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CEVO

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CONFIDENTIAL

The Rt Hon The Earl of Gowrie
Minister for the Arts
Office of Arts and Libraries
Great George Street
LONDON SW1P 3AL

23 May 1985

Dear Gary,

EC ACQUIRED RIGHTS DIRECTIVE AND THE SOUTH BANK

Michael Havers has copied to me your letter of 1 May to Patrick Jenkins, and his own letter of 9 May to you, since the legal issues raised by the Acquired Rights Directive affect all parts of the United Kingdom in the same way.

I should like to put on record my agreement with what Michael says in his letter. As the Law Officers pointed out in the Opinion of 10 May 1983, "there is a significant risk that the European Court would take the view that "undertaking" is not limited to activities of an economic or commercial nature", although, as you point out, the contrary could certainly be argued. The risk of successful challenge would be even higher in a case clearly involving an "economic activity". Prima facie, I consider that it would be very much more difficult to maintain that the activities of the South Bank Concert Hall were not "economic" than that the activities of the fire services were not so.

I am copying this letter to the members of Misc 95 and to Sir Robert Armstrong.

Yours ever

Kenny

CAMERON OF LOCHBROOM

Relations : LOCAL GOV. AR26.

