

CAB 103/778/1

RESTRICTED

CABINET OFFICE

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496/1

Papers of former Prime Ministers

2

FILE BEGINS 22.6.87

ENDS 22-11-90

FILE No. 496/1

PART NUM 4

INDEX HEADINGS

PRIME MINISTERS

ACCESS APPLICATIONS

REFERRED TO

DATE

REFERRED TO

DATE

REFERRED TO

DATE

Miss Bowdery

13.7.89

PA

21.7.89

Mr Pomman

16.1.90

**CLOSED
1990**

**CLOSED
1990**

CAB 03/778/1

Part 1 of 2

THERE IS AN ANNEX

Other Files containing Matter Bearing on this Subject

FILE No.	TITLE

PREVIOUS REFERENCE:.....

FOLIO REGISTER — FILE No. 496/1 part 4

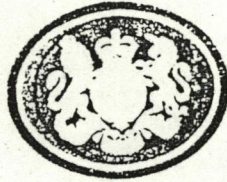
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FOLIO REGISTER — FILE No. 496/1

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FOLIO REGISTER — FILE NO. 496/1



House of Lords

as from:

New Court,
St. Swithin's Lane,
London EC4P 4DU.

071 280 5701

from Lord Armstrong of Ilminster

D. G. Vaisey, Esq., F.S.A.,
Bodley's Librarian,
Bodleian Library,
Oxford OX1 3BG..

12 July 1991

PERSONAL AND IN CONFIDENCE

Dear Mr Vaisey,

I am writing to confirm what I said to you in our telephone conversation on 5 July.

Lord Wilson of Rievaulx has made over his archive of personal papers, covering the whole of his time as Leader of the Opposition and his four terms as Prime Minister, to a trust. The trustees of this trust would like to deposit the whole archive with a suitable library, which would be able to take proper care of them. Various possibilities have been considered; but the preference of the trustees, in which both I and my successor as Secretary of the Cabinet (both of us having served Lord Wilson as his Private Secretaries when he was Prime Minister) have encouraged them, is that the papers should be deposited in a library in this country, and best of all - given Lord Wilson's long association with Oxford - with the Bodleian.

The specific proposition is that the papers should be sold by the trust to the Bodleian Library. The trustees have identified donors, who wish for the present to remain anonymous and whose names are not known to me, who are ready to give the Bodleian the funds with which to acquire the papers from the trust. I am assured that the funds which the donors are prepared to provide would cover the whole of the purchase price of the papers, so that the acquisition would in effect be without cost to the Bodleian. The Bodleian would own the papers, and the copyright in the papers, which has been

assigned to the trust, would pass to the Bodleian Library, subject to a covenant under which the Bodleian would agree to consult the trustees before allowing any public use of or access to the papers for, say, ten years from the date of their acquisition.

That part of the archive which relates to Lord Wilson's terms of office as Prime Minister contains some papers which are in effect public records. The Cabinet Office have been going through these papers, and I understand that, while there are some on whose release the Cabinet Office see no need to put restrictions or conditions, there are others which they will require to be kept closed until such time as they would become available for public access under the Public Records Acts. The Bodleian would be asked to accept that restriction as a condition of receiving the papers.

Clearly you cannot be asked to commit yourself to formal acceptance of this proposal until the details have been worked through and a draft formal agreement for the acquisition has been accepted by all concerned. I understand, however, that the trustees and the donors would like to be assured that you would in principle welcome the opportunity of acquiring this archive for the Bodleian, and that you consider that they are acting with an enlightened and public-spirited sense of responsibility in making and facilitating the proposal to deposit this archive in one of the great national libraries in this country, and specifically in the Bodleian. Would you be prepared to write to me, in confidence, a letter on the lines of the draft attached? I am assured that, if you would, it would be shown only to the trustees and the donors, for their assurance and comfort: there is no intention of making any public use of it.

If you are content in principle, the chairman of the trustees will get in touch with you direct to discuss the details of an agreement.

Yours sincerely
Robert Armstrong

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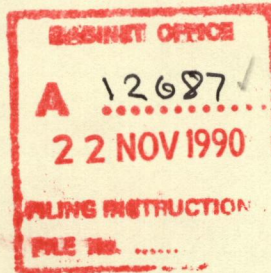
f 52 ?

f 55

but see f6c
on pt 5

*Spoke the
Trenchball*

MISS PHIPPARD



THE WILSON PAPERS

When I saw Sir Robin Butler on Monday of this week he asked me to put in hand a review of the convention under which Prime Ministers are allowed to take away "personal" papers when they leave office.

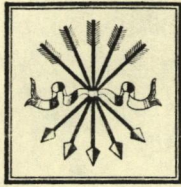
I have discussed the matter briefly with the Lord Chancellor's Department and I am making arrangements for a meeting with them and the Public Record Office next week. Whilst re-reading the papers I have it occurred to me that until the case of the Wilson papers came up all discussion and correspondence about the convention and its application to various Prime Ministers had been conducted between your Office and No 10 with occasional consultation with Treasury Solicitor. As it may be necessary for me to consult the Departmental Record Officer at No 10 and perhaps seek further papers I wondered if it would be appropriate for a formal note to go to No 10 saying that Sir Robin had asked me to undertake the review; particularly perhaps in the light of today's announcement, otherwise it will look as though it is being done solely because of Mrs Thatcher's impending resignation.

If drafts are required I shall be glad to supply them, otherwise I should be grateful if you could let me know whether I may approach No 10 should it be necessary to do so.

Pat Andrews

MISS P M ANDREWS

Historical Section
22 November 1990



Sir Robin Butler

79

NEW COURT
ST. SWITHIN'S LANE
LONDON EC4P 4DU

C-MASS Andrews
DH692

From Lord Armstrong of Ilminster

PERSONAL AND IN CONFIDENCE

20th November 1990



Dear Maria,

Thank you for your letter of 10th November. I am sorry if there was a misunderstanding about who was due to move next.

I take it that the decision is that all the papers, including those which Harold took away from the "official" (as opposed to the "political") office at 10 Downing Street, should go to the Canadian university, so that the collection of "Lord Wilson's papers" is kept intact (save for any which need to be held back on grounds of maintaining official confidentiality). That being so, I presume that we are no longer looking for a solution which would keep the "No. 10 papers" in this country and help to make good the financial penalty (if any) of excluding them from the collection that goes to Canada.

Of course I understand the university's preference to receive the whole collection, and the wish of Harold and those advising him to keep the collection together. I will not pursue further the question of "seemliness" since it is clearly felt that this is manageable from Harold's point of view. You may be right - let us hope you are - in saying that the Government need not get involved. If they were to be asked about it, however, I think that they would have to be free to say that they had made known to Harold's representatives their view that it would be preferable for the "No. 10" papers to remain in this country; but the position would probably be defensible if they were able to say that any of the papers which were in the nature of public records and ought to remain confidential had been held back and would be released only as and when the need for confidentiality had ceased. I suppose that the Cabinet Office may also wish to ask that any of the No. 10 papers not held back should not be opened to the public until the expiry of thirty years.

If you would like me to continue to discuss these aspects of the matter with Robin Butler, I am very ready to do so. But it is very much a matter for the Cabinet Office, and the most straightforward course may be for you or whoever is handling the matter on Harold's behalf to deal direct with the Cabinet Office, since it will obviously involve their going through the papers and deciding what (if anything) needs to be held back.

As to the increase in pension, that is, as I understand it, a matter for legislation. A bill had its first reading last session, but died at prorogation, and I imagine that the Government is now considering whether it would be right and acceptable to amend the Bill in this sense on its introduction in the new session.

I am very sorry that you have this additional anxiety to cope with, when you are having your own problems; and I am sorry that you should have had the trouble of writing so long a letter in your own hand. I should be very ready to come round again, or talk on the telephone (071-280-5701) if you would like to discuss the matter further.

With best wishes

Yours ever

Robert

The Lady Falkender, C.B.E.,
3, Wyndham Mews,
London, W.1.



78

CABINET OFFICE

70 Whitehall London SW1A 2AS Telephone 071-270 0101

From the Secretary of the Cabinet and Head of the Home Civil Service
Sir Robin Butler KCB CVO

Ref. A090/2773

19 November 1990

My dear Robert,

Many thanks for your letter of 15 November enclosing one from Marcia Falkender.

I regret Lord and Lady Wilson's decision, as reported by Marcia Falkender, but I agree that, if they are resolved to include the Prime Ministerial papers with the rest of Lord Wilson's archive to be transferred to the Canadian university, that must be their decision, subject to meeting our national security requirements. I also agree that it free us from any obligation on that account to explore proposals for special help from the Parliamentary Pensions Fund and that it may now be better for us to deal directly with Marcia in going through the archive to identify those documents which need to held back on grounds of national security (although I am of course entirely content for you to continue to play an intermediary role if that is what Marcia Falkender wants and you are ready to do so).

There are one or two points in Marcia's letter on which I ought to comment for purposes of clarification.

On the treatment of the Prime Ministerial archive, there are two aspects which appear a bit confused in Marcia's letter. One is the papers which ought to be held back on security grounds: this has nothing to do with the 30 year rule as such, and the papers can only be released when they can be declassified. The other is the treatment of the rest of the archive where, consistently with the terms on which they are taken away which were set out in the Prime Minister's letter of 30 July 1987, we have a responsibility to ask that they should be safely stored and public access should not be given to them until access is given to other official papers at the end of 30 years. On the increase of pensions for all former Prime Ministers, this is, as you recognise, a matter still under consideration by the Government.

We can, of course, make these points clear to Marcia, but I have taken the liberty of suggesting on the attached sheet a few amendments to your draft in order to pave the way.

Lord Armstrong of Ilminster
New Court
St Swithin's lane
London EC4P 4DU

Yours ever,

Robin

Para 2, 6th line: "containing" should be presumably "maintaining".

Para 3, last line on first page of the draft: exclude "until the expiry of 30 years".

Para 3, 4th line of the second page: for "(otherwise than to bona fide researchers)" substitute "to the public".

5th paragraph redraft the last part of the second sentence:
"... and I imagine that the Government is now considering whether it would be right and acceptable to amend the Bill in this sense on its introduction on the new session".

STRICTLY IN CONFIDENCE

Sir Robin Butler

*Sir Robin Butler
(Note at end)*



*As should perhaps
note*

77

RECEIVED
20 NOV 1990

ACTION FOR	
COPIES TO	

CABINET OFFICE

70 Whitehall London SW1A 2AS Telephone 071-270 0101

From the Secretary of the Cabinet and Head of the Home Civil Service
Sir Robin Butler KCB CVO

Ref. A090/2772

*L.P. As I mentioned to you yesterday, we
mean, fortunately, before you spoke to Sir Thomas M.P.*

MR SUTTON

[Signature]

[Signature]
20/11

Lord Wilson

Lord Armstrong has now had a reply from Lady Falkender about Lord Wilson's papers. The upshot is that Lord and Lady Wilson want to include the Prime Ministerial papers (apart from any which need to be held back on grounds of national security) with the rest of the archive to be transferred to a Canadian university.

2. The legal advice which we have received is that, subject to the requirements of national security, we cannot stand in the way of this. I will now make arrangements for the papers to be examined, with a view to removing any which need to be withheld on grounds of national security; and I will seek to obtain an undertaking that public access is not given to the rest until the 30 year period applying to official records is completed.

3. This therefore releases us from any obligation on this account to ask the Trustees of the Parliamentary Pensions Fund to consider special help for Lord Wilson. We are also free to consider solely on its merits the case for bringing the pensions of extant former Prime Ministers up to that of the present Prime

STRICTLY IN CONFIDENCE

Minister (although inevitably Lord Wilson's representatives have learned in the course of the discussion that this idea was under consideration).

4. In short, the way is now clear to go ahead with the Bill without any special consideration of the Wilson factor.

5. I am copying this minute to Mr Turnbull (No 10) and Mr Phillips (HM Treasury).

R.R.B.

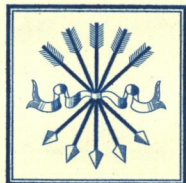
ROBIN BUTLER

19 November 1990

S. M. Butler

Thank you. Seen and noted
by Lt Lord (President); before
he spoke to the Monks he knew
this was coming, and so no mention
of the case has been made to
the Monks or any of the Trustees.

2
20/11/90



85
FOV 10
76

c - Miss Andrews 5.11.92
(She Robin would like
to discuss a s a p)

NEW COURT
ST. SWITHIN'S LANE
LONDON EC4P 4DU

From Lord Armstrong of Ilminster

CABINET OFFICE
A 12435 ✓
16 NOV 1990
FILING INSTRUCTIONS
FILE NO. _____

15th November, 1990.

Minute and
letter on
Epe
My dear Robin, 16.11. JCB

As I told you, I have now had a further letter from Marcia Falkender. I enclose a copy of it herewith.

You will see that she is really not interested in pursuing any further the possibility of keeping Harold Wilson's "No. 10 papers" in this country. I think that that absolves us from exploring any proposals for a special grant from the Parliamentary Pensions Fund, though I hope that the Government will not feel discouraged from introducing the legislation which would improve the pensions of all former Prime Ministers on the lines you described to me.

I think that the time has now come for me to sign off from this, since, unless you think that it would be possible to prevent the papers from going to Canada, all that remains is to go through them and take out any that ought not to be released. But Marcia is, as you know, very unwell, and I think that in common humanity I must at least offer to continue to act as a go-between, if need be.

I should welcome your comments - as quickly as possible, if you could bear it - on the attached draft of the letter which I propose now to send to her.

Yours ever
Robert

Sir Robin Butler, K.C.B., C.V.O.,
Cabinet Office,
70, Whitehall,
London, SW1A 2AS.



10. 11. 90

Dear Robert,

Thank you for your letter. I am so
sorry - I thought I was waiting for a reply from
you about the further points I raised after you had
given me your news! My apologies for misunderstanding.

Obviously, both Mary & Harold were
delighted to hear of the £5000 p.a. increase, index
linked, for all former Prime Ministers. This will
clearly help in their day-to-day lives.

On the second proposal, this is far
more difficult for them. They prefer the position to
stand and the personal papers to be kept together
and passed on as one collection. It is also the case
that the potential purchasers, as I explained to you,
would expect it to be a complete collection
and place importance on those very few boxes from No 10.
For their part they fully understand the limitations
upon their use and accept their responsibility in this
regard. Of course, it is the case that the 30 year rule
will shortly start to operate on those papers in any cases.

The sum you referred to would not
in any way compare or compensate, and that must be
the overriding consideration. I realize it was very
ignorant of all concerned - especially you - to
try to reach even this proposal, but we really
have to say that it is in fact better to
oppose this in the other way.

At the moment all the classified
pieces have been separated, so that NO, IO, may look
at them again and present a case as to why they
would prefer them to remain in my custody until the
30 year rule operates. But the other personal papers
NOT so classified, and the speeches are really
strictly that, personal, and should be kept with
the rest of his archive and travel where it travels.
Indeed, even in the classified papers there is nothing
remarkable in any way, as you realize.

It would be very tragic if the potential
producers change their minds because of a small
section of missing papers. I am sure no-one wants
that to happen.

You said at one point Robin felt it
was unseemly for the British Government to be a party to



Papers going overseas - even to the Commonwealth.
I am not quite sure how the Government needs to be
involved in such a view. They are personal not Government
papers and belong to the individual and there is
no need for the Government to explain itself
in relation to any sale or donation. The papers
are not their responsibility. Their responsibility is
strictly reserved to ensuring that those very few pieces
referred to above are handled according to Cabinet
Office rules. The bulk of that small section
are already in the public domain, or in some cases
private and personal papers which had somehow been
obtained at No. 10.

To sum up, therefore, they wish them
to be passed on as a complete collection, together with
his political and other personal papers. But there is room
for compromise on the small section of classified
papers which they can look at again, where possible
declassify or just clear them, and where not agree they
will be kept here in my custody until the 30 year
rule releases them.

I hope this clarifies the position.

I am sorry to have written at length
and by hand. But I am suffering from
what the doctors describe as "the crescendo" to
my radiotherapy so I am having to despatch
everything myself. I also apologise for the
scrawl which makes me feel terrible. When
I look at your own beautiful handwriting.

Thank you Robert for helping so
much. But I think you will agree we have
to do what is best and needed for the
moment. There has been too much suffering of one
kind or another for "seemliness" or "unseemliness"
to enter into it anymore. This is for them
simply helpful as a house, a piece of art, or
a diamond brooch might be. And it must surely
meet the present Government's view of looking after oneself
first & foremost!

But, as I say, there is no reason why
the Government has to explain anything to anyone about a
sale since it is a private affair.

Perhaps you will let me have your
further thoughts & queries and I'll say again about
the misunderstanding.

With kind regards

Reverend

D R A F T15th November, 1990.

The Lady Falkender, C.B.E.,
3, Wyndham Mews,
London, W.1.

Thank you for your letter of 10th November. I am sorry if there was a misunderstanding about who was due to move next.

I take it that the decision is that all the papers, including those which Harold took away from the "official" (as opposed to the "political") office at 10 Downing Street, should go to the Canadian university, so that the collection of "Lord Wilson's papers" is kept intact (save for any which need to be held back on grounds of containing official confidentiality). That being so, I presume that we are no longer looking for a solution which would keep the "No. 10 papers" in this country and help to make good the financial penalty (if any) of excluding them from the collection that goes to Canada.

Of course I understand the university's preference to receive the whole collection, and the wish of Harold and those advising him to keep the collection together. I will not pursue further the question of "seemliness" since it is clearly felt that this is manageable from Harold's point of view. You may be right - let us hope you are - in saying that the Government need not get involved. If they were to be asked about it, however, I think that they would have to be free to say that they had made known to Harold's representatives their view that it would be preferable for the "No. 10" papers to remain in this country; but the position would probably be defensible if they were able to say that any of the papers which were in the nature of public records and ought to remain confidential until the expiry of thirty years had been held

back and would be released only as and when the need for confidentiality had ceased. I suppose that the Cabinet Office may also wish to ask that any of the No. 10 papers not held back should not be opened (~~otherwise than to bona fide~~ bona fide researchers) until the expiry of thirty years.
to the public

If you would like me to continue to discuss these aspects of the matter with Robin Butler, I am very ready to do so. But it is very much a matter for the Cabinet Office, and the most straightforward course may be for you or whoever is handling the matter on Harold's behalf to deal direct with the Cabinet Office, since it will obviously involve their going through the papers and deciding what (if anything) needs to be held back.

As to the increase in pension, that is, as I understand it, a matter for legislation. A bill had its first reading last session, but died at prorogation, and I imagine that the Government is now considering its re-introduction in the new session.

I am very sorry that you have this additional anxiety to cope with, when you are having your own problems. I am sorry that you should have had the trouble of writing so long a letter in your own hand. I should be very ready to come round again, or talk on the telephone (071-280-5701) if you would like to discuss the matter further.

Other matters

**Pension arrangements for
the Prime Minister,
Mr Speaker and the
Lord Chancellor**

43. Statutory pensions are attached to the offices of the Prime Minister, Mr Speaker, and the Lord Chancellor. They have a long tradition and date from 1937 for the Prime Minister, and from 1832 for Mr Speaker and for the Lord Chancellor. They are not related to length of service. When we last looked at this matter in 1971 we recommended appropriate amounts. We also recommended that consideration should be given in the future to expressing these amounts as a proportion of salary, so removing the need to reconsider them on each occasion that the salary is revised. These recommendations were accepted. The holder of each of these three offices is currently entitled to a pension expressed as a fixed fraction of the final salary entitlement for the office in question. The parliamentary salaries payable to the Prime Minister and Mr Speaker are not included in the calculation.

44. The current salary entitlements, fixed fractions, and pension entitlements are as follows:

<i>Office</i>	<i>Salary entitlement £</i>	<i>Fraction</i>	<i>Pension entitlement £</i>
Prime Minister	45,787	15/40	17,170
Mr Speaker	35,887	20/40	17,944
Lord Chancellor	83,000	17/40	35,275

45. Pensions in payment of retired office holders are increased annually in line with increases in the Retail Prices Index, subject, however, to a capping restriction which ensures that the pension concerned does not exceed the pension entitlement of the current office holder.

46. The Lord Privy Seal invited us to review these arrangements. In particular he asked us to consider whether the link between salaries and pensions remains appropriate; whether, if so, pensions should be based on the current fractions of salary or on some larger fractions; whether, in the case of the Prime Minister and Mr Speaker, the fraction should be applied to the total salary including the parliamentary element; whether the Prime Minister and Mr Speaker might be permitted to contribute, as other Ministers and paid office holders can, to the parliamentary pension scheme; if so, whether any such contributions could be made in respect of past service; and whether the capping restrictions on pensions in payment continue to be justified.

47. We have considered these issues and have concluded that the practice of linking the pension entitlements of these great offices to final salary, irrespective of length of service, continues to be fully justified. However, we take the view that a number of detailed changes should be made to the present arrangements.

48. We see no continuing grounds for basing these pensions on different fractions of final salary and we consider that current and future holders of all three offices should be entitled to pensions of one half of their final salaries, which is Mr Speaker's existing entitlement. This would result in an increase in the current pension entitlement of the Prime Minister from £17,170 to £22,894, an increase of 33.3 per cent; and an increase for the Lord Chancellor from £35,275 to £41,500, an increase of 17.6 per cent. We believe these changes should be regarded as corrections of anomalies. The pension entitlement should continue not to be

affected if an office holder draws a lower salary than that to which he or she is entitled; and should also continue to be linked solely to the final salary of the office in question. It would not be appropriate in our view for the calculation to include the parliamentary salaries of the Prime Minister and Mr Speaker.

49. We considered in 1971 that holders of these two offices, who are in receipt of parliamentary salaries, should be able to participate in the pension scheme for MPs. We continue to hold this view, since we see no sufficient reason why they should be at a disadvantage compared with other Ministers and paid office holders, and recommend accordingly. However, we do not consider that this change, if implemented, should be retrospective in effect and apply to past service.

50. Finally, we see no grounds for continuing the capping restrictions which are applied to increases for pensions in payment. We consider that in respect of future increases in pensions these restrictions should be removed for past as well as current and future office holders.

51. **Recommendations.** We recommend that current and future holders of the offices of Prime Minister, Mr Speaker and Lord Chancellor should be entitled to pensions of one half of their final salary entitlement for the office in question; that the holders of the offices of Prime Minister and Mr Speaker should be able to participate in the pension scheme for MPs but that this should not be allowed retrospectively; and that the capping restrictions which are applied to pension increases for pensions in payment should be removed in respect of future increases in pension for past as well as current and future office holders.

**Severance pay for Ministers
and other paid office holders**

52. In Report No. 20 in 1983, we considered the general position as regards pay and allowances for Ministers and other paid office holders in the House of Lords. We commented that in both Lords and Commons loss of office can come suddenly but, that in contrast to the position in the Commons, there is in the House of Lords no salary to fall back on in such circumstances, and there may be difficulties in resuming a former career. Accordingly we made recommendations which formed the basis for the current arrangements under which Ministers and other paid office holders in the Lords are eligible for severance pay equal to three months of final salary providing they have not reached the age of 65 and have held ministerial office for at least two years.

53. The Lord Privy Seal asked us to consider whether Ministers and other paid office holders not in the House of Lords, whether in the Commons or not, should be eligible for a severance payment on broadly the same terms as are paid to Ministers and other paid office holders in the House of Lords. In examining the matter we have sought in particular the views of the main political parties. One point which has been put to us strongly is that MPs who cease to hold Ministerial office may face an abrupt and substantial drop in income, even if they remain Members of the House. MPs often hold paid appointments outside the House which they must relinquish when appointed as Ministers, and it may take time to pick up the threads of an earlier career. We also recognise that the social and economic background of MPs is changing, reflecting long term changes in society where people have come increasingly to depend on earned income. Awareness of the problems connected with leaving office may serve to deter well qualified and suitable people from seeking it or from entering the House at all. We therefore accept that it has now become appropriate to extend the scheme in the Lords, suitably adapted, to Ministers and other paid office holders in the Commons, or outside both Houses, other than the Prime Minister and Mr Speaker to whom *ex officio* pensions are paid on leaving office. Severance pay will need to be related to the net loss of parliamentary income before tax taking account of the parliamentary salary received by MPs. The calculation of severance pay on this basis is illustrated in Appendix H.

54. It has been suggested to us that if the Lords' scheme were to be extended to the Commons there should be no two year qualifying period, and that the qualifying period should also be abolished in the Lords. We accept that the

principle of a two year qualifying period should be dropped. We also consider that the Lord Chancellor should cease to be eligible under the scheme in the Lords in view of the *ex officio* pension which he, like the Prime Minister and Mr Speaker, is paid on leaving office. We have recommended improvements to the pension arrangements for the Lord Chancellor at paragraph 51.

