HOUSE OF COMMONS

Wednesday, 12th May, 1965

The House met at half-past Ten o'clock

PRAYERS

[Mr. SPEAKER *in the Chair*]

ORDERS OF THE DAY

MURDER (ABOLITION OF DEATH PENALTY) BILL

Considered in Committee [*Progress 5th May*].

[Dr. HORACE KING in the Chair]

Clause 1.—(ABOLITION OF DEATH PENALTY FOR MURDER.)

10.35 a.m.

The Chairman: For the convenience of hon. and right hon. Members, I remind the Committee of the correction made to the duplicated notice giving the provisional selection of Amendments. Hon. Members interested in the next two Amendments should note that Amendment No. 17 will be taken before Amendment No. 14, because what matters in order in Committee is the order of Amendments on the Paper.

Mr. W. R. Rees-Davies (Isle of Thanet): Would you just say a word about Amendment No. 10, Dr. King? Is it to be called separately or subsequently?

The Chairman: The hon. Gentleman may not have been here when it was agreed that Amendment No. 10 should be discussed with Amendment No. 9. It has been taken.

Mr. Rees-Davies: That is what I understood. I understood that it was taken for discussion with the earlier Amendment, and, in the circumstances, I wondered why it appeared on the Paper. But you have satisfied me, Dr. King.

Amendment moved [*28th April*], In page 1, line 7, leave out "sentenced" and insert:

"liable at the discretion of the court."—[*Sir J. Hobson.*]

Amendment negatived.

The Chairman: We come now to Amendment No. 17.

Mr. C. M. Woodhouse (Oxford): I am grateful to you, Dr. King, for allowing the Amendment in page 1, line 7, at the end to insert:

"Such a sentence shall be of indefinite duration subject only to the exercise of the prerogative of mercy".

to be taken separately from the previous group, because it differs from those Amendments in two respects. In the first place, this is the only Amendment at this point in the Bill which excludes the courts from the decision to release a convicted murderer and leaves the responsibility for determining——

The Chairman: Order. I apologise to the Committee. I had promised that, if necessary, there would be a Division on Amendment No. 11.

Amendment proposed: In page 1, line 7, leave out "life" and insert:

"a period of not less than 25 years unless a court in its discretion orders otherwise".—[*Mr. Rees-Davies.*]

Question put, That "life" stand part of the Clause:—

The Committee divided: Ayes 148, Noes 160.

Division No. 106.] **AYES** **[10.37 a.m.**

Alison, Michael (Barkston Ash)	Brooke, Rt. Hn. Henry	Dempsey, James
Allaun, Frank (Salford, E.)	Brown, R. W. (Shoreditch & Fhury)	Diamond, John
Alldritt, Walter	Carmichael, Neil	Doig, Peter
Armstrong, Ernest	Carter-Jones, Lewis	Driberg, Tom
Astor, John	Chapman, Donald	Dunn, James A.
Bacon, Miss Alice	Coleman, Donald	English, Michael
Barnett, Joel	Conlan, Bernard	Ensor, David
Baxter, William	Craddock, George (Bradford, S.)	Evans, Ioan (Birmingham, Yardley)
Bence, Cyril	Cullen, Mrs. Alice	Fernyhough, E.
Bishop, E. S.	Darling, George	Fitch, Alan (Wigan)
Blackburn, F.	Davies, Harold (Leek)	Foot, Sir Dingle (Ipswich)
Blenkinsop, Arthur	Davies, Ifor (Gower)	Foot, Michael (Ebbw Vale)
Boyle, Rt. Hn. Sir Edward	de Freitas, Sir Geoffrey	Ford, Ben
Braddock, Mrs. E. M.	Delf, Edmund	Freeson, Reginald

Galpern, Sir Myer
Garrett, W. E.
Garrow, A.
Gourlay, Harry
Grey, Charles
Griffiths, David (Rother Valley)
Griffiths, Rt. Hn. James (Llanelly)
Griffiths, Will (M'chester, Exchange)
Grimond, Rt. Hn. J.
Hamilton, James (Bothwell)
Hamilton, William (West Fife)
Harper, Joseph
Harrison, Walter (Wakefield)
Hart, Mrs. Judith
Heffer, Eric S.
Henderson, Rt. Hn. Arthur
Herbison, Rt. Hn. Margaret
Hobden, Dennis (Brighton, K'town)
Howarth, Robert L. (Bolton, E.)
Howie, W.
Hoy, James
Hughes, Emrys (S. Ayrshire)
Hughes, Hector (Aberdeen, N.)
Hunter, Adam (Dunfermline)
Hynd, H. (Accrington)
Irving, Sydney (Dartford)
Johnson, Carol (Lewisham, S.)
Johnson, James(K'ston-on-Hull,W.)
Johnston, Russell (Inverness)
Jones, J. Idwal (Wrexham)
Jones, T. W. (Merioneth)
Jopling, Michael
Kirk, Peter
Lawson, George
Ledger, Ron
Lewis, Ron (Carlisle)
Lipton, Marcus
Lomas, Kenneth
Longbottom, Charles
Loughlin, Charles
Lubbock, Eric
Mabon, Dr. J. Dickson
McBride, Neil
McCann, J.
McGuire, Michael
McInnes, James
McKay, Mrs. Margaret
Mackenzie, Alasdair(Ross&Crom'ty)
Mackenzie, Gregor (Ruthergien)
Mackie, George Y. (C'ness & S'land)
MacMillan, Malcolm
MacPherson, Malcolm
Mallalieu, E. L. (Brigg)
Mallalieu,J.P.W.(Huddersfield,E.)
Manuel, Archie
Mapp, Charles
Maxwell, Robert
Meyer, Sir Anthony
Mikardo, Ian
Millan, Bruce
Miller, Dr. M. S.
Milne, Edward (Blyth)
Morris, Charles (Openshaw)
Nicholson, Sir Godfrey
Oakes, Gordon
Ogden, Eric
Orme, Stanley
Oswald, Thomas
Paget, R. T.
Palmer, Arthur
Park, Trevor (Derbyshire, S.E.)
Pearson, Arthur (Pontypridd)
Pentland, Norman
Perry, Ernest G.
Prentice, R. E.
Rankin, John
Rees, Merlyn
Rhodes, Geoffrey
Roberts, Albert (Normanton)
Ross, Rt. Hn. William
St. John-Stevas, Norman
Shinwell, Rt. Hn. E.
Silkin, John (Deptford)
Silverman, Sydney (Nelson)
Slater, Mrs. Harriet (Stoke, N.)
Small, William
Solomons, Henry
Soskice, Rt. Hn. Sir Frank
Swain, Thomas
Swingler, Stephen
Symonds, J. B.
Taylor, Bernard (Mansfield)
Tinn, James
Urwin, T. W.
Varley, Eric G.
Vickers, Dame Joan
Walden, Brian (All Saints)
Walker, Harold (Doncaster)
Warbey, William
Watkins, Tudor
Whitlock, William
Wilkins, W. A.
Willey, Rt. Hn. Frederick
Williams, W. T. (Warrington)
Willis, George (Edinburgh, E.)
Yates, Victor (Ladywood)

TELLERS FOR THE AYES:
Mr. Crawshaw and Mr. S. C. Silkin.

NOES

Allason, James (Hemel Hempstead)
Atkins, Humphrey
Awdry, Daniel
Barber, Rt. Hn. Anthony
Batsford, Brian
Beamish, Col. Sir Tufton
Bennett, Sir Frederic (Torquay)
Bennett, Dr. Reginald (Gos & Fhm)
Berry, Hn. Anthony
Blaker, Peter
Bossom, Hn. Clive
Box, Donald
Boyd-Carpenter, Rt. Hn. J.
Braine, Bernard
Brinton, Sir Tatton
Bromley-Davenport,Lt.-Col.SirWalter
Brown, Sir Edward (Bath)
Buchanan-Smith, Alick
Bullus, Sir Eric
Butcher, Sir Herbert
Buxton, R. C.
Campbell, Gordon
Channon, H. P. G.
Chichester-Clark, R.
Clark, Henry (Antrim, N.)
Clark, William (Nottingham, S.)
Clarke, Brig. Terence (Portsmth, W.)
Cooke, Robert
Cooper-Key, Sir Neill
Courtney, Cdr. Anthony
Crosthwaite-Eyre, Col. Sir Oliver
Cunningham, Sir Knox
Curran, Charles
Currie, G. B. H.
Dalkeith, Earl of
Dance, James
Davies, Dr. Wyndham (Perry Barr)
Deedes, Rt. Hn. W. F.
Dodds-Parker, Douglas
Doughty, Charles
Douglas-Home, Rt. Hn. Sir Alec
Drayson, G. B.
Eden, Sir John
Elliot, Capt. Walter (Carshalton)
Emery, Peter
Errington, Sir Eric
Farr, John
Foster, Sir John
Fraser, Ian (Plymouth, Sutton)
Galbraith, Hn. T. G. D.
Gibson-Watt, David
Giles, Rear-Admiral Morgan
Gilmour, Sir John (East Fife)
Godber, Rt. Hn. J. B.
Goodhart, Philip
Goodhew, Victor
Gower, Raymond
Grant, Anthony
Grant-Ferris, R.
Gresham-Cooke, R.
Grieve, Percy
Griffiths, Peter (Smethwick)
Gurden, Harold
Hall-Davis, A. G. F.
Hamilton, Marquess of (Fermanagh)
Hamilton, M. (Salisbury)
Harris, Frederic (Croydon, N.W.)
Harris, Reader (Heston)
Harrison, Col. Sir Harwood (Eye)
Harvey, John (Walthamstow, E.)
Harvie Anderson, Miss
Hastings, Stephen
Hawkins, Paul
Hay, John
Heald, Rt. Hn. Sir Lionel
Heath, Rt. Hn. Edward
Hendry, Forbes
Hiley, Joseph
Hill, J. E. B. (S. Norfolk)
Hirst, Geoffrey
Hopkins, Alan
Hordern, Peter
Howard, Hn. G. R. (St. Ives)
Hunt, John (Bromley)
Hutchison, Michael Clark
Irvine, Bryant Godman (Rye)
Jennings, J. C.
Kaberry, Sir Donald
Kershaw, Anthony
Kimball, Marcus
King, Evelyn (Dorset, S.)
Lagden, Godfrey
Langford-Holt, Sir John
Legge-Bourke, Sir Harry
Loveys, Walter H.
Lucas, Sir Jocelyn
McAdden, Sir Stephen
MacArthur, Ian
McLaren, Martin
Maclean, Sir Fitzroy
McNair-Wilson, Patrick
Maitland, Sir John
Maxwell-Hyslop, R. J.
Maydon, Lt.-Cmdr. S. L. C.
Mills, Peter (Torrington)
Mills, Stratton (Belfast, N.)
Monro, Hector
Morrison, Charles (Devizes)
Mott-Radclyffe, Sir Charles
Noble, Rt. Hn. Michael
Onslow, Cranley
Orr, Capt. L. P. S.
Orr-Ewing, Sir Ian
Osborne, John (Hallam)
Page, R. Graham (Crosby)
Pearson, Sir Frank (Clitheroe)
Percival, Ian
Peyton, John
Pickthorn, Rt. Hn. Sir Kenneth
Pitt, Dame Edith
Pounder, Rafton
Prior, J. M. L.
Pym, Francis
Quennell, Miss J. M.
Ramsden, Rt. Hn. James
Rawlinson, Rt. Hn. Sir Peter
Redmayne, Rt. Hn. Sir Martin
Rees-Davies, W. R.
Ridsdale, Julian

Roots, William
Scott-Hopkins, James
Sharples, Richard
Sinclair, Sir George
Speir, Sir Rupert
Stodart, Anthony
Stoddart-Scott, Col. Sir Malcolm
Studholme, Sir Henry
Summers, Sir Spencer
Taylor, Sir Charles (Eastbourne)
Taylor, Edward M. (G'gow,Cathcart)
Taylor, Frank (Moss Side)
Temple, John M.
Thorneycroft, Rt. Hn. Peter
Tiley, Arthur (Bradford, W.)
Turton, Rt. Hn. R. H.
Tweedsmuir, Lady
van Straubenzee, W. R.
Vaughan-Morgan, Rt. Hn. Sir John
Walder, David (High Peak)
Walker, Peter (Worcester)
Ward, Dame Irene
Weatherill, Bernard
Webster, David
Whitelaw, William
Wise, A. R.
Wolrige-Gordon, Patrick
Wood, Rt. Hn. Richard
Woodnutt, Mark
Yates, William (The Wrekin)
Younger, Hn. George

TELLERS FOR THE NOES:
Mr. Mawby and
Sir Rolf Dudley Williams.

Question put, That the proposed words be there inserted:— *The Committee divided:* Ayes 163, Noes 169.

Division No. 107.] **AYES** **[10.47 a.m.**

Allason, James (Hemel Hempstead)
Atkins, Humphrey
Awdry, Daniel
Barber, Rt. Hn. Anthony
Batsford, Brian
Beamish, Col. Sir Tufton
Bennett, Sir Frederic (Torquay)
Bennett, Dr. Reginald (Gos & Flm)
Berry, Hn. Anthony
Biggs-Davison, John
Blaker, Peter
Bossom, Hn. Clive
Box, Donald
Boyd-Carpenter, Rt. Hon. J.
Braine, Bernard
Brinton, Sir Tatton
Bromley-Davenport,Lt-Col.Sir Walter
Brown, Sir Edward (Bath)
Bullus, Sir Eric
Butcher, Sir Herbert
Buxton, R. C.
Campbell, Gordon
Channon, H. P. G.
Chichester-Clark, R.
Clark, Henry (Antrim, N.)
Clark, William (Nottingham, S.)
Clarke, Brig. Terence (Portsmth, W.)
Cooke, Robert
Cooper-Key, Sir Neill
Cordle, John
Courtney, Cdr. Anthony
Cunningham, Sir Knox
Curran, Charles
Currie, G. B. H.
Dalkeith, Earl of
Dance, James
Davies, Dr. Wyndham (Perry Barr)
Deedes, Rt. Hon. W. F.
Dodds-Parker, Douglas
Doughty, Charles
Douglas-Home, Rt. Hon. Sir Alec
Drayson, G. B.
Eden, Sir John
Elliot, Capt. Walter (Carshalton)
Emery, Peter
Errington, Sir Eric
Farr, John
Foster, Sir John
Fraser, Ian (Plymouth, Sutton)
Galbraith, Hn. T. G. D.
Gibson-Watt, David
Giles, Rear-Admiral Morgan
Gilmour, Sir John (East Fife)
Godber, Rt. Hn. J. B.
Goodhart, Philip
Goodhew, Victor
Gower, Raymond
Grant, Anthony
Grant-Ferris, R.
Gresham-Cooke, R.
Grieve, Percy
Griffiths, Peter (Smethwick)
Gurden, Harold
Hall-Davis, A. G. F.
Hamilton, Marquess of (Fermanagh)
Hamilton, M. (Salisbury)
Harris, Frederic (Croydon, N.W.)
Harris, Reader (Heston)
Harrison, Col. Sir Harwood (Eye)
Harvey, John (Walthamstow, E.)
Harvie Anderson, Miss
Hastings, Stephen
Hawkins, Paul
Hay, John
Heald, Rt. Hn. Sir Lionel
Heath, Rt. Hn. Edward
Hendry, Forbes
Hiley, Joseph
Hill, J. E. B. (S. Norfolk)
Hirst, Geoffrey
Hopkins, Alan
Hordern, Peter
Howard, Hn. G. R. (St. Ives)
Hunt, John (Bromley)
Hutchison, Michael Clark
Irvine, Bryant Godman (Rye)
Jennings, J. C.
Kaberry, Sir Donald
Kershaw, Anthony
Kimball, Marcus
King, Evelyn (Dorset, S.)
Lagden, Godfrey
Legge-Bourke, Sir Harry
Loveys, Walter H.
Lucas, Sir Jocelyn
McAdden, Sir Stephen
MacArthur, Ian
McLaren, Martin
Maclean, Sir Fitzroy
McNair-Wilson, Patrick
Maitland, Sir John
Maude, Angus
Maxwell-Hyslop, R. J.
Maydon, Lt.-Cmdr. S. L. C.
Mills, Peter (Torrington)
Mills, Stratton (Belfast, N.)
Monro, Hector
More, Jasper
Morrison, Charles (Devizes)
Mott-Radclyffe, Sir Charles
Noble, Rt. Hn. Michael
Onslow, Cranley
Orr, Capt. L. P. S.
Orr-Ewing, Sir Ian
Osborn, John (Hallam)
Page, R. Graham (Crosby)
Pearson, Sir Frank (Clitheroe)
Peel, John
Percival, Ian
Peyton, John
Pickthorn, Rt. Hn. Sir Kenneth
Pitt, Dame Edith
Pounder, Rafton
Prior, J. M. L.
Pym, Francis
Ramsden, Rt. Hn. James
Rawlinson, Rt. Hn. Sir Peter
Redmayne, Rt. Hn. Sir Martin
Rees-Davies, W. R.
Ridsdale, Julian
Roots, William
Scott-Hopkins, James
Sharples, Richard
Sinclair, Sir George
Speir, Sir Rupert
Stainton, Keith
Stodart, Anthony
Stoddart-Scott, Col. Sir Malcolm
Studholme, Sir Henry
Summers, Sir Spencer
Taylor, Sir Charles (Eastbourne)
Taylor, Edward M. (G'gow,Cathcart)
Taylor, Frank (Moss Side)
Temple, John M.
Thorneycroft, Rt. Hn. Peter
Tiley, Arthur (Bradford, W.)
Turton, Rt. Hn. R. H.
Tweedsmuir, Lady
van Straubenzee, W. R.
Vaughan-Morgan, Rt. Hn. Sir John
Walder, David (High Peak)
Walker, Peter (Worcester)
Ward, Dame Irene
Weatherill, Bernard
Webster, David
Whitelaw, William
Wise, A. R.
Wolrige-Gordon, Patrick
Wood, Rt. Hn. Richard
Woodhouse, Hn. Christopher
Woodnutt, Mark
Yates, William (The Wrekin)
Younger, Hn. George

TELLERS FOR THE AYES:
Mr. Mawby and
Sir Rolf Dudley Williams.

NOES

Abse, Leo
Alison, Michael (Barkston Ash)
Allaun, Frank (Salford, E.)
Alldritt, Walter
Armstrong, Ernest
Astor, John
Bacon, Miss Alice
Barnett, Joel
Bishop, E. S.
Blackburn, F.
Blenkinsop, Arthur
Bowden, Rt. Hn. H. W. (Leics S.W.)

Boyle, Rt. Hn. Sir Edward
Braddock, Mrs. E. M.
Bray, Dr. Jeremy
Brooke, Rt. Hn. Henry
Brown, Rt. Hn. George (Belper)
Brown, R. W. (Shoreditch & Fbury)
Carmichael, Neil
Carter-Jones, Lewis
Chapman, Donald
Coleman, Donald
Conlan, Bernard
Craddock, George (Bradford, S.)
Cullen, Mrs. Alice
Darling, George
Davies, G. Elfed (Rhondda, E.)
Davies, Harold (Leek)
Davies, Ifor (Gower)
de Freitas, Sir Geoffrey
Dell, Edmund
Dempsey, James
Diamond, John
Dodds, Norman
Doig, Peter
Donnelly, Desmond
Driberg, Tom
Dunn, James A.
English, Michael
Ensor, David
Evans, Ioan (Birmingham, Yardley)
Fernyhough, E.
Finch, Harold (Bedwellty)
Fitch, Alan (Wigan)
Foot, Sir Dingle (Ipswich)
Foot, Michael (Ebbw Vale)
Ford, Ben
Freeson, Reginald
Garrett, W. E.
Garrow, A.
Gourlay, Harry
Greenwood, Rt. Hn. Anthony
Grey, Charles
Griffiths, David (Rother Valley)
Griffiths, Rt. Hn. James (Llanelly)
Griffiths, Will (M'chester, Exchange)
Grimond, Rt. Hn. J.
Hamilton, James (Bothwell)
Hamilton, William (West Fife)
Hannan, William
Harper, Joseph
Harrison, Walter (Wakefield)
Hart, Mrs. Judith
Heffer, Eric S.
Henderson, Rt. Hn. Arthur
Herbison, Rt. Hn. Margaret
Howarth, Robert L. (Bolton, E.)
Howie, W.
Hoy, James
Hughes, Emrys (S. Ayrshire)
Hughes, Hector (Aberdeen, N.)
Hunter, Adam (Dunfermline)
Hynd, H. (Accrington)
Irvine, A. J. (Edge Hill)
Irving, Sydney (Dartford)
Jay, Rt. Hn. Douglas
Jenkins, Hugh (Putney)
Johnson, Carol (Lewisham, S.)
Johnson, James (K'ston-on-Hull, W.)
Johnston, Russell (Inverness)
Jones, J. Idwal (Wrexham)
Jones, T. W. (Merioneth)
Jopling, Michael
Kelley, Richard
Kirk, Peter
Lawson, George
Ledger, Ron
Lee, Rt. Hn. Frederick (Newton)
Lewis, Ron (Carlisle)
Lipton, Marcus
Lomas, Kenneth
Longbottom, Charles
Loughlin, Charles
Lubbock, Eric
Mahon, Dr. J. Dickson
McBride, Neil
MacCann, J.
McGuire, Michael
McKay, Mrs. Margaret
Mackenzie, Alasdair (Ross&Crom'ty)
Mackenzie, Gregor (Ruthergien)
Mackie, George Y. (C'ness & S'land)
Mackie, John (Enfield, E.)
MacPherson, Malcolm
Mahon, Peter (Preston, S.)
Mahon, Simon (Bootle)
Mallallieu, E. L. (Brigg)
Mallallieu, J.P.W. (Huddersfield, E.)
Manuel, Archie
Mapp, Charles
Maxwell, Robert
Meyer, Sir Anthony
Mikardo, Ian
Miller, Dr. M. S.
Milne, Edward (Blyth)
Morris, Charles (Openshaw)
Newens, Stan
Nicholson, Sir Godfrey
Oakes, Gordon
Ogden, Eric
Orme, Stanley
Oswald, Thomas
Paget, R. T.
Palmer, Arthur
Pannell, Rt. Hn. Charles
Park, Trevor (Derbyshire, S.E.)
Pavitt, Laurence
Pearson, Arthur (Pontypridd)
Peart, Rt. Hn. Fred
Pentland, Norman
Perry, Ernest G.
Rankin, John
Rees, Merlyn
Rhodes, Geoffrey
Roberts, Albert (Normanton)
Roberts, Goronwy (Caernarvon)
Ross, Rt. Hn. William
St. John-Stevas, Norman
Shinwell, Rt. Hn. E.
Short, Rt. Hn. E. (N'c'tle-on-Tyne, C.)
Silkin, John (Deptford)
Silverman, Sydney (Nelson)
Skeffington, Arthur
Slater, Mrs. Harriet (Stoke, N.)
Small, William
Soskice, Rt. Hn. Sir Frank
Steel, David (Roxburgh)
Swain, Thomas
Swingler, Stephen
Symonds, J. B.
Taylor, Bernard (Mansfield)
Thomas, George (Cardiff, W.)
Thornton, Ernest
Tinn, James
Urwin, T. W.
Varley, Eric G.
Vickers, Dame Joan
Walden, Brian (All Saints)
Walker, Harold (Doncaster)
Warbey, William
Watkins, Tudor
Whitlock, William
Wilkins, W. A.
Willey, Rt. Hn. Frederick
Williams, Mrs. Shirley (Hitchin)
Williams, W. T. (Warrington)
Willis, George (Edinburgh, E.)
Woodburn, Rt. Hn. A.
Yates, Victor (Ladywood)

TELLERS FOR THE NOES:
Mr. Crawshaw and Mr. S. C. Silkin.

Mr. Peter Thorneycroft (Monmouth): I beg to move,

That the Chairman do report Progress and ask leave to sit again.

I do so in order to ask the Home Secretary at this stage whether he would like to indicate to the House his intentions. It appears to me, in the light of the two decisions that the Committee has just taken, that there will be a hole in the Bill. I am not now arguing abolition or any other case, but the sentencing side has always been a major weakness of the Bill. If carried, this Amendment would have laid down a fixed period and placed upon the court the obligation of altering that period. The sponsors of the Bill, or the Home Secretary if he is taking any responsibility, should now give some indication as to what he proposes in the light of the voting this morning.

The Secretary of State for the Home Department (Sir Frank Soskice): I should like to oppose this Motion and, in giving my reasons, state what, as far as I can see, is the effect of the two votes we have just had. If the votes are given effect, then Clause 1(1) will read:

"No person shall suffer death for murder, and a person guilty of murder shall, subject to subsection (4) below, be sentenced to imprisonment."

That must mean, I should have thought, imprisonment for an indefinite period. It can mean nothing else. At any rate, according to the arguments of opponents of the Bill, it is almost exactly the same

[SIR F. SOSKICE.]

as the words "imprisonment for life". They were objecting to the words "imprisonment for life" precisely on that ground. We can certainly proceed in our discussion of the Bill which would now read:

"shall, subject to subsection (4) below, be sentenced to imprisonment."

Mr. Graham Page (Crosby): Are not the words left in "imprisonment for" and not just "imprisonment"?

11.0 a.m.

Sir F. Soskice: Upon the principle—if I may quote a Latin tag with which the hon. Gentleman will be very familiar—"*ut omnia magis valeant quam pereant*"—[*Laughter.*]

The Chairman: It was a tradition in Macaulay's time that Latin quotations in the House were common but in these modern days I should be grateful if the Home Secretary would translate his Latin for the benefit of the Committee.

Sir F. Soskice: I will certainly do my best. The text of a Bill or document or any other written legal material is, so far as possible, construed in such a way as to give it meaning.

Mr. Graham Page *rose*——

Sir F. Soskice: May I complete my submission to the Committee, with which the Committee may or may not agree? If the text in question now reads

"shall, subject to subsection (4) below, be sentenced to imprisonment for"

and there is then an expressive absence of elucidation, I should have thought that, giving effect to that well-known Latin maxim, the only way in which one can make this mean something would be, as it were, to insert a dash after the word "for," with precisely the same result as I indicated. In other words, the Clause could mean only that a man guilty of murder shall be sentenced to imprisonment for an indefinite period.

Mr. Graham Page *rose*——

Sir F. Soskice: That is the only thing it can mean and I would oppose the Motion on that basis.

Mr. Graham Page *rose*——

The Chairman: I hope that the hon. Member for Crosby (Mr. Graham Page) will not keep interrupting when the Home Secretary is trying to explain.

Mr. Graham Page: I believe that the right hon. and learned Gentleman gave way to me on this occasion.

The Chairman: I thought that the right hon. and learned Gentleman had sat down because I rose.

Mr. Graham Page: The Home Secretary knows perfectly well that one cannot plead *de minimis* about words in a statement which when translated mean that there is a hole in the bucket.

Mr. Rees-Davies: If we may take this matter a stage further, it is singularly appropriate that what has happened to the Bill is that "life" has been taken out of it. Many of us appreciated that fact earlier. Once "life" has been taken out of the sentence, the Bill has been executed, which is singnlarly appropriate. Not only has the Bill been executed, but we have removed from it the only sentence contained in any part of it. As my hon. Friend the Member for Crosby (Mr. Graham Page) has rightly pointed out, we are therefore left with the statement that the sentence shall be a "sentence of," so that we are now —[HON. MEMBERS: "Sentenced for."]— "sentenced for," so that the Bill is now in a state of animated suspension. Nothing is prescribed.

It is clear from past procedure that now that the Bill is a nonsense, the only proper course to pursue is to report Progress and to ask the sponsors of the Bill to take it away and to consider it in the light of the findings of the Committee about what should be put in the place of the expression which we have taken out.

It so happens that, although we have always believed that in fact he was, the Home Secretary is not the sponsor of the Bill, which is supposed to be a Private Member's Bill, although we have always recognised that the Government have been giving it very careful consideration. As we have taken out "life" and a sentence of imprisonment for life no longer applies, what is the sentence to be? It is clearly not to be for a period of 25 years, unless the court in its wisdom otherwise decrees, as was suggested by the Amendment, because the Committee by a

majority of 169 to 163 has decreed otherwise.

There is an Amendment which now becomes extremely relevant but which you did not call at the time, Dr. King. It stands in the names of myself and some of my hon. Friends and it provides an alternative form of imprisonment. It is in page 1, line 7, leave out " sentenced to imprisonment for life " and insert:

" imprisoned for such period as the court may direct and shall not be released by the Secretary of State pursuant to the provisions contained in the Prisons Act 1952 before the expiration of such period except with the leave of the court ".

The Chairman: I am sorry to interrupt the hon. Gentleman, but we cannot go back on the Amendment paper.

Mr. Rees-Davies: I am not suggesting that we should. What I am suggesting is that that is one of a number of alternatives and that later there are others which you have selected for debate. I would not dream of transgressing into any discussion of Amendments which may come later, but we have now reached a point when the Committee has decided that a prisoner who has been convicted of murder shall receive a sentence, but we do not have the remotest idea of what that sentence is to be, save that it will be a sentence of " imprisonment for ". We have now to consider what that shall be and the hon. Member for Nelson and Colne (Mr. Sydney Silverman) will need to consider it very carefully.

The matter is taken a stage further because of the speeches of the Home Secretary and my right hon. Friend the Member for Birmingham, Handsworth (Sir E. Boyle) last week. Both of them have indicated a preference for the abolition of the death penalty, but have none the less put forward arguments as to various alternatives which could properly be provided.

I now turn to a very serious matter. By now it must be recognised that whether one is in favour of abolition or not, and personally I am a retentionist, the whole Committee wants to try to find some sensible alternative to the death penalty. The speeches of our last two sittings and the Divisions this morning show that abolitionists and retentionists alike are not satisfied with the Bill merely providing for imprisonment for life. There are many hon. Members on this side of the Committee who are favourably disposed on the general issue of the Bill, but who take the view that some sensible alternative to imprisonment for life must be found.

If the hon. Member for Nelson and Colne and the Government are not prepared to accept Amendments such as mine and that of my hon. and learned Friend the Member for Billericay (Mr. Gardner), I ask them to take the Bill away now and carefully consider what proper alternative they can suggest. It cannot be said that the Conservative Benches have not offered a great variety of alternatives of various kinds. Yet others are coming up for discussion.

I am certain that if we are ever to get through the business of the Bill—and it will be seen how many of my hon. Friends are here today to attend this debate after some six weeks already in which discussion has continued on the Floor of the House of Commons on Wednesday mornings, predominantly Members who would like to be elsewhere, many of us professional men who normally conduct other business in the mornings, but who are none the less here—the course which I have suggested will have to be adopted. That is because these benches reflect the mood of the nation at present.

We are not going to be bulldozed by the hon. Member for Nelson and Colne and other hon. Members opposite who want us to fight this out as if it were a sort of very long cricket match. We will go on week after week if necessary. But here is a good opportunity for the Home Secretary and his colleagues, and for the hon. Member for Nelson and Colne, to take the Bill away and come back with an adequate compromise, in the form of an alternative sentence. After having given the matter careful consideration, he can put down a sensible Amendment, which can be properly considered.

It is clear that that cannot be done this morning. Therefore, the only thing to do now is to report Progress. If we do not do that, we shall be discussing this matter all morning in any case. It would be very much better to report Progress and then come forward with a proper Amendment, balancing the powers of the court on the one hand with the

[MR. REES-DAVIES.]
administrative duties of the Home Secretary on the other, in a fair compromise. If such a sensible Amendment is brought forward by the hon. Member, although we shall still fight against him, he may one day get his Bill. We spent many days in Parliament on this subject in 1956 and 1957. The hon. Gentleman's Bill has had a Second Reading; it has been in Committee upstairs and it is now in Committee on the Floor of the House. He has one day to get it through another place. In those circumstances, I beg him to pay attention to what has been said and to put forward a sensible alternative, with the Home Secretary, which would meet the feelings of hon. Members on this side of the Committee.

Mr. Sydney Silverman (Nelson and Colne): Originally the right hon. Member for Monmouth (Mr. Thorneycroft) asked the sponsors of the Bill to indicate what they proposed to do. He addressed his questions specifically to my right hon. and learned Friend the Home Secretary. My right hon. and learned Friend is not the sponsor of the Bill; I am. The right hon. Gentleman's question was put to the wrong addressee.

I do not accept the view of the hon. Member for the Isle of Thanet (Mr. Rees-Davies) that the Committee has decided that there must be some alternative, sensible or otherwise, to the proposal in the Bill. The Committee has decided not to have a life sentence. It has certainly also decided not to have a 25-year sentence. There are other Amendments on the Order Paper. The hon. Member has talked about sensible alternatives. Presumably, when he moved an Amendment relating to the sentence he thought that this was a sensible alternative—but he did not move Amendment No. 11; he put his name first to Amendment No. 10, which leaves out

"sentenced to imprisonment for life"

and inserts

"imprisoned for such period as the court may direct and shall not be released by the Secretary of State pursuant to the provisions contained in the Prisons Act, 1952 before the expiration of such period except with the leave of the court."

He put that Amendment on the Order Paper, presumably thinking that it was a sensible alternative to the one proposed in the Bill. Why was not he here to vote on it——

The Chairman: Order. We are debating whether or not to report Progress and ask leave to sit again. We have dealt with Amendment No. 10.

Mr. Silverman: I am not suggesting that the hon. Member could do anything about that now, but I am entitled to reflect upon it when testing the sincerity of the speech that he has addressed to the Committee. When the hon. Member says that the present position which the Committee has reached is a meaningless one, and that there should be a sensible alternative, I am entitled to point out that there are half a dozen alternatives on the Order Paper and that when the hon. Gentleman had the opportunity to ask the Committee to decide on the one which he favours he did not avail himself of that opportunity.

11.15 a.m.

Mr. Rees-Davies: The hon. Member is quite incorrect. Amendment No. 10 was not selected for a vote. Secondly, I was here on the last occasion; indeed, I was bobbing up and down and trying to get in on the discussion between 12 o'clock and 1 o'clock last Wednesday. I was not called, for the reason that other excellent speakers on this side of the Committee were called first. I did not pursue my argument this morning because we took a vote on the Amendment of my hon. and learned Friend the Member for Billericay (Mr. Gardner), and because I hoped that—my Amendment not having been debated and discussed—it would receive the attention of the Home Office, together with a later Amendment in my name. When we reach that later Amendment I shall explain why I believe it to be a better Amendment than Amendment No. 10.

Mr. Silverman: I have heard all that. [HON. MEMBERS: "Withdraw."] The point is that I do not accept the argument that the Committee has reached any deliberate——

The Chairman: Order. Before we leave that point I should say that this is quite a simple matter. The hon. Member for Nelson and Colne (Mr. Sydney Silverman) charged the hon. Member for the Isle of Thanet (Mr. Rees-Davies) with not being present for

the discussion of an Amendment. The hon. Member said that he was present. I hope that in those circumstances the hon. Member for Nelson and Colne will withdraw his charge.

Mr. Silverman: As a result of a manoeuvre which the opponents of the Bill had not sufficient—[HON. MEMBERS: "Withdraw."]—had not sufficient courage or strength to complete——

The Chairman: Order. I hope that the hon. Member will help me. This is a very small point of courtesy. The hon. Member has charged the hon. Member for the Isle of Thanet with not being here. The hon. Member for the Isle of Thanet said that he was here. It is customary for one hon. Member to accept another hon. Member's word, in such circumstances.

Mr. Silverman: I am merely expressing my opinion that this was a manoeuvre—[HON. MEMBERS: "Withdraw."]—I am entitled to say that it was a manoeuvre—[HON. MEMBERS: "Withdraw."]—arranged, just as—[HON. MEMBERS: "Withdraw."]—I can wait. It was arranged, just as the original transfer of the Bill to a Committee of the whole House was arranged. I recognise that the position which has been created—[HON. MEMBERS: "Withdraw."]—I recognise that the position which has been created—[HON. MEMBERS: "Withdraw."]

Mr. William Yates (The Wrekin): On a point of order. When the Chair invites an hon. Member to withdraw a remark, Dr. King, is it not customary for the hon. Member to withdraw it forthwith, without any further discussion?

The Chairman: I have pointed out to the hon. Member for Nelson and Colne twice—[HON. MEMBERS: "Name him."] Order. I have pointed out that this is customary, and that it is one of the courtesies of the House, if one hon. Member has questioned a matter of fact and if an hon. Member has explained the real facts, for the hon. Member who has raised the question to withdraw his remark. I am sure that the hon. Member for Nelson and Colne will make a contribution to the good feeling of the Committee, and he will have his own argument to follow, if he accepts the word of the hon. Member for the Isle of Thanet.

Mr. Silverman: I recognise that a nonsensical situation has been created—[HON. MEMBERS: "Name him."]—a nonsensical situation has been created—[HON. MEMBERS: "Name him."]—and I recognise that the Committee must deal with it.

The Chairman: Order. I hope that hon. Members who are inviting me to name the hon. Member for Nelson and Colne will not persist. My job is to attempt to guide the Committee in matters of courtesy. If the hon. Member for Nelson and Colne does not accept my advice on a matter of courtesy, although it is regrettable, I must leave it at that.

Mr. Rees Davies *rose*——

Mr. Silverman *rose*——

The Chairman: Order.

Mr. Silverman: I felt that I ought to acknowledge that the hon. Member for the Isle of Thanet was not in his place and, therefore, could not have done any of the things I complained of him for not doing. In so far as what I said in that respect was in any way offensive to him, I am very happy to withdraw and I do withdraw. I had not understood that was the complaint being made, or I would have withdrawn it long ago.

All I am saying is that a nonsensical position has been produced. We have decided to take out the word "life" and not put in a fixed period. We have left free the words "imprisonment for" without defining them in any way. This, obviously, is a completely nonsensical situation. Whether the Committee reached that position deliberately or not, it will certainly have to decide what it shall do about the position. So that the Committee shall decide what it shall do we need a little time. This is quite plain.

I have no idea that we can decide it here and now on the spur of the moment, or in any spontaneous way of that kind. I think it very unfortunate that this should have happened. It reflects no credit on Parliament. It reflects no credit on the opponents of the Bill. All the

[MR. SILVERMAN.]

same, in the circumstances which we have reached, I beg to move that,

The Chairman do report Progress and ask leave to sit again.

The Chairman: Order. On a matter of order, it has already been moved,

That the Chairman do report Progress and ask leave to sit again.

I gather that the hon. Gentleman is supporting the Motion.

Mr. W. F. Deedes (Ashford): The reasons which were advanced by my hon. Friend the Member for the Isle of Thanet (Mr. Rees Davies) seemed to me to be appealing reasons why we should report Progress and, for the first time in the proceedings I find myself speaking in the same sense as the hon. Member for Nelson and Colne (Mr. Sydney Silverman). He observed that we are now in a wholly nonsensical position. A number of hon. Members who have been taking part in our proceedings believe that we are now at the most important part of the Bill. Some of us have stressed from the start of these discussions that the proper action to be taken by the Home Secretary—not by the sponsor of the Bill—to replace what would go if this Bill became law would be one of the most serious matters imaginable to come before us in this sphere of legislation. We have said that on repeated occasions. Now, as we approach the critical stage of our discussions, we find ourselves with a Bill which has been amended in this curious form.

I know that the right hon. and learned Gentleman the Home Secretary, despite what he said at the Dispatch Box, realises that there could be no coherent or serious discussion by the Committee about what should be the alternative. I think this regrettable and I must add that this confusion has arisen once again because it has been seen fit to afford the proceedings on the Bill second-class status. This should never have occurred. The haphazard arrangements regarding the Bill this morning is the responsibility of those who chose this method to consider the Bill. That is why we are in a state of confusion and why I think that those of us who said some time ago that this was not the appropriate way to deal with a Measure of this kind have now been proved right.

This is the second occasion upon which delay has been imposed, largely by the choice of machinery. I think that it would be wholly inappropriate that a subject of this importance—in the country it is regarded as of very great importance indeed—should continue to be discussed after Clause 1(1) has been reduced to the state in which it now is. I must not anticipate what Amendments might have been called—there is an Amendment in my name—but nothing that I could say in support of Amendments which are to come would make any sense at all in relation to the Bill as it has been left by the decision of the Committee.

I therefore support what my hon. Friend has said and, for once, what has been said by the hon. Member for Nelson and Colne. I hope that the Committee will report Progress. I hope that during the interval which will now arise the Home Secretary will give very careful consideration to the form in which he thinks that the Bill should return to the Committee.

There is always the danger—it is really what has happened this morning—that towards the conclusion of proceedings on a Measure such as this, which has occupied a great deal of time, there is a temptation to—I will not say get a little careless—to get a little superficial. There are hon. Members who feel that the Bill has been virtually passed into law and the Amendments now under consideration are something to be disposed of rather than discussed seriously. That is a most mistaken assumption. We are indeed at a point of crisis regarding the Bill.

I hope that the Home Secretary will not regard this as a waste of time. He, and indeed all hon. Members can use the interval to reconsider some of the arguments advanced at the last sitting of the Committee, and arguments which have been advanced this morning, and realise that hon. Members and the public regard the alternative which would be provided if the Bill became law as a matter of the utmost seriousness, and something which is not to be dismissed superficially. I hope that the Home Secretary may be able to give us more guidance.

Several Hon. Members *rose*——

The Chairman: Order. Before I call the next speaker, may I point out that

it seems to be the opinion of hon. Members on both sides of the Committee that we should report Progress and ask leave to it again. Mr. Yates.

Mr. William Yates (The Wrekin): I have not had an opportunity to express a point of view since the Committee stage deliberations on the Bill have been in progress. I must point out that, like other hon. Members who happen to be interested in the abolition of the death penalty, I have received many complaints from my constituents about the way in which the discussions on the Bill have proceeded. I think it perfectly reasonable that I should now ask the Committee to support the Motion and that I should go even further, and say that I think the time has come when the Government should take responsibility for the Bill. It is far too important a social Measure.

However much one admires the hon. Member for Nelson and Colne (Mr. Sydney Silverman) for his work in the past, I think that a Measure of this nature, which cuts across the whole field of criminal law and penology, should be the responsibility of the Government. Surely the Government must realise that the Bill should be withdrawn and that they should bring forward their own Bill. It has been stated that the abolition of the death penalty was the policy of the Labour Party and it was indicated in the Gracious Speech that they were interested in obtaining this Bill. What now stops them from being in charge, honourably and responsibly, of a great social Measure?

I and many of my constituents are open-minded about the form of punishment or penalty. We are not experts, but we think that the Government have all the expert advice possible. I believe the time has come when the Government should thank the hon. Member for Nelson and Colne for the valuable work he has done and should take responsibility for a Bill of their own and bring it in during the next Session of Parliament, in the proper way. In that fashion I think that they would mitigate the ridiculous situation in which the Committee is at present.

Mr. R. T. Paget (Northampton): I agree that we must reconsider this situation. I also agree with the right hon. Member for Ashford (Mr. Deedes) that we have come to what is an important part of the Bill, and the part which many people wish to have seriously considered.

These are the Amendments which many people wanted to have serious consideration. I wish to protest at the frivolity of this morning's performance. This is a serious matter, and for hon. Members opposite to try schoolboy tricks to get a snap Division, knowing perfectly well that they had no real majority for it, to play a game of that sort on a serious matter, does no credit to the House——

Notice taken that 40 Members were not present;

Committee counted, and, 40 Members being present—

11.30 a.m.

Mr. Paget: I hope also, that hon. Members opposite are proud of that performance. They come here and say that this is a serious matter in which the whole country is interested——

Mr. W. A. Wilkins (Bristol, South): A former member of Her Majesty's Government should not behave in that way.

Mr. Paget: —and the next thing they do is to propose a Motion that we should reconsider the matter. Many Members who supported the Motion proceeded to run out when a Count was called, showing thereby their total ignorance of the procedure. They are counted whether they run out or not.

Nevertheless, this kind of frivolity and absurdity does very little credit to hon. Members opposite or to the Committee. We have to reconsider this matter. My view is that, on Report stage, we shall simply put back the words which were frivolously deleted. That is the established procedure which has worked, I should have thought, to the satisfaction of everybody for the vast majority of murders for a very long time. To that vast majority of murders, this Bill will add three or four a year to a procedure which has already worked for the great majority. That is what I presume will happen. We have wasted a good deal of time on this.

Sir Stephen McAdden (Southend, East): I am impelled to support the Motion by the cool cheek of the hon. and learned Member for Northampton

[SIR S. MCADDEN.]

(Mr. Paget) who wanders into our debates when he knows perfectly well that only a handful of his supporters are behind him and, after only a handful of hon. Members have taken part in the discussion, promptly proceeds to move the Closure. If this is not playing schoolboy tricks, an attempt to stifle discussion and frivolity, I do not know what is. I think that it is an outsize piece of cheek for him to try to lecture the Committee as to how it should behave on the discussion of this matter.

Few hon. Members opposite attended our debate last week; apparently they were at a party meeting upstairs. We are told that they are at another today. If they are more interested in their party squabbles upstairs, this is the kind of frivolity which deserves condemning far more than what the hon. and learned Member complains about.

Sir Edward Boyle (Birmingham, Handsworth): I join in the discussion for a few moments as one of the minority on these benches who voted with the minority on the first of the Divisions this morning, and with the narrow majority on the second. I was not the only one on these benches. I think that it will be seen, when the HANSARD lists are published, that about 10 hon. Members on these benches who have given much attention to the subject of the Amendment under discussion voted on the same side as—I think—all hon. Members of the party opposite.

I think that the accusations of frivolity which the hon. and learned Member for Northampton (Mr. Paget) has advanced are perhaps a little harsh. What happened was that a discussion on the Amendments started two sittings ago. There was a long speech then from my right hon. and learned Friend the Member for Warwick and Leamington (Sir John Hobson) and we then had a full discussion throughout last Wednesday's sitting.

At the end of the proceedings, my hon. and learned Friend the Member for Billericay (Mr. Gardner) was addressing the Committee. I had the impression that he did not intend to make a very long speech. It was clear that we were to have a vote very near the start of this morning's proceedings. If we have debates in Committee of the whole House between 10.30 a.m. and 1.0 p.m., hon. Members on both sides must be prepared for a vote at the start of proceedings. Maybe hon. Members expected, as I did, that a vote would come 10 minutes later than it did, but I had expected to vote very much at the start of our proceedings this morning. I think that all hon. Members must have expected that to happen.

I think that we have this morning reached a somewhat unfortunate decision, from the point of view of the progress of the Bill, in voting one way on one Amendment and then the other way on another. This first experiment in sittings of Committee of the whole House in the morning has not turned out very happily so far. This is the sort of difficulty into which we must, I think, inevitably fall when we decide to have sittings in the mornings.

Mr. Paget: The point which I was making was not that a Division was not expected early this morning—of course it was—but that it was expected upon the Amendment which we were then discussing. The hon. and learned Member for Billericay (Mr. Garduer) was expected to continue his speech. That would have meant—as our side was warned—that there would be a Division fairly early. The trick was that there was no Division claimed on that one and a Division was then promptly claimed on the one on which there could be no debate. I think that that is a piece of trickery.

Sir E. Boyle: I will not weary the Committee; I have only one more thing to say. I must dissent from the view of the hon. and learned Member for Northampton about this word "trick". It became quite clear that a Division on the important subject which we have been discussing would take place early this morning. Some of my hon. Friends and I had reached this conclusion and we arrived here in good time, knowing that this Division could take place at any time. If we have morning sittings in Committee of the whole House, I think that hon. Members must expect Divisions sometimes to take place a little sooner than they have been expecting and must be prepared for them.

In this discussion on what is possibly the most important set of Amendments in the Bill, I think that, after the Second

Reading, most hon. Members expected that the Divisions on what I call the special categories would go the way that they did. Here we are discussing a real point of substance, on which strong views were expressed. I feel differently from my right hon. Friend the Member for Ashford (Mr. Deedes). I put my view last time, on much the same side as that of the Home Secretary. This is a very important issue. I consider that the House and the Committee must come to a firm conclusion on it before the Bill goes to another place.

I hope that I will not be out of order in saying that while I do not agree with the strictures and complaints which have been made about some unfair use of Parliamentary procedure, or a trick, nevertheless, I have not altered my view that those who support the Bill should stick to their guns on the principle which we have been discussing. On that point, I still feel as strongly as I did when I spoke last time.

The Chairman: Mr. Ogden.

The Minister of State, Home Department (Miss Alice Bacon): On a point of order, Dr. King——

The Chairman: I called Mr. Ogden.

Miss Bacon: On a point of order, Dr. King. I think that it is only fair to point out to you that there seems to be some doubt whether the Division bells rang in some offices and Ministries. [HON. MEMBERS: "Oh."] Yes, they did not ring. One of my hon. Friends and other hon. Members have said that the first bell did not ring. I think that we really ought to take this into consideration when discussing the matter.

Mr. Thorneycroft: Further to the point of order, Dr. King. May I suggest to Ministers that they should have taken the precaution of switching on their Division bells?

The Chairman: That was not further to the point of order. On the point of order raised by the hon. Lady, it is too late now to affect the result of the Division. I will certainly inquire into the complaint that she has made. Mr. Ogden.

Mr. Sydney Silverman: On that point of order, Dr. King. You say that it is too late now to question any result of any failure of the Division bells to ring in private places, but is it not fair to point out that this complaint has been made from both sides of the Committee several times during the course of this Committee stage? The complaint has not only come from one side this morning. It has come from the other side, perfectly correctly, on previous occasions when the result of a Division has been challenged on the ground that the proper preliminaries to calling a Division had not been gone through. If we are getting into that position and leaving important Bills to be messed about both ways in this fashion merely because we cannot arrange for the bells to ring in the right places at the right time, surely there is something that the House ought to look into.

Mr. Thorneycroft: Further to that point of order——

The Chairman: Order. Perhaps I can deal, first, with the point of order which has been raised. I will listen to the right hon. Member for Monmouth (Mr. Thorneycroft) in a moment.

I remember the circumstances to which the hon. Member for Nelson and Colne (Mr. Sydney Silverman) refers. I refused to rule on or to deal at that time with a hypothetical complaint. I undertook to satisfy myself of the truth or otherwise of the allegations that the bells did not ring. On that occasion the complaints, I understand, were utterly without foundation. [An HON. MEMBER: "They are now."] Mr. Thorneycroft.

Mr. Thorneycroft: Further to that point of order, Dr. King. If I understood the complaint of the hon. Lady, it was that the bells inside the Ministries had not rung. It referred to bells inside the Ministries, not bells in the House of Commons. I am astonished that that complaint should come from the Government Front Bench. After all, it was the Government's proposal that we should sit here on Wednesday mornings in order to hold the Committee stage of the Bill. For them to stroll down to the House of Commons and say that they have been inconvenienced in their work, and that they cannot possibly sit here like the rest of us, is a most astonishing proposition. If they cannot organise their Ministries so that the Division bells ring, no wonder we are in something of a difficulty with the Bill.

The Joint Under-Secretary of State for the Home Department (Mr. George Thomas): Further to the point of order, Dr. King. I was in the Home Office this morning, engaged on my work, and I know of Ministerial colleagues of mine who were in other Departments. We have had inquiries made. The first bell did not ring. [HON. MEMBERS: "Oh."] It is not a question of our convenience. When right hon. and hon. Gentlemen opposite were on this side they expected and received the same consideration, that Division bells should ring in the Government Departments so that Ministers could come to cast their votes in the House. I should be very grateful, Dr. King, if you would put inquiries into motion, because undoubtedly the vote this morning was influenced by the failure of the bells to ring.

Several Hon. Members *rose*——

The Chairman: Order. The hon. Gentlemau who has just spoken was addressing me on a point of order.

Sir Kenneth Pickthorn (Carlton): I wish to address you on the same point, Dr. King.

The Chairman: I will deal with one at a time. I will hear the right hon. Gentleman the Member for Carlton (Sir K. Pickthorn) in due course.

Perhaps I might say to the Joint Under-Secretary of State for the Home Department and to the Committee that I take no light view of the charge that the machinery for enabling right hon. and hon. Members to perform their Parliamentary duties officially has failed to work. I have undertaken to examine the complaint that was made, and I am sure that the servants of the House will take note of the remarks that have been made. I observed, however—this is a matter of simple fact, and I owe it in justice to the servants of the House to say this—that when the complaint was made some weeks ago in this Committee it was investigated and was found to be without foundation. Sir Kenneth Pickthorn.

11.45 a.m.

Sir K. Pickthorn: Further to the point of order, Dr. King. I did not wish to interrupt the case that was being put by the hon. Gentleman, who is now interested in something else. The point that I wished to put was this. Is it not upon the facts as stated primarily a matter to be dealt with from the other end? Suppose a Division bell failed to ring in an hon. Member's private house, or anywhere else that he might think it convenient to him. Would it be the business of a Minister to come to this House and question the validity of a Division which had been taken? Is it not, as a matter of order, entirely a question for decision outside the House until the point at which it becomes clear that there has been a breakdown of communication within the technical management of the servants of the House? Before that, is this not wholly out of order?

