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PRECEDENT BOOK

CHAPTERS 7-9

**SPEECHES, BROADCASTS etc
CONSTITUENCY & OTHERS MISC MATTERS
APPOINTMENTS BY MINISTERS**

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CHAPTER SEVEN

SPEECHES, BROADCASTS AND WRITINGS BY MINISTERS

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SPEECHES, BROADCASTS AND WRITINGS

Ministers cannot speak publicly for themselves alone. In all cases they speak as Ministers; and the principle of collective responsibility applies. They should ensure that their statements are consistent with collective Government policy and should not anticipate decisions not yet made public. Ministers should exercise special care in referring to subjects which are the responsibility of other Ministers. Any Minister who intends to make a speech which deals with, or makes observations which bear upon, matters which fall within another Minister's responsibilities should consult that Minister except where speaking notes giving clear guidance on the points to be covered have been issued through the office of the Leader of the House of Commons.

The Prime Minister should always be consulted before any mention is made of matters which either affect the conduct of the Government as a whole or are of a constitutional character. The Foreign and Commonwealth Secretary should always be consulted before any mention is made of matters affecting foreign and Commonwealth affairs, relations with foreign and Commonwealth countries and the political aspects of the affairs of dependent territories. Ministers wishing to refer to economic policy or to proposals involving additional public expenditure or revenue costs should in all cases consult the Chancellor of the Exchequer or the Chief Secretary. Ministers wishing to refer to defence policy should in all cases first consult the Secretary of State for Defence. Ministers wishing to discuss or refer to Northern Ireland should in all cases first consult the Secretary of State for Northern Ireland. (C(PR)(92) 3 paragraphs 87-88).

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GENERAL PRINCIPLES

7.1 Speeches, broadcasts and interviews all form an essential part of every Minister's work and nothing in this guidance is intended to discourage Ministers taking any legitimate opportunity to present the Government's policy. As the above extract from Questions of Procedure for Ministers makes clear, the essential consideration is that Ministers should not infringe the principle of collective responsibility. The general guidance in the above extract which is elucidated in paragraphs 7.2 - 7.5 below applies equally to speeches, broadcasts, press articles, interviews and other writings where a Minister is, or may be regarded as, acting in an official capacity although specific guidance on each category is included in this Chapter.

7.2 The main practical need is for consultation to ensure that what is said does not anticipate decisions not yet made (or not yet made public) and does not stray outside the ambit of approved Government policy. Care must also be taken not to make any premature statement about prospective legislation and not to anticipate The Queen's Speech.

7.3 This requires consultation with Ministerial colleagues about proposed references to any matters which fall within their responsibility and "Questions of Procedure for Ministers" specifies a number of Ministers who must be consulted in particular circumstances - the Prime Minister, Foreign and Commonwealth Secretary, Chancellor of the Exchequer, Secretary of State for Defence and the Secretary of State for Northern Ireland. This list has been added to over the years but Ministers not mentioned must also be consulted as appropriate. Consultation may also be required to ensure that even what a Minister says about matters falling within his own responsibility can be regarded as being the view of the Government as a whole. Particular care is needed by junior Ministers, and in statements made by members of the Government in the course of visits overseas. Periodic reminders are issued.

7.4 From time to time special arrangements may be made for co-ordinating the presentation of Government policies which may impose additional formal requirements. For example, in 1983 the Lord President of the Council (Lord Whitelaw) was given this responsibility and set up a special committee to assist in this purpose. The objects were both to ensure that Ministers undertaking speaking engagements were provided with material (cleared with the Departments concerned) relating to subjects of current political controversy and to consider more general presentation issues.

7.5 For the sake of completeness, it is worth noting that in enunciating the doctrine that the principle of collective responsibility requires Ministers' speeches to be "in accord with Government policy" (see note 1) Mr Attlee said that "civil servants and senior officers in the Forces in this country are not normally encouraged to make public statements on matters of policy".

SPEECHES

7.6 The above guidance applies in terms to all public speeches or lectures by Ministers which are, or may be regarded as being, connected with their Ministerial duties. Ministers should not accept fees for any such speeches (see paragraph 7.43 et seq below for fuller details).

7.7 Ministers should use official machinery for distributing texts of their speeches only when such speeches are made on official occasions and deal with Government as distinct from Party policy. Speeches made in a Party context should be distributed through the Party machinery (see C(PR)(92) 3 paragraph 89).

7.8 Non-Ministerial Speeches, Lectures etc. If they have time, Ministers are free to speak or lecture on matters unconnected with their Ministerial duties and there are numerous precedents for their so doing. Such speeches should not, however, draw on privileged information (ie information available to Ministers only as a result of their

official appointments). There is usually no objection to Ministers accepting fees for such activities (but see paragraph 7.43 below).

7.9 Cases

There are details of many cases on file; the following have notable features:

- (i) 1969 Lord Kennet was allowed to join with Max Beloff in conducting four of five seminars in the Modern British Government course at Oxford University but it was stipulated that there should be no publication of the proceedings (16/2, part 1, folios 73, 74).
- (ii) 1982 Lord Hailsham (Lord Chancellor) permitted to give Hamlyn Lectures for 1983 on the general topic of the fundamental assumptions of the British legal system. (see also 7.28 (I) below).
- (iv) 1989 Lord MacKay (Lord Chancellor) decided not to accept an invitation to participate in a Cambridge Union debate about a Bill of Rights. The Cabinet Secretary had expressed doubts as to whether the Cambridge Union would be the best forum for a statement of the Government's policy on a Bill of Rights (and there was an unspoken recognition that it would be difficult to define the Government's policy for this purpose).

BROADCASTS

Radio and television broadcasts by Ministers are of four types: Party political; Budget; special broadcasts by Ministers; and interviews with Ministers for news and feature programmes:

- (a) Party political broadcasts on radio and television within the Government's quota are arranged through the Chief Whip action on behalf of the Prime Minister.
- (b) Budget broadcasts (by the Chancellor of the Exchequer and a member of the Opposition and of the Liberal Democrats in reply) constitute a special series of Party political broadcasts. These are arranged through Parliamentary channels and agreed by the Chancellor of the Exchequer.
- (c) The broadcasting authorities may provide opportunities within the regular framework of their programmes for Ministers to give factual explanations of legislation or policies approved by Parliament, or to seek the co-operation of the public on matters where there is a general consensus of opinion. The Opposition have no automatic right of reply. The British Broadcasting Corporation (BBC) may also provide the Prime Minister or a senior Cabinet Minister designated by him with an opportunity to broadcast to the nation to explain events of prime national or international importance or to seek public co-operation over such events. These are traditionally known as "Ministerial" broadcasts. The Opposition have the right to make an equivalent broadcast in reply. In this event the BBC will arrange as soon as possible for a broadcast discussion of the issues involved. A member of the Cabinet, a senior member of the Opposition, and, if they so desire, representatives of third parties with appreciable electoral support would be invited to participate. The Independent Television Commission (ITC) is not obliged to relay either type of special broadcast, but if they transmit a "Ministerial" broadcast they must also take any Opposition reply and arrange a stage, the discussion programme. Proposals for a special broadcast of either type should be referred as

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soon as possible to the Chief Press Secretary at No 10. The Leader of the House of Commons and the Chief Whip should also be consulted. No approach should be made to the BBC or to the ITC for a broadcast of either type without the approval of the Prime Minister.

(d) When Ministers are invited by the broadcasting authorities to give interviews or otherwise take part in radio and television programmes (whether news bulletins or magazine or feature programmes) they should as a rule respond positively, subject to their being satisfied that they will be given an adequate opportunity to explain Government policy and measures. In the interests of effective co-ordination of the presentation of Government policies, Ministers should ensure that No 10 Press Office is informed of their intentions. This will enable them to use broadcasting opportunities to best advantage and to avoid duplication with colleagues.

Ministers invited to broadcast on radio and television in a private and not a Ministerial capacity will wish to consider if such a broadcast would have a bearing on another Department's responsibility in which case they should clear the matter with the colleague concerned before agreeing to the invitation. Ministers invited to take part in programmes to be broadcast outside the United Kingdom should consult the Foreign and Commonwealth Secretary and any other Minister who may be concerned with the subject of the broadcast. They should then seek the permission of the Prime Minister. Ministers invited to broadcast while on a visit to another country should seek the advice of Her Majesty's Representative in that country. Ministers will wish to use their discretion as to whether the nature of any such invitation at home or abroad is such that they should consult the Prime Minister before agreeing to broadcast.

Ministers should not accept payment for official broadcasts on radio or television, either on their own or on their Department's account or with a view to donating the fee to charity. (C(PR)(92) 3, paragraphs 91-93).

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Official Broadcasts

7.10 The general principles and rules for clearance set out in paragraphs 7.1 - 7.5 above apply also to the clearance of the text of broadcasts. Appearances on news bulletins (at the invitation of the broadcasting authorities) are at the Minister's discretion and party political broadcasts are arranged through the Chief Whip. Any other proposals to appear on radio or television should be referred to the Chief Press Secretary at No 10 Downing Street. The Foreign and Commonwealth Secretary and invitation to broadcast overseas. (If an invitation is made while a Minister is travelling abroad he should consult the Ambassador.) Fees may not be accepted for official broadcasts (see paragraph 7.43 et seq below).

Broadcasts during Elections

7.11 In 1967, the Minister of Housing and Local Government was advised that he should not appear in a Party Political Broadcast on the eve of the municipal elections. This was on the grounds that this Minister (whose present equivalent is the Secretary of State for the Environment), being the Minister responsible for local government, should not appear to be entering into the election contest. It is most unlikely that similar advice would be given today or that any suggestion of impropriety would be made.

7.12 In a general election, supplementary guidance on broadcasting is given to Ministers when an election is announced (see Chapter 5). By agreement between the major political parties and the broadcasting authorities candidates and spokesmen are invited to broadcast on behalf of their Party during a general election campaign only by arrangement with the national Party headquarters (the invitations being channelled, where convenient, through regional party headquarters). In addition Ministers may be asked to take part as candidates in constituency broadcasts. They are free to accept such invitations as they think fit; but no payment should be received. While there may be the occasional case where it would be right for a Minister to accept an invitation to broadcast on overseas radio or television during an election period such invitations should not be sought and should normally be declined. On some occasions explicit guidance has been issued on this point - see eg C(P)(74).

5. The standard rules apply once more immediately after the election.

Panel discussions

7.13 At one time it was considered inadvisable for Ministers to appear on panel programmes where political questions might be raised. For example, in 1975 Ministers generally were advised not to take part in the BBC Radio programme "Any Questions" because it was felt that the attractions for public presentation of Government policy were outweighed by the dangers of questions going beyond a Minister's own area of responsibility and of being forced to give an off-the-cuff reply without being fully briefed.

7.14 This principle has not been maintained subsequently: Ministers now regularly appear on the equivalent television programme "Question Time". This programme is completely devoted to political questions and for various reasons carries a much higher political profile: any government that abdicated from Ministerial representation would risk conceding a significant political advantage to the Opposition parties who regularly field their most senior figures. Although such programmes are necessarily entirely unscripted, every effort is made to protect the principle of collective responsibility (as well as the reputation of the Government and the individual Minister concerned) by seeking briefing on matters of current political controversy from the Departments concerned.

Other broadcasts

7.15 Invitations to Ministers to broadcast in a private and not a Ministerial capacity may be considered on their merits. The Prime Minister's approval should always be obtained before such an invitation is accepted. This is necessary to ensure that Ministers do not broadcast "officially" in an unofficial guise and to enable guidance to be given on any programme on which it is considered inadvisable for Ministers to appear. (See cases at paragraph 7.28 below for some useful illustrative examples).

WRITING: PRESS AND JOURNALISM

Ministers may not practise regular political journalism including the contribution of regular weekly or fortnightly articles to local newspapers in their constituencies.

Ministers may contribute to a book, journal or newspaper (including a local newspaper in their constituency) for the purpose of supplementing other means of informing the public about the work of their Department provided that publication will not be at variance with their obligations to Parliament and their duty to observe the principle of collective Ministerial responsibility. In cases of doubt, and in all cases where a Minister is contemplating the contribution of an article going beyond the strict confines of his or her Departmental responsibility, the Prime Minister should be consulted, preferably before work has begun and in any case before any commitment to publish is entered into. In all cases where an article contains material which falls within the Departmental responsibility of another Minister, that Minister must be consulted. Ministers should not accept payment for such writings, either on their own or on their Department's account for with to donating the fee to charity.

Ministers are advised not to engage in controversy in the correspondence columns of either the home or the overseas press. Ministers may however see advantage in correcting serious errors or mis-statements of fact which lead to false conclusions. Such letters should be brief and confined to the exposition of the facts. (C(PR)(92) 3 paragraph 94-96).

7.16 In 1923 the Cabinet agreed that Ministers should refrain from writing signed articles on current topics in the Press. This was not, however, intended to debar Ministers from writing to the press to clear up administrative points on which public misunderstanding existed. Originally, there may have been some feeling that it was not proper for Ministers of the Crown to become embroiled in public controversy, as would inevitably happen if they engaged in journalism. But the principal reason for this rule is the difficulty that such a practice would cause in maintaining collective responsibility.

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7.17 In 1973, there was some consideration of whether Ministers might occasionally contribute articles to the Press, perhaps anonymously. Sir Burke Trend advised the Prime Minister that the fact that Ministers were writing the articles would surely become rapidly known and could lead to considerable disquiet - both genuine and politically motivated - among those concerned to maintain the Floor of the House of Commons as the place where the Government's policies should be openly explained and openly defended. If the articles were signed, it could not be argued that Ministers were trying covertly to put across views to which they would not own publicly but they would still be a clear departure from the practice followed by all previous Administrations, both Conservative and Labour. Moreover, while there might be occasions when it would be helpful to the Government that one of its senior members should publish his views on matters of public interest, the Press would naturally wish to exploit Ministerial divisions to the utmost and would seek the views of Ministers who it was believed were at odds with their colleagues than those who were 'orthodox' (file 16/9, Part 2, folio 14). This advice was largely accepted but the permitted exception ("supplementing other means of informing the public about the work of the Department") was extended to enable articles of this type to be expanded "to cover broader issues of Government policy". (C(PR)(76)1, paragraph 119). However the rules about consultation apply to press articles as to speeches and broadcasts (paragraphs 7.1 - 7.4 above).

7.18 The above rules apply equally to British and foreign journals. Ministers should not accept payment for any writings which fall within their scope (but see also paragraph 7.43 et seq below). For guidance on non-political writings, eg book reviews, scientific or humorous articles, see paragraph .29 et seq below).

7.19 The general rule on journalism has been stated in a number of Parliamentary Answers. The most recent statement was by Mrs Thatcher in 1982, in the following terms:

"The rule under this Administration remains that Ministers are precluded from the practice of journalism and from regular journalistic activities, but may contribute to a journal or newspaper for the purpose of supplementing other means of

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informing the public about the work of their Department. They do not accept payment for such writings”.

Local Publications

7.20 After the February 1974 election, several of the newly appointed Ministers who had formerly contributed weekly or other regular columns of political comment to newspapers in their constituency while in Opposition wished to continue to do so. The Prime Minister, after consulting a number of colleagues, ruled that Ministers must regard themselves as precluded from contributing regular weekly or fortnightly articles to local newspapers in their constituencies, but that no objection would be raised to Ministers who so wished writing occasional statements of article length for their local newspapers, subject to appropriate clearance with other Ministers, and no payment being received (file 16/9, Part 2 folio 23 et seq). It was following this that the inclusion of such articles in the general prohibition on journalism was spelt out in “Questions of Procedure for Ministers” (see C(PR)(76)1, paragraph 118). However, it appears that some importance is to be attached to their frequency and to whether they are to appear in a local or other newspaper:

Departmental matters and letters

7.21 Ministers may decide for themselves whether to contribute an article to the Press provided that it does not go beyond the strict confines of their Departmental responsibility. However, where it does so, or where there is a doubt, the Prime Minister’s authority should be obtained. It is usual for a letter correcting a newspaper on a matter of fact or policy to be sent by a Department’s chief information officer. A letter from a Minister is more likely therefore to be on a personal matter, or on a wide issue of Government policy: in either case it may be appropriate for him or her to have the Prime Minister’s guidance

before writing. (See file 4/1/23). Whether a Minister may add his signature to a letter to the Press from an unofficial body will depend on the particular case. Generally it is better for Ministers not to be associated with letters of this kind (see file 4/1/23, file 112/1, file 16/4 and Chapter Six of the Precedent Book).

