

- (e) ministerial responsibility are needed to strike the right balance between accountability and independence?

It is difficult to see how the majority of existing executive agencies could have seen the light of day had they been required to pass the test of these questions. Even those few that managed to clear the first hurdle at (a) must assuredly have fallen at one or other of the next two (b) and (c), thus eliminating the need for that at (d).

The advice given to departments considering establishing a new advisory NDPB is that the department should be satisfied that;

"(a) there is a continuing need for advice in the field covered by the body; (b) the need can not be met satisfactorily in any other way (e.g. by ad hoc consultation with appropriate experts or interests, or by expanding the remit of an existing body); and (c) the proposed constitution and operating methods are likely to be economical and effective".

There is no doubt that if properly applied, (b) would prove to be an insurmountable obstacle to the creation of any of the 829 listed advisory bodies in the government's publication on Public Bodies 1993. The plain fact is that advice on all the topics covered by advisory Quangos is available either within the departments of the civil service or from a comprehensive range of technical, professional and trade associations.

Hunting the Quango

There are as many ways of killing a Quango as there are reasons for slimming and trimming their numbers. Indeed, there is no great problem about hunting them to extinction if public opinion is concentrated and the hunters are many. Certainly, the needs of a complex modern political structure may require some non-departmental public bodies to perform some of the peripheral functions of government. Nevertheless, they do not have to be appointed by ministers, staffed by civil servants on secondment or blessed with open-ended government funding. They can be private organisations and their relationship with government can be regulated by means of a legally binding fixed-price contract.

With that in mind, the next stage must be to reduce the present number of non-departmental public bodies by eliminating all those which produce little or no benefit, along with those whose functions could be carried out quite adequately by elected bodies or by existing private organisations. At the same time, let us not forget those seemingly innocuous Quangos which, in the wrong hands or with a slight change in their terms of reference, could acquire powers that border on the dictatorial.

Quango hunters know well enough that those who bestow and receive patronage have a strong incentive to maintain the status quo. There will be survivors at the end of each shoot. So let us be prepared to impose even stricter controls on those that escape destruction. Beyond the present-day

publication of an annual review which gives impersonal statistics about the main Quangos, there is still a need for a departmental register to be issued by each secretary of state to make the procedure relating to appointments more open and more strictly controlled.

To this end, Parliament should debate a bill along the lines of that proposed in the Appendix. Of course, any secretary of state may already take voluntary action to fulfil the requirements outlined in the proposed bill without any statutory authority. Yet a statutory obligation carries the added advantage of ensuring uniformity of action in all the departments of government. If we are to bring open government into the large and growing army of non-departmental public bodies, such a move has now become essential.

APPENDIX: VIEW TO A KILL

PUBLIC BODIES (TERMINATION)

A BILL TO Limit the lifespan of non-departmental public bodies; and for connected purposes.

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the authority of the same, as follows:-

1. Advisory bodies,

- (i) All advisory non-departmental public bodies established before the commencement of this Act shall be terminated three years after the Royal Assent or on such earlier date as may be determined by the appropriate Minister.
- (ii) All advisory non-departmental public bodies established when the Act is in force shall be terminated not more than four years later or on such earlier date as may be determined by the appropriate Minister.
- (iii) Notwithstanding sub-sections (i) and (ii) above, the life of an advisory body may be extended for a maximum period of a further two years by means of an affirmative resolution of both Houses of Parliament.

2. Executive bodies.

- (i) All executive non-departmental public bodies established before the commencement of this Act shall be terminated four years after the Royal Assent or on such earlier date as may be determined by the appropriate Minister.
- (ii) All executive non-departmental public bodies established when the Act is in force shall be terminated not more than five years later or on such earlier date as may be determined by the appropriate Minister.
- (iii) Notwithstanding Clause 2 (i) and (ii) the life of an executive non-departmental public body may be extended for a period not exceeding a further four years by means of an affirmative resolution of both Houses of Parliament.

3. Nationalised undertakings

The governing bodies of publicly owned industrial and commercial undertakings are exempt from the provisions of this act.

4. Interpretation.

In this Act:-

"Royal Assent means the date on which the Royal Assent is given to the Bill in Parliament assembled.

"the appropriate Minister" means the Minister responsible for servicing the public body concerned.

"later" means after the date on which each body was established.

Short title: This Act may be cited as the Public Bodies (Termination) Act 1995.

PUBLIC BODIES (REGISTER)

A BILL TO Provide for an annual Register of Offices to which appointments are made by Ministers; to limit the number of Offices that may be held by a person at one time; and for connected purposes.

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the authority of the same, as follows:-

1. Register of Appointments.

(1) There shall be kept by the appropriate Secretary of State a Register of Public Bodies which shall be published annually, and laid before Parliament, as soon as practical after the end of each calendar year.

(2) The Register shall record for each Public Body:

- (i) the name of the Body, the authority by which it was established, and its termination date;
- (ii) the names of its chairman and members;
- (iii) the date and period of their appointments;
- (iv) whether each appointment is full time, part time, fee paid or unpaid, as defined by this Act;
- (v) the remuneration paid over the past calendar year for each full time, part time or fee paid appointment;
- (vi) the principal activities of the Body during the past calendar year; and

- (vii) any action taken by the Secretary of State on the advice of the Body, or directly attributable to its activities.

2. Limitation on number of appointments held.

(1) No person may hold at anyone time more than one of the offices listed in Part II and Part III of Schedule I to the House of Commons Disqualifications Act 1975 as amended.

(2) Notwithstanding sub-section (1) above a person may hold two, and subject to sub-section (3) below three such offices where one or two of those offices respectively are part time or fee paid appointments within the meaning of this Act.

(3) A person may hold three such offices in accordance with sub-section (2) above, provided that the Secretary of State is satisfied, having due regard to the nature of the duties and the level of remuneration of each office, that any person so appointed is able to give adequate time and service to each office.

3. Interpretation.

In this Act:-

- "the appropriate Secretary of State" means for each public body the Secretary of State appropriate to the Act of Parliament or other authority establishing that body;
- "fee paid" means paid on a per diem basis but not exceeding fifteen hours per week;
- "full time" means not less than thirty five hours per week;
- "members" shall include trustees, commissioners, or members of the governing board;
- "part time" means not more than thirty hours per week;
- "public body" means any body corporate or other body, other than a body wholly comprising persons employed in the civil service of the State –
 - (i) which receives in anyone year or over any period of three years the whole or part of its income from public funds; or
 - (i) any of the members of whose board, other than persons employed in the civil service of the State, are appointed by a Minister of the Crown; and
- "unpaid" means that the person appointed receives no remuneration for his services,

Short Title: This Act may be cited as the Public Bodies (Register) Act 1995