

Prime Minister

Agree to discuss these issues, and the  
Review itself, with the Home Secretary?  
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PRIME MINISTER

18 January 1985

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PUBLIC ORDER REVIEW

Yes

This is a workmanlike analysis and advances sound recommendations, only one of which you might seriously query. Our opponents will misrepresent it as an attack on basic freedoms. It is not; nor is it merely reactive to current events, as it embodies the law Commissions proposals on the offences of riot, unlawful assembly and affray.

1. The Enforcement Question

There is a political danger that the review will be presented with an apparent achilles heel. On page 5 of the Home Secretary's note he states:

"The disorder during the miners' dispute has revealed difficulties of enforcement rather than major deficiencies in the law."

Despite this observation, the report deals entirely with the deficiencies in the law. I have taken this up with the Home Office. They assert that this is solely a review of the law and that enforcement is also being considered. This they accept should be made clear. It is not, however, clear how, and to what extent, the nettle of enforcement is being grasped.

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- 2 -

We recommend you repeat your urgent request that some conclusion on the question of enforcement be reached as soon as possible. The use of new computer technology has apparently be<sup>v</sup> taken on board. There is inexplicable resistance to water cannon which is the most harmless of the crowd dispersal devices and a strange acceptance of tear gas which involves police wearing space-age masks which look so unpleasant on television.

If we have not thought out what, if any, enforcement measures we will countenance, the imposition of "conditions" on static demonstrations and possessions will be seen as a nonsense.

## 2. The Legal Problem

You will see at the top of page 6 of the Home Secretary's note the following sentence:

"Their (the police) common law power to disperse an unlawful assembly is not widely known or understood."

The heart of our opponents attack will, I believe, focus on the power to disperse and the conditions to be imposed by the police for processions and static demonstrations. The latter is merely an extension of the 1936 Public Order Act and the public will see the need for it. The power to disperse is perceived differently. This power already exists, it is merely misunderstood and the police feel uncertain about it.

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- 3 -

Instead of fighting an unnecessary legislative battle over a power, which already exists, all other ways of getting the present law known and used must be preferable:

- (a) getting better instruction in police colleges;
- (b) making a clear statement through the Home Secretary and/or the Attorney General;
- (c) issuing a Home Office circular to relevant authorities.

Having discussed this with the draftsmen of the report, which the Home Secretary's note covers, I am not satisfied that this avenue has been explored.

We recommend that a non-legislative solution be explored to the question of crowd dispersal.

*H. Booth*

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