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E.C.C. A.H.



10 DOWNING STREET

From the Private Secretary

29 October 1984

The Prime Minister held a meeting today to discuss Lord Scarman's amendments to the Police and Criminal Evidence Bill. The Home Secretary, the Lord President, the Lord Privy Seal, the acting Chief Whip and Mr Alison were present.

The Home Secretary said that Lord Scarman had successfully moved three amendments to the Police and Criminal Evidence Bill in the House of Lords. Two, on the powers of plain clothes policemen to stop and search and on the admissibility of evidence, were very damaging and had to be defeated; the other, which would require a specific offence of racial discrimination in the police disciplinary code, was also undesirable but in the judgment of the Home Secretary less so than the others. Indeed the Home Secretary had argued throughout the passage of the Bill that the amendment was unnecessary since any behaviour amounting to racial discrimination would be caught by other elements of the existing disciplinary code. In practice therefore the passage of the amendment would make no difference to the police as the Police Federation had recognised since they too had argued that the amendment was unnecessary. Indeed more damage might be done to the interests of the police by an excessive reaction to the amendment than by the amendment itself. The view of the business managers was that agreeing to Lord Scarman's amendment on racial discrimination was the price necessary to secure the safe passage of the Bill. It was unfortunate that the acceptance of Lord Scarman's amendment had been portrayed by police spokesmen as hostile but at the same time it should be recognised that the passage of the Bill would greatly strengthen the position of the police overall.

The Prime Minister said that she was greatly concerned by the need to accept Lord Scarman's amendment. This was no time for the Government to be seen to be going against police wishes especially in view of the magnificent performance of the police during the miners' strike and the

CONFIDENTIAL

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increased anxiety about IRA actions. She believed that the passage of the amendment would make a difference to the police in that it would encourage baseless complaints against the police. In this context she suspected that the objection to the amendment by the Police Federation was based on this fear rather than any belief that the amendment was unnecessary. Moreover it would be difficult for the Home Secretary to argue that the amendment made no difference in a debate in which most of the other speeches either from Opposition speakers who approved of the amendment or Government backbenchers who opposed it would argue to the contrary. The Government would be in the embarrassing position of having opposed the amendment throughout the passage of the Bill and then doing a complete volte-face by whipping its supporters in favour of the amendment. If the session were a week longer she would have no hesitation at all about voting down Lord Scarman's amendment, all the more so since Lord Scarman had ignored the conventional separation between the judicial and political aspects of the role of the law lords. Nevertheless, in view of the standing of Lord Scarman in the House of Lords, the shortage of time, and the need to pass the Bill she very reluctantly accepted that the Government have to vote to accept the amendment. In this context she noted the assessment of the acting Chief Whip that a maximum of 60 Government backbenchers and in all likelihood rather fewer would oppose this line.

The Home Secretary said that he would be seeing Mr Eldon Griffiths MP and the Police Federation later that day to explain the position to them. He would endeavour to explain the constraints on the Government's actions and the need to obtain the Bill as a whole. The Prime Minister said that if the Federation wished she too would be willing to see them.

I am sending a copy of this to Janet Lewis-Jones (Lord President's Office), David Morris (Lord Privy Seal's Office) and to Murdo Maclean (Chief Whip's Office).

(Tim Flesher)

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Home Office