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2.1c AH

10 DOWNING STREET

*From the Principal Private Secretary*

SIR ROBERT ARMSTRONG

The Prime Minister has now had a chance to study the revised version of Questions of Procedure for Ministers which was attached to your minute of 16 February (A083/0526).

She is content that a revised version should be circulated in the form attached to your minute, incorporating the revised versions of paragraphs 42 and 43 which Miss Wilkinson sent to me subsequently.

The Prime Minister notes that you will be re-considering the guidance, when it is next issued, on the limit on the value of gifts which may be retained.

F.E.R.B.

22 March 1983

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AH





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Mr BUTEN

He discussed.

If the frame (unsub's) comments refer to the advertising point, then I am content to await an opportunity to set the point on the record.

But there is, I am assured, a need to have such an instruction. You may also feel that the row over the MoD's film anti-CND campaign - which is unlikely to occur - underlines the point.

If we have a CoI, and its independent Advisory Committee on Advertising, we might make sure it is used.

J. P. Jones 22/3



10 DOWNING STREET

Mr. Ingham

P. see PM's comment  
below.

May we have a word please!

FEBB

21.3.



MR BUTLER

QUESTIONS OF PROCEDURE FOR MINISTERS

I have been through the re-draft as it affects the Government Information Service. The re-draft reflects all the points I made at an earlier stage and I am satisfied that it now offers more effective and practical guidance.

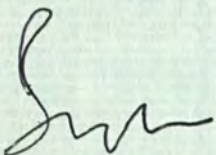
I am particularly pleased that we have included a procedure for handling references to the Press Council; I have discovered that there has already been two under this Government, one of which we knew nothing about.

I am under pressure from some Chief Information Officers to have included at an appropriate point (between paras 123 and 124 of the draft) the following:

"Ministers should not become personally involved in the selection of advertising agencies. An independent Advisory Committee on Advertising exists to approve such appointments and the Central Office of Information is responsible, in consultation with Departments, for putting proposals to the Committee."

I have consulted Donald Grant, Head of Profession and Director General, COI. He is very keen it should be included; there is evidence of a need for Ministers to be aware of the long standing procedures which exist to ensure absolute impartiality and value for money and protect Ministers and officials for canvassing.

I would be grateful if you would seek the addition of the paragraph as drafted above.



B. INGHAM  
8 March 1983

No. 1 do not think  
such an instruction to  
Ministers would be welcome  
- indeed they may object to have  
such a decision removed from them. not





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Ref. A083/0697

MR BUTLER

Incorporated in the text shown  
to the PM.

TE RB

18.3.

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I attach two copies of further revised versions of paragraphs 42 and 43 only of Questions of Procedure as promised.

Lindsay Wilkinson

LINDSAY WILKINSON

1st March 1983





## VI. MINISTERS' VISITS

## MINISTERS' VISITS OVERSEAS

## Planning the visit

42. In order to obtain the fullest value from an overseas visit it is essential that the Foreign and Commonwealth Office should be asked by Private Secretary letter, (copied to the Department of Trade where the visit has a trade promotion aim) at the earliest stage possible, to consult the diplomatic post in the country to be visited, so as to ensure that local considerations, complications of timing, clashes with other proposed Ministerial visits etc. are taken into account in setting the dates and drawing up the initial programme. Even in the case of visits to international meetings on a fixed date it is important to inform the Foreign and Commonwealth Office of the visit as it will have a bearing on the timing of other visits. This should be distinct from the subsequent letter seeking the Prime Minister's or the Foreign and Commonwealth Secretary's approval. (See 44(i) and 45). Ministers' Private Secretaries should not themselves approach posts direct nor should they make tentative preparations before telling the Foreign and Commonwealth Office or the post: arrangements for official Ministerial visits should invariably be put in the hands of the diplomatic post.

43. Ministers should pay close attention to the need to be able to justify their overseas visits to Parliament and to public opinion generally. Ministers should make it their personal responsibility to approve the size and composition of any Ministerial delegation for which their Department is responsible. (Where a delegation includes a Foreign and Commonwealth Office Minister the concurrence of the Foreign and Commonwealth Secretary in the size and composition of the delegation should also be obtained.) Each Minister in charge of a Department should ensure that the Department draws up and maintains a comprehensive and





central record of travel by Ministers in the Department. This record should contain details of the numbers and costs of all Ministerial delegations whose travel has been at public expense, including visits to EC countries for the purpose of attending regular meetings of EC Councils or Ministerial meetings on Political Cooperation. The record should be maintained in such a way that an up-to-date list of visits and costs of such visits can be made available by Departments at short notice in the event of Departmental Ministers being asked to account for travel undertaken by Ministers in their Departments. Ministers should give a lead in keeping down the size of parties of visitors, by keeping their own parties as small as possible.



*Amend - but not the entire content part*



*we have checked the version attached, which incorporates all the revisions we were expecting. Most of them are in the sections dealing with handling of the press and Bernard Ingham's comments are immediately below. If you want to glance through the revisions quickly, they are all sidelined. Agree, subject to the addition suggested in Bernard's*

Ref. A083/0526

PRIME MINISTER

--- I submit for your approval a revised version of Questions of Minute?  
Procedure for Ministers. Since the paper was issued in May 1979, FERB  
--- a number of amendments, some substantial, have been made: annexed 18.3-  
is a checklist of all the amendments issued to date. In the main, these have reflected your own decisions and views on such questions as the timing and presentation of memoranda for the Cabinet and Cabinet Ministerial Committees; proper Departmental accounting of overseas visits; authority for overseas visits by Ministers other than Cabinet Ministers; appointments by Ministers. A new section (Section XII) has been included to take account of the change in Ministerial responsibilities arising from the consideration of allocation of responsibilities for United Housing Benefit in November 1981.

*united?*

2. The section on Parliamentary statements and papers and other Government announcements has been extensively altered to take account of changes since the last revision was carried out some 10 years ago.

3. I wondered whether to suggest that the limit on the value of gifts which may be retained should be raised from £50 to some higher figure. This figure was set at £30 in 1976, and raised to £50 in September 1980. If we were simply revising it to take account of changes in the value of money, it could arguably be increased to £60. That change seems hardly worth making, however; and I therefore recommend leaving the figure at £50 and reconsidering the limit at the time of the issue of the next guidance (presumably shortly after the next Election).

ROBERT ARMSTRONG

16 February 1983



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C(P)(83)

COPY NO

1983

CABINET: PROCEDURE

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QUESTIONS OF PROCEDURE FOR MINISTERS

NOTE BY THE PRIME MINISTER

---

I circulate herewith a revised and up to date memorandum giving guidance to Ministers on matters of procedure.

2. It replaces the memorandum which I circulated in May 1979 (C(P)(79) 1). All that I said in my covering note to that memorandum remains as valid as ever; I am therefore also re-circulating a copy of that covering note as an annex to this note.

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C(P)(79)1  
May 1979

**CABINET: PROCEDURE**

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**QUESTIONS OF PROCEDURE FOR MINISTERS**

NOTE BY THE PRIME MINISTER

---

1. I circulate herewith a memorandum giving guidance to Ministers on matters of procedure. Much of it is more appropriate as a day to day handbook for Private Offices but a Summary draws attention to the main contents and I ask all Ministers to be aware of these and to refer to the full text on any points on which they are doubtful.

2. I attach the highest importance to the principles enunciated in the memorandum concerning collective and Ministerial responsibility. These must inform all our work, in Departments, in our collective deliberations and in our public activities.

3. It is of the essence of collective responsibility that decisions reached by the Cabinet and its Committees are binding on all members of the Government. The quality of these decisions will in large measure depend on our ability to have free and frank discussions amongst ourselves in an atmosphere of mutual confidence that the confidentiality of our deliberations will be maintained.

4. There are other rules of conduct which Ministers should uphold: consulting Ministerial colleagues about matters concerning their responsibilities; giving colleagues sufficient time to consider matters which they bring before them; attending personally meetings of Cabinet Committees of which they are members or to which they are invited; accepting that appeals to the Cabinet must be the exception rather than the rule: and avoiding conflict between their private interests and their public duties.

5. In our public activities we must take every opportunity to propound our policies, in Parliament and in the media. But we must always remember that as Ministers we cannot speak publicly only for ourselves. In all cases we speak as Ministers and are bound by the principle of collective responsibility. Ministers must therefore neither anticipate decisions not yet made public; nor refer to subjects which are the responsibility of another Minister without prior consultation.

M.H.T.

10 Downing Street  
24 May 1979

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QUESTIONS OF PROCEDURE FOR MINISTERS

SUMMARY

Section I

Privy Council (paragraph 2)

Attendance at a Privy Council meeting takes precedence over all other engagements.

Section II

Cabinet Procedure (paragraphs 3-24)

Cabinet and Cabinet Committee business consists mainly of questions that engage the collective responsibility of the Government, and of questions on which there is an unresolved argument between Departments, or on which a Minister wishes to have the advice of his colleagues.

Cabinet meetings take precedence over all other business except Privy Council meetings. Requests for absence must be made personally to the Prime Minister.

Cabinet Committees relieve the pressure on Cabinet and ensure that decisions not taken by the full Cabinet are nevertheless authoritative and fully considered. Appeals to Cabinet must be infrequent and are at the Prime Minister's discretion. Ministers should attend meetings in person when invited. Cabinet and Cabinet Committee memoranda should be circulated at least seven days before the meeting on which they are due to be discussed; should reflect requirements to consult other Departments concerned (particularly the Treasury); and should be <sub>1</sub> no longer than two pages.

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Decisions reached by the Cabinet or Cabinet Committees are binding on all Ministers. They are normally announced and defended as the decision of the Minister concerned. No indication of the manner in which other Ministers have been consulted should be given.

Section III

Propriety and Security in the Conduct of Government Business  
(paragraphs 25-31)

Ministers must protect the Government's reputation for integrity and the confidentiality of its proceedings. Premature or unauthorised disclosure of matters under discussion within Government must be avoided. Knowledge of such matters must be confined to those who need to know. Ministers should personally ensure good security in their Departments.

Section IV

Junior Ministers (paragraphs 32-36)

A Minister in charge of a department is alone answerable to Parliament for the exercise of his powers, but may delegate authority for a defined range of Departmental work to a junior Minister. The Prime Minister's approval must be sought for the arrangements for supervising the work of a Department when the Minister in charge will be absent.

Section V

Parliamentary Private Secretaries (PPSs) (paragraphs 37-40)

Ministers choose and appoint their own PPSs but must consult the Chief Whip about their choice and obtain the Prime Minister's approval before offering any such appointment. PPSs, as Private Members,



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should be afforded as great a liberty of action as possible, but in view of their close and confidential association with Ministers must act with responsibility and discretion. They may not vote against the Government or speak in Parliament on matters affecting their Department. Official information given to PPSs should be limited to what is necessary for the discharge of their Parliamentary and political duties.

Section VI

Ministers' Visits (paragraphs 41-56)

Overseas visits, except for European Community meetings, should normally be made only in the recess or at weekends. The Foreign and Commonwealth Office should be consulted in good time before the programme for an overseas visit is drawn up. Ministerial parties should be kept as small as possible.

A Cabinet Minister who wishes to be absent from the United Kingdom should seek the Prime Minister's approval before any commitment is made. After the Prime Minister's approval has been obtained a member of the Cabinet should additionally, except for visits on European Community business, seek The Queen's permission.

A Minister planning an official visit to Scotland, Wales and Northern Ireland should inform the Secretary of State concerned and the Chief Whip. A Minister making a visit within the United Kingdom should inform the Members for the constituencies included in the itinerary for the visit. A Minister visiting a town in the United Kingdom should also inform the Local Authority. Ministers should not accept offers of free travel. Travelling expenses of spouses accompanying a Minister on official duties may in certain circumstances be met from public funds.

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Section VII

Relations with Other Governments (paragraphs 57-61)

Ministers should send to the Foreign and Commonwealth Secretary a note of the salient points of any discussions they may have with representatives of foreign countries.

