HOUSE OF COMMONS

Tuesday, 18th May, 1965

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

PRIVATE BUSINESS

HUDDERSFIELD CORPORATION BILL

Read the Third time and passed.

PORT OF LONDON BILL [*Lords*]

Read the Third time and passed, with Amendments.

LIVERPOOL EXCHANGE BILL [*Lords*]

Read the Third time and passed, without Amendment.

MERSEY TUNNEL (LIVERPOOL/WALLASEY) ETC. BILL

[*Queen's Consent, on behalf of the Crown and the Duchy of Lancaster, signified*]

Bill read the Third time and passed.

BRITISH WATERWAYS BILL

As amended, considered ; to be read the Third time.

MANCHESTER CORPORATION BILL

Adjourned Debate on Question [*29th April*], That it be an Instruction to the Committee on the Bill to leave out Clause 48 of the Bill, *further adjourned till Tuesday next.*

Mr. Hirst: On a point of order, Mr. Speaker. I am in a quandary, and seek enlightenment. Consideration of the Manchester Corporation Bill has now been adjourned till Tuesday next, and it has been continuously so adjourned, but it had time allocated to it by the Chairman of Ways and Means some time ago. The matter was discussed, but that discussion was not concluded. The debate was adjourned, and so it is that we now have it on the Order Paper. There are various Amendments showing a desire on the part of some hon. Members that it be an instruction to the Committee to leave out Clause 48—and, indeed, Clause 41.

I have now discovered, as must be well known, that the Committee is now discussing Clause 41, and that seems to give rise to a rather peculiar situation. The Committee may come to a conclusion on this Clause, if it did not do so this morning, yet by order of the Chairman of Ways and Means we are having put down for consideration on Tuesday next something which, in another area of the House, may have been decided. I would be grateful for your guidance, Mr. Speaker, either now or, if more convenient to you, later.

Mr. Speaker: I should have to think about it. I appreciate the hon. Gentleman's difficulty, but I cannot help him, because the time appointed for consideration of this adjourned debate is outside the realm of my responsibility.

Mr. Hirst: I naturally appreciate that, Mr. Speaker. The difficulty is that one cannot very easily question the Chairman of Ways and Means in the House and when he is in the Chair of the Committee there is some Question before the Committee. I therefore do not know, in my innocence—although I have been here a little time—how one goes about it, although I know that, privately, the Chairman of Ways and Means would be only too willing to deal with the problem.

Mr. Speaker: I give the hon. Member this hope, that I observe that while the hon. Member is talking the Chairman of Ways and Means is sitting here. But I cannot say anything about it.

ORAL ANSWERS TO QUESTIONS

CYPRUS

Sovereign Base Areas

1. **Mr. Biggs-Davison** asked the Secretary of State for Commonwealth Relations what proposals Her Majesty's Government have received from other Governments, or from the United Nations Organisation, or its mediator, to include the Sovereign Base Areas in Cyprus in a settlement of the island's problems.

The Secretary of State for Commonwealth Relations (Mr. Arthur Bottomley): None, Sir.

Mr. Biggs-Davison: In view of the Government's determination to hold British bases and to defend our interests east of Suez, with nuclear and conventional forces, will the right hon. Gentleman give a clear assurance that, in their very proper zeal for peace-making, they will not trade away British sovereign rights in Cyprus?

Mr. Bottomley: The question of sovereign rights in Cyprus remains as hitherto. The Government are undertaking a review of all defence requirements. This will take some time and no station can be left out of that consideration.

Mr. F. Noel-Baker: My right hon. Friend will have seen the report by the mediator, Mr. Galo Plaza, and the suggestion that the British sovereign bases and their status would not be an obstacle to a final settlement in Cyprus. If such a settlement did depend upon some move connected with the bases, can my right hon. Friend confirm that this is the position?

Mr. Bottomley: I have nothing further to add other than that the sovereign bases remain as at present. They are outside the prerogative of the Republic of Cyprus.

MALTA

Minister's Visit

2. **Mr. van Straubenzee** asked the Secretary of State for Commonwealth Relations what was the purpose of the Minister of State's visit to Malta on 9th-11th April; and whether he will make a statement.

The Minister of State, Commonwealth Relations Office (Mr. Cledwyn Hughes): I refer the hon. Member to my right hon. Friend's reply to the hon. Member for Haltemprice (Mr. Wall) on 14th April.

Mr. van Straubenzee: I am obliged to the hon. Gentleman for that reply, but could he possibly add a little to it by reporting whether in his judgment, arising out of his visit, the civilian dockyard is making progress in view of its immense importance to the economy of Malta?

Mr. Hughes: There is another Question on the Order Paper about the civilian dockyard. I shall be replying to that in a few moments.

4. **Mrs. Renée Short** asked the Secretary of State for Commonwealth Relations what discussions the Minister of State had during his recent visit to Malta on the problems arising from the rundown of the dockyards.

Mr. Cledwyn Hughes: I did not discuss any particular problem relating to the Malta dockyard during my recent visit to Malta. I visited the yard and was much impressed by what had been achieved by the Council of Administration and the managing agents.

Mrs. Short: Is my hon. Friend aware that this is a very serious problem, particularly the unemployment of adult workers expected through the rundown of the dockyards? Will he do everything he can to see that suitable alternative employment is found? That does not mean alternative employment for girls leaving school who are cheap labour, but alternative employment for adult workers so displaced.

Mr. Hughes: Her Majesty's Government are very conscious of what my hon. Friend has said. We are doing all we can to assist in finding alternative sources of employment. The independence settlement payment was a very generous one, £50 million over 10 years. There have been no discharges on redundancy grounds so far. The dockyard administration is trying to work out a system for retraining and redeployment to avoid discharges on account of redundancy.

AUSTRALIA AND NEW ZEALAND

Minister's Visit

3. **Mr. Murray** asked the Secretary of State for Commonwealth Relations if he will make a statement about his recent visit to Australia and New Zealand.

Mr. Bottomley: I was invited by the Governments of Australia and New Zealand to visit their countries, and I gladly accepted. I warmly appreciated the very generous hospitality which was extended to me. During my visit to Australia I went to Canberra, Melbourne and Sydney. My programme, which was arranged by the Commonwealth and State Governments, enabled me to meet Cabinet Ministers and Opposition leaders

in Canberra, State Ministers in Victoria and New South Wales, and Australian business and financial and Trade Union leaders. My visit to New Zealand was unfortunately considerably shortened because of pressure of House of Commons business. I was, however, able to meet the Prime Minister and other Cabinet Ministers in Wellington. I was also able to visit Malaysia, where I had talks with the Prime Minister and Cabinet Ministers and with the Premier and Ministers of the State Government in Singapore.

12. **Mr. Evelyn King** asked the Secretary of State for Commonwealth Relations why he cut short his recent official visit to Australia ; and what was the additional cost to public funds caused by this change of plan.

Mr. Bottomley : I was able to carry out my full programme in Australia as planned. I was, unfortunately, forced to cut short my visit to New Zealand, but I was very glad that nevetheless I was able to meet and have talks with the Prime Minister and other Cabinet Ministers. The extra cost involved in the change of my original plans was £38 10s.

Mr. King : Having regard to the immense value of an official visit by the Secretary of State to a great Dominion, he must have been informed before he started of what Government plans were. Did he not know that the steel debate was to take place? Did not the Leader of the House tell him? Are not Ministers in communication one with another?

Mr. Bottomley : Yes, I did. As is customary when Her Majesty's Ministers go on visits to Commonwealth countries, a pair was arranged. It was broken by the Opposition.

Hon. Members : Shame.

Mr. Sandys : Is the right hon. Gentleman aware that his decision to cut short his visit to New Zealand created a very bad impression? Does not this show the stupidity of trying to force through a totally unwanted Measure with an inadequate mandate and an inadequate majority?

Mr. Bottomley : I am surprised at the right hon. Gentleman suggesting that it was because the House was debating a White Paper on steel that the Commonwealth was made to suffer, whereas it was because the Opposition were not prepared to give a pair.

Mr. Heffer : Is my right hon. Friend aware that those of us on the Strasbourg Delegation were also forced to retnrn, although we, too, had pairs? This was the responsibility of the Tory Opposition. This also caused a very bad impression amongst the nations in Europe.

Mr. Fisher : Is the right hon. Gentleman aware that the inconvenience which he suffered and the small extra expense were matched by the inconvenience and the much larger expense I suffered at being recalled from Nairobi and forfeiting a trip to Mauritius? Could he not make representations to the Patronage Secretary to allow Ministers on overseas trips to remain paired with hon. Members on this side who are also on visits overseas?

Mr. Bottomley : Perhaps the hon. Gentleman will join me in making representations to ensure that when pairs are made to facilitate the movement of Ministers they are honoured.

COMMONWEALTH RELATIONS

World Population Problem

5. **Mr. William Hamilton** asked the Secretary of State for Commonwealth Relations if he will take steps to initiate Commonwealth discussions on the world population problem.

Mr. Cledwyn Hughes : No, Sir. The population problem is already being studied by a number of organisations to which Commonwealth Governments belong. The General Assembly, the Economic and Social Council and the Regional Economic Commissions of the United Nations have reviewed or are reviewing it. There is to be a world population conference in Belgrade later this year. Population problems will also be discussed at the Colombo Plan Consultative Committee in November, 1965.

Mr. Hamilton I am obliged to my hon. Friend for that Answer. Does he not agree that unless this problem is tackled

the quite considerable aid we are now giving to the Commonwealth will be largely jeopardised by the continued increase in population? Will he give an assurance that the Government will take bold initiatives and make bold suggestions undeterred by the pressures, fears and prejudices of quite vocal minorities?

Mr. Hughes : I can assure my hon. Friend that we are fully aware of this problem and are doing everything possible to promote the point he has made.

Sir C. Osborne : In view of the United Nations estimate that world population at the end of this century will be between 6,000 million and 7,000 million and that the world food production programme will have to increase five-fold to give a reasonable standard of living to that huge number, what instructions are the Government to give to our representative at the Belgrade Conference on these two vital points?

Mr. Hughes : These are matters for my right hon. Friend the Foreign Secretary.

Mr. Fisher : Would the hon. Gentleman give the most encouragement he possibly can at this forthcoming conference to the question of encouraging family planning in the Commonwealth, because what the hon. Member for Fife, West (Mr. William Hamilton) said is perfectly true, if we take one economic step forward with the aid of British assistance and then one backwards because of rising population, that offsets the benefit of increased living standards?

Mr. Hughes : We fully appreciate the importance of this matter. The point is that it is doubtful whether purely Commonwealth discussions would help in what is going on ; it involves all Governments.

Common Market and E.F.T.A.

10. **Mr. Marten** asked the Secretary of State for Commonwealth Relations whether he is satisfied with the machinery for keeping the Commonwealth informed of Her Majesty's Government's policy on the United Kingdom's relations with the European Free Trade Association and the Common Market ; and if he will make a statement.

Mr. Cledwyn Hughes : Yes, Sir. The normal machinery through which Commonwealth Governments are kept informed of our policies is satisfactory in this as in other fields.

Mr. Marten : As the machinery is satisfactory, could the Minister tell the House what the Government's policy is towards the Commonwealth as regards association with the Common Market?

Mr. Hughes : My right hon. Friend the Prime Minister has made it clear on a number of occasions that application for membership of the E.E.C. is not a live issue at present.

Mr. Sandys : Conversely, are the Commonwealth countries keeping us closely informed of their approaches to the European Economic Community?

Mr. Hughes : Yes, Sir.

Commonwealth Immigration (Mission)

11. **Sir C. Osborne** asked the Secretary of State for Commonwealth Relations, in view of the recent statement by the Government of Barbados that there is no evasion of the Commonwealth Immigrants Act, and therefore no need for a visit from Lord Mounbatten, what other Commonwealth Governments have made official representations to the same effect ; if he will cancel Lord Mountbatten's proposed visits ; and if he will make a statement.

Mr. Cledwyn Hughes : The Mission on Commonwealth Immigration, led by Lord Mountbatten, is not concerned solely with evasion. As my right hon. Friend the Lord President of the Council stated on 23rd March, the Mission will consider and discuss with the Governments concerned what new measures might be adopted, particularly in the country of origin, to regulate the flow of immigrants to the United Kingdom, including the need to prevent evasion of our control. No Commonwealth Government has made any representation against a visit by the Mission and I see no reason to make any change in the Mission's plans.

Sir C. Osborne : Why should the Commonwealth Governments accept the tiny number of immigrants into this country that will soon be inevitable merely because Lord Mountbatten asks them to do so?

Mr. Hughes: I am sorry that the hon. Gentleman is determined to inject the utmost ill-will into this matter. This is a matter which needs sympathy and understanding and the Mission is part of an effort by the Government to solve this difficult problem.

Mr. James Johnson: Have the Government of Mauritius asked that Lord Mountbatten should go there? If so, what answer was given to Mauritius?

Mr. Hughes: Perhaps my hon. Friend would be good enough to table a Question to that effect to my right hon. Friend the Colonial Secretary. I have not got the reply to that question.

Sir C. Osborne: Is the Minister of State aware that I utterly reject his false accusation that I am trying to inject ill-will into this matter, especially in view of the fact that he and his hon. Friends howled me down in the House when I tried to put proposals on which they are now acting?

Mr. Hughes: Any reasonable proposition the hon. Gentleman puts forward will be considered.

Motor Cars (CD Plates)

16. **Mr. Brian Harrison** asked the Secretary of State for Commonwealth Relations whether he will seek power to arrange for members of Commonwealth High Commissions to have distinctively-coloured CD nameplates on their cars.

Mr. Cledwyn Hughes: No, Sir. CD plates have no official sanction in the United Kingdom.

Mr. Harrison: Is not the Minister of State aware that in some other Commonwealth countries there is a special plate for representatives of Commonwealth High Commissions? It would be a desirable thing to draw attention to it here.

Mr. Hughes: It is quite true that some countries, both Commonwealth and foreign, issue separate plates incorporating the prefix "CD" with special list numbers, but many countries do not and there has been no strong pressure for the practice in Britain to be changed.

Mr. Sandys: Is it not time we spoke English and referred to it as "DC"—"Diplomatic Corps"—instead of "Corps Diplomatique"?

Mr. Hughes: There is a good deal in what the right hon. Gentleman says. This must be a matter for diplomatic missions themselves.

Commonwealth Secretariat

17. **Mr. Jackson** asked the Secretary of State for Commonwealth Relations what is the present position concerning plans for the establishment of a Commonwealth Secretariat.

Mr. Bottomley: Consultations with the Heads of Commonwealth Governments have been continuing and I hope that final decisions on the establishment of a Commonwealth Secretariat will be taken at the Commonwealth Prime Ministers' Meeting next month.

Mr. Jackson: Does my right hon. Friend feel it likely that the Secretariat will operate during the present conference, and is there now agreement on the name of the head of the Secretariat?

Mr. Bottomley: There were several nominations. This is an important office and a decision has not yet been taken. It is unlikely to be taken before the meeting of the Commonwealth Prime Ministers.

Mr. Tilney: Is there any agreement on the actual site from which the Secretariat will operate?

Mr. Bottomley: Yes, Sir—London.

Mr. Henry Clark: Will the right hon. Gentleman also make a statement on the aims and objects of the Secretariat? A Secretariat without aims and objects is likely to be more of a hindrance than a help.

Mr. Bottomley: This is a matter for the Commonwealth Prime Ministers jointly. No doubt they will make a statement in due course.

RHODESIA

Discussions

6. **Mr. William Hamilton** asked the Secretary of State for Commonwealth Relations if he will make a further statement on negotiations with Southern Rhodesia.

15. **Mr. Ennals** asked the Secretary of State for Commonwealth Relations what representations he has made to the Government of Rhodesia since the General Election there.

Mr. Bottomley: Our communications with the Prime Minister of Rhodesia remain confidential and I have nothing further to add to my right hon. Friend the Prime Minister's reply to the right hon. Member for Thirsk and Malton (Mr. Turton) on 29th April.

Mr. Hamilton: Is my right hon. Friend aware that many, if not all, of us on this side of the House are singularly unimpressed by the results of the election which recently took place in Southern Rhodesia, which can only deepen the gulf between the white and the coloured population there? Can he give an assurance that Her Majesty's Government have no objection to this problem being discussed at the forthcoming Commonwealth Prime Minister's Conference, or do the Government regard it as a matter which must be solved exclusively between the respective two Governments?

Mr. Bottomley: The Commonwealth Prime Ministers themselves recognised that this is a matter for settlement between Her Majesty's Government and the Rhodesian Government. On the other hand, I can assure my hon. Friend that I have no doubt at all that Commonwealth Prime Ministers at their forthcoming meeting will want to know something about Rhodesia.

Mr. Ennals: After the election the Rhodesian Prime Minister said that he intended to intensify efforts for the Colony's independence. Have there been new proposals, and does my right hon. Friend think it would be fruitful if he were to pay a further visit to Salisbury?

Mr. Bottomley: The talks, as my hon. Friend will appreciate, remain confidential. They are continuing. If I thought it was useful for me to go there to bring about a satisfactory solution, I should not hesitate to do so.

M. Sandys: I welcome the statement by the Secretary of State that talks are going on, but does the right hon. Gentleman realise the importance of having direct negotiations of some kind? One can do only a very limited amount of progress through the diplomatic channels.

Mr. Bottomley: As I have said, if I thought it useful to go out I would do so. Equally, if the Prime Minister of Rhodesia thought it wise to come to this country he probably would consider doing that.

7. **Mr. Murray** asked the Secretary of State for Commonwealth Relations what representations have been made to him by Commonwealth countries on Her Majesty's Government's responsibilities with regard to Southern Rhodesia.

Mr. Bottomley: The British Government naturally keep in close touch with all other Commonwealth Governments on the question of the future of Rhodesia. A number of communications has passed, but these are of course confidential.

Mr. Murray: Would my right hon. Friend care to say, although the papers and communications are confidential, whether the Commonwealth Governments concerned have views which coincide with those of Her Majesty's Government?

Mr. Bottomley: The Commonwealth Government's concerned agreed at last year's Commonwealth Prime Minister's Conference to recognise that this is a matter between Her Majesty's Government and the Rhodesian Government. Nevertheless they are kept informed of what is happening and will continue to be so consulted.

Mr. Fisher: In view of the great emotional impact of the Rhodesian problem, especially on the African countries of the Commonwealth, would the right hon. Gentleman agree that we still have a considerable public relations job to do in explaining to those African countries what little power we have to influence events in Southern Rhodesia?

Mr. Bottomley: Yes, and I am grateful to the hon. Member because I know that he recently paid a visit to Commonwealth countries in Africa and took the opportunity of doing just that. I meet as often as I can the High Commissioners and Ministers of African countries and discuss this problem with them.

INDIA AND PAKISTAN

Dispute

9. **Mr. Hamling** asked the Secretary of State for Commonwealth Relations what representations he has now made to the countries concerned about the frontier dispute between India and Pakistan.

13. **Mr. Dempsey** asked the Secretary of State for Commonwealth Relations what consultations he has had with other Commonwealth countries with a view to the improvement of relations between India and Pakistan ; and if he will make a statement.

14. **Mr. Ennals** asked the Secretary of State for Commonwealth Relations if he will make a further statement concerning the progress of his negotiations with India and Pakistan on the dispute in the Rann of Kutch.

Mr. Bottomley : Efforts to bring about a settlement of this conflict are still continuing. I am hopeful that they will soon be successful, but, in view of the delicacy of the situation, I would prefer not to add anything at this stage to the statement which my right hon. Friend the Prime Minister made to the House on 5th May.

Mr. Ennals : Is my right hon. Friend aware how grateful we are to him and to his colleagues for mediating in this dispute? Can he give any assurance to the House that weapons which have been supplied to either side by this country have not been used in this conflict?

Mr. Bottomley : I have received no reports of British weapons of any kind being used in this conflict.

Mr. Biggs-Davison : Does not this dispute arise from the ill-feeling between the two countries which is caused by the long-standing Kashmir dispute? Since Her Majesty's Government have, very rightly, taken the initiative in attempting to help to settle this problem of the Rann of Kutch, will they also consider doing what they can in the future to try to clear up the Kashmir disagreement?

Mr. Bottomley : While recognising the truth of what was contained in the earlier part of the hon. Gentleman's supplementary question, I can only repeat what the last Government did and what the present Government do. If we can in any way help either country to bring about a settlement of this dispute, our services are always available.

Later—

Mr. Dempsey : On a point of order. Was Question No. 13 called?

Mr. Speaker : Yes ; it was answered with Question No. 9. I looked at the hon. Gentleman, but in view of the Minister's Answer I thought that he was deliberately abstaining.

Mr. Dempsey : I understood that Question No. 14 was called with Question No. 9, but I did not hear Question No. 13 called.

Mr. Speaker : I can only hope that the Secretary of State will be able to support what I say. I had that impression.

Mr. Bottomley : Yes ; Question No. 13 was answered with Question No. 9.

Mr. Speaker : We cannot go back now.

RHODESIA AND ZAMBIA

Kariba Power and Railways (Agreements)

18. **Mr. Jackson** asked the Secretary of State for Commonwealth Relations whether he is aware that the present arrangement between Rhodesia and Zambia concerning the Kariba power and the use of the railways is protected by international agreement involving Great Britain ; and what steps Her Majesty's Government will take to uphold this agreement.

Mr. Bottomley : The Higher Authorities which control the Central African Power Corporation and Rhodesia Railways were set up by virtue of Agreements between the Southern and Northern Rhodesian Governments. Britain has certain guarantor responsibilities in respect of international loans to these organisations. The question of any action to uphold the Agreements, if threatened, is hypothetical, and I would not therefore wish to comment on what could be done if unconstitutional action took place.

Mr. Jackson: Will my right hon. Friend at any rate keep in mind the speech of President Kaunda recently when he commented on any possible threat to these supplies from Rhodesia?

Mr. Bottomley: Yes, Sir. The speech has been noted not only by Her Majesty's Government but also by the Government of Rhodesia.

INDIA

Mr. Stacey

19. **Sir G. de Freitas** asked the Secretary of State for Commonwealth Relations what representations have been made to the Indian Government over the intended deportation of Mr. Tom Stacey, a British journalist.

Mr. Bottomley: As soon as reports of the arrest of Mr. Stacey were received I asked the British High Commissioner in New Delhi to make a most urgent report. He immediately made inquiries of the Government of India, and the Deputy High Commissioner in Madras arranged for Mr. Stacey to be visited in Ootacamund by a member of his staff. No representations have been made to the Government of India about Mr. Stacey's deportation.

Sir G. de Freitas: Whether Mr. Stacey be right or wrong, is it not a fact that he was denied access to the British High Commission and is not this most regrettable? Whether representations were made or not, is it not a fact that Mr. Stacey thanked the British High Commission for what it did?

Mr. Bottomley: One has to recognise that there was some apparent deliberate deceit on the part of Mr. Stacey. Since then the *Sunday Times* and Mr. Stacey have thanked the office and, in the case of Mr. Stacey, the High Commissioner, as my hon. Friend has suggested. I do not think that the *Sunday Times* or Mr. Stacey has asked us to make any further representations.

Mr. Ennals: May I ask whether Mr. Stacey signed a statement that the Indian version of the dispute was an accurate one and whether there was any indication of intimidation that forced him to sign it?

Mr. Bottomley: I have no reason to expect that there was intimidation, other than what I read in a Sunday newspaper, but the information that I have is that Mr. Stacey signed this document agreeing that perhaps he had not done the right thing in making representations to Sheikh Abdullah.

Mr. Deedes: Whether or no there was a difference of opinion between Mr. Stacey and the officials, does not the right hon. Gentleman agree that the hon. Member for Kettering (Sir G. de Freitas) must be right in saying that British citizens have rights on these occasions which must be observed?

Mr. Bottomley: Yes, Sir, and the rights were observed. As soon as the High Commission and I knew about it, direct representations through the High Commissioner in Delhi were made.

COAL

Retail Trade Depots

20. **Mr. Palmer** asked the Minister of Power if he will make a statement on the Government's policy of sanction for capital expenditure in relation to the rationalisation and concentration of depots in order to make for the better organisation of the retail coal trade.

The Minister of Power (Mr. Frederick Lee): I understand that in the relatively few cases involving substantial outlay on mechanisation, the depots are owned by the distributive trade or leased to the National Coal Board. There is no question of the Government having to approve the capital expenditure.

Mr. Palmer: Will my right hon. Friend bear in mind that a number of years ago an expert committee reported on this issue? Is he satisfied that any real progress has been made since that time?

Mr. Lee: Yes, Sir. About 200 non-mechanised depots calling for very little or no capital expenditure have been established since then.

Mr. Costain: Is the right hon. Gentleman satisfied that sufficient consultations take place with local planning authorities before these depots are commenced?

Mr. Lee: Yes, Sir, I am. To take Bristol, for instance, the present plan is that the city should be served by three

mechanised depots, one operated by Co-operative traders and the others by local distributors.

Miss Quennell: Can the right hon. Gentleman indicate whether there is a programme of rationalisation which is to be pursued and whether there is any means whereby hon. Members can obtain a copy?

Mr. Lee: Perhaps the hon. Lady will give me notice of that. I could not say offhand.

Mr. McBride: Would my right hon. Friend pay attention to the difficulties of South Wales coal depots in view of the 18 per cent. degradation of coal as compared with other places and the impossibility of securing mechanical handling with particular reference to the depots in Swansea?

Mr. Lee: We have set up tripartite committees representing the railways, the National Coal Board and the distributive trades and these function at national, regional and local levels.

Mine Shaft, West Bowling

22. **Mr. George Craddock** asked the Minister of Power if he is satisfied that the National Coal Board is dealing adequately with the mine shaft which nearly engulfed Mr. Jonathan Bairstow in a garden in Challis Grove, West Bowling, Bradford ; and if he will make a statement.

Mr. Frederick Lee: The National Coal Board has informed me that coal was worked under this area over 100 years ago but, although plans of the old workings exist, they do not show a shaft on this site. The Board's liability under Section 151 of the Mines and Quarries Act, 1954, has, therefore, not been established, but it is nevertheless filling in the hole and the work should by now have been completed.

Mr. Craddock: Will my right hon. Friend follow this matter through and see that it reaches a satisfactory conclusion, since obviously this accident could have led to very serious consequences?

Mr. Lee: Yes, Sir, I understand that, but the local authorities have certain powers in such cases. I have said that the hole is now, as I hope, completely filled in. If there are further representations which my hon. Friend would like to make, I shall be very pleased to receive them.

Mr. Allason: Will the Minister erect a notice saying, " Don't go down the mine, Daddy "?

National Coal Board (Finance)

24. **Mr. Peyton** asked the Minister of Power why, when the estimated repayment by the National Coal Board in 1964-65 was £13 million, a net borrowing of £29 million for that year took place ; and when he expects the borrowing powers of the Board to be exhausted.

Mr. Frederick Lee: As I informed the House on 12th April, 1965, the Board was relieved of its obligation to make a contribution of £10 million towards fixed assets replacement in 1964-65. This sum was not, therefore, available to finance investment and additional working capital was also required for other purposes including the financing of stocks. There is no reason to expect that the Board's borrowing requirements will exceed the existing statutory limits which expire at the end of this year. Parliament will be asked to fix fresh limits in the legislation which the Government will introduce before then.

Mr. Peyton: Does not the Minister realise that his answer has not even begun to explain the obvious discrepancy of figures which appears in the financial statement showing that, whereas the Board was intending to repay £13 million, it in fact borrowed £29 million? Nothing that the right hon. Gentleman said explained this fact. Will he now do so?

Mr. Lee: The White Paper published by the previous Government in April, 1964 estimated that there would be a further repayment of £13 million in 1964-65. This was converted to an estimated net borrowing of £29 million in the subsequent White Paper of March, 1965. The actual net borrowing in 1964-65 was £33 million.

Mr. Wainwright: Will my right hon. Friend look at the whole finances of the

National Coal Board, taking into consideration its liability because of the price of imported coal being above the inland price and many other accounts for which the Board has been responsible? Will he also bear in mind that the Board is entitled to greater benefits from this Government than ever the previous Government intended to give?

Mr. Lee : Yes, but let us keep in mind that the actual net borrowing from the Exchequer in 1964-65, as I said, was £33 million, but the Board's accounts are expected to show a small surplus on revenue account. We should keep that in mind when discussing its borrowing powers.

MINISTRY OF POWER

Nuclear Power Programme

21. **Mr. Peyton** asked the Minister of Power when he expects to make a statement on the next phase of the nuclear power programme.

23. **Mr. Ness Edwards** asked the Minister of Power what decision has been made on the type of nuclear power reactor to be adopted in the future nuclear power programme ; and if he will make a statement.

25. **Sir H. Legge-Bourke** asked the Minister of Power when he expects to receive the views of the Central Electricity Generating Board on the tenders for the Dungeness B nuclear power station.

Mr. Frederick Lee : I have just received the views of the Central Electricity Generating Board and hope to make a statement next week.

Mr. Peyton : Is the right hon. Gentleman aware that his long-awaited statement will attract a good deal of attention, particularly in view of the widespread suggestion that for the first time the costs of nuclear power stations will be below those of conventional stations?

Mr. Lee : Yes, Sir. I am very well aware of the interest in this and, as I have said, I intend to make a statement on the whole question next week.

Mr. Geoffrey Lloyd : Will the Minister give us an undertaking that in deciding his policy he will decide to give nuclear power the full opportunity which it deserves on merits and not confine the possibilities through a desire to meet the representations of the National Union of Mineworkers?

Mr. Lee : As the House knows, I have the greatest regard for the representations of the National Union of Mineworkers, but I have no intention of inhibiting the development of nuclear power.

Mr. Ness Edwards : Will my right hon. Friend, having regard to the tragic events of yesterday, consider this as a matter of great urgency? Will he bear in mind that if he can support a British product instead of an American one it will give satisfaction even to the mining industry?

Mr. Lee : I have those points very much in mind. Perhaps my right hon. Friend will await my announcement next week.

Sir H. Legge-Bourke : When the right hon. Gentleman makes his announcement, if as I hope he plumps for an advanced gas-cooled reactor, will he make it clear what the dollar saving will be in such a decision?

Mr. Lee : Perhaps the hon. Member will await the announcement.

Mr. Atkinson : Can my right hon. Friend say what effect the activities of the " Gnomes of Zurich " have had on our investment programme?

Mr. Lee : None whatever, as far as I know.

Sir C. Osborne : They saved the Government.

Sir T. Beamish : Will there be an opportunity to debate the important statement which the right hon. Gentleman plans to make next week? Should there not be ample time next week in view of the excellent fact that the Steel Bill has been dropped?

Mr. Lee : Whilst denying emphatically the last point made by the hon. Member, I must say that the question of whether we debate the matter is one which he might care to address to my right hon. Friend the Leader of the House.

New Houses (Gas Supplies)

26. **Mr. McNair-Wilson** asked the Minister of Power, in the development of his fuel policy, what action he proposes

to take to ensure that the gas industry is given an equal opportunity to compete with electricity when considering connections to new housing development.

Mr. Frederick Lee: I am in touch with the chairmen of the Gas and Electricity Councils about connection charges for new houses, but I have no statement to make at present.

Mr. McNair-Wilson: Is the right hon. Gentleman aware that in many new developments no facilities exist for gas connection at all? If we want an effective fuel industry in this country, ought not the gas industry to be able to compete with electricity on equal terms?

Mr. Lee: Yes, but on this issue, if I were the hon. Gentleman, I should not take it for granted that only one of these industries is, as it were, establishing its position. I am quite determined that we get an answer to this problem, and I shall pursue the matter as diligently as I can.

TECHNOLOGY

Science-based Industries, Northern Ireland

27. **Mr. Pounder** asked the Minister of Technology what plans he has for establishing new scientifically-based industries in Northern Ireland.

The Minister of Technology (Mr. Frank Cousins): I have no such plans at present.

Mr. Pounder: Will the right hon. Gentleman give us an idea when he will have plans for such industries, bearing in mind the suitability of Northern Ireland?

Mr. Cousins: The whole problem of the difficult and under-developed areas and the areas of high unemployment is being considered both by the Department of Economic Affairs and ourselves, and we hope to produce some information very quickly.

Sir Knox Cunningham: Will the Minister bear in mind the excellent work of the men and women who are available in Ulster and the fact that precision industries do not require the transport of heavy bulk raw materials?

Mr. Cousins: Certainly; this will be the kind of information we hope to put before industrialists to encourage them to take up the opportunities which present themselves there.

Sir H. Legge-Bourke: Will the right hon. Gentleman say which industries he would regard as not being scientifically based?

Mr. Cousins: It would be extremely difficult, but I have a responsibility for a number of defined industries.

NATIONAL FINANCE

Soft Drinks (Tax)

28. **Mr. Pounder** asked the Chancellor of the Exchequer what plans he has for tht abolition of Purchase Tax on soft drinks.

The Financial Secretary to the Treasury (Mr. Niall MacDermot): For the reasons given in the Budget speech, my right hon. Friend was not able this year to propose reductions in indirect taxation.

Mr. Pounder: Does not the hon. and learned Gentleman recall the observation of his right hon. Friend a year ago, when in opposition, that he would reduce the Purchase Tax on soft drinks? When is this promise to be implemented?

Mr. MacDermot: I do not recall the remark, and I should like to see the words. No doubt, my right hon. Friend will look sympathetically on this industry when he is able to consider reducing indirect taxation. If hon Members opposite had warned my right hon. Friend a year ago of what the situation was that he would meet when he took office, he would, no doubt, have had some other things to say.

NORTH ATLANTIC TREATY ORGANISATION

Q1. **Mr. Marten** asked the Prime Minister if he will make a statement about the future policy of Her Majesty's Government towards the North Atlantic Treaty Organisation.

The Prime Minister (Mr. Harold Wilson): I have nothing to add to the reply I gave on 13th May to a Question by my hon. Friend the Member for Dunbartonshire, East (Mr. Bence).

Mr. Marten: As some of the Prime Minister's hon. Friends later described

N.A.T.O. as a tottering structure, will the right hon. Gentleman affirm the Government's intention to work for the unity of N.A.T.O. with our American allies? Second, does he see any chance of persuading the Russians to believe seriously that N.A.T.O. is in fact a defensive alliance? Third, in the event of the French trying to cause trouble in N.A.T.O., has he any plans to deal with that situation?

The Prime Minister: I dealt with all these points pretty fully in my speech to the N.A.T.O. Ministerial Council last week, which I commended to the hon. Gentleman and his hon. Friends in the answer to the Question which I gave on Thursday last.

Mr. Maudling: As the focus of danger is moving to some extent from Europe to Asia, will the right hon. Gentleman lay particular stress on the contribution which the N.A.T.O. countries can make in the problems of the East as well as Europe?

The Prime Minister: Yes, Sir; the right hon. Gentleman will find that I made quite a strong point of the subject covered by his supplementary question. I dealt with it at some length, though, perhaps, not so elegantly as the right hon. Gentleman, in my speech to N.A.T.O. last week.

Mr. Eldon Griffiths: Is the Prime Minister aware that there is very considerable regard for his statement made during the N.A.T.O. Council meeting, which found wide support, but is he aware that it causes confusion in the minds of foreign visitors here if, while he is making such statements with which the House is at one, some of his hon. Friends make diametrically opposite statements?

The Prime Minister: I am grateful to the hon. Gentleman for what he says about my speech. I do not think that there is any confusion. The words I used last week were quite clear and, I think, had the support of the whole House.

ATLANTIC NUCLEAR FORCE

Q2. **Mr. Hamling** asked the Prime Minister whether he will now make a statement on the discussions he has had with leaders of European States on the Atlantic Nuclear Force.

The Prime Minister: As the House knows, I had discussions about the Atlantic Nuclear Force with the Federal German Chancellor during my visit to Bonn in March and with the Italian Prime Minister during my visit to Rome last month, with the result that our proposals are now under multilateral discussion in the Paris Working Group.

Mr. Hamling: Is my right hon. Friend aware that in his determination to prevent the proliferation of nuclear weapons he will have the full support of these benches?

The Prime Minister: Yes, Sir. I thank my hon. Friend. This, again, was a point which I dealt with at some length in referring to the Atlantic Nuclear Force in my speech to N.A.T.O. last week.

Mr. Maudling: Has the Prime Minister any evidence to suggest that the proposal for an Atlantic Nuclear Force will be any more acceptable to our European neighbours than the M.L.F. or that it will cause the Russian Government any less concern?

The Prime Minister: The right hon. Gentleman will recall that, at the time we came in, we were faced with a very detailed and short time-table for acceptance by this country of the M.L.F., and this was being strongly pressed both by Germany and by the United States. Since his own Government never quite agreed on whether to support the M.L.F. or not, I am sure that the right hon. Gentleman will thank us for getting them off the hook by proposing a new scheme which avoided many of the difficulties for us and some of his hon. Friends on the M.L.F. and which was directly related to stopping the spread of nuclear weapons in Europe.

Mr. Maudling: My question was about the reaction of Western Europe and Russia. Will the Prime Minister answer?

The Prime Minister: I thought that Germany was in Western Europe. Germany, of course, was a country in Western Europe—there were others—which was passionately keen on the M.L.F., and I have answered that point. The Russians were completely opposed

to the M.L.F. because it seemed to them that it did involve proliferation and, to use the jargon, a German finger on the trigger. We have tried to persuade them —though, of course, I have not yet met Mr. Kosygin—that there is a very big difference between the A.N.F. and the M.L.F. because there will be built into the A.N.F. treaty measures against the acquisition and spread of nuclear weapons, which was not the case with the M.L.F.

Mr. Grimond: Can the Prime Minister tell us more about the American attitude to the A.N.F.? Have they left it entirely to the Europeans or are they, too, engaged in these consultations?

The Prime Minister: They will be engaged in the consultations. It was clear from our talks in December that they would like to hear more of the European reaction to our proposals because, I think, there was a widespread feeling in the past among some people in Europe that the M.L.F. was being forced upon them.

Sir Alec Douglas-Home: Is it not the case, in considering the discussions the right hon. Gentleman has had about the A.N.F., that it has very few friends? Is it not also the case that the right hon. Gentleman is misleading people if he suggests that the American proposal for the M.L.F. would in any way have led to the proliferation of nuclear weapons? The American proposal for the M.L.F. certainly meant that there would be no extra fingers on the trigger, and I think that the Prime Minister knows it.

The Prime Minister: My exact words about the A.N.F.—the right hon. Gentleman can look them up—were that there were built-in provisions in the terms requiring the signatories if they were non-nuclear Powers not to acquire nuclear power and requiring existing nuclear Powers not to spread nuclear power further. Such provision was contained in the proposal for the A.N.F. and not in the proposal for the M.L.F.

The right hon. Gentleman says that the A.N.F. proposal has few friends. I would remind him that within a matter of three or four weeks we had a united Government in favour of the A.N.F. whereas the highly publicised dispute between the right hon. Gentleman and the right hon. Member for Monmouth (Mr. Thorneycroft) not only lasted throughout the last two years of the previous Government but continued into Opposition.

MINISTERS (OVERSEAS VISITS)

Q3. **Mrs. Renée Short** asked the Prime Minister to what extent it is his policy to encourage Ministers to travel abroad on trade promotion missions.

Q7. **Mr. Gower** asked the Prime Minister how many official overseas visits by Ministers during the present session of Parliament have been connected primarily with promotion of overseas trade.

The Prime Minister: Ministers have made 120 official visits abroad in the present Session of Parliament; it is not possible to say how many of these visits have been primarily concerned with trade promotion because all Ministers are encouraged to discuss trade matters when they travel overseas.

Mrs. Short: Is my right hon. Friend aware that we fully support this attitude and would encourage Ministers to go abroad and look for new markets? When they are going abroad, will they bear in mind that there is another part of Europe as well as the Common Market and that the countries of Eastern Europe and the Soviet Union are very fruitful markets for consumer goods and heavy engineering goods?

The Prime Minister: I think that perhaps few Members have been more concerned with Eastern Europe for the past 15 or 16 years than I have, and I remind my hon. Friend that the very first Ministerial visit overseas by a member of this Government was paid by my right hon. Friend the President of the Board of Trade to Moscow and Peking.

Mr. Gower: Would not the right hon. Gentleman agree that, while Ministerial contributions to the promotion of trade can be important, the best way to get increased trade is to give the utmost encouragement to manufacturers and exporters instead of inflicting them with punitive and penal taxation?

The Prime Minister: The hon. Gentleman will be aware that successive

Governments have found very great difficulty in finding a really watertight export incentive scheme which does not fall foul of international obligations. His own Government tried hard to find one but failed. We are trying hard to find one and we hope to succeed. I do not underrate the difficulties of providing a scheme which will be really effective and will be consistent with the G.A.T.T.

GOVERNMENT HOSPITALITY FUND

Q4. **Mr. Dodds-Parker** asked the Prime Minister what rules govern the entertainment by him of official guests from overseas under the auspices of the Government Hospitality Fund.

The Prime Minister: By long established practice, which I have not changed, the Fund is restricted to the entertainment of distinguished visitors from overseas.

Mr. Dodds-Parker: While continuing to provide proper entertainment for overseas customers, is the Prime Minister proposing to apply to domestic customers the same principle that is being applied to the private sector? If luncheon vouchers are good enough for the private goose should they not be good enough for the Government gander?

The Prime Minister: The hon. Gentleman was in office and carried out a number of functions. I hope that he did not call every Foreign Minister or Prime Minister a " customer ". There has been no change in the rules or the practice. The hon. Gentleman will be interested to know that from 17th October, 1963, to 31st March, 1964, under the previous Government, there were 141 luncheons, dinners or receptions. In the same period of this year there were 146. We have held pretty well to the same figure. However, the number of guests has been little smaller than the number entertained by the last Government.

Mr. Dodds-Parker: I asked the Prime Minister whether he proposed to cut back Government hospitality domestically just as he is cutting back on the private sector.

The Prime Minister: The Government Hospitality Fund, as I said in my Reply, relates to overseas entertainment. It is not used for home entertainment. I hope the hon. Gentleman does not intend to pursue his argument to the point at which he would wish not to give adequate entertainment to Commonwealth and Foreign Prime Ministers visiting London.

ASSISTANT PAYMASTER-GENERAL

Q5. **Mr. Robert Cooke** asked the Prime Minister whether he will appoint an additional Assistant Paymaster-General, with a seat in the House of Commons.

The Prime Minister: No, Sir.

Mr. Speaker: Mr. Wigg. [*Laughter.*] Mr. Cooke.

Mr. Robert Cooke: Good, Sir. Will the Prime Minister relieve himself of the burden of marking all the Paymaster-General's letters " First Lord of the Treasury "? Or does the Paymaster-General really work in No. 10 Downing Street? Does not the Prime Minister realise how disappointing it is to get a letter stamped " First Lord of the Treasury " only to find that it is just another evasion from the Paymaster-General?

The Prime Minister: After a long wait for that supplementary question, following your intervention, Mr. Speaker, it was rather disappointing. As I understand the question, I am asked, with the enthusiasm for additional Ministers of this Government that hon. Members opposite persist in showing, to appoint an additional Assistant Paymaster-General. However, the existing Assistant Paymaster-General, Mr. Vetch, is a very well-known and distinguished public servant, who is known to right hon. Gentlemen opposite as well, and he has given every satisfaction. It is not necessary to duplicate his post either inside or outside the House of Commons.

Mr. Onslow: Are the Paymaster-General's duties so onerous as to prevent him from undertaking the next party political broadcast on behalf of the Labour Party?

The Prime Minister: That is not a matter which falls within Ministerial responsibility. Party political broadcasts are invariably handled by the party machines.

Mr. Boston: Does not my right hon. Friend think that, in view of the prolonged absences of the right hon. and learned Gentleman who refers to himself as the " shadow " Paymaster-General, the Opposition is in need of an additional assistant " shadow " Paymaster-General?

ENTERTAINMENT EXPENSES

Q6. **Mr. Fisher** asked the Prime Minister whether, in view of Her Majesty's Government's decision to limit tax-chargeable entertainment expenses to foreign buyers, he will introduce legislation to include for tax the £4,000 per annum of the Prime Minister's official salary which has hitherto been tax free.

The Prime Minister: No, Sir.

Mr. Fisher: What is the difference in principle between business and Government entertainment? As the right hon. Gentleman has a call on the Government Hospitality Fund for official entertainment of visitors from overseas, why should not his extra £4,000 a year be subject to tax like anyone else's expense account?

The Prime Minister: First, I must point out to the hon. Gentleman that there is a difference between Government and business. Perhaps what was wrong in the past was that we got too much incursion by business into Government.

Secondly, there is no change in the position that has prevailed for many years, including the period when the hon. Gentleman himself was a member of the Government and did not feel disposed to raise the matter then.

Thirdly, the Lawrence Committee, appointed by the last Government, recommended an increase in the amount and we have rejected that advice.

Fourthly, the difference between this allowance, which was taken by every successive Conservative Minister as far as I know, and that of a business firm is simply that where a firm decides that entertainment is necessary the value of that entertainment is paid for by the firm ; it is not taxed additionally in respect of the individual responsible for it. There is no difference at all between the two cases.

Mr. William Clark: If the right hon. Gentleman will not restrict Government entertainment will he consider restricting the entertainment carried on by nationalised industries?

The Prime Minister: I am not sure what the hon. Gentleman means by restricting entertainment by the Government. I have just given the figures for entertainment by the Government Hospitality Fund under the previous Government and this one. The figures are very similar. If the hon. Gentleman wants to raise the question of entertainment by the nationalised industries he can do so at the proper time. It does not arise now because it does not come out of money voted to the Prime Minister.

GOVERNMENT PAPERS (SECURITY)

The following Question stood upon the Order Paper :

Q13. Mr. BRAINE: To ask the Prime Minister what official investigation has been carried out into the circumstances in which confidential Government papers were found in a public restaurant on 10th May ; and whether he will make a statement.

The Prime Minister (Mr. Harold Wilson): With permission, I will now answer Question No. Q13.

Within minutes of this case coming to light all the facts were reported to me. And, as all the facts are known, no investigation is necessary.