Party Publications

7.22 Ministers may contribute to the publications of the political organisations with which they are associated. In all cases where an article contains material which falls within the Departmental responsibility of another Minister, that Minister must be consulted (see paragraph 7.13 above). Payment should not be accepted for such article (see also paragraph 7.28ff below). See successive editions of "Questions of Procedure for Ministers" - most recently C(PR)(91) 1, paragraph 140.

Interviews with the Press

7.23 The same considerations apply to granting interviews to the Press as to writing articles for them. At one time (see, eg 16/9, part 1, folio 78) this was not fully appreciated and Ministers were permitted to give interviews (or even to write articles in the form of interviews) as a way of circumventing the prohibition on journalism.

Election Periods

7.24 During a General Election campaign the rules on press articles and interviews are relaxed. Ministers may give interviews to the Press and when Parliament has been dissolved they may also write articles in any newspaper in prosecution of the Government's aims or in defence of its policy. No payment may however be received for such articles (see also paragraph 7.28ff below). As soon as the Election is over, the normal rules apply once more. (See Chapter five).

OTHER INTERVIEWS

Ministers are sometimes asked to give interviews to historians or other persons engaged in academic research or in market opinion surveys, or to fill in questionnaires at their request. Ministers should bear in mind the possibility that their views may be reported in a manner

incompatible with their responsibilities and duties as members of the Government. Careful consideration should therefore be given to such invitations before they are accepted; in case of doubt, the Prime Minister should be consulted. C(PR)(92) 3, paragraph 101).

7.25 Requests for interviews which are not directly related to a Minister's official duties should be considered on their merits. Very similar general principles apply as to Ministerial writings. The first consideration is whether the subject matter may infringe on the principle of collective responsibility or on the confidentiality of Government business. The purpose of the interview and the way in which the information is to be used may also be relevant (eg merely as background or as attributable quotations). There is no objection to Ministers giving interviews on purely private or personal matters (eg their interest in gardening, poetry or whatever) provided they do not touch on Government policy as a result. Strictly speaking approval to all such interviews should nevertheless be obtained in advance. Some examples are given in paragraph 7.28 below.

Historians, Academics etc

7.26 Subject matter, the aim of the author, and the way in which material will be used are particularly important in these cases. Interviews concerned with relatively recent political events or personalities are likely to pose particular difficulties.

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- (ii) 1981 Lord Hailsham (Lord Chancellor) permitted to record a series of "conversations" with the BBC. These were intended to be a source for future historians and researchers and covered his recollections of the previous 50 years. Although the subject matter was primarily historical, some of the talk was bound to touch on recent events and

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the BBC agreed that such parts of the recording could be the subject of embargo or deletion. (16/8, Part 3, folio 11 et seq).

OTHER WRITINGS

The prohibition on the practice of paid journalism by Ministers does not extend to writings of a literary, artistic, musical, historical, scientific, philosophical or fictional character which do not draw directly on their Ministerial experience. (C(PR)(92) 3 Paragraph 100).

7.29 In the past there have been some problems over the interpretation of this rule. It is now established that the general principles set out at the beginning of this chapter apply to all forms of Ministerial writing, including books. Writings that do not relate to Ministers' official duties or position, or draw on their Ministerial experience are not covered by the prohibition on the practice of journalism. It should, however, be noted that literary, artistic, musical, historical, scientific, philosophical and fictional writings are only acceptable in so far as they meet the latter condition.

Books, Pamphlets etc

7.30 Ministers may not, while in office, publish a book on their Ministerial experience and, following the report of the Radcliffe Committee, special rules are laid down

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governing Ministerial memoirs (see paragraphs 7.39 et seq below). There are many precedents for Ministers publishing books which do not bear on their official duties. Annex C contains a list of some books of this kind. There is, similarly, no difficulty when a book which was published while a Minister was not in office is reprinted when he is.

It was felt that this would amount to using public office for private gain (File 16/9, Part 2, folio 38)).

7.31 On occasion Ministers have, while in office, published books which were either of a political nature or else bore directly on the work of their Departments. Thus:

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Articles and Reviews

7.35 There is, of course, no difficulty over articles, including book reviews, which have completely non-political subject matter. Difficulties can arise where the boundary becomes blurred - this is perhaps more likely to arise in the case of reviews. For example, a review of a biography of a past political figure may be acceptable, but not if it is used as a vehicle for comment on current political controversy. Such cases are more properly considered as if they were press articles (ie under the terms of paragraphs 127-129 of "Questions of Procedure"; see paragraphs 7.16 et seq above and the case at 7.36 (iv) below).

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7.37 Ministers are sometimes asked to contribute a forward to a forthcoming book or to provide some form of quotable recommendation. They have generally been advised that they should not do so as this would in effect be helping to promote the enterprise concerned - this is in line with the position on advertising generally (see Chapter Six). It is, of course, permissible for a Minister to support enterprises which are directly connected with his Ministerial duties: see cases quoted below for examples of how this has been interpreted.

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MEMOIRS

The principle of collective responsibility and the need to safeguard national security and our relations with other countries impose certain obligations on former Ministers who are contemplating the publication of material based upon their recollection of the conduct of Government business in which they took part. They are required to submit their manuscript to the Secretary of the Cabinet and to conform to the principles set out in the Radcliffe Report of 1976 (Cmnd 6386).

Ministers may not, while in office, write and publish a book on their Ministerial experience. Former Ministers are required to submit their manuscript to the Cabinet Secretary and to conform to the principles set out in the Radcliffe Report. (C(PR)(92) 3 paragraphs 19, 98).

7.39 In 1975 a Committee of Privy Counsellors was appointed under the Chairmanship of Lord Radcliffe to consider the principles which should govern the publication by former

Ministers of memoirs and other works relating to their experience as Ministers. A summary of the Committee's conclusions and recommendations is at Annex B.

7.40 In the light of the Radcliffe Report, "Questions of Procedure for Ministers" now requires Ministers who are contemplating any publication based on their Ministerial experience to conform to the principles of the Report and to submit their manuscript to the Secretary of the Cabinet.

7.41 The Cabinet Secretary sends all new Ministers on appointment a copy of the summary of the Radcliffe Report and invites them to sign a declaration with regard to any memoirs they may subsequently write. A further copy of the summary is sent to all Ministers on leaving the Government by the Cabinet Secretary's Private Secretary as a reminder of their obligations. (See also Chapter Five).

7.42 It is regrettably true that there are usually no effective sanctions that can be applied to a former Minister who chooses to be unco-operative over the vetting of his manuscript. This was demonstrated by the failure of legal action to prevent the publication (posthumously) of the Crossman Diaries. Nevertheless it is generally possible to reach an acceptable compromise between a former Minister's desire to have an interesting book and the protection of important confidences. The clearance of manuscripts is co-ordinated by the Private Secretary to the Secretary of the Cabinet.

FEES, ROYALTIES, ETC

7.43 The general principle on the payment of fees, royalties and incidental expenses whether for speeches, lectures, broadcasts, press articles, books or other writings is that, if the Minister is appearing or writing in his capacity as a Minister then no fee should be accepted, and incidental expenses should not be paid for. This is because a Minister should not accept payment for something which he does in his capacity as a Minister or which draws on his Ministerial experience; any expenses should fall on public funds. Where, however, a Minister is appearing or writing wholly in a personal capacity, it would be quite wrong for any cost to fall on public funds. In this case the Minister must bear any

costs himself, and if he is offered a fee, royalty or incidental expenses, he may accept it at his own discretion.

7.44 At one time it was argued that it was not really possible for a Minister to speak or write wholly in a personal capacity - any appearance must, in some degree, be a Ministerial one or owed to the individual's position as a Minister - and, for this reason, a Minister should never accept a fee. This line was not applied with complete consistency and it has now been accepted that a distinction can be made between appearances in a personal and in a Ministerial capacity, albeit sometimes with difficulty.

7.45 The greatest care must, however, be taken to ensure that a fee is never accepted in a case where the Minister has drawn on his Ministerial experience or has received an invitation because of his position as a Minister. It is always right to err on the side of caution. Thus Mr Crossman was advised to decline a fee when he was considering whether to give the Granada Northern Lecture in 1967. As these were on the subject of the Government and the electorate it was inevitable that Mr Crossman would draw on his Ministerial experience (in the event Mr Crossman declined to give the lectures) (see File 16/9, Part 1, folio 10ff). On the other hand Mr Roy Jenkins (Chancellor of the Exchequer) appeared on a television programme in May 1969 as an author and biographer and was allowed to accept a fee (see File 16/8, Part 1, folio 29).

7.46 There is no difficulty about accepting "repeat" fees or royalties for broadcasts or writings which were originally published when a Minister was out of office. (See, for example, File 16/8, Part 2, folio 63). Complications can arise if a Minister is appointed to office after a programme has been recorded or an article submitted but before it is broadcast or published. Cases must be considered on their merits and much will depend on the subject matter.

Payments to Charity in Lieu

7.47 The question has often been raised whether a Minister may, in lieu of accepting a fee, direct instead that an equivalent sum should be paid to charity. Sir Norman Brook

said in 1958 that it would be difficult to lay down a firm rule which would apply to all cases, but that where a Minister gave a broadcast which was clearly connected with his official work it would be better if the fee were refused entirely and not passed on to a charity (see File 42/21/5). In November 1966, Sir Burke Trend gave similar advice (to Miss Jennie Lee): "it would be difficult to devise a formal rule which would apply automatically to all cases; but it follows from the principle that a Minister should not accept payment for something which he does on his capacity as a Minister that he should not be able to take credit for making a donation to charity of a fee which would have been paid for something done in a Ministerial capacity" (File 16/8, Part 1, folio 6). Similar advice was given on many subsequent occasions and was endorsed by the Prime Minister (but see also folio 46N on File 194/1, Part 2). There is an additional reason why a fee should not be paid to charity: it is that the media should not be put to expense to have the Government's views represented to them.

7.48 Ministers have continued to wish to give their fees to charities. (See, for example, File 16/8, Part 2, folios 1 et seq (Mr Gray).) They have sometimes suggested that propriety would be met if the donation were made by the fee-payer (eg the BBC) to a charity of its choice, and this has from time to time been done (see File 16/8, Part 1, the note on folio 37). But the only wholly proper course is to decline the fee utterly - see 16/8, Part 2, folio 18.

7.49 In 1967, the BBC made an informal approach about the rules that should apply to Ministers' fees (and fees for the Leader of the Opposition). They were encouraged to turn this into a formal approach so that the Prime Minister's views could be obtained, but did not do so. However, it came to light at this time that it had been decided in 1958 that no fees should be paid for "concessionary" broadcasts (ie Ministerial, party political, Budget or Election broadcasts), and that Ministers could be paid for broadcasting in a personal capacity but not for appearances in a Ministerial capacity. (See File 16/8, Part 1, folio 15ff).

7.50 In reply to a Parliamentary Question in 1970 the Prime Minister (Mr Heath) confirmed that his Administration followed the practice of previous Administrations and did not accept fees for television and radio appearances. (Hansard, House of Commons, 16 December 1970, cols 115-116. A brief for the Prime Minister, notes for supplementaries and a background note for the Question are on File 16/8, Part 1.)

7.51 A Minister may continue to receive, when in office, royalties from work published when he was not a Minister and, by analogy, he may accept a fee where one of the broadcasting authorities uses again a recording made while he was out of office (see File 16/8, Part 1, folios 20 and 22, and Part 2, folios 62 and 63).

7.52 Cases

Opposition but which was published after he was appointed to Ministerial Office.

- (v) 1981 Lord Hailsham (Lord Chancellor) given discretion to accept fees for his "conversations" with the BBC (see 7.28 (i.) above).
- (vi) 1982 Lord Hailsham (Lord Chancellor) was not permitted to accept fees for the Hamlyn Lectures (see paragraph 7.9 (ii) above) about the legal system since the subject matter was related to his office.

CHAPTER SEVEN
FILES AND NOTES

FILES

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| 16/8 | Propriety of Ministerial Speeches and Broadcasts and Question of Payment: Cases |
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NOTES

1. In reply to a parliamentary Question on 1 November 1947, the Prime Minister (Mr Attlee) said:

“The principle of collective responsibility requires that any Minister making a public statement on matters outside his own departmental responsibilities shall consider whether the views which he proposes to express are in accord with Government policy and, if need be, put the matter beyond doubt by consultation with his colleagues. This applies to statements on foreign affairs as on other aspects of Government policy. Civil servants and senior officers in the Forces in this country are not normally encouraged to make public statements on matters or policy”. (Hansard, House of Commons. Col 514).

In March 1976, Mr Heath was asked what administrative arrangements there were to ensure that a Minister's Departmental responsibilities were not encroached on in public pronouncements by other Ministers. He said:

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"In this, as in previous Administrations, it is at times appropriate for my Rt Hon Friends to refer in their public speeches to subjects which are the Departmental responsibility of another Minister. But such cases are covered by the standing arrangements for consultation between Departments." (Hansard, House of Commons, Cols 238-239).

2. For example, in July 1985 the Lord President's group considered to what extent and in what form the DHSS might use paid advertisements in the press as part of its consultation exercise on proposals for reform of the Social Security system. This was against the background of the Widdicombe inquiry into local government practices which was due to report, and expected to be critical of some of the purposes for which rate funded advertising was used by local authorities. The Government had submitted evidence to the inquiry on the conventions relating to central Government publicity.

3. In June 1958 Lord Carrington, the then United Kingdom High Commissioner in Australia, asked whether he could properly speak in the House of Lords on Australian matters during a stay in this country. The Secretary of the Cabinet (Sir Norman Brook) advised that this was in principle undesirable. He thought that a peer who was at the same time a servant of the Crown should not speak in the House of Lords on matters which were his official concern; if anything were to be said in the House about Australian matters, it might be expected that Lord Home, then Commonwealth Secretary and Leader of the House, would say it. (See File 27/8/10).

4. For the initial agreement with the Opposition and the BBC on political party broadcasts, see CP(47) 63. Copies of the aide-memoire annexed were given to the Opposition leaders. (The arrangements have since been notified.)

5. Prior to the appointment in 1957 of the Chancellor of the Duchy of Lancaster (Dr Hill) to supervise Government information policy, Ministers who wished to broadcast were required to seek the Prime Minister's approval after consultation with the Postmaster General. Earlier still responsibility for co-ordinating Ministerial broadcasts was held by

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the Lord Privy Seal (193-40) and the Minister of Information (1940-45). In 1961, on Dr Hill's appointment as Minister of Housing and on the appointment of a Secretary for Technical Co-operation, the former retained responsibility for supervising Government information policy at home (including his previous responsibilities in relation to Ministerial broadcasts) while the latter assumed responsibility for supervising policy abroad. In July 1962 the Minister without Portfolio relieved the Minister of Housing of responsibility for supervising Government information policy at home.

In 1964 Mr Wilson decided not to charge any Minister with a responsibility for co-ordinating Ministerial broadcasts. Instead, Ministers were asked to refer direct to No 10 those matters which the directions in the notes on procedure required them to refer to the "Co-ordinating Ministers". (See Private Secretary letter of 5 November 1964, on File 42/21/5.) This has been formalised in later editions of "Questions of Procedure for Ministers".

6. The Parliamentary Under Secretary of State for the Royal Air Force had, with the Prime Minister's approval, contributed an anonymous article to The Times on 31 January 1973. It was only when it was subsequently suggested that his practice might be extended that Cabinet Office advice was sought.

