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CC(81) 28th
Conclusions

COPY NO 78

CABINET

CONCLUSIONS of a Meeting of the Cabinet
held at 10 Downing Street on

THURSDAY 16 JULY 1981

at 10.00 am

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 Sir Geoffrey Howe QC MP
Chancellor of the Exchequer

The Rt Hon Sir Keith Joseph MP
Secretary of State for Industry

The Rt Hon Francis Pym MP
Chancellor of the Duchy of Lancaster
and Paymaster General

The Rt Hon Lord Soames
Lord President of the Council

The Rt Hon James Prior MP
Secretary of State for Employment

The Rt Hon John Nott MP
Secretary of State for Defence

The Rt Hon Sir Ian Gilmour MP
Lord Privy Seal

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
Secretary of State for Northern Ireland

The Rt Hon Patrick Jenkin MP
Secretary of State for Social Services

The Rt Hon John Biffen MP
Secretary of State for Trade

The Rt Hon David Howell MP
Secretary of State for Energy

The Rt Hon Mark Carlisle QC MP
Secretary of State for Education and
Science

SECRET

The Rt Hon Norman Fowler MP
Secretary of State for Transport

The Rt Hon Leon Brittan QC MP
Chief Secretary, Treasury

THE FOLLOWING WERE ALSO PRESENT

The Rt Hon Sir Michael Havers QC MP
Attorney General (Item 5)

The Rt Hon Lord Mackay of Clashfern QC
Lord Advocate (Item 5)

The Rt Hon Michael Jopling MP
Parliamentary Secretary, Treasury

SECRETARIAT

Sir Robert Armstrong
Mr M D M Franklin (Items 2-4)
Mr R L Wade-Gery (Items 2-4)
Mr W N Hyde (Items 1 and 5)
Mr L J Harris (Items 1 and 5)

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PARLIAMENTARY
AFFAIRS

1. THE CHANCELLOR OF THE DUCHY OF LANCASTER AND PAYMASTER GENERAL informed the Cabinet of the business to be taken in the House of Commons during the following week. He would tell the House that afternoon that he would use his best endeavours to enable the House to rise for the summer recess on 31 July, but he could not yet guarantee this.

French Turkeys

Previous
Reference:
CC(81) 22nd
Conclusions,
Minute 3

THE PRIME MINISTER, summing up a brief discussion, said that the debate on a European Community document on fresh poultry meat on 20 July would provide an opportunity for members to complain about the effect on the British poultry industry of the import of French turkeys and other poultry at prices made possible only by the large subsidies given by the French Government to their industry. The Minister of Agriculture, Fisheries and Food, who was due to discuss the problem with the European Commission on 20 July, would take a very firm line against any unfair French competition.

The Cabinet -

1. Took note.
2. Invited the Minister of Agriculture, Fisheries and Food, in consultation with the Lord Privy Seal, to report to the Cabinet the outcome of his meeting with the European Commission on subsidies to the French poultry industry.

FOREIGN
AFFAIRS

Cambodia

2. THE LORD PRIVY SEAL said that the Foreign and Commonwealth Secretary was attending the United Nations Conference on Cambodia in New York, where he had spoken in his Presidency capacity on behalf of the ten member countries of the European Community. The Conference was not expected to produce concrete results, but there were obvious similarities between the situations in Cambodia and in Afghanistan, and it was desirable to support the efforts being made over Cambodia by the Association of South East Asian Nations, in order to ensure their support for the initiative on Afghanistan put forward by Britain on behalf of the Ten.

Poland

Previous Reference: CC(81) 22nd Conclusions, Minute 2

THE LORD PRIVY SEAL said that the current Congress of the Polish Communist Party seemed likely to support the moderate policies advocated by Poland's present leaders, notably Mr Kania and General Jaruzelski. The Soviet Union still appeared to be suspending judgment. But Mr Kania had not yet secured re-election as First Secretary of the Party and remained under threat both from extreme hard-liners and extreme reformists. He had also had to stress the seriousness of Poland's economic situation, which had forced the authorities to propose price rises of over 100 per cent for bread and other food items.

