

CONFIDENTIAL

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27 JUN 79

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N.D. 28/6

cc PS/S of S (B & L) - M
PS/Mr Alison (B & L) - M
PS/PUS (B & L) - M
Mr Dugdale
Mr Burns
Mr Lane
Mr Marshall - M
Mr Corbett - M
Mr Cromey
Mr Buxton - M
Mr Wilson - M
Mr Davenport
Mr Gee

Mr Hannigan

BENNETT REPORT

As you know, the Chief Constable stayed behind after today's security review meeting for a word with the Secretary of State and Mr Alison about the Bennett Committee's recommendation that the solicitor's interview after 48 hours should be out of hearing of the police. Sir Brian Cubbon, you, Mr Parker and I were also present. Chief Inspector Masterson accompanied the Chief Constable.

The Secretary of State said that he and Mr Alison were in sympathy with the Chief Constable's point of view on this subject, but if the RUC departed from Bennett's recommendation this would have to be defended in the House of Commons and it would be helpful to know the arguments which lay behind the Chief Constable's thinking. The Chief Constable said that he was anxious to have a check on what was said between the person in police custody and his solicitor in case anything was said which would tend to hinder the course of justice. Unfortunately, some of the solicitors who might be involved in these cases were liable to help the Provisional IRA. In general discussion it was pointed out that the Bennett Committee had considered the arguments in favour of having a policeman present but had, nevertheless, formulated a recommendation that he should not be present. Ministers might be represented as going back on an announcement that they had accepted the Bennett recommendation in this field. There could be difficulties in Westminster and internationally, particularly in the USA.

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The Secretary of State said that it might be helpful if the Chief Constable's conclusion was that the interview might be conducted within hearing as well as within sight of the policeman rather than it invariably would be. The Chief Constable confirmed that he would not want a policeman to be present in every case. It was agreed that the Attorney General should be consulted further about the issue before the Secretary of State reached a final decision.

I should be grateful if you could arrange for matters to be taken forward quickly against the background of the Debate in the House of Commons on Monday 2 July.



J G PILLING
Private Secretary
25 June 1979