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Folio Sheet For File C 667/5 Part

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MAY 2 1997

LABOUR ADMINISTRATION

WJ 0536

FROM: W A JEFFREY
DATE: 20 January 1997

Sir Robin

A. B. F. for

Dep Sec

for me to

Rank

MR COHEN

cc Mrs Hope
Mr Maclean
Mr Burton
Ms Polley
Mr Jenkins
Mr Bender
Mr MacKenzie
Mr Wilkinson
Mr Sandall
Mr Campbell
Mr Rayner (HM Treasury)



CHANGING THE PARLIAMENTARY YEAR

Following a suggestion by Sir Robin Butler, the Lord President agreed that it would be worth doing some technical work before the Election on the implications of a change in the Parliamentary Year. Subsequently I chaired a small group of officials including the Private Secretaries to the two Chief Whips, Parliamentary Counsel's office and the Treasury.

2. I attach a paper which is the product. As you will see, it concludes that, while there would be disadvantages in a spring to spring session, there is no insuperable technical impediment, and there would be substantial advantages in terms of phasing the business of Parliament more evenly.

3. The issue has a bearing on the work which FLG is about to begin on next session's programme. For reasons which are gone into in more detail in papers which I shall submit separately for that purpose, my guess is that, if the Government is re-elected in April or May, an initial 12 month session may well not be thought Ministers to be the most sensible approach. Despite the existence of a reasonable supply of advance drafted Bills, there are likely to be other substantial Bills which cannot be ready until the autumn; and there are significant uncertainties on the European front. Moving to a spring to spring session more gradually may well, however, be an attractive option, although it would involve having only two sessions in the first three years of the new Parliament.

4. In the first place, you may wish to include this note among the papers for the business managers' informal pre-FLG discussion on Wednesday. Subject to their views, I would then suggest circulating it to FLG under cover of a note by the Secretaries, as relevant background to which reference can be made in the main paper.



W A JEFFREY
Economic and Domestic Affairs Secretariat
Extn: 0189

THE PARLIAMENTARY YEAR

In a speech on constitutional matters on 26 June 1995, the Prime Minister floated the idea of a change in the Parliamentary year. He said:

"I believe we could start by looking at the Parliamentary year. The House is swamped at the turn of the year with debates on The Queen's Speech, the Budget, and the Second Reading of the bulk of the Government's major Bills.

I think there is a case for change here. I would like to examine starting the Parliamentary year in May not November, so that some of these processes can begin earlier and be spread more evenly."

2. In a debate on Parliamentary procedure in the House of Commons on 11 July, the Lord President expanded on this theme, and set out in a little more detail how a "spring to spring" Session would work (Hansard extract attached).

3. The practical implications of a "spring to spring" Session are best addressed in terms of Parliament's two main cyclical activities - legislation and supply. These are covered in paragraphs 4 to 9 (legislation) and paragraphs 10 and 11 (supply) below. Other important activities, such as debates on Government and Opposition motions (including regular set-piece debates such as those on the armed forces) and the work of Select Committees would appear to be largely unaffected by a change in the Parliamentary year. But there are implications for the scrutiny of European Community documents, which are discussed in paragraph 12 below.

Legislation

4. The main advantage of starting the Session in the spring is that, assuming the unified Budget statement in November continues to be favoured by Treasury Ministers, the introduction and Second Reading of the main Government Bills at the beginning of the Session would be distanced from the debate on the Budget. As things stand now, especially if a spill-over proves necessary, the debates on The Queen's Speech and the Budget dominate the period from late October to Christmas in the House of Commons. There is consequently very little time for legislation. Many of the Government's major Bills do not receive a Second Reading until after the New Year, and the time available for scrutiny of Bills is more compressed than it need be.

5. If the Session started after the Whitsun Recess, the period between the end of the debate on The Queen's Speech would become the "Second Reading season" for main Government Bills. Most, if not all, of those started in the Commons would be in Standing Committee before the Budget, and some would already have completed their Commons stages. The Lords would have more time to deal with the Commons starters. Using the Whitsun Recess as the dividing point between sessions would also be consistent with retaining 5 May as the date by which the Finance Bill has to receive Royal Assent.

