

## LOCAL GOVERNMENT REFORM: TAKING STOCK OF THE CONSERVATIVE APPROACH

*Arthur Midwinter*

### THE BACKGROUND TO REFORM

In the contest for the leadership of the Conservative Party, a commitment to review the poll tax and to create unitary authorities was made by Michael Heseltine. Some four months later, in March 1991, the new Scottish Secretary Ian Lang announced to COSLA his intention to follow a similar path in Scotland. The removal of Mrs Thatcher and her replacement by John Major also brought a promise of a more consultative style of government.

In the Scottish context, a commitment was made to review the arrangements for Scotland's governance. Ian Lang called for a new tone and mood in Scottish politics, with the promise on the Government's part of a more pragmatic approach to public policy. Even more dramatic was the admission made by the Minister with responsibility for constitutional issues, Lord Fraser, that the Conservatives had been insensitive, even arrogant, towards Scotland. The government had to frame policies which were both good for Scotland and acceptable to Scots.

The process of reviewing Scotland's governance became known as 'Taking Stock'. The subsequent report (Scottish Office 1993a) promised parliamentary reforms, but also administrative reforms. Whilst the former were means of enhancing accountability, the latter would be the means of promoting a distinctive policy-making role for the Scottish Office - a

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promise of change from conventional policy uniformity in British government (Midwinter, Keating and Mitchell 1991). In this document, a commitment to decentralise power was made, not only for administrative decision-making, but also to citizens through the Citizen's Charter. In particular, new unitary local authorities would promote this change.

The Government's plans for the reform of local government are at the heart of the strategy to pass decision-making downwards. The new single-tier, all-purpose local authorities will be better able to promote effectively the interests of the area they represent. They will be able to identify more with their area. And they will be more accountable to the people who live there. In sum, they will reflect the diversity of Scotland as a whole and revive the dynamism of local democracy. (Scottish Office 1993, p 36 )

In July 1993, the proposals for the reform of local government were published in a White Paper. This article assesses those proposals against the Government's objectives, and the wider question of their 'acceptability to Scots', in the context of the new tone and mood. Firstly, however, the structural proposals must be placed in a wider policy context.

#### THE CHANGING CONTEXT OF LOCAL GOVERNMENT

From its election in 1979, the Thatcher government challenged the power and legitimacy of local government. A whole series of financial reforms were introduced to try to effect central control over local spending. At the same time, the Government was committed to promoting efficiency in local government, through greater use of the private sector in providing services, and to promoting choice, by giving rights to citizens. In terms of the former, the initial stimulus to reform came in requiring competition for the construction and maintenance work carried out by councils' direct-labour organisations. Choice was promoted through council house sales and the parents' charter in education.

Real development of these policies did not come until the third term. In Scotland, there was no equivalent to the New Right in England, who were putting services out to tender through their own initiative (Ascher 1987), nor a new municipal socialism as found in London or Sheffield (Gyford 1985). In the main, Scottish local politics reflect the traditional consensus in favour

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of municipal provision, whilst political conflict is fought over the scale of provision and the levels of local taxation.

After 1987, with a changing political balance in Westminster, the Government became more avowedly Thatcherite. Privatisation became part of mainstream Conservatism, although one observer regarded this as simply a more coherent version of the Thatcherite approach to local government in the early 1980s. This 'justificatory ideology' (Bulpitt 1989) was systematised into the concept of the 'enabling authority' (Ridley 1988). Adopting the arguments (if not the rigour) of public choice analysis, local government is portrayed as a monopoly provider of services characterised by bureaucratic paternalism rather than responsiveness to consumer choice (Pirie 1992). Such vested interests as local authority professionals and manual workers' trades unions are believed to conspire to ensure local government spending grows. By contrast, the theoretical virtues of competitive markets are taken as given, and the conventional assumptions of local representative democracy leading to responsive government are dismissed (Bailey 1992). Competitive tendering, greater emphasis on consumer choice, and new financial management techniques become the received wisdom for progress.

