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ROYAL COURTS OF JUSTICE  
LONDON, WC2A 2LL

16 May 1989

The Rt Hon Nicholas Ridley MP  
Secretary of State for the Environment  
2 Marsham Street  
LONDON S W 1

Dear Nicholas:

COMMUNITY CHARGE PUBLICITY : LEAFLET

Thank you for your letter of 15 May. We discussed the High Court action on the telephone yesterday after I had spoken to Treasury Counsel and discussed with him how the Government's case should be presented.

I think we can sensibly determine our next move only when we have received the Judgment of the High Court. But I have full confidence in the way Laws is proposing to argue the case. As I told you on the telephone, he intends to concentrate on the high ground of the facts of the case, arguing that there was no material inaccuracy. It would of course be much more satisfactory to win on this point rather than on what would be described as a "legal technicality".

Laws is, however, very aware of the need to avoid any extension of the ambit of judicial review. There are helpful dicta in the Gillick case in the House of Lords, indicating that Government advice is reviewable only for error of law, and Laws will rely heavily on Lord Bridge's speech in that case. He does indeed consider that, once Government conventions are published, a legitimate expectation that they will be complied with may arise, and that a failure in any serious respect to comply with them may attract judicial review. He feels, however, in the present case that the scope and drafting of the conventions are too general for much risk to arise on this front. I agree with Laws's analysis.



We are expecting Judgment on Thursday in the Factotame case in the Lords which should settle the issue of whether interim injunctions can be awarded against the Crown. It was always considered, since 1948, to be the law that they could not be, and we hope to re-establish that rule.

I shall be pleased to discuss the implications of the Judgment in the Greenwich case (and any question of an appeal) when we have received it.

I am copying this letter to the Prime Minister, James Mackay, John Major and Sir Robin Butler.

*Home Office,*  
*John Major*

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