



01-405 7641 Extn

ROYAL COURTS OF JUSTICE  
LONDON, WC2A 2LL

The Rt. Hon. Leon Brittan, QC, MP,  
Secretary of State for the Home Department,  
Home Office,  
Queen Anne's Gate,  
LONDON, SW1.

6 July, 1983.

*Dear Leon.*

It came to my attention during the course of the recent General Election that Sections 3, 4 and 5 of the Meeting of Parliament Act 1797 remain on the Statute book. I enclose for your information a copy of the Act.

You will see that under Section 3, in the unfortunate event of the Monarch's demise between the dissolution of one Parliament and the date of summoning of a new Parliament, the old Parliament is required to immediately reassemble for a period of no more than six months.

I confess that I was not aware of those provisions before now, and having considered the matter, I am very concerned about the retention of them.

There is what I consider to be one comparatively minor criticism of the Act and another more serious issue which in today's world could be highly prejudicial to the safety of the Monarch.

The first and obvious point is in the unhappy situation where the Monarch died peacefully at a time between the result of the election being known and the summoning of the new Parliament, then within a matter of months the country would be faced with a second and unwanted General Election.

/Cont'd.....2



- 2 -

Moreover, it seems to me that if Section 3 was widely known there is great potential in it for terrorists, anarchists or anyone who is dissatisfied with the outcome of an election. They are presented with a double opportunity to cause maximum chaos. A successful assassination attempt on the Sovereign's life, horrible as that is to contemplate, would also have the secondary effect of frustrating the will of the people as expressed at the polls. The new Parliament would be prevented from sitting and the election process would have to be repeated with, as the perpetrator might see it, the chance at least of a different outcome.

I can see no justification for this legislation remaining today and hope that an early opportunity can be found for its quiet repeal in some convenient measure.

I have sent a copy of this letter to the Prime Minister.

Yours etc. Michael.



## THE MEETING OF PARLIAMENT ACT 1797

(37 Geo. 3 c. 127)

*An Act to shorten the Time now required for giving Notice of the Royal Intention of his Majesty, his Heirs and Successors, that the Parliament shall meet and be holden for the Dispatch of Business, and more effectually to provide for the Meeting of Parliament in the case of a Demise of the Crown*

[19th July 1797]

The short title was given to this Act by the Short Titles Act 1896.

Northern Ireland. This Act applies in that it applies to the Parliament of the United Kingdom of Great Britain and Northern Ireland. The power to prorogue the Parliament of Northern Ireland is given to the Governor of Northern Ireland by the Government of Ireland Act 1920, s. 11 (2), Vol. 23, title Northern Ireland. But it is doubtful whether this provision is wide enough to authorise an earlier recall though a proclamation has been used to postpone a new session; see 2 Quekett's Constitution of Northern Ireland 29, and 3 Quekett's Constitution of Northern Ireland 203.

[1.] His Majesty may issue his proclamation for the meeting of Parliament

Whenever his Majesty, his heirs or successors, shall be pleased, by and with the advice of the Privy Council of his Majesty, his heirs or successors, to issue his or their royal proclamation, giving notice of his or their royal intention that Parliament shall meet and be holden for the dispatch of business on [any day after the date of such proclamation] the same shall be a full and sufficient notice to all persons whatever of such the royal intention of his Majesty, his heirs and successors, and the Parliament shall thereby stand prorogued to the day and place therein declared, notwithstanding any previous prorogation of the Parliament to any longer day, and notwithstanding any former law, usage or practice to the contrary.

## NOTES

The words in square brackets were substituted by the Parliament (Elections and Meeting) Act 1943, s. 34.

Any day. This section does not affect the Representation of the People Act 1918, s. 21 (3), Vol. 11, p. 465, whereby the time appointed for the meeting of a new Parliament may be any time not less than twenty clear days after the Proclamation summoning the Parliament. For authority to order the assembly of Parliament when it is adjourned and not prorogued, see the Meeting of Parliament Act 1799, s. 1, p. 366, *post*.

Obligation to summon Parliament. An obligation to summon Parliament on the occurrence of certain events has been imposed by statute; see (a) the Reserve Forces Act 1960, s. 5 (2), Vol. 20, title Royal Forces (reserve called out for permanent service); (b) the Emergency Powers Act 1920, s. 1 (2), Vol. 38, title War and Emergency (declaration of state of emergency).

2. (*Rep. by the S.L.R. Act 1871.*)

3. Authority for holding a Parliament in case of the demise of the King between the dissolution or expiration of a Parliament and the assembling of a new one

And . . . in case of the demise of his Majesty, his heirs or successors, subsequent to the dissolution or expiration of a Parliament, and before the day appointed by the writs of summons for assembling a new Parliament, then and in such case the last preceding Parliament shall immediately convene and sit at Westminster and be a Parliament, to continue for and during the space of six months and no longer, to all intents and purposes as if the same Parliament

had not been dissolved or expired, but subject to be sooner prorogued or dissolved by the person to whom the Crown of this realm of Great Britain shall come, remain and be, according to the Acts for limiting and settling the succession to the same.

