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cc PS/SofS (B&L) (3&4) - B
PS/MofS (B&L) (5&6) - B
PS/Sir K Bloomfield (7) - B
Mr Stephens (8) - B
Mr Burns (9) - B
Mr Innes (10) - B
Mr Chesterton (11) - B
Mr Steele (12) - B
Mr Hewitt (13) - B

PS/PUS (B&L) (1&2) - B

NORTHERN IRELAND

1. The Secretary of State held a series of meetings yesterday afternoon to discuss follow up action on the additional measures to deal with terrorism which were the subject of the meetings with the Prime Minister and other Ministers on Tuesday 6 September. Discussion was based on the record of the meeting conveyed in Mr Powell's note of the same date. Those present were the Minister of State, PUS, Mr Stephens, Mr Innes, Sir Kenneth Bloomfield and Mr Steele, Mr J Stephens, Mr Hewitt and Mr Brooker (part-time).
2. This minute records the conclusions reached at the meeting and the points on which further action is required.

Remission of Sentence

3. The Secretary of State indicated that at the meeting with the Prime Minister Ministers were clear that changes were necessary in respect of the length of average sentences, the unexpired portion of previous remitted sentences, and the remission of sentences itself. It was noted that there were differences in the remission regimes of England and Wales and Northern Ireland and that the feeling of Ministers was that there were strong

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arguments for bringing Northern Ireland more closely into line with GB. The meeting noted the difficulties which could arise if any changes in the remission rules were to be applied retrospectively; the likely reaction amongst the prison population would be extremely hostile and would lead to considerable trouble within the prisons. Government would also be vulnerable at the European Court of Human Rights, although the Secretary of State was relaxed on this point. Legal advisers had advised that contrary to the assertion in the record of the Prime Minister's meeting changes in the prison rules to bring about differential remission rates for different categories of offence would require primary legislation and could not be effected administratively; the Secretary of State queried this advice and asked that it be checked again with legal advisers (Action: Mr Steele). The Secretary of State also asked for a breakdown of sentences currently being served by the prison population (Action: Mr Steele). It was agreed that an early meeting with the Attorney General would be necessary to discuss and establish what changes to the prison rules were possible; the Home Secretary would also need to be consulted (Action: Secretary of State's Private Office). Officials from the NIO, Home Office and the Attorney General's Office would need to be in contact to discuss arrangements for an early Ministerial meeting; PUS would speak to Clive Whitmore to explore the possibilities. (Action: PS/PUS).

Minimum Sentences

4. The Prime Minister had asked the Secretary of State to discuss urgently with the Lord Chancellor on his return from leave the possible introduction of mandatory minimum sentences for scheduled offences (Action: Private Office to arrange meeting). The opposition of the new Lord Chief Justice to minimum sentences had been noted as was the failure of the minimum sentencing provisions of the earlier Criminal Justice (Temporary Provisions) Act (Northern Ireland) 1970. Ministers

had noted the apparent leniency of sentences in Northern Ireland; it was agreed, however that the statistics on sentencing for terrorist offences in Northern Ireland submitted by the Secretary of State should be checked carefully (Action: Mr Innes). It was also agreed that presentationally it might be important to let the LCJ have his say on the issue of minimum sentences; the introduction of sentencing guidelines in Northern Ireland (currently under preparation by the LCJ) buttressed by a right of the Attorney General to have recourse to the Court of Appeal might indeed have the same effect as minimum sentences. It was noted that sentencing guidelines existed in England, although it was felt that these were not published; the position should however be checked (Action: Mr Innes). Agreed action was therefore to explore the effectiveness of sentencing guidelines; if, however, these did not achieve the objective the question of imposing minimum sentences would have to be examined again.

Reactivation of Remission

5. It was noted that Ministers were in favour of a change in procedures which would make it mandatory for those convicted of certain scheduled offences to serve consecutively with a new sentence the unexplored portion of any earlier remitted sentence. It was agreed such change in the rules should be applied only to scheduled offences. The views of the Attorney General should now be sought on the starting date which should apply under any proposed new remission procedures (Action: Mr Innes).