A series of policy initiatives reflected this analysis, and the notion that Scotland was somehow 'exempt' from the Thatcherite agenda is nonsense (Carmichael 1992). The decline of Conservatism in Scotland has to be explained in some other way. Competitive tendering was extended to a range of local government services through the 1988 Local Government Act, and the use of 'contract compliance' - whereby a council seeks to influence the employment practices of its contractors - made illegal, as an infringement on market efficiency. Refuse collection, cleaning of buildings, street and other cleaning, schools, welfare and other forms of catering, ground maintenance, and vehicle repair and maintenance are all now subject to the discipline of CCT. Further extension of CCT to corporate services, arts and theatre management, architectural, engineering and property management services, and library support services, are all under consideration (DoE 1991). Council tenants can now 'pick-a-landlord', and the government has encouraged alternatives to municipal housing - housing associations, private renting, or housing co-operatives. School boards have been created in the belief that they would promote greater choice and accountability in education, and provision established for them to 'opt out' of local authority control, although at the time of writing, this has not happened.

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Within the new mechanisms, the role of the local authority is reconceptualised as a 'strategic' one, setting objectives, determining priorities, and monitoring performance. The overall effect, as in national political strategy, is a rolling back of the state:

This is another attempt to get central-local relations back to the 1930s, when the two levels of government knew their respective places. Local government becomes, once again, limited government - respectable and prudent within its own confines and respectful to the central government (Bulpitt 1990, p73).

Now this is a markedly different concept of local government from that which underpinned the Wheatley Report (Wheatley 1969). The dominance of municipal provision was unquestioned there, and economies of scale in service provision used as the basis of justification for larger authorities. Moreover, in political terms this would enhance the autonomy and therefore the accountability of local government. The development of the enabling authority concept, the persistent disaffection from the regional authorities in some elements of the Conservative Party, the marginalisation of Conservative control in local government, and the change of power within the Government, put the reform of local government back on the political agenda.

### THE REFORM PROPOSALS

The government's arguments for a unitary system were set out in a consultation paper (**The Case for Change** 1991). These can be simply summarised:

- the two-tier system is confusing to the public;
- local loyalties to old counties and cities remain;
- the two-tier system results in duplication and waste;
- the new enabling role of local government suggests reform is feasible.

Unitary authorities would overcome these weaknesses. As I have argued elsewhere (Midwinter 1992), the case for change has never been made in any rigorous sense. There is no supporting research evidence pointing to the need for change, simply reliance on anecdote and assumption. Such evidence as does exist does not support the government's case at all. (Midwinter and Page 1980; Young 1986).

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However, a lengthy consultation period, a second consultation paper with alternative structures, and a further consultation period led to the current White Paper. Even the government's interpretation of the support for the concept of unitary authorities in the response to the consultation papers has been convincingly challenged (McCrone, Brown and Paterson 1992).

The White Paper argues that unitary authorities and the development of the enabling concept will lead to more local, more efficient and more accountable local government, with 28 new authorities, ranging in size from 20,000 to 620,000, to be created. Authorities will have flexibility to enter into joint arrangements where necessary (eg. planning, education, social work). Joint Boards will be created for police, fire and valuation services, and for Glasgow's Passenger Transport Executive. Three new public water authorities will be created, outwith local authority control. That apart, the existing organisational and financial arrangements will remain, although the number of councillors will be reduced, and elections held every three years. To what extent are those proposals consistent with the Government's objectives?

### QUESTIONING THE ASSUMPTIONS

In the absence of hard evidence in support of the Government's agenda, policy success will depend heavily on the realism of the assumptions. We shall concentrate on three key principles of reform - efficiency; local loyalties; and accountability.

#### *The Efficiency Principle*

The Wheatley proposals for regional authorities were based on the requirement for large authorities to provide functional efficiency in the major infrastructure and social services, including housing. Whilst housing was placed with the districts, and the regional concept watered down a little in the political process, the central arguments remained. It was assumed that authorities would be the main instrument of service provision, and that regional authorities would enhance the capacity for strategic choice, whilst providing benefits of scale in terms of flexible resource management, administrative costs and the provision of specialist services.

The Government does not challenge these fundamental assumptions. Rather, it asserts that the development of the enabling authority concept reduces the need for the bigger regions, and can bring efficiency savings in

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administrative costs. The White Paper suggests that savings would be at most 1% of all regional spending, some £65 millions, and qualifies this by saying that these savings in effect cannot be guaranteed. This is a major change in emphasis from the claims made before the consultation process.

The Government argued that the new structure should be able to deliver services to the taxpayer at less cost. It commissioned a report from consultants Touche Ross, based on the following assumptions.