6. The only possible draw-back is that the disparity between the two Houses in the time required to process Bills would become even more apparent than it is now. Other things being equal, there would be a period in the early spring when the Lords was effectively catching up and the Commons had less business. At the moment this tends to be obscured by the spill-over.

7. Within Government, the cycle on which the legislative programme is prepared would need to be altered. It would probably be sensible for the main trawl of Departments to be launched in the summer, with FLG conducting most of its business in the autumn and the Cabinet reaching a provisional view on the contents of the programme in late October/early November. This would mean that the FLG and EDX exercises would be more or less synchronised, which would have

- the advantage that Bills required for public expenditure reasons could be played into the programme when it is first settled, rather than as an afterthought, as now; but
- the disadvantages that it would put great pressure on those Ministers who were Members of both Committees, and would delay savings from EDX recommendations, since (unless it was treated virtually as emergency legislation in what remained of the current session) the relevant legislation could not be introduced until the following spring.

8. One significant internal effect of changing the Parliamentary year would be on the Office of Parliamentary Counsel. At present much of the drafting of Bills is done during the summer when Parliamentary Counsel have fewer other commitments. If the session began in May, those Bills which were not advance drafted would end up being prepared in the early months of the calendar year, when the draftmen

would still be committed to Bills going through Parliament from the current session's programme. x

9. For a new Parliamentary year to work, it would be necessary for there to be a significant further expansion of advance drafting, sufficient to enable a good deal of the work to be done during the summer. For these purposes it might make sense for FLG to do its work in two stages, addressing candidates for advance drafting early in the calendar year as is done now, but postponing decisions on Bills actually to be introduced until towards the end of the year, as described above. The extent to which the new timetable relied on advance drafting would put the arrangements under particular strain in an Election year.

Supply

10. Attached is a detailed note by the Treasury on the implications of a spring start for supply. Briefly the conclusions are that:

- the December and March Consolidated Fund Acts covering the Winter and Spring Supplementaries, Vote on Account and any Excess Votes could continue broadly as now, and might in fact, in some respects, be eased;
- similarly the Summer Supplementaries would be unaffected, although on the new timetable they would be sought early in the session;
- the only difficulty is likely to arise over the main Estimates which are currently presented at the end of March, with the relevant Parliamentary proceedings (including on the Appropriation Act) before the House rises at the end of July. Since it is an important constitutional principle that all Supply created in any session is appropriated before the end of the session, leaving the Parliamentary proceedings until the end of July would not be an option. On the other hand, if the Estimates were presented at the end of March and voted on in May, there might be criticism that Parliament had had insufficient time to scrutinise them. The Treasury note offers two options for dealing with this. In simple terms one (which the Treasury prefers) would involve settling for the fact that the time for scrutiny would be reduced and consulting the relevant Committees on that basis - on the argument that in practice the starting point for debates is a Select Committee report which the Liaison Committee wishes to see debated, rather than an examination of the

individual estimates. The other option would involve appropriating what was necessary to maintain services before the end of the Session and debating the Estimates themselves in the following Session - which, for the reasons given in the note (which boil down to the essential artificiality of appropriating money before the Estimates have been approved and the risk of practical problems in delivering the Estimates), the Treasury would regard as less satisfactory.

11. This major issue apart, the only consequence for supply of changing the Parliamentary year would be some relatively minor amendments to Standing Orders.

Scrutiny of European Community documents

12. The main implication for European scrutiny is that the period when the European Standing Committees go into abeyance (between prorogation and the first meeting of the Committee of Selection in the new Session) would move from the autumn to the spring. If the Session started as early as the first week in May, this need not cause any problem, and might even be easier to manage than the present crush of European business between mid-October and Christmas. If, however, the Session started after the Whitsun Recess (as postulated in paragraph 5 above) there could be difficulties in handling urgent business for decision by the end of June. These could be dealt with by an earlier start, or by nominating the Standing Committees for a whole Parliament rather than a single session. The latter would require an amendment to Standing Orders.

Other matters

13. Other consequences which would need to be taken into account, but do not seem fatal, are:

- the implications for the Party Conferences, unless they were moved to around Easter, they would take place in the middle of the Session;
- the fact that the local elections would take place (on the first Thursday of May) very close to the beginning of the Parliamentary session.

