

CONFIDENTIAL



ce BT. CBS

Prime Minister<sup>2</sup>  
ms  
DHS  
18/4

PRIME MINISTER

POSSIBLE INDUSTRIAL ACTION BY PRISON OFFICERS

Colleagues may find it helpful to know how I intend to approach the handling of the industrial action threatened by prison officers. As I write, it is not yet clear whether the leadership of the Prison Officers' Association (POA) intends to plunge into immediate action or to try to use the mandate we know it has gained (but which has not yet been announced) to strengthen its position in renewed discussions with management. We need, however, to be ready with our response if action arises.

THE POA'S INTENTIONS

Any POA action seems likely to be designed to cause maximum disruption to the prison system at minimum cost to its members. We know from the literature the Association has issued to its members that strike action is excluded. Subject to that, however, there is a wide range of disruptive action which the Association could take, ranging from the temporary withdrawal from prisons of key staff (such as catering staff) to a ban on overtime or a repetition of the action the Association took in 1980-81, when its members refused to admit prisoners to establishments until the population of the establishment had been reduced to match the certified normal accommodation (CNA). We judge that the POA are likely to begin with guerilla action at the lower end of the scale, possibly stepping this up following their annual conference which is due to be held in Folkestone on 19-24 May.

Although the result of the POA ballot indicates a sizeable majority for industrial action, there are signs that this masks considerable uncertainty among POA members about the issues in dispute and the effect of the ballot. So the leadership of the POA may well find difficulty in securing the support of its members for actual industrial action, particularly if this adversely affects members' earnings.

EFFECT OF INDUSTRIAL ACTION ON PAY NEGOTIATIONS AND OTHER DISCUSSIONS

The Treasury is leading in negotiations with the POA about this year's pay settlement, which also comprehends a reduction in the working week. I believe that an early part of management's response to industrial action should be the breaking off of these and any other negotiations in progress, until the POA calls off its action. We have repeatedly warned POA members that action will put various things they want in jeopardy, and we must demonstrate that these were not mere words.

CONFIDENTIAL

## OVERALL RESPONSE

Beyond this there is a spectrum of possible responses by management to industrial action. Our response will need to embrace both the application of sanctions to those taking industrial action and measures to cope with the operational consequences of that action. Our total response - i.e. the mix of sanctions and operational action - will have to be tailored to the form of the POA's action.

Against that background it would be possible for us to play the industrial action long, trying to contain the operational consequences and to avoid major escalation. The attraction of this approach is that it aims to minimise escalation. The disadvantage is that it would leave staff practically untouched by the consequences of their action, would send confusing signals to local management and might result in a fudged outcome.

Present indications are that the prison governors will give us reasonable support, given that we will continue to focus on the central issue of "who manages the prison service?", on which they are at one with us. Provided (an important proviso) that this support is maintained, I intended to adopt a more positive approach. This will aim, first, at trying to win away from any action those prison officers who are not disposed to lose money by making it clear that those who do take action will be heavily penalised for it. Secondly, our operational response will be aimed at trying to contain the problem so far as possible within the prison service. We shall therefore seek to make maximum use of our own resources of management and such staff as remain loyal, and use inmate labour as far as possible to keep prisons going.

If, however, POA action leads to prisoners being excluded from prisons, we could not avoid recourse to police cells. The second level of our response will therefore follow the pattern of 1980/81 and include an appeal to the courts to limit receptions, bolstered if necessary by the introduction of emergency legislation designed to enable magistrates' courts to remand prisoners in custody in their absence. These proved valuable measures last time. But before we undertook them we should clearly want to be able to demonstrate convincingly, to the judiciary and to Parliament, that circumstances justified them. I will consult colleagues again should legislation appear necessary.

Beyond this, there is a range of further responses, which are politically more difficult but which we should need to address if matters reached that stage. One course would be to open camps and deploy troops, which again was done in 1980/81 but which has the difficulty that there are probably only two or three camps which the Ministry of Defence could make available to house prisoners. In addition the armed forces have traditionally been reluctant to involve themselves too deeply in industrial disputes.

There are, however, two other courses of action which we would need to consider at the same time:

- (1) the use of executive release - under section 32 of the Criminal Justice Act 1982 I have the power to order the release of sentenced prisoners up to six months earlier than they would otherwise be discharged if I consider this necessary in order to make the best use of the places available for detention. Inmates sentenced for certain types of offence (including offences of violence and drugs offences) are excluded from the ambit of the provision. Nevertheless, the difficulties in using this power are obvious and I regard it as one to be deployed only in an extreme circumstance. But its use would have to be considered if, for example, police cells proved incapable of accommodating the overflow of prisoners. Although politically difficult, there is no doubt that the POA would see its use as a firm signal of the Government's resolve to ensure that they could not win industrial action;
- (2) exploiting the POA's lack of immunity under the Trade Union and Labour Relations Act 1974. This is an oddity. I am advised that, as an unintentional result of the drafting of the relevant legislation, the POA is not covered by the immunities from civil actions for damages normally available to trade unions involved in a trade dispute. (This is a result of the interaction between section 8 of the Prison Act 1952 and the definitions of "worker" and "police service" in section 30 of the 1974 Act and of "trade dispute" in section 29 of that Act). This lack of immunity would enable us to seek an injunction against the POA NEC pending the trial of an action for damages against them. We believe that the POA realise their vulnerability in this respect, but both they and the Department have behaved up to now as if immunity existed, as is evidenced by the POA decision to ballot its members as if the Trade Union Act 1984 also applied to it.

Exploiting this legal loophole would no doubt lead to charges of bad faith and Opposition attempts to link our action with the events at GCHQ. At the same time many of our own supporters take the view - as indeed I do - that the prison service should be on a par with the police in this respect and should not be open to disruption by the POA as it is at present. I do not believe that the POA's lack of immunity is something to be exposed early on in the dispute, not least because to do so would radically change the nature of the argument from that on which we have succeeded in focussing debate so far; that it, the right to manage. But we might well want to consider this question again if other efforts to resolve the dispute prove unsuccessful.

And on a par for pay?

## THE GOVERNMENT'S CASE

Alongside the steps I have mentioned, we shall continue our efforts to underline the extent of the Government's practical support for the prison service and to expose and remedy the inefficiencies in working practices and systems which exist in the service at present. The report of a study, involving outside consultants, of shift systems and complementing for prison officers should be available by the end of this week. I shall be minuting colleagues about it as soon as I have had the opportunity to consider the Prisons Board's advice on the outcome of the study.

## CONCLUSION

For the present, I invite you and other colleagues to note the general approach which I intend to take in dealing with industrial action by POA members, and the range of responses which are open to us.

I am copying this minute to the Lord President, the Lord Chancellor, the Chancellor of the Exchequer, the Secretaries of State for Defence, Employment, Scotland and Northern Ireland, the Lord Privy Seal, the Chancellor of the Duchy of Lancaster, the Attorney General and Sir Robert Armstrong.

*Douglas Hurd*

17 April 1986

CONFIDENTIAL

*file*

*CAS*

*bc BG  
(8)*



10 DOWNING STREET

*From the Private Secretary*

21 April 1986

*Dear Stephen,*

**POSSIBLE INDUSTRIAL ACTION BY PRISON OFFICERS**

The Prime Minister was grateful for the Home Secretary's minute of 17 April in which he set out his approach to the handling of the industrial action threatened by Prison Officers. The Prime Minister read it without comment.

I am copying this letter to the Private Secretaries to the Lord President, the Lord Chancellor, The Chancellor of the Exchequer, the Secretaries of State for Defence, Employment, Scotland and Northern Ireland, the Lord Privy Seal, the Chancellor of the Duchy of Lancaster, the Attorney General and Sir Robert Armstrong.

*Yours,*

*David.*

DAVID NORGROVE

Stephen Boys Smith, Esq.,  
Home Office

CONFIDENTIAL

*N*

The Home Secretary is to meet  
the prison officers on Monday.

18 April 1986

DRS  
18/4.

THE PRISON OFFICERS' DISPUTE - BACKGROUND NOTE

Our contacts with Prison Governors justifies hope that we can hold out. The Governor of Parkhurst went so far as to say "it's a lot of fun down here"! He and other Governors are confident they can cope, and put such detail on the Home Secretary's report as their preparations to fly frozen food into prisons if the dispute closes prison kitchens.

All reports confirm the predictions we made to you some weeks ago, that a dispute with the prison officers has been simmering for some time. We attach a graph of the prison population which, at a glance, shows the normal population of prisons compared with the actual number of inmates over the last two years.

A number of prisons, such as Norwich, report that they anticipate considerable co-operation from prison officers through the dispute. Others such as Albany will be flashpoints. Some say their laundry or security itself will cause trouble. Other prisons give details of their arrangements with the police.

Although the Police Federation will not help the Governors directly against the prison officers, they will not prevent Chief Constables sending police into prisons if there is a breach of the peace. The Governors respond that they may need to call the police even before this when serious crimes, such as arson, are threatened. This is the area of danger

which the Home Secretary does not address in his paper but which officials say they have 'on board'. We are not so sure. It is clearly very important that all police forces are willing and able to enter prisons before potential disaster has occurred.

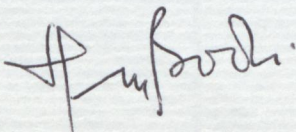
As for the future, no prisons are scheduled to be opened in 1986, but in 1987 and 1988 five new prisons will open. I list them alongside their numerical capacity to take inmates.

<u>1987</u>	Fall Sutton	444
	Littlehey	484
	The Mount	484
<u>1988</u>	Swaleside	504
	Garth	512

### Conclusion

We believe the firm Government line is not only right but practical in the short term, though the police link should be checked. In the longer term, we believe there is scope to pull Fall Sutton out of the 1987 prison opening programme and open it late this year. The nub of this dispute, whatever the prison officers may say, continues to be manning levels set against the overcrowded conditions. In the long run, the monopoly power of prisons can only be defeated by privatisation on the US model.

HARTLEY BOOTH

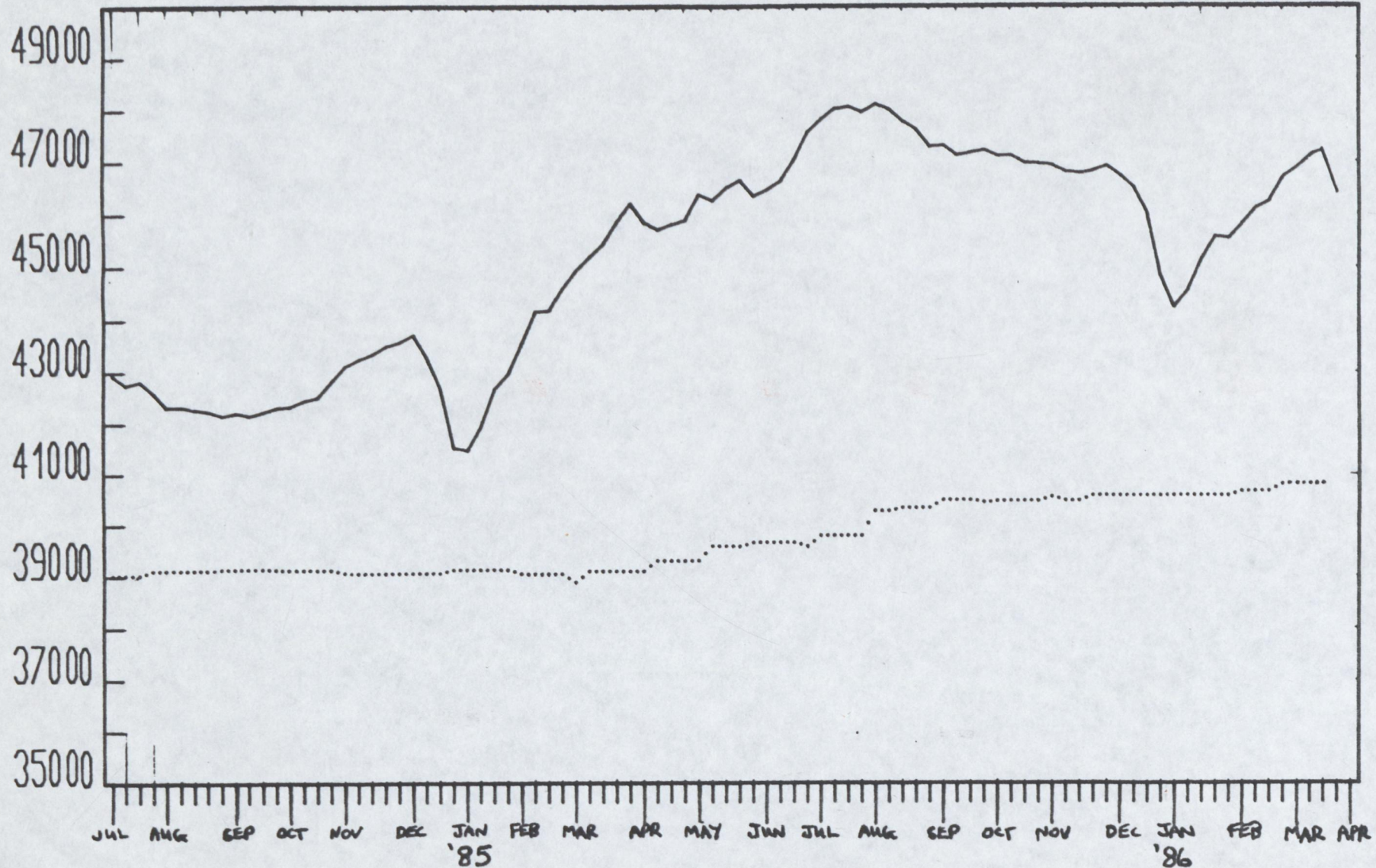


# CHART 1(a)

— PRISON POPULATION

..... CNA

## PRISON POPULATION & CERTIFIED NORMAL ACCOMMODATION



THE DATES INDICATED ON THE HORIZONTAL AXIS ARE FOR THE FIRST FRIDAY IN THE MONTH



by the newspaper photographs, extremely respectable and respected citizens took part. They assembled to protest against the British Government's error of judgment, as they perceived it, in allowing American F111s to fly from bases in the United Kingdom. [*Interruption.*] I give way to the hon. Member for Stafford (Mr. Cash). I think that he wants to intervene.

**Mr. Cash:** I intervene briefly only to say that the hon. and learned Gentleman may remember that Welshpool is where Llewelyn died.

