

CONFIDENTIAL

PRECEDENT BOOK

CHAPTERS 11 & 12

**RELATIONS WITH BUCKINGHAM
PALACE**

CONTACTS WITH THE OPPOSITION

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CHAPTER TWELVE

CONTACTS WITH THE OPPOSITION

	Paragraph	Page
General	12.1	1
Ministerial Statements	12.2	1
Defence and Overseas Affairs		3
Defence Briefings	12.7	3
Other contacts on Defence Matters -		4
(a) Before September 1939	12.9	4
(b) War Cabinet 1939-45	12.13	6
(c) Caretaker Government, May-July 1945	12.16	8
(d) Mr Attlee's Labour Government 1945-51	12.18	8
(e) Mr Churchill's Conservative Government 1951-55	12.24	11
(f) Mr Macmillan's Conservative Government 1957-63	12.25	11
(g) Sir Alec Douglas-Home's Conservative Government 1963-64	12.26	12
(h) Mr Wilson's Labour Government 1964-70	12.27	12
(i) Mr Wilson's Labour Government 1974-76	12.35	14
Matters other than Defence and Overseas Affairs	12.36	14
(a) Mr Attlee's Labour Government 1945-51	12.37	15
(b) Mr Churchill's Conservative Government 1951-55	12.40	15
(c) Mr Macmillan's Conservative Government 1957-63	12.41	15
(d) Sir Alec Douglas-Home's Conservative Government 1963-64	12.42	16
(e) Mr Wilson's Labour Government 1964-70	12.43	16
(f) Mr Heath's Conservative Government 1970-74		17
(g) Mr Wilson's Labour Government 1974-76	12.47	17
(h) Mr Callaghan's Labour Government 1976-79	12.48	17
(i) Mrs Thatcher's Conservative Government 1979-1990	12.51	18
Opposition appointments to Committees	12.52	18
Contacts between civil servants and the Opposition	12.53	18

ANNEX A: Notes and Files

CHAPTER TWELVE

CONTACTS WITH LEADERS OF THE OPPOSITION

GENERAL

12.1 There have been many occasions over the years on which the Government have consulted or otherwise had contact with the leaders of the Opposition (and sometimes of other political parties as well) about Defence and Overseas Affairs, and other matters. This chapter contains brief notes of the main contacts (it does not deal with contacts between Government and Opposition about Parliamentary Business through "the usual channels" - but see paragraph 12.44 below).

12.2 It is customary for copies of Ministerial statements in the House to be made available in advance to the Opposition Parties. See paragraph 29(f) of "Questions of Procedure for Ministers" (C(PR)(92) 3). It has proved necessary to remind Ministers of this convention from time to time (see, for example, file 195/1, Part 1, folio 64).

DEFENCE AND OVERSEAS AFFAIRSDefence Briefings

12.7 It has been customary in recent times for newly appointed Leaders of the Opposition and their defence spokesmen to receive a general defence briefing. These were given in 1965/66 and 1969. The possibility of a briefing for Mrs Thatcher and himself was raised by Mr Gilmour (the Conservative defence spokesman) in February 1976 but the proposal was not pursued at that time. In 1977 Mrs Thatcher and Mr Gilmour were invited to attend an intelligence briefing organised by NATO. Although this was intended for NATO Heads of Government, after requests from other countries Dr Luns, the NATO Secretary General, agreed that invitations could also be extended to Opposition Leaders. Mr Foot (Leader of the Opposition) and Mr Steel (Liberal Leader) were offered defence briefings in 1981.

12.8 It has also been customary for the Leader of the Opposition and frontbench spokesmen to receive confidential briefings in connection with visits they are making eg to Northern Ireland, BAOR, defence establishments.

Other Contacts on Defence Matters(a) Before September 1939

12.9 On 14 January 1935, following a discussion in Cabinet on German rearmament, the Prime Minister (Mr MacDonald) raised the question whether some communication should be made to the Leaders of the Opposition Parties in Parliament. The view of the Cabinet was that the moment was not opportune for any such discussions (Cab 3(35) 3).

12.10 On 8 May 1935, the Prime Minister (Mr MacDonald) told the Cabinet that from time to time he was asked whether the international position was not such that opportunities should be

given for representatives of the Cabinet to meet representatives of the Opposition Parties for the purpose of giving information on the situation in Europe. In view of the fact that the prospect of co-operation with the Opposition was slight and of the possibility that the procedure might cause public alarm, the general view of the Cabinet was opposed to such consultations. (Cab 26(35) 10).