## NOTES

The words omitted were repealed by the S.L.R. Act 1888.

Demise of the Crown. A subsisting Parliament is not affected by a demise of the Crown (Representation of the People Act 1867, s. 51, Vol. 11, p. 460), but it is required to meet immediately upon a demise occurring (Succession to the Crown Act 1707, s. 5, Vol. 6, p. 513).

4. Authority in case of the demise of a successor to the Crown within six months after his succession, without his having dissolved the Parliament, or after the same shall have been dissolved and before a new one shall have met

And . . . in case of the demise of any such his Majesty's heir or successor within the said period of six months, limited for the duration of the said last preceding Parliament, and before the same shall have been dissolved by such his Majesty's heir or successor, or after the same shall have been so dissolved and before a new Parliament shall have met in the manner herein-after provided, then and in every such case the said last preceding Parliament shall immediately convene and sit and continue to be a Parliament to all intents and purposes for and during six months longer, to be computed from and immediately after such last mentioned demise, but subject to be sooner prorogued or dissolved by the person who shall then succeed as aforesaid to the Crown of this realm of Great Britain, and so as often as any such demise shall happen before a new Parliament shall have met in manner herein-after provided.

## NOTE

The words omitted were repealed by the S.L.R. Act 1888.

5. Authority in case of the demise of his Majesty on the day appointed for calling a new Parliament, or any day thereafter before its meeting

And . . . in case of the demise of his Majesty, his heirs or successors, on the day appointed by the writs of summons for calling and assembling a new Parliament, or at any time after such day so appointed, and before such new Parliament shall have met and sat, such new Parliament shall, immediately after such demise, convene and sit at Westminster, and be a Parliament to all intents and purposes to continue for and during the term of six months and no longer, but subject to be sooner prorogued or dissolved as aforesaid.

## NOTE

The words omitted were repealed by the S.L.R. Act 1888.

file


da

11 July 1983

Thank you for your letter of 7 July enclosing a copy of a letter from the Attorney General to the Home Secretary about the Meeting of Parliament Act 1797, which the Prime Minister has seen and noted.

F E R BUTLER

J.S. Ringguth, Esq.,  
Law Officers' Department.





05 7641 Ext.

Communications on this subject should  
be addressed to  
THE LEGAL SECRETARY  
ATTORNEY GENERAL'S CHAMBERS

Prime Minister <sup>2</sup>  
ATTORNEY GENERAL'S CHAMBERS,  
LAW OFFICERS' DEPARTMENT,  
ROYAL COURTS OF JUSTICE,  
LONDON, W.C.2.

Our Ref: 400/83/172

7 July, 1983.

The Principal Private Secretary to the Prime Minister,  
10, Downing Street,  
Whitehall,  
LONDON, SW1.

Dear Private Secretary,

... I enclose for the Prime Minister's information a copy of a letter  
which the Attorney General has sent to the Home Secretary about  
the Meeting of Parliament Act 1797.

Yours ever,

*J. S. Ringguth*

J.S. RINGGUTH



Prime Minister

You may be interested to see  
that the Home Secretary has agreed to  
repeal ~~the 1797 Act~~ the legislation which  
regains the old Parliament to be recalled if the ~~Queen~~ Monarch  
dies between dissolution  
and the meeting of  
the new Parliament.

QUEEN ANNE'S GATE LONDON SW1H 9AT

26 July 1983

FERB

26.7

*mf*

2 *Michael*  
Thank you for your letter of 6 July about the Meeting of Parliament Act 1797.

I agree that it would be wise to repeal sections 3, 4 and 5. But there is the question of how to ensure the quiet repeal you favour. The introduction of a single issue Bill to effect it, or its inclusion in a wider Bill to which it bore only a tenuous connection would attract publicity and inevitably lead to speculation over the reasons for introducing it. When the issue was last reviewed here in 1980 officials took the view that an amendment to the Act might best be achieved within the context of the Representation of the People legislation which at that time was provisionally planned. In the end, as you know, it was decided not to introduce major legislation on electoral matters last Parliament.

Whilst I have so far made public no commitment to Representation of the People legislation it seems highly likely in view of our public stance on such issues as votes for holidaymakers and British citizens abroad that there will be some sort of Bill later on in this Parliament. This should provide the vehicle for making the necessary changes to the Meeting of Parliament Act.

h We shall also need to consider what, if anything, needs to go in place of the 1797 provisions. It seems clear that if the Sovereign dies after the election it should be the new Parliament which meets. But if the Sovereign dies immediately before the election do we still want it to go ahead? Political campaigning might not be proper at such a time and it might be better to cancel or postpone the election. But, on the other hand, would be prepared to accept the political uncertainty that that might cause? These are some of the issues we should need to address if we decided to go ahead with legislation. I will ask officials to prepare a paper examining the options.

I am copying this letter to the Prime Minister.

*W*  
*W*



ELECTION: 1983 General Election

May 1983

26 JUL 1983

11 12 1 2 3 4  
5 6 7 8 9 10

MEETING OF PARLIAMENT ACT 1797

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I am aware of the provisions of Section 3 of the Parliament Act 1797. This legislation is out-of-date and we are considering how it should be amended. I hope that we shall be able to amend it in the course of this Parliament.



