CC/96
2

Prime Minister:

The Motion will essentially confirm the present quasi-voluntary nature of the Register of Members Interests

11/12

PRIME MINISTER

LOBBYISTS

At the meeting that you held on 1 July, it was agreed that the Government should arrange a debate on the First Report of the Select Committee on Members' Interests. At the same time, we would table a Motion to confirm and clarify the responsibilities of Members with regard to the registration in the Register of Members' Interests, and declaration, of their paid activities as Parliamentary 'advisers' and 'consultants'.

As agreed, consultations have been held through the usual channels and a 3-hour debate will take place on Tuesday 17 December. The Motion to be moved will invite the House to take note of the Committee's Report and to endorse a proposal on the above lines. It will not, however, endorse the Committee's recommendations in respect of the outside financial interests of the Press Lobby, Secretaries, Research Assistants and Parliamentary Groups. These are essentially secondary to the main issue concerning the activities of Members and have so far aroused little interest.

The Chairman of the Select Committee, Geoffrey Johnson-Smith, the Chairman of the 1922 Committee and the Opposition Parties are generally content. Opposition to the Motion could come from Willie Hamilton and David Winnick who may try to amend the Motion, possibly on the lines that Members should declare the specific amount of payment that they have received for lobbying activities. It is on the latter point that most

./...

of the recent criticism of MPs' lobbying activities has centred. I suspect that the debate will not attract many speakers but it will demonstrate the Government's awareness of the issue and the importance it attaches to the Register being as comprehensive as possible. I understand that the Chief Whip will ensure that the Payroll is present at the end of the debate.

As to the question of Research Assistants and passes mentioned in Mr Maclean's letter to Mr Butler of 12 July, there will be an opportunity for the House to discuss all these matters when it comes to debate Research Assistants generally. The Chief Whip and I hope to arrange this for February/March 1986.

I am copying this minute to Cabinet colleagues, the Chief Whip and Sir Robert Armstrong.

W.J.B.

WJB

11 December 1985

10 DOWNING STREET

From the Private Secretary

12 December 1985

This is just to record that the Prime Minister has seen and noted the Lord Privy Seal's minute of 11 December about lobbyists and his proposals for handling the debate next week.

She was content with this approach.

(Timothy Flesher)

Miss Alison Smith,
Lord Privy Seal's Office

CONFIDENTIAL

file LPO
LO3AHE

10 DOWNING STREET

From the Principal Private Secretary

16 July 1985

CONFLICT OF INTEREST IN THE HOUSE OF COMMONS: LOBBYISTS

Thank you for your letter of 12 July. The Prime Minister was interested to see that steps are being taken to control the access of some research assistants and others concerned with lobbying to Parliament. This is one aspect of the problem, but of course the Prime Minister and her colleagues had in mind the wider question of the activities and methods of lobbyists when they discussed this matter on 1 July.

I am copying this letter to Joan MacNaughton (Lord President's Office, David Morris (Lord Privy Seal's Office), Alex Galloway (Paymaster General's Office) and Richard Hatfield (Cabinet Office).

FERB

Murdo Maclean, Esq.,
Chief Whip's Office.

CONFIDENTIAL

From: The Private Secretary

1. Mr Fletcher
2. Prime Minister
This only deals with a very small facet of the problem.

RERB
15.7.

Government Chief Whip
12 Downing Street, London SW1

12 July 1985

CONFIDENTIAL

Dear Lobbies,

CONFLICT OF INTEREST IN THE HOUSE OF COMMONS: LOBBYISTS

In your minute of 1 July to Sir Robert Armstrong you recorded that the Lord President and the Chief Whip should give further thought to ways of discouraging the activities of parliamentary lobbyists and protecting Members of Parliament from the pressures which the tactics of these firms were now imposing upon them.

The Chief Whip has discussed this matter with the Lord President and and with the Lord Privy Seal as well as with the Assistant Serjeant at Arms.