Mr. Braine: While making all allowance for human error, would not the Prime Minister agree that this was a most unfortunate occurrence, coming so quickly after his lecture on security to the House last week? Why should there not be a full inquiry? Are we to take it from the right hon. Gentleman's reply that there is to be one law for his right hon. and hon. Friends and another for those engaged in Government business?

The Prime Minister: No, Sir. That is a rather unworthy remark of the hon. Gentleman. As all the facts are known

to me, as I said, but may not be known to the House, perhaps I should say that in this case the documents were picked up by a gentleman—an officer and a gentleman. The House may wonder why it took so long for him to hand them over to the police. The fact is that he did not take them to the police. He took them to the *Daily Express*.

Mr. Shinwell: Would not my right hon. Friend agree that, instead of this episode being regarded as nnfortunate, it was somewhat discreditable on the part of the person who found the document to fail to hand them over to the proprietor of the restaurant concerned? Is he aware that conduct of this kind is so discreditable that it ought to be repudiated by every decent person?

The Prime Minister: Of course the situation was unfortunate and my right hon. Friend immediately made a statement about it. What happened was that the documents, which were not, I may say, either secret or modern, although certainly classified, were picked up accidently by him with other papers when he went to have a debate with the right hon. Member for Enfield, West (Mr. Iain Macleod). Because there were people in the restaurant who were looking at these documents, my right hon. Friend, rightly or wrongly, put them out of their sight and forgot to pick them up again. That was the unfortunate part about it.

On the subject of the custodianship of official documents, care has been taken since then to make sure that documents are not placed about in offices so that they can be picked up in this way.

In answer to my right hon. Friend the Member for Easington (Mr. Shinwell), two years ago my right hon Friend the Paymaster-General came into possession of some highly sensitive information about security. Instead of taking it to the *Daily Express*, or any other newspaper, he took it immediately and secretly to the then Prime Minister and the Press knew nothing of this until all the facts were made available by the then Prime Minister three months later.

Mr. Braine: I was careful to preface my previous question by saying, " While making all allowance for human error " in cases like this. Is it not a fact that strict instructions are enjoined on Ministers when they take office about the handling of confidential Government papers in public places? Is it not also the case that but for my Question these facts would not have been elicited from the right hon. Gentleman? Is this not, therefore, a case for full investigation?

The Prime Minister: I do not know about the hon. Gentleman's Question. As I say, without waiting several months for the Prime Minister to make known even the very minimal facts in a case of this kind, as happened a year or two ago in another case, I had a full investigation that evening and had all the available facts, and now the House is in possession of them.

While I agree with what the hon. Gentleman said about human conduct, and while I have said that action has already been taken in that Department, as is general in others, to see that papers cannot be picked up in this way by accident, I still think that it is reprehensible for someone I assume to be one of the hon. Gentleman's supporters to regard this as a matter for talking to the Press for political purposes, as was clearly the case.

If hon. Members opposite ask why I think that it is reprehensible, all I can say is that on the experience of the case I mentioned, when my right hon. Friend took it to the then Prime Minister in secrecy and said nothing to the Press, our standards are different from theirs. That is all.

Mr. Braine: On a point of order. In view of the unsatisfactory nature of the right hon. Gentleman's remarks, especially his latter remarks, I beg leave to give notice that I shall raise this matter on the Adjournment.

Dame Irene Ward: On a point of order. Whatever the merits or demerits—[*Interruption.*]

Mr. Speaker: Order. Let there be silence when I am being addressed on a point of order. I must be able to hear it.

Dame Irene Ward: Whatever the merits or demerits of the case may be, is it not rather unusual in this House to

[DAME IRENE WARD.]
attack someone who is not able to defend himself?

Mr. Speaker: I have heard it done before, but it does not raise a point of order.

ORDERS OF THE DAY

TRADE DISPUTES BILL

Not amended (in the Standing Committee), considered.

New Clause.—(MEANING OF TRADE DISPUTE.)

No such act as is referred to in section 1(1) of this Act shall, for the purposes of this Act, be treated as done in contemplation or furtherance of a trade dispute if done for the purpose of compelling another person to join, or remain a member of, a trade union or an employers' association.—[*Mr. Mitchell.*]

Brought up, and read the First time.

3.42 p.m.

Mr. Speaker: I think that it would be for the convenience of the House if with the new Clause we discussed Amendment No. 1, in page 1, line 5, at beginning insert:

"Subject to the provisions of this section".

Amendment No. 4, in page 1, line 14, at end insert:

Provided that no act done as aforesaid shall, for the purposes of this Act, be treated as done in contemplation or furtherance of a trade dispute if done for the purpose of compelling another person to join, or remain a member of, a trade union or an employers' association.

Amendment No. 6, in page 1, line 14, at end insert:

Provided that an act as aforesaid is not done with the sole intention of forcing another person to become, to remain or to cease to be a member of a trade union.

and Amendment No. 10, in page 1, line 20, at end insert:

(3) An act done as aforesaid by a person shall not for the purposes of this Act be treated as an act done in contemplation or furtherance of a trade dispute if it is done with the intention of inflicting injury on another because that other will not join or remain as a member of a trade union.

If that proposition were accepted as convenient, I would call for a separate Division Amendment No. 6 if so desired.

Mr. David Mitchell (Basingstoke): I beg to move, That the Clause be read a Second time.

I move the new Clause with some indignation because of the way in which the Minister consistently refused throughout the Committee stage to accept any Amendment or new Clause. I ask the House to note the effect of the Bill if

the Clause is not accepted. In other words, we have before us a Bill which is rather negative in character, but if we turn it to the positive, we can see what it allows to happen if the new Clause is not accepted. At the same time, I should like to consider what the short, sharp words at the bottom of the trade union circular would say of the effect of the Bill on trade union practices, quite apart from the law.

If we turn it into the positive, the Bill says that an act done after the passing of the Bill shall be legal if it consists of a trade union official threatening that a contract of employment will be broken, or threatening that he will induce someone else to break his contract, in order to compel someone to join or remain a member of a trade union against his will ; in brief, a licence to coercion, or a licence to intimidation.

The short words which will, presumably, appear on the bottom of trade union circulars will be, "You may now use methods of coercion and intimidation to enforce a closed shop". This is the principle with which we are dealing. My hon. Friends and I are seeking to rectify this situation.

The Bill is, first, an attack on the rights, freedom and liberty of the citizen. Secondly, it is an encouragement to the worst trade union practices which I should have thought the Minister would regard it as his duty to try to discourage. The right hon. Gentleman has excused the Bill by saying that it is only a temporary Measure while he awaits the findings of the Royal Commission.

I want to know how temporary, because it appears that the Royal Commission is doing its work with all the dynamic speed and enthusiasm for change exhibited by the trade union movement and hon. Members opposite. If I am correctly informed, it is sitting on half a day a week. At this rate, it will take three years to complete its work. I see the Minister nodding. I am glad to have his confirmation.

After that, presumably, we will have the Minister's gestation period while he sits on the Bill and then a further period before legislation is introduced. It will, therefore, be at least five or six years before the temporary nature of the Bill is brought to an end. I therefore ask the Minister to discontinue making misleading suggestions that the Bill is only temporary.

I am a comparatively new Member of the House, but I understood before I came here and since that it was one of the duties of Members to act as trustees and custodians of the liberty of the subjects, rights which we have inherited from past generations. We have inherited this duty over generations. In a nation with no written constitution, we are the only people who can do this. Therefore, the onus is on us to look most carefully at any legislation which may impinge on these liberties. If the Bill is passed in its present form we shall make it legal to compel someone to join an association of which he disapproves. This is not only bad trade unionism ; it is also an offence against the highest international standards as laid down by the United Nations.

In the Declaration of Human Rights which was proclaimed by the United Nations Assembly in Paris on 10th December, 1945, Article 20, which was signed by the British Government, and a Labour Government at that, specified quite clearly:

> "Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association."

The Bill would allow somebody to be compelled to join an association.

It is one thing to ignore such international standards and declarations. It is a totally different thing to legislate against them and in complete defiance and contradiction of them. No doubt the Government have taken guidance on this matter. In Committee, we pressed the Solicitor-General to guide us, but we were not successful. I assume that the Government must think that it is legal to act against international declarations and regulations. Nevertheless, it is totally morally wrong to act against the signature of the British Government.

This Mother of Parliament is regarded by younger nations in many parts of the world as an example. If we pass legislation in defiance of the United Nations Declarations, and if we legalise coercion to join an association, whether a trade union or not, which might be regarded in other parts of the world

[MR. MITCHELL.]

as a political association, we shall set a dangerous example, and we should not be surprised if others seek to follow it, with all the ensuing troubles. If the new Clause were not accepted, the Bill would encourage the worst trade union practices.

The Minister has said that he wants to put the law back as he thought it was, but, with all due deference to him, he can never put trade union practice back as it was. Because of the Rookes *v.* Barnard case, and because of the immense publicity which it has received, every trade unionist will know that there is this method of using coercion and intimidation, whereas before many of them did not know that it existed. We are, therefore, faced with a new situation in which it is not possible for the Minister to put the law and the practice back in the position that it was. I should have thought that the Minister, being responsible for industrial relations, would seek to frame the law as it ought to be and not as he thought it was.

3.45 p.m.

We expect a Minister of Labour in this Government to lean towards the trade unions. We can even understand him doing a deal with the trade unions, as he appears to have done on this occasion, although it seems rather foolish to cast away the trump card at the time that the Royal Commission was beginning its inquiries. When the right hon. Gentleman has something which the trade unions wanted and which he could have used as a bargaining counter, he throws it clean out of the pack. I have a horrible suspicion that this legislation will be, not temporary, but so permanent that the trade unions will never give it up.

However, what we do not expect the Minister to do is to encourage trade union practices which he knows are thoroughly bad and which many of his excellent colleagues in the trade union movement have condemned. May I give one example? Sir Lincoln Evans, who was General Secretary of the Iron and Steel Trades Confederation, said:

"... such is the logic of the closed shop that a man expelled from his union—which in itself may be quite justified—can then be prevented from following his trade because he has no union card, a piece of injustice that no trade union principle can justify or any trade union need condone"—

or, I would add, any Minister of the Crown. The Minister is nodding. I am glad to see that he agrees with Sir Lincoln Evans, and with me, also.

The central reason for the Bill is the Rookes *v.* Barnard case. It is worth briefly rehearsing the facts of that case. Here was a man, Rookes, who had been a member of his trade union, had fallen out with it and was told by Barnard that the others would go on strike if he did not rejoin the union. Rookes refused. Barnard went to the employer and said, "Either you sack this man or we shall come out on strike"; and, to the employer's shame, he sacked him. As I see it, in elementary justice, that man was rightly able to secure damages.

The Minister of Labour (Mr. R. J. Gunter): To get the record straight, it should be appreciated that Mr. Rookes was a firm believer in the closed shop until he had a row with his union.

Mr. Mitchell: What Mr. Rookes believed or did not believe has nothing to do with the point of the Clause. Mr. Barnard was the man who went to the employer and said, "Sack this man, or else . . ." What will be done if this legislation is passed is to legalise other Barnards throughout the country to do the same thing.

Mr. Gunter *indicated dissent.*

Mr. Mitchell: I am glad to see the Minister shaking his head. I hope that when he winds up this debate he will explain why what I have said is incorrect.

As far as I can see, the whole purpose of this legislation is to make it possible and legal for Barnards to go up and down the country doing just that. Because of the publicity which has been given, that is exactly what will happen. This legislation is a licence to Barnards or other trade union shop stewards to go out and misuse their power in an endeavour to force the closed shop.

I should not like it to be thought that what happened in the highly publicised Rookes *v.* Barnard case is the sole example, because this sort of thing happens in every hon. Member's constituency from time to time. In my constituency there is an example of which,

I feel, the House should know, because this is exactly the sort of situation which will be recreated many times if the new Clause is not accepted.

As in the case of Rookes, the man in question was a trade unionist. He had 22 years' continuous membership of his union. He then refused to go out on an unofficial strike. As a result, the local branch of his union fined him £5. He was so furious that he resigned from union membership. The shop steward went to the employer of my constituent and said, " If you do not take this man out of this department, or sack him, we shall not continue to work and a strike will be on your hands ". The employer took the man out and put him into other work, where he was not able to use the professional qualifications and the high degree of skill which he had acquired by long training in his previous duties.

We have, therefore, a situation in which a man is earning less than he otherwise could and he is unable to follow his highly skilled profession because of the action of, in effect, another Barnard going to an employer and threatening him. This is precisely what will happen repeatedly throughout the country if the Minister does not accept the new Clause.

We live in an age when tolerance is one of the things most needed in industrial relations. There are eight million trade unionists in this country. Does the Minister really suggest that the foundation of the great trade union movement will be rocked to the core if its members are not entitled to intimidate, chase and badger into their ranks a few unfortunates who do not wish to be trade unionists? Can he not show a little tolerance towards these people? Cannot they attract their membership by their ability, by the things they do and by attracting rather than driving and compelling? Is not this the way in which the trade union movement, which throughout its history has fought for the weak against the strong, should be viewing this problem?

Mr. Arthur Palmer (Bristol, Central): I have difficulty in following the hon. Member's logic about coercion. Would he compel trade unionists to work with non-trade unionists?

Mr. Mitchell : The remark which I was making is particularly apt to the question. The need for tolerance is more than plain from the remark which the hon. Member for Bristol, Central (Mr. Palmer) has just made.

If I may offer the Minister as my ally in this matter by recalling what he himself wrote in the *Sunday Times* of 7th March, the right hon. Gentleman said:

". . . above all, we have proved in our history that we can embrace changes—political, economic and technological—without jeopardising the foundations of a free society. This is because we have shown a greater sense of tolerance "—

I repeat " tolerance "—

" towards one another, in terms of class, religion and politics, than possibly any other country in the world. If as a nation we can come to terms with the changes sweeping around us and maintain this foundation of tolerance, then I think we shall have proved once again our claim to leadership in the world."

I concur very much with what the Minister then said. I hope that this afternoon he will show a little of that tolerance of which he spoke by accepting the Clause.

I know that the Minister will wind up in that jovial and reassuring manner of his, that attractive Welsh lilt which so mesmerises the Left wing in politics, but in this matter we are bound to judge him, not by his manner or his words, but by his action. If he rejects the Clause, he will have shown his contempt for freedom of the individual and for the best trade union practices. It is with those thoughts in mind that I put forward the new Clause.

Mr. Emlyn Hooson (Montgomery): I support the new Clause. The hon. Member for Basingstoke (Mr. Mitchell) quoted from a foreword to a small book which I have read the words of Sir Lincoln Evans on the closed shop. I can do better than that by quoting the words of the Minister on Second Reading, when he said:

" It is true, and I say it openly, and I have said it in public before, that the closed shop has sometimes been used to cause unnecessary hardship to individuals. There are cases where a man has been driven out of his job because he has quarrelled with his local union branch. There are cases where a man has suffered because he has genuine conscientious objections to joining a union. I condemn it. The trade union movement has a great and inspiring history, and a vital contribution to make to our modern society, and it ought to be above victimisation of this kind."—[OFFICIAL REPORT, 16th February, 1965 ; Vol. 706, c. 1019.]

They were bold words, with which I entirely agreed, as I said at the time and I still do, in an extremely enlightened

[MR. HOOSON.]

speech from a Minister of the Crown. Nevertheless, we must see whether the Minister's words are matched by his actions.

I fully appreciate the reasons advanced by the Minister on Second Reading for the presentation of the Bill at this stage. The implication was that he needed to enlist the full co-operation of the trade union movement in the inquiry which was to be conducted by the Royal Commission. As I said on Second Reading, I consider it to be of vital importance to the country that a thorough investigation of all trade union practices should be conducted by a detached Royal Commission representative of all sides.

Furthermore, I accept that in a small Bill of this nature it is impossible to deal with all the anomalies that arise in the trade union movement and that they cannot be dealt with piecemeal. Nevertheless, as I said on Second Reading, although we accept that principle, we need to be reassured that the Bill or what it contains not only will not be used, but cannot be used, as an instrument to prevent people from having legitimate recourse to the courts for relief when they are either forced to join a union, forced to remain a member of a union, or—and I accept what the Minister suggested in a private letter to me, as there was obviously an omission in my proposed Amendment—forced unreasonably to leave a union.

Judging by what the Minister said during the Second Reading debate, I think that he accepts all these things.

Mr. Arthur Lewis (West Ham, North): Would the hon. and learned Gentleman agree that members of the legal profession should be allowed to leave the legal organisations and carry on their jobs without any hindrance?

Hon. Members: Answer.

4.0 p.m.

Mr. Hooson: The trouble with some hon. Gentlemen opposite is that they call for an answer, and then do not sit in silence to wait for it. As the right hon. and learned Attorney-General will be able to confirm, a member of the Bar is allowed to practise even though he is not a member of the Bar Association as such, or a member of a circuit. He is allowed to practise in our courts. All that is required is that he must have the professional qualifications necessary to practise, which is a different consideration.

As I was saying before I was interrupted, I cannot understand why the Minister is unable to accept Amendment No. 6. I can understand that the trade union official needs to be reassured. I accept that in the legitimate pursuit of his work, when he is negotiating with an employer, he needs to be reassured that he will not be involved in damages later because of something that he said, particularly if it is a matter of distinguishing between a threat to strike and a strike itself.

I do not see why the Minister cannot accept the new Clause or Amendment No. 6, which, I think he agrees, is much narrower than Amendments Nos. 1 and 10. Amendment No. 6 says:

"Provided that an act as aforesaid is not done with the sole intention of forcing another person to become, to remain or to cease to be a member of a trade union."

As I said, the Minister, in some very helpful correspondence in connection with Amendment No. 10, pointed out that my suggested Amendment did not deal with a man who might be forced to cease to be a member of a trade union. Amendment No. 6 deals with that point, and I have limited it by including the phrase,

". . . the sole intention of forcing another person to become, to remain or to cease to be a member of a trade union."

The least token which the Minister can give of his sincerity is to accept that Amendment, which is the narrowest possible one. He can go very much further, by accepting the new Clause, but I have drafted Amendment No. 6 in this way so that he can accept it. If he does, it will be interpreted widely on both sides of the House as a real gesture of the sincerity of the Minister and of the Government.

Mr. Stanley Orme (Salford, West): The crux of the matter is what the hon. and learned Gentleman would do if members of an industry refused to work with someone. Would he compel unionists to work with a non-unionist? I have some experience of this. If 50 people in a department refused to work with one man, on the ground that that man

was not carrying out his rightful duties, he was not a member of the organisation which had fought and worked for him, would the hon. and learned Gentleman compel those 50 people to work?

Mr. Hooson: The hon. Gentleman is putting forward the classic argument in favour of the closed shop. He has talked about the " rightful duty " of a man. He regards it as the duty of a man to be a member of a trade union. I do not accept that it is the duty of any man to be a member of a trade union. He can please himself whether he is or not.

What I am suggesting is that because of the Minister's condemnation of the closed shop during the Second Reading debate, which was a stronger and more forceful quotation than any other that we have heard or read about during the course of the Committee stage of the Bill, he should accept Amendment No. 6 at least. This is the narrowest possible Amendment, and if it were accepted both sides of the House would be reassured of the Government's sincerity. It will be a long time before trade union legislation results from the inquiry to be conducted by the Royal Commission. Much as I sympathise with the Minister, I must tell him that if he refuses to accept Amendment No. 6 my hon. Friends and I intend to vote against the Third Reading of the Bill. I beg to move, Amendment No. 6.

Mr. Speaker: The suggestion was that this Amendment should be discussed with the new Clause, and, of course, if required I shall call the hon. and learned Member to move it in due course.

Mr. Ray Mawby (Totnes): During the Second Reading debate the hon. and learned Member for Montgomery (Mr. Hooson) made his position quite clear with regard to the Bill, and I am glad that he has maintained it today. We must make certain that the words which we have suggested in the new Clause are inserted in the Bill.

It has been said—and this is the main excuse for it—that the Bill takes us back to what the law was from 1906 onwards. I do not believe that that is true, because when the original Act was passed the Lord Chancellor of the day expressed it as his opinion that the Act, when in operation, would not cover a case such as Rookes *v.* Barnard, and Lord Citrine, in what is now regarded as a standard work, expressed the same opinion. It is erroneous to suggest that all that the Bill does is to take us back to 1906.

If that is what the Bill seeks to do, is it right that we should go back 49 years? Is this another sign of the dynamic, forward-looking views held by the Government? Surely we must not look back 49 years? Surely we must consider present conditions?

Mr. Ernest Armstrong (Durham, North-West): In fact, it is 59 years.

Mr. Mawby: I am grateful to the hon. Gentleman. That shows how difficult some of us find it to do mental arithmetic—[*Interruption.*]

Mr. Speaker: Order. Interrupting from a seated posture is disorderly. At that moment five hon. Members were perpetrating the crime. We must do better than that. If hon. Members cannot contain themselves, they will have to go away.

Mr. Mawby: I was saying that the correction made by the hon. Gentleman shows that some of us find it difficult to do mental arithmetic while on our feet. Whether it is 49 years, or 59 years, surely we ought to be looking at the problem as it exists now, rather than as it did in 1906.

When one looks back, one can perhaps see some justification for giving this right of exemption from the law as it applied to an ordinary citizen. This is what the Bill seeks to do. It seeks to extend the exemptions from the normal application of the law. If a person does something which is likely to damage another citizen, that person has the right to a civil remedy in the courts. The Bill seeks to widen the exemptions enjoyed by certain people so that they can, with impunity, commit acts which, if they committed them as individuals, would make them liable to actions in the civil courts by the person damaged. This is all that we are dealing with in the Bill.

It is, therefore, surely right that we should ask ourselves whether it is just that a person—and the Bill does not define a person as a trade union official

[MR. MAWBY.]

or officer—can issue a threat to an employer, saying, "If you do not sack this man all the members of my union will immediately withdraw their labour"? This is obviously a great threat to the employer. He then has to consider whether he should face the prospect of a strike or sack the offending person.

Up to this point nothing has happened that is really wrong. A group of men have decided that they do not like the colour of a person's eyes, or have said, "He has not joined our association"—in other words, "We do not consider that he is fulfilling his obligations as we think he should, and we refuse to work with him." There is nothing to prevent any group of persons from taking that line. But if one of their number then goes to the employer and says, "We refuse to work with this man. You must give him a job where he works on his own," or, "Unless you sack this man we shall not only refuse to work with him, but we shall withdraw our labour," the Bill, if passed without any of these Amendments, will put the man who is sacked as a result of that threat in the position of having lost his job and being without any civil remedy—with no way of placing the matter before an independent tribunal of some sort where he can claim those unalienable rights which every British citizen should have.

It is completely wrong and against all ideas of natural justice that a man's livelihood should be taken away for the rest of his life by a group of people threatening that unless his employer sacks him they will go on strike.

Mr. Orme: I thank the hon. Member for giving way again. He is still not facing the issue. He is saying that one man can be a law unto himself in an establishment. He can work for wages which are below the negotiated rates and he can stay in a job when an official dispute has caused a strike. But the 99 per cent. of the workers who say that under the circumstances they will not work with that person and reserve the right to withdraw their labour are wrong, according to the hon. Member's argument. He must face this issue.

The differentiation between the closed shop and 100 per cent. trade unionism has still not been understood by hon. Members opposite. If, in a factory, 100 per cent. trade unionism has been obtained by some organisation, and one rotten apple tries to destroy it, what will the hon. member do?

Mr. Mawby: The hon. Member says that we have not begun to understand the problem. I must repeat—although it is becoming tedious—that I know something about the trade union movement and have held various offices in trade unions. I am not completely ignorant of the circumstances that exist in the normal workshop. I am not a lawyer, but as I understand it the circumstances that he puts forward would escape under the present law. The Rookes *v.* Barnard case was a different one from that which the hon. Member has just cited. The other important point is that the people have to strike in breach of contract.

Mr. W. A. Wilkins (Bristol, South): The hon. Member for Totnes (Mr. Mawby) must know that in the Rookes *v.* Barnard case it was the union which was trying to act constitutionally and Rookes who was trying not to.

Mr. Mawby: I am not giving any support to Rookes as a person. I am trying to make certain that the Bill does not give *carte blanche* to organisations or individuals. Even a group of unofficial strikers can have the same immunity as Members of Parliament, and can enjoy the same immunity from any civil action which a damaged person may bring.

The House should be reminded that, as a nation, we have set our hand to the Universal Declaration of Human Rights. It is something that we did not do lightly, and something that we should not seek lightly to evade. In the Universal Declaration of Human Rights to which we have set our hand it is made clear in Article 20(2) that

> "No one may be compelled to belong to an association."

If those words mean anything they mean that no one should be compelled to belong to any association. The Government and the Minister may be prepared to say, "The Government are not forcing anybody to join an organisation," but they cannot escape from the fact that by passing the Bill without amendment we are giving the right to thousands of people to force other people to join an association.

4.15 p.m.

Mr. Orme: If a person does not want to join an association he does not work in an establishment which has a recognised agreement with that association and probably 100 per cent. trade unionism; he finds employment elsewhere.

Mr. Mawby: That may be all right. Some of us who follow a trade or profession, or live in certain parts of the country, kuow that we are free and that if we do not want to belong to an association we can go somewhere else and follow our craft without any difficulty. But some people who follow certain crafts, or live in certain parts of the country, find that the only way in which they can obtain alternative employment is by pulling up stakes, buying a house in another part of the country and moving their families. That is what we are talking about.

Mr. J. T. Price (Westhoughton): I understand that the hon. Member is connected with the Conservative trade union centre, and is quite familiar with the history of the trade union movement. He has generated a lot of righteous indignation, which seems largely synthetic to some who know the facts a little better than he does. Will he address his mind to the situation in which, under the present system, a collective boycott is imposed upon a man who has his name put on to a black list because of some annoyance he has caused his employer in the past? That is not provided for in the Bill, but that man may suffer very greatly.

Mr. Speaker: Combining all the Amendments and the new Clause together I cannot get the hon. Member's observation in on any point.

Mr. J. B. Godber (Grantham): On a point of order. I am somewhat puzzled by the debate and I should be grateful for your guidance, Mr. Speaker. The two of my hon. Friends who have spoken, together with the speaker on behalf of the Liberal Party, have been subjected to constant interventions. No one objects to interventions, but we have the extraordinary situation in which hon. Members opposite seem passionately anxious to speak when hon. Members on this side of the House are speaking but have made no attempt to catch your eye in order to speak themselves. Would it not make for a better debate if we had proper speeches from hon. Members opposite?

Mr. Speaker: The right of intervention is sometimes abused. It is difficult to know at what point the intervention becomes abuse without distorting what the House would wish to tolerate. I know hon. Members will remember that we are not in Committee now. A multiplicity of interventions tends to prolong the discussion.

Mr. J. T. Price: Further to that point, Mr. Speaker, if it was a point of order. I merely wish to say with great respect to the Chair that I rose because of the implied rebuke that some of us received from the Chair because we ventured to make a light-hearted intervention sitting down. That, of course, is bad practice in the House. The only reason I stood up was in deference to the Chair.

Mr. Speaker: It is characteristically courteous of the hon. Gentleman that his courtesy took him outside the rules of relevance.

Mr. Mawby: I have no intention of trespassing on your generosity, Mr. Speaker, but I would point the hon. Gentleman's attention to Amendment No. 4 to which my name is attached, and to another Amendment. It is true not only of trade unions, but also of an employers' association. As has been pointed out on a number of occasions the term "trade union" and the benefits enjoyed are not reserved to trade unions of employees. This term covers many employers' associations as well. I have no time whatsoever for any employers' association which takes that sort of action against its members or refuses to recognise a trade union when it obviously has a large membership.

The important thing is that we are dealing with the rather narrow point and I thought that I had at least established that hon. Gentlemen and myself had certain things in common. We accept certain things which are part of human nature, that there are groups of people who take a certain view and say, "We do not agree to such an extent that we refuse to work with this person." They have a perfect right to say, "We will not work with this

[MR. MAWBY.]

person ", just as that person has in maintaining his civil rights.

The next point deals with circumstances in which a union official can approach an employer and threaten that employer that his members will strike, even in breach of contracts and without giving due notice, if this person is not sacked. Unless the Bill is amended it will allow them to do this with impunity and the person concerned will not have a leg to stand on in any civil court in this land in obtaining his civil remedy.

Mr. R. E. Winterbottom (Sheffield, Brightside): Does the hon. Member feel that the body of people exercising its freedom not to work with an individual who will not join the trade union would be so disrespectful as to strike without informing the employer why it is in dispute? Surely, as a matter of courtesy, it would go to its employer and say that because of a circumstance it was not working with a particular man. That is the situation as I see it from the point of freedom of the individual and freedom of the mass.

Mr. Mawby: I think that the hon. Gentleman has not grasped the point. If they went to the employer and said, " We are giving you notice that we are not prepared to work with this person ", it cannot be construed that they are threatening to take industrial action in breach of contract. This is the point. The issue of threats in breach of contract is to go to the employer and say, " If you do not sack this man we shall strike, even without giving you the necessary period of notice before we strike as required by our contract of service ".

This is where the thing will bite, surely. It is entirely different for an elected officer to go to the employer and say, " All my colleagues are no longer going to work with this particular person ", and they give due notice to the employer. If the employer does not take the requisite action, that is, move the man to a job where he works on his own, or sack him, then they would give due notice as required and take strike action. In those circumstances, the Bill is not needed because those people are acting in a proper fashion and no court of law would interfere. I am sorry that the hon. Member for Watford (Mr. Raphael Tuck) appears to have a headache. [*Interruption.*] I am putting forward a point of view which, I hope, if it is wrong, will be corrected by an hon. Gentleman who knows more about the law.

Mr. Raphael Tuck (Watford): I am grateful to the hon. Gentleman for letting me intervene. Is what he is saying this, that if a body of employees goes to the employer and says, " Your continuing to employ this man will force us out," that is wrong: but if it says, " We are leaving because you are continuing to employ this man ", that is perfectly all right?

Mr. Mawby: No, I think that the hon. Gentleman misunderstood me. I probably did not put the point clearly enough. If a group of people gives notice to the employer that it is not prepared to work with a certain person the employer has to take certain steps. He does not have to, but he would normally do so. He would either give the man a job where he could work on his own, or else he would cease that person's employment. In those circumstances, obviously the person who has received the sack would have a civil remedy against his employer because his employer has sacked him, in the view of that particular person, without proper cause. But if a group of people sent its representative along and issued a threat, saying, " Unless you do certain things we will withdraw our labour ", this is a different matter altogether.

If a person suspects that someone has committed a crime and he goes to the police and informs them of his suspicions, he is taking the normal course of action of a citizen and it is expected of him. But if he goes to that person and says, " Unless you do certain things I will report this to the police " then he is guilty of blackmail; and this is the basic difference between the cases I am citing. Men who do not want to work with someone else can take action and be free of any actions against them for fraud. If they go along and issue threats to the employer, putting him in the position where he then has two choices, either to fight a strike, even against the contract of employment, or sack the person, then, normally, the employer would take the line of least resistance and sack the employee.

The important point is that if the Bill is passed without amendment a person, whatever his circumstances and however far he may have to travel to get a new job, has no recourse to any civil remedy for the damage that may be caused to him.

4.30 p.m.

I am not suggesting that there will be hundreds of people affected—of course there will not—but we know that there are peculiar cases. Certain people have religious views with which others may disagree. I disagree with such views. I believe that no religion should insist that a person should not join an organisation which would look after his interests in industry. But there are people who do hold such views sincerely and if they are thrown out of employment they should have the same sort of civil remedy as other people.

Obviously, in the end the courts will decide. The important thing is that once we have got rid of all the difficulties which may arise because of human nature, and so on, we have still the great dilemma that we must try to keep a proper balance. The ordinary citizen should retain his common law rights whether or not he joins an association if he happens to be employed where there is normally 100 per cent. trade union membership.

The hon. and learned Member for Montgomery (Mr. Hooson) made the point cogently that a trade union official should not need to have a solicitor at his elbow all the time to tell him that if he acts in one way he will be right, but if he acts in another he will be wrong. A trade union official ought to be able to carry on his normal duties without that happening. On the other hand, if we can say that a trade dispute does not include this narrow point, there is nothiug to prevent any trade union official notifying an employer that employees refuse to work with a fellow employee. Every person, whether he belongs to a trade union or not, will feel more satisfied that whatever happens and if he suffers damage at least there will be some way for him to obtain a civil remedy in the courts.

Mr. F. J. Bellenger (Bassetlaw): I did not want to intervene while the hon. Member for Totnes (Mr. Mawby) was speaking, but it seemed to me that he was attempting to split hairs. He referred to a body of men, or presumably one man, going to an employer and saying, " You have entered into a contract with us, or our union, to have a closed shop "—or 100 per cent. trade unionism as the hon. Member called it—" but we have not got it here." What is wrong with men informing an employer that if he does not keep to his bond they will not keep to their bond? This all arises out of a certain decision. I cannot see how we can argue, as the hon. and learned Member for Montgomery (Mr. Hooson) argued, that it was against the freedom of the individual. That is not the case.

The hon. Member for Totnes tried to reduce it to the question of someone threatening an employer. The highest court in the land came to a decision and we should not criticise the decisions of the courts. I think, however, that the decision was wrong and certain judges in the lower court took that point of view. I cannot see that much damage will be done if we accept the Bill introduced by my right hon. Friend. It will preserve the rights of trade unionists who enter into a contract with their employers. If the employer did not observe his bond, he would be in breach of law so why should not he be told so?

Sir Edward Brown (Bath): I am happy to support the Amendment. I have had a lifetime's experience not only of subscribing to a union, but of working very hard for it and I claim to have some internal knowledge of the subject we are discussing. I do not wish to dwell on the academic arguments. I say that this Clause makes respectable a Bill which, at the moment, is not respectable. All through our Committee stage discussions I found that there was resistance to this. If the Minister accepts the new Clause it will reaffirm our belief in democracy and the freedom which we shall lose if the Bill is not amended.

The Clause makes certain that 9 million workers in the T.U.C., through their unions, do not become a majority to oppress other workers. I made the same point in Committee. The Minister is upholding a Bill in order to qualify a deal which was done with the Trades Union Congress. Whatever may be the

[SIR EDWARD BROWN.]
result of a Royal Commission which is to inquire into trading activities hon. Members opposite as well as hon. Members on these benches, and the trade unions, know that what is provided in the Bill, if it is unamended, will never be given up. To me, that seems the reason why pressure is on to get the Bill through its various stages.

As was said by my hon. Friend the Member for Totnes (Mr. Mawby), the Bill violates the Charter of Human Rights. There are already signs that pressure is on. In support of my argument I wish to quote from a leaflet issued by the National Union of Railwaymen, in which there is a reference to a 2s. " package deal ". At the bottom of the pamphlet there is a reference to the political levy as part of this 2s. " package deal." This is to be deducted by the employers by arrangement with the unions. Already, there are men who are saying——

Mr. J. T. Price: On a point of order, Mr. Deputy-Speaker. What has the matter now being raised by the hon. Member to do with the Amendment under discussion?

Mr. Deputy-Speaker (Dr. Horace King): I was waiting for the hon. Gentleman to come to the new Clause. He may be arguing towards it.

Sir E. Brown: Thank you, Mr. Deputy-Speaker. My argument in support of the Clause is that already intimidation is taking place against union members.

Mr. Orme: Intimidation?

Sir E. Brown: Intimidation is taking place against members of unions, because they are refusing to pay the 2s. through the employer. They want to pay it through their branch treasurer. I have evidence in support of my argument that this is already happening——

Mr. Deputy-Speaker: Order. The question of the payment of a political levy does not come within the Motion.

Sir E. Brown: I am not referring only to the political levy, but to the whole contribution to the union. A member of a trade union, under his own rules, has the right to pay his levy to his branch treasurer. Branch treasurers are refusing to accept subscriptions and a man who gets into arrears could be expelled from the union for non-payment. This man is offering to pay, yet he will not allow the employer to deduct it from his wage packet, which is his right under our laws.

We believe that the Bill is intended to enforce a closed shop throughout industry. We believe that the Government are using Rookes *v.* Barnard as an excuse to give this to the T.U.C. This is a free country and a man should not be denied his right to earn his living. This is what the Amendment will prevent if the Government will accept it. We ask the Government to accept the Clause in a spirit of co-operation. The dilemma will not be resolved by the Government in a Bill of this nature unless we amend it. Surely the right thing for the unions to do is to accept responsibility for their own actions and not to shield themselves behind the Government.

I think that it is high time, in a modern society, that the unions were brought under the common law, so that individuals had the right of freedom of association and remedies in the civil courts under the sanction of our Queen. I am very happy to support the Motion.

Mr. John Horner (Oldbury and Halesowen): At the risk of prolonging the discussion, I feel obliged to intervene in the debate. I feel constrained to pass one or two observations on what I consider to be the grossest caricature of the functions and working of the trade union movement which I have heard for many a long year.

When I hear hon. Gentlemen opposite tearing passions to tatters, invoking the United Nations in defence of the freedom of the individual, I ask myself, what it is all about? I will tell the hon. Member for Totnes (Mr. Mawby) what it is all about. In describing this very modest, simple little Bill, the hon. Member for Basingstoke (Mr. Mitchell) said that its purpose is to make more Barnards possible, to give licence to shop stewards up and down the land to misuse their power.

If this were the position, then this was the position before Rookes *v.* Barnard came to the courts. Before Rookes *v.* Barnard shop stewards must have felt that

they had this power. Everybody else felt that they had the power. It is the intention of the Bill to restore the trade unions to the position which most people understood existed before Rookes *v.* Barnard. But did we see this gross abuse of power spreading throughout the length and breadth of the land? Did we see 9 million organised trade unionists sheltering behind the law as it was then understood, and seeking to bring in the other millions of unorganised people?

Mr. Mitchell: The hon. Member must surely have heard the comment which I made on this point. One may put the law back to what an obscure part of it was thought to be before, but one can never put trade union practice back. This has been highlighted by the Rookes *v.* Barnard case in the law courts, the discussions in the House and by this new legislation to make legal what I see as a weakness in the old law. One cannot put that advertisement away. One cannot tell the trade unionists to forget it; they know it and they know that they can do this if they so wish. This would make it possible for future Barnards to do the same thing again. I hope that the hon. Member is not suggesting that Mr. Barnard's activities are those with which he would agree, or which he would approve of or encourage.

Mr. Horner: It is most unwise to prophesy anywhere and especially so in this place, but I make a prophecy. I say that when the Bill has passed through its concluding stages, the practice of the trade unions will be the same as before. The practice of the trade unions is to establish solid, well-founded organisation in every workplace. This was the practice of the trade union whose activity has given rise to so much discussion in this place and elsewhere. Indeed, the practice of the Draughtsmen's and Allied Technicians' Association was so highly successful that in this particular place of employment there was a contract between the employer and the draughtsmen, that the place should be regarded as one in which the employer employed only members of the association.

It took the association many years to reach a position in which, by agreement between the union and the employer, this should be written into the conditions of employment at the place of work. There was no hasty, irresponsible, tearing-up of trade union agreements, invoking strikes or forcing the reluctant employer to agree to a particular provision. It was part of the negotiations undertaken over a long time and one which many trade unions, in their own diverse ways, seek to achieve in their respective places of employment.

4.45 p.m.

We have heard from hon. Gentlemen opposite that they have trade union experience. Like many other hon. Members on this side of the House, I have had a lifetime's experience of the trade unions. In my union, we never went for the closed shop; we went for 100 per cent. trade union membership. When hon. Gentlemen opposite produce these gross distortions of the facts as they are today, we must recognise that nearly a third of the organised workpeople of this country are employed by employers who have undertaken to honour 100 per cent. membership. No one has said, in the House of Commons or elsewhere, that when large and important industrial organisations come to agreements with trade unions that only members of unions shall be employed, this is a complete negation of the United Nations Declaration of Human Rights. I have never heard that before.

When I hear the hon. Member for Basingstoke say that if this Mother of Parliaments agrees to the Bill all sorts of dire consequences may follow throughout the world in other Parliaments which look to our example, I would remind him that even in the Commonwealth—in New Zealand—membership of trade unions is obligatory under the law. No one suggests that in New Zealand the right of the individual is somehow destroyed or that this is tyranny.

When we first considered the facts of Rookes *v.* Barnard in the House, we had a very complicated and involved debate. As a new Member at that time, I found it difficult to follow. Some of the contributions from the other side this afternoon have made the confusion even worse confounded.

The Bill is overdue. Those of us who read reports of proceedings in the courts yesterday will be very concerned at the position of some shop stewards who have been caught up—even while the Bill is still going through the House—in the

[MR. HORNER.]
wide ramifications of the outcome of Rookes *v*. Barnard. This small Bill, which is overdue, is intended to restore to the trade unions dispensations—they were not privileges or rights—which the law, as it was understood, allowed trade unions and trade unionists to enjoy under certain conditions. It restores those conditions. It does nothing more.

When the hon. Member for Totnes advises us that one can withdraw labour, but must not go on strike or that one can go to the employer and say that one will pack up work, but that one must not threaten him—and it was suggested at one stage that one should pop into the employer's office and leave a postcard but not have any discussion on the issue because discussion might be dangerous—one is creating a ridiculous situation. Trade unionists were placed in such a situation following the Rookes *v*. Barnard case. The Bill tries to put the matter right.

Into our discussion have come some considerations, to which we have been obliged to listen, from hon. Gentlemen opposite suggesting that there are some sinister motives behind the Bill. One hon. Gentleman opposite went so far as to suggest that there had been a sort of bargain done with the trade unions. To introduce such a monstrous caricature of the trade union movement does nothing but a disservice to our discussion and I refute such statements.

Rookes *v*. Barnard was not a dispute about the closed shop, but a case which arose following the action of a trade union which thought at the time that it was acting legally as a trade union in enforcing the adherence of a contract with its employer. It is because there were certain deficiencies in the law as then interpreted that the Bill is being introduced. I hope that the House will not agree to a new Clause which seeks to introduce matters which are entirely foreign to the main purpose of the Bill and which, as presented and supported by hon. Gentlemen opposite, maligns the trade union movement.

Mr. Raymond Gower (Barry): The hon. Member for Oldbury and Halesowen (Mr. Horner) said on a number of occasions that this is a small Bill. It may be small in size, but I can equally well respond by saying that this is a small new Clause. However, neither the size of the Bill nor the Clause make either unimportant.

The gulf between the two sides may not be as wide as some hon. Gentlemen opposite imagine, or as some of my hon. Friends have implied. But I submit to all hon. Members that there is a narrow margin in which there is a possibility of a serious injustice, even if it is only to a very few people. I was not at all surprised to hear the hon. and learned Member for Montgomery (Mr. Hooson) support this view on behalf of his party, because, using the word "liberal" with a small "l", I should have thought that the Clause was full of the best of that liberalism to which both of the major parties have in the past owed a great deal and from which both sides of the House have derived a considerable amount.

My hon. Friend the Member for Basingstoke (Mr. Mitchell) explained the purposes of the Clause with commendable clarity and the hon. and learned Member for Montgomery explained the object of the Amendment standing in his name with similar clarity. If the Minister has doubts about accepting my hon. Friend's Amendment, he should find it very easy to accept the one in the name of the hon. and learned Member for Montgomery, limited, as it is, to

"... an act ... not done with the sole intention of forcing another person to become, to remain, or to cease to be a member of a trade union."

I imagine that the hon. and learned Member would not insist on that wording and would be prepared to include a trade association. The principle is stated in very simple terms.

I frankly admit to the hon. Gentleman opposite that a difficult situation might arise for a large number of employees—members of a trade union—if they had in their works or shop one person who refused to undertake the ordinary duties of membership of a trade union. My hon. Friends and I acknowledge that the situation could on many occasions be difficult in the extreme, requiring very careful negotiation. But can it be said that the inconvenience which can be experienced by the majority can be compared with the terrible results which may befall the

poor individual if he is not only drummed out of his place of employment but if, as in a minority of cases, he is deprived of the opportunity of working in his own trade?

I do not believe that hon. Gentlemen opposite have really considered the possibility of a new kind of tyranny. Many people are willing to acknowledge that in the past the tyranny was in the opposite direction. Far too often there has been a minority of unworthy employers who have had a bad record in relation to the recognition of the proper functions of trade unionists. [HON. MEMBERS: "Hear, hear."] Hon Gentlemen opposite need not make the case for me. There has been evidence, however, to show that the great rights which have been rightly won by the trade unions in the last century and in the early part of this are now, in the minority of cases, being perverted to the savage detriment of a minority of people.

My hon. Friend the Member for Totnes mentioned certain groups of religious bodies—and hon. Gentlemen opposite must be familiar with them—which, for reasons of their own peculiar faiths, feel that they cannot undertake the duties which we regard as quite normal. Is it right or proper in a free democracy that there should be any sanction at all in any law which would permit those men being drummed out of an industry solely because the other trade unionists can tell the employer, "We will not work because there are one or two people here who will not undertake the duties of trade unionship because their religious faith does not permit them to do so"?

Mr. J. Idwal Jones (Wrexham): Would the hon. Gentleman care to say which religious bodies forbid their members to become trade unionists?

Mr. Gower: There are one or two. There is, for example, a body which is known popularly as the Plymouth Brethren, and which has a large membership in most industrial cities. I am no advocate for those particular groups, but I am sure that the hon. Member for Wrexham (Mr. J. Idwal Jones), who comes from Wales, which has often been the ground where we have had to fight for minorities, as well as the Minister and the Attorney-General, who also come from the same country, will be some of the first to fight passionately for the rights of minorities of this kind and to ensure that, by a modest adjustment of this important Bill, we can somehow, not necessarily in the terms of the Amendment, provide some protection for persons of that kind and others who, for some reason, have fallen out with the majority of their fellow workers.

5.0 p.m.

I am just as much in favour of 100 per cent. trade union membership in any industry as the hon. Member opposite, but I believe that 100 per cent. membership should be attained by the efficacy of that trade union in fighting for the causes of its members. Once that figure has been attained, I do not think that a union should say, "Having got this figure, we shall now retain it by compulsion." Rather should it say, "We will retain 100 per cent. membership by the efficacy of our organisation and the functions we perform for our members."

