

Summary of evidence presented to the 30-Year Rule Review Committee, 26 February 2008 at Church House, Westminster.

Committee members present:

Paul Dacre (chair)

Professor David Cannadine

Sir Joseph Pilling

Evidence from Lord Tebbit

Asked by the Chair for his views about the 30-year rule, Lord Tebbit said that it was a system which had worked quite well for a considerable time, and one had to be cautious about changing it abruptly – particularly for those people who had thought they were operating under it. However, he said was not “adamantly against any change at all...I think there are pros and cons in it which need to be carefully weighed up but I do think that changes should operate from the time that it is agreed that change should happen rather than to backtrack.”

If there were a reduction one would need to pay a “great deal of attention to how the process of weeding documents was conducted.” The shorter the period the greater the “temptation to weed before documents go to The National Archives”. Lord Tebbit said that a reduction in the rule could lead to politicians seeking more exemptions.

“The shorter the period of the 30-year, or 10-year, or 5-year, or 6-month rule then the more exemptions will be sought. You may find that, in fact, it is not as good a deal for those who want open government or open knowledge of what government has done as one would hope...I am not against shortening the period to some extent but the shorter the greater the temptation for politicians to devise ways in which what might be intended to become public was not public.”

He thought a reduction would increase the likelihood of “sofa” government. It is important that decision-making processes are “properly conducted and that there is knowledge that sooner or later that (an) audit trail will be there...as to whether it is within 20 or 30 years or under of the Freedom of Information Act near immediately there are quite powerful arguments in both directions. I would not be out there laying in the road against the idea of shortening the period from 30 years to 20 years...What I am saying is I think politicians would become much sneakier, much more cunning and much more devious at avoiding the light being shone on them rather than behaving as they perhaps should have done.”

The Chair asked Lord Tebbit if there had been a “lot of sofa government in the years of the Thatcher regime.” He said it was not the case. Cabinet committees made decisions in a “pretty detailed and formal manner.”

The Chair then asked him if the publication of memoirs and diaries made the case for a reduction. Lord Tebbit said the Cabinet Secretary had a role to

play when he decided what could or could not be published, but it could be a factor in considering a reduction in the rule.

Lord Tebbit was asked for his views as to whether reduction would lead to increased trust and the argument that we live in an “immediate world”. He said he was concerned about the current “vogue” of concentrating on changing the institution, and instead we should be asking, “whether it is the people who are operating the institution that need to be changed.”

“You have to be very careful not to think that things will be resolved by a change of the rules, that the people who are acting within the rules are far more important.”

Sir Joseph Pilling then asked if it would have mattered if there been a 15-year rule covering the period 1994-97, and whether the then government would have had to firefight about events. Lord Tebbit said it would “matter a bit”. But it would tend to cause “ministers to devote more of their time to making sure that when these papers do come out they will be extraordinarily disappointing.”