

Ref. A085/1281

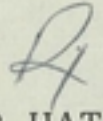
MR BUTLER

Prime Minister 21
 Here is the
 extra material you
 asked for.
 FRS

Security Commission Report on Bettaney

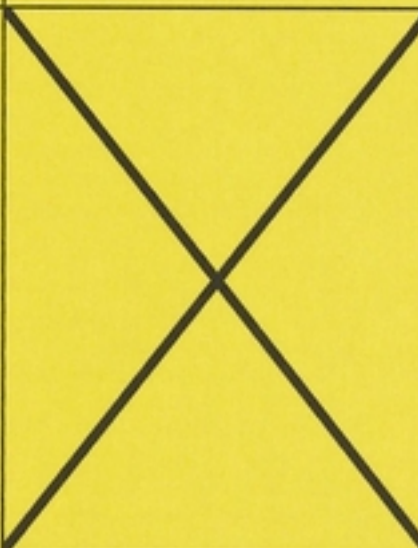
- You asked for a "glossary" containing brief notes on the Security Commission; the Three Advisers; the Judicial Monitor of Interception; the Commissioner and Tribunal to be established under the Interception of Communications Bill; and the changes recommended in successive Security Commission Reports relating to positive vetting procedures. This is attached at Annex A.
- 2. I also attach as Annex B an additional background note relating to Bettaney's correspondence from prison with his lawyer along with the line to take if this is raised in supplementaries.
- I also attach at Annex C as additional background to Supplementary Question 13 a copy of a reply the Prime Minister gave to Mr Marlow MP on 9 January 1980 concerning policy with regard to the employment of homosexuals within the Security Service.
3. Finally there are a number of minor corrections and adjustments to be made to the supplementaries attached to my minute of 3 May (A085/1264) to Mr Flesher. For convenience I attach copies of revised pages containing the questions concerned (pages 1, 5, 9, 13, ¹⁴ and I have also incorporated the line to take on Bettaney's correspondence in these revised pages (Question 5a page 1).
4. I am sending copies of this minute and attachments to Miss Lewis-Jones, Mr Taylor, Mr Appleyard, Mr Steel and the Director General of the Security Service.

Incorporated
in the
folder ---


R P HATFIELD

8 May 1985

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BACKGROUND NOTE: BETTANEY'S CORRESPONDENCE

Bettaney is a Category A prisoner, which is our highest security category. Such prisoners are normally sent to long-term high-security prisons where there is ample opportunity for prisoners to associate with each other. Because of the risks of his passing information to politically motivated prisoners, Bettaney has, instead, been held in a special unit at Coldingley prison with two selected prisoners to act as companions.

Under the Prison Rules, prisoners' correspondence may be read by prison staff unless it is with legal advisers acting for prisoners who are party to legal proceedings. The Prison Department arranged for the correspondence of Bettaney, and the other prisoners in the unit, to be checked by the Security Service as part of the overall security arrangements that have been made for him. While Bettaney was a party to legal proceedings his correspondence with the lawyers acting for him was not read; when he ceased to be a party to proceedings his correspondence with his legal advisers was sent by the prison to Prison Department headquarters for action to be considered. In January a package of photocopies of correspondence from the prison went astray in the post and was delivered by the Post Office in March to Bettaney's lawyers, Seifert Sedley and Company. There was publicity in The Observer and Mr. Alf. Dubs M.P. has asked the attached Parliamentary Questions and spoken about this on the radio.

Comment

There is clear power for the prison staff to read the correspondence in question, and this situation is not at all like that of a private citizen's communications. But some complicated legal arguments can be mounted about the way the European Convention on Human Rights (E.C.H.R.) applies to disclosure of prisoners' correspondence to law enforcement agencies in various circumstances. (There are also minor points in domestic law about the copyright in letters.) There are various changes in procedure that could be made to deal effectively with the E.C.H.R. points if Ministers judge it to be necessary.

Line to take

Prisoners' correspondence may be read under the Prison Rules. The publicised episode about Bettaney's correspondence has nothing whatsoever to do with the matters under discussion. The Home Secretary is well aware of the matter [and will take note of what has been said].

Extract from Hansard dated 9.1.1980

Security Services

Mr. Marlow asked the Prime Minister what is the policy with regard to the employment of homosexuals within the security services.

The Prime Minister: Especially rigorous standards are applied to the recruiting and employment policies in respect of areas of the public service whose work is wholly secret. Homosexuality would be a factor to be taken into account.

