

The Individual Responsibility of Ministers: An Outline of the Issues

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The individual responsibility of ministers is a vital aspect of accountable and democratic Parliamentary government, yet it is a 'convention' which is difficult to define with certainty and which, to a large degree, depends on the circumstances of each individual case. This Paper seeks to explore, in general terms, the subject as a whole and several interesting examples from the era of Crichton Down in 1954 onwards to illustrate the issue. It does *not* seek to provide a comprehensive analysis of ministerial responsibility (including collective responsibility) or Parliamentary accountability.

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Summary

Individual ministerial responsibility is an important if complex constitutional issue. It is often described as a constitutional convention, and this Paper examines its nature in that context, and in relation to *collective* responsibility and in the light of developments such as the growth of select committees, the development of Next Steps agencies and quangos, and the publication in 1992 of *Questions of procedure for Ministers*.

The nature of individual responsibility in action is described briefly, including aspects short of a ministerial resignation or dismissal. The interesting, if short, debate on ministerial responsibility on 12 February 1996 is considered.

A number of modern examples of situations where individual responsibility could be said to have arisen are examined, purely to illustrate various aspects of the 'convention'. It is *not* intended to be a comprehensive list. It covers significant episodes such as Crichel Down in 1954 (in which Sir David Maxwell Fyfe set out what is often regarded as the classic statement of the traditional doctrine), the Falklands (1982) and Westland (1986), and includes instances where resignation demands were successfully restricted such as Court Line (1975) and the Maze Prison escape (1983).

A list of 20th century ministerial resignations, for whatever reason, is provided in the Appendix, as collected and classified in the latest edition of *British political facts*.

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I Individual Ministerial Responsibility

A. The 'convention'

Ministerial responsibility is a concept crucial to the Westminster model of parliamentary government.¹ Probably the most famous example this century is 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. It is commonly thought of as having two strands, collective responsibility and individual responsibility. Although there is a strong link between the two concepts, the purpose of this Paper is to explore the latter, that of individual responsibility, and in particular that aspect of individual responsibility which focuses on the active exercise of the concept, including the ultimate sanction of departure from ministerial office, either by resignation or dismissal. Even within this narrowly defined field, this Paper concentrates on those instances relating to failings of policy or administration by ministers, directly or through their officials, and does not consider in detail departures caused by personal conduct (or 'scandals') or voluntary resignations because of opposition to government policy, although clear lines of demarcation are not always easy to draw.

There is a strong connection between the notions of *individual* and *collective* responsibility. 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, notwithstanding the Wilson Government's 'agreement to differ'² or, perhaps, with Nicholas Ridley in 1990). This 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. Cases involving one department can rapidly spill over to affect the whole government more generally. Fellow ministers, including the Prime Minister, may actively and publicly support the minister under attack. Defence of a minister can be for political reasons to maintain confidence in the government or even, in extreme cases, to maintain the Government, or the Prime Minister, in office, especially in issues central to a government's policy, such as economic or financial policies, closely identified with the Prime Minister. Alternatively an apology by, or resignation of, a minister may be required to protect the Government. In this sense, a minister may be, or agree to be, 'sacrificed' so that much or all the blame is concentrated there and not on the Administration as a whole. As in the Falklands case in 1982 and Westland in 1986, a minister's resignation may be publicly

¹ See generally, S. E. Finer "The Individual responsibility of Ministers", (1956) 34 *Public Administration* 377-96 G Marshall (ed.), *Ministerial responsibility*, 1989 and D Woodhouse, *Ministers and Parliament*, 1994.

² On which see A Silkin, "The 'agreement to differ' of 1975 and its effect on ministerial responsibility" (1977) 48 *Political Quarterly* 65-77. Similar agreements occurred in 1932 over tariff reform and in 1977 over direct elections to the European Parliament. When asked about collective responsibility in the latter instance, the Prime Minister, James Callaghan, said "I certainly think that the doctrine should apply, except in cases where I announce that it does not.": HC Deb vol 933 c552, 16.6.77.

explained as being necessary to maintain or restore confidence in the Government, generally or in relation to the issue at stake. In many cases the personalities of the ministers concerned, and their relationship with the Prime Minister, fellow ministers, their Parliamentary party and Parliament in general, will be factors in the equation.

Griffith and Ryle consider the practical political aspect of the concept as follows:³

Ministerial responsibility remains a strong convention because where Ministers are seen to be evasive, their reputation and that of the Government suffer both in Parliament and outside. Unless some measure of culpability can be attached to the Minister, or a scapegoat is needed, he can however usually expect to be retained, or moved to another equivalent post, so long as he has the Prime Minister on his side. The reaction of Parliament, especially the House of Commons, is often crucial. In a departmental crisis, back-bench opinion may determine whether or not a Minister resigns. If the Minister seems to have lost the confidence of the House, he becomes a liability to the Government and not even a strong Prime Minister may be able to save him. Press opinion also plays a part. These external influences seem to have been decisive in the resignations of both Mr. Brittan and Lord Carrington.

There has been much academic discussion of the so-called 'convention' of ministerial responsibility, both its nature and even if such a 'rule' exists.⁴ 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 -- and it is by no means clear whether the concept of individual ministerial responsibility even merits that description -- there is danger in the academic habit of classifying, and seeking to derive patterns of consistent practice, in a random series of political events over a long period of years. Few senior politicians are likely in practice to base their 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.

³ J Griffith and M Ryle, *Parliament: functions, practice and procedures*, 1989, p37

⁴ See, in particular, S E Finer's influential 1956 article, cited above.

B. Wider aspects of ministerial responsibility

There may be difficult issues of the proper relationship between ministers and civil servants in this context, especially given the traditional notion of civil service anonymity. Giving a full account and explaining his or her action may lead a minister, for a variety of reasons such as clarity, 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. This is but one of the Parliamentary and administrative developments since the era of Crichton Down which has shaped, and perhaps altered, the so-called traditional convention of individual ministerial responsibility. A full examination of this extremely important issue is beyond the scope of this Paper, but a few examples can be cited.⁵

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. This means that 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 so-called 'Osmotherly Rules'⁶ Another important aspect has been the Government's reforms of the civil service and of traditional departments, especially by the creation of the 'Next Steps' executive agencies, which has given officials more direct responsibility for operational issues, and has led to some changes to traditional forms of Parliamentary accountability.⁷ The Government's recent White Papers on the future of the civil service and the major investigation by the Treasury and Civil Service Committee are of direct relevance to this issue.⁸ See also the following analysis by the Treasury and Civil Service Committee from a report prompted by a sequence of events such as the Ponting and Westland affairs and the publication of the original 'Armstrong Memorandum' in February 1985:⁹

⁵ See generally, for example, C Turpin, "Ministerial responsibility", chap 5 of J Jowell and D Oliver, *The changing constitution*, 3rd ed, 1994

⁶ Recently updated as *Departmental evidence and response to select committees*, OPSS/Cabinet Office, Dec 1994, Dep/3 815. On select committees generally, in this context, see G Drewry (ed.), *The new select committees*, 2nd ed., 1989 and *Select committees*, Background Paper 298, 7.9.92.

