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FILE TITLE: VIPs		SERIES PM MEETINGS
		PART: 1
PART BEGINS: 8 JUNE 2001	PART ENDS: 5 MAY 05	CAB ONE:

LABOUR ADMINISTRATION

PREM 49 / 4304

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PART

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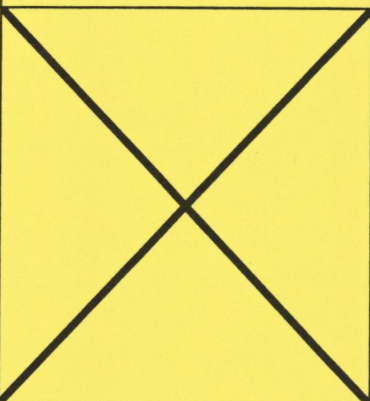
DATE CLOSED	5 MAY 2005
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Series : **PRIME MINISTER MEETINGS**

File Title : **VIPS**

Part : **1**

Date	From	To	Subject	Class	Secret
14/06/2001	PPS	SOC	(M) Prime Minister's meeting with the Senoir Judiciary	C	0
13/11/2001	PD(CS)	PM	meeting with the speaker: Wednesday 14 november 5.15pm	C	
17/06/2003	Ch.Staff		Dennis Thatcher	C	
07/11/2003		Ch.Staff	From Lord Powell: Bernard and Helene Arnault	U	

DEPARTMENT/SERIES <i>PREM69</i> PIECE/ITEM <i>4304/1</i> (one piece/item number)	Date and sign
Extract details: <i>letter dated 7 November 2003</i>	
CLOSED UNDER FOI EXEMPTION <i>40(2)</i>	<i>8 7/10/24</i>
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
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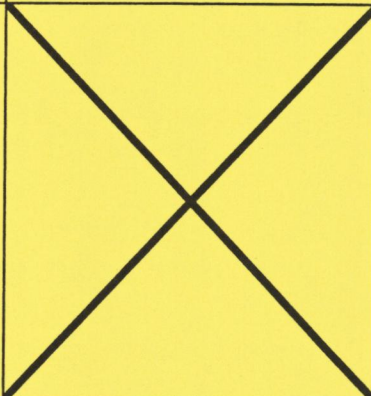
Enter the department and series,
eg. HO 405, J 82.

Enter the piece and item references, .
eg. 28, 1079, 84/1, 107/3

Enter extract details if it is an extract rather than a whole piece.
This should be an indication of what the extract is,
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DEPARTMENT/SERIES <i>PREMAG</i> PIECE/ITEM <i>4304/1</i> (one piece/item number)	Date and sign
Extract details: <i>Email dated 17 June 2003</i>	
CLOSED UNDER FOI EXEMPTION <i>40(2)</i>	<i>P 7/10/24</i>
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A

From: Clare Sumner
Date: 13 November 2001

PRIME MINISTER

cc: Jonathan Powell
David Hanson
Michael Tatham

MEETING WITH THE SPEAKER : WEDNESDAY 14 NOVEMBER 5.15pm

You are meeting the Speaker for a general chat and to specifically raise the Deputy Speakership, Modernisation and Sinn Fein's access to facilities.

Deputy Speakership

To tell Michael that given his views, those of the Deputy Speakers and the fact that there is little support on both sides of the House that Hilary and Robin have told the Liberals that we are not going to pursue this.

Modernisation – ask him for his views of Robin's proposals so far on select committees

Sinn Fein's access

As you know Betty made a strong statement on 14 May 1997 (copy attached) – where she actually extended the restrictions on those members who do not swear the oath to include not having access to the facilities of the House. On 21 December 1999 she said that it would be for the Government to put a motion to the House which she would then implement as a servant of the House. Michael Martin made a statement on 30 April reiterating Betty's position – he made a slight factual error as he implied the Parliamentary Oaths Act 1866 imposed the restrictions on the facilities. In fact it does not this was a decision made by Betty at the time.

In that statement Michael made it clear he was irritated by a Sunday Times piece which was speculating on Sinn Fein's access. He said at the end of his statement – “I think that I am entitled to express my extreme anger and disappointment that, on such a sensitive issue, The Sunday Times chose to publish untrue allegations without waiting to discuss the issue with me.”