Mr. Palmer: I take what the hon. Member says on that aspect. It is far better that trade unions should try to bring people in by their propaganda and their good work—one volunteer is worth 10 pressed men—but, believing in a free society as I do, would the hon. Gentleman compel trade unionists to work with non-trade unionists?

Mr. Gower: Not at all. If they wished to give up their employment they should be free to do so and seek employment elsewhere, or remain, if they so preferred; but they should not be able to say to an employer. "Unless you throw this poor fellow out of this shop, we will withhold our labour."

Mr. Wilkins: According to the hon. Gentleman's argument, the individual concerned in this case was a paragon of virtue and all his colleagues were the wicked uncles, but that is not so. I should like to read a statement on how this arose. Referring to members of D.A.T.A., it says:

"Our members were transferred from a number of out-buildings to accommodation"——

Lieut.-Colonel Sir Walter Bromley-Davenport (Knutsford): On a point of order, Mr. Deputy-Speaker. Is it in order——

Mr. Wilkins: The hon. and gallant Member has just come in.

Sir W. Bromley-Davenport: I do not care if I have just come in——

Mr. Deputy-Speaker: Order. I hope that the hon. and gallant Member who is addressing me on a point of order will not be so discourteous to himself as to interrupt his own point of order. On the point of order addressed to me by the hon. and gallant Gentleman, I would say that the hon. Member for Bristol, South (Mr. Wilkins) is intervening by courtesy of the hon. Member for Barry (Mr. Gower), and when he is out of order I will tell him so.

Mr. Wilkins: And I am obliged to the hon. Member for his courtesy in giving way. There are many cases, and this is one, in which the individual is obviously in the wrong, and the hon. Member for Barry (Mr. Gower) and his hon. Friends are trying to defend a position which is indefensible.

Mr. Gower: The hon. Member misunderstands me completely. I am not now discussing any particular case. That does not arise in what I say. I am discussing the Bill and this new Clause, and the possibilities that arise if this proposal is left out or is included. If the Clause is included, the worst that can happen is that, in a very small minority of cases, a body of men will feel in a particular job that they cannot endure the behaviour of an individual and will say to the employer, "We resent this." They will then be entitled to do as they will, but the only thing they should not be entitled to do is to say to the employer, "Unless you drum this one man out, we will withhold all our labour."

Mr. Palmer: In practice, it is the same thing.

Mr. Gower: This would not be an intolerable position for these men. We are only talking of a small number of individuals—sometimes misguided individuals; perhaps only a few individuals in the country, and I believe that the House should legislate as much for a small number of individuals of that kind as for one of the vast and powerful majorities. If this is not provided for in the Bill there could be this marginal hardship.

The hon. Member for Oldsbury and Halesowen (Mr. Horner), who has had a long and distinguished career in the trade union movement, asked, "Has this happened?" The answer is, "Yes, it has happened." It has happened in an appalling way in a few cases. It has happened in a terrible way, which has made me, and I am sure, the hon. Member ashamed. Individuals who have done nothing frightfully wrong have been drummed out not only from their individual workshops, but out of a whole skilled industry. If these cases are so few, is that any reason for our not contemplating giving those individuals some protection? Is the very fact that these cases are rare any reason for our omitting them from our legislation?

The right hon. Gentleman the Minister and the right hon. and learned Gentleman the Attorney-General have knowledge not only of the trade union movement, but of these minority cases which they have met in the Principality, and at which the hon. and learned Member for Montgomery (Mr. Hooson) hinted but did not describe in detail. For those reasons, I hope that they will consider our proposals with great sympathy, and try to include, if not the exact wording of the Clause as set out on the Notice Paper, something that will give the protection which we desire.

Mr. Winterbottom: I have heard of synthetic indignation but I have never until today heard it carried to such extremes, and I should now like to call attention to the realities of the new Clause and all its implications. I have been a full-time trade union officer for many years and I know that one of the greatest problems in organising trade unionists has always been that of 100 per cent. trade union membership. When faced with the problem of the one black sheep in the fold, I have had to advance the argument to an employer that if such a person has the right to refuse to join a trade union the rest of the men who are trade unionists have an equal freedom to refuse to work with him.

There is always this difficulty about where freedom starts and finishes, and where one draws the line of demarcation. I know that freedom is not licence to do exactly as we wish, and I know that liberty is not liberty that is unrestrained.

I know, too, that the freedom of the majority is something that is seemingly sometimes forgotten by the minority for whom the hon. Member for Barry (Mr. Gower) so eloquently pleads.

An hon. Gentleman opposite accepted the right of men to withdraw their labour, and not to work with a non-unionist. Then the hon. Member said, "But, you know, there comes a point where, in effect, there is a threat made to the employer." This new Clause goes beyond anything in the nature of a threat to an employer. It is challenging the right even to withdraw labour. [HON. MEMBERS: "No."] Of course it is; read it again. The Clause says:

"No such act . . . shall, for the purposes of this Act, be treated as done in contemplation or furtherance of a trade dispute if done for the purpose of compelling another person to join,"

It is usual, before this issue comes to the withdrawing of labour, to have approached that person previously and to have used all the persuasive powers of a trade union official or branch secretary to persuade him to see the error of his ways and to accept collective responsibility for the trade union agreement upon which his wages are formulated.

This new Clause, interpreted in the way I have suggested, would prevent any withdrawal of labour in terms of freedom of a body of men because one in the firm at which they work refused to join the trade union. We have had specious arguments from hon. Members opposite. They have been cloaked in suggestions that this is only a minor Clause and something which protects a small minority. What about those who have a religious conscience in this matter? When it is asked, who are these people, the only organisation we hear about is the Plymouth Brethren.

Those who talk about the Plymouth Brethren will not allow them to enter the solemn archives of the Civil Service, where some documents are concerned, because of those men's religious beliefs. Before approving of a new Clause such as this, we have to face the fact that an employer has given the right to work to a person who is not prepared to accept all the obligations which those who work there do accept.

Mr. Horner: Would not my hon. Friend not agree that in the trade union movement branches have come up against the difficulty of a Plymouth Brother and have got over the difficulty through a mutual agreement that the Plymouth Brother should make a contribution each week to an agreed charity, a contribution equal to that of the trade union fee?

Mr. Winterbottom: I was not dealing with the position of Plymouth Brethren in a trade union, but *vis-à-vis* hon. Members opposite. It is true that in almost every trade union in the country, when faced with this rather difficult position about the conscience of a person who belongs to a religious sect such as the Plymouth Brethren—there are one or two other rather peculiarly-named sects—an arrangement is made whereby the person concerned makes a donation in terms of compensation and that meets the situation. The Government should resist the new Clause.

5.15 p.m.

Captain Walter Elliot (Carshalton): Is the hon. Member seriously telling the House that the consciences of the vast majority of men working in a factory are salved by one man making a contribution to a charitable institution equal to the union subscription?

Mr. Winterbottom: Not at all. It is done by an agreement and is quite a common thing in the movement. It fulfils the need and meets the special circumstances of religious conscience in such a way as to warrant the trade union saying that it has 100 per cent. membership.

One of the main issues that the country has to face in coming months and years is the need for co-operation by employers and trade unions for the productive capacity of the country in order to solve its economic problems. Those problems will not be solved unless on trade union issues such as this there is the utmost consultation and the utmost understanding between those who represent employers and those who represent employees. It is not a question of using threats. In my experience of the trade union movement, sometimes arguing when one black sheep would not come into the fold, I have not found it necessary to threaten an employer. I have never known an

[MR. WINTERBOTTOM.]
occasion when threats have been used to an employer. Usually, it has been a case of trying to find how to persuade the man to come within the framework of the trade union movement.

If, included in the Bill, this new Clause would give liberty, oh, yes, but licence as well. It would give licence to many people who, perhaps, do not think that a trade union organiser has done all that is necessary in terms of satisfaction, sometimes not realising all the difficulties of negotiation through which the trade union organiser has had to go. They may then feel that they could withdraw from the trade union because they have not had satisfaction. The new Clause is a wrecking Clause. It was designed in the Central Office of the Conservative Party.

Mr. Gower: Nonsense.

Mr. Winterbottom: Oh, yes, and it was designed specifically, and slowly but surely, to undermine the real understanding which is rapidly growing between employers and employees in trade union organisations on industrial production, which is essential to the well-being of the country.

Mr. Gower: Would the hon. Gentleman agree that the Amendment spoken to by the hon. and learned Member for Montgomery (Mr. Hooson) was certainly not prepared in the Conservative Central Office?

Mr. Winterbottom: The hon. Gentleman should have been a fisherman. The red herrings that he can draw across the trail are remarkable. I am not talking about anything to which the hon. and learned Member for Montgomery (Mr. Hooson) has put his name. I am talking about the new Clause. This is what I condemn. I want the House to recognise all the dangers which would be involved in accepting it.

Mr. Edward M. Taylor (Glasgow, Cathcart): I want, first, to comfort the hon. Member for Sheffield, Brightside (Mr. Winterbottom). I assure him that the new Clause was not prepared at the Conservative Central Office. It was thought up over four cups of black coffee only 100 yards from this spot. I disagree with the hon. Gentleman on that point. I disagree with the more fundamental points he made. The argument we heard time and again in Standing Committee was that for the trade unions to be free in the work they are doing they must be entirely above or outwith the law, and that the law must not in any way protect individuals against the activities of trade unions. It must be appreciated that the new Clause is designed not to take away the powers of trade unions in any way, but to try to hold on to a few of the powers of individuals which remain. The Bill deprives individuals of certain rights. By the new Clause we seek to limit the amount which is taken away.

The proceedings in Standing Committee were notable for the fact that few hon. Members on the Government side participated. The same tendency was noted earlier today. It was only when my right hon. Friend the Member for Grantham (Mr. Godber) intervened on this subject that hon. Members opposite chose to speak. This only confirms what I have believed from the start, namely, that hon. Members opposite are ashamed of the Bill because they know it to be wrong. I cannot understand why they are not prepared to accept reasonable Amendments.

The hon. Member for Oldbury and Halesowen (Mr. Horner) made three points on the arguments advanced by my hon. Friends. I shall deal with them in some detail. The hon. Gentleman said that there was no question of this matter arising in his union because it operated 100 per cent. trade union membership and not the closed shop. The hon. Gentleman accused us of confusion, but it was difficult for us to appreciate the full significance of this point since the right hon. Member for Bassetlaw (Mr. Bellenger) had, prior to that, said that in his opinion there was no difference at all between 100 per cent. union membership and the closed shop. More significantly, the hon. Gentleman said that all that the Bill was doing, which was what the Amendment was trying to prevent, was restoring the law to the position in which it was before Rookes *v.* Barnard.

A study of the OFFICIAL REPORT of our proceedings in Standing Committee shows that there was no question of this being simply a restoration of the legal position to what it was before Rookes *v.* Barnard. A new immunity has been created for people engaged in trade

unions; not just for unions, but for groups within unions. I do not ask the hon. Gentleman to accept my word for this. I ask him to read Lord Reid's speech on the matter, in which it was made quite clear that this was a new case arising in new circumstances, and to read the book by Lord Citrine. Both sources make it quite clear that this is a new immunity.

The hon. Gentleman's third point was that this was simply restoring the privileges of trade unious. Let us be clear what the Bill deals with and what the new Clause is concerned about. It is not concerned with the rights of trade unions. It is concerned with the rights of groups of people. It is concerned with the one question of intimidation. Is it right, or is it wrong, that intimidation should be used for certain purposes? The new Clause is designed to prevent intimidation being used to impose the policy of the closed shop.

Mr. Horner: I am sure that I should be prevented by the Chair from going over the full argument on these three points, but the hon. Gentleman must appreciate that those of us on this side with experience in the trade union movement understand the substantial distinction between operating a closed shop and the achievement of 100 per cent. trade union membership. The closed shop means that a person cannot enter into a trade or profession unless he is in a union. One hundred per cent. union membership is a contract of agreement between employer and trade union that in a particular factory, on the basis of established organisation, membership of a trade union is a condition of employment. Three points arose. On the other two points——

Mr. Deputy-Speaker: Order. I think this is stretching an intervention too far.

Mr. Taylor: I am sorry if I allowed the hon. Gentleman to believe that I was not aware of the full difference between 100 per cent. trade union membership and the closed shop. I tried to give the impression that I was aware of it. I appreciate that the hon. Gentleman has long experience of dealing with trade unions. I spent five years in the Clyde shipyards before I came to the House, so I am not entirely unaware of the point he was making. I was pointing out that, whereas the hon. Gentleman said that we were creating confusion, I was a little confused by the point he had made in contradiction of his right hon. Friend.

The new Clause is concerned with the use of intimidation to impose the closed shop. I am justified in saying that hon. Members opposite were ashamed of it and do not like the Bill, in view of the words of the Minister who presented the Bill to Standing Committee. The Minister said this on this very Amendment:

"My conscience is very clear. I am against the closed shop."—[OFFICIAL REPORT, *Standing Committee A;* 30th March, 1965, c. 185.]

What could be clearer than that? Despite that, the Bill will make it legal for unions or groups of people within unions, or even groups of people without unions engaged in an industrial dispute, to use intimidation to try to influence someone to join a trade union. The question of an individual being hurt must not be overlooked. It is unbelievable that a Minister can, on the one hand, be opposed to the closed shop and yet, on the other hand, introduce a Bill making it legal for people to use intimidation for that very purpose.

Mr. Gunter: Is the hon. Gentleman suggesting that the Bill makes the closed shop legal?

Mr. Taylor: I was simply suggesting, as I think that the Minister will accept, that the Bill makes it legal for individuals, for groups, or for a union to use intimidation to force others to join a trade union. That is clear. This is the argument which was adduced in Committee. The Bill makes it legal for people to do that. [HON. MEMBERS: "No."] It does it by removing the rights of the people so affected to sue for damages or to sue for some restoration of their own rights.

Mr. Gunter: There is a general impression that the Bill legalises the closed shop. It does nothing of the sort. It does not attempt it. That will be the burden of my answer later.

Mr. Taylor: I never used those words, because it is legal to have it at the present time. What I said was that the Bill legalises the use of intimidation to secure that end. There have been closed shops for many years. There will be closed shops for many years to come.

[MR. TAYLOR.]
What the Bill now does is to make it legal to use intimidation for that very purpose.

We should consider a question which has not been considered at length so far. Why do people not wish to join a trade union? Why is it necessary to use intimidation? From my own experience, there tend to be five groups of people. There are, first, those with deep-rooted, conscientious or religious objections to joining a trade union. Do we think it is right to allow a union or groups of people the power to use intimidation to force people to join a union against their deep-rooted, conscientious or religious objections? I do not think anyone could seriously accept that, but that is what will be permitted if the Bill is not amended.

5.30 p.m.

The second group, and this is becoming more and more worrying, consists of the increasingly frequent cases of individuals who disagree with their unions. They are expelled and find that their group within the shop goes on strike to force a man out of the union and then says to the employer, "This man is no longer a union member and must be sacked." They refuse him the right to rejoin after he has been expelled. This is not a hypothetical case. Such cases are often mentioned. I have one in my constituency to which I referred in detail in Committee, as hon. Members will see if they are interested. There are more and more cases of people being deprived of the right to work because of the use of intimidation of this sort.

The right to work is something which the Labour Party has talked about a great deal in the past. It was regarded as a sacred right, but if on the one hand we insist on a closed shop and on the other hand we deprive an individual of the right to join a union, how can we talk about the right to work? There are those who disagree with their unions and leave. Here a little persuasion, understanding and tolerance could deal with the situation without using intimidation. There are also the lazy people and those who are not prepared to accept their responsibilities, but let us remember that there are those as well who have a deep-rooted objection to joining a union. Let us preserve some protection in the law for them.

Hon. Members opposite have constantly spoken in praise of the United Nations and have accused us of not carrying out some of that organisation's resolutions, but here they are supporting a Bill which is contrary to the Declaration of Human Rights. It is strange that individuals who have spoken a great deal against any kind of racial intolerance should speak of a situation where 50 men find it repugnant to work with a man who is not a member of a trade union. This seems to me objectionable and unreasonable.

Here is a Bill which is not put forward with enthusiasm by the Government. It is being put forward as an entirely objectionable and evil package-deal in which the giving is all on one side and we have no guarantee that there will be any giving on the other. It might be supported as a good bargain in that we are to have a Royal Commission and we must have something out of it, but how can we believe that the Government will have the enthusiasm and courage to implement any recommendation by the Royal Commission when they have not the courage to resist pressure to bring in a Bill of this nature which does nothing else but legalise intimidation?

The Bill provides a new immunity when that is not called for. There has been a change of balance in industry and those in industry who need special protection and who are afforded little if any are those individuals who disagree with the majority, in some cases for good reasons. The Bill unamended will make it legal for groups, perhaps irresponsibly led, to break contracts and to pursue a vendetta against individuals and impose discipline to a degree which is repugnant in a modern democratic society. This will be done under the guise that the Bill is designed to protect individuals, and this will be entirely wrong.

Two general arguments were put forward in Committee against amendment of the Bill. The first was that it was all very well to put forward a proposal such as that embodied in this new Clause, but what about cases of individuals who are prevented from joining a union because the employers will not accept union members? It should be the basic right of every individual to join a union if he so desires, but this applies not only to employers who do not accept union members but also to irresponsible unions

which expel people for reasons which are not justified. If we are to make it legal to have a closed shop imposed in this way by intimidation, we must give every person a right to be a member of a union.

The second argument put forward was that it was essential to have this Bill to remove the confusion in the law. It was suggested that we should be simply restoring the law to what it was before the Rookes v. Barnard case, but this is not so. I have explained how I thought that the law was quite clear before that, but even if we accept that we should try to change the law to cover the situation of the Rookes *v*. Barnard case, it should be clear beyond a shadow of doubt that the Bill goes further than Rookes *v*. Barnard and covers much wider activities than those referred to in that case.

I conclude with what I regard as a good quotation. It reads:

"The age of automation could be an age when the individual is trampled on and power is dangerously concentrated. Change must be humanised to protect the weak."

This is what we are asking for now. This good and significant quotation for today comes from the 1964 Liberal Party manifesto. It is good that we should have a Popular Front on this occasion. Let us hope that on that basis we can persuade the Government to accept the new Clause.

Mr. E. S. Bishop (Newark): As many of my hon. Friends have said this afternoon, one would think that there was something sinister in the Bill, whereas it only sets out to restore the position to what we thought it was before the Rookes *v*. Barnard case. Contrary to the allegation made by the hon. Member for Glasgow, Cathcart (Mr. Edward M. Taylor), there is nothing here which would give greater privileges to the trade union movement. We only hope to restore to it the rights which it thought it had prior to that case. One would think from the speeches of hon. Members opposite that the Bill said specifically that all workers had to belong to trade unions and thereby perpetuate a closed shop. In fact the Bill says nothing of the sort, and it is quite consistent with the Trade Disputes Act, 1906, which was also non-specific on that point.

The situation in the Rookes *v*. Barnard case was not one where the closed shop was the basic principle. That case dealt with the right to strike and that is the basic principle with which we are concerned in the Bill. In the situation with which we are concerned here the position affecting my own trade union, the Draughtsmen and Allied Technicians' Association, which was concerned in the Rookes *v*. Barnard case and the three men, Rookes, Barnard and Fistal, there has been an agreement for over 16 years between B.O.A.C. and the union that they would arrange their industrial relationships through the national joint negotiating machinery.

The union had a very good record of service and gradually through the efforts of members, including Mr. Rookes, a 100 per cent. membership was achieved. In that situation the people concerned went to the management and their 100 per cent. membership was agreed. The general secretary, Mr. George Doughty, said that when 100 per cent. membership was secured by individual voluntary action this was notified to B.O.A.C. through the established procedure and the Corporation agreed that it would take no action which would prejudice that position. If Mr. Rookes had remained inside the office, the agreement between the membership, who included Mr. Rookes himself at one time, and the company would have been invalidated. Hon. Members opposite are, therefore, suggesting that the agreement between the union and the firm should have been broken by Mr. Rookes being allowed to stay.

Of course, if Rookes had been a man with conscientious religious objections to trade unions, if he would never touch them with a barge pole and objected to having to join a union, one might have been more sympathetic to him and the cause which hon. Members opposite are promoting. But, in fact, Rookes was one of the most enthusiastic union members. As new people came into the office on joining the firm, he made it clear that all the people there were members of the trade union, that they were quite satisfied with the union's way of representing their interests, and that they expected newcomers to join.

This continued until a situation developed in which Mr. Rookes fell out with his colleagues. He wanted to take unconstitutional action, unlike his colleagues who wanted to keep to the established procedure, and he fell foul of his

[MR. BISHOP.]

friends. The difficulties developed until he decided to resign membership towards the end of 1955.

The position has been made clear on several occasions. If one wants to have an impartial comment on the situation, one need only turn to what Sir Miles Thomas, the then chairman of B.O.A.C. had to say about it. He said that

"Rookes was in good standing as a member of the appropriate trade union concerned with the British Overseas Airways Corporation drawing office in which he worked. That office was 100 per cent. union organised. Mr. Rookes then protested over some union matter."

Sir Miles Thomas, who has not got a Labour Party membership card, went on to say:

"He failed to get the union to dance to his tune and then took the initiative by resigning his membership. This caused tensions and he was formally suspended on 13th January, 1956, to enable talks between B.O.A.C. management and the union to take place in a calm atmosphere. He stayed adamant in his attitude, and was subsequently dismissed."

Then Sir Miles says:

"If Mr. Rookes thinks that in a democratic industrial system a whole organisation serving the public can be brought to its knees at the initiative of one dissatisfied lone wolf, he is entitled to his opinion, but must accept any consequences."

That seems to me to cast a rather different light on the situation, coming from Sir Miles Thomas who in this case is rather more of an impartial observer. He has made the position clear.

As I have said, the issue in the Rookes *v*. Barnard case was not the principle of the closed shop. The principle involved was the right to strike. Nowadays, more and more employers, in agreement with trade unions, are accepting a closed shop. The closed shop today affects about $3\frac{3}{4}$ million workpeople. One in six of our working force, or two in five of all trade union members, are employed in firms where there is an agreed closed shop.

If one wishes to look to the alternative opportunities available to those who do not want to join trade unions, one has only to realise that 26 per cent. of the labour force in manufacturing industries are in closed shops, so there are roughly 74 per cent. of places available to those who have objections. In transport, 22 per cent. work in closed shops, so there is quite a large amount of freedom for those who want to go elsewhere. In the distributive trades 90 per cent. of workers are not in closed shops, so that people have the right to go elsewhere if they object to trade union membership.

5.45 p.m.

When hon. Members opposite talk about the right and freedom of individuals to go to any firm they wish, they should understand that there are other factors which stop people going to certain firms and industries. For instance, many people do not go into certain firms to work not because of closed shops, but because of poor working conditions. Hon. Members opposite have not tabled Amendments demanding that all employers shall have good working conditions and pay adequate wages in order to attract people to go to work for them. If they did, we should understand that they were tabled with greater sincerity than some of the Amendments which have been put before us.

Hon. Members opposite should understand that those who belong to trade unions and who believe that people should be organised in our industrial society have the right to expect that, if they pay their levies and if they take a democratic part in running their union, in association with their employers, acceptance of rights also entails responsibilities. It must be realised that the machine of society ticks over far more efficiently and with greater harmony if employers have an understanding with trade unions and each knows where the other stands.

On the other hand, if people do not join trade unions—they have the right to refuse if they wish—they are not organised and they are not represented. One can expect hon. Members opposite, in such a situation, to say that they do not mind people not being represented because, as we all know who have experience in the trade union movement and in industry, agreements are made between employers and trade unions and those who are not members of trade unions are not represented in any way whatever.

This question goes beyond the trade unions and industry. As my hon. Friends have pointed out, there are closed shops in other callings, in the legal profession, for instance.

Mr. John Page (Harrow, West): Was the hon. Gentleman referring only to wage negotiations when he said that the individual was not represented if he was not a member of a union? Surely, he can represent himself?

Mr. Bishop: One can only reply to that intervention that those who are not organised are not really represented. It is nonsense to suggest that a company employing thousands of work people can have its manager sitting down all day seeing individuals who come into his office to press for better conditions, to make representations about better wages, and so on. The firm is bound to negotiate with and recognise the larger trade unions.

When I say " bound ", I realise that there are many firms which have primitive ideas about industrial relations, which do not even recognise trade unions. It is possible for individuals to be members of trade unions, having freedom to do so, and yet to find that their employers do not recognise the unions in any way. There is no objection to this from the benches opposite, of course, because their membership without recognition makes no impact or demand on the employer.

I was making the point that there are other callings in which people have to join a body in order to engage in a trade or profession. The legal profession is a closed shop. In 1957, Mr. Justice Harman, as he then was, said:

> " It is not for English lawyers to dislike or distrust the principle of the closed shop for they are all members of a society which itself lives and thrives on this principle."

Similar allegations can be applied to the pharmaceutical industry and to the medical profession. A man cannot practise as a jockey unless he is approved by the stewards of the Jockey Club. I understand that the three stewards of the Jockey Club would prevent any hon. Member opposite from practising as a jockey even if he wished to do so.

There may be other grounds for stopping someone from being a jockey; no doubt, one's size and weight are relevant factors. But I can well imagine hon. Members opposite getting rather hot under the collar and saying that there should not be any limitations at all and, if a man wants to be a jockey, he should have the right to be one under the Charter of the United Nations.

Sir Tatton Brinton (Kidderminster): Will the hon. Gentleman distinguish between professional qualifications required before one is allowed to practise certain employments and professions and the question of belonging or not belonging to a professional association? Provided that a doctor has the necessary professional qualifications, without which he is not allowed by law to practise, he is not bound to join the British Medical Association or even—I think it is called —the Socialist Medical Association.

Mr. Bishop: I appreciate that it is most desirable that people should have professional qualifications and maintain standards in practice. I suppose that there is no reason why, if one has the requisite professional experience and qualifications, one should not start other bodies to represent one in the same way. But, of course, this is outlawed because the law lays down quite clearly in many ways what bodies shall be representative of people practising in a profession and to what bodies one should belong if one wishes to practise.

I am one, like many of my colleagues, who would not say that the closed shop should be a dogmatic principle in all circumstances. I would certainly make allowance for those who have a sincere religious objection. Indeed, we have provided for circumstances whereby those who object sincerely are able to remain in a firm outside a union by making a certain contribution.

But many of us who have served in industry know all too well that many of those who do not join a union have no sincere objections except that they do not want to fork out the contributions. They are, in fact, riding on the backs of their colleagues. Yet some of the keenest trade unionists are, in effect, the non-union members because in wage negotiations they are the first to go to the shop steward and ask what progress is being made. However, when they get outside they deplore the way in which union demands are so excessive as to put up the cost of living. In the same way, they approach union officials to see what they are doing about getting better conditions and so keep them on their toes.

[MR. BISHOP.]

The fact remains that if people expect certain rights in our industrial society they should be prepared to face the responsibility involved. I believe that the Clause is unnecessary. The Bill gives all the freedom desirable. It seeks, in effect, no greater rights or freedoms or privileges than those thought to be in the 1906 Act. That is the position we want to restore.

We should resist the Amendment in order to allow the Bill to proceed as it is until the Royal Commission is able, later, to look at the whole position again and bring forward the fruits of a comprehensive review. The Amendment is intended to restrict the unions to the position which existed before the 1906 Act. It would put the clock back industrially over 60 years.

Mr. Godber: If the hon. Member for Newark (Mr. Bishop) will forgive me, I will not follow him in what appear to be some criticisms of certain professions —the legal profession in particular—and of jockeys and the rest. I know that the Minister will wish to spring to the defence of the legal profession when he replies. In doing so, he will be fortified by the Attorney-General. We have had a fairly full discussion on this important series of Amendments dealing with matters which were first raised on Second Reading and subsequently discussed at some length upstairs. It is a matter on which there are fairly strong feelings on both sides of the House.

Today we have heard my hon. Friend the Member for Basingstoke (Mr. Mitchell) and others putting additional points about the freedom of the individual, about which we on this side feel deeply. We have heard equally sincere comments from hon. Members opposite who feel that there are such strong arguments for a 100 per cent. closed shop. I understand the arguments but do not accept them and I gather from the Minister, from what he has said previously, that he does not go along with some of the comments either. But this takes us rather wide of the Bill. I want to return to the reasons for it and what it seems to do.

We must not read too much into the Bill. As I see it, it is very limited. It deals solely with the tort of intimidation and is also limited to matters arising from breach of contract. It is well to remember the limitation. Having said that, I would add that the significance of the Amendments is not only in what they would do, although that would be valuable and I hope that the right hon. Gentleman will still accept at least one. The major significance would come from the indication to the Royal Commission of the feelings of this House.

This is why I believe that the right hon. Gentleman has made a grave mistake, although I repeat my hope that in his wisdom, he will accept at least one Amendment. Whatever position the House takes up in this case, it will be giving an indication to the Royal Commission of the way in which the majority of the House feels that things should be done. On Second Reading, the Minister made a point that he repeated many times upstairs—that he was merely seeking to put back the law to what it was thought that the 1906 Act really meant. My hon. and learned Friends, who have far greater experience of the law than I, have pointed out that they do not think that this was the effect of Section 3 of the 1906 Act.

Perhaps I may recall the origins of the Bill. The desire to have this Measure originated before the last election in a genuine fear, which I have always thought mistaken, on the part of a number of union leaders that, whatever the issues of the Rookes *v.* Barnard case and whatever its individual application to the union officials or others concerned, the implications of the judgment were such that union officials carrying out normal day-to-day work might be put in danger as a result of the judgment. That was the gravaman of the charge. I never felt able to accept that the situation was as serious as suggested. I always indicated that I felt there was a degree of confusion, however. I never put it higher than that.

In seeking to amend the law, if one accepts the arguments of those union leaders, surely all one needs to do is to amend it in such a way as to cover the position of those officials seeking to carry out day-to-day functions, such as wage negotiations. Had the Government done that, they would have fully given the assistance sought by the unions and which would have enabled the Royal Commission to proceed with its duties in

what the right hon. Gentleman described as an amicable atmosphere, one of co-operation.

If he had followed this course, the right hon. Gentleman would fully have discharged his duty and his need. But, of course, as we pointed out upstairs, the Bill goes substantially further. However, the right hon. Gentleman decided not to go as far as the T.U.C. wanted. Its original proposal was substantially more sweeping than the Bill. It would have given wider immunity than is now proposed. Thus, the Minister himself has reached the judgment that it is not necessary to go as far as the T.U.C. asked. The argument upstairs was that if he acknowledges that it is unnecessary to make a sweeping change, surely there is no particular justice or value in stopping at the point at which he is stopping when it is shown to him that the Bill could harm individuals.

6.0 p.m.

One can exaggerate the Bill's effect. I have indicated that it has a limited application to intimidation and breach of contract, so that even if it reached the Statute Book amended as we wish, it could not be pretended that the Bill would get rid of the danger of intimidation, because if that were to occur after termination of the contract in the normal way, the Bill would not operate.

What I am asking is why, if the Minister has decided to reduce the degree of immunity, he should not go further and cover this issue on which there have been strong feelings on this side of the House, reinforced again today by the hon. and learned Member for Montgomery (Mr. Hooson) on behalf of the Liberal Party, who made a strong plea on Second Reading on this very matter and who, I understand, has said that his party will vote against the Bill on Third Reading if these Amendments are not passed. I am glad to hear that, because the main opposition party all along has felt that this was a serious weakness in the Bill. We have urged these considerations throughout and I am glad to have the support of the Liberal Party on this issue.

There are different ways in which these Amendments seek to make the alteration which we would like to see. Personally, I prefer that suggested in the new Clause. The Liberal Party in Amendment No. 1 and Amendment No. 10 has put forward a fairly wide Amendment and a rather narrower Amendment, No. 6, to deal with the situation. If the Minister were able to accept even the narrower Amendment, that would do something to show that he appreciates the feelings on this matter and that he does not want it to be seen that he is not concerned about the risk of intimidation taking place in these circumstances.

I do not want to enter the great debate about the 100 per cent. union shop, the closed shop, as many people call it. I note the distinction which is drawn between the two, but people generally talk about the closed shop because it is an easier phrase to use. We are grateful to the hon. Member for Oldbury and Halesowen (Mr. Horner) for the clear distinction which he drew between the two.

I do not propose to go into the matter in detail, because I agree with the Minister that it is an issue which the Royal Commission will want fully to consider. I am saying that it would be much wiser for the House to accept one of the Amendments and so to let the Royal Commission see that all the Minister is doing in this legislation is providing what he deems to be the necessary safeguard and security for the trade union official in the ordinary carrying out of his duties against any risk arising from the Rookes *v.* Barnard judgment, and that in his present wording he is not, as it now seems, leaning over backwards to assist those who show a degree of intolerance in these matters, a degree of intolerance which he does not want any more than I do.

Hon. Members grow to learn a degree of tolerance for one another. We may not agree with one another very much, but we have to live with one another and I do not think that hon. Members opposite have ever threatened to withdraw their labour from the House because they did not like hon. Members on the Opposition Front Bench, for instance. I am not referring to any of the present occupants, of course, but we have none of us ever gone to those lengths. Nor have Her Majesty's present Ministers ever suggested that they should go on strike because they did not like myself or any of my hon. Friends. We have learnt

[MR. GODBER.]

tolerance for each other. But many of the arguments on these issues have arisen from a basic intolerance which, while I can understand it and one knows that it is generated when many men work together, is something which we have to try to dispel. When I am told that 50 or 250 men cannot work in the same shop as one other man because they disagree with him, I regard that as a degree of intolerance which at the least is extremely unfortunate and at worst can be shameful for most of us in this country.

For those reasons, we attach a great deal of importance to the Amendments. If the right hon. Gentleman could accept one, that would be a clear indication of his belief in tolerance and his belief that people should not be subjected in this unfair way to this kind of treatment. I still do not understand why, having moved as he has, he is unable to go further and to accept an Amendment of the sort suggested. He has not convinced me by any of the arguments which he used in Committee. I invite him now to respond to the debate and to show that he himself has not only a degree of tolerance, but a willingness to meet the House and to assist by improving the Bill in the way we suggest.

Mr. Gunter: I have noted this afternoon that my past words have been frequently quoted. I want to say immediately that I withdraw nothing. I stand where I have always stood, but I must say to the hon. and learned Member for Montgomery (Mr. Hooson) that I do not agree with him that it is a test of my sincerity that I must automatically follow the path which he believes to be the solution. I believe that the solution to these problems is to be found in another and wiser direction.

The right hon. Member for Grantham (Mr. Godber) has spoken about tolerance. Before I come to the main burden of my argument, I will say only, as I have said before, that there is no difference between us in our desire for tolerance. It is a virtue in greatest need and in shortest supply not only at home, but abroad, and in trying to find the answer to these major problems of industry I immediately concur with the right hon. Gentleman that tolerance is a prerequisite of any final solution of these problems.

I wish that I were as certain about these matters as some hon. Members opposite are. I wish that I could be as dogmatic as they are about the nature of these problems. I was chided by the hon. Member for Barry (Mr. Gower) in that as a child of Welsh nonconformity I should be more than mindful of minorities. It is true that we disestablished the Church in Wales on that basis, entirely in the pursuit of the rights of minorities. I hope that all of us on both sides of the House will appreciate that when we come to problems of this kind, the rights of minorities must be a first consideration.

But what matters is the way we seek to do that. I am bound in all kindliness to say to hon. Members opposite, especially to the hon. Member for Basingstoke (Mr. Mitchell), that they reveal a frightening ignorance of the tensions and stresses which occur in industry. In Committee, the hon. Member for Basingstoke invoked Magna Carta. I remind him that the working class was not consulted when Magna Carta was drawn up. That was a special effort between the king and his barons. Times move and the proletariat has grown up. We have to try to come to terms with these modern conditions.

What we have been arguing about this afternoon is not whether there should be protection for acts intended to compel a person to join or remain in a trade union or employers' association. The whole argument has been about that thing on which we are all a bit confused and which is called the closed shop. I have made my position about the closed shop perfectly clear. In the House, in Committee upstairs and outside, I have always taken the view that trade unions are voluntary bodies and that it is far better for them to build up their membership by voluntary means. I am, therefore, by no means sure at this stage whether the closed shop is a good thing, or, indeed, whether it is a good thing even for the trade union movement.

However, this is not as simple a matter as hon. Members opposite have suggested. They claim to be concerned about the rights of individuals—I was moved to tears by the hon. Member for Barry in his description of the rights of individuals being bashed about by brutal trade unions. There have been

exceptional cases, but it is to the credit of the British trade union movement that they have been rare enough to be of news value. However, I would certainly not condone those cases.

But union members have their rights as well. They are individuals, and they are the majorities. Trade union members certainly have their rights. If we are to argue in this way, have they not the right to say with whom they are prepared to work? Surely it is only human nature for trade unionists to resent sharing the benefits of trade union membership with those who refuse to join the trade union. There are the rights of employers, too. It is well known that closed shop agreements are entered into by employers because they believe that it is to their advantage for all employees to be trade union members.

I ask the right hon. Member for Grantham to remember something which I said on Second Reading. I am concerned about the present position, but I am far more concerned about the future. The area of collusion between very big industrialists and very big trade unions which will come into being in the creation of trade unions will be a real problem in considering where power lies in this country. We must, therefore, direct our attention to seeking to find a solution to this problem not only for the present, but for the future. I point this out to show how difficult and complex a problem this is.

During our discussions in Committee I had frequently to criticise hon. Members opposite for over-simplifying the issue. I must emphasise this point again. Hon. Members opposite talk about the closed shop as if it were simply a matter of trade union membership. It is nothing of the kind. It goes to the root of the problem of the position of the individual in the highly complex industrial society in which we live. The question of the closed shop is bound up with the way in which the trade unions are run. It is bound up with the way in which they draw up their rules and the way in which they enforce their decisions. Hon. Members opposite are concerned about the man who, because he does not like the way in which a union is run, refuses to join it or decides to leave it. Many of us would have a lot more sympathy with that man when he disagreed with a union's policy or administration if he accepted his responsibility as a member and tried to put things right according to his lights.

For all these reasons, I am convinced that the closed shop, with all the complications which surround it, is precisely the sort of problem which needs to be studied by the Royal Commission. To try to legislate about it without the benefit of such a study is, in my view, like trying to read without learning the alphabet.

On two occasions the right hon. Member for Grantham has suggested to me that we are, in a sense, indicating our bias to the Royal Commission. I do not accept that view. I am sure that the Royal Commission understands that all that we have tried to do is to bring some measure of order out of the confusion created by the House of Lords decision in Rookes *v*. Barnard until we could have guide lines laid down for us by a body of men not subject to political passions or trade union pressures, which could tell us not only what the closed shop issue represented in present circumstances, but how it would develop in future if we had a far wider degree of co-operation between employers and trade unions in the creation of the closed shop.

But even if there were a case for legislation on the closed shop, I must reiterate, as I did time and again in Committee, that this is not the place to do it. To listen to hon. Members talk, one would think that this was a Bill to legalise the closed shop. It is nothing of the kind. Like the whole of trade union law before it, it extends to all types of trade disputes. It is purely and simply a measure to clarify the law so that trade unionists, both rank and file members and officials, can go about their ordinary lawful trade union activities without fear of exposing themselves to an action for damages. Trade union activities are concerned with negotiating terms and conditions of employment—that is, with furthering the interests of their members, not with persecuting individuals.

It is true—I have said this before—that there are difficult individual cases which arise from the enforcement of the closed shop. Hon. Members opposite have quoted some such instances. I am as much concerned about this as anyone else, and I am very anxious for the Royal Commission to examine the whole situation and all the ramifications which flow from modern industrial negotiations. But

[MR. GUNTER.]

I beg the House to remember that these disgraceful cases are, as it is admitted, very rare exceptions in the history of British trade unionism.

I ask the House to reject the new Clause and the Amendments. We shall have to look at the problem of the closed shop when we have the benefit of the Royal Commission's report. I am sometimes disturbed when I hear hon. Members ask whether anything will be done after the Royal Commission has reported. It is suggested that once the Bill is on the Statute Book the trade unions will make sure that it is never taken away. If, having had for the first time for 60 years a report on the matters which so concern us in the modern industrial society, the Government of the day do not take the necessary action, and if they do not have the courage to take that action, they will have missed an opportunity which may not be repeated for a long time. Therefore, we can only hope that any Government, having been acquainted with all the facts and complexities of an emerging modern society, will take the necessary action.

The best way to deal with this problem is to wait until we have the Royal Commission's report and then to take action. I invite the House to reject the Clause and the Amendments.

Question put, That the Clause be read a Second time:—

The House divided: Ayes 181, Noes 198.

Division No. 111.] **AYES** **[6.19 p.m.**

Agnew, Commander Sir Peter
Alison, Michael (Barkston Ash)
Allason, James (Hemel Hempstead)
Anstruther-Gray, Rt. Hn. Sir W.
Astor, John
Awdry, Daniel
Barber, Rt. Hn. Anthony
Barlow, Sir John
Batsford, Brian
Beamish, Col. Sir Tufton
Bell, Ronald
Berry, Hn. Anthony
Biggs-Davison, John
Birch, Rt. Hn. Nigel
Black, Sir Cyril
Blaker, Peter
Bossom, Hn. Clive
Bowen, Roderic (Cardigan)
Box, Donald
Boyle, Rt. Hn. Sir Edward
Braine, Bernard
Brinton, Sir Tafton
Bromley-Davenport, Lt.-Col. Sir Walter
Brooke, Rt. Hn. Henry
Brown, Sir Edward (Bath)
Bruce-Gardyne, J.
Buchanan-Smith, Alick
Bullus, Sir Eric
Butcher, Sir Herbert
Buxton, Ronald
Carlisle, Mark
Cary, Sir Robert
Clark, William (Nottingham, S.)
Clarke, Brig. Terence (Portsmth, W.)
Cooke, Robert
Cooper-Key, Sir Neill
Cordle, John
Corfield, F. V.
Costain, A. P.
Craddock, Sir Beresford (Spelthorne)
Cunningham, Sir Knox
Curran, Charles
Currie, G. B. H.
Digby, Simon Wingfield
Dodds-Parker, Douglas
Doughty, Charles
Elliot, Capt. Walter (Carshalton)
Elliott, R. W. (N'c'tle-upon-Tyne, N.)
Emery, Peter
Errington, Sir Eric
Eyre, Richard
Farr, John
Fell, Anthony
Fletcher-Cooke, Charles (Darwen)
Fletcher-Cooke, Sir John (S'pton)
Foster, Sir John
Gammans, Lady
Gibson-Watt, David
Giles, Rear-Admiral Morgan
Gilmour, Sir John (East Fife)
Glover, Sir Douglas
Godber, Rt. Hn. J. B.
Goodhart, Philip
Goodhew, Victor
Gower, Raymond
Grant-Ferris, R.
Grieve, Percy
Griffiths, Peter (Smethwick)
Grimond, Rt. Hn. J.
Gurden, Harold
Hall, John (Wycombe)
Hall-Davis, A. G. F.
Hamilton, Marquess of (Fermanagh)
Harris, Frederic (Croydon, N.W.)
Harris, Reader (Heston)
Harrison, Col. Sir Harwood (Eye)
Harvey, John (Walthamstow, E.)
Harvie Anderson, Miss
Hastings, Stephen
Hawkins, Paul
Heald, Rt. Hn. Sir Lionel
Hiley, Joseph
Hobson, Rt. Hn. Sir John
Hooson, H. E.
Hopkins, Alan
Howe, Geoffrey (Bebington)
Hunt, John (Bromley)
Hutchison, Michael Clark
Irvine, Bryant Godman (Rye)
Jenkin, Patrick (Woodford)
Jennings, J. C.
Johnson Smith, G. (East Grinstead)
Johnston, Russell (Inverness)
Jopling, Michael
Kaberry, Sir Donald
Kerby, Capt. Henry
Kerr, Sir Hamilton (Cambridge)
Kimball, Marcus
King, Evelyn (Dorset, S.)
Kirk, Peter
Lambton, Viscount
Langford-Holt, Sir John
Legge-Bourke, Sir Harry
Lloyd, Rt. Hn. Geoffrey (Sut'nC'dfield)
Lloyd, Rt. Hn. Selwyn (Wirral)
Loveys, Walter H.
Lubbock, Eric
MacArthur, Ian
Mackie, George Y. (C'ness & S'land)
McLaren, Martin
Maclean, Sir Fitzroy
McMaster, Stanley
McNair-Wilson, Patrick
Maginnis, John E.
Mathew, Robert
Maude, Angus
Mawby, Ray
Maydon, Lt.-Cmdr. S. L. C.
Meyer, Sir Anthony
Mills, Peter (Torrington)
Mills, Stratton (Belfast, N.)
Mitchell, David
Monro, Hector
Morrison, Charles (Devizes)
Mott-Radclyffe, Sir Charles
Munro-Lucas-Tooth, Sir Hugh
Murton, Oscar
Neave, Airey
Nicholls, Sir Harmar
Nicholson, Sir Godfrey
Nugent, Rt. Hn. Sir Richard
Onslow, Cranley
Orr-Ewing, Sir Ian
Osborne, Sir Cyril (Louth)
Page, John (Harrow, W.)
Page, R. Graham (Crosby)
Peel, John
Peyton, John
Pitt, Dame Edith
Price, David (Eastleigh)
Prior, J. M. L.
Pym, Francis
Redmayne, Rt. Hn. Sir Martin
Renton, Rt. Hn. Sir David
Ridsdale, Julian
Roberts, Sir Peter (Heeley)
Russell, Sir Ronald
St. John-Stevas, Norman
Scott-Hopkins, James
Sharples, Richard
Sinclair, Sir George
Smith, Dudley (Br'ntf'd & Chiswick)
Smyth, Rt. Hn. Brig. Sir John
Stanley, Hn. Richard
Stoddart-Scott, Col. Sir Malcolm
Studholme, Sir Henry
Talbot, John E.
Taylor, Sir Charles (Eastbourne)
Taylor, Edward M. (G'gow, Cathcart)

Taylor, Frank (Moss Side)
Temple, John M.
Thomas, Sir Leslie (Canterbury)
Thompson, Sir Richard (Croydon,S.)
Tilney, John (Wavertree)
Turton, Rt. Hn. R. H.
Tweedsmuir, Lady
Walder, David (High Peak)
Walker, Peter (Worcester)
Walker-Smith, Rt. Hn. Sir Derek
Ward, Dame Irene
Weatherill, Bernard
Webster, David
Wells, John (Maidstone)
Whitelaw, William
Wills, Sir Gerald (Bridgwater)
Wilson, Geoffrey (Truro)
Wise, A. R.
Wolrige-Gordon, Patrick
Wood, Rt. Hn. Richard
Wylie, N. R.
Yates, William (The Wrekin)

TELLERS FOR THE AYES:
Mr. More and Mr. Ian Fraser.

