CAB 103/814

Part 3 of 4

DATED 1995

THE TRUSTEES OF THE NATIONAL HERITAGE MEMORIAL FUND

- and -

THE UNIVERSITY COUNCIL acting on behalf of
THE CHANCELLOR MASTERS AND SCHOLARS
OF THE UNIVERSITY OF CAMBRIDGE

- and -

IAN MONTROSE AND ANOTHER

- and -

HENRY WINSTON SPENCER CHURCHILL

- and -

WINSTON SPENCER CHURCHILL MP

# PURCHASE AGREEMENT

relating to the pre 1945 Churchill Papers

FARRER & CO
66 Lincoln's Inn Fields
London WC2A 3LH

**THIS AGREEMENT** is made this day of 1995

**BETWEEN:**

(1) **THE TRUSTEES OF THE NATIONAL HERITAGE MEMORIAL FUND** of 10 St James's Street London SW1A 1EF ("NHMF") and

(2) **THE UNIVERSITY COUNCIL acting on behalf of THE CHANCELLOR MASTERS AND SCHOLARS OF THE UNIVERSITY OF CAMBRIDGE** ("the University")

(3) **IAN MONTROSE** of 90 Fetter Lane London EC4A 1EQ and **HENRY WINSTON SPENCER CHURCHILL** of Fairdown Vernham Street Vernham Dean Hampshire SP11 OEL ("the Churchill Trustees") and

(4) **HENRY WINSTON SPENCER CHURCHILL** of Fairdown Vernham Street Vernham Dean aforesaid ("Mr Peregrine Churchill") and

(5) **WINSTON SPENCER CHURCHILL MP** of Squerryes Lodge Westerham Kent TN16 1SJ ("Mr Winston Churchill")

**WHEREAS:**

(A) Set out in the First Schedule hereto is a description of the Archive of Sir Winston Churchill prepared by Bernard Quarritch Ltd. Such Archive is divided into those papers after the 27 July 1945 already in the ownership and possession of Churchill College Cambridge ("the Post 1945 Papers") [the papers referred to therein as the Premier Papers currently in the custody of the Public Record Office ("the Premier Papers)] and the ~~remainder of the papers ("the~~ Chartwell Papers"~~)~~ which include

those papers described under the heading "Literary" in the said description of the Archive ("the Literary Papers")

(B) All the Post 1945 Papers and the Chartwell Papers are currently deposited with Churchill College aforesaid except certain of the Literary Papers which are not deposited with Churchill College but are currently under the control of the Churchill Trustees

(C) The ownership of certain of the Chartwell Papers is currently the subject of litigation ("the Litigation") between the Crown and the Churchill Trustees in the action HM Attorney General v Montrose and Churchill (CH 1993 HNO 8050)

(D) The copyright in the Post 1945 Papers and in the Chartwell Papers is vested either in Mr Winston Churchill or in C&T Publications Ltd or in Mr Peregrine Churchill (hereinafter together referred to as "the Copyright Holders" which expression shall include their respective successors in title as holders of the copyright in the Copyright Papers as defined below) except in so far as copyright in such papers received by Sir Winston Churchill is vested in third parties and except in so far as copyright in the Chartwell Papers is vested in the Crown and the papers in which copyright is so vested in Mr Winston Churchill or C&T Publications Limited or Mr Peregrine Churchill are hereinafter referred to as "the Copyright Papers"

(E) The Churchill Trustees wish to sell and the University wishes to purchase the Chartwell Papers and provisional terms in respect of such sale were negotiated in December 1994 by Mr Winston Churchill

(F) NHMF wish the University to purchase the Chartwell Papers and have agreed to provide or procure funding for the University for that purpose

**NOW THIS AGREEMENT WITNESSES** as follows:

1. Subject to the prior fulfilment of each of the conditions set out in the Second Schedule hereto then the University will buy and the Churchill Trustees will sell the Chartwell Papers for the sum of £12.5 million payable as hereinafter set out

their interest in

2. NHMF shall use all reasonable endeavours to procure the fulfilment of conditions 2, 3 and 5 set out in the Second Schedule and to ensure that the University is provided with the funds required to make the payments referred to in Clause 3 hereof

3. Completion of the sale shall take place at Churchill College when legal transfer of ownership of all the Chartwell Papers shall take place by way of symbolic delivery Such completion shall take place within 14 days of the fulfilment of the last condition set out in the Second Schedule to be fulfilled

   The sum of £2.5 million shall be paid over on completion and a further sum of £2.5 million shall be paid on the expiry of each three month period thereafter for the next 4 such three month periods PROVIDED ALWAYS that the University shall not be required to make any of the payments referred to above unless NHMF have in each case first provided to or procured for the University the funds necessary to make the same. If any such payment shall remain outstanding for a period of six months from the due date the Churchill Trustees shall be entitled to serve notice on the University to determine this Agreement and upon such determination the Churchill Trustees shall repay to the University all sums paid hereunder and conditional thereon the University shall retransfer to the Churchill Trustees by symbolic delivery ownership of the Chartwell Papers

4. Mr Peregrine Churchill HEREBY CONFIRMS that if and in so far as he has any claim to any of the Chartwell Papers he assigns and transfers to the University all such right title or interest as he has in such papers (but specifically excluding copyright) and will if so called upon to do execute such further or other documents to give effect thereto as the University shall request

5. The Churchill Trustees HEREBY WARRANT that (except as hereafter referred to) they have unencumbered title to sell the Chartwell Papers

Such warranty shall not extend to any papers

a) to which the Crown may have a better claim or

b) in respect of which Mr Peregrine Churchill has a better claim and in respect of which such claim is assigned to the University

PROVIDED THAT neither the qualifications to the warranty set out above nor any other provision stipulation or condition contained in this Agreement or the Schedules hereto shall constitute any admission acknowledgement or acceptance by the Churchill Trustees of any claims made by the Crown whether in the Litigation or otherwise

6. The Churchill Trustees shall procure and Mr Winston Churchill confirms that on or prior to completion the University shall be granted a copyright licence in the form set out in the Third Schedule hereto

Is this OK?
YES

7. The Copyright Holders and all persons duly authorised by them shall be permitted by the owners or holders for the time being of the Copyright Papers to exercise the right of access (without charge) to the Chartwell Papers and Post 1945 Papers at all reasonable time or times to enable them to exploit (including in particular to record material on CD-Rom disc and microfilm) such copyrights as may be owned by or licensed to them but shall not have the right to remove any such papers from their place of deposition for such purpose. Such permission to exercise such right of

access shall not be taken to purport to confer any right to exploit any copyright and any such exploitation shall be undertaken by the Copyright Holders at their own risk. For the avoidance of doubt the Copyright Holders shall not have the right of access to papers currently held by Churchill College subject to Government restrictions as to access and will only be granted such right of access if and when such Government restrictions shall be removed

In the event that pursuant to this right there shall be produced for the purposes of commercial exploitation recordings of Archive Material on CD-Rom disc and/or microfilm or otherwise one copy of each such product shall be provided free of charge to the University and one to Churchill College Cambridge

**AS WITNESS** the hands of the parties hereto

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# THE FIRST SCHEDULE

## THE CHARTWELL PAPERS

The papers of Sir Winston Churchill are currently housed in the Archives Centre of Churchill College, Cambridge. They are divided into two groups: the papers up to 27 July 1945, referred to in this report as the Chartwell Papers, which Churchill made over to the Chartwell Trust, and the post-27 July 1945 papers which were given to the College by Baroness Spencer-Churchill. A third group of papers covering the Prime Minister's Private Office 1940-1945 and referred to as the Premier Papers are in the custody of the Public Record Office. This report is concerned exclusively with the Chartwell Papers.

Between 1961 and 1964 the staff of the Public Record Office sorted and listed the three groups of Churchill papers and produced a three-volume typescript catalogue. The Chartwell Papers are listed in Volume I. They are now divided into nine primary sections, two of which are subdivided. The papers in each section are organized into 'files', with a total of 3,550 files in the collection. A 'file' consists of one or more bound volumes or folders of papers. The size of a file may vary from perhaps a dozen papers to more than 500 pages of correspondence; the average file contains in the order of 100 pages. The complete archive runs to several hundreds of thousands of pages.

The papers have not been generally available for public inspection. At present the historian's only source is the official biography, with its companion volumes of documents, by Randolph Churchill and Martin Gilbert.

Churchill was a natural archivist and historian, saving and preserving everything he could: incoming correspondence, notes, drafts, and copies of his own letters, secretarial drafts and queries, cables and telegrams, reports, minutes, memoranda, and confidential printed material, school reports, history notebooks, and childhood letters. The result is a remarkably comprehensive archive. The following description of the various sections provides a brief summary of contents.

## PERSONAL

The 394 personal files contain papers relating to Churchill's activities as a private person. They include correspondence with family and friends on topics of non-public interest, papers concerning personal financial and legal affairs, Chartwell estate papers, and correspondence and papers covering private travel, the Regular and Territorial Army, Cuba, and South Africa.

The family correspondence is extensive and notable. There are letters from his grandmothers, the Duchess of Marlborough and Mrs. Jerome, his father, his mother, his brother Jack, various aunts, and later from his

wife and children. [For Churchill's own letters to his parents see Acquired Papers, below.] Letters from his nanny, his headmasters, and those who particularly befriended the young Churchill supplement the family groups.

In a lengthy series of letters Lady Randolph Churchill inquires regularly about Churchill's often poor health, sends news of his father, and reports on her own travels. The central theme of her early letters is her son's indifferent schoolwork and unreliable conduct, for which she berates him. Attempts to show a more mature side fail to win her approval: "You take too much on yourself, young Man," she writes in one twelve-page letter, "& write in such a pompous style - I'm afraid you are becoming a prig!" In later years Lady Randolph Churchill's letters encourage and support Churchill's political and literary careers.

Jack Churchill's letters from the Dardanelles and Gallipoli, where he served on General Ian Hamilton's staff, provided Churchill with an insight into military actions and morale during the 1915 campaign. Later that year and the next Clementine Churchill's letters to her husband, written when he was on active service in France, reveal her political acumen and her careful attention to his political interests. She dines with and sends news of Asquith, Lloyd George, and others and regularly analyses for Churchill the changing political situation and perceptions at home.

This section of the archive covers Churchill's visit to Cuba in 1895 to report on the rebellion against Spain and his military service and journalistic activities in India (1896-1898), particularly with the Malakand Field Force. Recorded here, too, are his exploits in South Africa during the Boer War (1899-1900). The papers include, for example, Captain Aylmer Haldane's letter to the Chief of Staff describing the capture of the armoured train he was commanding and praising Churchill's actions and courage under fire, the warrant (in Afrikaans) for Churchill's arrest after his escape from the Boers, and his own draft account of capture and escape.

Among the hundreds of correspondents represented in these files are personal friends who were active in industry, the arts, the military, and both domestic and international political life. To give a sample we may mention Kitchener, Ian Hamilton, Curzon, Cecil Rhodes, T. E. Lawrence, Milner, Balfour, Lord Salisbury, Asquith, F. E. Smith, Rosebery, Lord Robert Cecil, Joseph, Austen and Neville Chamberlain, Sir Ernest Cassel, Bernard Baruch, H. G. Wells, Lady Astor, Lady Cunard, King Alfonso of Spain, Edward VII, George V, the Duke of Windsor, George VI and the Queen.

## PUBLIC AND POLITICAL

The second group of 569 files includes papers relating to Churchill's public life other than in his capacity as a constituency M.P. or as a minister. Here are letters from political colleagues, both in and out of office, on a wide variety of topics of public interest: taxation, Free Trade, Irish land settlement, Home Rule, military policy, tanks, air defence, German rearmament, the League of Nations, women's suffrage,

trade union reforms, the B.B.C., the General Strike, the coal industry, Anglo-American relations, Anglo-Persian Oil, China, Palestine, and Indian affairs. Here also are notes, memoranda, and policy statements as Churchill and his colleagues exchange views on party politics, strategy, political appointments, and the national and international issues of the day.

The papers are forthright. Churchill can be seen at work, researching the subject, canvassing opinion, formulating or reinforcing his own position, and disseminating his views. His 1901-1905 files on the Army (2/3, 2/4), for instance, include more than 30 pages of his holograph notes on compulsory military service, the cavalry, and other aspects of army organisation.

Churchill's official papers are amplified and enhanced by much of the correspondence in this section. If the official papers demonstrate the implementation of policy, the correspondence here discloses its genesis and formulation. The 1937-1939 files on Palestine (2/315, 2/317, 2/348, 2/379), for example, include important and influential letters from Chaim Weizmann, L. S. Amery, Sir Robert Waley Cohen, Herbert Samuel, and Josiah Wedgwood.

In this section of the archive are extensive files of letters to Churchill from Asquith, Margot Asquith, Balfour, Beaverbrook, Boothby, Botha, Brabazon, Campbell-Bannerman, Carson, Sir Ernest Cassel, Hugh Cecil, Neville Chamberlain, Erskine Childers, Stafford Cripps, Curzon, Lord Derby, J. L. Garvin, Grey, Ivor Guest, Haig, Haldane, Edward Hamilton, Ian Hamilton, Hankey, Sir Michael Hicks Beach, Samuel Hoare, Liddell Hart, Lord Lloyd, Lloyd George, Lord Lytton, Harold Macmillan, Walter Monkton, Rosebery, Duncan Sandys, Archibald Sinclair, F. E. Smith, Smuts, and Philip Snowden, as well as many others. Also here are Churchill's holograph drafts of letters and memoranda and retained copies of his letters and papers, many of great interest. Some of the letters were apparently never sent; others are marked 'Secret and Personal' including a series of letters to Lloyd George.

Three files of letters (2/32, 2/72, 2/92) from Admiral Fisher are an important addition to the Fisher letters in the Admiralty section [section 13] of the archive. Also here are sixteen files of papers (2/74 - 2/89) concerning the Dardanelles Commission of Inquiry with holograph and typescript drafts, proofs, and final prints of Churchill's statement on operations to the end of the first phase of the Dardanelles campaign. Related correspondence, minutes of evidence, telegrams, and miscellaneous papers supplement Churchill's own statement.

Two files and additional correspondence (2/264, 2/265, 2/300) concern the abdication of Edward VIII and his subsequent position. These include letters from Edward VIII written in the months before the abdication, an 'Au revoir' telegram, and letters written from France after the abdication. There are letters from Walter Monkton, Clive Wigram and various politicians as well as retained drafts and copies of letters from Churchill to Stanley Baldwin, notes to Walter Monkton, Churchill's statement to the press, retained notes of conversations, and copies of Churchill's letters of advice following the abdication.

## CONSTITUENCY

The constituency papers (sections 3-7) comprise 270 files of correspondence and papers relating to the local affairs of the four constituencies Churchill represented and the two he unsuccessfully contested. Here are papers concerning meetings and speeches, correspondence with constituents on matters of local interest and on general political topics, financial accounts, printed papers, and press cuttings. Some of the retained copies of Churchill's own letters to his agent and to influential members of his constituency include a detailed summary of his views.

## LITERARY

Churchill's literary output was prodigious. Frederick Woods, his bibliographer, describes 142 works entirely by Churchill, 62 works containing a contribution by him, and over 500 contributions to press and periodicals. In 1953 he was awarded the Nobel Prize for Literature.

Almost all Churchill's publications, as Woods argues, were weapons written to win a battle - whether the battle was over the future of India, the fate of the free world, the rehabilitation of a renowned ancestor, or his own fluctuating reputation. The audience he could not reach through his speeches in and out of the House of Commons he wooed through the printed page. It is impossible to divorce his literary from his political life.

This section of the archive contains 806 files of his notes, working papers, drafts, typescripts, proofs, press cuttings, reviews and related correspondence. [See the following section for his speeches.] There are extensive files for the major books: *The World Crisis* (including *The Aftermath*); *Marlborough: his Life and Times*; *Great Contemporaries*; *A History of the English-Speaking Peoples*; the manuscript draft of *The Story of the Malakand Field Force*; and notes, maps, and proofs of *The River War* as well as Churchill's detailed diary of the Nile expedition, 1898, illustrated with his own drawings.

Because he preferred to revise his work from printed proofs, there are often several states of working galley-proofs with autograph corrections, additions, revisions, and further revisions. He frequently sent proofs to colleagues, particularly to other participants in the events he was describing, requesting their comments and advice. The proofs they returned, with commentary and annotation, are here as well.

Churchill's journalism is also represented, sometimes in printed form only. There are manuscripts and typescripts of his profiles of contemporaries and of his articles on subjects as varied as the General Strike, the place of science in the modern world, Zionism, American industry, the abuse of the dole, cartoonists, Hollywood, school fees, and the potential for a United States of Europe.

The related material includes business correspondence with publishers, editors, and agents showing Churchill as a professional writer, and

demonstrating the extent to which he supported himself and his family through his writings. It also includes letters from colleagues and friends supplying information and advice, often, but not exclusively, on political or military topics. There is, for example, a six-page typed letter from George Bernard Shaw (8/548) commenting on Churchill's portrait of Shaw in *Great Contemporaries*. Shaw attempts to set the record straight on everything from his religious upbringing to his trip to Russia with the Astors and their meeting with Stalin. Other correspondents in this section include Harold Nicolson (on Churchill's portrait of Curzon), Ian Hamilton (on *The World Crisis* and Churchill's reputation), John Buchan, Trevelyan, Lord Wigram (on Lawrence of Arabia), Clemenceau's daughter (on her father) and many others.

## SPEECHES

In the dark years of the Second World War Churchill's speeches offered hope, inspiration, and strength to a beleaguered nation and announced to the rest of the world Britain's determination to survive and prevail. From the first speech of his premiership when he offered 'Blood, toil, tears, and sweat', through Dunkirk ('We shall fight on the beaches, we shall fight on the landing grounds, we shall fight in the fields and in the streets, we shall fight in the hills; we shall never surrender ...'), the Battle of Britain ('Let us therefore brace ourselves to our duty and so bear ourselves that if the British Empire and its Commonwealth lasts for a thousand years men will still say, "This was their finest hour"') and beyond, Churchill's speeches united the people and gave them resolution. The original notes and typescripts from which he delivered these and his many other wartime speeches are present, often typed as if blank verse. The autograph changes to his already revised final texts demonstrate the meticulous care he devoted to their composition.

This section of the archive reveals the full range of Churchill's political views throughout his career. There are 212 files of speeches beginning with notes and a press cutting for an address of 1897 to the Primrose League and ending with the election speeches of 1945. In between are the notes, drafts, typescripts, printed copy and press cuttings [not all of these are present for all speeches] for more than 1000 speeches Churchill made up to June 1945. Correspondence, background material, and drafts from government ministries supplement the 1940-1945 files.

In 1903 a selection of Churchill's speeches on army reform, *Mr. Brodrick's Army*, was published. Frederick Woods in his bibliography of Churchill distinguishes two editions of the pamphlet, both of which are present here. The first is thought to be unique, known only by this Chartwell exemplar.

Churchill spoke throughout his career on every topic and issue of political importance. His speeches on South Africa, India, Ireland, Canada, Russia, the Balkans, China, and Palestine, on the Gold Standard, coal mines, unemployment insurance, and trade unions, on medicine, education, art and politics, the Olympic games, and the National Trust, and his budget speeches are here. So, too, are the speeches of the 1930s, when Churchill was in the political wilderness, with their

warnings on German rearmament. A good number are here in one or more drafts as well as in final form and show Churchill's alterations and corrections. Occasionally long sections of a speech are deleted between drafts. There are numerous variations, some minor but others substantial, between the typescripts and the speeches as ultimately printed.

## OFFICIAL

The Official papers (sections 10-27) form the core of the archive. Between December 1905 when he was appointed to the Colonial Office as Under-Secretary to the Colonies and July 1945 when he tendered his resignation as Prime Minister, Churchill served at the Colonial Office (1905-1908), as President of the Board of Trade (1908-1910), Home Secretary (1910-1911), First Lord of the Admiralty (1911-1915), Chancellor of the Duchy of Lancaster (1915), Minister of Munitions (1917-1918), Secretary of State for War and Air (1919-1921), Colonial Secretary (1921-1922), Chancellor of the Exchequer (1924-1929), First Lord of the Admiralty (1939-1940), and Prime Minister (1940-1945).

The papers in this group are subdivided according to ministerial office with separate sections for Cabinet papers, War Council and War Cabinet papers, Committee of Imperial Defence correspondence, and Air Defence Research Committee papers. Each of the Official sections includes incoming correspondence, retained drafts and copies of Churchill's own letters, memoranda, reports, and printed papers.

The 56 files of Colonial Office papers for 1905-1908 contain much on African affairs. During Churchill's years as Under-Secretary the department addressed such issues as a constitution for the Transvaal, foreign labour in South Africa, and the ivory trade. Other groups of papers refer to the Newfoundland fisheries, the Canadian railways, and telecommunications in the West Indies. Here, as in the following sections, the incoming correspondence is considerable.

The Board of Trade papers are in 37 files and cover both domestic and international issues. They concern unemployment insurance, nationalization of the railways, the miners, international trade, unemployment in Germany, Anglo-French commercial relations, and the Suez Canal.

There are 15 files of Home Office papers with correspondence and reports concerning prison reform, strikes and labour disputes, women's suffrage, aliens, and the riots in South Wales. We note the file (12/11) on the Sidney Street siege including the inquest report and Churchill's draft letters justifying his involvement in the affair.

The Admiralty papers for 1911-1915, in 72 files, record Churchill's Naval Estimates and strategy, his analysis of German military strength, and his determination to maintain naval supremacy despite opposition from sections of the Cabinet. There are letters from, among others, Asquith, Grey, Kitchener, Jellicoe, the Grand Duke Nicholas, Prince Louis of Battenberg, Ian Hamilton, Beaverbrook, Austen Chamberlain, and Sir John French. Nine files of correspondence from Admiral Fisher (13/2, 13/7,

13/14-16, 13/21, 13/28, 13/56-57) and reports and correspondence concerning the Gallipoli campaign supplement the Fisher files and the Dardanelles Inquiry papers in the Public and Political section. Along with Cabinet (section 21) and War Council (section 26) papers they reveal naval preparations and the policies and conduct of the first year of the First World War.

As Minister of Munitions Churchill's brief was to provide the munitions to defeat Germany. He streamlined the ministry while expanding his responsibilities to embrace air power and the allocation of armaments between military departments. The 165 files here include papers and reports on chemical, mechanical, and trench warfare. All aspects of armament manufacture are covered, including employment and the difficulties caused by industrial disputes.

The War Office papers, 79 files, include correspondence on the Paris Peace Conference, reparations, and German prisoners, on Turkey, Roumania, and the Middle East, Poland, Ireland, and the development and organization of the Royal Air Force in 1918-1919. Extensive files on Russia and allied intervention against the Bolsheviks include letters and reports from the British Military Mission in Paris. Among the drafts and retained copies are letters from Churchill to Balfour, Clemenceau, Curzon, Austen Chamberlain, George V, and others, some of which were never sent. Incoming correspondence includes letters from Lloyd George, Milner, General Pershing, Sir Henry Wilson, Hankey, Sir Archibald Sinclair, Balfour (including letters from the Paris Peace Conference), Clemenceau, and Curzon.

The 29 files of Colonial Office papers are primarily concerned with Britain's newly acquired responsibilities in the Middle East. Cabinet memoranda include papers on Egypt, Palestine, Jordan, and Iraq. There are telegrams and reports from the 1921 Cairo Conference, including retained drafts of Churchill's letters to Lloyd George, and the draft of a letter to King Feisal which was never sent. Among correspondence received are letters from Lloyd George, T. E. Lawrence, Curzon, Austen Chamberlain, and Sir Herbert Samuel.

The Treasury papers, in 107 files, include all the memoranda and tables, reports and correspondence for Churchill's five budgets. Lengthy letters to Churchill from other ministers outline and defend the spending needs and priorites of their departments. His years as Chancellor of the Exchequer were a time of economic turbulence, including the General Strike and the return to the Gold Standard. The files here cover unemployment, coal miners and mine owners, the steel industry, Russian oil, the rubber market, railways, military expenditure, licence duties, betting tax, the Tote, and rating relief. Included among the correspondents are Stanley Baldwin, Neville Chamberlain, Austen Chamberlain, L. S. Amery, Roger Keyes, Boothby, Lord Salisbury, and W. Mackenzie King. Several private letters written on behalf of George V concern the late Queen Alexandra's estate and the possibility of exempting it from estate duties.

In sections 19, 20, 23, and 25, the Admiralty, Prime Minister, War Cabinet and Air Defence Research Committee papers, we find the greatest concentration of correspondence and papers of international scope.

Though the primary focus of the Admiralty papers is on naval affairs in the first year of the Second World War, Churchill's concerns were broader

and as First Lord of the Admiralty he was involved with all aspects of the conflict. His retained drafts and copies include long letters to Neville Chamberlain on the composition of the War Cabinet and the conduct of the war, and the letter he wrote after returning as Prime Minister from the Palace in May 1940. There are also drafts to Cadogan on naval intelligence, to Halifax on the direction of the war, to Kingsley Wood on Professor Lindemann, and many others. Letters from George VI, Chamberlain (including answers to Churchill's complaints about the conduct of the war), Lloyd George, Halifax, Kingsley Wood, Sir John Anderson, Admiral Ramsay, General Spears, Vansittart, Hore-Belisha, Roger Keyes, Boothby and others review naval operations and intelligence, air force difficulties, petrol rationing, the evacuation of Norway, and other domestic and international war considerations.

The Prime Minister papers - from May 1940 onwards - fill 258 files. They afford an immediate view of the day-to-day running of the war, the information available to the Prime Minister, the advice offered, the options available, the decisions taken.

There are letters, telegrams, minutes, and reports from all the major Allied participants in the war. The list is extensive: Roosevelt, Truman, Stalin, De Gaulle, Smuts, Eden, Attlee, Baldwin, Chamberlain, Eisenhower, Montgomery, Mountbatten, Generals Alexander, Auchinleck, Brook, Ismay and Wavell, Beaverbrook, Archibald Sinclair, Stafford Cripps, Halifax, Harold Macmillan, Sir Harold Nicolson, Sir John Anderson, Lindemann, Brendan Bracken, Harry Hopkins, Averell Harriman, and General George C. Marshall.

The letters from George VI document the close personal ties between the monarch and his prime minister. In a particularly moving sequence of letters the King appeals to Churchill not to go to sea on D-Day and discusses his own role in the war.

The single most important correspondence here is the Churchill-Roosevelt exchange - both original letters and telegrams - and drafts and copies of Churchill's letters and telegrams to the President. Together this correspondence runs to several thousand pieces. It reveals the development of their relationship from its 'courtship' phase, before America came into the war - the negotiations for American aid, the Lend-Lease agreement, their first meeting - to a strong working alliance as they established war policy and strategy, treated with Stalin, and debated the shape of the post-war world.

The Churchill-Stalin correspondence is less voluminous and of somewhat more limited scope than the Churchill-Rossevelt material, but is second only to it in consequence.

## ACQUIRED

Papers which Churchill acquired by inheritance or gift form a separate section of 152 files. Here are seventeen files (28/13 - 28/28, 28/120) of his own letters to his parents from 1882 until 1919, two years before his mother's death. More than 300 letters from his days at school,

Sandhurst and Aldershot, are supplemented by a file of school reports (28/44) and hundreds of later letters from America, Cuba, India, Egypt, South Africa, France, and elsewhere. In the years before his marriage Churchill's mother, Lady Randolph Churchill, was his closest confidante and in letters to her he discusses his ambitions and rehearses his political views. These letters form a virtual autobiography for Churchill's first twenty years and are a central biographical source for the next twenty.

The majority of the acquired files are the papers of Lady Randolph Churchill. There are eleven files (28/92 - 28/102) of her letters to Lord Randolph Churchill and letters to her from her parents (28/1), Lord Randolph Churchill (11 files, 28/2 - 28/12), her younger son Jack (5 files, 28/29 - 28/33), her second and third husbands, her sisters, her mother-in-law, her daughters-in-law, and a wide variety of her friends, notably the Prince and Princess of Wales (later Edward VII and Queen Alexandra) whose letters and telegrams fill eleven files. Five files of correspondence (28/56 - 28/60) concern the illness and death, in 1895, of Lord Randolph Churchill. One (28/69) includes letters from Sir Walter Hely-Hutchinson, Lord Lansdowne, Lady Curzon and others on Churchill's capture by and escape from the Boers. There is correspondence (5 files, 28/65, 28/67, 28/71, 28/72, 28/77) concerning *The Anglo-Saxon Review*, the periodical Lady Randolph founded and edited from 1899 to 1901. Her legal and financial papers are also here.

## MISCELLANEA and OBSOLETE LISTS

The single file of Miscellanea contains a few odd papers which could not be assigned with certainty to any other file. The Obsolete Lists record the organization of the papers before their re-arrangement by the Public Record Office.

## THE SECOND SCHEDULE

1. The Capital Taxes Office confirm the Special Purchase Price of £12.5m. to include the douceur

2. The Trustees of the J Paul Getty Charitable Trust undertake to make a grant of the sum of not less than £1 million sterling towards the Purchase Price of the Chartwell Papers

3. The litigation between HM Attorney General v Montrose and Churchill (C.H. 1993 H 8050) is discontinued upon application by HM Attorney General with no order for costs or otherwise

4. All those Literary Papers and other (if any) of the Chartwell Papers previously withdrawn from Churchill College be re-deposited there

5. The consent of the Prime Minister be given to the sale

## THE THIRD SCHEDULE

**DATED** 1995

**WINSTON SPENCER CHURCHILL MP**

**- and -**

**C & T PUBLICATIONS LTD**

**- and -**

**HENRY WINSTON SPENCER CHURCHILL**

**- and -**

**THE UNIVERSITY COUNCIL acting on behalf of THE CHANCELLOR MASTERS AND SCHOLARS OF THE UNIVERSITY OF CAMBRIDGE**

# COPYRIGHT LICENCE

**relating to the Copyright Chartwell Papers**

FARRER & CO
66 Lincoln's Inn Fields
London WC2A 3LH

**THIS COPYRIGHT LICENCE** is made this day of 1995

**BETWEEN:**

(1) **WINSTON SPENCER CHURCHILL MP** of Squerryes Lodge Westerham Kent TN16 1SJ ("Mr Winston Churchill")

**C & T PUBLICATIONS LTD** whose registered office is at Unity Chambers 34 High East Street Dorchester Dorset DT1 1HA ("C & T Publications") and

**HENRY WINSTON SPENCER CHURCHILL** of Fairdown Vernham Street Vernham Dean Hampshire SP11 OEL ("Mr Peregrine Churchill")

(together called "the Grantors" which expression shall include their respective successors in title as holders of the copyrights referred to below)

and

(2) **THE UNIVERSITY COUNCIL** acting on behalf of **THE CHANCELLOR MASTERS AND SCHOLARS OF THE UNIVERSITY OF CAMBRIDGE** ("the University")

**WHEREAS:**

(A) By an Agreement ("the Agreement") dated the day of 1995 a copy of which is annexed hereto IT IS PROVIDED that the holders of the copyright in the Copyright Papers (as in the Agreement defined and hereinafter called "the Copyright Papers") will grant to the University the Copyright Licence hereinafter contained

(B) Copyright in the Copyright Papers is variously vested in the Grantors but together the Grantors have vested in them the whole copyright in all the Copyright Papers

NOW THIS AGREEMENT WITNESSES as follows:

1. The Grantors warrant to the University that the whole copyright in the Copyright Papers is together vested in the Grantors who have done no act or thing which would prevent them granting the Copyright Licence herein contained to the University

2. The Grantors severally to the extent of their respective interest and jointly as to the whole copyright HEREBY GRANT in respect of the Copyright Papers a Copyright Licence to the University in the terms of the Schedule hereto such Licence to be royalty free and to extend throughout the world for the full period of copyright and any renewals extensions or revivals thereof

3. This Licence shall be freely assignable but only to the persons who shall from time to time be the owners of the Copyright Papers or who shall have custody of them with the consent of such owners

4. Any assignment of this Licence by the University shall include a requirement that the assignee shall give to the Grantors a direct covenant sufficient to comply with the University's obligations under Clause 7 of the Agreement from which the Grantors hereby confirm the University will be released on the completion of such covenant and from its obligations under Clause 5 hereof

5. The University or its Assignee will include on all material supplied pursuant to this Licence a notice to the effect that such material is copyright

AS WITNESS the hands of the parties hereto

## THE SCHEDULE

The right by themselves or their duly authorised agents

1. To do all those acts and things by way of copying and supplying of copies which the provisions of Sections 37 to 43 inclusive of the Copyright Designs and Patents Act 1988 ("the Act") authorise librarians and archivists of a duly prescribed Library to do so that the holder of this Copyright Licence for the time being shall be deemed for the purposes of the said Sections of the said Act to be a duly prescribed Library Provided Always -

(a) that in exercise of such rights the holder of the Licence shall comply with any conditions presented by the Secretary of State as referred to in the said Sections and

(b) the holder of the Licence having made a copy of any part of the Copyright Papers and the Post 1945 Papers may thereafter transmit the same by any means whether electronic or otherwise and whether now known or hereafter devised to any person authorised by such Sections to receive such copy

2 To reproduce any part of the Copyright Papers and the Post 1945 Papers in any catalogue of any exhibition to the public of any such Papers Provided always that where such papers are of a personal nature relating to the Churchill family and are previously unpublished the University or its Assignees will not during the life-time of Mr Peregrine Churchill exercise this right in relation to those Papers without the prior written consent of Mr Peregrine Churchill

SIGNED for and on behalf of THE )
TRUSTEES OF THE NATIONAL )
HERITAGE MEMORIAL FUND by )
)
)
in the presence of: )

SIGNED for and on behalf of THE UNIVERSITY COUNCIL by )
)
)
)
in the presence of: )

SIGNED by IAN MONTROSE in the presence of: )
)

SIGNED by HENRY WINSTON SPENCER CHURCHILL in the presence of: )
)
)

SIGNED by WINSTON SPENCER CHURCHILL in the presence of: )
)

DATED 1995

THE CABINET OFFICE

- and -

PROFESSOR SIR DAVID GLYNDWR TUDOR WILLIAMS QC
AND OTHERS

# DEED OF GIFT AND COPYRIGHT LICENCE

FARRER & CO
66 Lincoln's Inn Fields
London WC2A 3LH

**THIS DEED OF GIFT AND COPYRIGHT LICENCE** is made this day of 1995

**BETWEEN**:

(1) **THE CABINET OFFICE** and

(2) **PROFESSOR SIR DAVID GLYNDWR TUDOR WILLIAMS QC** of The Old Schools Trinity Lane Cambridge CB2 1TN **PROFESSOR ALEC NIGEL BROERS FRS** of The Master's Lodge Churchill College Cambridge CB3 ODS **MICHAEL JOHN ALLEN** of Churchill College aforesaid and **PETER KENDREW FOX** of The University Library West Road Cambridge CB3 9DR hereinafter called "The Churchill Archive Trustees" which expression shall include the Trustee or Trustees of The Sir Winston Churchill Archive Trust as hereafter defined

**WHEREAS:**

(A) The Churchill Archive Trustees are the present Trustees of the Trust known as and herein referred to as The Sir Winston Churchill Archive Trust the principal purpose of which is to acquire and retain for use by Scholars and exhibition to the public of the Archive ("the Archive") of the late Sir Winston Churchill

(B) The Archive is presently situated at the Archive Centre at Churchill College Cambridge

(C) The ownership of certain material in the Archive ("the Crown Material") more particularly referred to in the First Schedule hereto is vested in the Crown as is the copyright therein

(D) The Cabinet Office has agreed to transfer by way of gift to the Churchill Archive Trustees the ownership of the Crown Material but not the copyright therein

(E) The Cabinet Office has agreed to grant to the Churchill Archive Trustees a Copyright Licence in the terms hereinafter appearing in respect of the Crown Material

**NOW THIS DEED WITNESSETH:**

1 The Cabinet Office HEREBY TRANSFERS by way of gift the ownership of the Crown Material to the Churchill Archive Trustees together with all other rights in such material excepting only the copyright therein which is expressly reserved to the Crown as is the right of the Crown to specify conditions as to the safekeeping of and access to any material considered by the Cabinet Office to be of continuing sensitivity

2 By and with the authority of the Controller of Her Majesty's Stationery Office as administrator of all Crown copyrights the Cabinet Office HEREBY GRANTS in respect of the Crown Material a Copyright Licence to the Churchill Archive Trustees in the terms of the Second Schedule hereto such licence to be royalty free and to extend throughout the world for the full period of copyright and any renewals extensions or revivals thereof

3 This Licence shall be freely assignable but only to the persons who shall from time to time be the owners of the Crown Material or who shall have custody of such material

IN WITNESS whereof the parties hereto have executed this document as a deed the day and year first before written

## THE FIRST SCHEDULE

Those papers created or acquired by Sir Winston Leonard Spencer Churchill by virtue of the various offices he held as a member of the Government of the United Kingdom during his lifetime prior to the execution of the Settlement dated 21 July 1946 made by (1) the said Sir Winston Leonard Spencer Churchill and (2) his wife Clementine Ogilvy Churchill, the Rt Hon Brendan Bracken and the Rt Hon Frederick Alexander Baron Cherwell

## THE SECOND SCHEDULE

The right by themselves or their duly authorised agents

1 To do all those acts and things by way of copying and supply of copies which Sections 37 to 43 inclusive of the Copyright Designs and Patents Act 1988

authorise librarians and archivists of a duly prescribed Library to do and the holder of this Copyright Licence for the time being shall be deemed for the purposes of the said Sections of the said Act to be a duly prescribed Library

Provided Always -

(a) that in exercise of such rights the holder of the Licence shall comply with an conditions prescribed by the Secretary of State as referred to in the said Sections and

(b) the holder of the Licence having made a copy of any part of the Crown Material in accordance with this Licence may thereafter transmit the same by any means whether electronic or otherwise and whether now known or hereafter devised to any person authorised by such Sections to receive such copy and

(c) that except for the purpose of (b) above the holder of the Licence shall otherwise not be entitled to store the Crown Material in any medium by electronic means

2 To reproduce any part of the Crown Material in any catalogue prepared for the purposes of any exhibition to the public of any such material

SIGNED as a DEED )
by )
)
on behalf of the Cabinet Office in the )
presence of:-

SIGNED as a DEED by )
)
)
on behalf of the Churchill Archive )
Trustees in the presence of:

DATED 1995

THE TRUSTEES OF THE NATIONAL HERITAGE MEMORIAL FUND

- and -

THE UNIVERSITY COUNCIL acting on behalf of
THE CHANCELLOR MASTERS AND SCHOLARS OF
THE UNIVERSITY OF CAMBRIDGE

- and -

THE MASTER FELLOWS AND SCHOLARS OF CHURCHILL COLLEGE

- and -

PROFESSOR SIR DAVID GLYNDWR TUDOR WILLIAMS
AND OTHERS

---

# AGREEMENT

relating to

THE CHURCHILL ARCHIVE

---

FARRER & CO
66 Lincoln's Inn Fields
London WC2A 3LH

**THIS AGREEMENT** is made this day of 1995

**BETWEEN**:

(1) **THE TRUSTEES OF THE NATIONAL HERITAGE MEMORIAL FUND** of 10 St James's Street London SW1A 1EF ("NHMF")

(2) **THE UNIVERSITY COUNCIL acting on behalf of THE CHANCELLOR MASTERS AND SCHOLARS OF THE UNIVERSITY OF CAMBRIDGE CB2 1TN** ("the University")

(3) **THE MASTER FELLOWS AND SCHOLARS OF CHURCHILL COLLEGE CAMBRIDGE CB3 0DS** ("the College") and

(4) **PROFESSOR SIR DAVID GLYNDWR TUDOR WILLIAMS QC** of The Old Schools Trinity Lane Cambridge CB2 1TN **PROFESSOR ALEC NIGEL BROERS FRS** of The Master's Lodge Churchill College Cambridge CB3 0DS **MICHAEL JOHN ALLEN** of Churchill College aforesaid and **PETER KENDREW FOX** of The University Library West Road Cambridge CB3 9DR (together "the Charity Trustees" which expression shall where the context so admits include the trustee or trustees for the time being of The Sir Winston Churchill Archive Trust)

**WHEREAS**

(A) The Sir Winston Churchill Archive Trust is a duly constituted Charity with the principal object of acquiring and caring for the Papers ("the Churchill Archive") of the late Sir Winston Leonard Spencer Churchill

(B) The College has vested in it that part of the Churchill Archive dating post 27th July 1945 ("the Post 1945 Papers") which it intends to transfer to The Charity Trustees

(C) The University is entering into an Agreement ("the Purchase Agreement" a copy of which is annexed hereto) to purchase that part of the Churchill Archive ("the Chartwell Papers") dating prior to 28th July 1945 with a view to transferring the same forthwith to the Charity Trustees

(D) The University and the Charity Trustees have together made application to NHMF for a grant ("the Purchase Grant") of £11.5 million to enable the University to effect the purchase of the Chartwell Papers and to transfer the same to the Charity Trustees

(E) The Charity Trustees have made application to NHMF for a grant ("the Endowment Grant") to provide an endowment for the care cataloguing maintenance and improvement of the Churchill Archive

(F) The "Approved Purposes" when used herein shall mean

(a) in respect of the Purchase Grant the acquisition of the Chartwell Papers and

(b) in respect of the Endowment Grant the creation of an Endowment Fund the income of which shall be applied to the cataloguing care maintenance and improvement of the condition of the Churchill Archive and such other activities relating to such archive as NHMF shall in writing authorise

(G) NHMF are proposing to make the Purchase Grant and the Endowment Grant upon the terms and conditions hereafter appearing

NOW IT IS HEREBY AGREED as follows:

1. NHMF will make by way of grant to the University the Purchase Grant such grant to be paid to the University as follows:

(a) The sum of £2.0 million to enable the University to complete on due date the purchase of the Chartwell Papers in accordance with the terms of the Purchase Agreement

(b) £2.5 million on the expiry of the next quarter thereafter; 2.0 million on the expiry of the following quarter and £2.5 million on the expiry of each quarter thereafter for the next 2 quarters to enable the further payments as set out in the Purchase Agreement to be paid. In this sub-clause a quarter means a period of 3 calendar months.