7. The general rule on journalism has been stated on a number of other occasions in Parliamentary Answers, Hansard, House of Commons, 3 March 1927, Col 539; 5 May 1932, Col 1281, 9 February 1933, Cols 352-3; 26 November 1934, Cols 499-500; 3 December 1934, Cols 1233-4; 2 December 1937, Cols 2238-9; 27 January 1947, Cols 935-6; 4 November 1965, Col 234.

8. The suggestion that Ministers might be accompanied by a member of their Information Branch arose from the appointment by the Sunday Times in 1965, of a "Whitehall Correspondent", which carried with it an implied challenge to the conventions governing the conduct of public business. The Prime Minister (Mr Wilson) directed that Ministers should not give press interviews, whether attributable or unattributable, except

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in the presence of a reliable witness such as a Public Relations Officer or a Private Secretary; and that a careful note of such interviews should always be made. (See Private Secretary letter of 26 February 1965, on File 4/1/23, Part 2.)

9. In the sixties it was argued in a number of cases that the ban on journalism included journalism of a literary etc kind primarily because in all journalistic circumstances there must be a danger that the views expressed will be taken to be the views of the Government and several Ministers were advised not to review books in newspapers or magazines (see for example file 16/9 Part 1, folios 33,37, 41). More recently so severe a view has not been taken, and Ministers have been advised that they need not decline to review a book (see file 16/9, Part 2 folio 40) or contribute an obituary (16/9, Part 2, folio 32). On these recent precedents the guidance is interpreted as meaning that literary, artistic and other writings are exceptions to the ban on journalism.

10. "Questions of Procedure for Ministers" only states the principle in relation to broadcasts, press articles and party publications but it applies also to speeches and lectures. Thus the Prime Minister (Mr Wilson) wrote to Anthony Grant MP in September 1974:

"The rules governing payment to Ministers for articles in the press, or for radio and television broadcasts, have been unchanged for many years. They are that Ministers should accept payment neither for official broadcasts on sound radio or television nor for any contributions to books, journals or newspapers on the work of their Department or on broader issues of Government policy". (file 168, Part 2, folio 45).

11. The 1969 version of "Questions of Procedure for Ministers" ruled that Ministers should not accept any payment for broadcasts on sound or television; but previous and subsequent versions have restricted this to broadcasts in an official capacity. In reverting to the status quo ante in 1971 the Prime Minister (Mr Heath) said that he did not see why

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Ministers should not accept payment for broadcasts of a non-official character. (File 194/3, Part 3, folio 8, folio 2M).

12. Thus in 1967, the Minister of Housing and Local Government was advised not to accept a fee when appearing in a television programme called "Birthday Honours". The programme did not involve the Minister in his official capacity, but it was felt that, if he had not been a Minister, he might well not have received the invitation.

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ANNEX C

CHAPTER SEVEN

MINISTERIAL WRITINGS OF A LITERARY, ARTISTIC, MUSICAL, HISTORICAL, SCIENTIFIC, PHILOSOPHICAL OR FICTIONAL CHARACTER

1. In July 1960, when Mr Enoch Powell rejoined the Government as Minister of Health, he was proposing to publish a book on "Savings in a Free Society" in September. The book had been advertised for some six months previously, and the preface was dated March 1960. Mr Powell arranged for a slip to be inserted in the review copies pointing out that the book was out of his hands in July 1960; and the Prime Minister saw no objection to the book's publication. (See File 4/1/23).

2. In the autumn of 1961 the Colonial Secretary (Mr Macleod) published, in a private capacity, a biography of Mr Neville Chamberlain, extracts from which appeared in the Sunday Times in July and August of that year. The Secretary of the Cabinet ascertained that in writing this book Mr Macleod had not made use of the Departmental facilities available to him as a Minister; warned the Prime Minister and the Queen's Private Secretary that the book was to be published and secured official permission for its publication; reassured Lord Avon, in view of his personal interest in the events described in the book, that it would be made clear to the Press that the book was written by Mr Macleod in his private capacity; and arranged or the Prime Minister's Press Office to make public the fact that Mr Macleod had written the book in his private capacity and not as a Minister of the Crown or a member of the Government. (See File 28/2/383).

3. In March 1965 the Prime Minister (Mr Wilson) agreed to a proposal that the Lord Privy Seal (Lord Longford) should collaborate with another author in writing a biography of Mr de Valera. It was suggested to Lord Longford, inter alia, that he should show the text in draft to the Commonwealth Secretary if the book was to be published while Lord Longford was still a Minister. (File 32/495).

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4. In June 1967 the Prime Minister agreed that Mr Reynolds (Minister of Defence for Administration) might publish a book on the 1918 Police mutineers. (File 16/3).

5. In 1976 Mr Hattersley (the Secretary of State for Prices and Consumer Protection) published a book of essays "Goodbye to Yorkshire".

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ANNEX B

**SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS IN THE REPORT
OF THE RADCLIFFE COMMITTEE ON MINISTERIAL MEMOIRS (Cmnd.
6386, JANUARY 1976)**

1. The conventions currently governing the publication by former Ministers of memoirs and other works relating to their experience as Ministers were laid down in a statement made in the House of Commons on 1 August 1946 on behalf of the Prime Minister (Mr Attlee) by the Lord President of the Council (Mr Herbert Morrison). This was based on a memorandum by the Secretary of the Cabinet, Sir Edward Bridges, which Mr Attlee's Cabinet had approved. (Paragraphs 13, 12, 41, 42).

2. The conventions established in 1946 have been maintained under successive Administrations and the Committee do not recommend modification of the principles then advocated. They do however draw out of the conventions certain specific working rules; and make recommendations as to the administrative structure which should condition the clearance of an ex-Minister's intended memoirs. The conventions are to be regarded as concessions made to the author, rather than as restrictions imposed on him. (Paragraphs 19, 38, 43).

3. The author should be free to use his Ministerial experience for the purpose of giving an account of his own work, subject to restrictions on three separate categories of information:

1. He must not reveal anything that contravenes the requirements of national security operative at the time of his proposed publication.
2. He must not make disclosures injurious to this country's relations with other nations.

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3. He must refrain from publishing information destructive of the confidential relationships on which our system of government is based. In particular -

a. In dealing with the experience that he has acquired by virtue of his official position, he should not reveal the opinions or attitudes of colleagues as to the Government business with which they have been concerned. That belongs to their stewardship, not to his. He may, on the other hand, describe and account for his own.

b. He should not reveal the advice given to him by individuals whose duty it has been to tender him their advice or opinions in confidence. If he wishes to mention the burden or weight of such advice, it must be done without attributing individual attitudes to identifiable persons. Again, he will need to exercise a continuing discretion in any references that he makes to communications received by him in confidence from outside members of the public.

c. He should not make public assessments or criticisms, favourable or unfavourable, of those who have served under him or those whose competence or suitability for particular posts he has had to measure as part of his official duties.

He may, however, regard the obligations concerned with confidential relationships (but not those concerned with national security and international relations) as lifted after the expiry of 15 years from the relevant events, though even beyond that point he should not reveal the advice tendered by individuals who are still members of the public services nor make public assessments or criticisms of them. (Paragraphs 45-47, 83, 85, 86).

4. These restrictions leave him a wide latitude for the writing of an account of his stewardship. (Paragraph 87.)

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5. The established principles of law do not provide a system which can protect and enforce those rules of reticence that the Committee regard as called for when ex-Ministers compose their memoirs of Ministerial life. **(Paragraph 65).**
6. Nor does legislation offer the right solution. **(Paragraph 69).**
7. There can be no guarantee that, if the burden of compliance is left to rest on the free acceptance of an obligation of honour, there will never be an occasional rebel or an occasional breach; but so long as there remains a general recognition of the practical necessity of some rules and the importance of observing them, even though made the subject of sensational publicity, should be taken as having shattered the fabric of a sensible system. **(Paragraph 69).**
8. A Minister on taking and leaving office should have his attention drawn explicitly to his obligations in relation to memoirs. **(Paragraph 71, 72).**
9. A former Minister proposing to publish a work relating to his Ministerial experience should submit the manuscript to the Secretary of the Cabinet. **(Paragraphs 73-77).**
10. The Secretary of the Cabinet, acting at the request and on behalf of the Prime Minister should have duties of two kinds in relations to such a manuscript. **(Paragraph 77,78).**
 1. To have it examined in respect of national security and the preservation of international relations and to transmit any objections to the author. The author should have a right of reference to the Prime Minister but should accept the latter's decision as final. **(Paragraph 79).**

2. To offer views on the treatment of confidential relationship in the manuscript. The author should pay careful attention to this advice but must take upon his own shoulders the responsibility for deciding what he is going to say. If he decides to publish material in spite of advice from the Secretary know what he proposes to do so that before publication there may be time for the Prime Minister's own direct influence to be brought to bear upon the dispute, if the Prime Minister so wishes. (Paragraph 80).

11. A former Minister who has kept a diary of his Ministerial experience should give testamentary instructions to ensure that its publication does not flout the current understandings that his own ex-colleagues are likely to be observing. (Paragraph 99).

12. Former members of the public services should be under the same obligation as former Ministers to submit their manuscripts for scrutiny with regard to national security and international relations, and to defer to the judgement of those carrying the immediate responsibilities in these fields. In the matter of confidential relationships, the principles which the Committee enunciate concerning publications by ex-Ministers, the obligations which they suggest should rest upon them, and the periods for which those obligations should be maintained, should all be reflected also in the rules governing the publication of memoirs and other works relating to their official experience by former members of the public services. (Paragraphs 92,93).

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ANNEX B

GUIDANCE NOTE ON THE CONCLUSIONS AND RECOMMENDATIONS IN THE REPORT OF THE RADCLIFFE COMMITTEE ON MINISTERIAL MEMOIRS (Cmnd. 6386, JANUARY 1976) AND THEIR APPLICATION

1. The conventions currently governing the publication by former Ministers of memoirs and other works relating to their experience as Ministers were laid down in a statement made in the House of Commons on 1 August 1946 on behalf of the Prime Minister (Mr Attlee) by the Lord President of the Council (Mr Herbert Morrison). This was based on a memorandum by the Secretary of the Cabinet, Sir Edward Bridges, which Mr Attlee's Cabinet had approved.

2. The conventions established in 1946 have been maintained under successive Administrations and the Committee do not recommend modification of the principles then advocated. They do however draw out of the conventions certain specific working rules; and make recommendations as to the administrative structure which should condition the clearance of an ex-Minister's intended memoirs. The conventions are to be regarded as concessions made to the author, rather than as restrictions imposed on him.

3. In 1993 a small group of Ministers chaired by the Lord Privy Seal considered, at the request of the Prime Minister, whether the conclusions and recommendations of the Radcliffe Committee were still valid in whole or in part, given wider changes in attitude since 1976. It concluded that there should continue to be conventions governing Ministerial and official memoirs and that there should continue to be procedures for establishing whether memoirs would give rise to national security and international relations concerns, or would have a destructive effect on the ability of Ministers and officials to speak frankly in Government. The principles which should apply are outlined in subsequent paragraphs to this guidance note.

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4. The author should be free to use his Ministerial experience for the purpose of giving an account of his own work, subject to restrictions on three separate categories of information:

1. He must not reveal anything that contravenes the requirements of national security operative at the time of his proposed publication.

2. He must not make disclosures injurious to this country's relations with other nations.

3. He must refrain from publishing information destructive of the confidential relationships of Ministers with each other, and of Ministers with officials. In particular, references to individuals and their view of particular circumstances may be permitted provided that their disclosure would not damage either Ministers or officials - particularly those still in office - in their work. In general he should not reveal the advice given to him by individuals whose duty it has been to advise him in confidence. If it is necessary to describe the advice he received, he should consider whether it is possible to mention the advice given without attributing individual attitudes to identifiable persons. He is however free to give an account of his own stewardship. Under this heading he should also treat with discretion communications received by him in confidence from outside members of the public.

He should not make criticisms of those who have served under him or those whose competence or suitability for particular posts he has had to measure as part of his official duties.

He may, however, regard the obligations concerned with confidential relationships (but not those concerned with national security and international relations) as lifted after the expiry of 15 years from the relevant events, though even beyond that point

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he should not reveal the advice tendered by individuals who are still members of the public services nor make public assessments or criticisms of them.

5. These restrictions leave him a wide latitude for the writing of an account of his stewardship.

6. The established principles of law do not provide a system which can protect and enforce those rules of reticence that the Committee regard as called for when ex-Ministers compose their memoirs of Ministerial life.

7. Nor does legislation offer the right solution.

8. There can be no guarantee that, if the burden of compliance is left to rest on the free acceptance of an obligation of honour, there will never be an occasional rebel or an occasional breach; but so long as there remains a general recognition of the practical necessity of some rules and the importance of observing them, even though made the subject of sensational publicity, should be taken as having shattered the fabric of a sensible system.

9. A Minister on taking and leaving office should have his attention drawn explicitly to his obligations in relation to memoirs. He may have access to the Departmental and Cabinet papers he saw while in office for the purpose of writing his memoirs, but any request for access will only be granted on the understanding that the Radcliffe conventions and procedures, as set out in this note, are followed.

10. A former Minister proposing to publish a work relating to his Ministerial experience should submit the manuscript to the Secretary of the Cabinet.

11. The Secretary of the Cabinet, acting at the request and on behalf of the Prime Minister should have duties of two kinds in relations to such a manuscript.

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1. To have it examined in respect of national security and the preservation of international relations and to transmit any objections to the author. The author should have a right of reference to the Prime Minister but should accept the latter's decision as final.
2. To offer views on the treatment of confidential relationship in the manuscript, bearing in mind the guidance given in paragraph 4 above. The author should pay careful attention to this advice but must take upon his own shoulders the responsibility for deciding what he is going to say. If he decides to publish material in spite of advice from the Secretary of the Cabinet, he should let the Secretary know what he proposes to do so that before publication there may be time for the Prime Minister's own direct influence to be brought to bear upon the dispute, if the Prime Minister so wishes.
12. A former Minister who has kept a diary of his Ministerial experience should give testamentary instructions to ensure that its publication does not flout the current understandings that his own ex-colleagues are likely to be observing.
13. Former members of the public services should be under the same obligation as former Ministers to submit their manuscripts for scrutiny with regard to national security and international relations, and to defer to the judgement of those carrying the immediate responsibilities in these fields. In the matter of confidential relationships, the principles which the Committee enunciate concerning publications by ex-Ministers, the obligations which they suggest should rest upon them, and the periods for which those obligations should be maintained, should all be reflected also in the rules governing the publication of memoirs and other works relating to their official experience by former members of the public services.

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CHAPTER EIGHT

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CHAPTER EIGHT

CONSTITUENCY AND OTHER MISCELLANEOUS MATTERS

8.1 Many of the matters covered by the Precedent Book are difficult to categorise or could be categorised in a number of different ways. It is therefore important to check all the chapters which might have a bearing on the problem under consideration. This chapter is intended to fulfil two purposes: first, to provide a home for subjects which do not fit easily into any of the other chapters and, second, to act as a guide to the location of advice on other subjects where the correct chapter is not necessarily immediately apparent. As something of a safety-net, the chapter is therefore perhaps the least coherent and least developed section of the Precedent Book: it will no doubt expand as "miscellaneous" cases arise over the years.

CONSTITUENCY MATTERS

8.2 There are a number of areas where tensions can arise between a Minister's official duties and his role as a constituency member. These generally result either from his position as a leading member of the community (eg invitations to associate in various ways with a very wide range of local organisations) and his duty to represent the interests of his constituency and constituents (especially in representing their interests to the Government). Many of the subjects likely to arise are covered elsewhere in the Precedent Book, notably in Chapter Six (Ministers' Private Interests) and Chapter Seven (Speeches, Broadcasts and Writings). Difficulties can also arise in reverse: a Minister may be required as part of his official duties to take decisions which specifically effect his constituency (see paragraph 8.4 et seq below).

