

「閣議の議事録等の作成・一定期間経過後公開ルール」 に関する海外現地調査について

1 イギリス

◎ 9月 11日 (火)

<10:35～11:15>

- ・ スティーブン・ミュアーズ内閣府経済内政事務局次長（閣議、閣僚委員会関係）

<11:30～13:10>

- ・ ロジャー・スメサート内閣府情報管理部長（議事録の情報公開関係）

<14:50～17:20>

- ・ オリバー・モーリー国立公文書館長

◎ 9月 12日 (水)

<9:00～10:30>

- ・ デビット・パーキン司法省情報自由法担当部長（情報自由法関係）

2 ドイツ

◎ 9月 13日 (木)

<13:30～15:45>

- ・ ゲオルグ・クレーマン首相府第 12 局長（閣議、閣僚委員会関係）

◎ 9月 14日 (金)

<10:00～12:10>

- ・ ビルギット・ライテンベルガー内務省基本問題局課長（情報自由法関係）

<14:00～17:00>


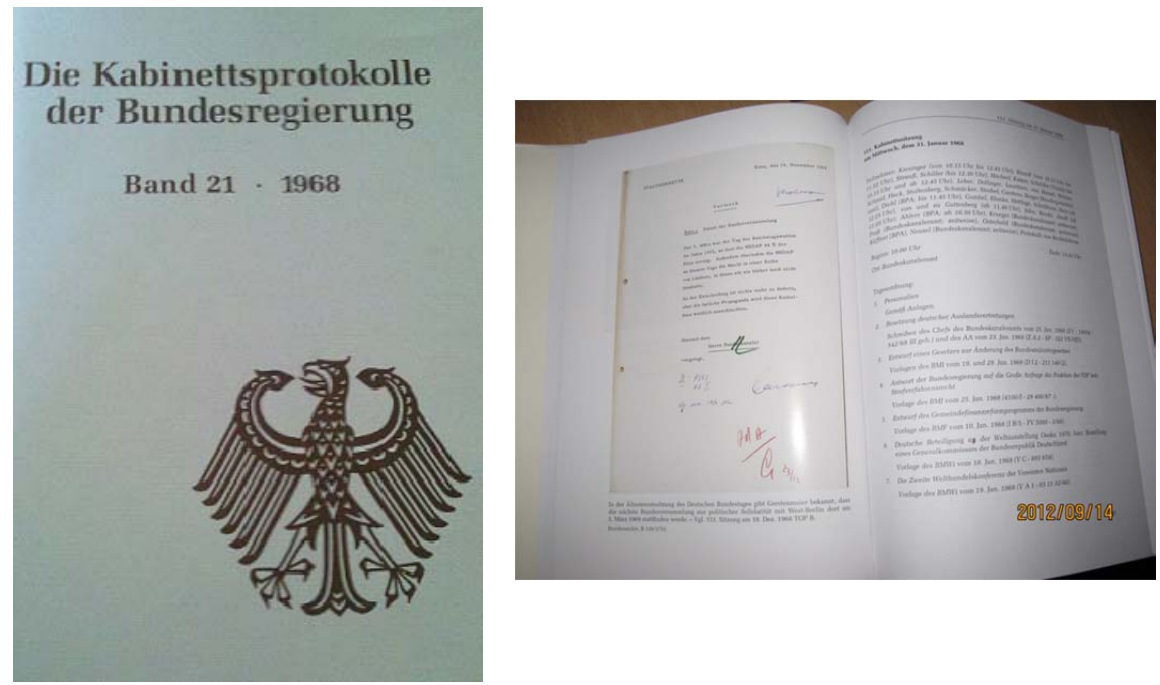
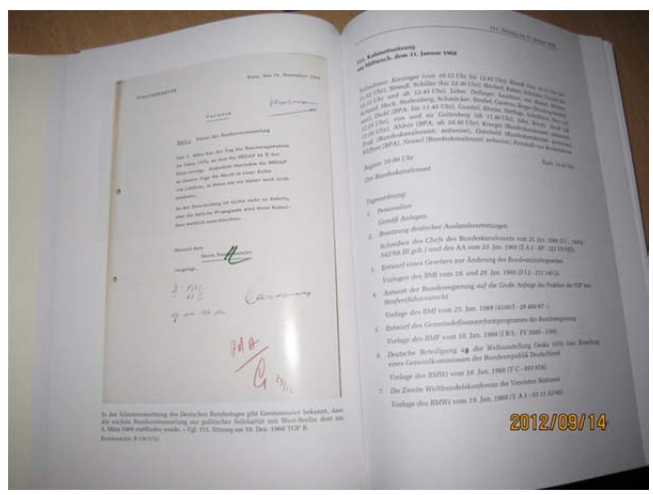
- ・ アネッテ・マイブルグ連邦公文書館中間書庫館長