⁷ See P Giddings (ed.), *Parliamentary accountability: a study of Parliament and executive agencies*, 1995, and *Next Steps executive agencies*, Background Paper 239, 4.1.90.

⁸ See *The civil service: continuity and change*, Cm 2627, and *The civil service: taking forward continuity and change* Cm 2748; *The role of the civil service*, 5th report of the Treasury and Civil Service Committee, HC 27 of 1993-94.

⁹ *Civil servants and ministers: duties and responsibilities*, 7th report of 1985-86, HC 92-I, May 1986

3.15. The issue of accountability is of crucial importance in considering the relationship between civil servants, Ministers and Parliament. The traditional view, exemplified in the famous Crichton Down case, is that Ministers are responsible and accountable to Parliament for all that occurs within their departments. It followed from this that if a significant mistake were made by the department, the Minister should resign.

3.16. Recent events would seem to confirm what may well have been true for some 30 years, namely that Ministers are accountable for the government's policies and their own actions or those carried out by civil servants on their specific instructions but not for actions by officials of which they are unaware. If this is correct, it raises most important questions which need to be carefully analysed and answered.

3.17. We start by reaffirming two basic propositions. First, that Ministers and not officials are responsible and accountable for policy, and secondly that officials' advice to Ministers is and should remain confidential. These principles form the background to recent events and neither would appear to be in question. The difficulty arises not with regard to Ministerial policy or official advice but with accountability for actions by civil servants. If Crichton Down is dead and Ministers are not accountable to Parliament for some actions of their officials, then who is? Not to put too fine a point on it, who ought to resign or to be penalised if mistakes are made? If it is not Ministers, it can only be officials.

Questions of procedure for ministers

As is common in our constitution, there are few if any 'rules' of ministerial responsibility which guide and bind ministers in their official capacity, beyond relevant provisions of the ordinary criminal and civil law and Parliamentary rules of conduct affecting Members generally. The one 'rule book' or, perhaps more accurately, guidance note for ministers is *Questions of procedure for ministers ('QPM')*, first made public in May 1992 although its (or its predecessors') existence was well known unofficially in the media, academic texts and in Parliament. It is not a book of legal rules, and its contents must be read in that light. Its introduction is as follows:

1. These notes detail the arrangements for the conduct of affairs by Ministers. They apply to all Members of the Government, but not Parliamentary Private Secretaries (who are covered separately in Section 3). They are intended to give guidance by listing the rules and the precedents which may apply. They must, however, be seen in the context of protecting the integrity of public life. It will be for individual Ministers to judge how best to act in order to uphold the highest standards. Ministers will want to see that no conflict arises nor appears to arise between their private interests and their public duties. They will wish to be as open as possible with Parliament and the public. These notes should be read against the background of these general obligations.

QPM was considered by the Treasury and Civil Service Committee in 1994 [HC 27-I of 1993-94, 5th report] and by the Nolan Committee, and this led to the amendment late last year concerning the obligation not to mislead Parliament:¹⁰

"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".

In a letter in 1994 to the Labour MP, Giles Radice, who chaired the sub-committee of the Treasury and Civil Service Committee, John Major wrote that, as the first Prime Minister to publish *Questions of procedure for Ministers*, "I agree with its guidance", and continued "It is clearly of paramount importance that Ministers give accurate and truthful information to the House. If they knowingly fail to do this, then they should relinquish their positions except in the quite exceptional circumstances of which a devaluation or time of war or other danger to national security have been quoted as examples."¹¹

While no resignations or dismissals may have been *expressly* on *QPM* grounds since 1992, the media and academics may from time to time make a connection between a resignation and *QPM* (although in many cases of resignation the exact ground or grounds may not always be clear). For example in Mr Mellor's case in September 1992, the *Independent* referred to provisions of *QPM* ("Whitehall's rule book") concerning the acceptance of gifts and the like.¹²

A clear breach of *collective* responsibility by a minister, ie a failure to support government policy in some way, as in the division lobbies, would be regarded as a resignation matter in most circumstances. The principle of collective responsibility is entrenched in *QPM* and to that extent one could possibly regard any resignation or dismissal for a failure to support government policy in a division, for inability to support it publicly or in order to oppose policy actively in public, as a breach (or application) of *QPM* principles. This happens more often with PPSs (whose obligation of collective responsibility is set out in para 47) than with Ministers.

¹⁰ First set out in Roger Freeman's speech, HC Deb vol 265 c 456, 2.11.95. He stated that the new version "becomes effective immediately": c457.

¹¹ Letter, 5.4.94, Unprinted Paper 6, Treasury and Civil Service Committee, 1993-94

¹² "Questions over holiday sealed Mellor's fate", 25.9.92, p 2. See also the comments of Diana Woodhouse, *op cit.*, pp 79-80, 85.

Again, it has been suggested that even resignations or dismissals on grounds of personal conduct may, in appropriate cases, fall within the overall philosophy of *QPM*. See the answer by the Leader of the House last March:¹³

Dr. Wright: To ask the Prime Minister (1) if he will identify which forms of personal conduct are unacceptable for a Minister; and if he will amend "Questions of Procedures for Ministers" accordingly;

(2) if any Minister who has, or who has had, an extra-marital affair will be expected to resign.

Mr. Newton: I have been asked to reply.

Paragraph 1 of "Questions of Procedure for Ministers" makes it clear that Ministers are expected to conduct themselves in such a way as to protect the integrity of public life. My right hon. Friend has no plans to amend it.

C. Individual responsibility in action

There are a number of interconnected practical demonstrations of accountability which can give effect to the requirement of individual ministerial responsibility to Parliament (or its committees, as in the Westland affair in 1986 and the salmonella and eggs case in 1988-9) and to the public, usually by the minister concerned, in addition to any professional sanction or 'punishment' there may have been. Note the comment of the Defence 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."¹⁴ 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, either from the Government benches or more generally. Griffith and Ryle comment:¹⁵

The opportunity to hold Ministers accountable arises whenever Parliament is sitting for it is the essence of debate that Members and especially Opposition spokesmen will be enabled to respond to ministerial proposals or to initiate criticism of ministerial actions to which Ministers must reply. These opportunities are discussed at length in later chapters. Debate also provides opportunities for back-bench supporters of Ministers to reply to criticism. Some debates will end in

¹³ HC Deb vol 256 c 747W, 17.3.95. See also the series of PQs by Brian Wilson to the Prime Minister on 31 October 1994 [HC Deb vol 248 cc 913-4W].

¹⁴ *Westland plc: the Government's decision-making*, 4th report of 1985-86, HC 519, para 235.

¹⁵ *op cit*, p34

a vote but the impact of criticism on Ministers, and so on the Government as a whole, is not nullified by the Government's almost inevitable victory in the divisions. Sometimes it will be apparent that although the Government has won the vote, it has lost the argument or at least that some part of the criticism has not been adequately answered. If so, the matter will be pursued on other occasions. And outside comment in the press and elsewhere may continue to reflect concern. In a real sense, the process of debate is continuous and a successful Opposition will be able to keep up the pressure. It is not unusual for Ministers to be forced from one position where they deny all blame to other positions where they admit some fault and possibly to a position where they are obliged to retract their earlier protestations of rectitude.

--- **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 or through PNQs, 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, 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.

