

PREM 19/1097

Part 10

Confidential Filing

Legislative Programme.

PARLIAMENT

Part 1 : May 1979

Part 10 : November 1982

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
9.11.82		14.6.83					
3.12.82		16.6.83					
8.12.82		20.6.83					
9.12.82		24.6.83					
14.12.82		30.6.83					
16.12.82		-PT 10 Ends-					
22.12.82							
17.1.83							
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27.4.83							
18.5.83							
10.6.83							
13.6.83							

PREM 19/1097

PART 10 ends:-

C(83) 20 30/6

PART 11 begins:-

S/S DTI to LPC 1/7

TO BE RETAINED AS TOP ENCLOSURE

Cabinet / Cabinet Committee Documents

Reference	Date
C(83) 20	30/06/1983
C(83) 19	30/06/1983
QL(83) 5 th Meeting, only item	24/06/1983
QL(83) 10	21/06/1983
QL(83) 9	20/06/1983
QL(83) 8	20/06/1983
L(83) 73	16/06/1983
CC(83) 19 th Meeting, item 1	16/06/1983
QL(83) 4 th Meeting, item 2	14/06/1983
QL(83) 7	13/06/1983
L(83) 11 th Meeting, item 6	27/04/1983
L(83) 10 th Meeting, items 1 - 5	20/04/1983
CC(83) 12 th Meeting, item 4	14/04/1983
L(83) 48	13/04/1983
C(83) 10	06/04/1983
C(83) 9	30/03/1983
QL(83) 3 rd Meeting, only item	22/03/1983
QL(83) 4	16/03/1983
QL(83) 2 nd Meeting, only item	15/03/1983
QL(83) 1 st Meeting, only item	01/03/1983
QL(83) 3	21/02/1983
QL(83) 2	21/02/1983
QL(83) 1	08/02/1983
MISC 88(82) 1 st Meeting, item 2	14/12/1982
MISC 88(82) 2	09/12/1982
L(82) 19 th Meeting, item 4	08/12/1982
L(82) 99	03/12/1982
L(82) 15 th Meeting, item 3	09/11/1982

The documents listed above, which were enclosed on this file, have been removed and destroyed. Such documents are the responsibility of the Cabinet Office. When released they are available in the appropriate **CAB** (CABINET OFFICE) CLASSES

Signed J. Gray

Date 12/2/2013

PREM Records Team

SECRET



Prime Minister

2 2

ms 22/6

Caxton House Tothill Street London SW1H 9NF

Telephone Direct Line 01-213 6400

Switchboard 01-213 3000

The Rt Hon William Whitelaw CH MC MP
Lord President of the Council
Privy Council Office
68 Whitehall
LONDON SW1

ms

D. Williams

14 JUN 1984

DOCK WORK REGULATION BILL

When Cabinet considered the legislative programme in April, it was decided that the Dock Work Regulation Bill would be held in reserve for a normal 1983/84 session, to be introduced if Parliamentary time became available.

I reluctantly accepted this in the circumstances prevailing at the time. I have, however, now reconsidered the position. We have always recognised that this Bill will be opposed by the dockers' union (TGWU) and that the timing of its introduction would, therefore, need to be carefully judged. I am firmly convinced that there could be no better time to introduce the Bill than during the first session of a new Parliament when I think the risk of provoking a dock strike would be minimised. We would, of course, still need to consider the precise timing of its introduction in the light of circumstances in the industry at the time.

The Bill has policy clearance, is already drafted and although the discussions will be contentious it is only two clauses long. It would repeal the provisions in the Dock Work Regulation Act 1976 which require the Secretary of State to bring forward a new Dock Labour Scheme which might be extended to cover new areas of work.

I should, therefore be grateful if you and colleagues to whom I am copying this letter would give the Bill a place in the programme for the coming session. I do not though think that any mention of it should be made in the Queen's Speech. I am sending copies of this letter to members of QL, Tom King, and Sir Robert Armstrong.

[Handwritten signature]

20 JUN 1985

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7 6 5 4



CC NO

DEPARTMENT OF EDUCATION AND SCIENCE

ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH

TELEPHONE 01-928 9222

FROM THE SECRETARY OF STATE

JH 1576

14 June 1983

In Patrick.

You will know that the draft Queen's Speech which the Cabinet are to discuss on Thursday includes the promise of legislation to enable Nicholas Edwards and me to pay education support grants (ESGs) to local authorities.

will request if required

On 28 January this year, just before H Committee endorsed ESGs, you said in a letter to Tom King "I support the proposal wholeheartedly and hope that your Department will also support the idea". I should like to think that I can count on your continued support on Thursday. Local education authorities, at a time of retrenchment, are often reluctant to embark on innovations (and to abandon activities which are no longer relevant) in order to ensure a quicker rate of response from within the educational system to the present and future needs of society at large, and industry and commerce in particular. ESGs, at the margin and without adding to the total of public expenditure or of Exchequer grant, would greatly increase my ability to induce the local education authorities to do what is needed.

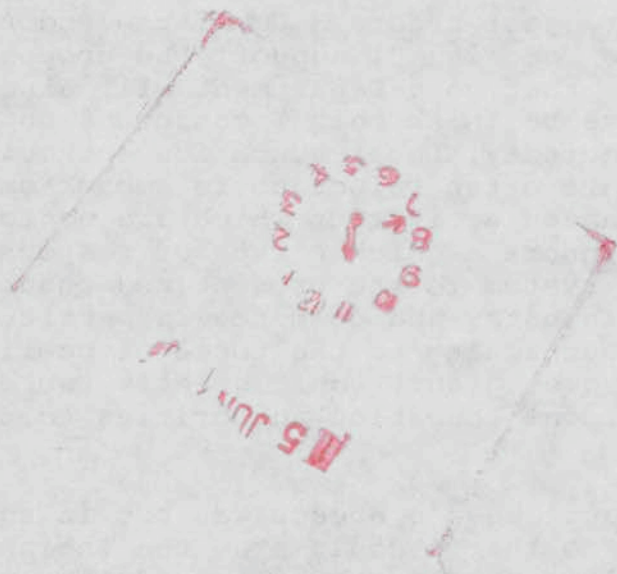
The sentence in the draft Queen's Speech was put in square brackets at my request so that I could draw the Cabinet's attention to a tactical issue. It may be argued that the local authorities world will take offence at our announcing a decision to legislate in the 1983-84 Session before we have completed our consultations with them. My view is that the commitment ought to be included in the Queen's Speech in order to make them realise that we mean business and that the further consultations are concerned with the details and not with the alleged constitutional principles on which some of them are standing. I am of course very ready, as I gather was suggested in QL, to propose a clearer form of words than that in the present draft.

I am copying this letter to the Prime Minister, Willie Whitelaw, Nicholas Edwards and Sir Robert Armstrong.

*Yours ever,
Kevin*

The Rt Hon Patrick Jenkin MP
Secretary of State for the Environment
2 Marsham Street
London SW1 3EB

Pam Heg Programme
Pt 10





CABINET OFFICE

70 Whitehall, London SW1A 2AS Telephone 01-233

RD
7665

10 June 1983

Dear Private Secretary

LEGISLATIVE PROGRAMME 1983-84

In April the Cabinet provisionally agreed a legislative programme for 1983-84, which had been prepared by The Queen's Speeches and Future Legislation Committee on the basis of proposals put forward in response to my letter of 13 December 1982. Ministers will now wish to give fresh and urgent consideration to the legislative programme as a whole, taking account also of Bills which fell at the Dissolution in May, and Bills the need for which has only recently been identified.

2. I am now, therefore, writing to ask whether your Minister has any additional proposals for legislation in the 1983-84 Session of Parliament. The legislative programme will be prepared on the assumption that the Session will continue until the Summer of 1984.

3. I would be grateful if you could let me have four copies of your Department's summary of proposals for Bills, set out in the form at Annex A. Please could you also let me have, for each new Bill proposed, four copies of the form at Annex B. I enclose notes for guidance on the completion of the forms, and we should be grateful if you would follow these closely.

4. I should be grateful to receive replies by close of play on Thursday 16 June.

Yours sincerely

Janet Lewis-Jones

JANET A LEWIS-JONES

The Private Secretary to
Prime Minister

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ANNEX A

DEPARTMENT'S BILLS PROPOSED FOR THE
LEGISLATIVE PROGRAMME 1983-84

Please list each Bill in its proposed category of essential, programme, contingent or other, and in its order of priority within that category.

CATEGORY
(essential, contingent etc)

TITLE OF BILL

LENGTH

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ANNEX B

OUTLINE FORM FOR EACH BILL PROPOSED FOR 1983-84 LEGISLATIVE PROGRAMME

1. DEPARTMENT
2. TITLE OF BILL
3. LENGTH OF BILL
4. PURPOSE OF BILL
5. PROPOSED CATEGORY (ESSENTIAL, CONTINGENT, ETC)
6. DEPARTMENTAL PRIORITY
7. STATE OF READINESS
8. TIMING
9. PARLIAMENTARY PROCEDURE
10. THE POLITICAL DIMENSION
11. PUBLIC EXPENDITURE AND MANPOWER IMPLICATIONS
12. EUROPEAN COMMUNITY (EC) IMPLICATIONS

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NOTES ON COMPLETING THE FORMS FOR EACH BILL PROPOSED FOR
1983-84 LEGISLATIVE PROGRAMME

1. DEPARTMENT

2. TITLE OF BILL

3. LENGTH OF BILL

An estimate of the length of the Bill is needed so that the demands on drafting capacity and Parliamentary time can be assessed at the earliest possible stage. An accurate forecast of the number of clauses and schedules will not normally be possible, but some indication such as "very short" (not more than 3-4 clauses), "short" (up to 12 clauses), "medium" (12-25 clauses), "substantial" (25-50 clauses), or "long" (over 50 clauses), would be useful. Where a Bill would cover more than one distinct topic, please give some indication of what proportion of the Bill would be devoted to each topic.

4. PURPOSE OF BILL

Please list the various topics in the Bill (with a brief indication of the purpose of each). The list should cover all the topics likely to be included in the Bill. There is likely to be resistance by the business managers and other members of Legislation Committee to substantial additions at a later stage to the Bill as described in the form.

5. PROPOSED CATEGORY (ESSENTIAL, CONTINGENT, ETC)

Where a Bill would cover more than one distinct topic, the appropriate category should be indicated separately for each topic.

The categories for proposed Bills are -

I Essential. Bills which must be enacted during 1983-84 - eg because existing powers or finance would otherwise expire or because of treaty obligations. Please give the reason(s). This category should not be used

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simply to reflect a high political priority. Additional non-essential items can sometimes be included in an essential Bill, but consideration will need to be given to the length of the Bill and to the need to avoid controversial provisions which might affect the Bill's enactment by the required date.

II Contingent. Bills which might during 1983-84 become Essential as defined above.

III Programme. Bills which can already be identified as being desirable and likely to be ready for enactment during 1983-84. The reasons for enacting the Bill in 1983-84 should be stated and any specific disadvantage in delay made clear. (See also 10 below).

IV Other. Bills which do not have sufficient priority for the Programme category but which there would be advantage in enacting in 1983-84 if Parliamentary time could be found. Any which might be suitable for a Private Member should be separately identified.

6. DEPARTMENT PRIORITY

Please mark each of your bids for legislation with the strict order of priority within each category.

7. STATE OF READINESS

We need to have the best possible estimates of the date by which -

a. Ministers' collective policy clearance will be sought (ie from the appropriate Ministerial Cabinet Committee). Please indicate specifically those policy areas which remain to be settled or on which policy decisions may be protracted;

b. complete instructions will be ready for Parliamentary Counsel;

c. the Bill is expected to be ready for introduction.

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

8. TIMING

Please give, with reasons, the date by which Royal Assent is needed for Essential and Contingent Bills and target dates, if any, for the enactment of Bills in other categories. It would be helpful to distinguish between Bills for which early Royal Assent is desirable and those for which Royal Assent by a certain date is likely to be essential, eg because borrowing limits will otherwise be exceeded.

9. PARLIAMENTARY PROCEDURE

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

- a. Second Reading Committee procedure in the Commons - that is, the Bill is likely to be accepted on all sides of the House as uncontroversial and of little or no political significance;
- b. Special Standing Committee Procedure - that is, consideration by a Standing Committee empowered to hold up to three evidence taking sessions within a limited period before detailed consideration of the Bill. Would the Bill be a suitable candidate for this procedure? Bills for Special Standing Committee Procedure should be of some significance, but should not be controversial in a party political sense;
- c. Scottish or Welsh Grand Committee procedure in the Commons;

d. Offering to a Private Member successful in the ballot - that is, short, simple, non-constitutional, non-controversial in party political terms and without significant financial implications;

e. Lords introduction

If it is known that a Bill will be hybrid, please say so.

10. POLITICAL ASPECTS

Please state whether any firm public commitments have been given by the Government about the Bill's introduction or timing. Please give a clear indication of the Bill's likely controversiality, and cover briefly -

- its likely reception in the House;
- whether there is pressure from groups representing particular interests;
- whether it will be controversial politically or for any other reasons;
- whether it will appeal to or be strongly opposed by any particular sections of the community;
- what the attitude of the official Opposition to it will be;
- whether it will arouse particular interest in the House of Lords.

11. PUBLIC EXPENDITURE AND MANPOWER IMPLICATIONS

Please indicate the effect on central and local government expenditure and manpower of the proposed Bill for the PESC period, and whether PESC provision has been made for any necessary expenditure. Any separate implications for the Public Sector Borrowing Requirement (PSBR) should also be mentioned, especially if they affect the date by which Royal Assent is required (see 8 above).

12. EUROPEAN COMMUNITY (EC) IMPLICATIONS

Please say whether the Bill is required to fulfil any European Community (EC) commitments. If so, any relevant timing considerations should be mentioned under 8 above.

11 JUN 1985

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11 JUN 1985



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

23 May 1983

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LEGISLATIVE PROGRAMME 1983-84

The Lord President is very anxious that the legislative programme for 1983-84 should get off to a good start after the Election. While not wishing to prejudge decisions which will have to be taken by the Cabinet immediately after the Election, he assumes that Ministers responsible for those Government Bills which fell on the Dissolution will wish them to be reintroduced, and that some of the essential Bills in the programme which the Cabinet provisionally approved on 14 April will be ready for introduction as soon as Parliament reassembles.

It is important that those Bills which can be made ready in time should be introduced in the week of the State Opening on 22 June, so that Second Readings can be taken in the week of 4 July. The Lord President therefore proposes to hold a meeting of Legislation Committee on 20 or 21 June. He has asked that members of Legislation Committee and Ministers with Bills likely to be considered then should note these dates, and that the Departments concerned should ensure that their Bills are printed and memoranda circulated in time for a meeting then.

The Bills which fell at the Dissolution (apart from the Finance Bill provisions) are, of course, Data Protection, Housing and Building Control, Local Authorities (Expenditure Powers), Petroleum Royalties (Relief), Police and Criminal Evidence, and Telecommunications. The Lord President understands that, of the essential Bills, Social Security and Merchant Shipping are expected to be ready for Legislation Committee on 20 or 21 June, and of the Second Reading Committee Bills Foreign Limitation Periods, Pensions Commutation Board and Occupier's Liability.

Finally, the Lord President trusts that Departments will adhere to and if possible improve on the timetables they gave earlier in the year for the sending of instructions for their Bills to Parliamentary Counsel.

I am sending copies of this letter to the Private Secretaries to other members of the Cabinet, the Law Officers and the Chief Whip; and to First Parliamentary Counsel and Sir Robert Armstrong.

Yours ever
David

D C R Heyhoe
Private Secretary

Anthony Rawsthorne Esq
Principle Private Secretary
to the Home Secretary



CABINET OFFICE

70 Whitehall, London SW1A 2AS Telephone 01-233 7665

18 May 1983

Dear Private Secretary

GOVERNMENT BILLS SUITABLE FOR OFFERING TO PRIVATE MEMBERS
IN THE 1983/84 PARLIAMENTARY SESSION

Thank you for your response to my letter of 17 March in which I invited Departments to suggest suitable Bills for offering to Private Members of the House of Commons successful in a ballot for Bills for a Session starting in October/November 1983. Now that a General Election has been called, it is necessary to revise the timetable I set out in paragraph 4 of my letter.

2. The first Session of the new Parliament will start on 22 June. We do not know what timetable for Private Members' Bills will be followed, but it is possible that the ballot for Private Members' Bills will be held as usual on the second Thursday of the Session, which is 30 June, and that the twenty Members successful in the ballot will present their Bills on the fifth Wednesday, 20 July; in that event the short and long titles would have to be handed to the Public Bill Office by 19 July at the very latest.

APPROVAL FOR THE POLICY

3. No Bill can be included in the list for offering to a Private Member until the Department concerned has obtained collective policy approval for it. If, therefore, your Department has a proposal for a Private Member's Bill which has not yet been given policy approval and which is not likely to need to be discussed at a meeting of the relevant policy committee, you may wish to consider seeking approval in correspondence immediately.

APPROVAL FOR THE BILL

4. No Bill can be handed to a Member who is successful in the ballot for him to introduce and promote as a Private Member's Bill until it has been approved in draft by a legislation committee of the Cabinet formed after the General Election. If the date for the presentation of the short and long titles of Bills is 20 July, each Member will on that date name the date for the Second Reading of his Bill, on a Friday which could be after the Summer Adjournment, but could equally be quite soon after the date of presentation. The Bill must be ready for handing to the Member a reasonable time before Second Reading.