55. **Recommendations.** We recommend that Ministers and other paid office holders in the Commons, or outside both Houses of Parliament, other than the Prime Minister and Mr Speaker, who cease to hold office for whatever reason before they have reached normal retirement age (65) and who are not reappointed within a period of three weeks should be eligible to receive a payment equivalent to the net loss of three months' parliamentary income; or ministerial salary only if the office holder is outside both Houses of Parliament. We also recommend abolition of the existing rule that to be eligible to receive a severance payment Ministers and other paid office holders in the Lords must have served not less than two years in office; and we recommend that the Lord Chancellor should cease to be eligible to receive a severance payment.

Conclusion and summary of recommendations and suggestions

Conclusion 56. We have restricted our review in the main to the particular issues put to us by the Lord Privy Seal. We take the view that the parliamentary pension scheme is basically a good one for MPs. The improvements which we have recommended will help to ensure that it continues to meet the special circumstances of parliamentary life and is consistent with good practice elsewhere. In addition to a once and for all capital cost of £1.05m, the improvements will add 0.75 per cent to the total standard contribution, expressed as a percentage of MPs' salaries, which is required by the scheme. However, we are advised by the Government Actuary that the total standard contribution can be reduced from 22 to 20 per cent. As we do not recommend a reduction in the share contributed by MPs there will be a reduction of 1.25 per cent in the share contributed by the Exchequer. In view particularly of the additional contribution which the Exchequer currently makes we consider that this saving is appropriate. Our recommendations on matters other than the parliamentary pension scheme will involve some additional expenditure. During the life of a Government the cost of a severance pay scheme for Ministers and other paid office holders in the Commons would be small; at a change of Government we estimate that at current salary levels the cost would be about £0.5m.

Recommendations and suggestions

57. Our recommendations and suggestions are as follows:

- (i) **Early retirement.** Revised early retirement arrangements should be adopted as described in paragraphs 13 and 14. If accepted, we suggest that the Government Actuary should be asked to assist with the detailed implementation of these arrangements. (Paragraph 17)
- (ii) We suggest that the House consider in the light of the factors described in paragraph 19 whether there would continue to be a need for two kinds of early retirement arrangements, one applying to MPs who retire at times other than a dissolution and another applying to MPs who retire at a dissolution. (Paragraphs 18 to 20)
- (iii) **Resettlement grants.** The existing arrangements for resettlement grants should remain unchanged. (Paragraph 26)
- (iv) **Retrospective change.** The revised early retirement arrangements recommended at paragraph 17 should not be made retrospective. (Paragraph 29)
- (v) **Service as an MEP.** Periods of service as an MP and an MEP should not be allowed to be aggregated for the purposes of the qualifying period for early retirement. (Paragraph 32)
- (vi) **Other improvements.** The death-in-service gratuity should be two years' salary. (Paragraph 34)
- (vii) **MPs' contributions.** Subject to implementation of the recommendations for improvement to the parliamentary pension scheme, MPs should continue to make a pension contribution of 9 per cent of salary. (Paragraph 40)
- (viii) **Supplementary pension scheme.** The changes recommended in the parliamentary pension scheme should apply also to the supplementary scheme for Ministers and other paid office holders. (Paragraph 42)

- (ix) **Pension arrangements for the Prime Minister, Mr Speaker and the Lord Chancellor.** Current and future holders of the offices of Prime Minister, Mr Speaker and Lord Chancellor should be entitled to pensions of one half of their final salary entitlement for the office in question; the holders of the offices of Prime Minister and Mr Speaker should be able to participate in the pension scheme for MPs but this should not be allowed retrospectively; and the capping restrictions which are applied to pension increases for pensions in payment should be removed in respect of future increases in pension for past as well as current and future office holders. (Paragraph 51)
- (x) **Severance pay for Ministers.** Ministers and other paid office holders in the Commons, or outside both Houses of Parliament, other than the Prime Minister and Mr Speaker, who cease to hold office for whatever reason before they have reached normal retirement age (65) and who are not reappointed within a period of three weeks should be eligible to receive a payment equivalent to the net loss of three months' parliamentary income; or ministerial salary only if the office holder is outside both Houses of Parliament. The existing rule should be abolished that to be eligible to receive a severance payment Ministers and other paid office holders in the Lords must have served not less than two years in office. The Lord Chancellor should cease to be eligible to receive a severance payment. (Paragraph 55)

PLOWDEN
TERENCE BECKETT
DEREK BIRKIN
LOUISE BOTTING
CHORLEY
ROBIN IBBS
PETER MATTHEWS
JEREMY POPE
THOMAS SKYRME

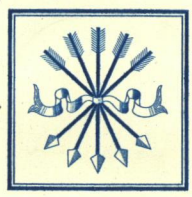
OFFICE OF MANPOWER ECONOMICS
30 March 1988

b/4 5/11

~~Pl. chase Lord Armstrong~~
early next week

PERB
23/10

Lord Armstrong still
not seen Lady Falkender
- will ring back. SEP 8.11



The Lord President is aiming
to table the clause 'as early as
possible' in the new session: i.e.
probably within the first
2 week. ∴ no problem
with the timetable currently
enviaged.
Pl. find out from Mr. Phillips what is
now the likely timing
of a clause to increase
the PM's pensions. Since
the Bill is not now
to go ahead until next session
can we live with Lady
23rd October, 1990.
Falkender not coming
back to us until the
end of the month?

NEW COURT
ST. SWITHIN'S LANE
LONDON EC4P 4DU

From Lord Armstrong of Ilminster

SEP 23/10

PERSONAL AND IN CONFIDENCE



My dear Robin,

Lord Wilson's Archive

PERB
23-10.

I went to see Marcia Falkender on Thursday, 18th
October.

I spoke in accordance with your speaking note.

Lady Falkender was not too greatly concerned about
the risk of critical comment of Lord Wilson if the Prime
Ministerial papers in Lord Wilson's archive went to a
Canadian university. She made it clear that they were
perfectly prepared to withhold any papers which still
needed to be kept classified. She understood that "the
authorities" might be more sensitive to such comment, and
understood the argument from precedent; but she let fall
that the university in question already has the papers of
Lord John Russell.

She also said that the Wilsons would be reluctant
to accept anything that looked like "charity". I said
that, if there were to be any question of increasing the
amount of the annual pension, it would presumably mean
legislation and would therefore be of general application
to former Prime Ministers. Anything by way of a capital
sum would require an approach to the Trustees of the
Parliamentary Pension Fund, and would be completely confi-
dential.

./.

She was none the less grateful for the appreciation that was being shown about the desirability of easing the Wilsons' financial position, and recognised that we were trying to find constructive ways of dealing with the problem. She was appreciative of the possibilities that I indicated, and was careful not to rule them out of consideration. She recognised that anything would be dependent upon a written undertaking that the papers concerned would not leave the country.

Lady Falkender asked if there were any room for compromise: e.g. would it be possible to let the Canadian university have papers to whose release there could be no possible objection and keep back those which were still sensitive. I said that I had no authority to discuss possible compromises, but that, speaking personally, I thought that, the more exceptions were made from the general principle that the Prime Ministerial papers should stay in this country, the less willing would the authorities be to contemplate improvement of Lord Wilson's pension position. I did not think that the authorities would attach much value to an offer to keep back only classified papers, given that they would regard themselves as entitled in any case to insist on their not being released. Lady Falkender then asked what might be the position if the copies of Mr. Wilson's public speeches included in the Prime Ministerial papers were excluded from the withholding and allowed to pass to the Canadian university. I said that, speaking personally, I thought that that was something I could sensibly discuss with you, given that the speeches in question were all public utterances and thus already very much in the public domain.

I detect from this discussion the conclusion that Lady Falkender was very anxious to be able to say to the university that the archive included some of the Prime Ministerial papers, though she continued to maintain that the Prime Ministerial papers were for the most part very routine and unimportant, and the main interest in the archive lay in the political papers.

We also discussed what should be done with Prime Ministerial papers which were not sent to Canada. I suggested that they could best be deposited in the Bodleian Library; I did not exclude the possibility of deposit in the Library of University College or Jesus College, but I wondered whether either college would have such good facilities for keeping the papers safe and sound.

Lady Falkender undertook to consider and consult about all this further, in the light of our conversation. She said that she would not be able to complete further consultations before the end of this month, and would come back to me thereafter.

Any guidance you can give me for the next round in this delicate set of discussions will be received with gratitude and relief.

*Yours ever
Robert*

Sir Robin Butler, K.C.B., C.V.O.,
Cabinet Office,
70, Whitehall,
London, SW1A 2AS.

PERSONAL AND CONFIDENTIAL

74

I am content with this
Sir Robin Butler
PCBS
22.10.

FROM: G H PHILLIPS
DATE: 22 OCTOBER 1990
Ext: 5931

MISS PHIPPARD *SEP 24 10*

CABINET OFFICE
A 11386 ✓
.....
22 OCT 1990
FILING INSTRUCTIONS
FILE 46

LORD WILSON

1. I mentioned to you that the Lord President is seeing the Trustees of the Parliamentary Pensions Fund on Wednesday. He has asked me for a note about Lord Wilson.

2. I attach a copy of what I intend to send him today (I am seeing him first thing tomorrow). There is no reason for him to talk about the case yet to all the Trustees, but I think he should tell Mr Alf Morris of the possible approach. If you have an opportunity to show this note to Sir Robin Butler I would be grateful.

HP.

HAYDEN PHILLIPS

PERSONAL AND CONFIDENTIAL

FROM: G H PHILLIPS
DATE: 22 OCTOBER 1990
Ext: 5931

LORD PRESIDENT

cc: Chancellor
Sir Robin Butler
Sir Peter Middleton

YOUR MEETING WITH THE TRUSTEES OF THE PARLIAMENTARY PENSIONS FUND

1. I am sending you separately the briefing requested in your Private Secretary's note of 19 October for your meeting with the Trustees on 24 October. I am seeing you tomorrow morning for a discussion.
2. This note suggests the way in which you might best handle the possible request to the Trustees for financial help in the case of Lord Wilson. I have agreed the approach suggested with Sir Robin Butler.
3. At this stage we suggest you do not need to tell all the Trustees about the approach that might be made to them. It would, however, be sensible to have a separate and private word with Mr Alf Morris and explain to him that
 - a) as he will know, Lord Wilson requires continuing care, the costs of which are heavy and will increase;
 - b) it is possible that those acting on Lord Wilson's behalf may make an application to the Trustees for help in the case;
 - c) you understand that the Trustees would not be barred from considering the use of the Hardship Fund in such circumstances; and
 - d) if the application did arise, it would seem in all the circumstances to be the best low key way in which such necessary help could be given.

PERSONAL AND CONFIDENTIAL

4. You should ask Mr Morris to keep this information entirely in confidence to himself. You would consult him as soon as it was known whether such an approach would be made, and discuss with him the way in which the other Trustees of the Fund should be informed. If in the meeting you have earlier informed the Trustees of the proposal to put a clause in the Bill to uplift the pensions of former Prime Ministers, you can say to Mr Morris that such an increase would obviously be relevant to assistance for Lord Wilson but it would not necessarily mean that an approach to the Trustees for use of the Hardship Fund would be precluded.

HAYDEN PHILLIPS



FROM: G H PHILLIPS
 DATE: 18 OCTOBER 1990
 Ext: 5931

SIR ROBIN BUTLER

cc: Sir Peter Middleton

LORD WILSON OF RIEVAULX

1. Following our discussion, I asked Mr Dixon to talk to Mr Dobson at the Parliamentary Fees Office, both about the general use of the Hardship Fund, and also about the particular case.

2. Mr Dixon stressed that the information he was giving him was highly confidential and Mr Dobson has said that he was very grateful to be taken into our confidence. We have explained that the Fund was one possible avenue which was being explored at present. Mr Dobson has suggested that, as the Trustees normally know the names of the cases under consideration, if we wished to preserve full confidentiality the Lord President should inform only the Chairman of the Trustees (Alf Morris) and ask him to respect that confidence. If you agree, I will put this suggestion to the Lord President's Office, although my own judgement is that if relatively large sums of money are likely to be involved Mr Morris will feel that the other Trustees should also be fully in the picture.

3. Mr Dobson has explained that in the past the Fund has been operated generally on a means tested basis although the criteria are now applied more loosely than before. For example, not all of a person's assets are taken into account and the Trustees form a view not only about income but also about expenditure. It is difficult to judge precisely what the Trustees' reactions will be but I believe that the overall expansion of the Fund, and the fact that we are doing it primarily to help pre-1988 widows, should ease the custom and practice of the Trustees if they are in any doubt. A final check is being made with the lawyers to make sure they see no impediment in the way of the Trustees acting on a wider discretionary basis than they perhaps have in the past.

HP

HAYDEN PHILLIPS

Sunday Times
2 September 1990

Buried treasure

A CALL from Bryanston Street, the headquarters of National Car Parks. The basement is being refurbished and my mole tells me that during excavation, all sorts of interesting documents packed in tea chests have come to light. All my man will say is that they are highly classified cabi- net papers. How, one wonders, can they have got there? And more important, who can have put them there?

72

HO 90/347 ✓

Sir Robin Butler

MISS PHIPPARD

cc Mr Davie

We are, of course,
still waiting to hear

on K. Sep 10/10



LORD WILSON'S PAPERS

Two pieces of information have reached me recently which might have a bearing on our deliberations about Lord Wilson's papers. The first is the attached cutting from the Sunday Times Business News Section which suggests that the papers (assuming that they are Lord Wilson's) are not getting quite the protection envisaged when they were handed over. The second is a letter to me from Dr Cox, PRO, attaching a copy of a letter from No 10 to the Secretary of the Grigg Committee in 1953 which suggests that at that time only personal correspondence was removed by a Prime Minister. 'Personal' is not defined in the letter but the implication is that it did not cover anything of an official nature.

x | I should be glad to know whether Sir Robin Butler wishes me to take any further action in respect of Lord Wilson's papers and/or the 'convention' relating to Prime Ministers' papers generally; I am, of course, interested to know the outcome of the approach from Lord Wilson's Trustees and to know whether it has any bearing on the Churchill Archive.

Pat Andrews

MISS P M ANDREWS

Historical Section
16 October 1990

Original handed to
Lord Arms Army by PERB 4/10

71

archive.not/jp

Lord Wilson's Archive: Speaking Note for Lord Armstrong

I have now had a reply from the Government to my inquiry about their attitude to the transfer of the Prime Ministerial papers in Lord Wilson's Archive to a Canadian University, in return for the University's setting up a Trust Fund from which Lord and Lady Wilson would benefit during their lifetimes and would afterwards be used to finalise the exchange of students between Canada and the United Kingdom.

2. The Government is not in favour of the transfer of the Prime Ministerial papers in Lord Wilson's Archive to a Canadian University. They would, of course, need to scrutinise the Archive and remove from it any papers which it would be prejudicial to national security to transfer to Canada. It would then be consistent with the understanding on which Prime Ministers take away such papers that they should be safely stored and access to them restricted. But on wider grounds, they believe that such a transfer would be bound to become known and attract critical comment, which would be likely to focus attention on Lord Wilson's personal circumstances, and which would be a highly unwelcome precedent for other important archives in the United Kingdom.

3. The Government would be prepared to explore other ways of making financial assistance available to Lord Wilson either by way of a capital sum of £25,000 (which was suggested as the loss of value of the Archive if the Prime Ministerial papers were omitted) or by increasing Lord Wilson's pension from its present level of £17,531 to a figure of over £23,000 (which would subsequently be eligible for increases in line with other former Prime Ministers' pensions) or in some other way. The courses which they have in mind would involve a confidential approach to the Trustees of the Parliamentary Pension Fund, which would have to be undertaken in the next week. Before undertaking such an approach, the Government would want to know whether, if such an approach was successful, Lord Wilson or his representatives would be prepared to give an undertaking that the Prime Ministerial papers in his Archive would not be transferred out of the United Kingdom.

PUBLIC
RECORD
OFFICE

70

KEW RICHMOND SURREY TW9 4DU • DIRECT LINE 081-878 2000

Records Administration Officer

Our reference: RAS 10

Miss P M Andrews
Cabinet Office Historical Section
Room 44
Hepburn House
Marsham Street
LONDON SW1P 4HW



21 September 1990

Dear Pat

In the context of Prime Ministers' papers, you may be interested in this snippet from the records of the Grigg Committee, which I found on a Treasury file, which only become open to inspection this year.

It does not look as if there was any formulated convention relating to the removal of copies of papers of an official character in 1953 - or at least, if there was, No 10 was not going to admit as much to Clucas.

Yours sincerely

NICHOLAS COX

NC/jes



10, Downing Street,
Whitehall.

October 23, 1953.

Dear Clucas,

I have your letter of October 20. The Prime Minister, like any other Minister, has both personal and official correspondence. Since the Prime Minister lives at No. 10 both are kept here. On his departure he takes away such of his personal correspondence as he desires. There is no mystery in this and nothing for which authority is required.

But if you are in any doubts and if there is some point relevant to the work of the Committee, please come to see me.

Yours sincerely

W. A. P. Attlee

K.H. Clucas, Esq.,
H.M. Treasury.

from T222/939 (OM 68/6/09)

2, October, 1953

Dear Pitblado,

You may know that in June last year the Chancellor of the Exchequer and the Master of the Rolls appointed a Committee under the Chairmanship of Sir James Grigg to examine the arrangements for the preservation of Departmental records. I am Secretary to the Committee.

In reading through the Report of the Machinery of Government Committee (MGO 74), printed in June 1945, concerning the functions of the Treasury, the Cabinet Office, and the Private Office at Number 10, I have come across the statement, "...a Prime Minister is entitled to take with him, on leaving office, all his personal correspondence". (Appendix III, paragraph 7). This statement apparently emanated from Number 10.

This is a matter which is of considerable importance to the Grigg Committee. Though the Committee has heard hinted at the doctrine that a Minister may take away his papers on leaving office, it has not been informed of any modern example of its being implemented; nor would there seem to be any foundation for it in law. A lot would, of course, depend on the interpretation placed on the word "personal".

I wonder, therefore, if you could let me know, for the information of the Committee (a) whether the practice is followed today so far as the Prime Minister's papers are concerned, and, if so, what are the sort of papers that a Prime Minister may take away with him; and (b) what is the authority for the practice.

Yours sincerely,

K. H. CLUCAS

D. B. Pitblado Esq.,
Principal Private Secretary
to the Prime Minister, 10, Downing Street, S.W.1

quickly advise and warn on precedents and past experience.

5. It may be added that much of this work comes to the notice of the Prime Minister, the Treasury, or the Cabinet Office only when it goes wrong.

6. In addition to the above, there is the ordinary routine of a Private Office; Parliamentary questions, routine official correspondence, and so forth, which necessarily falls on a Minister, though in the case of No.10 it is different in quality and, in the case of correspondence, greater in volume than in other offices, and a mistake may have greater repercussions.

7. The Office is unusual in that the element of continuity in it is supplied by the subordinate staff. A Prime Minister is entitled to have his own Private Secretaries and there may be a clean sweep on a change of Government, though usually someone is left to provide a link. On the other hand, the subordinate staff in the main have their careers in the office, and must be experienced in the technique of handling the various questions to which reference has been made. To some extent they depend on personal memory, for a Prime Minister is entitled to take with him on leaving Office all his personal correspondence.

8. Thus, while a new Prime Minister is free to make new Private Secretaries who are acceptable to him and can interpret his views, the Office organisation provides the necessary resources of experience and training to enable him to receive advice on the handling of the personal responsibilities that his Office carries, which do not immediately come within the compass of his duties as First Lord of the Treasury, or the collective responsibilities of the Cabinet.

Raymond Senior about Wilson
papers. Sir Robin did not
write the intended minute.

instead he spoke to PM. Sir R
is now in US, but will send

you a note on his return.

"Master being hunted slightly
differently"!

R
/ 1719

Pat



To: SURVEY CONTROL UNIT,
Central Statistical Office,
Great George Street,
London, SW1P 3AQ

FROM:

DATE:

SCU _____

TEL. NO.:

REPORT OF AVAILABLE DETAILS

Please complete as far as possible (though answers to all questions will eventually be required) and send with draft questionnaire, explanatory notes, covering letter etc. to above address. Expand answers on separate sheet(s) if necessary. It may be useful to retain a copy for your own records.

1 Title of survey and any departmental form reference number

2 Purpose(s) of the survey and/or use to which results will be put

3 Survey is VOLUNTARY/STATUTORY
(Delete one)

If Statutory, which Act?

4 Date fieldwork commences if survey is single-time
Frequency if survey is regular

Year in which survey was
first undertaken (if known)

5 Number of respondents (a) By postal questionnaire:
to be approached (b) By personal interview:
(c) By telephone:

Expected response rate: (a) %
(b) %
(c) %

6 Description of Respondents
By Activity (perhaps in terms of the Standard Industrial Classification)

By Type (such as companies, households, or individuals)

Public
68

HO 90/368 ✓

NOTE FOR RECORD

I met Dr Cox, PRO, and Ms Andrea Smith, LCD, at 09.30 on Friday 31 August to consider my draft submission to Sir Robin Butler about the Wilson papers.

In general they were both quite content with the submission and had no additional points to suggest. In discussion I agreed to bring the paragraph about the possible effect the transfer of closed records to Canada would have on the operation of the 30 year rule in this country nearer to the beginning of the minute; Dr Cox in particular was concerned about this aspect of the matter.

In subsequent conversation with Ms Smith it was agreed that I should include the advice given internally in LCD by Ms Finn, Legal Adviser, which set out the point about the moral as opposed to the legal obligation.

Pat Andrews

MISS P M ANDREWS

Historical Section
31 August 1990


Sir Robin Butler,

I understand that the Parliamentary Pension scheme does have provision for special payments in hardship cases. I am trying to obtain details from

Treasury.

NCP
3/9

Thank you.
Pl. B.F. for my
meeting with Mr
Turnbull & Mr
Cafford.



AB103/778

SIR ROBIN BUTLER

cc Mr Davie

LORD WILSON'S PAPERS



HO 90/367 ✓

POL/0
67
10/2/90
3/9

In response to your minute of 10 August 1990 I sought and have received further legal advice on the questions of the ownership and possible sale to a Canadian University of the papers which, by convention, Lord Wilson was allowed to take away from No 10 following his periods of office as Prime Minister.

Mr Nursaw wrote on 16 August 1990 enclosing a paper on the legal issues relevant to the convention about the retention of papers by a Prime Minister on leaving office in which he states quite categorically that insofar as the papers taken away by Lord Wilson are copy documents, the top copies of which remain on official files, they become his private property with which the Public Records Act is not concerned.

Mr Blythe, following up this advice in a letter dated 29 August 1990, advises that therefore, in strict legal terms, it would be difficult to prevent Lord Wilson or his trustees from disposing of the documents, the obligations imposed by the Prime Minister's letter of 30 July 1987 being, in his view, "either inconsistent with full ownership or otherwise unenforceable".

It would appear therefore that, legally, we could not prevent the sale to Canada if that is what Lord Wilson and/or his trustees wish to do. However, the convention under which authority was given for the removal of the papers from No 10 is not itself legally based, indeed we have, so far as I am aware, been unable to trace its origins or to discover how or by whom the letter which has been sent to successive former Prime Ministers was originally prepared (although the letter to Lord Wilson was prepared by the then Cabinet Secretary in consultation with Mr Wicks, No 10 and the then Treasury Solicitor).

Although it now seems that the Public Records Act has no legal bearing upon the papers in question the provisions of the Official Secrets Act 1989 and indeed of the Copyright Act 1988 have. The Official Secrets Act is the more immediately relevant and would prevent disclosure of any information contained in the papers which falls into the categories now covered by the Act.

The official papers held by Lord Wilson break down into several categories:

- a) those which carry a security classification
- b) those which are unclassified but which may nevertheless contain information protected by the Official Secrets Act
- c) those which contain official information which is not necessarily protected by the Official Secrets Act but which would not, under the Public Records Act, normally be disclosed until it is 30 years old.

Whichever category the papers fall into they are for the most part official papers containing official information which is not yet available to the public in this country. None of them are yet 30 years old; most of their counterparts on the official files will not yet have been reviewed and selected for permanent preservation or otherwise; nor will decisions have been taken on their release or otherwise. If they were allowed to go to Canada they would inevitably be available to unauthorised people, with a risk at least

that documents which are closed to researchers in this country would be made available to researchers overseas and a precedent thereby set which could undermine the whole structure and purpose of the 30 year rule which is enshrined in the Public Records Act.

Legal opinion within the Lord Chancellor's Department is that the former Prime Minister has been allowed to take away as his own property papers which are duplicates of documents which are or are part of public records, subject to the obligation to observe the restrictions set out in the present Prime Minister's letter; and that whilst the Public Records Act does not apply directly, and provides no enforcement procedure, the whole essence of the convention is that a former Prime Minister, who is entitled to a special privilege, will accept the corresponding moral obligation.