From: THE PRIVATE SECRETARY

*de Bruin*



HOME OFFICE  
QUEEN ANNE'S GATE  
LONDON SW1H 9AT

27 July 1983

*Dear Robin,*

Thank you for your letter of 21 July enclosing copies of correspondence which Mr John Butcher has had with Buckingham Palace and the Home Office about the Meeting of Parliament Act 1797.

An official got in touch with Mr Butcher who said that he would be meeting lobby correspondents at 7 pm today. He will not now be issuing a press release. The official failed to persuade him not to go ahead with his meeting of lobby correspondents but Mr Butcher is to meet the official on 4 August.

It is possible that there will be questions from the press following Mr Butcher's briefing of lobby correspondents and the Home Secretary has agreed the following line for reply:

The Government is aware of the provisions of section 3 of the Meeting of Parliament Act 1797. *He has*  
and is actively considering amending it. There are a number of complex and sensitive issues here which have to be carefully examined.  
[If pressed to give examples: If the Sovereign died after the dissolution of Parliament but before the holding of a general election would it be proper to continue with the election in a period of official mourning? On the other hand, cancelling or postponing an election might prolong political uncertainty.]

... I attach a background note about section 3 of the Meeting of Parliament Act 1797.

*Yours ever,*

*Tony Rawsthorne*

A R RAWSTHORNE

F E R Butler, Esq

## BACKGROUND NOTE: SECTION 3, MEETING OF PARLIAMENT ACT 1797

Section 3 of this Act (37 Geo 3.c.127) states that:

"And ... in case of the demise of his Majesty, his heirs or Successors, subsequent to the dissolution or expiration of a Parliament, and before the day appointed by the writs of summons for assembling a new Parliament, then and in such case the last preceding Parliament shall immediately convene and sit at Westminster and be a Parliament, to continue for and during the space of six months and no longer, to all intents and purposes as if the same Parliament had not been dissolved or expired, but subject to be sooner prorogued or dissolved by the person to whom the Crown of this realm of Great Britain shall come, remain and be, according to the Acts for limiting the settling the succession to the same".

2. Erskine May summarises the relevant provisions of the 1797 Act as follows:

"... in case of the demise of the Crown after the dissolution or expiration of a Parliament, and before the day appointed by the writs of summons for assembling a new Parliament, the last preceding Parliament is immediately to convene and sit at Westminster, and be a Parliament for six months, subject in the meantime to prorogation or dissolution. In the event of another demise of the Crown during this interval of six months, before the dissolution of the Parliament thus revived, or before the meeting of a new Parliament, it is to convene again and sit immediately, as before, and to be a Parliament for six months from the date of such demise, subject, in the same manner, to prorogation or dissolution. If the demise of the Crown should occur on the day appointed by the writs of summons for the assembling of a new Parliament, or after that day and before it has met and sat, the new Parliament is immediately to convene and sit ...".

3. In effect this means that if The Queen had died between the dissolution of the old Parliament on 13 May and the General Election on 9 June then the election would have been cancelled and the old Parliament reconvened. If The Queen had died after 9 June and before the assembling of the new Parliament then the old rather than the new Parliament would have assembled and the election result voided.



ELECTION : General election: May 83

27 JUL 1983

DEPARTMENT/SERIES	Date and sign
PIECE/ITEM ..... (one piece/item number)	
Extract details: <i>Letter and compliments slip sent from Fellows to Butcher dated 22 July 1983</i>	
CLOSED UNDER FOI EXEMPTION ..... <i>40(2); 41</i>	
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	<i>17/1/18</i> <i>Mr. [unclear]</i>
TEMPORARILY RETAINED	
MISSING AT TRANSFER	
NUMBER NOT USED	
MISSING (TNA USE ONLY)	
DOCUMENT PUT IN PLACE (TNA USE ONLY)	





10 DOWNING STREET

*From the Principal Private Secretary*

21 July 1983

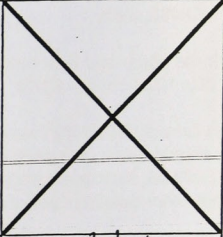
I attach a self-explanatory exchange about correspondence addressed to them by Mr. John Butcher about the Meeting of Parliament Act 1797, on which the Attorney General wrote to the Home Secretary on 6 July. Mr. Butcher is a persistent correspondent on this matter, who will be known to the Home Office and his threat to issue a press release was contained in a letter of 24 June to Mr. Weatherill of your general department, of which I also attach a copy. This threat is no doubt designed to put pressure on the Government to say that an amendment to the law will be introduced. Nevertheless, it would be better if we could continue to avoid publicity for this provision of the 1797 Act, and I wonder if it would be worthwhile for somebody to try to persuade Mr. Butcher to postpone issuing his press release pending the outcome of the Home Secretary's consideration of the possibility of repeal?

