



Mr Turnbull.

CABINET OFFICE

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01-270 0101

From the Secretary of the Cabinet and Head of the Home Civil Service

Sir Robin Butler KCB CVO

Ref. A089/883

LORD PRESIDENT OF THE COUNCIL

Westland

In a Channel 4 programme about the 10 years of Mrs Thatcher's Premiership, one of a series the first of which is to be broadcast on Friday, according to the newspapers (although I have not seen a full transcript) Sir Leon Brittan comments on the disclosure of the Solicitor General's letter of Westland thus:

"The release of the Solicitor General's letter was something which was approved by Charles Powell, the private secretary at Number 10, and it was approved by Bernard Ingham, the Prime Minister's press secretary. As I made clear at the time, there was no question of the release of that document without that expressed approval from number 10."

Commentators have claimed that this amplifies what Sir Leon Brittan said in 1986, although Sir Leon himself confirmed that his latest remarks do not add to the statements he made at the time.

2. The key statements which are relevant to Sir Leon's latest remarks are those by the Prime Minister in the House of Commons

on 23 January 1986 (Flag A), and on 27 January (Flag B) and by Sir Leon Brittan on 27 January (Flag C). You will see that Sir Leon said in the House at Flag C that he authorised the disclosure of the letter "subject to the agreement of Number 10". The Prime Minister's statement of 23 January adds that the Prime Minister's office accepted (though she was not consulted) that the DTI should make public the Solicitor General's advice about the Defence Secretary's letter and the method of doing so. The Prime Minister says of Sir Robert Armstrong's report: "The report finds in the light of the evidence that the Department of Trade and Industry acted in good faith in the knowledge that it had the authority of the Secretary of State and cover from my office for proceeding". There was a difference of understanding between No 10 officials and DTI officials: No 10 thought that they were accepting what Mr Brittan was authorising, DTI officials thought No 10 were approving it.

3. Another point which commentators have drawn attention to is Sir Leon's naming of Mr Powell and Mr Ingham personally. They were not named by Sir Leon at the time either in the House or, I think, in his evidence to the Defence Committee. The Defence Committee Report on Westland (fourth Report, Session 1985-86) discussed extensively and in detail the roles of both Mr Ingham and Mr Powell in this context (eg Flag D), so there is nothing new here either.

4. I suggest that you take the following line in the House at Questions this afternoon:

"There is nothing to add to the Prime Minister's statement to the House on 23 January 1986 and in other speeches and answers in the House on these matters. Sir Leon Brittan himself has, confirmed that the remarks he makes on the Channel 4 television programme - which incidentally were recorded several months ago - add nothing to the statements

he made at the time. [These matters, including the actions of Mr Ingham and Mr Powell and of officials in the Department of Trade and Industry, were extensively examined by the Select Committee on Defence in 1986]."

5. I am copying this minute to Andrew Turnbull, Charles Powell and Bernard Ingham.

F.E.R.B.

6 April 1989

omacy of Parliament? I suggest that their loyalty to the two va exceeds any loyalty they have left to the ner.

pm

Mr. Leon Brittan (Richmond, Yorks): The House will why I came to the conclusion that I should no longer in a member of the Cabinet. I want to place on record appreciation of what a privilege it has been to serve the Government of my right hon. Friend the Prime Minister. The unhappy circumstances of the last few weeks will not detract from their achievements. I shall support the Government's policies as strongly outside the net as I have within it.

My right hon. Friend the Prime Minister has set out the relating to what has been called the "Westland saga", particularly the circumstances relating to the disclosure of information contained in a letter of my hon. learned Friend the Solicitor-General. She has done so in great detail. Some of the facts only she can know about whereas in other events I myself was closely involved. I would do confirm that with regard to the facts within my knowledge, the account of my right hon. Friend the Prime Minister is correct.

My right hon. Friend said in her statement to the House last Thursday, I made it clear to my officials at the Department of Trade and Industry that—subject to the Standing Order No. 10—I was giving authority for the disclosure of the Solicitor-General's letter to be made. I would accept full responsibility for the fact and the form of that disclosure.

The House knows of the extraordinary, perhaps unprecedented, circumstances in which we were working in the circumstances of the persistent campaigning of my right hon. Friend the former Secretary of State for Trade and Industry and the urgency of the need to ensure that the contents of the Solicitor-General's letter should become known. But for all that, and in retrospect, I must make it clear to the House that I accept that the disclosure of that information—urgent and important as it was—should have taken place in that way, and I profoundly regret that it happened.

I must also make it clear that at all times the Department of Trade and Industry officials acted in accordance with my wishes and instructions. What they did was with my authority. They are not to be blamed. Indeed, they gave me good and loyal service throughout my time as Secretary of State for Trade and Industry.

There is one further point—and one further point—that I would make. I remain firmly of the view that the Government's agreed policy of letting the board of shareholders of Westland make up their minds about the company's future without political pressure was and is correct. Let us hope that now—

Mr. Alex Carlile (Montgomery): Will the right hon. Member give way?

Mr. Brittan: No.

Mr. Brittan: Let us hope that the future of the company can now be decided in that way.

pm

Mr. Merlyn Rees (Morley and Leeds, South): The hon. and learned Member for Richmond, Yorks (Mr. Brittan), the former Secretary of State for Trade and Industry, resigned because of his responsibility for the

disclosure to the Press Association of legal advice in a letter supplied by the Solicitor-General. He was right to do so. His resignation is honourable, but he should have resigned earlier. However, it was not only the Secretary of State who was involved in that disclosure, which is the major reason for the anxiety about the happenings of the past four weeks. The Prime Minister was also involved.