The Chairman: Order. I have already ruled on the issues which the right hon. Gentleman has just raised, that whatever happened has not affected the validity of the Division. That is over. It is my duty, as a servant of the House, to see that complaints of such a serious nature as this are investigated, and I undertook to do so. I think that that is the end of it so far as order is concerned. Mr. Ogden.

Sir Godfrey Nicholson (Farnham): Further to the point of order, Dr. King. I am sorry, but are we not getting into rather a dangerous position? Is it not a fact that the ringing of bells and other indications that there will be a Division are a courtesy extended to hon. Members? Is it not always assumed that every hon. Member should be in the House at the time he is needed to cast his vote? It has never been ruled by you, Dr. King, or anybody else, that proceedings are out of order if the means of communication, which, as I have said, are only a form of courtesy, break down. It would mean that if the bell system broke down completely we could have no Divisions. I suggest that we are getting into a dangerous position.

The Chairman: I should have thought that the hon. Member would have understood what I had said. He is an old Parliamentarian. I had already ruled in the direction in which he is arguing. That has gone now. I would only say that the ringing of Division bells is a matter of so long-established courtesy that it has almost become part of the order of the House. Mr. Ogden.

Mr. Thorneycroft: Further to the point of order, Dr. King. [HON. MEMBERS: "Oh."] I am sorry, but this raises an important matter. I would ask that it should be made absolutely plain that a Division bell in a Ministry is in no different category from a Division bell in a private house—none whatever. We ought to be absolutely clear that if an hon. Member came to the House and started complaining that he had been at dinner, and his Division bell had not rung, suggesting that that was something which invalidated a Division, it would be a most astonishing proposal to put to the House of Commons. That is, in effect, what a junior Minister at the Home Office has chosen to do. It should be made absolutely plain that the ringing of bells in Ministries and private houses is nothing to do with the business of the House. It is only the electronic arrangements in our Committee with which we should be concerned.

Colonel Sir Harwood Harrison (Eye): Further to the point of order, Dr. King. I put this forward to help you. The Under Secretary of State for the Home Department said that the first bell did not ring. The first bell went when Mr. Speaker was at Prayers, at 10.30 a.m. The second one went at 10.35 a.m., when he was in the Chair. Therefore, what probably happened was that those concerned were a little late in switching the bells on. Perhaps the bell was first heard at 10.32 a.m. and then the bell was heard for a second time after an interval of about five minutes and the hon. Member thought that that was the first bell.

Several Hon. Members *rose*——

The Chairman: Order. I think that at the moment the Committee is engaged in the fruitless task of pursuing all kinds of hypothetical questions. I am not prepared to rule on either hypothetics or on the extent and range of the bells in Ministries or private homes. I have undertaken to see that the complaints will be investigated and I hope that the Committee will now return to the Question being discussed, which is to report Progress and ask leave to sit again.

Mr. Eric Ogden (Liverpool, West Derby): This is the first time that I have tried to take part in the debate and I suggest that what is happening this morning is symptomatic of the concern of some hon. Members about the way in which this matter is progressing. For eight minutes the Committee has been debating not the abolition or retention of capital punishment, but whether certain bells have been ringing in certain places. We have moved well away from the subject we are supposed to be discussing and in my opinion this is a charade and not a debate on capital punishment. I do not say that it is a frivolous charade, as was suggested by my hon. and learned Friend the Member for Northampton (Mr. Paget), but it is, nevertheless, very much a charade, particularly when we remember that we are discussing a matter of life and death.

I appeal to the Committee, particularly to back benchers, to agree with me that the debate is becoming a debate between lawyers. We are leaving the broad issues and a number of hon. Members are trying to make party and other points, even to the stage of trying to prove who is the best lawyer and who can interpret a provision in one way or another. I hope——

The Chairman: Order. I hope that the hon. Member will address himself to the Question.

Sir G. Nicholson: On a point of order. Would you consider it desirable, Dr. King, that we now reach a decision? Since there seems to be complete unanimity in the Committee, would you accept a Motion to come to a decision?

The Chairman: I indicated my view on this matter quite a long time ago. I accept the Motion.

Question, That the Question be now put, *put and agreed to.*

Question, That the Chairman do report Progress and ask leave to sit again, *put accordingly and agreed to.*

Committee report Progress; to sit again upon Wednesday next.

Sitting resumed at 2.30 p.m.

PRIVATE BUSINESS

WELSH OFFICE PROVISIONAL ORDER (LLANELLY) BILL

Read a Second time and committed.

MINISTRY OF HOUSING AND LOCAL GOVERNMENT PROVISIONAL ORDER (MELTON MOWBRAY)

Bill to confirm a Provisional Order relating to the urban district of Melton Mowbray, presented by Mr. Richard Crossman; read the First time; and referred to the Examiners of Petitions for Private Bills and to be printed. [Bill 143.]

MINISTRY OF HOUSING AND LOCAL GOVERNMENT PROVISIONAL ORDER (NEWTON-LE-WILLOWS)

Bill to confirm a Provisional Order relating to the urban district of Newton-le-Willows, presented by Mr. Richard Crossman; read the First time; and referred to the Examiners of Petitions for Private Bills and to be printed. [Bill 144.]

MINISTRY OF HOUSING AND LOCAL GOVERNMENT PROVISIONAL ORDER (ROTHERHAM)

Bill to confirm a Provisional Order relating the county borough of Rotherham, presented by Mr. Richard Crossman; read the First time; and referred to the Examiners of Petitions for Private Bills and to be printed. [Bill 145.]

ORAL ANSWERS TO QUESTIONS

POST OFFICE

Postal Delays (Company Losses)

1. **Mr. Blaker** asked the Postmaster-General whether he will refund to a company, particulars of which has been sent to him, the sum of £196 2s. 2d., the cost of postage on items which were delayed in delivery for twelve days owing to the negligence of the Post Office, thus losing substantial business for the company concerned.

The Assistant Postmaster-General (Mr. Joseph Slater): My right hon. Friend is sorry that he cannot alter the decision already conveyed to the hon. Gentlemen and the company.

Mr. Blaker: Is the hon. Gentleman aware that this is a case in which the negligence of the Post Office is admitted and 23,000 football pool coupons failed to reach their destination until after the date when half the matches to which they referred had been played? Does not he agree that in such a case a reputable private firm would seek to make amends to its customers, and, if his right hon. Friend will not make a refund, will he at least use the powers he possesses to allow the company the appropriate amount of free postage?

Mr. Slater: All these facts were made known to my right hon. Friend in correspondence from the hon. Gentleman, and we are of opinion that it would be quite impracticable to accept the general principle that postage should be refunded when there are delays in the post. In this particular instance, one of the two coupons enclosed with the delayed letters arrived in good time to serve its purpose, and the postage paid was no more than would have been due had this coupon been the sole content of the letters.

Mr. Blaker: In view of the unsatisfactory nature of the reply, I beg to give notice that I shall raise the matter on the Adjournment at the earliest opportunity.

Giro System

2. **Mr. Sheldon** asked the Postmaster-General if his review of the Giro system has been completed; and if he will make a statement.

The Postmaster-General (Mr. Anthony Wedgwood Benn): I have not yet completed my review and it may therefore be some time before I can make any statement.

Mr. Sheldon: Will my right hon. Friend treat this as a matter of some urgency as the system would give many people an opportunity to hold their moneys and to make transfers of them simply, cheaply and safely? Further, can he say when he hopes that his review will be completed?

Mr. Benn: I cannot say exactly when the review will be completed and the

statement made. We thought it necessary to study the latest European experience and also to assess the implications arising from computer operation.

Barnstaple-Bideford Mail (Transport)

3. **Mr. Peter Mills** asked the Postmaster-General why letters and parcels are not carried between Barnstaple and Bideford by British Railways.

Mr. Joseph Slater: Practically all the parcels, and large numbers of letter mails, are carried between Barnstaple and Bideford by British Railways, the latter mainly in the direction of Barnstaple. But much of the letter mail for Bideford is sent by road because we can thereby give the public a better service than we could by rail.

Mr. Mills: Will the hon. Gentleman bear in mind that if he goes completely over to road transport for the carriage of these mails between Bideford and Barnstaple, there will be heavy congestion and delays in the summer months, and will he bear in mind also that in some of our minds there is the thought that this may be another nail in the coffin of the railway between Barnstaple and Bideford?

Mr. Slater: I am well aware of the hon. Gentleman's interest in the likely closing of this line, but I can tell him that the arrangement to which he refers has operated for many years, the mails concerned arrive at Bideford earlier than would be possible if they were sent by rail, and, because of this, we are able to give a better service to the public.

Satellite Communications

4. **Mr. Marten** asked the Postmaster-General if he is satisfied with the exchange of technical information between the United States and British industry on the subject of communications satellites; and if he will make a statement.

Mr. Benn: The Special Agreement on satellite communications signed in Washington in August 1964 provides for technical information about communication satellites, arising from work performed under contracts placed by the Committee, to be available to the signatories for use by them on work for the space segment of the system. Any such information will be made available by my Department to British industry.

Mr. Marten: Is the Postmaster-General aware that it is said that the Hughes Corporation has been stopped by the State Department from giving suitable information to the British Aircraft Corporation? As space is the ideal subject for international co-operation, will he make representations to the Americans that Hughes should be allowed to pass on information to the British Aircraft Corporation, and will he at the same time make a real and urgent effort to strengthen and speed up the European launcher development programme and to develop the British space launching vehicle for medium range satellites?

Mr. Benn: The Press reports to which the hon. Gentleman refers related to military satellite communications, which are the concern of my right hon. Friends the Secretary of State for Defence and the Minister of Aviation. On his other point, both the last Government and this Government have taken the view that working within the International Satellite Committee offers the best hope of progress, and that is the basis on which we are advancing.

Mr. Gibson-Watt: Will the right hon. Gentleman go a little further? My hon. Friend's Question asks whether he is satisfied with the exchange of technical information and he has not answered that so far. Is this going all right in his view?

Mr. Benn: Yes, Sir. The agreement was signed only last August, and contracts placed before the signature of the agreement are not covered by its terms. Therefore, there are certain operations, including the Early Bird operation, for which the contract was signed before August 1964, which are not the subject of exchange; but since the agreement came into force we have no reason at all to be dissatisfied with the exchange which is taking place.

Mr. Marten: The right hon. Gentleman referred to information on military satellites. My impression was different, that it extended to the commercial.

Mr. Speaker: Order. Will the hon. Gentleman explain what he means? His

first words included the phrase, "It is said that". If he is referring to Press reports, it is not the Minister's function to confirm or deny them.

Mr. Marten: I was not referring to Press reports, Mr. Speaker.

Will the Postmaster-General give an undertaking to look into this and see that the restriction does not extend to commercial satellites?

Mr. Benn: If the hon. Gentleman cares to raise the matter with me, I shall, of course, look into it. Naturally, we differentiate between commercial communications satellites and military operations, for which we are not responsible.

22. **Mr. Marten** asked the Postmaster-General if he will make a statement on Government policy towards synchronous and medium altitude satellites for communication purposes.

Mr. Benn: Design studies and experiments to evaluate the relative merits of synchronous and medium altitude satellites are now in hand by the Interim Communications Satellite Committee. This Committee, of which the United Kingdom is a member, was established by international agreements to set up a global system of satellite communications. It is expected that the Committee will decide, towards the end of this year, as to the type or types of satellites to be used in that system.

Mr. Marten: Does not the right hon. Gentleman agree that it is about time that British industry and the Government got together on this matter to form an integrated European space programme?

Mr. Benn: On the civil side—the communications satellite side—it was decided to operate through the international Committee. But Commonwealth interests are also involved and, as the hon. Member is aware, a Commonwealth Telecommunication Conference is sitting in London at the moment. The point that the hon. Member raises about European co-operation is more relevant on the launcher side, which is outside the scope of the Question.

Sir H. Legge-Bourke: Exactly where do the right hon. Gentleman's responsibilities in this matter lie, as distinct from those of the Minister of Technology, who is said to have sole responsibility for telecommunications? Is the right hon. Gentleman aware that unless there is close cohesion between the Minister of Technology and Dollis Hill we shall not get very far?

Mr. Benn: I can assure the hon. Gentleman that there is close co-operation between the Minister of Technology and myself on a whole host of matters bearing on the electronics and telecommunications industries, but the Post Office is the body which is responsible for exercising membership of the international committee in Washington and it is right that the Post Office, which has world cable responsibilities, should be the principal body responsible for international co-operation in commnnications.

Post Office Equipment (Supply and Manufacture)

5. **Mr. William Hamilton** asked the Postmaster-General what steps he is taking to ensure that the Post Office manufactures more of its own equipment.

10. **Mr. Sheldon** asked the Postmaster-General what is the present extent of manufacturing capacity under his control; what plans he has for the further employment and development of these resources; and if he will take steps to remove the restrictions which prevent their expansion.

Mr. Benn: The Post Office has factories in London, Birmingham, Cwmcarn, Monmouthshire, and Edinburgh, employing some 2,750 staff. Their main task is reconditioning used equipment, and this enables them to provide between a quarter and a fifth of our annual requirements for telephone instruments. Some 17 per cent. of factory resources is employed on manufacture of small amounts of non-standard equipment, items of special design or for experimental use. I am studying the question whether there is scope for the factories to produce other items, and whether outside markets might be found.

Mr. Hamilton: Are there any great technical difficulties in increasing the proportion of supplies manufactured directly by Post Office personnel? If there are, will my right hon. Friend give an assurance that he will push on with this matter with all speed?

Mr. Benn: I assure my hon. Friend that this is a point in which I have taken an interest. In fact, there are no spare resources in the factories at present. Although there is some expansion at Cwmcarn and some shift working has been introduced, the future development of these potentialities depends on investment decisions, on technical " know-how " and on diversion of resources, and we should have to consider it in that context.

Mr. Sheldon: Does not my right hon. Friend agree that it is shameful that so many of the activities of the Post Office have been restricted from expanding in their natural direction? Is he aware that many progressive industries expand in vertical forms and that we expect such progress from the Post Office?

Mr. Benn: My hon. Friend's Question very much reflects my own attitude to Post Office expansion.

Mr. Shepherd: Is it not a fact that the Post Office has quite a lot of work to do in the successful and efficient operation of its own services, and the right hon. Gentleman would best serve the public interest by making certain that there is true competition in the supply of manufactured items to the Post Office?

Mr. Benn: That is another question, to which I referred in the debate on 30th March, and there is a Question down about it today. But I could not for a moment accept that public enterprise should be any more limited in its expansion programme than private enterprise.

Mr. McInnes: Could my right hon. Friend say what percentage is manufactured in Scotland?

Mr. Benn: Not without notice ; but, as I said, there is the Edinburgh factory.

Mr. Fell: But if the Post Office is to manufacture more of its own equipment—and there may or may not be a case for it—can we be satisfied that it will keep separate accounting for its manufactures and that all tenders for equipment will be put outside as well as inside the Post Office so that it is clear that the Post Office is competing on proper terms?

Mr. Benn: Post Office factories engaged in manufacture up to 1951, when manufacture for these general purposes was stopped as a deliberate act of policy.

15. **Mrs. Renée Short** asked the Postmaster-General if he will take steps to end monopolistic practices in the supply of Post Office equipment.

16. **Mr. Hamling** asked the Postmaster-General if he will take further steps to deal with monopolistic practices in the supply of Post Office equipment.

Mr. Benn: I assume my hon. Friends have in mind the bulk supply agreements for telephone apparatus and exchange equipment. I would refer them to what I said in the debate on 30th March last.

Mr. Hamling: Is my right hon. Friend aware that in asking for more competition in the supply of these things we shall have the valued support of the benches opposite, notably of the hon. Member for Cheadle (Mr. Shepherd).

Mr. Chichester-Clark: Will the Postmaster-General say what is the intention about monopoly buying of exchange equipment? Will he also say something about the position of firms which make this type of equipment in development areas?

Mr. Benn: There is a separate Question about development areas which are covered by a separate agreement. The position with the existing agreement is that the Government are tied by agreements signed by the previous Government, although, as I made clear in the debate on 30th March, we have oursleves concluded that the telephone apparatus agreement serves no useful purpose. Negotiations to get it terminated by mutual consent are now in progress. As I said in the debate, much more complex questions, both technical and financial, are raised with exchange equipment and the important thing is to get a good agreement to replace the existing one when it comes to an end. All this is made more complicated by the fact that telephone demand has reached explosive proportions far in excess of those anticipated in the White Paper only 18 months ago.

West Country (Postal Delays)

6. **Mr. Peter Mills** asked the Postmaster-General what action he will take on the delays in the postal service from the West Country to the Midland and London areas.

Mr. Joseph Slater: My right hon. Friend much regrets any delays which have occurred in recent months. Shortage of staff in some of the main postal centres has been largely responsible. We are doing all we can to recruit additional staff and, meanwhile, if the hon. Gentleman would like to let me have details of any specific case of delay which he has in mind we shall be glad to look into the matter.

Mr. Mills: Will the hon Gentleman bear in mind that there are considerable delays in postage to the West Country? Indeed, I recently received a letter which took three days to reach me. Will he also bear in mind that industrialists have complained to me and that this situation is no help in development districts?

Mr. Slater: I have every sympathy with the hon. Gentleman's observations, and I am conscious that an efficient postal service is of fundamental importance to industry and the community at large. I am doing all I can to see that such a service is maintained.

Mr. Scott-Hopkins: Does not the hon. Gentleman agree that the main delay is occurring in the Bristol area? I have written to his Department several times about this. Will he take urgent steps to do something about the delays in Bristol? All of us in the West Country are suffering from very bad service.

Mr. Slater: Where delays are brought to our notice a thorough investigation takes place and we seek to put things right.

Chipping Campden Office

7. **Mr. Ridley** asked the Postmaster-General if he will reverse his decision to downgrade Chipping Campden Post Office from a Crown office to a sub-office.

Mr. Joseph Slater: No, Sir. As the hon. Member knows, this will involve no alteration in the local postal services and it will save a substantial amount of money.

Mr. Ridley: Is the hon. Gentleman aware that there has been failure of public relations over this? Will he send a senior official to explain the reasons for this decision to the people in Chipping Campden? If he does, he will have a greater chance of the policy being accepted.

Mr. Slater: The counter work at the Post Office has declined and the trend is likely to continue. Although this decision has been taken in principle, the downgrading will not be immediately effective. The date will be determined by the end of the lease on the premises, which is September 1967. There will be no redundancy problem.

Mr. Ridley: Will the hon. Gentleman answer my question as to why he will not send a representative to explain the decision to the people concerned?

Mr. Slater: I see no reason whatever to send anyone. We have our people there already. The case has been thoroughly investigated and we cannot find any formal complaint.

Franking Machines

8. **Mr. Hiley** asked the Postmaster-General what estimate he has made of the saving to the Post Office resulting from the use of franking machines; and if he will consider allowing a discount to such users.

Mr. Joseph Slater: We estimate that, on average, the saving to the Post Office is one-sixth of a penny per item: my right hon. Friend cannot agree to allow a discount.

Mr. Hiley: I thank the hon. Gentleman for that reply, but is he aware that this suggestion has been made to me as a result of the great burden which will have to be borne by industry and commerce on Monday next? Does not he think that he should look at this again, because if such a reduction were made, it could well be that the saving to the Post Office would be considerably greater than he suggests?

Mr. Slater: The hon. Gentleman's observations will be borne in mind, but at the moment we believe that we could not justify giving rebates to postage meter users without doing the same for people who pay large amounts of postage in cash or who buy stamps in large quantities at a time.

Cumbernauld

13. **Mr. Bence** asked the Postmaster-General if he will take steps to improve Post Office services in the new town of Cumbernauld.

Mr. Joseph Slater: Development of Post Office services is keeping pace with the development of the new town and we shall do all we can to see that this continues. We are keeping in close touch with the Cumbernauld Development Corporation. If my hon. Friend knows of any special difficulty and will let me have details, we will gladly look into the matter.

Mr. Bence: Is my hon. Friend aware that there have been complaints about delivery services over the whole of the new town? Will he inquire into them to see whether it is possible to provide an earlier delivery of mail in the morning and more than one collection, matters which are sources of complaint in the new town?

Mr. Slater: We shall consider my hon. Friend's observations, but as an indication of what we are seeking to do I should like to point out that a new salaried sub-post office is being built in the centre of the town and is expected to be ready for occupation towards the end of 1966 when the temporary Seafar sub-post office and the temporary postmen's office will be closed.

Postal Charges (Newspapers)

17. **Mr. Bruce-Gardyne** asked the Postmaster-General what representations he has received regarding the impact of the increase in charges for postal delivery of newspapers on scattered rural communities and on provincial newspapers generally.

60 and 61. **Mr. Noble** asked the Postmaster-General (1) what representations he has had, apart from those from the *Oban Times*, on the effect of the increased postal charges on local newspapers;

(2) if he will take into account the effect which the increased postal charges on local newspapers will have in forcing amalgamations, take-over or bankruptcies in the Press; and whether he will consider special measures of relief.

62. **Mr. MacArthur** asked the Postmaster-General what action he will take to help those people in rural districts who have their newspaper delivered by the local postman on his morning round, in view of the fact that a recent General Post Office leaflet indicates that the cost of delivering a single newspaper daily is soon to be increased from 1s. 6d. to 2s. 6d. a week, an extra charge which represents a burden for pensioners and others who are unable to collect their morning paper from the village shop.

Mr. Benn: I have had representations from ten hon. Members and eight other persons or organisations. While I understand the points that have been made and in particular the views of those living in rural areas who will have to pay more to get their newspapers, a subsidy by other users of the postal services would not be justified and I am sorry I cannot modify the new charges for newspapers sent by post which even then will not pay the full cost of the service.

Mr. Bruce-Gardyne: Is the right hon. Gentleman aware that in many cases this increase will amount to 100 per cent. for the users of the service? Would he consider whether it might not be possible to divert some of the money now being squandered on B.B.C.2, a service which these areas cannot receive and which, judging from the response to the service in the London area, they will never want to receive, in order to subsidise services which they badly need?

Mr. Benn: As the hon. Gentleman knows, that proposal is totally impracticable. The position is that the newspaper service was losing £2 million or more, and still is, because the new charges have not come into force. Even with the new charges, it is still expected to lose, for there has not been a full recovery of this loss. It costs much more to deliver letters to people living in rural areas than to those in urban areas. It would be quite wrong to depart from the principle of a standard rate of postage as between rural and urban areas, because if that were to be done, in the end the rural areas would suffer much more.

Mr. Jopling: Is the right hon. Gentleman aware of the crippling effect which these charges have had on some local

newspapers? Is he aware of the very great social services provided by the newspapers in rural districts in my constituency, for example? Is he aware that one newspaper in particular, with a circulation of 17,000 copies a week, sends no fewer than more than 2,000 through the post and that these charges, now to be between 9d. and 10d. a copy, will have a serious effect on the newspapers and on the people in rural districts?

Mr. Benn: The decision which I had to take, and which the House would have to take, was whether it was right that general users of the postal services should subsidise the distribution of rural newspapers. Allowing for the fact that the new charges still do not cover the full cost and the fact that rural deliveries in any case are far more expensive than urban deliveries, I think that I have reached the right decision.

Mr. Manuel: Is my right hon. Friend aware that much greater hardship was inflicted on scattered rural communities by the withdrawal of British Road Services by hon. Members opposite.

Mr. Speaker: That does not arise.

Harpenden

18. **Mr. Allason** asked the Postmaster-General what proposals he has to improve the postal service in Harpenden.

Mr. Joseph Slater: My right hon. Friend much regrets that shortage of staff has made it impossible for us to maintain the normal standard of postal service in Harpenden: we are doing all we can to get more staff and, meanwhile, to give the best service that is possible in the circumstances.

Mr. Allason: Is the hon. Member aware that the situation now is that firms have been invited to call at the post office at nine o'clock in the morning to collect their own mail and when they arrive they are told that the mail is not ready because there are not enough sorters, and that they have to wait until half-past nine? Further, is he aware that for private residents the post may arrive at any time up to one o'clock in the afternoon? Will he consider bringing in exchange staff from other towns, in view of the fact that other towns locally have a full, normal postal service? Why is it that Harpenden should be singled out for this very exceptional treatment?

Mr. Slater: I am aware of the great interest that the hon. Member has taken in this matter from the correspondence that has passed between him and myself and also my predcessor in reference to that town. I must inform him that we have tried, by intensive advertising and other means, to recruit additional staff both locally and from other places. We have also, from time to time, lent staff to Harpenden from other places. These measures have hitherto met with only limited success, but we shall persist with them and do everything we can to maintain for Harpenden a postal service which is on as good a basis as we can provide.

Mr. Allason: Will the hon. Gentleman be a little more serious about my suggestion concerning exchange staff? Since towns alongside are getting normal services, why should not there be fair shares for all? Who is responsible for sticking "Ban the Bomb" notices on the postal boxes?

Mr. Speaker: That is a different question. The first part of the supplementary question was largely repetition, but if he thinks that something was added in it the Minister may care to reply.

Postal Delivery Equipment

19. **Mr. Weatherill** asked the Postmaster-General if, following the proposed increase in postal charges, he will ensure that all postmen are issued with modern delivery equipment.

Mr. Benn: Equipment for postmen is intended to give efficient service. Some new equipment is now under trial. We should always welcome ideas from manufacturers or others for further improvement.

Mr. Weatherill: Is the right hon. Gentlemen aware that in many parts of my constituency the post is delivered by handcarts of pre-1914 vintage? In view of the fact that private industry is constantly being urged to modernise itself and to keep its costs down, does not the right hon. Gentleman think that the Government's oldest monopoly should set an example?

Mr. Benn: Handcarts are in use, but are being replaced. The Post Office now has 18,000 vehicles, including electric trucks, and makes use of mopeds. Studies are going on on the potentiality of other three-wheeled vehicles, vehicles with special easy access, and pedestrian-controlled vehicles. This is part of the replacement programme, which we expect to accelerate.

Leicester

20. **Mr. Peel** asked the Postmaster-General whether he is aware of the many complaints, particularly from business firms, about delays in the postal services to and from the city of Leicester; and what steps he proposes to take to improve these services.

Mr. Joseph Slater: I am sorry that there have been delays. They have been due, in the main, to shortages of staff in Leicester itself, and in some other main sorting offices elsewhere. We are doing all we can to recruit additional staff and, meanwhile, to keep delays to a minimum.

Mr. Peel: Does the Minister expect that the over 30 per cent. increase in postal charges is likely to have a commensurate effect in respect of increased efficiency in the postal services in this vitally important industrial and commercial city in Britain? If not, when does he expect the industrial and commercial activities of Leicester to overcome this obstacle to efficiency?

Mr. Slater: I am very conscious of the remarks the hon. Member makes on the position. There has been passed on to him, together with other Members for Leicester constituencies, a letter from the Chamber of Commerce. We are conscious of the fact that an efficient postal service is of fundamental importance to industry and to the community at large. I can only repeat that we are doing everything we can to see that such a service is maintained.

Sir W. Bromley-Davenport: Do not all these answers indicate that the Post Office is yet another example of the failure of nationalised industries—worse services, gigantic losses, and increased costs?

Mr. Slater: In reply to the hon. and gallant Member, I would point out that after 13 years of control of this great organisation by his party we are now the recipients of what he is now seeking to indicate to the House is the position of the Post Office.

Mr. Speaker: We are getting outside the confines of the City of Leicester.

Knutsford

27. **Sir W. Bromley-Davenport** asked the Postmaster-General if he is aware that letters now take two days to reach the Knutsford division from London; and whether he will give an assurance that when the new postage rates come into effect the service will be improved.

Mr. Joseph Slater: I am sorry that some letters from the Knutsford Division have taken as long as two days to reach the addresses. One of the main causes of delay is shortage of staff in some of our main sorting offices, and especially in London. We are doing everything possible to recruit additional staff, and my right hon. Friend hopes that his recent offer of improvements in postmen's pay will help. I can assure the hon. and gallant Gentleman that we shall at all times try to provide as good a service as we possibly can.

Sir W. Bromley-Davenport: Is the hon. Gentleman aware that before the war—[HON. MEMBERS: "Which war?"]—letters posted in the Knutsford division in the morning were delivered in London in the evening of the same day? Is the hon. Gentleman aware that now not only do letters take two days to be delivered but sometimes they never arrive at all? [HON. MEMBERS: "How do you know?"] Would not the Assistant Postmaster-General agree that this is yet another example of a nationalised industry giving the worst service at increased cost?

Mr. Slater: I have noted the observasions of the hon. and gallant Gentleman——

Sir W. Bromley-Davenport: Thank you.

Mr. Slater: —but during these many years I have never witnessed the hon. and gallant Gentleman seeking to put forward proposals for the denationalisation of the Post Office.

Sir W. Bromley-Davenport: I am not on the Front Bench.

Mr. Slater: There is no evidence that any material proportion of the fully paid letters from the division of Kuutsford has taken as long as two days from postage to delivery. Neither is there evidence to suggest that the quality of the postal service provided in the Knutsford division is inferior to that provided elsewhere.

Vehicles (Supply Contracts)

31. **Mr. Hamling** asked the Postmaster General whether he is satisfied that the prices of vehicles charged to his Department are fully competitive; and if he will set up an inquiry into the placing of contracts for the supply of such vehicles.

Mr. Joseph Slater: My right hon. Friend is satisfied that the prices paid for Post Office vehicles are fully competitive and that there is no need to set up an inquiry into the present purchasing arrangements.

WIRELESS AND TELEVISION

Broadcasting Services (Review)

9. **Mr. Boston** asked the Postmaster-General what progress he is making in his review of broadcasting services; what main points are under consideration; and when he hopes to complete his review.

11. **Mr. Park** asked the Postmaster-General if he will make a statement on his review of broadcasting services.

25. **Mr. Jackson** asked the Postmaster-General if he will now make a statement on his review of broadcasting services.

Mr. Benn: The Government's review of broadcasting policy is proceeding. The main matters under consideration are: the allocation of the fourth television channel; the development of educational broadcasting; local sound broadcasting; pay-television; colour television and, of course, the whole question of broadcasting finance. The review will be completed as soon as possible.

Mr. Boston: Will my right hon. Friend accept that we are very glad that he is making this comprehensive review? In view of the growing concern about local sound broadcasting, can he say how he is getting on with that and when the review on that aspect is likely to be completed? Is he prepared to announce decisions on separate parts of the review instead of waiting until the end? In the case of local sound broadcasting, is he prepared to allow the B.B.C. in the interim to go ahead with pilot schemes, as it is ready to do so?

Mr. Benn: With regard to the latter part of that supplementary question, the answer is "no". We hope that the review will not take all that time. It might be possible to announce some decisions in advance of the final statement, but many of these issues hang together and we have taken them together for this purpose.

Mr. Jackson: Will my right hon. Friend bear in mind that there is great public support for the fourth channel being used as a university of the air?

Mr. Benn: The Prime Minister's statement about a university of the air is, naturally, one of the factors that the Government are taking into account.

Mr. Gibson-Watt: The right hon. Gentleman has told us nothing in answer to the Question about the review. Is there some hope that he may be able to tell us something tomorrow in the debate?

Mr. Benn: I cannot anticipate the debate, but obviously it will give a further opportunity to discuss many of these issues.

Mr. Frederic Harris: When does the right hon. Gentleman believe that colour-television will be available to the viewing public in this country?

Mr. Benn: There is a Question about that later and I have answered Questions about it in the past. We had better wait until we reach the Question on it later today.

Colour Television

12. **Mrs. Renée Short** asked the Postmaster-General if he will make a statement on the progress towards the establishment of colour television in the United Kingdom.

34. **Mr. Jopling** asked the Postmaster-General whether he will now reconsider

his decision to adopt the National Television Systems Committee system of colour television, in view of the implications of the Vienna Conference.

66. **Mr. Boston** asked the Postmaster-General if he will make a statement about the introduction of colour television, in the light of the recent Vienna Conference.

Mr. Benn: There is nothing I can usefully add to the Answers I gave to the hon. Member for Brentford and Chiswick (Mr. Dudley Smith) on 5th May.

Mrs. Short: Is my right hon. Friend aware that several hon. Members recently saw a demonstration of the three systems of colour television and that the majority view was that there was very little difference between the American system and Seecam? In view of the Vienna decision and the close contact that British colour television in future is likely to have with the Russian scientific television service, will he undertake to keep an open mind and look again at the possibility of adopting the Seecam system?

Mr. Benn: The Television Advisory Committee is looking at this and reviewing the outcome of the Vienna Conference. A number of factors, some technical, have to be taken into account, but it would be a very great pity to give up, even at this stage, the possibility of a world standard system for colour television.

Mr. Jopling: Is the right hon. Gentleman aware that many lay viewers who have seen comparisons of the three principal systems are quite unable to choose between them? Is he further aware of the danger of our being odd man out in Europe, particularly in view of the export potential for our manufacturing industry? Will he give us an assurance that his earlier decision to tie this country to N.T.S.C. is not irreversible?

Mr. Benn: There was no earlier decision to tie this country to N.T.S.C. After assessing the various systems, our delegation was briefed to advocate the adoption in Europe of N.T.S.C. on the ground that it was technically the best. It has the advantage of having been in use many years, whereas the other systems have not been in use in a general way. I have seen all three systems and, although a layman will not be able immediately to detect great differences between them, one of the factors we must consider is the potentiality of development quality later on as between the three systems. Therefore, this matter is a little more complex than may at first appear to be the case.

Mr. Frederic Harris: Is the right hon. Gentleman now able to say when he expects colour television to be available to the viewing public in this country?

Mr. Benn: For the reasons which I have given, it is not now possible to give a date because of all these factors which have to be taken into account. Everybody is anxious to get on with this as quickly as possible, but the House knows very well that broadcasting decisions, particularly in relation to technical standards, are of such importance that a desire to get ahead can operate against a wise ultimate decision. I have in mind in comparison the decision in 1946 to go on with 405 at a time when there was a natural desire to get back to television when on reflection it might have been better to have moved to 625.

Mr. Gibson-Watt: Will the right hon. Gentleman accept that we certainly sympathise with him in this difficult decision which he has to make? May I urge him to hasten slowly on it? This is not a matter on which we would wish to push him. Will he not agree that this is a matter with which it would be easy to deal if it were purely a technical matter, but that it has now become virtually internationally political as well?

Mr. Benn: I am very grateful for the hon. Gentleman's support on this issue. As I said, I am as keen as anyone to get ahead, but it is much more important that we should get it right and not be hurried.

Mr. George Jeger: Would not my right hon. Friend agree that it would be an awful pity if the proceedings of the House were to be televised without doing full justice to my very colourful hon. Friend the Member for Wolverhampton, North-East (Mrs. Renée Short)?

Mr. Robert Cooke: Are we to understand that we will not hear anything more from the right hon. Gentleman

tomorrow on this subject or about the review? Will he give an assurance that he will make it possible for the House to debate any decisions which he may take on the future?

Mr. Benn: The debate for tomorrow has been tabled by the Opposition and is to be opened in accordance with practice. I shall do my best to deal with any points which are raised, but I cannot give an undertaking to the hon. Gentleman that if questions of colour are raised I shall not speak about them. That is a very difficult suggestion.

Advertising Techniques

24. **Mr. Shepherd** asked the Postmaster-General if he is aware that, in the preparation of films for advertising on television, deceptions are practised; whether he is satisfied that, on technical grounds, these deceptions should be allowed to continue; and if he will make a statement.

Mr. Benn: The code of Advertising Standards and Practice, drawn up by the Independent Television Authority in discharge of its duty under Section 8 of the Television Act, 1964, proscribes the use of special techniques or materials such as would mislead viewers. If the hon. Member has any particular case in mind and will refer it to the Authority, I am sure they will gladly investigate it.

Mr. Shepherd: Does not the right hon. Gentleman keep an eye on these affairs, since he must be well aware that deceptions of the most serious kind have been very extensively practised in television advertising?

Mr. Benn: I do take an interest in this. I took a particular interest in the recent American Supreme Court decision which was reported in the Press, but Parliament has placed this responsibility in the hands of the I.T.A. and I think it would be wrong for me to attempt to do its job for them.

Pirate Broadcasting Stations

28. **Mr. Newens** asked the Postmaster-General if he will make a statement on the progress made in his efforts to deal with the problems created by pirate broadcasting stations.

64. **Mr. Lipton** asked the Postmaster-General when he will take action to end the operations of pirate broadcasting stations.

Mr. Benn: As I said in my Answer to the hon. Member for Bury St. Edmunds (Mr. Eldon Griffiths) on 4th February, legislation will be introduced as soon as practicable.

Mr. Newens: Is my right hon. Friend aware of the complaints which have been made by musicians in this country about the infringement of copyright and the evasion of taxation by pirate radio stations? Would he bear these matters in mind when considering the urgency of dealing with this question?

Mr. Benn: Yes, I have had representations from the Musicians' Union and the industry and others and I will certainly take this point into consideration.

Mr. Buchan: Will my right hon. Friend further keep in mind the serious effect that this is having on the record industry because of the drop in record sales which, incidentally, should please hon. Members opposite because it helps our exports?

Mr. Benn: Yes, Sir.

Mr. Crawshaw: Is my right hon. Friend aware that many people in the country, including myself, derive a certain amount of welcome recreation from listening to such programmes and that many people would not view with kindness a Government which merely removed such programmes without replacing them from another source?

Mr. Benn: If I understand the point my hon. Friend is making, I am sure that he would not really derive any satisfaction from listening to a "pirate" if he contemplated—as he should—the fact that this is stolen copyright; that it is preventing other countries from listening to their radio stations because it is in breach of the Copenhagen Agreement and, in fact, this is not the way to meet the need, however great that need may be.

Sir R. Thompson: Will the right hon. Gentleman firmly resist all pressure from vested interests to deprive the British

public of a very good and amusing programme? Would he regard it as a spur to "gee-up" the B.B.C. to provide something like it?

Mr. Benn: No, Sir, I shall not keep that particular consideration in mind.

Mr. Gibson-Watt: The right hon. Gentleman will have noticed that not only from the benches on this side of the House but from the benches behind him there has been a demand for a certain type of programme, whatever one may think about pirate radios. Cannot he go a little further and say what alternative he will produce if the Government are to do away with them?

Mr. Benn: There is to be a debate on broadcasting tomorrow in which, perhaps, the hon. Gentleman will take part—and in which I hope to take part—which will provide an opportunity to consider the whole future of broadcasting in this country. It is my intention to make reference to the pirate radio problem in all its aspects.

Mr. Speaker: Mr. William Hamilton, Question No. 29.

Mr. Lipton: On a point of order. This Question was being answered with Question No. 64, which I have on the Order Paper.

Mr. Speaker: I am sure that the hon. Gentleman will understand and so will the House. I do not yet feel secure in relaxing the proposition which I had to put before the House on a previous occasion.

Mr. Hamling: He is not in the Syndicate.

Mr. Speaker: There seems to be some confusion. I am calling Mr. William Hamilton. I do not think that there is a reply.

Mr. Lipton: On a point of order. In view of the unsatisfactory nature of that reply, I beg to give notice that I will raise the matter on the adjournment at the earliest possible moment.

Programmes

32. **Sir J. Langford-Holt** asked the Postmaster-General if he will issue a direction, under the appropriate provision, to the British Broadcasting Corporation that they should refrain from broadcasting programmes likely to be injurious to the health of hospital patients.

Mr. Benn: No, Sir. Programmes are the responsibility of the broadcasting authorities.

Sir J. Langford-Holt: Has the right hon. Gentleman's attention been drawn to a case in which irresponsible efforts to be funny in a B.B.C. programme resulted in the undoing of all the good which had been done to a patient in a mental hospital in my constituency? If he has not had any notice of this case, will he consider what action he could or should take if I bring it to his notice?

Mr. Benn: This was brought to my attention—understandably, in view of the hon. Gentleman's Question. But the issue is a wider one than this. There are many things said and done on broadcasting programmes, on radio and television, which I would find unacceptable personally or unjustifiable on grounds of public policy, but the House in the past has always taken the view that the evil of political interference, however well-intentioned, by a Postmaster-General would be greater than the advantage which could be served in any one instance. This is the principle which I am upholding, and I think it right. Whether there ought to be some other way of meeting this type of problem is a matter for consideration, but the House has vested responsibility upon men with a great record of public service in the I.T.A. and the B.B.C. We have hitherto taken the view that we should leave them to get on with the job.

Mr. Snow: That sounds very good, but is my right hon. Friend saying in effect that, within his responsibility, he does not take into account medical opinion on this subject? Is he aware that among thoughtful practitioners there are strong views about this emphasis on certain aspects of medicine which should not be a matter for public entertainment?

Mr. Benn: The question which was posed raises not a matter of whether I should take into account medical opinion but whether I should be responsible for this at all, in view of the fact that the

House has put the responsibility elsewhere. But since I have come to office I have discussed this general problem —as a problem—with the B.B.C. and the I.T.A. As the House knows, they have undertaken that HANSARD is made available at the meetings of the I.T.A. and the B.B.C. I have discussed with them the possibility that their general advisory committees might be used for this purpose. I have inquired about the availability of scripts, beyond which it is not possible to go without a major constitutional change.

Sir C. Taylor: Would the right hon. Gentleman consider the possibility of changing the Director-General?

Mr. Benn: Even that question conveys misunderstanding, because the Director-General is appointed by the Board of Governors. What I have the power to do is to dismiss the Board of Governors. The question is whether this is the right way of tackling this matter or not.

Licences

33. **Mr. McNair-Wilson** asked the Postmaster-General if he will introduce legislation to make it a punishable offence to sell a wireless receiver or television set to a purchaser who does not produce a valid licence.

44. **Mr. Harold Walker** asked the Postmaster-General what steps he now proposes to take to eliminate evasion of payment of television licence fees.

Mr. Benn: I would refer the hon. Gentlemen to the reply which my hon. Friend gave on 26th April to my hon. Friend the Member for Liverpool, West Derby (Mr. Ogden). We are at present reviewing our measures against evasion.

Mr. McNair-Wilson: Is the right hon. Gentleman aware that very large numbers of people are using both wireless and television sets without licences and that we are now reaching a situation in which the honest are paying for the dishonest? Unless he plugs this gap in his policy he will have to go on increasing revenue to cover the situation, which will get progressively worse. Would he also agree that instead of increasing the licence fee to £5 he would do better to look at this urgently?

Mr. Benn: The human dilemma has always been that the honest pay for the dishonest. It is not limited to the problem of licence evasion. The difficulty is that very heavy expenditure—£2½ million a year—is spent simply on issuing the licences and trying to prevent evasion. In order to get better results than we now have, an even greater expenditure might be necessary. I can reassure the hon. Member on one point, that even if there were no evasion whatsoever the B.B.C.'s current financial problem would not be solved by the revenue coming in from what were previously evasions by itself.

Mr. Allaun: Would not this proposal, which I ask him to take as a serious one, help to relieve the old-age pensioners of having to pay their T.V. and broadcasting licence fee, as well as the increase which has recently been introduced?

Mr. Benn: That is another question. Whatever arrangements one makes about old-age pensioners, the subsidy to them would be borne by other licence holders. Since the apparatus of reviewing need would be a very complex one in return for about a farthing a day increase per viewer, I think that the disadvantages would outweigh the advantages.

Mr. Walker: On a point of order. The Postmaster-General took Questions 33 and 44 together. Question No. 44 is in my name.

Mr. Speaker: I beg the hon. Gentleman's pardon. His case is not the same as that of the hon. Member for Brixton (Mr. Lipton). I am very sorry. I made a mistake, but I cannot go back to it now. I ask for his forgiveness.

TELEPHONE SERVICES

Clydebank and Kirkintilloch (Kiosks)

14. **Mr. Bence** asked the Postmaster-General how many public telephone kiosks there are in the burghs of Clydebank and Kirkintilloch.

Mr. Joseph Slater: Thirty-four in Clydebank and nineteen in Kirkintilloch.

Mr. Bence: Is my hon. Friend aware of the loss of telephone kiosks through damage by vandalism in the borough of Clydebank? Would he see whether it is possible to provide public telephone

kiosks in the high flats which are now being built so that there will be some protection from potential damage? Is he not aware that the loss of telephone kiosks by vandalism in both Clydebank and Kirkintilloch is a serious handicap especially to old people and to others who wish to use a telephone?

Mr. Slater: There has been an excessive amount of wilful damage to telephone kioks in these areas and we have taken such steps as we can to discourage this vandalism, but I must emphasise that this is just as much a matter for local authorities, the police and individual members of the public as it is for the Post Office. Any assistance and any propaganda from whatever source, one political party or another, or one organisation or another, towards ending this vandalism will be welcomed and we shall be pleased to co-operate. We shall consider what my hon. Friend has said about telephone kiosks in multi-storey flats.

Directories

21. **Rear-Admiral Morgan Giles** asked the Postmaster-General whether he is satisfied that adequate safeguards now exist to ensure that subscribers' names are not omitted from telephone directories, except at their own request; and if he will make a statement.

Mr. Joseph Slater: Every reasonable precaution is taken to ensure that subscribers' names are properly listed in the appropriate telephone directories but, unfortunately, it is not possible to prevent an occasional human error. I am sorry that the omission from the 1964 edition of the Southampton Area directory occurred, which I think the hon. and gallant Gentleman has in mind. This has been remedied in the March 1965 edition.

Rear-Admiral Morgan Giles: I thank the hon. Member for that reply. Does he also recognise that there is a real difficulty here because if, as in the case which he rightly surmised I was referring to, the firm's name is left out, it is liable to suffer loss of business for a whole year? In particular, will he look again at the arrangements in respect of the directory inquiry service and make sure that it does everything possible when an unfortunate case like this arises?

Mr. Slater: Every precaution is taken to prevent anything like this happening. The omission was remedied when a new edition of the directory was issued in March 1965.

Private Subscribers (Sales Promotion Calls)

23. **Mr. Shepherd** asked the Postmaster-General if he is aware of the inconvenience caused to private telephone subscribers by their being importuned by the sales efforts of dance schools, &c.; and if he will take steps to protect subscribers from this nuisance.

Mr. Joseph Slater: My right hon. Friend is aware that the telephone is sometimes used to promote the sale of goods and services and that some people object to receiving such calls. It would not, however, be appropriate for him to attempt to restrict this practice, nor has he power to do so.

Mr. Shepherd: Does not the hon. Member think that that is a most unsatisfactory Answer? Is not this mass importuning an unreasonable intrusion upon people's privacy? Does not he agree that since the newspapers have cleared out their questionable advertisers more and more firms will follow this line? Will he not look at the matter again?

Mr. Slater: I am aware of the interest that the hon. Member has shown in this matter for some time. I can appreciate his feelings about it. I agree that people dislike having their privacy disturbed in this way. But the House will agree that it would be wrong for my right hon. Friend to seek powers which would have the effect of enabling him to dictate the purposes for which a telephone may or may not be used. We must rely upon the people who receive these calls handling them in the way they think best.

Mr. Abse: Is my hon. Friend aware that this practice has spread even to conservative newspapers in Wales who are using the telephone for this purpose? Does not he think that it is not a question of what the receiver does, but that it is an impudent invasion of privacy that people should have to go to the telephone, since they have no option in the matter? Will he take this question as seriously as some States in

America, have done, where this is regarded as an invasion of a personal right?

Mr. Slater: My right hon. Friend does not seek to run away from his responsibilities in the Department in which he is now operating. Whoever is rung up by these people—whether he be a Member of Parliament or anyone else—has the alternative of ringing off.

Kiosks

26. **Mr. Jackson** asked the Postmaster-General if he will change the basis of his decisions concerning the siting of telephone kiosks from one of profitability to one of social needs.

Mr. Benn: The provision of telephone kiosks has never been decided by economic criteria alone. Many kiosks lose money and the overall loss amounted to £4½ million last year. I am considering ways by which real needs can be met more economically.

Mr. Jackson: Will my right hon. Friend bear in mind that if he could relax this it would create a much improved image of the Post Office in the minds of the public?

Mr. Benn: I appreciate the point made by my hon. Friend. The difficulty is that there is pressure for kiosks to be provided and, when they are provided, they are not used. Many people regard kiosks as something to be used in an emergency measure. Having taken this into account, I am considering whether emergency needs can be met in a different way in areas where there is real anxiety among people about being cut off from the outside world.

Brigadier Clarke: Does not the Postmaster-General realise that the most socially needed kiosk for whatever purpose must be the most profitable one?

Mr. Benn: It is a reflection on our policy that we should be prepared to accept a situation where we lose £4½ million which, put in another way, is a conscious subsidy of a socially necessary service by the Post Office.

Mr. George Y. Mackie: Can the right hon. Gentleman say how long he will take to make up his mind about these measures? Is he aware that I sent suggestions about the problem which is particularly serious in the Highlands, and that on some of the suggestions he could perhaps make up his mind fairly quickly?

Mr. Benn: This is a very old problem for the Post Office and every Postmaster-General has to live with it. I am trying to see whether there are new ways in which to meet the special needs. One of the difficulties, I must tell the House, is that some members of the general public systematically destroy kiosks. Very substantial sums of money are lost because people go into kiosks simply to tear the hand-set off the instrument, break the glass and steal the money. This is a serious problem which definitely affects the economy of rural and other areas.

Subscriber Trunk Dialling (Republic of Ireland)

30. **Mr. Farr** asked the Postmaster-General when he will seek to introduce a subscriber trunk dialling service to the Republic of Ireland.

Mr. Joseph Slater: Although the number of circuits between this country and the Irish Republic has been increased substantially, the recent rapid increase in traffic still leaves insufficient margin for the introduction of STD. Discussions with the Irish Republic are taking place about this and in the meantime I cannot say when the service will start.

Mr. Farr: Is the hon. Gentleman aware that the introduction of such a service would greatly assist British exporters endeavouring to export to the Republic of Ireland? Is he further aware that there are many aggravating delays both to commercial and private business calls between this country and the Republic, which are not at all conducive to stimulating our export trade?

Mr. Slater: Discussions with the Irish Republic about the provision of further circuits to cover their future needs, including the introduction of S.T.D., have been in train for some time, and we hope to reach a conclusion shortly. Also, a number of steps have already been taken in the past year to improve the operator services to Ireland.

Mr. Hector Hughes: Does the Minister realise that there is a particular need for them, having regard to the friendly rivalry in sport between Britain and the Irish Republic, otherwise Eire? Will he take the steps suggested by the hon. Member for Harborough (Mr. Farr) in this Question?

Mr. Slater: I have nothing to add to the reply which I have given to the hon. Member. These talks are still taking place and we are doing everything we can to speed things up.

PRISON COMMITTAL ORDERS (PRIVATE HEARINGS)

35. **Mr. Lipton** asked the Attorney-General if he will introduce legislation to make it impossible for a judge in private and without publicity to commit a person to prison.

36. **Mr. Abse** asked the Attorney-General whether he is aware that persons are being gaoled at secret hearings; and whether he will refer, for consideration by the Rules Committee, Order 42(4) of the Supreme Court Rules, so that it may be provided that, in any private hearing arising out of the adoption or wardship of an infant, a judgment leading to imprisonment of a party must be given in whole or in part in open court.

37. **Mr. Lubbock** asked the Attorney-General in how many cases since the beginning of 1964 a High Court judge has exercised his discretion to hear an application in private under Order 44, Rule 2(4)(*a*); in how many of these cases a person has been committed to prison; and in how many of the cases where a person was committed to prison no public announcement was made.

38. **Mr. Hector Hughes** asked the Attorney-General if he will introduce legislation to prevent judges from committing persons to prison without any public hearing of the matter.

39. **Mr. Ensor** asked the Attorney-General whether he will consider amendment of the law relating to alleged contempt of court so that individuals are not sent to prison in private.

The Attorney-General (Sir Elwyn Jones): In the debates on the Bill for the Administration of Justice Act 1960, Parliament accepted the need to give the court a discretion to hear in private applications for committal orders in certain cases and, in particular, any cases involving children where the interests of the children may be seriously prejudiced by publicity. In these cases the judges exercise parental jurisdiction over the wards entrusted to their care by their parents. They have not surprisingly conceived it to be their duty to shield their wards, so far as they can, from undesirable publicity.

The present Rules, which were of course laid before Parliament, plainly authorise both the hearing of applications for such committal orders and the making of such orders in private; and I am informed that, since the beginning of 1964, there have been thirteen applications for committal orders heard in private under Order 44, Rules 2(4)(*a*); in four of those cases committal orders were made; three such orders were made in private and one in open court. However, my noble friend, the Lord Chancellor, proposes to refer to the Supreme Court Rule Committee the question whether it would be possible, consistently with safeguarding the interests of those concerned, to require the commital order itself to be made in public.

Mr. Lipton: With every respect for the interests of wards and innocent children, may I ask my right hon. and learned Friend whether he is aware that it came as quite a shock to the general public to discover that it is possible to commit an unnamed person for an unnamed offence to an undisclosed prison without anybody knowing anything at all about it? Is that in accordance with our traditional belief in the liberty of the subject? In view of the dangerous nature of this kind of procedure, will my right hon. and learned Friend take steps to end it at the soonest possible moment?

