

SECRET

01-405 7641 Ext. 3291

Communications on this subject should
be addressed to
THE LEGAL SECRETARY
ATTORNEY GENERAL'S CHAMBERS

ATTORNEY GENERAL'S CHAMBERS,
LAW OFFICERS' DEPARTMENT,
ROYAL COURTS OF JUSTICE,
LONDON, W.C.2.

3

17 January 1980

CABINET OFFICE
A 8129
17 JAN 1980
FILING INSTRUCTIONS
FILE No.

Martin Vile Esq
Cabinet Office
Whitehall
LONDON S W 1

*Mr Sanders
RTA is correct
M.V.
17/1*

*- Cabinet Office content
for Mr to read
Tel 18-1-80.*

Dear Martin,

You asked on the telephone for a draft answer to Mr Dennis Canavan's question to the Prime Minister. After speaking to the Attorney General, I would suggest the attached answer.

The suggested answer makes the point that immunities are for the Attorney General, not for the Prime Minister or the Government and I think that is an important point for the Prime Minister to make.

In his winding-up speech in the Blunt Debate (Official Report 21 November 1979 col 519) the Attorney General said -

"It may interest the House to know that in these matters of secrecy one immunity has been granted since the war - the one in the case of Blunt."

To my knowledge from papers here Blunt is the only person to whom immunity was granted in a secrets case. Bernard Sheldon has no recollection of any other case.

Mr Canavan asks his question about immunities "granted" and the Attorney General in the Blunt Debate specifically referred to immunities "granted". Immunities authorised, however, are a different matter since in March 1970 the then Attorney General, now Lord Rawlinson, did authorise the Security Service that they could assure John Cairncross that he would not be prosecuted under the Official Secrets Act. This was in connection with a proposed interview with Cairncross at which it was hoped to secure his co-operation to confront Norman John Klugmann about the latter's involvement with the spy network of which Burgess and Maclean were members. At the time of the Blunt Debate the Attorney General was informed that in the event no such immunity was granted to Cairncross. We have since been informed, however, by Bernard Sheldon that on looking at the investigator's notes

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of his interview with Cairncross in Paris the investigator did say to Cairncross that "he was free to come to the UK".
The Attorney General does not regard this as amounting to the grant of an immunity from prosecution. There was no admissible evidence against Cairncross (his admissions in 1964 in the United States would not have been admissible here) and he has not made any other admissions that could be used against him.

The Attorney General is satisfied, therefore, that Blunt is the only person to whom an immunity from prosecution has been granted.

Yours sincerely,
Bill Beckett

W C BECKETT

SECRET

Thursday 17 January 1980

Security

(Answered by the Prime Minister on 18 January)

UNSTARRED Mr. Dennis Canavan: To ask the Prime Minister, how
NO. 210 many people still living have been granted immunity
from prosecution after being involved in espionage
activities; and whether she will name them.

The grant of immunity from prosecution is not a
matter for me or the Government but for my right
hon. and learned Friend the Attorney General, who
gave the information requested in the course of
his speech in the House on 21 November 1979.

Background letter returned
to ~~Robert Armstrong's~~ office
C.F. 18.1.80

C.F. to note



10 DOWNING STREET

Original
LGR
Security

THE PRIME MINISTER

7 December, 1979.

Dear Mr. Stewart,

Thank you for your letter of 26 November about the grant to Professor Anthony Blunt of immunity from criminal prosecution.

Immunity from criminal prosecution in Scotland is the responsibility of the Lord Advocate, and he would be consulted in any question relating to prosecution for an offence where the suspect was within the jurisdiction of the Scottish courts. There was no information at any time to substantiate the commission by Professor Blunt of any offence in respect of which the Scottish courts were able to exercise jurisdiction over him. In these circumstances the Lord Advocate was not consulted.

It would not be proper for me to request the Lord Advocate to initiate any criminal prosecution: if evidence of an offence in respect of which Scottish courts were able to exercise their jurisdiction came to his notice, the decision whether to prosecute would be for him alone to take in the light of all the information available to him, including the grant of immunity from prosecution in England.

Yours sincerely
Margaret Thatcher

The Rt. Hon. Donald Stewart, M.P.