As you know, the Select Committee on Members' Interests point out that there are research assistants and others with privileged access to the House whose principal interest is in fact in the fields of lobbying and public relations and they propose that the House should be made aware of such cases. The Committee accordingly recommended that holders of permanent passes as Members' secretaries or research assistants should be required to register any other paid occupation which they follow and that this information should be available to Members. Following the Chief Whip's discussion with the Assistant Serjeant at Arms it has emerged that there is a further category of photopass which is issued at the discretion of the Serjeant at Arms. These are known as "Category 30 photopasses". Since the last security report on 30 September the number of category 30 passes which were issued has increased from 247 to 391 and included organisations like the Association of County Councils, water authorities, the Association of District Councils, British Nuclear Fuels and several representatives of commercial firms whose job in life

is to badger Members.

This question is now being raised with the Serjeant at Arms to see whether a greater check can be kept on the numbers issued and the people who hold them and the security angle is also under consideration.

In addition, both the Lord President and the Chief Whip believe that the House should give Guidelines on the issue of these passes rather than leave it entirely to the discretion of the Serjeant at Arms.

This, and other relevant matters which arose during the course of last Friday's debate will be kept under review.

I am sending a copy of this letter to Joan MacNaughton, David Morris, Alex Galloway and Richard Hatfield.

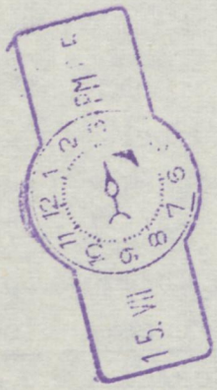
Yours ever.

Murdo MacLean

M MacLean

F E R Butler Esq

H/C Procedures; Parliament Pt 7.



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QUESTIONS TO THE PRIME MINISTER

The Clerk to the Committee has provided a background note (PMQ1) to this issue.

The main points that emerge are:

(i) confirmation that the popularity of 'engagement' questions continues to grow (i.e. reinforcement of the argument that the present form of PM's Question Time broadly reflects the wishes of most Members);

(ii) the ineffectiveness of exhortation in changing the practice of the House (the recommendations of the 1976-7 Procedure Committee, summarised at para. 2 of PMQ1, have made little or no difference.)

It seems likely that the basis of the Committee's questioning will be focussed on the proposals for change indicated in the attached note as having been discussed at the Committee's meeting on 11 June.

(i) a new scheme for encouraging specific questions by a system of 'two stage tabling' - the second stage being the tabling of the specific terms of the question 'no later than 2.30 p.m. on the day before the Prime Minister was due to answer' : Speaker would discourage supplementaries on remaining 'open' questions;

(ii) P.M's questions on only once a week (Wednesday?), but for half an hour.

Questions that are likely to be raised seem likely to include:

(i) would the system retain topicality;

(ii) would P.M's questions only once a week affect other business, attendance etc;

(iii) what evidence is there of dissatisfaction with 'open question' system; if so, why does it continue to grow? would a straightforward ballot (with or without 'open' questions) be preferable?

is understood that the Leader of the Opposition shares the Ministerial ference for the retention of the status quo. From a Ministerial wpoint a single half-hour could in adverse circumstances be less readily dled than two shorter sessions, and 24 hours notice of questions might be an adequate quid pro quo. More generally, it could be argued t the proposals would deprive P.M's Question Time of a degree of icality, and of an unpredictability that has its place in the procedure the House.

eover, it seems doubtful whether the Prime Minister would wish, under se proposals, to give an unqualified commitment never to transfer stions, however detailed and related to the responsibilities of a ticular Minister. No 10's view on any 'non-transfer' undertaking e problems ii) have been sought, but have not yet been received.

ote of the Lord Privy Seal's discussion with the Prime Minister on June is attached. The general line was agreed that whilst acknowledging t the matter was one for the House it might be emphasised that the sent system has evolved because most Members seem to want it that way. introduction of televising proceedings might provide an appropriate ortunity for further review.

hort historical note on the development of P.M's questions is also ended.