For four weeks we have been trying to get information from the Government in a variety of ways, including today's Standing Order No. 10. We have received some information from the Government, but it has taken a long time. We have not yet got it all, and, unless we get more this evening, the matter will continue.

I wish to raise two issues. The first relates to the role of the Law Officers, and the second to the private office. I disagree with the right hon. Member for Plymouth, Devonport (Dr. Owen) that civil servants in the private office should resign, and I shall argue that case shortly.

I first realised the peculiar nature of Law Officers during the Franks inquiry of 1972, so by the time I became a Minister I was not surprised by the way that they operated. It should not have surprised the former Secretary of State for Trade and Industry, who has one great advantage over me—he is a lawyer. Indeed, it is said, properly, that he has aspirations in the political sphere, and so he should. It is an honourable task and peculiar to this country.

The Franks report states:

"The Attorney-General administers the criminal law in the interests of the community as a whole, and he must disregard the interests of his party, and those of the Government as such." The Solicitor-General and Attorney-General have done that consistently throughout the Westland affair. I do not seek to get at them. I am mentioning their role for other purposes.

Not only is the role of Law Officers different from other Government activities. Last week, it was drawn to my notice that if the Government were to fall next week, all the information in the documents, papers and Cabinet sub-committees would not be made available to the succeeding Government, but the Law Officers' information would. It is unto itself, and above politics. I do not understand how the Prime Minister and the former Secretary of State for Trade and Industry, knowing that, could use the advice given by the Solicitor-General on that Saturday and then on Monday as they did. That is one of the most important issues to emerge during the past month.

Mr. William Cash (Stafford): Does the right hon. Gentleman agree that if there were material inaccuracies in correspondence, they should emerge?

Mr. Rees: Of course they should, but there should be a public statement. The inaccuracies should not have emerged in that way. That is the whole point of our argument.

I shall remind the House of what happened. The Government made a decision within one and a half hours. They moved more quickly than my right hon. Friend the Member for Blaenau Gwent (Mr. Foot) and his Cabinet did on such issues. The Government knew what to do within one and a half hours. I bet that the matter had been discussed before, and that the civil servants knew what was in the minds of their lords and masters; otherwise, they would not have acted as they did. One does not leak a little bit of a letter to an honourable member of the press. I am coming to the conclusion that the Government were

consider is whether the fact that the Solicitor-General has written and the opinion he has expressed should come into the public domain and if so whether that should be in general or specific terms.¹

"My inquiry suggests that there was no advice, he [the Secretary of State] was presented with the issue and asked for a decision . . . Those who heard this call and who took part in it have said it was put to him—and I think the phrase was 'deadpan'.²

"The Secretary of State responded that he thought it should go into the public domain and that it should be done in specific terms but that No.10, the Prime Minister's office, should be consulted".³

The Prime Minister has told the House that this conversation took place at about 1.30 p.m.⁴ Sir Robert Armstrong told us that the conversation took place at "quarter past, twenty past one, something around about that time; it is impossible to say exact times but near enough".⁵

147. The Prime Minister told the House that Mr Brittan

"asked his officials to discuss with my office whether the disclosure should be made, and, if so, whether it should be made from No.10 Downing Street, as he said he would prefer. He made it clear that, subject to the agreement of my office, he was giving authority for the disclosure to be made from the Department of Trade and Industry, if it was not made from 10 Downing Street".⁶

Mr Brittan told us "I would particularly stress, it all had to be subject to the agreement of No.10."⁷ Although Sir Robert Armstrong's inquiry found that Mr Brittan probably did not use the words "subject to the agreement of" he nevertheless used words which were taken to mean that.⁸

148. Although Mr Brittan took the view that the fact that the Solicitor-General had written as well as the opinion he expressed should be brought into the public domain,⁹ he did not express a view about the method of disclosure. Sir Robert Armstrong doubted whether he was consulted about the precise method.¹⁰

149. Mr Brittan has made clear his view that the officials in the DTI acted with his full authority. "They are not to be blamed", he told the House.¹¹ He said in evidence to us:

"I accept fully responsibility for what was done and would not suggest for a single moment that my instructions were anything other than followed".¹² "... I accept full responsibility for what my officials did, not just in some formal constitutional sense but

also in the sense that I am not suggesting that they went in any way beyond what I authorised them to do."¹

Nothing could be clearer. From the point of view of his inquiry, Sir Robert Armstrong considered that authority for the disclosure was given by the Secretary of State for Trade and Industry.²

150. Mr Brittan then went back to his luncheon and Mr Mogg telephoned Mr [redacted] at Downing Street. This conversation was shortly followed by a conversation between Mr Bernard Ingham and Mr [redacted] at No.10 Downing Street, and Miss Bowe at the DTI.³ Mr Mogg's first concern, as it had been Mr Brittan's, must have been to convey to the Prime Minister's office Mr Brittan's view that he would prefer the disclosure of the letter to come from No.10.⁴ This was understandable, given that what was proposed was to publish a classified document originated by another Minister. It should be noted that if Mr Brittan's preference had been observed by the officials at No.10, Mr Brittan's authority would not have been needed. It would have been a matter entirely for the Prime Minister's office. If they had had to make the disclosure, they might have consulted the Prime Minister, who was in No.10 at the time.⁵