Facilities for Constituency and Party Work

It is wrong in principle for Ministers to use for constituency work facilities provided at public expense to enable them to carry out their public duties. This point of principle is reflected in the entitlement of Ministers to a Parliamentary salary in recognition of the time spent in attending to the interests of the constituents, and to the reimbursement of their secretarial expenses and the expenses of living away from

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home when attending to constituency business, within the limits prescribed by the Resolution of the House of Commons of 21 July 1987. Ministers should thus have their constituency work done at their own expense, as they would if they were private Members of Parliament. (C(PR)(92)3, paragraph 59).

8.3 The principle that public facilities should not be used for constituency work is very clearly laid down in "Questions of Procedure" (see extract above). Exactly the same principle applies to purely party political activity (see paragraph 8.33 et seq below).

Ministerial Decisions

8.4 There is a risk of conflict of interest when a Minister is required to take a decision which will clearly have direct consequences for his own constituency. There is no real difficulty over broad policy decisions even though such decisions will often have foreseeable consequences for individual areas as the effect on his own constituency may

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be regarded as secondary. It is also recognised and accepted that government policy will be influenced by electoral factors. Greater difficulty arises in relation to detailed executive decisions made by a Minister's Department which may benefit (or harm) his own constituency - for example the placing of contracts. Many such decisions are sufficiently routine or minor not to require Ministerial involvement but when a Ministerial decision is required it should, whenever possible, be taken by a Minister in the Department whose constituency is not directly affected. A particular difficulty can arise where the Minister concerned has a specific statutory responsibility for the decision (for example in relation to a planning inquiry - see also Chapter six). In such cases he must retain formal responsibility for the decision but it may nevertheless be possible to make arrangements for another Minister effectively to make the decision (see case at paragraph 8.7 below).

8.5 Similar risks of a conflict or an apparent conflict of interest arise to a lesser degree in relation to decisions affecting the constituency of a Ministerial colleague or a backbench member of the Government. It is of course legitimate for a Minister to take into account the representations of any MP on behalf of his constituency and it is generally accepted that representations from a political colleague are likely to carry greater weight, other things being equal. The important thing is to avoid direct political favouritism or impropriety but there is no clear dividing line. The key question is whether a particular decision is publicly defensible on general grounds. Since such cases usually, although not invariably, involve public expenditure the role of the Accounting Officer (and, of course, the Public Accounts Committee) provide a major safeguard in this respect.

8.6 A strict interpretation of these principles would also imply severe limitations on Ministerial decisions favouring particular constituencies during election campaigns. There are, of course, restrictions on major policy initiatives during an election campaign (see Chapter Five) but few Governments can resist expediting individual administrative decisions which may have beneficial electoral consequences in particular constituencies. Again, provided the decisions are defensible on general grounds, there is no direct impropriety.

8.7 Cases Most cases will be found in Chapter Six under the appropriate type of interest. See in particular the arrangements made in 1984 in relation to the Stansted planning enquiry to protect the position of Mr Jenkin (Secretary of State for the Environment).

Constituency Representations

Ministers should not take part in any public representations (or in deputations) to other Ministers: but they are free to make their views about constituency matters known to the responsible Minister by correspondence or by personal interview provided that this is done in a way not designed to attract publicity. (C(PR)(92) 3 paragraph 62).

8.8 The principle from "Questions of Procedure" quoted above is generally extended to include public representations which are not made directly to Government but which may nevertheless affect the activity of a Government Department or bear on public policy (for example evidence to a Royal Commission - but see paragraph 8.41 below).

Planning Inquiries

8.9 A particular difficulty arises in the case of planning inquiries, or other matters on which Ministers are required to exercise discretion (eg hospital closures, highway inquiries, listing decisions). This is because in such cases, all evidence material to the decision which the decision-maker takes into account must be available to all parties with an interest in the decision: representations in private cannot be taken into account. The implications of this were considered at length in 1989. The initial guidance issued by Number 10, on Cabinet Office advice, was that Ministers should refrain from expressing a view in their capacity as a constituency MP on planning applications or planning appeals (etc) and confine themselves to passing on their constituents' representations to the Ministers concerned. However, this guidance provoked considerable resistance among Ministers, and was subsequently revised (see Annex B) and is now included in QPM (paragraph 105). The guidance now permits Ministers to express views, subject to the following constraints:

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- (i) any comments made by a Minister in a constituency case should be made available to the other parties;
- (ii) there should be no criticism of Government policies;
- (iii) any submission should confine itself to comments which could reasonably be made by those who are not Ministers;
- (iv) in putting forward their views, Ministers should make clear that they are doing so as constituency Members of Parliament and should not use their position in any way which could be interpreted as an abuse of the influence they possess as Ministers;
- (v) any comments should generally be in the form of a written submission, and not a personal appearance (eg at an inquiry) or a media interview;
- (vi) once a decision has been issued, it should be accepted without question or criticism.

More generally, Ministers should make sure, in expressing such views, that they do so in a way which does not create unnecessary political difficulty for colleagues who have to take the decision, for the Government generally or for themselves in subsequently accepting and defending the outcome as a member of the Government. They should also take account of any potential implications which their comments could have on their own Departmental responsibilities.

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Individual Casework

8.11 The general principle is that Ministers should deal with individual constituency cases in the same fashion as they would if they were a private Members (see paragraph 8.3 above). Where such cases involve another Government Department it is therefore normally appropriate for a Minister to write to the colleague concerned on constituency or House of Commons stationery.

8.12 Where a case involves Ministers' own Departments, they will, however, generally wish to investigate the matter themselves. There is no objection to their so doing so long as the guidance relating to personal applications to Ministers in Chapter Six is observed, but special considerations apply where a constituent has asked a Minister to submit a complaint to the Parliamentary Commissioner for Administration (see paragraphs 8.13 - 8.14 below).

8.13 Ministers in the Commons who are asked by members of the public to submit cases to the PCA should, where possible, act no differently from other MPs. Accordingly they should consider such requests on their merits in deciding whether to refer to the PCA, to take them up with the Minister of the Department concerned, to refer the case to another MP (where the complaint is not from a constituent) or to decline to take action. Any Minister who has in mind the reference of a case to the PCA would naturally wish to inform in advance the Minister of the Department concerned.

8.14 Where complaints involve Ministers' own Departments, they will generally wish to investigate them personally unless they or one of the other Ministers in the Department, has already been directly involved. Where a Minister has been so involved, the PCA should be asked to investigate if the case is within the jurisdiction; and there may be other circumstances in which a Minister will prefer to refer a case to the PCA straight away. (See C(PR)(91) 1 paragraphs 103-104).

Contacts with Foreign Minority Groups

8.15 In 1985 the Foreign and Commonwealth Secretary advised Ministers on the problems that could arise in responding to approaches from constituents who form part of "separatist" or "dissident" minority groups in other countries, particularly those within the Commonwealth. Such minority groups are often active in lobbying MPs and members of the Government in support of their objectives. Although FCO Ministers meet Ministers and a wide range of legitimate political figures from Commonwealth and other countries, they do not receive representatives of "separatist" or "dissident minority groups as such, because of the need to avoid any suggestion that the Government might be prepared to consider interfering in the international affairs of other countries.

8.16 It is not possible to apply quite such a strict guidelines to contacts between Ministers and groups of their own constituents but Ministers were asked to bear in mind, when meeting or receiving papers or petitions from such groups, the importance of not giving any impression (which might result simply from their Ministerial status) that the Government might perhaps prepared to lend support to a minority group's case in a dispute with any other government. (194/1, Part 7, folio 39).

London Organisations

8.17 In their capacity as local MPs Ministers are asked to associate themselves with local organisations of almost every conceivable type. Most of these will fall within the scope of the guidance on pressure groups (broadly defined in Chapter Six and, in particular, the sections on Health and Welfare Groups and Charities; Education and Social Policy Matters; Environmental, Local and Community Organisations; Local Government;

Sport and the Arts; and Appeals. This is not, however, exclusive see for example cases under Housing Associations, Educational Bodies and Land, Property and Planning.

Local Authorities

8.18 Ministers should not be members of local authorities - see Chapter six.

Local Media

8.19 Chapter Seven contains guidance on all aspects of speeches, broadcasts and writings by Ministers and specifically on contributions to local publications (paragraph 7.20) and on invitations to broadcast in a non-ministerial capacity (see paragraph 7.15 and 7.44 in particular).

MINISTERIAL VISITS AND TRAVEL

8.20 "Questions of Procedure for Ministers" contains quite extensive guidance on Ministers' Visits (CPR)(92)3, paragraphs 63-81). Additional guidance on the use of official travel facilities is contained in a separate booklet 'Travel by Ministers' (C((PR)(92)[4]) issued to all Ministers.

8.21 The guidance in "Questions for Procedure" covers the following areas:

- a. Planning Visits (paragraphs 63-65)
- b. Leave of Absence (paragraphs 66-67)
- c. Entertainment Overseas (paragraph 68)
- d. Ministers recalled to Vote (paragraph 69)
- e. Ministers' Visits in the United Kingdom (paragraphs 70-71)
- f. Expenses on Travel and Hospitality (paragraphs 72-73)
- g. Travelling Expenses of Spouses (paragraph 74)
- h. Special Advisers (paragraph 75)
- i. Relations with other Governments (paragraph 76)
- j. Visits by Commonwealth or foreign Ministers (paragraph 77)
- k. Foreign decorations (paragraph 78)

1. Offers of hospitality, open letters, gifts, etc (paragraphs 79-81)

Official and Non-official Visits

8.22 The test of whether a visit can be regarded as official should be whether or not a Minister can be regarded as representing the Government in fulfilling the engagement. Ministers speaking about matters for which they are responsible within Government or about specific aspects of Government policy should be so regarded (unless the occasion is clearly a Party political one). Speeches on more generalised political themes can pose a problem: much depends on the nature of the occasion and the detailed circumstances surrounding the invitation: for example whether the request has come through Party channels, a direct approach - in which case it is a suitable and useful occasion for an official speech - or via some Government channel. Additional complications can arise if a programme involves a mixture of official and non-official activities. Again, a lot depends on the detailed circumstances but, generally, if the principal objective of the visit is official it would probably be over - officious to insist on distinguishing additional expenses caused by non-official diversions provided that propriety did not demand that these were made overtly non-Governmental visits. For example, when the Lord Privy Seal (Mr Biffen) sought advice on whether a speechmaking visit to Northern Ireland could include a visit to a farm and a factory no objection was raised if this was done through the Northern Ireland Office simply as an exercise in familiarising him with some aspects of life in the Province. (194/1, Part 7, folio 34).

Planning the Visit

Overseas visits should not normally be made while Parliament is in Session. Ministers should arrange such visits only in the Recess or, where appropriate, at weekends, except where the visit is in connection with the business of the European Community or there are other compelling reasons of Government business. In particular, overseas visits which are largely of a fact-finding kind should be reserved exclusively for the Parliamentary Recess. Moreover, in planning overseas visits Ministers should take account of [the rule] that Cabinet meetings take precedence over all other business (other than meetings of the Privy Council). Sufficient Ministers must also be available during recesses to ensure effective conduct of

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Government business, and it may be necessary for this reason to restrict or reconsider absences abroad.

In order to obtain the fullest value from an overseas visit it is essential that the Foreign and Commonwealth Office should be asked by Private Secretary letter (copied to the Department of Trade and Industry where the visit has a trade promotion aim) at the earliest stage possible. Provided the proposed visit does not clash with other proposed Ministerial visits, the Foreign and Commonwealth Office will then consult the diplomatic post in the country to be visited to ensure that local considerations and complications of timing are taken into account in setting the dates and drawing up the initial programme. Even in the case of visits to international meetings on a fixed date it is important to inform the Foreign and Commonwealth Office of the visit as it will have a bearing on the time of other visits. This should be distinct from the subsequent letter seeking the Prime Minister's or Foreign and Commonwealth Secretary's approval Ministers' Private Secretaries should not themselves approach posts direct nor should they make tentative preparations before telling the Foreign and Commonwealth Office: arrangements for official Ministerial visits should invariably be put in the hands of the diplomatic post.

Ministers should make it their personal responsibility to approve the size and composition of any Ministerial delegation for which their Department is responsible. (Where a delegation includes a Foreign and Commonwealth Office Minister the concurrence of the Foreign and Commonwealth Secretary in the size and composition of the delegation should also be obtained.) Each Minister in charge of a Department should ensure that the Department draws up and maintains a comprehensive and central record of travel by Ministers in the Department. This record should contain details of the numbers and costs of all Ministerial delegations whose travel has been at public expense, including visits to EC countries for the purpose of attending regular meetings of EC Councils or Ministerial meetings on Political Co-operation. The record should be maintained in such a way that an up-to-date list of visits and costs of such visits can be made available by Departments at short notice in the event of Departmental Ministers being asked to account for travel

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undertaken by Ministers in their Departments. Ministers should give a lead in keeping down the size of parties of visitors, by keeping their own parties as small as possible. (C(PR)(92)3, paragraphs 63-65).

8.23 In addition to the factors maintained above, there are a number of security matters to be taken into account, particularly in the case of visits to the Irish Republic. Periodic guidance is circulated on this subject through Private Secretary letters issued by the Private Secretary to the Secretary of the Cabinet. A copy of the latest such guidance is at Annex C.

Leave of Absence

Any member of the Cabinet who wishes to be absent from the United Kingdom, for any reason, except for visits to European Community countries on official business, or visits to member countries for NATO or WEU business should:

- i. Seek the Prime Minister's approval. This must be done before any commitment, even of an informal nature, is made. The reasons for the visit and a list of the countries to be visited should be given; in the case of official visits, the number of officials and the reasons for taking them should also be specified.

Copies of the letter should be sent to the Foreign and Commonwealth Secretary and to the Chief Whip: their views will be taken into account by the Prime Minister before reaching a decision. A copy should also be sent to the Secretary of the Cabinet.

- ii. After the Prime Minister's approval has been obtained the Minister should, for all the visit abroad other than visits to NATO or WEU countries on official business, seek The Queen's permission to leave the country. At the same time Her Majesty should be informed for the arrangements made for the administration of the Minister's Department during absence.

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Other Ministers who propose to leave the United Kingdom whether on duty or on holiday need not obtain The Queen's permission to do so. There is also no need for them to seek the Prime Minister's approval for such a visit, provided that approval has been given by the Ministerial head of the Department concerned, the Foreign and Commonwealth Secretary and the Chief Whip. These arrangements do not affect the requirement for the Prime Minister's approval to be sought for official visits overseas by Ministers' spouses, special advisers and by Parliamentary Private Secretaries. (C(PR)(92) 3 paragraphs 66-67).

8.24 Leave of absence is also required if any Cabinet Minister wishes to be absent from a meeting of the Cabinet. Cabinet Meetings take precedence over all other Government business (except the Privy Council). Cabinet Ministers are therefore expected to arrange their schedules so that they are able to attend and will be permitted to miss Cabinet only for exceptional reasons (see Chapter Two). It is, however, accepted that it may not be possible to adjust European Community meetings and other major international meetings. Prime Ministers have periodically issued personal reminders to their colleagues on this point (see for example that issued by Mrs Thatcher in May 1984 - 195/1, Part 5 folio 11).

Entertainment Overseas

8.25 If it is thought that a Minister may need to provide official entertainment while overseas, the advice of the Foreign and Commonwealth Office should be sought both on the desirability and on the form of such entertainment.

Ministers recalled from abroad

If a Minister is abroad with permission and is called home for ministerial or parliamentary reasons - including to vote - the cost of the extra journey back and forth may be met by public funds. (C(PR)(92) 3, paragraph 69).

8.26 The question has sometimes arisen as to the extent to which the Foreign and Commonwealth Office should assist in recalling backbench MPs to vote. There is, of

course, no question of the travel costs of backbench MPs being borne by the Government but in 1985, after consulting the Cabinet Office, the Foreign and Commonwealth Office took the view that it was reasonable that they should be prepared to assist in recalling an MP of any party travelling on official business or in the capacity of a Member of Parliament. (See also Chapter 12.)