Having seen that advice Mr Blythe, Treasury Solicitor, advised that, as it was clearly the intention of the Prime Minister's letter to Lord Wilson to ensure that the documents should be safely stored and not disclosed to third parties except on the terms set out in the Public Records Act, it would be a breach of its spirit, if not its letter, for the papers to be stored in or transferred to an overseas body where control over custody or use would not, in practical terms, be exercisable, and that therefore the line to take might be that the trustees would not wish to act otherwise than strictly in accordance with the Prime Minister's intentions, whatever the strict legal position.

Mr Blythe further recommends that we should not admit to the legal deficiencies of the arrangements set out in the Prime Minister's letter to Lord Wilson, but Lord Armstrong is already aware of our doubts about the application of the Public Records Act. However he may well not have passed this information on and, in any event, he would probably accept the argument that, although the provisions of the Public Records Act do not strictly apply, nevertheless the intention of the Prime Minister's letter was that the papers removed from No 10, by convention, should be treated by analogy with those provisions. This, as Lord Armstrong knows, is how we deal with papers deposited in British University libraries or other institutions which are found to contain official papers not yet released.

There still seems something intrinsically wrong about the sale overseas of a British former Prime Minister's archive and if it is to happen we should perhaps warn the Prime Minister and the Lord Chancellor particularly in the light of the possible effect on the Trustees of the Churchill/Chartwell Archive. If the sale cannot be prevented, but the "moral obligation" to treat the papers as if they were public records is accepted, the most we could do, it would appear, would be to stipulate that only those papers which are either demonstrably "personal" or are already in the public domain, (eg items 6, 7 and 8 of the letter to Lord Wilson) could go to Canada initially, with the remainder following as and when they become 30 years old and are released in this country in accordance with the normal provisions of the 30 year rule under the Public Records Act.

For the future we shall perhaps need to consider whether the convention should continue to operate as at present; whether papers removed from No 10 should be restricted to those which are truly "personal and/or "private"; or whether the covering letter can be worded differently to ensure that the papers assigned to the former Prime Minister are treated exactly as if they were public records.

Pat Andrews

MISS P M ANDREWS

Historical Section
31 August 1990

PUBLIC
RECORD
OFFICE

POLIC
66

KEW RICHMOND SURREY TW9 4DU • DIRECT LINE 081-878 2000

Records Administration Officer

Our reference: RAS 10

Miss P M Andrews
Cabinet Office
Historical Section
Hepburn House
Marsham Street
LONDON SW1P 4HW



29 August 1990

Dear Pat

WILSON OF RIEVAULX PAPERS

I have been thinking further about this, since our telephone conversation last Tuesday.

I think that however unhelpful the consequences may be in this case, the logic of the advice that we have had, on the ability of departments to release copies of official documents to third parties and on these copies becoming the property of the recipients, and not being subject to the Public Records Acts, is inexorable. If it were not so, for instance, photocopies that we supply of public records in our custody would themselves remain public records. The consequences of that state of affairs would obviously be absurd.

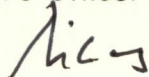
However, it is clear that the copies now in the possession of Lord Wilson, whether they were accumulated during his prime ministerships, or were made subsequent to the Prime Minister's letter of 30 July 1987, were given to him within a convention and subject to a condition. Although the way in which that condition is expressed in the first complete paragraph on page 2 of the letter is imperfect, its import seems to be clear, and that is that the papers of an official character are to be treated by Lord Wilson as if they were public records. The phrase 'official papers' is regularly used to refer to papers containing official information or to papers of an official character, regardless of ownership.

It seems to me that it would be mere quibbling, and against the spirit of the convention, to claim that one was not bound by the condition at all, because of the faulty way in which it was expressed, despite its obvious intent. The obligation to treat such papers as if they were public records would seem a pretty firm basis for saying that they should not leave the country.

When we spoke, we mentioned my reference to s.3(6) of the Public Records Act 1958 in my letter to June Court of 25 April 1990. Since there are no public records involved, s.3(6) can clearly have no relevance here. There is, of course, no power under Section 3 of the 1958 Act to dispose of public records selected for permanent preservation: arrangements must be made for their safekeeping, and by the time they are 30 years old for them either to be retained with the approval of the Lord Chancellor, or else transferred to the PRO or an appointed place of deposit.

I am sending a copy of this letter to Geoff Bower at LCD.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nicholas Cox', written in a cursive style.

NICHOLAS COX

NC/jes

65



THE TREASURY SOLICITOR

Queen Anne's Chambers
28 Broadway London SW1H 9JS

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Fax No. 071-222 6006 - 210-3488
DX No. 2318 Victoria

Miss P M Andrews
Cabinet Office
Historical Section
Hepburn House
Marsham Street
LONDON SW1P 4HW

Please quote

Your reference

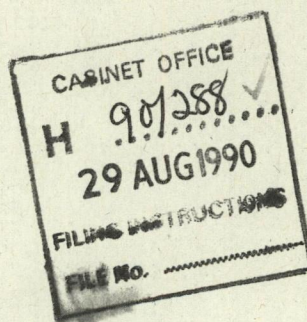
Date

29 August 1990

See Par

THE WILSON PAPERS

We spoke yesterday.



As a strict legal matter, it would in my view be difficult to prevent Lord Wilson or his trustees disposing of the copy documents released under the authority of the Prime Minister's letter of 30 July 1987. They became the property of Lord Wilson, and the obligations as to secure storage and so forth set out in that letter are either inconsistent with full ownership or otherwise unenforceable. (The position would have been different if the copies had been the subject of a loan - on specified terms - to Lord Wilson; a lender can enforce the terms of his loan. The Chartwell papers are in a different category again, since they were taken without authority, and remain, or arguably remain, the property of the Crown.)

In these circumstances the arguments open to Sir Robin Butler seem to me to be these:

- (1) The clear intention of the Prime Minister's letter of 30 July 1987 was that the documents should be safely stored and not disclosed to third parties except on the terms as to access to public records set out in section 5 of the Public Records Act



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FOLIO
65

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LONDON SW1P 4HW

Please quote

Your reference

Date

29 August 1990

See Par



THE WILSON PAPERS

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In these circumstances the arguments open to Sir Robin Butler seem to me to be these:

- (1) The clear intention of the Prime Minister's letter of 30 July 1987 was that the documents should be safely stored and not disclosed to third parties except on the terms as to access to public records set out in section 5 of the Public Records Act

1958 as amended.

- (2) Storage in - and a fortiori outright transfer to - an overseas body, even a university, would be a breach of the spirit, if not the letter, of the Prime Minister's letter. Control over the custody or use of the documents would not be exercisable in any real sense. The Public Records Act does not envisage custody or storage abroad.
- (3) I would not myself be inclined to volunteer any admission as to the legal deficiencies of the arrangements set out in the Prime Minister's letter unless this becomes necessary in the course of the discussion with Lord Armstrong. Even if the admission were to be made, it would be open to Sir Robin to take the line that the trustees will not wish to act otherwise than strictly in accordance with the Prime Minister's intentions, whatever the strict legal position.

Yours,

Alan

M A BLYTHE



Queen Anne's Chambers
28 Broadway London SW1H 9JS

Telephone 071-210 3050

64

J Nursaw Esq CB QC

Our reference

Your reference



Also A942 ✓

16 August 1990

Dear Miss Andrews,

Thank you for your letter of 15 August which reminds me of my commitment to provide written advice on papers held by former Prime Ministers. I have to confess that I thought that that commitment was discharged by Mark Blythe's letter of 6 June to Sally Finn at the Lord Chancellor's Department which was copied to you. That letter followed discussions I had had with Mark Blythe and when I attended the meeting on 7 June I did not know that he had already written and that there would be no need for me to provide written advice in the context of the Wilson papers. However, I have now restated in the enclosed note the legal considerations which I believe underlie any decision about Prime Ministers' papers. I hope that you and others will find this useful.

Incidentally the note of the meeting on 7 June records that I said that my "predecessor had advised that the Crown had no legal rights in respect of" the Churchill papers. What I intended to say was that one of my predecessors had advised that the Crown no longer had legal rights in respect of the papers. He thought that the lapse of time and the conduct of the Crown had extinguished any rights. It is an arguable point but I see no reason why we should concede it. I believe that the Crown's conduct is quite consistent with the argument that the papers are a mixture of private and public documents, that the public documents have been on loan and that the Crown has been quite happy to leave them on loan while they were deposited at Churchill College. As I see it, you cannot lose rights in property simply by allowing it to remain on indefinite

loan. If you need further advice to prepare for Sir Robin Butler's meeting with Lord Armstrong, Mark Blythe will be back from leave and able to help.

I am copying this letter to Sonia Phippard.

*Yours sincerely,
Jim Nursaw*

J NURSAW

Miss P M Andrews
Cabinet Office
Historical Section
Hepburn House
Marsham Street
LONDON SW1

PAPERS RETAINED BY FORMER PRIME MINISTERS

LEGAL CONSIDERATIONS UNDERLYING CONVENTION

Introduction

This note is concerned with the legal issues which are relevant to the convention about the retention of papers by a Prime Minister on leaving office. The Law Officers have not been consulted but it does not appear to be necessary to trouble them unless doubts are expressed about the conclusions reached in this note.

Public Records Act

The object of this legislation is to ensure that public records are preserved and made available to the public but to provide safe guards against the premature disclosure of information. During the period when a department is working on a set of papers the Act clearly imposes no restriction on the making of copies. If a department receives a request for copies of documents, the request will be considered on its merits. The information contained in the documents may be confidential or it may not be in the public interest to disclose it at that stage. If the department is willing to provide a copy, the Public Records Act is no obstacle - the department's records remain intact and will be dealt with in accordance with the Act in due course. If the document on the department's file is itself a copy and the department does not have the original,

the making of further copies is covered by the same principles but the file copy must remain or the department's records are incomplete.

Similar considerations apply to copy documents retained by former Prime Ministers. The convention provides the authority for this practice, the records at No.10 remain intact and the practice in no way offends against the Public Records Act. A copy of a document made for a former Prime Minister is not part of the records at No.10 and when given to the former Prime Minister becomes his private property with which the Act is not concerned.

Different considerations apply where a document is on loan to a former Prime Minister. The document may form part of the records of No.10 and so come within the Public Records Act. That fact will be the reason why the document cannot be given to the former Prime Minister and why its return must be requested in due course. Reference may be made in this context to the recent legislation about the public record copy of the Australia Constitution Act 1900. The public record copy of the 1900 Act was on loan to the Commonwealth of Australia but for it to remain permanently in the keeping of the Commonwealth required the passing of the Australian Constitution (Public Record Copy) Act 1990.

Official Secrets Act

Section 2 of the Official Secrets Act 1911 placed a general prohibition on the unauthorised disclosure of all information to which a person had access as a result of holding office under Her Majesty. That section was replaced by the Official Secrets Act 1989 which is more limited in its scope and prohibits the unauthorised disclosure of

the categories of information specified in that Act. The key is authorisation. A former Prime Minister cannot authorise himself to disclose information but he can be authorised to disclose information in documents which he has kept under the convention. Classified documents present special difficulties. A former Prime Minister cannot declassify a document. He may not have the facilities to ensure safe custody of classified documents. On his death the documents may be seen by those who have not been authorised to see them. This suggests that where a document cannot be declassified when it is taken from No.10 by a former Prime Minister, it should be taken on the basis that it is on loan only and must be given the protection that classified documents require.

It must be remembered that now there are whole areas of confidential information which are no longer covered by the Official Secrets Act. It follows that decisions about the custody of documents and the disclosure of information will have to be taken in relation to information which is not covered by the Acts. It is, of course, possible to postpone decisions about further disclosure of information and to advise a former Prime Minister that the information contained in a document remains confidential and that he must not disclose it to any person without further authority.

Copyright

Where the Crown owns the copyright in a document, the Crown's rights are not affected by allowing a former Prime Minister to keep a copy of the document. Use of that document in a way which would otherwise involve a breach of copyright can only

be made lawful by the grant of permission from the Crown. This may well be relevant when documents are passed to other people on the death of a former Prime Minister.

A handwritten signature in dark ink, consisting of a large, stylized 'J' followed by a series of loops and a final downward stroke.

J NURSAW
TREASURY SOLICITOR

FOLIO
63



CABINET OFFICE

Historical Section

Hepburn House, Marsham Street, London SW1P 4HW
Telephone 071-217 6050

Ref: HO 90/336 ✓

15 August 1990

J Nursaw Esq CB QC
Treasury Solicitor
Queen Anne's Chambers
28 Broadway
LONDON
SW1H 9JS

Dear Mr Nursaw

At the meeting which Sir Robin Butler held on 7 June 1990 to discuss the Churchill/Chartwell papers you said that you would be providing written advice on papers held by former Prime Ministers in the context of the Wilson papers (paragraph 4 of Miss Phippard's Note for Record dated 8 June 1990 refers).

Sir Robin has had a further approach about the Wilson papers and wishes to discuss the matter again with Lord Armstrong on his return from holiday in early September. The purpose of this letter is to say that your written advice would now be much appreciated. If you could perhaps copy to me anything which you send to Sir Robin, this would enable me to prepare briefing during Sir Robin's leave, to be ready for his meeting with Lord Armstrong in September.

Yours sincerely

Pat Andrews

MISS P M ANDREWS

MISS P.M. ANDREWS

Mike O/R

PERSONAL AND IN CONFIDENCE

SIR ROBIN BUTLER

Pl' arrange for me to have a word with Mr. Catford and Mr. Turnbull in the first week of September (check that Mr. Catford will be around then); and (separately) a word with Mrs. Andrews in that week.

Lord Wilson of Rievaulx



I was sorry to receive your minute of 10 August (reference 16.8. A090/1977) but I cannot immediately see a way of helping from the various special funds which I administer on the Prime Minister's behalf. To make a worthwhile contribution to Lord and Lady Wilson's income I assume that something in the region of £2,500 per annum would be needed, and I am afraid that we do not normally have amounts of that order available for such a purpose.

The most likely source might have been the **Royal Bounty and Special Service Fund** (to give it the full title), which is fed from dividends on dedicated investments and a small grant from the Civil List, providing a combined annual income of about £30,000. The bulk of this is disbursed as 'Special Service' payments (perhaps numbering 50 or 60 in the course of a year, for amounts varying between about £350 and £1,500) under statutory provisions which are fairly restrictive as to the purposes for which disbursements may be made. Perhaps the most significant of these, in the present context, is that they are restricted to "incidental expenditure of a quasi-public nature not suitable to be borne on the Votes."

The 'Royal Bounty' side of the Fund, which does not usually take more than about £2,000 per annum, is used to make grants for the relief of temporary or immediate distress to writers, artists, musicians or scientists of distinction. In deciding on such cases the same criteria are applied as for Civil List Pensions (see further below) - only rather less strictly, in recognition of Royal Bounty grants being single once-only payments (though they could be repeated) whereas Civil List Pensions, once granted, continue annually and automatically until death. Under existing precedents we normally award Royal Bounty grants of £600-700 to two or three deserving cases each year, and very seldom to the same case twice. To bring Lord and Lady Wilson

under this arrangement would cut right across established practice by excluding all other cases for as long as payments continued - and even so would not provide the level of income being sought.

As regards **Civil List Pensions** these are strictly limited to persons "who have achieved national distinction in the fields of literature, the arts and sciences" and who can demonstrate financial need. There is no hard and fast definition of financial need, but there are so many applicants that we would not really be able to help any couple whose annual income exceeded about £10,000 (they must undergo a rudimentary means test) - and the largest pension which, as yet, has been awarded is £1,500. The names of pensioners are laid before Parliament.

There are several other extremely small funds at the Prime Minister's disposal - but they are too restrictive in their purposes or too irregular in terms of income generation to be worth reciting here.

Robin Catford

15 August 1990

Ref. A090/1978 ✓

MISS ANDREWS

Lord Wilson's Papers

You will have seen Lord Armstrong's letter of 7 August. It looks as if we will now have to resolve the question of the extent to which these papers are official records, as well as the question of which would in any case have to be held back on security grounds. Could you please expedite the legal advice so as to put me in a position to offer Lord Armstrong a definitive view in early September.

R.F.R.B.

ROBIN BUTLER

10 August 1990

FOLIO
60



From the Secretary of the Cabinet

Sir Robin Butler,

On a quick look through
the Parliamentary Pensions
correspondence, I can find
nothing touching on the question
of discretionary payments in
cases of hardship. Would you
like us to pursue with
H Secdomiat/HMTDy?

NCS
10/8

Yes pls.

Ref. A090/1977 ✓

MR CATFORD

c Mr Turnbull

Lord Wilson of Rievaulx

I have been having a sad correspondence with Lord Armstrong about the papers of Lord Wilson of Rievaulx. There is a proposition that his papers should be sold to a Canadian University in exchange for a sum of money which would be used to create a Trust Fund to support Lord and Lady Wilson during their lifetimes and subsequently to fund scholarships. I am concerned with the question whether the papers to be transferred should include his personal papers as Prime Minister.

2. I have a number of concerns about this, both as regards the status of the papers under the Public Records Act and the classification of some of them. More generally, I am concerned that the despatch of a Prime Minister's Archive out of this country would attract adverse comment and would be a bad precedent for other collections.

3. In general, however, the case of a former Prime Minister fallen on hard times in this way seems to me a very sad one and I wonder whether any of your funds would be able to help Lord and Lady Wilson to an extent which would make it unnecessary for them to pursue the idea of export of the Prime Ministerial Archive. When I asked what difference the inclusion of these papers would make to the sum which Lord Wilson would raise by the sale of the rest of his Personal Archive, a figure of £25,000 was mentioned, although this might be an overestimate.

4. However, I am not thinking of a deal. It seems to me that if we have funds at our disposal of this order Lord and Lady Wilson might have a strong claim which should be considered on its merits.

5. Would the Royal Bounty provide a means of helping in this case? Or do you know of any other source?

R. R. B.

ROBIN BUTLER

10 August 1990



R
58

House of Lords

as from:

New Court,
St. Swithin's Lane,
London EC4P 4DU.

071 280 5701

from Lord Armstrong of Ilminster

Sir Robin Butler, K.C.B., C.V.O.,
Cabinet Office,
70 Whitehall,
London SW1A 2AS.

7 August 1990



cc- ~~Miss Andrews~~
~~Mr. Turnbull (No 10)~~

My dear Robin,

Lord Wilson's papers

Some months ago I wrote to you about the proposal that Lord Wilson's papers should go to a Canadian university, which would in exchange provide a sum of money which would be used to create a trust fund, the proceeds of which would be used to help Lord and Lady Wilson during their lifetimes and subsequently to fund scholarships. The question on which I consulted you was whether the papers which Lord Wilson took away with him from his periods of office as Prime Minister could be included in the papers which went to the Canadian university.

You - indeed, both of us - were a little concerned about this. We both understood, I think, that the university concerned would feel that they were getting a less than complete set of papers, if these were not included, and that that might cause them to reduce the sum which they were prepared to put into the trust; on the other hand you felt - for reasons with which I have much sympathy - that papers which were (even if not technically public records) derived from and related to the office of a Prime Minister should preferably stay in this country, both for reasons of seemliness and for reasons of precedent.

I therefore undertook to find out whether some one could be found who would be willing to purchase the "Wilson No. 10" papers and deposit them in a suitable place in this country - the Bodleian Library, for instance.

I am afraid that I have to report failure. Others have tried, and I have myself approached some whom those others were reluctant to try; but none of those who have been approached is sufficiently interested to be prepared to help. I can only speculate why this should be so.

As I told you, I have no idea what would be regarded as a reasonable sum to give for these papers. I received no guidance on the subject, and when I was asked by those whom I approached I plucked the figure of £25,000 out of the air. I am very ready to believe that this was over-ambitious.

When we discussed this, you mentioned one possible source, which you did not think could run to as much as this. I think that, if that source were able to help with a smaller sum - say, £10,000? - I could take that proposition back.

Failing that, I am afraid that we come back to the original proposal - that the No. 10 papers should be included with the rest which go to the Canadian university - subject, of course, to the exclusion or reservation of any which are and have to remain classified.

Perhaps we could talk about this again as soon as we are both back in London - early in September, for instance.

Yours ever

Robert

CABINET OFFICE

H 90/166 ✓

- 6 JUN 1990

FILE INSTRUCTIONS

FILE No.



Paul

we spoke of, as agreed, I
would on this of the advice
given by our own lawyer
by Mark Byrle. We would, of
course, be happy to set down

With the compliments of

our own views - nothing as
clear - ready to discuss the
matter. In any event, the
unanimous view is that the

ppr able Lord Chancellor's Department
Trevelyan House
not be advised Great Peter Street
London SW1P 2BY
to go ahead.

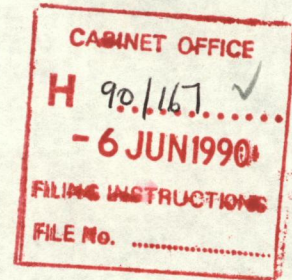
Creel 6/6



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Ms Sally Finn
Lord Chancellor's Department
26-28 Old Queen Street
LONDON
SW1H 2HP

Please quote A81/199/MAB

Your reference

Date

6 June 1990

Sally Finn

PAPERS TAKEN AWAY BY FORMER PRIME MINISTERS: THE WILSON PAPERS

Thank you for letting me have a copy of your advice to Mr Bower which I have discussed with Jim Nursaw in view of his involvement in a related matter.

Shortly, our view is that there appears to be nothing in the Public Records Act 1958 to prevent a Department from releasing copies of official documents to a third party, or making copies specifically for this purpose, at any rate before they have been selected for permanent preservation and safe-keeping under section 3. On this footing the copies will become the absolute property of the recipient in the absence of any other basis for the arrangement (eg loan). We were therefore somewhat puzzled by the reference in Mrs Thatcher's letter of 30 July 1987 to Lord Wilson to the papers being "subject to the Public Records Acts".

Any decision to release copy documents will, of course, have to take account of their contents and classification, if any. The Convention summarised in Mrs Thatcher's letter is clearly designed to establish a practical approach to what amounts to a problem of propriety, which is

Mr Bower

cc Mr Blythe

Papers taken away by former Prime Ministers

1. You have asked for advice as to the status of papers taken away by former Prime Ministers. I have spoken to Mark Blythe, who agrees that the best way to take this forward is to let him have a side copy of this advice, so that he can offer any opposing or supporting comments.

2 Mrs Thatcher's letter of 30 July 1987 lists the categories of papers which, by convention, Prime Ministers have been allowed to take away. However, the source is not known, and it would therefore be wrong to use that list as if its construction could provide definitive answers as to the ownership of such papers. The better approach is to look at how the various papers have come into existence and consider what would happen to them if the Prime Minister chose not to, or had not been permitted by any convention, to remove them

3. Inevitably, the Prime Minister will leave some private papers which are undoubtedly his personal property. We are not concerned with those. He needs no special authority to remove them, although some might fall within listed categories. Neither need we be concerned with category 6, speeches, which are published materials, so that ownership or custody of particular copies is unlikely to be of particular significance, although there might be related materials requiring separate consideration, for instance, if there was background material not for disclosure. Papers in category 5 are probably also a special case, the emphasis being on "personal" and suggesting an acceptance that this correspondence never becomes part of any official records.

4 The remaining papers are *copies* of documents of a nature that the originals (if incoming) or sender's copies (if outgoing) would be on official files, and therefore public records. How, then, do these copies come into existence? Are they copies prepared contemporaneously for the Prime Minister's use, with a view to his eventually taking them away? Or is the ^{ex}Prime Minister in practice expected to come back and go through the official files, taking fresh copies of papers within the permitted categories. Mrs Thatcher's letter implies that the latter may very well be what happens in practice. In either case, were it not for the convention, these copies would probably never come into existence at all, or (if created) would in due course be discarded as unneeded duplicates. The ^{ex}Prime Minister would be prohibited, by official secrets legislation, both from taking away existing copies, and from making fresh copies to take away.


5 We know that there is a convention which removes that obstacle, authorising the otherwise unlawful creation and removal of a special class of papers. I doubt very much whether their status and ownership has been fully worked out. If they are public records, they cannot be the property of the Prime Minister or his estate after his death. If they are his property they cannot be public records. In practice however, they are evidently treated in some ways as if they were his property and in others as if they were public records. They are treated as if they were the Prime Minister's property in that it is clearly envisaged that he will retain them during his life, and be able to pass them on to his heirs, without there being any formally approved deposits or subjection to selection processes. Indeed, because they are duplicates they are not needed for the public archive in any event. On the other hand, they have been described as "therefore public records" subject to the Public Records Acts. His taking of the papers is subject to a condition of assuring secure storage -

but not of allowing public access, or even (at least expressly) of allowing official check or inspection.

6. In my view, the only status/ownership analysis which satisfactorily explains the way in which these papers have been treated, is that they are a special class of copy document which the Prime Minister is permitted to create and take away as his own property subject to an obligation on his part insofar as they are duplicates of documents which are, or are part of public records, to observe equivalent restrictions. Thus, if the public record is still closed, the Prime Minister's copy must be treated as a closed public record. If the public record is not selected for permanent preservation, and is destroyed or otherwise disposed of, the Prime Minister's copy is no longer a duplicate of a public record, and there will be no restrictions on it. Similarly when the public record is opened, the Prime Minister's copy will effectively be released from restrictions. The Act does not apply directly, and provides no enforcement procedure, but the whole essence of the convention is that a former Prime Minister is entitled to a special privilege and will accept the corresponding moral obligation.