12.11 On 6 July 1936 the Cabinet had a long discussion on the question of consultation with the Opposition and leading Members of Parliament. Sir Austen Chamberlain had suggested to the Chancellor of the Exchequer (Mr Neville Chamberlain) and to the Chief Whip the possibility of a Secret Session of the House of Commons to consider the state of the Nation in order to enable the Government to give the House confidential information. The Chief Whip had expressed doubts whether the proceedings could, in fact, be kept secret and had suggested as an alternative that the Government might receive certain influential members of the House of Commons, including the Leader of the Opposition. The discussion turned largely on the probable attitude of Mr Churchill (who was a member of the Air Defence Research Committee - Sir Austen Chamberlain having refused to become a member). Mr Churchill had been "very intransigent" on the Committee and was seeking an opportunity to attack the Government's defence policy and put forward plans of his own. The Cabinet eventually agreed that Sir Austen Chamberlain should be told that the Government would not refuse to meet representatives of all Parties in both Houses or to give them information if a meeting was to be arranged with a view to forming a united front; and that Sir Austen Chamberlain should be encouraged to approach the Leader of the Labour Opposition in the first instance to ascertain whether he would be willing to join in an approach to the Cabinet on this understanding. The result, if any, of this decision is not on record. (Cab 50(36) 1).

12.12 On 18 November 1937, and again on 16 March and 26 July 1938, (Hansard Vol 329, Cols 567-8; Vol 333, Cols 412-3; Vol 338, Col 2897) the Prime Minister (Mr Neville Chamberlain) was asked by Mr Mander whether he would consider the advisability of calling into consultation the Leaders of all Parties in the House, with a view to securing national unity on foreign policy and defence. On the first occasion the Prime Minister replied that while he did not accept the implication that there was national disunity, "as regards consultation with the Leaders of other Parties I should have no hesitation in asking the Leader of the Opposition or the Right Hon Gentleman, the Member for Caithness (Sir A Sinclair) to consult with me or my Right Hon Friend, the Foreign Secretary on any aspect of foreign affairs about which consultation might appear to be useful, and I do not consider that anything beyond such informal discussions is required". On the two subsequent occasions the Prime Minister refused to add to his previous statement.

(b) War Cabinet, 1939-1945

12.13 At the beginning of the war, on 6 September 1939, the War Cabinet considered requests from both Opposition Parties in Parliament that they should be given special facilities for receiving confidential information regarding the conduct of the war. These requests were:

1. from Sir Archibald Sinclair, Leader of the Liberal Party, who wished to be furnished regularly and at short intervals with confidential reports for the information of himself and his colleagues; and
2. from individual leaders of the Labour Party, in both Houses of Parliament, who had approached various Ministers of the Crown and in each case informed the Minister concerned that the Labour leader in question had been nominated by the Labour Party to keep in touch with him for

the purpose of obtaining information regarding the work of his Department.

The War Cabinet agreed:

- a. that it was not possible for His Majesty's Government to share the responsibility for the conduct of the war with the leaders of the Parliamentary Opposition and that therefore no information on this subject could be given to them as a matter of right;
- b. that, subject to the maintenance of the principle set out in (a) above, there was no objection to the Ministers concerned maintaining informal contacts with the Leaders or the Parliamentary Opposition. (WM 6(39) 3).

(Note: by 12 September 1939, Mr Dalton had seen the Secretary of State for Air twice and Mr Lees-Smith had interviewed every member of the Army Council. Letter from Sir E Bridges to Mr Coulson, Ministry of Economic Warfare, File 48/17.)

12.14 On 28 and 29 March 1944, there was a debate in the House of Lords on post-war defence in which Lord Chatfield, Lord Hankey, Lord Perth and others urged the desirability of setting up a Defence Council including Opposition Leaders as members. the debate was answered for the Government by Lord Cherwell, whose general line was that, much as the Government sympathised with the desire to make national defence policy a non-Party matter, they had grave doubts whether the proposals put forward were practicable. They would, however, consider whether the practice of informing and consulting Opposition Leaders on matters of moment (which had often been found convenient in the past) could usefully be extended or perhaps even systematised. (Hansard (H.L) Vol 131, Cols 273-306 and 357-390, especially 386).

