

HOUSE OF LORDS

Tuesday, 23rd March, 1965

The House met at half past two of the clock, The LORD CHANCELLOR on the Woolsack.

Prayers—Read by the Lord Bishop of Liverpool

THE LATE SIR WINSTON CHURCHILL: TRIBUTE FROM SENATE OF OREGON

THE LORD CHANCELLOR (LORD GARDINER): My Lords, I have to inform the House that I have received from the President of the Senate of Oregon a Resolution adopted by the Senate on January 29, 1965, in tribute to the memory of the late Sir Winston Churchill. I am placing this Resolution in the Library, and I propose, with your Lordships' permission, to express on your behalf the thanks of the House for the generous terms of the Resolution.

THE MAECENAS COMMITTEE AND HONOURS

2.37 p.m.

THE EARL OF ARRAN: My Lords, I beg leave to ask the Question which stands in my name on the Order Paper.

[The Question was as follows:

To ask Her Majesty's Government the membership and functions of the Committee commonly known as the Maecenas Committee.]

THE LORD CHANCELLOR: My Lords, it has never been the practice to answer questions about the information which a Prime Minister takes into account in giving the Sovereign any advice he chooses to give on the question of honours.

THE EARL OF ARRAN: My Lords, while thanking the noble and learned Lord for his information, I would ask, is it not a fact that this Committee consists of, among others, intellectuals and representatives of the arts, and would Her Majesty's Government not agree that since such folk are not always entirely objective in their judgments of one another it is desirable that the names of those sitting

on this particular Committee should be generally known?

THE LORD CHANCELLOR: My Lords, the Prime Minister is solely responsible for the advice which he chooses to give to the Sovereign, and the Government does not propose to depart from the precedent of its predecessors in declining to give information as to how he arrives at his opinion.

PROPOSED HOSPITAL IN MOTHERWELL

LORD FERRIER: My Lords, I beg leave to ask the Question which stands in my name on the Order Paper.

[The Question was as follows:

To ask Her Majesty's Government whether they are aware of the widespread anxiety among individuals and local authorities in the Upper Ward of Lanarkshire at the proposal to establish a new general hospital in Motherwell to take over the functions of the existing hospital at Law, involving a marked increase in the already great distances which patients and visitors have to travel from a large area without adequate compensating advantages; and, further, whether they are satisfied that the proposed site, with its already limited area, can provide sufficient parking space for duty, staff and visitors' vehicles in terms of present day and estimated future requirements.]

THE JOINT PARLIAMENTARY UNDER-SECRETARY OF STATE FOR SCOTLAND (LORD HUGHES): My Lords, after considerable discussion with local interests, the previous Administration approved the Regional Hospital Board's proposal that the new district general hospital at Motherwell should serve the Motherwell—Hamilton area and that, in addition to long-stay beds, a number of acute beds in the major specialties should be retained at Law Hospital to serve the upper ward. My right honourable friend the Secretary of State approves the course proposed. The 39-acre site at Motherwell is considered fully adequate for the intended purpose.

LORD FERRIER: My Lords, while thanking the noble Lord for his reply,

[Lord Ferrier.]

may I ask whether he is satisfied that the authorities fully grasp the fact that, since that plan was decided, and indeed since this Question was put down, new development plans for building in Lanarkshire have been published which will alter the whole population pattern of the area so as to alter the premises upon which the original plan was based?

LORD HUGHES: My Lords, I take it that the noble Lord is referring to the proposed development at Carluke. In that case the effect of the development would be to increase slightly the number of beds required at Law. It will not affect in any way the fact that the convenient centre for the densely populated Hamilton—Motherwell area is Motherwell.

LORD FERRIER: My Lords, while thanking the noble Lord, may I say that the plans also include extension to build up the population in Lanark, thereby increasing the number of people in the landward area of Lanarkshire, increasing the numbers who will have to travel larger distances than ever in order to receive attention or to visit patients at Motherwell?

LORD HUGHES: My Lords, I think it is inevitable in the system of hospitals as we have them that some people must travel a certain distance to the most suitable hospital. That is a small price to pay for making available to them the best possible medical treatment in convenient centres, and my right honourable friend is satisfied that the arrangement, considered at great length by his predecessor and approved by him, is one from which he would find difficulty in departing.

BUSHMEN OF THE KALAHARI DESERT

2.40 p.m.

LORD ALPORT: My Lords, I beg leave to ask the Question which stands in my name on the Order Paper.

[The Question was as follows:

To ask Her Majesty's Government whether they have considered the report of Mr. George Silberbauer on the future of the Bushmen of the Kalahari Desert and whose responsibility it will be to implement its recommendations.]

LORD SORENSEN: My Lords, with permission, may I reply on behalf of my noble friend Lord Taylor, who is unable to be present to-day. This report, which was published in Bechuanaland earlier this month, has not yet been forwarded to Her Majesty's Government. Responsibility for implementing such recommendations as may be accepted will be that of the Government of Bechuanaland, to whom the report was submitted.

LORD ALPORT: My Lords, in view of the potential importance of this report from the point of view of anthropology, may I ask the Minister whether it is to be made available to the public here in the United Kingdom; and, secondly, whether the Minister will undertake that the recommendations are acted upon before Bechuanaland becomes independent?

LORD SORENSEN: My Lords, as to the first part of the noble Lord's Question, most certainly the report, when it is received here and properly considered, will be made available to Members of this House. With regard to the latter part of the question, I personally am unaware of what the actual procedure will be, but I presume the responsibility in any case will be that of Bechuanaland itself and its Government, no doubt with every encouragement from our Government in this country.

LORD ALPORT: My Lords, I am sorry to press this and I know the Minister cannot answer in the absence of Lord Taylor. But would he take this point to Lord Taylor, because I believe it to be of great importance in the interests of this vulnerable minority in the Bechuanaland Protectorate?

LORD SORENSEN: My Lords, I fully appreciate what the noble Lord has said. I am personally very interested in this matter. I will certainly undertake to convey to my noble friend Lord Taylor what the noble Lord has said.

DEEP DIVING TECHNIQUES IN ROYAL NAVY

2.42 p.m.

LORD WAKEFIELD OF KENDAL: My Lords, I beg leave to ask the Question which stands in my name on the Order Paper.

[The Question was as follows:

To ask Her Majesty's Government whether they will now make a statement on the progress of oxy-helium deep diving techniques by the Royal Navy.]

THE MINISTER OF DEFENCE FOR THE ROYAL AIR FORCE (LORD SHACKLETON): My Lords, the decision was taken in 1962 to embark on a programme of research into deep diving because it had become increasingly apparent that there was a requirement for Navy divers to be able to operate in deep water for such tasks as the recovery of crashed aircraft and missiles, and, possibly, submarine escape and salvage. Since that time, trials using an oxy-helium atmosphere have been going on almost continuously, both in a compression chamber ashore and at sea, in which naval divers have acted as subjects. So far there have been three main sea trial periods, the results of which have been encouraging. Dives to a depth of 500 feet with a period of ten minutes at that depth have been successfully carried out by ten different men. It is planned to conduct further sea trials later this year, aimed at increasing depths and lengthening bottom times.

LORD WAKEFIELD OF KENDAL: My Lords, I thank the noble Lord for that most interesting and informative Answer. In view of the great interest in the progress of deep-diving techniques, not only for the purposes which he has described, by divers in the Royal Navy, but for many other reasons of a widespread nature, could he arrange either for a lecture to be given by a suitable person, on an appropriate occasion, or for a technical paper to be provided in

some appropriate journal, amplifying the points that he has made?

LORD SHACKLETON: My Lords, I am much in sympathy with the noble Lord's views. There was an article in the *Scotsman* on March 11, and there are available a number of documents, of which some have been published in the United States. The same point had occurred to me as to the noble Lord, that it would be a good idea if such a lecture or opportunity could be provided; and the possibility even of a visit to the establishment is being considered. But I take note of the noble Lord's observations, because this is one of the most exciting and dramatic of fields, and it may be possible for a man to go down to much greater depths.

LORD WAKEFIELD OF KENDAL: My Lords, I am grateful to the noble Lord for that further reply, and for the sympathetic interest he is taking in this most important subject.

THE PALACE OF WESTMINSTER

LORD SHEPHERD: My Lords, at a suitable moment after 3.30 my noble friend the Leader of the House will be making a Statement on the Palace of Westminster.

LONDON GOVERNMENT (PUBLIC GENERAL ACTS) ORDER 1965

2.46 p.m.

THE PARLIAMENTARY SECRETARY, MINISTRY OF LAND AND NATURAL RESOURCES (LORD MITCHISON): My Lords, I beg to move that this draft Order, which was laid before the House on March 10, be approved. This is an Order about which the Special Orders Committee have entertained some doubt on a point with which I will deal later. In other respects, however, the Committee consider that the Order involves no important question of policy or principle, and therefore I will summarise its provisions shortly.

The Order gives to the new authorities in Greater London certain minor powers under Public General Acts. By Article 3 the licensing of dealers in game is transferred to the London borough councils.

[Lord Mitchison.]

By Article 4 the enforcement of provisions about the grading and marketing of agricultural produce is transferred in Inner London to the boroughs. By Article 5 the powers to provide playing fields, swimming baths and the like, which are available to certain local authorities, are given to the Greater London Council. It is in connection with this Article that the doubts of the Special Orders Committee have arisen. Article 6 deals with powers under the Road Traffic Act, and Article 7 with appointments to two training committees mentioned in the Article. Article 8 gives a general power to spend up to a penny rate in the interests of the inhabitants of the Greater London Council area. This power was given generally to local authorities under the Local Government (Financial Provisions) Act, 1963, and it is sometimes called the "free penny".

I turn to the doubt of the Special Orders Committee. They point out that under the subsection of the London Government Act which is taken to authorise this Order, an Order in Council may apply the general law, with necessary modifications, to the Greater London Council, but that there is no express power so to apply the general law in relation to the Inner London Education Authority. Also, they point out that it is to the Inner London Education Authority that the Physical Training and Recreation Act, 1937, is applied by Article 5, which they refer to as "Paragraph 5", so as to enable them to provide the playing fields and swimming baths I have mentioned. Accordingly, say the Special Orders Committee, the Order is *ultra vires*, unless the Inner London Education Authority is the Greater London Council.

With respect, the Special Orders Committee have been in some danger of lapsing into Arian heresy and of mistaking an identity of substance for a mere similarity. They have not, however, done so because they have pronounced no opinion on the point. But I think it right, with the greatest respect to the Committee, to tell your Lordships that I entertain no real doubt on the matter.

Section 89 of the London Government Act, 1963, tell us that the phrase "the Inner London Education Authority" has

the meaning assigned to it by Section 30(1); and Section 30(1), so far as relevant, reads as follows:

"The Greater London Council, when acting as aforesaid as the local education authority for the said area shall, except for the purposes of any document of title, be known as the 'inner London Education Authority' . . ."

I find no obscurity in this language, and I suggest that these words quite clearly define the Inner London Education Authority as the Greater London Council, known by another name when fulfilling certain functions. That being so, I cannot think that the fact that, by those functions and under that name, the Inner London Education Authority has somewhat different personnel need trouble us unduly.

These legal persons are not merely their members. This House, for instance, when sitting as a Judicial body has a smaller membership than when sitting as part of the Legislature; and there are instances in local government where additional members are added to a body when it is carrying out certain functions. One such used to be the addition of parish councillors to the rural district council for the purpose of rating in a rural area. The rural district council, with the parish councillors added, remained the rural district council. My Lords, I beg to move.

Moved, That the Draft London Government (Public General Acts) Order 1965, laid before the House on 10th March, be approved.—(Lord Mitchison.)

2.50 p.m.

LORD HASTINGS: My Lords, in the first place we should be grateful to the Special Orders Committee for making such a full and detailed Report on this rather abstruse problem. I believe that it is the first time they have ever set out in detail their reasons for reporting that they have some doubts as to whether a matter is *intra vires* or *ultra vires*. At the same time, I am grateful to the noble Lord, the Joint Parliamentary Secretary, for introducing this Order, for explaining it briefly, and for dealing with this difficult problem. Of course, we are not anxious to hold up the Order, for it implements many things which were necessary to be done under the powers of the London Government Act, 1963. That Act, of course, was passed by the previous Government, and it is in every

way an excellent, well-conceived and admirable Act, and one which will be of very great benefit to Greater London in the future.

In respect of this particular problem, however, I do not think that we can brush it aside quite so easily as the noble Lord, the Joint Parliamentary Secretary, has done. In the first place, it is a matter of the dignity of Parliament that we must be quite sure that Orders going out from Parliament are valid and cannot be questioned. Secondly, we want to be sure that from the common sense point of view, the point of view of the layman, these things cannot be held in doubt. Thirdly, we want to be sure that, when tested in the courts, the Order will stand.

When it comes to the provision of swimming baths, there is a good deal of room for disagreement, as I know from my experience in the Ministry of Housing and Local Government. In the Inner London Education Authority area many London boroughs will be involved, and if a swimming bath is going to be built in one area a precept will be made on the whole area and the cost shared out between the various London boroughs. That gives reasons for objection by one borough; and even individuals can object, on planning grounds and when they know they are going to be charged with rates for the provision of such baths.

If there are to be objections, this sort of Order is likely to be tested in the courts, and if at the very first hurdle the Order is declared by the court to be invalid, it will mean that we have wasted everybody's time. I am sure your Lordships would not wish to allow that to happen. Section 83 of the London Government Act, under which these powers are taken, says that Her Majesty may make the appropriate modification "at any time . . . before or after 1st April, 1965". So my first point is that there is no real urgency or hurry about this, and that we should do much better to take our time and get it right.

Now let me turn to Section 30, to which the noble Lord drew attention. He argued that the reference to the "Inner London Education Authority" meant the Greater London Council; but he will see that that section deals, in the first place, with "any reference in the Education Acts 1944 to 1962 or in any other Act to the local education authority . . ."

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But we are now dealing with the Physical Training and Recreation Act, not with the Education Acts; and there is no mention in Section 4, in which this insertion of the Inner London Education Authority is put, of education authorities. There is mention of county councils and local authorities, but not of education authorities.

Later on, Section 30(1) of the London Government Act says:

" . . . the Greater London Council, when acting as aforesaid as the local education authority for the said Area . . ."

and so on. But it seems to me that under the Physical Training and Recreation Act the Greater London Council is not acting as the local education authority: it is acting as a county council or other local authority. Then, lower down in Section 30, we find that the constitution of the special committee of the Inner London Education Authority consists of councillors not only of the Greater London Council but of one representative from each inner London borough council, who do not belong to the Greater London Council at all, and one Common Council representative, who is not a member of the Greater London Council. Therefore, it is difficult to argue under both these heads that the Inner London Education Authority is in this instance the same "personality" as the Greater London Council.

When it comes to the mention, in Section 30(3), of precepting upon the local authorities for the building of these swimming baths, that is clearly the duty of the Greater London Council and cannot be done by the Inner London Education Authority. They can merely give their advice. There is a good deal of room for doubt, and the noble Lord would do well perhaps to take this back and look at it again very carefully to make sure that we are not making a mistake in passing this Order.

3.8 p.m.

LORD ROYLE: My Lords, I do not intend to go into the matter in the detail in which the noble Lord, Lord Hastings, has done; but, as a member of the Special Orders Committee, I accept the mild criticism of my noble friend in regard to what we did and the doubts we expressed. I would only say that what the noble Lord, Lord Hastings, has

[Lord Royle.]

said rather contradicts his idea that this is a perfect Act. It seems to me not only that this is just one of the faults in the Act, but that the Act in itself was a mistake from the very beginning. The London County Council seemed to be functioning quite well and there was never any reason for the Party represented opposite to interfere with that situation, except for political purposes.

LORD HASTINGS: Has the noble Lord asked the Greater London Council whether they are of the same opinion?

LORD ROYLE: Like the noble Lord, I form my own opinions on these matters, and I am quite convinced that that was the purpose of the Act. I would only say this to my noble friend when he talks about co-opted members. The Inner London Education Authority have their co-opted members; the difficulty seems to arise from the fact that they are responsible to nobody. The analogy of a local authority having co-opted members on its education committee is not mine, but where co-opted members exist on education committees in local authorities they are subject, in the end, to the approval and decisions of the full council. It seems to me that the Inner London Education Authority are not subject to the approval of anybody, and this is how the doubts arose in the minds of the Special Orders Committee.

Is this not a fault which could be rectified by making any particular section of the Greater London Council subject to its ultimate will and decision? Is this not a case where amendments might be sought to improve the Act in this way? If that were done, I feel that the problem which we are now posing would not arise. Could my noble friend look at it in that way?

LORD MACANDREW: My Lords, first of all I should like to congratulate the noble Lord, Lord Mitchison, on his birthday. But as regards what he said about the Special Orders Committee, may I say that under the Standing Order we went only as far as we were asked to go. We were not asked to express an opinion; only to express doubt in cases of doubt.

LORD CONESFORD: My Lords, I listened with great interest to the speech made by the noble Lord, Lord Royle, on

the merits of the London Government Act. But whatever the merits or demerits of the London Government Act, that cannot have the slightest bearing on the question whether or not this Order is *ultra vires*. That is the one matter with which the House is concerned. I confess that I only saw the Report of the Special Orders Committee since coming to the House this afternoon, and I do not profess to have examined it with great care. I listened to the speech of the noble Lord, Lord Mitchison, who like me is a lawyer but not the most eminent in the House, and I wonder whether on this very important question—because I imagine that the Special Orders Committee was also advised by lawyers—we might have an expression of view from the Woolsack.

VISCOUNT DILHORNE: My Lords, I hope we shall get a further expression of view. Like my noble friend I did not see this Order until a pretty late hour and I do not claim to have made any careful investigation of it. But I have no doubt that the Special Orders Committee, to whom I think the whole House should be grateful for this first instance of what I think is the new procedure which they are adopting, took great care before saying that there was a doubt about it. I listened with great care to the noble Lord, Lord Mitchison, and he went a long way to remove the doubts that I felt, but they were completely revived, I may say, by the efforts made by the noble Lord, Lord Royle, to support him. After hearing Lord Royle I thought there were even more doubts than the Special Orders Committee had said. I hope that we may have the advantage of the views of the noble and learned Lord the Lord Chancellor on this matter, because I am sure that the last thing this House, or either House, wants to do is to pass an Order which is doubtfully good and which, even if it is doubtfully good, may lead to some litigation.

LORD MITCHISON: My Lords, the last thing I wanted to do—and I am sorry if I gave any impression that I was doing it—was to suggest that I am not sincerely grateful to the Special Orders Committee for what, I gather, is their first venture in this particular swimming pool. I did not take their criticism lightly. One noble Lord invited me to

go back and have a look at this point. I have had a look at it, oddly enough. I have read through an enormous brief—far longer than anything which I thought right to inflict on your Lordships—and I am afraid I felt no doubt whatever, either about the conclusion or about the reasons I gave for it. They are quite short.

There is one question posed by the Special Orders Committee, and one question only, and that is whether these two bodies are identical, or whether one should treat the I.L.E.A., as I believe it is called, as a committee or something else in some way or another different—like in substance but not the same. I think that the passage I read out is perfectly clear. What it says is that the Greater London Council, when acting for certain purposes, shall be known as the I.L.E.A. If, conversely, the I.L.E.A. is not the Greater London Council acting for certain purposes, should I be exceeding all the Rules of Order in the House if I asked: what the devil is it?—because it appears in Section 30(1) for the first time.

We are referred by the definition section not merely to that section but to that particular subsection, and I can assure your Lordships that I read out, in what seems to me tolerably plain English for an Act of Parliament, the relevant part of the section. That being so, I must say that I feel bound to give your Lordships my own opinion—it is the opinion of those who advise me and is my own, too—that there really is no doubt about this. These two bodies are identical in my opinion. They are not always identical, because the Greater London Council has other functions to perform which have nothing whatever to do with the I.L.E.A. But when it is concerned with these particular matters it is known as the I.L.E.A.

This is not a case for taking back an Order and thinking about it again. If, in fact, these are two separate bodies, then the deficiency is in the language of the Statute in which your Lordships opposite took such pride, and it is not in the form of the Order. It is not a matter that can be put right by rectifying an Order. You just cannot do what it is desired to do, and what I think, with respect, the Act obviously intended

could, and we think should, be done. I do not know what more I can do.

I entirely agree with the noble and learned Viscount, Lord Dilhorne, when he says that it is our duty to be clear about things when we pass an Order. I thought he put our duty a trifle high. I have known instances in which Orders have been upset by the court, and nobody shot either the noble and learned Lord the Lord Chancellor or Mr. Speaker in another place because they had not got it right. But clearly we must do our best, and if there is any doubt we ought to consider whether the wording can be put in some other form. I find the Order quite clear, quite unambiguous, and I should like to add my thanks to the Special Orders Committee for what they did and for putting the question so clearly. They simply said: If these two bodies are the same the Order is all right; if they are not, it is not. I am prepared on that to take their opinion. That seems to me to be the question.

I quite agree that there are a number of Statutes involved. One can get one's feet nice and muddy by wandering about among them. But I think there is a plain and simple path delineated for us by the exertions of the Special Orders Committee, and one which we might reasonably follow. It is, of course, perfectly true that it is not the business of the Special Orders Committee to express an opinion one way or another. I hope they did not mind being told that they had been in danger of lapsing into Arian heresy. Arius is long since dead and there is no harm in that kind of thing nowadays. So I would urge the House, with great respect, to do what I believe is the sensible thing and to pass the Order, relying on what I think is the perfectly clear language of the Statute.

I am aware of the point of the noble Lord, Lord Hastings. Perhaps I can answer it most shortly by saying to him that I have adopted on this matter, as the question that really concerns us, the question that concerned the Special Orders Committee themselves. I will not take up the time of the House in trying to give reasons for it, but I think one might follow them. They have obviously taken great care about it. They have given us two alternatives: one, they are the same; two, they are not the same—in the first case

[Lord Mitchison.]
valid ; in the second case invalid. Then you look at the Act and you find—I hope it is not disrespectful to say—unusually plain English for a complicated Statute. Why not follow it?

LORD HASTINGS: My Lords, before the noble Lord sits down, may I ask him why it would not clarify the whole situation if, quite simply, instead of putting “ Inner London Education Authority ” we put “ Greater London Council ”? They have these powers, they are charged with them, and surely there would not be any complication at all.

LORD MITCHISON: No, my Lords. That is not quite so, with respect to the noble Lord. This body is differently constituted for different purposes. That is quite right. I gave another instance, quite a minor one, and it is now out of date, about the rural district council which had parish representatives added to it for purposes of rural rating. I have another one here. I hope I did not sound too abrupt ; but I have a high regard for the time of the House, and we have quite a lot of Business before us to-day.

On Question, Motion agreed to.

LAW COMMISSIONS BILL

Brought from the Commons ; read 1^a, and to be printed.

NUCLEAR INSTALLATIONS (AMENDMENT) BILL

3.11 p.m.

Order of the Day for the Third Reading read.

THE LORD CHANCELLOR: My Lords, I have it in command from Her Majesty the Queen to acquaint the House that Her Majesty, having been informed of the purport of the Nuclear Installations (Amendment) Bill, has consented to place her interest, so far as it is concerned on behalf of the Crown, at the disposal of Parliament for the purposes of the Bill.

THE JOINT PARLIAMENTARY UNDER-SECRETARY OF STATE, HOME OFFICE (LORD STONHAM): My Lords, I beg to move that this Bill be now read a third time.

Moved, That the Bill be now read 3^a.
—(Lord Stonham.)

On Question, Bill read 3^a, and passed.

INDUSTRIAL AND PROVIDENT SOCIETIES BILL [H.L.]

Read 3^a (according to Order), and passed, and sent to the Commons.

SOLICITORS BILL [H.L.]

Read 3^a (according to Order), and passed, and sent to the Commons.

EDUCATION (SCOTLAND) BILL

Read 3^a (according to Order), and passed.

LICENSING (SCOTLAND) BILL [H.L.]

3.13 p.m.

Order of the Day for the Second Reading read.

