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# Individual ministerial responsibility- issues and examples

This Paper offers an introduction to the constitutional convention of ministerial responsibility. It looks at the impact of the convention in the light of developments such as the Scott Report into arms for Iraq and the development of formal published codes relating to the duties of ministers and civil servants. It also covers significant resignations, such as Crichton Down in 1954 and instances where demands for resignations were resisted, such as the Maze Prison escape in 1983. This Paper updates and replaces Research Paper 96/27.

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## Summary of main points

Ministers inform and explain, apologise, take remedial action, or resign in support of the convention of ministerial responsibility. This is not an area regulated by statute, rather practice has developed according to precedent and guidance. Most recently, that guidance has become formalised in the *Ministerial Code*, issued by the Prime Minister at the beginning of a new administration.

The responsibility of individual ministers for their own conduct and that of their departments is a vital aspect of accountable and democratic parliamentary government.<sup>1</sup> Ministerial responsibility is often described as a constitutional convention, yet it is a convention difficult to define with certainty and which, to a large degree, depends on the circumstances of each individual case.

There is a distinction between individual ministerial responsibility and the collective responsibility that each minister has to support the government of which he/she is a member. The purpose of this Paper is to explore the former, and in particular, that aspect of individual responsibility which focuses on the ultimate sanction of departure from ministerial office, either by resignation or dismissal. Probably the most famous example of the convention in operation was the resignation of Neville Chamberlain as Prime Minister following the outcome of the Norway debate in May 1940, although the routine exercise of the concept, even where resignation is involved or demanded, is usually more prosaic. New developments such as:

- the increased importance of select committees
- the transfer of most civil servants into executive agencies
- the publication of codes of conduct for ministers and civil servants

have contributed to the continuing evolution of the convention. The Paper gives a brief summary of examples of situations where individual responsibility could be said to have arisen in order to illustrate various aspects of the 'convention'. It is *not* intended to be a comprehensive list and concentrates on those instances relating to failings of policy or administration by ministers, directly or through their officials, although clear lines of demarcation are not always easy to draw.

The final part summarises significant episodes such as Crichton Down in 1954 (in which the Home Secretary, Sir David Maxwell Fyfe, set out what is often regarded as the classic statement of the traditional doctrine), the Falklands (1982) and Westland (1986), through to more recent resignations such as those of Peter Mandelson (1998 and 2001), Stephen Byers (2002) and Estelle Morris (2002). It also includes instances where resignation demands were successfully resisted such as the Maze Prison escape (1983). The convention continues to develop, as witnessed by the most recent resignation, that of junior Home Office minister Beverley Hughes, in April 2004.

A list of 20th century ministerial resignations, for whatever reason, is provided in the Appendix, as collected and classified in *Twentieth Century British Political Facts*.<sup>2</sup>

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<sup>1</sup> Marshall, G (ed.) (1989), *Ministerial responsibility* and Woodhouse, D (1994), *Ministers and Parliament*

<sup>2</sup> Butler, D & G (2000), *Twentieth Century British Political Facts 1900-2000*, 8th ed., pp74-76

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## I The convention of individual ministerial responsibility

The convention of ministerial responsibility antedates the modern party system. It developed at a time in the nineteenth century when the role of the government was limited and a competent minister could be assumed to have personal control of a department. The growth of mass parties, and the welfare state have changed the nature of the convention, but it remains an important aspect of the UK political system and the uncodified constitution.<sup>3</sup>

There are a number of interconnected practical demonstrations of accountability that a minister can make which can give effect to the requirement of individual ministerial responsibility to Parliament and to the public, in addition to any professional sanction or 'punishment'. Note the comment of the Defence Select Committee in the Westland affair: 'A Minister does not discharge his accountability to Parliament merely by acknowledging a general responsibility and, if the circumstances warrant it, by resigning. Accountability involves *accounting* in detail for actions as a Minister.'<sup>4</sup> This may result in support for the decisions or actions in question, perhaps even if contrary to the views of a departmental or independent inquiry into them.

The four main options available to a Minister who has to give effect to the requirement of individual ministerial responsibility are as follows:

- **Inform and explain:** The basic requirement of accountability is that ministers explain their actions and policies to Parliament, and inform Parliament of events or developments within their sphere of responsibility. Thus ministers make statements (on their own initiative, through urgent questions, or through written ministerial statements for example) on all sorts of issues from transport accidents to proposed new policy initiatives, and make available detailed explanations through Parliamentary answers, consultation papers, white and green papers and so on.
- **Apologise:** Ministers who admit an error, of whatever kind, either by them personally or on behalf of their officials, will usually be expected to apologise to Parliament, as part of a full explanation, whether or not a resignation or dismissal is involved. It is often said that the House of Commons is generous and forgiving to those Members and ministers who admit their mistakes and atone for them, especially where the mistakes are not regarded as sufficiently serious for resignation. In appropriate cases an Opposition may only seek an apology rather than a resignation, or the House may accept an apology even when resignation has been demanded originally.
- **Take action:** A minister who is responsible for an unsatisfactory state of affairs (whether identified by themselves, by Parliament or by some form of inquiry) will be expected to take appropriate remedial steps to correct it and to ensure that it should not happen again. This applies whether or not any resignations or dismissals are involved,

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<sup>3</sup> For useful background, see Flinders M (2000) 'The enduring centrality of individual ministerial responsibility within the British constitution' *Legislative Studies* 6(3) pp73-92

<sup>4</sup> 4th report of the Defence Committee, *Westland plc: the Government's decision-making*, HC 519, 1985-86 para 235.

although in some cases the remedial action may be promised and carried out by a successor in cases where the responsible minister has left office.

- **Resign:** This is the ultimate accountability action and sanction. It is also the most difficult to categorise and explain. While the other actions noted above are essentially, in constitutional terms, administrative, executive actions, of ministers carrying out their ministerial duties to account in a substantive way to Parliament, resignation cases -- including those where resignation was successfully resisted, at least for some time, and cases of 'sideways' or other reshuffle -- can develop into essentially political battles, often, but not always, of a partisan nature.

It is by no means easy to classify satisfactorily the reasons for a ministerial departure, even in cases where they have apparently been spelled out publicly by the relevant ministers or other ministers, including the Prime Minister. Some situations may, for example, not have normally been serious enough to warrant the ultimate sanction, but may have been the 'last straw' for fellow ministers or the Parliamentary party or the House in general. There may have been a combination of related causes, especially in an unfolding sequence of events as in the Westland episode of 1985-6. Even in the few cases where the traditional doctrine of individual responsibility has apparently operated, as in Crichton Down (1954) or the Falklands (1982), there remains much academic interpretation and discussion about their true meaning.

Should ministers resign simply because 'something went wrong' in their departmental area or 'on their watch'? Or need they resign only when something went wrong because of something they, or their officials, *did* wrong? For example, did Lord Carrington and his two junior ministers resign because Argentina successfully took possession of the Falkland Islands in April 1982, *or* because Foreign Office policy failed to prevent it, *or* because Foreign Office policy failed to prevent it because it was flawed, *or* because they wished to restore or maintain confidence in the government in its difficult task of recovering the Islands, *or* because they wished to prevent the risk of the downfall of the Prime Minister or the government, *or* some combination of these reasons?

There has been much academic discussion of the convention, both its nature and even if such a rule exists.<sup>5</sup> A constitutional convention is a non-legal rule, habit or practice which is generally followed by all those in similar circumstances. As a non-legal rule, it is not comprehensively and authoritatively written down in any formal document (hence the regard paid to the Maxwell Fyfe formulation in the 1954 Crichton Down case); cannot be enforced by legal (as opposed to political) sanctions, and may be ignored, amended or reinterpreted by those involved. Because of the fluidity of conventions there is danger in attempting to derive patterns of consistent practice, in a random series of political events over a long period of years. In practice, few senior politicians are likely to base decisions affecting their political careers solely, or even mainly, on some uncertain constitutional convention, the exact details of which they may not be fully aware of.

However the convention of individual ministerial responsibility can be seen to operate in several different ways. There is certainly a strong connection between the notions of

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<sup>5</sup> See Finer, S E (1956), 'The Individual Responsibility of Ministers', *Public Administration*, 34, pp377-96

*individual* and *collective* responsibility and some causes of resignation or dismissal (or demands for resignation or dismissal) may arise because a minister disobeys or contradicts, or appears to contradict, government policy (this happened with Eric Heffer in 1975 over EEC membership). This also applies where a policy has changed but a minister continues to act upon the earlier policy (as with Sir Samuel Hoare's conclusion, as Foreign Secretary, of the 'Hoare-Laval Pact' over Abyssinia in 1935).

A leading authority in this area, Rodney Brazier, has outlined the main areas of ministerial responsibility:<sup>6</sup>

- Broadly, each Minister is responsible for
- (1) his private conduct,
  - (2) the general conduct of his department, and
  - (3) acts done (or left undone) by officials in his department

However, as the examples at the end of this Paper demonstrate, in each individual case the evaluation of whether a minister should take individual responsibility varies and, as Brazier notes, it is necessary to consider the practical political aspect of ministerial responsibility:

It is impossible to lay down rigid constitutional rules about ministerial responsibility, at least in a way that gives practical guidance about behaviour to those holding ministerial office... The principles which have developed are at best elastic, and in testing how far they will stretch the personal determination of particular Ministers can be crucial, especially when they are trying to defend themselves against demands for their resignation. The attitude of the Prime Minister is also pivotal, although not even the most ruthless defence of a colleague by the Prime Minister will necessarily save him from loss of office, especially if the Cabinet or the parliamentary party, or the Minister's constituency or the media, turn against him. A change of government at any time, too, may produce a Prime Minister who is determined to apply a different, and perhaps higher, set of standards of ministerial responsibility. Much therefore, depends on the personalities involved and their interpretation of what the doctrine of ministerial responsibility means.<sup>7</sup>

## **II Recent developments in the convention of ministerial responsibility**

### **A. The development of a ministerial code of conduct**

Beyond the relevant provisions of the criminal and civil law and parliamentary rules of conduct affecting Members generally there are few if any 'rules' regarding ministerial responsibility which guide and bind ministers in their official capacity. The first official guidance note for ministers, *Questions of procedure for ministers (QPM)*, was published in May 1992 although it had been in existence before this as a confidential internal circular and was well known unofficially in the media, academic texts and in Parliament.