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All of this means it is extremely unlikely that he will do anything on his own initiative. You have written to Gerry Adams saying we will move before Christmas. Michael may well find this pretty unattractive in the current climate.

There are only two options for proceeding:

1/ It is within speaker's gift to make a statement to the House allowing Sinn Fein to have access to the facilities, as was the previous position before Betty made a statement. This will be virtually impossible for Michael Martin to achieve partly because of what Betty has said and also in light of recent events his standing in the House has been significantly damaged.

2/ Proceed with a Government motion – dealt with by Robin. As it is a House matter it probably should be done by a free vote. Here you would need Michael to guarantee that he could either support the motion or at the very least not express a view to anyone so that the vote could be genuinely considered. Before this was made public you would need to speak to IDS and Charles Kennedy. When you approached Hague he said this would cause him difficulty but the Libs said that they were content. John Reid would then speak to Trimble and others. We should also give some thought to talking to Betty – you may wish to suggest to Michael that he should talk to her although this could lead to him being strongly against the motion as she was extremely adamant about this issue.

Hilary also wanted to make you aware of the impact this may have on handling NI legislation, which could be made more difficult by this.

Government motion I also attach the motion proposed by John Reid. It may need further work. One issue would be whether you want to give Sinn Fein Office Cost Allowances which could amount to between £60k to £70k each. They would also end up qualifying for London Living Allowance and travel, which could be fairly substantial. Do you want them to qualify for these allowances as well as the access to facilities? Jonathan thinks we probably should avoid a row and let them qualify but you should be aware that some MPs will not like this.

Suggested lines for the meeting

Given decommissioning has now occurred and we are making steps forward want to return to the issue of Sinn Fein's access to the House.

[Would the speaker be prepared to consider making a new ruling following historic events?]

We would be happy to put a motion forward. If we were to do so we would like to do this before Christmas. I would look to you not to make your views known on this issue, publicly or privately, so that it can be a genuine vote and we can see where we end up.

If you are content I propose to talk to the leaders of the opposition and John Reid will talk to Trimble and others. [Would you be willing to talk to Betty or do you not think that is appropriate. John could also talk to her if that would be better.]

DRAFT MOTION, JANUARY 2000

that in view of recent political progress in Northern Ireland, until the end of the present Parliament, the Hon members for Belfast West and for mid-Ulster, who have chosen not to take their seats and participate in proceedings in Parliament, may use facilities within the precincts of the House and the services of the Departments of the House and may claim office costs and allowances.

Madam Speaker's Statement

Madam Speaker: I wish to make a statement about the availability of services in the House for those who do not take their seats after being returned here as Members.

This House has traditionally accommodated great extremes of opinion. I am sure therefore that the House would not wish to put any unnecessary obstacle in the way of Members wishing to fulfil their democratic mandate by attending, speaking and voting in this House. Equally, I feel certain that those who choose not to take their seats should not have access to the many benefits and facilities that are now available in the House without also taking up their responsibilities as Members.

The present position is that, under the terms of the Parliamentary Oaths Act 1866, any Member who fails to take the oath or to make the affirmation that is required by law and who then votes or sits during any debate after the election of the Speaker is subject to a penalty of £500 on each occasion and his or her seat is automatically vacated. In 1924, one of my predecessors ruled that any such Member could not receive a salary, and this regulation also applies to allowances.

In the interests of the House, and making use of the power vested in the office of the Speaker to control the accommodation and services in the Commons parts of the Palace of Westminster and the precincts, I have decided to extend these restrictions. As from the date of the end of the debate on the Queen's Speech, the services that are available to all other Members from the six Departments of the House and beyond will not be open for use by Members who have not taken their seats by swearing or by affirmation.

For the avoidance of doubt, a schedule listing these various services will be appended to this statement in the *Official Report*. One of the purposes of this will, of course, be to enable officers and servants of the House and others to administer these new regulations with clarity and precision.