2. Forthwith upon completion of the Purchase by the University of the Chartwell Papers

(a) The University with the consent of NHMF (witnessed by their execution to this Agreement) will transfer to the Charity Trustees the ownership of the Chartwell Papers

(b) The College will transfer to the Charity Trustees the ownership of the Post 1945 Papers

(c) The University and the College will assign to the Charity Trustees all rights of copyright including all copyright licences in respect of the Churchill Archive that may be in their respective ownership

(d) NHMF will make the Endowment Grant of £1.75m to the Charity Trustees

(e) The Charity Trustees and the College will enter into a Loan Agreement in the form set out in the Third Schedule hereto

3. The Purchase Grant is made on the terms and conditions set out in the First Schedule hereto and the University undertakes to NHMF to observe and perform such terms and conditions

4. The Endowment Grant is made upon the terms and conditions set out in the Second Schedule hereto and the Charity Trustees undertake to NHMF to observe and perform all such terms and conditions

5. If the Purchase Agreement shall be determined in accordance with the terms of the proviso to Clause 3 thereof:

(a) The Charity Trustees will re-transfer to the University the ownership of the Chartwell Papers

(b) The University will repay to NHMF the Purchase Grant so far as recovered under the Purchase Agreement and

(c) The Charity Trustees will repay to NHMF the Endowment Grant except to the extent that it has been expended in accordance with the provisions of paragraph 3 of the Second Schedule hereto

AS WITNESS the hands of the parties hereto

## SCHEDULE 1

### Terms and Conditions for the Purchase Grant

1. The Purchase Grant shall be used solely for the purpose of purchasing the Chartwell Papers

2. Any part of the Purchase Grant not required for such purpose shall be repaid to NHMF

3. NHMF shall be provided with any information they require to satisfy themselves that the purchase has been duly completed

4. The University will transfer the Chartwell Papers forthwith to the Charity Trustees in accordance with Clause 2(a) of this Agreement

5. The provisions of Clauses 8 and 9 of the Second Schedule are incorporated herein but so that the provision of Clause 9 shall cease to apply to the University once the Chartwell Papers have been transferred to the Charity Trustees

## SCHEDULE 2

### Terms and Conditions for the Endowment Grant

1. To retain the Endowment Fund as a separate fund to be invested in accordance with the investment powers of the Sir Winston Churchill Archive Trust

2. The income from the Endowment Fund shall be applied only for the Approved Purposes

3. The capital of the Endowment Fund shall be retained and no part thereof expended except that up to £750,000 of the capital may be expended on such projects in connection with the Churchill Archive as NHMF may in writing agree

4. The Charity Trustees shall retain in their ownership the whole of the Churchill Archive being both the Chartwell Papers and the Post 1945 Papers and shall not sell or encumber the Churchill Archive or any part thereof or interest therein without the prior written consent of NHMF and such consent may be given on such terms as NHMF may decide

5. The Churchill Archive shall:

(a) be kept in physically and environmentally secure conditions

(b) be duly catalogued and a copy of such catalogue when completed be provided to NHMF free of charge if it is requested

(c) be put and maintained in good repair and condition

(d) be made available to scholars for research at all reasonable times

6. The Charity Trustees will:

(a) secure that the general public shall have full appropriate access to exhibitions of suitable material from the Churchill Archive will secure that no person is unreasonably denied access thereto and will provide on demand details of such access to NHMF

(b) publicly acknowledge both the Purchase Grant and the Endowment Grant in a form approved by NHMF and will not issue any public statement referring to NHMF in relation to the Approved Purposes other than in a form approved by NHMF

(c) provide to NHMF free of charge two good quality colour transparencies (35 mm) and two black and white photographs (measuring not less than 10 inches by 8 inches) of suitable representative items from the Chartwell Papers which NHMF subject to obtaining consent from the copyright owners shall be free to use in any way they wish in any part of the world

(d) complete and return to NHMF the project monitoring documents in accordance with the instructions given in respect of both the Purchase Grant and the Endowment Grant by NHMF

(e) supply to NHMF such financial or other information as NHMF may from time to time require in respect of the Purchase Grant and the Endowment Grant the Churchill Archive the Approved Purposes and any property derived therefrom

(f) allow NHMF (or any person duly authorised by them) to have such access to the Churchill Archive as they reasonably require in order to inspect the Churchill Archive and any repair or restoration of or other work to the Churchill Archive

(g) take appropriate steps to monitor the success in fulfilling the Approved Purposes and to supply to NHMF any information they require to satisfy themselves that the Approved Purposes are being properly fulfilled

7. NHMF reserve the right to make public the purpose and amount of the Purchase Grant and the Endowment Grant in whatever way they think fit

8. The provision of Lottery finance can only be guaranteed to the extent that the National Lottery continues to operate

9. The Purchase Grant and the Endowment Grant shall become repayable to NHMF and any future payments stopped where

(a) The recipient ceases to operate or is declared bankrupt or is placed into receivership or liquidation

(b) The recipient fails to apply the Purchase Grant or the Endowment Grant as the case may be for the Approved Purposes

(c) The recipient fails to comply with the conditions of the Purchase Grant or the Endowment Grant as the case may be

(d) The application form was completed fraudulently incorrectly or misleadingly in any material particular

(e) The recipient acts fraudulently or negligently in any material matter in connection with the Approved Purposes

10. If by reason of the immediately preceding clause the Purchase Grant or the Endowment Grant shall become repayable then there shall be repaid to NHMF on demand the larger of

(a) the amount of the original grant and

(b) the amount arising by reason of the breach

## SCHEDULE 3

**THIS AGREEMENT** is made the day of 1995

**BETWEEN**

(1) **PROFESSOR SIR DAVID GLYNDWR TUDOR WILLIAMS QC** of The Old Schools Trinity Lane Cambridge CB2 1TN **PROFESSOR ALEC NIGEL BROERS FRS** of The Master's Lodge Churchill College Cambridge CB3 0DS **MICHAEL JOHN ALLEN** of Churchill College aforesaid and **PETER KENDREW FOX** of The University Library West Road Cambridge CB3 9DR (together "the Charity Trustees" which expression shall where the context so admits include the trustee or trustees for the time being of the Sir Winston Churchill Archive Trust and

(2) **THE MASTER FELLOWS AND SCHOLARS OF CHURCHILL COLLEGE** ("the College")

**WHEREAS**

(A) The Charity Trustees are the owners of the Archive (as hereinafter defined)

(B) The Charity Trustees named above are the present trustees of the Sir Winston Churchill Archive Trust

(C) The Charity Trustees have agreed to loan to the College the Archive subject to the provisions below

**NOW IT IS HEREBY AGREED** as follows:

1. Definitions

In this Agreement:

1.1 "the Archive" means the Churchill Archive more particularly described in the Schedule to the Declaration of Trust of the Sir Winston Churchill Archive Trust dated 3 April 1995

1.2 "the Expert" means the Secretary for the time being of the Royal Commission on Historical Manuscripts or should that body cease to exist such other person as the Charity Trustees may from time to time agree with the Trustees of the National Heritage Memorial Fund

1.3 "the Annual Rent" means a peppercorn

1.4 "the Centre" means the Churchill Archives Centre Churchill College Cambridge CB3 0DS

1.5 The headings in this Agreement are for convenience only and shall not affect the interpretation or construction of this Agreement

## 2. Agreement for Loan

2.1 The Charity Trustees will let and the College will take on loan the Archive for a term of 99 years from [ ] 1995 and thereafter from year to year until this Agreement shall be determined by either party giving the other not less than six months' previous written notice

2.2 The College will deposit the Archive at the Centre

## 3. Covenants by the College

For the duration of this Agreement the College hereby agrees:

3.1 Subject to sub-clause 3.9 hereof to keep the Archive at all times at the Centre and within the College's possession and control unless the Charity Trustees give their prior consent in writing

3.2 Duly to deliver to the Charity Trustees an accurate catalogue of the Archive

3.3 To allow scholars appropriate access to the whole of the Archive for the purpose of research and to make available for viewing by the general public appropriate material out of the Archive

3.4 To put and maintain the Archive in good condition and repair and to house the Archive in such an environment as to avoid as far as possible any deterioration in the condition of the Archive

3.5 Not to purport to sell assign let encumber or otherwise deal with the Archive or any part thereof or any interest therein

3.6 Not without the written consent of the Charity Trustees to part with possession of the Archive or any part thereof

3.7 To pay if demanded to the Charity Trustees the Annual Rent on 1st January in each year

3.8 To ensure the security of the Archive at the Centre in accordance with standards to be agreed between the parties from time to time

3.9 To allow the Charity Trustees or their agent on reasonable notice to inspect the Archive and any repair restoration or other works to it and to withdraw from the Centre any part of the Archive for exhibition

3.10 To apply all monies provided by the Charity Trustees in accordance with Clause 4 hereof towards the carrying out of its obligations hereunder

3.11 In each calendar year to submit to the Charity Trustees statements certified by the Accountants of the College of the expenditure of the income paid in accordance with Clause 4 and to provide the Charity Trustees with such further information relating thereto as they may require

4. <u>Covenant by the Charity Trustees</u>

Subject to sub-clause 6.1(b) below for the duration of this Agreement the Charity Trustees hereby agree to pay at such time or times as they consider fit such surplus income (if any) of the charity as shall remain after discharging all costs and expenses of administering the

Charity from the property of the Charity to the College to assist it in the performance of its obligations hereunder

5. Loss Destruction and Damage

Where the Archive or any part of it is lost stolen destroyed or damaged by negligence or wrongful act of a third party the College shall immediately notify the Charity Trustees thereof shall not compromise any claim without the consent of the Charity Trustees shall allow the Charity Trustees to take over the conduct of any negotiations (except in relation to claims of the College for loss of or damage to the property of the College unconnected with the Archive) and shall take such proceedings (in the name of the College or jointly with the Charity Trustees) as shall be agreed with the Charity Trustees holding all sums recovered together with any monies received by the College under any policy of insurance so far in each case as such sums and monies shall relate to loss of or damage to the Archive or any part of it on trust for the Charity Trustees and paying or applying as the Charity Trustees direct such part thereof as is necessary to compensate the Charity Trustees for the loss theft or destruction of or damage to the Archive

6. Early Termination

6.1 (a) If in the opinion of the Expert (whose decision shall be final and binding on both parties) the College fails to preserve the Archive in accordance with sub-clauses 3.4 and 3.8 of this Agreement to such an extent as to put the Archive at physical risk or is unable to provide proper and adequate access for scholars and the general public the Charity Trustees may without prejudice to any pre-existing liability of either party hereto to the other by notice in writing served at the Centre terminate this Agreement and thereafter the College shall no longer be in possession of the Archive with the Charity Trustees' consent and subject to any pre-existing liability of either party hereto hereunder and to sub-clause 6.2 below neither party shall have any rights against the other

(b) If the College fails to observe any of the other express terms and conditions of this Agreement the Charity Trustees may without prejudice to any pre-existing liability of either party hereto cease forthwith to pay to the College the income of the Charity pursuant to Clause 4 hereof

(c) If by reason of the circumstances envisaged in the proviso to Clause 3 of an Agreement dated the day of 1995 and made between the Trustees of the National Heritage Memorial Fund (1) the University Council acting on behalf of the Chancellor Masters and Scholars of the University of Cambridge ("the University") (2) Ian Montrose and Henry Winston Spencer Churchill (3) Henry Winston Spencer Churchill (4) and Winston Spencer Churchill MP (5) the Charity Trustees shall be required to return ownership of that part of the Archive known as the Chartwell Papers to the University the Charity Trustees may without prejudice to any pre-existing liability of either party hereto to the other by notice in writing served at the Centre terminate this Agreement insofar as it relates to the said Chartwell Papers and the College shall deliver the same to the Charity Trustees or at their direction

6.2 Upon the termination of this Agreement pursuant to sub-clause 6.1(a) above the Charity Trustees may without notice retake possession of the Archive and shall be given access to it for such purpose

7. Ownership

Legal title in the Archive shall continue to vest in the Charity Trustees and nothing in this Agreement shall confer or be deemed to confer any proprietary interest in the Archive to the College

8. Waiving of Conditions

No relaxation forbearance delay or indulgence by the Charity Trustees in enforcing any of the terms and conditions of this Agreement or the granting of time by the Charity Trustees to the College shall prejudice affect or restrict the rights and powers of the Charity Trustees hereunder nor shall any waiver of any breach hereof operate as a waiver of any subsequent or any continuing breach hereof

9. Repossession

Upon the termination of this Agreement the College shall hold the Archive available for collection by the Charity Trustees or their agents

AS WITNESS the hands of the parties hereto on the date first before written

SIGNED by )
for and on behalf of THE NATIONAL )
HERITAGE MEMORIAL FUND in )
the presence of: )

SIGNED by )
for and on behalf of THE UNIVERSITY )
COUNCIL in the presence of: )

SIGNED by )
for and on behalf of THE MASTER )
FELLOWS AND SCHOLARS OF )
CHURCHILL COLLEGE in the )
presence of: )

SIGNED by SIR DAVID GLYNDWR )
TUDOR WILLIAMS in the presence of:)

SIGNED by PROFESSOR ALEX )
NIGEL BROERS in the presence of: )

SIGNED by MICHAEL JOHN )
ALLEN in the presence of: )

SIGNED by PETER KENDREW )
FOX in the presence of: )

DATED 1995

# DECLARATION OF CHARITABLE TRUST

FARRER & CO
66 Lincoln's Inn Fields
London WC2A 3LH

**THIS DECLARATION OF TRUST** is made the day of 1995

**BY**

**PROFESSOR SIR DAVID GLYNDWR TUDOR WILLIAMS QC** of The Old Schools Trinity Lane Cambridge CB2 1TN **PROFESSOR ALEC NIGEL BROERS FRS** of The Master's Lodge Churchill College Cambridge CB3 0DS **MICHAEL JOHN ALLEN** of Churchill College aforesaid and **PETER KENDREW FOX** of The University Library West Road Cambridge CB3 9DR (together "the Original Trustees")

**WHEREAS** the sum of One Pound (£1.00) has been paid to the Original Trustees to be held by them irrevocably upon the trusts and conditions following and it is apprehended that further money or investments and property may hereafter be paid or transferred into the joint names or control of the Original Trustees or other the trustees or trustee for the time being hereof upon the like trusts and conditions

**NOW THIS DEED WITNESSES** as follows:

1. The Charity hereby founded shall be called The Sir Winston Churchill Archive Trust ("the Charity") or by such other name as the Trustees shall from time to time decide

2. In this Deed where the context permits the following expressions have the following meanings:

   2.1 "the Trustees" means the Original Trustees or other the Trustees for the time being hereof who shall comprise the Ex-Officio Trustees the Nominated Trustees and the Elected Trustee

   2.2 "the Ex-Officio Trustees" shall mean by virtue of their office:-
   The Vice-Chancellor of the University of Cambridge
   The Librarian of the University of Cambridge
   The Master of Churchill College Cambridge and
   The Bursar of Churchill College Cambridge

   2.3 "the Nominated Trustees" shall mean the Nominated Trustees for the time being who

shall be two other trustees appointed in accordance with the provisions of Clause 7.1

2.4 "the Elected Trustee" shall mean the Elected Trustee for the time being who shall be one further trustee appointed in accordance with the provisions of Clause 7.2

2.5 "the Trust Fund" shall mean and include the said sum of one pound and all other cash and all investments and other property from time to time paid or transferred to the Trustees upon the trusts of this Deed and all investments and other property from time to time representing the same

2.6 "Charitable Bodies" means bodies trusts associations or organisations whether incorporated or not whose objects are for the time being exclusively charitable by the law of England and Wales

2.7 " The Churchill Archive" means the Archive of Sir Winston Churchill described in the Schedule hereto.

not attached

2.8 "NHMF" means the Trustees of the National Heritage Memorial Fund

3. The Trustees shall stand possessed of the Trust Fund and the income thereof upon trust to pay or apply or cause to be paid or applied at such time or times and in such manner as the Trustees shall in their discretion think fit the income and if and in so far as the Trustees shall think fit the capital of the Trust Fund in or towards

3.1 Primarily the advancement of the education of the public in particular by acquiring holding restoring and maintaining the Churchill Archive and by making it available to scholars for the purpose of research (and publication of the useful results of such research) and as appropriate to the public for the purpose of viewing

3.2 The general purposes of such Charitable Bodies or for such other purposes as shall be exclusively charitable as the Trustees may from time to time decide

4. In furtherance of the objects in Clause 3 but not further or otherwise the Trustees shall have the following additional powers:

4.1 Power from time to time with the written consent of NHMF by deed or deeds to vary

all or any of the provisions of this Declaration provided always that they shall not have the power either to vary or otherwise affect the provisions of Clause 3 hereof or this sub-clause or to make any alterations so as to cause the Charity to cease to be recognised as a charity in law

4.2 Power to apply or invest either in their own names or in the names of nominees trust moneys from time to time in the hands of the Trustees in the purchase of or at interest upon the security of all investments or property of whatsoever nature and wheresoever situate (including the purchase or improvement of any freehold or leasehold house or other property in the United Kingdom or elsewhere including houses or other property intended to be used for the purposes of the Charity) and whether income producing or not as the Trustees shall in their absolute discretion think fit and to the intent that the Trustees shall have the same powers in all respects as if they were absolute owners beneficially entitled

4.3 Power to delegate upon such terms and with such remuneration as the Trustees shall in their absolute discretion think fit to professional investment managers ("the Managers") the exercise of the power contained in the foregoing sub-clause 4.2 of this Deed provided always that:

4.3.1 The Managers shall be persons who are entitled to carry on investment business under the provisions of the Financial Services Act 1986

4.3.2 The Trustees shall authorise the Managers to exercise such delegated power as aforesaid only within clear investment policy guidelines laid down from time to time by the Trustees and the Trustees shall use their best endeavours to ensure that those guidelines are observed

4.3.3 The Managers shall be under a duty to report promptly to the Trustees any exercise of the power delegated as aforesaid and to report all transactions at least within 14 days and to report on performance of any investments managed by them at least every three months

4.3.4 The Trustees shall at all times be free forthwith to review alter or determine such delegation and the terms thereof

4.3.5 The Trustees shall review such delegation at intervals not (in the absence of special reasons) exceeding 12 months but so that any failure by the Trustees to

undertake such review within the said period of 12 months shall not invalidate the delegation

4.3.6 The Trustees shall be liable for any failure to take reasonable care in choosing the Managers fixing or enforcing the terms upon which the Managers are employed requiring the remedying of any breaches of those terms or otherwise supervising the Managers but otherwise shall not be liable for the acts and defaults of the Managers

4.4 Power to sell let mortgage dispose of or turn to account all or any of the property or assets of the Charity as may be thought necessary in furtherance of the promotion of its objects subject to such consents as may be necessary

4.5 Power subject to such consents as may be necessary to borrow or raise money for the purposes of the Charity on such terms and on such security as may be thought fit

4.6 Power notwithstanding the direction to pay or apply in Clause 3 hereof to accumulate any income of the Trust Fund during such period as shall be allowed by the general law

4.7 Power to pay any sum of income or capital intended to be applied for charitable purposes to the Treasurer or other proper official of any Charitable Body and so that the receipt of such Treasurer or official shall be a complete discharge to the Trustees (without the necessity for seeing to the proper application of the sum so paid)

4.8 Power to dissolve the Charity subject to the payment of all outstanding debts and liabilities and of the expenses incurred in such dissolution and subject thereto to make over the Charity's remaining assets to any other charity or charities having similar objects to the Charity or to any other Charitable Bodies as defined in Clause 2.3 hereof

4.9 Power from time to time to make and alter rules or regulations not inconsistent with Clause 3 hereof for the administration and management of the Charity

4.10 Power to defray out of the capital or income of the Trust Fund the costs and expenses of and incidental to the preparation and execution of this Trust Deed (and of any other deed or document whereby additional property is transferred or made transferable to the Trustees as an accretion to the Trust Fund) and the registration of

the Charity as a charity pursuant to the provisions of the Charities Act 1993

4.11 Power to raise funds and invite and receive contributions and property from any person or persons whatsoever by way of subscription donation and otherwise and whether or not to be held on special trusts provided that the Trustees shall not undertake any permanent trading activities in raising funds for the charitable objects aforesaid

4.12 Power to do all such acts and things as shall further the proper administration or the attainment of the objects of the Charity

5. The Trustees may employ from time to time such persons other than the Trustees to perform such duties as they consider necessary for the proper administration and management of the Charity at such reasonable salaries and upon such reasonable terms as to notice within the limits permitted by law and otherwise as they think fit

6. The Trustees from time to time may appoint such persons of their number and if necessary such other persons (who shall not exceed a minority of the quorum referred to in Clause 10.2) as they shall think fit to be a Committee or Committees for discharging in such manner and subject to such rules as the Trustees prescribe such of the functions of the Trustees as relate to the day-to-day administration and management of the Charity provided that all acts and proceedings of Committees shall be reported in due course to the Trustees for their approval and ratification

7.1 The power of appointing the Nominated Trustees shall be vested as to one in The British Library and as to the other in The Imperial War Museum and if and whenever the number of Nominated Trustees shall be less than two then one or more new Nominated Trustees shall forthwith be appointed to bring the number of Nominated Trustees up to two at least

7.2 The power of appointing the Elected Trustee shall be vested in the Ex-Officio Trustees and the Nominated Trustees provided always that no person occupying a post either in Churchill College or in Cambridge University shall be eligible for appointment as the Elected Trustee. If and whenever there shall not be an Elected Trustee a new Elected Trustee shall forthwith be appointed

7.3 The Nominated and Elected Trustees shall hold office for a period of five years and shall

then be deemed to have offered their resignation which will take effect on the appointment of replacement Nominated and Elected Trustees. Any retiring Nominated and Elected Trustee shall be eligible for reappointment for one further term

7.4 If a body nominated under clause 7.1 has not made an appointment within six months of its Nominated Trustee ceasing to hold office whether by death, resignation or deemed resignation under clause 7.3 then

7.4.1 The Nominated Trustee shall cease to hold office and the remaining Trustees shall if such Nominated Trustee so requests execute a deed confirming the Nominated Trustee is discharged from the trusts of this Deed

7.4.2 The person for the time being holding the chair of the Regius Professor of Modern History in the University of Cambridge shall become a trustee and remain so until such time as a new Nominated Trustee is appointed. Such a person may request a deed of discharge in the same way as an Ex-Officio Trustee under clause 8

8. The Ex-Officio Trustees shall be appointed Trustees by virtue of their appointment to their respective offices but they shall not act in the trusts of this Deed before complying with the provisions of Clause 9 hereof. When an Ex-Officio Trustee ceases to hold his or her office he or she shall be deemed simultaneously to have resigned as a trustee hereof but the remaining Trustees shall if the retiring Ex-Officio Trustee so requests execute a deed confirming that the retiring Ex-Officio Trustee is discharged from the trusts of this Deed

9. Every new trustee shall before acting in the Trusts of this Deed sign in the Minute Book for which provision is hereinafter made a declaration of acceptance and of willingness to act in the Trusts hereof

10. The following regulations shall govern the procedure of Trustees' meetings

10.1 The Trustees shall hold meetings at least once in every calendar year and at such times and at such places as they shall from time to time decide and any trustee may at any time convene a special meeting of the Trustees upon at least fourteen days' notice in writing being given to the other trustees of the matters to be discussed

10.2 There shall be a quorum when not less than three of the trustees are present at any meeting

10.3.1 The Trustees shall at their first meeting after the appointment of the first Nominated Trustees and the first Elected Trustee elect a Chairman from amongst the Nominated Trustees and the Elected Trustee who shall hold office until the Trustees shall resolve otherwise

10.3.2 In the event of the position of Chairman becoming vacant for any reason whatsoever a new Chairman shall be elected at a meeting of the Trustees specially convened for that purpose

10.3.3 The Chairman of the Trustees shall act as Chairman of any meeting of the Trustees at which he is present

10.3.4 The Chairman of any meeting of the Trustees shall have a casting or second vote

10.3.5 In the event of there being no Chairman present at a meeting of the Trustees the Trustees there present shall appoint one of their number to act as Chairman of that meeting

10.4 Every matter shall be determined by the majority of votes of the Trustees present and voting on the question

10.5 Any resolution of the Trustees may be rescinded or varied from time to time by the Trustees

10.6 The Trustees shall provide and keep a Minute Book in which shall be entered the proceedings of the Trustees and which shall be signed by the Chairman at the conclusion of the meeting or at some future meeting if the Minutes shall have been duly confirmed

10.7 The Trustees shall provide books of account in which shall be kept proper accounts of all money received and paid respectively by or on behalf of the Trustees for the purpose of this Deed

10.8 The Trustees shall arrange for the Charity's accounts to be prepared annually

11. The Trustees may from time to time open and maintain in the name of the Charity a bank account or bank accounts at such bank or banks as they shall from time to time decide and may at any time pay trust moneys to the credit of any such account or accounts or place the same on deposit with any bank or banks and all cheques and orders for payment of money exceeding sums of One thousand Pounds (£1000.00) shall be signed by at least two of the Trustees

12.1 The Trustees shall not be bound in any case to act personally but shall be at full liberty to employ any agent or servant to transact all or any business of whatever nature required to be done in pursuance of the Trusts hereinbefore declared and contained including the receipt and payment of money and shall be entitled to be allowed and paid all charges and expenses so incurred and shall not be responsible for the defaults of any agent or servant or for any loss occasioned by his employment if employed in good faith (provided that reasonable supervision shall have been exercised)

12.2 Without in any way limiting the generality of the foregoing the Trustees may appoint and pay a secretary (not being a trustee) who shall attend Trustees' meetings if invited to do so by the Trustees but shall not be entitled to vote at such meetings and who shall be required to withdraw from any such meeting during the discussion of any matter affecting the Secretary's appointment dismissal or remuneration

13. In the execution of any of the trusts and powers hereof no trustee shall be liable for any loss to the property of the Trust Fund arising by reason of any improper investment made in good faith (so long as that trustee shall have sought professional advice before making such investment) or for the negligence or fraud of any agent employed by that trustee or by any other trustee hereof in good faith (provided that reasonable supervision shall have been exercised) or by reason of any mistake or omission made in good faith by any trustee hereof or by reason of any other matter or thing other than wilful and individual fraud or wrongdoing or wrongful omission on the part of the trustee who is sought to be made liable

14. Any trustee for the time being hereof being a Solicitor or other person engaged in any profession shall be entitled to charge and be paid all usual professional or other charges for work done by him or his firm when instructed by his Co-Trustees so to act in that capacity on behalf of the Charity hereby created

15. Notwithstanding anything hereinbefore expressed or implied no discretion conferred by this Trust or by the general law upon the Trustees shall be exercised in such a way as to confer any benefit upon any person or body providing funds directly or indirectly for the purposes of the Trust

IN WITNESS whereof the parties hereto have executed this instrument as a Deed on the date first before written

SIGNED as a DEED by PROFESSOR )
SIR DAVID GLYNDWR TUDOR )
WILLIAMS QC in the presence of: )

Witness Signature:

Witness Name:

Address:

Occupation:

SIGNED as a DEED by PROFESSOR )
ALEC NIGEL BROERS FRS in the )
presence of: )

Witness Signature:

Witness Name:

Address:

Occupation:

( SIGNED as a DEED by MICHAEL
( JOHN ALLEN in the presence of:

Witness Signature

Witness Name

Address

Occupation

( SIGNED as a DEED by
( PETER KENDREW FOX
( in the presence of:

Witness Signature

Witness Name

Address

Occupation:

**Mr. John M. Taylor:** The question concerns a specific operational matter on which the chief executive of the Court Service is best placed to provide an answer and I have accordingly asked the chief executive to reply direct.

*Letter form M. D. Huebner to Mr. Peter Luff, dated 29 June 1995:*

RESIDENCE ORDERS UNDER THE CHILDREN ACT 1989

The Parliamentary Secretary, Lord Chancellor's Department, has asked me to reply to your Question about the number of shared residence orders granted under the Children Act 1989 where the father has contested the application.

I am sorry to have to tell you that this information is not available and could be obtained only at disproportionate cost.

### Contact Orders (Breaches)

**Mr. Luff:** To ask the Parliamentary Secretary, Lord Chancellor's Department how many mothers have received custodial sentences for breaches of court contact orders in each year since 1989. [30513]

**Mr. John M. Taylor:** The question concerns a specific operational matter on which the chief executive of the Court Service is best placed to provide an answer and I have accordingly asked the chief executive to reply direct.

*Letter from M. D. Huebner to Mr. Peter Luff, dated 29 June 1995:*

BREACH OF CONTRACT ORDERS

The Parliamentary Secretary, Lord Chancellor's Department, has asked me to reply to your Question about the number of mothers who have received a custodial sentence for breach of a contact order.

I am sorry to have to tell you that this information is not available and could be obtained only at disproportionate cost.

### State Paper

**Mr. Gordon Prentice:** To ask the Parliamentary Secretary, Lord Chancellor's Department if the definition of a state paper includes the manuscript notes by a Prime Minister of a speech delivered in the House of Commons. [30607]

**Mr. John M. Taylor:** As I said in reply to the hon. Member on 11 May 1995, *Official Report*, column *566*, state papers are those which are created or acquired by Ministers, officials or other Crown servants by virtue of the office they hold under, or their service to, the Crown. Whether notes such as those referred to by the hon. Member fall into this category would depend on the circumstances in which they were made.

### Actuarial Evidence

**Mr. Boateng:** To ask the Parliamentary Secretary, Lord Chancellor's Department what plans he has to amend the Civil Evidence Bill to give effect to the Law Commission's recommendation on the admissibility of actuarial evidence, following the Lord Chancellor's announcement on 22 March. [30452]

**Mr. Taylor:** A new clause giving effect to the Law Commission's recommendation on the admissibility of actuarial evidence was added to the Civil Evidence Bill at Committee stage in the House of Lords on 20 June.

### Judicial Pension Arrangements

**Mr. Boateng:** To ask the Parliamentary Secretary, Lord Chancellor's Department what comparisons he has made between the pension arrangements for full-time immigration adjudicators and judicial office-holders of a similar status; and what plans he has to amend these arrangements. [30463]

**Mr. John M. Taylor:** The Judicial Pensions and Retirement Act 1993, which came into force on 31 March 1995, established uniform pension arrangements for all full-time judicial office-holders, including immigration adjudicators, appointed on or after that date. Immigration adjudicators in office before that date continue to be pensionable under their previous terms, which differ in some respects from those of most other judicial office-holders, subject to an option to elect to join the new pension scheme. The accrual rate for pension benefits for immigration adjudicators who exercise their option to join the new scheme is twice that of their previous arrangements and therefore this option constitutes a significant potential enhancement to the pension terms they accepted on appointment. The Lord Chancellor has no plans to amend further the pension arrangements for immigration adjudicators.

## TRANSPORT

### Road Rage

**Mr. French:** To ask the Secretary of State for Transport, pursuant to his answer of 13 June, *Official Report,* column *474,* what recent representations he has received on the subject of road rage; and if he will make a statement. [31522]

**Mr. Norris:** I refer my hon. Friend to the answer I gave to the hon. Member for Newport, West (Mr. Flynn) on 23 June, *Official Report,* column *442.*

### Marine Safety Agency

**Mr. Redmond:** To ask the Secretary of State for Transport on what date he expects to introduce the proposed 20 per cent. efficiency saving into the Marine Safety Agency. [31096]

**Mr. Norris:** As the Marine Safety Agency's published 1995–96 business plan makes clear, the agency is already contributing towards the Department's efficiency gains target.

### Transport Supplementary Grant

**Mr. Redmond:** To ask the Secretary of State for Transport what has been the transport supplementary grant settlement for *(a)* south Yorkshire, *(b)* Humberside, *(c)* north Yorkshire and *(d)* west Yorkshire in each of the last 10 years. [31097]

**Mr. Norris:** Details of the total capital provision allocated to local authorities in these areas for roads and public transport in each of the last 10 years are given in the table.

| Date licence issued | Date licence expired | Product name | Alternative presentation | Manufacturing company (licence holder) | Active ingredient |
|---|---|---|---|---|---|
| 1 October 1986 | — | Osmonds Gold Fleece Sheep Dip | Golden Fleece Sheep Dip (when sold by Bimeda UK Ltd.) Deosan Diazinon Sheep Dip (when sold by Divesey Ltd.) Downland Scab Approved Fly Dip (when sold by Osmond and Son (Dublin) Ltd.) | Osmond and Son (Dublin) Ltd. | Diazinon |
| 31 October 1988 | 1 April 1993 | Osmonds Northern Fly Dip | None | Osmond and Son (Dublin) Ltd. | Chlorfenvinphos |
| 24 February 1988 | — | Diazadip All Seasons Sheep Dip | None | Bayer Plc | Diazinon |
| 26 October 1988 | — | Flyte 1250 | Seraphos Scab Approved Sold by Crown Veterinary Pharmaceuticals Downland Seraphos Scab Approved (when sold by Downland Marketing Ltd.)Robert Young and Co. Ltd.Propetamphos | | |
| 29 April 1994 | — | Coopers All Seasons Fly and Scab Dip | None | Mallinckrodt Veterinary Ltd. | Diazinon |

## NATIONAL HERITAGE

### National Lottery

**Mr. Hardy:** To ask the Secretary of State for National Heritage (1) what is the average prize received by winners in *(a)* the national lottery and *(b)* the national lottery scratch card competition; [30028]

(2) on what date Camelot received income from the national lottery which completed recoupment of its initial investment; and on what date this had been expected when the contract was signed. [30027]

**Mr. Dorrell:** This is an operational matter for Camelot Group plc. I have therefore asked the director-general of the national lottery, who is responsible for regulating the operation of the Lottery, to write to the hon. Member, placing copies of his response in the Libraries of the House.

### Advisory Council on Libraries

**Mr. Berry:** To ask the Secretary of State for National Heritage, what plans he has to revise the membership of the Advisory Council on Libraries following the local election results on 4 May. [30170]

**Mr. Dorrell:** None.

### Film Industry

**Mr. Barnes:** To ask the Secretary of State for National Heritage what were the costs of the compilation, publication and distribution of his Department's publication on the British film industry. [29755]

**Mr. Dorrell:** The document was published as a command paper by HMSO, which has borne the printing and publishing costs with the aim of recovering these from sales revenue. My Department incurred additional production and distribution costs of approximately £14,150, including VAT.

### Rugby

**Mr. Lord:** To ask the Secretary of State for National Heritage if he will make a statement on his Department's response to the third report of the National Heritage Select Committee's report on Rugby League and Rugby Union, HC (1994–95) 276. [29902]

**Mr. Sproat:** My Department responded to the National Heritage Select Committee's report on 31 May and I have today placed a copy of the response in the Library.

### Library and Information Commission

**Mr. Patrick Thompson:** To ask the Secretary of State for National Heritage, pursuant to his answer of 31 January to the hon. Member for Bury St. Edmunds (Mr. Spring), *Official Report*, columns *617–18*, what appointments he has made to the new Library and Information Commission. [30934]

**Mr. Dorrell:** I am pleased to be able to announce the following appointments to the Library and Information Commission:

- Douglas Adams—author
- Mark Wood—Reuters
- Dr. Sandra Ward—Glaxo
- Sir Charles Chadwyck-Healey — chairman of Chadwyck-Healey Publishing
- Rabbi Julia Neuberger—Camden and Islington community health service NHS trust
- Professor Judith Elkin—head of University of Central England school of information studies
- Councillor Eddy Arram—Croydon borough council
- Dr. Brian Lang—chief executive, British Library
- Derek Law—director of information services and systems, King's college London
- Dr. George Chambers—formerly chairman of the Northern Ireland CBI
- Dr. Robert McKee—director of libraries and arts, Solihull metropolitan borough council
- Sir Peter Swinnerton-Dyer—chairman of the former LISC(E) and of the British Library's Advisory Committee on the research and development department.

I am confident that with the breadth and depth of experience this membership represents, the new commission is well equipped to deal with all the issues on which I originally anticipated it working.

### Churchill Papers

**Mr. Gordon Prentice:** To ask the Secretary of State for National Heritage if any person associated with the Winston Churchill memorial trust sought to interest him or his predecessor in the possible purchase for the nation of the Churchill papers prior to the acquisition of the papers by the National Heritage memorial fund. [29854]

**Mr. Dorrell:** Neither I nor my predecessor were ever approached with any specific proposal by the Churchill Archive settlement trust to purchase the papers direct.





### Memorial Fund

**Mr. Gordon Prentice:** To ask the Secretary of State for National Heritage what responsibility he has for ensuring that the National Heritage memorial fund operates in such a way as to secure economy and value for money in relation to its acquisitions policy. [29654]

**Mr. Dorrell:** The primary responsibility for securing economy and value for money in the operations of the National Heritage memorial fund lies with the trustees and the accounting officer of the fund. These responsibilities are established by way of a financial memorandum agreed between my Department and the fund and the directions I have issued to them in accordance with section 26(3) of the National Lottery etc. Act 1993 for securing the proper management and control of the money paid to them.

**Mr. Gordon Prentice:** To ask the Secretary of State for National Heritage if he will list the membership and terms of appointment of the National Heritage memorial fund. [29656]

**Mr. Dorrell:** There are currently 14 trustees of the National Heritage memorial fund, each appointed for a term of three years from the dates indicated.

| Trustee | Appointment date |
|---|---|
| Lord Rothschild (Chairman) | [1] 1 April 1995 |
| Lord Crathorne | 16 August 1992 |
| Lord Macfarlane of Bearsden | [1] 18 September 1993 |
| Professor Palmer Newbould | [1] 23 April 1994 |
| Sir Martin Jacomb | [1] 29 July 1994 |
| John Keegan Esq. | 1 August 1994 |
| Sir Martin Holdgate CB | 25 April 1995 |
| W. Lindsay Evans Esq. | [1] 23 April 1995 |
| Cmdr Michael Saunders Watson DL | [1] 3 February 1993 |
| Mrs. Catherine Porteous | [1] 6 February 1994 |
| Sir Richard Carew Pole Bt DL | [1] 18 June 1994 |
| Mrs. Caryl Hubbard CBE | 1 August 1994 |
| Sir Nicholas Goodison | [1] 16 August 1994 |
| Mrs. Diane Nutting | [1] 20 November 1994 |

[1] Re-appointment.

**Mr. Gordon Prentice:** To ask the Secretary of State for National Heritage if he will make it his policy to require the National Heritage memorial fund to take a second opinion on the valuation of acquisitions and for that valuation to be made available for public inspection. [29655]

**Mr. Dorrell:** The policy on the number of, and publicity relating to, valuations secured by the National Heritage memorial fund is a matter for the trustees of the fund.

## TRANSPORT

### Rail Franchises

**Miss Glenda Jackson:** To ask the Secretary of State for Transport (1) what discussions he has had with the franchising director concerning the eligibility of Compagnie Generale Des Eaux to receive an invitation to tender for rail franchises, as defined by clause 26, subsection (3) of the Railways Act 1993; [30171]

(2) what guidance he has given to the franchising director regarding his duties as defined by clause 26, subsection (3) of the Railways Act 1993. [30172]

**Mr. Watts:** None.

**Miss Glenda Jackson:** To ask the Secretary of State for Transport as of 17 June, how many companies, organisations or individuals have been refused an invitation to tender for private rail franchises for reasons of *(a)* an inappropriate financial position, *(b)* inappropriate managerial competence and *(c)* not being an appropriate person as defined by clause 26, subsection (3) of the Railways Act 1993. [30173]

**Mr. Watts:** This information is commercially confidential.

### Rail Fares

**Mr. Bruce:** To ask the Secretary of State for Transport what was the average change in rail fares between *(a)* 1965 and 1979 and *(b)* 1979 and 1995. [30248]

**Mr. Watts:** The information requested is not available for the period between 1965 and 1979. Based on a basket of over 2,000 fares, the average annual change in British Rail fares between 1971–72 and 1978–79 was 2.7 per cent. in real terms. Between 1978–79 and 1994–95, the average annual change was 1.9 per cent. in real terms.

### "The Way Ahead"

**Mr. Barnes:** To ask the Secretary of State for Transport what were the costs of the compilation, publication and distribution of his Department's publication, "Transport: The Way Ahead". [29756]

**Dr. Mawhinney:** The costs of design, printing, compilation and distribution of "The Way Ahead" were £29,000.

### Road Construction

**Mr. Meacher:** To ask the Secretary of State for Transport if he will list annual outturn and planned expenditure on new construction of roads in England, as defined in figure 22 of his Department's "Transport Report 1995", for the period 1979–80 to 1997–98 in *(a)* cash terms, *(b)* constant prices and *(c)* constant prices allowing for the introduction of value added tax on motorway and trunk road improvement contracts let after 1 April 1989. [29532]

**Mr. Watts:** The information requested regarding new construction outturn and expenditure in cash terms and constant prices is set out in the table.

The effect of VAT is more difficult to determine because:

- complex transitional arrangements applied when VAT on construction contracts was introduced in 1989;
- VAT does not apply uniformly to all costs; and
- the Department's accounting records do not identify separately VAT that is not recoverable. To identify this would involve examining every contract and this could be done only at a disproportionate cost.

DRAFT LETTER FOR SIR ROBIN BUTLER TO SEND TO :-

The Rt Hon Sir Robert Fellowes KCB CVO
Buckingham Palace
London SW1A 1AA

**CHURCHILL ARCHIVE**

Thank you for your letter of 6 April which arrived just after I had left to go on leave. I am most grateful to you for letting me know that The Queen does not object to the transfer of the State papers in the Churchill Archive to Churchill College, Cambridge.

The papers about which Oliver Everett expressed reservations in 1992 were removed from the Archive and are stored separately in the Archive Centre in sealed boxes. We are assured by the Archivist that, despite the change of ownership, nothing will change in this respect. The Archivist may get in touch with Oliver in due course to discuss dates in the future when the withheld papers may possibly be returned to the Archive but, in the meantime, access will not be granted and nothing affecting the Royal Papers will be done without reference to The Queen's Librarian at Windsor.

In my letter of [ ] I said that an announcement was likely to be made ~ 20 April - this is now to be 26 April (adv).

On 20th April an announcement may be made that a grant is being made to Cambridge University by the National Heritage Memorial Fund from lottery money to enable them to purchase the pre-1945 papers in the Churchill Archive and for them to be held in Churchill College, Cambridge together with post-1945 papers which the College already owns.

Q1 What does the Archive consist of?

A1 Personal, political and literary papers, speeches, including drafts of Sir Winston Churchill's wartime speeches, official documents relating to his Ministerial and Prime Ministerial appointments spanning the years 1906-1945.

The Archive as a whole spans the years 1874-1945 and documents Churchill's life as a schoolboy, as a correspondent in South Africa, as an MP as well as his appointments as a Minister of the Crown.

Q2 Does the purchase price include a price for the official documents?

A2 No. The official documents are being transferred to Cambridge University by Deed of Gift to ensure that the Archive is kept intact at Churchill College. Copyright will be retained by the Crown.

Q3 Didn't the Government enter into litigation to establish ownership of the official documents?

A3 Yes. Litigation began in 1993 by means of an Originating Summons. This has now been withdrawn by the Attorney General.

Q4 Why?

A4 To enable the purchase to go ahead. The Archive could not have been purchased with lottery money with litigation still in train.

Q5 If the litigation has been abandoned how does HMG know which papers it owns?

A5 ?

Q6 Who has agreed to the transfer of the official documents?

A6 Her Majesty The Queen has been consulted and has consented to the Transfer. As required under a settlement drawn up by Sir Winston Churchill in 1946 and subsequent correspondence, the Prime Minister has also been consulted and given his consent.

Q7 Why have these official documents not gone to the Public Record Office where they can be seen by researchers?

A7 It is believed to be in the public interest that the Archive containing Sir Winston Churchill's papers should be preserved intact and not broken up. They will remain at Churchill College where they have been since the 1970s. Copies of many of the documents are already in the Public Record Office on the files of the relevant government departments.

Q8 Will the Archive be publicly available?

A8 Yes, as indeed it has been since the completion of the official biography by Martin Gilbert in [ ].

Q8 Who are the beneficiaries of the sale?

A8 [Members of the Churchill family - check with them]

Q9 What about the papers of other Prime Ministers?

A9

a. On relinquishing office, Prime Ministers have, by convention, taken with them certain 'personal' papers which have been written, signed, sent or received by the Prime Minister personally. They do not include copies of Cabinet documents. They do, however, include copies of minutes to Ministerial colleagues, telegrams, speeches etc. These papers are 'personal' only because they are written, signed, sent or received by the Prime Minister personally. Many are public records, the counterparts of which remain on official files and are made publicly available in the Public Record Office after 30 years. Those copies which are taken away by outgoing Prime Ministers are subject to the Official Secrets Act and remain Crown Copyright.

b. The final destination of these papers is a matter for the former Prime Minister or his/her Trustees. Most deposit them in University libraries - Eden, Attlee, Chamberlain, for example.

c. [CHECK - Lady Thatcher and Sir Edward Heath are believed still to be working on their papers; Lord Callaghan's biographer is working on his;] Lord Stockton's papers are at the Bodleian Library as are Lord Wilson's.

d. Prime Ministers who have relinquished office since Lord Wilson have been asked to give an undertaking not to allow their 'personal' papers to go out of the country.

e. With the agreement of the present Prime Minister, only papers which are truly personal will, in future, be removed from official custody.

Q10 Can other Prime Ministers' 'personal' papers be sold in the same way as the Churchill Archive?

A10 [That is a matter for them and/or their Trustees. They cannot be prevented from doing so under the Public Records Acts. The Official Secrets Act applies were appropriate and copyright remains vested in the Crown.]

Q11 Correct use of lottery money?

A11 This is a matter for the National Heritage Memorial Fund.

Q12 Why money from the lottery and not from the Exchequer?

A12 Money from the Exchequer could not be used because it was not possible to agree on the proportion of the Archive owned by the Crown.

the Trustees shall have all the powers of an absolute beneficial owner for dealing with or disposing of the Trust Property from time to time including in particular the fullest powers to publish or arrange for the publication of any documents and to exercise all other rights of copyright on any terms and in any manner And they may raise and pay out of the capital or income of the Trust Property any sums required from time to time for or in connection with the exercise of any of their powers And may allow any documents or chattels for the time being included in the Trust Property to be or to remain held or deposited on their behalf by or with any person or persons (in England or elsewhere) for any period and on any terms without themselves being liable for any loss or damage occasioned thereby

11. PROVIDED ALWAYS as follows:-

(i) During the life of the Settlor the Trustees shall not publish or arrange for the publication of any document or exercise any other right of copyright hereunder without his consent

(ii) The Trustees shall not at any time make public or sell or dispose of any document or information relating to any office ministry or department of the British Government since the year One thousand nine hundred or any official papers of a general character

without the permission of the Prime Minister of England for the time being and the other Ministers (if any) for the time being representing the office ministry or department concerned

(iii) The Trustees shall not at any time sell or alienate or part with the ownership or control of any of the documents and casket mentioned in parts 3 and 4 of the Schedule hereto except by making over the same to some beneficiary or beneficiaries (or the successors in title of some beneficiary or beneficiaries) becoming absolutely entitled under this Deed

(iv) The Trustees in their discretion may conclusively decide in each case whether and to what extent any moneys or benefits at any time held by them hereunder are to be treated as or allocated to capital or income and may make any divisions or apportionment accordingly and may in any such matter adopt and act upon the advice or decision of any accountant or actuary or legal or other adviser

(v) The documents hereby settled shall not include any which the Trustees may exclude as mentioned in the note at the end of the Schedule hereto

12. ANY of the Trustees for the time being sho whall be an individual engaged in any profession or business may be employed by the Trustees and shall be

## THE SCHEDULE

In this Summons the following expressions have the following meanings:

(1) "Sir Winston Churchill" means Winston Leonard Spencer Churchill.

(2) "The 1946 Settlement" means the settlement dated 21st July 1946 made by (1) Sir Winston Churchill and (2) his wife Clementine Ogilvy Churchill, the Right Hon. Brendan Bracken and the Right Hon. Frederick Alexander Baron Cherwell.

(3) "The 1946 Settlement Papers" means the Papers referred to in Parts 1 and 2 of the Schedule to the 1946 Settlement.

(4) "The Relevant State Papers" means the papers included within the 1946 Settlement Papers which were acquired by Sir Winston Churchill by virtue of the various offices he held as a member of the Government of the United Kingdom prior to the execution of the 1946 Settlement.

(5) "The 1963 Settlement" means the settlement dated 3rd December 1963 and made between (1) Lady Clementine Ogilvy Churchill, Anthony Forbes Moir, Sir Thomas

Leslie Rowan, and John Rupert Colville and (2) Sir Winston Churchill.

(6) "The 1969 Correspondence" means the letter dated 6th January 1969 from the Cabinet Office to John Rupert Colville and the reply thereto dated 7th January 1969.

(7) "The 1990 Settlement" means the re-settlement (or subject to any relief granted pursuant to paragraph (6) of the Summons the purported re-settlement) dated 27th December 1990 and made by the Defendants as the trustees for the time being of the 1963 Settlement.