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<sup>6</sup> Brazier, R (1997), *Ministers of the Crown*, p270

<sup>7</sup> *Ibid.* p261

Following consideration by the Treasury and Civil Service Committee<sup>8</sup> *QPM* was amended in 1995 to include the obligation not to mislead Parliament:<sup>9</sup>

Ministers must not knowingly mislead Parliament and the public and should correct any inadvertent errors at the earliest opportunity. They must be as open as possible with Parliament and the public, withholding information only when disclosure would not be in the public interest, which should be decided in accordance with established Parliamentary convention, the law, and any relevant Government Code of Practice.

*QPM* was revised and reissued as the *Ministerial Code* in 1997 with a forward from the new Prime Minister, Tony Blair, which stated that 'I will expect all Ministers to work within the letter and spirit of the Code.'<sup>10</sup> The media and academics have from time to time made a connection between a resignation and the published guidelines (although in many cases of resignation the exact ground or grounds may not always be clear). For example when David Mellor resigned in September 1992, the *Independent* referred to provisions of *QPM* concerning the acceptance of gifts,<sup>11</sup> and following Peter Mandelson's resignation over his home loan in December 1998 the *Times* claimed that:<sup>12</sup>

While he may not have breached the letter of the code, Mr Mandelson has all but conceded that he breached the spirit of the rules that cover ministers, by failing to declare the loan to his Permanent Secretary. The code states ministers "must scrupulously avoid any danger of an actual or apparent conflict of interest between their ministerial position and their private financial interests".

## B. The Scott and Nolan Reports

The report of the Scott inquiry<sup>13</sup> had a significant impact on how the convention of ministerial responsibility is interpreted. Sir Richard Scott endorsed the view that ministers should not be held personally responsible for every action or decision taken by a civil servant within their department but he did place emphasis on the responsibility of ministers to account fully to Parliament.<sup>14</sup>

Following the Scott report the Public Service Select Committee<sup>15</sup> widened its inquiry into agencies into a review of ministerial responsibility. Its report found that it was extraordinary that the only explicit statement on how ministers were expected to discharge their duties to

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<sup>8</sup> Fifth Report of the Treasury and Civil Service Select Committee, *The role of the civil service*, HC 27-I 1993-94 (became the Public Administration Committee in 1997)

<sup>9</sup> First set out in Roger Freeman's speech, HC Deb 2 November 1995 vol 265 cc456-7. He stated that the new version 'becomes effective immediately'

<sup>10</sup> Cabinet Office, *Ministerial Code: A Code of Conduct and Guidance on Procedures for Ministers*, was further revised in June 2001 <http://www.cabinet-office.gov.uk/central/2001/mcode/contents.htm>

<sup>11</sup> 'Questions over holiday sealed Mellor's fate' *The Independent*. 25 September 1992

<sup>12</sup> 'MPs' rules 'breached in spirit only, *The Times* 24 December 1998, (this case is discussed in more detail at the end of this Paper)

<sup>13</sup> *Report of the Inquiry into the Export of Defence Related Equipment and Dual Use Goods to Iraq and Related Prosecutions*, HC115 1995/96

<sup>14</sup> *Ibid.*, see para. K8.16

<sup>15</sup> Became the Public Administration Committee in 1997

Parliament appeared in a document issued by the Prime Minister. To remedy this, the Committee recommended that the Commons adopt a resolution underlining the obligation on ministers to be open with the House and not mislead it.<sup>16</sup> A resolution, passed on 19 March 1997, following negotiations between the Government and the main opposition parties, stated that:<sup>17</sup>

- (1) Ministers have a duty to Parliament to account, and be held to account, for the policies, decisions and actions of their Departments and Next Steps Agencies;
- (2) It is of paramount importance that Ministers give accurate and truthful information to Parliament, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead Parliament will be expected to offer their resignation to the Prime Minister;
- (3) Ministers should be as open as possible with Parliament, refusing to provide information only when disclosure would not be in the public interest, which should be decided in accordance with relevant statute and the Government's Code of Practice on Access to Government Information (Second Edition, January 1997);
- (4) Similarly, Ministers should require civil servants who give evidence before Parliamentary Committees on their behalf and under their directions to be as helpful as possible in providing accurate, truthful and full information in accordance with the duties and responsibilities of civil servants as set out in the Civil Service Code (January 1996).<sup>18</sup>

Rodney Brazier has highlighted that the First Report from the Committee on Standards in Public Life (the Nolan report)<sup>19</sup> provides another source of guidance on the responsibility of ministers for their personal conduct, particularly the requirement that they avoid conflicts of interest but also more generally about their personal behaviour.<sup>20</sup> Brazier notes that:

It is significant... that the Committee did accept that Ministers' personal conduct can be relevant to the way in which they carry out their official work, and in this sense can give rise to issues of ministerial responsibility.

### **C. Distinction between responsibility and accountability**

Sir Thomas Dugdale's resignation over the Crichton Down case in 1954 represented an example of a traditional, if extreme, view of the convention of ministerial responsibility: that a minister should take full responsibility for every action of the civil servants within his or her department, but the convention was restated shortly afterwards by the then Home Secretary, Sir David Maxwell-Fyfe:<sup>21</sup>

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<sup>16</sup> 2<sup>nd</sup> Report of the Public Service Committee, Ministerial Accountability and Responsibility, HC 313 1996-97 paras 89-91

<sup>17</sup> HC Deb 19 March 1997 292 cc1046-7

<sup>18</sup> For further background see Library Standard Note SN/PC/608 *Parliamentary Resolutions on Ministerial Accountability*

<sup>19</sup> Brazier, R (1997), *Ministers of the Crown*, p264

<sup>20</sup> First Report of the Committee on Standards in Public Life (Cm 2850 1995) para. 3.4

<sup>21</sup> HC Deb Vol. 530, cc 1286-87, 20 July 1954

The Minister is not bound to defend action of which he did not know, or of which he disapproves. But... he remains constitutionally responsible to Parliament for the fact that something has gone wrong, and he alone can tell Parliament what has occurred and render an account of his stewardship.

Ever since this case governments have attempted to make a distinction between a minister's duty to account to Parliament for the actions of their department and their individual responsibility.<sup>22</sup> This distinction has been viewed as reflecting the complexity of modern government whereby a minister cannot be held to be responsible for the action of every civil servant, especially where operational issues are increasingly delegated to agencies. The distinction between operational and policy issues has been used by ministers to defend themselves from criticism for failures within their departments; this can be seen most clearly where previous Home Secretary's have sought to emphasise that prison escapes are the result of operational failings within the Prison Service rather than any policy decision for which they can be held personally responsible.<sup>23</sup>

However the distinction between responsibility and accountability has been contested by academics such as Matthew Flinders who has commented that it is 'confusing and ambiguous as to the requirements of ministerial responsibility where operational fault is concerned'<sup>24</sup> and by the Public Services Committee which made the criticism that 'It is not possible absolutely to distinguish an area in which a minister is personally responsible, and liable to take the blame, from one in which he is constitutionally accountable'.<sup>25</sup> The comments of the late Enoch Powell in relation to the overall responsibility of the Secretary of State are set out in relation to the debate over the Maze Prison escape in Part IV,F of this Paper.

### **III Wider aspects of ministerial responsibility**

#### **A. The relationship between ministers and civil servants**

The issue of ministerial responsibility has important consequences for the relationship between ministers and civil servants, given ministers' accountability to Parliament for the actions of the departments and the traditional notion of civil service anonymity. Giving a full account of his or her actions may lead a minister to reveal the actions and advice of officials and their dealings with ministers, with third parties and with each other. It is in such areas where officials may feel, rightly or wrongly, that they are at a disadvantage in public accountability terms, as they have relatively restricted opportunities to present their version of events publicly. Changes in employment law and practice now give civil servants more opportunity to offer their versions of events, as witnessed in the events surrounding the resignation of Stephen Byers, described in Part IV, L.

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<sup>22</sup> For later Government statements of this distinction see Roger Freeman's comments in HC Deb 12 February 1996. 271 c684, and HC 67 (96-97)

<sup>23</sup> See section F.7. on the Maze Prison Escape in 1983 and also Barker, A (1998) 'Political Responsibility for UK Prison Security- Ministers Escape Again', *Public Administration*, 76:1, pp1-23

<sup>24</sup> Flinders, M (2001), *The Politics of Accountability in the Modern State*, p48

<sup>25</sup> Second Report of the Public Service Committee, *Ministerial Accountability and Responsibility*, HC 313 1996-97 para 1

Another important factor in shaping the convention of individual ministerial responsibility has been the Government's reforms of the civil service and of traditional departments, especially through the creation of the Next Steps executive agencies, which has delegated more direct responsibility for operational issues from ministers to officials.<sup>26</sup> Although it has been stressed that the new agencies would remain the responsibility of ministers<sup>27</sup> this development has led to some changes to traditional forms of parliamentary accountability.<sup>28</sup> This issue is not fully covered in this Paper, but the origins of Next Steps and its implications for ministerial responsibility is discussed in Library Research Paper 97/4, *Next Steps Agencies*. For a more detailed account, see *Parliament: Functions, Practice and Procedure*.<sup>29</sup> This text also looks at the implications of whistle-blowing by civil servants. The *Public Interest Disclosure Act 1998* extends to civil servants.<sup>30</sup>

## B. Select Committees

The growth of Select Committees, especially since the 1979 reforms, has had a significant impact on accountability, not least because of the opportunities they afford for detailed and sustained parliamentary scrutiny of ministerial and departmental policy, through direct and public questioning of ministers and, in particular, officials. Select committees often have the opportunity to investigate in greater detail the circumstances leading to resignations. This is evident both in the Westland and the Stephen Byers cases described below. Ministers and officials are required to explain their actions and their dealings with each other. Government has sought to regulate this activity through guidance in the Osmotherly Rules.<sup>31</sup> The Liaison Committee has recently commented on difficulties in obtaining the attendance of relevant witnesses and documents from the executive for inquiries by select committees. The Prime Minister has recently promised a review of the Osmotherly Rules.<sup>32</sup>

## C. The role of the media

The media can play a crucial role in the way ministerial responsibility operates and, as the cases of Stephen Byers and Estelle Morris demonstrate, can be decisive in forcing a minister to resign or otherwise take responsibility for events. Brazier notes that the media can play a crucial role in shaping events:

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<sup>26</sup> Sir Robin Ibbs (1988), *Improving Management in Government: the Next Steps*

<sup>27</sup> Statement by Margaret Thatcher HC Deb 18 February 1988, c1149

<sup>28</sup> For further information on this area see Flinders, F (2001), *The Politics of Accountability in the Modern State*, pp49-50 and Giddings, P (ed.) (1995), *Parliamentary accountability: a study of Parliament and executive agencies*

