

cc CO

LAD

Legal Sec

Neil Macfarlane, DES

Giles Shaw, DOE

Peter Rees, HMT

Michael Roberts, WO

Alexander Fletcher, SO

Mrs Lynda Chalker, DHSS

Peter Morrison, DM

Lord Belstead, HO

Norman Lamont, DN

Kenneth Clarke, DTRANS

Reginald Eyre, DOT

David Mitchell, NIO

Philip Goodhart, MOD

Jerry Wiggin, MAFF

MFJ

Home

Affairs



10 DOWNING STREET

From the Private Secretary

18 March 1981.

Dear Anthony

The Prime Minister has seen a copy of your letter of 9 March to Mr. Kenneth Clarke's Private Secretary, about powers of entry into business premises.

She would wish to be consulted about any proposal to change decisions to rescind powers of entry which were taken in the context of the review.

I am sending copies of this letter to those who received copies of yours.

Yours ever

Mike Patterson

A.C.S. Willis, Esq.,
Department of Industry.

6



10 DOWNING STREET

PRIME MINISTER

This letter from John MacGregor's office shows that several Ministers are in the process of renegeing on earlier decisions to rescind powers of entry.

Do you want to take issue on this, given the work that went into the review of powers of entry?

Yes not

MP

16 March 1981



DEPARTMENT OF INDUSTRY
 ASHDOWN HOUSE
 123 VICTORIA STREET
 LONDON SW1E 6RB
 TELEPHONE DIRECT LINE 01-212 0002
 SWITCHBOARD 01-212 7676

From the
 Parliamentary Under Secretary of State's Office

Neil Hoyle Esq
 PS/Mr Kenneth Clarke MP
 Department of Transport
 2 Marsham Street
 London SW1

9 March 1981

Dear Neil,

POWERS OF ENTRY INTO BUSINESS PREMISES

We spoke a few days ago about your Department's decision, following discussions with the British Railways Board and the London Transport Executive, to retain the powers under Section 30 of the Railways Clauses Consolidation Act 1845 and under Section 2 of the Railways Fires Act 1905, which were recommended for revocation in Annex C to Mr Mitchell's report to the Prime Minister of 1 August 1980. I also understand the Department of Energy has decided not to proceed with amalgamation of certain powers as originally recommended. It is possible other Departments may decide to depart from some of the recommendations, either as a result of consultation or for other reasons.

I felt it would be helpful to obtain guidance on this and I have consulted Mike Pattison at No 10. He feels that in view of the Prime Minister's personal interest in the review, it would be sensible if you and other Departments concerned would notify her office of any proposed changes in the recommendations, including those already decided. We in turn would be pleased to see copies of any such letters here to keep a track on changes.

Copies of this letter go to the Private Secretaries of the Ministers responsible for the review, the Legal Secretary, the Lord Advocate, Mike Pattison and David Wright (Cabinet Office).

Yours ever

Anthony

A C S WILLIS
 Private Secretary

Home Affairs

Y SWYDDFA GYMREIG
GWYDYR HOUSE

WHITEHALL LONDON SW1A 2ER
Tel. 01-233 3000 (Switsfwrdd)
01-233 6106 (Llinell Union)



WELSH OFFICE
GWYDYR HOUSE

WHITEHALL LONDON SW1A 2ER
Tel. 01-233 3000 (Switchboard)
01-233 6101 (Direct Line)

Oddi wrth Ysgrifennydd Gwladol Cymru

The Rt Hon Nicholas Edwards MP

From The Secretary of State for Wales

BF 23/6
WJ
16/6

16 June 1981

De Kest

POWERS OF ENTRY

Mr Pattison's letter of 18 March recorded the Prime Minister's wish to be consulted about any proposal to change decisions to rescind powers of entry which were taken in the context of the recent review.

I am writing to you now, not because I intend to resile from my previously expressed intention to revoke my two powers to authorise entry, but because the prospects of early implementation appear to be bleak. John MacGregor's written answer of 4 February envisaged that revocation would be carried out in the normal course of Departmental legislative programmes. However, I have no Bill in prospect in which those revocations could be appropriately included. Given the pressures on the legislative programme generally there is, of course, no question of my Department initiating legislation solely to deal with this minor matter. In practice, therefore, I need to look to colleagues for assistance in finding a suitable legislative opportunity to revoke my powers. Since they are of an "industrial" nature, relating as they do to the activities of the Development Board for Rural Wales and the Welsh Development Agency, the most appropriate vehicle for their repeal appears to be an Industry Bill. However, your officials have told mine that there will not be another Industry Bill during the lifetime of this Parliament. If this is the case, and in the absence of any other suitable Bill, it seems that I shall be unable to honour, at least in the foreseeable future, the undertaking to revoke my powers, much as I would like to do so. If colleagues have any suggestions which would overcome the difficulty I would be glad to hear from them.