(8) "The Archive Trustees" means the trustees for the time being of (i) the 1946 Settlement, (ii) the 1963 Settlement and (iii) subject to any relief granted pursuant to paragraphs (6) and (7) of the relief sought by this summons, the 1990 Settlement.

If the Defendant does not acknowledge service, such judgment may be given or order made against or in relation to him as the Court may think just or expedient.

DATED this day of December 19

NOTE: This Summons may not be served later than 4 calendar months beginning with the above date unless renewed by order of the Court.

This Summons was taken out by The Treasury Solicitor of Queen Anne's Chambers, 28 Broadway, London SW1H 9JS, solicitor for the said Plaintiff.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

Future PGL papers.

Terms which papers are deposited in university libraries.

Copyright

Lessons to be learnt

Why we or can't we

What if anything can we do about papers going out such channels

Copyright

What recommended for future practice

QPJ
Remarks

a. Copyright

b) Background paper drawing out deed clerks & bringing out salient points.

1917 & blogs

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Michael Carpenter to write to DC & BG setting out what they still need to do

BG estimates £3,000.

Time spent on approaches made in 1923, interpersonal for

LE CASTELLET VILLAGE 83330
VAR
Tél. 94 32 63 21

24 April 1995

CABINET OFFICE
H .....
- 1 MAY 1995
FILING INSTRUCTIONS
FILE No. ----

Dear Pat,

Just to say I have found the enclosed: less menacing than I remembered, but it may contain some minor clue!

At last I have received an 'official' invitation to Ljubljana! I will fly to Zagreb on 12 May or to Budapest, returning to Brussels on 27/28th and will stay until 7 June.

Much looking forward to seeing you & Bill Rodgers at lunch the previous day. (Details to follow)

Yours ever. Bill

GOODMAN DERRICK & CO.

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SUSAN TOPPING

CONSULTANT
L. C. B. GOWER

9-11 FULWOOD PLACE,
GRAY'S INN,
LONDON WC1V 6HQ

TEL. 01-404 0606

CABLES AND TELEGRAMS: LITSURE, LONDON, W.C.1
TELEX: 21210 LITLAW G L.D.E. 122
FAX: 01-831 6407 GROUPS II and III

YOUR REF | OUR REF | DATE

IM/ha | 20 December, 1989

Dear Professor Deakin

I am writing on behalf of Mr Peregrine Churchill, who is anxious to contact your father.

We have not managed to make contact either through Wadham College or through Brooks' Club, and I would be most grateful if you could either let me or Mr Churchill know where contact can be made.

Mr Churchill's address is Fairdown, Vernham Street, Vernham Dean, Hants SP11 0EL and his telephone number is 0264 87 240.

I would be most grateful for your assistance.

Yours sincerely

Ian Montrose

Professor Nicholas D Deakin
55 Estria Road
BIRMINGHAM B15 2LG

This firm is regulated by the Law Society in the Conduct of Investment Business.

Dear Professor Dealy:

to connect your ethics.

Critique of Jacques Derrida's [illegible], and I would be glad to
be made.

I would [illegible]

Ian Monroe

Meeting fixed for 16/5/95 at QAC.

Miss Andrews

H095/302

I am content provided that the cost does not exceed the value.

RCRB

CABINET OFFICE
A 7192
28 APR 1995
FILING INSTRUCTIONS
FILE No.

SIR ROBIN BUTLER

cc Mr Venning

28.4.

**CHURCHILL ARCHIVE - FURTHER WORK**

With the transfer of the Churchill Archive to the ownership of the new Trust the litigation has been discontinued. A great deal of work has been undertaken in preparation for litigation which it seems, without formal approval to continue, will simply cease. Although the matter seems unlikely now to go to Court, it would be very useful if the work could rounded off and a paper prepared on lessons to be learned, with recommendations for action should anything similar recur.

We were fortunate to have the services latterly of Mr W H (Bill) Godwin, former Under Secretary in the Treasury Solicitor's Department and Legal Adviser to the European Secretariat, and Mr Duncan Chalmers, recently retired Deputy Keeper, Public Record Office on this work. Both would, I believe, be willing to continue the work.

Would you be content please for me to discuss such further work with Mr Godwin and Mr Chalmers, together with Michael Carpenter, Treasury Solicitor's Department, with a view to drawing up a clearly defined specification of what they might expect to achieve and a timetable.

If you agree, I shall discuss payment with Mr Venning, but the existing arrangement, at least for Mr Chalmers, is that his fees are paid by Treasury Solicitor's Department and recovered from our central Legal Services budget. It may be that this arrangement could be extended to cover both for the shortish period I envisage being needed.

Pat Andrews

MISS P M ANDREWS

Historical and Records Section
28 April 1995

CABINET OFFICE
H Internal
- 1MAY 1995
FILING INSTRUCTIONS
FILE No.

28-APR-1995 17:26 FROM HRS 0171 217 6010 TO 0171 217 6010 P.02/02

Pat
An 'aide Memoire'? Then wpb? PSO. KEEP

H095/302

Note
Spoke Miss Andrews 3/5 + agreed she could proceed subject to checking with Finance that the Legal Services budget could bear the cost. *
R. Venning 3/5

Pat 3/5

SIR ROBIN BUTLER

cc Mr Venning

**CHURCHILL ARCHIVE - FURTHER WORK**

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If you agree, I shall discuss payment with Mr Venning, but the existing arrangement, at least for Mr Chalmers, is that his fees are paid by Treasury Solicitor's Department and recovered from our central Legal Services budget. It may be that this arrangement could be extended to cover both for the shortish period I envisage being needed.

* Mr T Macaay says he didn't know that there was a Legal Service budget; but in any event he can't say whether it could bear the cost until we know what the cost is likely to be. So meeting will go ahead to ascertain f.o.s. legal + costs. PSA 14/5

Pat Andrews

MISS P M ANDREWS

Historical and Records Section
28 April 1995

CABINET OFFICE
H Internal..
- 4 MAY 1995
FILING INSTRUCTIONS
FILE No.

Bob
Could you ... 3/5

P 1974

Replacement
sheets
for paper on
Kenyon covenant

AC
16/5

# SOVEREIGN'S CONSENT TO THE DISCLOSURE OF CABINET PROCEEDINGS AND THE USE OF CABINET DOCUMENTS

## A. SUMMARY

Statements of the principle can be found in many of the standard works on the constitution, in the columns of Hansard, and in the Press. The files of the Cabinet Office and the Prime Minister's Office reveal the extent to which the principle governed practice.

## B. PUBLISHED SOURCES

1. The principle is stated in many of the standard works on the constitution (see extracts in Appendix I). The following contain the fullest statements.

Todd Parliamentary Government of England Vol., pp.8-9 ;
Sir William R. Anson Law and Custom of the Constitution (3rd ed.: 1907-8) Vol.II, Pt.I, pp.110-111 ;
A B Keith The British Cabinet System, 1830-1938 (1939), pp. 151-156
Sir Ivor Jennings Cabinet Government (3rd ed.,1969), pp.267-9.

2. Keith (p.156) refers to an Order in Council issued in 1916, with parliamentary approval, prohibiting the publication of Cabinet secrets, but says its efficacy was not tried. He cites J A Spender and C Asquith The Life of Lord Oxford and Asquith,ii,209-211. The Order was issued under the Defence of the Realm Act 1914 as an amendment to the Defence Regulations and was dated 22 April 1916 (SR&O 253/1916 ; SR&O 1916 Vol.I pp.232-233. The principle of Cabinet secrecy and the Sovereign's consent to publication remained a convention, not always observed.

### Parliamentary statements

3. The principle was referred to at various times in Parliament in ministerial statements and in the columns of the press. The statements made by successive prime ministers on public records policy in connection with the proposed legislation of 1958 and 1967 and the early opening to public inspection of the records of the two world wars explicitly recorded the Sovereign's consent to the opening of Cabinet records and the reductions of the period of closure for public records generally, but have not been included in the following list of statements. Similarly acknowledgement of the principle in resignation statements by former ministers have not been included. No exhaustive search has been made for PQs from private members which effectively acknowledge the principle.

1923 15 and 19 February : statement by Bonar Law in Commons in reply to PQs on Churchill's publication of Admiralty orders (and minutes, telegrams, and memoranda) and Cabinet information (in The World Crisis, 1911-1918, Volume I ) that the disclosure of information on Cabinet proceedings would require the King's consent and that publication without consent he personally would regard as a breach of his oath as a Privy Councillor. (160 HC

C. UNPUBLISHED SOURCES
(Cabinet Office files CAB 21/125, 391, 457, 2161, 2676, 2677, 3740, 3755 ; Prime Minister's Office files on King's consent to publication PREM 1/171 ; PREM 8/1133)

1919 Request to King for consent to supply of a copy of a War Cabinet minute (WC 315, Minute 1) for use in case in court challenging Poplar Borough Council's right to raise electricity prices. Minute from Thomas Jones, 4 April(?) 1919 noting that he told Bonar Law that the nearest precedent was the case of the Dardanelles Commission. [Bonar Law was then Lord Privy Seal and Leader of the House of Commons].
(CAB 21/125 1/F/560 1919 Use of certified copy of War Cabinet minute in court.)

1922 January : The Cabinet agreed that former ministers would be allowed to publish official documents in order to vindicate their actions, provided such publication did not compromise the public interest. The decision arose from Churchill's complaint that without this freedom he could not reply effectively to criticisms of his conduct of military operations in a number of oficially informed accounts, notably Lord Viscount Esher The Tragedy of Lord Kitchener published in 1921. (CAB23/28 C3(22) ;22 January 1922 ; Naylor, p.117 ; M.Gilbert Winston S .Churchill Vol.IV, The Striken World, 1916-1922, pp.751-9)
NB The Cabinet was dealing with a wider range of official documents than merely Cabinet documents and does not appear to have considered the isue of the Sovereign's consent.

1922 January : Sir Leo Chiozza Money asking for permission to publish two memoranda which he had circulated to the War Cabinet when he was Parliamentary Secretary to th Ministry of Shipping (G123 and GT 660). The Cabinet decided to appoint a committee under the PM's chairmanship to consider the question of such publications (doubtless with Churchill's position in mind also), but it did not meet owing to pressure of business, including the Chanak crisis. The Prime Minister therefore gave authority fo a reply to be sent to Money that he should obtain the authority of the King, though Money did not do so at that time since he found that he needed to consult and possibly seek permission to publish other documents. (CAB 27/213 'Experience in the Cabinet Office', para. 18 (p.13) Memorandum by the Secretary of the Cabinet, 24 Feb 1923 (prepared for [second] Cabinet Committee on Publications, set up in January 1923 but also abortive).

1926 Churchill submitted the draft of the third volume of his World Crisis to Hankey for vetting and comment and in his reply of 10 December 1926 Hankey suggested that Churchill might consult the King : 'I do not know if it has occurred to you, as a Privy Counsellor, to ask leave of the King. I am not sure that it is necessary, and in any event the King could only refer the matter back to the Prime Minister. I have a feeling at the back of my mind that the King will take it rather well if you ask him.' (PRO CAB 63/38)

**CABINET OFFICE**
Historical and Records Section
Hepburn House
Marsham Street
London SW1P 4HW
Fax: 071 217 6010

ENQUIRIES:
071 217 6050

URGENT
YES/NO

# FACSIMILE LEADER

NAME: DOREEN MELVILLE RIDDELL

DEPARTMENT: OPSS

ADDRESS: 70 WHITEHALL

FAX No: 270 0618

FROM: PAT ANDREWS

DOCUMENT REFERENCE/TITLE: CHURCHILL ARCHIVE

TOTAL NUMBER OF PAGES: +7 DATE: 25-4-95

MESSAGE:
Attached briefing relates to an announcement to be made tomorrow, 26 April, at 10 am. about the purchase, with Lottery money, of the Churchill Archive
I have not yet had the NHMF's own Press Release but will send it through a s.o.p.

Please speak if you have any queries. Sorry you were not involved at an earlier stage.

ACKNOWLEDGEMENT REQUIRED YES/ NO

**CABINET OFFICE**
Historical and Records Section
Hepburn House
Marsham Street
London SW1P 4HW
Fax: 071 217 6010

ENQUIRIES:
071 217 6050

URGENT
YES/NO

# FACSIMILE LEADER

NAME: ANNE CRAWFORD

DEPARTMENT: PRO

ADDRESS: KEW

FAX No: 0181 878 8905

FROM: PAT ANDREWS

DOCUMENT REFERENCE/TITLE: CHURCHILL ARCHIVE

TOTAL NUMBER OF PAGES: + 9 DATE: 26-4-95

MESSAGE:

An announcement about the use of Lottery money to secure the Churchill Archive for the nation is being made this morning (26 April) by Lord Rothschild, Chairman of the National Heritage Memorial Fund. Attached is the briefing prepared for the S of S for National Heritage and made available to Press Offices in DNH, No10 & Cab. Office. We have established that the documents in the archive are not public records covered by the Public Records Act 1958 so you shd not be much troubled by this but please ring if you have any queries.

Pat Andrews
26/4.

ACKNOWLEDGEMENT REQUIRED YES/ NO

CABINET OFFICE
Historical and Records Section
Hepburn House
Marsham Street
London SW1P 4HW
Fax: 071 217 6010

ENQUIRIES:
071 217 6050

URGENT
YES/NO

# FACSIMILE LEADER

NAME: Miss O'Mara

DEPARTMENT: DNH

ADDRESS:

FAX No: 0171 - 211 6230

FROM: Miss P.M. ANDREWS

DOCUMENT REFERENCE/TITLE: CHURCHILL ARCHIVE

TOTAL NUMBER OF PAGES: + 2 DATE: 2/5/95

MESSAGE:

Sir R Butler's response was to say that we should not ask the PM to put this matter right as that would give it too high a profile. OPSS Ministers have not been involved with any aspect of the matter. Sir Robin's view is that the Secretary State should answer and that we should simply apologise for the oversight.

Pat
2/5

ACKNOWLEDGEMENT REQUIRED YES/ NO

# 34 GIFTS

## CONTENTS

## 34.1 GIFTS


| | |
|---|---|
| Gifts made by departments | 34.1.1 |
| Notifying Parliament of gifts | 34.1.3 |
| Transfer of land and buildings at less than full value | 34.1.11 |
| Gifts received by departments | 34.1.12 |

# 34.1 GIFTS

## GIFTS MADE BY DEPARTMENTS

### Introduction

34.1.1 Transactions which are virtually indistinguishable from gifts - eg permanent loans, indefinite loans or loans for the expected useful life of the asset should be regarded as gifts.

### Delegation arrangements

34.1.2 Gifts by departments of an unusual nature or those whose value exceeds £100,000 must be approved by Treasury.* Other gifts require prior Treasury approval unless they are covered by specific delegation arrangements agreed by the Treasury.

## NOTIFYING PARLIAMENT OF GIFTS

34.1.3 Where a gift is of an unusual nature, or its value exceeds £100,000, the following procedure, which has been agreed with the Public Accounts Committee, must be adopted. After obtaining Treasury approval, a department which proposes to make a gift must lay before the House of Commons a Minute giving particulars of the gift and explaining the circumstances. This applies to replaceable and non-replaceable items alike.

34.1.4 The gift should not normally be made until 14 days (exclusive of Saturdays and Sundays) after such a Minute has been laid before the House of Commons. The laying of the Minute should normally be arranged so that the whole of the 14-day waiting period falls at a time when the House is sitting. In cases of special urgency it is permissible, exceptionally, for part or all of the waiting period to fall during an adjournment or recess; in such cases the reasons for the urgency should be explained in the Minute.

34.1.5 The opening and closing paragraphs of Minutes should be in standard form as follows:-

Opening paragraph -

> "It is the normal practice when a Government department proposes to make a gift of public stores or property, either of an unusual nature or of a value exceeding £100,000, for the department concerned to present to the House of Commons a Minute giving particulars of the gift and explaining the circumstances;

* The Departmental Minute informing Parliament of gifts falling within these categories (34.1.5) should indicate the Treasury's agreement to the gift.

and to refrain from making the gift until 14 days (exclusive of Saturdays and Sundays) after the issue of the Minute, except in cases of special urgency."

Closing paragraph -

"The Treasury has approved the proposal in principle. If during the period of 14 days (exclusive of Saturdays and Sundays) beginning on the date on which this Minute was laid before the House of Commons, a Member signifies an objection by giving notice of a Parliamentary Question or of a Motion relating to the Minute, or by otherwise raising the matter in the House, final approval of the gift will be withheld pending an examination of the objection."

The terms of both paragraphs above have been agreed with the Public Accounts Committee; the terminology of neither paragraph should be altered, except that the final paragraph may need to be amended where the House is being given less than 14 days to signify objections. The Treasury should be consulted about the precise words to be used.

34.1.6 The Minute should contain particulars of the gift, its nature, value and circumstances in which it is being given, and the recipient. The treatment should be brief but clear. Where the gift requires replacement, the Minute should contain information about the cost and nature of the replacement, when it is expected to be acquired, and the Vote and subhead to which the expenditure will be charged; or in the case of non-voted expenditure the account to which it will be charged. Where this information is not available the reasons should be stated.

34.1.7 If a Member of Parliament signifies an objection by letter, Parliamentary Question or Early Day Motion, the gift should not, therefore, proceed until the letter or question has been answered or, in the case of an Early Day Motion, the Member or Members have been given an opportunity to make direct personal representations to the Minister. Where an objection, in whatever form, is signified, departments may wish to advise their Ministers to take the initiative by making contact with the Member or Members concerned. This may be particularly appropriate if it is proposed to make the gift urgently or promptly on expiry of the waiting period. In all such cases the Treasury should be notified of the outcome of any representations made by Members.

34.1.8 Gifts between Government departments are not subject to the Minute procedure. However, as explained in paragraph 32.1.12, the transfer of assets from one department to another should be at the full current market value.

34.1.9 Parliamentary authority for a gift of money, of any amount, and expenditure on the purchase of stores or property intended to be the subject of a gift, should normally be sought by specific provision in Supply Estimates for the full cost of the gift making clear that a gift is involved. Where specific provision has been made in Supply Estimates the Minute procedure need not be followed, nor do gifts made in such circumstances need to be noted in the account, unless the provision was for a token amount. However, a gift of stores or property already in the ownership of a department, is subject to the Minute procedure even if Parliamentary authority will be sought for expenditure to cover the cost of a replacement. Parliamentary authority for a subsequent Supply Estimate providing funds to purchase a

replacement item is not sufficient authority for the gift. Stores should be valued in accordance with the procedure set out in paragraph 36.2.28.

**Notation of gifts**

34.1.10 The procedure for notation in the appropriation account of gifts made by departments is set out in paragraph 12.6.20.

## TRANSFER OF LAND AND BUILDINGS AT LESS THAN FULL VALUE (INCLUDING CONCESSIONARY SALES)

34.1.11 Transfers of land and buildings or assignment of leases to bodies except other Government departments at less than full value should be treated in the same way as gifts. Further advice on the procedures to be followed is set out in Chapter 32 (Disposal of assets) (paragraphs 32.1.8 to 32.1.11).

## GIFTS RECEIVED BY DEPARTMENTS

34.1.12 Departments should maintain a register containing details of gifts received by them, their estimated value and what happened to them; for example whether they were retained, disposed of etc. This information is also needed to enable departments to prepare, as appropriate, notes for the Appropriation Accounts (see 12.6.20 and 34.1.10).

34.1.13 However, gifts received should be noted in the accounts only if the Treasury or department concerned consider there is a special need for them to be brought to the attention of Parliament (see paragraph 12.6.19).

**Saving of existing rights of the Crown**

45. Nothing in this Act contained shall extend to abridge or alter the rights and powers of Her Majesty to control, suspend, or prevent the execution of any process or proceeding, under this Act or otherwise, for recovering money due to the Crown.

**Audit of accounts directed to be audited by Board of Audit, 28&29 Vict.c.73**

46. All accounts required or directed to be audited by the Board of Audit shall be audited according to the provisions of this Act: But nothing herein shall be deemed to confer upon the Treasury the powers with respect to audit vested in the Admiralty by the Greenwich Hospital Act 1865.

## SCHEDULE A

**Section 22 [As substituted by s.6 of the Exchequer and Audit Departments Act 1921(c.52)]**

**Dates after the termination of every Financial Year to which the Accounts relate on or before which they are to be made up and submitted**

| Account | To the Comptroller and Auditor General by the Departments[1] | To the Treasury by the Comptroller and Auditor General | To the House of Commons by the Treasury | |
|---|---|---|---|---|
| **Supply Grants** | | | | |
| Defence Services[2] | 31 Dec | 31 Jan | 15 Mar | If Parliament is then sitting, and if not sitting, then within one week after Parliament next assembles |
| Civil Services and Revenue Departments<br>All other services voted in Supply | 30 Nov | 15 Jan | 31 Jan | |
| **Trading, etc, Accounts** | | | | |
| Army Ordnance Factories<br>Navy Expense and Manufacturing accounts | 31 Jan | 15 Mar | 31 Mar | |
| All accounts prepared by virtue of section 5 of the Exchequer and Audit Departments Act 1921 | 30 Nov | 15 Jan | 31 Jan | |

[1]The dates set out above are the statutory deadlines. In practice a shorter timetable has been adopted administratively. This requires appropriation accounts to be submitted to Accounting Officers for signature by the end of August and for the accounts to be published by the end of October.

[2]Substituted by S.I.1965, No.1126, article 2 pursuant to S.3(1) of the Defence (Transfer of Functions) Act 1964.

**CABINET OFFICE**
Historical and Records Section
Hepburn House
Marsham Street
London SW1P 4HW
Fax: 071 217 6010

ENQUIRIES:
071 217 6050

URGENT
YES/NO

# FACSIMILE LEADER

NAME: Vanessa Carpenter

DEPARTMENT: H M Treasury

ADDRESS: Parliament Street

FAX No: 7 270 6907

FROM: Pat Andrews

DOCUMENT REFERENCE/TITLE: Gift Minute: Churchill Papers

TOTAL NUMBER OF PAGES: +2 DATE: 24 5 95

MESSAGE: Draft Departmental Minute attached for your approval if at all possible. It is based on the standard set out in Govt Accounting but the last paragraph of that is inappropriate for an after the event Minute! There may be minor changes to paragraph 3, otherwise the wording has so far been approved by DNH and Treasury Solicitors. IS THERE ANY POSSIBILITY YOU CAN REPLY BY 2PM?!!!!
WITH MANY APOLOGIES

ACKNOWLEDGEMENT REQUIRED YES/ NO

Par

Carol Hobley rang.
" Margaret is happy with
Paul's sentence. "

R

Strag advice to lay tomorrow.

Paul Lynch in M. Horam's office
rang to say the Minute is to be
laid tomorrow (strag advice
from the Whip). Read HOT's
revised para to Lain & will
exclude [ ] sclause unless S. R
feel we need address it.

Pat

faxed to Melanie

✓

b5ra4 FAO Tue Jun 29 14:49:47 1993

# HM Treasury

*HERITAGE AND CENTRAL DEPARTMENTS TEAM*

*PARLIAMENT STREET*

*LONDON SW1P 3AG*

**FACISMILE NUMBER:0171 270 6907**

**FROM:** VANESSA CARPENTER **TEL:** 270 4477

**TO:** PAT ANDREWS **FAX NO:** 217 6010

**ADDRESS:** CABINET OFFICE, HISTORICAL RECORDS SECTION

**DATE:** 24-5-95 **TIME:** 3.55pm

**CLASSIFICATION:** —

**NUMBER OF SIDES FOLLOWING:** 1

**MESSAGE:**

Sorry to have missed your 2pm deadline.

etel.vc/Cab.Office/churchill

# HM Treasury

Parliament Street
London SW1P 3AG
Telephone 0171-270 4477

Ms P Andrews
Cabinet Office
Historical Records Section
Hepburn House
Marsham Street
LONDON
SW1P 4HW

24 May 1995

Dear Pat

**GIFT MINUTE - CHURCHILL PAPERS**

Thank you for faxing me a copy of your draft departmental Minute. The following comments have been agreed with TOA.

**Paragraph 1, fourth line** - "minute" should begin with an upper case M, thus "Minute".

For **paragraph 4**, we would suggest:

> *"4. The Treasury has approved the laying of this Minute. The gift was announced to the House of Commons by the Prime Minister, the Rt Hon John Major MP on 27 April 1995, the day after it was made. However, due to an oversight, which is* much *regretted, the department had overlooked the fact that the proposal to make such a gift should have been notified to the House in advance by means of the Minute procedure. [Action is now being taken to ensure that the proper reporting procedures will be followed in future.]*

We leave it to you to decide whether to include the sentence in square brackets.

Yours Sincerely

Vanessa Carpenter

**MS V CARPENTER**

CABINET OFFICE
H95/419
24 MAY 1995
FILING INSTRUCTIONS
FILE No.

DRAFT GIFT MINUTE

It is the normal practice, when a Government Department proposes to make a gift of public stores or property, either of an unusual nature or of a value exceeding £100,000, for the department concerned to present to the House of Commons a minute giving particulars of the gift and explaining the circumstances; and to refrain from making the gift until 14 days (exclusive of Saturdays and Sundays) after the issue of the Minute, except in cases of special urgency.

At the time of the purchase by the National Heritage Memorial Fund of the private papers in the Churchill Archive, Her Majesty's Government, with Her Majesty The Queen's consent, agreed to transfer the official papers to Churchill College, Cmabridge, so that the archive would be secured for the nation and remain, intact, at Churchill College, where it has been since the mid 1970s.

The valuation of the State papers must be hypothetical, since Her Majesty's Government would not itself have sold ~~the official papers in the Churchill Archive,~~ to that extent ~~the papers~~ they have no monetary value ~~to the nation.~~ However, during the negotiations which led the sale of the private papers an independent valuation ~~of the papers~~ of the Churchill Archive was obtained by the National Heritage Memorial Fund on the premise that they could be sold on the open market. The papers which are classified as "Official" and are State papers were valued at £10 million. Further State papers are included in the valuation under "Speeches", a category with a total value of £5 million.

Miss Adams
Last quick Reply

Mr Campbell
Mr Jenkins
Mr Hobley

Mrs
24/5

Does this have to come first? It looks odd but I come to.
It might be better as is.

The Treasury has approved the laying of this minute. By an oversight, which is regretted, it was not laid at the ~~appropriate~~ time/ the transaction took place, on 26 April 1995 and was ~~announced~~ to the House of Commons by the Prime Minister, the Rt Hon John Major MP, on 27 April 1995.

My D/t?

reported

? since it wasn't a formal announcement

Ask if you have a full copy!

*Parliamentary Secretary,*
*Office of Public Service and Science*

FROM: PAUL LYNCH
PS/MR HORAM
DATE: 24 MAY 1995

Tj 2805

PS/SIR ROBIN BUTLER

cc: PPS/CDL
PS/Mr Mountfield
Mrs Andrews
Mrs Oakley
Mr McManus

**MEETING ON CHURCHILL PAPERS**

Sir Robin Butler explained that Government gifts with a value of more than £10,000 should be preceded by a gift Minute placed before Parliament. Due to an unfortunate oversight, no Minute had been laid before the recent gift to Cambridge University of some of Sir Winston Churchill's official papers. It was necessary now to put down a gift Minute which would incorporate an apology for the oversight. Two issues needed to be resolved: (i) in whose name the Minute would be laid; and (ii) when the Minute would be laid.

2. Although the Department of National Heritage had taken the lead on negotiationd on the Churchill Papers, Ministers there considered the matter of a gift to be the responsibility of the Cabinet Office. This made Mr Horam the most likely candidate for authorship of the Minute. The Minute could be tabled before Recess or very shortly afterward; there were arguments in favour of either course of action. Sir Robin thought, on balance, that it might be better to place the Minute after Recess. Placing the Minute immediately before Recess might lead to accusations that the Government was doing so in a deliberate attempt to avoid publicity.

3. Mr Horam said that he was content to put the Minute down in his name. He said that he would consult colleagues about the timing of the Minute.

PAUL LYNCH
Room 303, 70W
270 0411

CABINET OFFICE
H Internal
26 MAY 1995
FILING INSTRUCTIONS
FILE No.

V Cd you put this on a disk. Its under GIFTMIN p

**DEPARTMENTAL MINUTE DATED 25 MAY 1995 CONCERNING THE GIFT OF STATE PAPERS IN THE CHURCHILL ARCHIVE TO CHURCHILL COLLEGE, CAMBRIDGE**

1. It is the normal practice, when a Government Department proposes to make a gift of public stores or property, either of an unusual nature or of a value exceeding £100,000, for the department concerned to present to the House of Commons a minute giving particulars of the gift and explaining the circumstances; and to refrain from making the gift until 14 days (exclusive of Saturdays and Sundays) after the issue of the Minute, except in cases of special urgency.

2. At the time of the purchase by the National Heritage Memorial Fund of the private papers in the Churchill Archive, Her Majesty's Government, with Her Majesty The Queen's consent, agreed to transfer the official papers to Churchill College, Cmabridge, so that the archive would be secured for the nation and remain, intact, at Churchill College, where it has been since the mid 1970s.

3. Her Majesty's Government would not itself have sold the official papers in the Churchill Archive so that no value can be ascribed by HMG to those papers in the event of such sale. However, during the negotiations which led the sale of the private papers an independent valuation of the Archive was obtained by the National Heritage Memorial Fund on the hypothesis that they could be sold on the open market. The papers which are classified as "Official" and are State papers were valued at £10 million. Further State papers are included in the valuation under "Speeches", a category with a total value of £5 million.

4. The Treasury has approved the laying of this minute. By an oversight, which is regretted, it was not laid at the time the transaction took place on 26 April 1995. The gift was announced to the House of Commons by the Prime Minister, the Rt Hon John Major MP, on 27 April 1995.

For Churchill papers file



**Mr. Kenneth Clarke** *[holding answer 12 June 1995]:* The Government do not disclose details of correspondence between the inquiry and individual witnesses. In the case of draft extracts in particular, the inquiry has asked that these be treated in the strictest confidence.

### Economic Statement

**Mr. Matthew Banks:** To ask the Chancellor of the Exchequer, if he will make a statement on the economy. [29179]

**Mr. Kenneth Clarke:** Achieving low inflation is a key feature of the Government's economic policy to deliver prosperity and secure jobs. The Government's current aim for underlying inflation is to keep within the range 1 to 4 per cent., and to get down to the lower half of the range—that is 2½ per cent. or less—by the end of the present Parliament. I am fully committed to achieving that aim and do not propose to change it.

Beyond this Parliament, I propose that our aim will be to continue to achieve underlying inflation—measured by the RPI excluding mortgage interest payments—of 2½ per cent. or less. Monetary policy will be set consistently to achieve this target. This should ensure that inflation will remain in the range 1 to 4 per cent.

Achieving this target would put us on course to achieve the best performance on inflation this country has seen for over half a century and one of the best performances in Europe.

## NATIONAL HERITAGE

### Churchill Papers

**Mr. Redmond:** To ask the Secretary of State for National Heritage what consideration he gave to arranging for the Sir Winston Churchill wartime documents to be circulated to museums and county archives throughout the United Kingdom, instead of being housed permanently at Churchill college, Cambridge; and if he will make a statement. [27935]

**Mr. Dorrell:** In making a grant to the Sir Winston Churchill archive trust, access to the archives and the conservation and presentation of the papers to scholars and the general public were always key priorities for the trustees of the National Heritage Memorial Fund. Churchill college, Cambridge will be mounting an exhibition of selected papers from the Churchill archive at the Jock Colville hall, from 29 June to 4 July. There are also plans to show selected papers at the British museum, at the national museums of Scotland and Wales and at other institutions in the near future.

### English Heritage (Advice)

**Mr. Jamieson:** To ask the Secretary of State for National Heritage, if he will list the occasions when advice by English Heritage in relation to urban development corporations has been overruled by a Secretary of State; and what was in each case the reason for the decision to overrule advice by English Heritage. [27785]

**Mr. Dorrell** *[holding answer 12 June 1995]:* My Department has no record of any cases in which English Heritage's advice on scheduled monument consent applications by urban development corporations has been overruled.

### Royal William Yard, Plymouth

**Mr. Jamieson:** To ask the Secretary of State for National Heritage what representations have been received by his Department regarding the type of slate to be used on the roof of listed buildings at Royal William yard in Plymouth, and if he is prepared to accept further representations. [27787]

**Mr. Dorrell** *[holding answer 12 June 1995]:* My Department has received representations from Camborne Natural Slate Limited. As with all applications for scheduled monument consent, I will consider all relevant representations up to the time of my decision.

**Mr. Jamieson:** To ask the Secretary of State for National Heritage what plans he has to make recommendations to the Plymouth development corporation regarding the type of slate which should be used to cover the roof area of listed buildings within the Royal William yard; and if he will make a statement. [27791]

**Mr. Dorrell** *[holding answer 12 June 1995]:* I have no such plans. My Department has received six applications for scheduled monument consent from the Plymouth development corporation to refurbish individual buildings in the Royal William yard, Plymouth, which would include the replacement of roof slates. My Department is currently considering advice received from English Heritage, which has had discussions with the development corporation about the choice of historically appropriate slates. I will issue decisions in due course.

**Mr. Jamieson:** To ask the Secretary of State for National Heritage what is the total cost difference between using Camborne slate and Welsh slate to cover the roofs of listed buildings at Royal William yard in Plymouth. [27784]

**Mr. Dorrell** *[holding answer 12 June 1995]:* Precise figures cannot be released for reasons of commercial confidentiality but I understand Welsh slates are expected to be 50 per cent. expensive than Camborne slates.

**Mr. Jamieson:** To ask the Secretary of State for National Heritage what scientific evidence has been presented to his Department by English Heritage in respect of its decision to recommend the use of Welsh slate on the roof of listed buildings at Royal William yard in Plymouth. [27786]

**Mr. Dorrell** *[holding answer 12 June 1995]:* I am advised by English Heritage that Rennie's original specification for roofing material in Royal William yard merely required best sized Queen Rag slates. The actual source of the slates was not specified, and has not been identified by historical research. In practice, the choice would have been between Welsh and Cornish slates. The latter are no longer available in the quantity required, and Welsh slates remain the likely nearest equivalent historically, and the best match in terms of tones and textures.

of RN ships where they are employed alongside regular personnel in appropriate duties. The RNR no longer has any vessels of its own; therefore, it will not be possible for one to be sent to the Dartmouth royal regatta.

## LORD CHANCELLOR'S DEPARTMENT

### Legal Services Ombudsman

**Mr. Coe:** To ask the Parliamentary Secretary, Lord Chancellor's Department when the legal services ombudsman intends to publish his fourth annual report. [28621]

**Mr. John M. Taylor:** The legal services ombudsman will tomorrow publish his fourth annual report, and copies will be placed in the Library of the House.

### State Papers

**Mr. Gordon Prentice:** To ask the Parliamentary Secretary, Lord Chancellor's Department on how many occasions since 1970 the Crown has claimed ownership of state papers held privately. [26969]

**Mr. John M. Taylor:** The Crown made a claim of ownership of such papers in legal proceedings in relation to the Churchill papers. Information is not collated or available centrally where more informal action has been taken.

### Queen's Counsel

**Mr. Peter Bottomley:** To ask the Parliamentary Secretary, Lord Chancellor's Department if he will make it his policy to allow Queen's Counsel a choice between uttering an oath or making a declaration to match the procedure followed by hon. Members. [27204]

**Mr. John M. Taylor:** Only in Northern Ireland are newly-appointed Queen's Counsel required to take an oath of allegiance. The matter is therefore one for the Supreme Court authorities, in consultation with the General Council of the Bar of Northern Ireland, on whose advice my right hon. Friend the Secretary of State for Northern Ireland acts in these matters.

**Mr. Peter Bottomley:** To ask the Parliamentary Secretary, Lord Chancellor's Department who has discretion to modify the requirements of the oath and declaration required of Queen's Counsel. [27206]

**Mr. John M. Taylor:** When in November 1992 the form of the declaration made by Queen's Counsel in England and Wales was last modified, Her Majesty approved the Lord Chancellor's recommendation made with the agreement of the treasures of the four inns of court and the chairman of the General Council of the Bar.

The form of the declaration made upon admission to the Faculty of Advocates in Scotland is governed by the faculty regulations. Any amendment would require the approval of the Lord President of the Court of Session.

Any modification to the oath and declaration for Queen's Counsel of Northern Ireland would be made by my right hon. Friend the Secretary of State for Northern Ireland in the exercise of the royal prerogative. He would be advised on the matter by the Supreme Court authorities after consultation with the General Council of the Bar of Northern Ireland.

**Mr. Peter Bottomley:** To ask the Parliamentary Secretary, Lord Chancellor's Department if the oath and declaration required of Queen's counsel are identical throughout the United Kingdom and Commonwealth. [27205]

**Mr. John M. Taylor:** In England and Wales a declaration is made by newly appointed Queen's counsel in the following terms:

> "I [A.B.] do sincerely promise and declare that I will well and truly serve Her Majesty Queen Elizabeth the Second and all whom I may lawfully be called upon to serve in the office of one of Her Majesty's Counsel learned in the Law according to the best of my skill and understanding".

In Scotland, advocates make a declaration of allegiance when they are admitted to the faculty of advocates. The declaration, commonly known as the oath of allegiance, is made in the following terms:

> "I [A.B.] do solemnly, sincerely and truly declare and affirm that I shall bear true allegiance to Her Majesty Queen Elizabeth, her heirs and successors according to law".

When an advocate is granted the status of Queen's counsel in Scotland, he or she is not required to make any further declaration. The arrangements for appointment as a Queen's counsel are made through correspondence and there is no ceremony associated with appointment to this rank.

In Northern Ireland, Queen's counsel take both an oath of allegiance and make a declaration., The oath of allegiance is in the following terms:

> "I, [A.B.] do swear by Almighty God that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her Heirs and Successors, according to law".

The Declaration made is as follows:

> "I, [A.B.] do declare that well and truly I will serve the Queen as one of Her Counsel learned in the Law and truly counsel the Queen in Her matters, when I shall be called upon to do so, and duly and truly minister the Queen's matters and sue the Queen's process after the course of the Law, and after my cunning. I will duly in convenient time speed such matters as I may lawfully do which any person shall have to do in the Law against the Queen. And in all other respects I will be attendant to the Queen's matters when I be called thereto".

Different procedures for the recommendation and appointment of Queen's counsel subsist throughout the Commonwealth.

### Legal Aid

**Mr. John Marshall:** To ask the parliamentary Secretary, Lord Chancellor's Department (1) what is the amount of legal aid awarded to Kasim Mohamed Bacchus; and if he will make a statement about this award of legal aid; [26982]

(2) what plans he has to investigate the award of legal aid to Kasim Mohamed Bacchus. [26931]

**Mr. John M. Taylor:** A legal aid certificate was issued in favour of Mr. Bacchus on 13 April 1995 to cover contested matrimonial proceedings. The granting of legal aid in this case is now under investigation by the Legal Aid Board. No payments have been made from the legal aid fund to date.

If it is found that an assisted person has failed to disclose his true financial position, the legal aid certificate may be revoked. In those circumstances, the Legal Aid Board would be entitled to recover its costs in full. With regard to this particular case, I have received a full report from the chief executive of the Legal Aid Board. Because of the confidentiality provisions of the Legal Aid Act

1988, I cannot disclose further details of the information. I am, however, satisfied that the matters which were of concern to the trial judge have been fully investigated and that appropriate action will be taken.

**Mr. Cousins:** To ask the Parliamentary Secretary, Lord Chancellor's Department what were the costs of legal aid paid to each defendant in the case of the Crown *v.* Abraham, Allen and Henderson; and how much was contributed by/or recovered from each defendant. [27173]

**Mr. John M. Taylor:** Details of the legal aid payments made to lawyers acting on behalf of the three defendants, and the amounts recovered from each defendant, are as follows:

| *Defendant* | *Legal aid costs excluding VAT* £ | *Amount recovered* £ |
|---|---|---|
| Abraham | 124,541 | 546 |
| Allen | 122,112 | 52 |
| Henderson | 232,375 | 5,000 |

### Search Warrants

**Mr. Nigel Jones:** To ask the Parliamentary Secretary, Lord Chancellor's Department (1) what powers he has to monitor the issuing of search warrants by magistrates; and how many representations he has received from the public in the last year concerning the issuing of search warrants; [27168]

(2) what percentage of police applications for search warrants is refused by magistrates; and what instructions and guidance are given to magistrates on how they should exercise their powers and responsibilities when requested for search warrants. [27167]

**Mr. John M. Taylor:** Statistics on the number of search warrants issued or refused are not recorded centrally. Individual cases are for magistrates to decide, and it is not for the Government to seek to advise them on the exercise of their judicial discretion. Home Office circular 88/1985 contained guidance on the statutory provisions for search warrants under the Police and Criminal Evidence Act 1984 and was copied to the magistrates' courts. I am not aware of any representations from the public about the issue of such warrants.

## HOUSE OF COMMONS

### Statutory Instruments

**Mr. Ian Bruce:** To ask the Lord President of the Council if he will list the statutory instrument which passed into law during 1994 which both implement EC measures and impose fines or other penalties together with the reference number of the EC measures concerned.

**Mr. Newton:** The information requested could be provided only at disproportionate cost.

### Churchill Papers

**Mr. Gordon Prentice:** To ask the Secretary of State for National Heritage, pursuant to his answer of 24 May, *Official Report*, column *647*, on the value of the Churchill archive (1) if he will disclose the identity of the dealer in the field of antiquarian books who provided an independent valuation. [26977]

(2) if he will place in the Library the valuation report on the Churchill archive; [26960]

(3) what consideration the National Heritage Memorial Fund gave to taking second and third opinions of the monetary value of the papers. [26959]

**Mr. Dorrell:** These are matters for the National Heritage Memorial Fund, which is an independent body. I have asked the chairman to write to the hon. Member and to place copies of his letter in the Library of the House.

### Ealing Film Studios

**Mr. Harry Greenway:** To ask the Secretary of State for National Heritage what local and other employment opportunities he expects to be consequent upon the £2 million expenditure to save the Ealing film studios; and if he will make a statement. [27992]

**Mr. Dorrell:** It is too early to say precisely what employment opportunities will become available because the new owner of Ealing film studios, the National Film and Television School, is still in the process of considering how best to use the complex in future.

## EMPLOYMENT

### Work Force Statistics

11. **Mr. Tredinnick:** To ask the Secretary of State for Employment what proportion of the work force in the east midlands is engaged in temporary work; and how that compares with the record of other EU countries. [26517]

**Mr. Oppenheim:** The latest results from the "Labour Force Survey" indicate that 6 per cent. of workers in the east midlands are engaged in temporary work. The share of temporary employment in Britain is among the lowest in the EC.

### Job Opportunities (Former Mining Areas)

12. **Mr. William O'Brien:** To ask the Secretary of State for Employment what assistance his Department is giving to encourage job opportunities in areas run down by mine closures; and if he will make a statement. [26718]

**Mr. Paice:** The Government's sound economic policies are the best way to create jobs. But, in addition, the Government have provided a £200 million special measures package for areas affected by pit closures.

### Strikes

13. **Mr. Nigel Evans:** To ask the Secretary of State for Employment what is the current strike record in *(a)* the United Kingdom and *(b)* Germany; and what were the figures in 1979. [26719]

**Mr. Oppenheim:** In 1979, the UK lost 29.5 million days, over 50 times Germany's total 0.5 million. In 1993, the United Kingdom and Germany each lost 0.6 million days to labour disputes.

### Social Chapter

14. **Mr. David Atkinson:** To ask the Secretary of State for Employment what recent representations he has received from the hotel industry about the social chapter. [26720]

To put with Churchill papers.

# FACSIMILE TRANSMISSION

PQ drafts.


## LORD CHANCELLOR'S DEPARTMENT

**30 GREAT PETER STREET**
**LONDON**
**SW1P 2BY**

**FAX NO. 0171- 210 8568**


| | |
|---|---|
| TO: | Pat Andrews, Cabinet Office FAX: 217 6010<br>Nicholas Cox, PRO FAX: 0181: 878 8905<br>Michael Carpenter, Treasury Solicitors FAX: 3503 |
| FAX NO. | (as above) |
| FROM: | ROBERT WRIGHT, LEGAL SERVICES DEVELOPMENT<br>TELEPHONE: 0171 210 8810 |
| NO. OF PAGES: | 2 (including this page) |
| DATE: | 27 June 1995 |

COMMENTS: Thank you for your responses to the PQ. I have this afternoon spoken to Pat Andrews and Michael Carpenter about the Lord Chancellor's concern at the answer as drafted (attached). He wished to delete the final sentence and replace it with "Whether manuscript notes used fall into this category would depend on the circumstances in which they were made". I spoke, first to Pat Andrews, and we were both content with that sentence. I then had a fairly long conversation with Michael Carpenter and we came up with the following response, which is certainly more forthcoming:

"Manuscript notes by a Prime Minister of a speech delivered by him in the House of Commons would in principle be State Papers."

not approved

I would be grateful for your confirmation by mid-day on Wednesday 28 June that this is satisfactory as I must then get back to the Lord Chancellor's Private Office.

IF YOU DO NOT RECEIVE A CLEAR TRANSMISSION
OR ANY OF THE PAGES ARE MISSING
PLEASE TELEPHONE 0171 210 8810

Which notes such as those referred to by the Hon Member fall into this category ....

This change was suggested to R Wright after consultation with M. Carpenter.