NOES

Abse, Leo
Allaun, Frank (Salford, E.)
Alldritt, Walter
Allen, Scholefield (Crewe)
Armstrong, Ernest
Atkinson, Norman
Bacon, Miss Alice
Barnett, Joel
Baxter, William
Bellenger, Rt. Hn. F. J.
Bence, Cyril
Bishop, E. S.
Blackburn, F.
Blenkinsop, Arthur
Boardman, H.
Boston, T. G.
Bowden, Rt. Hn. H. W. (Leics S.W.)
Braddock, Mrs. E. M.
Bray, Dr. Jeremy
Buchan, Norman (Renfrewshire, W.)
Buchanan, Richard
Butler, Herbert (Hackney, C.)
Carmichael, Neil
Carter-Jones, Lewis
Castle, Rt. Hn. Barbara
Chapman, Donald
Coleman, Donald
Conlan, Bernard
Craddock, George (Bradford, S.)
Crawshaw, Richard
Crossman, Rt. Hn. R. H. S.
Cullen, Mrs. Alice
Davies, G. Elfed (Rhondda, E.)
Davies, Harold (Leek)
Davies, Ifor (Gower)
Davies, S. O. (Merthyr)
de Freitas, Sir Geoffrey
Delargy, Hugh
Dell, Edmund
Dempsey, James
Dodds, Norman
Doig, Peter
Donnelly, Desmond
Driberg, Tom
Duffy, Dr. A. E. P.
Dunnett, Jack
Edelman, Maurice
Edwards, Rt. Hn. Ness (Caerphilly)
Edwards, Robert (Bilston)
English, Michael
Ennals, David
Ensor, David
Evans, Albert (Islington, S.W.)
Evans, Ioan (Birmingham, Yardley)
Fletcher, Ted (Darlington)
Floud, Bernard
Foley, Maurice
Foot, Sir Dingle (Ipswich)
Foot, Michael (Ebbw Vale)
Ford, Ben
Fraser, Rt. Hn. Tom (Hamilton)
Freeson, Reginald
Galpern, Sir Myer
Garrett, W. E.
Garrow, A.
Ginsburg, David
Gourlay, Harry
Gregory, Arnold
Grey, Charles
Griffiths, David (Rother Valley)
Gunter, Rt. Hn. R. J.
Hamilton, James (Bothwell)
Hamilton, William (West Fife)
Hannan, William
Harrison, Walter (Wakefield)
Hart, Mrs. Judith
Hattersley, Roy
Heffer, Eric S.
Henderson, Rt. Hn. Arthur
Herbison, Rt. Hn. Margaret
Hill, J. (Midlothian)
Holman, Percy
Horner, John
Howarth, Harry (Wellingborough)
Howarth, Robert L. (Bolton, E.)
Howell, Denis (Small Heath)
Howie, W.
Hoy, James
Hunter, Adam (Dunfermline)
Hunter, A. E. (Feltham)
Hynd, H. (Accrington)
Hynd, John (Attercliffe)
Irving, Sydney (Dartford)
Jeger, George (Goole)
Jenkins, Hugh (Putney)
Johnson,James(K'ston-on-Hull,W.)
Jones, Dan (Burnley)
Jones,Rt.Hn.SirElwyn(W.Ham,S.)
Jones, J. Idwal (Wrexham)
Jones, T. W. (Merioneth)
Kenyon, Clifford
Lawson, George
Ledger, Ron
Lever, Harold (Cheetham)
Lever, L. M. (Ardwick)
Lewis, Ron (Carlisle)
Lomas, Kenneth
Loughlin, Charles
Mabon, Dr. J. Dickson
McBride, Neil
McCann, J.
MacColl, James
McGuire, Michael
McInnes, James
Mackenzie, Gregor (Rutherglen)
Mackie, John (Enfield, E.)
Mahon, Peter (Preston, S.)
Mahon, Simon (Bootle)
Mallalieu, E. L. (Brigg)
Mallalieu,J.P.W.(Huddersfield,E.)
Mapp, Charles
Maxwell, Robert
Mendelson, J. J.
Millan, Bruce
Miller, Dr. M. S.
Milne, Edward (Blyth)
Molloy, William
Monslow, Walter
Mulley,Rt.Hn.Frederick(SheffieldPk)
Murray, Albert
Neal, Harold
Noel-Baker, Francis (Swindon)
Norwood, Christopher
Oakes, Gordon
O'Malley, Brian
Oram, Albert E. (E. Ham, S.)
Orme, Stanley
Oswald, Thomas
Padley, Walter
Page, Derek (King's Lynn)
Palmer, Arthur
Pargiter, G. A.
Park, Trevor (Derbyshire, S.E.)
Pavitt, Laurence
Pearson, Arthur (Pontypridd)
Popplewell, Ernest
Prentice, R. E.
Price, J. T. (Westhoughton)
Pursey, Cmdr. Harry
Redhead, Edward
Rhodes, Geoffrey
Richard, Ivor
Roberts, Albert (Normanton)
Roberts, Goronwy (Caernarvon)
Robertson, John (Paisley)
Rodgers, William (Stockton)
Rose, Paul B.
Sheldon, Robert
Shinwell, Rt. Hn. E.
Shore, Peter (Stepney)
Short,Rt.Hn.E.(N'c'tle-on-Tyne,C.)
Silkin, John (Deptford)
Silkin, S. C. (Camberwell, Dulwich)
Silverman, Julius (Aston)
Slater, Mrs. Harriet (Stoke, N.)
Slater, Joseph (Sedgefield)
Small, William
Smith, Ellis (Stoke, S.)
Snow, Julian
Steele, Thomas (Dunbartonshire, W.)
Stones, William
Summerskill, Dr. Shirley
Swingler, Stephen
Taverne, Dick
Taylor, Bernard (Mansfield)
Thornton, Ernest
Tinn, James
Tomney, Frank
Tuck, Raphael
Varley, Eric G.
Wainwright, Edwin
Walker, Harold (Doncaster)
Wallace, George
Watkins, Tudor
Wells, William (Walsall, N.)
Whitlock, William
Wilkins, W. A.
Williams, Alan (Swansea, W.)
Williams, Albert (Abertillery)
Williams, Mrs. Shirley (Hitchin)
Williams, W. T. (Warrington)
Willis, George (Edinburgh, E.)
Wilson, William (Coventry, S.)
Winterbottom, R. E.
Woodburn, Rt. Hn. A.
Woof, Robert
Yates, Victor (Ladywood)
Zilliacus, K.

TELLERS FOR THE NOES:
Mr. George Rogers and
Mr. Harper.

6.30 p.m.

Sir T. Brinton: I beg to move Amendment No. 5, in page 1, line 14, at the end to insert:

Provided that no act done as aforesaid by a person shall for the purposes of this Act be treated as done in contemplation or furtherance of a trade dispute if done before the agreed procedure in the company or industry for resolving disputes has been exhausted.

The Amendment is similar to one that was moved in Committee and which was criticised, quite rightly, by various hon. and right hon. Members, including the Minister, as being somewhat vague and misleading. It has, therefore, been slightly reworded. Its object is to encourage adherence to agreed procedures in industry, thereby discouraging rash and, even more, unofficial action.

We moved a number of Amendments in Committee, some of which have been followed up today, but although you have decided not to call two of them, Mr. Speaker, if this Amendment is accepted it will go some way towards covering certain aspects of the others, in particular, that relating to the protection and encouragement of the authority of official trade unions. That authority is very much bound up with adherence to the proper courses of procedure which the Amendment seeks to establish and encourage.

In Committee, we had a considerable debate on the Amendment similar to this, and various reasons were advanced why it should not be accepted—although I detected a good deal of sympathy for its object. The Minister made a number of points. I am not trying to quote him verbatim, but I would like to summarise his main objections, some of which were quite sound. He said, for instance, that this is a highly complicated question for which to legislate; that we cannot put into black and white compartments two sorts of strike or failure to observe agreements, namely, the kind where there is definitely a breach of procedure and the kind where no breach takes place but a strike ensues. He said that we cannot distinguish clearly enough between the two to be able to legislate for them.

The right hon. Gentleman said that it would be very difficult to distinguish whether the correct procedure as laid down within a company or industry had or had not been operated, and pointed out that this was often a bone of contention in industry. I agree. What I do not accept, and what my hon. Friends do not accept, is that because it is very difficult to legislate for something in which one believes one should burk the issue and say that nothing can be done. My hon. Friends and I do not support that point of view at all.

It was also urged that even if legislation were passed the Bill would not be the best instrument by which to introduce it. This tends to throw us back to the arguments which we have already had this afternoon, as to whether the Bill should in any case be the vehicle for any kind of legislation which would tend to restrain certain aspects of trade union activity to which many people object. We must face the fact that the Royal Commission has not yet even started its work on any continuous scale; I understand that there are a number of half-day meetings per week——

Mr. Gunter *indicated dissent.*

Sir T. Brinton: It will probably take three years at least to produce any answer. Do I hear any other bid? That is a longish time. Even if we are lucky enough to get a complete survey of all the intricacies of industrial awards within industry we still have to wait those three years, during which time we should do everything we can to encourage the following of laid-down procedures.

The Minister also made the point that if we succeed in forcing or pushing people into using the procedural agreements which are laid down, none the less it might lead to great dispute afterwards. People who have laid themselves open to action in the civil courts through failing to observe the correct procedure will feel resentful, and this might, in turn, lead to unions abrogating procedural agreements altogether, on the ground that they might be tripped up by them.

I do not subscribe to this view. At present, there is far too much of a tendency for trade unions—often with the support of employers—to say "Leave it all to us. We will sort it out within industry." It is a very attractive proposition for trade unions, and even for some employers, to say, "For goodness' sake do not stick the legislative finger into our pie. We are perfectly happy as we are."

As I have said before, we ought not to forget that tbis is not a simple two-way matter. We are talking not only of the interests of employers and trade unionists ; the whole existence of industry is based on the benefit of the public at large, and the public is much larger and much more important than employers or trade unionists.

One of the dangers that I foresee, looking into the future—and this was implicit in what the right hon. Gentleman has just said—is that in cases where employers and trade unionists are very much on the same side of the fence the public will perhaps be paying the piper, but not calling the tune. The reason for keeping to procedures is to create a climate of opinion in which it will be regarded as not legitimate to go outside them, and this was illustrated very well by many of the things which cropped up in Committee. For instance, we had a considerable discussion about the possibility of deciding who was or was not a trade union official. This occupied us for a long time.

Later, we had to ask the right hon. and learned Attorney-General to tell us what a trade union was. If he will forgive me, I must point out that the right hon. and learned Gentleman ended his clarification by saying that he trusted that it cast some light upon the darkness, or words to that effect. He was supported in what he said by my right hon. and learned Friend the former Attorney-General, who agreed that almost any two or three people gathered together, provided that they observed some simple formalities, could call themselves a trade union.

What sort of a mess is the whole situation in already? How much more is it bedevilled by a remark made in the Committee by an hon. Gentleman on the other side—I will not identify him, because although I tried to contact him to warn him I was going to quote from what he said I have discovered that he is not in the House. He intervened in another hon. Member's speech to say:

"Would the hon. Member not agree that in many cases an unofficial strike is a recognised method of negotiation and that secondly also in many cases, although the officials may say publicly that they do not agree with the unofficial action privately and in reality they approve of it heartily?"—[OFFICIAL REPORT, 25th March, 1965, *Standing Committee A;* c. 135.]

Where do we get to on this? We are in a morass. Anything that we can do at this time we should surely do. There is no reason for including it in the context of this Bill.

Mr. Gunter: The hon. Member has spoken about a morass, but his Amendment is really increasing the morass, because most of the disputes that arise, the rows that break out, are really about whether procedure has been exhausted or not. Nobody seems to know. This is the morass that we are in.

Sir T. Brinton: This is the point which the Minister made during the Committee stage. I am aware that is what happens, but is it beyond the wit of our courts to decide whether procedure has or has not been followed and is it beyond the wit of our trade unions and employers to lay down procedures which are clear and definite so that there shall not be this question as to whether they have not been followed? Is the alternative to say that when procedures are clearly and definitely breached the House tacitly agrees that this is all right, because, if so, it seems to be a most extraordinary attitude? I deduced that there were many hon. Members on the other side of the Committee, and, I hope, on this side, who were not too happy about this position.

Are we to say all this is so complicated that we shall not admit the Amendment to the Bill? Are we to say that it is altogether too difficult let us not try to deal with it? Are we to quote the psalmist who said:

"Such knowledge is too wonderful for me; it is high, I cannot attain unto it"?

I feel quite certain that the right hon. Gentleman will recognise where that comes from, although I cannot quote him chapter and verse.

6.45 p.m.

What we seek to do within the framework of the Bill is to create some form of opinion which will express our disapproval of the breaches of agreements and of procedure laid down by agreements. We want to discourage rash and rapid action. We consider that this is one way in which this could be done. We want to encourage something which is laid down by legislation in some other

[SIR T. BRINTON.]

countries, and that is the "cooling off period". What use are those procedural agreements if they are not only followed by the people concerned, but supported and seen to be supported by us here in this House? Are we to say, by implication, by throwing out this Amendment, that we do not really think that they matter very much, because that, I maintain, is what we are, by implication, saying.

It has already been said by my right hon. Friend the Member for Grantham (Mr. Godber) that the Bill is of special importance. The eyes of the country are very much on it. If it is given as a licence to disregard agreements and to do various things on which comments have already been made this afternoon, then I think that we shall have done a disservice to the country as a whole. I am still hoping that the Minister may be open, if not to accepting this Amendment, to attempting in the context of the Bill to do something to encourage the following or procedural agreements. Some sympathy was shown for this point of view by the Committee. The Minister himself said in his speech that it was his belief that agreed procedure should be adhered to. Why not try and translate it into action instead of merely thinking it and paying lip-service to it? The hon. Member for Bristol, South (Mr. W. A. Wilkins) himself said at the end of his speech:

"I think that I have said enough to indicate to the hon. Member for Kidderminster that with the basis of his argument and what he has in mind, some of us have considerable sympathy. I am only suggesting that this is the wrong way to do it."—[OFFICIAL REPORT, 1st April, 1965, *Standing Committee A*; c. 225.]

This is what the Minister also said. In other words, everybody says that this is a very good idea, but everybody says that we shall not do anything about it yet.

Mr. Winterbottom: The Minister has interjected and pointed out one of the difficulties of the wording in this Clause. Most of the difficulties in negotiations arise from the fact that both sides say that proceedings have been exhausted. I want to take up an idea that the hon. Member advanced about dealing with this. He suggested that lawyers could find a way out of it. I will only say this, that in my experience of the trade union movement I have always said, "God save me from the lawyers". The difficulty of the lawyer in trade union negotiations has been his rigidity. In most cases, especially in cases dealing with what this Bill deals with, a great amount of flexibility and understanding is called for rather than the rigid mind of the lawyer.

There are industries in this country where there is nothing written down in terms of procedure for dealing with disputes. Only in very isolated cases in respect of individual firms within that industry has there been any trades union agreement for dealing with difficulties between large individual firms and the trades unions. What would be done if this were drafted in terms of the Bill for those industries where there is no procedural provision for dealing with disputes at all?

There is also the difficulty of the agreed procedure in a company. What is meant exactly by that? Is it meant that the company is, in effect, the employer? In many cases the procedure that the company says should apply does not apply to the trades union, or does not apply in the case where there is no trade union effective, but where the whole of the employees are of one mind in terms of negotiating with a particular employer. I think that the wording of this particular Amendment is far from the realities of the situation.

There is one thing, too, that has been completely omitted. I do not want to say anything to detract from the need to develop negotiations and procedure for negotiations throughout the country, nor to say anything whereby those procedures shall prevent disputes arising. In the case of this Amendment, I think that the hon. Member will have to face the fact that it is one-sided.

Take, for instance, the case of a man who deliberately employs a man to whom he says, "In this factory there is 100 per cent. trade union organisation and you will be expected to join the trade union of those who work inside the factory." On that understanding, a man accepts employment and the employer gives him the employment. Then he refuses to join the union. I could quote instances where this has happened. In those circumstances, would the employer also accept the procedural obligation to withdraw that man

from labour until the dispute had been settled, or the procedures exhausted or until maybe there had been time for people to cool off?

This errs by trying to create a situation beneficial to one side and dangerous for the other. I agree to a certain extent with many of the sentiments expressed, but I feel that this is the wrong way to do it; that the words are wrong; that it would be bad law and confusing to those who would have to apply it.

Sir T. Brinton: The hon. Member has put definite questions to me. If there is no procedural agreement there could be no question of a breach of it. I agree with the hon. Member that we want procedural agreements. His second point—I have forgotten what his second point was.

Mr. Winterbottom: Let us face the fact that in this country there are about 90 wages councils catering for people who are employed in what, when trade boards were originally introduced into this country by law in 1918, were described as "sweated industries". In many such industries today, where the workers are low-paid, there is a small degree of trade union organisation. In many there is no organisation at all and no procedure for the settlement of disputes. Taking the narrowest view of what I have said, it remains true that a great number of people in employment would not be covered at all, and if that is the case, we are legislating only for part of those in industry.

Sir Lionel Heald (Chertsey): I wish to support the Amendment for reasons which I shall indicate quite briefly. As has been pointed out, this Amendment to some extent deals with the question of unofficial strikes. We discussed that subject during the Committee stage and I think everyone will agree that we had an interesting and full discussion. This was one of the methods suggested for dealing with it and I hope therefore that I shall not be out of order if I deal shortly with the subject. I think it was fully and frankly recognised by the Minister that this matter of unofficial strikes is a very serious one.

I have always been a firm supporter of the trade union movement. I wish to see it functioning efficiently and to give it all the support I can. The view which I have always expressed with regard to the Bill is that it would be the greatest pity if, in a laudable desire to set at rest anxieties which undoubtedly exist among many trade unionists about the possible effects of Rookes *v.* Barnard, we put on the Statute Book words which indicated that it is the view of Parliament at this date in 1965 that certain things, certain practices, are unobjectionable.

I know that the right hon. Gentleman says that it will not make any difference and that the Royal Commission will not be affected. He has repeated—I am sure we were all glad and not in the least surprised to hear it—that he personally, when the time comes, if the Royal Commission made recommendations which would be difficult and perhaps unpopular, would support them, if he believed them to be right. That is in keeping with what we should expect of the right hon. Gentleman. I feel, however persuasive and authoritative he is, that it is one thing for him to be anxious and ready to do that, and another thing for him to secure compliance with his suggestion from people who feel very strongly about these matters, and who would be in the position, if the Bill is unamended, to say, "This is a recent view of Parliament and it ought not to be altered."

If we make any provision at all to except unofficial action in any form, this is only one form and one can put the general argument on one case by way of general example. It could still be said, and I believe it would be said when the time came, "Parliament had discussions about this matter; Amendments were not accepted, they were rejected by the House, and the view has been expressed that this protection should exist, not only in the case of official but of unofficial action." That is the reason why we pressed very strongly, and I did so particularly, that it should be made clear that Parliament was not expressing an opinion at the present time that the law should be laid down in a form which would give countenance to unofficial action.

I fully appreciate that there would be difficulties in applying the principle which is enshrined in the Amendment. I am

[SIR L. HEALD.]

not concerned with that. Today we are concerned to see whether we cannot, even at this late hour, prevail on the right hon. Gentleman to take some action by way of amending the Bill, either here or in another place, to prevent it from being read in the sense which I have indicated, and thereby avoid what I consider to be a very real danger.

There are a number of ways in which it could be done. I feel that the limitation to a properly authorised official would be a practical way to do it. No doubt there are other methods which might occur to one, once we have got over the initial point which is, are we to allow this Bill to become an Act of Parliament at the very time when the Royal Commission is sitting? I have always taken the view that it would be a great pity to have a Bill at all at the time when the Royal Commission was about to sit. It is a very unusual and remarkable thing to do, if one is having a Royal Commission which, as the right hon. Gentleman has emphasised time after time, is to have a completely free hand.

We all want it to have no holds barred at all. It is to go into the whole sphere of trade unionism and make recommendations. Surely it is a great pity to have had an Act of Parliament passed very recently if one is sitting on a Commission.

7.0 p.m.

If, as seems fairly clear, we cannot prevail upon the right hon. Gentleman to abandon his Bill altogether, surely the next best thing is that the Bill should be so framed as to make quite clear that what is intended is to protect trade unions when they are acting in the proper manner, in accordance with their traditional functions, the necessary and proper functions which any trade union can carry out. I believe that it is and has been accepted on many occasions by the Minister that the unofficial strike is a real factor to be taken into account. It came even more strongly perhaps in his observations a few moments ago, that in future it will be even more important to try to avoid that kind of disruptive influence. Once this is accepted, surely that is all the more reason that we should make sure that, if the Bill must become an Act, it should not go any further than is absolutely necessary.

When we were discussing the matter in Standing Committee, the right hon. Gentleman did not agree with the point of view which we put before him, but at any rate he accepted that there might be something in it, that it was unfortunate that the Bill should have the effect of legalising the actions of those who were either not properly authorised officials or who had not gone through the authorised procedure. He seemed to imply that, as it was a difficult matter, it would not be of much consequence, because this was only a temporary Measure. This is what he called a holding action. That may be true, but we are having a serious and I believe, valuable discussion, at the end of which the House of Commons will express its view. As we have done already on one Amendment, we will vote on another and eventually on Third Reading. It is, in my submission, a very serious thing that one should pass into law words which will have an effect which we agree we should not lightly endorse.

This is a very serious consideration. I hope that it may still be possible for the right hon. Gentleman to say that he will consider this. If he cannot do it here, he may be able, somewhere else, to deal in some way with unofficial strike action, in such a way that it cannot afterwards be said that Parliament has approved that immunity should be given in these cases. We cannot expect him to give us anything today, first because of the words, and second because, though we appreciate that he is very receptive over these matters, he might find himself restrained by his master's voice from taking any immediate action. [*Interruption.*] I was thinking of another master. At any rate, he will listen this afternoon and we hope that he will do something about it.

Mr. Wilkins : I agreed with the opening sentence of the right hon. and learned Member for Chertsey (Sir L. Heald) just as I found myself able to agree with the hon. Member for Kidderminster (Sir T. Brinton) during the Committee stage of the Bill. For the first time this afternoon the right hon. and learned Member has put his finger on the pulse of the Bill. This Amendment is obviously designed to relate to the control—if possible, which I do not think it is—of unofficial strikes. I made a note on my Order Paper early in the afternoon, using the exact words

which the right hon. and learned Gentleman used. The hon. Member for Kidderminster quoted my speech. I wish that he had quoted all the speech which I made in Standing Committee. You do not know how fortunate you are, Mr. Speaker, not to have presided over the meetings in Standing Committee, because you would today be ruling many of us out of order for tedious repetition if you had heard the speeches which we made on that occasion.

It is true that I expressed some sympathy with what the hon. Member for Kidderminster said about this. I am certain that if my hon. Friends on this side of the House had been privileged to hear the very fine speech which I made, they would agree also, because those of my colleagues who have had long and close connections with the trade union movement do not agree with unofficial strikes. We try our utmost to dissuade members of the trade union movement from calling unofficial strikes. It is extremely ironic that we are discussing an Amendment to the Bill very largely because the Bill was necessitated through the action of a man who was trying to persuade his colleagues —according to the leaflet which I have in my hand—to take unofficial action.

I think that we had better put this on the record, so that it shall not be in any dispute. This is a document which I passed to the late Attorney-General and which I expect he has read——

Sir John Hobson (Warwick and Leamington): Former, not late.

Mr. Wilkins: I am sorry. I always try to avoid the word " late " and to use " former ".

I am sure that the right hon. and learned Gentleman has looked at this leaflet put out by the Draughtsmen's and Allied Technicians' Association. The leaflet says that a meeting of members was called. The episode began with an objection by the staff of B.O.A.C. to the place to which they were being transferred for the purposes of their employment. They were being moved from a number of out-buildings into some other staff accommodation and they were objecting to this. The conditions in this building, it says,

" . . . were unsatisfactory and there were many complaints. In consequence, the matter was raised by the union through the machinery of the National Joint Council."

This is, of course, precisely what the hon. Member for Kidderminster is asking us to do. This is what we believe members of trade unions ought to do—exhaust the machinery which their union rules provide for with the employers' associations, before any other form of action is taken.

The leaflet goes on:

" The matter was dealt with but progress was slow and, not without justification, members expressed concern about the reluctance of the Corporation to satisfy their complaints.

A meeting of members was called in that Autumn of 1955 to consider a report on negotiations. At this meeting a small group of members, amongst whom Rookes was very vocal, tried to get the other members to press the union to take ' more direct action.' Since the Union was then taking the only constitutional step possible, it "

was—

" difficult to imagine what other steps could be taken other than . . . "

unconstitutional action. All the argument and argie-bargie which we have had over the Bill in Committee and today stem from this original situation.

To hear hon. Members opposite talking, anyone would think that this chap was a paragon of virtue and that all the other fellows with whom he worked, the other 99 per cent., were wrong. This cannot——

Sir T. Brinton: It has not been the point of any of our speeches, either on the previous Amendment or on this, that the Rookes *v.* Barnard case was the essential point. It was merely the match which has lighted the fire. We are dealing now with the total matter of principle as it affects everybody. The hon. Member for Bristol, South (Mr. Wilkins) seems to imagine that I am worried about Mr. Rookes. I am not worried about Mr. Rookes but about the consequences of the legislation inspired by that case. The case itself has nothing to do with it.

Mr. Wilkins: I was trying to make the same inference; that all this has arisen because of a case which was started as a result of someone kicking over the traces. At the beginning and end of my remarks in Committee I pointed out that my hon. Friends and I were as anxious as anyone else to see that all the constitutional procedures should be followed in the settling of disputes.

By trying to introduce various alterations, by means of Amendments and new

[MR. WILKINS.]
Clauses—one of which we have just defeated—hon. Gentlemen opposite allege that they wish to protect the rights of minorities. The trouble is that they would, at the same time—perhaps unintentionally—do a tremendous amount of damage to trade unionists and particularly to trade union officials who try to conduct the business of their unions on proper constitutional lines. [HON. MEMBERS: "No."] Hon. Gentlemen opposite say "No", but I said that they may be doing this unintentionally. I do not suggest that they would do this intentionally; merely that their proposals might have this precise result.

Mr. Hooson: While I have some sympathy with the views expressed by the hon. Member for Kidderminster (Sir T. Brinton), I cannot support the Amendment because while the objects he has in mind are desirable, and would probably receive the support of the majority of hon. Members, I feel that if he thought that there were any chance of his Amendment being accepted he would not have proposed it in the first place.

Sir T. Brinton: Will the hon. and learned Gentleman please confine himself to his own opinions and not speculate about mine?

Mr. Winterbottom: Would the hon. and learned Gentleman also confine his remarks to the mess in which we should find ourselves if the Amendment were carried?

Mr. Hooson: In the present state of industry in Britain—when we do not have agreed procedures in all companies and industries, when no one can decide when agreed principles have been exhausted, when one can envisage endless arguments as to whether or not there are agreed procedures and whether such procedures as exist have been exhausted —acceptance of an Amendment of this sort would be putting the cart before the horse.

The Minister has a good case for saying that this matter should be left to the Royal Commission, certainly until we have not only agreed but defined procedures; and it is important to have the procedures defined to ensure that we know when they have been exhausted. While the Amendment may have laudable objects, I fear that they would be incapable of realisation if the Amendment were accepted.

7.15 p.m.

Mr. Ronald Bell (Buckinghamshire, South): The Amendment seeks to withdraw the protection of the Bill from threats to strike in breach of procedure, to use a convenient phrase, whether those threatened strikes are official or unofficial.

The Minister has not yet said that this is not the Bill in which to carry out this reform, but I expect that he will because he said it when we discussed similar proposals in Committee upstairs. I think that I interpret him correctly when I say that on that occasion the right hon. Gentleman agreed that strikes in breach of agreed procedures were bad. He was against them. He is against sin and other things. I see that the Minister is trying to indicate something to me. Suffice to say that I hope that he is not against virtue. He said that he was not opposed in principle to legislation to deal with acknowledged evil, but that this was not the Bill in which to carry out the sort of reform proposed.

I trust that he will be consistent. He justified those remarks in Committee by saying that he thought that legislation of this kind should be very carefully considered and maturely thought out. I agree, but the difficulty is that the right hon. Gentleman has brought the Bill forward, that it is intervening in precisely this branch of the law and that mature consideration cannot be given to it.

The Minister is, in effect—if he adopts that argument today—saying that it is all right for him to introduce a Bill reversing the position and that it is all right for him to do it at once and without consideration but that it is wrong for us to propose that the scope of the Bill should be more limited than it is in its unamended form because, as he would say, our Amendments raise matters which are appropriate for consideration by the Royal Commission. I do not think that I have misrepresented the right hon. Gentleman.

We recognise that the operation of the law is only one factor entering into industrial relations. That was cogently pointed out in the document which was circulated by the T.U.C. after the Rookes

v. Barnard decision. That is so, but if one takes the step of introducing a Bill into Parliament to alter in a material respect the legal relations between employers, employees and private individuals who may be affected by the operation of these procedures, then one must face up to the current implications and try, in a practical way, to solve the problems raised by the Bill.

In Committee the Minister did not object to a similar proposal put forward on the ground that there would be some difficulty in deciding whether the agreed procedures had been exhausted. He did not lay stress on this matter upstairs, which is something the hon. and learned Member for Montgomery (Mr. Hooson) should bear in mind. I am not saying that there was not a passing reference, although I have not so far found one, but just that the Minister did not lay stress on the matter. After all, he could not really do so because the Bill is designed to reverse a decision of the House of Lords in the Rookes *v*. Barnard case. That is precisely what it is about. The Minister said so in the most explicit terms, both on Second Reading and in Committee. He has resisted every Amendment because, he said, this is a simple one Clause Bill to reverse the decision in the Rookes *v*. Barnard case.

There were two reasons for the decision in the Rookes *v*. Barnard case. The effect of the decision was that a threat to strike in breach of contract was an unlawful threat, and the particular threat in Rookes *v*. Barnard was unlawful in two respects. One was because the men concerned—Barnard and the other co-defendants—gave notice to the employers of intention to terminate their work, which was not in accordance with the notice that would be required to terminate their contract of employment. The other reason was that in their contract of employment there was an express term negotiated between the union and the British Overseas Airways Corporation, and conceded for the purposes of that litigation as a term of employment for each individual. There was an express term limiting action until certain procedures had been gone through.

In this case the procedure had not been gone through—that, I believe, of recourse to the national joint negotiating machinery. This matter therefore arose not merely in a clear form, but in a form that required a pronouncement of the courts. So it is not realistic to say that this Amendment is unworkable, because all my hon. Friend proposes is that one of the *rationes* in Rookes *v*. Barnard should not be the subject matter of this Bill and that the other should stand ; that is to say, that in relation to a threat to strike without giving proper notice of termination of contract the Bill, if passed, would protect against civil actions but if, in addition—or if in any case—there were a threat by someone to strike in breach of an express term in his contract limiting the recourse to strikes, the protection of the Bill would not apply.

In all such matters we cannot find definitions that are, in the abstract, absolutely infallible. We have to find definitions which the courts can apply to the particular facts brought before them, as they had to apply them in the case of Rookes *v*. Barnard. As I say, it may well be for that excellent reason the Minister did not in Committee rely upon difficulties of interpretation, because all that this Amendment would do would be to limit the scope of the Bill and to leave the law in this respect as it is.

The effect of the Amendment in practice would be to promote notice, order and delay in the conduct of disputes between employer and employees. It would give time for second thoughts to modify first thoughts. I cannot think that the right hon. Gentleman is against that. It would allow that cooling-off period to which my hon. Friend referred and which is a feature of labour relations legislation in the United States of America and in other countries. What could be more important than that people should not rush precipitately into strike action, but should have some procedure, preferably agreed, but, in any case, an agreed procedure which imposes some delay during which they can have second thoughts, can cool off, and can begin to see things in perspective?

I am sure that the Minister is in favour of all those things yet, in effect, he says—I say that he will say, but I speak in anticipation again, because I have a shrewd suspicion that that is what he will say. I can see it in his face. He will say that he will not accept

[MR. BELL.]

the Amendment, and he will say so, not because he does not think this is a good thing to do, but because he thinks that it should be left to the Royal Commission. That is what it comes to, is it not?

Mr. Gunter : The hon. Member may be surprised.

Mr. Bell : The right hon. Gentleman says that I may be surprised and that, of course, would be very agreeable.

The trouble is that the Royal Commission will brood over these matters for a couple of years—we do not know exactly how long it will take, and we do not know exactly what it will say in the end—but does the right hon. Gentleman need to wait two years to have the Royal Commission tell him that what he already agrees to be wrong is wrong? That is what he is asking for. He knows that strikes in breach of procedure are not merely bad for industrial relations but run completely against the present current of the development in industrial relations.

The Minister and some of his hon. Friends suggested in Committee another argument against legislation on this matter. I speak of "legislation," although the right hon. Gentleman will appreciate that the effect of the Amendment is to cancel this proposed legislation and leave us where we are. The argument advanced in Committee was that if the law remains as it is after Rookes *v*. Barnard, it will constitute some kind of discouragement to these agreements ; that unions will be chary of entering into these agreements—usually long-term agreements—with these arbitral procedures in them, these limitations on recourse to strike.

To argue that is to say that agreements will be entered into by trade unions only if they are without legal effect, and I find it difficult to believe that to be so. There are very strong reasons compelling trade unions and employers to enter into this kind of arrangement, and those reasons will operate in the future as they have done in the past. After all, the employers and the trade unions have common interests in the prosperity of the industry in which they work. The employer does not want strikes—they disrupt his production and lose him markets. The unions do not want strikes either, if only because strikes mean strike pay, and that means a very heavy burden on their funds. There will, therefore, continue to be the very strongest reasons for them to enter into these arrangements.

Is the right hon. Gentleman really saying that it is essential that we should, by this Bill, reverse the present state of the law and give public and statutory notice that when people enter into these arrangements in the most formal manner and intending to be bound by them in good faith, Parliament regards it as important, as urgent—so that it must be rushed through in advance of the Royal Commission Report—that they should be able to break those agreements, to ignore them, to set them aside with complete immunity, and that anybody who, like Rookes as it happens, suffers considerable material damage as a result of a flagrant breach like that, should be without any civil remedy for the loss he has suffered?

That is what the Minister asks the House to do. It is that position that he asks us to ossify for at least two years, but probably three, in the interests of I know not what. I can but hope that tonight he will give us some more convincing and potent reasons than those which he very graciously and courteously, as always, gave us in the Standing Committee.

Mr. Gunter : As the hon. Member for Buckinghamshire, South (Mr. Ronald Bell) has indicated, the intention of this Amendment is to attack strikes in breach of procedure. I had a lot of sympathy with the hon. and learned Member for Montgomery (Mr. Hooson) when he intervened to say that whatever one might think about the legal provisions, the confusion that exists in the matter of procedure—the thousands and thousands of different forms of procedure throughout industry, and the absence of formal procedure in some areas of industry—is something that should be reflected upon.

I sometimes think that the hon. Member for Buckinghamshire, South, believes that all procedural agreements are major ones ; that they are entered into by big unions and big firms. The truth is that there are thousands of different forms of procedure scattered throughout the whole

of British industry. Some of them are extremely confused and, as I have said before, and as the hon. Member for Kidderminster (Sir T. Brinton) knows, most of the rows are not over whether there is a breach but over whether or not the procedure has been exhausted. That in the sort of confusion that arises.

We are certainly not arguing here about the merits or demerits of unconstitutional strikes. I am prepared to go all the way with anyone in attacking unofficial or unconstitutional strikes. I deplore all strikes which are in breach of procedure or are unofficial in any way.

It would be a great deal nearer the truth to say that this Amendment, or the issue raised by this Amendment, is whether it would be useful to legislate in such a way as to distinguish between strikes in breach of procedure and the rest of strikes. That is the nub of this Amendment. I might even go further and say that this is not the real issue on this Amendment, but that the issue, granted that legislation might be useful, is whether this Bill is the appropriate vehicle for it. I do not propose to pursue that argument. I shall content myself with observations on the usefulness of legislation of any kind in this connection. We have to remember that the Bill, like the Rookes *v.* Barnard decision itself, affects virtually all strikes. The Amendment proposes to divide strikes into two classes—those in breach of procedure and the rest of strikes. The protection of the law would be withdrawn from persons participating in the first, those in breach of procedure.

Suppose the Bill reached the Statute Book amended on the lines suggested this afternoon. When there were strikes in breach of procedure strikers or representative persons among them could be sued and perhaps made to pay heavy damages. What would happen then? There would certainly be very strong pressure indeed on the union concerned either to withdraw from the procedure agreement or to renegotiate it in such a way that it constituted no danger to the threat of a strike. If that happened it would not have the benefit of encouraging observance of agreements ; it would rather have the effect of breaking them. This is not shooting a line. Anyone who knows industry knows that in certain cases this would be the pressure brought to bear on officials of trade unions.

7.30 p.m.

There is another important point which I have made before and which I repeat. There is a tendency among hon. Members opposite to see everything as black or white. In the present Amendment they clearly have in mind when they talk about a strike in breach of procedure a strike which takes place clearly and obviously —and without anyone disputing the fact —before the procedure has been exhausted. As I have said—and I invite any representative of industry on the benches opposite to dispute what I say —it is much more common in industry for there to be a different opinion on whether the procedure has been exhausted or not.

This is the confusion that, maybe, trade union practices and industrial customs have led us into. This is the kind of case, if the Amendment were accepted, which would be brought into the courts. We manage very well in this country negotiating our disputes procedure on a voluntary basis and interpreting them in a commonsense fashion. This, I believe, is something which is desired both by employers and trade unionists. I took the point made by the hon. Member for Kidderminster (Sir T. Brinton) when he said that both sides of industry could be left to themselves in a nice little vacuum to sort things out, but there is a very wide field of ordinary negotiation which inevitably must be left to industry itself.

The hon. Member for Buckinghamshire, South spoke of a cooling-off period and referred to America. I have often thought that a cooling-off period, not necessarily on the pattern employed in America, could be thought out properly and introduced, but I remind the hon. Member that the strike record in America, with the cooling-off period, is much worse than we have in this country. Therefore, we have to be careful before we enter into that. The Amendment would bring the law in to settle the question of what is in breach of procedure and what is not. I wonder whether the sponsors of this Amendment have fully considered the full implications of bringing the law in to decide what is in breach of procedure and what is not.

[MR. GUNTER.]

Of course, unconstitutional strikes are a very real problem. Of course, it would be a great advantage if we could abolish them. If I thought for a moment that this Amendment would have that effect, or would even merely reduce their numbers, I should be all for it, but I am convinced that it would not do so. Here I bring in the precious words, the Royal Commission, as I promised I would. The Royal Commission should have a thorough look at the confusion which exists and the thousands of methods of procedure and see what is the best way of dealing with them. But for goodness sake let us not try to use a simple Measure such as this for a purpose for which it is quite unsuitable. Let us at all costs avoid embarking on a course without knowing where we are going or realising what we are up to in this Amendment. I ask the House to reject the Amendment.

Sir E. Brown: May I ask the right hon. Gentleman a very pertinent question on this procedure? I go back to what I reiterated throughout the Committee, not only on the Amendment similar to this one but on others, about the Contracts of Employment Act. In that there is a cooling-off period, a seven-day period. What confusion will arise when this Bill goes on to the Statute Book without such a consideration? These two matters are linked somewhere for there is written into the 1963 Act a cooling-off period.

Mr. Gunter: I am sure this has a connection somewhere and the passion and obsession of the hon. Member to relate the two is quite understandable. I can only say that he should reflect on the effect which the Contracts of Employment Act has had on unofficial stoppages.

Question put, That those words be there inserted in the Bill:—

The House divided: Ayes 158, Noes 185.

Division No. 112.] AYES **[7.36 p.m.**

Agnew, Commander Sir Peter
Alison, Michael (Barkston Ash)
Allason, James (Hemel Hempstead)
Anstruther-Gray, Rt. Hn. Sir W.
Astor, John
Awdry, Daniel
Barber, Rt. Hn. Anthony
Barlow, Sir John
Batsford, Brian
Beamish, Col. Sir Tufton
Bell, Ronald
Berry, Hn. Anthony
Biggs-Davison, John
Birch, Rt. Hn. Nigel
Black, Sir Cyril
Blaker, Peter
Box, Donald
Boyle, Rt. Hn. Sir Edward
Braine, Bernard
Brinton, Sir Tatton
Bromley-Davenport, Lt.-Col. Sir Walter
Brooke, Rt. Hn. Henry
Brown, Sir Edward (Bath)
Buchanan-Smith, Alick
Bullus, Sir Eric
Butcher, Sir Herbert
Buxton, Ronald
Carlisle, Mark
Cary, Sir Robert
Clark, William (Nottingham, S.)
Cooke, Robert
Cooper-Key, Sir Neill
Cordle, John
Corfield, F. V.
Costain, A. P.
Craddock, Sir Beresford (Spelthorne)
Crowder, F. P.
Cunningham, Sir Knox
Curran, Charles
Deedes, Rt. Hn. W. F.
Dodds-Parker, Douglas
Doughty, Charles
du Cann, Rt. Hn. Edward
Eden, Sir John
Elliot, Capt. Walter (Carshalton)
Elliott, R. W. (N'c'tle-upon-Tyne, N.)
Eyre, Reginald
Farr, John
Fisher, Nigel
Fletcher-Cooke, Charles (Darwen)
Foster, Sir John
Fraser, Ian (Plymouth, Sutton)
Gammans, Lady
Gardner, Edward
Gibson-Watt, David
Giles, Rear-Admiral Morgan
Gilmour, Sir John (East Fife)
Glover, Sir Douglas
Godber, Rt. Hn. J. B.
Goodhart, Philip
Gower, Raymond
Grant-Ferris, R.
Griffiths, Eldon (Bury St. Edmunds)
Griffiths, Peter (Smethwick)
Gurden, Harold
Hall-Davis, A. G. F.
Hamilton, Marquess of (Fermanagh)
Harris, Frederic (Croydon, N.W.)
Harrison, Col. Sir Harwood (Eye)
Harvey, John (Walthamstow, E.)
Harvie Anderson, Miss
Hastings, Stephen
Hawkins, Paul
Heald, Rt. Hn. Sir Lionel
Hiley, Joseph
Hobson, Rt. Hn. Sir John
Howe, Geoffrey (Bebington)
Hunt, John (Bromley)
Hutchison, Michael Clark
Irvine, Bryant Godman (Rye)
Jennings, J. C.
Jopling, Michael
Kaberry, Sir Donald
Kerby, Capt. Henry
King, Evelyn (Dorset, S.)
Kirk, Peter
Lambton, Viscount
Legge-Bourke, Sir Harry
Loveys, Walter H.
MacArthur, Ian
McLaren, Martin
Maclean, Sir Fitzroy
McMaster, Stanley
McNair-Wilson, Patrick
Maginnis, John E.
Mathew, Robert
Maude, Angus
Mawby, Ray
Maydon, Lt.-Cmdr. S. L. C.
Meyer, Sir Anthony
Mills, Peter (Torrington)
Mills, Stratton (Belfast, N.)
Mitchell, David
Monro, Hector
More, Jasper
Morrison, Charles (Devizes)
Mott-Radclyffe, Sir Charles
Murton, Oscar
Nicholls, Sir Harmar
Nicholson, Sir Godfrey
Nugent, Rt. Hn. Sir Richard
Onslow, Cranley
Osborne, Sir Cyril (Louth)
Page, John (Harrow, W.)
Page, R. Graham (Crosby)
Peel, John
Peyton, John
Pike, Miss Mervyn
Pitt, Dame Edith
Price, David (Eastleigh)
Prior, J. M. L.
Pym, Francis
Redmayne, Rt. Hn. Sir Martin
Rees-Davies, W. R.
Renton, Rt. Hn. Sir David
Ridsdale, Julian
Roberts, Sir Peter (Heeley)
Russell, Sir Ronald
Scott-Hopkins, James
Sharples, Richard
Shepherd, William
Sinclair, Sir George
Stanley, Hn. Richard

Stoddart-Scott, Col. Sir Malcolm
Studholme, Sir Henry
Talbot, John E.
Taylor, Sir Charles (Eastbourne)
Taylor, Edward M. (G'gow,Cathcart)
Taylor, Frank (Moss Side)
Temple, John M.
Thomas, Sir Leslie (Canterbury)
Thorneycroft, Rt. Hn. Peter
Tilney, John (Wavertree)
Turton, Rt. Hn. R. H.
Tweedsmuir, Lady
Walder, David (High Peak)
Walker, Peter (Worcester)
Walters, Dennis
Ward, Dame Irene
Weatherill, Bernard
Webster, David
Whitelaw, William
Wills, Sir Gerald (Bridgwater)
Wilson, Geoffrey (Truro)
Wise, A. R.
Wolrige-Gordon, Patrick
Wood, Rt. Hn. Richard
Wylie, N. R.

TELLERS FOR THE AYES:
Mr. Dudley Smith and
Mr. Johnson Smith.

