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For A. Turnbull

COMMITTEE OFFICE
HOUSE OF COMMONS
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DEFENCE COMMITTEE

ORDER OF BUSINESS FOR THE MEETING OF THE COMMITTEE
ON WEDNESDAY 12 APRIL 1989 AT 1030 IN COMMITTEE ROOM 16

1. WESTLAND

Mr Douglas and Mr McFall have given notice of their wish to raise this matter. Mr McFall has given notice of his wish to move for a further meeting of the Committee if the time on Wednesday morning is insufficient for a full discussion.

I attach the appropriate part of the transcript of the Channel 4 programme concerned, together with part of the transcript of the uncut interview from which Sir Leon's remarks were taken, and the note on the 1986 evidence which was circulated last week.

2. POSSIBLE VISIT TO HUNGARY

Mr George wishes to raise the possibility of a Committee visit to Hungary.

4. ANY OTHER BUSINESS

3. EVIDENCE ON DECOMMISSIONING OF NUCLEAR SUBMARINES

The Brief for this hearing is attached.

I attach a copy of the latest version of the Committee's programme.

ROBERT ROGERS
Clerk of the Committee

10th April 1989

EXTRACTS FROM

Fourth Report from the
DEFENCE COMMITTEE

Session 1985-86

WESTLAND plc
THE GOVERNMENT'S
DECISION-MAKING

Report and Proceedings of the Committee

Ordered by The House of Commons to be printed
23 July 1986

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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

¹Q.1190.

²Q.1222.

³Q.1190.

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

⁵Q.1190.

⁶Official Report, 23 January 1986, col. 450.

⁷Q.933.

⁸Q.1196.

⁹Q.868; see also Qs 1191, 1236, 1239, 1259.

¹⁰Qs 1195, 1237, 1260, 1261.

¹¹Official Report, 27 January 1986, col. 671.

¹²Q.933.

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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 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.976.

²Qs. 1191, 1236, 1239, 1259.

³Qs. 1284-1287.

⁴See the Prime Minister's Statement, *Official Report*, 23 January 1986, col. 450.

⁵Q.1275.

⁶Qs. 1199 and 1298.

⁷Q1190; see also Q1297.

⁸*Official Report*, 27 January 1986, col.671.

⁹Q933.

153. The disclosure of the information now became the particular concern of Mr Ingham as the principal information officer of the Government. He spoke on the telephone to Miss Bowe, shortly after Mr Mogg had talked to Mr Powell.¹

154. The Cabinet Secretary told us that what took place in the telephone calls between the DTI and No. 10 Downing Street was, in Sir Robert's elegant phrase, "a difference of understanding" about exactly what was being sought and what was being given². He told us that he was

"absolutely clear that officials in No. 10 did not believe, from the conversations, that they were being asked to convey an agreement on which the Secretary of State's authority was conditional"³.

Yet Mr Brittan had particularly stressed to Mr Mogg that his authority was indeed given on condition that No. 10 agreed. It is not impossible that four extremely able officials in key positions would have been capable of identical misunderstandings of this sort in two separate telephone conversations. But it is far more likely that Mr Ingham realised very well that what was being sought was not agreement but authority for the disclosure, the authority of No. 10 and so of the Prime Minister, and this he refused to countenance. It seems likely that he thought that if the Secretary of State for Trade and Industry wished to see the Solicitor-General's letter in the public domain, and had said that if it was not released from No. 10 it might be released from the DTI, then it was up to the DTI to get on with it. Since the "agreement" of No. 10 was, in the very strictest sense, meaningless, Mr Brittan's condition could be ignored.

155. Sir Robert Armstrong said charitably that it was the fact that the DTI was the sponsoring Department for Westland "that led to No. 10 saying that the disclosure should be made by the DTI"⁴. It will be recalled that this was the reason given as to why the Prime Minister asked Mr Brittan to consult the Solicitor-General about Mr Heseltine's letter of 3 January⁵. As far as the disclosure of the Solicitor-General's letter was concerned, however, Mr Ingham undoubtedly realised the implication of what was about to take place and wished to distance No. 10 and the Prime Minister from the consequences.

The method of disclosure

156. The method of disclosure that was adopted, the unattributable communication of tendentious extracts from the letter, was disreputable. Both the Prime Minister⁶ and Mr Brittan⁷ agreed that the method of disclosure was wrong and regretted that it had been done in that way. We have noted that Mr Brittan did not express a view about the method of disclosure that was to be adopted⁸.

157. Sir Robert Armstrong's evidence indicated that the method of disclosure was agreed in the telephone call between Mr Ingham and Miss Bowe⁹. Sir Robert also told us:

¹Q.1299.

²Q.1288.

³Q.1318.

⁴Q.1228.

⁵See paragraph 134.

⁶Official Report, 23 January 1986, col. 450 and 27 January 1986, col. 656.

⁷Official Report, 27 January 1986, col. 671.

⁸See paragraph 148 and Official Report, 23 January 1986, col. 450.

⁹Q.1299.

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¹Q.976.

²Qs. 1191, 1236, 1239, 1259.

³Qs. 1284-1287.

⁴See the Prime Minister's Statement, *Official Report*, 23 January 1986, col. 450.

⁵Q.1275.

⁶Qs. 1199 and 1298.

⁷Q1190; see also Q1297.

⁸*Official Report*, 27 January 1986, col.671.

⁹Q933.

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given but only in very exceptional circumstances. The rule applies to advice given by one of the Law Officers individually as well as to advice given by the Law Officers collectively and it is equally applicable to advice given by the Scottish Law Officers or one of them. The rule prohibits not only express reference to advice given by the Law Officers but also indirect reference, e.g. by such phrases as 'the advice that has been given at the very highest level' or 'the Government have been advised'. The rule applies to all situations and is therefore the basis of the instructions given to Ministers and officials appearing before Committees of either House of Parliament that they should decline to answer questions about advice given by the Law Officers: see, for example, what is said in paragraph 31 of the Memorandum of Guidance for Officials appearing before Select Committees."

That Memorandum of Guidance says

"There should not be disclosed to a Committee any advice that may have been given by the Law Officers. There is a well established convention that the advice which Law Officers give to Ministers is confidential. It is only when Law Officers expressly authorise the disclosure of that advice, or themselves report to or advise Parliament or a Committee, that such advice is revealed".¹

172. Mr Brittan, a Queen's Counsel, would have been aware of the special confidentiality of Law Officers' advice. The Secretary of the Cabinet said of Mr Brittan:

"How far he addressed his mind to the fact that this was the Solicitor-General's letter and to the discourtesy or impropriety or unwisdom of it being disclosed from his Department I do not know".²

The five officials could be expected to know that the advice of a Law Officer should in no circumstances have been disclosed without his consent. Some of the officials concerned told Sir Robert Armstrong that they had had reservations about disclosing a letter from the Solicitor-General, though the evidence to his inquiry did not suggest that any voiced these reservations at the time.³ Asked whether he would have expected the people he interviewed to regard the leaking of the letter as an improper act, Sir Robert said:

"I wish that they had had that consideration in their minds. Some of them, I think, did; some of them, I think, did not".⁴

Was the propriety of the action questioned?

173. The Prime Minister told the House,⁵ and the Secretary of the Cabinet told us, that the officials in the DTI were confident that they had the authority of their Secretary of State and 'cover'—whatever that may mean—from No.10.⁶ 'Cover' is used in distinction to 'authority'. The only authority given was that of

¹Memorandum of Guidance for Officials giving evidence before Select Committees (GEN 80/38), Civil Service Department, 16 May 1980, paragraph 31.

²Q.1191.

³Evidence, page 252.

⁴Q.1175.

⁵Official Report, 23 January 1986, col 450.

⁶Qs.1966 and 1967.

the Secretary of State for Trade and Industry. We do not believe that such authority is sufficient, or would be regarded by senior officials in key positions as sufficient, to make public parts of a document

- which was classified;
- which did not originate in the Secretary of State's own department;
- which contained the advice of a Law Officer;
- which was to be disclosed without the knowledge or permission of the Law Officer.