SRW

Subject
(Lobbying)

10 DOWNING STREET

From the Principal Private Secretary

Sir Robert Armstrong

CONFLICT OF INTERESTS IN THE HOUSE OF COMMONS: LOBBYISTS

The Prime Minister was grateful for your submission of 19 June (A085/1684) covering a note for further discussion by Ministers. The Prime Minister had a word about this with the Lord President, the Lord Privy Seal, the Chief Whip and the Paymaster-General this morning.

The Lord Privy Seal suggested that this matter would best be dealt with in the context of the response to the first report from the Select Committee on Members' Interests 1984/85. It would be possible, following consultations through the usual channels, for the Government to arrange a debate on this report and to include a resolution embodying recommendations already made by the Select Committee to the effect that members should declare to the House lobbying activities and names of individual clients for whom they were performed. The definition of lobbying activities previously made by the Select Committee on Members' Interests was already wide. If such a resolution could be agreed with the Opposition Front Bench, it could make it much more normal for members to declare interests of this sort and thus would be likely to curb the growth which had recently occurred.

In discussion, it was recognised that the Opposition might well seek to amend such a resolution in a way designed to discriminate against Conservative members. On the other hand, it was pointed out that the Opposition Front Bench could be expected not to support such efforts; and if agreement was reached through the usual channels, there was a good prospect of getting a helpful resolution accepted. It was pointed out, however, that this would not by itself deal with the activities of Parliamentary lobbyists: this was a separate question but some of the tactics being used by firms of lobbyists - for example on the Bill abolishing the Metropolitan Authorities - had been highly questionable.

Summing up the discussion, the Prime Minister said that the general view was that a Ministerial group was not necessary. The question concerning the activities of members should be pursued on the lines proposed by the Lord Privy Seal, in the context of the first report from the Select Committee on Members' Interests 1984/85. The Lord President and the Chief Whip should give further thought to ways of discouraging the activities of Parliamentary

BM

lobbyists and protecting Members of Parliament from the pressures which the tacts of these firms were now imposing upon them.

I am copying this minute to Miss MacNaughton (Lord President's Office), Mr. Morris (Lord Privy Seal's Office), Mr. Maclean (Chief Whip's Office) and Mr. Galloway (Paymaster-General's Office).

F.E.R.B.

1 July 1985

EC

10 DOWNING STREET

From the Private Secretary

MR HATFIELD
Cabinet Office

attached

The Prime Minister has now seen Sir Robert Armstrong's minute of 19 June with which he enclosed a note produced by officials following Cabinet discussion on conflict of interests in the House of Commons. Before she decides on how best to proceed, the Prime Minister would like to discuss the paper with the Lord President, the Lord Privy Seal, the Chief Whip and the Paymaster-General. A suitable occasion will arise next Monday (1 July). I am therefore arranging for the report to be circulated to them. A copy of this minute therefore goes to Miss MacNaughton (Lord President's Office), Mr. Morris (Lord Privy Seal's Office), Mr. Maclean (Chief Whip's Office), and Mr. Galloway (Paymaster-General's Office).

TIM FLESHER
24 June 1985

EC

cc M.A. 1

Prime Minister:

It might be useful to discuss this informally with the LPS, the Lord President, Chief Whip and Chairman before reading in decisions on how to proceed. Agree to circulate for the meeting on Monday week?

Ref. A085/1684

PRIME MINISTER

Yes pse

Conflict of Interests in the House of Commons: Lobbyists

Attached

JF 21/6

Following discussion at Cabinet of 7 March 1985 (CC(85)8th Conclusions, Minute 1) I was asked to provide material for fuller discussion by Ministers, covering the present position and possible courses of action to constrain 'lobbying' activities by MPs and thereby narrow the scope for conflicts of interest. I attach a note covering this ground.

