PO-CH/NL/0244

PART B

Chex
Lawson

PART B

SECRET

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PART B

CHANCELLOR'S PAPERS ON
HOME AFFAIRS

PO -CH /NL/0244

PART B

Begins: 21/7/88

Ends: 23/12/88

DD: 25 years

22/9/95

hel.rb.revolta/min5

PPS/pl

FROM: D C W REVOLTA
DATE: 21 JULY 1988

CHIEF SECRETARY

cc Chancellor
Sir P Middleton
Mr Anson
Mr Phillips
Mrs Case
Mr Turnbull
Mr Spackman
Mr Richardson
Mr Stuart
Mr Call

SECOND SEVERN CROSSING

You had a word with Mr Channon about the handling of Mr Walker's letter of 19 July; and I was asked subsequently to agree with DTp officials a text which both you and Mr Channon might be able to endorse, so that No.10 could then persuade Mr Walker to come into line with E(A) decisions.

2. I have now agreed the attached draft ad referendum with DTp officials. It is based on Mr Walker's own revise of 13 July, in an attempt to narrow the areas of disagreement. Perhaps I can comment briefly on the key points:

(i) You objected (letter of 14 July) to the reference to the crossing being vital to the Welsh economy. The draft now refers (second paragraph, first sentence) to the bridge being important to Wales and to local economic development, which should get round the point.

(ii) We have re-ordered some of the material to highlight the urgency with which DTp are tackling the remaining technical work and the preparation of the invitation to bid. This is now in a paragraph on its own (fourth paragraph).

(iii) The most contentious issue was the second last paragraph of Mr Walker's (and Mr Channon's) draft, which made the point that the Government would be in a position to provide a second crossing by the mid 1990s but reserved the

right to decide in the light of the competition whether the opening date should be then or later. Any variant of this paragraph would point clearly to the fact that the crossing might be delayed beyond the mid 1990s, and in the interests of an agreed text I have provisionally agreed that the paragraph should be taken out of the text altogether, since the preceding material makes it clear not only that the crossing is to be built when the traffic levels show that it is necessary, but now also that promoters will be invited to offer more than one completion date and toll level. This should preserve the substance of E(A)'s decision while not proving totally unacceptable to Mr Walker in presentational terms.

3. If you are content with this revised version, which is also being recommended to Mr Channon, I suggest that your private office should now speak to his about the handling of an approach by No.10 to the Welsh Office.

DCWR

D C W REVOLTA

DRAFT

DRAFT WRITTEN ANSWER ON SECOND SEVERN CROSSING

I am now able to announce the next step in the provision of the second crossing of the river Severn.

The Severn bridge is important to Wales and to economic development on both sides of the estuary. That is why in July 1986 we announced that a second crossing would be built at the English Stones, and that preparatory and survey work would proceed with a view to providing that crossing in the mid 1990s if traffic levels showed it was needed by then.

The Government has now decided to give the private sector a major opportunity to participate in the provision of this important project.

Essential geo-technical and hydrological surveys are being carried out urgently, and will be completed early next year. As soon as possible after that, I shall be publishing guidelines and inviting bids to build the new bridge.

Promoters will be asked to submit proposals on two bases: to design and build the new bridge and to finance and operate it in conjunction with the existing bridge; or to design and build it with the Government responsible for funding and operation. In either case the costs will be recovered through tolls. Promoters will be asked to indicate possible completion dates and the toll levels associated with them. Whichever option is chosen legislation will be needed to provide, amongst other things, for levying tolls.

We also need to take immediate steps to place the finances of the existing bridge on a sound footing. This is required to meet the objectives laid down when tolls were first introduced in 1966. The accumulated deficit of the bridge is now approaching £100 million. It is therefore proposed that the tolls on the existing bridge should be increased to £1 for cars and £2 for lorries with effect from 1 September 1989. The present strengthening will have been completed before the new tolls are introduced.

016/42073

1 ACSA
2 PMP

FROM: **MISS C EVANS**

DATE: **22 July 1988**

MR REVOLTA

cc:
Chancellor — 2
Sir Peter Middleton
Mr Anson
Mr Phillips
Mrs Case
Mr Turnbull
Mr Spackman
Mr Richardson
Mr Stuart
Mr Call

SECOND SEVERN CROSSING

The Chief Secretary is content with the draft written answer attached to your minute of 21 July. He suspects Mr Walker may not be: we shall need to broker amendments as necessary. If Mr Channon is also content with the draft, the Chief Secretary thinks that he (Mr Channon) should write to Mr Walker suggesting this text, and copy his letter to the Chief Secretary. The Chief Secretary thinks it would be unwise to signal that we and the Department of Transport have agreed the draft in advance.

CE

MISS C EVANS

MC6.65

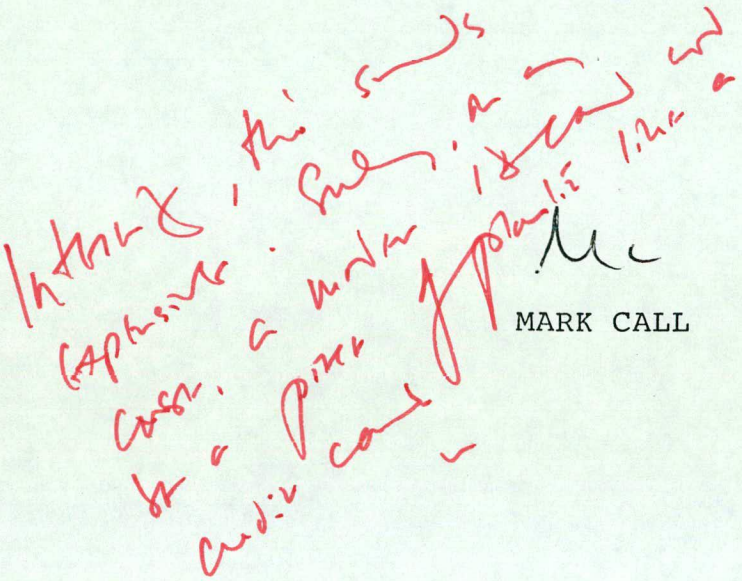
FROM: MARK CALL
DATE: 22 JULY 1988

PAYMASTER GENERAL

cc Chancellor
Chief Secretary
Financial Secretary
Economic Secretary
Mr Cropper
Mr Tyrie

ID CARDS

If ID cards were to be introduced, how about the following wheeze for making them instantly acceptable to the public - use the shortly-to-be-phased-out blue and gold cover of the passport? A semi-serious suggestion for killing two birds with one stone.



MARK CALL

DEPARTMENT OF TRANSPORT
2 MARSHAM STREET LONDON SW1P 3EB

My ref:

Your ref:

22 JUL 1988

The Private Secretary to
The Rt Hon Peter Walker MP
Secretary of State
Welsh Office
Gwydyr House
Whitehall
London
SW1

Dear Jon

SECOND SEVERN CROSSING

I am writing to follow up the recent exchange of correspondence between the Chief Secretary, your Secretary of State and mine about the announcement due to be made following the E(A) discussion on the Second Severn Crossing on 30 June.

The previous draft announcements have all had aspects which have clearly caused concern. We here have therefore now produced a further draft which we hope will prove more acceptable. It is based largely on that enclosed with your letter of 13 July to Roy Griffins and I think it reflects accurately the E(A) conclusions.

My Secretary of State believes that it is important to announce this further progress on the Second Severn Crossing before Parliament rises. He had intended, as you know, to make the announcement by way of a written question and answer, but appreciates Mr Walker's concern that this may cause criticism in the House. He has therefore asked me to copy this letter to the private secretaries to the Chief Whip and the Leader of the House to establish which would be the most suitable course given the pressure on parliamentary business in the last week of session.

I should be glad to know as soon as possible that these proposals are acceptable to Mr Walker.

I am copying this letter for comments to Jill Rutter in the Chief Secretary's Office, Alison Smith (the Leader's Office), and Murdo Maclean (the Chief Whip's Office); and to Paul Gray at No.10.

Yours sincerely

Jenny McCusker

JENNY MCCUSKER
PRIVATE SECRETARY

DRAFT

DRAFT WRITTEN ANSWER ON SECOND SEVERN CROSSING

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The Severn bridge is important to Wales and to economic development on both sides of the Estuary. That is why in July 1986 we announced that a second crossing would be built at the English Stones, and that preparatory and survey work would proceed with a view to providing that crossing in the mid 1990s if traffic levels showed it was needed by then.

The Government has now decided to give the private sector a major opportunity to participate in the provision of this important project.

Essential geo- technical and hydrological surveys are being carried out urgently, and will be completed early next year. ~~early next year.~~ As soon as possible after that, I shall be publishing guidelines and inviting bids to build the new bridge.

Promoters will be asked to submit proposals on two bases: to design and build the new bridge and to finance and operate it in conjunction with the existing bridge; or to design and build it with the Government responsible for funding and operation. In either case the costs will be recovered through tolls. Promoters will be asked to indicate possible completion dates and the toll levels associated with them.

Whichever option is chosen legislation will be needed to provide, amongst other things, for levying tolls.

We also need to take immediate steps to place the finances of the existing bridge on a sound footing. This is required to meet the objectives laid down when tolls were first introduced in 1966. The accumulated deficit of the bridge is now approaching £100 million. It is therefore proposed that the tolls on the existing bridge should be increased to £1 for cars and £2 for lorries with effect from 1 September 1989. The present strengthening will have been completed before the new tolls are introduced.

47A/2/394/049/MDG

FROM: MS K ELLIMAN
DATE: 25 JULY 1988

MR CALL

cc: Chancellor
Chief Secretary
Financial Secretary
Economic Secretary
Mr Cropper
Mr Tyrie

ID CARDS

The Paymaster General has seen your minute of 22 July. He has commented that although his involvement in this issue is accidental, he thinks those who say that the nation is more relaxed about this issue may be underestimating the trouble the Opposition can cause on it in the context of the Community Charge.

Kim Elliman

KIM ELLIMAN
Private Secretary

mjd 2/15Jn

RESTRICTED

FROM: J M G TAYLOR
DATE: 25 July 1988

MR CALL

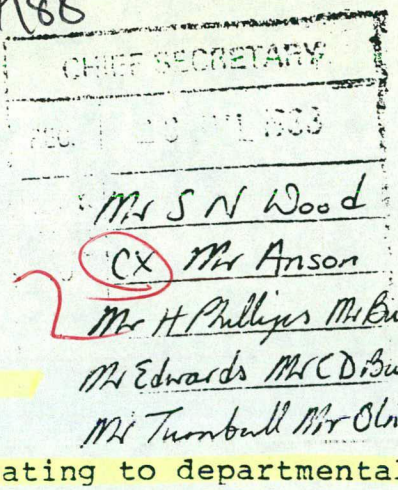
cc Chief Secretary
Financial Secretary
Paymaster General
Economic Secretary
Mr Cropper
Mr Tyrie

ID CARDS

The Chancellor has seen your minute of 22 July. He has commented that this is an interesting suggestion, though it sounds expensive. But surely, in any case, a modern ID card would be a piece of plastic like a credit card.

J M G TAYLOR

27/7/88



PRIME MINISTER

GOVERNMENT ACCOMMODATION IN INNER LONDON

I attach a note on the current issues relating to departmental accommodation in the inner Westminster/Whitehall area which need to be addressed now. It also looks ahead to requirements for new accommodation which will arise in the years immediately ahead as a result of forthcoming lease expiries on existing departmental accommodation in this area, and also proposals for rationalisation.

The most immediate issue for decision is the future location for the Overseas Development Administration's (ODA) headquarters. Following the decision that they should not go to Richmond House the landlords of ODA's present building, Eland House, agreed to a short extension of the lease, at a cost which reflects the consequent delay to a planned redevelopment, but only until the end of 1990 when they will repossess the building for redevelopment. The significance of the deadline is that we would then be obliged to rehouse ODA in Sanctuary Buildings, which is owned by the same landlords and is due for completion by that date. Sanctuary Buildings has been pre-let to PSA following our decision in principle last March to acquire this building for the Department of Education and Science. To meet this tight deadline we must reach a decision on new accommodation very soon.

Becket House, or an alternative possibility in the Victoria area, appear to be the only practical options for ODA which both meet our agreed policy of accommodating departmental Ministers within the division bell and are available within the required timescale. Time does not allow for a further review of the possibilities for moving more of ODA's HQ staff away from London before a final decision must be reached on an alternative to Eland House. In practice there is no real alternative to the Becket House or Victoria options and we should, I think, now accept this. But I

suggest that ODA should consider carefully the scope for reducing their space requirements in the new building by relocating staff elsewhere. There would be no problem about finding a suitable tenant for any surplus space in the new building that might be thrown up in this way.

More generally, I believe that we should now use the opportunity provided by forthcoming lease expiries to encourage relocation away from London to the maximum extent possible. I strongly support the Paymaster General's initiative on relocation; but I have yet to be persuaded that departments are in practice doing as much as they could in this direction having regard, in particular, to our policies for the inner cities, land-use and housing as well as to the more obvious and pressing economic factors such as soaring office rentals, recruitment of staff and house prices in London and the South East. The illustrative table of comparative office rentals around the country, which I am attaching, speaks for itself in comparison with the current figures of £40-£50 and upwards per sq ft for offices in central London. I am asking my officials in PSA to take steps to ensure that Departments are fully aware of these potential savings on accommodation costs that can be achieved through relocation.

Any move of accommodation is disruptive; but the disruption is going to have to be faced in any event in those cases listed in Annex 1 to the memorandum where lease expiries can be expected to mean an enforced move. We should use the opportunities of such enforced moves as one means of achieving the wider objectives we are seeking from relocation. I suggest that we should, as a matter of course, in future consider proposals for the allocation of new accommodation in the inner area in the wider perspective of the departmental plans for relocation before reaching our decisions.

I now seek colleagues' agreement that:-

(i) Becket House, or an alternative building in the Victoria area, should be acquired for ODA;

(ii) the allocation of Sanctuary Buildings to DES should be confirmed.

I also ask colleagues to note that:-

(i) DHSS are continuing their consideration of alternative premises in the Whitehall area, with a view to the submission of a paper for E(GA) on their overall HQ accommodation strategy;

(ii) DOE/DTp/PSA will work up jointly costed options for relocating staff at present housed in Lambeth Bridge House, where the lease expires in 1992;

(iii) accommodation in the Inner Westminster/Whitehall area is currently being sought for the Parliamentary Commissioner for Administration and the Lord Chancellor's Department.

I am sending copies of this minute and the attached memorandum to the members of E(GA), the Lord Chancellor, the Secretaries of State for Education and Science and for Transport, the Minister for Overseas Development, the Paymaster General and Sir Robin Butler.

NR

27 July 1988

20 July 1988

ACCOMMODATION ISSUES IN THE INNER WESTMINSTER/WHITEHALL AREA

Note by the Secretary of State for the Environment.

1. At the last meeting of the Committee on 11 March 1987, (E(GA)(87)2nd Meeting, we agreed, inter alia, that Richmond House should be allocated to the Department of Health & Social Security (DHSS), rather than to the Overseas Development Administration (ODA) as originally planned; and also that the Department of Education and Science (DES) should move to a more central location in either Church House or a redeveloped Sanctuary Buildings. In consequence I was invited to establish the most cost effective alternative solution for the relocation of ODA on expiry of the lease on their present building, Eland House, and this is now the most immediate issue. We also need to consider the position on supply and demand for accommodation in the central area in the light of forthcoming lease expiries and proposals for rationalisation. The up-dated supply and demand position is set out in Annex 1 to this Memorandum. A map of the central area, showing key buildings, is at Annex 2.

OFFICE MARKET TRENDS

2. Increases in central London rents over the last year have been substantial, with those in the City now touching on the £60-£70 per sq. ft. range, and even those in the less commercially attractive areas around Victoria and Westminster have now risen to an average of £40-£50 psf for modern air-conditioned offices, with higher asking prices still for the most prestigious accommodation.

3. The market continues to be active and, the Stock Market fall last October notwithstanding, all the present pointers are in the direction of a continuing upward trend in rents. Nevertheless there is a significant amount of new development currently in the pipeline for completion from 1990 onwards, most notably in Docklands, which may assist towards some stabilisation. Meanwhile the rising level of rents will have an effect on Departmental budgets as the existing leaseholds in inner London currently occupied by Departments fall in or become due for rent review (nearly all modern leases include 5-yearly rent reviews).

THE RELOCATION REVIEW

4. The Paymaster General announced on 31 March the Government's new initiative for relocating civil service work. All Departments have been asked to review their location of work with a view in suitable cases to finding locations offering advantages in terms of recruitment and retention of staff, value for money and other considerations relevant to service delivery and management. I believe we should bring pressure to bear on all Departments to move staff out of London before agreeing to proposals for accommodation moves within the central area. But we will have to recognise that, in practice, the time-scale for

achieving any large scale moves of staff, whether between buildings within London or on dispersal elsewhere, has to be measured in years; meanwhile the process of change continues as, for example, leases fall in, raising issues on which decisions cannot be postponed.

5. The Official Committee have suggested that it would be helpful for the PSA to act as a clearing house for departments' proposals for relocating staff outside London and that departments should accordingly inform PSA of such proposals as well as submitting their plans to Treasury. This would provide a useful overview and provide a basis for resolving any conflicts which might arise. This seems a sensible arrangement.

THE MAIN ISSUES

6. The relocation policy, however promising for the future, does not enable us to escape from addressing the following immediate issues:-

(a) Overseas Development Administration (ODA)

(i) Eland House, ODA's present HQ building, is held from Land Securities PLC on a lease originally due to expire in 1992 but with a tenant's right to serve 18 months' notice legally to terminate prior to that date. When the original long-standing decision that ODA should move to Richmond House was confirmed by Ministers in October 1986, notice was served on the landlord to terminate the lease in May 1988. Following E(GA)'s subsequent decision in March 1987 that Richmond House should be occupied by DHSS rather than ODA, an intensive search for suitable alternative premises for ODA was immediately put in hand, with the assistance of Land Securities; but neither PSA nor Land Securities, who wish to redevelop Eland House at the earliest possible opportunity, were able until April this year to locate any potentially suitable buildings for ODA within the Division Bell area that could be made available either by the lease termination date or indeed before the end of 1990. In the circumstances and in order to safeguard their interests and those of the current occupants of Eland House, Land Securities offered at the end of 1987 to grant a further short-term lease on Eland House on terms which would guarantee them possession of the building on completion of the redevelopment, now starting, of Sanctuary Buildings in Great Smith Street, which they also own. Land Securities were in a very strong position in this particular case and their terms were not unreasonable in the circumstances. Their original terms were improved as far as possible, and an agreement was concluded in February.

(ii) This agreement with Land Securities means that, unless we have been able to move ODA elsewhere in the meantime, we shall be obliged to rehouse them in Sanctuary Buildings within three months of it being ready for occupation at the end of 1990. As part of the agreement, Sanctuary Buildings has been pre-let to PSA at a rent, payable on completion, of £38.82 per sq ft. The cost to Land Securities of delaying their planned redevelopment of Eland House is to be recouped by restructuring the lease held from them on 50 Queen Anne's Gate, the Home Office headquarters building.

(iii) The need to plan and execute the works services to meet the in-going Department's requirements means that a final decision on the allocation of Sanctuary Buildings cannot be delayed much beyond the start of the Summer Recess. On present plans, which we agreed on at our meeting in March last year, Sanctuary Buildings has of course been earmarked for the Department of Education and Science (DES); but we cannot at this stage lose sight of the possibility that ODA could be driven there by force of circumstances under the deal with Land Securities.

(iv) ODA would require up to 140,000 sq ft to rehouse all the staff currently in Eland House. The superficially attractive option of moving ODA into Elizabeth House when DES move out has major drawbacks. The logistical problems of moving DES and fitting out Elizabeth House for ODA for re-occupation, all within three months, would be immense. It is possible that Land Securities would be willing to extend the three month deadline but the cost could be substantial. Moreover, the lease on Elizabeth House expires in 1997 and, on present trends, the landlords will almost certainly want to redevelop the site. Indeed they have already expressed a firm interest to PSA in doing so. To face ODA with two major moves within 7 years would not only be needlessly wasteful and disruptive, it could also be expensive. It would be much better to find a permanent solution now.

(v) PSA has been advised, confidentially, that Ernst and Whinney are proposing to move out of their present HQ building, Becket House, opposite St Thomas's Hospital. It is in a cheaper area than Victoria/Westminster, and it would be suitable in terms of size (150,000 sq ft) and location, meeting the Foreign and Commonwealth Secretary's wish, recorded at our last meeting, that ODA's new location should be no further from Whitehall than Eland House. The initial indications are that Becket House could be available on acceptable terms. The current rent is £11.50 psf but is subject to review in September 1989. It is impossible to say what the rent will be on review but current market value would be about £20-£25 psf. In addition a

premium may be required for assignment of the lease. The timing of vacant possession depends on the completion of new accommodation for Ernst and Whinney which is still in the early stages of construction. However, the agents acting for Ernst and Whinney have advised that they anticipate being able to give vacant possession of Becket House by October/November 1990, which, depending on ODA's requirements for ingoing works, may allow just enough time to meet Land Securities deadline for completion of Sanctuary Buildings.

(vi) It is possible that a building in the Victoria area may become available which might be suitable for ODA; but PSA have as yet insufficient detail. Final disposal decisions rest with the Boards of companies involved. However, the owners are Land Securities and the attraction of securing a building from them for ODA would be that PSA could negotiate terms linked to the removal of any possible risk of overrunning the deadline set on Sanctuary Buildings. As soon as a decision is taken and further details are available PSA will pursue this in parallel with Becket House. Land Securities expect to be able to come forward with firm proposals within the next few weeks.

(vii) The agreement with Land Securities on Sanctuary Buildings allows little time for further consideration of options for ODA. As indicated in (iii) above a firm decision is needed if possible before the start of the Summer Recess.