Of course, I accept that there may be occasional cases where an elected Member, for reasons of health or for other good reasons, cannot attend to take his or her seat immediately after election, but, nevertheless, desires to do so at the earliest possible moment. Provided such a Member sends me a letter informing me of his or her

inability to attend and signifying his or her intention to attend to swear or affirm at the earliest possible time, I will give instructions that these new regulations should not be applied. This should be done not later than the date of the end of the debate on the Queen's Speech or, in the case of a by-election, after 10 sitting days.

The House will have noted that the date which I have set for the introduction of these regulations is the end of the debate on the Queen's Speech. That is not an ideal date, but the House needs notice of these changes. In a future Parliament, the effective date both for the cessation of services and for the deadline for the sending of the letter requesting excusal will be the date of the Queen's Speech itself.

The services to which the new regulations apply include:

- Legal services
- Procedural services, including the tabling of questions, motions and amendments, and public petitions
- Broadcasting services
- Vote Office services
- Services available from the Parliamentary Office of Science and Technology
- The provision of passes, special permits and car parking facilities
- Access to those areas within the parliamentary precincts which are open only to pass holders
- The booking of Committee Rooms, conference rooms and interview rooms
- Office accommodation services for Members and their staff
- Computer services, except those available to the public
- The allocation of Gallery tickets
- The sponsoring of exhibitions in the Upper Waiting Hall
- Members' medical services
- Library and research services, except for those services of the Public Information Office generally available to the public
- Services provided by the Official Report
- Payroll and other financial services provided to Members and their staff
- Insurance services
- Catering services provided for Members and their staff, including the sponsoring of banqueting services
- Police and security advice available within the precincts
- Services in the Members' post offices
- Travel services

previously members who had not taken the oath were entitled to all the privileges of other members save salary. (Erskine May p 243).

① Speaker can change Speaker's mind - but impractical for them.

② when

Madam Speaker's Statement

3.31 pm

Madam Speaker: I wish to inform the House that I held a meeting this morning with the Members for Belfast, West (Mr. Adams) and for Mid-Ulster (Mr. McGuinness), at their request. I do not normally comment in public on meetings that I have with Members, but I think it appropriate to do so on this occasion, as the matter is of general interest to the House. The Members concerned made representations to me about the restrictions on the use of House of Commons services and facilities at Westminster that apply to Members who do not take their seats.

Having listened carefully to their representations, I reaffirmed my decision of 14 May that those who choose not to take their seats should not have access to the benefits and facilities available in the House without also taking up their responsibilities as Members and participating in the democratic process. I reminded them that, as Speaker, I am bound by the law. Swearing the Oath, or affirming it, is a legal requirement that cannot be set aside by whim or any administrative action. Primary legislation would be needed to change the Parliamentary Oaths Act 1866 or the form of the Oath. I told them that it was their refusal to swear or affirm that prevented them from taking their seats, not any action by the Speaker.

I pointed out that my decision does not discriminate against Sinn Féin: it applies equally to any Members not taking their seats for any reason. Those who do not take up their democratic responsibilities cannot have access to the facilities at Westminster that are made available to assist Members who do. I declined to allow those Members passes to the Palace of Westminster, because that would provide automatic access to many of the facilities not open to them. I told them that they were in effect asking for associate membership of this House. Such a status does not exist. There is no halfway house: they are part of the all. I reminded them that they are

allowed, of course, the use of free stationery and postage, which enables them to take up issues on behalf of their constituents, and they also have access to Ministers, as we all have.

Mr. Tony Benn (Chesterfield): May I ask you a question arising from your statement, Madam Speaker? I appreciate the authority of the Chair, but I put it to you that, in May, the proceedings of the House were completely altered by your statement then, because the Member for Belfast, West (Mr. Adams) was previously a Member of Parliament under the rules which would have allowed him to take advantage of the facilities of the House.

The effect of the law to which you referred—the Parliamentary Oaths Act 1866—is to deny people who have elected a Member of Parliament a Member who is able to use the House, and to deny us access to the views of Members who have been elected. The whole question of the Oath needs to be considered. At one time, Jews, Catholics and humanists were kept out of Parliament. There is no oath for the European Parliament. Privy Councillors take an Oath of obedience to the Queen, and then take contrary oaths when they go to the Commission and say that they take no notice of any other Government. The time has come for the matter to be looked at.