Visits in the United Kingdom

Ministers who are planning official visits to Scotland, Wales and Northern Ireland should inform the Secretary of State concerned and the Chief Whip. It is also customary to inform the Home Secretary of the prospective visits to the Channel Islands and the Isle of Man.

It is the custom for a Minister when preparing to make a visit within the United Kingdom to inform the Members for the constituencies to be included within his itinerary. Special care should be taken not to overlook this courtesy. Ministers cannot, of course, invite Members to accompany them, but adequate notice will enable Members to ensure that they receive invitations from local organisers to functions of an official nature. It will also enable them to make suggestions to the Minister about the inclusion in the itinerary of places which it would be helpful to visit. Ministers wishing to visit a Government establishment not sponsored by the Department in which they are a Minister (eg the barracks of a unit of the Armed Forces) should advise the sponsor Department in advance. (C(PR)(92)3 paragraphs 70-71).

8.27 The requirement to give a reasonable amount of notice of visits to constituencies of Government MPs is particularly important. Failure to do so usually leads to outraged letters from the aggrieved MP.

Expenses

8.28 Full guidance and cases concerning the expenses of Ministers and their spouses is contained in Chapter 6 of the Precedent Book. The basic rule is that where a Minister travels on official business, the expenses should be borne by the Department.

Parliamentary Private Secretaries and Special Advisers

Parliamentary Private Secretaries making official visits in the United Kingdom may receive the normal Civil Service travelling and subsistence allowances in respect of absences on official (ie Departmental) business, as would other MPs undertaking work for Government Departments. It is for the Minister concerned to decide whether or not the Parliamentary Private Secretary, when undertaking the same journey, is engaged on Departmental business. It may occasionally be useful for a Parliamentary Private Secretary to accompany the Minister on an official visit abroad but no such arrangements should be made without the prior approval of the Prime Minister.

If necessary, a Minister may take a Special Adviser on an overseas visit at the public expense but when a Special Adviser whose salary is not met from public funds accompanies a Minister on Government business, any additional expenditure to which the Exchequer may be put on this account. The approval of the Prime Minister should be obtained before a Special Adviser accompanies a Minister overseas in these circumstances. (C(PR)(92) 3, paragraphs 48,75).

8.29 Fuller guidance on the position of Parliamentary Private Secretaries in general will be found in Chapter 9 including cases relating to travel overseas.

Home to Office Travel

8.30 The rules on home to office travel are set out in some detail in "Travel by Ministers". Responsibility for advice on these matters is split between the Cabinet Office (pure propriety aspects) and the Treasury because of the financial aspects.

8.31 On a number of occasions special arrangements have been agreed for Ministers who would face particular practical difficulty or expense in their journey from home to office. Most of these cases have concerned territorial Ministers who face particular problems because of their frequent need to travel to their Departments' London office in addition to the territorial headquarters. Particular dispensations have been allowed for Ministers in the Northern Ireland Office because of the additional inconveniences and security restrictions which apply to their travel arrangements.

Cases

PARTY ACTIVITIES

8.33 The general principle is that there should be no risk of criticism that official resources are being used for party political purposes. This is essentially the same principle as that explicitly set out in "Questions of Procedure for Ministers" in relation to constituency work.

Party Appointments

8.34 The distinction between party and official business can assume particular significance in the case of a Minister who also holds a senior party office. This has arisen on a number of occasions when the Chairman of the Conservative Party has also held Ministerial office. The Ministerial office concerned has usually been one of the "sinecure" offices, without departmental duties (see Chapter 5) but in 1983 Mr Gummer initially

combined his party Chairmanship with an appointment as Minister of State, Department of Employment (although he had a more limited range of Ministerial responsibilities than would otherwise have been the case). It is normal for the Minister's private office to agree a set of procedures for operating the Minister's dual responsibilities with the party office concerned. For an example, see the procedures agreed between the Department of Employment private office and the Conservative Central Office in 1983 (194/1, Part 7, folio 24 - at Annex E).

Briefing Material

8.35 The general question of providing briefing material to backbench MPs has been considered on a number of occasions. Under the normal conventions there seems no reason why material provided by civil servants for Ministers should not be distributed to backbench MPs provided it is of a kind that would be released to an bona fide enquirers. It would however be improper for a briefing service confined to the backbench MPs of one political party to be provided on official stationery and operated by civil servants. It would on the other hand be in order for official resources to be used to provide information on the basis that MPs of all parties were aware of and had an equal opportunity to avail themselves of the briefing. Normally if information is circulated on a one-Party basis, the arrangements should be made by the Party concerned and the cost met by them, and civil servants involved only to the extent of providing factual material for the Minister.

Government Property

8.36 The general rule that Government property should not be used for constituency work extends also to party activities. An exception has been recognised in the case of Nos. 10 and 11 Downing Street, Carlton House Terrace and other official residences where senior Ministers are required to live for the purposes of the job. Ministers have been allowed - at their own or Party expense - to host Party receptions etc. in these residences.

Cases

8.37 In considering individual cases it may also be necessary to ensure that there is no conflict with the evidence which the Government submitted in 1985 to the Widdicombe inquiry in relation to the conventions governing central government publicity. The following cases are only examples of the general principles involved most cases are dealt with within Departments and guidance is contained in the Heads of Department Handbook (which also contains a copy of the note submitted to the Widdicombe inquiry):

- (i) 1980 The general principles outlined above were restated in response to a case involving material circulated by the Secretary of State for Trade to members of the Parliamentary Conservative Party. (194/1, Part 6, Folio 36).
- (ii) 1984 It was discovered that on occasion Conservative Party documents were being circulated to Ministers via the Cabinet Office distribution system. These generally took the form of briefing material for MPs circulated by the Cabinet Office. Although similar arrangements had been operated intermittently over previous years (ie involving both Labour and Conservative Parties), the practice seemed to have developed entirely by accident. It was agreed that the propriety of using official channels for the circulation of purely Party material was questionable and could give rise to criticism (especially as there had been controversy over a similar incident involving House of Commons facilities). The Conservative Central Office was asked to circulate routine briefing material intended for backbenchers via Party channels but it was also reaffirmed that Ministers might circulate to their colleagues via the official network papers (of whatever origin) which they needed to see in the course of their duties. (Private Office file 8/3).

RELATIONS WITH OTHER GOVERNMENTS

Ministers should remember the importance of sending to the Foreign and Commonwealth Secretary a note of the salient points of any discussions which they may have with representatives of foreign or Commonwealth countries. This applies to informal discussions as well as those held in the course of official business.

Ministers should inform the Foreign and Commonwealth Secretary before extending invitations to Ministers in other Governments to pay official visits to this country; and in any case of doubt or difficulty, they should consult him. Departments should also inform the Foreign and Commonwealth Office about all visits which become known to them, whether private or official, by Ministers in other Governments or by any other Governments or by any other person or equivalent status potentially at risk, so that the security implications can be considered at the earliest possible stage.

It is a well-established convention that Ministers should not, while holding office, accept decorations from foreign countries. (C(PR)(92) 3, paragraphs 76-78).

Ministerial Correspondence with Foreign Governments

8.38 "Questions of Procedure for Ministers" merely exhorts Ministers to send a note to the Foreign and Commonwealth Secretary of the salient points of any discussion they have with representatives of a foreign government (C(PR)(92)3, paragraph 76, quoted above). It is, however, important that the Foreign and Commonwealth Office should be consulted about correspondence between non-Foreign and Commonwealth Office Ministers and their foreign counterparts. This will generally take place in the normal run of interdepartmental business but difficulties can arise if this is overlooked. For example, in 1985 Mrs Chalker (Minister of State, Department of Transport) wrote to her Swiss opposite number without realising that he was also the Swiss President (194/1, Part 7, folio 37).

Foreign Decorations

8.39 Further background and cases relating to the rule on foreign decorations is contend in Chapter 6.

ROYAL COMMISSIONS

The Prime Minister should be consulted if any Ministers is invited to address a Royal Commission or Committee of Inquiry. (C(PR)(92)3, paragraph 102).

8.42 In 1948 the Minister of Health was asked whether he would give evidence to the Commission on the Press. His reply, following consultation with the Prime Minister, was that it was undesirable for Ministers while in Office to give evidence to Royal Commissions. There is no doubt that generally Ministers would still be expected not to give evidence to a Royal Commission except in a Ministerial capacity because of the difficulty that would normally arise from a Minister publicly expressing "private" views on matters which were ore were likely to become the subject of political controversy or Ministerial consideration. There may, however, be the exceptional case where this difficulty does not arise.

Cases

8.43 (i.)

1957 Mr J E S Simon was appointed a Joint Parliamentary Under-Secretary of State for the Home Department. He sought advice from the Cabinet Office about his continuation as a member of the Royal Commission on Mental Health and was advised to resign his membership. (File 4/1/4.)

(ii) 1985 Royal Commission on Standards of Conduct in Public Life.

FILES AND NOTES

Files

The files of most general relevance to this Chapter are:

194/1 Reminders, Advice and Precedent Cases relating to "Questions of Procedure for Ministers".

195/1 Information for the Revision of the Cabinet Office Precedent Book.

Many other files are of relevance to specific subjects covered in this Chapter and these will usually be identified at the appropriate place in the text.

Notes

1. Although there was a "Miscellaneous" Chapter in early editions of the Precedent Book, most of the subjects which are included in it are now covered in other Chapters. It was planned that the 1977 revision of the Precedent Book should include a chapter on the present times but, although the material for the chapter was assembled, the chapter was never written up. The material was stored in a box file against the time when it would be possible to complete the job. (Unfortunately, the box file can not now (1985) be traced and this chapter is therefore perhaps rather sketchier than it would otherwise have been.)

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C(PR)(91)2
January 1991

Copy No.

CABINET: PROCEDURE

TRAVEL BY MINISTERS

NOTE BY THE PRIME MINISTER

In my note on "Questions of Procedure for Ministers" (C(PR)(91)1, I set out the principles which should inform decisions on Ministerial visits at home and abroad. The memorandum below contains guidance on the use of official cars and on rail and air travel. Ministerial travel attracts public attention and we must all seek to make efficient and cost-effective arrangements.

The guiding principles are:

- (a) *Propriety*
Official transport should not normally be used for travel arrangements arising from Party or private business, except where this is justified on security grounds;
- (b) *Efficient use of resources*
The availability of some services such as the Government Car Service RAF aircraft has to be limited to ensure efficient use of resources;
- (c.) *Cost consciousness*
The cost of alternative arrangements should be considered before decisions involving substantial costs are made, especially where special flights are being considered as an alternative to scheduled services;
- (d) *Security*
Ministers should at all times keep security risks in mind, particularly when travelling by car. For some Ministers, security factors make special arrangements necessary;
- (e) *Public presentation*
Colleagues should be satisfied that their arrangements could be defended in public if challenged.

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I have approved guidance (contained in the attached memorandum) which should enable Private Offices to make suitable arrangements. I have no doubt that my colleagues will at all times exercise good sense and judgement in these matters.

10 Downing Street
January 1991

JM

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GUIDANCE ON TRAVEL BY MINISTERS

I. THE USE OF OFFICIAL CARS

1. Cabinet Ministers, Ministers in charge of major Departments and such other Ministers as the Prime Minister may indicate will have first call on cars in the Government Car Service Pool. When the Minister concerned does not require the car it should be made available for other use within the Department (see also Paragraph 8).
2. On Mondays to Fridays Ministers may use a car in London (the Metropolitan Police District) for any purpose (other than Party business, see Paragraph 5) which will secure a saving of their time. They may also use it for the purpose of attending an official engagement outside the Metropolitan Police District if that is the most convenient way of travelling to their destination.
3. Ministers are permitted to use an official car for home to office journeys on the understanding that they would be working. Ministers may use official cars for journeys to a house in the country within a reasonable distance (say, 50 miles) from London if they have been seriously delayed by their official duties and other means of transport are not conveniently available.
4. It is desirable, as far as possible, to keep the hours of duty of drivers within reasonable limits. Ministers who are not subject to overriding security requirements should consider the use of taxis for short official journeys late at night in London. Ministers must also be prepared to use any car at weekends (see also paragraph 7). At these times cars may normally be used only for official purposes or for social occasions of an official character in London. Cabinet Ministers specified by the Prime Minister may, however, use a car from a pool outside London at weekends for journeys of reasonable distance (say, up to 50 miles) between home and an airport or railway station conveniently placed in relation to a Government car pool.
5. Except for Ministers covered by the special arrangements in Paragraph 6, official cars should not be used for journeys on Party business, such as constituency visits or attendance at Party meetings. There is, however, no objection to using an official car if the meeting involving Party business takes place immediately between two official engagements in the course of the working week.
6. The Prime Minister, the Secretary of State for Defence, the Foreign and Commonwealth Secretary, the Home Secretary, the Secretary of State for Northern Ireland, and any other minister for whom the security authorities exceptionally consider it essential may use their official cars for all journeys by road, including those for private or party purposes. Ministers will normally be charged for the use of the official car on journeys for

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private or Party purposes which are outside the provisions of paragraphs 2-5. The charges will be on the basis of the Civil Service Motor Mileage Allowance.

7. Car drivers are required to keep records in the form of log sheets. Journeys between points within five miles of Whitehall will not be recorded individually, but all other journeys outside this area will be detailed in full. Ministers will be responsible for ensuring that cars are used only for authorised journeys, and for identifying which journeys require repayments. Log sheets will be sent weekly to Ministers' Private Secretaries for authorisation.

8. Departments will be charged for use of Ministerial cars at a weekly rate based on a long-term hire. Details of charges made are available from the Government Car Service. Although first-call cars are provided on a continuous hire basis, Private Secretaries will be able to return cars and drivers to the Government Car Service Pool if cars are not required in the Department. No refund will be made on these occasions as the basis of charge takes such use of first-call cars into account.

9. Other Ministers without first call on a car may use the cars in the Government Car Service Pool for official purposes and to and from work when pressed for time if first-call cars allocated to that Department are not available. For short official journeys in Central London they may use taxis and claim repayment.

10. When travelling on official business, a Minister may use a private car instead of an official car, and claim mileage allowance in the same circumstances and on the same terms as civil servants.

11. Subject to the general rules set out above, a Minister's spouse may use the car for official engagements. Official cars may not in any circumstances be used by the spouses of Ministers in connection with private or political functions or engagements.

II. RAIL TRAVEL

12. Ministers qualify for First Class Travel.

III. AIR TRAVEL

Scheduled passenger services

13. All Ministers and Parliamentary Secretaries on official visits have discretion to use civil scheduled flights in this country and abroad if they consider that this will save time. Wherever possible British airlines should be used, but if the route or time of the Minister's journey makes this impossible, subject to any security restraints which may apply, a scheduled flight on a foreign airline may be taken.

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14. Senior Ministers are entitled to use the best available class of air travel for all journeys by air. Ministers of State and parliamentary Secretaries may travel by the best available class for flights lasting longer than 2½ hours but should normally travel by Club or equivalent class, or economy class when an intermediate class is not available on flights of less than 2½ hours.

Non-scheduled special flights

15. These are flights for official purposes, in this country and abroad, using aircraft belonging to the Ministry of Defence or commercial operators. They are much more expensive than scheduled passenger services and may only be authorised in the manner and circumstances described in this paragraph and paragraphs 16 and 17 below. They must not be used or diverted for journeys to or from Party business, such as constituency visits or attendance at Party meetings. When the time factor is critical, diversions from direct routes may, however, be authorised to collect or deliver a Minister to an airfield near his or her home provided that the only extra costs result from the extra flying time needed to carry out the additional landing and take-off.

16. Members of the Cabinet and Ministers in charge of Departments only have discretion to authorise these special flights either for themselves or for other Ministers within their Departments. Special flights may be authorised when a scheduled service is not available, or when it is essential to travel by air, but the requirements of official or Parliamentary business or security considerations or urgency preclude the journey being made by a scheduled service. Use of special flights by Parliamentary Secretaries should only be approved in exceptional circumstances.