Belize

Previous Reference: CC(81) 26th Conclusions, Minute 2

THE LORD PRIVY SEAL said that negotiations with the Guatemalans in New York the previous week had shown that it would not after all be possible to conclude an Anglo-Guatemalan Treaty relating to Belize, but the situation was less unsatisfactory than might appear. Mr Price, the Premier of Belize, would have insisted that any Treaty be submitted to a referendum there, at which it might well have been rejected. The atmosphere of the New York negotiations had been good and the attitude of the Guatemalans remained friendly. While formally reserving their position, they seemed to have accepted that Belize would now proceed to early independence. The arrangements for independence would be worked out with Mr Price, who would be coming to London the following week.

The Cabinet -

Took note.

COMMUNITY AFFAIRS

First Meetings under the British Presidency

3. THE LORD PRIVY SEAL said that the first meeting of the Council of Ministers (Foreign Affairs) under the British Presidency on 13 July had got off to a prompt start, and had made quick but useful progress on a number of issues. There had also been a meeting on accession with the Spanish Foreign Minister but, due to obstruction by the French, little had been achieved.

Sheepmeat

Previous Reference: CC(81) 27th Conclusions, Minute 3

THE MINISTER OF AGRICULTURE, FISHERIES AND FOOD said that the Commission had eventually made a proposal for reducing the clawback premium on sheepmeat exports but, after consultation with the abattoir owners and the National Farmers Union, he had declined to agree to it. He had, however, lifted the United Kingdom's reserve on other agricultural regulations. The Commissioner responsible, M Dalsager, recognised that the United Kingdom had been let down. Other opportunities to pursue the question would soon arise.

Herring
Fishing

THE MINISTER OF AGRICULTURE, FISHERIES AND FOOD reported that two German trawlers had been arrested off Stornoway and charged with illegally catching herring. Their defence was that they had been authorised by the German Government which took the view that such fishing was legal since the Commission had made a proposal to the Council of Ministers for allowing limited fishing for herring in that area. The Scottish Court had dealt with the matter sensibly by confiscating the herring catch and admonishing the skippers. In his view, the German Government had acted improperly in telling German fishermen that they were entitled to fish without any prior consultation with the British Government. The legal argument that, once a Commission proposal had been made, it could be enforced even before the Council had taken a decision would certainly be rejected by a British Court, although the attitude of the European Court was more doubtful. To condone what the German Government had done would create a dangerous precedent. There had been discussions with the German fisheries authorities since the incident, and these would need to be pursued. The Commission's proposal was due to come before a meeting of the Council of Ministers (Fisheries) on 27 July. At that meeting we would support the introduction of limited fishing for herring, but the allocation between member states would need to be agreed.

The Cabinet -

Took note.

NORTHERN
IRELAND
AFFAIRS

Previous
Reference:
CC(81) 27th
Conclusions,
Minute 5

4. THE SECRETARY OF STATE FOR NORTHERN IRELAND said that in the Maze Prison the protesting republican prisoners were replacing each hunger striker who died and thus keeping the number on strike constant at eight. One man had died unexpectedly early, on 13 July. His death, following the Army's action against the detachment of the Provisional Irish Republican Army (PIRA) which had fired a ceremonial volley at the funeral of the previous striker to die, had been expected to lead to serious rioting but had not in fact done so. Indeed, the security situation in the Province remained comparatively calm, and it seemed possible that public opinion was losing interest in the strike. But the next striker likely to die, on about 20 July, was a member of the Dail. The prospect of his death was causing great anxiety to the Government of the Republic of Ireland, who had sent the Acting Foreign Minister and the Foreign Minister designate to talk to the Lord Privy Seal and himself on 10 July. Among their fears was the possibility that the by-election following this death would be won by Fianna Fail and that the Government coalition's narrow Parliamentary majority, already very tenuous, would then be even more at risk. Meanwhile, anti-British opinion in the United States, and particularly among members of the Congress, appeared to be hardening, as the Minister of State, Northern Ireland Office (Mr Alison) had found

