



Ref. A086/668

PRIME MINISTER

The Legislative Programme 1986-87 and 1987-88

FLAG A (C(86) 8)

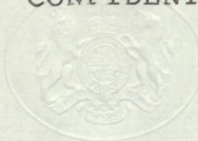
BACKGROUND

The Lord President's memorandum (C(86) 8) contains the recommendations of the Queen's Speeches and Future Legislation Committee (QL) for next Session's legislative programme. The Bills recommended by QL are listed at Annex A to C(86) 8. A full list of the 55 bids is at Annex B to C(86) 8, together with summaries of the individual Bills.

2. QL has proposed a programme of one essential, 19 programme, seven uncontroversial and four contingent Bills. The total of 27 "active" Bills is a reduction of six over the total proposed to Cabinet last year. However, as the memorandum points out, the Channel Fixed Link Bill, to be introduced in this Session, will, as a hybrid Bill, be carried over into the 1986-87 Session. QL decided that a smaller total was necessary in the light of a possible General Election towards the end of the Session. Nonetheless, the programme category contains only two Bills fewer than that proposed last year and 10 of these are substantial in size.

3. The programme section contains a number of politically controversial and weighty Bills. These include:

- a. Water Authorities Privatisation - an extremely long Bill which will deal with the privatisation of water authorities and the consequential organisational changes in flood relief and drainage.



b. Local Government - to restructure the system of local authority capital controls and provide for greater contracting out of local authority services.

c. Social Security - to carry further forward the reforms introduced in this Session's Social Security Bill.

d. Criminal Justice - making clear improvements in many parts of the criminal justice system, increasing certain penalties and providing for the victims of crime.

e. Local Government Finance Reform (Scotland) - to restructure local government finance in Scotland, in line with the Green Paper.

f. Copyright and Intellectual Property - to hive-off the Patent Office, restructure copyright law and impose a levy on blank audio-tapes.

g. Banking - to strengthen the role of the Bank of England in supervising the banking sector.

4. QL has discussed its provisional recommendations with departmental Ministers and inevitably had to disappoint some. The following Ministers are expected to argue for the reinstatement of their bids:

The Secretary of State for Education and Science may press for action to be taken on Corporal Punishment. Recent advice from the Law Officers has indicated that administrative action to meet the ruling of the European Court of Human Rights would not be appropriate. The passage of the Education Bill through the House of Lords, this Session, might lead to amendments to abolish corporal



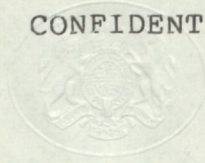
punishment in schools altogether. Any further decision on this subject should therefore be left at least until after the passage of the Education Bill.

The Secretary of State for Employment may press for the inclusion of a Bill to remove the closed shop (Industrial Relations) or a deregulation Bill to ease the burden of the Health and Safety at Work Regulations on small firms. QL took the view that the first carried some dangers in the current climate of success on industrial relations, whilst the second was insufficiently important, given what could be done by administrative means in the context of the existing law. Both would be late introductions.

The Secretary of State for Social Services may argue for Child Care. This is an attractive Bill, but QL felt that it required more preparation than could be given to it before the start of the Session, and that taking it on board would damage progress on more important Bills.

Alleviation of Human Infertility may well cause problems during the course of the Session, especially if a Private Member takes up a Bill similar to that of Enoch Powell's Unborn Children (Protection) Bill. But QL regarded the problems of constructing a Government measure in this area as being too great and, on balance, preferred the option of having to deal with Private Members legislation as and when it arose.

The Home Secretary may argue that a Bill to provide for the relaxation of licensing restrictions should be kept in the programme. There has been no policy decision on this yet and QL members took the strong view that this was not a subject to deal with in the wake of the Shops Bill and shortly before a General Election.



The Secretary of State for Transport will argue strongly for Merchant Shipping, which has now been in the frame for several years. It would be a useful measure for the shipping industry, but has potential for some controversy and is rather lengthy. He will also press Dartford Crossing; the policy here is still uncertain and this would be another hybrid Bill.

HANDLING

5. You will wish to invite the Lord President to introduce C(86) 8. You may then wish to ask the Lord Privy Seal if he has anything to add from the point of view of Commons business next Session.

Size of Programme

6. The first point to establish is the size of the programme. The Committee have recommended a total of 27 Bills, 19 of which are programme Bills. Does Cabinet agree that this is about the right number? Inevitably, the programme will in the event also include some Bills which have not yet been foreseen. The possibility of an Election during the course of the Session means that Members of Parliament will wish to spend more time in their constituencies and there is a premium on Bills which can be ready for introduction at the start of the Session. If Cabinet accepts that the programme is of the right size, it follows that any additions must be balanced by deletions.

Programme Bills

7. On substance, the Cabinet might first deal with the most important part of QL's recommendations - the programme category. You may wish to invite the Secretary of State for Education and Science to open the discussion, since none of his three bids have been selected. He might then be followed by the Secretary



of State for Employment who similarly has not received places for any of his bids. Do Cabinet agree with QL's conclusions about Industrial Relations?

8. You may then wish to invite the Secretary of State for Transport to make his case for Merchant Shipping and Dartford Crossing. If Cabinet wish to accept either of these, what do they suggest should be deleted? The Secretary of State for Trade and Industry has two substantial Bills, Consumer Goods and Services and Copyright and Intellectual Property.

9. There are three Department of the Environment Bills in the programme, one of which, Broads, is specifically designed to please the "Green" lobby. Do any members of Cabinet feel that this is too high a proportion of the programme? The Home Secretary also has two major Bills, Criminal Justice and Fire Precautions and Crowd Safety. In the circumstances, can the Home Secretary really expect a place for Licensing (Amendment)?

Uncontroversial and Contingent Bills

10. These Bills should not give rise to much discussion. The uncontroversial Bills are included on the basis that they will be suitable for Second Reading Committee procedure in the House of Commons and they may accordingly be blocked by the Opposition. They are all small and will in any case have a lower drafting priority than the programme Bills.

1987-88 Session

11. This will be the third year in which Cabinet has been invited to award five advance places for the next but one Session. So far, this has proved reasonably successful in ensuring that work on major Bills is carried forward in good time. The circumstances of what must be the final Session of a Parliament are rather different, but QL concluded that it was



nevertheless appropriate to continue the advance place scheme. The Lord President's memorandum makes it clear, however, that the Committee do not wish to put forward any recommendations for the 1987-88 Session until Cabinet has made its decisions about the 1986-87 Session. They clearly have it in mind that certain of the disappointed candidates from the next Session might well deserve a place in 1987-88. You may therefore wish to bear in mind, during the discussion of the 1986-87 Session, that a number of places could be given for the following Session. The memorandum makes it clear that Child Care is one such Bill. Environment and Merchant Shipping would be others. There are, in addition, five bids for advance places for 1987-88; these are listed in Annex B to C(86) 8: Tenants Protection is perhaps the most attractive of these.

12. If discussion does not clearly reveal the wishes of Cabinet in respect of 1987-88, you may wish to refer the issue back to QL.

CONCLUSION

13. You will wish Cabinet to agree on:

- a. The overall size of the programme for 1986-87.
- b. Any changes to the essential programme, contingent and uncontroversial sections as recommended in Annex A to C(86) 8.
- c. Any obvious candidates for an advance place in the 1987-88 programme. The finalisation of the advance places could be referred to QL.



14. You will also wish to guide the Cabinet to note the importance of restricting the content of Bills to that agreed and of maintaining or improving on the timetables noted in Annex B to C(86) 8.

RA

ROBERT ARMSTRONG

26 February 1986