17. In addition, all Defence Ministers travelling on Defence business and other Ministers engaged on business of the Defence Departments or visiting a Service or Defence Establishment may use Ministry of Defence aircraft in accordance with rules and procedures approved by the Secretary of State for Defence.

18. Subject to the approval of Her Majesty The Queen to each flight those Ministers who are individually authorised to do so may use aircraft of The Queen's Flight.

19. An estimate of the cost of a special flight should always be obtained for the information of the Minister concerned before final arrangements for it are confirmed. The costs are borne on the Departmental Votes of the Minister arranging the flight who should ensure that the interests of the Accounting Officer are fully safeguarded.

20. Guidance for Private Offices on practical arrangements is set out in an Appendix to this note.

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APPENDIX

Authorisation and Arrangement of Special Flights

1. Private Secretaries of Ministers not in charge of Departments should normally obtain authority through their senior Minister's Private Secretary, giving details of the proposed journey and the reasons why a special flight is considered to be appropriate.
2. Detailed procedures for arranging special flights are as follows:

B. Flights by private charter

- (i) Private charter flights should be arranged by the most economical means.
- (ii) Private Offices should contact an agent who will obtain quotations. Private Offices should select the quotation to be accepted (normally the lowest) and the agent will then make all necessary arrangements. Departments who have tested the charter market through agents in the previous 12 months and who have received satisfactory and economical service from a charter company as a result may continue to make use of that company's services.

Effect of Travel by non-Commercial Air Flights on Personal Insurance Policies

3. Ministers who have occasion to travel by non-commercial air flights are advised to check whether their personal insurance policies are likely to be prejudiced thereby. Normally, life assurance contracts are "unconditional", that is to say there are no restrictive clauses in the contract and the sum assured is payable on death irrespective of the cause, the position in relation to other types of policy is more complex and Ministers should seek the advice of their insurers if they are in any doubt about the effect of travel by non-commercial flights.

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APPOINTMENTS BY MINISTERS

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Annex A: Notes and Files

Annex B: Parliamentary Private Secretaries and Appointments by Ministers (extract from Questions of Procedure for Ministers).

Annex C: Rules for the Appointment of Special Advisers.

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CHAPTER NINE

APPOINTMENTS BY MINISTERS

9.1 General guidance on appointments by Ministers and specific guidance relating to the appointment of Parliamentary Private Secretaries is contained in "Questions of Procedure for Ministers" (C(PR)(92)3, paragraphs 49-54 and 45-48 respectively). Extracts of these paragraphs can be found at Annex B.

9.2 Appointments are the responsibility of the Departmental Minister (or Ministers) concerned but in the case of certain types of appointment the Prime Minister should be consulted before an appointment is made or announced (see Questions of Procedure and relevant sections below). In the case of Parliamentary Private Secretaries or where a proposed appointment could give rise to a Parliamentary vacancy it is also necessary to consult the Chief Whip (who should also be copied all submissions where an appointment is likely to be of political significance). The Prime Minister looks primarily to the Secretary of the Cabinet (as Head of the Home Civil Service) for advice on appointment matters and if a case is to be referred to the Prime Minister, the Secretary of the Cabinet should be consulted in advance (and may, of course, be consulted in other cases).

ROYAL COMMISSIONS, COMMITTEES OF INQUIRY ETC

9.3 The Prime Minister should be consulted in good time about any proposal to set up a Royal Commission (The Queen's approval is also required), an Independent Committee of Inquiry or a Committee chaired by a civil servant but including individuals from outside the Government (see paragraph 49 of Questions of Procedure). This requirement is quite separate from any requirement to consult over membership of such Committees (see below).

PUBLIC APPOINTMENTS

9.4 In addition to the guidance contained in QPM, supplementary guidance and remainders are issued periodically in circular letters from the Private Secretary to the Secretary of the Cabinet and the Public Appointments Unit (PAU) of the Cabinet Office (Office of the Minister for the Civil Service) has prepared a very detailed Guide to Public

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Appointments Procedures, copies of which are provided to other Departments. The PAU also maintains a central register of people who may be suitable for public appointments.

9.5. Full guidance on the cases where the Prime Minister should be consulted in relation to public appointments can be found in QPM (paragraphs 50-51) but these may be summarised as:

- a. all appointments to Royal Commissions;
- b. appointments of Chairmen of Nationalised Industries, Public Boards and the most important Departmental Committees; and
- c. appointments of Deputy Chairmen which are being made with a view to the succession.

9.6 In all such cases Departments should consult the PAU, and agree salary proposals with the Treasury, before putting forward a submission to the Prime Minister (which should indicate that this has been done). The submission should be copied in advance (or faxed in parallel) to the Head of the Home Civil Service whose office will clear the appointment with Number 10 by telephone.

SPECIAL ADVISERS

9.7 Many Prime Ministers have brought in unofficial advisers and secretaries but political Special Advisers were only formally recognised after 1974 (although in 1970-74 several Conservative Ministers employed assistants paid from Party funds). In 1974 Mr Wilson also established a Policy Unit of some seven advisers in 10 Downing Street. Mrs Thatcher and Mr Major have maintained a similar Unit, staffed by a mixture of Special Advisers and civil servants.

9.8 Questions of Procedure for Ministers contains only limited guidance (paragraph 54) on the procedures for the appointment and employment of Special Advisers. Full guidance is contained in the Heads of Department Personal Handbook, particularly Annex

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C of that handbook, which is reproduced in full at Annex C of this Chapter, although the most important features are covered below. Security Division in the Cabinet Office (OPPS) advise on issues relating to the employment of special advisers.

Appointment

9.9 Special Advisers may normally be appointed only by Cabinet Ministers: exceptions must be specifically authorised by the Prime Minister (see Annex D below). No appointments should be made, or commitments entered into, until the Prime Minister has given approval. Special Advisers fall into two categories: "political" and "expert". Each Cabinet Minister may normally appoint only one "political" adviser but there is no limitation on "expert" advisers. (The Prime Minister wrote to his colleagues emphasising the limit of one political adviser following the 1992 Election.) There is, however, no formal restriction on the number of Special Advisers in the Prime Minister's Policy Unit. All Special Adviser is, exceptionally, appointed to a non-Cabinet Minister the degree of vetting requiring will be dependent on the degree of access to papers).

Conduct

9.10 Special Advisers are civil servants (albeit with rather special terms of appointment) and are generally paid from public funds although occasionally advisers are unpaid. Special Advisers are therefore bound by similar rules of conduct to those of career civil servants although there are some differences to reflect the particular nature of their role (notably with regard to political activity and the subsequent acceptance of outside appointments) see detailed rules at Annex D. Special Advisers are, of course, expected to make arrangements to avoid any conflict of interest between their public duties and private interests. (The rules relating to the conduct and private interests of Special Advisers have been the subject of a number of Parliamentary Questions.)

Access to papers

9.11 Special Advisers should not have access to sensitive security or defence information, to intelligence reports, or to papers relating to civil servants personally. As Special Advisers are not subject to the rules which govern the acceptance of outside

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appointments they should not be given access to commercial information or contracts (eg about individual companies) which might create the risk of impropriety or the appearance of impropriety. The conventions which govern access by Ministers to papers of previous administrations apply also to Special Advisers. Subject to these restrictions, Special Advisers may have access, at their Minister's discretion, to all papers submitted to the Minister.

Attendance at Cabinet Committees

9.12 Special Advisers do not normally attend Cabinet Committees (neither Ministerial nor Official Committees) although slightly different considerations apply to members of the Prime Minister's Policy Unit - see Chapter three for further details and cases.

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PERSONAL ADVISERS

9.14 Personal appointments by Ministers in this category are distinguished from Special Advisers in that they are normally appointed to a specific job within the departmental machine (eg with Civil Service staff working to them, under the overall command of the Permanent head of Department and with normal, but not exceptionally close contact with

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the Minister). Ministers should consult their Permanent Secretary at the outset who will in turn consult the Head of the Home Civil Service who will decide whether or not to consult the Prime Minister (Paragraph 111 of Questions of Procedure for Ministers). Guidance on these appointments is also contained in the Heads of Departments: Personal Handbook, paragraphs 1.6-1.9.

9.15 Such appointments are period appointments. Initial appointments should be for a definite period, not exceeding five years. No extension beyond five years is permitted unless and until the post has been subject to the open competition requirements of the Civil Service Commission. Before appointment, those concerned should be security vetted to the degree appropriate to the post they are filling (this will usually involve positive vetting). Personal appointees are subject to the same rules of conduct, including the restrictions on political activity, as senior civil servants. They should not have access to papers of previous administrations.

Cases

9.16 Such appointments have been very rare. The only recent case is the appointment of Mr P K Levene as personal Adviser to the Secretary of State for Defence for a period of approximately six months in 1984 to advise on management problems in the Ministry of Defence. (See PO File A2/5, Part 1, Folio 25M). Mr Levene was at the time Managing Director of a defence contractor and it was announced that he would not be involved in procurement matters. His appointment was part-time and unpaid, but he was required to undergo positive vetting. In answer to Parliamentary Questions it was made clear that Mr Levene was not of civil servant but was expected to observe similar principles of conduct to those laid down in the Civil Service Code.

9.17 Possibly the only directly equivalent case was the appointment in 1970 of the then Mr Derek Rayner to conduct a study into defence procurement which subsequently led to the creation of the Procurement Executive in the Ministry of Defence. Rayner subsequently became the first Chief of Defence Procurement (on secondment from Marks and Spencer); Levene also later became Chief of Defence Procurement in rather

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controversial circumstances. The later appointments of Rayner and subsequently Sir Robin Ibbs to be Efficiency Adviser to the Prime Minister are, however, closely analogous (although they might equally be considered as 'expert special advisers'): both were part-time and unpaid.

PARLIAMENTARY PRIVATE SECRETARIES

General Conduct and Position

Parliamentary Private Secretaries are not members of the Government and should be careful to avoid being spoken of as such. They are Private Members, and should therefore be afforded as great a liberty of action as possible; but their close and confidential association with Ministers necessarily imposes certain obligations on them. (C(PR)(92) 3, paragraph 45).

9.18 The job of Parliamentary Private Secretaries is ill defined but is broadly to keep their Ministers in touch with sentiment in Parliament and provide them with assistance in the House. Although they are not members of the Government, they are associated with it, and, in some circumstances, may be seen as representing it, or at least the Department with which they are connected. This imposes certain restrictions and obligations upon them but, given that the job is unpaid and the only reward is possible advancement to a Ministerial appointment, it is important that these should be interpreted flexibly and reasonably.

Appointment

Ministers choose and appoint their own Parliamentary Private Secretaries with the approval of the Prime Minister. The Chief Whip should, however, be consulted about the choice of a Parliamentary Private Secretary; and in view of the special position which Parliamentary Private Secretaries occupy in relation to the Government, the Prime Minister's approval must also be sought before any such appointment is offered or announced. (C(PR)(92) 3 paragraph 46).

9.19 Ministers have genuine freedom to choose their PPSs (unlike Parliamentary Secretaries who, although theoretically appointed by Departmental Ministers, are in reality chosen by the Prime Minister). The formal requirement for consultation was introduced in 1976 but similar informal arrangements had existed for some time. One of the reasons for these arrangements is to permit certain security checks to be carried out. It is not, however, necessary to seek formal approval for the reappointment of a PPS following changes in Ministerial offices, although the Prime Minister's office should be informed.

9.20 It is now the practice for all Cabinet Ministers and Ministers in charge of Departments, and for many Ministers of State (but not parliamentary Secretaries), to appoint PPSs.

Parliamentary Conduct

Ministers should ensure that their Parliamentary Private Secretaries are aware of certain principles which should govern the behaviour of Parliamentary Private Secretaries in the House of Commons. Like other Private Members, Parliamentary Private Secretaries are expected to support the Government in all important divisions. However their special position in relation to the Government imposes an additional obligation which means that no Parliamentary Private Secretary who votes against the Government may retain his or her position. Parliamentary Private Secretaries should not make statements in the House or put Questions on matters affecting the Department with which they are connected. Parliamentary Private Secretaries are not precluded from serving on Select Committees but they should not do so in the case of inquiries into their own Minister's Departments and they should avoid associating themselves with recommendations critical of or embarrassing to the Government. (C(PR)(92)3, paragraph 47).

9.21 The rule that Parliamentary Private Secretaries should not vote against the Government is of long standing. Although a group of PPSs who tabled an amendment to the Queen's speech were only given a warning (after discussion by the Cabinet (CM 97 (46) but no official record), five who voted against the Ireland Bill in 1949 were required

to resign. There have been many subsequent cases. For examples of how the restrictions on serving on Select Committees (and other political groups) have been operated see paragraph 9.27 below.

Speeches, Broadcasts etc

.... They should also exercise discretion in any speeches or broadcasts which they may make outside the House, taking care not to make statements which appear to be made in an official or semi-official capacity, and bearing in mind at the same time that, however careful they may be to make it clear that they are speaking only as private Members, they are nevertheless liable to be regarded as speaking with some of the authority which attaches to a member of the Government. Generally they must act with a sense of responsibility and with discretion; and they must not associate themselves with particular groups advocating special policies. (C(PR)(92) 3, paragraph 47).

9.22 Ministers are responsible for ensuring that their PPS are aware of the principles governing their behaviour and the Cabinet Office has seldom been consulted on the interpretation of this guidance. One area of potential difficulty is journalism (see cases at 9.27 (vi) below). Questions of Procedure expressly precludes Ministers from practising journalism (C(PR)(92) 3 paragraph 94). There is, however, nothing specifically relating to PPSs and their position is clearly different from that of Ministers in that they are unpaid and there is no question of journalism absorbing time which would otherwise be devoted to official duties. Nevertheless, some restrictions on journalistic activity are implied by the general guidance of the position of PPSs and by analogy with the restrictions on speaking within Parliament. Advice has therefore been given that it is very difficult for PPS to publish articles bearing or commenting on matters relating to Government policy or business - particularly (but not only) the business of the Department whose Minister he serves.

Government Business/Access to Papers

[Parliamentary Private Secretaries are not members of the Government.] official information given to them should generally be limited to what is strictly necessary for the discharge of their Parliamentary and political duties. This need not preclude them from being brought into Departmental discussion or conferences where appropriate, but they should not have access to secret establishments, or information graded secret or above, except on the personal authority of the Prime Minister. (C(PR)(92)3, paragraph 45).

9.23 The basic principle, quoted above, is that PPSs' access to official information should be limited to what is strictly necessary for the discharge of their Parliamentary and official duties. Recently (see eg No 10 Private Secretary letter of 13 January 1977) this has been applied in a slightly more relaxed way and Ministers are asked, subject to the general principle, to exercise discretion as to how much information is given to PPSs and are told that this need not preclude them from being brought into Departmental discussions or conferences where Ministers think it appropriate. However, PPSs may not have access to secret establishments or information graded secret or above except on the personal authority of the Prime Minister. From time to time such permission has been sought but to date has always been refused (see, for example, folios 39, 42M, 45 and 46 on file 16/16, Part 1 - three are further examples on later parts).

9.24 it is not possible to define precisely the role PPSs may play in Departmental work. They have a close and confidential association with their Minister, and clearly there can be no bar to a minister wishing to seek his PPS's reaction to a non-secret Departmental proposal. But PPSs are neither junior Ministers nor Special Advisers and great care should be taken that they do not come to appear so either publicly or within Government. (See folio 27, folio 42 and folio 42M on file 16/16, Part 1.)

9.25 PPSs making official visits in the United Kingdom may receive the normal Civil Service travelling and subsistence allowances. It is for the Minister concerned to decide whether or not his PPS, when accompanying him on a journey, is engaged on official

business. In doing so, it is important to bear in mind the guidance in paragraph 48 of QPM and paragraph 9.22 above. At one time there was a complete bar on PPSs travelling abroad on official business but it is now accepted that it may occasionally be useful for a PPS to accompany his Minister on such visits abroad but no arrangements should be made without the prior approval of the Prime Minister (see precedent set at filio 26 on file 194/1 Part 1). See also paragraph 9.25 (viii) below.