7. This analysis would not fit where the Prime Minister's taken away copy was not mirrored in the public archive. But would there in fact be cases where the former Prime Minister could take away the *only* copy? It seems to me that that is only likely to happen, with an *official* paper, in the event of the paper being too insignificant to file. Is this an oversimple view?

ICLD
28 OQS
210-3533
17 May 1990



not strictly for us. Our only comments are that there must clearly be a risk of a breach of the official secrets legislation if control of sensitive documents, some of them apparently classified as Secret, passes to a third party, and that this risk must necessarily be greater if effective control passes overseas.

I am copying this to Mr Bower, and to Miss Andrews in the Cabinet Office, Historical Section.

Yours,

Man Blythe

M A BLYTHE



112/24
55



CABINET OFFICE

70 Whitehall London SW1A 2AS Telephone 071-270 0101

From the Secretary of the Cabinet and Head of the Home Civil Service
Sir Robin Butler KCB CVO

~~Ref. A090/1118~~

10 May 1990

~~cc - Mr. Turnbull
Miss Andrews~~

Dear Jim,

Thank you for your letter of 12 April. I am sorry for the delay in replying, but I wished to wait until I could confirm that the papers were being delivered to the House of Lords - I understand that this is happening today.

Your ever,

Robin

The Rt Hon The Lord Callaghan of Cardiff KG
House of Lords
London
SW1



SPARE COPY

f

CABINET OFFICE

70 Whitehall London SW1A 2AS Telephone 071-270 0101

From the Secretary of the Cabinet and Head of the Home Civil Service
Sir Robin Butler KCB CVO

Ref. A090/1118

10 May 1990

cc - Mr. Turnbull

Miss Andrews

POA
115

Dear Jim,

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Yours ever,

Robin



The Rt Hon The Lord Callaghan of Cardiff KG
House of Lords
London
SW1

CONFIDENTIAL

54

CABINET OFFICE
A 5594 ✓
8 MAY 1990
FILING INSTRUCTIONS
FILE NO.

HO 90/148 ✓

SCP 95
MISS PHEPPARD

Thank you for sending me a copy of your Note for Record of the meeting which Sir Robin Butler had with Lord Armstrong on Wednesday 2 May 1990.

There was, as you have recorded, a very brief reference to the Churchill Trustees during the course of the meeting. I thought it might be worth noting, for the sake of our successors, that it was not the Trustees themselves who have expressed interest in sale to an overseas buyer, rather it was our concern that if HMG did not agree to whatever proposal is eventually made by the Trustees, their thought might turn in that direction - the Wilson proposal to sell to Toronto University would indeed set the precedent referred to in your Note. If you wished to amend the Note, something along the following lines might suffice:-

"There had been some concern, as yet unresolved, that the Trustees of the Churchill archive might be interested in sale to an overseas buyer,..."

Also, you refer in paragraph 4 to an academic library being authorised as a place of deposit. It is not the case that any such institution which holds "official" material has to be appointed a place of deposit under the Public Records Act - it can be and in some cases this has been considered desirable - eg Birmingham University for the Avon papers - but there are many others where such an arrangement is not made - the conditions are quite onerous for the receiving institution. Again, if you wished to make a small amendment to the Note it would suffice to delete "would have to be" and substitute "might be".

Pat Andrews

MISS P M ANDREWS

Historical Section
4 May 1990

CONFIDENTIAL



Ref. A090/1045 ✓

NOTE FOR RECORD

c Miss Andrews

The Wilson Papers

Sir Robin Butler held a meeting with Lord Armstrong on Wednesday 2 May. Miss Andrews was also present.

2. Sir Robin explained that the Cabinet Office was still waiting for legal advice on the status of former Prime Ministers' personal papers. Previous archives had been treated as if they were public records. In some cases, of course, this had definitely been the case: Churchill and Eden had both taken away originals of a number of papers. Under the present arrangements, former Prime Ministers took only copies, so the complete story would be available in the Public Record Office in due course. However, access to the papers taken away by former Prime Ministers was controlled by analogy to public records.

3. Regardless of the outcome of the legal advice, however, it would be an unfortunate precedent if the Wilson papers were deposited in Toronto. There had been some interest, a little while ago, from the Churchill Trustees in sale to an overseas buyer, and in a number of other cases, it was not certain what would happen to the papers, but clearly one major archive going abroad would set an unfortunate precedent, and would be likely to attract adverse comment.

4. Lord Armstrong pointed out that the papers which the Wilsons were thinking of sending abroad included a number of papers relating to Lord Wilson's days in Opposition, which would not in any event be covered by official restrictions. It might



also be possible, on the "Government" papers, to distinguish between copies of speeches and personalia and more official papers such as copies of correspondence with overseas Heads of State etc. Lord Armstrong said that he would explore the possibility of setting up an archive, particularly for the more 'official' papers, in this country, perhaps at Churchill College or the Bodleian Library. It was noted that, if the papers were to be deposited in an academic library, the library ~~would have to~~ ^{might} be authorised as a place of deposit, if the legal advisers concluded that the papers were public records.

5. Sir Robin Butler thanked Lord Armstrong for taking this initiative. A further meeting would be needed once Lord Armstrong had explored the options.

Sonia Phippard

MISS S C PHIPPARD

3 May 1990

The Times

1 May 1990

Wilson choice

Does the world need another biography of Harold Wilson — let alone two? Ben Pimlott is set to complete his book at the end of this year while erstwhile royal biographer Philip Ziegler has been commissioned to write the “official” biography, not due until the mid-1990s. Pimlott is supremely confident that his version, with its unofficial status, will be “more interesting”, while Ziegler honestly expresses the hope that Pimlott’s work will appear sufficiently in advance of his own to give people “time to forget where the best ideas came from”. Both feel there is enough material for two books, but Pimlott concedes: “There is bound to be an overlap.” He adds: “I am a historian of the Labour movement, and Ziegler is a royal biographer. But of course, there is something royal about Harold Wilson.” Ziegler says that differences in tone will probably stem from Pimlott’s committed socialism: “I am one of nature’s floating

voters,” he says. “No doubt we would both prefer that the other one was not writing about Lord Wilson, but if anyone is doing it, I am delighted that it is Ben Pimlott.” Despite his work’s official status, there will be no censorship.

Rumours that Joe Haines, Wilson’s former press secretary, was joining the biographical fray were firmly scotched yesterday: “I have no intention, desire or plan to write such a biography,” said Haines. “I could earn a lot more writing reviews of the other two.”

joining the biographical fray were firmly scotched yesterday: "I have no intention, desire or plan to write such a biography," said Haines. "I could earn a lot more writing reviews of the other two."

Wilson choice

Does the world need another biography of Harold Wilson — let alone two? Ben Pimlott is set to complete his book at the end of this year while erstwhile royal biographer Philip Ziegler has been commissioned to write the "official" biography, not due until the mid-1990s. Pimlott is supremely confident that his version, with its unofficial status, will be "more interesting", while Ziegler honestly expresses the hope that Pimlott's work will appear sufficiently in advance of his own to give people "time to forget where the best ideas came from". Both feel there is enough material for two books, but Pimlott concedes: "There is bound to be an overlap." He adds: "I am a historian of the Labour movement, and Ziegler is a royal biographer. But of course, there is something royal about Harold Wilson." Ziegler says that differences in tone will probably stem from Pimlott's committed socialism: "I am one of nature's floating



51

CABINET OFFICE

HISTORICAL SECTION

Hepburn House, Marsham Street, London, SW1P 4HW

Telephone: 01-~~222~~ 217 6050

HO90/134 ✓

D Kerr Esq
10 Downing Street
London SW1A 2AA

27 April 1990

Dear Mr Kerr

LORD CALLAGHAN'S 'PERSONAL' PAPERS

We have spoken on the above topic and I have now seen Mr Turnbull's minute of 25 April 1990 to Sir Robin Butler.

As you know, Sir Robin asked me to draft a letter, in consultation with Mr Turnbull, for him to send in response to Lord Callaghan's letter of 12 April 1990 of which Mr Turnbull has a copy. I attach a draft which I have today sent to Sonia Phippard in Sir Robin Butler's office and should be most grateful if you could let her know direct whether Mr Turnbull is content with it. In my view it says as much as we can at this stage in advance of receiving the legal advice which we have sought in the context of the Wilson papers. The legal advice will concentrate on whether the papers are in fact public records - if they are they will remain subject to the Public Records Acts and so what is said in the last paragraph of the draft is simply a statement of fact. We could, of course, leave out any reference to public records and the Acts and cover those in a later letter but that might look rather odd!

When the letter has gone to Lord Callaghan may I leave it to you to liaise with Mr Cobb in the House of Lords about transferring the papers to the Record Office?

Yours sincerely

Pat Andrews

MISS P M ANDREWS

SP2000P

HO90/133

MISS PHIPPARD

LORD CALLAGHAN'S 'PERSONAL' PAPERS

You told me that, at their meeting last week, Sir Robin Butler and Mr Turnbull agreed that Lord Callaghan should be allowed to have the same categories of papers as his predecessors and you asked me to provide a draft letter for Sir Robin to send in reply to Lord Callaghan's dated 12 April 1990.

I have since received a copy of Mr Turnbull's minute to Sir Robin dated 25 April 1990 and I have spoken to Mr Kerr who appears to be dealing with this matter in No 10 on behalf of Mr Turnbull. So as not to delay matters further I have sent a copy of the attached draft letter to Mr Kerr asking him to let you know direct whether Mr Turnbull is content with it.

I think the last paragraph with the statement that such papers as are public records remain subject to the Public Records Acts could be included; it is a statement of fact, as is the reference to the need to clear memoirs. The legal advice we are seeking in the context of the Wilson papers seems likely to concentrate on whether the papers are or are not public records once they have left official custody but if they are, they will be subject to the Acts. I would not, however, advise going any further in this letter in advance of the legal advice, particularly as the papers which you sent over to me include a record of a meeting in 1981 attended by Lord Donoghue which concludes by saying that the papers which can be taken away when the Prime Minister leaves office become his personal papers and constitute part of his estate. I do not know where this information came from but, if true, it seems, on the face of it, to contradict some of the assumptions upon which earlier letters have been based.

I have asked Mr Kerr to liaise with Mr Cobb in the House of Lords about getting the papers transferred to the Record Office after the letter has gone to Lord Callaghan.

Pat Andrews

MISS P M ANDREWS

Historical Section
27 April 1990



CABINET OFFICE

90/118 ✓

15 APR 1990

INSTRUCTIONS

FILE No

10 DOWNING STREET

We spoke. This is
the list of papers
Lord C. may remove.

He already has Category
4 papers. All others
are here, boxed and
ready to go.

Whitaker

25/4

1. Copies of outgoing Personal Minutes (those signed by the Prime Minister) excluding those marked TOP SECRET.
2. Copies of all personal telegrams and messages sent to or received from overseas, again excluding those marked TOP SECRET.
3. Copies of any letters from the Prime Minister to The Queen, excluding those marked TOP SECRET.
4. Copies of all other letters signed by the Prime Minister.
5. Personal correspondence relating to Ministerial appointments.
6. Speeches.
7. Copies of the typed daily diary for the whole of the administration.
8. Files held in the Private Office which are personal rather than official.



spare copy

10 DOWNING STREET
LONDON SW1A 2AA

From the Principal Private Secretary

SIR ROBIN BUTLER
CABINET OFFICE

c- Miss Andrews

CABINET OFFICE
A 4236
25 APR 1990
FILING INSTRUCTIONS
FILE No.

LORD CALLAGHAN'S PERSONAL PAPERS

You copied to me Lord Callaghan's letter to you of 12 April about his personal papers.

For convenience I attach a list of the categories of papers he is entitled to take away. I believe Lord Callaghan already has category 4 papers. We have categories 1, 2, 3, 5, 6, 7 and 8 at No. 10. They comprise about a metre of shelf space. The papers have been sifted and all Top Secret papers removed. The papers are boxed and may be collected at a time convenient to Lord Callaghan. May I leave it to you to arrange a suitable date and transport. Derek Kerr can act as contact here.

On the related subject of Lord Wilson's papers, I know you have asked for legal advice on the propriety of 'personal' papers being moved abroad. We agreed however that we should be even-handed and allow Lord Callaghan the same categories of papers afforded to his predecessors.

AT

ANDREW TURNBULL
25 APRIL 1990

CABINET OFFICE
H Internal
25 APR 1990
FILING INSTRUCTIONS
FILE No.

1. Copies of outgoing Personal Minutes (those signed by the Prime Minister) excluding those marked TOP SECRET.
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4. Copies of all other letters signed by the Prime Minister.
5. Personal correspondence relating to Ministerial appointments.
6. Speeches.
7. Copies of the typed daily diary for the whole of the administration.
8. Files held in the Private Office which are personal rather than official.



PUBLIC
RECORD
OFFICE

KEW, RICHMOND
SURREY
TW9 4DU

Telephone: 01-876 3444

Ext. 2405

47

Our reference: RAS 10

Miss J E Court
Lord Chancellor's Department
Trevelyan House
Great Peter Street
LONDON
SW1P 2BY

25 April 1990

Dear June

WILSON OF RIEVAULX PAPERS

Thank you for letting me see a copy of the letter from Pat Andrews to you of 10 April (her reference HO 90/115).

I imagine that your lawyers, when considering the status of these papers, will want an answer to the question that no one seems inclined to answer, that is, 'Who do these papers now belong to'.

If they have been given to Lord Wilson, and are now his property, then I do not see how they can any longer be covered by the definition of public records at the beginning of the first Schedule to our Act. They, and the information contained in them, could, of course, be covered by any conditions attaching to the gift, and conditions were set out in the letter sent to Lord Wilson in 1987. On the other hand, if there was a gift, the procedures required under Section 3(6) of our Act were not complied with, and the approval of the Lord Chancellor was not obtained for the disposal of these records in this way.

If, on the other hand, the records are only on loan to or deposit with Lord Wilson, whether 'permanently' or not, then they are presumably still the property of the Crown and remain public records. In which case it would not seem that Lord Wilson has the power to deposit the records anywhere, since they are not his.

I am sending a copy of this letter to Pat Andrews.

Yours sincerely

NICHOLAS COX
Records Administration Officer



MISS PHIPPARD

THE WILSON AND CALLAGHAN PAPERS

As requested, I wrote, on 10 April 1990, to the Lord Chancellor's Department asking for legal advice on the status of the papers which Prime Ministers are allowed to take away with them when they leave office. I have received no reply to date and I am 'chasing'.

I subsequently received a copy of Lord Callaghan's letter of 12 April to Sir Robin Butler and of Sir Robin's request for advice and a draft reply to be prepared in consultation with Mr Turnbull. I have been unable to speak to Mr Turnbull but I have discussed the matter with Mr Kerr. In my view it would be inadvisable to write to Lord Callaghan on the lines of the letters sent to Lord Wilson and Mr Heath in case legal advice indicates either that we are wrong to assert that the papers remain subject to the Public Record Act or that we should word the letter differently to ensure that they are so subject.

I suggest therefore that we should await legal advice, which I will do my best to get quickly, before writing to Lord Callaghan. I understand that Mr Turnbull agrees with this and I will clear the draft with him before submitting it for consideration.

Pat Andrews

MISS P M ANDREWS

Historical Section
23 April 1990

Spoke to Derek (Nolo) he will
inform us when the pps have

Rather than ^{been sent} my ^{Cal}
writing now, perhaps ^{1/3}.
Mr. Rerw could make.

Contact with Mr.
Cobb and I will write
when the papers have
been transferred.

CABIOS/778

The Rt. Hon. Lord Callaghan of Cardiff, K.G.

c - Mr Turnbull
Miss Andrews D18692

45



c - Miss Andrews
D18692

I should be grateful
for Miss Andrews' advice on
a draft reply, concerning
Mr. Turnbull.

2
1990 NET OFFICE
A 3952 ✓
17 APR 1990
FILING INSTRUCTIONS
FILE No.

Jan. Robinson

RBBS
18.4

Further to our talk at the Indian Dinner I have told Mr.H.S.Cobb, Clerk of the Records at the Record Office, House of Lords, that you would be ready to send my personal papers across to join the other papers of mine that he already holds. I shall be very glad if you will do so at your convenience, and perhaps you will let me know when you send them.

Many thanks.

Jan. Robinson
J.M.C.

Sir Robin Butler, KCB., CVO.,
Secretary of the Cabinet and Head of the
Home Civil Service,
Cabinet Office,
10 Downing Street,
London SW1



10-0
44

CABINET OFFICE

HISTORICAL SECTION

Hepburn House, Marsham Street, London, SW1P 4HW

Telephone: 01-~~217~~ 217 6050

Ref: HO 90/115 ✓

10 April 1990

Miss J E Court
Lord Chancellor's Department
Trevelyan House
Great Peter Street
LONDON
SW1P 2BY

Dear June

THE WILSON PAPERS

On the basis of your letter to me dated 5 March 1990 - for which many thanks - and Nicholas Cox's letter to you dated 1 February I advised Sir Robin Butler of our concerns about the proposal that Lord Wilson's papers relating to his Premiership might be deposited with a Canadian University in return for money to be paid into a Trust Fund.

I raised the question of the status of the papers and I have since discussed the matter with Sir Robin. He had assumed, as I think had everyone, that the papers which, by convention, Prime Ministers are allowed to "take away" remain subject to the Public Records Acts, hence the Prime Minister's letter to Lord Wilson dated 30 July 1987 (of which you have a copy) and one couched in almost identical terms which Sir Robin himself wrote to Mr Heath on 4 July 1988.

It is clear from these that the removed papers were regarded as official and that the intention was for them to remain within the ambit of the Public Records Acts, hence the restriction on access to which they refer and the concern about secure storage which is reflected in related correspondence. To answer Nicholas's query, some - a fairly large proportion I should imagine - are indeed copies of material which is also on the official files.

We have been trying to discover the origins of the "convention" with regard to Prime Minister's papers and whether, and if so, from whom, advice was then sought, but without success. Sir Robin would therefore be grateful if legal advice could now be sought on the status of the papers "taken away" by Prime Ministers. As the key question in this is whether the provisions of the Public Records Acts apply this should, I think, be a matter for your department's Legal Adviser but, given the ominous echoes of the Churchill/Chartwell case (on which I am writing to you separately), it might be as well if he/she touched base with Mark Blythe, Treasury Solicitor.

Lord Wilson's advisers are of course pressing for a reply on this matter which they first put to us in mid-January so I should be most grateful for a speedy response if at all possible.

I am sending a copy of this letter to Nicholas Cox, PRO.

Yours ever Pat

MISS P M ANDREWS

New Court
St Swithin's Lane
London EC4P 4DU

Telephone 01-280 5000
Direct Line 01-280
Telex 888031
Fax 01-929 1643



SEP
43

From Lord Armstrong of Ilminster

c- Miss ~~Andrews~~
J11.6.92

3rd April, 1990.

My dear Robin,

Thank you very much for your letter of 26th March about Lord Wilson's papers.

I am interested to hear that there is some uncertainty as to whether the papers which he was allowed to take with him on leaving office as Prime Minister are or are not public records within the meaning of the Acts. If they were not, the situation would certainly be rather different from what I thought it was: I suppose it would be more difficult to object to their transfer outside the country.

I agree that there would be some risk of public disquiet and criticism if these official papers of a former Prime Minister - whether or not they are public records - were to go out of the country. Such disquiet would be partly allayed to the extent that the papers are copies of papers which are and will remain in official public records - as many, perhaps most, of them probably are. It has to be remembered that we cannot prevent all Lord Wilson's non-official papers - including the papers deriving from his time as Leader of the Opposition - from being deposited abroad.

I look forward to a word about all this when we next meet. In the meantime Lord Wilson's advisers are getting a little restless, for reasons you will understand. Would it be in order for me to write to Marcia Falkender as in the draft attached?

*Yours ever
Robert*

Sir Robin Butler, K.C.B., C.V.O.,
Cabinet Office,
70, Whitehall,
London, SW1A 2AS.

D R A F T

3rd April, 1990.

The Lady Falkender, C.B.E.

You will remember that, following our conversation at the turn of the year, I raised with Robin Butler the possibility of getting leave to include in the collection of Lord Wilson's papers deposited at a Canadian university the papers relating to his times as Prime Minister which he was allowed to take with him when he left.

The mills are grinding rather slowly on this, and Robin has let me know that he is not in a position to give me an answer yet. I have asked him to expedite the decision so far as he can.

I know that it is desirable to complete the arrangement with the university as soon as possible. I wonder whether Harold would want to consider entering into an agreement covering the deposit of the non-official papers, as to which no question arises, subject to a rider to the effect that the addition to the collection of papers so deposited of papers in his possession and deriving from his times and duties as Prime Minister is subject to the agreement of the relevant United Kingdom authorities who have been asked to consent to such addition. My thought is that such an agreement, without prejudicing anybody's position, might enable the basic agreement to go ahead.

CONFIDENTIAL



R 42

10 DOWNING STREET
LONDON SW1A 2AA

From the Principal Private Secretary



c- Miss Andrews
211.6 92

SIR ROBIN BUTLER

PRIME MINISTER'S PAPERS

You asked about our practice in assembling the private papers of Prime Ministers and the ones they are entitled to remove with them for safekeeping. Your letter to Edward Heath of 4 July 1988 listed eight categories. Our practice in relation to each is as follows:

1. Copies of outgoing Personal Minutes (those signed by the Prime Minister, excluding those marked TOP SECRET).

These are known as M minutes and a separate copy is put aside as and when one is issued. They could be available to release almost immediately. They are catalogued only in the sense of being kept in date order.

2. Copies of all personal telegrams and messages sent to or received from overseas, again excluding those marked TOP SECRET.

Position as with 1, only these are numerous.

3. Copies of any letters sent to The Queen, excluding those marked TOP SECRET.

I interpret this literally as meaning letters which are very rare being mainly concerned with letters of thanks or condolence. They are handled through the same mechanism as 4 below and it would be difficult now to draw them into a separate collection. We exclude the numerous submissions for honours or appointments which are regarded as official papers.

4. Copies of all other letters signed by the Prime Minister.

Third carbons of all these are accumulated day by day and set aside and as such could be removed at short notice. They are catalogued only by date order.

CONFIDENTIAL

CONFIDENTIAL

- 2 -

5. Personal correspondence relating to Ministerial appointments.

These are all the letters sent to and received from Ministers on their appointment or resignation. They are held on Appointments branch files and no separate copies have so far been taken. I will be asking Miss Drever before she leaves to assemble, for each Ministerial appointment or reshuffle, a copy of the Press Notice and copies of any letters exchanged. Once we have the backlog dealt with, we can make it our practice to put by separate copies so that the set is kept up-to-date.

6. Speeches and related material.

We keep separately texts of all speeches in Confidential Filing though as one moves towards the informal occasions the borderline between a speech and "a few remarks" becomes hazy. These represent a very substantial body of material and so we do not propose to make additional copies to be taken away until it is actually decided that that is to happen. If, as in Mr Callaghan's case, his private papers remain in No.10, this may never prove necessary.

7. Copies of the typed daily diary.

These are accumulated separately day by day and could be available at short notice.

8. Files held in the Private Office which are personal rather than official.

I am aware of only a small number of papers in this category.

As will be seen from the above, separate copies of the really numerous categories of papers are being put by in date order. Once the papers on Ministerial appointments are separated out (not a particularly numerous category) we would be in a position to respond quite quickly to a request for the papers to be removed.

AT

Andrew Turnbull
26 March 1990

CONFIDENTIAL



41

10 DOWNING STREET

LONDON SW1A 2AA

From the Principal Private Secretary

CABINET OFFICE
A 3305 ✓
27 MAR 1990
FILING INSTRUCTIONS
FILE No.

c- Miss Andrews

D11.6.92

SIR ROBIN BUTLER

PRIME MINISTER'S PAPERS

You mentioned to me a proposal that Lord Wilson's private papers should be deposited in the library of a Canadian University. You are investigating the question of access to such papers by biographers, research assistants and literary executors, and how we enforce any condition which we impose on the release of these papers. You may find that moving the papers to another jurisdiction has implications for this enforcement.

But setting that aside, I confess to being unhappy about the politics/morality of this idea. I think a British Prime Minister would rightly be subject to criticism for moving papers, which will be of interest to future students of British history, out of the country. It will be very inconvenient for future historians if part of the archive material on say the 1967 devaluation is in London and another part in Toronto.

The fact that the papers are being deposited abroad in order to raise money makes the matter worse. Although these are formally Lord Wilson's private papers, they are part of our history, and, it will be said, not really his to "sell off".