- all existing functions remain with local authorities, but police, fire, water and sewerage were excluded from the exercise;
- the quality and cost of service delivery would remain unchanged; only administrative costs would differ.

The consultants' approach was to use financial modelling, based on a survey of the administrative structures in a sample of authorities. They examined four alternative systems, and concluded that the lower the number of authorities, the greater the potential savings. A 15 unit system would save £192 millions per annum, a 24 authority system £120 millions per annum, a 35 unit system £55 millions per annum, and 51 Unit system would add £58 millions to costs.

The Convention of Scottish Local Authorities (COSLA) has criticised the assumptions underpinning the model, in terms of both net savings and restructuring costs. Problems of defining administrative staff led to some highly unrealistic predictions in social work, planning and libraries. Minister later accepted that these assumptions and calculations would need to be re-examined. But the precision of the calculations would always be open to doubt given the need for assumptions. More importantly, if we examine actual administrative costs in total, these account for about 3% of regional spending, and 8% of districts. Lothian and Strathclyde, the two biggest regions, both have below average costs. Any reform which abolishes these two authorities will have greatly reduced scope for savings.

There are also problems with the assumption that operational costs will be unaffected. There is some evidence of lower manpower levels in Strathclyde and Lothian for big technical services such as roads, water and sewerage (Midwinter 1993). If the new authorities decide to employ their own specialist services in education and social work, that too would add to costs. Together, these two aspects lack the clarity needed to reach conclusive decisions about the scale of savings on cost. The only honest assessment

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would be that there can be no guarantee the new system will be cheaper. It could be more expensive, and any potential savings identified are indeed marginal.

The final efficiency assumption is that the 'shift' to the enabling role reduces the need for bigger authorities. Central to this assumption is the extension of compulsory competitive tendering, although the development of private provision in housing and social work is also part of the enabling concept. This has to be kept in perspective. So far, CCT has been applied to contracts where manual labour is a central element - maintenance, cleaning or catering. The total contracted out, however, remains small, and a mere 6% of all local spending (COSLA 1990).

The extension of CCT to corporate services and other construction and support services will not greatly add to this figure, and thereafter the scope for extension in the major professional services - planning, social work, education, police and fire - will be very limited. Municipal provision will continue to account for the vast bulk of local spending after reorganisation, and councils remain deeply hostile to the consequences of CCT for their own already low-paid staff in particular (Black 1993). The reality is that, despite the credence given to the enabling authority model by Government, in practice it remains at the margins of local authority activity, and does not provide a sensible basis for restructuring local government.

#### *The Local Loyalty Principle*

The Government's objective of cost savings had to be balanced with the principle that the new authorities should reflect local loyalties, and specifically the old county and city councils. Community identity, however, is a multi-level concept as Wheatley recognised. Its application to the design of local authority structure is problematic. Put simply, most people identify with a local area below that of the administrative boundaries of local authorities. Wheatley found that only 2% of Scots identified with the old county areas. Local loyalties of this kind were strongest in the small burghs (20%), not the counties or cities. As a criteria for reform, the local loyalties concept raises more questions than it answers (Wheatley 1969).

The government's proposed 28 unitary authorities actually reduces the number of authorities which reflect such loyalties. Under the present system, no fewer than 23 of the 33 old county authorities survived as the main focus of new authorities, including one region, two islands and the rest as district

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authorities. Of the authorities proposed by the government, only 10 of the 28 reflect such old loyalties, and three of these already exist as regions or islands councils. These are, Aberdeen, Dundee, Edinburgh, Glasgow, Moray, Perth and Kinross, Argyll, Fife, Orkney, and Shetland. Whilst there has been some attempt to retain the 'names' of the old counties, with authorities such as East Renfrewshire, North Ayrshire or South Lanarkshire, dividing these administrative areas in this way makes a nonsense of the claim that loyalties to the old counties is an important argument for reform.