The Private Secretary to -
Prime Minister

SHORT AND LONG TITLES

5. The short and long titles of Bills offered to Private Members are drafted by the Parliamentary Draftsman. This can be done without drafting authority and it is desirable for the short and long titles of all Bills intended to be offered to those successful in the ballot to be drafted well in advance, even though the Bill may not eventually be taken up. As soon as a Bill has collective policy approval, the Parliamentary Draftsman should be sent enough material to enable the titles to be drafted.

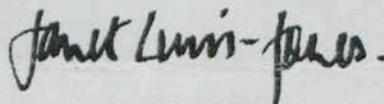
DRAFTING AUTHORITY

6. Once a Private Member has decided to take up a Government Bill, it is drafted for him by the Parliamentary Draftsman, and except in the case of Scottish Bills it is necessary first to seek drafting authority from the Leader of the House of Commons.

7. I would be grateful if you could ensure that all these steps are now followed as quickly as circumstances allow in relation to any Bills for which your Department is responsible. I am sorry to trouble you with a further return, but I would be grateful if you could arrange for the enclosed form to be completed in respect of each Bill proposed, and returned to me on TUESDAY 7 JUNE. Some Departments may have identified new candidates since responding to my letter of 17 March, and some Departments may wish to add Bills which fell with the Dissolution, which is why this letter goes even to those who sent 'nil' returns. (No further 'nil' returns are needed.)

8. I am sending this letter to the Private Secretaries to all Ministers responsible for Departments and copying it to David Heyhoe (Lord President's Office), Murdo Maclean (Chief Whip's Office), David Beamish (Lord Privy Seal's Office), Brian Shillito (Parliamentary Counsel Office) and Fiona Rodger (Office of the First Parliamentary Draftsman for Scotland).

Yours sincerely



JANET A LEWIS-JONES

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RESTRICTED

PROPOSED BILL FOR OFFERING TO A PRIVATE MEMBER

Department

Title of Bill	
Purpose and likely controversiality	
Has the policy been approved? If so, please state when and where	
Have instructions for short and long titles been sent to Parliamentary Counsel?	
Any other information?	

Parliament,
Legislation, Pt 10

MB MAY 1985



Prime Minister

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PRIVY COUNCIL OFFICE

WHITEHALL, LONDON SW1A 2AT

21 April 1983

Dear Geoffrey

INTERNATIONAL MONETARY ARRANGEMENTS: LEGISLATION

Thank you for your letter of 19 April.

As you will know, the International Monetary Arrangements Bill was discussed in L Committee on 20 April. The conclusion reached was that the Chief Whip would do his best to find space for your Bill in this Session, but that this could not be guaranteed. It was recognised that in the event priorities might require your Bill to be introduced at the beginning of next Session instead, in which case, Royal Assent could still be given before the end of the year as you require.

I am sure, however, that the Chief Whip will do his best in what is an increasingly difficult situation.

I am copying this letter to the other recipients of yours.

*Yours
John Biffen*

JOHN BIFFEN

The Rt Hon Sir Geoffrey Howe QC MP
Chancellor of the Exchequer
Treasury Chambers
Parliament Street
LONDON SW1P 3AG

Parliament,
Legislation,
Pt 10

21 APR 1988





LMC
Parliament
20/4

Treasury Chambers, Parliament Street, SW1P 3AG
01-233 3000

19 April 1983

The Rt. Hon. John Biffen MP
Lord President of the Council

A handwritten signature in dark ink, appearing to read "John Biffen".

INTERNATIONAL MONETARY ARRANGEMENTS: LEGISLATION

Many thanks for letting me know - your letter of 14 April - that it may be difficult to fit in my International Monetary Arrangements Bill by the end of July.

You will since have seen my paper L(83)46 of the same date, which enclosed the print of the Bill, now a two-topic money Bill, much shorter than previously foreseen, and largely uncontroversial. The Treasury Committee have promised it a fair wind. It covers an area where we have a good story to tell, and there must be a chance that all the stages after Second Reading could be completed in a single day. I still see a strong case for introducing it soon.

I am copying this letter to the other recipients of yours.

GEOFFREY HOWE

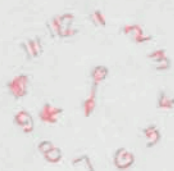
A handwritten signature in dark ink, appearing to read "Geoffrey Howe".

Arbeitsamt

Nr. 10

Regulatives Programm

11 9 APR 1983



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12 DOWNING STREET,
S.W.1.

With

The Private Secretary's

Compliments

GOVERNMENT LEGISLATION

- (i) Second Reading
Marriage (L)
- (ii) Standing Committee
Data Protection (L)
Dentists (L)
Finance
Health and Social Services and Social Security Adjudications (L)
Local Authorities (Expenditure Powers)
Mental Health (Amendment) (Scotland) (L)

- (iii) Committee of Whole House
Finance
∅ Matrimonial Homes (L)
∅ Mental Health (L)
∅ Pilotage (L)
Social Security and Housing Benefits

- (iv) Report and Third Reading
Agricultural Holdings (Amendment) (Scotland)
Mobile Homes (L)
National Heritage (L)
Police and Criminal Evidence

(v)	<u>Orders and Regulations</u>	<u>Date Laid</u>	<u>Whether Controversial</u>	<u>Date Required</u>
	Agricultural and Horticultural	11/4	No	By 6/5
	*Agricultural Products	21/2	No	A.S.A.P.
	Customs Duties	31/3	No	By end of April
	Dogs (N.I.)	17/3	Maybe	For debate, 21/4
	*Housing Corporation Advances	17/3	No	By end of April
	Hovercraft	12/4	No	By 9/5
	Merchant Shipping	12/4	No	By 9/5
	Misuse of Drugs	29/3	No	No deadline
	Supplementary Benefit	29/3	No	By beginning of May
	Traffic Areas	24/2	No	A.S.A.P.

- ∅ Consolidation
* S.I. Committee

Lords

British Shipbuilders

Energy

Housing and Building Control

∅ Litter (L)

∅ Medical (L)

Miscellaneous Financial Provisions

Nuclear Material (Offences)

Plant Varieties (L)

Ports (Reduction of Debt)

Telecommunications

Water

∅ Consolidation

Bills placed upon the Statute Book (17)

Agricultural Marketing 1983

British Fishing Boats 1983

Civil Aviation (Eurocontrol) 1983

Commonwealth Development Corporation 1982

Consolidated Fund 1983

Consolidated Fund (No 2) 1983

Conwy Tunnel (Supplementary Powers) 1983

Currency 1983

Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) 1983

Electricity (Financial Provisions) (Scotland) 1982

International Transport Conventions 1983

Lands Valuation Amendment (Scotland) 1982

Merchant Shipping 1983

National Insurance Surcharge 1982

Pig Industry Levy 1983

Representation of the People 1983

Transport 1983

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WM 15/4



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

14 April 1983

Dear Geoffrey,

I wrote to you on 14 March about the timetable for your proposed International Monetary Arrangements Bill. I suggested that you should have the Bill prepared, but that we should defer a final decision on whether or not to try to fit it in this Session until it came before Legislation Committee.

I understand that this discussion is now to be next week, but I think that it is only fair to warn you that, since I last wrote, further, and I fear inescapable, demands have been made upon the small amount of legislative time that remains to us this Session. We shall have to accommodate Nigel Lawson's Bill on North Sea oil royalties, which is, of course, a Budget consequential; and it now seems clear that, subject to policy agreement, we shall have to find time for Peter Walker's Bill to control milk imports. In addition, Cabinet agreed this morning that legislation should proceed on the question of overseas students. In these circumstances, I am afraid that I see real difficulty in also coping with International Monetary Arrangements by the end of July.

I am copying this letter to the recipients of the earlier correspondence.

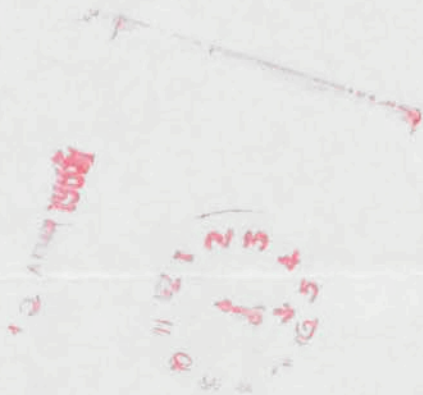
Yours
John Biffen

JOHN BIFFEN

The Rt Hon Sir Geoffrey Howe QC MP
Chancellor of the Exchequer
Treasury Chambers
Parliament Street
LONDON SW1

CONFIDENTIAL

fam legis Pt 10



JH 510



DEPARTMENT OF INDUSTRY
ASHDOWN HOUSE
123 VICTORIA STREET
LONDON SW1E 6RB
TELEPHONE DIRECT LINE 01-212 3301
SWITCHBOARD 01-212 7676

PS / Secretary of State for Industry

13 April 1983

Janet A Lewis-Jones
Cabinet Office
70 Whitehall
London SW1A 2AS

Wm 14/4

Dear Janet

In your letter of 17 March you asked for suggestions on suitable Bills for offering to Private Members.

- 2 The Department has no Bills which might be suitable.
- 3 I am copying this letter to recipients of yours.

Yours ever
Steve Nicklen

STEPHEN NICKLEN
Private Secretary

4 APR 1983



PT

CONFIDENTIAL

CC Parliament
Legislative Dept
1710

Subject Copy
Filed on
Education June 1980



Further fees for Overseas Students
DEPARTMENT OF EDUCATION AND SCIENCE

ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH

TELEPHONE 01-928 9222

FROM THE SECRETARY OF STATE

T Flesher Esq
Private Secretary
10 Downing Street
LONDON SW1

13 April 1983

Dear Sir,

... I enclose a copy of the Solicitor General's opinion on fees for overseas students in universities and FE establishments, since this will bear on the Cabinet's discussion of the legislative programme tomorrow. You will see that the Solicitor advises that primary legislation is urgently required.

I am sending a copy of this letter and its enclosures to the Private Secretaries to other members of the Cabinet and to Sir Robert Armstrong.

Yours sincerely,

Mrs I Wilde

MRS I WILDE
Private Secretary

CONFIDENTIAL



Department of Education and Science
Elizabeth House York Road
London SE1 7PH
Telegrams Aristides London SE1
Telephone 01-928 9222 ext 2720

Henry Steel Esq
Law Officers' Department
Attorney General's Chambers
Royal Courts of Justice
Strand
London WC2A 2LL

30 March 1983

Dear Henry,

OVERSEAS STUDENTS - FEES AND DISCRETIONARY AWARDS

1. As Laurence Oates already knows, the Secretary of State would be grateful for further advice from the Law Officers; in view of my exchanges with him and the discussions I have had with the Solicitor General, I have judged it unnecessary to write a full and self-contained letter and have left a number of things unsaid.
2. Following the meeting at No. 10 on Monday evening, the Secretary of State is to-day making a statement in the Commons relating to eligibility for mandatory awards. As respects fees he will merely say that it is the government's intention to retain for 1983/84 onwards the system of higher fees for overseas students which has operated for some years and that he will be making a further statement about this following the Easter recess. We shall by then have to have decided how this objective is to be achieved, in particular, whether it will require primary legislation this session.
3. Though it may not have been more than touched on at Monday's ministerial meeting, we shall on the same time scale have to decide how to secure that eligibility rules for discretionary awards which discriminate against overseas students can be safeguarded against challenge under the Race Relations Act 1976.
4. Both on the fees and discretionary award fronts we have, up to now, relied upon approvals given by the Secretary of State for the purposes of section 41(2) of the 1976 Act. Approved arrangements have been ones which discriminated on the basis of 3 years' ordinary residence which (pace the period being questionable) is one of the bases mentioned in section 41(2). But, for the future, the

discrimination would be against students who either -

(a) lacked 3 years' ordinary residence, or

(b) had such ordinary residence but the period included residence wholly or mainly for the purposes of receiving full-time education.

This appears to go beyond what could be approved for the purposes of section 41(2).

5. The relevant discrimination would not fall within paragraph (a) of section 1(1) of the 1976 Act but could only fall within paragraph (b). It is submitted that it would not be possible to satisfy a court that the discrimination was objectively justifiable within the meaning of section 1(1)(b)(ii), certainly consistency with government policy does not render something objectively justifiable. But even if the Law Officers were inclined to take the opposite view, it would not be a view on which the Secretary of State would be likely to consider it expedient to rely. First, universities and other establishments might, as a result of advice they themselves took, not be prepared to take and act upon this view. If it were acted upon, it would almost certainly lead to further litigation, and whatever the outcome might be, this is something which the Secretary of State is, in this field, anxious to avoid.

6. On differential fees, there is not only the problem of deciding how best to preserve the substance of the present arrangements but also the question of what advice the Secretary of State should give to universities etc and local education authorities as respects the partial refund of fees paid at the overseas rate by students on the assumption that they lacked 3 years' ordinary residence but who, on the Scarman criteria, had that ordinary residence. It would not be feasible to avoid giving advice in this regard; a significant number of individual requests for such advice have been received over the last month or so.

7. So far as the level of fees depends upon an express or implied term of a contract, it would seem that the overseas fees would have been paid under a mistake of law and the excess over the home fees would not be recoverable.

8.-(1) There remains the possibility of an aggrieved student bringing proceedings for unlawful discrimination under section 57 of the 1976 Act. By reason of section 68(2)(b) such proceedings could relate only to fees in respect of the current academic year (it is considered that a court would be unlikely to allow out-of-time proceedings under section 68(6) for reasons of which Oates and the Solicitor General are aware). Section 57(3) would preclude any award of damages to the student.

(2) It might be argued that a refund of excess fees is analogous to damages and that, accordingly, there would be no moral or political obligation to make a refund if a student obtained a declaration in section 57 proceedings relating to the current academic year's fees. It is submitted, however, that there is a distinction between a moral and political obligation and a legal liability and that Parliament intended no more than that a defendant found to have committed indirect discrimination should be left to do that which, in all the circumstances, appeared to him appropriate and should not be held liable in damages. It seems arguable that government, and establishments largely funded by government, might politically be expected to draw the conclusion from a declaration that it was appropriate to rectify discrimination held to be unlawful and, in the present context, to refund excess fees which had been paid. In so far as there is any such moral and/or political obligation, it would seem virtually as strong in a case in which an institution judged that a student would get a declaration as in the case of a student who brought proceedings and got a declaration. Students should not be forced to go to, and take up the time of, the courts unnecessarily. If the view were taken that there is some such moral and/or political obligation, it could be argued that it was somewhat artificial to confine it to fees in respect of the current academic year by applying cy pres the limitation

provisions of section 68(2)(b). The wholly different approach canvassed in the following paragraph would, however, lead to that result.

9. The House of Lords judgment was, in effect, towards the end of the first term of the current academic year and therefore comparatively early in that year. Arrangements for the payment of fees will vary from institution to institution, they might be payable on a terminal or on an annual basis. While advance payment may commonly be required in the case of overseas students, there may be cases in which fees are paid terminally in arrears. DES has little detailed information. Presumably any fees charged since the House of Lords judgment have, in appropriate cases, been charged at the home rate. It would be highly anomalous if the aggregate fees for the current academic year required of a student depended upon the administrative arrangements at the institution he attended and how far they were paid in the first term (at the overseas rate) and how far in the second or third term (at the home rate). Good public administration arguably requires that a student's fees for the academic year should not depend upon accidents of administration but be determined at the same rate for the year as a whole. This suggests that any excess fees paid for the current academic year before account had been taken of the House of Lords judgment should be refunded.

10. The advice the Secretary of State seeks therefore relates to the following matters:-

(a) by what means can the system of differential fees and eligibility rules for discretionary awards be continued without running a real risk of further litigation and, in particular, is primary legislation either necessary or desirable for this purpose;

(b) what advice should be given to local education authorities, universities etc as respects the refund of excess fees and, in particular, should they be advised to refund

excess fees for the current academic year and/or not to do so for any earlier year;

(c) other questions or considerations which appear to the Law Officers to be relevant to, or have some bearing on or connection with, the above matters.

Sincerely,

Peter Harvey

Peter Harvey

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

ATTORNEY GENERAL'S CHAMBERS,
LAW OFFICERS' DEPARTMENT,
ROYAL COURTS OF JUSTICE,
LONDON, W.C.2.

13 April, 1983

Peter Harvey, Esq., CB,
Legal Adviser,
Department of Education & Science,
Elizabeth House,
York Road,
London SE1 7PH.

Dear Peter,

OVERSEAS STUDENTS: FEES AND DISCRETIONARY AWARDS

(attached) The Solicitor General has asked me to respond to your letter of 30 March indicating his views on the questions you raise in paragraph 10 of that letter.

2. In answer to your first question (your para 10(a)) his view is that without primary legislation there is no way in which a system of differential fees and eligibility rules for discretionary awards can be operated without there being a risk of legal challenge if that system is in reality based upon distinctions in the nature or quality of residence here (i.e. whether or not students were resident here wholly or mainly for the purposes of education).

3. Such a challenge would be mounted upon the basis that such arrangements were indirectly racially discriminatory. Up until now it has been thought that universities and other institutions, in discriminating upon the basis of ordinary residence, have been covered by an approval given by the Secretary of State under Section 41(2) of the Race Relations Act, so that, whether or not their action was racially discriminatory, no action under the Act could lie. In so far as the wrong test of ordinary residence was applied, the student in question would not be caught within the terms of the approved arrangements, and we consider some of the implications of this below. What is clear is that it is outside the scope of section 41(2) for the Secretary of State now to approve arrangements for discrimination based upon whether or not a student was resident here for a particular purpose.