174. It appears that one of the officials concerned, Miss Bowe, did have doubts about the propriety of what was to be done. The Secretary of the Cabinet told us that Miss Bowe considered three individuals whom she could consult.¹ She

“would have liked to talk to the Permanent Head of the Department [of Trade and Industry, Sir Brian Hayes], but she knew he was not in the Department; he was out of London and she could not, therefore, do so, so she shared her burden with the other officials directly associated with the matter and they made up their minds to proceed”.²

The Principal Establishment Officer of the Department was not available to consult; and the third of the officials mentioned above we take to be Mr Michell, who was the most senior official involved in the disclosure of the letter and who was present at the time.³ Sir Robert Armstrong suggested that if the officials concerned had had the opportunity to consult Sir Brian Hayes matters might have been different.⁴

175. The effect of selectively releasing the Solicitor-General's letter was to undermine the credibility of the advice which Mr Heseltine had given to Lloyds Merchant Bank and of Mr Heseltine himself. On the evidence before us, Mr Heseltine's advice was correct, although in terms of the conventions of Government it was improperly offered. Only by releasing the information unattributably could the disclosure be limited to those parts of the letter that damaged Mr Heseltine. Any formal statement by the Solicitor-General or by the DTI alone would have had to have been cleared with the Solicitor-General. Even if he had agreed to the publication of his advice there is no doubt whatever that he would have required that any statement made clear the basis on which he reached his decisions, and the reservations on his advice. He knew when he wrote that Mr Heseltine was confident that the MoD possessed information which would demonstrate that the letter of 3 January was justified.

176. We have heard a great deal about the alleged importance and urgency of getting the Solicitor-General's view, expressed in his letter of 6 January, into the public domain. However, as Mr Heseltine pointed out to us,⁵ neither on Saturday 4 January, nor on Sunday 5 January, nor at any time thereafter was he asked to correct what he said in his letter to Mr Horne on 3 January. “The Solicitor-General knew from the moment he spoke to me at 10.30 on the Saturday night that I believed I had further evidence to satisfy him. He stressed

¹Q.1326.

²Q.1324. See also Q.2000.

³Evidence, page 252, paragraph 10; Q.1326; Q.1998.

⁴Q.1324.

⁵Evidence, page 359.

WESTLAND AFFAIR

Brittan points finger at top aides

By Philip Stephens, Political Editor

THE SPECTRE of the political row in 1986 over the future of the Westland helicopter company was reawakened yesterday following a television interview given by Sir Leon Brittan, one of two Cabinet ministers forced to resign over the affair.

Sir Leon says in a Channel 4 television documentary on Mrs Margaret Thatcher, the Prime Minister, that two of her key officials had specifically authorised his leak of extracts from a confidential letter sent by Sir Patrick Mayhew, then Solicitor-General, to Mr Michael Heseltine, who at the time was Defence Secretary.

Mr Bernard Ingham, the Prime Minister's press secretary and Mr Charles Powell, her private secretary, had approved the document's release to the Press Association, Sir Leon says in the interview which will be screened tomorrow evening.

After a flurry of contacts with government ministers last night, Sir Leon, who is now Britain's senior Commissioner at the European Community's Brussels headquarters, said that the comments had added nothing to his previous statements on the affair.

It was also being pointed out by Conservatives at Westminster that the television interview had been recorded before the start of the year. There was clear concern among senior ministers, however, that the timing of the interview could overshadow this week's visit to



Leon Brittan: officials authorised leaking of confidential letter sent to Defence Secretary

London by Mr Mikhail Gorbachev, the Soviet leader.

The naming of the two officials - government statements in the past have implied, rather than explicitly referred to, their involvement - brought immediate calls from opposition parties for a fresh inquiry into the affair and for a statement from Mrs Thatcher on the two officials' conduct.

Mr Heseltine, who fought - and eventually lost - a major battle with Sir Leon over whether the ailing company should find a European or an American partner, was also forced to resign during the row.

The two resignations and the admission that the Prime Minister's office had approved the leak of the letter sent to Mr Heseltine turned what started as a minor internal dispute into a front-ranking political crisis.

Mrs Thatcher insisted throughout, however, that she had not been involved. A committee of MPs investigating the affair concluded that the leak had been authorised by Downing Street but did not name the officials involved.

Yesterday the Prime Minister's office said it would not comment on the latest interview but Mr John Smith, Labour's shadow Chancellor,

said that Mrs Thatcher should now tell parliament if what Sir Leon had said was correct.

If it was true, the Prime Minister should explain when she first learned of the officials' involvement.

Mr Paddy Ashdown, the leader of the Social and Liberal Democrats, said that the "dark secrets" of Westland were now being unravelled and it was vital that important constitutional issues were openly resolved.

In the programme, The Thatcher Factor, Lord Havers, the then Attorney General, says of Sir Leon: "I could not believe that a QC who was a Cabinet minister would in fact authorise a leak of that sort when the whole of the rules forbade it."

He adds that he was present when Mrs Thatcher was given the details of an investigation by the Cabinet Secretary and she had been visibly surprised by circumstances of the leak.

Mr Tam Dalyell, the Labour MP for Linlithgow, who has waged a long campaign for a further inquiry into the Westland row, said that Sir Leon's comments had transformed the situation.

He had said something never said before by a major insider in the affair and if the allegations were correct the two officials should be sacked.

Mr Heseltine said yesterday that he had made a full statement at the time on his rôle in the affair and he did not propose to add to it now.

Brittan revives Westland affair

By David Millward
Political Staff

THE WESTLAND affair was back on the political agenda last night with members of the Commons Defence Select Committee seeking to reopen their inquiry into the events which led to the resignation of two Cabinet Ministers.

Sir Leon Brittan broke his three-year silence on the Cabinet battle over the future of Westland helicopters — which led to his resignation as a Minister — accusing two senior Downing Street officials of playing a vital role in the leak of a confidential letter from the then Solicitor General, Sir Patrick Mayhew, to Mr Heseltine, then Defence Secretary.

In the letter, Sir Patrick accused Mr Heseltine of putting forward "material inaccuracies" about the implications of the Westland takeover.

Passages from the letter were leaked to the Press Association's chief political correspondent, Chris Moncrieff.

Sir Leon, now an EEC Commissioner, said that the leak was made with the "express approval" of two of Mrs

Downing St double — P19

Thatcher's closest aides, Mr Bernard Ingham, her press secretary, and Mr Charles Powell, one of her private secretaries.

Last night there were indications that both men, and the former Cabinet Secretary, Lord Armstrong — who carried out Downing Street's inquiry into the leak — would be called by the all-party Commons Defence Select Committee, which conducted the original inquiry into the crisis.

Sir Leon's comments, in a Channel 4 documentary, *The Thatcher Factor*, to be broadcast tomorrow night, go considerably further than Mrs Thatcher's own version of

events in a Commons debate in January, 1986, when she said that the leak followed a "genuine misunderstanding" between officials at Downing Street and the Department of Trade.

In the Channel 4 interview Sir Leon says: "The release of the Solicitor General's letter was something that was approved by Charles Powell, the relevant private secretary at No 10, and it was approved by Mr Bernard Ingham, the Prime Minister's press secretary."

"As I made clear at the time, there would have been no question of the release of that document without that express approval from No 10."

But as MPs' interest in the 1986 drama was re-ignited, neither Downing Street nor Mr

Continued on Back Page

Heseltine would be drawn into commenting.

Sir Leon's decision to answer the questions about the Westland affair on television, which he had ducked during the Defence Committee hearings in January, 1986, astonished MPs.

Last night Mr John Smith, the Shadow Chancellor, called for a full statement on the affair from Mrs Thatcher.

Mr Heseltine, as Defence Secretary, had vigorously opposed a bid by the American-led Sikorsky-Fiat interests for Westland. That bid was backed by Sir Leon and Mrs Thatcher, while Mr Heseltine favoured a bid by a European consortium.

It was the controversy surrounding the leak of Sir Patrick Mayhew's letter, and the role of Downing Street, which posed the greatest threat to Mrs Thatcher, rather than the resignations of two members of her Cabinet.