PARLIAMENTARY QUESTION FOR WRITTEN ANSWER ON 29 JUNE 1995

QUESTION: PQ No 630

MR GORDON PRENTICE (PENDLE): To ask the Parliamentary Secretary, Lord Chancellor's Department, if the definition of a state paper includes the manuscript notes by a Prime Minister of a speech delivered in the House of Commons.

ANSWER:

MR JOHN M. TAYLOR: As I said in reply to the Hon. Member on 11 May 1995 (OR Col. 566), State Papers are those which are created or acquired by ministers, officials or other Crown servants by virtue of the office they hold under, or their service to, the Crown. Such documents as fall into those categories would be regarded as State Papers.

c- Miss Andrews
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A 10572
22 JUN 1995
FILING INSTRUCTIONS
FILE No.

HO95/429

SIR ROBIN BUTLER

PQ - MR GORDON PRENTICE

The Lord Chancellor's Department have asked for advice on a reply to a Parliamentary Question to the Parliamentary Secretary, Lord Chancellor's Department from Mr Gordon Prentice:-

> "To ask the Parliamentary Secretary, Lord Chancellor's Department, if the definition of a State Paper includes the manuscript notes by a Prime Minister of a speech delivered in the House of Commons."

In answer to an earlier Question from Mr Prentice about the definition of a state paper, the Parliamentary Secretary said:-

> "I understand the expression "State Paper" to signify those papers which are created or acquired by Ministers, officials or other Crown servants by virtue of the office they hold under, or their service to, the Crown. Whether or not the Crown can claim ownership of any wider class of papers will depend on the circumstances of the time."(Hansard 11 May 1995, Col 566)

That is the definition used during the litigation on the Churchill Papers. Whilst Treasury Counsel agreed that, for the purposes of that litigation, we should claim ownership of manuscript drafts of speeches etc, they had reservations about whether a Court would find in our favour. With these points in mind Treasury Solicitor, Mr Carpenter. agrees that we should avoid stating categorically that any particular paper(s) are or are not State papers. In consultation with the Public Record Office we have therefore suggested that the answer to Mr Prentice's latest Question should simply refer back to the previous one:-

> "I refer the Hon Member to the reply I gave him on 11 May 1995 (OR Col 566). [State papers are those which are created or acquired by Ministers, Officials or other Crown Servants by virtue of the office they hold under, or their service to, the Crown. Such documents as fall into those categories would be regarded as State Papers.]"

Would you be content with that reply please?

Pat Andrews

MISS P M ANDREWS
Historical and Records Section
22 June 1995

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23 JUN 1995
FILING INSTRUCTIONS
FILE No.

22-JUN-1995 16:38 FROM HRS 0171 217 6010 TO 0171 217 6010 P.05



assumed the original schedule for the termination of these payments.

Early termination will mean that electricity prices will fall sooner than anticipated, which may result in some corresponding increase in the output of carbon dioxide in the short-term. I am determined to ensure that we sustain momentum for increased energy efficiency, and continue to give the strong lead we have established internationally on climate change, most recently at the first conference of parties to the climate change convention in Berlin. I am therefore pleased to announce that I shall make available to the Energy Saving Trust an additional £25 million a year to promote energy efficiency measures, from 1996 until the gas and electricity markets are fully liberalised.

Following my earlier announcement of support for its running costs, the Energy Saving Trust is currently drawing up new plans. I intend to invite the trust to use the coming year to prepare a number of cost effective proposals for my consideration. I will make money available for the best ones within the £25 million ceiling.

I shall be looking for innovative pump-priming schemes involving all fuels, which require funding to get started and which are designed to take advantage of and enhance the effectiveness of the developing competitive markets for energy and energy services. I shall be looking for a positive emphasis on demand-side management measures and on the development of energy services companies.

## LORD CHANCELLOR'S DEPARTMENT

### Historical Documents

**Mr. Gordon Prentice:** To ask the Parliamentary Secretary, Lord Chancellor's Department what advice he gives to Departments concerning the training of persons with responsibility for assessing the historical significance of documents held in those Departments. [23180]

**Mr. John M. Taylor:** Guidance is issued by the Keeper of Public Records. Section 3(2) of the Public Records Act 1958 prescribes that every person responsible for public records shall perform his duties under such guidance, which is detailed in the Public Record Office's "Manual of Records Administration".

**Mr. Gordon Prentice:** To ask the Parliamentary Secretary, Lord Chancellor's Department what special training is given to persons who have responsibility for assessing the historical significance of documents held by his Department. [23283]

**Mr. John M. Taylor:** Training in assessing the historical significance of departmental records is carried out under the guidance of the Keeper of Public Records. It is provided in a number of different ways, including courses on the appraisal of records and through conferences and seminars arranged by the Public Record Office.

### Female Poll Tax and Fine Defaulters

**Ms Janet Anderson:** To ask the Parliamentary Secretary, Lord Chancellor's Department how many cases of women being gaoled for poll tax and fine default have had those convictions ruled unlawful in the High Court since 1989. [23151]

**Mr. John M. Taylor:** The question concerns a specific operational matter on which the chief executive of the Court Service is best placed to provide an answer and I have accordingly asked the chief executive to reply direct.

*Letter from M. Huebner to Ms Janet Anderson, dated 10 May 1995:*

The Parliamentary Secretary, Lord Chancellor's Department, has asked me to reply to your question about the number of convictions which have been ruled unlawful by the High Court involving women gaoled for poll tax and fine default.

I am sorry to have to tell you that this information is not available and could be obtained only at disproportionate cost.

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**Mr. Gordon Prentice:** To ask the Parliamentary Secretary, Lord Chancellor's Department what is the official definition of a state paper. [22935]

**Mr. John M. Taylor:** I understand the expression "State Papers" to signify those papers which are created or acquired by Ministers, officials or other Crown servants by virtue of the office they hold under, or their service to, the Crown. Whether or not the Crown can claim ownership of any wider class of papers will depend on the circumstances of the case.

**Mr. Gordon Prentice:** To ask the Parliamentary Secretary, Lord Chancellor's Department in what circumstances state papers are permitted to be held in private hands. [22936]

**Mr. John M. Taylor:** State papers are normally held by the Crown. In very rare circumstances, they may be held in private hands, normally when permission has exceptionally been given to a former Minister or public servant to retain possession of them. Examples of such circumstances are given in part 1 of the report of the Committee of Privy Counsellors on Ministerial Memoirs, Cmnd 6386, also known as the Radcliffe committee.

### Solicitors

**Mr. Redmond:** To ask the Parliamentary Secretary, Lord Chancellor's Department what action he plans to take in respect of solicitors who persuade criminals to take civil cases against the police. [22732]

**Mr. John M. Taylor:** Solicitors are duty bound to act in the best interests of and on the instructions of their clients and, subject to means and eligibility tests, will apply for legal aid to take or defend actions where appropriate on behalf of their clients.

### Legal Aid

**Mr. Redmond:** To ask the Parliamentary Secretary, Lord Chancellor's Department if he will take urgent action to limit legal aid in fraud cases to a maximum of £10,000. [22742]

**Mr. John M. Taylor:** The Lord Chancellor has recently announced the proposals he intends to take forward following the consultation paper on legal aid for the apparently wealthy. The Lord Chancellor will issue a Green Paper on the future of legal aid very soon. That will address the provision of legal aid in both civil and criminal cases.

HO95/429

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MISS P M ANDREWS
Historical and Records Section
22 June 1995

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PUBLIC RECORD OFFICE

Public Record Office
Kew
Richmond
Surrey TW9 4DU

# Fax message

To Pat Andrews
Of Cabinet Office
Fax No. 0171 [redacted] 217 6010
Date 22/6/95
Number of pages to follow 1

From Nicholas Cox
Department ASD
Phone No. 0181 878 2000
Our fax No. 0181 878 8905

**Message**

Also faxed to Mr. M. Carpenter, Treasury Solicitors' Office
and Mr. R. Wright, LCD

**QUESTION FOR WRITTEN ANSWER: MR GORDON PRENTICE MP (LABOUR: PENDLE)**

To ask the Parliamentary Secretary, Lord Chancellor's Department, if the definition of a State Paper includes the manuscript notes by a Prime Minister of a speech delivered in the House of Commons.

**SUGGESTED DRAFT REPLY**

I refer the Hon Member to the reply I gave him on 11 May 1995 (OR Col 566). State Papers are those which are created or acquired by ministers, officials or other Crown servants by virtue of the office they hold under, or their service to, the Crown. Such documents as fall into those categories would be regarded as State Papers.

**CABINET OFFICE**
Historical and Records Section
Hepburn House
Marsham Street
London SW1P 4HW
Fax: 071 217 6010

ENQUIRIES:
071 217 6050

URGENT
YES/NO

# FACSIMILE LEADER

NAME: Robert Wright

DEPARTMENT: LCD

ADDRESS: Trevellyan House
FAX No: 7 210 8568

FROM: Pat Andrews

DOCUMENT REFERENCE/TITLE: Gordon Prentice PQ No 167

TOTAL NUMBER OF PAGES: 4 DATE: 22 June 1995

MESSAGE: I have discussed this PQ with Michael Carpenter and he has agreed that I should reply. It is tempting to answer the Question by simply saying "Yes". This would, on the face of it, be consistent with earlier replies that State Papers are those created or acquired by Ministers... by virtue of the office they hold under, or their service to, the Crown. However, legal advice on the question of manuscript notes and drafts of speeches was not very firm. Counsel advising on the litigation were content for us to claim ownership of such documents but had reservations about whether a court would find in our favour. In view of this and on the assumption that Mr Prentice is still referring to Churchill papers, our advice would be simply to refer back to the answer which Mr Taylor gave to Mr Prentice on 11 May 1995 Hansard Col 566. As Michael Carpenter has said before the definition of a State paper is not a term of art, there is no single official definition of what constitutes a State paper; the wording we use is simply that used during the litigation. To state categorically that any particular paper(s) would fall within the definition could therefore be a hostage to fortune! I attach a suggested form of words for a reply and copies of earlier, possibly relevant, PQs. I am copying this FAX and enclosures to Michael Carpenter (210 3503) and Nicholas Cox (0181 878 8905).

ACKNOWLEDGEMENT REQUIRED YES/ NO

Lab - Pendle

No 156 Mr Gordon Prentice

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### Ministers's Official Broadcasts

**Mr. Austin Mitchell:** To ask the Prime Minister if drafts of Ministers' official broadcasts are classified as official papers. [26844]

**The Prime Minister:** If such drafts are created or acquired by Ministers by virtue of their office, they would be official papers.

### Living Standards

**Mr. Austin-Walker:** To ask the Prime Minister what is his policy in respect of the state funding improvements in individuals living standards in old age. [26901]

**The Prime Minister:** Our policy on pensions remains unchanged. We will maintain the value of the basic state pension by increasing it in line with prices, encourage personal responsibility for additional pension provision through occupational and personal pensions and target extra resources on those with low incomes.

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**Mr. Sheerman:** To ask the Prime Minister what provisions his Department has made to ensure that accommodation designed to provide care and support for vulnerable residents and those at risk, is fully covered under the proposed changes to housing benefit. [26537]

**The Prime Minister:** My right hon. Friend the Secretary of State for Social Security has recently received the report of the Social Security Advisory Committee following its public consultation on the proposed changes to housing benefit. He will be considering carefully the position of sheltered and supported housing under the changes as part of the response to the report.

### Ministerial Documents

**Mr. Austin Mitchell:** To ask the Prime Minister what classes of document relating directly or indirectly to the performance by Ministers and officials of their duties are still regarded as state papers which cannot be sold for personal gain by Ministers and officials. [26532]

**The Prime Minister:** Papers which are created or acquired by Ministers or officials, or other Crown servants, by virtue of the office they hold under, or in their service to, the Crown, are regarded as state papers which should not be sold for personal gain.

I refer the hon. Member to the answer I gave to him on 4 May 1995, *Official Report,* columns *281–82* in respect of the convention relating to papers taken away by Prime Ministers on leaving office.

### Local Education Authorities

**Mr. Redmond:** To ask the Prime Minister, pursuant to his answer of 25 April, *Official Report,* column *65,* where in the current edition of "Social Trends" can be found the information that education authorities employ two administrators for every three teachers; and if he will make a statement. [26897]

**The Prime Minister:** I refer the hon. Member to my answer to the hon. Member for Stoke-on-Trent, Central (Mr. Fisher), on 27 April, *Official Report,* column *613.*

## FOREIGN AND COMMONWEALTH AFFAIRS

### Retirements and Redundancies

**Ms Hodge:** To ask the Secretary of State for Foreign and Commonwealth Affairs how many people in *(a)* the Foreign and Commonwealth Office and *(b)* agencies for which the FCO is responsible (i) took early retirement, (ii) took voluntary redundancy, (iii) took compulsory redundancy and (iv) were retired on medical grounds in (1) 1993–94 and (2) 1994–95; and what are the projected figures for 1995–96. [25481]

**Mr. Goodlad:** The information is as follows:

*Foreign and Commonwealth Office*

| | *Early retirement* | *Voluntary redundancy* | *Compulsory redundancy* | *Medical retirement* |
|---|---|---|---|---|
| 1993–94 | 63 | 30 | 0 | 13 |
| 1994–95 | 134 | 52 | 0 | 14 |
| 1995–96 | 69 | 7 | [1]40 | 1 |

[1] Of these 40 redundancies it is not possible at this stage to state whether they will be voluntary or compulsory.

*Overseas Development Administration and the Natural Resources Institute*

| | *Early retirement* | *Voluntary redundancy* | *Compulsory redundancy* | *Medical retirement* |
|---|---|---|---|---|
| 1993–94 | 5 | 0 | 0 | 5 |
| 1994–95 | 2 | 0 | 49 | 4 |
| 1995–96 | 3 | [1]186 | 0 | 2 |

[1] This includes 130 targeted voluntary redundancies from the Natural Resources Institute.

### GCHQ

**Mr. Campbell-Savours:** To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the implications for security arising out of privatising individual services at GCHQ. [26454]

**Mr. Hurd:** GCHQ has used outside contractors on sensitive work in the past and the plan to contract certain logistic and engineering services to outside companies does not introduce any new security dimension. The procedures for security vetting announced in the House by the Prime Minister on 15 December 1994, *Official Report,* columns *764–66,* will be applied by GCHQ as in government generally so that we can be assured of the reliability of the personnel of the successful tendering company.

**Mr. Campbell-Savours:** To ask the Secretary of State for Foreign and Commonwealth Affairs to what extent the Transfer of Undertakings (Protection of Employment Regulations) 1981 would apply to employees transferred under programmes of privatisation at GCHQ. [26456]

**Mr. Hurd:** If the Transfer of Undertakings (Protection of Employment Regulations) 1981 are deemed to apply, any employees transferred to a contractor would retain their existing contracts of employment. Any subsequent change to the contracts would be a matter for negotiation between the contractor and employees concerned. If there is no transfer of undertakings in accordance with these regulations, any employees leaving GCHQ as a result of outsourcing would have their existing contracts terminated on redundancy grounds, with payment of appropriate compensation. It would be for the contractor

announcement in due course. We expect that any reviews of metropolitan areas will be conducted after the commission has completed the shire district structural reviews, which we hope will be by early 1996.

**Mr. Rendel:** To ask the Secretary of State for the Environment, when he will make an announcement in response to the final recommendation of the Local Government Commission concerning the move of Billericay from Basildon district council to form Brentwood and Billericay district council. [22002]

**Mr. Curry:** Basildon district is to be referred to the Local Government Commission for a further review which will examine the structure of local government in the area. No decision on boundaries can sensibly be taken until the commission has made its recommendations on the wider question of structure.

### Cammell Laird Site, Birkenhead

**Mr. Frank Field:** To ask the Secretary of State for the Environment if he will report the progress which has been made since last summer with his attempts to use the offices of English Partnership to set up a venture with English Partnership and VSEL on the Lairds site in Birkenhead. [22213]

**Sir Paul Beresford:** English Partnerships and VSEL have been working closely together on proposals for the redevelopment of the Cammell Laird site. One important objective, the continued use of the northern part of the site for ship repair activity, has been secured following the announcement today of the sale of that part of the site to the newly named Cammell Laird Industries. This follows closely on the decision of Mackie Automotive Systems to establish themselves in one of the existing buildings on the southern part of the site.

VSEL and English Partnership intend to continue to work together within a broad framework to achieve development of the rest of the site and build on the increased industrial interest that is being shown; they are discussing the form that arrangement might take.

### Housing Benefit (Reversionary Interest)

**Mr. Rooker:** To ask the Secretary of State for the Environment if he will change the housing benefit regulations to adopt the definition of reversionary interest in use in Northern Ireland. [20346]

**Mr. Roger Evans:** I have been asked to reply.

A recent Court of Appeal judgment has held that property in England or Wales which the claimant owns but which is let to tenants is a reversionary interest. This means that in all cases the value of such property has to be disregarded as a capital resource when entitlement to housing benefit is assessed. We propose to bring forward amending regulations to rectify this situation. We are currently considering the form that this amendment should take.

## PRIME MINISTER

### Engagements

**Sir Peter Tapsell:** To ask the Prime Minister, if he will list his official engagements for Tuesday 2 May. [20380]

**Mr. Harry Greenway:** To ask the Prime Minister, if he will list his official engagements for Tuesday 2 May 1995. [20379]

**The Prime Minister:** This morning I had meetings with ministerial colleagues and others. In addition to my duties in this House, I shall be having further meetings later today.

### Barings Bank

**Mr. MacShane:** To ask the Prime Minister what meetings he has had with directors or executives of Barings Bank since 1990. [21130]

**The Prime Minister:** None. However, directors and executives of Barings Bank have been present at a number of functions that I have attended since 1990.

### Crown Copyright

**Mr. Mackinlay:** To ask the Prime Minister if he will make a statement on the ownership of *(a)* top copies of his speeches, *(b)* treaty agreements signed by him in his capacity as Prime Minister, *(c)* original copies of letters received by him from her Majesty, *(d)* original copies of correspondence or other communications received by him from the heads of Government and *(e)* original copies of correspondence, minutes, records of meetings or other documents and communications with or in relation to or from ministers or public bodies. [22216]

**The Prime Minister:** Papers in all the categories listed belong to the Crown with the exception of top copies of speeches made in a personal capacity or as a constituency Member of Parliament, and correspondence of a purely personal nature.

### Churchill Papers

**Mr. Mackinlay:** To ask the Prime Minister, pursuant to his oral Answer of 27 April to the right hon. Member for Yeovil, (Mr. Ashdown), *Official Report*, column *97*, if he will place in the Library details of those papers of Sir Winston Churchill being purchased by the National Heritage Memorial Fund. [22215]

**The Prime Minister:** This is a matter for the National Heritage Memorial Fund. I have asked the Chairman to write to the hon. Member, placing a copy of his letter in the Library of the House.

### Equal Opportunities

**Ms Eagle:** To ask the Prime Minister (1) what progress has been made within his Department on equal opportunities matters; [21512]

(2) what progress he hopes to achieve in his Department over the next three months to push forward the declaration signed in October 1994 at the Vienna conference in preparation for the fourth UN conference on women; and if he will agree to incorporate a section on equal opportunities in his Department's annual report; [21514]

(3) if he will publish the gender assessment being prepared by his Department; [21513]

(4) which Minister in his Department has responsibility for equal opportunities issues. [21511]

# Parliamentary Question

**Lord Chancellor's Department / ~~The Court Service~~**

167 **Mr Gordon Prentice** (Pendle): To ask the Parliamentary Secretary, Lord Chancellor's Department, if the definition of a state paper includes the manuscript notes by a Prime Minister of a speech delivered in the House of Commons.

(90667)

~~Oral~~ / Written Answer — Ordinary / ~~Named Day~~

For answer on 29 / 6 / 95 — First appeared on 21 / 6 / 95

This file *must be* returned to LCD Parliamentary Section in the House of Lords via a Grade 3 (for LCD PQs) or the Chief Executive (for Court Service PQs)

*by* NOON 27/6/95 *at the latest*

PQ number: 95/630

Name of MP / ~~Peer~~: GORDON PRENTICE

☐ Barrister ☐ Solicitor ☒ Neither

Party: LAB

Subject: STATE PAPERS

Action Officer: MR R WRIGHT

*Copied to:*
*Private Secretary to the Lord Chancellor*
*Private Secretary to the Parliamentary Secretary*
*Private Secretary to the Permanent Secretary*
*Principal Information Officer*
*Action Officer's Line Manager*
*Chief Executive of the Court Service*
*Agency Monitoring Unit*

# FACSIMILE TRANSMISSION

**LORD CHANCELLOR'S DEPARTMENT**

**30 GREAT PETER STREET**
**LONDON**
**SW1P 2BY**

**FAX NO. 0171- 210 8568**

| | |
|---|---|
| TO: | Pat Andrews, Cabinet Office FAX: 217 6010<br>Nicholas Cox, PRO FAX: (0181) 878 8905<br>Michael Carpenter, Treasury Solicitors FAX: 3503 |
| FAX NO. | (as above) |
| FROM: | ROBERT WRIGHT, LEGAL SERVICES DEVELOPMENT<br>TELEPHONE: 0171 210 8810 |
| NO. OF PAGES: | 2 (including this page) |
| DATE: | 21 June 1995 |

COMMENTS: I attach a Parliamentary Question from Gordon Prentice MP for written answer on 29 June 1995. I would be grateful for suggested responses - and any background briefing which I can use - by close of play on Friday 23 June please. I assume that Mr Prentice is still referring to the "Churchill Papers" and he may be wishing to exploit a distinction between state papers and public records.

IF YOU DO NOT RECEIVE A CLEAR TRANSMISSION
OR ANY OF THE PAGES ARE MISSING
PLEASE TELEPHONE 0171 210 8810

For Churchill file with other PQs pls



### GP Fundholders

**Mr. Morgan:** To ask the Secretary of State for Northern Ireland what external legal advice has been received in respect of parliamentary approval for the payment of practice management expenses by GP fundholders. [27017]

**Mr. Moss:** No external legal advice has been received. My Department's legal advisers are at present considering what, if any, action needs to be taken on this matter in Northern Ireland. I shall write to the hon. Gentleman as soon as the position has been clarified.

### Metal-framed Windows

**Mr. John D. Taylor:** To ask the Secretary of State for Northern Ireland how much the Housing Executive's recent plan to replace metal window frames with wooden frames on a needs only basis has cost; how much it is anticipated the full replacement course will cost; and for what reasons the scheme was upgraded from needs only to a full replacement programme. [27359]

**Mr. Moss:** This is a matter for the Northern Ireland Housing Executive, but I have been advised by the chief executive that the executive adopted a policy to replace all metal-framed windows with wooden frames over a five-year period, in April 1994. Prior to this, metal-framed windows were replaced on a needs only basis, but information about how much the Housing Executive expended in this connection is not available. It is estimated that the full replacement course will cost £30 million over the five-year period. The reasons for the change in policy were the age and condition of the metal framed windows and the concerns expressed by tenants.

### Myalgic Encephalomyelitis

**Mr. John D. Taylor:** To ask the Secretary of State for Northern Ireland how many sufferers of myalgic encephalomyelitis there are in Northern Ireland; and what proposals there are to provide a specialist clinic for ME patients. [27360]

**Mr. Moss:** The number of people in Northern Ireland currently diagnosed as having myalgic encephalomyelitis, a condition being increasingly referred to as chronic fatigue syndrome, is not known. There are no proposals at present to establish a ME clinic in Northern Ireland.

## HOUSE OF COMMONS

### Translation Facilities

**Mr. Flynn:** To ask the Chairman of the Information Committee what facilities are available for translating proceedings of the House in Committee Rooms and in the Chamber from English into other languages.

**Mr. Waller:** Equipment, including interpreter booths, which enable simultaneous translation from English into other languages, can be provided for use in committee rooms. The Chamber is equipped with a single-channel system which enables simultaneous translation from English to one other language to be provided for up to 24 visitors in the Galleries.

## PRIME MINISTER

### VJ Day

**Dr. Godman:** To ask the Prime Minister if he will re-define VJ day as VP day, victory in the Pacific; and if he will make a statement. [26157]

**The Prime Minister:** No.

### Churchill Papers

**Mr. Austin Mitchell:** To ask the Prime Minister on which occasions the Churchill papers were offered for sale to the Government. [26843]

**The Prime Minister:** I cannot answer for previous Administrations. A formal offer of sale was made by the current trustees in 1991.

**Mr. Austin Mitchell:** To ask the Prime Minister if he will instruct the national heritage fund to put the Churchill papers up for public tender without reservation. [26846]

**The Prime Minister:** No. The papers which constitute the Churchill archive are now the property of the Sir Winston Churchill archive trust, a charitable trust set up for the purpose of preserving the archive intact for the nation.

**Mr. Austin Mitchell:** To ask the Prime Minister what consideration he gave when deciding whether the Official Secrets Acts covered the Churchill papers in the case of Peter Wright; and if he will make a statement. [26862]

**The Prime Minister:** The case to which the hon. Member refers has little or no relevance to the question of the applicability of the Official Secrets Acts to the Churchill papers.

**Mr. Austin Mitchell:** To ask the Prime Minister if the national heritage fund is free to sell private papers acquired from the Churchill family; and what evidence he has as to their current market value, taking into account the copyright provisions. [26861]

**The Prime Minister:** The private papers sold by the Churchill family were bought on behalf of the specially constituted Sir Winston Churchill archive trust through the money allocated from the heritage lottery fund by the national heritage memorial fund. The only way the trust could dispose of the papers would be with the consent of the trustees of the national heritage memorial fund. As trustees of a charitable trust, they may not, in any case, dispose of the permanent endowment of the trust without the consent of the Charity Commissioners or of the courts. The independent advice on the value of the papers which the national heritage memorial fund received took into account the intended arrangements as to copyright ownership.

**Mr. Austin Mitchell:** To ask the Prime Minister (1) if he will take impartial professional advice as to the open market value, subject to the existing restrictions on copyright, of the private papers purchased by the national heritage fund from the Churchill family; [26867]

(2) what account was taken of the value of the copyright when estimating the amount which might have been paid by purchasers of the Churchill memoirs. [27340]

**The Prime Minister:** The independent advice on the value of the papers which the national heritage memorial fund received took into account the intended arrangements as to copyright ownership.

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whether torque meters are used to check reported capacity; and what checks are made with the engine manufacturers. [25386]

**Mr. Norris:** This is an operational matter for the Marine Safety Agency. I have asked the chief executive to write to the hon. Member.

*Letter from R. M. Bradley to Mr. Austin Mitchell, dated 6 June 1995:*

The Secretary of State for Transport has asked me to reply to your Question about the steps taken to check that the engine capacity of fishing vessels is recorded accurately. In view of the reference to torque meters I have assumed that the Question refers to engine power rather than capacity.

Vessels to be placed on the United Kingdom Register are subject to survey by a Marine Safety Agency Surveyor, or a Surveyor of one of the Classification Societies acting on behalf of the MSA. He must ensure that the information being recorded accurately reflects that vessel, since the information will subsequently be forwarded to the Registry.

The power of the engine is normally furnished by the shipbuilder who should be in possession of the engine test-bed specification as provided by the engine manufacturer. Where there are serious grounds for concern that the recorded details of engine power may no longer be accurate, then a further survey will be required to ascertain that the details are indeed correct.

### Empty Dwellings

**Mr. Hendry:** To ask the Secretary of State for Transport what is the total number of houses owned by his Department that have been empty for *(a)* more than six months and *(b)* more than 12 months; and what action his Department is taking to reduce the numbers. [25858]

**Mr. Watts:** As at the end of April 1995, my Department held 324 dwellings which had been standing empty for more than six months and a further 504 had been standing empty for more than 12 months.

Regular monitoring of the situation on empty dwellings takes place to try and ensure that tenants are found as quickly as possible for those dwellings which are vacant but lettable. We also constantly monitor all the properties in our portfolio so as to identify at the earliest possible opportunity those which are required for road schemes and therefore need to be demolished and those which can be declared surplus and sold. As at the end of April, of the 828 dwellings identified above, 250 were vacant because they were either awaiting sale or demolition.

### M4

**Mr. Garnier:** To ask the Secretary of State for Transport when the September 1993 plans for M4 improvements to junction 4B-8/9 were most recently updated; and if he will place copies of the updated plans in the Library. [25995]

**Mr. Norris:** The Highways Agency held public consultation in October 1993 about proposals for increasing capacity in this corridor. The responses to the consultation are still being considered in preparation for a decision by the Secretary of State on the preferred option. There has been no revision of the proposals since consultation.

### Railways Investment

**Mr. Meacher:** To ask the Secretary of State for Transport what were the levels of investment in the rail network, excluding channel tunnel and European passenger services, for each year since 1970, expressed at constant 1995 prices. [27153]

**Mr. Watts:** The information, expressed in 1994–95 prices, is as follows:

| *Year* | *Investment (£ million)* |
|---|---|
| 1970 | |
| 1971 | 702 |
| 1972 | 746 |
| 1973 | 775 |
| 1974 | 777 |
| 1975 | 839 |
| 1976 | 969 |
| 1977 | 946 |
| 1978 | 937 |
| 1979 | 941 |
| 1980 | 967 |
| 1981 | 951 |
| 1982 | 810 |
| 1983 | 695 |
| 1984–85[1] | 767 |
| 1985–86 | 786 |
| 1986–87 | 855 |
| 1987–88 | 819 |
| 1988–89 | 993 |
| 1989–90 | 970 |
| 1990–91 | 1,085 |
| 1991–92 | 1,009 |
| 1992–93 | 1,059 |
| 1993–94 | 1,004 |
| | 663 |

[1] 15-month year due to an accounting change from calendar years to financial years.

### M66

**Mr. Gordon Prentice:** To ask the Secretary of State for Transport, pursuant to his answer of 15 May, *Official Report*, column 2, if the M66 has lighting along its entire length. [26370]

**Mr. Watts:** This is an operational matter for the Highways Agency. I have asked the chief executive to write to the hon. Member.

*Letter from Lawrie Haynes to Mr. Gordon Prentice, dated 6 June 1995:*

As you know, the Minister for Railways and Roads, Mr. John Watts, has asked me to reply to your Parliamentary Question asking the Secretary of State for Transport, pursuant to his answer of 15 May, Official Report, column 2, if the M66 has lighting along its entire length.

The M66 is a dual 2 lane (and in places dual 3 lane) motorway and 14 of its 16 miles are lit.

## NATIONAL HERITAGE

### Churchill Papers

**Mr. Gordon Prentice:** To ask the Secretary of State for National Heritage if the recently acquired Churchill papers are insured against fire or other loss. [26366]

**Mr. Dorrell:** This is a matter for the Sir Winston Churchill archive trust, the new owners of the papers which are housed at Churchill college, Cambridge. I understand the trustees will be meeting shortly to consider, among other things, arrangements for insurance of the papers.

**Mr. Gordon Prentice:** To ask the Secretary of State for National Heritage, pursuant to his answer of 24 May, *Official Report,* column *647,* on the cataloguing of the Churchill archive, if he will estimate the number of items and the percentage of the collection that are state papers. [26965]

**Mr. Dorrell:** The state papers in the Churchill archive are, in the main, those listed in the classes shown as "Official" in the outline catalogue which is available at Churchill college, Cambridge and at the national register of archives, Chancery lane. When the detailed catalogue, to which I referred in my rely to the hon. Member on 24 May is available it will be possible to say how precisely many items these classes comprise.

**Mr. Austin Mitchell:** To ask the Secretary of State for National Heritage who initiated the negotiations for the sale of Winston Churchill's private papers to the national heritage memorial fund. [26866]

**Mr. Dorrell:** Cambridge university and Churchill college, Cambridge submitted a lottery application to fund the purchase of the non-state papers. The papers are now the property of the Sir Winston Churchill archive trust, which was specially constituted for the purpose.

### Surplus Land

**Mr. Fatchett:** To ask the Secretary of State for National Heritage if he will list those sales involving surplus land and property in which his Department has inserted a clause in the sale contract allowing his Department to obtain a share of any future development gain; and if he will make a statement. [26320]

**Mr. Dorrell:** Since its inception in 1992, neither my Department nor its agencies have been involved in the sale of any surplus land or property.

### Digital Terrestrial Television

**Mr. Gordon Prentice:** To ask the Secretary of State for National Heritage what criteria will be used to allocate the additional channels which will become available in 1997 with the introduction of digital terrestrial television. [26576]

**Mr. Dorrell:** The Government are considering their policy for the introduction of digital broadcasting, including licensing and ownership questions, and will later this summer be issuing a policy document setting out their proposals.

### West Midlands Arts Council

**Mr. Jim Cunningham:** To ask the Secretary of State for National Heritage what funding the west midlands arts council has received in each of the last five years. [25254]

**Mr. Dorrell:** Central Government funding for the regional arts boards is delivered through three non-departmental public bodies: the Arts Council of England, the British Film Institute, and the Crafts Council. The funding from each of these bodies for the west midlands arts board in each of the past five years is as follows:

| | *Ace* | *BFI* | *Crafts Council* |
|---|---|---|---|
| 1990–91 | 2,811,908 | 109,250 | 49,000 |
| 1991–92 | 3,161,366 | 127,444 | 55,500 |
| 1992–93 | [1]3,644,064 | 130,970 | 64,900 |
| 1993–94 | 3,878,697 | 112,292 | 67,200 |
| 1994–95 | [2]5,588,887 | 130,970 | 73,000 |

[1] This figure includes £95,000 as a result of the delegation of funding responsibility to West Midlands Arts Board for clients from the Arts Council.

[2] This figure includes £1.6 million as a result of the delegation of funding responsibility to West Midlands Arts Board for four theatres in the region from the Arts Council.

### Archaeological Sites

**Mr. Jim Cunningham:** To ask the Secretary of State for National Heritage what is his Department's current expenditure devoted to the preservation of archaeological sites. [25251]

**Mr. Dorrell:** Setting aside expenditure on properties which are the direct responsibility of my Department and its sponsored bodies, and which will include sites of archaeological importance, my Department's resources for the preservation of archaeological sites are channelled primarily through English Heritage. In 1994–95, English Heritage spent £2.6 million on grants to owners for the preservation, maintenance and management of ancient monuments and £8 million on archaeological investigations, including excavation and preservation by record.

**Mr. Jim Cunningham:** To ask the Secretary of State for National Heritage how many archaeological sites known to his Department have been *(a)* listed and *(b)* not listed by his Department. [25250]

**Mr. Dorrell:** At the end of April 1995, there were 15,489 entries on the schedule of ancient monuments, representing some 22,250 individual sites. There are about 500,000 archaeological sites in England, but of these less than 10 per cent. are likely to be of national importance and therefore eligible for consideration for scheduling.

### Theatre Admissions

**Mr. Jim Cunningham:** To ask the Secretary of State for National Heritage what discussions he has had with theatre production promoters to encourage admission for people on low incomes. [25252]

**Mr. Dorrell:** This subject comes up regularly in discussions with a wide variety of interlocutors. My Department, the Arts Council and regional arts boards attach a high priority to encouraging the widest possible access to the arts. To that end, the council and RABs pay particular attention to the access policies, including seat pricing arrangements, of the performing arts organisations which they support.

### Channel 4

**Mr. Peter Bottomley:** To ask the Secretary of State for National Heritage, how Channel 4 can use or dispose of Channel 4 surpluses. [26445]

**Mr. Dorrell:** It is for Channel 4 to determine how it uses or disposes of its surpluses, within the terms of its remit set out in the Broadcasting Act 1990 and its licence conditions established by the Independent Television Commission.

**Mr. Heathcoat-Amory:** The information requested was given in the House of Lords in the reply Lord Henley gave to Lord Stoddart of Swindon on 23 May, *Official Report, House of Lords,* column 52.

### Biodiesel Fuel

**Mr Ainger:** To ask the Chancellor of the Exchequer what investigations he has carried out into the effect of not announcing the rate of excise duty on biodiesel produced from crops on the development of those fuels under section 11 of the Finance Act 1993. [27089]

**Mr. Heathcoat-Amory:** No such investigations have been instituted since those few businesses involved in the production of biofuels have had regular meetings and correspondence with officials in Customs and Excise and are fully aware of the Government's intentions.

**Mr. Martyn Jones:** To ask the Chancellor of the Exchequer if he will make a statement on the proposed commencement order for excise duty on biodiesel fuels. [26658]

**Mr. Heathcoat-Amory:** The House will be aware of our obligation to impose excise duty on mineral oil substitutes, such as DERV substitutes from rape methyl ester, which arises from the mineral oil structures directive 92/81/EEC.

A draft of the necessary Treasury order to implement the charge to duty will be set to the interested parties before the House rises for the summer recess. Subject to comments received in response to that draft, the Government's intention is to make the order effective from early autumn.

### Balance of Trade

**Mr. Austin Mitchell:** To ask the Chancellor of the Exchequer what factors contributed to changes in the balance of trade with *(a)* France and *(b)* Germany since 1991. [26873]

**Mr. Nelson:** The balance of trade with France and Germany is affected by a variety of factors, including price and non-price competitiveness, domestic demand, and overseas demand.

### Output

**Mr. Austin Mitchell:** To ask the Chancellor of the Exchequer what information the Governor of the Bank of England has provided to him in the last year in respect of *(a)* a shortage of productive capacity and *(b)* overheating in any of the import-competing and export industries. [27079]

**Mr. Nelson:** My right hon. and learned Friend the Chancellor meets regularly with the Governor to discuss the prospects for inflation and the current state of the economy. The Governor's views are reported in the published minutes of the monthly monetary meetings. The Bank also publishes its views in its quarterly inflation report.

**Mr. Austin Mitchell:** To ask the Chancellor of the Exchequer what estimate he has made of the current capacity working of each of the principal importing-competing and export industries. [27084]

**Mr. Nelson:** Direct quantitative measures of capacity output by industry are not available. However, business survey indicators, for example from the CBI, suggest that capacity utilisation has been rising. This is to be welcomed, provided companies are able to invest when they need to expand capacity.

### Churchill Papers

**Mr. Austin Mitchell:** To ask the Chancellor of the Exchequer what value was placed on Sir Winston Churchill's papers at the time of his death; and if duty was paid thereon. [26863]

**Sir George Young:** As with any such matter, the normal rules concerning taxpayer confidentiality prevent me from giving details of the tax affairs of a particular individual.

## EMPLOYMENT

### International Labour Organisation

**Mr. Duncan:** To ask the Secretary of State for Employment what is the United Kingdom's annual subscription to the International Labour Organisation. [26849]

**Mr. Portillo:** The UK's contribution to the ILO for 1994 amounted to £7,921,651.

**Mr. Duncan:** To ask the Secretary of State for Employment how much the International Labour Organisation's annual meeting will cost *(a)* the International Labour Organisation and *(b)* the United Kingdom. [26851]

**Mr. Portillo:** The ILO has made provision in its budget of $5.4 million to cover the costs of this year's international labour conference in Geneva. The UK contributes to those costs through its subscription to the ILO. The cost of sending UK delegation to the conference is estimated to be about £58,000.

**Mr. Duncan:** To ask the Secretary of State for Employment what will be the cost to public funds of trade unions' attendance at the International Labour Organisation annual meeting. [26852]

**Mr. Portillo:** The cost to public funds is estimated to be £18,000.

**Mr. Duncan:** To ask the Secretary of State for Employment if he will make a statement on the benefits to the United Kingdom of membership of the International Labour Organisation. [26853]

**Mr. Portillo:** In recent years, the ILO's purchase of goods and services for its technical co-operation programmes has provided consultants and others in the United Kingdom with financial benefits of about £2.25 million per annum.

**Mr. Duncan:** To ask the Secretary of State for Employment what is the total budget of the International Labour Organisation. [26854]

**Mr. Portillo:** The ILO's total budget for 1995 is 334,214,933 Swiss francs, which represents about £176.8 million at current exchange rates.

**Mr. Duncan:** To ask the Secretary of State for Employment what assessment he has made of the impact of the United Kingdom's membership of the International Labour Organisation on the rate of United Kingdom unemployment. [26859]

**Mr. Portillo:** The United Kingdom's membership of the ILO has no impact on the rate of unemployment in the United Kingdom.

facilities; and how much each port charges for the use of its facilities. [26113]

**Mr. Norris:** A total of 144,919 ships arrived at UK ports in 1993. Information on their use of port waste reception facilities is not available; nor is information on the charges levied by individual ports for the use of such facilities.

**Ms Walley:** To ask the Secretary of State for Transport what was the result of research conducted on the issues raised by the Donaldson report referred to in the press notice No. 055 of 28 February on port waste reception facilities. [26115]

**Mr. Norris:** The Department of Transport's research has shown that while port waste reception facilities are generally adequate to meet the UK's international commitments, there is scope for improvement in the planning and organisation of facilities. This research has formed the basis of a consultation exercise with interested parties to consider how waste reception facilities could be improved, in the light of the recommendations of the report of Lord Donaldson's inquiry.

### Marine Pollution

**Ms Walley:** To ask the Secretary of State for Transport what is his Department's estimate of the amount of illegal discharges made by ships into the North sea for the last 10 years *(a)* including and *(b)* excluding accidental discharges. [26112]

**Mr. Norris:** The information is not available in the form requested.

**Ms Walley:** To ask the Secretary of State for Transport, what proposals the United Kingdom government will put forward or support at the forthcoming North sea ministerial conference in relation to controlling non-accidental pollution from ships with particular reference to oil. [26114]

**Mr. Norris:** In addition to a number of proposals on marine pollution generally, the Government will put forward and support specific proposals on the designation of the North sea as a special area for oil discharges under annex I of the international convention on the prevention of pollution from ships 1973–78 and on the improvement of the availability and quality of port waste reception facilities for oily wastes.

**Ms Walley:** To ask the Secretary of State for Transport how his Department intends to police the limits of discharge by ships set by the amendments to annex 1 of MARPOL 73/78 in 1992. [26117]

**Mr. Norris:** Port state control inspectors assess discharges of oil by studying oil record books and quantities of oil on board vessels. Inspectors also inspect oil pollution prevention equipment and the ability of ships' staff to use it correctly, when carrying out port state control inspections of foreign vessels and general inspections of UK vessels.

## NATIONAL HERITAGE

### Library Services

**Mr. Hanson:** To ask the Secretary of State for National Heritage when he intends to issue his response to the KPMG/capital planning report on library services; and if the report itself will be published. [26734]

**Mr. Sproat:** I refer the hon. Gentleman to the reply that my right hon. Friend gave to my hon. Friend the Member for Stratford on Avon (Mr. Howarth) on 16 May 1995, *Official Report*, cols *150–51*, referring to the KPMG contracting out study. No decision has yet been made about the handling of the study, but we expect to make a further statement in due course.

### Cable Television, Thurrock

**Mr. Mackinlay:** To ask the Secretary of State for National Heritage when cable television franchises will be able to offer a service to areas in Thurrock; and if he will make a statement. [27342]

**Mr. Dorrell:** United Artists Communications holds the Thames estuary north cable television franchise, which includes the Thurrock area. Construction is in progress, but is a time-consuming process. I understand that the franchise holder has not yet announced a target date for providing a service in Thurrock.

### Royal Palaces (Admission Charges)

**Mr. Gordon Prentice:** To ask the Secretary of State for National Heritage how much was raised from admission charges to Windsor castle and Bucknghamm palace in 1994. [26971]

**Mr. Sproat:** The royal collection is responsible for visitor admissions and the related income and expenditure for Buckingham palace and Windsor castle. The royal collection is a department of the royal household and is not a responsibility of my Department.

However, I understand that gross income, excluding VAT, from admission charges in the year to 31 March 1995 for Windsor castle, including precincts, state apartments and St. George's chapel, was £5,309,000 and for Buckingham palace state apartments was £2,662,000, in both cases subject to audit. Audited figures and further explanation will be provided in the annual report of the royal collection Trust which will be available in early July.

### Parental Leave

**Mrs. Roche:** To ask the Secretary of State for National Heritage what maternity and paternity entitlements are available for employees within his Department. [27283]

**Mr. Dorrell:** The maternity and paternity entitlements available to employees of my Department are consistent with the provisions of the civil service management code, copies of which are held in the House Library. A woman who satisfies the criteria set out in chapter 5 of the code is entitled to three months and one week's paid maternity leave. She is also entitled to a period of unpaid maternity leave; the total of paid and unpaid maternity leave should not normally exceed 52 weeks. All permanent male staff in the Department are entitled to two days' paid paternity leave, as outlined in chapter 3.1 of the code. These maternity and paternity provisions will be incorporated into the departmental staff handbook in due course.

### Churchill Papers

**Mr. Austin Mitchell:** To ask the Secretary of State for National Heritage what agreement has been reached with the Churchill family on the circumstances in which they can raise their fees for the reproduction of the documents purchased by the National Heritage Memorial Fund. [27339]

**Mr. Dorrell:** No agreement has been reached with the Churchill Archive Settlement Trust on reproduction fees since these are always a matter for the individual copyright owner.

### National Lottery

**Mr. Dafis:** To ask the Secretary of State for National Heritage if he will publish, for each of the countries of the United Kingdom and for the United Kingdom as a whole, his estimate of *(a)* total receipts of the national lottery and *(b)* proceeds of the Treasury tax on the national lottery receipts. [25679]

**Mr. Dorrell** *[holding answer 6 June 1995]:* The total receipts of the national lottery to date stand at £2099.2 million. The proceeds of Treasury tax on the national lottery receipts to date stand at £201 million. These figures are available only for the United Kingdom as a whole.

## HOME DEPARTMENT

### Metropolitan Police (Overtime)

**Mr. Straw:** To ask the Secretary of State for the Home Department if he will make a statement about the effect of overtime restrictions on the operation of specialist squads of the Metropolitan police, with particular reference to the drug squad and flying squad. [27189]

**Mr. Maclean:** I understand from the Commissioner of Police of the Metropolis that no special overtime restrictions have been applied to these specialist squads. However, they are, of course, required to operate within their agreed overall budget for the financial year. Action against drug-related violence, street and commercial crime and burglary are all specific objectives for the Metropolitan police and will continue to receive priority for resources within the overall budget for the force.

