

CONFIDENTIAL

10 DOWNING STREET

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FILE TITLE:

HUNTING

SERIES

RURAL AFFAIRS

PART:

1

PART BEGINS:

8 JUNE 2001

PART ENDS:

9 MAY 2002

CAB ONE:

PREM 49/2815

Labour Administration

~~Part closed~~

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PART

CLOSED

DATE CLOSED

9 MAY 2002

Series : RURAL AFFAIRS

File Title : HUNTING

Part : 1

Date	From	To	Subject	Class	Secret
15/06/2001	PA/PS	PM	Hunting	U	0
18/06/2001		PU	Hunting meeting (from Alun Michael)	C	0
18/06/2001		PM	Joint letter from Lord Williams of Mostyn & Lord Carter:Hunting and L	C	0
22/06/2001	PA/PS	PM	Hunting update	C	0
22/06/2001	Ch.Staff	PM	Hunting	U	
26/10/2001		Ch.Staff	From John Jackson : Re start of Hunting	U	0
26/11/2001			In the matter of the Royal society for the protection of cruelty to anima	C	
29/11/2001		Ch.Staff	Letter from RSPCA Request for a meeting	C	
17/01/2002	PD(CS)	PM	Hunting	C	
17/01/2002		Ch.Staff	From John Jackson; Countryside Alliance-Possible Meeting on Hunti	U	
17/01/2002		MS/DEFRA	From John Jackson; Countryside Alliance-Dialogue between Hunting	U	
31/01/2002			Alun Michael paper further thoughts on tackling the hunting issue	C	
01/02/2002	PD(CS)	PM	Hunting - way forward	C	
08/02/2002	PD(CS)	PM	Hunting: Handling of Meeting with MB & AM on Tuesday 12 February	C	
13/02/2002		MS/DEFRA	from John Jackson - countryside agency: draft hunting bill	C	
26/02/2002		PD(CS)	From Jackson - availability	C	
13/03/2002	DEFRA	PD(CS)	Governments approach to the debate and vote	C	
13/03/2002	DEFRA	PD(CS)	statement of hunting	C	
14/03/2002		GovDir	From Countryside Alliance - hunting vote	C	
15/03/2002	PD(CS)	PM	Hunting Statement	C	
20/03/2002	DEFRA	PD(CS)	Draft of speech to the House from Alun Michael	R	
21/03/2002	MS/DEFRA		Statement on hunting with dogs	C	
21/03/2002			Countryside alliance newsrelease in response to the Minister's comm	C	
22/03/2002	questions	PM	Hansard extract hunting with dogs	C	
23/03/2002			Comment on use of Parliament Act on hunting Bill	C	
27/03/2002		CommsDir	From The All Party Parliamentary Middle Way Group - Request for a	U	
27/03/2002		Ch.Staff	From John Jackson: hunting	U	
12/04/2002	PD(CS)	PM	hunting update from alun Michael	C	
16/04/2002			Countryside Alliance Announces Pro-Hunting Protest March	U	
17/04/2002		MS/DEFRA	John Jackson/Countryside Alliance letter: Hunting with Dogs	U	
23/04/2002		MS/DEFRA	From J Jackson, Countryside Alliance - hunting	C	
09/05/2002		PD(CS)	From John Jackson, Chairman Countryside Alliance, Thank you for o	U	

Tel: 020 7831 5775
Fax: 020 7831 5779
Email: john.jackson@mishcon.co.uk

J B H Jackson
21 Southampton Row
LONDON WC1B 5HS

9 May 2002

Ms Clare Sumner
Senior Policy Adviser for Parliamentary Affairs
10 Downing Street
LONDON
SW1A 2AA

submit
6/10/02 (to track) R 1115

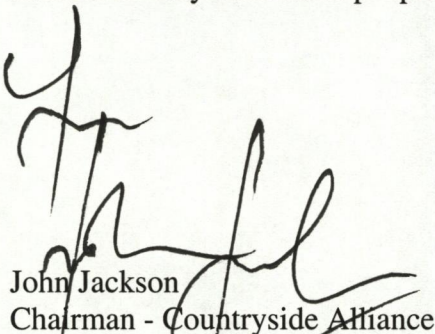
MATRIX

Clare,

This is a short note to thank you for the helpful meeting this morning. That was followed by a meeting by three of us with Alun Michael which was extremely constructive.

We also want to see a solution to all this based on the evidence which is presented and assessed in as open a way as possible. In the discussion with Alun Michael, the possibility emerged of using independent experts to advise both on the points that need to be addressed and also to give opinions on evidence produced by various parties in relation to those points.

It will be very much easier for us to "calm down" our people once the consultative process is started and it is seen to be genuinely open. I am sure we will be able to ensure that nothing happens to disrupt that process. It is likely, however, that we will still need to give people an opportunity to let off steam and give vent to their feelings. It would be very helpful if, when that happens, you could help us to get over an understanding that it is not a calculated exercise in disruption. We have a large number of very concerned people on our hands.


John Jackson
Chairman - Countryside Alliance

PS: *On Friday, 10 May, my office will be moving from 21 Southampton Row to:*

*Summit House
12 Red Lion Square
London WC1R 4QD*

Tel/fax remain the same:

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J B H Jackson
21 Southampton Row
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23 April 2002

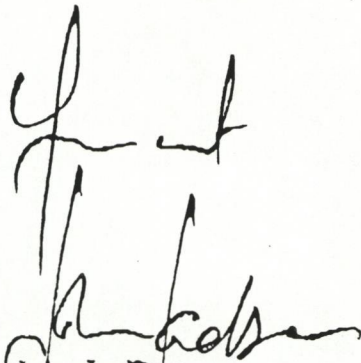
Copy: J. Powell etc.

The Rt Hon Alun Michael MP
Minister of State for Rural Affairs
Department for Environment, Food & Rural Affairs
Nobel House
17 Smith Square
LONDON SW1P 3JR

Dear Alun,

I have just been informed by an experienced Member of Parliament who is close to the Countryside Alliance that someone extremely close to you said in a private but unprivileged conversation yesterday that the Government is consulting on how to ban hunting and not on whether to ban hunting. Apparently he also said that he is bemused that the Countryside Alliance is proceeding as if this was a consultation about hunting continuing when in reality this is a process on how to ban the activity. Needless to say remarks of that kind which, of course, are repeated to others by the recipient, add greatly to the scepticism with which we are confronted when we urge people to engage constructively in the consultation process.

I thought you should know this.


John Jackson
Chairman
Countryside Alliance

BU for CS
9/5

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Fax: 020 7831 5779
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J B H Jackson
21 Southampton Row
LONDON WC1B 5HS

1000
0930
on 9/5
Heronic

To: Ms Debbie Ailes
PA to Jonathan Powell Esq
Chief of Staff
10 Downing Street, London SW1
FAX NO: 020 7930 9572

pls arrange
Ade Ade

From: Prema Thakur
Secretary to John Jackson Esq
Fax No: 020 7831 5779
Tel No: 020 7831 5775

Can you deal with
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As can you see how
I don't want work to

Date: 24 April 2002

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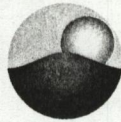
Dear Debbie,

Further to our telephone conversation, John Jackson would be grateful if you could show the enclosed letter to Mr Powell please. Also, Mr Jackson would very much like to come and see Mr Powell week commencing 6 May if that was possible (he is in Australia next week). It is important that he meets with Mr Powell please.

I look forward to hearing from you.

Thank you.

Kind regards,



Countryside Alliance

LISTEN TO YOUR COUNTRYSIDE

Fun
to see
CS
SM
ML

17 April 2002

The Rt Hon Alun Michael MP
Minister of State for Rural Affairs
Department for Environment, Food & Rural Affairs
Nobel House
17 Smith Square
LONDON SW1P 3JR

Dear Alun,

Re: Hunting with Dogs

I am writing in response to your letter of 10 April which was discussed at a meeting of the board of the Countryside Alliance yesterday.

You ask for "comments or suggestions to help to establish the widest possible common ground". I will address that later in this letter but first I have to tell you that my Board, reflecting the views both of our membership and many others in the rural community, has grave doubts about the integrity of the process as such. The way in which ministers voted on 18 March (including in particular you and the Prime Minister), the partisan nature of Lord Whitty's remarks in the House of Lords on 19 March, your reference to the possible use of the Parliament Act, the exchange between you and Mr Kaufman in relation to the possible application of the Parliament Act to a bill howsoever amended in the House of Commons and Mr Kaufman's subsequent article in the Guardian have led to the belief that the Government's expression of neutrality is a sham and that it is in the process of letting its backbenchers take control of the situation into their own hands and, ultimately, impose their will. I am sorry to have to tell you this but facts are facts and we need to share knowledge of them.

I cannot emphasise strongly enough how deeply and widely extreme anger is felt within the rural community. Hunting with dogs has become a touchstone by which country people will judge the honesty and fairness of ministers in their approach to rural problems as a whole. They will not accept hunting as an issue which should be isolated and dealt with "on the side" in the light of party political expediency. The five events which I have described above have made a "Human Rights" march later this year a certainty: a date - 22 September - has been announced. That march will be a part of a sustained campaign throughout this summer and beyond designed to make

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Switchboard: 020 7840 9200 Fax: 020 7793 8484 PR: 020 7840 9220 Membership: 020 7840 9240

Political: 020 7840 9260 Finance: 020 7840 9270 Campaign for Hunting: 020 7840 9210 Policy: 020 7840 9250

E Mail: info@countryside-alliance.org Web Site: www.countryside-alliance.org

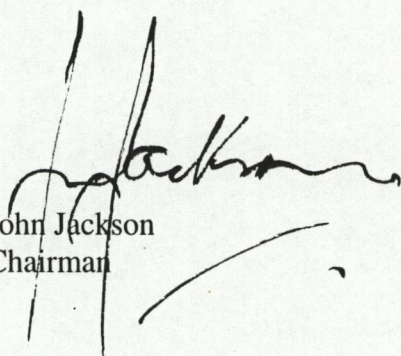
clear the intensity of feelings on this matter. The Countryside Alliance has not created this problem. As you well know, first by campaigning for (and securing) an independent public inquiry and thereafter by making it clear, together with the hunting community as a whole, that in the light of the findings of that inquiry there was a willingness to pursue a way forward which would address the question of public confidence, the Alliance has played a responsible and constructive role. We are extremely disappointed by the turn which events took in the week beginning 18 March.

Having said the above, the Countryside Alliance will engage fully in the process of consultation and will encourage others to do so. We believe that the report of the Burns Committee already gives valuable indications of how to view the questions of cruelty and utility. We also believe that is reflected in the description of "utility" included in your letter. You know the importance the Alliance attaches to the whole process of consultation being as open and transparent as possible and that we support strongly the suggestion advanced by a number of peers that the process should include a joint committee of the two houses. We hope very much you will embrace that idea. In any event we will be taking steps ourselves to ensure that the facts, particularly as established by the Burns Committee, are widely known to the general public.

It is, of course, the hope of the Alliance that the consultative process will establish "the widest possible common ground" on which sensible proposals can be based but it is essential that you, as the Minister in charge, make it absolutely clear that this is part of a fair, genuine and honest process and that you will not surrender your control of it. Only in that way can confidence be restored.

Your letter to me and this reply are being communicated to the membership of the Alliance.

Yours sincerely,



John Jackson
Chairman

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1 POLITICS Hunting

COUNTRYSIDE ALLIANCE ANNOUNCES PRO-HUNTING PROTEST MARCH<

By Amanda Brown, Environment Correspondent, PA news<

Pro hunting supporters are to stage a huge march through London on Sunday September 22, the Countryside Alliance announced today.<

It expects about half-a-million farmers, landowners and rural dwellers _ many of whom make a living from fox hunting _ to attend the event, which is being staged in response to the Government's pledge last month to launch a six month consultation on the future of the sport.<

The Alliance last Friday declared a "Summer of Discontent", with demonstrations and protests planned nationwide.<

It said it was designed to let Ministers know of the anger and resentment in the countryside over a possible threat to hunting with hounds.<

The issue has rarely been off the political agenda since Labour won power in 1997, with MPs voting on several occasions to outlaw it and peers voting to keep it under a system of strict licensing.<

The first Countryside March through the capital in March 1998 attracted over 300,000 people and organisers said they expect to exceed this figure in September.<

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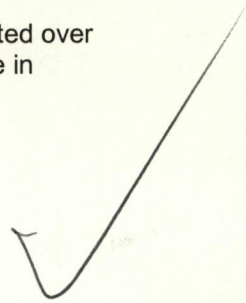
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From: Clare Sumner
Date: 12 April 2002

PRIME MINISTER

cc: Jonathan Powell
Martin Hurst
Robert Hill
Sally Morgan

HUNTING UPDATE FROM ALUN MICHAEL

I attach a note from Alun on where we are with hunting.

His policy on the Countryside Alliance is to seek to engage with them. Protestors met him at his visit on Friday and he ended up in a pub meeting dealing with all their questions. He is hoping to take the heat out of the situation.

Of course this approach won't work if there are mass protests but it is too early to tell whether these will materialise. Alun is on the optimistic side at the moment because he believes in the process. We will keep a careful eye on this.

Martin thinks Alun is also a little too optimistic about the feelings in the countryside at the moment. There is a general feeling that there should have been a public inquiry on FMD and a sense that people want a scapegoat.

I suggest you meet Alun towards the end of May to discuss his approach. By then he will have met all the groups concerned.

Clare

✓
File

CLARE SUMNER

CONFIDENTIAL

Prime Minister

Given the strength of views on all sides I think we have made a good start on hunting. Rumour and counter-rumour cause enormous handling problems, so the fact that No 10 and DEFRA have spoken with one voice has been a great help.

We were very close to rebellion in the PLP but time spent with a lot of individuals paid off on the day. MPs who feel passionately on the issue are also extremely loyal. I took a lot of them into my confidence and nothing leaked. Your presence in the Division Lobby may have been dismissed in the Press, but was greatly appreciated in the PLP and helped our people generally to accept the "process". I am speaking at the PLP next Wednesday and they will continue to press us, but I think the heat has gone out of the situation - provided we are seen to keep up the momentum.

The animal welfare organisations are very nervous and still can't understand why we don't "Parliament Act the Bill". I shall keep on meeting them regularly. They keep saying that they trust me but they don't trust "the Government" or "Downing Street".

The Middle Way Group have also agreed to engage with the process, and say that as they have always argued for sensible debate they are fairly relaxed at present. They are a very small group indeed, of course.

The Countryside Alliance are in a bit of a spin. On the one hand they have agreed to engage with the process. On the other hand they decided not to hold a protest on the day of the Commons Debate but some of their members decided to hold a protest anyway. To an extent their threats about a summer of protest are an attempt to put themselves at the head of their troops before their troops march off without them. The League Against Cruel Sports have attacked them, asking why they are protesting if they are being involved in the discussion. Richard Burge was on the Today programme and while they didn't ask us to respond, he was challenged on just the points I would have made. I have spoken to Richard who confirms that they are still planning to be engaged and at his request I have written formally to John Jackson as Chairman, inviting them in.

The problem for the Alliance is that their message is "the countryside is angry" when it is very clear that the countryside is generally much more interested in getting back to business and our general initiatives - the Curry Report, "Your Countryside - You're Welcome", rural proofing of policies from health and education to transport and planning - are of far greater interest. Yesterday I chaired the second meeting of the Rural Affairs Forum for England and hunting was not mentioned once. (the Countryside Alliance and the RSPCA both kept their promise not to bring their views on hunting into that forum, but none of the others around the table were inhibition in any way)

At this stage it is difficult to know whether the threat of a London march is real. Friday's protests will be the first test. Countryside Alliance members are planning a breakfast meeting in the Twice Brewed pub next door to the Once Brewed Youth Hostel where I am meeting people prior to launching the Hadrian's Wall Spring Festival so I have offered to walk round to meet them. I think we have to be seen to be actively offering an opportunity to be heard and not to be put off by such activities.

It is not clear that these protests will be popular. A Conservative MP rang today, concerned that our support for the Festival - which he welcomed - might be undermined by pro-hunting demonstrations.

Also, anti-hunt activists will feel a need to respond if they do start to be effective. This gives a dilemma for the Countryside Alliance. They tried campaigning loudly and vigorously against Labour candidates who had voted for a ban on hunting. They became very quiet when they realised that it had not worked. At the moment, they are more on trial than we are and I think we need to keep our powder dry.

Invitations to provide views on cruelty and utility have now gone out. We held them back until the Queen Mother's funeral was over. They have gone out to all MPs and a wide range of organisations. I have also agreed an approach with Rhodri Morgan and Paul Murphy, so I have written to AMs and to organisations in Wales. By the last week in April we should get a first idea of the extent to which a variety of organisations want to be engaged directly as well as an indication of the approach being adopted by the main organisations.

We are now working on a three-strand timetable. The first strand is a detailed programme for preparing formal instructions for Parliamentary Counsel and working through issues with OGDs. In the next ten days I am meeting the Lord Chancellor and the Home Secretary to get their personal "buy-in" on some issues that affect their portfolios. The second strand is a detailed diary of events and issues of interest to the countryside - Government actions, DEFRA activities, conferences, parliamentary dates and events which could be critical or difficult. And the third is a proactive programme - how we can consult and engage people on the hunting issue and on other issues like rural tourism, access, economy etc so we are not confined to the one issue.

I propose that we take stock towards the end of May. In the meantime I shall keep Clare informed on hunting and work with Martin on the wider rural agenda.



All Party Parliamentary Middle Way Group

c/o Lembit Öpik MP

House of Commons

London SW1A 0AA

Tel: 0207 219 1144

Fax: 0207 219 2210

(F)

link this

Alastair Campbell
Director of Communications and Strategy
10 Downing Street
London
SW1A 2AA

27th March 2002

Dear Alastair

Thank you very much for your letter of 18th March 2002.

I can well understand why the Prime Minister voted in the way he did and perhaps reflects my own position which is to oppose hunting in principle, while accepting the difficulties of a ban in practical terms.

I realise that you must have an extremely busy diary, but would it be possible to meet briefly at some stage to explain the detail and, more importantly, the benefits of the Middle Way approach?

With kind regards

Yours sincerely

James Barrington
on behalf of the
All Party Parliamentary Middle Way Group

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I am going to get
Alun Michael →
to meet him.
Clare.
2. RTM.

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James Barrington
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10 DOWNING STREET
LONDON SW1A 2AA

Director of Communications and Strategy

18 March 2002

Dear James,

Thank you for your letter of 15th March. I do remember you and thank you for taking the time to forward to me the Middle Way Group's proposals. I read this with interest.

Yours sincerely,

ALASTAIR CAMPBELL

James Barrington
C/o All Party Parliamentary Middle Way Group
Lembit Öpik MP
House of Commons
London
SW1A 0AA



All Party Parliamentary Middle Way Group

c/o Lembit Öpik MP

House of Commons

London SW1A 0AA

Tel: 0207 219 1144

Fax: 0207 219 2210

Alastair Campbell
Director of Strategy and Communications
Downing Street
London
SW1A 2AA

15th March 2002

Dear Mr Campbell

You may remember that we met many years ago at the offices of the League Against Cruel Sports, when you, I think, were working for The Mirror and I was the League's Deputy Director.

My view on the hunting issue has broadened since then and I am now consultant to the All Party Parliamentary Middle Way Group. With regard to the two debates scheduled for next week, you may wish to see in more detail the measures proposed by the group. Some people have accused the Middle Way of being "licensed cruelty", when in fact the approach is much wider than this and better for animal welfare. I have enclosed a copy of the Middle Way Group's briefing for your information.

With kind regards

Yours sincerely

James Barrington
on behalf of the
All Party Parliamentary Middle Way Group

(F)

*a. ok yes, I remember the
Meeting for reading me
the report*

*Can you draft a
letter please
as a note
to*

01712192210

All Party Parliamentary Middle Way Group
c/o Lembit Öpik MP
House of Commons
London SW1A 0AA
Tel: 0207 219 1144
Fax: 0207 219 2210

Brief

Hunting Debates 18th and 19th March 2002

An outline of the Middle Way Group's proposals is attached

1. Beneficial aspects of the Middle Way over a simple ban

- A simple ban would only prohibit one method of killing. Other methods would still be employed, so it is **totally untrue to say that a ban would "save the lives of hunted animals"**, as has been stated in anti-hunt literature.
- The Scottish Bill example shows how difficult it is to separate "sport" hunting with dogs from "pest control" hunting with dogs. The Bill is a mess and may not even ban mounted hunting with dogs, but it does outlaw hare coursing and obliges terrier-men to shoot the fox when dug out. **The Scottish example shows a route not to go down.**
- During the Scottish Bill's passage, difficulties arose when objections to the human actions became confused with improving animal welfare. As one MSP said of the Bill, *"I hoped that, by amendment, it would achieve what it set out to do, namely ban foxhunting by riders on horseback using hounds."* The Middle Way proposals do not distinguish between "sport" and "pest control", as animal welfare standards should apply to both categories. **A fox does not feel better for being killed by a pest controller rather than a sportsman.**
- A simple hunting ban would further polarise the already strained urban v rural relations.
- The policing of a simple ban has not been fully explained. Exactly who would be arrested and when? **A licensing system was welcomed by police both north and south of the Scottish border.**

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- Those advocating a simple ban appear to think that suffering applies solely to hunting with dogs and that this activity is always significantly worse than shooting and snaring, thereby justifying a ban. In relation to fox hunting, there is little scientific evidence to support this view. Professor Patrick Bateson said recently, *"...scientifically, there is not a great deal of good evidence to make definitive conclusions about poor welfare."* **The Middle Way Group feels that there can be problems in all the methods used when actions fall below a line of acceptability. The Group's proposals address this situation and can therefore guarantee an improvement in animal welfare.**

2. Beneficial aspects of the Middle Way over self-supervision

- The Independent Supervisory Authority for Hunting does not cover numerous unregistered hunts which are not part of the main hunting associations. Nor does it cover many smaller groups and individuals who participate in hunting with dogs. **In reality, therefore, ISAH polices only those who wish to be policed.**
- The ultimate sanction available to ISAH is exclusion from the relevant hunting association. Technically, it would be possible for a pack to continue hunting. **To give the public and politicians greater confidence in a regulatory body, there must be stronger sanctions available and accountability to the public, such as proposed by the Middle Way.**
- It is highly unlikely that the placing of ISAH on a more statutory basis would satisfy the public and many Parliamentarians, partly because it would be seen as the hunting world's solution. **It would not be an end to the long-running hunting debate and the issue would surely return to Parliament.**
- An amendment to the Wild Mammals (Protection) Act 1996 to make an offence of causing unnecessary suffering to a wild mammal would certainly improve animal welfare. **Lord Donoughue's original amendment Bill was designed to work with the Middle Way Group's proposals for a licensing system. It would be very difficult for such change in the law to operate with a self supervisory system.**

3. Comments and criticisms made about the Middle Way proposals in last debate and changes made

- During the passage of the Government's Hunting Bill in the last Parliament, concerns were expressed about bureaucracy, complexity and expense in relation to the Middle Way option. **The proposals have now been made significantly less bureaucratic and costly following the two-day Middle Way Development Committee sessions held in Westminster last year.**

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- During the Hunting Bill debate last year some Members of the House of Lords argued against Government interference with hunting activities. However, **Lord Burns** said a few days earlier in the case of Parliament deciding against a hunting ban, *"..my preferred option is for a licensing regime."... "As a society, we insist on licensing many activities in which there is a need to show competence and responsibility."*
- Regarding bureaucracy and licensing, the Private Security Industry Act 2001, which regulates that industry, advocates an almost identical authority and licensing system. The authority will be under the direction of the Secretary of State, though in this case, it will be funded out of the public purse.

4. Support for Middle Way including polls and newspapers

- Recent polls have shown a significant number of people are not happy with the status quo, but would not wish to see hunt supporters criminalised. **The Middle Way option has gained substantial support in this area.**
- **The Association of Chief Police Officers (ACPO) has stated its preferred option as being the Middle Way.**
- **A recent NOP poll of veterinary surgeons showed 66% in favour of statutory regulation of hunts.**
- From the academic world, Stuart R Harrop, Professor in Wildlife Management Law and former RSPCA official, states, *"A middle way approach coupled with an amendment to the Wild Mammals (Protection) Act would, in my view, be a way to balance the various issues and provide a vehicle in which the current debate concerning hunting with hounds can be developed and objectively researched."*
- **Recent editorials from The Times, the Guardian and the Daily Telegraph all support the concept of a middle way solution.**

5. Those calling for a ban say

- **"The Middle Way is licensed cruelty". They ignore the fact that the other methods of control unaffected by a ban would be left unregulated and unaccountable.**
- **"The Middle Way is a compromise." They again ignore the fact that all the options allow for hunting with dogs in one form or another.**

APPMWG 14-3-02

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The Middle Way Group's proposals to change the law on hunting with dogs are:

- Not a compromise, but a **radically different approach**.
- The only ones that can guarantee an improvement in animal welfare, and balance that improvement with proper protection of human liberty. Foxes and other mammals will be killed whether or not hunting is banned. Our approach is the only one that puts the welfare of those animals at its centre. **Banning hunting would mean uncontrolled and unregulated killing in its place.**
- Supported by the Association of Chief Police Officers, veterinary surgeons, wildlife experts and lawyers – and by the general public; **there is no longer majority public support for a simple ban on hunting.**

The proposals involve two key elements:

1. A change to the Wild Mammals (Protection) Act 1996 to create a new general offence of causing unnecessary suffering to wild mammals - a significant improvement to the existing list of prohibited actions.
2. The establishment of a statutory hunting authority.

The Hunting Authority would:

- Comprise members appointed by the Secretary of State and represent a range of backgrounds.
- Develop codes of conduct for the different types of hunting.
- Issue licences to individuals and groups who go hunting; following the codes would be a condition of the licence.
- Be funded by sale of the licences.
- Ensure the licences were not difficult to obtain and reasonably priced.
- Police the codes of conduct and suspend or withdraw licences in the event of a breach.
- Make arrangements for the inspection of the actions of licence holders.

Hunting without a licence would be a criminal offence, with a fine of up to £5,000.

The unique benefits of our approach include:

- **Consistent and improved standards of animal welfare** for all pursuit of mammals with dogs, including both "mounted hunting" and "gun packs".
- **A clear and logical legal framework** avoiding the perils and pitfalls of the Scottish legislation.
- **Much tougher controls on illegal hare coursing;** the offence of hunting without a licence would apply, making it easier for the police to prove an offence and increasing the fines available to the courts from up to £200 to up to £5,000.
- **Addressing the concerns expressed by the Burns Report** relating to all methods of fox control.

Our proposals have been strengthened and improved since they were last considered by Parliament. They are now significantly less bureaucratic and radically better for animal welfare. We do not offer a pallid compromise but a completely different approach. They are not so much a Middle Way as a better way.

March 2002



All Party Parliamentary Middle Way Group
c/o Lembit Öpik MP
House of Commons
London SW1A 0AA
Tel: 0207 219 1144
Fax: 0207 219 2210

Alastair Campbell
Director of Strategy and Communications
Downing Street
London
SW1A 2AA

15th March 2002

Dear Mr Campbell

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With kind regards

Yours sincerely

A handwritten signature in cursive script that reads "Jim Barrington".

James Barrington
on behalf of the
All Party Parliamentary Middle Way Group

All Party Parliamentary Middle Way Group

c/o Lembit Öpik MP

House of Commons

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Brief

Hunting Debates 18th and 19th March 2002

An outline of the Middle Way Group's proposals is attached

1. Beneficial aspects of the Middle Way over a simple ban

- A simple ban would only prohibit one method of killing. Other methods would still be employed, so it is **totally untrue to say that a ban would "save the lives of hunted animals"**, as has been stated in anti-hunt literature.
- The Scottish Bill example shows how difficult it is to separate "sport" hunting with dogs from "pest control" hunting with dogs. The Bill is a mess and may not even ban mounted hunting with dogs, but it does outlaw hare coursing and obliges terrier-men to shoot the fox when dug out. **The Scottish example shows a route not to go down.**
- During the Scottish Bill's passage, difficulties arose when objections to the human actions became confused with improving animal welfare. As one MSP said of the Bill, *"I hoped that, by amendment, it would achieve what it set out to do, namely ban foxhunting by riders on horseback using hounds."* The Middle Way proposals do not distinguish between "sport" and "pest control", as animal welfare standards should apply to both categories. **A fox does not feel better for being killed by a pest controller rather than a sportsman.**
- A simple hunting ban would further polarise the already strained urban v rural relations.
- The policing of a simple ban has not been fully explained. Exactly who would be arrested and when? **A licensing system was welcomed by police both north and south of the Scottish border.**

- Those advocating a simple ban appear to think that suffering applies solely to hunting with dogs and that this activity is always significantly worse than shooting and snaring, thereby justifying a ban. In relation to fox hunting, there is little scientific evidence to support this view. Professor Patrick Bateson said recently, *"...scientifically, there is not a great deal of good evidence to make definitive conclusions about poor welfare."* **The Middle Way Group feels that there can be problems in all the methods used when actions fall below a line of acceptability. The Group's proposals address this situation and can therefore guarantee an improvement in animal welfare.**

2. Beneficial aspects of the Middle Way over self-supervision

- The Independent Supervisory Authority for Hunting does not cover numerous unregistered hunts which are not part of the main hunting associations. Nor does it cover many smaller groups and individuals who participate in hunting with dogs. **In reality, therefore, ISAH polices only those who wish to be policed.**
- The ultimate sanction available to ISAH is exclusion from the relevant hunting association. Technically, it would be possible for a pack to continue hunting. **To give the public and politicians greater confidence in a regulatory body, there must be stronger sanctions available and accountability to the public, such as proposed by the Middle Way.**
- It is highly unlikely that the placing of ISAH on a more statutory basis would satisfy the public and many Parliamentarians, partly because it would be seen as the hunting world's solution. **It would not be an end to the long-running hunting debate and the issue would surely return to Parliament.**
- An amendment to the Wild Mammals (Protection) Act 1996 to make an offence of causing unnecessary suffering to a wild mammal would certainly improve animal welfare. **Lord Donoughue's original amendment Bill was designed to work with the Middle Way Group's proposals for a licensing system. It would be very difficult for such change in the law to operate with a self supervisory system.**

3. Comments and criticisms made about the Middle Way proposals in last debate and changes made

- During the passage of the Government's Hunting Bill in the last Parliament, concerns were expressed about bureaucracy, complexity and expense in relation to the Middle Way option. **The proposals have now been made significantly less bureaucratic and costly following the two-day Middle Way Development Committee sessions held in Westminster last year.**

- During the Hunting Bill debate last year some Members of the House of Lords argued against Government interference with hunting activities. However, **Lord Burns said a few days earlier in the case of Parliament deciding against a hunting ban, “..my preferred option is for a licensing regime.”...“As a society, we insist on licensing many activities in which there is a need to show competence and responsibility.”**
- Regarding bureaucracy and licensing, the Private Security Industry Act 2001, which regulates that industry, advocates an almost identical authority and licensing system. The authority will be under the direction of the Secretary of State, though in this case, it will be funded out of the public purse.

4. Support for Middle Way including polls and newspapers

- Recent polls have shown a significant number of people are not happy with the status quo, but would not wish to see hunt supporters criminalised. **The Middle Way option has gained substantial support in this area.**
- **The Association of Chief Police Officers (ACPO) has stated its preferred option as being the Middle Way.**
- **A recent NOP poll of veterinary surgeons showed 66% in favour of statutory regulation of hunts.**
- From the academic world, Stuart R Harrop, Professor in Wildlife Management Law and former RSPCA official, states, *“A middle way approach coupled with an amendment to the Wild Mammals (Protection) Act would, in my view, be a way to balance the various issues and provide a vehicle in which the current debate concerning hunting with hounds can be developed and objectively researched.”*
- **Recent editorials from The Times, the Guardian and the Daily Telegraph all support the concept of a middle way solution.**

5. Those calling for a ban say

- **“The Middle Way is licensed cruelty”. They ignore the fact that the other methods of control unaffected by a ban would be left unregulated and unaccountable.**
- **“The Middle Way is a compromise.” They again ignore the fact that all the options allow for hunting with dogs in one form or another.**

The Middle Way Group's proposals to change the law on hunting with dogs are:

- Not a compromise, but a **radically different approach**.
- The only ones that can guarantee an improvement in animal welfare, and balance that improvement with proper protection of human liberty. Foxes and other mammals will be killed whether or not hunting is banned. Our approach is the only one that puts the welfare of those animals at its centre. **Banning hunting would mean uncontrolled and unregulated killing in its place.**
- Supported by the Association of Chief Police Officers, veterinary surgeons, wildlife experts and lawyers – and by the general public; **there is no longer majority public support for a simple ban on hunting.**

The proposals involve two key elements:

1. A change to the Wild Mammals (Protection) Act 1996 to create a new general offence of causing unnecessary suffering to wild mammals - a significant improvement to the existing list of prohibited actions.
2. The establishment of a statutory hunting authority.