This Paper does not attempt to provide a systematic classification of episodes of ministerial resignation, or repelled demands for resignations. 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?

D. The debate of 12 February 1996

The very recent debate by the Liberal Democrats, prompted by the Scott Report, provided a brief opportunity for Parliament to debate the issue of ministerial responsibility, not only in terms considered in this Paper, but also more generally.¹⁶ Although phrased in general terms, Menzies Campbell's opening speech clearly had in mind the events dealt with in the Scott Inquiry. He considered the nature of conventions in the unwritten constitution, claiming that the convention of ministerial responsibility is a matter ultimately for the Prime Minister, as the one who leads the government and selects its ministers:¹⁷

The observance of some conventions is exclusively the responsibility of the Government; self-evidently, ministerial responsibility is one. Ultimately, enforcement of the convention of ministerial responsibility is a matter for the Prime Minister. He leads the Government; he selects his Ministers.

¹⁶ HC Deb vol 271 cc674-707, 12.2.96. In addition to the Parliamentary proceedings discussed in the following section of this Paper see also, for example, Graham Allen's adjournment debate on 6 July 1987, HC Deb vol 119 cc 168-174, and Andrew Mackinlay's adjournment debate on 31 March 1994, HC Deb vol 240 cc1123-30.

¹⁷ c674

It follows that, when a breach of convention is tolerated, that breach is the Prime Minister's responsibility. He alone has the right to determine who should be in his Government and who should continue to be his Ministers. If, by a breach of the convention of ministerial responsibility, the reputation of Parliament is damaged, the Prime Minister is liable for that too.

Responding for the Government, the Chancellor of the Duchy of Lancaster, Roger Freeman, outlined his policies for the accountability of the public service, including agencies and quangos, and for the relationship between ministers and civil servants. He then dealt with the concept of individual responsibility:¹⁸

I shall now deal with the issue of ministerial accountability to Parliament, which has been raised by the Liberal Democrats. In the previous sections of my speech, I have said where progress has been made during the past decade, especially in the past few years, in clarifying responsibility in other aspects of public life. The Minister in charge of a Department is the only person who may be said to be ultimately accountable for the work of his Department. Parliament has usually conferred powers on the Secretary of State or the Minister, and Parliament calls on Ministers to be accountable for the policy, actions and resources of their Departments in the use of those powers. However, while a Minister has full constitutional accountability to Parliament for everything that the Department does, it is manifestly impossible for him to take all decisions, or be personally involved in every action of his Department. It cannot, therefore, be sensibly suggested that a Minister is personally responsible for every action of his Department. It is worth stressing that distinction, because the terms "ministerial accountability" and "ministerial responsibility" have tended to be used interchangeably.

The mistaken inference that is sometimes drawn is that a Minister must personally take the blame or the credit-for every action of his Department. It is equally mistaken to think, as some on the Opposition Benches do, that in clarifying that well-established distinction, the Government are attempting to redefine those things for which Ministers may properly be held both accountable and personally responsible.

¹⁸ c684

For the benefit of the House, I should like to spell out briefly the Government's position. Ministers take personal responsibility for five fundamental areas: the policies of their Departments; the framework within which those policies are delivered; the resources allocated; such implementation decisions as the framework documents for agencies may require to be referred to them or agreed with them; and their response to major failures or expressions of parliamentary or public concern, in the sense of demonstrating what action they have taken to correct a mistake and prevent its recurrence.

The Government's position is fully in accord with the classic statement on the subject made in the House more than 40 years ago in the debate on the Crichel Down affair by Sir David Maxwell-Fyfe. He said at the time:

"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."- [*Official Report*, 20 July 1954; Vol. 530, c. 1286-87.]

He said that agencies fitted into this orthodoxy, and set out the Government's approach to ministerial accountability to Parliament:¹⁹

The focus of what I have said so far has been on the accountability of Ministers to Parliament for their Departments. Ministers also have a responsibility to justify their conduct to Parliament. In that respect, too, the Government's position is perfectly clear. It is only a few months since we made it clear that we agreed with the Nolan committee that the principles of conduct which applied to Ministers could helpfully be set out in one place in clear and comprehensible form.

On 2 November I told the House that the new first paragraph of "Questions of Procedure for Ministers" was taking immediate effect. I shall not detain the House by rehearsing all seven principles of ministerial conduct set out there in full, but it is worth reminding hon. Members of the opening sentence from which the others follow and which puts the matter in a nutshell. It states:

¹⁹ c685. See also the brief winding up speech by his junior minister, David Willetts, cc703-5.

"Ministers of the Crown are expected to behave according to the highest standards of constitutional and personal conduct in the performance of their duties."

I also remind the House of the great care and wide consultation that we undertook before finalising the revision of "Questions of Procedure for Ministers" in the light of the first report from Lord Nolan's committee. The third principle, on not misleading Parliament, attracted particular interest in this place and beyond. Let me remind the House of the version approved by my right hon. Friend the Prime Minister, which I announced on 2 November. It says:

"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."

It is important to emphasise that the principle is deliberately in the public domain, having been carefully debated in the light of Lord Nolan's report. The opening up and clarification of "Questions of Procedure for Ministers" is an achievement of the Government. Until 1992, the document was not publicly available. There is no surer confirmation of the Government's willingness to be held to account and to be seen to be held to account.

Some have argued that the word "knowingly" provides some sort of escape clause for rendering account to Parliament. That is not so. Indeed, in retaining that word, we embodied a valuable and long-recognised distinction between intentionally and inadvertently misleading Parliament.

By releasing "Questions of Procedure for Ministers", by recasting it so that the opening paragraph brings together a code of ministerial conduct, by openly discussing the terms of the principles in that code, the Government have demonstrated their clear commitment to upholding the principle of ministerial accountability and responsibility to Parliament.

For the Opposition, Derek Foster attacked the Government's record and policies in this field, and criticised in particular the failure of ministers to resign over 'Black Wednesday' in 1992:²⁰

Let us think back to Black Wednesday. Once again, that was nothing to do with the Government. No one resigned, even though we are now told that at the time the Chancellor wanted to resign, but the Prime Minister pleaded with him not to do so. That is hardly surprising because the man who took the country into the exchange rate mechanism at the wrong rate, at the wrong time, for the wrong reasons was the previous Chancellor who then became the Prime Minister. Black Wednesday was nothing to do with the Government, yet they love to claim the credit for the half-competent economic strategy that they stumbled into when their policy was blown out of the water.

He then set out his approach to ministerial responsibility in the light of the Government's recent record:²¹

The case for ministerial responsibility is constitutionally at the very heart of this debate about trust in the political process. I strongly agree with what the hon. and learned Member for Fife, North-East said.

Ministerial responsibility is at the heart of our bringing the Executive to account. It has long been my view that the Executive is far too powerful in our system of government and that the House of Commons is ill-equipped to bring the Executive to account. The best development of recent years has been in the Select Committees, which have gone a long way in improving the way in which we can bring the Executive to account. But there is still a very long way to go.