151. The officials at No. 10 refused to make the disclosure.⁶ Sir Robert Armstrong told us, a trifle euphemistically, that Mr Ingham and Mr Powell "accepted" that the DTI should make the disclosure.⁷ It is evident to us that the DTI officials were told that a disclosure from Downing Street was out of the question. They knew that the letter contained advice from a Law Officer; they knew that it was classified. Its disclosure without the knowledge of the Minister concerned—particularly by the means that were then agreed between the two offices—would be a wholly improper course of action: indeed, an action of which Mr Brittan said to the House:

"I accept that the disclosure of that information—urgent and important as it was—should not have taken place in that way, and I profoundly regret that it happened".⁸

152. Mr Brittan was emphatic about the need for the Prime Minister's office to approve the disclosure: "I would particularly stress, it all had to be subject to the agreement of No. 10".⁹ When it is the agreement of the Prime Minister that is required in this unequivocal way—whether directly or through officials who Mr Brittan might reasonably have expected to have acted only with her explicit or implied authority—the authority of a Secretary of State is subordinate. The fact is that Mr Brittan could not actually give authority "subject to the agreement of No. 10", but he could make a recommendation that the information should be disclosed subject to the approval of No. 10. If that approval were to be forthcoming, his direct authority would be required for the disclosure to be handled by his Department if that was what the Prime Minister wanted. This direct authority his officials had already received. They also believed that they had received from No. 10 approval for the disclosure.

¹Q.1222.

²Q.1222.

³Q.1190.

⁴Official Report, 23 January 1986, col. 450.

⁵Q.1190.

¹Q.976.

²Qs 1191, 1236, 1239, 1259.



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on 23 January 1986 (Flag A), and on 27 January (Flag B) and by Sir Leon Brittan on 27 January (Flag C). You will see that Sir Leon said in the House at Flag C that he authorised the disclosure of the letter "subject to the agreement of Number 10". The Prime Minister's statement of 23 January adds that the Prime Minister's office accepted (though she was not consulted) that the DTI should make public the Solicitor General's advice about the Defence Secretary's letter and the method of doing so. The Prime Minister says of Sir Robert Armstrong's report: "The report finds in the light of the evidence that the Department of Trade and Industry acted in good faith in the knowledge that it had the authority of the Secretary of State and cover from my office for proceeding". There was a difference of understanding between No 10 officials and DTI officials: No 10 thought that they were accepting what Mr Brittan was authorising, DTI officials thought No 10 were approving it.

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"There is nothing to add to the Prime Minister's statement to the House on 23 January 1986 and in other speeches and answers in the House on these matters. Sir Leon Brittan himself has, confirmed that the remarks he makes on the Channel 4 television programme - which incidentally were recorded several months ago - add nothing to the statements

he made at the time. [These matters, including the actions of Mr Ingham and Mr Powell and of officials in the Department of Trade and Industry, were extensively examined by the Select Committee on Defence in 1986]."

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F.E.R.B.

6 April 1989

Westland plc

3.31 pm

The Prime Minister (Mrs. Margaret Thatcher): With permission, Mr. Speaker, I wish to make a statement on the outcome of the inquiry into the disclosure of certain information in my hon. and learned Friend the Solicitor-General's letter of 6 January.

As the House knows, the chairman of Westland plc, Sir John Cuckney, wrote to me on 30 December 1985 asking whether Westland would no longer be considered a European company by the Government if a minority shareholding in the company were held by a major international group from a NATO country outside Europe.

This question was of fundamental importance to the company in making its decision as to what course it was best to follow in the interests of the company and its employees. It was therefore essential to be sure that my reply should be in no way misleading to anyone who might rely upon it in making commercial judgments and decisions.

The reply was accordingly considered among the Departments concerned, and the text of my letter of 1 January 1986 was agreed in detail by my right hon. and learned Friend the Secretary of State for Trade and Industry, my right hon. Friends the then Secretary of State for Defence and the Chief Secretary to the Treasury, and finally by my hon. and learned Friend the Solicitor-General. My letter was made public.

Two days later, on 3 January, my right hon. Friend the then Secretary of State for Defence replied to a letter of the same date from Mr. Horne of Lloyds Merchant Bank asking him a number of questions, covering some of the same ground as my own reply to Sir John Cuckney. The texts of the letters became public that same day.

My right hon. Friend's reply was not cleared or even discussed with the relevant Cabinet colleagues. Moreover, although the reply was also material to the commercial judgments and decisions that would have to be made, my hon. and learned Friend the Solicitor-General was not invited to scrutinise the letter before it was issued.

On the morning of 6 January, my hon. and learned Friend the Solicitor-General wrote to my right hon. Friend the then Secretary of State for Defence. He said—and I quote:

"It is foreseeable that your letter will be relied upon by the Westland Board and its shareholders.

Consistently with the advice I gave to the Prime Minister on 31 December, the Government in such circumstances is under a duty not to give information which is incomplete or inaccurate in any material particular."

The letter continued:

"On the basis of the information contained in the documents to which I have referred, which I emphasise are all that I have seen, the sentence in your letter to Mr. Horne does in my opinion contain material inaccuracies in the respects I have mentioned, and I therefore must advise that you should write again to Mr. Horne correcting the inaccuracies."

That is the end of the quotation.

I have quoted extensively from the letter which, as hon. Members will know, was published a week ago. As I have already indicated, it was especially important in this situation for statements made on behalf of the Government, on which commercial judgments might be based, to be accurate and in no way misleading.