**Mr. Carlile:** If the hon. Gentleman had been a little more straightforward with us, he would have repeated what he said earlier from a sedentary position and I should have asked him to withdraw it.

It would be quite wrong for a police officer to be empowered to tell an assembly like that which, legitimately in my view, is protesting publicly and seeking signatures for a petition, to go into a hall or back street because it happens to be holding up the traffic. On one occasion I saw a demonstration in a village, by ladies with prams and pushchairs, who, because a child had been injured the day before in a road traffic accident, were protesting about the lack of a pedestrian crossing. They could have been caught by clause 14 merely, because they were holding up the traffic on the main road. It is outrageous for hon. Members to seek to give police officers a discretion which, as the hon. Member for Tyne Bridge (Mr. Clelland) said, will often be severely misunderstood — a discretion to intervene in such assemblies and to try to move them on. Many police officers — indeed, most police officers — are unhappy about the discretion which is invested in them in the clause. That is a discretion which they would be willing to undertake, as opposed to compelled to undertake if this clause is enacted, only if it was set out in a much clearer framework which enabled them to know what the rights of the public are, not just giving them a discretionary slate of prohibitions.

**Sir Eldon Griffiths:** On what authority does the hon. and learned Gentleman say that most police officers are opposed to this provision?

**Mr. Carlile:** The hon. Gentleman talks to some police officers, just as I talk to some police officers. From the conversations that I have had with police officers — not union officials but ordinary bobbies — I understand that they are unhappy about this provision. The hon. Gentleman appears to have a slightly different opinion. No doubt we shall hear from him in due course.

The clause as it stands imposes no duty on the police to recognise that the purpose of an assembly should be taken into account. It does not require the police to consider, for example, whether the purpose of an assembly relates to the affairs of the community, such as the pedestrian crossing protest to which I referred. It gives what some regard — perhaps it is slightly overstating the case — as draconian powers to the police. It gives them the ability to say, on the widest grounds of alleged "disruption", that a meeting must take place elsewhere.

The clause as it appears in this Bill is outside what would be its proper context. Of course, if one set out in positive form the right of peaceful assembly — I and my colleagues would say that it should be, as part of the European Convention on Human Rights, incorporated in

our domestic law — one would be entitled under article 11(2) of the Convention to set out a lawful series of prohibitions within the terms of the Convention. That is the proper context for provisions of this general nature. This Bill is not.

**Mr. Lyell:** I speak in strong support of the clause as an important part of the Public Order Bill. I was not surprised that it was opposed by the Labour party, but I was interested that the hon. and learned Member for Montgomery (Mr. Carlisle), speaking on behalf of the Liberal party, should also oppose it. If one considers the major public disorder that can be caused not only by the enormous demonstrations which we saw at Orgreave, Wapping or Warrington, but the way in which ruffians can describe themselves as the peace convoy and descend on a whole community, the way in which the villagers of Molesworth can be completely swamped by people, albeit most of them thoroughly sincere, the way that militant animal rights protestors can sometimes descend on farms and homesteads, the way in which the "Stop the City" campaign or a major demonstration on Oxford street can bring the life of a community into serious disruption, is it unreasonable for the police to have powers, when they fear serious disruption to the life of the community, serious public disorder or serious damage to property, to say, "Stand back. Move on. Demonstrate, but go to some more suitable place." That is not preventing peaceful demonstration but preventing what should be a peaceful demonstration from turning into a riot or a rowdy mob, which is the denial rather than the protection of liberty. That is the essence of the clause and why, reasonably interpreted, as it will be, and checked by the courts, as it can be, it is central and important to the Bill and should be supported.

**Sir Eldon Griffiths:** It should be said that the police service was not happy at the task that it had to undertake last year during the miners' strike. The police found the duties that fell upon them distasteful, damaging to their relations with the community and a heavy burden on them individually. They nevertheless carried out their duties effectively. In no way did they allow the distinction between their duties under the criminal law to be confused with the Government's trade union legislation, which is an entirely separate matter.

After the scenes that we all saw on television and many of which I saw personally, it would be outrageous if a Bill which purported to deal with public order did not contain a clause such as this. I appreciate the arguments advanced by the hon. Member for Tyne Bridge (Mr. Clelland). I congratulate him on his appearance at the Dispatch Box and on his contribution to the Committee. I hope that he will accept, however, that, taking account of the problems confronted by the police, and which the public observed, it would be nothing less than a dereliction of duty if the House failed to tackle the problem of serious disruption.

**Mr. Giles Shaw:** I join my hon. Friend the Member for Bury St. Edmunds (Sir E. Griffiths) in congratulating the hon. Member for Tyne Bridge (Mr. Clelland) on speaking from the Dispatch Box so soon after arriving in the House. I am sure that he has deserved that promotion, to say nothing of his contribution to the Standing Committee. Although his speech might have been

[Mr. Giles Shaw]

excellent in rhetorical content and in terms of mastery of brief, I cannot share much joy or rapture at it because he elected to argue that we should have deleted clause 14.

At least the hon. Member was at the Committee when we last debated the inclusion of clause 14. He was present with three other Labour Members when the Committee decided, by four votes to 10, that the clause, as amended, should stand part of the Bill. I make that observation because no vote was cast by the representative of the Social Democratic party/Liberal alliance, who was absent then, as he often was. The hon. and learned Member for Montgomery (Mr. Carlile) tried to make good that omission in his speech tonight. He does himself no credit when he suggests that the clause has no place in a public order Bill. It is essential that there are changes in the public order law governing static assemblies.

I remind the hon. and learned Member, because he was not a member of the Committee, that, in the Metropolitan police district, of the incidents of severe public disorder, eight involved processions, three involved meetings and six involved assemblies. Since 1980 we have witnessed serious disturbances on the picket lines during the miners' dispute, at Warrington during an industrial dispute and now at Wapping. Those are examples of serious disorders resulting from static assemblies. I have to remind the House in firm tones that the requirement to trigger conditions imposed on assemblies—

*It being Ten o'clock, the debate stood adjourned.*

#### BUSINESS OF THE HOUSE

*Ordered,*

That, at this day's sitting, the Public Order Bill may be proceeded with, though opposed, until any hour.—[Mr. Peter Lloyd.]

10 pm

**The Secretary of State for the Home Department (Mr. Douglas Hurd):** With permission, Mr. Speaker, I should like to make a statement about the situation in the prisons. There have been a number of serious developments during the course of the evening. At Northeye prison near Bexhill-on-Sea, prisoners this evening set fire to an office, the kitchen, the library and some other wooden structure. There have been no reported casualties. The staff on duty were obliged to withdraw to the gates for their own safety and some prisoners went on the rampage. Parts of the prison have been burnt out. The governor established a command post in the officers' club and, on my latest information, it is still unsafe for the fire brigade to enter the premises.

Off-duty staff have returned to the prison indicating that they are anxious to help restore the situation, irrespective of the present industrial action. The police are at the perimeter of the prison, although it appears that some prisoners have escaped. Some 60 prisoners at Lewes prison in Sussex are out of their cells in one wing and probably seven are on the roof.

In Bristol prison there is a serious situation. Prisoners have broken out of their cells. The governor has felt obliged to call in the police in order to maintain control of the prison. There are reports of minor trouble at three other prisons.

**Hon. Members:** Resign.

**Mr. Speaker:** Order.

**Mr. Gerald Kaufman (Manchester, Gorton):** This is a very serious statement. I make it clear right away that we shall expect another statement from the Home Secretary tomorrow afternoon and, if the situation is not in hand by then, we shall expect the Government to bring about another debate right away. If the Government do not do that, we shall be seeking your agreement for such a debate, Mr. Speaker, under Standing Order No. 10.

This is a very grave situation and it is right that the Home Secretary has given this statement this evening. It is on the record that we warned the Government—[*Interruption.*—we warned the Government as recently as yesterday about the delicate and dangerous nature of this crisis, and we spoke of the nation's prisons as a tinder box. Yesterday, the Home Secretary saw fit to dismiss the warnings that we gave. We now face a position the consequences of which cannot be calculated or forecast. The decline of law and order has spread to the prisons themselves.

Yesterday I drew attention to the contingency plans for this dispute at the Association of Chief Police Officers. The Home Secretary responded by saying that it was right that there should be contingency plans. However, Mr. Jarman of the executive of the Prison Officers' Association said this evening that at Northeye prison contingency plans were not brought into operation. Can the Home Secretary confirm that, and can he explain it?

Before there are further disturbing developments, I appeal to the Home Secretary to abandon the preconditions for talks that he laid down yesterday. [AN HON. MEMBER: "That's right—give in to anarchy."] Give in to anarchy? The anarchy has been created by the

intransigence of the Home Secretary—anarchy which I warned the Home Secretary about yesterday and which the Home Secretary rejected with disdain.

The prison officers at Northeye prison this evening have shown their sense of duty by returning to duty, to try to remedy the situation despite the dispute. Let the Home Secretary respond in the same spirit by accepting the offer of the Prison Officers Association, to suspend industrial action while talks take place. That would be the proper response in this dangerous situation. [AN HON. MEMBER: "It is called blackmail".] This dispute must be solved quickly. Let action be taken now to bring that about, or the responsibility will rest plainly with the Home Secretary.

**Mr. Hurd:** The only factual question that the right hon. Gentleman asked me was about the Sussex police. As I said in my statement, they have been in action in support of the prison authorities at Northeye through the evening, so their role in the matter has already proved extremely helpful. I think that the House will forgive me if I do not follow the right hon. Gentleman tonight into the rigmarole of contentious statements with which he finished.

My information is incomplete, but I thought it right to come to the House and say what I knew without embroidery and without allocation of responsibility. There will and must be an opportunity to discuss these matters. It will be necessary for me to report again to the House tomorrow afternoon. I rejected no warnings, and I yield to no one in my desire, as I made clear yesterday, to bring this unnecessary dispute to an end at the earliest possible moment.

**Mr. Charles Wardle** (Bexhill and Battle): Will my right hon. Friend urge the leaders of the Prison Officers Association to follow the example set this evening by their members at Northeye, who were off duty and who all came in to see what they could do to help in this difficult situation? When it is under control, will my right hon. Friend immediately instigate an inquiry, bearing in mind the considerable anxiety that will be felt in the Bexhill community? Will he bear it in mind that for the past two years, concern has been expressed about staffing ratios at Northeye? In view of what has happened, will he include that aspect in the inquiry?

**Mr. Hurd:** I agree with my hon. Friend, and join him in the tribute that he paid. The format of the inquiry into these events, which have been not just at one prison, is one of the things that I shall consider swiftly, as well as its scope.

**Mr. Alex Carlile** (Montgomery): In commending the Home Secretary on coming to the House so promptly to make his statement, may I ask him, when he comes to the House again tomorrow, to explain why the Government have not heeded warnings given by the noble Lord Whitelaw when he was Home Secretary some five years ago about the dangerous situation that was being created by overcrowding in the prisons? Will he tell the House tomorrow why the Government did not take action to resolve the manning issues giving rise to the present dispute long ago? Will he confirm tomorrow that it is now recognised that the time has come for the dispute to be settled, and settled quickly on the basis of discussions without any preconditions on either side?

**Mr. Hurd:** My noble Friend not only realised the dangers of overcrowding, but acted to prevent and cure

them. That was the origin of the prison building programme that is now under way. I agree with the hon. and learned Gentleman that the sooner this dispute is brought to an end, the better. I believe that the offer that I made on 22 April provides a basis for a fair resolution of the dispute.

**Mr. Tim Rathbone** (Lewes): Will my right hon. Friend accept praise from this side of the House for coming so quickly to the House, making a straightforward, honest statement, and giving a commitment to return tomorrow to elaborate on it? Will he also accept that there seems to be little link in Lewes between the prison officers' dispute and the illegal actions taken by the prisoners, which are all the more sad because of the recategorisation of many of the prisoners and the reorganisation of the regimes and of the staffing to meet those new regimes there? Therefore, when he institutes an inquiry, as I am sure he will, will my right hon. Friend please bring it clearly to the notice of the officers and everybody else concerned that this seems to be an illegal uprising which should be treated as such and no more?

**Mr. Hurd:** I thank my hon. Friend for his first remarks. I am aware, as he is, of the excellent work which has been done over the years at Lewes prison.

**Mr. Merlyn Rees** (Morley and Leeds, South): In the face of this further breakdown in law and order and this dangerous state of affairs, may I say from past experience that in no way should any hon. Member support insurrection, arson and what has just gone on? My party does not do that. [Interruption.]

**Mr. Speaker:** Order.

**Mr. Rees:** But we are not prepared to take this stuff about the Conservative party being the only party concerned about law and order. The House is concerned, and we support the Home Secretary. But tonight he should call the POA into his office and should say, "Suspend your action. Come back in the morning and talk." Otherwise, the breakdown in law and order will become worse, and no amount of Saatchi and Saatchi words will deal with it.

**Mr. Hurd:** I am not dealing with the matter with Saatchi and Saatchi words, and I hope that the House will not do so either. My information is as yet incomplete, so tonight I do not want to enter much further into the details of what has occurred, or into the right steps to be taken in future. Tomorrow there will certainly be an opportunity to do that, but tonight I would rather not say things which in the light of fuller information may look odd or foolish.

**Mr. Nicholas Lyell** (Mid-Bedfordshire): Although I congratulate those prison officers who have rallied round, is it not the case that the average earnings of a prison officer are £15,000 a year, of which some 30 per cent. is overtime? Is the country not entitled to ask that such officers should be prepared to negotiate without preconditions?

**Mr. Hurd:** I confirm that figure.

**Several Hon. Members rose—**

**Mr. Speaker:** Order. I remind the House that we are in the middle of debate on an important Bill, and that the statement concerns insurrections in three prisons, not the general position.

**Mr. Alfred Morris** (Manchester, Wythenshawe): When was the last occasion that the prison officers of this country were in such bitter conflict with the Government of the day?

**Mr. Hurd:** There has been a history of discussion, disturbance and conflict. The House will remember the dispute five or six years ago. However, that is not relevant to the immediate problem before us, which is how to resolve the present position.

**Mr. Michael Stern** (Bristol, North-West): Does my right hon. Friend agree that the fact that the governor of Bristol prison has had to call in the police will inevitably lead to a disastrous decline in morale in that prison, whatever the outcome of the dispute? I hope that my right hon. friend will encourage the governor of the prison to look not only to the POA but to individual members of staff, who may well hold different views, in resolving the dispute. Does he agree that the most immediate action necessary to ensure that Bristol prison once again works as a prison is to re-establish the morale that has clearly broken down?