4. Accordingly, it is not possible for him to provide cover under Section 41(2) for universities operating the new arrangements. And it is the Solicitor General's view that if it is desired to restore the cover which was thought to exist - or provide any other "fireproof" cover for them-that can be achieved only by primary legislation.

/5. It is

Communications on this subject should
be addressed to

THE SOLICITOR GENERAL
ATTORNEY GENERAL'S CHAMBERS

ATTORNEY GENERAL'S CHAMBERS,
LAW OFFICERS' DEPARTMENT,
ROYAL COURTS OF JUSTICE,
LONDON, W.C.2.

2.

5. It is also his view that if such legislation is to be enacted it should be introduced at the very earliest possible moment. He has in mind not only the necessity to have the legislation in force as quickly as possible but also the danger that if proceedings were brought on the grounds of racial discrimination before the legislation was introduced, an inevitably controversial matter might so easily become even more controversial.

6. Though the Solicitor General is of the opinion that it by no means follows that the legal challenge of which there is a risk would inevitably succeed, as it seems from your letter (paragraph 5) that the Secretary of State would not wish to leave the Institutions exposed to any such risk, and in view of the urgency, he has considered the form which such legislation should take.

7. Of the two possibilities, amendment of the Race Relations Act or an Act enabling the Secretary of State to make regulations, as you propose, the latter would appear to be by far the best. But the Solicitor General asks me to alert you to one point which occurs to him and which he would like you and your Ministers to have in mind from the outset.

8. The purpose of legislating in the form proposed would be to enable the Secretary of State to make regulations which would give the institutions the same cover under Section 41(1) of the Race Relations Act as they were thought to have under Section 41(2). The question which should be considered is whether the Secretary of State would be content to make orders "requiring" rather than "allowing" differentiation and if not, whether orders simply "allowing" differentiation would afford the cover of Section 41(1) and serve his purpose. We have not had time to pursue the legal side of this. If you think it material please let us know - and let us have your views on it - as quickly as possible.

9. I turn now to your paragraph 10(b).

10. There are of course two entirely different sets of considerations relevant to this question - those of law and those of policy.

11. It may be that in view of what you say in your paragraph 5 et seq this part of the matter must be dealt with purely on grounds of policy but our views as to the questions of law arising are as follows.

12. Although there is a risk of legal challenge we do not think it should be conceded expressly or by implication that that challenge would necessarily succeed.

13. We think that any claim would be based on Section 57 of the

/Race

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ATTORNEY GENERAL'S CHAMBERS

ATTORNEY GENERAL'S CHAMBERS,
LAW OFFICERS' DEPARTMENT,
ROYAL COURTS OF JUSTICE,
LONDON, W.C.2.

3.

Race Relations Act 1976. First, of course, the claimant would have to establish discrimination as defined in that Act. We agree that the relevant discrimination would not fall within para (a) of Section 1(1) of the Act but very likely would be held to fall within para (b) unless the Institution was able to substantiate the defence provided by subpara (ii) of para (b). The Solicitor General does not take so pessimistic a view on this as you expressed in your letter. He feels that an Institution might have substantial grounds for saying that the differentiation can be shown to be "justifiable irrespective of the colour, race, nationality or ethnic or national origins of the person to whom it is applied." He further considers that even if that defence failed the Institution would have a reasonable chance of establishing the defence provided by Subsection (3) of s 57 and of avoiding having any award of damages made against it.

14. Accordingly:-

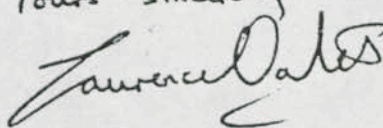
- (a) he would not like to see anything said or done which amounted to a concession that there is any obligation in law to repay any of the fees paid; and
- (b) he would hope that if proceedings were to be taken the Institution against whom they were taken would plead those defences; and
- (c) he can see no legal basis upon which Institutions should be advised that they are obliged to make any refunds in respect of fees already paid.

15. It follows that if your Secretary of State decides as a matter of policy that it is right that the Institutions should repay some specified part of the fees and that he should so recommend to them, the Solicitor General would hope that it would be made clear at every stage that such payments were to be made ex gratia not under any legal obligation.

16. I understand that :

- (a) MAFF has been relying on s 41(2) in respect of certain grants, and
- (b) DHSS has been recovering NHS charges on the basis of ordinary residence.

As we have no details about these matters and have not been concerned with them nothing in the above should be taken as relating to them, but I am copying this letter for information to Gordon Gammie and Henry Knorpel.

Yours sincerely

(LAURENCE OATES)



Ref. A083/1053

PRIME MINISTER

Legislative Programme 1983-84
(C(83) 9 and C(83) 10)

BACKGROUND

The Home Secretary's memorandum (C(83) 9) records that The Queen's Speeches and Future Legislation Committee (QL), working on the basis of suggestions put forward by Departments, have drawn up two alternative legislative programmes for the 1983-84 Session. The first assumes a short Session, of not more than six months, preceding a General Election in the spring of 1984; the second assumes that the next Session will begin after an Election in the summer or early autumn of this year and will be of normal length.

2. QL's recommendations for a short Session are set out in Annex A to C(83) 9. Room has to be found for six or seven essential Bills, and a further four contingent Bills could prove to be essential in certain circumstances. QL have taken the view that this leaves space for a maximum of four fairly short and not acutely controversial programme Bills, together with two Scottish Bills and three Bills whose introduction would be conditional upon the Opposition's agreement to their being taken in Second Reading Committee in the Commons. QL argue that attempting to carry a heavier or more controversial programme in the limited time available would give the Opposition the maximum scope and incentive for disruption, and would consequently put all the Bills contained in it, including the less controversial ones, at risk.

3. QL's recommended programme for a normal Session contains all those Bills which they propose for a short Session (except the two Scottish Bills) plus the further nine programme Bills and eight Second Reading Committee Bills and the three different Scottish Bills listed in Annex B to C(83) 9. This would give a total main programme of 20 essential and programme Bills, many of them highly controversial. QL suggest that a programme of this size would be unmanageable if both the big local government Bills (and the associated Scottish provisions) are to be introduced next Session,



and that in that event one or more of the other Bills which they have recommended for inclusion might have to be dropped. Conversely, if either or both of the local government Bills failed to materialise, there should be room to add one or more of the three Bills contained in the reserve list at the end of Annex B. QL accordingly recommend that their proposals should be reviewed later in the year.

4. Annex C to C(83) 9 lists the main Bills not recommended by QL but still being strongly pressed by their sponsoring Ministers. The summary attached to C(83) 10 gives further details of all the Bills mentioned in the Annexes to the Home Secretary's main paper.

HANDLING

5. After the Home Secretary has introduced C(83) 9, the Cabinet could be invited to consider each of the proposed programmes separately. In each case, the Lord President, the Lord Privy Seal and the Chief Whip will be able to explain how they see QL's proposals in the context of Parliamentary management, and (assuming that the Cabinet accept that the total weight of each recommended programme is about right) other Ministers will wish to put the case for substituting one or more of the Bills listed in Annex C to C(83) 9 for those suggested by QL.

(i) Short Session

6. The main question which arises on the programme proposed in Annex A to C(83) 9 is whether the low-key approach favoured by QL is appropriate to a short pre-Election Session, or whether there is a political case for including more controversial Bills even if their passage by the end of the Session cannot be guaranteed. The Chancellor of the Duchy of Lancaster will have views on this point. If, in spite of the likely misgivings of the business managers, the Cabinet decide that the proposed programme needs to be reinforced by the addition of a Bill or Bills of higher political significance, the Trade Union Bill is, as the Home Secretary notes, the main contender. The principal options for this Bill appear to be:

- a. To introduce a Bill limited to dealing with election to union offices, with the intention of securing Royal Assent by the end of the Session.



- b. To introduce a more comprehensive Bill without necessarily taking it beyond, say, Second Reading in a short Session.
- c. To publish a comprehensive draft Bill as a White Paper for debate, but not for formal introduction, before the General Election.

The Secretary of State for Employment will wish to comment, and the business managers can give their assessment of the likely Parliamentary consequences of each option.

7. As to the other Bills listed in Annex C as being urged for addition to the programme for a short Session:

- a. The Secretary of State for Education and Science can say whether the Education (Overseas Students) (Definition) Bill recommended by QL is still necessary in the light of his recent announcement on the amendment of the "ordinary residence" criterion. If not, QL recommend that its place in the programme should be taken by the Education (Grants to Local Authorities) Bill to enable the Secretary of State to implement the Government's declared policy of specific grant to influence local authorities' spending on education at the margin.
- b. The Secretary of State for the Environment can make the case for anticipating in a short Session part of the wider Local Government Rating and Expenditure Bill proposed for a normal Session.
- c. The Secretary of State for Trade can explain why he regards the shorter but still controversial version of the Consumer Safety Bill as a matter of urgency. The policy is still some way from being agreed collectively; is he certain that the Bill could now be ready for introduction by the start of the Session?



- d. The Chancellor of the Exchequer has argued for the inclusion of the Public Services (Transfer of Functions) Bill (to deal with the problem of technical redundancy) in the short Session's programme; QL recommend it for a normal Session. Is it clear that the possible postponement of its introduction until the spring of 1984 would in fact seriously impede the privatisation programme? (A Bill on this subject was given a place in this Session's programme, but was subsequently abandoned because of problems identified during its preparation).
- e. The Chancellor of the Exchequer would also like the Trustee Savings Bank Bill to be included in the programme for a short or normal Session; its claims in a short Session seem less strong than those of some of the other candidates, but it is recommended by QL for inclusion in the reserve list for a normal Session.

8. If it is decided to add the Trade Union or any other Bill to the short Session's programme, the business managers may press for compensating deletions from the list of four programme Bills in Annex A already recommended by QL. None of them is comparable in weight to even the shorter Trade Union Bill, and neither the Prevention of Marine and Food Pollution Bill nor the Gas Safety Bill - which it would perhaps be easier to drop from a short Session than one of the Education Bills or the Prevention of Terrorism Bill - is likely to be very controversial.

9. Finally, the Lord President may be able to say whether he now expects to be able to find time this Session for the International Monetary Arrangements Bill (No 7 in the essential list Annex A); this is desirable in order to meet the timetable for increasing the resources of the IMF agreed by the Group of Ten, and would go a little way towards easing the pressure on legislative time next Session.



(ii) Normal Session

10. The planning of the programme for a normal 1983-84 Session is complicated by the present uncertainty about the likely timing of the Local Government and Local Government Rating and Expenditure Bills (and, in the case of the latter, the related provisions of the Local Government (Miscellaneous Provisions)(Scotland) Bill). You may therefore wish to guide the Cabinet to agree at the outset that any decisions taken at the present meeting should be regarded as subject to review in the light of progress on the local government Bills.

11. You may then wish the Lord President, the Lord Privy Seal and the Chief Whip to give their assessment of the weight and controversiality of the programme taken as a whole. Does it strike the right balance between the desirability of taking the most contentious measures early in the new Parliament and the need to avoid overlooking either House? How does it compare with the programme for the (long) 1979-80 Session of the present Parliament?

12. If the Cabinet accept that the programme is about the maximum that could be accommodated in a normal Session, you will wish to test the strength of each of the bids for additional Bills listed in Annex C against those already accepted by QL:

- a. The Secretary of State for the Environment can explain the case for extending the New Towns Bill beyond the financial provisions recommended by QL, thereby making the Bill much more controversial. How firm is the commitment to wind up certain New Towns Corporations in 1984 and 1985? Would postponement pose severe practical or political problems?
- b. The Secretary of State for Education and Science can say whether his target of having instructions for the Educational (Wider Parental Choice)(Pilot Schemes) Bill ready by June, so that the Bill can be introduced in October, is still realistic. What would be the practical implications of postponing legislation to the second Session of the new Parliament?



- c. The Secretary of State for Employment can say whether he is content for the Dock Work Regulation Bill (already drafted) to remain on the reserve list, or whether he thinks it essential for it to be given a firm place in the programme regardless of what happens to the local government Bills.
- d. The Secretary of State for the Environment is pressing for the inclusion of his Housing Bill. Would it be reasonable for this to wait for a later Session, bearing in mind the volume of housing legislation passed in the present Parliament? The only item of any urgency appears to be that on financial assistance to owners of defective pre-fabricated houses; but the Chancellor of the Exchequer may be able to confirm that this could continue to be given without specific statutory cover for the time being.
- e. The Secretary of State for Industry will put the case for early legislation on industrial development in the regions; but policy decisions are not expected before June, and the Bill itself would not be ready before late January 1984. The business managers may think this far too late in a very heavily loaded Session.
- f. The Secretary of State for Industry can also explain the need for his proposed Development of Inventions Bill, which would formalise the establishment of the British Technology Group, and enable it to undertake new activities. The lack of a statutory framework is currently a source of embarrassment to the Government and the Group; but could the existing arrangements be tolerated for a further year or so?
- g. The Secretary of State for Trade is in favour of the introduction of a Civil Aviation Bill in December 1983 to provide, as a minimum, for the capital reconstruction of British Airways as a prelude to



privatisation (he would be prepared to forgo the subsidiary provisions in his original bid if necessary). Is it realistic to aim for privatisation in 1984-85? If so, the Bill would have to receive Royal Assent by March 1984; if not, it might be left for the 1984-85 Session.

- h. The case for the longer Consumer Safety Bill proposed by the Secretary of State for Trade is essentially the same as that for the more restricted Bill which he proposes for a short Session; subject to any further points which may be made by the Secretary of State, it seems a desirable measure for the next Parliament, but not necessarily for the first Session.
- i. The Secretary of State for Transport will explain the need for his proposed Transport Bill, which combines elements from two of his original bids. Are both the subjects now covered (privatisation of the National Bus Company and mitigation of nuisance in lorry action areas) of equal urgency? Could either be incorporated in the Public Transport (London) Bill recommended by QL for a normal Session?
- j. The Minister of Agriculture originally proposed a comprehensive Agriculture Bill; QL recommends that it should be confined to reform of the law on agricultural tenure. The Minister has accepted this, but has asked as a quid pro quo for an additional Second Reading Committee Bill dealing with animal health and welfare and livestock improvement. QL decided against this, on the grounds that any legislation on animals would probably prove too emotive to be suitable for the Second Reading Committee procedure. But QL proposes that no Bill in the Second Reading Committee list should be introduced unless the Opposition has first agreed to its being taken under that procedure. Could not the Minister of Agriculture's Bill be included in the programme on that basis?



CONCLUSION

13. Subject to the course of the discussion, the Cabinet might:
- a. Approve the recommendations of QL for a short Session, with or without amendment.
 - b. Approve the recommendations of QL for a normal Session, with or without amendment, subject to review when the fate of the two local government Bills becomes clearer.
 - c. Invite the Ministers concerned to ensure that the stated timetables for the preparation of Bills for which they are responsible are observed or improved on.
14. If further work on the proposed programmes is necessary as a result of the discussion, the Cabinet might invite the Home Secretary to arrange for further consideration by QL, and to report back with modified proposals.

RA

ROBERT ARMSTRONG

12 April 1983

Alumni
Lex. Programme
18-19



COMPTON

copy as requested

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WITH
THE COMPLIMENTS OF THE
PRIVATE SECRETARY

HOME OFFICE
50 QUEEN ANNE'S GATE
LONDON SW1H 9AT

CONFIDENTIAL



QUEEN ANNE'S GATE
LONDON SW1H 9AT

30 March 1983

Dear You

LEGISLATIVE PROGRAMME 1983-84

Thank you for your letter of 10th March. *requested*

QL did not, I am afraid, feel able to agree that the New Towns (Money) Bill should be expanded in a normal post-election Session to deal with matters other than the borrowing limit, or that the Housing Bill should be placed in a reserve list. It will, of course, be open to you to argue the case in Cabinet. QL hoped that it would not be necessary to legislate in 1983-84 to give cover to the extension to other house types of the scheme to deal with defects in Airey houses.

I am sending copies of this letter to QL colleagues and to First Parliamentary Counsel and Sir Robert Armstrong.

The Rt. Hon. Tom King, M.P.

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SAINT CHRISTOPHER-NEVIS INDEPENDENCE TIMETABLE

100 3/3.

Key to Abbreviations:

D = Done

UW = Underway

TD = To be done

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TASK	CRUCIAL DATES	REMARKS
<u>CONSTITUTIONAL AND LEGAL</u>		
Final draft of Independence Constitution to be written.	D. Ready by early 1983	Prepared by Mr Rushford, Constitutional Adviser to the Government of St Kitts-Nevis and examined by FCO Legal Advisers.
Presentation of Final Draft of Independence Constitution to House of Assembly, St Kitts-Nevis.	D. 16 March	Request and Consent Resolution passed.
Formal request to HMG that Association be terminated by Order-in-Council under S.10(2) of the West Indies Act 1967.	D. 17 March	By Bridgetown telegram no. 87 of 17 March.
Preparation of OD Paper.	UW. To be submitted before end March.	Submission to FCO Minister; to S of S for circulation to OD Committee of Cabinet. Action: WIAD

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TASK	CRUCIAL DATES	REMARKS
Preparation of Termination of Association Order.	TD. Ready by mid-April	To be laid in draft in both Houses of Parliament and 22 copies to Joint Committee on Statutory Instruments before 28 April. Action: Legal Executive Section.
Preparation of Constitution Order.	TD. Ready by mid-April	To be laid with Privy Council for meeting on 15 June. Action: Legal Executive Section.
Preparation of Modification of Enactments Order.	TD. Ready by mid-April	To be with the Privy Council by 11 May for meeting on 18 May Action: Legal Executive Section.
Termination of Association Order to be considered by Joint Committee on Statutory Instruments.	TD. In first week of May	Committee meets on Tuesday and Wednesdays. (Two meetings may be required).

