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From S G HEWITT
28 October 1988

Mr Miles (1)

cc Mr A W Stephens (2)
Mr A Wilson (3)
Mr Jackson (4)

IC BRIEFING

I am asked by SIL to include a brief on the security review. The outstanding business which falls to my division is the PT Bill although the controversial provisions on remission are being handled elsewhere. Nevertheless I have tried my hand at a brief and I should be most grateful for comments both on its accuracy (from Mr Jackson) and its philosophy from you.

[signed]

S G HEWITT
Law and Order Division
28 October 1988

Note for the record

I have spoken to Mr Hewitt about this. The note, which for obvious reasons does not go into detail, is accurate assuming that the provisional decision is for $\frac{1}{3}$ remission on sentences of 5 years or more for EPA scheduled offences is confirmed.

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PREVENTION OF TERRORISM BILLIntroduction

1. The Prevention of Terrorism Bill is likely to contain two new provisions on remission which arise from the security review. Neither will be welcomed by the Irish. The Secretary of State may wish to use the opportunity provided by the Conference to inform the Irish of what is proposed.

Background

2. The main provisions of the PT Bill may be summarised as follows:
- a) A continuation of existing powers of proscription, exclusion, arrest and detention.
 - b) Provisions dealing with terrorist finances including an entirely new offence; new police powers of investigation (which will be exercised in Northern Ireland by executive trigger); and new power of forfeiture and restraint.
 - c) New arrangements for the review of individual cases of police detention under the Act.
 - d) An explicit power to allow the security forces to detain people during the searching of private dwellings
 - e) Provisions for the reactivation of remission for persons convicted of scheduled offences.
 - f) A reduction in remission from one half to one third for persons convicted of scheduled offences and sentenced to terms of 5 years or more.

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3. The Irish have been fully briefed on (a) (b) and (c) - the main provisions of the Act which will apply on a UK-wide basis. They have expressed some concern about the use of the executive trigger but the reasons for this approach in Northern Ireland have been fully explained.

4. They have not yet been informed of the purely Northern Ireland aspects of the bill including the two provisions relating to remission. On present plans, it is intended that they should be briefed by officials once the final drafting has been settled and before the details are made known to Parliament. They can be expected to oppose these new provisions and to express concern about their impact on the situation in the Prisons. In view of his commitment to keeping the Irish informed of progress on the security review, the Secretary of State may wish to warn Mr Lenihan, in fairly general terms, of what is proposed.

Line to Take

5. For some time now, we have been concerned about the reinvolverment in terrorism of persons released from Prisons in Northern Ireland. A study completed last year suggested that as many as one-third of terrorist offenders became reinvolved within 18 months of their release. Other statistics show that as many as 40% of terrorist prisoners are reconvicted within 2 years of their release from prison. We are therefore urgently examining the present arrangements for remission to see whether it is possible to create greater deterrents to reinvolverment. We hope to use the Prevention of Terrorism Bill to bring forward two new provisions: the first will ensure that anyone reconvicted of a terrorist offence will be required to serve the outstanding part of a previous sentence before beginning any new period of imprisonment; the second will reduce remission from one half to one third for persons sentenced to terms of imprisonment of 5 years or more for serious terrorist offences. We believe such provisions are necessary in order to deter people from reinvolvering in terrorism and to ensure that those who commit serious offences will serve a realistic term in prison.

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