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Secretary of State for Industry

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*MAP - Consistent, think, with what you
have already discussed & passed on to
can you
MCS 8/2*

5 February 1982

Michael Scholar Esq
Private Secretary to the
Prime Minister
10 Downing Street
London SW1

P.A.

Dear Michael

Following the exchanges at Question Time yesterday between the Prime Minister, Mr Mikardo and Mr Skinner about Sir Michael Edwardes' evidence to the Select Committee on Industry and Trade, I thought you might find it helpful if I confirmed - and expanded on - the advice I gave you yesterday over the telephone.

2 The hearing at which the Select Committee on Industry and Trade took evidence from Sir Michael Edwardes and the BL staff was held in public, and an official from this Department was present. The evidence was fairly fully and (in the Department's view) accurately reported in the press.

3 The specific question you asked me was whether Sir Michael's evidence had yet been published. As I told you on Thursday the current position is that a proof transcript of the hearing has now been produced, and in the normal way is marked "In confidence until published". The proof transcript has been circulated to members of the Committee and to those who gave evidence, in order that any transcription errors can be corrected, and copies have also been made available, in the usual way, to officials in Whitehall whose work involves BL (including this Department).

4 Following yesterday's exchanges in the House, officials in this Department contacted the Clerk to the Committee this morning, and established that the position as described above was correct. However, the clerk also told us that one copy of the uncorrected proof was placed in the Library of the House (with the approval of Sir Donald Kaberry, the Chairman of the Committee). He went on to say that this was "quite normal practice" when evidence is taken in public and is likely to be of interest to Members. The Clerk also said that there was no reason why the existence of this copy should have been widely known, since the practice is not generally broadcast! He added that no breach of Parliamentary privilege is involved, since the



fact that evidence had been taken by the Committee in public was reported to the House in the notes and proceedings of the House on the day the evidence was taken. In fact, there is no way, under present procedure, by which a Member - including of course a Minister - can know with certainty whether an uncorrected proof is in the Library or not, since each instance is handled on a case-by-case basis and no notice is given when a proof is placed in the Library. The only way a Member can find out is by making a specific enquiry about the particular piece of evidence in which he is interested.

5 Mr Mikardo's question ("has the Prime Minister had an opportunity to consider the evidence") was in a different form from that which you put to me ("has the evidence been published"). In consequence, the answer to the latter did not, I fear, prove adequate to deal with the former.

6 I am afraid that officials in this Department who are concerned with Select Committee business were wholly unaware of this practice before today. My Secretary of State thinks the same may well be true of the majority of MPs. On the face of it, it does seem bizarre that a copy of a document that is marked "In confidence until published" should be freely available to Members in the Library! In view of this, I am sending a copy of this letter to David Heyhoe in the Lord President's office.

*Yours ever
Jonathan*

J P SPENCER
Private Secretary