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TASK	CRUCIAL DATES	REMARKS
Public announcement of HMG's intention to seek Parliamentary approval for the Termination of Association Order	TD. Early May	By inspired written PQ. Dr Simmonds to be informed. Action: WIAD
Guidance telegram to Posts on the inspired PQ.	TD. Day following public announcement	Action: WIAD
Debate on the Termination of Association Order: House of Commons	TD. Week beginning 9 May (i.e. before Whitsun recess)	Mr Onslow is available. Action: Parliamentary Unit to book time. WIAD to brief Minister.
Debate on the Termination of Association Order: House of Lords	TD. At suitable date after Commons debate before Whitsun recess	Action: Parliamentary Unit to book time and alert Lord Skelmersdale. WIAD to brief Minister.
Guidance telegram to Posts on Parliamentary debates.	TD. Day following debate in House of Lords.	Action: WIAD

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TASK	CRUCIAL DATES	REMARKS
Termination of Association Order sent to Privy Council	TD. 15 June	Action: Legal Executive Section
Modification of Enactments Order sent to Privy Council.	TD. 15 June	Action: Legal Executive Section.
Constitution Order sent to Privy Council.	TD. 15 June	Action: Legal Executive Section
Making of Termination of Association Order by Privy Council.	TD. 22 June	Action: Legal Executive Section
Making of Modification of Enactments Order by Privy Council.	TD. 22 June	Action: Legal Executive Section
Making of Constitution Order by Privy Council.	TD. 22 June	Action: Legal Executive Section
Termination of Association Order, Constitution Order and Modification of Enactments Order.	TD.	To come into effect on 19 September

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SAINT CHRISTOPHER-NEVIS INDEPENDENCE TIMETABLE

TASK	CRUCIAL DATES	REMARKS
<u>INDEPENDENCE CELEBRATIONS</u>		
Nomination of Royal Visitor.	D.	Dr Simmonds and Dr Thomas informed <u>in confidence</u> that HM has nominated HRH Princess Margaret to represent her. No public announcement of this may be made until after the Privy Council meeting of <u>15 June</u> .
Selection of Ministerial representative.	UW. To be decided soonest.	Mr Onslow has indicated that since Mr Raison is planning a tour of Caribbean countries he should represent the Secretary of State. Action: WIAD in consultation with ODA.
Approval of No 10 for Ministerial representative	TD. immediately after selection.	Action: WIAD
Visit by RN Ship	UW.	Action: WIAD with Defence Department and MOD.
Military Band	UW.	Action: WIAD with Defence Department and MOD.

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TASK	CRUCIAL DATES	REMARKS
First draft of Royal Visitor's programme.	TD. Ready by end April/early May.	Action: BGR Barbados
If Royal Visitor is to open Parliament, preparation of Letters Patent.	TD. Start as soon as possible.	Action: PCD
Recce Visit by PS/Royal Visitor to St Kitts.	TD. June/July	Action: PCD
Presentation Copy of Constitutional Instruments.	TD. Start preparation early July.	Action: Legal Executive Section
Final programme for Royal Visitor.	TD. Early August.	Action: PCD with WIAD
Message from HM The Queen to the People of St Kitts and Nevis.	TD. Ready for submission by late August.	Action: Draft by BGR Barbados. Submission by PCD.
Message from PM to PM.	TD. Ready for submission by late August.	Action: Draft by BGR Barbados. Submission by WIAD.

TASK	CRUCIAL DATES	REMARKS
Message from S of S to Minister for Foreign Affairs	TD. Ready for submission by late August	Action: Draft by BGR Barbados Submission by WIAD
Speeches by Royal Visitor	TD. Ready for submission by late August	Action: BGR Barbados to advise what speeches necessary and to draft
Administrative arrangements for Minister and party attending celebrations	TD. Completed by late August	Action: WIAD to co-ordinate. BGR Barbados for hotel accommodation and programme
Briefing for Royal Visitor	TD. To be completed by early September	Action: WIAD and PCD
Briefing for Minister	TD. To be completed by early September	Action: WIAD
Thanksgiving Service in London on Independence Day	TD.	Action: Dr Thomas

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SAINT CHRISTOPHER-NEVIS INDEPENDENCE TIMETABLE

TASK	CRUCIAL DATES	REMARKS
<u>ADMINISTRATIVE</u>		
Flag Coat of Arms National Anthem	TD. St Kitts- Nevis Govern- ment to make a start as early as possible	Action: BGR Bridgetown to stimulate
Visas and Passports	TD. St Kitts- Nevis Govern- ment to make a start as early as possible	Action: BGR Barbados to stimulate
UN Membership?	TD. St Kitts- Nevis Govern- ment to make a decision	Action: BGR Barbados to stimulate
Commonwealth Membership?	TD. St Kitts- Nevis Govern- ment to make a decision	Action: BGR Barbados to stimulate

CONFIDENTIAL

CONFIDENTIAL

Page 2

TASK	CRUCIAL DATES	REMARKS
Independence Gift	TD. St Kitts- Nevis Govern- ment to consi- der	Action: BGR Barbados to stimulate
Appointment of Governor-General	TD. St Kitts- Nevis Govern- ment to consi- der	Commission to be drawn up. Action: BGR Barbados to stimulate
Accreditation of British High Commissioner	TD.	Action: PPD
London Press Conference by St Kitts and Nevis High Commissioner (designate)	TD. To be held in week pre- ceding indepen- dence	Action: WIAD and News Department to stimulate

CONFIDENTIAL

CONFIDENTIAL

SAINT CHRISTOPHER AND NEVIS INDEPENDENCE TIMETABLE

Distribution:

WIAD (4)

Legal Advisers (3)

Legal Executive (2)

Parliamentary Unit

NTD

CCD

PCD (3)

Consular Department

Defence Department

BGR Barbados (3)

DBGGR Antigua (2)

News Department

PS/Mr Onslow

PS/PUS

PS/Mr Giffard

PS/Mr Ure

Sir Philip Moore, Buckingham Palace

CONFIDENTIAL

NOTE for the File

I have passed this
comment to the QL
Secretary. The Lord
Chancellor will
be chairing QL
this afternoon. WML 21/3

PRIME MINISTER

Legislative Programme 1983-84

We must have the
J. H. Bill in the short
session ^{Parliament} if
do not have time
to get through.
mb.

QL have planned for:

(a) A short 1983/84 session, which would result if there were an election in, say, May 1984.

(b) A normal session which would result if there were a June or October election this year.

QL have concluded that the programme for a normal session would have to consist of the Bills chosen for a short session plus some additions. There is insufficient time, or resources, to prepare two completely different programmes.

At Flag A are QL's provisional conclusions on the Bills that should be included in a short session and the additions to make up a long session.

At Flag B is a list of further Bills. QL will consider whether any of these should be added to the programme for the short session.

QL will also consider whether any of the Bills at Flag C should be added to the programme for the normal session.

Have you any views that you want to feed in at this stage, or would you prefer to await discussion of QL's report to Cabinet? You will in particular note that QL have not so far agreed to include a trade union measure in the short session. Mr. Tebbit has accepted that there would not be room in a short session for a full trade union Bill, and the business managers are worried about the dangers and difficulties of attempting to carry any highly controversial Bills in a short session. Mr. Tebbit has however argued that the Government's supporters would as a minimum expect action on the rules for election to trade union offices.

WML

G10
"For Information"

Parliament

CABINET OFFICE

70 Whitehall, London SW1A 2AS Telephone 01-233

17 March 1983

Dear Private Secretary *mm 17/3*GOVERNMENT BILLS SUITABLE FOR OFFERING TO PRIVATE
MEMBERS IN THE 1983/84 PARLIAMENTARY SESSION

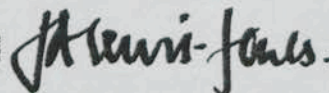
1. I am writing to invite Departments to suggest suitable Bills for offering to Private Members of the House of Commons who are successful in the ballot for Bills for a Session starting in October/November 1983. The ballot will take place on the second Thursday of the new Session.
2. To be suitable for this purpose a Bill should normally be short, simple, non-financial, and not controversial in party political terms. We would be grateful if Departments could examine the bids which they have already made for the legislative programme 1983/84 and identify those Bills which, if they do not find a place in the programme, can be included in the list of Bills for offering to Private Members. We should also be grateful if Departments could suggest further possible Private Members' Bills, since it will be necessary to build up a list covering as wide a range of interests as possible.
3. While there can be no assurance that any of these Bills will be taken up by a Private Member, the procedure does offer a useful way of securing the enactment of legislation which might not otherwise reach the Statue Book for some time. A full and reasonably attractive list of measures is also useful in that if Members, especially Government supporters, who are successful in the ballot take up some of these Bills, the risk of too many other unwelcome and time-consuming measures being introduced (which involves extra work for Departments) is reduced.
4. We are making this request earlier than usual in order to avoid a last-minute rush such as took place in the autumn of 1982. The aim this year is to have the Bills' long and short titles drafted by the Parliamentary Draftsman well before the ballot. It may even be possible for some of the Bills themselves to be drafted in the course of the summer, but this will depend on the competing claims on drafting resources. In order to take matters as far forward as possible, Departments should consider setting in hand now arrangements for clearing the policy in cases where approval has not yet been obtained (no Bill can be included in the list for offering to a Private Member until the Department concerned has obtained collective policy approval for it).

The Private Secretary to
Prime Minister

5. I enclose a form which I would be grateful if Departments could complete in respect of each Bill proposed, and return to me by FRIDAY 15 APRIL. If you have no candidates, I would be grateful for a 'nil' return. Please also let me know of any additional Bills which are identified after that date. I shall write to Departments again before finalising the list of Bills to be offered to Private Members in the next Session.

6. I am sending this letter to the Private Secretaries to all Ministers responsible for Departments and copying it to David Heyhoe (Lord President's Office), Murdo Maclean (Chief Whip's Office), Michael Pownall (Lord Privy Seal's Office) Brian Shillito (Office of the First Parliamentary Counsel) and Fiona Rodger (PS/First Parliamentary Draftsman for Scotland).

Yours sincerely



JANET A LEWIS-JONES

Enc

PROPOSED BILL FOR OFFERING TO A PRIVATE MEMBER

Department	
Title	
Length	
Purpose	
<u>State of Readiness</u> If policy approval <u>has</u> been obtained, please state when and where. If policy approval has <u>not</u> been obtained, please state when it is likely to be sought.	
Any other information	



Prime Minister

2

Parliament

PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

MS 14/3

14 March 1983

Dear Geoffrey,

Thank you for your letter of 7 March, in which you explained the need to pass the International Monetary Arrangements Bill by the end of this calendar year.

I accept that the aim of securing Royal Assent before Christmas could be put at risk if the Bill is not introduced until the beginning of next Session. On the other hand, we are already encountering some congestion in this Session's timetable and I am reluctant at this stage to accept a firm commitment to add another Bill to the legislative programme. I suggest, therefore, that you should press ahead as quickly as you can with the preparation of your Bill and that we should take a final decision on whether or not it can be fitted in this Session when it comes before Legislation Committee. I appreciate your concern that we should meet the IMF deadlines and you can be sure that we shall do our best to see that the Bill is passed in time.

I am copying this letter to the recipients of yours, and to Michael Jopling and Sir Robert Armstrong.

Yours
John Biffen

JOHN BIFFEN

The Rt Hon Sir Geoffrey Howe QC MP
Chancellor of the Exchequer
Treasury Chambers
Parliament Street
London SW1

Wh 13/4 Jue. [94

2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref: K/PSO/11306/83

Your ref:

10 March 1983

Mr McDonald

CeTS/Lord Bellwin

PS/Mr Seaman

PS/Peter Sec. Dr Holdgate

PS/Mr Hancock Mr Nicholas

PS/Mr Ayles Mr Lane

Mr Deacon Mr Birch

Mr Harris Mr Gunn

Mr Conner Mr Rumble



Dear Home Secretary

Thank you for your letter of 2 March setting out the views of QL Committee on the Departmental bids for the 1983-84 Legislative Programme. I should like to accept your invitation to attend the meeting on 14 March.

Without knowledge of the other programme Bills you are recommending for inclusion in List B it is difficult to give more than a provisional view. I anticipate that I shall be in a position to give a firmer comment at the meeting.

In the meantime I note what you say about the Somerset House (Management) Powers Bill and the New Towns (Money) Bill. On the latter I accept that if there is to be a short pre-election session then the Bill must be restricted to a financial clause only. If there is to be a normal post election session then I consider it essential for the Bill to include the provisions to wind up the New Towns Commission and to achieve an effective means of transferring housing and community-related assets from new town corporations to the local councils. Without these powers we are unable to wind up the Commission or any New Town Corporation, some of whose dissolution dates have already been announced for 1984 and 1985.

I should also like to put up a marker that it is highly probable that legislation will be needed to give cover to the extension of the scheme to deal with defects in Airey Houses (or variants of it) to other house types. You are aware of current discussions in H Committee and of John Stanley's recent statement to the House (8 February). The Chief Secretary is anxious that we do not continue making ex gratia payments.

I think it might be helpful if I explain at the meeting the probable position on the scope and timing of the local government legislation. I should like, as a minimum and without prejudice to my final views on the List B, to suggest that at least one DOE Bill should be held in reserve pending final decisions on

local government legislation. On the basis of current priorities this would be a medium sized Housing Bill extending the system of assured tenancies and simplifying the improvement grants system (B4 of our original bid).

I am copying this to the Members of QL, and to First Parliamentary Counsel and Sir Robert Armstrong.

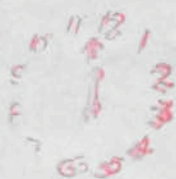
Yours sincerely

RB King

P.P. TOM KING

(dictated by the Secretary of State and signed in his absence).

13 APR 1983



Prime Minister
Pentagon
6/2
173



Caxton House Tothill Street London SW1H 9NXP
Telephone Direct Line 01-213 6400
Switchboard 01-213 3000

The Rt Hon William Whitelaw CH MC MP
Home Secretary
Home Office
50 Queen Anne's Gate
LONDON
SW1H 9AT

9 March 1983

MS

D. Wallace,

LEGISLATIVE PROGRAMME 1983/84

Thank you for your letter of 2 March about the preliminary view that QL Committee took of my bids for the legislative programme 1983/84. I will, as invited, attend the meeting on 14 March.

✓

I must press for a Trade Union Bill to be included in the programme for a session starting in October or November if there has been no Election by then. Although I accept that the most controversial aspect of the current Green Paper on Democracy in Trade Unions, political funding, would have to be left over to a post-Election session because of the likely reaction of the Official Opposition, we should bring forward a Bill dealing with, at the very least, elections in trade unions. I see clear electoral advantages in such an approach, and I am reluctant to lose the momentum of union reform by a delay of a year or more between the current Green Paper and legislation.

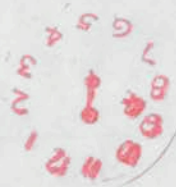
I must press also for a Bill to repeal the Dock Work Regulation Act 1976 to be included in the programme for the first session after an election. We should not now close off the option of making this very sensitive change at what may prove to be the optimum time. The Bill would be only three clauses long.

I accept that my bids for a Protection of Wages Bill and a Charging for Work Permits Bill will have to wait.

I am copying this to Members of QL and E Committees, First Parliamentary Counsel and Sir Robert Armstrong.

[Handwritten signature]

Pam: Leg Prog Pt 10



69 MAR 1983


 Parliament
 Prime Minister (2)

MS 8/3

Treasury Chambers, Parliament Street, SW1P 3AG
 01-233 3000

The Rt Hon John Biffen, MP
 Lord President of the Council

7 March 1983

A handwritten signature in cursive script, appearing to read 'John Biffen'.

INTERNATIONAL MONETARY ARRANGEMENTS: LEGISLATION

At its meeting on 28 February, the Future Legislation Committee decided to include in the Essential category in the 1983-84 legislative programme a short Bill on International Monetary Arrangements. In the light of recent discussions in the IMF Executive Board about the arrangements for implementing Quota increases I think we probably need now to contemplate introducing the Bill in May.

As you know, this is a technical Bill largely required by the recent agreements to increase IMF resources. It is also intended to cover provision of Treasury indemnities to the Bank of England in cases such as their involvement in the support operations organised by the Bank of International Settlements for Mexico and Brazil.

The timetable problem arises from the need to put the IMF in a position to draw as early as practicable on the resources made available by the enlargement of the GAB agreed by G-10 countries in January and the Quota settlement concluded in Washington last month. In my capacity as Chairman of the Interim Committee I pressed for decisions in these areas to be accelerated. Many countries need to take associated legislative action. It was agreed in Washington last month that we should all aim to complete the necessary procedures by the end of this calendar year. This was 6 months earlier than even the accelerated timetable previously contemplated and had advantages for the US in relation to handling Congress. No increase in quotas becomes effective until members having 70% of the new quota total have consented to their increase.

/With a reasonable

- 8 MAR 1983



83

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With a reasonable degree of Opposition co-operation and adequate priority it might have been possible to introduce a Bill of the sort we had in mind in October/November and still meet an end-year deadline. However in their latest detailed discussion of implementation arrangements the Executive Board concluded that the objectives set by the Interim Committee for availability of new funds would in practice require notifications of completion of legislative action to be received by 30 November. The final stages of payment of subscription etc could then take place in December.

This further advancement of the deadline seems to me to make it imprudent to leave introduction of our related Bill to the autumn. Opinion in the House generally would seem likely to favour the enlargement of IMF resources and the guarantees provided to cover Bank of England participation in the Mexico and Brazil rescue operations appear to have attracted little or no Parliamentary interest. But it would perhaps be unwise to assume a totally trouble free passage - the recent fuss over loans to Argentina has still to die away - and there would be a bare month to complete all stages.

