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01-405 7641 Extn

ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

PRIME MINISTER

TIME OUT - DISCLOSURE OF CABINET COMMITTEE MINUTES

I understand that the Secretary of the Cabinet, after discussion with the Head of the Civil Service, is recommending to you that, subject to my views, a Police investigation should take place into this very disturbing disclosure of a secret Cabinet Committee document.

I agree that a thorough Police investigation is the most likely means of finding the culprit rather than any form of internal interdepartmental inquiry. To bring in the Police, however, is not without difficulty, particularly for me, since it implies that criminal proceedings may be brought. The investigation, if successful, might disclose a theft or some element of corruption, if payments have been made, but the more likely result will be a case for prosecution under section 2 of the Official Secrets Act. The difficulty with the latter is that this particular disclosure would not fall within Franks nor within the categories of information protected by the Government's recent Bill. (It was decided that Cabinet documents per se would not be protected by criminal penalties.)

In deciding whether to prosecute in a case like this I would feel it right to take into account as aspects of the public interest, the recommendations of Franks and the resulting proposals by successive Governments as well as public opinion. I do not have, however, any dispensing power but I must consider each case on its merits. A decision to bring in the Police, therefore, would not commit me to consenting to any prosecution under section 2, although

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knowledge that the Police investigation was taking place would be likely to give rise to a good deal of adverse comment. At this stage, however, it is impossible to say what the results of the investigation might be and, as indicated above, it could conceivably lead to a theft or corruption prosecution.

I would propose that the Police be brought in at my instigation and I would ask the Director of Public Prosecutions to set the wheels in motion.

I am copying this minute to the Home Secretary, the Secretary of State for Energy, Sir Ian Bancroft and Sir Robert Armstrong.

M.H.
/

6 December 1979

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knowledge that the investigation was taking place
would be likely to lead to a good deal of adverse
comment. At this stage, however, it is impossible to say
that the results of the investigation might be such as
indicated above. It could conceivably lead to a different
course of action.

I would propose that the Police be brought in at an
investigation and I would ask the Director of Public
Prosecutions to set the wheels in motion.

I am copying this minute to the Home Secretary, the
Secretary of State for Energy, Sir Ian Horowitz and
Sir Robert Armstrong.

6 December 1979

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