The Hunting Authority would:

- Comprise members appointed by the Secretary of State and represent a range of backgrounds.
- Develop codes of conduct for the different types of hunting.
- Issue licences to individuals and groups who go hunting; following the codes would be a condition of the licence.
- Be funded by sale of the licences.
- Ensure the licences were not difficult to obtain and reasonably priced.
- Police the codes of conduct and suspend or withdraw licences in the event of a breach.
- Make arrangements for the inspection of the actions of licence holders.

Hunting without a licence would be a criminal offence, with a fine of up to £5,000.

The unique benefits of our approach include:

- **Consistent and improved standards of animal welfare** for all pursuit of mammals with dogs, including both "mounted hunting" and "gun packs".
- **A clear and logical legal framework** avoiding the perils and pitfalls of the Scottish legislation.
- **Much tougher controls on illegal hare coursing;** the offence of hunting without a licence would apply, making it easier for the police to prove an offence and increasing the fines available to the courts from up to £200 to up to £5,000.
- **Addressing the concerns expressed by the Burns Report** relating to all methods of fox control.

Our proposals have been strengthened and improved since they were last considered by Parliament. They are now significantly less bureaucratic and radically better for animal welfare. We do not offer a pallid compromise but a completely different approach. They are not so much a Middle Way as a better way.

March 2002



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10 DOWNING STREET

Clark

We need advice from ~~RAF~~ Air
Marshal on exactly what he is doing
to get the CA on side, as what
he thinks are the prospects for his
wreckers. What do we think the strategy is?

✓ 2 9/14

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27 March 2002

Jonathan Powell Esq
The Prime Minister's Chief of Staff
10 Downing Street
LONDON
SW1A 2AA

*What message
can we send out?
I really don't see this
being over now.* PM
a CS
SM
RK

Dear Jonathan,

I am dictating this letter to you from Australia. It will be signed on my behalf by my secretary in the UK. The combination of:

1. the manner in which votes were cast in the House of Commons on 18 March;
2. the references in Alan Michael's statement on 21 March to the Parliament Act;
3. the question and answer exchange between Gerald Kaufman and Alan Michael in the House of Commons on 21 March;
4. Gerald Kaufman's "open" article in the Guardian of 22 March

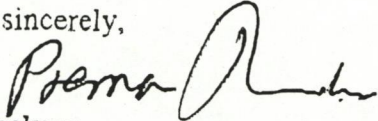
have combined to create a very dangerous situation.

The Countryside Alliance and the representatives of the hunting community will, of course, engage as constructively as possible in the consultation process referred to by Alan Michael. There is a strong preference for a process which is as open as possible and which involves formally in some way both the Houses of Parliament.

Pressure from the rural community on the Countryside Alliance to be active and robust in response to activists in the House of Commons who appear determined to take control of the situation from the Government is becoming intolerable. We will have to do a number of very visible things, not least in order to keep a degree of control over the situation. I cannot emphasise strongly enough that in the main the Countryside Alliance represents the moderate opinion amongst the rural community. But tempers in that part of the community, let alone in the less moderate part, are rising very rapidly.

I am sorry to have to send this message but facts are facts and it is best to share them.

Yours sincerely,


John Jackson



Countryside Alliance
LISTEN TO YOUR COUNTRYSIDE

(2/4

RB/AS/POL

2nd April 2002

Jonathan Powell Esq
Chief of Staff
10 Downing Street
London
SW1A 2AA

cc CS
SM
RH

Dear Jonathan

John Jackson is abroad on business at the moment. He asked me to copy the attached letter to Alun Michael to you.

Richard Burge
Chief Executive

Enc.

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Countryside Alliance

LISTEN TO YOUR COUNTRYSIDE

RB/AS/POL

2nd April 2002

The Rt Hon Alun Michael MP
Minister for Rural Affairs
DEFRA
Nobel House
17 Smith Square
London SW1P 3JR

You will have undoubtedly seen the letter in the Times on Saturday from a number of members of the House of Lords, recommending strongly that the consultation you have announced on the issue of hunting should be conducted by a joint select committee of both houses. The Alliance Board discussed this proposal on the telephone yesterday and it warmly and fully supports this suggestion.

John Jackson is abroad on business at the moment. He feels the announcement that the consultation should look for resolution on the issue of cruelty and utility is appealing, provided that this is based on the findings of the Burns Inquiry, and that the yardstick of utility includes environmentally friendly wildlife management, as well as the crucial area of civil liberties.

John Jackson and I particularly wanted to ensure that you are aware that feelings in the countryside are running extremely high. There is a strong mistrust of the institution of Government. Clarity and transparency of action are required if people are to believe that the intent is to resolve the hunting issue justly, fairly and with their consent. The Kaufman article in the Guardian has raised huge problems, and has made legitimate public protest and a march completely unavoidable.

Richard Burge
Chief Executive

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Comment on use of Parliament Act on Hunting Bill:

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"We are acting as a facilitator for a decision here. Are we going to promise without any reservation that we will use the Parliament Act in any circumstances?" (*Jack Straw – Western Daily Press – 1/06/01*)

"Let's come to the point here. It is very rare for Governments, even when it is Government business, to make that promise in advance and we are not doing that here." (*Jack Straw – Western Daily Press – 1/06/01*)

"What we want to do is ensure there can be a resolution of this issue. We also want to ensure if it is possible that we achieve that resolution by a degree of consensus. It may be a consensus in which it is accepted by one House that there is a majority in the other." (*Jack Straw – Western Daily Press – 1/06/01*)

"Normally, these arguments, which may appear very heated at one moment, can be resolved by discussion and a degree of consensus rather than by the blockbuster of the Parliament Act," (*Jack Straw – 2/06/01 – Daily Telegraph*)

"I'm not committing myself to using the Parliament Act. We have to judge it once we see what Parliament actually decides." (*Prime Minister – BBC Question Time Election Special – 31/05/01*)

EDM 1011 - HUNTING WILD MAMMALS WITH DOGS – 14th March 2002
Banks/Tony

That this House welcomes Her Majesty's Government's announcement, in line with the Gracious Speech, giving Parliament the opportunity to vote on the issue of hunting wild mammals with dogs; draws attention to the overwhelming votes in favour of banning hunting carried in the House on a number of occasions; re-affirms its continuing support for an outright ban and its rejection of licenced cruelty enshrined in the so-called Middle Way proposal; and calls on Her Majesty's Government to follow any vote in favour of a ban with appropriate and timely legislation.

(signed by Mike O'Brien)

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22/3/02

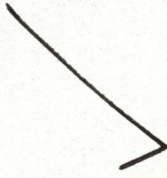
Prime Minister - For info.

Hansard extract of the Hunting with
Doogs statement and debate in
the House, 21/3/02.

Regard

Arthur

Carey



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Hunting with Dogs

1.49 pm

The Minister for Rural Affairs (Alun Michael): Our manifesto gave a commitment on hunting with hounds, stating that:

"we will give the new House of Commons an early opportunity to express its view.

We will then enable Parliament to reach a conclusion on this issue."

I have been given the responsibility of leading that enabling process. In reaching my decision on how to proceed, I have listened carefully to what has been said in the debates. The votes this week leave the two Houses diametrically opposed—indeed, I have rarely seen an issue on which the divisions have been greater. It is precisely for that reason that it is right to see how it can be resolved with as much agreement as possible.

We want to respect all views, but that must start with respect for the strength with which the Commons made its views clear on Monday. I promise to engage with everyone who has an interest in this issue to make the legislation practical and robust. I promise to bring to the House of Commons a Bill that will deal with this issue effectively once and for all, and that will make good law. I earnestly hope that we can achieve that by finding as much common ground as possible. I propose a process of consultation on the practical issues of detail with a wide variety of interested parties. That consultation period will last no more than six months, including work on drafting a new Bill.

We promised in our manifesto that this issue would be resolved. Should there be no way through, and should the new Bill be frustrated in its passage rather than scrutinised and improved, the Government could not properly stand in the way of the application of the Parliament Act, which of course would be a matter for this House. *[Interruption.]*

Madam Deputy Speaker (Sylvia Heal): Order.

Alun Michael: I ask Conservative Members to listen carefully to what is being said. The Government would prefer the Bill to proceed by debate and through a search for common ground wherever possible, with conflict tempered by tolerance.

Mr. Desmond Swayne (New Forest, West): Where is the tolerance?

Alun Michael: The hon. Gentleman obviously does not understand the word "tolerance". I suggest that he listen.

If that process is frustrated and the Bill rejected, we would reintroduce the Bill as quickly as possible to this House. It would then be for this House and its procedures and for Mr. Speaker to determine whether the Parliament Act should apply. However, the reason for re-engaging in a process to try to achieve wider agreement is precisely that we recognise that there are legitimate concerns in the countryside about pest control, land management and other practicalities, and we want to address those issues in the Bill. Those concerns were raised both in this House and in the other place.

I reiterate our manifesto commitment that

"we have no intention whatsoever of placing restrictions on the sports of angling and shooting."

I also want to stress to everyone in the countryside that hunting is at the margins of the real debate about the priorities that we set out in the rural White Paper, which are to ensure that people in the countryside get access to good public services, proper investment, sound environmental policies and sustainable development.

On the content of the Bill itself, I believe that some common ground can best be found by focusing on two general principles. The report by Lord Burns on hunting with dogs examined in great detail the principles of cruelty and utility. We propose to frame legislation that prohibits activity based on those two principles rather than simply setting out a list of activities to be banned.

The Burns report did not provide a route map, however. That is why further thought should be given in applying these principles, and that is what I shall be doing over the next few weeks.

I am sure that the House will have noted the very clear assurances that I have given today about timing and outcome, and about the engagement of those campaigning for a ban on hunting, of Members of this House, and of those involved in land management. I recognise that this is a difficult issue, especially as we all know that there are other pressing matters, such as legislation on crime, health and education, that also demand our attention. We must deliver on our central promises on reform and investment in our public services.

I ask the House to trust me to deliver, and to join me in a process that is guaranteed to achieve an outcome as soon as possible. I look forward to engaging with colleagues on both sides of the House and in the other place. The process that I am setting out today will ensure that we deliver on our manifesto commitment to resolve this issue during the lifetime of this Parliament.

Mrs. Ann Winterton (Congleton): I thank the Minister for letting me have sight of his statement this afternoon. I had tremendous difficulties with my computer at the weekend, and I understand that he had similar difficulties today. I received the statement hot off the press only a few minutes ago, therefore. However, I am grateful at least for the attempt to get it to me in good time. The proposals that the Minister has announced today, which will be introduced in the next Session of Parliament by the use of the Parliament Act if necessary, say very little and shed very little light on how the Government see the way forward, especially after two full days of debate this week.

The proposals are most certainly not a middle way. However, in their small print, they show the way in which the Minister proposes to curtail the freedoms enjoyed by generations of British people. Can the Minister take powers, on a whim, to make regulations under the new "necessity" test, in the Burns report, of "cruelty and utility"—"vermin control"—which will, at a stroke, maim hunting as we have known it, except for a few foot packs in some upland areas? Hunting would then only be tolerated under licence, with rights of appeal given to anti-hunt organisations if a licence were granted.

The devil will, as ever, be in the detail. When will we see precisely what regulatory powers are planned? How will they be implemented, and by what means? With whom will the Minister consult? How will he reassure the

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countryside that he is not just buying time? Many believe that the decisions are already taken, as *The Times* today makes clear. Will he confirm that, in addition to the list of consultees on page 3, he will fully consult those who support field and country sports and foxhunting in particular? How will he ensure that the consultation focuses on other real issues such as species management, conservation and employment?

It is obvious to one and all in the House and elsewhere that the Government are caught between a rock and a hard place of their own making. They are caught by their own Back Benchers, who are deeply unhappy about the failure of Government policy, and by the fear of a countryside march of up to 1 million people joining together in comradeship and common purpose, as they did before. The issue is not animal cruelty; it never was. It is about the settling of old scores.

The message must go out the length and breadth of this land: we must fight for our country traditions and values. That fight for freedom and liberty begins today.

Alun Michael: It is very disappointing that the Conservative response has been so narrow and petty. It is clear that Opposition Front-Bench Members are determined to create division and not to help a process that will create good legislation. It is the process of creating good legislation that is important—*[Interruption.]* I invite Opposition Members to stop gnashing their teeth, and to listen to what I am saying in response to serious points made by the hon. Lady—her contribution included serious points among its scattering of prejudice.

We seek to introduce legislation based on principles. Legislation often bans things—frequently, it involves a curtailment of liberty—and the House must ensure that that is done carefully, judiciously and appropriately. Surely that is the purpose of writing good legislation. It is ludicrous of the hon. Lady to suggest, in her words, that I intend to take powers “on a whim”. The House will decide exactly what legislation is passed. My responsibility is to help that process and to enable us to have good law.

The hon. Member for Congleton (Mrs. Winterton) is right to say that the devil is in the detail, which is why I have announced a process in which the detail and the practicalities will be discussed. She asked for the sort of information appropriate to a Second Reading debate, after the publication of a Bill. As I indicated, we are starting a process. I assure the hon. Lady that consultation will be open to anyone.

I am not sure what it says on page 3 of *The Times*, as I have not read it today—

Mrs. Winterton: I was referring to page 3 of the statement.

Alun Michael: I beg the hon. Lady's pardon. She was speaking about *The Times*, so I thought that that was the organ to which her pagination applied. I know what is in my statement; it is *The Times* that I have not read.

I can tell the hon. Member for Congleton that the consultation process will be very open. Certainly, people who engage in hunting will be part of the process, and they will be fully involved. Indeed, I met representatives from the campaign for hunting yesterday. My door has

been kept open to that organisation, as it has to other bodies with an interest in the matter. I had friendly and useful exchanges with them, because I am engaged in a process of dialogue.

The hon. Member for Congleton spoke about marches. I do not recall any Conservative Government being swayed by marches of any sort, whereas this Government do take notice of strong opinion, regardless of whether it is expressed by demonstration or by the process of consultation. We respect people's freedom to protest, but I ask those who consider protesting about the issues involved in this matter to recognise that they are being invited to take part in a process. They will be listened to and they will have an opportunity to influence the legislative proposals that come before the House. That seems to be the biggest difference between Government and Opposition.

Several hon. Members rose—

Madam Deputy Speaker: Order. Many hon. Members are trying to catch my eye. It would be extremely helpful, therefore, if hon. Members raised only one point with the Minister.

Mr. Michael Foster (Worcester): I thank my right hon. Friend for his statement today. My question will no doubt be put to him by people outside the House. If, after the process outlined today, the House of Commons once again votes to ban cruel and unnecessary sports such as lowland fox hunting, and if the House of Lords rejects that view, will my right hon. Friend ensure that the Government use the Parliament Act to allow this House to have its say?

Alun Michael: I thank my hon. Friend for his welcome for my statement. In essence, he asks whether the Government would apply the Parliament Act. However, use of the Parliament Act is a matter for the House. As I made clear, that process would be enabled by the Government if it became necessary, but we very much hope that the process will be one of engagement, and of improvement of any legislation that is brought forward. Our preference is that the Parliament Act will not be needed. I hope that that will be the case, but my hon. Friend is right to understand that the Government would enable use of the Parliament Act, if necessary. In that way, the House of Commons will be able to decide the matter.

Norman Baker (Lewes): I welcome the fact that the Minister has made an early statement to the House, following the debates in both Houses earlier this week. Since 1997, Parliament has spent more than 130 hours discussing hunting. The Minister is therefore right to say that we need to reach a conclusion “once and for all”, to use the words in his statement. However, I notice that the process that he has set out will take another 12 months to complete.

Does not the Minister's statement take us back to square one, in that all options are open again? The Minister has changed the way in which matters will be dealt with. Rightly, he has moved away from discussing particular bans, and has proposed that we look at questions of cruelty and utility. Will he accept, however, that the definition of cruelty is subjective, and that

[Norman Baker]

hon. Members of all parties will reach different conclusions about it? How does he intend to reconcile subjective views of that nature?

Will the Minister accept that his statement could be interpreted by some as code for a sort of middle way solution, which will stop bare coursing but allow some foxhunting to continue? That would be in line with the briefings that senior people in Government gave to the press last weekend.

Finally, it may be admirable to try to bridge the unbridgeable—and I applaud the Minister's attempt—but I hope that he will clarify his intentions, in light of the question from the hon. Member for Worcester (Mr. Foster). Will the right hon. Gentleman confirm that the Bill will be subject to a free vote? Will he also ensure that, if the House of Commons votes for a form of legislation that bans all foxhunting and hunting with dogs, he will enable the Parliament Act to be used, and that the will of the Commons will triumph?

Alun Michael: I thank the hon. Gentleman for a series of interesting questions. The Government are promoting discussion and debate. We are taking a little time to try to seek agreement and to achieve as much common ground as possible.

I do not think that the hon. Member for Lewes (Norman Baker) is right to say that my statement takes us back to the beginning. I explained the process that will be undertaken, and the principles on which it is based, and I suggested that what we need to discuss are the practicalities. For those reasons, therefore, my statement moves matters forward.

The hon. Member for Lewes said that the definition of cruelty is subjective. I am sure that there will be much discussion of that when we come to scrutinise the legislation, but the law is already clear that cruelty is defined as that which causes unnecessary suffering. In practice, the concept is used in the courts in a variety of ways, so I do not think that there is the uncertainty about meaning that the hon. Gentleman suggests.

The hon. Member for Lewes asked whether the proposals did not look a little like the middle way. I assure him that this is not the middle way. He also referred to briefings from elsewhere in Government, but I know of no such briefings. I assure him that the only authoritative briefings on this issue come from me. If he has any doubts about anything that he hears and which is ascribed to someone else in Government, the hon. Gentleman should give me a call and I will put him right.

The hon. Member for Lewes asked whether the question of hunting will continue to be dealt with on a free vote. I can confirm that it will. His final question referred to the nature of the Bill. The Government have made it clear that the Parliament Act is enabled to allow the House of Commons to come to decisions. The use of the Parliament Act is a matter for the House of Commons. We will not stand in the way of that. We will enable the process if it is needed, but I again make it clear that I am dealing with that point now so that we can put it to one side and ensure that we do not spend ages discussing whether the Parliament Act will be used. We should prefer it if the Parliament Act were not used, as we want to

deal with the matter by seeking common ground, through debate and through the normal processes of this House and the other place.

Mr. Gerald Kaufman (Manchester, Gorton): Is my right hon. Friend aware that I had hoped to receive from him today a precise statement that Monday's decision by the House of Commons that a full ban on all forms of hunting with dogs would be introduced as a substantive Bill as soon as possible? However, that is not what we heard.

My right hon. Friend asks us to trust him. I certainly trust him, as I have a high personal regard for him. In the end, however, the only thing that I will trust is a Bill. I hope that my right hon. Friend will give a very clear answer to the question that I am about to ask him. His answer will govern my approach to this matter and—for what it is worth—to other matters that arise in this House for the remainder of this Parliament.

Let us assume that, after the consultation period, the Government introduce a Bill that contains some exceptions, and that the House of Commons on a free vote decides to remove all those exceptions and to impose a complete ban on all forms of hunting with dogs. In those circumstances, will my right hon. Friend give me the clear assurance that that would be the Bill for which the Parliament Act would be invoked?

Alun Michael: First, I am aware of my right hon. Friend's preference. No one who has heard him speak on the matter could be in the slightest doubt about what he wants to happen. However, I hope that the promise that what he called a substantive Bill would be introduced as soon as possible will encourage him. I have suggested a specific time scale for that, and again I hope that he will accept that the intention is to provide certainty, for him and for the rest of the House.

I am absolutely clear that if the Government introduce a Bill that is amended in the House of Commons, our promise in relation to allowing the Parliament Act to obtain will apply. It would be a matter for the Commons. I think I cannot underline enough the important words "This would be a matter for the House of Commons".

Mr. John Maples (Stratford-on-Avon): I am sure that when the Minister first entered the House he, like me, considered protecting the rights and freedoms of minorities one of its most important functions. On that basis, we in the House have for many years continued to tolerate things of which, individually or collectively, we disapprove. Is it not a very sad day for the Minister and the House when he invites us to abandon that long-established principle?

Alun Michael: There are many minorities whose freedom of action is curtailed in a variety of ways because the House has decided through history that a particular thing should be banned. That applies whether the hon. Gentleman is referring to bear-baiting, cockfighting or similar activities relating to animals, or to various other activities that are regarded as offences because one person's ability to exercise his or her freedom of action impinges on the rights and obligations of others. I am afraid that, by simply referring to the freedom of the individual, the hon. Gentleman is not helping us to arrive at appropriate and robust legislation.

Yes, I believe entirely that it is the responsibility of a majority to protect the rights and freedoms of individuals; but it must be done in a manner that also ensures that where there is a principle that should not be offended against, that principle is upheld.

Mr. Chris Mullin (Sunderland, South): My right hon. Friend is a very reasonable man. He has talked a good deal about the need for discussion and debate. May I express the hope that there will not be too much discussion and debate? After all, we have had rather a lot of that already. What we seek is a watertight Bill, and what I seek from the Minister today is an assurance that what will result at the end of this is not a Bill leading to years of litigation, with judges driving a coach and horses through the various definitions in the Bill, followed by demands for yet another Bill. We must bring this matter to an end; the will of Parliament must prevail.

Alun Michael: My hon. Friend is absolutely right to say that it is important to produce a Bill that is effective and watertight, and will not lead to a mass of litigation. I assure him that I am not in the business of increasing the incomes of lawyers, or the amount of activity in the courts. I will seek to apply the principle that he has put to us to the drafting of the legislation.

My hon. Friend says that there has been enough discussion and debate. I suspect that in embarking on this process the person I am condemning to the greatest quantity of discussion and debate is myself, in listening mode but also in discussion mode, trying to tease out the best way of implementing the legislation. I shall try to live up to the term that my hon. Friend used in his vicious attack, and continue to be a reasonable man.

Mr. Nicholas Soames (Mid-Sussex): Does the Minister accept that by himself voting against the middle way the other night, he demonstrated that he was not prepared to listen? Does he also accept that to millions in the country at large, and to all who love hunting and the countryside, the Government's sense of priorities is astonishing and impossible to understand? Finally, let me tell him this: the countryside will fight for liberty, livelihood and freedom. What he proposes does indeed mark a black day for freedom in this country.

Alun Michael: The hon. Gentleman makes a rather populist point. Most people whom I meet in the countryside would set as priorities for action by the Government the very actions to which we have given priority—the revival of the economy in rural areas, encouraging communities in rural areas, looking at the future of food and farming and promoting tourism in rural areas. They would expect us to give priority to issues that affect people's everyday lives in rural areas, such as education, health and transport, in which we have invested massively more than the Conservative Government.

The hon. Gentleman asked whether the way in which I voted on Monday had somehow compromised my role. This issue has been before the House on a free vote on numerous occasions. It would be a very odd Member of Parliament who had not reached a conclusion on questions such as those that were before us on Monday; it would be a very odd Member of Parliament who failed to vote on them.

I have always been absolutely straight and honest with people I have met—including members of the campaign for hunting—to ensure that they know which way I have voted on the matter over the years. I have also made it absolutely clear to them, and to every group, that I have been given a separate role by the Prime Minister, which is to enable Parliament to reach a conclusion. I shall do the job as objectively as I can: having personal opinions takes away none of my responsibility for enabling that process.

Mr. Mike O'Brien (North Warwickshire): I welcome the preparedness to invoke the Parliament Act, should that be needed, but will my right hon. Friend confirm that it could not be invoked in the next Session with a new Bill, and that the process would therefore probably take a further year? Will he also confirm that the Government have moved from a position of neutrality—of merely facilitating Parliament's arrival at a conclusion based on one of the three options—to the undertaking of a new process to secure a Bill based on common ground? Has he any idea what that common ground would be?

Alun Michael: My hon. Friend is right: the process will take a little longer by the means I have proposed today than by the means of applying the Parliament Act to the previous Bill. That, however, is a price that we consider worth paying to try to avoid the continuing danger of a stalemate between the two Houses, and to find as much common ground as possible between us and those who feel strongly about these issues, both in this House and outside.

My hon. Friend asked whether the Government had moved. The Government have not moved from being neutral on the issue, but we have accepted a responsibility that we gave ourselves in our manifesto before the general election—a responsibility for enabling Parliament to reach a conclusion. That is the responsibility I have taken on in trying to find the best possible legislation in order to reach the best possible conclusion. I see that as a role for enabling Parliament.

Miss Ann Widdecombe (Maidstone and The Weald): Does the right hon. Gentleman share my regret that discussions on this important issue should be couched in terms of class warfare? Does he accept that many of us who have been involved in this and other campaigns have a long record of fighting for the welfare of animals? Does he find it remotely likely that when the hon. Member for West Ham (Mr. Banks) mounted a campaign to protect tortured bears in China, he was declaring class warfare on the communist regime there?

In every free vote since 1987, has it not been standard practice for the Minister and the Opposition spokesman to give their personal views and then to make clear that they nevertheless have a duty to the House? Finally, is not the method of resolving the problem that the right hon. Gentleman has announced just a recipe for yet more delay, and for allowing the issue to run up and down the parliamentary system when we should be discussing other issues? Should the matter not now be brought to a firm conclusion? The House has shown its view; we are the democratically elected body.

Alun Michael: I can agree with a great deal of what the right hon. Lady said. I certainly share her regret that

Alun Michael

the issue should be debated in terms of class warfare, and I am sure that members of her own Front Bench will have heard her injunction. I will leave it to her to debate issues with my hon. Friend the Member for West Ham, but I am sure that any debate of that kind would be worth listening to, given two such robust participants.

I endorse the right hon. Lady's point about the difference between a personal view and a Minister's responsibility to the House. As a shadow Minister, I always took the view that a similar need exists to distinguish between personal responsibilities and one's responsibility to the House in trying to enable good legislation. On several occasions when I was in opposition, contributions and discussions—sometimes in the House, sometimes outside it—helped the Government to improve legislation. I hope that the hon. Member for Congleton (Mrs. Winterton) has listened to this exchange.

Kate Hoey (Vauxhall): May I welcome the fact that the Minister has not introduced a Bill today to ban hunting with dogs? That shows that the many people in the countryside who think that we should not spend huge amounts of time on this issue are being listened to, and that a way exists to satisfy most sensible people. Do the Government have a view on cruelty, and does the Minister have a view on what Lord Burns himself said in the House of Lords? He said:

"Naturally, people ask whether we were implying—in the Burns report—that hunting is cruel... The short answer to that question is no."—*(Official Report, House of Lords, 12 March 2001; Vol. 623, c. 533.)*
What is the Government's view on the Burns report?

Alun Michael: My hon. Friend refers to comments made in another place, rather than to the report itself. One problem is that many people pick out a particular paragraph from the Burns report and use it to justify the position that they adopted before reading it. I take the view that it is important for this House to be able to deal with cruelty in respect of hunting with dogs—that is what the issue is all about. We should do so by referring to the useful work undertaken by Lord Burns, and to the practicalities that I referred to in my statement. That is the subject for consultation in the next few weeks, and that process will certainly be interesting. However, it will be informed by the contents of the Burns report.

Mr. Alan Duncan (Rutland and Melton): Was not the Parliament Act designed to allow the House of Commons to get its way only when the House of Lords thwarts a specific and detailed legislative commitment in a general election manifesto? The Labour party's last manifesto makes no such specific commitment to a ban; instead, deliberately chosen, mealy-mouthed, ambiguous words are used. Is it not a complete abuse of the Parliament Act, therefore, to try to invoke it in this case, or can the Minister cite a precedent for its being used for a non-manifesto or non-budgetary issue?

Alun Michael: The hon. Gentleman hangs together several errors and imprecisions. The point is that, should the two Houses reach an impasse, we will enable the Commons to have its way, but I have made it clear time

and again that we hope that the process will avoid that outcome. A very precise manifesto commitment was made to enable Parliament to reach a conclusion on the legislation. The hon. Gentleman should examine that precise commitment and recognise that it is on that authority that the House of Commons is able to proceed. However, if possible we want to achieve maximum common ground for all who engage in the debate. That is as much an offer—as it were—to the House of Lords as an illustration of what would happen should such an impasse arise.

Mr. Tony Banks (West Ham): The comments of the hon. Member for Congleton (Mrs. Winterton) have already made clear to my right hon. Friend the impossibility of securing consensus in any form. He pointed out in his statement that the two Houses are diametrically opposed. Where can common ground be found? There is no common ground. I do not know why he wants to spend six months chasing shadows. A clash is obviously coming between this House and the House of Lords, so he ought to face up to that fact. To use some of the hon. Lady's rhetoric, he might as well cry havoc and let loose the dogs of war.

Alun Michael: I am not sure that I should take much notice of that encouragement. As my hon. Friend knows, by nature I am an optimist. He will also know that I am a Labour and Co-operative MP, so I seek wherever possible to co-operate and work with others. I am even open to co-operating with Opposition Front Benchers and other Conservative Members—if they will engage in the process, rather than simply writing it off at the outset. Similarly, many in the other place—some of whom disagree passionately with the views of people such as my hon. Friend—nevertheless say, "Let us talk. Jaw-jaw is better than war-war, so let us examine the options and see where they take us. Let us discuss the practicalities." I very much hope that matters will proceed in that way.

Mr. Simon Thomas (Ceredigion): May I give a cautious welcome to what the Minister said today, particularly on the process and the new twin principles of utility and cruelty? I hope that he will introduce a Bill that is genuinely based on those twin principles and will not approach countryside activities in a prejudiced way. Does he acknowledge that the difference in votes cast in this House and in the other place reflects a wider disagreement in society about the way in which the issue needs to be addressed? Within the six-month period he has granted himself, he needs to engage in that wider public debate. We are not the only people who have something to say on hunting and cruelty.

In that context, he will have received a letter from Glyn Davies, Chairman of the Agriculture and Rural Development Committee in the National Assembly for Wales. It asks him specifically to take into account more than 900 submissions to the committee on hunting in Wales, and further to take into account in the legislative process the Committee's deliberations on the best way forward for hunting in Wales, which is characterised by upland areas. Will he undertake to do that?

Alun Michael: I am happy to respond positively to each of those three points. First, the hon. Gentleman is right to say that we are seeking to legislate through the

application of principles. I have outlined those principles, it is clear that he understood my comments, and that is the way forward. Secondly, he is also right to say it is not just a question of views in this House and the other place. There is wider disagreement in society—and in the countryside—and it is right that we engage with people outside this House. He will know that I have met a wide variety of groups in England and Wales that wish to make representations on the issue, and I shall continue to do so. Thirdly, it is certainly right to take into account views from Wales, including views expressed by the National Assembly for Wales and its Members. I have not seen the letter to which he refers, but I would expect to be able to respond positively to it.

Paddy Tipping (Sherwood): My right hon. Friend is right to establish a short period of consultation, but he is fundamentally wrong if he believes that consensus can be achieved for a Bill with a framework of utility and cruelty. Will he stick to a closely defined timetable, so that those of us who live in, and represent, rural areas can get on with the real issues that affect the countryside?

Alun Michael: My hon. Friend says that I would be wrong to believe that consensus can be achieved, but I have not used that word—I used the term “common ground”. We want to achieve as much common ground as possible, and in that regard I am being realistic. I am not hoping that somebody will suddenly wave a magic wand and achieve consensus across the piece on this difficult issue.

As I said, the timetable for consultation on the practical matters to which I referred, and for the drafting of legislation, will be very tight. The answer to his question is therefore a simple yes.

Mr. Edward Garnier (Harborough): The Minister properly suggests that there should be a six-month period of consultation, and he tells us that he is a co-operative person and Member of Parliament. In the interests of informing himself over the next six months, will he come to Harborough in Leicestershire, where five hunts operate, the better to learn about the utility of hunting and the absence of cruelty? I appreciate that he takes a different view, but will he please take the opportunity to meet the people in Leicestershire with an interest in the subject? I invite him to come and stay with me. In Committee, I invited the hon. Member for Basildon (Angela Smith) to do so, and she would be very welcome. The right hon. Gentleman could bring his wife and his private office staff, but I urge him to come to hear at first hand the worries of my constituents. He could then come back to Parliament after the six-month consultation period better informed for that visit.