The Attorney-General: I certainly can give no assurance to end what in certain circumstances may be a necessary safeguard. However, as I have said, my noble Friend the Lord Chancellor has referred to the appropriate committee the question whether it is at least possible to require the committal order itself to be made in public. I doubt whether the public at large was quite as shocked

as my hon. Friend states. Perhaps had the general public been fully informed of the particular circumstances of the case the shock would have been on the other side.

Mr. Abse: May I thank my right hon. and learned Friend for referring this matter to the Supreme Court Rule Committee? Will he direct attention to the fact that it is quite possible in this sort of proceedings, as in divorce proceedings, for the judgment which is given to be the only matter which needs to be reported and that a wise judge can surely give his judgment in open court without causing any harm to any child involved in the proceedings? Would my right hon. and learned Friend also note, when he refers the matter to the Supreme Court Rule Committee, that there is a general body of opinion, while it is certainly concerned with protecting children from scamps, which looks with some suspicion at the whole idea of making young women wards of court, for how can any courts determine what may or may not be a disastrous marriage?

The Attorney-General: I hope that my hon. Friend appreciates that this procedure is initiated by the parents of the ward for the protection of the child and that Parliament has seen fit to impose upon the judges this very difficult jurisdiction, which I am sure they do not enjoy exercising and which they exercise with the interests of the ward in mind. However, on the point of the possibility of at least a pronouncement that a committal of a contemner has taken place, that will receive consideration by the appropriate committee.

Mr. Lubbock: Is the Attorney-General aware that the circumstances in this case are entirely irrelevant to the question of the general principle which is dealt with in these Questions? Will there be any opportunity of debating this matter in the House when the Committee to which he has referred it has considered it?

The Attorney-General: That is not a question for me.

Mr. Hector Hughes: Does my right hon. and learned Friend appreciate that such a secret sentence is inconsistent with the settled doctrine of British law that not only should justice be done but it should be seen to be done, a principle which has been approved of by many distinguished judges, including Lord Hewart? Will he see that this is taken into account in the reference to the Lord Chancellor's Committee so that this inconsistency is not extended to include the death sentence so that people may be sentenced to death secretly?

The Attorney-General: The procedure of committal in secret, as my hon. and learned Friend put it, is, of course, confined to cases of this kind. I can assure him that the principle which he has mentioned is well known to those who have the task of dealing with this jurisdiction, but, as I say, we are inquiring whether something can be done to see whether at any rate some formal announcement can be made that a contemner has been sent to gaol.

Sir C. Osborne: Would the Attorney-General bear in mind that the lawyers who have been talking on both sides of the House do not speak for the whole of the people in this country? We get rather tired of the lawyers gnawing on these things. Is he aware that the ordinary people of this country support the action which he has taken?

The Attorney-General: I am grateful for that belated recognition, and I hope that in giving it the hon. Member is not distinguishing the Attorney-General from lawyers at large.

Mr. Maxwell: Will the Attorney-General bear in mind that what causes me anxiety about this procedure is the possible extension of the power of incarcerating people for other reasons about which we know nothing? This is what worries us about it.

The Attorney-General: My hon. Friend need not worry. There is no reason whatever for him to do so. I think that he can leave the House tonight fully assured as to his liberty.

ELECTORAL LAW (SPEAKER'S CONFERENCE)

Mr. Speaker: I have a statement to make to the House.

The Prime Minister, in reply to Parliamentary Questions on 10th November

and 2nd February last, indicated that discussions were in progress with a view to possible changes in electoral law and procedure. I understand that it has now been agreed that it would be useful if this review—at any rate so far as concerns the more important questions of policy—were to be undertaken, following the precedents of 1916 and 1944, by a conference over which I should preside. The Prime Minister has invited me to preside over such a conference, and I have readily agreed to do so.

The terms of reference of the conference will be as follows:

To examine and, if possible, to submit agreed resolutions on the following matters relating to parliamentary elections:—

(*a*) Reform of the franchise, with particular reference to the minimum age for voting and registration procedure generally.

Hon. Members: Hear, hear.

Mr. Speaker:

(*b*) Methods of election, with particular reference to preferential voting.

Hon. Members: Hear, hear.

Mr. Speaker: I might not detain the House for so long if my observations were not greeted with such enthusiasm.

(*c*) Conduct of elections, with particular reference to:—

(i) the problem of absent voting generally.

(ii) use of the official mark on ballot papers and of electoral numbers on counterfoils.

(iii) polling hours.

(iv) appointment of polling day as a public holiday.

(v) provisions relating to undue influence.

(vi) returning officers for county constituencies.

(*d*) Election expenses generally.

(*e*) Use of broadcasting.

(*f*) Cost of election petitions and applications for relief.

I will acquaint the House as soon as possible of the names of those who have accepted my invitation to serve as members of the conference and also of the names of the secretaries. When this has been done, it will be open to hon. Members, party organisations and other bodies concerned to submit representations to the conference on matters falling within the terms of reference. Such representations should be sent to the secretaries at the Committee Office, House of Commons.

The Home Secretary has asked me to say that, simultaneously with the setting up of the Conference on Electoral Law under my chairmanship, he will, in agreement with the Secretary of State for Scotland, be convening his Electoral Advisory Conference—a body consisting of representatives of Government Departments, registration officers and acting returning officers and the political parties.

The Electoral Advisory Conference will be invited to consider detailed questions of election procedure which fall more properly within its scope than within that of the conference over which I shall preside.

Dame Irene Ward: May I ask a question relating to your statement, Mr. Speaker?

Mr. Speaker: Yes.

Dame Irene Ward: Will it be possible, in connection with the terms of reference of the conference, for hon. Members to put forward points on certain aspects of electoral reform which have not been covered in the terms which you read out? Is it not rather difficult, your having just read them out, for hon. Members to have to agree with them without them knowing whether they are sufficiently comprehensive?

Mr. Speaker: Although it sounds discourteous, I do not think that the hon. Lady is at this moment invited to agree or disagree. The only way in which I am able to tell her what the terms of reference are is, first, by reading them, and I hope that they will be reported, and, after that, it will be for the conference to interpret its own terms of reference. I am sorry to have to be so unhelpful, but that is the position.

Mr. Maxwell: Is Northern Ireland excluded from these discussions, Mr. Speaker? If so, why?

Mr. Speaker: They are not discussions. This is a conference which will consider the matter within its terms of reference. I imagine that this comprises the whole area to which the existing electoral laws of the country apply.

Mr. Stainton: On a point of order. I was rather confused by your reply to my hon. Friend the Member for Tynemouth (Dame Irene Ward).

Dame Irene Ward: Thank you.

Mr. Stainton: Is this a sort of take-it-or-leave-it matter or could the House, if it wished, reverse what is stated in the document which you read out, Mr. Speaker, or are we merely landed with the details announced from the Chair?

Mr. Speaker: I suppose that the hon. Gentleman could table a Motion seeking a revision of the terms of reference, but I could not personally do more than what I just did on a matter of agreement between the parties which gives rise to the terms of reference on which I am supposed to work the conference and preside over it. That is the position.

BALLOT FOR NOTICES OF MOTIONS

Parliamentary Proceedings (Television)

Mr. Iremonger: I beg to give notice that on Friday, 28th May, I shall call attention to the need to consider the desirability of televising the proceedings of Parliament, and move a Resolution.

House of Lords Reform

Mr. William Hamilton: I beg to give notice that on Friday, 28th May, I shall call attention to the need to reform the House of Lords, and move a Resolution.

Motorway Programme

Mr. Awdry: I beg to give notice that on Friday, 28th May, I shall call attention to the motorway programme, and move a Resolution.

WAR DAMAGE BILL

Lords Amendments considered.

3.44 p.m.

Mr. William Hamilton (Fife, West): On a point of order. I apologise Mr. Speaker, for the length of the point of order and I hope that you will allow me to develop it, since it is of some importance.

Hon. Members of all parties will this morning have received from the Burmah Oil Compauy an *aide memoire* in which reference is made on page 7, to stockholders' votes in the House of Lords. I quote from the last paragraph, which states:

> "In any case, a stockholding in a company does not preclude a Member of either House of Parliament from voting where matters affecting that company are concerned".

The last seutence states:

> "It is our understanding on the basis of inquiries, that a stockholding is not a pecuniary interest".

It is the custom of this House, though not laid down formally in our rules of procedure, that hon. Members should declare their personal interest when matters are being debated in which they have a financial interest. If any hon. Member votes on such a matter his vote may be invalidated. That was, I understand, the Ruling of Mr. Speaker Morrison, in the 1952-53 Session, and which will be found in the OFFICIAL REPORT, Vol. 510, c. 2040.

An earlier Ruling of Mr. Speaker Abbot, of 17th July, 1811, was that there must be a "direct pecuniary interest". His Ruling included these words:

> ". . . separately belonging to the persons whose votes are questioned".

If the Lords Amendments to this Bill are accepted the effect will be that the Burmah Oil Co. will be able to obtain more than £30 million from the public purse. [HON. MEMBERS: "No"]. I am submitting this point of order because I consider it to be of some importance.

The two parts of the point of order I wish to put to you, Mr. Speaker, are these. First, there are in this House—as there are in the other place—many Burmah Oil shareholders, not all of whom

will have the time or perhaps the inclination to speak in this debate. Is there any means by which they may be given an opportunity to declare their interest, even though they may not speak in the debate? Secondly, would you give a Ruling as to whether their shareholding constitutes a direct pecuniary interest within the terms of the 1811 Ruling and, if so, how is such an interest defined?

Mr. Speaker: I am obliged to the hon. Gentleman. It might be best to clear away the last point he raised first. In the light of many precedents, this being a Bill dealing with general public policy, I could not accept a Motion to disallow a vote on the basis solely that the hon. Member in question was a shareholder in the company. It would not be open to me to do that, consistently with precedent. If hon. Members are interested, they will find the material precedents gathered around about page 438 of Erskine May.

On the other point raised by the hon. Gentleman, I would not wish to do more than repeat the substance of the Ruling of my predecessor, Mr. Speaker Morrison, to which he referred. The reference is in the OFFICIAL REPORT for the Session 1952-53 in Vol. 510, c. 2040. My predecessor said—and this relates to the House of Commons:

> "There is a custom whereby hon. Members, in making speeches, if they have an interest, declare it. I think myself that that has grown up as a matter of custom because hon. Members desire to be frank with their fellow Members, and it is sometimes a matter of prudence, in case an hon Member should be suspected of unavowed motives. But the rule of the House—I am dealing only with that—is with regard only to votes of hon. Members."—[OFFICIAL REPORT, 5th February, 1953; Vol. 510, c. 2040.]

I do not think that for the guidance of the House I could add anything more. It is a matter of custom for hon. Members to declare their interests, including shareholdings if that arises.

Mr. Hamilton: There is one point, Mr. Speaker, which you may not have covered, or which, if you did, I must have missed. If an hon. Member has a shareholding and if he would normally declare it if he were called to speak—and since he would not get an opportunity to declare it if he were not called to speak, or if he did not choose to speak—would you say whether such an hon. Member might or might not be given an opportunity merely to rise and say that he was a Burmah Oil Company shareholder, but that he had no wish to take part in the debate?

Mr. Speaker: Our custom has never extended to that kind of public confession.

Mr. William Yates (The Wrekin): This is a very serious matter, because to our knowledge—certainly to my knowledge—certain trade unions themselves from time to time take holdings, not only in property but also in equity shares. What is the position of an hon. Member on either side of the House who is an official of such a union or who subscribes to that union? Is he not obliged, as a member of such a union, to declare that the union itself holds large reserve funds in the matter which might be under discussion?

Mr. Speaker: No. The same principle about self-confession would apply there.

Clause 1.—(ABOLITION OF RIGHTS AT COMMON LAW TO COMPENSATION FOR CERTAIN DAMAGE TO, OR DESTRUCTION OF, PROPERTY.)

Lords Amendment: In page 1, line 7, leave out " whether before or "

3.50 p.m.

The Financial Secretary to the Treasury (Mr. Niall MacDermot): I beg to move, That this House doth disagree with the Lords in the said Amendment.

I do not know, Mr. Speaker, whether it would be convenient if we were to discuss with this Amendment the Amendment in line 11, leave out " was, or ", and the Amendment in line 12, leave out subsection (2). They all relate, I think, to the same topic.

Mr. Speaker: If the House is so pleased, I would approve that course.

Mr. MacDermot: I am obliged.

The effect of these Amendments is, as all hon. Members know, to abolish the retrospective effect of the Bill. This would enable 12 companies—we hear a lot of the Burmah Oil Company, but there were, I think, four companies—who were members of that group, and eight other companies—to pursue claims for full compensation when no other

[MR. MACDERMOT.]

sufferers from war damage will be able so to do.

Perhaps we can, first, clear away some common ground. I think that there is no dispute now—if, indeed, there ever was—of the need to restore the law for the future to what it was previously thought to have been ; in other words, to restore the law to the position that no claim lies at common law for compensation in respect of damage to property caused by lawful acts done by or on behalf of the Crown in war.

It is necessary at the outset to remind ourselves of this point, and it gains its importance from the fact that in their enthusiasm for the rule of law, and in their dislike of retrospective legislation, many speakers in this House and in another place have used terms of language which would almost go so far as to suggest that we in this House, or in the other House, have no right to question the justice of a decision reached by our courts —including the decision of the highest court of all, the House of Lords.

We do not, of course, question the correctness of the decision in law, but it is a very important responsibility upon us as legislators to watch the decisions that are reached upon the law, and if we find that in our view the law is unfair as it stands, that it is unjust, that it is inequitable, it is our duty to alter the law. This is the basis of a great deal of law reform.

I certainly do not need to remind those hon. Members who are lawyers that it is our not infrequent experience to hear judges say, when delivering judgments, " It is not for us to express an opinion as to whether the law should be what we find it to be." They sometimes indicate that perhaps they wish it were not. What they say is, " It is our responsibility and our function to apply and administer the law as we find it. If the law needs to be changed, that is the responsibility of Parliament."

I think that we are all agreed that the law as it stands, following the decision of the House of Lords in the preliminary point of law with which we are all familiar, would really be ludicrous and indefeusible if it were allowed to continue. The very fine distinction drawn between " denial damage " and " battle damage " could produce the most inequitable results. It would mean that if property is destroyed as part of a " scorched earth " policy by a military commander before the invading enemy have appeared on the scene, that is denial damage, and compensation has to be paid, but that if the commander waits until the invader has overrun the property, or if the commander is unable, or has not the time, to destroy it before the enemy arrives, and then, after the enemy has arrived, proceeds to destroy it by shell fire or by aerial bombardment, that is battle damage, and no compensation is payable, the military and strategic object of the military commander being identical in both cases. To show the novelty of the proposition, I wonder how many hon. Members, before we debated this matter, had ever heard the phrase " denial damage "? I confess that I myself had not heard it.

Therefore, the question before us, and the only question before us, is whether the provisions of this legislation should be made retrospective. I hope that I shall not detain the House too long, because we have already debated the matter very fully on a number of previous occasions. I do not think that any new arguments were deduced in debates in another place, though there were different emphases on some points.

For example, Lord McNair, who moved these Amendments, and who is, of course, an international lawyer of the very highest distinction, stressed perhaps more strongly than was done here his belief that the retrospective provisions of the Bill would damage our reputation abroad and, I think, even then went so far as to suggest that it might be seized upon as a precedent for confiscatory legislation abroad.

I cannot accept his arguments, or agree with them. I think that his fears are grossly exaggerated in this respect, with all respect and deference to him, and I will seek to explain why——

Sir Harry Legge-Bourke (Isle of Ely): In writing down the significance of the debate in another place, would not the hon. and learned Gentleman agree that the evidence, and it was evidence—first-hand evidence—from Lord Slim was by no means unimportant?

Mr. MacDermot: I have the very greatest respect for Lord Slim as a military commander—I think perhaps the

greatest military commander we produced in this country during the war. I have not, I confess, quite such respect for his comments upon and judgment of the effect of the Bill.

When Lord Slim suggests that the Bill contains things against which we were all fighting in the last war, and includes in that suggestion the "over-riding of the courts"—which was one of the phrases he used—the point I make at once is that it is our responsibility and duty to over-ride the court where we think that it is a proper and just thing to do.

Lord Slim also rejected in similar terms the retrospective effect of the Bill, as though it were enough just to try to say that legislation was retrospective to condemn it. As I shall seek to show, there are many precedents for retrospective legislation, and what I will seek to do—which, I think, remarkably few Members have sought to do at any stage in our discussions—is to try to formulate what, in my respectful submission to the House, are the principles to be adduced from those precedents as to when it was proper to pass retrospective legislation.

We all dislike retrospective legislation—our instincts are against it, and we lean against it—but, in some circumstances, and I think that this, again, is common ground, it is permissible. In some circumstances, it is proper. That has certainly not been challenged openly, though, as I say, some of the remarks that have been made during the course of the debates have been rather extravagant in their terms, and would suggest that on all occasions retrospective legislation is wrong——

Mr. J. T. Price (Westhoughton): When my hon. and learned Friend is developing this argument, will he not overlook the fact that whilst many hon. Members on both sides have considerable doubts about retrospective legislation in the abstract, this case is a piece of retrospective litigation, in so far as the cause of action could not have been pursued in an English court because of the Limitation Act? [HON. MEMBERS: "Oh."] This is on record. The cause of action was started in a Scottish court because those concerned could not have got the case on its feet in an English court. In that sense, therefore, it is retrospective litigation. It could not, about 17 years after the event, have been started in the English courts. [*Interruption.*] Hon. Members know the facts as well as I do. I have no personal interest to declare in the matter.

4.0 p.m.

Mr. MacDermot: With great respect to my hon. Friend—I have expressed this opinion already during the course of our earlier discussions—I do not think that any criticism can be levelled against the Burmah Oil Company for having availed itself of the advantage which it was to the company that there is a 20-year limitation period in Scotland. It was perfectly proper for the company to do that.

Let me proceed, therefore, to try to formulate what I suggest are the principles upon which we should approach the question of retrospective legislation, principles which, I suggest, are supported by the precedents. I do not think that any hon. Member on either side of the House whether arguing for or against retrospection in this case, has yet sought to do this during our discussions.

The first point, and the starting point, in this is a principle which was stated by Mr. Justice Willes. I referred to this in my speech on Second Reading. This is the underlying principle against retrospective legislation—the circumstances in which and the reasons why retrospective legislation as a general principle is to be avoided. The classical statement of it is the passage in the judgment of Mr. Justice Willes in the leading case of Phillips *v.* Eyre.

I will again remind the House of what the learned judge said:

> "retrospective laws are, however, *prima facie* of questionable policy and contrary to the general principle that legislation by which the conduct of mankind is to be regulated ought, when introduced for the first time, to deal with future acts and ought not to change the character of past transactions carried on upon the faith of the then existing law. Such legislation is always bad."

I need not go over all the facts of these cases to remind hon. Members that that principle has no bearing in this case. None of the claimants in these cases was acting upon the faith of the then existing law when, pursuant to the orders of the military commander, he assisted in the destruction of his property.

[MR. MACDERMOT.]

I suggest that the second principle is that retrospective legislation is justified when it is necessary to obtain justice or equity between one citizen or class of citizens and another, to ensure that people in like circumstances receive the same treatment and enjoy the same rights. But it must always be subject to the first and overriding principle to which I have referred.

It is on this principle which I bave just sought to formulate that the Crown has acted in this case throughout, from start to finish. There are the clearest possible precedents directly in point, and, in particular, the Indemnity Act, 1920, which dealt with a very similar situation to that with which we are concerned.

May I remind the House again of what were the provisions of the Indemnity Act, 1920, the position then being, as after this last world war which gave rise to these claims, that millions of people had suffered damage of one kind and another. They could not possibly all be compensated in full. There were special provisions under the Defence Regulations to give limited compensation; but, in spite of that, after the war certain claimants sought to get more than the war damage compensation which was available to them under the Defence Regulations and sought to pursue claims at common law. They started litigation and issued writs.

In view of that, there was passed, in the widest possible terms, the Indemnity Act, 1920. Its provisions were as follows:

"No action or other legal proceeding whatsoever, whether civil or criminal shall be instituted in any court of law for or on account of or in respect of any act, matter or thing done, whether within or without His Majesty's dominions, during the war before the passing of this Act, if done in good faith, and done or purported to be done in the execution of his duty or for the defence of the realm or the public safety, or for the enforcement of discipline, or otherwise in the public interest".

Quite clearly, those words would be quite wide enough to cover the denial damage which is the subject of these claims.

The Act goes on:

"and, if any such proceeding has been instituted whether before or after the passing of this Act, it shall be discharged and made void, subject in the case of a proceeding instituted before the twentieth day of July, nineteen hundred and twenty, to such order as to costs as the court or a judge thereof may think fit to make",

that being the date, I think, on which the intention to pass the legislation was announced. So people who had started their actions earlier were entitled to compensation as to costs, but if they started their actions earlier at all in any circumstances their actions were to be defeated, which is what we are seeking to do in relation to the outstanding claims in this legislation.

Mr. Jeremy Thorpe (Devon, North): I concede that the 1920 Act is authority for the proposition that there is a precedent for non-suiting pending litigants, but would not the hon. and learned Gentleman agree that the effect of Section 2(1,*b*) is that those who were non-suited —that is to say, those who could not bring a common law action in respect of damage sustained by exercise of the Royal Prerogative—were given an alternative form of compensation and that, therefore, it is not quite correct to say they were just denied their rights? They were given an alternative right in substitution.

Mr. MacDermot: I am anxious to save time. If hon. Members will have a little patience, they may find that I answer the point on which they seek to interrupt me. This was the next point I had intended to come to.

It may be argued that there was under the Indemnity Act a statutory scheme of compensation. Again, that that would not have assisted the Burmah Oil Company or the other claimants in like circstances, because, as a careful study of the wording of that Section shows, the provisions for compensation—the statutory scheme—applied only to damage within the jurisdiction of our courts. If the damage occurred abroad, no compensation was to be payable in any litigation brought in our courts.

Sir H. Legge-Bourke: I am grateful to the hon. and learned Gentleman for giving way again. I am no lawyer, as I think that he knows; but am I not right in saying that a good deal here depends upon where the Royal Prerogative was, in fact, exercised? Is he aware that the company has been advised that the Royal Prerogative in this instance was exercised in London and, if so, that

this would entitle the company to the benefit of Section 2(1)?

Mr. MacDermot: That would not have assisted in relation to the Indemnity Act, 1920, because the test was not where the Royal Prerogative was exercised, but where the damage was suffered. The actual wording is

"who has otherwise incurred or sustained any direct loss or damage by reason of interference with his property or business in the United Kingdom."

So the property had to be sited in the United Kingdom before there was any right to compensation under the statutory scheme.

There is a further distinction in this case and a further answer to the hon. Gentleman's point, and that is that some compensation has been paid already in these cases. At the moment, I am dealing with the precedent of the Indemnity Act.

Mr. Selwyn Lloyd (Wirral): Was not His Majesty in Council given by Order power to apply the Act to any part of His Majesty's dominions outside the United Kingdom?

Mr. MacDermot: Yes, I have looked at that point, too. Again, that would not avail or assist in the case with which we are concerned, if we are considering like legislation, for this reason.

First, no Orders were made under the Indemnity Act, 1920. There was none. None was made, for example, extending it to Burma or, indeed, to any other Colony. If one had been, the effect then would have been, one may assume, that the Order would have been passed setting up a scheme locally to be locally administered in respect of damage within that Colony. That, again, would have given rights only in respect of claims brought within the area of that Colony. It could not have given any right to statutory compensation in respect of claims brought within the United Kingdom, which is what we are concerned with here.

The question arises, why similar legislation to the Act of indemnity was not passed after the Second World War. As hon. Members know, the reason is that all other forms of war damage were already covered by existing wartime legislation and it was not thought that any claim lay for this peculiar and particular type of damage which we have now heard about, denial damage. It obviously would have been a very curious waste of Parliamentary time for legislation to have been brought before the House to legislate against a theoretical possible cause of action which, in fact, was believed not to exist.

The third principle which I suggest is to be deduced from the precedents relating to retrospective legislation is that a very frequent justification for such legislation—this may be only an application of the second principle—is that retrospective legislation is justified where the purpose of the legislation is to restore the law to what it was previously thought to be. I remind the House in my Second Reading speech of what had been said by Lord Radcliffe during his decision in the Burmah Oil case. May I remind the House again? He said:

"There is not in our history any known case in which a court of law has declared such compensation to be due as of right."

I invited any hon. Member to challenge that statement if he wished and I think that none has done so.

Lord Radcliffe went on:

"There is not any known instance in which a subject having suffered from such a taking, has instituted legal proceedings for the recovery of such compensation in a court of law. No payment has been identified as having been made by the Crown in recognition of a legal right to such compensation, irrespective of the institution of legal proceedings for its recovery. No text writer of authority has stated that there is this legal right under our law."

I think that the only challenge to this assertion that this was the generally held view of the law came from Lord Conesford in a debate in another place. In support of his challenge he cited a passage in the judgment of Lord Dunedin in the well known *de Keyser* hotel case. The passage he quoted was:

"the texts give no certain sound as to whether this right to take is accompanied by an obligation to make compensation to him whose property is taken".

Lord Conesford suggested that that supports the belief that it was recognised that the state of the law was uncertain. I think that an examination of that passage will show that what Lord Dunedin was, in fact, referring to was not dealing with denial damage, but with the right of compensation where there had been requisition of property. I think that all hon.

[MR. MACDERMOT.]

Members—lawyers and non-lawyers—will agree at once that there is a ready distinction to be made between a case where the Crown has seized property in war to make use of it, requisitioned property for that purpose, and the case where property has been destroyed in order to deny its use to the enemy.

May I remind the House of the examples of retrospective legislation which illustrate this principle? I shall seek to do so briefly because they have been referred to before. There was the War Charges Validation Act, 1925. It will be remembered that the Milk Controller had imposed a levy on milk distributors and collected fees amounting to £18 million. It was held by the House of Lords that the orders under which that milk was collected had been *ultra vires*. As a consequence this Act was passed to validate the act of the Milk Controller in collecting those fees.

Not only were his acts validated, but it was said in terms that no proceedings whatever should be instituted by any person for the repayment of sums so levied or for compensation in respect of the making of the levy and if any proceedings had been instituted before the passing of the Act they should be discharged and made void and any judgment obtained after 18th December, 1924, should be made void. The Act was passed on 5th March, 1925. It went so far as to say in terms that in that limited period even a final judgment could be set aside. We are not, of course, concerned here with a final judgment. No one has obtained a final judgment or award of damages. The stage which has been reached is a decision adverse to the Crown on a preliminary point of law.

4.15 p.m.

The second example was the Charitable Trusts (Validation) Act. The courts gave a decision whereby many trusts were thought to be invalidated. The result was that residual legatees and next of kin became entitled to moneys. They had acquired rights which previously were not thought to exist. It was thought right to pass the Act to restore the law to what it had previously been thought to be. That was done by the Charitable Trusts (Validation) Act and again provision was made whereby in any legal proceedings begun on or after 16th December, 1952—the Act being a 1954 Act—and any order or judgment made or given before the commencement of the Act which would not have been made or given after the commencement of the Act, the court order by which the judgment was made or given was said to be set aside in whole or in part. It provided for such further order as the court thinks equitable with a view to placing those concerned as near as may be in the position they would have been in having regard to the Act.

This is a more remarkable provision again written into an Act, a retrospective power to set aside a judgment and that would include a final judgment made by a court. In this case it may be said, and it has been said, that it is different because the Crown was not involved directly, this was merely an Act to benefit the parties and not the Crown. I should consider that the Crown and was as legislators have the same responsibilities to safeguard the public purse in a case where it is proper to do so as we have to protect the interests of parties.

If hon. Members want a case affecting the Crown there is the Wireless Telegraphy (Validity of Charges) Act, 1954. In that case, £17½ million had been collected in wireless fees by the Post Office without any proper legal authority. That was established. Proceedings were started and, so clear was the position that the Government threw their hand in and then passed retrospective legislation. The legislation had retrospective effect to validate those improperly levied charges and to deprive all the people who had paid them of their unquestioned legal right to repayment of the moneys.

A further case was the Finance Act, 1960, Section 39, following the Whitworth Park Colliery case. The Revenue had wrongly deducted tax at source from certain interim payments made under the Coal Industry (Nationalisation) Act. Retrospective legislation was passed in the Finance Bill to withdraw those claims, withdraw them in the interests of the Crown, and to restore the law to what it had been thought to be before that decision.

In the retrospective legislation the claims of all other claimants who had not got final judgment in that case were defeated. They were in the same position as all claimants who are subject to the Amendments we are considering—they have not obtained final judgment, but a point of law had been decided in their favour. It can be said while Burmah Oil at least has a preliminary point of law decided in its favour that does not apply to any of the other claimants to whom these Amendments apply; but, in fact, these other claimants would be free, if we were to agree with these Amendments, to apply these principles to the present case.

I suggest to this House that the retrospective effect of this legislation is fully justified. It does not offend against the first principle—there is no question here of anyone acting in any way in the belief that the law was what it has now been shown to be. It is necessary, if justice is to be done, among all the different classes of people who have suffered war damage, that we should not allow public funds, and, incidentally, very substantial public funds on any basis to be paid in compensation to these claimants on a basis which no other sufferers from war damage have enjoyed, namely, full compensation at common law.

In the light of all these precedents it is fanciful to suggest that this decision will in some way impair our international relations or respect for our consideration of the rule of law in other countries. All these precedents cited are cases where retrospective legislation was passed in order to defeat existing claims under these principles. They did not destroy the respect which other countries have for our judicial system. They were not seized upon by Governments in other countries as an excuse for seizing British property or any other property without compensation. There is no question here of confiscatory legislation. We are not seizing anyone's property without compensation.

I must say, in this connection, with the very greatest respect to the Lord Chief Justice, that I was surprised to find him suggesting that this was confiscatory legislation because it confiscated the right of action of the claimant without giving compensation. If this is the right way to approach it, it would mean that there never could be any retrospective legislation at all because all retrospective legislation by definition confiscates. That is to say, it sets aside the cause of action which is assumed to exist in certain claims and says that one is not to be entitled to damages or the return of the levy or the fees, whatever it was, but is to be deprived of a right of action, without compensation.

Mr. Percy Grieve (Solihull): I am grateful to the right hon. and learned Gentleman for giving way. Is not the whole issue here dependent upon the fact that in this matter Burmah Oil has a right vested in it by the decision of the House of Lords where it succeeded in a claim at law and, therefore, this legislation would take that right away from the company? All that remains in that litigation is for that right to be quantified. Therefore, this is a case in which the right of the subject is being taken away without compensation.

Mr. MacDermot: The proposition is not correct. The company has not been awarded judgment subject to assessment of damages. A preliminary point of law has been established in its favour. There are other points of law which are taken by the Crown in the claim and which could still defeat the litigation. It is not even right that the issue of liability has been established. Furthermore, it is in no different position in this respect from all other litigants in these cases who would be affected by this litigation.

One of the points of law has been decided in a way which is to its advantage. But it has not got judgment and other litigants are in exactly the same position. They have started their actions and are established as far as that point of law is concerned to have, *prima facie*, a course of action. They are all in exactly the same position. We are not concerned only with the Burmah Oil Company. We are concerned with the other eight companies as a whole. They are in exactly the same position as the claimants in all these other precedents which I have cited of retrospective legislation, namely, that they were established by a decision of the courts to have a right of action or a potential right of action. They were deprived of that by retrospective legislation and deprived of it without compensation.

Sir H. Legge-Bourke: There is one very great difference, surely, between those precedents cited and the Bill. It is that, in all those precedents, in particular, that of Mr. Justice Willes, in the case of the War Charities (Validity) Act 1925, even despite that retrospection there was no change in the character of past transactions carried on upon the faith of the then existing law. In this particular situation there is a very substantial change.

Mr. MacDermot: I think that what the hon. Gentleman is referring to is their action in starting their legal proceedings. Of course, this must be provided for, and is provided for, in the Bill by a provision to ensure that they are indemnified as to costs. This was done in one of the Acts which I cited a few minutes ago, where provision was made to see that people who had brought their actions before the intention to pass the legislation was announced, should be covered and provided for as to costs. As far as the subject matter of the claim is concerned, nothing which was the basis of their cause of action was an act done by them in the belief that the law was as it has now been established to be.

I referred to the speech of the Lord Chief Justice, who is, of course, one to whom we look with the greatest respect and care for anything he may say on these matters. I confess that I have read very carefully both his speeches in another place and that I cannot find anywhere in them any concession that it is ever right to pass retrospective legislation.

Every argument that he adduced against the Bill is an argument against retrospective legislation *in toto*. I cannot believe that he is seeking to advise Parliament that in all circumstances it is wrong to pass retrospective legislation. With the very greatest respect to him I cannot see where he has directed his mind to the question which I am inviting the House to consider, namely, what are the principles upon which it is proper to pass retrospective legislation? We have heard a lot said in terms that this is a conflict between principle and expedience and that those who are supporting retrospective legislation here are merely concerned with the expedience of saving the taxpayers' money, and are casting a principle to the winds.

This is not so. We believe that what we are achieving here through this retrospective legislation is justice in the sense I have referred to, that is a right dealing, a fair dealing between all people in similar situations.

Mr. William Yates: The hon. Member for Nelson and Colne (Mr. Sydney Silverman), during the Second Reading, made this clear. He said that the action the Government were taking was entirely a political expedient and that he supported it on that account alone. There was nothing whatever to do with justice.

Mr. MacDermot: That may have been the view of my hon. Friend the Member for Nelson and Colne (Mr. Sydney Silverman). I am expressing my view as to the reasons why this legislation is put forward and why, incidentally, it was set in motion by the previous Government.

Sir John Foster (Northwich): I do not think, with respect that the hon. and learned Gentleman has dealt with the point quite fairly of confiscation when the right of action is removed. He said he was surprised at what the Lord Chief Justice said, that there need never be retrospective legislation. I think that my hon. Friend has to face the fact that previous retrospective legislation was though to be confiscatory. He has not made the point fairly. If you remove a vested right of action, is that confiscatory or not?

Mr. MacDermot: We are using "confiscatory" in two different senses. One talks about confiscatory legislation meaning legislation enabling the Crown or someone to seize property without paying compensation, but here we are talking about it in the strict legal sense and I agree that all retrospective legislation in that sense is confiscatory. In that case, my answer to the Lord Chief Justice is that it is not sufficient to say that this is confiscatory, unless one is to go on to say that all retrospective legislation, because it is confiscatory, is to be disallowed and rejected. He did not say that, and he did not seek to argue that conclusion. All that I am pointing out is that any hon. Member who uses this argument is asking the

House to say that retrospective legislation can never be justified. With all the precedents to support it, there are good reasons to justify it.

4.30 p.m.

Sir Kenneth Pickthorn (Carlton): The Financial Secretary denies that the sole object is the saving of public money, but he goes on implicitly to say that the other object is the promotion of justice in the sense that nobody should get anything unless everybody else can get it. That is a very negative view. Is that the argument on which the Government are prepared to rest?

Mr. MacDermot: I do not find it a very negative view that the idea of justice is to give each man his due and that equality is equity, if I may use another legal principle. I agree that in all circumstances justice does not demand exact equality of treatment for everyone, but when we are considering the question of compensation for war damage I think that it outrages the sense of fairness of anyone who approaches the matter dispassionately that one small class of war damage should be entitled to compensation on the basis of full compensation when everyone else has to put up with a partial measure of compensation.

I deal now with the matter to which I alluded, namely, the position of our predecessors in office in this matter. I very much hope that on this occasion we shall receive the support of at least the members of the Front Bench opposite. Their position in this matter is this. First, they decided to resist these claims in the courts, basing themselves on and supported by the actions of the post-war Labour Government in pursuing an attitude in relation to these claims which had been maintained consistently by all Governments since the war, including their own Governments, over many years. They then came to the crucial point, which was when the Burmah Oil Company decided to pursue its claim in this country and, if need be, to proceed to the highest court in the land to see if it could get judgment, as it did in the end, on this preliminary point.

Mr. J. T. Price: May I get the record straight? As the Limitation Act made it impossible to pursue the claim in this country, they started the action in Scotland, which was a dubious and very questionable device.

Mr. MacDermot: I have already said that I cannot agree with my hon. Friend that there was anything dubious or questionable in that. This was a Scottish company and if it wanted to bring a cause of action in this country against the Government it was perfectly entitled to bring it in the Scottish courts. If there is anything which needs correcting in relation to Scottish law on the matter of limitations, that is something which no doubt Scotsmen in the House will wish to consider. It is not, however, a matter on which I wish to comment at this moment.

As I was saying, there came the crucial stage in this matter. I think—someone will correct me if I am wrong—that at the time when the famous letter was written by the Treasury Solicitor on behalf of the Government the Burmah Oil claimants had already succeeded in obtaining a judgment at first instance. But the matter had not yet proceeded to the House of Lords. What was said in that letter was this:

> "Her Majesty's Government are, moreover, satisfied that the claim made is not, in any event, one which ought to be met by the British taxpayer. Her Majesty's Government have accordingly decided that, in the unlikely event of your company succeeding, legislation would be introduced to indemnify the Crown and its officers, servants, or agents against your company's claim."

That letter has been heavily criticised by some hon. Members.

I am very impressed by the argument of the Lord Chancellor, in another place, that so far from there being anything wrong in the writing of that letter it was the only fair and proper thing for the Government to do, provided that they had decided that they would introduce retrospective legislation if the need arose. If that was their decision, it was only right to warn the company of it so that if the company thought fit it could save itself the time and the trouble—I will not say the expense because if it was successful it must be indemnified as to costs—and the risk of expense if it lost its claim in pursuing the matter further.

I invite the House to consider what must have been the position at the time that that letter was written. I suggest that when that letter was written it must plainly have been a Government decision

[MR. MACDERMOT.]

to introduce retrospective legislation if this situation arose. The letter was written by the Treasury Solicitor. This was criticised on purely technically procedural grounds by the Scottish courts. That is not the point here. The point is that at that stage the Treasury Solicitor obviously was not acting on his own authority, nor was he acting on the authority of the Attorney-General.

The right hon. and learned Member for Wirral (Mr. Selwyn Lloyd) was the Chancellor of the Exchequer at the time. I assume that he must have known of the contents or purport of that letter at the time that it was written and approved of it. Indeed, I assume, also, that he must, at the very least, have consulted a number of his senior colleagues in the Government before announcing, and announcing publicly, in effect, that the Government would introduce retrospective legislation if the litigants were successful. This was an almost unprecedented action. As I say, I think that it was a perfectly proper action, but, clearly, it was one which could be taken only if it was a settled and determined decision of the Government that they would introduce this legislation if this situation arose.

Mr. R. T. Paget (Northampton): As they were warned, and the silly fellows went on, why do we have to pay for the expense of their going on? Why have they any right to be indemnified as from the date of the letter?

Mr. MacDermot: My hon. and learned Friend is entitled to his own view. The way in which the Bill before us is framed is that it would be left to the courts to decide the fair measure of costs. I have already stated in the House, on behalf of the Government, that we will not seek to urge that the company should not have full indemnity as to costs. I think that the general view of the House is that that would be the right way to deal with this matter.

If it were not the firm and settled decision of the Government to introduce such legislation, then this would have been the most reprehensible letter to have written. It would have been a quite disgraceful action to be bluffing over a matter of this kind. It would have been without justification. In these circumstances, I find it very surprising that the right hon. and learned Member for Wirral and other members of the Front Bench opposite think it right to turn round and criticise the Government for acting in accordance with the clear and, as I suggest, proper warning issued by them when they were in office and when the right hon. and learned Gentleman was in charge of the Department which itself is responsible for the Treasury Solicitor's Department and when he, on behalf of the Government, was directly involved financially.

What justification did the right hon. and learned Gentleman give before for the action which he took in supporting a somewhat half-hearted Amendment which came before the House dealing with this matter of retrospection? On that occasion he suggested that the reason we should think again and should have second thoughts about this was that perhaps there was not quite so much money involved as he thought there was. What he told the House on 2nd March was:

> "We just do not know what is the measure of damages or whether this is a very large claim. I was certainly led to believe at the time when I first addressed my mind to these problems that it was a matter of hundreds of millions of pounds, as I indicated on Second Reading. We do not know whether it is a large claim, or whether this is quite a minor matter which will be disposed of in some other way."—[OFFICIAL REPORT, 2nd March, 1965; Vol. 707, cc. 1231-2.]

I do not know where the right hon. and learned Gentleman got his "hundreds of millions of pounds" from, or to what period he was referring, but at the time when he was a member of the Government who authorised that letter to be written he knew what the claim was. The claim was one by the Burmah Oil group of companies for £31 million —not hundreds of million of pounds— plus interest claimed at 5 per cent. They were awarded interest at 5 per cent. That would be a further £36 million, making a total of £67 million.

In addition, there were eight other claimants who claimed a total of £8 million and, together with interest to the same extent, this would have resulted in total claims—all the Burmah Oil Company claims and the claims by the eight other claimants plus interest at 5 per cent.—amounting to £84 million. If compensation had been awarded on the basis of compound interest, which I

think it is right to say is an exceedingly rare event in the courts, the very maximum that could have been recovered would have been £160 million. But I think it is fair to say that the right way to summarise the amount of the claim, including interest, at the time that the letter was written, is that it was about £80 million. I do not know what view the Government took at the time as to what sum they were on risk for—whether it was for £80 million or for some lesser amount—but, clearly, it was a substantial amount.

What is the position now? I know there has been argument—it has been referred to in our debates—that it is possible that the courts would take the view that the claims were worthless, on the basis that the Japanese would have destroyed the installations in any event. But the position was the same at the time that the letter was written. There is nothing new about that. The only difference that I can find is that it has been suggested by some hon. Members during the debate, presumably on instructions from the Burmah Oil Company, and I think there was the suggestion in the document which was referred to on a point of order earlier and which has been circulated to the House, that the company would frame its claim more moderately, that it would now be about £17 million and that the company would concede that there should be an allowance of the £4¾ million for what was called rehabilitation.

But is the right hon. and learned Gentleman saying that the difference between these figures is such as to make him change his mind and make him think that it is not right that the Government should act pursuant to that warning? I have heard no suggestion, either officially or unofficially, that the claims for interest have been withdrawn. When we are dealing with interest accumulating since the wartime period, the result from the figures that I have already indicated would be more than to double whatever would be the amount of damages if interest were awarded at 5 per cent. On any basis—it does not matter whether it is £15 million or £50 million—we are dealing with very large sums of money; this is still the position and it has never been any different.

I suggest that on any basis these are unacceptable claims, quite apart from the complete indignity and impossibility of the position of the Government who issue to a litigant in the middle of the proceedings the warning, "If you are successful we shall defeat your claim on retrospection", and then say, "If you will abate your claim somewhat and claim a more modest sum we will see if we can negotiate it with you; we will see if we can settle it for not quite so much".

If the right hon. and learned Gentleman thinks that that is the way in which any Government should behave, I cannot share his view.

4.45 p.m.

Sir Frederic Bennett (Torquay): It is a strange argument for the hon. and learned Gentleman to adopt that the amount of damage involved could be a relevant factor in my right hon. and learned Friend's mind, since the hon. and learned Gentleman is on record as saying that if the amount had been trifling the present Government would not have continued with the debate.

Mr. MacDermot: I did not say that. I said that if the amount at stake was 6d. we would never have heard of it. Of course, we would not.

Sir F. Bennett *indicated dissent.*

Mr. MacDermot: Perhaps the hon. Gentleman would like to quote the actual wording.

Mr. William Yates: It is at column 1238.

Mr. MacDermot: It was referred to on the Report stage.

Sir F. Bennett: I have the quotation. At column 27 of the Report of the Committee proceedings—it was later referred to on Report—the hon. and learned Member said:

"The hon. Member then criticised my argument on the basis of the vast sums that are involved. This is an easy argument to deploy—that it does not matter whether it is a question of dealing with a sum of 6d or £100 million since the question is one of principle—and, frankly, I think that his argument was unreal and unrealistic. When we are concerned with large sums of money we have a responsibility as the Government and Parliament has a responsibility as legislators and as those responsible, above all, for the control of public expenditure. We must, therefore, balance up

[SIR F. BENNETT.]

the matter and decide whether it is right to allow compensation to be paid on what would be a large scale which would single out these claimants for a particular and high level of compensation which nobody else who suffered war damage recovered."

Then the hon. and learned Gentleman said this:

"If only 6d. were involved nobody would trouble to legislate about the matter. . . . It is only because there are substantial sums involved that the matter comes before the House of Commons."—[OFFICIAL REPORT, *Standing Committee B*, 23rd February, 1965; c. 27.]

If that argument does not mean that he would not go on with the legislation if the amount involved was only 6d., what do those words mean?

Mr. MacDermot: That is what I said. If the claim were 6d. the matter would not arise. It is because there are substantial sums involved that as a matter of equity and fairness it is right that we should legislate to defeat these claims. What we have to seek to do here is to get fair treatment for these claimants in relation to the position of other claimants in like situations. If we were to allow these claims to proceed, and if the claimants were successful, they would receive very large sums of compensation on an utterly different basis from that on which any other war damage claims were met.

Mr. William Yates: Could the hon. and learned Gentleman give the House, either today or later, a list of the other companies to which he is referring, which are making substantial claims? The House must be interested in claims other than this one.

Mr. MacDermot: The Attorney-General will, if it is proper, deal with that matter. I do not know to what extent it is proper to refer to particular claims in actions which have not yet come before the courts, in which writs have been issued, involving companies which, like the Burmah Oil Company, have conducted a lot of publicity in the matter. As I say, there are eight other claimants who claim a total of about £8 million. All I would point out to the right hon. and learned Member for Wirral is that when these Amendments were voted upon in another place his right hon. and learned Friend the former Lord Chancellor, Lord Dilhorne, voted with the Government against these Amendments. So did Lord Simonds the former Conservative Lord Chancellor. So did Lord Carrington, the Leader of the Opposition in another place. No doubt I shall be corrected if I am wrong but so I think did every other person who was a member of the Government at the time when the letter was written think it right to carry out the warning that was issued at the time and to support the action that was taken by his Government at that time by rejecting these Amendments and supporting the retrospective measures in the Bill.

Mr. Thorpe: On the Committee stage eight ex-Tory Ministers voted with the Government and two ex-Tory Ministers against the Government.

Mr. MacDermot: Were all these Ministers at the time when the letter was written? That is the point. Certainly a substantial number, and if the hon. Member is right, the vast majority of members of another place who were Ministers at the time when the letter was written have thought it right to act in accordance with the terms of the letter and vote against the Amendments. I very much hope that on reflection we shall now have the support of the right hon. Gentleman opposite when we ask the House to reject these Amendments.

Mr. Selwyn Lloyd: I will go some way with the hon. and learned Gentleman and say that I agree with what he said about the future and altering what has been established as the law in this case. I agree with him that it is correct to put the law back to what it was thought to be, but I must disappoint him with regard to his last question because I shall ask the House to support the Lords Amendments for practical reasons. I will try to explain those reasons to the House.

The Lord Chancellor in opening his speech on this Amendment in another place said:

". . . this is not in any way a Party question."—[OFFICIAL REPORT, *House of Lords*, 13th April, 1965; Vol. 265, c. 335.]

Lord Silkin in a letter in *The Times* of yesterday, which will have been seen by many hon. Members, referring to this controversy, said:

"Here a vital question of principle in no sense political is involved."

I am therefore encouraged to ask the House to look at this matter without regard to party discipline or dogma, and I remind the hon. and learned Gentleman, and hon. Members who are getting so indignant from a sedentary position below the Gangway, that several of their hon. Friends on Second Reading made critical remarks about the retrospective aspects of the Bill.

I have tried to be fair with the House at each stage of the Bill's progress. We know that successive Governments of both political complexions have taken the view that the company had no good claim. The Government of which I was a member—and I have never sought to burke this—authorised the sending of the letter of July, 1962. A Government of which I was a member gave instructions for a Bill to be drafted. We did not see the Bill when it was drafted or decide that it should be introduced. I quite agree that we have a "record" on this Bill, in the sense that that word is used in the courts.

Mr. S. C. Silkin (Dulwich): The right hon. and learned Gentleman has referred to the letter and has acknowledged that the Government of which he was a member supported it. Would he also acknowledge that he personally was aware of the contents of the letter and personally approved of the letter being sent?

Mr. Lloyd: Certainly, since I was Chancellor of the Exchequer at the time I accept responsibility but, unlike some people and some Ministers, I have never believed in the doctrine of the infallibility of Governments, not even Governments which had the advantage of having me as a member. If a Minister is right more often than he is wrong, that is a considerable achievement. The idea that mistakes are never made is nonsense. Therefore, whatever may have happened in the past, and without necessarily agreeing with all that has been said on one side or another, I have no compunction in asking the House to reconsider this matter on the merits and not as a party issue.

Mr. MacDermot: Is the right hon. and learned Gentleman saying that he now thinks that he was wrong in authorising the sending of that letter?

Mr. Lloyd: If the hon. and learned Gentleman will listen to my speech I will deal with that point. I see the hon. Member for Fife, West (Mr. William Hamilton) smiling. We know that we have had a warning that if he is called by the Chair he will criticise the Amendment. I suspect that with him it is because this is a Lords Amendment and not on the merits, because we know that despite that very winning smile he is of a perverse and contrary nature. Although the hon. Member was for long a thorn in my side I grew to be quite fond of him, which is one of the odd things that happen in this House. I can predict for him an assured future and say that one day, as Lord West Fife, he will be a respected Leader of the Opposition in another place. That is the psychological and biological explanation of the hon. Gentleman. He has an incurable love-hate complex for the other place and that always colours his arguments.

As to the merits, on Second Reading I gave a number of reasons why I thought that the previous Government had taken up the position which they did, apart from the fact that they were consistently advised that there was no claim in law.

The principal one which affected my mind certainly was the size of the claim. The Financial Secretary to the Treasury said that it was not hundreds of millions of £s. My recollection of the advice which I was given was that the figure was of the nature which he mentioned, about £160 million if one included compound interest, but my recollection is that I was also advised of other consequential claims which would follow and which might swell the sum involved. In view of the magnitude of that sum it was felt, according to precedent going back to the American Civil War, that only very much scaled-down claims could be met and that the sum of £4¾ million which the company had received should be adequate to compensate it. On Second Reading I asked the Government to try to dispose of the matter by negotiation. There was a full debate and on Second Reading 222 voted for the Bill and 129 against, a majority of 93.

When we came to Report, it was obvious that there were other matters to be taken into account which had not been in the minds of previous Governments, for example what had happened in the Sarawak and Brunei case, which I did not know about in 1962 or in 1964. In that

[MR. LLOYD.]
case the oil companies were by agreement covered against denial damage. The Financial Secretary suggested in his speech that it had not been thought that there was such a thing as denial damage.

Mr. MacDermot: Is the right hon. and learned Gentleman suggesting that there is no comparability between a claim for damages for compensation under a contract and a claim at common law which previously was thought not to exist and which he thought therefore justified the retrospection?

Mr. Lloyd: The hon. and learned Gentleman has talked a great deal about equity. It seems to me quite illogical that just because people never thought that the war front would reach Burma, the Burmah Oil Company should be penalised. That is one of the new facts.

5.0 p.m.

The second was that it became quite clear—this appeared from what the hon. and learned Gentleman said—that the £4¾ million was not, in fact, paid as compensation. It was a grant for rehabilitation made in the interests of the people of Burma, not of the company. The hon. and learned Gentleman made that clear during the later stages of the Bill.

Mr. MacDermot: The right hon. and learned Gentleman is quite wrong. It was paid for the purpose of it being used for rehabilitation, but it was granted absolutely freely. There were no strings attached. The Burmah Oil Co. was entirely free to do what it wanted with it; it could have distributed it to its shareholders if it had wished.

If the right hon. and learned Gentleman is referring to what I said about the payments being rehabilitation and not compensation, this is a point which has been referred to several times in our debates, and what happened was this. I was interrupted by the hon. Member for Aylesbury (Sir S. Summers) and asked whether I was suggesting that it was compensation. I said:

> "I have made clear in what I have said already that it was made clear at the time that it was not being paid as compensation but as rehabilitation."—[OFFICIAL REPORT, 3rd February 1965; Vol. 705, c. 1100.]

The passage I referred to when I said that I had made it clear already was my explanation a few minutes earlier that the announcement of February, 1943, made two matters clear, the second one being that the object was to provide for rehabilitation rather than for full compensation. The Lord Chief Justice accepted in another place that rehabilitation was compensation, and I should have thought that that would accord with anyone's common sense. The distinction is that rehabilitation was limited compensation, intended to help rehabilitate the actual properties. It was not full compensation which would include compensation for consequential damage.

