

NBPM

FROM THE PERMANENT UNDER-SECRETARY OF STATE, SCOTTISH OFFICE
Sir WILLIAM FRASER KCB



NEW ST. ANDREWS HOUSE
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Telephone 031-556 8400

26 July 1983

RESTRICTED

Sir Brian Cubbon KCB
Permanent Under Secretary of State
Home Office
Queen Anne's Gate
LONDON
SW1H 9AT

Dear Brian,

I refer to Robert Armstrong's letter of 22 June about new powers of entry.

We, and our Ministers, were content with the revised procedures for scrutinising new powers of entry when they were last proposed and would be happy for them to be introduced now. The Scottish Law Officers have also agreed to this proposal.

We have now seen the Home Secretary's letter of 8 July to the Attorney General, and are content with his suggested amendment to paragraph 5 of the proposed procedures attached to Robert Armstrong's letter.

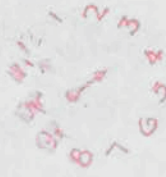
I am sending copies of this letter to Robert Armstrong, Henry Steel and Robin Butler and to Norman Adamson in the Lord Advocate's Department.

*Yours wed,
Ked.*

MA 311

Govt Machinery
: Min Report for Sorting of
Powers of Entry Oct '82

28 JUL 82





With the Compliments
of
The Permanent Under Secretary of State
Scottish Office
Sir William Fraser KCB

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London SW1A 2AU
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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".

G. L. W.
L. C.

The Rt Hon Sir Michael Havers, QC, MP

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20 July 1983



70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

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

PERB

23.6.

With the compliments of
Sir Robert Armstrong GCB, CVO
*Secretary of the Cabinet
and Permanent Secretary to the
Management and Personnel Office*

70 Whitehall, London SW1A 2AS

Telephone: 01-233 8319