ALLEGATIONS ARISING FROM THE BETTANEY CASE

Q1. DAMAGE?

Q2. OTHER SPIES?

Q3. LINK WITH RECENT EXPULSIONS?

Q4. SPECULATION ABOUT THE SKINNER CASE/OTHER RUMOURS?

A. (General Line to Take)

The Commission's Report as laid before the House gives a full and fair account of their findings (which were based on an exhaustive investigation of the case and the surrounding circumstances) and gives as much information as can be given without prejudicing national security. I am not prepared to go beyond what is said in the Report or to comment on other allegations and speculation.

Q5. SECURITY LEAKS AT BETTANEY'S TRIAL?

A. I have nothing to add to the Security Commission's comments in Annex A of the Report.

Q5A. READING OF BETTANEY'S CORRESPONDENCE?

A. Prisoners' correspondence may be read under the Prison Rules. The publicised episode about Bettaney's correspondence has nothing whatsoever to do with the matters under discussion. The Home Secretary is well aware of the matter [and will take note of what has been said].

SECURITY SERVICE WEAKNESSES

Q14. IS THIS NOT A WHOLLY DAMNING REPORT?

A. No. As I said in my statement, the Security Commission have specifically stated that they regard the professional and operational efficiency of the Security Service to be of a high order. They have however made criticisms - some of them severe - about the way in which Bettaney was managed. They also heard a number of more general criticisms from a selection of individuals who did not however constitute a representative cross-section of the Security Service. Although the Commission have not been able to pass judgment on these criticisms the fact that they have been made must and will be taken seriously. As I have already said they will be considered with the utmost care.

Q15. WHAT CHANGES WILL BE MADE TO IMPROVE SECURITY ARRANGEMENTS AND STAFF MANAGEMENT PROCEDURES?

A. As I have already stated, all these matters are being examined.

Q16. WHY ARE THREE ANNEXES NOT BEING PUBLISHED?

A. It would not be in the interests of national security to publish the annexes in question.

Q17. DOES NOT ONE ANNEX CONTAIN FURTHER CRITICISM OF THE SECURITY SERVICE?

A. As the Commission make clear in their report [Chapter 8.1], they did not seek to judge the validity of the evidence recorded in this annex which relates to the internal organisation and management of the Security Service in general and was not directly relevant to the Bettaney case. Nevertheless, I repeat that we are determined to see that both the criticisms made to

only, and we are in touch with interested parties, including the British Medical Association, to discuss the detailed implementation of this proposal.

Q26. PSYCHOLOGICAL TESTING?

A. The possibility of introducing psychological testing in security screening is, as recommended by the Security Commission, being studied.

GENERAL ALLEGATIONS ABOUT SECURITY SERVICE OPERATIONS

Q34. ILLEGAL ACTIONS BY THE SECURITY SERVICE?

A. I am not prepared to depart from the policy which successive Governments have followed of not commenting on the operations of the Security Service, even if this means that false and misleading allegations have to go unanswered. But it is quite clear that no-one is above the law in this country, and that members of the Security Service are no more immune from prosecution than anyone else if they commit criminal offences.

Q35. SECURITY SERVICE SURVEILLANCE OF THOSE WHO OPPOSE GOVERNMENT POLICIES (EG CND, NCCL, TRADE UNIONS)?

A. The published Directive of the Security Service makes clear that it is concerned with the defence of the realm from internal and external threats arising from attempts at espionage and sabotage, or from actions of people or organisations which may be judged to be subversive of the security of the State. The Directive also emphasises that the Security Service should be kept absolutely free from political bias or influence. My Rt Hon and Learned Friend and I are fully satisfied that it is.

My Rt Hon and Learned Friend has made clear on a number of occasions that peaceful campaigning to change the mind of the Government or people generally about political issues cannot constitute subversion, and cannot therefore give rise to surveillance by the Security Service. Similar considerations apply in relation to trade unions and their members.

Q36. DEFINITION OF SUBVERSION TOO WIDE?

A. I remind the House that the definition currently used to guide the Security Service in its work on subversion, was first

enunciated in 1975 by Lord Harris of Greenwich, who was then a Minister in the Labour Government:

"Activities which threaten the safety or well-being of the State, and which are intended to undermine or overthrow Parliamentary democracy by political, industrial or violent means."

The definition was closely examined by the Home Affairs Select Committee in its recent inquiry into Special Branches, and My Rt Hon and Learned Friend explained very carefully and in some detail why this Government, like the Labour Government before it, considers that this definition is the right one, and why it is not in fact open to the breadth of interpretation that some have tried to suggest. Those who do so simply have not read the definition properly.