Against this background I conclude that it is necessary to think in terms of starting the legislative process off in May. If this were done, it may well not yet be possible to forecast in detail how later stages would be handled, not least until decisions are taken on the timing of the election. But the May option would appear a good deal less hazardous than an October/November one.

If you agree with this approach, I would propose to seek formal approval for the Bill probably by correspondence. We would put the Bill to Legislation Committee in the second half of April.

I am copying this letter to the Prime Minister, the Home Secretary, the Lord Chancellor, the Foreign and Commonwealth Secretary and the Lord Privy Seal.

GEOFFREY HOWE

12 DOWNING STREET,
S.W.1.

With

The Private Secretary's

Compliments

GOVERNMENT LEGISLATION(i) Second Reading

Agricultural Holdings (Amendment) (Scotland)
 British Fishing Boats
 Dentists (L)
 Local Authorities (Expenditure Powers)
 Mental Health (Amendment) (Scotland) (L)
 Ports (Reduction of Debt)

(ii) Standing Committee

Health and Social Services and Social Security Adjudications (L)
 International Transport Conventions (L)
 Merchant Shipping (L)
 Mobile Homes (L)
 National Heritage (L)
 Plant Varieties (L)
 Police and Criminal Evidence
 Telecommunications

(iii) Report and Third Reading

Energy
 Housing and Building Control
 Miscellaneous Financial Provisions

(iv) Orders and Regulations

	<u>Date Laid</u>	<u>Whether Controversial</u>	<u>Date Required</u>
Agriculture - Capital Grants Schemes (3)	2/3	No	Few days before Easter
*Agricultural Products	21/2	No	By Easter
Appropriation (N.I.)	16/2	No	For debate 10/3
Code of Practice (Closed Shop)	2/3	Yes	By Easter
Hire-purchase	28/2	No	By Easter
House of Commons Disqualification	14/2	No	By Easter
Industrial Development	25/2	No	By Easter
Licensing (N.I.)	16/2	Maybe	For debate 10/3
London Docklands Development Corporation	17/1	Yes	A.S.A.P.
Pig Industry Levy Scheme	2/3	No	A.S.A.P.
Pneumoconiosis	17/2	No	By Easter

v) Orders and Regulations (continued)

	<u>Date Laid</u>	<u>Whether Controversial</u>	<u>Date Required</u>
Prevention of Terrorism	9/2	Yes	For debate 7/3
Rates (Amendment) (N.I.)	22/2	No	For debate 10/3
Representation of the People	22/2	No	By 21/3
Representation of the People (N.I.)	24/2	No	By early March
Social Security	25/2	No	By Easter
Traffic Areas	24/2	No	By Easter

Lords

British Shipbuilders

Civil Aviation (Eurocontrol)

Conwy Tunnel (Supplementary Powers)

Currency

Data Protection (L)

Divorce Jurisdiction, Court Fees and Legal Aid Scotland

Marriage (L)

∅Matrimonial Homes (L)

∅Mental Health (L)

Nuclear Material (Offences)

∅Pilotage (L)

Transport

Water

∅Consolidation

Bills placed upon the Statute Book (8)

Agricultural Marketing 1983

Commonwealth Development Corporation 1982

Consolidated Fund 1983

~~Electricity (Financial Provisions) (Scotland) 1982~~

Lands Valuation Amendment (Scotland) 1982

National Insurance Surcharge 1982

Pig Industry Levy 1983

Representation of the People 1983

CONFIDENTIAL



FILE

DA
Parliament

10 DOWNING STREET

From the Private Secretary

2 March 1983

Legislative Programme 1983-84

The Prime Minister has seen the Lord Chancellor's minute of 1 March reporting the provisional conclusions of QL. She has noted this without comment.

I am copying this to Tony Rawsthorne (Home Office), David Heyhoe (Lord President's Office), First Parliamentary Counsel and Richard Hatfield (Cabinet Office).

W. P. S. RICKETT

David Staff, Esq.,
Lord Chancellor's Office.

CONFIDENTIAL

FROM:

THE RT. HON. LORD HAILSHAM OF ST. MARYLEBONE, C.H., F.R.S., D.C.L.



HOUSE OF LORDS,
SW1A 0PW

CONFIDENTIAL

Prime Minister

*QL's provisional conclusions,
which the Committee will discuss
further before reporting to
Cabinet.*

Prime Minister

Legislative Programme 1983-84

*WR
1/3*

1. The Queen's Speeches and Future Legislation Committee met under my chairmanship yesterday afternoon to consider the proposals put forward by Departments for Bills for inclusion in next Session's legislative programme. These are summarised in the Schedule attached to QL(83)1. The Home Secretary is writing to all the Ministers concerned to give them an opportunity to comment on the Committee's provisional conclusions before he circulates a memorandum to the Cabinet, but you may find it helpful to have a note of the position reached so far in QL.

2. Until the date of the next General Election is settled, there must inevitably be some uncertainty about both the length and the character of next Session. As you agreed with the Home Secretary last year, Departments were asked to divide their bids for Bills for next Session into three categories:

- A. Bills capable of being passed within a maximum of 6 months in a Session beginning in the Autumn of 1983, whether this turns out to be a short final Session of the present Parliament, or the first, normal length, Session of a new Parliament.
- B. Bills additional to those in category A, suitable for a Session beginning in the Autumn of 1983 only if it were of normal length.
- C. Bills not in categories A or B suitable for a long 1984-85 Session starting in the Spring of 1984.

3. The Committee decided to concentrate on the first two of these categories, taking as their starting point the two helpful memoranda circulated by the Lord President (QL(83)2 and 3).

4. If next Session is known to be limited to six months, the Opposition will have a great deal of scope for deliberate obstruction of Government business if they are so minded, and in certain circumstances might be minded to withdraw normal co-operation. The Committee agreed with the Lord President that in these circumstances it would be unwise to include in the programme for a short Session any Bills which were either long or highly controversial. Seven of the Bills proposed in category A are essential, in most cases for financial reasons. The Lord President suggested, and the Committee agreed, that it would be realistic to think in terms of adding a further four programme Bills to give a balanced and manageable main programme of 11 Bills. The Committee also agreed that room should be found for two of the less controversial Bills suggested by the Scottish Office, and also for another three Bills on condition that the Opposition agree to their being handled in the Commons under the Second Reading Committee procedure. The full list of Bills provisionally selected by the Committee for a short Session is set out in Annex A to this minute.

5. The Committee recognised that other Bills proposed by Departments arguably had stronger claims for inclusion on purely political grounds. The Public Services Transfer of Functions Bill (which will be needed soon if the privatisation programme is not to be delayed by the problem of technical redundancy payments) and the Royal Ordnance Factories Bill (which could not come into effect until the Transfer of Functions Bill had been passed) were mentioned as possible alternatives to one or two of the four programme Bills we have recommended. But the Committee agreed that it would be pointless to introduce these highly contentious measures in the knowledge that the Opposition would almost certainly be able to prevent their passage in a short Session, and concluded that they would have to wait for the first Session of the new Parliament.

6. Neither Departments nor Parliamentary Counsel have the resources to prepare completely different short and normal programmes for the 1983-84 Session. It follows that a normal programme would have to be based on the short programme plus some additional Bills. Subject to the reservations set out below the Committee agreed that a further nine main programme Bills might be added (giving a total of twenty) plus one more (controversial) Scottish Bill and seven Second Reading Committee Bills. These proposed additions are listed in Annex B.

7. This would be a very heavy programme for a normal Session, comparable in terms of controversiality with the programme for the first Session of the present Parliament. Whether or not it turned out to be manageable in practice would depend largely on the progress made on the policy and drafting of the two local government Bills. If both were ready in time for introduction in a normal 1983-84 Session - and First Parliamentary Counsel has consistently expressed doubts about whether this is possible - one or more of the other 18 main programme Bills would almost certainly have to be dropped. If, on the other hand, one or both of the local government Bills could not be ready for the first Session of the new Parliament, the programme would be on the light side. Unless preparation of other Bills begins well before the Summer on a contingency basis, the consequent gap could only be filled by bringing forward Bills not listed in Annexes A or B, but whose drafting is completed or at any rate well advanced (such as some Law Commission Bills, or the Dock Work Regulation Bill). QL will make recommendations on this point when the Home Secretary circulates their final report to the Cabinet.

8. Two further points should be noted at this stage. First, the Bills listed in the Annexes to this minute have been provisionally selected on the basis of the descriptions given by Departments in submitting their original bids. If any Minister wishes at a later stage to expand a Bill after its inclusion in the programme has been approved, compensating deletions elsewhere may have to be considered. Second, if a General Election were to be held in or before May or June this year, it is virtually

certain that at least three of this Session's major Bills (Data Protection, Telecommunications and Police and Criminal Evidence) would not receive Royal Assent before the Dissolution. In that event, they would be a first charge on the legislative time available in the first Session of the new Parliament, and the programme provisionally agreed by QL would have to be adjusted accordingly.

9. I am copying this minute to the other Members of QL, to First Parliamentary Counsel, and to Sir Robert Armstrong.

H: of S: M.

1st March, 1983

ANNEX A

BILLS PROVISIONALLY RECOMMENDED BY QL FOR INCLUSION IN A SHORT
1983-84 SESSIONQL(83)1 ReferenceBillESSENTIAL

- 2 Coal Industry: to increase the limit on the borrowing power of the National Coal Board; to modify the powers under which the Secretary of State may make certain grants and payments; and to abolish certain powers of entry.
- 3 New Towns (Money): to increase the limit on borrowing by the new town corporations in England, Scotland and Wales.
- 4 Social Security: to amend the law to comply with the EC Directive on equal treatment for men and women in relation to social security; and to make other essential and technical amendments.
- 5 Shipbuilding: to increase British Shipbuilders' borrowing limit.
- 6 Co-operative Development Agency: depending on the outcome of a review to be undertaken this Spring, either to make provision for the continuation of the Agency or to close it down.
- 7 Merchant Shipping: to specify the tonnage of merchant ships to be used by the courts for limitation of liability, thus permitting the UK to continue to meet its international obligations.
- 9 International Monetary Arrangements: requirements arising from (a) increase in the UK's IMF quota; (b) revision of the General Arrangements to Borrow; (c) provision of guarantees to the Bank of England with respect to participation in transactions of the Bank for International Settlements.

PROGRAMME

- 15 Prevention of Marine and Food Pollution: to extend the powers to control dumping at sea and any activities connected with the production, processing or marketing of food which may be affected by radio-active release.
- 17 Education (Grants to Local Authorities): to empower the Secretary of State to make regulations providing for the payment of specific grants to local education authorities.
- 21 Gas Safety: to remedy defects revealed by a recent legal case in the enforcement provisions of gas safety legislation and to strengthen the criminal sanctions available.
- 27 Prevention of Terrorism: to implement the recommendations of Lord Jellicoe's recent review of the Prevention of Terrorism (Temporary Provisions) Act 1976, repealing and re-enacting the 1976 Act with some changes.

SCOTTISH

- 43 Conditions in Leases (Scotland): to clarify and amend the law on conditions in leases and their registration, and on irritancies on leases.
- 44 Irrigation (Scotland): to fulfil a commitment to legislate to give effect to recommendations of the Scottish River Purification Advisory Committee on control of water abstractions from surface and underground waters for purposes of irrigation.

SECOND READING COMMITTEE

- 24 Somerset House (Management Powers): to clarify the Secretary of State's management powers in respect of Somerset House and to remove a restriction limiting its use to public offices and buildings.

26

Death Certification (Miscellaneous Provisions):
to give effect to recommendations of Departmental
Committee on medical certificates of fact and
cause of death and disposal of bodies; and to
include miscellaneous material on marriage fees
and the Registration Service.

41

Foreign Limitation Periods: to provide that where
under English rule of private international law
a foreign law is applied in proceedings in England,
the provisions of that law relating to limitation
of actions should also apply and not (as now) the
provisions of English law.

CONFIDENTIAL

ANNEX B

BILLS PROVISIONALLY RECOMMENDED BY QL FOR INCLUSION IN A NORMAL
1983-84 SESSION

All the Bills listed in Annex A plus:

QL(83)1 Reference

Bill

PROGRAMME

- | | |
|----|--|
| 16 | <u>Royal Ordnance Factories:</u> to create a Companies Act company to run the Royal Ordnance Factories. |
| 20 | <u>Trade Union:</u> to require secret ballots for elections in trade unions; possibly to bring up to date the Trade Union Act 1913, in particular by replacing contracting-out by contracting-in; and possibly to provide for mandatory secret ballots before strikes. |
| 28 | <u>Cable and Satellite Broadcasting:</u> to set up a Cable Authority and provide a framework of rules within which cable systems can develop, and to give statutory franchising powers, probably to the IBA, for commercial channels of direct broadcasting by satellite. |
| 38 | <u>Public Services Transfer of Functions:</u> to prevent payment of redundancy compensation in certain circumstances to civil servants and NHS employees when functions are transferred to the private sector, and to give powers to buy out detriment to terms and conditions of service. |
| 46 | <u>Agriculture:</u> to implement a package on agricultural holdings agreed between the National Farmers Union and the Country Landowners Association. |

CONFIDENTIAL

- 49 Local Government: on the GLC and metropolitan counties.
- 50 Local Government Rating and Expenditure: on the rating system.
- 58 Matrimonial Causes: to amend guidance to courts on financial provision after divorce; to change the time bar on divorce petitions from discretionary three years to absolute one year, with relaxation of the one year bar for certain nullity petitions; to provide financial relief in Great Britain for parties to foreign divorces; and to amalgamate the matrimonial jurisdiction of the High Court and county courts.
- 64 Public Transport (London): to provide for the London Transport Executive to be converted into a Metropolitan Transport Authority.

SCOTTISH

- 69 Local Government (Miscellaneous Provisions) (Scotland): to improve the Government's control of local authority expenditure; to amend certain anomalies in the valuation system in Scotland; and to make certain amendments in local authority rating matters.

SECOND READING COMMITTEE

- 31 Prevention of Discrimination against Sikhs: to ensure that Sikhs are protected by the Race Relations Act 1976.
- 32 Repatriation of Prisoners: to enable implementation of the Council of Europe Convention on the Transfer of Sentenced Persons, which deals with the transfer of prisoners to serve their sentences in their own countries.

CONFIDENTIAL

- 35 Insurance Law Reform: to reform the law on non-disclosure and breach of warranty in relation to consumer insurance contracts, as recommended by the Law Commission.
- 37 Fosdyke Bridge: to repeal a 19th century private Act, which requires the Fosdyke Bridge to be constructed so as to allow river traffic to pass up the River Welland.
- 40 Occupiers' Liability: to clarify duties of occupier towards persons who come on his land without permission; and to remove protection of Unfair Contract Terms Act 1977 from recreational visits to the countryside, as regards injuries caused by the state of the premises.
- 60 Illegitimacy: to remove provisions of the law which discriminate against illegitimate children, and to widen powers of courts to make orders for maintenance and as to parents' rights.
- 68 Pensions Commutation Board: to abolish the Pensions Commutation Board and Transfer its functions to Departments.

11 - MAR 1963

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SCOTTISH OFFICE
WHITEHALL, LONDON SW1A 2AU

The Rt Hon William Whitelaw CH MC MP
Secretary of State for the Home Department
Home Office
50 Queen Anne's Gate
LONDON

24 February 1983

Dear Secretary of State,

HEALTH AND SOCIAL SERVICES AND SOCIAL SECURITY ADJUDICATIONS
BILL
PARENTAL ACCESS TO CHILDREN IN CARE

Kenneth Clarke in his letter of 18 February sought urgent agreement to amendments at the Committee Stage of the Bill on this matter. What is proposed will clearly have an impact on Scotland, since the two sets of legislation on the assumption of parental rights by local authorities are very similar. I have no objection to the proposals Kenneth Clarke outlines going ahead, but I would not want to commit myself to taking parallel action for Scotland at the moment.

There has been little expression of concern on the matter of access in Scotland. Much of the concern in England, as I understand it, relates to children subject to care orders. In Scotland the nearest equivalent is a supervision requirement imposed by a children's hearing, and unlike care orders in England these supervision requirements do not transfer any of the parents' rights to the local authority. The possibility of a local authority denying access to a child in these circumstances without the parents having recourse to the courts does not therefore arise. It is, however, true that a parent whose parental rights have been formally assumed by a local authority cannot sue in the courts for access, and this point has been recently confirmed in a judgement by the Court of Session, so there are situations in Scotland where the same difficulty may in principle arise, although the size of the problem is likely to be much less. Informal discussions with representatives of the Scottish local authorities suggest that they are likely to be strongly opposed to giving parents in these circumstances a right of recourse to the courts, even if that right is restricted in the way proposed in Kenneth Clarke's letter. I certainly hope that it will be possible for him to resist pressure from more fundamental changes to allow unrestricted opportunity for parents to challenge local authorities' decisions on access in the courts. This would be likely to disrupt the ability of social work departments to plan

GOVERNMENT LEGISLATION(i) Second Reading

Agricultural Holdings (Amendment) (Scotland)
 International Transport Conventions (L)
 Mental Health (Amendment) (Scotland) (L)
 Merchant Shipping (L)
 National Heritage (L)
 Plant Varieties (L)
 Ports (Reduction of Debt)

(ii) Standing Committee

Health and Social Services and Social Security Adjudications (L)
 Housing and Building Control
 Miscellaneous Financial Provisions
 Mobile Homes (L)
 Police and Criminal Evidence
 Telecommunications

(iii) Report and Third Reading

British Shipbuilders
 Civil Aviation (Eurocontrol)
 Currency
 Energy
 Nuclear Material (Offences)

(iv) Orders and Regulations

	<u>Date Laid</u>	<u>Whether Controversial</u>	<u>Date Required</u>
Appropriation (N.I.)	16/2	No	By P.C. mtg on 16/3
*Export Guarantees (4)	27/1	No	By end of Feb.
House of Commons Disqualification	14/2	No	By Easter
Licensing (N.I.)	16/2	Maybe	By P.C. mtg on 16/3
London Docklands Development Corporation	17/1	Yes	A.S.A.P
Parliamentary Constituencies (England)	14/2	Yes	By P.C. mtg on 16/3
Parliamentary Constituencies (Wales)	7/2	No	For debate 21/2
Prevention of Terrorism	9/2	Yes	By 24/3

the long-term future of children for whom they are fully responsible on a secure basis, apart from the extra costs that would be involved for local authorities and the courts.

