

15 April 1983
Policy Unit

PRIME MINISTER

POLICE AND CRIMINAL EVIDENCE BILL

Prime Minister: Shall
I ask the Home
Office for a note on
the background to X and Y
(Both were recommended by the

Royal Commission
on Criminal Procedure)

JR 15/4

The amendment to the Bill announced yesterday by the Home Secretary, about the confidentiality of medical and other information, does remove some of its most contentious provisions.

But there are several other clauses to which equally cogent and powerful objections exist. I think we can meet the more important of these without undermining the Bill's value for the fight against crime. Specifically:

- X | (a) Clauses 32-36 which permit the detention of a suspect for up to four days in certain circumstances. There is something alien and un-English about this provision, which has been attacked by the Law Society, Criminal Bar Association and the Magistrates' Association. As David Hart pointed out, this is the provision which "the street" does not like the sound of. The maximum period for detention could safely be reduced by half.
- Y | (b) Clauses 43-51, dealing with body searches of suspects. The proposed power to enable police to carry out intimate searches without the consent of the suspect appears, as some critics have pointed out, to permit a form of authorised assault or worse. The BMA, Law Society and Criminal Bar Association are among those against it.

Attention to these matters would allay many of the fears of the responsible and authoritative bodies who have spoken out against the Bill. It would not, of course, satisfy the NCCL or the GLC Police Committee, but something might be wrong if we were not being attacked by them. Objections still remain to increased police powers of stop and search and of arrest, on changes in the law of evidence in criminal proceedings, and of the proposals for the new consultative arrangements and for complaints procedure. But we can probably weather these in the interests of more effective crime fighting.

I suggest that we ask the Home Secretary whether he intends to have another look, particularly at Clauses 32-36.

FERDINAND MOUNT

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Home affairs: Rights of
entry Pt 2