The Foreign and Commonwealth Secretary should be informed before a Minister in a foreign Government is invited to pay an official visit.

Section VIII

Acceptance of Gifts and Services (paragraphs 61-64)

No Minister should accept gifts, hospitality or services which would, or might appear to, place him or her under an obligation. The same principle applies in respect of a Minister's family. In cases of doubt the Prime Minister should be consulted.

Special rules apply in the case of gifts from foreign Governments.

Section IX

Ministers' Private Interests (paragraphs 65-83)

Ministers must so order their affairs that no conflict arises, or appears to arise, between their private interests and their public duty. In cases of doubt the Prime Minister must be consulted.

Where a private interest is retained it must be declared to other colleagues where appropriate.

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Special rules apply in respect of appointments; directorships; partnerships; shareholdings; "names" at Lloyds; pressure groups; and participation in the Parliamentary Contributory Pension Fund and in other pension schemes.

Section X

Constituency Interests (paragraphs 84-87)

Ministers should have their constituency work done at their own expense. A Minister should consider any request by a member of the public to submit a case to the Parliamentary Commissioner for Administration (PCA) on its merits in deciding whether to refer it to the PCA, to take it up with the Minister of the Department concerned, or to refer it to another MP (if the complaint is not from the Minister's constituency). A Minister will generally investigate personally any complaint against his own Department. However if the Minister, or another Minister in the Department has been involved in the case, the PCA should be asked to investigate.

Ministers may not take part in public representations or deputations to other Ministers.

Section XI

Appointments by Ministers (paragraphs 88-94)

Special procedures apply to proposals by Ministers to set up Royal Commissions, independent Committees of Inquiry or Committees consisting partly of civil servants and partly of individuals outside government; to appointments to Royal Commissions, Nationalised Industry Boards, Public Boards including Regional Health Authorities,



and the more important departmental committees; and to appointments of members of Boards, Commissions or Committees of Inquiry where the appointment is likely to have political significance.

Ministers should consult their Permanent Secretaries if they wish to make personal appointments.

Separate guidance is issued about the appointment of Special Advisers.

#### Section XII

Changes in Ministerial Responsibilities (paragraphs 95-102)

The Prime Minister's approval should be sought on proposals to reallocate functions between Ministers and on the allocation of new functions where Ministerial responsibility is not clear.

#### Section XIII

Parliamentary Statements and Papers and Other Government Announcements (paragraphs (103-126)

The Leader of the House of Commons and the Chief Press Secretary at No 10 should be given as long an opportunity as possible to comment on the content and timing of all important Government announcements, whether in the form of a statement in Parliament, White Paper or Press conference, and whenever possible they should also be shown the draft announcement in advance.

When Parliament is in session important announcements of Government policy should be made in the first instance to Parliament. Ministers proposing to make a statement after Questions or to make



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an important announcement by means of a Written Answer should, before giving any undertakings that a statement will be made at a particular time, inform the Prime Minister and the Leader of the House of Commons. Ministers should, if possible, avoid any announcement of this kind on Thursdays.

Six copies of oral statements must be given to the Chief Whip in the House of Commons as early as possible, and certainly no later than 3.00 pm. (10.30 am in the case of statements made on a Friday) in order that they can be shown to the Opposition Parties. The final text should also be sent in advance to The Speaker.

Ministers planning to publish a White or a Green paper should give as much notice as possible of their intention to the Prime Minister, the Leader of the House of Commons and the Secretary of the Cabinet. It is customary to circulate all White Papers to the Cabinet before publication.

Ministers must bear in mind in making speeches or broadcasts that in all cases they speak as Ministers and are bound by collective responsibility. They must keep within Government policy and not anticipate decisions not yet made public. They should consult other Ministers concerned about any reference to matters within their responsibility.

Ministers must be ready to accept invitations to take part in radio and television programmes which provide an opportunity to propound Government policies or to clear up a misunderstanding.

Ministers may not practice regular journalism. Nor may they write and publish, while in Office, books on their Ministerial experiences.

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Section XIV

Ministerial Memoirs and Other Writings (paragraphs 127-129)

Former Ministers contemplating the publication of material based upon their recollection of the conduct of Government business in which they took part are required to submit their manuscript to the Secretary of the Cabinet and to conform to the principles set out in the Radcliffe Report of 1976 (Cmnd.6386).

Ministers who wish to keep a diary of their Ministerial experiences must first consult the Prime Minister.

Section XV

Political Impartiality of Civil Servants (paragraphs 130-131)

Civil servants should not be asked to engage in activities likely to call in question their political impartiality.

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QUESTIONS OF PROCEDURE FOR MINISTERS

1. Throughout this memorandum Ministers comprehend all members of the Government, including Assistant Government Whips. They do not include Parliamentary Private Secretaries (who are dealt with in section V).

1. Privy Council

Attendance at Meetings of the Privy Council

2. Once a Minister has accepted a Summons to a meeting of the Privy Council this should take precedence over all other engagements. If a Minister is subsequently unable to attend because of illness, or should some inescapable public duty intervene, the Clerk of the Council must be informed immediately. If a Minister has a meeting immediately before a Council, the agenda should be arranged to leave ample time to reach the Palace. In no circumstances is it permissible for a Minister not to attend because an earlier meeting has overrun its time. The failure of a Minister to attend a Council after a summons has been accepted is not only discourteous to The Queen but could result in no quorum being present to transact essential Government business.

II. Cabinet Procedure

Cabinet and Cabinet Committee business

3. Cabinet and Cabinet Committee business consists, in the main of -
- (i) Questions which significantly engage the collective responsibility of the Government, because they raise major issues of policy or because they are likely to occasion public comment or criticism.
  - (ii) Questions on which there is an unresolved argument between Departments.

Matters wholly within the responsibility of a single Minister and which do not significantly engage collective responsibility as defined above need not be brought to the Cabinet or to a Cabinet Committee unless the Minister wishes to have the advice



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of colleagues. A precise definition of such matters cannot be given; in borderline cases a Minister is well advised to seek collective consideration. Questions involving more than one Department should be examined interdepartmentally, before submission to the Cabinet, so that the decisions required may be clearly defined.

Meetings of the Cabinet and Cabinet Committees

4. Cabinet meetings take precedence over all other business except meetings of the Privy Council. Requests by Cabinet Ministers for permission to be absent should be made only in the most exceptional circumstances, and should be made at the earliest opportunity and by a personal Minute to the Prime Minister. A personal Minute can however be dispensed with when the reason for absence from Cabinet is an overseas visit for which the Prime Minister's approval has already been obtained. As is indicated in paragraph 44(i) below, a copy of the letter seeking the Prime Minister's approval for the overseas visit should be sent to the Secretary of the Cabinet. (See paragraph 8 below for attendance at Cabinet Committees.)

5. In order not to disturb the proceedings of the Cabinet and Cabinet and Cabinet Committees, Ministers should see that messages are not sent to them during meetings unless this is absolutely essential. A Minister invited to attend for a particular item will be called into the meeting by the Prime Minister's Private Secretary (or the Secretary of the Committee) as soon as the item for which he or she is required has been reached.

6. The Secretary of the Cabinet should be informed of Ministers' out-of-town engagements, and also of their weekend and holiday arrangements, so that, if a sudden emergency arises, he can inform the Prime Minister which Ministers are immediately available.



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Cabinet Committees

7. The Cabinet is supported by Ministerial Committees which have a two-fold purpose. First, they relieve the pressure on the Cabinet itself by settling as much business as possible at a lower level; or failing that, by clarifying the issues and defining the points of disagreement. Second, they buttress the principle of collective responsibility by ensuring that, even though an important question may never reach the Cabinet itself, the decision will be fully considered and the final judgment will be sufficiently authoritative to ensure that the Government as a whole can be properly expected to accept responsibility for it. When there is a conflict between Departments, it should not be referred to the Cabinet until other means of resolving it have been exhausted, including personal correspondence or discussions between the Ministers concerned.

8. If the Ministerial Committee system is to function effectively, appeals to the Cabinet must clearly be infrequent. Chairmen of Committees are required to exercise their discretion in advising the Prime Minister whether to allow them. The only automatic right of appeal is if Treasury Ministers are unwilling to accept expenditure as a charge on the contingency reserve: otherwise the Prime Minister will entertain appeals to the Cabinet only after consultation with the Chairman of the Committee concerned. Departmental Ministers should normally attend in person meetings of Committees of which they are members or to which they are invited; unless they make it possible for their colleagues to discuss with them personally issues which they consider to be important, they cannot - except where their absence is due to factors outside their control - expect the Prime Minister to allow an appeal against an adverse decision taken in their absence.

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Preparation of business for Cabinet and Cabinet Committees

9. The Secretary should be given at least seven days' notice of any business (including business to be raised orally) which a Minister wishes to bring before the Cabinet or a Cabinet Committee. Memoranda should be circulated in sufficient time to enable Ministers to read and digest them, and to be properly briefed on them. The rule is that memoranda for Cabinet and Cabinet Ministerial Committees should be circulated at least seven days in advance of the meeting at which they are to be discussed. When there is no time constraint, or when a subject is of major importance or complexity, this rule should be complied with. If decisions are urgently required, and an interval of seven days is not possible, memoranda should be circulated as long before a meeting as possible, and at the very least two full working days before they are to be discussed. This exception to the seven-day rule will normally be made only for papers commissioned at one meeting of the Cabinet or Cabinet Committee for consideration at its next meeting. Apart from that, papers submitted late for the seven-day deadline will be taken off the agenda of the meeting for which they were intended, unless the Cabinet Office is satisfied that the delay was unavoidable and that the dispatch of public business requires them to be taken on the date originally intended. To ensure that the seven-day rule is complied with in the case of Cabinet memoranda, drafts will have to be received by the Private Secretary to the Secretary of the Cabinet early in the afternoon (certainly not later than 4.00 pm) of the Wednesday, eight days ahead of the Thursday Cabinet at which the memorandum is to be discussed.

10. Ministers' Private Secretaries can help the Secretary by indicating which Ministers other than members of the Cabinet or Committee are likely to be concerned with a subject, so that arrangements may be made for their attendance.



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11. Proposals involving expenditure or affecting general financial policy should be discussed with the Treasury before being submitted to the Cabinet or to a Ministerial Committee; and the results of those discussions together with the best possible estimate (or estimates, if the Department's figures cannot be reconciled with the Treasury's) of the cost to the Exchequer, should be indicated in the memorandum. Where proposals affect United Kingdom obligations or interests as members of the European Community this should be clearly explained. If proposals have manpower implications or may give rise to problems of recruitment, these should be clearly stated after consultation (in the case of manpower) with the Treasury. Attention should also be drawn to any accommodation problems, after consultation with the Property Services Agency. No memorandum should be circulated to the Cabinet unless any legal implications which it raises have been cleared, or at least clarified, with the Law Officers. The Cabinet Office will not normally accept a memorandum for circulation to the Cabinet or a Ministerial Committee unless these steps have been taken.

12. These rules do not limit the right of Ministers to submit to the Cabinet memoranda setting out their views on general issues of policy.

13. Memoranda for the Cabinet and Committees of the Cabinet should be as clear and as brief as possible, not exceeding two pages. Time spent in making a memorandum short and clear will be saved many times over in reading and in discussion; and it is the duty of Ministers to ensure by personal scrutiny that this is done and that, where necessary, memoranda submitted to them are revised accordingly. The model memorandum explains at the outset what the problem is, indicates briefly the relevant considerations, and concludes with a precise statement of the decisions sought. To facilitate reference in discussion, paragraphs should be numbered. Detailed analysis



and argument, together with supplementary detail, should be dealt with, where necessary, in annexes.

Cabinet Conclusions and Cabinet Committee Minutes

14. The record of Cabinet and Cabinet Committee proceedings is limited to the conclusions reached and such summary of the discussion as is necessary for the guidance of those who have to take action. The Cabinet Office are instructed to avoid, so far as practicable, recording the opinions expressed by particular Ministers. Matters of special secrecy or political sensitivity may be recorded in a Limited Circulation Annex.