If, as you suggest, a trust fund needs to be set up to provide Lord Wilson with additional care in his old age, I think the obligation for this falls to the Labour and Trade Union movements, and the duty to put the necessary fund raising in hand lies with the current Leader of the Labour Party.

AT

Andrew Turnbull
26 March 1990



c. Miss Andrews
211 6.92

40

CABINET OFFICE

70 Whitehall London SW1A 2AS

01-270 0101

From the Secretary of the Cabinet and Head of the Home Civil Service

Sir Robin Butler KCB CVO

Ref. A090/765 ✓

26 March 1990

My dear Robert,

I am writing to say that I am sorry that I have not been able to give you an answer to the proposition that Lord Wilson might deposit his copies of his Prime Ministerial papers with a Canadian university and cannot do so yet.

As you recognise, the proposition raises issues about the protection of classified papers. Those could no doubt be resolved on the lines you suggest. It also raises the question of the status of these papers under the Public Records Acts. To my surprise there is some uncertainty about that matter. We need to resolve it on general grounds, but you will not be surprised to learn that it will take a little time.

What is clear to me is that the proposal is likely to be an important precedent in relation to other collections. My judgement is that, even after solving the Official Secrets and Public Records points, it would cause public disquiet and criticism if this collection were to go out of the country with the risk that other collections might follow it. That goes wider than the issue with which I am immediately concerned and which I will continue to try to resolve, but we might have a word about it when we next see each other.

Yours ever,

Robin

Lord Armstrong of Ilminster GCB CVO
12 Hyde Park Street
London
W2 2JN

SCP 14/3
MISS PHIPPARD

cc Mr Davie

THE WILSON PAPERS

I have now heard from the Lord Chancellor's Department and the Public Record Office with their initial reaction to the proposal in Lord Armstrong's letter of 9 January 1990 to Sir Robin Butler that Lord Wilson's papers, including those relating to his premiership, should be deposited with a Canadian University.

As I expected there is no enthusiasm for the proposal; various areas of difficulty are foreseen. The earliest of the papers are some five years away from the expiry of the 30-year period, and the latest not due to be opened until 2007. They have not been reviewed for release so we do not yet know which of them will be made publicly available at the 30 year point and which, on grounds of sensitivity, will be closed for longer. If the papers were to be deposited in a British institution we might be able to make arrangements for them to be handled in accordance with the Public Records Act but in Canada they would be totally outside our jurisdiction and we should be unable to enforce any conditions we might initially impose on the recipient institution.

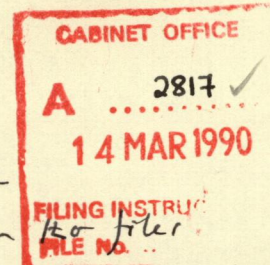
A highly relevant factor is whether the papers which, by convention, a former Prime Minister is permitted to "take away" then become his property or whether they remain Crown property and thus continue to be public records and subject to the Public Records Act. If the former, Lord Wilson would be free to do with them as he wishes although the Government would clearly have an interest on sensitivity grounds and the Official Secrets Act would apply; if the latter, the view of the Lord Chancellor's Department is that they could not be allowed to go overseas and thus be outwith the Lord Chancellor's jurisdiction.

'Procedure for General Elections' says, in paragraph 88, that an outgoing Prime Minister is entitled to "retain" certain "personal" papers, including:-

- a constituency papers
- b diary
- c public speeches
- d papers relating to political speeches
- e copies of personal messages exchanged with other Heads of Government
- f the "third carbon" copies of minutes and letters sent during the Prime Minister's term of office
- g copies of letters written by Private Secretaries quoting directly the wishes of the Prime Minister and conveying these to other Ministers.

The present Prime Minister's letter to Lord Wilson dated 30 July 1987 expands some of the above items and says "The convention is that.....you are able to take away papers in the following categories:-

1. Copies of outgoing Personal Minutes (those signed by yourself) excluding those marked TOP SECRET.
2. Copies of all personal telegrams and messages sent to or received from overseas, again excluding those marked TOP SECRET.



Sir R Butler

I should like

i. to discuss with Mr. Turnbull the status of the papers they put aside for Prime Minister, i.e. whether they are all spare, duplicating what is on file.

ii. then to discuss with Miss Andrews

iii. then a meeting with Lord Armstrong

PERK
K-3

3. Copies of any letters you sent to the Queen, excluding those marked TOP SECRET.
4. Copies of all other letters signed by you.
5. Personal correspondence relating to Ministerial appointments.
6. Speeches and related material.
7. Copies of the typed daily diary for the whole of your administrations.
8. Files held in the Private Office which are personal rather than official.

The Prime Minister's letter also states quite categorically:-

"In so far as the papers taken out were official papers and public records, they would be subject to the Public Records Acts (and of course to the Official Secrets Acts), and would remain so to whomsoever they might pass after your death."

It is therefore clear that it was the intention that some, at least, of those papers taken away by Lord Wilson should remain public records and thus Crown property; for the purpose of the present exercise we need to know which. Of the items listed in 'Procedure for General Elections' a, c and d would be unlikely to be public records; f and g, on the other hand, almost certainly would, leaving b and e about which I, at least, am undecided. The categories listed in the Prime Minister's letter do not divide up so easily with only 8. almost certainly not comprising public records.

When we sought legal advice on whether the Churchill/Chartwell Archive comprised public records we got no very clear response but the Wilson papers are much more recent and it might be possible to get a clearer ruling. Given the advice so far from LCD/PRO my view is that we should ask LCD now to seek their Legal Adviser's view on whether the papers "taken away" by Lord Wilson are still public records. If they are not then we would seem to have no grounds on which to reject the proposal but we should need to review the papers to reach agreement on which would have to be withheld on sensitivity grounds. If they are, or if some of them are public records then they remain Crown property and we could either refuse outright to allow them to go overseas or seek the Lord Chancellor's and possibly also the Prime Minister's approval to allowing some of them to go. Reviewing the papers before they reach their due date is a time-consuming task and would require some-one who is experienced in sensitivity reviewing. This is a factor we shall need to take into account if we are to do anything other than refuse to allow any of "our" papers to be sent to Canada.

I should be grateful if you could let me know whether, as the next stage, Sir Robin would be content for me to ask the Lord Chancellor's Department to get as firm a legal opinion as possible on whether the papers are still public records, bearing in mind the wording of the Prime Minister's letter, and despite the fact that they have been removed from official custody.

Pat Andrews
MISS P M ANDREWS

Historical Section
14 March 1990



LORD CHANCELLOR'S DEPARTMENT
TREVELYAN HOUSE
GREAT PETER STREET
LONDON SW1P 2BY

38

CABINET OFFICE
H 90/62 ✓
- 8 MAR 1990
FILING INSTRUCTIONS
FILE No.

Telephone 01-210 8629

5 March 1990

Your reference

Our reference

Dear Pat,

THE WILSON PAPERS

Thank you for your letter of 25 January about the papers which Lord Wilson has in his keeping that relate to his time as Prime Minister. I am sorry for the delay in letting you have a response on this but the proposal set out in your letter raises a number of potentially difficult issues and I thought it would be helpful to obtain the views of the Public Record Office. I enclose a copy of a letter from Nicholas Cox, in which he makes a number of helpful points which you may wish to consider before advising Sir Robin Butler.

My own instinctive reaction, like yours, is that these papers should not be allowed to go overseas. I am not entirely clear from the correspondence, however, whether these are "private papers" which now belong personally to Lord Wilson or whether they are public records. If they are the former, then presumably Lord Wilson would be free to do what he wants with them, although the Government would clearly have an interest on sensitivity grounds. If, however, (as would appear to be the case from the first full paragraph on page 2 of the Prime Minister's letter of 30 July 1987) the papers comprise public records and fall within the terms of the Public Records Act then there is clearly no way that the records could be allowed to go overseas and outside the Lord Chancellor's jurisdiction.

I am also slightly concerned about the suggestion at Y of Nicholas' letter that some of the collection might duplicate material which is on official files and retained in official custody. We would certainly wish to avoid a situation where records which are not yet 30 years old, or which are over 30 years old but subject to extended closure or retained, are available for public inspection in another country. If it is at all possible, it would therefore be helpful if the material could be scrutinised with this point in mind.

I think the whole question really turns on the status of the papers and whether they are subject to the provisions of the Public Records Act. My own inclination, however, is that they probably are public records and that, as such, we should resist the proposal to deposit the collection in Canada.

Miss P M Andrews
Cabinet Office
Historical Section
Hepburn House
Marsham Street
London SW1P 4HW

/2...



I hope that this is useful to you for the purpose of briefing Sir Robin Butler. If, however, you feel that it would be helpful to discuss the matter with PRO and ourselves we would, of course, be very willing to attend a meeting.

I am sending a copy of this letter to Nicholas Cox.

*Yours ever,
June*

MISS J E COURT

P.S. Ms Andrea Smith has joined my Division to fill the vacancy created when Mike Ellis left. I expect there will soon be an opportunity for us all to meet.



PUBLIC
RECORD
OFFICE

KEW, RICHMOND
SURREY
TW9 4DU

Telephone: 01-876 3444

Ext. 2405

Our reference: RAS 10

G R Bower Esq
Lord Chancellor's Department
Trevelyan House
30 Great Peter Street
LONDON
SW1P 2BY

1 February 1990

Dear Gert

WILSON OF RIEVAULX PAPERS

Thank you for the copy of the letter which Pat Andrews has sent to June Court, and also of the Prime Minister's 1987 letter to Lord Wilson.

To the best of our knowledge here there is no precedent, at least since the 1958 Act, for privately held papers of an official character being deposited overseas under officially countenanced arrangements. Of the two examples quoted by Pat in her letter, the Chartwell and Churchill papers left official custody before the 1958 Act became law, and the Avon papers were deposited under Section 4 of the 1958 Act in pursuance of obligations entered into again before the 1958 Act was passed.

It is difficult to see how satisfactory arrangements could be made now with any proposed recipient of the papers for material held by Lord Wilson whose contents might require protection, since none of the papers at No 10, or any related Cabinet Office records, from the periods of his premierships have yet been scrutinised for sensitivity. The earliest of them are, anyway, still five years away from the expiry of the 30 year period, and the latest would not be due to be open until 2007.

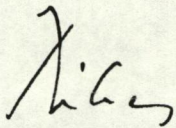
It might not be too complicated a business to make suitable arrangements for the papers held by Lord Wilson, pari passu with the opening (or possibly closing or retaining) of the parallel records here, if the Wilson papers were being deposited in an institution in the UK. But if they go to Canada, they will start off by being totally outside the jurisdiction.

I note that both the letter from No 10, and Pat's letter, speak of 'taking away' papers, and of papers being in Lord Wilson's 'keeping'. Are these records now considered to be the property of Lord Wilson? If they are, then they cannot be public records, nor be subject to the Public Records Acts.

Y | The letter from No 10 raises some wider questions in my mind, on which Pat may be able to help us. Would I be right in assuming that the papers in the first four categories are all copies of material which will appear also on official files, which have been retained in official custody?

I think it would be useful for us to meet Pat to discuss these points. I can see an embryonic reprise of Chartwell in the making.

Yours sincerely



NICHOLAS COX
Records Administration Officer

NC/jes



FDL 0
37

CABINET OFFICE

HISTORICAL SECTION

Hepburn House, Marsham Street, London, SW1P 4HW

Telephone: 01-~~222~~ 217 6050

Ref: HO 90/67 ✓

5 March 1990

Miss J E Court
Lord Chancellor's Department
Trevelyan House
Great Peter Street
LONDON
SW1P 2BY

Dear June

THE WILSON PAPERS

I wrote to you on 25 January about the proposal that Lord Wilson should deposit his papers in a Canadian University and asked for your views so that I might advise Sir Robin Butler. I have tried to get in touch by 'phone to see if you are yet able to reply or whether you would like to meet to discuss the matter but have so far failed. I am anxious to have something to say to Sir Robin very soon and should be most grateful if you could let me have a response to my letter in the next few days.

Yours ever

Pat

MISS P M ANDREWS



PUBLIC
RECORD
OFFICE

KEW, RICHMOND
SURREY
TW9 4DU

Telephone 01-876 3444 2405

16ii'90

rec'd 20/2

as promised today

With the compliments of

John

Thank you.
M 2/2
AWAITING
to see
36
Nan
2ii

Ext. 2405

Our reference: RAS 10

G R Bower Esq
Lord Chancellor's Department
Trevelyan House
30 Great Peter Street
LONDON
SW1P 2BY

CABINET OFFICE
H 90/52 ✓
20 FEB 1990
FILING INSTRUCTIONS
FILE No.

1 February 1990

WILSON OF RIEVAULX PAPERS

Thank you for the copy of the letter which Pat Andrews has sent to June Court, and also of the Prime Minister's 1987 letter to Lord Wilson.

To the best of our knowledge here there is no precedent, at least since the 1958 Act, for privately held papers of an official character being deposited overseas under officially countenanced arrangements. Of the two examples quoted by Pat in her letter, the Chartwell and Churchill papers left official custody before the 1958 Act became law, and the Avon papers were deposited under Section 4 of the 1958 Act in pursuance of obligations entered into again before the 1958 Act was passed.

It is difficult to see how satisfactory arrangements could be made now with any proposed recipient of the papers for material held by Lord Wilson whose contents might require protection, since none of the papers at No 10, or any related Cabinet Office records, from the periods of his premierships have yet been scrutinised for sensitivity. The earliest of them are, anyway, still five years away from the expiry of the 30 year period, and the latest would not be due to be open until 2007.

It might not be too complicated a business to make suitable arrangements for the papers held by Lord Wilson, pari passu with the opening (or possibly closing or retaining) of the parallel records here, if the Wilson papers were being deposited in an institution in the UK. But if they go to Canada, they will start off by being totally outside the jurisdiction.

I note that both the letter from No 10, and Pat's letter, speak of 'taking away' papers, and of papers being in Lord Wilson's 'keeping'. Are these records now considered to be the property of Lord Wilson? If they are, then they cannot be public records, nor be subject to the Public Records Acts.

RAS 10

.

LOLD CHANCELLOR'S DEPARTMENT

10, Downing Street, London, W. 1

- 2 -

The letter from No 10 raises some wider questions in my mind, on which Pat may be able to help us. Would I be right in assuming that the papers in the first four categories are all copies of material which will appear also on official files, which have been retained in official custody?

I think it would be useful for us to meet Pat to discuss these points. I can see an embryonic reprise of Chartwell in the making.

Yours sincerely

NICHOLAS COX
Records Administration Officer

NC/jes



F 35

CABINET OFFICE

70 Whitehall London SW1A 2AS

01-270 0101

c - Miss Andrews

3116.92

From the Secretary of the Cabinet and Head of the Home Civil Service

Sir Robin Butler KCB CVO

Ref. ~~A090/223~~ ✓

29 January 1990

My dear Robert,

Thank you for your letter of 9 January 1990 about the proposal that Lord Wilson might deposit his papers with a Canadian University. We had spoken about this proposal earlier.

As you say, the suggestion that such papers might be deposited overseas appears to have no precedent and so I am having to look at it carefully. I shall be in touch with you to discuss the matter further as soon as possible.

Yours ever,

Robin

Lord Armstrong of Ilminster GCB CVO
12 Hyde Park Street
LONDON
W2 2JN

34

CABINET OFFICE
A 853 ✓
25 JAN 1990
FILING INSTRUCTIONS
FILE NO.

HO 90/22 ✓

SIR ROBIN BUTLER

*Pl. type for my sig.
We must not let the
dragon. If necessary,*

THE WILSON PAPERS

*I will have a meeting with LCD.
R-203 26.1*

I have received from No 10 a copy of the letter which the Prime Minister sent to Lord Wilson on 30 July 1987 which set out the categories of papers he was entitled to take away from No 10 and the conditions under which they could be removed (copy attached). I have therefore been able to copy this to the Lord Chancellor's Department and, as I mentioned in my minute of 16 January, to seek advice formally on the proposal that these papers should form part of a collection to be deposited with a Canadian University.

I am afraid it has taken some time to get this far and the Lord Chancellor's Department will need to consider the matter carefully before responding, though I have asked for a reply as quickly as possible. I am not sure it would help to discuss the matter with Lord Armstrong before we have the LCD's view but you may wish to send a holding reply. I attach a draft for your consideration.

Pat Andrews

MISS P M ANDREWS

Historical Section
25 January 1990

223

DRAFT LETTER FOR SIR ROBIN BUTLER TO SEND TO:-

The Lord Armstrong of Ilminster GCB CVO
12 Hyde Park Street
LONDON
W2 2JN

Thank you for your letter of 9 January 1990 about the proposal that Lord Wilson might deposit his papers with a Canadian University. We had spoken about this proposal earlier ~~and I was glad to have the details and your first thoughts on it.~~

As you say, the suggestion that such papers might be deposited overseas appears to have no precedent and so ^{I am having} ~~we shall have~~ to look at it carefully. I shall ~~however~~ be in touch with you to discuss the matter further as soon as possible.



10 DOWNING STREET

With the compliments of

Pat

H/wich copy of
Pat's letter to Hw.

John. $\frac{24}{1}$
 $\frac{90}{}$



10 DOWNING STREET

LONDON SW1A 2AA

THE PRIME MINISTER

30 July 1987

Dear Lord Wilson,

Thank you for your letters of 16 and 25 June about your private papers still at No.10. I am sorry I have taken some time to reply, but we have had to arrange for the collection of your "private papers" here to be assembled in proper order for you to inspect and in due course take away.

The convention is that, as a former Prime Minister, you are able to take away papers in the following categories:

1. Copies of outgoing Personal Minutes (those signed by yourself) excluding those marked TOP SECRET.
2. Copies of all personal telegrams and messages sent to or received from overseas, again excluding those marked TOP SECRET.
3. Copies of any letters you sent to The Queen, excluding those marked TOP SECRET.
4. Copies of all other letters signed by you.
5. Personal correspondence relating to Ministerial appointments.
6. Speeches and related material.

7. Copies of the typed daily diary for the whole of your administrations.

8. Files held in the Private Office which are personal rather than official.

Your taking out these papers would be subject to your being able to assure secure storage of those papers which are official papers and therefore public records. Your biographer would not have access to those papers nor to other official papers held at No.10. In so far as the papers taken out were official papers and public records, they would be subject to the Public Records Acts (and of course to the Official Secrets Acts), and would remain so to whomsoever they might pass after your death.

You would of course be able to draw on the papers for the purpose of writing an autobiography, but you would be expected to clear any such autobiography in accordance with the conventions laid down in the Radcliffe Report on Ministerial Memoirs, which the Government accepted when you were Prime Minister.

If you wish to come and inspect the papers, it might be more convenient for you to inspect them in the Cabinet Office rather than in No.10. If you would like to make contact with Robert Armstrong, he will arrange a time when you can come and inspect the papers. I should be content for you to be accompanied by Lady Falkender when you come to inspect the papers that fall within the categories described in the second paragraph of this letter. If you were also minded to inspect other papers which would be retained here - and which would all be public records within the meaning of the Public Records Acts - I should not object to Lady Falkender seeing papers which she saw or can be presumed to have seen at the time when you were Prime Minister; but that would be stretching the normal rule, and it would be

difficult to extend it so as to enable her now to see papers which she did not see at the time.

In your letter of 25 June you say that there is a separate and confidential question which Professor Vincent and Lord Weidenfeld wish to raise. I believe the appropriate person for such a discussion would be the Cabinet Secretary, and I have asked Robert Armstrong to make himself available for that purpose.

Yours sincerely

Reginald Hatten

The Rt. Hon. The Lord Wilson of Rievaulx, K.G., O.B.E., F.R.S.



33

CABINET OFFICE

HISTORICAL SECTION

Hepburn House, Marsham Street, London, SW1P 4HW

Telephone: 01-~~222~~ 217 6050

Ref: HO 90/21

25 January 1990

Miss J E Court
Lord Chancellor's Department
Trevelyan House
Great Peter Street
LONDON SW1P 2BY

Dear June

THE WILSON PAPERS

We spoke about the question which has been raised in relation to the papers which Lord Wilson has in his keeping which relate to his time as Prime Minister. I now attach a copy of a letter sent to Lord Wilson by the Prime Minister in 1987 which shows the categories of papers which comprise a former Prime Minister's "private" collection and the terms on which he was allowed to remove them from No 10 (which I believe he did only last year).

The proposal is that these papers should form part of a collection of Wilson papers (the remainder of the collection would comprise papers from his period as Leader of the Opposition and from his time working for Lord Beveridge etc) and be deposited with a Canadian University - we think the University of Toronto. In return the University would set up a trust, the income of which would go to Lord and Lady Wilson and, after their deaths, used to finance exchanges of students between Canada and the United Kingdom.

The university is naturally very keen that the archive to be deposited should include the papers relating to his Premiership and *is* understood to be prepared to accept that such inclusion might have to be subject to conditions as to access. Lord Armstrong, former Cabinet Secretary, has approached Sir Robin Butler on Lord Wilson's behalf in this matter and wishes to discuss with Sir Robin whether it would be possible for HMG to agree to the proposal and if so, on what conditions.

I am not aware of any previous proposal of this nature. Former Prime Ministers' papers are deposited with Universities as we know - the Churchill/Chartwell Archive at Churchill College and the Avon papers at Birmingham are two examples - but we have no precedent, so far as I am aware, for such papers being deposited abroad. I should be most grateful for your thoughts and advice on the proposal so that I in turn can advise Sir Robin Butler.

Mulling it over in my own mind I have, as I mentioned to you, an instinctive feeling that such papers should not go abroad. On the other hand, if permission for them to do so was hedged around with requirements to remove classified material and to ensure that anything which would be opened after 30 years was available also in the PRO it is difficult to see what harm would be done - for example there could be no objection to "6 - speeches and related material, 8 - files which are personal rather than official"

(depending upon the definition of "personal"!) or even possibly" 7 - copies of the typed daily diary.." being deposited abroad could there? If it would help to discuss, together with the PRO, please let me know, otherwise I await your reply. I fear I have to press you for a fairly swift response, as Sir Robin will not want to delay his reply to Lord Armstrong.

Yours ever

Pat

MISS P M ANDREWS

82P

32

HO 90/3 ✓

CABINET OFFICE
A 466 ✓
16 JAN 1990
FILING INSTRUCTIONS
FILE No.

Mary Hanks
R203
16.1.

SIR ROBIN BUTLER

THE WILSON PAPERS

Thank you for your minute dated 3 January 1990 which, together with a copy of Lord Armstrong's letter of 9 January, I received on my return from sick leave yesterday.

From what I have so far been able to discover, Lord Armstrong is quite correct when he says that the possibility of depositing such papers overseas has not arisen before. I shall need to consult the Lord Chancellor's Department on this aspect before advising on a response to Lord Armstrong's letter. I do not imagine that there will be much enthusiasm for the proposal in that quarter since the whole emphasis of our agreements with United Kingdom institutions holding Ministerial or other collections containing official papers is that they at some stage become as available to researchers as they would had they been deposited in the Public Record Office. I am also concerned about any possible effect on the Trustees of the Chartwell Archive who may, at some stage, raise the possibility of disposing of the Churchill papers overseas.

I shall consult No 10 about the likely official content of the Wilson archive, the Lord Chancellor's Department on the policy aspect, and advise as soon as possible.

Pat Andrews

MISS P M ANDREWS

Historical Section
16 January 1990

12 HYDE PARK STREET
LONDON W2 2JN
01-402 0289

31

CABINET OFFICE
A 224 ✓
10 JAN 1990
FILING INSTRUCTIONS
FILE NO.

from Lord Armstrong of Ilminster

c- ~~Miss~~ Andrews

Sir Robin Butler, K.C.B., C.V.O.,
Cabinet Office,
70 Whitehall,
London SW1A 2AS.

9 January 1990

*I shall be grateful
for Miss Andrews' advice*

My dear Robin,

*PERB
10.1.*

As I mentioned to you the other day, Lord Wilson of Rievaulx is proposing to deposit all his papers with a Canadian university, which proposes in return to set up a trust, the income from which will be available to support Lord and Lady Wilson during their lifetimes and after their deaths will be used to finance exchanges of students between this country and Canada.

The papers to be deposited will constitute a considerable archive, including the papers dating from the time when Mr. Wilson (as he then was) was working for Lord Beveridge and the papers from the time when Mr. Wilson was Leader of the Opposition.

The university is very keen that the archive should include the papers now in Lord Wilson's keeping which relate to his time as Prime Minister; and one can understand that, from their point of view, the archive would be less than complete without them. They are, I understand, prepared to accept that, if those papers are to be included, they may have to be subject to conditions as to access.

I have been asked on Lord Wilson's behalf, and have agreed, to discuss with you whether it would be possible for the Government to agree to this and, if so, on what conditions.

Papers of this kind have been deposited with various institutions in this country - I am thinking of the Churchill papers deposited with Churchill College, the Avon papers deposited at Birmingham University, and the Mountbatten papers deposited now at Southampton University - but I cannot recall that the possibility of a deposit overseas has ever arisen before.