NOES

Abse, Leo
Allaun, Frank (Salford, E.)
Alldritt, Walter
Allen, Scholefield (Crewe)
Armstrong, Ernest
Atkinson, Norman
Bacon, Miss Alice
Barnett, Joel
Baxter, William
Bellenger, Rt. Hn. F. J.
Bence, Cyril
Bishop, E. S.
Blackburn, F.
Blenkinsop, Arthur
Boardman, H.
Boston, T. G.
Bowden, Rt. Hn. H. W. (Leics S.W.)
Bowen, Roderic (Cardigan)
Braddock, Mrs. E. M.
Buchanan, Richard
Butler, Herbert (Hackney, C.)
Carmichael, Neil
Carter-Jones, Lewis
Castle, Rt. Hn. Barbara
Chapman, Donald
Coleman, Donald
Conlan, Bernard
Crawshaw, Richard
Crosland, Anthony
Crossman, Rt. Hn. R. H. S.
Cullen, Mrs. Alice
Davies, G. Elfed (Rhondda, E.)
Davies, Ifor (Gower)
Davies, S. O. (Merthyr)
de Freitas, Sir Geoffrey
Delargy, Hugh
Dell, Edmund
Dempsey, James
Dodds, Norman
Doig, Peter
Donnelly, Desmond
Duffy, Dr. A. E. P.
Dunnett, Jack
Edelman, Maurice
Edwards, Rt. Hn. Ness (Caerphilly)
Edwards, Robert (Bilston)
English, Michael
Ensor, David
Fletcher, Ted (Darlington)
Floud, Bernard
Foley, Maurice
Foot, Sir Dingle (Ipswich)
Foot, Michael (Ebbw Vale)
Ford, Ben
Fraser, Rt. Hn. Tom (Hamilton)
Freeson, Reginald
Galpern, Sir Myer
Garrett, W. E.
Garrow, A.
Ginsburg, David
Gourlay, Harry
Greenwood, Rt. Hn. Anthony
Gregory, Arnold
Grey, Charles
Griffiths, David (Rother Valley)
Grimond, Rt. Hn. J.
Gunter, Rt. Hn. R. J.
Hamilton, James (Bothwell)
Hamilton, William (West Fife)
Hannan, William
Harrison, Walter (Wakefield)
Hart, Mrs. Judith
Heffer, Eric S.
Herbison, Rt. Hn. Margaret
Hill, J. (Midlothian)
Holman, Percy
Hooson, H. E.
Horner, John
Howarth, Harry (Wellingborough)
Howarth, Robert L. (Bolton, E.)
Howell, Denis (Small Heath)
Howie, W.
Hoy, James
Hunter, Adam (Dunfermline)
Hunter, A. E. (Feltham)
Hynd, H. (Accrington)
Hynd, John (Attercliffe)
Jeger, George (Goole)
Jenkins, Hugh (Putney)
Johnson, James(K'ston-on-Hull,W.)
Johnston, Russell (Inverness)
Jones, Dan (Burnley)
Jones,Rt.Hn.SirElwyn(W.Ham,S.)
Jones, J. Idwal (Wrexham)
Kelley, Richard
Kenyon, Clifford
Lawson, George
Ledger, Ron
Lever, L. M. (Ardwick)
Lewis, Ron (Carlisle)
Lomas, Kenneth
Loughlin, Charles
Lubbock, Eric
Mabon, Dr. J. Dickson
McBride, Neil
McCann, J.
MacColl, James
McGuire, Michael
McInnes, James
Mackenzie, Gregor (Rutherglen)
Mackie, George Y. (C'ness & S'land)
Mackie, John (Enfield, E.)
Mahon, Peter (Preston, S.)
Mahon, Simon (Bootle)
Mallalieu, E. L. (Brigg)
Mallalieu,J.P.W.(Huddersfield,E.)
Mapp, Charles
Mendelson, J. J.
Millan, Bruce
Miller, Dr. M. S.
Milne, Edward (Blyth)
Monslow, Walter
Mulley,Rt.Hn.Frederick(SheffieldPk)
Murray, Albert
Neal, Harold
Noel-Baker, Francis (Swindon)
Oakes, Gordon
O'Malley, Brian
Oram, Albert E. (E. Ham, S.)
Orme, Stanley
Oswald, Thomas
Page, Derek (King's Lynn)
Palmer, Arthur
Park, Trevor (Derbyshire, S.E.)
Pavitt, Laurence
Pearson, Arthur (Pontypridd)
Popplewell, Ernest
Prentice, R. E.
Price, J. T. (Westhoughton)
Pursey, Cmdr. Harry
Redhead, Edward
Rhodes, Geoffrey
Roberts, Albert (Normanton)
Roberts, Goronwy (Caernarvon)
Robertson, John (Paisley)
Rodgers, William (Stockton)
Rogers, George (Kensington, N.)
Sheldon, Robert
Shore, Peter (Stepney)
Short,Rt.Hn.E.(N'c'tle-on-Tyne,C.)
Silkin, John (Deptford)
Silkin, S. C. (Camberwell, Dulwich)
Slater, Mrs. Harriet (Stoke, N.)
Slater, Joseph (Sedgefield)
Small, William
Smith, Ellis (Stoke, S.)
Snow, Julian
Steel, David (Roxburgh)
Steele, Thomas (Dunbartonshire, W.)
Stones, William
Summerskill, Dr. Shirley
Swingler, Stephen
Taverne, Dick
Taylor, Bernard (Mansfield)
Thornton, Ernest
Tomney, Frank
Tuck, Raphael
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, Alan (Swansea, W.)
Williams, Albert (Abertillery)
Williams, Mrs. Shirley (Hitchin)
Williams, W. T. (Warrington)
Willis, George (Edinburgh, E.)
Wilson, William (Coventry, S.)
Winterbottom, R. E.
Woodburn, Rt. Hn. A.
Yates, Victor (Ladywood)

TELLERS FOR THE NOES:
Mr. Fitch and Mr. Harper.

Amendment proposed: In page 1, line 14, at end insert:

Provided that an act as aforesaid is not done with the sole intention of forcing another person to become, to remain or to cease to be a member of a trade union.—[*Mr. Hooson.*]

Question put, That those words be there inserted in the Bill:—

The House divided: Ayes 163, Noes 177.

Division No. 113.] AYES [7.47 p.m.

Agnew, Commander Sir Peter
Alison, Michael (Barkston Ash)
Allason, James (Hemel Hempstead)
Anstruther-Gray, Rt. Hn. Sir W.
Astor, John
Barber, Rt. Hn. Anthony
Barlow, Sir John
Batsford, Brian
Beamish, Col. Sir Tufton
Bell, Ronald
Berry, Hn. Anthony
Biggs-Davison, John
Birch, Rt. Hn. Nigel
Black, Sir Cyril
Blaker, Peter
Bowen, Roderic (Cardigan)
Box, Donald
Boyle, Rt. Hn. Sir Edward
Braine, Bernard
Brinton, Sir Tatton
Bromley-Davenport, Lt.-Col. Sir Walter
Brooke, Rt. Hn. Henry
Brown, Sir Edward (Bath)
Buchanan-Smith, Alick
Bullus, Sir Eric
Butcher, Sir Herbert
Buxton, Ronald
Carlisle, Mark
Cary, Sir Robert
Clark, William (Nottingham, S.)
Cooke, Robert
Cooper-Key, Sir Neill
Cordle, John
Corfield, F. V.
Costain, A. P.
Craddock, Sir Beresford (Spelthorne)
Crowder, F. P.
Cunningham, Sir Knox
Curran, Charles
Deedes, Rt. Hn. W. F.
Dodds-Parker, Douglas
Doughty, Charles
du Cann, Rt. Hn. Edward
Eden, Sir John
Elliot, Capt. Walter (Carshalton)
Elliott, R. W. (N'c'tle-upon-Tyne, N.)
Eyre, Reginald
Farr, John
Fisher, Nigel
Fletcher-Cooke, Charles (Darwen)
Foster, Sir John
Fraser, Ian (Plymouth, Sutton)
Gammans, Lady
Gardner, Edward
Gibson-Watt, David
Giles, Rear-Admiral Morgan
Gilmour, Sir John (East Fife)
Glover, Sir Douglas
Godber, Rt. Hn. J. B.
Goodhart, Philip
Gower, Raymond
Grant-Ferris, R.
Griffiths, Eldon (Bury St. Edmunds)
Griffiths, Peter (Smethwick)
Grimond, Rt. Hn. J.
Gurden, Harold
Hall-Davis, A. G. F.
Hamilton, Marquess of (Fermanagh)
Harris, Frederic (Croydon, N.W.)
Harrison, Col. Sir Harwood (Eye)
Harvey, John (Walthamstow, E.)
Harvie Anderson, Miss
Hastings, Stephen
Hawkins, Paul
Heald, Rt. Hn. Sir Lionel
Hiley, Joseph
Hobson, Rt. Hn. Sir John
Howe, Geoffrey (Bebington)
Hunt, John (Bromley)
Hutchison, Michael Clark
Irvine, Bryant Godman (Rye)
Jennings, J. C.
Johnson Smith, G. (East Grinstead)
Johnston, Russell (Inverness)
Jopling, Michael
Kerby, Capt. Henry
Kerr, Sir Hamilton (Cambridge)
King, Evelyn (Dorset, S.)
Kirk, Peter
Lambton, Viscount
Legge-Bourke, Sir Harry
Loveys, Walter H.
MacArthur Ian
Mackie, George Y. (C'ness & S'land)
McLaren, Martin
Maclean, Sir Fitzroy
McMaster, Stanley
McNair-Wilson, Patrick
Maginnis, John E.
Mathew, Robert
Maude, Angus
Mawby, Ray
Maydon, Lt.-Cmdr. S. L. C.
Meyer, Sir Anthony
Mills, Peter (Torrington)
Mills, Stratton (Belfast, N.)
Mitchell, David
Monro, Hector
More, Jasper
Morrison, Charles (Devizes)
Mott-Radclyffe, Sir Charles
Murton, Oscar
Nicholls, Sir Harmar
Nugent, Rt. Hn. Sir Richard
Onslow, Cranley
Osborne, Sir Cyril (Louth)
Page, John (Harrow, W.)
Page, R. Graham (Crosby)
Peel, John
Peyton, John
Pike, Miss Mervyn
Pitt, Dame Edith
Price, David (Eastleigh)
Prior, J. M. L.
Pym, Francis
Redmayne, Rt. Hn. Sir Martin
Rees-Davies, W. R.
Renton, Rt. Hn. Sir David
Ridsdale, Julian
Roberts, Sir Peter (Heeley)
Russell, Sir Ronald
Scott-Hopkins, James
Sharples, Richard
Shepherd, William
Sinclair, Sir George
Smith, Dudley (Br'ntf'd, & Chiswick)
Stanley, Hn. Richard
Steel, David (Roxburgh)
Stoddart-Scott, Col. Sir Malcolm
Studholme, Sir Henry
Talbot, John E.
Taylor, Sir Charles (Eastbourne)
Taylor, Edward M. (G'gow, Cathcart)
Taylor, Frank (Moss Side)
Temple, John M.
Thomas, Sir Leslie (Canterbury)
Thorneycroft, Rt. Hn. Peter
Tilney, John (Wavertree)
Turton, Rt. Hn. R. H.
Tweedsmuir, Lady
Walder, David (High Peak)
Walker, Peter (Worcester)
Walters, Dennis
Ward, Dame Irene
Weatherill, Bernard
Webster, David
Whitelaw, William
Wills, Sir Gerald (Bridgwater)
Wilson, Geoffrey (Truro)
Wise, A. R.
Wolrige-Gordon, Patrick
Wood, Rt. Hn. Richard
Wylie, N. R.

TELLERS FOR THE AYES:
Mr. Lubbock and Mr. Hooson.

NOES

Abse, Leo
Allaun, Frank (Salford, E.)
Aldritt, Walter
Allen, Scholefield (Crewe)
Armstrong, Ernest
Atkinson, Norman
Bacon, Miss Alice
Barnett, Joel
Baxter, William
Bellenger, Rt. Hn. F. J.
Bence, Cyril
Bishop, E. S.
Blackburn, F.
Blenkinsop, Arthur
Boardman, H.
Boston, T. G.
Bowden, Rt. Hn. H. W. (Leics S.W.)
Braddock, Mrs. E. M.
Buchanan, Richard
Butler, Herbert (Hackney, C.)
Carmichael, Neil
Carter-Jones, Lewis
Castle, Rt. Hn. Barbara
Chapman, Donald
Coleman, Donald
Conlan, Bernard
Crawshaw, Richard
Crosland, Anthony
Crossman, Rt. Hn. R. H. S.
Cullen, Mrs. Alice
Davies, G. Elfed (Rhondda, E.)
Davies, Ifor (Gower)
Davies, S. O. (Merthyr)
de Freitas, Sir Geoffrey
Delargy, Hugh
Dell, Edmund
Dempsey, James
Dodds, Norman
Doig, Peter

Donnelly, Desmond
Duffy, Dr. A. E. P.
Dunnett, Jack
Edelman, Maurice
Edwards, Rt. Hn. Ness (Caerphilly)
Edwards, Robert (Bilston)
English, Michael
Ensor, David
Fletcher, Ted (Darlington)
Floud, Bernard
Foley, Maurice
Foot, Sir Dingle (Ipswich)
Foot, Michael (Ebbw Vale)
Ford, Ben
Fraser, Rt. Hn. Tom (Hamilton)
Freeson, Reginald
Galpern, Sir Myer
Garrett, W. E.
Garrow, A.
Ginsburg, David
Gourlay, Harry
Greenwood, Rt. Hn. Anthony
Gregory, Arnold
Grey, Charles
Griffiths, David (Rother Valley)
Gunter, Rt. Hn. R. J.
Hamilton, James (Bothwell)
Hamilton, William (West Fife)
Hannan, William
Harrison, Walter (Wakefield)
Hart, Mrs. Judith
Heffer, Eric S.
Herbison, Rt. Hn. Margaret
Hill, J. (Midlothian)
Holman, Percy
Horner, John
Howarth, Harry (Wellingborough)
Howarth, Robert L. (Bolton, E.)
Howell, Denis (Small Heath)
Howie, W.
Hoy, James
Hunter, Adam (Dunfermline)
Hunter, A. E. (Feltham)
Hynd, H. (Accrington)
Hynd, John (Attercliffe)
Jeger, George (Goole)
Jenkins, Hugh (Putney)
Johnson, James (K'ston-on-Hull, W.)
Jones, Dan (Burnley)
Jones, Rt. Hn. Sir Elwyn (W. Ham, S.)
Jones, J. Idwal (Wrexham)
Kelley, Richard
Kenyon, Clifford
Lawson, George
Ledger, Ron
Lever, L. M. (Ardwick)
Lewis, Ron (Carlisle)
Lomas, Kenneth
Loughlin, Charles
Mabon, Dr. J. Dickson
McBride, Neil
McCann, J.
MacColl, James
McGuire, Michael
McInnes, James
Mackenzie, Gregor (Rutherglen)
Mackie, John (Enfield, E.)
Mahon, Peter (Preston, S.)
Mahon, Simon (Bootle)
Mallalieu, E. L. (Brigg)
Mallalieu, J. P. W. (Huddersfied, E.)
Mapp, Charles
Mendelson, J. J.
Millan, Bruce
Miller, Dr. M. S.
Milne, Edward (Blyth)
Monslow, Walter
Mulley, Rt. Hn. Frederick (Sheffield Pk)
Murray, Albert
Neal, Harold
Noel-Baker, Francis (Swindon)
Oakes, Gordon
O'Malley, Brian
Oram, Albert E. (E. Ham, S.)
Orme, Stanley
Oswald, Thomas
Page, Derek (King's Lynn)
Palmer, Arthur
Park, Trevor (Derbyshire, S.E.)
Pavitt, Laurence
Pearson, Arthur (Pontypridd)
Popplewell, Ernest
Prentice, R. E.
Price, J. T. (Westhoughton)
Pursey, Cmdr. Harry
Redhead, Edward
Rhodes, Geoffrey
Roberts, Albert (Normanton)
Roberts, Goronwy (Caernarvon)
Robertson, John (Paisley)
Rodgers, William (Stockton)
Rogers, George (Kensington, N.)
Sheldon, Robert
Shore, Peter (Stepney)
Short, Rt. Hn. E. (N'c'tle-on-Tyne, C.)
Silkin, John (Deptford)
Silkin, S. C. (Camberwell, Dulwich)
Slater, Mrs. Harriet (Stoke, N.)
Slater, Joseph (Sedgefield)
Small, William
Smith, Ellis (Stoke, S.)
Snow, Julian
Steele, Thomas (Dunbartonshire, W.)
Stones, William
Summerskill, Dr. Shirley
Swingler, Stephen
Taverne, Dick
Taylor, Bernard (Mansfield)
Thornton, Ernest
Tomney, Frank
Tuck, Raphael
Varley, Eric G.
Wainwright, Edwin
Walker, Harold (Doncaster)
Wallace, George
Watkins, Tudor
Wells, William (Walsall, N.)
Whitlock, William
Wilkins, W. A.
Williams, Alan (Swansea, W.)
Williams, Albert (Abertillery)
Williams, Mrs. Shirley (Hitchin)
Williams, W. T. (Warrington)
Willis, George (Edinburgh, E.)
Wilson, William (Coventry, S.)
Winterbottom, R. E.
Woodburn, Rt. Hn. A.
Yates, Victor (Ladywood)

TELLERS FOR THE NOES:
Mr. Fitch and Mr. Harper.

The Attorney-General (Sir Elwyn Jones): I beg to move Amendment No. 8, in page 1, line 18, to leave out "before" and to insert:

"either before or within the period of six months beginning with the date of".

Mr. Deputy-Speaker (Sir Samuel Storey): I understand that it will be for the convenience of the House also to discuss Amendment No. 9, in line 18, leave out from "instituted" to "or" and insert:

"within three years of the cause of action arising".

The Attorney-General: The purpose of the Amendment is to allow proceedings in respect of causes of action which arise before Royal Assent to the Bill to be decided under the law as it now stands provided that they are brought within six months of Royal Assent. The Bill as it stands would apply to all proceedings which were commenced after the Royal Assent even if the cause of action had already arisen. This could mean that a potential plaintiff who had a right of action before the Bill became law would lose that right. If the Amendment is adopted he will have six months' grace in which to bring an action under the present law.

I emphasise that this period of grace will apply only to proceedings in respect of acts done before the Royal Assent. The Bill will apply to proceedings in respect of acts done after the Royal Assent whether proceedings are instituted within the six months or not. The Government originally took the view that the application of the provisions of subsection (1) to all proceedings which were commenced after the date of Royal Assent, whether the act of which the plantiff first complained occurred before or after that date, would give rise to no practical difficulty, and it was desirable to achieve at the earliest possible moment certainty about the legal position of all

[THE ATTORNEY-GENERAL.]
who were concerned and thereby remove as soon as possible all doubts and difficulties arising from the decision in the case of Rookes *v*. Barnard.

But we are most anxious, on the Government side, to be fair to all concerned, to potential plaintiffs as well as potential defendants. Therefore, we have looked at this question in the light of our discussions in Standing Committee. It seems improbable that more than one or two potential plaintiffs, if, indeed, any at all, would be frustrated by the provisions of subsection (2) as it stands, but there is, at any rate in theory, a possibility that a person in whom a right of action accrued shortly before the Royal Assent might lose that right because there was insufficient time for him to take legal advice and issue his writ before the Royal Assent was given. We propose, therefore, that to eliminate this possibility the putative plaintiff should be allowed six months in which to institute proceedings by the issue of a writ.

8.0 p.m.

The courts have expressed at least three different reasons for supporting the existence of statutes of limitation or time-limiting provisions. First, it is said that long-dormant claims have more of cruelty than justice in them, and that the limitation Acts are acts of peace. This ought to be a principle particularly pertinent, I suggest, to disputes in industrial relations. Second, the view has been taken by the courts that a defendant might have lost the evidence to disprove a stale claim. Third, the principle that the law applies is that persons with good causes of action should pursue them with reasonable diligence. We have, therefore, a whole series of limitation provisions in our law.

I have most carefully considered whether six months will be enough. I am satisfied that it would be. Even if it be necessary for the potential plaintiff to apply for and to obtain a legal aid certificate before he is in a position to institute proceedings, six months is, I am assured by the legal aid authorities, more than ample for this purpose. I understand that, provided that the proposed plaintiff answers letters and keeps appointments with the legal aid committee, six weeks is invariably sufficient. I am satisfied that the successful applicant for legal aid will, within a few weeks, be granted the necessary certificate for the launching of his proceedings.

I ought to add that, if there is any question of time running out, a certificate can be issued under the legal aid machinery limited to obtaining counsel's opinion, and, if that is favourable, taking the initial steps in the action by the issue of the writ to keep the right of action alive. As has been said more than once in our debates, the eyes of the country are very much on the Bill. There is an awareness of the right of action, and there will be an awareness of the limitation of time imposed by its terms.

There are precedents for what is proposed in the Amendment. There is the precedent for a limitation period of six months in the Law Reform (Miscellaneous Provisions) Act, 1934, which provides that proceedings in tort against the estate of a deceased person must be instituted not later than six months after a personal representative takes out representation. That was the period recommended by the Law Revision Committee, and it was accepted without question by the House as achieving the right balance between the interests of the potential plaintiff who wishes to proceed against the estate of a deceased, and of the personal representatives whose duty it is to distribute the estate to the beneficiaries with the minimum of delay.

In the same way, in my submission, the period of six months now proposed in the Bill achieves the right balance between the interests of the potential plaintiff and the potential defendant. It will suffice to enable all potential plaintiffs whose cause of action accrues before Royal Assent to start their proceedings and, at the same time, it will within a reasonable period put an end to the uncertainties arising from the decision in the case of Rookes *v*. Barnard. I should say that there is a further and, perhaps, more immediately comparable precedent for a limitation period of six months to be found in the Truck Acts. Proceedings by a workman for the recovery of improper deductions from his wages made by an employer must be commenced within six months of the date of the deduction.

Right hon. and hon. Members opposite have put down Amendment No. 9 to extend the period to three years. I am satisfied that that would in the circumstances be too long and that it is not necessary for the adequate protection of the possible plaintiff. It would expose trade unionists to an excessive spell of uncertainty as to whether they were at risk in regard to actions possibly being brought against them for acts long since passed, and this fear and uncertainty could well have an unsettling effect on industrial relations. It might also involve the courts themselves in considerable difficulties in interpreting the law as it now stands long after the Bill has come into effect and that law has been amended and, perhaps after a new volume of case law—I hope that it does not come to pass but it might —has arisen on the provisions of this Bill, and perhaps, even after the Royal Commission on Trade Unions and Employers' Association has reported.

In other words, it would seriously detract from the objects of the Bill, which are to remove the anxieties and uncertainties created by the decision in Rookes *v*. Barnard, allowing the Royal Commission to approach its task unimpeded by doubts among trade unionists about their legal position. As I have said, the Government are anxious to be fair to all those concerned, and I believe that that result will be best achieved by the Amendment.

Sir John Hobson (Warwick and Leamington): Naturally, we are grateful that at least one concession has been made by the Government during the whole of our proceedings on the Bill, and we are glad that the Attorney-General, who must have borne some of the responsibility for this Amendment, has been able to move it and put it before the House in such agreeable terms.

We are glad that the original provisions have been seen to be wholly wrong. It was proposed that, to some extent, there should be retrospective legislation by the removal of vested rights in individuals which would cease to remain vested in them as soon as the Bill began to operate. If a citizen, a week before the Royal Assent, had acquired vested rights, they would, within that week, have been removed.

This would have had nothing to do with a period of limitation; it would have been straight retrospective legislation not only to make future actions impossible in certain circumstances, but to remove the accumulated and vested rights of citizens who had suffered damage as a result of actions which were unlawful before the Bill was passed, but upon which they could not rely or found proceedings after it became law.

In Committee, it was the Solicitor-General who endeavoured to justify the provisions of the Bill upon the basis of retrospective legislation being justifiable in appropriate circumstances, this being one such circumstance. We are grateful that better counsel has prevailed and that there is to be at least some opportunity for people whose rights have arisen before the Bill becomes law to enforce them within a reasonable period if they desire to do so. But we are discussing at the same time our Amendment No. 9, to substitute the period of three years from the time when the cause of action arose instead of a mere six months.

While we are grateful for a crumb, it is a wholly inadequate and somewhat mean crumb. There is no reason why trade unionists as defendants should not be subject to the ordinary period that the vast majority of our citizens are subject to, either a period of six years—the ordinary period of limitation—or the period of three years, which we propose. This period is that within which every citizen is liable to be sued in respect of action for personal injuries. It is the period in which he is certain that the matter is set at risk.

The only dispute between us and the Government is on the length of the period. I entirely concede that the right hon. and learned Gentleman gave most excellent reasons as to why one should have a time limit of some sort but that does not justify and argue so exiguous a time limit as six months. We must remember that between 1893 and 1938 public authorities had the benefit of a six months' limitation. Anyone who wished to sue a public authority had to bring his action within six months. In 1938, however, Parliament thought that this was far too high a privilege even for public authorities and certainly in the courts, and the Scottish courts in particular, it was frequently pointed out what injustices were created by so short a period of limitation.

[SIR J. HOBSON.]

Now, Parliament having removed so short a period that was to the benefit of public authorities, it is proposed to put trade unions in the position which public authorities enjoyed at one time by granting them a period of six months. This, therefore, puts the trade unions in a more advantageous position than that of the Crown or public authorities which are liable to be sued in respect of their actions.

The Attorney-General referred to the Law Reform (Miscellaneous Provisions) Act, 1934, and pointed out that a period of six months existed in respect of the estate of a deceased person. But he is surely not suggesting that trade unions are dead above or below the neck. They are a continuing body. They are not winding up their affairs and endeavouring, as an executor does, to distribute an estate to those entitled to it. The Truck Acts are ancient legislation of the nineteenth century and in any case deal with small sums of money and are nothing like actions of the sort or importance dealt with by the Bill.

We propose, therefore, that three years is the proper period to fix. Actions for personal injuries can be straightforward and ordinary. The citizen is given a period not only of three years, however, but a period which can include additional time if, first, he is under a disability for any reason and cannot sue, secondly, if the cause of the action has been concealed from him, and, thirdly, if he has an illness which does not reveal itself to him at an early stage. He can also show that material facts were outside his knowledge.

8.15 p.m.

The period we propose in this case would be incapable of extension for any such reason, even though the cause of action was actively concealed from him by those who would be the prospective defendants. Even if he was under a disability and could not be sued, and even though the material facts could not be discovered by which he could take advice as to whether or not he could sue, once the time had gone he could not sue.

We say that a period of three years is usual and proper. As the Attorney-General says, there is a substantial amount to do before one even issues a writ. One must be aware of the facts and in many instances not all the facts will be available from the start. One then has to get legal aid, which takes time. One must then find a solicitor and he will want to know additional facts. One then has to take better advice and while collecting that advice and more material time is running against one.

We all know that litigation should be pursued actively but there is a disadvantage in forcing people to issue writs before they are really ready and to reserve their position by issuing writs when it may be wholly unnecessary to do so and when, if they had more time to consider the matter, they would decide not to seek any legal remedy.

Actions arising from the tort of intimidation are complicated and difficult. They involve very difficult questions of both fact and law. They are infinitely more complicated and difficult than any personal action and on top of that the damages and injuries that can be suffered by the plaintiff in many instances can be far more serious than the damages or injuries done during a cause of action for personal injuries.

Probably there are not very many of these actions, as the right hon. and learned Gentleman said, but I do not think that the principle alters one way or the other, whether there are many such actions or few. When imposing a period of limitation one must endeavour to hold the balance of justice, as the right hon. and learned Gentleman said, between the interests of the people who may have rights accruing to them and which they may wish to pursue, and the interests of prospective defendants who should not be kept in a state of suspense for too long without knowing whether or not they are to be sued.

I do not accept that there are not necessarily many of these actions. One example was quoted by my right hon. Friend the Member for Grantham (Mr. Godber), in Committee, and another was mentioned earlier today. We already know of two cases, therefore, which may come to litigation and there may be a great many others. But whether there are many or whether there are few, the interests of the party who wishes to sue and of those likely to be the defendants must be held in balance and I submit that our Amendment proposing a three year

period without any possibility of extension for any reason is infinitely fairer and better than the six months the Government have just managed to edge their way towards.

We hope that, now they are through the door, they will see that there is no substantial difference of principle between six months and three years and that it would be infinitely fairer to all concerned if they were to be even more gracious and accept our Amendment.

Amendment agreed to.

Motion made, and Question proposed, That the Bill be now read the Third time.

8.21 p.m.

Mr. Mawby: Although this is a very short Bill—on one side of a sheet of paper—we have spent many hours discussing it and we have reached Third Reading with the Bill very little changed. At this hour I do not desire to go over our long discussions, but we should not allow the Bill to pass its Third Reading without one or two comments.

Only a few moments ago, the Attorney-General said that the Bill sought to remove anxieties and confusions, and it is obvious from the decision in Rookes *v.* Barnard that there have been anxieties and confusions. The right hon. Gentleman the Minister of Labour obviously has it in mind to sweeten the atmosphere as much as possible to enable the Royal Commission to have an ideal atmosphere in which to take as much evidence as possible. One can, therefore, understand his desire to bring in a Bill to remove the anxieties and confusions which arose after the Rookes *v.* Barnard decision.

However, because the Bill has not been amended, it could still be used—and I believe that in certain circumstances it will be used—to legalise intimidation. I have every respect for the right hon. Gentleman's desire that the normal trade union official should be able to go about his duties without fear of being sued for any action he takes, but as it stands the Bill legalises intimidation and because its dangers are so great, on balance—and we should always consider balance—it would have been better if we had held up the Bill until the Royal Commission had reported.

Throughout these proceedings the Minister has been his usual courteous and friendly self and has always been apparently prepared to meet our arguments. Unfortunately, he has not gone that little further to satisfy us and our fears remain. On Report, hon. Members opposite pooh-poohed any idea that there would be widespread intimidation as a result of the Bill becoming law. They said, as most of us agree, that in their normal day-to-day activities the last intention of trade union officials is to intimidate anybody and that all they want to do is to get on with their normal business of negotiating with employers on behalf of their members.

If this is so, there is little point in having the Bill, because if trade union officials are not interested in intimidating people, but in getting on with their everyday job, there is no point in passing a Bill which will not give them any more power than they now need. There were special circumstances in the Rookes *v.* Barnard case, one of which was that officials had to threaten action which was contrary to a contract of service before the law could bite.

Time after time it has been said that the Bill merely restores the law to what everyone had thought it to be since the passing of the 1906 Act. I shall not rehearse the arguments again, but I believe this to be an erroneous impression. Conditions in 1965 are entirely different from those in 1906, when there was obviously a desperate need for the sort of legislation then introduced. Industrial conditions were entirely different and the 1906 Act at least made certain that those who were fighting, in many cases for their very existence, at least had protection and immunity, so that if they did jobs as trade union officials, the small funds of their unions would not be at officials took. In those days many employers made it a condition of employment——

Mr. Eric S. Heffer (Liverpool, Walton): The 1906 Act was introduced in the face of bitter Conservative opposition. Whenever progress has been made, it has always been made in the face of Tory opposition, and the hon. Member should remember that.

Mr. Mawby: Neither the hon. Gentleman nor I had been born in 1906.

Mr. Heffer: What has that to do with it?

Mr. Mawby: It has a great deal to do with it. If we base our consideration of the future of this country on impressions of what happened years before we were born, we will not get very far. We must accept conditions as they are at the moment and use and rely on the results of many battles fought in the past by our fathers and forefathers. It is no good harking back to situations which obtained when neither the hon. Gentleman nor I had been born and in respect of which we can only refer to the evidence which we read in books.

Mr. Heffer: For the hon. Gentleman's information, may I say that I have been a leading shop steward on many big building jobs. My experience in modern days has been that the Conservative Party and the employers have never welcomed us trade unionists with open arms. We have always had to fight for everything that we got.

Mr. Mawby: Probably the hon. Gentleman has had some unfortunate experiences. I have not had such experiences in the various offices which I have held in my union.

In 1906, there was a need for men to combine together and to make sure that they got proper recognition and could negotiate for proper wages and conditions. Many employers made it a condition that they would not employ anybody if he belonged to a union. We have now turned full circle. Those who were fighting to get rid of a tyranny—and it was a tyranny; any employer who takes that attitude is a tyrant——

Mr. Orme: The hon. Gentleman says that we have come full circle. My own union, the Amalgamated Engineering Union, is having problems in Scotland with American employers who still will not recognise trade unions. We are having to fight for that recognition.

Mr. Mawby: I wish the hon. Gentleman luck. I do not know the particular case to which he refers. Such instances are in the minority in industry in this country.

The tyranny which we were set up to fight has come full circle. Before, the employer said, "You cannot work for me if you are a member of a trade union". Now the employer has to say, "You cannot work for me if you are not a member of a trade union." One tyranny can be as tyrannical as another. We should think very carefully before passing a Bill which legalises intimidation. I hope that if the Bill is passed it will not be used for this purpose. But if it is used in only a very small number of cases that will be enough. The rights of the individual should be maintained by Members of this House. As Members of Parliament, we have a much wider duty than any of the interests which we may have outside. We must ensure that whenever a minority is affected it is given reasonable protection.

Sir E. Brown: Would not my hon. Friend agree that the death of one trade unionist as a result of intimidation by his fellow workers is enough to make sure that the Bill is amended?

Mr. Mawby: That is an important point. It needs only one case to arise for all of use to have a bad conscience. I believe that we ought to think very seriously indeed before we give this right to anyone.

For those reasons, I believe that we ought to oppose the Third Reading of the Bill, but I know that if the Bill is passed the right hon. Gentleman will do everything possible to impress on all those who are in charge of trade unions—and not only those who are in charge, but other persons, as well as small groups of unofficial leaders—that this right which he is giving them must in no circumstances be used by anyone as a licence.

8.30 p.m.

Mr. Hooson: Listening to the hon. Member for Totnes (Mr. Mawby), I was reassured to hear that the Conservative Party had concern for minorities. It has not always shown this concern in all spheres, and I would be a little more reassured if it had shown greater concern in spheres of activity other than trade unions.

However, be that as it may, it is a legitimate criticism of the Minister that he has proved so intractable on this Bill. I made the position of the Liberal

Party clear during the Second Reading debate. I understand the Minister's need to reassure trade union officials and shop stewards who are legitimately conducting union business that they will not expose themselves to tortious action by something that they might say, or some formula which they may not follow, during the conduct of negotiations.

I think that those fears were exaggerated, just as the fears from this side about the effects of the Bill have been greatly exaggerated. Nevertheless, casting aside the exaggerations, I think that it was a legitimate exercise for the Government to enlist the full co-operation of the trade union movement in the Royal Commission's investigation by allaying the fears that arose, not, I think, from the judgment itself, but from the possible implications of some of the speeches in the other place. It was not the judgment itself that caused the difficulty, but the possible interpretation of what was said by some of the learned Lords.

There was, as I said on Second Reading, great divergence of opinion among lawyers as to what the *diktat* might mean. I always thought that there was great exaggeration of the fear that this could lead to the victimisation of trade union officials and shop stewards.

As I said to the right hon. Gentleman, I approved of both the tone and content of his Second Reading speech. I thought that it was a most enlightened speech, and during our consideration of the Bill I have found myself in the position that whereas I was certain that it was my duty to vote against the Third Reading of the Bill—and during the Second Reading debate I said that I would—I was in agreement with the right hon. Gentleman's view on many of the matters which he dealt with both today and during the Second Reading debate.

Whereas it was right to allay the legitimate fears of trade union officials and shop stewards, and it was right not to try to amend trade union law in all its detail in a short Bill like this, it was equally right to allay the legitimate fears of those who were worried that the powers contained in the Bill might be used as an instrument for victimisation. Under the Bill as it stands, somebody could resort to intimidation and inflict injury for the sole purpose of enforcing a man to remain a member of a union, to be a member of a union, or indeed to cease to be a member of a union. If that was the sole purpose of the action, the intimidation would nevertheless be legal under the Bill as it stands.

I fully appreciate the view of the Minister that we cannot begin to embark piecemeal on the reform of trade union law. It is now very complicated. The industrial development of this country has taken place in such a way that the whole of trade union law needs review. I am sure that hon. Members on both sides of the House will agree that that is so, and that it would be a long job, which should be undertaken by a body such as a Royal Commission, with the full co-operation of the trade unions concerned. Nevertheless, the Minister is wrong in suggesting that we necessarily have to freeze all political judgment until a report is produced. He could have come a little way towards meeting the general fears that have been expressed about the Bill.

Mr. Orme: What worries me is the hon. and learned Member's attempt to expand the field of trade union law. Trade unions in this country do not want to see the arrival here of the sort of situation that exists in the United States, where trade union law covers all spheres of activity, and where resort is had to the courts continuously. I thought that our method of collective bargaining and the position of our trade unions were such that there was no need to resort to the law. I am surprised that the hon. and learned Member should suggest that we should expand the law—unless it is because he is a lawyer.

Mr. Hooson: I am sorry that the hon. Member should suggest that I have a vested interest in preserving the rights of lawyers in this respect. I have not. There is a great deal to be said for our method of collective bargaining. I was putting forward a general view of how a Royal Commission should approach this very complicated problem.

The Minister said that he was dealing with a narrow point. That is true. In that case, however, I do not see why he should not have accepted the Amendment No. 6. I will willingly give way to any hon. Member opposite who can tell me that a shop steward or trade

[MR. HOOSON.]

union official would be inhibited in performing his ordinary legitimate duties if he were not protected from a tortious action if he intimidated, or threatened intimidation, with the sole intention of forcing a person to become a member of a trade union, or remain a member of a trade union, or leave a trade union.

Mr. Hugh Jenkins (Putney): I shall tell the hon. and learned Member about this if I succeed in catching your eye, Mr. Deputy-Speaker.

Mr. Hooson: I have discussed with many people the question whether this would inhibit a trade union official or shop steward in the normal and legitimate pursuit of his activities, and I have been assured that it would not.

Mr. Orme: My experience in industry prior to October, when I came here, is that the Rookes *v.* Barnard case has inhibited shop stewards and trade union officials. The decision in that case has hung over industry and is being used in many ways——

Mr. Godber *indicated dissent.*

Mr. Orme: It is no good the right hon. Gentleman shaking his head. It is true. There have been instances in my union of its restrictive effect. We have had letters from the executive council to my district committee, pointing out that we must be careful how we proceed because of the Rookes *v.* Barnard decision.

Mr. Hooson: The hon. Member misses my point. He is dealing with an entirely different point. I accept that fears exist about the decision itself. What I am saying is that if the narrow Liberal Amendment No. 6 had been accepted it would in no way have inhibited a trade union official or shop steward from continuing his legitimate work. If it had been accepted by the Minister it would have allayed a good many of the exaggerated fears which have been raised about the Bill.

Therefore, as I said in the Second Reading debate, although we are in general sympathy with the objectives of the Bill we will not support it unless we are reassured on this point. The Minister has come no way towards reassuring us. He has given us honeyed words, but his actions have not matched his words.

8.45 p.m.

Mr. Hugh Jenkins: The question is: what is the legitimate work of a trade union official? I think that it is here that we have the nub of the matter. The hon. and learned Gentleman the Member for Montgomery (Mr. Hooson), from the Liberal benches, is doing what the Liberal Party nearly always does. He is demonstrating that its members are anarchist in political theory, but Whigs in political practice. It is legitimate for a trade union to seek to become 100 per cent. This is a part of the function of a trade union, to seek to establish itself and to build a complete organisation. Members opposite might travel with me a little further and agree that there are certain occupations in which 100 per cent. membership is essential; for example, doctors, and possibly even lawyers. I would not wish to go that far myself but the hon. Gentleman might perhaps. There are other spheres of occupation in which 100 per cent. organisation is necessary for other reasons.

To give an example. The hon. Gentleman the Member for Bath (Sir E. Brown), talked about death. We had an example of death occurring among trade unionists yesterday. These are the sort of deaths with which we are concerned. There are many jobs which are carried out by many ordinary people which are extremely dangerous and these men have the tradition of 100 per cent. trade unionism which they are entitled to enforce and demand. Mineworkers have always said that they will not work alongside non-members of their trade union, and I would say that they have an absolute right to say this.

Mr. Hooson: I am most grateful to the hon. Member for giving way. The example of doctors and lawyers is a mistake. There is a difference between professional qualifications. The doctor qualifies as a doctor and becomes a member of the British Medical Association, but the doctor does not have to become a member before he can practise, and a barrister does not have to be a member of a circuit to practise.

Mr. Jenkins: I will take up what the hon. Gentleman says. It is a question of qualification. The qualification of the miner is that he belongs to the trade union. On the Second Reading of the

Bill I gave another example in which I asserted that it was absolutely essential and right for 100 per cent. trade unionism to be exacted. The example is that of the stunt film artist. Here is very dangerous work and membership of the trade union gives a guarantee to that artist. He is right to ensure that whoever comes into the trade union will have the degree of skill to ensure that his own life is not endangered.

Hon. Members are saying that the Bill is not necessary, provided the trade unionist does his job in a legitimate way. The question is: what is the legitimate way? Words like "threats", "persuasion," and so forth, are used. At what point does persuasion become intimidation? These are the narrow arguments we would have to go on having throughout the trade union movement if we did not have this Bill. This is the sort of situation which hon. Members opposite would put this country into. I say that if the Bill were not to be carried there would be a vast increase in the number of disputes occurring because of arguments around and about this sort of problem.

Let me give one further illustration. Between the wars there was a threat of a strike in the entertainment business. As a result of that threat it was decided to establish machinery under which there would be registration of all concerned in the business. The registration procedure was established and employers and performers had to be registered under the London Theatre Council.

The registration of the performers is effected by means of trade union membership. Everybody who appears on the stage in London has to be a member of the trade union organisation. Without this protection the enforcement of that regulation emanating from the Ministry of Labour, universally enforced and as a result of which there has been peaceful organisation in the theatre over the last 25 years, would be quite impossible.

If the trade union official comes across a non-member he says, "The regulations are that you must join." The hon. Member wishes to make it impossible for the official to say that. He wishes to end compulsion. I say that there are circumstances—I have illustrated one or two—in which it is essential, for the preservation of industrial peace, for trade union membership to be obligatory. These are the facts of life, and if hon. Members opposite do not like it they must lump it.

Sir E. Brown: It is on this pertinent point that there is so much interest with regard to 100 per cent. trade union membership. I believe in 100 per cent. trade union membership and would recruit for it. But what happens if an individual falls foul of his union when there is 100 per cent. trade union membership? How do we protect him? The hon. Member referred to film artists. We in the House have a responsibility, in the name of freedom and democracy, to make certain that such a person can get another job.

Mr. Jenkins: There are circumstances in which it becomes necessary in some occupations for an individual to lose the right to earn his living. It could be a lawyer losing his practice, or it might become impossible for a doctor to practise, or for a trade unionist to follow a certain occupation, in the event of his refusing the necessary degree of co-operation with the rest of the people concerned. This business of taking a single case as the proposition on which to change the whole of trade union law is absolutely ludicrous. Hon. Members opposite are pleading not for freedom, but for licence, and that would undermine our trade union structure.

I welcome the Bill. The opposition to it has not been well founded. I believe that the passing of the Bill is essential so that the normal practices and traditions of the trade union movement may be carried on.

8.52 p.m.

Mr. Edward M. Taylor: I wish to join my hon. Friends in opposing the Third Reading of this Bill. I feel that the hon. Member for Putney (Mr. Hugh Jenkins) has completely misunderstood the purpose of the Bill and of our proposed Amendments to it. In fact, the Bill, unamended, is not concerned with the rights of unions in any way. It is concerned with the rights of individuals. The Bill, as such, in no way restricts, nor would our Amendments have restricted, the powers of trade unions as such. All that has happened is that a new immunity is to be given to trade unions.

[MR. TAYLOR.]

The Bill in no way restricts the right to strike or affects the question of the closed shop. It is concerned that we give a new immunity to trade union leaders, unions, or groups within unions, to use some kind of intimidation to force a third party to do certain things.

It would make it possible for intimidation to be used to bring about a closed shop despite the fact that the Minister of Labour and some hon. Members on the Government side have opposed that in principle. It would make it possible for intimidation to be used to carry out or to continue restrictive practices, despite the fact that in the declaration of intention, signed by prominent people in the Government and the trade union movement, it is stated that the Government wish to get rid of restrictive practices. It would make it possible for intimidation to be used to enforce unofficial strikes and to insist that people should participate in them. Yet unofficial strikes have been forcibly condemned by hon. Members on both sides of the House. What the Bill does is make it possible for intimidation to be used to enforce certain things which both Government and Opposition have condemned time and time again.

The one argument which has been put forward regularly in support of the Bill is that it will create the right conditions in which the Royal Commission can work. We might have been prepared to accept this if there had been in the Bill some kind of time limit. We appreciate that on Third Reading we are concerned only with what is in the Bill, and I see no mention in the Bill of a time limit, so that we have no guarantee that the Royal Commission will complete its deliberations by any time. We should have been more influenced to accept these sort of arguments if there had been some time limit. There is none.

It has been suggested in support of the Bill as it now is that it deals only with a minor legal point arising out of the application of the Trade Disputes Act, 1906. Certainly, at first sight, it appears that the Bill will have a very limited effect on a few cases which arise in special circumstances. When we consider the peculiar case from which the Bill stemmed, and when we consider how seldom these identical circumstances could arise, it is clear that the Bill covers only a few cases in special circumstances.

On the other hand, I am certainly of the opinion that much greater issues of principle are involved in the Bill, short though it is and limited though its application may be. The consequences of passing the Bill are far more dangerous and far more significant than are immediately obvious. It is certainly not the basis of my case nor of that of my hon. Friends that trade union reform is not necessary or desirable. Anyone who has been involved in industrial negotiations or industrial life today appreciates that there must be a real change in trade union law.