That being so, it was a matter of duty that it should be made known publicly that there were thought to be

material inaccuracies which needed to be corrected in the letter of my right hon. Friend, the Member for Henley (Mr. Heseltine) of 3 January, which, as the House will recall, had already been made public. Moreover, it was urgent that it should become public knowledge before 4 pm that afternoon, 6 January, when Sir John Cuckney was due to hold a press conference to announce the Westland board's recommendation to shareholders of a revised proposal from the United Technologies Corporation-Fiat consortium.

These considerations were very much in the mind of my right hon. and learned Friend the Secretary of State for Trade and Industry when the copy of the Solicitor-General's letter was brought to his attention at about 1.30 pm that afternoon of 6 January. He took the view that the fact that the Solicitor-General had written to the then Secretary of State for Defence, and the opinion he had expressed, should be brought into the public domain as soon as possible. He asked his officials to discuss with my office whether the disclosure should be made, and, if so, whether it should be made from 10 Downing street, as he said he would prefer.

He made it clear that, subject to the agreement of my office, he was giving authority for the disclosure to be made from the Department of Trade and Industry, if it was not made from 10 Downing street. He expressed no view as to the form in which the disclosure should be made, though it was clear to all concerned that in the circumstances it was not possible to proceed by way of an agreed statement.

My office were accordingly approached. They did not seek my agreement: they considered—and they were right—that I should agree with my right hon. Friend the Secretary of State for Trade and Industry that the fact that the then Defence Secretary's letter of 3 January was thought by the Solicitor-General to contain material inaccuracies which needed to be corrected should become public knowledge as soon as possible, and before Sir John Cuckney's press conference. It was accepted that the Department of Trade and Industry should disclose that fact and that, in view of the urgency of the matter, the disclosure should be made by means of a telephone communication to the Press Association. *[Interruption.]* Had I been consulted, I should have said that a different way must be found of making the relevant facts known.

The report finds, in the light of the evidence that the Department of Trade and Industry acted in good faith in the knowledge that it had the authority of its Secretary of State and cover from my office for proceeding. An official of the Department accordingly told a representative of the Press Association of the letter by my hon. and learned Friend the Solicitor-General and material elements of what it said. The company was also informed. The information was on the Press Association tapes at 3.30 pm.

My right hon. and learned Friend the Secretary of State for Trade and Industry was, in my judgment, right in thinking that it was important that the possible existence of material inaccuracies in the letter of 3 January by the then Secretary of State for Defence should become a matter of public knowledge, if possible before Sir John Cuckney's press conference at 4 pm that day. Insofar as what my office said to the Department of Trade and Industry was based on the belief that I should have taken that view, had I been consulted, it was right.

My right hon. and learned Friend the Attorney-General has authorised me to inform the House that, having

officials that, subject to the agreement of my office, he was giving authority for the disclosure to be made by his Department, if it was not made, as he said he would prefer, from 10 Downing street. That I indicated in my statement last week.

Mr. Dalyell: Will the Prime Minister give way?

The Prime Minister: This is a very tightly drafted argument and I should prefer to go on. I will give way later. Officials in the Department of Trade and Industry—

Mr. Dalyell rose—

Mr. Speaker: Order. I think that the Prime Minister said that she would give way later.

The Prime Minister: Officials in the Department of Trade and Industry—

Mr. Dalyell rose—

The Prime Minister: I shall give way to the hon. Gentleman later. I wish to continue this section.

Officials in the Department of Trade and Industry approached officials in my office, who made it clear that it was not intended to disclose the Solicitor-General's letter from 10 Downing street; but, being told that the Secretary of State for Trade and Industry had authorised the disclosure, they accepted that the Department of Trade and Industry should make it and they accepted the means by which it was proposed that the disclosure should be made.

My officials made it clear to the inquiry that they did not seek my agreement. They told the inquiry that they did not believe that they were being asked to give my authority, and they did not do so.

Mr. Bryan Gould (Dagenham) rose—

Hon. Members: Who?

Mr. Speaker: Order.

The Prime Minister: If they had believed—

Mr. Dalyell rose—

The Prime Minister: If they had believed my authority was being sought, they would certainly have consulted me.

Mr. Dalyell rose—

The Prime Minister: No, not at the moment. This is very important. [HON. MEMBERS: "Hear, hear."]

Officials of the Department of Trade and Industry told the inquiry that they regarded the purpose of their approach to my officials as being to seek agreement to the disclosure as well as to the method. They believed that they had the agreement of my office, and acted in good faith, in the knowledge that they had authority from their Secretary of State and cover from my office.

Mr. Dalyell: —will the Prime Minister allow me?

Mr. Kinnock rose—

The Prime Minister: No, I must go on at this moment. This is vitally important. Although clearly neither side realised it at the time, there was a genuine difference in understanding between officials as to exactly what was being sought and what was being given. [Interruption.]

Mr. Dalyell rose—

The Prime Minister: I have given the House the view of what officials on each side told the inquiry. That is one reason why it was vital to set up the inquiry.

Mr. Dalyell rose—

The Prime Minister: As I indicated, officials too had the right to put their view of their part of what had occurred. I deeply resent any attacks upon them.

Mr. Dalyell rose—

Mr. Speaker: Order.

Mr. Dalyell: Will the Prime Minister—

Mr. Speaker: No. The hon. Member knows that the Prime Minister said that she would give way later. He must not keep on rising.