I would have thought that ministerial resignations would have given us some idea of how effective the House is in bringing Ministers to account. A long list of Ministers and parliamentary private secretaries have resigned since 1992. Although all kinds of reasons have been given for those resignations, which I shall not go into, as far as I can tell not one of them resigned because they admitted some deficiency in the

²⁰ cc687-8

²¹ cc688-9

policy, operations or activities of their Departments or any of the agencies for which they were responsible. Indeed, a former Minister felt that so deeply that he said:

"no one ever resigns for anything these days".

According to "Questions of Procedure for Ministers", Ministers are accountable to Parliament for the actions of their Departments and agencies. They must be as open as possible with Parliament and the public and must not knowingly mislead Parliament. If they do so, they should resign, according to a letter from the Prime Minister to my hon. Friend the Member for North Durham (Mr. Radice) that was dated 15 April 1994. So Ministers, and only Ministers, are accountable to Parliament, yet, according to the Government, Ministers are not responsible for all actions in the sense of being blameworthy.

The House would not want me to enter into a comprehensive analysis of the concepts of accountability and responsibility, suffice it to refer Members to paragraphs 118 to 138 of the Treasury and Civil Service Select Committee fifth report. I concurred with the Select Committee when it said in its report:

"We find the government's attempt to draw a sharp distinction between accountability, which cannot be delegated by Ministers, and responsibility which can, unconvincing."

The debate has become crucial with the fragmentation of the civil service under next steps agencies and privatisation. Ministers are able to claim the credit for all that is good in their Departments and agencies and delegate the blame to others. The Chancellor of the Duchy of Lancaster seemed to suggest that claiming credit for what was going on in the Department was as reprehensible as delegating blame. I just do not recognise that behaviour in the Government -or, indeed, in any other Government. Ministers are all too ready to claim the credit and delegate the blame to others. Indeed, next step agencies and privatisation have encouraged that.

II 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.²² 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. 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 take the same view as the inquiry report of their actions.²³ 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:²⁴

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

²² See, for example, D. Woodhouse, *Ministers and Parliament*, 1994, pp96-106; K. C. Wheare "Crichel Down revisited" (1975) XXIII *Political Studies* 390-408, J. Griffith, "Crichel Down: the most famous farm in British constitutional history", *Contemporary Record*, Spring 1987, pp35-40, and "Crichel Down revisited" (1987) 65 *Public Administration* 339-47.

²³ HC Deb vol 528 cc1745-7, 15.6.54

²⁴ cc1185-6

consequences.

He announced at the end of his speech that he was resigning:²⁵

I have nearly finished. 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:²⁶

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 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

²⁵ HC Deb vol 530 c1186, 20.7.54

²⁶ cc1285-7

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 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."²⁷

²⁷ HC Deb vol 674 c810, 22.3.63.

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However, in his 4 June letter to the Prime Minister, Profumo wrote that:²⁸

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, 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."²⁹

²⁸ *Keesings*, 1963, p19475.

²⁹ HC Deb vol 679 cc34-176, 17.6.63.

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 and economic measures.³⁰ 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:³¹

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 himself³² and Sir Keith Joseph said that "the responsibility must be pinned firmly on the Chancellor but, above all, on the Prime Minister."³³ This was echoed by the Leader of the Opposition, Edward Heath:³⁴

The Chancellor has made-and I am sure that he would not entirely deny it - many misjudgments from November, 1964, onwards and many miscalculations, but he fought manfully until last week to maintain the parity of the £. Throughout, he believed that he was right. I am certain that he was right and he must have full credit for it. He fought manfully and he fought in good faith.

³⁰ HC Deb vol 754 cc935-9, 20.11.67

³¹ c939

³² cc1161-2, 21.11.67.

³³ c1254

³⁴ c1329

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I wish that I could say the same thing of the Prime Minister. Whenever anything successful happens, the Prime Minister, of course, claims it for himself, for the success of his party and the Government. Whenever their policies end in catastrophe, then, of course, it is a national emergency on which the Government should be exempt from all criticism.

There were critical references to Callaghan's formulations when speaking in the House in the days before devaluation, of which the following is perhaps the most often quoted nowadays:³⁵

I have nothing to add to or to subtract from anything I have said on previous occasions on the subject of devaluation and, in any case, it does not arise from my original Answer.

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."³⁶ Wilson wrote in his record of his 1964-70 government:³⁷

There remained a problem for me. Despite the warm endorsement given to the Chancellor, both in an enthusiastic party meeting and in the House, he renewed his request to be allowed to resign. This I could not accept, as I had told him on one of those feverish nights before devaluation. He had been an international symbol of our determination to fight for sterling, but so had I. There could be no question of a symbolic sacrifice.

Jim Callaghan evaded a challenge from Iain Macleod in Parliament on whether he should resign, saying that he had to see the immediate post-devaluation measures through. He continued to press his resignation. In three days of discussions, from 27th to 29th November, I persuaded him to consider an alternative: that he should become Home Secretary, a post in which he had always shown interest. In the event, he accepted and Roy Jenkins became Chancellor.

It had, in fact, been unfair to Jim Callaghan that he had been kept on at the Treasury tread-mill so long and in such difficult conditions. Earlier in the year he had said he would like to move, and indeed his desire became known in the press. The problem simply was that had sterling's toughest defender moved, it would have been taken all over the world as a sign that we were considering a change in parity. That would undoubtedly have precipitated rumours and speculations on a scale capable of forcing devaluation.

³⁵ c635, 16.11.67

³⁶ *Time and chance*, 1987, p221-2.

³⁷ *The Labour government 1964-70*, 1971, p467.

Now that devaluation had taken place there was no such bar on his going to another department. Within a week he told me that he was really enjoying life at the Home Office as he had never enjoyed his period at the Treasury: his record for reform, his assertion of what he preferred to call 'freedom under the law'-in distinction to the Tory cry of 'law and order'-and, above all, his firm and fair handling of the Northern Ireland crisis in 1969-70 were of the utmost benefit to the Government and to the country.

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:³⁸

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 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.

The 1976-77 report of Select Committee on the Conduct of Members carefully considered the position of Mr Maudling.³⁹ Much of the affair related to Mr Maudling's conduct when a private Member than as a minister, and in that regard the Committee was satisfied with his actions. It was however concerned that some of his actions took place when a 'shadow minister' "since a 'shadow' Minister is a potential future Minister." But it noted that "the House has never given any guidance on this matter: your Committee consider that this is a general problem that deserves the attention of the parties and of the House."⁴⁰

³⁸ *Memoirs*, 1978, p193.

³⁹ HC 490, paras 25-34, July 1977

⁴⁰ para 30.

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It then turned to Maudling's resignation letter, and the Prime Minister's statement of 18 July 1972, in which Mr Heath set out, *inter alia*, the extracts of the letter:⁴¹

In this connection there is one other matter of which I should inform the House. I have received a letter from my right hon. Friend the Home Secretary, who has asked me to read the following extract from it to the House:

"We discussed the assertions made by Mr. Poulson during his bankruptcy hearing. Among them there was one referring to myself, to the effect that before I accepted his invitation to become Chairman of an export company, for which post I took no remuneration, he had made a covenant in favour of a charitable appeal which had my support. I do not regard this as matter either for criticism or for investigation. However, there are matters not relating to me that do require investigation, and I entirely agree that this should be carried out in the normal way on behalf of the Director of Public Prosecutions. The difficulty arises that the task must fall upon the Metropolitan Police, and in my particular office as Home Secretary I am Police Authority for the Metropolis. We agreed that it would not be appropriate for me to continue to hold this office while the investigations are being pursued, in view of the fact that my name has been mentioned at the Hearing."