<sup>29</sup> 2<sup>nd</sup> edition by Robert Blackburn and Andrew Kennon 2003 p34-44

<sup>30</sup> See Library Standard Note SN/BT/248 *Public Interest Disclosure Act* <http://hcl1.hclibrary.parliament.uk/notes/bts/snbt-00248.pdf>

<sup>31</sup> See *Departmental evidence and response to select committees*, OPSS/Cabinet Office, December 1994, Dep/3 815 and <http://hcl1.hclibrary.parliament.uk/notes/pcc/snpc-02671.pdf>

<sup>32</sup> Evidence to Liaison Committee 3 February 2004, cited in HC 446 2003-4, para 90

In recent years media interest in ministers in personal difficulty has made it difficult for them to carry out their tasks, and it has contributed in a number of cases to their resignations.<sup>33</sup>

Brazier goes on to describe that the media can be seen as possessing a unique capacity to enforce ministerial responsibility:

For Parliament cannot collectively remove an erring Minister (for when did a Minister last resign at the clear behest of Parliament?), nor can the ranks of the Opposition do so (for it is the job of the Opposition to criticize, and its criticisms can be discounted as partisan; even when the attack had merit, the Government's Commons majority will beat off the attack). Nor can the courts police the doctrine of ministerial responsibility, for the fitness for office of a Minister is not a justiciable issue. To the extent that some Ministers, in effect, have been forced from office by the media, the media can claim that they have moved into a constitutional lacuna and have fulfilled a useful public service.<sup>34</sup>

The contributory factor of media pressure can be seen in the recent resignations of Stephen Byers and Estelle Morris where, more than any individual event, their departures appeared to become inevitable once they had in effect 'become the story'. The media have also contributed to the departure of ministers involved in personal scandals such as Cecil Parkinson and David Mellor. Although it is often commented that the media's influence has increased in recent years and that it is obsessed with ministers' private lives it has long had an important impact: Lord Carrington listed his desire to end recriminations in the press as one of the main reasons for his resignation following the Falklands conflict.<sup>35</sup>

## **IV Some illustrative examples**

### **A. Crichel Down: Sir Thomas Dugdale (1954)**

This case has been regarded as the classic example of individual ministerial responsibility in action, although in the subsequent 40 years there has been a lively academic debate about its meaning in this context.<sup>36</sup> The case itself concerned a claim of unfair treatment by a landowner when the Ministry of Agriculture and the Crown Lands Commissioners refused to resell to him land belonging to his family which had been compulsorily purchased by the Air Ministry in 1937, apparently contrary to promises made concerning procedures for resale. Following backbench pressure, an inquiry was set up which made a number of criticisms of official procedures and practices in the handling of the matter.<sup>37</sup> The Minister of Agriculture, Sir Thomas Dugdale's initial statement to the House on 15 June 1954 stated that he accepted full responsibility for his officials but that he did not

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<sup>33</sup> Brazier, R (1997), *Ministers of the Crown*, p271

<sup>34</sup> *ibid* p 271

<sup>35</sup> HL Deb, 25 January 1983 c159-60

<sup>36</sup> See Woodhouse, D (1994), *Ministers and Parliament*, , pp96-106; Wheare, K C (1975), 'Crichel Down revisited', *Political Studies*, XXIII, pp390-408; Griffith, J (1987), 'Crichel Down: the most famous farm in British constitutional history', *Contemporary Record*, pp35-40; 'Crichel Down revisited' (1987), *Public Administration*, 65, pp339-47 and Nicholson, I F (1986), *The Mystery of Crichel Down*

<sup>37</sup> Inquiry by Sir Andrew Clark QC, Cmnd. 9176, presented in June 1954

take the same view as the inquiry report of their actions.<sup>38</sup> However in the full debate on 20 July, on an adjournment motion, Dugdale gave a full account of the case and the report's findings, and restated what he believed to be the constitutional position.<sup>39</sup>

First, I should like to say a word about the conduct of the civil servants concerned. General issues of great constitutional importance arise in this regard. My right hon. and learned Friend the Secretary of State for the Home Department and Minister for Welsh Affairs will deal with them when he speaks later in this debate. I am quite clear that it would be deplorable if there were to be any departure from the recognised constitutional position. I, as Minister, must accept full responsibility to Parliament for any mistakes and inefficiency of officials in my Department, just as, when my officials bring off any successes on my behalf, I take full credit for them.

Any departure from this long-established rule is bound to bring the Civil Service right into the political arena, and that we should all, on both sides of the House, deprecate most vigorously. I shall have something more to say about Ministerial responsibility before I sit down; I would only add, at this stage, that it should not be thought that this means that I am bound to endorse the actions of officials, whatever they may be, or that I or any other Minister must shield those who make errors against proper consequences.

He announced at the end of his speech that he was resigning:<sup>40</sup>

I have tried to accomplish my duty to the House, which was to give an accurate account of the history of the Crichel Down case. I have told the House of the action which has been taken, and which will be taken, in the design to make a recurrence of the present case impossible. I have announced changes which the Government intend to make in land transaction procedure. I have told the House of the offer of resale of the Crichel Down land under certain conditions. I have no regrets at having ordered a public inquiry, for I am certain that good will come out of it. I have been able to get well under way the action necessary following Sir Andrew Clark's Report.

Having now had this opportunity of rendering account to Parliament of the actions which I thought fit to take, I have, as the Minister responsible during this period, tendered my resignation to the Prime Minister, who is submitting it to the Queen.

In his speech, the Home Secretary, Sir David Maxwell Fyfe set out his view of the convention of ministerial responsibility in terms which have immortalised the name of Crichel Down and so are worth quoting at length:<sup>41</sup>

There has been criticism that the principle operates so as to oblige Ministers to extend total protection to their officials and to endorse their acts, and to cause the position that civil servants cannot be called to account and are effectively responsible to no one. That is a position which I believe is quite wrong, and I think it is the cardinal error that has crept into the appreciation of this situation. It

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<sup>38</sup> HC Deb 15 June 1954 vol 528 cc1745-7,

<sup>39</sup> cc1185-6

<sup>40</sup> HC Deb 20 July 1954 vol 530 c1186

<sup>41</sup> cc1285-7

is quite untrue that well-justified public criticism of the actions of civil servants cannot be made on a suitable occasion. The position of the civil servant is that he is wholly and directly responsible to his Minister. It is worth stating again that he holds his office 'at pleasure' and can be dismissed at any time by the Minister; and that power is none the less real because it is seldom used. The only exception relates to a small number of senior posts, like permanent secretary, deputy secretary, and principal financial officer, where, since 1920, it has been necessary for the Minister to consult the Prime Minister, as he does on appointment.

I would like to put the different categories where different considerations apply. I am in agreement with the right Hon. Gentleman who has just spoken, that in the case where there is an explicit order by a Minister, the Minister must protect the civil servant who has carried out his order. Equally, where the civil servant acts properly in accordance with the policy laid down by the Minister, the Minister must protect and defend him.

I come to the third category, which is different. Again, as I understand the right Hon. Gentleman, he agrees with me on this. Where an official makes a mistake or causes some delay, but not on an important issue of policy and not where a claim to individual rights is seriously involved, the Minister acknowledges the mistake and he accepts the responsibility, although he is not personally involved. He states that he will take corrective action in the Department. I agree with the right Hon. Gentleman that he would not, in those circumstances, expose the official to public criticism. I think that is important, and I hope that the right Hon. Gentleman will agree with me that it should come from both sides of the House that we are agreed on this important aspect of public affairs.

But when one comes to the fourth category, where action has been taken by a civil servant of which the Minister disapproves and has no prior knowledge, and the conduct of the official is reprehensible, then there is no obligation on the part of the Minister to endorse what he believes to be wrong, or to defend what are clearly shown to be errors of his officers. The Minister is not bound to defend action of which he did not know, or of which he disapproves. But, of course, he remains constitutionally responsible to Parliament for the fact that something has gone wrong, and he alone can tell Parliament what had occurred and render an account of his stewardship.

The fact that a Minister has to do that does not affect his power to control and discipline his staff. One could sum it up by saying that it is part of a Minister's responsibility to Parliament to take necessary action to ensure efficiency and the proper discharge of the duties of his Department. On that, only the Minister can decide what it is right and just to do, and he alone can hear all sides, including the defence.

It has been suggested in this debate, and has been canvassed in the Press, that there is another aspect which adds to our difficulties, and that is that today the work and the tasks of Government permeate so many spheres of our national life that it is impossible for the Minister to keep track of all these matters.

I believe that that is a matter which can be dealt with by the instructions which the Minister gives in his Department. He can lay down standing instructions to see that his policy is carried out. He can lay down rules by which it is ensured that matters of importance, of difficulty or of political danger are brought to his attention. Thirdly, there is the control of this House, and it is one of the duties of this House to see that that control is always put into effect.

There is the other side of that on which I wish to spend a moment. The hon. Member for Edge Hill in the course of a very interesting and reasoned speech, used the phrase, 'Heads should have fallen.' As I have said, it is a matter for the Minister to decide when civil servants are guilty of shortcomings in their official conduct. Normally, the Civil Service has no procedure equivalent to a court-martial, or anything of that kind. There have in the past been a few inquiries to

establish the facts and the degree of culpability of individuals, but the decision as to the disciplinary action to be taken has been left to the Minister.

## B. John Profumo (1963)

The facts of the Profumo episode are well-known. When the details of the complicated scandal began to leak out in Parliament and in the media, Profumo made a personal statement to the House on 22 March 1963 in which he said, *inter alia*, that ‘there was no impropriety whatsoever in my acquaintanceship with Miss Keeler’ and concluded by warning that ‘I shall not hesitate to issue writs for libel and slander if scandalous allegations are made or repeated outside the House’.<sup>42</sup> However, in his 4 June letter to the Prime Minister, Profumo wrote that:<sup>43</sup>

You will recollect that on March 22, following certain allegations made in Parliament, I made a personal statement.

At that time rumour had charged me with assisting in the disappearance of a witness and with being involved in some possible breach of security.

So serious were these charges that I allowed myself to think that my personal association with that witness, which had also been the subject of rumour, was, by comparison, of minor importance only.

In my statement I said that there had been no impropriety in this association. To my very deep regret I have to admit that this was not true, and that I misled you, and my colleagues, and the House.

I ask you to understand that I did this to protect, as I thought, my wife and family, who were equally misled, as were my professional advisers.

