

8 July 1980

Clause 17, Employment Bill

Many thanks for your letter of 4 July since when I have seen the Prime Minister's letter of 3 July.

Patrick Mayhew and his colleagues very kindly saw me on this subject and I had brief words with the Lord Chancellor. I wish I could say that my fears were allayed. In a sense, it has nothing to do with the approach of HMG and its strategy. The exercise of their political judgment is a matter for them.

My fear is simple, namely that in a great many cases intelligent appreciation of the architect of an industrial dispute will enable him to bring secondary action with all its spin-off consequences into the realm of permissible secondary action and thus prevent any person seeking to rely on Clause 1 from satisfying the second condition precedent to success. I expect, however, it is nearly all academic at least for the time-being.

What concerned me most about this little episode is that it was not my nor, I believe, Peter's intention to enter the public arena at all. Perhaps I am too naive, but I was surprised and a little disturbed to be telephoned by a reliable journalist who reported to me his understanding that a letter which I had written lay on the Prime Minister's desk and in essence precisely what it contained. This was followed by a request to see the letter as he would be writing about it the following day. It was quite obvious that he or one of his colleagues had seen a copy of the letter and I therefore gave him a copy in the hope of ensuring correct reporting.

I only tell you this because it was my last wish to rock the boat but the issue is too important if one has fears not to express them while there appeared to be time.

Cont /

The Rt. Hon. Sir Michael Havers,
Q.C., M.P.

8 July 1980

- 2 -

Whether anything Peter or I would say now would have any effect on the future, I do not know but certainly it is not easy for us to go public on the subject and of course I am now out of Office.

The Rt. Hon. Sir Michael Havers,
Q.C., M.P.,
Attorney General,
Royal Courts of Justice,
London WC2A 2LL.

From, SIR JOHN STEBBINGS

2
10, NEW SQUARE,
LINCOLN'S INN,
LONDON, WC2A 3QG.
01-242 6041

Amended

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9 July 1980

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Dear Margaret,

Employment Bill

Thank you very much for your letter of 3 July.

The Attorney General wrote to me on 4 July and I enclose a copy of my letter to him of yesterday.

In view of the Lords' proceedings yesterday, the Clause will now stand as drawn.

I realise of course that it was impractical to amend it without bringing it back to the House of Commons and thereby delaying its passage to the Statute Book.

I did have a word informally with the Lord Chancellor and I only hope that my fears prove to be unfounded. It was my last wish "to rock the boat" and had we intended to enter the public arena I suppose we should have written to the Times.

As you know, it would be my last wish to cause any problem to you.

Yours,

John

The Rt. Hon. Mrs. Margaret Thatcher, MP,
House of Commons,
London SW1.

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communications on this subject should
be addressed to
THE LEGAL SECRETARY
ATTORNEY GENERAL'S CHAMBERS

ATTORNEY GENERAL'S CHAMBERS,
LAW OFFICERS' DEPARTMENT,
ROYAL COURTS OF JUSTICE,
LONDON, W.C.2.

P. Lancaster
We discuss & advise
leak it here 5/11

Our Ref: 400/80/126

10 July 1980

T Lankester Esq
10 Downing Street
SW1

(V)

P. Hagan

Pls note x below

Dear Tim

(V)

CF

P. 1077

CLAUSE 17: EMPLOYMENT BILL

You should see the attached copy of a letter of 8 July from Sir John Stebbings in reply to the Attorney General's letter to him of 4 July (which you have).

The Attorney General has asked me to draw to your attention in particular what Sir John says about the disclosure to the press of his letter to the Prime Minister of 18 June. The Attorney General is anxious that the impression should not be given that Sir John "leaked" it.

I take the last paragraph of Sir John's letter as declining the Attorney General's request that his views should be reported to the profession. This was one of the main objects of the Attorney General's letter and I shall now ask him whether he wishes to release it himself or ask Sir John to reconsider.

I am copying this letter, with enclosure, to Richard Dykes at the Department of Employment, who will give it the necessary circulation there, and to Ian Maxwell at the Lord Chancellor's Department.

Yours sincerely
JR Mallinson

J R Mallinson

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