E. E. R. BUTLER

CLOSED UNDER THE  
FREEDOM OF INFORMATION  
ACT 2000

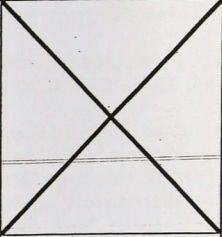
Tony Rawsthorne, Esq.,  
Home Office.

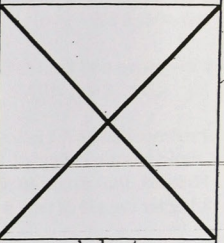
# A The National Archives

DEPARTMENT/SERIES ..... <i>PREM 19</i> .....	Date and sign
PIECE/ITEM ..... <i>1735</i> ..... (one piece/item number)	
Extract details: <i>letter from Butler to Fellowes dated 20 July 1983</i>	
CLOSED UNDER FOI EXEMPTION ..... <i>40(1)(b)</i> ..... <i>40(2); 41</i>	<i>17/1/18</i> <i>Mr. Mr.</i>
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
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# A The National Archives

DEPARTMENT/SERIES ..... <i>REMI</i> .....	Date and sign
PIECE/ITEM ..... <i>1735</i> ..... (one piece/item number)	
Extract details: <i>Letter from Robert Fellows to Butler dated 18 July 1983</i>	
CLOSED UNDER FOI EXEMPTION ... <i>40(1)(i)</i> ... <i>40(2); 41</i>	<i>17/1/18</i> <i>mi'hu</i>
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
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DEPARTMENT/SERIES ..... <i>REM 19</i> ..... PIECE/ITEM ..... <i>1735</i> ..... (one piece/item number)	Date and sign
Extract details: <i>Letter from Butcher to Philip Moore dated 11 July 1963</i>	
CLOSED UNDER FOI EXEMPTION ..... <i>40, 4(1) 40(2); 41</i> .....	<i>17/1/18</i> <i>Mr Miller</i>
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
TEMPORARILY RETAINED	
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John Butcher Esq  
7 Elenheim Close  
Wilmslow Park  
Wilmslow  
Cheshire  
SK9 2DN

Your reference

Our reference

Date

7 July 1983

Dear Mr Butcher

Thank you for your further letter of 24 June about section 3 of the Meeting of Parliament Act 1797.

I note your views, but I have nothing to add to my letter of 26 May.

Yours sincerely

Richard Weatherill.

R J WEATHERILL

Michael Alison, M.P.,  
Parliamentary Private Secretary to the Prime Minister,  
10 Downing Street,  
London SW1

2 July 1983

Thank you for your letter which bears the date 26th June and which reached here after I left early on 27 June. I can only imagine that the date shown on your letter was an error, as the State Opening of Parliament to which your letter refers in the past tense took place on 22 June.

I am greatly relieved, as I am sure that you are, that the Queen was able to perform this important task and that the "remote but very grave risk" to which I referred in my letter of 9 May to your predecessor never materialised.

Your letter crossed with the one I wrote on 24 June to the Official at the Home Office who wrote to me on 26 May. In his letter he referred to the Meeting of Parliament Act 1977, whereas the date of the Act was 1797, and I see that you also confuse the dates. I am most anxious that early steps be taken to deal with this minor, but potentially very serious, matter.

Yes - the Prime Minister did successfully fight a splendid campaign. I am sure that all of us who played a role in that campaign were inspired by her leadership. At the outset she foretold of troubled waters in the middle of the campaign. That they never occurred is due to first class navigation. I hope you enjoy your time as her P.P.S.

John Dutcher



R.J. Weatherill, Esq.,  
Home Office,  
Queen Anne's Gate,  
LONDON SW1H 9AT

24 June 1983

Dear Mr. Weatherill,

Thank you for your letter ref. LON/80 3/4/1, dated 26 May.

I am, of course, very pleased that no attempt was made on the Queen's life during the period when Parliament was dissolved recently. However I can see no valid reason for allowing the risk posed by the 1797 (not 1977 as you stated) Act to occur again.

In the letter which I sent to the Prime Minister's then P.P.S. on 9 May I mentioned that I was trying to find out if there was any mature parliamentary democracy with a similar legal provision regarding its head of state.

On 22 April I sent a circular letter to the Ambassadors and High Commissioners of the following countries :

Australia	Belgium	Canada
Denmark	France	(west) Germany
India	Ireland	Italy
Japan	Netherlands	New Zealand
Norway	South Africa	Spain
Sweden	United States	

*including* i.e. the six other European monarchies and seven countries over which a British monarch ruled or still rules.

My letter asked five questions, four of which were a blind to obscure the one to which I really wanted an answer - "Under what circumstances can an election (to your country's main legislative body) be postponed from either the predetermined date, or the date that has been chosen ?". The other four questions also related to such elections.

I have now received replies from all the Embassies and High Commissions and none of them report a provision for the postponement of an election because of the death of the head of state. I would gladly let you have sight of my file, which weighs 4½ lbs. if you want, and if you agree to return it.

It seems clear to me that there is no need to replace Sections 3, 4 and 5 of the 1797 Act - just get Parliament to repeal them. It also seems clear to me that the best time to do this is now, i.e. soon after a general election and four or five years before the next one.