(b) Department of Education and Science (DES)

(i) We agreed at our last meeting that DES should be relocated closer to the centre, in either a redeveloped Sanctuary Buildings, or Church House if that were to be a practical possibility. PSA have explored this latter option. In its present form Church House is less than half the size required by DES and it is doubtful whether redevelopment could yield sufficient extra space for their requirements. Moreover, the Corporation of Church House have decided not to sell the building until 1990 and it could be another three years beyond that before a new building could be available.

(ii) The Secretary of State for Education and Science had some reservations about Sanctuary Buildings but is now satisfied that it would be suitable. The only other present possibility for DES in the Division Bell area is Great Westminster House in Horseferry Road, which is only slightly closer to the centre than Elizabeth House. Other contenders for Great Westminster House include my own department and the Department of Transport (DTp) whose staff will have to vacate Lambeth Bridge House when the lease of that building expires in 1992. I refer to this more fully in (d)

below. Great Westminster House is due to be completely rebuilt by the owners, Pearl Assurance, when the present occupants, MAFF, move out later this year on expiry of the lease. The new building would not be ready before the end of 1991 at the earliest, by when the lease of Elizabeth House would have 6 years to run.

(iii) If, as appears likely, Church House has to be ruled out for DES on grounds of both size and timing, the practical options, if Great Westminster House is excluded from consideration for DES at this stage, are either for DES to move to Sanctuary Buildings or to stay where they are. The former would entail finding somewhere else for ODA within the tight deadline set by Land Securities for repossession of Eland House. The question is whether the cost of moving to Sanctuary Buildings can be justified against the latter option of remaining in Elizabeth House where the lease does not expire until 1997 and where the rents are £1.60 per sq ft for the low block and £2.34 per sq ft for the tower, and are not subject to review. We have to bear in mind that however cheap Elizabeth House might be, its facilities are deteriorating and require major uplift; the low rentals would be a strong bargaining counter in any discussion with the landlords on early surrender.

(c) Department of Health and Social Security (DHSS)

(i) The decision to move DHSS to Richmond House was taken as part of a strategy for regrouping and rationalising their present dispersed HQ holdings around two main centres connected by good public transport links, one in Whitehall and the other at the Elephant and Castle. This envisaged a second building to complement Richmond House at the Whitehall end of the accommodation 'dumb-bell', with Grand Buildings, a prospective new commercial office development fronting Trafalgar Square, as the preferred option.

(ii) DHSS have been reviewing their original plans with the help of consultants and the PSA. I understand that work is also in hand to relocate a substantial number of staff away from London.

(iii) Land Securities, the developers of Grand Buildings, are not yet ready to negotiate but have indicated that they would expect an annual rent of £50 per sq. ft. to secure a pre-let on the property now. This is expensive but it might be possible to negotiate an agreement at a lower figure. DHSS have other prospective developments in the area under consideration including the Adelphi, close to Charing Cross Station. A submission covering the possibility of acquiring the Adelphi is currently with the Chief

Secretary for consideration. In assessing the costs of the Adelphi and other possible developments in the Whitehall area, account should be taken of the relatively low rentals for DHSS buildings at the Elephant and Castle which would help to produce a reasonable average rent for the Department's central London accommodation despite the higher rents in the Whitehall area.

(iv) DHSS are also concerned with the operational problems of refurbishing Alexander Fleming House, part of which was vacated on occupation of Richmond House. There are two options. The less expensive would be to refurbish the building block by block with staff being decanted to other blocks as the work proceeded. The work would take 3-4 years. It would inevitably be disruptive to staff and there are objections on grounds of operational and management efficiency. The alternative, which DHSS would prefer, would be to decant all staff into alternative accommodation while the whole refurbishment was completed in one go. This would be quicker, and more attractive in operational terms, but finding suitable decant premises for the 1,000 staff involved will not be easy. DHSS and PSA officials are now jointly examining other possible options for meeting DHSS's requirements and the best approach to the refurbishment of Alexander Fleming House, including the possibilities for decanting staff during refurbishment. If the Adelphi were acquired it would initially be used to provide the necessary decant accommodation. It would subsequently be used as the second building close to Whitehall to compliment Richmond House.

(d) Departments of the Environment and Transport (DOE and DTp)

(i) The lease of Lambeth Bridge House, immediately south of the river, expires in 1992. The landlords have already made clear that they wish to take back the building for redevelopment and suitable alternative accommodation will have to be found soon for DOE (Central), PSA and DTp staff currently occupying the building. Officials have proposed that DOE(C), DTp and possibly PSA staff should be relocated in the redeveloped Great Westminster House, together with staff currently in St Christopher House, Southwark, where the space could be re-allocated to MOD (who already occupy the major part of that building) thereby enabling Sunley House in High Holborn to be given up. The Department of Transport would then have all its HQ directorates located closely together around 2 Marsham Street, a strategy strongly endorsed in a recent Efficiency Review. The same arguments apply in the case of my own Department. These proposals clearly need to be considered in the wider context of the relocation exercise now in progress, and work is in hand on the preparation of considered options, with costs.

(e) Parliamentary Commissioner for Administration PCA)

(i) The existing PSA held lease of Church House expires in May 1989 and new accommodation will need to be found soon for the major occupier, the Parliamentary Commissioner for Administration, who will require 18-20,000 sq. ft. of space, and other minor occupiers including the Development Commission, and the Commission for Environmental Pollution. Officials had proposed that the occupants should be rehoused in accommodation currently available on the market at 1 Northumberland Avenue and 9 Whitehall which together provide 44,000 sq. ft. of linked accommodation. The Cabinet Secretary wrote on 6 May to the Parliamentary Commissioner indicating that there would be advantage in his re-location to 1 Northumberland Avenue if PSA could negotiate satisfactory terms. Some 11,000 sq. ft. of the balance of the accommodation was offered to the National Rivers Authority Advisory Committee with my agreement. In the event it has proved impossible to negotiate satisfactory terms following the landlords' decision to increase the premium sought for assignment of the lease from £0.5m to £2.3m. A search for alternative accommodation is now in progress for the PCA and other occupants of Church House. The National Rivers Authority Advisory Committee have, with my agreement, accepted accommodation at Eastbury Plaza, Albert Embankment.

(f) Lord Chancellor's Department (LCD)

PSA has been asked by LCD to find additional accommodation within walking distance of Trevelyan House, their headquarters building in Great Peter Street, which could be ready by the end of 1988. It would be used to relieve overcrowding in Trevelyan House and to rehouse staff from 6 Grosvenor Gardens when the Legal Aid Board becomes fully operational. The Official Committee had agreed that LCD's requirements could be met by acquiring 4/16 Artillery Row, a 14,600 sq. ft. building under construction and due for completion in August 1988. This building, however, has now been offered to another higher bidder. The search for suitable accommodation will continue. It is possible that the Comshare Building, which adjoins Trevelyan House, may come on to the market before long.

SUMMARY

7. The immediate issues are as follows:-

(i) A new location for ODA must be decided by the end of this month. Becket House, or an alternative possibility in the Victoria area, appear to be practical options which could be achieved within the timescale. The allocation of Sanctuary Buildings to DES would thus stand.

More generally:-

(ii) DHSS, in consultation with PSA, will continue their consideration of alternative premises in the Whitehall area with a view to the submission of a paper for E(GA) Committee on their overall HQ accommodation strategy based primarily on a Whitehall centre (including Richmond House as their main Ministerial building) and the Elephant & Castle area.

(iii) DOE/DTp/PSA will work up jointly costed options for relocating the staff at present housed in Lambeth Bridge House, including the possible acquisition of a redeveloped Great Westminster House.

(iv) PSA will seek suitable accommodation for the Parliamentary Commissioner for Administration (PCA) in the Whitehall/Westminster area subject to the negotiation of satisfactory terms. The possibility of a location immediately south of the river should not be ruled out.

(v) PSA will continue to seek suitable accommodation for the Lord Chancellor's Department. Consideration will be given to the acquisition of a lease on the Comshare building adjoining Trevelyan House which may become available within the next few months.

(vi) PSA will act as a clearing house for proposals by Departments to relocate staff outside London.

ACQUIRED OR AVAILABLE ON THE OPEN MARKET IN THE VICTORIA/WESTMINSTER AREA
CURRENTLY OR PROSPECTIVELY (OVER 15,000) SQ FT)
AS AT 28 APRIL 1988

Address	Size Sq Ft	Earliest ready for occupation Date	Comments
123 Buckingham Palace Road South Building	180,000	Mid 1990	Agreement for lease completed. Allocated to DTI. North Building (180,000sf) to be ready 1991.
New Buckingham Court	184,000	End 1988	Terms agreed for PSA to take a lease of the building for DEn. Agreed by E(GA)
Nobel House Millbank	130,000	1988	Terms agreed for PSA to take a 25 year lease. Building allocated to MAFF with E(GA) agreement.
Ergon House Horseferry Road	69,000	1988	New development adjoining Norwest House. Terms agreed for PSA to take a 25 year lease Building allocated to MAFF with E(GA) agreement.
Becket House Lambeth Palace Road	150,000	mid 1990	Commercial in Confidence Agents request strict confidentiality. Present occupation considering relocation.
Great Westminster House	220,000	1991	Redevelopment proposed by Landlord following vacation by MAFF. PSA in touch with Landlord.
Sanctuary Buildings	225,000	end 1990	Pre-let to PSA, for occupation by DES

Address	Size Sq Ft	Earliest Ready for Occupation Date	Comments
Grand Buildings Northumberland Avenue	166,000	1990	New development. E(GA) agreed to PSA opening negotiations for DHSS occupation. Asking £57.50 psf
15 Tufton Street SW1	31.000	1989	To be refurbished Under offer.
Telford House, Tothill Street, SW1	Approx 15,000	Nov 1988	New tenants are currently deciding whether to grant a sub-lease. Will probably only be for a short term.
Eastbury Plaza Albert Embankment SE1	35,000	1989/90	Terms agreed for PSA to take lease. Ten storeys of refurbished office space.
Parliament House Black Prince Road Albert Embankment	24,405	1989	Refurbished building
Comshare Building Great Peter Street	14,700	1989/90	Commercial in Confidence Tenant will require a premium
Eccleston Square SW1	69,500	Autumn 1990	New development
99-105 Horseferry Road SW1	38,000	Late 1990	New development.
Former Christies Site Victoria Station	60,000	1990	-
Adelphi, 1/11 John Adam Street, London WC2	107,000	Mid 1989	Under consideration for DHSS

Address	Size Sq Ft	Earliest Ready for Occupation Date	Comments
Chestergate House Victoria, SW1	80,000 to 200,000	Uncertain but not before mid 1990	Delayed by legal and planning problems
4 Millbank SW1	80,000	end 1990	Application to be made shortly to redevelop behind the facade. Proposals to increase size up to 160,000 sq ft.
Embankment Place Northumberland Avenue (Charing Cross Station)	345,000	Oct 1989	9 Levels, work began in August 1987 asking rent likely to be about £50 psf.
Post Office Site at Horseferry Road, SW	75,000	Not Known	Outline permission for mixed development obtained recently.
Red Shield Hotel Buckingham Gate SW1	21,000	Not known	Salvation Army Trustee Co have submitted a planning application for office development.
Dennison House Vauxhall Bridge Road SW1	42,000	1991	
1 Cockspur Street, SW1	97,000	1989/90	May be considered for MOD ex 2 buildings in Holborn where leases are expiring.
20/22 Queen Anne's Gate, SW1	11,500	1990	Under consideration for Lord Advocates Department.

Address	Size Sq Ft	Earliest ready for occupation Date	Comments
16/20 North Audley St. W1	55,000	Late 1990	New development currently under construction.
Distillers House 20/21 St James's Square	75,000	Late 1990	Air conditioned refurbishment and part redevelopment
11/13 St James's Square	87,500	1990	Air conditioned new development and refurbishment.
Block bounded by:			
Ryder Street, Bury Street and Jermyn Street. SW1	79,000	End 1990	Air conditioned new development As yet un-named.

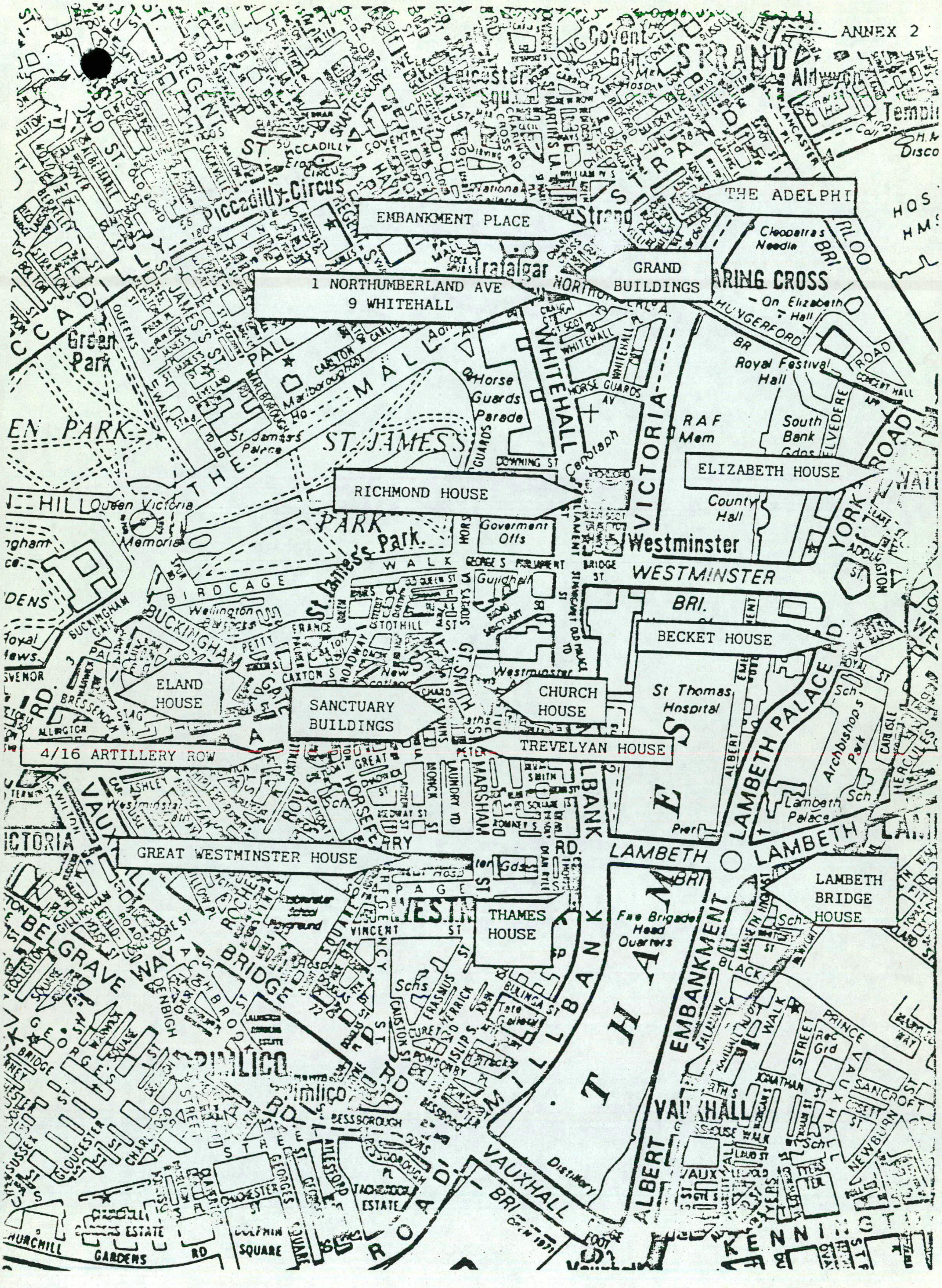
ACCOMMODATION REQUIREMENTS IN THE VICTORIA/WESTMINSTER AREA (OVER 10,000 SQ FT)
AS AT 28 APRIL 1988

Department	Reason for Demand	Size - sq ft and Date	Proposals
ISS	Long term rationalisation	165,000 1990/91	Grand Buildings - Adelphi
CI			
(ex Gavrelle House)	Lease expires	75,000 1988	Bridge Place (1)
(ex Waterloo Bridge House, Dean Bradley House and 29 Bressenden Place)	Leases expire	180,000 1990/91	123 Buckingham Palace Road
DE (C)/DTp			
(ex St Christopher House)	Rationalisation	185,000	Great Westminster House
(ex Lambeth Bridge House)	Lease expires	1990/91	2 Marsham Street
(ex Sunley House)	Rationalisation		
epartment of Energy			
(ex Thames House South)	Lease expires	184,000 August 1989	New Buckingham Court

(1) On Estate, presently vacant

Department	Reason for Demand	Size - sq ft and Date	Proposals
CO			
(ex 2, 3, 4 Central Buildings)	Lease expires	78,000 1996	O.P.O (part refurbishment)
DA			
(ex Eland House)	Lease expires	140,000 December 1990	Becket House or another
me Office			
verspill from Abell & Cleland urrently in Thames House South	Lease expires and expansion	18,000 1989	Required by September 1989 in Victoria area
AFF			
(ex Great Westminster House) (ex Eagle House, City)	Leases expire	210,000 Sept/Oct 1988	Nobel House and Ergon House
arliamentary Commissioner ex Church House)	Lease expires	24,000 December 1989	

Department	Reason for Demand	Size - sq ft and Date	Proposals
ıtent Office ex State House, Holborn)	Lease expires	17,000 1989	London Office
iA			
(ex St Christopher House Lambeth Bridge House	Estate raticnalisation Lease expires	up to 200,000 1990/91	To be found. If vacation of St Christopher House proceeds MOD will take vacated space.
ES			
National Curriculum Unit	New requirement	15,000 September 1988	Office development 2/6 Orange Street
Ex Elizabeth House	E(GA)	245,000 lease expires 6/3/97	Sanctuary Buildings SW1 (225,000 sf)
erious Fraud Office	New requirement	50,000 July 1988	Elm House, Elm Street off Grays Inn Road Lease completed
aw Officers Department Ex Royal Courts f Justice	Requirement to be nearer to Westminster	10,000	To be found
ord Advocates Department	Lease expiring 1991	11,500	20/22 Queen Annes Gate
ord Chancellors Department		14,000 - 1989	


THE ADELPHI
EMBANKMENT PLACE
GRAND BUILDINGS
1 NORTHUMBERLAND AVE
9 WHITEHALL
ELIZABETH HOUSE
RICHMOND HOUSE
BECKET HOUSE
ELAND HOUSE
SANCTUARY BUILDINGS
CHURCH HOUSE
4/16 ARTILLERY ROW
TREVELYAN HOUSE
GREAT WESTMINSTER HOUSE
LAMBETH BRIDGE HOUSE
THAMES HOUSE
Piccadilly Circus
STRAND
Trafalgar
CHARING CROSS
WHITEHALL
VICTORIA
ST JAMES'S
St James's Park
Westminster
WESTMINSTER
Royal Festival Hall
County Hall
St Thomas Hospital
Lambeth Palace
LAMBETH
MILLBANK
EMBANKMENT
VAUXHALL
PIMLICO
BELGRAVE
THAMES

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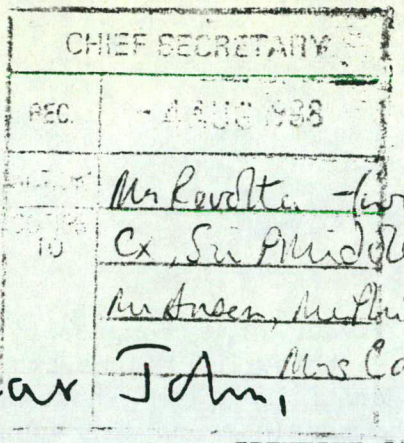

QUEEN ANNE'S GATE LONDON SW1H 9AT

August 1988

Dear John,

IDENTITY CARDS

There has been a sharp surge of interest in the last few months in the proposal that the Government should introduce some system of national identity card. The proposal has been put in a 10 Minute Rule Bill and in Questions to the Prime Minister and myself in the House of Commons. It has been discussed favourably in several press editorials. It dominated a recent meeting which I had with the national executive of the National Union. It surfaces now at most political meetings with a Home Office flavour.

In these discussions no clear distinction is drawn between a compulsory and a voluntary system. It is variously argued that a system of national identity cards would help us to deal with football hooliganism, with under-age drinking, with the supposed abolition of passport control in Europe in 1992, and also with terrorism, illegal immigration and AIDS among other medical problems. In short, for some people a national identity card has become virtually a talisman against a range of social problems.

The Prime Minister and I have made it clear that we are not persuaded at this stage of the advantages of a compulsory universal identity card. However, we clearly need to review our position as a Government and decide how to respond definitively to this upsurge in interest. Many colleagues are involved and I am writing this letter to seek their views.

So far as the Home Office is concerned, the main question has always been whether the reintroduction of identity cards would help the police to deal with crime. The traditional police response to this question has been "No". They have calculated that the extra work and aggravation of their relationships with the community outweighed any advantages which they might derive. However the Commissioner of Police, Sir Peter Imbert, recently indicated some degree of support for identity cards. We clearly need to remove doubt on this point and I have asked the Association of Chief Police Officers to let me have a considered view. They have undertaken to provide this but the necessary consultations will not be complete until about the end of the year.

The traditional police objection has been to a compulsory system. It would be possible to imagine a voluntary system where the citizen would pay for a national identity card which for reasons of convenience he could use as an addition or a substitute for the various cards which most people now carry for one purpose or another. This is the practice in some European countries and was advocated in a recent leading article in the "Economist".

The Rt Hon John Wakeham, MP.

/over....

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However the main thrust has been in favour of a compulsory system. There would certainly be strong opposition to this, led by the two main Opposition parties. We might expect vigorous criticism from those concerned about effects on the ethnic minorities, the homeless and the young, particularly if individuals were expected to carry the cost. Tom King has expressed the view that a large part of the Catholic community in Northern Ireland might refuse to participate in an identity card system. Such a system needs to be generally acceptable if it is to be effective, and that must remain a substantial doubt as things stand at present.

