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Conclusions

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CABINET

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CONCLUSIONS of a Meeting of the Cabinet  
held at 10 Downing Street on  
THURSDAY 21 JANUARY 1982  
at 10.30 am

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PRESENT

The Rt Hon Margaret Thatcher MP  
Prime Minister

The Rt Hon William Whitelaw MP  
Secretary of State for the Home Department

The Rt Hon Lord Hailsham  
Lord Chancellor

The Rt Hon Lord Carrington  
Secretary of State for Foreign and  
Commonwealth Affairs

The Rt Hon Sir Geoffrey Howe QC MP  
Chancellor of the Exchequer

The Rt Hon Sir Keith Joseph MP  
Secretary of State for Education and Science

The Rt Hon Francis Pym MP  
Lord President of the Council

The Rt Hon James Prior MP  
Secretary of State for Northern Ireland

The Rt Hon John Nott MP  
Secretary of State for Defence

The Rt Hon Peter Walker MP  
Minister of Agriculture, Fisheries and Food

The Rt Hon Michael Heseltine MP  
Secretary of State for the Environment

The Rt Hon George Younger MP  
Secretary of State for Scotland

The Rt Hon Nicholas Edwards MP  
Secretary of State for Wales

The Rt Hon Humphrey Atkins MP  
Lord Privy Seal

The Rt Hon Patrick Jenkin MP  
Secretary of State for Industry

The Rt Hon John Biffen MP  
Secretary of State for Trade

The Rt Hon David Howell MP  
Secretary of State for Transport

The Rt Hon Norman Fowler MP  
Secretary of State for Social Services

The Rt Hon Leon Brittan QC MP  
Chief Secretary, Treasury

The Rt Hon Baroness Young  
Chancellor of the Duchy of Lancaster

The Rt Hon Nigel Lawson MP  
Secretary of State for Energy

SECRET

The Rt Hon Norman Tebbit MP  
Secretary of State for Employment

The Rt Hon Cecil Parkinson MP  
Paymaster General

THE FOLLOWING WERE ALSO PRESENT

The Rt Hon Lord Mackay of Clashfern QC  
Lord Advocate  
(Item 1)

The Rt Hon Michael Jopling MP  
Parliamentary Secretary, Treasury

SECRETARIAT

Sir Robert Armstrong  
Mr R L Wade-Gery (Items 2 and 3)  
Mr P L Gregson (Item 4)  
Mr D S Hancock (Items 2 and 3)  
Mr D H J Hilary (Item 1)  
Mr L J Harris (Item 1)  
Mr D J Bostock (Item 4)

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PARLIAMENTARY  
AFFAIRS---  
Glasgow  
Rape Case

1. The Cabinet were informed of the business to be taken in the House of Commons during the following week.

THE LORD ADVOCATE said that the decision not to prosecute three Glasgow youths for the alleged rape of and serious assault on a woman had been taken by Crown Counsel in the light of psychiatric advice that the woman, who had a history of mental instability as well as having sustained serious physical and mental injury in the assault, would be likely to suffer further damage to her personality, possibly leading to attempted suicide, if she had to give evidence. The prosecution case had not been very strong, even with the woman's evidence; without it, the chances of success would be much reduced. Once Crown Counsel's decision had been notified to the accused, it could not be reversed. At present, it was entirely within Crown Counsel's discretion whether or not to refer such cases to the Law Officers. The Counsel involved had great experience, and his decision not to prosecute was certainly defensible. Nevertheless, the Lord Advocate considered it desirable that for the future the decision to drop proceedings in the case of any plea of the Crown should always rest with him, and he intended to issue instructions to all Crown Counsel accordingly. It appeared from Press reports that the woman in the Glasgow case might now seek to bring a private prosecution against those concerned in the alleged assault. It was clearly important that as little as possible should be said publicly about the case which might be held to be prejudicial to any further proceedings. He intended to make a statement in the House of Lords on the case that afternoon, which would be repeated in the House of Commons by the Solicitor General for Scotland. It was regrettable that in reply to questions from the Press the previous day the Solicitor General for Scotland had appeared to anticipate the statement in terms to which he, as Lord Advocate, could not wholly subscribe.

THE PRIME MINISTER, summing up this part of the discussion, said that the Cabinet noted that the Lord Advocate's statement would make it clear that the Law Officers were not informed in advance of Crown Counsel's decision in the Glasgow case; that the Lord Advocate did not consider that Crown Counsel had in any way acted improperly in reaching that decision; that in future the Lord Advocate would ensure that for the future the decision to drop proceedings in the case of any plea of the Crown would always rest with him; and that the possibility of a private prosecution precluded the Law Officers from answering detailed questions on the particular case. There was bound to be criticism in the House of Commons of the premature disclosure of part of the substance of the proposed statement, and the Solicitor General for Scotland should preface his repetition of the Lord Advocate's statement by an appropriate apology to the House; the Cabinet agreed that this should not be in the form of a personal statement.