Alun Michael: I am grateful to the hon. and learned Gentleman for his invitation. I referred to a period of six months of consulting and drafting in order to get the legislation right, and we want to stay within that time scale. He generously invites me to Leicestershire—I am very popular; I am being invited to visit many parts of the country—but his underlying question is whether I will listen to people involved in hunting, consider the practicalities and listen to their experience. Yes I will, which is why I visited a hunt a few weeks ago at the invitation of the campaign for hunting and devoted as

much time as I could to listening to people's views. I did so partly to hear those views and partly to engage with the practicalities, which is one of the reasons why it is important to have the process that I have introduced today. I make no specific promise about where I will spend my time in the next few months.

Mr. Gordon Prentice (Pendle): I trust my right hon. Friend and we all know of his deep personal commitment to an outright ban. The House will know my view that this is a wasted opportunity and that, even with this timetable, we might still be discussing the issue right up to 2004. Who wants that? The Minister talked about consultation—endless consultation. What will we learn from six months of consultation that we do not already know?

Alun Michael: If one does not take part in a discussion, one does not discover what one would learn by having the discussion. My hon. Friend asks me to jump ahead of a process that, I suggest, makes sense. I have proposed not endless consultation but a limited period of consultation and drafting—the serious work of enabling the process of bringing legislation before the House at the earliest possible date.

Lembit Öpik (Montgomeryshire): Will the Minister accept that the two principles of cruelty and utility offer a serious chance for discussion of the best alternative means of adhering to those principles? An unwillingness to engage by those who take an extreme view can be interpreted only as an unwillingness to listen to alternative ways to achieve those two principles. Does he agree that if the Middle Way Group, Countdown to the Ban and the Countryside Alliance wish to be involved in the process, the best thing that he can do is to ensure that they listen without prejudice to the reasons why they have reached different views? The best legislation will be achieved by listening generously, even to views that one does not hold at the beginning, in the hope that we will find something better than anything on the table at the moment, in the interests of animal welfare.

Alun Michael: I am grateful for the hon. Gentleman's comments and for his underlining the issue of animal welfare. I assure him that all three groups will be welcome to take part in the process of considering the practicalities, as will a variety of other organisations that have an interest, such as the farming organisations and others that are not part of the three groups. I underline the point that this will be an open process, not a closed one. An unwillingness to engage in discussion looks not like strength but like weakness.

Mr. John McFall (Dumbarton): I commend the Minister for his patience in renegotiation, but may I remind him that in 1994, when the House passed my anti-fox hunting Bill—the Wild Mammals (Protection) Bill—by a majority of 253 to zero, I engaged for six months with those in the other place but not one inch was given on foxhunting? Let us face the fact that this is no longer about foxhunting but is now a constitutional

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Hunting with Dogs

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[Mr. John McFall]

issue. *[Interruption.]* If the will of the House prevails, as expressed year after year in massive majorities—
[Interruption.]

Madam Deputy Speaker: Order. Let the hon. Gentleman put his question.

Mr. McFall: Will the House's will prevail, and within a year will foxhunting be totally and utterly banned?

Alun Michael: My hon. Friend refers to his own history in these matters, and I remember the frustration that he experienced in being unable to enact a Bill that had been passed by this House. Above all, we do not want this issue to become a constitutional issue. If there is a will in the House of Lords and this place to avoid that, it can be avoided. However, I have made it clear—and my remarks are intended to assist this House and the other place in terms of the confidence that they may have in the process—that were the other place to frustrate legislation, the Government would not stand in the way of the Parliament Act being used as the result of the reintroduction of a Bill. I hope that I have been clear—not because I wish to provoke confrontation with the House of Lords but because I wish to avoid it.

Mr. Douglas Hogg (Sleaford and North Hykeham): Will the right hon. Gentleman take time to reflect on the fact that in a democracy majorities—even elected majorities—can be as tyrannical as individual dictators? When he frames the legislation, will he bear it in mind that his fellow citizens should be as free to go foxhunting as they are to go fishing and shooting—as do many Labour Members? If he does not allow those principles, he will have to accept that his legislation will be perceived to be but a form of mob rule.

Alun Michael: I take it that the right hon. and learned Gentleman says that majorities can be tyrannical in the

light of personal experience during his political career. We certainly saw many tyrannical actions during the years of Conservative government that damaged people's lives and communities up and down the country. I welcome his conversion to generosity towards those who are not in the majority, but I would have thought that he would understand what I am doing today. He might have said that we were being tyrannical if we had reintroduced the previous Bill and pushed it through by allowing the application of the Parliament Act; instead, we have invited all concerned to enter into a process. We are showing the generosity of a majority that is confident rather than one that is being tyrannical.

Mr. Colin Pickthall (West Lancashire): Is my right hon. Friend aware that the Conservatives' reactions to his statement—with the notable exception of the right hon. Member for Maidstone and The Weald (Miss Widdicombe)—are reassuring to many of us, because they make us think that he is closer to getting it right than we had feared? Does he agree that the crucial issue is the timing? Other hon. Friends have made the point, but can he state categorically that six months from today the consultation will have ended and the Bill will be drafted? Is he worried that any slippage in the timetable that lengthens the process will create more cynicism outside the House, especially among those who support what he is trying to do, and that the Government could end up pleasing no one?

Alun Michael: I certainly accept what my hon. Friend says about the need to stick to a timetable once it has been given as an indication of the period within which we intend to complete the job. I shall do everything I can to ensure that there will be no such damage to the reputation of Government, and no delay.

Several hon. Members rose—

Madam Deputy Speaker: Order.

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countryside-alliance.org
The Real Rural Agenda

NEWS RELEASE

Release: Immediate

Date: 21st March 2002

Alliance responds to the Minister's Commons statement on hunting

The Alliance today commented as follows:

- We welcome the fact that the previous Bill has now been dropped completely, and that consultations are to take place on the form of new legislation. But if MPs try to hijack any resulting fair-minded legislation so as to transform it into a prejudiced attack on a cultural minority, then they will face the most determined and implacable resistance from the countryside!
- We are encouraged to hear that the Minister plans to base the content of any new legislation on the findings of the Burns report, especially with regard to the issues of cruelty and utility. Lord Burns' report has made clear that hunting is at least as humane as the alternatives and is in some circumstances the only practicable option. Moreover, Lord Burns has himself stressed that his report provides no grounds for concluding that hunting is cruel
- The Alliance looks forward to playing its full part in the consultation process, provided that this is conducted, as the minister has called for, in a spirit of tolerance. But all parties must be seen to seek a just solution which safeguards both civil liberties and animal welfare - both of which would be compromised by a ban.

ENDS..

For further details, please contact the Press Office on 020 7840 9220

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News - Hunt delay compromises trust (RSPCA Website – 21/3/02)

Anti-hunt campaigners branded the government's unnecessary delay in ending the cruelty of hunting as a recipe for undermining trust.

Campaigning to Protect Hunted Animals – the RSPCA, International Fund for Animal Welfare and League Against Cruel Sports – strongly criticised the decision to hold further consultation and then introduce a new bill in the next parliamentary session.

John Rolls, director of communications for the RSPCA, said: "This is an unnecessary waste of time. The existing Hunting Bill has already been passed by the Commons. It was drafted by the Home Office and it has been subject to more than 60 hours of debate, as well as scrutiny by legal experts and welfare groups.

"The Hunting Bill allows for the legitimate protection of livestock. There is no need whatsoever for any form of killing using hounds to continue. Earlier this week the House of Commons again voted overwhelmingly in favour of a ban. The view of the elected chamber must prevail. The government's motives are transparent. It is clearly not about distinguishing between utility and sporting hunting because the existing bill does that already. Instead, it is simply putting off until tomorrow what should have been resolved today."

Public support

A recent MORI poll* showed that 62 per cent of people would support the government bringing in a ban this year, irrespective of the vote in the House of Lords.

John Rolls said: "This issue has been endlessly debated. A further six months of debate will do nothing to find common ground that just does not exist. Hunting with dogs is cruel and a modern, civilized society should not allow cruelty to animals."

For more information on the campaign to ban hunting with dogs visit the RSPCA's ban hunting microsite at www.rspca.org.uk/banhunting.

**MORI interviewed a nationally representative quota sample of 1,003 adults aged 16+ by telephone between 15-17 March 2002. Data were weighted to reflect the known population profile.*

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**** CHECK AGAINST DELIVERY ****

EMBARGOED UNTIL THE MINISTER OF STATE IS ON HIS FEET

STATEMENT: HUNTING WITH DOGS (21 March 2002)

Mr Speaker, our manifesto gave a commitment on hunting with hounds. We said:

"We will give the new House of Commons an early opportunity to express its view. We will then enable Parliament to reach a conclusion on this issue."

I have been given the responsibility of leading that enabling process.

In reaching my decision on how to proceed, I have listened carefully to what has been said in the debates.

The votes this week leave the two houses diametrically opposed. Indeed I have rarely seen an issue where greater divisions exist. It is precisely for that reason it is right to see how it can be resolved with as much agreement as possible.

We want to respect all views but that has to start with respect for the strength with which the Commons made its views clear on Monday.

I promise to engage with everyone who has an interest in this issue in order to make the legislation practical and robust.

I promise to bring to the House of Commons a Bill that will deal with this issue effectively once and for all and make good law; and I earnestly hope we can do so on the basis of as much common ground as possible.

I propose a process of consultation on the practical issues of detail with a wide variety of interested parties. This period will last no more than six months, including work on drafting a new Bill.

But we promised in the manifesto that it will be resolved.

Should there be no way through and should the new Bill be frustrated in its passage rather than scrutinised and improved, the Government could not properly stand in the way of the application of the Parliament Act, which again of course would be a matter for this House.

So the Government would prefer for the Bill to proceed by debate and a search for common ground wherever possible, with conflict tempered by tolerance.

If that process is frustrated and the Bill rejected, we would reintroduce the Bill as quickly as possible to this House. It will then be for this House and its procedures – and indeed for yourself Mr Speaker – to determine whether the Parliament Act applies.

However the reason for re-engaging in a process to try to achieve wider agreement is precisely because we recognise that there are legitimate concerns in the countryside about pest control, land management and other practicalities and we want to address these issues in the bill. These concerns were raised both in this House and in another place.

Let me also reiterate our manifesto commitment that: *“We have no intention whatsoever of placing restrictions on the sports of angling and shooting.”*

And I also want to stress to everyone in the countryside that hunting is at the margins of the real debate about the priorities that we set out in the Rural White Paper. Those of ensuring that people in the countryside get access to good public services, proper investment, sound environmental policies and sustainable development.

On the content of the Bill itself, I believe that some common ground can be achieved best by focusing on two general principles.

The report by Lord Burns on hunting with dogs examined in great detail the principles of cruelty and utility. We propose to frame legislation that prohibits activity based on those two principles rather than simply setting out a list of activities to be banned.

But the Burns report did not provide a route map. That is why further thought needs to be given in applying these principles and that is what I shall be looking at over the next few weeks.

I am sure the House will have noted the very clear assurances I have given today about timing and outcome, as well as engagement which will involve those campaigning for a ban on hunting, and members of this house, as well as those involved in land management.

Inevitably, I recognise that this is a difficult issue, especially as we all know there are pressing issues of legislation that also demands our attention on crime, health and education. We must deliver on our central promises to deliver reform and investment in our public services.

Mr Speaker I ask the House to trust me to deliver and to join me in a process which is guaranteed to achieve an outcome as soon as possible. I look forward to engaging with colleagues on all sides of the House and in another place.

The process I am setting out today will ensure that we deliver on our manifesto commitment to resolve this issue during the lifetime of this Parliament.

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DEFRA

Department for
Environment,
Food & Rural Affairs

Restricted

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*cc: Q's
MH
JK
SM
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Please see the attached papers from Alun Michael

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Mr Speaker, I come to the House as promised to propose a means of enabling Parliament to resolve the issue of hunting with dogs in England and Wales which has been the subject of passionate debate both in this House and in another place.

Our manifesto commitment was to:

"give the new House of Commons an early opportunity to express its view. We will then enable Parliament to reach a conclusion on this issue. If the issue continues to be blocked, we will look at how the disagreement can be resolved."

We have fulfilled as promised the first part of our commitment but as the manifesto makes clear the process does not end here.

In reaching my decision on how to proceed, I have listened carefully to what has been said in the debates. I have also taken into account the overwhelming vote in the Commons in favour of a "ban" and the fact that a number of my Hon Friends would like to settle the matter quickly through the re-introduction of the previous Bill.

The Lords have continued to express a different opinion. It is certainly true that their Lordships voted clearly for the Middle Way on Tuesday, indicating a significant shift from their stance last year when a majority voted for "no change". However, a significant minority still favoured no change - and the sentiments in many speeches showed a wider hankering after that option.

I am pleased that yesterday's vote was an expression of opinion by the Lords on a motion, rather than on a Bill, as it allowed Peers a chance to make their views known without entering into a stalemate with the Commons. That is the point of an indicative vote. We should take note of their vote and the views expressed. But Members of the House of Commons will expect Peers to show respect to the considered view of

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the Commons when we send to them a Bill designed to resolve the issue.

Now, I know that some colleagues are reluctant to consider any option other than the immediate re-introduction of the Bill from the last session. That would be the preferred option of many more. It would indeed be the fastest way to put legislation on the Statute Book so it is tempting, but I ask my Hon and Rt Hon Friends to bear with me in getting to a conclusion by a better route.

While the issue of hunting does not affect people's lives as directly as key issues like health, education, crime and transport it is an issue that people feel strongly about. It is viewed as a moral issue. It is seen as a matter of trust. And at the same time, I believe that many people on all sides of the debate want to see the issue resolved, and ensure that cruelty to animals is ruled out in all circumstances.

As members know I was on the Committee that considered last session's hunting bill. It became clear to me during the Committee stages that some of the detail of the previous Bill was less than perfect and I hope to show how it can be improved in a moment. But first I have to deal with the use of the Parliament Act.

Some objections to the use of the Parliament Act have been wide of the mark. It has been suggested that the intervention of an election weakens the case for using the Parliament Act. In fact the original Parliament Act in 1911 was founded on the principle that the intervention of an election would strengthen the Government's right to invoke the Act.

It has also been suggested that the Government would be unable to implement the previous Bill successfully in the countryside in a climate where there was no consensus. That in turn has been used to argue that the Parliament Act should not be used. Again, that is nonsense.

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Little legislation would have seen the light of day between 1979 and 1997 had consensus been a requirement. And it is insulting to the law-abiding people who are involved in hunting to suggest that they would not obey the law as enacted by Parliament.

But the law-abiding nature of those who now hunt is a good reason for pausing for thought about the way in which the will of the majority is implemented in legislation.

First, the criticism is couched in terms of the Government's will. As I reminded the House on Monday, this is an issue for Parliament rather than Government because it is individuals as back-benchers who have brought the issue before the House year after year. This is a case in which it is sensible to separate the choices of Government from the choices of Parliament.

Second, there is a perceived weakness in the proposed use of the Parliament Act. It is suggested that the outright rejection by the Lords of the last Bill was inevitable because of the closeness of a general election, or was engineered by the leadership of the Opposition in a desperate bid for votes. It is suggested that Peers believed that the Government would not use the Parliament Act on a measure of this sort. And there are many other arguments which both demonstrate a similar talent for casuistry and appear to cast doubt on the process.

The fact is that this House would be quite in order to allow the Parliament Act to kick in.

However, I referred to perception.

There are certainly many who would feel aggrieved by what they would perceive as the use of an unfair mechanism in the shadow of a general election.

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That is why I propose a different way forward.

Accepting that this House has the right to insist on its view, I ask my Hon and Rt Hon Friends to take a longer view.

Let us work through a process in which it is clear from the start that the House of Commons wills an outcome. The role of Government is to "enable Parliament to come to a conclusion on this issue" and I am grateful to the Prime Minister for entrusting to me the role of enabler.

So I promise to bring to the House of Commons a Bill which will deal with this issue effectively and make good law.

I promise to engage with everyone who has an interest in this issue in order to make the legislation practical and robust.

I ask those in another place to consider how the new Bill can be improved and made more effective as a result of their consideration. That is their role and I believe there are many Peers who would like to fulfil it diligently and effectively even on such a controversial issue as this.

And I give notice now that should the new Bill be frustrated in its passage rather than scrutinised and improved, the Government would not stand in the way of the application of the Parliament Act. Let me spell that out. The Government would prefer for the Bill to proceed by debate and a search for consensus wherever possible, with conflict tempered by tolerance. But if that process is frustrated and the Bill be rejected or frustrated, we give a commitment now to reintroduce the Bill as quickly as possible to this House. It will then be for this House and its procedures - and indeed for yourself Mr Speaker - to determine whether the Parliament Act applies.

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I put it in this way so that there is no room for misunderstanding.

We decline to allow the Parliament Act to kick in on the "old" Bill from strength rather than weakness - the strength of a Government that respects the role of Parliament and the strength of Parliamentarians who are determined to make good law.

To Parliament Act the previous Bill would limit the ability of the Government - and indeed Peers and Members - to amend the Bill in a sensible way. Both houses would need to agree to any such amendments and this might well be unlikely.

The old bill was too limited in its scope. It did not cover key issues of importance to people such as x, y and z. These measures could not be taken forward if we just pursued the previous bill.

It is important that we tackle all these issues in one effective way.

For these reasons I believe that the best way forward is for me - acting as enabler on behalf of Government - to introduce a new Bill to deal with this issue. This would follow a process of consultation with the three main groups and a wide variety of other interested parties, on the practical issues of detail. This period will last no more than six months., including work on drafting a new Bill.

The Government will remain neutral on the issue, but we have a responsibility for the quality of legislation so it will be for me as "enabler" to bring forward a set of coherent proposals for Parliament to consider and which I hope both Houses will be able to agree. Because this House has always had a Free Vote issue on the principle of this issue, I envisage a free vote at Second Reading and Third Reading. The Government might well be able to stand back from other amendments but would intervene or offer advice on amendments wherever it was necessary to achieve good law

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As I am sure members will know ultimately the use of the Parliament Act is a matter for Parliament.

And I am also sure that members in this House will understand one further point on the use of the Parliament Act. Re-introducing the old Bill without any attempt to build consensus in this Parliament might be justified, but it could also put at risk our current legislative programme on crime, health, education and employment if those in another place decided that they would debate hunting at the expense of every other piece of Government legislation. (check wording with Larry/Gareth)

But as members know I am an optimist, I want to focus on a process that builds and delivers consensus. By spelling out the process now I think that Peers should feel that they are being respected and invited to engage in the best way to implement good law that reflects the view of the House of Commons.

On the content of the Bill itself, I believe that consensus can be achieved best by focusing on two general principles.

The first principle is based on the test of cruelty. Everyone involved in this debate I think will agree that cruelty to animals for sport cannot be tolerated, and should not be. I have heard leading supporters of hunting acknowledge this, saying that "if it's cruel, we shouldn't do it". Let's apply that principle.

The second principle is based on the test of utility. It is important that people in the countryside can get on with the tasks they need to do to deal with vermin control, or proper management of the land or to avoid damage to the environment or degradation to certain habitats..

The report by Lord Burns on hunting with dogs examined in great detail the issues of cruelty and utility. But his work did not provide a

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route map. That is why further thought needs to be given in applying these principles and that is what I shall be looking at over the next few weeks.

I propose that the new Bill will aim to resolve this issue for the foreseeable future and without compromising on the principle, will encourage as much consensus as possible so that its implementation in the countryside will be effective and not be disputed in the courts.

Let me spell that out further by reference to three options debated on Monday in this House.

Non-statutory supervision or "status quo" options were rejected in both Houses, which at last starts us down the bumpy road towards consensus.

The Middle Way is an option that I find wholly without merit or principle, much though I respect those who sought to break the mould and find a different way of doing things. Effectively it seeks to licence cruelty and I cannot see the moral ground for such an approach.

And I have to say that the "ban" option favoured by many Hon and Rt Hon Friends has a touch of this defect about it. I'm not saying that lightly - bear in mind I voted for it and that I regard it as workable. But I think we can do better. Essentially, the ban option outlawed hunting but then created exemptions for activities such as ratting and vermin control. There is nothing to show that we would not be "exempting cruelty". The Bill is properly drafted, but the list of what is permitted looks a trifle arbitrary, and I think we can do better if we start by setting out the principles on which the Bill will be based and then try applying them.

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For the avoidance of doubt, let me confirm that the new bill will not extend to the general countryside pursuits of angling and shooting. This is not going to be a bill to prevent human activity, it is to be a bill to prevent cruelty to animals and protect their welfare. It will deal with hunting with dogs.

I cannot take colleagues to the outcome of this process before we work it through, but I am certain that good law comes from setting out clear principles and then being clear about the outcomes that are sought. I am certain it will allow the new Bill to be comprehensive - dealing with all known forms of hunting and any new activities that may emerge.

If we seek to ban cruelty that is one principle to hold onto. To recognise utility - the need to control vermin, to manage deer populations, or to deal with predators or degradation of habitats - is not to licence cruelty for the sake of convenience but to recognise reality in the countryside.

Mr Speaker, I ask the House to trust me to deliver and to join me in a process which is guaranteed an outcome as soon as possible.

I ask all Members to recognise the clear statement of the will of the House in Monday's vote.

And I ask Hon and Rt Hon members on all sides to join me in working to create good law.

It is not just my firm belief that doing nothing is not an option. That has been recognised now in another place.

Over the coming weeks I shall discuss all the detail of how to apply these principles in practice with everyone who is interested and I shall keep the House informed of those discussions. And I assure the

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House, that this is a principled approach - no fudge, no deals no negotiations - but an open process which I believe will achieve the will of the House in short order.

But if it helps the House to test out the principles against some of examples, let me try three.

- I think it is manifest that hare coursing would fail. Cruelty is involved and there is no utility.
- Stag hunting would fail, for while there is a need to control the deer population, thus providing utility, there are alternatives to hunting deer with a pack. The alternatives include stalking, with the use of dogs to track or as pointers, as explained in Burns.
- And ratting to eliminate vermin would be able to survive as long as it can be shown that the alternatives are more likely to involve suffering.

(if challenged - it is difficult to see many forms of hunting - lowland hunting with hounds for instance - which could survive these tests of principle, but it is precisely because there will be tests of principle that we will be making good law)

The House will note that on examples given, the outcome is the same as with the "old" Bill. But the result is based on the clear application of simple and explicit principles rather than through Parliament making arbitrary decisions about what should or should not stand on a list of activities banned or permitted.

I want to re-assure members that I have heard loud and clear the message from this House. I respect that strength of feeling, and will do everything possible to ensure that we deal properly with this issue once and for all.

And I also want to stress to those people in the countryside who have supported hunting that this Government wants to engage on these

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matters in a sensible way. I think that those who have been involved in rural recovery after Foot and Mouth or with implementation of the Rural White Paper in delivering adequate services to rural communities or in the recent campaign "Your Countryside, You're Welcome" will all recognise that hunting is at the margins of the real debate about ensuring that people in the countryside get access to good public services, proper investment, sound environmental policies and sustainable development.

Quote Larry's closing speech

I look forward to engaging with colleagues on all sides of the House and in another place in seeking the outcome of good law without delay. I hope that even those who would have wished a different outcome will recognise the integrity of the process and the fact that it allows the views of this House to be translated into good law.

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Clair

I'm sorry for the delay in coming back with my draft statement, but here it is – as a 3am special because I have spent so much time with members of the PLP and especially members of the Parliamentary Committee.

I shall be grateful if you will ensure that the PM sees my draft – which follows precisely the “mandate” he gave me a few weeks ago but is designed specifically for Thursday’s audience.

I shall also be grateful if you will let him see the following observations – with whatever observations you wish to add. The next 36 hours are make or break in seeing whether we can take people with us, and both the PLP and the Parliamentary Committee offer a real challenge.

In the following paragraphs I've just tried to “tell it like it is”. As long as everyone remains calm and I continue to have the support that your team there and the DEFRA team have given so far, we can do it. It is important that we continue to stick to the same script as agreed with Lucian and Robert yesterday morning.

- Distrust of the Government in general, and of No 10 in particular, is enormous. This has been compounded by the fact that all the stories of deals and compromise have been fed from within Government. Last week stories like that in the Times on Saturday were written in the honest belief that the author knew the Government’s intention and reported views given by “sources” at a senior level within Government. The good news is that after repeated challenges to this widespread perception of double-dealing, some journalists are now acknowledging that DEFRA and No 10 are speaking with one consistent voice. Others are less willing to accept that any problems lie elsewhere.
- Distrust amongst Labour MPs is even greater. For many the PM’s presence on Monday was an enormous boost, but the Independent prediction that this was a precursor to a “sell-out” is widely believed.
- Frustration is palpable – while I think we can hold enough MPs to deliver through the route agreed with the PM, I am having to spend an enormous amount of time on persuading people and I can only hold people as long as it remains explicit that I have the authority to deliver. That’s why I have to be explicit in what I say when I speak.
- The animal welfare lobby is fragile. Some are telling MPs they scent betrayal. While one or two leading figures say they trust me personally, they have also told mutual friends that I believe I will be shafted and they can’t afford to leave themselves out on a limb. I think I can take them with me, but I have to give them clarity on the process and timescale as well as the nature of the next Bill.
- Some of those who feel most passionate on the issue of hunting have also put themselves on the line privately or in briefing journalists – Mike O’Brien, Tony Banks, Ian Cawsey, Mike Foster, John McFall, Eric Martlew etc – as have some leading figures in the animal welfare movement. They need certainty if they are to stay with us especially as the antics of people like Gordon Prentice put them under enormous pressure too.
- Several people have told me they believe that I am playing it absolutely straight and that they will stay with it if I can promise the outcome – but also fear that I will be “shafted” at some stage and warn that I cannot “wheel and deal”.
- I have had feedback on the session with the Speaker on Monday. He feels that I respected his position because I “didn’t put him under pressure but laid it all out for him and respected that he had to make the decision”. He risked back-bench criticism for refusing the Prentice amendment and I now have to help him. When I saw him he asked me to

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assure him that there will be no delay in coming back with a Bill and that he could call me in to account for any delay. I have to offer him as much certainty as I can as guardian of the interests of back-benchers. I shall be seeing him this morning.

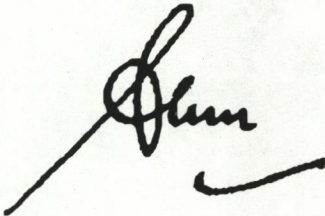
- The test from everyone is seen as the explicit promise of the Parliament Act against a clear timetable. Gerald Kaufman carries great weight and is calling for a Bill this session and the Parliament Act in the new session – if the old Bill is not to come back, which is his preference.
- I also believe that clarity is essential if I am to be able to draw any degree of grudging co-operation from pro-hunters and to keep the "Middle Way" people engaged.

I think I have to remind the PM of my starting point, which was to advise that the simplest way to handle the topic politically would be to Parliament Act the Bill from the last session. That remains the case. Sticking to the plan we agreed requires consistency and involves working through a lot of anger and frustration. The strongest message yesterday was: "Will he reconsider? Doesn't he realise just how much the PLP is desperate to get it over and done with".

On the assumption that the PM remains adamant that he wants to stick to "the plan" and will not go with re-introducing the existing Bill. I shall be working to prepare the ground for the statement and look forward to your comments on the draft that I am also sending over now. But I do think you should put the question to him once again.

I attach herewith the summary sheet which I prepared for our original discussion for convenience.

All the best



Alun

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Possible way of presenting the approach

There is clearly an issue about whether to say all this at once now or having the approach dragged out of us bit by bit. Given that we have a fair idea how the votes will go, it may actually be worthwhile to say it all now - I believe we can ensure at least a partial welcome from animal welfare organisations and tolerance from Labour MPs, while it does offer something to at least some of those who oppose a ban.

Our promise of a free vote on hunting will be met through a vote on a resolution. Each House will have the opportunity to express a preference between the three options which were presented to Parliament last year. The Government will treat this as a Free Vote.

Following the votes, if there is not a clear consensus, the Government will carry through the manifesto commitment to enable Parliament to reach a conclusion on the issue. This will be done by bringing forward a Bill which seeks to reconcile as far as possible the majority view of the Commons with practical and other issues raised in both Houses.

The Government believes that it should not be necessary to seek application of the Parliament Act on a non-constitutional issue of this sort. For that reason we do not intend immediately to re-introduce the Bill that fell at the end of the last session. However, it may be that a continued impasse means that the issue can only be resolved through the provisions of the Parliament Act. It must be remembered that this is not essentially a matter for Government: The Parliament Act provides a constitutional mechanism to ensure that, at the end of the day, the will of the elected Chamber is not frustrated.

A new Bill will seek to implement the will of the House of Commons and take the greatest possible account of other views. This may well involve seeking to eradicate avoidable cruelty while recognising "utility" in regard to countryside management, pest control, conservation issues and other matters the consideration of which would assist in achieving "good law". Alun Michael, as the responsible Minister - reporting to Margaret Beckett as Secretary of State - will consult widely while drawing up the Bill which we will bring forward as quickly as possible

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Further thoughts on tackling the hunting issue

Since our discussion, I have given further thought on how to drive matters forward. I was pleased that the PM was so engaged with the points that Margaret and I made and I genuinely believe that we are close to a workable solution, albeit one that will take a lot of care and hard work to manage.

In the light of that discussion, let me characterise the range of options available and analyse their potential

- **Status Quo**. Not an option - everyone except the most pro-hunt extremists will keep coming back so we will be on the same debate year after year. The same applies to a "minimalist" approach. Either of these would be overwhelmingly defeated in the Commons - and if any proposal we put forward fails, we will then be left without a proposal and be faced with the same outcome - a serious war of attrition. That's why what we offer must be robust and workable.
- **Middle Way**. They themselves recognise that the option they put forward last year is flawed so they want to re-design it. That is a potential diversion and we should discourage, but see if we can take over their ground and win some of them over (see below).
- **Third Way**. A process towards a conclusion rather than a "quick fix". Hard work, but what the heck "life to be worthwhile must be difficult". Involves banning some activities on the grounds of cruelty, but identifying others on criteria that would include utility, pest control and conservation. The Bill could not be a crude list - we would need identified criteria based on both principle and practicalities - but I'm certain I can deliver that if I'm given the authority to do so.
- **Half Way**. Select some items to ban, but leave others - a sort of shopping list approach. Would lack a basis of principle, and therefore lack coherence. Would be attacked as a "cop-out". And the anti-hunt groups would come back and back for more.
- **Blanket ban**. Re-introduce the last Bill as it left the Commons. While it would need changes in due course - in later legislation - to tidy it up, this would be the "quickest fix". Parliament Act would take effect. Could be

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defended on the constitutional basis that it upholds the decision of the elected chamber and fulfil the PM's promises.

Process options

We can get away with just a vote on a motion this session - but only if we can tell people what will happen next.

This week's press coverage is significant - it only has Tony Banks up front and all the serious anti-hunt MPs are keeping their powder dry. So are the animal welfare organisations. When we say what is to happen, the PLP generally will look to about eight or ten key players for a lead. If we go for a vote on a motion with the sort of "mantra" I suggested last week (attached for ease of reference) I believe I could persuade them to hold the line. They are all loyalists so while it would be a tough meeting I believe it can be done.

The key will be to indicate that the PM thinks that this should not require the application of the Parliament Act, but that at the end of the day this is a matter for the House of Commons. He has therefore decided against introducing a Bill this session that would then go through under the Parliament Act. However, it is also important for the issue to be dealt with constitutionally, taking full consideration of the views of Parliamentarians. He hopes that common sense and discussion will prevail but if - having been warned of the consequences - the Lords blocks the will of the Commons, then the Commons must, in the end, succeed. The Government has promised to enable Parliament to resolve this matter and if the matter is not settled by agreement, the Parliament Act will kick in.

The PLP and the Press would also go at once to "Deadline 2000" (now renamed "Campaign for the Hunted Animal"). Their immediate inclination will be to unleash the pent-up forces of public and (Labour) MP anger. However, with a few days to work at it I believe they can lower the temperature to regret and engagement. That won't stop a lot of anger from MPs and the public who can't understand why we don't "just do it".