My Department is consulting urgently with the Scottish local authorities and the Directors of Social Work to get their reaction to proposals of the kind put forward for England and Wales, and I propose to take account of their views and of the discussions in the Committee Stage before deciding whether I ought to make similar changes for Scotland. If necessary the relevant amendments could be put down at Report, and if they followed what had already been agreed for England and Wales they would not be likely to attract much debate.

I am copying this letter to the recipients of Kenneth Clarke's.

Yours sincerely

L.H. Wilton

Approved by the Secretary of State
and signed in his absence

25 FEB 1983



Lords

Agricultural Marketing

Conwy Tunnel (Supplementary Powers)

Data Protection (L)

Dentists (L)

Divorce Jurisdiction, Court Fees and Legal Aid (Scotland)

Marriage (L)

∅ Matrimonial Homes (L)

∅ Mental Health (L)

Pig Industry Levy

∅ Pilotage (L)

Transport

Water

∅ Consolidation

Bills placed upon the Statute Book (6)

Commonwealth Development Corporation 1982

Consolidated Fund 1983

Electricity (Financial Provisions) (Scotland) 1982

Lands Valuation Amendment (Scotland) 1982

National Insurance Surcharge 1982

Representation of the People 1983



DEPARTMENT OF HEALTH AND SOCIAL SECURITY

Alexander Fleming House, Elephant & Castle, London SE1 6BY

Telephone 01-407 5522

From the Minister for Health

The Rt Hon William Whitelaw CH MC MP
Secretary of State for the Home Department
Home Office
50 Queen Anne's Gate
LONDON SW1

18. 2. 83

Dear Willy,

HEALTH AND SOCIAL SERVICES AND SOCIAL SECURITY (ADJUDICATION) BILL:
PARENTAL ACCESS TO CHILDREN IN CARE

I am writing to seek agreement to an amendment to this Bill, preferably at Committee Stage, relating to the access of parents, guardians or custodians to children in care over whom local authorities have parental rights by virtue of a resolution under Section 3 of the Child Care Act 1980 or a care order under section 1(2) or 7(7) of the Children and Young Persons Act 1969.

Colleagues will recall that there have already been two Private Members Bills on this subject this session, sponsored by Lord Avebury and Robert Kilroy-Silk. In agreeing that the latter should not be supported, L Committee expressed some sympathy with the underlying objectives of the Bill, and during the Lords Report debate on the HSS and SS(A) Bill Lord Trefgarne indicated that we were thinking further about the need for legislation.

The two Bills to which I have referred went much further than I should want to go. They would provide that a parent could seek a court order relating to access in any procedures relating to a parental rights resolution or a care order and could also initiate proceedings on the question of access alone. This would cut right across the existing child care system which places almost all parental responsibilities with a local authority when a care order or parental rights resolution is made. The local authority is then placed under a statutory duty to promote the welfare of the child and in the exercise of this responsibility the local authority is not subject to detailed supervision by the courts. I do not think we could justify such fundamental changes in the balance of responsibility between local authorities and the courts. Moreover, to do so would have potentially considerable resource implications for the courts and for legal aid.

Having said this, I am concerned at the present situation in which all access to a child in care can be terminated as an administrative decision. All concerned (including the local authority associations and the Association of Directors of Social Services) agree that some practice in some authorities needs to be improved significantly. I have considered this very carefully, and have concluded that our main aim must be to improve local authority practice in this matter. But I do feel

that we should also make provision for a right of appeal against the termination of access. There will not be many of these cases - not more than one or two hundred a year - and the costs should be containable within existing resources. To go further than this, by way of defining other circumstances in which an appeal can be made, raises considerable problems of definition (since children's needs vary according to their age and circumstances) and of resources.

The local authority associations have already agreed that my Department should produce, in consultation with interested bodies, a code of practice on access to children in care. This is likely to cover, for example, the importance of arranging and encouraging access by parents in most cases, the powers of local authorities to give financial and practical help to parents, procedures for informing parents of their rights and the need for elected members to be involved in critical or contentious decisions.

We are likely to be pressed in Committee to allow parents greater recourse to the courts than I have proposed above. It was quite obvious at Second Reading in the Commons that the Opposition intend to press for more than this and they could attract a lot of support from our back-benchers.

I believe that the best way to head off such pressure and to take the initiative in a way which would give some credit to the Government would be to provide for a statutory code of practice.

The model I have in mind is section 53 of the Mental Health (Amendment) Act 1982, a copy of which I enclose. This requires the Secretary of State to prepare, and from time to time revise, a code of practice. However, unlike regulations, the code would not be binding upon local authorities, but it would of course have more impact than a voluntary code. Initially I should propose not to include provisions matching section 53(2), although I should want to reconsider this in the light of representations made in debate. I would of course propose to make clear that any Code has to be applied in the light of prevailing financial circumstances, and this would be an important factor during consultations on the content of a Code.

Copies of this letter go to Members of H Committee and Sir Robert Armstrong. The HSS and SS(A) Bill is likely to go into Committee on 1 March and it will be helpful to have clearance for these proposals by Friday 25 February.



KENNETH CLARKE

cc Mr Phillips
Mr Brown
Mr Dodder
Mr Oting
Mrs Firth
Miss Thayer
Miss Chiverton
Mr Fletcher
Mr Knight.



CABINET OFFICE
70 WHITEHALL
LONDON SW1A 2AS

*For information
WJ
8/2*

XXXXXXXXXX

01-233 7251

7 February 1983

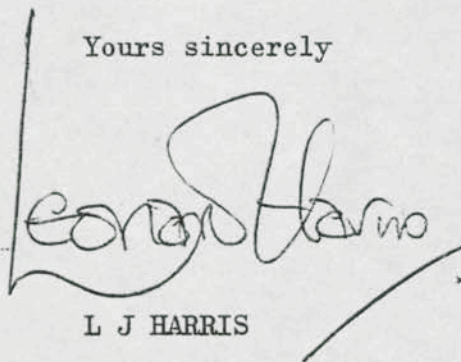
Dear Private Secretary

PRIVATE MEMBERS' BILLS: MEMORANDA FOR LEGISLATION COMMITTEE

Paragraph 27.6 of the current Guide to Legislative Procedures sets out the form in which Departments are asked to prepare memoranda for Legislation Committee on Private Members' Bills. The discussion on these Bills at L is normally a tactical one, and it is of some importance that members of the Committee should be able to see at once by glancing at the first paragraph of a memorandum where (if anywhere) the Bill's sponsor came in the ballot, the date appointed for Second Reading, and the Bill's position in the order for Second Reading on that day. Departments sometimes omit one or more of these points, or disperse them about different paragraphs of their memoranda. This makes life unnecessarily difficult for members of the Committee, and I should be very grateful if you could ensure that those who draft L memoranda are aware of, and apply, the points described in the Guide.

If your Department is among the ranks of the habitually virtuous in this area, I apologise for tedious repetition; if not, I hope you will forgive this gentle reminder.

Yours sincerely


L J HARRIS

Copies to the Private Secretaries to:

All Members of the Cabinet
Chief Whip
Attorney General
Captain of the Gentleman-at-Arms
Sir Robert Armstrong
First Parliamentary Counsel

THE FILM INDUSTRY COPYRIGHT COMMITTEE

Blackfriars House,
19 New Bridge Street,
London EC4V 6BY
Telephone: 01-353-0211

Parliament

Mr.

LM

17/1

2 17/1

To: The Rt. Hon Margaret Thatcher, MP
House of Commons
London SW1A 0AA

COPYRIGHT AMENDMENT BILL (Sir John Eden MP)

At a meeting of this Committee on January 6th 1983 it was unanimously agreed to express full support for this Bill (set down for Second Reading on Friday January 21st) and to send the enclosed Memorandum to all Members of Parliament.

The Committee hopes that everything possible will be done to ensure that this urgently needed Bill will be enacted as soon as possible.

F R FURBER
Chairman

14th January 1983

The British Film and Television Producers Association Limited
Society of Film Distributors Limited
The Cinematograph Exhibitors Association of Great Britain and Ireland
Association of Independent Cinemas
Motion Picture Export Association of America
British Videogram Association Limited
Federation against Copyright Theft

COPYRIGHT (AMENDMENT) BILL

Introduced by Sir John Eden Bt. MP under the
Ballot for Private Members Bills, Session 1982/83
and set down for 2nd Reading on Friday January 21st 1983

Origin of Bill

The Government's Green Paper (Cmnd 8302 July 1981) commenting on the Whitford Committee Report on the Law of Copyright and Designs (Cmnd 6732 March 1977) stated in paragraphs 11 and 12 that it accepted two Whitford recommendations to increase the effectiveness of prosecutions for criminal offences under Section 21 of the Copyright Act 1956, namely,

1. that possession of an infringing copy should be an offence if "in the course of trade" and
2. that the scale of penalties for offences under Section 21 should be increased.

Item 1 has been dealt with by the Copyright Act 1956 (Amendment) Act 1982.

Item 2 is the subject of Sir John Eden's Copyright Amendment Bill now before Parliament.

Growth of "Video-Piracy"

This has recently increased on a vast scale and the UK has become the biggest centre of such criminal activity in the world.

There are now some 3 million video-cassette recorders in private hands in the UK able to re-play pre-recorded tapes of films and television programmes on to television screens and over half of this market is being currently supplied by "pirated" tapes, illegitimately copied from material which is entitled to the protection of copyright law.

There is also a flourishing export trade in pirated material, especially to countries in the Middle-East. It is doubtful whether any Income Tax is paid on the profits of this "piracy" which are estimated at over £70 million a year - or whether V.A.T. is paid on the sale or hire of pirated cassettes (except perhaps in some cases where legitimate and pirate trade are conducted in the same premises).

A great deal of this piracy takes the form of counterfeiting - in which the pirated copies are labelled and packaged so as to deceive the public and retail traders that they are the real thing. This involves costly processing and demonstrates that piracy is no longer only the province of small back-street offenders but is part of organised crime.

Video-piracy is costing copyright owners and legitimate traders some £120 millions a year through loss of sales and hire business.

Action against Video-Piracy

The urgent need is for much stiffer and more realistic penalties for criminal offences under Section 21 of the 1956 Copyright Act, both as a deterrent to piracy and an encouragement to police action in serious cases.

Although civil proceedings have been taken against video-pirates on many occasions, it is difficult to recover damages because of the "fly by night" nature of the offenders, the use of false names and companies without assets, etc.

Inspections of retail premises carried out by Trade Standards Officers under the Trade Descriptions Act can be helpful but are dependent on the varying policies of Local Authorities. They are not aimed at catching the large scale and more profitable operations in this field.

Provisions of the Bill

Existing penalties under Section 21 of the 1956 Copyright Act are a maximum fine of £25 per infringing copy with an overall maximum of £50 per transaction. On second and subsequent offences there is also the option of 2 months imprisonment. From April 1983, under the new Criminal Justice Act the £50 maximum per transaction will be increased to £200 and the 2 months imprisonment option will apply to first convictions.

Under the Copyright (Amendment) Bill the following increases in penalties for offences under the above-mentioned Section 21, in relation to films (which by definition under the 1956 Copyright Act includes video cassettes and discs) and sound recordings, would be applied:-

1. for the offences of selling or letting such articles for hire or, by way of trade, exhibiting or possessing them, the maximum fine imposed by a magistrate would be raised to £1,000 (level 5 on the standard scale) for each offence with the present option of 2 months imprisonment being retained.
2. for the graver offences of making such articles for sale or hire, importing them for other than for private and domestic use, or distributing them commercially or in such a way as to prejudice the copyright owner, a magistrate could impose a fine not exceeding the statutory maximum (currently £1,000) or, if the accused elected to be tried by jury or the magistrate considered a higher penalty appropriate, on indictment in the Crown Court, where an unlimited fine or imprisonment for up to two years could be imposed for each offence.

The Bill would give police power to apply to a magistrate, where reasonable grounds existed for suspecting the commission of one of the above offences, for a warrant authorising entry to premises, the seizure of articles which appear to be infringing copies or evidence in relation to the offence and the searching of any

suspected person found on the premises.

These powers are necessary to equate the position of the police with that of the plaintiff's agents in civil proceedings where an Anton Piller order has been obtained.

They are similar to powers given by many other recent statutes; without them it is considered that the police would be incapable, in the majority of cases, of apprehending the wrong-doers.

Government View of Bill's Proposals

Since it will take some considerable time to prepare comprehensive legislation to amend the 1956 Copyright Act, the Government favours immediate interim legislation to increase penalties for video-piracy offences. It will give support to a Private Member's Bill for this purpose.

This was confirmed in the House of Commons on December 12th 1982 by Mr. Patrick Mayhew MP, Minister of State, Home Office who, in replying to a Question by Mr. Hugh Dykes MP said:-

"The Government are very concerned at the growth of video piracy and accept the need to increase the maximum penalties for criminal copyright offences to provide an effective deterrent. I note that (Sir John Eden) has introduced a Bill to bring about such an increase early legislation is better than late legislation we are extremely sympathetic to the Bill which has been introduced by (Sir John Eden). The extent of the damage being done is estimated at £100 million".



The National Archives

LETTERCODE/SERIES <i>PREM 19</i>	Date and sign
PIECE/ITEM <i>1097</i> (one piece/item number)	
Extract/Item details: <i>Circular letter from Butler to "The Private Secretary dated 7 January 1983.</i>	
CLOSED FOR <i>40</i> YEARS UNDER FOI EXEMPTION	<i>29 May 2013 AWayland</i>
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
TEMPORARILY RETAINED	
MISSING ON TRANSFER	
MISSING	
NUMBER NOT USED	



The National Archives

LETTERCODE/SERIES <i>PREM 19</i>	Date and sign
PIECE/ITEM <i>1097</i> (one piece/item number)	
Extract/Item details: <i>Minute from Hatfield to Butler dated 6 January 1983, with 2 attachments</i>	
CLOSED FOR <i>40</i> YEARS UNDER FOI EXEMPTION	<i>29 May 2013 A Wayland</i>
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
TEMPORARILY RETAINED	
MISSING ON TRANSFER	
MISSING	
NUMBER NOT USED	

OLD

12 DOWNING STREET,
S.W.1.

With

The Private Secretary's

Compliments

GOVERNMENT LEGISLATIONSecond Reading

Civil Aviation (Eurocontrol)

Currency

International Transport Conventions (L)

Miscellaneous Financial Provisions

Pig Industry Levy

/ Representation of the People (L)

(ii) Standing Committee

British Shipbuilders

Conwy Tunnel (Supplementary Powers)

Divorce Jurisdiction, Court Fees and Legal Aid (Scotland)

Energy

Housing and Building Control

Police and Criminal Evidence

Telecommunications

Transport

(iii) Report and Third Reading

Water

(iv) Orders and Regulations

Financial Provisions (N.I.)

Date
LaidWhether
ControversialDate
RequiredBy P.C. meeting on
11/2

* Fishing Vessels

1/12

No

A.S.A.P.

Grants by Local Authorities

8/12

No

By early Feb.

HSG (Scotland) (2 Orders)

17/12

No

For debate, 17/1

Milk (N.I.)

19/10

No

No deadline

Quarries (N.I.)

19/10

No

No deadline

RSG Reports (England) (2 Orders)

16/12

Yes

For debate, 20/1

RSG (Scotland) (No. 2)

15/12

No

For debate, 17/1

Rating of Industry (Scotland)

16/12

No

By end of Jan.

Statutory Sick Pay

16/12

Yes

By end of Jan.

Welsh RSG Reports (3)

20/12

Maybe

For debate, 20/1

/ Consolidation

* S.I. Committee

Lords

Agricultural Marketing

Data Protection (L)

Dentists (L)

Health and Social Services and Social Security Adjudications (L)

Marriage (L)

Mental Health (Amendment) (Scotland) (L)

Merchant Shipping (L)

Mobile Homes (L)

National Heritage (L)

Plant Varieties (L)

Bills placed upon the Statute Book (4)

Commonwealth Development Corporation 1982

Electricity (Financial Provisions) (Scotland) 1982

Lands Valuation Amendment (Scotland) 1982

National Insurance Surcharge 1982



Prime Minister (2)

Government
Pressure for (dragging
assistance

RECORD OF A MEETING AT NO 11 DOWNING STREET AT 2.30PM ON
20 DECEMBER 1982 TO DISCUSS THE PARLIAMENTARY CONTROL OF
EXPENDITURE (REFORM) BILL

with Mrs Bill.