The Prime Minister: But it is common ground, as I told the House on 23 January—it was accepted—that the Department of Trade and Industry should disclose the fact that the then Defence Secretary's letter of 3 January was thought by the Solicitor-General to contain material inaccuracies which needed to be corrected, and that, in view of the urgency of the matter, the disclosure should be made in the way that it was. I have given the House this account—

Mr. Dalyell rose—

The Prime Minister —of the accounts which were given to the inquiry.

Mr. Dalyell rose—

Mr. Kinnock rose—

The Prime Minister: I give way to the hon. Gentleman who has been rising, and to whom I promised to give way.

Mr. Dalyell: What are we to derive from the right hon. Lady's answer to the friendly intervention of her hon. Friend the Member for Woking (Mr. Onslow), the chairman of the 1922 Committee, in relation to putting it in the public domain when she said:

"I gave my consent." — [Official Report, 23 January 1986; Vol. 90, c. 455.]

What interpretation is to be put on that?

The Prime Minister: I gave my consent to an inquiry, I co-operated with it and I set out the facts as fully as possible, in that statement. I noticed that I had said that at that particular time. I did not give my consent to the disclosure. It was not sought and I have indicated that I deeply regret the manner in which it was made.

Mr. Stuart Bell (Middlesbrough) rose—

Mr. Tony Banks (Newham, North-West) rose—

Mr. Kinnock: I am grateful to the Prime Minister. Will she tell us what conceivable misunderstanding between the Department of Trade and Industry and her office could permit them to breach the Official Secrets Act and, in the words of the Solicitor-General, "immediately and flagrantly" to violate an important rule without any form of consultation with her as head of Government. Will she now tell us when she knew?

The Prime Minister: I have just set out—[HON. MEMBERS: "No!"] I have just in fact set out what my officials believed and what the Department of Trade and industry's officials believed. The right hon. Gentleman

supremacy of Parliament? I suggest that their loyalty to the last two vastly exceeds any loyalty they have left to the former.

5.28 pm

Mr. Leon Brittan (Richmond, Yorks): The House will know why I came to the conclusion that I should no longer remain a member of the Cabinet. I want to place on record my appreciation of what a privilege it has been to serve in the Government of my right hon. Friend the Prime Minister. The unhappy circumstances of the last few weeks will not detract from their achievements. I shall support the Government's policies as strongly outside the Cabinet as I have within it.

My right hon. Friend the Prime Minister has set out the facts relating to what has been called the "Westland saga", and particularly the circumstances relating to the disclosure of information contained in a letter of my hon and learned Friend the Solicitor-General. She has done so in great detail. Some of the facts only she can know about whereas in other events I myself was closely involved. I can and do confirm that with regard to the facts within my knowledge, the account of my right hon. Friend the Prime Minister is correct.

As my right hon. Friend said in her statement to the House last Thursday, I made it clear to my officials at the Department of Trade and Industry that—subject to the agreement of No. 10—I was giving authority for the disclosure of the Solicitor-General's letter to be made. I therefore accept full responsibility for the fact and the form of that disclosure.

The House knows of the extraordinary, perhaps unprecedented, circumstances in which we were working—the circumstances of the persistent campaigning of my right hon. Friend the former Secretary of State for Defence and the urgency of the need to ensure that the contents of the Solicitor-General's letter should become known. But for all that, and in retrospect, I must make it clear to the House that I accept that the disclosure of that information—urgent and important as it was—should not have taken place in that way, and I profoundly regret that it happened.

I must also make it clear that at all times the Department of Trade and Industry officials acted in accordance with my wishes and instructions. What they did was with my full authority. They are not to be blamed. Indeed, they gave me good and loyal service throughout my time as Secretary of State for Trade and Industry.

There is one further point—and one further point only—that I would make. I remain firmly of the view that the Government's agreed policy of letting the board and shareholders of Westland make up their minds about the company's future without political pressure was and is right. Let us hope that now—

Mr. Alex Carlile (Montgomery): Will the right hon. and learned Gentleman give way?

Hon. Members: No.

Mr. Brittan: Let us hope that the future of the company can now be decided in that way.

5.29 pm

Mr. Merlyn Rees (Morley and Leeds, South): The right hon. and learned Member for Richmond, Yorks (Mr. Brittan), the former Secretary of State for Trade and Industry, resigned because of his responsibility for the

disclosure to the Press Association of legal advice in a letter supplied by the Solicitor-General. He was right to do so. His resignation is honourable, but he should have resigned earlier. However, it was not only the Secretary of State who was involved in that disclosure, which is the major reason for the anxiety about the happenings of the past four weeks. The Prime Minister was also involved.

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Not only is the role of Law Officers different from other Government activities. Last week, it was drawn to my notice that if the Government were to fall next week, all the information in the documents, papers and Cabinet sub-committees would not be made available to the succeeding Government, but the Law Officers' information would. It is unto itself, and above politics. I do not understand how the Prime Minister and the former Secretary of State for Trade and Industry, knowing that, could use the advice given by the Solicitor-General on that Saturday and then on Monday as they did. That is one of the most important issues to emerge during the past month.

Mr. William Cash (Stafford): Does the right hon. Gentleman agree that if there were material inaccuracies in correspondence, they should emerge?

Mr. Rees: Of course they should, but there should be a public statement. The inaccuracies should not have emerged in that way. That is the whole point of our argument.