### Parental Leave

**Mrs. Roche:** To ask the Secretary of State for the Home Department what maternity and paternity entitlements are available to employees within his Department. [27286]

**Mr. Howard:** Chapters 3.1 and 5 of the leave section of the civil service management code—a copy of which is in the Library—set out the paternity and maternity arrangements and entitlements available to staff in the Home Office. These arrangements are provided in conjunction with the statutory entitlements.

### Prisoners (Home Leave)

**Dr. Lynne Jones:** To ask the Secretary of State for the Home Department how many prisoners from HMP Holloway and HMP Styal were granted home leave in each complete month of 1995. [26891]

**Mr. Michael Forsyth:** Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

*Letter from Derek Lewis to Ms Lynne Jones, dated 8 June 1995:*

The Home Secretary has asked me to reply to your recent Question about how many prisoners from Holloway and Styal prisons were granted home leave in each complete month of this year.

Home leave, as such, has not occurred since 24 April when the systems of temporary absence were revised and figures for this period are not yet available. The available information is on the table below:

*Prisoners granted home leave from Holloway and Styal, January to April 1995*

| | *Holloway* | *Styal* |
|---|---|---|
| January | 4 | 7 |
| February | 2 | 3 |
| March | 0 | 4 |
| April | 1 | 0 |

### Radio Phone-in Programmes

**Mr. Whittingdale:** To ask the Secretary of State for the Home Department (1) what is his policy towards convicted prisoners participating in radio phone-in programmes; [22770]

(2) if he will undertake an inquiry into the participation of Mr. Jeremy Bamber in a radio phone-in programme on Talk Radio UK; and if he will make a statement. [22769]

**Mr. Michael Forsyth** *[holding answer 9 May 1995]:* I do not think it appropriate for prisoners to participate in radio phone-in programmes. I share my hon. Friend's concern that Jeremy Bamber was allowed to do so. I have asked the Director General of the Prison Service to take immediate steps to change the appropriate standing order and governors will be advised that any breach by prisoners will be contrary to these regulations and will lead to disciplinary action.

I am very concerned about the inappropriate use of telephones by inmates and have asked the Prison Service to take action. New technology which will allow prisoners to access only approved telephone numbers is about to be tested and, if effective, will be introduced throughout the prison system.

## EMPLOYMENT

### Restart Interviews

**Mr. Rooney:** To ask the Secretary of State for Employment how many restart interviews were conducted in each year from 1988–89 to 1994–95 for Great Britain and in each standard region; and as a result of these how many claimants *(a)* were placed directly in a job, *(b)* claimed other benefits, *(c)* entered his Department's programmes or (d) signed off from claiming benefit. [26616]

**Miss Widdecombe:** Responsibility for the subject of the question has been delegated to the Employment Service agency under its chief executive. I have asked him to arrange for a reply to be given.

*Letter from A. G. Johnson to Mr. Terry Rooney, dated 6 June 1995:*

The Secretary of State has asked me, in the absence of the Chief Executive, to reply to your question regarding Restart Interviews from 1988–89 to 1994–95.

I have set out the information you have requested in the attached tables. You will wish to note however, that information on people who sign off from claiming benefit for reasons other than those in the three listed categories of total Restart Interviews, job placings and programme starts, has been collected only since 1990/91 and

### Ministers's Official Broadcasts

**Mr. Austin Mitchell:** To ask the Prime Minister if drafts of Ministers' official broadcasts are classified as official papers. [26844]

**The Prime Minister:** If such drafts are created or acquired by Ministers by virtue of their office, they would be official papers.

### Living Standards

**Mr. Austin-Walker:** To ask the Prime Minister what is his policy in respect of the state funding improvements in individuals living standards in old age. [26901]

**The Prime Minister:** Our policy on pensions remains unchanged. We will maintain the value of the basic state pension by increasing it in line with prices, encourage personal responsibility for additional pension provision through occupational and personal pensions and target extra resources on those with low incomes.

### Housing Benefit

**Mr. Sheerman:** To ask the Prime Minister what provisions his Department has made to ensure that accommodation designed to provide care and support for vulnerable residents and those at risk, is fully covered under the proposed changes to housing benefit. [26537]

**The Prime Minister:** My right hon. Friend the Secretary of State for Social Security has recently received the report of the Social Security Advisory Committee following its public consultation on the proposed changes to housing benefit. He will be considering carefully the position of sheltered and supported housing under the changes as part of the response to the report.

### Ministerial Documents

**Mr. Austin Mitchell:** To ask the Prime Minister what classes of document relating directly or indirectly to the performance by Ministers and officials of their duties are still regarded as state papers which cannot be sold for personal gain by Ministers and officials. [26532]

**The Prime Minister:** Papers which are created or acquired by Ministers or officials, or other Crown servants, by virtue of the office they hold under, or in their service to, the Crown, are regarded as state papers which should not be sold for personal gain.

I refer the hon. Member to the answer I gave to him on 4 May 1995, *Official Report,* columns *281–82* in respect of the convention relating to papers taken away by Prime Ministers on leaving office.

### Local Education Authorities

**Mr. Redmond:** To ask the Prime Minister, pursuant to his answer of 25 April, *Official Report,* column *65,* where in the current edition of "Social Trends" can be found the information that education authorities employ two administrators for every three teachers; and if he will make a statement. [26897]

**The Prime Minister:** I refer the hon. Member to my answer to the hon. Member for Stoke-on-Trent, Central (Mr. Fisher), on 27 April, *Official Report,* column *613.*

## FOREIGN AND COMMONWEALTH AFFAIRS

### Retirements and Redundancies

**Ms Hodge:** To ask the Secretary of State for Foreign and Commonwealth Affairs how many people in *(a)* the Foreign and Commonwealth Office and *(b)* agencies for which the FCO is responsible (i) took early retirement, (ii) took voluntary redundancy, (iii) took compulsory redundancy and (iv) were retired on medical grounds in (1) 1993–94 and (2) 1994–95; and what are the projected figures for 1995–96. [25481]

**Mr. Goodlad:** The information is as follows:

*Foreign and Commonwealth Office*

| | *Early retirement* | *Voluntary redundancy* | *Compulsory redundancy* | *Medical retirement* |
|---|---|---|---|---|
| 1993–94 | 63 | 30 | 0 | 13 |
| 1994–95 | 134 | 52 | 0 | 14 |
| 1995–96 | 69 | 7 | [1]40 | 1 |

[1] Of these 40 redundancies it is not possible at this stage to state whether they will be voluntary or compulsory.

*Overseas Development Administration and the Natural Resources Institute*

| | *Early retirement* | *Voluntary redundancy* | *Compulsory redundancy* | *Medical retirement* |
|---|---|---|---|---|
| 1993–94 | 5 | 0 | 0 | 5 |
| 1994–95 | 2 | 0 | 49 | 4 |
| 1995–96 | 3 | [1]186 | 0 | 2 |

[1] This includes 130 targeted voluntary redundancies from the Natural Resources Institute.

### GCHQ

**Mr. Campbell-Savours:** To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the implications for security arising out of privatising individual services at GCHQ. [26454]

**Mr. Hurd:** GCHQ has used outside contractors on sensitive work in the past and the plan to contract certain logistic and engineering services to outside companies does not introduce any new security dimension. The procedures for security vetting announced in the House by the Prime Minister on 15 December 1994, *Official Report,* columns *764–66,* will be applied by GCHQ as in government generally so that we can be assured of the reliability of the personnel of the successful tendering company.

**Mr. Campbell-Savours:** To ask the Secretary of State for Foreign and Commonwealth Affairs to what extent the Transfer of Undertakings (Protection of Employment Regulations) 1981 would apply to employees transferred under programmes of privatisation at GCHQ. [26456]

**Mr. Hurd:** If the Transfer of Undertakings (Protection of Employment Regulations) 1981 are deemed to apply, any employees transferred to a contractor would retain their existing contracts of employment. Any subsequent change to the contracts would be a matter for negotiation between the contractor and employees concerned. If there is no transfer of undertakings in accordance with these regulations, any employees leaving GCHQ as a result of outsourcing would have their existing contracts terminated on redundancy grounds, with payment of appropriate compensation. It would be for the contractor

OPSS REF:/1994/95/1-0716

ORDINARY WRITTEN QUESTION
FOR ANSWER ON 6 JUNE 1995
ANSWERED ON

Lab - Great Grimsby

**140 Mr Austin Mitchell**

To ask the Prime Minister, whether drafts of Ministers' official broadcasts are classified as official papers. *(26844)*

**PRIME MINISTER**

If such drafts are created or acquired by Ministers by virtue of their office, they would be official papers.

OPSS/1994/95-1-0716

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12/03

BACKGROUND NOTE

The definition of an official, or State, paper given in the reply to Mr Austin Mitchell's Question is the one used during the litigation which has now ended.

The question of broadcasts has not arisen before in Parliamentary Questions, but the status of the written drafts of broadcasts is the same as for any other official documents. Documents <u>are</u> official if created or acquired by a Minister (or official or other Crown Servant) by virtue of their office(s).

Written drafts of broadcasts made by a Minister or Prime Minister in their official capacity would, therefore, be classified as official papers.

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H095/373

MISS M LEECH Sir Robin Butler

Agreed
RBB
25.5

**P M ADVISE: MR AUSTIN MITCHELL MP, NO 112**

I attach a suggested reply to Mr Austin Mitchell's Parliamentary Question to the Prime Minister which has been cleared with Treasury Solicitor, Mr Michael Carpenter; also a background note.

Pat Andrews

MISS P M ANDREWS

Historical and Records Section
25 May 1995

OPSS/1994/95-1-0705

ORDINARY WRITTEN QUESTION

FOR ANSWER ON

ANSWERED ON

Lab - Great Grimsby

112 Mr Austin Mitchell

To ask the Prime Minister, what classes of documents relating directly or indirectly to the performance by Ministers and Officials of their duties are still regarded as state papers which cannot be sold for personal gain.

DRAFT REPLY

Papers which are created or acquired by Ministers or officials, or other Crown Servants, by virtue of the office they hold under, or their service to, the Crown, are regarded as State papers which should not be sold for personal gain.

I refer the Hon Member to the Answer I gave to him on 4 May 1995 (Hansard Col 281) in respect of the convention relating to papers taken away by Prime Ministers on leaving office.

BACKGROUND NOTE

Mr Austin Mitchell MP has asked several questions about Ministerial and other papers in the context of the Churchill Archive.

In response to a Question about documents originated or acquired by Ministers in the course of their official duties not being sold by them or their heirs or assigns, the Prime Minister explained the convention relating to the papers of Prime Ministers on leaving office (Hansard, 4 May 1995, Col 281, copy attached).

Mr Mitchell's present Question asks about classes of documents relating directly or indirectly to the performance of Ministers and Officials which are regarded as State papers and cannot be sold for personal gain. There is no difference between Ministers and officials in relation to this matter.

The convention relating to papers which outgoing Prime Ministers have been allowed to take away with them on leaving office does not apply to Ministers other than former Prime Ministers, nor does it apply to officials or other Crown Servants; they are not entitled to remove documents originated or acquired by virtue of their office, it follows that they are not entitled to sell them.

The reply which it is suggested might be given to Mr Austin Mitchell is along the lines of that given to Mr Gordon Prentice by Mr Taylor, Parliamentary Secretary, Lord Chancellor's Department on 11 May (Hansard, 11 May 1995, Col 566, copy attached).

**Mr. Dorrell:** I have no plans to change the present level of Government support for the acceptance in lieu scheme. This scheme, together with all my Department's spending commitments, is, however, being examined in our fundamental expenditure review. This is currently in progress and I cannot at this stage anticipate its findings.

## PRIME MINSTER

### Ministerial Documents

**Mr. Austin Mitchell:** To ask the Prime Minister if he will make it his policy to ensure that documents originated or acquired by Ministers in the course of their official duties are not sold by them or their heirs and assigns. [22621]

**The Prime Minister:** By convention, Prime Ministers, on leaving office, have taken with them copies of certain documents which they dealt with personally while in office. These include some documents originated or acquired by them in the course of their official duties. This convention has not applied to Ministers other than former Prime Ministers. The extent to which former Prime Ministers or their heirs and assigns may dispose of such papers, and how, depends on the circumstances of each case.

It is my policy that in future material removed from official custody at the end of an Administration should contain no official material other than that which is already in the public domain.

**Mr. Austin Mitchell:** To ask the Prime Minister in what circumstances a document subject when originated to the provisions of the Official Secrets Acts may be classified other than a state paper. [22527]

**The Prime Minister:** Documents originating from other than official sources, and which contain official information that should not be disclosed, come within the provisions of the Official Secrets Acts but are not state papers.

**Mr. Austin Mitchell:** To ask the Prime Minister (1) if retired Ministers are required to submit their memoirs for approval under the Official Secrets Acts before publication; [22531]

(2) if the right hon. Nigel Lawson submitted his memoirs for approval under the official Secrets Acts before publication, with particular reference to mention of the Governor of the Bank of England. [22622]

**The Prime Minister:** There is no requirement for former Ministers to submit their memoirs under the Official Secrets Acts before publication. The report of the Committee of Privy Counsellors on Ministerial Memoirs, Cmnd. 7386, recommended that former Ministers who wished to make public an account bearing on their ministerial life should let the Secretary of the Cabinet see in advance the full text of what they propose to say. The Cabinet Secretary offers advice to the author of the text, including on whether it contains material contravening the requirements of national security.

My right hon. and noble Friend Lord Lawson submitted his memoirs to the Cabinet Secretary in the normal way, without any particular reference.

**Mr. Austin Mitchell:** To ask the Prime Minister if he will refer to the Nolan committee the propriety of Ministers or their heirs retaining and using for private gain information or documents acquired in the course of their official duties. [22526]

**The Prime Minister:** I have no plans to do so.

### Engagements

**Sir Peter Tapsell:** To ask the Prime Minister if he will list his official engagements for Thursday 4 May. [21122]

**Mr. Harry Greenway:** To ask the Prime Minister if he will list his official engagements for Thursday 4 May. [21121]

**The Prime Minister:** This morning I presided at a meeting of the Cabinet and had meetings with ministerial colleagues and others. In addition to my duties in this House, I shall be having further meetings later today.

### Central Computer Database

**Mr. Cohen:** To ask the Prime Minister what plans there are to create a central computerised database on individuals using the database of the national insurance recording system 2—to be available to other Government Departments; and if he will make a statement. [22540]

**The Prime Minister:** The recently announced replacement of the national insurance recording system—NIRS2—does not include any plans to create a separate computer database on individuals, nor does it involve extending access arrangements to the NIRS2 database to other than existing users of the current NIRS system.

### Churchill Documents

**Mr. Austin Mitchell:** To ask the Prime Minister, pursuant to his oral answer of 27 April to the right hon. Member for Yeovil (Mr. Ashdown), *Official Report*, column 978, what steps he has taken to establish whether the papers sold by the Churchill family to the national heritage memorial fund were at any time covered by the provisions of the Official Secrets Acts. [22423]

**The Prime Minister:** Churchill college has been advised on which papers in the Churchill archive can be released to researchers and which need to be withheld.

**Mr. Austin Mitchell:** To ask the Prime Minister what steps the Government took to purchase the annotated eight-page typescript of Sir Winston Churchill's El Alamein speech sold by Sotheby's in December 1994; and whether this is included in the Churchill documents purchased by the national heritage memorial fund. [22421]

**The Prime Minister:** The manuscript to which the hon. Member refers was sold by a private owner and was one of many which Sir Winston Churchill gave away during his lifetime. At no time did it form part of the Churchill archive and it does not do so now. It is for the national institutions which maintain archives to decide whether to commit funds to the purchase of papers which appear on the open market.

**Mr. Austin Mitchell:** To ask the Prime Minister how many of the papers sold by the Churchill family to the national heritage memorial fund are to be found in the Public Record Office in their original or a duplicate form; and what copyright fees have to be paid to the Churchill family when such documents in either location are reproduced. [22525]

assumed the original schedule for the termination of these payments.

Early termination will mean that electricity prices will fall sooner than anticipated, which may result in some corresponding increase in the output of carbon dioxide in the short-term. I am determined to ensure that we sustain momentum for increased energy efficiency, and continue to give the strong lead we have established internationally on climate change, most recently at the first conference of parties to the climate change convention in Berlin. I am therefore pleased to announce that I shall make available to the Energy Saving Trust an additional £25 million a year to promote energy efficiency measures, from 1996 until the gas and electricity markets are fully liberalised.

Following my earlier announcement of support for its running costs, the Energy Saving Trust is currently drawing up new plans. I intend to invite the trust to use the coming year to prepare a number of cost effective proposals for my consideration. I will make money available for the best ones within the £25 million ceiling.

I shall be looking for innovative pump-priming schemes involving all fuels, which require funding to get started and which are designed to take advantage of and enhance the effectiveness of the developing competitive markets for energy and energy services. I shall be looking for a positive emphasis on demand-side management measures and on the development of energy services companies.

## LORD CHANCELLOR'S DEPARTMENT

### Historical Documents

**Mr. Gordon Prentice:** To ask the Parliamentary Secretary, Lord Chancellor's Department what advice he gives to Departments concerning the training of persons with responsibility for assessing the historical significance of documents held in those Departments. [23180]

**Mr. John M. Taylor:** Guidance is issued by the Keeper of Public Records. Section 3(2) of the Public Records Act 1958 prescribes that every person responsible for public records shall perform his duties under such guidance, which is detailed in the Public Record Office's "Manual of Records Administration".

**Mr. Gordon Prentice:** To ask the Parliamentary Secretary, Lord Chancellor's Department what special training is given to persons who have responsibility for assessing the historical significance of documents held by his Department. [23283]

**Mr. John M. Taylor:** Training in assessing the historical significance of departmental records is carried out under the guidance of the Keeper of Public Records. It is provided in a number of different ways, including courses on the appraisal of records and through conferences and seminars arranged by the Public Record Office.

### Female Poll Tax and Fine Defaulters

**Ms Janet Anderson:** To ask the Parliamentary Secretary, Lord Chancellor's Department how many cases of women being gaoled for poll tax and fine default have had those convictions ruled unlawful in the High Court since 1989. [23151]

**Mr. John M. Taylor:** The question concerns a specific operational matter on which the chief executive of the Court Service is best placed to provide an answer and I have accordingly asked the chief executive to reply direct.

*Letter from M. Huebner to Ms Janet Anderson, dated 10 May 1995:*

The Parliamentary Secretary, Lord Chancellor's Department, has asked me to reply to your question about the number of convictions which have been ruled unlawful by the High Court involving women gaoled for poll tax and fine default.

I am sorry to have to tell you that this information is not available and could be obtained only at disproportionate cost.

### State Papers

**Mr. Gordon Prentice:** To ask the Parliamentary Secretary, Lord Chancellor's Department what is the official definition of a state paper. [22935]

**Mr. John M. Taylor:** I understand the expression "State Papers" to signify those papers which are created or acquired by Ministers, officials or other Crown servants by virtue of the office they hold under, or their service to, the Crown. Whether or not the Crown can claim ownership of any wider class of papers will depend on the circumstances of the case.

**Mr. Gordon Prentice:** To ask the Parliamentary Secretary, Lord Chancellor's Department in what circumstances state papers are permitted to be held in private hands. [22936]

**Mr. John M. Taylor:** State papers are normally held by the Crown. In very rare circumstances, they may be held in private hands, normally when permission has exceptionally been given to a former Minister or public servant to retain possession of them. Examples of such circumstances are given in part 1 of the report of the Committee of Privy Counsellors on Ministerial Memoirs, Cmnd 6386, also known as the Radcliffe committee.

### Solicitors

**Mr. Redmond:** To ask the Parliamentary Secretary, Lord Chancellor's Department what action he plans to take in respect of solicitors who persuade criminals to take civil cases against the police. [22732]

**Mr. John M. Taylor:** Solicitors are duty bound to act in the best interests of and on the instructions of their clients and, subject to means and eligibility tests, will apply for legal aid to take or defend actions where appropriate on behalf of their clients.

### Legal Aid

**Mr. Redmond:** To ask the Parliamentary Secretary, Lord Chancellor's Department if he will take urgent action to limit legal aid in fraud cases to a maximum of £10,000. [22742]

**Mr. John M. Taylor:** The Lord Chancellor has recently announced the proposals he intends to take forward following the consultation paper on legal aid for the apparently wealthy. The Lord Chancellor will issue a Green Paper on the future of legal aid very soon. That will address the provision of legal aid in both civil and criminal cases.

1. PARLIAMENTARY CLERK

2. SECRETARY OF STATE

From: JOE GILLAM
Cultural Property Unit
Room 1
Tel: 071-211 6157

Date: 1 May 1995

cc. PS/Mr Phillips
Miss O'Mara
Mr Helston
Ms Maclean
Mr MacDonald
Mr Dawes
Ms Hobley
Ms Andrews (Cabinet Office) ✓

**MARK FISHER PQS : CHURCHILL ARCHIVE**

Mr Mark Fisher MP has tabled eight PQs relating to the Churchill Archive. The questions relating to advice sought on the Archive are matters for the NHMF to address and the reply is the same as Friday's answer by the Prime Minister to Mr Andrew Mackinlay's question. On the other questions we have received legal advice from Treasury Solicitors.

JOE GILLAM

CABINET OFFICE
H 95/342
- 3 MAY 1995
FILING INSTRUCTIONS
FILE No.

FOR ANSWER ON 2 MAY 1995

DNH

La - Stoke on Trent Central

42N Mr Mark Fisher

To ask the Secretary of State for National Heritage, if he will publish the names of those people who advised the National Lottery Heritage Fund on the valuation of the Churchill papers.

MR DORRELL

This is a matter for the National Heritage Memorial Fund. I have asked the Chairman to write to the Honourable Member

FOR ANSWER ON 2 MAY 1995

DNH

La - Stoke on Trent Central

43N Mr Mark Fisher

To ask the Secretary of State for National Heritage, if he will publish both the indentities of the valuers and their valuation advice for all future purchases financed by the National Lottery Heritage Fund.

MR DORRELL

This is a matter for the National Heritage Memorial Fund. I have asked the Chairman to write to the Honourable Member

FOR ANSWER ON 2 MAY 1995

DNH

La - Stoke on Trent Central

44N Mr Mark Fisher

To ask the Secretary of State for National Heritage, if he will publish all the valuation advice received by the National Lottery Heritage Fund.

MR DORRELL

This is a matter for the National Heritage Memorial Fund. I have asked the Chairman to write to the Honourable Member

FOR ANSWER ON 2 MAY 1995

DNH

La - Stoke on Trent Central

45N Mr Mark Fisher

To ask the Secretary of State for National Heritage, if he will publish the legal advice he has received on the ownership of copyright of the Churchill Papers.

MR DORRELL

The copyright position was considered in the context of the litigation against the Churchill Trustees but this was not a matter involving the Secretary of State for National Heritage.

FOR ANSWER ON 2 MAY 1995

DNH

La - Stoke on Trent Central

46N Mr Mark Fisher

To ask the Secretary of State for National Heritage, when his Department began enquiries into the ownership of copyright of the Churchill papers; and at what cost in legal advice and action.

MR DORRELL

I refer the Honourable member to the answer to question 45N.

FOR ANSWER ON 2 MAY 1995

DNH

La - Stoke on Trent Central

47N Mr Mark Fisher

To ask the Secretary of State for National Heritage, what advice he has taken on the ownership of copyright of the Churchill papers.

MR DORRELL

I refer the Honourable member to the answer to question 45N.

FOR ANSWER ON 2 MAY 1995

DNH

La - Stoke on Trent Central

48N Mr Mark Fisher

To ask the Secretary of State for National Heritage, if the Churchill Trust owned the copyright in the Churchill Archives; and if Her Majesty's Government has purchased all copyright in these documents.

MR DORRELL

No; no. Copyright in the non-State papers remains with whoever owned it prior to the sale of the documents to Churchill College. The Crown has retained its copyright in the State papers which it has given to the College.

FOR ANSWER ON 2 MAY 1995

DNH

La - Stoke on Trent Central

49N Mr Mark Fisher

To ask the Secretary of State for National Heritage, if he will list the names of foreign organisations or individuals who are (a) bidding for and (b) negotiating with the Trustees for the purchase of the Churchill Trust papers.

MR DORRELL

There are no foreign bidders negotiating with the Churchill Trustees, the papers have already been secured for the nation.

*Cultural Property Unit*
*Department of National Heritage*
*2-4 Cockspur Street, London SW1Y 5DH*
*Tel: 0171-211 6158*
*Fax: 0171 211 6170*

FAX TRANSMISSION COVER SHEET

***Date:*** 3/5
***To:*** Pat Andrews
***Fax:*** 2176010
***Subject:***
***Sender:*** *Carol Hobley*

*YOU SHOULD RECEIVE* 7 *PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL 0171-211 6158*

There have already been passed to our Parliamentary Branch, but will not be sent off for a couple of hours. Please let me know if you have any comments

Carol

Action Officer: Ms. Hobley

BRIEFING FOR LEADER OF THE HOUSE

1. Subject: Nation's debt to Sir Winston Churchill

2. Briefing to be provided to Parliamentary Branch please by: noon, 3/5/95.

3. Briefing required by Leader's Office by: 1500hrs, Wednesday 3 May 1995.

4. For use during Business Questions on Thursday.

5. We have been asked to provide briefing for the Leader of the House on the above EDM/subject to which the attached extract from the Order Paper/Official Report refers.

CONTENTS/LAYOUT

- the EDM number and title should be given at the top of the page.
- **briefing should be in prose (not telegraphese) and on one page of DNH headed A4 paper.**
- it should comprise a line-to-take (double spacing) of no more than three lines and a brief background note (single spacing) - both in lower case.

and should include when appropriate

- any Parliamentary action proposed by the Government in the near future eg a statement or debate; and
- any recent Parliamentary exchange, (these should be mentioned in the first paragraph of the background note).

**6. I would be grateful if you could adhere strictly to the deadline, prescribed at paragraph 2 above, which takes into account the time needed for Ministerial clearance.**

7. Could you please note that the Leader's Office have asked to be supplied with any revisions of substance to the briefing for up to two months after the first appearance of the EDM.

Russell Gould

Parliamentary Branch
Room: 206
Tel : 211 6289
Fax : 211 6294

2 May 1995

**1052** ***NATION'S DEBT TO SIR WINSTON CHURCHILL***

**Sir Patrick Cormack** **1:5:95**

★ 1

That this House, recognising that previous Parliaments, speaking for a grateful nation, bestowed munificent gifts upon the first Dukes of Marlborough and Wellington, believing that the services to the nation of the late Sir Winston Churchill were even greater than those of these illustrious predecessors and that Parliament's presentation of an address and a portrait to mark his 80th Birthday was a less tangible asset to him and his heirs than Blenheim Palace or Stratfield Saye, and acknowledging that Sir Winston was entirely justified in seeking to make provision for his heirs by bequeathing his papers, warmly congratulates the Chairman and Trustees of the National Heritage Memorial Fund for acquiring those papers for the nation without having recourse to the public purse; and suggests that those who have derided the decision should recognise the inestimable debt the nation owes to Sir Winston Churchill's leadership, without which they might have neither the opportunity to celebrate the defeat of fascism nor the democratic freedom to express their unjustified indignation.

## EDM 1052: NATION'S DEBT TO SIR WINSTON CHURCHILL

### Line to take

Pleased to join the Member in recognising the tremendous debt of gratitude we as a nation owe to Sir Winston Churchill.

Sir Winston was, of course, justified in making provision for his heirs by arranging for the benefit of his assets to be passed on to his descendants.

The Chairman and Trustees of the NHMF have performed a great service in enabling Churchill College to purchase the non-State papers. That decision, combined with the Government's gift of the State papers, has ensured the Archive is now preserved intact for future generations.

Surprised that some Members seem to be of the view that it would have been better to risk the dispersal of this significant part of our heritage [especially in the lead up to the VE Day celebrations].

### Background

1. The National Heritage Memorial Fund (NHMF) announced its first round of successful Lottery applications on Wednesday 26 April including the funding of the purchase of the non-State papers held by the Churchill family Trust. The State papers were transferred by Deed of Gift by the Government to Churchill College, Cambridge where the Archive has been held since the 1970s. The Archive is thus retained intact which has always been the Government's aim.

2. No Lottery money was used to purchase papers which were the property of the State.

3. The NHMF consulted leading independent experts who valued the papers which were bought with Lottery funds.

4. The Government entered into litigation to establish the ownership of the State papers in 1993, but agreed to drop the action when the NHMF accepted the Lottery application and gifted the State papers in order to preserve the Archive intact.

1 It's as a NHMF gift

5. Copyright remains where it always was, with the Trustees of the Churchill estate for the non-State papers, and with the Crown for the State papers. The estate's decision to retain copyright in the papers they had owned was a matter for them, as part of their agreement with the NHMF.

Action Officer: Ms. Hobley

**BRIEFING FOR LEADER OF THE HOUSE**

1. Subject: Purchase of Churchill Papers by Heritage Memorial Fund.

2. Briefing to be provided to Parliamentary Branch please by: noon, 3/5/95.

3. Briefing required by Leader's Office by: 1500hrs. Wednesday 3 May 1995.

4. For use during Business Questions on Thursday.

5. We have been asked to provide briefing for the Leader of the House on the above EDM/subject to which the attached extract from the Order Paper/Official Report refers.

**CONTENTS/LAYOUT**

- the EDM number and title should be given at the top of the page.
- **briefing should be in prose (not telegraphese) and on one page of DNH headed A4 paper.**
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and should include when appropriate

- any Parliamentary action proposed by the Government in the near future eg a statement or debate; and
- any recent Parliamentary exchange, (these should be mentioned in the first paragraph of the background note).

**6. I would be grateful if you could adhere strictly to the deadline, prescribed at paragraph 2 above, which takes into account the time needed for Ministerial clearance.**

7. Could you please note that the Leader's Office have asked to be supplied with any revisions of substance to the briefing for up to two months after the first appearance of the EDM.

Russell Gould

Parliamentary Branch
Room: 206
Tel : 211 6289
Fax : 211 6294
3 May 1995

**1069** ***MRS BARBARA FALCONER AND SOUTH DEVON HEALTH CARE TRUST*** **2:5:95**

Mr Martin Redmond
Mr Tom Cox
Mr Peter Hardy
Mr Bill Etherington
Mr Max Madden
Mr Terry Davis

★ 6

That this House calls upon the Secretary of State for Health to make a public apology for the abuse of, and offence caused to, Mrs Barbara Falconer by the South Devon Health Care Trust following the death of her son in circumstances in which the inquest jury found misadventure with neglect; and further calls for the dismissal of the Chairman and Chief Executive without compensation for the attempt to get Mrs Falconer to sign a statement clearing the trust of blame as a condition for payment of compensation.

**1070** ***NEGLECT OF PATIENTS*** **2:5:95**

Mr Martin Redmond
Mr Max Madden
Mr Tom Cox
Mr Bill Etherington
Mr Peter Hardy
Mr Terry Davis

★ 6

That this House condemns the Secretary of State for Health for allowing NHS trusts to conduct their business in total secrecy whilst patients are treated with contempt culminating in a patient being left on a trolley for nine hours to die alone.

**1071** ***PURCHASE OF CHURCHILL PAPERS BY HERITAGE MEMORIAL FUND*** **2:5:95**

Mr Martin Redmond
Mr Bill Etherington
Mr Tom Cox
Mr Terry Davis
Mr Peter Hardy
Mr Max Madden

★ 6

That this House recognises with disgust the behaviour of the Churchill family and the Chartwell Trust who by stressing the overseas interest in the documents to maximise the price exploited the incompetence and lack of judgement of the Heritage Memorial Fund; believes that such greed was not surprising but feels that the contempt for the tens of thousands who were left to die in poverty after their loved ones died for this country is beyond belief; and calls for a full and public inquiry into this matter.

★ *The figure following this symbol gives the total number of names of Members appended, including those names added in this edition of the Notices of Motions.*

**EDM 1071: PURCHASE OF CHURCHILL PAPERS BY HERITAGE MEMORIAL FUND**

**Line to take**

The NHMF took independent advice from leading experts on the value of the papers purchased with Lottery funds and concluded that the agreed price represented value for money.

The fact is that Sir Winston Churchill made provision for his heirs by bequeathing his assets to a family Trust and the Hon Members should be pleased that the Archive has now been saved intact for the nation.

The Government has no intention of holding a public enquiry.

**Background**

1. The National Heritage Memorial Fund (NHMF) announced its first round of successful Lottery applications on Wednesday 26 April including the funding of the purchase of the non-State papers held by the Churchill family Trust. The State papers were transferred by Deed of Gift by the Government to Churchill College, Cambridge where the Archive has been held since the 1970s. The Archive is thus retained intact which has always been the Government's aim.

2. No Lottery money was used to purchase papers which were the property of the State.

3. The NHMF consulted leading independent experts who valued the papers which were bought with Lottery funds.

4. The Government entered into litigation to establish the ownership of the State papers in 1993, but agreed to drop the action when the NHMF accepted the Lottery application and gifted the State papers in order to preserve the Archive intact.

5. Copyright remains where it always was [with the Trustees of the Churchill estate] for the non-State papers, and with the Crown for the State papers. The estate's decision to retain copyright in the papers they had owned was a matter for them, as part of their agreement with the NHMF.

CABINET OFFICE
Historical and Records Section
Hepburn House
Marsham Street
London SW1P 4HW
Fax: 071 217 6010

ENQUIRIES:
071 217 6050

URGENT
YES/NO

# FACSIMILE LEADER

NAME: CAROL HOBLEY

DEPARTMENT: DNH

ADDRESS: 2-4 COCKSPUR STREET

FAX No: 7211 6170

FROM: PAT ANDREWS

DOCUMENT REFERENCE/TITLE: CHURCHILL

TOTAL NUMBER OF PAGES: +2 DATE: 2-5-95

MESSAGE:

Answers to Qs 3 and 93 attached. Cleared with Michael Carpenter.

Pat 2/5

ACKNOWLEDGEMENT REQUIRED YES/ NO

Lab - Leyton

3 Mr Harry Cohen

To ask the Secretary of State for National Heritage, in what circumstances historians and others wanting to use the Churchill papers, following their purchase for the state, will have to pay a copyright fee; to whom such copyright proceeds would go; what is the estimate amount of such proceeds per annum; and if he will make a statement.

DRAFT REPLY

Anyone wishing to use the Churchill papers for commercial purposes will need to seek permission from the copyright owners. Copyright in the non-State papers is vested in the Churchill family; copyright in the State papers is vested in the Crown. The proceeds go to the copyright owners; it is not possible to estimate the amount per annum of such proceeds as this is entirely dependent upon the use made of the papers.

Lab - Great Grimsby

93 Mr Austin Mitchell

To ask the Secretary of State for National Heritage, who will grant requests to reproduce documents purchased from the Churchill family by the National Heritage Fund, and what steps will be taken to ensure that the family do not charge for the reproduction of any document at any time covered by the Official Secrets Acts.

DRAFT REPLY

Permission to reproduce documents from the Churchill Archive for commercial purposes will have to be sought from the copyright owners. Copyright in the non-State papers is vested in the Churchill family, copyright in the State papers is vested in the Crown.

Any person who wishes to reproduce for commercial purposes a work in which copyright subsists must ensure that they have the appropriate permission.

1. PARLIAMENTARY CLERK

2. SECRETARY OF STATE

From: JOE GILLAM
Cultural Property Unit
Room 1
Tel: 071-211 6157

Date: 2 May 1995

cc. PS/Mr Phillips
Miss O'Mara
Ms Maclean
Mr MacDonald
Mr Helston
Mr Dawes
Ms Hobley
Ms Andrews (Cabinet Office)

**AUSTIN MITCHELL AND HARRY COHEN PQS : CHURCHILL ARCHIVE**

Mr Austin Mitchell MP and Harry Cohen MP have tabled two further PQs relating to the Churchill Archive. The answers have been drafted by Pat Andrews in the Cabinet Office and have been cleared with Treasury Solicitors.

JOE GILLAM

CABINET OFFICE
H95/346
- 4 MAY 1995
FILING INSTRUCTIONS
FILE NO.

FOR ANSWER ON 3/5/95

DNH

La - Great Grimsby

93 Mr Austin Mitchell MP

To ask the Secretary of State for National Heritage, who will grant requests to reproduce the documents purchased from the Churchill family by the National Heritage Memorial Fund; and what steps will be taken to ensure that the family do not charge for the reproduction of any documents at any time covered by the Official Secrets Acts.

MR DORRELL

Permission to reproduce the documents from the Churchill Archive for commercial purposes will have to be sought from the copyright owners. Copyright in the non-State papers is vested in the Churchill family, copyright in the State papers is vested in the Crown.

Any person who wished to reproduce for commercial purposes a work in which copyright subsists must ensure that they have the appropriate permission.

FOR ANSWER ON 11/5/95

DNH

La - Leyton

3N Mr Harry Cohen MP

To ask the Secretary of State for National Heritage, in what circumstances historians and others wanting to use the Churchill papers, following their purchase for the state, will have to pay a copyright fee; to whom such copyright proceeds would go; what is the estimated amount of such proceeds per annum; and if he will make a statement.

MR DORRELL

Anyone wishing to use the Churchill papers for commercial purposes will need to seek permission from the copyright owners. Copyright in the non-state papers is vested in the Churchill family; copyright in the State papers is vested in the Crown. The proceeds go to the copyright owners; it is not possible to estimate the amount per annum of such proceeds as this is entirely dependent upon the use made of the papers.

# THE TREASURY SOLICITOR

**Queen Anne's Chambers, 28 Broadway, London SW1H 9JS**

**Direct Line 0171 210 3450 Direct Fax 0171 210 3503**

**Office of Public Service & Science Legal Adviser**


Pat Andrews
Cabinet Office
Historical & Records Section
Hepburn House
Marsham Street
London SW1

Please quote: A930329G/MC

Your reference:

Date: 2 May 1995

Miss Andrews
The following amendments 'α' and 'β' are cleared with HMSO

**Austin Mitchell's PQs**

I suggest the following by way of answer to questions 75 and 78. MB

Q.75

A: The extent to which a civil servant may be required to account to the Crown for any profit made from such publication will depend on whether the author produced all or part of the work during official time and whether the work is based on Crown ~~source~~ material or otherwise used Copyright

α
β

Q.78

A: Civil servants must clear in advance material for publication which draws on official information or experience.

M.B.

P.S. I attach a suggested small amendment to Q&A 67

**Michael Carpenter**

c.c. Gordon Robbie, HMSO
Paul Jenkins, T/Sol

# THE TREASURY SOLICITOR

**Queen Anne's Chambers, 28 Broadway, London SW1H 9JS**

**Direct Line 0171 210 3450 Direct Fax 0171 210 3503**

**Office of Public Service & Science Legal Adviser**


Pat Andrews
Cabinet Office
Historical & Records Section
Hepburn House
Marsham Street
London SW1

Please quote: A930329G/MC

Your reference:

Date: 2 May 1995

**Austin Mitchell's PQs**

I suggest the following by way of answer to questions 75 and 78.

Q.75

A: The extent to which a civil servant may be required to account to the Crown for any profit made from such publication will depend on whether the author produced all or part of the work during official time and whether the work is based on Crown Copyright sources.

Q.78

A: Civil servants must clear in advance material for publication which draws on official information or experience.

M.B.

P.S. I attach a suggested small amendment to Q&A 67

**Michael Carpenter**

c.c. Gordon Robbie, HMSO
Paul Jenkins, T/Sol

Lab - Great Grimsby

67 Mr Austin Mitchell

To ask the Prime Minister, if he will make it his policy to ensure that documents originated or acquired by Ministers in the course of their official duties are not sold by them or by their heirs and assigns.

DRAFT REPLY

It is the Crown's position that documents originated or acquired by Ministers ~~in the course of their official duties~~ by virtue of their office are Crown property and may not be sold by their heirs and assigns.

By convention, however, Prime Ministers, on leaving office have taken with them copies of documents which they dealt with personally whilst in office. These include some documents originated or acquired by them in the course of their official duties. This convention has not applied to Ministers other than former Prime Ministers.

It is my policy that in future material removed from official custody at the end of an Administration should contain no official material other than that which is already in the public domain.

# HOUSE OF COMMONS PARLIAMENTARY QUESTION

ORAL (*): _____

NAMED DAY (N) WRITTEN: _____

ORDINARY WRITTEN: ✓

MP'S PARTY: LAB

Date PQ was tabled: 1/5/95

For answer on : 3/5/95

Return to PB by : 4/5/95 4PM

ACTION OFFICER: Mr Helston

DIVISION: CULTURAL PROPERTY

MINISTER ANSWERING

Secretary of State ✓ PM.

cc

Mr Sproat

---

71 **Mr Austin Mitchell** (Great Grimsby): To ask the Prime Minister, what steps the Government took to purchase the annotated eight page typescript of Sir Winston Churchill's El Alamein speech sold by Sotheby's in December 1994; and whether this is included in the Churchill documents purchased by the National Heritage Memorial Fund. (22421)

(TRANSFERRED IN)

PRIME MINISTER

The manuscript to which the HG refers was sold by a private owner and was one of many which Sir Winston Churchill gave away during his lifetime. At no time did it form part of the Churchill Archive and it does not do so now. It is for the national institutions which maintain archives to decide whether to commit funds to the purchase of papers which appear on the open market.

| ACTION OFFICER (in case of queries) | OFFICIAL APPROVAL (must be Grade 5 or above) | MINISTERIAL APPROVAL |
|---|---|---|
| | | |

********** -COMM.JOURNAL- ********** DATE 21-APR-1995 ***** TIME 10:39 **** P.1

MODE = MEMORY TRANSMISSION START=21-APR 10:38 END=21-APR 10:39

FILE NO.= 043

| NO. | COM | ABBR/NTWK | STATION NAME/ TELEPHONE NO. | PAGES | PRG.NO. | PROGRAM NAME |
|---|---|---|---|---|---|---|
| 001 | OK | | 72103503 | 001/001 | | |

-HRS 0171 217 6010 -

********** - 071 217 6010- **********

Action Officer: Ms. Hobley

BRIEFING FOR LEADER OF THE HOUSE

1. Subject: Nation's debt to Sir Winston Churchill

2. Briefing to be provided to Parliamentary Branch please by: noon, 3/5/95.

3. Briefing required by Leader's Office by: 1500hrs, Wednesday 3 May 1995.

4. For use during Business Questions on Thursday.

5. We have been asked to provide briefing for the Leader of the House on the above EDM/subject to which the attached extract from the Order Paper/Official Report refers.

CONTENTS/LAYOUT

- the EDM number and title should be given at the top of the page.
- **briefing should be in prose (not telegraphese) and on one page of DNH headed A4 paper.**
- it should comprise a line-to-take (double spacing) of no more than three lines and a brief background note (single spacing) - both in lower case.

and should include when appropriate

- any Parliamentary action proposed by the Government in the near future eg a statement or debate; and
- any recent Parliamentary exchange, (these should be mentioned in the first paragraph of the background note).

6. **I would be grateful if you could adhere strictly to the deadline, prescribed at paragraph 2 above, which takes into account the time needed for Ministerial clearance.**

7. Could you please note that the Leader's Office have asked to be supplied with any revisions of substance to the briefing for up to two months after the first appearance of the EDM.

Russell Gould.

Parliamentary Branch
Room: 206
Tel : 211 6289
Fax : 211 6294

2 May 1995

P.02 05.02.1995 09:34 RECEIVED FROM 0212720015

1052 *NATION'S DEBT TO SIR WINSTON CHURCHILL*

Sir Patrick Cormack 1:5:95

★ 1

That this House, recognising that previous Parliaments, speaking for a grateful nation, bestowed munificent gifts upon the first Dukes of Marlborough and Wellington, believing that the services to the nation of the late Sir Winston Churchill were even greater than those of these illustrious predecessors and that Parliament's presentation of an address and a portrait to mark his 80th Birthday was a less tangible asset to him and his heirs than Blenheim Palace or Stratfield Saye, and acknowledging that Sir Winston was entirely justified in seeking to make provision for his heirs by bequeathing his papers, warmly congratulates the Chairman and Trustees of the National Heritage Memorial Fund for acquiring those papers for the nation without having recourse to the public purse; and suggests that those who have derided the decision should recognise the inestimable debt the nation owes to Sir Winston Churchill's leadership, without which they might have neither the opportunity to celebrate the defeat of fascism nor the democratic freedom to express their unjustified indignation.

## EDM 1052: NATION'S DEBT TO SIR WINSTON CHURCHILL

### Line to take

Pleased to join the Member in recognising the tremendous debt of gratitude we as a nation owe to Sir Winston Churchill.

Sir Winston was, of course, justified in making provision for his heirs by arranging for the benefit of his assets to be passed on to his descendants.

The Chairman and Trustees of the NHMF have performed a great service in enabling Churchill College to purchase the non-State papers. That decision, combined with the Government's gift of the State papers, has ensured the Archive is now preserved intact for future generations.

Surprised that some Members seem to be of the view that it would have been better to risk the dispersal of this significant part of our heritage [especially in the lead up to the VE Day celebrations].

### Background

1. The National Heritage Memorial Fund (NHMF) announced its first round of successful Lottery applications on Wednesday 26 April including the funding of the purchase of the non-State papers held by the Churchill family Trust. The State papers were transferred by Deed of Gift by the Government to Churchill College, Cambridge where the Archive has been held since the 1970s. The Archive is thus retained intact which has always been the Government's aim.

