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ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

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01-405 7641 Extn 3201

cc Mr Hargrave

Ann Minute

ms

he can leave the
issue to take account
of their legal points.

THE PRIME MINISTER

CODES OF PRACTICE ON THE CLOSED SHOP AND PICKETING

I refer to Jim Prior's minute of 22 October.

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24/10

I was particularly interested in the changes made to the draft Codes in order to draw the proper distinction between obligations binding in law and those which are matters of good practice (see paragraph 4 of both Codes). I welcome these changes and consider that the revised texts do satisfactorily answer the criticisms which have been made. However, I would invite Jim Prior to consider whether paragraph 29 of the Code of Practice on Picketing is in the right place. It is not clear in the revised text what the precise "status" or effect of this paragraph is. I consider this to be an example of how the distinction between explanation of the law and guidance on good practice can become blurred - in fact this paragraph contains precepts of good practice which the Code is urging those who organise picketing to adopt. Much the same point can be made about paragraph 13 of the same Code although I appreciate it is difficult to see where else this could fit.

I was also interested to read the changes in paragraph 32 of the draft Picketing Code concerning the limit on numbers of pickets which likewise I welcome as reflecting the legal position.

I am copying this minute to the members of E Committee, the Lord Chancellor, the Home Secretary, the Lord Advocate,

/the

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the Chancellor of the Duchy of Lancaster, the Lord President,
the Chief Whips and Sir Robert Armstrong.

M.H.
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28 October 1980

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