イギリス及びドイツにおける閣議等の議事録の作成・公開制度について

1. 議事録の作成義務関係

	イギリス	ドイツ
閣議等の概要	<p><閣議></p> <ul style="list-style-type: none"> ・毎週火曜日に通常 1 時間半開催する。 ・行政の最高の意思決定機関。 ・明示的に例外とされない限り閣議の構成員は、閣議決定に拘束され、<u>連帯責任を負う</u>。 <p><閣僚委員会 (cabinet committee) ></p> <ul style="list-style-type: none"> ・特定の行政分野に関する共同の決定を行うために開催する。 ・閣僚委員会の決定は、閣議決定と同様の権威を持ち、連帯責任を負う。 ・閣僚委員会の開催頻度、開催時間は様々である。 	<p><閣議></p> <ul style="list-style-type: none"> ・毎週水曜日に平均 1 時間半開催する（最短で約 5 分、最長で約 3 時間）。 ・一般内政、外交に関する重要な全ての事項について審議・調整し、最終的な決定を行う。 ・大臣は、首相の定めた基本方針の範囲内において単独責任を負い、連帯責任は課されておらず、閣議は形式的には多数決とされている。しかし、<u>連立政権の下</u>、発言の統一性を確保するため、<u>運用上、全会一致とされている</u>。 <p><内閣委員会 (Kabinettsausschuss) ></p> <ul style="list-style-type: none"> ・複雑かつ政府横断的な課題に対応を議論するために開催する。 ・内閣委員会の決定は、原則、閣議決定と同様の効力を有するものではない。 ・ただし、現在の運用では、年に 1、2 回程度の開催である。
議事録の作成	<p><閣議の議事録></p> <ul style="list-style-type: none"> ・議論の結果を議事録として集約することにより、個々の閣僚が結果を各自の解釈で行うことを防ぐため、慣行 (convention) に基づき作成する。 ・第一次世界大戦中の 1916 年に内閣官房が設置された時から作成され、1919 年の戦後の初閣議において継続することを決めて以来、継続的に慣行として作成されている。ただし、政党的な事項を扱う「<u>政治的閣議</u>」(Political Cabinet) が年に数回開催され、<u>事務方は出席せず、議事録も作成しない</u>。 ・議事録 (minutes) は、<u>官房長官 (事務方のトップ) 及び内閣官房の 2 名の担当職員が筆記したメモに基づき作成され、官房長官によって承認される。官房長官のメモも官房長官記録帳 (Secretary's notebooks) として保存される</u>。 ・主要な発言や取りまとめられた結論の記録であり、<u>逐語ではない</u>。ただし、大臣の個別の発言は、官房長官記録帳に示される。 ・議事録が公式記録であることから、慣行上、<u>録音は行わない</u>。 ・議事録は、官房長官の承認を得た後、<u>24 時間以内に構成員に回付することとされており、閣僚が事実関係の訂正が必要と考える場合は、回付から 24 時間以内に内閣官房に通知しなければならない</u>。ただし、通知を受け訂正するか否かは内閣官房の裁量とされており、<u>訂正は事実関係や数字の誤りのみである</u>。 ・各省に回付される議事録は、秘密文書と指定し、番号が付されるとともに、コピーが禁止され閲覧できる者は制限される。 <p><閣僚委員会の議事録> (閣議と同じ)</p>	<p><閣議の議事録></p> <ul style="list-style-type: none"> ・議事録 (Protokoll) は、議論の結果を記録するために作成する。 ・連邦政府運営規則 (Geschäftsordnung der Bundesregierung. 以下「G0」という。) を踏まえて作成 (第 27 条) する。 ・閣議の議事録は、<u>少なくともワイマール共和国以降作成されている</u>。 <p>・議事録は、<u>首相府の記録担当職員 2 名が作成し、閣議に陪席している担当部長のチェックを経て、官房長官 (現在は議員から選ばれた連邦大臣) によって承認される</u>。</p> <p>・主要な発言や取りまとめられた結論の記録であり、<u>逐語ではない</u>。</p> <p>・<u>保秘のため、録音は禁止されている</u>。</p> <p>・議事録は、<u>官房長官の確認を得た上で、記録担当職員の署名を付し、直ちに写しが大臣本人に送付される</u>。送付後、<u>14 日以内 (ただし、G0 第 27 条では 3 日以内に異議がなされないときは、みなし同意とされている)</u> に疑義を申し出る。なお、G0 第 27 条では、<u>なお疑義がある場合には、議事が再度閣議に提出されることになる</u>とされているが、運用上は、事前に事務的な調整が終わっている。</p> <p><内閣委員会の議事録> (閣議と同じ)</p>