2. No Lottery money was used to purchase papers which were the property of the State.

3. The NHMF consulted leading independent experts who valued the papers which were bought with Lottery funds.

4. The Government entered into litigation to establish the ownership of the State papers in 1993, but agreed to drop the action when the NHMF accepted the Lottery application and the Government gifted the State papers in order to preserve the Archive intact.

5. Copyright remains where it always was, with the Churchill family for the non-State papers, and with the Crown for the State papers. The estate's decision to retain copyright in the papers they had owned was a matter for them, as part of their agreement with the NHMF.

Action Officer: Ms. Hobley

BRIEFING FOR LEADER OF THE HOUSE

1. Subject: Purchase of Churchill Papers by Heritage Memorial Fund.

2. Briefing to be provided to Parliamentary Branch please by: noon. 3/5/95.

3. Briefing required by Leader's Office by: 1500hrs. Wednesday 3 May 1995.

4. For use during Business Questions on Thursday.

5. We have been asked to provide briefing for the Leader of the House on the above EDM/subject to which the attached extract from the Order Paper/Official Report refers.

CONTENTS/LAYOUT

- the EDM number and title should be given at the top of the page.
- **briefing should be in prose (not telegraphese) and on one page of DNH headed A4 paper.**
- it should comprise a line-to-take (double spacing) of no more than three lines and a brief background note (single spacing) - both in lower case.

and should include when appropriate

- any Parliamentary action proposed by the Government in the near future eg a statement or debate; and
- any recent Parliamentary exchange, (these should be mentioned in the first paragraph of the background note).

**6. I would be grateful if you could adhere strictly to the deadline, prescribed at paragraph 2 above, which takes into account the time needed for Ministerial clearance.**

7. Could you please note that the Leader's Office have asked to be supplied with any revisions of substance to the briefing for up to two months after the first appearance of the EDM.

Russell Gould

Parliamentary Branch
Room: 206
Tel : 211 6289
Fax : 211 6294
3 May 1995

**1069** *MRS BARBARA FALCONER AND SOUTH DEVON HEALTH CARE TRUST* **2:5:95**

Mr Martin Redmond
Mr Tom Cox
Mr Peter Hardy
Mr Bill Etherington
Mr Max Madden
Mr Terry Davis

★ 6

That this House calls upon the Secretary of State for Health to make a public apology for the abuse of, and offence caused to, Mrs Barbara Falconer by the South Devon Health Care Trust following the death of her son in circumstances in which the inquest jury found misadventure with neglect; and further calls for the dismissal of the Chairman and Chief Executive without compensation for the attempt to get Mrs Falconer to sign a statement clearing the trust of blame as a condition for payment of compensation.

**1070** *NEGLECT OF PATIENTS* **2:5:95**

Mr Martin Redmond
Mr Max Madden
Mr Tom Cox
Mr Bill Etherington
Mr Peter Hardy
Mr Terry Davis

★ 6

That this House condemns the Secretary of State for Health for allowing NHS trusts to conduct their business in total secrecy whilst patients are treated with contempt culminating in a patient being left on a trolley for nine hours to die alone.

**1071** *PURCHASE OF CHURCHILL PAPERS BY HERITAGE MEMORIAL FUND* **2:5:95**

Mr Martin Redmond
Mr Bill Etherington
Mr Tom Cox
Mr Terry Davis
Mr Peter Hardy
Mr Max Madden

★ 6

That this House recognises with disgust the behaviour of the Churchill family and the Chartwell Trust who by stressing the overseas interest in the documents to maximise the price exploited the incompetence and lack of judgement of the Heritage Memorial Fund; believes that such greed was not surprising but feels that the contempt for the tens of thousands who were left to die in poverty after their loved ones died for this country is beyond belief; and calls for a full and public inquiry into this matter.

★ *The figure following this symbol gives the total number of names of Members appended, including those names added in this edition of the Notices of Motions.*

## EDM 1071: PURCHASE OF CHURCHILL PAPERS BY HERITAGE MEMORIAL FUND

### Line to take

The NHMF took independent advice from leading experts on the value of the papers purchased with Lottery funds and concluded that the agreed price represented value for money.

The fact is that Sir Winston Churchill made provision for his heirs by bequeathing his assets to a family Trust and the Hon Members should be pleased that the Archive has now been saved intact for the nation.

The Government has no intention of holding a public enquiry.

### Background

1. The National Heritage Memorial Fund (NHMF) announced its first round of successful Lottery applications on Wednesday 26 April including the funding of the purchase of the non-State papers held by the Churchill family Trust. The State papers were transferred by Deed of Gift by the Government to Churchill College, Cambridge where the Archive has been held since the 1970s. The Archive is thus retained intact which has always been the Government's aim.

2. No Lottery money was used to purchase papers which were the property of the State.

3. The NHMF consulted leading independent experts who valued the papers which were bought with Lottery funds.

4. The Government entered into litigation to establish the ownership of the State papers in 1993, but agreed to drop the action when the NHMF accepted the Lottery application and the Government gifted the State papers in order to preserve the Archive intact.

5. Copyright remains where it always was, with the Churchill family for the non-State papers, and with the Crown for the State papers. The estate's decision to retain copyright in the papers they had owned was a matter for them, as part of their agreement with the NHMF.

**Why did Prime Minister not make statement to Parliament about change of policy re papers which outgoing Prime Ministers take with them on leaving office?**

C Mrs Abba (Parliamentary)

C. Miss Andrews

## LINE TO TAKE

No announcement to Parliament was required. Early in my premiership, I accepted advice that, when I left office, I should take with me a more restricted range of personal papers than previous Prime Minsters had taken. So far as I am aware, this is not a matter on which announcements have previously been made to Parliament and I see no reason why this should have been the subject of such an announcement.

pqp.j

CABINET OFFICE
Historical and Records Section
Hepburn House
Marsham Street
London SW1P 4HW
Fax: 071 217 6010

ENQUIRIES:
071 217 6050

URGENT
YES/NO

# FACSIMILE LEADER

NAME: Stephanie Panting

DEPARTMENT: Cabinet Office

ADDRESS: 70 Whitehall

FAX No:

FROM: Pat Andrews

DOCUMENT REFERENCE/TITLE: Prime Ministers' papers

TOTAL NUMBER OF PAGES: + 1

DATE: 3 May 1995

MESSAGE:

Suggested line to take for No 10

ACKNOWLEDGEMENT REQUIRED YES/ NO

Why did the Prime Minister not make a statement to Parliament about his change of policy in respect of papers which, by convention, outgoing Prime Ministers have been allowed to take with them on leaving office?

**SUGGESTED LINE TO TAKE**

**This is a change in procedures rather than a change in policy. Outgoing Prime Ministers will still take with them on leaving office their "personal" papers. The change is that in future they will not take away documents containing official material. No statement necessary.**

**[The original convention was not announced to Parliament** (so far as we have been able to ascertain) **therefore no requirement to announce to Parliament a change of this kind.]**

1. MR HELSTON MA 3.5.95

2. PARLIAMENTARY CLERK

3. SECRETARY OF STATE

From: JOE GILLAM
Cultural Property Unit
Room 1
Tel: 071-211 6157

Date: 3 May 1995

cc. PS/Mr Phillips
Miss O'Mara
Ms Maclean
Mr MacDonald
Mr Dawes
Ms Hobley
Ms Andrews (Cabinet Office)

**AUSTIN MITCHELL PQ : CHURCHILL ARCHIVE**

Mr Austin Mitchell MP has tabled a PQ asking the Secretary of State if he will set an independent committee to examine the history of the ownership of the Churchill Archive. The answer has been cleared with Treasury Solicitors.

J. Gil

JOE GILLAM

CABINET OFFICE
H 95/361
- 5 MAY 1995
FILING INSTRUCTIONS
FILE No.

FOR ANSWER ON 3/5/95

DNH

La- Great Grimsby

95 Mr Austin Mitchell MP

To ask the Secretary of State for National Heritage, if he will set up an independent committee to examine the history of the ownership of the papers which the Churchill family have sold to the National Heritage Fund; and if the family has a right to charge for their reproduction.

MR DORRELL

I will not be setting up an independent committee to examine the history of ownership of the papers which have been acquired for Churchill College, Cambridge through Lottery funds distributed by the National Heritage Memorial Fund.

Subject to the fair dealing and any other available exceptions in the Copyright, Designs and Patents Act 1988, it is for the copyright owners to licence reproductions of copyright material and to charge for such reproductions if they think it appropriate. The owners of the copyright in the non-State papers sold to Churchill College retain this right in those papers but have granted a licence to enable the papers to be copied without payment of a royalty in the circumstances referred to in sections 37-43 of the 1988 Act (copying by libraries and archives). The Crown has retained similar rights in respect of the State papers and has also granted a similar licence.

1. MR HELSTON MA 4.5.95

2. PARLIAMENTARY CLERK

3. SECRETARY OF STATE

From: JOE GILLAM
Cultural Property Unit
Room 1
Tel: 071-211 6157

Date: 3 May 1995

cc. PS/Mr Phillips
Miss O'Mara
Ms Maclean
Mr MacDonald
Mr Dawes
Ms Hobley
Ms Andrews (Cabinet Office)

**MARK FISHER PQS : CHURCHILL ARCHIVE**

Mr Mark Fisher MP has tabled three PQs on the Churchill Archive. I enclose revised draft answers for your consideration.

JOE GILLAM

CABINET OFFICE
H 95/360
- 5 MAY 1995
FILING INSTRUCTIONS
FILE No.

FOR ANSWER ON 2/5/95

DNH

La- Stoke on Trent Central

45N Mr Mark Fisher MP

To ask the Secretary of State for National Heritage, if he will publish the legal advice he has received on the ownership of copyright of the Churchill Papers.

MR DORRELL

The Government was advised that copyright in the State papers belonged to the Crown, and that it did not own the copyright in the non-State papers.

FOR ANSWER ON 2/5/95

DNH

La- Stoke on Trent Central

46N Mr Mark Fisher MP

To ask the Secretary of State for National Heritage, when his Department began enquiries into the ownership of copyright of the Churchill papers; and at what cost in legal advice and action.

MR DORRELL

The Government was advised in July 1991 and May 1994 about the copyright in the State and non-State papers at a cost of £3100 exclusive of VAT by way of counsel's fees.

FOR ANSWER ON 2/5/95

DNH

La- Stoke on Trent Central

47N Mr Mark Fisher MP

To ask the Secretary of State for National Heritage, what advice he has taken on the ownership of copyright of the Churchill papers.

MR DORRELL

I refer the Honourable Member to the answers to questions 45 and 46.

CABINET OFFICE
Historical and Records Section
Hepburn House
Marsham Street
London SW1P 4HW
Fax: 071 217 6010

ENQUIRIES:
071 217 6050

URGENT
YES/NO

# FACSIMILE LEADER

NAME: STEPHANIE PANTING

DEPARTMENT: CABINET OFFICE

ADDRESS: 70 WHITEHALL

FAX No:

FROM: PAT ANDREWS

DOCUMENT REFERENCE/TITLE: CHURCHILL PAPERS

TOTAL NUMBER OF PAGES: +5 DATE: 3-5-94

MESSAGE:
Revised DNH answers to Mark Fisher's
Questions about copyright and letters
from Lord Rothschild to MFisher and
A McKinlay. MP.

ACKNOWLEDGEMENT REQUIRED YES/ NO

*Cultural Property Unit*
*Department of National Heritage*
*2-4 Cockspur Street, London SW1Y 5DH*
*Tel: 0171-211 6158*
*Fax: 0171 211 6170*

FAX TRANSMISSION COVER SHEET

***Date:*** *3.5.95*

***To:*** *Pat Andrews*

***Fax:*** *217 6010*

***Subject:***

***Sender:*** *Carol Hobley*

*YOU SHOULD RECEIVE 6 PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL 0171-211 6158*

POS 42N - 49N

42-44 these have not been tabled because the SoS raised a query (I don't know what it was). However, in the meantime, Lord Rothschild has written to Mark Fisher as we requested him to do. A copy of this letter has gone up to the SoS this p.m. and we assume he will now reply as originally recommended. I am sending a copy of Lord R's letter - I hope it is legible through the fax.

45-48 Revised answers attached. These are going to our Parli Branch this evening and will be seen again by the SoS tomorrow a.m.

49 Answered! I am sending a copy of Lord R's reply to Mr MacKinley

FOR ANSWER ON 2/5/95

DNH

La- Stoke on Trent Central

45N Mr Mark Fisher MP

To ask the Secretary of State for National Heritage, if he will publish the legal advice he has received on the ownership of copyright of the Churchill Papers.

MR DORRELL

The Government was advised that copyright in the State papers belonged to the Crown, and that it did not own the copyright in the non-State papers.

FOR ANSWER ON 2/5/95

DNH

La- Stoke on Trent Central

46N Mr Mark Fisher MP

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MR DORRELL

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FOR ANSWER ON 2/5/95

DNH

La- Stoke on Trent Central

47N Mr Mark Fisher MP

To ask the Secretary of State for National Heritage, what advice he has taken on the ownership of copyright of the Churchill papers.

MR DORRELL

I refer the Honourable Member to the answers to questions 45 and 46.

NATIONAL HERITAGE MEMORIAL FUND
10 ST JAMES'S STREET LONDON SW1A 1EF
TELEPHONE 0171 930 0963 FACSIMILE 0171 930 0969

*From the Chairman: Lord Rothschild*

28 April 1995

Dear Mr MacKinley.

I gather from your Parliamentary Question on Friday that you wished to know which papers the National Heritage Memorial Fund has purchased from the Churchill Archive. The National Heritage Memorial Fund, itself, did not purchase the archive. The University of Cambridge will acquire the archive with our financial help and then give it to the new charitable trust which has been formed.

It may help to give you some background. We became aware that the Churchill Archive Settlement Trustees wished to dispose of the archive some years ago, indeed as early as 1989. We were also aware that some papers, within the archive, might be deemed to be state papers. Therefore, as far as valuations are concerned, we consulted Bernard Quaritch & Son, a leading firm of valuers in the field. We were advised that the archive would be being acquired for less than the figure which our expert valuers put on the papers other than the 'official' papers which were in dispute. There will therefore be no cost attributable to the 'official' papers.

The new charitable trust will end up owning all the papers including the personal, constituency, public and political, literary, the speeches and the official papers.

I hope this information is helpful and please do not hesitate to make contact if you would like to have further information.

Yrs sincerely.

Jacob Rothschild

(Lord Rothschild)

Andrew MacKinley Esq MP
House of Commons
London SW1

TOTAL P.03

NATIONAL HERITAGE MEMORIAL FUND
10 ST JAMES'S STREET LONDON SW1A 1EF
TELEPHONE 0171 930 0963 FACSIMILE 0171 930 0968

*From the Chairman: Lord Rothschild*

28 April 1995

Dear Mark,

I know you are interested in the Churchill Archive and have asked about the advice the NHMF Trustees took before coming to their decision to assist with the purchase. I hope the following comments will be helpful.

Throughout the life of the Fund, the Trustees have relied to a large extent on the advice of outside experts. In the case of the Churchill Archives, we took advice from a wide variety of sources including individual historians, the British Library, the Royal Commission on Historical Manuscripts, the Bodleian Library and copyright lawyers. As far as valuations are concerned we consulted Bernard Quaritch & Son, a leading firm of valuers in the field. We were advised that the archive would be being acquired for less than the figure which our expert valuers put on the papers other than the 'official' papers which were in dispute. There will therefore be no cost attributable to the 'official' papers.

It has not been our practice to publish professional valuations. In this particular case, because of the public interest that has been generated, we have given details of the valuations we have received to the press.

Yours ever.

Jacob Rothschild

(Lord Rothschild)

Mark Fisher Esq.,
House of Commons,
Westminster
London SW1

*Cultural Property Unit*
*Department of National Heritage*
*2-4 Cockspur Street, London SW1Y 5DH*
*Tel: 0171-211 6158*
*Fax: 0171 211 6170*

FAX TRANSMISSION COVER SHEET

*Date:* 4/5
*To:* Pat Andrews cc. Michael Carpenter
*Fax:* 217 6010 210 3503
*Subject:*
*Sender:* Carol Hobley

*YOU SHOULD RECEIVE* 2 *PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL 0171-211 6158*

Revised briefing for No 10 for today's Parliamentary Questions. Any comments?

CABINET OFFICE
H 95/353
- 4 MAY 1995
FILING INSTRUCTIONS
FILE NO

DNH
Copyright

# CHURCHILL ARCHIVE

## General Line

The objective has been to keep together the unique archive of Churchill papers held at Churchill College, Cambridge. This objective has now been achieved.

To maintain the archive intact, the National Heritage Memorial Fund decided to fund the purchase of the papers which belonged to the Churchill family trustees. At the same time, the Government agreed that the State papers be gifted to Churchill College. transferred

There is no question of Lottery money having been used to purchase papers that were the property of the State.

This is a unique archive, of immense historical significance. It would have been a tragedy had the archive been broken up and sold abroad. It is to be welcomed that it has now been preserved for the nation for all time.

## State papers

The Government had entered into litigation to establish the ownership of the State papers. That is now no longer an issue. The NHMF funded the purchase of the non-State papers; the Government has transferred all the State papers, ~~including those that were the subject of litigation,~~ to Churchill College.

## Ownership of copyright

Copyright remains where it always was, with the Trustees of the Churchill estate for the non-state papers, and with the Crown for the state papers. The estate's decision to retain copyright in the papers they had owned was a matter for them, as part of their agreement with the NHMF.

## Future position

I agreed in 1991 that I shall remove from my office only papers of a truly personal nature. That is, no official material other than that which, like speeches, is already in the public domain. I hope my successors will follow this convention.

If passed on
to Churchill MP's letter to
the Guardian
It is the Government's view
that all the State papers
belonged to the Government.
This was only that they were
formally transferred at
the same time ...

# THE TREASURY SOLICITOR

Queen Anne's Chambers, 28 Broadway, London SW1H 9JS

Direct Line 0171 210 3450 Direct Fax 0171 210 3503

Office of Public Service & Science Legal Adviser

## FACSIMILE

| | | | |
|---|---|---|---|
| **To:** | **Miss P Andrews<br>Cabinet Office** | **From:** | **Michael Carpenter** |
| **Dept:** | **Historical & Records Section** | **No. of Pages:** | 3 **inclusive** |
| **Fax No:** | **217 6010** | **Date:** | **4 May 1995** |

**Re:** **Churchill Archive** PQs 181 and 187

I attach suggested amendments to the drafts. The 'one-third' is a complete guess and should not be used.

M.C.

If this facsimile does not reach you in its entirety, please contact my secretary on 0171–210 3006.

Lab - Pendle

187 Mr Gordon Prentice

To ask the Secretary of State for National Heritage, how many items in the Churchill Papers recently purchased (a) are state papers, (b) are private papers and (c) have been the subject of dispute as to whether they are state or private.

DRAFT REPLY

No state papers have been purchased. The Churchill Archive Trustees have sold their interest in the non-State papers. ~~Approximately one third of the papers in the Churchill Archive were official, in that they related to Sir Winston Churchill's Ministerial and Prime Ministerial offices.~~ In the litigation, those Trustees ~~The Churchill Family Tructees~~ disputed ownership of ~~these~~ papers and ~~the Government asked the Courts~~ to give a ruling on the matter. The Crown's The State proceedings were commenced by the Crown to assert the Crown's claim. When the National Heritage Memorial Fund agreed to fund the purchase of the private, or non-State, papers the Government agreed to transfer ownership of the ~~official~~ State papers to Churchill College so that the Archive could be preserved intact for the nation. ~~This was done by Deed of Gift and the official~~ The State papers were separately transferred by the Crown and did not ~~therefore~~ form part of the sale by the Churchill ~~Family~~ Archive Trustees.

Lab - Stoke on Trent Central

181 Mr Mark Fisher

To ask the Secretary of State for National Heritage, if he will list the state papers or classes of state papers which Her Majesty's Government has given to Churchill College and the Churchill Archive.

DRAFT REPLY

The classes of State papers ~~covered by the Deed of Gift by which ownership of the state papers~~ transferred by HM Crown to Churchill College were those listed as "official" in the Catalogue prepared by the Public Record Office in [1964]. They related to Sir Winston Churchill's appointments as [ list ].

~~Other~~ The remaining classes in that Catalogue contain a small number of State papers and ~~these were~~ ownership in these was also transferred ~~to~~ at the same time. ~~as are to be found in other classes are also covered by the Deed of Gift.~~

Lab - Stoke on Trent Central

181 Mr Mark Fisher

To ask the Secretary of State for National Heritage, if he will list the state papers or classes of state papers which Her Majesty's Government has given to Churchill College and the Churchill Archive.

DRAFT REPLY

The classes of State papers transferred to Churchill College by the Crown were those listed as "official" in the Catalogue; they include papers relating to Sir Winston Churchill's appointments as Under Secretary of State for the Colonies, President of the Board of Trade, Home Secretary, First Lord of the Admiralty, Chancellor of the Duchy of Lancaster, Minister of Munitions, Secretary of State for War and Air, Colonial Secretary, Chancellor of the Exchequer, and Prime Minister and to the Cabinet, War Council, War Cabinet and Committee of Imperial Defence.

The remaining classes in the Catalogue contain a [small] number of State papers; ownership of these was transferred at the same time.

Lab - Pendle

187 Mr Gordon Prentice

To ask the Secretary of State for National Heritage, how many items in the Churchill Papers recently purchased (a) are state papers, (b) are private papers and (c) have been the subject of dispute as to whether they are state or private.

DRAFT REPLY

It would be disproportionately costly to list every item in the Churchill Archive. There are 30 classes of papers listed in the Catalogue of which numbers 10-27 relating to Sir Winston Churchill's Ministerial and Prime Ministerial appointments were claimed by the Crown as State papers, together with a [small] number of papers in other classes. The Churchill Archive Trustees disputed this. These papers, however, were not purchased by the National Heritage Memorial Fund, they were transferred to Churchill College by the Crown so that the Archive is preserved intact for the nation at Churchill College.

CABINET OFFICE
Historical and Records Section
Hepburn House
Marsham Street
London SW1P 4HW
Fax: 071 217 6010

ENQUIRIES:
071 217 6050

URGENT
YES/NO

# FACSIMILE LEADER

NAME: MICHAEL CARPENTER

DEPARTMENT: TREASURY SOLICITOR'S DEPT

ADDRESS: QUEEN ANNE'S CHAMBERS

FAX No: 7 210 3503 ~~3450~~

FROM: PAT ANDREWS

DOCUMENT REFERENCE/TITLE: CHURCHILL PAPERS

TOTAL NUMBER OF PAGES: +2 DATE: 4-5-95

MESSAGE:

Two further questions of which I have tried my hand at a reply!

The "one-third" referred to was supplied by Churchill College and has been given to DNH Press Office but I haven't seen it used anywhere so it could cause another stir!

ACKNOWLEDGEMENT REQUIRED YES/ NO

Lab - Pendle

187 Mr Gordon Prentice

To ask the Secretary of State for National Heritage, how many items in the Churchill Papers recently purchased (a) are state papers, (b) are private papers and (c) have been the subject of dispute as to whether they are state or private.

DRAFT REPLY

Approximately one third of the papers in the Churchill Archive were official, in that they related to Sir Winston Churchill's Ministerial and Prime Ministerial offices. The Churchill Family Trustees disputed ownership of these papers and the Government asked the Courts to give a ruling on the matter. When the National Heritage Memorial Fund agreed to fund the purchase of the private, or non-State, papers the Government agreed to transfer ownership of the official papers to Churchill College so that the Archive could be preserved intact for the nation. This was done by Deed of Gift and the official papers did not therefore form part of the sale by the Churchill Family.

Lab - Stoke on Trent Central

181 Mr Mark Fisher

To ask the Secretary of State for National Heritage, if he will list the state papers or classes of state papers which Her Majesty's Government has given to Churchill College and the Churchill Archive.

DRAFT REPLY

The classes of papers covered by the Deed of Gift by which ownership of the state papers to Churchill College were those listed as "official" in the Catalogue prepaed by the Public Record Office in [1964]. They related to Sir Winston Churchill's appointments as [ list ].

Such State papers as are to be found in other classes are also covered by the Deed of Gift.

# THE TREASURY SOLICITOR

Queen Anne's Chambers, 28 Broadway, London SW1H 9JS

Direct Line 0171 210 3450 Direct Fax 0171 210 3503

Office of Public Service & Science Legal Adviser

## FACSIMILE

| | | | |
|---|---|---|---|
| **To:** | **Miss P Andrews<br>Cabinet Office** | **From:** | **Michael Carpenter** |
| **Dept:** | **Historical & Records Section** | **No. of Pages:** | **inclusive** |
| **Fax No:** | **217 6010** | **Date:** | **4 May 1995** |

**Re:** **Churchill Archive** PQ 178

As discussed, I would suggest that LCD might reply as follows;

"Where papers owned by the Crown are subject to the Public Records Act 1958, the Lord Chancellor has power to appoint a place outside the Public Record Office as a place of deposit of such papers if he is satisfied that such a place affords suitable facilities for their safe-keeping and preservation and for their inspection by the public."

If this facsimile does not reach you in its entirety, please contact my secretary on 0171-210 3006.

Lab - Pendle

178 Mr Gordon Prentice

To ask the Parliamentary Secretary, Lord Chancellor's Department, in what circumstances state papers are permitted to be held in private hands.

DRAFT REPLY

~~State papers are public records under the provisions of the Public Records Act 1950. Permission to retain them in private hands must be sought from the appropriate authority.~~ Whether ~~or not such~~ permission is granted will depend upon the particular circumstances of ~~any such~~ each case. Do we wish to speculate on what the circumstances might be? e.g. conditions relating to confidentiality / access by the public.

relevant circs would be provisions for access

Where he would allow place of deposit

LC has powers under the PRA to designate

Section 4.

not all State papers are public records

State papers which are subject to the 1958 Act

Lab - Pendle

178 Mr Gordon Prentice

To ask the Parliamentary Secretary, Lord Chancellor's Department, in what circumstances state papers are permitted to be held in private hands.

DRAFT REPLY

Where papers owned by the Crown are subject to the Public Records Act 1958, the Lord Chancellor has the power to appoint a place outside the Public Record Office as a place of deposit for such papers, if he is satisfied that it affords suitable facilities for their safe-keeping and preservation and for their inspection by the public.

Lab - Pendle

174 Mr Gordon Prentice

To ask the Parliamentary Secretary, Lord Chancellor's Department, what is the official definition of a state paper.

DRAFT REPLY

In principle, State papers are ~~the working papers of Government departments~~ those which are or other Crown servants created or acquired by Ministers ~~and/or~~ officials ~~during the course of their official duties.~~ by virtue of ~~their~~ the office they hold under, or their service to, the Crown.

Whether or not the Crown can claim ownership of any wider class of papers will depend on the circumstances of the case.

Lab - Pendle

174 Mr Gordon Prentice

To ask the Parliamentary Secretary, Lord Chancellor's Department, what is the official definition of a state paper.

DRAFT REPLY

In principle, State papers are those which are created or acquired by Ministers, officials or other Crown servants by virtue of the office they hold under, or their service to, the Crown.

Whether or not the Crown can claim ownership of any wider class of papers will depend on the circumstances of the case.

Lab - Pendle

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DRAFT REPLY

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Lab - Pendle

178 Mr Gordon Prentice

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DRAFT REPLY

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Hard copy

# THE TREASURY SOLICITOR

**Queen Anne's Chambers, 28 Broadway, London SW1H 9JS**

**Direct Line 0171 210 3450 Direct Fax 0171 210 3503**

**Office of Public Service & Science Legal Adviser**

## MINUTE

| | | | |
|---|---|---|---|
| **To:** | **Miss P Andrews**<br>**Cabinet Office**<br>**Historical & Records Section** | **From:** | **Michael Carpenter** |
| **Room:** | **-** | **Date:** | **4 May 1995** |

c.c. Mr P Jenkins

**Churchill Archive : Austin Mitchell PQs**

1. I suggest the following by way of answer to PQ 98;

> "No. It is already the law that Crown copyright subsists in any work made by an officer or servant of the Crown in the course of his duties."

2. As for PQ 100, I understand that the line will be that it is not the practice to publish such correspondence. You may wish to rebut the inference in the question that public records were purchased. I would suggest the following answer;

> "No. It would be inconsistent with normal practice to do so. Contrary to the impression given in the question, there was no purchase of documents subject to the Public Records Act 1958".

M.C.

CABINET OFFICE
H 95/349
- 5 MAY 1995
FILING INSTRUCTIONS
FILE No.

HO95/328

MS PANTING

**DEPARTMENT OF NATIONAL HERITAGE - PQs ON THE CHURCHILL ARCHIVE**

I attach, as agreed, further Parliamentary Questions and Draft Answers which have been sent to me by the Department of National Heritage; some will already have been tabled for answer.

Questions 45-47N (Mark Fisher) are those which we knew had to be amended, the attached are the revised versions.

The Answers to Questions about Copyright have been cleared with Treasury Solicitors.

Pat Andrews

MISS P M ANDREWS

Historical and Records Section
5 May 1995

Lab - Stoke on Trent Central

181 Mr Mark Fisher

To ask the Secretary of State for National Heritage, if he will list the state papers or classes of state papers which Her Majesty's Government has given to Churchill College and the Churchill Archive.

DRAFT REPLY

The classes of State papers transferred to Churchill College by the Crown were those listed as "official" in the Catalogue; they include papers relating to Sir Winston Churchill's appointments as Under Secretary of State for the Colonies, President of the Board of Trade, Home Secretary, First Lord of the Admiralty, Chancellor of the Duchy of Lancaster, Minister of Munitions, Secretary of State for War and Air, Colonial Secretary, Chancellor of the Exchequer, and Prime Minister and to the Cabinet, War Council, War Cabinet and Committee of Imperial Defence.

The remaining classes in the Catalogue also contain a [small] number of State papers; ownership of these was transferred at the same time.

HO95/324

SIR ROBIN BUTLER

Attached are suggested draft replies to Parliamentary Questions tabled to the Prime Minister, the Chancellor of the Duchy, the Secretary of State for National Heritage and the Parliamentary Secretary, Lord Chancellor's Department.

Nos 99 and 134 from Mr Gordon Prentice is a round robin Question. The Answer has been prepared in consultation with the Public Record Office and approved by the Lord Chancellor. It is being sent by the Lord Chancellor's Department to all departments listed on the Order Paper. Folders are attached for the Prime Minister and the Chancellor of the Duchy.

Nos 98 and 100 from Mr Austin Mitchell to the Prime Minister have been prepared in consulted with Treasury Solicitor (Michael Carpenter). Folders are attached.

Nos 174 and 178 from Mr Gordon Prentice to the Parliamentary Secretary, Lord Chancellor's Department, have been prepared in consultation with Treasury Solicitor, Mr Carpenter, who advises that there is no single official definition of what constitutes a State paper. The answer provided draws on the wording used in the litigation. Mr Carpenter also advises in respect of Question 178 that as it is addressed to the Lord Chancellor's Department and as it does not mention the Churchill papers it is best answered in the context of the Public Records Act.

Nos 181 from Mr Mark Fisher and 187 from Mr Gordon Prentice were accepted by the Department of National Heritage but I was asked to provide replies which I have drafted again in consultation with Treasury Solicitor, Mr Carpenter.

I should be grateful to know if you are content for me to pass the suggested replies for the last 4 PQs referred above to the Department of National Heritage and the Lord Chancellor's Department.

Pat Andrews

MISS P M ANDREWS

Historical and Records Section
4 May 1995

Lab - Pendle

187 Mr Gordon Prentice

To ask the Secretary of State for National Heritage, how many items in the Churchill Papers recently purchased (a) are state papers, (b) are private papers and (c) have been the subject of dispute as to whether they are state or private.

DRAFT REPLY

It would be disproportionately costly to list every item in the Churchill Archive. There are 30 classes of papers listed in the Catalogue of the Chartwell papers which is available at Churchill College, Cambridge and in the National Register of Archives, Chancery Lane of which numbers 10-27 relating to Sir Winston Churchill's Ministerial and Prime Ministerial appointments were claimed by the Crown as State papers, together with a small number of papers in other classes. The Churchill Archive Trustees disputed this. These papers, however, were not purchased by the National Heritage Memorial Fund, they were transferred to Churchill College by the Crown so that the Archive is preserved intact for the nation at Churchill College.

Lab - Pendle

178 Mr Gordon Prentice

To ask the Parliamentary Secretary, Lord Chancellor's Department, in what circumstances state papers are permitted to be held in private hands.

DRAFT REPLY

Where papers owned by the Crown are subject to the Public Records Act 1958, the Lord Chancellor has the power to appoint a place outside the Public Record Office as a place of deposit for such papers, if he is satisfied that it affords suitable facilities for their safe-keeping and preservation and for their inspection by the public.

**CABINET OFFICE**
Historical and Records Section
Hepburn House
Marsham Street
London SW1P 4HW
Fax: 071 217 6010

ENQUIRIES:
071 217 6050

URGENT
YES/NO

# FACSIMILE LEADER

NAME: ROBERT WRIGHT

DEPARTMENT: LORD CHANCELLOR'S DEPARTMENT

ADDRESS: TREVELLYAN HOUSE, GREAT PETER STREET

FAX No: 7 210 8568

FROM: PAT ANDREWS

DOCUMENT REFERENCE/TITLE: PRENTICE PQs: STATE PAPERS

TOTAL NUMBER OF PAGES: + 2 DATE: 5 / 5 / 95

MESSAGE:

Suggested draft replies to Mr Gordon Prentice's Questions

Sir Robin Butler has approved the answer to No 174 and he personally re-drafted the Answer to No 178.

Both have been approved by Michael Carpenter, Treasury Solicitor

ACKNOWLEDGEMENT REQUIRED YES/ NO

Lab - Pendle

174 Mr Gordon Prentice

To ask the Parliamentary Secretary, Lord Chancellor's Department, what is the official definition of a state paper.

DRAFT REPLY

In principle, State papers are those which are created or acquired by Ministers, officials or other Crown servants by virtue of the office they hold under, or their service to, the Crown.

Whether or not the Crown can claim ownership of any wider class of papers will depend on the circumstances of the case.

Lab - Pendle

178 Mr Gordon Prentice

To ask the Parliamentary Secretary, Lord Chancellor's Department, in what circumstances state papers are permitted to be held in private hands.

DRAFT REPLY

State papers are normally held by the Crown. In very rare circumstances they may be held in private hands, normally when permission has exceptionally been given to a former Minister or public servant to retain possession of them. Examples of such circumstances are given in Part 1 of the Report of the Committee of Privy Counsellors on Ministerial Memoirs (Cmnd 6386), also known as the Radcliffe Committee.

**CABINET OFFICE**
70 Whitehall, London SW1A 2AS
*Telephone* 071-270 0101 *Facsimile* 071-270 0208

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

**FACSIMILE TRANSMISSION HEADER SHEET**

**TO:** Pat Andrews

**FACSIMILE TEL NO:** 217 6010

**DATE:** 5/5/95

**NO OF PAGES INCLUDING HEADER:** 3 ~~4~~

**FROM:** Stephanie Panting

**MESSAGE (IF REQUIRED):**

Sir Robin is content with the 2 PQs which follow, as amended. He is still pondering the two LCD ones.

Stop Press: revised version of No 178 follows too. He is content with ~~No~~ 174.

To follow

~~now following~~

Lab - Pendle

178 Mr Gordon Prentice

To ask the Parliamentary Secretary, Lord Chancellor's Department, in what circumstances state papers are permitted to be held in private hands.

DRAFT REPLY

Where papers owned by the Crown are subject to the Public Records Act 1958, the Lord Chancellor has the power to appoint a place outside the Public Record Office as a place of deposit for such papers, if he is satisfied that it affords suitable facilities for their safe keeping and preservation and for their inspection by the public. Similar considerations would apply in relation to documents owned by the Crown but which are not subject to the Public Records Act 1958.

State papers are normally held by the Crown: in very rare circumstances they may be held in private hands, normally when exceptionally permission has been given to a former Minister or public servant to retain possession of them. Examples of such circumstances are given in Part I of the Report of the Committee of Privy Counsellors on Ministerial Memoirs (Cmnd 6386), also known as the Radcliffe Committee

HO95/330

SIR ROBIN BUTLER

**CHURCHILL ARCHIVE**

I attach a submission which has been prepared in the Department of National Heritage (DNH) for the Secretary of State. It has gone to him for his weekend box.

DNH are very concerned about the valuations in relation to specific categories of papers and are anxious to avoid, so far as possible, public references to categories of papers in the context of the purchase by the National Heritage Memorial Fund.

In the light of this they would prefer to give a much shorter reply to Mr Gordon Prentice's Question immediately below this minute, which you approved, subject to amendment, earlier today.

DNH's suggested reply is simply:-

"None of the papers recently purchased by the National Heritage Memorial Fund was a State paper."

Having said that, DNH do not think it is necessary to address the third part of the Question relating to the dispute.

Would you be content with this shortened reply please?

Approved by Sir R Butler as notified by DNH 10.15 am 9.5.95

Pat Andrews

MISS P M ANDREWS

Historical and Records Section
5 May 1995

Lab - Pendle

187 Mr Gordon Prentice

To ask the Secretary of State for National Heritage, how many items in the Churchill Papers recently purchased (a) are state papers, (b) are private papers and (c) have been the subject of dispute as to whether they are state or private.

DRAFT REPLY

It would be disproportionately costly to list every item in the Churchill Archive. There are 30 classes of papers listed in the Catalogue of the Chartwell papers, which is available at Churchill College, Cambridge and in the National Register of Archives, Chancery Lane, of which numbers 10-27 relating to Sir Winston Churchill's Ministerial and Prime Ministerial appointments were claimed by the Crown as State papers, together with a small number of papers in other classes. The Churchill Archive Trustees disputed this. However, the papers claimed by the Crown as State papers were not purchased by the National Heritage Memorial Fund, they were transferred to Churchill College by the Crown so that the Archive is preserved intact for the nation at Churchill College.

# FACSIMILE TRANSMISSION

## LORD CHANCELLOR'S DEPARTMENT

30 GREAT PETER STREET
LONDON
SW1P 2BY

FAX NO. 0171- 210 8568

| | |
|---|---|
| TO: | Pat Andrews, Cabinet Office |
| FAX NO. | 217 6010 |
| FROM: | ROBERT WRIGHT, LEGAL SERVICES DEVELOPMENT<br>TELEPHONE: 0171 210 8810 |
| NO. OF PAGES: | 5 (including this page) |
| DATE: | 05 May 1995 |

COMMENTS:

I enclose the two PQs/answers re training for your information, together with their background notes. I would be grateful for any comments. I have notified Alexandra Nicol of our meeting at yours at 11 am next Tuesday. I look forward to receiving the "state papers" responses when they are available.

IF YOU DO NOT RECEIVE A CLEAR TRANSMISSION
OR ANY OF THE PAGES ARE MISSING
PLEASE TELEPHONE 0171 210 8810

CABINET OFFICE
H 95/358
- 5 MAY 1995
FILING INSTRUCTIONS
FILE NO

527

PARLIAMENTARY QUESTION FOR WRITTEN ANSWER ON 11 MAY 1995

QUESTION: PQ No 527

MR GORDON PRENTICE (PENDLE): To ask the Parliamentary Secretary, Lord Chancellor's Department, what advice he gives to departments concerning the training of persons with responsibility for assessing the historical significance of documents held in those Departments.

ANSWER:

MR JOHN M TAYLOR: Guidance is issued by the Keeper of Public Records. Section 3(2) of the Public Records Act 1958 prescribes that every person responsible for public records shall perform his duties under such guidance, which is detailed in the Public Record Office Manual of Records Administration.

**BACKGROUND NOTE**

1. Mr Prentice is the Labour Member of Parliament for Pendle. He is not a lawyer.

2. Mr Prentice has asked a number of different questions to this and other Departments which seem to have been prompted by the debate over the Churchill Papers. This question was asked of this Department alone, it is closely allied to PQ 95/528, a "round robin" question, also asked by Mr Prentice, which concerned training given to those assessing the historical significance of public records.

3. The Lord Chancellor does not issue guidance or advice on training or any other matters relating to the handling of public records: this is the responsibility of the Keeper of Public Records.

528

PARLIAMENTARY QUESTION FOR WRITTEN ANSWER ON 11 MAY 1995

QUESTION PQ No 528: MR GORDON PRENTICE (PENDLE): To ask the Parliamentary Secretary, Lord Chancellor's Department, what special training is given to persons who have responsibility for assessing the historical significance of documents held by his Department.

ANSWER: MR JOHN M TAYLOR: Training in assessing the historical significance of departmental records is carried out under the guidance of the Keeper of Public Records. It is provided in a number of different ways, including courses on the appraisal of records and through conferences and seminars arranged by the Public Record Office.

528

# BACKGROUND NOTE

1. Mr Prentice is the Labour Member of Parliament for Pendle. He is not a lawyer.

2. Mr Prentice has asked a number of different questions of this and other Departments which seem to have been prompted by the debate over the Churchill Papers. This question was a "round robin" addressed to eighteen departments of which this Department is taking the lead. This answer, which was prepared by the PRO in conjunction with the Cabinet Office was approved by the Lord Chancellor prior to the Parliamentary Clerk circulating the response to his colleagues (letter at A).

3. Persons responsible for public records are required to perform their duties under the guidance of the Keeper of Public Records (Section 3(2) Public Records Act 1958 - at B). Formal training has been provided at the Civil Service College for a number of years and officials at the PRO have provided formal training, conferences and seminars for many years to supplement any training given by individual departments.

4. This question is closely allied to PQ 95/527, also asked by Gordon Prentice, which is addressed to this Department alone and asks what advice is given by the Parliamentary Secretary to departments concerning such training.

**CABINET OFFICE**
Historical and Records Section
Hepburn House
Marsham Street
London SW1P 4HW
Fax: 071 217 6010

ENQUIRIES:
071 217 6050

URGENT
YES/NO

# FACSIMILE LEADER

NAME: JOE GILLAM

DEPARTMENT: DNH

ADDRESS: 2-4 COCKSPUR ST

FAX No: 7 211 6170

FROM: PAT ANDREWS

DOCUMENT REFERENCE/TITLE: CHURCHILL PAPERS

TOTAL NUMBER OF PAGES: +2 DATE: 5 / 5 / 95

MESSAGE:

2 PQs. Answers as approved by Sir R Butler

ACKNOWLEDGEMENT REQUIRED YES/ NO

Lab - Stoke on Trent Central

181 Mr Mark Fisher

To ask the Secretary of State for National Heritage, if he will list the state papers or classes of state papers which Her Majesty's Government has given to Churchill College and the Churchill Archive.

DRAFT REPLY

The classes of State papers transferred to Churchill College by the Crown were those listed as "official" in the Catalogue of the Chartwell papers which is available at Churchill College, Cambridge, and in the National Register of Archives, Chancery Lane; they include papers relating to Sir Winston Churchill's appointments as Under Secretary of State for the Colonies, President of the Board of Trade, Home Secretary, First Lord of the Admiralty, Chancellor of the Duchy of Lancaster, Minister of Munitions, Secretary of State for War and Air, Colonial Secretary, Chancellor of the Exchequer, and Prime Minister and to the Cabinet, War Council, War Cabinet and Committee of Imperial Defence.

The remaining classes in the Catalogue also contain a [small] number of State papers; ownership of these was transferred at the same time.

**CABINET OFFICE**
70 Whitehall, London SW1A 2AS
*Telephone* 071-270 0101 *Facsimile* 071-270 0208

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

**FACSIMILE TRANSMISSION HEADER SHEET**

**TO:** Pat Andrews

**FACSIMILE TEL NO:** 217 6010

**DATE:** 5/5/95

**NO OF PAGES INCLUDING HEADER:** 3

**FROM:** Stephanie Panting

**MESSAGE (IF REQUIRED):**

Sir Robin is content with the 2 PQs which follow, as amended. He is still pondering the two LCD ones.

Stop Press: revised version of No 178 follows too. He is content with ~~[illegible]~~ 174.

To follow

Lab - Stoke on Trent Central

181 Mr Mark Fisher

To ask the Secretary of State for National Heritage, if he will list the state papers or classes of state papers which Her Majesty's Government has given to Churchill College and the Churchill Archive.

DRAFT REPLY

The classes of State papers transferred to Churchill College by the Crown were those listed as "official" in the Catalogue; they include papers relating to Sir Winston Churchill's appointments as Under Secretary of State for the Colonies, President of the Board of Trade, Home Secretary, First Lord of the Admiralty, Chancellor of the Duchy of Lancaster, Minister of Munitions, Secretary of State for War and Air, Colonial Secretary, Chancellor of the Exchequer, and Prime Minister and to the Cabinet, War Council, War Cabinet and Committee of Imperial Defence.

The remaining classes in the Catalogue also contain a ~~small~~ number of State papers; ownership of these was transferred at the same time.

~~a copy of which I am placing in the Library of the House~~

& the Chartwell Papers, which is available at Churchill College, Cambridge, and in the National Register of Archives, Chancery Lane

Lab - Pendle

187 Mr Gordon Prentice

To ask the Secretary of State for National Heritage, how many items in the Churchill Papers recently purchased (a) are state papers, (b) are private papers and (c) have been the subject of dispute as to whether they are state or private.

