Office), Sir George Engle (First Parliamentary Counsel) and Norman Adamson (First Parliamentary Draftsman for Scotland).

Yours sincerely

A handwritten signature in cursive script, appearing to read 'S B Hickson', written in dark ink.

S B HICKSON

CONFIDENTIAL

## GOVERNMENT BILLS PROPOSED FOR 1984/85 AND 1986/87

CATEGORY OF BILL:

WHICH SESSION(S):

PRIORITY AND TITLE; PURPOSE	DEPT	POLITICAL ASPECTS	LENGTH; PARL. PROCEDURE; ROYAL ASSENT	FINANCIAL, MANPOWER AND EC ASPECTS	TIMETABLE FOR PREPARATION

CONFIDENTIAL

NOTES ON COMPLETING ANNEX A (DESCRIPTION OF EACH BILL  
PROPOSED FOR 1985/86 OR 1986/87 LEGISLATIVE PROGRAMME)

GENERAL

1. Entries should be in note form. If there is space successive items may be listed on the same page; conversely a few longer items may need to run over onto a further page.

CATEGORY OF BILL

2. Each Bill should be described as 'essential', 'contingent', 'programme' or 'uncontroversial'. There are notes on these descriptions below. Where different parts of a Bill would fall into different categories, please include brief notes on this at the foot of the Bill's entry in the PURPOSE column.

a. Essential. Bills may be included in this category only if they must be enacted during the Session in question, eg because existing powers or finance would otherwise expire or because of treaty obligations. Please give the reason in the PURPOSE column. A Bill should not be described as essential simply because it has high political priority; that can be made clear in the POLITICAL ASPECTS column. A Bill which is basically essential can sometimes include some non-essential items too. They should be clearly distinguished, and before including them Departments should consider their effect on the length of the Bill and the need to avoid controversial provisions which might affect the Bill's prospects of enactment by the required date.

b. Contingent. These are Bills which might during the relevant Session become essential as defined above, for example if a pending court judgement were to put important powers into question. Bills which may become desirable for some non-technical reason should be included in the 'programme' or 'uncontroversial' category - with a brief explanation at the bottom of the PURPOSE entry of what they depend on.

c. Programme. These are Bills which can already be identified as being desirable for enactment in the relevant session, have a significant political priority and can be prepared in time.

d. Uncontroversial. This category is confined to Bills which are desirable for enactment in the relevant session but are not expected to be controversial in Parliament. It will be assumed that a Bill in this category is suitable for Second Reading Committee Procedure (see paragraph 8b. below) unless the PARLIAMENTARY PROCEDURE entry specifically records that it is not, and briefly indicates why. In the case of a Bill which might also be suitable for a Private Member, reference to this should be made in the PARLIAMENTARY PROCEDURE column and a full entry should also be made in the separate schedule covering Bills suitable for offering to Private Members (Annex B).

PRIORITY AND TITLE

3. Within each category, please number your Bills in the order in which your Department would like to give them priority. As regards the title, a provisional wording is quite acceptable.

PURPOSE

4. Please list the various topics to be covered by the Bill, briefly indicating the purpose in each case. This list should cover all the substantive topics likely to be included. Because of their impact on drafting capacity and parliamentary handling, the business managers and other members of Legislation Committee are likely to resist attempts to make substantial additions later on.

DEPARTMENT

5. Only the Department which would take the lead in preparing the Bill needs to be mentioned here. It is sufficient to use the short form: eg "DHSS", "DTp".

POLITICAL ASPECTS

6. Please state briefly what, if any, public commitments have been given by the Government about the Bill's introduction or timing (NB firm commitments should not have been made without prior consultation with the Chairman of QL Committee, and in any case should normally be avoided until a prospective Bill has secured a place in the programme). Reference should be made to any relevant manifesto commitment. Please also cover briefly -

- a. its likely reception in Parliament, including whether it is likely to arouse particular interest in the House of Lords;
- b. what the attitude of the official Opposition is likely to be;
- c. whether it is likely to be controversial politically or for any other reason;
- d. whether there is pressure for the Bill from groups representing particular interests;
- e. whether it is likely to appeal to or be strongly opposed by any particular sections of the community.

LENGTH

7. An estimate of the length of the Bill is needed so that the demands on drafting capacity and Parliamentary time can be assessed at the earliest possible stage. It will not normally be possible to give an accurate forecast of the number of clauses and schedules, but some indication such as 'very short' (ie not more than 4 clauses), 'short' (5-12 clauses), 'medium' (13-25 clauses), 'substantial' (26-50 clauses) or 'long' (over 50 clauses) would be useful. If the Bill would be short but the schedules lengthy please say so. Where a Bill would cover more than one distinct topic, please indicate roughly what proportion of the Bill would be devoted to each topic.