I have come to realise that, by this deception, I have been guilty of a grave misdemeanour, and despite the fact that there is no truth whatever in the other charges, I cannot remain a member of your Administration, nor of the House of Commons.

I cannot tell you of my deep remorse for the embarrassment I have caused to you, my colleagues in the Government, to my constituents, and to the party which I have served for the past 25 years.

The Opposition asked for an immediate debate when Parliament returned from the Whitsun recess. This took place on 17 June 1963, in which the Opposition concentrated on the supposed security, rather than the personal, aspects of the former minister's conduct, in the words of Harold Wilson, ‘However much we condemn him - and we must condemn him - that is not the issue today’.<sup>44</sup>

## C. Devaluation: James Callaghan (1967)

This episode has obvious similarities with the ERM ‘Black Wednesday’ in 1992. The Labour Government had been strongly and publicly opposed to devaluation, but were forced to do so on 18 November 1967, a Saturday. The Chancellor, James Callaghan, made a statement to the House on the following Monday on the devaluation and the related fiscal

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<sup>42</sup> HC Deb 22 March 1963 vol 674 c810

<sup>43</sup> *Keesings*, 1963, p19475.

<sup>44</sup> HC Deb 17 June 1963 vol 679 cc34-176.

and economic measures.<sup>45</sup> He sat down, according to *Hansard*, to cries of ‘Resign’, and Iain Macleod, for the Opposition, quoting the Chancellor's recent anti-devaluation statements, continued:<sup>46</sup>

The Chancellor of the Exchequer will know that I am using his own words. He has done all these things. He has broken faith. He has devalued his word. He is planning to bring down the standard of life of our own people. He is an honourable man. Will he resign?

**Mr. Callaghan:** I am obliged to the right hon. Gentleman for putting the question so succinctly. I will give him an equally succinct answer. I recommended the Cabinet to devalue. It accepted my advice. It is my immediate responsibility to see that the operation is successful.

On the following two days there was a full scale debate, during which Macleod turned his attack on the Prime Minister himself<sup>47</sup> and Sir Keith Joseph, for the Opposition, said that ‘the responsibility must be pinned firmly on the Chancellor but, above all, on the Prime Minister’.<sup>48</sup>

In his memoirs, Callaghan records that, when the devaluation policy was being decided, ‘I had already intimated to the Prime Minister that it was my firm decision to resign once the devaluation operation was complete and I had accounted for myself to the House of Commons... The Prime Minister urged me very strongly to remain at the Treasury for the time being, but I felt unable to do so in view of the undertakings I had given in good faith as lately as the previous September that sterling would not be devalued’.<sup>49</sup> After three days of discussions between 27 and 29 November Callaghan accepted the Prime Minister’s offer that he should become Home Secretary, with Roy Jenkins replacing him as Chancellor.<sup>50</sup>

#### **D. Poulson: Reginald Maudling (1972)**

Reginald Maudling resigned as Home Secretary on 18 July 1972 because of the revelations of the business practices and acquaintances of the architect John Poulson. In his memoirs Maudling explained his reasons:<sup>51</sup>

The Poulson affair became a public issue in 1972 as a result of his examination in bankruptcy. It then became apparent that he had been dispensing large sums of money in bribes to public officials of one kind or another. Clearly criminal offences on a large scale were involved, and the job of investigation into so serious a matter had to be undertaken by the Metropolitan Police. As Home Secretary I was officially Police Authority for the Metropolis, and was

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<sup>45</sup> HC Deb 20 November 1967 vol 754 cc935-9

<sup>46</sup> c939

<sup>47</sup> HC Deb 21 November 1967 vol 754 cc1161-2

<sup>48</sup> c1254

<sup>49</sup> Callaghan, J (1987), *Time and chance*, pp221-2

<sup>50</sup> Wilson, H (1971), *The Labour government 1964-70*, p467

<sup>51</sup> Maudling, R (1978), *Memoirs*, p193

responsible for the Metropolitan Police. It seemed to me quite clear that I could not continue to hold that responsibility while the Met. were investigating, with a view to possible prosecution, the activities of a man with whom I had had a business association. I had no option but to resign, which I did, and I wrote a letter of resignation to the Prime Minister, asking him to read it out to the House of Commons, which he was good enough to do.

## **E. Falklands: Lord Carrington, Richard Luce, Humphrey Atkins (1982)**

Following the Argentine military attack on the Falkland Islands on 2 April 1982, the Foreign Secretary, Lord Carrington and two junior Foreign Office Ministers, Humphrey Atkins and Richard Luce, resigned. In his resignation letter to the Prime Minister, Lord Carrington wrote that there had been much press and Parliamentary criticism following the Argentine action: ‘In my view, much of the criticism is unfounded. But I have been responsible for the conduct of that policy and I think it right that I should resign. As you know I have given long and careful thought to this. I warmly appreciate the kindness and support which you showed me when we discussed this matter on Saturday. The fact remains that the invasion of the Falkland Islands has been a humiliating affront to this country... I have concluded with regret that [Parliamentary and public] support [for the Islanders] will more easily be maintained if the Foreign Office is entrusted to someone else’.<sup>52</sup>

In her memoirs, Lady Thatcher claimed that she and William Whitelaw tried to convince Lord Carrington to stay: ‘but there seems always to be a visceral desire that a disaster should be paid for by a scapegoat. There is no doubt that Peter's resignation ultimately made it easier to unite the Party and concentrate on recovering the Falklands: he understood this. Having seen Monday's press, in particular the *Times* leader, he decided that he must go.’ She quoted part of a personal letter he wrote to her on 6 April: ‘I think I was right to go. There would have been continual poison and such advice as I gave you would have been questioned. The Party will now unite behind you as it should have done last Saturday [i.e. during the emergency debate]’.<sup>53</sup>

During the 7 April debate on the Falklands crisis, Richard Luce explained his resignation in terms of the humiliation and grave affront to the country caused by the Argentine action. ‘In these circumstances, at a time of great national difficulty, I felt that it was vital that the Government should have the full confidence and support of the country. To that end I thought that it was right for a new minister to take my place. My distinguished colleagues [Lord Carrington and Humphrey Atkins] took the same view. I hope that the House will feel that we acted in the national interest’. He continued:<sup>54</sup>

I wish to say a word about ministerial responsibility. Amidst all the welter of speculation of the past few days, one allegation needs to be firmly refuted.

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<sup>52</sup> Letter, 5 April 1982

<sup>53</sup> Thatcher, M (1993), *The Downing Street Years*, pp185-6

<sup>54</sup> HC Deb 7 April 1982 vol 21 c979. See also Mr Atkins' speech on 8 July on the establishment of the Falkland Islands Review, HC Deb 8 July 1982 vol 27 cc488-90

Serious things have been said about the Foreign and Commonwealth officials. In response-I believe that it is my duty-I must say two things. After three years of service in the Foreign Office as a Minister, I am convinced that the officials are dedicated to our country's interests and have a high sense of public duty. Secondly, it is an insult to Ministers of all Governments, of whatever colour or complexion, to suggest that officials carry responsibility for policy decisions. Ministers do so, and that strikes at the very heart of our parliamentary system.

In the Lords debate on 25 January 1983 on the Franks Report, Lord Carrington explained his and the Government's actions up to the Argentine action the previous April, and why he resigned at that time.<sup>55</sup>

I have only three other very short things to say. One or two noble Lords have queried my resignation. Those of your Lordships who have longish memories may perhaps recollect an interview which I gave on the night I resigned. In the course of that interview I said that, given the information that we had at that time, I did not believe that the Government or I had mishandled the situation, or that we should have done differently. Nine months later, and with the benefit of the Franks Committee, I do not really honestly think that I can say that I would have done anything of substance differently. But there was an undeniable feeling in this country that Britain's honour and dignity had been affronted. The governor of a British territory had been forcibly removed. An alien flag had been raised over an occupied population. The wide sense of outrage and impotence was understandable, and I was at the head of the Foreign Office. It did not seem to me a time for self-justification and certainly not to cling to office. I think that the country is more important than oneself.

The second reason is linked to the first. Argentine actions had made war a strong possibility. One does not enter a war amid a welter of recrimination about who was responsible. As I said at the time, I did not accept the criticism levelled at the Foreign and Commonwealth Office and myself, but I did accept the responsibility of my position at the centre of a controversy which could have been damaging to this country at a time of national emergency.

There had been a highly charged debate in the House of Commons. The press was all but unanimous in calling for my resignation. Perhaps it would not be putting it too strongly to say that it was baying for blood. I make no complaint about that. When something of this nature happens it is human nature to turn round and blame the man in charge, although perhaps I might be allowed to say that the reputations of some of those instant critics would not have been significantly damaged if they had suspended sentence until they had learned the facts.

I believed then, as I believe now, that my resignation would put an end to those recriminations and that we could go forward united in our task. That was not a particularly easy decision for Mr. Atkins, Mr. Luce or myself, but I believe that our resignations did precisely have the effect we hoped for. Unfortunately, it did not stem the tidal wave of unjustified criticism directed at the Foreign Office. My Lords, if you were to ask me what I found most unpleasant about the whole of this affair, I would say it has been the way in which some Members of Parliament and some journalists have never ceased to vilify the Foreign Office. One allegation is that the Foreign Office is always seeking to act contrary to the wishes of the people of this country and to promote some sinister policy of its

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<sup>55</sup> HL Deb 25 January 1983 vol 438 cc159-60

own. The Franks Committee disposes of that with regard to the Falkland Islands. I should like to put on record that in all the dealings I have had with officials on the two occasions that I have been in the Foreign Office, the issues, the alternatives and the options have always been presented to me with scrupulous fairness and objectivity. When decisions are taken they are the responsibility of Ministers, and it is Ministers who should be blamed, not those who are carrying out their decisions.

In the equivalent Commons debate, Douglas Jay intervened in the Prime Minister's opening speech to ask 'If the Government made no mistakes, why did Lord Carrington resign?' Mrs Thatcher replied that 'the reasons for Lord Carrington's resignation were set out in his letter which was published in full'.<sup>56</sup> Richard Luce, in that debate, expanded on his resignation speech of the previous April. He made clear that 'I accept my share of the responsibility for the decisions which I helped to make when I was Minister of State', and continued:<sup>57</sup>

I explain once again to the House the reasons for our resignation. I hardly need explain to the House that there was, in the first week of April, a grave crisis. It was essential for the country to unite behind the Prime Minister and the Government. The Foreign and Commonwealth Office was the lead Department in this affair and the Ministers in that office were the target for a great deal of criticism. It was essential for the Prime Minister to lead the country with a team of Ministers at the Foreign Office who were not open to accusations about responsibility for the invasion or the inevitable recriminations that arose from that.