Mr. Lloyd: I have heard the hon. and learned Gentleman's intervention. I still believe that, when this sum was paid, it was paid for rehabilitation purposes and in the interests of the people of Burma. Otherwise I do not believe that it would have been paid.

The next new factor was the measure of damages. From the speeches of the law Lords when dealing with the case finally it became clear that the measure of damages might easily be very different from what was expected. Another new factor to which the House should pay some regard is the widespread indignation about the Bill felt by people with no political affiliations, almost a sense of outrage at the action which the Government were trying to take. On Report, I moved a new Clause which would have had the effect of delaying the Bill, providing a rest pause and requiring a further Parliamentary decision for the Bill to be implemented. I did that to give the Government a further opportunity to see whether the matter could be disposed of by negotiation. On that occasion, my Motion was defeated by 137 votes to 149, a very different vote from the vote on Second Reading—a majority of only 12.

In another place, on both Second Reading and in Committee, there were some outstanding speeches on these Amendments. Lord McNair, an eminent jurist highly respected throughout the world—[*Interruption.*]—I am surprised that people on the benches opposite should snigger when I mention the name of Lord McNair. He is a distinguished jurist, highly respected throughout the world, and he was for 10 years our judge at the International Court at The Hague.

He opposed the Bill and moved these Amendments in their Lordships' House on three grounds.

First, he said that the power given in the Bill to the Crown to stop proceedings against it disturbed the correct balance between the rights of the subject and the rights of the Crown. It made nonsense of the Crown Proceedings Act, 1947. He considered that the action contemplated threatened the independence of the judiciary. Thirdly, he referred at length to the international repercussions.

The hon. and learned Gentleman talked about a fanciful view being taken on this matter. These views expressed in another place cannot be brushed on one side as fanciful when they are shared by men of the calibre who spoke and voted. Lord Longford, I think, once talked of the I.Qs. of their Lordships being higher than the I.Qs. in this House, and he spoke also about their independent national stature and reputation. Lord McNair was supported by lawyers like Lord Cohen, Lord Devlin, Lord Morton of Henryton, the Lord Chief Justice, Lord Shawcross, a former Law Officer, Lord Forster, Lord Guest, Lord Tangley, Lord Silsoe, all men of great eminence in the legal profession. He was supported by others, people of independent mind, like Lord Adrian, Lord Sherfield—Sir Roger Makins as he was known to us—Lord Robertson, and former colleagues of ours like Lord Amory, Lord Chandos and Lord Boyd.

The Attorney-General (Sir Elwyn Jones): Would the right hon. and learned Gentleman care to comment upon the I.Q. of the three Lord Chancellors or ex-Lord Chancellors who supported the Government?

Mr. Lloyd: I shall deal with that point in a moment. I cannot see that the intervention of the right hon. and learned Gentleman goes in any way contrary to the effect of the quotation I made from his noble Friend, Lord Longford.

The debate in the other place was of a very high order, with distinguished men of independent mind expressing their opinions. With names like the ones I have given, any talk about backwoodsmen and shareholders and so on is quite pointless.

I know that it will be said that some former colleagues of mine voted with the Government, but the Lord Chancellor began his speech by saying that it was not a party occasion, and the fact that my noble Friends acted as they did strengthens rather than weakens my argument for a new, dispassionate non-party look at the matter. I repeat that, on Second Reading in this House, many of the hon. and learned Gentleman's hon. Friends expressed their dislike of the Bill. It is not a party issue. There has been a wide measure of public indignation about it among those who are reputable in this field of thought and action. Once again, I ask the Government to see whether this matter can be disposed of in some other way. What matters now is not what has been said in the past but what the House does this afternoon on these Amendments.

To summarise them, these are the reasons which, in my view, should operate to induce hon. Members to support the Amendments. First, there is the strength and the quality of the opposition to this part of the Bill. Second, there is the argument put forward by Lord McNair about the Executive interfering in pending litigation. Third—this is something which has offended people—there is the very long time-lag in dealing with the matter.

Mr. MacDermot: We were not responsible for that.

Mr. Lloyd: I mean the very long time-lag since 1947, since the time when the Burmah Oil Company was advised to litigate in the courts of Burma and so on. If the Bill had been brought in in 1947, people's minds would have been quite differently motivated.

Mr. MacDermot: The right hon. and learned Gentleman and his hon. Friends knew about it.

Mr. Lloyd: Of course, we knew. I am suggesting that the Government should think again. This arrogance, this idea that it is impossible for anyone ever to make a mistake, seems to be typical of the present Administration.

Mr. MacDermot *rose*——

Mr. Lloyd: I really must get on. I have given way many times.

Mr. MacDermot: The right hon. and learned Gentleman said——

Mr. Deputy-Speaker (Dr. Horace King): Order. The hon. and learned Gentleman knows that, if the right hon. and learned Gentleman does not give way, he must sit down.

Mr. Lloyd: I have given way many times to the hon. and learned Gentleman, and I have very nearly finished.

The fourth reason why people should think again is the one based on the international repercussions dealt with by Lord McNair. Finally, there is the amount involved.

The Government's prestige is not involved in this matter. There is no face to be saved. They will not lose face if they listen. On this occasion, there will not be any inquests if they listen to argument. They can blame us as much as they like if they change their minds. The point is that the right thing to do is to dispose of this matter in some way other than by the operation of this part of the Bill. This is the feeling of the overwhelming majority of people who have considered the matter. I ask the Government to think again. I have never criticised them on it. Each time, I have asked them to think again and to see whether they can resolve it by negotiation.

Mr. MacDermot: Will the right hon. and learned Gentleman, before he sits down, answer the question that he did not answer before? When he wrote that letter, did he think that the Government were acting rightly?

Mr. Lloyd: The Government of the day were advised that the company had no claim in law. I think that they would have been failing in their duty if they had not written that letter. Nevertheless, that did not amount, in my view, to a committal by the Government of the day in all circumstances to bring forward this legislation.

Mr. William Hamilton: The right hon. and learned Member for Wirral (Mr. Selwyn Lloyd) has seldom made a more unconvincing speech. I was going to say "dishonest", but I acquit him of that. He talked about this issue as not being party politics, quoting the Lord Chancellor. But what the Lord Chancellor said was that six successive Governments had taken the same view on this matter since the end of the war. That is what the Lord Chancellor meant by his assertion that it was not party politics. But when the Bill went to the House of Lords it became party politics. It became company politics and I want to refer to that in a little detail later.

At the outset, I want to say that I have a very great deal of respect for some, but not all, of the lawyers who advanced the case in another place, particularly Lord McNair. I do not think that anyone could challenge his integrity. I would have reservations about some of the others, and I will come to them in a moment.

Hon. Members: Oh.

Mr. Deputy-Speaker: Order. The hon. Gentleman must not question the integrity of members of another place. I read the hon. Gentleman's earlier speech and I would remind him that it is not in order for him to attack personally members of another place. He can attack them politically as much as he likes.

Mr. Hamilton: I will direct my fire at them politically as far as I can.

I want to refer to some of the points Lord McNair made, because I think that one can challenge even some that he put. I speak as a layman and not as a lawyer, still less an international lawyer of his standing. Lord McNair somewhat jeered at the fact that the Lord Chancellor had quoted examples of retrospective legislation, with particular reference only to domestic matters. This point was referred to by my hon. and learned Friend the Financial Secretary today.

Lord McNair pointed out, quite rightly, the international character of the operations of the Burmah Oil Company and cited the interest of international lawyers in proceedings in this case. He said that, of course, if this legislation were unamended it would be an encouragement to some predatory foreign Governments. I want to put to the House two aspects which I hope will put the think into perspective and persuade it to reject the Amendments.

5.15 p.m.

The right hon. and learned Member for Wirral accused me of having a

peculiar relationship with the House of Lords. I do not choose to reject the Amendments, because I intensely dislike the other place. I intensely dislike the way in which this thing has been dealt with by the other place. The first aspect, already referred to, is that this is a non-party matter in the sense that six Governments have treated it in the same way and the second is the universal dislike of retrospective legislation.

Each time such legislation is brought forward, by whichever Government, it is objected to, and is rightly subjected to, the most critical scrutiny by both sides of the House. Indeed, I have heard some of the most passionate and eloquent speeches on the principle of retrospective legislation. But no Government could or should eschew for all time and in all circumstances the right to legislate retrospectively if exceptional circumstances seem to warrant it.

The argument of the Lord Chancellor and of the Government is that there are in this case quite exceptional circumstances. If the principle of equity demands or suggests that a Government should legislate retrospectively, then that seems to me a very sound reason for a Government so to act. This is just such a case. Indeed, it appears to me to be unanswerable, quite apart from the considerations which I will shortly put.

The bare bones of the problem have been gone through both here and in another place in many speeches and I do not want to weary the House by repeating the arguments. I would add here that such letters as I have had on this issue from laymen do not bear out what the right hon. and learned Gentleman said about public reaction. Indeed, those letters have been supporting my view rather than the view that he has been taking and which was taken in the House of Lords on 13th April.

In global war, it is inevitable that people suffer enormous losses of life, limb and property. It is a sheer economic impossibility for any Government of any colour of a country bankrupted by war—and remember that Mr. Churchill, as he was, said that at the end of the war we would be facing bankruptcy—to compensate everybody in full for losses sustained.

Apparently this same battle was fought after the First World War. Most people and companies at that time accepted the Government's position patriotically or because they could afford not court action to challenge it. The Lord Chancellor quoted very powerfully from the speech made on the Indemnity Act, 1920, by Lord Sumner, which is to be found in the House of Lords OFFICIAL REPORT, of 4th August, 1920. I shall not repeat that argument.

Again, I say that I speak as a layman, with none of the legal jargon at my fingertips. The Burmah Oil Company has received £4¾ million up to now, the same proportion on losses as other claimants. Being rich and profitable as a company, and perhaps not as patriotic as others, the Burmah Oil Company decided to have a gamble by going to the House of Lords.

As was made clear by Lord Citrine in the other place, if one examines the voting of the judges in all the courts that have been called upon to decide on this case, one finds the majority against the company. But of course one appreciates that the legal system does not work that way. Nevertheless, it is a point worth making.

It seems that if the Government now accepted the position laid down by the House of Lords the floodgates would be opened for untold claims, Burmah Oil is claiming, according to the Lord Chancellor, £31 million. Other companies are claiming £8 million. The hon. Member for The Wrekin (Mr. William Yates) asked for the names of the other companies in our earlier proceedings and they were given by the Lord Chancellor. The hon. Member can read them in HANSARD. They are the Indo-Burmah Petroleum Company, the Shell Company of Hong Kong and the Shell Company of India. They are making total claims of £39 million.

In addition, these companies are claiming a 5 per cent. interest since the end of the war. If that is simple interest, the total becomes £84 million and, if compounded, £124 million. I recall that right hon. and hon. Members opposite chastised us violently for getting rid of prescription charges at the cost of £23 million a year. Now, however, they will vote for rich oil companies to get £124 million. [HON. MEMBERS: " Oh."]

Nobody can ever accuse me of beating about the bush. Everybody knows exactly where I stand on this and other

[MR. HAMILTON.]
issues. I do not couch my language in legal jargon and humbug. I say what I think. This is an issue of capitalism seeking to get a hand into the public purse. It is nothing more than that.

Sir F. Bennett: Would tbe hon. Gentleman care to say whether, if there were poor claimants in this case, he would be, according to his own words, advancing totally contrary arguments?

Mr. Hamilton: I am just coming to this point. The poor claimants, the widows, the orphans, the disabled ex-Service men who gave their lives and their limbs in Burma, cannot afford to do what the Burmah Oil Company did, but they gave a damned sight more for the country than the Burmah Oil Company ever did. That is how I view the situation and I hope that if my hon. Friends have experience, first hand or second hand, they will give examples of men and women who fought and who laid down their lives, or who are limbless and who are watching very carefully the results of this action of the Burmah Oil Company.

Mr. Paget: Will my hon. Friend permit me a question about the Government's performance of their duties and contracts? If we were to make up the pensions of our servants to what they would be worth in good money, that is, to pay off the depreciation and grant parity to public servants, not merely men, would that not cost less than the £120 million which it is now being proposed to give to the oil companies?

Mr. Hamilton: That raises a point of principle. If the Government accept that compensation ought to be paid to Burmah Oil, every man and woman and child who lost life or limb or breadwinner has an equal right to come forward and say, "We claim the same right as Burmah Oil." This is not a legal but a moral matter.

Let me revert to the principle of retrospective legislation and the rule of law. Introducing my Ten-Minute Rule Bill on 4th May, I referred to what happened in a case with international implications. I am now coming back to the point made by Lord McNair when criticising the Government for producing examples of retrospective legislation relating exclusively to domestic matters. I referred to the question of the elections in Gambia two years ago.

Let me recapitulate what happened on that occasion. On 28th May, 1963, the Commonwealth Relations Secretary announced his intention to validate certain elections in Gambia which the West African Court of Appeal had declared to be invalid. That this was retrospective legislation there can be no doubt. Indeed, it was admitted by the then Minister who now sits on the Front Bench opposite.

On that day, the right hon. Gentleman said:

> "Although I dislike as much as most hon. Members retrospective legislation, I decided that, in all the circumstances . . ."

and he went on to say that he had had to introduce it. He was subsequently challenged by my hon. Friend the Member for Flint, East (Mrs. White) and he replied:

> "What we are doing is to pass legislation —something which very often happens—which has been shown to be necessary by a decision of the court."—[OFFICIAL REPORT, 28th May, 1963; Vol. 678, c. 1124.]

In this instance there was retrospective legislation which was of great international import in one of the most politically sensitive areas of the world, in Africa, affecting the individual rights of people and not of property. And—and this is a very important consideration—the issue was never mooted in the House of Lords, because it concerned the rights of people while this issue concerns the rights of property.

The *Observer* was quite right when, on 18th April, it said:

> "The rule of law is indivisible. If it is wrong to take away retrospectively a valuable property right, then it is equally wrong to tamper with voting rights—the most valuable right of all in a democracy. Upholders of constitutional principles should at least be consistent."

Sir J. Foster: Does the hon. Gentleman approve or disapprove of the legislation about Gambia? He has now introduced the argument, "I can commit a murder because you have".

Mr. Hamilton: I am trying to find out why there is the difference of approach. [HON. MEMBERS: "Answer."] The hon. and learned Gentleman has asked his question and he must allow

me to answer it in my way. That is the risk he must run if he intervenes.

We are now discussing Lords Amendments. I have been trying to show, by reference to the Gambia case, that there is a difference of approach when dealing with retrospective legislation affecting the rights of individuals and with retrospective legislation affecting the rights of property. That was the point I was dealing with and I think that I have made it. It is not for me to say whether I support one or the other. What I am saying is that the House of Lords is anxious to condemn retrospective legislation when it affects property interests, but not prepared to utter a cheep when it is retrospective legislation affecting the rights of individuals to exercise the franchise.

I want to put one or two further facts before the House. On 13th April, the Lord Chancellor said that if Burmah Oil was successful, claims could be expected from the other companies which I have mentioned. One of those is the Shell Company, so that Shell has more than a passing interest in seeing victory for Burmah Oil.

Two directors of Shell voted in the Lobby without declaring an interest. Here I come to a very important issue. Lord Southborough and Lord Shawcross are directors of Shell, which has an interest in seeing that Burmah Oil wins this case. At no point in the House of Lords did they seek to declare their interest and at no point, as far as I know, did they seek to take part in the debate.

Sir J. Foster: On a point or order. Is it in order for the hon. Gentleman to criticise members of another place for not having disclosed an interest, when he does not know the facts and when the fact is that these claims are out of time?

Mr. Deputy-Speaker: The hon. and learned Gentleman has contradicted his own point of order, but I will deal with the matter. Declaring an interest in another place is something for the other place and I hope that the hon. Member for Fife, West (Mr. William Hamilton) will not refer to it. If he will continue his speech in the political way that he has, he will be in order.

5.30 p.m.

Mr. Hamilton: I am much obliged. We have to keep the party clean, so I will not pursue the matter. I shall not refer to the record of one of these members in any great detail except to say that he was a Member of the Labour Government of 1945-51, which came to a view on this matter precisely on the lines given by my hon. Friend this afternoon, and as contained in the Bill. Presumably, that person gave advice to the then Government, whether or not they acted on it. It was never made clear in the other place what that advice was, but we must assume that it was advice which led that Government to introduce their legislation.

I ask what has happened between then and now which has caused him to change his mind. I merely put the facts on record. As I said in my letter to *The Times*, I let the facts speak for themselves. I say no more than that, except that if that member's advice was not accepted by the Government of the day, I would have thought that if he felt sufficiently strongly about the issne he would have resigned from the Government. The fact that he did not means that he accepts collective responsibility for the decision taken. I draw no conclusions, but I am sure that many could be excused for doing so.

In view of what you have said about the question of declaring an interest, Mr. Deputy-Speaker, I hesitate to take the matter further. I agree that unless a person speaks in a debate there is no way of declaring an interest, and no obligation to do so. But it is interesting to note that two days after I made my Ten Minute Rule speech in this House there was a debate in another place on the Corporation Tax, and a Minister remarked that it was significant that every noble Lord who spoke, without exception, made a great point of declaring his interest. If we can get them to do this it is some advance.

On the point of order that I raised before we began the debate I referred to the question of Burmah Oil shareholders in this House. I know that there are very many, and I know that the great majority are on the opposite side of the House—and I can name them. I pay great tribute to the research department of the House

[MR. HAMILTON.]
of Commons Library for providing me with all the material.

Mr. Grieve: On a point of order. Is this anything to do with the matter under discussion, Mr. Deputy-Speaker, namely, the Lords Amendment?

Mr. Deputy-Speaker: So far, the hon. Member for Fife, West (Mr. Hamilton) is not out of order. I shall deal with him if he gets out of order.

Mr. Hamilton: I am sure you will, Mr. Deputy-Speaker. The hon. Member need not be afraid. I shall mention only one name, and I bear that hon. Member no malice. I gave him notice that I would raise this matter—because he is a next-door neighbour—as a neighbourly gesture.

I am speaking of the hon. Member for Fife, East (Sir J. Gilmour). He is mentioned three times in the list of shareholders in my possession. His name is linked with the Marquess of Linlithgow on one occasion; on another occasion it is linked with Major the Rt. Hon. Earl Rocksavage, whoever he is, and the Marquess of Linlithgow, and on the third occasion with Sir Horace James Seymour, G.C.M.G., C.V.O. There is nothing sinister in that. I do not condemn the hon. Member for those connections. I do not know whether they are good or bad. It is for him to decide.

Sir John Gilmour (Fife, East): I thank the hon. Member for giving way, and also for telling me that he would raise this matter. In fact, the gentlemen to whom he has referred in connection with these three shareholdings is not myself, but another gentleman of the same name. However, I want to make it clear, just as the hon. Member did, that I am a shareholder, and have been a shareholder, in the Shell Oil Company, and, therefore, have an interest. I agree that it is right and proper to declare it. But I can imagine few hon. Members, whether in some association, or as shareholders, who did not have an interest which conflicted the whole time. Many of my hon. Friends have raised the point of Ministers and their trade union associations. In my opinion, the hon. Member is doing a disservice by trying to bring this sort of atmosphere into a debate in which we are talking about the principle of retrospective legislation.

Mr. Hamilton: I withdraw what I have said. It is very coincidental. This material was supplied by the Library.

Mr. Deputy-Speaker: We can clear up this point at once. I know that the hon. Member will withdraw wholeheartedly.

Mr. Hamilton: Of course, Mr. Deputy-Speaker. But the hon. Member has admitted that he is a shareholder in the Burmah Oil Company. [HON. MEMBERS: "Shell."] The Shell Company is an interested party. [HON. MEMBERS: "No."] Of course it is. As I have pointed out, if the claim of the Burmah Oil Company succeeds the Shell Company will proceed with its claim.

Several Hon. Members *rose*——

Mr. Deputy-Speaker: Order. Hon. Members seem to be growing increasingly unable to listen to opinions with which they disagree. I thought that Parliament was a place for disagreement. Furthermore, two hon. Members cannot intervene at the same time.

Mr. Hamilton: I withdraw anything that I have said in respect of the hon. Member which is irregular.

Perhaps I may divert the fire to other hon. Members opposite who are Burmah Oil shareholders and who have consistently voted in the Lobby without having declared their interest in the House. When we compare that state of affairs with the treatment of council tenants in connection with council house rents, the double standard employed in respect of the two matters makes me want to be sick. If we allege that a councillor who is a council house tenant cannot engage in debates on council house rents because he may be accused of corruption, and yet, in the House of Lords and in this Chamber, we can allow people to speak and vote without necessarily declaring an interest, it is time that we looked at the whole problem again.

It is regarded as almost obscene by hon. Members opposite to ventilate these matters in the House. If anybody attempts to do so he is ridiculed and shouted down. I understand the point of view of hon. Members opposite when they are faced with the facts of the situation. We have all this talk about

retrospective legislation and the violation of sacred principles and the rule of law, but they know that many of them are talking a lot of humbug. What we are discussing is the exercise by a powerful public company of the advice that it derived in the Scottish courts to push a claim which nobody else either could or would push. And it has the backing of the other place. Many of the lawyers there are inspired by principles, but many voted there inspired not by principles, but because they had vested interests.

Mr. Deputy-Speaker: Order. I asked the hon. Member very early on to make all his comments, in respect of this place or the other place, political. It is not in order for him to suggest that members of another place voted for improper motives.

Hon. Members: Withdraw.

Mr. Hamilton: I withdraw nothing.

Mr. Deputy-Speaker: My duty is to act in the best interests of good relations between the two Houses. It is not in order for the hon. Member to impute motives.

Mr. Hamilton: I take it, Mr. Deputy-Speaker, that you are not asking me to withdraw anything that I have said up to now.

Mr. Deputy-Speaker: If the hon. Member recalls his last sentence and his last words, he will realise that he must withdraw them.

Mr. Hamilton: Of course, Mr. Deputy-Speaker, if you direct me so to do, then I do so, but I intend to put on the record, again without comment, the number of peers who voted "Content" and who are stockholders in Burmah Oil. I refer to them as Lords——

Sir J. Foster: On a point of order. The only point of the hon. Member in doing that is to make some improper criticism of another place.

Mr. Deputy-Speaker: I have listened to the arguments of the hon. Member for Fife, West (Mr. William Hamilton). He is arguing a general issue. Apart from the two occasions on which he imputed improper motives, which I asked him to withdraw, he has been in order. I will call him to order when he is out of order.

Mr. Hamilton: I am simply putting the facts on the record. If the hon. and learned Member for Northwich (Sir J. Foster) feels that there may be a guilty conscience somewhere, I cannot help that. [HON. MEMBERS: "Oh."] All that I am saying is that there is a list, which I have, of peers who are Burmah Oil shareholders and who voted "Content" in the House of Lords on 13th April. I leave it at that. They are: Lord Amory, Lord Atholl, Lord Baillieu, Lord Boothby, Lord Bridgeman, Lord Chelmer, Lord Cohen, Lord Coleraine, Lord Congleton—all familiar names to some of us—Lord Cornwallis, Lord Craigmyle, Lord Crathorne, Lord Croft, Lord Cullen of Ashbourne, Lord Daventry, Lord De La Warr, Lord Digby, Lord Ebbisham, Lord Falmouth, Lord Godber, Lord Grenfell, Lord Howe, Lord Ilford, Lord Killearn, Lord Limerick, Lord Meston, Lord Milne, Lord Morton of Henryton, Lord Reading, Lord Rowallan, Lord Selkirk, Lord Strathalmond, Lord Strathclyde, Lord Swinton, Lord Swaythling, Lord Teynham, Lord Verulam, Lord Wrenbury. The total was 38. Three voted "Not Content"—Lord Granville-West, Lord Jessel and Lord Peddie. All credit to them for voting in that lobby.

When right hon. and hon. Members ask me to speak on this matter about principles of the rule of law and retrospective legislation, I can speak on those subjects. I can speak in legal jargon. But I speak as an ordinary layman, I hope with some morals and some principles, and it makes me very angry when, under this kind of subterfuge, this kind of practice is indulged in. I do not believe that this argument is being conducted on that high plane. I believe that it is being used to deceive people into accepting something for other reasons. The basic reasons——

Mr. Deputy-Speaker: Order. The hon. Member was perfectly entitled to raise the broad issues which he has raised before the House. But he must not impute improper motive to Members either in another House or in this House.

Mr. Hamilton: The issue is a fairly simple one to my lay mind. A battle is

[MR. HAMILTON.]
going on for money out of the public purse by a company which suffered loss in Burma. Thousands of ordinary humble citizens also suffered loss. If this House accepts the claim of this company, because it is wealthy enough to pursue its claim through the courts, then I shall see to it in any way that I can that every one of my constituents who suffered in Burma by losing life or limb or bread-winners will make the same kind of claim on the Government, and I hope that the Government will accept those claims in the way in which they are being asked to accept this claim.

That is all that I am asking. This is the political issue which is involved. Retrospective legislation and the rule of law are, of course, important and I attach importance to them, but let us not lose sight of the basic issues.

5.45 p.m.

Sir Derek Walker-Smith (Hertfordshire, East): In view of the preoccupation of the hon. Member for Fife, West (Mr. William Hamilton) with interests, may I start by saying that I am not a shareholder in the Burmah Oil Company. I will also say, in an abundance of caution, that, like many other people, I am a shareholder in the Shell Company, though I understand that, in fact, it has now no interest in these matters.

Mr. William Hamilton: That is not true.

Sir D. Walker-Smith: I have made no examination of that, and it makes not the slightest difference to my attitude in this matter. My interest in it, like that of right hon. and hon. Members generally, is a constitutional interest.

Mr. Paget: The right hon. and learned Member says that he understands that Shell has no longer any interest in this matter. Is he aware of how many millions of Burmah's stock are owned by Shell and how many of its subsidiaries are interested directly?

Sir D. Walker-Smith: I have not made the close study of these matters which the hon. and learned Member for Northampton (Mr. Paget) has found the time to do. I have other calls upon my time which preoccupy me in preference to that. I envy the hon. and learned Member the leisure which he evidently has. I know nothing of the ramifications of the financies of the oil industry. Like a vast number of people, however, I have some shares in Shell Oil. My interest in the matter is a constitutional interest, like that of right hon. and hon. Gentlemen generally.

I am not so sure about the hon. Member for Fife, West; I am not sure what is his interest in these matters. He has a style of speaking which would make even good points sound eminently unattractive. I must, in all fairness, say that that is a pure surmise on my part. I have never heard the hon. Member have a good point as yet, though I have listened to him a great many times.

Mr. Archie Manuel (Central Ayrshire): Just try to answer the points.

Sir. D. Walker-Smith: The hon. Member need not worry about that. He has been here long enough to know that I shall address myself to the argument quite fairly. When I want any assistance I shall be only too ready to ask for it, but, again, I must in all candour say that the hon. Member for Central Ayrshire (Mr. Manuel) is not the hon. Member who would first spring to my mind as a source of assistance.

Mr. Deputy-Speaker: Order. I should be grateful if the right hon. and learned Gentleman would come to the Amendment.

Sir D. Walker-Smith: I am in your hands Mr. Deputy-Speaker. It is, I think, an ancient and well-accepted tradition of the House that an hon. Member who is fortunate enough to catch the eye of the occupant of the Chair not only may properly address himself, as a preliminary, to the observations which have been made by the hon. Member who has just resumed his seat but is under some duty to do so. During the 20 years in which I have had the honour to be a Member of the House, I have more than once heard an hon. Member criticised for failing to refer, first, by way of replication, to that which has fallen from the hon. Member who has immediately preceded him.

Mr. Deputy-Speaker: I am sorry that the right hon. and learned Member has misunderstood me. What he says is quite

correct. I was, however, referring to his extension of that practice to another hon. Member.

Sir D. Walker-Smith : I think that if there be any blame, some should be attached to the hon. Member for Central Ayrshire.

I intended to make some other observations about the speech of the hon. Member for West Fife, but he has been so excellently answered by my hon. Friend the Member for East Fife (Sir J. Gilmour), in the interjection which he made, that I think it would be an act of supererogation to do so. I would, finally, commend to the hon. Member the words of C. P. Scott:

"Comment is free, but fact is sacred."

If the hon. Gentleman must make this sort of speech, he ought to be very certain first, that he gets his facts right. Otherwise, we will think that his comment, so far from being free, is perverse and prejudicial.

We are here to consider—as you very properly reminded me, Mr. Deputy-Speaker—the Amendments from another place. I would venture to submit that when we have a Measure such as this, turning upon matters of constitutional and legal interest, it would be a very unwise House of Commons which would lightly reject the Amendments of the other place. This is not because of the Division lists in the other place—I am not concerned with those—but because of the quality of the argument which was adduced in the speeches in the other place and because of the high judicial and legal standing of the noble and learned Lords who there contributed to it.

These are the considerations which we should have in mind, because this issue turns on matters of great constitutional moment—the effect upon the rule of law of retrospective legislation. I do not think that this matter can be resolved as the Financial Secretary appeared to think, by the unearthing of precedents and seeking their application. In spite of his dredging, I do not consider that he has found a precedent which really covers this case. Even if he had, I should recommend the House not to follow it.

Precedent is a decisive factor or circumstance in the administration of the law by the judges in the courts. Their function is to interpret the law—[An HON. MEMBER: "And no more."]—and no more. Precedent is not and cannot be the sole criterion for Parliament, because Parliament's function is to make the law. Therefore, Parliament has to be concerned not so much with precedent as with principle. Where there are precedents which derogate from some great principle like the rule of law, they are not to be followed but to be disregarded——

Mr. Sydney Silverman (Nelson and Colne) *rose*——

Sir D. Walker-Smith : I will come to a semi-colon, if I may.

Such precedents are not sign-posts for the future—the hon. Gentleman may recognise that expression—but danger signals from the past. The more bad precedents which can be unearthed, the greater the responsibility of the House not to add to their number.

Mr. Sydney Silverman : Supposing that the right hon. and learned Member is right—I am not concerned to dissent—that their Lordships when dealing with the legal aspect of this matter in another place came to a correct decision as to what the law was. Suppose that he or Parliament generally came to the conclusion that although the company might be right in law, it had no merits in its application at all. Would he think that it was wrong for Parliament to give effect to the merits, even though the law did not do so?

Sir D. Walker-Smith : They would have the merit which is the relevant merit in this case. They would have a legal decision of the courts in their favour—[An HON. MEMBER: "That is not the point."] Yes it is, the whole point. That right should not be retrospectively taken away from them. The House must recognise the clear distinction in matters of this sort, a distinction between what Parliament has the power to do as a matter of vires and what it ought to do as a matter of constitutional propriety.

Mr. Arthur Woodburn (Clackmannan and East Stirlingshire): The right hon. and learned Gentleman was a member of the Government when the Chancellor of the Exchequer introduced a proposal for retrospective legislation in regard to

[MR. WOODBURN.]
dividend stripping, which took away money from people which had been, in accordance with the law, gathered from the country. He was also in the House, I think, on a previous occasion, when a large sum of money was taken away from people who had made a deal in whisky. I particularly remember Lord Saltoun being nearly brokenhearted at the possibility of losing a very large fortune because the money made in that deal was, by retrospective legislation, transferred into taxable income instead of being capital gains. The right hon. and learned Member was a member of the House when that was done. I do not remember him attacking the principle on that occasion.

Sir D. Walker-Smith: The matter of the whisky has not stayed in my mind quite so closely and tenderly as it obviously has in that of the right hon. Gentleman.

If these are good precedents, they are not in line with this case. If they are bad precedents, the observation which I made holds good: we should be very careful not to add to them. I would submit with confidence that retrospective legislation is the great enemy of the principle of the rule of law. Nothing undermines confidence in the operation of the law more quickly than the knowledge or the belief that if the State does not like the decision of the courts, it can retrospectively change it. This Bill is retrospective in that sense, naked and unashamed.

The Financial Secretary sought to show that no right was taken away. On that I think that it is sufficient if I remind the House of what was said by Lord Morton of Henryton in that context——

Mr. MacDermott *rose*——

Sir D. Walker-Smith: I was about to cite Lord Morton of Henryton. He must know me well enough to know that I mean no conceivable disrespect when I say that of two opinions, if they differ, I would prefer Lord Morton's to his.

Mr. MacDermot: If the right hon. and learned Gentleman, with his great wit, is seeking to draw a contrast between what Lord Morton says and what I say, all I ask is that he does not misrepresent what I say. I never contended that there was here no taking away of a right.

Sir D. Walker-Smith: I am glad that there was one bad point which the hon. and learned Gentleman refrained from making.

Lord Morton of Henryton said:

'. . . the Bill deprives a litigant who has succeeded against the Crown in this House of a right which he has established."—[OFFICIAL REPORT, *House of Lords,* 13th April, 1965, Vol. 265, c. 325.]

That is exactly the point made by my hon. and learned Friend the Member for Northwich (Sir J. Foster). Therefore, I think that it is clear that this is, on the face of it, retrospective legislation; which is agreed to be repugnant in principle, and should only be accepted if this Measure could be fitted into some admitted class of exceptions.

What is said? The hon. and learned Gentleman says that it brings the law into line with what it was previously thought to be. I believe that to be a very dangerous doctrine in general and I believe it to have no application in the facts of this case. It is dangerous in general because it is a very short step from that for a Government to be able to say, "We thought this was the law. It is true that the courts have found that we were wrong, but, as we are the majority party, we must represent the largest number of people and it must, therefore, be assumed that generally this view is held. That makes a case for retrospective legislation." That is a pernicious principle which is not far behind what has been said here today.

I say, also, that it has no application in the facts of this case. It is clear, I think, that whether there was a right to compensation in the circumstances of this case depended on which side this matter lay of a borderline which has existed through the centuries in legal thinking about compensation. It is the borderline between acts done by the enemy and acts done by the State through unavoidable necessity, for which compensation does not rank, and acts done by the State deliberately, freely and by precaution as Vattel put it, for which compensation does rank. Until this matter had been considered by the Judicial Committee of the House of Lords for 10 days it was impossible to say on which side of the borderline these acts lie.

6.0 p.m.

The hon. and learned Gentleman sought to draw some principle as to what matters could properly be the grounds for retrospective legislation. I do not believe that there is any comprehensive or precise definition. I venture to submit that it should be very narrowly drawn. It should include the correction of manifest error, rather like the slip rule of the Rules of the Supreme Court, and the indemnification of innocent functionaries together with such matters as the validation of marriage by bogus clergymen, to take the example, given by Lord Conesford in the House of Lords.

For this sort of thing, retrospective legislation is proper. I suggest that the principle is this. The State may retrace its steps with retrospective legislation to correct an error, but never to grasp an advantage. It may use retrospective legislation as an instrument of mercy to raise up the citizen, but never as a weapon to oppress, to strike him down.

I wish to conclude by respectfully reinforcing what Lord McNair, with his unique and unrivalled authority in this field, was so concerned about, regarding the international implications of this matter. We shall no doubt sustain commercial and practical detriment, as he so properly apprehended. Obviously, the spectacle of the Government using retrospective legislation to deprive citizens of their rights and to seize advantage for the State will excite the interest and stimulate the emulation of other countries which may be minded, as he pointed out, to expropriate British property or cancel British concessions.

That is a practical and material detriment, but it is not the only one. I am also concerned about the international implications of this in the defacing of Britain's image abroad——

Mr. William Hamilton: What about the Gambia?

Sir D. Walker-Smith: —and the lessening of the contribution which this country can make in the second half of the twentieth century by giving guidance and leadership in the ways and workings of parliamentary democracy and the rule of law. If we, who should be the guardians of the principle of the rule of law, are seen to violate it, who can be surprised if the same thing happens elsewhere? How can we seek to set an example if we do not follow it ourselves? In the words of the Scriptures:

> "For if they do this thing in a green tree, what shall be done in the dry?"

If the trumpets sound with such an uncertain tone on the rule of law in this country, the ancient citadel of liberty and the law, who can be surprised if its call be muted in countries as yet groping their way? I believe that the provisions in the Bill, if unamended, will do great damage to the operation of the rule of law in this country, and will greatly diminish the strength of Britain's constitutional example abroad. These would be grave and unwelcome consequences and I hope that the House will avert them by accepting the Amendments.

Mr. Christopher Norwood (Norwich, South): I rise not to speak as a lawyer, not to match the first part of the words of the right hon. and learned Member for Hertfordshire, East (Sir D. Walker-Smith)—which I doubt that I could do, though I think that when it comes to his argument a case may be made against it. The right hon. and learned Gentleman spoke first of the argument of authority, the argument that this House ought not to fail to accept these Amendments because they have been accepted by wise and loyal men. How strong has the rule of authority been over the centuries? How many barbarities were perpetuated because other men were wiser? How many theories were accepted in the first place, and later refuted, because authority said that they were correct?

It is fair to say that if one has a good argument one does not use the argument of authority because one does not have to use it. What this argument in essential, appears to me—a new Member—to amount to is this. If this House cannot make up its mind, it ought to be left to another place to do so for this House. Is not that an absolute travesty of the reason why we are here? I do not dispute the integrity or the learning of those who sit in another place. I do not accept the argument of the right hon. and learned Member for Wirral (Mr. Selwyn Lloyd) that their I.Q. is necessarily higher. I do not know. I have not examined it. I do not greatly care. The

[MR. NORWOOD.]
question is, on this particular issue, are they right or wrong?

I cannot match the sophistries of some of the legal interruptions which we heard when my hon. and learned Friend the Financial Secretary was speaking. Sometimes they were sufficiently uninvolved for me to be able to follow. On other occasions I could not follow them at all. Sometimes they were so involved that I think the hon. Members concerned lost themselves. This is not essentially a legal argument. It will not be seen in the country as a legal argument. It does not seem to me to be a legal argument. I do not mind whether the company has managed to achieve this situation because it happened to be registered in Edinburgh at the turn of the century.

I do not accept the comment of the right hon. and learned Member for Hertfordshire, East when he said—I have great sympathy with this—that retrospective legislation should raise up the citizen and not strike him down. I take two points from that. The first is that the right hon. and learned Gentleman admits the pressure of the degree of the permissive nature of retrospective legislation, provided that he or someone else agrees with it. He admits that it is on occasions justified, and then he tells us that it should raise up the citizen and not strike him down. That is a fine principle, but we are not talking about the ordinary citizen, are we?

The point made by my hon. Friend the Member for Fife, West (Mr. William Hamilton) is abundantly true. This does not concern an ordinary citizen. This is not an innocent voter coming to the slaughter in front of the House. This is a mighty and powerful corporation seeking, on figures which are not in question, a loan on its own account of £67 million. I do not necessarily say that if the matter was £1 million or £67 million it would make all that difference to me, but I do say that we cannot pretend that an ordinary citizen could come to this House, with the degree of advertisement which we have already seen and the degree of pressure which we have all felt, and ask for £67 million. By heaven, if I could promise that to my voters I should be here long enough to be regarded as the oldest Member. That is true, is it not? We could all do it.

The argument, putting the lawyers' argument aside, putting the barristers' sophistries into simple terms, is that the company would have no claim if it destroyed the installations on its own initiative. It has a claim because it was instructed so to do by the Government. In other words, it would have no claim if it had been loyal enough to destroy the oil rather than leave it in the hands of the Japanese. It is only because the Government of this land said, " You must destroy the oil rather than let it stay in the hands of the Japanese ", that this company has a claim. So it has a claim only because it was prepared to be disloyal.

Mr. William Yates: I think that the hon. Member for Norwich, South (Mr. Norwood) must be very careful. I should have thought that the Burmah Oil Co. was under instruction from the Burma Government to produce oil for the use of the Army and civilians for as long as possible. I am surprised that the hon. Gentleman should charge the company with disloyalty.

Mr. Norwood: As to any argument about the company having been instructed to destroy those installations, I understood that those instructions were not given by the Burma Government but by the British Government. Indeed, that was the reason why, I imagine, the action failed in the courts of Burma. I am arguing about this as a layman and not as a barrister.

Contrast the situation of this company —which, let us remember, is making this claim only because it destroyed those installations on instructions—with the point of view of a Service man. My hon. Friend the Member for Fife, West made this point and, while he was doing so, the benches opposite occasionally erupted into laughter. I do not know why.

I know a man, a hard man I admit, who was a boy in the Royal Navy. After the sinking of his ship he was captured and sent to work in the pits of Japan. Somehow he lived. As I say, he was a hard and strong man ; in some ways, a man to be respected perhaps more than liked. Nevertheless, he survived from 1941 to 1945 working as a collier in the pits of Japan. When I met him some time ago he told me that

he had received a total of £36 in compensation. He may have received more since then. I do not know. Contrast that case, which can be only one of many, and the cases of people who came back mentally disturbed, who had been brutally treated and who had been given not a fraction of the consideration—or, dare I say it, a fraction of the time—of this House or of another place with the huge organisation of the Burmah Oil Company.

It is no good telling ordinary people that we sit here in Parliament to adjudicate on the principle of retrospective legislation, particularly if we have an able and brilliant speaker opposite who says that he will admit it in certain circumstances but not in this. Can it be argued that the volunteer should be paid a higher degree of war pension than the conscript or that the conscript, because he was forced to serve, should receive his war pension but that the volunteer should receive none? That is what the right hon. and learned Member for Hertfordshire, East is arguing *vis à vis* this company.

Conflict between principle and expediency? I do not know. Ordinary lay people like myself—who are more lay than the rest of this House since, being a new arrival, I have not become used to the more gentle ways of speaking or some of the conventions of the House —can listen to the debate. I am disturbed because I see tremendous talent, effort and wit being used to a purpose which, frankly, I cannot call even worthy. It disappoints me because if one wants to spend £80 million on people who were injured in Burma and in the Japanese camps one might have a case, but to want to spend it on a company which is already the largest individual shareholder in B.P., apart from the Government—a company which, unless it had enormous assets, could never have undertaken this campaign—then, while not going as far as my hon. Friend the Member for Fife, West—because I am less able to judge men's motives—I can only say that I have been disappointed at what I have heard today.

I heard, for example, the intervention of the right hon. Member for Carlton (Sir K. Pickthorn) who, when addressing the Financial Secretary, said that even if one cannot be fair to all one should be fair to some. If we give this company what it wants, does it matter if we have not helped others, too? That was the burden of his intervention. The answer is that it does. It matters terribly. It matters more than anything when people who are willing to speak in defence of an organisation which is capable of looking after itself are not necessarily willing to speak in the defence of ordinary people who were maimed and who suffered in the war.

I ask the forgiveness of the House for speaking with more intensity than befits a newcomer to this place. I assure hon. Members that I have not said more than I feel. Having listened to all the sophistry of the arguments about retrospective legislation and the rule of law, I cannot believe and I do not accept that the standing of the present Government will be reduced if they show that they have the courage and stature to stand up against such a powerful business corporation.

I take the point of the right hon. and learned Member for Hertfordshire, East about the strength of the Government being used against an individual and I agree that if that were to happen the Government would lose standing. However, we are considering a well-contrived, well-built and well-inspired campaign which would take out of the hands of the people of this country £60 million to £80 million and give it to the shareholders of a limited company when if we needed to spend that money on those who were hurt in the war we would be willing to do so without requiring an order from Her Majesty's Government to do so.

6.15 p.m.

Mr. Jeremy Thorpe (Devon, North): The hon. Gentleman the Member for Norwich, South (Mr. Norwood) spoke with great feeling and sincerity and I come straight away to the main point he made.

On Tuesday mornings I used to go to a a settlement in the East End of London, known as Cambridge House. There a team of barristers and sometimes solicitors would give free legal advice to any member of the public who asked for assistance. I remember the first case

[MR. THORPE.]
I had. It was an old lady who was, perhaps, rather older than she should have been to undertake the sort of work she was doing. Indeed, there was some question whether she had given her age incorrectly in order to get employment. She had lost three fingers in a machine. I took down the facts and it was clear that there had been negligence on the part of her employers. It was right to say that she would have a good action.

The first thing she said, when I made the facts clear to her, was, "Yes, but I was employed by a Ministry, a Government Department. Does that make any difference? Surely it will be very difficult for me to have a successful case?" I said "No, it makes absolutely no difference at all". I did not explain to her that since the passing of the Crown Proceedings Act, 1947, the Crown, when sued, is in exactly the same position as the ordinary citizen.

Mr. William Hamling (Woolwich, West): It was introduced by a Labour Government.

Mr. Thorpe: I agree that a Labour Government introduced that Measure, as I have admitted in the past. I pay tribute to the party opposite for having introduced it. [*Interruption.*] I am not here to answer for the Tory Party, but to discuss the Amendments to the Bill.

Mr. Hamling: The hon. Gentleman is on their side.

Mr. Thorpe: That happens to be a geographical accident. During the last six years I have had more experience of opposition than hon. Members on either side of the House. I am standing here at the moment and who happens to be around me is no concern of mine.

I return to the remarks I made to that old woman. They represented a great guarantee which had been given to her by the rule of law; that she would be able to sue her employers whether they were a powerful Government Department, a State corporation, or an individual employer. The second thing she said to me was, "I am a very poor woman. How can I afford it?" I was able to tell her that she could afford to bring an action if she could show that she had a good case and that she would get legal aid, again introduced by a Labour Government in the Legal Aid Advice Act. That, again, is part of the rule of law.

The old lady might have asked, "Suppose I get legal aid, and suppose I get judgment in the courts for many hundreds of pounds against that Government Department, can they take it away from me? Can they deny me the fruits of that litigation?" One would then, of course, have said, "No. The courts cannot be interfered with. They are totally independent of the legislature. It may well be that laws will be changed, that judgments may produce the necessity for altered legislation in the future, but, under the rule of law, you will be given financial assistance to fight your case. It is irrelevant who the defendants may be. It is also certain that if you recover, nobody can do anything about it. They may take you to appeal, but no one can take the matter out of the grip of the courts."

Therefore, when hon. and right hon. Members are getting somewhat anxious about those who served in the war, those who paid a very great price to serve their country, let us just remember that for those people as well as for any others, it is vital that the rule of law shall be protected. It is vital that the rule of law shall be there for them.

To me, believing, as I do, in the rule of law, one of the great causes for doubt after the war was when it was found by a majority decision of the House of Lords that William Joyce, "Lord Haw-Haw", was found guilty of high treason, and was hanged. He had no merits, but it is very arguable whether he was rightly convicted. As one who is anxious to defend the total impartiality of the criminal law and the civil law, I had very grave doubts whether that decision was right in law.

The point is that if one believes in the rule of law one is anxious to see its purity maintained. Whether it be an accused person against whom one might have very violent feelings—as in the case of William Joyce—or whether it be a great public corporation for whom hon. and right hon. Gentlemen may not have tremendous sympathy, or whether it be an individual humble subject, the principle remains the same. And surely the principle is put to the test when emotion

is not there to back it up; when it is the principle that has to be looked at, and looked at alone.

I therefore ask right hon. and hon. Members, when taking the point about those who suffered during the war, that they should remember that the maintenance of the rule of law—whether it be for a public corporation, or whether it be for a British subject who broadcast for the Nazis during the war—depends on the utter independence of that judiciary and that judicial system, whatever the merits or de-merits of the individual concerned may be.

Mr. Ivor Richard (Barons Court): I thank the hon. Member for giving way, because I intervene to make a serious point. As I understand him, he is using the case of Joyce to illustrate the fact that Parliament should not legislate in such a way as to reverse the decision of a court of law retrospectively.

First, would he agree that the legislation that would have been required in the Joyce case would have been to acquit a person of a criminal offence of which he had been convicted? Secondly, would he not agree that there is a great difference between retrospective legislation in relation to a civil action that is going through the courts, and legislating so as to make something that has not been a criminal offence punishable in the criminal court?

Mr. Thorpe: I certainly agree that retrospectively to create a criminal offence is to take a far greater step than retrospectively to take away the winning of a civil action. But I say that if one believes in the rule of law, one is just as concerned when a bad, wicked, man is convicted, if one thinks that he was wrongly convicted, as one is concerned if a corporation, with whom people may not have great sympathy, is deprived of a civil action that it has won in the court, because both attack the principle of the rule of law——

Mr. Raphael Tuck (Watford): It has not won.

Mr. Thorpe: The hon. Gentleman says that the company has not won, but it has so far succeeded on one point of law before the Judicial Committee of the House of Lords. I say that the Bill is extending the precedent of interference by the legislature with the judicial process.

I concede straight away that there may be cases where retrospective legislation can be justified——

Mr. William Hamilton: This is one.

Mr. Thorpe: I shall seek to show why I think that this case is not one. If I can say this about the hon. Member for Fife, West (Mr. William Hamilton), I was surprised by the moderation of his speech. I was sympathetic with the somewhat difficult position in which the right hon. and learned Member for Wirral (Mr. Selwyn Lloyd) found himself, but knowing that he is to vote in favour of accepting the Lords Amendments, I for my part —having had the doubtful virtue of consistency throughout the case—applaud the fact that we have, so to speak, made an "honest woman" of him at last.

It is true that the official Opposition is in a very difficult position, and that members of the Opposition Front Bench intend to vote in favour of accepting Amendments which their ex-Ministerial colleagues in another place voted to reject. At the same time, in one respect, the hon. and learned Financial Secretary was a little unfair about the Opposition's support for the Lords Amendments. The Opposition did, after all, provide him with the support and encouragement of the noble Viscount, Lord Dilhorne, and I am sure that the hon. and learned Gentleman is appreciative of that fact.

I think that retrospective legislation—and the right hon. and learned Gentleman the Member for Hertfordshire, East (Sir D. Walker-Smith) put it, if I may say so, in a far more lucid and succinct way than I can—is justified in the case where the parties to a transaction have done something in good faith, usually in the public interest, at a time of national emergency, and have discovered that it has a totally unexpected legal consequence. They should be protected from the consequences of those acts, perhaps from vexatious litigants who are anxious to take some purely technical point, and who would, therefore, find themselves at an unexpected disadvantage.

I ask, rhetorically, whether or not that test applies to this case. I believe that the first great criticism of the Bill is that

[MR. THORPE.]

it has the power to non-suit pending litigants. As Lord Jowitt said in another place on 4th March, 1947, the Crown Proceedings Act was intended, in regard to actions against the Crown, to place the Crown in the same situation as the ordinary litigant. Whether or not this Bill is justified, it unquestionably has the effect of non-suiting a litigant; that is to say, in the middle of a case one can no longer continue with it. If that principle had been applied equally to the old lady who had lost her fingers in the machine, I should have thought that every hon. and right hon. Member opposite would have said that it was wrong; that she was in the middle of her case, which should be allowed to run its natural course.

6.30 p.m.

Where I differ from hon. Members opposite is that I am not concerned with whether it is an old lady working in a machine shop, or with whether it is a great corporation. The principle remains the same. I am more convinced of the rightness of the principle because it applies, in my view, even where there is no emotional argument in support of the corporation's case.

The second thing which I think it is important to realise is that the Bill seeks to tell the courts what they are to do in respect of pending cases. They are to set those cases aside. I should have thought that it was a very grave interference with the rule of law that the courts are to be instructed by Parliament as to what they are to do in any particular case.

The Financial Secretary mentioned precedents. With respect to him, they are not all applicable to this case. I think that the Indemnity Act, 1920, comes as near to it as any. I still think that there is an argument on Section 2(1,*b*), but I will not go into that now. If the Bill is passed, I can imagine that it is more likely and not less likely that in four or five years' time another Bill will be introduced of a retrospective kind and another Minister will say, "There is nothing unusual about this. As recently as 1965 we introduced a Bill which had retrospective effect". Therefore, I do not think that merely, to use the term without disrespect, building up the dungheap as high as one can get it is any justification for fouling the legal nest.

I do not think that many of the precedents are relevant. They do not all convince one that a case has been made out. Then there is the third case which Lord McNair made out. I am delighted that the right hon. and learned Member for Wirral has not only adopted the Liberal line, but most of Lord McNair's speech as well, so mine will not be quite as long as it might otherwise have been. It is true to say that this will have an effect in indicating the sort of treatment which our courts are, through the action of the legislature, forced to mete out to this and other similar companies.

One of the great complaints about Governments in newly emergent countries is, not only that in many cases people are denied their individual political rights and their power of criticism of the Government—we know many countries where this is so; they are not all the new democracies; they are some of the old ones as well—but, also, that the property of the individual is very often liable to confiscation.

I know that "property" can stir up many powerful emotions in the breasts of right hon. and hon. Members opposite. I must declare my interest at this late stage. I speak as a capitalist. The total shareholding which I possess in the world amounts to two shares in the North Devon Liberal Club, which produce me about 6s. a year in dividends, although they have somewhat appreciated in recent years. The Bill deals with a matter in which this country has jealously preserved constitutional rights.

The Bill will certainly make it more difficult, as opposed to making it more possible, for anyone accredited to a British company with money and investments abroad which are subject to an act of confiscation, and when the company is possibly denied the right of access to the courts, to deplore the action of the Government of that foreign country if that Government can say, "What about your War Damage Act?"

