



From the
Parliamentary Under Secretary of State's Office today.

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DEPARTMENT OF INDUSTRY
ASHDOWN HOUSE
123 VICTORIA STREET
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3 February 1981

Dear Stephen,

Thank you for your letter of 16 December in which you registered the Home Secretary's continuing interest in all legislative proposals concerning powers of entry as part of his general responsibilities for the criminal law.

The possible duplication between the Home Office scrutiny and recommendation 1 of Mr Mitchell's minute to the Prime Minister of 25 November has been discussed with the Law Officers' Department and we consider there will be no real duplication. The Law Officers will be looking at proposed new powers to enter business premises to ensure that:

- a the power is necessary;
- b it is not unduly onerous, particularly on small businesses; and
- c it contains adequate safeguards.

The Home Office will continue to examine proposed new powers of entry to ensure there is no unjustifiable infringement of privacy.

Provided you agree that recommendation 1 should be adopted in this way I should be grateful if you and other recipients would ask your Solicitor to send all future draft legislation, including subordinate legislation, containing powers for officials to enter business premises to the Law Officers for their scrutiny. This does not, of course, include powers connected with the enforcement work of Customs and Excise and the Inland Revenue which are subject to review by the Keith Committee.

We have arranged that the announcement about the conclusion of the review will be made by my Minister in a written answer to a question from Christopher Murphy on 4 February. There is a slight amendment to the draft attached to my letter of 16 January to Mike Pattison. A copy is attached for your information.



Copies of this letter and attachment go to Mike Pattison, the Private Secretaries of other Members of Cabinet, the Legal Secretary, the Lord Advocate and David Wright (Cabinet Office).

Yours sincerely

Anthony Willis

A C S WILLIS
Private Secretary

QUESTION

To ask the Secretary of State for Industry whether the review of statutory powers to enter business premises has been completed and if he will make a statement on its outcome.

ANSWER

The review of statutory powers to enter business premises which the Prime Minister announced on 7 December 1979 has now been completed by all Departments. As a result Ministers have recommended that 30 powers should be revoked and up to 63 modified. Most of these recommendations will be carried out in the normal course of Departmental legislative programmes. I am satisfied that the remaining powers are necessary, are sufficiently circumscribed and contain adequate safeguards to ensure that they do not cause unwarranted intrusion into business premises. The scope for introducing more uniformity into the safeguards, possibly in the form of a code of practice, will be examined again in the light of the findings of the Keith Committee on enforcement powers of the Revenue Departments. Arrangements are being made to scrutinise centrally all future legislation containing powers of entry to ensure they do not impose an undue burden on business.

Home Affairs

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MR

From: THE PRIVATE SECRETARY



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT
13 February 1981

Dear Anthony,

Thank you for your letter of 3 February about powers of entry.

The Home Office is satisfied with the conclusion reached that there is no danger of duplication between the action which this Department already takes regarding proposed new powers of entry from the point of view of the liberty of the individual, and the scrutiny which the Law Officers will be undertaking in the future.

I am sending copies of this reply to the recipients of your letter.

S. W. Boys Smith

S. W. BOYS SMITH

A.C.S. Willis, Esq.

Household extract

5.2.81.

Business Premises (Powers of Entry)

Mr. Murphy asked the Secretary of State for Industry whether the review of statutory powers to enter business premises has been completed; and if he will make a statement on its outcome.

Mr. MacGregor: the review of statutory powers to enter business premises which the Prime Minister announced on 7 December 1979 has now been completed by all Departments. As a result Ministers have recommended that 30 powers should be revoked and up to 63 modified. Most of these recommendations will be carried out in the normal course of departmental legislative programmes. I am satisfied that the remaining powers are necessary, are sufficiently circumscribed and contain adequate safeguards to ensure that they do not cause unwarranted intrusion into business premises. The scope for introducing more uniformity into the safeguards, possibly in the form of a code of practice, will be examined again in the light of the findings of the Keith committee on enforcement powers of the Revenue departments. Arrangements are being made to scrutinise centrally all future legislation containing powers of entry to ensure they do not impose an undue burden on business.