It was for that reason that the three of us decided that the honourable course was to resign. I believe that honour is not something to be despised. To this day I believe that that was the right decision to take, even though in Lord Carrington we lost one of our finest Foreign Secretaries in this century.

## **F. Maze prison escape: James Prior (1983)**

In September 1983 there was a mass escape from the Maze Prison in Northern Ireland, during which a prison officer was killed. The Northern Ireland Secretary, James Prior, set up an inquiry the following day headed by the Chief Inspector of Prisons, Sir James Hennessy. An authority in the convention of ministerial responsibility, Professor Diana Woodhouse describes the immediate political fallout of the escape:<sup>58</sup>

Parliament was in recess, but Prior immediately faced criticism from Unionist Members of Parliament in Northern Ireland. They contended that the lax security at the Maze was the general responsibility of the Northern Ireland Office and the personal responsibility of the Under-Secretary of State, Nicholas Scott, whose responsibilities included prisons in the province. The focus upon Scott was a continuation of a campaign against him which had begun in the summer, not long after he had taken office, and which stemmed from his offer to meet Noraid, the New York based group of Republican fund-raisers. The meeting never took

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<sup>56</sup> HC Deb 25 January 1983 vol 35 c798

<sup>57</sup> HC Deb 26 January 1983 c934

<sup>58</sup> Woodhouse, D (1994), *Ministers and Parliament*, p125.

place, but Scott's resignation was sought by Ulster Unionists then, and it was sought again after the Maze break-out.

As pressure grew for Scott's resignation, Prior indicated that, if his Under-Secretary were forced from office, he too would go. This was similar to the position adopted by Carrington - either both went or neither did. This seems to be the accepted constitutional position where departmental fault is concerned. The responsibility belongs to the Secretary of State and, whatever delegatory arrangements he might make with a junior minister, he cannot devolve ministerial responsibility. Prior himself later illustrated the position in relation to another junior minister within his department: 'In discharging his duties, my hon. Friend acts on my behalf.'

On the day the House returned from the summer recess, Mr Prior made a statement, during which the following exchange took place:<sup>59</sup>

**Mr. Robert Maclellan** (Caithness and Sutherland): Given that the events described by the Secretary of State this afternoon are grave and calamitous, and are far more serious than he described them when he said that they have set back law enforcement, will he accept that if the doctrine of ministerial responsibility is to have any meaning in this country his personal position cannot turn on the mere findings-

**Mr. Dennis Skinner** (Bolsover): The hon. Gentleman would not resign his seat to fight an election.

**Mr. Maclellan:** - of the Hennessy inquiry, when 38 of the most dangerous prisoners in his custody have escaped?

**Mr. Prior:** If I had felt that ministerial responsibility was such that in this case I should have resigned, I certainly should have done so. It would be a matter for resignation if the report of the Hennessy inquiry showed that what happened was the result of some act of policy that was my responsibility, or that I failed to implement something that I had been asked to implement, or should have implemented. In that case, I should resign. The IRA may have had something of a success to relate about the escape, but it would be as nothing compared with the success that it would have to relate if it forced the resignation of the Secretary of State under such circumstances.

The report of the inquiry found that the management and physical security deficiencies at the prison 'amounted to a major failure in security for which the governor must be held accountable'.<sup>60</sup> Mr Prior made a statement on the publication of the report on 26 January 1984, in which he announced that the governor had resigned. In response to questions he said that 'the report shows that no policy decisions contributed to the escape. For that reason, I believe that there are no grounds for ministerial resignation',<sup>61</sup> and:<sup>62</sup>

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<sup>59</sup> HC Deb 24 October 1983 vol 47 cc23-4.

<sup>60</sup> HC 203, 1983-84, para 10.12, January 1984

<sup>61</sup> HC Deb 26 January 1984 vol 52 c1056

<sup>62</sup> c1059

I have always made it plain that if anyone were to resign over this matter it would be me. I am primarily responsible. Of course, I have given the matter the most careful personal consideration and have decided that I do not believe that there was negligence in any policy decision by me or by my hon. Friend the Minister. For that reason, I see no need for my resignation on this occasion.

In the debate on the report, Mr Prior set out in detail his reasons for not resigning:<sup>63</sup>

There are those who, while they accept this policy, have nevertheless suggested that the circumstances of the escape demand ministerial resignation. I take that view seriously and have given it the most careful consideration. I share hon. Members' concern about the honour of public life and the maintenance of the highest standards. I said at the time of my statement to the House on 24 October, without any pre-knowledge of what Hennessy would find:

'It would be a matter for resignation if the report of the Hennessy inquiry showed that what happened was the result of some act of policy that was my responsibility, or that I failed to implement something that I had been asked to implement, or should have implemented. In that case, I should resign.'*[Official Report, 24 October 1983, Vol. 47, c. 23-24.]*

In putting the emphasis that I did on the issue of 'policy', I was not seeking to map out some new doctrine of ministerial responsibility. I was responding to the accusations made at that time that it was policy decisions, reached at the end of the hunger strike, that made the escape possible.

Since the report was published, the nature of the charges levelled at my hon. Friend and myself has changed. It is now argued in some quarters that Ministers are responsible for everything that happens in their Departments and should resign if anything goes wrong. My position has not changed, and I want to make it quite clear that if there were any evidence in the Hennessy report that Ministers were to blame for the escape, I would not hesitate to accept that blame and act accordingly, and so I know, would my hon. Friend. However, I do not accept and I do not think it right for the House to accept that there is any constitutional or other principle that requires ministerial resignations in the face of failure, either by others to carry out orders or procedures or by their supervisors to ensure that staff carried out those orders. Let the House be clear: the Hennessy report finds that the escape would not have succeeded if orders and procedures had been properly carried out that Sunday afternoon.

Of course, I have looked carefully at the precedents. There are those who quote the Crichton Down case. I do not believe that it is a precedent or that it establishes a firm convention. It is the only case of its sort in the past 50 years, and constitutional lawyers have concluded that the resignation was not required by convention and was exceptional.

Whatever some may wish, there is no clear rule and no established convention. Rightly, it is a matter of judgment in the light of individual circumstances. I do not intend to review the judgments made by Ministers faced with the question whether to resign following failures in their Departments. Nor do I seek to justify my decision on the ground that there are many difficulties in Northern Ireland. There are, but that adds to rather than subtracts from the argument. The question that I have asked myself is whether on Sunday afternoon, 25 September, I was to blame for those prisoners escaping. The Hennessy report is quite explicit in its conclusion that, although there may have been weaknesses in the physical

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<sup>63</sup> HC Deb 9 February 1983 vol 53 c1042

security of the prison and in the prisons department, the escape could not have taken place if the procedures laid down for the running of the prison had been followed.

Perhaps the strongest counter-argument came from Enoch Powell:<sup>64</sup>

The Secretary of State, from the beginning of his speech, recognised the central issue in this debate, that of ministerial responsibility, without which the House scarcely has a real function or any real service that it can perform for the people whom it represents. We are concerned with the nature of the responsibility, the ministerial responsibility, for an event which, even in isolation from its actual context, was a major disaster.

I want to begin by eliminating from this consideration the Under-Secretary of State for Northern Ireland, the hon. Member for Chelsea (Mr. Scott), because references to him in this context have shown a gross misconception. There has been argument about how long the hon. Member has been in the branch of the Northern Ireland Office concerned with the prison service, as though that were in the least degree relevant. The fact is that the entire responsibility, whether or not it is delegated to a junior Minister, rests with the Secretary of State. The Secretary of State has confirmed this to me in the past 24 hours, in another context, when I drew his attention to the reports to the fact that the Minister in charge of the environment had himself taken the decision to re-name the district of Londonderry. The right hon. Gentleman quite correctly said:

‘In discharging his duties, my hon. Friend acts on my behalf’. [*Official Report*, 8 February 1984; Vol. 53, c. 623.]

There is a responsibility, of a different kind, obviously, on the part of every junior Minister towards his Ministry, but the responsibility for everything that he does or says or fails to do or say rests irrevocably with the Minister - the Secretary of State - and he alone is responsible to the House.

It is, therefore, a total misconception to imagine that any of the responsibility can be devolved to a junior Minister. A junior Minister may choose, if his chief resigns, to resign in solidarity with him; he may choose himself to resign for a variety of reasons. But there is no constitutional significance in acceptance by him of a responsibility which is not his. The locus of the responsibility is beyond challenge. It lies with the Secretary of State and, through him, with the Government as a whole.

As the Secretary of State reminded us this afternoon, even before the publication of the report he drew a distinction, which I believe to be invalid, between responsibility for policy and responsibility for administration. I believe that this is a wholly fallacious view of the nature of ministerial responsibility. I shall argue presently that there is a policy element in the event that we are considering and that it cannot be understood fully except in its policy framework. But even if all considerations of policy could be eliminated, the responsibility for the administration of a Department remains irrevocably with the Minister in charge. It is impossible for him to say to the House or to the country, ‘The policy was excellent and that was mine, but the execution was defective or disastrous and that has nothing to do with me.’ If that were to be the accepted position, there would be no political source to which the public could complain about administration or from which it could seek redress for failings of administration.

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<sup>64</sup> cc1059-60

What happened was an immense administrative disaster. It was not a disaster in a peripheral area of the responsibilities of the Northern Ireland Department. It was a disaster that occurred in an area which was quite clearly central to the Department's responsibilities. If the responsibility for administration so central to a Department can be abjured by a Minister, a great deal of our proceedings in the House is a beating of the air because we are talking to people who, in the last resort, disclaim the responsibility for the administration.

I would put the question in this way to the right hon. Gentleman. If he had known on 24 September what we all know now about the state of affairs in the Maze prison, would he or would he not have taken urgent and drastic steps to correct it? Of course he would. But can he say -ought the House to permit him to say-that he was unaware of what he and we now know and that, therefore, he cannot be held responsible for what Sir James calls the malaise arising from the state of affairs of considerable duration which existed in that prison and which alone can explain what happened on 25 September last year?

It is interesting to note that in this case the Opposition did not wish a resignation, at least not that of the Secretary of State. Peter Archer said that 'the purpose of this debate is not to ask for resignations. An easy way for a politician to attract press coverage is to react to every problem with demands for ministerial resignations'.<sup>65</sup>

Winding up the debate, the junior Northern Ireland minister, Nicholas Scott, responded to Mr Powell's attack:<sup>66</sup>

The right hon. Member for Down, South (Mr. Powell) did two things. First, he outlined a constitutional convention which he might wish existed, which perhaps once did exist, but which, frankly, has not existed in politics in this country for many years. The decisions made and attitudes struck about ministerial responsibility should reflect what, the modern position is and has been acknowledged to be since the end of the second world war.