I know that the measure of damages again stirs up tremendous emotions. Figures such as £80 million and £120 million have been bandied about. I do not think that the Financial Secretary is pressing the compensation point now. I think that the rehabilitation payment was accepted as rehabilitation, albeit to be

credited against any sum that might subsequently be recovered. I have two questions on this aspect. First, did the Government or their predecessors take an opinion as to what the measure of damages was likely to be? Did they go into this point? It is a point on which a lawyer would, presumably, be able to advise. It would be interesting to know what view the Government took of it. Secondly, when the rehabilitation payment was made did the Government take a receipt for it and, if so, in what form? Would I be right in saying that it was not regarded as being in discharge of all outstanding liabilities? It would be interesting to know the answer to this question.

There is one person to whom I should like to refer, since we are so apt to get on to purely emotional arguments. We are not dealing only with a large corporation. We are dealing, for example. with an individual—Mr. Alexander Dewar—whose workshops were destroyed and thrown into the Irawaddy at Syriam, during the war. He was not able to claim. He did not come in under the rehabilitation payment. Therefore, we are not dealing solely with great powerful corporations. We are dealing with at least one individual and, for aught I know, there may be more. [An HON. MEMBER: "Did he issue a writ?"] I cannot say whether Mr. Dewar has issued a writ. It could well be that he would be out of time.

If we believe in certain basic principles, one of which is that the rule of law is one of the greatest constitutional bulwarks which the individual possesses in this country—the right to be able to go to court, financially assisted, if necessary, capable of suing any Government Department and any State corporation—we must be concerned about the effect that the Bill, which we are asked to pass unamended, will have on the rule of law, which is far more important in the long run to the great mass of people than it is to a powerful corporation, which can put its assets abroad and which can get out of the jurisdiction.

We are not doling out to a great corporation. We are doing something much more important. We are protecting the rule of law so that it can continue for the protection of the people of this country.

Mr. Richard: I am sure that the hon. Member for Devon, North (Mr. Thorpe) will forgive me if I do not follow in detail all the points he made. However, I want to take up one or two. The first is that which I hinted at when I interrupted him. The Joyce case is no fair analogy with the legislation being put before the House by the Government, for one very simple reason. The Joyce case was a criminal matter. This is not a criminal matter. It is a civil action pending. Indeed, we are often told that the action has not been completed; it is still pending before the courts.

I can think of no circumstances in which it would be justifiable, save in the gravest of national emergencies, for the House to pass an Act making something a criminal offence which at the time when it was performed was not a criminal offence. That type of retrospective legislation can be justifiable only in the most exceptional circumstances. Perhaps I am being over-cautious in going only that far. It is probably right to say that it can never be justified.

Mr. Thorpe: With respect, the hon. Gentleman has not quite grasped the point I made. It is probably my fault for having been so obtuse. My point was this, and I think that the hon. Gentleman will agree with me about it. If one believes in the rule of law, if one believes in the impartiality of the courts, if one believes in the availability of the courts to the ordinary citizen, one would mind if a criminal, even a man who was making treasonable broadcasts throughout the war from Germany, was wrongly convicted; not because one had any sympathy for him, but because the rule of law is of such importance that its impartiality must be maintained, even though it lets off somebody whom we all know to be a criminal, although it may not be possible to prove that under the law.

Mr. Richard: I entirely accept that as a principle, but, as I understand the hon. Member, the only relevance in introducing the Joyce case into this debate would be that somehow or other what the Government are trying to do in this Bill eats into the sort of rule of law which the hon. Member thinks was not made available in the case of William Joyce. I go thus far that the rule of law is something which ought to be maintained. It is

[MR. RICHARD.]

something, however, which is not sacrosanct. Indeed, the hon. Member in his speech and the right hon. and learned Member for Hertfordshire, East (Sir D. Walker-Smith), although they are not in the same party, agreed that there were exceptions in principle. There are exceptions to this principle.

The hon. Member proposed his exceptions in a certain way. I would put the matter somewhat differently. It seems that retrospective legislation is justified, but all hon. Members agree that there must be a residual duty of the House of Commons and Parliament generally to retrospect in the public interest where that is the only way—I emphasise this—in which justice can be done as between the Government and the citizen and as between classes of citizens themselves. It may well be that if an action proceeds through the courts it will produce a certain legal result. This happens day in and day out. Judgments are asked for and are given, but there must be a residual duty in this House of Commons. Otherwise, to a large extent, we are here for naught. There must be a duty, if necessary in the public interest and in order to achieve justice as between Government and citizen and between citizens themselves, to look at the results of litigation and if necessary to overturn them.

I accept that this is an exceptional thing to have to do, but it is a duty we have, something we are obliged to do by the very nature of this place and the duties which we perform in it. The courts of law are not the only guardians of human rights and of human liberty in this country. This Chamber is a guardian of the rights of the individual. This Chamber, the House of Commons and Parliament, is where the rights of the British citizen have been established over the centuries, not—with the greatest respect to all the judges—the courts of law.

Time and again it may be that Parliament and the courts have come into conflict. On each and every occasion it has been this House and Parliament which have emerged supreme. The question we have to ask is, accepting the test as I put it forward as to whether or not this legislation is justified in the public interest to secure justice between the State and citizens and between citizens themselves, is this particular piece of legislation justified? Are we justified in rejecting the Lords Amendments? I think we are.

Let us not burke this issue. The distinction which is at the basis of the claim is that a distinction exists between denial damage and war damage. I refer to what Lord Kilbrandon said. It is quoted in the House of Lords OFFICIAL REPORT of the Second Reading in another place on 25th March, 1965. In the course of his speech Lord Conesford quoted Lord Kilbrandon as saying:

> "There is, accordingly, a certain artificiality in holding, as I have done, that the incidents averred in the pleadings give rise to a claim for compensation, whereas if substantially similar incidents had taken place a day later, they would not. It is not a sufficient answer to say that what I am considering is a question purely of law. When law and common sense find themselves taking different roads, it is time for law to suspect that she has missed the way."—[OFFICIAL REPORT, *House of Lords*, 25th March, 1965; Vol. 264, c. 786.]

I could not put it better than that. It seems that in the House of Lords decision, coming to the conclusion that this artificial distinction exists between denial damage and war damage, the law has diverted from common sense. We should not only suspect that the law has missed the way but that this House should put it right.

Mr. Thorpe: For the future.

Mr. Richard: Very well, for the future. We are therefore all agreed, I understand, that the law has missed the way and should be turned back to the right and proper road so far as this distinction exists. The question concerniug hon. Members opposite, and which indeed has concerned hon. and right hon. Members on this side of the House, is whether we are entitled to overturn a decision of the highest court in the land.

6.45 p.m.

I make two points on that. On the first I have an unlikely ally for an hon. Member speaking from this side of the House—the former Lord Chancellor. It would not be expected that he would be quoted from this side. In the same debate, as reported at column 757, the noble Lord put a point which I agree

with and which I invite hon. Members to note. He said:

"If, in 1962, the then Government, instead of sending the warning letter, had introduced a Bill, would there have been any objection to that Bill? I doubt it very much. I am confirmed in this view by the fact that one of the chief critics, if not the chief critic, of this measure has said that in 1962 he would have been in favour of a Bill barring the Burmah Oil claim and the claim of the other claimants. Does not the question which has to be considered in relation to the retrospective part of the Bill come to this: has anything happened since 1962 which makes it wrong to do now what it would have been right to do then?"—[OFFICIAL REPORT, *House of Lords,* 25th March, 1965; Vol. 264, c. 757.]

I pray that part of the noble Lord's speech—an unlikely ally—in aid on this point. It is a point which ought to be considered by hon. Members opposite. If in 1962 the then Government had chosen to introduce a Bill of this sort, would it not have received almost universal assent in this House? Would not people have said, "Quite right. It would be wrong for this nation to treat denial damage and war damage in different categories. It would be wrong to treat this great and powerful corporation in a different way from the way in which this nation has treated people who have been injured or families who have lost the breadwinner." Would not that have been the attitude? I suggest that not only would it have been the attitude of this House but it would have been the right attitude for this House to take in 1962.

If it was right in 1962, the question which has to be faced is simply, does the fact that there is now a decision of the House of Lords completely overturn the principle that would have been right to have been enacted in 1962? Does it or does it not? This is the simple question which has to be faced by every hon. Member in this House. In my judgment it does not. The mere fact that a court of law, albeit the highest in the land, has issued a declaratory judgment declaring that certain rights in law exist does not seem to remove from this House of Commons the residual duty to decide—even if those rights exist—whether it is just as between various classes of citizens who might have been affected.

Going back, not to 1962 but to the position in 1947 after the war had finished, had the then Government chosen to introduce a Bill along the lines of the Act of indemnity passed after the First World War, does any hon. Member seriously think that it would not have been passed? Does anyone contend that if it were thought that the Burmah Oil Company was placed in a unique position this House would not have said, "Let us ignore that distinction; we shall keep on exactly the same basis as every class of person injured in the war."? If it would have been right in 1947 and 1962 to have done this and if we in the House of Commons would have been fulfilling the residual duty of this House, what has happened between those two dates and today so to alter the position and make that which would have been right then wrong now?

Mr. Thorpe: The hon. Gentleman asks what would have been the reaction if such a Bill had been introduced in 1947 or 1962, before this letter was sent. Suppose such a Bill was introduced, which meant that for the future there would be no claims for denial damage and the hon. Gentleman said, "Is this going to affect any particular company?". Suppose he found that it was going to affect the Burmah Oil Company. Would he not say, "The Sarawak and the Brunei cases were covered by special agreement, by contract. Companies in this country were covered by Statute. Some might even have been able to recover by common law."? Would he not have said that some compensation provision should be made for this company whose accrued rights were being affected?

Mr. Richard: That is precisely what happened. This is what hon. Gentlemen opposite do not seem to be able to appreciate. The various companies injured as a result of hostilities went along to the then Government and the result of their negotiations was that they were paid £4¾ million. The distinction that is sought to be drawn between money paid as rehabilitation and money paid as compensation is a distinction I frankly do not understand. I fail to see how it could be said that the £4¾ million paid to the Burmah Oil Company in the 1940s cannot be said to be compensation within the general sense of

[MR. RICHARD.]
the term. If it was not compensation, what was it?

Sir K. Pickthorn: There is another distinction surely. Whether you call it compensation or *ex-gratia* payment or whatever, this was an amount decided wholly, entirely and exclusively by the person or authority going to make the payment.

Mr. Richard: This is the inevitable concomitant in a state of affairs when a country has emerged from a war and when a lot of people have been injured by it. It is known full well that all their claims cannot be met in full. It is impossible to compensate everyone injured as if they were entitled to bring a common law claim for damages in the courts. When a Government are placed in the position of saying, "We cannot meet all these claims in full, we must apportion them," it is an inevitable happening. I see nothing wrong, in those circumstances, in the Government saying to the Burmah Oil Company at that time, "Your share of the amount of money that we can afford for rehabilitation compensation for Burma companies who have suffered as a result of this law is £4¾ million." Hon. Gentlemen may say there is something sinister and very odd in this, but I do not see it.

Where one has a situation in which in 1947 and 1962 this Act was justified, can one then go on and take the next step, and say that, because there is a decision in the House of Lords on a preparatory point, that so changes the situation as to remove from this House that residual duty which we all say we are entitled to have? This is the point and for the life of me I do not see how hon. and right hon. Gentlemen opposite can say that the mere fact that a number of law Lords, respected as they are in the field of law, have come to a conclusion on a point of law wholly removes from this House the right to decide if that decision is just, if it is right and if it produces a fair and equitable result between Government and the citizens and between various classes of citizens.

A decision of the House of Lords does not remove that duty from this House and we should be abrogating the duty of the House and of Parliament as such if we were not to face this duty and examine this problem and if we were not then to go on and enact this legislation.

In the course of the Second Reading of the Bill the right hon. and learned Gentleman the Member for Wirral (Mr Selwyn Lloyd) said:

> "Having been a party to the decision to warn the company, I feel that I myself cannot honourably vote against the Second Reading." —[OFFICIAL REPORT, 3rd February, 1965; Vol. 785, c. 1106.]

His honour seems to have permitted him and his hon. Friends opposite to vote against the Third Reading and to take the action they have. It is disgraceful manoeuvring upon the part of the Front Bench opposite, and I trust it will be noted in the country.

Mr. Edward Gardner (Billericay): It is very surprising to hear the hon. Gentleman the Member for Barons Court (Mr. Richard) talking about disgraceful manoeuvring. Before I deal with the substantive point raised, I should like to declare a personal interest in this subject. It is the only personal interest that I have and it is perhaps right that the House should know of it. It is the interest which I am sure is shared, by everyone in this House, that as a result of the debate on these Amendments we shall reach a decision which will bring, as the Financial Secretary to the Treasury has said was his ambition, right dealing and fairness.

I hope that it will not seem irrelevant if I say that I have no shares in the Burmah Oil Company, or in any oil company. Looking at the way those shares have been behaving under the impact of the Government's policy, I am really rather glad.

The hon. Member for West Fife (Mr. William Hamilton) is under the impression that anyone who talks on this subject, or holds views on the subject of the Burmah Oil Company, or happens to have any shares in that company or its associates, is so critically prejudiced that he is not really listened to with any respect. If this is his view, or if I put it too severely, I apologise, but that is something like the sense of what he has been saying, I can only say that if he had any shares in the Burmah Oil Company I feel that no one in the House would begin to suspect that his views were in any way prejudiced.

It may well be the fact that some people who do not have any shares are affected by the absence of holding any shares and take a poor view of this and that it has prejudiced them. May I make it clear that the rich oil company which he feels so hostile to is, in fact, a company in which thousands of people holding very small interests—[*Interruption.*] Not the poor men again. These are little people, and their rights are important. When we are talking of the rule of law, it does not matter upon whom that rule operates, be it a company or a person. It is still the rule of law, and it is still something which I am sure the majority of the House respects.

7.0 p.m.

The Bill has two purposes. One is to alter the law in respect of compensation for war damage. It is the other purpose to which we on this side of the House are hostile, and it is to give retrospective effect to the provisions on compensation for war damage. The Lord Chief Justice, in another place, said that he objected to this, not merely because it was confiscatory, but because it was contrary to the rule of law. That was a view taken by Lord McNair. The Lord Chief Justice went on to say that, in its present form, the Bill would extinguish the right of a subject which had been confirmed by our highest judicial tribunal: the Bill would require the court to set aside proceedings on the application of a defendant who had lost.

Mr. Hamling: Was this the view of the hon. and learned Member on Second Reading, or his party?

Mr. Gardner: My view about the Bill has always been that the retrospective element is wholly dangerous, that it undermines a principle which we in the House should be the first to uphold and that it is a principle which can be avoided only in the most exceptional cases. I do not accept that there are special circumstances about this matter which justify abrogation of the rights decided by the House of Lords.

The hon. Member for Fife, West said —and I was very happy to hear him say it—that he had a great respect for Lord McNair. I am sure that that is something which we all share. As the hon. Member well knows, Lord McNair was wholly hostile to the retrospective element in the Bill. Indeed, all the Law Lords, whether they were of the opinion that there was a legal right in the company or not, expressed the view that the company had, and has, a moral right to compensation. Indeed, in Sarawak, Brunei and North Borneo the Government willingly gave to the companies which lost their assets by reason of denial damage the full cost of that damage. They awarded them the full cost of the denial operation, and they also awarded them the loss of profit.

Because we are trying to establish fairness and fair dealing and justice, may I give as another example the case of the Irawaddy Flotilla Company which, in 1942, agreed with the Ministry of Transport that if it allowed its coal and fleet in Burma to be destroyed in order to deny the use of those assets to the enemy it would be entitled to compensation; and that is what it got. The value of the assets amounted to £1,360,000. It recovered some of the fleet which was not damaged and it was given by the Government £1,076,000 in compensation. So far as I know, nobody raised a whisper in opposition.

Here is an opportunity of considering again the possibility of entering into negotiation with this oil company to settle this claim. If the Government can pay, as they have paid in the past, companies almost in full for the damage which they have suffered of precisely the same kind as the damage suffered by the Burmah Oil Co., what prevents them from considering this claim again and coming to an equitable solution?

Mr. MacDermot: If the hon. and learned Gentleman thinks that it is wrong to pass retrospective legislation, would he explain why he wants us to negotiate? If he wants this matter decided on what he declares to be a question of principle, why should we allow the actions to proceed?

Mr. Gardner: I will willingly deal with that point in a few moments.

It has been said by the hon. Members for Fife, West and Norwich, South (Mr. Norwood) that if the Government were to pay the Burmah Oil Co. compensation there would be unfairness which was quite outrageous because people who

[MR. GARDNER.]
had served in that area of war who deserve—and no doubt deserve in full; let there be no mistake about that—compensation from the Government, there would be in some way unequal treatment as between one and the other. I do not pretend to speak on behalf of people who were injured in the war and who suffered the agony of war in that area, but I think that I can draw the Houses's attention to what was said by someone in the debate in another place who can and did speak on behalf of these people, Field Marshal Lord Slim. He was against the Bill. He thought, I believe rightly, that we do not fight a war so as to allow a Government to obliterate and override private rights in the way that this Bill overrides the right of the Burmah Oil Co.

Mr. Norwood: I wonder whether the hon. and learned Gentleman would accept these figures? I believe that they have been quoted in the OFFICIAL REPORT. He might find it significant that 100,000 prisoners of war were paid compensation of £4·8 million.

Mr. Gardner: I do not doubt that figure for one moment. What I am suggesting is that this is a confusion of thought and an introduction of an emotional element which has no relevance to the question of whether we should allow a Bill, by its retrospective effect, to confiscate what the highest legal authority in the land has decided is the right of this company. I should not like it to be thought that I am in any way challenging the sincerity of what was said by hon. Members who took this point, but I submit with equal sincerity and gravity that it is an irrelevant point which should not be taken into consideration when we decide in a few moments how we should vote on the Amendment.

Mr. Richard Crawshaw (Liverpool, Toxteth): If I understood the hon. and learned Gentleman correctly, he stated that the Irawaddy Company said, "If we destroy our plant, will we get compensation?". Did Field Marshal Slim say in his speech how many of his men said, "If I do what my commanding officers want me to do, will I get compensation?".

Mr. Gardner: That is the sort of emotional argument which should have no part in a serious debate about whether a Bill of this kind should have retrospective effect.

Mr. Richard *rose*——

Mr. Gardner: We must get on with the debate.

Mr. Richard: All that I want to ask the hon. and learned Gentleman is simply this. Does not he think that, as a matter of elementary justice, there is something wrong in putting the war injured in one category and not giving them full common law compensation and putting the Burmah Oil Co. in a different category and giving it full common law compensation?

Mr. Gardner: The hon. Member mistakes the position. I am not arguing that those who were wounded in the war were given too little or too much. This is not the point. The fact is that they did get compensation. If it was inadequate there is an argument for increasing it, but it has nothing to do with this aspect of our debate. In fact, the Burmah Oil Co.—I know that this is disputed by many hon. Members opposite—can have no compensation, none at all. The £4¾ million that was supposed to have been paid as compensation was not paid as compensation at all. It was money paid for rehabilitation—something quite different. [*Laughter.*] Hon. Members opposite must be able to appreciate these distinctions. [*Interruption.*]

Mr. Speaker: Order. Hon. Members should remember that one of the privileges of being in this House is the opportunity to listen to arguments with which one does not agree. They cannot be listened to if there is din.

Mr. Gardner: I should like to say this about retrospective legislation, of which this provides a particularly obnoxious example. The Financial Secretary to the Treasury has given many examples of past legislation that has had a retrospective effect. Indeed, he has brought to the attention of the House the Indemnity Act, 1920. But does he not see and do not hon. Members opposite appreciate that that Act of 1920, although it had a retrospective effect, was not put into law with any particular target in view? It was passed in order that it would deal with all claims that were about to

come up or may have come up. The situation is quite different in this case. This Bill came into being because of a particular company and the claim made by that company, and in order to defeat that claim.

The criticism of the retrospective effect of the Bill has come from the most distinguished judges, law Lords and jurists in this country. It comes from both sides of the House. Indeed, during the Second Reading of the Bill the hon. Member for Manchester, Cheetham (Mr. Harold Lever) used these words, speaking from the opposite side of the House:

> "The simple question that we have to decide is what we are to do about a judgment lawfully obtained and binding according to the system of law which we all respect, and whether in the circumstances we can properly and reasonably and retrospectively abrogate that decision."—[OFICIAL REPORT, 3rd February, 1965; Vol. 705, c. 1165.]

The hon. Gentleman came to the conclusion that we would do wrong if we let the Bill remain with this retrospective poison still in its Clauses. If I may say so with respect to him, I think that he was absolutely right. We do not make good arguments out of a series of bad precedents. We cannot override a principle of this importance, even just once, without weakening and putting its ultimate survival in peril.

For those reasons, we on this side of the House support the Lords Amendments, all of them, and we ask the House to take a non-political decision, as the Lord Chancellor has invited us to do, by voting for these Amendments.

7.15 p.m.

The Attorney-General (Sir Elwyn Jones): I believe that the speech of the hon. and learned Member for Billericay (Mr. Gardner) is his first from the Opposition Front Bench. If that is right I congratulate him upon his maidenly, if somewhat overdue, appearance in that place—a long overdue appearance, if I may say so.

I take up with the hon. and learned Gentleman immediately the remarkable proposition that, so far as the Opposition are concerned, this is a non-party non-political issue. Of course, it was in another place, and, whatever views my hon. Friend the Member for Fife, West (Mr. William Hamilton) may have about another place, I think that he might be tempted to review them after today's performance in this House, because, of the Ministers in the late Administration who were party to the action which the present Government are now taking and feel that it is right to take in the public interest, eight of those Ministers in another place had the courage and consistency to vote for this Bill.

I am bound to express my dismay and, indeed, my distress at the total inconsistency and lack of principle displayed by the right hon. and learned Member for Wirral (Mr. Selwyn Lloyd) in speaking in this debate. I waited impatiently to hear whether there was any single reason which justified him taking a different position today from that which, as Chancellor of the Exchequer, he took when the famous letter was sent saying that the Government would refuse to make any payment to the Burmah Oil Company in respect of these claims.

It would seem to me that the only difference is that now the right hon. and learned Gentleman is sitting on the benches opposite whereas previously he was sitting on this side of the House. He has suggested that there are certain factors which have influenced his change of mind. He put first, apparently, the size of the claim. But the claim is not inconsiderable even now. Indeed, we are faced with a matter of £39 million in this debate or, if we add 5 per cent., £84 million. The sum is very considerable.

We are not concerned merely with the four subsidiaries of the Burmah Oil Company. There are eight other claimants. The Rangoon Electric Tramway and Supply Company claims nearly £$1\frac{1}{4}$ million. Consolidated Cotton and Oil Mills Ltd. claims just over £400,000; the India Burma Petroleum Company, £2,800,000; British Burma Petroleum Company, £4,115,000. Now come two interesting claims, in view of the disclaimers about any interest of the Shell Company in this matter. The Shell Company of India claims a modest sum, £7,767; the Shell Company of Hong Kong, £108,100; Steel Brothers, £152,000; and then, burning the candle at the bottom, is the Burma Candle Company with a claim of £82,000.

Mr. William Yates: Are any of these claims statute-barred now, or are they all running?

The Attorney-General: No, they are not statute-barred.

These are companies registered in Scotland, and the relevant summonses have been issued by these companies registered in Scotland. We are not dealing with chicken feed. We are dealing with vast sums of money. The position taken by the Opposition now is that it is right that these companies should be put in a special position of privilege and should enjoy a claim for compensation at common law which would give them a benefit shared by no other victim of damage during the war—all at the expense of the taxpayer who, in many cases, may have suffered grievously with no compensation at all as a result of sufferings during the war.

Then the right hon. and learned Gentleman claimed that some knowledge had come to him since he made his basic decision as Chancellor of the Exchequer. He must have been very actively involved in this because, as a custodian of the public purse, he had a big personal responsibility here.

The right hon. and learned Gentleman seems to make something of the point that the £4¾ million paid to the Burmah Oil Company was by way of mere rehabilitation. This argument has been churned over time and again in both this House and in another place. I am quite content to accept for this purpose the view expressed by the Lord Chief Justice in another place when he said that he was quite prepared to concede that something by way of compensation had been paid. That something was £4¾ million.

I shall say a little in a moment about how that amount compared to similar payments in respect of damage in the Far East. But that is the fact, that £4¾ million were paid to the company and that that sum was paid without strings. I understand that it was used to rebuild the company's installations and to put the company back in business in Burma, a perfectly proper enterprise to engage upon. But to say that there is no element of compensation in that is a sheer denial of the meaning of words.

Then there came the other explanation by the right hon. and learned Member for Wirral on his change of view—that he was impressed by the public indignation. There has been a most impressive lobby, but whether that reflects the views of my constituents in Canning Town and Custom House I gravely doubt. But the final factor which apparently has permitted the right hon. and learned Gentleman to stray from consistency and principle is the eloquence and quality of speeches in another place. He has adopted, perhaps in memory of his own old Liberal days, the speech of Lord McNair, for whom I have great respect because he was my tutor a long time ago.

Mr. William Yates: It must have been a very long time ago.

The Attorney-General: It was a very long time ago.

May I submit to the House that those who, if they did not have the benefit of hearing it, will read the speech of my noble Friend the Lord Chancellor will find in it devastating destruction of all the arguments that have had to be confronted during the course of this dispute. I therefore come back to my submission that the Ministers of the late Administration, who have a direct burden of responsibility for their own conduct in the past in this matter, are guilty of a grave betrayal of their responsibilities by their conduct, in this debate.

The Government's case on this matter has been put many times and I do not intend to repeat it in any detail. It rests, broadly, on three propositions. The first is that retrospective legislation in general is wrong and contrary to the rule of law. That we accept. The second is that there may be, however, exceptional circumstances which make it just and equitable to depart from that rule. The third is that this is one of those cases.

I do not want to traverse the first two of these propositions, because I think that they are broadly accepted by the House, but I should like to remind the hon. Member for Devon, North (Mr. Thorpe), whose delightful speech we all enjoyed, that perhaps the closest parallel, as he has admitted it to be, to this legislation now being taken through the House is the Indemnity Act, 1920, which, if my memory of history serves me right, was introduced by an Administration led by the late Lloyd George.

Mr. Thorpe: Another Welsh lawyer.

The Attorney-General: The right hon. and learned Member for Hertfordshire, East (Sir D. Walker-Smith), in his characteristic speech, spoke about retrospective legislation and condemned it as not raising up the oppressed citizen. He condemned it for its character of oppressiveness. The most dramatic illustrations of retrospective legislation in recent years were perhaps the 1954 Wireless Telegraphy (Validation of Charges) Act and the Charitable Trusts (Validation) Act. Both these Measures did not raise the oppressed citizens up—they knocked them on the head; and they were introduced by an Administration of which the right hon. and learned Member was then an enthusiastic supporter and which I think he joined shortly afterwards. There is, therefore, abundant precedent and authority for the proposition that from time to time the Government of the day find it necessary in the public interest to introduce retrospective legislation damaging to private rights in circumstances which render it fair and equitable to do so.

I now come to the really critical argument in the debate, namely, whether this is such an exceptional case. It is essential to place the background of these 12 claims in its proper context. The background is a destructive war which inflicted massive damage on our community. Millions of our people suffered loss or injury. Many no doubt thought that the compensation which they received was inadequate. Many, indeed, suffered losses for which no compensation was paid or could be paid. There is nothing wrong in this being emotional. These are simple facts.

For those losses for which compensation in money could be paid, the principles were announced by the coalition Government in 1943. They were unequivocal and unchallenged and they were embodied in legislation which was enforced throughout the Commonwealth. During the years after the war, claims for compensation on this basis were assessed and public funds were made available for distribution on the principles which the Coalition Government had announced. The effect of what the opponents of the Bill propose would be, or could be—for, as it has been said, litigation has not yet reached a point of decision on a number of important issues in the case—that a few companies which have been ingenious enough to find a loophole in this legislation by asserting a principle never previously applied in a British court of law should get more than their fair share of the compensation that is made available.

I used the words "fair share" in this context. The position about what has been done with regard to the companies is that in 1948 Her Majesty's Government made available *ex gratia* the sum of £10 million to be distributed among those who had suffered loss in Burma, and of that £10 million the sum of £4¾ million went to the Burmah Oil Company subsidiaries. That was the payment then made, and the fault which has been made by Lord MacNair and others—I say this with very great respect—is that they have looked at the retrospective aspects of the Bill in isolation and outside its context in a history of an attempt fairly to assess a basis of compensation and fairly to distribute such sums as were available.

The £4¾ million paid to these companies were not, of course, full compensation for the loss they suffered, but, in the circumstances prevailing in 1948 and in the light of the extent of the war damage which the country and its taxpayers had to meet, can it really be said that it was inadequate?

In my submission, it is only in the context of the whole chain of events from 1942 to 1965 that the Bill falls into its proper perspective as part of the regulating of compensation, of which the rehabilitation payments after the war were another part, for denial damage in Burma in 1942.

Mr. Thorpe: Am I not right in thinking that this is the first time in the whole of this case when it is being suggested that the rehabilitation payment constituted a full and final discharge of any obligation which might be laid? If I am wrong in that, is it not a fact that Sir Stafford Cripps, after that payment, advised the company that it might well have an action against the Government of Burma and said that he did not think, as a matter of law, that there would be an action at common law in this country?

The Attorney-General: It was made perfectly clear that this was all the companies would get from the British Government. When that payment of £4¾ million

[THE ATTORNEY-GENERAL.]

was made, Sir Stafford Cripps, I think, used the vivid phrase to the companies, when they asked for more, "You can whistle for the rest". But it is perfectly right that, in order to assist the companies in their litigation against the Government of Burma on a claim under the Burma rules, the payment was made on the basis of rehabilitation. That explains the use of the phrase and the language, so that the claims of the companies should not be prejudiced.

That is the explanation of the term "rehabilitation"; but, so far as the British Government were concerned, it has been made clear at all times that this was a final payment from British taxpayers' resources. That has been said to the companies time and again, by four Conservative Governments and by two Labour Governments. Before they launched on this litigation, they were warned of the action which would be taken if they persisted in it. There has been no litigant more clearly forewarned of what was in store.

It has been said in this House and in another place that the Bill will have damaging effects internationally because of its harm to our reputation for observing the rule of law and for integrity in these matters. But the Bill can properly be considered as part of a whole series of arrangements which were made for regulating payment of compensation for denial damage arising during the last war, and, when it is looked at in that way, it is sheer nonsense to speak of this as a piece of expropriation without compensation. It is only by repeating that wholly false assessment of the matter that any damage can be done to the reputation of this country.

If I may say so, it is more fitting that the full reality of the matter should be borne in mind, and I hope that we shall hear no more of this alleged breach of international obligations or of international repercussions.

Mr. Gardner: Is the Attorney-General really saying that the views so strongly and clearly expressed by the Lord Chief Justice and by Lord McNair are wholly wrong?

The Attorney-General: On this matter, I say, with very great respect, that they are wrong because they have looked at the Bill in isolation, out of the context of its being part of arrangements to pay compensation for damage suffered during the war. Under those arrangements, these companies were given the very substantial sum of £4¾ million, consistent with the kind of sums which the British Government found it possible to pay in other territories in the Far East at this time. Here are some comparable figures. Claims for war damage in Malaya amounted to £160 million. The British Government contributed £20 million, about one-eighth of the amount claimed. In Borneo, the claims were £12½ million. We contributed £2¼ million, about one-sixth of the amount claimed. In Burma, there were claims of £165 million. The British Government recognised for consideration British claims totalling £67 million and they paid £10 million in respect of those, about one-seventh of the amount claimed. So that, in terms of proportion, it was the same in respect of Burma as in these other territories.

The point has been put to me that the payment made to the Irawaddy Flotilla Company was very different. Of course it was. The British Government had entered into contractual relations with that company in 1942 under which the company's vessels were retained in the danger area, and the company was given certain indemnities. The Irawaddy Flotilla Company had a very special claim and was given very special treatment because its fleet was requisitioned by the British Government in order to assist the British Army. So the circumstances are quite incomparable with the losses suffered by the oil companies in common with others in the face of the advancing Japanese. Indeed, most of these installations were destroyed the very day before the Japanese occupied them. This, too, is part of the reality of the story.

The problem facing a modern nation in trying to deal with war damage in total war is a grave and intractable one. It is a problem which the Government of this country had to meet in 1920, and they then introduced the Indemnity Bill. It is interesting to recall, especially for those who are lawyers, what people like Sir Ernest Pollock, the Solicitor-General of the day, Lord Birkenhead and Lord Sumner—great figures in the law and great upholders of the rule of law—felt

it necessary to say in a situation identical with the one which this Government now face.

My hon. and learned Friend the Financial Secretary cited the provisions of the 1920 Act. When the Bill was presented to the House, Sir Ernest Pollock, the Solicitor-General, said, in effect, "Here is the position. Take shipping. We simply could not afford in the war to give to shipowners whose ships had been requisitioned and sunk that which would compensate them adequately for their loss. We said that this was all we could afford, and the Government agreed, and everybody agreed, that it was the most we could afford".

Most of them accepted the compensation and said, "Thank you very much; we quite appreciate the position". But what happened was that certain shipowners issued writs and said, "We want to get ahead of all our competitors. We intend to get more than anybody else. We shall try to rely on and exact our full legal rights". This is what Sir Ernest Pollock said on behalf of the Government:

> "Ship owners, I think, as a whole, have acted quite patriotically, and have accepted the rates. They have suffered great losses, but, broadly speaking, have bent their energies to the common weal. I should be very sorry to make any distinction or to suggest that that was not true of any class, but I am pointing out the difficulties which particular classes may have had. I think, however, that what this House, and those who have already settled their claims, would deprecate, is that there should be a new and larger measure of compensation in the future for those persons who have not been ready, so far, to accept the compensation which others have accepted, and that those persons who, so to speak, stood out for their rights, should get those rights, while those who were prepared, for the public weal, to take less and make an end of the matter, should be paid less compensation. . . . You must either re-open the cases for all alike, or you must stand by the principles which have been drafted. . . ."—[OFFICIAL REPORT, 4th August, 1920; Vol. 128, c. 1756-7.]

If what is contended for in the Burmah Oil case is right, how could the Government morally refuse the claims of the millions of people in Burma? The hot rake of war, to use Sir Winston Churchill's great phrase, was torn through the length and breadth of the country. Millions of Burmese and thousands of British citizens suffered damage. If we concede this claim, how could we resist the further claim that would be brought on the basis if not of legal obligation because of the operation of the Statute of Limitations but of the moral obligation of the Government?

During that debate in 1920, Sir Frederick Banbury asked whether the Indemnity Act would have the effect of overriding a decided case—namely, the Newcastle case. Sir Ernest Pollok said that it would override the decision in the Newcastle case and the decisions which depended upon it. The circumstances of the Newcastle case and this case are almost exactly parallel. In the case of Newcastle Breweries Ltd. *v.* the Attorney-General, the claimants had succeeded in the court of first instance in obtaining a declaration of liability against the Government. But before the appeal was heard the Indemnity Act became law and there was an end to that litigation.

For the same reasons, the present Government find it necessary to do the same in respect of the Burmah Oil Company litigation. They are the same reasons of equity and a fair sharing of the burdens of the community equally among us. These are the factors which led these great lawyers of the day to justify that piece of retrospective legislation and, although I do not claim to compare myself with them, it is with the utmost confidence that I invite the House to reject the Lords Amendment.

Question put, That this House doth disagree with the Lords in the said Amendment:—

The House divided: Ayes 168, Noes 158.

Division No. 108.] **AYES** **[7.44 p.m.**

Allaun, Frank (Salford, E.)	**Blackburn, F.**	**Butler, Herbert (Hackney, C.)**
Allen, Scholefield (Crewe)	**Boston, T. G.**	**Butler, Mrs. Joyce (Wood Green)**
Armstrong, Ernest	**Bowden, Rt. Hn. H. W. (Leics S.W.)**	**Chapman, Donald**
Atkinson, Norman	**Boyden, James**	**Coleman, Donald**
Bacon, Miss Alice	**Braddock, Mrs. E. M.**	**Corbet, Mrs. Freda**
Barnett, Joel	**Bray, Dr. Jeremy**	**Craddock, George (Bradford, S.)**
Bence, Cyril	**Brown, R. W. (Shoreditch & Fbury)**	**Crawshaw, Richard**
Benn, Rt. Hn. Anthony Wedgwood	**Buchan, Norman (Renfrewshire, W.)**	**Cullen, Mrs. Alice**

Dalyell, Tam
Davies, G. Elfed (Rhondda, E.)
Davies, Harold (Leek)
Davies, Ifor (Gower)
Delargy, Hugh
Dell, Edmund
Dempsey, James
Diamond, John
Dodds, Norman
Doig, Peter
Duffy, Dr. A. E. P.
Dunnett, Jack
Edwards, Rt. Hn. Ness (Caerphilly)
Ensor, David
Evans, Ioan (Birmingham, Yardley)
Fernyhough, E.
Finch, Harold (Bedwellty)
Fitch, Alan (Wigan)
Fletcher, Sir Eric (Islington, E.)
Fletcher, Ted (Darlington)
Fletcher, Raymond (Ilkeston)
Foley, Maurice
Foot, Sir Dingle (Ipswich)
Freeson, Reginald
Garrett, W. E.
George, Lady Megan Lloyd
Ginsburg, David
Gregory, Arnold
Grey, Charles
Griffiths, Rt. Hn. James (Llanelly)
Griffiths, Will (M'chester, Exchange)
Hamilton, James (Bothwell)
Hamilton, William (West Fife)
Hamling, William (Woolwich, W.)
Hannan, William
Heffer, Eric S.
Hobden, Dennis (Brighton, K'town)
Holman, Percy
Houghton, Rt. Hn. Douglas
Howarth, Harry (Wellingborough)
Hoy, James
Hughes, Emrys (S. Ayrshire)
Hughes, Hector (Aberdeen, N.)
Hunter, Adam (Dunfermline)
Hunter, A. E. (Feltham)
Hynd, H. (Accrington)
Hynd, John (Attercliffe)
Janner, Sir Barnett
Jay, Rt. Hn. Douglas
Jeger, George (Goole)
Jenkins, Rt. Hn. Roy (Stechford)
Johnson, Carol (Lewisham, S.)
Jones, Dan (Burnley)
Jones, Rt. Hn. Sir Elwyn (W. Ham, S.)
Jones, J. Idwal (Wrexham)
Jones, T. W. (Merioneth)
Kelley, Richard
Lawson, George
Lee, Rt. Hn. Frederick (Newton)
Lever, L. M. (Ardwick)
Lewis, Ron (Carlisle)
Lipton, Marcus
Lomas, Kenneth
Mahon, Dr. J. Dickson
McBride, Neil
MacColl, James
MacDermot, Niall
McGuire, Michael
McInnes, James
McKay, Mrs. Margaret
Mackenzie, Gregor (Rutherglen)
MacMillan, Malcolm
MacPherson, Malcolm
Mallalieu, E. L. (Brigg)
Mallalieu, J. P. W. (Huddersfield, E.)
Manuel, Archie
Mapp, Charles
Mason, Roy
Mendelson, J. J.
Millan, Bruce
Miller, Dr. M. S.
Milne, Edward (Blyth)
Morris, Charles (Openshaw)
Neal, Harold
Newens, Stan
Noel-Baker, Rt. Hn. Philip (Derby, S.)
Norwood, Christopher
Oakes, Gordon
Ogden, Eric
Oswald, Thomas
Paget, R. T.
Palmer, Arthur
Pannell, Rt. Hn. Charles
Pargiter, G. A.
Park, Trevor (Derbyshire, S.E.)
Parker, John
Pearson, Arthur (Pontypridd)
Pentland, Norman
Perry, Ernest G.
Price, J. T. (Westhoughton)
Pursey, Cmdr. Harry
Redhead, Edward
Reynolds, G. W.
Rhodes, Geoffrey
Richard, Ivor
Roberts, Albert (Normanton)
Robertson, John (Paisley)
Robinson, Rt. Hn. K. (St. Pancras, N.)
Rogers, George (Kensington, N.)
Rose, Paul B.
Ross, Rt. Hn. William
Sheldon, Robert
Short, Rt. Hn. E. (N'c'tle-on-Tyne, C.)
Short, Mrs. Renée (W'hampton, N.E.)
Silkin, John (Deptford)
Silverman, Julius (Aston)
Silverman, Sydney (Nelson)
Skeffington, Arthur
Slater, Mrs. Harriet (Stoke, N.)
Slater, Joseph (Sedgefield)
Small, William
Snow, Julian
Solomons, Henry
Soskice, Rt. Hn. Sir Frank
Steele, Thomas (Dunbartonshire, W.)
Stones, William
Summerskill, Dr. Shirley
Symonds, J. B.
Taylor, Bernard (Mansfield)
Thomas, George (Cardiff, W.)
Thornton, Ernest
Tomney, Frank
Urwin, T. W.
Varley, Eric G.
Wainwright, Edwin
Walker, Harold (Doncaster)
Wallace, George
Watkins, Tudor
Wells, William (Walsall, N.)
Whitlock, William
Wilkins, W. A.
Williams, W. T. (Warrington)
Willis, George (Edinburgh, E.)
Woodburn, Rt. Hn. A.

TELLERS FOR THE AYES:
Mr. W. Howie and Mr. B Ian O'Malley.

NOES

Agnew, Commander Sir Peter
Allason, James (Hemel Hempstead)
Atkins, Humphrey
Balniel, Lord
Batsford, Brian
Bennett, Sir Frederic (Torquay)
Berry, Hn. Anthony
Biggs-Davison, John
Birch, Rt. Hn. Nigel
Black, Sir Cyril
Blaker, Peter
Bowen, Roderic (Cardigan)
Brewis, John
Brinton, Sir Tatton
Brooke, Rt. Hn. Henry
Bruce-Gardyne, J.
Bullus, Sir Eric
Buxton, Ronald
Carlisle, Mark
Channon, H. P. G.
Chichester-Clark, R.
Clark, William (Nottingham, S.)
Clarke, Brig. Terence (Portsmth, W.)
Cooke, Robert
Cooper-Key, Sir Neill
Corfield, F. V.
Craddock, Sir Beresford (Spelthorne)
Crawley, Aidan
Crosthwaite-Eyre, Col. Sir Oliver
Curran, Charles
Currie, G. B. H.
Dalkeith, Earl of
Davies, Dr. Wyndham (Perry Barr)
Dean, Paul
Deedes, Rt. Hn. W. F.
Digby, Simon Wingfield
Dodds-Parker, Douglas
Douglas-Home, Rt. Hn. Sir Alec
Drayson, G. B.
Eden, Sir John
Elliot, Capt. Walter (Carshalton)
Emery, Peter
Errington, Sir Eric
Eyre, Reginald
Farr, John
Foster, Sir John
Fraser, Ian (Plymouth, Sutton)
Galbraith, Hn. T. G. D.
Gammans, Lady
Gardner, Edward
Giles, Rear-Admiral Morgan
Gilmour, Sir John (East Fife)
Glover, Sir Douglas
Goodhew, Victor
Gower, Raymond
Grant-Ferris, R.
Grieve, Percy
Griffiths, Eldon (Bury St. Edmunds)
Griffiths, Peter (Smethwick)
Grimond, Rt. Hn. J.
Hall, John (Wycombe)
Hall-Davies, A. G. F.
Harris, Reader (Heston)
Harvey, John (Walthamstow, E.)
Hastings, Stephen
Hawkins, Paul
Hay, John
Heald, Rt. Hn. Sir Lionel
Hendry, Forbes
Higgins, Terence L.
Hill, J. E. B. (S. Norfolk)
Hirst, Geoffrey
Hooson, H. E.
Hordern, Peter
Hornsby-Smith, Rt. Hn. Dame P.
Howard, Hn. G. R. (St. Ives)
Hutchison, Michael Clark
Irvine, Bryant Godman (Rye)
Jenkin, Patrick (Woodford)
Johnston, Russell (Inverness)
Kerr, Sir Hamilton (Cambridge)
Kershaw, Anthony
Kilfedder, James A.
Kimball, Marcus
King, Evelyn (Dorset, S.)
Kirk, Peter
Kitson, Timothy
Legge-Bourke, Sir Harry
Litchfield, Capt. John
Lloyd, Rt. Hn. Selwyn (Wirral)
Longden, Gilbert
Lubbock, Eric
McAdden, Sir Stephen
MacArthur, Ian

Mackenzie, Alasdair(Ross&Crom'ty)
Mackie, George Y. (C'ness & S'land)
Macleod, Rt. Hn. Iain
McMaster, Stanley
Maude, Angus
Mawby, Ray
Maydon, Lt.-Cmdr. S. L. C.
Meyer, Sir Anthony
Mitchell, David
Monro, Hector
Morrison, Charles (Devizes)
Mott-Radclyffe, Sir Charles
Munro-Lucas-Tooth, Sir Hugh
Neave, Airey
Noble, Rt. Hn. Michael
Nugent, Rt. Hn. Sir Richard
Onslow, Cranley
Osborn, John (Hallam)
Page, John (Harrow, W.)
Page, R. Graham (Crosby)
Pearson, Sir Frank (Clitheroe)
Peel, John
Pickthorn, Rt. Hn. Sir Kenneth
Pitt, Dame Edith
Pounder, Rafton
Prior, J. M. L.
Quennell, Miss J. M.
Ramsden, Rt. Hn. James
Rawlinson, Rt. Hn. Sir Peter
Ridley, Hn. Nicholas
Roots, William
Russell, Sir Ronald
Sharples, Richard
Shepherd, William
Sinclair, Sir George
Smith, Dudley (Br'ntf'd & Chiswick)
Stoddart-Scott, Col. Sir Malcolm
Studholme, Sir Henry
Summers, Sir Spencer
Talbot, John E.
Taylor, Sir Charles (Eastbourne)
Taylor, Edward M. (G'gow,Cathcart)
Taylor, Frank (Moss Side)
Temple, John M.
Thatcher, Mrs. Margaret
Thomas, Rt. Hn. Peter (Conway)
Thompson, Sir Richard (Croydon,S.)
Thorpe, Jeremy
Turton, Rt. Hn. R. H.
Tweedsmuir, Lady
van Straubenzee, W. R.
Vaughan-Morgan, Rt. Hn. Sir John
Walder, David (High Peak)
Walker, Peter (Worcester)
Walker-Smith, Rt. Hn. Sir Derek
Ward, Dame Irene
Weatherill, Bernard
Webster, David
Whitelaw, William
Wills, Sir Gerald (Bridgwater)
Wise, A. R.
Wood, Rt. Hn. Richard
Wylie, N. R.
Yates, William (The Wrekin)

TELLERS FOR THE NOES:
Mr. Martin McLaren and
Mr. Jasper More.

Remaining Lords Amendments disagreed to.

Committee appointed to draw up reason to be assigned to the Lords for disagreeing to their Amendments to the Bill:—the Attorney-General, Mr. Edward Gardner, Mr. Selwyn Lloyd, Mr. Niall MacDermot, and Mr. Brian Walden:—Three to be the quorum.—[*Mr. MacDermot.*]

To withdraw immediately.

Reason for disagreeing to the Lords Amendments reported and agreed to; to be communicated to the Lords.

FIREARMS BILL

As amended (in the Standing Committee), considered.

New Clause.—(THIRD PARTY INSURANCE.)

Any person (other than a member of the armed forces in the course of his duty) who carries or uses a gun (including a firearm, shotgun or air weapon) without there being in force a policy of insurance granted by an insurer approved by the Secretary of State indemnifying that person against all claims by third parties in respect of accidental loss or damage caused by his carrying or using such gun shall be liable on summary conviction to a fine not exceeding one hundred pounds.—[*Mr. Hendry.*]

Brought up, and read the First time.

7.56 p.m.

Mr. Forbes Hendry (Aberdeenshire, West): I beg to move, That the Clause be read a Second time.

It will be within the recollection of the House that last year I asked leave and was given permission to introduce a Bill to make it impossible to acquire a gun licence without first having a certificate of third party insurance against accidental damage. For various reasons, that Bill was not proceeded with, but discussions took place with the Ministers then in charge of the Home Office who indicated to me that although there would be serious difficulties with a Bill along those lines, it might be possible to produce legislation making it illegal to carry or use a gun without there being in force a third party insurance.

That is very desirable because accidents happen although, happily, not very often. However, when they happen they are serious. Only two years ago, one of my constituents was out shooting with a shooting party when there was an accident as the result of which he lost an eye. It so happens that the person who caused the shot to be fired was a man of straw and my constituent was unable to recover compensation. He will spend the rest of his life without the sight of one eye and with defective vision in the other. If there had been some sort of legislation in force to make insurance against third party risks compulsory, he would have been able in some measure to get compensation for that serious loss.

Comparatively recently, another constituent of mine—it is strange that these two incidents should occur in the same constituency—put her child in its pram in her garden. A few moments later, she was very alarmed when there was a rattle of shot in the region of the pram. It transpired that a boy with a shotgun had fired a shot. As what goes up must come down somewhere, and as the boy

[MR. HENDRY.]

on the other side of the fence had not expected a baby to be there, the shot could have injured the baby, possibly fatally. Although no amount of compensation would have compensated the parents if the baby had been killed—by the mercy of God, in fact, no injury was done—the boy was a minor and had no means of his own, and so there was no way of recovering any compensation if there had been any injury.

There seems to be a case for making it compulsory for a person using a gun on his lawful occasions to have insurance against accidental damage. There are other cases where a malicious person causes damage, and that is uninsurable, but I have in mind only those cases where the persons using guns are *bona fide* persons in charge of those guns, whether or not they are the owners and where the damage is accidental.

8.0 p.m.

It seems to me that this was an insurable risk, and I accordingly made inquiries of the National Farmers' Union, which is very interested in this, and its insurance company at that time told me that a farmer, who was a person who normally uses a gun, could get cover, without extra cost, under his ordinary third party insurance policy provided he was using the gun for the eradication of vermin. I was told that if a farmer used a gun for other purposes, such as shooting game, he could obtain insurance at very little cost—about 10s.

The Union thought that my proposal was an excellent one, but said that there were serious difficulties in connection with the issue of certificates, and it was not thought practicable in that form. Since then I have made further inquiries about it, and a great deal of interest has been caused by the Amendment. Since putting it down I have had many unsolicited letters from various branches of the Union. I have here one from the Berkshire branch, with which I have no connection. It is one of many that came completely out of the blue, and it says that it approves of this proposal and wishes it well. Generally speaking, the Union, both in England and Scotland, has welcomed the proposal.

I have also had many completely unsolicited letters from various women's organisations, which have commended the Amendment and wished me success. I therefore suggest that I have proved the necessity and desirability of the proposal.

As for the practicability of the matter, I recently made certain inquiries, because the Bill I introduced last year was on rather different lines. I walked into the office of a famous Scottish insurance company in Waterloo Place, just up the street. I did not say who I was. I simply said that I was anxious to insure a gun, and I asked if it was possible. I was told that it certainly was, and without any hesitation a proposal form was produced, which I have here. It reads:

"This Company issues Policies granting the following cover in the United Kingdom.

Third Party Indemnity.

Protection against Claims by Third Parties for accidental bodily injury or accidental damage to property arising out of the ownership or use of Sporting Guns."

It goes on to describe damage to the guns themselves. The interesting thing is the cost of the cover. I was amazed. I thought it might be 10s., but to my surprise I found that the premium for third party risks, in respect of a total loss up to £5,000, was only 5s. per person. In these days that is a trifling sum. The amount of cover which can be got for 5s. is remarkable. If my proposal is agreed to nobody will suffer any serious loss, because everybody who keeps a gun can afford 5s.

I made further inquiries. I said, "Suppose that I wanted to insure against £10,000 in respect of any one accident, what would it cost?" It is printed in the form. It is amazing; in respect of a £10,000 indemnity the cost is only 6s. per person per annum. That is a very cheap cover.

But the man in the insurance office said, "There is another way of doing this. If you have a householder's comprehensive policy you can get an optional extra for 10s. a year to cover your common law responsibility for injury to others or damage to their property, as a result of your personal negligence or fault." The cost of this cover is only 10s. per annum for all sorts of accidents, and the extent of liability there is £100,000. For a very large amount of cover the cost is negligible. I commend this type of insurance for anybody who owns or uses a gun.

I have made out a case for a cover of this sort, and have demonstrated that its cost is negligible. I know that certain difficulties are involved. If, when a person applied for a gun licence, he had to prove to the post office that he had such cover, serious administrative difficulties would arise. But I suggest that that is not necessary. All that we require to do is to make it a statutory provision that a person using or carrying a gun should have cover of that sort. If he is a reasonable sort of person he will obey the law. If he is an unreasonable person,—if he is a man who is grossly careless, or is a criminal type—and does not obey the law, he should be liable to a very severe penalty in addition to any other penalty that he may incur.