**Mr. Hurd:** We need first to re-establish control in the prisons. After that, the question of morale becomes very important.

**Mr. Eric S. Heffer** (Liverpool, Walton): I know prison officers well, because there are many of them in my constituency, which has one of the biggest prisons in the country. Does not the Home Secretary agree that they play an important role in maintaining law and order, and are dedicated to doing their job in the interest of the community as a whole? Should not the Home Secretary and the Government listen to what they say? They are on the spot, and have full responsibility for looking after the prisoners. Over the years, particularly in the past few years, they have warned that the situation was becoming critical. Is it not time that the Government decided to begin serious discussions with them instead of adopting the rather arrogant attitude that some Ministers have taken on the radio? Will the Government conduct their discussions properly so that a settlement can be reached and the problem can be solved as quickly as possible?

**Mr. Hurd:** I have twice had serious discussions with the POA. I agree about the importance of the work that prison officers do.

**Mr. Jerry Hayes** (Harlow): I am sure that my right hon. Friend will agree that the vast majority of prison officers are honourable and decent men and women who are deeply shocked by what has happened this evening. I suspect that they will be utterly horrified to learn of the Opposition's cynical manipulation of events for party political reasons.

**Mr. Hurd:** The right hon. Member for Manchester, Gorton (Mr. Kaufman) should not have leapt into his usual act without being in full possession of the facts.

**Mr. Harry Ewing** (Falkirk, East): Whether the Home Secretary likes it or not, he is the Minister responsible. When something for which he is responsible goes wrong, we are entitled to question and criticise him, if that criticism is justified. Given all that the Prime Minister, the Home Secretary and their colleagues have said over the years about law and order, did he ever think that he would be standing at the Dispatch Box at 10 pm on a Wednesday

night to tell the people of this country that the prisons are on fire and the prisoners are running riot? What sort of law and order society are the Government trying to cultivate?

**Mr. Hurd:** Of course I accept that I am the Minister responsible. If I did not accept that, I would not be standing here or volunteering a statement. If this debate is to do any of us any credit, its level must rise above that of rhetorical questions.

**Sir Eldon Griffiths** (Bury St. Edmunds): Does my right hon. Friend agree that those who are faced with the difficult task of restoring order in the prisons will not thank any hon. Member for making their task more difficult by stoking up the emotions? *[Interruption.]*

**Mr. Speaker:** Order.

**Sir Eldon Griffiths:** In so far as the police become involved, will my right hon. Friend ensure that they have all the necessary resources of mutual aid if that becomes necessary? Would not the right hon. Member for Manchester, Gorton (Mr. Kaufman) have done better to appeal to that small minority of prison officers who are taking industrial action to go back and do their work quickly?

**Mr. Hurd:** I agree with my hon. Friend. I am in touch with the Sussex police about mutual aid.

**Mr. Robert Kilroy-Silk** (Knowsley, North): While in no way wishing to endorse the policies, some of the working practices or actions of the POA, is it not true that if the Home Secretary and some of his immediate predecessors had paid heed to the sensible and serious proposals put forward for some years by hon. Members on both sides of the House and by members of the public for a substantial reduction in the prison population without endangering the public, we would not be in such a dangerous position? Inmates, staff and the public are all in danger. In that sense at least, are not the Home Secretary and the Government fully culpable for the crisis that now exists?

**Mr. Hurd:** The hon. Gentleman knows a great deal about the subject and has consistently advanced the view that, in some way which is not clearly specified, we should prevent the courts from sending to prison people whom they think should be sent there. *[Interruption.]* That is a fair summary of the hon. Gentleman's clearly held and consistently expressed view. I understand the reasoning behind it, as he has expressed his view clearly, but I do not think that that is a possible course.

**Mr. Mark Carlisle** (Warrington, South): To the extent that the present problems are created by overcrowding in our prisons, does my right hon. Friend agree that the answer is not to change our penal policy but to accept that much of the responsibility falls on the Opposition because of their cut in the prison building programme?

**Mr. Hurd:** The fact is that there was no prison building programme when the Conservative party came to power. My predecessor before last instituted a programme which has been carried on steadily ever since.

**Mr. Chris Smith** (Islington, South and Finsbury): Does not the gravity of the situation demonstrate all too clearly how dangerous and foolish it was for the Government to break off negotiations this weekend in the face of an offer from the Prison Officers Association to suspend its action?

**Mr. Hurd:** That offer was not honoured. The industrial action continued. I gave an account of those proceedings to the House yesterday. I believe that the stance I took at that time was reasonable.

**Several Hon. Members rose—**

**Mr. Speaker:** Order. The Home Secretary said that he would make a further statement tomorrow. I shall endeavour tomorrow to call those hon. Members who rose this evening but were not called.

## Public Order Bill

*Question again proposed,* That the amendment be made.

10.22 pm

**Mr. Giles Shaw:** In responding to the debate initiated by the hon. Member for Tyne Bridge, I was making the point that, in the Metropolitan police district, static assemblies and meetings contributed substantially to the severe public disorders between 1974 and 1980. I deduce from that that the House would be extremely foolish to accept the advice of the Opposition that clause 14 should be deleted from the Bill.

I remind the House that, in extending to assemblies the proposals contained in the 1936 Act, the Government did not act in a fit of pique or a sudden thirst for additional powers. We acted on the advice of the Select Committee on Home Affairs. We acted with care and had discussions. We acted in a way that was consistent with the Government's purposes without ensuring that an advance notice requirement in respect of assemblies should be undertaken, but that a power to ban should not.

The police already maintain a presence at most demonstrations or pickets. They do so to fulfil their paramount duty in maintaining the Queen's peace. Clause 14 will not require the deployment of more officers or the wasteful use of police resources which might be more profitably employed in fighting crime. It will give the police effective powers to prevent crime by preventing disorder.

The rights to assemble, to picket and to demonstrate are not absolute rights. They should never be an excuse for intimidation or disorder. Every citizen has a right to live his life in peace and the right to protection under the law.

I said in Committee and to the hon. Member for Tyne Bridge, who referred to it in his opening address, that I would advise police officers, in the circular on the Bills provisions, that they should bear in mind the traditional rights of protest and the traditional freedom of assembly which have been so widely observed for many years when they interpret their obligations under the provisions of clause 14. I should like to place that undertaking which I gave in Committee on the record.

In part answer to the hon. and learned Member for Montgomery, I must say that there will be, although not in the statute, a clear expression of the rights to protest which people have traditionally enjoyed conveyed to officers as part of the context in which they execute their duties.

Clause 14 confers no power to ban assemblies. That is a most important point for the House to recognise. The Clause contains powers to enable major mischiefs to be avoided — to avoid serious public disorder, serious damage to property, serious disruption to the life of the community and intimidation of individuals. Do the Opposition seriously believe that the civil liberties of pickets and the right to demonstrate include the right to cause such evils? Surely not. Do they believe that the police should have powers to prevent these evils? Surely they do. Or is the Opposition's new-found, late interest in the problems of crime and of law and order, which is of such concern to the people we serve, a vote-catching operation, carefully timed for individual elections?

The Government believe that the merits of the clause and the bankruptcy of the Opposition's argument are in

[Mr. Giles Shaw]

complete contrast. The Government believe in a balance between the right to assemble and the right of the individual to go about his business in peace, and so do the British people. They will take note of the Opposition's claim that to question the rights of a picket to intimidate or cause disorder is authoritarianism, and they will support our attempts to provide additional protection for the individual citizen from the bully boys and the thugs on the picket lines or elsewhere. I commend the clause. It should remain in the Bill as a cardinal principle of public order.

**Mr. Clelland:** I remind the Minister that we have seen more lawlessness and disorder under this Government than under any other Government in living memory. The clause does not seek to improve law and order. It will not prevent one riot or many of the problems to which the Minister drew attention. It will restrict the individual liberty and freedoms of people who want to protest against the type of policies pursued by the Government. We shall vote against the clause.

*Question put, That the amendment be made:—*

*The House divided: Ayes 170, Noes 225.*

Division No. 165]

[10.30 pm

AYES

Adams, Allen ( <i>Paisley N</i> )	Dubs, Alfred
Alton, David	Duffy, A. E. P.
Anderson, Donald	Dunwoody, Hon Mrs G.
Archer, Rt Hon Peter	Eadie, Alex
Atkinson, N. ( <i>Tottenham</i> )	Eastham, Ken
Bagier, Gordon A. T.	Evans, John ( <i>St. Helens N</i> )
Barnett, Guy	Ewing, Harry
Barron, Kevin	Faulds, Andrew
Beckett, Mrs Margaret	Field, Frank ( <i>Birkenhead</i> )
Beith, A. J.	Fields, T. ( <i>L'pool Broad Gn</i> )
Bell, Stuart	Fisher, Mark
Benn, Rt Hon Tony	Flannery, Martin
Bennett, A. ( <i>Dent'n &amp; Red'sh</i> )	Forrester, John
Birmingham, Gerald	Foster, Derek
Bidwell, Sydney	Foulkes, George
Blair, Anthony	Freeson, Rt Hon Reginald
Boyes, Roland	Freud, Clement
Bray, Dr Jeremy	Garrett, W. E.
Brown, N. ( <i>N'c'tle-u-Tyne E</i> )	George, Bruce
Brown, Ron ( <i>E'burgh, Leith</i> )	Godman, Dr Norman
Buchan, Norman	Golding, John
Caborn, Richard	Gould, Bryan
Callaghan, Rt Hon J.	Gourlay, Harry
Callaghan, Jim ( <i>Heyw'd &amp; M</i> )	Hamilton, W. W. ( <i>Fife Central</i> )
Campbell, Ian	Hancock, Michael
Campbell-Savours, Dale	Harman, Ms Harriet
Canavan, Dennis	Harrison, Rt Hon Walter
Carlisle, Alexander ( <i>Montg'y</i> )	Hart, Rt Hon Dame Judith
Carter-Jones, Lewis	Hattersley, Rt Hon Roy
Clark, Dr David ( <i>S Shields</i> )	Haynes, Frank
Clay, Robert	Heffer, Eric S.
Clelland, David Gordon	Hogg, N. ( <i>C'nauld &amp; Kilsyth</i> )
Clwyd, Mrs Ann	Holland, Stuart ( <i>Vauxhall</i> )
Cocks, Rt Hon M. ( <i>Bristol S</i> )	Home Robertson, John
Coleman, Donald	Howells, Geraint
Conlan, Bernard	Hughes, Robert ( <i>Aberdeen N</i> )
Cook, Frank ( <i>Stockton North</i> )	Hughes, Roy ( <i>Newport East</i> )
Cook, Robin F. ( <i>Livingston</i> )	Janner, Hon Greville
Corbett, Robin	John, Brynmor
Corbyn, Jeremy	Kaufman, Rt Hon Gerald
Craigen, J. M.	Kennedy, Charles
Crowther, Stan	Kilroy-Silk, Robert
Cunliffe, Lawrence	Kirkwood, Archy
Davis, Terry ( <i>B'ham, H'ge H'l</i> )	Lambie, David
Deakins, Eric	Lamond, James
Dixon, Donald	Leighton, Ronald
Dormand, Jack	Lewis, Terence ( <i>Worsley</i> )
Douglas, Dick	Litherland, Robert

Livey, Richard	Richardson, Ms Jo
Lloyd, Tony ( <i>Stretford</i> )	Roberts, Ernest ( <i>Hackney N</i> )
Lofthouse, Geoffrey	Robertson, George
McCartney, Hugh	Rogers, Allan
McDonald, Dr Oonagh	Rooker, J. W.
McKelvey, William	Ross, Ernest ( <i>Dundee W</i> )
MacKenzie, Rt Hon Gregor	Rowlands, Ted
MacLennan, Robert	Sedgemore, Brian
McTaggart, Robert	Sheldon, Rt Hon R.
McWilliam, John	Shore, Rt Hon Peter
Madden, Max	Short, Ms Clare ( <i>Ladywood</i> )
Marek, Dr John	Silkin, Rt Hon J.
Martin, Michael	Skinner, Dennis
Mason, Rt Hon Roy	Smith, C. ( <i>Isl'ton S &amp; F'bury</i> )
Maxton, John	Smith, Rt Hon J. ( <i>M'ds E</i> )
Maynard, Miss Joan	Soley, Clive
Meacher, Michael	Spearing, Nigel
Meadowcroft, Michael	Steel, Rt Hon David
Michie, William	Stott, Roger
Mikardo, Ian	Straw, Jack
Millan, Rt Hon Bruce	Thomas, Dafydd ( <i>Merioneth</i> )
Mitchell, Austin ( <i>G't Grimsby</i> )	Thomas, Dr R. ( <i>Carmarthen</i> )
Morris, Rt Hon A. ( <i>W'shawe</i> )	Thompson, J. ( <i>Wansbeck</i> )
Morris, Rt Hon J. ( <i>Aberavon</i> )	Thorne, Stan ( <i>Preston</i> )
Nellist, David	Tinn, James
Oakes, Rt Hon Gordon	Torney, Tom
O'Brien, William	Wallace, James
O'Neill, Martin	Wareing, Robert
Park, George	White, James
Parry, Robert	Wigley, Dafydd
Pavitt, Laurie	Williams, Rt Hon A.
Pendry, Tom	Wilson, Gordon
Penhaligon, David	Winnick, David
Pike, Peter	Woodall, Alec
Powell, Raymond ( <i>Ogmore</i> )	Young, David ( <i>Bolton SE</i> )
Prescott, John	
Randall, Stuart	Tellers for the Ayes:
Raynsford, Nick	Mr. James Hamilton and
Rees, Rt Hon M. ( <i>Leeds S</i> )	Mr. Allen McKay.

