LETTER FROM WESTMINSTER

Mr Powell's opportunism pays off

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Mr Enoch Powell is a parliamentary tactician to be reckoned with, and his skill was demonstrated when he noted that the government had run out of Bills to send into standing committee, thus leaving a space for him to "place" his controversial Unborn Children (Protection) Bill. What happens is that at the beginning of each session the government sets up in name several standing committees, only one of which, committee C, handles backbenchers' Bills. The others are for government business, but if there is no such business it is possible for a backbencher to apply for his Bill to be allowed to go before an unoccupied committee. Governments who do not want this to happen can, of course, find ways of bringing in legislation to block such a move. But it is probably no coincidence that Mr John Biffen, Leader of the House, voted for the second reading of Mr Powell's Bill. That being so, the procedural moves to block his progress were lacking—just possibly by design.

In effect Mr Powell has avoided the traffic jam of Bills waiting to get into committee C. But he still has to get out of committee D in time for his Bill to get one of the days set aside from the middle of next month for report stage. There are five of these, and three are already taken up. So he has made progress, but he has not yet won through, although by using his majority on the committee he has ensured that it will sit on Wednesdays in the morning and afternoons. The latter are open ended, so all night sittings loom.

The first sitting was taken up entirely on the sittings motion, with Mr Powell sitting there looking as if he was carved out of stone—one of his favourite phrases is to assert: "I have set my face like flint"—showing no emotion as his opponents, Mr William Hamilton, Labour MP for Central Fife in the lead, lambasted him for his opportunism.

The point put by Mr Hamilton, by Mr Frank Dobson, Labour's health spokesman, and by Miss Jo Richardson was that by his procedural ploy Mr Powell had denied them time to consult with the very many expert bodies about what amendments they should table. Only a week had elapsed between his getting the committee place, the appointment of the members, and the first sitting.

Mr Hamilton conceded that Mr Powell had played the game "strictly by the book" and had a perfect right to take the course he had in getting the Bill before a committee. But it was another matter for him to try to impose the sittings motion. He had also denied the members of the committee the opportunity to consult legal, medical, and other opinion. Mr David Crouch, Conservative MP for Canterbury, said that Mr Powell knew all the tricks of the game and his opponents took their hats off to him.

Mr Clarke, who voted against second reading, intervened to give the government's view—a neutral one—on the position about the Warnock committee's report. Submissions on that are still coming in, and he made it clear that if the committee wanted access to its papers it would require the consent of the persons who sent them in and of Lady Warnock, all of which would take time. The unspoken message was that the government will legislate in due course and it would be far better to wait for that legislation based on proper consultations. As for Mr Powell's attempt to get extra time by his sittings motion, Mr Clarke opposed that as "precipitate."

Mr Powell was foiled in his attempt to get the committee to start work straight away on amending the Bill. The voting on the sittings

motion ended a few minutes before one o'clock, and had he been allowed to move his amendment—to line 13 of the Bill—he would have removed a substantial part of it from the committee's scope.

His opponents rallied, however, and talked that move out. But as Mr Hamilton warned—there are going to be very long hours, day and night, spent on the Bill. I suspect that Mr Powell will fall at one of the hurdles yet to come. He might be refused a third reading by the Commons; and the Lords, where there is a lot of expertise available, might decide that the change he seeks is far too extreme and it would be best to wait for the considered legislation on Warnock from the government. But I was wrong to say that he was stuck in the parliamentary slough and likely to stay there. Mr Powell cannot be taken for granted.

Legislation to ban commercial surrogate mother agencies or clinics has now got the go ahead from the Cabinet. Mr Norman Fowler announced on 7 March that he would shortly be bringing forward a Bill. With the likelihood of more surrogate babies on the way and more public concern about commercial surrogacy the Bill will deal with the narrow point causing concern. It takes one area out of the major Warnock Bill and is action which commands general support in principle.

Prime Minister condemns campaign against limited list

The orders implementing the limited list scheme are due shortly to be examined by the Commons Joint Statutory Instruments Committee. This wants to ensure that the government's plans do not breach existing National Health Service legislation which requires that a sufficient supply of drugs is available to patients. The committee cannot challenge the merits of an order, and its members' job is to see whether the order is sound and measures up to what the government intends it to achieve. But its scrutiny is just another obstacle in the way of the scheme, which is intended to save £75m—or thereabouts. The drug industry has launched a new advertising campaign against it, and once again has upset MPs.

Mr Marcus Fox, Conservative MP for Shipley, asked the Prime Minister to condemn it as "scurrilous" and she duly obeyed. "It is disgraceful they should prey upon the fears of elderly people who will continue to receive the drugs they need on the NHS, even though they may be in a slightly different form than that to which they have been accustomed," she said.

Bearing that in mind, I was much struck with an answer given by Mr Clarke to Mr Cranley Onslow, Conservative MP for Woking and chairman of the 1922 Committee of Conservative backbenchers. He had asked how Distalgesic would be prescribed following the introduction of the list.

Mr Clarke explained that it would not be prescribable as a branded product on the NHS after 1 April, but that the particular combination of drugs it and other brands contained would continue to be prescribable as "dextropropoxyphene and paracetamol tablets."

So far so good. But he went on: "When a pharmacist receives such a prescription he will dispense whichever branded product he has in stock. This may be Distalgesic or it may be one of the alternative brands, currently Cosalgesic or Dextrogesic." That seems to me to be saying that Distalgesic will still be available on the NHS, but not by that name. An example, doctors would no doubt claim, of what happens when bureaucracy invades clinical medicine.