



THE LEGAL SECRETARIAT TO THE LAW OFFICERS
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Cabinet Office
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AM. 18/12

18 December 1990

Dear Len

MEDICAL SUPPORT FOR BRITISH FORCES MIDDLE EAST

The Attorney General has seen your letter of 17 December to Simon Webb. He has asked me to record that, as he has previously advised, the question whether "national danger is imminent" or "a great emergency has arisen" (the conditions set out in Section 10 of the Reserve Forces Act) is one of fact and not of law. His own view remains that the imminence of warfare in the Gulf and the concomitant hazards facing the very large number of British personnel employed there are highly relevant factors in determining whether "national danger is imminent" or "a great emergency has arisen". Whether in fact either or both of those circumstances are now established is a question for the Secretary of State and not for him to decide. For his part the Attorney has made it clear that he would consider such a decision readily defensible if challenged, and likely to be upheld. At the meeting of OPD(G) yesterday morning the Attorney understood Ministers present to have concluded that the circumstances were in fact established. *Prop*

I am copying this letter to Charles Powell (No. 10), Stephen Wall (FCO), Simon Webb (Defence), John Neilson (Energy), the Chief of the Defence Staff, Sir Percy Cradock and Sonia Phippard.

*Yours
E S Wilmshurst*

E S WILMSHURST

THE LEGAL RECORD
BY THE CHIEF CLERK
OF THE BUCKINGHAM PALACE
LONDON SW1W 0AA



1955
10/11/55

Out. 1/11/55

J. V. [unclear]
[unclear]
[unclear]

18 December 1955

MILITARY SERVICE FOR BRITISH FORCES MIDDLE EAST

The Attorney General has been your letter of 17 December to Simon Webb. He has asked me to report that, as he has previously advised, the question whether "national danger is imminent" or "a great emergency has arisen" (the distinction set out in section 10 of the National Service Act) is one of fact and not of law. His own view remains that the imminence of war in the East and the concomitant hazards facing the very large number of British personnel employed there are highly relevant factors in determining whether "national danger is imminent" or "a great emergency has arisen". Whether in fact either or both of those circumstances are now established is a question for the Secretary of State and not for him to decide. For his part the Attorney has made it clear that he would consider such a decision readily challengeable if challenged, and likely to be upheld. At the meeting of 20/11/55 yesterday evening the Attorney understood Ministers present to have concluded that the circumstances were in fact established.

I am copying this letter to [unclear] (191), Stephen Wall (190), Simon Webb (190), John Nathan (190), the Chief of the Defence Staff, Sir Percy Cawson and other Ministers.

[Handwritten signatures and initials]

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