

CONFIDENTIAL

10 DOWNING STREET

THIS FILE MUST NOT GO OUTSIDE 10 DOWNING ST

| | | |
|--|--|---------------------|
| FILE TITLE: REFORM | | SERIES |
| | | CONSTITUTION |
| | | PART: 17 |
| PART BEGINS: 15 October 26 JULY 2000 | PART ENDS: 2 May 7 JUNE 2001 | CAB ONE: |

LABOUR ADMINISTRATION

Part closed

PREM 19/1790

CONFIDENTIAL

PART

CLOSED

| | | |
|-------------|--|-------------|
| DATE CLOSED | | 7 JUNE 2001 |
|-------------|--|-------------|

Series : CONSTITUTION

File Title : Reform

Part : 17

| Date | From | To | Subject | Class | Secret |
|------------|-------------|----------|---|-------|--------|
| 05/10/2000 | HO | Cab Off | The Wilson Doctrine-Enquiry from the People Newspaper | C | 0 |
| 09/10/2000 | SOC | PM | Devolved administrations and general election purdah7/11/00 | C | 0 |
| 07/11/2000 | Ch.Staff | SOC | Devolved administrations and general election purdah | C | 0 |
| 22/11/2000 | PS/SOC | Ch.Staff | Devolved Administrations and General Elections | U | 0 |
| 18/12/2000 | SS/NIO | LC | Devolution Guidance Note (DGN) on the role of the Secretary of Stat | U | 0 |
| 22/12/2000 | LC | DPM | Review of the Memorandum of Understanding and Supplementary A | U | 0 |
| 15/01/2001 | SS/DoH | LC | Review of the memorandum of understanding and supplementary ag | U | 0 |
| 22/01/2001 | DPM | LC | Review of the Memorandum of Understanding and Supplementary A | R | 0 |
| 26/01/2001 | PA/PS | PM | Political Parties, elections and referendums act : Implementation | R | 0 |
| 27/01/2001 | SS/DTI | LC | Review of the Memorandum of Understanding and Supplementary A | U | 0 |
| 29/01/2001 | PA/PS | HO | Political Parties, elections and referendums act : Implementation | R | 0 |
| 12/02/2001 | LC | DPM | Review of the Memorandum of Understanding and Supplementary A | C | 0 |
| 27/02/2001 | LC | DPM | Review of the memorandum of understanding and supplementary ag | C | 0 |
| 05/03/2001 | LP | DPM | Legislation on refererndums | C | 0 |
| 26/03/2001 | NI/Assembly | LC | Review of the Memorandum of Understanding and Supplementary A | C | 0 |
| 30/03/2001 | HOC | SOC | From Kevin McNamara MP: Reorganisation of Govt Depts following t | U | 0 |
| 02/04/2001 | EA/PS | LCO | Review of the memorandum of understanding and supplementary ag | U | 0 |
| 09/04/2001 | LC | LP | Devolution Guidance Note 8: Post-Devolution Primary Legislation aff | U | 0 |
| 18/04/2001 | DPM | LP | Legislation on Referendums | C | 0 |
| 02/05/2001 | LC | SS/DTI | Devolution Guidance Note 8: Post-Devolution Primary Legislation Af | U | 0 |

FROM THE RIGHT HONOURABLE THE LORD IRVINE OF LAIRG

**MATRIX**

HOUSE OF LORDS,

LONDON SW1A 0PW

CS

cc: JS
JB
MP
P

2 May, 2001

The Rt Hon Stephen Byers MP
Secretary of State for Trade & Industry
1 Victoria Street
LONDON
SW1H 0ET

Dear

Stephen,

**DEVOLUTION GUIDANCE NOTE 8: POST-DEVOLUTION PRIMARY LEGISLATION
AFFECTING NORTHERN IRELAND**

Thank you for your letter of 25 April commenting on the draft of the Devolution Guidance Note circulated under cover of my letter of 9 April to Margaret Beckett. You addressed three aspects of the draft Note.

You were concerned at the expectation that all proposals for Westminster legislation applying to Northern Ireland should be the subject of consultation with the Northern Ireland Executive. You thought this went too far, increasing the burdens on Whitehall Departments. Moreover you thought it inconsistent with the parallel guidance on primary legislation affecting Scotland (DGN 10). I accept that the Guidance Note does indeed go slightly further than DGN 10. The aim is to learn from our experience in the 1999/2000 session, where inadequate consultation with the devolved administrations led to delays and handling difficulties for a number of Bills. Moreover, departments have not always spotted the potential implications of their proposals for devolved responsibilities. I therefore think it advisable to err in favour of more consultation rather than less, a view which I know the Business Managers share.

You queried the definition of those Government legislative proposals which would be subject to the agreement of the Northern Ireland Assembly. I understand that your officials have subsequently discussed the definition with the Cabinet Office and have agreed a minor amendment to paragraph 4III of the Note, clarifying that it applies only to legislative proposals dealing with transferred matters and not excepted or reserved matters. I gather that this amendment is acceptable to the Northern Ireland Executive.

You also noted that both this Note and DGN 10 would need to be revisited once revised protocols have been agreed with the devolved administrations on the handling of Private Members' Bills which seek to alter the law on devolved matters in Scotland or Northern Ireland. I understand that the Cabinet Office have work on this in hand.

I shall be publishing the finalised text of Devolution Guidance Note 8 on Thursday 3 May by means of an arranged PQ. It will also be available on the Cabinet Office web site.

I am copying this letter to members of DP and to Sir Richard Wilson.

Yours *ever,*
Derry

SJ
cc: b

CONFIDENTIAL
FROM THE DEPUTY PRIME MINISTER



The Rt Hon Margaret Beckett MP
President of the Council
Privy Council Office
2 Carlton Gardens
LONDON
SW1Y 5AA

DEPARTMENT OF THE ENVIRONMENT
TRANSPORT AND THE REGIONS

ELAND HOUSE
BRESSENDEN PLACE
LONDON SW1E 5DU

TEL: 020 7944 3011
FAX: 020 7944 4399
E-Mail: john_prescott@detr.gsi.gov.uk

WEB SITE: www.detr.gov.uk

OUR REF: P/9036/01

18 APR 2001

LEGISLATION ON REFERENDUMS

Thank you for your letter of 30 March.

I acknowledge, of course, that whilst LP and Cabinet agreed that my proposal for a Regional Government Referendums (England) Bill is a contender for the First Session of the next Parliament, this bid is not included in the A and B lists which the Cabinet have provisionally agreed for the moment.

However, as you say, the final programme will only be decided in the summer. We will have the opportunity to look at this again at that stage, not least in the light of possible Manifesto commitments.

I am copying this letter to the Prime Minister, other members of LP, and to Sir Richard Wilson and First Parliamentary Counsel.

JOHN PRESCOTT



INVESTOR IN PEOPLE

FROM THE RIGHT HONOURABLE THE LORD IRVINE OF LAIRG

F

HOUSE OF LORDS,
LONDON SW1A 0PW

The Rt Hon Margaret Beckett MP
President of the Council and Leader
of the House of Commons
Privy Council Office
2 Carlton Gardens
LONDON
SW1Y 5AA

SU
JPO
JH
CS
PV

9 April 2001

Dear Margaret,

**DEVOLUTION GUIDANCE NOTE 8: POST-DEVOLUTION PRIMARY
LEGISLATION AFFECTING NORTHERN IRELAND**

As you know, the Cabinet Office is responsible for a suite of Devolution Guidance Notes. These are intended primarily as a guide for officials working in UK Government departments. But they are also made available publicly by way of their publication on the Cabinet Office's website.

I now attach a copy of Devolution Guidance Note 8: *Post-Devolution Primary Legislation Affecting Northern Ireland*. This has been prepared in close collaboration with John Reid's officials, as well as David Trimble's and Séamus Mallon's. UK Government departments have also been consulted at official level. Its aim is to ensure that there is engagement with the Northern Ireland Executive Committee at an early stage in the preparation of UK Government legislation, so that potential areas of difficulty are identified and resolved wherever possible before the relevant Bill is introduced.

Subject to your views and those of colleagues, I intend to publish this Guidance Note by means of an arranged PQ shortly after the Easter Recess. I would therefore be grateful for any comments no later than Monday 23 April.

I am copying this letter to members of DP and to Sir Richard Wilson. Copies also go to David Trimble and Séamus Mallon.

Yours ever,
Irvine

DEVOLUTION GUIDANCE NOTE 8: POST-DEVOLUTION PRIMARY LEGISLATION AFFECTING NORTHERN IRELAND

1. This note sets out guidance for UK Government departments on handling legislation affecting Northern Ireland. The Memorandum of Understanding with the devolved administrations states that:

"The UK Government will proceed in accordance with the convention that the UK Parliament would not normally legislate with regard to devolved matters except with the agreement of the devolved legislature. The devolved administrations will be responsible for seeking such agreement as may be required for this purpose on an approach from the UK Government".

The convention applies when legislation makes provision specifically for a transferred (i.e. devolved) purpose; it does not apply when legislation deals with transferred matters only incidentally to, or consequentially upon, provision made in relation to a reserved or excepted matter. This note sets out how LP Committee expects departments to give effect to this policy intention, while ensuring the smooth management of the Government's legislative programme. The note does not extend to legislation which deals with emergencies or is similarly exceptional.