In the highly-charged debate, in which some MPs believed Mrs Thatcher's own political future hung in the balance, the Prime Minister admitted that Mr Powell and Mr Ingham had agreed to the leak.

She also expressed regret at the manner in which it was carried out. But neither man was allowed to give evidence to the Defence Committee.

By insisting that the leak was carried out with the express approval of Downing Street, Sir Leon has gone further than Mrs Thatcher in her statement to MPs, and Lord Armstrong in his evidence to the committee.

Last night Dr John Gilbert, Labour MP for Dudley East, and Lord Armstrong's fiercest inquisitor at the original Defence Committee hearings, said: "I am sure that Mr Powell and Mr Ingham would not have done anything unless they were sure they had the Prime Minister's backing for it."

Mr Paddy Ashdown, leader of the Democrats, said that Sir Leon's intervention had led to the unravelling of the whole affair.

Yesterday, as Westminster digested the implications of Sir Leon's comments, Mr Tam Dalyell, who has fought a lone crusade on the affair, claimed that Sir Leon's intervention showed that Mrs Thatcher had lied to the Commons.

He also called for Mr Ingham and Mr Powell to be sacked.

He asked: "Is it right that civil servants paid by the taxpayer who have done anything so improper as to abuse a law officer's letter should remain in such powerful posts?"

•Brittan accuses No 10 of approving Westland leak

SIR LEON BRITTAN, the former Secretary of State for Trade and Industry, has directly blamed Downing Street for giving its "express approval" for a leak, which Margaret Thatcher privately feared could bring her down at the height of the Westland affair.

The leak was designed to damage Michael Heseltine, the then Secretary of State for Defence, when he was in conflict with the Prime Minister and Sir Leon.

Mrs Thatcher has escaped direct responsibility for the leaking of a confidential letter by the Solicitor General in January, 1986.

In a Channel 4 programme on her 10 years in power, Sir Leon makes it clear for the first time that he was acting on the approval given from Number 10 by Bernard Ingham, the Prime Minister's press secretary, and Charles Powell, her private secretary.

The disclosure led to immediate calls by John Smith, the Labour spokesman on the Treasury, and Paddy Ashdown, the leader of the Social and Liberal Democrats, for a statement to Parliament by the Prime Minister.

They challenged Mrs Thatcher to say whether she knew who was

By Colin Brown
Political Correspondent

responsible for the leak before she was forced by the Law Officers to order a leak inquiry.

Sir Leon resigned after the leak, but opposition leaders and some senior Tory MPs regarded his departure as a sacrifice to protect the Prime Minister. His disclosure in the programme to be screened tomorrow is likely to rekindle the controversy, which, she confided to close friends, forced her to contemplate resignation.

Sir Leon says: "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."

Tory MPs were surprised last night by Mr Brittan's disclosure. One former colleague of Mr Heseltine, whose resignation heightened the Westland crisis,

said: "It's further than he has gone before."

One Cabinet minister said: "It has never been a real issue with the voters and it is bound to get subsumed in the coverage surrounding the Gorbachev visit."

Mrs Thatcher will avoid being put on the spot today. Because of the visit by the Soviet leader, she will not be taking Prime Minister's Questions in the Commons.

However, opposition party leaders will use the disclosure to intensify their attacks on Mrs Thatcher's alleged abuse of power in the run-up to the tenth anniversary of her taking office in May.

Mr Ashdown said: "That was the dark secret behind the Westland affair. The thread has now run back to Downing Street."

Lord Havers, the former Attorney General, speaking on the same programme, makes it clear he does not believe Mrs Thatcher knew Sir Leon was responsible for the leak.

He says: "Unless she is the most marvellous actress I have ever seen, she was as shocked as anybody..."

Havers' anger, page 2

Leak by Brittan made Havers 'very cross'

LORD HAVERS, the former Attorney General, has spoken for the first time about being "very cross" at the leaking of the Solicitor General's letter, which caused a crisis in the Thatcher Government in 1986 and led to the resignation of Leon Brittan.

Interviewed for the Channel 4 programme, *The Thatcher Factor*, Lord Havers says: "I heard about this on the five o'clock news and was very cross because there was a strong convention that law officers' letters or communications are never leaked without their permission. I could not bring myself to believe that a QC and a Cabinet minister would, in fact, authorise a leak of that sort — the whole of the rules forbade it."

Sir Leon, a QC, had authorised the leak to be made by Colette Bowe, press secretary at the Department of Trade and Industry where he was Secretary of State.

By Colin Brown
Political Correspondent

Selected extracts were given to the Press Association, which led to reports that Sir Patrick Mayhew, then Solicitor General, had accused Michael Heseltine, then Secretary of State for Defence, of "a material inaccuracy" in his presentation of his case on the Westland affair.

Closer scrutiny of the whole text of the letter, later released, showed that the Solicitor General admitted he had not seen all the evidence. The leak took place at

the most damaging time for Mr Heseltine, who was involved in a bitter struggle with the Prime Minister and Sir Leon over the future of the Westland helicopter company, preferring a European-based helicopter industry than one controlled by the American-led Sikorski-Fiat rivals.

Sir Leon said yesterday that he had not gone further than his earlier statements on the issue.

But there was a marked difference of emphasis in his evidence to the Commons Select Committee on Defence on 30 January, 1986. He said: "I accept, fully, responsibility for what was done and would not suggest for a single moment that my instructions were anything other than followed. I would particularly stress that it all had to be subject to the agreement of No 10."

The disclosure by Sir Leon yesterday that "express approval" for the leaking of the letter was given by Bernard Ingham, her press secretary, or Charles Powell, her private secretary, pointed the finger at Mrs Thatcher.

But no firm evidence has yet emerged to implicate her. She refused to allow Mr Ingham and Mr Powell to give evidence to the Commons select committee.

Westland leak approved by Downing St, says Brittan

By Martin Fletcher and Michael Evans

The Westland affair returned to haunt the Government last night after Sir Leon Brittan declared he had "express approval" from Downing Street for the leak of the Solicitor General's confidential letter to Mr Michael Heseltine.

Sir Leon says in a television interview to be broadcast tomorrow that the leak, which led to his resignation as Secretary of State for Trade and Industry three years ago, was approved by Mr Bernard Ingham, the Prime Minister's press secretary, and Mr Charles Powell, her private secretary.

Sir Leon's assertion was seized on by senior Opposition MPs last night who saw it as a dramatic development in the long-running Westland saga. They came close to accusing Mrs Thatcher of personal involvement in the leak and demanded a full Commons statement from her.

The official version of events surrounding the leak, as given to the Commons by Mrs Thatcher and repeated later to the defence select committee by Lord Armstrong, then Cabinet Secretary, has been that there was a misunderstanding between her officials and the Department of Trade and Industry.

Sir Leon had insisted Downing Street's agreement be obtained before the letter was leaked. Mr John Mogg, his private secretary, and Miss Colette Bowe, the department's head of information, contacted Mr Powell and Mr Ingham on January 6, 1986, to obtain that agreement.

Mr Powell and Mr Ingham had acquiesced in the leaking without consulting her but, according to Mrs Thatcher, "did not believe they were being asked to give my authority and they did not do so". The alleged Downing Street connection in the leaked letter affair has been the most sensitive and potentially explosive issue in the Westland saga.

The leaked letter from Sir Patrick Mayhew, Attorney General, who was Solicitor General at the time, warned Mr Heseltine that he had included a "material inaccuracy" in a letter he had written in support of the European consortium's bid for Westland, which was suffering a financial crisis. Mr Heseltine was supporting the consortium, which included British Aerospace, against a rival bid by Sikorsky of the United States.

Sir Patrick's comments were leaked to the Press Association hours before the start of an important Westland press conference and escalated the affair into a crisis that at one point threatened to topple the Government.

While Sir Leon remained an MP, he refused to expand on the background to the leaked letter. However he resigned at the beginning of this year to become Britain's senior European Commissioner and he has been interviewed for a Channel Four series called *The Thatcher Factor*, presented by Mr Hugo Young, the political columnist.

