



H. STEEL, CMG OBE
LEGAL SECRETARY

LAW OFFICERS' DEPARTMENT
ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

CC HB

9-5es

Cameron

Could you check X with Eaton
please?

Dando

David Norgrove Esq.
Private Secretary
10 Downing Street
London SW1

4 September 1985

Dear David,

Thank you for your letter of 29 August - which reached us only yesterday - enclosing a further letter from Lord Weinstock about the nationalisation cases in Strasbourg. As requested, I enclose a draft reply to Lord Weinstock for the Prime Minister's consideration. May I, however, make two related points on it.

X | The first is to remind you of what I said in my letters to Andrew Turnbull of 19 July and 31 July about where the responsibility lies for giving advice and briefing on representations such as these. For the reasons which I there explained, I am therefore copying your letter and this letter, and their respective enclosures, to Martin Eaton at the FCO and I would suggest that you check with him that he is content with my suggested draft before you act on it.

My second comment is that you will^{sep} that I have not dealt with the point made in the last two sentences of Lord Weinstock's latest letter. My own view is that it is a point best passed over in silence. But in case you do not share that view, I have to add that it is in any event not a point for the lawyers to deal with. As I explained at the end of the first substantive paragraph of my letter of 19 July, the issue (i.e. whether to pay further compensation to the Applicants) is a policy issue which Ministers collectively decided in 1980 - long before the Strasbourg proceedings hit us - and have re-affirmed more than once subsequently. If you do decide that you need material to enable the Prime Minister to deal with it, I suggest that you turn on this point to the DTI.

H. Steel

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Human Rights:

Euro Pol: 11/80

LEGAL SECRETARY

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FROM: The Rt.Hon. Margaret Thatcher MP
Prime Minister

TO: The Lord Weinstock

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Thank you for your letter of 17 August. I understand your strong feelings on this matter but I can only repeat that your criticisms are misdirected. ^{N.P.} The European Court of Human Rights is a court of law and proceedings before it are legal proceedings whose sole purpose is to answer, in each case, a precise legal question. That question is whether, in the particular respect alleged, the State concerned has or has not violated a specific legal obligation imposed on it by one or more of the provisions of the Convention. The Government's submissions to the Court were directed in this case (as they are in every case in which we are concerned) solely to that legal question and to nothing else. As I said in my earlier letter, the issue ^{on} which ~~the~~ the Commission itself ^{focused} had identified as the relevant ~~issue~~ for the purposes of the proceedings in this case was whether the method of assessing compensation provided for by the 1977 Act was or was not within a State's legitimate margin of appreciation. The Commission had concluded that it was. The Commission further

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concluded that the United Kingdom had therefore not violated the particular legal obligations that were alleged to have been violated. The Government's submissions were to the same effect. It was not relevant to the issues of law before the Court for the Government's arguments to concern themselves with the wider question whether the compensation actually received in a particular instance was fair or just and they therefore did not do so. // Accordingly, nothing that was said on the Government's behalf at Strasbourg can fairly be criticised as inconsistent with what I or my colleagues have previously said on this matter.

Human Rights: Euro Pol,

11/80