2. You envisaged that fuller discussion should be by a small group of Ministers. Unless you want to chair this yourself, I suggest that the Lord Privy Seal should take the chair and that the other members of the Group might be:

Lord President of the Council
Home Secretary
Secretary of State for Trade and Industry
Chief Whip
Minister of State, Treasury

3. If you are content, I will make the necessary arrangements.

Will discuss as above

RA

Approved by
ROBERT ARMSTRONG
and signed in his absence

19 June 1985

CONFLICT OF INTEREST IN THE HOUSE OF COMMONS: LOBBYISTS

Note by the Secretary of the Cabinet

1. At CC(85)8th meeting, concern was expressed about the increasing number of Members of Parliament who were being retained to represent specific interests there and the potential conflicts of interest to which this gave rise. I was accordingly instructed to prepare material on the present Parliamentary rules and conventions governing Members' conflicts of interest and on the possibilities for action as a basis for discussion by a group of Ministers. A summary of the present Parliamentary rules and conventions in this field, including those relating to the registration of Members' interests, is at Annex A. The remainder of this note considers the problems and possible courses of action.

The Problem

2. An increasing number of Members of Parliament are being paid, directly or indirectly, by companies, trade associations, and other outside bodies, to act as 'consultants'. In the present register of Members' interests some 120 Members list consultancies, an increase of about 50% over last year's figure. Some Members are direct employees of the bodies concerned; others are directors of public relations firms and professional 'Lobbying' organisations. All are likely to be expected to 'lobby', in various degrees and in varying ways within the Parliamentary system, in the interests of their employers or clients. The problem for consideration is how to reduce the risk that the growth of financial relationships of this kind may exercise an improper influence on Members in carrying out their Parliamentary duties, and conflict with their responsibilities to their constituents and the nation.

3. The problem is not new. It was considered by the Select Committee on Members' Interests (Declaration) which reported in 1969 and led to the adoption of a formal resolution on declaration of interest (see Annex, para 7) and eventually to the establishment of the Register of Members Interests in 1975 (see Annex, paras 3 to 6). The 1969 Committee proposed also that paid lobbying should

be expressly forbidden but this fell foul, inter alia, of what are serious difficulties of definition - drawing a line between what should be unacceptable and what should continue to be permitted.

Difficulties of Definition

4. The 1969 Select Committee drew a distinction between advocacy of a cause in Parliament for a fee or retainer and "advancement of an argument by a Member who through a continuing association with an industry, service or concern from which he may obtain some remuneration, is able to draw upon specialist knowledge of the subject under debate." The latter they regarded as acceptable, the former as not. Building on this they defined what was unacceptable as:

> "A Member bringing forward by speech or question, or advocating in this House or among his fellow Members any bill, motion, matter or cause for a fee, payment, retainer or reward, direct or indirect, which he has received, is receiving or expects to receive."

It should be noted that this definition would not cover a Member advising for reward an organisation, company, etc. on Parliamentary affairs or tactics provided he does not himself act as an advocate for them. It would also be unlikely to catch Members who, as company directors, members of professions or farmers, may nonetheless be in a position to "lobby" on behalf of particular interests, and in certain circumstances might be expected to do so. It could, on the other hand, be held to cover the activities of "union sponsored" Members and to rule out, for example, the paid representation by Members of the interests of such bodies as the Police Federation, which Ministers might not want action against paid "lobbyists" to cover.

5. If the definition used by the 1969 Select Committee is thought to go too wide, it would be possible to narrow it by for example:-

(a) excluding "indirect" payments; or

(b) providing for specific exemptions, such as trade union sponsorship.

(a) might be too easily exploited and (b) would be difficult, though perhaps not impossible, to justify. Further possibilities would be:

(c) exempting advocacy based on a continuing association with particular firms, industries, or bodies such as trade unions.