You will know better than I what papers relating to his periods as Prime Minister Lord Wilson has been permitted to take away. I have not myself seen them, but I assume that they follow the standard pattern. In so far as they consist of copies of speeches which he made while he was Prime Minister - and I suspect that that accounts for a large part of the collection - obviously no problem arises. There are, I gather, other papers in the collection which are unclassified. I am inclined to doubt whether there are likely to be any papers of any great present sensitivity in the collection. But I am told that there are some which are classified Confidential or above.

If you are prepared to look at this in principle, you may feel that it would not be acceptable for any papers which still need to carry any security classification to leave this country. That suggests that you would need to arrange for some one to go through the papers concerned, identify those which carry a security classification, and consider in each case whether that classification could be removed.

In the case of papers which it was considered should continue to be classified Confidential or above, you would probably want to say that they should not be deposited with the Canadian university at this stage, though you might be prepared to offer to consider their release to the university after the expiry of thirty years..

In the case of papers which are not classified, or of papers now classified which it is possible to declassify, you may feel that they could be deposited with the Canadian university forthwith, subject to conditions as to access and use until such time as they fall due for release under the thirty year rule - a time not all that remote so far as the first Wilson administration is concerned. The conditions laid down in respect of the Mountbatten papers in the agreement with the Broadlands Archives Trust might provide a pattern which could be followed in this instance.

If you think that it would be helpful for me to come in and discuss this with you, or with whoever is responsible for advising you on issues of this kind, I am of course very much at your service.

With best wishes for 1990,

Yours ever
Robert



30

Ref. A090/40 ✓

MISS ANDREWS

CABINET OFFICE
H Internal
- 9 JAN 1990
FILING INSTRUCTIONS
FILE No.

rec'd on return
from sick leave
on 15/1/90

Lord Wilson's Archive

Lord Armstrong came into to see me just before Christmas and gave me early warning of a proposal, being orchestrated by Lady Falkender, to set up an archive for the Wilson papers at a university in Canada (the University of Toronto, I think). In return for this the University would set up a trust, of which part of the proceeds would be used to support Lord and Lady Wilson who are now not well off.

2. Lord Armstrong said that the value of the archive would be enhanced if Lord Wilson's personal papers from Number 10 could be included in the archive, subject to whatever conditions we needed to apply. I commented that I saw some difficulty in allowing the classified/^{papers} in the archive to go to an overseas location, but would consider whether the rest of the documents could be placed there, and, if so, what restrictions we would need to impose on them.

3. We will not know the exact proposition until we receive it from Lady Falkender but, so that we can respond as rapidly as possible, I should be grateful if you would consider the proposition as put to me by Lord Armstrong and let me know what response you think that we will need to make.

R.B.

ROBIN BUTLER

3 January 1990

496/1



CABINET OFFICE
 A 8669 ✓

 1 AUG 1989
 FILING INSTRUCTIONS
 FILE NO

2

The Rt. Hon. The Lord Wilson of Rievaulx
 KG OBE FRS

~~c - Mr. Turnbull~~



28 July, 1989

Dear Robin,



I have just seen the letter you wrote to Marcia on the 19 July, about my personal papers which have until now been stored for me at the Cabinet Office.

This is to confirm that she has my authority, and that it is my wish, that the papers should now be moved so that they may be in the safe keeping of the family together with my other personal and political papers.

With kind regards,

Yours,
 Harold.

Sir Robin Butler, KCB CVO

MR. TURNBULL

CABINET OFFICE
A 8156
20 JUL 1989
FILING INSTRUCTIONS
FILE No. 8496/1

✓ Sir R. Butler
BSB
cc: Mr. Woolley

FOLIO
28
M

LORD WILSON'S PAPERS

FOLIO 14
I have had a sift through Lord Wilson's papers and have found those papers listed a,b and d in Mr. Woolley's minute of 11 December 1987 to Sir Robert Armstrong. I have only come across one file of correspondence between Lord Wilson and The Queen (item c) but am still looking.

With regard to his diaries, I cannot locate any of them. Garden Rooms think Lord Wilson may have them. They say this is one of the first things they send to ex-Prime Ministers when they leave office. I would not however quote that as Gospel since we still have Mr. Callaghan's diaries. But, again, I shall continue the hunt.

Most of his papers are now boxed and ready to move. Assuming Lord Wilson wants them straight away, with the above additions we could have them all ready by early next week.



Derek Kerr

19 July 1989



R.F.
FOLIO
28

CABINET OFFICE

70 Whitehall London SW1A 2AS

01-270 0101

From the Secretary of the Cabinet and Head of the Home Civil Service

Sir Robin Butler KCB CVO

Ref. A089/1937

19 July 1989

cc - Mr. Turbull }
Mr. Fountain } No 10

Dear Marcia,



Many thanks for your recent letter about Lord Wilson's personal papers and for letting me know that you want now to arrange for their transfer.

I agree that the first stage is for us to inspect the premises in which the papers are to be stored. I am asking Mr Charles Fountain, who is in charge of security at No 10, to make contact with you for that purpose. Thereafter, arrangements for transfer will be best made with my office. We will need to ask you to arrange for Lord Wilson to provide personal written authority. As you will recall from your correspondence with Robert, some of these personal papers remain public records and access by an authorised biographer to the papers would continue to be subject to the agreement of myself or my successor.

With best wishes,

Yours ever,

Robin

The Lady Falkender CBE
3 Wyndham Mews
Upper Montagu Street
London
W1H 1RS

Travor

Thanker. I agree with x. Pl. M.

I have a draft reply.

Sir R. Butler

Let's take i - iii hereafter. On iii, I see ~~that~~ that nonetheless RPA envisaged ~~disrespectable~~ biographer being given permission to see ~~the~~ ^{official} public records ^{which are within the category} hadley Falkender's letter ^{under}. You will of 'private papers'.

1.

wish to glance at the reviews on the attached file, RBFB and perhaps have a word with Mr Turnbull. 147.

2.

I am sure that we should arrange

3097
8011
0211
0871
8671
8791
t061

for the proposed storage facility to be inspected, as envisaged in your predecessor's letter of 16/12/87. As they are Number 10 reviews, I presume it would be for the Number 10 Security Officer to undertake this.

3.

A number of other points occur to me:

- a) there is the technical question of whether hadley Falkender has authority to act on behalf Wilson's behalf in this matter. She is hadley Wilson's 'sole literary executor' - but I am not clear what authority that gives her while hadley Wilson is alive.
- b) the set of private reviews assembled by Number 10 is not (or was not in December 1987) comprehensive (see my minute to your predecessor of 11 December 1987).

e) we must remember that many of these
'private papers' are also public records,
and closed under the Public Records Act.

—w

13/7



CABINET OFFICE
A 7647
1 1 JUL 1989
FILING INSTRUCTIONS
FILE no

27

The Rt. Hon. Baroness Falkender, CBE

~~c- Mr. Turnbull (No 10)~~

July, 1989

Dear Robin,

As you will know, I had a meeting with Robert Armstrong some time ago about Lord Wilson's papers still retained for him at No.10. You may remember that I mentioned the subject to you when we met last summer.

I should now like to arrange for their collection and removal as soon as possible. They are to be stored in an NCP facility at 40, Manchester Street, WI where his other papers are kept. This has been arranged for Lord Wilson by the Chairman of NCP, Mr. Ronald Hobson. Do you wish one of your people to see the premises before the papers are moved there? If so, perhaps you could let me know, and also whom I should contact about the collection, date etc.

With kind regards,

Yours sincerely
Norie

Sir Robin Butler



CABINET OFFICE

70 Whitehall London SW1A 2AS

01-270 0101

From the Secretary of the Cabinet and Head of the Home Civil Service

Sir Robin Butler KCB CVO

Ref. ~~A088/2853~~

3 October 1988

Dear Ted,

I am sorry not to have replied sooner to your letter of 8 July about your personal papers for the period when you were Prime Minister.

The Number 10 office take extra copies of the papers defined by the first four categories set out in my letter to you of 4 July at the time they are signed and put them into a discrete package of personal papers for Prime Ministers to take with them on relinquishing office. A search for this package has not revealed it and Number 10 believe that you have already taken it. I gather that your Private Secretary has kindly agreed to confirm that the papers you hold at Arundells cover the relevant categories.

The Number 10 office are assembling papers which relate to categories 5-8 in your letter. But I am afraid that the Number 10 office do not keep press cuttings for the period. For reasons of quantity, they treat these as ephemera.

Yours ever,

Robin

The Rt Hon Edward Heath MBE MP
House of Commons



10 DOWNING STREET
LONDON SW1A 2AA

From the Principal Private Secretary



MR. WOOLLEY

MR. HEATH'S PAPERS

Thank you for your minute of 28 September in which you sought comments on the attached draft of the letter for Sir Robin Butler to send to Mr. Heath about his papers. Could I ask that the first sentence of the second paragraph should read:

"The No.10 office take extra copies of the papers defined by the first four categories set out in my letter of 4 July....."

Could I also ask that the last paragraph should read:

"The No.10 office are assembling papers which relate to categories 5-8 in your letter. But I am afraid that they do not keep press cuttings for the period. For reasons of quantity they treat these as ephemera."

Otherwise, no comment.

N.c.w.

(N. L. WICKS)
29 September 1988

DRAFT OF 28 SEPTEMBER 1988

DRAFT FROM SIR ROBIN BUTLER
TO THE RT HON EDWARD HEATH MBE MP

I am sorry not to have replied sooner to your letter of 8 July about your personal papers for the period when you were Prime Minister.

The Number 10 office take extra copies of the papers defined by the categories set out in my letter to you of 4 July at the time they are signed and put them into a discrete package of personal papers for Prime Ministers to take with them on relinquishing office. A search for this package has not revealed it and Number 10 believe that you have already taken it. I gather that your Private Secretary has kindly agreed to confirm that the papers you hold at Arundells cover the relevant categories.

I am afraid that the Number 10 office do not keep press cuttings for the period. For reasons of quantity, they treat these as ephemera.

TAWAJV



aw
Ref. A088/2830

MR WICKS



Mr Heath's Papers

We discussed recently the problems of locating Mr Heath's papers in Number 10, and subsequently I spoke to Mr Heath's Private Secretary, Richard Burn. Sir Robin Butler now proposes to reply to Mr Heath's letter of 8 July as set out in the --- attached draft. I should be grateful for your confirmation of the facts in the draft as they relate to Number 10 (especially the last paragraph).

Traver Woolley

T A WOOLLEY

28 September 1988



R
25
2/703

Ref. AO88/2817

SIR ROBIN BUTLER

Thanks.

P1. Check the last sentence is correct and then type for my sig.

FRB

Mr Heath's Papers

I have received belated advice from Number 10 about Mr Heath's papers (his letter of 8 July refers). In essence, it seems that Number 10 hold no discretely identified set of Mr Heath's papers (in the way that they do, for example, of Lord Wilson's papers). Their presumption is that Mr Heath took away his personal papers when he left Number 10 in 1974.

2. I have spoken to Richard Burn, Mr Heath's private secretary. He confirms that Mr Heath holds a lot of papers at Salisbury relating to his time at Number 10; and that these may coincide with the categories to which he is entitled (as set out in your letter of 4 July). I agreed with Mr Burn that the next step would be for him to examine Mr Heath's papers at Salisbury, with a view to determining to what extent they appear to encompass the categories set out in your letter of 4 July. If there are particular categories missing, we ^{shall} have to go back to Number 10 and ask them to start searching.

3. I attach a draft reply to Mr Heath. You may wish me to clear it with Number 10 before it is sent.

TREVOR WOOLLEY

27 September 1988

*pl type draft,
as amended.*

DRAFT OF 27 SEPTEMBER 1988

DRAFT FROM SIR ROBIN BUTLER
TO THE RT HON EDWARD HEATH MBE MP

I am sorry not to have replied sooner to your letter of 8 July about your personal papers for the period when you were Prime Minister.

The office
~~The convention is that Number 10 take extra copies of the papers defined by the categories set out in my letter to you of 4 July at the time they are signed in order to assemble a discrete package of personal papers for Prime Ministers to take with them on relinquishing office. Number 10 have examined their archives, but have failed to uncover such a package relating to your period of office, and I understand that you do in fact hold a stock of papers at your home for the period 1970-74. My ^{and} ~~since Number 10 have not been able to find~~ ^{guess}, therefore, is that these are in whole or in part the papers to which you are entitled. ~~Number 10~~ ^{believe that you have already taken this package} ~~and~~ I gather that your Private Secretary has kindly agreed to ~~confirm~~ ^{confirm} that the papers you hold at ^{Arundells} ~~Arundells~~ ^{relevant} cover the ~~categories~~ ^{categories}.~~

~~do~~ ^{do} not ~~keep~~ ^{keep} am afraid that the Number 10 office ~~is~~ ^{is} not ~~holding~~ ^{holding} ~~any~~ ^{any} papers ~~of~~ ^{of} ~~any~~ ^{any} ~~quantity~~ ^{quantity} for the period. For reasons of ~~quantity~~ ^{quantity}, they treat these as ephemera.

TAWAJV

My office, in discussing this with Richard Burn, suggested that the next step might be for him to have a quick look through the papers you already have to check to what extent they encompass the categories set out in my previous letter. If particular categories are missing, or if papers are missing within categories for particular periods, I shall ask Number 10 to search again.

2195559

10 DOWNING STREET
LONDON SW1A 2AA

Nickland
Bum

Nigel

Edward Heath papers.

All papers signed by the Prime Ministers
article he/she is in office are copied and
collected by Garden Room for the Prime
Minister to take away at the end of

his/her tenure.

If we establish that Edward Heath already
has his set of papers signed by himself, we
will need to look only for top secret and
honours papers. To do this will make our
task very much easier and quicker:

1. To find all the papers Edward Heath has
signed we need to check every sheet and those
are often very flimsy and awkward to separate.

914
FOLIO

papers in.

While this isn't a great problem it makes the job rather time-consuming.

2. Top secret papers are normally in files also marked 'Top Secret' therefore they are very easy to locate. We would of course check all files to see that none slip this net.

It would be very helpful if we could establish that Edward Heath has his set of papers and it would mean that his set would be much quicker to compare.

Jara

25/9.



F

22

CABINET OFFICE

70 Whitehall London SW1A 2AS

01-270 0101

From the Secretary of the Cabinet and Head of the Home Civil Service

Sir Robin Butler KCB CVO

Ref. A088/2148

18 July 1988

My dear Robert,

Many thanks for your two letters of 12 July.

I am very grateful for the idea about Genie Turton. It is a very interesting one and I will certainly think about it.

On your other letter about Ted Heath's memoirs, Churchill and Norman Brook certainly seem to be an ace and a king to my (admittedly picaresque) knave. I remain a little uneasy and I think that the situation of Norman Brook's helping Churchill to write an account of his wartime leadership of a national Government is somewhat different from the present case, but I would not want to interfere with your judgment in this matter.

Your ever,

Robin

The Lord Armstrong of Ilminster GCB CVO
12c Hyde Park Street
London W2 2JN



w f

21
1703

12 Hyde Park Street,
London W2 2JN.

House of Lords

from Lord Armstrong of Ilminster

Sir Robin Butler, K.C.B., C.V.O.,
Cabinet Office.

CABINET OFFICE
A 7434
13 JUL 1988
FILING INSTRUCTIONS
FILE No.

12 July 1988

My dear Robin
Norman Brook
does seem to be a
bit of a trump to
my ace: do we
know if it is true?

FRB 13.7.

Thank you very much for your letter of 4 July about Ted Heath's memoirs.

I must confess to having forgotten the letter I sent to Ted Heath in June 1985 about the proposition that Burke Trend or John Hunt should accompany him when he came to see papers. I do not know what has come of that suggestion - nothing, so far as I know. I think that it may well be that he has had no further occasion to think about it, not having been anywhere near the point of writing about that period. Since that time, of course, Burke Trend has become unavailable; and I have been released from the shackles of public office.

As to your last paragraph, you write as if you thought that the writing of Ministerial memoirs was a reprehensible practice. I am not sure that the view should be taken that the practice is in itself reprehensible in principle, at any rate as applied to former Prime Ministers, provided that the Radcliffe conventions are complied with. Every Prime Minister for the last fifty years at least has published his memoirs, with official blessing and sometimes help. As to my own involvement in this instance, I see my role as more that of a midwife assisting a difficult birth than as a collaborator or assistant, still less a "ghost writer": I do not see myself playing Greengrass to Ted's Wright, and nor (I am sure) does Ted. For some reason - I can only guess at what it is - he has been finding it very difficult to form up to this part of his memoirs, the writing of which has therefore been hanging fire. Whatever the hump is or the reason for it, I think that a little moral support or midwifery on my part may help him over it, and I don't myself see that as improper or inconsistent with my former position. We have the august precedent of the help which Norman Brook gave to Sir Winston Churchill in a similar task while he was still in office as Secretary of the Cabinet. I prefer that to your admittedly inexact and (if I may say so) slightly sordid comparison!

Yours as
Robert

~~Ref. A088/2120~~

MR WICKS

--- You have received separately a copy of Mr Heath's letter of 8 July in reply to mine about access to his Prime Ministerial papers. For completeness, I am attaching now both my letter to him and his reply.

2. Could you please establish what papers No 10 holds for Mr Heath in the categories in my letter and where they are located.

3. I feel sure - indeed I hope - that the answer to Mr Heath's question about press cuttings is negative!

R.R.B.

ROBIN BUTLER

11 July 1988

R F

20
M

From: The Rt. Hon. Edward Heath, M.B.E., M.P.

WR



CABINET OFFICE
A 7309
11 JUL 1988
FILING INSTRUCTIONS
FILE No.

HOUSE OF COMMONS

P July 1988

c - M. Wicks

POLICE 20

Dear Robin.

I am extremely grateful to you for your kind help in the task of writing my memoirs and I have noted all the papers that I am entitled to remove in respect of my time as Prime Minister.

I will be able to assure secure storage of those which are official papers and therefore public records. I understand that I will be expected to clear those memoirs in accordance with the conventions laid down in the Radcliffe Report on Ministerial Memoirs.

I would be very pleased if you could check for me what papers of mine No 10 hold in the categories you mention in your letter. I look forward to hearing from you in due course in this respect.

Many thanks again.

Does No 10 have the present title of any period?

*Yours truly
Edward Heath*

Sir Robin Butler, KCB CVO



R
19
M

CABINET OFFICE

70 Whitehall London SW1A 2AS

01-270 0101

From the Secretary of the Cabinet and Head of the Home Civil Service

Sir Robin Butler KCB CVO

Ref. A088/2013

4 July 1988

My dear Robert,

--- Many thanks for your letter of 27 June. I have written, as you asked, to Ted Heath and I enclose a copy of my letter.

On the matter of your accompanying him, I wonder how you knew that my predecessor allowed Lord Callaghan to bring Lord Donoughue with him when he came to see official papers. In fact, our papers show that Lord Donoughue's access was restricted and I have on the files a minute from me in my former capacity to you in your former capacity which records that Lord Donoughue was given access in No 10 only to Cabinet and Cabinet Committee papers and not to No 10 papers generally. I have an even more apposite precedent in the form of a letter from you to Ted Heath, dated 17 June 1985, about the proposition that Burke Trend or John Hunt should accompany him. This letter reads as follows:

"Strictly speaking, former Crown servants are precluded from having access to Cabinet documents. Any application to be given access would be treated on its merits, taking account of the nature of the documents in question, the position which the applicant formerly held and the purpose for which the access was sought.

If you wanted to consult Burke Trend or John Hunt about particular matters or episodes during their periods as Secretary of the Cabinet when you were Prime Minister, and they wanted to refresh their memories of the papers before giving you their advice, I should be prepared to give them access for this purpose."

/In your case

The Lord Armstrong of Ilminster GCB CVO
12 Hyde Park Street
London W2 2JN

In your case, I think that we could be a little more liberal than this as regards the No 10 papers, since you could be presumed to have seen all No 10 papers during the period of Mr Heath's premiership.

But - and here I come to the serious part - I notice that nothing seems to have come of Ted Heath's earlier suggestion that Burke or John should accompany him in consulting the papers. I wonder if that is solely due to the restrictions suggested in the letter above.

It seems to me one thing to condone the writing of Ministerial memoirs subject to certain conventions but another for a former Cabinet Secretary actually to assist in it. The analogy which comes to my mind is of William Rees-Mogg leaving the Broadcasting Standards Council and taking part in a slightly blue movie; but I admit that, apart from the colour, the comparison is not exact!

Yours ever,

Robin.

PC Mr Wickes R

FOLIO 19



CABINET OFFICE
70 Whitehall London SW1A 2AS
01-270 0101

From the Secretary of the Cabinet and Head of the Home Civil Service
Sir Robin Butler KCB CVO

Ref. A088/2012

4 July 1988

Dear Ted,

I have heard from Robert Armstrong that, in the task of writing your memoirs, you are now approaching the period of your Prime Ministership and will want to refresh your memory of official papers. You are, of course, entitled to consult the Cabinet and Cabinet Committee papers, and the 10 Downing Street papers, in respect of your time as Prime Minister. I should be glad to arrange for you to have access to these papers whenever you wish and to provide a room here in which you could consult them.

Robert also asked what papers you were entitled to remove. The convention is that, as a former Prime Minister, you are able to take away papers in the following categories:

1. Copies of outgoing Personal Minutes (those signed by yourself) excluding those marked TOP SECRET.
2. Copies of all personal telegrams and messages sent to or received from overseas, again excluding those marked TOP SECRET.
3. Copies of any letters you sent to The Queen, excluding those marked TOP SECRET.
4. Copies of all other letters signed by you.
5. Personal correspondence relating to Ministerial appointments.
6. Speeches and related material.

/7.

The Rt Hon Edward Heath MBE MP

7. Copies of the typed daily diary for the whole of your administration.

8. Files held in the Private Office which are personal rather than official.

Your taking out these papers would be subject to your being able to assure secure storage of those which are official papers and therefore public records. Access to them should not be provided to third parties and, in so far as the papers taken out were official papers and public records, they would be subject to the Public Records Acts (and of course to the Official Secrets Acts), and would remain so whomsoever they might pass to after your death.

You would of course be able to draw on the papers for the purpose of writing your memoirs, but you will know that you are expected to clear those memoirs in accordance with the conventions laid down in the Radcliffe Report on Ministerial Memoirs.

I have not checked, before writing this letter, what papers of yours No 10 hold in the categories set out above. If you would like me to, I will of course have enquiries made and let you know the result.

Yours ever,

Robin

28 June 87



18
FOLIO

Ref. A088/1978

SIR ROBIN BUTLER

Lord Armstrong's letter under raises three points concerning Mr Heath's memoirs.

2. On the first point, there is, as Lord Armstrong indicates, no difficulty about Mr Heath having access to official papers relating to his period as Prime Minister; nor to our arranging for him to come to the Cabinet Office to read them.

3. On the question of the categories of papers which Mr Heath is entitled to take away, please see the Prime Minister's --- letter to Lord Wilson of 30 July 1987 attached. This could easily be adapted as a letter from you to Mr Heath if you wished to write to him direct- (although it may be more appropriate for you to attach the list of categories as an annex to your reply to Lord Armstrong). (I should add that when we asked No 10 to assemble the papers corresponding to these categories for Lord Wilson, they were unable to provide a comprehensive collection - but in the event Lord Wilson did not ask to take possession of the papers.)

4. Lord Armstrong's request to accompany Mr Heath when he comes to refresh his memory of official papers is not quite as straightforward as he suggests. The case of Lord Donoughue is indeed a precedent of sorts. The background is set out in the exchange of minutes in January 1981 at flags A and B; but it is of note that the then Principal Private Secretary to the Prime Minister subsequently advised your predecessor that Lord Donoughue was not in the event allowed to look at No 10 papers generally (flag C). It is also of note that this is not the first time



that the question has arisen in relation to Mr Heath; nor in relation to former Cabinet Secretaries. Please see the correspondence between your predecessor and Mr Heath at flags D, E and F in which I discern a certain lack of enthusiasm for authorising former Cabinet Secretaries to assist ex-Prime Ministers in writing their memoirs.

5. Despite these difficulties, I am inclined to think that the basic principle which should underly questions of this sort is whether or not the person assisting the writer of the memoirs can be presumed to have seen the papers at the time they were written - and clearly this is the case *for Lord Armstrong* for at any rate the majority of Mr Heath's Premiership. But I do just wonder whether it would be prudent for a former Cabinet Secretary to become as closely associated with a former Prime Minister as assisting in the preparation of his memoirs perhaps implies.

T A WOOLLEY

28 June 1988

FOLIO
17N

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c- Miss Andrews D. 13.7.88

CABINET OFFICE

70 Whitehall London SW1A 2AS

01-270 0101

80/67 ✓

From the Secretary of the Cabinet and Head of the Home Civil Service

Sir Robin Butler KCB CVO

Ref. A088/1981 ✓

29 June 1988

Dear Philip,

When we had lunch together on 9 June you mentioned that you found references in the Public Records Office to Foreign Office papers which you would like to see. I said that I should be glad to have these papers reviewed and let you know whether there would be any objection to you having access to them.