The Cabinet -

1. Invited the Lord Advocate to arrange for the Solicitor General for Scotland, when he repeated in the House of Commons the statement which the Lord Advocate would make in the House of Lords that afternoon, to make an appropriate apology to the House of Commons for anticipating the Lord Advocate's statement to Parliament in his own statements to the Press.

sentences for  
rape

THE HOME SECRETARY said that he had been wrongly reported in the Press as saying that the Government had decided to introduce or to accept amendments to the Criminal Justice Bill providing for mandatory prison sentences following conviction for rape. He had confined himself in his speech on the Second Reading of the Bill the previous day to repeating and supporting the views already expressed by the Lord Chancellor and the Lord Chief Justice that rape should in all save wholly exceptional circumstances attract a custodial sentence. He intended to consult the Lord Chancellor further on the question of mandatory sentences, which raised considerable difficulties of principle, but was not yet ready to bring forward firm proposals.

THE LORD CHANCELLOR said that, although he recognised that public opinion on the treatment of persons convicted of rape was running high, it was of the first importance that Ministers should not make any public statements which could be construed as an attempt to interfere with the independence of the judiciary. Pending the outcome of his consultations with the Home Secretary, it would be wrong for Ministers to go further than to support the remarks of the Lord Chief Justice.

THE PRIME MINISTER, summing up the discussion, said that the public expected the Government to respond positively to the widespread concern which had been expressed about the treatment of convicted rapists. Without pre-empting the eventual policy decision, it would be helpful if appropriate amendments to the Criminal Justice Bill to introduce mandatory custodial sentences could be drafted so that they could be brought forward without delay if necessary. In the meantime, all Ministers should be guided by the Lord Chancellor's comments in replying to any questions put to them about the Government's attitude to sentences for rape.

The Cabinet -

2. Invited the Home Secretary to discuss the possible introduction of mandatory prison sentences for rape with the Lord Chancellor, and to arrange for the drafting of appropriate amendments to the Criminal Justice Bill on a contingency basis.

3. Agreed that all Cabinet Ministers should ensure that their junior Ministers were aware of and observed the guidance given by the Lord Chancellor in commenting publicly on sentences for rape.

2. THE FOREIGN AND COMMONWEALTH SECRETARY said that the question of measures to be taken against both Poland and the Soviet Union would be further considered at a reinforced meeting of the North Atlantic Council on 23rd January. The Americans were pressing strongly for that meeting to reach firm decisions under which their allies would take measures against the Soviet Union comparable to their own. This seemed unlikely to be agreed, since some of the allies wished to take only more limited measures and others none at all. There was therefore a real danger of a public split in the Alliance. He hoped that his colleagues directly concerned would be content with the proposals he had made for the British stance in these difficult circumstances. That would include making clear that the taking of appropriate British measures would depend on the Americans satisfactorily resolving the problem relating to existing contracts, which was particularly acute in the case of John Brown Engineering's contract for pump equipment for the West Siberian pipeline project.

FOREIGN  
AFFAIRS

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Poland

Previous  
Reference:  
CC(82) 1st  
Conclusions,  
Minute 2

Arab/Israel

Previous  
Reference:  
CC(82) 1st  
Conclusions,  
Minute 2

THE FOREIGN AND COMMONWEALTH SECRETARY said that the Israelis had objected strongly to one passage in the British reply to their message about British participation in the proposed Sinai multinational force and observers. Other prospective European participants were similarly involved. For the passage in question to be deleted, as the Israelis wished, would involve the implication of a change of policy which would be immediately apparent to Arab Governments who had already received copies of the reply. He had therefore asked the United States Secretary of State, Mr. Haig, to discuss with the Israeli Foreign Minister, Mr. Shamir, how the matter might be satisfactorily settled.

Malaysia

Previous  
Reference:  
CC(81) 34th  
Conclusions,  
Minute 2

THE FOREIGN AND COMMONWEALTH SECRETARY said that British firms had already lost business worth some £50 million as a result of the discriminatory policy instigated by the Prime Minister of Malaysia, Dr Mahathir. He himself would be visiting Malaysia the following week and would do what he could towards remedying the situation, but it was unlikely that rapid results would be obtainable.

THE CHANCELLOR OF THE EXCHEQUER said that at a recent meeting of Finance Ministers and Central Bank Governors from the major Western industrial states serious concern had been expressed about the world economic outlook with particular reference to the policies being adopted by Japan and by the United States. The Japanese were continuing to pursue export-led growth and to restrain domestic demand despite their balance of payments surplus. Under international pressure they had talked of making tariff reductions, in order to promote access to their market; but these were unlikely to prove adequate, and strong pressure would need to be maintained in the face of Japan's evasive tactics at international meetings. The European Commission would need to be more vigorous in making clear that the Japanese could not reasonably continue to regard Western Europe as a natural market for their goods while denying European goods proper access to their own market. As regards the United States, the danger was that the Administration would be unable to make adequate reductions in public expenditure and would also be unwilling to make sufficient increases in taxation, that the American deficit would continue to rise, and that high interest rates and the volatile exchange rates would persist for a considerable time to come. He would be seeking the help of the Foreign and Commonwealth Secretary in getting across to the United States Government the political as well as the economic dangers inherent in this situation.