I recognise that the right hon. Member for Down, South is right about my position. It was explained to me in succinct terms when I took up my post that I was a mere emanation of the Secretary of State and that of course he was the person who really bore responsibility for these matters. If I had felt that there was any policy decision, attitude about resources or support for the prison service in Northern Ireland that I had taken I should have offered my resignation.

Similar responsibility issues arose in the 1991 Brixton Prison escape, when Kenneth Baker was Home Secretary<sup>67</sup> and after the 1994 Whitemoor and 1995 Parkhurst escapes when Michael Howard was Home Secretary.

## **G. Westland: Michael Heseltine, Leon Brittan (1986)**

The Westland affair is, in many ways, the most complex and confusing episode of ministerial responsibility.<sup>68</sup> Neither of the two ministerial resignations can be easily

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<sup>65</sup> c1055

<sup>66</sup> cc1107-8

<sup>67</sup> See Woodhouse (1994), *op cit*, pp153-61

classified in the standard categories, as there appeared to be a variety of causes, major and minor, which may have led to each of the departures in the unfolding crisis. Although the central issue of the rescue of Westland, a troubled helicopter company, may have seemed to many, inside and outside Parliament, as a relatively minor political issue, it did appear to encapsulate a number of more serious political themes, not least the question of Europe which was, directly or otherwise, the cause of the loss of a number of senior ministers from the Conservative government.

Mr Heseltine, a supporter of the European rather than American rescue option, abruptly announced his resignation when he walked out of a Cabinet meeting on 9 January 1986. His resignation, which he said was attributable to the Prime Minister's ruling that all ministerial statements on Westland be cleared in advance with the Cabinet office, and to a 'breakdown of constitutional government', is not directly relevant to this Paper except to the extent to which his actions were intimately involved in the events which led to Mr Brittan's resignation. Leon Brittan had upset the House over a meeting with Sir Raymond Lygo of British Aerospace, which was seen by some as putting ministerial pressure on the European faction. A letter of complaint was sent to the Prime Minister, and Mr Brittan was made aware of this just before he went to speak to the House, but appeared to conceal his knowledge when asked about the matter. He was forced to return to the House to apologise for misleading the House, which he explained as being due to his concern for the apparent confidential nature of the letter.<sup>69</sup> He was also involved, to some degree, in the leaking of a letter from the then Solicitor-General apparently damaging to Mr Heseltine's case. The Defence Committee pointed out that 'Mr Brittan, a Queen's Counsel, would have been aware of the special confidentiality of Law Officers' advice.'<sup>70</sup> The episode appeared to some to contrast with the minister's concerns for the confidentiality of the earlier letter. When Mr Brittan resigned on 24 January he explained his reasons in his resignation letter: 'It has become clear to me that I no longer command the full confidence of my colleagues. In the circumstances, my continued membership of your government would be a source of weakness rather than strength.' During the full debate on Westland on 27 January he said:<sup>71</sup>

My right hon. Friend the Prime Minister has set out the facts relating to what has been called the 'Westland saga', and particularly the circumstances relating to the disclosure of information contained in a letter of my hon and learned Friend the Solicitor-General. She has done so in great detail. Some of the facts only she can know about whereas in other events I myself was closely involved. I can and do confirm that with regard to the facts within my knowledge, the account of my right hon. Friend the Prime Minister is correct.

As my right hon. Friend said in her statement to the House last Thursday, I made it clear to my officials at the Department of Trade and Industry that - subject to the agreement of No. 10 - I was giving authority for the disclosure of the Solicitor-General's letter to be made. I therefore accept full responsibility for the fact and the form of that disclosure.

The House knows of the extraordinary, perhaps unprecedented, circumstances in which we were working -the circumstances of the persistent campaigning of my right hon. Friend the former Secretary of State for Defence and the urgency of the

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<sup>68</sup> See the Defence Committee's 1986 report, HC 519, 1985-86, cited above, and Woodhouse (1994), *op cit*, pp106-20.

<sup>69</sup> HC Deb 13 January 1986 vol 89 c870-2

<sup>70</sup> HC 519 1985-6 para 172

<sup>71</sup> HC Deb 27 January 1986 vol 90 c671

need to ensure that the contents of the Solicitor-General's letter should become known. But for all that, and in retrospect, I must make it clear to the House that I accept that the disclosure of that information - urgent and important as it was - should not have taken place in that way, and I profoundly regret that it happened. I must also make it clear that at all times the Department of Trade and Industry officials acted in accordance with my wishes and instructions. What they did was with my full authority. They are not to be blamed. Indeed, they gave me good and loyal service throughout my time as Secretary of State for Trade and Industry.

Some suggested that the resignation was designed in part to protect other ministers, including the Prime Minister, from political danger.<sup>72</sup>

## **H. Salmonella and eggs: Edwina Currie (1988)**

Following a period of growing concern over the risk of Salmonella in eggs Edwina Currie, then a junior Health minister, referred in a TV interview on 3 December 1988 to official figures that indicated that most egg production was contaminated with salmonella. These comments led to a collapse in egg consumption by the public who appeared to interpret her comments as meaning that most eggs were infected. Following instruction from Kenneth Clarke, then the Minister for Health, she took no public steps to rectify the public misunderstanding, and, after a brief period during which criticism mounted on both sides of the House, including loss of the support of the executive of the 1922 Committee, she resigned on 16 December. That day the Minister of Agriculture, John MacGregor, made a statement on financial assistance for egg producers.

This appears to be a case of a resignation forced by the weight and breadth of opposition, both inside her own party, from the Opposition and outside of Parliament. Following the failure of her own and other senior ministers' efforts to overcome the opposition to her remaining in office over the two weeks in December 1988, it would appear that Mrs Currie's resignation was seen as necessary, or at least very helpful, if relations with the egg industry were to be restored.

## **I. ERM 'Black Wednesday': Norman Lamont (1992)**

At first sight there is an obvious parallel between the events of September 1992 and the devaluation crisis of November 1967, discussed above. For two years after October 1990, membership of the Exchange Rate Mechanism (ERM) had been a centrepiece of the Government's economic and financial policy, and, as such, withdrawal from it, or even adjustment of sterling's value within it, had been consistently rejected publicly by ministers. When sterling was forced to leave the ERM on 16 September 1992, so-called 'Black Wednesday', Parliament was recalled for an emergency debate on what was, in effect, a confidence motion.<sup>73</sup> Opening the debate, the Prime Minister, John Major, said that 'following the developments in the foreign exchange markets over the past weeks, I

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<sup>72</sup> See, for example, Woodhouse (1994), *op cit*, p120.

<sup>73</sup> HC Deb 24 September 1992 vol 212 cc2-116

thought it right to recall Parliament to debate the present position.’<sup>74</sup> The Leader of the Opposition, John Smith, raised the accountability aspect of the situation:<sup>75</sup>

The British people deserve to be told what went wrong. The Prime Minister had the responsibility to tell Parliament and the public today. We heard what he had to say—a few desultory remarks about economic policy, and a long rambling piece of nonsense about the future of the European Community.

Gordon Brown, the Shadow Chancellor, demanded an apology to the people from the Chancellor of the Exchequer<sup>76</sup> and considered Mr Lamont’s political position:<sup>77</sup>

What is the Chancellor’s position this evening? The Conservatives have a traditional way of managing situations such as that in which the Chancellor finds himself. First, they will cut down his appearances in the media: sightings of him will become rarer and briefer as the Trade Secretary and the Home Secretary begin to take over. Then, the Prime Minister will repeat that the Chancellor is wonderful, marvellous, brilliant and courageous. The Prime Minister will say that the Chancellor is an air raid shelter. I understand that that is the Prime Minister’s way of suggesting that the Chancellor is unassailable. Given the problems of repossessions in this crisis, it is just as well that the Prime Minister is not saying that the Chancellor is as safe as houses.

Next, the Chancellor will go to the Conservative party conference and, despite all the efforts—perhaps an interest rate cut to make the Chancellor’s speech more acceptable - the ovation will be shorter. Some people will not even stand; some will crouch and some will even remain sitting. Next, another meeting of the 1922 Committee will be called—of course, just to take stock. Everyone knows what happened to Sir Leon Brittan and perhaps to one other person as a result of such a meeting.

Finally, newspapers will be told that the Chancellor has become semi-detached. The Downing street press office will ask newspapers to focus less on the Chancellor’s successes, and more on his eccentricities and excesses such as singing in the bath on the road to an announcement that he is about to spend more time with his family. The procedure is well known in the Conservative party. It is not a question now of ‘whether’ but ‘when’.

The Chancellor did not directly consider the issue of responsibility, at least in terms of resignation or dismissal in his winding up speech but in his resignation statement the following year, Mr Lamont said that the Prime Minister had offered him another post but that he had replied that if he wished to have a new Chancellor ‘it was surely right that I should leave the Cabinet’.<sup>78</sup> He explained his misgivings about membership of the ERM during his period at the Treasury, and his unsuccessful attempts to convince the Prime Minister of his proposed remedies. He then considered his resignation:<sup>79</sup>

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<sup>74</sup> c2

<sup>75</sup> c16

<sup>76</sup> c94

<sup>77</sup> c98

<sup>78</sup> HC Deb 9 June 1993 vol 226 c279

<sup>79</sup> c282

When my resignation was announced 10 days ago, the reaction of many was that it was a delayed resignation, a resignation that should have happened on 16 September. On that day, and during the subsequent days, I did of course consider my position carefully with friends and colleagues. I was anxious to do what was right for the country and for the Government. Sir Stafford Cripps, who is rightly regarded as an honourable man, did not resign after devaluing the pound. On the other hand, Lord Callaghan, also an honourable man, did.

There are three principal reasons why I decided to stay in office. First, the events of last September were very different from those of 1967. They affected not just this country, but most of Europe. The Finance Ministers of no fewer than nine countries were forced to eat their words and either devalue or float. Five floated; four devalued; one both devalued and floated. In none did the Finance Minister resign or, to the best of my knowledge, come under any pressure to resign. Indeed, in one country the governor of the central bank was actually promoted: he became Prime Minister.