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when he was Chief Scientist, Central Policy Review Staff. When the Central Policy Review Staff was disbanded in July 1983 I announced that Sir Robin Nicholson would continue as Chief Scientific Adviser, Cabinet Office and continue to advise me and the Secretary of the Cabinet on scientific and technological matters and scientific and technological aspects of other issues which came to me or to the Cabinet Office. This remains the position.

United States Navy

Mr. Donald Stewart asked the Prime Minister whether consultations have taken place between Her Majesty's Government and the United States Government on the granting of port facilities in the United Kingdom for United States Navy maritime pre-positioning ships.

The Prime Minister: Consultations take place at regular intervals between Her Majesty's Government and the United States Government on a range of aspects of contingency planning.

It would not be in the public interest to give details of such consultations.

Falkland Islands

Mr. Donald Stewart asked the Prime Minister what moneys have been spent on infrastructure and development in the Falklands, excluding defence expenditure, in the financial years 1982-83, 1983-84 and 1984-85; and how much will be spent in the next three financial years.

The Prime Minister: Expenditure on infrastructure and development in the Falkland Islands against commitments of a £15 million rehabilitation grant and a £31 million development aid grant announced in 1982 has been as follows:

	£ million
1982-83	10.4
1983-84	6.0
1984-85	* 6.6

* Estimate.

Expenditure is likely to continue at about the current level for the next three years.

MI5

Mr. Winnick asked the Prime Minister what is the general policy of Her Majesty's Government concerning the appearance before the Home Affairs Committee of the Director General of MI5; and if she will make a statement.

The Prime Minister: As my right hon. Friend the Leader of the House stated in his letter of 27 April 1983 to my right hon. Friend the Member for Taunton (Mr. du Cann), at columns 444-48, there is a long-standing convention under which the Government do not provide information or answer questions in Parliament on matters of security or intelligence, and the Government would regard themselves as bound by that convention in relation to departmental Select Committees, no less than in relation to Parliament itself. In the light of that policy the Government would not consider it appropriate for the Director General or other members of the Security Service to appear before a Select Committee.

Local Revenue

Mr. Norman Hogg asked the Prime Minister what consideration Her Majesty's Government are currently giving to new methods of raising local revenue, with particular reference to a poll tax.

The Prime Minister: The local government finance studies are looking at all the main aspects of the present finance system including how total local authority revenues might best be raised. A poll tax is one of a number of options for raising revenue locally.

HOME DEPARTMENT

Crimes of Violence and Vandalism (Convictions)

Sir Anthony Grant asked the Secretary of State for the Home Department what was the number of convictions of persons under 18 years for crimes of violence or vandalism in each of the last 10 years.

Mr. Mellor: The readily available information relates to offenders aged under 17 years and is published annually in tables S4.1(A) and S4.1(B) of "Criminal Statistics, England and Wales, supplementary tables, vol. 4".

Government Property (Damage)

Sir Anthony Grant asked the Secretary of State for the Home Department what was the number of convictions for damage to Government property in each of the last 10 years.

Mr. Mellor: Information collected centrally does not distinguish offences of damaging Government property from other offences of criminal damage. The available information for indictable offences is published annually in table 5.1 of "Criminal Statistics, England and Wales, 1983" (Cmd. 9349) and for summary offences in table S4.1(B) of supplementary tables, vol. 4.

Prisoners (Correspondence)

Mr. Dubs asked the Secretary of State for the Home Department how many letters to and from prisoners have been (a) photocopied and (b) retained in each of the last five years; and how many prisoners this has involved.

Mr. Mellor: This information is not available.

Mr. Dubs asked the Secretary of State for the Home Department (1) what is his practice regarding the photocopying of correspondence between prisoners and (a) solicitors, (b) Members of Parliament, (c) probation officers, (d) social workers and (e) members of their family; where such copies are retained; for how long and for what purpose; and if he will make a statement;

(2) if it is with his authority that letters to and from prisoners are photocopied by the prison service and sent to his Department's P5 division.