My right hon. Friend's letter continues:

"You were good enough to suggest that I might for the time being hold some other office in your Government, but this I do not wish to accept. For more than twenty years now I have held office continuously, as a Minister, or a member of the Shadow Cabinet. I think I can reasonably claim a respite from the burdens of responsibility and from the glare of publicity which, inevitably, surrounds a Minister and, inexcusably, engulfs the private lives even of his family."

I have replied to my right hon. Friend that, though I understand and respect the reasons for his decision to leave the Government, it is only with the greatest reluctance that I have accepted it.

I believe that right hon. and hon. Members on both sides of the House will share not only my deep regret at my right hon. Friend's going now but also my hope that it will not be long before he is able to resume his position in the public life of this country.

⁴¹ See HC Deb vol 841 c403, 18.7.72.

When the House debated the report, Maudling defended his actions, and, in particular, his letter:⁴²

I come to the second point - the accusations made by the Select Committee in paragraph 33 and only about my letter of resignation when I resigned as Home Secretary. I read paragraph 33 with astonishment. Earlier, in paragraph 4, the Committee had said that before reaching its conclusions it had

"put to the Members concerned the matters that arose from the evidence they had examined"

and that

"no new evidence or accusation emerged that was not fully described and put to the Members concerned during their evidence."

The fact is that while the *Hansard* extract from the Prime Minister's statement was in the bundle of documents before the Committee, it was not mentioned in the list of questions sent to me by the Committee which it asked me to answer. At no time throughout the two hours that I spent with the Committee did any member of it make any mention whatsoever of the statement to me.

The first intimation that I received that the Committee was concerned about my letter of resignation, let alone critical of it, was when I received a copy of its final Report about an hour before it was released to the Press. So I find it a little bewildering that a Select Committee reporting to this House can make a statement which, frankly, is not accurate. The Select Committee did not put to me the matter of my resignation letter. It did not describe to me its accusation. Not one word was said about it at any time by anyone while I was before the Committee.

The effect, of course, is simply this: although everyone has heard the charge that the Committee brings against me and although a number of people have not hesitated to condemn me, no one has yet listened to a single word of my side of the case. That is what I want to put now.

I would ask the House not to endorse this paragraph - this is what I concentrate on - for the simple reason

that it just is not true. It is based on a complete misapprehension of the facts, which I shall now explain to the House and which I could have explained so easily to the Committee if only it had asked me to do so.

In paragraph 33 the Committee quotes as the fundamental basis of its accusation against me what purports to be a passage from my letter of resignation to the Prime Minister, which he read at my request to the House. It goes on to say:

"It was in these terms, therefore, that Mr. Maudling chose to describe his relationship with Mr. Poulson to the House."

But that is not the case. In fact, it is nothing of the kind. Those are not the words that I used. They are just some of the words that I used, which is a very different matter. Nor was I seeking to describe, or purporting to describe, to the House my relationship with Mr. Poulson. I was describing the reasons for my resignation, which is a very different matter. To resign as Home Secretary - I think I can say I was effectively Deputy Leader of the Government at the time - is no small thing to have to do.

I am always apprehensive of partial quotations, of the leaving out of words from sentences and putting dots in their place. I cannot understand why the Committee in its report did not quote my letter in full but consigned it to Appendix 65, where the House will find it. What I said in fact to the Prime Minister was:

"We discussed the assertions made by Mr. Poulson during his bankruptcy hearing. Amongst them there was one referring to myself, to the effect that before I accepted his invitation to become Chairman of an export Company, for which post I took no remuneration, he had made a covenant in favour of a charitable appeal which had my support. I do not regard this as matter either for criticism or for investigation. However, there are matters not relating to me that do require investigation, and I entirely agree that this should be carried out in the normal way on behalf of the Director of Public Prosecutions. The difficulty arises that the task must fall upon the

⁴² HC Deb vol 936 cc335-9, 26.7.77.

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Metropolitan Police, and in my particular office as Home Secretary I am Police Authority for the Metropolis. We agreed that it would not be appropriate for me to continue to hold this office while the investigations are being pursued, in view of the fact that my name has been mentioned at the Hearing."

I was referring specifically to only one of Mr. Poulson's assertions, as my words show. I was doing that for a very good reason, which I will explain in a moment. I was resigning as Home Secretary solely because of my connection with the Metropolitan Police. Had I been holding any other Office of State, I would not have resigned. The Prime Minister was good enough to recognise this by offering me an alternative post in his Government, which, as the House is aware, I declined for reasons of a personal character wholly unconnected with Mr. Poulson.

The general nature of my business relations with Mr. Poulson was not before the House in any way. It was before the courts. The Committee has described my business relations with Mr. Poulson. It has made it absolutely clear that there was nothing whatever about them that it had to criticise. I can find nothing in the Committee's description of my relationship that did not emerge in full in public during the course of those court hearings five years ago.

I was calling attention in my resignation letter to one particular aspect of my relationship with Mr. Poulson, namely, his covenant in favour of the Adeline Genee Theatre. I single out this particular aspect for one very good parliamentary reason, namely, that it had already been singled out and put before the House in a formal motion in the name of the Liberal Party under the heading:

"Allegations of Financial Corruption in Public Life calling for investigation".

The motion of the Liberal Party said-

"That this House, gravely concerned with the allegations made by Mr. Poulson in the bankruptcy court proceedings that he had paid substantial sums of money to two Back Bench Members of Parliament and another substantial payment to a body at the request of a Privy Councillor, calls upon the Government to order an immediate inquiry."

As I told the then Leader of the Liberal Party, who was and still is a very good friend of mine, I objected to the wording of that motion because it did not say that the body concerned was a charitable body. It gave the clear impression that the money had been paid to me for my own benefit. This was under the heading "Financial Corruption". I made clear in my letter that this was not the case, that the money had gone, not to me, but to a charity and that, in my view, this was a matter neither "for investigation nor for criticism."

This point of view the Select Committee now in its Report has wholly endorsed.

These are the facts of the matter. They do not appear at all in the Report from the Select Committee. No doubt the Committee was not aware of them. There is no reason why the Committee should have been aware of these facts or why it should have remembered them. If it had asked me about them, I could have told the Committee at the time. That, for the first time, is my side of the case.

I understand that, by convention, I ought now to withdraw while the House discusses these issues. This will mean once again that there will be an opportunity for people to criticise me or even to contradict me while I have no opportunity to hear what they say. But on this occasion I am confident of the fairness of the House as a whole. I am confident that the House will accept that what I have said is the truth, the whole truth and nothing but the truth, and that now for the first time the House has before it the facts upon which to reach a judgment.