Conclusion

14. To sum up, where is no technical impediment to a spring to spring session. Assuming the Budget remains in November, there are substantial advantages in terms of phasing the business of Parliament more evenly. The disadvantages (none of which seems insuperable) are:

- the risk of significant unevenness in the workload of the Office of Parliamentary Counsel, with a peak in pressure in the early part of the year;
- problems over the handling of Parliamentary proceedings on the main Estimates;
- some risk of criticism over the effectiveness of European scrutiny unless the Session could start as early as the first week in May or Standing Orders could be amended to allow the Standing Committees to be nominated for a Parliament rather than a Session.

Cabinet Office
January 1997

IMPLICATIONS FOR SUPPLY OF CHANGING THE PARLIAMENTARY YEAR

This note considers the implications for Supply of changing the Parliamentary year from a November to a May/June start.

Current arrangements

The normal Supply timetable during the November-October Parliamentary year is as follows:

Year 1 Winter Supplementaries and Year 2 Vote on Account

Presentation	mid-November
Parliamentary proceedings (inc Consolidated Fund Act)	mid-December

Year 1 Spring Supplementaries and Year 0 Excess Votes

Presentation	mid-February
Parliamentary proceedings (inc Consolidated Fund Act)	mid-March

Year 2 Main Estimates

Presentation	end-March
Parliamentary proceedings (inc Appropriation Act)	end-July

Year 2 Revised Estimates and Summer Supplementaries

Presentation	mid-June
Parliamentary proceedings (inc Appropriation Act)	end-July

Implications of moving the Parliamentary year to a May/June start

If the Parliamentary year began in May/June rather than November, the December and March Consolidated Fund Acts covering the Winter and Spring Supplementaries, Vote on Account and any Excess Votes could continue broadly as now. Indeed the new arrangements would on balance be helpful in terms of easing the passage of the Winter Consolidated Fund Bill

before Christmas (essential to protect the Contingencies Fund) since there would be less other competing business.

Similarly, the Summer Supplementaries could still be presented in mid-June at the start of the new session and be voted before the summer adjournment.

The main implications would be for the **Appropriation Act** in so far as it concerns the Main Estimates, Revised Estimates and the Vote on Account.

It is an important constitutional principle that all Supply granted in any session is appropriated before the end of the session (see *Erskine May* pages 708-9, paragraph 11.2.25 of *Government Accounting* etc). There would therefore need to be an Appropriation Act each May to close the session.

Options

A May Appropriation Act could tie up the Winter and Spring Supplementaries and Excess Votes without difficulty. It would also need to appropriate the Vote on Account. Assuming we continued as now to present the Main Estimates in March (ie in advance of start of the financial year to which they relate) that would mean either:

1. appropriating the balance to complete from the Main Estimates alongside the Vote on Account in May; or
2. appropriating the Vote on Account in May but not the balance to complete from the Main Estimates¹.

¹ This assumes there is no objection to presenting Estimates during one session but not voting them until the next. This does not happen at present but there seems no overriding objection to doing so except at the end of a Parliament: paragraph 169 of *Supply and other Financial Procedure of the House of Commons* states that "any Supply not voted by the outgoing Parliament must be left over to be granted by the new Parliament. For this purpose the Estimates must be re-presented in full as soon as the new Parliament has assembled..."

Option 1 is the more natural approach, since the Main Estimates would be appropriated during the session in which they were presented to the House of Commons. This is analogous to what happens at present in the event that Parliament is dissolved for a General Election in the Spring after the Main Estimates have been presented. But it would reduce by around two months, on a permanent basis, the time the House of Commons currently has to scrutinise and, if it so wishes, debate the Estimates. (With an end-November Budget, it is impracticable to present the Main Estimates earlier than the end of March.) This approach would also mean that it would no longer be possible to present Revised Estimates in the summer round (to vary the terms of a Vote or reduce the amount sought) because the Main Estimates would always by then have been appropriated.