General

2. In general:

- (i) the Memorandum of Understanding indicates that there will be consultation with the Northern Ireland Executive Committee on policy proposals affecting devolved matters in Northern Ireland, whether or not they involve legislative change. Such consultation will normally take place on a bilateral basis with the relevant lead NI department;
- (ii) the convention refers to "the agreement of the devolved legislature", adding that "the devolved administrations will be responsible for seeking such agreement as may be required for this purpose on an approach from the UK Government." Therefore, where agreement is appropriate, UK Ministers should approach the First Minister and Deputy First Minister. It will be for them to indicate the view of the Northern Ireland Assembly and to take whatever steps are appropriate to ascertain that view. In approaching the First Minister and Deputy First Minister, departments should ensure the correspondence is addressed to both, as well as copied to the NI Minister in charge of the NI department leading on the issue and to the Secretary of State for Northern Ireland;
- (iii) whether agreement is needed depends on the purpose of the legislation. Agreement need be obtained only for legislative provisions which are specifically for transferred purposes, although it is good practice to consult the relevant Northern Ireland department, copied to the Office of the First Minister and Deputy First Minister, on provisions made for reserved or excepted purposes as these could have implications for transferred areas of responsibility;

- (iv) UK departments considering legislation on reserved matters should also consult the relevant lead NI department, the Office of the First Minister and Deputy First Ministers, and the Northern Ireland Office to determine whether this is best done at Westminster or by means of parallel Assembly legislation (which will require the Secretary of State's consent). This is particularly important if the reserved matters concerned are likely to become transferred (i.e. devolved) responsibilities in the near future;
- (v) UK departments considering legislation altering the legislative competence of the Assembly should consult the NIO in the first instance; and
- (vi) the relevant lead NI department and the Northern Ireland Office will ensure relevant UK departments are consulted about Assembly legislation which deals with reserved matters or deals with excepted matters and is ancillary to other provisions dealing with transferred or reserved matters. It will be important to ensure that the NIO and departments are aware of one another's position, and there is clarity over which Secretary of State will give consent - normally it will be the Secretary of State for Northern Ireland.

3. Departments bringing legislative proposals to LP Committee will be expected to address the need for consultation or consent as described in the following paragraphs. They should ensure that the Northern Ireland Executive is engaged from an early stage, so that any potential areas of difficulty are identified and addressed, and should allow sufficient time for this when planning their Bills.

Long term legislative plans

4. Any bid to LP for the inclusion of a particular Bill in a future legislative programme should state clearly that the proposed Bill, as applicable:

- I. either does not apply to Northern Ireland or has provisions which deal with reserved or excepted matters and do not impinge on transferred matters;
- II. has provisions which apply to Northern Ireland and which deal with reserved or excepted matters but which will impinge on transferred matters (i.e. are for non-devolved purposes, such as provisions about human genetics which will require action from health service organisations); or
- III. contains provisions applying to Northern Ireland and which deal with transferred matters, or which alter the legislative competence of the Northern Ireland Assembly or the executive functions of Northern Ireland Ministers or departments.

Where necessary, the paper should indicate what proportion of a proposed Bill falls into each category.

5. Only Bills with provisions in category III are subject to the convention on seeking the agreement of the Northern Ireland Assembly. Although the main thrust of a Bill may be

directed at reserved or excepted matters, it may nevertheless contain some provisions in this category. At LP, the responsible Minister should say whether he or she expects that the Northern Ireland Executive Committee and Assembly will agree to any such provisions in category III.

6. Bills in category I or in category II do not require the agreement of the Northern Ireland Assembly. In some Category II cases, however, the effects on transferred matters will be significant. LP will expect departments to have plans for consulting the Northern Ireland Executive Committee in accordance with the Memorandum of Understanding and the relevant bilateral concordats. Such consultation may be undertaken in confidence, and the Northern Ireland Executive Committee will respect any such confidence.

Bills ready for introduction

7. The essential requirement is that by the time proposals come to LP Committee for introduction, devolution-related issues have been substantively resolved. Papers for LP are required to contain a statement to that effect. Such papers should also identify the clauses which fall into each of the categories above.

8. If a Bill has provisions in category II which would impinge on transferred matters, the paper should indicate what consultations there have been with the Northern Ireland administration or what plans there are for such consultation. The paper should indicate the outcome of any reference to the Joint Ministerial Committee or alternative dispute-resolution arrangements.

9. If a Bill has provisions in category III:

- (i) where the provisions are of major significance in the Bill (as for example in the Foods Standards Bill), there should have been prior consultation with the Northern Ireland Executive Committee on these, and the LP paper should indicate that it will be possible to confirm at Second Reading that the Assembly's agreement has been obtained; and
- (ii) where the provisions are less significant, seeking agreement need not hold up the Bill's progress at Westminster. The aim in such cases should be for agreement to be obtained by the time those clauses are debated in Committee, and the absolute deadline will be the last opportunity for them to be amended while the Bill is still before Parliament (see paragraph 17).

10. If a Bill has provisions in category III which will change the legislative competence of the Northern Ireland Assembly, the paper for LP should identify the policy clearance for them, bearing in mind that such changes in legislative competence if made by Order in Council would require a prior resolution of the Northern Ireland Assembly (Northern Ireland Act 1998, sections 4(3) and 6(4)).

11. Finally, LP papers at this stage should say whether there are any potential amendments where the agreement of the Northern Ireland Assembly might have to be sought or which might prove controversial there.

Draft Bills

12. The convention relates to Bills before Parliament, but departments should approach the Northern Ireland administration on the same basis for Bills being published in draft, even though there is no formal requirement to do so.

Private Members' Bills

13. The same procedures should be followed for Private Members' Bills to be supported by the Government.

14. Departments should consult the Northern Ireland administration on any Private Member's Bill which they are minded to support and which contain provisions in category III. The Government may need to reserve its position pending agreement. Departments seeking clearance to oppose a Private Members' Bill in category III on policy grounds need only consult the Northern Ireland administration if the Bill has a substantial effect on transferred matters. It is possible that Private Members will claim to have themselves obtained the agreement of the Northern Ireland Assembly for such a Bill and rely on this as an argument in favour of the Bill. Even if there are not UK policy grounds for opposing such a Bill, the Government will resist any such Bill on devolved matters if Northern Ireland Ministers indicate that the Northern Ireland Assembly has not given its agreement.

15. In line with the Memorandum of Understanding and concordats, there should also be consultation with the Northern Ireland Executive Committee where a department proposes to support a Private Members' Bill with provisions in category II which would impinge on devolved matters.

During the passage of legislation

16. During the passage of legislation, Departments should approach the Northern Ireland Executive Committee (Office of the First Minister and Deputy First Minister, copied to the lead NI department and the NIO) about Government amendments changing or introducing provisions requiring agreement, or any other such amendments which the Government is minded to accept. No consultation is required for other amendments tabled.

17. The Northern Ireland Executive Committee will deal promptly with issues which arise during the passage of a Bill, and recognise the pressures of legislative timetables (e.g. when the Government is forced to consider accepting amendments at short notice). The last opportunity for amendment is at Third Reading in the Lords or Report Stage in the Commons, so the absence of agreement is not a bar to proceeding with the Bill before that point. Nevertheless, in the interests of orderly management of legislation, such issues should be sorted out well before that stage wherever possible.

Legislating by Order in Council

18. Powers remain under section 85 of the Northern Ireland Act to use Orders in Council to make provision about matters in paragraphs 9-17 of Schedule 3 of the Northern Ireland

Act. Departments should note that such Orders in Council must first have been laid before Parliament in draft for 60 days and referred to the Northern Ireland Assembly.

Cabinet Office
April 2001



10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

2 April 2001

Dear Debora

**REVIEW OF THE MEMORANDUM OF UNDERSTANDING AND
SUPPLEMENTARY AGREEMENTS: GUIDANCE FOR OFFICIALS**

The Prime Minister was grateful for the Lord Chancellor's letter of 27 February, seeking his endorsement for the distribution of guidance on devolution for officials. The Prime Minister was also grateful for the responses received from Henry McLeish, Rhodri Morgan, and David Trimble and Séamus Mallon.

The Prime Minister is content for the guidance and the joint statement to be distributed throughout the four administrations with his endorsement.

I understand that officials will now arrange for the dissemination of the guidance and the statement within UK Government departments and the devolved administrations.

I am copying this letter to Jonathan Pryce (Scottish Executive), Lawrence Conway (National Assembly for Wales), David Lavery and Peter May (Northern Ireland Executive), Peter Unwin (DETR), Jayne Colquhoun (Scotland Office), Simon Morris (Wales Office), Paul Priestly (Northern Ireland Office) and Ashley Ibbett (Cabinet Office). Copies also go to Private Secretaries of other Cabinet colleagues.

SIMON VIRLEY

Debora Matthews
Lord Chancellor's Office

forwarded to



KEVIN McNAMARA
MEMBER OF PARLIAMENT
FOR KINGSTON UPON HULL NORTH

HOUSE OF COMMONS
LONDON SW1A 0AA
Tel: 020 7219 5194
020 7219 6477
Fax: 020 7219 3398
e-mail: mcnamarah@parliament.uk

Bf CS 10k

FAXED
Ashley Robert

I would be grateful to see a
copy of the draft. Thanks
Clare
6/04

(F)

Sir Richard Wilson
Cabinet Secretary
70 Whitehall
London SW1A 2AS

30th March 2001

Dear Sir Richard

I am writing regarding recent speculation in the press about a reorganisation of government Departments following the General Election and the suggestion being floated that the person responsible for merged Scottish and Welsh matters may become known as the "Minister for the Union".

It is my opinion that such a development may have the unintended effect of impeding further devolutionary moves in Northern Ireland - a direction presently supported by all parties to the Good Friday Agreement.

I firmly believe that further devolution - while not possible at present - should be an objective that the next Government seeks to achieve within its term of office. When such a move becomes possible, the perceived role of a Secretary of State - who will be asked to speak in Cabinet in the interest of all the devolved areas - will be all-important in securing cross-community support.

A job title suited to the Government's objectives in Wales and Scotland would be wholly inappropriate in Northern Ireland. The term "Minister for the Union" could only be perceived as sympathetic to the sectional interests of the Unionist community in Northern Ireland at the expense of nationalists and republicans.

The Government has stated that Britain has "no selfish strategic or economic interest" in Northern Ireland. While the Good Friday Agreement affirms that Northern Ireland remains part of the United Kingdom; it also provides that in the event of majority support for the proposition that Northern Ireland should form part of a united Ireland, the Secretary of State shall introduce legislation to give effect to that proposal. This position would remain the same, before and after further devolution and should be reflected in devolution arrangements.

Once adopted, the title of "Minister for the Union" would be an embarrassing millstone around the Prime Minister's neck - difficult to drop but impossible to sustain. A more neutral title such as 'Minister for the Devolved Areas' or 'Minister for Decentralisation' would be preferable by far.

I trust you will bear these considerations in mind when reaching your final decision on what to recommend to the Prime Minister.

Yours sincerely

Kevin McNamara MP

cc Bruce Grocott MP, Helen Jackson MP

Check
Crossin
Lithia

PAID

Handwritten signature or text at the bottom right.