If we examine the structure in detail, in fact two patterns emerge. In areas where the Conservatives' political interests are insignificant, socio-economic patterns and administrative simplification were important concerns. Highland, Dumfries and Galloway, and Fife Regions all survive as unitary authorities, as do Moray, and Argyll and Bute Districts, and the four city councils. Where the Conservatives have localised political strength, these have usually formed the basis for a new council, as in Kyle and Carrick (as South Ayrshire), Perth and Kinross, and Stirling. Other Conservative areas which survive in an expanded form are Bearsden and Milngavie (as East Dunbartonshire), Eastwood (As East Renfrewshire), Berwick (as Berwick and East Lothian), and Angus (as Angus and Mearns). In the case of Stirling and Kyle and Carrick, the boundaries do not reflect old county authorities at all - and they will increase the administrative costs of these areas by breaking up Central and Ayrshire. And Stirling can only be achieved by merging Falkirk and Clackmannan (because of the latter's small size) despite the latter area's stronger ties with Stirling. Partisan interest has clearly been the determining factor in such authorities.

This review reveals clearly that the local loyalties concept has had little real relevance in determining new structures. As a principle of reform, like cost, it remains unconvincing. The press had little doubts about the proposals. 'Generating Tory Safe Havens' said **The Scotsman**, 'Lang's Great Carve-Up' wrote **Scotland on Sunday** and, 'The Politics of Sleaze' in **The Guardian**. It is difficult to disagree with these judgements.

#### *The Accountability Principle*

The third key principle of reform is that the new system should clarify accountability, although the extent of public confusion over the present system has been exaggerated (Miller 1986). The impact of CCT is seen as providing scope for rationalisation as big councils are no longer needed.

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Some support for the Government's view comes from Alan Alexander, professor of local government at Strathclyde University:

...the issue is how to retain and develop democratic accountability in a local public sector in which local government retains the predominant statutory responsibility but no longer dominates the processes of service delivery. The fragmentation of the system of service delivery and the demise of the 'providing' council which expected to determine policy, decide service levels and deliver services through the agency of its directly employed workforce, makes it desirable that, wherever demography, society and economy make it practicable, the democratic legitimacy which is unique to local government should not be divided between two councils (Alexander 1992, p 60).

Quite apart from the false assumption that local government no longer dominates the process of service delivery, Alexander does not explain why fragmentation requires unitary authorities. One advocate of community government, John Stewart (1993), disagrees, seeing multi-tiers reflecting different levels of community and different functional requirements of services.

Theoretical arguments apart, will the proposals improve accountability? In Britain, there are two direct models of political accountability - the ministerial model and the local government model. In both cases, a direct line of political responsibility can be seen. Increasingly, however, a third model of accountability has emerged in the form of government agencies within which appointees are responsible to Ministers, as in the case of the health service:

The dilemma of the appointed board is that it lacks the legitimacy required for independent action. The health authority cannot be regarded as an independent authority with its own basis of accountability. Its legitimacy comes only from the fact of appointment which does not make it accountable independently from the Minister to whom health authorities are directly or indirectly accountable. Nor as in the nationalised industry can accountability be determined in commercial and technical terms. The dilemmas of the health authority is that neither the basis of appointment nor the system of accountability gives the legitimacy required for independent action (Reagan and Stewart 1982).

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Similar arguments emerge in local government over the use of joint boards as the basis of democratic supervision. In practice, these are autonomous organisations, established by statute or incorporations, with independent financial powers. Members are appointed by the constituent authorities, weakening the link between electors and representatives, as joint boards receive little attention in political manifestos. The abolition of the metropolitan county councils in England increased the number of such joint arrangements, as the first major study of this system concluded:

...joint action for anything other than a very limited range of services should be seen as an additional (indirectly elected) tier of local government which actually undermines, in a fundamental sense, the unitary authority principle. It raises major issues about processes of resource allocation, public comprehensibility and, in particular, public accountability (Leach et al 1991, p 5).

Problems with joint boards have already been observed in the current Scottish system, and it was put nicely in a submission to the consultation process by Highland Regional Council (1993):

This constitutional situation, in our experience, creates difficulties in terms of expenditure policies which are different for those of constituent authorities. With modern day financial controls, such as capping, the requisitioning powers of the Joint Boards can place a constituent authority into a position of being capped, yet that constituent authority has no direct powers of control over that situation. This in turn may require reductions in expenditure by the constituent authority in services for which they do exercise a direct control, in order to avoid capping. This is clearly a constitutionally anomalous situation which detracts substantially from the notion of direct local accountability.

The Government's proposals also rely on informal joint arrangements and inter-authority contracting, particularly for the provision of specialist services in education and social work. The argument - based on competitive tendering experience - is that small authorities will be able to set the standard of provision they want, and contract with larger authorities to provide it, hence strengthening democratic control. This is not how inter-authority contracting works at the moment. Rather, smaller authorities buy into an existing service whose level has been determined by the providing authority.