The difficulty caused to the House of Commons by a reduction in the amount of time available for scrutinising the Estimates may however be more theoretical than real. In practice the Liaison Committee does not select an individual Vote for debate on an allotted Estimates day on the grounds that the provision sought is £x rather than £y. Instead the starting point is a select committee report which the Liaison Committee wishes to see debated; and the detailed scrutiny of the Estimates, when they are presented, may amount to little more than identifying the Vote which is the most appropriate peg for a debate on the subject matter of the report. Even so, there could well be opposition to any change from the Parliamentary committees (Treasury Committee, PAC, Procedure Committee and the Liaison Committee) which would have a claim to be consulted.

Option 2 would continue to allow the House of Commons some 3-4 months to consider the Main Estimates. But it would mean that each year the Vote on Account was appropriated before the balance to complete from the Main Estimates had been voted and appropriated. This can cause significant difficulties if the Estimates envisage a different pattern of expenditure from that which underlay the amounts included in the Vote on Account (for example if there is a redistribution of services between departments). If the Vote on Account has not been appropriated, it is possible to redistribute the allocation between individual Votes. But if the Vote on Account has been appropriated Vote by Vote, care must be taken that the Main Estimates and any Revised or Supplementary Estimates take due account of that fact. The subsequent Appropriation Act must appropriate, for each Vote, the precise

amount still required beyond the amount already appropriated in the Vote on Account.

The last time this situation occurred was in 1974 when the Vote on Account for 1974-75 was appropriated in advance of the February 1974 Election. This caused considerable difficulties. The Election was followed by government changes requiring Revised and Supplementary Estimates and this inadvertently led to inconsistencies between the February 1974 and July 1974 Appropriation Acts. The total amounts appropriated were correct, but insufficient amounts were appropriated to certain Votes and excessive amounts were appropriated to other Votes. These inconsistencies were regularised in an Excess Vote in March 1976 following a qualification by the Comptroller and Auditor General in his audit certificate to the Consolidated Fund Account for 1974-75.

A variation on **Option 2** would be to present the Main Estimates in June. That would avoid presenting Estimates in one session but not voting them until the next. But it would mean presenting Main Estimates some 2-3 months later than at present (and well into the new financial year); it would leave the House of Commons only around a month to scrutinise them (instead of 3-4 months at present); and it would still mean that the Vote on Account was appropriated before the balance from the Main Estimates had been voted and appropriated.

Either variant of **Option 2** would require two Appropriation Acts each session if the balance to complete from the Main Estimates continued as now to be appropriated in the summer.

Conclusion

It would be technically possible to adapt Supply procedures to accommodate a Parliamentary year beginning in May/June under either of the options discussed above. While each approach has some disadvantages compared with the present arrangements, **Option 1** (appropriating the balance to complete from the Main Estimates at the end of the session in May alongside the Vote on Account) seems by far the more attractive approach, subject to the views of the Parliamentary committees.

HM Treasury
December 1996

[Sir Peter Emery]

a question, but he would not have to give notice of that question until noon on the Wednesday before Prime Minister's Question Time. So the degree of topicality could be enhanced.

Mr. Newton: I accept that it could be enhanced, but I feel strengthened in remaining somewhat sceptical by the point raised by the hon. Member for Walsall, North (Mr. Winnick). He specifically referred to a question asked of the Deputy Prime Minister this afternoon that might not have been possible had the hon. Member for Falkirk, West (Mr. Canavan) been required to give notice of his question by noon yesterday.

In no sense am I set in concrete against change; I am simply trying to sketch some of the reasons that lead me to be sceptical about most of the proposals so far. Many of the same points would apply to the proposal by the hon. Member for Dewsbury that there should be a 30-minute session of Prime Minister's questions once a week dealing with specific questions that had been tabled the night before.

Mr. Paul Flynn (Newport, West): Does the Leader of the House recall the Prime Minister saying that, if he had notice of the details of questions beforehand, he would provide a more rational and constructive answer?

In my optimism, I provided the Prime Minister with the full details of a question on an important matter relating to pensions. I asked the question exactly as I had presented it—stripped of adjectives—and in an entirely unprovocative way, but sadly, the answer I received from the Prime Minister was described in an editorial in *The Times* as a typical civil service briefing, with a party political taunt in the tail.

Is it not the case that there is no hope of reform unless Prime Ministers can resist the temptation to make party political points at the Dispatch Box when millions of people are watching Prime Minister's Question Time?