It also seems clear to me that this matter has not been handled at all well. Firstly my correspondence bears out my contention that there has been a lack of concern about it in official quarters. Secondly, you tell me that it has been reviewed on a number of occasions since the Second World War - and is still under consideration.

In the interests of the Queen's safety I consider that there is a need for a public debate on this matter. I shall therefore be issuing a press release about it on 27 July 1983 unless I receive by then a letter signed by a Cabinet Minister stating that the Government will move the repeal of this legislation within the next year.

I am particularly surprised at the fact that no valid reason has yet been given to me for not repealing the legislation. In my opinion there is none.

Yours sincerely,

John Batcher





Received 27 June 83

10 DOWNING STREET

20th June 1983

Dear Mr Butcher,

I have recently taken over as the Prime Minister's Parliamentary Private Secretary; and I know that you raised, before the Election, the sensitive question of what might happen should the monarch die during the Election Campaign.

I have also had a sight of the reply sent to you on May 26th by an Official at the Home Office; I note from this that your prompting has revealed that some further consideration is being given to the amendment of the Meeting of Parliament Act 1977.

I am greatly relieved, as I am sure that you are, that we are now in calmer waters, the Prime Minister having successfully fought the splendid Campaign which has resulted in the opening of a new Parliament this week.

Yours sincerely  
Michael Alison

MICHAEL ALISON

John Butcher Esq





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Direct line 01-213 4339  
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John Butcher Esq  
7 Blenheim Close  
Wilmslow Park  
WILMSLOW  
Cheshire  
SK9 2DN

Your reference

Our reference

LXN/80 3/4/1

Date

26 May 1983

Dear Mr Butcher

The Home Office has been asked to consider your further letter of 7 March to the Prime Minister insofar as it relates to section 3 of the Meeting of Parliament Act 1977. I am sorry that you have not received an earlier reply.

We appreciate the concern which has prompted you to write. I can assure you, however, that the Home Office is fully aware of the potential danger of public discussion of the provisions of section 3. The continuing need for the section has been reviewed on a number of occasions since the Second World War and the Home Office and the Attorney General's Department are currently considering the possibility of amending it. As you will appreciate, this is a complex constitutional matter and considerable thought will need to be given to the provisions which might replace section 3.

Yours sincerely

Richard Weatherill

R J WEATHERILL

(a principal in the General Dept.)



10 DOWNING STREET

13th May 1983

Mr. T. H.

Thank you for your letter of 9th May.

I have tracked down a copy of your letter to the Prime Minister dated 7th March 1983.

I apologise for the fact that you have not received a reply to that letter. You certainly should have done.

I am looking into this as a matter of urgency and will write to you again as soon as possible.

With renewed apologies and with best wishes.

IAN GOW

John Butcher Esq



7 BLENHEIM CLOSE, WILMSLOW PARK, WILMSLOW, CHESHIRE SK9 2DN.  
Tel: Wilmslow (0625) 532788

Ian Gow, M.P.,  
Parliamentary Private Secretary to the Prime Minister,  
10 Downing Street,  
LONDON SW1

9 May 1983

I am writing to you at the suggestion of Sir Harry Boyne. You may recall that we last met on 3 December 1981 with the Prime Minister at Number Ten following the Crosby by-election in which I was the Conservative candidate.

My reason for writing now is to draw your attention to a remote, but very grave risk, posed during the next few weeks. Were it to materialise it would probably result in the Prime Minister having to resign.

Under Section 3 of the Meeting of Parliament Act 1797 the present Parliament would have to reassemble were the Queen to die between its dissolution on 13 May and the date fixed for the meeting of the next Parliament, 16 June. If her death were to occur prior to 9 June the general election would presumably have to be cancelled. If it were on or after 9 June, but before 16 June, it would be possible for the present Parliament to reassemble and enact that the results of the election operate to form the next Parliament.

I am trying to find out if there is any mature parliamentary democracy with a similar legal provision regarding its head of state, but have not yet found one. I can see no need to retain this obsolete provision in view of the considerable risk which it poses to the Queen's life.

Any terrorist group which knows of this law would be able to create the maximum consternation if they were to assassinate the Queen between 13 May and 9 June. The Queen is due to be in Sweden on her State Visit from 25 to 28 May and will not then be under the protection of the British Government.

I suggest that Sections 3, 4 and 5 of the 1797 Act be repealed by a short Act this week, and feel sure that it would receive all party support.

I did write to the Prime Minister about this on 22 July 1982, but the reply (POL/82 480/1/16) which I received from the Home Office gave me no confidence that the matter was being considered with the seriousness which I believe it deserves. I therefore wrote again to the Prime Minister on 7 March, but regret that I have received no indication that any action is being taken in the light of what I have said.

The sole consideration should be the protection of the lives of the Queen and her successors. I urge you to have this matter reviewed at the highest level.

May I take this opportunity of asking you to accept on behalf of the Prime Minister my very best wishes for a resounding victory on 9 June and success in the years to come.

