

CONFIDENTIAL

MR. LANKESTER

c. Mr. Wolfson
Mr. Duguid

*John Vereker
(are not wanted in
press time)
12/11/81*

Civil Service Industrial Dispute: Scottish Courts Administration

It was reported to Mr. Hayhoe's group, chaired this morning by Sir John Herbecq, that industrial action by civil servants in the Scottish Courts Administration was resulting in certain minor offenders not being brought to court; and that Mr. Younger had decided not to take the action which would be necessary to enable offenders to be prosecuted. I have since discussed the position with Alan Bishop, Assistant Under Secretary of State in the Scottish Office, and I think the Prime Minister may wish to be aware of the facts.

Under Scottish law it is not possible to prosecute for an offence if a period of more than 110 days has elapsed since the offence was committed. Thus the Civil Service dispute does lead to some people getting off scot free. In the case of serious offenders, it is possible to petition the High Court^x, and this is being done; but in the case of certain other offenders - for instance drunken driving - it is not worth the effort. Mr. Younger does have authority from L, so I understand, to bring forward the necessary legislation to extend the 110 day period if he sees fit, and has decided not to do so because such legislation would not help the cause of justice until civil servants start working normally. After consulting his Permanent Secretary, Alan Bishop told me that it was not their intention to advise Mr. Younger to consult his colleagues about his decision.

I think this decision, although affecting circumstances which are probably unique, does raise an issue of which other Ministers ought to be aware, namely whether the Government allows civil servants to interfere with the course of justice in this way. You may feel it would be appropriate to ask at Private Secretary level for Mr. Younger to report. The Treasury are unwilling to do so, because they have noted that Sir John Herbecq made no move in that direction, and they are reluctant to be seen to be taking command of the Civil Service dispute away from the CSD.

JOHN VEREKER
7 May 1981

x for an extension

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