I think I should get all three groups (Pro, Anti, Middle) in - separately - on the day we announce what we are doing. That would leave Robin Cook doing the business announcement and me dealing with the politics and emphasise that we are drawing the battle line away from No 10 which is important in terms of later stages of debate. The PMOS would brief as usual and say that PM had given me the task of finding the best way through, reporting to Margaret, but with the core brief of enabling Parliament to prevail with the greatest possible care to deal with the practicalities of country life and the opinions on all sides of the Lords and Commons to the extent that it is possible to do so.

I would also want to speak to other "players" personally (Lord Burns, for instance. I don't think he has the solution but he is listened to and I think he would be helpful. Other Labour Peers in particular - better to be shouted at in private than in public. I will see Gareth Williams confidentially)

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I have not looked further at the idea of anyone else trying to sort it out for us. Frankly it has no credibility. An independent committee chaired by an experienced figure has been tried (Burns). Anything else would be a come-down. It's hardly a big enough issue for a Royal Commission and anyway that would like an even bigger cop-out. In my view, it's too late for a Committee of Both Houses - that would certainly be condemned on all sides as a cop-out. Not only would it be impossible to defend (because the criticism would be true!) but the "uncertainty principle" would apply. There could be no political direction and strong leadership is needed to draft and take through a difficult Bill.

It needs credible political leadership and because I am known both to be trusted by the PM and for my voting record, it will work. Being outside the Cabinet - but an ex-Cabinet Minister - becomes a virtue. Reporting to Margaret provides high-level credibility while keeping the issue at arm's length from the PM.

Of course, pro-hunt groups will explode - but the real question is what they do next. Some will simply go into campaign mode but others will quietly come in to talk. When I consulted on the impact of FMD on hunting, the Welsh Packs came in separately. As soon as I can, I need to open up fresh lines with gamekeepers and conservationists and some other groups who will now have some idea of the options that were discussed in Scotland. And I need to get around regionally and harness the energy of some trusted back-benchers.

I cannot put much of this in place without the PM's (private) permission because in case someone talks, but I'd like to start straight away on preparing the ground and setting up meetings, if he's willing. A day or two before the announcement in which my office rings around to fix appointments for the week or so after the announcement would start making people hear the announcement and realise that they are "in the loop" and that could pay dividends. Until the vote on the resolution, the Media campaign will be about that vote, but work done in that period quietly in the background will pay dividends.

Just for the avoidance of doubt, there is no "quiet" option. All sides will compete to shout loudest and they'll probably all win. It's what they do the next day and the day after the vote on the motion that will be the serious indicator.

The people involved

On the pro-hunting side there are many - not least the Campaign for Hunting within the Countryside Alliance - who will give no quarter.

Other leaders will give no ground in public but will start to talk privately provided they know it is "for real". I have kept up a dialogue with them - and curiously I think they trust me even though they know how I have voted in the past, because I have made no secret of it and they think I've been tough but fair with them during FMD.

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However, if we say (or even hint) that we will not (ever) use the Parliament Act they won't - at that stage they know they've won and have no need to negotiate.

Some anti-hunt groups (animal rights and some animal welfare bodies) will simply attack us for failing to deliver. I'm afraid there is no way of avoiding the central fact that this is a serious "Trust issue" and this has credence with everyone. An article last week on "Labour's Broken Promises" ran through every conceivable allegation on health, education, economy etc. But the "symbolic photograph" was a fox

Others will engage - and I think they will trust me - provided they know there is a genuine attempt to produce a workable solution. They will work with us. If this is done with me "up front" - reporting to Margaret - they will give us a chance. This is enormously important given that this is a "trust" issue.

That leaves the Middle Way Group. Unfortunately, they are mostly mavericks - especially those who are Labour MPs and Peers !!! They are deeply distrusted and disliked amongst Labour MPs and animal welfare organisations who regard their big idea as "licensing cruelty". They have only one full-time officer (James Barrington) who is hated by anti-hunt people because he was previously with the League Against Cruel Sports. He has caused some real confusion during the Scottish Bill. I have kept lines open and I believe that some, like Lembit Opik, will start to engage and can be helpful to the process once it's on the road. (I'm having dinner with him in the next fortnight) but the group as a whole is unpredicable. Essentially I think they had a good idea ("lets find a different way of approaching it") but don't have the coherence or discipline as a group to take it anywhere.

By going for *The Third Way, not the Middle Way*" we liberate the idea that there is a different way of approaching the issue but do so without trailing their baggage. And there is real integrity in our approach.

One way in which the Middle Way group have muddied the waters is by one or two of them claiming that they have a hotline to the PM and have been tipped of that their option is favoured. Frankly, that has caused a big problem in the PLP as people believe it to be true and ask "Why's he talking to that disloyal bunch and not to those of us who have bitten our tongues and spoken only in the PLP". It's been hard work persuading some really loyal people not to swallow this stuff. If I'm to negotiate a way through this I need to be sure that I'm very clearly the one avenue for the negotiations or it will not work.

Incidentally, it may be worth pointing out that the PM has sent me forth on other issues where we weren't in clear blue water (persuading the police and local government on crime reduction, regulation of the private security industry, creating a new relationship with the voluntary sector not to mention farmers in Cumbria last August) so I do have "form" for delivering the goods.

Practicalities

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You asked me whether I could list the sort of things that would continue and the sort of things that would be banned if we follow this approach.

Really the answer is "no" because the consultation has to genuinely offer an open door, but I can offer some illustrations

Hare coursing : This activity is generally regarded as cruel and unpleasant. The Countryside Alliance said it should be banned. The ban would be widely popular in rural areas and end a scandal. Actually, it would simplify matters and help us tackle some pretty nasty characters involved in illegal hare coursing too - I have just met ACPO on this topic and it is going up the Law & Order Agenda very rapidly at present

Stag hunting (with a pack of dogs) : Likely to be banned. It's pretty unsavoury.

Deer stalking : In contrast a person stalking deer could use a dog (or even dogs) in tracking the animal he is stalking. Stalkers and those who cull deer for conservation reasons would be content as would some of the animal welfare organisations.

Use of dogs by gamekeepers and conservators : Likely to continue (perhaps with legal strengthening of rules based on the existing codes of conduct)

Mounted hunting of fox with hounds : Likely to be banned on the grounds of cruelty, which were pretty well set out by Burns. Not sure yet whether this would be on the face of the Bill or by implication, but there's no alternative to knowing that this is the case and for me to say so at the appropriate point.

Ratting : Likely to be permitted for rodent and vermin control, but with conditions to safeguard the dogs.

Mink hunting : Currently causes a lot of environmental damage to riverbanks especially when horses are used. However, the mink is a thorough-going nuisance. Question is what works and what is cruel/humane? Needs testing against the criteria as we develop them.

I could go on, but the point is that each activity needs to be tested against the criteria which we work up to be in the Bill and that needs discussion with Parliamentary Counsel in parallel to the discussions around England which I have proposed. If the PM is willing, I'd like to talk direct to Parliamentary Counsel about the best way to deal with this rather than dealing with drafting in a "traditional" way.

Public views

I have rarely come across a topic on which so many conflicting certainties are offered by different people! I've listened to them all, spend time with farmers

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and others in every region of England week in and week out over the past six months, and my conclusion is as follows

- There are some people who will resent any action which affects their "sport". We never have their support and would never gain their tolerance. They attacked us viciously for stopping hunting to eradicate FMD.
- Others would prefer to be left alone, but will have a hierarchy of priorities - shooting, or fishing, or managing their estates etc. If they know "the game is up" they will start to define their bottom line. The Countryside Alliance is driven by the first group, but this is the serious group - some of whom are fed up of defending hunters and want to get onto more constructive ground (includes significant CA office holders)
- Many country people who don't hunt would support out of solidarity and to avoid falling out with neighbours, but don't really feel strongly. (*Farmer in Hereford: "Hunts - they're bloody useless. I don't think they've caught one fox on my land in the last 40 years. We had a problem of foxes taking the lambs so as soon as the FMD regulations allowed, we went out one night lamping and shot five. The problem is gone. I shoot and I fish so I suppose we support them out of solidarity, but I don't understand what the fuss is about"*.)
- Most country people actually oppose hunting (see polling figures - also Labour rural MPs who voted for a ban were targeted by the Countryside Alliance at the election but came back with increased majorities.)

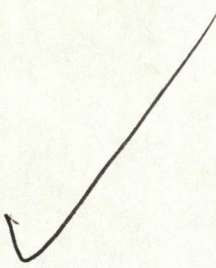
As the PM said, we then need to consider how it will play and the way a debate can turn when you least expect it. It's worth remembering that the Countryside Alliance has lost a lot of its original bite. They were relieved not to have the march last year because of FMD and their Scottish rally was hardly impressive. However, they are still significant.

Rather more significant could be the accusation of "bullying" people or abusing power. This has to be set against the accusation of reneging on a clear promise and failing to use power when you possess it.

I return to the essential argument: The simple way forward is to re-introduce the Bill from last year and allow the Parliament Act to apply. If the decision is to be less "head on" about it, to combat the "anti-countryside" tag and take people with us as far as we can, it will be messier but probably create better law and I think would have the merit of real integrity.

Alun Michael

31 January 2002

CONFIDENTIAL

From: Clare Sumner
Date: 15 March 2002

PRIME MINISTER

cc: Jonathan Powell

HUNTING STATEMENT

This is still very much work in progress. Alun Michael is giving the statement further thought over the weekend.

I think you need to meet Alun after Easter to discuss the process. Are you content for me to set something up?

Clare

CLARE SUMNER

CONFIDENTIAL

Mr Speaker, I am coming to the House as promised to announce how the Government intends to resolve the issue of hunting with dogs in England and Wales. This has been the subject of intense debate in this House and another place, and indeed in the country and countryside at large.

Our manifesto commitment was to:

“give the new House of Commons an early opportunity to express its view. We will then enable Parliament to reach a conclusion on this issue. If the issue continues to be blocked, we will look at how the disagreement can be resolved.”

We have fulfilled as promised the first part of our commitment but as the manifesto makes clear the process does not end here.

In reaching my decision on how to proceed, I have listened carefully to what has been said in the debates. I have also taken into account the overwhelming vote in the Commons in favour of a “ban” and the fact that the Lords have continued to express a different opinion with a majority supporting y, but a large amount of support still voiced for z (insert Middle Way, and status quo in which ever order).

While the issue of hunting does not affect people’s lives as directly as key issues like health, education, crime and transport it is an issue that people feel strongly about. I believe that many people on all sides of the debate want to see the issue resolved, and ensure that cruelty to animals is ruled out in all circumstances.

We have a manifesto commitment to resolve the matter if the two Houses fail to agree. The Houses have failed to agree. The question is how to proceed.

As members know I have to declare an interest in this matter. I was on the Committee that considered last session’s hunting bill. Little did I know then, that I would end up taking responsibility for the matter.

It became clear to me during the Committee stages that the detail of the previous bill was flawed. I have severe reservations about whether the Government would be able to implement the previous bill successfully in the countryside in a climate where there was no consensus.

To Parliament Act this bill would be to remove the possibility of sensible implementation in the countryside. It would limit the ability of the Government to

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amend the bill in a sensible way. Both houses would need to agree to any such amendments and this would be unlikely to occur in the present climate.

The old bill was too limited in its scope. It did not cover key issues of importance to people such as x, y and z. These measures could not be taken forward if we just pursued the previous bill.

It is important that we tackle all these issues in one effective way.

For these reasons I believe that the best way forward is for the Government to introduce a new bill to deal with this issue, following a 6 month process of consultation, with the three main groups and other interested parties.

The Government will no longer be neutral – we will bring forward a set of coherent proposals for Parliament to consider which we hope both Houses will be able to agree. (what about free vote – shd members still have one?)

But if there continues to be an impasse between the two Houses then we do not rule out the possibility of the Parliament Act being invoked, as a last resort. As I am sure members will know ultimately the use of the Parliament Act is a matter for Parliament.

And I am also sure that members in this House will understand one further point on the use of the Parliament Act. Re-introducing the old bill without any attempt to build consensus in this Parliament could have put at risk our current legislative programme on crime, health, education and employment if those in another place decided that they would debate hunting at the expense of every other piece of Government legislation. (check wording with Gareth)

But as members know I am an optimist, I want to focus on a process that builds and delivers consensus. I think that consensus can be best achieved by focusing on two general principles.

The first principle is based on the test of cruelty. Everyone involved in this debate I think will agree that cruelty to animals for sport cannot be tolerated, and should not be. I think the majority of members will agree that hare-coursing, for example, should be banned.

- 3 -

The second principle is based on the test of utility. It is important that people in the countryside can get on with the tasks they need to do to deal with vermin control, and proper management of their land.

Lord Burns report on hunting with dogs examined in great detail the issues of cruelty and utility. But further thought needs to be given to these areas and that is what I shall be looking at over the next few months.

It is our intention that the new bill will aim to resolve this issue once and for all and find as much consensus as possible so that its implementation in the countryside will be effective and not be disputed in the courts.

But I should also make clear that the new bill will not extend to the general countryside pursuits of angling and shooting. This is not going to be a bill to prevent human activity, it will be a bill to prevent cruelty to animals and protect their welfare.

I am not going to pre-judge what the outcome of this process will be, but it is my firm belief that doing nothing is not an option. What the two general principles mean for the traditions of fox hunting with hounds, hare-coursing, deer stalking will be one of the key issues that I will be considering with people over the next few months. (is it better to take this head on like this? Or leave it?)

However I want to re-assure members that I have heard loud and clear the message from this House. I respect that strength of feeling, and will do everything possible to ensure that we deal properly with this issue once and for all.

And I also want to stress to those people in the countryside who support hunting that this Government wants to engage on these matters in a sensible way. I think all of those who have been involved in the recent campaign - "Your Countryside, You're Welcome" recognise that hunting is at the margins of the real debate about ensuring that people in the countryside get access to good public services, proper investment, sound environmental policies and sustainable development.

I look forward to engaging with colleagues on all sides of the House and in another place.



Countryside Alliance

LISTEN TO YOUR COUNTRYSIDE

The Rt Hon, the Baroness Morgan of Huyton
House of Lords
London SW1A 0PW

14th March 2002

Dear Lady Morgan

Hunting Vote – Tuesday March 19th

Further to my letter of 12th March, please find enclosed a brief on the three motions to be debated on Tuesday.

Please do not hesitate to contact me, Sarah Godderidge or James Legge, should you have any further queries.

Yours sincerely

John Gardiner
Director of Political Affairs

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Hunting with Dogs Brief on the three options to be debated Tuesday 19 March 2002

Summary

The Countryside Alliance asserts that no satisfactory case has been made to support the outlawing of hunting with dogs. Furthermore, a hunting ban would infringe the liberties of tens of thousands of law-abiding people, would criminalise the livelihoods of nearly 1,000 people employed by hunts, and would have knock-on effects on associated industries, threatening a further 13,900 full time equivalent jobs.

The Countryside Alliance and the Council of Hunting Associations, who have been working in close collaboration, have already indicated that statutory underpinning of the Independent Supervisory Authority for Hunting (ISAH) would be fairly, even favourably, considered. That stance has been taken in the realisation that since such a body would have to be able to apply sanctions, there would be a need for a licensing system.

The circumstances surrounding the resumption of hunting following the Foot and Mouth Disease epidemic have enabled the hunting community to experience what happens if there is a need to operate within a licensing framework.

The Countryside Alliance calls on Peers to oppose the first motion (a ban), support or abstain on the second motion (hunting under licence) and support the third motion (supervision).

HUNTING WITH DOGS: BAN

Motion:

The Lord Whitty—To move to resolve, That this House considers that the hunting of wild mammals with dogs should be prohibited in accordance with provision similar to Schedule 3 to the Hunting Bill as introduced in the Commons in session 2000-01 [Bill 2]. (Ban)

The Countryside Alliance has already provided you with a general brief detailing the case for the continuation of hunting. Below we list the key points.

- A hunting ban is indefensible. Primarily a ban would be harmful to the **welfare** of the quarry species. Further, it would have **serious economic, agricultural and cultural consequences** for rural communities already in crisis and would represent an **intolerant and anti-democratic** measure based not on fact but on a prejudicial dislike of an activity carried out by a significant minority of ordinary law-abiding people from every walk of life.
- A **ban on hunting would do nothing for animal welfare** either for individual animals or the welfare of species as a whole. This realisation led four senior executives of the **League Against Cruel Sports** to abandon their advocacy of a ban.
- Hunting is not cruel and a ban would not advance animal welfare. Therefore this option is wholly unnecessary. In the current climate of **rural crisis** it is an unacceptable **distraction** from the real issues facing the countryside.
- After months of evidence gathering, the **Burns Inquiry** did not find that hunting was cruel. **The case for a ban is not supported by fact.** Burns Report, para 6.12 *"In assessing the impact of hunting on animal welfare we are persuaded that it is necessary to look at it on a relative, rather than an absolute basis"*.
- A legal activity, in which **thousands of law-abiding citizens participate**, should not be banned unless a case has been made that the activity in question is against the public interest. **That case has not been made.**
- Last October an NOP poll found that **63%** of rural vets oppose a ban on hunting on welfare grounds.
- An NOP poll in April 2001 found that **36%** of people wished all hunting to be controlled by a new regulatory authority, **22%** still preferred all hunting to remain subject to its own existing system of self-regulation, but only **37%** opted for it to be made a criminal offence.

HUNTING WITH DOGS: HUNTING UNDER LICENCE

Motion:

The Lord Whitty—To move to resolve, That this House considers that the hunting of wild mammals with dogs should be required to be regulated in accordance with arrangements similar to those set out in Schedule 2 to the Hunting Bill as introduced into the Commons in session 2000-01 [Bill 2]. (Hunting under licence)

The Countryside Alliance expressed the following key concerns about the Middle Way Group's option as presented to the House in the Government's multi-option Bill in the last Session:

- The option was unnecessarily complicated and bureaucratic.
- A lack of clarity in the definition of the offences which will lead to enforcement difficulties.
- The licensing process would be expensive and complex to administer, as hunting with dogs encompasses not only the 314 recognised packs of hounds but also tens of thousands of individuals who use dogs for sport or pest control.
- The enforcement provisions for persons hunting outside the boundaries of regulation or unrestricted hunting are the same as for the hunting ban, including a maximum £5,000 fine. This is unfairly draconian and disproportionate for a practice that is otherwise legal.

The Countryside Alliance is willing to consider any sensible contributions to the debate on hunting with dogs. As such, we welcomed the opportunity to submit evidence to the Middle Way Group's Development Committee last June. We are pleased to note, in the light of concerns listed above, that the MWG has endeavoured to reduce the bureaucracy in their option and sought to improve its provision for animal welfare.

Excerpt from the Burns Report:

9.49 We consider that it might be productive, in the absence of a ban, to explore the possibility of introducing some form of licensing system, possibly on the lines of those which exist to regulate hunting in some other countries. Because this takes us rather a long way from our original terms of reference we have not considered this issue in any depth. But we could envisage a system in which licences would be issued only to recognised hunts or to individuals, such as gamekeepers, who satisfied certain requirements. For example, an applicant might have to satisfy the relevant authority that he or she was a suitable person; that they did not have convictions for offences involving cruelty to animals; and that they had the requisite training and knowledge. In the case of terrier work, another requirement might be membership of the National Working Terrier Federation and adherence to its code of conduct.

We question whether the Burns Inquiry Committee would have made this statement if they were of the opinion that hunting was inherently cruel?

HUNTING WITH DOGS: SUPERVISION

Motion:

The Lord Whitty—To move to resolve, That this House considers that arrangements for the supervision of the hunting of wild mammals with dogs should be given statutory effect by provision similar to Schedule 1 to the Hunting Bill as introduced into the Commons in session 2000-01 [Bill 2]. (Supervision)

Countryside Alliance recommendation:

The Countryside Alliance asserts that hunting should continue under the auspices of the Independent Supervisory Authority for Hunting – ISAH. The principle behind independent supervision is based on respect for all life in the countryside; people, animals and the living environment. The option allows rural people to continue to manage wild mammal populations using the most appropriate methods open to them, whilst at the same time ensuring that the highest standards of welfare practices are adhered to.

The Countryside Alliance, in conjunction with the Council of Hunting Associations, recognises that in order to ensure public confidence that hunting is properly conducted and regulated, it should be subject to **appropriate sanctions** for misconduct which are independently supervised. Such sanctions could be administered through some form of licensing system which in turn would necessitate some form of **statutory underpinning**.

The Alliance first mooted this approach following the selection of the **supervision option** to the Hunting Bill by the House of Lords during the last Session. Our President, Baroness Mallalieu, tabled **amendments** to the supervisory option which would have enshrined into Statute:

1. The appointments procedure to ISAH, including provision that its Chairman be appointed by the Secretary of State;
2. The power for ISAH to revoke or suspend an individual's or a Hunt's membership of the supervised body (such as the Masters of Fox Hounds Association) or to fine the individual or Hunt, should that they contravene the supervised body's rules or codes of conduct;
3. That ISAH would submit an annual report to the Secretary of State to be laid before Parliament.

This approach was followed when the Countryside Alliance welcomed the opportunity to submit evidence to the Middle Way Group's Development Committee last June. We stress that ISAH's committee membership - apart from the appointment of the Chairman and an additional member - and constitution **should reflect autonomy of Government** in order to retain independence and objectivity whilst acknowledging the **need for accountability to Parliament**.

"The Burns Inquiry offers a strong case for a supervisory authority, such as the one that has now been established."

Lord Soulsby of Swaffham Prior, Member of the Burns Inquiry team,
House of Lords Hansard, 12/3/01

The background to ISAH

The Independent Supervisory Authority for Hunting (ISAH) was established in December 1999 following the recommendation of the Phelps Report. This Report was commissioned by the Countryside Movement under the chairmanship of David Steel. ISAH has been incorporated as a Company Limited by Guarantee under the Companies Act.

All the eleven governing bodies of hunting with dogs voluntarily agreed to be Member Organisations of ISAH. At the end of each successive hunting year the Member Organisations (the governing bodies) provide ISAH with an annual report. ISAH in turn will publish annual reports.

ISAH operates at **no cost to the Exchequer**. It is funded by those it supervises. A similarity can be drawn to the Press Complaints Commission, the independent body which ensures effective self-regulation of the press.

ISAH ensures that all recognised hunting with dogs is accountable.

Objectives of ISAH

1. To supervise and regulate the rules and codes of conduct and disciplinary proceedings to which those engaged in hunting, coursing and terrier work should adhere.
2. To supervise all the hunting associations so as to ensure that they enforce compliance with such rules and codes of conduct.
3. To review the rules and codes of conduct in the light of any advances in scientific or other knowledge.

ISAH has extensive powers through the various Hunting Associations to **supervise** hunting, coursing and terrier work. It is there not only to see that the rules and codes of conduct are reviewed and kept up to date, but it also has extensive **disciplinary powers** to ensure their compliance is adhered to.

Composition of ISAH

ISAH consists of, and is managed by, seven Commissioners including the chairman Sir Ronald Waterhouse (a retired High Court Judge). Six of the Commissioners can only be appointed by an Independent Appointments Panel, which includes nominees of the NFU, Royal College of Veterinary Surgeons and the CLA. The seventh Commissioner is ex officio and is the Chairman for the time being of the Countryside Alliance's Hunting Committee, or his nominee. His role is to provide the Commissioners with "hunting expertise".

The present commissioners include, in addition to Sir Ronald Waterhouse;

The Professor of Animal Husbandry at Bristol University, the Director of the Wildlife Conservation Unit at Oxford University, a distinguished Queen's Counsel who is Chairman of the England and Wales Cricket Board

Disciplinary Committee, a land manager in Shropshire and Herefordshire who is a JP and a former Chairman of MAFF's West Midlands Regional panel plus a prominent and respected farmer in Cumbria.

The six independent Commissioners have been appointed to bring to bear their knowledge and experience of animal welfare, veterinary science, farming, land management and rules enforcement.

The Articles of Association of ISAH prevent any of these Commissioners from having any connection with any hunting organisation or with any organisation promoting the prohibition of hunting. They are therefore completely independent.

For further information about ISAH please visit their website www.isah.org.uk/

LISTEN TO THE LEADERS

... the British media's
view on hunting

HUNTING A FAIR AND TOLERANT SOLUTION

This, the fourth edition of the Alliance's "Listen to the Leaders" series, summarises the national media's reaction both to the Scottish Parliament's Bill to ban hunting in Scotland and the announcement from the Government that another vote on hunting in England and Wales will be taken in Westminster in the House of Commons and the House of Lords.

In common with the views expressed by the media over the past two and a half years, and distilled in the previous three publications in this series, their reaction to these developments has been overwhelmingly to reiterate their opposition to hostile legislation on hunting in the UK.

Richard Burge
Chief Executive
The Countryside Alliance

LISTEN TO THE LEADERS RE: SCOTLAND

THE INDEPENDENT

Circulation 230,000
Thursday, February 14, 2002

The mark of a civilised society is its tolerance of unpopular behaviour

... All parliamentary debates on fox-hunting represent an unwelcome distraction from the really serious problems - hospitals, schools, public transport system and crime - that our elected representatives should be concerning themselves with at this stage in our history. If it was tried at Westminster, the pro-hunting lobby would once again gum up the legislative works and much more important bills would be lost.

It seems absurd that MPs and MSPs should be seen making such a minor issue a matter of such priority. Moreover, as a move to promote animal welfare, banning foxhunting comes a long way short of other measures that are less emotive but that would be of far greater use in preventing the suffering we inflict on animals. ...

... Banning fox-hunting is little more than an irrelevance when it comes to the wider cause of animal welfare.

Worse than that, however, it is a deeply illiberal impulse. Fox-hunting is a strange, faintly ridiculous, pastime that a majority of the public oppose (although the level of opposition seems to vary depending on the question that is asked). However, that does not mean that it is a part of the role of government, the House of Commons or the Scottish Parliament - to ban those things that they disapprove of. The unpopular behaviour of a minority, however baffling or bizarre that behaviour is, should be tolerated in a civilised society, so long as it does not impact on other people. ...

... Banning hunting as the debate in the Scottish Parliament shows, is as much about class and politics as it is about animal welfare. Holyrood has made a mistake.

THE SCOTSMAN

Circulation 80,000
Thursday, February 14, 2002

A vote for flawed and ambiguous legislation

... It is not being anti-parliament to be concerned that the legislation that our parliament passes is good, sound, unambiguous, capable of effect and likely to stand the test of time. Equally, there are many, including The Scotsman, who did not campaign for devolution over the years just to allow any legislation to pass, particularly that which circumscribes the freedom of fellow Scots and threatens their livelihoods. ...

... The drafting of sound law should be one of the great strengths of the Scottish parliament. We have an outstanding legal system and a body of expert knowledge and legal minds to hand. Our laws should be an example of the very best about Scotland. ...

Daily Mail

Circulation 2,470,000
Friday, February 15, 2002

Party hacks and the fate of the fox

... Instead of liberating the Scots, the Edinburgh parliament has confirmed its status as a second-rate institution packed to the gunnels with party hacks. The way they forced through the abolition of hunting this week shows politics at its worst.

Hunting, of course, is the most contentious of issues and arouses passions on both sides. But even the most committed anti must feel uneasy at the way the majority of MSPs chose to behave.

They completely ignored their own rural affairs committee, which took evidence for two years and found that the abolition Bill would not protect foxes from suffering and might make matters worse.

They refused to make the slightest concession to country-dwellers and brushed aside the concern of those who will lose their jobs, refusing them even modest compensation.

And they rushed the legislation to such an extent that Scotland is now saddled with a measure that is muddled, contradictory, badly drafted, probably unenforceable and wide open to legal challenge. ...

LISTEN TO THE LEADERS RE: SCOTLAND

The Herald

Circulation 90,000
Thursday, February 14, 2002

Executive must intervene with compensation

It always seemed likely that the Scottish Countryside Alliance would mount a legal challenge to the ban. It seems to have a better case after MSPs voted down all three amendments framed to compensate those who will lose their livelihoods and, possibly, tied homes because of the ban. It could use the European Convention on Human Rights to argue that making hunting with dogs a criminal activity without compensation was a deprivation of property. . . .

. . . By rejecting the compensation schemes, MSPs not only miscalculated by potentially adding to, rather than quieting, the concerns of the countryside. Their actions also threatened to damage the reputation of the parliament, already criticised for spending too much time and effort on a relatively minor matter when there are urgent issues to address. The parliament's authority could face a bigger threat of being under-mined by a legal challenge bolstered by the failure to deliver on compensation.

The Daily Telegraph

Circulation 1,020,000
Friday, February 15, 2002

Learn from Scotland's error

Anti-hunting campaigners say that Wednesday's decision by the Scottish Parliament to ban hunting should put intense pressure on Westminster to follow suit. If anyone at Westminster has any sense, it will have the opposite effect.

The Protection of Wild Mammals (Scotland) Bill is a hound's breakfast of a measure, a legislative shambles that will keep lawyers busy for years to come. It has not only shown up the terrible weaknesses of the new constitutional arrangements for Scotland, which have allowed a mean-spirited and ignorant urban majority to destroy the pleasures and livelihoods of their fellow countrymen without check. It has also highlighted the extreme difficulty of legislating against a pastime that not only gives pleasure, but does demonstrable good to the ecology and economy of the countryside. . . .

. . . Mr Blair has always shown himself sensitive to the way the political wind is blowing. If he realises just how angry country people are about the new law in Scotland, and how firmly they are prepared to stand up for their beliefs, he might even start to listen to them. At the very least, he might be persuaded to have second thoughts about an outright ban.

SCOTLAND on SUNDAY

Circulation 90,000
Sunday, February 17, 2002

. . . Rural Scots and their urban sympathisers, if they are clever and resolute, effectively control the destiny of the parliament, rather than vice versa. . . .

. . . The real significance of the vote to ban hunting was that it demonstrated that democracy and the Scottish parliament, as presently constituted, cannot co-exist. Far beyond rural or sporting issues, we have a very serious problem. . . .

. . . As for the rural community's immediate concerns, hunting is far from doomed. Apart from the likelihood that the European courts will strike down Lord Watson's incoherent class-war manifesto, this measure has indefinitely postponed any such law in England. New Labour is now beleaguered and No. 10 will gladly use the protracted legal battle in Scotland as an excuse to postpone a dangerously divisive issue. . . .

. . . Rural revolt is now an imminent reality. The only people who can actually abolish hunting are its practitioners. Who will blink first? If 3,000 people are willing to go to prison, their battle is already won: civil disobedience on such a scale would cause the police, prosecution and prison services to implode. . . .

LISTEN TO THE COMMENTATORS RE: SCOTLAND



Circulation 3,470,000
Friday, February 15, 2002

by Richard Littlejohn

... Now their Labour colleagues at Westminster are howling for similar action.

I hold no brief for foxhunting. But at a time when the nation is plagued by a drugs epidemic, carjacking, burglary, street robbery, it seems a perverse set of priorities to make criminals out of thousands of people following a sport dating back hundreds of years. . . .



Circulation 600,000
Thursday, February 14, 2002

by Paul Sinclair

OUT-FOXED

... *The ban seems to have more holes than a sieve, more loopholes than a plate of spaghetti.* . . .

It has sadly been said of the Scottish Parliament several times in the last few years, but yesterday really was a shambles. It was farcical.

MSPs have never sat into the evening to discuss health or schools or jobs or crime.

But yesterday, they were locked in debate until 7.15 to try to ban fox hunting, and it looks like they failed.

Only rarely did they actually talk about the substance and detail of the law they were passing.

Mayhem

Instead, they allowed themselves to be caught up in a student union-style debate of platitudes about the effect on the countryside of banning fox hunting as most of the public know it.

If they had been a bit more grown-up about it, they might have noticed they weren't passing the law they thought they were.

The toffs in the orange-boiler-suited pro-hunt lobby in the gallery didn't have to create the mayhem they threatened.

MSPs disrupted their own business by just being confused.

Campaigners sat like semi-gassed badgers, their eyes glazed. Neither they nor our elected representatives seemed to know what was going on.

The Tories in favour of hunting just laughed up their sleeves.

In the midst of it all, Mike Watson must have wondered why he started it all in the first place.

And after two years of grief, the battle to ban fox hunting still ain't over.



