

~~TOP SECRET~~  
Taken from 'Hd of XNP's BOARD Folder - April 95 - July 95 Sats

To:

Mr Gibson  
PP9/President

cc:

Mr Meadway XNP  
Mr Burns Inv

From:

Hugh Savill  
SC XNP  
141 KH  
215-4377

22 June 1995

BMARC : DR CLARK PQs FOR MOD

### Recommendation

1 You should ring Mr King to say:

(a) if MOD are giving these unforthcoming answers on legal advice, they would be better advised to say so on the face of the answer. This would explain to the Opposition why they will get no substantive answer, and give less of an impression that MOD are being wilfully unforthcoming;

(b) we can accept that all Ministers and officials should stick to this line as regards the ex-MOD Police papers, but DTI will have to make its own assessment for similar questions as regards the Astra Company Inspectors' papers. Different legal considerations apply.

### Background

2 Arthur Rucker has spoken to John Meadway as suggested in paragraph 3 of Mr King's letter. Paragraph 1 (a) above is based on John's advice to Mr Rucker.

3 I have spoken to Mr Burns about the position of Company Inspectors' papers ( caveat, my words follow, not his). He says that DTI similarly would not tell Parliament what was in them. However, native caution suggests that you should cover our position as in paragraph 1 (b). I have no idea how far MOD would expect such a commitment to stretch.

4 Mr Burns also says that the line of no information about both Company Inspectors' and Receiver's papers holds good until there is a Court Order (see para 4 of Mr Flynn's minute to you yesterday). There are doubtless good legal reasons for this, but I can foresee a presentational problem if the Opposition choose to caricature the situation as one where they are being wilfully denied access to information by the Government, which is available to anyone in possession of a Court Order - and then maybe passed to the Press. This reinforces Mr Meadway's advice about putting the legal reasons up front.

HUGH SAVILL

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