The papers which have been identified are now available for you to see if you would like to contact the Library and Records Department of the Foreign Office (Miss Veitch on 01-211 3085 until 8 July, thereafter Miss Clay on 01-211 3083). There is some uncertainty about the papers relating to the second reference number you provided, but this is something that you will be able to discuss with the Foreign Office officials when you go to see those papers which have been identified.

I have not yet been able to think of anyone who would have had access to the 1964-70 Wilson papers. If I do so, I shall let you know.

Yours sincerely,

Robin Butler

Philip Ziegler Esq
22 Cottesmore Gardens
London W8 5PR



House of Lords

01-402 0289

12, Hyde Park Street,
London, W2 2JN.



from Lord Armstrong of Ilminster

Sir Robin Butler, K.C.G., C.V.O.,
Cabinet Office,
70 Whitehall,
London SW1A 2AS.



27 June 1988

My dear Robin,

As you no doubt know, Ted Heath is engaged in the writing of his memoirs.

He tells me that in this task he is now approaching the period of his Prime Ministership. He will be needing to refresh his memory of official papers - both Cabinet and Cabinet Committee papers and the 10 Downing Street files - relating to that period. I imagine that there will be no problem about his having access to those papers; and I dare say that you will be able to arrange for him to come to the Cabinet Office to read whatever papers he needs to see.

If I remember rightly, he is allowed to take and retain copies of certain categories of papers - such as exchanges of messages with heads of overseas governments. It may be that he already has what he is entitled to take; but he would be very grateful if you could let him have a list of the categories of papers which he is entitled to ask for - subject to satisfactory assurances on safe custody.



I have said that I should be willing to help him in any way I can with preparing this part of his memoirs, and he has asked whether, if he so wished, I should be able to accompany him when he refreshes his memory of official papers. I have said that your permission would be required for this. My recollection is that former Ministers (including Prime Ministers) are not allowed to be accompanied by research assistants when they exercise their right to see official papers in this way; but I seem to remember that your predecessor made an exception to this rule in allowing Lord Callaghan to bring Lord Donoughue with him when he came to see official papers for a similar purpose: the view was taken that this was not an unreasonable exception to make, given that Bernard Donoughue could be presumed to have had access to the official papers which Lord Callaghan saw when he was Prime Minister. If my recollection is right about that, I wonder whether it might be regarded as a precedent for allowing me to accompany Ted Heath, if he so wishes.

Yours ever

Robert

SIR ROBIN BUTLER

Pl. type for my sig.

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HO290 ✓

CABINET OFFICE	
A	6748 ✓
23 JUN 1988	
FILING INSTRUCTIONS	
FILE No.

FOLIO 16R

MR ZIEGLER - ABDICATION PAPERS

Thank you for your minute of 9 June following your lunch with Mr Ziegler. He duly provided references to the Foreign Office papers he wishes to see. The documents have been reviewed as requested and two of them may be seen in the Records Department at Cornwall House if Mr Ziegler would like to get in touch. It would appear however that the papers comprising the second reference provided by Mr Ziegler were destroyed. It may be that there has been some confusion about references and Mr Ziegler will be able to clarify this when he goes to see those papers which have been identified.

On the question of someone in an analogous position to Bernard Donoghue who could accompany Lord Wilson to see the 1964-70 papers I am afraid I have so far drawn a blank. I have looked through "Labour Government 1964-70 - a Personal Record" by Lord Wilson and I have looked through the No 10 entries in the old Imperial Calendars for 1964-70. I have also asked whether any records or lists of No 10 staff in those years have survived, but they have not.

Apart from the Private Secretaries, none of whom were in post for the whole period, the longest surviving staff, with the exception of Lady Falkender, appear to be the two Press Secretaries, Trevor Lloyd Hughes and Henry James, but I do not suppose they would or should have had access to all the papers. The so-called "kitchen cabinet" of the time comprised, so far as I can remember, people like Joe Haines, Gerald Kaufman, George Wigg and, for a time, Peter Shore. None of these would seem to be in the Donoghue mould and I mention the names simply because reference to them might spark off other recollections. If you wish to take the matter further we could perhaps approach one or more of the former Private Secretaries, for example Mr Derek Andrews or Sir Peter Gregson, to see if they can recall anyone who might be suitable. I attach a draft letter to Mr Ziegler with the information about the Foreign Office papers for consideration.

D197-228 see p 70

Pat Andrews

MISS P M ANDREWS
 Historical Section
 Hepburn House
 211 6566
 27 June 1988

Ref. A088/1762

MISS ANDREWS

I had lunch with Philip Ziegler today. He mentioned some specific papers in the Public Record Office, not covered by the permission on the Abdication, which he wanted to ask for permission to see. They appeared to be Foreign Office papers relating to the source of the Prince of Wales' dollar funds. I said, if he would send me the references, I should be glad to have these reviewed and let him know whether we had any objection to his seeing them.

2. Mr Ziegler also referred to his biography of Lord Wilson of Rievaulx, which he did not envisage being able to start for two years. He asked about access to Government papers, and I referred to the arrangement by which Lord Callaghan had been able to bring Dr Donoghue on the basis that Dr Donoghue had access to the official papers as a member of Lord Callaghan's office. Such a condition did not apply to Lady Falkender. Mr Ziegler asked if I could think of anyone else who had been with Lord Wilson and who had had access to the papers. I mentioned Dr Donoghue as regards 1974-1976 but said that I could not think of anyone in a similar position during Lord Wilson's first administration. I said that if I thought of anyone I would let him know.

3. Mr Ziegler also asked whether I could think of any political figure who would have an objective view of Lord Wilson. I said that I would need to examine lists of those in Lord Wilson's administrations before I could offer any suggestions on that matter.

4. If you have any ideas about someone in an analogous position to Dr Donoghue who could accompany Lord Wilson in

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FOLIO
16Q

seeing the Government papers of 1964-70, I should be grateful. Otherwise, the only action is to review the closed records of which Mr Ziegler will send references.

RFB

ROBIN BUTLER

9 June 1988

p.s. we have now received the references:

- PRO FO 95433 papers 207 + 212
- FO Archive 1942 A8975 Nos 1-14

W



496/1
x-ref 80/67



CABINET OFFICE
70 Whitehall London SW1A 2AS
01-270 0101

cc - ~~Mr. Stevens~~
Miss Andrews

From the Secretary of the Cabinet and Head of the Home Civil Service

Sir Robin Butler KCB CVO

Ref. ~~A088/1464~~

11 May 1988

Dear Mr. Ziegler,

Thank you for your letter of 9 May. I am grateful for your confirmation that you accept the conditions set out in my letter and I will make sure that Mr Martin is expecting an approach from you. I also confirm that the reference in my letter to the records of Government Departments held by the Public Record Office relating to the Abdication includes the Foreign and Commonwealth Office papers on this subject.

Robert Armstrong did mention your name to me in the context of Harold Wilson, and I should be glad to have a word with you about this. It is very kind of you to suggest lunch at Brooks's and that would be a great pleasure. If you would like to ring my office, they will be glad to arrange a date when we can meet.

Yours sincerely,

Robin Butler

Philip Ziegler Esq
22 Cottesmore Gardens
London
W8 5PR

MR WOOLLEY

ABDICATION PAPERS

We spoke about Mr Ziegler's letter of 9 May. You said that you did not need a draft reply but that you would, in responding to the invitation to lunch, add a sentence about the "handful of Foreign Office papers" to which he has found references but which are not available in the Public Record Office. These may be Abdication papers and if so they will be covered by the conditions set out in Sir Robin Butler's letter; but they may not, in which case the PRO would refer back to the Foreign Office for advice on whether Mr Ziegler may see them. They may of course fall into the categories to which I referred in my minute of 4 May on which the PRO has now been asked to advise.

I attach draft letters to the Keeper of Public Records and to Sir Patrick Wright informing them of Mr Ziegler's acceptance of the conditions, for consideration.

I recall seeing Mr Ziegler's name mentioned in connection with a biography of Lord Wilson. The article I read said that he was Lady Falkender's choice as biographer. The records relating to Lord Wilson's periods of office as Prime Minister (1964-70 and 1974-76) are still within the 30 year period and not yet available to researchers.

Pat Andrews

MISS P M ANDREWS

Historical Section
11 May 1988

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CLOSED UNDER THE

FREEDOM OF INFORMATION

9 May 1988

CABINET OFFICE
14 Internal....
11 MAY 1988
FILING INSTRUCTIONS
PR. NO.

ACT 2000

C. Miss Andrews

CABINET OFFICE
A 4905.....
11 MAY 1988
FILING INSTRUCTIONS
FILE NO.

Dear Sir Robin,

Many thanks for your letter of 6 May, Ref A088/1420. I am happy to accept the conditions you set out and will get in touch with Mr Martin in due course. Can I take it that the same general rules apply to the handful of Foreign Office papers to which I have found references but which are not available in the P.R.O.? Whether these are physically in the P.R.O. I do not know, but no doubt Mr Martin will be able to tell me.

You may possibly also have heard my name in the context of Lord Wilson. If I could some

CLOSED UNDER THE
FREEDOM OF INFORMATION
ACT 2000

time have a word with you about this it would be most helpful for me. Do you ever cross the park for lunch, and if so would you lunch me day at Brooks's?

Yours sincerely,

Philip Llewellyn



CABINET OFFICE
70 Whitehall London SW1A 2AS
01-270 0101

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16

From the Secretary of the Cabinet and Head of the Home Civil Service

Sir Robert Armstrong GCB CVO

~~Ref. A087/3594~~

16 December 1987

Dear Maria,

I thought that it might be worth recording the outcome of our meeting when you, Harold Wilson and George Weidenfeld came to see me on 11 December.

I explained that we had about 40 boxes of papers, within the categories listed in the Prime Minister's letter of 30 July to Harold Wilson, which Harold was at liberty to remove, once we had been able to agree with him upon satisfactory arrangements for their secure storage and for limiting access to them. In the light of our discussion you were going to discuss with Harold what would be the most suitable arrangements to propose for this purpose; no doubt you will be in touch with Robin Butler when you are ready to make proposals on that.

In the meantime the papers will continue to be held in 10 Downing Street, though of course Harold has right of access to them at any time by arrangement.

I said, while it would be for Robin Butler to take a decision, I thought that, if either John Vincent or Philip Ziegler were commissioned to write an authorised biography of Harold Wilson, we should be content that the biographer should be authorised to have access to the private papers in question, on the understanding that he would clear with the Cabinet Office any part of the text of his book in which he made use of material from those papers and would agree to accept any amendments or deletions which the Secretary of the Cabinet felt to be necessary on grounds of national security or preservation of international relations, and to consider any representations which the Secretary of the Cabinet might make to him about the breaching of confidential relationships.

/You then asked

The Lady Falkender CBE
3 Wyndham Mews
Upper Montagu Street
London
W1H 1RS

You then asked about access for the authorised biographer to official papers retained by the Government relating to Harold Wilson's time as Prime Minister. I said that a biographer would not be permitted to have access to such papers, until of course they were released under the 30 year rule. I thought that an authorised biographer would find that there was a great deal of material already publicly available in one form or another, and might well find that he did not in fact need access to official papers not released under the 30 year rule. I went on to say that, if the biographer found, once he had done his research, that there were gaps which it might be possible to fill by reference to official papers, he would be free to put questions to Harold Wilson, and Harold, as a former Prime Minister, would be allowed to refresh his memory of papers that he saw when in office, though he would not be allowed to take copies of such papers away with him. You said that in that event Harold might wish to be accompanied by some suitable person. I said that there were precedents for former Prime Ministers being allowed to bring a suitable person with them when refreshing their memories of official papers, and I did not exclude the possibility of the Cabinet Office agreeing to Harold being accompanied, for this purpose, by some suitable person who could be permitted to have access to the papers in question because he had had access to them at the relevant time - for instance, a former Private Secretary.

You mentioned that the authorised biographer would have to deal at some stage with the "Spycatcher" allegations about efforts to destabilise Harold Wilson's Government in 1974 and 1975. I said that I did not think that there were any papers that we could make available to an authorised biographer for this purpose. I recognised, however, that the biographer would have to deal with the matter, and that it would need careful handling. This might be a matter on which it would be more appropriate to seek further advice nearer the time.

With best wishes for Christmas, and
for 1988,

Yours ever

Robert



15

Ref. A087/3552

Sr. Robert *Robert*

~~MR BUTLER~~

I am content, thank you, and agree particularly with para. 7.

PERB

c Mr Wicks

15.12.

Lord Wilson's Papers

Lord Wilson, Lady Falkender and Lord Weidenfeld came to see me on Friday 11 December 1987 in pursuance of a letter which Lady Falkender had sent to me on 21 October about Lord Wilson's "private papers".

2. The papers with which they were concerned were those which Lord Wilson, as a former Prime Minister, is permitted to take away. They fall into the categories set out in the Prime Minister's letter of 30 July 1987.

3. I had with me some 40 boxes of those papers; and I explained that there were probably a few more boxes still to come (though they did not take much interest in that). I said that Lord Wilson was at liberty to remove these papers subject to our being able to agree upon satisfactory arrangements for secure storage and for limiting access to them. We had a long and rambling discussion about where the papers might go. It was clearly important to Lord Wilson and Lady Falkender that they should be kept together with other personal papers of Lord Wilson, which are presently stored under circumstances that we should not find satisfactory for the papers that remain here. One possibility was that private arrangements should be made to keep them in some suitable place. An alternative was that they might be deposited with a suitable university or college: among the institutions mentioned in this context were the Bodleian Library, University College, Oxford, the Library of Nuffield College, Oxford, Churchill College, Cambridge and the University



of Southampton. In the end they said that they would go away and think further about that. In the meantime the papers will continue to be held in 10 Downing Street, though I have made clear that Lord Wilson could have access to them at any time by arrangement. We then discussed the question of access to the papers. Plans are afoot for Lord Weidenfeld to commission an authorised biography of Lord Wilson. It sounds as if the frontrunners for this task are Professor John Vincent of Bristol University and Mr Philip Ziegler. I said that, while it would no doubt be for my successor to take a decision, I thought that if either of those two persons were commissioned to write an authorised biography of Lord Wilson, we should be content to authorise him to have access to the private papers in question, on the understanding that he would clear with us any parts of the texts in which he made use of material from those papers and agreed to accept any amendments or deletions which we felt to be necessary on grounds of national security or the preservation of international relations, and to consider any representations which we might make to him about the breaching of confidential relationships.

4. Lady Falkender and Lord Weidenfeld then asked about access for the authorised biographer to official papers relating to Lord Wilson's time as Prime Minister. I said that we should not be able to permit such access. I said that I thought that an authorised biographer would find that there was a great deal of material already publicly available in one form or another and he might well find that he did not need access to official papers not released under the 30 year rule.

5. They then asked whether, once the authorised biographer had done his research, if he found that there were gaps which could be filled only by reference to official papers, he would be free to put questions to Lord Wilson and Lord Wilson would be able to refresh his memory of the official papers. I said that Lord Wilson, as a former Prime Minister, would be allowed to refresh



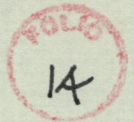
his memory of papers that he saw when in office, though he would not be allowed to take copies of such papers away with him. It then became clear that that was not going to be of much help to them, because, even if Lord Wilson refreshed his memory of the official papers, he would have forgotten again by the time he reached the front door. They therefore asked whether, if Lord Wilson wished to refresh his memory of the official papers, he could be accompanied by someone: for instance Lady Falkender. I reminded them that Lady Falkender did not see classified papers when she was Lord Wilson's Personal and Political Secretary. It was the case, however, that some former Prime Ministers had been allowed to bring a suitable person with them when refreshing their memories of official papers, and I did not exclude the possibility of our agreeing to Lord Wilson being accompanied by some suitable person, who could be permitted because he had had access to the papers at the time, for instance a former Private Secretary.

6. Lady Falkender then said that the authorised biographer would have to deal with the Spycatcher allegations about efforts to destabilise Lord Wilson's Government in 1974 to 1975. I said that I did not think there were any papers that we could make available to an authorised biographer for this purpose, and Lord Wilson had already seen the only papers that had any bearing on the matter. I recognised, however, that the biographer would have to deal with the matter, and that it would need careful handling. This might be a matter on which it would be more appropriate for Lord Wilson to seek further advice nearer the time.

7. If you are in general content, I think that it would be as well to record the gist of what I said in a letter to Lord Wilson. This could minimise the danger of misinterpretation.

ROBERT ARMSTRONG

14 December 1987



Ref. A087/3546

*c. Mr Turnbull
we make.*

SIR ROBERT ARMSTRONG

*w
17/7*

Lord Wilson's Papers

--- The personal papers of Lord Wilson which have been assembled by No 10 are numbered in boxes 1 to 36, as indicated in the annex to this note. (There are in fact a total of 43 boxes as there are 8 box 11s - a to h.)

2. The categorisation in general reflects that set out in the second paragraph of the Prime Minister's letter to Lord Wilson of 30 July. But there is not a comprehensive set of private papers as defined by that letter. In particular:

- a. there are no outgoing personal minutes for 1974;
- b. there are no personal telegrams and messages to and from Heads of State for 1975;
- c. there are no copies of letters to The Queen for 1974 to 1976;
- d. there is no personal correspondence relating to Ministerial appointments for 1974 to 1976;
- e. there are no typed daily diaries for the whole of his administrations.

3. The absence of these papers is clearly embarrassing. No 10 assure me that it is not for want of searching and they would be reluctant to promise that the missing papers can be uncovered. On the assumption that Lord Wilson will not wish to take away



any papers today - he will need first in any case to assure us that he has secure storage before he takes any papers - I think we can probably get by by indicating the impressive array of papers which have been assembled, while noting that there are some papers we have not been able to find but which No 10 will continue to search for (without any commitment as to ultimate success). I suspect the crunch will come only when Lord Wilson's biographer sets to work on the papers.

T A WOOLLEY

11 December 1987

LETTERS SENT FROM PRIME MINISTER

- 01 OCTOBER, 1964 - MARCH, 1965
- 02 APRIL, 1965 - DECEMBER, 1965
- 03 JANUARY, 1966 - DECEMBER, 1966
- 04 JANUARY, 1967 - DECEMBER, 1967
- 05 JANUARY, 1968 - DECEMBER, 1968
- 06 JANUARY, 1969 - MAY, 1970
- 07 MARCH, 1974 - DECEMBER, 1974
- 08 JANUARY, 1975 - SEPTEMBER, 1975
- 09 OCTOBER, 1975 - APRIL, 1976

MISCELLANEOUS

- 10 PERSONAL CORRESPONDENCE MPs
 LETTERS TO QUEEN AND ROYALS
 LETTERS TO ORGANISATIONS
- 11 MESSAGES TO AND FROM HEADS OF STATE AND GOVERNMENT
(A-H) (EXCLUDING 1975)
 MINISTERIAL APPOINTMENTS
 PERSONAL MINUTES TO MEMBERS OF CABINET (1964-70, 1975-76)
- 12 & 13 PERSONAL FILES
- 14 PERSONAL PAPERS

SPEECHES

15	OCTOBER, 1964	-	MAY, 1965
16	JUNE, 1965	-	APRIL, 1966
17	MAY, 1966	-	OCTOBER, 1966
18	NOVEMBER, 1966	-	FEBRUARY, 1967
19	MARCH, 1967	-	MAY, 1967
20	JUNE, 1967	-	JULY, 1967
21	AUGUST, 1967	-	NOVEMBER, 1967
22	DECEMBER, 1967	-	MARCH, 1968
23	APRIL, 1968	-	MAY, 1968
24	JUNE, 1968	-	SEPTEMBER, 1968
25	OCTOBER, 1968	-	DECEMBER, 1968
26	JANUARY, 1969	-	APRIL, 1969
27	MAY, 1969	-	JUNE, 1969
28	JULY, 1969	-	SEPTEMBER, 1969
29	OCTOBER, 1969	-	DECEMBER, 1969
30	JANUARY, 1970	-	FEBRUARY, 1970
31	MARCH, 1970	-	APRIL, 1970
32	MAY, 1970	-	SEPTEMBER, 1970
33	MARCH, 1974	-	DECEMBER, 1974
34	JANUARY, 1975	-	MAY, 1975
35	MAY, 1975	-	MARCH, 1976
36	PERSONAL PAPERS		



13

CABINET OFFICE
70 Whitehall London SW1A 2AS
01-270 0101

From the Secretary of the Cabinet and Head of the Home Civil Service

Sir Robert Armstrong GCB CVO

Ref. A087/2983

26 October 1987

Dear Marcia,

Thank you for your letter of 21 October.

Yes, of course; and I am asking John Rider in my office to ring and arrange a date - probably an early evening time, as you suggest.

And I should be very happy to meet you and George Weidenfeld some time; we will wait to hear from George Weidenfeld's office about that.

I should warn you that I have to be out of the country from 5 November to 21 November; so I should not be able to arrange any dates during that period.

Yours ever
Robert

The Lady Falkender CBE
3 Wyndham Mews
Upper Montagu Street
London
W1H 1RS

Sir R. Armstrong

● Shall we arrange the
meetings at X? I gather
that No 10 have the papers
assembled ready for inspection
- but they run to many
boxes.

—

CAB 103/778



12

CABINET OFFICE

A 10421

2 10 OCT 1987

FILING INSTRUCTION

FILE No.

The Lady Falkender CBE

To discuss

21 October, 1987

Dear Robert,

You will know of the correspondence between Harold and the Prime Minister about his private papers.

He has asked me now to contact you so that a mutually convenient date can be arranged on which we can see you - and them - and discuss the position further.

Would it be possible, too, separately on another occasion, for you to spare a few minutes of your valuable time to meet George Weidenfeld and myself so that we can put to you the other point that was referred to in the correspondence and seek your guidance and advice? If so, and with your agreement, I would propose asking George Weidenfeld's office to contact you direct on this.

x / | Meanwhile, could your Secretary telephone at some point when it is convenient about possible dates for the meeting with H.W. and myself. We could fit in with whatever is possible, since I realise what a busy schedule you have. Would an early evening time be best?

It was good to see you again at the Yorkshire Television luncheon.

With kind regards,

Yours sincerely
Nora

Sir Robert Armonstrong

Sir R. Annulifones

aw



1 attach under a draft reply to Mr Beanpark's minute two under about Lord Wilson's papers.

2. The first question raised by Mr Beanpark reveals an anomaly which we had not previously spotted. The definition of 'personal papers' set out in the 1979 note prepared by Sir K. Stone (Flag Y) does not limit the first category to minutes signed by the PM himself; and the relevant paragraphs in the No 10 General Election 'bible', Flag Z, specifically includes in the definition 'letters written by Private Secretaries quoting directly the wishes of the PM and conveying these to other Ministers'. I do not know why the 1981 note prepared by Sir C. Whitmore (Flag A)

→ rd see over

restricted the definition in this respect; and the alteration was never carried through into subsequent editions of 'Procedure for General Election'. My own view is that the original definition is more appropriate, and the suggested draft reflects this.

—

We need to find out
how much about this before settling for
the 1979 definition. I prefer 1981.
I don't know how the Rules for General
Elections are to be ~~amended~~ ~~as it is~~
written as it was, but a few differences
Prime Minister's Personal Minutes are a
clear and definite change, and we should
stick to that. Would you like to meet
yourself casually? BHA

Ref. A087/2241

MR BEARPARK

Lord Wilson's Papers

Thank you for your minute of 22 July. You raised three points:

1. The categories of papers listed in the second paragraph of the draft letter from the Prime Minister to Lord Wilson submitted with Sir Robert Armstrong's minute of 17 July reflect a note prepared by the then Principal Private Secretary to the Prime Minister of 14 January 1981 itself revising a previous note by the then Principal Private Secretary to the Prime Minister of 2 April 1979. The 1979 minute does not include the bracketted clarification which appears in the 1981 version. I am not clear why this change was made, not least because it creates an inconsistency with paragraph 88 of "Procedure for General Election". You may wish to examine your own files to see whether an explanation appears. Sir Robert Armstrong is inclined to stick to the 1981 formulation, and to amend "Procedure for General Election" accordingly.

2. Presumably most codeword material is already classified Top Secret. To the extent that among Lord Wilson's personal papers there is codeword material classified Secret, Sir Robert Armstrong considers that, for the purposes of this exercise, it should be regarded as "Top Secret".

3. We have used the term "private" papers as encompassing that category of papers which the Prime Minister is entitled to take away with him after he leaves office, as defined in the second paragraph of the draft letter to Lord Wilson.