DRAFT REPLY

It would be disproportionately costly to list every item in the Churchill Archive. There are 30 classes of papers listed in the Catalogue of which numbers 10-27 relating to Sir Winston Churchill's Ministerial and Prime Ministerial appointments were claimed by the Crown as State papers, together with a [small] number of papers in other classes. The Churchill Archive Trustees disputed this. However, the ~~These~~ papers claimed by the Crown as State papers ~~however were not~~ purchased by the National Heritage Memorial Fund, they were transferred to Churchill College by the Crown so that the Archive is preserved intact for the nation at Churchill College.

Rees

# HOUSE OF COMMONS PARLIAMENTARY QUESTION

ORAL (*): _____

NAMED DAY (N) WRITTEN: ✓

ORDINARY WRITTEN: _____

MP'S PARTY: LAB

Date PQ was tabled: 1/5/95

For answer on : 11/5/95

Return to PB by : 8/5/95 4PM

ACTION OFFICER: ML HERSTON

DIVISION: CULTURAL PROPERTY

MINISTER ANSWERING

Secretary of State ✓

cc

Mr Sproat

2 N **Mr Harry Cohen** (Leyton): To ask the Secretary of State for National Heritage, if he will make a statement on his consultations with the National Heritage Memorial Fund in respect of the decision to purchase the Churchill papers. (22448)

Under the National Lottery etc Act 1993, the National Heritage Memorial Fund is responsible for distributing 20% of the net proceeds from the National Lottery for expenditure on or connected with the national heritage. Individual funding decisions on applications are made entirely independently of Government. However, once the NHMF had reached its decision to fund the purchase of the non-State papers in the Archive, the Government chose to transfer the State papers in the Archive to Churchill College in order that it be retained intact for the nation.

| ACTION OFFICER (in case of queries) | OFFICIAL APPROVAL (must be Grade 5 or above) | MINISTERIAL APPROVAL |
|---|---|---|
| CAROL HOBLEY | 10/5 | |

BACKGROUND

Harry Cohen MP has asked the Secretary of State to make a statement about his consultations with the National Heritage Memorial Fund in respect of the decision to purchase the Churchill Archive. As one of the independent distributing bodies for National Lottery proceeds, NHMF reach their decisions independently of the Secretary of State and they did so in this case. However, once the decision had been made known to Government, the Government elected to transfer the non-State papers to Churchill College in order that the Archive should remain intact. The attached reply has been cleared with Cabinet Office and Lottery Division.

opq279-5

From: CAROL C HOBLEY
Cultural Property Unit
Room 1
Tel: 0171-211 6158

Date: 9 May 1995

cc: PS/Mr Phillips
Miss O'Mara
Ms Maclean
Mr MacDonald
Mr Dawes
Mr Helston
Ms Andrews (Cabinet Office)

1. PARLIAMENTARY CLARK

2. SECRETARY OF STATE

**ORAL PQs**

Glenda Jackson MP and David Winnick have both tabled oral PQ's in connection with the acquisition of the Churchill Archive through Lottery funds.

I attach replies to the questions and possible supplementaries.

CAROL HOBLEY

CABINET OFFICE
H 95/378...
11 MAY 1995
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FILE No.

**Glenda Jackson** (Hampstead and Highgate): To ask the Secretary of State for National Heritage, if copyright fees will be imposed on those state papers forming part of the newly acquired Churchill archive; and if he will make a statement.

A licence has been granted which waives the copyright fee in respect of the reproduction of Crown Copyright material for the purposes of research and private study. Other charges, for example for the commercial use of the papers, will be levied in accordance with normal practice.

Ms Andrews

Any comments (2 pages) by 5pm please

217 6010

| | |
|---|---|
| **1. Who owns the copyright in the non-State papers?** | Copyright remains where it was prior to the sale. |
| **2. Why was the Churchill family allowed to retain copyright in the non-State papers?** | Any owner of copyright may chose to sell those rights or retain them when the property itself is sold. It is common practice for copyright to be held separate to the property itself. |
| **3. Who in Government decides whether to impose copyright fees?** | This is a matter for Her Majesty's Stationery Office. |
| **4. Will copyright fees received by the Churchill family Trust be taxed?** | Any income will be subject to the usual taxes. |
| **5. Who decides what is a State paper and what is a non-State paper?** | The State papers are all those gifted by the Government and the non-State papers are those purchased through Lottery funds. |
| **6. What is the Government doing to ensure that Prime Minister's papers are not the subject of potential sale in the future?** | The Prime Minister agreed in 1991 that he will, in due course, remove no official material from his office other than that which is already in the public domain. He hopes his successors will follow that convention. |
| **7. Was this a proper use of Lottery money?** | The NHMF decision clearly fits in with their published criteria for assessing applications for the *Heritage Lottery Fund*. It has always been the intention that Lottery money should be distributed by independent bodies. |
| **8. Who valued the papers?** | NHMF took independent expert advice. |
| **9. Why not spend the money on the NHS?** | The purpose of the Lottery is to create a new source of funds for good causes additional to existing support from Government expenditure. It is not a means of financing the Government's obligations which will continue to be met from taxation.<br><br>**The objective was to keep together a unique archive of Churchill papers. This has been achieved and should be welcomed.** |

1. MR HELSTON MA 9.5.95

2. PARLIAMENTARY CLERK

3. SECRETARY OF STATE

From: JOE GILLAM
Cultural Property Unit
Room 1
Tel: 071-211 6157

Date: 9 May 1995

cc. PS/Mr Phillips
Miss O'Mara
Ms Maclean
Mr MacDonald
Mr Dawes
Ms Hobley
Ms Andrews (Cabinet Office)

**MARK FISHER AND GORDON PRENTICE PQS : CHURCHILL ARCHIVE**

Mr Mark Fisher MP and Gordon Prentice have tabled PQs asking the Secretaryof State to list the State papers and non-State papers included in the Churchill Archive. I enclose draft answers for your consideration which have been drafted by Pat Andrews in the Cabinet Office and cleared by Sir Robin Butler.

JOE GILLAM

CABINET OFFICE
H 95/369...
- 9 MAY 1995
FILING INSTRUCTIONS
FILE No

FOR ANSWER 5/5/95

DNH

Lab- Pendle

187 Mr Gordon Prentice MP

To ask the Secretary of State for National Heritage, how many items in the Churchill papers recently purchased (a) are state papers (b) are private papers and (c) have been the subject of dispute as to whether they are state or private.

MR DORRELL

None of the papers recently purchased by the National Heritage Memorial Fund was a State paper.

FOR ANSWER ON 5/5/95

DNH

Lab- Stoke on Trent Central

181 Mr Mark Fisher MP

To ask the Secretary of State for National Heritage, if he will list the state papers or classes of state papers which Her Majesty's Government has given the Churchill College and the Churchill Archive.

MR DORRELL

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The remaining classes in the Catalogue also contain a number of State papers; ownership of these was transferred at the same time.

Dalyell supplementary is on Lockerbie, not Churchill

CABINET OFFICE
H 95/368
9 MAY 1995
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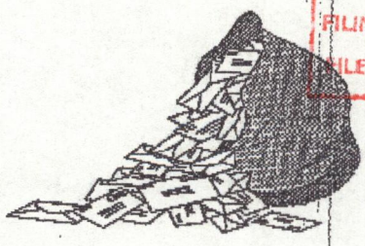
FILE No.



LORD CHANCELLOR'S DEPARTMENT

FACSIMILE HEADER

| | |
|---|---|
| FROM: | ROBERT WRIGHT<br>POLICY & LEGAL SERVICES DIVISION<br>TREVELYAN HOUSE<br>GREAT PETER STREET |
| FAX NO: | 071 210 ~~8788~~ 8568 (ENQUIRIES 210 8810) |
| SUBJECT: | Dalyell PQ |
| NO. OF PAGES: | 8 + HEADER |
| TO: | Pat Andrews, Cabinet Office 217 6010<br>AND<br>Alexandra Nicol, Public Record Office 404 7248 |
| FAX NO: | see above |
| NOTES: | I would be grateful for any comments / amendments asap please. |

**PARLIAMENTARY QUESTION FOR ORAL ANSWER**

**ON MONDAY 15 MAY 1995**

**ANSWER IN CHIEF**

**QUESTION:** **MR TAM DALYELL (LINLITHGOW):** To ask the Parliamentary Secretary, Lord Chancellor's Department, what are the procedure and criteria by which papers are transmitted to the Public Record Office.

**ANSWER:** **MR JOHN M TAYLOR:** The Public Records Act 1958, as amended by the Public Records Act 1967, makes provision for departments to transfer, under the guidance of the Keeper of Public Records, public records to be made available at the Public Record Office normally when they are 30 years old. The detailed procedures and criteria are set out in the Manual of Records Administration (which I have today made available in the Libraries of both Houses of Parliament).

Portmanteau Supplementary Answer

The most recent review of the procedures for selection of, and access to, public records was conducted by a Committee chaired by Sir Duncan Wilson which reported in 1981 (Cmnd. 8204). The government's response, which accepted the majority of the recommendations, was published in 1982 and was entitled Modern Public Records. (Cmnd 8531) In 1993 the White Paper on Open Government made the criteria for the withholding of public records more exacting and encouraged departments to review records withheld under the previous criteria and to identify blocks of records suitable for release before 30 years under the accelerated release procedures.

# BACKGROUND NOTE

## TAM DALYELL MP

1. Mr Dalyell is Labour MP for Linlithgow. He is not a lawyer. While he does not appear to have taken a particular interest in public records, he is renowned for his dogged pursuit of issues, particularly where he senses that an official cover-up has taken place. He is particularly interested in science.

## BACKGROUND TO THE ISSUE

2. The question asked is straightforward and the answer is simple and clear: the Public Records Act 1958 (as amended by the Public Records Act 1967) sets out the basis on which public records are transferred to the PRO. The statutory framework is amplified from time to time by statements of government policy in this area, the most recent being the government response to the 1981 Wilson Report on Modern Public Records and, more particularly, Chapter 9 of the White Paper on Open Government (1993). Detailed guidance is set out in the PRO's Manual of Records Administration.

3. The difficulty comes in predicting the supplementary. It may well be that this is yet another "Churchill Papers" question, and in compiling this briefing we have assumed that the point of the supplementary will be to elicit a governmental response on state papers *vs.* public records. However, other issues are also covered. Separate briefing on the Churchill Papers, which was provided for the Department of National heritage, is annexed.

## POSSIBLE SUPPLEMENTARY QUESTIONS AND ANSWERS

Q **Why were the Churchill Papers not transferred to the Public Record Office?**

A The Public Records Act 1958 does not apply to these papers, which have been out of official custody since 1946 and which never were records to which the 1958 Act could have applied.

Q **What is the definition of public records?**

A The definition of public records is to be found in the first schedule of the Public Records Act 1958. Paragraph 2(1) states:

"Subject to the provisions of this paragraph, administrative and departmental records belonging to Her Majesty, whether in the United Kingdom or elsewhere, in right of Her Majesty's Government in the United Kingdom and, in particular,-

(a) records of, or held in, any department of Her Majesty's Government in the United Kingdom, or

(b) records of any office, commission or other body or establishment whatsoever under Her Majesty's Government in the United Kingdom,

shall be public records."

(NB. Scottish records are excluded; there is a separate Scottish Record Office).

Q **What is the definition of a state paper?**

A In principle, State papers are those which are created or acquired by Ministers, officials or other Crown servants by virtue of the office they hold under, or

their service to, the Crown. Whether or not the Crown can claim ownership of any wider class of papers will depend on the circumstances of the case.

*(Written answer given by Mr John M Taylor to Mr Gordon Prentice (Lab., Pendle) on 11 May 1995)*

Q **In what circumstances are state papers permitted to be held in private hands?**

A State papers are normally held by the Crown. In very rare circumstances they may be held in private hands, normally when permission has exceptionally been given to a former Minister or public servant to retain possession of them. Examples of such circumstances are given in Part 1 of the Report of the Committee of Privy Counsellors on Ministerial Memoirs (Cmnd 6386), also known as the Radcliffe Committee.

*(Written answer given by Mr John M Taylor to Mr Gordon Prentice (Lab., Pendle) on 11 May 1995)*

Q **Is it government policy to ensure that documents originated or acquired by Ministers in the course of their official duties are not sold by them or their heirs?**

A *(Written answer by the Prime Minister to Austin Mitchell on 4 May 1995)*

By convention, Prime Ministers, on leaving office, have taken with them copies of certain documents which they dealt with personally while in office. These include some documents originated or acquired by them in the course of their official duties. This convention has not applied to Ministers other than former Prime Ministers. The extent to which former Prime Ministers or their heirs and

assigns may dispose of such papers, and how, depends on the circumstances of each case. It is my *(the Prime Minister's)* policy that in future material removed from official custody at the end of an Administration should contain no official material other than that which is in the public domain.

Q **What will the present Prime Minister do with his papers?**

A *(Oral answer given to Dennis Canavan on 4 May 1995)*

I *(the Prime Minister)* agreed in 1991 that I shall remove from my office, in due course, only papers of a truly personal nature and no official material, other than that which, like speeches, is already in the public domain. I hope that my successors will follow that convention.

Q **Which records are transferred to the Public Record Office, and what happens to those public records which are not selected for permanent preservation?**

A About a mile of public records are added to the 60 miles of records which are already held at the Public Record Office, each year so it is important in terms of cost, and accessibility to the records, that only records worthy of permanent preservation are transferred to the PRO. Public records which are rejected as not required for preservation are destroyed in a timely way or can be disposed of in any other way subject to the approval of the Lord Chancellor.

Q **What changes have been made as a result of the Open Government Initiatives?**

A The White Paper on Open Government, published in 1993, made the criteria for the withholding of public records more exacting by introducing a harm test, rationalising closure periods and introducing review periods for withheld records.

**How many records are transmitted to the Public Record Office each year?**

In 1994-95 the total foot run of records into the PRO was 5,838.5 feet; in 1993-4 the total was 3,276 feet.

In 1994-95 there were 73,683 items of ordinary accession (and 12,036 arising from the Open Government Initiatives); in 1993-4 there were 55,250 items of ordinary accession (and 6,549 resulting from the Open Government Initiatives).

**What about records relating to the Royal Family?**

As stated in Paragraph 9.22 of the White paper on Open Government (1993): "Records relating to the Royal Family will be treated in the same way as all other records and only closed for longer than 30 years if they fall into one or more of the three criteria governing closure."

**What arrangements are being made for dealing with electronic records?**

A decision has been taken to outhouse structured data and negotiations are beginning with those institutions which may be able to hold them for the PRO.

**What arrangements have the PRO made for dealing with records held in electronic office systems?**

An Information Management Officer has recently been appointed, supported by an Advisory Programme Board. His brief is to ensure that such material is not destroyed and is accessible.

**When is it envisaged that the new building, currently under construction at Kew, be full?**

The new building will accommodate the records at present held in Chancery Lane, and in addition will provide accommodation for records normally seen by the public, until 2010.

# FACSIMILE TRANSMISSION


## LORD CHANCELLOR'S DEPARTMENT

**30 GREAT PETER STREET**
**LONDON**
**SW1P 2BY**

**FAX NO. 0171- 210 8568**


| | |
|---|---|
| TO: | Pat Andrews, Cabinet Office |
| FAX NO. | 0171-217 6010 |
| FROM: | ROBERT WRIGHT, LEGAL SERVICES DEVELOPMENT<br>TELEPHONE: 0171 210 8810 |
| NO. OF PAGES: | 3 (including this page) |
| DATE: | 03 May 1995 |

COMMENTS:

We spoke. I attach the two written PQs from Gordon Prentice re state papers. They are for answer on Thursday 11 May and are required in our Private Office by Tuesday 9 May. I would be grateful for any assistance you can give.

I also attach, for your information, the oral question to be asked of the Parliamentary Secretary by Tam Dalyell MP on Monday week, 15 May. I rather suspect that the supplementary will be directed at the Churchill Papers. No doubt Nicholas or I will discuss this with you further.

IF YOU DO NOT RECEIVE A CLEAR TRANSMISSION
OR ANY OF THE PAGES ARE MISSING
PLEASE TELEPHONE 0171 210 8810

assessment he has made of the total extra money required to be allocated to local education authorities in Wales to ensure class sizes throughout of 30. (22307)

170 **Mr Alex Carlile** (Montgomery): To ask the Chancellor of the Duchy of Lancaster, if he will list the research sponsored by his Department through the Medical Research Council, and the amount spent on each project for (a) AIDS/HIV prevention and (b) AIDS/HIV treatment for the last five years for which figures are available; and if he will make a statement. (22658)

171 **Mr Doug Henderson** (Newcastle upon Tyne North): To ask the Chancellor of the Duchy of Lancaster, what were the costs of producing and advertising the 1995 Directory of Westminster and Whitehall; and how much revenue the Government estimates will be recouped from sales. (22900)

172 **Mr Gordon Prentice** (Pendle): To ask the Parliamentary Secretary, Lord Chancellor's Department, what assessment he has made of the benefits and disbenefits of retaining the offence of blasphemy on the statute book. (22941)

173 **Mr Barry Sheerman** (Huddersfield): To ask the Parliamentary Secretary, Lord Chancellor's Department, what steps he is taking to ensure that smaller landlords are adequately protected under the terms of commercial leases. (22692)

174 **Mr Gordon Prentice** (Pendle): To ask the Parliamentary Secretary, Lord Chancellor's Department, what is the official definition of a state paper. (22935)

175 **Mr Barry Sheerman** (Huddersfield): To ask the Parliamentary Secretary, Lord Chancellor's Department, what steps he is taking to ensure that commercial tenants do not gain unfair advantages through legal loopholes in commercial leases. (22691)

176 **Mr Martin Redmond** (Don Valley): To ask the Parliamentary Secretary, Lord Chancellor's Department, what action he plans to take in respect of solicitors who persuade criminals to take civil cases against the police. (22702)

177 **Mr Martin Redmond** (Don Valley): To ask the Parliamentary Secretary, Lord Chancellor's Department, if he will take urgent action to limit legal aid in fraud cases to a maximum of £10,000. (22742)





178 **Mr Gordon Prentice** (Pendle): To ask the Parliamentary Secretary, Lord Chancellor's Department, in what circumstances state papers are permitted to be held in private hands. (22936)

179 **Mr Mark Fisher** (Stoke on Trent Central): To ask the Secretary of State for National Heritage, if he will list the applications received to date by the Millennium Commission; and if he will place the list in the Library on a monthly basis. (22944)

180 **Mr Tom Pendry** (Stalybridge and Hyde): To ask the Secretary of State for National Heritage, what representations he has made to other departments with regard to the report prepared by the British Tourist Authority's VAT working party. (22945)

181 **Mr Mark Fisher** (Stoke on Trent Central): To ask the Secretary of State for National Heritage, if he will list the state papers or classes of state papers which Her Majesty's Government has given to Churchill College and the Churchill Archive. (22946)

182 **Mr Peter L. Pike** (Burnley): To ask the Secretary of State for National Heritage, what discussions he has had with the BBC Licence Fee Unit regarding the possible changes in the television licence reminder forms; and if he will make a statement.

1

# Parliamentary Question

**Lord Chancellor's Department / ~~The Court Service~~**

*126 **Mr Tam Dalyell** (Linlithgow): To ask the Parliamentary Secretary, Lord Chancellor's Department, what are the procedure and criteria by which papers are transmitted to the Public Record Office. (22508)

6th ON LIST

Oral / ~~Written~~ Answer ~~Officially / Named Day.~~

For answer on 15 / 5 / 95 First appeared on 2 / 5 / 95

This file must be returned to LCD Parliamentary Section in the House of Lords via a Grade 3 (for LCD PQs) ~~or the Chief Executive (for Court Service PQs)~~

by 4.00pm 9/5/95 *at the latest*

PQ number 95/506

Name of MP / ~~Peer~~ TAM DALYELL

☐ Barrister ☐ Solicitor ☑ Neither

Party LABOUR

Subject PUBLIC RECORDS

Action Officer MR R WRIGHT

Copied to:
- *Private Secretary to the Lord Chancellor*
- *Private Secretary to the Parliamentary Secretary*
- *Private Secretary to the Permanent Secretary*
- *Principal Information Officer*
- *Action Officer's Line Manager*
- *Chief Executive of the Court Service*
- *Agency Monitoring Unit*

From: CAROL C HOBLEY
Cultural Property Unit
Room 1
Tel: 0171-211 6158

Date: 10 May 1995

1. PARLIAMENTARY CLARK

2. SECRETARY OF STATE

cc: PS/Mr Phillips
Miss O'Mara
Ms Maclean
Mr MacDonald
Mr Dawes
Mr Helston
Ms Andrews (Cabinet Office)

**ORAL PQs**

The attached revised versions replace those sent up yesterday. I apologise for any inconvenience caused, but on reflection, we decided it was better to make the supplementaries, in particular, more comprehensive. These have both been seen and approved by Miss O'Mara.

CAROL HOBLEY

CABINET OFFICE
H 95/384
12 MAY 1995
FILING INSTRUCTIONS
FILE No.

opq279-5

**Mr David Winnick** (Walsall North): To ask the Secretary of State for National Heritage, if he will state the latest position over the Churchill papers.

The non-State papers have been purchased through Lottery proceeds awarded by the National Heritage Memorial Fund and are now held at Churchill College, Cambridge. The State papers have been transferred to Churchill College by the Government to ensure the Archive remains intact. The entire Archive is therefore secure for the future.

## CHURCHILL ARCHIVE

### Background

This important Archive, which is now permanently at Churchill College, Cambridge consists of papers relating to Sir Winston Churchill between 1874 and 1945 and, in particular, to the years of his political career from 1906 to 1945. It also contains literary papers such as drafts for his many speeches and books. There are a number of papers which are not in the Public Records Office and copies of others on which manuscript notes by Sir Winston will be of interest to historians.

The question of the potential disposal - and dispersal - of the Archive by the Churchill family Trustees, first arose in 1989 when questions were raised by the Trustees as to ownership and copyright. Following lengthy negotiations, the Department of National Heritage and the National Heritage Memorial Fund put together a funding package in the hope of acquiring the Archive by means of Private Treaty Sale, but this foundered when ownership of some documents could not be agreed. The focus of this dispute was the so-called "State papers" which are official documents relating to the periods during which Sir Winston Churchill occupied Ministerial and Prime Ministerial appointments.

When an impasse in the negotiations was reached, the Government decided to seek a ruling from the courts. The litigation was initiated to settle the issue of ownership and establish that the State papers could not be removed from the Archive without the permission of the Prime Minister. The requirement for permission was contained in a Trust Deed executed in 1946 to provide for the settlement of Sir Winston Churchill's then collection of papers and reaffirmed in 1964, but in a further settlement of the papers in 1990 this was omitted.

In the meantime, Cambridge University and Churchill College submitted a Lottery application to fund the purchase of the archive. This was accepted by the NHMF Trustees and, in order to ensure that the Archive was kept intact, the Government agreed to drop the litigation and to transfer State papers formally to Churchill College.

The NHMF awarded a total of £13.25 million to a specially constituted charitable Trust set up by Churchill College. The money consists of £11.5m for the acquisition of the non-State papers, £1m for an endowment for the long-term care of the archive and £750,000 for development costs

to include conservation and exhibition. To this was added a contribution of £1m from the J Paul Getty Charitable Trust which went towards the purchase price of the papers.

The money has been paid into the Churchill Estate Trust, not to Winston Churchill MP, as is commonly thought. It is important also to emphasise that Lottery money has not been used to purchase papers that already belonged to the State. What was purchased were the non-State papers. To ensure that the Archive remained complete it was essential that the State and non-State papers were preserved together.

## THE NATIONAL HERITAGE MEMORIAL FUND (NHMF)

The NHMF is responsible for distributing 20% of the net proceeds from the National Lottery for expenditure on or connected with the national heritage. Individual funding decisions on applications are made entirely independently of Government. The Eligibility and Assessment Criteria published by the Heritage Lottery Fund make it clear that the NHMF will consider projects falling within the whole range of its remit, including, ancient monuments, historic buildings and their contents and settings, designed landscape, land of scenic or scientific importance, special library collections, manuscripts, archives and other records, museum and gallery collections of all kinds, industrial, transport and maritime history.

**KEY POINTS**

- The objective was to keep together a unique archive of Churchill papers. This has been achieved and should be welcomed.

- There is no question of Lottery money having been used to purchase papers that were the property of the State. These have been transferred free of charge to Churchill College by the Government.

- Surprised that some seem to think it would have been better to risk the dispersal of this historic archive.

**1. Who owns the copyright in the non-State papers?**

Copyright remains where it was prior to the sale.

**2. Why was the Churchill family allowed to retain copyright in the non-State papers?**

Any owner of copyright may choose to sell those rights or retain them when the property itself is sold. It is common practice for copyright to be held separate from the property itself.

**3. Who decides what is a State paper and what is a non-State paper?**

The State papers are all those transferred by the Government and the non-State papers are those purchased through Lottery funds.

**4. What is the Government doing to ensure that Prime Minister's papers are not the subject of potential sale in the future?**

The Prime Minister has agreed that he will, in due course, remove no official material from his office other than that which is already in the public domain. He hopes his successors will follow that convention.

**5. What is the position in relation to previous Prime Ministers?**

Prime Ministers have, by convention, taken with them certain 'personal' papers which have been written sent or received by them personally. The final destination is a matter for the former Prime Minister or his/her Trustees. [If pressed: most deposit them in libraries e.g Eden, Atlee]

**5. Was this a proper use of Lottery money?**

It has always been the intention that Lottery money should be distributed by independent bodies. The NHMF decision clearly fits in with their published criteria for assessing applications for the *Heritage Lottery Fund*.

**6. Who valued the papers?**

NHMF took independent expert advice.

**7. Was this good value for money?**

Based on the expert advice received, the NHMF concluded this did offer good value for money.

**8. Why did NHMF appear to get such a good deal?**

The amount paid for the Archive reflected a Private Treaty Sale calculation. This is a long standing heritage taxation measure designed to encourage private owners to sell to eligible institutions rather than on the open market.

**9. Why not spend the money on the NHS?**

The purpose of the Lottery is to create a new source of funds for good causes additional to existing support from Government expenditure. It is not a means of financing the Government's obligations which will continue to be met from taxation.

**10. Who will get the money?**

The money will go to the Churchill family Trust. It does not go to any individual.

**11. Will it be taxed?**

It will be subject to all relevant tax charges.

**12. What was the valuation of the State papers?**

The State papers were transferred free of charge to Churchill College. There was no need for a valuation.

**Glenda Jackson** (Hampstead and Highgate): To ask the Secretary of State for National Heritage, if copyright fees will be imposed on those state papers forming part of the newly acquired Churchill archive; and if he will make a statement.

Copyright fees will be charged for the commercial use of the State papers at the discretion of Her Majesty's Stationery Office, but will be waived for the purposes of research and private study.

| | |
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| **1. Who owns the copyright in the non-State papers?** | Copyright remains where it was prior to the sale. |
| **2. Why was the Churchill family allowed to retain copyright in the non-State papers?** | Any owner of copyright may choose to sell those rights or retain them when the property itself is sold. It is common practice for copyright to be held separate to the property itself. |
| **3. Who in Government decides whether to impose copyright fees?** | This is a matter for Her Majesty's Stationery Office. |
| **4. Will copyright fees received by the Churchill family Trust be taxed?** | Any income will be subject to the usual taxes. |
| **5. How much is the copyright worth?** | As the copyright did not form part of the purchase, it was not valued. |
| **6. Who decides what is a State paper and what is a non-State paper?** | The State papers are all those transferred by the Government and the non-State papers are those purchased through Lottery funds. |
| **7. What is the Government doing to ensure that Prime Minister's papers are not the subject of potential sale in the future?** | The Prime Minister agreed in 1991 that he will, in due course, remove no official material from his office other than that which is already in the public domain. He hopes his successors will follow that convention. |
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22/16

pq2N

From: CAROL C HOBLEY
Cultural Property Unit
Room 1
Tel: 0171-211 6158

Date: 10 May 1995

1. MISS O'MARA MOM 10/5

2. PARLIAMENTARY BRANCH

3. SECRETARY OF STATE

cc: PS/Mr Phillips
Ms Maclean
Mr MacDonald
Mr Dawes
Mr Helston
Ms Hobley
Ms Andrews (Cabinet Office)

**PQ 2N Mr Harry Cohen, MP**

I attach a revised reply (which has been cleared with Cabinet Office and Lottery Division) and background note.

CAROL HOBLEY

CABINET OFFICE
H 95/383
12 MAY 1995
FILING INSTRUCTIONS
FILE No.

**CABINET OFFICE**
Historical and Records Section
Hepburn House
Marsham Street
London SW1P 4HW
Fax: 071 217 6010

ENQUIRIES:
071 217 6050

URGENT
YES/NO

# FACSIMILE LEADER

NAME: Michael Carpenter

DEPARTMENT: Treasury Solicitor

ADDRESS: QAC

FAX No: 7 210 3503

FROM: Pat Andrews

DOCUMENT REFERENCE/TITLE: Churchill Papers, Redmond PQ to the Prime Minister

TOTAL NUMBER OF PAGES: +2

DATE: 12 5 95

MESSAGE:

Suggested reply and background note for PM Advise Question from Martin Redmond MP. Grateful for any comments/amendments

Also PQs for answer by DNH which you have not seen. Two Orals to be answered on 15 May.

**BACKGROUND**

The question of the potential disposal of the Archive by the Churchill family Trustees, first arose in 1989. Following lengthy negotiations, the Department of National Heritage and the National Heritage Memorial Fund put together a funding package in the hope of acquiring the Archive by means of Private Treaty Sale, but this foundered when ownership of some documents could not be agreed. The focus of the dispute was the so-called "State papers".

When an impasse in the negotiations was reached, the Government decided to seek a ruling from the courts. The litigation was initiated to settle the issue of ownership and establish that the State papers could not be removed from the Archive without the permission of the Prime Minister.

Had the litigation been allowed to run its course, it would also have established which papers could have legitimately been purchased by the Government. However, no agreement was ever reached or commitment made to purchase.

Mr Kaufman may be seeking to ascertain whether an agreement was reached and thereby claim that Lottery money has picked up a Government commitment, although even without a formal commitment, it could be argued that the Government had, by the implication of its actions, indicated its interest in purchasing at least part of the Archive. The attached reply therefore makes it clear that it was NHMF (as a body eligible to take advantage of the Private Treaty Sale concession) rather than DNH that was heading the negotiations, and that those talks did not reach a conclusion.

(X)

ORAL FOR ANSWER ON 15 MAY

**Mr David Winnick** (Walsall North): To ask the Secretary of State for National Heritage, if he will state the latest position over the Churchill papers.

The non-State papers have been purchased by Churchill College, Cambridge, with a special grant from the National Heritage Memorial Fund. The State papers have been ~~gifted~~ transferred to Churchill College by the Government. The entire Archive is intact and will be held by Churchill College in perpetuity for the nation.

Michael
This answer is being changed in DNH - I haven't got the revised version yet
Pat
12/5

**1. Who owns the copyright in the non-State papers?**

Copyright remains where it was prior to the sale.

**2. Why was the Churchill family allowed to retain copyright in the non-State papers?**

Any owner of copyright may choose to sell those rights or retain them when the property itself is sold. It is common practice for copyright to be held separate to the property itself.

**3. Who decides what is a State paper and what is a non-State paper?**

The State papers are all those gifted by the Government and the non-State papers are those purchased through Lottery funds.

**4. What is the Government doing to ensure that Prime Minister's papers are not the subject of potential sale in the future?**

The Prime Minister agreed in 1991 that he will, in due course, remove no official material from his office other than that which is already in the public domain. He hopes his successors will follow that convention.

**5. Was this a proper use of Lottery money?**

The NHMF decision clearly fits in with their published criteria for assessing applications for the *Heritage Lottery Fund*. It has always been the intention that Lottery money should be distributed by independent bodies.

**6. Who valued the papers?**

NHMF took independent expert advice.

**7. Why not spend the money on the NHS?**

The purpose of the Lottery is to create a new source of funds for good causes additional to existing support from Government expenditure. It is not a means of financing the Government's obligations which will continue to be met from taxation.

**The objective was to keep together a unique archive of Churchill papers. This has been achieved and should be welcomed.**

(X)

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**Glenda Jackson** (Hampstead and Highgate): To ask the Secretary of State for National Heritage, if copyright fees will be imposed on those state papers forming part of the newly acquired Churchill archive; and if he will make a statement.

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**The objective was to keep together a unique archive of Churchill papers. This has been achieved and should be welcomed.**

# HOUSE OF COMMONS PARLIAMENTARY QUESTION

ORAL (*): _____

NAMED DAY (N) WRITTEN: ✓

ORDINARY WRITTEN: _____

MP'S PARTY: LAB

Date PQ was tabled: 1/5/95

For answer on : 11/5/95

Return to PB by : 8/5/95 4PM

ACTION OFFICER: Ms HELSTON

DIVISION: CULTURAL PROPERTY

MINISTER ANSWERING

Secretary of State ✓

cc

Mr Sproat

2 N **Mr Harry Cohen (Leyton): To ask the Secretary of State for National Heritage, if he will make a statement on his consultations with the National Heritage Memorial Fund in respect of the decision to purchase the Churchill papers.** (22448)

Under the National Lottery etc Act 1993, the National Heritage Memorial Fund is responsible for distributing 20% of the net proceeds from the National Lottery for expenditure on or connected with the national heritage. Individual funding decisions on applications are made entirely independently of Government. However, once the NHMF had reached its decision to fund the purchase of the non-State papers in the Archive, the Government chose to transfer the State papers in the Archive to Churchill College in order that it be retained intact for the nation.

| ACTION OFFICER (in case of queries) | OFFICIAL APPROVAL (must be Grade 5 or above) | MINISTERIAL APPROVAL |
|---|---|---|
| CAROL HOBLEY | 10/5 | |

BACKGROUND

Harry Cohen MP has asked the Secretary of State to make a statement about his consultations with the National Heritage Memorial Fund in respect of the decision to purchase the Churchill Archive. As one of the independent distributing bodies for National Lottery proceeds, NHMF reach their decisions independently of the Secretary of State and they did so in this case. However, once the decision had been made known to Government, the Government elected to transfer the non-State papers to Churchill College in order that the Archive should remain intact. The attached reply has been cleared with Cabinet Office and Lottery Division.

26/21

pq138

From: CAROL C HOBLEY
Cultural Property Unit
Room 1
Tel: 0171-211 6158

Date: 11 May 1995

1. MR HELSTON ✓ agreed in draft
2. MISS O'MARA ✓ mom 11/5
3. PARLIAMENTARY CLERK
4. SECRETARY OF STATE

cc: PS/Mr Phillips
Ms Maclean
Mr MacDonald
Mr Dawes
Ms Andrews (Cabinet Office) ✓

**PQ 138**

I attach a revised line which has been cleared with the NHMF and the Cabinet Office.

CAROL HOBLEY

CABINET OFFICE
H95/388
12 MAY 1995
FILING INSTRUCTIONS
FILE No

12315

DNH

Lab - Pendle

138 Mr Gordon Prentice MP

To ask the Secretary of State for National Heritage, who assessed the historic significance of each of the items in the Churchill papers.

MR DORRELL

Following their normal procedures, the NHMF took advice on the content of the Archive from The British Library and The Royal Commission on Historical Manuscripts as statutory heritage agencies. Individual historians and other relevant institutions were also consulted.

BACKGROUND

The NHMF took advice on the contents of the archive from Lord Blake, Lord Jenkins, Martin Gilbert, The British Library, the Royal Commission on Historical Manuscripts and others.

This list was recently supplied to the Department by NHMF and our first reply named both the individuals and the institutions. However, upon reflection it was agreed that it would not be proper for the Government to name the individuals concerned. If the point is pursued, it should be for the NHMF to reply in more detail.

DNH

Lab - Pendle

138 Mr Gordon Prentice MP

To ask the Secretary of State for National Heritage, who assessed the historic significance of each of the items in the Churchill papers.

MR DORRELL

Following their normal procedures, the NHMF took advice on the content of the Archive from The British Library and The Royal Commission on Historical Manuscripts as statutory heritage agencies. Individual historians and other relevant institutions were also consulted.

*Cultural Property Unit*
*Department of National Heritage*
*2-4 Cockspur Street, London SW1Y 5DH*
*Tel: 0171-211 6158*
*Fax: 0171 211 6170*

FAX TRANSMISSION COVER SHEET

***Date:*** 12/5
***To:*** Ms Andrews
***Fax:*** 217 6010
***Subject:***
***Sender:*** *Carol Hobley*

*YOU SHOULD RECEIVE* 3 *PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL 0171-211 6158*

Mr Jenkins has suggested a different approach to the Kaufman PQ. Are you happy with this?

CH.

Said OK but have copied to Sir R Butler for comment

PSA 12/5

# HOUSE OF COMMONS PARLIAMENTARY QUESTION

ORAL (*): _____

NAMED DAY (N) WRITTEN: _____

ORDINARY WRITTEN: ✓

MP'S PARTY: LAB

Date PQ was tabled: 9/5/95

For answer on : 11/5/95

Return to PB by : 12/5/95 4PM

ACTION OFFICER: Mr HERSTON

DIVISION: CULTURAL PROPERTY

MINISTER ANSWERING

Secretary of State ✓

cc Mr MACDONALD

Mr Sproat

---

100 **Mr Gerald Kaufman** (Manchester, Gorton): To ask the Secretary of State for National Heritage, what plans he had made to take action to preserve the Churchill papers intact for the nation before the National Heritage Memorial Fund decided to make National Lottery funds available for this purpose. (23693)

| ACTION OFFICER (in case of queries) | OFFICIAL APPROVAL (must be Grade 5 or above) | MINISTERIAL APPROVAL |
|---|---|---|
| | | |

SECRETARY OF STATE

The Government had commenced proceedings in the High Court with the object of preserving the papers intact for the nation.

**BACKGROUND**

The question of the potential disposal of the Archive by the Churchill family Trustees, first arose in 1989. Following lengthy negotiations, the Department of National Heritage and the National Heritage Memorial Fund put together a funding package in the hope of acquiring the Archive by means of Private Treaty Sale, but this foundered when ownership of some documents could not be agreed. The focus of the dispute was the so-called "State papers".

When an impasse in the negotiations was reached, and it was feared that the Trustees were about to sell the literary papers thereby breaking up the Archive, the Government decided to seek a ruling from the courts. The litigation was initiated to settle the issue of ownership of the State papers and to determine whether any papers could be removed from the Archive without the permission of the Prime Minister.

Had the litigation been allowed to run its course, it would have determined these issues. The agreement by the Trustees to sell their interest in the Archive removed any further object to the Crown's proceedings.

Mr Kaufman may be seeking to ascertain whether an agreement was reached and thereby claim that Lottery money has picked up a Government commitment, although even without a formal commitment, it could be argued that the Government had, by the implication of its actions, indicated its interest in purchasing at least part of the Archive. The attached reply notes the Government had started litigation with the object of preserving the Archive intact. As the action was dropped, it is impossible to say what the outcome would have been.

The next logical question to ask would be "why did the Government give up on the litigation?". The reply would be the same line as we have used throughout i.e. Once the NHMF had reached their independent decision on the Lottery application to fund the purchase of the non-State papers, and in order to ensure the Archive was kept intact, the Government agreed to drop the litigation and transfer the State papers to Churchill College.

**FROM:** **PAUL JENKINS**
**QUEEN ANNE'S CHAMBERS**

**TEL:** **210 3256**

**DATE:** **12 May 1995**

**MS HOBLEY**

**cc:** **Miss Andrews (Cabinet Office)**
**Mr Carpenter (TSD)**

**CHURCHILL: PQ FROM GERALD KAUFMAN**

Thank you for sending me a copy of your suggested answer to Mr Kaufman's PQ on the Secretary of State's plans to preserve the Archive prior to the NHMF's decision to use lottery money. I have discussed the matter with Mr Carpenter and on balance we feel the reply should refer to the litigation rather than the NHMF's earlier efforts. Something along the following lines might therefore suffice:–

> "The Government had commenced proceedings in the High Court with the object of preserving the papers intact for the nation."

As you may recall, there were two elements to our court case. First, we claimed ownership of the State papers and clearly if we had succeeded in that claim these papers would have been secured for the nation. Second, we claimed that the Prime Minister's consent was required for the sale of the non–State papers and one of the facts which we were advised he could take into account in deciding whether or not to give his consent was the possibility of keeping the Archive intact. If we had succeeded in this second part of our claim it would have given the Government or the NHMF an opportunity to acquire the rest of the Archive. Overall, therefore, it is entirely accurate to say that the litigation was the action we were taking to try and preserve the Archive intact prior to the NHMF's decision.

We have also revised slightly the background note and I enclose an amended version.

**PAUL JENKINS**

0005PJ.MIN

CABINET OFFICE
H95/386
12 MAY 1995
FILING INSTRUCTIONS
FILE No.

**BACKGROUND**

The question of the potential disposal of the Archive by the Churchill family Trustees, first arose in 1989. Following lengthy negotiations, the Department of National Heritage and the National Heritage Memorial Fund put together a funding package in the hope of acquiring the Archive by means of Private Treaty Sale, but this foundered when ownership of some documents could not be agreed. The focus of the dispute was the so-called "State papers".

When an impasse in the negotiations was reached, and it was feared that the Trustees were about to sell the literary papers thereby breaking up the Archive the Government decided to seek a ruling from the courts. The litigation was initiated to settle the issue of ownership of the State papers and to determine whether any papers could be removed from the Archive without the permission of the Prime Minister.

Had the litigation been allowed to run its course, it would have determined these issues. The agreement by the Trustees to sell their interest in the Archive removed any further object to the Crown's proceedings.

Mr Kaufman may be seeking to ascertain whether an agreement was reached and thereby claim that Lottery money has picked up a Government commitment, although even without a formal commitment, it could be argued that the Government had, by the implication of its actions, indicated its interest in purchasing at least part of the Archive. The attached reply therefore makes it clear that it was NHMF (as a body eligible to take advantage of the Private Treaty Sale concession) rather than the DNH that was heading the negotiations, and that those talks did not reach a conclusion.

0005PJ.MIN

*Cultural Property Unit*
*Department of National Heritage*
*2-4 Cockspur Street, London SW1Y 5DH*
*Tel: 0171-211 6158*
*Fax: 0171 211 6170*

FAX TRANSMISSION COVER SHEET

***Date:*** 11.5.95
***To:*** Ms Andrews cc Mr Jenkins
***Fax:*** 7-217 6010 7-210 3448
***Subject:***
***Sender:*** *Carol Hobley*

*YOU SHOULD RECEIVE* 4 *PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL 0171-211 6158*

Would be grateful for any comments on the attached.

Carol

? is it wise to suggest that we might have considered using public funds. is "founded" the right word?

The National Heritage Memorial Fund did consider acquiring the Churchill Archive at an earlier stage through public expenditure provision but those negotiations foundered.

Michael:
I have reservations about his answer - not keen on the word "foundered". What do you think?
Pat 12/5

HO95/345

SIR ROBIN BUTLER

**CHURCHILL PAPERS; QUESTION TO THE PRIME MINISTER**

I attach a suggested draft reply and background note in respect of Mr Martin Redmond's Question to the Prime Minister in which he asks that the state papers donated to Churchill College should be listed and the date of donation of each item.

The State papers were all donated at the same time and so there is only one relevant date.

The disproportionate cost answer to the first part of the question is in line with that already given by the Secretary of State for National Heritage to an earlier question from Mr Gordon Prentice. He asked how many items in the Churchill Papers recently purchased are state papers, how many are private papers and how many have been the subject of dispute. In reply the Secretary of State said that it would be disproportionately costly to list every item in the Churchill Archive. It would also be costly to list every item in the State papers.

The draft reply has been cleared with Treasury Solicitor (Michael Carpenter).

Pat Andrews

Cleared
12/5

MISS P M ANDREWS

Historical and Records Section
12 May 1995

- 516

OPSS/1994/95-1-0671

ORDINARY WRITTEN QUESTION
FOR ANSWER ON
ANSWERED ON

Lab - Don Valley

182 Mr Martin Redmond

To ask the Prime Minister, if he will list the state papers donated to Churchill College, Cambridge, in each case giving the date the item was donated.

DRAFT REPLY
There are many thousands of papers in the Churchill Archive

It would be disproportionately costly to list the State papers ~~in the Churchill Archive~~ individually.

The papers relating to Sir Winston Churchill's Ministerial and Prime Ministerial appointments, claimed by the Crown as State Papers, were transferred to Churchill College on the same day as the agreement to purchase the non-State papers was concluded. The effective date of transfer was 26 April 1995.

BACKGROUND NOTE

This is the first Parliamentary Question relating to the Churchill papers tabled by Mr Martin Redmond, Labour Member of Parliament for the Don Valley.

Many thousands of individual documents comprise the classes of papers claimed by the Crown as State Papers. It would be a lengthy, time-consuming and costly task to list them all as requested by Mr Redmond. The first part of the suggested reply therefore indicates that it would be disproportionately costly to provide the information sought.

Ownership in the State Papers was transferred to the new Sir Winston Churchill Archive Trust for Churchill College by a Deed of Gift which was executed on 26 April 1995 at the same time as the agreement to purchase the non-State papers was concluded.

