



10 DOWNING STREET

THE PRIME MINISTER

6 May 1980

TMP
cc to
CO
CDK
TCO
MIO
Legal Procedure

Dear Mr. Beith,

Thank you for your letter of 16 April about Lord Wade's Bill of Rights Bill. We wish, as you say, to discuss a possible Bill of Rights with other parties. We said in our Manifesto that this was a subject which we would wish to discuss with all parties.

However, I can see no prospect of all party talks about a Bill of Rights until the current talks on Scotland and Northern Ireland have been concluded. We shall approach the parties as soon as possible after that.

Yours sincerely
Margaret Thatcher

Alan Beith, Esq., M.P.

BS



10 DOWNING STREET

~~Make~~

John Stevens telephoned
about the PM's letter to
Alan Beith MP on Lord Wade's
Bill of Rights Bill. (It's still in
the PM's signature folder)

They think that it is unwise
to use the sentence quoted from
the manifesto in the letter as
it has been well overtaken.

See draft at flap.

Terron
7.5.80

From: THE PRIVATE SECRETARY



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

*Legal
Procedure*

30 April 1980

Dear Mike,

... Thank you for your letter of 23rd April asking for a draft reply to Mr. Beith's letter of 16th April to the Prime Minister. I enclose a draft.

I have sent copies of this letter and enclosures to Ian Maxwell (Lord Chancellor's Office), John Stevens (Chancellor of the Duchy of Lancaster's Office) and David Wright (Cabinet Office).

Yours

Christine Stewart

MISS C. J. STEWART

Michael Pattison Esq.,

DRAFT LETTER

ADDRESSEE'S REFERENCE

<p>TO</p> <p>Alan Beith Esq MP House of Commons London SW1A 0AA</p> <p>(FULL POSTAL ADDRESS)</p>	<p>ENCLOSURES</p>	<p>COPIES TO BE SENT TO</p> <p>hidden copies to:</p> <p>Private Secretary to Lord Chancellor</p> <p>Private Secretary to Chancellor of the Duchy of Lancaster</p> <p>Private Secretary to Sir Robert Armstrong</p> <p>(FULL ADDRESSES, IF NECESSARY)</p>
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LETTER DRAFTED FOR SIGNATURE BY Prime Minister
(NAME OF SIGNATORY)

Thank you for your letter of 16 April about Lord Wade's Bill of Rights Bill. We wish, as you say, to discuss a possible Bill of Rights with other parties. As we said in our Manifesto (page 21, under the heading "The Supremacy of Parliament"):

"It is not only the future of the Second Chamber which is at issue. We are committed to discussions about the future government of Scotland, and have put forward proposals for improved parliamentary control of administration in Wales. There are other important matters, such as a possible Bill of Rights, the use of referendums, and the relationship between Members of the European Parliament and Westminster, which we shall wish to discuss with all parties".

However, I can see no prospect of all party talks about a Bill of Rights until the current talks on Scotland and Northern Ireland have been concluded. We shall approach the parties as soon as possible after then.

File

Legal
Procedure



B/F 30.4.80

10 DOWNING STREET

From the Private Secretary

23 April 1980

I enclose a copy of a letter from Mr. Alan Beith, M.P. to the Prime Minister about the Bill of Rights Bill.

As you know, the Prime Minister spoke to the Lord Chancellor yesterday about this Bill, and the Lord Chancellor is to raise the matter at Cabinet tomorrow. Following that discussion, I would be grateful if you could let me have a draft reply for the Prime Minister to send to Mr. Beith. It will be helpful if this could reach us by 30 April.

I am sending copies of this letter and enclosure to Ian Maxwell (Lord Chancellor's Office), John Stevens (Chancellor of the Duchy of Lancaster's Office) and David Wright (Cabinet Office).

W. A. PATTISON

Miss Christine Stewart,
Home Office.

TGR

PRIME MINISTER

*Legal
Proactive*

You asked the Lord Chancellor to raise under this item the Bill of Rights Bill.

The Bill has completed progress in the Lords, but the Government are preventing further progress at present in the Commons. You and the Lord Chancellor tentatively concluded:

- i. that a Bill of Rights embodying the European Convention on Human Rights was on balance desirable, provided there was not too great a conflict with domestic legislation;
- ii. that it would therefore be in order to offer all-Party talks on the matter when the present talks on the government of Scotland have come to a conclusion;
- iii. that, simultaneously, there should be a study within Departments of the implications for domestic legislation on this proposal.