Trevor Woolley

T A WOOLLEY

24 July 1987



10 DOWNING STREET
LONDON SW1A 2AA



From the Private Secretary

MR. WOOLLEY
CABINET OFFICE

LORD WILSON'S PAPERS

Sir Robert Armstrong's minute A087/2131 to Nigel Wicks refers. Could you please let me know the position on the following points:

- (i) Paragraph 88 of the extract from procedures for general elections says that Prime Ministers may take away copies of letters written by Private Secretaries quoting directly the wishes of the Prime Minister and conveying these to other Ministers. These are not, however, included in Sir Robert Armstrong's categories 1-8. Should they be?
- (ii) What is the position on code-word material.
- (iii) What exactly do you understand by the phrase "private papers".

PA

P. A. Bearpark
22 July 1987

mo
F
9M
Ref. A087/2131

MR WICKS

We discussed the other day the reply to send to Lord Wilson's letters of 16 and 25 June about his "private papers" at 10 Downing Street.

2. I think that we may be on the verge of some difficult problems and decisions.
3. It is clear what categories of papers Lord Wilson is entitled, as a former Prime Minister, to take away. What I do not know is how far the "private papers" to which Lord Wilson is referring fall within those categories. I think that we had better sort them out, so as to separate those that he can take out from those which he cannot.
4. In so far as the papers contain official papers which are public records (and particularly if they are classified), the only stipulation we make is that the former Prime Minister should be able to assure secure storage.
5. If Lord Wilson were planning to write an autobiography, he would of course be able to draw on the material in any papers which he took out for the purpose of writing that autobiography, though he would be expected to comply with the requirements laid down by the Radcliffe Committee on Ministerial memoirs in 1966 (which were endorsed by Mr Wilson as Prime Minister). In this case the plan appears to be for Professor Vincent to write a biography. In normal circumstances we should not give access to official papers to a biographer, even an authorised biographer, until they were available to the public under the Public Record Acts.

6. A further problem is presented by Lord Wilson wishing to bring with him, when he inspects the papers, Lady Falkender, who (he says) is his "sole literary executor". In the normal course of business we would not give access to official papers to a research assistant to a Prime Minister or Minister who was writing an autobiography. In the case of Sir James Callaghan, we allowed him to bring Lord Donoughue with him when he inspected Cabinet papers which he had seen as Prime Minister, because Lord Donoughue would undoubtedly have seen them at the time. Lady Falkender is rather a different case. She did not as a matter of office routine see many classified official papers; indeed, I think that Lord Wilson has on occasion claimed that she saw very few official papers of any kind. I think that it would be stretching the rule beyond what would be reasonable, in terms of precedent, if she was allowed now to see papers which she did not see at the time when Lord Wilson was Prime Minister.

5. I think that all this suggests that the Prime Minister's reply to Lord Wilson should be "by the book", and that we should not try to anticipate problems at this stage but to see what problems present themselves when the Prime Minister has sent the "by the book" reply.

--- 6. I attach a draft letter.

RA

ROBERT ARMSTRONG

17 July 1987

DRAFT LETTER FROM THE PRIME MINISTER TO

THE RT HON THE LORD WILSON OF RIEVAULX KG OBE FRS

Thank you for your letters of 16 and 25 June about your private papers still at No 10.

The convention is that, as a former Prime Minister, you are able to take away papers in the following categories:

1. Copies of outgoing Personal Minutes (those signed by yourself) excluding those marked TOP SECRET.
2. Copies of all personal telegrams and messages sent to or received from overseas, again excluding those marked TOP SECRET.
3. Copies of any letters you sent to The Queen.
4. Copies of all other letters signed by you.

5. Personal correspondence relating to Ministerial appointments.
6. Speeches and related material.
7. Copies of the typed daily diary for the whole of your administrations.
8. Files held in the Private Office which are personal rather than official.

If this would be a help, I could arrange for some one here to go through the collection of your "private papers" which is held here, extract those papers which fall within these categories, and put them aside for you to inspect and in due course take away.

Your taking out these papers would be subject to your being able to assure secure storage of those papers which are official papers and therefore public records. Your biographer would not have access to those papers nor to other official papers held at No 10. In so far as the papers taken out were official papers and public records, they would be subject to the Public

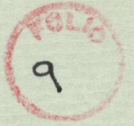
Records Acts (and of course to the Official Secrets Acts), and would remain so to whomsoever they might pass after your death.

You would of course be able to draw on the papers for the purpose of writing an autobiography, but you would be expected to clear any such autobiography in accordance with the conventions laid down in the Radcliffe Report on Ministerial Memoirs, which the Government accepted when you were Prime Minister.

If you wish to come and inspect the papers, it might be more convenient for you to inspect them in the Cabinet Office rather than in No 10. If you would like to make contact with Robert Armstrong, he will arrange a time when you can come and inspect the papers. I should be content for you to be accompanied by Lady Falkender when you come to inspect the papers that fall within the categories described in the second paragraph of this letter. If you were also minded to inspect other papers which would be retained here - and which would all be public records within the meaning of the Public Records Acts - I should not object to Lady Falkender

seeing papers which she saw or can be presumed to have seen at the time when you were Prime Minister; but that would be stretching the normal rule, and it would be difficult to extend it so as to enable her now to see papers which she did not see at the time.

In your letter of 25 June you say that there is a separate and confidential question which Professor Vincent and Lord Weidenfeld wish to raise. I believe the appropriate person for such a discussion would be the Cabinet Secretary, and I have asked Robert Armstrong to make himself available for that purpose.



Ref. A087/2125

SIR ROBERT ARMSTRONG

Lord Wilson's Papers

Sir John Bailey has replied (under) to your letter of 13 July seeking comments on the draft letter which you are inviting Mr Wicks to send to Lord Wilson about access to his personal papers.

2. Sir John Bailey's letter does not specifically answer the question as to who 'owns' the papers, and in particular who owns them after Lord Wilson's death. But my interpretation of paragraphs 2 to 4 of his letter is that Lord Wilson can bequeath the papers to whom he wishes (though it cannot be assumed now that Lady Falkender will be the inheritor). The last sentence of the first full paragraph on page 2 of your draft would therefore not appear to require amendment in substance; nor do I think any clarificatory amendment is necessary in response to Sir John Bailey's final paragraph - it is quite clear that 'the papers taken out' are the 'these papers' in the first sentence of the paragraph, which in turn are those listed in the previous paragraph.

3. On the penultimate paragraph of the draft, Sir John Bailey is, I think, right to identify a typing error. I assume that it is intended in any case to undertake the sift he suggests in the last sentence of his penultimate paragraph - ie to distinguish 'personal papers' from other official papers held at Number 10. But this is a different sift to the one implied by the last sentence of your penultimate paragraph which is, I take it, required to distinguish, within the category of papers which are both encompassed by the criteria in the second paragraph of your draft, and public records, those which Lady Falkender might have



seen or have been presumed to have seen, and those which she might be presumed not to have seen. I have suggested an amendment to the penultimate paragraph to clarify this point. In submitting the draft to Number 10, you may wish to confirm with Mr Wicks that this further sift for Lady Falkender's benefit is practical, given the doubts expressed by Sir John Bailey in the second sentence of the penultimate paragraph of his letter. All this assumes we are ready to concede that Lady Falkender should have access to certain public records at this stage even though, as you say, that it would represent an extension of the normal rule. Although once Lord Wilson had possession of his personal papers, denial of access to them by Lady Falkender would be impossible to enforce, while they are at Number 10, and if 'we are on the threshold of a long and delicate negotiation', should we be offering this concession at the outset?

T A WOOLLEY

16 July 1987



Queen Anne's Chambers
28 Broadway London SW1H 9JS

Telephone 01-210 3050

8

Sir John Bailey KCB

15th July 1987

Our reference

Your reference

Sir Robert Armstrong GCB CVO
The Secretary of the Cabinet and
Head of the Home Civil Service
Cabinet Office
Whitehall
London SW1A 2AS



Sir Robert,

Thank you for your letter of 13th July with the two letters from Lord Wilson about his private papers and a draft of the reply which you propose to put before the Prime Minister.

May I first deal with the position of a "sole literary executor". Such an executor derives his or her title under the Will of the testator. The Will, of course, speaks only from death. Thus Lady Falkender has been appointed by Lord Wilson under his present Will as a person who is experienced in relation to his public and political affairs and because he believes that there are unpublished works which are likely to be of considerable value, the publication of which would require her supervision.

It hardly needs to be said that Lord Wilson can revoke his Will at any time or execute a codicil the effect of which would be to appoint someone else to be his literary executor. He might, indeed, revoke her appointment and leave his estate to general executors on the basis that Professor Vincent or some other biographer has completed a book before his death and all that needs to be done is to collect the assets and royalties for the benefit of the estate.

Thus, Lady Falkender's position is, at the present time, tenuous. Even if she were to be given a special Power of Attorney now, that power could be revoked, at least while its donor is of sound mind, so that in this area nothing is certain.

In the penultimate paragraph of your draft reply you have attempted to deal with the awkward situation which arises because Lord Wilson wishes Lady Falkender to accompany him to look at his old papers. I think there must be a typing error in the third line from the end of the paragraph; it seems to me that your proposal must be a concessionary extension to the general rule that ex-Prime Ministers, themselves, should look at any of their old papers and I

do see some difficulty in allowing Lady Falkender to be able to select those papers which Lord Wilson would be entitled to remove if he were writing his autobiography on the basis that she may look at all papers which she had seen or must be presumed to have seen.

I do not know whether Lady Falkender would be subject to any duty of confidentiality if she were entitled to accompany Lord Wilson. Moreover, I wonder whether it is possible to identify those papers which "she saw or can be presumed to have seen" at the time when Lord Wilson was Prime Minister. Clearly, an ex-Prime Minister would have regard to the normal conventions and would presumably be bound by his oath as a Privy Counsellor. You may think that if Lady Falkender is to be given a special dispensation to look at and to help Lord Wilson in selecting papers, she should be asked to sign an undertaking which might be enforceable in law. The alternative is, I suppose, to suggest to Lord Wilson that a member of the staff of the Cabinet Office should be given instructions to undertake an initial sift of papers which fall within the descriptions set out in the numbered paragraphs on pages 1 and 2 of your draft.

Finally, I am not entirely clear about the thrust of the second sentence of the first complete paragraph on page 2 of your draft. Does the reference to "those papers which are official papers" refer back to the descriptions set out in the numbered paragraphs above or is it intended to cover a wider range of "official papers"? It appears that Lord Wilson does not believe that he will be writing an autobiography and it may be that different rules should apply to biographies.

W. J. Bailey
John

J B Bailey



7

Ref. A087/2059

MR WOOLLEY

Lord Wilson of Rievaulx

--- I attach a letter to John Bailey and a draft reply to
--- Lord Wilson, for typing subject to your comments.

2. The letter to Lord Wilson is drafted on the assumption that we are on the threshold of a long and delicate negotiation.

3. I know that special arrangements were made for Sir Anthony Eden because of his ill-health; and I suspect that special arrangements were made for Sir Winston Churchill because of his age and ill-health. These could have included access to official (including classified) papers for a research assistant. So far as biographers go, we may well be safe: though Rhodes James had access to Eden's papers, and Gilbert to Churchill's, most of them must have been beyond the thirty year rule by that time.

RA

ROBERT ARMSTRONG

13 July 1987



Handwritten initials and signature:
w
R
Sir N. ...

10 DOWNING STREET

LONDON SW1A 2AA

THE PRIME MINISTER



Dear Lord Wilson,

Thank you for your letters of 16 and 25 June about your private papers still at No.10. I am sorry I have taken some time to reply, but we have had to arrange for the collection of your "private papers" here to be assembled in proper order for you to inspect and in due course take away.

The convention is that, as a former Prime Minister, you are able to take away papers in the following categories:

1. Copies of outgoing Personal Minutes (those signed by yourself) excluding those marked TOP SECRET.
2. Copies of all personal telegrams and messages sent to or received from overseas, again excluding those marked TOP SECRET.
3. Copies of any letters you sent to The Queen, excluding those marked TOP SECRET.
4. Copies of all other letters signed by you.
5. Personal correspondence relating to Ministerial appointments.
6. Speeches and related material.

R

7. Copies of the typed daily diary for the whole of your administrations.

8. Files held in the Private Office which are personal rather than official.

Your taking out these papers would be subject to your being able to assure secure storage of those papers which are official papers and therefore public records. Your biographer would not have access to those papers nor to other official papers held at No.10. In so far as the papers taken out were official papers and public records, they would be subject to the Public Records Acts (and of course to the Official Secrets Acts), and would remain so to whomsoever they might pass after your death.

You would of course be able to draw on the papers for the purpose of writing an autobiography, but you would be expected to clear any such autobiography in accordance with the conventions laid down in the Radcliffe Report on Ministerial Memoirs, which the Government accepted when you were Prime Minister.

If you wish to come and inspect the papers, it might be more convenient for you to inspect them in the Cabinet Office rather than in No.10. If you would like to make contact with Robert Armstrong, he will arrange a time when you can come and inspect the papers. I should be content for you to be accompanied by Lady Falkender when you come to inspect the papers that fall within the categories described in the second paragraph of this letter. If you were also minded to inspect other papers which would be retained here - and which would all be public records within the meaning of the Public Records Acts - I should not object to Lady Falkender seeing papers which she saw or can be presumed to have seen at the time when you were Prime Minister; but that would be stretching the normal rule, and it would be

difficult to extend it so as to enable her now to see papers which she did not see at the time.

In your letter of 25 June you say that there is a separate and confidential question which Professor Vincent and Lord Weidenfeld wish to raise. I believe the appropriate person for such a discussion would be the Cabinet Secretary, and I have asked Robert Armstrong to make himself available for that purpose.

Yours sincerely

Reginald Halliday

The Rt. Hon. The Lord Wilson of Rievaulx, K.G., O.B.E., F.R.S.



6

CABINET OFFICE

70 Whitehall London SW1A 2AS

01-270 0101

From the Secretary of the Cabinet and Head of the Home Civil Service

Sir Robert Armstrong GCB CVO

Ref. A087/2076

13 July 1987

Dear John,

The Prime Minister has received two letters from Lord Wilson of Rievaulx about his "private papers" at No 10. I enclose copies of them herewith, and of the draft reply which I propose to recommend to the Prime Minister, subject to any comments you may have.

I should be particularly grateful for any advice you can give me about the position and standing of a literary executor in relation to these papers. You will see that the first of the two letters describes Lady Falkender as Lord Wilson's "sole literary executor". I have sought to deal with this point in the last sentence of the third paragraph of the draft.

Yours ever
Robert

Sir John Bailey KCB



House of Lords

The Rt. Hon. The Lord Wilson of Rievaulx KG OBE FRS

16 June. 1987

Dear Prime Minister.

I am writing to you about my private papers when Prime Minister, which are still being stored at No.10.

My publishers are anxious to organise the writing of an official biography, probably by Professor John Vincent, whom I think you know.

First, however, before any final decision is taken, I need to know exactly what papers are at No.10 and I wondered if one day I could come along, together with Lady Falkender, who is my sole literary executor, to look at them so that we may take a view about their future. Clearly it is high time they were moved, though I am afraid it is the case I shall have difficulties over doing so for some little time yet, as I have no resources or facilities to speak of to make it possible.

However, the first need is to look at them again and I hope, as I have said, that you will feel able to allow Lady Falkender and myself access to them at a time of course convenient for No.10.

With kind regards,

Yours,

Harold.

The Rt. Hon. Mrs. Margaret Thatcher, M.P.

OK
Added by NLM
18/6



House of Lords

The Rt. Hon. The Lord Wilson of Rievaulx KG CBE FRS

25 June, 1987

In Confidence

Dear Prime Minister,

Nigel Wicks has very kindly acknowledged the letter I sent to you on the 16 June, about my papers.

However, I feel I should write to you again to explain a little about the present need and the degree of importance I attach to them. There is also another related problem that will have to be raised.

All of my official papers are still at No.10. My political and personal papers have been very kindly, though rather haphazardly stored for me, since 1982, by Sir Donald Gosling, the joint Chairman of National Car Parks, whom I think you also know. He has been together with his partner, Mr. Donald Hobson, providing space for them in his basement at NCP headquarters. Sir Donald has been, and still is of course, one of my loyal supporters in this way, together with Mr. Hobson. Sir Donald and Mr. Hobson will be happy, I understand, if the official papers that can be moved from No.10 are added to those they already have in storage. This could be done at some early point, and might be one solution to the problem of Professor Vincent's access to them.

However, there is a separate and confidential question Professor Vincent wishes to raise, and would like to do so together with my publisher, Lord Weidenfeld, about certain other material, normally barred by the 30 year rule, but in certain cases partially waived for one or two earlier Prime Ministers.

Perhaps all the above questions could be discussed further with the appropriate person at No.10 ?

With kind regards,

Yours,
(Harold) Wilson of Rievaulx

The Rt. Hon. Mrs. Margaret Thatcher, M.P.

DRAFT LETTER FROM THE PRIME MINISTER TO

THE RT HON THE LORD WILSON OF RIEVAULX KG OBE FRS

Thank you for your letters of 16 and 25 June
about your ^{private} papers still at No 10.

The convention is that, as a former Prime
Minister, you are able to take away papers in the
following categories:

1. Copies of outgoing Personal Minutes
(those signed by yourself) excluding those
marked TOP SECRET.
2. Copies of all personal telegrams and
messages sent to or received from overseas,
again excluding those marked TOP SECRET.
3. Copies of any letters you sent to The
Queen.
4. Copies of all other letters signed by
you.

5. Personal correspondence relating to Ministerial appointments.

6. Speeches and related material.

7. Copies of the typed daily diary for the whole of your administrations.

8. Files held in the Private Office which are personal rather than official.

Your taking out these papers would ~~of course~~

be subject to your being able to assure ~~their~~
^{of these papers} secure storage.

Your biographer would not have

access to those papers, which are official papers

and therefore public records nor to other official papers held at No 10.

In so far as the papers taken out were official papers and public records,

they would be subject to the Public Records Acts

(and of course to the Official Secrets Acts), and

would remain so to whomsoever they might pass after your death.

You would of course be able to draw on the papers for the purpose of writing an autobiography, but you would be expected to clear any such

If this would be a help, I would arrange for some one here to go through the ~~papers~~ ^{collection of your private papers} which is held here, ~~house~~ ^{papers} and extract those which fall within these categories, and put them aside for you to inspect and in due course take away.

autobiography in accordance with the conventions laid down in the Radcliffe Report on Ministerial Memoirs, which the Government accepted when you were Prime Minister.

If you ~~would~~ wish to come and inspect the papers, it might be more convenient for you to inspect them in the Cabinet Office rather than in No 10. If you would like to make contact with Robert Armstrong, he will arrange a time when you can come and inspect the papers. I should ~~not wish~~ ^{be content} ~~for you to be~~ to object to your being accompanied by Lady Falkender ~~which are not public records;~~ Falkender when you inspect papers which she saw or can be presumed to have seen at the time when you were Prime Minister, ~~but~~ ^{although} that would be ~~strengthening~~ ^{extending stretching} the normal rule, and it would be difficult to extend it so as to enable her now to see papers which she did not see at the time.

In your letter of 25 June you say that there is a separate and confidential question which Professor Vincent and Lord Weidenfeld wish to raise. I believe the appropriate person for such a discussion would be the Cabinet Secretary, and I have asked Robert Armstrong to make himself available for that purpose.

When you come to inspect the papers that fall within the categories described in the second paragraph of his letter. You should ~~not wish~~ to object to ~~her~~ If you were

now to her accompanying you to inspect papers which, though public records,

also wished to inspect other papers which would be retained here - and which would also be public records within the meaning of the ~~Access to Information Act~~ ~~Records Act~~ - I should not object to Lady Falkender seeing papers which she saw or can be presumed to have seen at the time when you



5

Ref. A087/2045

SIR ROBERT ARMSTRONG

Lord Wilson's Papers

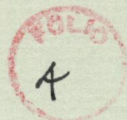
At your meeting with Mr Wicks yesterday it was agreed that, subject to the views of the Prime Minister, Mr Wicks should reply to Lord Wilson's letter along the following lines:

- He may have and hold his "personal" papers.
- Some of these papers will be classified and will therefore require storage in a secure place. No 10 could offer advice on storage facilities, and perhaps offer to provide Lord Wilson with a secure Cabinet. *(or, rather, cabinet?)*
- Those of the personal papers which are also public records are subject to the 30 year rule and therefore for the present only Lord Wilson may have access to them. Advice on ownership of papers after Lord Wilson's decease (see below).
- If Lord Wilson wishes to write an autobiography he must clear it with the Cabinet Secretary (copy of Radcliffe Report included as reminder). A biographer may not have access to those personal papers which are also public records nor to other official papers held at No 10.
- As far as inspecting papers at No 10 is concerned Lord Wilson himself may make arrangements with the Cabinet Secretary to call and see them at the Cabinet Office; but if he is accompanied by anyone else, access will be limited to those personal papers which are not public records.

2. Before we can provide a draft for Mr Wicks we need to clarify the point on the legal ownership of personal papers after a Prime Minister's death. Do you wish to write to Sir John Bailey about this?

10 July 1987

T A WOOLLEY



Ref. A087/1971

SIR ROBERT ARMSTRONG

No 10 have come back to me about your minute of 25 June on Lord Wilson's papers. This is partly because they have received a further letter from Lord Wilson (under); and partly because they have raised a number of questions relating to the definition of the Prime Minister's "personal papers", his entitlement to see official papers, and which papers he is entitled to remove from No 10. Most of these I have been able to resolve by reference to Cabinet Office files. However, there are three on which I need to seek your advice.

2. As I understand it, some of Lord Wilson's "personal papers" (but by no means all) will be public records. They are therefore presumably subject to the 30 year rule. While it is clear both that Lord Wilson may have access to them and that he is entitled to hold them, do we need:

a. to place a restriction on whom he can show them to (while recognising that this is unenforceable)?

b. by extension, seek an undertaking from him that he will not publish them without prior reference to the Cabinet Secretary (presumably a reminder of the provisions of the Radcliffe Report).

c. as far as examining papers at No 10 is concerned, is there a problem about Lord Wilson being accompanied by Lady Falkender? Subject to a. above, presumably she can see Lord Wilson's personal papers but not any Cabinet papers?

I should like to discuss with

T A WOOLLEY

6 July 1987
TAWAAN

M. Williams.

FOLIO
3

Ref. A087/1846

MR WICKS

Your minute of 22 June asks for advice on a reply to a letter which Lord Wilson of Rievaulx sent to the Prime Minister on 16 June about his private papers at No 10.

2. I presume that you do have in No 10 a collection of private papers of Lord Wilson dating from his periods as Prime Minister, and that you are satisfied that they are all papers which Lady Falkender could be allowed to see and Lord Wilson could be allowed to take away, when he has made the necessary arrangements to keep them securely.

3. Subject to this the Prime Minister may like to write to Lord Wilson on the lines of the draft attached.

RA

ROBERT ARMSTRONG

25 June 1987

DRAFT LETTER FROM PRIME MINISTER TO THE RT HON THE
LORD WILSON OF RIEVAULX, KG, OBE FRS

Thank you for your letter of 16 June about your private papers held here.

You are of course entitled to have access to them whenever you will. I dare say that it would be more convenient for you to inspect them in the Cabinet Office than in No 10; if you would like to make contact with Robert Armstrong he will arrange a time when you and Lady Falkender can come in and inspect the papers, and will provide a room in which you can do so.

As to their removal from here, they will of course be available for you to take out, as soon as you can make appropriate arrangements to store them securely. In the meantime there will be no problem about their being kept at No 10 for as long as you like.



2

House of Lords

The Rt. Hon. The Lord Wilson of Rievaulx KG OBE FRS

25 June, 1987

In Confidence

Dear Prime Minister,

Nigel Wicks has very kindly acknowledged the letter I sent to you on the 16 June, about my papers.

However, I feel I should write to you again to explain a little about the present need and the degree of importance I attach to them. There is also another related problem that will have to be raised.

All of my official papers are still at No.10. My political and personal papers have been very kindly, though rather haphazardly stored for me, since 1982, by Sir Donald Gosling, the joint Chairman of National Car Parks, whom I think you also know. He has been together with his partner, Mr. Ronald Hobson, providing space for them in his basement at NCP headquarters. Sir Donald has been, and still is of course, one of my loyal supporters in this way, together with Mr. Hobson. Sir Donald and Mr. Hobson will be happy, I understand, if the official papers that can be moved from No.10 are added to those they already have in storage. This could be done at some early point, and might be one solution to the problem of Professor Vincent's access to them.

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Perhaps all the above questions could be discussed further with the appropriate person at No.10 ?

With kind regards,

Yours,
(Harold) Wilson of Rievaulx

The Rt. Hon. Mrs. Margaret Thatcher, M.P.



10 DOWNING STREET



From the Principal Private Secretary

SIR ROBERT ARMSTRONG

I attach a copy of a letter from Lord Wilson of Rievaulx in which he asks about access for himself and Lady Falkender to his papers.

I should be grateful if you could let me have advice on how the Prime Minister should reply to Lord Wilson's letter.

I should perhaps point out that there are some personal papers of Lord Wilson in my confidential cupboard to which he presumably will need access.

N.L.U.

N.L. WICKS

22 June 1987