✓ Top: COS

cc: FAPS
FA/APS
AC/press
✓ FAPS

**THE OFFICE OF THE FIRST MINISTER AND
DEPUTY FIRST MINISTER**

*David Trimble First Minister and
Séamus Mallon, Deputy First Minister*
Parliament Buildings,
Stormont, Belfast BT4 3XX

The Right Honourable The Lord Irvine of Lairg
Lord Chancellor
House of Lords
London
SW1A 0PW

Our ref: GM 235/2001

26 March 2001

Dear Lord Chancellor,

**REVIEW OF THE MEMORDANDUM OF UNDERSTANDING AND
SUPPLEMENTARY AGREEMENTS; GUIDANCE FOR OFFICIALS**

Thank you for sending us a copy of your letter dated 27 February to the Prime Minister on the above.

Much good work has been done in taking forward the review of the Memorandum of Understanding and Supplementary Agreements. We believe the arrangements are generally working well. Where there is room for improvement, the two documents which you enclosed will provide a sharper focus and should make a positive contribution to the further development of good relationships between all four administrations.

We are therefore happy to give our endorsement of both the statement and the guide for officials. We note these are interim products of the MoU review and look forward to the final completion of the exercise in due course.

David Trimble

RT HON DAVID TRIMBLE MP MLA
First Minister

Séamus Mallon

SÉAMUS MALLON MP MLA
Deputy First Minister

Tel: (028) 9052 1013 Fax: (028) 9052 1283
(028) 9052 1012 Fax: (028) 9052 1283
E-Mail: Ps.Ministers@ofmdfmini.gov.uk



CONFIDENTIAL

Top-CS
JCP

The Rt Hon Margaret Beckett MP

PRIVY COUNCIL OFFICE
2 CARLTON GARDENS LONDON SW1Y 5AA

5 March, 2001

Dear Deputy Prime Minister

LEGISLATION ON REFERENDUMS

This letter updates you and colleagues on the position on legislation about referendums following our discussion at LP on 27 February. A further close look at the position following passage of the PPER Act suggests that we already have what is, in effect, paving legislation. There are then separate political considerations about how future referendums might be called.

At LP we discussed the possibility of bringing forward legislation that set out ground rules for referendums, making it simpler to hold them in the future.

The Political Parties, Elections and Referendums (PPER) Act 2000 already sets out general rules for how referendums should be run. It regulates campaigns, establishes the role of the Electoral Commission and enables us to make regulations to apply parts of the Representation of the People Act to referendums. These regulations could, for example, set out the administrative arrangements for returning officers and polling stations.

All that is left over for legislation on any specific referendum is the question, the date and who is eligible to vote. The clear parallel is with the Scotland and Wales Referendums Act 1997: it set out these points in the main body of the bill, and contained the details now dealt with by the PPER Act in its schedules. (Any referendum on establishing regional government would require additional provisions on the procedures for triggering referendums in different regions.)

It seems therefore that there is little scope for further general paving legislation. The only conceivable option for further advance legislation would be a bill allowing the Government to set the details of questions and dates by regulations. Such legislation would almost certainly be hugely controversial and difficult to get through Parliament. It might create more problems than it

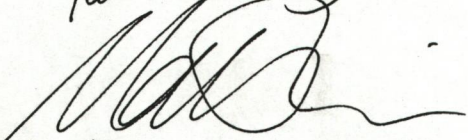
CONFIDENTIAL

solves. Also, by making it much easier to call referendums we could face constant demands to hold them on all sorts of issues.

All this suggests the conclusion that we should not pursue such legislation at this stage.

I am copying this letter to the Prime Minister, other members of LP, and to Sir Richard Wilson and First Parliamentary Counsel.

The Rt Hon John Prescott MP
Deputy Prime Minister
Department for Environment, Transport and the Regions

Yas sincerely

MARGARET BECKETT
Approved by the
President of the
Council and signed
in her absence

FROM THE RIGHT HONOURABLE THE LORD IRVINE OF LAIRG



~~Jonathan Triggs~~
FAXED
Is there anything
we should be
worried about.
Derek

Bf W 8/03
8
G/SU
P

HOUSE OF LORDS,
LONDON SW1A 0PW

cc: David M
Alwtair McFowen
27 February, 2001

Clare Sumner
28/02

(F)

RESTRICTED - POLICY

The Rt Hon John Prescott MP
Deputy Prime Minister and Secretary of State
for the Environment, Transport and the Regions
Department of the Environment, Transport
and the Regions
Eland House
Bressenden Place
LONDON SW1E 5DU

Dear John,

**REVIEW OF THE MEMORANDUM OF UNDERSTANDING AND
SUPPLEMENTARY AGREEMENTS**

I wrote to you and DP colleagues on 12 February, concluding correspondence on the review of the Memorandum of Understanding and supplementary agreements. In my letter, I explained that, whilst the review's focus on identifying and promoting best practice had been widely welcomed, I understood your concern over the lack of progress in agreeing the cost-per-job limits which underpin the Concordat on Financial Assistance to Industry. I therefore proposed holding off from putting the MoU review conclusions to the Prime Minister until the end of the month, to allow a little more time for an acceptable resolution to be found. I understand that Andrew has not been able to take forward the cost-per-job limits issue any further since I wrote.

However, I would not wish to see the outputs of the MoU review - the high-level statement and the leaflet for staff - delayed indefinitely. Such a delay would be unfortunate, particularly as we ourselves, as well as officials in all four administrations, have agreed that these documents upon dissemination would represent a significant contribution to maintaining good relations between the four administrations.

With this in mind, I have written to the Prime Minister today, proposing that he endorse the publication of the statement and the guide. A copy of my letter is attached. I do not believe that signing off these documents in advance of agreement on the cost-per-job limits issue should present us with any problem. Indeed, I believe that it will assist in ensuring continued commitment to the principles underpinning the MoU.

I am copying this letter to members of DP and Sir Richard Wilson.

Yours
Derry

FROM THE RIGHT HONOURABLE THE LORD IRVINE OF LAIRG

HOUSE OF LORDS,
LONDON SW1A 0PW

27 February, 2001

RESTRICTED - POLICYThe Rt Hon Tony Blair MP
Prime Minister
10 Downing Street
LONDON
SW1A 2AA

Dear

Tony,

**REVIEW OF THE MEMORANDUM OF UNDERSTANDING AND
SUPPLEMENTARY AGREEMENTS: GUIDANCE FOR OFFICIALS**

The attached guidance leaflet on devolution has been prepared by officials in Whitehall and the three devolved administrations. If you are content, this guidance will be distributed throughout the four administrations in order to ensure the widest possible dissemination of the important lessons from the first year of devolution.

Background

The Joint Ministerial Committee agreed, at its meeting chaired by you on 1 September, that officials in all four administrations should review the workings of the Memorandum of Understanding and supplementary agreements in the light of their first year of operation. The remit of the review was to identify best practice in dealings between the four administrations, to recommend ways of strengthening the handling of business in accordance with the principles set out in the MoU and to recommend any amendments required to the texts themselves.

There is widespread agreement within Whitehall and the devolved administrations that the principles of the MoU remain sound and should be disseminated further. Reflecting this, officials in the four administrations have produced the attached two documents, which I endorse. The first is a joint statement, reaffirming our administrations' commitment to the MoU principles. To complement this statement, officials have produced a pithy reference guide for officials, drawing out lessons of best practice from the experiences of the last year.

The review itself has not yet been concluded and is pending further discussions between Andrew Smith, Paul Murphy and Rhodri Morgan on the financial guidelines underpinning the Concordat on Financial Assistance to Industry.

Nevertheless, I believe that the two attached documents will make a valuable contribution to the development of good working relationships between all four administrations. I am therefore keen to see their wide dissemination, as interim products of the MoU review, as soon as possible. I therefore recommend that these documents be endorsed by your signature, together with those of Henry, Rhodri, David and Séamus.

I am copying this letter to Henry McLeish, Rhodri Morgan, David Trimble, Séamus Mallon, John Prescott, Helen Liddell, Paul Murphy, John Reid and Sir Richard Wilson.

Yours *over,*

Séamus

DEVOLUTION IN PRACTICE

Devolution is now an established part of the constitutional landscape of the United Kingdom, bringing decision-making closer to the people of Scotland, Wales and Northern Ireland.

The new constitutional arrangements are, generally, working well. Given the scale of recent reform, this is a tribute to the constructive approach of all involved and to the dedication and commitment of officials across the four administrations.

The Memorandum of Understanding and our other collective agreements have provided a sound basis for building successful relationships under devolution. They continue to be a valuable guide to the general principles which underpin these relationships.

We are now re-affirming our commitment to the principles that they set out, particularly in the areas of:

- **Communication and Consultation:** sharing information is vital in enabling us to work together to make a difference for the people of the United Kingdom. Consulting as fully and as early as is possible, and in confidence where necessary, maintains the health of the relationships between our administrations and reduces areas of potential disagreement; and
- **Confidentiality:** as open exchange of information depends on mutual respect for confidentiality, we will continue to treat any information exchanged in accordance with the wishes of the administration providing it. Additionally, by agreeing how to comment publicly on confidential discussions between administrations, we will minimise the risk of disagreement and public misunderstanding.

We also recognise that effective and efficient relationships between the administrations cannot be sustained by memoranda and concordats alone. They must be an everyday part of the business of government across the UK. Accordingly, we will ensure that awareness of the new devolved arrangements is fully reflected in the training and development of our staff, as part of our commitment to provide them with the skills and knowledge required to do their jobs effectively. In support of this we endorse the attached leaflet, *Devolution in Practice*, developed jointly between our four administrations, which offers practical guidance for the running of day-to-day business under devolution. This, together with the Memorandum of Understanding and supplementary agreements, should continue to provide a solid platform for the continuation of close relationships between the four administrations, to the benefit of all.

[TB, HMcL, RM, DT, SM]

More help?