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12.15 The matter was raised again by Lord Chatfield in the House of Lords on 7 March 1945, when Lord Cranborne, replying for the Government, argued that to admit Opposition leaders to membership of a Defence Council would involve their being brought into consultation also on foreign policy, and that this would embarrass not only the Government but also the Opposition since those who were not members of the Council would be ignorant of essential facts and those who were on the Council would know facts which they would be unable to divulge. Therefore general responsibility must remain in the hands of the Government, though the leaders of other Parties might be - or should be - called into consultation on special issues as was already allowed for on the Committee of Imperial Defence (Hansard (H.L) Vol 135, Cols 356-416, especially 404).

(c) Caretaker Government, May-July 1945

12.16 In June 1945, Mr Churchill told the Cabinet that he had written to Mr Attlee saying that he hoped that the present agreement between the Parties on foreign and military policy would continue, and offered to let him see papers on the main developments in foreign affairs and strategy. Mr Attlee accepted the offer, but the announcement to make the arrangement public was postponed until after the Election, and not actually made.

12.17 Mr Attlee was invited to accompany the Prime Minister to the Three Power Meeting at Potsdam which was held between Polling Day and the declaration of the results of the Election. Mr Attlee accepted. (CM 6(45) 1).

(d) Mr Attlee's Labour Cabinet 1945-1951

12.18 On 15 July 1946, the Prime Minister, in reply to an enquiry from the High Commissioner of Canada, said that it was not proposed to invite Opposition Members to serve on the United Kingdom Delegation to the forthcoming Peace Conference but that

His Majesty's Government would see no difficulty if the Canadians took a different course.

12.19 In 1946, Mr Churchill, Mr Eden, Col Stanley and Mr Lyttleton gave evidence before the Committee of Post-War Defence (consisting of the Prime Minister and two other Ministers) which was enquiring into the structure of the post-war central defence organisation. The White Paper produced as a result of this enquiry (Cmd 6923) made provision (paragraph 24) for persons outside the Government service to be included as members of the sub-committee of the Defence Committee, which took the place of the Committee of Imperial Defence.

12.20 On 14 November 1946, the Prime Minister informed the Cabinet that he was to be asked in Parliament whether he and the Foreign Secretary would consult with the Leader of the Opposition in order to formulate a foreign policy jointly with the Opposition. The Cabinet agreed that the reply should be that, while it was the intention of His Majesty's Government to continue the practice of keeping the Leader of the Opposition informed of the main factors in the foreign situation, the responsibility for formulating the country's foreign policy must rest with the Government alone. (CM 96(46) 2).

12.21 In March 1949, the Prime Minister informed Mr Churchill as Leader of the Opposition that he would be willing to meet him for confidential discussion of matters relating to defence. Mr Churchill stated "I must ask you, as I did Mr Baldwin in 1936, that we should be free to use in public any information of which we are already possessed, with due regard to the national interest and safety"; and he promised to submit a memorandum. The exchange of letters between the Prime Minister and Mr Churchill on this matter was published on 5 March 1949. The first of the meetings subsequently arranged took place on 13 July 1949 (GEN 293), when the Prime Minister was accompanied by the Minister of Defence, the Service Ministers and the Minister of

Supply, and Mr Churchill by Mr Eden, Earl Winterton, Lord Salisbury and Lord Cherwell. Officials of the Departments concerned were also present and the secretariat was provided by representatives of the Cabinet Office and the Ministry of Defence. (A prior meeting of Ministers was held for preliminary discussion of Mr Churchill's memorandum.) Two further meetings took place with Mr Churchill and his colleagues on 20 July and 20 October 1949. The fact that the meetings had taken place was announced in the press and Mr Attlee answered a Parliamentary Question on the subject on 28 November 1949. Copies of the records of the meetings were made available to Mr Churchill, but it was suggested that he should return them to the Secretary of the Cabinet when his purpose was served. (See generally File 19/10/214.)

12.22 In 1950, Mr Churchill asked Mr Attlee for a secret session of Parliament on defence. Mr Attlee refused but suggested that the confidential defence discussions might be resumed. Mr Churchill replied that the renewal of such conversations had better await developments. (GEN 293/6th Meeting).

12.23 Other examples of consultation in this field during the tenure of office of the post-war Labour Government are:

a. Before important debates on particular issues of foreign policy (eg Palestine) Mr Churchill and Mr Eden were given an indication of the Government's policy a few hours beforehand.

b. In June 1947, the Prime Minister discussed the terms of the Indian Independence Bill with the Leaders of the Opposition (CM 57(47) 4 and 58(47) 6). (The proposed declaration after the meeting of Commonwealth Prime Ministers in April 1949 on India's relationship with the Commonwealth was discussed by the Cabinet but there is no record of intention to inform the Leaders of the Opposition.