THE EARL OF CROMARTIE: My Lords, I beg to move that this Bill be now read a second time. To borrow a phrase used recently by a noble Lady on the Benches opposite, this is a little Bill. But, however little it may be, this in no way detracts from its merits, which I hope to prove are obvious. One of them is to do away with a purposeless monopoly that benefits no one ; and it would allow all would-be licensees to apply in the usual manner to the local licensing courts.

There are two counties in Scotland, Ross and Cromarty and Dumfries-shire, which still have certain areas where the sale of exciseable liquor otherwise than by the Secretary of State for Scotland is prohibited. Your Lordships may well ask why this should be so. Of course, it should not be so ; but it is a hangover from 1916, when the Defence of the Realm Act sought to control the sale and consumption of alcoholic drink. In those far-off days, the Cromarty Firth was the base for a large part of the Grand Fleet, while the Burgh of Invergordon was a dockyard employing hundreds of dock workers imported from Liverpool. This was the reason for an Act which embraced the Cromarty Firth area together

with the county town of Dingwall. In Dumfries-shire, too, the reason for this situation was the war effort, for in Gretna there were great munition works, as well as military bases. But to-day, in 1965, not one of these conditions is applicable.

Your Lordships may ask why, during the great lapse of time since 1916, this situation, which must appear as a nonsense, has been perpetuated. It is true that there have been from time to time certain small and inadequate reforms, such as the granting of a few table licences, but these are not enough. With the full support of the county councils of Ross and Cromarty and Dumfries-shire, and the burgh councils of Dingwall, Invergordon, Cromarty, and Annan, in Dumfries-shire, I ask you to give me your support for this Bill. The reason is that in both counties during the past few years there has been a resurgence of new industrial activity while tourism grows every year. The thousands of tourists who come to Scotland will not go to places such as Invergordon or Annan, where there is virtually no adequate provision for them, in the shape of enough licensed hotels. The farming community also suffers great inconvenience at sales and agricultural shows, always having to apply to the State management for a licence.

My Lords, I have absolutely nothing against the hotels run by the Secretary of State for Scotland, and this Bill does not seek to deprive him of his licence. But surely it is an anomaly, in this day and age, to have two small areas of Scotland where would-be hoteliers and merchants are deprived of the right to apply to the local licensing court for a licence. Can it be all right that in Annan the most respectable grocer may not sell drink, yet there is nothing to stop a van from Lockerbie or Dumfries taking all the orders it can get in the streets of this town?

Dingwall, as I have said, is a county town, and the most important market north of Inverness; but, through lack of accommodation, both the County Council and the Town Council, and others, frequently have to go outside the burgh boundaries for their official entertaining. Invergordon, that grand centre of progress, has one inadequate hotel which is fully licensed and belongs to the Secretary of State. My old friend the Provost

(a firm supporter of the Party to which noble Lords opposite belong) desperately wants this Bill to become law, so that he can still further improve the amenities of his borough and cater efficiently for a share in the tourist trade, which in present circumstances is impossible. What would-be hotelier would put a lot of money into a first-class hotel which could not get a licence?

This Bill would in no way encourage excessive drinking. In fact, the reverse is true; as, with proper and more licensed premises, there will be less inclination to put that half-gill bottle into the pocket to drink on the streets. As in other areas of Scotland, the local licensing courts are perfectly fit to administer the licensing laws, as they do already in the rest of Ross and Cromarty and in Dumfries-shire. My Lords, this stupid state of affairs should end. It benefits no one, and retards progress. I therefore ask for your Lordships' support and that you will give this little Bill a Second Reading. I beg to move.

Moved, That the Bill be now read 2^d.—
(*The Earl of Cromartie.*)

3.20 p.m.

LORD CRAIGTON: My Lords, it is interesting to think that an experiment which started in 1916 is still known as the "Carlisle experiment", because when I come to look back over 49 years at what has happened in the past I must say that the experiment in State management has been quite successful on the whole. It has been too successful to be easily or lightly stopped, but not successful enough to extend. The pressure for change, as voiced by my noble friend, has been comparatively recent and, interestingly enough, has come only from North of the Border. The Carlisle people seem to be happy with their beer. It is good beer; it is brewed in Carlisle and sold North of the Border as well. I remember one report in *Which?* the consumer magazine, which put the Carlisle beer, brewed by the State, as one of the best in the country. So we have something to congratulate them for so far as that part of the running of their public houses is concerned.

I think that if there had been unanimity as between the North and the South, as between the Carlisle area and Scotland, change would have come earlier. But it was very difficult for the Secretary of State over the last number of years, with such

[Lord Craigton.]

geographical links across the Border, and the brewery being so good and the English wanting to keep the experiment, to try to get rid of the experiment in Scotland alone. So when we were in Government we started relaxations in the Licensing (Scotland) Act, 1962; premises with restaurant and restricted hotel certificates were put outside the scope of the State management districts.

However, as my noble friend has said, in the last two or three years there has been a great and growing pressure in Scotland for change—I hope the noble Lord, Lord Hughes, will not brush this off as a Party political matter; it is not a Party political matter and is most genuine. I think there are two main reasons for this. First of all, the local people demand better and more facilities for receptions and the promotion of entertainments and functions of all types. I am quite sure, because I know from my own experience, that there are many cases where people wanting to hold a rather large function in the area must go outside it to find a hall which is big enough. There are enterprising restaurateurs and caterers to-day prepared to spend money, if necessary in competition with the State pubs, in building adequate premises if they are allowed to do so. So clearly the local people in these areas are not getting the services which are available to the general public in all other areas in Great Britain.

Secondly, there are the demands of tourists. In spite of the 1962 relaxations, the local people are convinced that tourist revenue is being lost and there is still not enough to attract tourists to linger awhile. My noble friend, who spoke with personal knowledge, has confirmed this. If this debate does nothing else, it serves notice on the Treasury that they can no longer afford to be as parsimonious as they have been about building extensions and bringing facilities up to date. This is in Scotland's best interests; and Scotland's best interests demand that the pubs in these areas should be as good as, if not better than, those elsewhere in Scotland.

It was in our Party political programme for the last Election that, had we been returned, we should have brought in a Bill to sweep away altogether State management in Scotland. Suitable

arrangements would have been made for the staffs, and arrangements would have been made so that the licences should be transferred and the premises sold at the best possible price as going concerns. England was prepared to retain, and wanted to retain, its State management experiment; but at least it would have gone in Scotland. So far as we are concerned, this Bill does not go far enough, but it is helpful. It is a step in the right direction; it is better than nothing. And it has the advantage that the noble Lord can accept it because it is in tune with the views of the Labour Party, and of the Secretary of State for Scotland.

I picked up a copy of *Hansard* of another place for March 16, which reported a speech of the Secretary of State on the Highland Development Bill. He expressed the hope that, as a result of public effort—I repeat, of public effort—there would be a flow of private effort and private capital into the Highlands. If he is in earnest he needs this Bill, because without it he cannot in the Cromarty area carry out his own policy. I cannot quote exactly what the right honourable gentleman, the Secretary of State, said, but that was what he said in effect. So Scotland will be denied the public effort in the licensed trade if the noble Lord does not see fit to accept this Bill. What is right for Cromarty must be right for the areas just North of the Border. South-West Scotland is a very much neglected tourist area. If we gave more facilities I am sure that they would get more tourist money. I support this Bill and I hope the noble Lord will support it, too. If the noble Lord does not do so, we on these Benches, and Scotland, will know that, whatever the Labour Party may say to the contrary, they intend to put the interests of Socialism before the interests of Scotland and the Scottish people.

LORD FERRIER: My Lords, having heard the noble Earl who moved the second reading of this Bill, and my noble friend Lord Craigton who followed him, you will be relieved to hear that I have nothing to add to what they say. I will therefore say no more beyond hoping that your Lordships will accept the Bill and pass it.

3.27 p.m.

THE DUKE OF ATHOLL: My Lords, I must apologise for not having put my

name on the list of speakers, although I think it will be no surprise to the House to know that I wish to speak on this subject, for three years ago I tried to introduce an Amendment to the 1962 Act to enable hotels and off-licence holders to obtain licences in these areas to compete with the State. I therefore support this Bill 100 per cent. The Bill moved by my noble friend Lord Cromartie indeed goes a little further in that he would allow pubs as well as hotels and off-licenses to have this facility. I think the situation has become even worse since I spoke about it three years ago. The population of the Annan district has risen quite appreciably in the meantime. It is a fast-growing area and there is still only one off-licence in that particular area. This is for a population of about 12,000 people. As a result, vans come in from Dumfries and Lockerbie and advertisements appear in the local newspaper, which I believe is the *Annandale Gazette*, saying:

"Daily deliveries to Annan and area. No need to queue on the street for your festive season supplies of wines and spirits. Just 'phone."

Then follows the telephone number—a Lockerbie number, needless to say. The advertisement continues:

"Order with dignity, order with confidence."

Then follows the suppliers' name and address. They further say that they will deliver from their comprehensive stocks. I know that the Party of noble Lords opposite is very keen on the dignity of all minorities in this country, and I feel that in this case they have an easy opportunity to increase the dignity of that sometimes rather downtrodden race North of the Border, in parts of which area they suffer from being unable to obtain with ease even their local product.

I hope, therefore, not only that my noble friend's Bill will be accepted, but that it will be supported by the Government during the rest of its career through the Houses of Parliament. I should like also to say that this is a very important matter for the tourist industry. People in these areas, particularly in the Gretna Green area, are convinced that they can make their hotels pay only if they have licences to sell drink to non-residents, because during the six months of the winter season they have a very small residential trade and in order to keep going during that time it is necessary for them to sell

drinks to non-residents. This Bill therefore has the support of the local tourist associations and of the Scottish Tourist Board. I hope that it will also have the support not only of your Lordships' House but of another place.

LORD SALTOUN: My Lords, I used to own land in Ross-shire and my business brought me into contact with every sort and kind of person there. When I went to attend my business, I used to have to stop at an inn which was extremely well run and where Her Majesty's Government had a monopoly. I was very well looked after and I shall never make any complaint about the way I was received. But I can say this: that the Government monopoly was felt by nearly everybody with whom I came into contact as something of a burden, as something they would like to get rid of. Therefore I warmly support my noble friend's Bill, and I hope that the Government will give it friendly consideration.

3.31 p.m.

THE LORD BISHOP OF SOUTHWARK: My Lords, I think it may be rather dangerous for a Member of the Bishops' Bench to express an opinion on something which is going to have an effect in a non-Episcopalian country. Nevertheless, I speak with some feeling on this matter, because when I was in Scotland during the War and when in the spirit of Œcumemism (if that is the right word), I went to the kirk on the Sabbath Day, I was informed that a round robin was going round all the churches of the Church of Scotland there, appealing to the Prime Minister to close the pubs for the duration. As I was in a clerical collar, the beadle approached me as the first person in the kirk that morning to sign the petition for the closure of the pubs. Well, there are certain limits to which one goes for courtesy, but I felt, especially as I had been invited to a sherry party immediately after the service, that it would have been inappropriate for me to sign the petition. The eyes of everybody were upon me at the time, and when I refused there were looks of distress. So, when they asked me a second time, I just mentioned the one word, "Piskie", and that quickly caused the beadle and others to depart.

But since those days, like other noble Lords, I go to Scotland in summer to fish. It is something to which I look

[The Lord Bishop of Southwark.] forward every year. It seems perhaps a little difficult, when one is on holiday on these occasions, enjoying hours by the river, that sometimes, when one wants refreshment, it is not always so easy to get it on that side of the Border as it is on this side of the Border. Anything which may encourage relaxation and good food and good drink I firmly support, and in so far as the Bill we are discussing to day will do that, then from this Bench I have the greatest pleasure in warmly supporting the noble Lord.

3.34 p.m.

LORD DRUMALBYN: My Lords, I should like to express my personal thanks to my noble friend Lord Cromartie for having introduced this Bill. As the House will be aware, for many years I was a Member representing in another place one of the two areas concerned—Dumfriesshire—and in that capacity I did my best, I would say frankly, to bring about some relaxation in the State management areas. If anyone had said before the noble Earl spoke that there were parts of the Kingdom in which nobody was allowed to sell a bottle of beer, for consumption either on or off premises, except the Home Secretary or the Secretary of State for Scotland or persons acting on his behalf, apart from clubs and a few people especially authorised by the Home Secretary or the Secretary of State for Scotland to do so, I do not suppose your Lordships would have believed it. I may tell your Lordships that those people who have come to work at Chapelcross Nuclear Power Station in the county of Dumfries, people often with high qualifications, simply could not believe it at all. The fact that this has been so for nearly fifty years did not make it any the less astonishing.

With a few exceptions, which I shall mention, there are two districts in Scotland in which anyone can go to the licensing court and get an off-sales or public house or hotel licence but will not be allowed to keep a public house or sell liquor in an hotel or shop, because the Secretary of State will refuse to authorise him to do so. As my noble friend Lord Craigton has mentioned, the only kind of certificate he has a right to use, if the court grants him one, is one of the two new certificates introduced under the Licensing (Scotland) Act, 1962

—that is to say, a restaurant certificate, under which the holder can sell liquor for consumption along with meals taken in the restaurant, or a restricted hotel certificate, by which the holder can sell liquor to someone taking a meal, for consumption with the meal, or to someone staying at the hotel for consumption in the hotel by himself or by what are described as his private friend or private friends—I have never quite known what a private friend is compared with any other kind of friend—for consumption either with or without a meal.

In the burgh of Annan, with a growing population and with a large county council housing area just outside its boundary, there was until quite recently, and I think there still is, only one shop to which people can go to buy exciseable liquor. If one wants to give a dance or a wedding reception, although one can engage a different caterer to deal with the catering side, there is only one trader able to supply and dispense alcoholic refreshment—that is the right honourable William Ross, M.P., Secretary of State for Scotland. Not unnaturally, this restrictive practice has given the State management a considerable advantage in tendering for catering contracts.

Of course, as has been said, it does not mean that nobody in these places can buy liquor for consumption at home except through the Secretary of State. The traders in the neighbouring burghs of Lockerbie, Dumfries and Langholm do very well supplying customers in the Gretna state management district. My noble friend was not right in saying that they were selling out of vans parading in the streets. I do not think that would be within the meaning of the law. Anyway, that is just another illustration of what I can only describe as the eccentricity of the present system.

This system arose for one reason and one reason only. It had nothing to do with politics or with prohibition or with temperance or with the desire of the Party opposite to have a monopoly. As my noble friend said, it arose purely out of the 1914-18 War. In due course all the retail liquor interests were acquired and a State monopoly has been there every since, except for the relaxations that were made in 1962. I am not going to detain your Lordships by reciting the reasons for this. I would only say that when

there are only four or five constituencies that would benefit from restoring a situation to normal, while at the same time it is thought that there are a few prohibitionist votes that might be lost in the remaining 625 constituencies or so, it is not very easy for a Government to find time for such legislation. That is why I think we should be grateful to my noble friend Lord Cromartie for bringing this Bill forward.

There are some exceptions to the present monopoly, and it would be as well for your Lordships to be aware of them, because I do not think one wants to over-stress the argument in favour. Clubs are pretty well exempted. Those clubs that were in existence before State management districts came into effect were allowed to continue to handle liquor, and by and large successive Secretaries of State have not unreasonably withheld authority to proper clubs to dispense liquor to their members and their guests. There was one small hotel in Gretna which the Secretary of State authorised to serve liquor with meals before the 1962 Act came into operation because there was no State management hotel that sold liquor in Gretna ; but, so far as I know, that is the only exception that has ever been made. The Secretary of State has power to give special permissions, but, so far as I know, none has been given in Scotland.

It may be asked why Scotland alone should be privileged to have the monopoly modified. My noble friend Lord Craigton mentioned some reasons, and I should like to give mine. The first is that I think the attitude in Scotland has for a long time been rather different from the attitude on the other side of Border. As long ago as 1927 a Commission was set up in England to report on what was known as the Carlisle experiment—it was called the Southborough Commission—and it reported in favour of the extension of this experiment in what was called distinterested management to other parts of England and Wales. Four years later the Royal Commission on Licensing in Scotland, the MacKay Commission, recommended that, with a view to bringing Gretna and Cromarty State management districts into line with the ordinary system of licensing, the State management experiment should be discontinued. What my noble friend is suggesting, as I understand it, is that in these areas the system

of licensing should be brought into line with what happens in the rest of the country.

The second reason is that the licensing law in Scotland is different from that in England. And the third reason is that the matter has been examined already, and it has been found that there would be no practical difficulty in a statutory difference on the two sides of the Border. The situation, in any case, as my noble friend Lord Craigton said, is rather different in England, because they have a brewery which produces very good beer. But I cannot be so certain that much of that comes over into Scotland ; I think it is too well appreciated in England for that to happen.

As I have said, I sought for a long time as the Member for Dumfries to get rid of State management in Scotland, and I was not alone. Later on—not quite at first—Ross and Cromarty added their full support. Now, as a former Member for Dumfries, I am very glad indeed to give my support to Ross and Cromarty as the County Council of Dumfries are giving support to my noble friend.

I, too, should like to make it clear that I am not criticising in any way the quality of the service of State management, although it was bound to suffer, to some extent, from the absence of the stimulus of competition and from the fact that the inhabitants were not in a position to compare the service given in one establishment with that given in another. The chief practical criticism is not against the State management employees but against a failure of the system to provide the hotel accommodation in the Scottish districts concerned that is needed to meet the growing demands of tourism. I hope that the noble Lord, Lord Hughes, will heed what my noble friend Lord Craigton said about this.

It may be said that such a criticism is hardly fair, considering that the system was intended to be the reverse of venture-some—it was supposed to be a restrictive system. All the same, so far as I am aware, no new hotels have been built in the Gretna area. One has been demolished in the course of the Carlisle-Beattock road improvement and replaced by a public house ; and one has

[Lord Drumalbyn.]

been promised at Gretna but, so far as I know, has not yet been completed. One hotel in Annan has been greatly extended and improved, but it took the best part of ten years to do it. And yet this area is at a very convenient distance from London—for example, for stopping for the night—and lies astride and alongside the main traffic North from England to Scotland.

But there is another reason which is much more cogent. I need hardly tell your Lordships that the inhabitants of these districts feel very keenly that they have as good a right as those in any other part of the country to run their own affairs, instead of having them run directly from St. Andrew's House (with the assistance, of course, of a local advisory committee appointed by the Secretary of State), as if they were incapable of running them themselves. Why should not the magistrates of Annan and of Dingwall, and the licensing courts of the respective landward districts, have the same powers over licensing as in any other part of the country? The particular needs of the First World War 50 years ago can no longer be put forward as an adequate reason for discriminating against these districts in a way that they find distasteful. And if the Government challenge my assertion that they find it distasteful, then let them put it to the test, and let the inhabitants of these two districts have an opportunity of deciding for themselves.

The inhabitants do not particularly mind the Secretary of State's selling liquor and running licensed hotels and pubs in these districts. Some think that the Secretary of State should be subject to the licensing system, like any other body; but, in my view, they are a minority. But that is not the practical question. The Secretary of State can carry on retailing liquor if he likes, but he should not have a right to prevent anyone else from doing so. The ordinary law of the land should apply to the Gretna and Cromarty districts as elsewhere. May I remind your Lordships, in conclusion, of the ordinary law of the land? Section 32 of the 1959 Act says:

"Subject to the provisions of this Act, a licensing court may, at any general half-

yearly meeting of the court, grant certificates for the sale by retail of exciseable liquor to such and so many persons as the court shall think fit."

They can do so now in the Gretna and Cromarty districts, but the Secretary of State has power, and exercises that power, to nullify the ordinary law of the land. The applicants may get their certificates, but the Secretary of State refuses to authorise the applicants to use those certificates. It is this position that my noble friend's Bill seeks to change. He does not seek to take away the hotels and the various powers from the Secretary of State, except the power to say who else should be in a position to supply liquor in these areas. I trust that all your Lordships will support my noble friend.

THE PALACE OF WESTMINSTER

3.50 p.m.

THE LORD PRIVY SEAL (THE EARL OF LONGFORD): My Lords, with the permission of the House I will make a Statement about the Palace of Westminster similar to one which my right honourable friend the Prime Minister is making in another place.

Her Majesty, having graciously agreed that the control, use and occupation of the Palace of Westminster and its precincts shall be permanently enjoyed by the Houses of Parliament, saving always Her Majesty's Robing Room, the staircase and ante-room thereto adjoining, and the Royal Gallery, which are to remain under the control of the Lord Great Chamberlain whose hereditary functions on Royal occasions shall also be maintained, the Government have decided that:

1. The Minister of Public Building and Works shall continue to be responsible to Parliament for the fabric of the Palace and subject to Parliament for its upkeep and any extension and alteration thereof and the provision of furnishing, fuel and light therefor.

2. Subject to the reservations specifically made herein to the Lord Great Chamberlain as representing The Queen and the Minister of Public Building and Works, the control of the accommodation and services in that part of the Palace and its

precincts now occupied by or on behalf of the House of Lords shall be vested in the Lord Chancellor as Speaker of the House of Lords on behalf of that House. Subject as aforesaid, the control of the accommodation and services in that part of the Palace and its precincts now occupied by or on behalf of the House of Commons shall be vested in Mr. Speaker on behalf of that House.

The said parts are shown on plans which have been deposited in the Library.

3. The control of Westminster Hall and the Crypt Chapel shall be vested jointly in the Lord Great Chamberlain and in the two Speakers, on behalf of the two Houses. Subject thereto, the Minister of Public Building and Works shall be responsible for the day-to-day management of Westminster Hall and the Crypt Chapel.

4. The Minister of Public Building and Works shall be responsible, subject to the arrangements made under the next succeeding paragraph, to both Houses for the provision of such custodians and guides as may be necessary for the Palace.

It is recognised that the powers vested as aforesaid in the Lord Chancellor and Mr. Speaker, on behalf of the House of Lords and House of Commons respectively, may be delegated by each House to such Committee or other authority as it may choose, and any such Committee or authority may use such agents for such purposes connected with the exercise of the said powers as it may think fit.

It will be for the Speakers of the two Houses to make arrangements for the provision of such police as may be necessary for the Palace.

The co-heirs in whom the hereditary Office of Lord Great Chamberlain is at present vested, that is to say, the Marquess of Cholmondeley, the Earl of Ancaster and the descendants of the late Charles Robert Marquess of Lincolnshire, who have inherited his rights of co-heirship, desire to record their humble obedience to Her Majesty's commands with respect to the future control, use and occupation of the Palace of Westminster.

It is intended that these arrangements shall become effective on April 26 next.

My Lords, that concludes the brief statement. These arrangements have been discussed with the Opposition Parties through the usual channels. I hope and believe that they are likely to commend themselves to the House as a whole. I should like to express my thanks to all who have played their part—most of all to the Lord Chancellor. There are a number of detailed points to be worked out. It will no doubt be necessary for the administrative implications of the new arrangements to be considered by the Offices Committee.

The House will have noticed that the new arrangements involve the transfer to other authorities of a number of the powers and responsibilities of the Lord Great Chamberlain. I am sure that it would be your Lordships' wish that I should not sit down without expressing to the noble Marquess, Lord Cholmondeley, the sincere thanks of the House for all the care and trouble that he has taken over our affairs for many years past. I am sure we are all glad that he is going to retain the ceremonial functions in which he has so much experience and skill. He has been a servant of Her Majesty the Queen and of the House now for close on fifteen years, and he has never spared himself in the service of the House, or, indeed, of Parliament as a whole. We all owe him a great debt of gratitude and affection.

3.55 p.m.

LORD CARRINGTON: My Lords, I am sure that we are all grateful to the Leader of the House, not only for making the Statement but also for the fact that he and his colleagues have consulted the Opposition Parties both frankly and fully during these negotiations. We are very glad that he has done so. If it was necessary to make a change—and I make no judgment on that—I do not think we could have reached a more satisfactory settlement than the one before us to-day. The House remains in control of its own accommodation and of its own affairs, which is as it should be and as it must be. We congratulate the noble Earl the Leader of the House, the noble and learned Lord on the Wool-sack and, indeed, the Minister of Public

[Lord Carrington.]

Building and Works on having achieved this result, which I think will be satisfactory to everyone.