You said that this looked like a matter for the third Session.

(Home Office note at A)

The Home Secretary will want to speak on this, which is his departmental responsibility. The Secretaries of State for Scotland and Northern Ireland may also wish to speak, as separate legislation would be required in both cases. You may want to ask the Chancellor of the Duchy of Lancaster to comment on the prospects for the talks on the government of Scotland. The Secretary of State for Defence and the Foreign and Commonwealth Secretary may also have comments about the Bill of Rights proposal.

Subject to the discussion, you may want to record the conclusions you discussed with the Lord Chancellor yesterday, and to give instructions about approaches to the Parties and replies to the letters written by Lord Wade to the Lord Chancellor

/and Mr. Beith

and Mr. Beith to yourself. I attach Mr. Beith's letter to you,
and the relevant extract from the Manifesto.

MA

23 April 1980

From: THE PRIVATE SECRETARY



CONFIDENTIAL HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

23 April 1980

Dear Mike,

LORD WADE'S BILL OF RIGHTS BILL (HL)

... Thank you for sending me a copy of your letter on 22nd April to Ian Maxwell about the question of a Bill of Rights, to be raised orally by the Lord Chancellor in tomorrow's Cabinet. The Home Secretary thinks the Prime Minister might like to see, in advance, the attached note which sets out the position as he sees it.

I have copied this letter and enclosure to Ian Maxwell and David Wright.

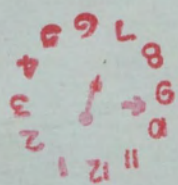
Yours,

Christie Stewart

MISS C. J. STEWART

CONFIDENTIAL

M. A. Pattison, Esq.



24 APR 1980

LORD WADE'S BILL OF RIGHTS BILL

1. As indicated in the letter of yesterday from Mr. Pattison at No.10, the Lord Chancellor is to raise orally at Cabinet to-morrow the question of a Bill of Rights. He wishes to seek the Cabinet's guidance about how to discharge his commitment to Lord Wade to keep him in touch with progress on the matter. There are two issues: the all-party talks and the proposed interdepartmental study of the effects on existing legislation of incorporating the European Convention on Human Rights into our domestic law.

All-Party Talks

2. The Manifesto said (page 21, under the heading "The Supremacy of Parliament"):

"It is not only the future of the Second Chamber which is at issue. We are committed to discussions about the future government of Scotland, and have put forward proposals for improved parliamentary control of administration in Wales. There are other important matters, such as a possible Bill of Rights, the use of referendums, and the relationship between Members of the European Parliament and Westminster, which we shall wish to discuss with all parties".

3. On 30 October 1979 the Home and Social Affairs Committee considered a memorandum (H (79) 8) by the Home Secretary and Lord Chancellor about a Bill of Rights introduced by

/Lord

E.R.
Lord Wade. The Committee concluded (H (79) 14th Meeting, Minute 1) that:-

The Lord Chancellor should announce during the Second Reading of Lord Wade's Bill that the Government would be ready to engage in discussions with all parties on a possible Bill of Rights at a suitable time.... The Home Secretary would consider further with the Chancellor of the Duchy of Lancaster what arrangements might be made for talks with other parties, but these would not be initiated until after the all-party talks on the Government of Scotland were finished.

4. Lord Wade's Bill passed the House of Lords. It is being blocked in the House of Commons: and is unlikely to make further progress.
5. During the second reading debate in the House of Lords on Lord Wade's Bill on 8 November the Lord Chancellor made clear that the Government was ready to hold the all party talks and indicated that he was considering sounding Labour and Liberal peers on the prospect of agreement being reached to hold talks on the incorporation of the European Convention on Human Rights into our domestic law. The Lord Chancellor subsequently wrote to House of Lords Liberal and Labour leaders. So far as is known he has so far received no response from them, but the Liberal Party has pressed for time to be made available in the House of Commons for consideration of Lord Wade's Bill.

6. Talks with the Labour and Liberal Parties about the Government of Scotland (i.e. the handling of Scottish Parliamentary business) have now started. We understand that all three parties are keen to make constructive progress and that it is possible that the talks will come to an end at some point this summer.
7. In the circumstances it would be best to adhere to the view taken by H Committee last October, that talks on a Bill of Rights should not be initiated until the talks on Scotland have been concluded.

