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7 July 1987

CABINET

THE LEGISLATIVE PROGRAMME 1987-88

Memorandum by the Lord President of the Council

At the meeting on 18 June (CC(87) 20. 6) the Cabinet approved The Queen's Speech on the Opening of Parliament and invited me to arrange for The Queen's Speeches and Future Legislation Committee (QL) to carry out a final review of the legislative programme in the light of the decisions that had been reached. The review has now been completed by QL and this paper reports the outcome.

2. The starting point is the programme that was provisionally approved by Cabinet on 26 March (CC(87) 12th Conclusions, Item 5). From this we need to delete the Bill on Alleviation of Human Infertility, which Cabinet decided to drop on 18 June. The Criminal Justice Bill, which was largely lost at the Dissolution, needs to be added to the list, as do the three hybrid Bills, (Channel Tunnel; Dartford-Thurrock Crossing; Norfolk and Suffolk Broads) which are being carried over from the previous Parliament. The Local Government Bill, which was already in the provisional programme, is now expanded to include a number of provisions lost from last Session's Bill at the Dissolution. Taking account of all these points, the provisional programme that we now have is set out at Annex A.

3. Only four programme Bills in the list were not outlined in The Queen's Speech. These are Ports (a mention of which was deleted from the Speech by Cabinet on 18 June); Primary Health Care; Prohibition of Torture; and Evidence (Scotland).

4. In overall volume, in political vigour and in the complexity of many of the Bills, this programme is heavier than any we have attempted since 1979 and I believe substantially before that. It will stretch our resources for drafting Bills to their limits. Moreover, it makes no allowance for unforeseen measures. These inevitably arise each Session, and when they do, we shall have to improvise to accommodate them. Within the programme, there are three Bills that are going to make particularly heavy demands on Parliamentary time. These are Abolition of Domestic Rates, Housing and Education. They are all long and highly controversial measures on which policy issues are still under discussion. It is absolutely vital that they are not introduced late and create an uncontrollable log jam in the tail end of the Session which could involve the loss of a Bill. QL's normal request for Ministers to take a close personal interest in the preparation of their Bills, and to ensure that

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timetables for the delivery of instructions are met, is therefore of special force for these three Bills; it is essential that their introduction does not drift beyond the first half of November.

5. QL felt that we need to go rather further than this, however, and they noted in particular that The Queen's Speech does not commit the Government to the detailed contents of the Housing Bill. It is clear that provisions on private rented sector deregulation must be brought forward this Session and equally clear that reform of local authority housing accounts must wait until the following Session, but there is still room for decisions to be made about the distribution of the remaining housing reforms that we shall want to bring forward. The advice to QL was that a Bill that tackled everything except local authority housing accounts would run to more than 200 clauses, and QL were clear that a Bill of that size, on top of the other commitments, would be quite unmanageable if it made anything later than the fastest possible start. I am grateful to the Secretary of State for the Environment for agreeing, therefore, that the scope of this Session's Housing Bill should be restricted to what can be prepared for introduction by the end of the second week of November at the latest, and to the Secretary of State for Education and Science for a similar undertaking in respect of the Education Bill. I must also ask the Secretary of State for Scotland for some matching help in reducing the load of his Housing and Rent (Scotland) Bill, which is currently estimated at 100 clauses.

6. In a final search for ways to reduce the load on our drafting resources, QL have reviewed the programme and indentified the Prohibition of Torture Bill as the one that might most easily be dropped. QL would very much like to postpone this Bill and free the drafting resources that it involves.

WATER PRIVATISATION

7. The paving Bill on Water (Powers and Charges) has a firm place in the programme but one of the main issues that has preoccupied Cabinet in discussion of the legislative programme this year has been the approach that should be taken to a main Water Privatisation Bill in the present Session. Such a measure would be long (more than 200 clauses) and, on present advice, it would not be available before the end of January. At the Cabinet meeting on 18 June it was agreed that the possibility of introducing such a measure should not be ruled out and that preparation for it should be taken ahead, though it was clearly too problematic to warrant a commitment in The Queen's Speech.

8. QL fully appreciate and sympathise with the arguments for a swift Water Privatisation Bill if that is possible, and they therefore considered this issue as constructively and carefully as they could. Their conclusions, however, was that it was frankly impossible to accommodate such a Bill in the programme without some very large deletion to release both the drafting capacity and Parliamentary time that would be needed. QL believe that only the deletion of one of the three main Bills mentioned above (Abolition of Domestic Rates, Housing or Education) would be adequate for the purpose. Furthermore, continuing to keep open the

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option of a main Water Privatisation Bill would from now on divert Parliamentary Counsel from the necessary work on the Bills that have provisionally been accepted in the programme. If we are to deliver this very challenging programme, I must ask the Cabinet to delay no longer in taking a firm decision whether to accommodate the main Water Privatisation Bill at the expense of one of the deletions I have indicated, or to postpone the Bill to the next Session, for which it might be given advance drafting authority.