I should like to join in the tribute which the Leader of the House has paid to the noble Marquess, Lord Cholmondeley. I think all your Lordships know that my noble friend has worked long hours, and with great energy, on behalf of the House as a whole. He resisted, stoutly, successfully and alone, the invasions and raids of a number of predators from another place. He has been responsible for greatly embellishing the rooms and passages of this House with pictures and with tapestries. He has set in motion—I must admit not before it was due—the air-conditioning of this Chamber. He has greatly increased the facilities for the public in the House, and he has done many other things of which your Lordships will be aware. We are glad to think, as the Leader of the House has said, that the noble Marquess will retain a large number of his important functions. We are very grateful to him for what he has done, and we hope that he realises the warm affection with which we all regard him.

LORD OGMORE: My Lords, on behalf of my noble friend Lord Rea, who is indisposed, and on behalf of my noble friends on the Liberal Benches, I should like to thank the noble Earl the Leader of the House, and the noble and learned Lord on the Woolsack, for the great care they have taken in a matter which is rather difficult and delicate, and for the pains they have taken to associate the other Parties in dealing with this problem. On behalf of my noble friends and myself, I welcome the arrangements recorded in the Statement and I, too, should like to be associated with the tribute that has been paid by the noble Earl the Leader of the House and the noble Lord, Lord Carrington, to the Lord Great Chamberlain. We all very much appreciate—and I think we should like it known that we appreciate—the deep personal interest that he has taken in the House and in the comfort of noble Lords for many years past. We are grateful to him, and we look forward to seeing him on ceremonial occasions—those occasions which he graces in a

most distinguished and handsome fashion—for many years to come.

3.58 p.m.

THE LORD BISHOP OF SOUTHWARK: My Lords, I am sure your Lordships will appreciate that in normal circumstances whoever spoke from the Bishops' Benches would do so after consultation with the most reverend Primate the Lord Archbishop of Canterbury. But, as your Lordships know, the most reverend Primate is at present abroad, and while in normal circumstances it might have been possible for us to consult him, you will have learned from what has appeared in the papers that his Grace is in a moment of personal sadness, owing to the illness of his wife, and we have therefore not been in touch with him. In so far as I have been able to have consultations with other Members on this Bench, and in so far as any one of us can express an opinion, I should like to say on behalf of the Bishops, that we wholeheartedly endorse what has been said by other Members of this House this afternoon. We have every hope for the future, and we are also most grateful for what the Lord Great Chamberlain has done in the past for us and for other Members of this House.

4.0 p.m.

THE MARQUESS OF SALISBURY: My Lords, perhaps as a very old Member of this House (I have been a Member for nearly 25 years), I may say one word. I am by nature a Conservative—not only with a big "C" but I think partly with a small "c" as well. I do not like change for its own sake. But I must say that, if a change had to be made, I do not think the arrangements could be better than those which are contained in the Statement of the noble Earl the Leader of the House. They seem to me to have one immense merit: that they keep control of our own affairs in our own hands—actually, in the very capable hands of the Lord Chancellor, who, I am sure, will conduct his duties with assiduity and ability. He is our "watchdog", and I am sure that he will bark and even if necessary, bite.

The only other thing I wish to say is to join in the tributes which have been paid to the Lord Great Chamberlain. I do not think he could possibly have done his job better than he has done over the

last fifteen years. He has been tactful, energetic, and absolutely impartial. I think there are very few of us who have not had reason to thank him at one time or another for what he has done. One of the great merits of this new plan, to me, is that he does not go completely out of the picture. That would have been a great loss for us all and for the House. For all those reasons, I should like warmly to support the new arrangements which the Leader of the House has announced and to thank him and the Lord Chancellor for the work they have put into them.

LORD GRIMSTON OF WESTBURY: My Lords, may I ask just one question, for clarification? Is it quite clear that under these new arrangements these precincts remain a Royal Palace?

THE EARL OF LONGFORD: Yes, my Lords. I do not think there is any doubt about that.

LICENSING (SCOTLAND) BILL [H.L.]

4.3 p.m.

Debate resumed.

THE JOINT PARLIAMENTARY UNDER-SECRETARY OF STATE FOR SCOTLAND (LORD HUGHES): My Lords, perhaps we might now turn from the vesting of control of this House in the noble and learned Lord the Lord Chancellor, to the proposal to transfer public-houses from the Secretary of State to private individuals. I should like at the start to congratulate the noble Earl, Lord Cromartie, on the clear way in which he was ventured into this field of placing a Bill before your Lordships' House. I should have liked to be able to go all the way with him, because I feel that the method of presentation of the Bill certainly deserves a better response than he is going to get from me. Fortunately for the noble Lord, I believe that the advice which I am about to give—at least if the expressions of opinion which have already appeared are any indication—is not likely to be accepted by the majority of your Lordships. Notwithstanding that, I would say to your Lordships that I think the measure proposed by the noble Earl is not a good one. And I will give my reasons for saying so.

I believe that a perfectly strong case can be made for a continuation of the present system—in fact, a strong case can be made for the extension of the present system to other parts of the country. I should be the first to admit that an equally strong case can be made for the complete abolition of the present system; and, if I may, with respect to the noble Lord, Lord Drumalbyn, I would say that he continued to elaborate a very good case for the abolition of the present system, as he has done consistently, I believe, over many years, with many Governments and with many Secretaries of State. But this Bill does neither of these things. It imports into the law the disadvantages of both systems, and I must admit quite frankly to your Lordships that I was rather surprised that the noble Lord, Lord Craigton, gave the Bill his blessing, because he is so far round the circle from myself that I thought he would almost meet me in condemning the Bill from the opposite pole. But he has worked, as have other of your Lordships, on the basis that “half a loaf is better than no bread”.

I must admit that I do not think that either my right honourable friend the Secretary of State or any of my Parliamentary colleagues expected for one moment that any one would think that the first dividend to come from the Highland Development Board should be the opening up of these areas to the private enterprise of public-houses; and while it is a useful debating point, I do not believe for one minute that the noble Lord, Lord Craigton, supposed that that was the reason the Highland Development Board was being introduced.

The noble Lord referred to the fact, as I think did one other noble Lord, that just before the last Election the previous Administration decided to make it their Party policy that if they were returned they would abolish the present system. I think I might be forgiven, as a comparatively new Minister, for saying to your Lordships that in a few months of Office I have not been impressed by the importance of making the abolition or modification of State management the first item of priority of our legislation. If so persuasive a member of Government as the noble Lord, Lord Drumalbyn, failed throughout twelve years to do this, then I doubt very much

[Lord Hughes.]

whether any of your Lordships would accept the opinion expressed by the noble Lord, Lord Craigton, that it was just a change of circumstances recently that has done so.

LORD CRAIGTON: My Lords, if he will not tell anyone else, I will let the noble Lord into a secret, and tell him what the change of circumstance was. We had at last persuaded England that we should have our freedom in Scotland.

LORD HUGHES: It is a good try! But perhaps noble Lords opposite may feel now that they were unwise to give this undertaking; because, after all, there are only two constituencies in Scotland affected by it. What happened? In the Dumfries constituency the Member was returned with a considerably reduced majority, and in Ross and Cromarty the Government lost the seat. So it is not an altogether good advertisement for departing from the present set-up.

It would be a waste of time on my part if I were to try to persuade your Lordships of the merits of the present system, because, for one reason or another, noble Lords on the opposite side have persuaded themselves that it does not have any merits. It would be just as much a waste of time on my part to attempt to persuade my colleagues that it has no merits, because they would not believe that either. We had one intervention from this side of the House, but, of course, from the Bishops' Benches. I am sorry that the right reverend Prelate has left, because I heard him more in sorrow than in anger. All I would wish to say to his comment is that I doubt very much whether he has hastened the day when we shall have Bishops in the Church of Scotland.

I cannot commend this Bill to your Lordship's House. In asking your Lordships, not entirely with hope, to reject the Bill, I would not wish in any way to depart from what I said at the beginning, when I congratulated the noble Earl on the way in which he has presented it. If this is a sample of what he can do, then I look forward to a second effort in a more worthy cause.

LORD HAWKE: My Lords, before the noble Lord sits down, could he tell

us some of the merits or demerits of the proposal in the Bill, because he has left me quite ignorant of what is good in the present system that he wants to keep, whereas my noble friends have set out the evil they want to abolish.

LORD HUGHES: My Lords, I should have thought, having regard to the fact that abolition has appeared in the political documents of the Party opposite, noble Lords would have been well aware before last October of both the advantages and disadvantages. I doubt very much whether anything I could say would alter any preconceived ideas that noble Lords opposite might have.

LORD HAWKE: That is really the most extraordinary argument for turning down a Bill I have ever heard in this House, and I have been here 25 years. The Front Bench either explains or demolishes the Bill. I have never heard anybody say, "You know the arguments and it is no good producing them".

THE EARL OF IDDESLEIGH: My Lords, I should like to support the noble Lord, Lord Hawke. I have been even longer in this House and I have never heard such an argument used. There are some of us, a not inconsiderable number, who do not belong to Parties but who come and listen to arguments and make up our minds according to the arguments adduced. I hope the noble Lord, Lord Hughes, will be so good as to change his mind and offer some arguments to help those of us who have not made up our minds.

LORD HUGHES: My Lords, I doubt very much whether I can add anything to the information already given to the House. The noble Lords opposite have explained the merits of the present system and pointed out that they were not complaining about the way in which the State management districts premises were operated. They stated that they did not complain about the quality of the service or of the products; in fact, at least one noble Lord, if not two, went so far as to express regret that certain products did not come in larger quantity North of the Border. Having said all that, they then proceeded, having stated that it was not a political argument, really to come down on the doctrinaire basis that State management is not a good thing, that

private enterprise is a good thing, and that for this reason there ought to be competition between privately-owned public houses, restaurants and hotels and those operated by the Secretary of State.

I stated quite clearly that I thought there was merit in continuing the present system of disinterested management. Probably an equally strong argument could be put forward for going over to the other system of having the trade in private hands, as it is in all other parts of the country. I could see no merits in attempting, as this Bill does, to marry the two systems together. It seemed to me that to say other than that would merely be wasting your Lordships' time. I can assure your Lordships I have no intention of being disrespectful to the House, but one thing which has been impressed upon me in the short time I have been here is that your Lordships are nearly always more impressed by brevity than by long-windedness.

LORD HAWKE: My Lords, will the noble Lord deal with what is to me the main argument? It is alleged that the present system is leading to a lack of new facilities, hotels for tourists, which for Scotland, I understand, is a very important industry. This is an important argument and the noble Lord never mentioned it. Will the State system give the tourist accommodation or will it not?

LORD HUGHES: My Lords, it must inevitably be a matter of opinion whether any particular level of supply of hotel or licensed accommodation is adequate for the purpose. May I put it this way? There is no evidence that the increase in tourists coming into these districts is any less than it is in other parts of Scotland.

LORD STRATHCLYDE: My Lords, I wonder whether the noble Lord could help me and those others who have not made up their minds which way to vote if this matter goes to a Division. It has been stated by several noble Lords that those who reside in these two areas are very much against the continuation of this system. Could the noble Lord tell us whether he confirms those statements or not?

LORD HUGHES: My Lords, it is very difficult, unless one takes a referendum on a particular point, to say with accuracy what people in any particular area feel

on any given subject. I have no doubt at all that there are people in these areas who would very much welcome the proposal put forward by the noble Earl. Whether that is the opinion of all of the people or even a majority of the people living in those areas I have no way of knowing. I would, however, reiterate the fact that one of the people who put forward this proposal as part of his Election address lost his seat.

LORD STRATHCLYDE: My Lords, would the noble Lord really expect those public authorities in the Invergordon area who have come forward against the continuation of this system to do that if they were not assured that they had the majority of their constituents behind them?

THE PARLIAMENTARY SECRETARY, MINISTRY OF TRANSPORT (LORD LINDGREN): Why did that candidate not win the Election?

LORD HUGHES: The noble Lord must have his tongue fairly firmly in his cheek in making that point, because he was for a sufficiently long time a member of Her Majesty's Government to know that not all proposals which came forward from local authorities were accepted by the Government of which he was a member.

THE DUKE OF ATHOLL: My Lords, is the noble Lord aware that the Scottish Tourist Board receive many requests and letters on the subject of the inadequacy of hotels in these areas?—although I agree this may not have permeated through to the noble Lord.

LORD HUGHES: That, I may suggest, is criticism of the fact that the previous Administration did little over 13 years to meet requests for improving it. It is an argument, if I may say so, for improving the hotels, not for the abandonment of the Secretary of State's monopoly.

VISCOUNT ECCLES: My Lords, I am confused about the noble Lord's own argument. Either he thinks the hotel provision in these areas is adequate or he thinks it is inadequate. If he thinks that it is inadequate, then it seems to me there is a clear case for allowing somebody else to come in and raise the level. I rather gather that he thinks it is adequate. In fact, I do not see on what other grounds he can refuse my noble

[Viscount Eccles.]
friend's Bill. If he thinks that the hotel accommodation is already adequate, what difference does it make to grant other people the right to come in? If there is no need for them, at least they will have a sense of justice.

LORD HUGHES: I am afraid the noble Viscount rather over-simplifies the position. It does not follow that if I think the accommodation is inadequate I must agree to an alteration in the system. As the noble Earl stated in his opening remarks, there have been many requests for the provision of more facilities, particularly at the National Hotel in Dingwall. The noble Lord, Lord Craigton, referred to the inadequacy of accommodation for large functions, and proposals have been made from time to time in the past without previous occupants of my right honourable friend's position being able to agree to the necessary expenditure. Such a proposal is before my right honourable friend at the present time. It does not follow that

an admission that more accommodation is necessary means acceptance of the proposition that it must be provided by a completely different authority from the present one.

THE EARL OF CROMARTIE: My Lords, I think I am allowed to answer. I am not going to make any further speech, other than to thank those who have supported me. But I would say to the noble Lord the Minister opposite that the Election really had very little to do with it, because our present Member is a Liberal and strongly supports this Bill, as the noble Lord will find if it goes to another place. I would thank him for his very kind remarks, but I still disagree, and I ask your Lordships now to give the Bill a Second Reading.

4.21 p.m.

On Question, Whether the Bill shall be now read 2^a?

Their Lordships divided: Contents, 69; Not-Contents, 36.

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Resolved in the affirmative. Bill read mittee of the Whole House.
2^a accordingly, and committed to a Com-

RIVERS (PREVENTION OF
POLLUTION) (SCOTLAND) BILL

4.30 p.m.

Report of Amendments received
(according to Order).

LORD CRAIGTON moved, after
Clause 3, to insert the following new
clause

Control of seepage

" —(1) Where any trade or sewage effluent, the volume of which in any day exceeds 5,000 gallons, is discharged into any well, borehole, pipe, shaft or quarry the river purification authority shall have power but shall not be bound to add substances or liquids to such discharges for the purpose of ascertaining whether such discharge is causing an offence under this Act.

(2) Where in relation to such discharge the river purification authority are of the opinion that seepage of such discharged effluent into a stream may give rise to an offence under this Act or that an offence has been committed, they shall require the person making the discharge to apply for consent (within a period specified by them) and the provisions of this Act and of the principal Act shall apply and the river purification authority may grant or refuse consent or grant consent subject to such conditions."

The noble Lord said: My Lords, when I put down this Amendment the intention was simply to give the noble Lord an opportunity to explain why he himself, after considering all we said in Committee, could not put down an Amendment to control effluents discharged into holes in the ground. But since then there has occurred an example which has converted our theoretical fears into a reality. As we speak now, great quantities of oil from an old coal mine vent are pouring into the River Clyde at Motherwell, and I understand that the National Coal Board are attempting to trace the source of the discharge. I told the noble Lord's officials at St. Andrews' House about this matter yesterday, and they appreciate that an offence is being committed under the Bill. But the damage has been done; and I believe that we ought to do something about this now. I think that the noble Lord will agree with me that there may be no opportunity for some time, other than the next stage of this Bill, to act in this matter. Therefore, I move the Amendment formally in order to give the noble Lord a chance to answer the points I have raised.

Amendment moved—

After Clause 3, insert the said new clause.—
(*Lord Craigton.*)

LORD HUGHES: My Lords, as I think I made clear to the Committee at the last stage of the Bill, I was very sympathetic to what lay behind this proposal; and if it could have been done then I should have been happy to have something inserted in the Bill. The noble Lord, Lord Craigton, does not think that the Amendment he moved is the full answer to the proposal, and, as he has been good enough to say, he has put it down in order that something more could be said on the subject.

This pollution from an old coal mine vent near Motherwell is a very clear illustration of the difficulties with which we are faced. It is obvious to anybody that the river is being polluted by this oil coming into it. What is not at all obvious—in fact what has not been determined—is where it is coming from. Although it is stated that it is coming from an old coal mine vent near Motherwell, nobody in fact knows where it is being put in, or when it was put in. It may be that it was put in many years ago, and is only now finding its way out. This points to a possible future danger. Such deposits may in the past have been put down disused quarries in many different parts of the country and may not yet have found their way to any river. They may find their way to a river in the future.

The difficulty which faces Her Majesty's Government in this matter is that this is a Bill for the prevention of pollution of rivers, and it would not by any stretch of imagination fall within the Long Title of the Bill to give power to control the dumping of effluent down any hole anywhere in the country just because it happened to fall within the area of a river purification board. There is no indication at all at present that the dumping of such effluent in any particular place will ever result in its running into any river at any time. It would be extremely bad law to proceed, from one known case, to place upon industry throughout the whole of the country a burden of seeking to comply with the terms of this Amendment.

The Clyde River Purification Board, quite naturally and properly, are very interested in this problem and have since

[Lord Hughes.]

had another "go" by putting forward another Amendment which it was suggested might be moved at the next stage of the Bill in your Lordships' House. This Amendment approaches the matter from an entirely different point of view altogether. Perhaps it would be easier if I read the suggestion to show the completely different approach, though one that remains equally unworkable. The proposed Amendment would be:

"Where any person intends to discharge any trade or sewage effluent into any borehole, disused mine, pit or quarry he shall, not later than fourteen days before commencing any such discharge, give notice to the river purification authority in whose area such borehole, disused mine, pit or quarry is situate stating:

(a) the nature and composition of the effluent;

(b) the maximum volume of the effluent which he intends so to discharge on any one day; and

(c) the highest rate at which it is proposed to discharge the effluent."

Your Lordships will note that all the suggested alternative Amendment requires is that any such proposed future discharge should be notified. There is no penalty provided for lack of notification. Even if there were a penalty, it would not necessarily help the situation at all, because once the authority have received a notification they are no further forward, unless at some time in the future a particular discharge comes into our rivers which they control and can be definitely identified as coming from one source and one source only. Let us assume that in the area of a particular river three distilleries put effluent down different disused pits. In due course, something which can be identified as distillery effluent finds its way into the river. Where do the board stand? They cannot prosecute any one of the three because they cannot prove which of the three, if any, has caused the effluent to reach the river.

The Amendment put forward by the noble Lord, Lord Craigton, contained a suggestion which Her Majesty's Government have considered very carefully, because it appeared to offer a way of solving the difficulty of relating the arrival of the effluent from a particular deposit by giving authority to the board to add materials of some kind or another to the pit, so that if, in due course, it arrived at a river

it could be identified. There are two ways in which this could be done, involving two broad categories of material. One was to put in dye. As I indicated on the last occasion, the quantities are so enormous that in order to serve any useful purpose one would have had to tip the dye in by the barrel-load if it were not to be diluted out of all semblance of useful purpose whatsoever. From that point of view, dyes were inevitably ruled out. The other way was to put in tracer elements of radioactive substances. But here again the quantities would have had to be appreciable.

We came reluctantly to the conclusion that, by allowing river purification boards to do this, we could be creating a greater danger and a greater hazard to health by allowing fairly substantial quantities of radioactive materials to be put in for purposes of tracing. But there is an even greater disadvantage. In fact we should be conferring by Statute a right on the river purification boards to pollute their own rivers in a way which they were seeking to prevent everybody else from doing. The only defence which they would have would be that they were being allowed to pollute the rivers for the purpose of proving that somebody else had polluted them first. That does not seem to be either common sense or good law.

Where, therefore, do we find ourselves? Fortunately, the existing law is not completely defective on the subject. There is a variety of Acts presently on the Statute Book under which authorities can act. There is the Public Health Act, 1897. There is a variety of sections in that Act whereby an offence could be created by dumping in quarries or pits, even although the substance did not reach the river at all. There is the Water (Scotland) Act, 1946, under which a possible offence could be taking place; and there is, of course, the possibility of an offence at Common Law. I must admit, however, that it is quite possible that circumstances could arise in which something was happening which was not in the public interest, and which could not, in fact, be dealt with under any part of the law as it exists at present.

We are, therefore, placed in the unfortunate position that there is no basis

of pollution presently known to exist which would justify us, at this late stage in the consideration of the Bill, so to widen it as to make it a Bill very different from the form in which it reached your Lordships' House. I am, therefore, able to offer only this fact to your Lordships. There is at present a standing official committee appointed by the Minister of Health and the Secretary of State, to consider present methods of disposal of solid and semi-solid toxic wastes from chemical and allied industries and so on. I shall not read all the remits. It could perhaps be going a little beyond the remit to require them to examine this proposal, because your Lordships will notice that the reference is to "solid and semi-solid toxic wastes". On whether, for instance, distillery effluent is sufficiently solid to reach the stage of being regarded as semi-solid, I would not wish to venture an opinion.

However, I doubt very much whether anyone, either in your Lordships' House or elsewhere, would quarrel with Her Majesty's Government if they took the opportunity of having this committee examine this particular aspect of alternative ways of dealing with trade effluent, and recommending whether anything requires to be done. It may well be that Parliament will have to consider other legislation to deal with this subject. That may be next year, it may be in ten years' time, it may be never at all. I suggest to your Lordships that it would not be consistent with our purposes first to make our rivers clean, and secondly to do so without unnecessary interference with the day-to-day life of the country, if we extended the powers of the Bill into this very wide field without the clearest evidence that it is absolutely necessary.

I suggest to your Lordships that, while the activities of the Clyde Board have undoubtedly pointed to the evidence that there is one particular case, and that there may well in the future be more cases, that falls very far short of what is necessary to require us to widen the scope of the Bill to this extent at the present time. Therefore, I must ask your Lordships not to accept this Amendment, although I am still of the opinion that it was an effort which must have been made in order that the question

should be examined from every possible angle.

LORD CRAIGTON: My Lords, I am grateful to the noble Lord. I feel that this Amendment has done some good and I believe that the Clyde River Purification Board will be satisfied, as I am, with the noble Lord's careful review of the objections to the Amendment which they thought might go down, and of the objections to my Amendment. We are grateful for the review of the noble Lord's existing powers. I am satisfied with the assurance that the noble Lord has given, that he will take executive action under his powers, and with his obvious preparedness to embark on comprehensive legislation should this prove to be essential. With those words, I beg leave to withdraw this Amendment.

Amendment, by leave, withdrawn.

Clause 9 [*Penalties and proceedings for certain offences*]:

4.46 p.m.

LORD DRUMALBYN: moved to leave out subsection (2) and to insert instead:

"() In the case of any offence under section 1 of this Act, or, after the commencement of this Act, of any offence punishable under paragraph (a) of subsection (1) of section 22 of the principal Act it shall be a defence for a person charged in respect of the discharge into a stream of trade or sewage effluent or of matter which is poisonous, noxious or polluting to prove that—

(a) by reason of the events which caused the discharge to be made it was not reasonably practicable for him to seek the consent of the river purification authority before making the discharge; and

(b) it was not reasonably practicable for him to dispose of the effluent or matter otherwise than by discharging it (directly or indirectly) into that or some other stream; and

(c) he took all reasonably practicable steps to prevent the discharge or, as the case may be, to prevent that matter from being poisonous, noxious or polluting."

The noble Lord said: My Lords, may I move this Amendment on behalf of my noble friend Lord Colville of Culross, who regrets very much that he is unable to be present—though perhaps not so much as I regret that he is unable to be present. I apologise in advance if I have not correctly understood my noble friend's Amendment, but I will do my best on it.

