

CONFIDENTIAL

cc D.P. 2

MINISTRY OF AGRICULTURE, FISHERIES AND FOOD
WHITEHALL PLACE, LONDON SW1A 2HH



From the Minister

PRIME MINISTER

mf

Prime Minister

TR 20/7

20 July 1983

John Major

THE POLLUTION (PROTECTION OF FOOD AND THE MARINE ENVIRONMENT) BILL

As you requested in Cabinet on 7 July I have considered the extent to which I might be able to make use of the Emergency Powers Acts to deal with the type of emergencies I had in mind in putting forward the Pollution (Protection of Food and the Marine Environment) Bill.

My conclusion is that the type of incidents I envisage for my Bill would rarely be on anything like the scale that would qualify for the draconian approach of the Emergency Powers Acts. The Acts are designed to deal with incidents so serious that they are likely to deprive the community, or a substantial part of the community, of the essentials of life including water and food. Indeed, one of the main purposes of the Emergency Powers Acts is to ensure that suitable food gets to people rather than unsuitable food is kept off the market. Under the procedures laid down in the Emergency Powers Acts, a state of emergency has to be declared and, if necessary, Parliament recalled. The necessary emergency measures then have to be incorporated into regulations and lapse unless approved by Parliament within the seven days. If necessary, the state of emergency has to be extended at monthly intervals.

To declare a state of emergency and recall Parliament simply in order to restrict sales of agricultural produce or fish within a limited area would not only involve the Government of the day in considerable criticism, but would also attract publicity out of all proportion. As a result, the public confidence in the market for agricultural produce and fish could be undermined for a long period and, in the case of incidents involving, say, nuclear power stations, could play right into the hands of those critics who would like to see the nuclear power programme abandoned.

In contrast, my Bill would provide powers which could be introduced more rapidly and flexibly in order, for example, to place a temporary ban on the sale of milk or vegetables from half a dozen farms or prohibit fishing close to a wreck carrying toxic chemicals.

/I am convinced ...

I am convinced that we need this Bill and that the Emergency Powers Acts would be a most unsuitable vehicle for dealing with anything but the most serious incidents.

I am copying this minute to members of Cabinet and Sir Robert Armstrong.

James Evans
Michael

MICHAEL JOPLING

Parliament
Legislation
A+H

COMPTON

CONFIDENTIAL



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

7 November 1983

Dear Michael

A
7/11

POLLUTION (PROTECTION OF FOOD AND THE MARINE ENVIRONMENT) BILL

Thank you for your letter of 2 November. I certainly agree that it would be sensible to seek policy approval now for a Bill which could then be held in reserve. I look forward to seeing your paper to H, although, as you will well appreciate, agreement will imply no commitment to legislation at any particular time.

I am copying this letter to the Prime Minister, other members of the Cabinet and to Sir Robert Armstrong.

John
Willer

The Rt Hon Michael Jopling MP
Minister of Agriculture, Fisheries and Food

CONFIDENTIAL

Parliament,
Legislation,
p. 11

-7 NOV 1983





MINISTRY OF AGRICULTURE, FISHERIES AND FOOD
WHITEHALL PLACE, LONDON SW1A 2HH

cc NO

From the Minister

CONFIDENTIAL

The Rt Hon Viscount Whitelaw CH MC
Lord President of the Council
Privy Council Office
Whitehall
LONDON
SW1A 2AT

JD 2/12

2 November 1983

My Dear Willie

POLLUTION (PROTECTION OF FOOD AND THE MARINE ENVIRONMENT) BILL

Thank you for your letter of 11 September, in which you suggested that we might defer any further discussion of this Bill pending the outcome of the review of the emergency powers legislation.

I fully understand your preference, as a business manager, for a single piece of legislation rather than a series of separate measures. However, I see that the Prime Minister has now accepted Leon Brittan's view that his proposals for amending the Emergency Powers Act 1920 - which in any case touch upon situations quite different from those envisaged in my proposed Bill - should merely be held in reserve.

It seems to me therefore that we ought now to consider my proposals on their own merits, and I should say straightaway that I understand the concerns expressed by some of our colleagues over the possible timing of the Bill, particularly in relation to such issues as the sea dumping of radioactive waste and the Sizewell Enquiry.

However, it is possible that a serious incident could arise, exposing the deficiencies in our present powers and leading to considerable criticism and immediate public demand for new legislation. We would be in a better position to deal with this if we had a Bill already drafted and ready for introduction. I would therefore like

/to seek early policy

to seek early policy approval for the Bill, not its immediate introduction: if you have no objection, my aim would be to put a paper to H Committee within the next few weeks.

I am copying this letter to the Prime Minister, other members of Cabinet and Sir Robert Armstrong.

*Yours
Michael*

MICHAEL JOPLING

12 July 1983

LIBRARY
12 JUL 1983

CONFIDENTIAL

220



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

September 1983

Dear Michael

A
13/2

POLLUTION (PROTECTION OF FOOD AND THE MARINE ENVIRONMENT) BILL

I have seen your minute of 20 July to the Prime Minister on this subject and also the letter of 4 August from the Department of the Environment.

As you know, Cabinet delayed a decision about inclusion of this Bill in this year's legislative programme. I am bound to say, in the light of what has emerged since our discussion, this was probably wise. The point about dumping radioactive waste at sea is a powerful argument in favour of delay for the moment.

In addition, there is the review of the emergency powers legislation currently taking place. If we are to replace the Emergency Powers Act 1920 with modern legislation, it is arguable that the latter should be sufficiently flexible to cope with less serious situations, such as those you had in mind when devising your Bill. On the other hand, it may be preferable to retain the existing Act and enact a series of separate measures, such as that which you propose, which would deal with potential problems in individual areas. For my part, as a business manager, I would not welcome the second alternative, although I certainly would not rule it out. It seems to me that both methods of achieving our objectives should be examined before any decision is taken about whether a place can be found for your Bill in this Session's programme. Perhaps this is something which you could pursue with Leon Brittan and other colleagues who have an interest in the general review of the legislation.

I see no reason why you should not meanwhile continue with the preparation of your Bill. If our conclusion is then that such a Bill is necessary, it could be introduced later in this Session or at the beginning of the next, depending on the time available.

I am copying this letter to the Prime Minister, other members of the Cabinet and Sir Robert Armstrong.

John
Walker

The Rt Hon Michael Jopling MP



13 SEP 1983

1 2 11 12 1
2
3
4
5
6
7
8
9
10



2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref:

Your ref:

4th August 1983

Dear Robert

D
5/8

POLLUTION (PROTECTION OF FOOD AND THE MARINE ENVIRONMENT)
BILL

Your Minister minuted the Prime Minister on 20 July about the suggestion that the immediate need for this Bill might be avoided if use could be made of the Emergency Powers Act to control the sale of contaminated agricultural produce or fish, your conclusion was that the Bill was still necessary.

There is a separate factor relevant to the timing of another of the Bill's parts, on dumping of wastes at sea, and that is the doubtful advisability of seeking to legislate on that particular subject when there is a good deal of controversy over the dumping at sea of radioactive wastes. This is the subject of correspondence between Ministers in the Departments most directly concerned, and Ministers there feel that this would need to be resolved before a Bill could proceed in the form originally envisaged.

I am copying this letter to members of the Cabinet and Sir Robert Armstrong.

Yours sincerely
Helen Ghosh

MRS H F GHOSH
Private Secretary

Robert Lawson Esq PS/Michael Jopling

PARLIAMENT : Legislatura : PE 11

D 11 12 1
G 10
7 6 5 4
3

15
AUG
1983



subject: ...