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There was however apparently some consultation with them on the question of a Parliamentary statement. See CM 30(49) 2.)

c. In November 1949, the Leaders of the Opposition were informed by the Prime Minister of the policy which Commonwealth Governments proposed to follow in respect of Eire's future relations with the Commonwealth once the Eire Executive Authority (External Relations) Act 1936, was repealed by Eire. (CM 74(48) 6).

(e) Mr Churchill's Conservative Government 1951-55

12.24 In the House of Commons on 1 December 1954 Sir Winston Churchill made an offer to have talks with the Opposition on defence matters. Mr Attlee replied that he preferred to allow the matter to rest until after the service estimates had been discussed. (According to the records, nothing further was done on this at this stage.)

(f) Mr Macmillan's Conservative Government 1957-1963

12.25 In answer to a question in the House of Commons on 11 March 1958 about what steps the Prime Minister had taken to arrange talks between himself and the Opposition from time to time on defence matters, Mr Macmillan replied, "None, sir", but that he would give the most sympathetic consideration to any approach which the Leader of the Opposition might wish to make. Mr Macmillan subsequently wrote to Mr Gaitskill saying that he would be "very happy to discuss" what might be done in this direction. Mr Gaitskill called on Mr Macmillan on 25 March 1958 for a preliminary talk and a second time on 2 April 1958 to say that he was not willing to have formal meetings on the lines of the Churchill/Attlee meeting. Mr Macmillan subsequently made a statement in the House of Commons on 24 April 1958, which had previously been cleared with Mr Gaitskill. The statement said that Mr Gaitskill did not think that the arrangement of holding regular meetings of a confidential character would be compatible

with the fulfilment by the Opposition of their constitutional function. Mr Macmillan and Mr Gaitskill agreed, however, that the Government and the Opposition should "consult occasionally informally and privately" on specific points.

(g) Sir Alec Douglas Home's Conservative Government 1963-1964

12.26 In a speech on defence organisation in the House of Commons on 16 January 1964, Mr Wilson, as Leader of the Opposition, raised the question of consultations between the Government and the Opposition on defence matters. Subsequently, on 22 January, he saw Sir Alec Douglas Home and suggested that the next step might be for Mr Healey (Shadow spokesman on Defence) to have discussion with the Minister of Defence. Mr Healey saw Mr Thorneycroft on 3 February 1964, and Mr Wilson saw Sir Alec Douglas Home again on 25 February 1964. It was agreed that Mr Thorneycroft and Mr Healey might continue their talks and that Sir Alec Douglas Home and Mr Wilson might join in for some formal talks a little later on. From the records, nothing further was done at that stage.

(h) Mr Wilson's Labour Government 1964-1970

12.27 On 15 December 1964, the Cabinet approved a proposal, put by Mr Wilson, that he should suggest confidential discussions on defence policy with the Opposition (CC(64) 15th Conclusions, Minute 2). Mr Wilson offered such discussions in his speech in the Foreign Affairs debate on 16 December 1964.

12.28 Following further exchanges in the House (eg on 4 February, Cols 1272/3), Mr Wilson held a meeting with Conservative Party leaders on 15 February 1965, in order to discuss an acceptable basis for regular consultations with the Opposition on defence matters. Subsequently, in a letter to Sir Alec Douglas Home dated 20 February 1965, Mr Wilson wrote:

"My suggestion is therefore that we should meet regularly - say once a month - with the Defence Secretary and your own defence spokesman. At these meetings I would give you factual information about defence matters, not necessarily restricting myself to those topics which are under active discussion in the House of Commons at the time. Examples of the kind of information I have in mind are numbers and characteristics of aircraft and weapon systems, the disposition of our forces and the way recruitment is going."

In a reply dated 28 February 1965, Sir Alec Douglas Home declined the suggestion that there should be regular meetings (since this would be bound to convey the impression that the Opposition were closely identified with the Government of the day) but expressed his readiness to engage in consultations on particular occasions when one side or the other thought that they would serve a useful purpose.