NOES

Aitken, Jonathan	Dorrell, Stephen
Alexander, Richard	Douglas-Hamilton, Lord J.
Alison, Rt Hon Michael	Durant, Tony
Amess, David	Evennett, David
Ancram, Michael	Fenner, Mrs Peggy
Atkins, Robert ( <i>South Ribble</i> )	Forman, Nigel
Atkinson, David ( <i>B'm'th E</i> )	Forsyth, Michael ( <i>Stirling</i> )
Baker, Rt Hon K. ( <i>Mole Vall'y</i> )	Forth, Eric
Baker, Nicholas ( <i>Dorset N</i> )	Franks, Cecil
Baldry, Tony	Fraser, Peter ( <i>Angus East</i> )
Banks, Robert ( <i>Harrogate</i> )	Fry, Peter
Bellingham, Henry	Gardiner, George ( <i>Reigate</i> )
Best, Keith	Gardner, Sir Edward ( <i>Fylde</i> )
Biggs-Davison, Sir John	Garel-Jones, Tristan
Body, Sir Richard	Glyn, Dr Alan
Boscawen, Hon Robert	Goodlad, Alastair
Bottomley, Mrs Virginia	Gow, Ian
Brandon-Bravo, Martin	Greenway, Harry
Bright, Graham	Gregory, Conal
Brooke, Hon Peter	Griffiths, Sir Eldon
Brown, M. ( <i>Brigg &amp; Cl'thpes</i> )	Griffiths, Peter ( <i>Portsm'th N</i> )
Buchanan-Smith, Rt Hon A.	Ground, Patrick
Buck, Sir Antony	Hamilton, Hon A. ( <i>Epsom</i> )
Budgen, Nick	Hamilton, Neil ( <i>Tatton</i> )
Burt, Alistair	Hanley, Jeremy
Butterfill, John	Hannam, John
Carlisle, Kenneth ( <i>Lincoln</i> )	Hargreaves, Kenneth
Carlisle, Rt Hon M. ( <i>W'ton S</i> )	Harris, David
Carttiss, Michael	Harvey, Robert
Cash, William	Haselhurst, Alan
Chapman, Sydney	Hawksley, Warren
Clark, Sir W. ( <i>Croydon S</i> )	Hayes, J.
Clarke, Rt Hon K. ( <i>Rushcliffe</i> )	Hayward, Robert
Coombs, Simon	Heathcoat-Amory, David
Cope, John	Henderson, Barry
Couchman, James	Hickmet, Richard
Critchley, Julian	Hicks, Robert
Crouch, David	Higgins, Rt Hon Terence L.
Dicks, Terry	Hind, Kenneth

E.R.

File

HOME SECRETARY'S STATEMENT ON SITUATION IN PRISONS

30 APRIL 1986

With permission, Mr Speaker, I should like to make a statement about the situation in the prisons. There have been a number of serious developments during the course of the evening.

Prisoners this evening set fire to an office, the kitchen, the library and some other wooden structure at Northeye open prison near Bexhill-on-Sea. There have been no casualties.

The staff on duty were obliged to withdraw to the gates for their own safety and some prisoners went on the rampage. Parts of the prison have been burnt out, although there is, I understand, no damage to the dormitories or workshops. The Governor established a command post in the officers' club and [in the early stages] it was unsafe for the fire brigade to enter the premises.

Off duty staff have returned to the prison indicating that they are anxious to help restore the situation irrespective of the present industrial action. The police are at the perimeter of the prison, although it appears that some prisoners may have escaped.

E.R.

LEWIS

Some 60 prisoners at Lewis prison in Sussex are out of their cells in one wing and may be able to gain access to the prison grounds from the roof.



E.R.

NORTHALLERTON

Prisoners created a commotion by beating on the doors of their cells but there is no loss of control.

E.R.

NORWICH

There was disruption in the evening at Norwich prison but the situation is now quiet. I am glad to say that off-duty members of the POA returned to the prison to help the Governor restore order.

E.R.

LEICESTER

Some 40 prisoners are out of their cells at Leicester prison, apparently following action by members of staff contrary to the Governor's orders.

E.R.

BRISTOL

There is a serious situation and prisoners have broken out of their cells. The Governor has felt obliged to call in the police in order to maintain control of the prison.

E.R.

NORTHEYE NOTES

Open prison - 450 prisoners

6 staff on duty (should have been 11)

Governor quite rightly has not placed staff at risk, nor asked firemen to go in when they might be at risk.

That is exactly the state of affairs that we on this side wish to avoid. We want the regulatory body to be effective, and to be effective it must be manned properly.

We are considering this within the context of the Minister's own Explanatory Memorandum which, at page viii of the Bill gives an idea of what the Government expect to happen in terms of manpower as a result of this Bill. I should like to quote it to the Committee because it is within this context that we consider the Government's real intention of setting up a proper regulatory body. It states:

"It is expected that the staff of the Director General of Gas Supply and the staff of the Gas Users' Council will together number about 80 to 100. The abolition of the existing National and Regional Gas Consumers' Councils will result in the disappearance of about 100 public sector posts. The conversion of the British Gas Corporation to a public limited company may lead to a small reduction in the number of staff in the Department of Energy. There may be a small increase in the staff of the Office of Fair Trading and the Monopolies and Mergers Commission if a large number of matters are referred to them. It is probable that the net effect on public sector manpower will be a slight reduction."

I invite the Committee to consider whether the way the Government were looking at it there is consistent with their determination to have a regulatory body which is properly staffed, not only in terms of numbers but also in terms of quality and rank.

4.30 p.m.

If Members of the Committee care to study the proceedings of the Select Committee on Energy in another place (House of Commons Paper No. 15 published on 15th January last) they will find out the misgivings of this all-party committee. They will find there that the committee is anxious that the director general's department shall have adequate authority. There is the whole question of looking after the Office of Fair Trading aspects of the new plc's activities, a possible reference to the Monopolies and Mergers Commission and certainly duties in connection with the continuity of the policy hitherto carried out by British Gas to buy British supplies wherever possible, which is something British Telecom undertook to do in the early stages.

There are important functions relating to competition, which occupies or should occupy a highly specialised area in the department of the Director-General of OfTel. These merit not merely staff who go through the normal Civil Service Commission and have its approval; they demand that the staff be headed by people of rank, in every way capable of dealing with their opposite numbers in the new British Gas plc. Nowhere is this more necessary than in the finance and accounting field.

British Gas brought forward the suggestion, which was, I think, accepted by the Government—it is so stated in the energy committee report—that once it was privatised it would no longer be required as a plc to produce any more information than is normally required by law under the Companies Acts, as amended by the various other measures that have been brought into the matter by virtue of compliance with the European Community accounting regulations, or to present accounts in any form different from a normal British plc. Hitherto British Gas has produced

very informative accounts going far beyond anything that is produced by a plc in the normal way.

Moreover, for regulatory purposes it is necessary not only that this should continue but that it should be enlarged. If the Committee will look at the proposed authorisation, it will find new categories of costs set out under the various conditions in the draft authorisation that do not have any comparable category in even the large and extended accounts which British Gas has been able to produce.

One thing has to be done if there is to be transparency. The published data used by the director general for the purpose of checking whether the authorisation regulations have been carried out must conform with the authorisation in order that everybody may see exactly the basis upon which any price adjustments are made. It will be apparent to those noble Lords who have occupied positions in public life—certainly those noble Lords who have been in commerce or perhaps in large industries—that the accounting requirements set out in the authorisation and their proper checking require people of high status, with fully subordinate staffs to enable the job to be done satisfactorily, particularly as new accounting categories are created and there are areas of ambiguity within the draft authorisation form submitted to the House.

All these considerations add up not to a small director general's department, headed no doubt by a reputable gentleman, but with a small subordinate, albeit skilled, staff. They add up to having a fully effective and powerful organisation ranking in every respect with the executives in British Gas who are their opposite numbers. They need not necessarily have a complete counterpart, one for one, but they require a very high powered body if after this Act has been passed the public of the United Kingdom are to be accorded those safeguards they have now when it is a public corporation. They want to be satisfied that this prosperous and secure state of affairs now, when British Gas is a public corporation, can be guaranteed even after this absurd exercise of privatisation has been carried out. That is why we shall insist on this amendment.

4.36 p.m.

On Question, Whether the said amendment (No. 6A) shall be agreed to?

Their Lordships divided: Contents, 98; Not-Contents, 124.

#### DIVISION NO. 1

#### CONTENTS

Airedale, L.	Chitmis, L.
Amherst, E.	Cledwyn of Penrhos, L.
Ardwick, L.	Crawshaw of Aintree, L.
Aylestone, L.	David, B. [ <i>Teller</i> .]
Banks, L.	Davies of Penrhys, L.
Barnett, L.	Dean of Beswick, L.
Birk, B.	Denington, B.
Blyton, L.	Diamond, L.
Bottomley, L.	Donaldson of Kingsbridge, L.
Bruce of Donington, L.	Elwyn-Jones, L.
Burton of Coventry, B.	Ennals, L.
Caradon, L.	Ezra, L.
Carmichael of Kelvingrove, L.	Fisher of Rednal, B.

Fitt, L.  
 Fletcher, L.  
 Gallacher, L.  
 Galpern, L.  
 Graham of Edmonton, L.  
 Greene of Harrow Weald, L.  
 Grey, E.  
 Hampton, L.  
 Hanworth, V.  
 Harris of Greenwich, L.  
 Hayter, L.  
 Heycock, L.  
 Hooson, L.  
 Houghton of Sowerby, L.  
 Hunt, L.  
 Hylton, L.  
 Irving of Dartford, L.  
 Jacques, L.  
 Jenkins of Putney, L.  
 John-Mackie, L.  
 Kagan, L.  
 Kennet, L.  
 Kilbracken, L.  
 Kilmarnock, L.  
 Kirkhill, L.  
 Listowel, E.  
 Llewelyn-Davies of Hastoe, B.  
 Lloyd of Hampstead, L.  
 Lloyd of Kilgerran, L.  
 Lockwood, B.  
 Mackie of Benshie, L.  
 McNair, L.  
 Mais, L.  
 Mayhew, L.  
 Mishcon, L.  
 Molloy, L.  
 Morton of Shuna, L.

Mulley, L.  
 Nicol, B.  
 Northfield, L.  
 Oram, L.  
 Paget of Northampton, L.  
 Phillips, B.  
 Pitt of Hampstead, L.  
 Ponsonby of Shulbrede, L.  
 [Teller.]  
 Prys-Davies, L.  
 Rathcreedan, L.  
 Rhodes, L.  
 Ritchie of Dundee, L.  
 Rochester, L.  
 Sainsbury, L.  
 Seear, B.  
 Sefton of Garston, L.  
 Serota, B.  
 Shepherd, L.  
 Stallard, L.  
 Stedman, B.  
 Stewart of Fulham, L.  
 Stoddart of Swindon, L.  
 Strabolgi, L.  
 Taylor of Blackburn, L.  
 Taylor of Gryfe, L.  
 Tordoff, L.  
 Turner of Camden, B.  
 Underhill, L.  
 Wallace of Coslany, L.  
 Walston, L.  
 Wedderburn of Charlton, L.  
 Wells-Pestell, L.  
 Whaddon, L.  
 Williams of Elvel, L.  
 Winchilsea and Nottingham,  
 E.

O'Brien of Lothbury, L.  
 Orr-Ewing, L.  
 Pender, L.  
 Perth, E.  
 Peyton of Yeovil, L.  
 Porritt, L.  
 Portland, D.  
 Radnor, E.  
 Rankeillour, L.  
 Reay, L.  
 Renwick, L.  
 Rodney, L.  
 St. Aldwyn, E.  
 St. Davids, V.  
 Salisbury, M.  
 Sanderson of Bowden, L.  
 Sandford, L.  
 Sandys, L.  
 Selkirk, E.  
 Sempill, Ly.  
 Shannon, E.

Sharples, B.  
 Skelmersdale, L.  
 Somerset, D.  
 Stodart of Leaston, L.  
 Strathspey, L.  
 Swansea, L.  
 Swinfen, L.  
 Swinton, E. [Teller.]  
 Terrington, L.  
 Teynham, L.  
 Thomas of Swynnerton, L.  
 Todd, L.  
 Trumpington, B.  
 Vaux of Harrowden, L.  
 Vickers, B.  
 Vivian, L.  
 Wolfson, L.  
 Young, B.  
 Young of Graffham, L.  
 Zouche of Haryngworth, L.

Resolved in the negative, and amendment disagreed to accordingly.

4.45 p.m.

**Lord Brabazon of Tara:** I think we have reached a suitable moment to take the Statement. I beg to move that the House do now resume.

Moved accordingly, and, on Question, Motion agreed to.

House resumed.

#### NOT-CONTENTS

Ailesbury, M.  
 Allerton, L.  
 Ashbourne, L.  
 Auckland, L.  
 Belhaven and Stenton, L.  
 Bellwin, L.  
 Beloff, L.  
 Belstead, L.  
 Bessborough, E.  
 Blake, L.  
 Boyd-Carpenter, L.  
 Brabazon of Tara, L.  
 Braye, L.  
 Brougham and Vaux, L.  
 Bruce-Gardyne, L.  
 Butterworth, L.  
 Caccia, L.  
 Caithness, E.  
 Cameron of Lochbroom, L.  
 Campbell of Alloway, L.  
 Campbell of Croy, L.  
 Carnegie of Lour, B.  
 Cathcart, E.  
 Cayzer, L.  
 Chelmer, L.  
 Coleraine, L.  
 Cottesloe, L.  
 Cox, B.  
 Craigavon, V.  
 Cullen of Ashbourne, L.  
 Davidson, V.  
 Denham, L. [Teller.]  
 Dilhorne, V.  
 Drumalbyn, L.  
 Dundee, E.  
 Elles, B.  
 Elliot of Harwood, B.  
 Elton, L.  
 Erroll of Hale, L.  
 Faithfull, B.  
 Fortescue, E.  
 Fraser of Kilmorack, L.

Gainford, L.  
 Gardner of Parkes, B.  
 Gibson-Watt, L.  
 Gisborough, L.  
 Glenarthur, L.  
 Gray of Contin, L.  
 Greenway, L.  
 Gridley, L.  
 Hailsham of Saint  
 Marylebone, L.  
 Harmor-Nicholls, L.  
 Harris of High Cross, L.  
 Hood, V.  
 Hooper, B.  
 Hylton-Foster, B.  
 Kaberry of Adel, L.  
 Kemsley, V.  
 Killearn, L.  
 Kimball, L.  
 Kinnaird, L.  
 Kintore, E.  
 Lane-Fox, B.  
 Lauderdale, E.  
 Layton, L.  
 Long, V.  
 Lyell, L.  
 McAlpine of Moffat, L.  
 Macleod of Borve, B.  
 Mancroft, L.  
 Margadale, L.  
 Marley, L.  
 Massereene and Ferrard, V.  
 Merrivale, L.  
 Middleton, L.  
 Milverton, L.  
 Montgomery of Alamein, V.  
 Morris, L.  
 Mottistone, L.  
 Mowbray and Stourton, L.  
 Murton of Lindisfarne, L.  
 Newall, L.  
 Norrie, L.