Circulation 710,000
Thursday, February 14, 2002

by Magnus Linklater

A SAD, BLOODY END TO A GREAT AND COLOURFUL INSTITUTION

The Scottish Parliament could not even abolish hunting competently

I don't know which was worse: being in at the death of a great and coloured tradition, or witnessing the sheer ineptitude with which it was done. Either way the end of hunting, signalled yesterday in Scotland by the final debates of a badly drafted, muddled ineffective and ill-timed Bill, pushed through by a political coalition that has little interest in and even less knowledge of the sport, in the sure and certain knowledge that the legislation will encounter the most bitter opposition from those who live and work in the countryside, was a sad and dispiriting experience.

What was saddest and most dispiriting was the inability of the anti-hunting majority to make even the smallest concession to the passionate convictions of the rural minority. Most MSPs dislike hunting on principle and they want it stopped. To that end they are prepared to enact a law which is, as currently drafted, so riddled with anomalies that it is likely to be contested right up to the European Court of Human Rights.

You have only to go back to the former Home Secretary Kenneth Baker's Dangerous Dogs Act to know that bad Bills make rotten law. They cannot be made to work simply by patching them up with corrective amendments. Ever since the Protection of Wild Mammals Bill was introduced by a Private Member, the Scottish Parliament has known that it was inherently flawed. Its own rural affairs committee, which took evidence over two years and went through it line by line, told MSPs that, as it stood, it would not achieve its stated intention of protecting foxes from suffering – and that in many ways it would make things worse. They recommended rejecting the Bill and starting again. Instead the Parliament voted overwhelmingly to take it forward. . . .

THE TIMES

Circulation 710,000
Friday, February 15, 2002

GOING TO EARTH

Blair cannot assume the courts will save him on hunting

... Mr Blair might be lucky. The law that was passed in Scotland is so full of holes that the judiciary may feel a mercy killing is appropriate. But he cannot assume this will happen. He needs to come off the fence and actively support the 'Middle Way' position on hunting: the path of better regulation but no ban, that he has been content to encourage but not vote for or openly endorse. This would be bitterly received in parts of the Labour Party. It is preferable, however, to being pushed into very unwise legislation.



Circulation 620,000
Friday, March 1, 2002

PM's hunt for a deal

SO Parliament is to debate the weighty issue of hunting.

We think there are more important things to get on with.

But now we know why Old Labour backbenchers were so keen to let disgraced Transport Minister Stephen Byers off the hook the other day.

A deal must have been done.

Let Byers off, they were told, and we'll give you a hunting vote.

Yet again a ban will be voted through the Commons only to get stuck in the mud in the Lords.

That means loads of Parliamentary time used up for an activity which only a committed few thousand care about on either side.

This when our transport system is becoming an even bigger joke, we're considering war with Iraq and the NHS is in crisis.

And politicians wonder why we don't care about the hot air rising daily from the House of Commons.

It's about time they started sharing the priorities of the folk who voted them in.

And concentrated on the important stuff.

Evening Standard

Circulation 430,000
Friday, March 1, 2002

Tony's trade-off

... The timing and wording of the announcement suggests that despite Government denials it is no more than a cheap gesture to Labour backbenchers for closing ranks behind Mr Stephen Byers, the beleaguered Transport Secretary. If Mr Blair were serious about banning foxhunting, he would make clear his intention to use the Parliament Act to overrule the House of Lords, given the near-certainty that the upper house will vote for hunting to continue. All he is promising is an indicative vote, with the option of using the Parliament Act not to ban fox-hunting outright but to force through a compromise measure. In other words, the Prime Minister is offering the appearance of reform, without committing himself to the substance. The same appears to be the case with devolution to the English regions. A long-awaited white paper, setting out how referendums could be held, has been delayed. Mr Blair wants the current draft to be changed to make it clear to voters that any decision to set up an elected regional assembly would mean the destruction of the remaining county councils in the region. The practical effect of this stipulation is to reduce the prospect of devolved regional assemblies. As with foxhunting, Mr Blair seems to want to block change without offending the supporters of change. The odd thing is that he is arguably right on the substance of both issues: there is a good case for allowing traditional country pursuits to survive, and for telling county, district and unitary councils to get on with their jobs rather than divert their energies in another constitutional upheaval. ...

The Economist

Circulation 120,000
Saturday, March 2, 2002

The illiberal in pursuit of the irrelevant

The government has announced a new season for the traditional sport of arguing over a ban on foxhunting

ON FEBRUARY 26th, when the press and the opposition were baying for the blood of Stephen Byers, the transport secretary, he faced the House of Commons. Hard work by government whips to persuade the party's many grumpy left-wingers to support the Blairite quarry paid off. The audible support of MPS was regarded as crucial in saving Mr Byers's political life, at least temporarily. . . .

. . . Foxes are, curiously, among the issues that preoccupy left-wing MPs, so the announcement was seen as a reward for loyalty. A life for a life: a minister for a fox. . . .

. . . The oddities of parliamentary procedure mean that the government could dig that bill up again and simply bulldoze it through the Lords. But the government has decided the problems thrown up by the Scottish Parliament's ban on fox-hunting, which was passed in February, mean that a fresh bill is needed. This will have to wind its way through the Commons and the Lords, where it may again run into trouble, even though the hereditary peers (the most solidly pro-hunting part of the legislature) are now a minority.

Whatever its contents, the bill will cause fury.

SUNDAY EXPRESS

Circulation 860,000
Sunday, March 3, 2002

Stop using the fox hunting fiasco to avoid real issues

A BAN on fox hunting appears to be one of those issues that Tony Blair wheels out whenever it suits his purpose. He has decided to unveil the fox hunting Bill on March 18 - the same day that beleaguered Transport Secretary Stephen Byers is due to release another set of rail figures. . . .

. . . So after all the brouhaha this Bill has caused, it is still unlikely to be resolved in a meaningful way. Yet by the time it has completed its journey through Westminster the cost to the country will have been enormous. . . .

. . . It's not just the promised disturbances on our streets: the amount of parliamentary time that will be wasted on this issue is a scandal when there are so many more pressing matters demanding the Government's attention. When our hospitals, schools and prison service all seem to be near collapse and our streets are becoming ever more unsafe, whether or not to ban a minority bloodsport is essentially a trivial issue. . . .

THE  TIMES

Circulation 710,000
Friday, March 1, 2002

by *Mary Ann Sieghart*

Blair needs a bolt hole from his backbenchers

But it was his own loose talk that
landed him here in the first place

... So is there a bolt hole for Mr Blair? As ever with difficult questions, he is relying on time to save him. He has already managed to spin out the hunting issue for nearly five years. Yesterday's announcement provided for a vote in both Houses before Easter, but no legislation until the next session. And assuming that any ban were rebuffed by the Lords, the Government would have to wait until next year before it could push legislation through under the Parliament Act. Downing Street is hoping that, during that time, something will turn up.

A court judgement against the Scottish Act would be extremely welcome to No 10. But it cannot be ensured by politicians. They can only point to the hideous drafting problem in Scotland and the shambles it has produced. ...

Daily  **Mail**

Circulation 2,470,000
Saturday, March 2, 2002

by *Simon Heffer*

A cynical sell-out

... Despite the fact that the anti-hunting law passed in Scotland has already brought constitutional chaos there, and despite the devastating effects abolition would have on the countryside, no price is too great to pay to thank MPs who supported the incompetent liar Stephen Byers. The liberty of people to be protected from thugs on city streets, and the freedom of country people to go about their traditional way of life are being thrown away for political expediency. It is atrocious.

The  **Mail**
ON SUNDAY

Circulation 2,380,000
Sunday, March 3, 2002

by *Peter Hitchens*

It's the toffs' blood these class-hating hypocrites are after

THE toff-hunting season has opened again, a hunk of raw meat tossed to the Labour mob in return for saving Mr Byers.

I don't understand fox-hunting and was thrown painfully off the only horse I ever tried to ride, but I am nauseated by those who would ban it, because of their false righteousness.

They pretend to be concerned for the fate of those little furry foxes. What an odd object of pity. If they truly cared about cruelty they would use their energy to try to save the 150,000 unborn babies killed and thrown away each year by abortionists.

Or if they don't care about babies and keep their sentimental pity for animals, they could start with the slaughterhouses where their meat is prepared in conditions which don't bear much scrutiny.

No, the choice of fox-hunting is purely because of who does the hunting. If the toffs hunted rats, these people would mount a campaign to stop rat-hunting. After winning, of course, they would gas all the rats, just as they will have to gas the dear little foxes.

Could somebody tell me why class hate, which has caused millions of cruel deaths in the last century, is any less repellent than race hate?

THE EXPRESS

Circulation 950,000
Friday, March 1, 2002

by John Kampfner

Hunting: Has Blair taken us for a ride?

... So Labour troops will be allowed to let off some steam but when the history of this Government is written, the voters won't remember a full or partial ban on hunting. They'll judge Blair and his ministers on the state of our schools, hospitals and railways. These are the areas where real courage and radicalism are required and where backbenchers worth their salt should stand up and hold the Government to account.

The Observer

Circulation 470,000
Sunday, March 3, 2002

by Cristina Odone

Shabby deal over hunting

My Minister for your fox . . . in Mr Blair's trade-off, we are all losers

... IN THE BYERS-FOR-FOX trade, we are the losers; fox hunting may claim the lives of a few hundred big-tailed vermin, but faulty railway signalling, poorly maintained tracks and congested motorways claim thousands of human lives. This may not mean much to the likes of Tony Banks, who I remember explaining, at a lunch; that his main concern in the war in Afghanistan was for the mules, which were often maimed by mines. Hopefully, the rest of us reject this Brigitte Bardot value system and recognise that a human, though perhaps not Stephen Byers, counts for more than a four legged creature. . . .

... The popular prejudice may be of whip-bearing toffs tally ho-ing over hill and dale, but in many rural areas, hunting is like some Chaucerian tale that brings together the knight, the wife from Bath and the parson. When I accompanied the Beaufort Hunt in Gloucestershire two years ago, the event proved a blue-print for a Blairite experiment in social inclusion. During the day, the hunt attracted a burger van driver from London, a plumber from Burford and a local waitress as well as a couple of m'lords a-leaping. . . .

... In rural areas, hunting events, from quiz nights to tea dances, bring the community together in an informal arena where Westminster policies, so clearly influenced by urban prejudices, are discussed with as much fervour as BSE and organic farming. Our governing classes may bemoan our lack of active citizenship, but these hunters and hangers-on are determined to make a case for their persecuted minority. They plan protests, design placards, and leaflet high-street shops in a concerted campaign to change government policy. . . .

by *Michael Brown*

Throw some red meat at the baying pack. That will keep them quiet . . .

'The next time a minister is caught lying, Labour MPs will be more willing to run him to earth'

The cynical revival of the hunting issue has more to do with the Government trying to bail itself out of the mess it has created for itself over future Lords reform. It is simply using hunting, apart from keeping backbenchers quiet for a few months, as a method of deliberately provoking a clash between the Commons and the Lords. This ultimately creates yet another "red-meat issue for Labour MPs, of peers versus Commons, while allowing both the foxhunting ban and further Lords reform to be kicked into the long grass for as long as possible. . . .

. . . But there is another factor that may ensure that Labour MPs are thwarted in their hysterical desire to wreak further havoc on the countryside. Ironically this threat comes from their brothers' and sisters' decision in the Scottish Parliament to ban hunting over the border. The legislation being enacted in Edinburgh is understood by most lawyers to be thoroughly flawed and virtually unworkable, and will most certainly be challenged in the European Court. It is inconceivable that proceedings in the Commons or Lords would then be able to continue while similar legislation in Scotland is mired in a legal quagmire. . . .

. . . There is no doubt that ministers are determined to find a way only to advance the so-called "middle way", involving a compulsory regulatory system requiring all those who want to hunt to obtain a licence. If this fails, as it surely will, then Labour MPs will have been duped.

Hunting is unlikely to be abolished by the next election – if ever. But the price Mr Blair will pay for again getting Labour MPs into a froth over hunting will be heavy. The next time a minister is caught lying, Labour MPs will be more willing to run him to earth.

The Countryside Alliance acknowledges the following publications:

THE EXPRESS

Daily Mail

Daily Record

DAILY STAR

The Herald

SUNDAY EXPRESS

SCOTLAND on SUNDAY

The Observer

Evening Standard

The Daily Telegraph

THE INDEPENDENT

The Economist

The Mail
ON SUNDAY

THE SCOTSMAN

THE Sun

THE TIMES

COUNTRYSIDE ALLIANCE



www.countryside-alliance.org

020 7840 9200

DEFRA
Department for
Environment,
Food & Rural Affairs

1. PR
2. file

CS
CDA

Minister for Rural Affairs
Rt Hon Alun Michael MP
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SW1P 3JR

= Immediate =

Facsimile Cover Sheet

To: Clare Sumner

Fax: 7839 9044

From: Becky Taylor
Senior Private Secretary

Phone: 020 7238 5379

Fax: 020 7238 5867

Date: 13 March

Pages including this cover page: 1 + 15

Clare,

I now attach:

(a) the PMQ brief I forwarded by e-mail yesterday, but which it seems did not get through;

(b) Draft Q+A material on the Government's approach to the debate + vote, for use on Monday, together with the index to the rest of the briefing in case you would also like to see that (though it is rather bulky!).

Sorry the e-mail didn't reach you, Becky

02072385867



A. GOVERNMENT'S APPROACH TO THE DEBATE AND VOTE

A.1. What is the Government's view of hunting?

The Government is neutral on this issue. We consider that this issue is a matter for a free vote.

A.2 Shouldn't the Government have more important priorities than hunting?

Hunting is an important issue which is of concern to a lot of people, as DEFRA's postbag demonstrates. We think it needs to be resolved once and for all.

A.3 Why not use the Parliament Acts this session to secure hunting ban?

We said in our manifesto that there would be a free vote on the future of hunting with dogs, and we are delivering on that commitment. Nothing is ruled out at this stage. As we have said, we will make a statement on the way forward before Easter, in the light of the debate and vote in this house and another place.

A.4 Members of this House voted overwhelming for a ban on hunting in 1997 and again in 2001, what is the purpose of having yet another vote?

I fully appreciate that this House has already expressed its view on hunting, as has the Lords. However there are 99 new Members of Parliament following the election who have not had the chance to debate or vote on hunting. It is therefore appropriate that all members of the new Parliament have the opportunity to make their views known and vote on the issue.

A.5 The manifesto talks about resolving any disagreements between the two Houses. Does this mean stopping short of a total ban if the Lords vote against it?

I am not going to enter into any speculation ahead of the forthcoming debates and votes in both Houses. Let us await the outcome of the votes.

A.6 Isn't this all about delaying tactics?

The Government recognises that hunting is a highly contentious issue which provokes strong feelings inside Parliament and out. We said that the new House of Commons would have an early opportunity to express its view on the issue and we are now delivering on that promise. We will make a statement on the way forward before Easter.

A.7 Isn't this about the rights of minorities?

The rights of minorities are important and this Government has done much in that direction. But this merits debate and, if necessary, legislation.

A.8 Isn't this all about class envy/revenge?

Hunting is an issue of concern to many people. It is right that this Parliament should have the opportunity for debate and a free vote before the Government announces how it proposes to resolve the issue.

A.9 Aren't other methods of culling crueller than hunting - trapping, snaring, shooting?

That is an issue on which Members of this House will have made their own judgement.

A.10 This is the thin end of the wedge. Won't shooting and fishing be next?

This debate and vote are only concerned with hunting with dogs.

We made it clear in our manifesto that we have no intention whatsoever of placing restrictions on the sports of shooting and angling.

A.11 Shooting and angling are just as cruel as hunting. Why is hunting being singled out?

The volume of correspondence which the Government receives and the number Bills over the last few years demonstrates just how important the issue of hunting with dogs is.

Shooting and fishing do not attract the same degree of controversy and we have no plans whatsoever to legislate to restrict them.

A.12 How many letters has DEFRA received?

Since the election nearly 7,000 letters. During the first Parliament the Government received about 100,000 letters.

A.13 Why are we having a vote in the Lords when the Manifesto referred only to the Commons?

If we are to resolve the issue, it makes sense to allow the Lords the same opportunity as the Commons to express its considered view.

A.14 What are the real issues in this debate?

That is a matter which should come out in the debate. But clearly the issue of suffering of wild mammals and dealing with pests and vermin are significant areas of concern. There are, of course, many other important issues. There are those who regard hunting solely as a sport whilst others argue that in certain circumstances it is a necessity.

A.15 Why yet another vote on hunting?

Let us not dismiss today's business before the outcome is known. There are real and complex issues to consider and we should not spend the time looking back.

A.16 What is the timetable for taking forward hunting?

The Government has already announced that a statement on the way forward will be made before the Easter recess. We cannot predict how long it will take to resolve the issue. Much depends on the goodwill in both Houses.

A.17 Has re-introduction of the Hunting Bill been ruled out for this session?

No option has been ruled out or ruled in. Let us not spend time speculating and have a debate of the issues of substance.

A.18 Lords will reject a banning option?

It is pointless to speculate. We have only a day to wait before we know their view.

A.19 Will the Government use the Parliament Act if the Lords again reject the will of the Commons?

Use of the Parliament Act is a matter for Parliament. Now is not the time to speculate on what may happen if we fail to reach a resolution. I am optimistic.

A.20 Will you set up a joint committee of both Houses to resolve the issue if the Houses choose different options?

Let us take one stage at a time. We are fulfilling our manifesto promise of a vote in both Houses. We will then make a statement on the way forward.

A.21 What will follow the vote?

We have already announced a statement on the way forward before Easter. The context of that statement is a matter for consideration after we have considered the debates and votes in both Houses.

HUNTING DEBATE

Question and Answer Briefing Index

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A. GOVERNMENT'S APPROACH TO THE DEBATE AND VOTE

A.1. What is the Government's view of hunting?

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A.3. Why not use the Parliament Acts this session to secure hunting ban?

A.4. Members of this House voted overwhelming for a ban on hunting in 1997 and again in 2001, what is the purpose of having yet another vote?

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A.19 Will the Government use the Parliament Act if the Lords again reject the will of the Commons?

A.20 Will you set up a joint committee of both Houses to resolve the issue if the Houses choose different options?

A.21 What will follow the vote?

B. COUNTRYSIDE ALLIANCE OPTION (SCHEDULE 1)

B.1 What is the basis of the Countryside Alliance option?

B.2 Given that the Countryside Alliance want the issue of hunting to be considered in a broader animal welfare context, does the option in Schedule 1 really reflect their view?

B.3 Can you explain why the functions and operation of the Independent Supervisory Authority for Hunting are not set out in the Bill?

B.4 Who meets the costs of ISAH?

The costs of ISAH are borne by the member organisations.

B.5 Why wouldn't ISAH be required to submit an annual report to the S of S in the same way that the Hunting Authority has to?

B.6 Can an individual affiliate to ISAH?

B.7 Which organisations are affiliated to ISAH?

B.8 Is affiliation to ISAH compulsory?

B.9 What is supervised hunting?

B.10 Does the fact that the two offences from which supervised hunting would be excepted relate to cruelty mean that hunting is cruel?

B.11 Why does this option talk about the retrieval of rabbits, hares, foxes and mink when the other two options refer to retrieval only of hares and rabbits?

C. MIDDLE WAY GROUP OPTION (SCHEDULE 2)

- C.1 What is the basis of the Middle Way Group option?
- C.2 What would the Authority's status be?
- C.3 Who would appoint the members of the Authority?
- C.4 What criteria would the Secretary of State use in appointing the members of the Authority?
- C.5 Given that hunting is currently a legal activity why does the Bill refer to those who have interfered with hunting and have presumably acted illegally?
- C.6 What would happen if the Secretary of State failed to appoint people who fulfilled the criteria?
- C.7 How many staff would the authority have?
- C.8 How much would a licence cost?
- C.9 What information would a licence applicant have to supply?
- C.10 Why is the Secretary of State given powers to add items to, or remove items from, the list of animals which constitute regulated hunting?
- C.11 Would every individual who wanted to join in a hunt have to have a licence?
- C.12 How would a person who wanted to join a hunt know whether it is licensed?
- C.13 What redress would a person have who had been refused a licence?
- C.14 What terms and conditions could be applied to a licence?
- C.15 What are the insurance requirements?
- C.16 In what circumstances could a licence be suspended or revoked?
- C.17 What redress would a person whose licence had been suspended or revoked have?
- C.18 What powers of inspection would the Authority have?
- C.19 Would the Authority be required to lay on examinations and training?

C.20 What training and examinations could the Authority lay on?

C.21 What codes of practice would the Authority be required to produce?

C.22 Why would the Hunting Authority be required to prepare one code of practice in respect of each kind of regulated hunting, but one or more codes in relation to hare coursing?

C.23 What would be the purpose of codes of practice?

C.24 What would happen if a person failed to comply with a code of practice?

C.25 What would constitute unrestricted hunting?

C.26 Is it correct that people could be imprisoned for failure to pay a fine?

C.27 Why could landowners and dog owners be prosecuted under the CPHA option when they could not under the Middle Way Group option?

C.28 Why could a court disqualify a person from holding a hunting/coursing licence for a maximum period of 5 years, whereas it could prohibit a person from keeping or owning a dog for the rest of a person's life?

C.29 Why is hare coursing specifically referred to?

C.30 What is meant by the terms "stalking" and "flushing out"?

C.31 What factors would the Hunting Authority take into account in deciding whether to grant or refuse a licence application?

C.32 Why is 16 the minimum age for applying for a licence?

C.33 How much notice would an applicant for a hunting or coursing licence have to give to the Hunting Authority?

C.34 How much would the Hunting Authority cost to run?

D. CPHA OPTION (SCHEDULE 3)

D.1 What was the basis of the CPHA option?

D.2 Would a person who was taking their dog for a walk be prosecuted if the dog took it upon itself to chase rabbits?

- D.3 Why did the option not make it explicit that hunting must be intentional for an offence to be committed?
- D.4 Why did the CPHA option contain exceptions?
- D.5 Who determined the exceptions in the CPHA option?
- D.6 Why could landowners and dog owners be prosecuted under the CPHA option when they couldn't under the Middle Way Group option?
- D.7 Why is hare coursing specifically referred to?
- D.8 What is meant by the terms "stalking" and "flushing out"?
- D.9 Why do none of the exceptions in the CPHA option refer to the number of dogs that can be used?
- D.10 Why do the CPHA exceptions use the terms "reasonable steps"?
- D.11 What are the implications of the CPHA option for falconry?
- D.12 Would the CPHA option affect the use of dogs to retrieve game birds that have been shot?
- D.13 Why are there fewer conditions attached to the rodent control exception than the other exceptions?
- D.14 Would the prohibition on using dogs below ground to hunt rodents prevent people from using dogs to deal with rats in cellars?
- D.15 Why does the retrieval of game exception in the CPHA option relate only to rabbit and hare?
- D.16 Would a person who used a dog to locate rabbits and other small game to be shot commit an offence?
- D.17 Wouldn't the CPHA option reverse the burden of proof by requiring people to show that their conduct was lawful?
- D.18 Why does the CPHA option contain a power to alter defences?
- D.19 Could the power to alter defences be used by a future government to reintroduce hunting by the back door?
- D.20 The police powers of search/seizure etc in the CPHA option would be very draconian

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D.21 Why would the power of arrest only apply to some, but not others, of the offences in the CPHA option?

D.22 Could horses be forfeited?

D.23 Why could a magistrates' court order the forfeiture of a dog but not a horse?

D.24 Could a hunting article include a vehicle for forfeiture purposes?

D.25 What would happen to any dog that is forfeited?

D.26 Why does the Bill not provide for custodial penalties?

D.27 The absence of imprisonment in the CPHA option would create a loophole enabling a badger baiter to claim he was putting a dog below ground to search for a fox (rather than a badger) to avoid the possibility of imprisonment?

D.28 What would the enforcement costs be for the police in the event of a ban?

D.29 Are there precedents for the search and seizure powers?

D.30 Is it correct that people can be imprisoned for failure to pay a fine?

D.31 The definition of whom land belongs to includes anyone who owns an interest in land such as a lessor who might not normally have access to the land. Why?

D.32 What is the purpose and effect of the consequential amendments at the end of the CPHA option?

E. GENERAL

E.1 Can you explain the contents of the three options in the Bill?

E.2 Could a local authority use its byelaw powers to ban hunting in its area if one of the regulatory options is chosen?

E.3 Could a local authority use its powers under section 2 of the Local Government Act 2000 to ban hunting in its area if one of the regulatory options is chosen?

E.4 Does the Bill affect the use of police dogs in manhunts?

E.5 If hunting with dogs is banned, there will need to be more shooting of foxes. Doesn't this conflict with the right to roam?

E.6 The ban option was drafted by Parliamentary Counsel and considered in Committee. What is wrong with the earlier bill?

E.7 At Report Stage of Hunting Bill, Alun Michael said we have a clear bill which should be respected by the Lords and pass into law. Why is that not happening?

E.8 Will not MPs stick to their positions?

F. IMPACT ON FARMERS OF A BAN ON HUNTING

PEST CONTROL

F.1 Who is responsible for the control of pests?

F.2 What are the current restrictions on methods of pest control?

F.3 Will farmers be able to prevent damage by pests if hunting is banned?

F.4 If hunting is banned, will the Government compensate farmers for the loss of the "free pest control service" provided by hunts?

F.5 Are foxes a significant predator of livestock?

F.6 On what basis does DEFRA say that foxes are not a significant factor in lamb mortality nationally?

F.7 What method of controlling foxes does DEFRA consider to be most effective?

F.8 When did DEFRA decide that shooting is the most effective method of controlling foxes?

F.9 Could hunting be used to control rabid foxes?

F.10 Is research being carried out into alternative methods of controlling foxes?

F.11 Can foxes be moved from an area where they are causing problems and be released into another area?

DISPOSAL OF FALLEN STOCK

F.12 Which legislation governs the disposal of animal by-products, including fallen stock?

F.13 What is the usual route of disposal for fallen stock?

F.14 What are the alternatives to knackers and hunt kennels?

F.15 What are the numbers of fallen stock to be disposed of?

F.16 What action is the Government taking?

F.17 Who should pay?

BURIAL

F.18 What restrictions are placed on burial?

F.19 Are new restrictions on burial to be introduced?

F.20 What do the Groundwater Regulations do?

F.21 How would this affect on-farm burial of fallen stock?

F.22 Is there a risk of water pollution as a result of on-farm burial?

INCINERATION

F.23 Will the Waste Incineration Directive mean greater restrictions on Carcase incineration?

G. DEER MANAGEMENT: THE DEER INITIATIVE

G.1 What plans does the Government have to introduce a deer management strategy if hunting were to be banned?

G.2 Will not farmers become less tolerant of deer if hunting is banned?

G.3 What plans does the Government have for a statutory Deer Commission for England (as suggested by the British Deer Society)?

H. HARES: CLOSED SEASON AND PROTECTION

H.1 Is there existing legal protection for hares?

H.2 Why is there currently no closed season for hares?

H.3 What is the current hare population in the UK?

H.4 Won't the number of hares decline even more if there is a ban on hunting, as farmers will be forced to shoot more of them?

H.5 Won't the number of hares decline if there is NO ban on hunting because the existing seasons for hunting/coursing/shooting are too long?

H.6 Wouldn't a closed season help police in their fight against "illegal hare coursing", as it would be easier at the appropriate times of year to establish that a new offence - of taking hares outside the closed season - had been committed?

I. SHOOTING AND FIREARMS CONTROL

I.1 What statutory controls are in place for a person who wishes to use a rifle to shoot vermin?

I.2 Will the Government consider Burns' proposal that training be given to stalkers in the event of a ban?

I.3 What is the Government's position on shooting sports?

I.4 If hunting with dogs was banned, there would need to be more shooting of foxes. Wouldn't this conflict with the new right to roam?

02072385867

- Draft AMQs brief - (e-mailed 12/3)

HUNTING

Accusation

Why another vote on hunting?

Facts

We promised to do so in our Manifesto.

On Monday 18 March there will be a debate on hunting, followed by a free vote between three options (self-regulation, licensing and a ban).

A similar vote will take place in the House of Lords on Tuesday 19 March.

Following those votes, and before Easter, the Rural Affairs Minister (Alun Michael) intends to bring forward proposals to help Parliament resolve the issue.

The Government has maintained a neutral position on hunting and there will continue to be a free vote on the issue.

Previously the Commons has voted overwhelmingly for a ban on hunting.

The Labour Party Manifesto for the 2001 general election said the following:

"The House of Commons elected in 1997 made clear its wish to ban foxhunting. The House of Lords took a different view (and reform has been blocked). Such issues are rightly a matter for a free vote and we will give the new House of Commons an early opportunity to express its view on the issue. If the issue continues to be blocked we will look at how the disagreement can be resolved. We have no intention whatsoever of placing restrictions on the sport of angling and shooting"

The Queen's Speech contained the following:

My Government will enable a free vote to take place on the future of hunting with dogs

The Prime Minister said on BBC Question Time on 8 July 1999

"It will be banned. We will get the vote to ban as soon as we possibly can. We are looking at ways of bringing it forward in future sessions. We will try if we possibly can to give it space in the upcoming session or the one after that."



HUNTING

Lines to take

We are keeping to the promise in our Manifesto to provide an early opportunity for the House to express its view on hunting.

There are many important matters that Parliament may wish to consider. Hunting is a subject of genuine public concern and that is why the opportunity for the debate has been provided.

Nothing has been ruled in or ruled out. Let us await the votes and the statement from my Rt. Hon. friend the Minister for Rural Affairs.

It is a free vote and a matter of individual choice for members of the Government, as well as for all MPs.

DEFRA
Department for
Environment,
Food & Rural Affairs

MATRIX

file *CS*
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= Immediate =

Facsimile Cover Sheet

To: Clare Sumner

Fax: 7839 9044

From: Becky Taylor
Senior Private Secretary
Phone: 020 7238 5379
Fax: 020 7238 5867

Date: 13 March

Pages including this cover page: 1 + 2

Clare,

— Third + final fax. I now attach Alun Michael's draft statement, provisionally due to take place on 21st March.

— Alun has asked me to make some further amendments to his ^{draft} opening speech + speaking notes on the business motion for Monday. I will make those amendments over the next hour + bring revised versions to the meeting at 4:30pm. See you there

Becky

02072385867

DEFRA PRIVATE OFFICE 7 20035044

13:32

5/03/2002

STATEMENT ON HUNTING

Listened to debate and read the report of the debate in the HOL.

Do not want to dwell in detail on what was said in the debate.

Clearly some contributions were made from the standpoint of opposition to any change, but that is not an option the Government considers is right.

There was a broad spectrum of agreement to what are the main issues and areas of concern surrounding the issue of hunting.

The main areas which need to be taken forward are the concerns about cruelty to wild mammals and management of the countryside.

Even those who argued that there was no cruelty to animals in any of the activities associated with hunting, accepted that there was a lack of public confidence.

But I think nobody would disagree that we would not want hunting to be replaced with land management activities that involved greater cruelty.

Seeking to have discussions with all interested parties. Propose to consult widely and to listen.


It is clear that there is a need for legislation on hunting.

Contributions to debates have shown that none of the options presented in last year's Bill was perfect. For this reason, and because the other place did not complete its debates, believe it would be wrong to use Parliament Acts to enact last year's Bill

Any legislation would need to be drafted afresh. AM will lead drafting. Cannot pre-empt what legislation there will be.

Content of any bill to deal with the issues of cruelty and of the management needs of the countryside. Having set the parameters the detail will need to be worked up following consultation over the next few months.

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26 February 2002

Ms Clare Sumner
Senior Policy Adviser for Parliamentary Affairs
10 Downing Street
LONDON
SW1A 2AA

Dear Clare Sumner,

I will be overseas (but contactable via my office) in Australia and the USA between Tuesday, 19 March and Friday, 12 April - both inclusive. If it would be helpful to you to have a further discussion on the way in which things are shaping up before I go, please let me know.

Best wishes

JH

John Jackson
Chairman
Countryside Alliance

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STRICTLY PRIVATE & CONFIDENTIAL

Rt Hon Alun Michael MP
Minister of State for Rural Affairs
Department for Environment, Food & Rural Affairs
Nobel House
17 Smith Street
LONDON SW1P 3JR

13 February 2002

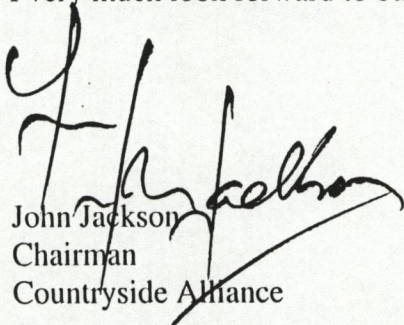
Dear Alun Michael,

Following up on our discussion yesterday, I enclose for your private information a copy of the draft Bill to which I referred. This has been carefully drafted with an eye to the law and the practicalities and is clear evidence of where the thinking and approach of the hunting community lies. Copies of this draft are in the hands of a very small number of people and each copy has been numbered. I should be most grateful if, at this stage, you could regard this as something which has been made available to you privately in order to help you in your assessment of the whole situation.