2. 一定期間経過後の国立公文書館等への移管義務関係

	イギリス	ドイツ
国立公文書館への移管までの期間	<p><閣議の議事録></p> <ul style="list-style-type: none"> 原則として<u>30年以内に移管</u>（公記録法第3条第4項）される。 この期間は1968年までは50年であり、2010年の法改正によって、<u>2013年から10年かけて20年に移行</u>することとされている。 例外として、国家安全保障上の理由から、一部の文書は、大法官(Lord Chancellor；公文書管理担当大臣に相当)の承認を得て30年以上移管しないことができ、この文書の範囲は10年ごとに見直しが行われる。 <p><閣僚委員会の議事録> (閣議と同じ)</p>	<p><閣議の議事録></p> <ul style="list-style-type: none"> 遅くとも<u>30年以内に移管</u>（連邦省庁における記録の処理及び管理のためのガイドライン(RegR)第19条、第20条)される。 ただし、各省が持つ議事録は早い段階で中間書庫に移管される場合がある。 <p><内閣委員会の議事録> (閣議と同じ)</p>
国立公文書館における利用	<p><閣議の議事録></p> <ul style="list-style-type: none"> 情報自由法に基づき、<u>移管された文書は原則開示</u>。ただし、国家安全保障情報、国防、国際関係等の情報が記載されている場合には、開示請求に対し、責任を有する行政機関と協議した上で開示・不開示を決定（同法第66条第1項及び第2項）。 移管された議事録については、デジタル化され、国立公文書館において検索及びダウンロードが可能となっている。 <p>【閣議議事録】</p>  <p>【官房長官記録帳】</p>  <p><閣僚委員会の議事録> (閣議と同じ)</p>	<p><閣議の議事録></p> <ul style="list-style-type: none"> 連邦公文書法に基づき、<u>30年を経過した文書は一般的には利用可能となる</u>。ただし、<u>議事録については秘密指定が解除されない限り、利用が制限される</u>（同法第5条第3項）。現状では、<u>1982年までの議事録の秘密指定が解除されている</u>。 議事録の原本はデジタル化されていないが、活字化されたものが1968年まで出版されており、かつ1967年までのものがホームページ上で掲載されている。 <p>【閣議議事録（出版物）】</p>   <p><内閣委員会の議事録> (閣議と同じ)</p>