With such an exemption the definition would catch lobbyists who might be advocates for one interest one day, and for another interest the next day, thus dealing with the argument that the main difficulty arises when members cannot be sure who a lobbyist Member is speaking for. Members with a continuing (and by implication well-known) association with a particular body would not be covered. If may, however, be argued that "occasional" lobbying is no more reprehensible than "continuous" lobbying;

(d) limiting the definition to advocacy where payment is from or on behalf of a "commercial" body (including "commercial" consultancies). This would not catch non-profit making bodies such as trade associations, charities or trade unions. Again this would not be completely defensible but would rest on the assumption that a distinction can be made between those cases where there is a commercial interest at stake (whether of the consultancy itself or of its clients) and those where there is not. The definition would be designed to catch the most recent development of commercial lobbyist consultancies.

6. The acceptability of particular definitions is also likely to depend on what action is proposed. One reason why the 1969 Select Committee definition ran into trouble was undoubtedly because it was proposed effectively to prohibit paid advocacy as defined. With action short of prohibition, the precision of the definition might not matter so much.

Possible Course of Action

7. The main courses of action, in ascending degree of severity are:-

(a) Codification and restatement, preferably by Resolution, of the existing rules as they apply to Members acting as paid Parliamentary lobbyists. Such restatement might emphasise, for example, that registration of an interest does not absolve a Member from declaring his interest on specific occasions. Regular declarations might deter both Member and employer.

(b) Extension of the existing rules on declaration and registration. For example, some arrangement for declaring an interest when asking Parliamentary Questions might be envisaged. The rules for registration of lobbyist interest might be extended to cover declaration of amounts received, and clarified as regards the registration of clients. Improved arrangements for policing and enforcing the rules might also be considered.

(c) A bar on Members receiving payments as Parliamentary lobbyists could be implemented by a Resolution.

8. These possibilities are not, of course, mutually exclusive. For example, the most severe course of action (7(c)) could be restricted to a fairly narrow definition of lobbyist (eg. that at 5(d)) and combined with less severe action (such as 7(a)) for lobbyists more widely defined (eg. the definition in paragraph 4 without amendments). Other combinations would be possible.

9. Clearly the problem of finding an acceptable definition of lobbyist will be greater the more severe the action proposed. Moreover bearing in mind the questions raised by Mr Powell M.P. and others over the authority of the Resolution relating to the Register of Members Interests, whatever was done might prove extremely difficult to enforce.

HANDLING

10. If Ministers conclude that it is worth trying to secure some change in this area, they will wish to consider how best to carry matters forward. The issue is likely to be seen by Members as very much a "House matter". The alternatives, therefore, seem to be:

(i) to raise the matter through the usual channels, to see whether there might be action on the basis of all-party agreement. This seems unlikely, and might, in any case, be unacceptable to the House.

(ii) to put Government proposals to the Select Committee on Members' Interests.

The Committee has recently issued a report (First Report from the Select Committee on Members' Interests 1984-85) on parliamentary lobbying, but its recommendations are confined to proposals requiring the registration of details of the ex-House employment of various categories of non-Members (eg. lobby journalists and Members' research assistants) having privilege access to Parliament. The report does not propose any new restrictions on Members.

It does, however, appear to offer some potential scope for the clarification of the existing rules with regard to the registration of clients by Members engaged in paid 'lobbying'.

If Ministers, possibly in the light of reactions expressed by Members in a debate on this Report, concluded that these recommendations were inadequate, it would be open to the Government to propose that the matter be referred back to the Committee on a broader basis.

If a Government view were expressed in evidence to the Select Committee, there could be no assurance that it would necessarily prevail, or that an extended enquiry (and its recommendations) could be prevented from spilling over into the consideration of barring other outside interests. The drafting of the reference might lessen this risk, but could not entirely prevent it. It might also be difficult for Ministers subsequently to recommend more severe rules or sanctions than those which the Committee might recommend. Any reference to the Committee would presumably need to be preceded by informal consultations through the usual channels.

CONCLUSION

11. Ministers will wish to consider;

(i) what solution to seek to the problem of potential conflict of interest to which paid lobbying by Members of Parliament gives rise, taking into account -

(a) the difficulty of defining "paid lobbying" in an acceptable way (paras 4 and 5), and

(b) the courses of action available (paras 7 and 8).

