

PREM19

64

GOVERNMENT

MACHINERY

(Judges' expenses)

Confidential Filing

The Lord Chancellor requested the PM's approval for the wives of 3 senior judges to travel to Australia at Public expense.

GOVERNMENT MACHINERY

October 1979

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
23-10-79 30-10-79							
PREM 19/64							





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Govt Mach

10 DOWNING STREET

From the Private Secretary

30 October 1979

The Prime Minister has considered the Lord Chancellor's proposal that air fares to Australia for the wives of three senior judges be paid from public funds, as set out in your letter of 19 October to Clive Whitmore.

The Prime Minister has noted that this would be unprecedented. But in view of the importance which the Lord Chancellor attaches to the proposal in this particular case, she is prepared to agree to this isolated request. She has asked me to emphasise that this should in no way be considered as a precedent for the future.

I am sending a copy of this letter to David Laughrin in the Civil Service Department.

M. A. PATTISON

Sir Wilfrid Bourne, K.C.B.

VLS

PRIME MINISTER

I attach a letter from the Lord Chancellor's Office seeking, exceptionally, your agreement to the payment from public funds of the air travel costs to Australia for the wives of three senior judges.

There seems to be no direct precedent. The CSD (Flag A) point out that the expenses of overseas travel for senior civil servants in comparable circumstances have never been met. On the other hand the expenses of Ministers' spouses can be met *at* your discretion.

The Lord Chancellor expresses his confidence that he can handle any public or Parliamentary criticism. As the journey will take place in May next year, the chances of damaging criticism are a little less than they might be in mid-winter.

It hardly seems to be a suitable time for setting new precedents in the uses of public money for overseas travel, but the Lord Chancellor clearly attaches importance to it. Are you prepared to agree, on a "without precedent" basis?

MAD
Agree do this
issued request 20/10/79
with precedent. not

29 October 1979

A

MR PATTISON

Your minute of 23 October asked for advice on Sir Wilfrid Bourne's letter of 19 October reporting the Lord Chancellor's request for the Prime Minister's approval for the wives of three senior judges to travel to Australia at public expense.

First, I should confirm, in response to your telephone enquiry, that the Lord Chancellor's Department had not consulted CSD before writing to you.

Second, if one looks at this case by analogy with the rules for civil servants the position is that since 1975, Permanent Heads of Departments have had discretion to reimburse the travelling expenses of spouses of senior civil servants accompanying their husbands or wives to official functions in the UK; but CSD have stuck rigidly to the rule that expenses of travel overseas must be met by the civil servant. The only exception made is when the presence of the spouse is essential for medical reasons.

If the case is to be dealt with by analogy with the rules for Ministers then, as you said when we spoke, you at No 10 are in the best position to judge the precedents.

Toby Churchill

TOBY CHURCHILL
APS/Sir Ian Bancroft
29 October 1979

Cont Machinery

BF 26.10.79

File

SA



10 DOWNING STREET

From the Private Secretary

MR ROBINSON

I enclose a copy of a letter from Sir Wilfrid Bourne reporting the Lord Chancellor's request for the Prime Minister's approval for the wives of three senior Judges to travel to Australia at public expense.

I would be grateful for your advice on this request, and it would be helpful to have your response by close of play on Friday 26 October.

AS

23 October 1979

CSD

AS



HOUSE OF LORDS,
SW1A 0PW

From Sir Wilfrid Bourne, K.C.B.

19th October 1979

4023/78

Dear Whitmore,

International Conference of Appellate Judges in Australia 1980

The Lord Chancellor has asked me to write seeking the Prime Minister's approval to the payment from public funds of the costs of air travel to Australia and back for the wives of three senior judges. The judges will be making an official visit there next summer and the wives have been invited to accompany them.

The occasion is the International Conference of Appellate Judges commencing on 19th May, to which the Australians have invited the Chief Justices of 103 Commonwealth and other countries. The Conference has been timed to coincide with the opening on 26th May of a new High Court building at Canberra, a ceremony which Her Majesty The Queen will be performing in the course of her forthcoming visit to Australia. The judges from the Conference will be expected to attend this ceremony, and for the two following days arrangements are being made for meetings, between all the Chief Justices of the Commonwealth. The whole programme will last about a fortnight.

As you know, Australia is the only continent which has totally inherited the Common Law and the links with the English system of justice and its traditions, as well as the personal associations between members of the judiciary on both sides, are close. The Lord Chancellor is strongly of the opinion that the United Kingdom should be well represented at the Conference. Invitations have been received for the Lord Chief Justice and three other Judges to attend but the Lord Chancellor thinks that a total of three Judges only from the United Kingdom would be adequate, and

C. Whitmore, Esq.

that these should be the Lord Chief Justice, the Lord President of the Court of Session in Scotland, and the Lord Chief Justice of Northern Ireland. This is acceptable to the three Judges concerned. There is a problem however over wives. The Australians have included the wives of Judges in their invitations and have very generously offered to meet all their expenses while they are in Australia, but not the cost of the air fares to and from the country. This amounts to about £2,000 each for a first class return, which is too much to expect the individuals themselves to find.

The Lord Chancellor fully appreciates the objections to meeting an expense of this kind from the public purse, especially in the present period of financial stringency, and the sensitivity of such a proposition from the presentational point of view. Nevertheless, he considers that there are strong arguments in favour of a concession in this case.

This is an official function sponsored and financed by the Australian Government, and the judges - who all represent the very highest level of the judiciary in their respective countries - will be attending as State guests, and not as leaders of a profession. During the fortnight there will be an active social programme and a variety of functions in which the wives will be expected to play a part. The presence of Her Majesty The Queen at the court opening ceremony will make it particularly appropriate for wives to be present on that occasion. The Australians have indicated that from the acceptances received so far the Judges from other countries appear almost without exception to be bringing their wives, and the Chief Justice of Australia has stressed that he thinks it important that the wives of our Judges should be present also. If, in fact, the United Kingdom Judges alone were to turn up, rather pointedly, unaccompanied, they would be placed in a most invidious position. Indeed, I doubt whether the Judges themselves would be willing to go unaccompanied.

In the circumstances, the Lord Chancellor considers that it is in the public interest in this instance that wives should attend. He regards this as an exceptionally important occasion and not one likely to be often repeated. If there should be any Parliamentary or public criticism, he is satisfied that he will be able to provide an adequate answer.

I should be grateful if you would seek the Prime Minister's agreement to the concession proposed.

J. W. Bourne

Yours sincerely
Weymouth Bourne

22 OCT 1979



END

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