




HOUSE OF LORDS,  
SW1A 0PW

23rd December 1981

Dear Mr Pattison,

As requested I  
enclose briefing material for the  
Prime Minister's post Christmas  
interviews.

Yours sincerely,  


(TREVOR COOK)

Contempt of Court Act 1981

The Contempt of Court Act, which (apart from certain provisions relating to legal aid) came into force on 27th August 1981, implements, with relatively minor modifications, recommendations of the report of the Phillimore Committee (1974, Cmnd. 5794) and it also brings U.K. law on this subject into line with the requirements of the European Convention on Human Rights. The Act is designed to achieve a better balance between freedom of speech and the need to protect the integrity of the administration of justice.



## Financial consequences of divorce

Following the discussion paper (Cmnd. 8041) which the Law Commission issued last year at the Lord Chancellor's request, they have recently published (15th December 1981) a report on the financial consequences of divorce. Amongst other things, the Commission recommend that -

(a) the overriding priority should be financial provision for the children of the family;

(b) greater emphasis should be placed on a divorced wife's earning capacity and on the desirability of both parties becoming self-sufficient; and

(c) in appropriate cases, the court should seek to achieve a "clean break", i.e. a final settlement of the financial issues of the parties at the time of divorce.

The Government is giving consideration to implementing these recommendations.

Briefing for the Prime Ministers' Interviews  
Public Record Office Feasibility Study

1. A study of the possibility of concentrating all the records in the custody of the Public Record Office on a single site in Kew was announced by the Lord Chancellor in December 1980.
2. The study has shown that a move to Kew is physically practicable and that a feasible scheme can be devised to provide the necessary accommodation. It has also shown that it would be possible to convert the Chancery Lane Public Record Office into courts. The views of interested parties have been canvassed and are being incorporated in a report which the Lord Chancellor expects to receive around the turn of the year.
3. This is a feasibility study only; no policy decisions have been taken either to concentrate the Public Record Office at Kew, or to re-use the Chancery Lane building for courts.



Briefing for the Prime Ministers' Interviews.

Wilson Committee Report on Modern Public Records

1. The Lord Chancellor published the report of the Committee on modern public records in March 1981. The Committee had been appointed in 1978 by the then Lord Chancellor to review the arrangements relating to the selection of public records for permanent preservation and to their subsequent access by the public.

2. The Lord Chancellor invited comments to be submitted to his department by those interested in the working of the Public Records Acts. The Government's response to the 61 detailed recommendations in the report is being formulated in the light of comments received and the inevitably competing demands on public section manpower and resources. The Government response will probably be given in the form of a White Paper which it is intended to publish in the New Year.



Briefing for the Prime Ministers' post Christmas interviews.

Law and Order

In 1981 new courthouses for the Crown Court were opened at Burnley, King's Lynn, Leicester, and Nottingham, providing a total of 15 new courtrooms. During 1982 new buildings are planned to be completed at Bolton, Chelmsford, Leeds, Portsmouth and Southwark, which will provide a further 44 courtrooms.





Briefing for Prime Minister's interviews

Lord Chancellor's Department

Criminal Business (Crown Court)

1981 In the first half of the year, the backlog of cases in the Crown Court was reduced by nearly 3,000, in spite of a large increase in the number of cases committed for trial. The average national waiting time in custody between committal and trial was reduced to 9.35 weeks.

1982 The backlog of cases is still large, particularly in the South East, and considerable efforts will be required to reduce it, as the Lord Chancellor and Lord Chief Justice are determined it shall be. Work is in progress on improvements in procedure which should come into effect in the coming year.



## LEGISLATION ON JURISDICTION AND RECOGNITION OF JUDGMENTS

The Civil Jurisdiction and Judgments Bill introduced in the Lords in November will reform and to some extent codify the law of all parts of the United Kingdom on the cases which may be brought before civil courts, and the recognition and enforcement of judgments issued by courts elsewhere in the United Kingdom or in foreign parts. The Bill introduces major changes and improvements in three separate areas. As regards anyone residing in the European Community, United Kingdom courts will in future entertain proceedings on exactly the same grounds as courts in other countries, and judgments given by civil courts anywhere in the Community will be recognised and enforced almost without question in the United Kingdom. When this Bill is in force and corresponding provisions have been enacted in the other Member States, a uniform system of adjudication and recognition and enforcement of judgments will operate throughout the Community.

Secondly, as regards jurisdiction exercised by the civil courts of one part of the United Kingdom over persons residing in another, the Bill will provide a set of precise and unified rules in the form of a code. Hitherto these rules have varied from one part of the United Kingdom to another and many of them have been common law, not statutory. Over most of the field the inter-UK rules will be the same as those operating within the Common Market, thus avoiding needless legal complexity. The rules which govern jurisdiction and the recognition and enforcement of judgments vis-à-vis the rest of the world will, however, for England and Northern Ireland remain more or less unchanged.

Thirdly, for Scotland the Bill introduces a complete new comprehensive code of jurisdiction which will operate world-wide: the Scots will apply the same rules inter-UK, inter-EC and vis-à-vis the rest of the world. This represents a comprehensive codification of the Scottish law which responds to a long felt need in Scotland, expressed in a recent report of a Scottish Committee under the chairmanship of Lord Maxwell, a Judge of the Court of Session.



When, probably in late 1982 or early 1983, the Bill is in full operation, it will set the seal on negotiations between ourselves and our European partners on our accession to the Community Convention on the Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters, which were conducted under successive governments since 1972, and at the same time achieve major reforms in the related areas of United Kingdom law.

## EEC CONVENTION ON THE LAW APPLICABLE TO CONTRACTUAL OBLIGATIONS

The Member States of the EC have been negotiating over a period of some 12 years on a Convention embodying a set of rules which would determine which system of law is to govern the obligations entered into by the parties to a contract. The Convention was finally settled and opened for signature in June 1980, and following extensive consultations with interested legal, commercial and industrial bodies and individuals, the Foreign Secretary signed it on behalf of the United Kingdom in December last.

Legislation will be required before the Convention can be brought into effect. When eventually the Convention is in force in all the Member States it will ensure that in almost all cases the same law will be held to govern the obligations between the parties, wherever in the Community court proceedings are brought on the contract. If, for instance, the parties have chosen English law to bind their relations, courts anywhere in the Community would have to recognise that choice. If, in the absence of choice, the rules of the Convention point to French law then, whichever court is adjudicating, it will apply French law. The certainty achieved by the application of uniform rules of this nature should be of considerable assistance to international trade and commerce.