12.29 After a further letter from Mr Wilson and after the leader of the Liberal Party (Mr Grimond) had indicated that he would be willing to take part in the arrangements for consultation which Mr Wilson had proposed, Sir Alec Douglas Home invited Mr Wilson to summon him to a talk on defence matters and suggested that the matter might thereafter be "played by ear". (Letter of 22 March 1965.)

12.30 A meeting between Mr Wilson, Sir Alec Douglas Home and Mr Grimond, together with the Defence Secretary and the Opposition spokesman on defence, was accordingly held in the Prime Minister's room at the House of Commons on 20 May 1965. The discussion was partly procedural but the Defence Secretary gave a brief account of the current situation in various parts of the world. At a further meeting on 14 July 1965, which was attended by the Chiefs of Staff, the Opposition was given a presentation of material on the deployment of British forces and the threats to which they were subject. No record was taken and for this reason it was deemed unnecessary for a Cabinet Office Secretary to attend.

12.31 A meeting was held on 15 September 1966 between the Prime Minister and the Commonwealth Secretary and Mr Heath and Mr Maudling to discuss the situation in Rhodesia (the Commonwealth Prime Ministers' Meeting had issued a communique on Rhodesia the previous evening). The meeting was at the Opposition's request and it seems that this meeting followed an earlier one. There had also been a meeting on Rhodesia in October 1965.

12.32 Mr Heath and Sir Alec Douglas Home came to see the Prime Minister on 24 May 1967 to discuss the situation in the Middle East. Mr Thorpe, the Liberal leader, came to see the Prime Minister on the same matter the following day.

12.33 In July 1967 Sir William Penney (Chairman of the UK Atomic Energy Authority) suggested to the Defence Secretary that he should consider the possibility of giving the Leader of the Opposition (together with the Conservative Defence spokesman) and the Leader of the Liberal Party a briefing on anti-ballistic missiles. The Defence Secretary took this up with the Prime Minister. It was agreed that any briefing should not take place before the then current review of the Polaris programme was completed. Our records do not say whether any briefing was held.

12.34 The Prime Minister and the Commonwealth Secretary saw Mr Heath and Mr Maudling on 25 July 1967 to give them advance notice of the statement he proposed to make later that afternoon about Rhodesia.

(h) Mr Wilson's Labour Government 1974-1976

12.35 Two conferences were held at Downing Street in January 1976 to discuss security in Northern Ireland. There is a description of them in MISC 115(76) 1st and 2nd Meetings.

(i) Mrs Thatcher's and Mr Major's Conservative Governments 1979-

Both the Leader of the Opposition and the Leader of the Liberal Democrats were given a number of briefings on Privy Counsellor terms, at their request, by the Defence Secretary and others, during the Gulf crisis (1990-91).

MATTERS OTHER THAN DEFENCE AND OVERSEAS AFFAIRS

12.36 The following paragraphs contains examples of matters, other than defence and overseas affairs on which there has been consultation with the Leaders of the Opposition or on which they have been given advance information.

(a) Mr Attlee's Labour Government 1945-51

12.37 Procedure to be followed in handling the question of Civil List provision on the Marriage of Princess Elizabeth in November 1947 (CM 87(47) 4).

12.38 Question of reform of the House of Lords. In 1948 a series of discussions, arising out of the Parliament Bill, took place between representatives of the Government and of the Opposition Parties with a view to securing agreement on the reform of the House of Lords and on a new definition of the delaying powers of that House. This Conference, which took place in private but with a secretary (an official of the Lord Chancellor's Department) present, failed to reach agreement. An agreed statement on the position reached was published as a White Paper (Cmnd 7380). (See File 27/10/19.)

12.39 In September 1949, Mr Churchill and Mr Eden were informed of the Government's decision to devalue the pound shortly in advance of the public announcement.

(b) Mr Churchill's Conservative Government 1951-1955

12.40 This Government consulted the leading members of the Opposition on a number of occasions: see eg CC 53(52) (Civil List for the new reign), CC 100(52) (Judges' salaries) and CC 108(52) (House of Lords Reform).

(c) Mr Macmillan's Conservative Government 1957-1963

12.41 In 1959 the Government consulted the Leaders of the two Opposition parties:

(i) on The Queen's offer to make Marlborough House available for Commonwealth purposes; and

(ii) on the question of opening Cabinet records for public inspection after fifty years in pursuance of the Public Records Act, 1958.

(d) Sir Alec Douglas Home's Conservative Government 1963-1964

12.42 In December 1963, the Government consulted the Leader of the Opposition on:

(i) the appointment of a Security Commission;

(ii) the memorial for President Kennedy.