I hope that you found yesterday's meeting helpful. I did from my side. I would just like to pick up on a couple of remarks that you made. One of the reasons I attach so much importance to the relationship we have established with the fishermen is that so many of them live in towns and are (very welcome) users of the countryside. I am as keen as you are on seeing the countryside regarded as a national asset and to avoid town/country divide. Before this latest arrangement on the fishermen front, the Countryside Alliance has been very active. For example, we have been working closely with the police in Co Durham who started a very successful scheme to get urban children "hooked on fishing" instead of "hooked on crime/drugs". We and the Durham police are proud of the progress that this particular project has made.

Finally, the last thing the Alliance wants to be is an organisation which is in a continual state of confrontation. At the end of the day, that does not help anybody. But, on the other hand and partly for historical reasons, we do have a clear obligation to "stand up" for the legitimate rights and interests of a growing body of members who trust us.

I very much look forward to our next conversation.


John Jackson
Chairman
Countryside Alliance

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14 February 2002

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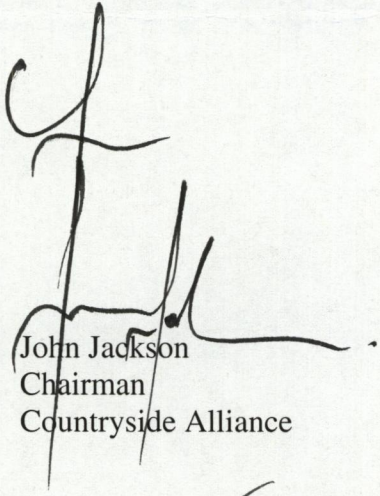
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D. Martin,

To keep you in the picture, I enclose a copy of my letter which went to Alun Michael yesterday covering a draft of the Bill which I referred to at the meeting on Tuesday.

I am glad that you will shortly be meeting with Richard Burge. You will find in the next issue of The House magazine an article written by Richard and me which is intended to be helpful and encouraging people to move forward post the Curry report.


John Jackson
Chairman
Countryside Alliance

Encl. 

From: Clare Sumner
Date: 8 February 2002

PRIME MINISTER

Cc: Joanthan Powell
Robert Hill
Sally Morgan
Martin Hurst

HUNTING: HANDLING OF MEETING WITH MB AND AM ON TUESDAY 12 FEBRUARY

You are meeting AM and MB to discuss hunting. The decisions needed are what do we need to do now, what can we postpone until later and how are we going to handle AM and the bottom line.

Announcement of vote on the motion

Given the pressure will begin to mount next week when Scotland is likely to vote for a ban, we should consider announcing in the next few weeks that there will be a vote on a motion in both houses. This could coincide with Robin's announcement on handling of the legislative programme that he needs to do this by the end of February at the very latest. He could say x and y bills are not being pursued but we will be doing asylum and there will be a vote on a motion on hunting. A decision on how to progress hunting will be taken after the vote.

Timing of the vote

We also need to decide when the vote will take place.

At the moment the CA do not seem to be planning a march, but could galvanise one around any vote. We are also picking up that the BBC will be running some documentaries on countryside issues in early March. It may be best to have the vote after Easter but before the summer recess. This may go some way to diffusing tension but people may begin to become concerned about whether we will introduce the hunting bill.

Following the vote

Once we have the vote which will continue to show disagreement either ban/status quo or ban/middle way we need to decide how long we will leave an

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- 2 -

announcement of what we propose to do. I think we will have to do this fairly quickly after the vote.

Announcement

You should ask AM to work on his form of words and also decide whether we leave the issue open so it focuses on resolution which is probably the best form.

Bottom Line

AM knows that you are content for him to broker a possible solution rather than a joint committee but wants to know what his remit is in brokering a solution. You will also need to clarify that he should not talk to people about this until it is formally announced after the vote takes place.

If you want to play it long we can agree vote timing and announcement now and defer this discussion. You can say you want to wait and see the strength of feeling and look at the debate on the motion.

My understanding is that a lot of people are approaching AM on the issue privately so he feels he needs to know where we are going so he will push to know what you feel the core of the bill should be.

Clare

CLARE SUMNER

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(F)

*Option 2
seems best to me
a) AM should not
necessarily ban all
hunting - I really prefer
think the cruelty issue*

PRIME MINISTER

**From: Clare Sumner
Date: 1 February 2002**

**cc: Jonathan Powell
Robert Hill
Sally Morgan
Martin Hurst**

HUNTING

Issue

*shame & (junkie must
be protected
we need another
meeting soon
with AM & MB.*

We will need to decide a way forward in the next few weeks. The two pressures are the successful passing of a ban in Scotland (due mid Feb) and the need to announce where we are on the legislative programme also due in the next few weeks. You will need to tell AM and MB where we want to go after Africa. We could have an internal meeting this week on the issues if you would like.

Handling

I appreciate that you want to play it long but we need to take a series of decisions in order to decide how to do that.

The first decision needed is do you want to task Alun Michael to sort it out or do you want a Joint Committee. A joint committee under Burns could be attractive but could still end up with no agreed solution.

If you go with AM then we need to know what is in the package.

Options

I attach a note from AM which sets out the arguments he put to you in the meeting - see the flagged section as that is the heart of the debate. He is keen that we don't pre-empt his conclusions and he has moved to give some thought on a permit system. His ultimate vision is still that a ban on red coats should be at the core of any bill. He finds it very hard to envisage a system of red coats hunting that isn't fundamentally cruel to the fox.

I have also given further thought to some options. The simplest option is still to parliament act the existing bill.

Option One – the current bill

Denis has a new wheeze which is introduce the existing bill in the Lords as then it could not be Parliament Acted as he understands. They would insert the Middle Way then the Commons would have to decide whether they wanted MW or nothing. Likely to be seen as a real cop and could just end up with lots of ping pong between the Houses and no resolution would be guaranteed.

Option Two

Package of measures to deal with banning other forms of hunting - and say that no resolution expected on red coats so will focus on what we can achieve. Likely to go someway to placate the PLP but not enough.

What we are all agreed is that there are a core of other measures – hare coursing, mink hunting, deer hunting which are cruel and can be banned. There is a consensus on this between the CA and animal welfare groups – Alun will be able to deliver this and this may splinter the CA support so that it means the pro-hunters become a smaller, more marginalised group. We may get a better feel for this after meeting John Jackson in the next few weeks.

Robert thinks we should not under-estimate the popularity of these measures in the PLP – the question is whether such a bill would go someway to placate them.

Assume all other options contain this package plus:

Option Two – core package plus let AM broker a third way but don't rule out a ban

If you give the problem to AM to solve – we would not need to announce after the vote whether we were going for a ban or not. We could say that we've tried neutrality and that has not worked, now we will have a Minister working for resolution – the third way.

The line would be the Houses remain at opposite ends of the debate, we will seek to bring them to resolution, it could be a ban, but it could also be a tighter licensing system which deals with the issues of animal cruelty, animal welfare,

pest control and land management. Strict licensing regimes have been proven to reduce levels of hunting in other countries. But one thing for sure the status quo is not acceptable.

Alun is not attracted to this wording as he thinks it highlights licensing too much we should focus more on permits than licensing if we wanted something like this so his wording would be:

The line would be the Houses remain at opposite ends of the debate, we will seek to bring them to resolution. Some people support a ban and others support a licensing system. Some people have also raised the issue of a permit system which would balance the issues of animal cruelty, animal welfare, pest control and land management. Strict licensing regimes have been proven to reduce levels of hunting in other countries. But one thing for sure the status quo is not acceptable.

This would take over the Middle Way ground but not their solution which is just licensing with no detail to it. AM could then broker a new solution. It would be a strong hint that licensing is on the agenda – we could soften this.

AM would need to know your bottom line in order to deliver it. He currently thinks the core of his package would be a ban, but if you tasked him to find a solution around preventing cruelty and dealing with vermin we could begin to establish criteria around which hunts could be permitted, but under stricter conditions than the status quo.

Conditions as we have discussed before could be around:

- Changing the nature of the kill – stop the dogs and have a clean kill. AM could explore the dog collars although I am not convinced this would work, but Martin has suggested muzzles which could be a more realistic solution.
- Permit according to land owner consent
- Levels of fox population
- Proper training of dogs
- Size of hunt
- Time limit on the chase

We would still use the threat of the parliament act to get the parties talking.

The problem as ever with a Middle Way like solution is actual implementation and policing – need some sort of new body plus inspectorate.

Option Three – slight variant let AM broker third way but rule out a ban

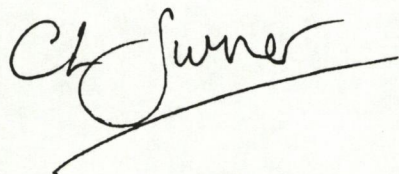
The line would be the Houses remain at opposite ends of the debate, we will seek to bring them to resolution, we will broker a solution which would be a tighter licensing/permit system which deals with the issues of animal cruelty, animal welfare, pest control and land management. Strict licensing regimes have been proven to reduce levels of hunting in other countries. The status quo is not acceptable.

Disadvantage – makes it hard for AM to broker a way through – so option two is better I think.

Option Four – complete ban – opt-out referenda

So that areas where fox hunting was popular could conduct a referenda and then start hunting under licence. Probably very difficult to win, and potentially a lot of potential to keep the story running.

We have considered other options like implement a ban in five years time, but it just delays the row.

A handwritten signature in black ink, appearing to read 'Clare Sumner', with a long horizontal flourish underneath.

CLARE SUMNER

Possible way of presenting the approach

There is clearly an issue about whether to say all this at once now or having the approach dragged out of us bit by bit. Given that we have a fair idea how the votes will go, it may actually be worthwhile to say it all now – I believe we can ensure at least a partial welcome from animal welfare organisations and tolerance from Labour MPs, while it does offer something to at least some of those who oppose a ban.

Our promise of a free vote on hunting will be met through a vote on a resolution. Each House will have the opportunity to express a preference between the three options which were presented to Parliament last year. The Government will treat this as a Free Vote.

Following the votes, if there is not a clear consensus, the Government will carry through the manifesto commitment to enable Parliament to reach a conclusion on the issue. This will be done by bringing forward a Bill which seeks to reconcile as far as possible the majority view of the Commons with practical and other issues raised in both Houses.

The Government believes that it should not be necessary to seek application of the Parliament Act on a non-constitutional issue of this sort. For that reason we do not intend immediately to re-introduce the Bill that fell at the end of the last session. However, it may be that a continued impasse means that the issue can only be resolved through the provisions of the Parliament Act. It must be remembered that this is not essentially a matter for Government: The Parliament Act provides a constitutional mechanism to ensure that, at the end of the day, the will of the elected Chamber is not frustrated.

A new Bill will seek to implement the will of the House of Commons and take the greatest possible account of other views. This may well involve seeking to eradicate avoidable cruelty while recognising "utility" in regard to countryside management, pest control, conservation issues and other matters the consideration of which would assist in achieving "good law". Alun Michael, as the responsible Minister - reporting to Margaret Beckett as Secretary of State - will consult widely while drawing up the Bill which we will bring forward as quickly as possible

Further thoughts on tackling the hunting issue

Since our discussion, I have given further thought on how to drive matters forward. I was pleased that the PM was so engaged with the points that Margaret and I made and I genuinely believe that we are close to a workable solution, albeit one that will take a lot of care and hard work to manage. The summary I tabled last time is attached at the end for ease of reference.

In the light of that discussion, let me characterise the range of options available and analyse their potential

- **Status Quo**. Not an option - everyone except the most pro-hunt extremists will keep coming back so we will be on the same debate year after year. The same applies to a "minimalist" approach. Either of these would be overwhelmingly defeated in the Commons - and if any proposal we put forward fails, we will then be left without a proposal and be faced with the same outcome - a serious war of attrition. That's why what we offer must be robust and workable.
- **Middle Way**. They themselves recognise that the option they put forward last year is flawed so they want to re-design it. That is a potential diversion and we should discourage, but see if we can take over their ground and win some of them over (see below).
- **Third Way**. A process towards a conclusion rather than a "quick fix". Hard work, but what the heck "life to be worthwhile must be difficult". Involves banning some activities on the grounds of cruelty, but identifying others on criteria that would include utility, pest control and conservation. The Bill could not be a crude list - we would need identified criteria based on both principle and practicalities - but I'm certain I can deliver that if I'm given the authority to do so.
- **Half Way**. Select some items to ban, but leave others - a sort of shopping list approach. Would lack a basis of principle, and therefore lack coherence. Would be attacked as a "cop-out". And the anti-hunt groups would come back and back for more.
- **Blanket ban**. Re-introduce the last Bill as it left the Commons. While it would need changes in due course - in later legislation - to tidy it up, this would be the "quickest fix". Parliament Act would take effect. Could be defended on the constitutional basis that it upholds the decision of the elected chamber and fulfil the PM's promises.

Process options

We can get away with just a vote on a motion this session - but only if we can tell people what will happen next.

This week's press coverage is significant - it only has Tony Banks up front and all the serious anti-hunt MPs are keeping their powder dry. So are the animal welfare organisations. When we say what is to happen, the PLP generally will look to about eight or ten key players for a lead. If we go for a vote on a motion with the sort of "mantra" I suggested last week (attached for ease of reference) I believe I could persuade them to hold the line. They are all loyalists so while it would be a tough meeting I believe it can be done.

The key will be to indicate that the PM thinks that this should not require the application of the Parliament Act, but that at the end of the day this is a matter for the House of Commons. He has therefore decided against introducing a Bill this session that would then go through under the Parliament Act. However, it is also important for the issue to be dealt with constitutionally, taking full consideration of the views of Parliamentarians. He hopes that common sense and discussion will prevail but if - having been warned of the consequences - the Lords blocks the will of the Commons, then the Commons must, in the end, succeed. The Government has promised to enable Parliament to resolve this matter and if the matter is not settled by agreement, the Parliament Act will kick in.

The PLP and the Press would also go at once to "Deadline 2000" (now renamed "Campaign for the Hunted Animal"). Their immediate inclination will be to unleash the pent-up forces of public and (Labour) MP anger. However, with a few days to work at it I believe they can lower the temperature to regret and engagement. That won't stop a lot of anger from MPs and the public who can't understand why we don't "just do it".

I think I should get all three groups (Pro, Anti, Middle) in - separately - on the day we announce what we are doing. That would leave Robin Cook doing the business announcement and me dealing with the politics and emphasise that we are drawing the battle line away from No 10 which is important in terms of later stages of debate. The PMOS would brief as usual and say that PM had given me the task of finding the best way through, reporting to Margaret, but with the core brief of enabling Parliament to prevail with the greatest possible care to deal with the practicalities of country life and the opinions on all sides of the Lords and Commons to the extent that it is possible to do so.

I would also want to speak to other "players" personally (Lord Burns, for instance. I don't think he has the solution but he is listened to and I think he would be helpful. Other Labour Peers in particular - better to be shouted at in private than in public. I will see Gareth Williams confidentially)

I have not looked further at the idea of anyone else trying to sort it out for us. Frankly it has no credibility. An independent committee chaired by an experienced figure has been tried (Burns). Anything else would be a come-down. It's hardly a big enough issue for a Royal Commission and anyway that would like an even bigger cop-out. In my view, it's too late for a Committee of Both Houses - that would certainly be condemned on all sides as a cop-out. Not only would it be impossible to defend (because the criticism would be true!) but the "uncertainty principle" would apply. There could be no political direction and strong leadership is needed to draft and take through a difficult Bill.

It needs credible political leadership and because I am known both to be trusted by the PM and for my voting record, it will work. Being outside the Cabinet - but an ex-Cabinet Minister - becomes a virtue. Reporting to Margaret provides high-level credibility while keeping the issue at arm's length from the PM.

Of course, pro-hunt groups will explode - but the real question is what they do next. Some will simply go into campaign mode but others will quietly come in to talk. When I consulted on the impact of FMD on hunting, the Welsh Packs came in separately. As soon as I can, I need to open up fresh lines with gamekeepers and conservationists and some other groups who will now have some idea of the options that were discussed in Scotland. And I need to get around regionally and harness the energy of some trusted back-benchers.

I cannot put much of this in place without the PM's (private) permission because in case someone talks, but I'd like to start straight away on preparing the ground and setting up meetings, if he's willing. A day or two before the announcement in which my office rings around to fix appointments for the week or so after the announcement would start making people hear the announcement and realise that they are "in the loop" and that could pay dividends. Until the vote on the resolution, the Media campaign will be about that vote, but work done in that period quietly in the background will pay dividends.

Just for the avoidance of doubt, there is no "quiet" option. All sides will compete to shout loudest and they'll probably all win. It's what they do

the next day and the day after the vote on the motion that will be the serious indicator.

You asked me to go further into the "shape" of a Bill, and how we answer the killer question - "Well, will fox-hunting be banned ?", but with the "health warning" that I can't get to the end of the process before I have permission to start on the process !

As you will appreciate, I'm hesitant about starting to get to the drafting before starting to explicitly consult and before talking to Parliamentary Counsel on a confidential basis, but I appreciate your point that the PM will want to know what sort of "shape" a Bill might have, so here is very much a first stab at how a Bill could set down the criteria.

First, the key issue is to deal with avoidable cruelty. We would need to start from the presumption that there should be a ban on activities which are inherently cruel and for which there is no argument of utility or necessity.

Second, the Bill would "permit" activities which are necessary for specific purposes or which meet the test of utility for a variety of purposes including the eradication of vermin, proper conservation and wildlife management, game-keeping and so on.

There are some options here - do you introduce a system of permits ? That could be bureaucratic. Or we could say that as long as activities are undertaken with due care to avoid un-necessary cruelty and when the tests of necessity or utility are met, then no offence is committed. The tests could be against approved standards (verified by approved bodies of gamekeepers or whatever) (for example how the fox was killed at the end of any activity). These activities would be subject to consultation to define the criteria.

We would need to take care to ensure that no threat to fishing or shooting could be inferred - perhaps by specific inclusion or by limiting the scope of the Bill.

Clearly the question would arise as to whether all or any fox-hunting would survive. Certainly it is difficult to see how most traditional mounted hunting with hounds as in the Home Counties would qualify - the Burns Report made it clear that cruelty is involved in both the chase and the kill, while it would not stand the test of utility where there are effective means that avoid cruelty (see lamping and the Hereford farmer). I think we just have to bite the bullet on that one. Other activities - the Welsh Packs in the mid-Wales mountains - might be different. My expectation would be that stag hunting by stalking and

then shooting - using dogs as pointers - would pass, but pulling a stag down with a pack of dogs would not. This is what we need to test out.

Clearly the law may change and develop as might practices. In the example the PM mentioned, it may be that electronic collars wouldn't work now - but new technology combined with new situations in the future might change that. Or cruelty might be proved in a way that would exclude some activities at a later stage. What I can't see working is a deliberate "slow burn" proposal except in the sense that there might be a timescale for implementation - though personally I would say "if were done, twere best that it were done quickly". I certainly don't think that there is anything to gain from referenda or other approaches that will be a massive distraction and end up frustrating both sides in any campaign.

I suppose the answer to the central question - will hunting be banned - has to be *"It seems certain that some traditional forms of hunting will be banned - but we will also be looking at measures that protect activities that are genuinely needed and to protect the practical interests of the countryside community - gamekeepers etc. This Bill will combine principle and practicality."and be going further than the existing act.*

The people involved

On the pro-hunting side there are many - not least the Campaign for Hunting within the Countryside Alliance - who will give no quarter.

Other leaders will give no ground in public but will start to talk privately provided they know it is "for real". I have kept up a dialogue with them - and curiously I think they trust me even though they know how I have voted in the past, because I have made no secret of it and they think I've been tough but fair with them during FMD.

However, if we say (or even hint) that we will not (ever) use the Parliament Act they won't - at that stage they know they've won and have no need to negotiate.

Some anti-hunt groups (animal rights and some animal welfare bodies) will simply attack us for failing to deliver. I'm afraid there is no way of avoiding the central fact that this is a serious "Trust issue" and this has credence with everyone. An article last week on "Labour's Broken Promises" ran through every conceivable allegation on health, education, economy etc. But the "symbolic photograph" was a fox

Others will engage - and I think they will trust me - provided they know there is a genuine attempt to produce a workable solution. They will work with us. If this is done with me "up front" - reporting to Margaret - they

will give us a chance. This is enormously important given that this is a "trust" issue.

That leaves the Middle Way Group. Unfortunately, they are mostly mavericks - especially those who are Labour MPs and Peers !!! They are deeply distrusted and disliked amongst Labour MPs and animal welfare organisations who regard their big idea as "licensing cruelty". They have only one full-time officer (James Barrington) who is hated by anti-hunt people because he was previously with the League Against Cruel Sports. He has caused some real confusion during the Scottish Bill. I have kept lines open and I believe that some, like Lembit Opik, will start to engage and can be helpful to the process once it's on the road. (I'm having dinner with him in the next fortnight) but the group as a whole is unpredictable. Essentially I think they had a good idea ("lets find a different way of approaching it") but don't have the coherence or discipline as a group to take it anywhere.

By going for *The Third Way, not the Middle Way*" we liberate the idea that there is a different way of approaching the issue but do so without trailing their baggage. And there is real integrity in our approach.

One way in which the Middle Way group have muddied the waters is by one or two of them claiming that they have a hotline to the PM and have been tipped of that their option is favoured. Frankly, that has caused a big problem in the PLP as people believe it to be true and ask "Why's he talking to that disloyal bunch and not to those of us who have bitten our tongues and spoken only in the PLP". It's been hard work persuading some really loyal people not to swallow this stuff. If I'm to negotiate a way through this I need to be sure that I'm very clearly the one avenue for the negotiations or it will not work.

Incidentally, it may be worth pointing out that the PM has sent me forth on other issues where we weren't in clear blue water (persuading the police and local government on crime reduction, regulation of the private security industry, creating a new relationship with the voluntary sector not to mention farmers in Cumbria last August) so I do have "form" for delivering the goods.

Practicalities

You asked me whether I could list the sort of things that would continue and the sort of things that would be banned if we follow this approach.

Really the answer is still "no" because the consultation has to genuinely offer an open door, but I can offer some illustrations

Hare coursing : This activity is generally regarded as cruel and unpleasant. The Countryside Alliance said it should be banned. The ban would be widely popular in rural areas and end a scandal. Actually, it would simplify matters and help us tackle some pretty nasty characters involved in illegal hare coursing too - I have just met ACPO on this topic and it is going up the Law & Order Agenda very rapidly at present

Stag hunting (with a pack of dogs) : Likely to be banned. It's pretty unsavoury.

Deer stalking : In contrast a person stalking deer could use a dog (or even dogs) in tracking the animal he is stalking. Stalkers and those who cull deer for conservation reasons would be content as would some of the animal welfare organisations.

Use of dogs by gamekeepers and conservators : Likely to continue (perhaps with legal strengthening of rules based on the existing codes of conduct)

Mounted hunting of fox with hounds : Likely to be banned on the grounds of cruelty, which were pretty well set out by Burns. Not sure yet whether this would be on the face of the Bill or by implication, but there's no alternative to knowing that this is the case and for me to say so at the appropriate point.

Ratting : Likely to be permitted for rodent and vermin control, but with conditions to safeguard the dogs.

Mink hunting : Currently causes a lot of environmental damage to riverbanks especially when horses are used. However, the mink is a thorough-going nuisance. Question is what works and what is cruel/humane ? Needs testing against the criteria as we develop them.

I could go on, but the point is that each activity needs to be tested against the criteria which we work up to be in the Bill and that needs discussion with Parliamentary Counsel in parallel to the discussions around England which I have proposed. If the PM is willing, I'd like to talk direct to Parliamentary Counsel about the best way to deal with this rather than dealing with drafting in a "traditional" way.

Finally, the PM asked about the use of electronic dog collars and other control devices. This is a bit futuristic, in the terms that the PM mentioned, but we will need to take into account the possibility that applications of new technology may be developed to overcome such reservations. We need to make sure that the legislation allows for such developments to be considered against specific criteria. Crudely, the first question is "Does it work?", the second is "Is it useful" and the third is "Is it acceptable?"

Electronic collars have apparently generated a lot of dispute in regard to training of dogs. At one time the Police and Prison services used them but there was a wave of protest and they no longer use them. The RSPCA regards their use as cruel and refers to "pain and suffering". I'm told it is unlikely that such collars could be used to control a whole pack. That might be the answer now, but technology can change - my point is that it does not appear to give us a "quick fix" now and might take us into a fresh "cruelty issue". The answer to my questions appears to be "No, no and no" - at least for the time being.

Public views

I have rarely come across a topic on which so many conflicting certainties are offered by different people! I've listened to them all, spend time with farmers and others in every region of England week in and week out over the past six months, and my conclusion is as follows

- There are some people who will resent any action which affects their "sport". We never have their support and would never gain their tolerance. They attacked us viciously for stopping hunting to eradicate FMD.
- Others would prefer to be left alone, but will have a hierarchy of priorities - shooting, or fishing, or managing their estates etc. If they know "the game is up" they will start to define their bottom line. The Countryside Alliance is driven by the first group, but this is the serious group - some of whom are fed up of defending hunters and want to get onto more constructive ground (includes significant CA office holders)
- Many country people who don't hunt would support out of solidarity and to avoid falling out with neighbours, but don't really feel strongly. (*Farmer in Hereford: "Hunts - they're bloody useless. I don't think they've caught one fox on my land in the last 40 years. We had a problem of foxes taking the lambs so as soon as the FMD regulations allowed, we went out one night lamping and shot five.*

The problem is gone. I shoot and I fish so I suppose we support them out of solidarity, but I don't understand what the fuss is about".

- Most country people actually oppose hunting (see polling figures - also Labour rural MPs who voted for a ban were targeted by the Countryside Alliance at the election but came back with increased majorities.)

As the PM said, we then need to consider how it will play and the way a debate can turn when you least expect it. It's worth remembering that the Countryside Alliance has lost a lot of its original bite. They were relieved not to have the march last year because of FMD and their Scottish rally was hardly impressive. However, they are still significant.

Rather more significant could be the accusation of "bullying" people or abusing power. This has to be set against the accusation of reneging on a clear promise and *failing* to use power when you possess it.

I return to the essential argument : The simple way forward is to re-introduce the Bill from last year and allow the Parliament Act to apply. If the decision is to be less "head on" about it, to combat the "anti-countryside" tag and take people with us as far as we can, it will be messier but probably create better law and I think would have the merit of real integrity.

Alun Michael

31 January 2002

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17 January 2002

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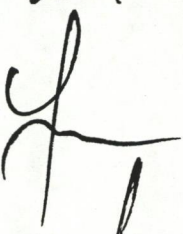

Jonathan,

I think that in the light of developments in Scotland in relation to hunting and increasing pressure in England for the Government "to do something", it might be helpful if I came to see you again. The Scottish time-table is such that some time in the first half of February would be about right. My office will call yours to talk about a provisional date.

To keep you in the picture, I enclose a copy of a letter which I have written today to Alun Michael.

see letter 17/1

Best Wishes for 2002


John Jackson
Encl. 

Together
re seeing Swan
Cameron
too.
John.

Tel: 020 7831 5775
Fax: 020 7831 5779
Email: john.jackson@mishcon.co.uk

J B H Jackson
21 Southampton Row
LONDON WC1B 5HS

17 January 2002

Rt Hon Alun Michael MP
Minister of State for Rural Affairs
Department for Environment, Food & Rural Affairs
Nobel House
17 Smith Street
LONDON SW1P 3JR

Dear Alun Michael,

I have just returned from an extensive stay in the USA. Whilst being kept informed of matters of immediate importance, I have been out of touch with the details of day to day events. I have now caught up, as it were.

I thought I should write to tell you that I am delighted that the Countryside Alliance is to be represented on the National Rural Forum. I am sure Richard Burge will make an excellent and constructive contribution. I am equally pleased that the RSPCA will be there as well.

Two things which leapt out of the work of the Burns Committee were that there had been astonishingly little dialogue between the hunting community and the RSPCA and that there was only one point of substance on which the RSPCA and the Countryside Alliance differed with regard to hunting. I said publicly then that I thought the two organisations should talk with one another. That is still my view. I wonder if it would be helpful to you as the Minister most immediately concerned to observe, or perhaps even mediate, such a dialogue?

I have been reading, with some anxiety, the debate in the House of Lords on the second reading of the Animal Health Bill. Whilst I can, of course, understand the concerns that have been expressed so strongly, there is no doubt that ministers are faced with a real problem. The Countryside Alliance will be encouraging the production of some constructive suggestions designed to help.

Best wish for 2002

John Jackson
John Jackson
Chairman
Countryside Alliance

CONFIDENTIAL

f

From: Clare Sumner
Date: 17 January 2002

PRIME MINISTER

cc: Jonathan Powell
Sally Morgan
Robert Hill
Martin Hurst

HUNTING

Robert, Martin and I have met Margaret and Alun to discuss hunting. We are in a position to narrow down the options for discussion on Tuesday. This note prepared by Margaret, Alun and myself provides food for thought rather than an agreed solution.

Background

Although there has been a perceived period of quiet, behind the scenes there has been much activity. All the main groups on the three options have been talking to Alun, as have the key pro-ban leaders in the PLP. All want to see resolution of the issue but have bided their time because of September 11th. This period is coming to an end, and we will come under more pressure on timing of a vote, and a way forward.

A strong group of PLP representatives met Alun last week and stressed strongly that they have held their fire because they are loyal to the Government – but that their silence is based on trust in the leadership to deliver the ban.

We met representatives from the RSPCA, the LACS and IFAW. They want us to use the parliament act. They launched their campaign yesterday and have almost achieved a ban in Scotland. The Scottish bill looks set to go through easily in mid February. They will no doubt say if Scotland can do it why can't we.

Margaret and Alun say it is clear that many people have taken the manifesto wording to mean that we would Parliament Act the bill:

The 2001 manifesto said that such issues were rightly a matter for a free vote.

It added: "We will give the new House of Commons an early opportunity to express its view. We will then enable Parliament to reach a conclusion on this issue. If the issue continues to be blocked, we will look at how the disagreement can be resolved."

CONFIDENTIAL

Margaret and Alun accept your concerns both about those for whom this is a gut issue and about the civil disobedience point. But they also think they can broker a way through it.

We are all agreed that:

- We need to resolve this issue before the next election – it cannot run on and on. There is an argument for taking the heat now rather than postponing it.
- This is not the top political priority issue but it is perceived by many across the political spectrum, both pro and anti, as a trust issue, not only for the Government but you personally.
- We need to link possible solutions to a DEFRA which is reconciling the Government to rural voters. We could do much more to separate hunting from the wider “country pursuits” of shooting and fishing which are not up for grabs.

Alun and Margaret also say their experience is that the feelings run more deeply than perhaps you think, and not just within the Labour Party or the PLP. Robert thinks this is more limited to a significant group of banners, and then a further group who just want us to resolve this and move on. In this context you may like to know that a survey of Labour’s rural MPs showed overwhelming support for a ban and almost all believe it would play well with their rural voters. Several who were targetted by the Countryside Alliance at the last election for their anti-hunt views returned with increased majorities.

Possible Options

1/ Have the vote and then introduce the old bill and Parliament Act it.

Margaret and Alun think this may in the end be the least damaging way to resolve this issue. Margaret feels we could make more use in these circumstances of the fact that the Parliament Act is not the Government’s to enforce. It is a mechanism to enforce the will of the Commons and can therefore be separated from us. The banners see the problem as one of the Lords although the hunters would seek to present it as the Government enforcing its view.

2/ Have the vote and set up a Joint Committee. Margaret and Alun are least attracted to this. It would be seen as a delaying tactic. I understand that Lord Burns thinks there is potentially a solution but he is not convinced that a Joint Committee could get there. Alun has discussed it with him and does not believe that he has the answer. The other downside is that any recommendation out of it may not command support. The positives are that the Government is kept out of the brokering and potentially a Middle Way solution could emerge in order to get

agreement. We could also set out the timetable. However you should be aware for those who want to see the parliament act used, they would reject this course out of hand. For the pro-hunters they could see this as a signal that they have won in which case there will be no reason for them to compromise.