PARLIAMENTARY PROCEDURE

8. A Bill may be suitable for special forms of Parliamentary procedure. Please state whether it might be suitable for or require any of the following -

- a. Introduction in the House of Lords;

- b. Second Reading Committee procedure in the House of Commons - that is, the Bill is likely to be accepted on all sides of the House as uncontroversial and of little or no political significance (there is no need to mention this specifically in the case of Bills categorised as 'uncontroversial').
- c. Scottish or Welsh Grand Committee procedure in the House of Commons;
- d. Offering to a Private Member successful in the Ballot. Such a Bill should be short, simple, non-controversial in party political terms and without significant financial implications. (In such a case a full entry for the Bill should also be made in the separate schedule dealing with Bills suitable for Private Members - Annex B).
- e. Special Standing Committee procedure in advance of normal Committee Stage.
- f. Committee proceedings on the floor of the House of Commons, for part or all of the Bill.
- g. Treatment as a hybrid or potentially hybrid Bill.

## ROYAL ASSENT

9. For 'essential' and 'contingent' Bills, please give with reasons the date by which Royal Assent is needed. For other Bills, please give a target date (with reasons) only if Royal Assent is essential or desirable before the end of the session - ie before November 1986 (for 1985/86 Bills) or November 1987 (for 1986/87 Bills). Please make it clear in each case whether Royal Assent by a particular date is essential - eg because borrowing limits will otherwise be exceeded - or desirable but not essential.

## FINANCIAL AND MANPOWER IMPLICATIONS

10. Please indicate the effect on central and local government expenditure and manpower of the proposed Bill for the PES period, and whether PES provision has been made for any necessary expenditure. Any separate implications for the Public Sector Borrowing Requirement (PSBR) should also be mentioned, especially if they affect the date by which Royal Assent is required (see also paragraph 9 above on ROYAL ASSENT).

## EUROPEAN COMMUNITY (EC) IMPLICATIONS

11. Please say whether the Bill is required to fulfil any EC commitment. If so, any relevant timing considerations should also be mentioned under ROYAL ASSENT.

## TIMETABLE FOR PREPARATION

- 12. We need to have the best possible estimates of -
  - a. when Ministers' collective policy clearance will be sought (ie from the appropriate Ministerial Cabinet Committee or, exceptionally, full Cabinet). If this is expected to be in stages, eg outline clearance before public consultation and detailed clearance afterwards, please cover each stage. Any likely cause of delay, eg dependence on autumn PES decisions or publication of an inquiry report, must be covered.

- b. whether and if so when and for how long any public consultation on the proposals will be carried out;
- c. when firm instructions will be delivered to Parliamentary Counsel. (If it is proposed to deliver instructions in instalments or at different times for different topics please give details); and
- d. when the Bill is expected to be ready for introduction.

It is important to have realistic estimates to enable Ministers to plan the use of Parliamentary time. Over-optimistic timetables are unhelpful all round. Please be as specific as you can - indicating where possible 'early', 'mid or 'late' when naming a month. In cases of doubt, earliest and latest dates should be given for each stage. Account should be taken of Parliamentary Counsel's absence on leave (normally for the whole of August).

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Cabinet Office

November 1984



## PROPOSED PRIVATE MEMBER HANDOUT BILLS 1985/86

PRIORITY AND TITLE; PURPOSE	DEPT	LENGTH	INTEREST GROUPS AFFECTED AND LIKELY ATTITUDES	ANY FINANCIAL, MANPOWER OR EC ASPECT	TIMING OF POLICY APPROVAL AND INSTRUCTIONS TO COUNSEL

BILLS TO BE INTRODUCED IN THE 1984/85 PARLIAMENTARY SESSION

Local Bus Services Bill: - to abolish licensing so that any operator would be able to run a bus service wherever he judged there to be a demand. Operator licensing to be continued. Local authorities would still be able to subsidise unprofitable services but required to put those services out to tender. Concessionary fare schemes to continue. Additional resources for rural services and safety checks. National Bus Company to be reorganised into smaller units and sold to private sector. Municipal bus undertakings to be incorporated into companies owned by the local authority.

Trustee Savings Bank Bill: - to transfer all of TSB business to new companies set up for the purpose under the Companies Acts and the issue of shares in the new group holding company. TSB Group plc with priority to depositors. Will bring to an end the special arrangements under which the Treasury supervises the TSBs. TSBs will be placed on the same footing as other retail banks.