It is for that reason that I have suggested that there should be the comparatively serious penalty of a fine of £100 for failure to comply with this statutory provision. It may be thought that this is barely enough, but in my opinion it is a pretty substantial penalty, and if it is translated into an appropriate term of imprisonment it is a fairly substantial sanction, which will make most reasonable people agree to take out cover of this sort.

I agree that a statutory provision of this sort will not oblige potential criminals to take out insurance, and I realise that these are the people who would be liable to disregard a law of this sort, but with the substantial penalty that I have envisaged there will be an interest even on the part of that type of person to take out this very proper cover. Having regard to all the circumstances, I hope that the right hon. and learned Gentleman will see fit to accept the new Clause.

Mr. R. J. Maxwell-Hyslop (Tiverton): I commend the new Clause. I am particularly grateful to my hon. Friend the Member for Aberdeenshire, West (Mr. Hendry) for quoting specific figures to show the magnitude or otherwise of the imposition which this proposal would make upon the ordinary citizen. It would not be a very great imposition, bearing in mind that a gun is intended to do damage to something, whereas a motor car is not. It therefore seems an obviously valid claim to make that when carrying something which is intended to do damage to something—even if it is legitimate damage—some provision should be made for misuse, accidental or otherwise, just as a person, under statute law, is required to insure if he drives a vehicle, which can cause accidental damage.

Lest it should be thought that this is an entirely theoretical consideration, I would point out that I have a constituent who, over 10 years ago, was walking down a country lane when a man who was climbing over a hedge with a loaded gun accidentally discharged it and shot my constituent's right arm off at the shoulder, thereby depriving him of his livelihood. In the fullness of time the county court awarded him over £6,000 damages, but the owner of the gun—the man who had accidentally discharged it —went bankrupt, and my recollection is that my constituent received approximately £50 instead of £6,000. He lost his ability to earn a livelihood and to keep his wife and children. He received a derisory sum of money, simply because the person who discharged the gun was not insured and was a man of no financial substance, being quite unable to pay the sum awarded by the county court. This type of case can be multiplied many times throughout the country.

It is probably a fair general proposition to make that the type of gun most likely to cause an accident is a cheap gun with external hammers and no safety catch, or a gun which has not been seen by a gunmaker for a quarter of a century and may be in a bad state of mechanical repair. Such a gun is more likely to be owned by someone not of sufficient financial substance to be able to pay out large sums which might be due to indemnify the victim of an accident. This, after all, is the fundamental ground on which the principles of compulsory insurance have been adopted, for example, for motor cars.

I hope that it will not be considered out of order if I express my disappointment that the Government have not seen fit to table an Amendment, as I pressed them to do, designed to prohibit the importation into this country of the sporting gun, the smooth bore shotgun without a safety catch——

Mr. Deputy-Speaker (Sir Samuel Storey): Order. I do not think that arises on the proposed Clause.

Mr. Maxwell-Hyslop: The only connection it does have, Mr. Deputy-Speaker, with respect, is that there are certain types of weapons which people may legitimately buy or own in this country and which are particularly liable to cause accidents. The occasion has not been taken to date to restrict the provision of these weapons. I suggest that it is more than ever necessary that provision should be made so that people who suffer from the accidental discharge of such weapons should be indemnified, so far as anyone may be, by a financial payment for the loss of limb or livelihood. We should always remember that no financial provision we may make can restore the situation. I strongly commend this Clause to the House as a necessary reform in our legislation.

Mr. Edward M. Taylor (Glasgow, Cathcart): I am glad to support the Motion. It is rarely at this stage in the consideration of a Bill that an Amendment of this kind is signed by hon. Members from both sides of the House, but the hon. Member for Aberdeenshire, West (Mr. Hendry) and I were glad when two hon. Members of the party opposite added their names. This shows clearly that this is a matter which causes genuine concern. We hope that something may be done about it.

We should, I think, consider possible arguments against the acceptance of the proposed Clause. An obvious one is that the Government may feel the Bill is not an appropriate Measure in which to include such a Clause. It is concerned mainly with people who possess guns and use them for irregular or illegal purposes, and may not be thought the appropriate legislation in which to include a provision concerning people who use guns for proper purposes. The hon. Member for Aberdeenshire, West and I would be happy with a specific assurance from the Government that they would take action on the lines that we have suggested, not necessarily in this Bill but by means of new legislation or by some other means. I think that it is agreed that there is need for action of this kind.

The second possible argument is that compulsion is not the right way to achieve what is desired. It has been suggested that the appropriate way would be by encouragement and by pointing out the policies available for third party insurance. I do not feel that is the proper way to go about the matter. The few people who would not listen to encouragement and advice are those who could be involved in a tragedy. Many accidents occur because of the bad maintenance of weapons by people who are not experienced in their use. Those who do maintain their guns are experienced users and are not likely to be involved in unfortunate accidents.

It may be alleged that here we are dealing with a small problem and only a few cases might arise from time to time. But when accidents do occur they can result in great tragedy and for the protection of possible victims as well as people who own guns we should take action along these lines.

I am sure that practical difficulties will be pointed out, but if there is a firm determination to do something about the problem the practical difficulties may be overcome. At some stage in the purchase, maintenance or use of a gun there could be some way to make it necessary for people using guns to have a third party insurance certificate. The figures which have been obtained by the hon. Member for Aberdeenshire, West and myself make clear that the cost involved would be small, but the protection afforded would be very great.

I feel that for the protection of people who own guns this is a necessary provision. We know, from cases which have been heard in the courts involving damages, that often the amount of damages may be substantial and people may be faced with an intolerable financial burden, which they could not have expected, resulting from an accident. We should think not only of people who may be the victims of accidents arising out of the unexpected discharge of guns but also of the people who own the guns. By this provision we could afford protection to people who may be the innocent victims of accidents and people who use guns for lawful purposes.

I hope that the Government will accept the proposed Clause, but if not, that we may have an assurance that at an early stage something will be done along the same lines.

8.15 p.m.

The Secretary of State for the Home Department (Sir Frank Soskice): We have heard three interesting and earnest speeches in support of this proposal. I am not saying for a moment that this is a general proposition which does not commend itself as being socially useful. I do say, as has been said by the hon. Member for Glasgow, Cathcart (Mr. Edward M. Taylor), that this is not the Bill in which to incorporate a provision of this sort.

The hon. Gentleman said that he would be satisfied with an assurance on behalf of the Government that legislation would be introduced on some other occasion to achieve what the three hon. Members opposite desire. When we are discussing a Bill dealing with a completely different topic, I cannot be asked to take it upon myself to give an assurance of that sort. I hope that the hon. Member will not press it, because I submit that it would not be reasonable for him to do so.

We are discussing a Measure designed to deal with something quite different, namely, gunmen and hooligans. This proposal is completely alien and extraneous to it. Assuming that one disregards that characteristic, if one wishes to incorporate in a Measure a provision for compulsory insurance, at least one has to work out a scheme which would have some effect. I put it to the hon. Member for Aberdeenshire, West (Mr. Hendry) that the scheme embodied in the proposed Clause would not achieve the purpose he has in mind.

The hon. Member says, "You must insure, subject to certain exemptions, and if you do not, you are liable to a criminal penalty." That will not have very much effect. The sort of irresponsible person who carries weapons in circumstances which may lead to an accident often is a person of no substance. Indeed, that is the sort of person the hon. Gentleman has in mind.

A man of no substance and with very little feeling of responsibility is very unlikely, whether there is a penalty or not, to have an effective insurance policy. The provision that one will be liable to a fine if one is that type of person and has no effective insurance policy in force will have no practical result. If one wants to introduce a scheme which will have a practical and useful consequence, one has to approach it in an entirely different way.

The hon. Member for Tiverton (Mr. Maxwell-Hyslop) put his finger on two points. In the first place, he asked why we should not make the same requirements as are imposed on the driver of a motor car who has to have a compulsory insurance policy, insuring him against third party risks. Has he studied the elaborate provisions in the Road Traffic Acts of 1930 and 1934 in which those provisions are contained? There is there a whole elaborate code.

I just ask the hon. Member to imagine the situation if one has to have an insurance policy. If an irresponsible young man has caused grave injury by the use of a weapon, is the injured person to have a right directly against the insurance company? He must, if this is to be effective. Or is he to be put to the necessity, after he has been injured, of trying to find out who the irresponsible young man is? Even if he finds him, is he to have any compulsive power upon that person to disclose the name of the insurance company? Is he entitled to say to the young man who has done the injury, "You must tell me the name of the insurance company"?

Suppose that the young man skedaddles abroad and does not take any action—even if there is a policy in force—to see that compensation is paid by the insurance company. Is the injured person to have no further right at all? In the Road Traffic Acts, that situation is dealt with in an elaborate code. The hon. Member for Tiverton mentioned such a case. Is that man's right against his insurance company, as in the case of motor insurance, to be transferred to the injured person or not? Clearly, it must be, if we are to have any sort of effective scheme.

Apart from that, it is an elementary principle of insurance law—as anybody who has studied these subjects knows—that an insurance company is entitled to repudiate a policy if it has been obtained without full disclosure by the insured person of all material facts. Suppose that the person who does the injury has not disclosed all material facts, that he has not disclosed, for instance, the fact that he is "accident-prone" that he has had previous mishaps of a

[SIR F. SOSKICE.]

similar type. Is the insurance company to be entitled not only to repudiate the policy in regard to the person who causes the injury, but also to refuse to pay the innocent person any compensation? That is all dealt with in the two Road Traffic Acts. If we are to do any good for people injured in these circumstances, we have to provide for all that.

That is why I say to the hon. Member for Aberdeenshire, West that if one is to do this, one has to do it properly and in a Measure properly conceived and concerted for that purpose. He mentioned the fact that there are policies which are quite cheaply obtainable, which a number of people have and which insure a person against any negligent act of his, whether through the use of a weapon or riding a bicycle or simply walking along the street and pushing over some elderly person. All these are negligent acts which may give rise to causes for damages against him.

If we are to have compulsory insurance in respect of accidents with weapons, ought we not also to consider how far we are to extend the sphere of compulsory insurance so as to make it coterminous with that kind of policy which a number of people at modest cost have affected with their insurance company? All these things need consideration if one is to consider this matter.

If one looks at the provisions of the hon. Member's Clause, one will see that he excludes from its scope members of the Armed Forces acting in the course of their duty. He has not excluded, for example, policemen acting in the course of their duty. Some of them have to use arms. He has not excluded a gamekeeper, who may be armed. He has not even excluded a member of the public who finds a lost gun and takes it to the police station. If they did not have an insurance policy which was effective, all these people would—if the Clause were adopted—be committing offences, rendering them liable to a penalty of up to £100.

I put it to the hon. Member that not only is his Clause completely devoid of provisions which are absolutely essential if it is to be effective and to achieve anything, but it is, on its own face, defective, in that it excludes some people whereas a great many others would be included.

I hope that the House will agree that, for the reasons which I have given, the Clause cannot be accepted. It is defective in its terms. It excludes only members of the Armed Forces. It is quite wrong in its approach, in that it simply applies a criminal penalty. It is completely bereft of a whole variety of complicated provisions which are essential if we are to consider any form of compulsory insurance. That is another way of saying that it is completely alien to the Bill. If one is to do this, it must be thought out properly. I do not suggest that the hon. Member has not given the subject a good deal of thought—of course he has—but one has to work out a scheme which will hold water.

Mr. Maxwell-Hyslop: I cannot conceive why the Home Secretary should want to exclude gamekeepers. If he has seen some of the gamekeepers' guns which I have seen, he would think that they are just the type of weapon to be included. I do not mean the majority of them, but why should gamekeepers be considered less accident-prone than other people?

Sir F. Soskice: Let me concede that one point. Let me say that the hon. Member is right in including gamekeepers and subjecting them to the compulsory insurance. I withdraw my reference to gamekeepers. What about all the other points which I made? This Clause is defective. It is quite ineffective for the purpose for which it is designed. If it is to be adopted at all, one should consider a wide range of possible cases in which one should have some form of compulsory insurance. He does not even say in the Clause whether the insurance is to be limited to accidents caused by the negligent use of firearms or any use of firearms.

I do not know whether the proposal form which he indicated would be one insuring people against the consequences of the negligent use of firearms. I would imagine that it would be, but it may not be. He has not indicated that in his Clause. This is a major question with many far-reaching implications. If we are to address ourselves to it, let us do so in a way which will achieve some useful social purpose.

8.30 p.m.

Mr. Hendry: May I have the permission of the House to reply?

The Home Secretary has given a most unconvincing reply. All he has said is that the Clause contains certain defects. That may well be, but I am not sure what the defects are. He has not been clear about that. He criticised it because I have not mentioned gamekeepers, and my hon. Friend the Member for Tiverton (Mr. Maxwell-Hyslop) has suggested that they are very suitable persons for inclusion. The Home Secretary said that I have not excluded the police. I see no reason why a police committee should not insure a constable.

Sir F. Soskice: I tried to deal with the case fairly and I hope that the hon. Gentleman will do me the compliment of doing the same to me in return. I did not criticise the proposal solely because the police are not excluded. I criticised it in some detail because it was utterly bereft of essential provisions if one were to make sense of the proposals.

Mr. Hendry: That is as may be, but I listened to the right hon. and learned Gentleman and I am not convinced by what he said. All he said was that the Clause contains varions defects. That may well be, but it seems to me that the Clause will pursuade a number of people to insure against third party liability.

The Home Secretary spoke about accidental damage. No person will be able to establish a claim unless there is a common law claim based on negligence. The effect of the Clause might well be to increase the number of insurances in force, and in a number of cases people might be able to recover damages who, as the law stands, would not be able to do so.

The Clause may be defective, but half a loaf is better than no bread, and I think that it would serve a good purpose. I hope that the right hon. and learned Gentleman will later produce something better in the way of new legislation. Because I am not convinced by his arguments, I do not feel inclined to withdraw the new Clause, but, in the event of its not being accepted by the House, I hope that the Home Secretary, whose opinion in these matters I respect greatly, will be good enough to advise me in correspondence about future legislation.

Mr. Maxwell-Hyslop *rose*——

Mr. Deputy-Speaker: Order. The hon. Member for Tiverton (Mr. Maxwell-Hyslop) has exhausted his right to speak.

Question put, That the Clause be read a Second time:—

The House divided: Ayes 23, Noes 133.

Division No. 109.] **[8.32 p.m.**

AYES

Black, Sir Cyril	Griffiths, Eldon (Bury St. Edmunds)	Temple, John M.
Brewis, John	Higgins, Terence L.	Ward, Dame Irene
Chichester-Clark, R.	Hornsby-Smith, Rt. Hn. Dame P.	Webster, David
Craddock, Sir Beresford (Spelthorne)	Howard, Hn. G. R. (St. Ives)	Wise, A. R.
Curran, Charles	Howe, Geoffrey (Bebington)	
Errington, Sir Eric	Mott-Radclyffe, Sir Charles	TELLERS FOR THE AYES:
Farr, John	Neave, Airey	Mr. Forbes Hendry and
Gilmour, Sir John (East Fife)	Pitt, Dame Edith	Mr. R. J. Maxwell-Hyslop.
Gower, Raymond	Taylor, Edward M. (G'gow,Cathcart)	

NOES

Allen, Scholefield (Crewe)	Cullen, Mrs. Alice	Fletcher, Raymond (Ilkeston)
Armstrong, Ernest	Dalyell, Tam	Freeson, Reginald
Atkinson, Norman	Davies, G. Elfed (Rhondda, E.)	Garrett, W. E.
Bacon, Miss Alice	Davies, Harold (Leek)	Greenwood, Rt. Hn. Anthony
Barnett, Joel	Delargy, Hugh	Grey, Charles
Bence, Cyril	Dell, Edmund	Griffiths, Rt. Hn. James (Llanelly)
Blackburn, F.	Dempsey, James	Hamilton, James (Bothwell)
Boston, T. G.	Diamond, John	Hamilton, William (West Fife)
Bowden, Rt. Hn. H. W. (Leics S.W.)	Dodds, Norman	Hamling, William (Woolwich, W.)
Bowen, Roderic (Cardigan)	Doig, Peter	Hannan, William
Braddock, Mrs. E. M.	Duffy, Dr. A. E. P.	Holman, Percy
Bray, Dr. Jeremy	Dunnett, Jack	Hooson, H. E.
Brown, R. W. (Shoreditch & Fbury)	Edwards, Rt. Hn. Ness (Caerphilly)	Howarth, Harry (Wellingborough)
Buchan, Norman (Renfrewshire, W.)	Ensor, David	Howie, W.
Butler, Herbert (Hackney, C.)	Evans, Ioan (Birmingham, Yardley)	Hoy, James
Chapman, Donald	Fernyhough, E.	Hughes, Emrys (S. Ayrshire)
Coleman, Donald	Finch, Harold (Bedwellty)	Hughes, Hector (Aberdeen, N.)
Craddock, George (Bradford, S.)	Fitch, Alan (Wigan)	Hunter, Adam (Dunfermline)
Crawshaw, Richard	Fletcher, Sir Eric (Islington, E.)	Hunter, A. E. (Feltham)
Cronin, John	Fletcher, Ted (Darlington)	Hynd, H. (Accrington)

Hynd, John (Attercliffe)
Jay, Rt. Hn. Douglas
Jenkins, Rt. Hn. Roy (Stechford)
Jones, Dan (Burnley)
Jones, J. Idwal (Wrexham)
Lawson, George
Lee, Rt. Hn. Frederick (Newton)
Lever, L. M. (Ardwick)
Lewis, Ron (Carlisle)
Lomas, Kenneth
Lubbock, Eric
McBride, Neil
MacColl, James
MacDermot, Niall
McGuire, Michael
McInnes, James
McKay, Mrs. Margaret
Mackenzie, Alasdair (Ross&Crom'ty)
Mackenzie, Gregor (Rutherglen)
Mackie, George Y. (C'ness & S'land)
MacPherson, Malcolm
Mallalieu, J.P.W. (Huddersfield, E.)
Manuel, Archie
Mapp, Charles
Millan, Bruce
Milne, Edward (Blyth)
Neal, Harold
Newens, Stan
Norwood, Christopher
Oakes, Gordon
Ogden, Eric
Oswald, Thomas
Palmer, Arthur
Parker, John
Pentland, Norman
Price, J. T. (Westhoughton)
Redhead, Edward
Reynolds, G. W.
Rhodes, Geoffrey
Robertson, John (Paisley)
Rose, Paul B.
Ross, Rt. Hn. William
Sheldon, Robert
Short, Rt. Hn. E. (N'c'tle-on-Tyne, C.)
Short, Mrs. Renée (W'hampton, N.E.)
Silkin, John (Deptford)
Silkin, S. C. (Camberwell, Dulwich)
Silverman, Julius (Aston)
Silverman, Sydney (Nelson)
Slater, Mrs. Harriet (Stoke, N.)
Slater, Joseph (Sedgefield)
Small, William
Solomons, Henry
Soskice, Rt. Hn. Sir Frank
Steel, David (Roxburgh)
Steele, Thomas (Dunbartonshire, W.)
Stones, William
Symonds, J. B.
Thomas, George (Cardiff, W.)
Thornton, Ernest
Urwin, T. W.
Varley, Eric G.
Wainwright, Edwin
Walden, Brian (All Saints)
Walker, Harold (Doncaster)
Wallace, George
Watkins, Tudor
Wells, William (Walsall, N.)
Whitlock, William
Wilkins, W. A.
Williams, W. T. (Warrington)
Willis, George (Edinburgh, E.)
Woodburn, Rt. Hn. A.

TELLERS FOR THE NOES:
Mr. Ifor Davies and
Mr. Brian O'Malley.

New Clause.—(REGISTRATION OF OUTWORKERS.)

(1) For the purposes of this Act the Gunmakers Company shall keep in the prescribed form a register of outworkers and, subject as hereinafter provided, shall enter therein the name of any person who applies to be registered as an outworker and furnishes them with the prescribed particulars:

Provided that the Gunmakers Company may refuse to register an applicant if they are satisfied that the applicant cannot be permitted to carry on business as an outworker without danger to the public safety or to the peace.

(2) If the Gunmakers Company, after giving reasonable notice to any person whose name is on the register, are satisfied that that person—

(*a*) is no longer carrying on business as an outworker; or

(*b*) cannot be permitted to carry on business as an outworker without danger to the public safety or to the peace,

they shall cause the name of that person to be removed from the register.

(3) The Gunmakers Company shall also cause the name of any person to be removed from the register if that person so desires.

(4) Any person aggrieved by a refusal of the Gunmakers Company to register him as an outworker, or by the removal of his name from the register by the Gunmakers Company, may appeal—

(*a*) in England to the Court of Quarter Sessions having jurisdiction in the county, borough or place in which there is situate any place of business in respect of which the appellant has applied to be, or (in the case of an appeal against removal from the register) has been, registered, and the provisions of the First Schedule to the principal Act shall with the substitution of references to the Gunmakers Company for references to the Chief Officer of Police apply to any such appeal; or

(*b*) in Scotland, in accordance with Act of Sederunt, to the sheriff within whose jurisdiction any such place of business is situated. —[*Mr. J. E. B. Hill.*]

Brought up, and read the First time.

Mr. J. E. B. Hill (Norfolk, South): I beg to move, That the Clause be read a Second time.

Mr. Deputy-Speaker: It will be in order to discuss with this new Clause the following Amendments:

No. 16—in page 4, line 25, Clause 9, after "but", insert:

"nothing in the said sections and Schedule as applied to shot guns shall apply to a person who is for the time being duly registered as an outworker under section (Registration of outworkers) of this Act and";

No. 18—in page 5, line 7, Clause 10, at end insert:

"The Gunmakers Company" means the Master Wardens and Society of the Mystery of Gunmakers of the City of London";

No. 19—in page 5, line 12, at end insert:

"outworker" means a self employed person who by way of trade or business manufactures, tests, or repairs component parts of a firearm for a registered firearms dealer but except as aforesaid does not by way of trade or business manufacture, sell, transfer, test or prove firearms or ammunition to which Part I of the Principal Act applies".

Mr. Hill: I should first like to thank the Joint Under-Secretary of State for the consideration he gave this new Clause at very short notice when it appeared as a starred Amendment about a fortnight ago, when this Report stage was expected to be taken on 29th April.

This series of Amendments has been put down at the request of members of the gun trade who, on examining the Bill as it emerged from Standing Committee, discovered that a serious though limited practical difficulty arose under Clause 9(2). That subsection now requires manufacturers of and dealers in shotguns to register as firearms dealers. Furthermore, the definition of firearms which is contained in Section 32 of the main Firearms Act, 1937, includes any component parts as well as a whole weapon. It follows that some vitally important specialist craftsmen in the industry known as outworkers now seem to be required to register as firearms dealers.

The outworker is essentially a self-employed craftsman, who makes, tests and repairs mainly the component parts of firearms, but does not sell or otherwise trade in firearms. There are about 150 of these craftsmen, mostly working in London and Birmingham, with a few in Edinburgh and Glasgow, and in the West Country. They work on their own, or two or three of them may work in one workshop. Most of their work is the shaping by hand of components to exact tolerances. In fact, they transform the chunks of metal and wood into superb examples of precise and elegant craftsmanship that have made the best British guns famous throughout the world.

Their range of craftsmanship is fairly narrowly specialised. These men are described as barrel-filers, barrel-makers, action jointers, action filers, top-level workers and furniture filers. Those are some of the key rôles in what is correctly described as the "mystery" of gun-making. They work in their own workshops, often under dirty conditions which are certainly not conducive to office work. The submission of the trade is that it is really unnecessary, and somewhat onerous, to require these men to register as full-blown firearms dealers even if, and this is accepted, it is desirable to maintain a register of outworkers.

It is onerous, in the first place, because these men do not deal in firearms in the accepted sense. They do not in their trade have contact with the general public. Secondly, keeping a firearms register is a very laborious and detailed undertaking in which every transaction relating to a firearm, in this case a component, has to be recorded as to its delivery, return, and so on.

8.45 p.m.

The work of the outworker is essentially batches of components coming in with no separate identity, being received, worked upon and returned to the registered firearms dealers who are their trade customers. The outworker would not willingly wish to pay the registration fees and the annual renewal fees and get involved in all the office work which is rightly part and parcel of the registered firearms dealer's business.

None of these complications would arise if these men were employed by, and worked on the premises of, any one gun-making firm, but that is not the structure of the industry. These men are self-employed and independent men—often highly independent men—working for different trade customers on their own premises. They are not unlike the specialist craftsman in the silver trade and perhaps in custom-built tailoring.

Therefore, although the gun trade accepts the desirability of registering outworkers, to compel them to set up as fully registered firearms dealers would probably lead to undesirable consequences. For example, many of these men are getting on in years and, rather than undertake wholly new obligations for which they are not fitted, they would probably choose to retire. The younger men are always able to seek highly-paid employment in other branches of the engineering industry, because they possess exceptional skill. Therefore, there is a danger that, if they were deterred by the possibility of having to undertake a great deal of paper work, they would choose to leave their employment, and that undoubtedly would have a disastrous effect on the gun trade, especially in the highest grade, much of which is exported. I remind the House that the current price of a best pair of English guns which foreign customers are eager to pay is of the order of £1,500. The trade is worth well over £1 million a year.

The gun trade thinks that some simpler form of registration would be more acceptable and easier to enforce. The Amendment is offered as the gun trade's own suggested solution of the difficulty. The Gunmakers Company, which is anciently incorporated under charter of

[MR. HILL.]

Charles I in 1637, has long been responsible for carrying out the very important duties of proving and testing of weapons and administering the London Proof House. The company has expressed itself as willing to undertake this further duty and to maintain a register of these craftsmen outworkers, whether in London or elsewhere, in the terms of the Clause, with any modifications the Minister may think desirable.

The Clause is put forward as a constructive and workable alternative to the somewhat impracticable requirements of the Bill as it now seems to affect outworkers. It is essential not to burden these men unnecessarily and discourage them, because if ever an industry had key workers it is this one.

Mr. Airey Neave (Abingdon): I support the Clause and the Amendments being taken with it. I repeat the thanks which my hon. Friend the Member for Norfolk, South (Mr. J. E. B. Hill) has tendered to the Joint Under-Secretary for his consideration of this point at rather short notice. These outworkers, as my hon. Friend says, are part self-employed and very often employed by several different firms. The question of their keeping a firearms register would be extremely complicated. They are engaged on making or repairing component parts of guns which would be very difficult to identify and it is one of the major difficulties about keeping a firearms register in the sense of the Firearms Act, as firearms, defined in the 1937 Act, includes component parts.

They would, therefore, be brought into the legislation which the Home Office is proposing without these Amendments. Registering them as firearms dealers would seem rather absurd and would be going much further than is really necessary because firearms dealers in the Bill as it stands includes a person who repairs firearms and I do not think that the original legislation in 1937 was ever intended to include self-employed craftsmen as dealers.

These outworkers are not dealing in firearms, but are only repairing components. This is why my hon. Friend and myself put down Amendment 19 at page 5, line 12, Clause 10, to insert the meaning of the word " outworker ". If I may read it to the House it means

> ". . . a self employed person who by way of trade or business manufactures, tests, or repairs component parts of a firearm for a registered firearms dealer but except as aforesaid does not by way of trade or business manufacture, sell, transfer, test or prove firearms or ammunition to which Part I of the Principal Act applies."

It applies only to a person who tests or repairs component parts of a firearm. Would not the suggestion of my hon. Friend and myself, put forward by the Gunmakers Company, and the gun trade, be a sufficient form of registration? Could not chief constables check up if they wanted to do so under the list of persons registered by the Gunmakers Company as we propose in our Clause? We do not think it is practicable to make these 150 individual craftsmen keep firearms registers in the accepted sense of the word. It will be rather absurd and will lead to considerable damage in the industry and may lead to members leaving the business. The question remains: would it be practicable to make people who have to repair unidentified component parts keep a firearms register in the sense of the original legislation?

If this is the view that commends itself to the Under-Secretary, I hope that he will see some way of making the register, perhaps by way of chief constables getting hold of the list through the Gunmakers Company, but not making them firearms dealers in the sense of the Bill as it stands.

The Joint Under-Secretary of State for the Home Department (Mr. George Thomas): I am much obliged and very grateful to both hon. Gentlemen, the Member for Norfolk, South (Mr. J. E. B. Hill) and the Member for Abingdon (Mr. Neave), for their references to myself. I grew up in a home in a Welsh valley where the craftsmen of England were held in high esteem, plus, of course, the craftsmen of Wales. I was to discover, however, with the passing of years that the craftsmen are an independent people, as the hon. Gentleman the Member for Norfolk, South reminded me.

It was my privilege to talk with the representatives of the gun trade on this question and I realise what a deep concern they have about outworkers being

registered. The effect of the new Clause and of the Amendments is, as we have been told, to provide for the registration of outworkers with the Gunmakers Company—though I gather neither hon. Gentleman would wish to stick to that if an alternative formula could be found—and to obviate the need for them to register with the police. I understand that the outworkers usually undertake work for the gun trade, such as barrel blacking, engraving, action firing, stocking and so on. It is true, as the hon. Gentleman pointed out, that they will now be required to register with the police as the Bill stands at present.

The hon. Member for Norfolk, South told us of the anxieties of the trade that these independent sturdy craftsmen who are outworkers would object to keeping records because they are primarily craftsmen and are not accustomed to keeping records. They are craftsmen of very high quality, and craftsmen of high quality are usually very intelligent people. The records which they would be required to keep would be simple, straightforward records of their work. It is not intended that a grevious burden should be imposed on them.

The hon. Member for Norfolk, South also said that these people would be likely to object to the registration fee. I have never met anyone who enjoyed paying a registration fee. We all come in this category. But I am sure that that is the slightest of objections, because if the trade felt strongly about this matter the manufacturers would meet the fee. The matter could easily be covered in that way. I am told that, in the main, the outworkers are elderly people who have been in the trade for many years. This makes it clear that registration should cause no difficulty to these experienced craftsmen. They are known to the police. They are respected people. The police know their conditions. The conditions of registration which the chief constables are likely to lay down would not be onerous.

One of the main purposes of this Measure is to ensure that a careful watch is taken over the repair, manufacture and sale of guns, and it is possible that this could be a loophole. We have looked at this matter with great sympathy. I confess that as I listened to the trade I made up my mind that I would help it if it were possible to do so, but we feel that it is much wiser that anyone who has anything to do with the manufacture or repair of guns should be under the supervision of the police and certainly not of any other body, however reputable it may be.

I hope that the hon. Members for Norfolk, South and Abingdon will take it from me that there is plenty of good will towards the trade. We had a very harmonious Committee upstairs. After the first little sharp burst of sniping earlier tonight, we have, for the time being, returned to the calm atmosphere of the Standing Committee. The hon. Member for Norfolk, South has stated the case fairly, but in our considered judgment it is much better for all who repair guns to be known and to be registered. Since we are taking so many powers in the Bill, it would be foolish to leave this one loophole. I hope that the hon. Gentleman will feel that he need not press the proposed Clause and the Amendments.

9.0 p.m.

Mr. Richard Sharples (Sutton and Cheam): My hon. Friend the Member for Norfolk, South (Mr. J. E. B. Hill) will be a little disappointed by the Joint Under-Secretary's reply. I know that he has, as he always does, considered the matter with great care, but I would ask him whether he will have another look at this proposal between now and when the Bill goes to another place.

This is in some ways a small problem, but in other ways it is a very real one. I am sure the hon. Gentleman appreciates how difficult it is for people engaged in small workshops dealing with small parts of weapons—not whole weapons—to keep a register of each separate part.

If the hon. Gentleman looks at Section 8 of the Firearms Act, 1937, I am sure that he will agree that a person of this kind, in a small way of business, dealing only with a very small part of the industry, would be terrified at having to comply with all the elaborate provisions of that Section. As has been said, these in the main are elderly people, but none the less they are very important. They are people upon whom very largely the export trade in guns, for which this country has a justified reputation, is dependent.

[MR. SHARPLES.]

I appreciate that the Under-Secretary might not be able to accept the proposal in the form in which it has been put, but perhaps he could consider between now and a later stage whether some simpler form of registration of these people, with a simpler form of record keeping, could be worked out with the police. I think that is all my hon. Friends and I would ask for. I do not know what my hon. Friend's intention is, but if we could have an assurance of that sort I feel that he might well be inclined to withdraw the Amendment.

Mr. George Thomas: It is, of course, the chief constable who will decide what conditions of registration are necessary. They will differ from dealer to dealer. Certainly, most of these people are in the Birmingham area, and I am sure that the chief constable there, knowing the problem, will ensure that as far as possible the conditions are not made onerous for these people.

I wish that I could give the hon. Gentleman the assurance for which he asks, but if I did I would be misleading him and the House and raising false hopes. We looked at this proposal with sympathy and care, but we have been driven to the conclusion which I have submitted to the House, and I earnestly hope that the hon. Gentleman, who presented his case so forcefully, will accept from me that we are bound to take our stand on this point.

Mr. J. E. B. Hill: I accept that the Joint Under-Secretary feels obliged to keep this question of registration under Home Office control and, therefore, that he would prefer it done through chief constables.

I think the hon. Gentleman has been pessimistic in suggesting that the outworker represents a loophole. I really think that is going too far. If he examines our definition he will see that we are limiting this proposal to outworkers who do not have in their possession complete firearms. This is essentially to protect the person who works only on components. By definition he does not trade at all in firearms or weapons. Yet at the moment it seems that chief constables will have to observe the general regulations—I imagine they are laid down centrally—in the format of the firearms register.

I understand that that is a very detailed document, because naturally it records the movements not of odd components such as stocks or half-made-up barrels but complete firearms ready for use and going out to the general public. The traffic which I am describing is that of components between craftsmen and the gun-making firms. There would be no difficulty if these craftsmen were not self-employed and in many cases working for various companies. To describe this as a loophole is very pessimistic.

Likewise I should be happier if the Under-Secretary could look at this matter and accept the idea of keeping a separate register for these men. If they looked at the Bill and examined the penalties in it for not keeping a firearms register properly they would say, "This is a very sharp application to be put upon us when we are not in the area of trade of the regular firearms dealer." That argument would apply even more forcibly to the fee, because they would say, "Why should we pay £5 fee when we are not doing any of this trade?" I am sure that that must appeal to the Under-Secretary who is a Welshman.

I should feel happier therefore if the hon. Gentleman would continue to look at this problem and consider the keeping of a separate register. We want to know who is employed in this kind of work. A separate register would obviate the difficulty of these men having to equip themselves with all the paraphernalia of forms and registers concerned with firearms. I would hope that the hon. Gentleman would look at the matter again and consider whether administratively he could not make a simpler form. I am sure that this would satisfy the trade. I know that these men are elderly, but let us remember that the continuance of this important trade depends upon recruiting young men. Do not let us therefore create a deterrent to that recruiting. I do not wish to press the matter to a Division and I therefore beg to ask leave to withdraw the Motion.

Motion, and Clause, by leave, withdrawn.

Clause 1.—(CARRYING FIREARMS WITH INTENT TO COMMIT A SERIOUS OFFENCE.)

Sir F. Soskice: I beg to move Amendment No. 1, in page 1, line 5, after

" firearm ", to insert " or imitation firearm ".

The Government are indebted to hon. Members opposite for bringing this issue to notice. Clause 1 is designed to be a Clause of severe application. In it we are seeking to make it possible to repress this kind of behaviour. It was pointed out in argument in Committee that the sort of persons who may commit offences under the Clause may carry with them a firearm or something which looks very much like a firearm but which is an imitation firearm.

We introduce later in the Bill, if the House permits, a definition of what we mean by an imitation firearm. It means something which looks exactly like a real weapon, but which is incapable of performing the functions of a real weapon, namely, the propelling of bullets or some other material through a barrel.

It seems to the Government that it is right to deal with the case and to introduce it in this Clause in which the thug or gunman, with a view to terrifying innocent citizens, carries with him something which looks exactly like a gun, which he uses as if it were a gun and with which he menaces or intends to menace innocent people, when, in point of fact, it is an imitation gun.

The Government are grateful to hon. Members opposite for bringing the point to their notice, and I ask the House to accept the Amendment so as to make it an offence, even though the weapon in question is not a real firearm but looks like one and can be used, or is likely to be used, by a miscreant for the purpose of threatening or striking terror into other persons.

Mr. William Roots (Kensington, South): Considering the horrifying nature of some of the topics we have discussed on the Bill, it is surprising how many pleasantries have managed to pass to and fro during our consideration of it.

I am grateful to the Home Secretary for acknowledging that we on this side first emphasised the considerable alarm and harmful effects which can be induced by an imitation firearm. As he said, as soon as we raised the matter, he and his hon. Friends became convinced that this was an essential Amendment if we were to achieve the full object of the Clause, and I hope that the House will accept it.

Amendment agreed to.

Sir F. Soskice : I beg to move Amendment No. 2 in page 1, line 6, after " commit " to insert:

" while he has it with him ".

I think that it would be for the convenience of the House, Mr. Deputy-Speaker, if you were to allow Amendments Nos. 4 and 5 to be discussed at the same time. Amendment No. 4 deals with the same point as Amendment No. 2, and Amendment No. 5 is simply consequential.

Mr. Deputy-Speaker : Yes, if the House so pleases.

Sir F. Soskice : There was a good deal of discussion in Committee about whether the Government had got the right words in line 5 of Clause 1,

" any person who has with him a firearm ".

Considerable doubt was expressed about whether the phrase " has with him " was sufficiently precise in this context, and I undertook to give careful thought to it. I said that I thought that it was probably the best form of words for the purpose we had in mind, and, after further thought, I am still of that view. However, on reconsideration of the wording, it seems to us that it would be right to insert in line 6, after the word " commit ", the words

" while he has it with him ".

We want to make the Clause not only one of rigid application but one which does not apply in circumstances where we do not intend it to apply. A man might have it in mind to commit an indictable offence which was utterly irrelevant to the carrying of a weapon. For instance, a man might be walking along the street with the fixed intention in his mind of committing a fraudulent bankruptcy. It is rather unreasonable to say that he should be liable to a penalty of up to 10 years' imprisonment because, while he walks about with that settled intent, he also has in his pocket a revolver. We do not really want to include that person. It was suggested by one hon. Member that there should, as it were, be some connection introduced between the possession of the weapon and the quality and nature of the offence.

[SIR F. SOSKICE.]

9.15 p.m.

By inserting the words

" while he has it with him "

we bring about the result that the offence can only be one in relation to which one might wish to have with one a weapon while committing it. The Clause will be related to robbery and a wide category of offences in relation to which one might equally have the desire and intention, whilst committing the offence, to have with one a weapon. By introducing these words, we limit the effect of the Clause by making it apply to the sort of offence, and only to the sort of offence, to the committing of which possession of a weapon has some relevancy.

Amendment No. 4 produces the result of throwing upon a person who is proved to have the intention to commit an indictable offence, and at that time also to have a weapon with him, the onus of showing that he proposed to discard it before he embarked on the actual commission of the offence. Once a person is walking along with a foul and ugly purpose in his mind and he is found to have with him physically a weapon, he must satisfy any court before which he comes that he did not mean, when he carried out his purpose of committing the offence, to have that weapon with him whilst he did so. He has to show that it really was his intention to throw it away or otherwise discard it before the actual commission of the offence.

The reason that we think it right to put the onus on that person is that, if the onus remained with the prosecution to show not merely that he intended to commit a robbery and that he possessed a pistol, but also that he proposed to use it or have it with him at the time of the commission of the offence, a whole number of people might escape. One would not know what time he proposed to commit the robbery ; it might be three days later. It would be difficult for the prosecution to prove with the requisite degree of certainty to satisfy a criminal court that he intended to possess the weapon up to and including the time of the commission of the offence.

One must carefully balance provisions of this sort to see that one does not trespass on the proper domain of civil liberty. We feel convinced that we have not. If one is dealing with a person who is going along the street and can be shown by extraneous circumstances obviously to be bent upon carrying out the commission of an indictable offence, and if that person is shown also at that time to have a weapon with him, it is not asking too much of him to say, " If your defence is that you meant to discard the weapon before committing the offence, prove it ". It should not be on the prosecution to do so. That is the reasonable way of going about it.

This is not oppressive. Nevertheless, it makes the Clause effective in cases in which otherwise, without that change, it might often have failed of its purpose and people who were thoroughly guilty might escape conviction merely upon a technicality. I hope that the House will agree with the Amendments. Amendment No. 5 is purely consequential on the others.

Mr. Roots : I am sure that the House will have been moved by the interest which the right hon. and learned Gentleman has taken in the interests of fraudulent bankrupts wandering about the streets with revolvers. However, from this side of the House I welcome his recognition of what a number of us felt to be—from the HANSARD report of the Committee proceedings it seems that I actually voiced the feeling—the importance of having at any rate some connection between the firearm which was on the person and the crime which he was contemplating committing.

While I am grateful for the right hon. and learned Gentleman's recognition and his efforts to try to meet the position, I should be less than honest if I did not say that I think that the original drafting which we were supporting, the wording,

" may have been available in the course or furtherance of committing an offence "

was, perhaps, slightly more effective and to the point than the drafting which the Home Secretary has now adopted.

Be that as it may, these Amendments go most of the way and perhaps all the way, but not very neatly, to achieve the result which we were anxious to achieve, and I hope that the House will now feel

that it is adequately achieved and will be prepared to accept the Amendment.

Amendment agreed to.

Sir F. Soskice: I beg to move Amendment No. 3, in page 1, line 6, after "offence", to insert:

"or to resist arrest or to prevent the arrest of another".

This Amendment, also, deals with a proposal which was made by hon. Members opposite in the course of our debates in Committee. Its purpose is to complete the ambit of Clause 1(1). At the moment, the Clause is applicable when the intent is to commit an indictable offence. It was pointed out in discussion that to make the scheme logically complete we ought also to include the intent to resist arrest, or to prevent the arrest of another, which may or may not be indictable and probably would not be. We thought that that might not be covered by the words,

"intent to commit an indictable offence",

which is why we suggest the Amendment.

Mr. Roots: From this side of the House I need only say that the right hon. and learned Gentleman has stated quite correctly what we feel would be an improvement and I am grateful to him for accepting it and I hope that the House will do likewise.

Amendment agreed to.

Further Amendments made: In page 1, line 7, at end insert:

(2) In proceedings for an offence under this section proof that the accused had a firearm or imitation firearm with him and intended to commit an offence or to resist or prevent arrest shall be evidence that he intended to have it with him while doing so.

In page 1, line 8, leave out "the foregoing subsection" and insert "this section".—[*Sir F. Soskice.*]

Clause 3.—(TRESPASSING WITH FIREARMS IN A BUILDING.)

Sir F. Soskice: I beg to move Amendment No. 6, in page 2, line 1, to leave out from "has" to "enters" in line 2 and to insert "a firearm with him".

This Clause was acutely discussed in Committee. The Government feel that there was force in an argument advanced by an hon. Member opposite and we desire to give effect to it. The Clause originally made it an offence for a person to trespass upon a building if he had on him a firearm and also ammunition for use in that firearm. It was not an offence unless he had both those things with him. There also had to be an absence of reasonable excuse. He had to be a trespasser without reasonable excuse. It was represented forcibly in argument that if we insisted upon the requirement that a person should have with him ammunition suitable for use in the firearm the Clause might lose a great deal of its effect.

We have to conceive of a marauder—a house-breaker or a burglar, or whoever he may be—who has broken into a building, finds himself surrounded and possibly at the risk of arrest, and who realises that he may be liable to a very severe penalty. If he is a lawyer—and many of these people are, perforce, incipient lawyers—he will throw away the ammunition in question.

If a person trespassed in a building and had no excuse for trespassing—if he could not say that he had gone there to rescue somebody, or to put out a fire, or something of the kind—and he had a firearm and the ammunition to go with it, and, in those circumstances, was committing a serious offence, it would be unfortunate if he could escape the consequences of that situation by divesting himself of the ammunition by throwing it out of a window or into a corner, where it might not be seen, or by disposing of it in one of many other possible ways.

It was represented in argument that if we included the words

"together with ammunition suitable for use in that firearm".

the Clause would be robbed of a great deal of its efficacy. On reflection, it seems to us that that is a sound argument and we desire, if the House sees fit, to give effect to it. If the House agrees to the Amendment the offence will be one of trespassing without reasonable excuse on premises—a building, or somebody's house—while having a firearm in one's possession. If we conceive of a person who has a pistol in his pocket and has no excuse for going into somebody's house but has done so, it is reasonable that the law should say that he is committing an offence. A person must not go into another person's house carrying a firearm.

[SIR F. SOSKICE.]

That is what the Clause provides, and we respectfully submit that the Clause is a good one which is improved by the omission of the words

" together with ammunition suitable for use in that firearm ".

Mr. Sharples: We are grateful to the Home Secretary for accepting the proposal that we put forward in Committee. The right hon. and learned Gentleman has set forth the arguments very clearly, as they were put forward in Committee, and we are grateful to him for accepting our suggestion.

9.30 p.m.

Mr. Bryant Godman Irvine: I want to say how grateful I am to the Home Secretary for what he has said this evening about the way in which the offence is related to the gun and not to the question whether there is ammunition for the gun. In Committee, I had an Amendment down to the Home Secretary's new Clause, to have the words relating to ammunition deleted. I have just been looking at what the right hon. and learned Gentleman had to say on that occasion.

Although I was in no way grateful to him for what he then had to say, I must say how grateful I am to him for his taking a slightly different view today. I am not forgetting the courteous and helpful way in which the Joint Under-Secretary of State gave an undertaking that this would be done. As we rely so much on what the Under-Secretary says in these matters, I was happy to withdraw the Amendment. We have seen the result today and I am grateful to the Minister.

Amendment agreed to.

Sir F. Soskice: I beg to move Amendment No. 7, in page 2, line 8, to leave out from the beginning to " air " in line 9 and to insert

" unless the firearm is an ".

This Amendment is consequential on the last Amendment to which the House has just agreed. The Clause as it stands, draws a distinction between the case in which the weapon concerned is an unloaded shotgun or an air weapon on the one hand—and in that case prescribes an offence which is much less serious, because the weapon is less formidable and the offence is punishable only on summary conviction—and the case in which the weapon in question is of a more dangerous and sinister type. The effect of leaving out the requirement that the wrongdoer should have with him ammunition logically involves that one should leave out the distinction between a loaded and an unloaded shotgun. The Amendment simply does that.

The result of accepting the Amendment will be that the less serious offence is the offence in which the weapon concerned is a weapon, such as an air weapon, which is less savage in its potentialities than the others. We seek to make the Amendment in order to eliminate from the Clause what in its unamended form would be a somewhat illogical situation.

Mr. Sharples: We had a lot of discussion during the Committee stage about the kind of weapon which should be differentiated. The right hon. and learned Gentleman has now made the right differentiation. I think there is a case for making a differentiation between an air weapon and other weapons. We disputed the difference between the shotgun and other firearms, and this Amendment has put that right.

Amendment agreed to.

Clause 4.—(TRESPASSING WITH FIREARMS ON LAND.)

Sir F. Soskice: I beg to move Amendment No. 8, in page 2, line 12, to leave out from " has " to " enters " in line 13 and insert

" a firearm with him ".

This Amendment does in relation to Clause 4 precisely what the previous Amendments did to Clause 3. In Clause 3 armed trespass in a building is dealt with. Clause 4 deals with armed trespass on land. As it stands, the Clause again requires the possession not merely of a firearm but of ammunition suitable for use in the firearm. For reasons similar to those which I sought to advance in the case of the previous Amendment we think it appropriate, as was argued by hon. Members opposite during the Committee stage, that the words:

" with him a firearm together with ammunition suitable for use in that firearm "

should be omitted.

Possibly, it is more requisite in this Clause even than in the last to omit those words. If an individual who is trespassing on land when armed and is perhaps a long way from the main road realises that the hue and cry is after him and that he is liable to be caught, it is the easiest thing in the world for him to shed any ammunition which he has and in that way to avoid the risk of prosecution under this Clause.

I should add that the Clause is one which creates an offence of lesser gravity than that created by the previous Clause, which contemplated a situation in which the conduct was more reprehensible, in that it was armed trespass in a building. This Clause contemplates armed trespass on land, which can be said perhaps to have less serious potentialities than the conduct described in the previous Clause.

One does not want to make the Clause ineffective by providing a ready opportunity for the wrongdoer to divest himself of the evidence, the ammunition, which would make him liable under the Clause. It would be so easy for him to do so, by throwing it away behind a bush where nobody would see it. Therefore, we propose to the House that we should leave out these words, in this Clause as in the last.

Mr. Bryant Godman Irvine (Rye): As the Home Secretary so clearly appreciated the importance of this to those who live in the country, I should like to add my word of thanks to him for accepting the points which we put forward in Committee. It was my Amendment to this Clause to which I was referring a moment ago. An undertaking was given by the Joint Under-Secretary of State that this would be looked at. The Home Secretary was not at that time so receptive as he is today. I am most grateful to him for his full appreciation of how important this is to the countryside.

Mr. J. E. B. Hill: I, too, should like to thank the Home Secretary for meeting our arguments in Committee and particularly for advising me during the interval of his intention, which enabled me to withdraw Amendments which I had down on this point.

I think that this will make the Clause both more workable and more acceptable in the countryside. It will be more workable, because our experience showed that it is usually the less blameworthy armed trespasser in the countryside who has ammunition on him, often the individual trespasser, the man who has lost his way. Therefore, he would tend to be caught by the old provisions, whereas the calculating hooligan would tend to escape. We have remedied that. I think that there is a greater gain, and that it will be more acceptable because it will now be possible for the occupier of land to see that armed trespass is being committed. He will see a stranger who has no permission to come, with a gun. He could then say to that stranger, "You have no permission to come on to my land. I see that you are carrying a firearm. You are committing an offence and I request you to leave."

There is no comeback. The man could not say, "I have no ammunition." That means that, in most cases, the innocent trespasser will say that he is sorry and there will be no further trouble. He will withdraw and the police need not be troubled at all, under this revised Clause, because they will not be required to discover whether or not the man has ammunition. Therefore, I think that this will make the Clause more acceptable and less onerous in operation.

Mr. Sharples: This was one of the more controversial matters which we discussed in Committee, and we divided the Committee on this point. The acceptance by the Home Secretary of the proposal which we put forward will go a long way towards meeting the point of representations made to us by the National Farmers' Union and other bodies. We are most grateful to him for reconsidering the matter and for putting forward this Amendment.

Amendment agreed to.

Mr. Michael Noble (Argyll): I beg to move Amendment No. 9, in page 2, line 18, to leave out subsection (2).

Those of us who have been listening for the last hour or hour-and-a-half of our discussion and who did not have the good fortune to be in Committee on the Bill are beginning to feel that we missed a very worth-while Committee. The number of courtesies and amiabilities flying from one side of the House to the other is something to which we are not accustomed, at least in Scotland.

[MR. NOBLE.]

Talking about outworkers on an earlier Amendment—I am not certain that he would think of Scotland in that sense—the Joint Under-Secretary of State said that since we are taking so many powers in the Bill it would be foolish to leave this small loop-hole. When we look at Clause 4(2) we see an enormous loophole, because the whole of Scotland has been left out. Although I entirely agreed with the Home Secretary when he said that armed trespass on land was rather less sinister than trespass in a house, there are conditions which have made it right for the Home Secretary to take these powers in England which, as far as I can make out, apply in Scotland, if not with as much force, certainly in exactly the same degree.

It may be that we have fewer hooligans. It may be that we are a little more law abiding. But evidence has been reaching me in the last few weeks of a fairly steady number of complaints of this type of trespass in the countryside, particularly around towns, where a great deal of damage is done and where there is a great deal of cruelty to animals. If the Government have had their ear to the ground in Scotland as they have in England—and I am sure that they have—they will have found that many chief constables, the N.F.U. and other bodies feel that it is not fair to exclude Scotland from this provision.

I have moved the Amendment as shortly as I can in order to minimise the risk of the amiability seeping away. I hope that the Government will indicate that they realise that in this respect Scotland is due the same treatment as England and will be grateful if it gets it.

Mr. Ian MacArthur (Perth and East Perthshire): I join my right hon. Friend the Member for Argyll (Mr. Noble) in hoping that the spirit of amiability, this curious contagion of acceptance, which we have seen in the House will spread to the Minister of State for Scotland. I fail to understand why the Clause, which seems to me to be one of the most important Clauses in the Bill, does not extend to Scotland. Why is Scotland in the Government's view so different from England in the matter of the misuse of firearms? Why should it be unlawful to trespass with a loaded firearm in England but not unlawful to do so in Scotland? Why should a youth who wanders wildly about the countryside with an airgun be committing an offence in England but not in Scotland?

9.45 p.m.

I think that it is true to say that we in Scotland enjoy a higher degree of respect for country life than is the case around some of the great cities in England. I do not say that as an assault on the English. However, in the last few years there has been an extension of abuse of country life. This is, I suppose, a reflection of the new affluence; the movement of people from cities to the countryside—a good thing in itself, but inevitably it carries with it the risk that an element of hooliganism will spread from the cities into the countryside, with the dangers and damage that can result.