(e) Mr Wilson's Labour Government 1964-1970

12.43 The proposal that the "closed period" for public records should be reduced from 50 to 30 years and that this reduction should apply also to Cabinet records was discussed with the Leaders of the Conservative and Liberal Parties. They were also consulted about the establishment of a group of Privy Counsellors representing the three parties.

12.44 The Leaders of the Conservative and Liberal Parties were consulted about the establishment of a standing group comprising one Privy Counsellor from each of the parties concerned to obtain inter-party agreement on the matters or documents to be covered in official histories of peacetime events (see Hansard, Commons Vol 733, col 1706 of 10 August 1966).

12.45 Mr Heath was kept closely informed - and through him Lord Avon and Mr Macmillan - of the course of events leading to the serialisation in "The Times" of Mr Nutting's book "No End of a Lesson" purporting to record events in 1956.

12.46 The Prime Minister wrote to Mr Heath and the leader of the Liberal Party in October 1967 to let them know that the Government proposed to reform the House of Lords during the following session and to invite the Opposition to join with the Government in early discussion on the matter.

(f) Mr Heath's Conservative Government 1970-1974¹

(g) Mr Wilson's Labour Government 1974-1976

12.47 In September 1975 Mrs Thatcher called on the Prime Minister to discuss the situation in Northern Ireland (see file 110/20).

(h) Mr Callaghan's Labour Government 1976-79

12.48 In 1976 there was a meeting between the Prime Minister, the Lord President of the Council, the Government Chief Whip and, for the Opposition, Mrs Thatcher and their Chief Whip. This meeting was to discuss the consequences of a breakdown in the "usual channels" for arranging Parliamentary business, as a result of misunderstandings and irregularities in the pairing arrangements on the Aircraft and Shipbuilding Industries Bill on which the Government had won one division on the casting vote of the Speaker. A note of the meeting by the Prime Minister's Principal Private Secretary is on file 197/1 Part 2.

12.49 In 1977 following the defeat of a timetable motion on the Scotland and Wales Bill there were "talks about talks" between the Prime Minister and Opposition leaders (Mrs Thatcher, Mr Steel (Liberal), Mr Stuart (SNP) and Mr Evans (PC) to see whether it was possible to widen the basis of agreement on devolution to Scotland and Wales. The Lord President of the Council (Mr Foot) who was responsible for Devolution also saw Mr Fitt and Mr Molyneaux, representing the main Northern Ireland parties. The Lord President also saw a number of individual MPs who were likely to be influential in the House on devolution matters. (See file 197/1, Part 2).

12.50 In 1978 the Lord President (Mr Foot) saw the Leaders of Plaid Cymru (Mr Evans and Mr Wigley) who had asked if they could sound him out on a number of matters arising from The Queen's Speech, particularly concerning the referendum on devolution in Wales. The Government was of course dependent at that time on some co-operation from the minority parties for its survival in the Commons. The Lord President also had a number of informal meetings with Mr Powell of the Ulster Unionists in 1978/79.

(i) Mrs Thatcher's Conservative Government 1979-1990

12.51 In 1982 there were consultations over the setting up of the Falkland Islands Review under Lord Franks. These covered the terms of reference and membership of the Committee and also the question of the Committee's access to papers of earlier administrations.

OPPOSITION APPOINTMENTS TO COMMITTEES

12.52 From time to time the Leader of the Opposition has been asked to nominate representatives to Committees of Privy Counsellors set up to consider questions of state security. Thus nominations were invited for Lord Radcliffe's Committee on Ministerial Memoirs in 1975, for Lord Houghton's Committee on Cabinet Document Security in 1976, and for Lord Franks' Falkland Islands Review in 1982.

CONTACTS BETWEEN CIVIL SERVANTS AND THE OPPOSITION

12.54 In 1985 some consideration was given to the extent to which civil servants (the Foreign and Commonwealth Office Resident Clerks) should be prepared to assist Party Whips in recalling MPs from overseas visits to vote in Parliament. This was prompted by two requests from the Government Foreign Affairs Whip. Although this was actually Party rather than Government business it was subsequently decided, after consultation with the Cabinet Office that it was reasonable to help to summon back (ie by telegraphing to the appropriate post) members of the Government or MPs - of any party - travelling on official business or in their capacity as a Member of Parliament (but not an MP travelling abroad on holiday or for private business reasons).