Foreign and Commonwealth Office officials have given mine some useful information about the situation in each of the member States of the European Community; and I am enclosing this material as an annex to this letter. As you will see, there seems to be a variety of practice among Community members - e.g. as to the authority which issues identity cards, the categories of person to which they apply, the purpose for which they may be needed, the requirements for carrying or producing them, and in relation to machinery for enforcement. Only Denmark, Ireland and The Netherlands do not have any kind of identity card system; and The Netherlands are apparently reconsidering their position.

It would be very helpful if colleagues, with due regard to its sensitivity, could let me have their comments on this matter by the end of the Recess. We can then take stock as to whether any further action is required and on the line which we take in public.

I am copying this letter to other members of H Committee, The Foreign and Commonwealth Secretary, the Attorney General and the Lord Advocate. Copies also go to the Prime Minister and Sir Robin Butler.

Yours ever,

Douglas.

mjd 2/70Jh

RESTRICTED

FROM: J M G TAYLOR
DATE: 4 August 1988

PS/CHIEF SECRETARY

cc Mr Anson
Mr H Phillips
Mr Burgner
Mr Edwards
Mr C D Butler
Mr Turnbull
Mr Olney
Mr S N Wood
Mr Call

GOVERNMENT ACCOMMODATION IN INNER LONDON

The Chancellor has seen Mr Ridley's minute of 27 July to the Prime Minister, and the enclosed paper.

2. He has asked what arrangements are being made consequent on the DHSS split.

J M G TAYLOR

CONFIDENTIAL

ATTORNEY GENERAL

ROYAL COURTS OF JUSTICE

LONDON, WC2A 2LL

CHIEF SECRETARY	
REC.	15 AUG 1988
ACTION	Mr Revolta
COPIES TO	Cx, Sir P Middleton
	Mr Anson, Mr Phillips
	Mrs Case, Mr P Russell
	Mr Call.

The Rt. Hon. Douglas Hurd, CBE, MP
Secretary of State for the Home Department
Queen Anne's Gate
LONDON
SW1H 9AT

10 August 1988

Dear Douglas,

IDENTTTY CARDS

I have seen a copy of your letter of 3 August to John Wakeham on the question whether the Government should introduce a system of national identity cards.

My view is that identity cards would have to have fingerprints if they were to be any good, and it would have to be compulsory to carry them. Yet they would still be forged on a vast scale, and it simply is not worth the very substantial candle.

I am sending copies of this letter to the recipients of yours.

Yours ever,

Patrick

CONFIDENTIAL

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WYDDFA GYMREIG
GWYDYR HOUSE
WHITEHALL LONDON SW1A 2ER
Tel. 01-270 3000 (Switsfwrdd)
01-270 0538 (Llinell Union)
Oddi wrth Ysgrifennydd Gwladol Cymru

The Rt Hon Peter Walker MBE MP

WELSH OFFICE
GWYDYR HOUSE
WHITEHALL LONDON SW1A 2ER
Tel. 01-270 3000 (Switchboard)
01-270 0538 (Direct Line)
From The Secretary of State for Wales

CHIEF SECRETARY
REC. 22 AUG 1988
ACTION Mr. Revolta
COPIES TO CX, Sir P Middleton, Mr Anson, Mr Phillips, Mrs Case, Mr P Russell, Mr Call

CT/9102/88

22nd August 1988

IDENTITY CARDS

Thank you for copying to me your letter of 3 August to John Wakeham. I have to say that the advantages to be gained by the introduction of identity cards in counteracting criminal and terrorist activities are far more than offset by the political risks of supporting such a measure.

I believe that you should issue an early statement to the effect that you are consulting with some of those most closely concerned with law enforcement, but that our view remains that there are no plans to go down the road of compulsory identity cards in the foreseeable future. This would leave open the option of exploring whether there is a viable voluntary alternative.

I am copying this letter to other members of H Committee, The Foreign and Commonwealth Secretary, the Attorney General and the Lord Advocate. Copies also go to the Prime Minister and Sir Robin Butler.

The Rt Hon Douglas Hurd CBE MP
Secretary of State for the Home Department

CONFIDENTIAL

SECRETARY OF STATE FOR THE ENVIRONMENT

2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref:

Your ref:

The Rt Hon Douglas Hurd MP
Home Office
Queen Anne's Gate
LONDON
SW1

23 August 1988

Dear Douglas

Thank you for copying to me your letter of 3 August to John Wakeham about a national identity card.

My Department's interest in this area centres on the national membership scheme for football supporters we are looking to introduce for the 1989/90 football season. The proposal is that admission to any English or Welsh professional football match will be dependent on possession of a valid membership card containing some personal details of the holder. A working party under Colin Moynihan's chairmanship is looking at the details and is due to report in September. I should like to consider its findings before responding more fully to your letter.

A copy of this letter goes to all those who received a copy of yours (ie the Prime Minister, other members of H, the Foreign Secretary, the Attorney General, the Lord Advocate and Sir Robin Butler).

Yours ever
Nicholas

NICHOLAS RIDLEY

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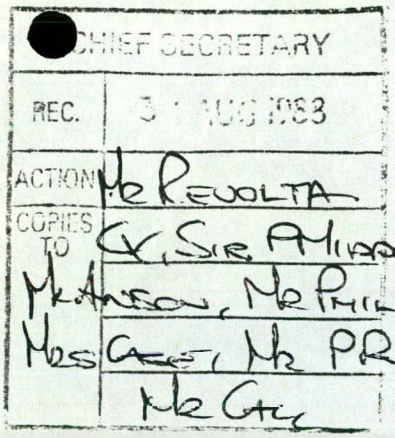

PMP.

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

30 August 1988

Dear Philip.

IDENTITY CARDS

The Prime Minister has seen the Home Secretary's letter of 3 August to the Lord President. She has noted the content of this, and has commented that with regard to Northern Ireland, there may have been some change in view since the letter was written.

I am copying this letter to the Private Secretaries to the members of H Committee, the Foreign and Commonwealth Secretary, the Attorney General, the Lord Advocate and to Sir Robin Butler.

Yours ever,
Paul Gray

pp P. A. Bearpark

Philip Mawer, Esq.,
Home Office.

CONFIDENTIAL

Action CST
nb limited circulation.

PRIME MINISTER

PP

INDUSTRIAL ACTION IN THE PRISON SERVICE

Disruption by the Prison Officers' Association of the work of the prison service has again reached serious proportions and poses a dangerous threat to the effective working of the criminal justice system. There is no immediate issue for decision, but you and other colleagues will wish to be informed of the background. The issue has faded out of the media, but this is deceptive.

2. The number of prisoners in police cells each night is moving up and down around the 1500 mark. I regard anything beyond 1500 as dangerous as well as wasteful of police resources. All but about 300 are attributable in one way or another to a group of unrelated local disputes at Manchester, Wandsworth, Liverpool, Norwich and Holloway. Of these the most immediate is at Holloway, where over 200 officers have been on strike for over five weeks. The dispute has dragged on despite many attempts at settlement. There is, however, a chance that this dispute will be settled in the next day or so, but this is, as I write, by no means a certainty. If it was, this would then allow the POA's National Executive Committee to move on to address the other disputes, which are less dramatic in their terms but have more actual or potential impact on the number of prisoners in police cells. Holloway, in particular, but also any of the other local disputes, could prompt national action at the instigation of the NEC.

3. As you know from our past correspondence, my view is that we cannot indefinitely accept the capacity of the POA, nationally or locally, to resort to damaging, disruptive action at little or no cost to themselves. The strikers at Holloway are not, of course, being paid, but prison officers who work but refuse to accept new prisoners (the usual pattern) are not under any real pressure. So at present, unless we can isolate an individual branch and then take a calculated risk that our threats of disciplinary action will not lead to escalation, we are seriously handicapped.

4. You and other colleagues will recall that Sir Clive Whitmore is leading a group of officials who are examining the feasibility of introducing a no-disruption scheme and of improving our contingency planning for dealing with widespread industrial action by the POA. Some work remains to be done, but much ground has already been covered. On the former, officials seem likely to offer a scheme modelled in part on the arrangements which apply to the police service. This would require primary legislation. It would be a criminal offence to incite a prison officer to take disruptive action and a disciplinary offence for a prison officer to take disruptive action. The POA would continue as a trade union. We would need to consider - and perhaps negotiate with the POA about - a disputes procedure and pay machinery.

5. The work on contingency planning has proceeded in parallel. Any temporary or permanent reduction in the prison population by executive fiat is unattractive. We managed it in July 1987, but it could only be done again with difficulty. In any case it is hard to see a way of releasing more than about 9,000 (17% of the total), however grave the crisis. Coping with the remaining 40,000 plus prisoners, in the face of a total withdrawal of POA labour, would require some 16,000 police officers. This is considerably more than the normal operational pool of police officers available at any

one time after allowing for CID, traffic and other demands. The implications of both of these facts for police and Army will have to be faced if adequate contingency plans for a national strike by the POA are to be drawn up. Officials are still considering this difficult - and perhaps intractable - problem. I have asked them to report as soon as possible so that Ministers can consider how to proceed.

6. While this work continues and unless (as is possible) a crisis takes the timing out of our hands, we shall soldier on as we have done for some years. The aim will be, while maintaining the authority of Governors, to contain and reduce disruption through our existing disputes procedure, and through other devices at our disposal, including meetings with Ministers. In seeking to create pressure we have to judge that it is unlikely to provoke escalation, for which as yet we have no certain response.

7. As the situation changes I will keep you and other colleagues informed. Any serious deterioration might require urgent decisions.

8. I am sending a copy of this minute to Nigel Lawson, George Younger, Norman Fowler, Tom King, Kenneth Clarke, Malcolm Rifkind, John Wakeham, Patrick Mayhew and Sir Robin Butler.

Douglas Hurd.

7 September 1988

CONFIDENTIAL

CHIEF SECRETARY	
REC.	12 SEP 1988
ACTION	Mr Revolta
COPIES TO	Cx, Sir P Mr Middleton
	Mr Anson, Mr Phillips
	Mrs Case, Mr P. Russell
	Mr Call

FCS/88/154

HOME SECRETARY

Identity Cards

1. Thank you for copying to me your letter of 3 August to John Wakeham. I agree that a review of the Government's position is timely, given increased public interest in the idea of introducing a system of identity cards.

2. A clear distinction between compulsory and voluntary systems for ID cards is important. I believe that a compulsory system for the United Kingdom as a whole is out of the question for the foreseeable future. But I see advantage in our encouraging wider discussion of the case for voluntary ID cards in a standard format. There are good practical arguments for creating the option of a more efficient means of identification in this way. It might, for example, effectively replace the British Visitors' Passport - about which, as you know, I have some misgivings on security grounds - for European travel.

3. I should be interested in discussion this further in the light of the reactions of other recipients of your letter. Copies of this reply go to them.

(GEOFFREY HOWE)

Foreign and Commonwealth Office
9 September 1988

CONFIDENTIAL

DEPARTMENT OF HEALTH AND SOCIAL SECURITY
Richmond House, 79 Whitehall, London SW1A 2NS
Telephone 01-210 3000

From the Secretary of State for Social ~~Services~~ Security

CHIEF SECRETARY	
REC.	14 SEP 1988
ACTION	Mr Revolta.
COPIES TO	cx: Sir P Middleton Mr Anson, Mr Phillips Mrs Case, Mr P Russell Mr Call

PMP

CONFIDENTIAL

The Rt Hon Douglas Hurd CBE MP
Secretary of State for the
Home Department
Home Office
50 Queen Anne's Gate
LONDON
SW1H 9AT

14 September 1988

Dear Douglas.

IDENTITY CARDS

Thank you for copying to me your letter of 3 August to John Wakeham about the suggestion that a system of national identity cards should be introduced.

A national identity card could be of some help to us in the prevention of social security fraud and I note that the use of cards for social security purposes is common throughout the countries which do have such cards. I have little doubt that if a card were to be introduced, we would incorporate its use into anti-fraud measures. However, we do not think they would help a great deal and I would not want to claim anti-fraud measures as a justification for the introduction of a national identity card. The most common social security fraud offence is of working while being in receipt of a social security benefit and it is difficult to see how identity cards would help resolve that problem.

Another theoretical advantage is the use of the card as a means of proving identity while making a claim to benefit. Here again, there would appear to be no significant advantage in relying on a card, since most claimants can already provide adequate evidence of identity. Furthermore, we have in recent years been moving away from dealing with claims from the public in person to a system of postal claims, where an ID card would be of limited value.

In an increasingly technological society, more and more of us are carrying a growing number of cards of identification out of choice. In the long term the attraction of a single national identity card system may ultimately overcome historical objections. All in all however, I could not mount an argument for the introduction of an identity card for social security purposes and share the Attorney General's view that, as yet, the advantages of introducing such a card compulsorily do not outweigh the political aggravation that it would undoubtedly cause. I do however see major advantages if a system were voluntary.

A copy of this letter goes to the Prime Minister, the Foreign Secretary, the Attorney General, the Lord Advocate, other members of H and to Sir Robin Butler.

JOHN MOORE

HOUSE OF LORDS,
LONDON SW1A 0PW

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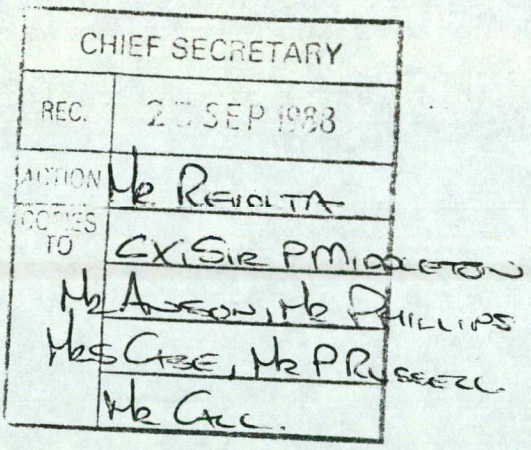


22 September 1988

MP

Dear Douglas,

IDENTITY CARDS

I have seen a copy of your letter of 3 August to John Wakeham, and some of the responses to it, on the question of whether the Government should consider the introduction of a system of national identity cards.

From a narrow Departmental point of view there would be certain advantages if everyone were to carry an identity card. But these potential benefits are marginal compared with the general question of whether or not a national identity card scheme would be both politically acceptable and practicable. Without going into detail, I recognise that there is considerable political sensitivity to the introduction of national identity cards in this country. In particular, as Patrick Mayhew has pointed out, a compulsory scheme is likely to be a non -starter.

The experience of other European countries is not conclusive one way or the other but I can foresee considerable practical difficulties both in setting up, administering and policing a national identity card scheme, whether compulsory or voluntary, and I wonder whether the benefits to be gained would justify the cost. It is difficult to see how one could set up a reasonably foolproof system (perhaps involving finger-printing as Patrick Mayhew has suggested) without establishing a substantial administrative machinery. In doing so, one would run the risk of alienating sections of the population who might well object to such information being kept on a central register.

The Rt Hon Douglas Hurd CBE MP
Secretary of State for the Home Department
Queen Anne's Gate
London
SW1H 9AT

In short, therefore, I remain to be convinced that the benefits of a national identity card system would outweigh the costs and I would counsel caution in taking this suggestion forward.

I am sending copies of this letter to the recipients of yours.

Yours ever,

James.

CLL4S13

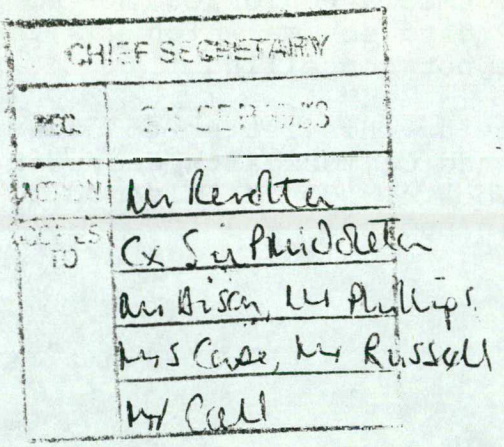
dti

the department for Enterprise

CONFIDENTIAL

The Rt. Hon. Tony Newton OBE, MP
Chancellor of the Duchy of Lancaster and
Minister of Trade and Industry

Rt Hon Douglas Hurd MP
Home Secretary
Home Office
Queen Anne's Gate
LONDON
SW1H 9AT



Department of Trade and Industry

1-19 Victoria Street
London SW1H 0ET

Switchboard
01-215 7877

Telex 8811074/5 DTHQ G
Fax 01-222 2629

Direct line 215 5147
Our ref
Your ref
Date 23 September 1988

Dear Home Secretary,

IDENTITY CARDS

Thank you for copying me your letter of 3 August seeking views on a national identity card scheme.

I do not believe that any convincing case has yet been made for the introduction of an identity card scheme (whether voluntary or compulsory). Before we can consider introducing identity cards we would need to be absolutely certain that such a scheme would produce real benefits which would justify the cost of administration and the controversy that such a scheme would be bound to cause.

That apart, there is a marginal DTI interest in the introduction of an identity card scheme as a result of our interest in the Single European Market. With the introduction of identity cards internal security checks would become easier and, arguably, checking of entrants to the UK could be reduced at frontiers without jeopardising our objectives on immigration, terrorism, etc. Identity cards could also be used as passports for travel within the Community and this would have a marginally beneficial effect on free movement of people within the Community.

TN2AAP

dti

the department for Enterprise

These arguments would lead me to look more favourably on any identity card scheme which was introduced for other reasons, but they are not compelling.

I am copying this letter to other members of H Committee, the Foreign and Commonwealth Secretary, the Attorney General and the Lord Advocate. Copies also go to the Prime Minister and Sir Robin Butler.

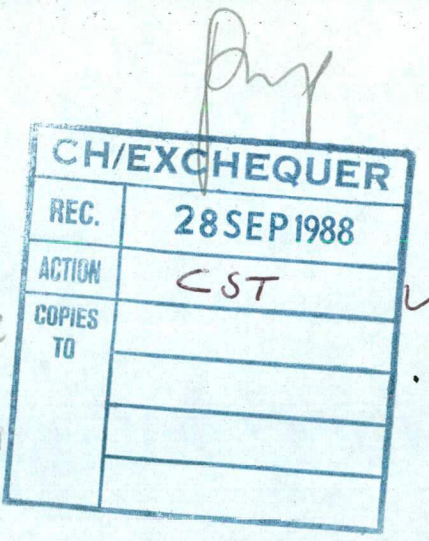
Yours sincerely,

Linda Joyce

PP TONY NEWTON

(Approved by the Chancellor and signed in his absence).

TN2AAP



Ch/ You may like to be aware, in case this is mentioned in Cabinet.

Prime Minister

DISORDER IN RURAL AREAS

This minute reports action taken following discussion in Cabinet of my earlier memorandum (C(88)9) on 30 June this year. We have had no riots this summer but episodes of lesser disorder have continued, though representatives of some towns have begun to complain of media exaggeration.

2. It was agreed at our meeting that I should:

(i) issue tough new guidelines to licensing justices and the police on enforcement of the licensing laws including provisions on under-age drinking;

(ii) look into the possibility of very quick prosecutions and court hearings to ensure that those involved in disorder would be dealt with crisply and quickly;

(iii) encourage chief police officers to implement the ACPO/Home Office Working Group's recommendations for operational improvements to the police response to incidents of disorder outside Metropolitan areas;

(iv) commission research into social and demographic issues relating to drinking and disorder amongst young people outside Metropolitan areas.

Meetings with interested parties

3. A series of useful meetings were held at the end of July:

(i) The Lord President, the Lord Chancellor and I met representatives of the Magistrates' Association to discuss enforcement of the licensing laws and swifter justice for those involved in disorder;

(ii) the Lord President and I met representatives of the licensed trades and the drinks, leisure and entertainments industry to discuss licensing law enforcement and other aspects of alcohol related disorder;

(iii) senior officials discussed licensing law enforcement with representatives of ACPO;

(iv) officials discussed swifter court hearings with the Crown Prosecution Service, ACPO and the Justices' Clerks' Society.

Proposals for operational improvements to the police response to incidents of disorder outside Metropolitan areas were the subject of a separate meeting with ACPO on 12 September.

Licensing law enforcement

4. The July meetings revealed a broad consensus about action to tackle alcohol and disorder through better management of premises and tougher enforcement of the licensing laws. Guidance was issued to the police and courts on 5 August (copy at A). This draws attention to the wide powers available to prevent and curb disorder, infringements of the licensing law and drunkenness; the new powers under the Licensing Act 1988 to object to and revoke licences at any licensing session with examples of possible grounds; the usefulness of visits to licensed premises by licensing justices and police with the examples of points to note; enforcement of the

law on the purchase of alcohol by under 18s (in public houses and other outlets) including reference to identity card schemes. It also provides information about crime prevention measures and exclusion orders in respect of persons convicted of violence or threatening violence on licensed premises. Copies of the guidance were sent to representative organisations for the licensed trade and the drinks, leisure and entertainments industries as well as the police and courts.

Swifter court hearings

6. Guidance was issued on 12 August (copy at B). This recommends drawing up a local contingency plan to allow an accelerated procedure for bringing people before the courts following outbreaks of hooliganism and disorder. The steps to be taken by each agency are outlined. Reference is made to seeking the appointment of an acting stipendiary magistrate to avoid delays in hearing cases, especially where large numbers of cases are involved or they are particularly complex. The Circular also contains guidance on the appointment of press spokesmen and the prompt and firm enforcement of fines.