15. Any suggestions for amendment of Cabinet Conclusions or Cabinet Committee minutes must reach the Secretary not later than 24 hours after the circulation of the minutes.

16. Ministers are responsible for instructing their Departments to give effect to the conclusions of the Cabinet or of one of its Committees, and for telling subordinate Departments or branches about decisions affecting them. When immediate action is required by a Department not represented at the meeting, the Secretary will ensure that the Department concerned is notified forthwith. Where urgent action has to be taken by a Department, application may be made to the Secretary for an advance copy of the relevant conclusions.

Cabinet documents

17. Rules governing the layout, reproduction, circulation, handling and disposal of Cabinet and Cabinet Committee documents are set out in a separate memorandum: Handbook for the Cabinet Documents Officer (CSI(81)1).



18. Ministers relinquishing office without a change of Government should hand over to their successors those Cabinet documents required for current administration and should ensure that all others have been destroyed in accordance with the standing arrangements. Former Ministers may at any time have access in the Cabinet Office to copies of Cabinet or Cabinet Committee papers issued to them while in office.

19. On a change of Government, the outgoing Prime Minister issues special instructions about the disposal of the Cabinet papers of the outgoing Administration.

20. Some Ministers have thought it wise to make provision in their Wills against the improper disposal of any official or Government documents which they might have retained in their possession by oversight.

#### Collective responsibility

21. Decisions reached by the Cabinet or Cabinet Committees are binding on all members of the Government. They are however normally announced and defended as the decision of the Minister concerned. On occasions it may be desirable to emphasise the importance of a decision by stating specifically that it is the decision of Her Majesty's Government. This, however, is the exception rather than the rule.

22. It is important to avoid giving any indication of the manner in which the Minister's colleagues have been consulted before any decision is announced. The principle of the collective responsibility of Ministers, upon which the Cabinet and Cabinet Committee system depends, requires opportunities for free and frank discussion between Ministers; the method adopted by Ministers for



discussing among themselves questions of policy is essentially a domestic matter, and such discussions will be hampered if the processes by which it is carried on are disclosed. The growth of any general practice whereby decisions of the Cabinet or of Cabinet Committees were announced as such would lead to the embarrassing result that some decisions of government would be regarded as less authoritative than others; critics of a decision reached by a particular Committee could press for its review by some other Committee or the Cabinet itself, thus impairing the constitutional right of individual Ministers to speak in the name of the Government as a whole.

#### Consultation with the Law Officers

23. The Law Officers must be consulted in good time before the Government is committed to critical decisions involving legal considerations. It will normally be appropriate to consult the Law Officers in cases where:

- (i) The legal consequences of action by the Government might have important repercussions in either the foreign or domestic field.
- (ii) A Departmental Legal Adviser is in doubt concerning:
  - (a) the legality or constitutional propriety of legislation which Government proposes to introduce; or
  - (b) the vires of proposed subordinate legislation; or
  - (c) the legality of proposed administrative action.
- (iii) Ministers, or their officials, wish to have the advice of the Law Officers on questions involving legal considerations, which are likely to come before the Cabinet or Cabinet Committee.
- (iv) There is a particular legal difficulty which may raise political aspects of policy.
- (v) Two or more Departments disagree on legal questions and wish to seek the view of the Law Officers.



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By convention, written Opinions of the Law Officers, unlike other Ministerial papers, are generally made available to succeeding Administrations.

24. Ministers occasionally become engaged in legal proceedings primarily in their personal capacities but in circumstances which also involve their official responsibilities. In such cases they should consult the Law Officers before consulting their own solicitors, in order to allow the Law Officers to express a view on the handling of the case so far as the public interest is concerned or, if necessary, to take charge of the proceedings from the outset.

### III. Propriety and Security in the Conduct of Government Business

25. All Ministers should protect both the Government's reputation for integrity and the confidentiality of its proceedings. They should therefore conduct themselves, both in public and in private, in such a way as to avoid circumstances which could either damage the Government's good name or be used against them as a means of pressure by hostile intelligence agents. On first appointment, and in certain cases on appointment to a subsequent Ministerial office, Ministers will be briefed by the Security Service, who will explain both the basic threat to our security and the system of protection against it. They will also be invited to sign a declaration that they have read the relevant provisions of the Official Secret Acts.

26. Premature or unauthorised disclosure of matters under discussion by the Cabinet or its Committees damages the reputation of the Government and impairs the efficiency of administration. Ministers who share the collective responsibility for the Government's programme must be kept generally aware of the development of important aspects of Government policy. But outside this limited circle, knowledge of these matters should be confined to those, whether

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Ministers or officials, who are assisting in the formulation or execution of the particular policy concerned or need to know what is afoot because of its effect on other aspects of public business for which they are responsible.

27. Confidential aspects of Government policy should not be discussed with persons outside Government service unless this is necessary for the transaction of public business. Care should be taken that no discussions of confidential Government business are held in places where they may be overheard; and special care should be taken to protect the security of all classified Government papers.

28. Ministers should personally ensure that not only they but also members of their staffs maintain good security and that the appropriate precautions are strictly enforced in their Departments. In particular:-

- (i) The rules governing access to Cabinet and Cabinet Committee documents are set out in the separate memorandum Handbook for the Cabinet Documents Officer (CSI(81) 1). The main feature of these are: that the "need to know" principle is paramount; that minutes and memoranda of the Cabinet and of the most sensitive Cabinet Committees must not be shown to anyone within a Department except on the instructions of the Minister to whom the documents were issued; and that, subject to the overriding direction of the Minister or Permanent Secretary, access to Cabinet documents shall be determined on a strict "need to know" basis by the Minister's Principal Private Secretary.
- (ii) A member of the Cabinet has responsibilities wider than those of his or her own Department and will in that capacity receive some

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documents which are of no concern to any of his or her subordinates.

- (iii) The handling of documents reflecting the personal views of Ministers require special care. It is contrary to the doctrine of collective responsibility to make known the attitude of individual Ministers on matters of policy.
- (iv) Serious leaks can occur when the media can piece together isolated items of information, each of apparently little importance, gathered from several sources. It is therefore unwise to disclose prematurely even relatively minor or partial aspects of matters. In appropriate cases it may be in the public interest to communicate certain information in confidence to a responsible editor, Lobby correspondent, etc, for purposes of guidance: but this should be done only when it is known that such confidence will be respected.
- (v) The normal telephone system (including FEDERAL) is not secure and a scrambler gives no protection against deliberate interception. If TOP SECRET or SECRET information has to be passed by telephone, the civil Secure Telephone Scheme (STS) or the Defence Secure Speech System (DSSS) should be used for the purpose. If neither STS nor DSSS facilities are available, the following precautions should be taken:
- (a) Long distance calls. Calls from within a radius of 50 miles of London to places outside that radius and vice versa may go by radio relay and are therefore especially vulnerable to interception. Such interception is facilitated by the comparative ease with which certain calls may be identified, i.e. calls over private circuits, calls to identified numbers of intelligence interest and those calls where a scrambler is used. TOP SECRET information should never be conveyed during long distance



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calls. SECRET and CONFIDENTIAL information should be conveyed only when the urgency outweighs the risk to security.

- (b) Local calls, which go by land line. Where in cases of extreme urgency TOP SECRET and SECRET information has to be referred to it is essential that a scrambler should be used, and conversation should be in guarded language. There is less objection to CONFIDENTIAL information being passed on the telephone on a local call; but this should be done in a guarded manner and a scrambler should be used whenever possible.

29. Ministers may occasionally have to take classified documents out of their Departments or to have them sent to them when they are out of London. Rules on this subject are contained in Chapters 6-8 of the Manual "Security in Government Departments"; and these should be strictly observed. Departments should ensure that security containers are provided in the homes of all members of the Cabinet and of other Ministers who find it necessary to take a significant amount of sensitive material out of their Departments; and Ministers should consult their Permanent Secretaries both about the extent of the confidential material which they need to deal with at their homes and the adequacy of the measures for its protection.

30. It is undesirable that Ministers should have direct contact with persons offering their services as intelligence agents. Any Minister approached either direct or through an intermediary should offer no comment but should as soon as possible inform his or her Permanent Secretary of the approach.

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31. These rules alone will not ensure that the Government's conduct of public business is not prejudiced by premature disclosure. All Ministers are expected to set an example in exercising discretion and to see that their example is followed.

#### IV. Junior Ministers

32. The Minister in charge of a Department is alone answerable to Parliament for the exercise of the powers on which the administration of that Department depend. The Minister's authority may, however, be delegated either to a junior Minister or to an official; and it is desirable that Ministers should devolve on their junior Ministers responsibility for a defined range of Departmental work, particularly in connection with Parliament. The assignment of duties to a junior Minister will thus be a matter for the Minister to decide and will vary from one Department to another. Where it is proposed to confer on junior Ministers "courtesy titles" descriptive of the duties assigned to them, the Prime Minister's prior approval must be sought, and the Secretary of the Cabinet should also be informed.

33. Although a junior Minister may be authorised to supervise the day-to-day administration of a defined range of subjects, this arrangement cannot relieve the Permanent Secretary of his general responsibilities for the organisation and discipline of the Department or his duty to advise on matters of policy. The junior Minister is not subject to the directions of the Permanent Secretary; but equally, the Permanent Secretary is not subject to the directions of the junior Minister. Any conflict of view between the two can be resolved only by reference to the Minister in charge of the Department or, if the latter is absent and a decision cannot be postponed, by reference to the Prime Minister or to a Minister whom she has nominated for the purpose.



Arrangements during absence from London

34. When a Minister is to be out of touch for a considerable period because of absence or illness a junior Minister will normally take Ministerial charge of the Department. On some occasions, it may be desirable that arrangements should be made for another member of the Cabinet to be available to give political guidance to officials of the Department and to represent the Department's interests in discussions in Cabinet or Cabinet Committees. The Prime Minister's prior approval should be sought for the arrangements for superintending the work of a Department when the Minister in charge will be absent.

35. When one member of the Cabinet is acting in this way on behalf of another special care must be taken over the exercise of statutory powers. Powers vested formally in "the Secretary of State", as distinct from a specific Secretary of State, can be exercised by any Secretary of State in the absence of another. Otherwise the statutory powers of one Minister cannot formally be exercised in the Minister's absence by a colleague in charge of another Department, and a Minister who is acting for an absent colleague should be careful to avoid appearing formally to exercise powers which are expressed by statute as exercisable by that colleague. The powers of a Board or Council may, however, be exercisable in the absence of its principal member. There may also be statutory authority for formal documents to be signed on behalf of an absent Minister by junior Ministers or officials. Ministers will wish to seek legal advice in cases of doubt.

36. There is no similar difficulty about submissions to Her Majesty. Submissions made in the absence of a Minister can however be made only by a junior



Minister who is a Privy Councillor or by another member of the Cabinet.

Submissions on behalf of an absent Secretary of State must be made by another Secretary of State.

V. Parliamentary Private Secretaries

37. Parliamentary Private Secretaries occupy a special position which is not always understood. They are not members of the Government, and should be careful to avoid being spoken of as such. They are Private Members, and should therefore be afforded as great a liberty of action as possible; but their close and confidential association with Ministers necessarily imposes certain obligations on them.

38. Ministers choose and appoint their own Parliamentary Private Secretaries with the approval of the Prime Minister. The Chief Whip should, however, be consulted about the choice of a Parliamentary Private Secretary; and in view of the special position which Parliamentary Private Secretaries occupy in relation to the Government, the Prime Minister's approval must also be sought before any such appointment is offered or announced.

39. Ministers should ensure that their Parliamentary Private Secretaries are aware of certain principles which should govern the behaviour of Parliamentary Private Secretaries in the House of Commons. Like other Private Members, Parliamentary Private Secretaries are expected to support the Government in all important divisions. However their special position in relation to the Government imposes an additional obligation which means that no Parliamentary Private Secretary who votes against the Government may retain his or her position. Parliamentary Private Secretaries should not make statements in the House or put Questions on matters affecting the Department with which they are connected.