My noble friend feels very strongly (and I agree with him) that provision

[Lord Drumalbyn.]

ought to be made for the Bill specifically to exclude what he describes as the "once-in-a-while accident". He does not think it right to leave the Bill in such a way that a person from whose premises a discharge is made, in apparent contravention of a prohibition, or of conditions laid down by the river purification authority, should have no defence at all if the discharge is made in circumstances where the person could not have avoided it. He thinks it is wrong to rely solely on the procurator fiscal's normal unwillingness to prosecute in such circumstances, for as the clause stands, if the procurator fiscal believes that there has been a discharge which it was reasonably practicable to prevent—whether or not he is right in that opinion—he prosecutes, and then the person is guilty even although, in fact or in truth, it was not reasonably practicable to prevent the discharge. He is guilty simply because the Bill provides no defence for such circumstances.

That is a situation which, surely, should not be allowed to arise, and I therefore hope, that the noble Lord will accept the Amendment, at least in spirit. It is meant to cover not only pre-1951 discharges under Clause 1 of the Bill, but also post-1951 discharges, under Section 22 of the 1951 Act. I understand that Section 28 can be enforced by a charge under Section 22 of the Act, and, also, that it is intended to cover plain discharges of noxious matter under Section 22(1)(a). I have probably said enough to make clear my noble friend's intention, which is reasonably clear on the face of the Amendment. There has to be an event, and it has to be an event which makes it not reasonably practicable for the person in charge of the premises to seek the consent of the river purification officer, and not reasonably practicable, either, for him to dispose of the effluent elsewhere. He has also to show that he took all reasonable practicable steps to prevent the discharge, or to prevent the matter from being poisonous, noxious or polluting. I think that is reasonably clear.

I may tell the noble Lord, as I am sure he is aware, that I do not intend to press the Amendment, because he realises, as my noble friend did, that it has a defect, in that it goes further than his intention. If Section 22(3) of

the principal Act were to remain in force, it would seem to provide a possible defence for a continuing discharge, as well as for one which arose out of the kind of unforeseen circumstances that my noble friend had in mind, in cases where the discharge was not repeated, or, at any rate, was put right as soon as possible. As noble Lords will see, it is not my noble friend's intention to make the defence too easy, or to make it a general defence.

If the noble Lord and the Government are of the opinion that it is something that should be dealt with as my noble friend thinks, perhaps the best way to deal with the matter would be to leave subsection (2) of Clause 9 as it is but to add a proviso along the lines of the words that my noble friend wishes to insert. At any rate, I hope that the noble Lord will at least take the point that where a person is, so to speak, an innocent discharger, he should have a defence written into the Bill, and should not be entirely dependent on the procurator fiscal's discerning that he is an innocent discharger. I beg to move.

Amendment moved—

Page 10, line 22, leave out subsection (2) and insert the said new subsection.—(Lord Drumalbyn.)

LORD HUGHES: My Lords, I am grateful to the noble Lord, Lord Drumalbyn, for the way in which he has proposed the Amendment and has admitted the defect that it contains. I must admit that I was a little surprised that the noble Viscount, Lord Colville of Culross, put this Amendment down again, because I wrote to him on March 10, following on what I said at the last stage; and I do not think I can do better than tell your Lordships what I wrote to the noble Viscount on that occasion. I said:

"You were concerned in case removal of the defence in Section 22(3) should penalise a person for accidents or mistakes which were outwith his control. My advice is that this subsection does not, however, confer a defence against accident, and that the provisions of the Bill will thus not affect the liability of a polluter to prosecution under Section 22(1)(a) of the 1951 Act. The offence under the latter subsection, of causing or knowingly permitting poisonous, noxious or polluting matter to enter any stream, is not amended by the Bill. If there have been accidents or mistakes for which he has no responsibility, a discharger will accordingly

be in no worse position when Section 22(3) is deleted”.

There is then more, but that, I think, is the important point.

Now the effect of the Amendment as proposed would be really to nullify all that we are attempting to do in the Bill, in so far as it was anybody's desire to evade the provisions of the measure.

LORD DRUMALBYN: The noble Lord, when he says, “as proposed”, means “as drafted”, rather than as I proposed it.

LORD HUGHES: Yes; as drafted. The average person does not seek to evade a law which is obviously in the public interest; so, even if this Amendment were included, the average individual would do his best to comply both with the spirit and with the letter of the law. But in this particular case we cannot guarantee that we shall always have to deal only with average reasonable individuals. We shall have to deal with anyone who may be polluting the river; and if we were to permit this, we should be giving a discharger a defence by enabling him to prove that it was not reasonably practicable for him to seek to apply for consent. It would permit him to make or to continue to make a discharge without applying for consent, leaving it to him to take a chance that the discharge will not be found out, and, if it is found out, to show that it was not reasonably practicable for him to apply for consent.

The effect of this would be to take the matter out of the hands of the river purification board and out of the hands of the Secretary of State for Scotland. It would allow a man who wished to take the risk of breaking the law to go on breaking the law and polluting a river until he was found out. Then, when it was drawn to his attention, he could plead that it was not reasonably practicable for him to do otherwise; and he must be prosecuted. Right up to that point, until the court had decided against him, he could continue to pollute the river.

LORD DRUMALBYN: My Lords, may I intervene again? I am grateful to the noble Lord for giving way. I know that was not the intention of my noble friend—and I am sure he has had legal advice on the point. But my noble friend

tried to avoid that construction by the words he put in—namely,

“by reason of the events which caused the discharge to be made . . .”.

He has tried to avoid the very risk that the noble Lord has been describing.

LORD HUGHES: That may be so in paragraph (a), but then we come on to paragraph (b), which says:

“it was not reasonably practicable for him to dispose of the effluent or matter otherwise than by discharging it (directly or indirectly) into that or some other stream; . . .”

The second paragraph, I think, is subject to even greater objection than the first, because what is “reasonably practicable”? A man may say, “It is not reasonably practicable for me to do so because I cannot afford to devote that part of my resources to dealing with the problem”. We do not accept that a thing is practicable or reasonable only if a man decides that it is not going to cost more money than he is prepared to spend on it.

To return to the language of paragraph (a), it says:

“by reason of the events which caused the discharge . . .”

By itself, that does not confine the Amendment or the terms of this measure to one particular set of discharges. If a man wishes to evade the law, he can found any such discharge into the river on this. At the worst, he is in the position that the court decides that he has in fact not had reasonable excuse to continue to do so, and finds him guilty of an offence. He may consider it is a risk worth taking if he can get away with it for a year, two years or three years before it reaches the stage of prosecution.

The proposed limitation, I suggest to your Lordships, is not necessary. The advice which I have been given is that the Bill as it stands places the person who has accidentally made a discharge into the river without consent in no worse a position than he is at the present time. The present law has operated for twelve years. There has been no complaint at all during that time that any of the boards have acted unreasonably towards those people to whom the present measure applies, and I have no reason to believe that, just because there is a new measure, they are suddenly going to start interpreting the law in a different way altogether. The fact is (as I have said, not

[Lord Hughes.]
 once, not twice but now this will be for the third if not the fourth time) that the success of this measure at the end of the day must depend upon the degree of co-operation which the boards receive from the community. That co-operation, up to the present, has been good. We have tried to word the Bill in such a way as to ensure that in future we are likely to receive the maximum degree of co-operation.

The people who have most to lose by being unreasonable or non-co-operative are the boards themselves, and I think that is the best safeguard for individual dischargers. The present position, unchanged as it is in law, will continue to be unchanged in practice. I think therefore that the noble Viscount, Lord Colville of Culross, has feared something which in fact has not taken place and which, I suggest, will not take place. I cannot think of any form of Amendment which would be acceptable, because it would be weakening the main and essential purpose of the Bill. I would be prepared to accept a certain limited weakening if I thought it was necessary in order to protect innocent people from prosecution. I am satisfied beyond any shadow of doubt that the accidental discharger or the innocent discharger has no more to fear now than he had previously. Therefore, I feel no sense of guilt at all in asking your Lordships not to accept this Amendment.

LORD DRUMALBYN: My Lords, I am grateful to the noble Lord for the explanation that he has given. He will understand that I am in a little difficulty over this myself because it is not my Amendment. In the circumstances, I hope he will not mind if I allow the Amendment to be negatived.

On Question, Amendment negatived.

5.2 p.m.

LORD HUGHES moved to add to the clause:

"() Without prejudice to the exercise of the functions of a river purification authority in relation to any discharge of an effluent from a vessel, in a case where the provisions of the Oil in Navigable Waters Acts 1955 and 1963 apply to restrict such a discharge no proceedings for an offence against this Act or against the principal Act shall lie in respect of that discharge."

The noble Lord said: My Lords, when we last considered this clause doubts were expressed by the noble Viscount, Lord Simon, and the noble Lord, Lord Geddes, as to whether we should be discharging our international obligations properly if we continued to make it possible for offenders to be prosecuted under two different Acts of Parliament instead of prosecution being confined to the Act which flowed from our adherence to the International Convention. I was sympathetic to the points of view which were expressed, without necessarily committing myself to anything about it, because, frankly, I could not see, nor had I up to that stage found, any case where prosecution would take place under this measure rather than under the 1955 Act. On further inquiry, however, I found that the desire to have the Bill as it was arose not because there was any intention that the prosecution should take place under the 1965 Act, as it will be, rather than under the 1955 Act, but in order to ensure that the river purification board had a standing in the matter. If we had done what was suggested there would be many occasions when in fact pollution could take place without its being anybody's business really to prosecute, other than a harbour authority.

The noble Viscount, Lord Simon, pointed out that his authority, the Port of London Authority, were also a pollution authority and that they found no difficulty in combining both functions. That, of course, is perfectly true; but, with respect to the noble Viscount, I would point out that what a powerful authority like the Port of London Authority could do with impunity might take on a different aspect in some small harbour in the north of Scotland where they proposed to take action, because the harbour authority might then consider that if they were to take action foreign shipowners would avoid the harbour in future because they had at one time been prosecuted and fined there. Therefore, there is no comparison; but it is desirable that there should be no confusion on the part of the possible offenders as to the law with which they have to comply.

The Amendment in the form which I now propose makes it quite clear that the prosecution will take place under the Oil in Navigable Waters Acts, 1955 and 1963,

but at the same time makes it quite clear that the discharge of the functions of river purification boards includes supervision of these matters also. I think this will meet in its entirety the point which noble Lords raised and at the same time leave the river purification boards happy that they have authority over the whole field of pollution in the waters for which they are responsible.

Amendment moved—

Page 10, line 25, at end insert the said new subsection.—(*Lord Hughes.*)

VISCOUNT SIMON: My Lords, I should like to say how grateful I am to the noble Lord for the manner in which he has met this point. In spite of some discouragement during the earlier stages of this Bill, I felt sure that with the noble Lord's good will and with the ingenuity of the Parliamentary draftsmen this result could be achieved. It has been achieved triumphantly. I have been asked by the noble Lord, Lord Geddes, who cannot be here this afternoon, to add his thanks also to the noble Lord for what he has done.

On Question, Amendment agreed to.

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES (SCOTLAND) BILL [H.L.]

5.7 p.m.

Order of the Day for the Third Reading read.

LORD HUGHES: My Lords, I beg to move that this Bill be now read a third time.

Moved, That the Bill be now read 3^a.—(*Lord Hughes.*)

LORD CRAIGTON: My Lords, I am most grateful to the noble Lord for the way he has met all the many points we have raised. The course of this Bill has been unique in my not inconsiderable Parliamentary experience. When the Bill was published we were deluged with fears, complaints and suggestions. All these have been painstakingly sifted and examined in correspondence, meetings and in your Lordships' House. To-day, if one fear or complaint remains, I am not aware of it. Every point has been met or satisfactorily answered. Even my noble friend Lord Balerno withdrew with good grace his lone demand for a free full certificate.

We send this Bill to another place with only one point still unresolved: the desirability of taking in it at least the first steps in reciprocal arrangements for the registration in the Border areas as Scottish of children of Scottish parents born across the Border in England and the similar registration as English of children born of English parents on the Scottish side of the Border. The noble Lord told me that he has asked the Registrar General to take up this matter with his opposite number in England. We both realise that it is inappropriate to put down an Amendment on this point at this stage, but I shall try to draw it to the attention of my right honourable friends in another place. We must leave them a little work to do on this Bill.

LORD BURDEN: My Lords, I should like to join with the noble Lord, Lord Craigton, in expressing our thanks and appreciation to the noble Lord, Lord Hughes, who has been in charge of the Bill for his handling of it in such an exemplary manner. I regret that owing to circumstances beyond my control I was not able to be in my place at the Report Stage of the Bill when my noble friend put down the Amendment in which I was associated with the noble Lord, Lord Craigton, and other Members of your Lordships' House. I should like to be associated with the thanks which were expressed by Lord Craigton and others for that Amendment not only on our behalf but on behalf of the National and Local Government Officers' Association whose views have been met in this manner by this Amendment. I am convinced that this Amendment, accepted and embodied in the Bill, will considerably help in the smooth working of the provisions of the Bill when it becomes an Act, especially in those transitional stages which often present very great difficulties. I end by again expressing my cordial thanks to the Minister for the way in which he has piloted this measure and helped us in securing such an exceptional Bill, one which, as the noble Lord, Lord Craigton, has said, is unique in our experience in this House.

On Question, Bill read 3^a.

LORD HUGHES: My Lords, I beg to move that the privilege Amendment be agreed to.

Amendment (privilege) moved—

Clause 58, page 32, line 15, at end insert—

“() Nothing in this Act shall impose any charge on the people or on public funds, or vary the amount or incidence of or otherwise alter any such charge in any manner, or affect the assessment, levying administration or application of any money raised by any such charge.”—(*Lord Hughes.*)

On Question, Amendment agreed to; Bill passed, and sent to the Commons.

MINISTERIAL SALARIES AND MEMBERS' PENSIONS BILL

Report of Amendments received (according to Order).

ARMED FORCES (HOUSING LOANS) BILL

5.12 p.m.

Order of the Day for the Second Reading read.

LORD MITCHISON: My Lords, this is a Bill to extend by three years the period during which housing is provided for the Services under the Armed Forces (Housing Loans) Acts and to increase the amount available under those acts by £45 million. The first of these Acts was introduced by a Labour Government in 1949 and covered five years ending in March, 1955. Extensions of the period were made by subsequent Acts in 1953 and 1958, and the total sum of money available under those Acts up to the end of March this year was £95 million. Your Lordships will appreciate that the additional £45 million made available under this Bill for the three coming years represents an appropriation at a much higher annual rate than the £95 million for the previous fifteen years.

The main object of this legislation, including the present Bill, has been to see that the provision of Service housing took a fair place in line with the provision of civilian housing by local authorities. It applies only to housing in Great Britain, and as a matter of practice the houses provided under these arrangements have been such as would be acceptable to local authorities, if their use for the Services was no longer required. A change in the disposition of the Forces may result in a surplus of Service housing in some areas, and in fact such houses are from time to time

passed over to local authorities, although not in any large quantity.

The appropriations authorised by these Acts and by this Bill do not represent the full building programme for married quarters. Married quarters abroad and in Northern Ireland are financed out of the normal Votes, as are some in Great Britain which do not meet the criterion I have already mentioned. At home there has since March, 1964, been a three-year programme for the United Kingdom; that is, a programme including the quarters in Great Britain which are the subject of the present Bill. An extension of the programme to cover a further year (1967-68) is now being agreed. The programme for the three years 1964 to 1967 is about twice what was spent in the three years (1961 to 1964) before the present programme was instituted. In the last complete financial year—that is, the financial year ending on March 31, 1964—just over £8 million was spent in this way on Service housing. Similarly, when one looks at the number of houses (or, more correctly, married quarters), about 15,000 are expected to be completed in the three years beginning on April 1, 1965, and that figure is about twice the rate of completion during the preceding three years.

In short, whether we look at the provision of money or its expenditure, or at the rate of completion of married quarters, there has already been some increase, and a further marked increase in now contemplated. I feel sure that your Lordships will agree that it is only right, having in mind the intention of the legislation and of the programme, that the provision of married quarters for the Services should improve in line with such improvements as have been made and such further improvements as are contemplated in the provision of civilian housing.

There is little I need add. There are minor procedural changes, in that the Treasury loans for which the Bill provides are to be made to the Ministry of Public Building and Works, instead of, as hitherto, to the Service Departments. In 1963, the Ministry became responsible for the actual building, with the result that since then loans have been made to the Service Departments who have reimbursed the Ministry. There is no need for this roundabout—hence the

present change. The rate of interest payable used to be described as "the appropriate rate", but under this Bill it is "such as the Treasury may determine". The reasons for this change of language were explained fully in another place, but in fact the rate will be the same—that is to say, the rate at which the Exchequer itself borrows. The period of the present extension is three years instead of five years, as in previous Acts. The purpose of the reduced period is to allow an earlier review of whether the loan procedure needs to continue or whether the wider arrangement for a three-year programme in the United Kingdom makes it unnecessary.

I should like to thank the noble Earl, Lord Jellicoe, for his kindness in letting me know in broad outline the points which he wishes to raise on this Bill. I think it will be more convenient if I leave him to develop them in his own language—in fact, it was too good a prospective speech to interfere with it by trying to answer it beforehand. So I have outlined matters quite shortly, and at the end of any discussion, I will answer to the best of my ability any questions raised. I beg to move that the Bill be now read a second time.

Moved, That the Bill be now read 2^a.
—(Lord Mitchison.)

5.18 p.m.

EARL JELlicoe: My Lords, I am grateful to the noble Lord, Lord Mitchison, for the very acceptable way in which he has presented this Bill to the House this afternoon and for the kind but, I am afraid, untrue things which he has said about my few words in advance. I realise, of course, that this is a Money Bill, so that your Lordships must tiptoe around it with a certain circumspection. Nevertheless, there are a number of points that I wish to explore a little.

Before going any further, I would make it clear to your Lordships that I warmly welcome this Bill on my own behalf and also, I trust, on behalf of my noble friends. I do so the more willingly, having pressed the noble Lord to use his influence with his colleagues to secure a Bill of this sort. I need not dwell long, any more than the noble Lord has done, on the cardinal importance, if we are to secure adequate, efficient and therefore contented Armed Forces, of doing

all we can to make certain that the Service man, his wife and his family are really well housed. The Grigg Committee drew attention to this some years ago, and everything which I saw in the past year as Service Minister, whether ashore or on the ocean wave, reinforced the view of the Grigg Committee.

I believe that Service men have to put up with a great many things, quite inevitably, and not least the factor of separation from their wives and families. But I believe that they are prepared to be quite realistic about this. They are prepared to accept, albeit with regret, that the circumstances of their calling mean that there are times in peace when they must inevitably be separated from their wives and families. But one way of making this separation tolerable and ensuring that it does not emasculate recruitment for the Service and erode the re-engagement rate, is to do all we can to make certain that the Service man's family is well housed, not only when he is on home service and when he is on what is called a company tour abroad, but also, in my view, when he is posted abroad and is unable to take his family with him. That is why I am glad that the Government are now seeking powers to renew this particular legislation yet again.

That said, I should like to put four main questions to the noble Lord. First, can he assure us that the construction rate for married quarters is really adequate to meet the future need? I should welcome, if possible, an explanation about a point which was made in another place and which, so far as I know, was not satisfactorily answered there. A year ago, the then Minister of Public Building and Works said that for next year (that is, the Budget year 1965-66) a sum of £16 million had been agreed, and for the year thereafter (the Budget year 1966-67) a further sum of £18 million. The noble Lord in his opening remarks referred to the marked increase contemplated in the Government's programme. I am not making a political point here, but I should like to remind your Lordships that this marked increase was equally contemplated by the previous Government, as the figures I have just quoted show. But the programme envisaged for these two years called for, as I remember, the sum of £34 million.

[Earl Jellicoe.]

We understand from the noble Lord, Lord Mitchison, that the Government are now discussing the rate for the third year, the year 1966-67, and I assume—and I am certain I am right in assuming this—that they plan to build married quarters at a rate not lower than that contemplated a year ago. But if this is so, will they not need another £18 million or £19 million for the year 1966-67; not the £45 million provided in this Bill, but at least £52 million or £53 million? There may be a quite simple explanation for this which has escaped me. I did not see it satisfactorily answered in another place, and I should be grateful for any explanation which the noble Lord can give.

LORD MITCHISON: Would it be convenient for me to give it now?

EARL JELlicOE: Certainly.

LORD MITCHISON: I am obliged to the noble Earl. The explanation is that the figures he has given, which are quite correct, cover more than the housing contemplated in this Bill. This is simply in Great Britain, and it is in the terms of the original Armed Forces (Housing Loans) Act, which has been carried on and repeated in this Bill. The other figure is a comprehensive figure that covers, for instance, Northern Ireland, and covers types of accommodation in Great Britain that are not intended to be covered by these figures. It is therefore only a part of the total £52 million which the noble Lord took, I think correctly—I did not follow the third figure, but, at any rate, the total—of what was called in another place the “rolling programme”. A “rolling programme” sounds very formidable: I think it means making provision three years ahead and keeping it up to date year by year.

EARL JELlicOE: I am grateful for that explanation, which I think removes my uncertainty in this respect. It certainly would completely remove it if the noble Lord could assure me that for the year 1967-68—I know that the Government's views on the precise programme are not yet formed—there will be as many completions and as many new starts in that year as in the previous year. If I am right in thinking that the tempo of completions and new starts will

not be less, and the £45 million will cover this, then I shall be quite happy.

While I am on the question of adequacy, may I refer to the fact that the then Parliamentary Secretary to the Ministry of Public Building and Works said in another place that at least 40,000 more married quarters were required by the Armed Forces in this country. I suspect that this was a conservative (with a small “c”) estimate, and I should like to know a little more about it. Miss Lee said, I think with some exaggeration—but I would not quarrel about this—that far too many of the existing quarters were pre-war slums. If these so-called pre-war slums have been included in this estimate of 40,000 new quarters required, have the Government allowed in making this estimate for the fact that we have a disproportionately large proportion of our Armed Forces abroad at the present time? If more are brought back, then more married quarters will be required in this country.

Finally, what criteria about the eligibility of a Service man for a married quarter underly this estimate of 40,000? It would be quite wrong for me to beat the drum for any particular Service, but let me say that I am certain that in the longer term we must make it much easier certainly for men in the Navy, and possibly for men in the other two Services, to qualify for married quarters. Too often at present, as I know to well, we have the heartrending position that when a rating is, for example, posted to the Far East, his wife may find in a short space of time that she and her family are no longer eligible for a married quarter. This is not a by-product of inhumanity; it is merely a reflection of shortage. But can the noble Lord tell us anything about this? Are the present Government intending, as I hope, to liberalise the eligibility requirements?

By the same token (and this is my second question) can the noble Lord tell us anything more about the reasons the Government have for prolonging the period of the present Act by only three years? I listened carefully to what the noble Lord said about this point, but I was not entirely satisfied. We all know only too well how long it takes from the moment a button is pressed in Whitehall to the moment when a married quarter, or for that matter anything else, is

ready. We all know, with regard to housing, the time taken up in land acquisition, planning, and all the rest of it. In view of this, is the noble Lord quite happy about the fact that the renewal period has been cut from five to three years?

My third question to the Minister concerns the security and stability of the whole programme. It has always been my belief that the loan procedure envisaged by the 1949 Act gave greater security to the housing programme for the Services. I know that the sums have to be voted annually and are included in the Service Estimates, the Defence Estimates or in the Estimates of the Ministry of Public Building and Works. Nevertheless, the mere fact that Parliament has approved specific sums for Service men's married quarters for a specific period seems to me to give the whole programme some insulation and some protection, not only from the Treasury chopper and the Services themselves, but, at a pinch, when Treasury pressure is on they may be prepared to opt for guns rather than for butter, for battleships rather than for bathrooms. That is why I was a little surprised and, indeed concerned, to read in the Report of the proceedings in another place in Committee that the Minister had said:

"I know that the Service departments believe that they are insulated by the Bill and I take responsibility for it."—[OFFICIAL REPORT, Commons, Vol. 707, (No. 65), col. 738, February 25, 1965.]

Immediately preceding that he said:

"I do not think they are insulated."