Police and disorder

7. In my earlier memorandum I referred to the joint Home Office/ACPO Working Group examining ways of improving the police response to disorder in rural areas. This group has now completed its task. Its recommendations cover ways of improving the gathering and dissemination of information, refining and testing contingency plans and call-out arrangements and improving tactics. With one or two minor reservations, ACPO have accepted the report and agreed to implement its recommendations. I plan a circular to chief officers commending the report and urging its implementation. HM Chief Inspector of Constabulary will check on forces' progress in doing so. Further urgent work on developing and refining police tactics specifically designed for rural disorder is being taken forward jointly with ACPO.

8. ACPO representatives have, however, expressed considerable misgivings as to the police service's ability to implement these recommendations within existing resources. There is a certain amount which can be achieved by juggling with what they have, but only, of course, at the expense of a competing priority. I am pursuing separately with the Chief Secretary my proposals for additional police manpower.

Research

9. Six towns in South-East England have been chosen as the subject of an intensive study to establish the kind of areas most at risk of outbreaks of disorder; whether there are common factors to disturbances; what kind of young men are involved and what their motivation is.

10. Data from surveys and interviews is being analysed. A report on the research is expected to be available at the end of November.

Other action on alcohol misuse

11. (i) Drinking in a public place

In July I announced details of a pilot project in Coventry to test the effectiveness of a byelaw making it an offence to drink alcohol in designated streets and other public places. The byelaw is likely to come into operation on 1 November and will run for two years. Its effectiveness will be monitored by the Home Office Crime Prevention Unit and the local authority. Six other district councils have been invited to submit bids to fill three or four additional places in the project probably beginning early in the New Year.

(ii) Guidelines for licensing justices

In addition to points made in the guidance already issued it would be helpful if guidelines or a code of practice were drawn up to enable licensing justices to deal effectively and consistently with licensing applications.

The Magistrates' Association has been invited to convene a Working Party for this purpose taking in members of the trade, brewers and the police as well as licensing justices. Guidelines could then be made available to interested parties.

(iii) Training for licensing justices

At the meeting on 25 July, the representatives of the Magistrates' Association suggested that there should be improved training for licensing justices. In March 1985 the Association organised a highly successful week-end seminar for Chairmen of Licensing Committees in England and Wales and the Assocation is being invited to build on this and provide further training for Chairmen of Licensing Committees, and of magistrates generally as to their powers in petty sessions. The Lord Chancellor's Training Officer will be drawing attention to the need for training in licensing matters on his visits to Training Sub-Committees of Magistrates' Courts Committees. The Magisterial Committee of the Judicial Studies Board will be considering the matter at its next meeting.

(iv) Use of stipendiary magistrates to consider licensing applications

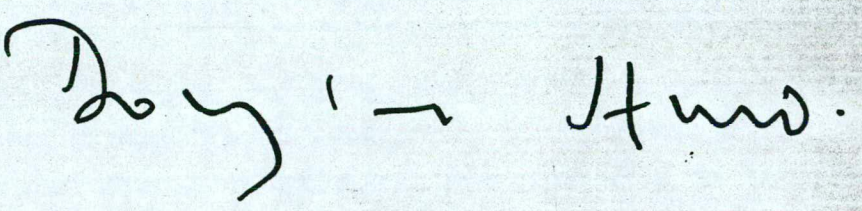
The Lord Chancellor and I have looked at the suggestion and have come to the conclusion that it would be impracticable. Licensing Committees act for each of the 550 petty sessional divisions in England and Wales and each Committee is required to hold an annual general licensing meeting and not less than four nor more than eight transfer sessions each year. In addition, many Committees carry out routine inspections of licensed premises. There are at present only 14 stipendiary magistrates outside Inner London, although five more will be appointed shortly. The considerable increase in the total numbers that would be required could not be made overnight and in any event it would not be the best use of resources for stipendiaries to sit in the number of places and on the number of occasions that would be required. It would not be feasible to transfer only some of the licensing functions to stipendiaries because they would not have the detailed background knowledge which licensing justices acquire. Wholesale appointments of stipendiaries

for this purpose would undermine the lay magistracy and provoke their intense opposition which would be particularly unfortunate at a time when the encouragement given to the lay magistracy to request the appointment of stipendiaries where appropriate is beginning to pay off. In any event stipendiaries do not at present have the powers of licensing justices and statutory provision would be required.

(v) Wider aspects of alcohol misuse

Work is being taken forward by the Ministerial Group on Alcohol Misuse. Of particular relevance are consultations now in progress on draft guidance to a wide range of organisations in the criminal justice, health, social care, education and road safety sectors suggesting ways they might work together and with other local organisations to tackle the problem of alcohol misuse. The draft guidance includes statements about the role of the different organisations involved, information on sources of advice and helpful publications as well as examples of good local practice. The crime prevention section includes additional details about identity card schemes now being promoted nationally by the National Licensed Victuallers' Association and the licensed trade journal, the Morning Advertiser, as well as details of multi-agency projects on alcohol related disorder.

12. I am copying this minute to other Cabinet colleagues and to Sir Robin Butler.



27 September 1988

A

HOME OFFICE
Queen Anne's Gate LONDON SW1H 9AT
Direct line 01-213
Switchboard 01-213 3000

Our reference
Your reference

Judges of the Crown Court
The Circuit Administrator
The Courts Administrator
The Chief Clerk of the Crown Court
The Clerk to the Justices
(extra copy to the Chairman of the Bench)
The Clerk to the Magistrates' Courts Committee
The Chief Officer of Police in England and Wales

5 August 1988

Dear Sir/Madam

HOME OFFICE CIRCULAR NO 68/1988

ALCOHOL AND DISORDER

1. The Government is concerned about the link between heavy drinking and public disorder. There is a growing number of reports of disorder in rural areas, and of incidents of football hooliganism, in which alcohol has played a significant part. The recent report by the Association of Chief Police Officers which surveyed incidents of public disorder in non-Metroplitan areas of England and Wales in 1987 found that alcohol featured in 90% of such incidents. Violence in the cities remains a problem and the connection with alcohol misuse is often clear.

2. The purpose of this Circular is to draw attention to the wide powers available to the courts, licensing justices and police to prevent and curb disorder, infringements of the licensing law and drunkenness. The Circular also provides information about possible crime prevention measures.

3. Annexes A-C to this Circular list:

A. The powers available to control licensed premises and deal with breaches of the licensing laws;

B. The main offences of drunkenness, indicating maximum penalties.

C. The main offences of disorder, violence and vandalism, again indicating maximum penalties;

POWERS OF THE COURTS AND LICENSING JUSTICES

4. The licensing laws provide wide discretion to grant, refuse, renew or revoke licences. The following paragraphs draw attention to some particularly important provisions relating to licences in force. But it is especially important, when considering applications for new licences and for the transfer of licences, to ensure that the prospective licensee is aware of his/her responsibilities under the law and has made arrangements for the effective management of the premises, including the training of staff. These aspects can best be addressed by questioning the applicant.

Powers to close licensed premises

5. The power of licensing justices to close premises which are badly managed or which are the scene of regular disturbance and disorder can be exercised at present only once a year, at the annual renewal of the licence. This occasion provides the opportunity for the justices, police, local residents or local council to object to a licence remaining in force. The grounds on which renewal may be refused are wide-ranging and are not specified. They may include reports of disorder at or associated with premises, convictions or warnings for infringements of the licensing laws (eg sales to under 18s or after-hours drinking), examples of bad or lax management and a poor standard of service, car-parking problems, rowdyism or litter.

6. With the introduction of three year licences in February 1989, the Licensing Act 1988 will give licensing justices the power to revoke a licence at any licensing session on any grounds on which they may refuse to renew a licence. An application for revocation may be made by anyone or the justices may themselves initiate proceedings. The power will come into effect on 1 March 1989.

7. The new powers of revocation will enable justices to exercise greater and more immediate control over troublesome premises, and the power to refuse renewal of a licence (in future once every three years) will remain.

Day to day running of licensed premises

8. Most licensing committees make it their practice to visit licensed premises in their area both to make contact with the licensee and see for themselves the premises, staff and clientele. Routine visits to premises remind licensees of the role of licensing justices and of the importance of observing the law. They also give licensing justices local knowledge of their premises and the likely trouble spots. Points to note or enquire into include: whether staffing levels are adequate (slow customer service may trigger violence); arrangements for staff training including awareness of the licensing law and handling of difficult customers; methods of dealing with disorder, including police liaison; numbers of persons on the premises (overcrowding can be another source of trouble); design and layout, with particular reference to good visibility from the bar area; arrangements for supervising the departure of customers late at night (clubs, for example, may wish to arrange for a degree of

supervision outside the premises). Visits on similar lines by the police can also be valuable.

Underage drinking

9. The Licensing Act 1988 has strengthened the offence of selling to those under 18, shifting the burden of proof to the licensee but providing a defence if he can prove he exercised all due diligence to avoid the commission of an offence or that he had no reason to suspect the customer was under 18. The maximum fine for selling to under-age customers is raised from level 2(£100) to level 3(£400). The powers of magistrates to order the forfeiture of a licence on a second or subsequent conviction are retained. It is also an offence for a person under 18 to buy or attempt to buy alcohol on licensed premises, or to consume alcohol in a bar. A person who buys alcohol for consumption by an under-age person in a bar also commits an offence.

10. The 1988 Act requires all sales of alcohol by staff aged under 18 in off-licensed premises (including supermarkets) to be specifically approved by the licensee or an adult acting on his behalf. Wholesale premises are also subject to the law on sales to and by persons under 18.

11. Assessing a person's age is one of a licensee's most difficult responsibilities. Some pubs deliberately set out to attract young customers and it may be all too tempting for licensees to turn a blind eye. Measures taken to prevent under-age sales, including appropriate staff training and design of premises, will be important points to stress when considering licensing applications and during visits to licensed premises. In response to the 1988 Act provisions, voluntary identity card schemes are attracting interest amongst the trade. Schemes are in operation in a number of areas.

Late-night licensing extensions

12. Incidents of disorder often occur when customers leave late-night clubs and discos at the same time, whether midnight, or 1 am or 2 am. The Licensing Act 1964 presently requires the justices to grant regular late-night extensions (special hours certificates) provided certain criteria are met. The Licensing Act 1988 strengthens the available powers by giving licensing justices (or magistrates' courts in the case of registered clubs), discretion to grant or refuse special hours certificates, even though the criteria are satisfied, and a power to attach limitations to certificate's operation, eg to curtail the closing hours. The right of the police to apply for the curtailment or revocation of a certificate if premises give rise to disorderly conduct will remain. The new provisions will come into effect on 22 August.

13. The new powers provide scope for discussion between justices, the police and local councils (who license premises used for entertainment) to determine a policy for late-night premises, eg their closing hour. It would also be possible, for example, to limit the numbers present in night clubs if there is evidence of overcrowding which results in disorder.

Use of exclusion orders

14. The Licensed Premises (Exclusion of Certain Persons) Act 1980 enables the magistrates' court, when sentencing a person convicted of violence or threatened violence on on-licensed premises to make an 'exclusion order' prohibiting him/her from entering those or any other specified premises (for between 3 months and 2 years) without the express consent of the licensee. Thus a person convicted of a violent offence in a public house may be banned from that pub and from others which are named in the order. A police constable or the licensee has specific power to expel from licensed premises a person whom he reasonably suspects to have entered premises in breach of an exclusion order. The Act applies in England, Wales and Scotland. This is a useful power to prevent known troublemakers from entering pubs in the area. The trade would welcome its greater use.

Section 188 of the Licensing Act 1964

15. This section provides that where a riot or tumult (incident of serious disorder) happens or is expected to happen in any county, any two justices may order every holder of a justices' licence in the area of likely disorder to close his premises for such time as the justices may order. The maximum fine for disobeying an order is £400. If any order is made, it will apply to all licensed premises - pubs, restaurants, hotels, wine bars, off-licences and supermarkets. In practice, when trouble is expected eg in the vicinity of football grounds, the police will advise particular licensees to close and most are happy to comply. But justices should be aware of this important reserve power.

Home Office Circular 62/1988

16. The Government considers it important for those accused of involvement in outbreaks of hooliganism to be brought promptly before the courts. Home Office Circular 62/1988, to be issued shortly, will provide guidance and a general framework for the development of local plans to provide special arrangements for bringing people quickly before the court when this seems desirable.

Appeals to the Crown Court

17. Judges hearing appeals against the decisions of licensing justices on any aspect of licensing will wish to bear in mind the importance of maintaining public order and preventing crime as well as legal considerations.

Powers of the police

18. Police knowledge of trouble on the ground is essential to the consideration of licensing applications. The Licensing Act 1964 provides a power for the police to enter licensed premises whether at the invitation of the licensee or not. Police may also object to the grant, transfer or renewal of a licence or apply for its revocation.

19. It is important for the police as well as the courts to be aware of the wide powers available to deal with infringements of the licensing law. Much can be achieved by providing help and advice to landlords, as well as drawing the attention of the owner/brewer to troublesome premises. But if co-operation is not forthcoming and trouble continues, it will be necessary to consider whether a licence should continue in force. In such circumstances, police will wish to consider the case for lodging a formal objection to the licence (rather than submitting general comments) and/or taking the initiative to apply for revocation of the licence.

Crime prevention

20. This Circular stresses the need for firm action to close problem premises and deal with trouble makers. But it is equally important to target resources and make best use of crime prevention opportunities. There is scope for co-operation between the courts, the police, licensees, brewers and others. A good deal of useful crime prevention work is already being carried out in relation to licensed premises; Annex D to this Circular gives examples.

D E R FAULKNER

J A CHILCOT

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LICENSING ACT 1964 (AS AMENDED BY THE LICENSING ACT 1988): EXISTING POWERS

Section 3	Licensing justices have discretion to grant, renew or transfer a justices' licence to any person they think fit and proper.
Section 4	When granting a new justices' on-licence, the licensing justices may attach to it such conditions governing the tenure of the licence and any other matters as they think proper in the interests of the public. A new on-licence shall not be granted if the premises are not structurally adapted to the class of licence required.
Section 7	The occasion of licence renewals provides an opportunity for anyone (including police, local residents and licensing justices) to object to renewal on wide variety of grounds - see paragraph 5 of the circular.
Section 19	Licensing justices have power to require structural alterations to on-licensed premises - on renewal of licence - "to secure the proper conduct of the business".
Section 20A	(Inserted by section 12 of the 1988 Act.) From 1 March 1989, licensing justices will have power to revoke a licence at any licensing sessions either on an application or of their own motion. Revocation is exercisable on any ground on which the renewal of the licence may be refused.
Section 67A	(Inserted by section 3 of the 1988 Act.) From 22 August, licensing justices, or magistrates' courts in respect of clubs, will have power to grant a restriction order requiring particular premises to close their bars during the afternoon to avoid or reduce any disturbance, annoyance or disorderly condut.
Sections 70, 71, 72	Licensing justices, or magistrates' courts in respect of clubs, have discretion to grant extended hours orders (to 1 am) for restaurants providing musical entertainments.
Section 73	Police may apply for extended hours order to be revoked eg on grounds of disorderly conduct in or around the premises.

Sections 76, 77, 78, 78A, 80 81 81A	(As amended/inserted by section 5 of the 1988 Act.) From 22 August, licensing justices, or magistrates' courts in respect of clubs, will have discretion to grant or refuse special hours certificates and a power to limit its hours. Police have power to apply for revocation or curtailment of hours, eg to reduce disorderly conduct and disturbance and annoyance to local residents.
Section 169	(As amended by section 16 of the 1988 Act.) It is an offence for a licensee to sell alcohol to a person under 18; knowingly to allow a young person to consume alcohol in a bar; and knowingly allow any person to sell alcohol to a person under 18. A person under 18 commits an offence on licensed premises if he buys or attempts to buy alcohol. And it is an offence for any person to buy alcohol for a person under 18 to consume in a bar.
Section 171A	(Inserted by section 18 of the 1988 Act.) In off-licensed premises, it is an offence for the licensee to allow staff under 18 to sell alcohol unless that sale has been specifically approved by the licensee or by an adult acting on his behalf.
Section 172	It is an offence for a licensee to allow drunkenness or to sell alcohol to a drunken customer.
Section 173	It is an offence to procure alcohol for a drunken person.
Section 181A	(Inserted by section 17 of the 1988 Act.) A wholesaler commits an offence on wholesale premises if he sells alcohol to a person under 18 or allows staff under 18 to sell alcohol unless that sale has been specifically approved by the wholesaler or by an adult acting on his behalf. And it is an offence for a person under 18 to buy or attempt to buy alcohol on wholesale premises.
Section 186	A constable has a right of entry to licensed premises "for the purpose of preventing or detecting the commission of any offence" under the 1964 Act.
Section 188	Justices have power to order licensed premises to close in the event or expectation of serious disorder.

LICENSED PREMISES (EXCLUSION OF CERTAIN PERSONS) ACT 1980

Section 1	Magistrates' courts, when sentencing a person convicted of violence or threatened violence on on-licensed premises, may make an exclusion order prohibiting him from entering those or other specified premises for between three months and two years.

ANNEX B

DRUNKENNESS OFFENCES

Metropolitan Police Act 1839

Section 44: any shopkeeper etc in the MPD who 'wilfully or knowingly' permits drunkenness or other disorderly conduct on his premises is liable to a maximum fine at level 1.

Town Police Clauses Act 1847

Section 61: offence to drive a hackney carriage while drunk - level 1 fine.

Licensing Act 1872

Section 12: offence to be drunk on any highway or other public place or on any licensed premises - level 1 fine.

Licensing Act 1902

Section 1: offence of being drunk and incapable on any highway or other public place or on any licensed premises - to be 'dealt with according to law'.

Section 2: offence of being drunk in charge of a child under 7 - level 2 fine or one month imprisonment.

Licensing Act 1964

Section 172: offence for licensee to permit drunkenness on his premises, and to serve a drunken customer - level 2 fine.

Section 173: offence of procuring drink for a drunken person and of aiding a drunken person to obtain or consume alcohol in licensed premises - level 1 fine.

Section 174: licensees have express powers to refuse to admit to or expel from, licensed premises any drunken person. Failure to leave - level 1 fine.

Criminal justice Act 1967

Section 91: drunk and disorderly in a public place - level 3 fine.

Late Night Refreshment Houses 1969

Section 9(i): licensee knowingly permitting drunken or disorderly persons to assemble or remain on premises - level 4 fine and/or three months imprisonment.

Section 9(iv): refusal by drunk etc person to leave late night refreshment house - level 1 fine.

Sporting Events (Control of Alcohol Etc) Act 1985

Section 1(2): knowingly causing or permitting intoxicating liquor to be carried on a vehicle on the way to or from a designated sporting event - level 4 fine.

Sections 1(3) and 2(1): possession of intoxicating liquor during a designated sporting event or while in a vehicle on the way to or from a designated sporting event - level 3 fine or three months imprisonment or both.

Section 1(4) and 2(2): being drunk during, when entering or trying to enter a designated sporting event or on a vehicle on the way to or from a designated sporting event - level 2 fine.

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ANNEX C

MAIN OFFENCES OF DISORDER, VIOLENCE, VANDALISM ETC

Offence	Maximum penalty
Threatening or disorderly behaviour (general - Section 5)	Level 3 fine (£400)
Threatening or disorderly behaviour (towards another -	6 months) Level 5 fine) (£2,000)
Affray	3 years and fine
Violent disorder	5 years and fine
Riot	10 years and fine
Offences of violence against the person	
Assault	2 months or level 3 fine
Assault on police	6 months
Actual Bodily Harm	5 years
Unlawful wounding	5 years
Wounding with intent to do GBH	Life imprisonment
Robbery	Life imprisonment
Possession of offensive weapon	2 years and unlimited fine
*Possession of knife or sharp bladed instrument in a public place without good reason or lawful authority	Level 3 fine
Offences against property	
Arson	Life imprisonment
Criminal Damage	10 years and unlimited fine
Criminal damage endangering life	Life imprisonment
Theft, handling stolen goods etc	10 years

* When the relevant sections of the Criminal Justice Act come into force

ANNEX D

CRIME PREVENTION

1. Examination of local alcohol related crime, with action targetted on the specific problems eg. management of particular premises, late night transport arrangements. Examples in Coventry and Newport.

2. Sussex Licensing Project - a police led scheme in Brighton, which has resulted in a significant drop in alcohol related arrests.

3. Other initiatives:

Voluntary identity cards to show holder is over 18 (Witney) and 'Pubwatch' schemes with early warnings of suspicious or disorderly behaviour (Brentwood).

4. Reports to Standing Conference on Crime Prevention.

18 November 1986: Working Group on the Prevention of Violence Associated with Licensed Premises:

24 November 1987: Working Group on Young People and Alcohol.

<u>Further information on the above available from:</u>

Crime Prevention Unit
Home Office
50 Queen Anne's Gate
LONDON SW1H 9AT

Tel: 01 273 3355

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B.

HOME OFFICE

Queen Anne's Gate London SW1H 9AT
Direct line: 01-273 3521
Switchboard: 01-273 3000

Our reference: CR1/88 750/3/24
Your reference: POL/88 1100/10/5

4 August 1988

c.c. The Director of Public Prosecutions
The Chief Probation Officer

The Clerk to the Justices
(with a copy for the chairman of the bench for the information of the justices)

The Chief Officer of Police

Sir/Madam

HOME OFFICE CIRCULAR 62/1988

HOOLIGANISM

We are directed by the Secretary of State to say that he is concerned that adequate arrangements should be made to prosecute swiftly defendants accused of committing offences in the course of sudden outbreaks of hooliganism such as have become the subject of considerable concern in recent months.

2. For swift action to be possible there need to be agreed arrangements at local level between the parts of the criminal justice system directly involved. These arrangements should be such that they can be invoked and put into action at short notice.

3. The Home Office has consulted the Crown Prosecution Service, the Association of Chief Police Officers and the Justices' Clerks' Society about such arrangements and the points which they should cover. The Appendix to this circular contains guidance based on those discussions. Chief Constables, Chief Crown Prosecutors and Justices' Clerks are asked together to take the necessary steps to draw up plans for their areas in accordance with it.