Finally, Madam Speaker, will you recognise that even your statement today is of such major constitutional importance that you would be helped if the House had a chance to debate it and to reach a decision, rather than rely solely on a statement made from the Chair?

Madam Speaker: I am not taking questions on my statement—I am simply reaffirming what I said in May. I met the two Members at their request, and it is right that I should tell the House factually about the exchanges that took place. If there are to be any changes to the Oath, that is not a matter for me. I am sure that the House has listened carefully to the right hon. Member for Chesterfield (Mr. Benn)—I certainly have.

11 August. There was a lower attendance than anticipated, but that is in the nature of events. We cannot entirely predict human behaviour.

Mr. Bernard Jenkin (North Essex): It was raining.

Mr. Straw: I recall that it rained in Cornwall under the previous Administration, too. These days, we live not in a command economy but in a world of private enterprise, albeit informed by policies of social justice. [HON. MEMBERS: "Hear, hear."] It is called the third way. People cannot be directed to enjoy themselves, even if that is antithetical to Conservative Members. Facilities are laid on and people are invited to take part, but they make their own choices.

I was asked earlier about the size of the crowds. There will be large crowds. It is only an estimate, but the Government office for London put the number at between 1.5 million and 2 million people. By definition, there will be very large crowds. Those who do not like crowds should not come into London.

The hon. Gentleman also asked whether we could abolish traffic jams just for new year's eve. Just as it rained under the previous Administration, there were traffic jams then, too. One absolute certainty—I promise it—is that, whoever wins the next general election, and the one after that and the one after that, there will occasionally be traffic jams and gridlock.

The purpose of the traffic limitation zone and all the arrangements in respect of public transport is to ensure that the maximum number of people can get into and out of central London in the greatest possible safety and that it is safe for people to walk about and enjoy themselves there. I understand Conservative Members' attachment to the motor car, but they need to bear in mind the fact that 90 per cent. of day-by-day journeys into central London are on public transport, so this is well within people's experience.

One final point for those who are concerned about accuracy: the hon. Gentleman asked whether, if there was trouble at Euston, the east coast main line would be affected. The answer is no, because that line runs into King's Cross.

Point of Order

1.19 pm

Mr. Crispin Blunt (Reigate): On a point of order, Madam Speaker. Following your ruling on 14 May 1997 about the oath of allegiance and access to the services of the House, I was surprised and alarmed to read in *The Sunday Times* this weekend that

"Sinn Féin MPs Gerry Adams and Martin McGuinness are to be given offices in Westminster without having to swear the oath of allegiance to the Queen . . . Betty Boothroyd, the Speaker, is finalising the details."

The article went on to say:

"Boothroyd's concession is part of the delicate choreography of 'confidence building measures' designed by George Mitchell . . . Boothroyd will justify her change of heart on the basis of the new devolved administration at Stormont . . . The Commons authorities have been pressured into making the gesture by Downing Street. 'These are elected MPs voted in by their constituents,' one senior source said."

The Times today states:

"It is understood that Betty Boothroyd, the Speaker, has dug in her heels to prevent a breach of the general rule that MPs who do not swear allegiance to the Queen cannot have access to Westminster facilities. But Miss Boothroyd is reported to accept the Government's view that allowing the two MPs to have offices at Westminster could be seen as part of the 'confidence-building' measures."

One aspect of those stories is certainly true—that the deal, if there is one, will horrify some Tories, and that includes me.

What is going on? Have you, Madam Speaker, been put under any pressure by Downing street; and could you confirm that if you have been—or are in the future—put under any pressure by the Executive to change your ruling of 14 May 1997 unilaterally, the request would be met with the dusty response that Members of this House would expect from you?