3. 移管までの期間の非公開関係

	イギリス	ドイツ
議事録の公開禁止	<p><閣議の議事録></p> <ul style="list-style-type: none"> ・連帯責任及び自由な討議の場 (Safe space) の確保のため秘密とされている。 ・積極的な公開を禁止する規定はないが、<u>秘密文書指定</u>がなされている。 ・運用上、<u>現職の首相・大臣であっても前政権の議事録を見ることが禁止</u>され、法的な問題に対応する場合のみ<u>法務総裁 (Attorney General※閣議に出席する法律顧問であり、法廷弁護士の資格をもった国会議員の中から選ばれる。)</u>のみが閲覧できる慣行が成り立っている。 <p><閣僚委員会の議事録> (閣議と同じ)</p>	<p><閣議の議事録></p> <ul style="list-style-type: none"> ・自由な討議の場の確保のため、秘密とされている。 ・閣議の内容は秘密とされており (G0 第 22 条第 3 項)、議事録は<u>秘密指定</u>されている。 <p><内閣委員会の議事録></p> <ul style="list-style-type: none"> ・議事の内容により秘密指定がなされる。
情報公開法との関係	<p><閣議の議事録></p> <ul style="list-style-type: none"> ・情報自由法の「<u>除外情報 (Exempt Information)</u>」の一つに掲げられているが (情報自由法第 35 条)、これは無条件に不開示となる「<u>絶対的除外 (Absolute Exemption)</u>」ではなく、<u>公益性審査 (Public Interest Test)</u>を行った上で不開示となる「<u>条件付き除外 (Qualified Exemption)</u>」である (情報自由法第 2 条)。 ・作成翌年から 30 年の期間満了時、歴史的記録となり除外情報ではなくなる (情報自由法 62 条、63 条)。この期間も 2013 年から 10 年かけて 20 年に短縮予定。 <p><閣僚委員会の議事録> (閣議と同じ)</p>	<p><閣議の議事録></p> <ul style="list-style-type: none"> ・<u>秘密指定されている場合は</u>、「一般行政規則に定められた守秘義務等に服するとき」として、<u>情報の開示請求権は存在しない</u> (情報自由法第 3 条第 4 号)。 <p><内閣委員会の議事録> (閣議と同じ)</p>
公益との比較衡量による開示の有無	<p><閣議の議事録></p> <ul style="list-style-type: none"> ・<u>除外を維持する公益が、情報を開示する公益に優越しない場合には、その限りにおいて情報開示の義務が生じる。</u> ・政府の不開示決定に不服がある者は、<u>第三者機関である「情報コミッショナー (Information Commissioner) に不服申立てを行うことができ、さらに「情報権審判所 (Information Rights Tribunal) に審判を求めることができる。</u>この場合、情報コミッショナーや情報審判所はいわゆるインカメラ審査を行うことが可能である。 ・<u>情報コミッショナーまたは情報権審判所の裁決に対しては、「閣内大臣」又は「法務総裁」 (前政権の場合は担当大臣ではなく法務総裁となる。) により、行政機関が自らの決定を優先させる権限として「大臣拒否権 (Ministerial Veto) ※を</u>与えられている (53 条)。 ※大臣拒否権の発動は、運用上、閣議の決定を経ることとされるとともに、前政権に係るもの場合、法務総裁は、当時の担当大臣等の意見を聴くこととされている。 ・大臣拒否権の行使に対しては、<u>高等裁判所の司法審査 (Judicial Review) を求めることができ、最終的には最高裁まで争うことができる。</u> <p><閣僚委員会の議事録> (閣議と同じ)</p>	<p><閣議の議事録></p> <ul style="list-style-type: none"> ・<u>政府の決定に不服のある者は、各省に対して不服申立てができ、さらに不服がある場合は、行政裁判所 (Verwaltungsgericht) に訴訟を提起することができる。</u> ・<u>公益裁量開示に関する規定はない。</u> <p><内閣委員会の議事録> (閣議と同じ)</p>