He says in the interview: "The release of the Solicitor

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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, and as I made clear at the time, there would have been no question of the release of that document without that express approval from Number 10."

Sir Leon insisted yesterday he had said nothing he had not said before. However, Mr John Smith, the shadow chancellor, who shadowed Sir Leon at the time, said he had made a serious allegation which had re-opened the whole affair and Mrs Thatcher had to make a statement to Parliament.

Dr John Gilbert, Labour MP for Dudley, the leading inquisitor during the defence select committee's inquiry into the Westland affair, said the truth was finally coming out and this was an "extremely damning disclosure".



Brittan blames PM's men for Westland leak

Richard Norton-Taylor
and Michael Smith

THE WESTLAND affair, which shook the Government three years ago, resurfaced dramatically yesterday after Sir Leon Brittan, who resigned from the Cabinet during the crisis, named two of Mrs Thatcher's closest and most trusted advisers as having approved the leak of a letter from the Solicitor-General.

The leak, Sir Leon says in a pre-recorded television interview, was approved by Mr Charles Powell, Mrs Thatcher's private secretary responsible for foreign affairs, and Mr Bernard Ingham, her press secretary. Despite parliamentary inquiries and two Commons debates on the affair, their role has never been fully explained.

Sir Leon — now an EEC Commissioner, then the trade and industry secretary — has always been regarded by Mrs

that document without that express approval from No 10."

Last night in Spain, Sir Leon said: "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."

However, crucial questions about who instigated the leak — passed to the press by Ms Colette Bowe, then Sir Leon's senior information officer — have never been answered.

Labour MPs last night demanded that Mrs Thatcher break off from the Gorbachev visit to tell the Commons that Sir Leon's claims were untrue.

They will attempt to raise the affair on the floor of the Commons today, although Mrs Thatcher will not be taking prime minister's questions.

Dr John Gilbert, a Labour member of the Commons defence committee which investigated the affair, said Sir Leon's statement "nails down Bernard Ingham and Charles Powell for

Leon's department that day.

In her first Commons statement on the affair on January 23 she acknowledged that she wanted to disclose the contents of the letter — which was designed to undermine Mr Heseltine. But she added that, had she been consulted, she would have said "a different way must be found". Four days later — the day Sir Leon resigned — she told the Commons that DTI officials "believed that they had the agreement of my office" to leak the letter.

Sir Leon told the Commons then that he had authorised his officials to disclose the letter "subject to the agreement of No 10". He accepted responsibility for their actions.

● Sir Leon's comments are to be referred to the Speaker to consider if there was any breach of privilege.

Gibbard's view, page 6; Mrs Thatcher v the intellectuals, page 21

Thatcher's critics as the scapegoat defusing the growing political storm over the affair which also led to the resignation of the defence secretary, Mr Michael Heseltine, in January 1986.

The affair erupted after Sikorsky, the US group, launched a takeover bid for Westland, the British helicopter firm, which Mr Heseltine said should be resisted in preference to one from a European consortium. Sikorsky, supported by Westland, succeeded.

In his interview for a Channel 4's *The Thatcher Factor*, written by Hugo Young, to be broadcast tomorrow, Sir Leon says: "The release of the Solicitor-General's letter was something which was approved by Mr Charles Powell — the relevant private secretary in No 10 and it was approved by Mr Bernard Ingham, the Prime Minister's press secretary."

He added: "As I made clear at the time there would have been no question of the release of

the roles they performed in this grubby little affair."

He continued: "It's quite unambiguous what Leon Brittan is saying, and his evidence is totally at variance with what Sir Robert [now Lord] Armstrong [the then Cabinet Secretary] said to the select committee on defence.

"Armstrong tried to perpetuate the quite preposterous myth that there had been two simultaneous misunderstandings between four highly sophisticated, highly trained high-fliers in the civil service."

Mr John Smith, the shadow chancellor, who led Labour's attack over Westland three years ago, said that Sir Leon's statement had re-opened the Westland affair. "The Prime Minister must now tell Parliament if it is true," he said.

Mrs Thatcher has said she had no knowledge of how the letter was leaked on January 6 1986 or what her officials discussed with civil servants at Sir

PARLIAMENTARY QUESTION

Mr Turnbull.

CONSTITUTION UNIT

	Oral For _____ Answer on <u>MON 10 APRIL</u>	This paper MUST be kept on top of the right-hand side of this file
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	House of Lords	

Type Member's name, constituency and Question here

- 139 Mr Nigel Spearing (Newham South): To ask the Lord President of the Council, if,
W pursuant to his reply to the honourable Member for Falkirk East on 6th April, concerning statements made by Sir Leon Brittan, he will give the name of any documents, together with appropriate references, that show that approval was given by two named officials to the disclosure of a letter from the Solicitor General; and if he will place copies of any such documents in the Library.

DRAFT ANSWER

I refer the Hon gentleman to the Fourth Report of the Select Committee on Defence for the 1985-86 Session.

mt

National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 1989 (SI 1989 No. 387)

National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 1989 (SI 1989 No. 517)

National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Amendment Regulations 1989 (SI 1989 No. 393)

Mr. Frank Dobson (Holborn and St. Pancras): I thank the Leader of the House for his Statement.

I shall refer first to the point raised by my hon. Friend the Member for Hamilton (Mr. Robertson) at Prime Minister's Question Time. Will the Leader of the House make it his business to ensure that the report of the secretary general to the United Nations Security Council is placed in the Library of the House next week, as was promised by the Prime Minister on Tuesday of this week? Will he bear in mind the convention of which he and the right hon. Lady will be aware that, when Ministers at the Dispatch Box quote from an official document, they should make that document available to everyone else? Documents that Britain receives at the Security Council must fall into that category, especially as it was not simply that the Prime Minister—

Mr. Harry Greenway (Ealing, North): The hon. Gentleman did not listen to Prime Minister's Questions.

Mr. Dobson: I am talking about the business for next week. Will the hon. Member for Ealing, North (Mr. Greenway) contain himself?

Mr. Speaker: Order. The hon. Gentleman will have his chance later.

Mr. Dobson: As the Prime Minister not only mentioned that document, but also told the hon. Member for Inverness, Nairn and Lochaber (Sir R. Johnston) that he could obtain all the details he needed from that document and that it was available, it appears that the burden falls on the Leader of the House to ensure that, in line with the conventions of the House, that document is made available to everyone.

In view of Sir Leon Brittan's recent confirmation of many people's suspicions of the degree of involvement of the Prime Minister's closest advisers in the leaking of the Attorney-General's letter on Westland, will the Leader of the House tell us whether the Prime Minister will come to the House next week to make a statement and to answer further questions on that matter, and especially to clarify once and for all who knew what and when they knew it?

Will the Leader of the House tell us when we can expect the long promised and the equally long delayed debate on student loans?

As there is mounting concern throughout the country about the threat that the Government's National Health Service review poses to the health care of most people, will we have an early debate in Government time to give the Secretary of State the opportunity to answer questions in the House rather than spending taxpayers' money roaming around the country on a Tory party political propaganda exercise?

On the subject of the Department of Health, when can we expect a statement on the Government's response to the Griffiths report on care in the community? The

Department has had that document in its possession for more than a year and surely it should be moving towards giving us some suggestion of the Government's intentions.

In view of the particularly precipitant way in which the Government have managed to come forward with a Bill to abolish the national dock labour scheme, when will they come forward with the Bill that they have promised and on which civil servants have been working for four years—if parliamentary answers of 1985 were truthful—to outlaw the buying and selling of human organs?

Mr. Wakeham: I am grateful to the hon. Member for Holborn and St. Pancras (Mr. Dobson) for asking me six questions about the business for next week. I wondered whether he might have found time today just to say thank you to me for having arranged for the debate on the Fennell report, for which he has been pressing me and also for managing to fit in two Opposition days in the business for next week.

Mr. Dobson: They are not both next week.

Mr. Wakeham: If the hon. Gentleman had listened, I announced two full Opposition days in the business statement for next week.

