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Sir Brian Hayes KCB
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14 February 1986

Michael Stark Esq
Private Secretary to
Sir Robert Armstrong GCB CVO
Cabinet Office
70 Whitehall
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N. Rowell

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Dear Michael

In his letter of 10 February to Sir Robert about the meeting with Sir Humphrey Atkins and Dr John Gilbert, Sir Brian undertook to circulate a full note of the discussion. This
..... I now attach.

I am sending copies of this letter to Nigel Wicks, David Morris, Murdo Maclean, John Pitt-Brooke and Sherard Cowper-Coles.

Yours ever

KEN LUSSEY
Private Secretary

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To:

MR MACDONALD

cc PS/SoS
Mr Michell
Mr O'Shea
Mr Russell
Mrs Allan FRM

From:

KEN LUSSEY
PS/Sir Brian Hayes
Room 815, 1 Vic St
215 4439

12 February 1986

VISIT BY SIR HUMPHREY ATKINS AND DR JOHN GILBERT

You and Mr O'Shea were present when Sir Humphrey Atkins and Dr John Gilbert called on Sir Brian at 4.30pm on 10 February.

Discussion of the terms under which information was to be handed over Sir Humphrey and Dr Gilbert

2. Sir Humphrey started by setting out what he understood to be the object of the meeting. He and Dr Gilbert would see the 4 October and 18 October documents and make notes based on them. The two of them would then be supplied with extracts of the documents. These would be supplied on the basis, in the first instance, that they were being made available to the Committee and to no-one else. However, it would then be up to the Committee to argue with Ministers about whether the extracts and notes could be released or not. He was prepared to undertake not to release any extracts without first discussing the subject

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with Ministers, but he considered it an important constitutional principle that once a document was in the possession of a Select Committee, it was in the end up to the Select Committee to decide what to do with it. Sir Humphrey said that he would therefore be unable to guarantee that the Committee would not publish the documents in spite of Ministers' opposition; he noted, however, that in his experience and that of Dr Gilbert the Select Committee on Defence had never published anything which, after discussion and argument, Ministers had not accepted, however reluctantly, should be published.

3. Sir Brian said that it had been his understanding that notes and extracts were to be made available to Sir Humphrey and Dr Gilbert on the basis that it would subsequently be up to Ministers to give their consent, or not, to their release. Sir Brian said that he would regretfully be unable to allow Sir Humphrey or Dr Gilbert to take any part of the documents away with them on the terms described by Sir Humphrey. Sir Brian said that the documents under discussion were of a class which were not handed over to Select Committees. The 4 October minute from Mr Brittan was closely analogous to a Cabinet document and, while not in exactly the same category, the 18 October document represented a confidential inter-departmental document. He contrasted the latter to the internal DTI note of the Lygo meeting which had been released.

4. Sir Brian said that he would discuss the difference of understanding about the basis under which extracts were to be given to the Committee with Sir Robert Armstrong.

5. Having thus considered the issue of principle as far as was possible the meeting moved on to look at each of the two documents in turn with a view first to examining the reasons underlying the omission of parts of the original documents in the summaries and, second, as Dr Gilbert put it, to negotiate how much of the documents the Committee could have.

4 October document

6. Sir Humphrey said he thought he could see why the omitted pieces had been omitted but asked Sir Brian in any case to run through the reasons. Sir Brian identified three passages which had been omitted from the summary. The

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first was in the middle of paragraph 13 of the original and referred to redundancies at Westlands. He said that this was commercially confidential information which could give rise to problems for the company if released. Paragraphs 15-18 of the original referred to Mr Gandhi and paragraph 18 was completely omitted. He thought that if this was published it could well prejudice the contract and damage UK/India relations. Sir Brian identified the final omitted part as the annex to the original which contained strictly confidential information supplied by Westlands. Sir Brian noted that in the context in which the Committee were asking to see the documents, the essential part of the 4 October minute was fully and faithfully set out in paragraph 6 of the summary. Dr Gilbert noted that at this point the summary was actually longer than the original. Sir Brian said that special care had been taken to reflect both the meaning and the nuances in what was, in this case, a paraphrase rather than a summary.

7. Dr Gilbert said that he could understand why the passage in paragraph 13 had been omitted. However, he felt that the omission of this section coloured the way in which the rest of the document would be viewed. While he could understand that this information should not enter the public domain, it was not clear to him why it could not be shown to the Committee. Dr Gilbert suggested that as it was information which it was more proper for Westland, rather than the Government, to be sensitive about, then the best course would be for Sir Brian to ask the company if they minded disclosure of that information to the Committee. It was agreed that Sir Brian would speak to Westlands. Sir Humphrey and Dr Gilbert noted that while they could not in any way commit the Committee to non-disclosure of the passage, they could guarantee that nothing would be leaked and they would jointly recommend to their colleagues on the Committee that this passage should not be made public. This could only be done on the basis of a personal assurance to Westland from Sir Humphrey and Dr Gilbert; but both considered it almost certain that the Committee would agree with their recommendation.

8. Dr Gilbert initially considered that the Committee should be supplied with paragraph 18 of the original document. However, after some discussion, he agreed with Sir Humphrey that they did not wish to receive it.

9. Sir Humphrey suggested, and Dr Gilbert agreed, that the Committee would not ask for Annex A to the document.

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10. To summarise, Sir Humphrey and Dr Gilbert were asking for the Committee to be supplied with paragraphs 2-17 and paragraph 19 of the 4 October document, subject to Westlands' approval of the point about the omitted passage in paragraph 13.

18 October document

11. Sir Brian said that in the main what was omitted in the 18 October document as summarised were references to the conversation that Mr Brittan had with Lord Boardman later that afternoon.

12. Dr Gilbert said that he thought that the summary was a fair reflection of the original. He questioned, however, what was now sensitive about the omitted sentence from the end of paragraph 3 of the original. Sir Brian said that this passage revealed much about the negotiating position of the company relative to the banks and, while not as sensitive now as it was at the time of the meeting, could conceivably become so again.

13. After some discussion between Dr Gilbert and Sir Humphrey they agreed that they would not wish to receive paragraphs 6 and 7 of the original which did not relate to the meeting between Mr Brittan and Sir John Cuckney.

14. To summarise, Sir Humphrey and Dr Gilbert wanted to be supplied with the first sentence of paragraph 2 of the 18 October document, paragraph 3 as far as, but not including, the part which was omitted from the summary, and paragraphs 4 and 5.

Next moves

15. Having agreed which parts of the documents the Committee would wish to receive, Sir Humphrey and Dr Gilbert left amicably but empty-handed. It was agreed that Sir Brian would consult with Sir Robert Armstrong about the terms under which the extracts could be handed over to the Committee. It was also agreed that Sir Brian would seek Westlands' approval to the release to the Committee of the passage about redundancies in the 4 October document.

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