E. Court Line: Tony Benn (1975)

This case, although relatively rarely cited in the literature nowadays, has much of interest in the context of this Paper. Court Line was a shipping and tourism company which experienced financial difficulties in the early 1970s, and the Department of Industry became involved, to the extent that the Industry Secretary, Tony Benn, made apparently reassuring statements in the House about the company, its employees and the holidays booked by holidaymakers. However the company had to cease trading shortly thereafter and went into liquidation. A Companies Act inquiry was set up under Department of Trade inspectors, and they reported in July 1975.⁴³ The report, *inter alia*, criticised the actions of Mr Benn and the Government, of which the following extracts provide a flavour:⁴⁴

We are of the opinion that individually and collectively all the references to holidays and holiday-makers are to be criticised for going too far by way of assurance to holidaymakers, without sounding any note of caution or reserve.

The responsibility rests, we consider, not only with Mr. Wedgwood Benn but also with the Government, because the prepared statements followed from collective discussions and decisions by Ministers and were in line with conclusions reached, by them, whilst the other statements, though solely Mr. Wedgwood Benn's authorship, were in our view in the same vein and to the same effect.

We want to make it quite clear that the Statements were made with the best of intentions and with genuine belief by Mr. Wedgwood Benn and the Government in everything they said and the way that they said it. There is no question of the Statements being in any way untrue or reckless.

The Government are conscious of the weight their official pronouncements carry with the public - far more weight than those of any commercial undertaking however large and however reputable. They must therefore exercise a corresponding care. In our view the Statements here were not fair and reasonable in the circumstances: accidentally no doubt, but nevertheless so.

⁴³ Dep 6337

⁴⁴ pp142-52 (extracts)

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Before us Mr. Wedgwood Benn claimed sole personal responsibility for what he said. For the reasons we have given we consider that the responsibility is shared by the Government. That he and they acted with the best of intentions and with complete bona fides is beyond question.

Various points were made to us on behalf of Mr. Wedgwood Benn and the Government in defence of the Statements as worded. We have taken full account of these in the conclusions we have stated. The main contentions which we have considered but rejected are - (i) that it is putting it too strongly to say that there was no qualification in the Statements, (ii) that the confidence the Company had in being able to continue was an important factor in the Government's view, (iii) that the general confidence, backed by experts, justified the Government in showing it and (iv) that the precise degree of confidence to be expressed (on the basis of an honest and careful assessment) is a matter of finely balanced judgment, involving a consideration of the actual words used and the impact they may have been expected to make on the public.

In support of the contention that there were qualifications in the Statements, emphasis was laid on the following words from the 26th June 1974 Statements as under lined - that the acquisition "should stabilise the situation, that holidaymakers "should have some reasonable security", that the agreement had the effect of "Safeguarding the holidaymakers" and that the main statement was "a holding statement designed mainly to reassure holidaymakers". It is open to anybody to form his/her own view of these words and phrases in context or in isolation. Our judgment is that they are clear, unqualified assurances.

As to the actual words used, we have considered them again and again, with the anxiety to be absolutely fair to everybody concerned. Our conclusion throughout has been, and remains, that they were too wide.

As to the likely impact of the words on the public, we are convinced that their likely impact, and their actual impact, was that the Government assured 1974 Summer holidaymakers that they would get their holidays.

The House debated the DoT report on an adjournment motion on 6 August.⁴⁵ Opening the debate, the Trade Secretary, Peter Shore, considered the Government's position:⁴⁶

Further, in relation to their own conduct the Government have not brushed aside or dismissed the reports of the Parliamentary Commissioner or the inspectors. We recognise that these reports have been prepared with scrupulous care and we take very seriously the conclusions that they reach. It would have been easy for us to accept their conclusions without further ado and to offer an apology - as the right hon. Member for Penrith and The Border (Mr. Whitelaw) suggested last week.

⁴⁵ HC Deb vol 897 cc532-88, 6.8.75.

⁴⁶ c533

The House is always rightly indulgent in these circumstances, and if we had been seeking an easy way out that would have been the obvious course to take. But we have not done so, and when I say "we", I mean, of course, the Government as a whole-not because we are stiff-necked, either collectively or individually, but because we have considered their findings with a care matching that of the authors of these reports, and because we have concluded, with reluctance and respect, that we simply cannot agree.

Emphasising that examination of the Government's actions and statements involved "matters of emphasis and nuances of expression" and 'fine points of judgment', he concluded:⁴⁷

The Government must come to a view - however provisional, and however much based on incomplete information about the longer-term effects of their decision on the company. Obviously that view must be as honestly and carefully justified as the circumstances, which may well involve acting very quickly, allow. The Government must expect to be questioned in this House about what that view is and give it. In these circumstances, great care is of course needed - as the Parliamentary Commissioner himself says, but it must always be a difficult exercise in judgment. I invite the House, however, to consider as a general problem whether in cases of this kind any statement can be made which does not run the risk that someone, somewhere, may possibly be misled in the light of subsequent and unforeseeable events.

He attacked the Opposition's approach to the Government's conduct, accusing Michael Heseltine and Eldon Griffiths of "rivalling each other in an ever-mounting crescendo of abuse" and of comparing it to Watergate "with all its associations of conspiracy and of criminal conduct, " and concluded that "to attack our judgment is one thing; to attack our good faith is another."⁴⁸

⁴⁷ c537

⁴⁸ c539-40

Michael Heseltine considered the Government's decisions to issue statements:⁴⁹

The Government decision must have been anguished, with all the holidaymakers spread across the world and the immense difficulties of the time scale within which they had to operate. Not to understand the problems facing the Government would be to deny the realities of ministerial life. We arrive at the point when the Government created confidence which the events did not entitle them to do. It is not right to say that the Government should have introduced the second statement as opposed to the first. What the Government thought the statement meant is not of critical importance. What the holidaymakers thought the statement meant is of critical importance.

Eric Heffer intervened to remind Mr Heseltine of the time when he, when Aerospace Minister in 1973, made a personal statement to the House concerning a charge by a select committee that he had made an untrue statement to it concerning the 'Hovertrain' project. Mr Heseltine responded:⁵⁰

I remember that incident. I made the statement which caused the question to be raised. I explained the matter and revealed the full facts to the Select Committee. It was suggested that the words I used were misleading. I did not like the idea that I had misled the House of Commons. Having discussed the matter with my Front Bench colleagues, I was persuaded that there was only one honourable course in the circumstances, which was to apologise. I did so at the earliest possible parliamentary opportunity. I believed that that was the only course to take.

In these circumstances, in view of the interpretations placed by those inspectors on the speech which the Secretary of State for Industry made in the House, the apology course should be adopted.

Mr. Heffer: You had to admit that.

Mr. Heseltine: I did not have to admit anything. I found myself in a position in which an independent verdict gave one view. As that was the view of a Select Committee, I accepted it. In this case, two independent verdicts have given a similar unqualified judgment. In those circumstances, it would be in the interests of the Secretary of State for Industry and of the other parties concerned to accept those judgments. When he replies the Minister should say something along the lines of my remarks, which were made in similar circumstances.

⁴⁹ c544

⁵⁰ cc546-7

Winding up for the Opposition, William Whitelaw emphasised that he categorised the Government's conduct as "errors of judgment", as he was "absolutely satisfied that the Government and the right hon. Gentleman [presumably Mr Benn] acted in good faith." He said that "there is no question of the statement being in any way untrue or reckless. That should be accepted."⁵¹ He concluded:⁵²

I believe that an error of judgment has been made. There can be no great blame on a Minister who makes an error of judgment in a crisis situation. Indeed, if I were to say anything different I should certainly be throwing very heavy stones in a glasshouse, because I know the mistakes that I have made in crisis situations.