#### Prison Officers' Dispute

**The Parliamentary Under-Secretary of State, Home Office (Lord Glenarthur):** My Lords, with the leave of the House I shall now repeat a Statement on the prison officers' dispute being made in another place by my right honourable friend the Home Secretary. The Statement is as follows:

"Mr. Speaker, I will with permission make a Statement on the dispute with the Prison Officers Association.

"The House will recall that I set out the issues in the dispute in my reply to a Private Notice Question from the honourable Member for Liverpool, Mossley Hill, on 17th April. Since then I have twice met representatives of the National Executive Committee of the Prison Officers Association. Following my first meeting, I put to them in writing on 22nd April a package of proposals for resolving the dispute. When I met them again yesterday, POA representatives accepted that my proposals provided a way forward. They undertook in return to consider my request that they call off industrial action in order to allow a resolution on this basis to proceed.

"In the event, the POA NEC declined to go beyond the offer of an undertaking that it would instruct its members not to take action while talks on the basis of my proposals were proceeding. In effect, that amounted to an offer to suspend, but not to call off their industrial action. Their previous undertaking to suspend had proved ineffective and damaging industrial action had taken place despite it. So their position yesterday represented no advance on the position they had taken in talks last

week and was unacceptable to me. The Government cannot conduct talks under the continuing threat of further industrial action in this vital public service.

"The association has therefore broken off discussions and announced that it is considering ways of extending its industrial action, which may include strike action. As I make this Statement, it is still unclear what action the POA may take in practice.

"I deeply regret this action by the POA NEC, which shows no regard for the longer-term interests of their members nor, equally importantly, of the prisoners in their charge. The sort of industrial action which we have already seen at Gloucester Prison—where prison officers yesterday took control of the prison and refused to accept the orders of their governor and where they are still refusing to return to normal working—is unacceptable. The Government will take all possible steps both to sustain the right of governors to manage their prisons and to protect prisoners and the public from the consequences of POA action.

"In this context, a circular will be issued tomorrow to the courts containing advice on the implications for them of the dispute. A copy will be placed in the Library of the House. I will consider any further measures which may be necessary in the light of developments.

"Mr. Speaker, I take this opportunity to make a final appeal to prison officers to look at the package of proposals I have placed before them and to judge whether it is worth throwing that away by taking further industrial action. As I have publicly acknowledged on many occasions, prison officers do a difficult and often dangerous job. They deserve to be well paid. But the heavy burden of overtime must be lightened and there must be increased efficiency. Progress towards formal discussions about a range of new systems designed to meet all these objectives was being made when the NEC call for industrial action went out. My agenda for talks represents a positive way forward for prison officers and, indeed, the whole prison service. I very much hope that, even now, prison officers will end their action in order to avoid lasting damage to the prison service and to their own interests".

My Lords, that concludes the Statement.

**Lord Elwyn-Jones:** My Lords, the House will be grateful to the noble Lord, Lord Glenarthur, for repeating the Home Secretary's Statement. It falls to me to deal with the Statement from these Benches, in view of the professional position of my noble friend Lord Mishcon.

The Statement by the Home Secretary is a grave one, made at a grave moment in our nation's affairs. Surely in the dangerous situation in which we find ourselves—indeed, it is approaching a national emergency—reasonable bridging must take place between the prison department of the Home Office and the Prison Officers Association. Is it not entirely reasonable that the prison department should ask at least for the suspension of industrial action to take place on the main issue? Is it not reasonable to hope now be a truce? Indeed, has the

Prison Officers Association not offered suspension of industrial action, as the Home Secretary's Statement says? Is not the demand for a total calling off of industrial action unreasonable before it is known what may emerge from the discussions which the association is ready to undertake?

In my submission, no trade union can undertake to accept what is demanded by the Home Secretary and still keep the confidence of its membership at this time, before an offer of participation in discussions. Is it not a fact that over the weekend prison officers were required to give written undertakings, against the threat of suspension, to submit to new conditions of service? Was that the best way of dealing with this critical situation in the circumstances? Does it not make sense for both sides to suspend action pending further discussions between them in the hope that a peaceful formula can be found?

I submit that such a formula is capable of being found and should be found. Unfortunately the whole atmosphere of the discussions has been poisoned by the actions of the prison department and the governor of Gloucester Prison over the weekend. How do matters stand now in that prison? Further, what happened at Leicester Prison this morning, where again a crisis situation seems to have been reached? Has not the situation there also been aggravated by action on the part of the governor and his immediate staff?

In this grave crisis in the affairs of the prison service, and in view of its wider implications for the country as a whole, my plea is for reason to prevail.

**Lord Harris of Greenwich:** My Lords, I join with the noble and learned Lord, Lord Elwyn-Jones, in thanking the Minister for repeating this Statement. As has been said, it is one of the most serious Statements that has been made in the history of the prison service. I think that we must all recognise that at the outset.

Does the noble Lord the Minister agree that it is particularly regrettable given the fact that there are many fine public servants who work as main grade prison officers and many admirable men who work as governors? Does he further agree that in this particularly difficult situation our support must go to the handful of governors who are having to deal with the extremely difficult situations in many prison department establishments in this country?

I should like to ask the noble Lord whether he is aware that the background to this dispute is the intolerable overcrowding that exists within the British prison system? On Wednesday of last week we discussed this matter. We note that he has indicated that his right honourable friend is contemplating issuing some form of circular which will go out tomorrow to the magistrates' courts, and I assume to the Crown Courts, and that he will put this document in the Library. May I ask him whether a Statement will be made in the House tomorrow, because presumably the circular will be asking magistrates to take a certain course of action as regards sentencing offenders? If that is so, it will be desirable to have some form of Statement made in the House.

May I ask the noble Lord further whether the Government are now contemplating using the executive



[LORD HARRIS OF GREENWICH.]

release scheme which has been discussed in this House on a number of occasions and which obviously must be one of the matters that the Home Secretary is now seriously considering? Is he aware that many noble Lords who have had dealings with the prison service over a number of years take the view that this dispute has been boiling up for eight years at the very minimum? Is he aware that one of the problems does not concern the attitude of the national executive of the Prison Officers Association but lies in the constant series of disruptions which have taken place in a number of prisons and which have been called by local branches of the Prison Officers Association? It appears from what he has said that something of this sort happened at Gloucester. Can he say a little more about what indeed did happen at Gloucester Prison?

Is the noble Lord aware that in the extremely difficult situations which obtain in many of our grossly overcrowded prisons, it is absolutely right that the Prison Officers Association should be consulted as closely as possible both by the governors and by the prison department in London? But is he aware also that in the critically difficult situations obtaining in those establishments, many of us believe that the governor must make the final decisions in so far as they concern the disposition of his staff?

Finally, may I ask the noble Lord whether he is aware that everyone is anxious to see this very sad dispute resolved as speedily as possible? Will he take every step to keep the House closely informed?

**Lord Glenarthur:** My Lords, I am grateful to the noble and learned Lord, Lord Elwyn-Jones, and to the noble Lord, Lord Harris, for their reception of the Statement. Perhaps I may start my reply to the various questions which they have put to me by saying to the noble Lord, Lord Harris, that it is the earnest desire of my right honourable friend, myself and everybody in the prison department, as well as members of the Prison Officers Association, to see this dispute brought rapidly to a close. I agree with the noble and learned Lord, Lord Elwyn-Jones, that it is a very grave matter. I hope that it will be possible one way or another to find a sensible bridge to the problems which exist, but the noble and learned Lord must not underestimate the difficult nature of the divide that has now arisen between us.

As regards the question of the suspension of industrial action which was offered by the POA yesterday, as I explained when I repeated the Statement, that would have meant that talks would have taken place under a continuing threat of further industrial action. This was unacceptable, particularly as the leaders of the Prison Officers Association had said that my right honourable friend's proposals, which were set out in his letter of 22nd April to the POA National Executive Committee, constituted a reasonable way forward. I do not think that it is acceptable for the Government to talk under that sort of duress. It is particularly unreasonable in the light of the fact that we had reached a very similar position only last week and then suddenly we were faced with action at Gloucester just before the weekend.

As for the nature of the dismissals, suspensions or "temporary relief from duty", which is the phrase that

is being used in this case, some officers who are in fundamental breach of their duty have been temporarily relieved from duty until they agree to work normally. The staff concerned have been involved, for example, in refusing to accept orders. They have been refusing to man the courts and refusing to let prisoners into establishments. This action is not selective dismissal, as the POA has claimed; nor is it the same as a disciplinary suspension. If staff agree to work normally, they will be reinstated. The sanction is one that is well recognised throughout the Civil Service. There is no question of it being noted in any way that action had been taken. It is a perfectly normal and well accepted procedure.

5 p.m.

The noble and learned Lord, Lord Elwyn-Jones, suggested that the atmosphere had been poisoned by the activities at Gloucester over the week-end. I can perhaps say to the noble and learned Lord, and amplify the point for the benefit of the noble Lord, Lord Harris of Greenwich, that certainly the activity at Gloucester, in particular what has happened since the week-end, is most regrettable. Before the week-end the governor at Gloucester had for three weeks been asking the Prison Officers Association representatives to come to talk to him so that arrangements could be made to meet the budgetary control that has to be maintained by a prison governor of his establishment on the question of overtime. For three weeks he asked them to come and talk to him. For three weeks they refused. In the end he had to take certain steps, not particularly devastating steps, but minor steps, to bring himself back within the budget target.

Since then activities at Gloucester, as the noble and learned Lord and the noble Lord, Lord Harris, know, have become rather more serious. Yesterday prison officers at Gloucester prison refused to man the courts, to escort prisoners to court and to obey the lawful orders of their governor. Not only did their action interfere with the administration of justice; in effect they took control of the prison. That is unacceptable to the Government and, I believe, unacceptable to your Lordships. It is one of the most serious actions, if not the most serious action, that many can remember within the prison service. The prison officers are a disciplined force. That is necessary if we are to maintain administration of justice in the way that we know it.

This morning staff reported for duty and were therefore told that if they wanted to work, they must agree to work normally before they would be allowed inside the prison. They declined to do so. The prison is presently being run by the governor and other governor grades. Twenty prisoners have staged a rooftop demonstration, but the police are standing by and the situation is under control. It was for persistently refusing to undertake the duties involved in conveying prisoners to court that 13 officers at Gloucester were temporarily relieved of duty. I agree with the noble Lord, Lord Harris, that many fine public servants amid the prison service have indeed among the governors, who have deplored the action at Gloucester. I thank the noble Lord in adding support for what they have done. It is of course for the government to

prisons and not for the prison officers to manage prisons. That is certainly what the effect of the action at Gloucester could have been.

Your Lordships are, I believe, well aware that we are concerned about overcrowding. That is why we have set about the biggest prison building campaign this century. It is also a matter of concern to staff in prisons that they should be able properly to manage the regimes that exist there. I have to say to your Lordships that among the practices followed in prisons there are many instances of those, that are far from flexible. This means quite often that regimes cannot be as comprehensive as we should all like.

As to the circular to the courts that I mentioned just now, the business of the courts will inevitably be disrupted. The circular that goes out tomorrow will ask for magistrates' courts' understanding of what has arisen and will suggest ways of reducing the burden on the police. For instance, the courts might be able to adjourn some cases or to grant bail immediately in others. We shall draw attention to the difficulties and ask the courts to bear them in mind. But we shall not, of course, be seeking to interfere in judicial decisions in any way. The noble Lord, Lord Harris, asked about executive release. Yes, the early release power in Section 32 of the Criminal Justice Act 1982 is intended for use, but only in extreme circumstances. My right honourable friend would not be prepared to use it except in extreme circumstances.

As to the question of the POA generally and manning issues, we have of course made it plain to the association all along that we must consult it. The difficulty, as the noble Lord will be aware, arose over the absolute right to negotiate over manning, and that has never been a feature of any side of public service life. We have said all along that we are prepared to have discussions with the association and I hope come to a sensible arrangement. Failing that, management must have the right to manage. The noble and learned Lord, Lord Elwyn-Jones, having referred to Gloucester, mentioned Leicester. There has been no action at Leicester today.

**Lord Brougham and Vaux:** My Lords, can my noble friend say whether the view being expressed in Gloucester prison is a national view? Can he also say what was the ratio of prisoners to prison officers about 10 years ago, and what it is today overall?

**Lord Glenarthur:** My Lords, it is certainly not the case that the action being taken at Gloucester represents a national view. There are prison establishments up and down the country that, so far as I can tell, certainly deplore the action that has been taken at Gloucester, are working perfectly normally and have continued so to work over the last few days. As for the ratio of prison officers to prisoners, the number of staff at the moment is nearly 19,000 and the number of prisoners about 47,000. Over the last 10 years prison officer numbers have increased by about 18 per cent. and prisoners by 12 per cent.

**Lord Boothby:** My Lords, can the noble Lord say why there has been no comparable trouble in the prison service in Scotland where the main convict prison at Peterhead is in my old constituency? There has been no trouble there.

**Lord Glenarthur:** My Lords, I am very glad to hear that there has been no trouble there. As to precisely what are the negotiating arrangements with the Prison Officers Association in Scotland, I am afraid I cannot help the noble Lord.

**Lord Graham of Edmonton:** My Lords, will the Minister reflect that while the prison department manages budgets, governors and prison officers have to manage men—and violent and dangerous men at that? Will the Minister not agree that a ballot held in conformity with the Government's own legislation giving the POA executive a majority of 81 per cent. for industrial action is a powerful mandate? The voice is not the voice of the POA executive; it is the voice of the members of the POA. Will the Minister accept that the offer made by the Prison Officers Association late last night was both statesmanlike and responsible and that his right honourable friend would do well to follow the pattern then set by the prison officers?

**Lord Glenarthur:** My Lords, I would certainly agree with the noble Lord, Lord Graham of Edmonton, that managing men and managing budgets are all part of a necessary balance that must be struck in the overall management of resources voted by Parliament to the prison service. So it is essential that at the end of any discussion the prison governor is the person who exercises control over the way that the resources are spent. Otherwise, it would be a matter of the POA dictating how budgets are spent. There can be no compromise on that. I agree, however, that ultimately a balance must be struck on all these issues, including work practices.

With regard to the mandate, yes, of course I accept that it is a mandate based upon the voice of the Prison Officers Association. But so far as I know, even at this late hour the Prisons Officers Association national executive committee has not put the letter which my right honourable friend the Home Secretary discussed and which he wrote on 22nd April in front of the membership. However, that is a matter for the executive.