They will also wish to consider, in the light of that,

(ii) how to carry matters forward, whether through the usual channels, by reference to the Select Committee on Members Interests, or otherwise.

Cabinet Office
19 June 1985

ANNEX A

Members of Parliament

Outside Interests and Conflicts of Interest

1. With certain exceptions (such as those provided for in the House of Commons Disqualification Act 1975) a Member of Parliament is free to take up outside paid employment. It is, however, incumbent on a Member of the House accepting any form of benefit from an outside source to ensure that in so doing he does not enter into any commitment which conflicts with his overriding constitutional duty to Parliament and to his constituents as a whole. If any outside body from whom a Member receives a financial benefit seeks to influence a Member improperly - by insisting, for example, that he votes in a particular way - they would be guilty of a serious breach of Parliamentary privilege, and could be charged with contempt of the House.

2. In exercising their judgement of what constitutes acceptable conduct in matters of this kind Members are assisted by formal rules of the House relating to -

(a) The Registration of Interests;

(b) The Declaration of Interests in debating; and

(c) Voting on matters in which they have a pecuniary interest.

The rules relating to these matters are summarised below.

A. THE REGISTER OF MINISTERS' INTERESTS

3. Since 1975, following a report by a Select Committee on Members' Interests (Declaration)(Session 1974-75), Members have been required, under the authority of Resolutions of the House, to register nine specific categories of interest. These are as follows:

(1) remunerated directorships of companies, public or private

(2) remunerated employments or offices - Ministerial office and membership of the European Parliament, Council of Europe, Western European Union and the North Atlantic Assembly do not need to be registered.

(3) remunerated trades, professions or vocations.

(4) the names of clients when the interests referred to above include personal services by the Member which arise out of or are related in any manner to his membership of the House.

(5) financial sponsorships, (a) as a parliamentary candidate where to the knowledge of the Member the sponsorship in any case exceeds 25 per cent of the candidate's election expenses, or (b) as a Member of Parliament, by any person or organisation, stating whether any such sponsorship includes any payment to the Member or any material benefit or advantage direct or indirect. This subsection includes gifts in relation to a Member's parliamentary duties, other than those received from abroad to which category 7 applies. It is, however, not necessary for a Member to register the fact that he is supported by his local constituency party.

(6) overseas visits relating to or arising out of membership of the House where the cost of any such visit has not been wholly borne by the Member or by public funds - overseas visits undertaken on behalf of the Inter

Parliamentary Union, the Commonwealth Parliamentary Association, the Council of Europe, the Western European Union and the North Atlantic Assembly, or by any institution of the European Economic Communities need not be registered.

(7) any payments or any material benefits or advantages received from or on behalf of foreign Governments, organisations or persons.

(8) land and property of substantial value or from which a substantial income is derived. A Member's home need not be declared, unless he also receives an income from it.

(9) the names of companies or other bodies in which the Member has, to his knowledge, either himself or with or on behalf of his spouse or infant children, a beneficial interest in shareholdings of a nominal value greater than one hundredth of the issued share capital.

The purpose of this public register is defined as being 'to provide information of any pecuniary interest or other material benefit which a Member of Parliament may receive which might be thought to affect his conduct as a Member of Parliament or influence his actions, speeches or vote in Parliament.'

4. A Member is only required to enter the source of his remuneration or benefit and not the amount received, although beneficial interests in shareholdings only have to be declared if they constitute a material value more than one hundredth of the issued share capital.

5. A Select Committee, under the chairmanship of Sir G Johnson-Smith, monitors the compilation and operation of the register. The Registrar is one of the Clerks of the House.

6. The receipt of payment as a 'lobbyist' is not separately identified as a registrable interest, although clearly within the

general scope of the register under one or other of these nine hearings.

B. DECLARATION OF INTERESTS IN DEBATE

7. It is a rule of the House, applying to almost all proceedings, that a Member speaking in debate must declare any relevant pecuniary interest or pecuniary benefit of whatever nature, whether direct or indirect, that he may have had, may have or may be expecting to have.