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Parliamentary Private Secretaries are not precluded from serving on Select Committees but they should not do so in the case of inquiries into their own Ministers' Departments and they should avoid associating themselves with recommendations critical of or embarrassing to the Government. They should also exercise great discretion in any speeches or broadcasts which they may make outside the House, taking care not to make statements which appear to be made in an official or semi-official capacity, and bearing in mind at the same time that, however careful they may be to make it clear that they are speaking only as Private Members, they are nevertheless liable to be regarded as speaking with some of the authority which attaches to a member of the Government. Generally they must act with a sense of responsibility and with discretion; and they must not associate themselves with particular groups advocating special policies.

40. Parliamentary Private Secretaries are not members of the Government, and official information given to them should generally be limited to what is strictly necessary for the discharge of their Parliamentary and political duties. This need not preclude them from being brought into Departmental discussions or conferences where appropriate, but they should not have access to secret establishments, or information graded secret or above, except on the personal authority of the Prime Minister.

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42. In order to obtain the fullest value from an overseas visit it is essential that the Foreign and Commonwealth Office should be asked by Private Secretary letter, (copied to the Department of Trade where the visit has a trade promotion aim) at the earliest stage possible, to consult the diplomatic post in the country to be visited, so as to ensure that local considerations, complications of timing, clashes with other proposed Ministerial visits etc. are taken into account in setting the dates and drawing up the initial programme. Even in the case of visits to international meetings on a fixed date it is important to inform the Foreign and Commonwealth Office of the visit as it will have a bearing on the timing of other visits. This should be distinct from the subsequent letter seeking the Prime Minister's or the Foreign and Commonwealth Secretary's approval. (See 44(i) and 45). Ministers' Private Secretaries should not themselves approach posts direct nor should they make tentative preparations before telling the Foreign and Commonwealth Office or the post: arrangements for official Ministerial visits should invariably be put in the hands of the diplomatic post.



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VI. MINISTERS' VISITS

MINISTERS' VISITS OVERSEAS

Planning the visit

41. Overseas visits (including visits to the Republic of Ireland) should not normally be made while Parliament is in session. Ministers should arrange such visits only in the Recess or, where appropriate, at weekends, except where the visit is in connection with the business of the European Community or there are other compelling reasons of Government business. In particular, overseas visits which are largely of a fact-finding kind should be reserved exclusively for the Parliamentary Recess. Moreover, in planning overseas visits Ministers should take account of paragraph 4 above, i.e. that Cabinet meetings take precedence over all other business (other than meetings of the Privy Council). Sufficient Ministers must also be available during recesses to ensure effective conduct of Government business, and it may be necessary for this reason to restrict or reconsider absences abroad.

42. In order to obtain the fullest value from an overseas visit it is important that, except where the visit is to e.g. an international meeting on a fixed date, the Foreign and Commonwealth Office should be asked by Private Secretary letter, at the earliest stage possible, to consult the diplomatic post in the country to be visited, so as to ensure that local considerations, complications of timing, clashes with other proposed Ministerial visits etc. are taken into account in setting the dates and drawing up the initial programme. Ministers' Private Secretaries should not themselves approach posts direct.

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43. Ministers should pay close attention to the need to be able to justify their overseas visits to Parliament and to public opinion generally. Ministers should make it their personal responsibility to approve the size and composition of any Ministerial delegation for which their Department is responsible. (Where a delegation includes a Foreign and Commonwealth Office Minister the concurrence of the Foreign and Commonwealth Secretary in the size and composition of the delegation should also be obtained.) Each Minister in charge of a Department should ensure that the Department draws up and maintains a comprehensive and

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central record of travel by Ministers in the Department. This record should contain details of the numbers and costs of all Ministerial delegations whose travel has been at public expense, including visits to EC countries for the purpose of attending regular meetings of EC Councils or Ministerial meetings on Political Cooperation. The record should be maintained in such a way that an up-to-date list of visits and costs of such visits can be made available by Departments at short notice in the event of Departmental Ministers being asked to account for travel undertaken by Ministers in their Departments. Ministers should give a lead in keeping down the size of parties of visitors, by keeping their own parties as small as possible.



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43. Ministers should pay close attention to the need to be able to justify their overseas visits to Parliament and to public opinion generally. The visiting party should always be kept as small as practicable and Ministers should make it their personal responsibility to approve the size and composition of any Ministerial delegation for which their Department is responsible. (Where a delegation includes a Foreign and Commonwealth Office Minister the concurrence of the Foreign and Commonwealth Secretary in the size and composition of the delegation should also be obtained.)

Each Minister in charge of a Department should ensure that the Department draws up and maintains a comprehensive and central record of travel by Ministers in the Department. This record should contain details of the numbers and costs of all Ministerial delegations whose travel has been at public expense, including visits to EC countries for the purpose of attending regular meetings of EC Councils or Ministerial meetings on Political Co-operation. The record should be maintained in such a way that an up to date list of visits and costs of such visits can be made available by Departments at short notice in the event of Departmental Ministers being asked to account for travel undertaken by Ministers in their Departments.

Leave of absence

44. Any member of the Cabinet who wishes to be absent from the United Kingdom, whether on duty or leave, should -

- (i) Seek the Prime Minister's approval. This must be done before any commitment, even of an informal nature, is made. The reasons for the visit and a list of the countries to be visited should be given; in the case of official visits, the number of officials and the reasons for taking them



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should also be specified. Copies of the letter should be sent to the Foreign and Commonwealth Secretary and to the Chief Whip: their views will be taken into account by the Prime Minister before reaching a decision. A copy should also be sent to the Secretary of the Cabinet.

- (ii) After the Prime Minister's approval has been obtained the Minister should, for all visits abroad other than visits to Brussels or Luxembourg on European Community business, seek the Queen's permission to leave the country. At the same time Her Majesty should be informed of the arrangements made for the administration of the Minister's Department during absence.

45. Other Ministers who propose to leave the United Kingdom whether on duty or on leave need not obtain the Queen's permission to do so. There is also no need for them to seek the Prime Minister's approval for such a visit, provided that approval has been given by the Ministerial head of the department concerned, the Foreign and Commonwealth Secretary and the Chief Whip. These arrangements do not affect the requirement for the Prime Minister's approval to be sought for official visits overseas by Ministers' spouses and by Parliamentary Private Secretaries (paragraph 54 and 55 below).

#### Entertainment overseas

46. If it is thought that a Minister may need to provide official entertainment while overseas, the advice of the Foreign and Commonwealth Office should be sought both on the desirability and on the form of such entertainment.

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Ministers recalled to vote --

47. If a Minister is abroad on public duty and at public expense and is called home to vote and then returns on public duty, the extra journey back and forth is chargeable to public funds.

Ministers' visits in the United Kingdom

48. Ministers who are planning official visits to Scotland, Wales and Northern Ireland should inform the Secretary of State concerned and the Chief Whip. It is also customary to inform the Home Secretary of the prospective visits to the Channel Islands and the Isle of Man.

49. It is the custom for a Minister when preparing to make a visit within the United Kingdom to inform the Members for the constituencies to be included within his itinerary. Special care should be taken not to overlook this courtesy. It is particularly desirable to give as much notice as possible in the case of constituencies represented by Government supporters. Ministers cannot, of course, invite Members to accompany them, but adequate notice will enable Members to ensure that they receive invitations from local organisers to functions of an official nature. It will also enable them to make suggestions to the Minister about the inclusion in the itinerary of places which it would be helpful to visit.

50. When a Minister makes an official public visit to a town in the United Kingdom, the Local Authority should also be informed. If the Minister has time and cares to do so, an offer to call on the Mayor, Provost or Chairman may be made; but this is not necessary unless the visit has some particular local significance. However similar considerations apply as in



paragraph 49 where the Local Authority is controlled by Government supporters. It is not necessary to give notice to the Local Authority if the Minister is going in a private capacity or, if in a Ministerial capacity, as the guest of an organisation which is giving a private function.

Use of official cars and travel by rail and air

51. Guidance on the use of official cars and on rail and air travel, including the class of air travel available to Ministers, Ministers of State and Parliamentary Secretaries, is issued separately (C(P)(79) 2).

Expenses on travel and hospitality

52. When Ministers travel on official business, their travel expenses should normally be borne by the Departmental Vote. An exception may be made where a nationalised industry issues a specific invitation to the responsible Minister to visit its establishments or to inspect its activities in circumstances where it would be natural for the Chairman of the Board concerned to accompany the Minister and to provide reasonable hospitality or travel facilities. Alternatively, there may be rare occasions when a Minister is invited to attend, e.g. an industrial conference at a hotel, when it would be discourteous to refuse hospitality. Ministers may accept invitations of this nature, provided that they are not too frequent.

53. In order to avoid the risk of misrepresentation, Ministers should not normally accept offers of free travel from foreign Governments, or other organisations. In any cases of doubt, the Prime Minister should be consulted.



Travelling expenses of spouses

54. The expense of a Minister's spouse when accompanying the Minister on the latter's official duties may on special occasions be paid from public funds, provided that it is clearly in the public interest that he or she should accompany the Minister. In the case of official visits overseas, the Prime Minister's prior assent should be obtained on each occasion. For official visits within the United Kingdom, this is at the discretion of the Minister in charge of the Department concerned who should consult the Permanent Secretary. The Prime Minister's prior approval is however required for any arrangement whereby a Minister's spouse may regularly travel at public expense within the United Kingdom; Ministers should arrange for the Treasury to be consulted about such arrangements before submitting them to the Prime Minister.

Parliamentary Private Secretaries

55. Parliamentary Private Secretaries making official visits in the United Kingdom may receive the normal Civil Service travelling and subsistence allowances in respect of absences on official (i.e. Departmental) business, as would other MPs undertaking work for Government Departments. It is for the Minister concerned to decide whether or not the Parliamentary Private Secretary, when undertaking the same journey, is engaged on Departmental business. It may occasionally be useful for a Parliamentary Private Secretary to accompany the Minister on an official visit abroad but no such arrangements should be made without the prior approval of the Prime Minister. The point in paragraph 40 should be borne in mind when a Parliamentary Private Secretary is accompanying the Minister on a visit.



Special Advisers

56. When a Special Adviser whose salary is not met from public funds accompanies a Minister on Government business, those funds should meet any additional expenditure to which the Exchequer may be put on this account. The approval of the Prime Minister should be obtained before a Special Adviser accompanies a Minister overseas in these circumstances.

VII. RELATIONS WITH OTHER GOVERNMENTS

57. Ministers should remember the importance of sending to the Foreign and Commonwealth Secretary a note of the salient points of any discussions which they may have with representatives of foreign or Commonwealth countries. This applies to informal discussions as well as those held in the course of official business.

58. Special care is needed in conversations at social functions at Embassies or at other functions at which foreign diplomatic representatives are present.

Visits by Commonwealth or foreign Ministers

59. Ministers should inform the Foreign and Commonwealth Secretary before extending invitations to Ministers in other Governments to pay official visits to this country; and in any case of doubt or difficulty, they should consult him. Departments should also inform the Foreign and Commonwealth Office about all visits which become known to them, whether



private or official, by Ministers in other Governments or by any other Governments or by any other person of equivalent status potentially at risk, so that the security implications can be considered at the earliest possible stage.

Foreign decorations

60. It is a well-established convention that Ministers should not, while holding office, accept decorations from foreign countries.

Offers of hospitality, open letters, etc.

61. Ministers should not overlook the possible foreign policy implications of such day-to-day matters as offering hospitality to prominent political figures visiting this country, accepting social commitments of a similar kind, giving public support for petitions, open letters, etc. Such actions, which may not necessarily appear to justify prior consultation, may be construed as significant by foreign observers of the United Kingdom. In any case of doubt Ministers should consult with the Foreign and Commonwealth Secretary before making commitments. In addition the Foreign and Commonwealth Secretary should be consulted whenever a Minister intends to make a speech touching on matters affecting foreign and Commonwealth affairs.