Graham Sandiford

G K SANDIFORD
C2 Division

E SODEN
F2 Division

DISORDER: CONTINGENCY PLANS

1. INTRODUCTION

1.01 Outbreaks of hooliganism and disorder call for rapid action both to deter further outbreaks and to demonstrate the determination of the agencies involved to act firmly against them. Local contingency plans should therefore be drawn up to provide an accelerated procedure for bringing people quickly before the court when the situation demands it. This note, which has been drawn up in consultation with the Crown Prosecution Service, the Association of Chief Police Officers and the Justices' Clerks' Society provides guidance and a general framework for the development of such plans.

1.02 Contingency plans will have many common features, but there will also be differences according to the nature of the areas involved. Plans must match local resoures and the circumstances in which they are most likely to be put into operation.

1.03 If plans are to be effective they will require the close co-operation of all parts of the system. Local plans should therefore be drawn up jointly by the police, the justices' clerk in consultation with his justices, the CPS, the probation service, local defence solicitors and others who may need to be involved. Discussions should take place locally as soon as possible. Court user groups where they exist may provide a suitable forum. The plan should be drawn up in writing and copies should be made available to all who may need it.

2. CRITERIA FOR IMPLEMENTING THE CONTINGENCY PLAN

2.01 There should be agreement between the justices' clerk, the police and the CPS about the kind of incident which should lead to the local contingency

plan being used. In some areas, or on some occasions, it may need to be used when relatively few people have been involved. Elsewhere the situation will be such that only incidents on a relatively large scale will require the plan to be put into operation. In centres where courts are already being used to capacity in the normal course of events care will be needed to ensure that the implementation of a contingency plan does not cause unacceptable disruption to existing arrangements. Even so the need to bring people accused of involvement in incidents of disorder before the courts quickly may mean that other cases suffer some delay. (See also paragraph 6 below).

2.02 In general, an accelerated procedure is not likely to be appropriate for serious charges which will, rightly, raise questions such as advance disclosure and mode of trial. These questions will need a longer period to resolve.

3. NEED FOR CONTINUITY OF PERSONNEL

3.01 Contingency plans are likely to be activated at relatively short notice, and possibly in circumstances of some confusion. Those responsible for putting them into operation in each service should be identified in advance and known to the other services. It is recommended therefore that each agency should nominate a person at an appropriate level to take on this role.

4. ELEMENTS OF CONTINGENCY PLANS

4.01 The contingency plan should provide that where the police judge that a situation meets the locally agreed criteria, they should contact the clerk to the justices and the CPS to notify them that people have

been arrested who should be brought to court under the special procedures. The clerk to the justices should then make arrangements for a court to be ready to hear the cases. The CPS will need arrangements with the police to have all witness statements submitted so that an urgent review of the cases can be undertaken. The plan should provide for the police and the CPS to consult at an early stage over the nature of changes to be brought.

4.02 The contingency plan should place responsibility on the police or the clerk to the justices for notifying the various persons or agencies who will be involved of the time and place of the hearing, and the reason for the hearing. In particular it is suggested that the contingency plan should provide:-

(i) for the police to notify:-

(a) the probation service/social services; and

(b) the press,

(ii) for the clerk to the justices or his deputy to notify:-

(a) the magistrates who will be sitting;

(b) the CPS

(c) court staff, and

(d) the duty solicitor or other solicitors.

4.03 It may be helpful if the contingency plan incorporates a check list, so that the various steps that need to be taken are achieved in the right order and at sufficient intervals to allow all the parties to play their proper part. The following factors should be considered:-

(a) Magistrates

The clerk to the justices or his deputy, after consulting the chairman of the bench, will arrange for the attendance of a sufficient number of suitably experienced magistrates. It will be a matter for local decision whether a standby rota of magistrates should be drawn up. Continuity is important and as far as possible magistrates should be available to sit for as long as they are likely to be needed.

(b) Police

The police should ensure that witness statements are prepared and submitted to the CPS. They should also ensure that arrangements are made for the warning of witnesses as soon as the hearing dates and venues are known.

(c) Probation Service/Social Services

The plan should identify the names and telephone numbers of senior probation officers and social workers who are to be contacted. The involvement of social workers will normally only arise where persons under the age of 17 are to appear in court.

(d) Court Staff

Court staff, including court clerks, ushers, administrative staff and building staff who are on standby should be notified of the time of the hearing if their services are required. The number of staff to be brought in will depend on the number and nature of the cases falling to be dealt with. Where the police do not undertake the task, sufficient staff must be on duty to maintain security and order within the court building. If the number of persons arrested is too great for one court house to deal with, the contingency plan should provide for the clerks to the justices in the area to co-ordinate in the provision of sufficient resources.

(e) Duty Solicitor

Where a duty solicitor scheme is in existence, the contingency plan should make provision for sufficient numbers of duty solicitors to attend the court.

(f) Other Solicitors

If there is no duty solicitor scheme or the scheme is not geared to providing representation in these circumstances, the contingency plan should make provision for the clerk to the justices to contact the representative of the local law society who can then, in turn, notify other solicitors so that sufficient solicitors are available to represent those in custody.

(g) Press

The contingency plan should identify the press

and other news media to be notified. The situation should be explained fully to them. Proceedings should be conducted openly and should give no grounds for criticism of "secret justice".

5. THE COURT SITTING

5.01 It is suggested that magistrates and justices' clerks should pay particular attention to the following points:-

(a) The accused person's basic rights must not be overlooked. Notwithstanding the pressures there may be on the court to deal with a large number of persons, the magistrates and the court clerk should be at pains to ensure and to demonstrate that everyone who appears before the court is being fairly treated and according to the high standards demanded by the rules of natural justice.

(b) The magistrates should be aware before the proceedings of their powers to deal with any disorder or disruption of the court proceedings.

(c) The number of persons brought before the court at any one time should be kept as small as possible. It is often difficult to deal calmly and fairly with a large number of people together, and experience has shown that dealing with groups of people together encourages disorder within the court room.

(d) Courts should not sit for long periods without a break. A period of two-and-a-half to three hours should not be exceeded without a break of at least one hour. Special sittings should be avoided wherever possible. Justice cannot be administered satisfactorily at night when most of the people involved are likely to be tired after a normal day's work.

(e) Care should be taken that cases are not called on before the court until the persons charged have had a sufficient opportunity, if they wish, of consulting a solicitor. The clerk to the justices, in making arrangements for the court sitting, will need to balance the need for an early court appearance with the rights of the accused to see a solicitor and give him instructions. In particular, unrepresented defendants who appear before the court should be asked:

(i) whether they are ready for the case to proceed, and

(ii) whether they have had an opportunity to see a solicitor, or a friend or relative.

(f) To ensure that cases brought on speedily under the special arrangements proceed properly to final disposal particular attention will need to be given to maintaining control over adjournments. There may be a need for a senior justice and the justices' clerk to maintain an overview of the progress of cases. Where a court has decided to proceed to deal with a case to final disposal, the court must observe the requirements of s.20(A) of the Powers of Criminal Courts Act 1973 and s.2 of the Criminal Justice Act 1982 to obtain social enquiry reports.

(g) In this context it may be right to consider whether the same bench(es) should hear all the cases concerned. While the magistrates may sometimes have to impose similar orders in respect of a number of defendants, they will need to consider each case separately. By the same token, the practices of the court clerk should avoid giving the impression that any particular order is likely to be made before it is announced.

6. ACTING STIPENDIARY MAGISTRATE

6.01 In the unlikely event of prolonged incidents, or where there are cases which by their number or complexity will take up a lot of court time consideration should be given to making application to the Lord Chancellor for the appointment of an acting stipendiary magistrate, under s.15 of the Justices of the Peace Act 1979, in order to avoid delays in the hearing of cases. If it becomes apparent that delays are occurring the assistance of an acting stipendiary magistrate should be sought before a large backlog of cases has accumulated. The appointment of an acting stipendiary magistrate is a temporary one, and casts no reflection on the justices' own ability to deal with the number of cases coming before their court. Nevertheless, exceptional circumstances may require that special steps be taken in order to ensure that justice is administered without delay.

6.02 Where such a situation arises, the clerk to the justices should, after consulation with the chairman of the justices and the secretary of the Lord Chancellor's Advisory Committee, apply to the Lord Chancellor for the appointment of an acting stipendiary magistrate.

6.03 The contingency plan should, if possible, make provision for a court room, a court clerk and court usher to be set aside in the event of an acting stipendiary magistrate being appointed.

7. SECURITY

7.01 Special arrangements may need to be made to maintain security, both in and around the court building. Additional police may be required to assist in the maintenance of order within the court room and in the court foyer. Other court staff such as ushers and caretakers may also need to be employed to assist in this respect. Court ushers need to be properly instructed and know when to call for assistance from the police.

8. PRESS

8.01 There will sometimes be a need for the court to have a press spokesman. Generally it is more desirable for the clerk to the justices, to assume this role than for it to be performed by a magistrate. Subject to consultation with the bench chairman, the contingency plea should provide that the clerk to the justices, or his deputy, will act as press spokesman.

9. ENFORCEMENT OF PENALTIES

9.01 When cases which are brought to court under special procedures result in fines being imposed, it is clearly important that penalties should be enforced if the deterrent and declaratory effect of speedy disposal is not to be lost. Contingency plans should include arrangements for the prompt follow up and firm enforcement of fines.

he.dw/brook/sub1

CONFIDENTIAL

FROM: P H BROOK
DATE: 5 OCTOBER 1988

1. MR REVOLTA

2. CHIEF SECRETARY

cc: Chancellor
Sir Peter Middleton
Mr Anson
Mr Phillips
Mrs Case
Mr Fellgett
Mr Russell
Mr Call

The identity cards correspondence has raised questions of principle as well as Departmental issues, and you may wish to answer the Home Secretary's letter before you receive our views. But the expenditure and effectiveness issues are not far behind, and this is a thoroughly bad proposal from a purely Treasury point of view. DR 6/10

IDENTITY CARDS

1. The Home Secretary's letter of 3 August to the Lord President invites colleagues views by the end of the Recess on the possibility of introducing a national identity card scheme either on a compulsory or voluntary basis. A compulsory scheme would be extremely costly to try to enforce and, as the Attorney General points out in his letter of 10 August, might well be subject to widespread abuse by forgery. We recommend that you argue against a compulsory scheme and press for an analysis of the costs and benefits of a voluntary scheme before this is considered seriously. A draft letter is attached.

Background

2. The wartime identity card system was discontinued in 1952. Since then the issue of identity cards has been raised from time to time but Home Office Ministers have consistently maintained the line that they are not persuaded of the advantages of a compulsory scheme. There has been an upsurge of interest in a national identity card scheme in recent months, including a 10 Minute Rule Bill in early August and Questions in the House. From the point of view of the Home Office the key question has always been whether identity cards would help the police to deal more effectively with crime. The traditional view of the police has been that the disbenefits of operating such a scheme would outweigh any advantages. However, recently some senior police officers including the Commissioner of the Metropolitan Police have registered a degree of support for identity cards. The Home Secretary has therefore invited views from the Association of Chief Police Officers as well as Ministerial colleagues.

Responses

3. A number of Ministers have expressed views so far including the Attorney General, Secretary of State for Wales, Environment Secretary, Foreign Secretary, Health Secretary, Lord Chancellor and Minister of Trade and Industry. The Private Secretary to the Prime Minister has also responded saying that the Prime Minister has noted the content of the Home Secretary's letter. The Attorney General is firmly opposed to a compulsory scheme and does not view a voluntary scheme as viable. The Environment Secretary reserved his position pending the outcome of the working party on the national membership scheme for football supporters. All other Ministers who have responded are opposed to a compulsory scheme. As far as a voluntary scheme is concerned the responses from the Foreign Secretary and Health Secretary are mildly encouraging but the Lord Chancellor and Minister for Trade and Industry are more doubtful about the benefits of such a scheme. The Secretary of State for Wales felt that this option should be explored.

Comments

4. A compulsory scheme would be extremely costly to implement and to attempt to enforce. There would undoubtedly be strong opposition both publicly and politically to the introduction of a compulsory scheme. Unless the police produce compelling fresh arguments that indicate a compulsory scheme would significantly assist in the fight against crime there seems little to commend such a scheme.

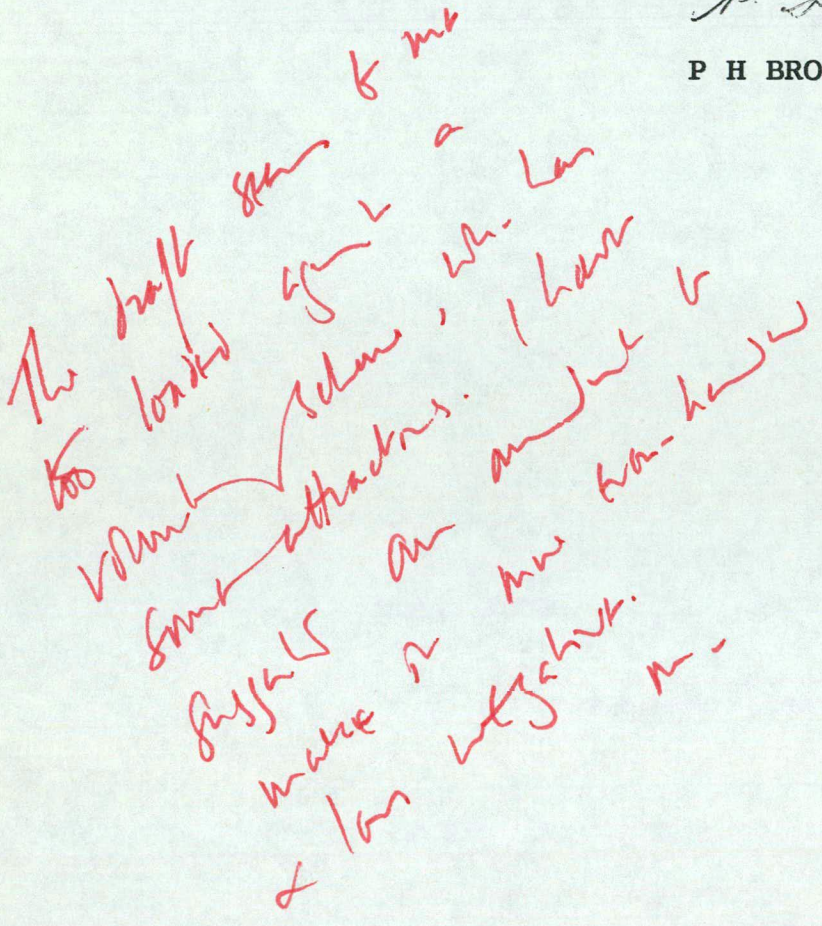
5. The Home Secretary suggests that individuals would be charged for an identity card under a voluntary scheme. The fact that charges might be set to cover the costs does not by itself justify the expansion of the public sector that would be necessary to operate an identity card scheme. It is difficult to imagine that a voluntary system would assist the police in dealing with crime. The annexes to the Home Secretary's letter summarising the position in member States of the European Community suggest a number of uses that might be made of an identity card, for example to obtain state benefits or a passport, or to back credit cards. But the fact is that these problems have already been addressed in this country in different ways. The most promising line that may be worth pursuing is that an identity card scheme might be developed to replace British Visitors Passports. The French identity card is a valid travel document within the European Community.

6. The Home Office have confined their look at other countries experience to the European Community. There is interesting experience further afield. For instance I understand that in California driving licences are regarded as identity cards and virtually every adult carries one including non-drivers, suitably endorsed of course.

Recommendations

7. We recommend that you oppose a compulsory scheme and argue that the costs and benefits of a voluntary scheme should be explored before serious consideration is given to going down that path. You might also suggest that the Home Office look at wider experience than the European Community.

P H BROOK



he.dw/ministers/6 October

CONFIDENTIAL

DRAFT LETTER TO HOME SECRETARY

IDENTITY CARDS

Thank you for copying to me your letter of 3 August to John Wakeham.

I see a compulsory identity card scheme as unattractive, not least because it would be extremely costly to introduce and to try and enforce. I also find it difficult to envisage the advantages that would accrue from a voluntary scheme. While charges might be set to cover the cost of a scheme this alone does not justify the expansion of the public sector that would be necessary to operate it. If we are to consider this seriously I think that we need a clear assessment of the costs and benefits of a voluntary scheme (with an estimate of likely take-up and the level of charge that would be necessary to cover costs) ~~[and what it is intended to achieve together with plans for how that achievement would be measured.]~~ In assessing the benefits that might be gained it could be useful to look at wider experience than that in the European Community.

I am sending copies of this letter to the recipients of yours.

JOHN MAJOR

CONFIDENTIAL

7/10

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

6 October 1988

1. Jonathan
2. prep.

Dear Philip

DISORDER IN RURAL AREAS

The Prime Minister was grateful for the Home Secretary's minute reporting the action taken following Cabinet discussion on 30 June. She was pleased with the progress which had been made. She was particularly interested in reports which she has had separately of the success of ACPO's Brighton experiment. The Prime Minister assumes that the research referred to in paragraphs 9 and 10 of the Home Secretary's minute is an extension of the Brighton experiment into other towns and looks forward to early translation of their results into firm guidelines for licensing justices as outlined in paragraph 11(ii) of the Home Secretary's minute.

I am copying this letter to the Private Secretaries to members of the Cabinet and to Trevor Woolley.

Yours sincerely

Dominic

DOMINIC MORRIS

P. J. C. Mawer, Esq.,
Home Office

CONFIDENTIAL

MP

11/10/88

Peter / Carys

If you haven't already sent letter on identity cards, cd you make C&T aware of Chancellor's [illegible] suggested amendment behind, reflecting his feeling that draft is at present too loaded against a voluntary scheme.

MPW

cst.ps/13jm10.10

CONFIDENTIAL

cc:
Chancellor
Sir Peter Middleton
Mr Anson
Mr Phillips
Mrs Case
Mr Revolta
Mr P H Brooke
Mr Fellgett
Mr Russell
Mr Call

mp

can have pps back pr

Treasury Chambers, Parliament Street, SW1P 3AG

The Rt Hon Douglas Hurd CBE MP
Home Secretary
Home Office
50 Queen Anne 's Gate
London
SW1H 9AT

11 October 1988

- M.

Dear Home Secretary,

IDENTITY CARDS

Thank you for copying to me your letter of 3 August to John Wakeham.

I see a compulsory identity card scheme as potentially unattrative, not least because it would be extremely costly to introduce and to try and enforce. There clearly are benefits from such a scheme but, on balance, I believe they are outweighed by the disadvantages. I also find it difficult to envisage the advantages that would accrue from a voluntary scheme. While charges might be set to cover the cost of a scheme this alone does not justify the expansion of the public sector that would be necessary to operate it. If we are to consider this seriously I think that we need a clear assessment of the costs and benefits of a voluntary scheme (with an estimate of likely take-up and the level of charge that would be necessary to cover costs). In assessing the benefits that might be gained it could be useful to look at wider experience than that in the European Community.

I am sending copies of this letter to the Prime Minister, other members of H Committee, Geoffrey Howe, Patrick Mayhew and the Lord Advocate and Sir Robin Butler.

Yours sincerely,

P. Walker

pp JOHN MAJOR

[Approved by the Chief Secretary and signed in his absence.]

CONFIDENTIAL

SECRETARY OF STATE FOR THE ENVIRONMENT

2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref:

Your ref:

The Rt Hon Douglas Hurd MP
Home Office
Queen Anne's Gate
LONDON
SW1

14 October 1988

Dear Douglas

In your letter of 3 August about a possible national identity card scheme you asked for comments from collegues by the end of the recess. I am following up my interim letter of 23 August.

There are two areas in which there is a potential interest for my Department. You will be aware that Colin Moynihan's Working Party, which is examining the details of the proposed national membership scheme to control admission to football matches, has yet to report. However, we can be clear about the nature of the scheme and the broad requirements of the card on which it will be based.

It is proposed that anyone wishing to attend a designated football match will require a valid membership card. That card will have to be capable of being checked at clubs' turnstiles. It will include the member's name, a photograph, a membership number, the date of expiry, the name of the club with which the member wishes to be associated and the member's national football allegiance.

These are minimum requirements to ensure that identity can be established and that suitable arrangements can be made for crowd segregation. These requirements go well beyond what I have seen advocated by those who support the introduction of a national identity card. We know that we will meet serious opposition to our proposed scheme from the football industry and from the opposition parties in Parliament on civil liberties grounds. However, as I said in my letter of 28 September to H Committee, this is not a compelling argument because no-one has to attend a football match. That argument would not, of course, apply to the introduction of a national identity card scheme. Any such scheme would require as sophisticated a card as the one we will have to have for football, if it were to achieve our aim of controlling hooliganism at football matches.

I have also considered the use of a national identity card in the context of the community charge. From the time when the community charge was first mooted, we have insisted that it was not the precursor to a system of national identity cards and that

acceptable levels of registration can be achieved using separate commuinty charge registers in each area, derived from local sources of information. A system of national identity cards would not of itself seem likely to improve the coverage of community charge registers, nor would it reduce the cost of maintaining them. Furthermore, any announcement that we intend to introduce a system of national identity cards - or even a suggestion that the Government is seriously considering such a system - is bound to be linked in the public mind with the introduction of the community charge.

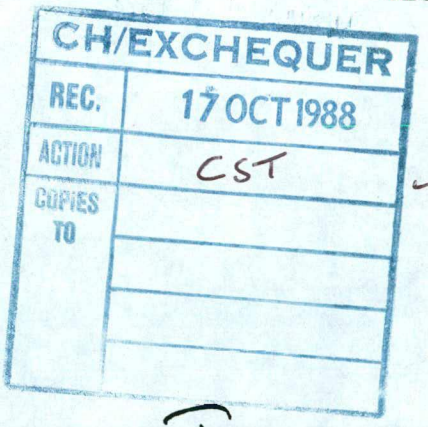
A national identity card system would be of value for community charge registration purposes only if it included the up to date address of each individual, which in turn would require a notification of changes of address to which everybody was responsible for administering the new system. The requirement for up to date addresses does not seem to arise in the contexts in which identity cards are being discussed. It also threatens, in the way that the requirements of the national football membership scheme do, to turn the identity card into a comprehensive national data system. That would be quite unacceptable to the civil libeties lobby. Given that we believe that the system we have devised for community charge purposes is perfectly adequate, I see no need to go for a national identity card system. Indeed, as I have said, any such proposal would certainly increase opposition to the community charge.