I am all for statesmanslike approaches to these problems and certainly both my right honourable friend and I shall proceed in a statesmanslike way. But with regard to last night's statement by the Prison Officers Association, had we adopted that proposal we should have been placed in precisely the same situation—the noble Lord shakes his head, but I am afraid that this is the way it appears—as we were in last week. Then my right honourable friend said that he would be prepared to discuss the three main items that in the letter of 22nd April, and then we suddenly found ourselves faced with the Gloucester issue.

I referred earlier to increases in numbers of prison officers. I said to my noble friend Lord Brougham and Vaux that that was over a period of 10 years. I should have said that it was since 1979.

**Lord Rochester:** My Lords, will the noble Lord agree that it is important in this House at this crucial time that we should say nothing which would encourage members of the Prison Officers Association to carry on with this industrial action?

**Lord Glenarthur:** Yes, my Lords; I entirely agree with the noble Lord, Lord Rochester. As we have said, this dispute could have very serious effects not just on the way that prisons are run but also on prison officers, prisoners, and the whole criminal justice system. I hope that we shall all continue to look at it coolly.

**Lord Hunt:** My Lords, will the noble Lord accept that having listened to the explanation he has given to the House in this critical situation, speaking personally I fully agree with the line the government are taking? I say this with great reluctance because having for many years seen a great deal of the work in our prisons I have always held the highest regard and admiration for the work of prison officers, and I continue to do so. However, I agree that the Government have done the right thing in the particular circumstances.

Having said that, will the noble Lord agree that this critical situation which has arisen is of itself symptomatic of a far more fundamental problem? I know that the noble Lord is fully aware of this, but I make the point nonetheless. It arises from the inappropriate number of offenders who are sent to prison when they would be more satisfactorily and effectively dealt with by other means, and in many cases from the length of prison sentences imposed on those who must go to prison.

**Lord Glenarthur:** My Lords, I am very glad that the noble Lord, Lord Hunt, feels able to support the line which the Government have taken on this issue. With regard to it being symptomatic of the concern he feels for what he sees as an inappropriate number of offenders being sent to prison, I must say to him that while through appropriate publications and other means we take steps to encourage those who may dispose of offenders not to send them to prison unless they have to do so, it is a matter for the courts to decide whether they send people to prison, and we must provide the places while they do so.

**Lord Sandys:** My Lords, in rising to support most strongly what my noble friend has said in such a moderate and statesmanlike way, may I ask him about what was mentioned in the Statement relating to the burden of overtime, in particular with regard to average earnings? Can he comment upon the average earnings of prison officers and on the need for overtime, which was mentioned in the Statement and which must clearly be one of the particular points involved?

**Lord Genarthur:** My Lords, the average earnings of prison officers are about £15,000 a year, of which overtime amounts to about 30 per cent. If the average amount of overtime worked each week is about 16½ hours—which is where the figure stands at the moment—there are a great many officers working far in excess of that; they are working 20, even 30, hours a week on top of a standard 40-hour week. That cannot be in the best interests of either the prison service or the individuals who have to do that amount of extra work.

5.15 p.m.

**Lord Harris of Greenwich:** My Lords, is the noble Lord aware that there have been recent reports emanating from a member of the prison officers

executive suggesting that prison officers in Northern Ireland might be encouraged to join this action? Is he aware that that kind of approach will do the reputation of the Prison Officers Association great damage in this country? It would be an act of ultimate irresponsibility.

Perhaps I may return to one matter which I previously raised with the noble Lord. Will he undertake to keep the House closely informed about this situation? We all recognise the sensitivities of it, but as a meeting of the executive of the Prison Officers Association is taking place as we meet, and as the circular is coming out tomorrow, and there will clearly be a number of developments, will the noble Lord undertake to keep the House closely informed?

**Lord Glenarthur:** My Lords, with regard to the last request of the noble Lord, my right honourable friend the Home Secretary will bear this very closely in mind. It will be a matter taken forward through the usual channels. But I can promise the noble Lord that yes, we shall bear it closely in mind.

With regard to Northern Ireland, I am aware of that threat. I agree with the noble Lord that it would be extremely damaging if the action were to spread to Northern Ireland. I sincerely hope that it will not do so.

**Lord Donaldson of Kingsbridge:** My Lords, before we leave this very serious problem may I ask one question? Am I right in thinking that the only difference between the Government and the prison officers is one of suspension and abandonment of strike action? It seems to me a very narrow difference. I should like to say to the prison officers—whose friend I hope I have always been—that they should look at this. It seems to me that there is a way out by saying, "All right, abandonment for the moment, but we shall call it abolition. We can always start it again at any minute. The difference is verbal, and therefore we shall agree". If they would do that, the whole matter could be solved because I believe—this is not a question though it should be—that the kind of proposals that the Home Secretary will make will be acceptable.

**Lord Glenarthur:** My Lords, if that is an avenue which the prison officers feel that they are able to go down, I agree with the noble Lord that it may be one way forward; I hope that it might be. But if we are faced with suspended action, which may for one reason or another lead to action taking place while talks are going on, and if the kind of action we saw last week when a prison governor was, absolutely rightly, continuing to govern his prison and to look after the finance which had been made available to him by vote from Parliament is to be called into question, serious negotiation cannot take place.

**Lord Morris:** My Lords, may I ask my noble friend whether he would be good enough to reassure me that Her Majesty's Government will ever defend the right of management to manage, that the prisons be managed by Her Majesty's Secretary of State for the Home Department, and that that right to manage be not usurped by those whom the Home Department employ on our behalf?

**Lord Glenarthur:** Yes, Lords, I can certainly give my noble friend that assurance. It is a matter which has been stressed regularly over the last few days and it applies particularly in a service such as the prison service which is a disciplined service and which involves many different aspects of our national life. We are aware that prison officers have an interest in the safety and well-being of prisoners and in other issues as well. But governors must have the right to manage.

### Gas Bill

5.20 p.m.

House again in Committee on Clause 1.

**Lord Diamond** moved Amendment No. 7:

Page 2, line 1, after ("appointment") insert ("or reappointment").

The noble Lord said: I hope that it will be for the convenience of the Committee if I also speak to Amendment No. 12, which is a consequential amendment. It may save a little time if we discuss the two amendments together. The amendment refers to subsection (2) which appears at the very top of page 2 of the Bill and says:

"An appointment of a person to hold office as the Director shall not be for a term exceeding five years".

However, it goes on to say:

"but previous appointment to that office shall not affect eligibility for reappointment".

Therefore, the Bill contemplates reappointment in certain circumstances, but nowhere does it define what the period of reappointment shall be. The first line of the subsection talks about:

"An appointment of a person to hold office",

and defines that as being not for a term exceeding five years. We shall discuss later whether that is an appropriate period.

The simple point which I am making is this. Do the words "An appointment" in the first line of the subsection cover the question of reappointment, or is it not also necessary to refer to reappointment so that there will not be a situation whereby a person is appointed in the first place for an acceptable period and is then reappointed for a far too lengthy period—for example, because there is nothing in the Bill to prevent it? That is the point upon which I wish to receive clarification. I beg to move.

**Lord Brabazon of Tara:** I hope that I can briefly give the noble Lord the reassurance which he seeks. I assure him that these amendments are not necessary. I am advised that there can be no doubt that the Bill as drafted will apply to the director equally on reappointment or on initial appointment. Thus, under Clause 1(2) any appointment of the director is limited to a maximum of five years, and under subsection (4) any appointment of the director is subject to the terms of appointment under subsections (2) and (3) of the clause.

I quite agree with the noble Lord that it would be entirely undesirable if, having served his original appointment, he could then go on to serve an unlimited further appointment. However, I assure the

noble Lord that the Bill as drafted takes account of that point.

**Lord Diamond:** I am grateful to the noble Lord. If he is so sure about it, I naturally accept his assurance and seek the Committee's leave to withdraw the amendment.

Amendment, by leave, withdrawn.

**Viscount Hanworth** moved Amendment No. 8:

Page 2, line 2, leave out ("five") and insert ("four").

The noble Viscount said: Amendment No. 8 is a simple probing amendment. The director is appointed for up to five years, and one wonders why the period should be five years. A period of that length will cover more than one government and, as the director can be reappointed, there seems no point in having as long a period as five years. I beg to move.

**Lord Williams of Elvel:** There is one further point which perhaps the noble Viscount has not made. If you take, consequentially, periods of five years, after a long period of time you will reach 25 years, which I understand is the period of the authorisation. I hope that the Minister will agree that it is undesirable for the appointment of any director to be coterminous with the end of an authorisation and that he has to straddle a reauthorisation. That is why we ask the Minister either to clarify that that will not be the case or to accept the amendment.

**Lord Gray of Contin:** The Committee may not be aware that five years is a standard period for public appointments of this kind. The Director General of Fair Trading and the Director-General of OfTel both have five years as the statutory maximum length of their terms of appointment, as do nationalised industry board members and members of similar bodies. There is no obligation that an appointment be for the full five years, but the period is designed to enable the post-holder to build up expertise in the subject and to provide a level of continuity. A shorter term would be destabilising both for the industry and the staff of Ofgas.

**Viscount Hanworth:** I am not entirely convinced by the Minister's arguments, but nevertheless I beg leave to withdraw the amendment.

Amendment, by leave, withdrawn.

**Lord Diamond** moved Amendment No. 9.

Page 2, line 6, after ("by") insert ("six months").

The noble Lord said: On behalf of my noble friend Lady Seear, with whom I have discussed the matter, I rise to move Amendment No. 9. The first two lines of subsection (3) read:

"The Director may at any time resign his office as the Director by notice in writing".

It is as simple as that. The amendment proposes that the notice shall be six months' notice in writing. It seems to us quite impracticable that a new director of adequate qualifications, skill and experience could be found in the market and engaged within a period of less than six months.

[LORD DIAMOND.]

As we all know, it takes a great deal of time and nearly always the person most suitable for the job is already in important employment and would most probably have to give three months' notice. Therefore, by the time you have found him and he has given three months' notice, I do not see how you can possibly expect to find a suitable replacement in under six months.

If that is the case, it would be embarrassing—indeed, it would be more than embarrassing, it would leave the consumer unprotected—if there were to be acceptance of notice without any period attached to it, which is what the Bill provides, because in those circumstances, presumably one week's notice would be adequate, or whatever he chose to give. Therefore, it is important that the matter should be clarified and that a minimum of six months' notice should be included in the Bill. I beg to move.

**Lord Gray of Contin:** I fully appreciate the intention behind the tabling of this amendment; namely, that sufficient notice should be given by an outgoing director to enable a new one to be found and for continuity of his office to be assured. That is a perfectly reasonable aspiration and one which we share.

However, Clause 1 already provides that the director must give notice if he resigns his office. We envisage that the period of notice to be given will be spelled out in the director's terms of appointment. We fully accept the need for continuity in the directorship, which will be important for the stability of Ofgas itself, and we believe that there is no difference of principle between us on this issue. I hope that in the light of that assurance the noble Lord may be prepared to withdraw the amendment.

**Lord Diamond:** I do not want to press the amendment unduly, but I have difficulty in understanding what the Minister said by way of explanation. After all, the subsection says:

"The Director may at any time resign his office".

It does not say that he may resign his office in accordance with the terms of his employment under subsection (1). It says:

"The Director may at any time resign his office",

and we can all understand the reason for that. It is no use trying to force a person to work who does not want to work any longer. If that is the case, at the moment I cannot see that the anxiety, which I am delighted to find is shared by the Government and by myself, is dispersed by having nothing in the Bill to indicate that one expects a reasonable period of notice. Perhaps the noble Lord the Minister has something further to say on that point.

**Lord Bruce of Donington:** Is it not the case that what is happening here is that parliamentary counsel simply does not want the clause altered? It is as simple as that. The clause having been written, it is now sacrosanct and must not be amended on any account. Surely the amendment to insert "six months" is perfectly reasonable.

If the noble Lord says they intend to incorporate six months within the terms of the service contract, whatever it may be, what is the objection to putting it into the Bill? It seems to be quite proper. It is not an extraordinary provision to have in an Act. Why should the noble Lord hide behind the excuse that there is really no need for it and that it will all be in the terms of the service contract? If we are all of the same mind, why not enshrine it in the statute? There is no harm in it.

5.30 p.m.

**Lord Gray of Contin:** I think we are all of the same mind, but we take the view that the terms on which the director is appointed should deal with this matter. I suggest to the noble Lord that it would be a mistake to write this into the legislation, because there could be many different reasons for resignation. It would be a pity completely to tie the hands of everybody for ever more by enshrining it in legislation.

The director, for example, might want to resign for reasons of health. There could be other reasons. There could be domestic problems; there could be all sorts of things. It would be a mistake rigidly to enshrine this in the Bill. I am sure that there is nothing of principle between us in this matter. It just is that we take the view that it would be more appropriate to have this included in the terms under which the director is appointed.

We should preserve the flexibility that we have at present. There could be circumstances when the Secretary of State would want to waive a period of six months if there was a good candidate already available and able to follow on. That is just another reason for not enshrining it in the legislation. I think we should make a mistake by doing that.

**Lord Donaldson of Kingsbridge:** Would the noble Lord accept the word "reasonable" in front of "notice"? That might meet both sides, who agree so completely.

**Lord Gray of Contin:** The noble Lord has made a constructive suggestion, but, with respect, I still think it would be better to have this included in the terms of appointment of the director rather than have it referred to in the legislation.

**Lord Diamond:** We are all concerned with having clear legislation. This subsection is as clear as a bell. It says:

"The Director may at any time resign his office as the Director by notice in writing addressed to the Secretary of State".

It fixes no period for that at all. I am bound to ask the Minister whether he would be good enough to say that in view of these representations he will take further advice?

We are all after the same thing. We are not trying to press the noble Lord to do anything that he does not want to do, or that he says the Bill does not want to do. We are all trying to do the same thing. Let us have a good, clear Bill. If he would be good enough to look at that at his leisure and say that he is prepared to do that, then we would withdraw the amendment.

## Prison Officers' Dispute

4.5 pm

**The Secretary of State for the Home Department (Mr. Douglas Hurd):** Mr. Speaker, I will with permission make a statement on the dispute with the Prison Officers Association.

The House will recall that I set out the issues in the dispute in my reply to a private notice question from the hon. Member for Liverpool, Mossley Hill (Mr. Alton) on 17 April. Since then I have twice met representatives of the national executive committee of the Prison Officers Association. Following my first meeting, I put to them, in writing on 22 April, a package of proposals for resolving the dispute. When I met them again yesterday, POA representatives accepted that my proposals provided a way forward. They undertook in return to consider my request that they call off industrial action in order to allow a resolution on this basis to proceed.

