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MO 19/3/12L

30 October 1989

Dear Peter,

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INQUESTS IN NORTHERN IRELAND: DRAFT CORONER'S ORDER

Thank you for your letter of 10th October ^{*filed*} concerning the compellability of witnesses at inquests in Northern Ireland.

I was pleased to note that we both agree that the fundamental requirement is to re-establish the situation which prevailed prior to the Northern Ireland Court of Appeal ruling. As you know, my main concern is that the identity of witnesses and important operational information should be protected. In arguing for legislation to restore non-compellability, it is this aim that I have firmly in mind.

How and when the status quo ante is restored is not primarily a matter for me, providing that in the interim soldiers are not put at risk. My firm understanding, however, was that a second legal setback, in the House of Lords, would make the passage of legislation considerably more difficult. Indeed Patrick Mayhew, in his letter of 19th September, indicated that the setting of a date for the appeal did not materially alter that judgement. However, I am content to accept the judgement of those closer to the legal aspects than myself on timing and particularly on the likely

The Rt Hon Peter Brooke MP

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reaction of the House of Lords to the Government withdrawing its appeal at this increasingly late stage.

I believe therefore we must now look to Patrick Mayhew and James Mackay for their judgement on the timing of legislation vis a vis the House of Lords appeal. On the basis that they are content to await the outcome of the appeal, I would raise no further objections providing that, if the appeal goes against us, there is no question but that an Order in Council will be introduced without further delay.

I am copying this letter to the Prime Minister, James Mackay, Geoffrey Howe, John Major, Douglas Hurd and Patrick Mayhew, as well as to Patrick Walker and Sir Robin Butler.

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Tom King

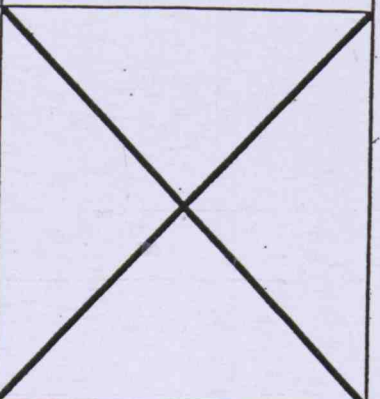
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Sir

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