

343/94

ASST
SEC - 5 JAN 1996
CENT SEC C

1: CLIVE BARBOUR
EP BILL TEAM
SECURITY POLICY AND OPERATIONS DIVISION
4 JANUARY 1996

- cc PS/Sir John Wheeler (B&L) - B
- PS/Michael Ancram (B&L) - B
- PS/Baroness Denton (DED, DANI&L)
- PS/PUS (B&L) - B
- Mr Legge - B
- Mr Thomas - B
- Mr Steele - B
- Mr Bell - B
- Mr Leach - B
- Mr Watkins - B
- Mr Blackwell - B
- Mr Wood (B&L) - B
- Director, TFU - B
- Dr Power - B
- Mrs Collins - B
- Mr Stephens - B
- Mr Beeton - B
- Ms Johnston/Mrs Todd - B
- Ms Jude - B
- Mr Ross - B
- Mr Lamont, RID - B
- HMA, Dublin - B
- Mrs Evans, HOLAB - B

192/11
- 5 JAN 1996
CENT SEC

- 1. Mr Perry (Slightly amended [Sgn NP 4/1])
- 2. PS/Secretary of State (B&L) - B

Handwritten signatures and initials

LAUNCHING THE INQUIRY INTO COUNTER-TERRORISM LEGISLATION AGAINST TERRORISM

This submission reports the Home Office's arrangements for the launch of the independent inquiry into the future need for counter-terrorism legislation in the UK which is to be undertaken by Lord Lloyd of Berwick.

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Background

2. The Home Office are content for the formal announcement of Lord Lloyd's appointment to be made by the Secretary of State during the course of the Second Reading of the Emergency Provisions Bill on 9 January, given the Home Secretary's absence in India. The Secretary of State enquired if the announcement should be made earlier, but given the fact that the intention to hold a review was announced in Parliament it seems most appropriate for the House to be informed, either by an announcement or by arranged PQ: there is no earlier Parliamentary occasion that would be feasible, given that the Second Reading Debate is among the first pieces of business after the Christmas recess.

3. The announcement by the Secretary of State during his speech will be accompanied by a Home Office press release, the text of which is attached at Annex A. Given that the Secretary of State will be unable to announce the name of the Northern Ireland adviser at the same time it is not proposed that the NIO should issue a separate press notice; the Secretary of State's speech will be issued as a press notice by NIO Information Services on the day of the Debate. Shortly after the Second Reading debate, the Home Office intend to publish advertisements in selected newspapers in Great Britain and Northern Ireland concerning the inquiry and inviting views. The text which they are proposing to use is attached at Annex B. (If a decision has been taken concerning the Northern Ireland adviser before publication, the square brackets will be removed.)

4. I understand that the Private Secretary to the Home Secretary will write shortly to No 10 to formally notify that Lord Lloyd will undertake the Inquiry, and that the Home Secretary will write to Lord Lloyd on behalf of both himself and the Secretary of State in the terms of the letter attached at Annex C.

5. The Secretary of State is invited to note the Home Office's proposals.

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The Northern Ireland adviser

6. Three possible judicial candidates have been identified for the post of adviser. [REDACTED]

[REDACTED]

7. [REDACTED]

[REDACTED] Once the appointment has been finalised, we shall approach the Northern Ireland Court Service to finalise the housekeeping arrangements, including remuneration of the adviser. (The adviser will not be a full-time appointment; and while it is not yet possible to predict the extent of the commitment it may be of the order of one day a week, which should allow him to continue some of his existing duties. The most likely solution is that the adviser should continue to receive his judicial salary, but that the NIO might reimburse the Lord Chancellor's Department for those days worked on the review. The Office would, of course, meet all necessary travel costs and expenses.)

Informing the Opposition spokespersons

8. The Secretary of State gave an undertaking to Dr Mowlam MP to keep her informed of developments in respect of the reviewer. Given the Home Secretary's absence on leave until after the Second Reading Debate, the Secretary of State may wish to telephone Dr Mowlam (and Lord Holme of Cheltenham) prior to the Debate to inform them of Lord


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Lloyd's appointment. A speaking note for this purpose is attached at Annex D.

Conclusion

9. The Secretary of State is therefore invited to
- note the handling arrangements by the Home Office to launch the Inquiry;
 - 
 - telephone the Opposition spokespersons prior to Second reading to inform them of Lord Lloyd's acceptance of the Inquiry.

[signed]

CLIVE BARBOUR
Ext 27019

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DRAFT HOME OFFICE PRESS RELEASE

An independent inquiry is to examine the future of counter-terrorism legislation throughout the United Kingdom.

Home Secretary Michael Howard and Northern Ireland Secretary Sir Patrick Mayhew have appointed Lord Lloyd of Berwick to head the inquiry.

The Inquiry into Legislation Against Terrorism will be conducted entirely independent of Government. It will also be separate from the annual review of the operation of the Prevention of Terrorism Act.

The Inquiry will examine what - if any - special legislative provision against terrorism will need to be enacted once peace has become firmly enough established in Northern Ireland to allow the Government to repeal the current temporary legislation.