I wonder whether the noble Lord can tell us anything more about this matter of insulation? Can he resolve this apparent dichotomy within the breast of the Government and within the breast of the Minister himself?

My final and leading question to the noble Lord is to ask him whether, in his view, the present ministerial organisation in this respect is a good one. As he knows, the Government of which I was a member introduced the organisation whereby the separate Service works departments were taken over by the Ministry of Public Building and Works; and that Ministry therefore handles this programme for the Services as an allied service. There are advantages behind that method, and also

disadvantages. I do not think I need recite them now, but can the noble Lord tell us whether he, for one, is satisfied with the present arrangement, and whether it is satisfactory to the Service departments and to the Ministry of Defence.

Those are my four main questions to the noble Lords. May I, in conclusion, put three supplementaries, as it were, to him?

LORD MITCHISON: My Lords, can the noble Earl summarise his four main questions again?

EARL JELLICOE: The four main questions are the adequacy of the programme; the degree to which this procedure insulates this programme from possible Treasury cuts; whether the present ministerial set-up for handling this matter is correct; and the wisdom or not of cutting the renewal period from five to three years. Those are my four main questions.

My three supplementaries are as follows. The first concerns the quality and the cost of these married quarters. I gather that they are estimated to cost about £3,000 each, which, of course, seems on the face of it—because land does not come into this—a little on the high side. A lot depends on the standards at which the Government and the Services are aiming. Many of the new married quarters are quite excellent. However, so far as I know, the Government have not yet adopted the Parker Morris standards for married quarters, although they have commended them to local authorities. As I see it, the Government should take the lead, not only in experimenting with new building techniques and industrialised techniques, but also with quality. On the face of it, it seems wrong that they should commend standards to local authorities which they are not themselves prepared to adopt. I should be grateful for anything the noble Lord could say on that point.

My second question again bears on industrialised building techniques. Many of these new Service estates are to be very large indeed. A start has been made, as was mentioned in the Defence White Paper, on an estate at Gosport, the first slice of which will amount to

[Earl Jellicoe.]

1,000 maisonnettes. I think it is eventually intended that this should be expanded to 3,000 to 4,000 maisonnettes. In effect, it will be a small New Town. The noble Lord, Lord Silkin, can speak on this point with far greater authority than I. I believe that one of the lessons of the New Towns was that, in our natural desire to give priority to housing, we gave too little priority to the provision, in the early stages, of what are called community services—perhaps not schools, but playgrounds, swimming pools, community centres, pubs, bowling alleys, dance halls and, not least, churches. These Service housing estates are likely to contain a particularly mobile community, and I should have thought that, in planning them, early attention should be given to the provision of these community services.

I should like to ask the noble Lord what the Government's intentions are, and whether they are thinking of ways in which a more settled population could be introduced into these estates. I have a couple of suggestions to make in this regard. The first is that there could be provision—in my view, there should be provision—to enable Service men to buy their accommodation before they retire, or even beforehand, on these estates. Secondly, I should like to suggest that the Government should consider introducing housing associations on to these estates from an early stage. A start has been made along these lines with the Victory Housing Association at Gosport, but I think it is possible that this could be extended.

My third and final supplementary is not, I fear, directly related to the Bill, but it is specifically related to Service housing. During the not altogether satisfactory discussion on this Bill in another place, the Government were more than once asked about the impact of the Protection from Eviction Act on the Services. This has, or could have, as I see it, quite an impact. The late Government were encouraging, and the present Government, I am glad to see, are encouraging, Service men to buy their own houses. This is good in itself. It is good also because it adds to the pool of houses which may become available, because when a Service man is posted abroad he can let the house which he owns, which

very often can become part of the official pool of hirings. Will the Protection from Eviction Act make it more difficult for that Service man to regain possession of his house when he is posted back from abroad? I noted what the noble Lord had to say on this matter on the Second Reading of the Protection from Eviction Act. Anything more which he can add on that specific point I, for one, shall be glad to hear.

I have spoken at some little length on this Bill. I make no apology for that, because I believe that good housing and, above all, the right number of married quarters of the right quality, in the right places, is a major factor in our ability to secure the volunteers we need for our Armed Forces and, what is equally important, having got them, to retain them. All that said, I should like once again to say how much I welcome the Bill in general.

5.38 p.m.

LORD SILKIN: My Lords, I must apologise to the House for not being present at the introduction of the Bill, nor for most of the speech of the noble Earl, Lord Jellicoe. Perhaps the right thing would therefore be for me to sit down. But I had given my name as a speaker, and unfortunately, I was called away at the last moment. I had intended to raise two questions, just two, because I thought the noble Earl was more familiar with the background of this question than I was. I wanted to ask how it comes about that we require £45 million to be spent in 3 years when we have provided £95 million to be spent over 15 years. I was going to ask whether this £95 million has already been spent. Judging by the expenditure, it looks as if there is to be a great intensification of the provision of housing for the Armed Forces over the next three years.

The other question concerns the rate of interest. The rate of interest, of course, determines the rents which have to be charged. Under the Bill, the rate of interest is to be settled by the Treasury. I should like to know whether the noble Lord, Lord Mitchison, can tell us what will be the rate of interest that will be determined by the Treasury. Unfortunately, in these cases the rate of interest is determined for the next 20 or

30 years according to what is the prevalent rate of interest at the time when the loan is granted. At the moment rates are very high and we do not know how long they are going to remain high. Is there any provision for special rates of interest in connection with this particular service, or will the rates charged be the normal one?—in which case rents will, of course, be very high indeed.

Those were the questions I meant to ask, but the noble Earl has put a question to me about the services that will be made available for officers and men in the camps, and whether or not I agreed that in the New Towns we were a little slow in providing facilities other than housing. I think we were. Possibly we might have been a little faster. In our desire to build houses we concentrated on them; but there is a danger, as I am sure the noble Earl will agree with me, of going too fast in providing things which you think are going to be suitable for the people who are going to occupy your houses but which turn out to be white elephants. My own inclination has always been to wait until the demand comes from below. When people really want a thing, then you provide it. But if you provide it in advance you find very often that it is not appreciated. So one has to hold a balance, providing things in the early stages which one is quite sure about and waiting until the demand develops for others. That is all I want to say, and I hope noble Lords will forgive me for not having been present to hear what he said.

5.43 p.m.

LORD MITCHISON: My Lords, if it is not too unorthodox a beginning, I would say that my noble friend did not miss much. I should like, if I may, to answer as succinctly as possible the points which the noble Earl has so courteously and clearly put, to begin with on adequacy. There is always this difficulty about any housing programme: that you build what appears to be suitable at the time—I am now talking about the quality of the housing—and as standards rise (and they do rise) you find that the buildings of 20 or 30 years ago are no longer what you would build nowadays.

On number—if I may turn to that aspect of adequacy—the object of these

Acts, as I see it, is to provide machinery for keeping Service housing in line with the improvements and additions that are being made in civilian housing. Obviously you do not want to turn the whole of your available building labour and building resources on to the provision of housing for the Services, any more than you want to neglect them in any way. They have to keep in line with the civilian housing programme, and at present it is perfectly obvious that in many places there is a severe and urgent need for more new housing. We are hoping therefore, and we intend, that housing programmes taken as a whole shall increase. We also intend that this particular sector of it shall increase, too.

I gave figures which really indicated a very marked improvement. As my noble friend Lord Silkin has just pointed out, there is a great deal of difference between £95 million spent over 15 years and £45 million spent over 3 years. The exact equivalent, if my arithmetic is right, would be £225 million over 15 years instead of £95 million; and I concede to the noble Earl at once that that improvement was begun under the last Government. We are carrying it on and, in view of our intentions with regard to the general housing programme, we are accelerating it a little more.

I am afraid that I cannot give any definite figures about the third of the three years of the present rolling programme—that will be year 1967-68—because those are the figures which I mentioned in my first speech as being under negotiation at the moment with the Treasury. I can therefore give no figure and no pledge of any sort. But I think I may say that, with the picture as it appears up to 1967, it would be surprising if 1967-68 showed any diminution. But I always want overtime for prophecy, especially three years ahead. Therefore, I think that is as far as I can go.

Before I come to the minor points, as the noble Earl put them, the next point is the question of cutting to three years and how far I am satisfied with the insulation (I know exactly what he means) that is intended to keep this kind of expenditure a little out of the ordinary run of annual budgeted expenditure. That was the intention of the original Bill. The period of three years really has the object, as I indicated in my opening remarks, of providing an opportunity

[Lord Mitchison.]
of reviewing at a rather earlier stage. As I pointed out, too, there have been changes—changes in the position of the Ministry of Public Building and Works; and, of course, a major change in the fact that the Ministry of Defence has now taken the place of the three separate Service Departments—so that it seemed wise to ensure a review at a rather earlier stage.

There is a further reason. The rolling programme—I rather dislike the words but they have been used—goes in three-year waves, as it were, and it is probably better that these Bills, which represent a part of the rolling programme total, should also go in three-year periods. But it is not intended to make any serious change in policy, and there are no dark intentions behind it. I see that the Prime Minister on March 11, 1965, answered some questions, with which I will not trouble the House in detail at this stage, in Col. 618 of *Hansard* in another place. They make it quite clear that this did not signify any broad change of policy.

I am asked whether I think it is the best way of doing it. I hesitate to put my own views to the noble Earl—I think he knows more about this than I do—but it seems to me a sensible arrangement at present, provided that one does not forget the rolling programme as well as this statutory limit. After all, though a limit is given in a Statute, it does not follow that the money is obtained, year by year, from the Treasury. So far, however, the system has worked very well, and I hope that it will continue to do so. If I might pick up a point which my noble friend Lord Silkin made, I think that the £45 million has substantially been spent, but I should not like to say exactly the kind of thing on which it has been spent. I can find out, and if I am wrong—though I would doubt it—I will let my noble friend know.

I hope that I have answered the major points. I turn now to the minor ones. I am not sure that it was in connection with these minor questions, but I was asked about slum clearance figures, as it were, and the 40,000 houses. The present position is that 60,000 married quarters are now in existence (I am speaking in rough figures) of which 40,000

have been provided since the war. But the bottom 20,000, the ones that were there before, do include a great deal of reconditioned property, and probably it is inevitable that they should be so, without undue waste of buildings that could be made suitable. One has to remember, as the noble Earl himself indicated, that one never catches up with the full demand. In that respect it is like any housing programme, and therefore one has not to waste anything that is properly usable without causing discomfort or affecting recruitment and re-engagement.

THE MINISTER WITHOUT PORTFOLIO (LORD CHAMPION): My Lords, the programme of the House makes it necessary for me to move that the House do now adjourn during pleasure until the Royal Commission at 6 o'clock.

Moved accordingly, and, on Question, Motion agreed to.

House adjourned during pleasure.

House resumed.

ROYAL COMMISSION

6.0 p.m.

The following Bills and Measure received the Royal Assent:

Administration of Justice,
Remuneration of Teachers,
Science and Technology,
Kenya Republic,
Nuclear Installations (Amendment),
Education (Scotland),
Welsh Shipping Agency,

Prayer Book (Alternative and other Services) Measure.

House adjourned during pleasure.

House resumed.

ARMED FORCES (HOUSING
LOANS) BILL

6.16 p.m.

Debate on Second Reading resumed.

LORD MITCHISON: My Lords, I have now verified the amount of the £95 million which was left unspent. The answer is that by the end of this month between £2 million and £3 million only will be left unspent. I thought that I would correct that for the Record.

EARL JELLICOE: My Lords, if the noble Lord is departing from the question of the adequacy of the proposed programme, may I ask him about one point? I mentioned that the criteria governing the eligibility of Service men for married quarters were at present pretty restrictive. This applies particularly to the Navy, but also, I understand, to the other two Services. Can the noble Lord tell us whether the Government are prepared to examine the possibility of liberalising these criteria as the rolling programme gathers momentum?

LORD MITCHISON: Not under this hat, I am afraid. I am speaking on behalf of my right honourable friend the Minister of Public Building and Works, and I do not think that he is concerned with the question of eligibility. I will, however, make inquiries about it and will let the noble Earl know. My right honourable friend builds the houses. He does not deal with the other matter.

EARL JELLICOE: I speak subject to correction, but I think that he is very much involved in this matter, because it affects the size of the programme. I am sure the noble Lord will find from his right honourable friend the Minister that this is a matter on which the Treasury are very much exercised.

LORD MITCHISON: That may well be, I would not dispute it; and I see the effect of it on the estimate given of the total requirements. On the other hand, any annual programme is almost bound to fall short of the total requirement, and I am afraid that for some foreseeable time it is sure to do so. Therefore, one cannot very easily link the two together; but I will make inquiries

and let the noble Earl know if there is anything I can add to that.

The houses are built substantially to local authority standards. One reason is that if there is a reduction in the local Service demand, it is the local authorities who are likely to take them over. In fact, they have some additions beyond what a local authority house would have—in the fittings and equipment which are provided: items such as cookers, boilers, electric fires, even lampshades, and I have still not exhausted the list. The result is that what would cost a local authority about £2,350 comes out, with the fittings and so on, and including some external works, at over £3,000. The figure I have been given is about £3,100. Therefore, the substantial answer is that these quarters are fully up to local authority building standards; indeed, because of additions to them, they are rather better.

The other point raised concerned the provision of community services and housing estates. This is rather a difficult matter. I am sure that the noble Earl will appreciate the difficulty, because, as he himself pointed out, one is dealing largely with a floating population in these cases. If I may say so, and speaking personally (because I have not sought information on this matter), it seems to me in trend with modern developments in New Towns and settlements of various kinds of housing, to have something of the sort. Again, I will inquire whether any plans are under consideration and, if so, whether any progress has so far been made.

EARL JELLICOE: My Lords, in that respect could the noble Earl also put to his right honourable friend the Minister the suggestion that some provision should be made or considered for Service men to buy their own houses on these estates? It seems to me that it would add a permanency which is otherwise lacking.

LORD MITCHISON: My Lords, I am not sure that I can follow the noble Earl to the extent he would like. I can see serious difficulties in arranging for privately owned houses in the middle, as it were, of married quarters, most of which will not be privately owned. I can see difficulty, too, in using a housing association for this particular purpose, though I took note of the point that the Victory Housing Association had done useful service in this respect. I think the

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 best thing I can say to the noble Earl about both of these matters is that, again, I will make inquiries and let him know. But, if I may say so, I think it is pushing a prejudice in favour of privately owned housing rather far to apply it in this case—and though I use the word “prejudice”, I would observe that it is about the only nasty word I have used in the course of this debate. I hope that I have now satisfied the noble Earl and other noble Lords on this matter.

EARL JELLICOE: My Lords, I was not speaking from any prejudice in favour of, or against, private ownership. I had in mind merely the need for getting what are likely to be very mobile communities as permanent as possible. I had also in mind, of course, the precedent of the New Towns which do make provision for the purchase of a certain number of houses by owner-occupiers.

LORD MITCHISON: My Lords, I accept what the noble Earl has said.

On Question, Bill read 2^a: Committee negatived.

BRITISH POLICY IN ASIA

6.23 p.m.

LORD KENNET rose to ask Her Majesty's Government what is their long-term policy in Asia. The noble Lord said: My Lords, my Question this evening is to ask Her Majesty's Government what is their long-term policy in Asia. This Question means exactly what it says, and the thought behind it is a perfectly sincere request for information. I do not propose to speak about the short-term policy of Her Majesty's Government in Asia, or, indeed, about the short-term policy of the United States Government in Asia, except in so far as they are connected with the long-term policy of our own Government there, which is a matter that I feel has received insufficient airing in Parliament and in public since the last Election.

If you see a man setting out from Glasgow in a southward direction, as we see our Government now setting out in a certain direction in Asia, it is not very interesting to spend a lot of time debating whether he is going, or ought to be going, through Lancaster or through York or through Sunderland.

But it may be a topic of the most intense interest, which should be debated, whether he is going to London or to Bristol or to Plymouth, and what the final end of his journey may be. This is the question to which I wish to direct the attention of the House this evening. Where do we want to be in Asia in ten or fifteen years' time?

Let me first speak for a moment about India and our policy towards that country. Ever since the Chinese attacked in 1962, we and the United States have been strengthening the armed forces of India. India is a country of about 400 million inhabitants; China is a country of getting on for 800 million—nearly twice the size. Is it our intention to make India as strong in conventional weapons as China has the potentiality to be in ten years, or is that not our intention? If it is our intention, I fear that it may be very difficult, and that it may be a great drain on our economy if we have to pay for any of it, and certainly on the Indian economy if they have to pay for the whole of it. If it is not our intention to do so, then are we not bound to rely on whatever confidence we may have that the Chinese are not going to attack India again or, at least, not invade her and subjugate her? If we have any degree of confidence in that direction, why should we spend any money or effort at all on strengthening India against something which we are confident will not happen?

China, as we all know only too well, has recently become a nuclear power. We also know that there is very strong political pressure in India for India to become a nuclear power, in order to deter a possible Chinese attack backed with nuclear weapons. What are our intentions in this respect? There have been some statements from the Government and highly tentative feelers put out about a possible nuclear guarantee to India. There has been a statement of the sort, “If the Chinese threaten to use nuclear weapons against you, or even do use them, they know what to expect from us”.

What are the Government's thoughts about the following questions? Could we ourselves physically extend such a guarantee, and what with? We plan to have four Polaris submarines. How many of them could we afford to have

sailing around the seas near China to back up our guarantee? The V-Bombers are expected to come out of service at just about the time when the Chinese will be getting means of delivery which could carry nuclear weapons to India. Could we do it ourselves physically? If not us, do we expect the Americans to do so? What are the thoughts of the Government about this possibility of an American nuclear guarantee to India?

There is no doubt that the Americans could do it physically, but if it were to happen would not fourteen or eighteen other countries near China clamour for the same guarantee? Would you not get, in effect, an Asian NATO forming up? Might we not find the Himalayas turning into a frontier like the Elbe? Might we not get a demand for an M.L.F. for Asia, which would be answered in turn by a Chinese-North Korean-North Vietnamese M.L.F.? Do we want this? If not, how do we propose to avoid the Europeanisation of the military situation in Asia over the next ten years? We could nuclearise Asia so that it looked like Europe. Has the experience of Europe in the last fifteen or twenty years been such as to lead us to believe that this would be a wise course?

Next there is the situation between Indonesia and Malaysia. We have a lull there at the moment and not very much is happening. Is not this a good moment for the British Government to take the initiative into their own hands? I fear there may be a temptation in Government circles to say, "All right, we have set up Malaysia. Malaysia has been constituted with the approval of everybody including the Indonesians in the United Nations when they belonged to it". There may then be a temptation to feel, "Let us therefore defend this country through thick and thin whatever happens, and let us accept their advice about the political terms on which we guarantee them and defend them". I think that this may be too easy a way out; in a way, too lazy a way out.

Malaysia is not a very big country, and we are a big country in military terms. The military confrontation there is in our hands. Would it not be appropriate for this Government now to say what ought to be the solution to the conflict between Indonesia and

Malaysia? What should such a solution be? It would depend, of course, on the Government's assessment of President Soekarno's intentions towards Malaysia. What is that assessment? Do we think that he wants simply to "swipe the lot"; to absorb it into a greater Indonesia? Do we think that he wants to keep things boiling as they are at present? If so, do we think that part of his motive may be a wish to break sterling? Is it plausible to imagine that the Indonesians have this desire? Could they do so? Could they not draw us into an endless expenditure on large, powerful weapon systems and thousands of troops in that part of the world?

We notice that, so far, the casualties on each side are about equal. Normally, we go on to say, "Yes, and they have all happened on our side of the line, haven't they? That is proof of Indonesian aggressive intentions". And so it is. Casualties may be equal, but what is the relative cost to the two sides concerned in this small war, of killing one Indonesian soldier and killing one Malaysian soldier? It must obviously be a great deal cheaper for Soekarno to get a soldier into the Indonesian fighting area than it is for us. For one thing, Soekarno's man has to walk only ten miles, whereas our men have to go 12,000 miles by air and sea. For another thing, the Indonesian soldier does not earn very much and does not eat very much; and ours does. How long are we prepared to go on without taking any initiative in the extraordinary economic disequilibrium of this war, in which I assume that we may be paying a hundred times as much, for the same military result, as the Indonesian Government is paying?

Having reached our assessment of the Indonesian intentions, we should then ask ourselves: do we agree with those intentions? Are we prepared to settle on the terms they want, or which we assume they want, and may be presumed to want? If we are, this would be a good time to do it. If we are not—and I think it most likely that we are not—in agreement with what we assume to be their intentions, then I suggest to the Government that we should propose our own solution. We should not depend on the diplomatic initiative and the wisdom of a Government which is only

[Lord Kennet.]
two or three years old and which we have (let us make no bones about it) invented. Let us have our own say in that settlement. Otherwise, I fear that the fighting may go on for decades, at an enormous cost to us in money, if not in men.

I come now to the question of the moment—the extraordinary war in Vietnam. I want first of all to say that I do not intend to repeat the points made by my noble friend Lord Brockway in a recent debate, which I conceive were extremely well thought out and delivered with extraordinary clarity, and with which I agree. He was speaking about the immediate issue. Let me now stand back a little and look ahead, in the same way, to ten or fifteen years ahead. We should not be blinded by our immediate passions. There are those who think that the Americans are dead right, and that we must back them; and there are others who think the Americans are dead wrong, that what they are doing is an offence against civilisation and that we must make a public statement against them. Let us not go into that. I think we all have fresh in our minds the 1965 Report of the Control Commission, in which the Indian and Polish delegations reported that the American bombing of North Vietnam was a violation of the Geneva Agreements, and that was that; and in which the Canadian delegate dissociated himself from this position, pointing out that the bombing was due to the increased activity of the Viet Cong, with North Vietnamese and Chinese help.

Perhaps we do not remember so well the back history. What happened before? How did we get into this position? How did the Americans get into this position? Let us remember also the 1962 Report of the Control Commission, in which all three delegations—the Polish, Indian and Canadian—agreed that both sides had repeatedly broken the Geneva Convention. The North broke it in ways with which we are all too familiar—by running arms across the frontier to support the Viet Cong revolt. The South, they maintained, broke it because there was a *de facto* military alliance (which was precluded in the Convention) between the Government of South Vietnam and the Government of the United States;

because new weapons of a superior type had been brought into the South, which had been forbidden in the Geneva Convention; and because the number of foreign troops had not been withdrawn as required by the Convention. Since then, things have gone on, with both sides quite freely breaking the Convention, starting from the time in 1956, when no elections were held by either side—by either side, let us remember, not only by theirs.

What is the present tactical shape of the war? It is a very odd one. On one side you have gun-running; aid through small arms run across the frontier—mortars, rifles, machine guns; some of them good modern ones, but small arms. On the other side, you have aircraft-carriers, jet bombers sent out without a target just to look for something, napalm, white phosphorous bombs and gas. Now a word about gas. It would be quite improper, I think, at this stage for anybody to commit himself to any view about this matter, except on one point to which I shall come. We do not know what sort of gas it was, because the American statements have been contradictory.

The main statement said that it was a kind of tear gas which causes nausea and vomiting. But tear gas does not cause nausea and vomiting: it affects the eyes and the throat. Gas which causes nausea and vomiting is not tear gas. So there is a complete and obvious contradiction on this statement, and we should find out the truth before adopting a position about whether or not this is simply a police-type gas which happens to have been used in a war. If it were, it would not be so terrible. If it causes nausea and vomiting, I think the preliminary conclusion should be that it is not a police-type gas. I know of no police force in the world which uses gases causing nausea and vomiting.

There is another contradiction. One of the American statements yesterday said that this gas was used to “clear out” areas in which Viet Cong forces had taken refuge among non-combatants—which I assume means to make the Viet Cong forces run away. Of course, tear gas has precisely that effect. If you meet it, you run away to try to get out of it: but a gas which produces nausea and vomiting by no means has that effect. It makes you lie down and vomit.

It seems, then, that if this is the nature of the gas, it would not be proper to describe it as an agent for "clearing out" this or that area. It would be proper to describe it as an agent for laying out the troops concerned while you occupy that area. By the time they have recovered, you are in charge.