OTHER ADDITIONAL BIDS

9. QL received five further bids for additions to the provisional programme. They are set out at Annex B. QL readily accept the need for a short measure to prepare for electricity privatisation, and it may be possible to graft this on to the paving Bill for water privatisation. QL also appreciate the importance of the Financial Markets Bill in order to provide an important safety net to certain operations in the City. With some misgiving about the highly technical drafting that will be involved, therefore, QL recommend that this Bill should be accepted in the programme, provided it is not given drafting priority over the provisionally accepted Bills that are already in preparation.

10. The remaining three bids for additional places are Representation of the People, Statistics of Trade Act (1947)(Amendment) and Elections (Northern Ireland). Against the very heavy pressures described in this paper, none of these bids seemed to QL to have the very high priority that is required for inclusion at this stage. We recommend that they are refused a place for the present Session.

ADVANCE DRAFTING AUTHORITY

11. In my memorandum of 24 March (C(87) 4) I reported QL's view that the practice of giving advance drafting authority to a few Bills each year had undoubtedly had its uses but that we believed that in future the arrangements should be limited each year to two Bills that were exceptionally long, complex, and of cardinal political importance. This remains QL's view, but a final selection does not have to be made immediately. The main Water Privatisation Bill would, if postponed, be one very obvious candidate. If Cabinet agree, the selection of Bills for advance drafting authority might be remitted for QL to make in the light of the Cabinet's decisions on the legislative programme for the present Session.

CONCLUSION

12. I invite the Cabinet -

- i. to decide whether a main Water Privatisation Bill should be included in the programme for the present Session and, if so, how it should be accommodated;

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ii. in the light of the decision on the Water Privatisation Bill, to confirm the list at Annex A, subject to the deletion of the Prohibition of Torture Bill;

iii. to approve the inclusion in the programme of a paving measure for electricity privatisation and of a Financial Markets Bill, the latter to be prepared as drafting resources become available;

iv. to agree that the remaining additional bids listed in Annex B should not be accepted into the programme this Session;

v. to note the agreement of the Secretary of State for the Environment and the Secretary of State for Education and Science that the Housing Bill and the Education Bill must be introduced no later than the end of the second week of November;

vi. to endorse QL's view that the scope of the Housing and Rent (Scotland) Bill must be reduced;

vii. to invite all Ministers responsible for Bills in this Session's programmes to give close personal attention to their timely preparation;

viii. to remit to QL the selection of Bills to be given advance drafting authority for the 1988-89 Session.

Privy Council Office

7 July 1987

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THE PROVISIONALLY APPROVED PROGRAMME

ESSENTIAL

DOE	Urban Development Corporations	Short
FCO	Arms Control and Disarmament (Privileges and Immunities)	Short
SO	Scottish Development Agency (Financial Limit)	Short
DTI	British Shipbuilders (Borrowing Powers)	Short

PROGRAMME

DOE	Abolition of Domestic Rates etc	Long
DOE	Local Government	Medium
DOE	Water (Powers and Charges)	Short
DOE	Housing	Long
DES	Education	Long
DE	Trade Unions and Employment	Medium
DTp	Ports	Medium
DTp	Merchant Shipping	Medium
MAFF	Farm Woodland, Forestry & Diversification	Short
HO	Immigration (Amendment)	Medium
DHSS	Primary Health Care	Medium
HO	Liquor Licensing	Medium
DTI	Copyright and Industrial Property	Long
DHSS	Social Security	Medium
LCD	Legal Aid	Long
HO	Prohibition of Torture	Short
SO	Education (Scotland)	Medium
SO	Evidence (Scotland)	Medium
SO	Housing and Rent (Scotland)	Long

SECOND READING COMMITTEE

FCO	Multilateral Investment Guarantee Agency	Short
LCD	Transfer of Money Between Spouses	Short
LCD	Choice of Law in Marriage	Short
LCD	Domicile	Short
OAL	Museums and Galleries (Miscellaneous Provisions)	Medium
CDL	Duchy of Lancaster Bill	Short

CONTINGENT

DOE	Local Government (Commissioners)
C&E	Customs Consolidation Act (Amendment)

LOST AT DISSOLUTION

Criminal Justice

HYBRID

Channel Tunnel
Dartford-Thurrock Crossing
Norfolk and Suffolk Broads

Home Office	<u>Representation of the People</u>	Short
	<p>Programme. The main provision would extend the period during which British citizens may live abroad and still vote in Westminster and European Parliament elections. Provisions to change some registration and absent voting procedures might also be added. Opposition likely to oppose.</p>	
DTI	<u>Financial Markets</u>	Medium
	<p>Programme. The Bill's purpose is to resolve the conflict between the Insolvency Act and existing clearing arrangements of financial markets. Unlikely to be controversial, but highly technical.</p>	
DTI	<u>Statistics of Trade Act 1947 (Amendment)</u>	Short
	<p>Second Reading Committee. The main purpose of the Bill is to allow the release after 30 years of statistical information currently barred from release.</p>	
NIO	<u>Elections (Northern Ireland)</u>	Short
	<p>Programme. The Bill would extend to Irish citizens the right to vote in Northern Ireland local elections and require candidates to make declarations dissociating themselves from proscribed organisations.</p>	
DEn	<u>Energy</u>	Very Short
	<p>Programme. The Bill would provide the electricity industry with powers to prepare for privatisation.</p>	