Proposed Interdepartmental Study

8. The implications of incorporating the European Convention into our law, including the effects on existing legislation, have already been considered both by a House of Lords Select Committee under the Chairmanship of Lord Allen of Abbeydale, which reported in 1978, and, in more detail, by an Interdepartmental Working Group under Mr Cubbon (as he then was), whose report* was published by Mr Jenkins in 1976. There may not be much scope for further work on these matters in advance of decisions on the major issues of principle. But if Ministers wish the matter to be pursued further by officials at this stage it would be appropriate for the Home Office to take the lead, as before. This would have to be on the understanding that such work would not prejudice the progress of more urgent Home Office business.

Home Office, SW1

23 April 1980

23 April 1980

I am writing on behalf of the Prime Minister to acknowledge your letter to her of 16 April about the Bill of Rights Bill.

The Prime Minister has seen your letter and will be replying to you shortly.

M. A. PATTISON

Alan Beith, Esq., M.P.

C

We will encourage the improvement of language training in schools and factories and of training facilities for the young unemployed in the ethnic communities. But these measures will achieve little without the effective control of immigration. That is essential for racial harmony in Britain today.

THE SUPREMACY OF PARLIAMENT

In recent years, Parliament has been weakened in two ways. First, outside groups have been allowed to usurp some of its democratic functions. Last winter, the Government permitted strike committees and pickets to take on powers and responsibilities which should have been discharged by Parliament and the police. Second, the traditional role of our legislature has suffered badly from the growth of government over the last quarter of a century.

We will see that Parliament and no other body stands at the centre of the nation's life and decisions, and we will seek to make it effective in its job of controlling the Executive.

We sympathise with the approach of the all-party parliamentary committees which put forward proposals last year for improving the way the House of Commons legislates and scrutinises public spending and the work of government departments. We will give the new House of Commons an early chance of coming to a decision on these proposals.

The public has rightly grown anxious about many constitutional matters in the last few years—partly because our opponents have proposed major constitutional changes for party political advantage. Now Labour want not merely to abolish the House of Lords but to put nothing in its place. This would be a most dangerous step. A strong Second Chamber is necessary not only to revise legislation but also to guarantee our constitution and liberties.

It is not only the future of the Second Chamber which is at issue. We are committed to discussions about the future government of Scotland, and have put forward proposals for improved parliamentary control of administration in Wales. There are other important matters, such as a possible Bill of Rights, the use of referendums, and the relationship between Members of the European Parliament and Westminster, which we shall wish to discuss with all parties.



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10 DOWNING STREET

From the Private Secretary

22 April 1980

B/F 23 4 80
for Cabinet

The Lord Chancellor spoke to the Prime Minister this morning about the future handling of Lord Wade's Bill of Rights Bill. As a result of his earlier discussions with Lord Wade, he felt he had an obligation to return to the matter with the Bill's sponsor. He had made approaches to the Labour Party, but had had no response from that quarter.

The Lord Chancellor explained his view that there would be some value in embodying the European Convention on Human Rights in domestic law, and that such legislation would not infringe on Parliamentary sovereignty nor would it require major derogations for other domestic legislation. There would need to be some derogations for the avoidance of doubt. He had, over time, come round to a position of mild support for such legislation.

The Prime Minister said that she favoured a Bill of Rights if it could be effective, and if it would not require a great many derogations. In view of the timetable, there was unlikely to be room for this before the third Session of Parliament. The Lord Chancellor said that it would be consistent with his earlier discussion with Lord Wade to say either that there could be no further action until the all-Party talks on the Government of Scotland were concluded, or that the Government would itself introduce an improved Bill in the next Session. The Prime Minister said that she was prepared to agree that the matter should be the subject of all-Party talks after the Government of Scotland discussions had concluded, and that there should simultaneously be a study in Departments on how a Bill of Rights would affect existing legislation. This would probably be an item for the Parliamentary programme in the third Session. She asked the Lord Chancellor to raise the matter orally at Cabinet on 24 April under the Parliamentary Affairs item.

I understand that the Cabinet Office will note on the agenda for the 24 April Cabinet that the Lord Chancellor will mention this matter.

I am sending copies of this letter to Christine Stewart (Home Office) and David Wright (Cabinet Office).

M. A. PATTISON

Ian Maxwell, Esq.,
Lord Chancellor's Office.