C. VOTING ON MATTERS AFFECTED BY PECUNIARY INTEREST

8. 'No Member who has a direct (personal) pecuniary interest in a question is allowed to vote on it', (Erskine May, 20th Edition, page 411). Whilst, Members have no doubt often voluntarily refrained from voting on these grounds, cases of a Member being formally debarred for this reason from voting on a public matter are extremely rare.

Cabinet Office
23 April 1985

File

MR MORRIS

You asked for a short historical note on the arrangements for P.M's Questions. This is attached.

A more extended historical note is at paragraphs 11 to 24 of Annex 2 to the Fifth Report from the Select Committee on Procedure (Sessional Committee) 1976-7 'Questions to the Prime Minister'.

M W TOWNLEY
17 June 1985

PRIME MINISTER'S QUESTIONS: HISTORICAL BACKGROUND

1. The present arrangements for Prime Minister's Question Time, whereby Questions to the Prime Minister are taken at 3.15 pm for ¼ hour on Tuesdays and Thursdays, date from 1961.

2. From 1904 until 1960 the Prime Minister had been liable to answer Questions not later than No 45 on Mondays, Tuesdays, Wednesdays and Thursdays. From the early 1950s, however, the convention grew up that the Prime Minister answered personally only on Tuesdays and Thursdays. Briefly, in 1960-61, this convention became formalised on the basis that Questions to the Prime Minister were taken on Tuesdays and Thursdays beginning at No 40.

3. The arrangements for "Prime Minister's Questions" were last considered by a Procedure Committee in 1976-77 (Fifth Report of the Select Committee on Procedure (Sessional Committee), Session 1976-77). The main conclusions of this Committee were that the Prime Minister should retain more Questions for personal answer (this has been accepted by successive Prime Ministers); and that fewer "indirect" Questions of the "official visit" kind should be tabled. This latter recommendation appears to have had little influence. Prime Minister's Question Time had previously been considered by the Select Committee on Parliamentary Questions in 1971-72 which had concluded that they were unable to propose any procedural changes that would relieve the current pressures on Prime Minister's Question Time. They did, however, recommend that for an experimental period Prime Minister's Questions on Tuesdays should be extended by 15 minutes until 3.45 p.m. This recommendation was not adopted.

4. The Select Committee on Procedure of 1977-78, which had general terms of reference, did not make any recommendations in this field.

Open Questions

5. Indirect or "open" Questions to the Prime Minister first came to notice as a device in Session 1971-72. They were then 10 per cent of all Questions to the Prime Minister. By 1976-77 they had grown to 58 per cent of PM's Questions. The reason generally given for their growth is that they provided a successful way of combating the previous tendency for Prime Ministers to devolve Questions put to them to a Departmental Minister.

6. "Open" Questions to the Prime Minister were last substantively considered by the 1976-77 Procedure Committee (Fifth Report of the Select Committee on Procedure (Sessional Committee), Session 1976-77. That Committee made the following recommendations:

"(1) The Prime Minister should retain for answer by himself more Questions that raise wide or important issues, even if strictly speaking they fall within the responsibilities of a Departmental Minister, on the lines of the proposal contained in the letter from the Prime Minister's Secretary of 18 April (Annex 1).

(2) Members should table fewer Questions of the "official visit" or "official engagement" type ("indirect Questions) and more Questions of the kind the Prime Minister has now said he is prepared to retain.

(3) "Indirect" Questions should not be grouped for answer with identical Questions on the paper for that day.

(4) Mr Speaker should enforce stricter rules of relevance on supplementary questioning arising from "indirect" Questions to the Prime Minister."

Successive Prime Ministers have accepted the first recommendation, but the others seem to have had little effect.

7. In evidence to the Committee the Principal Clerk of the Table Office suggested for consideration two possibilities (paragraphs 28 to 33 of Annex 2 to the report). These were:

(a) that in respect of oral Questions to the Prime Minister the Speaker might be given power to promote "direct" Questions above "indirect" Questions;

and (b) that a Question, if drafted in an indirect form, should be ruled out of order.

