



QUEEN ANNE'S GATE LONDON SW1H 9AT

8 July 1983

R. M. Havers,

SCRUTINY OF NEW POWERS OF ENTRY

Thank you for your letter of 20 June proposing that responsibility for the scrutiny of proposed new powers of entry in primary and subordinate legislation should pass to the Home Office. I have also seen Robert Armstrong's letter of 21 June to Brian Cubbon.

I should be very ready, subject to the views of the Prime Minister, for the Home Office to take this on. As you know, we are already actively involved in this area, and I think there is much to be said for concentrating this work in the policy rather than the Legal Departments.

I propose that we should in general follow the proposed procedures attached to Sir Robert Armstrong's letter. My only reservation concerns paragraph 5 which provides for automatic reference to a Minister in the case of all Government proposals. I am not sure the guide to legislative procedure need lay down in such detail how we should conduct our scrutiny, and I am confident that we can achieve internal arrangements which ensure appropriate Ministerial oversight with no less rigorous scrutiny. I would therefore prefer to see the final sentence of paragraph 5 read "In the Home Department or Departments concerned appropriate Ministerial oversight of powers of entry will be maintained".

C. L. Havers

The Rt Hon Sir Michael Havers, QC, MP



20 July 93



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From the Secretary of the Cabinet and Permanent Secretary to the Management and Personnel Office

Sir Robert Armstrong GCB CVO

Ref. A083/1778

22 June 1983

I see that the Attorney General, in his letter of 20 June to the Home Secretary, has proposed that we should now put into effect the arrangements for scrutinising new powers of entry which were proposed in my minute of 6 October 1982 to the Prime Minister.

For my part, I should certainly endorse this proposal.

--- I presume that the procedures would then be on the lines of the annex to my minute of 6 October, as amended by my minute of 16 November. I attach for convenience a copy of the proposed procedures as so amended.

I am sending copies of this letter to Kerr Fraser, Henry Steel and Robin Butler.

ROBERT ARMSTRONG

Sir Brian Cubbon KCB

F E R Butler Esq



Let us await
the comments
of the Home
Office

CABINET OFFICE

FERB

23.6.

With the compliments of
Sir Robert Armstrong GCB, CVO
*Secretary of the Cabinet
and Permanent Secretary to the
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ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

20 June 1983

The Rt Hon Leon Brittan QC MP
Secretary of State for the Home Department
Home Office
Queen Anne's Gate
LONDON S W 1

Dear Leon.

SCRUTINY OF NEW POWERS OF ENTRY

Your Department will be aware of the Report by David Mitchell (then Parliamentary Under Secretary at the Department of Industry) on the objections raised by the National Federation of Self-Employed to existing powers of entry to business premises. As a result the former Solicitor General was given the responsibility for the scrutiny of all proposals in primary or subordinate legislation for new powers of entry. This involved a consideration of policy issues as to the acceptability of such proposals and operated independently of the normal scrutiny already undertaken by your Department.

I was never wholly in favour of a Law Officer, or my Department, being engaged in this work. When the Prime Minister considered this arrangement in December 1982 she concluded, in response to Sir Ian Percival's express wishes, that she would leave matters as they were for the time being. I consider that the time for a change has now come and I propose that your Department should take on this function.

I am copying this letter to the Prime Minister and to Sir Robert Armstrong.

Yours etc. Michael

Gov Machinery
: Ministerial Responsibility
for Scrutiny of Powers of Entry
Oct '82

21 JUL 1982



*With the compliments of
the Attorney-General*

*Attorney General's Chambers,
Law Officers' Department,
Royal Courts of Justice,
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