I shall remind the House of what happened. The Government made a decision within one and a half hours. They moved more quickly than my right hon. Friend the Member for Blaenau Gwent (Mr. Foot) and his Cabinet did on such issues. The Government knew what to do within one and a half hours. I bet that the matter had been discussed before, and that the civil servants knew what was in the minds of their lords and masters; otherwise, they would not have acted as they did. One does not leak a little bit of a letter to an honourable member of the press. I am coming to the conclusion that the Government were

consider is whether the fact that the Solicitor-General has written and the opinion he has expressed should come into the public domain and if so whether that should be in general or specific terms.¹

"My inquiry suggests that there was no advice, he [the Secretary of State] was presented with the issue and asked for a decision . . . Those who heard this call and who took part in it have said it was put to him—and I think the phrase was 'deadpan'.²

"The Secretary of State responded that he thought it should go into the public domain and that it should be done in specific terms but that No.10, the Prime Minister's office, should be consulted".³

The Prime Minister has told the House that this conversation took place at about 1.30 p.m.⁴ Sir Robert Armstrong told us that the conversation took place at "quarter past, twenty past one, something around about that time; it is impossible to say exact times but near enough".⁵

147. The Prime Minister told the House that Mr Brittan

"asked his officials to discuss with my office whether the disclosure should be made, and, if so, whether it should be made from No.10 Downing Street, as he said he would prefer. He made it clear that, subject to the agreement of my office, he was giving authority for the disclosure to be made from the Department of Trade and Industry, if it was not made from 10 Downing Street".⁶

Mr Brittan told us "I would particularly stress, it all had to be subject to the agreement of No.10."⁷ Although Sir Robert Armstrong's inquiry found that Mr Brittan probably did not use the words "subject to the agreement of" he nevertheless used words which were taken to mean that.⁸

148. Although Mr Brittan took the view that the fact that the Solicitor-General had written as well as the opinion he expressed should be brought into the public domain⁹, he did not express a view about the method of disclosure. Sir Robert Armstrong doubted whether he was consulted about the precise method.¹⁰

149. Mr Brittan has made clear his view that the officials in the DTI acted with his full authority. "They are not to be blamed", he told the House.¹¹ He said in evidence to us:

"I accept fully responsibility for what was done and would not suggest for a single moment that my instructions were anything other than followed".¹² " . . . I accept full responsibility for what my officials did, not just in some formal constitutional sense but

also in the sense that I am not suggesting that they went in any way beyond what I authorised them to do."¹

Nothing could be clearer. From the point of view of his inquiry, Sir Robert Armstrong considered that authority for the disclosure was given by the Secretary of State for Trade and Industry.²

150. Mr Brittan then went back to his luncheon and Mr Mogg telephoned Mr Powell at Downing Street. This conversation was shortly followed by a conversation between Mr Bernard Ingham, Chief Press Secretary at No.10 Downing Street, and Miss Bowe at the DTI.³ Mr Mogg's first concern, as it had been Mr Brittan's, must have been to convey to the Prime Minister's office Mr Brittan's view that he would prefer the disclosure of the letter to come from No.10.⁴ This was understandable, given that what was proposed was to publish a classified document originated by another Minister. It should be noted that if Mr Brittan's preference had been observed by the officials at No.10, Mr Brittan's authority would not have been needed. It would have been a matter entirely for the Prime Minister's office. If they had had to make the disclosure, they might have consulted the Prime Minister, who was in No.10 at the time.⁵

151. The officials at No. 10 refused to make the disclosure⁶. Sir Robert Armstrong told us, a trifle euphemistically, that Mr Ingham and Mr Powell "accepted" that the DTI should make the disclosure⁷. It is evident to us that the DTI officials were told that a disclosure from Downing Street was out of the question. They knew that the letter contained advice from a Law Officer; they knew that it was classified. Its disclosure without the knowledge of the Minister concerned—particularly by the means that were then agreed between the two offices—would be a wholly improper course of action: indeed, an action of which Mr Brittan said to the House:

"I accept that the disclosure of that information—urgent and important as it was—should not have taken place in that way, and I profoundly regret that it happened"⁸.

152. Mr Brittan was emphatic about the need for the Prime Minister's office to approve the disclosure: "I would particularly stress, it all had to be subject to the agreement of No. 10"⁹. When it is the agreement of the Prime Minister that is required in this unequivocal way—whether directly or through officials who Mr Brittan might reasonably have expected to have acted only with her explicit or implied authority—the authority of a Secretary of State is subordinate. The fact is that Mr Brittan could not actually give authority "subject to the agreement of No. 10", but he could make a recommendation that the information should be disclosed subject to the approval of No. 10. If that approval were to be forthcoming, his direct authority would be required for the disclosure to be handled by his Department if that was what the Prime Minister wanted. This direct authority his officials had already received. They also believed that they had received from No. 10 approval for the disclosure.

¹Q.976.

²Qs 1191, 1236, 1239, 1259.

³Q. 1284, 1287.

⁴Official Report, 23 January 1986, col. 450.

⁵Q.1190.

⁶Q.1190.

⁷Q.1190.

Mr. Speaker: Order. The question is about the EEC.

Mr. Skinner: Yes—even though it made a profit for the greater part of the 100 years that it was open. The Common Market has been bankrupt for about five years out of the last 10—

Mr. Speaker: Order. The question is about agricultural spending, in the EEC.

Mr. Skinner: Yes. The Common Market has been bankrupt for about five years out of the last 10 and, if it had been a coal mine, this Prime Minister would have shut it. Why does she not get on with it and save the British taxpayer some money for a change?