PRIME MINISTER

cc Miss Stephens
Mr. Gow

The Lord Chancellor would like to have a brief chat with you about the Bill of Rights Bill. Alan Beith has written to you on this (attached) and Lord Wade has also written to the Lord Chancellor.

Lord Hailsham has no qualms about holding this conversation with Prince Andrew present, and we have therefore pencilled it in for 1215 tomorrow. This will add a little variety to the Prince's day, where your other meetings are mainly on Civil Service matters.

Agree to see Lord Hailsham tomorrow?

MAP

21 April 1980

From: Alan Beith MP



HOUSE OF COMMONS
LONDON SW1A 0AA

16th April 1980

Dear Mrs Thatcher

You will recall that the Bill of Rights Bill, which has passed through the Lords and now awaits a Second Reading in the Commons, has been the subject of discussions between its sponsor, Lord Wade, and the Lord Chancellor. Both the Lord Chancellor and the Lord Advocate have stated that the Government would welcome all-party talks on the Bill. The Parliamentary Liberal Party has now considered the matter: We very much regret that the Government is blocking progress on the Bill in the Commons and that time has not been found for a Second Reading debate. We do, however, believe that the issue is so important that all-party talks should go ahead without delay.

Lord Wade will be communicating with the Lord Chancellor in similar terms.

Yours sincerely

Alan Beith

The Rt. Hon. Margaret Thatcher, MP.,
The Prime Minister,
10 Downing Street,
London SW1.



HS
cc HO
LCO

10 DOWNING STREET

THE PRIME MINISTER

31 December 1979

Dear Mr. Smith,

Thank you for your letter of 13 December about Lord Wade's Bill of Rights and my reply to your recent Question in the House,

As you quite rightly point out, the present version of Lord Wade's Bill does not attempt to entrench the provisions of the European Convention on Human Rights in our law, though at Committee Stage Lord Wade moved an amendment which would indeed have introduced an important degree of entrenchment. The Lord Chancellor advised against the amendment and Lord Wade withdrew it.

As to our policy towards this Bill, I believe that such an important constitutional change should proceed as far as possible on the basis of agreement. Our manifesto at the General Election included a possible Bill of Rights among the subjects suggested for consultation between all parties. The Government intends to approach other parties on this matter at a suitable time. As you may know, the Lord Chancellor has already written to the Liberal and Labour leaders in the House of Lords to seek their views on the prospects for such talks.

/ I see JS

I see that the Bill is now down for Second Reading on 8 February, but I think it is clear that, in view of the very full Parliamentary timetable before us, it is unlikely to make significant progress in the Commons this session. You may recall that the Lord Chancellor made this point to Lord Wade on Second Reading.

Yours sincerely

Alan Beith

Alan Beith, Esq., M.P.



HOME OFFICE
QUEEN ANNE'S GATE LONDON SW1H 9AT

21 DEC 1979

Dear Nick,

... You wrote to Ian Maxwell on 14th December enclosing a copy of a letter which the Prime Minister had received from Alan Beith. This is really a Home Office matter and I enclose a draft letter for the Prime Minister's consideration.

At their meeting on 7th November the Legislation Committee agreed that as there was no prospect of there being Parliamentary time available in the Commons for Lord Wade's Bill to be debated he was to be urged to withdraw his Bill. As he has not done so, the Whips have arranged for the Bill to be blocked in the Commons. While Mr. Beith speaks of the "encouraging line" taken by the Lord Chancellor, it is fair to remind him that Lord Hailsham made it clear on Second Reading that the Bill had no chance of becoming law this session.

In his letter, Mr. Beith correctly points out that entrenchment is not a feature of Lord Wade's Bill. However, he incorrectly states that entrenchment was not advocated during the Bill's passage through the Lords. Lord Wade himself proposed an amendment at Committee Stage which would have introduced an important degree of entrenchment, though he withdrew it, on the advice of the Lord Advocate and the Lord Chancellor.

... I enclose a copy of Lord Wade's Bill, as brought from the Lords, for your information.

I have sent Ian Maxwell a copy of this letter and of the draft letter to Mr. Beith.