John Butcher





10 DOWNING STREET

17 March 1983

Dear Mr Butcher

The Prime Minister has asked me  
to thank you for your recent letter.

Yours sincerely

*B. n Cross*

J Butcher Esq  
7 Blenheim Close  
Wilmslow Park  
WILMSLOW  
Cheshire  
SK9 2DN

The Rt. Hon. Margaret Thatcher, M.P.,  
Prime Minister,  
10 Downing Street,  
London SW1

7 March 1983

One of the problems about warning the Government of a risk - albeit a remote one - is that one is anxious not to appear to be over-stating the argument, lest the Government machine utters a weary yawn and the warning goes unheeded.

I realise that you are inundated with letters and, for this reason, I have refrained from writing to you unless the matter is one that is important and either within your area of responsibility, or not within the area of responsibility of any one of your colleagues.

Twice in the last nine months I have written to you on such matters and I find that the answers which I have received from the Departments to which my letters were passed are, not to put too fine a point on it, most disappointing.

On 29 June I wrote to draw your attention to a defect in the procedures for decisions by Departments other than the Treasury relating to raising revenue. My letter was prompted by one dated 18 June and signed by the Chancellor of the Exchequer in which he indicated that this defect does exist. You can imagine my surprise therefore when I received a letter dated 14 January from Mr. P. Martin in the Treasury stating that this defect cannot possibly exist! Sir Geoffrey Howe was referring to a proposal that I made (on 6 January 1980 - such is the speed of these things!) to the then Minister of Transport about a new way of raising extra revenue from Vehicle Excise Duty. It was because the (by then) Department of Transport rejected my proposal without consulting the Treasury that I wrote to Sir Geoffrey and subsequently to you. As there is little political "mileage" in my suggestion and, as it has got nowhere, I suppose I shall just have to rest content in the knowledge that I am right and the Treasury have missed an opportunity of getting its hands on some Departmental decisions.

On 22 July I wrote to you about the peculiar risk posed to the Queen by a 1797 Act of Parliament. My letter ended up in the Police Department of the Home Office and it is clear from the two replies



which have been sent to me - the last being from Mr. A. Sterling on 25 February - that my point has been examined in a limited way with insufficient regard to its full context. It is also apparent that I am the only one making the point, which could, of course mean that the point is therefore so obscure as to be worthless ! However I have made the point to you and, in the extremely unlikely event of it materialising, the subsequent enquiry would reveal this and would want to know a great deal about the reasons why no action was taken to forestall the eventuality of which I have warned.

It is for this reason that I write to ask that you obtain a "second opinion" and, if I may be so bold as to suggest it, the Minister who is likely to be able to give the best opinion is the Lord Chancellor, for the matter has considerable constitutional ramifications. He might also be able to point out to you the very considerable political "mileage" involved - for our opponents.

John Litchner



HOME OFFICE  
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Your reference

Our reference  
POL/82 480/1/16

Date  
25 February 1983

Dear Mr Butcher

I am replying to your letters of 7 December and 7 February to Mr Anderson, who is presently attending a course. I am sorry you have not received an earlier reply.

Since the incident at Buckingham Palace on 9 July the Commissioner of Police of the Metropolis, who is primarily responsible for the safety of Her Majesty the Queen, and of the Royal Family as a whole, has appointed a Deputy Assistant Commissioner whose sole responsibility it is to be in charge of ensuring that this function is properly carried out. Many other steps were taken by the Metropolitan Police, by other police and by Royal Households in the interests of safety of members of the Royal Family. Physical security measures were improved. Additional police officers were temporarily allocated to duty at Buckingham Palace.

On 8 November last year, the Metropolitan Police's Royalty Protection Department was re-organised to include 138 more officers for uniform duties at the Palaces in London and at Windsor Castle. This was 84% more than the number of officers allocated to these duties in July.

You may take it that the Deputy Assistant Commissioner in charge of the Royalty Protection Department makes it his business to assess the risk to Her Majesty at any given time and to take the appropriate steps to combat it.

I note what you say about the Meeting of Parliament Act 1797. However, I think it at least arguable that the demise of the Crown during a dissolution of Parliament, without there being a provision for the recall of the previous Parliament, would be more likely to throw the nation's political process into chaos - as you put it - than if there were (and indeed is). Furthermore, unthinkable as it is that any harm should befall Her Majesty, there is always a Sovereign, as indeed there is always a Government, even when Parliament is in dissolution.

Yours faithfully

*R.A. Sterlini*

R A STERLINI MBE



POL/82 480/1/16

7th February, 1983

P.A. Anderson, Esq.  
Executive Officer  
Police Department  
The Home Office  
Queen Anne's Gate  
London SW1 9AT.

Dear Mr. Anderson,

Meeting of Parliament Act 1797: Threat to the Sovereign

I refer to my letter of 7th December, 1982 in answer to yours of 2nd December, 1982.

I should be grateful if you would arrange for me to be informed by 24th February, 1983 of the decision of the government in this matter.