Mr. Newton: What a nerve the hon. Gentleman has to complain about putting party political points in answers to questions! I have to put up with it from him every Thursday. Without knowing the details of the item that the hon. Gentleman has in mind, I sometimes feel that the difficulty of providing a rational and considered answer is related more to the question.

Mr. Flynn: The right hon. Gentleman has obviously forgotten the occasion—it was a rare one—when I did not make any party political points. I deliberately did not give the Prime Minister my “yah”, but he gave me his “boo” in return.

Mr. Newton: That was probably because my right hon. Friend was so surprised that the hon. Gentleman had not given his “yah”.

My right hon. Friend the Prime Minister has made it clear that the arrangements for Prime Minister's questions are for the House to decide. I shall listen with interest to the contributions of hon. Members from both sides of the House that may be made in this debate—some of which have already been made. At this stage in the Parliament,

I doubt that it would be right to make substantive proposals for change. It may, however, be a matter to which the new Parliament will want to return.

A more recent report from the Procedure Committee, on which there has so far been very little comment—I shall not be able to make a great deal tonight but certainly ought to touch on it—is on delegated legislation. As we have come to expect, the report is comprehensive and informative, and makes a large number of recommendations.

If I were to pick out the most significant, I would mention the idea of a special sifting committee to decide which negative instruments are worth debating, starting each meeting of a Standing Committee on delegated legislation with a statement by the Minister followed by questions—rather like the pattern of European scrutiny Committees—and debating statutory instruments in Committee and on the Floor of the House on amendable motions. I have no doubt that my right hon. Friend the Member for Honiton will want to set out his Committee's approach more fully on those matters.

Certainly all the ideas are interesting, although they would have very far-reaching implications for the way in which we deal with delegated legislation in the House, and would need to be considered very carefully. For the moment, therefore, I shall cautiously confine myself to welcoming the opportunity of hearing what hon. Members have to say on the matter.

As I have explained to my right hon. Friend the Member for Honiton—I hope that he has received my letter—I do not think that in this area, as with Prime Minister's questions, it would be appropriate to try to bring forward significant changes of such potential importance at this late stage of the Parliament. Again, however, it seems likely that the next Parliament, with the benefit of any views that hon. Members may express this evening, will want to consider whether there should be further change in that area.

I can be somewhat less cautious about one aspect of another recent report concerning arrangements for swearing in at the beginning of a new Parliament, when, as the Committee rightly said, there can sometimes be considerable confusion, bordering on chaos, especially on the first day. The Committee's proposal to deal with the problem is that Members should be sworn in by seniority by Parliament of first entry or, for Members with broken service, by Parliament of most recent entry. Specified times would be allotted on each day for each cohort of Members, so that they would have a much better idea than they have now of when their time would come.

I have discussed the Committee's recommendation with Madam Speaker, and she has authorised me to say that, if she is re-elected to the Chair in the next Parliament—a proposition that I am sure would command widespread acclaim—she will be content to conduct the swearing in of Members in the way the Committee has recommended. I have written to my right hon. Friend the Member for Honiton to confirm that, and I hope that he will regard it as a satisfactory outcome.

In what is a somewhat abbreviated speech, I want to expand on two important suggestions that my right hon. Friend the Prime Minister made in a recent very wide-ranging speech on the constitution and making further improvements. He made the first by saying:

“I believe we could start by looking at the parliamentary year. The House is swamped at the turn of the year with debates on the Queen's Speech, the Budget, and the Second Reading of the bulk of

the Government's major Bills . . . I would like to examine starting the parliamentary year in May not November, so that some of these processes can begin sooner and be spread more evenly."

Under the present arrangements, we reassemble after the party conferences and spend—sometimes—a couple of weeks considering Lords' amendments, and then generally tidying up the loose ends of the old Session. Then we have a short break for Prorogation—sometimes of unpredictable duration and bearing no particular relation to school holidays or half terms, which can cause difficulty to Members with young families.

Then we have the state opening, with a lengthy and wide-ranging debate. Shortly afterwards, we have the Budget, which also gives rise to a lengthy debate. So we are into December before we start debating the main elements of the Government's programme, and January by the time the detailed examination of legislation is properly under way.