イギリスにおける閣議等議事録の公益性審査の運用状況

1 情報コミッショナー、情報権審判所の裁決の状況

「内閣の連帯責任」(collective responsibility)とともに、閣議における議論のための「安全な空間」(safe space)の確保には大きな公益があるという考え方の下に、情報コミッショナーや情報権審判所では、不開示とする裁決が通例である。

ただし、開示すべきとの裁決がされた例もあり、その理由は、より大きな公益が存在する場合や長い時間が経過して、一般的に閣議の内容が知れわたっている場合である。

2. 「大臣拒否権」

(1) 拒否権が発動された事例

情報コミッショナーや情報権審判所の開示すべきとの裁決に対し、2005年以降、「大臣拒否権」(Ministerial Veto)が5回行使されている。

それは以下のとおりである。

- ・2009年2月：イラク軍事行動に関する閣議議事録
- ・2009年12月：スコットランドの自治権の拡大に関する閣議議事録
- ・2012年2月：スコットランドの自治権の拡大に関する閣議議事録
- ・2012年5月：国民健康保険登録簿
- ・2012年7月：イラク軍事行動に関する閣議議事録

(2) 拒否権を発動せず議事録を開示した事例

1986年のウェストランド社にかかる閣議議事録について、閣議の内容が複数の回顧録によって執筆されていること等を踏まえ、拒否権を発動せず、2010年に議事録を開示した。【別紙】

3. 独立調査委員会による開示

1989年ヒルズボロ事故(サッカースタジアムで96名が死亡した事故)にかかる閣議議事録については、調査権限を有する独立調査委員会(Independent Panel)に提出され、2012年9月に公開された。

4. 大臣拒否権に関する見直しの動き

下院の司法委員会が 2012 年の 7 月に情報自由法の施行状況調査を公表している。

その中で、閣議等議事録については、「大臣間の連絡」として、「政策形成情報」に該当し、公益との比較衡量を行った上で不開示となる「条件付き除外 (Qualified Exemption) 情報」であるが (法 35 条)、その実態は、上述のように、極めて例外的なケースを除いては、閣議等議事録は原則として一定期間が経過するまでは不開示の扱いがなされていることから、無条件で不開示となる「絶対的除外 (Absolute Exemption) 情報」にしてはどうかとの考えについても検討がなされている。

しかし、報告書の結論においては見直すべきとはされず、司法委員会委員長 (アラン・ベース卿) は次のようにコメントしている。

「情報自由法は、閣議や政府の高いレベルにおける政策に関する議論の記録を制限又は制約するように企図されたことは一度もなく、それゆえ我々は、現在の条文を適切に用いれば、そのような議論のための「安全な空間 (safe space)」を維持するのに十分であると確信している。これらの条項は、大臣拒否権の行使も含め、公的部門内においてより広く理解される必要がある。」

なお、議会の同報告書に対する政府の対応を今秋にも示すべく、司法省部内で検討が進められている。

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WESTLAND PLC
Previous reference:
CC(85) 37th
Conclusions,
Minute 1

2. THE PRIME MINISTER invited the Cabinet to consider further developments since their last discussion of the current situation created by the financial difficulties of Westland plc.

The Government had decided long ago not to put public money into Westland, apart from writing off launch aid on the W30-300 helicopter but to leave the company to find its own solution to its problems through the market.