during a recent visit. The strikers' apparent abandonment of their claim for differential treatment had now made it possible for the Government to take up an outstanding offer from the International Committee of the Red Cross (ICRC) to visit Northern Ireland in order to inspect prisons and if appropriate make recommendations about prison conditions. The ICRC were empowered under their own regulations to concern themselves with ordinary criminal prisoners, as well as with prisoners of war. They had been previously involved in Northern Ireland between 1971 and 1974, when they had inspected the conditions of internees and detainees. They acted only in response to an invitation from the Government concerned, but they had made clear to the present Government in December 1980, and again more formally in May 1981, that they were available if required. Their representatives would be arriving in Belfast later that morning. The prisoners had been informed. The Government were not committed to implementing any recommendations they might make, although there would no doubt be strong pressure to do so.

In the course of a brief discussion it was noted that the situation in the United States had deteriorated still further since the Minister of State's visit. Criticism was now coming even from the Friends of Ireland, a newly-formed Congressional group of moderate men who had initially made a satisfactory statement to the effect that a change in the status of Northern Ireland could come about only with the consent of a majority of its inhabitants. The situation was also deteriorating sharply in the Republic of Ireland, where the authorities believed that PIRA recruitment had been significantly boosted. For technical reasons the prospective by-election in the Republic could not take place until the autumn; and the effect of a long-drawn out campaign seemed certain to be destabilising.

The Cabinet -

Took note.

5. THE HOME SECRETARY said that the further outbreaks of violence and looting in urban areas in the past week had been on a much diminished scale, and had in most cases been attributable to straightforward criminal motives. The Chief Constables expected some disturbances to continue over the next few weeks, spreading to the seaside resorts during the holiday period as part of the normal pattern of hooliganism in recent years. The tension created by the disturbances that had occurred appeared, however, to have increased in Parliament and the media as actual violence on the streets diminished. There had been a serious setback the previous evening, when the Metropolitan Police had entered private premises in Brixton in search of bomb-

PUBLIC
ORDER

Previous
reference:
C(81) 27th
conclusions,
minute 4

making equipment, drugs, and illicit drinking. Ugly scenes had developed, and there had been much publicised allegations of unnecessary damage caused by the police in the course of the raids, in which no bomb-making equipment had been found. The failure of the operation had provided grist to the mills of the critics of the police, and it would be important for him to defend the actions of the Metropolitan Police in the course of the debate on the riots that afternoon.

Lord Scarman had visited Brixton the previous afternoon, on his own initiative and accompanied only by his wife, and had done a great deal to defuse the situation. He had himself the previous evening sent a conciliatory message to the local Member of Parliament, Mr Fraser, who had on the whole been helpful, and had that morning sent an official to Brixton to assess the situation and to report to him personally. The morale of the police was at present high, and the Chairman of the Police Federation proposed to make public the letters of appreciation for Government support which he had sent to him and to the Prime Minister; but morale could easily be dented by unfair criticism. The new helmets and fire-proof clothing being made available to the police had so far been a great success, while the speed with which chief officers and their men had developed new tactics of riot management in totally unfamiliar situations had been impressive. New helmets, fire-proofed clothing, protected vehicles, and possibly armoured cars, were likely to become part of the normal equipment of police forces. He had announced in the House of Commons the previous day that water cannon, CS gas and rubber bullets would be made available to be used on the authority of Chief Constables or their immediate deputies when all other methods had failed, and there was a serious risk to life or of widespread damage to property. It had been suggested that these weapons should only be used in individual incidents with his consent. He believed that this was unrealistic, and that it was right to leave Chief Constables to form their own judgments in the light of the prevailing circumstances and of general principles to be laid down in a code of conduct which would be made available to Parliament. Chief Constables were anxious to preserve as much as possible of the traditional methods of British policing, and fully shared his reluctance to see these weapons used except as a last resort; some had said to him privately that they would not in any circumstances deploy them, though they had agreed not to say so publicly. The Army would not be used in training the police in the use of new weapons. He was grateful to the Secretary of State for Defence for agreeing to make an Army camp available to hold prisoners. It might have been necessary in any event to use such camps because of the extreme pressures on the prison system, but he had thought it good tactics to make the decision known in the context of the riots, although there was no intention of using a camp solely for those convicted of taking part in them. There had been some criticism of the fact that he had made the announcements to a Conservative backbench committee on home affairs on 13 July, and not to the House of Commons. Similar tactics had been employed by all Governments in the past, and he