With a spring state opening, we could deal with the debate on the Loyal Address before the Whitsun recess, which is one of the more predictable features of the parliamentary calendar. After Whitsun, we would get on with Second Reading debates. By the summer recess, which I would expect to start at about the same point in July as it does now, the Standing Committees would be in full swing, and they could continue when the House reassembled in October.

The unified Budget in late November would inaugurate the second half of the Session. We would take the Finance Bill in January as now, but by then, the major Bills should have completed their passage through the House, so the large and active Standing Committee that the Finance Bill requires would meet at a time of significantly reduced pressure, on both Members' time and the House's facilities. By 5 May, which is the deadline for Royal Assent of the Finance Bill under existing legislation, the Session would be coming to an end.

The change that I am examining on behalf of my right hon. Friend the Prime Minister would give the Session a better balance and improve the House's ability to scrutinise the Finance Bill and other legislation, but without losing any of the advantages of bringing tax and spending decisions together in a unified Budget. It has the additional advantage that it could be accomplished with only minor amendments to the Standing Orders and procedures.

Incidentally, although the pattern of November to October Sessions is one with which we have all grown up, there is nothing unalterable about it. Of the past eight Parliaments, only one began in the autumn—the one in October 1974. The Sessions of all the others began some time between March and June. For much of the 19th century, the Session did not begin until after Christmas—usually in February—and used to continue through the London season, which has rather disappeared, well into August. Clearly they bothered less about grouse shooting in those days. We should not be afraid of practical changes for which a good case is made out.

I am glad for hon. Members who want to speak that this is the last part of my speech. My right hon. Friend the Prime Minister's second point concerned the planning of legislation and the legislative programme. He said:

"I'd like to develop more structured planning of the legislative programme and more time for consultation. I believe this could be done by preparing each year not only detailed proposals for the

Queen's Speech covering the next Session, but provisional plans for what would be in the speech for the year after that. This would give Departments the opportunity to bring forward detailed proposals including, in some cases, draft Bills, for consultation in the year before the actual legislation was brought before Parliament."

We have already shown—I think that the hon. Member for Birmingham, Perry Barr (Mr. Rooker) would acknowledge it—that we are firmly committed to raising the quality of legislation, and have developed, especially in the past three years, the practice of drafting Bills well in advance and publishing them in draft form for consultation before they are due to be introduced into Parliament. The advantage, of course, is that that enables informed comment by interested parties outside Parliament on the detail and practical effect of the proposed legislation to be made, so that any shortcomings are more likely to be discovered and dealt with before the Bill is introduced, rather than by revising it as it proceeds.

Last Session, we published five Bills in advance in this way. They were all included in the current Session's legislative programme, and have all received Royal Assent. This Session, we have published draft Bills on adoption, building societies and merchant shipping, and hope to introduce them in due course when a suitable opportunity arises, although that does not guarantee that they will appear in the next Queen's Speech.

My right hon. Friend the Prime Minister has now carried this approach forward by suggesting not a two-year Session—as some at first thought—but a Queen's Speech that would not only set out the Government's intended legislative proposals for the Session in question, but look ahead in a somewhat sketchy and provisional way by including an indication of what might be covered in the Government's legislative programme for the following Session. Detailed proposals—including, in some cases, draft Bills—could then be brought forward for public consultation in the way I have described.

I would not envisage that this more tentative part of the Queen's Speech would cover the entirety of the Government's programme for the Session, because it is not always possible for the Government to establish their legislative priorities as clearly as that quite so far ahead. There are always things that one had not thought of when one started that come up. But it should be possible to give a significantly greater indication of the Government's intentions than is given at present.

As my right hon. Friend the Prime Minister said, such a proposal would give significant help to Departments in properly preparing Bills by providing greater certainty. It would certainly be of great help to parliamentary counsel, who are sometimes hard-pressed in planning their work on the drafting of Bills. One point I wish to make in this context—to which many of the hon. Members in the Chamber will attach importance—is the desirability of associating Parliament, and not simply outside bodies, with the opportunities that such a proposal would provide for greater pre-legislative consultation.