3/ Have the vote and then propose that the Government will bring forward a bill in the second session to resolve the issue.

Alun and Margaret are attracted to this option. After the vote we could say something like:

“We are reluctant to see the Parliament Act operated on this particular issue. We will seek a further opportunity with a new bill next session to build consensus in consultation with all the interested parties. We may not be able to prevent the use of the Parliament Act on this bill if there continues to be gridlock between the Commons and the Lords.”

Unless we make it clear that the threat of the Parliament Act is very real (a) the pressure will be removed from the pro-hunters and (b) the banners will feel betrayed. We need to draft it in a way which gives us enough momentum to deliver a new bill.

Alun would then work for the next six months to minimise the areas of opposition, which he believes can be done provided this process is linked to him working on the detail of the drafting of the Bill. The bill would deal with animal cruelty and pest control. Even a straight “ban” involves exceptions, and the purpose would be to protect legitimate activities of gamekeepers, for conservation and eradication of pests. It would inevitably ban conventional fox hunting – the “red coat” horse hunting, but address pest control issues which genuinely concern other country interests and not ban all forms of activities to control foxes – eg lamping. It would also tackle deeply unpopular issues like hare coursing, mink hunting etc. It would also enable people to take measures against foxes. It might even protect or promote other country pursuits. We may thus also be able to build in legislative measures that would gain support among the hunters. (The Alliance has criticised hare coursing, for instance, so there are areas which are less black and white than is suggested in the headlines.) At the same time DEFRA would have to build up a package that the Countryside Alliance and others could support which would give them something.

The Scottish bill appears to provide some evidence which helps here. While our situation requires a clearer political lead, and there are difference critics of Government to deal with, Alun believes there are lessons to be learned from the way some interest groups such as gamekeepers have been engaged directly and the bill has become less controversial as they have been drawn into debate about detail and practicalities. This needs careful though because some lessons are not

transferable to England, but it may help design a way forward which reduces confrontation though it will be impossible to remove it

Margaret and Alun, and the banners, think there is a possibility that the Countryside Alliance could split. They feel that the CA want to be taken seriously on rural issues and hunting is getting in the way. Some people may feel that banning hunting is fine provided that a line is drawn and we do nothing on shooting and angling. We are already committed not to go further.

The Scottish experience showed the limitations of the CA as they could not galvanise their support. That said, their membership and some of the issues are different in England and Wales so we need to think about this further. Alun's aim would be to work with gamekeepers and others to provide a package that they supported on pest control and land management so that potential CA support could splinter. But at this stage there are no guarantees.

There is a real possibility that any such second session bill would need to be parliament acted – in which case the issue would run over the second and potentially third session. This also, and even more so, applies with a JC.

4/ Have a similar process as above but have a solution based around the Middle Way/some sort of licensing scheme

Alun and Margaret fear this is unworkable as it stands, and the group have earned deep mistrust which undermines their attempts to improve their proposals. They have offended the animal welfare organisation by serious misjudgements over the Scottish bill. It is seen as a pro-hunting approach – and essentially they are not helping to reconcile opposing views however much this was their intention. (Alun has suggested that we “need a Third Way, but not the Middle Way”).

That said, this means the Government seeks to provide a resolution to give the banners something by regulating out the worst practices. Burns shows that over time the number of hunts could decrease, but it would not eliminate them altogether. Experience post FMD has been mixed according to the IFAW where some hunts have met more, and others have reduced their activity.

Other points

We could explore issues like opt in and opt out referenda, staged implementation of a ban and Upland/Lowland split. Alun could do this as part of his process or they could be looked at by the JC, but I am not sure ultimately this takes it much further.

Conclusion

You cannot defer a decision on this for long.

If you are going to bite the bullet the simplest way to do it would be to use the Parliament Act on the existing bill. However done in isolation, with no preparatory work, this could reinforce the CA and possibly result in civil disobedience. Another scenario is that it just ends the issue once and for all and then DEFRA have the headache of implementation and illegal activity.

The alternative is that DEFRA broker, as much as anyone can, a solution based on either a ban (favoured by Alun and Margaret), or some sort of licensing arrangement which could lead to less hunting over time. DEFRA would need to do some serious thinking on the latter option. Margaret and Alun are clear that they could not use the vets or others to enforce it as it is not a question of science.

If you prefer the Joint Committee route we will need to think about the end game and the handling of the PLP and others who may well feel betrayed and just not understand why we don't get on with it.

AH: BEN WILKINS

F

Jonathan Powell
Chief of Staff
Prime Minister's Office
10 Downing Street
London SW1A 2AA

29 November 2001

deals with by
Clerk.

Dear Mr Powell

We are writing to ask for a meeting with you to discuss progress on the issue of hunting with dogs.

We appreciate that dealing with the terrible events of 11 September and their aftermath in the war in Afghanistan have rightly been the priority up until now, but the Government has been very clear that domestic parliamentary business must continue largely as normal. Legislation to ban hunting with dogs is one of those items of parliamentary business which we would expect to be treated in this way. Labour's manifesto commitment was for an early free vote on the issue and to resolve any differences which might arise between the Commons and the Lords on hunting. This was further confirmed in the Queen's Speech, with the pledge to bring forward a free vote in the current parliamentary session.

However there have been some worrying reports that the Hunt Bill may not make into the current session of Parliament, with the Leader of the House indicating that a decision will not be taken until the New Year. This has unsettled our supporters, who tell us that they are concerned that the Government may not honour its word. We are also being contacted by backbench MPs in all parties to register their determination to see a Hunt Bill introduced.

The lifting of foot and mouth restrictions on hunting has only served to highlight even more starkly the need for the Government to bring this issue to a conclusion. Meanwhile, opinion poll evidence continues to show strong majorities opposed to hunting with dogs. Our organisations are determined to see this issue through and we are now in the final stages of planning the launch of a major new campaign calling for legislation now to ban hunting.

In this context, it would clearly been unhelpful for any misunderstanding to develop between the government and animal welfare organisations about how this issue is to be resolved. We would therefore welcome the opportunity to discuss with you next steps on the issue.

We look forward to hearing from you

John Rolls
RSPCA

Douglas Batchelor
LACS

Phylis Campbell-Smith
IFAW

(F)

**IN THE MATTER OF THE ROYAL SOCIETY FOR THE PROTECTION OF
CRUELTY TO ANIMALS AND IN THE MATTER OF THE HUNTING BILL
2000 OPINION**

Royal Society for the Prevention of Cruelty to Animals Wilberforce Way Southwater, Horsham West
Sussex RH13 7WN Ref: FCW/sc

**IN THE MATTER OF THE ROYAL SOCIETY FOR THE PROTECTION OF
CRUELTY TO ANIMALS AND IN THE MATTER OF THE HUNTING BILL
2000 OPINION**

1. I agree that the Hunting Bill was "rejected" by the House of Lords in the last session of Parliament, with the result that if the Bill is passed by the House of Commons and sent up to the House of Lords again, and is rejected by the House of Lords a second time, it will on such rejection (unless the House of Commons should direct to the contrary) be presented to Her Majesty and become an Act of Parliament on receiving the Royal Assent, notwithstanding that it will not have received the consent of the House of Lords.
2. The Bill was introduced into the House of Commons as an 'options' Bill, in that it contained three alternative options, namely a 'supervision' option, a 'regulation' option and a 'ban' option. Following its Second Reading in the House of Commons the clauses containing these options were committed to a Committee of the whole House, and the first two options were removed from the Bill and the 'ban' option remained. If enacted in that form hunting with dogs would, broadly speaking, be banned.
3. The Bill then proceeded through its remaining stages in the House of Commons and was sent up to the House of Lords in its amended form (i.e. imposing an outright ban on hunting with dogs) and with other amendments which are immaterial for present purposes.
4. In the House of Lords it was committed to a Committee of the whole House, and the 'ban' option was removed from the Bill and the 'regulation' option was reintroduced. The amended version of the Bill was then recommitted to a Committee of the whole House but did not reach the report stage let alone the Third Reading before the Parliamentary session came to an end.
5. Section 2 of the Parliament Act 1911, as amended by section 1 of the

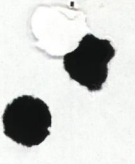
Parliament Act 1949, so far as material, provides as follows:

(1) Section 2(1) provides that if any public bill is passed by the House of Commons in two successive sessions, and, having been sent up to the House of Lords at least one month before the end of the session, is rejected by the House of Lords in each of those sessions, it shall on its rejection for the second time by the House of Lords, unless the House of Commons direct to the contrary, be presented to Her Majesty and become an act of Parliament on the Royal Assent being signified thereto, notwithstanding that the House of Lords have not consented to the Bill;

(2) Section 2(3) provides that a bill shall be deemed to be rejected by the House of Lords "if it is not passed by the House of Lords either without amendment or with such amendments only as may be agreed to by both Houses".

6. In the present case the Bill was not passed by the House of Lords since it did not pass through all its stages in that House. It was not passed "without amendment" or "with such amendments only as may be agreed to by both Houses"; and, in my view, it must therefore be deemed to have been rejected by the House of Lords within the meaning of section 2(3) of the Act.
7. It has been suggested that a bill cannot be deemed to have been rejected by the House of Lords until a vote has been taken at the Third Reading. I do not agree. Section 2(3) is a 'deeming' provision which applies if a bill has not been passed in the form indicated. The section does not require or assume that the bill has passed through all its stages. If it did, the effect of the Parliament Act would be greatly reduced; and indeed the House of Lords could frustrate its purpose.
8. The above interpretation is consistent with the announcement made by the Speaker of the House of Commons in relation to the Sexual Offences (Amendment) Bill last year, after amendments had been made by the House of Lords and before the Third Reading, to the effect that the Parliament Act procedure could be invoked in that case.
9. It follows that if the Hunting Bill is sent up to the House of Lords again, and is rejected by that House a second time, the circumstances will exist, in my view, in which the Parliament Act procedure can be invoked.
10. However the conditions listed by Sally Ann Case in her helpful paper must be satisfied. These include a requirement that a bill sent up to the House of Lords a second time must be the same as the bill sent up to the House of Lords the first time: see section 2(4) of the Act. I agree with what she says generally but make no comment on when will be a suitable moment to approach the Speaker of the House of Commons.

Nicholas Asprey Serle Court Lincoln's Inn 26 November 2001

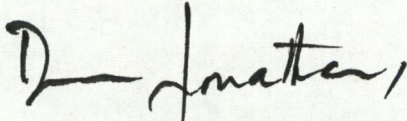


Tel: 020 7831 5775
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J B H Jackson
21 Southampton Row
LONDON WC1B 5HS

26 October 2001

Jonathan Powell Esq
The Prime Minister's Chief of Staff
10 Downing Street
LONDON
SW1A 2AA



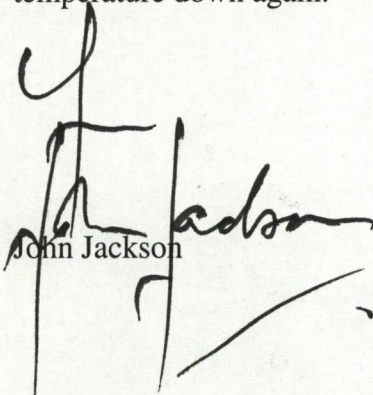
You are very (and successfully) busy, so this is a short letter.

As you know, we have been concentrating on keeping the lid on the more excitable members of the rural community and working constructively with DEFRA. We have been pretty successful with this although views expressed in the Scottish Parliament have caused us some problems.

However, a potentially explosive situation is now emerging to which I should alert you. Large parts of the countryside have been opened up again for walking, shooting and fishing following veterinary risk assessments. No part has been re-opened for hunting. Whatever the DEFRA view, hunting could not re-start without the consent of farmers and landowners. But pressure is now growing in the east, south east and some central areas from the farming and landowning community for a re-start. The position is quite different in the west, north west and, I believe, much of Wales. DEFRA is sitting with a veterinary risk assessment in respect of hunting and ministers are known to have considered it. Inquiries to DEFRA as to what the position is are met with "we can't tell you" replies. Inevitably suspicion is growing that hunting is being dealt with differently for political reasons. This suspicion is resulting in a head of steam which we cannot confine much longer.

The best thing to do (and we have given DEFRA this message informally) is for DEFRA to publish the Veterinary Risk Assessment, e.g. by placing it in the libraries of both houses and, if it presents a complicated picture, to say "this is a complicated matter, we wish to take a cautious approach and will only make a decision following further careful consideration".

If the Veterinary Risk Assessment does indeed present a complicated picture the rural community will understand the problem and we will have no difficulty in getting the temperature down again.



John Jackson

R3010
(4)

~~David N.~~
Can you follow this up
can hourly? It probably is
not quite as present. AD
✓



Close ✓

~~CCDN~~
RH
SDY
ATH
LL

to see Plus
Comments in
a letter/Disc.

10 DOWNING STREET

Par

↓

see my
note

Hunting

The problem is this. In the campaign
you suggested we would buy the
bill back. If we do, and unless
we resort to some fancy - and I suspect
- parliamentary footwork, we will be
on a hair that leads inexorably
to it being permanent status. I
think the only option is to refuse
to introduce the bill even when
it votes on a number. But then
we'd be a big name with
the bill.

↓

22/1/01

F

HUNTING

I don't see any option but to be clear and say: we won't use the Parliament Act on this Bill. The House of Lords' managers could say the whole legislative programme would be at risk if we tried to do so.

Then explain why if we re-introduce the Bill but don't do so before Dec 2001, then the Parliament Act is automatically invoked. We should say this can't be justified. My comments at the Manifesto were on the basis the Parliament Act was a choice for us, not automatic. Since in fact it is automatic, there is no option but to test the water and then try to find a way through, reserving all future options, ie if House of Lords totally unreasonable in searching for a compromise, then we could always re-introduce the Bill. It needs a very careful media strategy.

CONFIDENTIAL

From: Clare Sumner
Date: 22 June 2001

PRIME MINISTER

cc: Jonathan Powell
David North
Robert Hill

HUNTING

Re-introduction of a bill

We met Alun Michael to discuss hunting. In his view he thinks the PLP might be persuaded to delay a bill on hunting given the need to make progress on Lords Reform in the first session but only if they were guaranteed the outcome of a ban.

In the meantime members of the PLP have put down an early day motion welcoming the Government's commitment to a free vote and hoping for the introduction of a ban in the next twelve months. It has been signed by over 150 MPs. Feelings run high.

You are being quoted as having agreed to re-introduce a bill. Animal Welfare groups are quoting what you said at the manifesto launch on Wednesday 9 May:

Q: on hunting will you pledge to find government time for a debate on hunting which could lead to its ban?

A: In respect of the later point, I think as we say in our manifesto it's important that since the present bill has fallen that we bring it back and give Parliament an opportunity to make its views clear again. At the moment there is a fundamental disagreement, obviously between the two houses and we have to look for a way through that disagreement."

On Dimbleby you said on Wednesday 30 May:

"Well I answered the question last night on a programme. I said that I'm not committing myself to using the Parliament Act. We have to judge it once we see what Parliament actually decides."

CONFIDENTIAL

Parliament Act

I have done some further research into this.

The basic position is that if the Government introduces a bill, in whatever form, the Commons can amend it to ensure that it replicates the previous bill. This identical bill would then pass to the Lords, who would vote it down and if no agreement was reached the Speaker would be required to certify the bill under the Parliament Act.

The Government is not able to decide whether the Parliament Act should be used once the process is under way. It can only decide whether to introduce a bill.

The Parliament Act could also apply to a PMB. This is unlikely to happen as the bill is likely to be talked out by the Conservatives and there are mechanisms we could use formally and informally to stop it.

There are only three ways for us to guarantee that the Parliament Act is not triggered:

1/ Ensure that a bill gets through all its Common stages and into the Lords before the 20 December 2001 so that not enough time had elapsed between the new bill and the old one to trigger the Parliament Act.

If you wanted a vote on a Bill this would suggest we should introduce it early – before summer recess and ensure that it gets through all stages quickly in early Autumn. The BMs could arrange this but the PLP members may spot this and attempt to hold up the bill. Given their numbers they could be effective so this approach is not fool proof.

2/ Introduce a bill in the Lords as the Parliament Act does not apply. This does not help us to resolve the issue.

3/ Not have a bill this session, vote on a motion and set up a Joint Committee.

The Lords Business Managers are adamant that they cannot do Lords and Hunting in the same session and deliver the key reform bills. If we were to postpone hunting we could use Alun's argument of pursuing Lords reform but the PLP would then be even more expectant that a hunting bill would secure a ban.

Reasons for not using the Parliament Act

I have also looked at this again. The strongest argument currently is:

“Banning hunting interferes with individuals’ rights to pursue a sport that is currently lawful. It potentially criminalises hunters as a group of people. Ideally we should seek the agreement of Parliament as a whole before taking such a step. That is what we will do and that is why we are not proposing to use the Parliament Act.”

It is possible that hunters could argue that the Labour party has imposed its will rather than Parliament as a whole and that potentially they have an argument to legitimise any potential civil disobedience.

This type of argument will cause great difficulty amongst the PLP. They, and others will no doubt say that the Parliament Act has been used on other free vote issues. The argument on Age of Consent could be that it actually extended peoples’ rights rather than remove them. For War Crimes, there was a consensus that this behaviour was already criminal.

?any further thoughts

?when do you want to meet Alun Michael

Clare

CLARE SUMNER

From: Regan Paul [Paul.Regan@homeoffice.gsi.gov.uk]
Sent: 21 June 2001 11:14
To: 'Clare Sumner'
Subject: Parliament Acts

Clare,

You asked me for a brief note on the Parliament Acts.

Essentially they are a device for ensuring that if the House of Lords rejects a Bill which the Commons has passed in two successive sessions, it will become law.

Key points to bear in mind are:

- a) It is any two Parliamentary sessions. It does not matter that a general election has intervened.
- b) What matters is the form in which a Bill emerges from the House of Commons not the form in which it was introduced. So any Bill on hunting in this session which is capable of being amended so it resembles the Bill which the Commons passed last session could trigger the Parliament Acts. Simply introducing a different Bill or one with extra options in it would not overcome the problem.
- c) Effectively, the Parliament Acts apply automatically. If the House of Lords fails to pass a Hunting Bill this session, the Parliament Acts will take effect unless the Commons directs otherwise (highly implausible). It is not, as the press sometimes imply, a case of the Government deciding at the end of the session whether or not to invoke the Parliament Acts. At that point it is too late. The key decision is whether or not to introduce a Bill (but see below).
- d) The Parliament Acts apply as much to Private Member's Bills as to those introduced by the Government. So if the Government failed to introduce a Bill, one of the supporters of a ban could introduce a Private Member's Bill. Unless the Government was prepared actively to block it we would be back into Parliament Acts territory.
- e) The Bill that it passed by the Commons in two successive sessions does not have to be identical. There are ways built in so that both houses can suggest amendments without prejudicing the ability to use the Parliament Acts route. But I am not sure how relevant that is. Even if changes are made at the margins it does not overcome the problem that there is a fundamental difference of opinion between the two Houses on the key question at the heart of the issue.

You also asked me to think of any reasons that the Government could advance on why the Parliament Acts should not be used. It is very difficult. The constitutional position is that the House of Lords can suggest changes to Bills but that ultimately the Commons must get its way. The Parliament Acts are designed to ensure that this happens.

Where the Commons have expressed an overwhelming view on a free vote on an issue of conscience it is surely even more important that the elected House should prevail, particularly where it has a fresh mandate. In my view, the fact that the government is neutral, if anything, strengthens the case for use of the Parliament Acts since there can be no doubt that the votes reflect the real feelings of the Commons (unlike with European Parliamentary Elections where large numbers of clearly reluctant Labour MPs were whipped to vote in a particular way).

The nearest parallel is the War Crimes Act 1991 (I was on the Bill team for the first time so I am possibly heading for the use of the Parliament Acts for the third time!). That was on a free vote with the Government neutral and the Parliament Acts were used.

The only possible help I can give you is the argument that the Parliament Acts apply where the Lords reject a Bill in two successive sessions. Technically, by failing to pass it, the Lords did reject the Bill in the last session. But in fact it ran out of time. Though the Lords had chosen their option on the first day of Committee Stage, that is where matters were left. So they did not have the opportunity to subject their chosen option to detailed scrutiny or to have a Report Stage or Third Reading. Nor did we have CCLA so the Commons were not able to consider the arguments that the Lords had advanced.

So you could argue that because the session was cut short it would be unfair to treat it as the first of the two sessions for Parliament Acts purposes. But it's a fairly weak argument because we all know what would have happened had the session run its course.

I hope all of this makes sense. Let me know if you need anything more.

Paul

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21 HUNTING WITH DOGS

20:6:01

Mr Tony Banks
Mr Ian Cawsey
Mr Mike Hancock
Dr Ian Gibson
Paul Flynn
Dr Nick Palmer

Ms Diane Abbott
Charlotte Atkins
Mr Kevin Barron
Andrew Bennett
Mr Roger Berry
Mr Bob Blizzard
Tom Brake
Mr Alan Campbell
Mr Jamie Cann
Mr David Chaytor
Ann Clwyd
Frank Cook
Mr David Crausby
Mr John Cummings
Geraint Davies
Mrs Janet Dean
Mr Brian H. Donohoe
Mrs Lorna Fitzsimons
Mr Michael Foster
(Worcester)
Mr Barry Gardiner
Linda Gilroy
John Austin
Miss Anne Begg
Mr Joe Benton
Mr Harold Best
Mr David Borrow
Mrs Helen Brinton
Mr Ronnie Campbell
Mr Martin Caton
Mr Michael Clapham
Mr Tom Clarke
Harry Cohen
Mrs Ann Cryer
Valerie Davey
Mr Andrew Dismore
Mr David Drew
Mr Huw Edwards
Mr Neil Gerrard
Ms Candy Atherton
Mr Harry Barnes
Mrs Liz Blackman
Mr Russell Brown
Dr Vincent Cable
Mr Tony Clarke
Mr Michael Connarty
Tom Cox
John Cryer
Mr Jim Cunningham
Mr Ian Davidson
Mr Terry Davis
Jim Dobbin

Julia Drown
Clive Efford
Mr Frank Field
Barbara Follett
Mike Gapes
Mr Win Griffiths
Mr Ivan Henderson
Mr Jimmy Hood
Dr Brian Iddon
Mr Brian Jenkins
Lynne Jones
Dr Ashok Kumar
Mr Bob Laxton
Alice Mahon
Mr Paul Marsden
Mr Stephen McCabe
Shona McIsaac
Mr John McWilliam
Mr Andrew Miller
Mr Edward O'Hara
Diana Organ
Mr Colin Pickthall
Mr Gordon Prentice
Syd Rapson
Mr Terry Rooney
Bob Russell
Mr Mohammad Sarwar
Mr Brian Sedgemore
Mr Alan Simpson
Llew Smith
Mr Gerry Steinberg
Ms Dari Taylor
Dr Desmond Turner
Joan Walley
Mr Dave Watts
Mrs Betty Williams
Mr Mike Wood
Mr James Wray
Mr Stephen Hepburn
Mr Kelvin Hopkins
Mr Eric Illsley
Mr Nigel Jones
Mr Piara S. Khabra
Dr Stephen Ladyman
Mr David Lepper
Mr Tony Lloyd
Judy Mallaber
Mr Robert Marshall-
Andrews
Chris McCafferty
Mr Kevin McNamara
Mr Alan Meale

Laura Moffatt
Mr Martin O'Neill
Mr Peter L. Pike
Bridget Prentice
Mr Ernie Ross
Christine Russell
Mr Malcolm Savidge
Mr Jonathan R. Shaw
Mr Dennis Skinner
Helen Southworth
Mr George Stevenson
Mr Gareth R. Thomas
Jon Trickett
Ms Claire Ward
Brian White
David Winnick
Mr Anthony D. Wright
(Great Yarmouth)
Jane Griffiths
Mr Patrick Hall
Mr Doug Henderson
Stephen Hesford
Mrs Joan Humble
Helen Jackson
Alan Keen
Ms Oona King
Mrs Jackie Lawrence
Martin Linton
Mr Andrew Love
Mr Gordon Marsden
John McDonnell
Mr Tony McWalter
Dr Doug Naysmith
Mr Bill Oler
Linda Perham
Mr Kerry Pollard
Mr Gwyn Prosser
Joan Ruddock
Mr Martin Salter
Phil Sawford
Ms Debra Shipley
Dr Phyllis Starkey
Mr Paul Stinchcombe
Mr Mark Todd
Mr Paul Truswell
Dr Rudi Vis
Mr Robert N. Wareing
Mr Alan Williams
Tony Worthington
Derek Wyatt

★ 157

That this House welcomes the announcement in the Gracious Speech that the Government will be allowing for a further free vote on hunting; looks forward to an early introduction of an enabling bill; and expresses its continued determination to secure a total ban on hunting wild mammals with dogs within the next 12 months.

USE OF THE PARLIAMENT ACTS

1. You were asked whether there was circumstances in which it would be unconstitutional to use the Parliament Acts. I do not consider that there would be.
2. There have been suggestions that the 1949 Parliament Act is not valid, because it amended the 1911 Parliament Act, using the powers of that Act to do so. This matter was referred to the Law Officers in 1998, before passage of the House of Lords Act, and they considered that the 1949 Act was indeed valid.
3. I understand that Lord Strathclyde has suggested that it would be unconstitutional to use the Parliament Acts after the general election had intervened. In fact, the unconstitutionality would be if the Lords made the Commons use the Parliament Acts in such circumstances. It should be noted that in the development of the crisis that would lead to the passage of the 1911 Parliament Act, the Lords rejected the 1909 Finance bill on the grounds "That this house is not justified in giving its consent to this bill, until it has been submitted to the judgment of the country." Ie, the Lords implicitly accepted that, **if the government were re-elected**, the Commons will prevail, because of its electoral mandate.
4. When the original 1911 Act was passed, it provided that it should require three sessions and at least two years to pass a bill under the Parliament Act. The 1911 Act was preceded in 1910 by Resolutions of the House of Commons maintaining "that it is expedient that the House of Lords be disabled by Law from rejecting or amending a Money Bill...." "That it is expedient that the powers of the House of Lords, as respects Bills other than Money Bills, be restricted by Law....." ¹"That it is expedient to limit the duration of Parliament to five years.". These were the subject of a lengthy debate. In the course of the debate on the second motion, the Prime Minister (Mr Lloyd George) explicitly raised the question of what would happen if a government was an insecure mandate used the parliament acts. His response was the reduction of the duration of Parliament from seven years to 5 meant that it was likely that "before the third Session arises, in which the final step is to be taken, there will be a fresh appeal to the people, and therefore the judgment of the new House of Commons may be fairly taken again as representing the opinion of the people." (HC DeB 11th April 1910 C 898). So the original Parliament Act was founded on the principle that the intervention of an election would *strengthen* the government's right to use the act.
5. Although Lord Strathclyde is wrong on this point, it is also not the case that only legislation promised in a manifesto can be properly subject to the Parliament Acts. Again, this question was raised in the debate on the Parliament Act 1949 when the then Leader of the House said "there may well arise, in the later sessions of Parliament, vital, urgent new issues, which may

¹ Full texts of these resolutions available, if desired.

not have appeared in the programme at the General Election or in the discussions that took place upon issues at the General Election. These things happen, and if such urgent issues arise which it is vital in the national interest to deal, is it then going to be urged that this house, as representative of current needs of the nation, is notwithstanding to be at the mercy of another place for that purpose?" And "it is argued that the Commons may be unrepresentative in the fourth or fifth sessions--of course, not when there is a Tory majority, but when there is a Labour or Liberal majority--and that the House of Commons may become stale, unrepresentative and out of touch with the country. The Parliament Act 1911, although it had great virtues at the time, is not the remedy for that since it transfers the judgment as to the character the House of Commons from the electorate and from the House of Commons into the hands of their lordships; and, with great respect their lordships are neither competent nor able to judge properly upon that issue." (HC Deb 20 September 1948 523-524).

6. There is considerable flexibility in the Parliament Acts although that has not been demonstrated in the two recent uses of the Acts. The Trade Union and A Labour Relations (Amendment) Bill was reintroduced in 1975, with a view to using the Parliament Acts, as was the Aircraft and Shipbuilding Industries Bill in the 1976. In the event however, both bills were amended by the Lords and compromise was reached without having to invoke the Acts. Introducing a bill in a second session with a view to using the Parliament Act does not include the possibility of compromise with the Lords, although it will of course take more parliamentary time to reach such a compromise.
7. I am afraid that, in the time available, I have been unable to establish examples of Bills which have been defeated by the Lords in one session and which might have been expected to have been Parliament acted in the second, but were not in fact reintroduced. If constitutional considerations had prevented such introductions, I would have expected either the Journal Office although Public Bill Office in the Commons to keep such a record, and the matter to have been mentioned in *Erskine May*.

Alun Michael

From Christopher Braun PCHP
Room 207 Ergon House
Tel: 7238 6444

cc Bernard Bennett-Diver
Nigel Lefton
Grant Scott
Nick Robson

22 November 2002

PARLIAMENT ACTS

You asked for a note about the operation of the Parliament Acts. Since I have been unable to track earlier advice - some of it has certainly been given orally - here is a new note.

I attach a copy of pages 569-570 of Erskine May, 22nd edition 1997.

The following example sets out the essence of the procedure

1st session

Commons 2nd reading 25 December 2002,

(Commons 3rd reading March 2003)

Lords stages in period up to November 2003

Lords fail to pass the Bill because

- a. they reject it at 2nd reading;
- b. it fails to complete all its stages before the end of the session; or
- c. the two Houses do not agree to Lord amendments

End of session November 2003

2nd session

Queen's Speech and start of new session November 2003

Commons stages leading to 3rd reading Not before 25 December 2003
Bill must be unamended from version sent and at least a month before the
up in first session (or agreed with the Lords end of the session.
before the process failed), except that
alterations certified by the Speaker as
necessary owing to the time which has
elapsed. For further details see attached
extract from Erskine May.

Lords fail to pass bill Before end of session - see below

Speaker certifies that Parliament Acts Not after the end of the session &
has been duly complied with. probably not before 25 Jan 2004

Erskine May is incomplete on the question of what constitutes failure by the Lords to pass a Bill. On page 486 it says

‘The Lords are deemed to have rejected a bill if they do not pass it either without amendment or with such amendments only as are agreed to by both Houses. The effect of the Parliament Acts is that the Lords have power to delay enactment of a public bill until the session after that in which it was first introduced and until not less than 13 months have elapsed from the date of second reading in the Commons in the first session.’

But as to when in the second session the Speaker may conclude that the Lords have failed to pass the Bill, the position will be obvious only where there has been a vote specifically to reject the Bill, eg on 2nd reading.

I have sought advice about what may happen where the Lords have given the Bill a 2nd reading but have then not progressed it or returned it to the Commons with or without amendments. The advice relayed from Parliamentary Counsel is that where no further proceedings are on the Lords Order Paper, for example, the Committee is adjourned without any date set for recommencement, then the Bill can be deemed to be rejected. If, however, the House of Lords just fails to act so as to pass the Bill then the procedure is to wait until the last feasible moment in the session, at which point the Commons requests the Bill to be returned to them.

A consequence (not spelled out by Counsel) is that if the Government wants to be sure of having Royal Assent under the Parliament Acts before late autumn 2004, it will need to arrange the business in the Lords to ensure that they proceed to a clear vote.

C L L BRAUN

Extract from Erskine May, 22nd edition 1997, pages 569-70.

PROCEDURE UNDER THE PARLIAMENT ACTS 1911 AND 1949

Conditions are laid down by the Parliament Act 1911, as amended by the Parliament Act 1949, under which bills which have passed the House of Commons may acquire the force of law without passing the House of Lords. The Parliament Acts do not apply to (a) bills origination in the House of Lords; (b) bills to extend the maximum duration of Parliament beyond five years; (c) provisional order bills; (d) private bills; (e) delegated legislation. Public bills are divided for the purposes of the Act into 'money bills' as defined by the Act, and other public bills. The procedure with regard to 'money bills' is described in chapter 33.