In Scotland we have experienced the thoughtless exploitation of, for example, fishing grounds, with bus loads of people flogging a wee hill loch to death. How soon will it be before these habits extend to the carrying of firearms and the malicious and irresponsible shooting of animals, and at animals, in fields?

Not long ago we in Scotland were all shocked to read of gangs marching out from the cities at night and shooting, even machine gunning, deer by the roadside, having tracked them down by using the headlights of motor cars. This was a wicked and vicious thing to do and the more we can restrict the freedom people have to misuse firearms in this way the better for all concerned. I fail to understand the logic of excluding Scotland from the Clause and I hope that the Government will accept the Amendment.

The Minister of State, Scottish Office (Mr. George Willis): After the generous and amiable treatment which I accorded hon. Gentlemen opposite in Committee upstairs. I thought that I was deserving of rather higher marks than I have been given.

The Amendment would apply the Clause to Scotland. When this provision was introduced and discussed in Committee my right hon. and learned Friend the Home Secretary said that there was no demand for legislation of this sort in Scotland. That, so far as we knew, was the position. We understood at that time

that there was no demand for it in Scotland and my right hon. Friend the Secretary of State for Scotland and the Lord Advocate were satisfied that there were sufficiently good grounds for not imposing what is, after all, another restriction, however good its aim.

However, since it was pointed out by the hon. Member for Rye (Mr. Bryant Godman Irvine) that there was a demand for this provision, we have, since the Committee stage, tried to find out exactly what the position is. We have discovered that the Scottish Landowners' Federation and the Scottish N.F.U. both wish to have the provision applied to Scotland. We also tested opinion among Scottish chief constables. Although we discovered some division of opinion among them—which shows that there is still some doubt on this issue—the majority thought that there might be some merit in the Clause applying to Scotland.

There was some indication that the behaviour around some of the larger conurbations was such that some useful purpose might be served if the provision applied to Scotland. We had in mind the fact that behaviour of the sort mentioned—people flocking out from the towns, being armed with airguns and other weapons and creating a nuisance in the countryside—might tend to increase. This led us to reconsider the matter and I accordingly advise the House to accept the Amendment.

Mr. Noble: With permission, Mr. Speaker, I should like to thank the Minister of State. I thought that his amiability came from his physical proximity to the Joint Under-Secretary of State for the Home Department, the hon. Member for Cardiff, West (Mr. George Thomas), but I do not want in any way to be grudging in my gratitude to him for accepting this Amendment. I shall be equally forthcoming with my praise if he can equal the efforts of his right hon. and hon. Friends in accepting, as far as I can make out, about six Amendments per page of the Bill that is being considered in the Scottish Standing Committee.

Mr. Speaker: Those remarks are largely out of order.

Amendment agreed to.

Clause 5.—(POWER OF CONSTABLES.)

Mr. George Thomas: I beg to move Amendment No. 10, in page 2, line 25, to leave out " in a public place ".

Perhaps it would be for the convenience of the Committee, Mr. Speaker, if we took with this Amendment, Amendments Nos. 11 and 12.

Mr. Speaker: If the House so pleases.

Mr. Thomas: I am sorry that we have come to the end of the Scottish accent for the time being. I always enjoy hearing it. I am always very surprised when I find such harmony, but I shall continue the harmony. We had an agreeable Standing Committee. The right hon. Gentleman the Member for Argyll (Mr. Noble), the former Secretary of State for Scotland, said earlier that he was sorry that he had not served on the Committee. I am sorry that he was not there, because it was a Committee in which very persuasive arguments were put forward in a constructive way by the Opposition. The Government listened to those arguments with sympathy and consideration, and have since studied the Amendments to which they related. The result is that we have tabled these Amendments.

The Amendment that I have moved is a purely drafting Amendment, necessitated by Amendments made in Committee applying the powers given to constables by Clause 5 to the armed trespass offences in Clauses 3 and 4. Amendment No. 11, in page 2, line 37, is another good example of the improvements that we have made in the Bill as we have gone along. It extends the power of a constable given by Clause 5(3) to search a vehicle in a public place for firearms to vehicles on private land.

This meets the point made by the hon. Member for Norfolk, South (Mr. J. E. B. Hill), in Committee, that there was otherwise an obvious escape route, because any armed trespasser could simply pull off the highway on to private land. We have given much thought to the hon. Gentleman's argument. Since another Amendment is being introduced to give the police a right of entry on to private land Amendment No. 11 is a reasonable parallel move to take.

Amendment No. 12, in line 42, results from another Amendment for which the

[MR. THOMAS.]

Opposition pressed in the Standing Committee. I would here pay my tribute to the hon. Member for Rye (Mr. Bryant Godman Irvine), who had his Private Member's Bill on armed trespass all lined up, but who, as a result of our discussions and deliberations together in Committee, withdrew his Bill on undertakings from us that we would meet the point that he had advanced.

This extends the power of arrest without warrant to offences committed under Sections 17, 21 and 24 of the 1937 Act. Section 17 relates to the possession of prohibited weapons, Section 21 to the illegal possession of firearms after release from prison, and Section 24 to the illegal shortening of guns, the conversion of imitation firearms into firearms, and the illegal possession of shortened shotguns and converted firearms.

It only remains for me to tell the House that the police themselves will welcome this additional power. They believe that it will strengthen their hands in the fight against crime on which they are embarked. I know that, since we are fulfilling promises we made in good faith to the Opposition in Committee, these Amendments will be welcome to the House.

Mr. Sharples: Once again, we are grateful to the hon. Gentleman for tabling these Amendments, which meet in almost every case points we made in Committee. I need detain the House no longer. I hope that the House will accept the Amendments.

Mr. Bryant Godman Irvine: I again add my thanks to the Joint Under-Secretary for the undertaking which he gave me, which appears at column 136 of the OFFICIAL REPORT, Standing Committee E, 23rd March, 1965. I thank him for the way he has carried out that undertaking. The vital thing for the country is that the constable shall have the right to enter on to private land. This was a point on which there was a little reluctance at some stage in Committee. The Joint Under-Secretary gave us the undertaking in Committee and this has been implemented in the Amendments.

Mr. J. E. B. Hill: I, too, thank the Home Secretary for meeting the points we made in Committee. I am sure that the job of the police will be made more effective and easier. Much time and trouble will be saved. It is not often that back benchers push three or four points in Standing Committee and have the satisfaction of having them accepted after reflection by the Government. We are grateful for the attention we have been given.

Amendment agreed to.

Further Amendments made: In page 2, line 37, after "place", insert:

"or that a vehicle is being or is about to be used in connection with the commission of an offence under the foregoing provisions of this Act elsewhere than in a public place".

In line 42, at end insert:

"or under section 17 (prohibited weapons and ammunition), section 21 (prohibition on exprisoners and others from possessing firearms and ammunition) or section 24 (shortened shot guns) of the principal Act.

(5) For the purpose of exercising the powers conferred by the foregoing provisions of this section a constable may enter any place.

(6) A constable may seize and detain any firearm or ammunition which may be the subject of an order for forfeiture under section 25 of the principal Act (power of court to order forfeiture of firearms or ammunition on conviction for certain offences).

(7) Subsection (5) of this section shall not be construed as prejudicing any power of entry exercisable by a constable apart from the provisions of that subsection and subsection (6) of this section shall not be construed as prejudicing the power of a constable, when arresting a person for an offence, to seize property found in his possession or any other power exercisable by a constable apart from that subsection of seizing firearms, ammunition or other property".—[*Mr. George Thomas.*]

Clause 9.—(MISCELLANEOUS AMENDMENTS OF PRINCIPAL ACT.)

Sir F. Soskice I beg to move Amendment No. 13, in page 4, line 30, to leave out subsection (3) and to insert:

(3) For section 21(1) of the principal Act (prohibition of persons sentenced to preventive detention or corrective training or to imprisonment for a term of three months or more from possessing firearms and ammunition for five years after release) there shall be substituted the following subsection:—

"(1) Subject to the provisions of this section—

(*a*) a person who has been sentenced to preventive detention, or to imprisonment or to corrective training for a term of three years or more, or who has been sentenced to be detained for such a term in a young offenders institution in Scotland, shall not at any time have a firearm or ammunition in his possession; and

(*b*) a person who has been sentenced to borstal training, to corrective training for less than three years or to imprisonment for a term of three months or more but less than three years, or who has been sentenced to be detained for such a term in a detention centre or in a young offenders institution in Scotland, shall not at any time before the expiration of the period of five years from the date of his release have a firearm or ammunition in his possession".

(4) For section 21 (2) (*a*) of the principal Act (prohibition on prisoners and others under licence from possessing firearms and ammunition), in its application both to England and Wales and to Scotland, there shall be substituted the following paragraph:—

"(*a*) is the holder of a licence issued under section 53 of the Children and Young Persons Act 1933 or section 57 of the Children and Young Persons (Scotland) Act 1937".

The Bill, in a sense, follows on the 1937 Act, Section 21 of which provides that a person who has been sentenced to a term of various forms of imprisonment in excess of three months shall be disqualified from possessing a firearm for five years thereafter. It was argued in Committee that in the case of the more reprehensible criminal, five years would not be enough. To take the case of the thug who deserves and receives imprisonment or punishments of other sorts for a period in excess of three years there is really no reason why he should ever possess a firearm. That was the argument advanced which commends itself to the Government.

In the Amendment I have now proposed the Government intend to substitute a different Clause for Section 21, subsection (1), of the 1937 Act. In the new Clause we propose to substitute, if the House agrees, we will retain in effect, the provision that persons whose punishment merits a period of restraint in excess of three months——

It being Ten o'clock, further consideration of the Bill, as amended, stood adjourned.

Ordered,

That the Proceedings on Government Business may be entered upon and proceeded with at this day's Sitting at any hour, though opposed.—[*Mrs. Harriet Slater.*]

Bill, as amended (in the Standing Committee, further considered.

Sir F. Soskice: In the new Clause which we ask the House to accept we preserve the distinction between the miscreant who has deserved and received a period of punishment in excess of three months and who is, in consequence, disqualified under the existing provisions of Section 21 of the 1937 Act from possessing a firearm for five years, and the more dangerous type of criminal, whose crime has earned for him punishment in excess of three years. With regard to this type of criminal, we now seek to provide that he shall never, during the course of his natural life, possess a firearm.

We submit to the House that this is a reasonable provision. The possession of a dangerous weapon of that sort is something the Government believes should be regarded as a kind of privilege. If you are a person who, because of your violent anti-social tendencies, have shown yourself as unfit for that sort of privilege, you should never again have a firearm.

There is provision in the 1937 Act for application to be made to a court of quarter sessions for relaxation, in the case of a particular individual, of that provision. We seek generally to enact by this Clause that a dangerous criminal, as we seek to define him in our new Clause, shall never again, unless a court specifically authorises him to do so, possess a firearm. There is not the slightest reason in the world why, if he has shown himself to be so utterly inimical to society as to deserve punishment of that magnitude, society should be expected to trust him with the possession of a firearm.

That is what this new Clause seeks to enact and I hope that it will commend itself to the House, as it commends itself to the Government after hearing arguments advanced from the opposite side of the Committee upstairs.

Mr. Sharples: In the Standing Committee we on this side moved an Amendment, which, by its drafting, went a little further than the Amendment which has now been moved by the Home Secretary. I think that the right hon. and learned Gentleman has now got the balance right. I certainly support this Amendment as it is now put forward. I think that the House should appreciate the very serious step which we are now taking in preventing people who have been sentenced to prison for a serious crime from ever having firearms during the whole of their life unless they are allowed to do so by permission of a court. It is a very serious

[MR. DEEDES.]

step indeed and I think that it is right, in view of the gravity of the situation with which we are trying to deal.

Mr. W. F. Deedes (Ashford): I am sure that hon. Members are grateful for the reception that the Home Secretary has given to the proposals made in Standing Committee. May I ask, on subsections (1,*b*), a question relating to enforcement? I think that this problem may arise here and I would be grateful if the Minister could make it clear to us how a check would be kept to ensure that persons who are mentioned there would be found guilty of a criminal offence and came under the terms of that subsection.

Sir F. Soskice: There is always the difficulty of discovery of an offence by the police. But, after all, a person who has committed an offence of this sort will have been punished and his record will be well known to the police. This is a matter which will be carefully documented in police archives. If there is any reason or evidence to suppose that a person of that sort, notwithstanding this ban, possesses a weapon, the police, in the ordinary way, if the evidence is satisfactory, would bring proceedings in order to enforce this Clause. We cannot say in advance how it will arise in each case, but the police would naturally use their usual vigilance and means of ascertaining when offences are committed. Whether they are successful depends on the circumstances.

Mr. Deedes: I do not wish to quibble about this, but the matter would arise only when an offence had been committed and the criminal's record became known. It would not be possible to check on the individual before he committed a criminal offence.

Sir F. Soskice: I dare say that very often that would be the case. I do not conceive that that would be the only situation in which it came to light that a person under a ban of this sort was in possession of a firearm. In a variety of circumstances evidence might point to the possession by him of a firearm. A number of these people are very boastful and stupid and they often betray themselves by indiscreet statements when those statements are overheard. All sorts of situations might arise which gave rise to a perfectly clear piece of evidence to show that the individual possessed a firearm. Generally it would be because an offence had been committed.

Amendment agreed to.

Mr. J. E. B. Hill: I beg to move Amendment No. 20, in page 4, line 41, at the end to insert:

"and there shall be added at the end of the said section 24(1) the words—

'Provided that nothing in this subsection shall prevent a registered firearms dealer from shortening the barrel of a smooth-bore gun if before parting with possession of the gun he replaces the part of the barrel removed with another part so that the total length of the barrel is not less than twenty-four inches'".

Again, this Amendment is tabled to meet a technical difficulty which the gun trade discovered after the Bill had left Standing Committee. I should like once more to thank the Joint Under-Secretary of State for the consideration which he gave to this point and his promise to look into it at very short notice.

The difficulty arises in this way. Section 24(1) of the Firearms Act, 1937, has now been amended by subsections (1) and (4) of Clause 9 of the Bill so as to read:

"No person shall shorten the barrel of a smooth bore gun to a length less than twenty-four inches"—

not even a registered firearms dealer. This flat prohibition will prevent the repair of shotgun barrels by what is known as the sleeving method.

Sleeving involves cutting off old barrels a short distance from the breech and inserting new barrels to make the gun the same length as before, or, at any rate, not less than 24 inches. The method has been developed in recent years as a cheaper alternative to fitting completely new barrels which now, for a 12 bore gun, can cost as much as £100 or £150. Sleeving works out at about half the price, and therefore the trade wants to be able to continue this method.

In case anyone thinks that sleeving is possibly unsafe, I should explain that sleeved guns are subject to specially severe proofing before being passed fit for use. The trouble is that if sleeving remains prohibited either the owner of a defective gun will tend to buy a cheap new gun—probably a foreign import, which would

not be as welcome to the trade as repairing the perfectly good mechanism of an existing British gun—or, worse still, the owner will tend to take a chance by going on using a gun the barrels of which are defective. I am put in mind of a rather happy-go-lucky sportsman who, when it was pointed out to him that the barrel of his gun seemed to have a hole in it, said, "It is all right as long as I do not put my left hand over the hole. It stings."

This Amendment has passed through some versions. In fact, it is a sleeved Amendment. We cut off the proviso which was defective and we recently added a new one. I hope that in its sleeved form it can stand up to the exacting proof of the Home Office, but if it happens that the Parliamentary outworkers have not performed their craft as well as the gentlemen who were mentioned earlier this evening, I hope the Minister will accept the principle and give the Amendment new barrels in his own words if necessary.

Mr. Neave: I thank the Under-Secretary for the consideration that he has given to this point. I hope he thinks that it is sound.

This is a sleeved version of our original Amendment. I believe the Home Office has already been told that the Birmingham Proof House proved 3,000 shotguns in the last 12 months, of which over 1,000 had these new sleeved barrels. Therefore, this new process is very important to the trade.

Of course, it would be a breach of the law for this process to be carried out as the Clause now stands, and I therefore hope it will be agreed that this Amendment is based on a sound point. As my hon. Friend the Member for Norfolk, South (Mr. J. E. B. Hill) said, this process is much less expensive than the old process and, in addition, it is efficient and safe. I therefore hope the Under-Secretary will agree that this Amendment is justified in the interests of the trade and that he will, therefore, accept it.

Mr. George Thomas: I think it only fair, after the Government have been tempted to conversion on so many issues tonight, that hon. Members opposite should also wear sackcloth and ashes because of the necessity for this Amendment. Our mistake was to listen to them. Otherwise, we would not be in the position, in our desire to control sawn-off shotguns, of having created this anxiety in the country.

I know the link between the hon. Members for Norfolk, South (Mr. J. E. B.. Hill) and for Abingdon (Mr. Neave) and the responsible people in the trade. I discussed this issue with them and there is no desire at all on this side of the House, any more than there is on the other side of the House, to hinder, impede or handicap responsible people in the gun trade.

We have not as yet found a form of words, but I am able to assure the hon. Gentlemen that by the time this Bill reaches another place we shall have given earnest consideration to finding some way of helping to solve the difficulty that has been created. We realise there is a safety factor involved in the right of the gun trade to deal with the sleeving of guns.

10.15 p.m.

Mr. Sharples: I must bear my fair share of guilt for the necessity for this Amendment and I am grateful to the hon. Gentleman for saying that he will find a means to try to put this matter right. There is a genuine case to be met here which has been put forward both to him and to us by the gun trade. On the hon. Gentleman's assurance, I hope that my hon. Friend will see his way to withdraw the Amendment.

Mr. J. E. B. Hill: On the assurance of new barrels, I beg to ask leave to withdraw the Amendment.

Amendment, by leave, withdrawn.

Clause 10.—(INTERPRETATION.)

Sir F. Soskice: I beg to move, in page 5, line 7, at the end to insert:

"imitation firearm" means anything which has the appearance of being a firearm (other than such a prohibited weapon as is mentioned in section 17 (1) (*b*) of the principal Act) whether it is capable of discharging any shot, bullet or other missile or not.

The Amendment is designed simply to define what we mean by an imitation firearm. The salient feature of the definition is that it is a firearm which looks like a real one and therefore is one which might be used by the thug to terrorise people by flourishing it in their presence or menacing them. It is for that purpose

[SIR F. SOSKICE.]

that we think it necessary to make reference to an imitation firearm in the Bill.

Mr. Sharples: This again is a point which we put forward in Committee and I am grateful to the right hon. and learned Gentleman.

Amendment agreed to.

Mr. George Thomas: I beg to move, in page 5, line 21, at the end to insert:

(2) For the purposes of this Act a shot gun or an air weapon shall be deemed to be loaded if there is ammunition in the chamber or barrel or in any magazine or other device which is in such a position that the ammunition can be fed into the chamber or barrel by the manual or automatic operation of some part of the gun or weapon.

This is the last Amendment and once again we are meeting the wishes of the hon. Member for Tiverton (Mr. Maxwell-Hyslop), who I know is deeply sorry that he cannot be with us at the present moment. He was very anxious that we should establish a definition of when a gun is loaded. I must confess that my right hon. and learned Friend, who seems to know most things, was like myself in difficulties about the exact definition. The hon. Member for Tiverton is a great expert on guns. I have heard a great deal in Committee and again tonight about guns and I think that the wording which we have found is adequate. I know that it satisfies the hon. Member for Tiverton and I hope that the House will feel that it can now accept the Amendment.

Mr. Sharples: As the hon. Gentleman has said, the Amendment meets the point which was put forward by my hon. Friend the Member for Tiverton (Mr. Maxwell-Hyslop). We on this side of the House certainly support it.

Amendment agreed to.

10.18 p.m.

Sir F. Soskice: I beg to move, That the Bill be now read the Third time.

During the course of our deliberations on the Bill we have exhaustively considered its provisions. When it was first brought to the notice of the House, hon. Members opposite in particular felt that it had been hastily put forward and ill-conceived. If they had known the trouble we had gone to in trying to get it right I think that they would probably have withdrawn their criticism. Whether or not their criticism was merited, I think that the Bill now emerges as a Bill well adapted to suit its purpose.

Sometimes we are engaged upon what is, broadly speaking, a common purpose. In our consideration of the Bill we were engaged in the achievement of an end in which all of us were united. I think that it was for that reason that we were able in Committee to come so close together. Speaking on behalf of my colleagues, I would readily express my gratitude to hon. and right hon. Members on both sides of the House for the useful and valuable suggestions which they made.

We were engaged upon a common purpose. In the House and outside the British public are sick and tired of the trigger-happy young idiot and the cowardly cold-hearted thug more mature in years and in dastardly purpose but in no worth-while quality, and we were determined to strike a blow at these people and make it more possible for police officers, in performing their difficult and arduous duties, to restrain their activities. They deserve no pity, and I hope that they will get none so far as the provisions of the Bill allow. I hope they will begin to realise that they cannot with impunity go about to achieve their sordid ends and in so doing terrorise innocent fellow citizens.

If the Bill enables the police to check them in those activities, to which they have become far too prone, we shall have done something in the House by passing the Bill. I hope that it goes through another place unchanged, so far as possible, and that it soon finds its way on to the Statute Book and begins to make some sort of impact upon a problem which confronts us all in this country.

10.21 p.m.

Mr. Sharples: Speaking from this side of the House, I agree with every word said by the Home Secretary. It is true that, when the Bill came before the House on Second Reading, we said that we welcomed it as far as it went, but there were serious gaps and omissions in its terms as drafted.

In summary, the main points which we made on Second Reading were these. We said that the Bill failed to deal effectively with the problem of the shotgun and, particularly, the sawn-off shotgun.

We said that it failed to deal with crimes committed outside the main urban areas and did not cover crimes committed in the countryside. We said that it lost much in effectiveness by restriction to crimes committed in a public place. We wanted more drastic restrictions on those who had been convicted of serious crimes being allowed to possess firearms in the future.

In Standing Committee, we put down Amendments to cover these and other points. We moved Amendments to redefine the main offences covered by Clause 1 so as to include the offence of resisting arrest. We proposed that the formula contained in the Explosive Substances Act, 1877, should be used to define the main offences under Clause 1. The right hon. and learned Gentleman has very largely reworded Clause 1 on Report, and, although he did not accept our proposals, he has gone a very long way to meeting our views on this most important point.

We put down Amendments to extend the power of search by constables of private land and vehicles on private land, and these points have been met by the Home Secretary. We put down Amendments to bring imitation firearms within the scope of the Bill, and this proposal also has been accepted. We put down Amendments to reduce the minimum length of a shotgun which could be held without a firearms certificate from 24 ins. to 20 ins., and we put down Amendments to tighten the powers of the police in regard to firearms dealers. In addition, we put down Amendments to define loaded shotguns and airguns. All these, I am glad to say, have been accepted by the Home Secretary.

My hon. Friend the Member for Rye (Mr. Bryant Godman Irvine) asked that the provisions of the Armed Trespass Bill, for which he had secured a place in the Ballot for Private Members' Bills, should be included in this main Measure and we are most grateful to the Home Secretary for accepting that proposal and for accepting the Amendment which my hon. Friend moved that armed trespass on land and in buildings even without ammunition should be an offence.

The House should be particularly grateful to my hon. Friend the Member for Rye. It is not so often that one secures a place in the Ballot for Private Members' Bills. In my years in this House I have never managed to do so. It is a matter of pride to an hon. Member when he is able to bring forward a Bill and see it through. My hon. Friend gave up a great deal for the common good in agreeing to withdraw his Bill and to have its provisions incorporated in this Measure.

Mr. George Thomas: Hear, hear.

Mr. Sharples: I am sure that it is right that the provisions of the Armed Trespass Bill should have been incorporated in this Measure.

The Bill is very different from what it was on Second Reading. It was considerably altered in Standing Committee and has been largely rewritten again on Report. The Home Secretary put down 14 major Amendments to the Bill, very largely to meet points which have been put forward from this side. He also accepted an opposition Amendment concerning the extension of the provision on armed trespass on land to Scotland.

We are most grateful to the Home Secretary for the consideration he has given to every point we put forward. Speaking from this Box, I also express my gratitude to my right hon. and hon. Friends for the trouble they took in drafting the various Amendments we put forward.

The Bill is now an extremely tough Measure, and it is right that it should be so. It is designed to deal with a tough problem—with the growth of crimes in which firearms are used, which must be a mater of concern to every hon. Member, and with the growth of the risks which members of the police are called upon to undertake on our behalf. I join the Home Secretary in commending the Bill to the House.

10.29 p.m.

Mr. Deedes: In welcoming the Bill I want to make a practical suggestion which, I hope, the Home Secretary may deal with later. We are obviously making big changes in the law. He has said that he desires the Measure to make some impact. It is of more than usual importance that the terms of the Bill should be very widely known. Those of us who have dealt with the Bill in this House are tolerably familiar with the ground we have covered and with what we are seeking to do, but this will not be at once so simple and so apparent to those who have not been following the proceedings.

The enforcement of this Measure will depend enormously on the public at large understanding what the Government and the House are trying to do, and I think that there will be needed a wider comprehension of this than of most of the Measures for which we here are responsible. I know quite well that there is an argument that ignorance of the law is no excuse and that those who break it are none the less guilty, but I do not think that that argument will meet our requirements here. It is imperative that the main elements of the Bill be clearly understood by the people, and by those at whom it is directed, so that they understand the terms of the Bill and know the penalties for those who break its provisions.

I ask the right hon. and learned Gentleman to consider, therefore, any machinery which could be used for doing just this. I do not ask for a reply now, for I omitted to give him notice of the point, but I ask him to consider a rather exceptional exercise to make the provisions of the Bill known in simple terms so that they may be widely known. To give a concrete example, it might merit putting up outside police stations posters summarising the main terms of the Bill. That is one example of what might be done.

Again, since this is very important in the present state of crime in this country, it may be possible even to take advertising space so that the provisions of the Bill shall be made known as widely as possible to the public. I know and the right hon. and learned Gentleman knows that the Central Office of Information might produce ideas how the provisions of the Measure could be propagated, as they should be. I think that important, and I ask the right hon. and learned Gentleman to consider this between now and the final passage of the Bill into law.

10.32 p.m.

Mr. Alasdair Mackenzie (Ross and Cromarty): The Home Secretary, during Second Reading, said that this is essentially a preventive Bill and that it was introduced as a matter of urgency after the large number of crimes which took place in and around London last December. During that period firearms were used on an alarming scale, and people all over the country felt that the law relating to firearms needed strengthening.

The Government realised this and they are to be congratulated on taking such early action in the matter. On reading the debates, both on Second Reading and in Committee, I am impressed by the deep concern expressed by Members on both sides of the House at the increasing use being made of firearms for illegal purposes. I think that the most serious aspect of the case is that the biggest increase is among the younger people. When we are told that some of these hooligan types roam the streets, damage property, and injure innocent people almost out of bravado, the time has surely come when the hands of those responsible for maintaining law and order must be strengthened. To this end society must be satisfied that the penalties have been raised high enough to be an adequate deterrent to the use of firearms.

Several references have been made to the 1937 Act. I think that it is true that the Bill is largely a Measure to strengthen that Act. It is a sad commentary on the present state of our society that an Act which was adequate in 1937 to deal with armed criminals has proved to be inadequate in 1965. We should have a special regard for the position of the police in their arduous duties. Whatever their feelings, they never seem to express concern for themselves. From my discussions with members of the force, I gather that their chief concern is lest any injury should be done to those who help them. Nevertheless, we have a special responsibility for the police and this is one of the reasons for the urgent need for the Bill.

I think that we are all agreed that this is a very important Bill, and that it has made good progress through the

House. It was presented on 28th February, and now, on 12th May, we are in the final stages. This shows what we have experienced this evening; the unanimity on both sides of the House, which it is a pleasure to see on such an important Measure. While the Bill has not been altered in principle—I think that that is right—it has been considerably strengthened in Committee and on Report. Some will doubt whether it goes far enough to deter irresponsible persons from possessing a firearm for illegal purposes. In saying that, I must add that I am in no way referring to my own constituency. I have the honour to represent a part of Britain where the citizens are so law-abiding that the Government would not find it necessary to introduce the Bill at all.

However, I am concerned to see that it fulfils its purpose. The Bill takes within its ambit firearms and all those concerned with them, and it is satisfactory to know that here, too, there is a general tightening up of penalties. In the Second Schedule, for instance, one finds that, under the provisions of the principal Act, false statements in connection with registration of places of business of firearms dealers were punishable on summary conviction with imprisonment for a term not exceeding three months or a fine not exceeding £20, or both.

This Bill replaces that with imprisonment on summary conviction for a term not exceeding six months or a fine not exceeding £200, or both. There are similar increases in other penalties. This is a tough Bill. This is as it should be. We Liberals welcome the Bill and we hope that it will act as a very real deterrent to the type of criminal for which it is designed.

10.39 p.m.

Mr. Bryant Godman Irvine: The Bill was given a Second Reading on 2nd March, but it was a very different Bill the Home Secretary introduced then. From what he said on that occasion, it is quite clear that he had a very different set of propositions in his mind from those which we are accepting tonight. He made it clear that what he was thinking about was the younger hooligan roaming the streets. Although we have dealt with the younger hooligan, we have also dealt with a great many other evils which required attention. At one stage in Committee, the Joint Under-Secretary assured me that, despite the forbidding exteriors of some of those in his Department, a warm heart beat beneath every one. I had occasion to agree with him about that several times in Standing Committee.

On Second Reading the Under-Secretary, having been asked to comment on the Armed Trespass Bill, which I had the privilege to introduce, said:

"Much as I would like to give a guarantee to him"—

that is, myself—

"that his Bill will receive the support of the Government, I am the humblest Member of this Administration and I am afraid that I am unable to give him that assurance. However, I hope that his Measure will eventually go into Committee".—[OFFICIAL REPORT, 2nd March, 1965; Vol. 707, c. 1225.]

That was not what one could call a very warm greeting and I felt that there was a rather bleak outlook for the Bill which I had introduced.

By 18th March I found myself a member of the Committee dealing with the Bill before the House today. I found that propositions were coming forward from the Government which made it clear that a good deal of my Measure would be likely to be incorporated in this one. Now, on Third Reading—my Measure having been withdrawn because the Government have accepted practically everything in it—I take this opportunity of again expressing my thanks to the Government for moving so speedily in the direction which I felt was desirable. I introduced my Bill because I received support from more than 20 national organisations, all of which felt that it sought to achieve an extremely desirable aim.

I was pleased to learn that the last bit of my Measure had been accepted since, from the national point of view, hon. Members who represent Scottish constituencies have succeeded in persuading the Government that a part of this Bill should apply to Scotland. I have all along believed that it should apply to Scotland and other parts of the country. Indeed, perhaps it is needed in Wales.

I based my case on the need for the provision in Scotland on the support

[MR. IRVINE.]
which I received for my Armed Trespass Bill from Scottish national organisations. I was, therefore, extremely pleased to note that the Government realised the importance of applying the provision to Scotland.

I have received a number of letters asking what has happened to my Bill. I have been trying to explain why it was removed in a rather silent fashion from the prospect of making further progress. While my Bill has disappeared, I hope that there will be widespread support not only for the parts of the Measure which came from the Armed Trespass Bill, but for the whole Measure, because the Committee was unanimous in its wish to see this legislation on the Statute Book as speedily as possible.

Serving on the Committee was a most satisfactory and useful exercise and I hope that I shall have the privilege of serving on other equally agreeable Committees.

10.44 p.m.

Mr. J. E. B. Hill: We were all appalled, during the passage of the Bill, to learn of the great increase in crimes involving firearms. We heard of the striking rise in felonies and serious crimes of violence. When I looked into the number of offences committed under the Firearms Act, 1937, I found that while the average number of offences a year between 1950 and 1961 had been a little over 1,000, in 1962 they suddenly rose to 3,638. That is a measure of the increase in the unlawful use of firearms.

This increase is not peculiar to Britain. At the very moment when Her Majesty's Government are trying to control the unlawful use of the gun, so also, are the American Government. We have had information as to the grave extent of this there. In America, about 8,500 murders are committed a year, and in 1963 56 per cent. of them by the use of a firearm. We want to stop any tendency to drift in that direction.

The original scope of the Bill was much more limited. I am very grateful that the Bill has been extended to take in my hon. Friend's Private Member's Bill dealings with armed trespass. That will give the greatest satisfaction to farmers and all bodies associated with the countryside. The Bill started with very inadequate powers for the police, and they are now satisfactory. Then there was the difficulty of proving an offence, which is now simplified. The burden is on him who carries a firearm to show that he has lawful authority or reasonable excuse for so doing, and I think that is the way the law should stand.

The result should be an enforceable and effective Bill as far as hooliganism goes. Much of this can probably now be stopped by warning. We have, throughout the passage of the Bill, had almost a weekly warning as we read of the accidents and effects of hooliganism. Practically every weekend some act takes place which might have been prevented had this Bill become law at an earlier stage.

I would like to make just three suggestions, perhaps modest ones, following upon what my right hon. Friend the Member for Ashford (Mr. Deedes) said about clarifying the law and making it quite clear. I would hope it would not be long before a consolidation measure may be put through so that firearms legislation can be put into one Act which could then readily be referred to. There is a great deal of cross-reference at the moment, and I think that it is especially desirable that the thousands of people having a legitimate use for firearms should be able easily to learn the law. The Bill increases many of the penalties under the main Act, and it seems to me somewhat unsatisfactory to have the current penalties separate from the offences. I think that they should be together in one Act.

My second suggestion refers to an earlier Amendment, which I did not support because I accept the arguments against compulsion, on the matter of insurance. I would hope that publicity could be given to the desirability of insurance, and this might be expressed on the back of the gun licence or firearms certificate so that the holder could be told that this is a wise thing to do even if it is not a legal requirement.

My last suggestion is that to get the Act off to a good start we should consider the question of having an amnesty. I think that this is under consideration. If

that could be done and the widest publicity given it would, I think, pull in a lot of firearms and ammunition which simply are not wanted, but which cannot very well be surrendered at the moment.

As far as serious crime is concerned, the would-be armed gangster has been warned and I hope that the Bill will make it plain that Britain does not want him. I would like to end on a more cheerful note, however, because we must remember that shooting is a long-established national sport in Britain and that there are happily thousands more legitimate users of firearms than there are unlawful ones. So I hope that it will be eqnally clear that it is not our wish or intention to restrict the legitimate and safe use, and that we may reassure the many sportsmen in all the clubs that we wish them to continue to flourish. This sport is served by an efficient and conscientious trade.

I hope that the Minister will be able to find satisfactory solutions to the points we have discussed tonight, and that the Bill will have a speedy passage into law.

Question put and agreed to.

Bill accordingly read the Third time and passed.

DOCTOR, WALSALL (FORMER PATIENT)

Motion made, and Question proposed, That this House do now adjourn.—[*Mr. McCann.*]

10.50 p.m.

Mr. William Wells (Walsall, North): I seek this opportunity to refer to a matter arising from a series of events in my constituency, and to draw attention to a point of some general importance in relation to the ethics of the medical profession, and the kind of service and behaviour which the public is entitled to look for from members of that profession.

This sequence of events started as long ago as 7th May of last year, when a doctor, to whom I shall refer as Dr. A, was driving in my constituency to see a patient on urgent call. At one point in his journey six ladies were crossing the road. He failed to observe them and knocked down one of them who suffered a fractured pelvis and head injuries. As a consequence of that accident, on 10th August proceedings were taken in the magistrates' court, Dr. A. being prosecuted for driving without due care and attention. He was convicted, and fined £20. The witnesses for the prosecution included a Mrs. Smith, the wife of a well-known licensee in that part of my constituency called Bloxwich. She criticised the speed at which Dr. A was driving his car.

The next event was on 29th August, when Mrs. Smith received a notification from the local health executive council that she and her family were being removed from her doctor's panel; her doctor, to whom I shall refer as Dr. B, being a partner of Dr. A. Mrs. Smith asked the reason for this removal, and was told that the convicted doctor was her own doctor's partner and that he would not treat her or her family again.

It is quite plain that Mrs. Smith in giving the evidence she did was doing her duty as a member of the public who had witnessed a fairly serious road accident. The stand that Dr. B. is taking is, in effect, that he will not treat members of the public who do their duty in this way if it causes inconvenience to himself or to his partner.

This matter came to me, and on 5th September last I wrote to the then Parliamentary Secretary to the Ministry of Health outlining these facts. I concluded my letter by saying:

> "It thus appears that not only this lady's own medical treatment, but that of her family, is to be prejudiced because she carried out her duty by giving evidence when called upon. I should be grateful if you would try to secure action that is taken to put this matter right."

I had a reply on the 28th September, from Lord Lothian, then Parliamentary Secretary to the Ministry of Health. He said:

> "I am afraid there is nothing I can do to help Mrs. Smith or her family to be reinstated on the doctor's list. It has always been a principle of the Health Service that a doctor should have a right to accept or refuse a patient as he wishes and have a patient taken off his list without needing to give any reason. The patient has, of course, a similar freedom of choice. I have no power to infringe this principle in an individual case, however unreasonable the action taken by one party may seem to the other."

At this stage, I only comment that there must be a few who would wish to

[MR. WILLIAM WELLS.]

interfere between the free choice of a doctor by a patient, or who would criticise the right of a doctor to discontinue services in certain circumstances. I do not think that the analogy of the position between doctor and patient and patient and doctor is quite complete. It is, after all, a great privilege to be allowed to practise a profession and the patient comes to the doctor because he or she needs the doctor's services, and because he or she has trust in a particular doctor. The doctor should, in turn, to some extent at least, take this as a compliment to his own skill and professional integrity.

I would have thought that it is a grave deviation from a proper standard of professional conduct to behave in the way that this particular doctor did. Certainly, in my own profession, a barrister who behaved in this way would incur grave censure and possibly severer penalties still. I do not think that it is unreasonable in this matter to look to doctors to have at least as high a standard as lawyers.

I raised this matter again after the change of Government. I had a letter from my right hon. Friend the Minister of Health in which he said:

> "I have read the whole of this rather unhappy story with a good deal of sympathy, but I am afraid I do not see how I could change what has taken place. I have not the powers, nor, it seems to me, would any change really be to Mrs. Smith's advantage; it would, after all, be true that in Dr. A's absence obvious difficulties might come up."

I agree with that to some extent. I certainly think that if Dr. A and Dr. B set themselves in this matter such low standards, it would not be to Mrs. Smith's advantage to continue on their list. I think it deplorable to accept that a doctor, even if he is aggrieved by evidence that has been given against him, would feel so strongly and so unobjective as not to give proper medical treatment when called upon to do so.

I have refrained from mentioning either of these doctors by name. I do not wish to spread any further bitterness. After all, since they are doctors in my own constituency, I suppose that if I myself were injured in a road accident, and I took action in this House beyond a certain point, they might leave me to my fate and say, "That is the man who criticised my partner in the House. Let him bleed like the pig that he is." If one is to think in this way one comes to a deplorably low ethical standard.

This is a regrettable episode. I raise the matter in the House for two reasons. First, I want to ventilate the facts and use the House to publicise the matter, and perhaps discourage other doctors from behaving in this way, by giving publicity to the unfortunate repercussions this matter has had on public opinion. Public opinion in my constituency has been incensed in some respects by the behaviour of these doctors. Secondly, I wish to ask my hon. Friend whether his Department can take any steps to assist in this publicising process, to obtain a ruling from the appropriate professional bodies condemning the action by these doctors, and to seek to discourage other doctors in similar circumstances from taking a like regrettable course.

11.3 p.m.

The Parliamentary Secretary to the Ministry of Health (Mr. Charles Loughlin): I am grateful to my hon. and learned Friend the Member for Walsall, North (Mr. William Wells) for the moderate and restrained manner in which he has raised this case tonight. I know that it is a case which has given him and his constituent much anxiety over a period of some months and I welcome the opportunity given by this short debate to discuss it and, I hope, to put in perspective the issues of principle involved.

The facts of the case are straightforward and not, I think, in dispute. As my hon. and learned Friend has explained, in May, 1964, Mrs. Kathleen Smith of Bloxwich, Walsall, was called as prosecution witness against someone to whom my hon. and learned Friend has referred as Dr. A, a Walsall doctor who had been charged with driving without due care and attention. The doctor was convicted and fined £20 with costs. I do not think my hon. and learned Friend would want me to go any further into the details, because he himself has stated them much more fully than I intended to do.

On 29th August, 1964, Mrs. Smith was notified by the Walsall Executive Council, the body responsible for the administration of the local family doctor services, that she and her family were being removed from the National Health Service medical list of patients in the care of Dr. B, although they had all been his patients for some years. When Mrs. Smith asked the reason for this, she was told that Dr. A and Dr. B were partners and that Dr. A would not treat Mrs. Smith or any member of her family again. That was, as I understand it, the sequence of events.

My hon. and learned Friend's reaction was, understandably, that an injustice was being done to Mrs. Smith and her family. To quote the words of his letter to my predecessor as Parliamentary Secretary, the hon. Member for Essex, South-East (Mr. Braine):

> "It thus appears that not only this lady's own medical treatment, but that of her family, is to be prejudiced because she carried out her elementary duty of giving evidence when called upon."

My hon. and learned Friend made a similar point in writing more recently to my right hon. Friend the Minister when he said:

> "I do not know whether it is strictly unethical, but it does seem to me wrong that a patient should be taken off a doctor's list and refused his services simply because she has done her duty as a citizen and given evidence when called by the police to the detriment of the doctor's partner."

I should like to make it absolutely clear, as my right hon. Friend has done in writing to my hon. and learned Friend, that I have much sympathy with Mrs. Smith in the situation in which she found herself. In my view, she appears to have done nothing at all that was wrong in any way, or for which she needs to reproach herself or which could he taken as meriting any sort of punishment or retribution.

It is, however, most important for the House to understand the Minister's proper function in a case of this kind. It is not for him to apportion or to attempt to apportion credit or blame. More important, he has no power whatever to compel an unwilling doctor to keep on his list a patient or patients whom that doctor no longer wishes to treat. The only exception to this is where a patient has tried and failed to get on the list of any doctor in the area. He is then assigned by the executive council to a doctor who has to accept him. But that is not the case with which we are dealing tonight.

The essental point is that, subject to this exception, under the National Health Service the doctor is free to refuse to accept or retain a patient on his list without giving any reason, just as the patient is free to choose or change his doctor without giving a reason of any kind. I think that hon. Members will agree that it is right that this mutual freedom of choice should exist and should continue and that an occasional case where that choice may appear to have been exercised somewhat harshly does not significantly detract from its advantages.

I have already explained that the Minister has no power to compel a doctor to keep a patient on his list except to ensure that the patient is not left without a doctor at all. It can be argued that he should assume such power, though I do not think that my hon. and learned Friend has gone as far as that tonight. I do not think that it would be right for the Minister to assume powers of that kind.

Let us for a moment consider what the effect might be of Dr. B being obliged to take the Smith family on his list again. I appreciate that my hon. and learned Friend quite rightly personalised circumstances of this kind and referred to what might happen in his own case. I would agree absolutely that we ought to have a situation in which where circumstances similar to those which we are discussing obtain it ought to be possible for individuals, whether patients or doctors, to treat matters of this kind in a purely objective fashion. What we have to deal with is not that which we would desire, but that which obtains, and I think that my hon. and learned Friend will accept that it is the unusual situation where we have two people of this kind in this particular relationship where we do not have complete objectivity.

Good will and confidence between patient and doctor are essential for successful treatment. Where these have been lost for any reason, whether it is the patient's fault—I want to make it perfectly clear that I am not arguing

[MR. LOUGHLIN.]

that it is in any way the patient's fault in this case—or the doctor's, or is a simple matter of incompatibility, it is, surely, best for both parties that the relationship between them should come to an end and that the patient should transfer to another doctor.

There is no question but that good will and confidence have been lost between Dr. B and Mrs. Smith. It may be said that, while a proper doctor-patient relationship might now be impossible or, at least, difficult between Dr. A and Mrs. Smith, this was no reason for Dr. B to have her removed from his list, and still less for the whole family to be removed. I believe that such an argument would be mistaken. The essence of partnership practice is that the partners should see each other's patients whenever this is necessary to secure adequate time off duty for each doctor, or for other reasons. I think that my hon. and learned Friend will accept that without my going into any detail.

If Mrs. Smith remained on Dr. B's list, she might very well have to be treated by Dr. A sooner or later. As regards her family, some doctors would, I think, prefer to be responsible for the care of the whole family, and they would say that the condition of, for example, a child can be diagnosed and treated best by a doctor who knows the parents well and has their confidence. If Dr. B and Dr. A take that view, then, if Mrs. Smith was no longer to be treated by Dr. A, it would follow that her whole family should be transferred to another doctor, and I do not think that one could object to that consequence.

As I have said, I have a great deal of sympathy for Mrs. Smith in this case. She must feel that, with the conviction of Dr. A, we have clear evidence of her truthfulness as a witness, and that it is not right for a citizen who does his or her duty by giving evidence in a case of careless driving to be penalised in any way as a result. I can only urge her, through my hon. and learned Friend, not to regard her transfer to another doctor as in any sense a pnnishment for her proper and public-spirited action. A doctor must, above all, have the confidence of his patients, and when, as in this case, he feels that he has lost it, the only thing to do is to hand the patient over to another doctor who will have this essential asset. As my hon. and learned Friend knows, the Smith family have been placed on the list of another local doctor, and, as far as I know, there is no question of their going without, or having gone without, necessary medical advice and attention.

I appreciate that, as a member of another profession, my hon. and learned Friend is bound to try to think of what would happen in similar circumstances if one of his colleagues were to be involved. But I must urge upon him—I think that he will accept it, on reflection—that the relationship between barrister and client, or even between solicitor and client, is by no means on a par with the relationship between doctor and patient. There is a continuity of relationship between doctor and patient which one seldom gets—at least, with an honest citizen—between, say, a client and a barrister, or solicitor.

We have not asked for a ruling, but what we have to recognise is that there is this continuity of relationship between doctor and patient and to try, so far as is humanly possible, to maintain the principle of freedom of choice for the patient. That is an essential point, but also, so long as we are able to ensure freedom of choice for the patient, it is equally important to have freedom of choice for the doctor as well.

I am glad that my hon. and learned Friend has raised this subject tonight. While I am sorry that I cannot be more helpful, I assure him that we have every sympathy with Mrs. Smith.

Question put and agreed to.

Adjourned accordingly at a quarter past Eleven o'clock.

WIRELESS AND TELEVISION

B.B.C. (Finance)

29. **Mr. William Hamilton** asked the Postmaster-General what plans he has for taking steps to help the British Broadcasting Corporation in its present financial difficulties.

Mr. Benn: I would refer my hon. Friend to the Statement I made to the House on 14th April.

40. **Mr. Rowland** asked the Postmaster-General if 5s. of the proposed increase of £1 in the combined television and radio licence will be allocated to the British Broadcasting Corporation's domestic radio services.

Mr. Benn: The B.B.C. is left free to spend, according to its own judgment in forwarding its approved objects, the income granted to it. Hitherto, the Corporation has credited to the Home sound services the net income attributable to the sound component of the combined sound and television licence fee.

Television Reception, Galloway

41. **Mr. Brewis** asked the Postmaster-General when he expects reception of British Broadcasting Corporation Scottish television services to be improved in Galloway.

Mr. Joseph Slater: The B.B.C. tells me that, when its new Band III station at Sandale opens later this summer, it expects its Scottish television service to become available to about half the population of Galloway.

Pay-Television

56. **Mr. Ensor** asked the Postmaster-General what further consideration he has given to the future of the pay-television experiment, in view of the fact that all the licensed companies except one have now declared their intention not to proceed.

Mr. Benn: Pay-television is one of the subjects under consideration in the Government's review of broadcasting policy; and, as I have already said, this review is proceeding. The recent decision by two of the companies to withdraw from the experiment will, of course, be a factor for consideration.

Wireless and Television Licences (Old-Age Pensioners)

54. **Mrs. Joyce Butler** asked the Postmaster-General if he will now make arrangements to save old-age pensioners from the increase in the charges for radio and television licences.

Mr. Benn: I have carefully considered this possibility but am satisfied that the anomalies created and the disadvantages involved would outweigh its obvious benefits.

Television Advertisements (Children)

59. **Mr. Hugh Jenkins** asked the Postmaster-General whether he is aware that the employment of children under the age of 12 is at present illegal; and if he will amend the Second Schedule to the Television Act, 1954, so as to forbid the transmission of commercial advertising films employing such children.

Mr. Benn: Questions about the law relating to the employment of children are a matter in the first place for my right hon. Friend, the Secretary of State for the Home Department. The answer to the second part of the Question is: no; the content of television advertisements is primarily the responsibility of the Independent Television Authority.

Television (Programme Exchanges)

Mr. Geoffrey Lloyd asked the Postmaster-General what percentage of the total television showings in Great Britain during the year 1964 were transmitted to any other European country, or originated in any foreign European programme, respectively.

Mr. Benn: The exchange of programmes with other countries is a matter for the broadcasting organisations; and I am therefore referring the hon. Member's request to the B.B.C. and the I.T.A.

POST OFFICE

4d. Stamps

42. **Mr. Driberg** asked the Postmaster-General whether he is satisfied that adequate supplies of books containing 4d. stamps will be available at post offices before the increased postal charges come into force; and whether automatic vending machines will also be stocked with 4d. stamps.

Mr. Benn: Books containing 4d. stamps will be available next month. I am reviewing the range of stamps sold through machines, and in the meantime 4d. stamps will not be included. I will write to my hon. Friend as soon as the review is completed.

Inland Letter Rate (Increased Charges)

43. **Mr. Fisher** asked the Postmaster-General whether he is satisfied that the increase in postal rates for letters conforms with the Government's policy for prices and incomes; and whether this increase will be referred to the Prices and Incomes Board.

Mr. Benn: The Government themselves examined this increase rigorously and see no reason to refer it to the Board.

Letters, Greater London Area (Delivery)

45. **Mr. Dudley Smith** asked the Postmaster-General if he is aware that many letters posted in the Greater London area are being delivered at addresses often less than 20 miles away after a delay of two or three days; and what action he proposes to take to remedy this situation.

Mr. Joseph Slater: My inquiries do not suggest that fully paid letters are being delayed to the extent suggested by the hon. Gentleman; but if he would like to let me have details of any specific cases of delay which have come to his notice we shall be glad to look into the matter.

Postal Workers (Pay Increase)

48. **Mr. Hastings** asked the Postmaster-General to what extent he took into consideration the possible inflationary effects of his action before granting a pay increase to postal workers.

Mr. Benn: This was one of many factors that were fully taken into account.

Postal Services, Minety Area (Delays)

49. **Mr. Awdry** asked the Postmaster-General what steps he proposes to take to avoid postal delays in the Minety area in Wiltshire.

Mr. Joseph Slater: My right hon. Friend much regrets the delays which have occurred. We are keeping a close watch on the postal services in the Minety area and are doing all we can to find and remove the causes of delay.

Post Office Central Engineering Training School

50. **Mr. Hugh Fraser** asked the Postmaster-General whether he will now give a decision on the proposed transfer of the Post Office Training School at Yarnfield, Eccleshall, Staffordshire.

Mr. Benn: I have not yet completed my review of the proposal to move the Post Office Central Engineering Training School. Other Government Departments and many operational and staff problems are involved but I hope to be able to make an announcement before very long.

Telegrams, Bristol (Delay)

52. **Mr. Scott-Hopkins** asked the Postmaster-General why telegrams sent from Bristol at 3.30 p.m. on 9th April did not arrive at St. Issey in Cornwall until 10.15 a.m. on 10th April.

Mr. Joseph Slater: We are sorry for this delay which was caused by the handing in at Bristol of over 3,000 telegrams at 3 p.m. on 9th April. This exceptional load is more than six times the amount of traffic normally accepted there in a day and put a heavy strain on the services throughout South-West England. We are overhauling the arrangements for handling large batches of telegrams with a view to avoiding similar difficulties in the future.

Sub-Postmasters (Remuneration)

53. **Mr. Hooson** asked the Postmaster-General if he will base the remuneration of sub-postmasters in rural areas on their service to the community rather than on the amount of business done.

Mr. Benn: The most practicable way of measuring a sub-postmaster's services is by the amount of Post Office business transacted, but the system of remuneration provides for certain minimum payments however little work is done. I am currently reviewing the remuneration in conjunction with the National Federation of Sub-Postmasters.

Consultants (Fee)

57. **Mr. Robert Cooke** asked the Postmaster-General what fee he has agreed with the firm of American consultants who are to inquire into Post Office matters; what will be the duration of the inquiry; and whether he will publish their report.

Mr. Benn: I do not think it would be proper to make public information about fees paid for professional services of this nature. I understand the consultants aim to finish round about the turn of the year. As my right hon. Friend the Prime Minister told the House yesterday we shall look at the Report when it is ready to see whether it would be appropriate to publish it.