For the reasons given above, I see no benefits from my Departmental point of view from a national identity card scheme. I am also opposed to the idea on more general grounds. I agree with John Major that it would be extremely costly to introduce and to try to enforce. I simply cannot see that any such schemes would deliver benefits which could justify such cost and the attendant controversy.

I am copying this letter to the Prime Minister, the Foreign Secretary, other Members of H Committee, the Attorney-General, the Lord Advocate and Sir Robin Butler.

NICHOLAS RIDLEY

SECRET



18/10

QUEEN ANNE'S GATE LONDON SWIH 9AT

17 October 1988

Dear Tom,

RESTRICTIONS ON ACCESS TO THE MEDIA

I am writing to bring Cabinet colleagues up to date with our proposals to restrict access to the broadcast media by proscribed organisations in Northern Ireland and their political wings; and also to seek your agreement to the terms of the Notices that I shall be sending to the broadcasters and my statement to the Commons announcing the decision.

Colleagues will wish to know that, following our joint discussions with the Prime Minister, it was decided that I should use my existing powers, under the Licence and Agreement with the BBC and under the Broadcasting Act in respect of the IBA, to direct the broadcasters to refrain from broadcasting direct statements by proscribed organisations, Sinn Fein and the UDA and statements by any person supporting or inviting support for those organisations. I believe that the imposition of these restrictions will be widely welcomed by most people, but they will undoubtedly be controversial. In resisting criticism the Government will point to the existing similar restrictions imposed on broadcasters in the Republic of Ireland as a direct precedent; and we shall be arranging for discussions through the usual channels to provide time for a Commons debate on the issue.

The Government's plans to take this step are now being canvassed in the press; you will have seen in particular the leading article in today's "Daily Telegraph". In order to avoid the possibility that the Opposition will attempt to embarrass the Government by tabling a Private Notice Question as soon as Parliament reassembles, I have agreed today with the Lord President that I should make the announcement to the Commons on 19 October. I intend therefore to call in the Chairmen of the BBC and IBA at 6 p.m. tomorrow to give them notice of the action we are taking. My officials are in touch with those of the Foreign and Commonwealth Office who will be arranging for the Irish Government to be informed at about the same time through our Ambassador in Dublin; and full defensive briefing will be circulated to relevant posts abroad, particularly in the United States, in advance of the making of the announcement.

I am enclosing with this letter, for your own agreement and for the information of colleagues, drafts of the two Notices to the broadcasters and of the Commons statement. The Notices, which have been prepared following discussions between our officials, follow the broad lines of the similar Order that applies in the Republic of Ireland, except that they make a specific, but limited, exemption for broadcasts occurring during an election

The Rt Hon Tom King, MP.

/over.....

SECRET

period. I do not believe it will be possible to avoid this exemption without creating a conflict for the IBA between responding to this Notice and fulfilling its duty under the Broadcasting Act to preserve impartiality on matters of political or industrial controversy. A ban on the access of the named organisations to the airwaves during an election period could also lead them to take retaliatory action under Section 39 of the Representation of the People Act 1983 by withholding their consent to the appearance of other candidates on broadcast programmes. Such action would be bound to cause major embarrassment for the Government, and for that reason I believe the exemption is unavoidable.

I should be grateful for your agreement to the Notices and the draft statement by mid-day tomorrow.

I am copying this letter to the Prime Minister, all members of the Cabinet, the Attorney General and Sir Robin Butler.

Yours,

Douglas.

1. In pursuance of clause 13(4) of the Licence and Agreement made between Her Majesty's Secretary of State for the Home Department and the British Broadcasting Corporation on 2nd April 1981, I hereby require the said Corporation to refrain at all times from sending any broadcast matter which consists of or includes -

any words spoken, whether in the course of an interview or discussion or otherwise, by a person who appears or is heard on the programme in which the matter is broadcast where -

(a) the person speaking the words represents or purports to represent an organization specified in paragraph 2 below, or

(b) the words support or solicit or invite support for such an organization,

other than any matter specified in paragraph 3 below.

2. The organizations referred to in paragraph 1 above are -

(a) any organization which is for the time being a proscribed organization for the purposes of the Prevention of Terrorism (Temporary Provisions) Act 1984 or the Northern Ireland (Emergency Provisions) Act 1978; and

(b) Sinn Fein, Republican Sinn Fein and the Ulster Defence Association.

3. The matter excluded from paragraph 1 above is any words spoken by or in support of a candidate at a parliamentary, European Parliamentary or local election pending that election.

One of Her Majesty's Principal Secretaries of State.

HOME OFFICE

October, 1988.

SECRET

1. In pursuance of section 29(3) of the Broadcasting Act 1981, I hereby require the Independent Broadcasting Authority to refrain from broadcasting any matter which consists of or includes -

any words spoken, whether in the course of an interview or discussion or otherwise, by a person who appears or is heard on the programme in which the matter is broadcast where -

(a) the person speaking the words represents or purports to represent an organization specified in paragraph 2 below, or

(b) the words support or solicit or invite support for such an organization,

other than any matter specified in paragraph 3 below.

2. The organizations referred to in paragraph 1 above are -

(a) any organization which is for the time being a proscribed organization for the purposes of the Prevention of Terrorism (Temporary Provisions) Act 1984 or the Northern Ireland (Emergency Provisions) Act 1978; and

(b) Sinn Fein, Republican Sinn Fein and the Ulster Defence Association.

SECRET

3. The matter excluded from paragraph 1 above is any words spoken by or in support of a candidate at a parliamentary, European Parliamentary or local election pending that election.

One of Her Majesty's Principal

HOME OFFICE

October, 1988. Secretaries of State

RESTRICTIONS ON ACCESS TO THE MEDIA - DRAFT COMMONS STATEMENT

1. With permission, Mr Speaker, I wish to make a statement about access to the broadcast media by certain organisations in Northern Ireland.

2. For some time broadcast coverage of events in Northern Ireland has included the occasional appearance of representatives of paramilitary organisations and their political wings, who have used these opportunities as an attempt to justify their criminal activities. Such appearances have caused widespread offence to viewers and listeners throughout the United Kingdom, particularly in the aftermath of a terrorist outrage.

3. The terrorists themselves draw support and sustenance from having access to radio and television and from addressing their views more directly to the population at large than is possible through the press. The Government has decided that the time has now come to deny this easy platform to those who use it to propagate terrorism. Accordingly, I have today issued to the Chairmen of the BBC and the IBA a Notice, under the Licence and Agreement and under the Broadcasting Act respectively, requiring them to refrain from broadcasting direct statements by representatives of organisations proscribed in Northern Ireland and Great Britain and by representatives of Sinn Fein, Republican Sinn Fein and the Ulster Defence Association. The Notices will also prohibit the broadcasting of statements by any person which support or invite support for these organisations. In order not to impair the broadcasters' coverage of elections, the Notices will have a more limited effect during election periods. Copies of the Notices have today been deposited in the Library of the House, so that Honourable Members will be able to study their detailed effect.

4. These restrictions follow closely the lines of similar provisions which have been operating in the Republic of Ireland for some years past. Because we have had no equivalent restrictions in the United Kingdom, representatives of

these organisations are prevented from appearing on Irish television, but can nevertheless be seen on BBC and ITV services in Northern Ireland, where their appearances cause the gravest of fear, and in Great Britain. The Government decision today means that throughout the British Isles such appearances will be prevented.

5. Broadcasters have a dangerous and unenviable task in reporting events in Northern Ireland. This step is no criticism of them. What concerns us is the use made of broadcasting facilities by supporters of terrorism. The restriction is not on what broadcasters may report, but on direct appearances by those who use or support violence.

6. I believe that this step will be understood and welcomed by most people throughout the United Kingdom. It is a serious and important matter on which the House will wish to express its view. For that reason, we shall be putting in hand discussions through the usual channels so that a full debate on the matter can take place at an early date.

CONFIDENTIAL

BF 2/10

PMP

12

ELIZABETH HOUSE
YORK ROAD
LONDON SE1 7PH
01-934 9000

CHIEF SECRETARY
REC. 19 OCT 1988
ACTION Mr Revolta
COPIES TO Cx Sir P Middleton
Mr Anson, Mr Phillips
Mrs Case, Mr Russell,
Mr Call.

The Rt Hon Douglas Hurd CBE MP
Secretary of State for the
Home Department
50 Queen Anne's Gate
LONDON SW1H 9AT

18 October 1988

Dear Douglas,

IDENTITY CARDS

Reading through the correspondence stimulated by your letter of 3 August to John Wakeham, I am disappointed to find that the case for the identity card has received so little support.

I believe that we can afford to take a more relaxed view of the libertarian arguments against identity cards than would have been possible 20 or 30 years ago. People today are entirely accustomed to the need to be able to identify themselves. Credit cards, driving licences, student and pensioner rail cards, passports and other forms of travel document, conference passes and soon football club membership cards are familiar to people of all ages and occupations. A means of identification is no longer regarded as an imposition but much more as a means of securing one's rights and even protecting one's safety or property.

I hope therefore that the possibility of introducing a voluntary scheme, like several European countries, will at least be kept open. As the technology of such things develops, it might be possible for a voluntary scheme to be converted to a compulsory scheme with a very wide range of social and commercial uses.

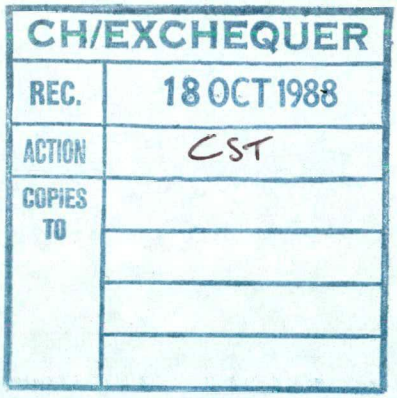
I am sending copies of this letter to the recipients of yours.

Yours ever

Kenneth

CONFIDENTIAL

SECRET



Foreign and Commonwealth Office

London SW1A 2AH

18 October 1988

Dear Philip,

Restrictions on Access to the Media

We have consulted the Foreign Secretary, who is abroad, about the proposals contained in the Home Secretary's letter of 17 October about restricting access to the broadcast media.

It is obviously a pity that we are unable exactly to mirror the Irish restrictions, as originally intended. The exemption for elections will give the Irish some difficulty since their own regulations contain no such exemption: they will be under some pressure to relax their rules in a similar fashion. This may make them less supportive of our measures than we could otherwise expect. But the Foreign Secretary accepts that there is no practicable alternative at this stage.

It will however be very important to carry the Irish with us to the extent possible. The Foreign Secretary welcomes the fact that they will be briefed today in Dublin. The Commons statement may need to be amended slightly in the light of how they react. It would be better in any case to avoid the phrase "the British Isles" in paragraph 4 since this always grates on the Irish.

I am copying this letter to Charles Powell and to the Private Secretaries of the other members of the Cabinet, Michael Saunders and Trevor Woolley.

Yours ever,

(L Parker)
Private Secretary

Philip Mawer Esq
Home Office

SECRET

MP

From: THE PRIVATE SECRETARY

COVERING CONFIDENTIAL

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SWIH 9AT

19 October 1988

Dear Mike,

RESTRICTIONS ON ACCESS TO THE MEDIA

I attach for your Secretary of State's information a copy of the statement and of the notes for supplementaries which the Home Secretary will be using in the Commons this afternoon. Copies of the Directions issued to the BBC and IBA are also enclosed.

Copies of this letter and enclosures go to the Private Secretaries to the Prime Minister, all other members of the Cabinet, the Chief Whip, the Attorney General and Sir Robin Butler.

Yours sincerely

Philip Mawer

P J C MAWER

Mike Maxwell, Esq

COVERING CONFIDENTIAL

BROADCASTING AND TERRORISM

STATEMENT BY THE HOME SECRETARY

19 OCTOBER 1988

With permission, Mr Speaker, I wish to make a statement about access to the broadcast media by certain organisations in Northern Ireland.

For some time broadcast coverage of events in Northern Ireland has included the occasional appearance of representatives of paramilitary organisations and their political wings, who have used these opportunities as an attempt to justify their criminal activities. Such appearances have caused widespread offence to viewers and listeners throughout the United Kingdom, particularly in the aftermath of a terrorist outrage.

The terrorists themselves draw support and sustenance from having access to radio and television, and from addressing their views more directly to the population at large than is possible through the press. The Government has decided that the time has now come to deny this easy platform to those who use it to propagate terrorism. Accordingly, I have today issued to the Chairmen of the BBC and the IBA a Notice, under

/the Licence and .....

the Licence and Agreement and under the Broadcasting Act respectively, requiring them to refrain from broadcasting direct statements by representatives of organisations proscribed in Northern Ireland and Great Britain and by representatives of Sinn Fein, Republican Sinn Fein and the Ulster Defence Association. The Notices will also prohibit the broadcasting of statements by any person which support or invite support for these organisations. The restrictions will not apply to the broadcast of proceedings in Parliament, and in order not to impair the obligation on the broadcasters to provide an impartial coverage of elections the Notices will have a more limited effect during election periods. Copies of the Notices have today been deposited in the Library, and further copies are available from the Vote Office so that honourable Members will be able to study their detailed effect.

These restrictions follow closely the lines of similar provisions which have been operating in the Republic of Ireland for some years past. Representatives of these organisations are prevented from appearing on Irish television, but because we have had no equivalent restrictions in the United Kingdom they can nevertheless be seen on BBC and ITV services in Northern Ireland, where their appearances cause the gravest offence, and in Great Britain. The Government's decision today means that both in the United Kingdom and in the Irish Republic such appearances will be prevented.

/Broadcasters have ....

Broadcasters have a dangerous and unenviable task in reporting events in Northern Ireland. This step is no criticism of them. What concerns us is the use made of broadcasting facilities by supporters of terrorism. This is not a restriction on reporting. It is a restriction on direct appearances by those who use or support violence.

I believe that this step will be understood and welcomed by most people throughout the United Kingdom. It is a serious and important matter on which the House will wish to express its view. For that reason, we shall be putting in hand discussions through the usual channels so that a full debate on the matter can take place at an early date.

RESTRICTIONS ON ACCESS TO THE MEDIA

Notes for Supplementaries

1. WHY HAS ACTION BEEN TAKEN NOW?

These matters have been kept under review by Governments for many years. Following the terrorist incidents of the past year, this is one of a number of matters that we have looked at again. We believe the time has now come to deprive these organisations of this easy platform for publicity.

2. WHY NOT BAN THE REPORTING OF THESE STATEMENTS IN THE PRESS?

For two reasons. First, it is the immediacy of radio and particularly television that does the harm in these cases. They can broadcast direct into peoples homes the images and words of those who support violence. Secondhand reports in the press do not have the same impact, and no restrictions will be placed on the reporting of statements by representatives of these organisations in the broadcast media either. Secondly, the apologists for terrorism gain a spurious respectability when treated in broadcasts as if they were constitutional politicians.

3. WHY NOT RELY UPON SELF-REGULATION BY THE BROADCASTERS?

We weighed up carefully the balance between voluntary action on the part of the broadcasters and issuing a direction of this kind. As I have said, the step we have taken is not meant to imply a criticism of the broadcasters. We nevertheless felt that the Government itself should take direct responsibility for action of this kind.

4. WHAT IS THE EFFECT OF THE NOTICES DURING ELECTIONS?

At election times it will be permitted to broadcast statements by candidates representing these organisations and statements by anyone made in support of that particular candidate. Otherwise, the Notices will have the same effect as at other times. General statements made by representatives of the organisations which have no direct relationship to the election will not be permitted to be broadcast.

5. WHY IS AN EXCEPTION FOR ELECTION PERIODS NECESSARY?

It is necessary because of our broadcasting and electoral laws, which require that candidates at elections should be treated in an even-handed way. Under our broadcasting arrangements, the broadcasters have a duty to maintain impartiality in matters of political controversy. We believe it will be difficult for them to carry out that duty if this exemption is not made.

6. WHY NOT LEGISLATE TO ALTER THE BROADCASTERS' DUTY OF IMPARTIALITY?

That goes unnecessarily far. The duty of impartiality is an important one in respect of broadcasting in general, and it is particularly important to preserve it during election periods. The Notices relate to direct appearances by representatives of certain organisations - not to the reporting of events or views.

7. WHAT IF SINN FEIN WITHDREW THEIR CONSENT TO OTHER CANDIDATES APPEARING IN BROADCASTS AT ELECTIONS AS THEY CAN DO UNDER THE REPRESENTATION OF THE PEOPLE ACT

The notices will not change the position udner the

Representation of the People Act since statements by candidates and those in support of candidates are exempted from the restrictions. We assume that candidates representing these organisations will wish to take part in broadcasts at election time along with other candidates.

8. HOW DIFFERENT ARE THESE NOTICES FROM THE RESTRICTIONS IN THE REPUBLIC OF IRELAND?

The broad intent of both sets of restrictions is the same; to restrict direct appearances on the broadcast media by representatives of these organisations and those who support them. In addition, the Irish provisions restrict the reporting of interviews with representatives of the organisations concerned; and maintain the full restrictions during election periods. It is inevitable that there will be minor differences of this kind, since both broadcasting and electoral law will be different in the two countries.

9. WHEN DID THE IRISH INTRODUCE THEIR BAN?

The Irish Order has been in operation, I believe, for more than ten years.

10. WHAT IS THE NATURE OF THE IRISH RESTRICTIONS?

They restrict interviews, and the reporting of interviews, by representatives of the same organisations. The Irish Order also prevents broadcasts supporting or inviting support for Sinn Fein; and any broadcast by representatives of Sinn Fein.

11. HAVE YOU DISCUSSED THIS ACTION WITH THE IRISH GOVERNMENT?

Yes. We have informed the Irish Government of the action that we have decided to take today.

12. IS THIS ACTION A PRODUCT OF THE ANGLO/IRISH AGREEMENT?

Not directly. But the purpose of the Agreement is to assist each other in the joint fight against terrorism.

13. WHY NOT PROSCRIBE SINN FEIN?

Proscription is an appropriate measure only in respect of organisations directly involved in terrorism. In this context, the status of Sinn Fein - and the UDA - is kept under review. The question of restrictions upon broadcasts is a quite separate and narrower one.

14. WHICH ARE THE ORGANISATIONS AFFECTED BY THE NOTICE?

The IRA, its associated groups and political wing (Sinn Fein) and the main loyalist paramilitary organisations, such as the UDA and UVF.
(N.B. A full list of the organisations is attached.)

15. WHAT RECENT APPEARANCES BY THESE ORGANISATIONS HAVE OCCURRED?

The Member for West Belfast (Mr Gerry Adams) has twice appeared recently on BBC Radio and Television (BBC TV "On The Record" 25/9/88 anmd BBC Radio "World at One" 6/8/88) and has appeared from time to time on radio in Northern Ireland. But the Government is not taking action in relation to any particular instance; it is the general issue that concerns us.

16. FOR HOW LONG WILL THESE NOTICES HAVE EFFECT?

There is no time period specified in the Notices. They will remain in effect as long as they are needed..

17. WILL THE NOTICES BE SUBJECT TO REGULAR PARLIAMENTARY REVIEW, AS IN THE REPUBLIC OF IRELAND?

There will be ample opportunity for the matter to be discussed in Parliament, for example, when the Prevention of Terrorism Act debates take place.

18. WHY IS THERE AN EXEMPTION FOR PARLIAMENTARY PROCEDURES?

In all the circumstances, the Government believes it to be right that the direct broadcast of Parliamentary proceedings should remain unimpaired. The broadcasters will continue to be able to broadcast a fully impartial account of our debates.

19. WHY ARE PROCEEDINGS IN THE NORTHERN IRELAND ASSEMBLY NOT EXEMPTED?

We shall consider that point whenever the Assembly is established.

20. WHAT IF THE MEMBER FOR WEST BELFAST TOOK HIS SEAT? WOULD IT NOT BE OUTRAGEOUS FOR HIS SPEECHES TO BE BROADCAST?

The case is an entirely hypothetical one. Let us cross those bridges if and when we come to them.

21. WILL THE BROADCAST OF INTERVIEWS OR PRESS CONFERENCES IN THE PRECINCTS OF PARLIAMENT BE RESTRICTED UNDER THE NOTICES.

Yes. The exemption applies only to words spoken in the course of Parliamentary proceedings. Outside the two chambers or committee proceedings, the restrictions will have full effect.

22. WILL HISTORICAL PROGRAMMES ON IRELAND NOW BE BANNED?

It will still, of course, be possible for historical programmes on Ireland to be broadcast. The broadcasters will merely have to ensure that such programmes do not contain direct appearances of the kind restricted by the Notices.

23. WILL THE RESTRICTIONS AFFECT FICTIONAL PROGRAMMES?

The Notices restrict statements by a "person". It is not therefore intended that they should affect statements by fictional characters.

24. WILL ORDINARY PROGRAMMES BE AFFECTED THAT HAVE NOTHING TO DO WITH SOCIAL POLICY OR POLITICS?

The restrictions directly affect appearances in broadcasts by people "representing" the organisation. Where someone appears in a purely personal capacity to discuss matters that bear no relationship to the organisation itself, the programme is unlikely to be affected.

25. WHEN DO THE DIRECTIONS COME INTO EFFECT?

They will come into effect this afternoon when the signed Notices are received by the broadcasters.