Yours sincerely,

John Datcher

P.A. Anderson, Esq.,  
Executive Officer,  
Police Department,  
The Home Office,  
Queen Anne's Gate,  
London SW1H 9AT

POL/82 480/1/16

7 December 1982

Dear Mr. Anderson,

Meeting of Parliament Act 1797 : Threat to the Sovereign

Further to our telephone conversation today, I am writing to add to what I said in my letter of 22 July to the Prime Minister.

It is probable that the threat to the Sovereign posed by the requirements of Section 3 of the above Act is not appreciated by any of the terrorist organisations, including the government of the U.S.S.R. which is both a terrorist organisation and a manipulator of other terrorist organisations. Indeed it is probable that very few people are aware of this obscure provision of the British Constitution.

It is also the case that the provision has applied during all the general elections since it came into force and has never given rise to any significant risk to the Sovereigns from time to time.

It is probably the case that a repeal of Sections 3, 4 and 5 of the Act on the grounds that I have indicated would only serve to emphasise fears for the safety of the Queen and that, if the Act is thought to involve any risk, it would be better for the Queen's appointments to be subject to even greater security during a general election campaign, rather than the Act's provisions be repealed.

However one has to appreciate that total security is only possible if the Queen is to be subject to quite unacceptable constraints. As Stanley Baldwin told the House of Commons fifty years ago - "the bomber will always get through". Therefore, if it is thought that there is any chance of the evil people realising the consequences of their assassination of the Queen during a general election campaign, it must surely be right to repeal the provision of the Act, unless there is some constitutional or other important reason for preserving it.



Nothing much can be achieved by recalling a Parliament that has been dissolved. It is surely better to get the general election over with so that the new Parliament can provide a basis for satisfactorily continuing the process of Government. It is, of course, true that the assassination of the Queen shortly before, or on, polling day would have a significant effect on voters' intentions. On the whole this would tend to be to support strong government, but if the assassination occurred against a background of government failure to provide proper security etc., there would be a swing towards the Opposition. Either way, it is presumably the case that no Privy Counsellor would even contemplate the electoral advantage of such an assassination when deciding on whether the 1797 provision should be repealed.

At this point I draw your attention to a report in "the Times" on 2 December under the heading "Benn to free the Church". It says that The Rt. Hon. A.W. Benn, M.P., invited an audience of politicians and journalists to "Leap ahead with" him "to an accident of history that brings King William V to the Throne before his eighteenth birthday with Prince Andrew as Prince Regent." He would, according to the report of Mr. Benn, have the power to call Mrs. Thatcher, Mr. Foot or Mr. Jenkins to form a government. This remark presumably relates to the outcome of the next general election and indicates that there is at least one Privy Counsellor is aware of the risk of such an "accident".

When we spoke, I enquired if there would be any objection to my raising my suggestion in the media and you said that there would not be. Nevertheless, it seems to me to be better all round for no publicity to be given to this matter, lest ideas be implanted in evil minds. I am therefore surprised that no request was made to me to refrain from airing the matter.

As there is always a possibility of an early general election, a decision on this matter ought to be made fairly soon now. Please would you therefore arrange for it to be brought forward to the Standing Group on Royal Security and for me to be advised of the action that is to be taken, if any.

Yours sincerely,

John V.C. Litcher



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POL/82 480/1/16

Date 2 December 1982

Dear Mr Butcher

Thank you for your letter of 4 November. I am sorry that you have not received an earlier reply to your letter of 22 July addressed to the Prime Minister.

We are grateful for your suggestion that the Meeting of Parliament Act 1797 be repealed. However, arrangements for the security of The Queen and members of the Royal Family are kept under constant review and are being currently examined in the light of recent events. The suggestion referred to in your letter will therefore be carefully considered within the context of this examination.

Yours sincerely

P A Anderson



The Rt. Hon. Margaret Thatcher, M.P.,  
Prime Minister,  
10 Downing Street,  
London SW1

4 November 1982

Safety of the Sovereign

I refer to my letter of 22 July and your acknowledgement dated 4 August.

I should be grateful if you would let me know if a decision has yet been reached over this matter.

John V.C. Butcher



10 DOWNING STREET

4 August 1982

Dear Mr Butcher

The Prime Minister has asked me  
to thank you for your recent letter  
which is receiving attention.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'H. G.' or similar, written in a cursive style.

J V C Butcher Esq  
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WILMSLOW  
Cheshire  
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Tel: Wilmslow (0625) 532788

The Rt. Hon. Margaret Thatcher, M.P.,  
Prime Minister,  
10 Downing Street,  
London SW1

22 July 1982

Safety of the Sovereign

In reviewing loyal security I know that you will be anxious to reduce the risks to which the Sovereign is exposed. I hope that you will therefore consider the risk posed by the meeting of Parliament Act 1707 which provides for the meeting of Parliament if a Sovereign dies after a dissolution, but before the day fixed for the meeting of the new Parliament. Under this Act the old Parliament has to assemble and sit for six months, or until sooner dissolved.

This presents an enormous temptation to evil people who, by killing the Sovereign during a general election campaign, can throw the nation's political process into chaos, thus achieving maximum consternation. It seems to me that there is no good reason to retain this provision and that it should be repealed in the interests of the Queen's safety.