That is enough about gas, except for the overall point of the 1925 Convention, which America did not sign. On the one hand, you may say that any sort of incapacitating gas from which people recover is much more humane than napalm or white phosphorus, or even plain bullets and mortar bombs. In physical terms, that is true: it does not kill you. But the 1925 Convention was not selective. It banned the use, I think I am right in saying, of all noxious gases—it did not say lethal gases, but noxious gases—in warfare. The use of this gas in what is undoubtedly a war therefore reintroduces, for the first time in 50 years, the use of gas as a weapon in warfare. The fact that it is apparently a small and harmless gas should not lead us to neglect the fact, that in one respect the clock has been put back 50 years to a form of weapon which we thought we had abolished.

Now this war, my Lords, is one which we support—there is no doubt about that. I am not talking now about declarations. We have a military mission in Vietnam, in support of the Government of Vietnam, working in collaboration with the United States forces there. We have a large civilian mission, building roads, development ways; but we also have a small military mission. I know it is only advising on village defence; it is not occupied in the sort of operation which the Americans are now carrying out across the border of North Vietnam. But it is, nevertheless, a military mission under a serving British military officer. It is, therefore, our war, and that gives our Government every right to speak on it as they wish; and it gives our Parliament every right to urge what it wishes upon our own Government.

What is the strategic and geopolitical shape of this war? I have already spoken about the tactical shape. The United States of America has 30,000 troops in South Vietnam, six thousand miles from home, and they are bombing a country

which contains not one Chinese soldier. What is the U.S.A.'s long-term aim? Do they see this shape in the same way as it might be seen by someone less closely involved in it? How long do they expect to maintain 30,000 troops six thousand miles from home and to bomb a country which does not contain any of the troops of their principal adversary?—for China is their principal adversary. How do they expect to bring it to an end? Here I wish to put one possibility before your Lordships. I cannot see myself how they expect to bring it to an end. They have said nothing about what they wish their position to be there in, say, ten years' time. All they say is: "Let the Viet-Cong stop attacking and we will stop attacking, too." But this is a minimum statement and does not withdraw the veil at all from their true intentions about what they want in the area. Is it possible—and I ask Her Majesty's Government this question—that the United States wish to draw Chinese forces into that war in order to have the excuse to bomb the production facilities for Chinese nuclear weapons in Sinkiang? If it is possible, I think we may hope the Government will do their best to dissuade them from so doing.

Lastly, on the question of China itself—because what we are talking about really boils down to China—what sort of an animal is it, the new China? I think we may be blinded by the short term issues; but we ought not to forget that these are people who were civilised a thousand years before the Greeks learned to read and two thousand years before we got as far as woad. They have not forgotten that civilisation. Is China our enemy? Our immediate and most vulnerable interest in the neighbourhood of China is Hong Kong. They have not done anything about that. Would it be right to say that China was and should be regarded as an implacable adversary of Britain's interests for the rest of time? If not, what plans have the Government for getting out of this position of continued escalation of a war in which we are directly involved? Do we want to stop China from having a position of peaceful hegemony, dominating peacefully South-East Asia or Eastern Asia in general? Can we stop them if we want to? Do we want to, even if we can? Do we want to stop China from

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achieving a position similar to that achieved by the U.S.A. in Latin America? Should we not first face the possibility that (a), we cannot stop China from achieving this position in time; and (b), it is not against our or American interests if China does achieve such a position?

My Lords, I come back to the question of the Government's long-term policy. I think this country is rather like a small dinghy being towed by an extremely large and fast ship. This is not a bad position to be in if you know where the ship is going. I ask this question again; do the Government know where the American ship is going? If not, have they any right to keep the people of this country on tow, going in an unknown direction which involves manifest danger? It would be for discussion—and I hope that we can get some light from the Government this evening—whether it might not be time to change the position. I do not recommend that we cut the painter. We might lengthen it, which would enable us to yaw a little, or shorten it and climb on board to talk to the captain. Has that been done?

Lastly, there is one final point which was very much on my mind. The Foreign Secretary is in Washington and has been talking of these very things with the President of the United States. Is it proper to say anything at all at such a moment? I examined that question for a very long time and I came to the conclusion that it was proper, if only for this reason: in these days of high-powered inter-Governmental diplomacy, there is always a Minister somewhere talking with some other Government about the most pressing issues of the day—and so there should be. If one is to refrain from raising a matter in debate because of this, then one would never get a chance to air one's views at all.

6.46 p.m.

LORD WADE: My Lords, I should like to make a very brief intervention in this debate with particular reference to Vietnam. May I make it clear at the outset that I have no desire to rouse or to stir up anti-American feeling? It would be very unwise to do so and it would not help bring about the ultimate settlement which I am sure all of us wish

to see achieved. We are concerned about the situation in Vietnam. Reference has been made by the noble Lord, Lord Kennet, to the use of gas. I must emphasise the widespread concern felt in this country at the use of gas warfare and the effect on opinion in Asia, which may well be quite out of proportion to any military advantages to be gained by such a form a warfare. It may be that this particular use of gas is in the nature of a policing activity. As the noble Lord, Lord Kennet, said, we do not know precisely what kind of gas has been used. But surely it is clear that it must provide material for very powerful propaganda among the people of Asia, against not only the United States of America but the West as a whole. Therefore I think the best friends of America must express their views at this time.

As the noble Lord, Lord Kennet, pointed out, since the 1914-18 war use has not been made of gas and we must be thankful that that is so; but I understand that there has been much research and great progress—if that is the right word—in the methods of use and development of gas and germ warfare. If, even in its mildest form, gas is used in Vietnam, is there not a risk that this will be extended and that we may in future see the use of very much more serious and devastating forms of gas and germ warfare in consequence? It may be difficult for Her Majesty's Government to say all that is known to them. It is always difficult in situations such as this, where there are diplomatic considerations to be taken into account; but I hope that some indication will be given to-night of Her Majesty's Government's views of what representations have been made to the United States.

Finally, I should like to have some assurance that, in the opinion of Her Majesty's Government, there has not been a breach of international obligations and conventions. It may be difficult for the spokesman on behalf of Her Majesty's Government to tell us all the facts; but I hope at the close of this debate something will be said to allay the fears that are very genuinely held.

6.49 p.m.

LORD CARRINGTON: My Lords, I had not intended to make any observations on Lord Kennet's Question, but I

hope the House will allow me to say one thing, because the noble Lord always makes a very interesting speech and always asks very interesting questions. Now that the noble Lord, Lord Wade, from the Liberal Benches has said something, it might seem odd if nobody from these Benches made any remarks at all. Unfortunately, I did not hear the earlier part of Lord Kennet's speech, as I came in rather late; but in his closing remarks he suggested that this country was like a small dinghy being towed by the large ship of the U.S.A. and he wanted to know where that large ship was going. That is not for me to answer. No doubt that is what the noble Lord, Lord Walston, is going to answer in a moment.

However, I would say this on behalf of those who sit on these Benches. I hope very much that nobody is going to suggest—regardless of gas or any of these things—that the American ship should be going in the direction of an abandonment of their position in South Vietnam. Those of us who remember history, as the noble Lord, Lord Kennet, has pointed out, remember that there has been a gradual erosion of the Western position—and it is a Western position—in that area. We started off with the whole of Vietnam. Now North Vietnam is entirely dominated by the Communists, and South Vietnam is partly so. An abandonment of the American position there would have the most serious effect upon the other two States, Laos and Cambodia, and would have an effect on the South-East Asia Treaty Organisation, on the Philippines and, in particular, on Thailand, which would be incalculable for the whole position of the Free World in that area. So I hope that nobody will suggest that the Americans, wherever the dinghy is going—and I hope that the noble Lord, Lord Walston, will say where the ship is going as well as the dinghy—should abandon that position. I think that the Americans are in a very difficult situation and that they should have our support in what they are doing to contain aggression and to support the position of the Free World in that area.

6.52 p.m.

LORD MILFORD: My Lords, I think that we may not be able to know where the ship or the dinghy is going, because things are so serious and dangerous that there may not be much of South-East

Asia left. However the noble Lord, Lord Walston, answers for the Government this question on the Order Paper, our policy in the Far East has needed the biggest military build-up since Suez. Is it a mere coincidence that this has taken place at the same time as the American open war in Vietnam?

The struggles of the people of Vietnam and of Malaysia are part of a single struggle against Anglo-American imperialism in South-East Asia. To-day, when public opinion has been stirred up over the use of gas, we surely have to ask ourselves why we and the Americans are in South-East Asia at all. The Question put down by the noble Lord, Lord Kennet, is an apt and pointed one to-day, when the people of Britain are deeply horrified to hear on the radio and to read in the Press that the Americans are using gas. Yesterday, it was napalm; to-day, gas. As has been said, in 1925, all the leading countries, except America, signed an agreement saying that they would never use gas.

LORD KENNET: Did the Soviet Union?

LORD MILFORD: I do not know. It might be at present a nerve gas, though it is ominous that the Pentagon has refused to identify its chemical composition. And if this gas is unsuccessful, who is to say that it will not be a lethal gas to-morrow? If napalm is unsuccessful, who is to say that it will not be nuclear weapons to-morrow? There are already rumours and reports of discussions on selected nuclear targets. Again, new weapons have been tried out on a coloured race.

There has not been such consternation in this country since the noble Earl, Lord Attlee, went to President Truman to stop the use of atom bombs in Korea. The American Ambassador in Saigon, General Maxwell Taylor, has said that there is no limit to the escalation of the war and that the United States may directly enter the ground fighting. Furthermore, the American Air Force jets are now flying over North Vietnam selecting targets at will. This means that young, trigger-happy pilots are "making whoopee" with rockets and napalm. We must remember that, although President Johnson won the election easily, an awful lot of people voted for Goldwater.

[Lord Milford.]

The 1955 Geneva Agreement, in the drawing up of which the noble Earl, Lord Avon, played such a leading part, provided for the independence of Vietnam, Laos and Cambodia; for the withdrawal of foreign troops and bases; and for the establishment of the 17th Parallel as the demarcation line until elections in the whole of Vietnam in 1956 to unify the country. America did not sign, but undertook not to use force to overturn this agreement. However, she poured in money, equipment and advisers, to prop up the corrupt and unpopular Dien, who refused to hold elections in 1956. He and his Government were loathed and despised for their oppression and corruption. So, in 1960, the National Liberation Front was formed. Its programme was merely land reform, factory welfare and the liquidation of American monopolies.

The British Government, as co-chairman of the 1954 Geneva Convention, should insist that the 1954 Agreement, which stipulated that there should be no foreign troops or bases in Vietnam and that the people of Vietnam should decide their own affairs, is observed. America is violating this Agreement. Any conference on negotiations must be based on its observance.

Those who helped to put in a Labour Government hoped that there would be an end of imperialism and of "showing the flag". They hoped that there would be a big cut in armaments and armaments expenditure. But, instead of a gunboat policy, there are now huge fleets, napalm, gas and nuclear bombs. Every day the Labour Government continues to support the Americans' open and dirty war is a challenge to the Labour movement and is causing consternation, cynicism and anger; but America's criminal irresponsibility brings the possibility of a third world war nearer.

6.59 p.m.

LORD BROCKWAY: My Lords, I wish to begin by thanking my noble friend Lord Kennet for initiating this debate tonight. It covers a very wide area, the whole of Asia; and the noble Lord has referred to many parts of Asia. I am going to take advantage of this by making some reference to the Middle East, from which I have just returned. Rather to my surprise, I was

made the leader of a Parliamentary delegation representing both sides of the House. I think that probably all members of the delegation would agree that the situation in Jordan is bedevilled by the Arab-Israeli conflict. The national expenditure of Jordan is £35 million a year, and of that total £21 million is spent upon the Army and security forces. It is fair to add that these forces are often used for constructive purposes. We saw the military, with military equipment, building a great dam for water storage and the generation of power. But concentration upon the conflict between the Arab Governments and Israel means that while £21 million is expended for military purposes, the expenditure on education is only £4 million, and that on health only £2 million.

I am not going to suggest that it will be easy to resolve the conflict, but I believe that something could be done to deal with some of its effects. I wish to refer to four of those effects which we saw. There was a village near Bethlehem, the birthplace of the man who lived up to the Jewish Commandment,

"Love thy neighbour as thyself".

where the netting frontier between Jordan and Israel passes between homes with mothers and their children on different sides. As we came to that fencing, I have never in my life seen anything more inhuman in relations between families. They are prohibited even from speaking to each other through the netting. A daughter gave her aged mother a chicken at the New year, and the mother of 81 years of age was sentenced to one year's imprisonment for receiving it. Fortunately, as a result of the intervention of the Member of Parliament for Bethlehem, that sentence was reduced to three months. There were little children on either side of the fencing not allowed to speak to each other. I became so angry that, had I not been a guest there, I think I would have tried to break down that fencing with my fists. It is one of the most cruel things I have ever seen in my life.

Let me take another instance. On a hill-top over old Jerusalem, on the Jordanian side of the frontier are a hospital and a university which have remained empty for seventeen years. Those people are

desperately in need of hospitals. The Jordanian Government, with considerable heroism, are beginning their own university, but after two years' effort they have been able to provide accommodation for only 230 students. And there the hospital, which could save lives, and the university, which could develop minds, are empty, guarded only by 60 Jewish soldiers who once a month are escorted over the frontier by United Nations guards.

There is the problem of the refugees in their camps, living in appalling conditions: one room—dirt floor, mud walls, no furniture, a mattress, a Primus lamp, a washing basin, a frying pan—10 feet by 7 feet, and a family of ten living there. There is the fact that the United Nations have been compelled to give their rations only to the original refugees, 250,000 children born since receiving no rations at all.

There is the problem of the Jordan waters. One saw in Jordan itself a tributary running into the Jordan from which a canal has been built which can already take one-third of the waters of the river. That canal is doing constructive work: it is feeding parched land; it is giving the opportunity to peasant populations. It has been deepened so that it will be able to take 60 per cent. of the water—indeed, it will be able to take 100 per cent. Israel, itself wanting water for the great jagged mountain area of the Negev, may be starved of water if in Lebanon, Syria and Jordan the waters are cut off.

I am going to make this plea: that, whilst it will be impossible for Jordan and Israel to have direct negotiations in present circumstances—the Arab Governments declining to negotiate with the Israeli Government and the Israeli Government declining to negotiate on these problems except within the terms of a general peace—it should be possible, by a third-party effort, to seek to reduce at least the suffering of some of the effects of this conflict. When my noble friend, Lord Robens of Woldingham, was at the Foreign Office for a time he made a suggestion on this problem which I think was of great promise. He suggested that someone should be authorised, perhaps unofficially, patiently, if necessary over the years, to pass from Cairo to Jerusalem negotiating, negotiating, negotiating and trying to find agreement on

concrete proposals. I believe that if that were done on the four issues which I have particularly mentioned some agreement might be found.

Already there has been a reconsideration of the frontier between the two territories in a particularly cruel case of a division of families. I heard, as I returned through Israel itself, that on the Israeli side there are similar cases. I would urge very strongly that there should be a reconsideration of the worst features of this frontier division so that the kind of cruelties I have described might be ended. I have my friends in the Israeli Government, and I am now going to make to them an appeal that the policy they pursued in retaining the hospital and the university in Jordanian Jerusalem, which they hoped would be temporary, should now, after seventeen years be reconsidered. The beds and student places are so much needed that the Israeli Government should make the concession that the hospital and the university should now be made available for Jordanian needs.

So far as the Jordan waters are concerned, there is no consideration as to where those waters can be best used to satisfy human needs. The only consideration is the needs of the Governments on the two sides. Indeed, I believe that if there were a proper allocation of those waters they could be of benefit both to the Arab countries and to Israel. I saw how effectively they were being used in Jordan. Lebanon has its great plans for the irrigation of the South, and for its dam to store water. But the very waters which Israel proposes to go far to the South, to the Negev, could be used not only for the benefit of Israel. I was a little surprised, as I went South through Jordan, to reach Akabar, on the Gulf of Akabar, to find that one passed through exactly the same territory as one finds in the Negev—sand, jagged rocks, fantastic mountains of all colours, rich with mineral resources. The very water that could be taken to the South of Israel could be piped to the South of Jordan, and could be used also for the benefit of Jordan. I believe that that problem could be dealt with on a reasonable and constructive basis if, unofficially, we could find some third party who would negotiate.

Now the problem of the refugee camps. I came back from Jordan more optimistic

[Lord Brockway.]

about that problem than when I went. I do not believe it to be as intractable as it is thought. In the first place, the original refugees—many of them now growing old, unable to work their farms, even if they were returned to them, and wishing to end their days in a sympathetic environment—are more and more ready to spend the rest of their lives in an Arab environment rather than in the environment of Israel. I believe that, if their right of self-determination were conceded, if they were given compensation, many of them would elect to stay in Arab countries rather than return to Israel.

Secondly, there is the development of the youth in the camps. In the seventeen years they have grown up; many of them have been technically trained. I went to that wonderful training school in Jericho, conducted by a man who I think might be called the Dr. Schweitzer of Jordan, where training in farming and in mechanical processes proceeds. When the boys have finished their technical training they are passing to Kuwait, to Iraq, and to Syria.

In my view, the problem of the refugee camps in Jordan, and in other areas, could be solved if it were recognised that the refugees should have the right to decide for themselves where they were going, and if compensation were given to those whose property had not been returned to them.

My Lords, I have spoken longer than I had intended on that subject, and therefore I will be brief on the very urgent other matters that I want to raise. I should like, first, to say to Her Majesty's Government, of which I am a loyal supporter (and I often subdue my own language because of my admiration for very much that they do) that many of us have been disturbed, we are uneasy and have disquiet, because of the use of the phrase, "British responsibility East of Suez". That policy has led to the despatching of large numbers of forces. It has been reflected in the Government's White Paper on Defence and in the allocation of bombers which could carry nuclear arms. They are termed "peace-keeping forces" but many of us remember how that phrase has frequently been used by Imperialist Governments in the past; and we hope that it will not be used in a similar way to-day.

On the last occasion when I spoke in your Lordships' House, I dealt mostly with Vietnam, and I do not want to go over the ground again to-day—I should like to acknowledge what my noble friend Lord Kennet said about that speech. But there have been very disturbing developments since. I am not now thinking of the report of the use of gas. Non-lethal gas is not as destructive of life as napalm bombs, or bombs which are explosive, dropped from the air; the greatest danger of it seems to me that, once having used gas, there may be reports of using more deadly gas, and that we may deteriorate to a situation where the most deadly forms of gas which have been developed might be used. No, my Lords, I am thinking really of such statements as that made by General Maxwell Taylor, the United States Ambassador in Saigon, to which my noble friend Lord Milford referred—the statement that there is no limit to the military action which may be taken by the United States.

I want to urge upon Her Majesty's Government, with all the earnestness that I can possibly command, that it is not enough now to speak with a mute voice upon these issues. Those of us who belong to the Labour Party are probably more proud of the action of my noble friend Lord Attlee during the Korean war, in going to Washington and persuading President Truman against making bombing attacks upon China across the Korean frontier, than we are of any other single action within our Labour Movement. Oh that that action could be repeated now, and that Her Majesty's Government might make a similar gesture in relation to Vietnam!

When I spoke on the last occasion, I indicated the terms of peace which the Government of North Vietnam and the Viet Cong were prepared to accept. I think that at least we now have the right to ask: what terms of peace would the Government of the United States accept? It has given no indication. It has been satisfied merely to continue the war, and surely the British Government, with its Foreign Secretary now in Washington, ought to be seeking from the American Government the terms on which it would be prepared to end the war.

I had proposed to speak about Indonesia and Malaysia, but I will refrain. I will end by saying that if I

speaking with feeling on these matters, it is perhaps because I am a son of India. I was born in Calcutta, and India is still my spiritual home. I would urge, as my last words, that the policy of the Government, in the whole spirit of the British Socialist Movement, should now be one of seeking peace: peace in Vietnam; peace between the Arab countries and Israel; peace between Indonesia and Malaysia. Difficult? Yes. But only as we move towards this peace will the future of Asia and the peace of the world be made secure.

7.21 p.m.

BARONESS GAITSKELL: My Lords, I wish to detain your Lordships for only a minute or so, to refer to one or two points. It is perhaps interesting for the noble Lord, Lord Kennet, to ask what are the Government's intentions for, say, the next fifteen years; but I am not so sure that the question is particularly helpful when the Government are dealing with this particular crisis. The noble Lord, Lord Kennet, asked what are our intentions in India in the next fifteen years: are we going to build up a large force of arms there? That sort of question can be answered by asking: are we going to allow China to overrun India in the next fifteen years? That is just as relevant as his own question.

With regard to gas, the noble Lord, Lord Kennet, said that the use of gas in Vietnam puts the clock back. For my part, I should not mind putting the clock—that is, the nuclear clock that we have at the moment—back fifty years. But non-lethal gas? It is non-lethal gas, we are told. It may have its dangers; stronger gas may be used. But let us remember that we have the most powerful weapon of all; we have the nuclear bomb, and nothing can touch that.

7.23 p.m.

BARONESS SUMMERSKILL: My Lords, may I, before the noble Lord answers, ask a question or two about gas? We are told that it is non-lethal. What proof have we? It is a fact, as the noble Lord, Lord Milford said, that the United States refuses to reveal the chemical constituents. If that is not so, could the noble Lord tell us what are the chemical constituents of this gas? It seems to me extremely powerful if it produces severe gastro-intestinal symptoms and blindness. We are told that

the blindness is only temporary; but if it is a simple kind of chemical why cannot we be informed precisely what the constituents are?

May I ask another technical question? Is gas a "conventional" weapon? If the United States or any other country that happens to be our Ally are using a weapon which is not conventional, do they tell us, or do they ask our advice, on what is known, I believe, as the "hot 'phone", as to whether they should? The other point about this gas is that it is non-selective. We are told that the gas is going to be used in those areas where there are non-combatants. A non-selective gas then will attack not only the combatants but also entirely innocent non-combatants; and that is an important aspect of gas warfare. If the noble Lord can answer these technical questions I shall be very much obliged.

7.24 p.m.

THE PARLIAMENTARY UNDER-SECRETARY OF STATE FOR FOREIGN AFFAIRS (LORD WALSTON): My Lords, the Question of the noble Lord, Lord Kennet, as shown on the Order Paper is:

"To ask Her Majesty's Government what is their long-term policy in Asia."

I am glad he put it down. I think this is a very important Question, and that it is very apt at this time that we should be talking about such matters. But I would emphasise that all this Question asks is what is Her Majesty's Government's long-term policy in Asia. Therefore, with the greatest respect, I would say to the noble Baroness, Lady Summerskill, that the composition of the gas now being used in Vietnam and the motive behind it are really entirely irrelevant to this particular Question, important though they are in the immediate present and in the immediate future. I think we should be straying far too far, at this relatively late hour, from the subject of this Question if we were to embark upon that.

Once more, let me refer to the Question itself. It is not only on long-term policy, but on Asia, which is a pretty large area, ranging from the Bering Straits to the Suez Canal. So it was entirely right and proper that my noble friend Lord Brockway should raise a matter concerning a part of the world

[Lord Walston.]
 which, I think, many of us do not always realise is in fact in Asia ; but I hope he will not think me discourteous if I do not spend very long on his point as far as Jordan is concerned. That is not because I do not think it is important ; it is clearly of the greatest importance, and I think all of us who listened to him must have been moved by what he said and how he said it. I personally was particularly pleased when he raised this matter, because I remember many years ago, some thirteen or fourteen, I also was in those parts. I visited some of the refugee camps and saw the magnificent work being done by a fine Arab, I believe called Musa Alami.

LORD BROCKWAY: My Lords, may I just interrupt the noble Lord? Musa Alami was the "Dr. Schweitzer" of the Jordan to whom I referred.

LORD WALSTON: I discerned that that was so. I hesitated only because his name has not been in my mind for many years and I was not sure that I had it right. I agree entirely with what the noble Lord said about the value of his work, and I recall the magnificent things he was doing while I was there and which I am glad to know he is still doing, although I am sorry that there is the need for them to be done. I also remember writing an article, which I believe was published, called something like "The Barbed Wire Curtain separating the Jordan Waters" ; and I would bear out everything that my noble friend Lord Brockway has said in that respect. I sincerely hope that the efforts, whether they be governmental or made through private individuals—and often in a case of this sort private efforts are of greater effect than Government efforts—will do something to mitigate the hardships of those refugees who are living there in those conditions. I say very sincerely that if the Israeli Government felt that they were in a position to allow this hospital to be used for the relief of suffering, whether the sufferers happen to be Israelis or those on the other side of the border, they would command the respect and gratitude of the whole world.

