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PERSONAL AND CONFIDENTIAL



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10 DOWNING STREET

From the Principal Private Secretary

SIR ROBERT ARMSTRONG

SCRUTINY OF NEW POWERS OF ENTRY

I attach a copy of a self-explanatory letter to the Legal Secretary to the Attorney General and Solicitor General.

At the discussion which the Prime Minister held with the Home Secretary, the Attorney General and yourself today she asked me to send you a private minute agreeing that, in the light of the principle mentioned in the first sentence of the second paragraph of my letter to Jim Nursaw, she would reconsider the transfer to a Home Office Minister of the coordinating role now exercised by the Solicitor General if and when there were a change in the holder of that post during her Administration.

E. E. R. BUTLER

13 December 1982

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From the Principal Private Secretary

13 December 1982

SCRUTINY OF NEW POWERS OF ENTRY

The Prime Minister has now had the opportunity to consider the Solicitor General's minute of 2 December and the preceding papers stemming from Sir Robert Armstrong's minute of 6 October.

The Prime Minister thinks that it is right in principle that the Law Officers and their Department should concentrate on legal advice on matters in respect of which such advice is required, and leave policy issues to the policy departments. The Home Secretary has confirmed that, although he is not eager to add to the burdens of Home Office Ministers, he thinks that the responsibilities in relation to scrutiny of proposals for new powers of entry at present undertaken by the Law Officers could be perfectly well and effectively undertaken by a Home Office Minister; and that he would therefore agree to a transfer if that was the Prime Minister's decision. Nevertheless, the Prime Minister has concluded that the balance of advantage lies in favour of leaving things as they are for the time being, and has decided not to make a change at present.

I am copying this letter to John Halliday (Home Office), Jonathan Spencer (Department of Industry), John Lyon (Northern Ireland Office), Muir Russell (Scottish Office), Christine Duncan (Lord Advocate's Office) and Richard Hatfield (Cabinet Office).

F. E. R. BUTLER

Jim Nursaw, Esq.,
Law Officers' Department

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