26. WHAT ABOUT PROGRAMMES ALREADY RECORDED?

The Notices will take effect at the time of broadcast, so that previously recorded programmes will need to be reviewed in that light.

27. WHY NOT EXTEND THE BAN TO OTHER ORGANISATIONS?

I have selected the same organisations that are covered by the Irish legislation. The list can be amended or extended in future if the need arises.

28. WHY DOES IT APPLY ONLY TO NORTHERN IRELAND ORGANISATIONS - WHAT ABOUT ARAB/OTHER INTERNATIONAL TERRORIST ORGANISATION?

It is Northern Ireland terrorism that is of most concern to the people of the United Kingdom, and the appearances of representatives of Northern Ireland organisations are the most frequent and give the greatest offence. We wish to confine our action to the limits of what is necessary.

29. WHY WAS NOT THIS ACTION TAKEN EARLIER?

As I have said, these matters are always kept under review. In the Government's view, now is the right time to take action.

30. WHY HAS IT BEEN NECESSARY TO RUSH THIS ACTION THROUGH?

Once the Government had decided to take action, it would not have been sensible to conduct a long public discussion while the named organisations were able to exploit their current access to the airwaves. I have already said that we shall be putting in hand discussions through the usual channels so that the House can have a full debate at an early date. The arrangement of debates is a matter for my Rt Hon Friend, the Leader of the House [who is on the bench and will have heard what the hon Gentleman has said.]

31. WHY NOT HAVE PROPER LEGISLATION TO CARRY OUT THIS BAN?

I already have powers under the Broadcasting Act and

in the Licence and Agreement with the BBC, and it makes sense in these circumstances to use them rather than seek further powers.

32. WHEN HAVE THESE POWERS BEEN USED BEFORE?

I believe they have been used five times since broadcasting began in the 1920s. Those occasions were:
1927 - to prevent broadcasts of the BBC's opinions on current affairs or matters of public policy. (This is now clause 13(7) of the Licence and Agreement).

1927 - to prevent broadcasts on matters of political, industrial or religious controversy. Withdrawn in 1928.

1955 - to prevent statements or discussions of matters coming before Parliament in the following fortnight (the 14 day rule). Later suspended.
1955 - to prevent controversial political broadcasts other than those arranged in agreement with the leading political parties (mainly directed at the very small Scots and Welsh nationalist parties). Withdrawn in 1965 on the giving of assurances by the broadcasters.

1964 - to prevent subliminal broadcasts on the BBC at the time a comparable provision for the IBA was included in the Television Act 1964. Now clause 13(6) of the Licence and Agreement and Section 4(3) of the Broadcasting Act 1981.

33. DOES THIS ACTION MEAN THAT THE IRA IS NOW GETTING ON TOP?

No, of course not. But it is necessary for the Government to take steps to deprive these organisations of the oxygen of publicity.

34. WILL NOT THIS ACTION BE A MAJOR PROPAGANDA COUP FOR THE IRA?

No. On the contrary, it will close to them a major avenue for propaganda, with beneficial results for the whole of the United Kingdom.

35. SINN FEIN WILL PORTRAY HMG AS MUZZLING THE MEDIA

There is no restrifction on media reporting, only on direct appearances as in the Republic.

36. SINN FEIN WILL PORTRAY HMG AS RUNNING SCARED OF ITS POLITICAL MESSAGE

Sinn Fein and the IRA deal in violence as a means of achieving political ends. We will not allow them to succeed. The restriction on access to the media will be widely understood as a reasonable response to the Sinn Fein and IRA tactic.

37. WILL THIS ACTION NOT LOSE US FRIENDS ABROAD?

Many friendly governments in other parts of the world have first-hand experience of the fight against terrorism. They will understand the reasons for the steps we are taking today.

38. UNITED STATES WILL NOT UNDERSTAND HMG ACTION

We are doiung what the Irish Republic has been doing for several years. It will be well understood.

39. DOES THIS ACTION NOT PUT US ON THE SAME MORAL LEVEL AS THE SOUTH AFRICAN GOVERNMENT?

Certainly not. The South African restrictions on the media

are very wide-ranging, prevent the second-hand reporting of events, and apply to all the media, including the press. We are merely restricting direct statements on television and radio by representatives or supporters of a limited number of organisations.

40. DO THE RESTRICTIONS APPLY TO CABLE AND SATELLITE?

The Government has no similar powers to direct the Cable Authority in such matters, since it is not a broadcasting authority directly responsible for transmissions. Cable programmes are not in any case relevant to this exercise since they consist mainly of entertainment.

41. WILL NOT SIMILAR POWERS OF DIRECTION EVENTUALLY BE NEEDED TO CONTROL THE NEW CABLE AND SATELLITE CHANNELS?

This is something we shall need to consider in the context of the next Broadcasting Bill.

42. IS NOT THIS WHOLE AFFAIR A DIRECT ASSAULT ON FREEDOM OF EXPRESSION AND INFORMATION?

No. It is a limited and justifiable measure targetted at a specific source of harm.

43. DOES NOT THIS ACTION INFRINGE THE PROVISIONS ON FREEDOM OF EXPRESSION IN THE EUROPEAN CONVENTION ON HUMAN RIGHTS?

No. Article 10 of the Convention expressly permits governments to adopt such restrictions in the interests of national security, public safety or the prevention of disorder or crime.

44. WILL THIS ACTION NOT LEAD TO MORE FILM REPORTS OF PARAMILITARY ACTIVITY, IRA FUNERALS ETC?

I hope not. The broadcasters themselves are very well aware of the dangers of being manipulated by these organisations for propaganda purposes, and they tailor their coverage accordingly.

45. WHY NOT BAN PROPAGANDA EVENTS E.G. FUNERAL PROCESSIONS?

The broadcasters already use their discretion in such areas. The Government is not concerned so much with filmed events, so long as they are not mere propaganda, as with direct statements by these organisations addressed to the general public.

46. WILL THESE RESTRICTIONS BE INCORPORATED IN THE NEXT BROADCASTING ACT OR IN THE LICENCE AND AGREEMENT WHEN RENEWED?

We shall have to consider at that time whether the restrictions should be given a more permanent form in that way.

47. WHO WILL DECIDE WHEN A BREACH OF THE NOTICES HAS BEEN COMMITTED? ARE NOT SOME OF THE CRITERIA, E.G. "A STATEMENT WHICH SOLICITS OR INVITES SUPPORT" SUBJECTIVE MATTERS?

It will be for the broadcasters to apply and enforce these directions, according to their own judgment. I am sure they will do so with commonsense. The Notices are themselves as clear and precise as we can make them. If there are any doubts as to what is intended, the Government will always stand ready to assist with advice.

48. WHAT SANCTIONS ARE AVAILABLE IF THE BROADCASTERS DISOBEY?

Both broadcasters are under a legal obligation, under the Broadcasting Act and the Licence and Agreement, to carry out the requirements of the Notices. In the circumstances, I am confident that the broadcasters will follow these directions to the best of their ability. If members of the broadcasting staff breach the Notices, the broadcasters will have available to them the normal sanctions of the employer.

[FOR USE ONLY IF PRESSED - the ultimate sanction for the Government is inevitably the questionm of the renewal of the Licence and Agreement and of the arrangements under the Broadcasting Act, but it is unlikely to come to that].

49. DO NOT THESE NOTICES MEAN THAT THE "REAL LIVES" PROGRAMME OF 1985 WOULD NOW BE BANNED?

I do not want today to attempt the theoretical application of these Notices to any particular programme. Whether the Notices apply or not will depend upon the detailed content of the programme itself, and this will be for the broadcasters to judge. Insofar as a programme contains direct statements by representatives of the organisations, or statements made in support of the organisations, the Notices will apply.

50. WHY DO THE NOTICES PERMIT INDIRECT REPORTING OF THESE STATEMENTS? IF THEY ARE OFFENSIVE SHOULD THEY NOT BE BANNED ALTOGETHER?

This is a question of balance. The Government's concern is to prevent direct broadcasts by members or supporters of these organisations. The statements can be reported in the press, so there is no reason why they should not be indirectly reported in other media. Indeed, it may

be in the public interest that they should be reported, for example when a terrorist organisation admits responsibility for an incident.

51. IS THERE NOT A DANGER THAT THE BROADCASTERS MIGHT SIMPLY REPEAT VERBATIM SPEECHES BY MEMBERS OF THE IRA?

I do not believe that the broadcasters would dream of flouting the spirit of the Notices in this way.

52. WILL NOT THE NOTICES CATCH HARMLESS ACTIVITIES, LIKE THE COVERAGE OF A STREET MARCH WHERE THE CROWD ARE CHANTING SLOGANS IN SUPPORT OF AN ORGANISATION?

Such a broadcast would indeed be likely to be caught; but a silent film of the march with a voice-over commentary would not; and the public interest in reporting the march would, in my view, be satisfied.

53. PARALLEL WITH IRISH REPUBLIC AS A FALSE ONE

Of course there are differences between the Republic and the UK. But the overriding similarity is that we face a common terrorist threat. it is that which has led us to the same conclusion here.

54. WHY BAN INTERVIEWS WITH TERRORISTS WHEN LORD COLVILLE HAS RECOMMENDED THAT SECTION 11 OF THE PTA SHOULD BE SCRAPPED?

Lord Colville recommended the repeal of s11 because he believed that the criminal law and other provisions in the PTA can adequately cover the case of a person withholding information which might prevent acts of terrorism or secure the conviction of a terrorist. The House will soon have an opportunity to consider the Government's response to that recommendation.

1. In pursuance of clause 13(4) of the Licence and Agreement made between Her Majesty's Secretary of State for the Home Department and the British Broadcasting Corporation on 2nd April 1981, I hereby require the said Corporation to refrain at all times from sending any broadcast matter which consists of or includes -

any words spoken, whether in the course of an interview or discussion or otherwise, by a person who appears or is heard on the programme in which the matter is broadcast where -

(a) the person speaking the words represents or purports to represent an organization specified in paragraph 2 below, or

(b) the words support or solicit or invite support for such an organization,

other than any matter specified in paragraph 3 below.

2. The organizations referred to in paragraph 1 above are -

(a) any organization which is for the time being a proscribed organization for the purposes of the Prevention of Terrorism (Temporary Provisions) Act 1984 or the Northern Ireland (Emergency Provisions) Act 1978; and

(b) Sinn Fein, Republican Sinn Fein and the Ulster Defence Association.

3. The matter excluded from paragraph 1 above is any words spoken -

(a) in the course of proceedings in Parliament, or

(b) by or in support of a candidate at a parliamentary, European Parliamentary or local election pending that election.

Douglas Hurd.

One of Her Majesty's Principal Secretaries of State.

HOME OFFICE

19th October, 1988.

1. In pursuance of section 29(3) of the Broadcasting Act 1981, I hereby require the Independent Broadcasting Authority to refrain from broadcasting any matter which consists of or includes -

any words spoken, whether in the course of an interview or discussion or otherwise, by a person who appears or is heard on the programme in which the matter is broadcast where -

(a) the person speaking the words represents or purports to represent an organization specified in paragraph 2 below, or

(b) the words support or solicit or invite support for such an organization,

other than any matter specified in paragraph 3 below.

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(b) by or in support of a candidate at a parliamentary, European Parliamentary or local election pending that election.

Douglas Hurd.

One of Her Majesty's Principal

HOME OFFICE

19th October, 1988.

Secretaries of State

Ch/ wd you like to see x (massive) over whend? MPW

CONFIDENTIAL

If you can detail the conclusions 27/10/88 chapter yrs summary doing soon.

SECRETARY OF STATE FOR TRANSPORT

CH/EXCHEQUER
REC. 27 OCT 1988
ACTION Mr Guy
COPIES TO CST, Sir P Middleton, Mr Anson, Mr Monck, Mr DJL Moore

27/10

PRIME MINISTER

* NB we have one copy of the Fennell report (not to be copied) in this office, available for reading here.

KING'S CROSS FIRE

1. I have received the report by Mr Desmond Fennell on his investigation into the disaster last November at King's Cross Underground Station. My Private Secretary is sending a copy to yours. The report has been sent for printing and I aim to be ready to publish it as a Command Paper, and to make a statement, by 10 November.

2. Until King's Cross, the Underground had an exceptionally safe record. But this report reveals a very disturbing picture of managerial short-comings. Vigorous action is required. I propose to call on London Regional Transport and London Underground Ltd to implement in full the many recommendations addressed to them both as to steps to prevent a recurrence of this kind of fire, and more generally to introduce and apply vigorously the new arrangements for management and audit of safety that Mr Fennell recommends. I cannot at this early stage say exactly what the additional costs may be. However John Major and I have already agreed to provide in full in this year's settlement for all the proposals included in LRT's bid for safety provision on the Underground, at a total cost of £266 million over the next three years. At a first reading this appears substantially to cover the field of Mr Fennell's proposals.

3. A more rigorous and less informal approach is needed by my own Railways Inspectorate and this is the task of the new Chief Inspecting Officer who was brought in, from the Health and Safety Executive, earlier this year. Their relationship to the Fire services needs to be more clearly defined. I am consulting the Executive on Mr Fennell's proposal that the enforcement powers of the Health and Safety at Work Act 1974 should be applied to passenger safety. I believe this step to be right. It cannot of

course be confined to the Underground, but must extend to all railways, and some additional resources will be needed in the Inspectorate. The Chief Inspecting Officer will be launching a special investigation of the safety management systems within the Underground.

4. Douglas Hurd is already considering, with the help of my Department, the question of certification of Underground stations under the Fire Precautions Act 1971, and a proposal as a more immediate step to make regulations under Section 12 of the Act to require specific measures at Underground stations. It will be desirable for me to cover this matter in my statement, in the terms that Douglas Hurd would wish.

5. There are also recommendations in relation to the fire service and ambulance service. It will of course be for the Ministers concerned to decide how to pursue these with their respective services, and I should be grateful for colleagues' views. On the day of publication I propose to draw the report to the attention of the Railways Board, and of the authorities responsible for the Tyne and Wear Metro and the Glasgow Underground; there are important lessons for safety management and audit on all railways.

6. Mr Fennell's references to individuals do not in themselves appear to call specifically for disciplinary action in any case, but it may be desirable to make arrangements for the relevant passages of the report to be shown to the individuals concerned on the day of publication by their employers. I am sending you a separate minute about the Boards of LRT and LUL.

7. Mr Fennell makes some recommendations about paying costs out of public funds, including part of the costs of the trade unions who were represented at the investigation. I propose that his

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recommendations on costs should be accepted in full; on such a sensitive report it seems undesirable to be seen to overrule Mr Fennell.

8. I would like to put to you and circulate to colleagues on Monday, 7 November the draft of the statement I clearly must make on publication of the report. It would be helpful to know by early next week whether you or colleagues see any difficulty about the line I am proposing or about the proposal to publish by 10 November; I will agree with Douglas Hurd and Kenneth Clarke in the course of next week the terms in which I would refer to their particular responsibilities.

9. I am sending copies of this to Douglas Hurd, Nigel Lawson, Norman Fowler, Kenneth Clarke, Malcolm Rifkind, Patrick Mayhew and Sir Robin Butler. My Private Secretary will be sending copies of Mr Fennell's report. It is of course important that we should do everything we can to avoid any premature disclosures of the contents of the report.

PAUL CHANNON

27 OCT 1988

CONFIDENTIAL

JW/N/76

SECRETARY OF STATE FOR EMPLOYMENT

Caxton House Tothill Street London SW1H 9NF

Telephone Direct Line 01-273 5803
Switchboard 01-273 3000 Telex 915564
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The Rt Hon Paul Channon MP
Secretary of State for Transport
Department of Transport
2 Marsham Street
LONDON SW1P 3EB

Dear Paul

KINGS CROSS FIRE

I have seen your minute of 27 October to the Prime Minister concerning the Fennell report and also your letter to Dr Cullen at the Health and Safety Commission.

Mr Fennell has recommended that the Railway Inspectorate be brought up to establishment and that they be more vigorous in enforcing the Health and Safety at Work etc Act for public safety. For London Underground this will mean only a small increase in their number but you, rightly, say that Mr Fennell's recommendations will have to be considered more widely. My interest of course is that under the terms of an Agency Agreement the Railway Inspectorate are remunerated by the HSC and they in turn are funded by my Department. I should therefore wish to be fully involved in discussions about additional resources.

The report also calls for a review as to whether the Railway Inspectorate and other inspectorates should be merged into a Passenger Safety Inspectorate. If you do decide to proceed with a review, I would like to be involved in that also, given the HSC's role.

I am copying this letter to the Prime Minister, Douglas Hurd, Nigel Lawson, Kenneth Clarke, Malcolm Rifkind, Patrick Mayhew, Sir Robin Butler and Dr Cullen.

Yours ever

NORMAN FOWLER

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PS/FST [Our main interest here is in the implications for tax. But side copies should also go to CST, HE etc.]

10 DOWNING STREET

LONDON SW1A 2AA

10 November 1988

Ch/ The PM may use this as another reason for going easy on the tax/residence proposals. 14/11

NO: this is an immigration law point. (The Hong Kongers will be happy to come here & pay UK tax, but we won't let them do so)

Dear Philip,

The Prime Minister repeated to the Home Secretary this evening her concern that the United Kingdom was losing out to Germany, Canada, Australia and other countries in attracting management and entrepreneurial talent which was leaving Hong Kong. She recognised the difficulties, both in this country and in Hong Kong, in giving these people a right of residence here. But it was becoming increasingly clear that something needed to be done so that we could obtain the benefit of their talent and enterprise. She suggested that it might be possible to count time spent in Hong Kong at HMG's request towards the residence qualification.

The Home Secretary said that the Home Office was preparing a paper on the legal issues involved. He would ensure that it considered the Prime Minister's suggestion about residence qualification.

The Prime Minister would like to hold a meeting shortly to discuss the paper with your Minister. She would wish the Ministers to whose offices this letter is copied to attend as well. We shall be in touch to arrange a time and date.

I am sending a copy of this letter to Bob Peirce (Foreign and Commonwealth Office), Alex Allan (HM Treasury) and Neil Thornton (Department of Trade and Industry).

Yours sincerely,

(C. D. POWELL)

Philip Mawer, Esq.,
Home Office.

CONFIDENTIAL

DEPARTMENT OF TRANSPORT
2 MARSHAM STREET LONDON SW1P 3EB

My ref: C/PSO/12719/88

Your ref: JW/N/76

CH/EXCHEQUER
REC. 24 NOV 1988
ACTION CST
COPIES TO

24/11

The Rt Hon Norman Fowler MP
Secretary of State for Employment
Department of Employment
Caxton House
Tothill Street
London
SW1H 9NF

23 NOV 1988

KING'S CROSS FIRE

Thank you for your letter about Mr Fennell's recommendations affecting the Railway Inspectorate.

A recruitment campaign for new Railway Employment Inspectors recently took place and I hope that the Inspectorate will be restored to full strength early in the New Year.

In my statement to the House of Commons on 10 November I said that the Inspectorate will need further strengthening for the tasks identified by Mr Fennell. The Chief Inspecting Officer has been directed to carry out an urgent review and put forward the case for additional resources. I hope that this will be ready early in the New Year and it will be necessary for us to consider, if the case is properly made out, how the additional costs should fall between my Department and the Health and Safety Commission. I shall see that you are fully involved in these discussions.

As for the idea of a unified passenger safety inspectorate, Mr Fennell's report does not go into detail about the benefits that this might bring. I shall be thinking about this, and have noted the HSC's interest.

I am copying this letter to the Prime Minister, Douglas Hurd, Nigel Lawson, Kenneth Clarke, Malcolm Rifkind, Patrick Mayhew, Sir Robin Butler and Dr Cullen.

Yours,

PAUL CHANNON

CONFIDENTIAL

2/12/88

HOME SECRETARY

CM/EXCHEQUER
REC. - 2 DEC 1988
ACTION MR BROOK
COPIES TO CST, FST, SIR P MIDDLETON, MR ANSON, MR MONCK, MR BURGNER, MRS CASE, MR J STEVENS

PRIME MINISTER

HONG KONG BUSINESSMEN

You told me, on 10 November, about your concern that in the run up to 1997 Hong Kong's business, managerial and entrepreneurial talent is being attracted to countries such as Canada, Australia and the USA rather than to this country. You suggested, in particular, that we might consider counting time spent in Hong Kong towards the residence qualification for British citizenship.

2. The present law would not allow us to do that. The provisions of the British Nationality Act (BNA) about the acquisition of citizenship are cast in terms of periods of residence in the United Kingdom. It would be rash to try to amend legislation which, even if it could be confined to Hong Kong, would re-open much of the argument about the citizenship provisions of the agreement between ourselves and the Chinese which were embodied in the Hong Kong Act. We should, for example, be pressed hard again about the position of persons of Indian descent now living in Hong Kong.

3. But we can use, and make more widely known, the flexibility which is already available within the existing law. Without running the risk of being seen publicly to encourage emigration from Hong Kong (which would be damaging to confidence in the Colony) there is a considerable amount within the existing Immigration Rules and nationality legislation which we can do to help. The following paragraphs show how.

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4. A hypothetical businessman investing £150,000 here, and creating at least two jobs, would experience no difficulty in obtaining entry clearance, which would allow him to enter and carry on his business in this country, and to come and go freely. (Those figures are likely to be revised upwards, but not to an extent which would be significant for the kind of businessman we have in mind.) When he entered, he would be admitted initially for a year, and could expect then to have his stay extended for a further three years, achieving settlement at the end of four years, assuming that his business activities here continued. Thereafter he could retain settled status indefinitely; travelling outside the United Kingdom as much as he wished, provided he was not away for longer than two years at a time. The same would apply, throughout the period, to his wife and minor children who could come and go as they pleased, together or separately.

