



Chancellor of the Duchy of Lancaster

WMS
cf Mr Whitman's letter to see
MAJ

PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

13 March 1980

Law Mike

DEPARTMENTAL SELECT COMMITTEES: REQUEST FOR PUBLICATION OF
SIR ALAN COTTRELL'S LETTER

Thank you for your letter about the request of the Select Committee on Energy for a copy of the letter that Sir Alan Cottrell sent to the Prime Minister on the pressurised water reactor.

The Select Committee probably have the power to order the Prime Minister to produce the correspondence from the records at No 10; and almost certainly they have the power to require Sir Alan Cottrell to produce his copies of the documents. On the other hand, if the Select Committee were misguided enough to make a formal order for the production of the letter, and it were refused, it would be for the House to decide what action to take.

The memorandum of the Clerk of the House of Commons to the Procedure Committee on powers of Select Committees to send for persons, papers and records (Appendix C of the First Report from the Select Committee on Procedure, Session 1977/78) quotes a passage from Erskine May, as follows:

"However ample the power of each House to enforce the production of papers may be, a sufficient cause must be shown for the exercise of that power, and if considerations of public policy can be urged against a Motion for papers, it is either withdrawn, or otherwise dealt with according to the judgment of the House."

The Chancellor of the Duchy believes that the House would take a good deal of convincing that it would be right for a Select Committee to order the production of correspondence between a Minister and a citizen who had written to the Minister in his private capacity. On the most general grounds of public policy it seems right that a private person who writes to the Prime Minister should expect that what he says will not be made public without his consent.

In this particular case it is true that there is nothing particularly confidential about the contents of the letter:

Sir Alan Cottrell must have said much the same to the Select Committee. Nevertheless, the Chancellor of the Duchy considers that it would be right for the Prime Minister not to accede to the Select Committee's request.

If the Prime Minister agrees, you might write to the Clerk on the following lines:

"The Prime Minister receives a great deal of correspondence from private citizens over the whole range of Government activities. She believes that such correspondence should remain confidential unless the person concerned is willing that it should be made public. In the case of Sir Alan Cottrell's letter, he has made it clear that he regards his letter to the Prime Minister and her reply as entirely private, and not a matter for publication. The Prime Minister feels that she must respect the wishes of Sir Alan in this matter."

Yours ever
John Stevens

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