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15 November 1984

Dear Private Secretary,

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LEGISLATION COMMITTEE PROCEDURES

During the summer we have taken the opportunity to review how L Committee operates, with a view to tightening up its procedures where necessary but also to streamlining some of its operations. The changes will be incorporated in revisions of the Guide to Legislative Procedures (produced by the MPO) and of the European Affairs Secretariat's guidance to Departments about the handling of debates on EC documents. The purpose of this letter is to bring Departments' attention to the changes now so that they can be put into effect immediately.

Preparation of Government Bills

(i) Departments are reminded that memoranda to Legislation Committee should cover the various points itemised in paragraph 8.3 of the Guide to Legislative Procedures. It is important to ensure that other Departments with an interest have been properly consulted during the preparation of a Bill, and that no policy issues have been left unresolved. Furthermore, whether or not a Bill had been identified as controversial at the time a bid was submitted, the process of drafting can highlight fresh points which could cause Parliamentary problems. It is important that memoranda to L Committee should identify these.

(ii) Memoranda must be circulated seven days before the meeting at which they are to be discussed. There is an arrangement under which the prints of Bills can be circulated later, but this can leave little time for other Ministers and Departments to scrutinise a Bill. To help as much as possible, Parliamentary Counsel are making arrangements to ensure that, except in the most unusual circumstances, prints of Bills are circulated no later than mid-day on the Friday before a meeting.

Additions to Bills or to the Legislative Programme

Any proposal to add to a Bill, or to add a Bill to the legislative programme, should be addressed to QL Committee if it relates to a future session, and to L Committee if it relates to the current one. Those Committees' roles are of course limited to considering the impact on the legislative programme; policy approval has to be sought separately from the relevant policy Committee.

Private Members' Bills

(i) If a Department wishes either to support or to remain neutral towards a Private Member's or Private Peer's Bill, it is necessary to consult the relevant policy Committee before approaching L Committee. If time is very short the policy Committee may be consulted by letter at the same time as a memorandum is circulated to L Committee.

(ii) If a Private Member's Bill has been introduced under the Ballot arrangements, or is a Bill which the Government wishes to support or remain neutral towards, it should in the normal course of events be discussed at a meeting of L Committee rather than dealt with by correspondence. Any other Bill (ie a Private Peer's Bill or a non-ballot Private Member's Bill which the Department wishes to oppose) should normally be dealt with by L Committee correspondence even if the Committee has meetings at the relevant time. Ministerial letters should come at least two weeks before Second Reading, and be copied to any other Ministers with an interest who are not members of L.

(iii) If it has been drafted in good time a prospective handout Bill should be brought before the Committee well in advance of the Second Reading date which has been nominated. However Parliamentary Counsel must normally give priority to drafting of Government Bills, and ultimately it is acceptable to bring a handout Bill to the Committee 8 to 15 days before the Second Reading date.

Ten Minute Rule Motions

Most motions propose Bills which in the event the Government decides to oppose. Opposing the motion itself, however, requires the Government to put up a speaker against it, to ask Ministers to vote or possibly to enlist backbench opposition too. Such steps may be desirable where the issue is of political importance to the Government; but where the subject is of a more routine nature the Business Managers prefer to block the Bill at Second Reading. It would be helpful if Departments could bear this distinction in mind when making recommendations about the handling of Ten Minute Rule motions and the Bills which may result from them.

Debates on EC documents

The Chairman of L Committee is particularly anxious to ensure that EC documents are debated in Parliament in good time before they require approval in Brussels. The following preparatory steps should be taken:

(i) 5 weeks before a debate is needed (and preferably earlier if it is wanted near Christmas or the summer adjournment) the Department's Parliamentary Clerk should inform the L Committee Secretariat by telephone about the likely timing, place and duration of debate, and seek agreement on when L Committee's approval is needed.

(ii) Ministerial letters proposing debates should in future be addressed to L Committee's Chairman, with copies to L members, OD(E) members, any other Departmental Ministers with an interest and Sir Robert Armstrong. They should be despatched $\frac{1}{2}$ weeks before the debate is needed.

I am sending copies of 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 (Chief Whip's Office, House of Lords), Brian Shillito (Parliamentary Counsel's Office) and Fiona Rodger (Office of the First Parliamentary Draftsman for Scotland).

Your faithfully
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