believed that on this occasion it had been necessary, and had paid off, in terms of rallying the general support of Government backbenchers. His statement in the House the previous day had had a generally favourable reception. In his speech opening the debate later that day, he would seek to establish a generally constructive tone, and, in addition to dealing with the immediate measures taken to meet the situation, would refer to the need for improvements in race relations, for better police sensitivity to the feelings of particular groups, and also, though briefly, to underlying social and economic factors in the disturbances. He had seen the heads of the British Broadcasting Corporation and the Independent Broadcasting Authority and impressed on them the great importance which the Government attached to the responsible reporting of civil disturbances. He had also drawn their attention to the inflammatory effect which the showing of violent entertainment films could have during a period of heightened tension. They had promised to bear his points in mind, and there had in fact been a marked improvement in news reporting in the last few days.

THE PRIME MINISTER, summing up a short discussion, said that the Cabinet gave their full support to the measures which had been taken by the Home Secretary and the police to bring the recent spate of disturbances under control. There would inevitably be a good deal of public apprehension about the possible effects of any misjudgment in the use of new police equipment and, in particular, of rubber bullets. The Cabinet agreed that it was unnecessary and undesirable for Chief Constables to have to seek the Home Secretary's approval before using the new weapons, but it was important that the circumstances in which they might do so should be clearly laid down in an agreed code of conduct.

The Cabinet -

1. Agreed that Chief Constables and their immediate deputies should have discretion to use new police weapons in accordance with a clearly defined code of conduct.
2. Took note, with approval, of the Home Secretary's report.

THE PRIME MINISTER said that she had further considered the suggestion made during the Cabinet's previous discussion that a Minister or Ministers with special responsibility for dealing with the needs of deprived areas should be appointed. From her own consultations, it had become evident that, although a great deal of public money had been made available in recent years to Liverpool and other similar areas, and new initiatives taken (for example the Urban Development Corporation, and the Enterprise Zone), there had been a serious lack of co-ordination which had meant that resources had not been used to

anything like the best advantage. She had now decided to invite the Secretary of State for the Environment, accompanied by Mr Raison, Minister of State, Home Office, to visit Merseyside for a fortnight with a brief to make a full assessment of the needs of the area, to discuss current problems with all interested groups, including the ethnic minorities, and to report on what could be done to achieve better co-ordinated deployment of the resources already available. Lessons learnt could be applied in other parts of the country. The exercise would be announced by the Home Secretary in the course of that day's debate, which the Secretary of State for the Environment would wind up. It would be made clear that this was an extension of the Secretary of State for the Environment's normal duties, and not a special appointment, that it was a pilot scheme, and that he and the Minister of State, Home Office, would be looking at the area as a whole, and not just at the areas affected by the recent disturbances in Toxteth. The regional offices of all Departments in the Merseyside area should be instructed to give the Secretary of State for the Environment their fullest co-operation both in the initial assessment and in any follow-up action which resulted from it.