Mr. Mellor: Under prison rule 33(1) the Secretary of State may, with a view to securing discipline and good order or the prevention of crime or in the interests of any persons, impose restrictions, either generally or in a particular case, upon the communications to be permitted between a prisoner and other persons. Under prison rule 33(3) letters to or from a prisoner may be read or examined. Under rule 37A(1) a prisoner who is a party to

legal proceedings may correspond with his legal adviser in connection with the proceedings, and unless the Governor has reason to suppose that any such correspondence contains matter not relating to the proceedings it shall not be read or stopped. It may be necessary for correspondence not protected by rule 37A(1) to be photocopied for these procedures to operate effectively, or for the prevention of crime or in the interests of any persons, particularly where questions of national security arise; and his specific authority is not required for that. In such cases the photocopies would be held at establishments or elsewhere for so long as necessary and would be destroyed when they were no longer needed.

Victim Support Schemes (Funding)

Mr. Campbell-Savours asked the Secretary of State for the Home Department whether he has received representations from individuals and organisations concerning his Department's funding to victim support schemes.

Mr. Mellor: The Home Office has received some 60 letters from hon. Members and a number from victims' support schemes and others supporting the recommendations of the Home Affairs Committee concerning the funding of victims' support schemes in its report on compensation and support for victims of crime (HC 43). The Government's reply to the Committee's report was given in a White Paper (Cmnd. 9457) published on 7 March.

Intex 85

Mr. Sackville asked the Secretary of State for the Home Department what action he proposes to take to encourage local authorities to take part in the warning and monitoring exercise Intex 85.

Mr. Giles Shaw: The Intex 85 exercise was held on 16/17 March. The United Kingdom warning and monitoring organisation informed county level authorities of the exercise and invited them to take part; 29 in England and Wales and four in Scotland did so. We are considering what more can be done to encourage local authorities in the future. We are ready to help in any way we can.

Prisoners (Segregation)

Mr. Kilroy-Silk asked the Secretary of State for the Home Department how many prisoners segregated under rule 43 are sharing cells; and how many cells are involved.

Mr. Mellor: The information requested is not held centrally.

Mr. Kilroy-Silk asked the Secretary of State for the Home Department how many prisoners segregated under rule 43 at Leeds prison are currently sharing cells; and how many cells are involved.

Mr. Mellor: I will reply as soon as possible.

Mr. Kilroy-Silk asked the Secretary of State for the Home Department in what ways facilities for work, education, recreation and association are more limited for segregated prisoners at Leeds prison than for the other prisoners.

Mr. Mellor: I will reply as soon as possible.

Mr. Kilroy-Silk asked the Secretary of State for the Home Department if the wing in which segregated prisoners are accommodated at Leeds prison is properly separated from other parts of the prison.

Mr. Mellor: The part of the wing at Leeds prison in which prisoners segregated under prison rule 43 for their own protection are located, is physically separated from the rest of the prison.

Mr. Kilroy-Silk asked the Secretary of State for the Home Department if the wing in which segregated prisoners are accommodated at Leeds prison has facilities for keeping food hot.

Mr. Mellor: A hot plate has been provided in the part of the wing at Leeds prison in which prisoners segregated under prison rule 43 for their own protection are located.

Gloucester Prison

Mr. Kilroy-Silk asked the Secretary of State for the Home Department if he plans to re-examine the Chief Inspector of Prisons' recommendation to relocate C wing at Gloucester prison elsewhere.

Mr. Mellor: No.

Murder (Sentencing Recommendations)

Mr. Kilroy-Silk asked the Secretary of State for the Home Department how many recommendations have been made by judges under section 1(2) of the Murder (Abolition of Death Penalty) Act 1965; and in how many cases prisoners have been released before the minimum period recommended.

Mr. Mellor: In England and Wales, 201 such recommendations were made from 1965 — when the power was introduced—until the end of 1984.

Up until the end of 1984, three life sentence prisoners have been released on life licence at an earlier date than that recommended by the trial judge. In accordance with the provisions of section 61 of the Criminal Justice Act 1967, all three prisoners were released on the recommendation of the parole board and after consultation with the Lord Chief Justice and, where he was available, the trial judge.

Prisons (Food Hygiene)

Mr. Kilroy-Silk asked the Secretary of State for the Home Department what specific training or qualifications prison medical officers have in relation to their responsibilities for supervising food hygiene standards in prisons.

Mr. Mellor: All medical practitioners receive instruction in general health and hygiene as part of their training. The prison department does not provide further training in these subjects for prison medical officers but those who wish to do so attend external courses.

Cruelty to Animals Act 1876

Mr. Kilroy-Silk asked the Secretary of State for the Home Department when the revised White Paper on the amendment of the Cruelty to Animals Act 1876 will be published.

Mr. Mellor: My right hon. and learned Friend hopes to publish a further White Paper shortly.