VIII. ACCEPTANCE OF GIFTS AND SERVICES

62. It is a well established and recognised rule that no Minister or public servant should accept gifts, hospitality or services from anyone which would, or might appear to, place him or her under an obligation. The same principle applies if gifts etc. are offered to a member of their family.



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63. This is primarily a matter which must be left to the good sense of Ministers. But any Minister in doubt or difficulty over this should seek the Prime Minister's guidance.

64. There may be difficulty in refusing a gift from another Government (or Governmental organisation) without the risk of apparent discourtesy. In deciding whether to accept or to offer gifts of this kind Ministers should where possible consult their Permanent Secretaries who will be able to advise them about the rules applicable to civil servants in analogous circumstances; and in any case of doubt they should seek the Prime Minister's views. If however such a gift is accepted the following rules apply -

- (a) Its receipt should, in all cases, be reported to the Permanent Secretary.
- (b) Gifts of small value (currently this should be put at up to £50) may be retained by the recipient.
- (c) Gifts of a higher value should be handed over to the Department for disposal, except that
  - (i) The recipient may purchase the gift at its cash value (abated by £50).
  - (ii) If the recipient wishes to reciprocate with, and pay for, a gift of equivalent value the gift received may be retained.
  - (iii) The gift may be displayed or used in the Department where this is appropriate.



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- (iv) If the disposal of the gift would cause offence or if it might be appropriate for the recipient to use or display the gift on some future occasion as a mark of politeness, then the gift should be retained in the Department for this purpose for a period of up to five years.

Any Minister who retains an imported gift under these rules but within two years seeks to dispose of it must first resolve with HM Customs and Excise the possibility of liability to duty and tax.

IX. MINISTERS' PRIVATE INTERESTS

65. It is a principle of public life that Ministers must so order their affairs that no conflict arises, or appears to arise, between their private interests and their public duties.

66. Such a conflict may arise if a Minister takes an active part in any undertaking which may have contractual or other relations with a Government Department, more particularly with his or her own Department. It may arise, not only if the Minister has a financial interest in such an undertaking, but also through active association with anybody, even of a philanthropic character, which might have negotiations or other dealings with the Government or be involved in disputes with it. Furthermore Ministers should be free to give full attention to their official duties, and they should not engage in other activities which might be thought to distract their attention from those duties.

67. Ministers should normally make their own decisions on the application of these principles. Over much of the field, as is shown below, there are established precedents. Where there is a doubt it will almost always be better to surrender but in such cases the Prime Minister must be the final judge, and Ministers should submit any such case to her for her decision. 34

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68. Where it is proper for a Minister to retain any private interest, it is the rule that he or she should declare that interest to Ministerial colleagues if they have to discuss public business in any way affecting it, and that the Minister should remain entirely detached from the consideration of that business.

#### Public appointments

69. Ministers should on assuming office give up any other public appointments they may hold. Where it is proposed that such an appointment should be retained, the Prime Minister must be consulted.

#### Directorships

70. Ministers must on assuming office resign any directorships which they may hold, whether in public or in private companies and whether the directorship carries remuneration or is honorary. The only exception to this rule is that directorships in private companies established for the maintenance of private family estates, and only incidentally concerned in trading, may be retained subject to this reservation - that if at any time the Minister feels that conflict is likely to arise between this private interest and public duty, the Minister should even in those cases resign the directorship. Directorships or offices held in connection with philanthropic undertakings should also be resigned if there is any risk of conflict arising between the interests of the undertakings and the Government.

#### Partnerships

71. Ministers who are partners in professional firms, as e.g. solicitors, accountants etc., should, on assuming office, cease to play any part in the day-to-day management of the firm's affairs. They are not necessarily required, however, to dissolve their partnership or to allow e.g. their annual practising certificate to lapse. Beyond this it is not possible to lay down precise rules applicable to every case; and Ministers in doubt about their personal position in this respect should consult the Prime Minister.



Shareholdings

72. Ministers cannot be expected, on assuming office, to dispose of all the investments they may hold. But if a Minister holds a controlling interest in any company, considerations arise which are not unlike those governing the holding of directorships; and, if there is any danger of a conflict of interest, the right course is for the Minister to get rid of the controlling interest in the company. There may also be exceptional cases where, even though no controlling interest is involved, the actual holding of particular shares in concerns closely associated with a Minister's own Department may create the danger of a conflict of interest. Where a Minister considers this to be the case, the holding should be given up. There may also be less clear-cut cases where a Minister would feel it appropriate to place the holding in the hands of trustees.

73. Ministers should scrupulously avoid speculative investments in securities about which they have, or may be thought to have, early or confidential information likely to affect the price of those securities.

"Names" at Lloyds

74. A Minister should not be a "name" at Lloyds while holding office as Prime Minister, Chancellor of the Exchequer or Secretary of State for Trade. As regards other Ministers who, on appointment to office, are "names", it is clearly inappropriate that they should take an active part in the management of the affairs of the syndicates of which they are members; and there may be cases in which, because of the emphasis of a syndicate's business, any continued participation in it must be regarded as inconsistent with the holding of a particular Ministerial office. All Ministers are therefore, required, on appointment whether to their first or to any subsequent Ministerial office, to obtain the permission of the Prime Minister before



continuing a connection with Lloyds, however nominal, which they had established before appointment or establishing any such connection during their term of appointment. Before granting permission, the Prime Minister will need to be satisfied that the conditions indicated above will be met.

#### Nominations for International Awards, etc.

75. From time to time, the personal support of Ministers is requested for nominations being made for international prizes and awards, e.g., the annual Nobel prizes. Ministers should not sponsor individual nominations for any awards, since it would be inevitable that some people would assume that the Government was itself thereby giving its sponsorship.

#### Pressure Groups

76. Ministers are frequently asked to associate themselves with pressure groups, for example by becoming signatories of open letters or appeals or by attending a rally or other function to which publicity is to be given. Such invitations should normally be declined since Ministerial association with pressure groups can give rise to misunderstanding about the Government's position. Any Minister who wishes to accept an invitation from a pressure group should consult the Prime Minister.

#### Participation in the Parliamentary Contributory Pension Fund

77. Under the provisions of the Parliamentary and Other Pensions Acts 1972-1981, Ministers, if paid, will be required to contribute to the Parliamentary Contributory Pension Fund in respect of their Ministerial salary (less, for Members of the House of Commons, the difference between their reduced salary as a Member and a Member's ordinary salary) but they may within 12 months of their appointment elect not to do so. Details of the contributions required, and of the rates of personal and family benefit which accrue from participation in the Fund, can be obtained from the Fees Office.



78. Ministers who have accrued pension rights in another pension scheme may, if they elect to participate in the Fund in respect of their Ministerial salary, and if the rules of the other scheme permit, also elect within twelve months of their appointment to have the value of those accrued rights transferred to the Fund. The Fees Office will advise on the additional benefits which will be secured by such a transfer payment.

Participation in other pension schemes

79. Ministers with accrued pension rights in another pension scheme who do not (or cannot) elect for a transfer payment may leave these as "frozen" rights in the other scheme, with no further contributions being payable during their tenure of office. Alternatively, if the rights are secured by an insurance policy (and assuming that the rules of the other scheme so permit) the policy could be transferred to them, either on a paid-up basis or with the right to continue payment of the premiums themselves.

80. Ministers who expect to resume their former employment on ceasing to hold Ministerial office and who elect not to participate in the Parliamentary Fund in respect of their Ministerial salary may remain in active membership (that is, with continued payment of contributions, and with their period of office counting as continued pensionable employment) of any pension scheme relating to that employment provided that this can be done under the rules of the scheme. In these circumstances the continued contributions may be paid by the Ministers alone, or by the former employer alone, or jointly, depending on the rules of the other scheme.



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81. It must be emphasised that any arrangements made under paragraph 80 must not go outside the terms of the particular pension scheme. There would be no objection to a general alteration of the rules of a scheme when this is necessary to permit such arrangements; but approval could not be given for the addition to the scheme of a special provision relating only to the tenure of a Ministerial Office. If Ministers have any doubts about the propriety of any arrangements they intend making, the Prime Minister's Private Secretary may be consulted.

82. Ministers who elect not to participate in the Parliamentary scheme in respect of their Ministerial salary, and who make no arrangements of the kind set out in paragraph 80, may be entitled to claim tax relief on premiums paid under a "retirement annuity contract" to provide additional pension etc benefits for themselves or provision for their families in the event of death. Such contracts are issued subject to the limitations and conditions laid down in the Tax Acts. Relief is normally limited to  $17\frac{1}{2}$  per cent of the Ministerial salary excluding, for a Minister in the Commons, the difference between a Minister's reduced salary as a Member and a Member's pensionable salary. Higher limits apply to those born before 1934 .

83. The taxation effects of arrangements such as are mentioned in the paragraphs above may vary according to the Minister's particular circumstances. The Controller, Superannuation Funds Office, Inland Revenue, Lynwood Road, Thames Ditton, Surrey, KT7 0DP, will be willing to explain the effects for tax purposes of any proposed arrangement under paragraph 80; he will also give, on request, further information on the legislation and reliefs available in respect of retirement annuity contracts. Alternatively a Minister may make any inquiry through the Financial Secretary, Treasury.



X Constituency interests

84. It is wrong in principle for Ministers to use for constituency work facilities provided at public expense to enable them to carry out their public duties. This point of principle is reflected in the entitlement of Ministers to a Parliamentary salary in recognition of the time spent in attending to the interests of the constituents, and to reimbursement of their secretarial expenses and the expenses of living away from home when attending to constituency business, within the limits prescribed by the Resolution of the House of Commons of 5 June, 1981. Ministers should thus have their constituency work done at their own expense, as they would if they were private Members of Parliament.

Parliamentary Commissionery for Administration (PCA) Cases

85. Ministers in the Commons who are asked by members of the public to submit case to the PCA should, where possible, act no differently from other MPs. Ministers should accordingly consider requests on their merits in deciding whether to refer complaints to the PCA, to take them up with the Minister of the Department concerned, to refer the case to another MP (where the complaint is not from a constituent of the Minister) or to decline to take action. Any Minister who has in mind the reference of a case to the PCA would naturally wish to inform in advance the Minister of the Department concerned.

86. Where a complaint from a constituent is against the Minister's own Department the Minister will generally wish to investigate it personally unless he or she, or one of the other Ministers in the Department, has already been directly involved in the case. Where a Minister has been so involved, the PCA should be asked to investigate if the case is within his jurisdiction; and



there may be other circumstances in which a Minister will prefer to refer a case to the PCA straight away.

#### Deputations

87. Ministers should not take part in any public representations (or in deputations) to other Ministers; but they are free to make their views about constituency matters known to the responsible Minister by correspondence or by personal interview provided that this is not given publicity.

#### XI Appointments by Ministers

88. The Prime Minister should be consulted in good time about any proposal to set up -

- (i) Royal Commissions: these can only be set up with the sanction of the Cabinet and after The Queen's approval has been sought by the Prime Minister.
- (ii) Independent Committees of inquiry into any aspect of public policy: the Chancellor of the Exchequer should be given an opportunity to comment on these.
- (iii) Committees chaired by a civil servant but appointed by a Minister, which consist partly of civil servants and partly of individuals outside the government.



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Submissions proposing any of the above should contain details of the proposed size and structure of the body. This requirement is separate from the provisions concerning appointments set out in paragraph 89 below.

89. The Prime Minister should also be consulted in good time about the appointment or re-appointment of -

- (i) The Chairman and other Members of Royal Commissions.
  
- (ii) The Chairman of -
  - (a) Nationalised Industry Boards
  
  - (b) Public Boards including the Chairman of Regional Health Authorities
  
  - (c) The more important Departmental committees, including those at 88(ii) and (iii)

In all such cases she will need to be informed about the particular requirements of the post in present circumstances, the attributes essential for a candidate and the extent to which proposed candidates meet such requirements. She will also wish to be informed about any intention to advertise any post in these categories.

