



PRIME MINISTER

POWERS OF ENTRY INTO BUSINESS PREMISES

Progress report on "Powers of Entry". Findings are to reach you by June 30.

Not much progress so far.

MAP 25/2.

I am writing to let you know the progress that has been made on the review of the powers of entry into business premises since your Private Secretary wrote to my Secretary of State's Private Secretary on 7 December.

The basis on which the review will be carried out has been agreed with all the Junior Ministers nominated to conduct it in their Departments (a list of their names is enclosed) and the exercise is now under way.

We plan to hold a progress meeting in five to six weeks' time.

All the powers to enter business premises, including those derived from EEC legislation, held by central and local government officials, nationalised industries, quangos and any other bodies will be examined. "Business premises" will be given a wide interpretation to include, for example, private nursing homes, private schools and institutions, ships and private dwellings used for business purposes.

Each power will be examined under the headings listed in the enclosed "pro-forma" and supplementary memorandum.

When departmental reviews are completed Ministers will send their reports direct to you and copy them to me; I will

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prepare a final report on the whole review. It is hoped that all the reports will be submitted by 30 June.

I am sending copies of this minute and enclosures to members of Cabinet, the Minister of Transport, the Solicitor General and the Secretary of the Cabinet.

JG

PP D M

22 February 1980

*(approved by the
Minister and signed
in his absence)*

Department of Industry
Ashdown House
123 Victoria Street

Department

MAFF
MOD
Northern Ireland
Trade
Energy
Home Office
Employment
Environment
DHSS
Scotland
Wales
Transport
Treasury
Education
Industry

Junior Minister

Jerry Wiggin
Barney Hayhoe
Giles Shaw
Reginald Eyre
Norman Lamont
Leon Brittan
Patrick Mayhew
Marcus Fox
Lynda Chalker
Alex Fletcher
Michael Roberts
Kenneth Clarke
Peter Rees
Neil McFarlane
David Mitchell

RIGHTS OF ENTRY
PRO-FORMA FOR CO-ORDINATED REVIEW

- (a) Description of power of entry.
- (b) Purpose when first introduced and date.
- (c) Statutory authority.
- (d) Is the power absolute or qualified (eg. only applies if grounds for suspicion): if the latter state qualification?
- (e) What notice, if any, of the exercise of the power is required? If none, what notice, if any, is in practice given?
- (f) Any safeguard or limitation on the powers (eg. requirement to be accompanied by Officer of the Peace, requirement for Court Order etc).
- (g) Normal procedure when entry is refused.
- (h) Number of persons holding such powers. Do the same persons hold other powers in the review?
- (i) Approximate number of entries actually made over, say, the past five years.
- (j) What form of guidance, if any, is there available to potential "victims" or the public generally as to the power and any limitations on it?
- (k) What process is necessary (primary or secondary legislation, etc) to achieve limitation or elimination of the power?
- (l) Implications for efficiency, or any other disadvantages in limitation or elimination.
- (m) Recommendation:
 - (i) The power should be given up;
 - (ii) The power should be limited to scope in the following respects or have the following new safeguards;
 - (iii) The power should be retained without alteration.

Memorandum for Use with the "Pro-forma"

Most of the headings on the pro-forma are self-explanatory but some additional notes on what should be included under the more general headings are given below:-

- a) Description of power of entry - this should include:-
 - i) a description of the premises an inspector is empowered to enter;
 - ii) what he may do on those premises eg inspect certain items, test equipment, take samples, examine or remove documents, make surveys, question employees;
 - iii) who he is empowered to take with him; if applicable whom he must take with him;
 - iv) whether he may take equipment on to the premises;
 - v) whether he may enter premises to gain access to other premises.
- b) Purpose when first introduced and date - the original purpose may no longer be relevant and the purpose for which the power is used now should be shown if different.
- d) Is the power absolute or qualified - the answers to this question should include the circumstances which qualify the power and whether or not there is any penalty for obstructing or hindering an inspector.
- h) Number of persons holding such powers. Do the same persons hold other powers in the review? - this should be the best estimate available and be broken down into the numbers of different types of inspector who hold the power eg number of officials from a central government agency and number of officials from local government. When making their summary reports on the review Departments should be able to see how many powers for which they are responsible rest in each inspectorate.
- i) Approximate number of entries made - this should be on the following basis if at all possible:-
 - i) the total number of entries made under each power broken down between entries into business premises and private dwellings whose use for business purposes, if any is incidental;
 - ii) broken down further to show the estimated number of routine visits where access came by reason of the power being available and the number of visits where the power to enter was used specifically.

- j) Guidance to "victims" - where Departments recommend a power should be modified or retained without alteration they should consider whether more publicity should be given to the limitations on the power.
- 1) Implications for efficiency - this should include whether the purpose of the power is still valid and whether or not the purpose could be achieved without a power of entry.

Small Firms Division

1/ February 1980

Home Affairs MFJ

27 February 1980

Overtaken by Ind to MAP 26/6/80

The Prime Minister was grateful for Mr. Mitchell's minute of 22 February, outlining the initial steps on the review of powers of entry into business premises.

She looks forward to receiving the reports by 30 June.

M. A. PATTISON

A.C.S. Willis, Esq.,
Department of Industry.