



01-405 7641 Extn

ROYAL COURTS OF JUSTICE  
LONDON, WC2A 2LL

21 February, 1985

Thank you for your letter of 14 February about the Judge's ruling on the law in the Ponting case.

In discussing the meaning of the phrase "the interest of the State" he was, of course, interpreting s.2(1)(a) of the Official Secrets Acts 1911 where that concept is employed (as it also is, in almost identical terms, in s.1(1) of the Act). In reaching his conclusions on the law on this point he was expressly following earlier judicial authority, notably the decision of the House of Lords in the case of Chandler -v- the Director of Public Prosecutions, 46 Cr.App.Rep. 347: see especially the speeches of Lord Devlin and Lord Pearce.

Yours sincerely,

Arthur Rayken

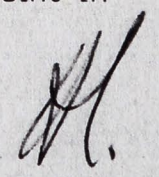
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SOLICITOR GENERAL

HS  
I have been  
... 20/2

Herewith a draft answer to your constituent's letter on the direction by the Judge in the Ponting case about the meaning of "the interest of the State". There are three little pieces of inwardness in it which you should be aware of:

- (a) The draft refers to Chandler's case as simply the most important of the authorities which McCowan J. was following. In fact he referred to only one other authority on this point, namely, the unreported decision of Mars-Jones J in R -v- Berry and others (the ABC case) which I suspect itself relied on Chandler's case. I do not know of any other authority.
- (b) Chandler's case was brought under s.1(1) of the Act where the relevant phrase is "for any purpose prejudicial to the safety or interests of the State": note that it is "interests" here and "interest" in s.2(1)(a). I do not think that these two provisions can be interpreted differently but I have heard the contrary argued.
- (c) Lords Devlin and Pearce were in fact the only members of the House of Lords to express an opinion on this point in Chandler's case.

  
H STEEL

20 February, 1985

**DRAFT**

LETTER FROM THE SOLICITOR GENERAL to:

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✓ *20/2*

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20 February, 1985

14 February 1985

19 FEB 1985

Dear Sir Patrick,

Could you please tell me under what Act or law the Judge in the Ponting case said that the policy of the Government is (I paraphrase) synonymous with the interest of the state?

Yours truly,

LD

HS  
Not an easy one:  
I want like suggestions  
for an early reply  
please  
20/2