With regard to the United Nations plan and the documents concerned, I told the House yesterday that the relevant documents have been placed in the Library. They include the Geneva protocol, which has been made public by the South African Government. A further set of documents, which together comprise the United Nations plan will be placed in the Library today. The secretary general has asked, however, that the report on the recent fighting should be kept confidential for the time being. On reflection I hope that the hon. Gentleman will consider that the right thing would be to respect the request of the secretary general. Obviously I shall look into the matter in view of the question asked, but I cannot promise that anything will be revealed at the present time.

With regard to the recent television coverage of a television programme, which neither you, Mr. Speaker, nor I have seen, I understand that Sir Leon Brittan made certain statements which he suggested did not add anything new to the position. That is as I understand the matter and, therefore, I see no need for any further statement on the position which has been well ventilated in the past.

The hon. Gentleman knows that consultations are taking place about student loans and I believe that the right time for a debate on that matter would be later rather than at present.

I agree with the hon. Gentleman that there is a need for a National Health Service debate and I agree that it would be right for the Government to find time for that. The exact timing of it is best left for discussion through the usual channels. I also recognise the consistency with which he has pressed me on the Griffiths report. I understand his disappointment that it has taken rather longer to deal with that matter than he wanted. We are giving active consideration to the report and hope to bring forward our proposals in the near future. We recognise the concern that our response should not be unduly delayed, but it is vital that we reach the right solution in this important area.

There has been some discussion between the Government and the hon. Gentleman's Front-Bench colleagues about the abhorrent trade in kidneys. If we are

[Mr. Wakeham]

to make progress as fast as we can—both of us are agreed on that, I believe—it is probably best for those discussions to continue through the usual channels.

Mr. James Hill (Southampton, Test): My right hon. Friend will know that, from time to time, I have asked questions regarding a ports policy for the United Kingdom. The statement by my right hon. Friend the Secretary of State for Employment, who said that the national docks labour scheme is to be reviewed, obviously makes my question about a ports policy null and void. Nevertheless, there is a need not to demoralise the employees of certain ports because I know that they will put their shoulders behind the new review. The port of Southampton was closed for a whole year in 1981 due to militancy. It is now working well. If we can persuade the Transport and General Workers Union to adopt a reasonable approach, there will be further co-operation. That can only do good to Southampton.

Mr. Wakeham: I agree with my hon. Friend. I am grateful to him for his support for the way the Government are approaching the problem. With the inevitability of these matters, there will be plenty of opportunity for my hon. Friend to raise the issue constructively in the debates that we shall have in forthcoming weeks.

Mr. James Wallace (Orkney and Shetland): Will the Leader of the House arrange for a Minister to come to the House next week to explain why those who were demonstrating in Whitehall today against human rights abuses in the Soviet Union were told to take down their placards before Mr. Gorbachev arrived, which seems to be almost a contradiction in human rights terms?

Secondly, given that we will debate the Lord Chancellor's salary next week but that we do not have a Select Committee on the Lord Chancellor's Department or on the Law Officers' Department, will the Leader of the House consider setting up an ad hoc Select Committee with powers to call for witnesses and papers to look into the Government's proposals for the reform of the legal profession?

Finally, when did the Prime Minister find out that the United Nations secretary general wished the report on the Namibian incidents to be kept confidential?

Mr. Wakeham: I am not in a position to answer the question about the placards in Whitehall, but I shall make inquiries and see that the appropriate answer is given to the hon. Gentleman.

I do not propose to set up a special Select Committee to deal with our law proposals. I believe that the right procedure is that which the Government have adopted, which is to issue Green Papers for discussion. We hope to get as many constructive views as we can. Then the Government will have to make up their mind how best to act.

I cannot answer the hon. Gentleman's third question, but it was certainly not until after my right hon. Friend had said what she did in the House.

Mr. Henry Bellingham (Norfolk, North-West): Can the Leader of the House tell us when the Second Reading of the Bill on the dock labour scheme is likely to take place? Is he aware that today's announcement will be warmly

welcomed by the vast majority of people connected and working in King's Lynn docks who realise that abolition of the scheme will lead to more jobs? It will lead to much more cargo being handled at King's Lynn and will enable it to compete with non-scheme ports in East Anglia.

Mr. Wakeham: I welcome what my hon. Friend has said. The Bill will be introduced tomorrow and there will be an opportunity to debate it in the usual subject to the usual conventions. I hope to make a statement including the Second Reading of the Bill in the not-too-distant future.

Mr. Max Madden (Bradford, West): May I draw the attention of the Leader of the House to two emotions standing in my name, numbers 672 and 673 concerning freemasonry?

[That this House notes, as reported in the book *the Brotherhood* by Martin Short, that most honourable and honourable Members who completed a questionnaire issued by Mr. Short in 1986 said that they were not masons; that the House has required its members, including its members, judges and honourable Members who are required to disclose Masonic membership; therefore the Select Committee on Members' Interests to consider necessary arrangements for appropriate resolution considered by the House to require Right honourable and honourable Members to disclose Masonic membership; Register of Members' Interest; further urges Parliament to require its members to be required to make an appropriate declaration; and finally urges the appointment of an Ombudsman to whom public servants, including officers, can make complaints of discrimination in employment.]

[That this House congratulates Martin Short on the publication of his book, *Inside the Brotherhood*; notes that the honourable Members for Ilford South, Croydon, Chichester, Erewash, Banbury and Belfast North told Mr. Short they were Masons; further notes that Mr. Short believes that the honourable Members for Bury, Reading East and Keighley are Masons; and finally notes that Mr. Short reveals the Masonic Lodge to which the honourable and honourable Members, Parliament Officers and staff belong is called the New Welcome (5139) which was consecrated in 1929 and meets five times a year at Freemason's Hall in London, and that Parliamentary Journalists who are Masons belong to the Gallery Lodge (1928).]

May I unusually ask the Leader of the House to make a statement next week in view of the support of more than 200 hon. Members from all parties for the proposition that hon. Members who are masons should be required to declare their masonic membership in the Register of Members' Interests? Will the Leader of the House next week ask the Select Committee on Members' Interests to consider the matter urgently so that the necessary measures may be brought to the House?

Mr. Wakeham: As I told the hon. Gentleman in a written question on 3 March 1988:

"Any consideration of changes in the scope of the Register of Members' Interests or the Register of Parliamentary Journalists would, in the first instance, be a matter for the Select Committee on Members' Interests."—[Official Report, 3 March 1988; Vol. 128, c. 638.]

That is where he should pursue the matter.

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Mr. Michael Latham (Rutland and Melton): Will my right hon. Friend ensure that the debate on the Health Service that he has promised takes place at an early date and allows us to discuss the proposed contract for general practitioners? I think that he will have noticed that it has not been received with unanimous rapture by the practitioners.

Mr. Wakeham: Whether that is within the scope of the debate is not a matter for me but for you, Mr. Speaker. I should think that my hon. Friend, with his usual ingenuity, will be able to make the points that he wants to make on that subject.

Mr. Pat Wall (Bradford, North): May I bring to the attention of the Leader of the House a recent report by John Bourn, the Comptroller and Auditor General, regarding serious underpayments in the national insurance fund and the social fund—in particular, an estimate of underpayment of unemployment benefit of between £34 million and £89 million? That is very serious because it affects some of the most deprived people in our society. The money was not paid because of an error by Government Departments. The Minister responsible, if he is not prepared to initiate a debate in the House, should make a statement on payment to the unemployed. He should give an explanation and describe what measures will be taken to rectify the matter.

Mr. Wakeham: I do not know whether this is the same report from the Comptroller and Auditor General as that which I looked at the other day. I thought that there had been errors in allocation of costs rather than beneficiaries going short of anything to which they were entitled. However, I shall investigate the matter and I believe that the Public Accounts Committee will also consider some of these issues in the near future. If something has not been properly answered I shall ensure that it is.

Mr. Charles Wardle (Bexhill and Battle): My right hon. Friend will be aware of the recent consultation about possible amendments to the Financial Services Act 1986. Will he find time for a debate on the subject, with particular reference to the role of merchant banks? Does he recall that in the debate on the financial services White Paper in April 1985, several hon. Members, including me, referred to the possible conflicts of interest in merchant banks, but subsequent legislation left out that aspect?