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(iii) Deputy Chairman<sup>e</sup> where they are being appointed with a view to the succession

(iv) Deputy Chairman<sup>e</sup> and Members of Boards, Commissions or Committees of Enquiry in cases where the appointment is likely to have political significance. Ministers should take a wide view of what constitutes political significance. Local or regional appointments may from time to time excite an unusual amount of public interest because of the circumstances surrounding the appointment or the background of the candidate. In all cases involving political considerations submissions to the Prime Minister by an appointing Minister should be copied to the Chief Whip. The Chief Whip should invariably be consulted before a Member of the House of Commons is approached about the appointment to an office which would result in the vacation of a Parliamentary seat. As in (ii) above, the Prime Minister will wish to be informed about any intention to advertise a post of Deputy Chairman.

Where there is doubt about the need for consultation with the Prime Minister the Management and Personnel Office should be consulted.

90. In all cases falling within paragraphs 88 and 89 on which a submission is to be put to the Prime Minister, Ministers should arrange for their Permanent Secretary to consult the Head of the Home Civil Service beforehand; and the submission to the Prime Minister, which should be copied to the Head of the Home Civil Service should indicate that this has



been done. In such cases no commitment should be made to any individual before the Head of the Home Civil Service and the Prime Minister have been consulted. In the case of Royal Commissions, the Private Secretary to the Prime Minister should be consulted before any informal soundings are undertaken. In other cases, any informal soundings should be made in such a way as to preserve freedom of action and avoid any appearance of commitment. And there should be no reference, either directly or indirectly by implication, to the fact that names have to be submitted to the Prime Minister.

91. Subject to the above paragraphs and to the constitution of the body to which the appointment is made, public (non-Civil Service) appointments are the responsibility of the Minister concerned, who is free to appoint the persons he or she considers best qualified after making such enquiries as he or she thinks appropriate. The Minister should keep under review the relevance and appropriateness of the criteria for selecting people, bearing in mind that it may be necessary to defend them in Parliament or the Courts because, for example, of the Sex Discrimination Act.

92. More detailed guidance for Departments is contained in the Guide to Appointments Procedures, produced by the Management and Personnel Office.

#### Personal Appointments

93. Ministers who wish to make personal appointments within their own Departments should consult their Permanent Secretary at the outset. Permanent Secretaries will consult the Head of the Home Civil Service who will decide on each occasion whether or not it would be appropriate to consult the Prime Minister.



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Special Advisers

94. The employment of Special Advisers on the one hand adds a political dimension to the advice available to Ministers, and on the other provides Ministers with the direct advice of distinguished experts specialising in a particular field of public administration. Special Advisers are appointed directly by the Ministers they serve. No appointments of this kind should be made until the Prime Minister's approval has been secured in each case, and no commitments to make such appointments should be entered into in the absence of such approval. Guidance on the arrangements for the appointment and employment of Special Advisers is issued separately.

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XII Changes in Ministerial Responsibilities

95. The Prime Minister is responsible for the overall organisation of the Executive and the allocation of functions between Ministers in charge of Departments. Her approval should therefore be sought where changes are proposed that affect this allocation and responsibilities for the discharge of Ministerial functions. This applies whether the functions in question are derived from statute or from the exercise of the Royal prerogative, or are general administrative responsibilities.

96. The Prime Minister's approval should be sought where it is proposed to transfer functions -

a. between Ministers in charge of Departments (unless the changes are de minimis, can be made administratively and do not justify public announcement - but see para 101 below);

b. within the field of responsibility of one Minister - eg. by 'hiving off' the discharge of some functions to a non-Departmental public body - where the change is likely to be politically sensitive or to raise wider issues of policy or organisation;

c. between junior Ministers within a Department when a major reallocation of work or a change in Ministerial titles is involved (see also para 32 above).

97. In addition, her approval should be sought for proposals to allocate new functions to a particular Minister where the function does not fall wholly within the field of responsibilities of one Minister, or where there is disagreement about who should be responsible.



98. The Prime Minister will also determine questions where there is disagreement eg. because one Minister has proposed a transfer of functions that is not accepted by the other(s) affected.

99. In giving approval or in determining disputed issues, the Prime Minister may want to take the advice of the Head of the Home Civil Service. The Minister responsible should therefore ensure that he is consulted directly by the Permanent Secretaries of the Departments concerned, or that the officials of the Machinery of Government Division in the Management and Personnel Office are approached so that they can bring the proposals to his attention, before proposals for a transfer or allocation of functions are submitted to the Prime Minister. Where that procedure is not possible for any reason, the submission to the Prime Minister should be copied to the Secretary of the Cabinet and Head of the Home Civil Service.

100. Responsibility for making a submission to the Prime Minister should normally lie with the ceding Minister in the case of transfers of existing functions, and the principal receiving Minister in the case of allocation of new functions.

101. Unresolved disputed issues concerning the allocation of functions should preferably be referred to the Head of the Civil Service before a submission is made to the Prime Minister; and it may be appropriate for him to make the submission on behalf of the Minister concerned. All proposals for a transfer of functions, including those not considered to require the Prime Minister's approval, should be notified to the Machinery of Government Division in the Management and Personnel Office before they are implemented.



102. More detailed guidance for Departments is contained in the Heads of Departments Personal Handbook.

XIII Parliamentary Statements and Papers and Other Government Announcements

103. Some Government announcements are of a routine character and of minor importance. These generally represent no problem of public presentation. In some cases, however, the timing of an announcement requires careful consideration in order to avoid clashes with other Government publications, statements or announcements. The Leader of the House of Commons and the Chief Press Secretary at No 10 should be given as long an opportunity as possible, and wherever possible at least two working days, to comment on the content and timing of all important Government announcements, whether in the form of a statement in Parliament, White Paper or Press conference, Whenever possible they should also be shown the draft announcement in advance.

104. When Parliament is in session, important announcements of Government policy should be made, in the first instance, in Parliament. If too many announcements are made at the end of Questions, Parliamentary business is hindered. Nevertheless, careful consideration should be given in the case of important or particularly sensitive issues to the desirability of making an Oral Statement rather than an announcement by Written Answer. Ministers proposing to make a statement after Questions (whether or not it is related to a Question on the Order Paper) or to answer a Question by leave at the end of Questions or to make an important announcement by means of a Written Answer are therefore asked to conform with the following procedure:



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- (a) As much notice as possible of the intention to make an announcement should be given to (i) the Prime Minister's Private Secretary; (ii) the Private Secretary to the Lord President and Leader of the House of Commons; (iii) the Private Secretary to the Chief Whip; (iv) the Chief Press Secretary at No 10. This notice should, in all but exceptional cases, be accompanied by a draft of the proposed statement or answer; and an indication should be given whether the announcement of policy with which it is concerned has been approved by Ministers (together with references to any relevant discussions in Cabinet or Cabinet Committees). The draft statement or answers should have been approved in broad terms, though not necessarily in detail, by the Minister in charge of the Department. Draft statements or answers should be accompanied by background notes which identify the likely points of attack and suggest how these can best be met, with the object of securing positive presentation. Particular attention should be paid to the timing of Written Answers in this context. From Monday to Thursday an Answer to a Written Question may not be released before 3.30 pm (12 noon on Fridays) on the day for which the Question stands on the Order Paper for reply. Early release is sometimes advantageous presentationally, and in this event the Question may be tabled one day earlier, the Answer being held back until the following morning. This

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procedure should be used with discretion and then only with the approval of No 10, the office of the Leader of the House of Commons and the Chief Whip's office.

- (b) Ministers should not give undertakings, either in or outside the House of Commons, that an oral statement will be made to the House on any subject at a specific time or within a particular period until agreement has been given by the Private Secretaries to the Prime Minister and the Leader of the House of Commons to the proposed timing and by the Ministers concerned to the terms of the statement.
  
- (c) Ministers should, if possible, avoid any announcement of the kind discussed in (a) above on Thursdays, when a considerable amount of Parliamentary time after Questions is already pre-empted by discussion of the following week's business, or, except in special circumstances, on Fridays.
  
- (d) Copies of the final version of such announcements should be sent to the Private Secretaries to the Prime Minister, the Leader of the House and the Chief Whip and to the Chief Press Secretary at No 10 as soon as they are available.
  
- (e) A copy of the text of any oral statement to be made at the end of Questions is usually shown to the Opposition Parties shortly before it is made. For this purpose six extra copies of the final text must reach the office of the Chief Whip in the House of Commons as early as possible and in any case not later than 3.00 pm (Monday-Thursday) on the day on which the statement is to be made and not later than



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3.00 pm (Monday-Thursday) on the day on which the statement is to be made and not later than 10.30 am in the case of statements made on a Friday.

- (f) A copy of the final text or an oral statement should in all cases be sent in advance to the Speaker.
- (g) The leader of the House of Lords should be informed of a forthcoming oral statement in the House of Commons and consulted about the desirability of repeating it in the Lords.
- (h) A copy of any important Ministerial statement as actually delivered should be placed as quickly as possible in the Library of the House. This affords Members an opportunity of studying it in advance of publication in the Official Report.
- (i) Every effort should be made to avoid leaving significant announcements to the last day before a Recess. This practice does not redound to the credit of the Government and can reduce the positive publicity which decisions might otherwise have attracted.



Press Conferences

105. In order to explain policies or to announce new policies a Minister may decide to hold a press conference. This will be convened by the Chief Information Officer of the Department. All press conferences are on the record and open to any representative of the home and overseas media. It is often the practice of Ministers to give separate radio and TV interviews afterwards in order to secure the most effective presentation of their views or announcement. From time to time a Minister may find it desirable to give a non-attributable briefing whether to an individual journalist or to an organised group of correspondents - eg industrial, defence, education, energy etc. Again the arrangements are normally made by the Chief Information Officer of the Department. Where a Minister wishes to seek an invitation to address the Lobby the Chief Press Secretary at No 10 must be consulted both about the desirability of such a briefing and the method of organising it. Ministers should avoid repeating on the record - eg on radio and TV - remarks they have made non-attributably earlier in the day. This paragraph applies to the overseas as well as to the home media.

Publication of White and Green Papers

106. The Secretary of the Cabinet should be given the earliest possible notice of all White Papers and Green Papers which Ministers are planning to publish so that timely arrangements can be made, where appropriate, for their collective consideration. Departments should note that even when it is agreed that no issue requiring collective consideration is involved, it is customary to circulate all White Papers to the Cabinet before publication.



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107. Except where such papers are of a routine character or of minor importance, the timing of their publication is governed by similar considerations to those applying to announcements made in Parliament. Ministers are therefore asked to apply to White Papers the procedure laid down in paragraph 104(a) above. The final clearance for publication will be notified by the Chief Press Secretary at No 10. From time to time, White Papers are laid before Parliament in the name of the Prime Minister. In all such cases, the lead Department on the policy issues concerned takes responsibility for the processing and distribution of the White Paper. This should be handled in close consultation with the Parliamentary Clerk at 10 Downing Street.

108. Care should be taken to avoid infringing Parliamentary privilege when publicity is being arranged for White Papers and similar documents. The Chief Information Officer in the Department concerned may arrange for confidential final revise proof copies (CFRs) of White Papers to be made available under embargo to the Lobby and Upper Gallery, and with discretion to members of other organised groups of correspondents, up to 24 hours before copies are laid in the Vote Office - ie up to 24 hours before publication. A shorter period than 24 hours may well be appropriate in some cases; and there may be cases (for instance, where commercially sensitive information is involved) when copies should not be made available to the media until the time of publication. Any proposal to issue CFRs under an embargo of longer than 24 hours must be cleared with the Chief Press Secretary at No 10. CFRs may be given only to representatives of the media and then only under strict embargo. Any breach of an embargo is a serious matter and must be reported immediately by the Chief Information Officer of the Department to the Minister and the Chief Press Secretary at No 10 with a recommendation for action.



Speeches

109. Ministers cannot speak publicly for themselves alone. In all cases they speak as Ministers; and the principle of collective responsibility applies. They should keep within the ambit of approved Government policy and should not anticipate decisions not yet made public. Ministers should exercise special care in referring to subjects which are the responsibility of other Ministers. Any Minister who intends to make a speech which deals with, or makes observations which bear upon, matters which fall within another Minister's responsibilities should consult that Minister except where speaking notes giving clear guidance on the points to be covered have been issued through the office of the Leader of the House of Commons.

