

Prime Minister

20

Ref. A086/3451

MR WICKS

Will await
views of colleagues
reAgree, subject to
the views of colleagues?
N.L.U.

12.12

At the Prime Minister's meeting on 19 November, it was agreed that:

The Cabinet Secretary should arrange for the establishment of some Cabinet machinery which would provide an overview for the management of episodes like the Peter Wright case and for the establishment for the foundation of a future policy.

2. I have also seen the separate proposal in your letter of 27 November to Michael Saunders.

3. I fear that the problem is not confined to unauthorised publications by former members of the security and intelligence services. My box on return contained two other cognate cases arising in the areas of the Ministry of Defence, and any machinery we set up will need to be sufficiently broadly based to deal with such cases as well.

4. We also need to provide, in whatever we do, between arrangements for formulating policy and arrangements for managing particular cases, once policy decisions have been taken.

5. With these and other considerations in mind, I propose that we should set up a Cabinet Committee consisting of:

Prime Minister

Lord President

Foreign and Commonwealth Secretary

Home Secretary
 Secretary of State for Defence
 Attorney General

with the following terms of reference:

To keep under review the formulation and implementation of policy in relation to the publication of confidential official information on matters relating to defence, international relations, security and intelligence, and cognate matters, including the control of publications by present or former members of the public services (including the security and intelligence services) relating to such matters.

6. When the Committee met to discuss the handling of particular cases, the chair could be taken by the Secretary of State primarily concerned.

7. This Ministerial Committee should be supported by an Official Committee consisting of:

Secretary of the Cabinet
 Representatives of:

Foreign and Commonwealth Office
 Home Office
 Ministry of Defence
 Treasury Solicitor
 Security Service

Representatives of the Secret Intelligence Service and the Director of the Government Communications Headquarters and the Legal Secretary, Law Officers' Department, would be invited to attend the Official Committee as appropriate. The Committee would have similar terms of reference.

8. When the Official Committee met to manage the handling of particular cases (eg the Peter Wright book), the appropriate Deputy Secretary, Cabinet Office would normally chair the meetings.

9. I am sending copies of this minute and the attachment to the Private Secretaries to the Foreign and Commonwealth Secretary, the Home Secretary and the Secretary of State for Defence and to the Legal Secretary to the Law Officers. You will remember that Mr Budd's letter of 10 December indicated that the Foreign and Commonwealth Secretary would want to put forward considered views on precisely how a committee might be set up and the remit it would have.

RA

ROBERT ARMSTRONG

12 December 1986

ARRANGEMENTS FOR ACTION IN RESPECT OF UNAUTHORISED PUBLICATIONS
ON SECURITY AND INTELLIGENCE AND COGNATE MATTERS

Note by the Secretary of the Cabinet

The Prime Minister has agreed the following arrangements for action in respect of unauthorised publications (including broadcasts) on confidential matters relating to defence, international relations, security and intelligence, and cognate matters.

2. Directly there is any information that an unauthorised publication or broadcast on such matters may be in prospect, the Department or agency receiving the information should notify the Prime Minister's Office, the Cabinet Office, the Foreign and Commonwealth Office, the Home Office, the Ministry of Defence, the Treasury Solicitor's Department, the Law Officers' Department and the security and intelligence agencies.

3. Thereafter it will be for the Minister principally concerned - the Home Secretary in the case of the Security Service, the Foreign and Commonwealth Secretary in the case of the Secret Intelligence Service and Government Communications Headquarters, the Secretary of State for Defence in the case of the Ministry of Defence or the Armed Forces - to take the lead in considering the issues involved and of the action to be taken. This is likely to require close consultation among the Departments represented on the Ministerial and Official Committees on Defence, Intelligence and Security Information Policy and the related agencies, as well as with the Law Officers.

4. The Lord Privy Seal and the Chief Whip should be consulted as necessary about any implications for Parliamentary business, and the Prime Minister's Press Secretary about presentational aspects.

5. When time and other circumstances permit, proposals for action (other than the institution of criminal proceedings) should be put to the Ministerial Committee for discussion and approval. If time does not permit a full meeting, the Prime Minister's approval should be sought for any action proposed (other than the institution of criminal proceedings).