MS 21/12

Present:-

Chancellor
Lord President
Secretary of State for Industry
Chief Secretary
Financial Secretary

The Rt Hon Norman St John
Stevas MP
The Rt Hon Joel Barnett MP

(a) Status of the meeting

..... Mr St John Stevas handed over a new version (attached) of his draft Bill: the Chancellor thanked him, but said that the discussion would have to be on the basis of the previous version. The Lord President said that such discussions were valuable, but, whatever degree of agreement were reached, the Bill would remain a Private Members' Bill. The Chancellor thanked Mr St John Stevas for his letter of 15 December, following the last such meeting, but said that on the proposed widened scope of the audit, a wide, and perhaps unbridgeable, gap remained. The Government had very serious difficulty with the proposition that the scope should be extended to the nationalised industries and beyond; and he saw little prospect of agreement in this area, for the role envisaged for the Comptroller and Auditor General was one which the Government thought inimical to the commercial approach which they were trying to inculcate in nationalised industry management. On the issues of the Comptroller and Auditor General's status and role, it might however be possible to continue to narrow the areas of disagreement. The purpose of this meeting should be further to explain the Government's views over the problems of widened scope, and to point to particular specific problems on the less controversial area of status and appointment.



(b) Nationalised Industries

The Secretary of State for Industry asked how the sponsors of the Bill envisaged that C&AG access would operate in practice. The Government had envisaged that every three or four years the MMC would conduct a specific and clearly defined study, covering probably only a narrow area of the operations of the nationalised industry in question. His impression was that the Bill however envisaged that the C&AG would have continuing and automatic access to all nationalised industry accounts and papers. Mr St John Stevas suggested that the C&AG would operate in very much the way envisaged for the MMC. He would identify an area of possible weakness in the operations of the nationalised industry in question; he would then discuss the matter with the sponsoring department; and a specific enquiry would then be set in train. But Mr Barnett thought that access to nationalised industry papers, and in particular to monthly accounts, would be essential if he were to be able properly to identify areas which might require specific investigation. He acknowledged that this would mean that the C&AG had access to more nationalised industry papers than did the sponsoring Minister: increasing Parliamentary accountability was the object of the exercise. Mr St John Stevas thought that it would take some time for the C&AG to build up nationalised industry expertise: at the start he might operate on a limited front, but access, at least in theory, to all papers was, he agreed, a sine qua non. The Chancellor pointed out that this was a move in precisely the opposite direction to the one which the Government, with the support of the House, had been encouraging. It had been thought right to set a financial framework for the industries, through the EFR and EFL process, but then to adopt a "hands off" attitude, and to encourage the industries to adopt an appropriately commercial approach. To subject their working papers to routine scrutiny would totally undercut this approach. Hence the fundamental doubts in Government about this



part of the Bill.

(c) Local Authorities

The Chancellor then asked whether he could assume that, following the setting up of the Audit Commission, individual local authorities accounts would be excluded from the widened scope of the C&AG audit? Mr St John Stevas agreed, and said that the point was clarified in his latest draft of the Bill.

(d) National Health Service

The Chancellor then pointed out that under existing legislation the C&AG had full access to the records both of DHSS and of Health Authorities, and was thus able to report as he thought fit. It was not clear why NHS statutory audit therefore had to be included in the Bill. Mr Barnett said that the latest version of the Bill simply confirmed, without extending, the powers which the C&AG already had.

(e) "Value for money" and "effectiveness" audit

The Chancellor said that he saw no objection in principle to legislation recognising the existence of "value for money" and "effectiveness" elements in the audit. But the definitions used in the draft Bill were merely those used in a recent Green Paper, and were hardly precise enough to be appropriate to a statute. Mr St John Stevas took the point, and indicated that it might be possible to drop the definitions.

(f) Appointment of the C&AG

Mr St John Stevas said that, under the latest draft of the Bill, the appointment of the C&AG would continue to lie with the Crown, acting in response to an Address by the House of Commons: the Chairman of the PAC would move the Address, after consultation with the Prime Minister. The Chancellor saw serious difficulty with this procedure:



there was a risk of divergent advice to the Crown. The Chief Secretary pointed to the advantage, for this reason, of the proposal - aired at the meeting on 15 December - that advice to the Crown should come from a joint commission consisting of the Prime Minister and the Speaker. Mr Barnett thought that any Prime Minister would be ill-advised to give the Crown advice contrary to that contained in an Address from the House, but the Chancellor thought that the Crown would be bound to seek advice from the Executive on how to respond to an Address from the Legislature, not least because it was access to the papers of the Executive which was in question. It was agreed that the point would have to be further considered.

(g) Role of the Public Accounts Commission

The Financial Secretary pointed out that, now that Mr St John Stevas no longer envisaged that the Public Accounts Commission would appoint the staff of the National Audit Office, it was no longer clear what purpose the Commission would serve. Could references to it in the Bill be deleted? Mr St John Stevas thought not: it was necessary to mention it since the PAC could not be given a statutory existence and the House of Commons Commission were unwilling to take on, even notionally, the task of appointing the NAO staff.

(h) Future work on the Bill

Mr St John Stevas then asked for Government help with the drafting of the Bill. Its main shape was now, he thought, about right; but the precise language could be further improved, and there might be a need for schedules, eg listing the legislation being repealed, and setting out the procedure for appointing new staff. Only the Government had the detailed legal expertise which was required.

The Chancellor said that he was not empowered to offer assistance with drafting. The Bill was, and would remain, a Private Members' Bill. The most that he might be able to do would be to offer, after



Christmas, a note on some defects in the current draft. Mr Barnett said that this was not what was being sought; and Mr St John Stevas said that the Government must recognise that there was a very large Parliamentary majority in favour of a Bill along the lines of the present draft; that public opinion was equally in favour; and that the legislation would therefore reach the Statute Book, with or without Government help. He had already amended his draft in a number of significant respects to reflect points put to him by Government; and he now thought it right to seek the drafting assistance which would avoid time-wasting discussion in Committee on points of detail.

The Chancellor however pointed out that the Bill's sponsors and the Government still differed widely on the terms of the Bill. The principal difference concerned C&AG access to nationalised industry, and Companies Act Company, papers; but there were other differences, eg over method of appointment. Mr St John Stevas took note; and asked that the Chancellor should sympathetically consider the new draft, and let him have the Government's reactions to it, preferably before its publication, which would take place in the week beginning 11 January. The Chancellor agreed to consider this request, and see if a note could be provided after Christmas.

JOK

J O KERR
20 December 1982

Distribution:

PS/Chief Secretary
PS/Financial Secretary
PS/Economic Secretary
PS/Minister of State (C)
PS/Minister of State (R)
Sir Douglas Wass
C&AG List
Mr Ridley

Mr Scholar - No 10
PS/Lord President
PS/Secretary of State for Industry
PS/Sir Robert Armstrong

20/12 draft

Parliamentary Control of Expenditure (Reform) Bill

ARRANGEMENT OF CLAUSES

PART I

AUDITS AND EXAMINATIONS BY COMPTROLLER AND AUDITOR GENERAL

Clause

1. Economy, efficiency and effectiveness audits of public departments.
2. Economy, efficiency and effectiveness examinations of nationalised industries and publicly owned corporations and companies.
3. Economy, efficiency and effectiveness examinations of other public sector bodies.
4. Examination of books of other bodies.
5. External audit of Health Authorities.
6. Reports by Comptroller and Auditor General.

PART II

PUBLIC ACCOUNTS COMMISSION AND NATIONAL AUDIT OFFICE

7. Public Accounts Commission.
8. Functions of Comptroller and Auditor General and Commission.
9. National Audit Office.
10. Directions by Committee of Public Accounts.

PART III

MISCELLANEOUS

11. Repeal of 1866 and 1921 Acts.
12. Expenditure.
13. Short title and commencement.

1

Parliamentary Control of Expenditure (Reform)

A

B I L L

To strengthen Parliamentary control and supervision of A.D. 1982 expenditure of public money by making new provision as to the duties and powers of the Comptroller and Auditor General; by establishing a Public Accounts Commission and a National Audit Office; to make provisions as to the post and duties of accounting officer; and for connected purposes.

BE IT ENACTED

..... , as follows:-

PART I

AUDITS AND EXAMINATIONS BY COMPTROLLER AND AUDITOR GENERAL

Economy, efficiency and effectiveness audits of public departments.

1.--(1) The Comptroller and Auditor General shall have power to carry out economy, efficiency and effectiveness audits of the programmes and projects of public departments and all bodies of which he is the appointed auditor or to which he has inspection rights.

(2) The Comptroller and Auditor General shall have access to any documents which in his opinion is required in order to enable him to carry out his duties under this section.

Economy,
efficiency
and effective-
ness examina-
tions of
nationalised
industries and
publicly owned
corporations
and companies.

2.-(1) The Comptroller and Auditor General shall have power to carry out economy, efficiency and effectiveness examinations of the programmes and projects of nationalised industries, publicly owned corporations and publicly owned companies.

(2) Major examinations under this section shall be undertaken only after consultation with sponsoring departments.

(3) The Comptroller and Auditor General shall have access to any documents which in his opinion is required in order to enable him to carry out his duties under this section.

(4) The Comptroller and Auditor General may report to Parliament on any examinations under this section.

Economy,
efficiency
and effective-
ness examina-
tions of
other public
sector bodies!

3.-(1) The Comptroller and Auditor General may, if he thinks fit, carry out economy, efficiency and effectiveness examinations of any public sector body the income of which is mainly derived from moneys provided by Parliament.

(2) In this section 'public sector body' shall not include a nationalised industry or a local authority.

(3) The Comptroller and Auditor General shall have access to any documents which in his opinion is required in order to enable him to carry out his duties under this section.

(4) The Comptroller and Auditor General may report to Parliament on any examinations under this section.

Examination
of books of
other bodies.

4.-(1) The Comptroller and Auditor General shall have power to examine the books of other bodies which are mainly supported from moneys provided by Parliament so far as he considers this to be necessary in order to enable him to examine the use/effectiveness of such grants or loans.

(2) The Comptroller and Auditor General may report to Parliament on his examinations under this section.

External audit
of Health
Authorities.

5. The Comptroller and Auditor General shall have power to conduct external audits of Health Authorities.

Reports by
Comptroller
and Auditor
General.

6. The Comptroller and Auditor General shall have power to report the results of his audits and examinations to the House of Commons at any time.

PART II

PUBLIC ACCOUNTS COMMISSION AND NATIONAL AUDIT OFFICE.

Public
Accounts
Commission.

7.-(1) There shall be a body of Commissioners named the Public Accounts Commission which shall perform the functions conferred on it by this Act.

(2) The Commission shall consist of Members of the House of Commons appointed by resolution of that House and shall include the Chairman of the Committee of Public Accounts.

functions of
Comptroller
and Auditor
General and
Commission.

8.-(1) The Comptroller and Auditor General shall prepare an annual estimate of the expenses of the National Audit Office which shall be the subject of the approval of the Commission acting on the advice of the Committee of Public Accounts after consultation with the Treasury.

(2) The Comptroller and Auditor General, on behalf of the Commission, shall appoint all staff in the National Audit Office and shall determine their numbers and remuneration and other terms and conditions of service.

(3) The Commission shall appoint an accounting officer for the National Audit Office.

(4) The Commission shall appoint an auditor for the National Audit Office.

National Audit
Office.

9.-(1) A National Audit Office shall be established, of which the Comptroller and Auditor General, who shall be an Officer of the House of Commons in virtue of his appointment, shall be the head, which shall assist the Comptroller and Auditor General.

(2) The appointment of head of the National Audit Office shall be made under letters patent by the Crown following an Address of the House of Commons, and no motion shall

be made for such an Address unless it is made by the Chairman of the Public Accounts Committee after consultation with the Prime Minister.

(3) The Office shall consist initially of staff transferred from the Exchequer and Audit Department, subject to section 8(2) above.

(4) The expenses of the office shall be borne on a separate Vote.

Directions by Committee of Public Accounts. 10.-(1) The National Audit Office ^{may} ~~may~~ examine any programme or project of a body which the Comptroller and Auditor General either audits, or to which he has access, when requested to do so by the Committee of Public Accounts, and the results of any such examination shall be reported to the House of Commons.

(2) The Comptroller and Auditor General shall have complete discretion as to the manner in which examinations are conducted under this section.

PART III

MISCELLANEOUS

Repeal of 1866 and 1921 Acts. 11. The Exchequer & Audit Departments Act 1866 and the Exchequer & Audits Departments Act 1921 are repealed to such an extent as is necessary to give effect to the provisions of this Act.

1866 c.39

1921 c.52

Expenditure. 12. Expenditure by the Comptroller and Auditor General and the National Audit Office under the provisions of this

or any other enactment shall be defrayed out of moneys provided by Parliament.

short title
and commence-
ment.

13.--(1) This Act may be cited as the Parliamentary Control of Expenditure (Reform) Act 1982.

(2) This Act shall come into operation on 1st January 1984.

Parliamentary Control of Expenditure (Reform)

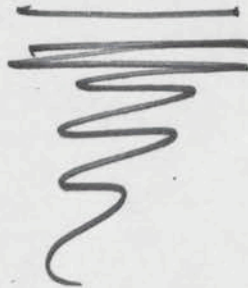
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B I L L

To strengthen Parliamentary control and supervision of expenditure of public money by making new provision as to the duties and powers of the Comptroller and Auditor General; by establishing a Public Accounts Commission and a National Audit Office; to make provision as to the post and duties of accounting officer; and for connected purposes.

Presented by Mr Norman St. John-Stévas,

Supported by Mr Joel Barnett, Mr Edward du Cann, Mr Richard Wainwright, Mr John Roper, Mr Terence L. Higgins, Sir John Biggs-Davison, Mrs Renée Short, Mr Peter Tapsell, Mr John Garrett, Mr Peter Hordern, and Mr Robert MacLennan.



Ordered, by the House of Commons
to be printed, 1 December 1982



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

Parliament

*Ch
17/12*

Miss L. M. Furlonger,
Office of the Parliamentary Counsel,
36 Whitehall.

16th December 1982

Dear Miss Furlonger,

MARRIAGE BILL

As you know Ministers have agreed that this Bill should be introduced in the House of Lords. I am sorry that we were unable to clear the financial and Explanatory Memorandum in time to allow introduction today as we had hoped. The Memorandum attached to the draft Bill printed on 16th November 1982, has now been agreed by the Treasury and the way is clear for introduction on Monday 20th December. I should be grateful if you could arrange for introduction on Monday and publication on Tuesday 21st December. The Whips' Office in the Lords, are arranging the Bill to be introduced on behalf of Lord Elton.

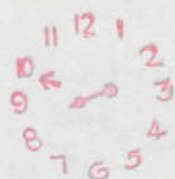
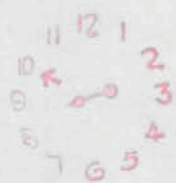
I am sending copies of this letter to Willie Rickett (Prime Minister's Office), Leonard Harris (Cabinet Office), David Heyhoe (Lord President's Office), Murdo Maclean (Chief Whip's Office, Commons), Michael Pownall (Chief Whip's Office, Lords) and Brian Shillito.

T. C. Morris

T. C. MORRIS
Parliamentary Clerk

13 DEC 1982

17 DEC 1982



5/6
"For Information"



Parliament
wh
14/12

CABINET OFFICE

70 Whitehall, London SW1A 2AS Telephone 01-233

15 December 1982

Dear Private Secretary

LEGISLATIVE PROGRAMME 1983-84

I am writing to ask you for your Minister's proposals for legislation in 1983/84.

2. You will have seen a copy of the Home Secretary's minute of 25 October to the Prime Minister. The Home Secretary drew attention to the fact that a General Election must be held in or before the Spring of 1984, and suggested that Departments' proposals for legislation in 1983-84 would have to be framed in a way that would enable the Government to plan for two possible situations:

- (a) an election in the Spring of 1984, which would mean -
 - (i) a short Session of up to six months starting in October/November 1983, followed by
 - (ii) the first Session of a new Parliament, starting in the Spring of 1984 and presumably continuing until July 1985; and
- (b) an election in or before the autumn of 1983, followed by the first Session of a new Parliament starting in October/November 1983.

The Home Secretary therefore proposed that Departments should be asked to divide their legislative proposals for 1983/84 into the following three categories:

Category A. Bills considered suitable for a Session starting in October/November 1983, whether this turns out to be a short or a normal session. (Bills in this category must therefore be capable of passing through Parliament in a maximum of six months.)

Private Secretary to -

The Prime Minister

Enc

1

Category B. Additional Bills considered suitable for a Session starting in October/November 1983 if this turns out to be a normal Session (ie the first Session of a new Parliament);

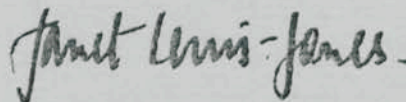
Category C. Bills not included in category A or B which are considered suitable for a long Session starting in the Spring of 1984.

The Prime Minister has agreed to the Home Secretary's proposals.

3. I should accordingly be grateful if you would let me have four copies of your Department's summary of proposals for Bills in each of these three categories, set out in the form at Annex A, together with four copies of the form at Annex B for each Bill. I enclose notes for guidance on the completion of the forms. We should be grateful if you would follow these closely.

4. I should be grateful to receive replies not later than Friday, 21 January 1983, and earlier than that if possible.

Yours sincerely



JANET A LEWIS-JONES

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ANNEX A

(Please provide a separate list for each of the Categories A, B and C described in the covering letter)

DEPARTMENT'S BILLS PROPOSED FOR THE
LEGISLATIVE PROGRAMME 1983-84

Please list each Bill in its proposed category of essential, programme, contingent or other, and in its order of priority within that category.