110. The Prime Minister should always be consulted before any mention is made of matters which either affect the conduct of the Government as a whole or are of a constitutional character. The Foreign and Commonwealth Secretary should always be consulted before any mention is made of matters affecting foreign and Commonwealth affairs, relations with foreign and Commonwealth countries and the political aspects of the affairs of dependent territories. Ministers wishing to refer to economic and defence policy should in all cases first consult the Chancellor of the Exchequer and the Secretary of State for Defence respectively. Ministers wishing to discuss or refer to Northern Ireland should in all cases first consult the Secretary of State for Northern Ireland.

111. Ministers should use official machinery for distributing texts of Ministerial speeches only when such speeches are made on official occasions and deal with Government as distinct from party policy. Speeches made in a Party political context should be distributed through the Party machinery.



Broadcasts

112. The provisions of paragraphs 109 and 110 apply to Ministerial broadcasts as well.

113. Radio and television broadcasts by Ministers are of four types: Party political; Budget; special broadcasts by Ministers; and interviews with Ministers for news and feature programmes:

- (a) Party political broadcasts on radio and television within the Government's quota are arranged through the Chief Whip acting on behalf of the Prime Minister.
- (b) Budget broadcasts (by the Chancellor of the Exchequer and a member of the Opposition in reply) constitute a special series of Party political broadcasts. These are arranged through the usual channels and agreed by the Chancellor of the Exchequer.
- (c) The broadcasting authorities may provide opportunities within the regular framework of their programmes for Ministers to give factual explanations of legislation or policies approved by Parliament, or to seek the co-operation of the public on matters where there is a general consensus of opinion. The Opposition have no automatic right of reply.

The British Broadcasting Corporation (BBC) may also provide the Prime Minister or a senior Cabinet Minister designated by her with an opportunity to broadcast to the nation to explain events of prime national or international importance or to seek public co-operation over such events. These are traditionally known as "Ministerial"



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broadcasts. The Opposition have the right to make an equivalent broadcast in reply. In this event the BBC will arrange as soon as possible for a broadcast discussion of the issues involved. A member of the Cabinet, a senior member of the Opposition, and, if they so desire, representatives of third parties with appreciable electoral support would be invited to participate.

The Independent Broadcasting Authority (IBA) is not obliged to relay either type of special broadcast, but if they transmit a "Ministerial" broadcast they must also take any Opposition reply and arrange a third stage, the discussion programme.

Proposals for a special broadcast of either type should be referred as soon as possible to the Chief Press Secretary at No 10. The Leader of the House of Commons and the Chief Whip should also be consulted. No approach should be made to the BBC or to the IBA for a broadcast of either type without the approval of the Prime Minister.

- (d) When Ministers are invited by the broadcasting authorities to give interviews or otherwise take part in radio and television programmes (whether news bulletins or magazine or feature programmes) they should as a rule respond positively, subject to their being satisfied that they will be given an adequate opportunity to explain Government policy and measures. In the interests of effective co-ordination of the presentation of Government policies, Ministers should ensure that No 10 Press Office is informed of their intentions. This will enable them to use broadcasting opportunities to best advantage and to avoid duplication with colleagues. The

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Chief Press Secretary at No 10 is available to advise and help Ministers in securing their objective of propounding Government policies.

114. Ministers invited to broadcast on radio and television in a private and not a Ministerial capacity should seek the Prime Minister's approval before accepting. Ministers invited to take part in programmes to be broadcast outside the United Kingdom should consult the Foreign and Commonwealth Secretary and any other Minister who may be concerned with the subject of the broadcast. They should then seek the permission of the Prime Minister. Ministers invited to broadcast while on a visit to another country should seek the advice of Her Majesty's Representative in that country.

115. Ministers should not accept payment for official broadcasts on radio or television, either on their own or on their Department's account or with a view to donating the fee to charity.

Press articles

116. Ministers are precluded from the practice of journalism including the contribution of regular weekly or fortnightly articles to local newspapers in their constituencies.

117. Ministers may contribute to a book, journal or newspaper (including a local newspaper in their constituency) for the purpose of supplementing other means of informing the public about the work of their Department provided that publication will not be at variance with their obligations to Parliament and their duty to observe the principle of collective Ministerial



responsibility. Such contributions should however be made sparingly. In cases of doubt, and in all cases where a Minister is contemplating the contribution of an article going beyond the strict confines of his or her Departmental responsibility, the Prime Minister should be consulted, preferably before work has begun and in any case before any commitment to publish is entered into. In all cases where an article contains material which falls within the Departmental responsibility of another Minister, that Minister must be consulted. Ministers should not accept payment for such writings.

118. It is not in general desirable for Ministers to engage in controversy in the correspondence columns of either the home or the overseas press. Ministers may however see advantage in correcting serious errors or mis-statements of fact which lead to false conclusions. Such letters should be brief and confined to the exposition of facts. The Prime Minister's authority should be obtained beforehand, through the Chief Press Secretary at No 10.

#### Complaints

119. Ministers who wish to make a complaint against a journalist or a particular section of the media either to the Press Council or to the Broadcasting Complaints Commission must have the authority of the Prime Minister. The nature of the complaint and the case for referring it to the appropriate body should be set out in a letter to the Chief Press Secretary at No 10, copied to the Secretary of the Cabinet.

#### Books

120. Ministers may not, while in office, write and publish a book on their Ministerial experience.



Party publications

121. The rule in paragraph 116 does not debar Ministers from contributing to the publications of the political organisations with which they are associated. However, in all cases where an article contains material which falls within the Departmental responsibility of another Minister, that Minister must be consulted. Payment should not be accepted for such articles.

Interviews

122. In deciding whether to grant an interview to individual journalists. Ministers will bear in mind the need to avoid allegations of favouritism. Their interests will be best protected if they are accompanied by a member of the Information Branch of their Department at such interviews.

123. Ministers are sometimes asked to give interviews to historians or to other persons engaged in academic research or in market opinion surveys, or to fill in questionnaires at the request of such people or organisations. Ministers should bear in mind the possibility that their views may be reported in a manner incompatible with their responsibilities and duties as members of the Government. Careful consideration should therefore be given to such invitations before they are accepted; in cases of doubt, the Prime Minister should be consulted.

Royal Commissions

124. The Prime Minister should be consulted if any Minister is invited to address a Royal Commission or Committee of Inquiry.



Supply of Parliamentary publications

125. A Minister in charge of an item of business in the House of Commons must ensure that reasonable numbers of copies of any documents published during the last two Sessions which may be needed for the debate are placed in the Vote Office and for supplying the House of Commons Library in advance with a list of all those older papers which the Minister considers relevant to the item. When any document is out of print the Minister should decide whether or not a reprint is required. Where any doubt exists about the need for any document to be available for a debate the Minister's Private Secretary should consult the Chief Whip's Private Secretary.

Money Resolutions

126. All Money Resolutions are placed on the Order Paper in the name of the Financial Secretary, Treasury. But he is not responsible for seeing a Resolution through the House of Commons. It has always been the practice (as for Civil Estimates) that, although Resolutions appear in the name of the Financial Secretary, the Minister having Departmental responsibility for the relevant Bill is also responsible for the Money Resolution in the House of Commons.

XIV Ministerial Memoirs and Other Writings

127. The prohibition on the practice of journalism by Ministers does not extend to writings of a literary, artistic, musical, historical, scientific, philosophical or fictional character which do not draw directly on their Ministerial experience.



128. The principle of collective responsibility and the need to safeguard national security and our relations with other countries impose certain obligations on former Ministers who are contemplating the publication of material based upon their recollection of the conduct of Government business in which they took part. They are required to submit their manuscript to the Secretary of the Cabinet and to conform to the principles set out in the Radcliffe Report of 1976 (Cmnd 6386).

129. Ministers who wish to keep a diary of their Ministerial experience must first consult the Prime Minister.

#### XV Political Impartiality of Civil Servants

130. Civil Servants should not be asked to engage in activities likely to call in question their political impartiality, or to give rise to the criticism that people paid from public funds are being used for Party political purposes.

#### Civil Servants' attendance at Party Conferences

131. Ministers should not ask civil servants to attend, still less take part in, Party Conferences. It is an established principle in the public service that civil servants in their official capacity should not accept invitations to conferences convened by, or under the aegis of, Party political organisations. In order to preserve the principle that the Civil Service is politically impartial it is equally important that no civil servant should be in attendance at Party occasions. If a Minister



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wishes to have a brief to explain Departmental policies or actions, there is no reason why this should not be provided; but neither the author of the brief nor an Information Officer should be present at the conference or meeting. The situation is, of course, different when a Minister requires officials to be in attendance not in order to attend the conference or to take part in its business but to enable the Minister to carry out urgent Departmental business.

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LIST OF AMENDMENTS TO QUESTIONS OF PROCEDURE FOR MINISTERS

Paragraph 4 -

Delete and Substitute -

"4. Cabinet meetings take precedence over all other business except meetings of the Privy Council. Requests by Cabinet Ministers for permission to be absent should be made only in the most exceptional circumstances, and should be made at the earliest opportunity and by a personal Minute to the Prime Minister. A personal Minute can however be dispensed with when the reason for absence from Cabinet is an overseas visit for which the Prime Minister's approval has already been obtained. As is indicated in paragraph 44(i) below, a copy of the letter seeking the Prime Minister's approval for the overseas visit should be sent to the Secretary of the Cabinet. (See paragraph 8 below for attendance at Cabinet Committees.)"

Paragraph 9 -

Amend to read -

"9. The Secretary should be given at least seven days' notice of any business (including business to be raised orally) which a Minister wishes to bring before the Cabinet or a Cabinet Committee. Memoranda should be circulated in sufficient time to enable Ministers to read and digest them, and to be properly briefed on them. The aim is to circulate all memoranda for Cabinet and Cabinet Ministerial Committees at least seven days in advance of the meeting at which they are to be discussed. When there is no time constraint, or when a subject is of major importance or complexity, papers should be circulated in accordance with this seven day rule. If decisions are urgently required, and an interval of seven days is not possible, memoranda should be circulated as long before a meeting as possible, and at the very least two full working days before they are to be discussed. This exception to the seven day rule will normally only be made for papers commissioned at one meeting of the Cabinet or Cabinet Committee for consideration at its next meeting. Apart from that, papers submitted late for the seven-day deadline will be taken off the agenda of the meeting for which they were intended, unless the Cabinet Office is satisfied that the delay was unavoidable and that the dispatch of



public business requires them to be taken on the date originally intended. To ensure that this rule is complied with in the case of Cabinet memoranda, drafts will have to be received by the Private Secretary to the Secretary of the Cabinet early in the afternoon (certainly not later than 4.00 pm) of the Wednesday, eight days ahead of the Thursday Cabinet at which the memorandum is to be discussed."

Paragraph 28(v)(a) -

Delete and Substitute -

"The normal telephone system (including FEDERAL) is not secure and a scrambler gives no protection against deliberate interception. If TOP SECRET or SECRET information has to be passed by telephone, the civil Secure Telephone Scheme (STS) or the Defence Secure Speech System (DSSS) should be used for the purpose. If neither STS nor DSSS facilities are available, the following precautions should be taken:

- (a) Long distance calls. Calls from within a radius of 50 miles of London to places outside that radius and vice versa may go by radio relay and may therefore be intercepted. Such interception is facilitated by the comparative ease with which certain calls may be identified, ie calls over private circuits, calls to identified members of intelligence interest and those calls where a scrambler is used. TOP SECRET information should never be conveyed during long distance calls. SECRET and CONFIDENTIAL information should be conveyed only when the urgency outweighs the risk to security."

Paragraoh 43, line 8

Delete from "In order that.....should be included."