8. The Committee did not adopt these proposals. They referred (paragraph 7) to "the extreme difficulty of devising a definition of "indirect" Questions that would defeat the ingenuity of Members", and also to the potential value of "indirect" Questions in promoting topically, spontaneity and flexibility.

SUGGESTED OPENING REMARKS IN RESPONSE TO POSSIBLE OPENING 'IS THERE ANYTHING YOU WISH TO SAY GENERALLY ABOUT THE WORKING OF S.O. NO 10?'.

"I do not think there is much I can add to what I said in my letter to you, Mr Chairman, in my letter of 4 June, which I believe the Committee have seen.

It seems to me that some procedure of this kind is probably essential. How effectively it works, and whether it takes up a disproportionate amount of Parliamentary time, depends essentially on the self discipline imposed by the great majority of Members, and the influence they can exert on those few Members on both sides who might otherwise abuse it.

As I calculate it from the Clerk's memorandum, the House has spent a maximum of about six or seven hours a Session in hearing unsuccessful applications made under the procedure. But I do not think this means that all this time is necessarily wasted. The Member concerned has had his opportunity to make his point when the 'iron is hot', so to speak, and the fact that he can do so in this way seems to me not only a useful Parliamentary right, which he may not be able to exercise so effectively in any other way, but retains in our proceedings a valuable element of unpredictability. If the procedure is sometimes exploited, as it undoubtedly is, I would personally see this as a not unreasonable price to pay, unless any abuse became a good deal more blatant than has been the case hitherto."

WORKING OF STANDING ORDER NO 10

The Clerk of the House has provided the Committee with a note on the history and working of this Standing Order (PMQ 5), and it seems likely that this, together with the Lord Privy Seal's letter of 4 June 1985 will provide the basis of the Committee's questioning.

Salient points in the Clerk's memorandum include the following:

(i) it was the acknowledged purpose of the revised procedure introduced in 1967 (and effectively endorsed by the rejection by the House of the 1976-77 proposed changes) that more 'emergency' debates would be granted;

(ii) very few applications are <u>granted</u> (2 or 3 a session); but a much greater number are <u>sought</u> (average from 1976-77 to 1983-84 58; 84 in 1983-84: the range of subject matter (paras 13 and 14) is varied;

(iii) average time taken up is 4.73 minutes per application (say, 6½ hours in 1983-84); proceedings took more than 8 minutes on 11 occasions).

Specific questions that may be asked arising out of questions raised in the Clerk's paper include the following:

(i) <u>Opposition 'emergency' debates on Opposition ½ days</u>

The 1976-77 Committee recommended that the Opposition

should be able to earmark four half supply (Opposition) days for debates of which they would only be required to give 'a clear day's notice'. The Clerk suggests that if the Committee wished to reserve S.O. 10 debates for backbenchers they might wish to have another look at this idea.

Any such changes would presumably be unwelcome to Ministers, as giving the Opposition an opportunity to override the Parliamentary time-table on any day they chose, and at short notice. If raised, it is suggested that the line taken might be: "My immediate reaction is that it is probably best to keep separate the arrangements for 'emergency' debates and those for the use of 'Opposition days'; and that the need for special 'emergency' debates of an SO 10 kind should be left to the Speaker's judgement, as at present."

(ii) Q. Should a time limit be placed on proceedings under S.O.10?

A. I doubt whether this is practicable, although I should very much support Mr Speaker in his view that Members should be able to make their submissions within three minutes or so.

(iii) Q. Should a minimum number of Members have to be present in the Chamber before a S.O. 10 application can be made?

A. As I said in my letter to the Chairman I doubt whether this would be acceptable to the House. I see this procedure as a valuable safety-valve, and I do not think we should complicate its operation. A maximum of

six or seven hours a session does not seem to me too unreasonable a price to pay.