# FAX

**DESTINATION FAX NUMBER:** 217 6010.

**FOR:** Pat Andrews

**LOCATION:** Kist

**FROM:** SARA ABBA


**PARLIAMENTARY BRANCH**
**CHANCELLOR OF THE DUCHY OF LANCASTER**
**OFFICE OF PUBLIC SERVICE AND SCIENCE**
**Room 318**
**Cabinet Office**
**70 Whitehall**
**LONDON SW1A 2AS**

**FAX NUMBER:** 071-270 0514
**TEL NUMBER:** 071-270 0518/0519/0508


**DATE:** 11/5/95

**PAGES TO FOLLOW:** 1

**MESSAGE:** No10 have tried to transfer this pq 182 to Dept of National ~~Heritage~~ Heritage, there official Card Hopley 211 6158, says it is for the Cabinet Office. Please advise whether it is for us, if yes do we want to accept transfer to Cabinet Office

**PLEASE ACKNOWLEDGE RECEIPT**

11-05-1995 09:47 FROM PARLIAMENTARY BRANCH TO 2217601O P.01

SRd written PReq

TOTAL P.02



179 **Mr Peter Mandelson** (Hartlepool): To ask the Prime Minister, whether the Number 10 Policy Unit and its head, Norman Blackwell, have any party political responsibilities; and what rules exist on the subject. (24451)

180 **Mr Andrew Mackinlay** (Thurrock): To ask the Prime Minister, on what occasions Gibraltar's status within the European Union has been raised formally in the Heads of Government Council of Ministers since he became Prime Minister. (24470)

181 **Mr Tam Dalyell** (Linlithgow): To ask the Prime Minister, for what reason Her Majesty's Government declined to allow Chief Superintendent Gilchrist of the Dumfries and Galloway Police to interview Mr O'Neill and Mr Tuzcu, baggage handlers at the Rhein-Main Airport in Frankfurt, when they were brought to the United Kingdom in connection with the destruction of Pan Am 103 over Lockerbie. (24009)

182 **Mr Martin Redmond** (Don Valley): To ask the Prime Minister, if he will list the state papers donated to Churchill College, Cambridge, in each case giving the date the item was donated. (24074)

183 **Mr Gordon McMaster** (Paisley South): To ask the Prime Minister, what is his latest assessment of the potential to maintain and develop trade links with Hong Kong in future years; what action is being taken by Her Majesty's Government to encourage inward investment from and outward investment to Hong Kong; and if he will make a statement. (24130)

184 **Mr Peter Mandelson** (Hartlepool): To ask the Prime Minister, what functional relationship exists between the Cabinet Committee on policy co-ordination and presentation and the Number 10 Policy Unit; and how this is discharged. (24323)

185 **Mr Gordon McMaster** (Paisley South): To ask the Prime Minister, if he will list the name, former occupation and supervising minister of each special adviser currently employed from any government funding source; if he will list the salary range of such advisers as of 5th May; and if he will make a statement. (24211)

186 **Mr Gordon McMaster** (Paisley South): To ask the Prime Minister, what (a) allowances and (b) facilities are currently available to former Prime Ministers who serve in (i) either or (ii) neither House of Parliament. (24014)

187 **Mr Peter Mandelson** (Hartlepool): To ask the Prime Minister, what is the role of the Cabinet Committee on policy co-ordination and presentation in supervising Government announcements, irrespective of department; and how a distinction is made between the objective presentation and timing of these announcements and their use for party political benefit. (24325)

188 **Mr Tom Cox** (Tooting): To ask the Prime Minister, when he last met the current President of the European Commission. (24149)

189 **Mr Gordon McMaster** (Paisley South): To ask the Secretary of State for Scotland, if he will make a statement on the development, funding and future of the Scottish agricultural colleges. (24085)

190 **Mr Gordon McMaster** (Paisley South): To ask the Secretary of State for Scotland, what powers are available to local authorities, housing associations, housing co-operatives and the private-rented sector to evict people convicted of drugs-dealing and drugs-related offences; what plans he has to introduce further measures; and if he will make a statement. (24093)

191 **Mr Gordon McMaster** (Paisley South): To ask the Secretary of State for Scotland, if he will commission a study to assess the need for sheltered housing to allow people who have grown elderly in peripheral housing schemes and rural areas to remain within their own communities; and if he will make a statement. (24101)

11-05-1995 09:47 FROM PARLIAMENTARY BRANCH TO 72176010 P.02

**CABINET OFFICE**
Historical and Records Section
Hepburn House
Marsham Street
London SW1P 4HW
Fax: 071 217 6010

ENQUIRIES:
071 217 6050

URGENT
YES/NO

# FACSIMILE LEADER

NAME: Michael Carpenter

DEPARTMENT: Treasury Solicitors

ADDRESS: QAC

FAX No: 7 210 3503

FROM: Pat Andrews

DOCUMENT REFERENCE/TITLE: Churchill Papers PQ: Prentice No 207

TOTAL NUMBER OF PAGES: + 2

DATE: 17 5 95

MESSAGE: Suggested reply to the second of Mr Prentice's Questions attached, as suggested by Alan Kucia, Churchill College. I am inclined to leave out the reference to the outline catalogue by the PRO - do you agree?

On the previous question Alan Kucia confirms the one and a half million figure but says it relates to papers rather than "items" and can only be an estimate as no-one has counted them!

Pat 17/5

ACKNOWLEDGEMENT REQUIRED YES/ NO

Lab - Pendle

No 207 Mr Gordon Prentice

To ask the Secretary of State for National Heritage, if the Churchill paprs are fully catalogued.

DRAFT REPLY

[An outline catalogue was prepared by the Public Record Office in 1964.] ... available at Churchill College

Work on a detailed catalogue began at Churchill College in 1991. It is expected to take a further five years to complete. Funding for the continuation of this project has been provided by the grant from the Heritage Lottery Fund which formed part of the transaction announced on 26 April 1995; this secured the Archive for the nation at Churchill College.

**CABINET OFFICE**
Historical and Records Section
Hepburn House
Marsham Street
London SW1P 4HW
Fax: 071 217 6010

ENQUIRIES:
071 217 6050

URGENT
YES/NO

# FACSIMILE LEADER

NAME: Michael Carpenter

DEPARTMENT: Treasury Solicitor

ADDRESS: QAC

FAX No: 7 210 3503

FROM: Pat Andrews

DOCUMENT REFERENCE/TITLE: Churchill papers: PQ Prentice

TOTAL NUMBER OF PAGES: +2

DATE: 17 5 95

*Cultural Property Unit*
*Department of National Heritage*
*2-4 Cockspur Street, London SW1Y 5DH*
*Tel: 0171-211 6158*
*Fax: 0171 211 6170*

FAX TRANSMISSION COVER SHEET

***Date:*** 17/5/95
***To:*** Pat Andrews
***Fax:*** 217 6010
***Subject:***
***Sender:*** *Carol Hobley*

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Thank you for sending me a line for the MP's case. I'm afraid we are now back to PQ's stage.

Could you let me have a reply to the following two from Gordon Prentice (202, 207).

Thank you

Carol

# HOUSE OF COMMONS PARLIAMENTARY QUESTION

ORAL (*): _____

NAMED DAY (N) WRITTEN: _____

ORDINARY WRITTEN: ✓

MP'S PARTY: LAB

Date PQ was tabled: 16/5/95

For answer on : 18/5/95

Return to PB by : 19/5/95 4PM

ACTION OFFICER: Mr HELSTON

DIVISION: CULTURAL PROPERTY

MINISTER ANSWERING

Secretary of State ✓

cc

Mr Sproat

202 **Mr Gordon Prentice (Pendle):** To ask the Secretary of State for National Heritage, how many separate items there are in the Churchill papers; and what are the professional qualifications of those persons who advised him that none was a state paper. (25153)

| ACTION OFFICER (in case of queries) | OFFICIAL APPROVAL (must be Grade 5 or above) | MINISTERIAL APPROVAL |
|---|---|---|
| | | |

333/5.

# HOUSE OF COMMONS PARLIAMENTARY QUESTION

ORAL (*): 

NAMED DAY (N) WRITTEN: 

ORDINARY WRITTEN: ✓

MP'S PARTY: LAB

Date PQ was tabled: 16/5/95

For answer on : 18/5/95

Return to PB by : 19/5/95 4PM

ACTION OFFICER: Mr HOLSTON

DIVISION: CPU

MINISTER ANSWERING

Secretary of State ✓

cc

Mr Sproat

207 **Mr Gordon Prentice (Pendle):** To ask the Secretary of State for National Heritage, if the Churchill papers are fully catalogued. (25154)

| ACTION OFFICER (in case of queries) | OFFICIAL APPROVAL (must be Grade 5 or above) | MINISTERIAL APPROVAL |
|---|---|---|
| | | |

Lab - Pendle

No 202 Mr Gordon Prentice

To ask the Secretary of State for National Heritage, how many separate items there are in the Churchill papers; and what are the professional qualifications of those persons who advised him that none was a state paper.

DRAFT REPLY

There are estimated to be some one and a half million ~~separate~~ papers ~~items~~ in the Churchill Archive. It comprises / they comprise bolt State and non-State papers. The non-State papers were purchased by the National Heritage Memorial Fund; the State papers were transferred by ~~HMG~~ the Government so that the Archive remained / could intact at Churchill College, Cambridge.

No such advice

There was no advice of the kind suggested by the question.

comprises.

MESSAGE:

Mr Prentice's PQ No 201 probably follows from No 187 which DNH answered by saying "None of the papers recently purchased by the NHMF was a State paper". He seems to have read into this answer that all the papers were purchased by NHMF and none of them was a State paper!

Is the attached a reasonable reply? I fear I am not sure where the one and a half million comes from but it appears in the briefing and in the Press.

Mr Prentice has another Question down, No 207, in which he asks whether the Churchill papers are fully catalogued. I am getting a reply on this from Alan Kucia - I know that cataloguing is under way.

ACKNOWLEDGEMENT REQUIRED YES/ NO

**CABINET OFFICE**
Historical and Records Section
Hepburn House
Marsham Street
London SW1P 4HW
Fax: 071 217 6010

ENQUIRIES:
071 217 6050

URGENT
YES/NO

# FACSIMILE LEADER

NAME: Carol Hobley

DEPARTMENT: DNH

ADDRESS: 2-4 Cockspur Street
FAX No: 7 211 6170

FROM: Pat Andrews

DOCUMENT REFERENCE/TITLE: Prentice PQs: Churchill Papers

TOTAL NUMBER OF PAGES: +3 DATE: 18 5 95

MESSAGE: Suggested draft replies to Mr Prentice's PQs Nos 202 and 207 as seen and approved by Sir Robin Butler.
I assume that Mr Prentice's Question No 207 about professional qualifications and advice that none was a state paper stems from his earlier Question, now printed at Col 576, Hansard ll May (copy attached)

ACKNOWLEDGEMENT REQUIRED YES/ NO

Lab - Pendle

No 202 Mr Gordon Prentice

To ask the Secretary of State for National Heritage, how many separate items there are in the Churchill papers; and what are the professional qualifications of those persons who advised him that none was a state paper.

DRAFT REPLY

There are estimated to be around one and a half million separate papers in the Churchill Archive. There was no advice of the sort referred to by the Hon Member as the Archive comprises both State and non-State papers. The non-State papers were purchased by the National Heritage Memorial Fund; the State papers were transferred by the Government so that the Archive could remain intact at Churchill College, Cambridge.

Lab - Pendle

No 207 Mr Gordon Prentice

To ask the Secretary of State for National Heritage, if the Churchill paprs are fully catalogued.

DRAFT REPLY

An outline catalogue is available at Churchill College, Cambridge and at the National Register of Archives in Chancery Lane.

Work on a detailed catalogue began at Churchill College in 1991. It is expected to take a further five years to complete.

**Mr. Sproat:** After initial consultation with staff through formal working parties, my Department published in November 1994 an equal opportunities policy statement and an equal opportunities action plan for 1994–95. The policy statement and action plan are consistent with government policy and have recently been updated to reflect the considerable progress made in this area. The documents underline the Department's commitment to be an equal opportunities employer.

### Tourism

**Mr. Austin Mitchell:** To ask the Secretary of State for National Heritage (1) what programmes analysis review has been carried out as the value of the expenditure of public money on promoting tourism; [22529]

(2) what contribution is made from public funds to the promotion of tourism in the United Kingdom; for what public purpose or purposes; and if he will publish the available evidence on the return produced. [22522]

**Mr. Dorrell:** This financial year the combined grant-in-aid allocation to the British Tourist Authority and the national tourist boards for England, Northern Ireland, Wales and Scotland is close to £90 million. In addition, local authorities in England spend some £62.7 million annually on direct tourism promotion.

The British Tourist Authority and the English tourist board have evaluation studies attached to all their major programmes. Although it is extremely difficult to establish the link between tourist board activity and tourist spend, research undertaken on behalf of the BTA indicates that its activities may stimulate as much as £10 in incremental revenue per £1 spent.

**Mr. Pendry:** To ask the Secretary of State for National Heritage what is his assessment of proposals made by the British Tourist Authority's VAT working group's report for a reduction in the level of value added tax levied on the accommodation sector. [22947]

**Mr. Dorrell:** The report does not take account of all the different costs to business in other member states and therefore I believe does not demonstrate that UK tourism operators are placed at an overall competitive disadvantage because of the level of VAT alone. The Government are working with the industry on a range of measures to improve the competitiveness of British tourism.

**Mr. Pendry:** To ask the Secretary of State for National Heritage what representations he has made to other Departments with regard to the report prepared by the British Tourist Authority's VAT working party. [22948]

**Mr. Dorrell:** My right hon. and learned Friend the Chancellor of the Exchequer has received a copy of the final report and is aware of the industry's views.

### Churchill Documents

**Mr. Cohen:** To ask the Secretary of State for National Heritage in what circumstances historians and others wanting to use the Churchill papers, following their purchase for the state, will have to pay a copyright fee; to whom such copyright proceeds would go; what is the estimated amount of such proceeds per annum; and if he will make a statement. [22447]

**Mr. Dorrell:** Anyone wishing to use the Churchill papers for commercial purposes will need to seek permission from the copyright owners. Copyright in the non-state papers is vested in the Churchill family; copyright in the state papers is vested in the Crown. The proceeds go to the copyright owners; it is not possible to estimate the amount per annum of such proceeds as this is entirely dependent upon the use made of the papers.

**Mr. Cohen:** To ask the Secretary of State for National Heritage if he will make a statement on his consultations with the national heritage memorial fund in respect of the decision to purchase the Churchill papers. [22448]

**Mr. Dorrell:** Under the National Lottery etc. Act 1993, the national heritage memorial fund is responsible for distributing 20 per cent. of the net proceeds from the national lottery for expenditure on or connected with the national heritage. Individual funding decisions on applications are made entirely independently of Government. However, once the NHMF had reached its decision to fund the purchase of the non-state papers in the archive, the Government chose to transfer the state papers in the archive to Churchill college in order that it be retained intact for the nation.

**Mr. Gordon Prentice:** To ask the Secretary of State for National Heritage how many items in the Churchill papers recently purchased *(a)* are state papers, *(b)* are private papers and *(c)* have been the subject of dispute as to whether they are state or private. [22934]

**Mr. Dorrell:** The Government are of the view that none of the papers recently purchased by the national heritage memorial fund was a state paper.

**Mr. Fisher:** To ask the Secretary of State for National Heritage if he will list the state papers or classes of state papers which Her Majesty's Government has given to Churchill college and the Churchill archive. [22946]

**Mr. Dorrell:** The classes of state papers transferred to the Churchill college by the Crown were those listed as "official" in the catalogue of the Chartwell papers which is available at Churchill college, Cambridge and in the national register of archives, Chancery lane. They include papers relating to Sir Winston Churchill's appointments as Under-Secretary of State for the Colonies, President of the Board of Trade, Home Secretary, First Lord of the Admiralty, Chancellor of the Duchy of Lancaster, Minister of Munitions, Secretary of State for War and Air, Colonial Secretary, Chancellor of the Exchequer, and Prime Minister and to the Cabinet, War Council, War Cabinet and Committee of Imperial Defence.

The remaining classes in the catalogue also contain a number of state papers; ownership of these was transferred at the same time.

### National Vocational Qualifications

**Mr. Barron:** To ask the Secretary of State for National Heritage how many, and what proportion of, vacancies advertised by his Department, and by each of his Department's agencies, in the last three years have listed the attainment of NVQs as an acceptable entry requirement; and, of those, how many have required (i) level 1 NVQs, (ii) level 2 NVQs, (iii) level 3 NVQs and (iv) other level NVQs. [22981]

HO95/357

SIR ROBIN BUTLER

**CHURCHILL PAPERS; PQs**

The two oral PQs from Ms Glenda Jackson and Mr David Winnick down for answer on Monday 15 May were not reached. I have not yet seen the Hansard in which they presumably now appear as Written Answers.

I have been asked by the Department of National Heritage to supply answers to two further Written Questions from Mr Gordon Prentice.

The first, No 202, is presumably a follow-up from one of his previous Questions when he asked:-

> "....how many items in the Churchill papers recently purchased (a) are state papers, (b) are private papers and (c) have been the subject of dispute as to whether they are state or private."

We supplied a fairly lengthy reply but DNH preferred a shorter one simply saying:-

> "The Government are of the view that none of the papers recently purchased by the National Heritage Memorial Fund was a State paper". (Hansard 11 May 1995, Col 576)

Mr Prentice appears to have assumed from that that all the papers were purchased by the NHMF and that we are saying that none of them were State papers, hence his latest Question about the professional qualifications of those persons who advised that "none was a state paper".

I attach two suggested draft Answers which I have discussed with Mr Carpenter, Treasury Solicitor. The information for the Answer to No 207 was supplied by Mr Kucia, Archivist at Churchill College. We have referred to "the catalogue" in earlier replies and Mr Carpenter thinks there is no reason not to refer to it being the PRO's 1964 catalogue. We did not so identify it in the earlier replies and I wonder if we need to volunteer this information.

Pat Andrews

MISS P M ANDREWS

Historical and Records Section

Lab - Pendle

No 207 Mr Gordon Prentice

To ask the Secretary of State for National Heritage, if the Churchill paprs are fully catalogued.

DRAFT REPLY

An outline catalogue ~~[which was prepared by the Public Record Office in 1964]~~ is available at Churchill College and at the National Archives Register in Chancery Lane.

Work on a detailed catalogue began at Churchill College in 1991. It is expected to take a further five years to complete. ~~Funding~~ for the continuation of this project has been provided by the grant from the Heritage Lottery Fund which formed part of the transaction announced on 26 April 1995; this secured the Archive for the nation at Churchill College.

Lab - Pendle

No 202 Mr Gordon Prentice

To ask the Secretary of State for National Heritage, how many separate items there are in the Churchill papers; and what are the professional qualifications of those persons who advised him that none was a state paper.

DRAFT REPLY

There are estimated to be ~~some~~ around one and a half million separate papers in the Churchill Archive. There was no advice of the sort referred to by the Hon Member as the Archive comprises both State and non-State papers. The non-State papers were purchased by the National Heritage Memorial Fund; the State papers were transferred by the Government so that the Archive could remain intact at Churchill College, Cambridge.

**CABINET OFFICE**
Historical and Records Section
Hepburn House
Marsham Street
London SW1P 4HW
Fax: 071 217 6010

ENQUIRIES:
071 217 6050

URGENT
YES/NO

# FACSIMILE LEADER

NAME: Michael Carpenter

DEPARTMENT: Treasury Solicitors

ADDRESS: QAC

FAX No: 7 210 3503

FROM: Pat Andrews

DOCUMENT REFERENCE/TITLE: Austin Mitchell PQ

TOTAL NUMBER OF PAGES: +3 DATE: 25 5 95

MESSAGE: Further to my minute of yesterday, the attached suggested reply is taken from the one given to Mr Gordon Prentice on ll May (Hansard extract attached). Would you be content with it. You will also recall Mr Mitchell's earlier question, answered on 4 May to which I refer in the draft Reply. I do not know what Mr Mitchell is after but his question now draws a reply which almost repeats his own earlier Question!

ACKNOWLEDGEMENT REQUIRED YES/ NO

H095/373

MISS M LEECH

**P M ADVISE: MR AUSTIN MITCHELL MP, NO 112**

I attach a suggested reply to Mr Austin Mitchell's Parliamentary Question to the Prime Minister which has been cleared with Treasury Solicitor, Mr Michael Carpenter; also a background note.

Pat Andrews

MISS P M ANDREWS

Historical and Records Section
25 May 1995

OPSS/1994/95-1-0705

ORDINARY WRITTEN QUESTION

FOR ANSWER ON

ANSWERED ON

Lab - Great Grimsby

112 Mr Austin Mitchell

To ask the Prime Minister, what classes of documents relating directly or indirectly to the performance by Ministers and Officials of their duties are still regarded as state papers which cannot be sold for personal gain.

DRAFT REPLY

Papers which are created or acquired by Ministers or officials, or other Crown Servants, by virtue of the office they hold under, or their service to, the Crown, are regarded as State papers which should not be sold for personal gain.

I refer the Hon Member to the Answer I gave to him on 4 May 1995 (Hansard Col 281) in respect of the convention relating to papers taken away by Prime Ministers on leaving office.

BACKGROUND NOTE

Mr Austin Mitchell MP has asked several questions about Ministerial and other papers in the context of the Churchill Archive.

In response to a Question about documents originated or acquired by Ministers in the course of their official duties not being sold by them or their heirs or assigns, the Prime Minister explained the convention relating to the papers of Prime Ministers on leaving office (Hansard, 4 May 1995, Col 281, copy attached).

Mr Mitchell's present Question asks about classes of documents relating directly or indirectly to the performance of Ministers and Officials which are regarded as State papers and cannot be sold for personal gain. There is no difference between Ministers and officials in relation to this matter.

The convention relating to papers which outgoing Prime Ministers have been allowed to take away with them on leaving office does not apply to Ministers other than former Prime Ministers, nor does it apply to officials or other Crown Servants; they are not entitled to remove documents originated or acquired by virtue of their office, it follows that they are not entitled to sell them.

The reply which it is suggested might be given to Mr Austin Mitchell is along the lines of that given to Mr Gordon Prentice by Mr Taylor, Parliamentary Secretary, Lord Chancellor's Department on 11 May (Hansard, 11 May 1995, Col 566, copy attached).

**CABINET OFFICE**
Historical and Records Section
Hepburn House
Marsham Street
London SW1P 4HW
Fax: 071 217 6010

ENQUIRIES:
071 217 6050

URGENT
YES/NO

# FACSIMILE LEADER

NAME: M Carpenter

DEPARTMENT: Treasury Solicitor

ADDRESS: QAC

FAX No: 2 210 3503

FROM: Pat Andrews

DOCUMENT REFERENCE/TITLE: Austin Mitchell PQ

TOTAL NUMBER OF PAGES: DATE: 24 5 95

MESSAGE: Austin Mitchell MP has put down to the Prime Minister the following Question: To ask....what classes of document relating directly or indirectly to the performance by Ministers and Officials of their duties are still regarded as state papers which cannot be sold for personal gain by Ministers and Officials. I think we have a fairly standard answer to this but I have to dash off to the meeting. Could you be thinking about it and I will ring when I get back! - It will be latish cos I have another meeting immediately after the one with Mr Horam. Many thanks.

ACKNOWLEDGEMENT REQUIRED YES/ NO

**Mr. Dorrell:** I have no plans to change the present level of Government support for the acceptance in lieu scheme. This scheme, together with all my Department's spending commitments, is, however, being examined in our fundamental expenditure review. This is currently in progress and I cannot at this stage anticipate its findings.

## PRIME MINSTER

### Ministerial Documents

**Mr. Austin Mitchell:** To ask the Prime Minister if he will make it his policy to ensure that documents originated or acquired by Ministers in the course of their official duties are not sold by them or their heirs and assigns. [22621]

**The Prime Minister:** By convention, Prime Ministers, on leaving office, have taken with them copies of certain documents which they dealt with personally while in office. These include some documents originated or acquired by them in the course of their official duties. This convention has not applied to Ministers other than former Prime Ministers. The extent to which former Prime Ministers or their heirs and assigns may dispose of such papers, and how, depends on the circumstances of each case.

It is my policy that in future material removed from official custody at the end of an Administration should contain no official material other than that which is already in the public domain.

**Mr. Austin Mitchell:** To ask the Prime Minister in what circumstances a document subject when originated to the provisions of the Official Secrets Acts may be classified other than a state paper. [22527]

**The Prime Minister:** Documents originating from other than official sources, and which contain official information that should not be disclosed, come within the provisions of the Official Secrets Acts but are not state papers.

**Mr. Austin Mitchell:** To ask the Prime Minister (1) if retired Ministers are required to submit their memoirs for approval under the Official Secrets Acts before publication; [22531]

(2) if the right hon. Nigel Lawson submitted his memoirs for approval under the official Secrets Acts before publication, with particular reference to mention of the Governor of the Bank of England. [22622]

**The Prime Minister:** There is no requirement for former Ministers to submit their memoirs under the Official Secrets Acts before publication. The report of the Committee of Privy Counsellors on Ministerial Memoirs, Cmnd. 7386, recommended that former Ministers who wished to make public an account bearing on their ministerial life should let the Secretary of the Cabinet see in advance the full text of what they propose to say. The Cabinet Secretary offers advice to the author of the text, including on whether it contains material contravening the requirements of national security.

My right hon. and noble Friend Lord Lawson submitted his memoirs to the Cabinet Secretary in the normal way, without any particular reference.

**Mr. Austin Mitchell:** To ask the Prime Minister if he will refer to the Nolan committee the propriety of Ministers or their heirs retaining and using for private gain information or documents acquired in the course of their official duties. [22526]

**The Prime Minister:** I have no plans to do so.

### Engagements

**Sir Peter Tapsell:** To ask the Prime Minister if he will list his official engagements for Thursday 4 May. [21122]

**Mr. Harry Greenway:** To ask the Prime Minister if he will list his official engagements for Thursday 4 May. [21121]

**The Prime Minister:** This morning I presided at a meeting of the Cabinet and had meetings with ministerial colleagues and others. In addition to my duties in this House, I shall be having further meetings later today.

### Central Computer Database

**Mr. Cohen:** To ask the Prime Minister what plans there are to create a central computerised database on individuals using the database of the national insurance recording system 2—to be available to other Government Departments; and if he will make a statement. [22540]

**The Prime Minister:** The recently announced replacement of the national insurance recording system—NIRS2—does not include any plans to create a separate computer database on individuals, nor does it involve extending access arrangements to the NIRS2 database to other than existing users of the current NIRS system.

### Churchill Documents

**Mr. Austin Mitchell:** To ask the Prime Minister, pursuant to his oral answer of 27 April to the right hon. Member for Yeovil (Mr. Ashdown), *Official Report*, column 978, what steps he has taken to establish whether the papers sold by the Churchill family to the national heritage memorial fund were at any time covered by the provisions of the Official Secrets Acts. [22423]

**The Prime Minister:** Churchill college has been advised on which papers in the Churchill archive can be released to researchers and which need to be withheld.

**Mr. Austin Mitchell:** To ask the Prime Minister what steps the Government took to purchase the annotated eight-page typescript of Sir Winston Churchill's El Alamein speech sold by Sotheby's in December 1994; and whether this is included in the Churchill documents purchased by the national heritage memorial fund. [22421]

**The Prime Minister:** The manuscript to which the hon. Member refers was sold by a private owner and was one of many which Sir Winston Churchill gave away during his lifetime. At no time did it form part of the Churchill archive and it does not do so now. It is for the national institutions which maintain archives to decide whether to commit funds to the purchase of papers which appear on the open market.

**Mr. Austin Mitchell:** To ask the Prime Minister how many of the papers sold by the Churchill family to the national heritage memorial fund are to be found in the Public Record Office in their original or a duplicate form; and what copyright fees have to be paid to the Churchill family when such documents in either location are reproduced. [22525]

assumed the original schedule for the termination of these payments.

Early termination will mean that electricity prices will fall sooner than anticipated, which may result in some corresponding increase in the output of carbon dioxide in the short-term. I am determined to ensure that we sustain momentum for increased energy efficiency, and continue to give the strong lead we have established internationally on climate change, most recently at the first conference of parties to the climate change convention in Berlin. I am therefore pleased to announce that I shall make available to the Energy Saving Trust an additional £25 million a year to promote energy efficiency measures, from 1996 until the gas and electricity markets are fully liberalised.

Following my earlier announcement of support for its running costs, the Energy Saving Trust is currently drawing up new plans. I intend to invite the trust to use the coming year to prepare a number of cost effective proposals for my consideration. I will make money available for the best ones within the £25 million ceiling.

I shall be looking for innovative pump-priming schemes involving all fuels, which require funding to get started and which are designed to take advantage of and enhance the effectiveness of the developing competitive markets for energy and energy services. I shall be looking for a positive emphasis on demand-side management measures and on the development of energy services companies.

## LORD CHANCELLOR'S DEPARTMENT

### Historical Documents

**Mr. Gordon Prentice:** To ask the Parliamentary Secretary, Lord Chancellor's Department what advice he gives to Departments concerning the training of persons with responsibility for assessing the historical significance of documents held in those Departments. [23180]

**Mr. John M. Taylor:** Guidance is issued by the Keeper of Public Records. Section 3(2) of the Public Records Act 1958 prescribes that every person responsible for public records shall perform his duties under such guidance, which is detailed in the Public Record Office's "Manual of Records Administration".

**Mr. Gordon Prentice:** To ask the Parliamentary Secretary, Lord Chancellor's Department what special training is given to persons who have responsibility for assessing the historical significance of documents held by his Department. [23283]

**Mr. John M. Taylor:** Training in assessing the historical significance of departmental records is carried out under the guidance of the Keeper of Public Records. It is provided in a number of different ways, including courses on the appraisal of records and through conferences and seminars arranged by the Public Record Office.

### Female Poll Tax and Fine Defaulters

**Ms Janet Anderson:** To ask the Parliamentary Secretary, Lord Chancellor's Department how many cases of women being gaoled for poll tax and fine default have had those convictions ruled unlawful in the High Court since 1989. [23151]

**Mr. John M. Taylor:** The question concerns a specific operational matter on which the chief executive of the Court Service is best placed to provide an answer and I have accordingly asked the chief executive to reply direct.

*Letter from M. Huebner to Ms Janet Anderson, dated 10 May 1995*:

The Parliamentary Secretary, Lord Chancellor's Department, has asked me to reply to your question about the number of convictions which have been ruled unlawful by the High Court involving women gaoled for poll tax and fine default.

I am sorry to have to tell you that this information is not available and could be obtained only at disproportionate cost.

### State Papers

**Mr. Gordon Prentice:** To ask the Parliamentary Secretary, Lord Chancellor's Department what is the official definition of a state paper. [22935]

**Mr. John M. Taylor:** I understand the expression "State Papers" to signify those papers which are created or acquired by Ministers, officials or other Crown servants by virtue of the office they hold under, or their service to, the Crown. Whether or not the Crown can claim ownership of any wider class of papers will depend on the circumstances of the case.

**Mr. Gordon Prentice:** To ask the Parliamentary Secretary, Lord Chancellor's Department in what circumstances state papers are permitted to be held in private hands. [22936]

**Mr. John M. Taylor:** State papers are normally held by the Crown. In very rare circumstances, they may be held in private hands, normally when permission has exceptionally been given to a former Minister or public servant to retain possession of them. Examples of such circumstances are given in part 1 of the report of the Committee of Privy Counsellors on Ministerial Memoirs, Cmnd 6386, also known as the Radcliffe committee.

### Solicitors

**Mr. Redmond:** To ask the Parliamentary Secretary, Lord Chancellor's Department what action he plans to take in respect of solicitors who persuade criminals to take civil cases against the police. [22732]

**Mr. John M. Taylor:** Solicitors are duty bound to act in the best interests of and on the instructions of their clients and, subject to means and eligibility tests, will apply for legal aid to take or defend actions where appropriate on behalf of their clients.

### Legal Aid

**Mr. Redmond:** To ask the Parliamentary Secretary, Lord Chancellor's Department if he will take urgent action to limit legal aid in fraud cases to a maximum of £10,000. [22742]

**Mr. John M. Taylor:** The Lord Chancellor has recently announced the proposals he intends to take forward following the consultation paper on legal aid for the apparently wealthy. The Lord Chancellor will issue a Green Paper on the future of legal aid very soon. That will address the provision of legal aid in both civil and criminal cases.

137 **Mr David Trimble** (Upper Bann): To ask the Secretary of State for Northern Ireland, when he became aware that the chief executive of a health and social services board was the majority shareholder in a nursing recruitment agency; and what inquiries he has made into health service contracts placed with that recruitment agency. (26967)

138 **The Reverend Martin Smyth** (Belfast South): To ask the Secretary of State for Northern Ireland, if he will publish a table showing (a) the number of Civil Service posts, including positions in executive agencies but excluding technical appointments at grades 1 to 6 which have been advertised, together with the number of (b) applicants, (c) interviewees and (d) appointees broken down by (i) civil servants and (ii) non-civil servants for each year from 1st January 1990 to 31st December as a whole in Northern Ireland. (26944)

139 **Mr Austin Mitchell** (Great Grimsby): To ask the Prime Minister, on which occasions the Churchill papers were offered for sale to the government. (26843)

140 **Mr Austin Mitchell** (Great Grimsby): To ask the Prime Minister, whether drafts of Ministers' official broadcasts are classified as official papers. (26844)

141 **Mr Austin Mitchell** (Great Grimsby): To ask the Prime Minister, if he will instruct the National Heritage Fund to put the Churchill papers up for public tender without reservation. (26846)

142 **Mr Austin Mitchell** (Great Grimsby): To ask the Prime Minister, what consideration he gave when deciding whether the Official Secrets Acts covered the Churchill papers to the case of Peter Wright; and if he will make a statement. (26862)

143 **Mr Martin Redmond** (Don Valley): To ask the Prime Minister, pursuant to his Answer of 25th April, Official Report, column 65, where in the current edition of Social Trends can be found that education authorities employ two administrators for every three teachers; and if he will make a statement. (26897)

144 **Mr Gordon Prentice** (Pendle): To ask the Prime Minister, what contracts have been awarded to Lowe Bell Communications since the D Day PR contract in 1994. (26972)

145 **Mr Austin Mitchell** (Great Grimsby): To ask the Prime Minister, if the National Heritage Fund is free to sell private papers acquired from the Churchill family for £13.5m; and what evidence he has as to their current market value, taking into account the copyright provision. (26861)

146 **Mr Austin Mitchell** (Great Grimsby): To ask the Prime Minister, if he will take impartial professional advice as to the open market value, subject to the existing restrictions on copyright, of the private papers purchased by the National Heritage Fund from the Churchill family. (26867)

147 **Mr John Austin-Walker** (Woolwich): To ask the Prime Minister, what is his policy in respect of the state funding improvements in individuals living standards in old age. (26901)

148 **Mr Gordon Prentice** (Pendle): To ask the Prime Minister, if he will list the occasions in the last 12 months when answers to honourable Members given at Prime Ministers' Question time were subsequently corrected, or otherwise qualified. (26970)

149 **Mr Elliot Morley** (Glanford and Scunthorpe): To ask the Secretary of State for Scotland, what action the Scottish Office Agriculture and Fisheries Department has taken to establish areas closed to sandeel fishing around Shetland's internationally important seabird colonies. (27123)

# THE TREASURY SOLICITOR

Queen Anne's Chambers, 28 Broadway, London SW1H 9JS

Direct Line 071 210 3450 Direct Fax 071 210 3503

Office of Public Service & Science Legal Adviser

## MINUTE

To: Pat Andrews

From: Michael Carpenter

Dept: Cabinet Office

Date: 26 May 1995

**Mr Austin Mitchell MP : Question No. 142**

I would suggest the following by way of a background note:

The case brought by the Crown seeking to prevent publication of "Spycatcher" was not a criminal prosecution, but a civil action to restrain a breach of confidence. Mr Peter Wright was in Australia and could not have been prosecuted in that country under the Official Secrets Acts.

The various "Spycatcher" judgments are concerned only with civil proceedings and do not give any useful guidance on the quite separate question whether the information contained in the Churchill papers was of such a kind whose unauthorised disclosure would constitute an offence under the Official Secrets Acts 1911 to 1989.

The transfer of State papers to Churchill College does not involve any such unauthorised disclosure. Those papers which are of continuing sensitivity remain subject to the restriction on access which applied before the transfer as a condition of the deed of gift.

# FACSIMILE TRANSMISSION

**LORD CHANCELLOR'S DEPARTMENT**

**30 GREAT PETER STREET**
**LONDON**
**SW1P 2BY**

**FAX NO. 0171- 210 8568**

| | |
|---|---|
| TO: | Dr Nicholas Cox, Public Record Office FAX: 0181-878 2610<br>Pat Andrews, Cabinet Office FAX 217 6010<br>Michael Carpenter, Treasury Solicitors FAX 210 3503 |
| FROM: | ROBERT WRIGHT, LEGAL SERVICES DEVELOPMENT<br>TELEPHONE: 0171 210 8810 |
| NO. OF PAGES: | 2 (including this page) |
| DATE: | 26 May 1995 |

COMMENTS:

The attached Parliamentary Question is for written answer by the Parliamentary Secretary, Lord Chancellor's Department on Tuesday 13 June.1995. I need to return to the Minister's Private Office by 8 June.

I would be grateful for any assistance you can give in formulating the response, as well as by way of background briefing. I have spoken to Pat who has suggested that the appropriate answer might be that such information is not collated centrally.

IF YOU DO NOT RECEIVE A CLEAR TRANSMISSION
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PLEASE TELEPHONE 0171 210 8810

# Parliamentary Question

**Lord Chancellor's Department / ~~The Court Service~~**

199 **Mr. Gordon Prentice** (Pendle): To ask the Parliamentary Secretary, Lord Chancellor's Department, on how many occasions since 1970 the Crown has claimed ownership of State papers held privately.

(35W)

~~Oral~~ / Written Answer

Ordinary / ~~Named Day~~

For answer on 13 / 6 / 95 First appeared on 26 / 5 / 95

This file *must be* returned to LCD Parliamentary Section in the House of Lords via a Grade 3 (for LCD PQs) ~~or the Chief Executive (for Court Service PQs)~~

by NOON 9/6/95 *at the latest*

PQ number 95/567

Name of MP / ~~Peer~~ Gordon Prentice

☐ Barrister ☐ Solicitor ☒ Neither

Party LABOUR

Subject STATE PAPERS

Action Officer MR R WILKES

*Copied to:*

*Private Secretary to the Lord Chancellor*
*Private Secretary to the Parliamentary Secretary*
*Private Secretary to the Permanent Secretary*
*Principal Information Officer*
*Action Officer's Line Manager*
*Chief Executive of the Court Service*
*Agency Monitoring Unit*

**CABINET OFFICE**
Historical and Records Section
Hepburn House
Marsham Street
London SW1P 4HW
Fax: 071 217 6010

ENQUIRIES:
071 217 6050

URGENT
YES/NO

# FACSIMILE LEADER

NAME: Miss C Hobley

DEPARTMENT: DNH

ADDRESS: 2-4 Cockspur Street

FAX No: 7 211 6170

FROM: Pat Andrews

DOCUMENT REFERENCE/TITLE: Prentice PQ No 208

TOTAL NUMBER OF PAGES: DATE: 26 5 95

MESSAGE: What about:-
"The State papers in the Churchill Archive are, in the main, those listed in the classes shown as "Official" in the outline catalogue which is available at Churchill College, Cambridge and at the National Register of Archives, Chancery Lane. When the detailed catalogue, to which I referred in my reply to the Hon Member on 24 May 1995 (Official Report, column 647), is available it will be possible to say how many items these classes comprise." I have not managed to find the earlier PQ but I am sure we <u>have</u> referred to the classes in the catalogue before - I think it was a Mark Fisher PQ.

ACKNOWLEDGEMENT REQUIRED YES/ NO

*Cultural Property Unit*
*Department of National Heritage*
*2-4 Cockspur Street, London SW1Y 5DH*
*Tel: 0171-211 6158*
*Fax: 0171 211 6170*

FAX TRANSMISSION COVER SHEET

*Date:* 26/5/95
*To:* Pat Andrews
*Fax:* 217 6010
*Subject:* PQ's.
*Sender:* *Carol Hobley*

*YOU SHOULD RECEIVE* 2 *PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL 0171-211 6158*

Contrary to what I thought this morning, we have received seven PQ's today! Most of them are about the value of the Archive, but I wonder if you might be able to assist with this one (208 Gordon Prentice)?

Thanks

# HOUSE OF COMMONS PARLIAMENTARY QUESTION

ORAL (*): _____

NAMED DAY (N) WRITTEN: _____

ORDINARY WRITTEN: ✓

MP'S PARTY: LAB

Date PQ was tabled: 25/5/95

For answer on : 6/6/95

Return to PB by : 2/6/95 LM

ACTION OFFICER: MR HELSTON

DIVISION: CPU

MINISTER ANSWERING

Secretary of State ✓

cc

Mr Sproat

208 **Mr Gordon Prentice (Pendle):** To ask the Secretary of State for National Heritage, pursuant to his answers of 24th May, Official Report, column 647, on the cataloguing of the Churchill archive; if he will estimate the number of items and the percentage of the collection that are State papers. (26965)

| ACTION OFFICER (in case of queries) | OFFICIAL APPROVAL (must be Grade 5 or above) | MINISTERIAL APPROVAL |
|---|---|---|
| | | |

Wednesday 24th May 1995

col. 646-647

### Job Losses

**Ms Hodge:** To ask the Secretary of State for National Heritage how many posts were lost in *(a)* the Department of National Heritage and *(b)* agencies for which the Department of National Heritage is responsible, listing the total lost posts agency by agency in (i) 1993–94 and (ii) 1994–95; and how many posts are proposed to be lost in 1995–96. [25074]

**Mr. Dorrell:** The information in respect of the Department of National Heritage and its two agencies is as follows:

| | *1993–94* | *1994–95* | *[1]1995–96* |
|---|---|---|---|
| DNH central Department | nil | nil | nil |
| Historic Royal Palaces Agency | 11.5 | nil | 70 |
| Royal Parks Agency | nil | nil | nil |

[1] Estimate.

col. 647

### Churchill Papers

**Mr. Gordon Prentice:** To ask the Secretary of State for National Heritage how many separate items there are in the Churchill papers; and what are the professional qualifications of those persons who advised him that none of the papers to be sold was a state paper. [25153]

**Mr. Dorrell:** I have never been advised that none of the Churchill papers is a state paper. There are estimated to be around 1.5 million separate papers in the Churchill archive. The archive comprises both state and non-state papers. The papers which were purchased with lottery funds were the non-state papers.

**Mr. Gordon Prentice:** To ask the Secretary of State for National Heritage, pursuant to his answer of 17 May, *Official Report*, column *270* on the value of the Churchill archive, what advice he received from each of the bodies listed, the individual historians and relevant institutions as to the appropriate monetary value of the papers. [25600]

Pat
Forgot to enclose this with the Prentice PQ 208.
Cath

**Mr. Dorrell:** My answer of 17 May related to a question about the historical significance of the papers. As to the value, the National Heritage Memorial Fund took independent advice from a different source; this was from a well respected dealer in the field of antiquarian books.

**Mr. Gordon Prentice:** To ask the Secretary of State for National Heritage if the Churchill papers are fully catalogued. [25154]

**Mr. Dorrell:** An outline catalogue is available at Churchill college, Cambridge and at the national register of archives in Chancery lane.

Work on a detailed catalogue began at Churchill college in 1991. It is expected to take a further five years to complete.

col. 647

### British Broadcasting Corporation

**Mr. Jim Cunningham:** To ask the Secretary of State for National Heritage to what extent the closure of BBC Radio CWR and other local radio stations will affect the BBC's statutory obligations in its charter. [25230]

**Mr. Dorrell:** The BBC's royal charter requires the corporation to provide such broadcasting services and facilities as may be required by any licence granted to, or any agreement made with, the BBC by the Secretary of State. Under the terms of the annex to its current licence and agreement the board of governors recognises that the BBC has a duty to undertake to provide a properly balanced service displaying a wide range of subject

# THE TREASURY SOLICITOR

Queen Anne's Chambers, 28 Broadway, London SW1H 9JS

Direct Line 0171 210 3450 Direct Fax 0171 210 3503

Office of Public Service & Science Legal Adviser

## FACSIMILE

| | | | |
|---|---|---|---|
| **To:** | **Pat Andrews**<br>**Historical & Records Section** | **From:** | **Michael Carpenter** |
| **Dept:** | **Cabinet Office** | **No. of Pages:** | **2 inclusive** |
| **Fax No:** | **0171 217 6010** | **Date:** | **26 May 1995** |

**Re:** **Churchill Archive – PQs**

If this facsimile does not reach you in its entirety, please contact my secretary on 0171–210 3006.

Lab - Great Grimsby

No 139 Mr Austin Mitchell

To ask the Prime Minister, on which occasions the Churchill papers were offered for sale to the government.

No 140 Mr Austin Mitchell

To ask the Prime Minister, whether drafts of Ministers' official broadcasts are classified as official papers.

If such drafts are created or acquired by Ministers by virtue of their office, they would be official papers.

No 141 Mr Austin Mitchell

To ask the Prime Minister, if he will instruct the national Heritage Fund to put the Churchill paprs up for public tender without reservation.

~~No; the papers owned by the~~ charitable ~~trust~~

No; the papers are now owned by the charitable trust established for the purpose of preserving the Archive intact for the nation.

No 142 Mr Austin Mitchell *

To ask the Prime Minister, what consideration he gave when deciding whether the Official Secrets Acts covered the Churchill papers to the case of Peter Wright, and if he will make a statement.

The case to which the Hon. Member refers has little or no relevance to the question of the applicability of the Official Secrets Acts to the Churchill papers. Neither the judgments in that case, nor the Official Secrets Acts are principally concerned with the ownership of documents, but with the disclosure of information.

* Note from Pat | Bill Goodwin - MI. Hoggs may be able to help on this one

Moreover, the litigation in the case referred to was concluded before the Official Secrets Act 1989 was enacted.