Private Interests

9.26 Guidance on the private interests of PPSs is contained in Chapter 6 of Precedent Book (paragraphs 6.89 et seq.)

Cases

9.27 The following cases have unusual features or illustrate the application of the guidance described above (see also Chapter 6, paragraph 6.90):

- (i) On many occasions senior Ministers sitting in the House of Lords have appointed PPSs in the House of Commons to act as their eyes and ears in that House. Examples: 1982 Lord Cockfield (when Secretary of State for Trade); 1983 Lord Bellwin (when Minister of State, DOE); 1985 Lord Gowrie (when Chancellor of the Duchy of Lancaster and Minister for the Arts).
- (ii) There are numerous precedents for Ministers sharing a PPS. Such arrangements usually involve Ministers of State rather than Cabinet Ministers and, very occasionally, Parliamentary Secretaries. For example, in 1985 Mr Simon Coombs MP became PPS to three Parliamentary Secretaries in the DOE.

(see 16/16, Part 3, folio 38).

This case demonstrates that there is no rigid rule about which Ministers are entitled to a PPS, provided that the Prime Minister is content.

ANNEX A TO
CHAPTER 9

FILES

Files

- 16/16 Parliamentary Private Secretaries: appointments, private interests and security advice (prior to 1968 see file 4/3/107).
- 45/6 Security checks on Parliamentary Private Secretaries (closed 1976.)
- 487/8 Special Advisers to Ministers
- 194/1 Reminders, Advice and precedent Cases Relating to Questions of Procedure for Ministers.

SPECIAL ADVISERS

Introduction

There are two categories of Special Advisers:

- i. those who assist Minister with that part of their work which is partly governmental and partly political; and
- ii. those who are recognised as distinguished experts in their particular professional fields.

Normally only Cabinet Ministers may appoint Special Advisers. Each such appointment should be made personally by the Minister, following consultation with the official Head of Department and after the Prime Minister's approval has been obtained. Ministers outside the Cabinet may only appoint Special Advisers where the Prime Minister authorises an exception to this standing rule. The appointment of advisers who continue to be employed or paid by other organisations, and who must be clearly distinguished from Special Advisers who are paid from public funds, is covered in paragraphs 27 to 30.

2. Each Cabinet Minister may normally appoint only one Special Adviser in category i. However, subject to the Prime Minister's approval, there is no such limitation for those in category ii.

3. Special Advisers will have direct access to their Minister, and will normally stand outside the departmental hierarchy; that is, they should not work directly under a permanent civil servant nor, apart from secretarial assistance, should permanent civil servants work directly for them, unless the Prime Minister so decides. The Minister should lay down the duties of each Special Adviser appointed.

Procedures for appointment

4. Proposals to the Prime Minister for the approval of Special Adviser appointments should be copied to the Head of the Home Civil Service.

5. When the Minister has obtained the Prime Minister's approval a formal letter of appointment will need to be issued. A model draft letter, with a version of the rules suitable for handing to new Special Advisers, is at Appendix 1. No commitment as to salary should be offered until OPS approval has been obtained (paragraph 11 below). For those in category (ii) ("experts") a personally-tailored letter will probably be necessary in each case, and no letter of appointment should be issued without prior consultation with OPS (Security Division). The appointment of a Special Adviser to a Minister outside the Cabinet will need to be dealt with ad hoc and, again, no letter of appointment should be issued without prior consultation with Security Division.

Security clearance

6. All Special Advisers, whether to Cabinet Ministers or to Ministers outside the Cabinet, are likely to require at least an SC clearance. But this should not be automatic: rather it should depend on the nature of access that their post requires. An SC clearance will allow regular access to assets marked SECRET and occasional and controlled access to assets marked TOP SECRET. Where necessary, Special Advisers should be cleared to DV level. Heads of Department should discuss the security clearance of Special Advisers with the Minister concerned, on the understanding that if the appropriate clearance is not sought and obtained, there may be circumstances in which the individual concerned may not be given access to assets at the higher levels of protective marking.

Central records

7. As soon as any Special Adviser has been appointed, copies of the letter of appointment should be provided to OPS (Security Division and Senior Pay and Contract Division).

Duration of appointment

8. Special Advisers' appointments automatically terminate:
- a. with the end of the Administration under which they were appointed, ie when the Prime Minister resigns; or
 - b. where there is a General Election, on the day after Polling Day; or
 - c. when the appointing Minister leaves his or her present appointment.

(See also paragraph 17 below.) If, however, there is no change of Government, there will be an opportunity to review Special Advisers' approval. Fresh letter of appointment should be issued in all such cases. The date on which re-appointment takes effect will be the date on which it is made by the Minister concerned; except that, where a Special Adviser has not resigned (eg to take part in an Election campaign) and is re-appointed to serve either in the same department or under the same Minister, the date of re-appointment may be such that there is no break in service.

9. Special Advisers are members of the Civil Service, are paid from public funds, have the same conditions of service and are subject to the same rules of conduct as other civil servants in the employing department, with the exception of the rules governing the acceptance of outside appointments after resignation or retirement (see paragraph 17 below) and certain aspects of the rules on political activities (see paragraph 19 below). All other provisions of departmental staff regulations therefore apply to Special Advisers, who should be given access to a copy of the relevant Departmental Staff Handbook, or other document setting out staff regulations, on appointment. Details of the application of some particular rules are given in paragraphs 18-26 below; these details, and the location of the relevant staff regulations, should be brought to the specific attention of Special Advisers on appointment.

10. The official Head of Department is responsible for bringing the rules to the notice of Special Advisers and ensuring that they are observed.

Pay and Conditions of Service

Pay

11. The starting rate of pay will be negotiated by the relevant Department in consultation with OPS (Senior Pay and Contracts Division), whose final agreement will be required before any formal offer is made. On appointment a Special Adviser will normally be placed on one of 28 salary points; these, with the addition of six performance pay points (29-34), are known as the 'pay spine'. It will be revised in the light of Civil Service pay settlements. Starting pay will be assessed by reference to the individual's recent normal remuneration package. Candidates will be asked to disclose all the elements of this package, eg gross salary/earnings, superannuation contributions both by self and employer (or personal annuity contributions, if appropriate), and any other benefits such as share options, company car, bonuses, health insurance etc. All such elements will be taken as evidence for a 'market rate' which will be used to arrive at the nearest spine point above that figure. Starting pay may, with the agreement of the OPS and the employing Department, be higher than this by up to a maximum of three scale points depending on.

- a. any evidence that, because of the nature of recent employment, the candidate's earnings have been less than his or her normal market expectations; and
- b. any evidence that the candidate could have expected to increase the remuneration package in the near future were he or she not to accept the appointment.

Special Advisers' pay is revised annually in line with the cost of the pay settlement for Civil Service Grades 5-7. In addition, one increment will be paid on completion of each year's total service, up to a maximum of four increments. After one year's service, and on the recommendation of the employing Minister, up to three discretionary increments may

be awarded; subject to OPS agreement. The number of increments awarded will depend primarily upon an assessment of the Adviser performance, but these increments may also be used to help to equalise the remuneration, for work of equal value, of Special Advisers in the same Department who started at different points on the spine. After four years' total unbroken service, and on the recommendation of the current employing Minister, p to two extra increments may be awarded, subject to OPS agreement. Both these and the discretionary increments would be payable in addition to any annual increment due provided that the highest point on the pay spine was not thereby exceeded. The performance points (20-34) are only available for performance related pay awards. Guidance on the award of discretionary points is at Appendix 2.

12. Special Advisers reappointed after a change of Administration will receive new contracts; this means that they should receive the same consideration for additional increments after the first and fourth years of their new service as Special Advisers who are appointed for the first time. However, Special Advisers who are reappointed immediately after a change of Administration without a break in service continue to be eligible for one increment on each anniversary of the original date of appointment, up to the maximum of four increments. Advisers reappointed immediately after a General Election with previous service of less than twelve months will be eligible on recommendation by the employing Minister for discretionary performance increments on the first anniversary of the original date of appointment.

Superannuation

13. Special Advisers' pay is non-pensionable: the choice of pension cover is left to the individual and there are no additions to pay to cover pension contributions. Special Advisers are normally expected to take out a personal retirement annuity contract, but continuation of an occupational pension scheme may be negotiated as an alternative. If an Adviser opts for the latter, his or her pay will be abated by the amount of the employer's contributions which are payable.

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14. All Advisers are covered by the injury benefit provisions of Section 11 of the PCSPS, but an Adviser who is covered by a pension arrangement other than the PCSPS and who suffers an impairment of earning capacity as a result of a qualifying injury will have any benefits payable by his/her pension arrangement taken into account in determining the amount of the injury allowance.

15. If a Special Adviser's appointment is ended under any of the circumstances given in paragraph 8(a), (b) or (c) he or she will be eligible for severance pay. The table in Appendix 1 shows the current terms¹.

16. It is particularly important that early contact is made with OPS (Senior Pay and Contracts Division) so that salary and pension arrangements can be agreed before an appointment is made. The terms and conditions of service may vary slightly according to the circumstances (see the "model draft letter" attached).

Commercial information/activities

17. The rules about business appointments following resignation or retirement (Civil Service Management Code - Personnel Management 4.3 Annex A) do not currently (start 1996 apply to Special Advisers. The rules are to be amended during 1996 to apply to all new Special Adviser appointments. A corollary of Special Advisers' exemption from the rules has been that they should not have access to the kind of information (eg about individual companies), or be involved in the kind of business (eg contracts), which may be relevant when applications are considered under the business appointment rules. It may be a continuing protection to Special Advisers to observe such a restriction unless specific duties agreed with the Head of Department otherwise require.

¹ Where Special Advisers break their service in order to take part in political activities during a General Election campaign, and are re-employed as Advisers immediately after that Election, qualifying service for severance payments will be the aggregate of all service before and after the General Election, but will exclude the period in which the Adviser was involved in the campaign. This arrangement applies retrospectively to current Advisers who resigned for this purpose before the 1992 General Election.

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Political activities

18. Subject to certain specific exceptions (see paragraph 19 below), the Civil Service rules on political activities should be adhered to as closely as possible by Special Advisers. For the purposes of the central rules, which are set out in CSMC Personnel Management 4.4, Special Advisers are members of the "politically restricted" group.

19. In particular:

- a. Advisers publicly identified as candidates or prospective candidates for Parliament or the European Parliament by adoption by a political party must thereupon resign their appointments (CSMC Personnel Management 4.4.19-4.4.21);
- b. Advisers who wish to take part in a General, European or by-Election campaign, or to help in a party headquarters or research unit during such a campaign, must first resign their Civil Service appointments (CSMC Personnel Management 4.4.1a.);
- c. It is essential that public funds (including departmental resources) should not be used in any way for party political purposes.

20. There are, however, some areas of political activity where Special Advisers may be allowed more freedom than other civil servants in the "politically restricted" group. With the approval of their Ministers, Special Advisers may:

- a. attend party functions (although they may attend the Party Conference only as observers) and maintain contact with party members;
- b. take part in policy reviews organised by the party, or officially in conjunction with it, for the purpose of ensuring that those undertaking the review are fully aware of the Government's views and their Ministers'

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thinking and policy. It is not open to Special Advisers to advocate policies going beyond or departing from those of the Government as a whole;

- c. assist with other party political matters such as a leadership campaign, if they do so while on paid or unpaid leave or at times which do not interfere with their normal duties, for example out of normal office hours;
- d. accompany, act for a speak for their Minister in circumstances where the Minister can be seen to be acting in his or her capacity as a member of the Government. In other circumstances, including where their Minister is taking part in party political activities, it may be appropriate for a Special Adviser to accompany their Minister to provide liaison with their department, and to advise on any departmental business that may arise.
- e. agreed with Security Division that a special adviser can stand in for a Minister in giving a speech etc in the same way as a civil servant, subject to the same restrictions (d) is simply intended to stress that a special adviser should only be accompanying his Minister etc in his Ministerial capacity, not to say that there are special rights over and above those to civil servants.

The principle is that, although Special Advisers are not expected to demonstrate political impartiality, they should not engage in activities likely to give rise to criticism that they are being employed at public expense for purely party political purposes. Special Advisers are subject to a duty to avoid public controversy. They must at all times observe discretion, take care to express comment with moderation, and avoid personal attacks. They must not identify themselves with criticisms of the Government or of its policies.

21. Subject to the approval of the Minister concerned, Special Advisers will be permitted to undertake, or continue to undertake, all forms of local political activity (see CSMC Personnel Management 4.4.1 b.). This does not include local activities in support

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of national politics as defined in CSMC Personnel Management 4.4.1 a., which, in addition to the activities mentioned in paragraph 18(a) and (b) above, covers holding, in party political organisations, offices which impinge wholly or mainly on party politics in the field of Parliament or the European Parliament, speaking in public on matters of national political controversy, and expressing views on such matters in letters to the Press, or in books, articles or leaflets. The decision should be taken in each case by the Minister concerned, who is responsible for ensuring, in consultation with colleagues as necessary, that no question of conflict arises, either with the policies for which the Minister is responsible, or with those of colleagues.

22. Special Advisers who are allowed to take part in local political activities must observe the code of discretion set out in CSMC Personnel Management 4.4.13-4.4.14. In particular, if they serve on a local authority they should bear in mind the following points, which should be brought to their attention by the official Head of Department:

- a. they should not speak publicly or in the Council, or vote, on matters for which their own Minister has responsibility;
- b. they should not serve on any committee considering such matters;
- c. they should not take part in deputations or other representations to their Ministers;
- d. they should declare an interest in relation to any case or application which comes before the Council in which their department is involved;
- e. they should observe great discretion in relation to policies for which other Ministers are responsible, in order to avoid causing them embarrassment;
- f. they should not disclose to the Council privileged information obtained in the course of their duties.

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30. The appointment of unpaid **expert** advisers may require fewer conditions and restrictions than political appointments. Departments should consult OPS (Security Division) in respect of any such appointments.

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subject to OPS agreement. The payment of all types of increment is subject to the highest point of the pay spine not being exceeded.

OR

4. Your salary will be at the inclusive rate of £ a year and will be subject to review annually on [1 August].

5. Your appointment will be subject to the appointment terms and conditions of service in force in the Civil Service from time to time. You will normally work a ... day week of ... hours including meal breaks. You will have an annual leave allowance of ... working days as well as the 10 public and privilege holidays. Full-time Advisers who are absent through sickness may be allowed sick pay for up to 6 months on full pay in any period of 12 months and thereafter on half pay, subject to an overriding limit of 12 months sick absence in any period of 4 years or less. Statutory sick pay (SSP) as appropriate is paid within the limit of full pay. Those who work regularly not less than 15 hours a week, spread over a full working week or on an equivalent basis, and who undertake to continue to give this attendance, may be allowed sick absence on the same terms as full-time Advisers. Where, by agreement with the Department, attendance is not required on each day of the working week, sick absence allowance will be calculated pro rata in working days. Sick pay will be based on the normal rate of pay, either for the hours agreed for the part-time appointment or, where the hours are irregular (but not less than 15 hours in any week) on the average ours over the immediately preceding quarter (13 weeks). National Insurance benefit (where SSP has been exhausted) will be deduced from this sick pay unless another employer pay the employer's contribution and you produce a certificate that the amount of benefit is being deducted by him, or that no sick pay is in issue from that employer.

[Note: the term "sick leave" should not be used.]