Mr. Russell Kerr (Feltham and Heston): So do we.

Mr. Whitelaw: Certainly. I have always been ready to admit them in this House, as the hon. Gentleman knows. It is usually wise to admit one's mistakes. I believe that it is particularly important that the Secretary of State, on behalf of the Government, should do so. If he does, he will uphold the strong position of the Ombudsman and thereby strengthen our parliamentary democracy.

Therefore, in the best interests of future government and of this House, I ask the right hon. Gentleman to get up and to say that, on mature reflection, the Government will now unequivocally accept the Ombudsman's report, backed as it is by the departmental investigation. If not, I hope that my right hon. and hon. Friends will register in the Division Lobby their dissent from what I believe would be an unwise and damaging Government decision which they will live to regret.

Mr Benn, by then Energy Secretary, began by stating that "I accept full personal responsibility for all the decisions taken by the Government last year, for the statements that I made in the House and for my relations with my civil servants."⁵³ He sought to put the criticisms by the PCA and the DoT inspectors of the Government's actions into context:⁵⁴

I say that these are policy matters. It was on their policy decision that the Conservative Government were criticised over the Rolls-Royce case, and it is as a policy matter that we should have been criticised, if criticism there has to be, over the handling of Court Line.

It is not right to take a policy decision given with absolute integrity and relate it in some way to matters of maladministration - although that word is not mentioned in the Parliamentary Commissioner's findings. Nor is it right for inspectors, doing the best job they can as distinguished lawyers

⁵¹ c573

⁵² cc574-5

⁵³ c575

⁵⁴ cc582-3

and accountants, to invent the concept of a colloquial guarantee as a precursor for criticism of a Minister who is accountable to the House of Commons.

This is a very important question. All Governments are concerned with the success of industry. All major firms in trouble are likely to turn to the Government for advice or assistance. Members of this House necessarily come to Ministers if important firms in their constituencies run into difficulty, and every Minister concerned with industry, if my experience is anything to go by, has a flood of letters, deputations, delegations and discussions when such crises appear.

The Government can do three things. First, they can let events take their course so that receivership may follow. Secondly, they can wheel I into play the formal, precise Government guarantee, embodied in a parliamentary statement or order under which everyone knows exactly what the position is. But the most common case falls into neither of these categories but into the third, in which the Government try to help without commitment and without guarantee. Some attempts will fail, as Rolls-Royce and Court Line failed. But many more succeed - many more than see the light of day, because no firm wishes to advertise itself as coming to the Government for help, because that of itself might undermine its confidence.

I have details here-it is an old list relating to firms which the Government for the first time helped to secure against some difficulty or other, and they include 64,237 jobs in 18 firms. Some have now recovered; others have run into difficulties. Alfred Herbert was one of the latter, and it has now been taken over and absorbed.

But I warn the House that there is a deeper danger. If in accepting the reports, or asking for an apology which would imply accepting them, we blur the difference between the cases where the Government try to help without commitment and those cases where the Government give a full-scale guarantee - if the crucial and clear difference between what is a guarantee and what is not a guarantee is blurred by the Court Line affair-the whole nature of the relations between the Government and industry will necessarily change. I believe that the House would not wish to make such a change, with all its far-reaching consequences, without the most careful consideration of what would be involved, and certainly would not wish to make it by what the lawyers call a side-wind.

F. Glasgow rape case: Sir Nicholas Fairbairn (1982)

The Solicitor-General for Scotland, Sir Nicholas Fairbairn, resigned on 21 January 1982 over the handling of a Glasgow rape case. On the morning of a day on which the Law Officers were due to speak in the House about the case, he responded to telephone questions from a newspaper reporter, and the publication of his comments apparently infuriated and confused those MPs interested in the case. He was reprimanded for this by the Prime Minister and he made a statement the following day⁵⁵ (the Lord Advocate, Lord Mackay of Clashfern, made a parallel statement in the Lords).

According to an account of the case, ministers had agreed that if the Opposition demanded

⁵⁵ HC Deb vol 16 cc423-34, 21.1.82

an apology to the House, the Leader of the House, Francis Pym, (already present for Business Questions) would do so, but Fairbairn was not informed of this.⁵⁶ When Michael Foot made such a demand,⁵⁷ Mr Pym apologised to the House as its Leader. This appeared to anger Fairbairn, whose statement became an increasingly difficult ordeal as the mood of the House turned against him, and as he resisted requests for an inquiry, perhaps by a select committee, into the case. Later that afternoon the Prime Minister's PPS, Ian Gow, suggested he should consider resignation. He agreed to do so saying, according to Harper & McWhinnie, "The department for which I am responsible has made a very serious mistake. I never said that publicly but it was an appalling blunder, quite contrary to anything I would have sanctioned and, as the person who has been criticised for it, I think that I should take the blame. I will resign."¹ In his resignation letter he said he was "entirely satisfied" that the handling of the case by officials was with "total propriety", but he admitted "errors of judgement" in his press dealings.

This case therefore appears to have aspects of personal ministerial fault as well as defence of the conduct of departmental officials. But the crucial cause appeared to be the affront to Parliament from the advance press revelations which poisoned the atmosphere during Fairbairn's statement to the House. Sir Nicholas had, in any case, to face resignation calls only the previous month over an alleged incident concerning a female friend. His resignation appears to be the sentence imposed on him for failing to convince the jury of his Parliamentary colleagues during his statement to forgive his breach of Parliamentary etiquette.

G. 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."⁵⁸

⁵⁶ R Harper & A McWhinnie, *The Glasgow rape case*, 1983, p99

⁵⁷ In 1982 the Business Question was still asked by the Leader of the Opposition

⁵⁸ Letter, 5.4.82

In her memoirs, Margaret 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 [ie during the emergency debate]"⁵⁹

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:⁶⁰

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. 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.⁶¹

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

⁵⁹ *The Downing Street Years*, 1993, pp185-6.

⁶⁰ HC Deb vol 21 c979, 7.4.82. See also Mr Atkins' speech on 8 July on the establishment of the Falkland Islands Review, HC Deb vol 27 cc488-90, 8.7.82.

⁶¹ HL Deb vol 438 cc159-60.

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 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."⁶² 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:⁶³

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

⁶² HC Deb vol 35 c798, 25.1.83

⁶³ c934, 26.1.83

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.

H. 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. Woodhouse describes the immediate political fallout of the escape:⁶⁴

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 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,

⁶⁴ D Woodhouse, *Ministers and Parliament*, 1994, p125.

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:⁶⁵

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."⁶⁶ 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."⁶⁷ and:⁶⁸

⁶⁵ HC Deb vol 47 cc23-4, 24.10.83.

⁶⁶ HC 203, 1983-84, para 10.12, January 1984

⁶⁷ HC Deb vol 52 c1056, 26.1.84.

⁶⁸ c1059.

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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:⁶⁹

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 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.