The Cabinet -

3. Took note.
4. Invited all Ministers in charge of Departments with offices in Merseyside to instruct their officials to give every assistance to the Secretary of State for the Environment and the Minister of State, Home Office, in their forthcoming visit to the area.

THE HOME SECRETARY said that, as he had indicated in his minute of 14 July to the Prime Minister, of which members of the Cabinet had copies, there had been a good deal of support among Members on the Government side for a modernised version of the Riot Act, but most of them had agreed that it would be a mistake to rush into emergency legislation. Lord Scarman had told him that he would feel bound to oppose the immediate introduction of such legislation, though he conceded that there might be a case for changes in the law at a later stage. He himself intended to carry out an urgent study of the principles on which a new Act might be based, with the intention of bringing proposals before the Cabinet later in the summer. Examination might be given at the same time to the working of the Riot Damages Act in the light of the difficulties which were being experienced in achieving an early settlement of the claims by those who had suffered damage to property as a result of the recent riots. The aim might be to bring forward legislation next Session soon after Lord Scarman had reported, and the Home Office inquiry into racial attacks had been completed. The results of the Government's review of the Public Order Act could be announced at the same time. In the meantime, the police appeared to be experiencing no undue difficulties in pressing charges under existing legislation.

In discussion the following main points were made -

- a. A number of major policy issues would need to be settled before an assessment could be made of the need for an updated Riot Act, including the definition of a riot, and on whose authority an order to disperse was to be given.
- b. The Riot Damages Act provided no compensation for damage to vehicles or for loss of earnings, and imposed a short time limit on claims. Within these constraints, police authorities could use it effectively to pay compensation, though in some cases claims were taking an unnecessarily long time to settle.
- c. Reform of the Public Order Act would have to deal with the control of marches and possibly with demonstrations outside courts, though the latter already technically constituted a contempt. Such legislation would be extensive and highly controversial.
- d. The magistrates' courts were dealing expeditiously with summary charges arising from the recent riots. Arrangements had been made for hearing cases to be tried on indictment as soon as the prosecution and defence were ready; the first cases would probably be heard in September. General delays in the higher courts, though still serious, were being reduced. Remand cases were taking about 15 weeks on average in the London area, and twice that period where bail had been allowed. Cases in the provinces took about half that time. The Director of Public Prosecutions was not involved in most of the charges arising from the latest riots, and any delay in bringing cases before the courts was probably due to the time taken by the police to assemble and present their case.
- e. The penalties imposed in the cases arising from the first Brixton riots had arguably been too lenient, but the magistrates' courts dealing with the more recent riots had awarded more severe penalties. London magistrates' courts appeared to take a more lenient view than those in the provinces.

THE PRIME MINISTER, summing up this part of the discussion, said that the Government's supporters expected them to fulfil their election pledges on law and order, and if further study confirmed that early legislation was desirable to assist the police in dealing with rioters, it should be sufficiently comprehensive to remedy the existing defects in legislation dealing with public order, including the Riot Damages Act. They agreed that it would be a mistake to introduce emergency legislation to revive the Riot Act before the Recess, but the Home Secretary should arrange for a further report to be made to the Cabinet

as soon as possible about legislation which might be required next Session. In the meantime, all possible action should be taken to expedite the settling of claims for riot damage, if necessary by finding some way of making payments on account.

The Cabinet -

5. Invited the Home Secretary, in consultation with the Lord Chancellor, the Secretary of State for Scotland, the Attorney General and the Lord Advocate, to bring proposals on possible changes in the law before the Cabinet as soon as possible, as indicated in the Prime Minister's summing up.

6. Invited the Home Secretary, in consultation with the Chancellor of the Exchequer and the Secretary of State for the Environment, to consider further what measures could be taken to expedite the payment of claims for riot damage and to report to the Cabinet.

7. Invited the Attorney General to confirm that the Office of the Director of Public Prosecutions was not responsible for delays in bringing riot cases before the courts, and to report to the Prime Minister.

Cabinet Office

16 July 1981