Madam Speaker: I am sure that the hon. Gentleman does not believe everything that he reads in the press, but he is correct in recalling May 1997, when I informed the House of my decision that Members who do not take their seats should not have access to the facilities of the House. This summer, the European Court of Human Rights rejected on all counts a challenge to that decision. It is true to say that one or two Ministers have been to see me recently. The House would not expect me to divulge any conversations. Others may divulge conversations of that nature; I do not. Should Ministers now wish the two Sinn Féin Members to have access to some of our facilities, it would be for the Government to bring a motion to that effect for debate and decision by the House. I am the servant of the House and if it approved such a motion, I would of course ensure that it was put into effect.

BILL PRESENTED

DISQUALIFICATIONS

Mr. Secretary Straw, supported by the Prime Minister, Mr. Secretary Prescott, Mr. Secretary Mandelson and Mr. Mike O'Brien, presented a Bill to remove the disqualification for membership of the House of Commons and the Northern Ireland Assembly of persons who are members of the legislature of Ireland

(the Oireachtas); and to disqualify for Ministerial office in Northern Ireland persons who are or become Ministers of the Government of Ireland: And the same was read the First time; and ordered to be read a Second time on 10 January 2000, and to be printed. Explanatory notes to be printed [Bill 41].

Public Expenditure

1.22 pm

The Chief Secretary to the Treasury (Mr. Andrew Smith): I beg to move,

That this House welcomes the action taken by this Government to build a platform of stability for the British economy, in contrast to the boom and bust of the past; welcomes the new monetary policy framework put in place by this Government, which is delivering stability and steady growth; notes that the Conservative Party opposes Bank of England independence; welcomes the new public spending framework which is delivering an additional £40 billion for health and education; notes that the Conservative Party is opposed to this extra investment; welcomes the fact that this Government is doubling public sector net investment after so many years of neglect; welcomes this Government's programme of reform in the public services and thanks public and voluntary sector workers for their contribution to delivering strong public services for all.

It will not have escaped your attention, Madam Speaker, that despite the fact that the Opposition were keen to have this debate in Government time, only four Conservative Back Benchers have turned up. That speaks volumes for their lack of confidence in the positions they take on the issue.

This is the last major debate to be held on the Floor of the House this century and we have an opportunity to discuss the Government's modernisation of our public finances and public services. However, we should also take a look at the past couple of decades and the Conservatives' record on public expenditure. When we came to office we inherited not some golden economic legacy, as Conservative Members would have us believe, but an economy flawed by serious and fundamental weaknesses.

Britain was set to repeat the same old cycle of Tory boom and bust. Inflation was set to rise sharply above target, borrowing had risen to £28 billion and the national debt had doubled. Just servicing that debt cost the British taxpayer some £25 billion every year, or more than is spent on schools, or on housing and law and order put together. Over the previous economic cycle, Tory budget deficits totalled a staggering £149 billion. The last Tory Government also managed to deliver the highest level of public sector borrowing since the second world war—some £50 billion, or 8 per cent. of gross domestic product.

Mr. Andrew Tyrie (Chichester): I have made this point before in the House, but the right hon. Gentleman is new to his job and obviously does not yet know the facts. The Conservative Government were just about the only Government in the world during their 20 years of office to reduce the debt stock as a proportion of GDP. Every other country in the Organisation for Economic Co-operation and Development saw an increase in its debt stock. The Chief Secretary's remarks merely reflect one point in the business cycle—a cycle that he claims he will abolish.

Mr. Smith: It may be one mere point to the hon. Gentleman, but that £25 billion could and should have been spent on public services. Our first priority was to deliver a platform of economic stability and to leave behind the boom and bust of the past.

Mr. Geraint Davies (Croydon, Central): My right hon. Friend might be interested to know that the chief

Points of Order

Several hon. Members rose—

Mr. Speaker: Order. I have had notice of a point of order from the hon. Member for Reigate (Mr. Blunt).

Mr. Crispin Blunt (Reigate): On a point of order, Mr. Speaker. I am grateful for this opportunity to raise a point of order of which I have given you prior notice. You and hon. Members will have seen with concern the report in *The Sunday Times* yesterday which unequivocally states:

"Sinn Fein MPs returned at the general election will be given offices and other facilities in Westminster even though they refused to swear allegiance to the Queen and take their seats in parliament.

The concession has been agreed by the Speaker, Michael Martin, after consultation with Tony Blair, according to a Westminster source."