6. Although as an employee of the Crown you hold your appointment at the pleasure of the Crown, you can expect that, unless any of the circumstances in paragraph 2 above

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apply, or you are required to leave on disciplinary grounds, your appointment will not be terminated unless you have been given not less than 3 months' notice in writing. You may yourself terminate your appointment by giving not less than 5 weeks' notice in writing. Where the termination of your appointment results from any of the circumstances in paragraph 2(i), (ii) or (iii) above, or where you resign in order to comply with the Servants of the Crown (Parliamentary, European Assembly and Northern Ireland Assembly Candidature) Order 1987; or to take part in an election campaign (as defined at paragraph 12 below), severance payment will be made, subject to your agreement that should you be re-appointed you will receive only the proportion of pay which corresponds to the length of the gap between the two periods of employment. In these circumstances you will not receive any payment in lieu of annual leave not taken. If you are reappointed immediately after any of the circumstances in paragraph 2(i), (ii) or (iii) above without a break of service, and you have not received a severance payment, all service whether before or after the reappointment will qualify for the severance payments shown in the Annex.

7. The severance payment will be calculated as follows: apart from the exception below those aged under 34 will receive a severance payment equal to three months' pay. Those aged 35 or over will receive three months' pay if termination occurs at any time during the first year of service, and thereafter an extra one months' pay for each completed year of service after the first, subject to a maximum of six months' pay. Those aged 34 will receive a severance payment at a rate half-way between three months' pay and the appropriate over-35 rate.

8. All special advisers regardless of age will be entitled to one month's severance pay if:

- i. their appointment is made within 6 months of a General Election having to take place;
- ii. they resign to take part in political activities identified in paragraph 12(i) and (ii) below within 6 months of their appointment.

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The practical effect of these arrangements is set out in the Annex to this letter.

9. As you have opted to make your own private arrangements for superannuation the full amount of your salary will be subject to tax at source.

OR

9. As you have opted to continue membership of the Pension your pay will be determined by reducing the spine rate of £ by the sum of £ , which represents the employer's contribution to that scheme. [Note: Departments should include in the letter at this point any arrangements for increasing the employer's contribution to take account of salary improvements. Normally the employer's contribution represents a set percentage of the individual's pay, but it could be different depending on what is agreed between the Special Adviser and his former pension scheme managers]. It is the reduced spine rate which will constitute your remuneration, which will be chargeable to income tax in the normal way.

10. In common with all other civil servants you will be expected to abide by the provisions of the [reference to appropriate Department Staff Handbook or Code], with the exception of the rules relating to the acceptance of outside business appointments after resignation or retirement ([reference to appropriate paragraphs]) and certain aspects of the rules on political activities (see paragraph 12 below). I should particularly like to draw your attention to the general principles of conduct to which all civil servants are expected to adhere at all times ([reference to appropriate paragraphs]). A copy of the [Staff Handbook] will be made available to you on acceptance of the appointment. All queries arise from the rules of conduct in the [Staff Handbook] should be addressed to the official Head of your Department.

11. All civil servants owe duties of confidentiality and loyal service to the Crown. These require civil servants to exercise care in the use of official information which they

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acquire in the course of their official duties and to protect information which is held in confidence. The rules governing the use of official information and related activities are, at present, set out in paragraphs ... of the [Staff Handbook]. Any breach of these provisions may result in disciplinary action and in certain circumstances criminal or civil proceedings. You will be subject to the provisions of the Official Secrets Acts; and will be required to conform with the security procedures in force in the An explanatory leaflet summarising the provisions of the Official Secrets Act 1989 as it affects civil servants is enclosed. You should read it carefully.

12. The rules on the political activities of civil servants are set out in [Staff Handbook] paragraphs As a Special Adviser you will be subject generally to those provisions set out in these paragraphs which are applicable to civil servants in the "politically restricted" group. In particular:

- i. an Adviser publicly identified as a candidate or prospective candidate for Parliament or the European Parliament, either by adoption by a political party or in any other way, must thereupon resign his or her appointment (see [Staff Handbook] paragraphs);
- ii. an Adviser who wishes to take part in a General, European or by-election campaign, or to help in a Party headquarters or research unit during such a campaign, must first resign his or her Civil Service appointment ([Staff Handbook] paragraphs);
- iii. it is essential that public funds should not be used in any way for party political purposes, eg by the use of departmental resources for party political business.

13. However, subject to the approval of your Minister you may be permitted:

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- i. to attend Party functions (although you may attend the Party Conference only as an observer) and to maintain contact with Party members;
- ii. to take part in policy reviews organised by the Party, or officially in conjunction with it, for the purpose of ensuring that those undertaking the reviews are fully aware of the Government's view and your Minister's thinking and policy. It will not be open to you to advocate policies going beyond or departing from those of the Government as a whole;
- iii. to assist with other party political matters, such as a leadership campaign, if you do so while on paid or unpaid leave or at times which do not interfere with your normal duties, for example out of normal office hours;
- iv. to accompany, act for or speak for your Minister in circumstances where the Minister can be seen to be acting in his or her capacity as a member of the Government. In other circumstances, including where your Minister is taking part in party political activities, it may be appropriate for you to accompany your Minister to provide liaison with the department, and to advise on any departmental business that may arise.

Although you are not expected to demonstrate political impartiality, you should not engage in activities likely to give rise to criticism that you are being employed at public expense for purely party political purposes. You are subject to a duty to avoid public controversy. You must at all times observe discretion, take care to express comment with moderation, and avoid personal attacks. You must not identify yourself with criticisms of the Government or of its policies. Should you wish to take part in political activities at a local level ([Staff Handbook] paragraph ...) or to continue to do so if you are already involved, you should first obtain the approval of your Minister.

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[Only if Adviser is to be subject to security vetting -

14. Because of the nature of the post you are to fill it is a condition of appointment that you should be subject to the appropriate level of security vetting clearance. I should be grateful if you would complete and return the attached security questionnaire, which explains the purpose and nature of the procedure.]

15. I should be grateful if you would confirm that you are willing to accept, on these terms, the appointment that I have offered.

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ANNEX

SCALE OF SEVERANCE PAYMENTS

Years of Service	Number of months' pay in lieu of notice for those aged:		
	Under 34	34	35 and above
Over 6 months but less than 1	3	3	3
1 but less than 2	3	3	3
2 but less than 3	3	3.5	4
3 but less than 4	3	4	5
4 or over	3	4.5	6

NB: All Special Advisers, regardless of age, will be entitled to one month's severance pay if:

- i. their appointment is made within 6 months of a General Election having to take place;
- ii. they resign to take part in political activities (identified in paragraph 12 of draft letter of appointment and paragraph 17 of the terms and conditions of service) within 6 months of their appointment.

SPECIAL ADVISERS: BRIEF DESCRIPTION OF TERMS AND CONDITIONS

1. 1. You will be appointed personally by the Minister you advise.
2. You will have direct access to the Minister, who will specify your duties. You will not work directly under a permanent civil servant nor, apart from secretarial assistance, will permanent civil servants work directly for you.

Procedure for appointment

3. Once your appointment has been approved a formal letter of appointment will be issued by the Minister's Department.
4. As a special adviser you will need to be cleared to have access to classified information. You will be given details of this in your appointment letter.

Duration of appointment

5. Your appointment will automatically terminate:
 - a. with the end of the Administration under which you were appointed; or
 - b. when there is a General Election, on the day after Polling Day; or
 - c. when your appointing Minister leaves his or her present appointment; or
 - d. depending upon the circumstances, if you undertake public political activities (see paragraph 17 below) and have to resign.

Re-appointment

6. If your appointing Minister leave his or her present appointment or if the Government does not change after an Election, you may be re-appointed. A fresh letter of appointment will then be issued. The date of re-appointment may be such that there is no break in service.

Conditions of Service

7. Special Advisers are employees of the Crown; are paid from public funds, have the same conditions of service, except as regards superannuation and severance (see below), and are subject to the same rules of conduct as civil servants, with the exception of the rules governing the acceptance of outside appointments after resignation or retirement and certain aspects of the rules on political activities. All other provisions of the [reference to appropriate Departmental Staff Handbook or Code] therefore will apply to you. The existence of the Code and relevant staff regulations, and where they can be found, should therefore be made known to you on appointment.

Pay

8. On appointment you will normally be placed on one of 28 salary points. These 28 pay points are known as the "pay spine". The spine is revised annually in the light of Civil Service pay settlements. A copy of the current spine is attached. Starting pay will be assessed primarily by reference to your recent normal remuneration.

9. One increment will be paid on completion of each year's total service, up to a maximum of four increments, unless the highest point on the pay spine is reached first. On completion of one year's service, you will become eligible to be considered for up to three additional discretionary increments. Award of these increments will be confirmed by your employing Minister. The number of increments awarded will depend primarily upon an assessment of your performance.

10. After four years' total unbroken service, and on the recommendation of the current employing Minister, up to two extra increments may be awarded. All special increments payable in addition to any annual increment due are discretionary.

11. If you leave or your appointment is automatically terminated due to the circumstances of paragraphs 5(b) above, but subsequently take service again, for the purposes of salary progression you will be deemed to have started afresh. An immediate move, to another Department, or to another employing Minister, or re-employment after a

change of Administration does not constitute a break and the salary progression already established will continue.

Superannuation

12. Special Advisers' pay is non-pensionable: the choice of pension cover is left to you. The pay spine has been constructed to compensate for the lack of pensionability. It is expected that Special Advisers will normally take out a personal retirement annuity; continuation of an occupational pension scheme may, however, be arranged as an alternative. If you opt for the continuation arrangement your pay will be reduced by the amount of the employer's contributions which are payable.

13. All Advisers are covered by the injury benefit provisions of Section 11 of the Principal Civil Service Pension Scheme (PCSPS), but by no other benefits. If you suffer an impairment of earning capacity as the result of a qualifying injury, any benefits payable by your pension arrangement will be taken into account in determining the amount of the PCSPS injury allowance. A copy of a leaflet entitled "Injury Benefits", which outlines the injury benefit provisions, is attached.

14. If your appointment is ended under any of the circumstances mentioned in paragraph 5(a), (b), (c) and (d) above you will be eligible for severance pay which is subject to tax and national insurance. The attached table shows the current rates.

15. The other main conditions of service, leave entitlement and sickness benefit all follow the Civil Service rules and will be set out in the letter of appointment.

Outside occupations on leaving the Service

16. The rules about business appointments following resignation or retirement do not apply to you. But as a corollary you will not have access to the kind of information (eg about individual companies), or be involved in the kind of business (eg contracts) which necessitate the rules applicable to career civil servants.

Political Activities

17. Subject to certain specific exceptions, the Civil Service rules on political activities should be adhered to as closely as possible. In particular:

- a. if you become publicly identified as a candidate or prospective candidate for Parliament or the European Parliament by adoption by a political party, as in the case of adoption by a constituency, you must thereupon resign your appointment;
- b. if you wish to take part in a General or by-Election campaign, or to help in party headquarters or research unit during such a campaign, you must first resign your appointment.

18. There are, however, some areas of political activity where you may be allowed more freedom than civil servants. With the approval of the Minister, you may:

- a. attend party functions (although you may attend the Party Conference only as an observer) and maintain contact with party members;
- b. take part in policy reviews organised by the party, or officially in conjunction with it, for the purpose of ensuring that those undertaking the review are fully aware of the Government's views and your Minister's thinking and policy. You may not advocate policies going beyond or departing from those of the Government as a whole;
- c. assist with other party political matters, such as a leadership campaign, if you do so while on paid or unpaid leave or at times which do not interfere with your normal duties, for example out of normal office hours;
- d. accompany, act for or speak for your Minister in circumstances where the Minister can be seen to be acting in his or her capacity as a member of the

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Government. In other circumstances, including where your Minister is taking part in party political activities, it may be appropriate for you to accompany your Minister to provide liaison with the department, and to advise on any departmental business that may arise.

Although you are not expected to demonstrate political impartiality, you should not engage in activities likely to give rise to criticism that you are being employed at public expense for purely party political purposes. You are subject to a duty to avoid public controversy. You must at all times observe discretion, take care to express comment with moderation, and avoid personal attacks. You must not identify yourself with criticisms of the Government or of its policies.

19. Subject to the approval of the Minister concerned, you will be permitted to undertake, or continue to undertake, all forms of local political activity. This does not include local activities in support of national politics.

20. Special Advisers who are allowed to take part in local political activities must observe the code of discretion applicable to civil servants. In particular, if you serve on a local authority you should bear in mind the following points:

- a. you should not speak publicly or in the Council, or vote, on matters for which your own Minister has responsibility;
- b. you should not serve on any committee considering such matters;
- c. you should not take part in deputations or other representations to your Minister;
- d. you should declare an interest in relation to any case or application which comes before the Council in which your Minister's department is involved;

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- e. you should observe discretion in relation to policies for which other Ministers are responsible, in order to avoid causing them embarrassment;
- f. you should not disclose to the Council privileged information obtained in the course of your duties.

Outside activities

21. If you wish to take part in any outside activity where your work as an Adviser is likely to be relevant, you must first seek permission from the official Head of Department. Your position as an Adviser in no way frees you from the need to avoid public or political controversy.

Access to papers

22. The rules about Ministers not having access to the papers of a previous Administration also apply to Special Advisers.

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SPECIAL ADVISERS SALARY SPINE FROM 1 AUGUST 1995 (INCLUSIVE OF LONDON WEIGHTING)

SCALE POINT	SALARY £pa
34(pp)	69,434
33(pp)	67,645
32(pp)	65,995
31(pp)	64,382
30(pp)	62,807
29(pp)	60,391
28	58,069
27	56,710
26	55,357
25	53,627
24	51,896
23	49,532
22	47,692
21	45,860
20	43,941
19	42,006
18	40,073
17	38,146
16	35,848
15	34,388
14	33,226
13	32,068
12	30,853
11	29,744
10	28,831
9	27,553
8	26,580
7	25,715
6	24,863
5	23,991
4	22,714
3	21,937
2	21,273
1	20,030

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STANDARD INCREMENTS

1 automatic annual increment on completion of each year's total service, up to a maximum of 4 (provided point 28 not exceeded).

ADDITIONAL DISCRETIONARY INCREMENTS

Up to 3 increments on recommendation after 1 year's service (provided point 34 not exceeded).

Up to 2 extra increments on recommendation after 4 year's total service (provided point 34 not exceeded).

pp= performance point.

SPECIAL ADVISERS: GUIDANCE NOT FOR MINISTERS ON THE AWARD OF SPECIAL DISCRETIONARY INCREMENTS

Introduction

1. Discretionary increments may be awarded to an Adviser either as a reward for particularly good performance or, more exceptionally, where there are problems of pay relativities between Advisers in a department, to help to harmonise the pay for work of similar value. These increments are not an entitlement; the only right which is conferred in the Special Adviser's letter of appointment is eligibility to be considered for them after 12 continuous months of service.

Performance

2. This is the primary consideration. A judgement about performance can be made only by the employing Minister in the light of his or her experience of working with the Special Adviser. Detailed annual reports are not completed for Special Advisers, but Ministers will want to form a view of the overall level of performance of their Adviser(s) taking account of factors such as:

- quantity and quality of output;
- clarity of written and oral expression;
- judgement;
- drive and determination;
- ability to produce constructive ideas.

3. These increments are intended to reward particularly good overall performance. An award should only be recommended where it is really merited. Since Special Advisers are all personally selected by their Ministers, and are highly motivated, it will not be uncommon for one additional increment to be awarded; but to give two for performance should be unusual and three, though possible, should be very rare indeed.

Relativities between Special Advisers

4. The award of additional increments under this heading should be of limited application: the facility is meant to be used to rectify disparities between the starting pay levels of Special Advisers in the same Department arising from the agreed method for determining starting salaries. Any proposals under this heading should be discussed with OPS (Senior Pay and Contracts Division) in advance.

Implementation

5. Eligibility for awards should be assessed a month before the Adviser concerned completes each year's service. Recommendations for the award of increments should be forwarded by the beginning of the following month to the Cabinet Office (OPS) for consideration by the Chancellor of the Duchy of Lancaster. They should say how many increments are being recommended, on what grounds, and they should be supported by a short statement from the Minister saying why, in his or her view, the Special Advisers merits the award.