



01-405 7641 Extn

ROYAL COURTS OF JUSTICE.

LONDON, WC2A 2LL

30 June, 1980

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The Rt. Hon. James Prior, MP,
Secretary of State for Employment,
Department of Employment,
Caxton House,
Tothill Street,
London, SW1.

Prime Minister:

This will cause N

and some problems

look at them in
coming to you about the
Skelton and Taylor letters on
Wednesday 24th week. The

Dear Jim,

Employment Bill Clause 17

The Solicitor General and I have seen and discussed the letters written to the Prime Minister by the President of the Law Society (18th June) and the Chairman of the Bar (25th June).

Report stage on the words is on 7th July.

AKL

30 v.

We agree that the present wording of Clause 17 may lead to the results which they fear.

We also feel that great attention must be paid to the leaders of the two professions who will be called upon first to advise clients as to the meaning and effect of the Clause and then to argue those matters in Court.

As with all drafts of any complexity it cannot have been easy either for the Department or the draftsman trying to foresee and cope with every possible difficulty. Now that there has been discussion of the Clause in both the Commons and the Lords and we have all had the benefit of that and of the comments made in the Press and in these letters some things are perhaps more apparent.

If the purpose of Clause 17 were simply to provide immunity only against legal action by identified persons in identified circumstances, e.g. against action by parties to the dispute and their "first suppliers and customers," the Clause could be more neatly drafted to lead to the required result.

If the intention is to provide immunity beyond that stage then in the absence of clear identification of how far it is intended to go, and where it is intended to stop, it is

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difficult to see how the drafting can be improved and, as I say, we feel that the Clause as at present drafted will have the consequences which Stebbings and Taylor fear.

Our real difficulty is to identify exactly what is required. If we knew that, which still is unclear, we would be better able to advise.

We would like to emphasise again that we are not concerned with policy save that we would like to know precisely what it is so that we can be satisfied that the drafting both represents the policy and is as clear as is possible.

I am copying this to the Prime Minister.

Yours etc.
Michael.



30 JUN 1960