Copies of this letter go to the Prime Minister, other members of Cabinet, the Legal Secretary, the Lord Advocate and to Sir Robert Armstrong.

J es
Niel

The Rt Hon Sir Keith Joseph Bt MP
Secretary of State for Industry
Department of Industry
Ashdown House
123 Victoria Street
LONDON
SW1E 6RB

Home Affairs



DEPARTMENT OF TRANSPORT
2 MARSHAM STREET LONDON SW1P 3EB

W Rickett Esq
10 Downing Street
LONDON
SW1

8 June 1981

*WM
10/6*

Dear William

In Mike Pattison's letter of 18 March to Anthony Willis at Department of Industry about his letter to meet about powers of entry into business premises, he said that the Prime Minister would wish to be consulted about any proposal to change decisions to rescind powers of entry which were taken in the context of the review.

Our Ministers had not in fact taken any decision to retain the two powers of entry in question and they remain committed to their abolition. Our proposals are not welcome to British Rail and London Transport which means that repeal could be controversial and attacked on the grounds that it was anti-railway. We intend to include repeal in our longer term legislative programme and make provision in the next suitable bill. It does not, however, seem likely to my Ministers that we can include them in the legislation we are proposing for next session, from which we have already agreed to delete one or two items in the interests of brevity.

Copies of this letter go to Anthony Willis and to those to whom he sent copies of his letter of 9 March and also to Sadowski in Mr Wiggin's office.

*Yours sincerely
C R Edwards*

C R EDWARDS
Private Secretary



FROM THE
PARLIAMENTARY SECRETARY

A C S Willis
Private Secretary to
Mr MacGregar
Department of Industry
123 Victoria Street
London SW1A 0AA

DEPARTMENT OF ENERGY
THAMES HOUSE SOUTH
MILLBANK
LONDON SW1P 4QJ

01-211 3000
Direct: 211 3390

10 April 1981

Reur Tony

POWERS OF ENTRY

I have seen your letter of ~~8~~ March (unfortunately only received on 19 March) and Mike Pattison's reply of ~~18~~ March.

There may be a couple of points which I should clear up in case there is any misunderstanding. I think you are aware that there was never any firm recommendation to amalgamate the eleven BGC powers. (Of course, there was never any proposal that we should rescind these powers, merely amalgamate them without reducing their scope.)

Mr Lamont's report of 3 June and letter of 9 July made clear the provisional nature of the recommendation and our need to have BGC's advice before making a decision. This position was reflected in Mr Mitchell's report to the Prime Minister of 1 August. Consultation with BGC revealed that the amalgamation would not produce simpler or shorter provisions and would take up Parliamentary time to no practical benefit. We therefore decided it would not be sensible to amalgamate these provisions and your officials were accordingly told in January. I am sure that you will agree that there is no question of our going back on a decision or firm recommendation.

I am copying this letter to Mike Pattison.

Jonathan Price

J V PRICE
Private Secretary



PARLIAMENTARY UNDER
SECRETARY OF STATE

DEPARTMENT OF ENERGY
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Have Affair

The Rt Hon Nicholas Edwards MP
Secretary of State for Wales
Welsh Office
Gwydyr House WHITEHALL
SW1A 2ER

WM 1/7

30 June 1981

Daw Niek

POWERS OF ENTRY

I have seen your letter dated 16 June, and can offer you the rather uncertain possibility of a place in the Energy Miscellaneous Provisions Bill which I hope to see in the programme for 1982/83. (The Bill will deal, inter alia, with the revocation of 3 powers of entry in my field). The uncertainty, of course, arises from the tentative nature of all bids for that programme and the fact that policy clearance for the main item in the proposed Bill has not yet been secured.

You may care to consider this possibility if colleagues have none better to offer, and if you decide to take the matter further your officials could approach mine.

I am copying this to the Prime Minister, members of the Cabinet, the Legal Secretary, the Lord Advocate and Sir Robert Armstrong.

NORMAN LAMONT

Jr -

Norman

How Affairs

DEPARTMENT OF INDUSTRY
 ASHDOWN HOUSE
 123 VICTORIA STREET
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TELEPHONE DIRECT LINE 01-212 3301
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Secretary of State for Industry

25 June 1981

The Rt Hon Nicholas Edwards MP
 Secretary of State for Wales
 Welsh Office
 Gwydyr House
 Whitehall
 London SW1A 2ER

WM 26/6

Dear Nick

POWERS OF ENTRY

Thank you for your letter of 16 June.

2 I understand that it may not prove possible to revoke your two powers for some time because of the lack of legislative opportunity. Unfortunately, I am unable to help at present and I imagine other colleagues face the same problem.

3 There are no plans for another Industry Bill in the lifetime of this Parliament. However, officials of this Department have undertaken to keep the Welsh Office informed if any legislation arises in which the revocation of your powers of entry could be included. I should be grateful if colleagues in other departments would inform you of any appropriate opportunity.

4 I am copying this letter to the recipients of yours.

Ken

Ken