The Cabinet -

Took note.

3. THE FOREIGN AND COMMONWEALTH SECRETARY said that Foreign Ministers would be meeting again in Brussels on Monday 25 January. This would be their last chance to agree guidelines on the outstanding issues on the Mandate: milk, Mediterranean agriculture, control of agricultural expenditure and the budget. It remained to be seen whether agreement would be possible.

THE FOREIGN AND COMMONWEALTH SECRETARY said that the European Parliament had elected Mr Dankert, a Dutch Socialist, to succeed Madame Veil, as its President. Most of the Members of the European Democratic Group had voted for Mr Dankert in the last ballot. This action might have created resentment among the continental Christian Democratic parties because the German Christian Democrats had had a candidate in Herr Klepsch, who was not very popular with British Members.

World Economic  
situation

COMMUNITY  
AFFAIRS

May Mandate

previous  
reference:  
C(82) 1st  
conclusions,  
minute 3

President of the  
European  
Parliament

Council of Ministers  
(Agriculture)  
19 January

THE MINISTER OF AGRICULTURE, FISHERIES AND FOOD said that the Council of Ministers (Agriculture) had met on 19 January but the Commission had decided not to present on that occasion their price proposals for 1982. These were now expected to average 9 per cent, which the French would regard as inadequate because they wanted a settlement of 16.2 per cent.

INDUSTRIAL  
AFFAIRS

Coal

Previous  
Reference:  
CC(82) 1st  
Conclusions,  
Minute 4

4. THE SECRETARY OF STATE FOR ENERGY said that the National Union of Mineworkers (NUM) had voted by a clear majority not to authorise industrial action in support of a higher wage claim than the increase of 9.3 per cent on basic rates which the National Coal Board (NCB) had offered. Only 45 per cent of those voting had been in favour of authorising industrial action. The result was a major setback for the NUM's President Elect, Mr Scargill. He proposed privately to convey the Government's congratulations to the NCB on their handling of their negotiations with the NUM and the public presentation of their case. Public comment by the Government should be confined to saying that the outcome appeared satisfactory both for the coal industry and for other members of the community who would have been adversely affected by industrial action.

The Cabinet -

1. Took note.

British Rail

Previous  
Reference:  
CC(82) 1st  
Conclusions,  
Minute 4

THE SECRETARY OF STATE FOR TRANSPORT said that there was no immediate prospect of ending the dispute between British Rail and the Amalgamated Society of Locomotive Engineers and Firemen (ASLEF) on satisfactory terms. Further strikes were planned for 24, 27, 28 and 31 January. The Advisory Conciliation and Arbitration Service, whose intervention in the dispute earlier in the week had probably been premature, were considering whether they could make further proposals to end the dispute. The British Railways Board (BRB) would, however, be unable to accept anything less from ASLEF than a binding commitment on productivity increases through flexible rostering; ASLEF were not at present willing to contemplate giving such an undertaking. If the dispute went to the Railway Staffs Arbitration Tribunal, the outcome would almost certainly be unsatisfactory to the BRB. The Board had undertaken not to escalate the dispute without prior consultation with him: they would, however, be sending home other railmen for whom there was no work if ASLEF struck on 31 January. The strike was having some effect on industry, particularly on the British Steel Corporation; its most visible effects were on London commuters.

Their morale was satisfactory at the moment but the longer the dispute went on the more likely they were to suggest that the Government should intervene to end the dispute. The Government was not a party to the dispute; but Ministers should make clear in public that the BRB had the Government's support. Ministers could emphasise that the Government wanted an efficient railway system; that the Government (by providing finance), British Rail's management and the other rail unions were all trying to achieve this objective; and that only ASLEF at the moment were blocking progress.

The Cabinet -

2. Took note.

De Lorean

THE SECRETARY OF STATE FOR NORTHERN IRELAND said that it was almost certain that without further urgent Government assistance of some £47 million de Lorean Motor Cars would have to cease trading with effect from 29 January. He intended to make clear to Mr John de Lorean later that day that the Government could not add to the £70 million which the company had already received from public funds. Some of de Lorean's creditors would probably try to claim from the Government the sums which the company owed them; his advice was that the Government had no liability to de Lorean's creditors. The closure of the company's factory in West Belfast would have grave consequences for Northern Ireland, but there appeared to be no prospect that with further support de Lorean could become viable. It was likely that the position would become known publicly before the end of the week. In defending the decision to let de Lorean close he would emphasise that the Government had been prepared to support the project so long as there appeared to be a reasonable chance of its becoming profitable: as recently as December the Government had extended its guarantees on de Lorean's bank loans.

The Cabinet -

3. Took note.

Cabinet Office

21 January 1982