Let me move from that part and come to what I was going to say were

the more urgent points—I do not know whether that is the right word—or to the points which are occupying our minds rather more urgently at the present time: specifically the points of the noble Lord, Lord Kennet, in the order that he raised them. Before doing that, let me answer with real gravity his Question. Unfortunately, it would not be right if I sat down immediately after doing that

Our long-term aim, the long-term aim of Her Majesty's Government, in Asia is to ensure that all the countries of Asia are able to lead a life of freedom and pursue their march towards prosperity without interference from any other country, large or small. It is towards that objective that we are making all our efforts, and everything that we are doing at the present time must be viewed in that light, and I say categorically that we have no aggressive intentions, no desire to promote Empire, to influence other countries into a way of life that they do not wish to have ; and that when we have our forces East of Suez it is solely for the protection of those things that we hold to be important for ourselves and, therefore, hold to be important for other people too. Our intentions in India are not specifically, in the words of the noble Lord, Lord Kennet, to make India strong. What we want to do is to help India, and other countries too, so to build up their own economy and their own strength in every aspect, not only military, that the 400 million people living in India can live their lives in freedom and bring up their families in security, free not only from the threat of invasion from China or wherever it may be, but from the even greater threat to them of starvation. That is our intention in India and elsewhere.

So far as the nuclear problem is concerned, we believe, in Asia as well as in Europe in non-proliferation. Because China now has a nuclear bomb, we do not want other countries to feel that they must achieve their own nuclear bombs, and so we will work towards any form of collective assurance to non-nuclear countries, which means at this stage all in Asia other than China or Russia, if you include Russia as an Asian Power, so that they will not feel constrained to have their own nuclear bombs. How this can be done is a matter for negotiation. We are thinking of it ; we are talking

of it. It is our long-term aim that this should be achieved.

And when the noble Lord, Lord Kennet, spoke rather disparagingly of the dangers of the Europeanisation of Asia, I am not sure that the present situation in Europe, although it has many worries and many problems, is all that disastrous, when we think of what it might have been, when we think of the relaxation of tension which has taken place along the Iron Curtain, which is a word now scarcely used and with very little meaning, and the relative spread of freedom in many countries in Europe which before were not free. So the Europeanisation of Asia is not necessarily something we should regard with despair, though I hope we shall profit from the many mistakes which have been made in Europe and not repeat them when we come to Asia.

LORD KENNET: My Lords, may I interject? In saying a kind word for the Europeanisation of Asia, would the noble Lord extend the kind word to cover tens of thousands of nuclear weapons up against the Himalayan frontier, as they are now against the dividing line in Germany?

LORD WALSTON: Most certainly not. I hope that is one of the lessons we have learnt and profited from, and that we can achieve non-proliferation so that that sort of thing does not take place.

Turning to Indonesia, if I may say so to the noble Lord, Lord Kennet, he seemed to me to be adopting what I can only call a neo-colonialist attitude towards Malaysia. He says that we, Her Majesty's Government, should take the initiative and not leave it to the Malaysians; that they are a young people; they have been there only three years, and it is the lazy way out to leave it to them; we must do it. That is not the policy of Her Majesty's Government. We do not believe we should step in and dictate to an independent country, whether it be a member of the Commonwealth or not, how they should run their foreign policy. The situation in Indonesia and Malaysia is quite simple. Malaysia is an independent country. It has been confronted by aggressive acts, by its far more powerful neighbour, 120 million Indonesians. Malaysia is defending herself to the best of her ability. She has called upon us and other members of the Common-

wealth, Australia and New Zealand, to help her in meeting this aggression.

LORD KENNET: My Lords, is it then the position that Her Majesty's Government have committed large numbers of British troops without any idea whatever of a suitable solution to the confrontation in which they are engaged?

LORD WALSTON: Of course we have ideas as to a suitable solution. The first suitable solution, which the Malaysians accept and which we support them in accepting, is that the aggression by the Indonesians should stop. When that has happened we have no doubt that the Tunku—and he has said so—will be prepared to enter into talks; in fact he went so far the other day as to say he would gladly enter into talks with President Soekarno so long as the actual incidents stopped. For some reason best known to himself, President Soekarno went back on the offer he had made through the Thai Government, and at the moment these talks are off. But I cannot say this too emphatically: that we do not consider that this is something where we have any right at all to dictate to Malaysia what the conditions should be; but we will assist them in the first instance in repelling aggression and, in the second instance, we will do all we can to bring about a peaceable and permanent solution in that part of the world.

Simply on one matter of fact, may I say that the noble Lord suggested—I do not think I am misquoting him—that the casualties were fairly equally divided between the two countries. In fact that is very far from the case. I do not know that it is particularly relevant, but there have been in the two years, the 23 months, since this started, 74 casualties on the Malaysian side, including British Commonwealth troops, and very nearly 1,000 casualties on the Indonesian side.

I turn to Vietnam, about which most of your Lordships who have taken part in this debate have spoken. Again I mention two questions of pure fact, possibly not relevant but for the sake of the record. I think two noble Lords spoke of gas as not having been used for 50 years. In fact it is more like 30 years since gas was used, by the Italians in Abyssinia. I do not think that has any great relevance to this argument; it does not make gas any more attractive or less repulsive.

[Lord Walston.]
to us, but the fact is that it was used 30 years ago and not 50 years ago. The noble Lord, Lord Kennet, said we had a British Military Mission in Vietnam. We do not have a British Military Mission; we have a British Advisory Mission which consists of civilians, a very small number of civilians. One of them who was there at one time but is there no longer was a retired Army officer. But it is a civilian mission which is there to help with experience we have gained in these parts of the world in counter-insurgency among civilians, and is not a military outfit at all.

LORD KENNET: My Lords, on a point of refinement, is not counter-insurgency a military operation?

LORD WALSTON: It depends whether it is among civilians and carried out by civilians or carried out by members of Her Majesty's Forces. In this case they are not members of Her Majesty's Forces and therefore it is not only technically but actually not a military mission. However, we are giving help and we are not ashamed of it; we are proud of it. And we shall go on giving help of this kind so long as it is needed.

Let me once more remind your Lordships what I said was our long-term objective: that is, to enable these countries in South-East Asia and the rest of Asia eventually to lead a life of freedom. That is not open to them at the present time in Vietnam. It would take far too long, and I think it would be profitless, to go back to past history of who started what when. There is no doubt about it at all, however, that at the present time the Viet Cong are being helped by troops and arms from North Vietnam, some of which have come from China, some of which have come from Czechoslovakia and some of which have come from Russia; and in South Vietnam the Government of the country, whether you like them or not, are given help by American forces. What we want to do, as the Americans want to do, and certainly as the Vietnamese want to do, is to bring these hostilities to an end, and I am quite certain that if North Vietnam were to say that it would desist from helping the Viet Cong there would be little in the way then of getting both sides to sit down and talk. But so long

as they refuse to do that, one can hardly be surprised that the South Vietnamese are anxious for their allies to go on helping them, and one would hardly admire an ally who left South Vietnam to fight this battle alone at this stage.

Many noble Lords have urged that we, Her Majesty's Government, should take strong action with the United States Government, to demand from them what their peace conditions are, and things of that kind. I do not know what noble Lords who have said that really think goes on in Washington, when my right honourable friend the Secretary of State for Foreign Affairs talks with the Secretary of State, Mr. Dean Rusk, or the President, and when Mr. Gromyko comes here, and so on. Of course these things are talked about the whole time. Of course we are doing what we can not to desert our allies, not to surrender this area to a totalitarian régime which they do not wish for, not to turn it into the sort of country that Communist China is to-day; because we do not want to live in that sort of country and we do not think that other countries who do not want to live like that should be left to their fate either, to become a Hungary or whatever it may be.

But we do not want this fighting to continue, we do not want it to escalate, and we talk. We do not talk at the top of our voices in the market place, telling everybody what our discussions with our allies are, and they do not do that either. But I can assure your Lordships, if your Lordships need any assurance, that we are in continuous consultation and, as I say, my right honourable friend is to-day in Washington at this moment speaking with the United States Government on these particular matters. We do not have enormous confidence that within the next week or so peace will be restored to that part of the world; but we do have hopes that within the next months there will be some settlement of this fighting which will not be a betrayal either of our allies or of the people who are dependent upon us; it will not be a scuttling for safety, for the safety of our own Continent, for the safety of our own comfortable Island, but will be fulfilling the responsibilities of any civilised country which has any power and any pretensions to have influence in the world.

LORD KENNET: My Lords, may I intervene for just one last time? A few hours ago the Prime Minister said in the House of Commons that he did not know the Americans were going to use gas. May I ask now the precise question: do Her Majesty's Government know the overall American plan?

LORD WALSTON: My Lords, I would not give a precise—

BARONESS SUMMERSKILL: My Lords, I asked that question. I must ask the noble Lord why he told me in his opening remarks that he could not answer my questions. We now hear that in another place the Prime Minister has been asked questions similar to mine and has given an answer.

LORD WALSTON: My Lords, the answer to the noble Baroness is that somebody put down that Question by Private Notice and my right honourable friend answered it. I could have answered it without any difficulty, because I could have said exactly what my right honourable friend said. But I still maintain that this has nothing to do with the long-term policy in Asia, which is what we are discussing.

LORD KENNET: My Lords, may I correct the noble Lord? It was a supplementary question.

THE EARL OF LONGFORD: My Lords, the noble Lord had informed us that he was going to interrupt for the last time. I hope that he will stick to that.

LORD WALSTON: My Lords, I can answer the last question of the noble Lord, Lord Kennet, though not in a way satisfactory to him. All I would say is that we are in close consultation, almost continuous consultation, through different sources with the Americans and with all the other people interested in this matter. The actual long-term policies must have a certain amount of fluidity in them, and it might be misleading if I said that in fact—if I were allowed to tell him precisely—I could say what the United States Government were intending to do in the next three weeks. All I can do is to assure him that we are working closely with the Americans in this matter. I would refute his suggestion that we are a small dinghy being towed behind a large and powerful ship. I would rather say

that we are two ships moving in convoy, one obviously rather larger and rather more powerful, but that we are working under our own independent captains but in concert towards the same objective.

I have been asked questions about the United States long-term policy. It is not for me to answer for another Government, but I can assure noble Lords that in the long-term objectives there is nothing between the United States and ourselves. We have the same traditions; we have the same beliefs in freedom and the other things that I have spoken of. Those are the things which move us here, in Vietnam, in Malaysia, in Indonesia and throughout the whole of Asia.

THE NORTHAMPTON ORDER, 1965

7.47 p.m.

VISCOUNT DILHORNE rose to move, That an humble Address be presented to Her Majesty, praying that the Northampton Order 1965 (S.I. 1965 No. 250), laid before the House on February 19, be annulled. The noble and learned Viscount said: My Lords, had this Order had to be considered by the Special Orders Committee I should have expected them to report that the Order, at least in certain parts, is not founded on precedent, and also that it raises important questions of principle. I have tabled this Motion in order to give the Government an opportunity of giving explanations to your Lordships of some of the curious features. The conduct of the Home Secretary in all this has already been the subject of a Censure Motion in another place. It is not my intention to have another Censure debate to-night, though I must necessarily criticise some of the actions of Her Majesty's Government.

This Order was laid on February 19; part of it came into force on February 22, and part of it takes effect on April 1. The first matter calling for explanation from the Government is why this Order, laid on February 19, was not made available to your Lordships in the Printed Paper Office until 10 o'clock on February 25, three days after part of it had come into operation, and six days after it had been laid. Why was this? Why was the Order held up for these days? On whose instructions?

[Viscount Dilhorne.]

I think we should be told, for I gather that definite instructions were given by somebody that on no account was the Order to be made available, either to your Lordships or to Members of another place, until that time, 10 o'clock on Thursday, February 25. That was the precise day on which the Censure debate on the matters dealt with by this Order took place in another place. I do not know whether there is a sinister relationship between the two, but at least this is a matter upon which we are entitled to have an explanation.

The time during which a Prayer to annul an Order can be effectively made is laid down by Statute, and it is surely wrong that a Minister can cut short the opportunities for securing the annulment of an Order by giving orders that it is not to be made available to Members of either House of Parliament until a certain date. I raise this matter at the beginning of my speech in order to give the Government full opportunity of obtaining, if they have not got it already, full information about this situation. Which Minister was responsible for this, and why was it done? May we have an assurance that it will not happen again?

I must, I fear, remind your Lordships of some of the facts to which public attention has already been drawn. I will do so as shortly as I can. Following on the recommendation of the Local Government Commission it was decided that the boundaries of the Borough of Northampton should be extended to include certain parts of my former constituency, and to include about 10,000 new electors in the borough. I may say, in passing, that the vast majority of my former constituents were bitterly opposed to this, and I even had representations from the local Labour Party about it. It was decided that these extensions should take effect on April 1 this year. This Order provides for that. The extension of the borough meant that the ward boundaries would have to be revised to take account of the fact that the new population was being brought into the borough.

On March 25, 1964, the usual instructions were given by the Home Office. May I remind your Lordships of what they were? The relevant parts of the

instructions contained in a letter sent to the Town Clerk read as follows:

"The natural aim in drawing up the new ward boundaries would no doubt be—

(a) to provide an approximately equal number of local government electors for each councillor, allowance being made for any likely change in electorate because of development within the next five years".—

Your Lordships will note those words— and (b) to have regard—

(i) to the desirability of having easily identifiable boundaries; and

(ii) to any local ties which would be broken by the fixing of any particular boundary."

Your Lordships will see that there is nothing in those instructions from the Home Office about regard being had to the political consequences of complying with those criteria. It is, of course, right that regard should not be had to the effect on the political Parties of such a revision. It would be just as wrong to revise ward boundaries to secure political advantage as it would be to alter constituencies to make a safe seat for one Party or the other. The object of a review of ward boundaries must surely be to secure the fairest representation of the electorate, without regard to the interests of the political Parties or of the Party which for the time being has control of the council.

On October 12, 1964, a public inquiry was held at which an independent barrister, very experienced in this kind of work, presided. Two sets of proposals were considered. One was prepared by the Town Clerk, on his own initiative, and was adopted by the Labour Party; and as they had a majority on the council those were called "the Council's proposals". The other proposals were put forward by the Conservative Party. Both sets of proposals sought to comply with the criteria laid down by the Home Office. They were gone into in great detail. Evidence was given by, among others, the leader of the Labour Party on the Council.

The Labour Party's proposals were objected to by the Conservatives on three grounds. First, that they caused unnecessary disturbance of existing ward boundaries and that no sufficient account was taken of historic associations or present ward boundaries. Secondly, that artificial boundaries were created instead of having boundaries which followed

clearly defined courses. Thirdly (this was the important reason), that insufficient numbers had been allocated to the inner land-locked wards which had no room for growth and, in many cases, were affected by slum clearance proposals that would further reduce the number of electors represented in these wards, whereas in the outer ring of wards there was considerable growth potential.

The inspector made a very full report, and I will read his conclusions. He said, under the heading "Conclusions":

"Both the schemes which were put forward at the inquiry were honest attempts to divide the county borough into wards in strict accordance with the criteria laid down. The Council's scheme achieves more immediate parity of electorates, but the author of it conceded that, although he had looked to the future, he had not been in a position to ascertain all the current development plans since he was acting privately in August, 1963. Accepting that due regard ought to be paid to foreseeable changes within the next five years, I am not convinced that the Council's scheme will show an equality of electorates at the end of that period.

"In recommending for acceptance the scheme prepared by the Conservative group for the purpose of the inquiry, I am impressed by the evidence secured as to future trends, both of development and clearance and by the probability that within the relevant period something approaching equality will be achieved. The boundaries selected are, in my opinion, preferable to those put forward by the Council and there is no obvious interference with any existing community of interest."

He also recommended that the new Council should be elected *en bloc* in May, 1965, the extensions of the borough taking effect on April 1.

My Lords, that report was dated November 16. About five weeks later (I ask your Lordships to note the time), on December 23, the Home Secretary announced his decision in a letter sent to the Town Clerk. I should like to read from that letter:

"The Secretary of State has carefully considered Mr. Verney's report and the counter-proposals made by the Conservative group of Northampton County Borough Councillors, supported by the Northampton Conservative and Unionist Association. He notes that all Parties agreed, and Mr. Verney recommended, that there should be 12 wards for the enlarged county borough each returning three councillors. The Secretary of State accepts this proposal.

"The Secretary of State has considered the main criticism made of the Council's proposals that they fail sufficiently to take into account residential development in Northampton. He

appreciates the contention that, since such development would take place for the most part in wards abutting the boundary whilst wards in the centre of Northampton would be affected by slum clearance, the electorates of the former wards would tend to increase and those of the latter to decrease with the result that there would be disparities between the electorates of the proposed wards in a few years' time. In the view of the Secretary of State the counter-proposals take account of this situation more satisfactorily than do the Council's proposals, by providing for wards in the centre with high electorates at present and wards abutting the boundary with low electorates. The Secretary of State accordingly accepts Mr. Verney's recommendation that the counter-proposals should be accepted subject to minor changes for the purpose of adopting boundaries which are more easily identifiable."

Apart from these minor changes, the Home Secretary made only one change from the inspector's recommendations. In view of what happened later, what the Home Secretary said about this is of particular importance. What he said was:

"The Secretary of State notes that all parties are agreed that there should be fresh elections of councillors in 1965. Mr. Verney was in favour of elections on May 13, as preferred by all Parties, or alternatively on a date before the appointed day, April 1, 1965, so that councillors could come into office on the appointed day. The Secretary of State agrees that there should be fresh elections. As for the date on which they should be held, the Secretary of State does not consider that it would be satisfactory to adhere to the ordinary day of election if the effect is that the areas to be added to the county borough would be unrepresented on the Council between April 1 and the coming into office of the newly elected councillors on May 17. The alternatives are to provide in the Minister's Order for the added areas to be joined to existing wards for the period April 1 to May 17 or for the holding of elections prior to April 1. The Secretary of State takes the view that the first of these alternatives would complicate the order, which would then contain transitional provisions for the period April 1 to May 17 as well as provisions for the new ward structure after May 17. He considers that the more satisfactory course would be to adopt the alternative proposed by Mr. Verney, namely to hold elections before April 1. The Secretary of State has decided therefore that provision should be made in the order for elections to be held on such day prior to the appointed day as the returning officer shall appoint."

So the Home Secretary at that time regarded it as of such importance that the 10,000 new electors should not be unrepresented on the Council from April 1 until May 17, that he decided that new elections should be held before April 1. He rejected the alternative of just adding

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new electors to the existing wards, on the ground of the transitory provisions involved.

There is, of course, another objection, which the Home Secretary did not mention; that is, that if that were done the new electors would, it is true, be represented on the Council, but by persons whom they had taken no part in electing. This decision was not to the liking of the local Labour Party. On January 5, at a meeting of the Finance and General Purposes Committee of the Council, the Chairman of that Committee, the leader of the local Labour Party and the gentleman who had given evidence at the public inquiry, said that the proposals accepted by the Home Secretary were weighted heavily in favour of the Conservative Party; and, secondly, that the Labour Party had had no opportunity of challenging them on the basis of their political consequences.

Your Lordships will remember that both the Home Secretary and the inspector had reached the conclusion that the Conservative proposals best satisfied the criteria laid down by the Home Office, and that meant that in their view these proposals provided for the fairest representation of the electorate. If the result was likely to favour the Conservatives, that was purely fortuitous. The Conservative Party had objected to the Labour Party's proposals on the ground that they favoured the Labour Party, but they did not pursue that ground of objection at the inquiry. The Finance and General Purposes Committee on January 5 recommended to the Council that the views put forward by the Chairman be accepted, and that they be submitted to the Minister of Housing and Local Government, with a request that the proposed warding arrangements be abandoned.

The local Labour Party, however, did not rest content with just making that recommendation to the Council. They consulted the Labour Member of Parliament for the Borough, and on January 25 that Member of Parliament and the chairman of the local Labour Party, who had given evidence at the inquiry, visited the Ministry; and I think that the Member of Parliament saw the Home Secretary. My Lords, it would indeed be interesting to know whom they saw and

what passed at the interviews they had. I suspect that the Labour Councillor was well satisfied by what he was told, for three days later, on January 28, the Council carried, in the face of opposition, the resolution recommended to them by the Finance and General Purposes Committee. Then, a week later, on February 4, the Home Secretary wrote another letter reversing the decision he had given on December 23. It took him five weeks (I make no complaint about that) to consider the inspector's report before reaching his first decision. But in less than a fortnight after the visit of the local Member of Parliament, and a week after the Council had passed this resolution, he reversed himself; and he did so just on representations made by, or on behalf of, the local Labour Party.

My Lords, this is what was said in his letter:

"I am directed by the Secretary of State to refer to your letter of 29th January forwarding the resolution of the Northampton Borough Council asking him to rescind the decision regarding the warding arrangements for the extended county borough conveyed to you in the Home Office letter of the 23rd December, and asking that the Order to be made by the Minister of Housing and Local Government under the Local Government Act, 1958, should provide instead for the areas added to the borough to be temporarily annexed to contiguous wards and that the Order should include provision for the Council to submit a petition under Section 25 of the Local Government Act, 1933, by a specified date.

"The Secretary of State has given the most careful consideration to the Council's resolution. He notes the view expressed in the resolution that Mr. Verney, the independent barrister who held the local inquiry, was misinformed on certain material aspects."

Your Lordships will note that the resolution did not, in fact, say that the independent barrister who presided over the inquiry had been misinformed on certain material aspects. What it did say was that the proposals were heavily weighted in favour of the Conservative Party. This observation by the Home Secretary could be understood to imply a reflection on the eminent solicitor who presented the case for the Conservative proposals at the inquiry, and I am glad that the Home Secretary has made it quite clear that he did not intend that.

But if the consequences to a political Party of warding arrangements considered to secure the fairest representation of the electorate are now to be

treated as a material aspect, it certainly is a departure from previous Home Office policy. What weight is to be given to this aspect? Are wards in future to be arranged so as to maintain the Labour Party's position? The Labour Party have a majority on the Northampton Borough Council—a microscopic majority—as a result of one vote, which has been held to be a spoiled vote, being held, on an election petition, to be a good vote.

My Lords, the Home Secretary's letter went on:

"While the Secretary of State does not accept that insufficient opportunity was given to all concerned to express their views fully at the public inquiry, he has decided that in the circumstances the best course will be for the whole question of the warding of Northampton to be considered afresh and publicly at a further local inquiry."

So the Home Secretary rejects the contention that the local Labour Party had insufficient opportunity to express their views fully. But, none the less, on their representations, and on their representations alone, he has ordered another public inquiry; and the sole ground for doing so is the alleged political consequences of the decision he first made.

It is true that in the body of his Report the inspector said—and I quote from page 23 of the Report:

"These proposals are virtually non-controversial, but in approaching the remaining nine wards, there is a fundamental disagreement. It is right to emphasise that the Town Clerk's proposals, which now form the basis of the Council's scheme, were drawn up by him alone with no political outcome in mind. The criticism from the political point of view was not pursued at the inquiry and should be disregarded in assessing the merits of the scheme. It is equally important to emphasise that no suggestion was made that the new Conservative proposals should be criticised as designed to secure political advantage, whatever may have been the defects of earlier proposals."

After giving his conclusions he said:

"I am reinforced in the view by the fact that no suggestion of political motive has been advanced. When the balance of power between two Parties is so close, it must be expected that legitimate criticism on this basis would be put forward, if it reasonably could be. There being no such criticism of the Conservative scheme, and the political criticism of the Council's scheme not having been pursued, I have been free to determine my recommendation on the merits of each scheme as presented to me."