6. These arrangements are without prejudice to the responsibility of the Law Officers for decisions as to the institution of criminal proceedings. In any case of the kind covered by this note, it is for the Law Officers, and not for Ministers or the Ministerial Committee, to decide whether criminal proceedings should be instituted, and it is for the Law Officers to decide whether, the extent to which and how Ministerial colleagues should be consulted as to public interest considerations before they take their decisions on the institution of criminal proceedings. In all cases close liaison with the Law Officers will be necessary, since it may well be thought appropriate on occasion to bring forward proceedings under the criminal law and also under the civil law on the same matter.

7. Cases to which these arrangements apply include:

(1) Unauthorised publications by present or former members of the public services, including the security and intelligence agencies, on confidential matters relating to defence, international relations, security and intelligence, or cognate matters.

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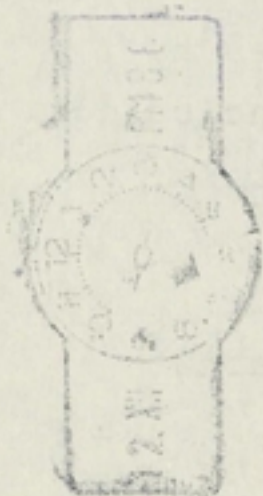
(2) Radio or television broadcasts or press articles by present or former members of the public services, including the security and intelligence agencies, on such matters.

(3) Publications or broadcasts or articles by people outside the public services containing information about such matters attributed to or clearly derived from present or former members of the public services.

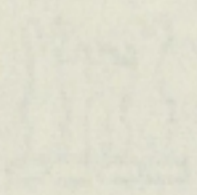
(4) Other publications or broadcasts or articles by people outside the public services containing material whose publications the Government might wish to restrain on security grounds and where no breach of the duty of confidentiality is alleged.

December 1986

SECURITY: Peter Wright: Part 4



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file JIA
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10 DOWNING STREET

From the Principal Private Secretary

SIR ROBERT ARMSTRONG

The Prime Minister has now considered your minute of 12 December about Cabinet machinery to deal with the handling of Peter Wright-type cases and for considering overall policy in this area. The Prime Minister has also seen the Tony Galsworthy's letter of 17 December in which he records the Foreign and Commonwealth Secretary's general agreement with your proposal.

The Prime Minister agrees with the proposals set out in your minute. She believes it important that the arrangements should provide for the Prime Minister and the Cabinet Secretary to be informed straightaway if there is any information that an unauthorised publication or broadcast may be in prospect.

The Prime Minister has noted from Tony Galsworthy's letter of 17 December that the Foreign Secretary is discussing with the Home Secretary how wider questions affecting the Security Service, SIS and GCHQ might best be handled inter-ministerially. She is, of course, content for your Secretary of State to discuss this matter with the Home Secretary. But because of her overall responsibility in this area, she will wish to chair inter-departmental meetings on this subject.

I am sending a copy of this minute to the Private Secretaries to the Foreign and Commonwealth Secretary, the Home Secretary and the Secretary of State for Defence, and to the Legal Secretary to the Law Officers.

N.L.W.

N. L. WICKS

17 December 1986

SECRET



Foreign and Commonwealth Office

London SW1A 2AH

17 December 1986

Note

Staph Buss-Smidt
said that the Home
Security agreed with this.

Dear Nigel,

N. C. W.
17.12

Future Procedure for Dealing with
Unauthorised Publications

Sir Robert Armstrong sent me a copy of his minute of 12 December to you setting out his proposals for the establishment of a Cabinet Committee to deal with the handling of Peter Wright-type cases in the future and to consider overall policy in this area. On the limited issue of unauthorised publications the Foreign Secretary is broadly content with the proposals which Sir Robert puts forward. As experience with the Home Secretary's "Peter Wright group" has shown, the Committee may well have to meet frequently to monitor the progress in particular cases. He therefore agrees that it would be useful for the departmental Ministers concerned to have an opportunity to discuss the issues and arrive at a preliminary interdepartmental view before putting matters for overall policy decision to the wider Cabinet Committee under the Prime Minister's chairmanship. He is also content with the proposal for an official committee to support the Ministerial group.

The Foreign Secretary is also discussing with the Home Secretary how wider questions affecting the Security Services, SIS and GCHQ might best be handled inter-ministerially, and will be in touch with Sir Robert Armstrong in due course about this.

I am copying this letter to the Private Secretaries to the Home Secretary and the Secretary of State for Defence, to the Legal Secretary to the Law Officers and to the Private Secretary to Sir Robert Armstrong.

Yours ever,
Tung Galworthy

(A C Galsworthy)
Private Secretary

Nigel Wicks Esq
PS/10 Downing Street