Could you make it clear that this report in *The Sunday Times* is on a par with the other journalistic reports that we have come to expect from News International?

Michael Martin

Mr. Speaker: I am grateful to the hon. Gentleman for raising the point of order, which gives me the opportunity to tell the House that there is no truth whatever in the suggestion that I have agreed to give Sinn Fein Members offices and other facilities at Westminster. The position remains as stated by my predecessor. Members who choose not to take their seats by swearing the Oath required under the Parliamentary Oaths Act 1866 are not entitled to have access to the facilities of the House. If the Government wished to change that position in the case of particular Members, it would be for Ministers to bring a motion to that effect for debate and decision by this House.

I think that I am entitled to express my extreme anger and disappointment that, on such a sensitive issue, *The Sunday Times* chose to publish untrue allegations without waiting to discuss the position with me.

Mr. James Plaskitt (Warwick and Leamington): On a point of order, Mr. Speaker. You will be aware that some Conservative Members are proposing a reduction in the tax on spread betting which would save the company IG Index £1 million a year. Given that it has donated £5 million to the Conservative party, can you rule on what procedures should apply to declarations of interest in this case?

Mr. Speaker: I understand that this issue is being considered in a Committee and it is up to the Committee and its members to decide how they wish to deal with

declarations of interest. If the hon. Gentleman has any worries, he can take them up with the Parliamentary Commissioner for Standards.

Mr. Michael Jack (Fylde): Further to that point of order, Mr. Speaker. Was it in order for proper declarations on that matter to be made in the Finance Bill Committee last Thursday when the issue was raised?

Mr. Speaker: Obviously, I was not present in the Committee, but if declarations were made, they must have been in order. The Chairman would not have allowed it to be otherwise.

Sir Patrick Cormack (South Staffordshire): Further to that point of order, Mr. Speaker. Will you invite the hon. Member for Warwick and Leamington (Mr. Plaskitt) to withdraw his remark? He alleged that an organisation had given money when, in fact, it was a private individual.

Mr. Speaker: The hon. Member for Warwick and Leamington (Mr. Plaskitt) raised a point of order and I have dealt with the matter.

Mr. Ian Bruce (South Dorset): On a point of order, Mr. Speaker. I wonder whether you have had any notice on whether the Government are withdrawing their tobacco advertising legislation. Anyone watching the television at the weekend will have been surprised to see the Prime Minister and the Secretary of State for Culture, Media and Sport attending the Silk Cut challenge trophy and being presented to, and shaking hands with, the sponsors. As hon. Members well know, short meetings with such sponsors often lead to complete changes in Government policy, so before the Tobacco Advertising and Promotion Bill leaves the Lords, I wonder whether we shall have a chance to reflect on the fact that the Government seem to want to support that type of tobacco sponsorship and advertising by their own presence at such an event.

Mr. Speaker: That is not a matter for me.

Mr. Michael Fabricant (Lichfield): On a point of order, Mr. Speaker. At the weekend, a report was published of a meeting on the control of foot and mouth disease that took place on 20 April at the Institute for Animal Health, which was heavily critical of the Government. You may know that, as of today, there have been 1,511 cases of foot and mouth disease, but the Government's current policy has resulted in there being more than 6,298 premises where animals have been or will be slaughtered. Given the recent announcements regarding Phoenix the calf and Porky the pig, it would be helpful to know what the Government's principles are in relation to their culling policy and whether it is being driven by headlines or science. I wonder whether any Minister has made an approach to you about the statement made at the Institute for Animal Health at the weekend.

Mr. Speaker: I can put the hon. Gentleman at ease; there has been no such approach to me.

Not In Matrix

SUBJECT
MASTER

From: Jeremy Heywood

Date: 14 June 2001

SIR RICHARD WILSON

PRIME MINISTER'S MEETING WITH THE SENIOR JUDICIARY

The Prime Minister had a meeting yesterday with the Senior Law Lord, the Lord Chief Justice, the Master of the Rolls and the Senior Presiding Judge, at their request. You, Jonathan Powell and I were also present.