If this leaflet doesn't answer any particular query, then you should refer to any of the following:

- ❖ *The administrations have agreed a Memorandum of Understanding which sets out the agreed principles for working together. This, and the UK Government's Devolution Guidance Notes (which set out more detailed procedures) are available on the Internet at <http://www.cabinet-office.gov.uk/constitution/2000/devolution>*
- ❖ *Most UK Departments have agreed a concordat with each of the devolved administrations. Concordats set out the principles of how the department and the administration concerned co-operate on relevant policy and operational matters. They are available on the Internet at [space for Departmental website URL]*
- ❖ *HM Treasury's Statement of Funding Policy deals with financial issues. The full document is available on the Internet at <http://www.hm-treasury.gov.uk/docs/2000/sfp1807.htm>*
- ❖ *[space for Departmental training info]*

Contacts

There are several people you can contact to discuss how devolution affects your work:

- ❖ your Departmental colleagues dealing with devolution matters, who should be your first port of call for most queries. These are as follows:
[space for Departmental contacts]
- ❖ the Constitution Secretariat in the Cabinet Office (tel. GTN 270 0437)
- ❖ the Constitution and Parliamentary Secretariat in the Scottish Executive (tel. GTN 7188 45560)
- ❖ the Cabinet and Constitutional Affairs Branch in the National Assembly for Wales (tel. GTN 1208 8248)
- ❖ the Machinery of Government Division, Office of the First Minister and Deputy First Minister in the Northern Ireland Executive (tel. GTN 440 28158/28301)
- ❖ the Scotland Office (tel. GTN 270 6788)
- ❖ the Wales Office (tel. GTN 270 0583/0540)
- ❖ the Northern Ireland Office (tel. GTN 210 6573)

Don't forget to maintain links with those dealing with the same policy issues as you in each of the administrations, too.

Useful websites

Cabinet Office:
<http://www.cabinet-office.gov.uk/>

Scottish Executive:
<http://www.scotland.gov.uk/>

National Assembly for Wales:
<http://www.wales.gov.uk/>

Northern Ireland Executive Committee:
<http://www.northernireland.gov.uk/>

Scotland Office
<http://www.scottishsecretary.gov.uk/>

Wales Office
<http://www.oss.wales.gov.uk/>

Northern Ireland Office
<http://www.nio.gov.uk/>



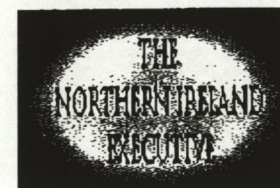
CABINET OFFICE



Cynulliad Cenedlaethol
Cymru
The National Assembly for
Wales



SCOTTISH EXECUTIVE



DEVOLUTION IN PRACTICE A Checklist for officials

"Effective and efficient relationships between the administrations cannot be sustained by memoranda and concordats alone. They must be an everyday part of the business of government across the UK. Accordingly, we will ensure that devolution is fully reflected in the training and development of our staff, as part of our commitment to provide them with the skills and knowledge to do their jobs effectively. In support of this we endorse this leaflet, developed jointly between our four administrations, which offers practical guidance for the running of day-to-day business under devolution."

[TB signature]

[HMCL sig.] [RM sig.]

[DT sig.] [SM sig.]

Communication and Consultation

Consulting interested parties is good administrative practice, whoever those parties are. Devolution hasn't changed that.

- ❖ DO maintain close links with colleagues in other administrations dealing with the same policy issues
- ❖ DO consider the territorial scope of your department's responsibilities
- ❖ DO consult other administrations on anything which bears on their interests
- ❖ DO leave enough time for proper circulation and consideration of papers and proposals
- ❖ DO respond to others' consultations within the deadlines they set
- ❖ DO recognise the important role that Ministers play. Set up regular bilateral meetings if appropriate
- ❖ DO consider joint policy announcements where appropriate
- ❖ DO exchange basic contact details with other administrations, and keep them up to date
- ❖ DO make sure you understand the differing structures of the four administrations
- ❖ DO make sure you understand the role of the territorial departments (Scotland Office, Wales Office or Northern Ireland Office) and ensure that you are involving them properly in ongoing discussions
- ❖ DON'T fail to consult simply because another administration has no formal or legal responsibility for the issue. When in doubt, consult
- ❖ DON'T impose excessively tight deadlines for another administration to respond
- ❖ DON'T rely solely on phone or e-mail. Face-to-face meetings are often useful

- ❖ DON'T consult the territorial departments alone as a substitute for consulting the department or devolved administration with the lead policy responsibility

Confidentiality

Co-operation depends on mutual trust and respect for the sensitivity of others' information.

- ❖ DO respect others' requests to keep information confidential at all times
- ❖ DO state clearly how sensitive information is, and how you want it to be handled
- ❖ DO ensure that Ministers agree on any public comment on the outcome of inter-Ministerial meetings
- ❖ DO remember that it is for colleagues in other administrations to decide whether or not they need to consult their Ministers on a particular issue
- ❖ DON'T use the sensitivity of information as an excuse for not consulting other administrations

Drafting Legislation and Answering Questions

Draft legislation and answers to Questions should properly recognise and reflect where responsibilities lie following devolution.

- ❖ DO discuss and seek to resolve devolution issues before legislation is introduced
- ❖ DO involve colleagues with devolution expertise in these discussions, as well as policy colleagues
- ❖ DON'T allow devolution issues to be overlooked in preparing legislation.
- ❖ DON'T draft answers to Questions which suggest the Minister is responsible for a policy issue which in fact lies with another administration

European Union

The European Union is central to policy development in very many areas: all of the administrations have to implement EU decisions.

- ❖ DO ensure that all administrations' views are considered in developing the UK line, and help keep them aware of current and forthcoming EU business
- ❖ DO consider the composition of the UK delegation carefully. Representatives from the devolved administrations can add to its strength
- ❖ DO respect and adhere to the UK line once agreed, including in public comment
- ❖ DON'T fail to share information simply because relations with the EU generally haven't been devolved.

FROM THE RIGHT HONOURABLE THE LORD IRVINE OF LAIRG



f *SV*
cc: PU
HOUSE OF LORDS,
LONDON SW1A 0PW

The Rt Hon John Prescott MP
Deputy Prime Minister
Department of the Environment, Transport
and the Regions
Eland House
Bressenden Place
LONDON
SW1E 5DU

12th February 2001

Dear *Deputy Prime Minister*

**REVIEW OF THE MEMORANDUM OF UNDERSTANDING AND
SUPPLEMENTARY AGREEMENTS**

I wrote on 22 December consulting you and DP colleagues on the conclusions of the review of the Memorandum of Understanding and supplementary agreements between the UK Government and the devolved administrations. I also sought your agreement to the texts of two documents - a high-level statement, to be signed by the heads of the four administrations, reaffirming their commitment to the principles of the MoU, and a practical guide for staff on the running of day-to-day business following devolution.

You replied, as did Robin Cook, Jack Straw, John Reid (in his previous capacity as Secretary of State for Scotland), Alan Milburn, Chris Smith, Peter Mandelson (as Secretary of State for Northern Ireland) and Andrew Smith.

You and others thought it particularly helpful that the MoU review has focused on identifying and promoting best practice. Everyone welcomed both the high-level statement and the practical guide for staff. Robin noted that continuing commitment to the principles underpinning these documents was essential to the successful operation of the devolution arrangements. Chris and John both urged wide circulation of the practical guide for staff. There was also general agreement to the proposed textual changes to the MoU and supplementary agreements themselves, the precise details of which have been agreed at official level in parallel with our own consultation process.

However, you were concerned about the lack of progress in agreeing the cost-per-job limits which underpin the Concordat on Financial Assistance to Industry. As you noted, the Prime Minister at last September's Joint Ministerial Committee meeting in Edinburgh asked Andrew to pursue a resolution of this issue with Paul Murphy and Rhodri Morgan. You

believed that, in the absence of agreed limits, the concordat was effectively unworkable; and that reaffirming it under these circumstances seemed disingenuous.

I understand your concerns on the cost-per-job issue. I propose to hold off from putting the MoU review conclusions to the Prime Minister until the end of the month, to allow Andrew a little more time to press ahead with seeking an acceptable resolution. I recognise, of course, that the cost-per-jobs issue is less immediately pressing than responding to the Corus restructuring. But it is difficult to reaffirm the Memorandum of Understanding and supplementary agreements while this particular part of the supporting infrastructure is so conspicuous by its absence. I would therefore be grateful if Andrew could pursue this urgently, as I would not wish to see the conclusion of the MoU review indefinitely delayed.

I am copying this letter to members of DP and Sir Richard Wilson.

Yours sincerely



PH

**Approved by the Lord Chancellor
and signed on his behalf
by the Principal Private Secretary**

file
RESTRICTED

faxed

In DCO Inbox



10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

29 January 2001

Dear Mara

**POLITICAL PARTIES, ELECTIONS AND REFERENDUMS ACT:
IMPLEMENTATION**

The Prime Minister was grateful for the Home Secretary's minute of 22 January and is content for him to proceed as outlined on implementing the broadcast provisions (s144) and notes the position with regard to the allocation of policy development grants.

Yours ever

CLARE SUMNER

Mara Goldstein
Home Office

RESTRICTED

AS

The Rt Hon Stephen Byers MP
Secretary of State for Trade and Industry

CS
SV
PU



file

The Rt Hon The Lord Irvine of Lairg
Lord Chancellor
House of Lords
London
SW1A 0PW

Secretary of State
Department of
Trade and Industry

1 Victoria Street
London SW1H 0ET

Direct line
020 7215 6272

DTI Enquiries
020 7215 5000

e-mail
TLO.Byers@tlo.dti.gov.uk

27 January 2001

Dear Derry,

REVIEW OF THE MEMORANDUM OF UNDERSTANDING AND SUPPLEMENTARY ARRANGEMENTS

Thank you for copying to me your letter of 22 November to John Prescott. I am content with the documents attached to your letter. However, I am concerned that there is still no agreement on the guidelines referred to in the Concordat on Financial Assistance to Industry, suggest that the concordat is worthless without these guidelines, and would welcome a progress report from Andrew Smith on meeting the Prime Minister's target of resolving this issue before the MoU review was completed.

I welcome the documents attached to your letter. I am sure that these will serve as useful guidance for officials. I am also content that amendments to the MoU and supplementary agreements should be kept to a minimum.