When the Cabinet discussed the matter on 19 December 1985, there were two proposals on the table for a financial reconstruction of Westland (not a takeover) involving either United Technologies and Fiat or a European consortium taking a minority shareholding in Westland. At that meeting the Cabinet had agreed that it remained the policy of the Government that it was for the company to decide what was the best course to follow in the interests of Westland and its employees, and it had agreed that, given that that was the Government's policy, no Minister was entitled to lobby in favour of one proposal rather another and that information about the implications of defence procurement for Westland's workload should be made equally available to both groups as well as to Westland and its bankers, and questions on the subject should not be answered in any way which favoured one group or proposal rather than another. She has answered questions in the House of Commons on 19 December 1985 accordingly and had written to the Chairman of Westland on 1 January 1986 a letter, the text of which had been agreed with the Departments concerned, in accordance with those decisions.

Members of the Cabinet knew what had happened since then. Comment and headlines in the newspapers, including those normally favourable to the Government, had been extremely damaging. The Government had entered the New Year in a way very harmful to the reputation of the Cabinet and to the public esteem in which the Government was held, just at the time when there were signs of a recovery in the Government's political fortunes. If the situation continued the Government would have no credibility left. She had never seen a clearer demonstration of the damaging consequences that ensued for the coherence and standing of a Government when the principle of collective responsibility was not observed. It was essential now to restore the standing of the Government and to reassert the collective responsibility of Ministers for the decisions of Government. The Cabinet should agree to observe in full the conclusions agreed at their meeting on 19 December.

THE SECRETARY OF STATE FOR TRADE AND INDUSTRY said that since 19 December revised proposals had been put to Westland by both the United Technologies-Fiat and the European consortia. In each case the new proposals were an improvement on their previous proposals. Each

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involved the consortium concerned taking a minority shareholding in Westland. The board of directors at Westland were recommending acceptance of the United Technologies-Fiat proposal. He himself had continued to emphasise that it was for the board of directors to recommend and the shareholders of the company to decide what course should be followed. The European consortium had put their proposals forward direct to the shareholders of Westland. At their meeting on 14 January 1986 the Westland shareholders would have three resolutions to consider:

- i. the first to increase the company's borrowing limits, which required a simple majority; and
- ii. the second and third to give effect to the United Technologies-Fiat reconstruction proposals which would require a 75 per cent majority.

THE SECRETARY OF STATE FOR DEFENCE said that he had very little to add. He had put his views to colleagues as clearly as he could. At the meeting of Cabinet on 19 December he had said that developments could take place which would call for a view to be taken by the Government. Those developments had taken place. The situation had, however, changed, when the Chairman of Westland has made recommendations to the shareholders. After that had happened, the Government clearly could not intervene. What would be the outcome of the shareholders' meeting on 14 January was uncertain. In the meantime he would watch developments; he had no intention of declaring himself publicly in favour of one proposal or the other, though he would continue to answer questions about procurement policy if he were asked. It would be very important that anything that was said to the media after this meeting of the Cabinet should not be seen as leaning towards one side or another in the Westland affair; otherwise the situation to which the Prime Minister had drawn attention would continue. The Government stand must be one of complete neutrality, to the effect that there was nothing to add and that it was now a matter for the shareholders of Westland. It was most important for the Government now to put itself above the battle and to distance itself from the issues to be decided. No attempt should be made to steer press comment. In that way it might be possible to create a situation in which decisions could be taken by the company. If the decision of the Cabinet was simply to reaffirm their conclusions of 19 December, as repeated by the Prime Minister in introducing the discussion, and that was the indication which came out from the meeting, it would look as if the Cabinet was backing the board of directors of Westland.