The Prime Minister said that the Government had embarked upon a series of changes to departmental boundaries designed to improve the delivery of the key public services. In relation to the criminal justice system he was concerned that the present arrangements led to inefficiency – in particular there was insufficient co-ordination between the administration of the courts, on the one hand, and the police and prisons on the other. To enhance efficiency the Government was keen to bring the Court Service under the Home Office. However it was important to stress that there was no intention at all of stopping the Lord Chancellor's appointing judges or of moving the listing function over to the Home Office. Moreover, the Government's main interest was in transferring the responsibility for the criminal courts; he was less concerned about the civil courts.

The senior judiciary made a number of comments about the proposed transfer:

- (i) no one could be more concerned about the efficiency of the courts system than the judges themselves. There was always scope for further improvement. But things had been moving in the right direction; and Lord Justice Auld's proposals would provide a blueprint for further reform;
- (ii) in the last few years close co-operation had developed between the judges and the Court Service. The partnership now worked very well and it had allowed a number of important procedural changes to be made, for example those following Lord Justice Woolf's review of the civil justice system;
- (iii) it was impossible to separate out the civil courts from the criminal courts. Most judges presided over both civil and criminal cases. And many court buildings were used for both;

- (iv) the judges had a close relationship with the Lord Chancellor. This was because he was the head of the judiciary. It would not be possible to develop the same relationship with any other Minister. The Home Secretary, for example, was a party in over 1000 cases each year. The public would, rightly, be very concerned if the judges had to go cap in hand for more resources to a Minister who was often in the dock himself.
- (v) against this background it would make it much more difficult for the judges to implement the Auld recommendations if these damaging proposals went through. The partnership between the judiciary and the Government would be deeply impaired. The judges would feel unable to go to talk to the Minister in charge of the Court Service;
- (vi) it must be possible to realise in a less damaging way the efficiency gains that the Prime Minister had referred to. There was no evidence that any system based on split accountabilities had ever led to improved efficiency. On the contrary it was essential to maintain a unified chain of command within the Court Service so that day to day priorities could be managed in a sensible way;
- (vii) the Lord Chancellor was a sturdy guarantor of judicial independence. A systems-wide approach, under the sole authority of the Home Secretary, would be undesirable, even sinister, in constitutional terms. The logic of the Government's approach would be to bring the CPS under the Home Secretary's wing too. That would clearly be inconceivable!

The Prime Minister reiterated that he had no desire at all to interfere with the independence of the judiciary. It was no-one's fault, but at present there was a huge gap between what people expected of the criminal justice system and what actually happened in practice. One of the main problems was the lack of co-ordination between the administration of the courts and the police. The key question was how to strengthen these links – for example, lots of police time was wasted turning up at the courts, only to find cases adjourned or never reached. Obviously some progress could be made by getting the LCD and the HO to talk to each other. But it would be far easier to bring the responsibilities together under one department.

Lord Justice Woolf re-iterated that if there were particular problems these should be put to Auld, who could then suggest acceptable remedies. The Senior Presiding Judge agreed – if the police wanted extended hours services or an increase in the number of stipendiary magistrates, this could easily be achieved (with more resources). But if the Home Office were to take over formal responsibility for the criminal courts, the average circuit judge would be absolutely horrified.

The Prime Minister asked whether there was agreement that all parts of the criminal justice system should use the same IT system. Lord Justice Woolf said that there was strong support for this.

You then argued that many of the judges' comments appeared to be based on misconceptions. For example, there was no suggestion of taking the listing function away from the LCD. The Prime Minister's proposals were essentially about how responsibilities within Whitehall were allocated between departments. They should not affect in any way the relationship between the judiciary and the Court Service.

The Prime Minister agreed – what he was looking for was an efficient mechanism for driving forward an agenda for change across the system as a whole. In the light of the judiciary's comments, he would consider how best to proceed.

Lord Justice Woolf thanked the Prime Minister for his time. To take the issue forward, he thought the Government should first identify more clearly the main areas of concern. These could then be put to the judiciary and solutions could be found in the context of Auld.

Signed : Jeremy Heywood
14/06/2001

JEREMY HEYWOOD

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