Mr. Dalyell: If there were a shortage of parliamentary draftsmen—who play a vital part in the legislative process—that could create tremendous bottlenecks for the Government. We have been told that the Government are having problems in recruiting these extremely skilled



Foreign &
Commonwealth
Office

London SW1A 2AH



13 January 1997

Ms Jan Polley
PS/Sir Robin Butler
Cabinet Office
70 Whitehall
LONDON
SW1A 2AS



C. M. Polley

Dear Ms Polley,

Ministerial Committee on Legislation

Sir Nicholas Bonsor is the Foreign Office Minister who sits on LG. I should be grateful therefore if all LG correspondence could be addressed directly to Sir Nicholas Bonsor, and not just to "Minister of State, Foreign Office", as this can result in significant delays in papers reaching this office.

Departments wishing to fax correspondence can do so on 0171 270 3539.

I am copying this letter to Private Secretaries to the Prime Minister and members of the Committee.

Yours sincerely,

John Gimblett

John Gimblett
Private Secretary to
Sir Nicholas Bonsor Bt MP

C667/S

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FOLIO
41
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Ref. A096/2771

C. PS/Chief Whip

MR COHEN

c Mr Jeffrey
Mr Sandell

The Parliamentary Year

I saw that Sir Terence Higgins argued in the debate on The Queen's Speech yesterday that, if it was decided to move the start of the Parliamentary Session to May from November, an ideal opportunity to do so would arise after the election, by having a 12 month, instead of an 18 month, session then. In his wind-up speech, the Lord President responded positively. I also saw that Sir Terence suggested that, if the Government saw advantage in such change, there should be discussions between the usual channels ahead of the dissolution of Parliament.

2. The thought occurred to me that, if the Government was in favour of making such a change, some technical work ought to be done about it between now and the Election. If such a change were to be made, a decision would have to be made about it very shortly after the Election and, unless there had been such work, it is unlikely that whoever wins the Election would be in a position to take a decision on it with confidence. For that reason, if the Government did see merit in a change of this sort, I share Sir Terence's view that there would be advantage in talks with the Opposition before the Election.

3. The purpose of this minute is therefore to ask whether the Lord President is interested in pursuing this possibility. If so, it would be possible to put together a small working party representing, say, the business managers, Parliamentary Counsel and the Treasury, which might be requested to report by Christmas. This should then give some time for the Government to discuss such a change with the Opposition and the house authorities before the end of the Parliament. The Palace would also need to be brought in at some point.

4. Perhaps you would let me know whether the Lord President would wish such technical work to be put in hand.

F.E.R.B.

ROBIN BUTLER

1 November 1996



CABINET OFFICE

70 Whitehall London SW1A 2AS Telephone 071-270 0242

JAN POLLEY



CABINET OFFICE	
A	15591
15 OCT 1996	
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FILE No.	C667/5

15 October 1996

Dear Michael,

LG COMMITTEE: 15 OCTOBER

A short meeting of the Ministerial Committee on Legislation (LG) was held today. I wish to offer my apologies to members of the Committee who were inconvenienced by the very late start to the meeting.

The Committee discussed the Bills on Local Government and Rating and on Civil Procedure. It agreed that both Bills were ready for introduction, subject to any points which members of the Committee who were unavoidably absent, might wish to make on the policy or Parliamentary handling of the legislation. I should be grateful to know, therefore, whether your Minister would wish the introduction of either Bill to be subject to specific points. In particular, I should welcome confirmation from the Financial Secretary's Office that he is content with the financial and manpower implications of both Bills, and from the Law Officers' and Sir Nicholas Bonsor's Offices that there are no European Union or ECHR problems with either Bill. I should be grateful for any responses by close on 18 October.

Our aim is to ensure that Bills which could not be dealt with today will be taken at one of the next two meetings of the Committee, on 22 or 30 October.

I am copying this letter to the private secretaries to the Prime Minister, members of LG and to Lord Inglewood, and to Jan Polley here in the Cabinet Office.

Yours,
Andrew

ANDREW CAMPBELL

Michael Lugton Esq
PS/Secretary of State for Scotland

CABINET OFFICE
A 17136
- 6 NOV 1996
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Government Chief Whip
12 Downing Street, London SW1A 2AA

Sur Robin
Murdo thought you might be
interested to see
this. 40
M

This is the note I
wrote for the Cranbourne
Group. The PM referred
to the proposal in his
speech on the Constitution.
I think it all works.

