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PRIME MINISTER.

There is also a relevant PQ in tonight's box.

You might mention this to the Chancellor, in view of Mr. Kee's enquiry.
MAD 5/11

MR. PATTISON

Review of the Rights of Entry of Inspectors
into Business Premises

I attach a short Speaking Note, and some Notes for Supplementaries, for the Prime Minister's use at Cabinet tomorrow when she launches the review of rights of entry to be supervised by Mr. David Mitchell.

MJV

(M. J. Vile)

5th December 1979



SPEAKING NOTE

Review of the Rights of Entry to Business Premises

Last month, my attention was drawn to a major piece of research which had been carried out by the National Federation of Self-employed and Small Businesses and the Adam Smith Institute into the rights of entry of inspectors into business premises. They have identified 250 different rights enjoyed by over 200 different types of inspector, and they expect more to be uncovered after the report is published.

2. I have consulted the Secretary of State for Industry and we agree that the Government should review all the existing powers of entry to business premises, especially those which affect small firms, and should consider whether particular powers might be given up or limited in scope. The review will cover all the powers of entry available to the officials of central Government, nationalised industries and local authorities (but not the police, where a Royal Commission is currently examining their powers).

3. David Mitchell, Parliamentary Under-Secretary of State, Department of Industry, who is responsible for small businesses, will supervise the exercise, to make sure that every Department approaches it from a similar standpoint.

4. I would like each Departmental Minister to nominate a junior Minister in his Department to undertake the review in consultation with David Mitchell, and to inform David Mitchell as soon as possible of their nominee. It should be possible to complete it within six months. Departmental Ministers should report their conclusions to me at the end of that period. Mr. Mitchell will collate your findings.

5. Peter Rees is at present undertaking a review of the enforcement procedures of Customs and Excise and the Inland Revenue, as we promised in our Election Manifesto. I agree with the Chancellor that we should not mix up the two reviews. Perhaps the best course would be for Mr. Rees to extend his investigation of the two bodies to cover powers of entry, but he will have to keep in touch with David Mitchell and work on the same basis.

6. I propose to announce our intention of conducting a review of rights of entry into business premises in a Written Answer this afternoon.

NOTES ON SUPPLEMENTARY POINTS

The review concerns business premises, particularly small firms. It will, therefore, have to cover industrial premises and offices. To keep it manageable, it would be best not to review powers of entry into the home and into shops.

The review should cover public sector bodies, including Government Departments and Quangos such as the Health and Safety Executive, local authorities and nationalised industries, but not the police.

The Royal Commission on Criminal Procedure is already examining police powers generally, including their powers of entry. In many respects police powers of entry without warrant are more restricted than those of other bodies. It would be best not to duplicate the review of the Royal Commission: and to exclude the police from the new review.

The proposal is that Mr David Mitchell should take charge of the review, to see that Departments ask the same kind of questions and apply the same standards of judgement. Most of the work would be done in Departments under the supervision of a nominated junior Minister. It would be for Departmental Ministers to reach conclusions about the powers of entry for which they are responsible and to report to the Prime Minister.

The proposal in the Speaking Note for reviewing Customs and Excise and the Inland Revenue visualises that Mr Rees would deal with all questions relating to those two bodies, and would report separately to the Chancellor of the Exchequer and the Prime Minister.

Thursday 6 December 1979

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Mr Richard Alexander (Newark): To ask the Prime Minister, if she will bring forward legislation setting out the rights and duties of officials from all Government departments who have a right of entry to business premises under existing legislation, together with the practice to be adopted in the exercise of such powers.

(Answered by the Prime Minister)

CIRCULATED AS WRITTEN:

I shall be asking Ministers in charge of the Departments concerned to review all those categories of inspectors with statutory powers to enter business premises with a view to seeing that there are no more inspectors than are needed, and their powers are no greater than are necessary, for the efficient functioning of the authorities concerned.

I shall also ask them to consider whether any further measures are needed to ensure that businessmen and private persons likely to be affected are fully informed as to the rights and duties of these inspectors.

I am still considering how best to proceed on this issue.