Mr. Mellor: The new regime in detention centres is being covered under the general arrangements for operational oversight and statistical monitoring of young offender establishments.

Mr. Bermingham asked the Secretary of State for the Home Department if he will list the categories of offenders sentenced to periods at detention centres who will be excluded from the short, sharp shock regime.

Mr. Mellor: The new regime is in operation in all detention centres in England and Wales. All new receptions at detention centres have a thorough medical examination, and where an inmate appears to be unfit the medical officer is able to direct what restrictions should be placed on his activities or, if necessary, arrange for his admission to an outside hospital.

Mr. Bermingham asked the Secretary of State for the Home Department whether he has received any allegations of assault or mistreatment of inmates at Aldington detention centre.

Mr. Mellor: Recent allegations of staff misconduct at Aldington have been referred to the police for investigation.

Parole

Mr. Bermingham asked the Secretary of State for the Home Department how many prisoners, who were eligible for parole following the exercise of the powers contained in section 33 of the Criminal Justice Act 1982, had not been considered for parole by the time of their earliest release date in 1984 by the Prison Department.

Mr. Mellor: I am not aware of any eligible inmate who had not been considered for parole by his earliest date of release in 1984. If the hon. Member has any particular case in mind, perhaps he will write to me about it.

Mr. Bermingham asked the Secretary of State for the Home Department if he will list the criteria which are used by the Home Office to determine exceptions to the new parole regulations.

Mr. Mellor: Parole cases are considered on their individual merits. It is not possible to specify the circumstances that may be found to be exceptional.

Time Trials

Mr. Bermingham asked the Secretary of State for the Home Department when he hopes to introduce time trials to determine the length of statutory limit for remands; and if he will make a statement about the nature of those trials.

Mr. Mellor: We hope after consultation to begin the field trials later this year. We are considering their precise form and the areas where they should be held. The trials will be designed to test the feasibility and effectiveness of particular time limits, both generally and in relation to variations in the courts' work load between different areas; their implications for all concerned in the operation of the criminal justice process; and the procedures required to ensure and check compliance with such limits. My right hon. and learned Friend will ask prosecutors and the courts in the areas selected to arrange for cases to be brought to committal or trial as if the time limits which he will specify for the purpose of the trials were operative. Although under the field trials no legal consequences will follow

from failure to comply with a time limit, arrangements will be made to identify those cases and to assess whether under the statutory scheme there would have been grounds for extending the limit.

Prisoners (Correspondence)

Mr. Dubs asked the Secretary of State for the Home Department in respect of which categories of prisoners correspondence to and from (a) Members of Parliament, (b) social workers, (c) probation officers and (d) legal advisers the correspondence is photocopied.

Mr. Mellor: I refer the hon. Member to the reply given to his questions on 25 March at columns 14-15. A prisoner's security category is not a relevant consideration, except to the extent that there is a relaxation of censorship in open establishments.

P5 Division

Mr. Dubs asked the Secretary of State for the Home Department what are the functions of P5 division of his Department; and in what circumstances this division liaises with the police.

Mr. Mellor: P5 division forms part of the directorate of operational policy in the prison department of the Home Office. Its role is to carry out various duties in relation to the following: prison security and control, the effective use of prison accommodation, policy and casework on unsentenced prisoners, fire precautions in prison department establishments, the transport of prisoners to court and between establishments, the security of custody areas in Crown court buildings, the production of prisoners at court in certain circumstances—for example, where a prisoner is a party to civil proceedings—planning for emergencies, prison statistics and the management of the prison dog service. In many of these functions there is naturally close liaison between the division and the police.

Terrorism (Deaths)

Mr. McNamara asked the Secretary of State for the Home Department if he will publish in the *Official Report* a table showing the number of deaths which have occurred in England and Wales for the years 1983 and 1984, respectively, connected with the present civil unrest in Northern Ireland; and how many of these deaths were caused by action taken by the police and each of the known terrorist or paramilitary groups.

Mr. Giles Shaw: I refer the hon. Member to the reply given to his question on 1 February at column 331.

Electoral Divisions (Shire Counties)

Dr. Cunningham asked the Secretary of State for the Home Department if he will publish a list of all the county electoral divisions or wards within the 39 English shire counties, identifying the district councils in which these divisions are situated.

Mr. Mellor: No such list exists at present and it could be compiled only at disproportionate cost. Copies of the relevant county electoral arrangements orders are sent to the headquarters of all the major political parties.