Secondly, membership of the exchange rate mechanism was the policy of the whole Government; and as the Prime Minister said, I was implementing Government policy. Our entry was not a decision in which I myself played any part. It was, however, a decision made after a whole decade of fierce public and private argument—a decision made by the previous Prime Minister, the present Prime Minister and the present Foreign Secretary.

Thirdly, I did not resign because that was not what the Prime Minister wanted. When the Prime Minister reappointed me after the general election, I told him two things: first, that I did not wish to remain Chancellor for very long; and, secondly, that he did not owe me any debt or any obligation. On 16 September he made it clear to me in writing that he had no intention of resigning himself, and that I should not do so either.

Of course, I discussed the question further with the Prime Minister subsequently. In all those discussions he emphasised that he regarded the attacks on me as coded attacks on himself, so I decided that my duty and loyalty was to the Prime Minister and that I should remain in office.

In a situation of continuing political or national crisis, a Prime Minister may refuse an immediate offer of resignation, although this may mean that resignation may be expected or accepted at some later date when the situation has been resolved. The 1967 Callaghan/devaluation episode has already been noted. In the 1982 Falklands crisis the Defence Secretary, John Nott, was persuaded by the Prime Minister not to resign along with the three Foreign Office ministers (as discussed above). As Margaret Thatcher put it in her memoirs, ‘I told him straight that when the fleet had put to sea he had a bounden duty to stay and see the whole thing through. He therefore withdrew his letter on the understanding that it was made public that his offer to resign had been rejected. Whatever issues might have to be faced later as a result of the full enquiry [the Franks Review], now was the time to concentrate on one thing only - victory.’<sup>80</sup>

## **J. Home Loan: Peter Mandelson and Geoffrey Robinson (1998)**

On 23 December 1998 Geoffrey Robinson, the Paymaster General at the Treasury and Peter Mandelson, Secretary of State for Trade and Industry, resigned following Mr

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<sup>80</sup> Thatcher, M., *The Downing Street Years*, p186

Robinson's £373,000 loan to Mr Mandelson to support his purchase of a house in Notting Hill. The media interest in the revelation of the loan was exacerbated by a number of stories concerning the financial conduct of Mr Robinson and oversight of these by Mr Mandelson when Secretary of State at the Department of Trade and Industry.

In his letter of resignation, Mr Mandelson accepted that it was necessary for ministers not only to uphold high standards in public life but also to be 'seen to do so'.<sup>81</sup>

Subsequently, the Parliamentary Commissioner for Standards, Elizabeth Filkin, investigated complaints against Mr Mandelson in relation to the late registration of the assistance from Mr Robinson and the mortgage Mr Mandelson obtained.<sup>82</sup> Mr Mandelson noted in a letter to the Committee on Standards and Privileges:

I accept that the existence of the loan should have been made known to my Permanent Secretary so as to avoid the appearance of a conflict of interest. That is why I resigned. But I cannot agree that the only way to inform him and others was by means of the House of Commons Register.<sup>83</sup>

The case is interesting because it highlights the different enforcement regimes relating to conduct of a minister as a minister and conduct of a minister when in the role of parliamentarian. The Parliamentary Commissioner has also investigated the conduct of other ministers, such as Dr John Reid, but only in relation to their conduct as a Member. The Committee on Standards in Public Life has made recommendations for a panel of investigators to be established to investigate allegations of impropriety in relation to ministerial conduct.<sup>84</sup>

## **K. Hinduja Passport: Peter Mandelson (2001)**

Following Peter Mandelson's return to the Cabinet, as Northern Ireland Secretary on 11 October 1999, the *Observer* alleged on 24 January 2001 that he had called the immigration minister Mike O'Brien to pass on an enquiry about the possibility of an Indian business man, Srichand Hinduja, obtaining British Citizenship. Concerns arose about whether undue influence had been exerted on behalf of Srichand and his brother, particularly as they had donated £1 million to sponsor the Faith Zone in the Millennium Dome when Mr Mandelson was the Minister in charge of the project in 1998. Following discussions between Tony Blair and Mr Mandelson, it was decided that he should resign, particularly in the light of vociferous calls for this in the press, and he announced this outside No. 10 on 24 January 2001.

In the House, the Prime Minister announced an inquiry:

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<sup>81</sup> Letter of resignation, reproduced in *The Times*, 24 December 1998

<sup>82</sup> *Complaints against Peter Mandelson* Standards and Privileges Committee Ninth Report HC 611 1998-99

<sup>83</sup> *ibid*, Appendix 7

<sup>84</sup> Committee on Standards in Public Life Ninth Report Cm 5775 *Defining the Boundaries within the Executive* 2003. The Government has not accepted this recommendation

**Mr. Cash:** Will the Prime Minister take the opportunity of this Question Time to spell out the truth to the House of Commons and to the country regarding the events surrounding the Secretary of State for Northern Ireland?

**The Prime Minister:** I accept that the reply of the Secretary of State, through his office, to inquiries from a newspaper at the weekend was misleading and resulted in the House of Commons and the Lobby being misled--and I accepted his resignation on that basis.

On the information presently available to me, I believe that the application for naturalisation of the individual in question was decided in accordance with the proper criteria--and so does the Home Secretary. None the less, I have asked Sir Anthony Hammond QC, former Treasury Solicitor, to review the case fully so that we can be sure that the application was dealt with properly in all respects. Sir Anthony will report his findings to me and we will publish them.<sup>85</sup>

The Hammond Report, published on 9 March 2001, exonerated Mr Mandelson<sup>86</sup> He stated that he had no intention of seeking ministerial office again, and there was some press speculation that his resignation had been unnecessary and due to considerations of news management.<sup>87</sup>

## L. Special Advisers: Stephen Byers (2002)

There was no single cause for the resignation of the Transport Secretary Stephen Byers in May 2002, but pressure for his resignation began on 9 October 2001 when the press published a leaked e-mail from Mr Byers's special adviser, Jo Moore, sent on the day of the September 11 terrorist attack in New York, saying that it is 'now a good day to bury bad news'. A week later she apologised but controversy over her failure to resign continued and her email came to represent what the press saw as New Labour's obsession with 'spin'.

Further controversy surrounded Mr Byers' decision to take Railtrack into administration on 13 November 2001, a move that whilst popular with many Labour back benchers also led to Conservative demands for his resignation and anger from many of the company's shareholders. Attention returned to the role of Jo Moore on 14 February 2002 when two papers alleged that she had tried to release figures for rail delays on the day of Princess Margaret's funeral. Following these allegations, Jo Moore tendered her resignation and Mr Byers also announced that Martin Sixsmith, the Director of Communications, in the Department press office, had resigned.<sup>88</sup> Rather than clearing the air, the departure of Mr Sixsmith caused further crisis for the Department when he contradicted Mr Byers' account in the *Sunday Times*, claiming that the first he knew of his 'resignation' was when he heard it on the radio.<sup>89</sup> Mr Byers made a statement on the matter on 26 February

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<sup>85</sup> HC Deb 24 January 2001 c916

<sup>86</sup> *Report of the review by Sir Anthony Hammond of the circumstances surrounding an application for naturalisation by S P Hinduja in 1998*, HC 287 2000-01

<sup>87</sup> "Mandelson cleared over passports affair" *Guardian* 9 March 2002

<sup>88</sup> BBC *Panorama*, 23 February 2002. The chronology of events is set out in the Public Administration Select Committee report *These Unfortunate Events* HC 303 2001-2

<sup>89</sup> Sixsmith, M, *The Sunday Times*, 27 February 2002

2002,<sup>90</sup> but after continuing allegations that he had misled Parliament, on 9 May 2002 Mr Byers told the Commons that he had given ‘what turned out to be an incorrect understanding’ of Mr Sixsmith’s departure.<sup>91</sup> On 28 May Mr Byers announced his resignation.

Professor Diana Woodhouse has described the various crises and problems that contributed to Mr Byers’ departure, and in particular has outlined how: ‘continuous, and adverse, media coverage undermined his ability and credibility as a minister still further’:<sup>92</sup>

It highlighted his part, when Secretary of State for Trade and Industry, in the decision to allow Richard Desmond, a publisher of soft pornography and subsequent donor to the Labour Party, to take over Express Newspaper Group (although his role was only a regulatory one); revisited the uncertainties surrounding the takeover of the Rover car company, in which Byers had been involved, also as Secretary of State for Trade and Industry; blamed him for the rail crash at Potter’s Bar (although this was clearly not his fault); gave widespread coverage to the claim of a Paddington rail crash survivor that Byers had lied to her over the future of Railtrack (although the claim was based on an obvious misunderstanding); blamed him for failing to devise a rational policy for running the London Underground (although a main problem was the ongoing feud between the Mayor of London and the Treasury); and portrayed a select committee’s criticism of the Department’s ten-year transport plan as a personal defeat (Transport Committee 2001-02).<sup>93</sup> Finally, a number of journalists, who had been given an ‘off the record’ briefing by Byers on the timetable for Britain’s entry into the Euro, named him as the source of their reports. This forced No. 10 to move quickly to deny the timetable’s authenticity, a move which undermined Byers’ credibility still further. Byers tendered his resignation, not only catching the press by surprise but creating a precedent by delivering his formal statement from No. 10 [on 28 May 2002].

The events leading up to Mr Byers’ resignation were examined by the Public Administration Committee in its report, *These Unfortunate Events*.<sup>94</sup> The relationship between ministers, their special advisers and the civil service has been the subject of ongoing interest in Parliament. It was the subject of an earlier report by the Public Administration Select Committee in 2000,<sup>95</sup> and on 8 April 2003 the Committee of Standards in Public Life published a report on this issue which led the Government to

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<sup>90</sup> HC Deb 26 February 2002 c564

<sup>91</sup> HC Deb 9 May 2002 c294-5

<sup>92</sup> Woodhouse, D (2004), ‘UK Ministerial Responsibility in 2002: The Tale of Two Resignations’, *Public Administration*, 82:1, pp1-19

<sup>93</sup> Eighth Report of the Transport, Local Government and the Regions Select Committee, *10 year plan for transport*, HC558 2001-02

<sup>94</sup> Eighth Report of the Public Administration Select Committee, *These Unfortunate Events: lessons of recent events at the former DTLR*, HC303 2001-02

<sup>95</sup> Third Report of the Public Administration Select Committee, *Special Advisers: boon or bane?*, HC293 2000-01

propose further regulation of the relationship, by means of changes to the Code of Conduct for Special Advisers.<sup>96</sup>

## M. Estelle Morris (2002)

This resignation has been seen as an unusual expression of ministerial responsibility as it did not arise from a personal scandal or policy disagreement. Ostensibly Estelle Morris resigned because she had pledged to do so if the Government failed to meet its targets for literacy and numeracy:

**Mr. Willetts:** Will the Minister commit herself to the Secretary of State's pledge to resign if the Government do not reach their literacy and numeracy targets by 2002?