It might be argued that the Bill is a means of getting trade union reform, a means of having a Royal Commission through which we can get these changes, but we find it very difficult to accept that this is a possibility, when all the concessions have been made on one side. We are very scared that the Government will not be in a position to bring forward the kind of changes which the Royal Commission might suggest. We appreciate that changes are required. Those who drafted and brought forward the Trade Disputes Act of 1906 cannot possibly have envisaged the complex problems of modern industry and the changing attitudes to human relations in our commercial and industrial life.

There has been one significant change. In 1906, when the Bill was brought in, I think that it was appreciated that there was a need to protect people in industry, a need to protect human beings. This gives a further measure of protection, but it gives more powers to people involved in industry on the labour side. If there has been a change in the situation, it has been a change in the protection which a person now has. The Bill will remove one bit of protection which a person formerly had.

A man might not want to participate in a restrictive practice but his mates might go out on strike to insist that he should. He could be thrown out in consequence and lose his job—not just for a few weeks but for all time—because his membership was withdrawn. We are now making sure that he has no protection whatever. The Bill removes any

protection which he had. If someone has a conscientious objection to joining a union and is thrown out of his work in consequence, we are now removing any right which he has to take action against those who brought this upon him. I hope that the hon. Member for Putney will think about these things and appreciate that the Bill removes the rights of individuals and does not in any way consolidate the powers of the trade unions.

As the Bill is completely unamended, apart from one minor point of proceedings which are in the pipeline, I think that we are faced with the central argument which has been put forward time and time again, that, having appointed the Royal Commission, it is a very dangerous thing to take a decision in this way on the central theme of the relationship under law between all people in industry. This is a real danger and we also have the difficulty that there is the possibility that the passing of this Measure will remove any prospect of having a useful outcome from the Royal Commission's deliberations.

If the Government cannot resist the pressures to pass the Bill—to remove all the alleged anomalies arising from the Rookes *v*. Barnard case—how can we believe that they would have the courage to remove such protection as the Bill now affords? We have accused the Government of this from time to time and one thing that has confirmed this belief is that the Government have not been willing seriously to consider amending the Bill. Had they been prepared to make some changes in the Bill we might have been convinced that they had room for manœuvre. Our feeling now is that they are restricted by the terms of a squalid package deal which gives no room for manœuvre.

It is clear that the circumstances dealt with by the Bill will arise on only a few occasions. I mentioned earlier in the day that this was made clear by Lord Reid's judgment in the case. Since making those remarks I have had a chance to look the matter up, particularly the passage in which Lord Reid said:

"I have not set out any of the passages cited in argument because the precise point which we have to decide did not arise in any of the cases in which they occur . . .".

In other words, Lord Reid considered that the point in the Rookes *v*. Barnard case had not arisen before. It was a simple point in principle, but a complicated one at law. The point at law contained in the Bill, and dealt with by it, is whether it is legal for a trade union to do something which an individual is not in a position to do. The original Trade Disputes Act gave immunity from an action for conspiracy in respect of acts done in concert which would have been lawful if done by an individual, but was not intended to give protection to the use of unlawful means such as the tort of intimidation.

The question then arose that, while it was clear that the threat of violence constituted intimidation, did the threat of a body of men to break their contracts of employment constitute such intimidation? I do not think that anyone would question, in the case of Rookes *v*. Barnard, the fact that there was intimidation —of a great aircraft corporation being threatened with a sudden strike. However, the question was this. Was intimidation in law. After consideration it was decided in the House of Lords that intimidation had existed in that case. I feel that the basic principle was whether men in an industry had the right to threaten to do what legally they had no right to threaten to do. The Bill will have the effect of deciding that they did.

I said that the Measure gives a new immunity. Before we pass the Third Reading we must seriously consider how this new immunity might be used. We must think carefully about the questions affecting the closed shop, about restrictive practices and about the wide sphere of activities in which this new immunity could be given. I feel that it is an extremely dangerous new immunity and that if the Bill were not passed we should be in no way detracting from the powers of the trade unions and the rights of individual trade union members. We would, however, be preventing—I think rightly—the removal of the one safeguard which individuals within trade unions now have.

This brings me to the question of individuals within trade unions. There has been a good deal of talk about the rights of individuals to join unions. It has been suggested that certain firms

[MR. TAYLOR.]
deny individuals the right to participate fully in trade union activities, and we know that this is the case. Many of my hon. Friends would condemn it as much as hon. Members opposite. Let us also remember the growing problem in industry and the many individual cases —I agree that they are only individual cases, but a growing number of them—concerning individuals who are willing to participate fully in a trade union but who are expelled and not given the right to rejoin.

In this way we immediately deprive people of their livelihood, and may deprive them for all time from engaging in their normal occupation and using skills that may have taken many years to acquire. If the law is to be changed so as to give a change in emphasis, let that emphasis be on the rights of the individual, and on giving a little more protection to the individual from the dangers that can arise in a society in which the trade unions appear to be getting a little too much power.

9.5 p.m.

Mr. Bishop: When he introduced the Bill, the Minister claimed that the object was to restore the law to the position as it was thought to be before the Rookes *v.* Barnard case; that, by it, the Government were fulfilling a pre-election promise to deal with the situation flowing from that case in 1956, and that we were not conferring on the trade union movement—as some hon. Members opposite have alleged—any special privileges, but were seeking merely to restore the position to the *status quo* of 1906.

The Bill has had from the Conservative Party the determined opposition one might expect. Hon. Members opposite, under the guise of fighting for the rights of minorities, have sought to restrict the rights of majorities. It is fair to say that in opposing the Bill and its purpose they show that they are not in favour of the privileges and rights given to the trade union movement in 1906, but are aiming to put the clock back 60 years. It is quite clear that the Opposition are anxious that the Bill should not proceed, and believe that we should await the report of the Royal Commission, whenever that may come.

The Government, on the other hand, quite rightly say that since the Rookes *v.* Barnard case the position is so doubtful that the trade union movement is justified in seeking a measure of clarification until the Royal Commission reports and its recommendations can be acted upon. At the same time, many of us think that workers in the mines and the farms, in engineering, in factories and offices have a right to know where they stand. Solicitors are not always handy in all these places to advise workers who may be upset by the frustrations—and the dangers —of the conditions in which they work.

I tabled various Amendments in the Committee, but did not press them. I wanted to air certain matters, but I was also prepared to accept the Minister's assurance that they could be looked at in the light of the Royal Commission report. I think that I speak on behalf of the trade union movement generally when I say that although we appreciate the Government's bringing forward the Bill —and it would not have been produced had the Conservatives gained power in October—we are also well aware of its limitations, and hope that the various matters on which we have aired our views will be put right when the Royal Commission reports.

The Bill seeks to protect the new form of intimidation relating to threats to break a contract of employment. It may cover union officials against that liability, but whether it protects some of the individuals, such as Barnard and Fistal, is doubtful. Rookes *v.* Barnard breach of contract was declared wholly unlawful, like violence, and it appears that despite the Bill the courts could regard a breach as unlawfully involving other torts, such as conspiracy.

In Committee, we spent seven sittings discussing Amendments moved by hon. Members opposite and various questions remain to be answered. One may ask what is a trade dispute? Does it include a recognition dispute as in the case of Stratford *v.* Lindley? It would appear to be illegal with all the side effects of the Rookes *v.* Barnard case. One may ask whether a strike is a conspiracy to use illegal means and whether a warning is a threat because the legal possibilities make it rather severe on those concerned. Since the Rookes *v.* Barnard case there have been other matters which the Minister

claims should be dealt with at a later date. The Stratford *v.* Lindley case is a case in point.

While we are doing what we promised to do, to give limited protection to trade unions which may be affected by the Rookes *v.* Barnard decision, legislation on the Stratford *v.* Lindley and the Bowles *v.* Lindley cases raise new points. In the Stratford *v.* Lindley case a question was raised in which it was held that there was no trade dispute, but an inter-union dispute. In fact it was a dispute between a union and an employer. I should like this Bill if possible to have included recognition disputes as being trade disputes and to give protection in that way.

A further doubt arises since the Rookes *v.* Barnard decision in the case of Stratford *v.* Lindley where the defendants were held liable because they urged members to break their contracts of employment and deprived barge-hirer customers of their contracts. The Bill deals with contracts of employment, but it may be that we should have included commercial contracts as well. The Bill provides that an act shall be actionable on the ground only that it consists of threatening. The act done by Barnard and Fistal was not only a threat to the B.O.A.C., but was held to be damaging to Rookes, who was also concerned. The defendants were held not to be protected by Section 3 of the Trade Disputes Act. So the protection we all thought was in the 1906 Act did not exist. One may ask whether the present Bill provides protection in that respect.

It is not easy to tell what the effects of a breach of contract may be. Commercial contracts may be affected and people can be made subject to the very severe penalties for invoking breach of commercial contracts. The House of Lords decision in Rookes *v.* Barnard was that a breach of contract is an unlawful act for the purpose of the tort of intimidation. The Bill deals with intimidation, but not conspiracy, yet we know that every strike involves conspiracy in breach of contract and that such a conspiracy may be held to be unlawful.

The House has accepted an Amendment which gives defendants a right to bring action within six months of the Act being passed. One may say that for some time those engaged in industry have been subjected to certain legal dangers. Barnard and Fistal, in the Rookes *v.* Barnard case, were penalised for doing something in 1956 which the House of Lords, in 1964, said was illegal, and these trade unionists were held to be in order by the Court of Appeal while the House of Lords' decision was to the contrary. Therefore, there has been retrospective action here. It is possible for people who rightly believe they are within the law of the trade union movement and who act accordingly to be subject to heavy penalties at a later date. These people are an important cornerstone of our industrial society.

I welcome the Bill. I am sure that the trade union movement welcomes it. The Bill is really the soup before the main meal which will be provided by the Royal Commission. I have merely pointed out some of the misgivings which some of us have so that they may be dealt with by the Royal Commission. My colleagues and I believe that the matter is very urgent. Many doubts remain to be resolved. Many questions have yet to be answered. The sooner the Royal Commission reports, the better it will be for everyone concerned.

I end by quoting from the excellent book, " The Worker and the Law ", by Professor K. W. Wedderburn, Professor of Commercial Law at the University of London:

> " The Bill, if enacted in this form, would have substantial limitations and would not reproduce the law as it was thought to be before 1964 in every respect."

I have mentioned tonight some of the reasons the professor gives in support of that claim.

We are pleased that the Bill is to become law. It gives somewhat limited protection in respect of the doubts which have risen since Rookes *v.* Barnard. We still have to await the wider findings of the Royal Commission. We sincerely hope that they will come as soon as possible so that doubts can be resolved and those who work in industry will have the protection which is their due.

9.16 p.m.

Mr. Godber: We come almost to the end of our discussion on the Bill. I have been in the House for some years. It is a long time since I can recall, if indeed I can recall, an occasion on which a

[MR. GODBER.]
Minister was so unenthusiastic about his Bill that he failed to make one single articulate sound in commending it to the House on Third Reading.

Mr. Gunter: It was the deception of the right hon. Gentleman that brought about that state of affairs. I thought that the right hon. Gentleman was calling a Division. I went out in obedience. For some reason, the right hon. Gentleman did not call a Division.

Mr. Godber: I am sure that the Minister has all sorts of reasons about which he will tell the House later. We were waiting eagerly for his speech on Third Reading. It did not emerge. Before we conclude, I trust that he will give us the benefit of his views.

Mr. Gunter: Very shortly.

Mr. Godber: That depends on how long I take. I do not intend to delay the House for long, although I feel strongly about the Bill. We have already discussed it in considerable detail. It appears clear that the Minister is not in the mood to assist the House. We have every right to feel a sense of grievance because he has not taken more account of the Amendments we have moved during the Bill's passage. We must acknowledge, with a very limited degree of gratitude, the fact that at the very last moment not the Minister but his right hon. and learned Friend the Attorney-General was persuaded on the merits of the case about retrospection to give us one crumb of comfort. That is all we have had during the passage of the Bill. So the Bill goes forward almost in the form in which it emerged, a form which in our view has very serious defects.

It would seem from some of the speeches made by hon. Members opposite today that hon. Members opposite have no idea of what the Bill intends to do. They have tried to expand the issues raised by the Bill far beyond its confines, certainly far beyond the confines set out by the Minister himself on Second Reading. The Minister said this when moving the Second Reading:

"I should like to take this early opportunity of emphasising that this legislation is not intended to make any new departure in the law governing trade union activities. We are not legalising the closed shop, nor are we outlawing it. We are not opening the door to strikes in breach of contract, nor are we legislating against them."—[OFFICIAL REPORT, 16th February, 1965; Vol. 706, c. 1017.]

From listening to some of the Minister's hon. Friends today one would have thought that very sweeping things were being done by the Bill.

As I pointed out on an Amendment during the Report stage, the effect of the Bill is very limited, as the Minister himself then said. It sought primarily to clear up an area of doubt which existed in the minds of many trade union leaders subsequent to the Rookes *v.* Barnard judgment. We have debated with the Government the issues and the main criticisms which we have of the Bill. In Committee I summarised three main points. I said then, on the Motion "That the Clause stand part of the Bill":

"I find three main criticisms of the Clause: one is about the position of the individual; one is about the position of the unofficial strike leader; and one is about retrospection."—[OFFICIAL REPORT, *Standing Committee A*, 6th April, 1965, c. 273.]

On the point of retrospection we have had one crumb of comfort.

We were not able to debate the position of the unofficial strike leader on Report stage. We had an Amendment but it was not selected. I believe that the Minister was wrong in not doing something which could have helped him in his official position as Minister of Labour by restricting any benefit which the Bill would give to those in an official position in a trade union. I believe that there would have been real benefit in producing something of that sort and in restricting the advantages to those who speak in an official capacity. The Minister knows as well as anyone in the House the difficulties and the dangers which arise in industrial relations when official leaders are ignored. I believe that he wants to strengthen the hands of official leaders as much as I do and that he was wrong not to accede to our request there.

What the Minister was most wrong about, however, was the matter on which we have spent most of our time, and that is the question of the individual. The right hon. Gentleman has not seen fit to move one iota to meet us on a genuine case put forward with great cogency by my hon. Friends. Yet we have had no safeguards at all. The Bill still contains words which mean that not only is the

trade union leader in his normal activities of wage negotiation safeguarded but also that he is safeguarded with regard to any intimidation in individual cases.

The hon. Member for Putney (Mr. Hugh Jenkins) earlier took up this point when he spoke about what he said was a quite proper part of a trade union official's duty. I have noted his view on that but the whole basis of the Bill was one of urgency. We were told that it was urgent to provide some protection pending the Royal Commission's Report, but I do not accept that there was as much urgency about this as about other functions which trade union officials have to carry out.

Mr. Hugh Jenkins: I should like to correct the right hon. Gentleman. This is purely a matter of opinion and it is the opinion of people who do the jobs of trade union officials that the matter was urgent and that the lack of a Bill was impeding them in their day's work.

Mr. Godber: This is a matter of opinion and I am giving him mine just as the hon. Member gave me his, but surely in trade union matters this could not be of the same degree of urgency as things which are involved in wage negotiations that must go on whatever else happens. However desirable a 100 per cent. shop may be in the view of hon. Members, I find it difficult to believe that in general there is the same degree of urgency about it. But still, I am sure that this is an issue on which the Minister is doing harm. It is quite clear that, in opinion outside, there is an issue of importance here. The Minister was not very happy when I said earlier today that I felt that an indication of the opinion of the House as a whole could be of assistance to the Royal Commission. The right hon. Gentleman refuted that. I can only say that, in my view, the collective decision of the House is an important element in relation to public opinion, and he should not underestimate that effect in this connection.

I believe that the right hon. Gentleman's main failure on the Bill lies here. He has not been able to agree to any Amendment which would still have given him the main thing he wanted and yet would have provided a great deal of satisfaction to very many people who feel deeply on this issue. He may say that we have exaggerated. Nevertheless, I assure him that these opinions are deeply held and deserve to be treated with respect, and he could have taken action without militating against what he wanted to achieve. It is a serious failure on the right hon. Gentleman's part that he has not accepted what we pressed upon him. The Bill will leave the House in almost the same form as when it came here. It will leave without the advantage which it could have had of a much more favourable attitude from the House as a whole. This is a great pity.

The hon. Member for Newark (Mr. Bishop) tried to make far too strong a point in saying that, if we were against the Bill, we were even against the provisions of the 1906 Act. He must know that there was no justification for saying that. When I was Minister and had to deal with this particular issue, I said to trade union leaders then that, if they would bring to me evidence showing that they were being inhibited in their work because of any deviation regarding the interpretation of the 1906 Act, I should consider it sympathetically. I never had such cases brought to me. The issue here is very much narrower, as the hon. Gentleman must realise and as the Minister knows very well.

The Bill is leaving the House in a form which is much less satisfactory than would have been possible had the Minister been willing to show just a small degree of accommodation. We are entitled to voice our deep dissatisfaction because we asked him in various ways and different form of words to assist us on it, but he did not do so. He has done harm to what could have been a more or less ready approach together to solve the problem on a basis in which we could have had something much nearer agreement, though I am not saying that we could have had complete agreement. Now, if the Bill proceeds in this way, we shall, presumably, have to await the report of the Royal Commission before we have any further consideration of these matters.

Naturally, we hope that we shall be receiving the advice of the Royal Commission before very long. I remind the Minister that the Trades Union Congress asked for this only as temporary legislation pending the report of the Royal

[MR. GODBER.]

Commission. We shall want to look at all these matters again, as the Minister himself said on Second Reading. We all want to reconsider them, and I hope that it will not be long before we can look at the far wider issues involved. I am sure that the whole country will welcome that further examination. Of course, by the time the Royal Commission has reported, we shall be on the other side of the House.

9.29 p.m.

Mr. Gunter: When the right hon. Member for Grantham (Mr. Godber) talks about major issues here, the closed shop and restrictive practices, I am bound to ask him, why on earth did not he do something about them? We have been here for only six months. His party was in power for a long time. The closed shop was an issue long before Rookes *v.* Barnard. If the right hon. Gentleman wanted me to—I am sure that he would not—I could go over speeches of mine on the closed shop during the past 10 years drawing the attention of Ministers of Labour and the Tory Party, in my own kindly way, to the difficulties which were arising. Yet nothing at all was done. But we take office and the sacred cause of liberty is raised.

I want to say to the Liberal Party that I respect its radical tradition but that when a Tory starts talking to me about the defence of individual liberty then it is time for all decent men to reach for their guns. There has been much play on individual liberty. I do not know what the Welsh miners of my father's generation would have thought if they had heard some of the speeches today in defence of individual liberty.

The right hon. Gentleman the Member for Grantham expressed deep disappointment that I have not moved in the way he wanted. It was to me a narrow issue and yet a fundamental one that we should by some means or other seek to restore the law as we thought it would have been for 60 years, with all that history had proved were its weaknesses, all the facets which 60 years of developing society had revealed had gone wrong with the 1906 Act.

One hon. Member opposite discovered, almost as though it had come from Mount Sinai, that times had changed. Of course they have. The background today is entirely different from the background of the 1906 Act. I want to relieve myself from these suggestions of Machiavellianism. All I wanted to do in my own daft and simple way was to clear the ground and go back to where we were, for a short period until an objective body could have a look at all the related problems—not at just one problem, not just at restrictive practices or the closed shop or union rule books but at all the problems, bringing them together and thus giving, as did a similar body at the beginning of the century, a guiding light to the Government. I am bound to say to the right hon. Gentleman, therefore, that whilst he might be very disappointed and consider me to be to blame for not taking the course the Opposition wished me to take, my simple aim was to restore the position until the Royal Commission could look at the whole situation.

This is not a particularly dramatic or far-reaching Measure. Its scope is limited to removing a particular problem which has arisen in the law affecting trade unions. It is not an unimportant Bill but it is only a Bill which seeks to bridge a gulf until we get the Royal Commission's report. We have heard before all the arguments that have been adduced on Third Reading. Perhaps I am conceited enough to believe that I could recite some of the speeches which have been made on both sides. I am sure that I could recite the speech of the hon. Member for Glasgow, Cathcart (Mr. Edward M. Taylor), although I could abbreviate it.

We have heard all the arguments and therefore I shall try to be commendably brief and say that we do not need to be disappointed. But I would add that we on this side of the House are as near to the cause of individual liberty and the necessity for the abolition of restrictive practices as anyone. At least part of this whole operation is to see whether we can get some guiding light as to how to get the trade union structure into order.

All these problems are related and one cannot winkle one off and deal with it in isolation. They all must be dealt with together. I commend the Bill to the House for Third Reading. I believe the course I have adopted is right. It is not an outrage against individual liberty and

it does not condone restrictive practices or the closed shop. All I ask is that a Royal Commission shall view all these problems together and relate them so that we can see properly what is required in a modern industrial society.

I have felt for the right hon. Member for Grantham during the course of the Committee stage because my speeches have been so repetitive and have always ended with a reference to the Royal Commission. I think that on balance I am right in my approach. I do not want to end on an acid note, but I would only say that if he had seized the opportunity before the General Election, perhaps this dilemma would not have arisen.

Question put, That the Bill be now read the Third time:—

The House divided: Ayes 178, Noes 167.

Division No. 114.] **AYES** **[9.35 p.m.**

Abse, Leo
Allaun, Frank (Salford, E.)
Alldritt, Walter
Allen, Scholefield (Crewe)
Armstrong, Ernest
Atkinson, Norman
Bacon, Miss Alice
Barnett, Joel
Baxter, William
Bellenger, Rt. Hn. F. J.
Bence, Cyril
Bishop, E. S.
Blackburn, F.
Blenkinsop, Arthur
Boston, T. G.
Bowden, Rt. Hn. H. W. (Leics S.W.)
Braddock, Mrs. E. M.
Bray, Dr. Jeremy
Brown, R.W. (Shoreditch & Fbury)
Buchanan, Richard
Carmichael, Neil
Carter-Jones, Lewis
Castle, Rt. Hn. Barbara
Chapman, Donald
Coleman, Donald
Conlan, Bernard
Crawshaw, Richard
Crosland, Anthony
Crossman, Rt. Hn. R. H. S.
Cullen, Mrs. Alice
Davies, G. Elfed (Rhondda, E.)
Davies, Ifor (Gower)
Davies, S. O. (Merthyr)
de Freitas, Sir Geoffrey
Delargy, Hugh
Dell, Edmund
Dodds, Norman
Doig, Peter
Donnelly, Desmond
Duffy, Dr. A. E. P.
Dunn, James A.
Dunnett, Jack
Edelman, Maurice
Edwards, Rt. Hn. Ness (Caerphilly)
Edwards, Robert (Bilston)
English, Michael
Ensor, David
Evans, Ioan (Birmingham, Yardley)
Fernyhough, E.
Fitch, Alan (Wigan)
Fletcher, Ted (Darlington)
Floud, Bernard
Foley, Maurice
Foot, Sir Dingle (Ipswich)
Foot, Michael (Ebbw Vale)
Ford, Ben
Fraser, Rt. Hn. Tom (Hamilton)
Freeson, Reginald
Galpern, Sir Myer
Garrett, W. E.
Garrow, A.
Ginsburg, David
Gourlay, Harry
Greenwood, Rt. Hn. Anthony
Gregory, Arnold
Grey, Charles
Griffiths, David (Rother Valley)
Gunter, Rt. Hn. R. J.
Hamilton, James (Bothwell)
Hamilton, William (West Fife)
Hannan, William
Harper, Joseph
Harrison, Walter (Wakefield)
Hart, Mrs. Judith
Hill, J. (Midlothian)
Holman, Percy
Horner, John
Howarth, Harry (Wellingborough)
Howarth, Robert L. (Bolton, E.)
Howell, Denis (Small Heath)
Howie, W.
Hoy, James
Hunter, Adam (Dunfermline)
Hunter, A. E. (Feltham)
Hynd, John (Attercliffe)
Irving, Sydney (Dartford)
Jeger, George (Goole)
Jenkins, Hugh (Putney)
Johnson,James(K'ston-on-Hull,W.)
Jones, Dan (Burnley)
Jones,Rt.Hn.Sir Elwyn(W.Ham,S.)
Jones, J. Idwal (Wrexham)
Kenyon, Clifford
Ledger, Ron
Lever, L. M. (Ardwick)
Lewis, Arthur (West Ham, N.)
Lewis, Ron (Carlisle)
Lomas, Kenneth
Loughlin, Charles
Mabon, Dr. J. Dickson
McBride, Neil
MacColl, James
McGuire, Michael
McInnes, James
Mackenzie, Gregor (Rutherglen)
Mackie, John (Enfield, E.)
MacMillan, Malcolm
Mahon, Peter (Preston, S.)
Mahon, Simon (Bootle)
Mallalieu, E. L. (Brigg)
Mallalieu,J.P.W.(Huddersfield,E.)
Mapp, Charles
Mendelson, J. J.
Mikardo, Ian
Millan, Bruce
Miller, Dr. M. S.
Milne, Edward (Blyth)
Mulley,Rt.Hn.Frederick(SheffieldPk)
Murray, Albert
Neal, Harold
Noel-Baker, Francis (Swindon)
Oakes, Gordon
O'Malley, Brian
Oram, Albert E. (E. Ham, S.)
Orbach, Maurice
Orme, Stanley
Oswald, Thomas
Owen, Will
Page, Derek (King's Lynn)
Palmer, Arthur
Park, Trevor (Derbyshire, S.E.)
Pearson, Arthur (Pontypridd)
Popplewell, Ernest
Prentice, R. E.
Pursey, Cmdr. Harry
Redhead, Edward
Rhodes, Geoffrey
Roberts, Albert (Normanton)
Roberts, Goronwy (Caernarvon)
Robertson, John (Paisley)
Rogers, George (Kensington, N.)
Rose, Paul B.
Sheldon, Robert
Shore, Peter (Stepney)
Short,Rt.Hn.E.(N'c'tle-on-Tyne,C.)
Silkin, John (Deptford)
Silkin, S. C. (Camberwell, Dulwich)
Silverman, Julius (Aston)
Slater, Mrs. Harriet (Stoke, N.)
Small, William
Smith, Ellis (Stoke, S.)
Snow, Julian
Steele, Thomas (Dunbartonshire, W.)
Stonehouse, John
Stones, William
Summerskill, Dr. Shirley
Swingler, Stephen
Taverne, Dick
Thornton, Ernest
Tomney, Frank
Tuck, Raphael
Varley, Eric G.
Wainwright, Edwin
Walden, Brian (All Saints)
Walker, Harold (Doncaster)
Wallace, George
Watkins, Tudor
Wells, William (Walsall, N.)
Whitlock, William
Williams, Alan (Swansea, W.)
Williams, Albert (Abertillery)
Williams, Mrs. Shirley (Hitchin)
Williams, W. T. (Warrington)
Willis, George (Edinburgh, E.)
Wilson, William (Coventry, S.)
Winterbottom, R. E.
Woodburn, Rt. Hn. A.
Yates, Victor (Ladywood)

TELLERS FOR THE AYES:
Mr. Lawson and Mr. McCann.

NOES

Alison, Michael (Barkston Ash)
Allason, James (Hemel Hempstead)
Anstruther-Gray, Rt. Hn. Sir W.
Astor, John
Barber, Rt. Hn. Anthony
Barlow, Sir John
Batsford, Brian
Bell, Ronald
Berkeley, Humphry
Berry, Hn. Anthony
Biggs-Davison, John
Birch, Rt. Hn. Nigel
Black, Sir Cyril
Blaker, Peter
Bowen, Roderic (Cardigan)
Box, Donald
Boyle, Rt. Hn. Sir Edward
Braine, Bernard
Brinton, Sir Tatton
Brooke, Rt. Hn. Henry
Brown, Sir Edward (Bath)
Buchanan-Smith, Alick
Bullus, Sir Eric
Butcher, Sir Herbert
Buxton, Ronald
Carlisle, Mark
Cary, Sir Robert
Clark, William (Nottingham, S.)
Cooke, Robert
Cooper-Key, Sir Neill
Cordle, John
Corfield, F. V.
Costain, A. P.
Craddock, Sir Beresford (Spelthorne)
Crowder, F. P.
Cunningham, Sir Knox
Curran, Charles
Currie, G. B. H.
Dance, James
Deedes, Rt. Hn. W. F.
Dodds-Parker, Douglas
Doughty, Charles
Drayson, G. B.
du Cann, Rt. Hn. Edward
Eden, Sir John
Elliot, Capt. Walter (Carshalton)
Elliott, R. W.(N'c'tle-upon-Tyne,N.)
Eyre, Reginald
Fisher, Nigel
Fletcher-Cooke, Charles (Darwen)
Foster, Sir John
Fraser, Ian (Plymouth, Sutton)
Gammans, Lady
Gardner, Edward
Gibson-Watt, David
Giles, Rear-Admiral Morgan
Gilmour, Sir John (East Fife)
Glover, Sir Douglas
Godber, Rt. Hn. J. B.
Gower, Raymond
Grant-Ferris, R.
Griffiths, Eldon (Bury St. Edmunds)
Griffiths, Peter (Smethwick)
Grimond, Rt. Hn. J.
Gurden, Harold
Hall-Davies, 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
Hawkins, Paul
Heald, Rt. Hn. Sir Lionel
Hiley, Joseph
Hobson, Rt. Hn. Sir John
Hooson, H. E.
Hopkins, Alan
Howe, Geoffrey (Bebington)
Hunt, John (Bromley)
Hutchison, Michael Clark
Irvine, Bryant Godman (Rye)
Jenkin, Patrick (Woodford)
Johnston, Russell (Inverness)
Jopling, Michael
Joseph, Rt. Hn. Sir Keith
Kerr, Sir Hamilton (Cambridge)
King, Evelyn (Dorset, S.)
Kirk, Peter
Lagden, Godfrey
Lambton, Viscount
Legge-Bourke, Sir Harry
Loveys, Walter H.
Lubbock, Eric
McAdden, Sir Stephen
MacArthur, Ian
Mackie, George Y. (C'ness & S'land)
McLaren, Martin
Maclean, Sir Fitzroy
McMaster, Stanley
McNair-Wilson, Patrick
Maginnis, John E.
Mathew, Robert
Maude, Angus
Mawby, Ray
Maydon, Lt.-Cmdr. S. L. C.
Meyer, Sir Anthony
Mills, Peter (Torrington)
Mills, Stratton (Belfast, N.)
Mitchell, David
Monro, Hector
More, Jasper
Morrison, Charles (Devizes)
Mott-Radclyffe, Sir Charles
Murton, Oscar
Nicholls, Sir Harmar
Nicholson, Sir Godfrey
Noble, Rt. Hn. Michael
Nugent, Rt. Hn. Sir Richard
Onslow, Cranley
Osborne, Sir Cyril (Louth)
Page, R. Graham (Crosby)
Pearson, Sir Frank (Clitheroe)
Peel, John
Peyton, John
Pike, Miss Mervyn
Pitt, Dame Edith
Price, David (Eastleigh)
Prior, J. M. L.
Pym, Francis
Redmayne, Rt. Hn. Sir Martin
Rees-Davies, W. R.
Renton, Rt. Hn. Sir David
Ridsdale, Julian
Roberts, Sir Peter (Heeley)
Russell, Sir Ronald
Scott-Hopkins, James
Sharples, Richard
Shepherd, William
Sinclair, Sir George
Stanley, Hn. Richard
Steel, David (Roxburgh)
Stoddart-Scott, Col. Sir Malcolm
Studholme, Sir Henry
Talbot, John E.
Taylor, Sir Charles (Eastbourne)
Taylor, Edward M. (G'gow,Cathcart)
Temple, John M.
Thomas, Sir Leslie (Canterbury)
Tiley, Arthur (Bradford, W.)
Turton, Rt. Hn. R. H.
Tweedsmuir, Lady
Walder, David (High Peak)
Walker, Peter (Worcester)
Walters, Dennis
Ward, Dame Irene
Weatherill, Bernard
Whitelaw, William
Williams, Sir Rolf Dudley (Exeter)
Wills, Sir Gerald (Bridgwater)
Wilson, Geoffrey (Truro)
Wise, A. R.
Wolrige-Gordon, Patrick
Wood, Rt. Hn. Richard
Wylie, N. R.
Yates, William (The Wrekin)

TELLERS FOR THE NOES:
Mr. Dudley Smith and
Mr. G. Johnson Smith.

Bill accordingly read the Third time and passed.

AGRICULTURE (FERTILISERS SCHEME)

9.45 p.m.

The Joint Parliamentary Secretary to the Ministry of Agriculture, Fisheries and Food (Mr. John Mackie): I beg to move,

That the Fertilisers (United Kingdom) Scheme, 1965, a draft of which was laid before this House on 14th April, be approved.

This Scheme continues for a further year the fertiliser subsidy which the House has approved each year for more than 10 years. The main change this year is that the rates of subsidy have been cut to implement the decision announced at the Annual Review to reduce the subsidy by £2 million. Apart from this, there are only some minor changes in the Scheme itself which aim to clarify certain definitions, and to provide for points of detail that have arisen in the administration of the subsidy during the past year.

The cuts in the rates of subsidy amount to 5d. per unit for nitrogen, 4d. per unit for soluble phosphoric acid, and 2d. per unit for insoluble phosphoric acid. For grades of basic slag containing 14 per cent. or more of insoluble phosphoric acid, the reduction is 3d. per unit in Great Britain, and 4d. per unit in Northern Ireland. I should add that this still leaves the rate in Northern Ireland higher than that in Great Britain.

The overall reduction in the subsidy represents a little over 6 per cent. As in previous years, this has been spread over the nutrients in such a way as to represent roughly equivalent percentage cuts in each case. Again, in accordance with practice in the past, the rates for the lower grades of basic slag have been cut rather more heavily to avoid making bigger reductions in the higher grades which are the materials in greatest demand.

At the new rates the subsidy represents roughly the same percentage of the cost of the two nutrients—that is, a little over 30 per cent. For compounds, the percentage varies according to the relative amounts of nitrogen and phosphoric acid in them. The incidence of subsidy for most compounds is between 22 and 28 per cent. For all fertilisers taken together the subsidy represents—at present prices—about 25 per cent. of the cost.

I believe that this reduction in the public commitment is fully justified, and I should like to say a word about the background to these cuts. For the current fertiliser year, it is estimated that the subsidy will cost £31·4 million. For several years now, the subsidy has been cut annually and consumption has not been adversely affected; and, now that considerably more satisfactory levels of fertiliser application are being reached by British farmers generally, I am sure it is right to make a further reduction in the subsidy this year. There is no reason for believing that this year's reduction will affect the rate of consumption.

As I have already said, there are no significant changes in the Scheme itself. The main features are the same as in previous years. Subsidy continues to be paid on fertilisers according to the amount of nitrogen or phosphoric acid derived wholly or partly from inorganic materials. They must be bought in quanties of 4 cwt. or more and used for agricultural purposes.

This subsidy, gives a considerable impetus to the use of fertilisers. I am sure the House will agree that it is an important and useful one, and I therefore ask the House to approve this Scheme.

9.49 p.m.

Mr. James Scott-Hopkins (Cornwall, North): I am sure that the House is grateful to the Joint Parliamentary Secretary for the brevity with which he moved the Motion that we should approve this new draft Scheme, which brings in a cut of £2 million in the amount of fertiliser subsidy.

I have one or two questions to ask concerning the Scheme before I come to my main criticism of the cut in general. First, with regard to paragraph 4 of the Scheme, can the hon. Gentleman tell us whether there has been any infringement, or any difficulty concerning the registration of suppliers? As he will be aware, under the terms of the Agriculture (Miscellaneous Provisions) Act, 1963, farmers had to deal with registered suppliers to qualify for the subsidy. I should like to know whether there has been any difficulty about this. Has he had any cases reported back to him of information not having been supplied? Has he had any information from his

[MR. SCOTT-HOPKINS.]
officers concerning fraud or otherwise, under the registration system?

Secondly, paragraph 8 is completely new and deals with the repayment of contributions. Perhaps he will explain why this paragraph has been found to be necessary. I know that my hon. Friends will wish to cross-question the Parliamentary Secretary about the tolerances which have occurred in the past. I will not say more. I hope that the Parliamentary Secretary will have time to mention any difficulties that have occurred in the tolerance system.

As the Minister said, there has been a cut of just over 6 per cent. in the rate of subsidy for each commodity. This has followed the same pattern as last year, but there is one great difference between this year and last year. Last year, when the previous Administration cut the subsidy by £2 million, they recouped the industry, through the Price Review, in respect of its increased costs, and at the same time gave about £32 million or £34 million in the Price Review.

The Joint Parliamentary Secretary to the Ministry of Agriculture, Fisheries and Food (Mr. James Hoy) : The General Election.

Mr. Scott-Hopkins : It was nothing to do with the election. If the hon. Member wishes to intervene perhaps he will do so from a standing position.

This year it is a very different matter. The industry has had to absorb about £19 million in increased costs, and it is feeling extremely sore about it. Under the Scheme it is being asked to absorb a further £2 million in increased costs. It is a direct increase in farmers' costs. In previous years the costs have sometimes gone down, but this year there is no question of manufacturers lowering their prices, and this cut will represent a direct increase in the farmers' costs.

If they use the same amount of fertiliser they will have to bear an increased cost. The Parliamentary Secretary, at Question Time recently, has been very keen to encourage farmers to use more fertilisers to make up for the increased costs they have to bear. That is what he has said, and he cannot get away from it. This Scheme represents quite a considerable increase in costs to the farming community.

Mr. John Mackie : I may have misunderstood the hon. Gentleman. He seemed to say that farmers were bearing a £19½ million increase in costs, and, immediately afterwards, that this was a further cut of £2 million. I would point out that the sum of £2 million should be included in the £19½ million, if his figures are correct.

Mr. Scott-Hopkins : No, it is not included. As the hon. Gentleman must know, the increased cost to the industry this year is about £29 million, and under the Price Review it has been given £10 million, leaving an increase of £19 million at the time of the Review. Does the hon. Gentleman believe that there have been no increases in costs since the Review? Does he believe that the Budget has not increased costs in the farming industry?

Mr. Speaker : It is in order to refer to any increased costs that might arise from the Scheme, but we cannot debate the Annual Price Review.

Mr. Scott-Hopkins : I was pointing out that this is an increased cost to the farmer, which he must bear. The Parliamentary Secretary said that the cost of the subsidy this year would be £31·4 million.

Looking quickly back through previous years I see this is the lowest figure for the fertiliser subsidy since 1959-60. I think that the Parliamentary Secretary must find it very difficult indeed to justify a cut of this nature at this particular time, bringing the fertiliser subsidy down to such a low level, the lowest it has been since 1959, particularly in view of the savage cuts that he has forced upon the industry and of the difficulties which the industry is going through at present. I am sure that my hon. Friends will join with me in deprecating that this has happened in the way it has.

The unfortunate part about this is that the farmers who will suffer from this are those who can least afford to do so. Quite obviously, this cut in subsidy for fertiliser, combined with the lime subsidy scheme cut, which is to come later, will hit those who grow grass and, of course, cereal growers. The cereal growers have, as we know, suffered the maximum cut this year in the Price

Review. This is a further cut on top of that. They will have to bear this cut and the cut they took in the Price Review.

I say that this was quite unjustified and unnecessary and that the Parliamentary Secretary himself made a mistake, as he knows full well during the debate on the Price Review a couple of months ago, when he said it was forced on him and his Government by the previous Administration. This was completely false. This indignity and this extra cut that the cereal growers suffered——

Mr. William Baxter (West Stirlingshire): On a point of order, Mr. Speaker. Is this not a violation of the Ruling you gave a moment ago that we should devote our time to discussing the matter before us?

Mr. Speaker: I was listening with customary courtesy and was handicapped by my personal ignorance of some aspects of agriculture. I had not quite got to the point when I would wish to intervene.

Mr. Scott-Hopkins: I was trying to point out the effect that this reduction of £2 million will have on those in the farming industry who will have to bear probably the heaviest burden and who are perhaps the biggest users of fertiliser. Quite obviously, they will have to pay more because they are getting less subsidy from the Government. That is the effect of the Scheme we are discussing. By having cut the Scheme by that amount, of all the types of people who will have to pay more for their fertiliser one is the cereal grower. If the hon. Gentleman the Member for West Stirlingshire (Mr. W. Baxter) takes exception to what I have been saying, perhaps he will endeavour to catch Mr. Speaker's eye later.

The other type of industry which uses a great deal of fertiliser, and would have to pay more for it through the lack of Government subsidy, is the livestock industry. This is particularly true in relation to production of milk and rearing of beef. These people will be particularly hard hit, because as the House will know full well, during the Price Review they were recouped to a very small extent and now all that recoupment has gone. They had relied on this when increasing their productivity to meet their rising costs in the use of fertiliser. The Parliamentary Secretary knows this full well. He has advised them to do this and now he is making those fertilisers more expensive. This is, with respect, absolute nonsense, and something the Parliamentary Secretary ought not to do. The best thing he can do is to withdraw this Scheme altogether and restore the position as it was before the Price Review.

It will not only be the milk producer who suffers, but also the meat producer. It is nonsense for the Government to make speeches in the House and in the country telling farmers that they want to encourage them in increasing their productivity of milk, calves and beef when, at the same time, they are doing the most they can to discourage them in the proper use of the land, and in producing the grass which is part and parcel of increasing the productivity to meet the demands of the Government. It just does not make sense. This is the wrong type of subsidy. A point which has been brought to my notice—perhaps the Parliamentary Secretary can tell me whether it is true or not—is that it seems that there is a shortage of nitrogenous material in the south of England. I have no evidence to substantiate that. I was informed of it only this evening, but perhaps the Parliamentary Secretary can let the House know——

Mr. Walter H. Loveys (Chichester): If my hon. Friend would like some confirmation of his statement, I am able to inform him that only the other day I got in touch with the Southern Counties Agricultural Trading Society, a large-scale registered supplier of nitrogenous fertilisers, and was told that it had had no supplies for several weeks and had no idea when it would get any more.

Mr. Scott-Hopkins: I am grateful to my hon. Friend. Perhaps he will try to catch your eye, Mr. Speaker, at a later date—[*Laughter.*] Well, the Parliamentary Secretary must know that there is no limit to the time during which we can go on discussing this matter. I am sure that the Parliamentary Secretary will have a great deal to say, as he always has, and that he cannot imagine how glad we shall be to hear him.

[MR. SCOTT-HOPKINS.]

As I was saying, if there is a shortage I hope that the Parliamentary Secretary will see that the situation is dealt with in the near future, and then the farming industry will be grateful to him. This cut of £2 million is a false economy. There is no parity with what happened last year. The Government subsidies are at the lowest level since 1959 and I think that that will work against the long-term interests of agriculture which the Government profess to have at heart. Judging from statements made from No. 10, Downing Street, and from elsewhere, the Government seem to want to encourage farming, but by their actions they discourage the industry.

I suspect that this resulted from a question of mathematics. The Government have made a cut of £2 million. The Minister of Agriculture was told, perhaps by the Prime Minister or by the First Secretary, that all he would be allowed was £10 million, and as the right hon. Gentleman wanted to give a few small bribes to other parts of the industry he had to make cuts elsewhere. He thought that perhaps we would not notice this cut, and that there would be no outcry about it. It is a false economy and the industry will regret it. There can be no compensatory lowering of prices by manufacturers who have had increases in their costs, due to the action of the Government.

All in all, I regard this as an unfortunate action which has been taken at the wrong time. I regret that, once again, the Government are introducing measures which will reverse the trend which was apparent under the previous Administration when steps were taken to encourage farming and give confidence to the industry. The cuts have been imposed where they will do the most harm to the industry, and I regret that the Minister has brought the Scheme to the House in this form.

10.4 p.m.

Mr. Michael Jopling (Westmorland): Like my hon. Friend the Member for Cornwall, North (Mr. Scott-Hopkins) I am extremely disappointed that the Government have seen fit to cut the rate of subsidy this year. We are proud of the increasing efficiency of our agricultural industry which depends so much on the use of fertilisers, as has been apparent over the last few years. Between 1963 and 1964 the use of nitrogen, for example, has increased by 12·2 per cent. This is an example of how the industry by the use of fertilisers is reacting to the demand for greater efficiency. It is a shame that we should have to endure these cuts at this time. It seems quite wrong that the Government should take this action. I can only think that it is a case of killing the goose that lays the golden egg.

I was always brought up to believe in the old adage that one should live as though one were going to die tomorrow and farm as though one were going to live for ever. It seems to me that with fertilisers, one is right at the root of this in terms of how one should farm. Everything should be done to encourage farmers to use as much fertiliser as possible. I think that it is true to say that the Scheme over the years has worked very well. But there are two points which are worthy of the Minister's attention, where I do not believe that the farmer or the Minister—who is the mouthpiece of the taxpayer—is getting full value for money. I do not believe that anything illegal is going on, but there are certain loopholes and certain practices which need to be tightened up.

I ask the Minister if he will look at these two things. The first is the background to the figure which I have already mentioned of the increased use of nitrogen. I am sure that he is aware, being a farmer like many of the rest of us, of the spectacular results which can be achieved from the use of more nitrogen. It is now common practice to have as much as 100 units of nitrogen to get the best results with wheat. Very plausible theses have been written explaining how one can get an economic return by using as much as 15 cwt. of nitro chalk on grassland.

When one talks about nitrogen, it is easy to cover the whole lot with one umbrella. There are many sources—sulphate of ammonia, ammonium nitrate and urea—the last of which I believe is creeping in for too much in the composition of fertilisers. As the law stands at the moment, there is no onus on any manufacturer to state what proportion of urea there is in his compound. This is something which ought to be looked at, because I think that a very strong case has been made out on the harmful effect

of urea and the fact that it is a most inferior form of nitrogen. As the Parliamentary Secretary, I am sure, knows, when urea is applied as a fertiliser, an enzyme action occurs in the soil and the chemical is converted to ammonia gas. If one is not very careful, this ammonia, this source of nitrogen, is lost to the atmosphere.

It has been proved that, particularly in top dressings and grassland, urea is extremely harmful and bad to use economically. Dr. Cooke of Rothamstead has suggested that 100 units of nitrogen applied as urea are as effective as only 80 units when applied as nitro chalk.

