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27th July, 1983

F.E.R. Butler, Esq.,
Principal Private Secretary,
No. 10, Downing Street,
London S.W.1.

Dear Robin,

Scrutiny of New Powers of Entry

Henry Steel has kindly sent me a copy of your letter of 22 July.

In view of the Lord Advocate's existing interest in this matter in relation to powers of entry in Scotland, we have consulted the Scottish Home and Health Department in the light of the Home Secretary's letter of 8 July and your letter. The Lord Advocate is content that the procedures in Sir Robert Armstrong's letter of 22 June, without the modification suggested by the Home Secretary, should apply mutatis mutandis in Scotland, and I have now confirmed with Sir William Fraser that Scottish departments will act accordingly, in line with the Prime Minister's wishes as set out in your letter.

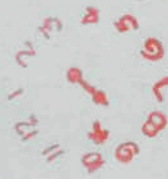
Copied to the recipients of your letter of 22 July, and to Sir William Fraser.

*Yours sincerely,
Norman Adamson.*

N.J. ADAMSON

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euler
Oct. 82.

28 JUL 1982





10 DOWNING STREET

From the Principal Private Secretary

22 July 1983

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SCRUTINY OF NEW POWERS OF ENTRY

The Prime Minister has seen the Attorney General's letter of 20 June to the Home Secretary. She has also seen the Home Secretary's reply of 8 July together with Sir Robert Armstrong's letter of 22 June to Sir Brian Cubbon and the letter of 20 July to me from the Lord Advocate's Private Secretary.

The Prime Minister is content that the responsibility for scrutiny of new powers of entry should now be transferred to the Home Office. She is content with the proposed procedures attached to Sir Robert Armstrong's letter of 22 June, and would wish that they should not be modified on the lines proposed in the final paragraph of the Home Secretary's letter. She regards the arrangement that each case should be authorised personally by a Minister as an essential element in the arrangements to limit new powers of entry.

I am sending copies of this letter to the Private Secretaries to the Home Secretary, the Secretary of State for Northern Ireland, the Secretary of State for Scotland, the Secretary of State for Trade and Industry, and Sir Robert Armstrong.

E. E. R. BUTLER

Henry Steel, Esq., C.M.G., O.B.E.,
Attorney General's Office.



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



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

FERB

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