Substitute:

"Each Minister in charge of a Department should ensure that the Department draws up and maintains a comprehensive and central record of travel by Ministers in the Department. This record should contain details of the numbers and costs of all Ministerial delegations whose travel has



been at public expense, including visits to EC countries for the purpose of attending regular meetings of EC Councils or Ministerial meetings on Political Co-operation. The record should be maintained in such a way that an up to date list of visits and costs of such visits can be made available by Departments at short notice in the event of Departmental Ministers being asked to account for travel undertaken by Ministers in their Departments."

Paragraph 45 -

Delete and Substitute -

"45. Other Ministers who propose to leave the United Kingdom whether on duty or on leave need not obtain the Queen's permission to do so. There is also no need for them to seek the Prime Minister's approval for such a visit, provided that approval has been given by the Secretary and the Chief Whip. These arrangements do not affect the requirement for the Prime Minister's approval to be sought for official visits overseas by Ministers' spouses and by Parliamentary Private Secretaries (paragraphs 54 and 55 below)."

Paragraph 89(i)-(w)

Delete and Substitute

89. The Prime Minister should also be consulted in good time about the appointment or re-appointment of -

- (i) The Chairman and other Members of Royal Commissions.
  
- (ii) The Chairman of -
  - (a) Nationalised Industry Boards
  
  - (b) Public Boards including the Chairman of Regional Health Authorities
  
  - (c) The more important Departmental committees, including those at 88(ii) and (iii)



In all such cases she will need to be informed about the particular requirements of the post in present circumstances, the attributes essential for a candidate and the extent to which proposed candidates meet such requirements. She will also wish to be informed about any intention to advertise any post in these categories.

(iii) Deputy Chairmen where they are being appointed with a view to the succession

(iv) Deputy Chairmen and Members of Boards, Commissions or Committees of Enquiry in cases where the appointment is likely to have political significance. Ministers should take a wide view of what constitutes political significance. Local or regional appointments may from time to time excite an unusual amount of public interest because of the circumstances surrounding the appointment or the background of the candidate. In all cases involving political considerations submissions to the Prime Minister by an appointing Minister should be copied to the Chief Whip. The Chief Whip should invariably be consulted before a Member of the House of Commons is approached about an appointment to an office which would result in the vacation of a Parliamentary seat. As in (ii) above, the Prime Minister will wish to be informed about any intention to advertise a post of Deputy Chairman.

Where there is doubt about the need for consultation with the Prime Minister the Management and Personnel Office should be consulted.

After paragraph 94 -

Insert new Section XII -

XII Changes in Ministerial Responsibilities

95. The Prime Minister is responsible for the overall organisation of the Executive and the allocation of functions between Ministers in charge of Departments. Her approval should therefore be sought where changes are proposed that affect this allocation and responsibilities for the discharge



of Ministerial functions. This applies whether the functions in question are derived from statute or from the exercise of the Royal prerogative, or are general administrative responsibilities.

96. The Prime Minister's approval should be sought where it is proposed to transfer functions:

- a. between Ministers in charge of Departments (unless the changes are de minimis, can be made administratively and do not justify public announcement - but see paragraph 101 below).
- b. within the field of responsibility of one Minister - eg by 'hiving off' the discharge of some functions to a non-Departmental public body - where the change is likely to be politically sensitive or to raise wider issues of policy or organisation.
- c. between junior Ministers within a Department when a major reallocation of work or a change in Ministerial titles is involved (see also paragraph 32 above).

97. In addition, her approval should be sought for proposals to allocate new functions to a particular Minister where the function does not fall wholly within the field of responsibilities of one Minister, or where there is disagreement about who should be responsible.

98. The Prime Minister will also determine questions where there is disagreement eg because one Minister has proposed a transfer of functions that is not accepted by the other(s) affected.

99. In giving approval or in determining disputed issues, the Prime Minister may want to take the advice of the Joint Head of the Home Civil Service (the Permanent Secretary of the Management and Personnel Office). The Minister responsible should therefore ensure that he is consulted directly by the Permanent Secretaries of the Departments concerned, or that the officials of the Machinery of Government Division



in the Management and Personnel Office are approached so that they can bring the proposals to his attention, before proposals for a transfer or allocation of functions are submitted to the Prime Minister. Where that procedure is not possible for any reason, the submission to the Prime Minister should be copied to the Secretary of the Cabinet and Joint Head of the Home Civil Service.

100. Responsibility for making a submission to the Prime Minister should normally lie with the ceding Minister in the case of transfers of existing functions, and the principal receiving Minister in the case of allocation of new functions.

101. Unresolved disputed issues concerning the allocation of functions should preferably be referred to the Joint Head of the Civil Service before a submission is made to the Prime Minister; and it may be appropriate for him to make the submission on behalf of the Minister concerned. All proposals for a transfer of functions, including those not considered to require the Prime Minister's approval, should be notified to the Machinery of Government Division in the Management and Personnel Office before they are implemented.

102. More detailed guidance for Departments is contained in the Heads of Departments Personal Handbook.

Sections XII-XIV should be re-numbered XIII-XV respectively.

Paragraph 96 (now paragraph 104), line 4

Insert after 'hindered'

"Nevertheless, careful consideration should be given in the case of important or particularly sensitive issues to the desirability of making an Oral Statement rather than an announcement by Written Answer."



Paragraph 96(a) (now paragraph 104(a) -  
Delete and Substitute -

a. As much notice as possible of the intention to make an announcement should be given to (i) the Prime Minister's Private Secretary; (ii) the Private Secretary to the Leader of the House of Commons; (iii) the Chief Press Secretary at No 10. This notice should, in all but exceptional cases, be accompanied by a draft of the proposed statement or answer; and an indication should be given whether the announcement or policy with which it is concerned has been approved by Ministers (together with references to any relevant discussion in Cabinet or Cabinet Committees). The draft statement or answers should have been approved in broad terms, though not necessarily in detail, by the Minister in charge of the Department. Draft statements or answers should be accompanied by background notes which identify the likely points of attack and suggest how these can best be met, with the object of securing positive presentation. Particular attention should be paid to the timing of Written Answers in this context. From Monday to Thursday an Answer to a Written Question may not be released before 3.30 pm (12 noon on Fridays) on the day for which the Question stands on the Order Paper for reply. Early release is sometimes advantageous presentationally, and in this event the Question may be tabled one day earlier, the Answer being held back until the following morning. This procedure should be used with discretion and then only with the approval of No 10, the office of the Leader of the House of Commons and the Chief Whip's office.



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Paragraph 96(e) (now Paragraph 104(e)) -

Delete and Substitute -

(e) A copy of the text of any oral statement to be made at the end of Questions is usually shown to the Opposition Parties shortly before it is made. For this purpose, six extra copies of the final text must reach the office of the Chief Whip in the House of Commons as early as possible and in any case not later than 3.00 pm (Monday - Thursday) on the day on which the statement is to be made and not later than 10.30 am in the case of statements made on a Friday.

After paragraph 96(h) (now paragraph 104(h)) -

Insert new paragraph 104(i) -

104(i). Every effort should be made to avoid leaving significant announcements to the last day before a Recess. This practice does not redound to the credit of the Government and can reduce the positive publicity which decisions might otherwise have attracted.

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Paragraph 97 (now paragraph 105) -

Delete and Substitute:-

"In order to explain policies or to announce new policies a Minister may decide to hold a press conference. This will be convened by the Chief Information Officer of the Department. All press conferences are on the record and open to any representative of the home and overseas media. It is often the practice of Ministers to give separate radio and TV interviews afterwards in order to secure the most effective presentation of their views or announcement. From time to time a Minister may find it desirable to give a non-attributable briefing whether to an individual journalist or to an organised group of correspondents - eg industrial, defence, education, energy etc. Again the arrangements are normally made by the Chief Information Officer of the Department. Where a Minister wishes to seek an invitation to address the Lobby the Chief Press Secretary at No 10 must be consulted both about the desirability of such a briefing and the method of organising it. Ministers should avoid repeating on the record - e.g. on radio and TV - remarks they have made non-attributably earlier in the day. This paragraph applies to the overseas as well as to the home media."

Paragraph 99 (now paragraph 107)

Add at the end -

"From time to time, White Papers are laid before Parliament in the name of the Prime Minister. In all such cases, the lead Department on the policy issues concerned takes responsibility for the processing and distribution of the White Paper. This should be handled in close consultation with the Parliamentary Clerk at 10 Downing Street."

Paragraph 100 (now paragraph 108) -

Delete and Substitute:

"Care should be taken to avoid infringing Parliamentary privilege when publicity is being arranged for White Papers and similar documents. The Chief Information Officer in the Department concerned may arrange for confidential final revise proof copies (CFRs) of White Papers to be



made available under embargo to the Lobby and Upper Gallery, and with discretion to members of other organised groups of correspondents, up to 24 hours before copies are laid in the Vote Office-ie up to 24 hours before publication. Any proposal to issue CFRs under a longer embargo must be cleared with the Chief Press Secretary at No 10. CFRs may be given only to representatives of the media and then only under strict embargo. Any breach of an embargo is a serious matter and must be reported immediately by the Chief Information Officer of the Department to the Minister and the Chief Press Secretary at No 10 with a recommendation for action."

Paragraph 101 (now paragraph 109), last line,

Delete and Substitute:

"should consult that Minister except where speaking notes giving clear guidance on the points to be covered have been issued through the office of the Leader of the House of Commons".

Paragraph 103 (now paragraph 111), first sentence

Delete and Substitute:

"Ministers should use official machinery for distributing texts of Ministerial speeches only when such speeches are made on official occasions and deal with Government as distinct from party policy."

Paragraph 105 (d) (now paragraph 113 (d) -

Delete and Substitute

"When Ministers are invited by the broadcasting authorities to give interviews or otherwise take part in radio and television programmes (whether news bulletins or magazine or feature programmes) they should as a rule respond positively, subject to their being satisfied that they will be given an adequate opportunity to explain Government policy and measures. In the interests of effective co-ordination of the presentation of Government policies, Ministers should ensure that No 10 Press Office is informed of their intentions. This will enable them to use broadcasting opportunities to best advantage and to avoid duplication with colleagues. The Chief Press Secretary at No 10 is available to advise and help Ministers in securing their objective of propounding Government policies."



Paragraph 109 (new paragraph 117) -

Delete - "Ministers invited to contribute.....  
.....however be made sparingly."

Substitute -

"Ministers may contribute to a book, journal or newspaper, (including a local newspaper in their constituency) for the purpose of supplementing other means of informing the public about the work of their Department provided that publication will not be at variance with their obligations to Parliament and their duty to observe the principle of collective Ministerial responsibility. Such contributions should however be made sparingly."

Paragraph 110 (new paragraph 118) -

Delete and Substitute -

"It is not in general desirable for Ministers to engage in controversy in the correspondence columns of either the home or the overseas press. Ministers may however see advantage in correcting serious errors or mis-statements of fact which lead to false conclusions. Such letters should be brief and confined to the exposition of facts. The Prime Minister's authority should be obtained beforehand through the Chief Press Secretary at No 10."

Insert new paragraph (to be numbered 119) between paragraph 110 (new paragraph 118) and paragraph 111 (new paragraph 120) as follows -

Complaints

"Ministers who wish to make a complaint against a journalist or a particular section of the media either to the Press Council, or the Broadcasting Complaints Commission must have the authority of the Prime Minister. The nature of the complaint and the case for referring it to the appropriate body should be set out in a letter to the Chief Press Secretary at No 10, copied to the Secretary to the Cabinet."



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Paragraph 113 (now paragraph 122) -  
Delete and Substitute -

"In deciding whether to grant an interview to individual journalists Ministers will bear in mind the need to avoid allegations of favouritism. Their interests will be best protected if they are accompanied by a member of the Information Branch of their Department at such interviews."

Paragraph 114 (now paragraph 123), first sentence -  
Delete and Substitute -

"Ministers are sometimes asked to give interviews to historians or to other persons engaged in academic research or in market opinion surveys, or to fill in questionnaires at the request of such people or organisations".

Paragraphs 115-122 should be renumbers 124-131 respectively.

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