Bills other than money bills

Proceedings on the bill. In the case of the public bills, other than money bills within the meaning of section 1 of the Act of 1911, it is provided that a bill which is passed by the House of Commons in two successive sessions (whether of the same Parliament or not), and which, having been sent up to the House of Lords at least one month before the end of the session, is rejected by the House of Lords in each of those sessions, shall, on its rejection for the second time by the House of Lords, unless the House of Commons direct to the contrary, be presented to Her Majesty and become an Act of Parliament on the Royal Assent being signified to it. One year must elapse between the second reading of the bill in the House of Commons in the first of these sessions and its passing in the House of Commons in the second session. Only one Act has been passed under the Parliament Act procedure since the 1949 Act itself, but two other bills have been introduced in a second session with a view to it.

By section 2 (3) of the Act of 1911 a bill is deemed to be rejected by the House of Lords if it is not passed by that House either without amendment or with such amendments only as may be agreed to by both Houses.

Limits of changes to bill in succeeding session. A bill is deemed to be the same bill as the bill sent up to the House of Lords in the preceding session if, when it is sent up to the House of Lords, it is identical with the former bill or contains only such alterations as are certified by the Speaker to be necessary owing to the time which has elapsed since the date of the former bill, or to represent any amendments which have been made by the House of Lords in the former bill in the preceding session. Commons Amendments made in lieu of Lords Amendments and Commons Amendments made to Lords Amendments, if agreed to by the Lords in the preceding session, have been held to represent amendments made by the Lords for the purposes of the Parliament Acts and certified accordingly. If any of the amendments made by the Lords in the second session are agreed to by the Commons they are inserted in the bill as presented for the Royal Assent and are certified by the Speaker as having been so made and agreed to.

Suggestion of amendments by the Commons. Provision is also made by which the House of Commons may, on the passage of such a bill through that House in the second session, suggest further amendments without inserting them in the bill. Such amendments must be suggested before the third reading of the bill, each suggested

amendment being moved as a separate resolution. The Speaker has ruled that suggested amendments cannot be moved without notice. If agreed to, they are sent to the House of Lords with the bill after it has passed the House of Commons. Any such suggested amendments are to be considered by the House of Lords, and, if agreed to by that House, are to be treated as amendments made by the House of Lords and agreed to by the House of Commons. It is also provided that the exercise of this power by the House of Commons shall not prejudice the position of the bill in the event of its rejection by the House of Lords.

Enacting words. Under section 4 of the Act of 1911, as amended by the Act of 1949, a form of enacting words is prescribed for use in the case of a bill passed under the provisions of the Acts.

Speaker's certificate. A bill other than a money bill, when presented to Her Majesty for assent pursuant to section 2 of the Act of 1911, must be endorsed with the signed certificate of the Speaker that the provisions of the section have been duly complied with. When the Royal Assent has been signified by commission to such bills at the same time as to bills which have been agreed upon by both Houses, a separate commission has been issued for the purpose.

Extract from Erskine May, 22nd edition 1997, pages 569-70.

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From: Clare Sumner
Date: 22 June 2001

PRIME MINISTER

cc: Jonathan Powell
David North
Robert Hill

HUNTING

Re-introduction of a bill

We met Alun Michael to discuss hunting. In his view he thinks the PLP might be persuaded to delay a bill on hunting given the need to make progress on Lords Reform in the first session but only if they were guaranteed the outcome of a ban.

In the meantime members of the PLP have put down an early day motion welcoming the Government's commitment to a free vote and hoping for the introduction of a ban in the next twelve months. It has been signed by over 150 MPs. Feelings run high.

You are being quoted as having agreed to re-introduce a bill. Animal Welfare groups are quoting what you said at the manifesto launch on Wednesday 9 May:

Q: on hunting will you pledge to find government time for a debate on hunting which could lead to its ban?

A: In respect of the later point, I think as we say in our manifesto it's important that since the present bill has fallen that we bring it back and give Parliament an opportunity to make its views clear again. At the moment there is a fundamental disagreement, obviously between the two houses and we have to look for a way through that disagreement."

On Dimpleby you said on Wednesday 30 May:

"Well I answered the question last night on a programme. I said that I'm not committing myself to using the Parliament Act. We have to judge it once we see what Parliament actually decides."

Parliament Act

I have done some further research into this.

The basic position is that if the Government introduces a bill, in whatever form, the Commons can amend it to ensure that it replicates the previous bill. This identical bill would then pass to the Lords, who would vote it down and if no agreement was reached the Speaker would be required to certify the bill under the Parliament Act.

The Government is not able to decide whether the Parliament Act should be used once the process is under way. It can only decide whether to introduce a bill.

The Parliament Act could also apply to a PMB. This is unlikely to happen as the bill is likely to be talked out by the Conservatives and there are mechanisms we could use formally and informally to stop it.

There are only three ways for us to guarantee that the Parliament Act is not triggered:

1/ Ensure that a bill gets through all its Common stages and into the Lords before the 20 December 2001 so that not enough time had elapsed between the new bill and the old one to trigger the Parliament Act.

If you wanted a vote on a Bill this would suggest we should introduce it early – before summer recess and ensure that it gets through all stages quickly in early Autumn. The BMs could arrange this but the PLP members may spot this and attempt to hold up the bill. Given their numbers they could be effective so this approach is not fool proof.

2/ Introduce a bill in the Lords as the Parliament Act does not apply. This does not help us to resolve the issue.

3/ Not have a bill this session, vote on a motion and set up a Joint Committee.

The Lords Business Managers are adamant that they cannot do Lords and Hunting in the same session and deliver the key reform bills. If we were to postpone hunting we could use Alun's argument of pursuing Lords reform but the PLP would then be even more expectant that a hunting bill would secure a ban.

Reasons for not using the Parliament Act

I have also looked at this again. The strongest argument currently is:

“Banning hunting interferes with individuals’ rights to pursue a sport that is currently lawful. It potentially criminalises hunters as a group of people. Ideally we should seek the agreement of Parliament as a whole before taking such a step. That is what we will do and that is why we are not proposing to use the Parliament Act.”

It is possible that hunters could argue that the Labour party has imposed its will rather than Parliament as a whole and that potentially they have an argument to legitimise any potential civil disobedience.

This type of argument will cause great difficulty amongst the PLP. They, and others will no doubt say that the Parliament Act has been used on other free vote issues. The argument on Age of Consent could be that it actually extended peoples’ rights rather than remove them. For War Crimes, there was a consensus that this behaviour was already criminal.

?any further thoughts

?when do you want to meet Alun Michael

Clare

CLARE SUMNER



David North (P)
for you needy.

RT HON ALUN MICHAEL JP MP
HOUSE OF COMMONS
LONDON SW1A 0AA

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TEL: 020 7219 5980

FAX: 020 7219 5930

Monday 18.6.2001

Dear Liz,

I found our conversation very
useful on Friday & will put
in a call to Jonathan this
week. The Weston Mall,
which hasn't always been friendly,
ran this today & I thought the
tone was OK - What do you
think? I shall be on e-mail
as from tomorrow & will let
you have my personal address
All the best Alun

MEDICINE: Bloodsucking creature may hold key to a more effective anticoagulant

Kissing bug offers hope of new blood treatment

WALES is leading the way in the search for a cure for cardiovascular disease.

Enzyme Research Laboratories in Swansea have recently patented a new treatment for cardiovascular disease which comes from the saliva of the South American kissing bug.

According to Dr Nils von Sicard who led the research, this inch-long bloodsucking creature holds the key to a more effective anticoagulant - entrepid.

Anticoagulants are blood thinning agents that lower the blood's ability to form clots and keep existing clots from getting larger.

Diseases of the circulatory system are the largest killer of men and women in the UK, but anticoagulants play a pivotal role in the treatment of heart attacks and strokes.

The most commonly used anticoagulants in the UK are warfarin, heparin and aspirin but they all have limitations.

Warfarin takes two days to settle into the system and even longer to leave after the patient stops taking the drug.

"Entrepid should have fewer side effects because it uses a more pre-

MARIA SALDANHA

cise and totally unique mode of action," said Dr von Sicard.

"It stops the coagulation process at the point of activation which also means less concentration is needed."

One of the problems with heparin is the large dosage and size of the molecule which raises antibodies.

It also has to be administered through an injection, while the small size of the entrepid agent means it may be possible to administer the new drug orally.

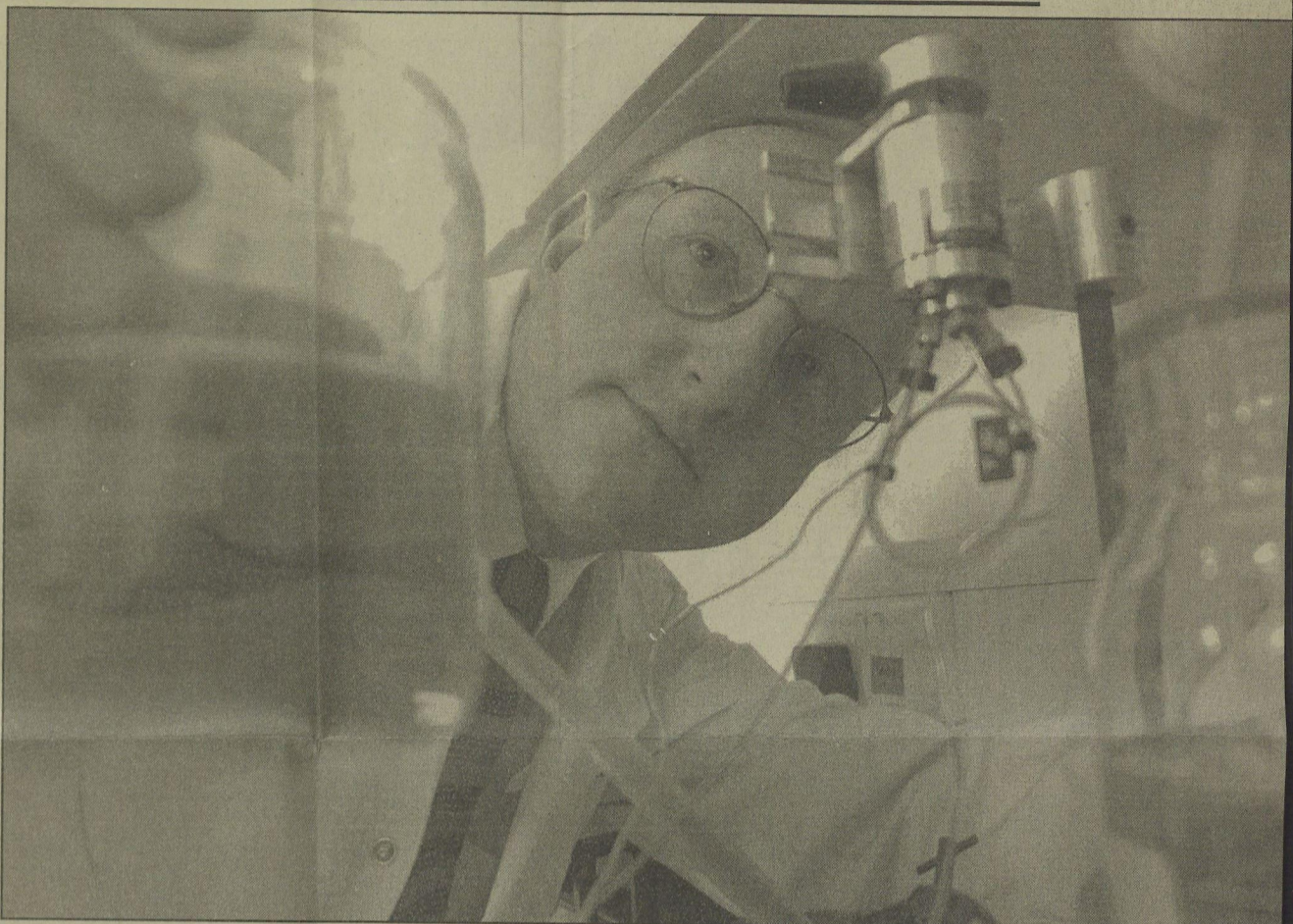
Patients with stomach ulcers or a thin lining of the digestive system would not be able to take aspirin, but they could theoretically take entrepid.

"Aspirin would not get through clinical trials today," said Dr von Sicard, the managing director of the research laboratory.

"The reason it's accepted is because it has been around for a long time."

The new drug still has several years of clinical trials ahead.

If it is released, entrepid is ex-



RESEARCHER: Dr Nils von Sicard says entrepid stops 'coagulation process at the point of activation' Picture: TREVA

Coronary heart disease number one killer in UK

- Cardiovascular disease is the largest killer of men and women in the UK;
- In the UK it is estimated that about 1.4m people have had a heart attack;
- The UK has an average of 330,000 heart attacks a year;
- Chronic heart disease kills a total

- of 135,000 people a year;
- One in four men and one in five women a year die from heart disease;
- The UK's toll of death and disability from coronary heart disease remains one of the highest in the world;
- Chest pain is the most common

- reason for attending an accident and emergency unit;
- Coronary heart disease cost the NHS at least £1,420m in 1994 alone;
- Coronary heart disease patterns in the UK have shown heart disease is more common among the less privileged socio-economic groups.

pected to cost more than the anticoagulants currently available on the market.

There are more than 40,000 bloodsucking creatures in the world

including vampire bats, ticks, fleas, bed bugs, mosquitoes and leeches.

But it is the latter which has featured in Western medicine for the past 2,000 years.

Leeches and other bloodsuckers have adapted to feeding on blood by secreting in their saliva a range of substances which can overcome the clotting of human blood.

In the past 10 years a notable revival of leeches, particularly plastic and reconstructed.

Today, thousands are used annually through good enough grade in scalps, noses and eyes.

Are we witnessing a medicine?

"These animals have been used for hundreds of years," said Dr von Sicard.

"We surely learn from them."

Women less prone to memory loss

WOMEN stay mentally sharper in old age than men, research findings show.

A study of 600 Dutch men and women aged 85 found the women performed significantly better in mental speed and memory tests. This was despite the fact they generally had a lower level of formal education.

The experts who carried out the research said educational factors could not explain the results.

The differences were more likely to have a biological cause, such as higher rates of heart disease among elderly men.

Researchers at Leiden University Medical Centre led the study, which focused solely on the Dutch town of Leiden.

Since 1997, every resident reaching the age of 85 has been invited to take part in a major population-based health investigation. Participants first took an examination designed to disclose mental impairment.

Those who scored more than 18 points underwent four neuropsychological tests to assess their mental speed and memory.

The formal education of the group was also recorded. Good mental speed was found in a third of the women and 28pc of men. A large proportion, 41pc, of women also had a good memory, compared with just 29pc of men.

The researchers wrote in the *Journal of Neurology, Neurosurgery and Psychiatry*, "Our study shows that despite a lower level of education, women have better cognitive function than men."

Transplant patient on her way to becoming doctor

CERI JONES

A YOUNG woman who made medical history is seeing her dream of becoming a doctor come true.

Allison John, the first person in Britain to have a heart and lung transplant after an earlier organ transplant, has become the first such patient in the country to be accepted into medical school.

The 23-year-old from Fishguard learned last week that she had been awarded a 2:1-degree in neuroscience at Cardiff University.

The result means she can start studying at the University of Wales College of Medicine in September.

It is a dream come true for the cystic fibrosis sufferer who says she has always wanted to be a doctor but saw her hopes set back when she had to have a liver transplant half-way through her sixth-form studies.

"I'm really pleased; I've always wanted to be a doctor," she said yesterday after a night out celebrating at the university ball.

"I think I will be able to put back a lot of the experience I have had as a patient into dealing with other patients. Having to deal with my illness and always wanting to look at it factually and realistically has made me want to help others."

Allison's achievement was praised yesterday by her parents David and Helen John.

"To say we are proud of her is an understatement," said Mr John.

"We feel very humble. She's done all this by herself. All we have done is provide a platform and give her the confidence to go forward."



ALLISON JOHN: 'I will be able to put back a lot of the experience' Picture: MARTIN CAVANEY

"She is the first transplant patient to be allowed to study medicine. We hope this will open doors for others to follow. I'm sure she'll make an excellent doctor."

The chairwoman of the Pembrokeshire branch of the Cystic Fibrosis Trust, Sybil Edwards, said the trust was delighted for Allison.

"We have watched over the years as she has fought against illness to

achieve her ambitions," she said. "It's wonderful to see what she has done with the gift of life given her by her two transplants."

Allison, who has recently spoken out about the benefits of organ donation, was diagnosed with cystic fibrosis at six months. The life-threatening genetic disease, for which there is no cure, makes breathing difficult and often affects digestive organs.

However, it was only after Allison passed nine GCSEs at Fishguard High School that the disease really began to interfere with her life.

She eventually became so ill that half-way through the sixth form she was told she would have to have a liver transplant. She had the operation in September 1995. She and her doctors later found out that she had had only three days to live.

After the operation she returned to her home after school to prepare for her A-levels in physics and biology.

The inability to do work at home meant she could not go straight to school.

Instead she plumped for science and a year later she had recovered to go to Cardiff University.

Her health continued to improve, however, and midway through her first year she became ill again, weighing little more than 100lb.

In August 1997 she had a heart and lung transplant at Papworth Hospital, Cambridge, and after a long recovery returned to her studies.

Shortly after the operation she spoke about her dream of becoming a doctor.

"I've grown so used to this condition that even doctors interested in me don't seem to care."

"You can never learn to live with the human body and mind."

"It's also important to learn from it and not to be afraid of it."

Now living in a student flat in Cardiff with two friends, she took a laptop computer to the hospital with her to keep her spirits up. "I had bad spells, said she had to go for special treatment to be normal."

"The pressure was great," she said. "I had to get a 2:1, and I did."

Acupuncture on tongue helps children with autism Healthy living is on tap

A TREATMENT using acupuncture to improve the brain functions of children with autism was outlined at a conference yesterday.

Professor Virginia Wong and her team from the University of Hong

EMMA HIBBS

The results demonstrated an improvement in central features of the disease such as problems with

ability in some of these children. Even their teachers detected an improvement in their students in terms of behaviour and communication skills.

"There is a dire need for the

If a connection between specific tongue points and various brain regions could be mapped out it could radically reform the way autism, and possibly other disorders, are diagnosed.

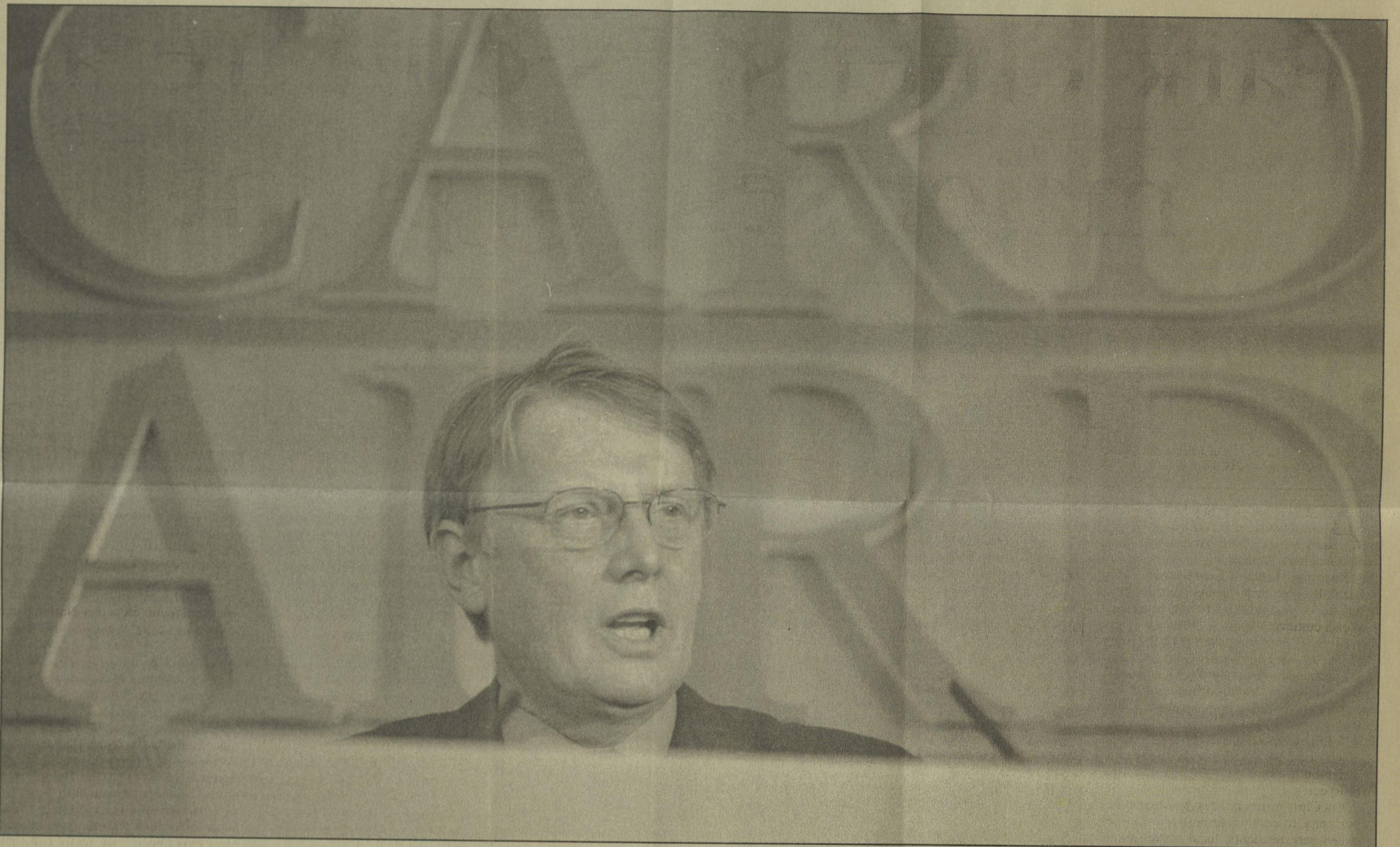
MORE than half of water drinkers prefer to turn the tap on than pay out for expensive bottled brands, a new survey suggests.

Almost 60pc of more than 1,000 people questioned said they preferred

consumed five glasses of water a day. Health conscious people drank most water, while those who drank least.

Zest magazine editor said, "It's worrying that

The former Welsh Secretary has landed a difficult job in the new Government



ELATION NIGHT: Alun Michael speaks out on election night after retaining his seat of Cardiff South and Penarth

Picture: NICK TREHARNE

Michael to face the fox-hunting pack

NICK SPEED

Team of five at new department

At first glance, it appeared one of the more bizarre appointments of last week's ministerial reshuffle. Alun Michael's return to front-line politics was not, in itself, a surprise. After all, the Prime Minister had let the cat out of the bag during a campaign visit to Wales.

Confessing to feeling the occasional pang of guilt over the fate suffered by his favoured choice for First Secretary in the Assembly, Tony Blair predicted a "big future" in British politics for his ever-loyal lieutenant.

The scene had, then, already been set for the comeback of the member for Cardiff South and Penarth.

What had not been anticipated was the route by which he would return, that the chance for a re-launch would come in a brief that is undoubtedly one of the trickiest for the Government at the start of this new Parliament.

By comparison, the other ousted ministers who returned to the fold certainly appear to have it easy.

Nigel Griffiths simply slotted back into his old stomping ground at the Department for Trade and Industry, while Harriet Harman was named Solicitor-General – a post, which she claimed, would suit her because it was "out of the firing line".

No such claims could be made about Mr Michael's job.

The chief reason for it appearing an odd posting, was that Mr Blair was effectively handing the task of rebuilding the English countryside, devastated by the foot-and-mouth crisis, to a Welsh MP.

And not – as some of the sharpest tongues in Westminster cuttingly noted last week – just any Welsh MP, but the only Welsh MP to have put a vegetarian in charge of farming in his home country when he was in charge of hiring and firing. One week in, though, and it is begin-

ning to become clearer why Mr Michael's name ended up next to that of Minister for Rural Affairs.

As he gets his feet under the table of his fourth-floor office in the newly-created Department for the Environment, Food and Rural Affairs that has taken up residence in Smith Square's Nobel House, it has quickly become apparent that this brief will not stop at Offa's Dyke. Rather, when the Government's programme for the Parliament's first session is announced in this week's Queen's Speech, Mr Michael looks set to find himself in charge of what will be one of its most contentious pieces of legislation – namely a resurrected Hunting Bill, applying to England and Wales.

Responsibility for this issue has now followed Mr Michael, albeit by a slightly more direct route, from the Home Office.

While a lack of parliamentary time before the General Election meant that the last Hunting Bill was never going to make it on to the statute books, that will not be the case this time around.

Obviously, Mr Michael does not want to pre-empt what might or might not be in his in-tray after the state opening of Parliament on Wednesday. But he is happy to say that he believes the hunting question cannot be allowed to drag on.

"It's an issue that has to be resolved," he says. "Our manifesto made a clear commitment to having another free vote on this, and we've got to move forward."

"Initially, I will do that by talking to all the groups involved in the debate."

"I've voted to ban hunting in the past but now, as a minister, I've got a responsibility to help Parliament through a difficult issue and that's what I intend to do."

ALUN Michael is one of a team of five at the newly-created Department for the Environment, Food and Rural Affairs.

The department is headed by Margaret Beckett, who hopes it will be "the leading voice for sustainable development".

Michael Meacher moves over from the Department for the Environment, Transport and the Regions, and continues to look after the environment brief.

Elliott Morley – who shared an office with Mr Michael when they first arrived in the Commons in 1987 – also brings his previous responsibilities for fisheries and animal welfare with him from the old MAFF to the new department.

Completing the team is Lord Whitty, a former general secretary of the Labour Party, who becomes junior minister for food and farming.

That's not to say that Mr Michael wants to spend all his time on this one issue alone.

In the dying days of the last Parliament, pro-hunting groups and their supporters pointed to the insensitivity of the House being asked to devote its attention to the pursuit they sought to protect, as the countryside was in crisis.

At the start of this Parliament, Mr Michael is more than aware that – while sections of his own party are eager to see rapid progress on a ban – the foot-and-mouth situation is just one of a number of other matters requiring urgent attention.

"I don't think anybody, on either side of the hunting argument, wants that to be the only issue we focus on," he says.

To help rural businesses, and particularly the tourist trade, recover from the economic impact of foot-and-mouth, Mr Michael is anxious to get his boots on.

"I'm hoping that the Minister for Tourism – Kim Howells – and I will be able to climb some mountains together very soon," says the keen mountaineer.

"I think that the tourist industry has the

capacity to recover very swiftly. But, for that to happen, people need to know that the countryside is open for business.

"Some areas have been very good at opening footpaths as soon as it is practical to do so."

"But then there are some counties in England that have been very slow – including some areas where the amount of risk is very low."

"We need to get the message across that it is not people walking on footpaths that poses the threat, but rather people failing to respect the rules on contact with animals while the risk remains."

The biggest part of Mr Michael's portfolio, however, will be looking at how the Government can move forward with its Rural White Paper, published last November and setting out proposals for helping to preserve rural life and diversify the countryside's economic base.

"What we need now is to start implementing findings and look at how the aspirations can be turned into reality," he says. "The most important part of my job will be to give real attention to rural areas but to do that in a grown-up way."

"Rural areas are not on a different planet – we need to make sure that they

have the right policies for their health and education facilities like the rest of the country, but that the particular needs of rural life are reflected."

Although the White Paper was aimed at England only, it did suggest a number of pieces of legislation that the Assembly might then tailor to the needs of Wales's countryside and noted that many farming matters require a UK approach.

Mr Michael expects to be working closely with his counterpart in Cardiff, Carwyn Jones, and has already had conversations with him to that effect.

He hopes this dialogue might avoid some of what he describes as "the growing pains of devolution" that have previously seen tensions in Whitehall's relationship with the administration in Wales.

"I did not regard the old Ministry of Agriculture, Food and Fisheries as one of the easiest to get on with when I was Welsh Secretary," he volunteers, alluding to what was a commonly-held view.

The new department, which he hopes offers "a fresh chance", also takes over some of the environmental functions previously looked after by John Prescott's super ministry – another source of friction in the past, notably over GM crop trials.

"I think one of the problems there was that neither central government or the Assembly anticipated the way in which it would become a point of issue," he says.

"I've asked officials to explain to me why these problems arose – a lot of the headline discussion about it was not as well informed as it might have been. Hopefully, both sides will now be better informed."

If that indeed turns out to be the case then nobody will question what a Welsh MP is doing looking after England's rural affairs – at least in Wales.

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FROM THE LEADER OF THE HOUSE
HOUSE OF LORDS

Prime Minister

HUNTING AND LORDS REFORM

Following the decisions taken at Cabinet last Thursday, Denis and I are writing now as Lords business managers to make sure that there is no doubt about the position on Lords Reform and Hunting.

We are content with the redrafted form of words used in the version of the Queen's speech presented to Cabinet. However, it seems to us that, in the context of a speech setting out the programme for the coming year the words "Following consultation, my Government will legislate to implement the second phase of House of Lords reform" will be taken to mean that the Lords Reform Bill will be introduced this session.

We understand that it is possible to argue that the timing is uncertain because of the consultation. Nevertheless, the words in the speech will create at least an expectation of a Bill this session.

In this context, we must repeat our advice that it will not be possible to accommodate both a Lords Reform Bill and a Bill on Hunting in the forthcoming session. If we are using a form of words which makes it more likely than not that the Lords Reform Bill will go ahead, every precaution must be taken to avoid committing ourselves, or even raising false expectations, in relation to Hunting.

In saying this, we do not mean to prejudge the issue of whether Lords Reform or Hunting is taken forward. But we do mean to be clear that we can't do both with the full existing programme; and we do not wish to be in a position where hints or indications have been given that both might go forward without commensurate adjustment to the programme.

This letter is being copied to Cabinet colleagues, Sir Richard Wilson and First Parliamentary Counsel.

W.M.

WILLIAMS OF MOSTYN
18th June 2001

✓ This is quite useful. see my note.

CARTER



PM
to see
[Signature]

cc
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VMT

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PPS
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From: Clare Sumner/Liz Lloyd
Date: 15 June 2001

PRIME MINISTER

cc: Robert Hill
Jonathan Powell
Anji Hunter
David North

HUNTING

The current wording in the Queen's speech repeats the undertaking in the manifesto to have a free vote which Robin reiterated this at the PLP this week. Clare, Jonathan, Liz and Robert have discussed this. For the purposes of next week we think we should pre-brief the wording so no-one is surprised on Wednesday and stick to the line that we want to test the will of a new Commons and not add to that. However we will come under pressure as to whether there will be a bill this session and what the Government's intends to do following any vote.

The key question is whether we are going to Parliament Act the existing bill (which you are not attracted to) or secondly whether we are going to have a bill this session.

There are five options:

1/: Hold free votes on motions in the Lords and the Commons on the same day. And then once they disagree, announce that we are not attracted to using the parliament act as we wish to reach consensus as outlined in the manifesto and establish a joint committee chaired by Lord Burns (?) to see if we can reach agreement.

To do this will require a major offensive with the PLP to persuade them that this is the best way forward. David Hanson and Hilary think that this option will not placate the PLP. They appear to be even keener on drawing a line under the issues than last session - which to the vast majority means banning it.

2/ Introduce a bill which introduces regulation and a ban after five years dependent on an affirmative vote by both Houses at that time. This is Middle Way plus and is worth looking at. We could just introduce a bill or ensure that this is where a Joint Committee gets too. Liz is sceptical that we could guarantee

this outcome and it may just increase the pressure if the PLP are still pushing for a bill.

3/ Introduce a bill to ban hunting in five years time after a transitional period. This could be popular with the PLP but would be difficult to get through the Lords and take up a great deal of parliamentary time.

4/ Re-introduce a bill, with a slight tweak, to avoid the Parliament Act and get the Commons to vote and pass it to the Lords quickly where they too would vote. Once they disagree drop the bill and set up a Joint Committee. This will take up much needed legislative time and possibly raise PLP expectations.

5/ Re-introduce a bill, with a slight tweak, to avoid the Parliament Act but allow the Commons and Lords to slug it out. This would waste lots of time and potentially end up where we could be faced with the same questions in the second session.

6/ Parliament Act the existing bill.

You could also reconsider the issue of a referendum and revisit the idea of different policies in different areas.

The Business Managers are not attracted to dealing with Lords and Hunting bills in the same session. The PLP could be very critical of your decision not to Parliament Act the bill and someone may try to introduce a PMB. It would also be logical to have Lords reform done first with a huge mandate and a hunting measure in the second session. Options one and two are the most attractive in terms of trying to find a way through.

You need to discuss this urgently with Hilary, Denis and Margaret so we can find a way through. Which option are you attracted to?

option 1
Its time to resolve
what I need is a
vote on the PMB
Act.