I am concerned that the guidelines to underpin the Concordat on Financial Assistance to Industry have not yet been agreed despite the Prime Minister's wish that this should be resolved before the MoU review was completed. The concordat is worthless without the guidelines and I must question whether it should be re-published in the absence of agreed guidelines.



I do not agree that the review process can be separated from the discussions on the cpj limits. The Concordat on Financial Assistance to Industry is worthless without the guidelines to underpin it. Therefore, I cannot agree that the review process can now be concluded and will not be able to do so until the issue of the cpj limits has been resolved.

I would welcome a report from Andrew Smith on his discussions to resolve this issue and on the steps which he intends to take to reach an agreement. I agree with John Reid's view in his letter of 4 October that there will need to be a discussion in EA on any agreement which is reached with the National Assembly for Wales.

I am copying this letter to the Prime Minister, the Deputy Prime Minister, Andrew Smith, Paul Murphy, John Reid, Peter Mandelson, John Battle and to Sir Richard Wilson.

Yours,

STEPHEN BYERS

RESTRICTED

Jack wrote 22/01/01
Reply 29/01/01

(F)

From: Clare Sumner
Date: 26 January 2001

PRIME MINISTER

cc: Jonathan Powell
Alastair Campbell
Sally Morgan

**POLITICAL PARTIES, ELECTIONS AND REFERENDUMS ACT :
IMPLEMENTATION**

Broadcasting provisions

Jack has written proposing to implement the broadcasting provisions of the act with effect from 16 February so that they can be in place before any election – the broadcasters are urging for the measures to be implemented. They only effect local news media not national media.

The measures replace s93 of the Representation of the People Act 1983. This allows a minor or major party to refuse to take part in a broadcast item which means that the broadcasters cannot then transmit the story – this effectively has given minor parties a power of veto on which local stories the broadcasters can cover which they don't like. The new measures also establish codes of practice and take into regard any comments made by the Electoral Commission.

Originally Jack had proposed that this measure should only come into effect once the broadcasters had consulted the parties. He no longer believes this to be practical as the broadcasters think the minor parties may refuse to agree which could continue to block reform.

Jack argues that there is no good reason for delay especially as s93 has already been disapplied for European, Scottish Parliament, Welsh Assembly, London Mayor and Assembly elections which this Government passed.

Sally has checked with Lance who sees no problem in approving this approach for the measures to come into effect. As far as I am aware AC has no objections but I will double check.

?Content for the broadcasting measures to be implemented

RESTRICTED

Other implementation issues

Jack has also reported back that implementation is proceeding well. The only measure which is being put back is the allocation of policy development grants from 1 April to 1 July so that the Electoral Commission can have sufficient time to draw up and consult on a scheme and would not affect the amount of money available. This seems sensible.

Clare

CLARE SUMNER

RESTRICTED - POLICY
FROM THE DEPUTY PRIME MINISTER

Top - CS
cc: SV
RU



DEPARTMENT OF THE ENVIRONMENT
TRANSPORT AND THE REGIONS

ELAND HOUSE
BRESSENDEN PLACE
LONDON SW1E 5DU

TEL: 020 7944 3011
FAX: 020 7944 4399
E-Mail: john_prescott@detr.gsi.gov.uk

The Rt Hon The Lord Irvine of Lairg
Lord Chancellor
House of Lords
LONDON
SW1A 0PW

OUR REF: P/000593/01

22 JAN 2000

Thank you for your letter of 22 December seeking my agreement to the conclusions of the Review of the Memorandum of Understanding and supplementary agreements which was launched at the JMC meeting I attended in Edinburgh. I am content with the proposed amendments to the MOU.

You also sought my agreement to a high-level statement to be signed by the Prime Minister and the heads of the three devolved administrations and a practical guide for staff on the day-to-day running of business under devolution. I welcome these developments. I think it is helpful that the Review has focused on identifying and promoting best practice as agreed by the JMC.

I am however extremely concerned to learn that there has still been no progress in agreeing the cost-per-job limits which underlie the Concordat on Financial Assistance to Industry. The late Donald Dewar and I emphasised the need for a resolution at the Joint Ministerial Committee, not least because we had already been awaiting agreement for a year. The Prime Minister concluded that Andrew Smith should try to resolve the issue before the Review was completed. I should be grateful for further clarification on how Andrew has taken this forward, and the prospects for an acceptable settlement.

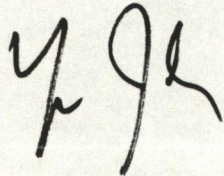
My concern is that in the absence of agreed limits the Concordat is effectively unworkable as these financial limits underpin the consultation arrangements between different parts of the UK. To re-publish the Concordat under these circumstances seems disingenuous and could embarrass us if there is a dispute on a high profile inward investment project and there is no mechanism in place to present competitive bidding.



INVESTOR IN PEOPLE

In the event that the National Assembly for Wales remain unwilling to agree cost per job limits, I do not think it will be politically tenable to continue to enforce Treasury limits on mobile inward investment projects in England, when the Devolved Administrations would have discretion to offer higher levels of support (within the EU limits). As Stephen Byers has already noted (in his letter of 1 August 2000 to Andrew Smith), it is vital that the English regions be allowed to compete on a level playing field within the UK.

I am copying this letter to the Prime Minister, members of DP Committee, Andrew Smith, Richard Caborn and Sir Richard Wilson.

A handwritten signature in black ink, appearing to read 'JP', is centered on the page.

JOHN PRESCOTT

MATRIX



Richmond House 79 Whitehall London SW1A 2NS Telephone 0171 210 3000

From the Secretary of State for Health

IMC: 15701

The Rt Hon The Lord Irvine of Lairg
Lord Chancellor
House of Lords
London
SW1A 0PW

CS/PU

cont. below

15 January 2001

Dear Jerry

**REVIEW OF THE MEMORANDUM OF UNDERSTANDING AND
SUPPLEMENTARY AGREEMENTS**

Thank you for your letter of 22 December consulting colleagues on the conclusions of the review of the Memorandum of Understanding and supplementary agreements between the UK Government and the devolved administrations.

You have also sought agreement on a high level statement, to be signed by the heads of the four administrations, reaffirming their commitment to the principles of the MOU, and a practical guide to staff on the day-to-day business under devolution.

I am content with the texts for both the MOU and supplementary agreements.

I am copying this letter to members of DP and to Sir Richard Wilson.

ALAN MILBURN

FROM THE RIGHT HONOURABLE THE LORD IRVINE OF LAIRG

71000
SV
cc: CS
PU

Now with attached



HOUSE OF LORDS,
LONDON SW1A 0PW

22 December 2000

The Rt Hon John Prescott MP
Deputy Prime Minister and Secretary of State
for the Environment, Transport and the Regions
Eland House
Bressenden Place
London SW1E 5DU

cc: Aisdaire McGowan, SM, DM
Comments welcome.

→ (F)

SV 311

Dear *John,*

**REVIEW OF THE MEMORANDUM OF UNDERSTANDING AND
SUPPLEMENTARY AGREEMENTS**

I am writing to consult you and DP colleagues on the conclusions of the review of the Memorandum of Understanding and supplementary agreements between the UK Government and the devolved administrations. I am also seeking your agreement to the attached two texts: a high-level statement, to be signed by the heads of the four administrations, reaffirming their commitment to the principles of the MoU, and a practical guide for staff on the running of day-to-day business under devolution. I would be grateful for comments both on the review itself and on the attached texts by Friday January 19, in advance of my writing to the Prime Minister to conclude the review process.

You will recall that the Joint Ministerial Committee agreed, at its meeting on September 1, that officials in all four administrations should review the workings of the MoU and supplementary agreements in the light of their first year of operation. The remit of the review was to identify best practice in dealings between the four administrations, to recommend ways of strengthening the handling of business in accordance with the principles set out in the MoU and to recommend any amendments required to the texts themselves.

Consultation at official level both within Whitehall and with the devolved administrations confirmed the initial views expressed at the JMC meeting that the focus of the review should not be on redrafting the MoU texts themselves. Rather, it should be on reaffirming the principles of the MoU and ensuring widespread dissemination of best practice in the field of working arrangements under devolution. Consequently, the review has recommended only two changes to the MoU texts, both of a technical nature, touched on below.

The key proposal flowing from the review is the dissemination of the attached two documents. The first is a joint statement, reaffirming commitment to the MoU principles, to be signed by the heads

of the four administrations. This is in order to ensure that the highest priority is given within administrations to adherence to the principles underpinning the MoU. Secondly, to complement this statement, and to act as accessible reference guide for officials whose day-to-day business involves matters affected by devolution, officials have also produced a simple, pithy statement drawing out lessons of best practice from the experiences of the last year. Both of these documents are attached. They have been developed in close consultation with officials in your department as well as officials in the devolved administrations.

In terms of the textual changes to the MoU, the first is a change to the Concordat on International Relations in order to reflect a change in the responsibilities of British Trade International. The other has been requested by the Cabinet of the National Assembly for Wales and reflects Rhodri Morgan's announcement in October of the introduction in Wales of the courtesy titles 'First Minister' and 'Minister', for 'First Secretary' and 'Secretary' respectively. As Rhodri cleared this announcement with the Prime Minister beforehand, and as the MoU already makes use of courtesy titles for UK Ministers, I trust that colleagues will not have any problems with this amendment.

You will recall that the issue of cost-per-job limits underpinning the Concordat on Financial Assistance to Industry was raised at the JMC. I know that discussions have taken place between Andrew Smith, Paul Murphy and Rhodri Morgan and are still continuing, with the aim of reaching an agreement. Whilst I agree that it would be helpful if this agreement could be reached before the completion of the MoU review, I see no reason to delay the formal review process whilst these discussions are still ongoing.

I would be grateful for colleagues agreement, by **Friday January 19**, to these texts which I propose to put to the Prime Minister in his role as Chairman of the JMC, copied to the heads of the devolved administrations.

I am copying this letter to members of DP and to Sir Richard Wilson.

Yours *over,*
Ben

Annex B

DEVOLUTION IN PRACTICE

Devolution is now an established part of the constitutional landscape of the United Kingdom, bringing decision-making closer to the people of Scotland, Wales and Northern Ireland.

The new constitutional arrangements are, generally, working well. Given the scale of recent reform, this is a tribute to the constructive approach of all involved and to the dedication and commitment of officials across the four administrations.