Mr. Deputy-Speaker (Sir Samuel Storey): I think that the hon. Member is getting wide of the Scheme which we are discussing.

Mr. Jopling: With respect, Sir Samuel, I was trying to make the case that to get the best use of the subsidy, it would be better to be sure that the subsidy was used for the best possible sources of nitrogen. If you direct me that I am out of order, I must bow to your Ruling.

Mr. Deputy-Speaker: I think that the hon. Gentleman should direct his remarks to the fact that the subsidy should not be paid for urea.

Mr. Jopling: I would certainly take that up. The Minister should make up his mind—I do not mind how he does it—and he should either say that any content of a compound which is composed of urea will not qualify for subsidy, or he should go the other way, which I think would redress the balance to a large extent by making it compulsory for all manufacturers to say what proportion of urea is in their compounds.

Very many manufacturers are now including up to, and some well over, 20 per cent. of urea in their compounds and it would make a great difference if urea were not allowed to qualify for the subsidy. If it did not qualify I am sure that there would be few compounds in future which contained urea. It is a very much cheaper source of nitrogen to the compounders and they are, therefore, tempted to use it because they find it difficult to compete in the great competition which goes on between fertiliser manufacturers.

I hope that the Minister will look seriously at this matter. A strong case has been made out to show the harmful effects of urea, particularly in cereals with combined drilling, and the harmful effects on the germination of corn has been shown with a compound content of over 12 per cent. of urea. It would be as well if the percentage was reduced as much as possible and if the inclusion of urea in compounds was not allowed to go on with the present subsidy system on fertilisers.

I move from that point to the second matter I wish to raise, which is the way in which the industry and the public—the public as taxpayers and providers of subsidies—are not getting full value for money. There is a strong case for trying to do something about the present position of the tolerances allowed on the analysis of fertilisers. At present the tolerances allowed on fertilisers, on compounds, is 10 per cent., with a maximum of 1·75 per cent. total difference in any one nutrient. This means that if a compound contains, say, 10 per cent. of potash, a manufacturer can produce between nine and 11 per cent. without breaking the law. This means, when one thinks of the compounds in most general use today, that a manufacturer is allowed an enormous difference in the value of the fertiliser if he works inside the tolerances. With the most typical corn fertiliser, 22-11-11, there is, using last year's prices, a permissible discrepancy of 54s., on which no less than 16s. 7d. is public money. This, in turn, means that there is, in terms of subsidy, a very large discrepancy per ton which the manufacturer is allowed to have.

This tolerance is much too large. A great deal of public money is, perhaps, being lost because of the large and wide variation which is allowed in the analysis of fertilisers. There is more than a suspicion that a small minority of fertiliser manufacturers are working to the bottom end of the tolerance scale and are——

Mr. Deputy-Speaker: Order. The hon. Gentleman must relate his remarks to the scheme. I do not see where this question of tolerances comes into the Scheme which is before the House.

Mr. Jopling: I took this matter up, Sir Samuel, with the Journal Office last

[MR. JOPLING.]

week. Although I must, of course, bow to your Ruling, I was advised by the Journal Office—and I appreciate that that advice does not bind you, Sir Samuel—that it would be in order for me to talk about this because, I was told, paragraph 3 of the Scheme implies that steps are taken to ascertain the nature of the fertiliser, while paragraph 7 is concerned with the inspection of the fertiliser in question. It was my general impression that I should be in order in raising these matters. However, if you rule me out of order and say that it is wrong for me to discuss these issues I must, of course, bow to your Ruling.

I felt bound to say that public money may be wasted unnecessarily over the fertiliser subsidies. Perhaps something could be done to tighten up the system. If it were not possible to tighten matters up it might be possible to make other arrangements, but, before proceeding, if it is your Ruling that I should keep off this topic then I must abide by it

Mr. Deputy-Speaker: I thought that the hon. Member was arguing that another provision should be made to change the tolerances that are allowed. I do not think that that would come under the Scheme, but there is the question of inspection, to which I think the hon. Member could relate his remarks.

Mr. Jopling: Thank you, Mr. Deputy-Speaker. Inspection is enormously important, as I have found out to my cost. Within the last year I have had fertilisers sampled, as I thought I was getting some that might well be far down in the tolerance scale. The analysis was a most enormous and lengthy business. It took three men half a day to sample about 100 tons of fertiliser, and I certainly hope that it will not be necessary for me to have it done again.

It seems unfortunate that within the last few months the rate of subsidy should have been cut. I am sure that something can be done to alter the way in which these tolerances are worked out. If the Minister will be kind enough to look at this matter in order to see whether sufficient money would be saved by tightening up these tolerances to make the exercise worth while, and will also look at my previous point about urea to see whether subsidy money could be saved there, I should be extremely pleased.

I believe that new techniques for analysing fertilisers provide an important and legitimate argument for saying that these large tolerances are no longer necessary. I myself have seen the new auto-analyser techniques. Continuous results can be obtained for every form of analysis and every type of nutrient within 10 minutes, and this method has quite revolutionised the whole business of the control of manufacture.

A report on the new techniques of analysis presented to the Fertiliser Society in November, 1963, stated:

"Then it should be possible to have an almost continuous record of the composition of a product from a fertiliser plant. This will permit even closer control of product quality than has been possible hitherto, and be of considerable benefit to the whole fertiliser industry."

Because of the new techniques and the new information that is available, I believe that now is the moment when these tolerances can be tightened up. I hope that the Minister will find ways of tightening up in the two ways I have suggested, and thus save money that I believe is at present going down the drain.

10.19 p.m.

Mr. Hector Monro (Dumfries): Over the last few months, hon. Members on this side of the House have shown with great clarity the reduction of profitability in agriculture and last week, more particularly, in an Adjournment debate, we showed that the profitability in dairying had decreased twice as fast in Scotland as in England.

I am glad to see the Minister of State, Scottish Office, here tonight, to hear these brief remarks. The only way in which dairy farmers, particularly those in Scotland, can produce from fast diminishing returns is by increasing production from their herds and increasing the amount of fertiliser so that they can produce more milk. Yet they are to have a reduction in the fertiliser grant, the very last thing which Scottish farmers wish for from any Government. I hope that the Minister will explain to the farmers of Scotland why dairy farmers will have to put up with the reduction. That, of course, goes for beef and sheep production also.

There is a glorious "paper chase" concerned with the payment. The supplier has to get a form from the Ministry, fill it in and post it to the occupier, who has to fill in another part of the form and post it to the local office of the Department of Agriculture. That Department has to fill in still another part of the form and send it to St. Andrew's House, Edinburgh. Eventually, a cheque comes to the occupier who, at last, can put the money in his bank.

This seems to be an extraordinarily roundabout way of paying the subsidy. I quite agree that it is absolutely vital that public money should be spent wisely and that all safeguards should be provided, but these half dozen exchanges of letters seem to be a very wasteful method of paying for this decreasing subsidy.

I hope that the Minister of State will reply to these points.

10.21 p.m.

Mr. Alick Buchanan-Smith (Nortb Angus): At a time like this, when everyone in agriculture has to tighten his belt, it is particularly disappointing to have this reduction in production grants. I have always believed them to be one of the most important supports for agriculture, a way to encourage efficient agriculture and to make it more competitive with overseas production.

This matter is important, because this is one way in which Government money can be spent to help those farmers who are prepared to help themselves. That is an important criterion for any support which is given. No farmer can collect this subsidy unless he is first prepared to make an outlay on fertiliser. For this reason it is a great pity that the Government should have seen fit to reduce the grant.

There is undoubtedly at present in Britain tremendous scope for improving and extending the use of fertiliser. Reference has been made to its greater use for the production of cereals. It may be a good thing to include nitrogen to a very high rate for the production of wheat, but to do so for the production of barley for distilling purposes would not be so welcome to the distilling interests.

I wish to speak particularly about the tremendous scope there is on stock farms and dairy farms for increased application of fertiliser. Stock farming is by far the most important sector of agriculture in Scotland. There is very wide scope for the more intensive use of fertiliser on grassland. This can lead to the better use of grassland and we could save on our importation of proteins by conserving more grass for winter feed. In this respect, the economy made by this Scheme is particularly unfortunate and could have a bad effect on our balance of payments position.

There is also the question of the use of fertiliser in upland areas. Only 10 days ago we were debating an increase in grant for winter keep and for hill farming subsidies. I have always felt that money spent in hill areas is well spent. It can be supported further if more money can be spent on improving hill grazings. One of the quickest ways of doing this is the wider use of fertilisers.

It appears from the Journal of Scottish Agricultural Economics, published by the Department of Agriculture for Scotland, that when there has been a setback in the amount of fertiliser used it has fallen back far more in upland areas than in dairying and in cropping areas. The inference to be drawn from the present cut in fertiliser subsidy is that there is likely to be a more than proportionate fall in the use of fertilisers in the very areas of Scotland where their increased use would be most welcome.

I hope that the Government will review this on account of the effects on Scottish agriculture in general, particularly in dairying and upland areas.

10.26 p.m.

Mr. Peter Mills (Torrington): I am delighted to see that the hon. Member for Caithness and Sutherland (Mr. George Y. Mackie) is back in bis seat. For one moment I thought that the Liberals were not interested in fertilisers.

Mr. George Y. Mackie (Caithness and Sutherland): It is not fertilisers I am interested in. It is some of the speeches.

Mr. Mills: That may well be. One Liberal at least is in his place. I do not know what has happened to the Liberal Members from the South-West. It is obvious that they are not interested in fertilisers. In view of the problems

[MR. MILLS.]

in the South-West, I should have thought that they would have taken an interest in this matter, because this is one means of helping to raise agricultural production in the South-West.

If I were asked what major contribution had been made to modern agricultural techniques, high up on my list would come the use of modern compound fertilisers. There is no doubt that over the past few years subsidies have played a very big part in these new agricultural techniques. The Conservatives are to be congratulated on the part they played in this over the years when they were in office. Therefore, it was with a little sorrow that I realised that the first thing that a Socialist Minister of Agriculture did was to cut the fertiliser subsidies. I am sure that the Socialists will regret this in the years ahead.

Over the last 20 to 25 years there has been an enormous advance in fertiliser techniques. I can look back over nearly 26 years of farming. I well remember what was said in those far-off days about compound fertilisers. It was almost an immoral thing to speak of sulphate of ammonia, or " nitre ", as it was called in those days. There was much shaking of heads at the use of these new modern fertilisers. In those days we relied on dung, hoof and horn, and shoddy.

Mr. George Y. Mackie: On a point of order. Are the interesting reminiscences of the hon. Gentleman relevant to the Scheme?

Mr. Deputy-Speaker: I take it that the hon. Member for Torrington (Mr. Peter Mills) intends to relate them to the question whether these rates of subsidy are adequate.

Mr. Mills: Thank you, Mr. Deputy-Speaker.

If I may continue, the hon. Member for Caithness and Sutherland will understand my argument. At least, I hope that he will. It was said in those far-off days that the use of these subsidies was pulling the ground. There has been a great change. There has been a great expansion. There is no doubt that subsidies have played their part in this expansion. I believe that if we want to achieve an expansion in our food production fertilisers will have to play an ever-increasing part. The accelerator is only half down. Much more could be done. I believe that much more will have to be done to feed a hungry world.

Fertilisers will play their essential part in this work. I am, therefore, not happy at this cut in the fertiliser subsidy. This, coupled with the other cuts which we have experienced, will not help agriculture, to say the least. I believe that the Socialist Government will bitterly regret this cut of £2 million. André Voisin believed that the destiny of nations and of civilisation depends largely on our ability to use mineral fertilisers wisely and in ever-increasing amounts. This cut will certainly not help in that. We need an ever-increasing use of fertilisers in this country.

To turn to one or two practical points on the application of fertilisers—and I hope to prove that what I have to say comes within the scope of the Scheme. I believe that however much the subsidies are increased or are cut it is essential to have efficient spreaders. This is not to say that we lack efficient spreaders in this country, but that——

Mr. Deputy-Speaker: Order. I do not think that the application of fertiliser by spreaders comes within the Scheme.

Mr. Mills: I was trying to say that there is not much point in having subsidies at all if the application of the fertiliser is not 100 per cent. correct.

Mr. Deputy-Speaker: Order. The hon. Gentleman is getting wide of the Order.

Mr. Mills: May I move on to the question of liquid fertiliser? I am not sure whether the Scheme covers it.

Much research on this question is needed. My observations are——

Mr. Deputy-Speaker: Order. We cannot go into the question of research into liquid fertiliser on this Scheme.

Mr. Mills: If I am out of order I will not continue on that point. I should be glad of an assurance that liquid fertilisers come within the scope of the Scheme. I hope that the Paarliamentary Secretary will look into the matter, because I believe that there is a great future for the use of liquid fertiliser in agriculture. I repeat that I am disappointed by the cut in the subsidy. It is a backward move which will not help agriculture. The Government will regret it in the years to come.

10.33 p.m.

Mr. George Y. Mackie (Caithness and Sutherland): I have listened to the argument, which has been somewhat small from this side of the House, against the cut in the subsidy. The cut, of course, is a bad thing and is another addition to the many burdens which farmers have to bear, but there are other features which could help farmers a great deal more. This cut is not nearly as bad as the cut in the prices which farmers receive.

I should like the Parliamentary Secretary to tell us, if he can, how much we are paying for imported fertilisers. I know that there are a great many tariffs on them and that a total of about £30 million is being expended on this subsidy and the farming industry is bearing a cut of £2 million. How many millions of pounds are we paying for fertilisers imported into the country both in raw material and in manufactured nitrogen, which was useful in bringing down the price and increasing the nitrogen content of nitro-chalk and other nitrogenous fertilisers in this country? One thing we badly need in the industry in order to offset cuts in subsidies of this sort, as witness the Monopolies Commission's Report, is a close look at the tariffs on this important raw material——

Mr. Deputy-Speaker (Sir Samuel Storey) : Order. We cannot discuss tariffs on this Scheme.

Mr. Mackie : I bow to your Ruling, Mr. Deputy-Speaker, having finished that point. I should very much like to know how much could be offset against this cut if the question were really gone into.

10.35 p.m.

Mr. Paul Hawkins (Norfolk, South-West): The Minister was commendably brief in opening the debate, and I shall try to follow his example. However, his remarks were not very sweet to the farming community, because this Scheme means a cut of about £2 million. My constituency of South-West Norfolk is probably one of the greatest users per acre of fertilisers, and the cut will mean a great deal there. The corn growers of East Anglia have already experienced a very big cut, the biggest possible cut that could have been imposed under the Price Review. To our county council smallholders on, say, 50 acres, it will amount to about £1 a week. What other section of the community has had a cut of this order since this Government came to power? Is it any wonder that the temper of the farmers is shorter than it has ever been since the war?

I support what was said by my hon. Friend the Member for Westmorland (Mr. Jopling) on the tolerance allowances. I am a member of the public protection committee of the Norfolk County Council, and I know from experience what we are coming up against in having to administer the testing of artificial manures and their composition. We have been extremely worried to find that certain manufacturers have cut the tolerance allowance to the absolute minimum. As a result, farmers are not getting the full benefit of what they are paying for, and the country is not getting the full benefit of the subsidies which it is paying out. It has been very difficult for county councils to press a prosecution. The Ministry, under whichever Government, has always been extremely chary of pressing prosecutions for infringement of the tolerance allowances. I hope that the Minister will look into this again, because it is public money involved in the subsidies.

Mr. Deputy-Speaker : The hon. Gentleman is getting on to prosecutions and going away from the Scheme. He must relate his argument to the subsidy.

Mr. Hawkins : I am very grateful to you, Mr. Deputy-Speaker. I can only urge that we look closely at how we spend our public money on subsidies in this way. The great corn-growing industry of East Anglia has suffered a very severe blow in the Price Review, coupled with the cut in subsidy, and I hope that the Minister will take an early opportunity to review the subsidy.

10.34 p.m.

Mr. John Mackie : You have been so lenient in calling hon. Members to order, Mr. Deputy-Speaker, that I find I have taken a lot of notes of what has been said but I have not put at each appropriate point " Called to order ", so that, in answering, I am almost bound to get out of order myself. No doubt, you will be as lenient with me as you were with hon. Members opposite.

[MR. MACKIE.]

This is not a debate on the Price Review. It is a debate on the Fertilisers (United Kingdom) Scheme, 1965, which I have put to the House tonight. Most hon. Members have taken the opportunity—I suppose that it is perfectly legitimate so long as the Chair keeps them in order—to discuss other matters, but I feel that some of them really overstepped the bounds.

The first point made by hon. Members opposite was their claim that this Scheme represents a disaster for the farmers and that it will make them bankrupt overnight. There are 32 million acres of grass and crops in the country. Divide that up and it works out at exactly 1s. 3d. an acre. I do not know whether that will bankrupt the farmers, but that is the figure. [*Interruption.*] Hon. Members have made the most of their points. I shall make the most of mine. The figure is 1s. 3d. an acre.

The hon. Member for Cornwall, North (Mr. Scott-Hopkins) asked whether we had had any difficulties in registration—for instance, whether there had been any fraud. We have had little or none and all has gone as arranged. Paragraph 8 is additional to this Scheme as compared with last year's. It is simply to provide a new declaration in the application form, which will safeguard the Minister in reclaiming the subsidy where the fertilisers are not used in accordance with the terms of the application. For instance, a farmer may order fertiliser, claim and receive the subsidy and then return the fertiliser to the supplier.

I should like to pull the hon. Member for Cornwall, North up on one point, with which he made great play. He claimed that the £2 million involved here was extra to the Price Review whereas in fact it was included in the Review. It was not brought before the farmers for the first time by this Order. They knew about it at the Price Review. To say that there have been extra costs since has nothing to do with this Order. The figure was calculated for the Price Review. Whether or not we are agreed on the figure of £19½ million used by the hon. Member for Cornwall, North has nothing to do with the argument.

Mr. Scott-Hopkins: But the hon. Gentleman will accept the point that this is an increased cost to the industry and that the costs are more than £19 million.

Mr. Mackie: It is not a point at all. This was not an increased cost introduced tonight. It was in the Price Review two months ago. It is not additional to the Price Review. The hon. Gentleman gave the impression that it was an extra £2 million as of tonight and it is nothing of the sort.

The Minister of State, Scottish Office (Mr. George Willis): It was misrepresentation by the hon. Member for Cornwall, North (Mr. Scott-Hopkins).

Mr. Mackie: The hon. Member for Chichester (Mr. Loveys) raised the question of shortage in south-east England. He has written to the Board of Trade, which has asked us about it. We have had no real complaint about this. I gather that he is worried about nitrogen and granular nitrogenous fertilisers. One of the reasons for the situation is that sometimes people take advantage of what is left in order to claim last year's subsidy. Farmers are often late in ordering. This has happened in the past and it is nothing serious. Sulphate of ammonia is available but is not so easy to spread and we could do with a better spreader. But perhaps I had better stop at that point in case I get out of order.

The hon. Gentleman also made a point about £31·4 million as being the lowest figure for subsidy for fertilisers since 1959. He forgot to mention that fertiliser prices had fallen considerably since then. Although I have not worked it out, I imagine that the proportion of subsidy to price is probably higher than it was before. I may be wrong but the situation is not in any case as bad as he made out.

The hon. Member for Westmorland (Mr. Jopling) damned the Scheme with slightly faint praise. The hon. Member for Torrington (Mr. Peter Mills) reminisced a little too much but made a point about loopholes in the use of nitrogen and urea. The question is overdone, but we will take note of it. The Advisory Committee under the Fertiliser and Feedingstuff Act is looking into this matter.

On the question of tolerances——

Mr. Scott-Hopkins: Can the hon. Gentleman tell my hon. Friend and the

House, having taken note of it, what action he can take to do anything about it?

Mr. Mackie: The action of putting it to the Advisory Committee, which is why that body exists.

Mr. Jopling: By that, does the hon. Gentleman mean that he will put the case of urea to the Standing Advisory Committee?

Mr. Mackie: I said that I would take note of it and go into the matter. [HON. MEMBERS: "Hear, hear."] If one promised to do everything that hon. Members opposite suggested without going into the matter fully to see whether their suggestions had any background, I do not know where we should be.

The question of tolerances has been gone into by the Advisory Committee to a considerable extent. Although there may be individual cases where the tolerances are the wrong way, returns from local authorities show that, on the whole, farmers are getting rather more than the amounts declared, which means that there is no overall loss but a slight saving in subsidy. Although there may be individual cases in which it works the other way, and I understand that the hon. Member for Westmorland had such a case, that is what the overall figures from the local authorities show.

The hon. Member mentioned new techniques in analysis. Again, I suggest that that might be put to the Committee. If there are techniques that can help in any way, I am certain that they will be taken up.

Mr. Jopling: The hon. Gentleman again raises the question of the Advisory Committee, as he did a few minutes ago, when, on being pressed, he said that he would go into it himself. Does he advise me to do it myself to get action, or does he intend to change his mind and to let us have action from him for a change?

Mr. Mackie: In answer to a Question which he put to me some time ago, I gave the hon. Member all the particulars of the procedure for applying to the Advisory Committee. He can do it, but we will, naturally, take note of what he has said; and if we consider it all that important, we will look into the matter. The hon. Member can proceed himself if he wishes.

The hon. Member for Dumfries (Mr. Monro) also made great play on the subject of the Review. This is not a cut which has been made tonight. It is a Review decision, and I do not propose to start on the argument about that. The hon. Member objected to filling in forms and said that it was a waste of paper, time and stamps. Considerable thought has been given to this matter. Although it might be better to pay the subsidy direct to the manufacturer, we would then have the big problem of all the other users who use fertilisers—gardens, golf courses, sports grounds and everything else—and it might take just as long to get the forms back that way as it does the way we do it at present. If those in the industry are to collect £31·4 million, they should not object to filling in a few forms correctly.

The hon. Member for North Angus and Mearns (Mr. Buchanan-Smith), my Scottish Member of Parliament, mentioned, among various other things, my advice to farmers, if they wanted to recoup the little cut that they have had recently, to put on more nitrogen, and he was worried about the amount to put on to destroy the distilling quality of barley. It is a point, but I doubt whether it is valid. Enough barley is grown in the country for there to be a selection for distilling, leaving the rest for feeding. He made the comment that grass was now one of the crops on which nitrogen was used. I point out that on average the cost would be 1s. 3d. an acre, so that if farmers want to put on a little more, it would not cost them all that much.

The hon. Member for Torrington was reminiscent and mentioned nitre and was not too happy about the cut. He wanted efficient spreaders, but was pulled up for being out of order. The best way is to spread parallel to the road and then it is not seen. He mentioned the use of liquid fertilisers. The subsidy is paid per unit of nitrogen irrespective of how the nitrogen is bought. Liquid fertilisers have considerable value in a dry year when they mostly go in through the leaf and there is not the rain to put in the powdered form.

The hon. Member for Caithness and Sutherland (Mr. George Y. Mackie)

[MR. MACKIE.]

wanted the figures of imported fertilisers. I am never sure where the Liberal Party stands and I did not know whether he was arguing that it was a good thing to have imported fertilisers, provided that they did not have a tariff, or whether the amount of the tariff would be sufficient to pay back the £2 million, or whether he simply meant that the competition would be a little greater and that firms in this country would then bring down their prices.

Mr. George Y. Mackie: I had heard that the hon. Gentleman was a little slow. I hoped that he would be able to tell us how the figures related, whether the amount collected in tariff would repay the £2 million, or the whole of the £31 million. Those figures are relevant to the costs which farmers are bearing.

Mr. John Mackie: I can assure the hon. Gentleman that they will not pay the £31·4 million. Speaking from memory, I think that the total cost of fertilisers used in this country is about £120 million, but I will certainly look up the figures for the hon. Gentleman to see whether I can satisfy him, although I know from experience that that is difficult.

The hon. Member for Norfolk, South-West (Mr. Hawkins) emphasised the dreadful hardship which would result for Norfolk farmers from the 1s. 3d. an acre extra cost which they would have to pay for this fertiliser, and he mentioned tolerances. I have said, I shall look into that.

I think that I have kept fairly well in order, at least as well as hon. Members opposite, in replying to their comments. I am perfectly certain that if I have not satisfied them, they should be satisfied. I hope that the House will now accept the Scheme.

Question put and agreed to.

Resolved,

That the Fertilisers (United Kingdom) Scheme, 1965, a draft of which was laid before this House on 14th April, be approved.

BENEFICES (SUSPENSION OF PRESENTATION)

10.45 p.m.

Mr. E. L. Mallalieu (Brigg): I beg to move,

That the Benefices (Suspension of Presentation) (Continuance) Measure, passed by the National Assembly of the Church of England, be presented to Her Majesty for Her Royal Assent in the form in which the said Measure was laid before Parliament.

I think that I need detain the House for a very short time only about this matter. The Measure which it is sought to continue is one which concerns the reorganisation of parishes, and this is a continuous process. Owing to changes of population, or other causes, it is very often necessary to unite two benefices. Indeed, the Pastoral Measure of 1949 set up in each diocese a pastoral committee which, if I may use the Whitehall jargon which covers this matter, have the special duty to keep the suitability of parishes for the purpose for which they exist " constantly under review ".

It may be very desirable, and may have been found to be desirable by all those whose interest it is to watch these matters, to unite parishes A and B for instance; and everyone may have agreed. But if one of the incumbents dies, and if there is a presentation to that particular benefice before the union has been effected, it may well be that the man who is presented will not agree, and can hold up the reorganisation of the parishes, that is, the fitting of the parishes for the work they exist to do.

Thus, it is plainly desirable to have some machinery to avoid that sort of thing, and in 1946 this machinery was introduced, and it has proved so successful that it has been renewed already, apart from being renewed again this evening if the House agrees to it.

There is before the Church Assembly at present a comprehensive Measure about pastoral reorganisation reform, and it will contain provisions which will allow for the suspension of presentation to a benefice in a case which is considered appropriate by the proper authorities. What the House is now being asked to do is to agree to a further extension of the life of this machinery which permits of the suspension of the right of presentation to a benefice to take place until

1970 at the outside. It is not considered that it will have a useful life as long as this because of the comprehensive Measure now before the Church Assembly; but it is given until 1970 to be certain that there is no gap in the existence of this machinery which has proved so useful.

10.58 p.m.

Mr. Peter Kirk (Saffron Walden): I do not propose to detain the House for very long on this Measure. I have never made a secret of the fact that I do not think that the House should be detained at all on Measures of this kind. I would rather that we were relieved of this obligation, but, as long as we have it, we have to examine these proposals.

I am a little worried about the time scale. Here we have a Measure which, according to the Report of the Legislative Committee, was introduced to facilitate the pastoral reorganisation necessary after the war. That is why it was originally presented in 1946 for 10 years. It was then extended for a further 10 years, and now we are to extend it for a further five years. I know that "temporary" is a fairly wide term, but this seems to be carrying it to excess. For 25 years the church will have been acting under temporary legislation.

The hon. and learned Member for Brigg (Mr. E. L. Mallalieu), who moved the Measure so amiably, said that further legislation was on the way, and this is referred to in the Legislative Committee's Report, but it seems extraordinary that we should be extending for a further five years, from December of this year to December 1970, provisions which were brought in as a temporary measure in 1946, when we know that a comprehensive measure is already before the Church Assembly. I know, as the hon. and learned Member knows, that the Church Assembly, like the mills of God, grinds extremely slowly, as well as extremely small, no doubt, but it seems to be carrying slowness to excess to provide for a further five years in this matter.

What I want to put to the hon. and learned Gentleman is this: without wishing to oppose the Measure I would like an assurance from the Church Assembly that this type of temporary Measure will be made permanent at the earliest possible moment. The hon. and learned Member has said that five years is the outside limit. Can he tell us what he thinks the actual term is likely to be? I should be very much happier to pass the Measure if I knew that the temporary legislation would be embodied in permanent legislation which we can examine in detail when it comes before us at a fairly early date.

I recall the number of debates that we have had on the various temporary statutory Measures—I believe that the hon. and learned Member has been involved in them. We have Measures brought in after the First World War for a period of one year which we are still extending for one year in the emergency powers legislation each year. We do not want the same position to arise in connection with this legislation. I therefore welcome the hon. and learned Member's assurance that there will be legislation at an early date—preferably before 1970—to embody this in statutory form.

11.1 p.m.

Mr. Peter Mills (Torrington): I welcome the Measure as a Member of the Church Assembly. I fully support it. I took part in its passage through the Church Assembly. I believe that it is essential to have a Measure like this in our changing pattern of church life. Because of my work as a reader no one knows more than I do that pastoral reorganisation is vitally important to our church life today.

I want to put three points to the hon. and learned Gentleman. The first is on the question of time. No parish likes waiting too long before the future of its church is settled. People begin to lose interest when they have to wait a long time, and I do not believe that this matter should be allowed to drift on and on and on, as it has tended to do. I know that there are problems which any bishop has to face in connection with this matter, but it must not be allowed to drift on.

Secondly, there is the tradition of these churches. This question applies to both High Church and Low Church. This point should be remembered. The tradition of these churches should be maintained in this reorganisation.

Lastly, there is the question of explanation. I believe that there has been much misunderstanding with these churches, because it has not been explained carefully what is happening. I therefore

[MR. MILLS.]

stress the importance of explaining very carefully to the parochial church councils what is happening in order to try to fit them into the plan that is taking place. Most parishioners will be prepared to accept the plan if it is explained, but without any explanation—and this is what has happened in the past—they feel rather put out. They do not understand what is going on.

With those three small but important points, I welcome the Measure, and look forward to the bigger Measure that is coming later.

11.4 p.m.

Mr. E. L. Mallalieu: Perhaps I may briefly reply to the interventions of the two hon. Members opposite. It is true that the original legislation was brought in to deal with pastoral reorganisation which was found necessary after the war, but it has been found necessary even now ; indeed, it has become fully recognised that it is likely to be a continuing need. Hence the proposed legislation which is now before the Church Assembly. I have no authority to give a date when it will be through that machine, but I know that it is the intention to press on with it with as much speed as possible.

As for the question of consultation with parochial church councils—this is obligatory. A bishop must consult the parochial church council before he can suspend in this way. If there have been instances in which he has not fully consulted it, or fully explained what he was doing, I am surprised, and am sorry to hear it.

There is no doubt whatever that he is obliged to consult the parochial church council before he acts under this Measure and I am sure that the remarks which have been made will come to the notice of bishops who have this duty to perform. I have no doubt that they will wish to act on them.

I am grateful that the House should feel inclined to pass this Measure.

Question put and agreed to.

Resolved,

That the Benefices (Suspension of Presentation) (Continuance) Measure, passed by the National Assembly of the Church of England, be presented to Her Majesty for Her Royal Assent in the form in which the said Measure was laid before Parliament.

LOCAL GOVERNMENT STAFF, LONDON (SUPERANNUATION)

11.6 p.m.

Mr. Graham Page (Crosby) : I beg to move

That an humble Address be presented to Her Majesty praying that the London Authorities (Superannuation) Order 1965 (S.I., 1965, No. 621), dated 25th March, 1965, a copy of which was laid before this House on 31st March, be annulled.

As this is the last half hour in which I can pray against this Order I shall have to speak rather rapidly and perhaps hon. Members will forgive me if I do not give way. The Order transfers the assets and liabilities of the superannuation fund of the London County Council and the Middlesex County Council to the Greater London Council and it also transfers the superannuation funds of the Metropolitan boroughs to the appropriate London boroughs. Those transfers occur in Article 4 of the Order by reference to the Schedule on page 19.

The Order contains a lot of consequential provisions with which I do not intend to deal. I have no quarrel with the machinery of the Order nor do I intend to deal with the transfer of superannuation funds from the Metropolitan boroughs to the London boroughs. My quarrel is with the substance of the Order as it affects the transfer of what I would term the scandalously deficient L.C.C. superannuation fund to the Greater London Council. I say that the Government, finding that the London County Council after many years of Socialist control had a deficiency of £16 million in a £40 million superannuation fund ought not to have started this new authority, the Greater London Council, with this fantastic millstone around its neck.

If this was a fault inherent in the existing law then the law should have been amended before this Order was brought into effect when this deficiency came to light in December last. If the fault lay not in the law but in the administration of the law by the Socialist council of the L.C.C., then again the law should have been amended to stop it happening in the future. I say at once that almost every transfer authority, if not every one of them, handed over, under this Order, a deficit on its superannuation fund. This arose because of the method laid down

by law for fixing the contributions of the employer and the employee and fixing the pension. That is all right if the deficiency is made up regularly. But if it is allowed to accumulate and if, as in the case of the L.C.C., the deficiency is borrowed then the fund is losing interest on it all the time.

This is one thing that happened on a massive scale with the L.C.C. fund. In 1955 the valuation of the superannuation fund showed a deficit. I do not know how much, but I do know that in 1961 the 1955 deficit was still £5,300,000. The fund had lost interest on that sum for a period of six years, a matter of £350,000. In those six years a further £6,500,000 deficit had accumulated, an additional deficit to the £5 million-odd which was outstanding in 1961 of the 1955 deficit. The trouble was that the L.C.C. did not know about this. It did not know until 1964 when it received the report of its actuaries. It only obtained information on its 1961 deficit three years later. By that time the controller of the L.C.C. had to advise the council that another £4 million deficit had accumulated. So the total deficit handed over to the Greater London Council under this Order is about £16 million.

There is nothing magic in the calculation of these figures in the valuation of a superannuation fund. The way one does it is to take the assets side, the actual cash assets of the fund, the amount invested for the fund, and the present value of future contributions, and on the liability side, the pensions being paid and the prospective pensions. One says, in effect, " If we stop the fund now and sell to someone for cash our right to collect contributions from existing employees, what would there be in the kitty to provide for present and prospective pensions? " Quite simply, on that basis, the L.C.C. kitty would have been £16 million short, and the Greater London Council will have to make up this sum by collecting £1,400,000 a year for 10 years from its ratepayers.

There are several contributory factors to this deficit. First, there is the delay in ascertaining the deficit. The London County Council did not know its 1955 deficit until 1959; it did not know its 1961 deficit until 1964. Second is the consequent delay in payment of the very substantial deficiency sums, and the consequent loss of interest on those sums. There are much more serious factors even than those in this deficiency. In any commercial undertaking, the superannuation fund is vested in trustees. It may be that the employer and the trustee is the same person, but when he is holding that fund as trustee, he holds it as trustee, and if a commercial undertaking borrows from its own superannuation fund, it is a breach of trust.

This is just what the L.C.C. has done over the past 10 years. In addition to the investment of 1½ million in L.C.C. stock—about which I do not complain, because this is a proper investment—the L.C.C. has borrowed £14½ million from a £32 million superannuation fund, as it was then. I know that it has the statutory authority to borrow from the superannuation fund, provided that it pays proper interest. It was paying interest in this case ranging between 5 per cent. and 6¾ per cent. But since 1958, £10 million of that fund could have been invested in equities, with the resultant capital accretion. That was the power granted to the L.C.C. under the Act of 1958, to invest 25 per cent. of its fund in ordinary shares.

By 1961, the L.C.C. had used that power not to the extent of £10 million, but to the extent of less than £5 million —less than 15 per cent. of the fund instead of using its full power of up to 25 per cent. of investment in equities, while itself borrowing £14½ million, or 44 per cent. of the fund as it stood in 1961. So a paltry 15 per cent. was invested in equities, where there might have been an accretion to the capital, and 44 per cent. borrowed from the fund itself. The Controller-General of the L.C.C. sought to justify this by saying, " It is in the best interests of the council, which anyway has to make up the deficit on the superannuation fund to borrow from this cheap source for capital outlay." This sounds horribly like dad breaking into his kid's piggy bank and saying, " It is better to pinch the kid's money than to pay interest on my overdraft at the bank." This is, in effect what the L.C.C. was doing.

Since 1961, not only did it have the power under the 1958 Act to invest 25 per cent. of the superannuation fund in equities, but, under the 1961 Trustee Act, to invest as much as 50 per cent. in

[MR. PAGE.]

equities, the power given to any other trustee to make that sort of investment. The council did not use it; it was too busy borrowing it itself.

On the actuaries' assessment of the position as made in 1964 and reported to the L.C.C., first the interest which could have been earned by using the investment powers reasonably to the full, and secondly the growth potential of ordinary shares as an investment medium, would have covered the liabilities from an inerease in the level of wages and salaries by a matter of 3 per cent.

It is perfectly true that the wages of the L.C.C. have gone up by more than 3 per cent. per annum and that there would have been, even with the proper use of these investing powers, a slight deficit. But not a 40 per cent. deficit on its superannuation fund—not a £16 million deficit. The Government ought not to have given that gross mismanagement by the Socialist L.C.C. their tacit blessing by this Order.

11.16 p.m.

Mr. Jack Dunnett (Nottingham, Central): This is a common problem, common to all local authorities with, I believe, one or two exceptions only. I believe that the rate of deficiency runs at something like 30 to 40 per cent. in all cases, not merely in the case of the L.C.C., which the hon. Member for Crosby (Mr. Graham Page) chose to select for this attack.

The reason that the deficiency exists in all these authorities is the rising level of local government salaries. This is due to the rapid increase compared with the pre-war and immediate post-war levels of salaries, and this in turn means that contributions paid at any time will be quite insufficient to meet any pension based on the last three years of a pensioner's earnings. In addition there is, as we all know, an increasing length of life in all individuals, which means that pensions have to be paid longer, which in turn contributes to the deficiency in the fund.

The reason why the L.C.C. has the highest deficiency of all is, of course, that it was the biggest authority. I am not sure why the hon. Member chose to concentrate his attack on the L.C.C., but he might have drawn attention to the Middlesex County Council where the average rate of deficiency was virtually the same—£550 per individual compared with £552 in the case of the L.C.C.

The local authority has a duty under the provisions of the Superannuation Acts 1937 and 1953 to meet the deficiency, and this obligation was specifically placed on the Greater London Council by virtue of the London Government Act for which the hon. Member's friends were responsible. They were equally responsible for the rather limited timetable for bringing that council into being. This problem had to be dealt with by the 31st March, 1965. In the circumstances, this overall Order was the simplest method of dealing with the deficiency.

I do not wish to detain the House long, but I should like to deal with one or two points raised by the hon. Gentleman. In the light of events it would seem that this was the most prudent course, if the capital value of the fund is a relevant fact. If we compare the value of gilt-edged over the relevant period with internal investment, there must be a very considerable advantage in internal investment.

If the hon. Gentleman wishes to take the point that rather than merely hold the value he would sooner see an increase in value by investment in equities, as soon as they were able to do so the L.C.C. and the Middlesex County Council did invest in equities, as behoves the holders of large funds held in the quasi-capacity of trustees.

Once the Trustee Investments Act, 1961, made it common practice, the L.C.C. and the M.C.C. plunged into equities on a much greater scale, so much so that the L.C.C. had 41 per cent. of its fund, compared with the permitted 50 per cent., in equities at 31st March, 1965. The L.C.C. in effect invested nearly half in equities, which it hoped would improve the value of the fund, and the greater bulk in internal loans, which could not lose their value.

In these circumstances, I hope that the Prayer will not be successful.

11.21 p.m.

The Joint Parliamentary Secretary to the Ministry of Housing and Local Government (Mr. James MacColl): After just having had a Church Commissioners' Measure, the hon. Member for Crosby

(Mr. Graham Page) rather fittingly reminded us that this was the last half-hour of Prayer. I would only add that while this is not the day of judgment, it is the last opportunity we have to discuss the Order before the time expires.

While I understand the difficulties under which the hon. Gentleman laboured, he did not do himself justice by saying that he had no quarrel with the machinery involved here. I have never heard him admit that before when speaking about a complicated piece of administrative machinery. Had he spent more time looking at the machinery and less on some flamboyant remarks about the deficit, the House and the ratepayers would have been better served.

We are not in any way responsible for the L.C.C.'s scheme, which was a local Act scheme. It was entirely under the L.C.C.'s supervision and we therefore have no responsibility for operating it. Of course, it no longer exists. As my hon. Friend the Member for Nottingham, Central (Mr. Dunnett) so effectively said, the remarks of the hon. Member for Crosby were exaggerated. I fear that the hon. Gentleman's remarks may create the impression that when one talks about the deficits of a superannuation fund one really means that the fund is bust and that nobody who retires will get a pension. To create that impression among the general public is an unfortunate thing because we are concerned with a very rarified actuarial exercise.

That is why the exercise takes so long. The actuaries must consider the expectation of life of everybody in the scheme and do some extremely complicated calculations to work out whether, at a future date, there is a risk that if an unexpected catastrophe happens there might arise a situation in which the fund would not be self supporting. Even then, of course, it would have behind it the security of the rate fund. There is no question, therefore, of a scheme of this sort not being viable and solvent.

It is true that when the actuaries have performed their rather mystic operations money must be paid out of the rate fund, because it cannot be paid by contributions, to make the fund solvent. That is what the L.C.C. has done. However, all we are concerned with in the Ministry is whether the arrangements proposed for carrying this on the rates are reasonable.

We have had agreement on most, almost all, matters with the various local authorities involved in this operation and it has come out of our discussions that they regard these as reasonable arrangements. The burden is not an extreme one on the Greater London Council—at slightly over a halfpenny rate—so that cannot be said to be out of all proportion to the size of the L.C.C.'s operations.

It is easy, in terms of words, to chuck millions of pounds around, to say that the L.C.C. has a deficit of so much and that it is a tremendous burden. But, then, the L.C.C. was a tremendous body until it was wrecked by the party opposite. As I say, we are not responsible for this fund, but it occurred to me when listening to the discussion that the hon. Member did not persist in his change of a breach of trust. Parliament has consistently authorised that local authorities can borrow from their superannuation funds. The hon. Member, with his usual fairness, said that, and it should be underlined. There is no question of any hole-and-corner practice about this. It is a perfectly reasonable arrangement which every local authority employs. I do not think it a full condemnation to say that the L.C.C. should have gone more into equities and gone into them earlier. It occurred to me in my many years on a finance committee that it does not necessarily pay always to put superannuation moneys into equities. What is wanted is rather income than capital appreciation, because money has to be paid out in the form of pensions.

I do not want to become involved in a technical argument, but this is a much more complicated problem than the hon. Member had time to explain. I have no doubt at all that London County Council and Middlesex County Council and other authorities whose funds are involved in this very complicated scheme have conducted operations efficiently and with that sense of public responsibility and public duty which all finance committees of local authorities are expected to adopt. There is no suggestion that anything has happened that was not in the normal high traditions of local government, carried out by extremely responsible people under very responsible advice.

The thing to do with these deficits is to take them onto the rate fund of the Greater London Council. There may

[MR. MACCOLL.]
have been something to have been said for having one common superannuation fund for all local authorities in Greater London. That was discussed and explored and I think the Ministry had temptations in that direction, but it was not desired. The local authorities wanted to keep the funds separate and decided that, so that is in the Order. There is the one exception that people who are transferred are able to stay on their old county fund.

This is not something which can be altered. Under Section 151 of the 1933 Act it is possible where financial responsibility after reorganisation needs adjustments for local authorities which are affected by them to come to agreement and make adjustments of that sort. There is room for flexibility.

This seems an understandable attempt to raise political tension and to try to make this an example of scandalous inefficiency and incompetence, but the hon. Member ought to know better, because we all try to take a pride in our local government system. We know that that is not the way in which local authorities behave. Whatever the party in power, a local authority does its best to look after the welfare of its staff and to see that it has a well-run superannuation scheme.

Mr. Graham Page : I said that it would cost the G.L.C. £1,400,000 over 10 years to pay off this deficiency. The hon. Gentleman said it amounted to only a halfpenny rate. Is that correct? Surely it is a larger sum?

Mr. MacColl : A penny rate product is about £2·5 million.

Question put and negatived.

GENERAL HOSPITAL, CHEADLE

Motion made, and Question proposed, That this House do now adjourn.—[*Mr. Gourlay.*]

11.30 p.m.

Mr. William Shepherd (Cheadle) : I am grateful to the Parliamentary Secretary to the Ministry of Health for coming here at this somewhat late hour to deal with the question of the proposed Cheadle General Hospital. I hope that when he has had the opportunity to reply I shall be even more grateful to him and that he will be able to resolve the doubts and uncertainties which at present beset us when we think of the lack of progress with this hospital.

The electors of my constituency are very much concerned that the present Administration who were undertaking to improve the hospital services seem, from various accounts, to be slowing down the rate of progress in their projects. I am anxious to establish exactly when this very much needed hospital in Cheadle will be started. We have been pressing for many years to get the Cheadle General Hospital under way. I took a deputation to one of the hon. Gentleman's predecessors to make clear the urgent need that exists in the Cheadle area for the hospital. It was ultimately included in 10 major projects of the Manchester Regional Hospital Board and was intended to cost at that time, in 1961, about £2 million.

We had thought that this hospital would be started without fail in 1968. This would not be a moment too soon for the urgent needs of the area because, as the hon. Gentleman knows, a hospital of this size—one of 660 beds—takes a long time to build and certainly a considerable time to equip and get working. I want to emphasise that Cheadle is in an almost unique position in the matter of shortage of hospital accommodation, because the health division of Cheadle and Wilmslow has a population which in the not too distant future will reach at least 100,000 and, with the exception of one very small cottage hospital at Alderley Edge, there is no hospital in the division.

This is a serious situation and is made even more serious by the recent developments which have been approved by the authorities in my neighbourhood, chief of which is the arrangement which has been entered into by the Wilmslow Council to allocate 594 acres of land for the use of Manchester City Council, Wilmslow Council itself and private developers.

The result of this very extensive development will be that the population of Wilmslow will be doubled from its present 24,000 to 48,000. Therefore, this will make exceptionally urgent the need

to build the Cheadle General Hospital, because there is no other hospital there that can provide the facilities necessary for the people in this vastly growing area. I say that no other hospital in the area can provide the facilities required by the residents of Cheadle and Wilmslow, but hospitals at present do, in fact, provide facilities under conditions of great pressure and of great inconvenience to patients from both the Cheadle and Stockport areas.