In the event, the POA declined yesterday to go beyond the offer of an undertaking that it would instruct its members not to take action while talks on the basis of my proposals were proceeding. In effect, that amounted to an offer to suspend, but not to call off its industrial action. But its previous undertakings to suspend had proved ineffective, and damaging industrial action had taken place despite it. So its position yesterday represented no advance on the situation it had taken in talks last week and was not unacceptable. The Government cannot conduct talks under the continuing threat of further industrial action in this vital public service.

The POA therefore broke off discussions and has announced that it is considering ways of extending its industrial action, which may include strike action. As I make this statement, it is still not clear what action the POA may take in practice.

I deeply regret this action by the national executive committee of the POA, which shows no regard for the longer-term interests of its members nor, equally importantly, for the prisoners in its members' charge. The sort of industrial action that we have already seen at Gloucester prison—where prison officers yesterday took control of the prison and refused to accept the orders of their governor and where they are still refusing to return to normal working—is unacceptable. The Government will take all possible steps both to sustain the right of governors to manage their prisons and to protect prisoners and the public from the consequences of POA action. In this context, a circular will be issued tomorrow to the courts containing advice on the implications for them of the dispute. A copy will be placed in the Library of the House. I shall consider any further measures which may be necessary.

I take this opportunity to make a further appeal to prison officers to look at the package of proposals I have placed before them and to judge whether it is worth throwing that away by taking further industrial action. As I have publicly acknowledged many times, prison officers do a difficult and often dangerous job. They deserve to be well paid. But the heavy burden of overtime must be lightened and there must be increased efficiency.

Progress towards formal discussions about a range of new systems designed to meet all these objectives was being made when the NEC call for industrial action went out. The agenda for talks, set out in my letter of 22 April,

represents a positive way forward for prison officers and, indeed, the whole prison service. I very much hope that even now, prison officers will end their action to avoid lasting damage to the prison service and to their own interests.

**Mr. Gerald Kaufman (Manchester, Gorton):** Two years ago the Government were insisting that industrial action was unacceptable without a ballot. Now they are insisting that industrial action is unacceptable with a ballot: a ballot with 78 per cent. voting and 81 per cent. in favour of industrial action, and a ballot held under the Government's own legislation.

Prison officers carry out a dirty and dangerous job in increasingly difficult conditions, caused by the collapse of the Government's law and order policy and the record crime wave under this Government, which has produced a huge increase in the prison population and unprecedented overcrowding, with as many inmates now as the Home Office forecast for 1993. Prisoners are often three in a cell. They may be locked in their cells for 23 hours and the workshops may be closed.

The Government are spending more money on building prisons but are seeking to save money on running them, with prison officers being left to carry the burden, especially with the extra duties that they now have in servicing the unprecedented number of prisoners on remand. The prison officers have made it clear that they fully agree that it is not their role to control manning levels, but why will the Home Secretary not agree to a proper and sensible role for them in deciding safe manning levels, particularly as the POA has offered to instruct its members to take no further action while talks are going on?

That would be the sensible way of solving these difficulties, and would be much more sensible than the ridiculous antics going on at Gloucester prison. Last night, the deputy governor arrived at the prison gate and announced that he was bringing fish and chips for the governor. Under cover of that fast food, four assistant governors rushed in to take over the prison. Will the Home Secretary repudiate such tactics, and admit that the Government have been planning for this very dispute for many months?

That is demonstrated by the 80-page document that I have with me, which was circulated months ago. It is headed:

"Confidential

Association of Chief Police Officers of England, Wales and Northern Ireland

Industrial Action In The Prison Service

Police Contingency Planning

Notes of guidance."

Among other things, the document says:

"Confidentiality is most important in relation to contingency planning. Should it become known to the POA that such planning was taking place by police it may result in the escalation of an already delicate situation."

It is a delicate situation, and the contingency planning has become known.

The Government long ago decided that, after other groups of workers whom they had chosen, the prison officers would be their next enemy. I warn the Home Secretary that with his intransigent bungling in this exceptionally delicate area he is recklessly playing with fire.

**Mr. Hurd:** I always hope for better from the right hon. Gentleman but I am always disappointed on occasions like this.

The neglect that the whole prison service suffers from is the neglect of previous Governments to do anything about prison building—[*Interruption.*] My right hon. and noble Friend the Lord President of the Council started the prison building programme after years of neglect by others. By now the right hon. Gentleman should know that we have recruited 18 per cent. more prison officers since 1979 while the number of prisoners has increased by 12 per cent. Consequently, it is completely false to say that we are not staffing to match the increased prison population. We have staffed over and above the increase in prison population.

The POA and I thought that last week we were very near agreement on the POA's role in being consulted over manning levels. I wrote the POA a letter which I hope that the right hon. Gentleman will study. The POA wrote back indicating that the contents were very near to what it had in mind. Industrial action then followed. The POA said that it would be willing to suspend industrial action, but it was not suspended. In those circumstances, I am sure that discussions can only fruitfully take place if the POA calls off industrial action.

I entirely disagree with what the right hon. Gentleman said about Gloucester. Yesterday, the situation there was serious, because POA members refused to run the prison in the way that the governor directed. Later, as a result of the governing grades' ingenuity, a number of governing grades were able to enter the prison. The situation is now under control. However, if they had followed the right hon. Gentleman's advice, the situation in Gloucester prison would be out of control.

Of course there are contingency plans. If we had reached this position and it had appeared to the House and the right hon. Gentleman that there were no contingency plans, he would have been the first to jump up and down in excited indignation, wanting to know why we had not foreseen this possibility. But as I said at the end of my statement, I believe that we were close to agreement last week. I also believe that we are close to an understanding now. However, I hope that the POA will understand that it is not possible for any of us to get on with the agenda that we are anxious to discuss while the threat and reality of industrial action hangs over us.

**Mrs. Sally Oppenheim** (Gloucester): I concur with my right hon. Friend in his general line, and deplore the militant action that has taken place. But will he bear in mind that—as he will know from correspondence that he has had with me—prison officers in Gloucester have been under considerable pressure? That pressure is the result, among other things, of the presence of a special unit in the prison and of at least one prisoner who is suffering from AIDS. Those prison officers have a long history of fine service and non-militancy, and I hope that my right hon. Friend will bear that in mind when discussions resume. Will he give an undertaking to take whatever steps are necessary to protect the citizens of Gloucester if things get out of hand?

**Mr. Hurd:** Yes indeed. I do not believe that there is any threat to the security of Gloucester prison thanks to the timely action that the right hon. Member for Manchester, Gorton (Mr. Kaufman) criticised. What my right hon.

Friend has said about the role of prison officers is true, not only in relation to Gloucester but elsewhere. However, in view of some of the things that have been said, I should make it clear that no one has been dismissed as a result of these activities. If the POA staff agree to work normally under management's instructions, they will be reinstated.

**Mr. Stephen Ross** (Isle of Wight): As I have three prisons in my constituency and two of them are high security prisons, may I support the call for saner counsels to prevail? Is it not a fact that on Sunday, at least, prison officers at Leicester went back to work at the POA's request? Is the Secretary of State aware of the niggling things that have been introduced into the prison service, particularly in Albany, that payments due to prison officers have been withheld, niggling restrictions have been imposed, and that the number of prison officers on night duty, in particular, has fallen to a dangerously low level? Surely it would be possible to renew negotiations with a postponement of industrial action, even though that action has been voted for by a very large majority of the POA. That would be better than calling for absolute abandonment, which is totally unrealistic.

**Mr. Hurd:** Yesterday I was holding discussions with representatives of the POA. In theory, action was suspended, but in fact action of particularly damaging and disruptive kind was under way at Gloucester, Swansea and Northallerton. One cannot allow such a situation to continue. With his knowledge of these affairs, the hon. Gentleman will understand that we have been recruiting prison officers at a substantially faster rate than the rise in the number of prisoners. However, we are not using them correctly.

There are all sorts of rigidities and inflexible practices which, if we could discuss them constructively with the POA, would be resolved. We could say goodbye to a good many of them, and that would increase the resources available for other purposes within the prison service. That is what I want to get on with, but I cannot do so in the sort of circumstances that obtained yesterday, when in theory action was suspended but in practice it was raging.

**Mr. Peter Bruinvels** (Leicester, East): Will my right hon. Friend accept that, as a Leicester Member of Parliament, I did not agree with the industrial action taken by some of Leicester's prison officers? However, they are under some strain because of the secure wing. May I have my right hon. Friend's confirmation that there will be no surrender, that the courts will not be deterred from passing custodial sentences, and that everything possible will be done to ensure not only that there are custodial sentences but that there is a proper ballot by all prison officers before any further strike action is taken?

**Mr. Hurd:** My hon. Friend will know that there was a ballot that empowers the national executive to take industrial action but does not compel it to do so. I agree with my hon. Friend and hope the executive will decide in the interests of its members and of the prison service not to use that mandate. My hon. Friend will wish to look carefully at the circular to the courts. I hope he will agree that it does not run counter to the principles he talked about.

**Mr. Merlyn Rees** (Morley and Leeds, South): I accept that the problem of running the prisons has been with us for a long time. It goes back to the Administration in which

I was Home Secretary, but also goes back beyond that, to previous Home Secretaries. An approach in narrow party political terms, suggesting that it is all the fault of the Labour Government will get the Home Secretary nowhere. *[Interruption.]* The Home Secretary can answer for himself and he does not have to respond. I realise that this is a difficult subject. What was this agreement of a mere few days ago from which all would have been well? Would it not help public discussion to see who was wrong and who was right if the Home Secretary told us what the agreement was?

**Mr. Hurd:** I responded temperately to the attack by the right hon. Member for Manchester, Gorton (Mr. Kaufman) who said it was all our fault. I had hoped that such an attack might not be made on this occasion but it was made. The right hon. Member for Morley and Leeds, South (Mr. Rees) will absolve me from too much intemperateness in my reply to his right hon. Friend.

My letter of 22 April has already been made fairly well known and is in the Library. That is the letter to the general secretary of the POA in which I set out the understanding upon which we were close to agreement on the role of the POA in being consulted and in discussing manning levels. I went on to discuss the pay claim, which should be about to be negotiated with the Treasury. Obviously, such negotiations cannot take place in present circumstances. I also discussed tax compensation on housing allowances and the whole matter of working practices, which I have already discussed. That is the agenda that I want to get on with and, given his experience, the right hon. Gentleman will understand the importance of that.

**Mr. David Crouch** (Canterbury): There is a prison in my constituency and I have been meeting prison officers for the last 20 years. I have a high regard for the officers and for the service that they provide, both to the public and to the prisoners. However, I wholly condemn their approach in taking industrial action, just as I wholly condemn the attitude of the right hon. Member for Manchester, Gorton (Mr. Kaufman) who exacerbated the problem by what he said. Can we do something to assist this somewhat silent, forgotten and hidden service, because the prison service is somewhat hidden when compared to the police? The officers do not have a parliamentary spokesman and sometimes think that they are somewhat forgotten. I hope that my right hon. Friend can assure them that taking industrial action is not the way to be remembered or noticed.

**Mr. Hurd:** I entirely agree with my hon. Friend. The prison service has suffered from under-discussion—if there is such a term. It would be a good thing if the House, the political parties and the public in general outside the specialist groups, took a greater interest in the state of the prisons and in what we are doing to remedy the conditions that we find.

**Mr. Chris Smith** (Islington, South and Finsbury): Is it not entirely understandable that officers at Pentonville prison in my constituency are anxious and angry about the conditions under which they have to perform their duties? That prison was built for 600 and is now housing 1,000 prisoners. Three workshops are being closed down and, because of under-staffing, wings are left for hours at a time without being patrolled. Those are the problems. What action does the Home Secretary intend to take to tackle those basic issues that lie at the heart of this dispute?

**Mr. Hurd:** The hon. Gentleman describes the scandal of overcrowding. If he had carried out his research correctly he would know where to attribute the blame for that. As the hon. Gentleman knows, the knotty part of the problem is the high level of overtime. It averages 16 hours a week per officer and makes up for 30 per cent. of average earnings. By any standard, that is too much. We want to discuss with the POA the proper balance between staffing hours and increased manpower and overtime. As the hon. Gentleman will see from the figures that I have given, an increase in manpower is coming through. Out of such discussions could come a new deal that would get rid of some of the present rigid and restrictive practices and add substantially to the prospects for the prison service as a whole.

**Mr. John Hannam** (Exeter): I deplore the action taken by the Prison Officers Association but I should like to pay tribute to the prison officers in Exeter prison. It is a remand prison and conditions there have deteriorated over the years. There is severe overcrowding and a shortage of staff. Will my right hon. Friend look again at a subject that worries prison officers, the policy of enforced early retirement? That was imposed in recent years and is a source of great anxiety to prison staff.

**Mr. Hurd:** I shall certainly look at that, although my hon. Friend will know the reason for it. I agree with my hon. Friend that the rise in the remand population is disturbing. He will know about the efforts that we are making, for example through trials on time limits, to encourage the processes of law to work faster so that there are fewer people on remand.

**Mr. Jeff Rooker** (Birmingham, Perry Barr): I was recently given an answer to a question about Featherstone prison which was wholly misleading. It was about the overcrowding there and the pressure on officers. It is that kind of false information from management to Ministers that causes Ministers to get into the mess that they are in now. I shall be grateful for an early alteration to the answer that I was given.

It is better for Ministers and others who visit prisons such as Winson Green to do so in the early hours of the morning, at slopping out time, instead of at midday. If they did that they would see the real effects of overcrowding and understand why the prison officers have explained that they cannot any more do random searches of the cells. We have reached a ludicrous state of affairs and it is aggravated by people being sent to prison for less than seven days. It is inexplicable that this kind of thing can go on, because it puts unnecessary pressure on already overcrowded prisons.

**Mr. Hurd:** It is important for Ministers to visit prisons. As the hon. Gentleman knows, I try to do that and my noble Friend who deals with the prison service also visits the prisons. I reject the hon. Gentleman's remarks about the advice and information that we receive from a highly competent prison management. Of course, he is right about slopping out. That sort of thing is a scandal and has its roots in Victorian times. The arrangements made by the Victorians were perfectly acceptable by the standards of that day, but they are not acceptable now. It takes a long time and a lot of money to put that right, but he will know that we are building 16 new prisons and proposing to



[Mr. Hurd]

refurbish 100 more. A large part of that work will deal with sanitation. We are getting on with the work and the prison officers are well aware of that.