The Prime Minister: May I remind the hon. Gentleman that the taxpayer this year, in spite of the closing of a number of pits, will still pay something like £1.5 billion for the coal industry. With regard to the common agriculture policy, this year's price fixing was estimated to reduce spending by 320 million ecu in 1986 and 457 million ecu in 1987. Community financing of intervention was also cut, saving the budget 350 million ecu a year, so we are in fact steadily dealing with the problems of the common agriculture policy in the same way as we are dealing steadily with the coal industry.

Several Hon. Members rose—

Mr. Speaker: Order. I remind the House that this is a definitive question, a rare occasion for Prime Minister's Questions. We must stick to the subject.

Mr. Ralph Howell: May I refer to the approach that has been made to my right hon. Friend by Sir Henry Plumb, the leader of the European Conservative parliamentary group, asking her to call a world food conference on the twin problems of embarrassing food surpluses in the Western world and starvation in the less developed countries? Will she give the House an assurance that she will take the lead and call urgently a food conference in London at the earliest possible moment?

The Prime Minister: The question of surpluses between the major producing countries was, as my hon. Friend knows, discussed at the Tokyo summit. We are in touch and in close consultation with the United States about those matters. We also agreed there that the proper forum for it to be discussed was in the new GATT round, which we are hoping will begin in September. That should and, indeed, must include the whole question of agricultural surpluses and how to deal with them.

Engagements

Q2. Sir John Biggs-Davison asked the Prime Minister if she will list her official engagements for Thursday 24 July.

The Prime Minister: This morning I presided at a meeting of the Cabinet and had meetings with ministerial colleagues and others. In addition to my duties in this House, I shall be having further meetings later today.

Sir John Biggs-Davison: Does the Prime Minister agree that today's Westland report does not live up to the juicy leaks and well-trailed publicity? Will my right hon. Friend not spend too much time on it on this busy day.

The Prime Minister: The Government will, of course, respond to these reports in due course, but I should like

to make two things clear straight away. First, my right hon. Friend the Secretary of State for Trade and Industry and I have total confidence in our officials referred to in the report. As the House will be aware, those responsible for decisions and disciplinary action have already concluded that there was no case for such action. Secondly, I do not accept the Committee's comments on the role of the head of the home Civil Service. He continues to enjoy the Government's total confidence. He is a very distinguished public servant, who has performed great service to Governments of both parties.

Mr. Kinnoch: The members of the Select Committee on Defence of all parties, have been fastidious in their report on Westland plc. In that report, published today, they raise the most profound questions about the conduct of senior officials serving the Government, describing their conduct as "improper" and "disreputable". As head of that Government, does the Prime Minister accept ministerial responsibility for those officials, particularly since some of those named are directly accountable only to her and are personally associated very closely with her?

The Prime Minister: I have already answered the right hon. Gentleman's question, before he asked it. The Government will, of course, respond beyond that to those reports in due course. At present I have nothing to add to what I have already said.

Mr. Kinnoch: This is not a usual Select Committee. But all of us obviously understand that the Government will require time to compile their full response in the normal fashion. However, there is one question to which the Prime Minister can and—I believe the country also thinks this—must give an answer now in a direct fashion. It is: will she accept the direct ministerial responsibility for officials that everyone understands goes with the office of Minister at every level, or will she be part of a cover-up?

The Prime Minister: I have already answered the right hon. Gentleman. My right hon. Friend the Secretary of State for Trade and Industry and I have total confidence in our officials referred to in the report. Secondly, I do not accept the Committee's comments on the role of the head of the home Civil Service. He continues to enjoy the Government's total confidence. He is a very distinguished public servant who has performed great service to Governments of both parties.

Mr. Kinnoch: By her repetitive replies and her failure to respond to the one issue upon which she can definitely respond today, it is difficult to escape the feeling that the Prime Minister is seeking to hide behind officials. If that is the case, is the Prime Minister aware that she is in great danger of herself attracting the reputation of being disreputable and improper?

The Prime Minister: No, but clearly the right hon. Gentleman asked that question because that was what he wanted to say at the end. The fact was that I volunteered the two points properly that we have total confidence in our officials, and we are proud to be able to stand up for them at this Dispatch Box.

Mr. Lyell: With the approach of the holidays, will my right hon. Friend congratulate the Leader of the Opposition on expelling another minor official from the Labour party, but will she agree with me—

Mr. Speaker: Prime Minister.

Q3. Mr. Speaker: will list her

The Prime Minister: reply that

Mr. Lyell: paragraph Defence.

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The Prime Minister: I said e these re this aft

Lord Lyell: Friend is mor it?

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(reopens)

Sir Leon, speaking from Spain tonight, told the Press Association: ``I gave the interview before I left for Brussels at the end of 1988. There is absolutely nothing new in anything I said in the interview.``

He quoted from the Prime Minister's speech in the Commons debate on January 27, 1988. She said: ``Officials of the Department of Trade and Industry told the inquiry that they regarded the purpose of their approach to my officials as being to seek agreement to the disclosure as well as to the method.

``They believed that they had the agreement of my office and acted in good faith in the knowledge that they had authority from their Secretary of State and cover from my office.``

Sir Leon recalled that he said during that debate: ``I made it clear to my officials in the Department of Trade and Industry that subject to the agreement of Number 10 I was giving authority for the disclosure of the Solicitor General's letter to be made.``
end jp

ITV

NEWS AT 5.40

APRIL 5, 1989

17.40

TREVOR MacDONALD (Presenter):

Labour MPs today demanded a new statement on the Westland Helicopter affair after a television interview by the former Trade Secretary, Sir Leon Brittan.