In discussion the question was raised what would happen if there was not a 75 per cent majority at the shareholders meeting on 14 January for the United Technologies-Fiat proposal. THE SECRETARY OF STATE FOR

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DEFENCE said that there was a certain anxiety that the shareholders of Westland were being given only one choice. The European consortium proposed to have documents available which could be put before the meeting of shareholders at once, if the recommendations by the board of directors on the United Technologies-Fiat proposal did not receive a 75 per cent majority. There need therefore be no question of the company going into receivership provided that solicitors representing Westland did not deny solicitors representing the European consortium access to the appropriate information. If there was not a 75 per cent majority in favour of either proposal, or if 10 per cent of those present sought a delay, then decisions might be delayed until a further Extraordinary General Meeting. THE SECRETARY OF STATE FOR TRADE AND INDUSTRY said that he understood that, if the resolutions proposed by the board of directors in favour of the United Technologies-Fiat proposal did not receive the support of a 75 per cent majority, United Technologies and Fiat would not then be bound by their agreement with Westland and it would be open to the board of directors of Westland to put forward whatever proposal they thought fit to the shareholders.

There was general agreement that the time had now come to put aside what had happened, to leave it to the company to conduct negotiations with the two consortia and to reach their decisions, and for the Government to disengage from the issue. It would be important to demonstrate a determination to re-establish the credibility and coherence of the Cabinet.

THE PRIME MINISTER suggested to the Cabinet that the time had now come for the company and its bankers to be left to deal with representatives from the two consortia, and to come to their decisions without any further intervention, directly or indirectly, by Ministers or by other people acting on their behalf. That must be accepted and observed by everyone and there must be no lobbying or briefing directly or indirectly. Because of the risks of misrepresentation, during this period of sensitive commercial negotiations and decisions answers to questions should be cleared interdepartmentally through the Cabinet Office, so as to ensure that all answers given were fully consistent with the policy of the Government.

THE SECRETARY OF STATE FOR DEFENCE said that it would be impossible to clear every answer through the Cabinet Office. He did not envisage making any new statements. If any new statements needed to be made, he would be ready to clear them collectively. If, however, he was asked to confirm statements which he had already made, it could create an extremely difficult situation, particularly for the European consortium, if he were not able to confirm them without delay. Any delay would give the impression of hesitation or uncertainty which could prejudice the

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commercial situation. Equally, if he were asked a question of fact about procurement requirements, he needed to be able to reply without delay once again, any delay in answering in order to consult would give the impression of hesitation or of uncertainty about future policy.

In further discussion the following points were made:

- a. it should be possible to answer further questions about procurement matters by reference to the Prime Minister's indication in the House of Commons on 19 December 1985 that major issues of procurement policy were for collective decision by the Government.
- b. it was highly desirable that so far as possible any questions to the Government which arose between now and the meeting of Westland shareholders should be answered by reference to statements already on the record and an indication that there was nothing to add. It was suggested, however, that even so it might be necessary to consider whether answers already given were still completely appropriate in present circumstances: it was not unreasonable that a short time should be taken to reflect, even on an answer that had already been given. It should be possible to ensure collective agreement on any answers that had to be given between now and the date of the shareholders' meeting; matters could be considered again in the light of the new situation after that meeting.
- c. Some of the difficulties of dealing with questions that called for confirmation of existing statements or replies and of anticipating difficult questions could be dealt with by the preparation and interdepartmental agreement of an agreed fact sheet or a list of possible questions and answers which could be used as a source for the preparation of answers to actual questions.

THE SECRETARY OF STATE FOR DEFENCE said that he did not want at this stage to comment publicly on the situation that might arise after the meeting of the shareholders and he would have no problem about seeking agreement to any answer that might be called for about that. He was, however, concerned about the period between now and the meeting of the shareholders on 14 January. The proposals of the European consortium rested in part on statements which he had made, all of which had been circulated to colleagues. If there was any suggestion that these statements were in question, that could be material to the decisions taken by the shareholders. It would not be acceptable to have a position in which delay in answering could be a weapon to be used to the disadvantage of one side or the other. He did not believe that it could be constitutionally right for a departmental Minister to be obliged to clear interdepartmentally through

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the Cabinet Office replies on matters which fell within his Ministerial responsibility. He was prepared to clear collectively any new statements which he might be called upon to make, but he must be able to confirm without the delay implicit in the requirement to consult any statement already made. He would be ready to inform the Cabinet Office of any answers which he gave on that basis.