Yours

Christine Stewart

MISS C. J. STEWART

DRAFT LETTER

ADDRESSEE'S REFERENCE

TO	ENCLOSURES	COPIES TO BE SENT TO
Alan Beith, Esq., M.P. House of Commons, LONDON. SW1A 0AA (FULL POSTAL ADDRESS)		Home Office Lord Chancellor's Department <i>Type form CCIG</i> (FULL ADDRESSES, IF NECESSARY)

LETTER DRAFTED FOR SIGNATURE BY PRIME MINISTER
 (NAME OF SIGNATORY)

Thank you for your letter of 13th December about Lord Wade's Bill of Rights and my reply to your recent question in the House.

As you quite rightly point out, the present version of Lord Wade's Bill does not attempt to entrench the provisions of the European Convention on Human Rights in our Law, though at Committee Stage Lord Wade moved an amendment which would indeed have introduced an important degree of entrenchment. The Lord Chancellor advised against the amendment and Lord Wade withdrew it.

As to our policy towards this Bill, I believe that such an important constitutional change should proceed as far as possible on the basis of agreement. Our manifesto at the General Election included a possible Bill of Rights among the subjects suggested for consultation between all parties. The Government intends to approach other parties on this matter at a suitable time. As you may know, the Lord Chancellor has already written to the Liberal and Labour leaders in the House of Lords to seek their views on the prospects for such talks.

I see that the Bill is now down for Second Reading on
8~~th~~ February, but I think it is clear that, in view of the very full
Parliamentary timetable before us, it is unlikely to make significant
progress in the Commons this session. You may recall that the
Lord Chancellor made this point to Lord Wade on Second Reading.

FROM THE PRIVATE SECRETARY



HOUSE OF LORDS,
SW1A 0PW

19th December 1979

J.A. Chilcot Esq.,
Private Secretary to
The Secretary of State for the
Home Department,
Queen Anne's Gate,
London S.W.1.

Vms

Dear John,

You will have received a copy of Nick Sanders' letter to me of 14th December 1979 and its enclosures, relating to Alan Beith's letter to the Prime Minister of 30th December about a Bill of Rights.

I understand that our respective officials have been in touch concerning this, and that your Department will now be putting up a draft reply. This letter is merely to confirm that arrangement.

I am sending a copy of this letter to Nick Sanders and to John Stevens.

Yours sincerely

Jan Maxwell

120 DEC 1979

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10 DOWNING STREET

From the Private Secretary

14 December 1979

cc HO. RD
C. Dickey

Mr. A. BEITH
(Bill's Rights)

I attach a letter the Prime Minister has received from Alan Beith MP, together with the relevant extract from Hansard. Could you please let me have a draft reply for the Prime Minister to send to Mr Beith, ideally to reach us by 12.00 hrs on Friday, 21 December?

I am copying this letter and its enclosures for information to John Stevens and John Chilcot.

N. J. SANDERS

I Maxwell Esq
Lord Chancellor's Office

TCR

RH.



10 DOWNING STREET

From the Private Secretary

14 December 1979

I am writing on behalf of the Prime Minister to thank you for your letter of 13 December about your question in the House on 11 December on the subject of the Bill of Rights. I will place your letter before the Prime Minister and you will be sent a reply as soon as possible.

N. J. SANDERS

Alan Beith Esq MP
House of Commons

TCR

From Alan Beith MP



HOUSE OF COMMONS
LONDON SW1A 0AA

13th December 1979

R412

Dear Mrs Thatcher,

I am sorry not to have given notice before raising the Bill of Rights at Question Time on Tuesday. You may not have realised when you replied to me that entrenched clauses are not a feature of the Bill, and were not advocated during its passage through the Lords.

It would be useful to know whether the encouraging line taken by the Lord Chancellor in the Lords is going to be similarly pursued in the Commons by the Government.

*Yours sincerely
Alan Beith*

The Rt Hon Mrs Margaret Thatcher MP
Prime Minister
10 Downing Street
London SW1

H. R.

11 December 1979

OFFICIAL REPORT:

VOLUME

COLUMN 1073

Mr. Beith: When the Prime Minister consults her colleagues, will she take the opportunity to clarify the Government's attitude to the Bill of Rights which was introduced by Liberals in another place and which has passed all its stages in that place? Has she noticed that Lord Denning has added his voice to those who want to see that Bill enacted?

The Prime Minister: There are many hon. Members who would wish to have a Bill of Rights. The question is whether one could ever entrench such a Bill in our constitution. It is doubtful whether, having the doctrine of parliamentary supremacy, we could ever entrench a Bill of Rights in this country. In theory it is possible to entrench it by a referendum, but I do not believe that under our constitution we could be certain that it would stay there.