Identity Cards

6. Ministers had agreed to the Secretary of State's recommendation that identity cards should be introduced provided they could be "mischief-proofed" and the problem of visitor identification could be solved satisfactorily. The Secretary of State asked that further work be undertaken urgently to examine the legislative, technical, practical and policy implications of introducing ID cards in Northern Ireland (Action: Mr Innes). It was noted that legislation would be required and possibilities in this context (eg an Elections Bill) were discussed; the appropriate legislative vehicle would require discussion with the business managers in the House. Urgent advice would be sought from CCTA on the technicalities of a scheme and the bona fides of Norton Opax which had submitted a prototype ID card (Action: Mr Innes). PUS also agreed to speak in strictest confidence to Paul Freeland (Director of CCTA) about the possible options (Action PUS); DOE expertise in the area of issue of driving licences might also be tapped (Action: Mr Innes, Sir K Bloomfield). It was recognised that a project team might need to be established within NIO to carry forward this work and that there were consequential staff resource implications. The Secretary of State stressed that the issue of ID cards was to be handled with urgency: their introduction had the full support of the Prime Minister and other Ministers, and if additional resources were required to carry forward the work this would be considered sympathetically. The likely political reaction to the introduction of ID cards was discussed: the situation in other EC countries in respect of the issue of ID cards was also noted. It was agreed that a plan of action on the issue of ID cards - should they be compulsory, machine-readability, use of photograph/thumbprint, universality, problem of visitors etc - should be submitted urgently to the Secretary of State (Action: Mr Innes, Mr Hewitt, Mr Brooker).

Proscription/Presentation

7. Ministers had not pressed for the immediate introduction of proscription of named organisations, although they had agreed that work on the practical implications of enforcing proscription should continue. A note should therefore be prepared urgently on the modalities of introducing proscription (Action: Mr Burns). It was also agreed that NIO and Home Office Officials should prepare a joint paper on the scope for limiting access of named organisations to the media for discussion by the Secretary of State and the Home Secretary; in this context the Secretary of State asked for a note on the restrictive provisions in the Irish legislation on access to the media. (Action: Mr Burns). Information Service should also examine opportunities for examining the retrieval and exploitation of earlier statements by Sinn Fein leaders whenever terrorist incidents occurred (Action: Mr Burns). The possibility of amending the existing legislation on disqualification also needed to be examined further (Action: Mr Burns).

Right to Silence

8. Ministers had agreed that we should proceed with a Northern Ireland Order-in-Council giving effect to the proposals on the right to silence. (Action: Mr Innes). The Home Secretary would also consider what might be said about the Government's intention to introduce comparable changes in GB and had indicated that he would be as helpful as he could in making any announcement. The Prime Minister had also indicated that she did not wish to publish the draft Order immediately, although it should be ready for publication as soon as Parliament reassembled. It was agreed that we should check with the Home Office the terms of any statement from the Home Secretary about the right to silence (Action: Mr Innes).

Terrorist Finance

9. Ministers had agreed to the Secretary of State's proposals on terrorist finance and it was agreed that these should now be pursued urgently (Action: Mr Innes to pursue in consultation with Home Office).

Power of Detention

10. Ministers had agreed that the PTB could be used to amend the EPA 1978 to provide for an explicit power of detention (Action: Mr Innes).

Guidelines on Informants

11. Ministers had agreed that the Secretary of State and the Home Secretary should discuss and agree any necessary amendments to the Home Office guidelines on informants. The reticence of the Attorney General in approving any change to the guidelines was noted; it was agreed that it was imperative to have the Attorney General on side and that further discussions should now take place with the Home Office on the best means of achieving this (Action: Mr Innes). The Secretary of State asked that a draft be prepared for the Attorney General indicating the changes which we would propose to make to the guidelines (Action: Mr Innes).

Home Made Explosives

12. The Prime Minister wanted to see further follow up action on foot of the findings of the British Sulphur report (Action: Mr Innes, Mr Shannon).

Border Security

13. It was agreed that an urgent meeting should be held with the Defence Secretary to discuss and agree the proposed measures to improve security on the border outlined in the MOD paper (Action: Private Office to arrange meeting). The Prime Minister had asked the Secretary of State and the Defence Secretary to report their conclusions by 20 September. It was also noted that the Prime Minister wished to write to the Taoiseach about security co-operation following the next IC. In this context it was agreed that it was the Secretary of State rather than the Defence Secretary who would be responsible for drafting this message (Action: Mr Innes).

14. The conclusions reached at this meeting will necessitate a series of further meetings over the next two weeks. I am forwarding a separate note for discussion with PUS outlining a draft action plan in respect of these meetings and the papers which must be prepared for the next meeting of Ministers on 29 September.

Signed

M T H MAXWELL
Private Secretary

9 September 1988