Insolvency Law Reforms: - to simplify procedures and maximise the use of voluntary arrangements for the collective settlement of debts. This should reduce 'official' involvement and enable the Official Receiver to fulfil his proper investigatory role. The second purpose would be to provide the means for dealing with delinquent directors and rogue liquidations. Personal bankruptcy provisions would only apply to England and Wales.

Bankruptcy (Scotland): - to reform law of personal bankruptcy in Scotland to take account of principles of Scots law.

Films: - to repeal existing films legislation and to end the film quota system, the requirement to register films and licence cinemas and distributors and the restrictions on blind and advance booking. Cinematograph Films Council would be abolished, the 'eady' levy on cinema admissions to be ended earlier than the present law provides, the British Films Fund Agency to be wound up, and the National Film Finance Corporation (NFFC) dissolved. S/S DTI empowered to make available £1.5 million a year to a private British company set up to encourage commercial production of British films, and to allow rights of NFFC to be enjoyed by private successor company. A film project development scheme of £0.5 million a year to be established.

Reorganisation of Local Government in Greater London and Metropolitan Counties: -

Representation of the People: - right to vote at Parliamentary and European Parliament elections extended to British citizens resident abroad who have lived in UK within previous six years; holidaymakers eligible for postal and proxy votes; Parliamentary candidates deposit increased to £1,000 but threshold for forfeiture reduced to five per cent of total votes cast.

Prosecution of Offenders: - would establish an independent prosecution service for England and Wales headed by DPP, under the superintendence of the Attorney General. The new service would take over the conduct of all criminal proceedings instituted by the police; provide advice to police on criminal matters; provide advocates in

Magistrates' Courts in all proceedings instituted by the police; brief Counsel in such cases tried in the Crown Court. Attorney General would be able to refer to the Court of Appeal those cases where it might appear the sentence given in a Crown Court was too lenient. Criminal proceedings subject to '110 day rule'.

Interception of Communications: - to establish a new and comprehensive statutory framework to govern the interception of communications. Would bring the law into conformity with the European Convention on Human Rights following the Malone case.

Administration of Justice: - to simplify and speed up house transfer and to remove barriers to competition in this field, while maintaining adequate consumer protection; to transfer the Registry of County Court Judgements (RCCJ) from the Lord Chancellor's Department to the users themselves. The RCCJ provides information about County Court judgements where more than £10 remains outstanding more than one month after entry of the judgement.

Law Commission Reports: -

(a) Under present law an individual who appoints an attorney to manage his affairs and later becomes mentally incapable finds that power of attorney is invalid - this Bill will seek to introduce enduring powers of attorney.

(b) Williams and Glyn's Bank v. Boland - proposals still being considered.

International Enforcement of Child Custody Orders: - to enable UK to ratify the European Convention on Recognition and enforcement of decisions concerning custody of children and related Hague Convention which aim to provide solution

to 'child kidnapping' by parents. Would enable UK to more effectively combat international child abduction.

Occupational Pensions Proposals: - to revalue the deferred pensions of future early leavers by five per cent a year compound or the rise in prices, whichever is the less over the whole period from leaving to pension age.

Food and Environment Protection: - to ensure safe and efficient use of pesticides; would protect the public from food which had been subject of incident involving harmful substances. To up date Dumping at Sea Act 1974 to cover marine incineration.

Corporal Punishment: - to give parents of children educated at public expense the right to exempt them from corporal punishment; it is proposed that schools should seek the views of parents of all children who might be subject to corporal punishment.

Electoral Fraud in Northern Ireland: - would require voters to produce a document to confirm their identify. The list of acceptable documents will be set out. It will be an offence to be in possession of documents for the purpose of personation.

Heritage (Scotland): - to provide for the establishment of a Board of Trustees to manage jointly the Royal Scottish Museum and the National Museum of Antiquities of Scotland and the establishment of a trustee Board to manage the Royal Botanic Garden, Edinburgh.

Law Reform (Scotland): - to include provisions on divorce for a fair sharing of matrimonial property; fair recognition of contributions and disadvantages; fair sharing of economic burden of child care; fair provision for adjustment to independence; and relief of grave financial hardship.

② *Waldgrave*  
LEGISLATION IN THE 1984/85 PROGRAMME

① *Purvis*

JH

Competition and local bus services

JH

Return the National Bus Company to the private sector

JH

Reform Insolvency Law

JH

De-regulate film and cinema industries

X

Abolition of GCL and MCCs

Electoral Reform

National Prosecution Service

Inception of communications

*Admin*  
Demonstration of Justice

Y

JH

Improvement of Occupation Pension schemes

Reform of water authorities

Corporal punishment

JH

Trustee Savings Bank

*Waldgrave*  
*Purvis*