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MW Pymall EDP 11/3  
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Ref. A086/790

MR WICKS

I gather that the shorthand writers at the House of Commons are suffering a backlog of transcripts to prepare, and it may be a few more days before that of Sir Robert Armstrong's appearance before the Defence Select Committee on 5 March reaches us.

2. In the meantime you may have heard a number of extracts on the radio news. A longer passage, including Dr Gilbert's attack on individual civil servants and Sir Robert's response, was covered in the weekly BBC radio programme "This Week in the Select Committees" last night. I have a recording, which is available to anyone interested.

3. As on the previous occasion, I have also prepared a brief --- record from my own notes at the time. This is attached.

4. I am sending copies of this minute to Ken Lussey (DTI) and Michael Saunders (Law Officers' Department).

MS

M C STARK

10 March 1986

Ref. A086/789

NOTE FOR RECORD

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Sir Robert Armstrong gave oral evidence to the Defence Select Committee on Wednesday 5 March. The Chairman was Sir Humphrey Atkins; other MPs present were Mr Edward Leigh, Mr Michael Marshall, Dr John Gilbert, Mr Keith Speed, Mr Dick Douglas and Mr Bruce George.

2. The Chairman thanked Sir Robert for his memorandum of 4 March, and then, assisted by other MPs, went through the lists of questions submitted in advance by the Clerk of the Committee. The only new points to emerge were:

a. One official in 10 Downing Street had known that the Solicitor General was writing to Mr Heseltine, and that, although this official had made telephone calls to the DTI on the morning of 6 January, he had not mentioned this fact to the DTI nor to others at No 10. Sir Robert said that the reason for this was that he was waiting to see the letter and its contents.

b. Sir Robert could not positively confirm that the officials concerned had known about the special status about advice from Law Officers, but the point was recorded in official documents which were available in Departments.

c. No official concerned had consulted a staff association on the morning of 6 January.

d. The reason for the unattributable nature of the disclosure to the Press Association had been the wish of the DTI not to disclose directly a disagreement between two Government Departments.

e. Sir Robert had not known himself until he had conducted his inquiry the detail of the contacts between officials in No 10 and the DTI.

f. Mr Wicks would have learnt of those contacts at the meeting with the Prime Minister on 7 January. Other officials concerned had not felt that they needed to consult him earlier.

3. After completion of inquiries on the questions submitted in advance the Committee put further questions without notice:

a. Those to whom Sir Robert had subsequently spoken, other than those previously cited, on aspects of the affair were the Prime Minister, Mr Brittan and Sir John Cuckney. He had also learnt in general terms of the contacts between the officials of the Law Officers' Department and others concerned.

b. The preliminary inquiries which Sir Robert had made, prior to his formal interviews, had been in the DTI and No 10.

c. It was not unethical to have given Sir John Cuckney advance information, in confidence, before the disclosure to the Press Association.

d. Sir John Cuckney had found the information conveyed therein useful.

e. Sir Robert stood by his description of the actions of officials. In his view, the word "regret" was a strong one. Dr Gilbert's account of the affair was grossly unfair. He had not himself considered resigning. He had responsibility for the conduct of officials in his Department. He put it on record, in view of the attack

Dr Gilbert had made, that Ministerial authority for the fact and the form of the disclosure had been given.

f. As Sir Robert had noted in his earlier evidence, it was unfortunate that the particular sensitivity of advice from the Solicitor General had not been noted.

g. Contrary to Dr Gilbert's claim that officials had paid no penalty, they had paid a considerable penalty in terms of anxiety and public exposure, and the knowledge that this was with them.

MS

M C STARK

10 March 1986