Mr. Wakeham: I cannot promise that we shall have a debate in the near future but I shall certainly refer my hon. Friend's point to my right hon. Friend the Secretary of State for Trade and Industry to see what can be done in the future.

Mr. Robert Parry (Liverpool, Riverside): Does the Leader of the House recall a question that I put to him some weeks ago regarding early-day motion 395.

[That this House calls upon the South African Government to release Mr. Oscar Mpetha a 79 year old trade union leader imprisoned since 1980; notes that he had his leg amputated in 1983, that he is a diabetic with complications and was refused permission to leave prison in 1986 to attend his wife's funeral; believes that his imprisonment is solely due to his struggle on behalf of black workers and as a member of the South African Congress of Trades' Unions and as President of the African National Congress in the

Cape; welcomes Her Majesty's Government's representations to the South African Government on his behalf; and calls upon the South African authorities to release Mr. Mpetha as a matter of urgency.]

That is supported by 118 hon. Members. Mr. Mpetha, who is imprisoned in South Africa, lost his son last week when he was killed in an accident. Will the Government make urgent representations for his immediate release on compassionate grounds?

Mr. Wakeham: As I have indicated on previous occasions, the Government have made representations to the South African Government on at least five separate occasions. I shall refer the hon. Gentleman's point to my right hon. and learned Friend the Foreign Secretary.

Dr. John G. Blackburn (Dudley, West): Will my right hon. Friend give serious consideration to the report of the Monopolies and Mergers Commission, published on 22 March, on the production, distribution and sale of beers in this country? It will have a widespread effect on the brewing industry. Many of the major breweries are established in the midlands and there is a wave of uncertainty running through the industry. I should value it if my right hon. Friend would give an assurance that there will be a debate on this important subject.

Mr. Wakeham: It is an important subject and, in another capacity, as chairman of the Government's committee on the misuse of alcohol, I know that changes in the structure of the brewing industry are important for us to consider. However, many of my Government colleagues are also considering the matter and so it is being carefully examined.

Mr. D. N. Campbell-Savours (Workington): In light of the fact that Mr. Tiny Rowland has repeatedly used the *Lonrho* broadsheet to call for the prosecution of the Al Fayed's over their trading practices, is it not now time for the Government to review the decision taken in 1977, which meant that prosecutions would not be brought under section 84 of the Larceny Act 1861, section 19 of the Theft Act 1968, section 7 of the Exchange Control Act 1947 of for conspiracy to commit breaches of the Southern Rhodesia (United Nations Sanctions) (No. 2) Order 1968? Is it not time to review the decision and bring prosecutions under all four headings against the owners of *The Observer*?

Mr. Wakeham: As the hon. Gentleman knows, questions of prosecution are not for me. He may or may not have a case on the reforms of such matters, about which he is knowledgeable, but I regret that even if they were acceptable to everybody I could not find time for a debate next week. However, I shall refer the matter to my noble Friend the Secretary of State for Trade and Industry.

Mr. Tony Marlow (Northampton, North): I did not catch all of my right hon. Friend's statement, but may I draw his attention to the fact that during yesterday's sitting of the Select Committee on European Legislation the recommendation was made that a heavily amended draft directive on broadcasting should be brought before the House for debate before the common position is agreed? As that common position may well be agreed next Thursday, will my right hon. Friend look into that matter?

[Mr. Tony Marlow]

This is an important matter as the directive has been much amended since it was last debated by the House as long as two years ago.

Mr. Wakeham: I understand my hon. Friend's concern and those expressed in the debate on the original proposals in January 1987, most of which have been met by the latest draft directive on broadcasting. I accept that the proposal has changed, but there has been a debate on the subject and I hope that my hon. Friend agrees that the changes were largely foreseeable and will generally find favour in the House. We have a heavy business programme next week which I cannot easily alter, but I am having discussions with my hon. Friend the Minister of State, Home Office on the subject.

Mr. Merlyn Rees (Morley and Leeds, South): Will the Leader of the House reconsider the need for a statement next week as a result of Sir Leon Brittan's further revelation, for which we do not have to wait until Friday night; we have already heard it on television and read it in the newspapers. There is a strict constitutional convention in Britain, which does not have a written constitution, that Law Officers' letters should not be revealed. Two Law Officers nearly resigned on the issue and now we find that two civil servants at No. 10 took it upon themselves to reveal that letter, self-authorised. Two basic questions arise. First, why did they do it and, secondly, why have they not been removed from their post for doing so?

Mr. Wakeham: The right hon. Gentleman, who has a reputation for objectivity in such matters, should look at the report of the Select Committee on Defence and the debates in the House at the time. If he does that, he will see that nothing new has arisen. These matters were referred to. If the hon. Gentleman is interested in names he should look at the Select Committee's report, which was published and debated a long time ago. All the issues have been well ventilated. There is nothing fresh or new in the statement made by Sir Leon Brittan, as he confirmed yesterday.

Mr. Harry Greenway (Ealing, North): Is my right hon. Friend aware that if President Gorbachev had arrived 24 hours earlier and had used the Underground he would not have been able to keep his appointments, like many other Londoners, owing to the most uncalled for strike by the drivers, and, according to a CBI report, if he comes in 10 years' time, unless he uses a helicopter he will not be able to move because London traffic will be at a standstill. Therefore, may we have a debate next week on the management of traffic in London, and could the motion include the possibility of a Minister with responsibility for London's traffic?

Mr. Wakeham: I was at the airport yesterday to meet President Gorbachev when adequate road transport was available for him. However, I have every reason to believe that those arrangements were made regardless of whether there was a strike of Underground workers. I regret that, against the advice of the union, Underground workers took unofficial action yesterday. It would be much better if proper negotiations to settle the dispute were entered into without delay. On my hon. Friend's wider question about ministerial changes, I do not think that that is a matter for me or that it arises today in particular.

Mr. Nigel Griffiths (Edinburgh, South): Will the Leader of the House make time for an early debate on the report of rent legislation which has brought about a fourfold increase in the rents in housing association properties in my constituency, which has been forced on retired people and highlighted so well in *The Scotsman* today? Will my right hon. Gentleman give time for an early debate on plight of retired people in retirement homes?

Mr. Wakeham: I cannot promise the hon. Gentleman a debate, but I should be tempted to have one because I suspect that his analysis of the situation was not particularly balanced one. However, the points he has raised about elderly people seem to be relevant to the debate that I have managed to arrange for Tuesday of next week.

Sir Ian Lloyd (Havant): My right hon. Friend will be aware of the widespread concern in all parts of the House as a result of the tragic events on the Namibia-Angola border. He may also be aware that those of us who recall the record of the United Nations in Katanga do not exactly have the utmost confidence in the ability of that organisation to react expeditiously and impartially. My right hon. Friend may not be aware of recent reports that aerodromes for advanced fighter aircraft are being constructed on the Angolan border, and that special Vietnamese troops are being brought into Angola to replace the Cubans. In the light of these very serious events, may we have an early opportunity to debate that matter?

Mr. Wakeham: I recognise the importance of that matter, and I recognise my hon. Friend's knowledge of that area, based on many years' experience. I wish that I could offer a debate in the near future. I shall certainly bear the matter in mind, but I cannot give my hon. Friend a promise.

Ms. Diane Abbott (Hackney, North and Stoke Newington): May I draw the attention of the Leader of the House to early-day motion 44 on cosmetic experiments on animals.

[That this House is appalled by the failure of the Animals (Scientific Procedures) Act 1986 to prevent the testing of animals for cosmetic purposes; notes that in 1987 there were still 14,534 animals being used in cosmetic experiments and considers this totally unacceptable; and calls upon the Home Secretary to cease the granting of any further licences for cosmetic testing and furthermore to put a time limit on those existing licences for the same purposes.]

May I draw to his attention the fact that this is completely barbaric and unnecessary practice, about which I have had very many letters from constituents? The early-day motion has been signed by more than 200 hon. Members. In the light of the feelings of millions of people up and down the country, will the Leader of the House make time for an early debate on this issue?