**Mr. Ivor Stanbrook** (Orpington): Many people will be surprised to find that it is possible for prison officers lawfully to engage in industrial action or to go on strike. Can my right hon. Friend think of anything more vital to the internal security of the country than the prison service? Should we not consider instituting a no-strike agreement in any settlement of this dispute that may be obtained?

**Mr. Hurd:** I have a lot of sympathy for my hon. Friend's view. He is not the only person to whom this thought will have occurred. We need to give consideration to the matter.

**Mr. Greville Janner** (Leicester, West): Any enforcement on prison officers of a no-strike agreement would be deeply resented and would remove from them one of the freedoms to which they are entitled. Does the right hon. Gentleman not realise that they have an extremely rough job that is greatly aggravated by wicked overcrowding? If he does recognise that, will he answer two questions? First, will he tell the House something about the circular that will go out to the courts tomorrow, and not leave it to the press to find out about it so that the House cannot question it? Does the circular include provisions for alternatives to imprisonment for people sent to prison for debt? Secondly, has he plans to deal with overcrowding in Leicester prison, which was built for 200 prisoners and is holding 400? It is staffed by people trying to do a good job in the most difficult and sometimes dangerous circumstances.

**Mr. Hurd:** I shall certainly write to the hon. and learned Gentleman about the plans for Leicester prison. My hon. Friend the Member for Orpington (Mr. Stanbrook) talked specifically about a no-strike agreement, and, indeed, the hon. and learned Gentleman used the same phrase. It is not a question of imposing, but of considering an agreement. That is what my hon. Friend suggested, and that is what I said required consideration.

The circular letter will refer to the fact that if industrial action is taken—I hope it will not be taken—the business of the courts will inevitably be disrupted. The letter will seek the understanding of magistrates' courts, and will suggest ways of reducing the burden on the police; for example magistrates' courts may be able to adjourn some cases or to grant bail immediately in others. We shall draw attention to difficulties and ask the courts to bear them in mind, while making it plain that we are not seeking to interfere in judicial decisions. As I understand it, that follows closely what was done on a previous occasion. The full text of the letter will be put in the Library.

**Sir Kenneth Lewis** (Stamford and Spalding): Is it not important that the POA and its membership recognise that however much sympathy they may have from the public now—the public recognises the difficulties of their job—it will soon be lost if there is a disaster caused by disruption, especially when the public knows that talks are available to them?

**Mr. Hurd:** My hon. Friend is right. The public has sympathy for the job which prison officers do. I should

like to see more publicity for what they do and the problems that they face. That is entirely understandable. The public also knows that prison officers are not badly paid, in recognition of the difficulties of their job, and that we are willing and anxious to consult them about the future of the prison service.

**Mr. Robert MacLennan** (Caithness and Sutherland): Recognising that the resumption of talks is essential if this grave position is not to deteriorate still further, will the Home Secretary say what his present conditions are for the resumption of talks? Is he waiting for the NEC of the POA to extend the effectiveness of its call for the suspension of industrial action, or is he looking to the NEC to take a different line?

**Mr. Hurd:** I want the NEC to call off the industrial action. In that way we can get on with the real job of discussing real matters.

**Mr. Harry Ewing** (Falkirk, East): Does not the Home Secretary's circular come to the nub of the problem? If, as the Home Secretary says, the circular will explain to the courts the problems of overcrowding in the event of a strike by prison officers, and will recommend a number of options to be exercised by the courts and the police in the event of a strike, why on earth cannot those same options be operated when there is no strike and no industrial action? Could they not go a long way towards preventing the position that the Home Secretary has brought the prison service to?

**Mr. Hurd:** Obviously, they can. The hon. Gentleman is right. The granting of bail and the timing of cases are at the discretion of the courts. The hon. Gentleman will know that recently I have several times gone out of my way to urge the courts to consider tough and practical alternatives to custody for relatively minor offences. Indeed, I have to some extent stuck out my neck on that point. It is also right in these circumstances, where we may be under a serious threat of industrial action, that in striking the balance in each case, the courts should have regard to the position. That is the purpose of the circular.

**Mr. John Ryman** (Blyth Valley): May I draw two specific points to the Home Secretary's attention? The first relates to prison officers' pay. Is not the crux of the problem that the basic rates of pay are so bad that officers are forced to engage in what is sometimes considered to be excessive overtime duties, such as accompanying prisoners to court, because without overtime their wages are unreasonably low? Is not the answer to raise the basic pay so that officers are not forced to rely on overtime? One may disagree as to whether they are working excessive overtime, but that is the motive behind it.

Secondly, does not the Home Secretary's circular, undoubtedly couched in moderate and temperate language, interfere with the judicial process? The judiciary is well aware of its powers of sentencing other than a sentence of immediate imprisonment. Surely it is not for the Home Secretary but for the Lord Chancellor to guide the courts on sentencing policy?

**Mr. Hurd:** I would not dream of issuing even a modest circular of this sort without the approval of my right hon. and noble Friend the Lord Chancellor. It specifically does not seek to interfere in judicial decisions. The hon. Gentleman is entitled to his view about what decent rates of pay are, and there is obviously room for argument and

negotiation on that. It is an irony that negotiations precisely on that point were about to begin between the POA and the Treasury, which has responsibility for such negotiations. Obviously, such negotiations cannot take place while industrial action is under way or threatened.

## Political Parties (Income and Expenditure)

4.35 pm

**Mr. David Winnick** (Walsall, North): I beg to move,

That leave be given to bring in a Bill to provide for a limit on the amount of money which may be spent by or on behalf of a political party during the period of a general election campaign; to require companies to establish a political fund from which all political donations shall be made; to provide for a ballot of shareholders and employees before a political fund is established; and to ensure an entitlement for each shareholder to an additional dividend from the company in lieu of any donations to which such shareholder has objected.

For more than 70 years it has not been possible for unions to donate money for political purposes without balloting their membership about whether a political fund should be established. There was never any controversy about that, and unions never complained that a political fund was required by law. However, the Government were not satisfied with the position, so legislation was introduced to require unions to ballot their members every 10 years if they wish to retain a political fund. The first such ballot had to take place by the end of March this year.

The legislation was, understandably, clearly seen as a rather crude and clumsy attempt by the Conservative party to undermine financial support for its main opponents. In the event, every union with a political fund secured a massive majority for a "Yes" vote. Indeed, two unions which did not have political funds won majorities to establish them. Who knows, other such unions may secure such a majority.

If it is right for unions to have to establish a political fund to contribute to a party, why should not the same apply to companies? Why the glaring difference in law? Today, I am seeking leave to introduce a Bill—an extremely modest measure—to ensure that companies must ballot shareholders, and employees with more than 12 months service—that is only fair—on whether a political fund should be established. Under the measure it would be illegal to donate to a political cause without such a fund. In this matter the law should apply to companies and unions alike.

It is also right and proper that in any such arrangement provision should be made for shareholders who do not want to contribute to a political fund to be compensated by some extra shareholding, in the same way as during the past 70 years trade unionists who did not want to donate for political purposes could contract out. I am merely seeking the same provisions for companies as apply to trade unions.

*The Economist* of 22 June 1985 commented:

"In practice, the directors of a company now arbitrarily decide how much to give to a party—usually the Conservative party or one of its front organisations. Their decision is simply noted in the directors' report, which is usually passed on the nod at the company's annual meeting."

In the same article *The Economist* said that, unlike the Labour party, the Tories, Liberals and SDP do not publish a full set of financial accounts. As we all know, the truth is that the whole area of Conservative party finance is rather murky. It is understandable that there are some Conservatives, such as Mr. Eric Chalker, who believe and have campaigned that the Conservative party should publish full accounts. I also note that Mr. Chalker is keen on democratic accountability in the Conservative party, and on the chairman being elected.

[Mr. David Winnick]

A recent MORI poll on public attitudes to political donations found that 51 per cent. of those asked felt that companies should not be allowed to make political donations and only 35 per cent. were in favour. In the same poll, 82 per cent. believed that companies making donations should first consult their shareholders. So public opinion on this particular issue is very clear. I see no reason for discrepancy between trade unions and companies which make contributions in the political sphere.

Since this Government took office seven years ago—I do not want to be personal, but I think that this information should come out—64 industrialists have been awarded knighthoods. Of these, 69 per cent. are directors of companies which have given £4.5 million to the Tory party since 1979.

**Mr. Tony Banks** (Newham, North-West): It is a fiddle.

**Mr. Winnick:** Of the 11 industrialists who have gone higher, who have been given peerages, six are directors of companies which are among the top 10 financial donors to the Tory cause.

**Mr. Tony Banks:** Come back, Lloyd George.

**Mr. Winnick:** These companies give money either directly to the Tory party or to front organisations like British United Industrialists. I am not sure on occasion which has more front organisations, the Conservative party or the Communist party.

In turn the Government favour their friends and financial backers, as in the Finance Bill, which is to be debated today, and in previous Budgets. There is a clear need for reform as quickly as possible.

The next reform that I seek in this very modest measure is to ensure a limit on expenditure by political parties during a general election campaign. We all know that there is a limit on expenditure on behalf of parliamentary candidates. There is no controversy about that. It is right and proper that no very rich candidate is able to secure election by buying votes. If it is correct for there to be quite a tight limit on expenditure by candidates, why should there not be a limit nationally for political parties? Why should a political party be able to spend as much as it likes? Here again there is a clear discrepancy between the national and local scene. In the last election the Tories had some £15 million to £20 million to spend. It may well be that they decided not to spend the lot, but they could have done so, and they could have spent much more. My party had as its maximum some £2.5 million. So we need to ensure that this reform is effected.

If I am asked what should be the ceiling on political party spending during a general election campaign, being a generous-minded sort of person I would say that, at present-day prices, it should be around £5 million. This amount could always be updated just as the amount of money that can be spent on behalf of a candidate is periodically updated to take account of inflation.

I do not know whether my Bill is to be opposed. If there are Conservative Members who oppose in any way what I have put forward, I hope that they will have the guts to oppose it today. That is far better than to get the Whips to oppose me and to shout "Object" one Friday afternoon.

If the Conservative party believes that my proposal is wrong, why does it not oppose me and vote against it today? If I am to be defeated in a Tory-dominated House of Commons, so be it, but if I am to be given leave, it is only right that the Cabinet should find time for me to process my Bill. I see no reason why, at the Cabinet meeting, say, on Thursday, this item should not be top of the agenda, or why the chairman of the Conservative party and perhaps the Leader of the House should not ensure that, having been informed that this Bill has been passed without opposition, I have sufficient Government time to make progress and to ensure that my proposals become law before the next general election.

That is only right and fair, so I shall assume that if there is no opposition today the Cabinet will decide along the lines that I have suggested.

*Question put and agreed to.*

**Mr. David Winnick:** It is clearly the unanimous wish of the House of Commons to support the Bill, Mr. Deputy Speaker, and that only strengthens what I have said about being given Government time to progress the Bill.

Bill ordered to be brought in by Mr. David Winnick, Mr. Tony Banks, Mr. Dennis Canavan, Mr. Terry Davis, Mr. Derek Fatchett, Mr. James Lamond, Mr. Austin Mitchell, Mr. Allan Rogers, Mr. Brian Sedgemore and Mr. Robert Sheldon.

#### POLITICAL PARTIES (INCOME AND EXPENDITURE)

Mr. David Winnick accordingly presented a Bill to provide for a limit on the amount of money which may be spent by or on behalf of a political party during the period of a general election campaign; to require companies to establish a political fund from which all political donations shall be made; to provide for a ballot of shareholders and employees before a political fund is established; and to ensure an entitlement for each shareholder to an additional dividend from the company in lieu of any donations to which such shareholder has objected; And the same was read the First time; and ordered to be read a Second time upon Friday 6 June and to be printed. [Bill 147.]

E.R.

TO BE CHECKED  
AGAINST DELIVERY

PRISON OFFICERS' ASSOCIATION: DISPUTE

Statement by the Home Secretary to the House of Commons,  
29 April 1986

Mr Speaker, I will with permission make a statement on the dispute with the Prison Officers' Association.

The House will recall that I set out the issues in the dispute in my reply to a Private Notice Question from the Hon Member for Liverpool, Mossley Hill, on 17 April. Since then I have twice met representatives of the National Executive Committee of the Prison Officers' Association. Following my first meeting, I put to them in writing on 22 April a package of proposals for resolving the dispute. When I met them again yesterday, POA representatives accepted that my proposals provided a way forward. They undertook in return to consider my request that they call off industrial action in order to allow a resolution on this basis to proceed.

In the event, the POA NEC declined to go beyond the offer of an undertaking that it would instruct its members not to take action while talks on the basis of my proposals were proceeding. In effect, that amounted to an offer to suspend, but not to call off their industrial action. Their previous undertaking to suspend had proved ineffective, and damaging industrial action had taken place despite it. So their position yesterday

**E.R.**

- 2 -

represented no advance on the position they had taken in talks last week and was unacceptable to me. The Government cannot conduct talks under the continuing threat of further industrial action in this vital public service.

The Association has therefore broken off discussions and announced that it is considering ways of extending its industrial action, which may include strike action. [As I make this statement, it is still unclear what action the POA may take in practice.]

I deeply regret this action by the POA NEC, which shows no regard for the longer-term interests of their members nor, equally importantly, of the prisoners in their charge. The sort of industrial action which we have already seen at Gloucester Prison - where prison officers yesterday took control of the prison and refused to accept the orders of their Governor and where they are still refusing to return to normal working - is unacceptable. The Government will take all possible steps both to sustain the right of Governors to manage their prisons and to protect prisoners and the public from the consequences of POA action.

[In this context, a circular will be issued tomorrow to the courts containing advice on the implications for them of the dispute. A copy will be placed in the library of the House. I will consider [and report to the House] any further measures which may be necessary in the light of developments.]

Mr Speaker, I take this opportunity to make a final appeal to prison officers to look at the package of proposals I have placed before them and to judge whether it is worth throwing that away by taking further industrial action. As I have publicly acknowledged on many occasions, prison officers do a difficult and often dangerous job. They deserve to be well paid. But the heavy burden of overtime must be lightened and there must be increased efficiency. Progress towards formal discussions about a range of new systems designed to meet all these objectives was being made when the NEC call for industrial action went out. My agenda for talks represents a positive way forward for prison officers and, indeed, the whole Prison Service. I very much hope that even now, prison officers will end their action in order to avoid lasting damage to the Prison Service and to their own interests.