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MR HOSKER - Treasury Solicitor's
Department

FROM: R FELLGETT
DATE: 6 December 1984

cc PS/Chief Secretary
PS/Financial Secretary
PS/Sir P Middleton
Mr A M Bailey
Mr Gilmore
Mr Judd
Mr Scholar
Mr M L Williams
Mr F K Jones
Mr Culpin
Mr Robson
Mr Salveson
Mr R K C Evans

Mr H Steel - Legal Secretary
Law Officers
Dept

Mr M MacLean - Chief Whip's
Office

- Mr A Turnbull - No 10

LAW CHARGES VOTE : REVISED SUPPLEMENTARY ESTIMATE

will request (revised)

As foreshadowed in my minute to you of 27 November I have today written to the Clerk to the Liaison Committee informing him that there will be a revised Supplementary for the Law Charges vote. Following normal practice my letter gives him no information about either how or why the Supplementary is to be revised.

2. The Clerk has sufficient reason to enquire into this, with or without consulting his Chairman and Committee, as it is for the Liaison Committee to decide upon Estimates debates. He may decide to make some enquiries ahead of formal presentation.

3. There is no universal policy covering the question of whether or not information in Estimates may be made available ahead of presentation. In this case it is certainly not for Treasury to disclose any such information and I believe you will take the same view.

4. If I am approached I will not say more than is already clear from my letter. If pressed on timing I will say revised Supplementaries, by their very nature, must be presented some time after the original Supplementary. While it is true most revised Supplementaries will be shown in confidence to departmental Select Committees some time ahead of formal presentation this arrangement does not cover this particular

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one because no departmental Select Committee has a remit covering this vote. This limitation in the remits of departmental Select Committees is a decision of the House. The Liaison Committee will have an opportunity to see and discuss the revised Supplementary, along with all other members of the House, once it has been presented which will of course be at least 7 days before the Estimate resolution as required under standing orders. Finally I may say that I have no authority to re-open the question of whether or not the government's "gesture of good will" in providing advance confidential copies of Supplementaries to departmental Select Committees should be extended also to the Liaison Committee.

5. It would be helpful if anyone answering specific questions about this revised Supplementary gave answers that were consistent with the general policy I have set out above.

Robin Fellgett

R FELLGETT

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Treasury Chambers
Parliament Street London SW1P 3AG

Telex 262405

Telephone Direct Line 01-233 7995
Switchboard 01-233 3000

D A M Pring Esq CB
Clerk to the Liaison Committee
House of Commons
LONDON
SW1A 0AA

Your reference

Our reference

Date 6 December 1984

Dear Pring,

DEPARTMENTAL SELECT COMMITTEES : UNALLOCATED SUPPLEMENTARY ESTIMATES

On 14 November 1984 I wrote to you with a list of winter Supplementary Estimates that did not fall within the remit of any departmental Select Committee. For your information I should now let you know that a revised winter Supplementary will be presented for the following vote on that list:

Class IX, Vote 9. Law Charges, England and Wales (Treasury Solicitor's Department).

Revised Supplementaries are expected to be presented to the House early next week.

Rohi Fellgett

R FELLGETT
Estimate Clerk

PRIME MINISTER

INDEMNITY OF THE SEQUESTRATORS

The supplementary estimate containing the indemnity has to be sent to the printers on Thursday so Cabinet will be the last opportunity to decide whether to include provision for the indemnity. It may be suggested that as the Receiver may soon get his hands on some funds the deadline could be missed, with the alternative procedure of a Treasury Minute being used if the Receiver is unsuccessful. My advice is that the accounting officers in the Treasury and the Law Officers' Department would regard gambling on the success or otherwise of the Receiver as improper and they would wish to be instructed if this course were followed. In any case, it looks as though securing access to NUM funds will be a protracted business.

I have attached to these papers some Q and A briefing which shows how the decision to provide an indemnity could be defended. The main defence would be that this particular case was of such public interest that the State should provide assistance to private persons to ensure that the law is upheld. You should be aware however that the Treasury are uneasy about the way the Attorney General offered the indemnity as they believe it was possible for the sequestrators or the original plaintiffs to apply for court funds to carry on the work.

AT MB

Andrew Turnbull

5 December 1984