John V.C. Butcher

## THE MEETING OF PARLIAMENT ACT 1797

(37 Geo. 3 c. 127)

*An Act to shorten the Time now required for giving Notice of the Royal Intention of his Majesty, his Heirs and Successors, that the Parliament shall meet and be holden for the Dispatch of Business, and more effectually to provide for the Meeting of Parliament in the case of a Demise of the Crown*

[19th July 1797]

The short title was given to this Act by the Short Titles Act 1896. Northern Ireland. This Act applies in that it applies to the Parliament of the United Kingdom of Great Britain and Northern Ireland. The power to prorogue the Parliament of Ireland Act 1920, s. 11 (2), Vol. 23, title Northern Ireland. But it is doubtful whether this provision is wide enough to authorise an earlier recall though a proclamation has been used to postpone a new session; see 2 Quekett's Constitution of Northern Ireland 29, and 3 Quekett's Constitution of Northern Ireland 203.

## [1.] His Majesty may issue his proclamation for the meeting of Parliament

Whenever his Majesty, his heirs or successors, shall be pleased, by and with the advice of the Privy Council of his Majesty, his heirs or successors, to issue his or their royal proclamation, giving notice of his or their royal intention that Parliament shall meet and be holden for the dispatch of business on [any day after the date of such proclamation] the same shall be a full and sufficient notice to all persons whatever of such the royal intention of his Majesty, his heirs and successors, and the Parliament shall thereby stand prorogued to the day and place therein declared, notwithstanding any previous prorogation of the Parliament to any longer day, and notwithstanding any former law, usage or practice to the contrary.

## NOTES

The words in square brackets were substituted by the Parliament (Elections and Meeting) Act 1943, s. 34.

(3) Vol. 11, p. 465, whereby the time appointed for the meeting of a new Parliament may be any time not less than twenty clear days after the Proclamation summoning the Parliament. For authority to order the assembly of Parliament when it is adjourned and not prorogued, see the Meeting of Parliament Act 1799, s. 1, p. 366, *post*.  
Obligation to summon Parliament. An obligation to summon Parliament on the occurrence of certain events has been imposed by statute; see (a) the Reserve Forces Act 1966, s. 3 (2), Vol. 29, title Royal Forces (reserve called out for permanent service); (b) the Emergency Powers Act 1920, s. 1 (2), Vol. 38, title War and Emergency (declaration of state of emergency).

2. (*Rep. by the S.L.R. Act 1871.*)

## 3. Authority for holding a Parliament in case of the demise of the King between the dissolution or expiration of a Parliament and the assembling of a new one

And . . . in case of the demise of his Majesty, his heirs or successors, subsequent to the dissolution or expiration of a Parliament, and before the day appointed by the writs of summons for assembling a new Parliament, then and in such case the last preceding Parliament shall immediately convene and sit at Westminster and be a Parliament, to continue for and during the space of six months and no longer, to all intents and purposes as if the same Parliament



had not been dissolved or expired, but subject to be sooner prorogued or dissolved by the person to whom the Crown of this realm of Great Britain shall come, remain and be, according to the Acts for limiting and settling the succession to the same.

#### NOTES

The words omitted were repealed by the S.L.R. Act 1888.

Demise of the Crown. A subsisting Parliament is not affected by a demise of the Crown (Representation of the People Act 1867, s. 51, Vol. 11, p. 460), but it is required to meet immediately upon a demise occurring (Succession to the Crown Act 1707, s. 5, Vol. 6, p. 513).

**4. Authority in case of the demise of a successor to the Crown within six months after his succession, without his having dissolved the Parliament, or after the same shall have been dissolved and before a new one shall have met**

And . . . in case of the demise of any such his Majesty's heir or successor within the said period of six months, limited for the duration of the said last preceding Parliament, and before the same shall have been dissolved by such his Majesty's heir or successor, or after the same shall have been so dissolved and before a new Parliament shall have met in the manner herein-after provided, then and in every such case the said last preceding Parliament shall immediately convene and sit and continue to be a Parliament to all intents and purposes for and during six months longer, to be computed from and immediately after such last mentioned demise, but subject to be sooner prorogued or dissolved by the person who shall then succeed as aforesaid to the Crown of this realm of Great Britain, and so as often as any such demise shall happen before a new Parliament shall have met in manner herein-after provided.

#### NOTE

The words omitted were repealed by the S.L.R. Act 1888.

**5. Authority in case of the demise of his Majesty on the day appointed for calling a new Parliament, or any day thereafter before its meeting**

And . . . in case of the demise of his Majesty, his heirs or successors, on the day appointed by the writs of summons for calling and assembling a new Parliament, or at any time after such day so appointed, and before such new Parliament shall have met and sat, such new Parliament shall, immediately after such demise, convene and sit at Westminster, and be a Parliament to all intents and purposes to continue for and during the term of six months and no longer, but subject to be sooner prorogued or dissolved as aforesaid.

#### NOTE

The words omitted were repealed by the S.L.R. Act 1888.