The Memorandum of Understanding and our other collective agreements have provided a sound basis for building successful relationships under devolution. They continue to be a valuable guide to the general principles which underpin these relationships.

Many of these documents were agreed over a year ago. We are now re-affirming our commitment to the principles that they set out, particularly in the areas of:

- **Communication and Consultation:** sharing information is vital in enabling us to work together to make a difference for the people of the United Kingdom. Consulting as fully and as early as is possible, and in confidence where necessary, maintains the health of the relationships between our administrations and reduces areas of potential disagreement; and
- **Confidentiality:** as open exchange of information depends on mutual respect for confidentiality, we will continue to treat any information exchanged in accordance with the wishes of the administration providing it. Additionally, by agreeing how to comment publicly on confidential discussions between administrations, we will minimise the risk of disagreement and public misunderstanding.

We also recognise that effective and efficient relationships between the administrations cannot be sustained by memoranda and concordats alone. They must be an everyday part of the business of government across the UK. Accordingly, we will ensure that devolution is fully reflected in the training and development of our staff, as part of our commitment to provide them with the skills and knowledge required to do their jobs effectively. In support of this we endorse the attached leaflet, *Devolution in Practice*, developed jointly between our four administrations, which offers practical guidance for the running of day-to-day business under devolution. This, together with the Memorandum of Understanding and supplementary agreements, should continue to provide a solid platform for the continuation of close relationships between the four administrations, to the benefit of all.

[TB, HMCL, RM, DT, SM]

More help?

If this leaflet doesn't answer any particular query, then you should refer to any of the following:

- ❖ *The administrations have agreed a Memorandum of Understanding which sets out the agreed principles for working together. This, and the UK Government's Devolution Guidance Notes (which set out more detailed procedures) are available on the Internet at <http://www.cabinet-office.gov.uk/constitution/2000/devolution/>.*
- ❖ *Most UK Departments have agreed a concordat with each of the devolved administrations. Concordats set out the principles of how the department and the administration concerned co-operate on relevant policy and operational matters. They are available on the Internet at [space for Departmental website URL]*
- ❖ *HM Treasury's Statement of Funding Policy deals with financial issues. The full document is available on the Internet at <http://www.hm-treasury.gov.uk/docs/2000/sfp1807.htm>*
- ❖ *[space for Departmental training info]*

Contacts

There are several people you can contact to discuss how devolution affects your work:

- ❖ your Departmental colleagues dealing with devolution matters, who should be your first port of call for most queries. These are as follows:
[space for Departmental contacts]
- ❖ the Constitution Secretariat in the Cabinet Office (tel. GTN 270 0437)
- ❖ the Constitutional Policy and Parliamentary Liaison Division in the Scottish Executive (tel. GTN 7188 47432)
- ❖ the Cabinet and Constitutional Affairs Branch in the National Assembly for Wales (tel. GTN 1208 8248)
- ❖ the Machinery of Government Division, Office of the First Minister and Deputy First Minister in the Northern Ireland Executive (tel. GTN 440 28301)
- ❖ the Scotland Office [DN need contact details]
- ❖ the Wales Office [DN need contact details]
- ❖ the Northern Ireland Office [DN need contact details]

Don't forget to maintain links with those dealing with the same policy issues as you in each of the administrations, too.

Useful websites

Cabinet Office:
<http://www.cabinet-office.gov.uk/>

Scottish Executive:
<http://www.scotland.gov.uk/>

National Assembly for Wales:
<http://www.wales.gov.uk/>

Northern Ireland Executive Committee:
<http://www.northernireland.gov.uk/>

Scotland Office
<http://www.scottishsecretary.gov.uk/>

Wales Office
<http://www.oss.wales.gov.uk/>

Northern Ireland Office
<http://www.nio.gov.uk/>



**CABINET
OFFICE**



**Cynulliad
Cenedlaethol Cymru
The National
Assembly for Wales**



SCOTTISH EXECUTIVE



DEVOLUTION IN PRACTICE A Checklist for officials

"Effective and efficient relationships between the administrations cannot be sustained by memoranda and concordats alone. They must be an everyday part of the business of government across the UK. Accordingly, we will ensure that devolution is fully reflected in the training and development of our staff, as part of our commitment to provide them with the skills and knowledge to do their jobs effectively. In support of this we endorse this leaflet, developed jointly between our four administrations, which offers practical guidance for the running of day-to-day business under devolution."

[TB]

[HMCC]

[RhM]

[DT]

[SM]

Communication and Consultation

Consulting interested parties is good administrative practice, whoever those parties are. Devolution hasn't changed that.

- ❖ **DO** maintain close links with colleagues in other administrations dealing with the same policy issues
- ❖ **DO** consider the territorial scope of your department's responsibilities
- ❖ **DO** consult other administrations on anything which bears on their interests
- ❖ **DO** leave enough time for proper circulation and consideration of papers and proposals
- ❖ **DO** respond to others' consultations within the deadlines they set
- ❖ **DO** recognise the important role that Ministers play. Set up regular bilateral meetings if appropriate
- ❖ **DO** consider joint policy announcements where appropriate
- ❖ **DO** exchange basic contact details with other administrations, and keep them up to date
- ❖ **DO** make sure you understand the differing structures of the four administrations
- ❖ **DO** make sure you understand the role of the territorial departments (Scotland Office, Wales Office or Northern Ireland Office) and ensure that you are involving them properly in ongoing discussions and issues
- ❖ **DON'T** fail to consult simply because another administration has no formal or legal responsibility for the issue. When in doubt, consult
- ❖ **DON'T** impose excessively tight deadlines for another administration to respond
- ❖ **DON'T** rely solely on phone or e-mail. Face-to-face meetings are often useful

- ❖ **DON'T** consult the territorial departments alone as a substitute for consulting the department or devolved administration with the lead policy responsibility

Confidentiality

Co-operation depends on mutual trust and respect for the sensitivity of others' information.

- ❖ **DO** respect others' requests to keep information confidential at all times
- ❖ **DO** state clearly how sensitive information is, and how you want it to be handled
- ❖ **DO** ensure that Ministers agree on any public comment on the outcome of inter-Ministerial meetings
- ❖ **DO** remember that it is for colleagues in other administrations to decide whether or not they need to consult their Ministers on a particular issue
- ❖ **DON'T** use the sensitivity of information as an excuse for not consulting other administrations

Drafting Legislation and Answering Questions

Draft legislation and answers to Questions should properly recognise and reflect where responsibilities lie following devolution.

- ❖ **DO** discuss and seek to resolve devolution issues before legislation is introduced

- ❖ **DO** involve colleagues with devolution expertise in these discussions, as well as policy colleagues

- ❖ **DON'T** allow devolution issues to be overlooked in preparing legislation.
- ❖ **DON'T** draft answers to Questions which suggest the Minister is responsible for a policy issue which in fact lies with another administration

European Relations

Relations with the European Union are central to policy development in very many areas: all of the administrations have to implement EU decisions.

- ❖ **DO** ensure that all administrations' views are considered in developing the UK line, and are aware of current and forthcoming EU business
- ❖ **DO** consider the composition of the UK delegation carefully. Representatives from the devolved bodies can add to its strength
- ❖ **DO** respect and adhere to the UK line once agreed, including in public comment
- ❖ **DON'T** fail to share information simply because relations with the EU generally haven't been devolved.



SECRETARY OF STATE
FOR
NORTHERN IRELAND

NORTHERN IRELAND OFFICE
11 MILLBANK
LONDON
SW1P 4PN

Rt Hon Lord Irvine of Lairg QC
The Lord Chancellor
House of Lords
London SW1A 0PW

19 December 2000

See Dave

DEVOLUTION GUIDANCE NOTE (DGN) ON THE ROLE OF THE SECRETARY OF STATE FOR NORTHERN IRELAND POST-DEVOLUTION

Cabinet Office have produced a series of Devolution Guidance Notes (DGNs) on devolution roles and arrangements, whose main target audience is Whitehall Departments. They are also available to the public through the Cabinet Office website.

DGNs have already been published on the roles of the Secretaries of State for Wales and Scotland post-devolution and the attached draft, covering the role of the Secretary of State for Northern Ireland, closely mirrors the approach taken by the Scotland and Wales Offices (ie DGNs 3 and 4).

The draft has already been cleared by officials but, as is customary for such DGNs, I am writing formally to you and other members of DP asking that you let me know by Friday 12 January if you have any reservations.

Copies of this letter go to members of DP and Sir Richard Wilson.

PETER MANDELSON



INVESTOR IN PEOPLE

DRAFT**DGN [No]: THE ROLE OF THE SECRETARY OF STATE FOR NORTHERN IRELAND POST-DEVOLUTION****Summary**

With effect from 2 December 1999, Ministerial functions in respect of devolved matters in Northern Ireland transferred to the Northern Ireland Assembly and its Executive Committee of Ministers. The Secretary of State for Northern Ireland will continue to represent Northern Ireland interests in all matters within the Cabinet. The Memorandum of Understanding and associated system of concordats provides for consultation, co-operation and exchanges of information in relation to the interests of the devolved administration in policies of the UK Government. [Note: devolution was suspended by the Secretary of State from 12 February 2000 but restored with effect from 30 May 2000.]

UK Departments will need to distinguish between excepted, reserved and transferred matters (see paragraph 2) when considering the impact of their policies on Northern Ireland. Cabinet Committee papers will not be available to members of the Northern Ireland Administration (and inter-Departmental correspondence will not normally be copied to them by the NIO). The lead UK Department will therefore need to make its own arrangements in terms of consulting/advising the Northern Ireland Administration and should indicate whether they have done so when circulating proposals for collective consideration.

Introduction

1. The purpose of this note is to offer guidance to UK Departments on the role of the Secretary of State for Northern Ireland post-devolution and on arrangements



for considering the implications for Northern Ireland of UK Government policies and legislation in both the excepted/reserved fields and the transferred field.