In it he names two of Mrs Thatcher's closest

officials, who he said approved the leak of a crucial letter from his department. At the time Sir Leon took responsibility for the leak and resigned.

PETER ALLEN (Reporting):

The scandal surrounding Westland Helicopters didn't just cost the jobs of two Cabinet Ministers, it produced one of the worst periods of Mrs Thatcher's ten years as Prime Minister. The row over the future of Westland culminated in the leaking of a letter to Mr Heseltine, a leak which in effect finished off the Defence Secretary's campaign for a European future for Westland. That leak came from the Department of Trade and Industry. Sir Leon Brittan took responsibility and resigned, even though he claimed then that Number 10 had agreed to the leak.

But in this Channel 4 programme, 'The Thatcher Factor' Sir Leon goes further.

SIR LEON BRITTAN (Excerpt from programme):

Well the release of the Solicitor-General's

letter was something which was approved by Mr Charles Powell, the relevant Private Secretary at Number 10, and it was approved by Mr Bernard Ingham, the Prime Minister's Press Secretary.

PETER ALLEN:

That puts the spotlight back on Charles Powell and Mr Ingham, who are among Mrs Thatcher's most trusted advisers.

JOHN GILBERT, MP (Labour):

Well it means that it nails down Bernard Ingham and Charles Powell for the roles that they performed in this grubby little affair.

PETER ALLEN:

Labour MPs have attempted to raise the issue already in the Commons today. Downing Street is refusing comment.

Peter Allen, ITN, Westminster.

END

BBC1

6 O'CLOCK NEWS

APRIL 5, 1989

18.00

TREVOR MACDONALD (Newsreader):

The Westland affair has been re-opened.

Two officials at Number 10 have been named by Sir Leon Brittan as the men who authorised the leak which cost him his job. The two officials are the Prime Minister's Private Secretary and

her Press Secretary.

Three years after the Westland affair gave the Government one of its most uncomfortable moments one of its central characters has revealed new details about what really happened.

Sir Leon Brittan, the man who had to resign as Industry Secretary, has named two of the Prime Minister's closest advisers as the people who authorised the leak of a central document.

The document was a letter from the Solicitor-General which was helpful to the Prime Minister's position. The civil servants who are named by Sir Leon are Charles Powell (phonetic), who was then Mrs Thatcher's Private Secretary and Bernard Ingham, the Prime Minister's Press Secretary.

At the time Sir Leon took much of the blame for the leak, now he says there would have been no leak without the express approval from Number 10.

Tonight Paddy Ashdown, the Democrats' leader said, 'the dark secret of Westland is now being unraveled.

The Prime Minister has always denied that she knew about the leak. Now the Labour Party is demanding a statement to the House of Commons.

PETER ALLEN (Reporting):

Sir Leon Brittan, now a European Commissioner in Brussels, has gone further than ever before in naming names and pointing the finger directly at the inner counsels of Number 10. Part of the letter from the Solicitor-General to the then Defence Secretary Michael Heseltine, were leaked by a press officer in Sir Leon's Trade and Industry Department. It was intended to undermine Mr Heseltine who was campaigning for a European stake in the Westland Helicopter firm and, in the bitter internal Cabinet battle, was opposed by Sir Leon and the Prime Minister.

The leak led directly to Mr Heseltine's

dramatic walk-out from the Cabinet and later to Sir Leon's resignation too. But even a Select Committee inquiry failed to establish just who had approved the leak. In this new interview Sir Leon makes that clear.

SIR LEON BRITTAN (Excerpt from interview):

Well, the release of the Solicitor-General's letter was something which was approved by Mr Charles Powell, the relevant Private Secretary at Number 10, and it was approved by Mr Bernard Ingham, the Prime Minister's Press Secretary.

PETER ALLEN:

This goes further than Sir Leon's own previous statements in Parliament in which he merely indicated the leak had had the tacit agreement of Number 10. Now he says it was directly approved by two of the Prime Minister's closest advisers, Charles Powell, her Private Secretary and Bernard Ingham, her Press Officer.

This will increase the suspicions that some people have held that Mrs Thatcher must have known despite her denials that she was

consulted.

Today Labour MP, Dr John Gilbert, who led the intense questioning in the Defence Select Committee's investigation into the Westland affair, says the truth is now unravelling and the Prime Minister must have been involved.

JOHN GILBERT, MP (Labour):

I don't know if she was party to the fact that the letter was going to be, as I say, leaked in a very tendentious and damaging way to Secretary of State for Defence at that time, Mr Heseltine, but I'm sure that Powell and Ingham would not have done what they did unless they were totally confident that they had the Prime Minister's backing for it.

PETER ALLEN:

Mr Heseltine remained tight-lipped today.

MICHAEL HESELTINE:

I made a very full statement the day I left the Government, I have neither added to nor subtracted from that statement since, and I

don't intend to do so now.

PETER ALLEN:

Bernard Ingham briskly said he had no comment whatsoever, but Labour's John Smith, who was at the time Sir Leon's Shadow, called today for a Prime Ministerial statement.

But the ghost of Westland still seems to haunt this government and it's now widely expected that there will be further revelations emerging from those whose careers were blighted by the affair.

PRESENTER:

Part of that was taken from a Channel 4 interview with Sir Leon Brittan.

END