22 January 1996

From the Private Secretary

Yes. We're presumably
still waiting for the LP's
reply to my minute
A 6/11
RBB 6/11

Dear Joan,

At the meeting of Lord Cranbourne's Group on 16 January, I was invited to prepare a discussion paper for the meeting on 23 January on the advantages or otherwise of beginning the Parliamentary Session in May. This is attached.

A number of the issues that arise are of a party political or of a technical nature. But I think that the points which have been identified for further consideration are the main ones.

I am copying this letter and enclosure to the Lord President, Lord Strathclyde, Alex Allan, Christopher Jenkins, Andrew Whetnall, Dominic Morris and Douglas Slater.

yours,

Murdo

MURDO MACLEAN

Mrs J M Bailey
Principal Private Secretary to the
Lord Privy Seal
Privy Council Office
Whitehall
London SW1A 2AT

CONSIDERATIONS

Legislation

A May/June State Opening avoids the clash between the start of the legislative programme and the Budget and the ensuing Finance Bill.

It should, therefore, be possible in principle to treat the period between May and the summer as the Second Reading season, so that Standing Committees are up and running well before the Summer Recess.

PALACE

Sir Robert Fellowes has previously indicated that he can see no inherent objection to a State Opening in May/June.

POLITICAL

Local Elections are normally the first Thursday in May.

A May/June start to the session would complicate the calling of an early summer election because either notice would have to be given of the cancellation of State Opening, or State Opening would be followed very shortly by a dissolution. Either course might seem clumsy.

The current timing of the Party Conferences may not lie happily with a May start to the session. From the Government's point of view, new political launches at the Conference would be difficult because the legislative programme would already be well under way. Any change to the Conference season would take some time to organise and would have ramifications for resorts' economies.

TIMING

The session could not end until Royal Assent had been achieved on the Finance Bill, the deadline for which is 5 May. State Opening would have to follow relatively rapidly if the debate on the Queen's Speech were to run into the Whitsun recess.

At the end of every session ^{is not} there is usually a period of time in which the Lords are in effect catching up with the Commons on the legislative programme. That period is normally in early October at the end of the Conference season when the Lords are sitting and the Commons not. It would now occur in late April or early May, and could leave the Commons with little business or not sitting: the Lords might like this less.

PROCEDURALSupply

Probably the most complex issue is that of the relationship between the proposed new *Sessional dates* and those of the *financial year*, assuming the latter is unchanged. The roll-up dates in SO No 53 could readily be altered, but we would have to continue to respect the rule that all supply granted in a session is appropriated before the end of the session. And we would have to change the present system by which there is a logical progression in the same session from Vote and Account in FY1 before FY2 begins to voting outstanding balances a third of the way through FY2.

After the proposals, the picture might look like this. Vote on Account in FY1 for FY2, but perhaps a little earlier in the year than at present. (There would also be a need, I think, to appropriate the Vote on Account separately, which would mean breaking it down to subheads: this might be a problem.) The outstanding balances for FY2 would be voted (say) in the late spring. I am not certain if they would need to be appropriated, but if they were, we would need two Appropriation Bills a session - not, I think, a real problem. But all this wants looking into in detail, from both the parliamentary and government accounting point of view.

Standing Orders

A trivial amendment to SO No 52 on Estimates days would be necessary. Otherwise, in terms of Private Members' Bills, Opposition days and so on, the Standing Orders could stand the strain.

Finance Bill

One of the benefits would be to separate the Address from the Budget again. Of course, if the Budget date were altered, there would have to be an amendment to the Provisional Collection of Taxes Act the timetable of which envisages Resolution in November or December which expire on "5 May in the next calender year". See Timing above.

Committees

Leaving aside new Parliaments, it does not appear at first sight that altering the sessional break would make much difference to select committees.

Others

It might be sensible to regard the Whitsun adjournment as the sessional break, ie fixing it in advance (more or less) and also reducing the number of non-sitting days (because we would no longer have a Whitsun adjournment and a prorogation recess). The House could return after the conferences with a reasonable unbroken sitting period before the Budget and then Christmas.