Stamps (Design)

58. **Mr. Robert Cooke** asked the Postmaster-General what plans he has for the issue of stamps which do not bear the portrait of Her Majesty the Queen; and whether such stamps will by some other means identify themselves as being of Great Britain.

Mr. Benn: I would refer the hon. Member to the statement which I made on 24th March in reply to a Question by my hon. Friend the Member for Brighton, Kemptown (Mr. Hobden); I have at present nothing to add to what I said on that occasion.

Morning Newspapers (Delivery)

63. **Mr. MacArthur** asked the Postmaster-General what revenue accrues to the Post Office from the practice followed by many village sub-postmasters of sending out morning newspapers with the local postman at the appropriate postal charge, soon to be increased; and what is the additional cost to the Post Office arising from this service, which is needed by people living in remote areas.

Mr. Benn: I regret that the information for which the hon. Member asks is not available and could not be obtained without incurring disproportionate expense.

Printed Matter (Charitable Organisations)

65. **Mr. John Hall** asked the Postmaster-General what representations have been made to him to reduce the cost of printed matter circulated by charitable organisations, particularly those catering for handicapped persons.

Mr. Benn: Since I informed the House last November that I would shortly be making a statement about postal finances, I have had representations of the kind the hon. Member mentions from seven hon. Members and from one other source.

TELEPHONE SERVICE

Trunk Calls

46. **Mr. Awdry** asked the Postmaster-General by what criteria he determines the longest acceptable time for a subscriber to wait before he can obtain an answer from the exchange in order to put through a trunk call.

Mr. Joseph Slater: We aim to answer all calls to the operators with minimum delay and, in normal conditions, most are answered within 10 seconds.

Private Telephones (Excess Connection Charge)

51. **Mr. Russell Johnston** asked the Postmaster-General whether, in view of the fact that the construction of telephone kiosks in remote areas is subject to a two-mile limitation, he will cancel the excess connection charge for private telephones introduced in 1961.

Mr. Benn: No. The provision of kiosks in remote areas is not so definitely based as the hon. Member suggests, but in any event the excess connection charge for private telephones arises only if special construction is needed beyond three miles from the subscriber's exchange.

Telephone Accounts, Shrewsbury

55. **Sir J. Langford-Holt** asked the Postmaster-General what was the average telephone account of private subscribers to the telephone service in the Shrewsbury area before and after the introduction of the subscriber trunk dialling system.

Mr. Joseph Slater: I am sorry that particulars of Shrewsbury subscribers' bills before and after the introduction of subscriber trunk dialling, which took place four years ago, are no longer available.

Public Telephone Kiosks

Mr. Ian Lloyd asked the Postmaster-General what is the present ratio of public telephone callboxes to total population in the United Kingdom and in the Portsmouth postal area, respectively; what proportion of such callboxes is generally out of order at any one time in the United Kingdom and in the Portsmouth postal area; what is the average period of delay between the time when a callbox is first reported as being out of order and the completion of repairs in the United Kingdom and in the Portsmouth postal area; and what steps his Department proposes to take to increase the availability of callboxes in the United Kingdom and in the Portsmouth postal area.

Mr. Benn:

	U.K.	*Portsmouth*
Ratio of public telephones to total population ...	1:700	1:1,000
Average proportion of public telephones out of order at any one time	1·9%	1·4%
Average time public telephones out of order (kiosk structure excluded)	Same day except in areas where vandalism rife	2 hours

The above figures are broadly estimated.

The need for additional public telephones is, and will be, kept under continual review from the viewpoint of both social need and a reasonable return. In addition, unremunerative kiosks are provided in consultation with the Rural District Councils' Association under a special allocation scheme.

AGRICULTURE, FISHERIES AND FOOD

Fishing Industry

67. **Mr. Bessell** asked the Minister of Agriculture, Fisheries and Food if he will review the price guarantee system, with a view to assisting the growth of the fishing industry.

Mr. Hoy: There is no price guarantee system for fish but proposals for a minimum price scheme are under consideration.

68. **Mr. Bessell** asked the Minister of Agriculture, Fisheries and Food if he will introduce legislation to enable him to make special grants for the development of fish canning and processing factories, and so assist the revival of the fishing industry.

Mr. Hoy: No. Loans are already available for the construction of processing plants and I have no reason to think that grants are needed in addition.

Ireland (Minister's Visit)

69. **Mr. Scott-Hopkins** asked the Minister of Agriculture, Fisheries and Food what was the purpose of his recent visit to Eire; and if he will make a statement.

Mr. Peart: My visit to Northern Ireland and to the Irish Republic from 20th to 25th April, 1965, was at the invitation of the Minister of Agriculture in Northern Ireland and the Minister of Agriculture in the Irish Republic. The purpose of the visit was to enable me to meet these Ministers and to see something of the agricultural industry in both countries.

Eggs

70. **Mr. J. E. B. Hill** asked the Minister of Agriculture, Fisheries and Food what is the Government's long-term policy for egg production; and what is the outcome of the tripartite discussion between himself, the National Farmers' Union, and the Egg Marketing Board.

Mr. Peart: Our long-term aim is to have a sound and efficient egg industry with production at a level which will secure a proper balance between supply and demand. I am not yet in a position to make a statement about the discussions with the National Farmers' Unions and the Egg Marketing Board.

Meat Prices

72. **Mr. Dance** asked the Minister of Agriculture, Fisheries and Food what evidence he has that meat exports to the Continent are resulting in increased meat prices in Midland markets.

Mr. Peart: I have no evidence to this effect. Although exports of cattle are estimated to have been higher in April than in any of the previous three months, average prices for English beef on the Birmingham wholesale market were lower.

Cow-Heifer Subsidy

71. **Mr. Hastings** asked the Minister of Agriculture, Fisheries and Food whether he will re-introduce the cow-heifer subsidy.

Mr. Peart: We considered this fully at the Annual Review but decided against it.

Denmark (Minister's Visit)

73. **Mr. Kitson** asked the Minister of Agriculture, Fisheries and Food what discussions he intends to have with the Danish Minister of Agriculture; what is the purpose of his visit to Denmark; and if he will make a statement.

Mr. Peart: I am going to Denmark to meet the Danish Minister of Agriculture, at his kind invitation, and to see something of the agricultural industry in that country. Our conversations will doubtless touch on various topics currently of mutual interest.

New Potatoes (Imports)

Mr. Evelyn King asked the Minister of Agriculture, Fisheries and Food if he will now take action with regard to early potatoes imported from Cyprus, the sale of which further depresses the living standards of English potato growers.

Mr. Hoy: No. It would be contrary to our international obligations to restrict imports of new potatoes, most of which in any case arrive before the home crop reaches the market in any quantity.

Bacon Pigs

Mr. Evelyn King asked the Minister of Agriculture, Fisheries and Food what payment a producer received for a top grade bacon pig, weighing 8 score 5 lb. in 1959 and in 1964 respectively.

Mr. Hoy: The return on particular pigs depends on the commercial value put on them by the buyer; but for bacon pigs generally the average return, including guarantee payment, was 43s. 7d. per score in 1959-60 and 42s. 1d. per score (provisional) in 1964-65 (April to March years). Government quality premiums were also paid in both years on pigs graded AA+ or AA. In 1959-60 the eligible weight range for quality premiums was 7 score to 8 score 5 lb., but in 1963, in accordance with a suggestion made by the industry, the top weight was reduced to 8 score.

Broiler Birds (Slaughter)

Mr. Hobden asked the Minister of Agriculture, Fisheries and Food if he is aware that two out of every five broiler birds and chickens killed last year were immersed alive in scalding tanks, details of which practices have been sent to him; and if he will take steps to end such practices.

Mr. John Mackie: I am aware that some aspects of poultry slaughter are causing concern. Detailed proposals for legislation are being drawn up.

Pig Production

Mr. Walter Harrison asked the Minister of Agriculture, Fisheries and Food if he will make a statement about prospects for pig production in the coming year.

Mr. Peart: The latest forecast of pig certifications under the guarantee scheme for the year from this April to March, 1966, has just been made. It lies near the middle of the band 13·6 m. to 14 m. and is substantially above the comparable forecast made in February for the calendar year 1965. As a result, under the flexible guarantee arrangements, there will be an automatic reduction of 9d. per score in the standard price for pigs from next week. The purpose of the flexible guarantee arrangements is to influence future pig production to help to keep it in line with market requirements. This principle is generally accepted.

In 1964-65 the number of pigs certified was 12·6 m., on which the average rate of deficiency payment was just under 7s. a score. Total deficiency payments on pigs that year amounted to nearly £30 m.

Following this year's Annual Review, we raised the top of the middle band of the flexible guarantee system—the point beyond which automatic reductions are made—from 11·75 m. to 12·8 m. Even

so, the latest forecast indicates a level of certifications of almost 1 m. pigs above this new level.

The effect of production in excess of market needs is of course to lower the market price and increase the cost of the subsidy. Last month, when certifications were running at an annual rate of about 13·2 m. pigs, the deficiency payments rose to over 11s. per score. It is clear that continued expansion at the present rate would soon lead to a very weak market and very heavy Exchequer cost; and I hope that the price reduction now called for will have the moderating influence intended.

SCOTLAND

Licensing Laws (Guest Committee's Report)

74. **Mr. McInnes** asked the Secretary of State for Scotland if he will introduce legislation giving effect to the recommendations of the Second Report of the Guest Committee on Scottish Licensing Laws relating to the abolition of the existing courts of appeal and that certificates in suspense be extinguished.

Mr. Ross: I would refer my hon. Friend to the Answers which I gave to the hon. Members for Glasgow, Provan (Mr. Hugh D. Brown) and Glasgow, Shettleston (Sir M. Galpern) on 16th December and 17th March last.

Houses (Baths, Hot Water Supplies and Lavatories)

75. **Mr. McInnes** asked the Secretary of State for Scotland what is his estimate of the number of houses in Scotland without bathrooms, hot water supplies or internal lavatory systems; and what proportion this is of the total supply of houses.

Mr. Ross: There are about 1,684,000 houses in Scotland. The 1961 Census showed that the following numbers lacked the specified facilities:

Houses without a fixed bath ...	434,000
Houses without a hot water tap	337,000
Houses without water-closets ...	43,000

In addition about 238,000 households shared the use of water-closets within buildings.

The Housing Survey now being conducted will provide up-to-date figures.

Houses, Glasgow (Improvement Grants)

Mr. McInnes asked the Secretary of State for Scotland how many houses in Glasgow qualify for improvement grants; and what is the annual rate of applications for such grants.

Mr. Ross: The numbers of approved applications for improvement grants in Glasgow were 102 in 1964 and 351 in the five-year period 1960-64. It is not at present possible to estimate how many houses might qualify for grants.

Council Houses, Glasgow

Mr. McInnes asked the Secretary of State for Scotland what were the average loan charge, the average interest charge and the average rent all stated in weekly terms for a council house in 1951 and 1964 for the City of Glasgow.

Mr. Ross: The weekly figures are as follows:

	Local authority year ended May 1951			1964		
	£	s.	d.	£	s.	d.
Average loan charge ...		10	8	1	6	6
Average interest charge (included in loan charge)		7	4	1	1	1
Average rent (excluding rates)		6	—		12	2

MINISTRY OF DEFENCE

Eastern Malaysia (Distribution of Leaflets)

76. **Mr. Emrys Hughes** asked the Secretary of State for Defence if he will publish in the OFFICIAL REPORT the English text of the leaflets distributed by United Kingdom representatives among people in the jungles of Borneo.

Mr. Healey: From time to time the security forces in Eastern Malaysia assist the civil authorities by distributing leaflets as part of a joint campaign to warn the local population against Indonesian infiltration tactics. These leaflets are couched in simple local terms, often pictorial, and I do not consider there is any advantage in laying translations before the House.

Director of Operations, Borneo (Villa)

77. **Mr. Emrys Hughes** asked the Secretary of State for Defence what was the cost of the villa erected for the General of the United Kingdom forces in Borneo.

Mr. Mulley: No villa has been erected for the Director of Borneo Operations, but the Sultan of Brunei has kindly lent him one of his.

Ministry of Defence, Army (Nye Committee's Recommendations)

78. **Mr. Gresham Cooke** asked the Secretary of State for Defence what changes have been made in the number of military officers holding senior positions in the Ministry of Defence, Army, as a result of the recommendations of the Nye Committee; and whether these changes have fulfilled the recommendations contained in the Eighth Report of the Estimates Committee 1961-62 that more senior positions should be opened to civilian as well as military officers.

Mr. Mulley: Decisions of the Army Board on the proposals made by the Committee resulted in the creation of four new military posts of brigadier or above and at the same time 20 military posts of brigadier or major-general's grading were transferred to other establishments. The number of senior civilian posts was reduced by one. Of five posts previously open to either soldiers or civilians, three were abolished, and two, which had normally been filled by military officers, although technically open to civilians, were re-classified as military. Half the senior posts in the Department are at present occupied by civilians; this proportion will be kept under review.

Aircraft (Variable Geometry Principle)

79. **Commander Courtney** asked the Secretary of State for Defence for what type of aircraft Defence Requirement 583 was intended as a replacement; if the design put forward by the aviation industry incorporated the variable geometry principle; and when the project was cancelled.

Mr. Healey: I assume that the hon. and gallant Member for Harrow, East is referring to a preliminary study which was suggested by the British aviation industry as a possible replacement for the Royal Navy's Sea Vixen. The study was based upon the variable geometry principle but the concept of the aircraft was not considered suitable and was not taken up.

H.M.S. "Ark Royal"

Mr. Buchan asked the Secretary of State for Defence if he will give details of the improvements he intends to make in living conditions in H.M.S. "Ark Royal"; and if he is satisfied with the condition of the boilers and the safety conditions of the men in the boiler room.

Mr. Mayhew: We have not yet worked out in detail the improvements to living conditions to be made during "Ark Royal's" next refit, but these will certainly include extensive additions to the air-conditioning. The boilers, like all those in H.M. ships, are regularly tested and examined to ensure that they are sound and that the men in the boiler room are not in danger.

ROADS

A.1 (Cost of Repairs)

80. **Mr. Kitson** asked the Minister of Transport what is the cost of the road repairs on the A.1 between Barton and the River Tees; and when it is hoped that this work will be completed.

Mr. Tom Fraser: The repairs, which cost £21,500, were completed on 31st March last.

Road Construction (Continuity of Contracts)

81. **Mr. Fisher** asked the Minister of Transport if he will ensure continuity of contracts for road construction, so as to reduce costs.

Mr. Tom Fraser: The present system of inviting tenders for contracts as they arise provides opportunities for firms to secure continuity of contracts. Methods of contracting and other aspects of ensuring a steady flow of work to the industry are constantly under scrutiny by my Department; but the aim must be to retain at least as effective a restraint on prices as that provided by the competition which is a feature of the present system.

A.614 (Thorne Swing Bridge)

82. **Mr. George Jeger** asked the Minister of Transport whether he will now have a traffic signal control system installed at the Thorne swing bridge on A.614, in view of the continual delays there.

Mr. Tom Fraser: A recent investigation has shown that the installation of traffic signals would not improve the flow of traffic at present; but the position is being kept under review. We have decided that power-operated gates will help to reduce delays, and the design work is in hand.

Motorways

88. **Sir M. Galpern** asked the Minister of Transport if he is aware that motorists using the fast lanes on motorways drive at speeds of 90 miles per hour or more; and if he will introduce a speed limit on such motorways.

Mr. Tom Fraser: I do not consider that a general speed limit on motorways is justified at present, but it will be necessary to review the position as traffic intensity increases.

Mr. Charles Morrison asked the Minister of Transport if he will list the actual or estimated completion date and the actual or estimated cost, wherever possible, of each section of motorway, in use, under construction, or proposed.

Mr. Tom Fraser: The information requested is set out in the attached table. Similar information is not at present available for the rest of the motorway programme.

	Motorways in Use	*Date of Completion*	*Cost £m. (including land)*
M1	London—Yorkshire		
	Aldenham—Crick	November, 1959	32·3
	Crick—Markfield	October, 1964 & January, 1965	12·5 (Main works only)*
M2	Medway Motor Road	May, July & September, 1963	16·0
M4	London—South Wales		
	Slough By-Pass	April, 1963	4·9
	Maidenhead By-Pass	June, 1961	3·0
	Chiswick—Langley	November, 1964 & March, 1965	19·0
M5	Bristol—Birmingham		
	Lydiate Ash—Twyning	July, 1962	9·4
M6	Birmingham—Preston—Carlisle		
	Dunston—Preston	August, 1962—November, 1963	56·13
	Preston By-Pass...	December, 1958	5·2
	Preston—Lancaster	January, 1965	11·0
	Lancaster By-Pass	April, 1960	4·7
M50	Ross Spur	November, 1960	6·7
A1(M)	Doncaster By-Pass	July, 1961	6·5
	Stevenage By-Pass	July, 1962	2·2
A20(M)	Maidstone By-Pass	June and December, 1960	2·6
	Stretford—Eccles By-Pass (Classified motor way built by Lancashire County Council)	October, 1960	5·6
	Filton By-Pass (Classified motorway built by Gloucestershire County Council) ...	May, 1963	·74

	Motorways under Construction	*Estimated Completion Date*	*Estimated Cost £m. (including land)*
M1	London—Yorkshire		
	Page Street—Edgware Bury Lane (Hendon Motorway)	End 1966	14·49
	Edgware Bury Lane—Aldenham	Summer 1966	
	Brockley Interchange	Summer 1966	
	Markfield—River Trent (including Trent Bridge structures)	Late 1965	7·6 †
	River Trent—Stanton-by-Dale ...	Summer 1966	3·13 †
	Stanton-by-Dale—Nuthall	Summer 1966	4·6 †
	Nuthall—Pinxton	Early 1967	5·54 †
	East Ardsley—Stourton	Summer 1967	5·37 †
	Tinsley Viaduct	Late 1967	4·5 †
M4	London—South Wales		
	Almondsbury—Hambrook	Spring 1966	3·0
	Almondsbury Interchange	Spring 1966	2·5
	Hambrook—Tormarton	1967	6·2
	Severn Bridge and Approaches ...	1966	16·19
M5	Midland Motorway Links		
	Lydiate Ash—Quinton	Late 1965	6·64
M6	Midland Motorway Links		
	Darlaston—Shareshill	Late 1966	5·88
	Shareshill—Dunston	Spring 1966	6·23
A1(M)	Darlington—Barton-By-Pass (including Darlington Spur)	14th May, 1965	6·5
A40(M)	High Wycombe By-Pass		
	Stokenchurch—Handy Cross	Autumn 1966	5·4

* It is not possible at this stage to give for individual sections of the M1 extension costs of Statutory undertakers' works, land, etc.

† Main Works only

	Tenders Invited	*Actual or Estimated Completion Date*	*Estimated Cost £m. (including land)*
M1	Aston — Sheffield — Leeds Aston — Tinsley (including part of Thurcroft Lnk) ...	Late 1967	
M1	London—Yorkshire: Pinxton—Heath ...	1967	
	Heath—Barlborough	1967	
A1(M)	Durham Motorway (including Bridges):		
	Aycliffe—Bradbury	1967	
	Baldock By-Pass	Summer 1967	
A40(M)	High Wycombe By-Pass (Handy Cross—Burkes Road; excluding Loudwater Viaduct)	Autumn 1967	
	Schemes Made		
M1	London—Yorkshire		
	Barlborough—Doncaster By-Pass ...	Late 1967	
	Meadowhall—East Ardsley	Early 1968	
M5	Midland Motorway Links		
	South of Quinton—Great Barr ...	Autumn 1968	
A40(M)	High Wycombe By-Pass		
	Handy Cross—Burkes Road (Loudwater Viaduct only)	Autumn 1967	
M5	Birmingham—Bristol		
	Cribbs Causeway—Easton-in-Gordano	End 1967	

M.4

86. **Mr. Reader Harris** asked the Minister of Transport if he will arrange for the building of a wall not less than 8 feet in height alongside the M.4 motorway where it passes through Heston, adjacent to Durham Avenue and Winchester Avenue, in order to protect the privacy of local residents, to lessen the noise from vehicles, and to prevent children from straying onto the motorway.

Mr. Tom Fraser: No. I think that the measures already taken are adequate for these purposes.

Mr. Curran asked the Minister of Transport whether he will order the erection of signposts reading, To West Drayton, on the M.4 motorway around London Airport.

Mr. Tom Fraser: Because of the need to name other places on the signs on M.4

at the London Airport interchange roundabout, it has not been possible to include West Drayton. We are, however, considering adding the name on the signs at the Cherry Lane roundabout.

Mr. Astor asked the Minister of Transport if he is aware of the concern caused to residents by the uncertainty over the proposed route of the M.4 motorway through Berkshire; and when he will publish his proposals.

Mr. Tom Fraser: Yes, but I cannot publish my proposals until I have received the views of the local authorities concerned. I expect to receive them soon.

Crash Barriers

89. **Mr. Ian Lloyd** asked the Minister of Transport whether the Road Research Laboratory has now had an opportunity of evaluating the crash barriers developed by the Cornell Aeronautical Laboratory; and what advice he has received on the suitability of this and other American crash barriers for the M.1 and other motorways.

Mr. Tom Fraser: These barriers, among others, are still the subject of experiments which the Road Research Laboratory is continuing to follow closely, but neither these experiments, nor those being carried out by the Road Research Laboratory itself, are sufficiently far advanced for any firm advice to be offered.

Highway Improvement Schemes (Road Safety)

91. **Mr. Bryant Godman Irvine** asked the Minister of Transport what advice is offered by his Department to local authorities with regard to the safety aspects of new road programmes; and what steps he takes to ensure that such advice is observed.

Mr. Tom Fraser: Road safety has been a major consideration in the formulation of my Department's design standards, with which highway improvement schemes submitted by local authorities are required to comply in order to qualify for grant. The contribution that individual schemes can make to the improvement of road safety is an important element in the choice of the classified road programme.

Level Crossing, Ash

Mr. Onslow asked the Minister of Transport what plans he has to replace the level crossing at Ash, Surrey, by a bridge over the railway; and when he expects that work will start.

Mr. Tom Fraser: This scheme will be the responsibility of the Surrey County Council as highway authority. I cannot say when it is likely to find a place in the classified road programme. This will depend in the first place on the priority assigned to it by the county council.

A.6 (Roundabout)

Mr. Harry Howarth asked the Minister of Transport what plans he has for improving the road junction of the A.6 at Addington Road, Irthlingborough, Northamptonshire, by the construction of a roundabout.

Mr. Tom Fraser: I have no such plans at present.

New Road, Northamptonshire

Mr. Harry Howarth asked the Minister of Transport if he will authorise the building of a road from Station Road to the Addington Estate at Irthlingborough, Northamptonshire.

Mr. Tom Fraser: I have not been consulted by the Northamptonshire County Council about the construction of such a road; it is unlikely that my approval would be needed.

M.6, Westmorland (Land)

Mr. Jopling asked the Minister of Transport what form of access he intends to make to the two areas of land of 165 acres and 98 acres between the divided carriageways on the proposed M.6 in Westmorland.

Mr. Tom Fraser: The 165-acre area will be crossed by three roads and a bridleway, and the 98-acre area by two roads, from all of which access will be available. In addition, agricultural overpasses or under-passes and creeps for sheep will be provided.

A.66 (Westmorland)

Mr. Jopling asked the Minister of Transport if, in view of his revised plans

for the Yorkshire section of the A.66, he will now make improvements to the Westmorland section of the A.66, particularly to the east of Brough.

Mr. Tom Fraser: I intend to carry out the improvements which I outlined in the reply I gave to the hon. Member on 2nd March. The question of improving the A.66 to the east of Brough is being considered.

Esher By-Pass

Sir W. Robson Brown asked the Minister of Transport if he will now make a statement about the Esher by-pass, as the prolonged period of uncertainty is causing local anxiety.

Mr. Tom Fraser: As the hon. Member knows, plans are being prepared for a by-pass to the south and east of Esher.

I appreciate the need to avoid unnecessary anxiety, and that is why I must be sure that the detailed proposals represent the best overall solution before they are put to the test of public scrutiny. I hope to be able to publish a draft line for the road by the autumn.

Trunk Road Improvements (Allocation of Funds)

Mr. Evelyn King asked the Minister of Transport why grants allocated for improvements on the trunk roads per mile in 1965-66 are less for the county of Dorset than for any other of the four neighbouring counties.

Mr. Tom Fraser: Funds for trunk road improvements are allocated to individual schemes on the basis of national priorities and not on geographical considerations.

Helsby-Frodsham By-pass

Mr. Carlisle asked the Minister of Transport if he is now in a position to publish the provisional line for the proposed Helsby-Frodsham By-pass under Section 11 of the Highways Act 1959; and if he will make a statement.

Mr. Tom Fraser: No. Consultations with local authorities and other public bodies are now taking place. I hope to publish a draft line for the By-pass before the end of this year.

Major Trunk Road Schemes (Traffic Census Information)

Mr. Carlisle asked the Minister of Transport if he will give a list of all major road works projects included in the forward programme for the years 1966-67 and 1967-68, and in each case state the most recent traffic census figures for each of the existing roads proposed to be improved or by-passed under the forward programme.

Mr. Tom Fraser: Announcements were made on 14th February, 1962, and 28th October, 1963, of major trunk road schemes costing over £100,000 programmed for the years 1963 to 1968. Those on which work is now expected to start in 1966-67 or 1967-68 are listed below, together with the latest relevant traffic census information, i.e. as at August, 1961 except where otherwise indicated.

The following is the information:

			Passenger car units per 16-hour day
Greater London and the South East			
A.13	...	Ripple Road, Barking Stage III	47,729
—	...	"D" Ring Road (South Mimms By-Pass–A.10)	A.1081 14,734 (1954 Census) A.1005 4,031 (1954 Census)
A.1	...	Archway Road Widening, Hornsey	35,268
A.40	...	Western Circus and Gipsy Corner Flyover	45,801
A.406–A.404		Harrow Road Junction	39,994
A.406	...	Neasden Lane	39,994
A.406–A.105		Green Lanes Junction	32,881
A.406	...	Silver Street Diversion, Edmonton	33,765
A.406–A.1010		Fore Street Junction	33,765
A.406	...	Waterworks Corner Stage I	29,895
A.23	...	Bolney Cross Roads	15,994
A.27	...	Fareham Station Bridge...	22,212
A.27	...	Adur Bridge and Shoreham By-Pass	9,026
A.27	...	Widening in Southwick	16,949
A.27	...	Widening in Portslade	16,949

			Passenger car units for 16-hour day
A.3	...	Pains Hill—Ockham Road	22,665
A.3	...	Guildford By-Pass	24,351
A.3	...	Burnt Common—Proposed Ripley By-Pass	27,892
A.13	...	Tilbury Docks Approach Road	8,736
A.40	...	Oxford Northern By-Pass	22,206
A.40	...	Waterstock Cross Roads to South of Postcombe	19,322
South West			
A.303	...	Amesbury By-Pass	6,064
A.40	...	Overbridge and By-Pass (River Severn)	26,832
A.38	...	Plympton By-Pass	24,208
Midlands and East Anglia			
A.38	...	Lichfield By-Pass...	15,514
A.53	...	Potteries " D " Road (Etruria–Talke)	20,624
A.11	...	Thetford Inner Relief Road	6,180
A.46	...	Syston Western By-Pass...	15,510
A.127	...	Dunton Wayletts Junction	31,823
A.1	...	Eaton Socon By-Pass	17,800
A.12	...	Lowestoft Swing Bridge	8,274
A.38/A.516		Mickleover Link and By-Pass and widening of A.516 to Derby Ring Road	15,177 (A.38) 21,948 (A.38/A.516)
The North East			
A.614	...	Thorne By-Pass	12,369
A.1	...	Scotch Corner	15,630
A.650	...	Wakefield—M.1 Junction	19,881
The North West			
A.41	...	Widening at Backford	20,805
A.56	...	Barton Road–Derbyshire Lane...	46,620
A.57	...	Hyde Internal Relief Road	19,615
A.590	...	Levens Bridge Diversion	6,859
A.74	...	North of Moss Band–Scottish Border	3,473

A.56 (Helsby-Frodsham)

Mr. Carlisle asked the Minister of Transport what was the date of the most recent Ministry census of traffic using the stretch of the A.56 through Helsby and Frodsham; and what were the figures of traffic disclosed by the census.

Mr. Tom Fraser: The most recent official census of traffic using the A56 through Helsby and Frodsham was taken in 1962. It showed 27,032 passenger car units per 16 hour day passing a census point between the two towns.

Fatal Accident, Cumnor Hill

Mr. Neave asked the Minister of Transport whether he is aware that a further fatal accident has occurred at Cumnor Hill, near Oxford; and when he expects to make a statement about the future place of the by-pass scheme in a road programme.

Mr. Tom Fraser: I learned with regret of this accident.

A scheme to by-pass Cumnor Hill will be considered with other road proposals in Berkshire when the programme is extended. Whether it will be possible to include it will depend on the resources available and the priority it commands in comparison with the many other urgent schemes elsewhere.

TRANSPORT

Lighting of Vehicles (Automobile Association's Report)

83. **Mr. George Jeger** asked the Minister of Transport whether he has now completed his survey of the Automobile Association Report on lighting defects on vehicles; and what action he proposes to take.

Mr. Tom Fraser: I have examined the Automobile Association's Report and it confirms our belief that far too many drivers do not pay sufficient attention to the lighting of their vehicles. The regulations already provide that lamps should be maintained in a proper condition, but I shall have the question of maintenance looked at specially in the review of lighting which my Department is carrying out.

Vehicle Tests

84. **Mr. Carmichael** asked the Minister of Transport if he is aware that some garages refuse to test motor vehicles for the issue of a Ministry of Transport test certificate unless the necesary repairs are done by them, and that there is some confusion concerning the responsibilities and obligations of his appointed test agents; what action he will take; and if he will make a statement.

Mr. Tom Fraser: An authorised examiner can refuse to test a vehicle of a class falling within his authorisation only for a limited number of reasons and this is not one of them. If my hon. Friend has evidence of garages refusing to test vehicles for this reason, or of any other irregularities, I shall be pleased to investigate it.

British Road Services (Closure of Depots)

85. **Mr. Molloy** asked the Minister of Transport if he will give a general direction, in the public interest, to British Road Services not to close further British Road Services depots until he has received the views of those directly employed in such depots.

Mr. Tom Fraser: No.

Rural Bus Services, Lincolnshire (Experiments)

87. **Sir J. Maitland** asked the Minister of Transport if he will now report on the results obtained from the experiments carried out under the auspices of his Ministry with rural bus services in the Lincolnshire area, north of Horncastle.

Mr. Tom Fraser: I would refer the hon. Member to the second paragraph of my Answer on 28th April to the hon. Member for Torrington (Mr. Peter Mills).

RAILWAYS

Goods Depots, Greater London (Closure)

90. **Mr. Parker** asked the Minister of Transport what information he received, in settling the lines of the Railways Board's reorganisation, as to what railway goods depots it is proposed to close in the Greater London area; and what number of staff will be made redundant.

Mr. Tom Fraser: Freight rationalisation measures are a matter for the Railways Board, who discuss any redundancy problems with the unions involved. I understand that consultations concerning the closure of certain goods depots in the Greater London area are in progress.

Malicious Damage (Proceedings for Restitution)

Mr. Channon asked the Minister of Transport under what statutory provisions actions have been brought by the Railways Board or the British Transport Commission for the recovery of damages in the last convenient 10-year period; how many such actions there have been; and in how many cases damages have been awarded.

Mr. Tom Fraser: I assume that the hon. Member is referring to cases involving malicious damage.

The Railways Board informs me that proceedings for the recovery of damages in such cases have been taken by it, or previously by the British Transport Commission, under the Malicious Damage Act, 1861, and the Criminal Justice Administration Act, 1914, as amended by the Malicious Damage Act 1964. I understand from the Board that detailed information in respect of the number of cases in which restitution for damage has been reflected in the costs awarded by the courts is not readily available.

SHIPPING

National Ports Council (Interim Proposals)

Mr. Ian Lloyd asked the Minister of Transport when he proposes to publish the White Paper on the port development proposals of the National Ports Council.

Mr. Tom Fraser: I hope to receive the Council's interim proposals in a few weeks' time, when I will make a statement. I understand the Council is considering publication of an outline of its proposals.

MINISTRY OF AVIATION

Aldergrove Airport (Terminal Building)

92. **Sir Knox Cunningham** asked the Minister of Aviation what steps are being taken to improve the condition of the surface on the ground floor of the civil air terminal building at Aldergrove, in County Antrim.

Mr. Stonehouse: The surface has been treated with polyurethane sealer to prevent powdering, and that treatment will be repeated as necessary.

Height Monitoring (Richmond Glide Path)

93. **Mr. A. Royle** asked the Minister of Aviation whether he is continuing to monitor aircraft height on the glide path over Richmond and Barnes; and if he will make a statement on the results over the past four weeks.

Mr. Stonehouse: The height monitoring arrangements are continuing, but the checks have never extended as far as Barnes.

In the four-week period ended 29th April, 1965, 511 aircraft approaching over Richmond were monitored. Two only were below the glide path. In neither case did the infringement occur over Richmond.

Aircraft Industry (Research and Development Establishments)

94. **Mr. Goodhew** asked the Minister of Aviation what is the planned reduction in strength of his Department, especially in the research and development establishments, consequent upon the Government's plans for the major reduction in size of the British aircraft industry.

Mr. Roy Jenkins: The Government's plans for the future of the aircraft industry will depend largely on the report of the Committee under Lord Plowden which is now sitting. That Committee is also considering the future rôle of the research and development establishments in relation to the industry. In any case the size of the Ministry and its establishments does not depend so much on the size of the British industry as on the future requirements, including long-term requirements, of the Defence programme and in the civil field.

The strength of the Ministry and its establishments is constantly under review in the light of the future load of work. Some areas of the Department, for example, the Contracts and Technical Costs Directorates and some civil aviation branches, are seriously undermanned and efforts are being made to increase the strengths in these areas.

TSR2 (Adoption by United States Government)

95. **Mr. Goodhew** asked the Minister of Aviation what efforts were made to interest the United States Government in the purchase of TSR2 aircraft for the United States Air Force, before development of that aircraft was cancelled.

Mr. Roy Jenkins: I am satisfied that there was no chance of persuading the U.S. Government to abandon the F.111A project and adopt the TSR2, particularly in view of the cost increases and delays which we were suffering on the TSR2. The time for British salesmanship on TSR2 was before the U.S. Government decided upon the TFX in 1962, at which stage full presentations were made.

HOME DEPARTMENT

Children and Young Persons Act, 1933 (Section 55)

96. **Dame Irene Ward** asked the Secretary of State for the Home Department whether he will seek substantially to increase the fines which can be imposed under Section 55 of the Children and Young Persons Act, 1933, on parents and guardians, in view of the increase in crime of young persons, particularly in sabotage on railways.

Miss Bacon: The general maximum limits on such fines imposed by the Magistrates Courts Act, 1952, were raised by Section 8 of the Criminal Justice Act, 1961.

Children (Removal from the Jurisdiction)

Mr. Howe asked the Secretary of State for the Home Department (1) why he prevents removal from the jurisdiction

of a child in respect of whom a custody order has been made in a different manner, according to the nature of the court by which the order was made; and what steps he proposes to take to ensure that his power to prevent removal of a child in such circumstances should be the same in all cases as it is in cases where the custody order was made by the High Court of Justice;

(2) by what authority, to what extent and in what class of case he is prepared to take action to prevent removal from the jurisdiction of a child the custody of which is in dispute between its parents or the custody of which has been granted to one of its parents by order of the High Court of Justice, a County Court and a Court of Summary Jurisdiction.

Miss Bacon: Immigration officers give such assistance as is in their power if there is good reason to believe that an attempt is to be made to remove from the jurisdiction without the leave of the court an infant who is a ward of court, or subject to a requirement included in an order for custody or care or control that he may not be taken out of the jurisdiction, or the subject of an injunction restraining anyone from so removing him. So far as I am aware, a court of summary jurisdiction has, unlike the High Court or a county court, no power to support a custody order in any one of these ways.

LOCAL GOVERNMENT

Oxford Development Plan

97. **Mr. Christopher Woodhouse** asked the Minister of Housing and Local Government when he will announce his decision on the Oxford development plan.

Mr. MacColl: It is too soon to tell since my right hon. Friend has not yet received the Inspector's report on this long inquiry.

Rate Relief

Mr. Geoffrey Lloyd asked the Minister of Housing and Local Government (1) whether he will initiate legislation to provide rate relief on ground of hardship for those ineligible for National Assistance solely because of full-time employment;

(2) whether he will initiate legislation to give English and Welsh rating authorities power to remit rates on the ground of inability to pay;

(3) whether he will initiate legislation to provide rate relief on ground of hardship for those whose incomes are below National Assistance level but who are ineligible solely because their capital assets exceed £600.

Mr. Crossman: I must ask the hon. Gentleman to await the outcome of the Government's examination of local government finance, including the rating system.

PRIME MINISTER (SPEECHES)

Mr. Hogg asked the Prime Minister whether he will, as a regular routine, place in the Library a copy of any public speech which he makes either in this country or overseas.

The Prime Minister: No, because, among other reasons, many of my speeches are prepared *ex tempore* or from notes and no complete text exists. I will, however, continue to meet specific requests from hon. Members when I can.

EDUCATION AND SCIENCE

Welsh College of Advanced Technology

Mr. Alan Williams asked the Secretary of State for Education and Science (1) what is the minimum acreage needed for new premises for the Welsh College of Advanced Technology;

(2) which local authorities have offered specific sites for the Welsh College of Advanced Technology;

(3) which sites have been offered for the new building for the Welsh College of Advanced Technology;

(4) how long it will take to complete new premises for the Welsh College of Advanced Technology after a site has been found;

(5) how many places will be available at the Welsh College of Advanced Technology when it has new premises;

(6) how many places are available at the Welsh College of Advanced Technology within its present buildings.

Mr. Crosland: No proposals for a new site or premises have yet been put forward and I cannot at present add to the statement which I made on 22nd February in reply to questions by my hon. Friend. It is not practicable to lay down minimum acreages for university institutions. Plans must be considered on their merits in the light of the facts. In November, 1964, there were 1,037 full-time and sandwich course students and 1,256 part-time and evening students enrolled at the college.

Colleges, Wales (University-Level Education)

Mr. Alan Williams asked the Secretary of State for Education and Science if he will institute an impartial investigation into the most suitable relationships between all colleges offering university-level education in Wales.

Mr. Crosland: This cannot be appropriately considered until the outcome of the current discussions in the Council of the University of Wales is known.

Mr. Alan Williams asked the Secretary of State for Education and Science what representations he has received about the relationship of the Welsh College of Advanced Technology to the University of Wales.

Mr. Crosland: I am not aware of any representations on this particular matter, but the future of the college has been referred to in communications I have seen concerning the general future of higher education in Wales.

University Places (Wales and Scotland)

Mr. Alan Williams asked the Secretary of State for Education and Science how many university places are expected to be available in Wales and how many in Scotland by 1968; and what proportion these figures represent of the numbers of population of university age in Wales and in Scotland at that date.

Mr. Crosland: Of the Robbins student target for the academic year 1967-68, for which the Government is planning, some 31,500 students are expected in Scottish university institutions and nearly 13,000 in Welsh university institutions. I am writing to my hon. Friend to explain why I cannot answer the second part of his Question.

FOREIGN SERVICE (STRENGTH)

Mr. Grimond asked the Secretary of State for Foreign Affairs what is the present strength of the Foreign Service; and what was the strength in 1955.

Mr. Padley: On 1st April, 1955, the strength of the Foreign Service was 4,735. On 1st January, 1965, the Foreign Service amalgamated with the Commonwealth Service and the Trade Commission staff of the Board of Trade to form the Diplomatic Service. On 1st April this year the strength of the former Foreign Service element within the Diplomatic Service was 4,375 out of the total Diplomatic Service strength of 6,400.

HOSPITALS

Crumpsall and St. Mary's Hospitals, Manchester (Midwives)

Mr. Rose asked the Minister of Health how many additional midwives have been recruited by Crumpsall Hospital and St. Mary's Hospital, Manchester, since 1st November, 1964; and how many have left the service.

Mr. Loughlin: The following are the figures for the period since 1st November, 1964:

	Recruited	*Left*
Midwives		
Crumpsall ...	10 whole-time 2 part-time	6 whole-time 1 part-time
St. Mary's ...	17 whole-time 3 part-time	12 whole-time 1 part-time
Pupils		
Crumpsall ...	51	7(*a*)
St. Mary's ...	65	21(*b*)

(*a*) Of these, 3 qualified and remained in the hospital, and are included in the figure of 10 whole-time midwives recruited; 2 others failed to qualify and are employed as State Enrolled Nurses at the same hospital.

(*b*) These completed Part I of their training and have gone to other hospitals to complete Part II.

Rampton Hospital (Mr. Shepherd)

Mr. Hobden asked the Minister of Health if he has inquired into allegations of violence at Rampton Hospital towards

Mr. Shepherd of Brighton, particulars of which have been sent to him; and whether he will now hold a public inquiry to ascertain how Mr. Shepherd's injuries were received.

Mr. K. Robinson: As my hon. Friend has been informed, these allegations have been investigated. I see no reason to hold a public inquiry.

DOMINICAN REPUBLIC

Mr. Blaker asked the Secretary of State for Foreign Affairs what authorities Her Majesty's Government recognise as the Government of the Dominican Republic.

Mr. M. Stewart: I have received communications from both of the self-proclaimed Governments in the Dominican Republic. The Government previously recognised by Her Majesty's Government disintegrated and neither of the present claimants meets our usual criteria for recognition at this time.

MINISTRY OF LABOUR

Apprenticeships, Scotland

Mr. McInnes asked the Minister of Labour how many boys and girls in Scotland started apprenticeships during 1964.

Mr. Gunter: The numbers were:

Boys	...	...	...	13,805
Girls	...	...	...	1,406

Boys and Girls, Glasgow (Unemployment)

Mr. McInnes asked the Minister of Labour how many boys and girls are unemployed in Glasgow; and how many have been unemployed for six weeks or more.

Mr. Gunter: On 12th April, 1965, in the City of Glasgow 916 boys and girls were registered as wholly unemployed. Statistics of those unemployed for six weeks or more are not available but 178 had been unemployed for eight weeks or more.

Young Men (Unemployment)

Mr. McInnes asked the Minister of Labour what proportions of the total for Great Britain of young men of 20 years of age and under, unemployed for more than six months, were in Scotland and the Midlands, respectively, at the latest available date.

Mr. Gunter: On 11th January, 1965, of the Great Britain total of young men under 20 years of age who had been wholly unemployed for more than six months, 32·1 per cent. were in Scotland and 3·7 per cent. in the Midlands region. Figures relating to young men of 20 years of age and under are not available.

North-East Scotland

Mr. Wolrige-Gordon asked the Minister of Labour how many jobs have been lost in the North-East of Scotland since 1st May, 1964, through redundancies in the traditional industries such as agriculture.

Mr. Gunter: I regret that the information is not available.

PENSIONS AND NATIONAL INSURANCE

Retirement Pensions (Widows)

Mr. Adam Hunter asked the Minister of Pensions and National Insurance how many women in receipt of retirement pensions, who were widows previous to retirement, do not qualify for the standard weekly rate of the flat-rate retirement pension, due to not satisfying the contribution conditions; and what it would cost annually to pay them the standard weekly rate.

Miss Herbison: I regret that this information is not available. I would remind my hon. Friend, however, that in establishing her title to a retirement pension a widow can use her husband's contribution record for the period up to the date of widowhood, instead of her own record.

OVERSEAS DEVELOPMENT

O.E.C.D. (Turkish Consortium)

Mr. Rose asked the Minister of Overseas Development if she will make a statement on the recent meeting of the Organisation for Economic Co-operation and Development Turkish Consortium.

Mrs. Castle: At the meeting of the Turkish Consortium of the O.E.C.D. held in Paris on 29th and 30th April, the British representative agreed, as part of a

common effort to reduce the heavy burden of Turkey's debt service over the next three years, to offer in the years 1965, 1966 and 1967 loans equal to 60 per cent. of the sums due to U.K. creditors under the Paris Agreement of 11th May, 1959. The loan in 1965 will be approximately £1·9 million.

The scheduled repayments under the Paris Agreement will not be affected in any way by this arrangement. I hope that we shall in the near future be entering into negotiations with the Turkish Government on the terms of a loan to give effect to this agreement.

TECHNOLOGY

Departmental Structure

Mr. Charles Morrison asked the Minister of Technology if he will publish the organisational structure of his Department, indicating the responsibilities and functions of each unit in it.

Mr. Cousins: The Ministry is being organised in two technological controllerates and a secretariat. One controller will be responsible for detailed studies of particular industries and particular technological problems. The other will be responsible for the Department's laboratories, for support of the research associations and for other operations to assist in the application of technology in industry. The secretariat, organised in six divisions, will provide the usual financial, establishment and secretariat services. The Department is advised by an Advisory Council, the composition of which I announced in reply to the Member for Normanton (Mr. Albert Roberts) on November 24th, 1964.

BOARD OF TRADE

Employment, North-East Scotland

Mr. Wolrige-Gordon asked the President of the Board of Trade how many new jobs have been created in the North-East of Scotland since 1st May, 1964; and what are his plans for the future scale of employment in the area.

Mr. Darling: Comprehensive information about the number of new jobs created is not available. 1,446 new jobs are expected to arise from the 72 projects to which financial assistance has been offered since the 1st May, 1964, under the Local Employment Act in the employment areas of Aberdeen, Stonehaven, Inverurie, Huntly, Banchory, Turriff, Fraserburgh, Peterhead, Banff, Buckie and Keith.

As to the future, the Board of Trade advance factory at Peterhead is now ready for occupation and the advance factory at Fraserburgh is due to be completed later this year. I have just announced the addition of Turriff to the list of development districts in North-East Scotland.

WALES

Water Resources Act, 1963 (Model Forms)

Mr. Morgan asked the Secretary of State for Wales whether he will take steps to simplify the forms that occupiers of land have to complete, pursuant to the Water Resources Act, 1963, if they wish to retain the right to abstract water from springs and wells.

Mr. James Griffiths: No. Model forms were prescribed as recently as 19th March in the Water Resources (Licences) Regulations 1965 which were drawn up after consultation with the main interested associations and other bodies.

Welsh College of Advanced Technology (Rateable Value)

Mr. A. J. Williams asked the Secretary of State for Wales what is the rateable value of the Welsh College of Advanced Technology; and how much the college will pay in rates in 1965-66.

Mr. James Griffiths: Excluding some premises which the college has only recently taken into use and which have not yet been assessed, the premises occupied by the Welsh College of Advanced Technology have a total rateable value of £33,227. The rates payable on these premises in 1965-66 amount to £9,898 17s. 7d.

ADEN

Newspaper Licences

Mr. Bagier asked the Secretary of State for the Colonies, how many applications for licences to publish newspapers in Aden have been rejected during the past three months; how many have been granted; and how many licences are at present in force.

Mr. Greenwood *pursuant to his reply of 1st April* [OFFICIAL REPORT, Vol. 709, c. 1837], *supplied the following information:*

The list below gives details of the licensed publications in Aden.

Name of publication	*Language in which published*	*Frequency*	*Name of Licensee*
Al-Mowadhaf	English/Arabic	Monthly	Civil Service Association of South Arabia
Al-Kifah	Arabic	Daily	Hussein Ali-Bayoomi.
Fatat-ul-Jezirah	Arabic	Daily	Muhammad Ali Lokman
Magallet Adan	Arabic	Six-monthly	B.P. Refinery (Aden) Ltd.
B.P. Jottings	English	Weekly	B.P. Refinery (Aden) Ltd.
Aden Magazine	English	Six monthly	B.P. Refinery (Aden) Ltd.
Akhbar-al-Masafi ...	Arabic	Weekly	B.P. Refinery (Aden) Ltd.
Al-Yaqdha	Arabic	Daily	Abdurrahman Girgirah
Arrai-Al-'Amm	Arabic	Weekly	South Arabian League (M.S. Bawazeer)
Mir' at-al-Junoob ...	Arabic	Daily	Muhammad Ahman Barakat
South Arabian Mirror ...	English	Weekly	Muhammad Ahman Barakat
Al-Ayyam	Arabic	Daily	Muhammad Ali Bashraheel
The Recorder	English	Weekly	Muhammad Ali Bashraheel
Aden Chronicle	English	Weekly	Muhammad Ali Lokman
Al-Watan	Arabic	Weekly	Muhammad Said Husseiny
Reuters Daily Bulletin ...	English	Daily	M/S a. Besse & Co. (Aden) Ltd.
Al-Akhbar	Arabic	Daily	Mr. Ali M. Luqman
The Dhow	English	Weekly	H.M. Forces
*Attariq	Arabic	Daily	Muhammad Nasser Muhammad
*Al-Shuruq	Arabic	Daily	Muhammad Hamed 'Aulaqi
*Al-Arabi	Arabic	Weekly	Ahmed Abdo Hamza
*Al-Anwar	Arabic	Weekly	Abdulla Ahmed Al-Hamzi
*Al-Umma	Arabic	Weekly	Al-Umma Party of South Arabia (Ali Ahmed Ismail)
*Al-Ummal	Arabic	Daily	Aden Trades Union Congress (Ali Hussein Qadhi)
*Al-Ishtraki	Arabic	Daily	Peoples' Socialist Party (Abdulla A. Majid Al-Asnag)
*Al-Wihdah	Arabic	Weekly	Adnan Kamel Salah
*The Businessman ...	English	Monthly	Muhammad Abdo Kassim
*Al-Qithar	Arabic	Monthly	Ahmed bin Ahmed Qassem
*Al-Mar'a	Arabic	Monthly	Miss Khadiga M. Luqman
*Al-Jihad	Arabic	Weekly	Ali Muhammad Maqtari
*Al-Amal	Arabic	Weekly	Abdulla Abdurrazzak Badeeb
*An-Nidhal	Arabic	Daily	Muhammad Salem Ali Abdo
*Al-Alam	Arabic	Weekly	Seiyid Aidarous Al-Hamed
*As-Sabah	Arabic	Daily	Ali Abdulla Basahi
*Al-Haqq	Arabic	Weekly	Abdullatif Kutbi Omer
*Al-Maseer	Arabic	Weekly	Mustafa Shaher Abdul Karim
*Attalee' ah	Arabic	Daily	Ayedh Salmin Basunaid
* †	English	Weekly	Muhammad Ali Nasser
*Al-'Adalah	Arabic	Weekly	Abdulla Ahmed Ismail
*Dirasat	English/Arabic	Bi-monthly	Graduates' Congress
*Al-Burkan	Arabic	Weekly	Hashem A. Karim Jawee
*Al-Hurriyah	Arabic	Weekly	Jaffer Hashem Kassim
*Al-Mina'	Arabic	Weekly	Ali Alwan Mulhi
*Suhair	Arabic	Weekly	Muhammad Ali Bashraheel

* Not yet in publication. † Name not yet known.

NATIONAL FINANCE

Income Tax Act, 1952 (Section 245)

Mr. George Y. Mackie asked the Chancellor of the Exchequer how many companies made returns to the revenue in respect of the years 1963-64 and 1964-65 to which Section 245 of the Income Tax Act, 1952, applied; and how many of those companies were the subject of a direction under that Section.

Mr. Diamond: The number of companies within Section 245, Income Tax Act, 1952, is not known but is believed to be about a quarter of a million. A

direction under Section 245 was made in the case of 1,014 companies in 1963-64 and 1,294 in 1964-65.

Limited Companies (Income Tax and Profits Tax)

Mr. Barnett asked the Chancellor of the Exchequer how many limited companies did not pay either Income Tax or Profits Tax in the most recent year for which the information is available.

Mr. MacDermot: I regret that this information is not available.

Finance Bill (Schedule 17)

Mr. George Y. Mackie asked the Chancellor of the Exchequer how many companies he expects to be close companies within the meaning of Schedule 17 to the Finance Bill; and how much additional revenue in the year 1965-66 and 1966-67 he expects to raise as a result of assessment under Clause 72(1) of the Bill.

Mr. Diamond: It is not expected that there will be any marked difference in the number of companies falling within Schedule 17 of the Finance Bill, as compared with the number within Section 245 of the Income Tax Act, 1952. The amount of revenue raised under Clause 72(1) will depend on the amount of companies' profits and the dividend policies they follow.

International Monetary Fund (Drawing)

Mr. Hattersley asked the Chancellor of the Exchequer whether he is yet able to announce the outcome of his application to the International Monetary Fund for a further drawing.

Mr. Callaghan: Yes. The Executive Board of the International Monetary Fund has today announced its agreement to a drawing by the United Kingdom of $1,400 million—£500 million—which will take place before the end of the month. The Swiss authorities, who are not members of the International Monetary Fund, have at the same time offered to make available to us the equivalent of $40 million (£1·3 million) which we are glad to accept.