Mr. Wakeham: I have seen the hon. Lady's early-day motion. The term "cosmetic" covers not only beauty preparations, such as lipstick and perfumery, but hygienic products, such as toothpaste and anti-dandruff shampoo, as well as preparations to combat other problems, particularly for workers in industry. It is essential that these products are safe to use and safe to produce. Safe testing, for mildness only, involves some use of animal. All applications for cosmetic testing licences are examined

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the Animal Procedures Committee, whose first report, published on 6 December, describes the difficult issues involved and its approach to them. I cannot promise the hon. Lady a debate at the present time, but it is a matter that I shall certainly bear in mind.

Mr. Neil Hamilton (Tatton): I warmly endorse my right hon. Friend's decision not to waste any more of our time debating the Westland affair and its aftermath. Sir Leon Brittan, in his most recent remarks, has added nothing to what we knew already. He has not said anything that is inconsistent with anything said by the Government in the past. Although the endearing, but slightly barmy Member for Linlithgow (Mr. Dalyell) and his friends may have an obsession—

Mr. Speaker: Order. I think the hon. Gentleman can do better than that. I do not think that we will have "barmy" here.

Mr. Hamilton: It was a slip of the tongue, Mr. Speaker, which I certainly withdraw.

Although the hon. Member for Linlithgow and many of his hon. Friends are obsessed by this topic, the country at large has no interest in it whatsoever.

Mr. Wakeham: As I have indicated, I do not think that there is anything new to be debated or discussed, and I am glad to have the support of my hon. Friend.

Mr. Tam Dalyell (Linlithgow): Is the Leader of the House suggesting that the recent statement by Sir Leon Brittan is in any way consistent with the evidence given, on behalf of the Government, by Lord Armstrong of Ilminster to the Select Committee? Is he saying that the Select Committee had any notion that there was explicit approval by two of the most senior civil servants? Would the Leader of the House feel it right next week to make a statement on his own position, in the light of the assertions by his hon. Friend the Member for Aldershot (Mr. Critchley) in the book "Heseltine"—the unauthorised biography—page 153, that he was present on 4 and 5 January 1986 when there were discussions at Chequers on tactics in relation to the Law Officers' letter, that he was present on 18 December 1985, with Mr. Bernard Ingham and Lord Whitelaw, when the strategy was being discussed, and that he was party to the inner Cabinet decisions on 9 January? Can he confirm his hon. Friend's statements, which are in writing?

Mr. Wakeham: The last time the hon. Gentleman raised the subject in that form he seemed to have got stuck at page 153 of the book. I suggest that he finishes the book, but I do not think that anything in it will give him any grounds for saying that the Government have not been forthcoming and that there have not been proper inquiries. Nothing new has come out in what Sir Leon Brittan has said. There is not just my word for it; Sir Leon himself, said there is nothing new. I see no grounds for an inquiry.

Mr. Ian Taylor (Esher): Will my right hon. Friend find Government time for a debate about the inadequacies of the law on travelling people, some of whom may be gypsies? Many of my constituents have suffered great invasion of privacy and many times abuse, from these people, who just encamp without invitation. The police find it very difficult to move them on under the current legislation. Will he find time for this debate at an early date

and will he ask his right hon. Friend the Secretary of State for the Environment for a White Paper on the Caravan Sites Act 1968?

Mr. Wakeham: I cannot promise my hon. Friend a debate, but I recognise that this matter causes concern in quite a number of constituencies, including his and, as a matter of fact, mine. I wonder whether my hon. Friend might consider raising the matter on an Adjournment debate.

Mr. David Winnick (Walsall, North): Would it not be appropriate for the Prime Minister to make a statement next week to try to explain to the House and the country how her private secretary and her press secretary could approve and authorise the leak of the letter from the Solicitor-General unless they knew quite well that it would be her wish that they should do so? The Leader of the House tells us that what was said yesterday by Sir Leon Brittan is nothing new, and all the rest of it, but does he not recognise and appreciate that what is at stake here is the Prime Minister's integrity and truthfulness? My hon. Friend the Member for Linlithgow (Mr. Dalyell), although he has been mocked and baited by the Tories over this issue, has been absolutely right.

Mr. Wakeham: These issues were well and truly debated at the time and nothing new has come up. Whether the hon. Gentleman likes it or not, that is the position. He might have got a little excited yesterday, but he really has missed the point. There is nothing new to discuss.

Mr. Doug Hoyle (Warrington, North): Will the Leader of the House take time to read the two contributions on the Westland affair by his right hon. Friend the Prime Minister? If he does he will find that she suggested that her office had nothing to do with it. Sir Leon Brittan said yesterday quite categorically that Mr. Ingham and Mr. Powell approved the action. Will the right hon. Gentleman ask his right hon. Friend to come to the House and make a statement on why those two close associates of hers have not resigned? Will she at the same time give us a full, factual, detailed account of this squalid matter of the missing letter?

Mr. Wakeham: The hon. Gentleman invites me to take a quiet moment to read all these documents and speeches again. I did that just this morning in order to refresh my mind because I thought that some of these matters might come up in business questions. I suspect that the hon. Gentleman has not read them and I suggest that he should, because he would then probably agree with me that nothing new has arisen and therefore there is no need for a debate.

Mr. Harry Cohen (Leyton): I have a two-part question. First, will the right hon. Gentleman give an assurance that the Prime Minister will make a statement to the House early next week on her discussions with President Gorbachev? Secondly, just in case President Gorbachev asked to see me, I thought that I would brush up on a video on nuclear disarmament from the Library, only to find after a short viewing that another Member wanted to watch the television, and I was chucked out of the room. That is not the first time this has happened. Can we make sure that there is a room in this place in which Members can look at videos to do with work?

Mr. Wakeham: Any time the hon. Gentleman wants to watch the television and he cannot find a place to do so, if he will drop me a note I will look into it immediately. I am very happy to assist him in any way on that part of his question. On the first part of his question, I cannot give any undertaking that the Prime Minister will be making a statement on her talks with President Gorbachev.

Mr. Greville Janner (Leicester, West): Surely the Leader of the House can and ought to give an undertaking to the House that the Prime Minister will report not merely to the press but to the House on this very important and welcome visit by Mr. Gorbachev. Does the right hon. Gentleman know that, while the Jewish community in this country unanimously welcomes the visit, it remains deeply concerned at the large number of Jewish families still not allowed to emerge from the Soviet Union in spite of the fact that there has been a most welcome change in the Soviet Union's attitude both to emigration and to the rights of Jewish people within the Soviet Union? In particular, there are families such as the Upspensky family, the Chernobilsky family and the Lurie family who have been waiting over 10 years. I was disturbed to hear the right hon. Gentleman say that there was to be no raising of individual cases by the Prime Minister with Mr. Gorbachev. Will he please reconsider his remarks and his failure to assure the House that there will be a statement on both human rights and the allegations that have been made about the sale to the Libyans by the Soviets of long-distance aircraft, which of course would have amazing potential in the hands of somebody like Gaddafi?

Mr. Wakeham: I am not in a position to say anything about the details of the talks which are still going on. What I said was perfectly sensible and fair. My right hon. Friend the Prime Minister will, of course, raise the general matters in her talks with Mr. Gorbachev, but it seemed to be the best use of the day for my right hon. and learned Friend the Foreign Secretary to raise the individual cases with him. As the hon. and learned Gentleman has great knowledge of, and long experience in, these matters and his contribution is acknowledged by hon. Members on all sides of the House, I certainly take seriously what he says. Statements in the House are governed by custom and practice and my right hon. Friend the Prime Minister will observe the normal customs in dealing with these matters. It is not for me to say at the Dispatch Box what she will or will not do. It is not the practice always to have statements after bilateral discussions.

Mr. Bob Cryer (Bradford, South): Can the Leader of the House confirm that the two EEC documents on Tuesday will be debated for only one and a half hours each? If that is the case, surely it is an inadequate amount of time when dealing with the EEC bulldozer yet again imposing more legislation on the United Kingdom.