2. Excepted matters (set out in Schedule 2 to the Northern Ireland Act 1998) cover areas of national responsibility which it is envisaged will always remain the responsibility of the UK Parliament. Reserved matters (set out in Schedule 3 to the Act) are also matters of national policy, although the Assembly can make provision dealing with them, with the Secretary of State's consent and subject to parliamentary control - see paragraph 5 (although it is not expected it will often do so). Some reserved matters, principally policing, security, prisons and criminal justice currently remain within the responsibility of the Secretary of State for Northern Ireland. The Belfast Agreement envisages that in time these will be transferred to the devolved administration in Northern Ireland. Other reserved matters remain the responsibility of other UK Ministers. Transferred matters - which are all matters that are not excepted or reserved - fall within the responsibility of the devolved administration.

The Role of the Secretary of State for Northern Ireland

3. The Secretary of State for Northern Ireland will continue to have overall responsibility for maintaining political stability in Northern Ireland. He will wish to promote the effective working of the institutions set up under the Belfast Agreement and will encourage close working relationships between the UK Departments and Northern Ireland Departments. Normally, UK Departments should deal direct with their Northern Ireland counterparts.

4. The Secretary of State continues to have responsibility for a wide range of "excepted" and "reserved" matters. These include security, policing, prisons, criminal justice, public order and elections. He also represents Northern Ireland interests in all matters in the UK cabinet. In financial matters, he has responsibility



for giving rounded advice to the Chancellor, in particular regarding any bids for additional resources which may be made by the devolved administration.

5. The Secretary of State has statutory responsibility for giving consent to Assembly Bills where these impact on reserved matters other than incidentally, and for forwarding all Assembly Bills for Royal Assent. If the Secretary of State considers that an Assembly Bill is incompatible with international obligations, defence or national security or public order he may decide not to submit it for Royal assent. Similarly if an Assembly bill is considered to have an adverse effect on the operation of the single market, the Secretary of State may not submit it for Royal Assent. For more comprehensive guidance on this issue see DGN No 8 which covers legislation affecting Northern Ireland.

6. So far as "transferred" (or devolved) matters are concerned, the intention is that Northern Ireland Departments and Ministers should maintain and continue to develop strong bilateral links with their Whitehall/Westminster (and Edinburgh and Cardiff) counterparts throughout the normal process of developing policy and preparing legislation. The Memorandum of Understanding and concordats are intended to inform and strengthen these links. But the Secretary of State will want to be kept informed of any sensitive issues or problems which develop in relations between Whitehall Departments and the Northern Ireland Administration. It would be helpful therefore if Departments could copy to the Secretary of State or the NIO all correspondence between UK Ministers and NI Ministers.

Northern Ireland Office

7. The Secretary of State's Office will continue to be known as the Northern Ireland Office, with offices at Millbank and in Belfast. There are also a number of agencies within the Northern Ireland Office including the Northern Ireland Prison Service, Compensation Agency and the Forensic Science Agency for Northern Ireland.

Consulting the Northern Ireland Executive

8. In considering the implications for Northern Ireland, UK Departments will need to distinguish between, but give consideration to, both reserved/excepted and transferred matters (non-devolved and devolved).
9. In relation to reserved or excepted matters, UK Departments will have responsibilities which extend to Northern Ireland; the implications for Northern Ireland will need to be considered both in terms of their impact on transferred matters, and also in order to ensure that UK policies will work effectively and be well received in Northern Ireland. For transferred matters, new policy proposals or the exercise of functions by UK Ministers outside Northern Ireland may sometimes have implications for Northern Ireland where, for example, they may call for a comparable response. The Memorandum of Understanding and concordats are intended to promote exchanges of information and prior notification, so as to reduce the scope for surprises.
10. In circulating proposals for collective consideration which may have implications for Northern Ireland, UK Departments should indicate whether the Northern Ireland Administration has been consulted; and if not, how and when they will be consulted or notified. Departments will be aware of the need to consult the First and Deputy First Ministers jointly.
11. The Northern Ireland Office will work closely with other UK Departments, as well as with the Northern Ireland Administration, to advise on potential implications for Northern Ireland and guidance on handling of Northern Ireland-related business; to seek to ensure effective consultation in both directions; and to act as "honest broker" where necessary in any disputes between a UK Department and the Northern Ireland Administration.

Conclusion

12. This note is intended to provide basic information about the role of the Secretary of State for Northern Ireland and to offer guidance to Whitehall officials on the handling of both excepted/reserved and devolved matters relating to Northern Ireland post-devolution. It is not intended to be comprehensive and cannot cover all eventualities. In cases of doubt or where Departments require further assistance they should contact Devolution and Legislation Division (NIO) - either Jonathan Margetts ((020) 7210 6575) or Annabel Jones ((020) 7210 6573).

**NORTHERN IRELAND OFFICE
11 Millbank
2000**

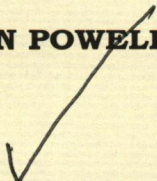




Secretary of the Cabinet and Head of the Home Civil Service

From the Private Secretary

JONATHAN POWELL



DEVOLVED ADMINISTRATIONS AND GENERAL ELECTIONS

Sir Richard Wilson was grateful for your note of 9 October.

As the Prime Minister has agreed, Sir Richard will now approach his Permanent Secretary colleagues in the devolved administrations to discuss what guidance should be issued, using the guidelines issued to Whitehall during the 1999 devolution elections as a template. Following discussion within the devolved administrations, we will work up detailed draft guidance with them and Sir Richard will then seek the Prime Minister's agreement before the guidance is promulgated.

ASHLEY IBBETT

22 November 2000



10 DOWNING STREET

PM

✓ CS
SM
JH
DM
MC
AH

General Election: Purosh in Scot + Wales

I suppose Puro is right on this, although
I think we should avoid being too
bureaucratic or too rigid on this. As in
any case the Welsh & Scottish
administrations do not seem to
listen to us if they do not want to.
You had better discuss this with
Puro at your next meeting

Everell.



Secretary of the Cabinet and Head of the Home Civil Service

PRIME MINISTER

Top JPo.
JFH
CCS
DN.

DEVOLVED ADMINISTRATIONS AND GENERAL ELECTION PURDAH

The next General Election will be the first that takes place with devolved governments operating in Scotland, Wales and Northern Ireland. Since they will not be up for re-election, they will not be covered by the standard General Election campaign period rules, and will expect to operate business as usual during the election campaign. But Ministers in the devolved administrations are also likely to want to participate in the Election campaign, and they are supported by members of Civil Service, who have duties of impartiality.

2. There is, therefore, a strong case for issuing guidance to ensure that the basic principles of safeguarding the impartiality of the Civil Service and of not using public resources for party political benefit are observed, and are seen to be observed. I would be grateful for your agreement to my putting proposals along the lines set out below to my Permanent Secretary colleagues in Scotland, Wales and Northern Ireland.

3. At a General Election, guidance is issued to all home civil servants reminding them of their duties under the Civil Service Code, particularly in relation to ensuring the public resources are not used for party political purposes. Unlike that issued for local, devolved or European elections, this guidance is issued on the basis that, although the UK Government retains its responsibility to govern and Ministers remain in charge of their departments, only essential business will be carried on during the period before the Election. Ministers are reminded that it is customary to observe discretion over initiating any actions of a continuing or long-term character.

4. This guidance has previously been issued to all home civil servants (and extended to members of the Northern Ireland Civil Service with minimal amendment). At the next Election, however, the restraints imposed can only apply directly to actions taken in support of and by the UK Government. The devolved bodies are not up for re-election, and will expect normal support from their civil servants during the election period. There will, however, be

candidates for the UK Parliament standing for election in Scottish, Welsh and Northern Irish constituencies, and there is a question about whether any "purdah" style restraint should be exercised by the devolved administrations to avoid accusations of attempting to influence the results.

5. There is, of course, no exact precedent to guide us. The nearest analogy comes from the elections to the Scottish Parliament and National Assembly for Wales last May. Here our line was that, since there was no possibility of a change of administration, central government would operate "business as usual", while exercising particular care on issues that could have an impact on the outcome of the particular election. Similar practice has been followed during local and European elections.

6. General Election-style purdah could not be imposed on the devolved administrations, and any attempt significantly to restrain devolved business would be bound to be met with vigorous protest. But there is a strong case for issuing guidance that reciprocates the arrangements that bound Whitehall during the devolution elections. Under this arrangement, devolved administration business would proceed as far as possible in the normal way during the purdah period, but it should be organised in such a way so as to minimise the risk of criticism in two key areas: (i) asking officials to undertake activities which might call into question their political impartiality; and (ii) activities which might lead to the use of public resources of party political purposes.

7. The devolved administrations may still be reluctant to accept that their work should be restrained in any way as a result of a UK Election. But there is a strong case for applying rules to both civil servants and Ministers which parallel those used by the UK Government during the Scottish, Welsh and Northern Irish elections, and a real risk – judging by that experience – of criticism in those countries if we do not have a framework in place.

8. If you are content with this approach, I will discuss the issue with the Permanent Secretaries of the devolved administrations and ask them to take the matter forward with their Ministers.

R.W.

RICHARD WILSON

09 October 2000

In OCO Inbox



10 DOWNING STREET
LONDON SW1A 2AA

From the Prime Minister's Chief of Staff

**SIR RICHARD WILSON
CABINET OFFICE**

DEVOLVED ADMINISTRATIONS AND GENERAL ELECTION PURDAH

The Prime Minister was grateful for your note of 9 October.

He thinks this is generally on the right lines but is concerned that we get the detail right. He is content that you should proceed in drawing up rules but he would wish to be consulted on them before they are proceeded with. In particular he thinks it would be helpful to have some practical examples of what is and what is not allowed. Once you have made further progress you might want to discuss this with him.

A handwritten signature in black ink, appearing to read 'J-P' followed by a stylized flourish.

JONATHAN POWELL

7 November 2000



HOME OFFICE CONFIDENTIAL

50 Queen Anne's Gate, London, SW1H 9AT

Tel: 020 7273 2199 Fax: 020 7273 2972

E-mail: david.omand@homeoffice.gsi.gov.uk

Sir David Omand KCB
Permanent Secretary

DM
(P)

JS
2

cc: JS
JP.

5 October 2000

Dear Richard,

THE WILSON DOCTRINE - ENQUIRY FROM THE PEOPLE NEWSPAPER

I am writing to confirm the points I have discussed with Richard Abel this evening by telephone.