The inquiry's terms of references are:

To consider the future need for specific counter-terrorism legislation in the UK if the cessation of terrorism connected with the affairs of Northern Ireland leads to a lasting peace, taking into account the continuing threat from other kinds of terrorism and the United Kingdom's obligations under international law; and to make recommendations.

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Members of the public and organisations with views on any aspect of counter-terrorism law should write to Lord Lloyd at PO Box 9998, London SW1H 9ZB.

Biographical Notes [subject to reference]

Lord Lloyd of Berwick has been a Law Lord since 1993. He served as a High Court Judge from 1978 to 1984 and as an Appeal Court Judge from 1984 to 1993.

He is currently Chairman of the Security Commission and of the Advisory Panel established under the Immigration Act 1971 to consider cases involving issues of national security. He is a member of the Criminal Law Revision Committee.

Notes to Editors

1. Sir Patrick Mayhew announced the appointment during the Second Reading debate on the Northern Ireland (Emergency Provisions) Bill on 9 January 1996.
2. Counter-terrorism legislation in the UK comes under the Prevention of Terrorism (Temporary Provisions) Act 1989 and the Northern Ireland (Emergency Provisions) Act 1991. The latter is due to expire in August and successor legislation has been introduced in the form of the Northern Ireland (Emergency Provisions) Bill.

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3. Sir Patrick also announced that an adviser on Northern Ireland issues would be appointed to assist Lord Lloyd.

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DRAFT NEWSPAPER ADVERTISEMENT

INQUIRY INTO THE FUTURE REQUIREMENTS FOR LEGISLATION AGAINST
TERRORISM IN THE UNITED KINGDOM

The Government has announced that it is setting up an independent Inquiry to look into the future need for counter-terrorism legislation once peace has become established in Northern Ireland.

The Inquiry will consider what legislation will be needed to deal with the longer-term threats from all kinds of terrorism.

The Inquiry is to be carried out by the Rt Hon Lord Lloyd of Berwick [, assisted by ----- who will advise on Northern Ireland matters]. He will be consulting widely and he would like to receive comments and contributions from the public.

If you have any views relating to the law against terrorism which you would like Lord Lloyd to consider, please write to him at PO Box 9998, London, SW1H 9ZB.

DRAFT LETTER FOR SIGNATURE BY THE HOME SECRETARY

The Rt Hon Lord Lloyd of Berwick
House of Lords
LONDON
SW1

January 1996

INQUIRY INTO COUNTER-TERRORISM LEGISLATION

Patrick Mayhew and I are very pleased that you have agreed to undertake the Inquiry into the Future Requirement for Legislation against Terrorism in the United Kingdom. We should be happy to discuss the commission further with you at your convenience.

Patrick Mayhew is considering the appointment of a senior member of the Northern Ireland judiciary to act as your adviser in Northern Ireland affairs. You will, naturally, be consulted before the appointment is offered. Your terms of reference are as follows:

To consider the future need for specific counter-terrorism legislation in the United Kingdom if the cessation of terrorism connected with the affairs of Northern Ireland leads to a lasting peace, taking into account the continuing threat from other kinds of terrorism and the UK's obligations under international law; and to make recommendations.

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The terms of reference make clear, the purpose of the inquiry is to help the Government decide what kind of legislative framework should be put in place in succession to the Prevention of Terrorism Act and the Northern Ireland (Emergency Provisions) Act to deal with terrorism once we are satisfied that a lasting peace has been established in Northern Ireland.

Sir Patrick Mayhew and I have put at your disposal a small secretariat headed by a senior official from my Department within whom you have already spoken. He will ensure that you have access to all the information and resources which you require.

We would welcome your view on how long you will need to complete the Inquiry. It would be helpful if we could have your report in the Autumn or, failing that, by the end of the year.

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ANNEX D

SPEAKING NOTES FOR USE BY THE SECRETARY OF STATE WITH DR MOWLAM AND LORD HOLME OF CHELTENHAM

- I wanted to tell you in confidence that during the Second Reading debate on the Emergency Provisions Bill on 9 January, I shall be announcing in my speech that I the Home Secretary and I, have appointed Lord Lloyd of Berwick, the Law Lord to carry out the Inquiry into the future need for counter-terrorism legislation in the United Kingdom.

- Lord Lloyd's terms of reference will be as follows:
 - to consider the future need for specific counter-terrorism legislation in the UK if the cessation of terrorism connected with the affairs of Northern Ireland leads to a lasting peace, taking into account the continuing threat from other kinds of terrorism and the United Kingdom's obligations under international law; and to make recommendations.

- The Inquiry will be conducted entirely independent of Government and will be separate from the annual review of the operation of the PTA which John Rowe will be carrying out shortly. As the successor legislation to the EPA is now before Parliament, Mr Rowe will not be asked to carry out an annual review of the EPA this year.

- I am also minded to provide Lord Lloyd with an adviser on Northern Ireland matters. I am presently pursuing the possibility of appointing a senior judicial figure from Northern Ireland to assist in the Inquiry and a further announcement will be made about this after the Second Reading. I will, of course, inform you of the adviser's name in due course.

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