No doubt, the Parliamentary Secretary will tell me, not, perhaps, with any great pleasure, that under the Conservative Administration there was a considerable improvement in the physical capacity, the administration, the management and the care in the Stockport hospitals. My experience and my record of complaints, or lack of them, over the last year or so bear out that view. But, even allowing for some improvement in conditions in the Stockport hospitals, it still remains true that this vast area, covering almost 100,000 people, is by no means properly taken care of by the hospitals which meet the needs of the people of Stockport.

We have no proper hospital facilities at all, and this causes considerable anxiety to those who are concerned with the health of the people in the Cheadle and Wilmslow divisional health area. For instance, we have no provision in the division for maternity cases. As the hon. Gentleman will realise, the sending of maternity cases long distances, as we have to do in these circumstances, is by no means satisfactory. We have very little provision for the chronic ill in our area, and geriatric cases have no provision whatever.

I know that the hon. Gentleman will be anxious to do what he can in processing this hospital project. Many hon. Members will be in touch with him to say that their need is really urgent, but I put it to him that the need in Cheadle is outstanding because there can be few divisional health areas which have no hospital facilities of their own.

We have provided the Manchester Regional Hospital Board with an excellent site for the hospital. We know that we shall have a large number of people anxious to work in the hospital—certainly, a large number of part-time people who live in the immediate area but who do not now work in hospitals because they do not wish to travel. There will be an ample supply of people anxious to serve in the hospital, and we ourselves are keen to get things moving so that the urgent needs of our area can be served.

There are very few areas in the country which have grown as rapidly as the Wilmslow and Cheadle area. My own constituency now, I am sorry to say, has nearly 90,000 electors. It is about time someone came along to relieve me of some of the excess burden, and I hope that it will be done and in proper fashion. It is a very rapidly growing area, with no apparent diminution at present in the rate of expansion. As I have said, we have the arrangement to provide 594 acres at Wilmslow, as well as other large areas within the division for the purpose of Manchester overspill. If the need for the hospital was seen to be urgent in 1961, it is much more urgent now, in the light of the extensive developments which have taken place since and the even more extensive developments which are projected for the relatively near future.

I hope that the hon. Gentleman will tell me that he recognises that this hospital has an outstanding claim to early building, that he will put his Government's record straight in Cheadle, if it is straight nowhere else, and that we can be quite certain that the hospital will be started not later than 1968.

11.40 p.m.

The Parliamentary Secretary to the Ministry of Health (Mr. Charles Loughlin): I am sorry that the hon. Member for Cheadle (Mr. Shepherd) marred what was in other respects an excellent speech by trying to raise in a debate of this kind party political points which I had deliberately tried to avoid in preparing my reply.

In my Department, Ministers ought really to look at the problem as a whole. We are seeking to give a service to the community and we should consider the problem on the basis of the needs of the community rather than on the basis of an attempt to get a particular political advantage as a result of the action one takes.

It is true, as the hon. Gentleman says, that this is an area in which there has been a large expansion of population in

[MR. LOUGHLIN.]

recent years, largely because of the residential housing for those who work in Manchester or Stockport, and both the regional board and the Ministry recognise that a new hospital is needed to give adequate service to the inhabitants. I am glad to have this opportunity of informing him of what is being done towards providing the new hospital for Cheadle when resources allow.

I will deal a little later with the question of whether this Administration is deliberately slowing down the hospital programme. First, perhaps I might explain that Cheadle falls within the catchment area of the Stockport and Buxton Hospital Management Committee, which serves a total population of about 350,000. The long-term plans for this committee's area are to make the main hospital provision in two district general hospitals.

One of these will be the rebuilt and expanded Stepping Hill Hospital, Stockport, on its present site, and the other the new hospital at Cheadle to which the hon. Gentleman has referred. In the main, these two hospitals will be independent, but complementary in the sense that, where it is necessary to concentrate all the services in a particularly specialty for the area in one or other of the hospitals in order to create a viable unit, this will be done.

The precise size and content of each hospital has not yet been settled, but will be resolved with regard as far as possible to the convenience of the patients who will, naturally, look to each one of them. The hon. Gentleman has heard of the acquisition of the site for the Cheadle Hospital and I want to deal with this because so far, although much thought has been given to the needs of the area, the planning of the new hospital has necessarily been in the broadest terms.

This does not mean that no action has been or is being taken. Approval in principle has been given to the Manchester Regional Hospital Board to purchase the site which is owned by the governors of Cheadle Royal Hospital and is across the road from that hospital. This approval might have been given, and the purchase of the land completed some months ago, but for major changes in the local authority road proposals for the area which, even now, are preventing a precise definition of the exact site to be acquired for the new hospital.

The regional board is in touch with the local authorities concerned to clear all outstanding matters so that negotiations to purchase the site can begin. Once the site has been precisely defined and acquired, the board can begin the lengthy and complicated process of the detailed planning of the hospital. As to the future progress of the planning and construction of the hospital, I must disappoint the hon. Gentleman, because I can say very little.

It is true that Manchester Regional Hospital Board had contemplated proceeding in three phases, but I want this evening to avoid committing the board to this arrangement since it may wish to reconsider it in the course of the current review of its programme. Similarly, I must leave the board free to decide what will be the content of each of the phases. The first phase must inevitably include a large proportion of supporting services whatever treatment facilities are included, but this is the case where any hospital is developed on a virgin site.

The hon. Member referred to the question whether the present Government were slowing down the hospital building programme. I know that the hon. Member will be disappointed that I can give him no assurance about the starting date of this hospital, but he will see the sense in the Minister's policy of leaving it to the regional hospital boards to decide the relative priorities of schemes in the light of their full and detailed knowledge of all the conflicting claims upon resources.

The House will, no doubt, remember that on 8th February, my right hon. Friend the Minister stated that because the individual schemes which comprised the Hospital Plan had been imprecisely defined and costed, the resources available had beeu found to be insufficient for all the schemes to be undertaken. This is the sort of thing which must be taken into account by any Government in taking a responsible look at the programme as it has been projected prior to their taking office. We have to consider the schemes that were initiated or planned two, three, four or five years ago, and whether any changes have occurred which will materially affect the total cost of the schemes as they are put into operation.

I ask the hon. Member to recognise that whilst we are reviewing the programme, we are doing so because we want to see the greatest possible progress in the utilisation of the resources which are likely to be available for this part of our social policy.

I should like to quote three short examples of how plans go awry when proposals which on paper appear to be correct prove, by virtue of the passing of time, to have been insufficiently and imprecisely costed. In the first example, the estimated cost of the project in 1962 was about £1 million. The present estimated cost, based upon tenders for phase one, is nearly £1½ million. In the second example, the 1962 estimated cost was £5½ million. Today's estimate, based upon the price of phase one, is £6¼ million. In the third instance, the estimated cost in 1962 was £440,000, whereas the present estimate is about £1 million.

Obviously, if a plan is so imprecisely costed—not because of any deficiencies on the part of the Minister who initiated the plan, but simply because of time catching up, the changing monetary values and increases in price—the plan must be reviewed. I refute any suggestion that we are slowing down. What we are doing now is reviewing the whole position to see how far it would be possible to put into effect the policy laid down in the plan.

With the regional hospital boards, my right hon. Friend is now reviewing the plan, first, to have an even closer look at the content and cost of each project so that the programme as a whole can be balanced with the available resources; secondly, to examine priorities, particularly to see if the needs of geriatric and psychiatric patients have been properly weighed; and, thirdly, to give special attention to the co-ordination of planning with local health and welfare and general medical services. This review will be taking place during the next few months and the same careful consideration will be given to the needs of Cheadle as to all other parts of the Manchester region and the country as a whole.

The hon. Gentleman may feel that the priority given to the building of the new Cheadle Hospital has not been high enough. He is perfectly entitled to urge the merits of the case and the needs of his constituents, and I make no complaint about that. But he is not the only hon. Member who, in one way or another, perfectly properly, has brought to the attention of my right hon. Friend the claims of his own constituency. I replied to a debate a fortnight ago on the claims of another hon. Member's constituency in the same way, and I have reason to assume that within a few weeks I shall have further claims from other hon. Members for their constituencies.

I hope that the hon. Gentleman will agree that the amount of resources which the country can devote to the building of new hospitals is limited. If he does, he must accept that we cannot do everything we would like to do at once. This means that there must be a list of priorities. Within the regions, my right hon. Friend looks to the regional boards to decide priorities in the light of their own detailed knowledge of local conditions and local needs. Frankly, neither my right hon. Friend nor I would wish to interfere with the decisions of the boards in these matters. If the new Cheadle Hospital has not been given the highest priority among the region's projects, this is because the needs elsewhere are even greater and more urgent and it follows that an early starting date could be found for this project only by deferring others which, in the board's considered view, are more urgent and on which the planning is more advanced.

I am sorry that I am not able to give the hon. Gentleman definite assurances, or any definite dates this evening. I feel sure that he will accept that it would be wrong for the Ministry to try to say to the people in the regions that we know better than they about priorities in the regions which they serve. The regional boards know the regions and take into account the growth of population, to which the hon. Member referred, the absence of services and the need to coordinate the various services in the areas within the regions. I am satisfied that the regional board in this case will give the Cheadle Hospital the highest priority in the light of the needs in the other parts of the region.

Question put and agreed to.

Adjourned accordingly at six minutes to Twelve o'clock.

Tuesday, 18th May, 1965

COMMONWEALTH RELATIONS

Oberon Class Submarines

8. **Mr. Burden** asked the Secretary of State for Commonwealth Relations what Commonwealth Governments have expressed an interest in the purchase of Oberon class submarines from the United Kingdom.

Mr. Bottomley: Four Oberon class submarines are at present being constructed for the Australian Government and three for the Canadians. The approximate value of these orders is £28 million. The Government of India has also expressed an interest in this class of submarine.

Commonwealth Parliament

Mr. G. R. Howard asked the Secretary of State for Commonwealth Relations what recent representations he has received concerning the possibility of setting up a Commonwealth Parliament; and whether he will now make a statement.

Mr. Bottomley: I have received no recent representations, although a number of hon. Members and others have made known to me their interest in this proposal.

At the moment I have nothing to add to the information given to the House by the Prime Minister on 9th March.

PAKISTAN

Cyclone Disaster (Aid)

Mr. Tilney asked the Secretary of State for Commonwealth Relations what help Her Majesty's Government are giving to the Government of Pakistan to mitigate the recent cyclone disaster in East Pakistan.

Mr. Bottomley: The full seriousness of this disaster only became evident on Staurday, the 15th. I have reviewed the reports from our High Commissioner in Pakistan and I am authorising him today to offer the Pakistan Government aid worth £7,500 in whatever form they wish. Further aid will be considered should later reports warrant this. I have also informed the voluntary agencies, who are co-operating fully with their opposite numbers. I am sure the whole House would wish me to convey an expression of sympathy in this sad disaster.

NATIONAL FINANCE

Income Tax

30. **Mr. Temple** asked the Chancellor of the Exchequer how many individual Income Tax payers there were in the United Kingdom, excluding Northern Ireland, in 1963-64; and of these how many had incomes below the rate at which the standard rate of Income Tax was not applied.

Mr. MacDermot: 17,210,000 counting husbands and wives as one. Of these about 11 million were not liable at the standard rate on any part of their income.

Decimal Currency

32. **Sir J. Langford-Holt** asked the Chancellor of the Exchequer what estimate he has made of the total cost to Government, private persons and industries of introducing a decimal currency system this year; and what would be the equivalent figure next year and in subsequent years, allowing for any increase in costs as well as a wider use of computers and other electronic machines.

Mr. MacDermot: As the Halsbury Committee recommended a three-year preparatory period before the change-over took place, there can be no question of introducing a decimal currency this year. For estimates of the total cost in subsequent years I would refer the hon. Member to the Committee's Report.

Government Establishments (Computers)

Mr. Charles Morrison asked the Chancellor of the Exchequer if he will list the Government installations in which agreements with the National Staff Side Negotiating Committee limit the number of hours which computers are operated, indicating in each case the type of computer involved, the purpose for which it is used, the date of the agreement and the number of hours per day that the computer is in operation.

Mr. MacDermot: A list of computers operating in Government establishments was given in the reply to the hon. Member on 2nd March, 1965. The agreement with the National Staff Side applies generally and not to specific installations. Under this agreement, made in July, 1962, normal working is limited to 15 hours per day but 24-hour manning is permitted where necessary to provide a fully operational service or in emergencies.

Owner-Occupiers (Mortgage Interest Payments)

31. **Mr. Atkinson** asked the Chancellor of the Exchequer what is the average weekly tax relief enjoyed by owner-occupiers on their mortgage interest payments.

Mr. MacDermot: Just under 12s.

Gas Production (Oil)

Mr. McGuire asked the Chancellor of the Exchequer if he will now introduce a tax on oil used for producing gas as a means of helping the balance of payments.

Mr. MacDermot: As has already been announced my right hon. Friend the Minister of Power is conducting a thorough review of fuel policy. I cannot anticipate the outcome of that review.

LOCAL GOVERNMENT

Greater London (Rates)

33. **Mr. Dodds** asked the Minister of Housing and Local Government if he is aware of the concern arising from the substantial increase in the cost of administration of local government in Greater London resulting from the London Government Act, 1963; and if he will take steps to diminish the burden on the rates.

Mr. Mellish: The reply to the first part of the question is, "Yes". As to the second part I would refer my hon. Friend to my right hon. Friend's speech during the debate on 5th May.

King's Lynn (Overspill Scheme)

35. **Mr. Derek Page** asked the Minister of Housing and Local Government what account he took of rail facilities in the King's Lynn area when agreeing to the overspill plan for the area.

Mr. Mellish: The overspill scheme was approved by my right hon. Friend's predecessor who decided that the railway facilities were satisfactory.

Local Government Reform

40. **Mr. Awdry** asked the Minister of Housing and Local Government what progress he has now made on his plans for a reform of local government structure; and whether he will make a statement.

Mr. Crossman: I would refer the hon. Member to the reply I gave on 15th December last to my hon. Friend the Member for Goole (Mr. George Jeger).

Since then I have made orders extending the boundaries of Coventry and Northampton and making a number of minor changes in the boundaries of several counties in the East and West Midlands. I have also announced decisions on the Local Government Commission's proposals for Exeter, Bristol and Bath, and shall in due course be giving effect to them by order.

Collection of Litter

42. **Mr. Dodds-Parker** asked the Minister of Housing and Local Government what study he has made of vacuum equipment and vehicles used in Europe for the collection of leaves and other street litter; and, in view of the development of smokeless zones, what action he will take to develop such equipment.

Mr. Mellish: Several British firms are making and selling this kind of equipment. Regular national and international conferences and exhibitions keep local authorities in touch with developments, and my right hon. Friend does not think any special study or action is called for from him.

Metropolitan Green Belt

43. **Sir J. Rodgers** asked the Minister of Housing and Local Government if he will, with the minimum delay, define the limits of an extended metropolitan green belt.

Mr. Crossman: The local planning authorities concerned were asked to review their proposals for extending the metropolitan green belt in the light of the

South-East Study. They cannot complete this work until the Government have announced their conclusions on the South-East Study itself, since the green belt boundary has to be decided in conjunction with the allocation of land for housing and other needs. Meanwhile discussions are proceeding with each of the local planning authorities.

Surrey County Rate (Greater London Council Assistance)

45. **Sir J. Vaughan-Morgan** asked the Minister of Housing and Local Government what contribution has been made by the Greater London Council towards the assistance of the county of Surrey in the year 1965-66; and what this represents in terms of the Surrey county rate.

Mr. Mellish: £587,189, or a rate of 2·9 pence.

Classified Documents

46. **Mr. Onslow** asked the Minister of Housing and Local Government whether he is satisfied with the arrangements for safe custody of classified documents of his Department; and if he will make a statement.

Mr. Crossman: The arrangements in my Department for safe custody of classified documents follow the Government's instructions on security which are prepared centrally and which are issued to all Departments for their guidance.

Rate Payments (Greater London Boroughs)

Mr. Dudley Smith asked the Minister of Housing and Local Government if he will circularise all the new Greater London boroughs, requesting them to maintain or re-provide facilities for the paying of rate demands by the public in the areas where they existed before the recent borough amalgamations.

Mr. Mellish: No. My right hon. Friend thinks it can be left to the good sense of each rating authority to provide for the efficient and convenient payment of rates.

The Old Windmill, Waterford

Lord Balniel asked the Minister of Housing and Local Government whether he is aware that The Old Windmill at Waterford, Hertfordshire, which is listed in the Supplementary List of Buildings of Architectural or Historical Interest, would be destroyed if a road improvement scheme for the A.602 at present under consideration, was implemented; and whether, in view of local concern, he will institute a public inquiry before reaching a decision on this matter.

Mr. MacColl: The building is not on the statutory list of buildings of special architectural or historic interest and the original 17th century structure has been much altered and added to. In these circumstances, it would be difficult for my right hon. Friend to intervene.

Brighton Waterworks Offices

Mr. Hobden asked the Minister of Housing and Local Government why he gave loan sanction for the erection of new offices for Brighton Waterworks at a cost of £400,000.

Mr. MacColl: Brighton have long needed new offices for their water undertaking. Their proposals included workshops, laboratories and a depot; and loan sanction was issued as the Department's technical advisers saw no reason to criticise the scheme.

Gypsies

Mr. Murray asked the Minister of Housing and Local Government if he will issue a circular to such local health authorities as have unofficial sites for gypsies and other travellers in their areas on the health risks arising from lack of proper sanitation.

Mr. Crossman: The lack of sanitary facilities on many of the sites occupied by these people was stressed in a circular my Department issued in 1962.

HOUSING

Housing Programmes, London Area

36. **Mr. Iremonger** asked the Minister of Housing and Local Government if he will give loan sanction to London borough councils above the district valuer's valuation for housing developments in the acquisition of which the London boroughs are overbid by the Greater London Council exercising its statutory powers.

Mr. Mellish: No. It is no part of my right hon. Friend's policy to increase the price of housing land by encouraging local authorities to bid against each

other; nor is there any occasion for the Greater London Council and the London Boroughs to compete for land. He has asked them to prepare their housing programmes in consultation with each other, and he has powers to adjust the balance between them.

Disabled Persons

34. **Mr. Hector Hughes** asked the Minister of Housing and Local Government if he will seek to provide subsidies and grants to local authorities to build specially adapted houses for disabled men and women.

Mr. Mellish: I would refer my hon. Friend to the reply given to the hon. Member for Tynemouth (Dame Irene Ward) on 16th March.

Local Authority Houses (Garages)

37. **Mr. Galbraith** asked the Minister of Housing and Local Government how the number of local authority houses built is related to the space provided on which garages are being or may be constructed; how this proportion compares with what it was in 1960; and what it is expected to be in 1970.

Mr. Mellish: 31 per cent. of dwellings in tenders approved in England and Wales in 1964 were designed with garages, and 28 per cent with either car-ports or hardstandings. Detailed figures for earlier years are not available. By 1970 my right hon. Friend would expect most estates to be planned on the basis of one car per dewelling with some provision for visitors, as recommended in the Report "Homes for Today and Tomorrow".

Compulsory Purchase Order

44. **Mr. Arthur Lewis** asked the Minister of Housing and Local Government whether he has received the communication from the hon. Member for West Ham, under reference DGB concerning the rent of £8 10s. 0d. per week and key-money of £79, charged to a tenant for insanitary accommodation and the desire of the local council to purchase compulsorily this property under the 1957 Act when he will give his decision on the inquiry held in January last; and whether he will make a statement.

Mr. Crossman: I am anxious that relief sbould be given as soon as possible to tenants facing exorbitant rents. The compulsory purchase powers under the Housing Act, 1957, are available where a tenant is threatened with homelessness as a result of a demand for an exorbitant rent. The Protection from Eviction Act, 1964, provides additional interim safeguards for tenants, but the real answer to this problem will be provided by the Rent Bill and I intend to establish the machinery for fixing fair rents as soon as possible.

I shall issue my decision on the compulsory purchase order to which my hon. Friend refers in the next few days.

Housing Subsidies

47. **Mr. Corfield** asked the Minister of Housing and Local Government for how many local authorities the subsidies still received on pre-war houses amount to more than two-thirds of the total housing subsidies paid to them in any one year.

Mr. Mellish: I regret the information is not available and my right hon. Friend does not think that the time and effort required to compile the figures would be justified.

Agricultural Dwellings (Discretionary Subsidies)

Mr. Evelyn King asked the Minister of Housing and Local Government how many discretionary subsidies for agricultural cottages have been provided by the Dorset County Council in each of the last four years.

Mr. Crossman: The number of new, private agricultural dwellings for which discretionary subsidies were authorised by county district councils in the area of the Dorset County Council in each of the last four years for which figures are available was:

	Number of Dwellings
1960-61	13
1961-62	11
1962-63	12
1963-64	4

The county council, not being a housing authority, cannot make these payments.

BOARD OF TRADE

Commonwealth Trade

48. **Mr. Bence** asked the President of the Board of Trade what steps he is taking to expand inter-Commonwealth trade.

Mr. Redhead: The Government have set up a Commonwealth Exports Council with six area committees which are already engaged in energetically stimulating British exports to the Commonwealth. Development of trade between other Commonwealth countries is mainly a matter for their own Governments, but it will benefit from the growth of world trade generally which Her Majesty's Government, through their participation in the Kennedy Round and their commercial policy generally, are endeavouring to promote.

Southampton Water and Hamble River (Oil Pollution)

Dr. Bennett asked the Minister of Transport if he is aware of the area of oil occupying the surface of Southampton Water and the Hamble River on 12th May, 1965; and if he will take urgent action to prosecute those responsible, in view of the fact that nobody will accept this responsibility locally, and that this discharge of oil is causing much damage.

Mr. Mason: I have been asked to reply.

Inquiries by officials of the Southampton Harbour Board, within whose jurisdiction the area of oil is located, and by officials of the Board of Trade, have failed to establish responsibility for the pollution. In these circumstances, I regret that there is no basis for a prosecution.

Fuel Oil (Measuring Instruments)

Mr. Rhodes asked the President of the Board of Trade what regulations exist for governing the accuracy of measuring instruments for fuel oil in quantities above 20 gallons; and whether he will make a statement concerning his intentions in this respect.

Mr. Darling: No regulations exist at present for controlling instruments of this type. The Board of Trade intends to frame proposals as soon as practicable with a view to making regulations for that purpose, but a number of items of subordinate legislation under the Weights and Measures Act, 1963, will need to be given priority.

Local Authorities (Consumer Protection Services)

Mr. Freeson asked the President of the Board of Trade if he will take steps to find out how many local authorities have established unified and comprehensive consumer protection services and to encourage them to provide such services at district council level.

Mr. Darling: One local authority has established a service of this kind and I understand that two others have proposals under consideration. I think it is for individual local authorities to decide in the light of local circumstances whether to provide such services.

British Films (Quotas)

Mr. Edelman asked the President of the Board of Trade if he has yet made a decision about the quota of British films to be shown by exhibitors during the year beginning 1st January, 1966.

Mr. Jay: I have decided to accept the advice of the Cinematograph Films Council to leave the prescribed quotas at 30 per cent. for first-feature films and 25 per cent. for the supporting programme for the exhibitors' quota year beginning 1st January, 1966.

BECHUANALAND

Elliot Ngwabi, Keyi Nkala and Clark Mpofu

49. **Mr. Berkeley** asked the Secretary of State for the Colonies in what circumstances Elliot Ngwabi, Keyi Nkala, and Clark Mpofu were arrested by a combined force of Rhodesian and Bechuanaland police on 6th January, 1965.

Mr. Greenwood: These three men were initially apprehended in Bechuanaland near the border with Rhodesia by four private citizens who recognised them as having escaped from Bulawayo Prison. They were then taken into custody by the Bechuanaland Police and removed from the territory as prohibited immigrants under the Bechuanaland Immigration Law.

MAURITIUS

State of Emergency

50. **Mr. James Johnson** asked the Secretary of State for the Colonies if he will make a statement regarding the state of emergency declared by the Governor, Sir John Rennie, in Mauritius.

Mr. Greenwood: Yes. Since 1st May there have been a number of violent

incidents during which three persons were killed, a number injured and some damage done to property. With the agreement of the Premier, the Governor has proclaimed a state of emergency under the Emergency Powers Order in Council, 1939. He has made regulations giving the police and security forces limited powers of entry, search, arrest and detention up to 14 days. A number of persons found in possession of offensive weapons have been arrested. There is no indication of any further disorder.

I have full confidence in the Governor's judgment of what was needed and in his handling of the situation.

CAMBODIA

51. **Mr. Hector Hughes** asked the Secretary of State for Foreign Affairs if he will make a statement on the proposals for a forthcoming international conference of Powers including Great Britain, United States of America, France, Russia and Communist China, on the subject of Cambodia, indicating its scope and personnel and where and when it will meet.

Mr. George Thomson : The Soviet proposal, which my right hon. Friend accepted, was for a conference of the Governments participating in the 1954 Geneva Conference to consider the question of guarantees of the neutrality and territorial integrity of Cambodia. Her Majesty's Ambassador at Moscow suggested on 26th April that the joint message in these terms drafted by the Soviet Government should be issued forthwith by both Co-Chairmen. Until we receive a reply from the Soviet Government, I cannot answer my learned Friend's other questions.

ECONOMIC AFFAIRS

National Board for Prices and Incomes (Reference)

52. **Mr. Hastings** asked the First Secretary of State and Secretary of State for Economic Affairs if he will make a statement on the operation so far of the Government's incomes policy.

Mr. George Brown : The National Economic Development Council recently decided, at my suggestion, to undertake a general review of the movement of both prices and money incomes. The House will wish to know that I am today referring to the National Board for Prices and Incomes for examination—in the light of the national interest—wages ; costs ; and prices in the printing industry.

SECURITY

Q8. **Mr. Biggs-Davison** asked the Prime Minister what machinery he has set up to keep himself informed of matters involving security risks.

The Prime Minister : It has never been the practice to reveal security procedures.

Q10. **Dame Irene Ward** asked the Prime Minister to what extent past practice is being followed whereby members of the Government offer themselves for positive vetting ; and what is the practice with regard to the positive vetting of Her Majesty's Government political advisers with direct access to them.

The Prime Minister : The position as regards Ministers is exactly the same as under the last Government. It is for the Prime Minister of the day to satisfy himself as to the snitability of those whose names are submitted to Her Majesty.

If, as I assume, the second part of the hon. Lady's Question refers to temporary civil servants, none of whom are political advisers, they are, of course, subject to the same rules and procedures as other Government employees.

FOREIGN AFFAIRS

Q9. **Mr. Woodhouse** asked the Prime Minister whether he will move for the appointment of a standing select committee on foreign affairs.

The Prime Minister : No.

MINISTERS (CONFIDENTIAL DOCUMENTS)

Q11. **Mr. Dance** asked the Prime Minister what instructions he issues to members of Her Majesty's Government with regard to the safe keeping of confidential official documents.

Q12. **Mr. Lagden** asked the Prime Minister what instructions he gives to Ministers to prevent confidential Departmental documents being left in public places; and if any form or reward is given for their return.

The Prime Minister: On first appointment, Ministers are briefed on all aspects of physical security including the need to ensure the safe custody of confidential documents. It is not the general practice to give rewards for the return of documents mislaid.

MINISTRY OF HEALTH

Cervical Cancer (Technicians)

Mr. Alan Williams asked the Minister of Health how long it takes to train technicians for cervical cancer test clinics.

Mr. K. Robinson: The courses in cytology arranged centrally for hospital technicians normally last 12 weeks: local training will vary in duration, according to circumstances.

Mr. Alan Williams asked the Minister of Health what factors limit the number of technicians currently being trained in Wales for the detection of cervical cancer.

Mr. K. Robinson: At this stage mainly the numbers of pathologists and technicians already trained and available to provide local training, the need to limit the number who can be released for training at any one time so as to avoid detriment to hospital pathology services, and the length of training needed to ensure the high standards required.

HOSPITALS

Hospital Maintenance Staff (Bonus)

Mr. Currie asked the Minister of Health (1) when he expects a decision to be made on the question of the payment of an incentive bonus to building maintenance staff in hospitals in the United Kingdom and Northern Ireland.

(2) whether he will authorise the payment of in interim bonus of 1s. per hour on an ex-gratia basis to building maintenance staffs in hospitals in the United Kingdom and Northern Ireland pending a decision being made as to a scheme for the payment of an incentive bonus on a permanent basis.

Mr. K. Robinson: The Builders Committee of the Ancillary Staffs Council has agreed on the principles which must underlie any incentive bonus schemes for building maintenance workers in hospitals, and a firm of management consultants has been asked to submit an outline scheme for experiment at a selected hospital. This is expected shortly, but I cannot forecast when the results of the scheme, if acceptable, can be fully evaluated.

Royal Sussex County Hospital

Mr. Hobden asked the Minister of Health what projects in the area covered by the South-East Region Metropolitan Hospital Board have taken precedence over the rebuilding of the Royal Sussex County Hospital, Brighton.

Mr. Loughlin: Of projects starting in 1965-66, those at the Kent and Canterbury Hospital and the Medway Hospital.

EDUCATION AND SCIENCE

Yarcombe Primary School

Mr. Mathew asked the Secretary of State for Education and Science if he will reconsider his decision to close Yarcombe Primary School.

Mr. Crosland: No. My approval to the Devon local education authority's proposal to close this school was given under section 13(4) of the Education Act, 1944, after full consideration of the circumstances. I have in any case no power to revoke it.

College of Aeronautics (Analogue Computer)

Mr. Charles Morrison asked the Secre- of State for Education and Science what opportunity was given to British computer companies in 1964 to tender for an analogue computer to be used by the Department of Control Engineering at the College of Aeronautics at Cranfield.

Mr. Crosland: No formal tenders for an analogue computer were invited by the College of Aeronautics in 1964. The Governing Body of the College has been giving careful consideration to the question of acquiring a hybrid analogue

machine to improve general computer facilities and for highly specialised departmental purposes, and has now submitted certain proposals to me. I have referred these proposals to the Standing Advisory Panel on computers under the Chairmanship of Sir Willis Jackson for advice before taking a decision.

HOME DEPARTMENT

Race Relations Bill

Mr. Rose asked the Secretary of State for the Home Department how many meetings he had with the Northern Ireland Government on the subject of the Race Relations Bill; and what reasons were given by the Northern Ireland Government for their wish that the Bill should not be extended to cover Northern Ireland.

Sir F. Soskice: I have had informal discussions on this subject but no formal meetings have been held. In accordance with established practice on a matter within the competence of the Northern Ireland Parliament, inquiry was made through official channels to ascertain whether the Northern Ireland Government wished our legislation to extend to Northern Ireland. They indicated that they did not.

Young Persons (Imprisonment)

Mr. William Wilson asked the Secretary of State for the Home Department how many persons below the age of 18 years were detained for any period in Her Majesty's prisons between 1st January and 30th April, 1965; what was the longest continuous period any such young person was so detained; and how many such young persons were serving a sentence of imprisonment.

Miss Bacon: I regret that information in this form is not available. The number of persons aged 17 who were received into prison under sentence of imprisonment during the first three months of 1965 is provisionally estimated to have been 45 males and 3 females. Of these one male was sentenced to five years, two to four years, one to 18 months, three to six months, and four to three months imprisonment. Thirty-four males and three females were sentenced to imprisonment for less than three months. Details of persons under 21 who were in custody in prisons and remand centres on 20th April, 1965, are as follows:

PERSONS UNDER 21 IN CUSTODY IN PRISONS AND REMAND CENTRES ON 20TH APRIL, 1965

PRISONS

	Male	Female
Untried	218	17
Young prisoners		
3 years and over	228	4
over 6 months and under 3 years	279	2
6 months and under ...	330	20
Borstal inmates		
awaiting transfer to allocation centre or recall centre	229	3
others	96	—
Other convicted prisoners		
(e.g. Magistrates' Courts Act 1952, sections 14(3), 28 and 29)	214	26
Total	1,594	72

REMAND CENTRES

	Male	Female
Untried	207	4
Young prisoners		
3 years and over	3	—
over 6 months and under 3 years	6	—
6 months and under ...	40	2
Borstal inmates		
awaiting transfer to allocation centre or recall centre	23	2
others	4	—
Other convicted prisoners		
(e.g. Magistrates' Courts Act 1952, sections 14(3), 28 and 29)	396	16
Total	679	24

Police Forces (Control)

Mrs. Renée Short asked the Secretary of State for the Home Department if he is aware of concern at the lack of public control of police forces outside the Metropolitan area; and if he will introduce legislation to bring these police forces under his control.

Sir F. Soskice: No. The arrangements for the control of police forces outside London were recently strengthened by the Police Act, 1964, and I do not accept that they are inadequate.

OVERSEAS DEVELOPMENT

Agricultural Officers

Sir F. Bennett asked the Minister of Overseas Development how many agricultural officers have left Her Majesty's Overseas Civil Service on termination of employment over the last five years; and what occupations they have subsequently sought.

Mr. Oram: I regret that the information requested in the first part of the Question will take a little time to compile and it will not be possible to supply complete information in reply to the second part of the Question. I shall, however, write to the hon. Member as soon as possible giving all available information.

PENSIONS AND NATIONAL INSURANCE

Industrial Death Benefit (Mrs. C. M. James)

Mr. Ellis Smith asked the Minister of Pensions and National Insurance why Mrs. C. M. James, 13, Brookland Avenue, Blurton, Stoke-on-Trent, was not allowed full pension on the death of her husband, in view of the facts that he had been employed in the coal mines for 33 years, was drawing a pension due to pneumoconiosis for 13 years, and in 1958 was allowed industrial disablement benefit for pneumoconiosis, which was assessed at 10 per cent., until his death in October, 1964; and why his widow was not given the benefit of any doubt.

Mr. Harold Davies: I understand that Mrs. James has appealed to the Industrial Injuries Commissioner against the disallowance of her claim for industrial death benefit. I will write to my hon. Friend as soon as the Commissioner's decision has been given.

Retirement Pensioners (Scotland)

Mr. Russell Johnston asked the Minister of Pensions and National Insurance if he will publish a table showing the number of persons drawing old-age pension, and that number expressed as a percentage of the population in Scotland, the seven crofting counties of Scotland and the County of Inverness, respectively.

Mr. Pentland: It is estimated that at 30th June, 1964—the latest date for which population figures are available—there were 530,000 retirement pensioners in Scotland, representing a little over 10 per cent. of the total Scottish population.

I regret that statistics relating to the number of retirement pensioners in particular local areas are not available.

COAL

Steel Industry

Mr. Charles Morrison asked the Minister of Power what was the annual tonnage of coal sold by the National Coal Board to the steel industry since 1950, indicating the proportion taken by those companies which the Government propose to nationalise.

Mr. Frederick Lee: I have consulted the industries concerned and the figures are as follows:

Thousand Tons

Year	*Coal received at iron and steel coke ovens**	*National Coal Board disposal to the Iron and Steel Industry†*	*Total*
1950 ...	10,848	8,145	18,993
1951 ...	11,713	8,034	19,747
1952 ...	13,035	7,393	20,428
1953 ...	14,120	7,002	21,122
1954 ...	14,478	6,510	20,988
1955 ...	14,964	6,397	21,361
1956 ...	16,501	5,966	22,467
1957 ...	17,299	5,495	22,794
1958 ...	15,391	4,391	19,782
1959 ...	14,443	3,923	18,366
1960 ...	17,939	3,919	21,858
1961 ...	16,760	3,287	20,047
1962 ...	15,244	2,604	17,849
1963 ...	15,925	2,387	18,312
1964 ...	17,736	2,155	19,891

* Source: British Coking Industry Association.
† Other than to coke ovens. Source: National Coal Board.

The Iron and Steel Board estimates that at least 95 per cent. of the total sales in each year were to steel companies which the Government propose to nationalise.

National Coal Board (Capital Investment)

Mr. McNair-Wilson asked the Minister of Power what was the annual capital investment by each region of the National Coal Board on each of the last 10 years; and what are the annual estimates for the next five years.

Mr. Frederick Lee: A breakdown of capital investment by regions appears in

the published annual accounts of the National Coal Board.

The level of future investment will be determined in the light of the national fuel policy and national plan to which I referred in my statement to the House on 12th April.

Annual Production

Mr. McNair-Wilson asked the Minister of Power what was the total annual coal production and the total for each region of the National Coal Board for each of the last 10 years.

Mr. Frederick Lee: The figures of deep-mined coal production are published in the Ministry of Power Statistical Digest (Table 32 of the 1963 edition and corresponding tables in earlier editions).

Profit or Loss Per Ton

Mr. McNair-Wilson asked the Minister of Power if he will give the average profit or loss per ton for each year in each region of the National Coal Board for each of the last 10 years.

Mr. Frederick Lee: The figures of average profit or loss per ton, before charging interest, are published in the National Coal Board's Annual Accounts and the Ministry of Power Statistical Digest (Table 33 of the 1963 edition).

Employees

Mr. McNair-Wilson asked the Minister of Power what was the nnmber employed in each region of the National Coal Board on 31st December in each of the last 10 years.

Mr. Frederick Lee: Figures of wage-earners on colliery books are published in the Ministry of Power Statistical Digest (Table 32 of the 1963 edition and corresponding tables in earlier editions).

Miners' Coal

Mr. McNair-Wilson asked the Minister of Power what were the total annual tonnage and the average price paid per ton of miners' coal for each of the last ten years.

Mr. Frederick Lee: Figures showing the quantity of miners' coal and the amounts charged are given in the Ministry of Power Statistical Digest (Table 30 of the 1963 edition and comparable tables in earlier issues).

Pit Closures

Mr. McNair-Wilson asked the Minister of Power if he will list by region the coal pits closed each year for the last five years, showing the number of men employed and output of coal one year before each pit was closed.

Mr. Frederick Lee: I am asking the Chairman of the National Coal Board to write to the hon. Member.

ELECTRICITY

Maximum Charges

Mr. Crawshaw asked the Minister of Power how many electricity boards have now fixed maximum charges for electricity resold for domestic purposes; and if he will make a statement.

Mr. Frederick Lee: Eleven, including the two Scottish Electricity Boards. The other three Electricity Boards expect to follow shortly. The maximum charges will apply from 1st July, 1965.

MINISTRY OF POWER

Electricity, Gas and Coal (Prices)

Mr. McNair-Wilson asked the Minister of Power what was the average rise in the price of electricity, gas and coal, respectively, sold to consumers in each year since 1950.

Mr. Frederick Lee: Figures of proceeds per ton of saleable coal and of average net selling values of electricity and gas are published in the Ministry of Power Statistical Digest (Tables 26, 84 and 100 respectively of the 1963 edition).

Energy Consumption

Mr. McNair-Wilson asked the Minister of Power if he will give figures showing the breakdown into coal, oil, gas and electricity of the total energy consumed in Great Britain in each of the past 10 years; and what are his estimates for each of the next five years.

Mr. Frederick Lee: The analysis of total energy consumption in the United Kingdom by type of fuel is given in Table 8 of the Ministry of Power Statistical Digest, 1963.

The use of oil, electricity and town gas is expected to continue to increase

and the direct use of coal to decrease but I cannot give precise forecasts at this stage.

Fuel Consumption

Mr. McNair-Wilson asked the Minister of Power if he will give a breakdown of the primary sources of energy generated in Great Britain in each of the last 10 years.

Mr. Frederick Lee: I am not entirely clear what the hon. Member means by "a breakdown of the primary sources of energy generated". Production of the principal fuels is given in Table 5 of the Ministry of Power Statistical Digest, 1963, an analysis by primary fuel of inland fuel consumption in Table 6 and an analysis of fuel used for electricity generation in Table 7.

PUBLIC BUILDING AND WORKS

Ministers (Lunches, Dinners and Receptions)

Mr. Stratton Mills asked the Minister of Public Building and Works if he will list in the OFFICIAL REPORT the lunches, dinners and receptions which have been held by Ministers at public expense since 16th October, 1964, to the nearest convenient date; and if he will itemise for each, the Minister acting as host, the date, the cost, the number attending, the purpose of the entertainment, and the number of overseas buyers present.

Mr. C. Pannell: No.

SCOTLAND

Township Roads

Mr. Russell Johnston asked the Secretary of State for Scotland whether, in reviewing the road programme for Scotland in July, he will give attention to the problem of township roads in the seven crofting counties.

Mr. Ross: Grants for the improvement of township roads are made under the Congested Districts (Scotland) Act, 1897, and are considered separately from the motorway, trunk and classified road programmes. The problem of township roads is important and I can assure the hon. Member that I have it very much in mind.

Prisoners, Barlinnie (Remunerative Work)

Mr. Dempsey asked the Secretary of State for Scotland how many prisoners in Her Majesty's Prison, Barlinnie, are engaged on remunerative work; how many days per week they work; how many hours per day they are employed; and what is the average daily wage earned by these prisoners.

Mr. Ross: In the last week in April, 584, working a $5\frac{1}{2}$ day week of $6\frac{1}{2}$ hours from Monday to Friday and $3\frac{1}{2}$ hours on Saturday, and earning an average daily wage of 1s.

Teachers

The Earl of Dalkeith asked the Secretary of State for Scotland, in view of the teacher shortage in Scotland, what steps he intends to take to discourage the drift of teachers into politics; and how many have been lost to the profession in this way in the last 20 years.

Mr. Ross: Serious though the teacher shortage is, I should be the last to seek to limit the contribution which teachers make to the work of this House and to political life generally.

Hydro-Electric Schemes

Mr. Russell Johnston asked the Secretary of State for Scotland if he will list the proposals he has received from the North of Scotland Hydro-Electric Board for new hydro-electric schemes within its area, together with the approximate cost of such schemes.

Mr. Ross: The following four schemes have been submitted to me for confirmation:

	Estimated Cost £
Nevis	4,200,000
Laidon	1,450,000
Fada-Fionn	6,600,000
Loch a'Bhraoin	2,250,000

Hospitals (Geriatric Beds)

Mr. Russell Johnston asked the Secretary of State for Scotland how many geriatric beds are available in Scotland, the seven crofting counties of Scotland and the County of Inverness, respectively.

Mr. Ross: At 30th September, 1964, the latest date for which figures are available, there were 7,907 geriatric beds in

Scotland, of which 492 were in the seven crofting counties, including 101 in the county of Inverness. In the Northern Region a large number of geriatric patients are also accommodated in beds not set aside specially for geriatrics.

Mr. Russell Johnston asked the Secretary of State for Scotland what is the waiting list for geriatric beds in Scotland, the seven crofting counties of Scotland, and the County of Inverness, respectively.

Mr. Ross: The total geriatric waiting lists of the hospital authorities in Scotland number about 1,200. The total for the seven crofting counties is about 70 and that for the County of Inverness 28. Waiting list figures have to be interpreted with caution, because they are not all compiled on the same basis.

Mr. Russell Johnston asked the Secretary of State for Scotland how many new beds for geriatric purposes are expected to become available in the next five years in Scotland, the seven crofting counties of Scotland and the County of Inverness, respectively.

Mr. Ross: Over 1,000 additional beds for geriatric purposes are expected to become available in Scotland in the period ending in March, 1970. Of these 26 are in the seven crofting counties, but there are none in the County of Inverness.

TECHNOLOGY

Departmental Staff

Mr. Charles Morrison asked the Minister of Technology if he will give the total number of staff currently employed in his Department with a breakdown into Civil Service grades.

Mr. Cousins: I would refer the hon. Member to pages 102 and 103 of the Civil Estimates 1965-66 Class IV which gives information about the staff of my Ministry in the form which the House has approved.

Studies and Surveys

Mr. Charles Morrison asked the Minister of Technology if he will list the detailed studies of particular industries and of particular technological problems now being carried out by his Department.

Mr. Cousins: I have on various occasions indicated that my Department's attention is first being turned to the problems of the four industries for which I have sponsorship responsibility. In addition I am starting a study of industrial and process control instrumentation, and I am having a special survey made of engineering standards.

Sponsored Industries (Employees)

Mr. Charles Morrison asked the Minister of Technology if he will give the total numbers employed in each of the industries for which he is sponsor, indicating the number of graduates in each industry.

Mr. Cousins: Numbers in employment at June 1964, in establishments in the United Kingdom classified to the industries sponsored by the Ministry of Technology were as follows:

Industry	Number
Telegraph and Telephone Apparatus	75,500
Radio and Other Electronic Apparatus	295,300
Metal-Working Machine Tools ...	87,800

There are no separate official data on employment related to computers since these are classified as a product of the electronics industry.

Pending the results of the survey now being carried out in respect of January, 1965, the latest official data on employment of qualified scientists and technologists are for January, 1962. These statistics cover Great Britain only.

Employment of qualified scientists and technologists in establishments with 100 or more employees in the telegraph and telephone apparatus and the radio and other electronic apparatus industries together was 7,484.

Employment of qualified scientists and technologists in the machine tool industry is not separately distinguished under the general heading of the mechanical engineering industries, but the Machine Tool Trades Association has estimated that its members employed about 1,000 in 1963.

Nationalised Industries and Post Office (Computers)

Mr. Charles Morrison asked the Minister of Technology if he will list the computers being used by nationalised industries and the Post Office, showing the

cost, date of installation, name of manufacturer, type of computer, and function for which it is used.

Mr. Cousins: The information is being collected and I will circulate it in the OFFICIAL REPORT when it is complete.

POST OFFICE

Parcels (Pilferage)

Mr. Pounder asked the Postmaster-General what has been the value of losses from postal parcels through pilferage during 1963 and 1964, respectively; what has been the number of claims during this period; and how these figures compare with those in 1962, in respect of Northern Ireland, England and Wales, and Scotland, respectively.

Mr. Joseph Slater: Details of the value of losses from postal parcels through pilferage alone are not available. But the total amounts of compensation and the number of claims paid in the years in question for the loss of and from inland postal parcels are given in the following table. I am sorry that it is not practicable to give separately the figures for Northern Ireland, England, and Wales, and Scotland.

Year		*Compensation Paid*	*Number of Claims*
1961–62	...	£184,954	55,885
1962–63	...	£178,433	52,327
1963–64	...	£214,164	59,980
1964–65	...	£238,160	63,134