May I draw the right hon. Gentleman's attention to early-day motion 670

[That this House draws attention to the editorial, Vilest M.P. in Britain, in the newspaper Today of 5th April, referring to the honourable Member for Dover; notes its expression of grave concern at the growth of violence against women; and urges all honourable Members to set an example of courtesy and restraint, whether towards reporters, photographers or Spanish police.]

and ask for a debate on it? Then the hon. Member for Dover (Mr. Shaw), referred to in the motion, will be able

to explain how he falsely alleged that pickets at Dover — National Union of Seamen members sacked by P and O — were engaging in brutality and the double standard of the fact that the hon. Gentleman is accused by *Today* of beating up a woman photographer. That sort of double standard should be the subject of debate. At the same time, the hon. Member for Mid-Staffordshire (Mr. Heddle), who has been engaging in fisticuffs with the Spanish police, can explain his position as a representative of the law and order party. Can the Leader of the House, in the same debate, explain why there is this extensive thuggery in the parliamentary Conservative party and has it anything to do with lager drinking on the quiet?

Mr. Wakeham: If we were to have this debate I am glad that I would not have to be in the Chair, Mr. Speaker. There seem to be rather a lot of subjects and I would not want to have to keep that sort of debate in order.

I confirm that the motions on Tuesday night on EC documents will follow the Standing Orders of the House. These matters have been agreed through the usual channels and, assuming there are enough speakers for the Opposition Day debate and that does not end until 10 o'clock, there will be one and a half hours for each of those two debates.

With regard to early-day motion 670, I cannot arrange a debate on that. Anyone who wishes to complain of assault can go to the police or deal with the matter in other ways. If I had to arrange a debate every time that occurs or every time the hon. Gentleman makes some wild allegations about my hon. Friends, we would never get down to all the important matters such as dealing with the levy scheme.

Mr. Harry Ewing (Falkirk, East): Unfortunately the Leader of the House does not appear to be aware of the seriousness of Sir Leon Brittan's allegations in the television programme. If the Leader of the House is saying that what Sir Leon Brittan said in that programme is acceptable to the Government, he is saying that the Government knew that the press secretary and the private secretary leaked the Law Officer's letter. If that is accepted by the Leader of the House, it is a staggering new development and gives rise to a serious situation. Against that background will the right hon. Gentleman come to the House next week and explain why my hon. Friend the Member for Linlithgow (Mr. Dalyell) can be named and suspended from the proceedings of the House for five days on a motion by the Leader of the House for what is now seen to be the truth? In what circumstances can the suspension be removed, and if there are no provisions for removing it can the matter be referred to the Select Committee on Procedure?

Mr. Wakeham: I think that we are making progress when the charming hon. Gentleman whom the whole House respects can talk so much rubbish in such a short time. We clearly recognise that it is not a question of the Opposition fox having been shot, because there was no fox for them to shoot in the first place. The allegations and problems that arose over what is known as the Westland affair were fully debated at the time. We had debates in the House and Select Committee reports, and nothing new has emerged in recent times to require any further discussion or debate about the matter. Obviously, the hon. Gentleman and his hon. Friends are disappointed that that should be the case. That is why the Opposition put up the

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Charming hon. Member for Falkirk, East (Mr. Ewing) to try to make something out of the mess in which they find themselves.

Mr. Keith Vaz (Leicester, East): Could we have a statement or debate on the operation of regulations made under section 1 of the Road Traffic Regulation Act 1984? After a four-year campaign by shopkeepers and residents in the East Park road area of my constituency, the city council established some laybys but, because of the provisions of section 1 of the Act, nobody can park in them until the double yellow lines have been removed. Under the terms of the Act it will take seven months to remove those lines. Will the Leader of the House have a word with the Secretary of State for Transport to see whether we can amend the regulations to end this absurd scenario?

Mr. Wakeham: I do not entirely accept what the hon. Gentleman says, but I certainly accede to his request to raise the matter with my right hon. Friend the Secretary of State for Transport and I shall write to him.

Mr. Richard Caborn (Sheffield, Central): Will the Leader of the House arrange for the Prime Minister to come to the Dispatch Box next week to make a statement about the Namibia crisis and the implementation of United Nations resolution 435? The Prime Minister should do that because she misled the House on no fewer than three occasions on 4 April. She told the House:

"There is no provision in the United Nations plan for SWAPO to have bases in Namibia."—[*Official Report*, 4 April 1989; Vol. 150, c. 15.]

That would be in contravention of protocol SI 13120 of 26 February 1979.

Secondly, as my hon. Friend the Member for Holborn and St. Pancras (Mr. Dobson) said, the statement by the secretary general to the Security Council is not in the Library and is not likely to be put there because it is a confidential document. The implication about SWAPO and the impression given to the outside world by the House was based on that report which we cannot see, although we were told at the time that we would have sight of the document.

The third matter is about SWAPO being a signatory to the Geneva protocol. That is mentioned in column 15 of the *Official Report* of 4 April 1989. That is not the case. SWAPO is not a signatory to that and the letter from the leader of SWAPO to the secretary general did not accept the protocol, which had four signatories. Misleading statements were given to the House indicating a totally biased approach against SWAPO. This is a serious matter, because we are talking not just about the independence of Namibia but about matters that affect the whole of southern Africa. As I have said, the Prime Minister misled the House on three occasions and she should now come to the House and make a statement.

Mr. Wakeham: I do not accept that at all. We have discussed whether the documents were in the Library and I recognise that there was some misunderstanding. The first requirement is for urgent action to restore the ceasefire under the authority of the United Nations. We are active in promoting that. Secondly, it is important for all parties to hold to the terms of the United Nations plan for the independence of Namibia and to the other international undertakings, notably the Geneva protocol. It has been suggested that there was a provision for

SWAPO bases in the country. That assertion is based on proposals made by the then secretary general in February 1979. Those were overtaken by a subsequent agreement in 1982 by the parties involved to monitor bases in Angola and Zambia. That is why there is no provision in the secretary general's report of 23 January, which sets out his proposals for the role of the United Nations transition assistance group, for any SWAPO bases inside Namibia.

Points of Order

5.7 pm

Mr. Max Madden (Bradford, West): On a point of order, Mr. Speaker. May I raise with you the procedures that were observed today during Prime Minister's Question Time? Some of us were rather puzzled about why question No. 4 was linked to question No. 8. It is unprecedented for questions to be linked at Prime Minister's Question Time, and the linking today prevented hon. Members from asking questions Nos. 5, 6 and 7. Today as always well over 100 hon. Members put down a standard question. Why should what is traditionally called the "closed question" be given priority? If this is the name of the new game, you are likely to be faced, Mr. Speaker, with hon. Members putting down questions in that way in the hope that they will be linked and will therefore obtain priority. Will you look urgently at this matter and advise the House, because if an unfortunate precedent has been set today it should be removed as quickly as possible.

Mr. Speaker: I thank the hon. Gentleman for his point of order. I share his concern about this matter and have made my views known.

Mr. Bob Cryer (Bradford, South): Further to that point of order, Mr. Speaker. Could you make a statement saying quite clearly, not that you have views about the matter but that you will not accept linking of questions to the Prime Minister? You will see that later in the Order Paper there is another question identical in type and form to questions Nos. 4 and 8. Quite clearly conspiracies could develop to flood the Order Paper so that one party could dominate the Order Paper to the exclusion of other parties. It would simplify matters if it was understood that there would be no linking at all.

Mr. Speaker: The linking of questions is a matter for Ministers and not for the Chair. As I have said, I share the concern expressed about this matter for the very reasons that hon. Members have mentioned.

Several Hon. Members rose—

Mr. Speaker: Order. I cannot say any more about the matter. I hope that it will not happen again.

Mr. Alan Williams (Swansea, West): Further to that point of order, Mr. Speaker. I clearly recollect one of your predecessors intervening when questions near the top of the Order Paper were linked with later ones. That was about 10 years ago. The Speaker of the day intervened and stopped that practice. I note and I am grateful for the fact that you have made your views known, Mr. Speaker. May we have some assurance that your representations will be as effective as those of your predecessor?