In discussion other members of the Cabinet considered that, in the especially sensitive period between now and the meeting of shareholders, it was of paramount importance to maintain the Government's decision that the matter should be left to the shareholders without Government intervention and to ensure that all Government pronouncements were consistent with that decision. That made it necessary to adopt a procedure of interdepartmental clearance even in respect of confirmation of statements already made or replies already given. Some statements which had already been made had appeared to be *ex parte* or conflicting as between one Minister and another: in these circumstances the confirmation of a given response could oblige another Minister to reassert a different position and the appearance of Government disunity would continue. It was now necessary that all statements and replies by members of the Government on this matter should be cleared interdepartmentally through the Cabinet Office until after the meeting of shareholders. Only that would ensure the restoration and maintenance of collective responsibility.

THE PRIME MINISTER, summing up the discussion, said that the Cabinet agreed that it was for the company to decide what was the best course to follow in the interests of Westland and its employees; that the time had now come for the company and its bankers to be left to deal with representatives of the two consortia and to come to their decisions without any further intervention, directly or indirectly, by Ministers or by other people acting on their behalf. The Cabinet also agreed that, in the interest of ensuring adherence to that decision and of restoring and maintaining collective responsibility of the Government, during the particularly sensitive period of commercial negotiations and decisions which lay ahead of all statements or replies by members of the Government in relation to Westland, including replies which confirmed statements already made, should be cleared with the Departments concerned through the Cabinet Office. Consideration should also be given to the preparation under Cabinet Office auspices of an interdepartmentally agreed fact sheet which could be drawn upon as a source of answers to questions.

THE SECRETARY OF STATE FOR DEFENCE said that there had been no collective responsibility in the discussion of this matter. There had been a breakdown in the propriety of Cabinet discussions. He could not accept the decision recorded in the Prime Minister's summing up. He must therefore leave this Cabinet.

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THE SECRETARY OF STATE FOR DEFENCE withdrew from the meeting at that point.

The Cabinet –

1. Took note, with approval, of the Prime Minister's summing up of the discussion.
2. Reaffirmed that it was the policy of the Government that it was for the company to decide what was the best course to follow in the interests of Westland and its employees, and that the time had now come for the company and its bankers to be left to deal with representatives of the two consortia and to make their decisions without any further intervention, directly or indirectly, by Ministers or by other people acting on their behalf.
3. Agreed that all statements or replies by members of the Government on matters relating to Westland between now and the meeting of shareholders on 14 January should be cleared interdepartmentally through the Cabinet Office, and that consideration should be given to the preparation of an agreed fact sheet on the lines indicated in the Prime Minister's summing up.
4. Invited the Secretary of the Cabinet to make the arrangements necessary to give effect to that decision.
5. Took note, with extreme regret, of the decision by the Secretary of State for Defence to leave the Cabinet.

The Cabinet proceeded to consider Foreign Affairs, Community Affairs and Northern Ireland Affairs (see Minutes 3, 4, and 5). The meeting was then adjourned for half an hour. When the meeting resumed after the adjournment, the Prime Minister said that Mr Heseltine had informed the press as he left 10 Downing Street that he had resigned from the Government. Guidance was being given to the press on the following lines.

“The Cabinet have reaffirmed that it is the policy of the Government that it is for the company to decide what course to follow in the best interest of Westland and its employees. Cabinet discussed how this decision should apply in practice to ensure that collective responsibility was upheld. It was agreed that during this period when sensitive commercial negotiations were in process, all statements by Government Ministers should be cleared interdepartmentally through the Cabinet Office to ensure that all answers given by the Government were consistent with the policy

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decided by Cabinet.

Mr Heseltine found himself unable to accept this procedure and left the Cabinet. The Prime Minister expressed her regret at his decision.”

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