

CONFIDENTIAL

B.07610

MR WICKS

Peter Wright Case: Public Interest Immunity

A meeting chaired by the Home Secretary, in which the Foreign and Commonwealth Secretary, the Attorney General and the Solicitor General participated, discussed ^{this afternoon} how the Government should react to the Judge's ruling this morning (my minute of earlier today to the Home Secretary). Ministers concluded, subject to the Prime Minister's views, that Sir Robert Armstrong's team should this evening be instructed to seek leave to appeal. We should base our appeal on PII, but should keep open the possibility of also arguing on the basis of confidentiality of documents, should the chances of winning on PII seem slight.

Go ahead with all possible speed

2. It is likely that the application for leave to appeal and, if it is granted, the appeal itself will be heard in the New South Wales court this week or early next week.

3. Ministers also concluded that our team in Sydney should ensure that we had adequate time to decide how to react to the decision of the Appeal Court, for instance by appealing further to the High Court of Australia. Further thought will meanwhile be given to the circumstances which might obtain next February when the High Court might hear the matter.

4. Sir Robert Armstrong considers that it would be useful in the appeal hearing to have some latitude to explore an arrangement where some documents would be discovered, but by no means all those ordered this morning for discovery. The Ministers who attended the Home Secretary's meeting will reflect further on the suggestions by officials about which documents might be discovered, or discovered with deletions, which were appended to my minute of earlier today.

Am very unhappy about any being discovered

5. You will no doubt wish to let me know whether the Prime Minister agrees that Sir Robert Armstrong should be instructed this evening to seek leave to appeal against the Judge's ruling of today.

Yes no

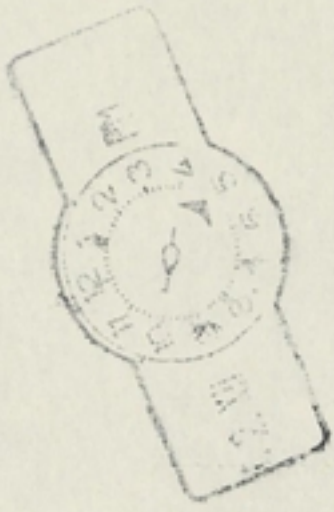
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6. I am sending copies of this minute to the Private Secretaries to the Foreign and Commonwealth Secretary and the Home Secretary, and to Michael Saunders in the Law Officers' Department.

C L G Mallaby

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2 December 1986



ROBERTSON

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JB MT

10 DOWNING STREET

LONDON SW1A 2AA

From the Principal Private Secretary

MR MALLABY

PETER WRIGHT CASE: PUBLIC INTEREST IMMUNITY (PII)

The Prime Minister has seen your minute of today which reports the conclusions of the Home Secretary's meeting which discussed how the Government should react to the judge's ruling this morning on PII.

The Prime Minister agrees that Sir Robert Armstrong should be instructed, with all possible speed, to seek leave to appeal. She has noted that the Home Secretary's meeting concluded that Ministers should reflect further on the suggestions by officials about documents which might be discovered or discovered with deletions. She has indicated that she is very unhappy about any documents being discovered and she will want convincing evidence before agreeing to any discovery. She feels that a discovery of one document would provoke calls for the discovery of further documents.

I am sending copies of this minute to Mr Galsworthy (Foreign and Commonwealth Office), Mr Boys Smith (Home Office) and to Michael Saunders (Law Officers' Department).

N.L.W.

N.L. Wicks
2 December 1986

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