He said, as your Lordships will note, that he made his recommendation on

the merits of each scheme as presented to him; and the Home Secretary's first decision was no doubt based on the merits of each scheme. I think we ought to be told what weight is to be given at the next inquiry to the Party political advantages or disadvantages of any particular proposals, and whether any new criteria are to be laid down. I ask that a positive answer should be given to that question. If they are not, why have another inquiry? If they are not, is it the view of the Government that warding arrangements which are considered to be the best on their merits should be altered so that the Conservative Party do not fortuitously derive any benefit therefrom? My Lords, to do this would be a denial of democracy and political gerrymandering of the worst kind.

On these facts, which I have endeavoured to state accurately, it is not surprising that the Home Secretary's conduct was made the subject of a Vote of Censure in another place. I have known the Home Secretary for many years, and I do not doubt that he was led into doing what he thought was right, and honestly thought was right; but the fact remains that to very many people he appears to have acted very wrongly indeed in the discharge of what might be described as his quasi judicial duties. It would indeed be interesting to know what passed at the interviews that Mr. Paget, the Member for Northampton, and the leader of the Northampton Labour Party had on January 25. If an appeal were brought against a judgment in the courts and was allowed without the other side being heard at all, the Home Secretary would, I am sure, be one of the first to say that that was very wrong. But what he has done here is to allow an appeal and to order a new trial without hearing the other side, solely on representations by the Labour Party.

The consequences of his doing so are serious and, I would think, unprecedented. I am afraid I have already taken some time (I have taken it as shortly as I can, but I had to spend some time on the history), but I want to direct attention now to the consequences of his decision. May I read again from his letter? He says:

"The Secretary of State understands that the Minister proposes to lay the Northampton Order before Parliament during the third week

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of February in time for it to take effect on 1st April this year. There is insufficient time for warding arrangements to be fully and publicly considered afresh before this date. In the circumstances the Secretary of State has decided to advise the Minister to provide in his Order for the areas to be added to the borough to be temporarily annexed to the existing wards as from the 1st April next . . .”

That means that 10,000 new electors are to be represented compulsorily on the council by persons for whom they have had no opportunity of voting, and, as your Lordships will see, it is proposed that this should continue, not for a few weeks but for many months. The letter goes on:

“The Secretary of State considers that the first elections to be held for the borough as extended should be held on the basis of a new ward scheme and not on the basis of the existing wards with the added areas annexed. It would not be practicable for the procedure under Section 25 of the Act of 1933 to be completed in time for the ordinary date of borough council elections, (13th May). Accordingly the Secretary of State is asking the Minister of Housing and Local Government to provide in his Order for the ordinary borough elections in May to be postponed to such date as may be provided in an Order in Council under Section 25; and that until the councillors elected at the postponed elections come into office, the existing councillors should represent the existing wards, subject to the added areas being annexed to contiguous wards. The Secretary of State very much hopes that it will be found possible to hold elections on the basis of the new wards at the latest by the end of October.”

So because the Home Secretary, as a result of efforts by the Labour Party, has decided that there should be a further public inquiry, the ordinary borough elections are to be postponed, and to be postponed to an indefinite date. The Home Secretary just “hopes” that it will be possible to hold them “at the latest by the end of October”.

The result is that the Home Secretary and his colleague, the Minister of Housing and Local Government, by this Order, secure that the borough of Northampton will be under the control of a Socialist majority when that may not be what the electorate want; and I ask the Government whether there is any precedent for such a postponement of borough elections. It surely cannot be justified merely on the ground that it is necessary to have another public inquiry. If your Lordships would look at paragraph 6 of this

Order, you will see that not only is effect given to this decision of the Home Secretary but it is also provided that there shall be no election before the new warding arrangements are made. The 10,000 new electors included in the borough on April 1 are, I see from the Press, to suffer a rate increase of 1s. 1d. in the pound, whereas the present ratepayers in the borough will have only an 8d. increase.

Was it necessary to preserve this Socialist control, gained as a result of one vote at the last elections, in order to provide for a further public inquiry? Was it necessary to deprive the electors of the borough of their right to elect a new council on May 13 if they wished to? Was it necessary to do all these things in order to enable a new inquiry to be held? My Lords, I submit that the answer to these questions is in the negative. Why not just postpone the extension of the borough until after the public inquiry and approval of the new warding arrangements? There really cannot be any real urgency about making the extension. It could not have mattered very much if that extension had been postponed until, at the latest, October. If that had been done, it would not have been necessary to cancel the May borough elections; it would not have been necessary to provide by Statutory Instrument for Socialist control of the Council; it would not have been necessary to impose on the 10,000 new electors representatives on the Council whom they had no say in electing.

Why was this not done? It would have been much better if it had been. I ask the Government to “come clean” about this, and to tell us their reasons for not taking this course. If no satisfactory explanation is given, it will lead to the conclusion that a very unsavoury and disgraceful piece of gerrymandering is sought to be achieved by this Order—an Order which embodies the decision of the Home Secretary, made within a week of the visit by the Labour Member for Northampton and the leader of the local Labour Party from London.

On the information I have, and which I have given to the House, I felt very inclined to invite your Lordships to vote for this Prayer. However, I am not going to do so for a number of reasons. One is that it is most unusual for your Lordships to take this course, though it

is within your Lordships' power to do so. The more compelling reason to me is that we are now very close to April 1, when the extensions are proposed to take effect, and there may be some valid and cogent reason now, which did not exist when this matter was first considered by the Home Secretary, against postponing the extensions. If there is such a reason now, I hope that we shall be told what it is. It may be that the rate demands have gone out on the basis that the extension takes effect, and that if this Order was withdrawn and cancelled it would not be possible to send out fresh rate demands. But if this extension can, even now, be postponed, I ask the Government seriously to consider that course. If there had to be a further public inquiry, that is the course which ought to have been taken, and I hope that it is not too late to take it now.

There is one additional reason I would advance in favour of this course, and that is the Government's recent announcement in regard to Northampton that it is going to be very considerably extended in size. That will mean a further extension of borough boundaries, and presumably a further revision of ward boundaries. Would it not be much better to make all the extensions at the same time? My Lords, however this may be, I do repeat my request that the Government should now withdraw this Order and table a new one, if necessary, postponing the extension of the borough until after the public inquiry and new warding arrangements are made, so avoiding this extraordinary procedure which results from the decision they unfortunately made some weeks ago. I beg to move.

Moved, That an humble Address be presented to Her Majesty, praying that the Northampton Order 1965 (S.I. 1965 No. 250), laid before the House on 19th February, be annulled.—(*Viscount Dilhorne.*)

8.20 p.m.

LORD MITCHISON: My Lords, I think I am allowed to go this far: that was the most completely Party speech I have ever heard, even from the noble and learned Viscount. He went through what he considered was the history of the making of this Order, with particular reference to the conduct of the Home Secretary. He said that the Home Secre-

tary had been subjected to a Censure Motion. "A Censure Motion" is an ambiguous phrase; it might appear to mean that the Home Secretary had been censured. What, in fact, happened was that during two days' debate in another place, neither debate being on this Order, all the facts which the noble and learned Viscount has put before this House this evening were stated in full; and more fully than he has done tonight. The facts were printed in *Hansard*, summarised publicly in the newspapers and were the subject of general political comment, criticism and discussion for days on end. That is what in fact happened. What we are invited to do now is to consider this matter all over again.

I will remind the noble and learned Viscount, with respect, that the principal Secretary of State has been "acquitted" in another place—the proper place for him to be able to answer these questions himself—but, so far as I am concerned, I have no intention whatever of repeating the defence which the Home Secretary made in another place, a defence of his own personal conduct, properly made, satisfactorily made, in the House where it ought to be made.

VISCOUNT DILHORNE: My Lords, if the noble Lord would like to assert that any of the facts that I have stated are wrong or wrongfully stated, I should willingly listen. I repeated the facts; and unless he can state that I was inaccurate in any respect his observations are not justified. So far as the censure debate is concerned, I know perfectly well what took place in that debate. I am not asking the noble Lord to reply on behalf of his right honourable friend. I put to him certain specific questions which were not raised in that debate, and I had to refer to the facts in order to acquaint your Lordships with them. I raised this point to put specific questions about the extension of the borough, and these questions were not raised before. I think the noble Lord, if he is fair, will admit that.

LORD MITCHISON: My Lords, I have every intention of being more than fair to the noble and learned Viscount. I should not wish to be anything else—not for a moment. But he must admit that he took at least half of his speech in describing the conduct of the Home Secretary and in attributing to the local Labour

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Party and to the honourable and learned Member for Northampton a number of actions and motives which I should have thought had a general pejorative character. It was about that that I was complaining and I do complain, because, after all, these were political considerations, both on the part of the Conservatives in Northampton and of the Labour Party in Northampton. I think it is right and proper that questions of that kind should be taken into account, and that they should be looked at in the course of the debate, as they were in the other place. I am not talking about their relevance or otherwise to the particular Order which was made. What I am saying is that I dismiss as irrelevant and inappropriate that I may be called upon to make a defence of my right honourable friend the Home Secretary. He has made his own defence.

With the good things the noble and learned Viscount said about him I think we should all agree. So far as his political conduct in this matter is concerned, it has been gone into at considerable length in another place where he was attacked on similar lines to the noble and learned Viscount's attack on him to-day. For it was an attack, and any person who listened to it could not mistake that it was an attack, could not mistake its political character, could not mistake the vigour and vehemence with which it was launched. It was made in the way I should expect the noble and learned Viscount to make it—he always does these things with vigour and I am the first person to accept that. But this is not the place to attack the Home Secretary who has already been “acquitted”—if one can use quasi-criminal language—of censure in another place. This is not the place to do it. It is utterly irrelevant, except in so far as it may derive from any criticisms that the noble and learned Viscount has to make of the Order which we are considering to-day. I would never deny that the noble and learned Viscount, when he was reciting the facts, recited them accurately: I should be sorry indeed if he thought that I was impugning his accuracy in any way. I was complaining of his description of the motives of the people concerned, but not of his factual accuracy.

Having dealt with his attack, I come to what we are really called upon to consider to-day: that is, whether or not this Order should be annulled. There is a great deal to be said about it that the noble and learned Viscount did not choose to say. I am not asking him to say any more, nor am I expecting him to do so, but in fact it is a voluminous Order and quite a good deal of it could be considered and discussed. I raise one point only; it is simply this. Should we or should we not carry on the provisions that appear in Article 6 of the Order? But before I come to that, let me just deal with one small point he raised at the beginning.

The position about the making of this Order is this. It was ready before the date on which it was made. When on February 11, the Opposition in another place intimated their desire to have a debate of the character which finally was held, it was thought right, out of respect to the House—and I must agree with this view—to refrain from making the Order until the debate had been held. After all, it is conceivable, more than conceivable, that the Vote of Censure might have been passed; and in that case, clearly, the matter would have required considerable further attention. The Order was then made and published as soon afterwards as it could be printed. I want to make one thing clear: it would have been possible to produce half-a-dozen copies, but not possible to produce the expected number of some 50 copies in the appropriate time.

May I assure the House that, so far as I am aware—and I have inquired into this and had discussions about it—nobody gave any instruction about the Order except the direction that the Order should not be printed until the debate had been held? It then went through the ordinary processes. I regret it if the noble and learned Viscount or any other Member of your Lordships' House has been inconvenienced, but it was a printing delay. One gets delays of this kind with printed Orders, especially when they are long ones, and it is often possible that someone may be inconvenienced. However, if the inconvenience has been excessive, I am sorry. I can only assure the noble and learned Viscount and the

House that there was no gerrymandering here; that the matter simply took the usual course after the debate had been held.

Now I turn to his next question. This, too, was fully explained by the Home Secretary in the course of the debate in another place. Therefore I am not going to deal with it in very great detail here, because this is a matter which I think it is appropriate for the Minister concerned to consider and to come to a decision upon. I have been looking for precedents for this form of words and I have some of them here—not always in the same form but having the same result. One was the Huntingdon and Peterborough Order, 1964. Another was the Stoke-on-Trent Order, 1964, where there was the provision that

“if no petition is presented then Section 25 shall have effect as if it had been included.”

I have had a number of local Government Acts mentioned to me—Section 8 of the Gateshead Extension Act 1950, for example.

VISCOUNT DILHORNE: My Lords, the noble Lord realises that I was raising the point about the postponement of borough elections due to take place in May, 1965, under paragraph 2. I was not asking any questions about the petition.

LORD MITCHISON: My Lords, I am sorry if I was answering an unnecessary point and I will leave it at that. It is sufficient to say that there was a precedent for this.

VISCOUNT DILHORNE: My Lords, I know that the question of the petition under Section 25 had been raised in another place. I did not raise that. I was talking about paragraph 6(2), the postponement of borough elections, and I asked whether there was any precedent for the postponement of borough elections for the purpose of holding a public inquiry.

LORD MITCHISON: These are peculiar circumstances. There have been provisions to set up machinery by which wards are made, and this would appeal to be setting up machinery. I am told that in fact, on the point last mentioned by the noble and learned Viscount, it happens to be one of the provisions in the Huntingdon and Peterborough Order,

The reference (which I give in case the noble and learned Viscount wants to look it up) is Statutory Instruments, 1964, No. 367.

I agree with the noble and learned Viscount that that is not really the point. The real point is what is the fairest and most practical thing to do now—to follow the terms of this Order or to do something else? I must go into what was said in another place to this extent. The original wards were dropped for the reason stated by the Home Secretary and the result was that, at a comparatively short period before the due date, some new arrangements had to be made. That has happened often before. The result is that an extension, such as is going to happen in Northampton, is bound to put into the existing wards a number of electors who have not voted for the councillors who represent those wards. That is an inevitable result of an extension, unless it happens to coincide with an election.

It seems to me that the overwhelming requirement here is a really simple one—that is, that a new inquiry should be held, as it will be held, by a new inspector and with complete impartiality. I should like to say that no one has ever suggested that the first inspector acted otherwise than with complete impartiality and to the best of his sound judgment in this matter. No case has ever been made, on either side of this controversy, against him and I hope that no case will prove to be made against the next inspector.

But we are seeking, as it were, a clean slate. If the elections are to be held on the date which seems to be the alternative that the noble and learned Viscount has in mind, on or about the time of the appointed day, or later in the year, perhaps as late as October, the result is going to be that there will still be representation on the basis of existing wards which are admittedly, if only by dint of the proposals put forward by both sides, unsatisfactory at present and which will become more unsatisfactory when the additional extensions are made. For this reason my right honourable friend the Home Secretary recommended that the responsible Minister, my right honourable friend the Minister for Housing and Local Government, should make this postponement in order that there

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 should not be, after this unfortunate series of incidents, an election on a basis which is at present admittedly unsatisfactory and which would be worse by reason of the extension. That is the substantial reason for this change.

In the interests of Northampton as a borough—and that is a thing which, apart from any Party questions, both the noble and learned Viscount and I have very much in mind—it is highly advisable that there should be a solution as soon as possible and one which will be accepted by all concerned as having been made with complete impartiality and on a fair basis. If there is an intervening election, on what is admittedly an unsatisfactory basis, then I suggest that that will be impossible of attainment and since, at the end of the day, what we are trying to produce is a better Northampton in many respects, then surely the course now being taken is the most sensible way of doing it.

Surely the noble and learned Viscount will agree that, in questions of an involved character in connection with local government elections, one can assume that any Minister and Ministry have a good knowledge of what is practical and sound and of what is the best and fairest way to reach a desired result. Take, for instance, the precedent I quoted just now of Huntingdon and Peterborough. I did not know it before and I am sure that the learned and noble Viscount did not know it. It is not the sort of thing one knows until one has to look it up. But Ministries have great experience in these matters and there is no conceivable reason why they should not produce a solution that will be fair and reasonable all round.

Without reference to the past, I would say that really the noble and learned Viscount should not say that these arrangements are being made for the purpose of preserving a Labour majority or anything of that sort. It just is not so. The arrangements are being made to reach a solution which is thought to be the fairest and which we believe is most likely to commend itself to the people of Northampton. They are a genuine attempt to do the right thing in the right way. I do not want to press things too far, but I think that we can regard this on the basis of what the noble and learned

Viscount and I both know of the Home Secretary. He is really about the last person in the world to do something of this kind for the purpose that was suggested. He is doing it because he believes it is the best way to arrive at the desired result.

I want to take up but one moment more at this hour of the night. I think that what we are considering to-day is simply the question of whether a particular Order should be annulled or not. That is the Prayer before us. We have had a great many of these Prayers in another place and I myself have taken a hand in many of them. And although it is perfectly true that they can be, and are, used without any intention of dividing the House, in order to elicit matters from the Government, I think it is, to say the least of it, unusual to say that the only object of such a Prayer is to enable the Government to defend themselves against a very strongly worded attack, particularly when the whole matter has been previously considered. I feel—I say this on my own authority; I have not consulted colleagues about it, but I know the feeling in my own Party—that it is not in the best interests of this House that we should have Prayers, or Divisions on Prayers, particularly in matters which really are primarily very much the concern of the other place.

I regard the political balance in a borough, whether it is a matter of Parliamentary or local government balance, as a matter which is, in the first place, something for another place. I am glad, therefore—although I am not surprised—to hear that the noble and learned Viscount does not propose to divide the House. If he wants a fuller explanation of what happened in this case, I think it would be more appropriate to consider the debates in the other place than to repeat the substance and the detail of them here.

VISCOUNT DILHORNE: My Lords, I realised full well when I moved this Prayer that the noble Lord might seek to attack me on the ground that I was repeating a great deal of what was said in another place. I had to do so for the purpose of making the case which I wanted answered. I cannot, for one moment, agree with the noble Lord when he says that local government matters and fair representation of electorates in

local government is a matter for the other place alone.

LORD MITCHISON: I said "primarily".

VISCOUNT DILHORNE: Or even primarily. I do not accept that for one moment. Surely your Lordships are just as much concerned about local government as about many other matters. Furthermore, I do not accept the noble Lord's strictures about tabling Prayers and debating upon them. The right way to proceed on a question with regard to the content of an Order is, I should have thought, the tabling of a Prayer.

May I deal shortly with the various points the noble Lord made?—I do not intend to be long. I did not say—and *Hansard* will show if my recollection is wrong—that this had been done for the purpose of securing Socialist control. The noble Lord used those words. I said that the effect of this was that Socialist control would be preserved. That is one of the consequences. I think it is an unfortunate consequence that because of the decision to hold a further public inquiry, the people within the existing boundary are deprived of their right to elect a new Council should they so wish.

LORD MITCHISON: Let me assure the noble and learned Viscount of two things: first of all, that on any statement of fact I am sure that his recollection is excellent; and secondly, that if he says that is what he meant to say, I treat it as said. I will not quarrel with him on matters of that sort.

VISCOUNT DILHORNE: I was emphasising that point, not on the ground that it was a sinister conspiracy but because that is, I think, a reason why, if possible, an extension of this borough should not take place on April 1. If it did not take place on April 1, there would be the usual borough elections within the existing borough boundaries. It is the first time I have heard it said that the existing borough boundaries are unsatisfactory. It is said that if the borough is enlarged it is necessary to revise the boundaries, and that that was the basis of the first inquiry. I did not know—it is certainly news to me—that the existing wards were in such a condition that, even if the borough was not extended, they should be reviewed.

That may be the case, but it certainly was not the reason for the first public inquiry.

What I am saying to the noble Lord—and I say it still, despite what he has said—is that once the Home Secretary had made his decision to hold a further public inquiry which might enable elections to take place at the end of October, at the latest, it would have been much better if, at the same time, he had postponed the extension of the borough. I am not saying that all the other provisions in this Order need not have been included in some Order (no doubt a great many detailed matters should have been included), but if that postponement, too, had been made as a consequence of holding the new inquiry, the unfortunate results to which I have drawn attention would not have occurred. That has been my plea throughout this discussion.

I still ask the noble Lord if he would be good enough—because he has not advanced a powerful reason—to see whether it should not be done now. It might be possible. If it is possible, I ask him to look at it; and I do so for this reason. I spoke at the beginning of my speech about the attitude of the new electors before they were going to be included in the borough. But what that attitude is now, when they are included against their will, when they will have a bigger rate increase than the people already in the borough, and will not have any say in who represents them until October, your Lordships can imagine. I myself want—and I am sure the noble Lord does—proper local government in the borough. I think the consequences of this will be disastrous.

I am not challenging the decision to hold a further public inquiry. That was part of a long preamble, which I think was factually stated, to the point I was making. But I am asking whether the noble Lord would try to persuade the Home Secretary, even now, to say that, as we have had to postpone the public inquiry and the revision of the wards, at least he will not extend the borough until that is completed. If he can go so far as to say that, I think it would do a great deal to alleviate the situation in Northampton, and would make things far happier in future for all those who engage in politics, on either side, in that borough.

[Viscount Dilhorne.]

It was primarily for that reason that I tabled this Prayer. I drew upon my head (I have done so before, and I expect I shall do it again) a great many strictures from the noble Lord. I am never alarmed at being accused of making a Party political speech. But it was not what I should call a Party political speech: I should have called it a very factual speech.

LORD MITCHISON: "Gerry-mandering".

VISCOUNT DILHORNE: I still say a very factual speech. There were one or two observations as to what inferences might be drawn, I agree. I will not take up more time. I would ask the noble Lord to look into this particular facet. If they took this Order away and laid it again with that slight modification, I am sure there would be no trouble.

If I may say one word about the first explanation as to why this Order was not made available until February 25, quite frankly, I am not altogether happy about why copies of a Statutory Instrument should be denied to your Lordships because of something taking place in another place. If I have the dates aright—and I am not sure that I have—the fact that there was going to be a censure debate in another place was known, apparently (I think the noble Lord said this) before the date when this Order was made. It was made on February 18, laid on the 19th, came into force on the 22nd—that is, the first part of it—and was not available to your Lordships until February 25. I think that is unfortunate; and I think it is wrong. In fact, I plagued the Printed Paper Office for copies, because one knew from the first letter of this Order, but I did not understand it was available. I think it was done from the best of motives, but I do not think it is an entirely satisfactory explanation.

LORD MITCHISON: I am obliged to the noble and learned Viscount. On the last point, the two debates in another place were on February 17 and February 25. On February 11 I understand that the Opposition in another place intimated that they proposed (I do not

know the exact form) to debate the Home Secretary's actions. That is what it comes to. There was an Adjournment Debate first, and a vote of censure afterwards.

On the other point, I should dislike leaving the noble and learned Viscount under any illusions about this matter. I am perfectly certain that the Home Secretary and the Minister of Housing and Local Government—I think it is just as much the latter who is concerned now—will take account, and careful account, of what the noble and learned Viscount has said, and particularly so because we all know his interest in Northampton—a genuine and natural one. On the other hand, all I can say is this. If I were either of those two Ministers I should feel that the whole of this story had been fully discussed and debated in another place, first of all on the Adjournment Debate, and secondly, on the Vote of Censure. I dare say that the noble and learned Viscount could find some point which had been omitted—he would not be his ingenious and able self if he could not. But the substance was discussed, and I would not go back on it now, and I do not think it would be fair to Northampton to do so. So he must not rely on my personal influence, because I have not any to start with, and it might be the wrong course if I did exercise it.

VISCOUNT DILHORNE: My Lords, I beg leave to withdraw the Motion.

Motion, by leave, withdrawn.

CRUDE OIL TERMINALS (HUMBER) BILL [H.L.]

Committed to a Select Committee.

GULF OIL REFINING BILL [H.L.]

The CHAIRMAN OF COMMITTEES informed the House that the opposition to the Bill was withdrawn. The Orders made on the 16th and 17th instant discharged, and Bill committed to the Committee on Unopposed Bills.

WRITTEN ANSWER

CLOSURE OF SMALL HOSPITALS
IN WALES

LORD BRECON asked Her Majesty's Government:

Whether the final decision to close a small hospital in Wales is made by the Minister of Health or by the Secretary of State for Wales.

THE PARLIAMENTARY UNDER-SECRETARY OF STATE FOR COMMONWEALTH RELATIONS AND FOR THE COLONIES (LORD TAYLOR): The Minister of Health; but he would consult the Secretary of State, who is kept informed by the Welsh Board of Health of all important matters relating to the health services in Wales, including any proposal to close or change the use of a hospital.

House adjourned at nine minutes before nine o'clock.