The Sunday People newspaper has approached the Home Office press office with queries about the Wilson Doctrine. In particular they have asked whether the Doctrine still exists, why it exists and if it applies to elected representatives in the devolved Assemblies.

It appears that the enquiries, made by the newspaper's Political Editor, have probably been prompted by two Parliamentary Questions from Lord Roper on the Wilson Doctrine on 31 July. A copy of the Questions and Lord Bassam's reply to both, which appeared in the House of Lords Report of 27 September are enclosed.

The "People's" enquiry about the devolved Assemblies does cause a potential problem since the Prime Minister agreed last year that the Wilson Doctrine should not apply to the devolved Assemblies. This, however, has never been publicly stated and perhaps surprisingly the question has never before been put.

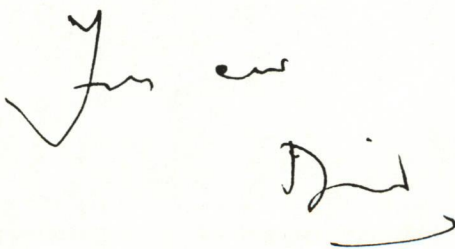
Having looked through the Hansards, the last statement made by the Prime Minister on the Wilson Doctrine was the Answer given to the David Winnick Question on 30 October 1997, to which Lord Bassam's reply refers. As I mentioned to Richard in your absence this evening, I am therefore advising the Home Secretary that our response to the Sunday People's enquiry should be to say that we have looked at all the Hansards and that the PM's reply to the House in October 1997 (Hansard copy also enclosed) and the Bassam reply extending the Doctrine to members of the House of Lords (27 September) are the definitive statements. We would then be silent on the questions of coverage of assembly members - we are not aware of any statement referring to their positions.

CONFIDENTIAL

do/3792

CONFIDENTIAL

I am copying this letter to Jeremy Heywood, Joe Pilling and Stephen Lander.

Handwritten signatures of Jeremy Heywood and Joe Pilling. The signature of Jeremy Heywood is on the left, and the signature of Joe Pilling is on the right.

DAVID OMAND

Sir Richard Wilson, KCB
Cabinet Office
70 Whitehall

CONFIDENTIAL

do/3792

The Prime Minister: This is a matter for the Committee itself to decide.

Telephone Tapping

Mr. Winnick: To ask the Prime Minister if it is Government policy that interception of telephones of hon. Members by the Security Service requires his authorisation; and if he will make a statement. [13358]

The Prime Minister: This Government's policy on the interception of telephones of Members of Parliament remains as stated in 1966 by the then Prime Minister, the Lord Wilson of Rievaulx, and as applied by successive Governments since. In answer to questions on 17 November 1966, Lord Wilson said that he had given instructions that there was to be no tapping of the telephones of Members of Parliament and that, if there were a development which required such a change of policy, he would at such moment as seemed compatible with the security of the country, on his own initiative, make a statement in the House about it.

Commonwealth Heads of Government Meeting

Mr. Pendry: To ask the Prime Minister if he will make a statement on the outcome of the Commonwealth Heads of Government meeting in Edinburgh. [13003]

The Prime Minister: I refer my hon. Friend to the Statement I made in the House, *Official Report*, columns 707-709.

HOUSE OF COMMONS

Grace and Favour Residences

Mr. Ernie Ross: To ask the hon. Member for Roxburgh and Berwickshire, representing the House of Commons Commission, which officers of the House enjoy grace and favour residences; and what is (a) their rateable value, (b) their market rent, (c) the rent actually paid and (d) the total amount of public funds spent on renovation of each property over the past 10 years. [12457]

Mr. Kirkwood [holding answer 31 July 1997]: There are no grace and favour residences in the parliamentary precincts. However, certain Officers of the House are required to reside in the precincts when the House is in session. It is not the practice to give details of the conditions of service of individual staff.

Expenditure on the refurbishment of the residences since 1 April 1993 has totalled £169,000. Figures for earlier years are not available.

HEALTH

Childbirth Costs

Dr. Vis: To ask the Secretary of State for Health what was the average cost of childbirth in the NHS in England and Wales including ante-natal and post-natal care for each of the last five years. [12956]

Mr. Boateng: The average cost of childbirth in the national health service in England, including ante-natal and post-natal care provided both in hospitals and the

community, is shown in the attached table. Questions relating to Wales are a matter for my right hon. Friend the Secretary of State for Wales.

| | 1992-93 | 1993-94 | 1994-95 | 1995-96 | 1996-97 |
|---|-----------|-----------|-----------|-----------|-----------|
| Total expenditure on maternity services (hospital and community)—in £000s | 1,011,857 | 1,007,065 | 1,006,546 | 1,012,530 | 1,048,651 |
| | 1992 | 1993 | 1994 | 1995 | 1996 |
| Total numbers of births (livebirths and stillbirths) | 654,561 | 640,094 | 632,539 | 616,663 | 617,529 |
| Average cost per birth | £1,546 | £1,573 | £1,591 | £1,642 | £1,698 |

Note:

' Provisional.

Sources:

Office of National Statistics, Key Population and Vital Statistics 1992, 1993, 1994, VS5 Tables 1995, 1996.

Annual financial returns of health authority directly managed units and NHS trusts.

Hospital Appointment Cancellations

Mr. Burstow: To ask the Secretary of State for Health what plans he has to issue guidance to health authorities and NHS trusts on methods to reduce cancellations by hospital outpatients, with specific reference to the use of post and phone reminder systems. [12810]

Mr. Boateng: Best practice guidance, including the issuing of reminder letters and the use of freephones and answer-phones, to reduce non-attendance in outpatients clinics was issued by the NHS executive's north-west office and has been widely distributed throughout the NHS. Copies are available in the Library.

The Government are developing a new NHS charter which, among other things, will be looking for a proper balance between patients' rights and their responsibilities towards the NHS. This includes keeping appointments or informing the NHS if they are unable to do so.

Abortions

Dr. Vis: To ask the Secretary of State for Health what was the average cost of a first trimester NHS abortion in England and Wales for each of the last five years. [12957]

Ms Jowell: Information on the costs of specific operations is not held centrally because of a number of factors including the many different types of operations, the variation in cost from hospital to hospital and the logistics of administering such a diverse range of data.

The Prison Service is not subject to the procedural requirements of the Building Regulations; i.e. it is not required to submit drawings etc. for prison buildings and engineering works for Building Regulation approval.

Prisons: Responsibilities under Disability Discrimination Act

Baroness Masham of Ilton asked Her Majesty's Government:

What plans the Prison Service has to make all prisons comply with the Disability Discrimination Act 1995. [HL3715]

Lord Bassam of Brighton: The Prison Service has issued Prison Service orders to ensure that governors and staff are aware of their responsibilities under the Act. To enable it to comply with the requirements of the Act in 2004, the Prison Service has formed a working party to advise on the action it will need to take.

Members of Parliament: Telephone Tapping Prohibition

Lord Roper asked Her Majesty's Government:

Whether the prohibitions by Mr Harold Wilson, when Prime Minister, of tapping the telephones of Members of Parliament remains in force; and whether such a prohibition also applies to the telephones of members of the House of Lords; and [HL3673]

Whether they will extend the prohibition on tapping the telephones of Members of Parliament to the interception of any form of electronic communication. [HL3674]

Lord Bassam of Brighton: With permission, the reply covers both questions. As stated in the Prime Minister's answer to the honourable Member for Walsall North (Mr Winnick) on 30 October 1997 (*Official Report*, col. 861) the Government's policy on interception of telephones of Members of Parliament remains as stated in 1966 by the then Prime Minister, and as applied by successive governments since. In answer to questions on 17 November 1966, the Prime Minister said that he had given instructions that there was to be no tapping of telephones of Members of Parliament and that, if there was a development which required such a change of policy, he would at such moment as seemed compatible with the security of the country, on his own initiative, make a statement in the House about it.

Further, pursuant to the answers given to the Lord Balfour of Inchrye by The Lord Privy Seal on 22 November 1966 (*Official Report*, col. 122) stating that, exceptionally, the statement made by the Prime Minister extends to the House of Lords, the Government can confirm that the policy described in previous answers applies in relation to the use of

electronic surveillance as well as to telephone interception.

Wandsworth Prison: Response to Board of Visitors

Lord Harris of Greenwich asked Her Majesty's Government:

What action has been taken following the annual report for 1999 of the Board of Visitors of HM Prison Wandsworth, and in particular their response to 'Questions to the Home Secretary' contained within it. [HL3701]

Lord Bassam of Brighton: The Minister for Prisons and Probation will shortly be writing to the chairman of the Board of Visitors at Wandsworth Prison in response to all the issues raised in their annual report. As soon as he has done so, I will write to the noble Lord with details of the responses, and I will place a copy of my letter in the Library.

Dangerous Dogs Act: Statistics

Lord Baker of Dorking asked Her Majesty's Government:

How many pit bull terriers have been registered under the provisions of the Dangerous Dogs Act 1989 in each of the last nine years. [HL3638]

Lord Bassam of Brighton: The Dangerous Dogs Act 1989 contains no provisions relating specifically to pit bull terriers, or to any other type or breed of dog. It extended powers available to the courts under the Dogs Act 1871 as regards dogs in general which are found to be dangerous, and centrally held information relating to offences under the Act does not identify the type or breed of dog concerned.

Dogs fully exempted from prohibition, under the Dangerous Dogs Act 1991, as amended, of possession of certain types of fighting dog (almost entirely, but not exclusively, of the type known as pit bull terrier) are registered on the Index of Exempted Dogs. The number of fully exempted dogs registered on the index at the end of each year from 1991 to 1999, is as follows:

| Year | Exempted Dogs |
|------|---------------|
| 1991 | *2,801 |
| 1992 | *4,821 |
| 1993 | 4,286 |
| 1994 | 3,825 |
| 1995 | 3,430 |
| 1996 | 3,135 |
| 1997 | 2,841 |
| 1998 | 2,566 |
| 1999 | 2,151 |

* The 1991 total is less than that for 1992 as owners had a period of time to register exempted dogs after commencement of the 1991 Act. In addition, dogs are not required to be registered until they were seven months old.

Lord Baker of Dorking asked Her Majesty's Government:

How many incidents involving pit bull terriers have been reported in each of the last nine years. [HL3749]