⁶⁹ HC Deb vol 53 c1042, 9.2.83

Perhaps the strongest counter-argument came from Enoch Powell:⁷⁰

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 rename 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.

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?

⁷⁰ cc1059-60

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"⁷¹ and he continued:⁷²

We must consider whether Northern Ireland would benefit if a particular Minister resigned. I should not think it right to call for the resignation of the Secretary of State. First, I do not think that he could reasonably have been expected, personally, to read the minutes. I believe that he was badly served. Secondly, the right hon. Gentleman may be embarrassed at this; but I cannot envisage him being replaced from among members of the present Administration by anyone more compassionate or more politically sensitive. I am not calling for the right hon. Gentleman's resignation.

The hon. Member for Chelsea (Mr. Scott) - the Under-Secretary of State for Northern Ireland-had held responsibility for only three months prior to the breakout. We can see today what a difficult and complicated situation existed. There was a multiplicity of complications. I do not seek to convict him. Lord Gowrie is in a different position. In the absence of any explanations today, it is difficult to see how he could justify remaining a member of the Government. That may no longer be germane to the future of Northern Ireland, and I am mindful that he is not here to answer the charge. Perhaps the report will be debated in another place, where he will speak for himself. But it is difficult to see what answer there can be.

Robert Maclennan (SDP) disagreed with Mr Archer:⁷³

Criticism is made of the general responsibility of the security and operations division, and although the UnderSecretary, at the top, is exculpated personally, he is described as "overworked and under-resourced". If that is so, whose fault is it, if not that of the Secretary of State? I do not take pleasure in drawing attention to what I regard as a failure of the Secretary of State, not only at the time, but today, to appreciate where the charges lie.

The right hon. and learned Member for Warley, West did not draw the natural conclusion from his argument when he said that Ministers must be judged by the standard of their involvement. I believe that the Secretary of State has largely forfeited the confidence of those living in the Province who depend on him for their security. Security is a key issue in the Province, for the lack of security is the background against which political decisions about its future must be taken.

⁷¹ c1055

⁷² c1056

⁷³ cc1079-80

I agree with the right hon. and learned Member for Warley, West that the Government are not so rich in talent that it is easy to find someone who can fulfil the job effectively, but I do not believe that anyone who has the right hon. Gentleman's track record can be said to be suitable for the task which he has been carrying out. Others whose policies have failed have moved to other Departments. I recall particularly the right hon. Member for Cardiff, South and Penarth (Mr. Callaghan) in 1967 who, when the pound was devalued, was moved from responsibility for the affairs of the Exchequer to the Home Office. It is a precedent which the right hon. Gentleman might have in mind, because we cannot make the political progress that we need in Northern Ireland on the elimination of violence if the security of the Province is in the hands of one who manifestly failed on the occasion of, and who has so little grasp of what led to, the breakout in September.

I hope that the right hon. Gentleman will reflect on his position. I hope that his talents, which are undoubted, and his abilities, which few would wish to challenge, will be deployed in another sphere where his capacity for conciliation and his honourable attempts to edge policies forward might be more successful than he has been in the Province. That is a prerequisite to any political advance and any re-establishment of a sense of security in the Province.

Winding up the debate, the junior Northern Ireland minister, Nicholas Scott, responded to Mr Powell's attack:⁷⁴

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

⁷⁴ cc1107-8

was Home Secretary.⁷⁵

I. Westland: Michael Heseltine, Leon Brittan (1986)

The Westland affair is, in many ways, the most complex and confusing recent episode of ministerial responsibility.⁷⁶ Neither of the two ministerial resignations can be easily 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.⁷⁷ 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."⁷⁸ 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:⁷⁹

My right hon. Friend the Prime Minister has set out the facts relating to what has been called the "Westland saga",

⁷⁵ See Woodhouse, *op cit*, pp153-61

⁷⁶ See the Defence Committee's 1986 report, HC 519 of 1985-86, cited above, and Woodhouse, *op cit*, pp106-20.

⁷⁷ HC Deb vol 89 c870-2, 13.1.86

⁷⁸ *op cit*, para 172

⁷⁹ HC Deb vol 90 c671, 27.1.86.

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 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.⁸⁰

J. Salmonella and eggs: Edwina Currie (1988)

In a TV interview on 3 December 1988 the junior Health minister, Edwina Currie, made a comment on the impact of salmonella on egg production which led to a collapse in egg consumption by the public who appeared to interpret her comments as meaning that most eggs were infected. She took no public steps to rectify the public misunderstanding, on instruction from senior Ministers, 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

⁸⁰ See, for example, Woodhouse, *op cit*, p120.

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 within and outwith Parliament. Following the failure of the support of her own and other senior ministers 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, including supportive ministerial statements on the health risk and the provision of emergency aid, were to be restored. It is also interesting in that Mrs Currie strongly resisted appearing before the Agriculture Committee which investigated the episode shortly thereafter.

K. 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 since October 1990, membership of the Exchange Rate Mechanism 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.⁸¹ Opening the debate, the Prime Minister said that "following the developments in the foreign exchange markets over the past weeks, I thought it right to recall Parliament to debate the present position."⁸² The Leader of the Opposition, John Smith, raised the accountability aspect of the situation:⁸³

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.

⁸¹ HC Deb vol 212 cc2-116, 24.9.92.

⁸² c2

⁸³ c16

Gordon Brown demanded an apology to the people from the Chancellor⁸⁴ and considered Mr Lamont's political position.⁸⁵

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 repossession 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.

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."⁸⁶ 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:⁸⁷

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

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".

There is no point in the Chancellor setting monetary targets other than in negotiations with the publishers of his memoirs. There is no point in him worrying about the money supply except if he is negotiating a salary for the City board that he is about to join. There is no point in him thinking about foreign exchange rates unless he is asking about the surcharge on next year's package holiday to Italy. His diary secretary may be planning his appearance in November at the Lord Mayor's banquet, but probably at table 94. All that is left to be done in the changing of the guard is to book the day for the removal vans from number 11 and to hand in the keys of his country house at Chevening.

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

⁸⁴ c94

⁸⁵ c98

⁸⁶ HC Deb vol 226 c279, 9.6.93.

⁸⁷ c282

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 [ie the Franks Review], now was the time to concentrate on one thing only -- victory."⁸⁸

⁸⁸ M Thatcher, *op cit*, p186.

Appendix: 20th Century ministerial resignations

The following list was collected and classified by David and Gareth Butler in *British political facts 1900-1994*, and has been updated by the authors of this Paper in the same format. Note that it lists resignations for whatever reason, not simply those of individual responsibilities considered in this Paper:⁸⁹

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).

MINISTERIAL RESIGNATIONS

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 (FreeTrade)
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)

⁸⁹ D & G Butler *British political facts 1900-1994*, 7th ed., 1994, pp68-70, as updated

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28 Sep	32	Sir H. Samuel, Sir A. Sinclair, Vt Snowden, M of Lothian, I. Foot. Sir R. Hamilton, G. White, W. Rea, Vt Allendale (Free Trade)
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) (<i>exonerated and given new office 5 May 63</i>)
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)

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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 (Governments 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)
7 Feb	95	A. Stewart (confrontation with motorway protestors)
13 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)
17 Oct	95	N. Baker (ill-health)

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1. p108.