CATEGORY (essential, contingent etc)	TITLE OF BILL	LENGTH
---	---------------	--------

CONFIDENTIAL

OUTLINE FORM FOR EACH BILL PROPOSED FOR 1983-84 LEGISLATIVE PROGRAMME

1. DEPARTMENT
2. TITLE OF BILL
3. LENGTH OF BILL
4. PURPOSE OF BILL
5. PROPOSED CATEGORY (ESSENTIAL, CONTINGENT, ETC))
6. DEPARTMENTAL PRIORITY
7. STATE OF READINESS
8. TIMING
9. PARLIAMENTARY PROCEDURE
10. THE POLITICAL DIMENSION
11. PUBLIC EXPENDITURE AND MANPOWER IMPLICATIONS
12. EUROPEAN COMMUNITY (EC) IMPLICATIONS

NOTES ON COMPLETING THE FORMS FOR EACH BILL PROPOSED FOR
1983-84 LEGISLATIVE PROGRAMME

1. DEPARTMENT

2. TITLE OF BILL

3. LENGTH OF BILL

An estimate of the length of the Bill is needed so that the demands on drafting capacity and Parliamentary time can be assessed at the earliest possible stage. An accurate forecast of the number of clauses and schedules will not normally be possible, but some indication such as "very short" (not more than 3-4 clauses), "short" (up to 12 clauses), "medium" (12-25 clauses), "substantial" (25-50 clauses), or "long" (over 50 clauses) would be useful. Where a Bill would cover more than one distinct topic, please give some indication of what proportion of the Bill would be devoted to each topic.

4. PURPOSE OF BILL

Please list the various topics in the Bill (with a brief indication of the purpose of each). The list should cover all the topics likely to be included in the Bill. There is likely to be resistance by the business managers and other members of Legislation Committee to substantial additions at a later stage to the Bill as described in the form.

5. PROPOSED CATEGORY (ESSENTIAL, CONTINGENT, ETC)

Where a Bill would cover more than one distinct topic, the appropriate category should be indicated separately for each topic.

The categories for proposed Bills are -

I Essential. Bills which must be enacted during 1983-84 - eg because existing powers or finance would otherwise expire or because of treaty obligations. Please give the reason(s). This category should not be used simply to reflect a high political priority. Additional non-

essential items can sometimes be included in an essential Bill, but consideration will need to be given to the length of the Bill and to the need to avoid controversial provisions which might affect the Bill's enactment by the required date.

II Contingent. Bills which might during 1983-84 become Essential as defined above.

III Programme. Bills which can already be identified as being desirable and likely to be ready for enactment during 1983-84. The reasons for enacting the Bill in 1983-84 should be stated and any specific disadvantage in delay made clear. (See also 10 below).

IV Other. Bills which do not have sufficient priority for the Programme category but which there would be advantage in enacting in 1983-84 if Parliamentary time could be found. Any which might be suitable for a Private Member should be separately identified.

6. DEPARTMENT PRIORITY

Please mark each of your bids for legislation with the strict order of priority within each category.

7. STATE OF READINESS

We need to have the best possible estimates of the date by which -

- a. Ministers' collective policy clearance will be sought (ie from the appropriate Ministerial Cabinet Committee). Please indicate specifically those policy areas which remain to be settled or on which policy decisions may be protracted;
- b. complete instructions will be ready for Parliamentary Counsel;
- c. the Bill is expected to be ready for introduction.

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

8. TIMING

Please give, with reasons, the date by which Royal Assent is needed for Essential and Contingent Bills and target dates, if any, for the enactment of Bills in other categories. It would be helpful to distinguish between Bills for which early Royal Assent is desirable and those for which Royal Assent by a certain date is likely to be essential, eg because borrowing limits will otherwise be exceeded.

9. PARLIAMENTARY PROCEDURE

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

- a. Second Reading Committee procedure in the Commons - that is, the Bill is likely to be accepted on all sides of the House as uncontroversial and of little or no political significance;
- b. Special Standing Committee Procedure - that is, consideration by a Standing Committee empowered to hold up to three evidence-taking sessions within a limited period before detailed consideration of the Bill. Would the Bill be a suitable candidate for this procedure? Bills for Special Standing Committee Procedure should be of some significance, but should not be controversial in a party political sense;

- c. Scottish or Welsh Grand Committee procedure in the Commons;
- d. Offering to a Private Member successful in the ballot - that is, short, simple, non-constitutional, non-controversial in party political terms and without significant financial implications;
- e. Lords introduction

If it is known that a Bill will be hybrid, please say so.

10. POLITICAL ASPECTS

Please state whether any firm public commitments have been given by the Government about the Bill's introduction or timing. Please also cover briefly -

- its likely reception in the House;
- whether there is pressure from groups representing particular interests;
- whether it will be controversial politically or for any other reasons;
- whether it will appeal to or be strongly opposed by any particular sections of the community;
- what the attitude of the official Opposition to it will be;
- whether it will arouse particular interest in the House of Lords.

11. PUBLIC EXPENDITURE AND MANPOWER IMPLICATIONS

Please indicate the effect on central and local government expenditure and manpower of the proposed Bill for the PESC period, and whether PESC provision has been made for any necessary expenditure. Any separate implications for the Public Sector Borrowing Requirement (PSBR) should also be mentioned, especially if they affect the date by which Royal Assent is required (see 8 above).

12. EUROPEAN COMMUNITY (EC) IMPLICATIONS

Please say whether the Bill is required to fulfil any European Community (EC) commitments. If so, any relevant timing considerations should be mentioned under 8 above.

DRAFT CABINET PAPER

PARLIAMENTARY CONTROL OF EXPENDITURE (REFORM) BILL

Mr St John Stevas' Private Member's Bill is down for Second Reading on 28 January. It is intended to implement the recommendations of the Public Accounts Committee (PAC) in their First Special Report of 1980-81. (Other Committees had previously made similar recommendations.) The main principles of the Bill are that the appointment of the C&AG and his staff should not be in the Government's hands, and that the range of the audit should be "wherever public money goes" - in particular to include the nationalised industries and many public companies.

2. In the Government's reply to the Report (Cmnd 8323) we accepted the need for new legislation to update the statutory description of the Comptroller and Auditor General's (C&AGs) functions; but were not convinced of the immediate need for the radical changes proposed by the PAC. Following an adjournment debate on 30 November 1981 an Early Day Motion collected nearly 300 signatures in favour of the PAC's recommendations. We have since been discussing minor concessions (within existing legislation) with Messrs Barnett and Du Cann and others following discussion in E Committee on 9 February 1982.

3. The initiative is however now with Mr St John Stevas. Although he has asked for co-operation in drafting the legislation, he is determined to proceed, with the support of the movers of the Early Day Motion. He is confident that his Bill will command very wide support; and the Lord President believes that this confidence is not misplaced. Our White Paper arguments were and are sound, but we cannot now expect that a majority in Parliament will accept them as overriding the constitutional argument about accountability which dominates their thinking. I believe therefore that we should now concentrate on seeking to negotiate with Mr St John Stevas and his associates a specification for the Bill which will be sensible and workable, and minimise the adverse consequences of moving too far in

/the direction

the direction urged by some of the extremists; and if we can negotiate a specification, we should offer the services of Parliamentary Counsel to help with the drafting, working to agreed instructions. This will give us a much better chance of influencing the Bill, and ending up with a tolerable piece of legislation, than would be likely if we wait for the Bill to be presented in the form currently proposed by Mr Stevas, and then attempt piecemeal amendments against the mood of the House.

INDEPENDENCE OF THE C&AG AND HIS STAFF

4. The Comptroller and Auditor-General is at present an office holder under the Crown, appointed on the advice of the Prime Minister who consults the Chairman of the PAC. His staff are civil servants of the Exchequer and Audit Department. Any change in the manner of his appointment could involve constitutional considerations, and it is important that we should not concede that he and his staff should become employees of the House. They would then become liable to directions from the House which could include any of its Committees. That would raise serious problems about their access to the Government's files.

5. I believe we must seek to ensure the independence of the C&AG and his staff both from the Government and from Parliament (other than by Act of Parliament). The national audit should be conducted as a professional operation with proper audit objectives; it should not be made to react to particular and transient interests of Members or Parliamentary Committees or the press. The C&AG could not, of course, ignore representations made to him - from Government as well as others - but the decision on what he and his staff should do should be his and his alone.

6. On that basis it should be acceptable that he should retain his present powers of access to papers which have, by consent over many years, allowed not only for statutory certification audit but also for value-for-money and effectiveness studies. C&AG investigations, and PAC examinations, have always scrupulously avoided policy issues:

/they have

they have been audit-based, ie concerned with past, not future, expenditure. This must remain the case; for on any other basis we could easily find ourselves obliged to impose, and defend, restrictions of access for particular investigations.

SCOPE OF THE AUDIT

7. Annex A deals fully with the position of the nationalised industries. The arguments against involving the C&AG there and in such companies as BL, Rolls Royce etc are sound, but my judgement is that they will not carry the day, against the appeal of the simplistic PAC formula of "following public money wherever it goes". I therefore think we must now concentrate on how far, rather than whether, this should be accepted. As regards the nationalised industries, I suggest the following:

- a. Access to the books of nationalised industries and private companies should be through a separate branch of the proposed National Audit Office, to consist of staff with adequate qualifications and experience to understand the commercial scenario in which they operate. The MMC should be withdrawn.
- b. Studies in the nationalised industries should follow a systematic programme determined by the C&AG in consultation with the Government and others.
- c. For private-sector companies, I should prefer to confine access to those where the Government has a controlling interest (BL, Rolls Royce and possibly Cable and Wireless). There will be pressure to extend this to other companies where the Government holds shares, either directly (British Aerospace, Britoil, BP) or through BTG - but these are commercial concerns and we should resist E&AD crawling over their business if possible. There will also be pressure to "follow public money" into other companies which receive substantial assistance in grants, loans or guarantees

/eg the £200m

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eg the £200m guarantee to ICL). Again we should resist this if possible - but at worst I should want to try to find some way of distinguishing these cases of substantial selective assistance from the ordinary run of small-scale or automatic grants (Regional Development Grants, agriculture, and so on).

OTHER MATTERS

8. Other issues on which I believe we should seek to agree with Mr. St. John Stevas and his backers are listed in Annex B.

CONCLUSION

9. A lot of this is very disagreeable; and it will, in particular, be difficult to ensure that the change in respect of the nationalised industries is conducive to more efficient management. But I am convinced that if we do not go as far as is proposed in Annex B we shall be in a poor tactical position. We need to influence the initial drafting of the Bill. If it were to be tabled in a form which reflects only the PAC's proposals, we would, in moving amendments in Committee, appear to be trying to avoid full accountability to Parliament.

10. I therefore seek approval to negotiate with the backers of the Bill on the lines of the Annex B to this paper; and if successful to offer drafting assistance to and support for the Bill.

GOVERNMENT LEGISLATION(i) Second Reading

Civil Aviation (Eurocontrol)
 Commonwealth Development Corporation
 Conwy Tunnel (Supplementary Powers)
 Currency
 Electricity (Financial Provisions) (Scotland)

(ii) Committee of Whole House

National Insurance Surcharge

(iii) Standing Committee

Agricultural Marketing
 British Shipbuilders
 Divorce Jurisdiction, Court Fees and Legal Aid (Scotland)
 Energy
 Housing and Building Control
 Police and Criminal Evidence
 Telecommunications
 Transport
 Water

(iv) Orders and Regulations

<u>Orders and Regulations</u>	<u>Date Laid</u>	<u>Whether Controversial</u>	<u>Date Required</u>
*Animal Welfare Package (2 Orders + 2 Codes)	24/11	No	By Xmas
Appropriation (No 3) (N.I.)	17/11	No	For debate, 9/12
Commonwealth Foundation	26/11	No	By Xmas
Company and Business Names	24/11	No	By Xmas
Criminal Injuries (N.I.)	25/11	No	By P.C.meeting on 22/12
Customs Duty (Personal Reliefs)	16/11	No	For debate, 6/12
*Double Taxation Relief (2 Orders)	24/11	No	No deadline
Films	7/7	Yes	A.s.a.p
Fishing Vessels	1/12	No	By Xmas
*Hill Livestock	23/11	Maybe	By Xmas
Legal Aid (Scotland)	1/12	No	By Xmas
Milk (N.I.)	19/10	No	No deadline
Monopolies and Mergers	22/11	No	By Xmas
Northern Ireland (Emergency Provisions)	1/12	Yes	For debate, 9/12
Oil Taxation	1/12	No	By Xmas
Parliamentary Constituencies (N.I.)	23/11	No	By P.C. meeting on 11/2

<u>(i) Orders and Regulations (Cont.)</u>	<u>Date Laid</u>	<u>Whether Controversial</u>	<u>Date Required</u>
Pneumoconiosis	16/11	Maybe	By Xmas
Quarries (N.I.)	19/10	No	No deadline
RSG Supplementary Report (England)	28/7	Yes	A.s.a.p.

*S.I. Committee

Lords

Dentists (L)

Health and Social Services and
Social Security Adjudications (L)

International Transport Conventions (L)

Mental Health (Amendment) (Scotland) (L)

Merchant Shipping (L)

Mobile Homes (L)

National Heritage (L)

Plant Varieties (L)

Representation of the People (L)

Consolidation

G10
12 DOWNING STREET,
S.W.1.

With
The Private Secretary's
Compliments

GOVERNMENT LEGISLATION(i) Second Reading

Commonwealth Development Corporation
 Conwy Tunnel (Supplementary Powers)
 Currency
 Electricity (Financial Provisions) (Scotland)
 National Insurance Surcharge
 Police and Criminal Evidence
 Telecommunications

(ii) Standing Committee

Agricultural Marketing
 British Shipbuilders
 Divorce Jurisdiction, Court Fees and Legal Aid (Scotland)
 Energy
 Housing and Building Control
 Transport
 Water

(iii) Orders and Regulations

	<u>Date Laid</u>	<u>Whether Controversial</u>	<u>Date Required</u>
Animal Welfare Package (2 Orders + 2 Codes)	24/11	No	By Xmas
Appropriation (No 3) (N.I.)	17/11	No	By P.C. meeting on 22/12
Company and Business Names	24/11	No	By Xmas
*Coypus (Keeping)	25/10	No	By Xmas
Criminal Injuries (N.I.)	25/11	No	By P.C. meeting on 22/12
Customs Duty (Personal Reliefs)	16/11	No	By 6/12
Double Taxation Relief (2 Orders)	24/11	No	No deadline
*Employment Subsidies Act 1978	19/10	No	By 20/12
Films	7/7	Yes	A.s.a.p.
*Grants by Local Authorities	4/11	No	By 30/11
*Grants by Local Authorities (Scotland)	8/11	No	By 30/11
Hill Livestock	23/11	Maybe	By Xmas
*Housing (Scotland)	4/11	No	By 30/11
*Immature Spirits (Rum)	11/11	No	By 1/12
Industrial Training Levy	24/11	Maybe	A.s.a.p.
Milk (N.I.)	19/10	No	No deadline
*Mink (Keeping)	25/10	No	By Xmas
Monopolies and Mergers	22/11	No	By Xmas

(iii) <u>Orders and Regulations</u> <u>(Cont.)</u>	<u>Date</u> <u>Laid</u>	<u>Whether</u> <u>Controversial</u>	<u>Date</u> <u>Required</u>
Parliamentary Constituencies (N.I.)	23/11	No	By P.C. meeting on 11/2
Pneumoconiosis	16/11	Maybe	By Xmas
Quarries (N.I.)	19/10	No	No deadline
RSG Supplementary Report (England)	28/7	Yes	A.s.a.p.

*S.I. Committee

Lords

Dentists (L)

Health and Social Services and
Social Security Adjudications (L)

International Transport Conventions (L)

Mental Health (Amendment) (Scotland) (L)

Mobile Homes (L)

National Heritage (L)

Plant Varieties (L)

12 DOWNING STREET,
S.W.1.

With

The Private Secretary's

Compliments

GOVERNMENT LEGISLATION(i) Second Reading

Commonwealth Development Corporation
 Conwy Tunnel (Supplementary Powers)
 Currency
 Divorce Jurisdiction, Court Fees and Legal Aid (Scotland)
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 Transport
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(iii) <u>Orders and Regulations</u>	<u>Date Laid</u>	<u>Whether Controversial</u>	<u>Date Required</u>
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*Employment Subsidies Act 1978	19/10	No	By 20/12
Films	7/7	Yes	A.s.a.p.
*Grants by Local Authorities	4/11	No	By 30/11
*Grants by Local Authorities (Scotland)	8/11	No	By 30/11
*Housing (Scotland)	4/11	No	By 30/11
*Immature Spirits (Rum)	11/11	No	By 1/12
*Merchant Shipping	18/10	No	By 1/12
Milk (N.I.)	19/10	No	No deadline
*Mink (Keeping)	25/10	No	By Xmas
Pneumoconiosis	16/11	Maybe	By Xmas
Quarries (N.I.)	19/10	No	No deadline
RSG Supplementary Report (England)	28/7	Yes	A.s.a.p.
Social Security (Contributions)	8/11	Maybe	For debate, 24/11
Social Security (Contributions Re-Rating)	8/11	Maybe	For debate, 24/11

*S.I. Committee

Lords

Health and Social Services and
Social Security Adjudications(L)

International Transport Conventions (L)

Mental Health (Amendment) (Scotland) (L)

Mobile Homes (L)

National Heritage (L)

PART 9 ends:-

Govt Legislation 28/10/82

PART 10 begins:-

L(82) 154 Mtg-Item 3 9/4/82