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By contrast, it is difficult to see what the benefit would be to a political institution in providing a service tailor-made to the smaller authority.

The White Paper's proposals for service responsibility are that:

- water and sewerage will be removed from local government to three new public authorities;
- police, fire and valuation services will all be responsible to joint boards;
- trunk roads and the reporter's service will become Scottish Office responsibilities;
- joint arrangements will be necessary in transport, planning, emergency services and aspects of education and social work.

Whilst the Government has not gone so far as some of the advocates of reform within the Conservative Party wanted (SCUA 1992; Adam Smith Institute 1988) in terms of number of authorities or reduced scope, again it is difficult to see the resultant fragmentation of powers as providing clearer accountability. The end result seems a more confusing, more complex system than at present.

### CONCLUSIONS

The reform of local government is presented as part of a package of proposals for less remote government. More local control, more citizen choice, and more efficient local government is the expectation. The reality is less rosy. The enabling philosophy of local government, and the structural proposals for change ,have scarcely won the public acceptance Ministers promised would be the core of the Taking Stock initiative (see the Table).

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**Table**  
**Public attitudes to government proposals**

<i>Proposal</i>	<i>% support</i>
unitary authorities	29
schools opting out	31

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privatising municipal provision	32
pick-a-landlord scheme	29

Source: *The Scotsman* 2/3/4 May 1988; *The Herald* 3 August 1993

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These figures send clear signals that Scots retain collectivist values about the modern welfare state. In part, this may be because, despite the plethora of reforms to increase 'choice', it remains a minority experience - less than 25% of Scots have bought their council house or chosen an alternative school. Moreover, some of these reforms have very limited impact on the public. For example, a study of school boards concluded:

School boards, however, do not devolve power and decision-making. Indeed government is attempting to increase control of schools through curriculum and assessment policy, performance indicators and school development planning. Involving parents in the running of schools is largely a cosmetic exercise when key areas of curriculum, assessment, staffing, admissions and most finance is outwith boards' power (Munn 1992, p 154).

Doubts have also been raised about the impact of competitive tendering in efficiency terms, and the real objective is regarded as central control.

CCT creates complex relationships between purpose-specific organisations in fragmented environments. The developments of the past two years - more regulation and preparing to subject new services close to the heart of local government - can only intensify this process. The cost rationale for this can be uncertain. It is noticeable, for example, that 'de minimis' for small contracts and in small authorities can be cost-raising rather cost-reducing, suggesting a counter productive underside to CCT as a 'cost' policy. Meanwhile, the recent housing management proposals offered no estimate of cost savings. Such examples suggest the use of CCT as an end - political objectives such as further central control of local government, and more widely a breaking up of public sector institutions - rather than a means of cost minimisation by market testing (Black 1992, p 132).

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The enabling role in housing envisaged in the recent consultation paper has also been regarded as shifting accountability for housing policy decisions from elected members to Scottish Homes, which is not directly accountable. (Scottish Local Government Information Unit 1993). Finally, the reform of local government finance has led to a tighter capping regime for all local authorities. The erosion of fiscal autonomy over the 1980s is complete. As Ian Lang told the 1991 COSLA conference, authorities will find 'accountability to central government more rigorous than to electors'.

None of this suggests a vigorous local democracy is on the cards. Rather we see a slow centralisation of power as the hallmark of the Conservative years. Whilst this is defended as 'market accountability', the actual extension of consumer choice is limited, the decline of citizen choice through capping and other controls is fundamental. The irony is that in creating a potentially more expensive and less accountable system, the Government enhances the prospect of wider constitutional change, as the loss of the major regions will facilitate it.

The case for change in local government remains weak. It is based on shaky assumptions about the enabling authority model, in terms of scope and purpose. The reality is that direct municipal provision will remain the dominant form of service delivery in the new structure. That requires a unitary system composed of large authorities to maintain benefits of scale in its treatment of police, fire, water and sewerage. What is on offer is the fragmentation of accountability, not its clarification; a further centralisation of power, not greater choice; further political instability, not consensus over the changes. By contrast, the case for the present system has been enhanced by the exposition of the weaknesses of the Conservative approach. The status quo is still an option.

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