5. He could, if he wished, apply for citizenship a year after being granted settlement. The BNA stipulates a total of five years' residence with no more than 450 days' absence, but I have discretion to accept longer absences and I frequently do so. We have to be careful about businessmen who want only the convenience of a British passport without living, paying tax or maintaining any long term investment in this country; but where a businessman is genuinely based here I often allow as much as two years' absence in the five year period. Where the facts of the case justified it, and did not call in question the genuineness of his residence, I could allow even more. Where the residence criterion is satisfied, a British Dependent Territories citizen (which category includes the great majority of those concerned) is entitled to British citizenship.

6. In short, many businessmen are content to come and go as business visitors without bothering to seek settled status. Those who have established themselves in business here find no difficulty in achieving settled status, which gives them security with maximum flexibility as to travel and they can apply for citizenship on the basis described above.

7. We have made some enquiries about the practice in other countries. The results are set out in the Annex to this minute and I believe our arrangements are not unattractive in comparison. Some of those who have tackled you (and me and other colleagues) on this subject may simply have been exerting deliberate and quite understandable pressure to get us to relax our practice even more in their favour or to change the law.

8. All that said, I recognise that there is considerable confusion and misunderstanding in Hong Kong about our immigration and nationality requirements and in particular the extent to which I have discretion in dealing with individual cases. Certainly Algy Cluff (with whom you are corresponding about his proposal to set up a Trust to promote two-way investment between the United Kingdom and Hong Kong) expressed this view when I explained the position to him.

9. Because nationality law is complex any description of its provisions framed in general terms sounds somewhat daunting. But specific advice related to the circumstances of a particular individual or family would often show it to be much less so. I therefore propose that we should seek to get across a more accurate, and a more favourable, understanding of our law in the following ways:

(i) Ministers' Private Offices (especially in DTI and FCO) and senior officials in those Departments should be enabled to contact a senior member of the Nationality Division of my Department, who would be in a position to offer speedy and authoritative advice on the position of a particular individual who might, for example, be complaining that "the Canadians do it so much better";

(ii) we shall provide briefing material, and the same point of contact, to the Hong Kong Trade Commission and any other contacts from whom

more general enquiries are received. My officials are in touch with those concerned in the DTI and the FCO to arrange for this to be done. Such briefing will be kept up to date, relying on the FCO and our own immigration contacts to warn of changes in procedures in competing countries.

10. I hope you and colleagues will agree that this is the best way to proceed.

I am sending a copy of this minute to the Chancellor of the Exchequer, the Foreign and Commonwealth Secretary, the Secretary of State for Trade and Industry and to Sir Robin Butler.

N. Sanderson
(approved by the Home Secretary and signed in his absence)

2 December 1988

OTHER COUNTRIES

We have concentrated our enquiries on the USA, Canada and Australia (which, we understand, would often be the first choice for many Hong Kong businessmen and investors for economic reasons).

2. We understand that investment and residence in the **USA** gives a businessman no avenue to citizenship however long his residence. **Australia** appears to be more in line with us in requiring three years' residence before application for citizenship, followed by a further two years' residence. The Australians recognise, as we do, that businessmen may have to travel abroad and the two year period need not be continuous. Periods of residence can be aggregated to make up the two years. In addition, businessmen are expected to meet requirements relating to good character and commitment to Australia. They need an initial investment of half a million Australian dollars, a proven track record and sufficient funds to cover settlement costs.

3. **Canada** appears to have one important difference compared with us (and others). It is still a country of immigration, and the normal terms of entry are to receive landed immigrant status on arrival. This is nearly equivalent to what we call settlement, but the fact that it is available immediately means that the person concerned can immediately resume residence in Hong Kong. The financial requirements for initial entry are stiffer than ours, and the qualifications for citizenship appear no more favourable than ours. Landed immigrant status is available to certain categories of self-employed (in the arts, sport or consultancy fields), to entrepreneurs (who must employ at least one Canadian and have been able to generate $500,000 by their own efforts) and to investors (in the areas of tourism, high technology and development). They too need to show that they can generate $500,000 of income and are required, in addition, to invest a sum in the region of $250,000 for three years. These practices vary from province to province, with Quebec asking for a $500,000 investment for five years.

Thereafter the immigrant must have three years' residence in a five year period and must apply to a Court of Citizenship if he wishes to become Canadian. The Court expects, among other things, a knowledge of the official languages of Canada and evidence of the immigrant's commitment to the country. There is a right of appeal against refusal but apparently no flexibility or scope for discretion in applying the criteria.

10 DOWNING STREET

LONDON SW1A 2AA

10 November 1988

Dear Philip,

The Prime Minister repeated to the Home Secretary this evening her concern that the United Kingdom was losing out to Germany, Canada, Australia and other countries in attracting management and entrepreneurial talent which was leaving Hong Kong. She recognised the difficulties, both in this country and in Hong Kong, in giving these people a right of residence here. But it was becoming increasingly clear that something needed to be done so that we could obtain the benefit of their talent and enterprise. She suggested that it might be possible to count time spent in Hong Kong at HMG's request towards the residence qualification.

The Home Secretary said that the Home Office was preparing a paper on the legal issues involved. He would ensure that it considered the Prime Minister's suggestion about residence qualification.

The Prime Minister would like to hold a meeting shortly to discuss the paper with your Minister. She would wish the Ministers to whose offices this letter is copied to attend as well. We shall be in touch to arrange a time and date.

I am sending a copy of this letter to Bob Peirce (Foreign and Commonwealth Office), Alex Allan (HM Treasury) and Neil Thornton (Department of Trade and Industry).

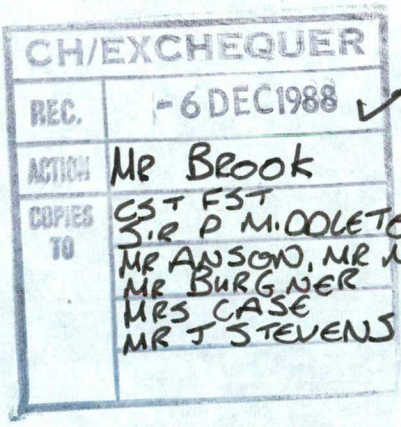
Yours sincerely,

(C. D. POWELL)

Philip Mawer, Esq.,
Home Office.

CONFIDENTIAL

6/12/88



6/12

PM/88/064

PRIME MINISTER

Hong Kong Businessmen

1. I have seen a copy of Douglas Hurd's minute of 2 December to you about how we can help wealthy Hong Kong businessmen who wish to acquire British citizenship.

2. It is clear from the data in the attachment to that minute that our rules on settlement and citizenship for investors are broadly in line with those countries (the United States, Canada and Australia) which are the main destinations for investment from Hong Kong. Our rules appear a little more restrictive than those of Canada; but they are significantly less restrictive than those of the United States. I doubt whether our rules and procedures are causing us to lose potential major investors to such countries: I suspect that other factors, such as the widespread perception of those countries as natural and desirable emigration destinations, and the existence of large and prosperous Chinese communities there, exert a compelling influence on many potential investors.

3. I am keen to do more for those very wealthy individuals in Hong Kong who might nevertheless opt for Britain for special (perhaps personal or family) reasons. It is encouraging that there is such wide scope for the Home Secretary to use his discretion within the existing law. I agree with Douglas Hurd that more use should be made of this flexibility in individual cases where it is clearly in the

national interest to do so. It should certainly be possible to apply the rules in such a way as to ensure that the individuals concerned will have no difficulty in fulfilling the requirements for settlement and eventual citizenship.

4. I also agree with Douglas Hurd that more should be done to make the position better understood, both in Hong Kong and in this country. There are channels through which the message can be conveyed, quietly and discreetly, to precisely the people whose investment and entrepreneurial skills we would welcome. I believe that it is important that it should be done in this way: we would not want the Home Secretary's readiness to use his powers of discretion to be misinterpreted as an overall weakening of the rules, which could have unwelcome implications for our immigration policy generally. Nor would we want our policy to be misinterpreted in Hong Kong as a sign that we were losing faith in the territory's future (which we certainly are not), still less a conscious attempt to benefit Britain at Hong Kong's expense (which would of course run counter to our responsibilities towards the territory and our obligations under the Joint Declaration).

5. I am therefore convinced that it would be right to proceed in the way set out in the Home Secretary's minute. We are already taking a number of measures to intensify the links between top Hong Kong Chinese businessmen and the UK: we have indicated our support for Mr Algy Cluff's Anglo Hong Kong Trust and David Young and Simon Glenarthur will be co hosting the inaugural dinner at Lancaster House for the first delegation to come here under the auspices of the new Trust. There are also plans to invite to Britain a delegation of "young tycoons" - the up and coming generation of some of the wealthiest and most influential Hong Kong

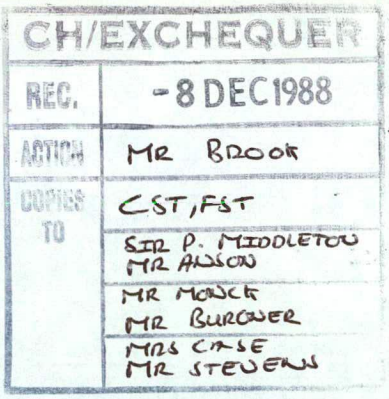
Chinese business families in the territory. These visits will provide an excellent opportunity for us to get across to those concerned a better understanding of what is possible under our existing laws.

6. I am sending a copy of this minute to the Home Secretary, the Chancellor of the Exchequer, the Secretary of State for Trade and Industry and to Sir Robin Butler.

(GEOFFREY HOWE)

Foreign and Commonwealth Office
6 December 1988

CONFIDENTIAL



10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

8 December 1988

The Prime Minister has considered the Home Secretary's minute of 2 December about ways of attracting Hong Kong business talent to the United Kingdom. She has also seen the Foreign Secretary's minute of 6 December.

The Prime Minister accepts it would not be practical to amend existing legislation and that we must proceed by using the discretion given to the Home Secretary. But she would be grateful if the Home Secretary would consider further a number of points:

- Is the Home Secretary sure that what he proposes is really the maximum he can offer within the existing statutory framework?

- Would it be within the Home Secretary's discretion to deem time spent in Hong Kong with our encouragement or at our request as time spent here for the purposes of qualifying for settlement?

- Is there scope for altering the rules as opposed to the law? For instance, would it be possible for people investing a certain sum in Britain and providing employment to acquire settlement here in 3 years rather than 4? Any such change would have to apply to all nationalities not just Hong Kong.

- Can we not be more forthcoming and explicit in what we say about the opportunities available to Hong Kong businessmen? The Prime Minister would like the Home Secretary to draft a statement on the position which could be handed to selected people.

Depending on the Home Secretary's reply to these points, the Prime Minister may wish to have a meeting to discuss them.

I am sending copies of this letter to the Private Secretaries to the Chancellor of the Exchequer, the Foreign and Commonwealth Secretary, the Secretary of State for Trade and Industry, and to Sir Robin Butler.

C. D. POWELL

Philip Mawer, Esq.,
Home Office

2.14.12 SECRET AND PERSONAL

FROM: C W KELLY

DATE: 15 December 1988

CHIEF SECRETARY

cc: Chancellor
Paymaster General
Sir Peter Middleton
Mr Anson
Dame Anne Mueller
Mr Monck
Mrs Case
Mr Chivers
Mr Strachan

WORKING GROUP ON DISRUPTION IN THE PRISON SERVICE

We owe you a progress report on discussions in Sir Clive Whitmore's working group on disruption in the prison service on which Mrs Case and I represent the Treasury.

2. As you may recall, the Group was set up to study the possibility of a no disruption agreement with the POA and to improve contingency planning for major disruption. The two are obviously closely linked. If the Home Office do not have adequate plans to cope with all out industrial action, their negotiating hand is seriously weakened.

3. To preserve confidentiality the work on contingency planning was initially done as a paper exercise at Home Office HQ, drawing on the existing plans of individual establishments to cope with local difficulties. At first glance the figures appeared to suggest that our capacity to cope with industrial action on a national scale was severely limited. The numbers of police and military who would be required would be greater than the system could bear.

4. But closer analysis brought to light a number of discrepancies. It also became apparent that the assumption on which the individual plans were based - that trouble at a particular establishment was not necessarily linked to difficulties elsewhere and that the intention was to provide as normal as possible a regime - may not be sensible in the circumstances of all-out industrial action throughout the country.

5. The Home Office have therefore gone back to the drawing board. They are reassessing the assumptions on which the existing plans are based and they are seeking further operational advice from the police and prison service. While all this is going on, discussion in the Group about the possibility of a no disruption scheme has been temporarily suspended.

6. Before that point was reached, however, something like a consensus seemed to be emerging in favour of an arrangement involving:

i. Legislation along Police Act lines making it a criminal offence to incite a prison officer to breach his term of employment or commit acts of indiscipline.

ii. Making individual acts of disruption subject to disciplinary action and

iii. Some new way of determining pay as a quid pro quo, either because it would make it possible to introduce the change by agreement or as a way of demonstrating publicly the fairness of what was being done.

7. This is essentially the package suggested to you last year by Mr Kemp. At that stage what he had in mind was continuation of the Wynn Parry formula for settling pay, ie some form of indexation to movements in the pay of other civil servants in similar pay ranges. This is still one of the options. But there must be considerable doubt as to whether it would be sufficient to meet the objectives in (iii) above, since the POA have it already. Wynn Parry has not actually been used since 1985 because of Fresh Start. But we are committed to discussions with the POA about how it can be reinstituted for the future. We have only not begun these so far because the POA are currently too busy with internal warfare to talk to anyone else.

8. The alternatives are:

i. Some form of indexation to settlements in the private sector. This is the option now favoured by the Home Office, on the grounds that it would be more acceptable to the service and because it would look much more like the police model (hardly a good analogy as far as we are concerned).

ii. A new review body. This is the option favoured by the Department of Employment, partly on the grounds that it would be likely to be cheaper because it would make it possible to take into account other factors, including recruitment and retention, and affordability.

9. For our part, we have doubts about the possibility of actually being able to deliver any form of no-disruption agreement, doubts about the outcome of the new round of contingency planning, doubts about the possibility of being able to reach an agreement of any kind with the POA, and doubts about whether imposing one would actually work. We have also made clear our considerable dislike in principle both for indexation and for review bodies.

10. In practice, however, I do not think that we should rule a review body out of court. If we got the other elements of the package, and if it looked as if there was sufficient Home Office commitment to make it work, a review body might be a price worth paying.

11. No immediate action is required now. But I thought that you might like to be warned that if further work shows that the no-disruption scheme and its contingency underpinning to be viable we could be faced with some fairly invidious choices on the pay front.

CWK

C W KELLY

From: THE PRIVATE SECRETARY

Pup

19/12

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SWIH 9AT

Our Ref: NTY/88 387/986/1

16 December 1988

Dear Charles,

HONG KONG BUSINESSMEN

Thank you for your letter of 8 December, in response to the Home Secretary's minute of 2 December to the Prime Minister, in which you asked for advice on a number of further points.

On the first point, the Home Secretary's minute sets out the maximum that he can offer within the existing statutory framework as far as citizenship is concerned. He could, however, use his discretion under the Immigration Rules to grant settlement after less than four years in appropriate cases and this might be attractive to businessmen who wanted the security of settled status while retaining the option of continuing their business activities in Hong Kong. We could, for example, offer a three year period to all businessmen making a substantial investment here if they said that they found the present four year requirement difficult. I think that this also covers your third point.

On your second point, the Home Secretary sees no scope for a specific amendment to the Immigration Rules which would allow time spent in Hong Kong to qualify for settlement here, because of the controversy that this would attract. However, his exercise of discretion over absences can achieve the same end for businessmen who have established a business here.

On your final point, the Home Secretary did have a statement prepared in 1986 for handing to selected people. I enclose a copy. We can further revise this, but any general statement cannot by definition be tailored to an individual's circumstances. If it became widely known that settlement could become available in rather less than four years in certain circumstances, pressure would quickly mount to make that the norm, conveying the impression of some more general weakening of immigration control.

The Home Secretary will arrange for the statement to be revised on the lines of his minute of 2 December, seeking to make its tone more forthcoming. But in his view practical results will depend on instituting a programme of individual briefings on the lines suggested in that minute and, if this were agreed, officials in the Home Office, FCO and DTI could be instructed to prepare proposals accordingly.

I am sending copies of this letter to the Private Secretaries to the Chancellor of the Exchequer, the Foreign and Commonwealth Secretary, the Secretary of State for Trade and Industry and to Sir Robin Butler.

Yours ever

Nick

N C SANDERSON

C D Powell, Esq.

BRITISH CITIZENSHIP:
THE USE OF THE HOME SECRETARY'S DISCRETION

1. The Home Secretary has some flexibility in considering an application for British citzenship. This relates primarily to the amount of time an applicant must spend in this country in the five years (or for those married to British citizens three years) before he applies. Those who are British Dependent Territories citizens have a right to registration as British citizens, but they must still meet the five year residence requirements.

2. The residence requirements are that the applicant must have been in this country on the exact date five (or three) years before the date of his application: and he must on the date of his application be free of any restrictions on his stay here under the immigration laws. There is no flexibility on either of these requirements. Because of the second requirement, an applicant for citizenshipship must first have been granted settlement here.

3. Settlement is granted by removing the time limits on a person's stay here. For self-employed businessmen and persons of independent means this is normally granted after four years in this country. In that four years, when a person's stay is subject to a time limit, absences for holidays and the like are disregarded. This is an area in which flexibility can be exercised. In exceptional circumstances, where for example there has been substantial investment, we will grant settlement despite quite long absences.

4. But long absences, while they may not necessarily affect an application for settlement, could affect a subsequent application for citizenship. This is because UK nationality law also lays down expectations about residence. It expects an

applicant for citizenship who is not married to a British citizen not to have been absent for more than 450 days in the five years before the application; nor more than 90 days in the last year; to have been free of any restrictions on his stay under the immigration laws for all of the last year; and not to have been here in breach of the immigration laws in the five year period. For those married to British citizens the period of permitted absences is 270 days in the last three years, but the requirements are otherwise the same.

5. The law allows the Home Secretary the discretion to waive these expectations if he thinks it right to do so.

6. In general we expect people to meet not only the statutory requirements but also the statutory expectations for citizenship. If they miss them by a few days, then this is normally disregarded. If the periods are much longer, we need to be satisfied that the applicant has really thrown in his lot with this country and put down roots here despite having been out of the country for longer than the statutory expectations.

7. There are also other requirements, for example that the applicant is of good character; has sufficient knowledge of English; and intends to make his principal home here. The Home Secretary has to use his judgment in deciding whether these are met. They do not apply to British Dependent Territories citizens with a right to registration, and only the character requirement applies to those applying on the grounds of their marriage to a British citizen.

8. The Home Secretary cannot give general undertakings about how his discretion would be exercised: each case must be looked at on its merits at the time when the application is made. But if an applicant has clearly thrown in his lot with the UK (that is he has firmly established himself here and has put down roots here) and assuming he met the statutory requirements for citizenship, then if he had good reasons for being out of the country longer than the normal expectations (e.g. on business) the Home Secretary would be prepared to consider flexibly the use of his discretion.

✓ 16/12

Foreign and Commonwealth Office

London SW1A 2AH

CONFIDENTIAL

16 December 1988

Dear Charles,

Hong Kong Businessmen/Resettlement of Vietnamese Boat People

The Foreign Secretary has seen Nick Sanderson's letter to you of 16 December giving the Home Secretary's answers to the Prime Minister's further questions about ways of attracting Hong Kong business talent to the United Kingdom.

Sir Geoffrey Howe has little to add to the Home Secretary's advice. He suggests, however, that the briefing of selected individuals should, as far as possible, be oral and tailored to their individual circumstances rather than based on general guidance. There may be some limited use that can be made of a general statement along the lines envisaged by the Home Secretary. But this carries the potential disadvantages which he identifies: and there is the further risk that the text would be circulated indiscreetly or even leaked, in embarrassing circumstances, in Hong Kong.

Sir Geoffrey Howe hopes that we can now take a decision on the two issues of assistance to Hong Kong businessmen and resettlement of Vietnamese boat people. On the latter issue, there would be strong advantage in making an early announcement on the lines proposed by the Foreign Secretary and the Home Secretary in their joint minute of 1 December. This would enable the Prime Minister to reply in positive terms to the outstanding letter from Lydia Dunn on behalf of all Executive and Legislative Councillors; and Ministers here to reply to the many letters from Members of Parliament asking what action we propose to take on Miss Dunn's request. We would also be able to secure maximum political benefit in the context of the visit which Lord Glenarthur is due to pay to Hong Kong very early in the New Year.

We suggest that any announcement could best be made simultaneously to Parliament and in Hong Kong. For the best publicity in Hong Kong, the Prime Minister's reply to Miss Dunn should reach her by 21 December as the Legislative Council goes into recess on that day. The text could be withheld from public release until the Home Secretary had informed Parliament of our decision in reply to an inspired Parliamentary Question on the same day. We shall be ready to submit drafts on 19 December.

CONFIDENTIAL

I am sending copies of this letter to the Private Secretaries to the Home Secretary, the Chancellor of the Exchequer, the Secretaries of State for the Environment, for Employment and for Trade and Industry, the Minister for Overseas Development, and to Sir Robin Butler.

Yours

(J S Wall)
Private Secretary

C D Powell Esq
10 Downing Street

CONFIDENTIAL

chex.md/mw/37 **SECRET AND PERSONAL**

FROM: MISS M P WALLACE
DATE: 23 December 1988

PS/CHIEF SECRETARY

cc PS/Paymaster General
Sir P Middleton
Mr Anson
Dame A Mueller
Mr Monck
Mrs Case
Mr Kelly
Mr Chivers
Mr Strachan

WORKING GROUP ON DISRUPTION IN THE PRISON SERVICE

The Chancellor has seen Mr Kelly's minute of 15 December. He has commented that, of the alternative ways forward outlined in Mr Kelly's paragraph 8, indexation to settlements in the private sector would have the advantage that it might help us to get a similar arrangement for the police in place of the present pernicious indexation to earnings.

MOIRA WALLACE