**Ms Morris:** Of course I will; I have already done so. Indeed, I generously commit the Under-Secretary, my hon. Friend the Member for Norwich, South (Mr. Clarke), too. We speak with one voice. The hon. Gentleman's question is a reflection of what life was like under teams of Conservative Ministers, when a Secretary of State would promise to resign but the rest of the team would not go too.<sup>97</sup>

In her first in-depth interview on the reasons for her resignation, Estelle Morris described how that after her earlier commitment on targets emerged she considered the following questions:<sup>98</sup>

If I go on the Today programme tomorrow, which I was due to do, how do I answer the question “you said you would resign- why didn’t you?”? What’s the answer to the question? and what I decided is that I couldn’t answer that question and be the sort of politician I wanted to be.

As well as basing her decision on her earlier commitment on targets she also claimed, perhaps uniquely in the history of ministerial resignations, that she did not feel up to the job of Secretary of State. In a statement on the night of her resignation Morris said:

If I am honest with myself, if I am really honest with myself, I’ve not enjoyed it [the job of Secretary of State] as much, and I just don’t think I’m as good at it as I was at my other job [Under Secretary]. [I am] not having second best in a post as important as this and that is why I’ve made the decision.

In a letter to the Prime Minister she expanded on this reason: ‘I am less good at strategic management of a huge department and I am not good at dealing with the modern media.’<sup>99</sup>

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<sup>96</sup> The Ninth Report of the Committee on Standards in Public Life, *Defining the Boundaries within the Executive: Ministers, Special Advisers and the permanent Civil Service*, Cm 5775, 8 April 2003. The Government’s response to this report (Cm 5964) proposed a new section to the Code of Conduct for Special Advisers to clarify relationships between special advisers and permanent civil servants.

<sup>97</sup> HC Deb vol 362 c948, 2 March 1999 :

<sup>98</sup> Interview broadcast on Radio 4’s Westminster Hour on 22 February 2004 as part of a series of programmes on ministerial resignations.

Morris's relationship with the media was also a factor because even before the publication of the literacy and numeracy results there had been several months of bad headlines concerning the Department for Education due to a scandal over A level results and problems with teachers' security checks. The ongoing pressure of media scrutiny made it hard for the Department to operate effectively to the point that Morris may have decided that her resignation was necessary.<sup>100</sup>

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<sup>99</sup> Radio 4, Westminster Hour, 22 February 2004 In an interview with Brian Walden she also cited tension in her relationship with the Prime Minister's education adviser Andrew Adonis.

<sup>100</sup> Diana Woodhouse has also covered the subject of Estell Morris's resignation in her 2004 article 'UK Ministerial Responsibility in 2002: The Tale of Two Resignations', *Public Administration*, 82:1, pp1-19

## Appendix I - 20th Century ministerial resignations

The following list was collected and classified by David and Gareth Butler in *Twentieth Century British Political Facts 1900-2000*. Note that it lists resignations for whatever reason, not simply those of individual responsibilities considered in this Paper, and that it only covers the period up until the end of 2000.<sup>101</sup>

### Ministerial Resignations

Resignations from ministerial office are not easy to classify. A retirement on the ground of ill-health may always conceal a protest or a dismissal. However, there are some cases where ministers have unquestionably left office because they were not willing to continue to accept collective responsibility for some part of Government policy and some cases where the individual actions of ministers have been thought impolitic or unworthy. The following list does not include resignations made necessary because of private scandals, except when the resignation became the subject of public comment. Nor does it include even the most publicised 'refusals to serve' (e.g. I. Macleod and E. Powell in 1963).

16 Sep 03	J. Chamberlain (Imperial preference)
4-15 Sep 03	C. Ritchie, Ld Balfour of Burleigh, Ld G. Hamilton, D of Devonshire, A. Elliot (free trade)
6 Mar 05	G. Wyndham (Ireland)
30 Mar 14	J. Seely (Curragh Mutiny)
2 Aug 14	Vt Morley, J. Burns (entry into war)
5 Aug 14	C. Trevelyan (entry into war)
19 Oct 15	Sir E. Carson (conduct of war in the Balkans)
31 Dec 15	Sir J. Simon (compulsory National Service)
3 May 16	A. Birrell (Irish Rebellion)
25 Jun 16	E of Selborne (Irish policy)
12 Jul 17	A. Chamberlain (campaign in Mesopotamia)
8 Aug 17	N. Chamberlain (Ministry of National Service)
17 Nov 17	Ld Cowdray (conduct of the Air Ministry)
21 Jan 18	Sir E. Carson (Ireland)
25 Apr 18	Ld Rothermere (Air Force)
22 Nov 18	Ld R. Cecil (Welsh disestablishment)
12 Nov 19	J. Seely (role of Air Ministry)
14 Jul 21	C. Addison (housing)
9 Mar 22	E. Montagu (Turkey)
18 Nov 23	A. Buckley (abandonment of Free Trade)
28 Aug 27	Vt Cecil (disarmament)
19 May 30	Sir O. Mosley (unemployment)
2 Mar 31	Sir C. Trevelyan (education)
6 Mar 31	Ld Arnold (free trade)
9 Oct 31	G. Lloyd-George, G. Owen (calling of election)

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<sup>101</sup> Butler, D & G (2000) *Twentieth Century British Political Facts 1900-2000*, 8th ed., pp74-76

28 Sep 32	Sir H. Samuel, Sir A. Sinclair, Vt Snowden, M of Lothian, I. Foot.
18 Dec 35	Sir S. Hoare (Laval Pact)
22 May 36	J. Thomas (Budget leak)
20 Feb 38	A. Eden, Vt Cranborne (negotiations with Mussolini)
12-16 May 38	Earl Winterton, Vt Swinton (Air Force strength)
16 May 38	Ld Harlech (partition of Palestine)
1 Oct 38	A. Duff Cooper (Munich)
21 Jan 41	R. Boothby (blocked Czechoslovakian assets)
1 Mar 45	H. Strauss (treatment of Poles by Yalta Conference)
26 May 46	Sir B. Smith (overwork and criticism)
13 Nov 47	H. Dalton (Budget leak)
13 Dec 48	J. Belcher (Lynskey Tribunal)
16 Apr 50	S. Evans (agricultural subsidies)
23 Apr 51	A. Bevan, H. Wilson, J. Freeman (Budget proposals)
20 Jul 54	Sir T. Dugdale (Crichel Down)
31 Oct 56	A. Nutting (Suez)
5 Nov 56	Sir E. Boyle (Suez)
29 Mar 57	M of Salisbury (release of Archbishop Makarios)
6 Jan 58	P. Thorneycroft, E. Powell, N. Birch (econ. policy)
24 Nov 58	I. Harvey (private scandal)
8 Nov 62	T. Galbraith (security) (exonerated, given new office 5 May 63)
5 Jun 63	J Profumo (lying to the House of Commons)
23 Oct 63	D. Freeth (private scandal)
19 Feb 66	C. Mayhew (defence estimates)
3 Jul 66	F. Cousins (incomes policy)
26 Jul 67	Miss M. Herbison (social services policy)
16 Jan 68	E of Longford (delay in of raising school age)
5 Feb 68	W. Howie (enforcement of Party discipline)
16 Mar 68	G. Brown (conduct of Government business)
1 Jul 68	R. Gunter (general dissatisfaction)
24 Sep 69	J. Bray (permission to publish)
28 Jul 71	E. Taylor (entry into the E.E.C.)
17 Oct 71	J. More (entry into the E.E.C.)
18 Jul 72	R. Maudling (Poulson Inquiry)
22 May 73	Ld Lambton (private scandal)
23 May 73	Earl Jellicoe (private scandal)
25 Sep 74	Ld Brayley (former business interests)
17 Oct 74	N. Buchan (agricultural policy)
9 Apr 75	E. Heffer (opposing E.E.C. membership in Commons)
10 Jun 75	Dame J. Hart (dissatisfaction with P.M.)
21 Jul 75	R. Hughes (incomes policy)
21 Feb 76	Miss J. Lestor (education cuts)
21 Dec 76	R. Prentice (disenchantment with Government)
9 Nov 77	J. Ashton (government's handling of power dispute)
20 Nov 78	R. Cryer (failure to support Kirkby Coop.)
17 Jan 79	A. Stallard (extra seats for Northern Ireland)
18 May 81	K. Speed (defence estimates)
21 Jan 82	N. Fairbairn (handling of a Scottish prosecution)
5 Apr 82	Ld Carrington, H Atkins, R. Luce (Falklands)

8 May 82	N. Budgen (Northern Ireland policy)
11 Oct 83	C. Parkinson (private scandal)
16 Nov 85	I. Gow (Anglo-Irish Accord)
7 Jan 86	M. Heseltine (Westland affair)
22 Jan 86	L Brittan (Westland affair)
16 Dec 88	Mrs E. Currie (remarks on salmonella scare)
29 Oct 89	N. Lawson (P.M.'s economic advice)
13 Jul 90	N. Ridley (remarks about Germany)
1 Nov 90	Sir G. Howe (P.M.'s attitude to Europe)
22 Sep 92	D. Mellor (private scandal)
24 Jun 93	M. Mates (links with Asil Nadir)
7 Jan 94	T.Yeo (private scandal)
11 Jan 94	E of Caithness (private scandal)
7 May 94	M. Brown (private scandal)
20 Oct 94	T. Smith (alleged payment for PQs)
25 Oct 94	N. Hamilton (alleged failure to register interests)
8 Feb 95	A. Stewart (confrontation with motorway protestors)
11 Feb 95	C. Wardle (government policy on EU border controls)
6 Mar 95	R. G. Hughes (private scandal)
26 Jun 95	J. Redwood (candidate for party leadership)
5 Jul 95	J. Aitken (to fight libel action)
17 Oct 95	N. Baker (ill-health)
2 Jun 96	R. Richards (private scandal)
22 Jul 96	D. Willets (conduct as whip)
4 May 97	D. Foster (ministerial appointment)
10 Dec 97	M. Chisholm (single parents policy)
27 Jul 98	F. Field (ministerial appointment)
27 Oct 98	R. Davies (private scandal)
23 Dec 98	P. Mandelson (private financial arrangements)
23 Dec 98	G.Robinson(private financial arrangements)

## **Appendix II - Bibliography**

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