

cc Mr Andrew  
Mr Phillips  
Mr Pilling

[REDACTED]

SpB ch

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HOME OFFICE  
QUEEN ANNE'S GATE  
LONDON SW1H 9AT

BA 9/5

SIR BRIAN CUBBON KCB

PERMANENT UNDER SECRETARY OF STATE

28 April 1983

SyS Officer

[REDACTED]

SPECIAL BRANCHES

Ken Oxford, on behalf of ACPO, instigated a discussion here recently about the role of Special Branches and what should be said about them in Chief Constables' annual reports. There was no formal record of the meeting but it resulted in the first instance in a letter from Hayden Phillips to Ken Oxford which ACPO have sent to all chief officers. I attach a copy.

The general view of the meeting was that there was a case for reviewing the terms of reference of Special Branches which were circulated by Ken Oxford in an earlier capacity on 15 June 1970. The police representatives felt that for the most part the 1970 work had stood the test of time but that we should take account of developments since then such as the tasks associated with the prevention of terrorism and that it might be worthwhile considering whether more useful guidance could be produced on subversion and industrial disputes. We felt that it might be possible to be more explicit about the relationship between the Security Service and the police on subjects covered by your charter and that the document could be made more effective by being made shorter. Both we and the police thought that the Home Office, on behalf of the Home Secretary, should take some responsibility for the guidance by issuing any revised version.

Following your letter of 6 December 1979 to David Heaton we took the view that work on this subject should not have a high priority. But I am sympathetic to the view that it is worth exploring the possibility of modest improvements which might be achieved without any risk of putting fresh vigour into the public debate about the work of Special Branches.

It would seem to me to be a mistake not to respond to Ken Oxford's initiative. I have asked Joe Pilling to chair a preliminary discussion here to consider in a little more detail the case for a review and the scope for improvement and to work out how best to carry the work forward. ACPO and the Metropolitan Police will be represented. I hope that you will be able to nominate a representative. The choice is, of course, entirely for you but for the kind of discussion I envisage it strikes me that

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SyS Officer

to carry the work forward. ACPO and the Metropolitan Police will be represented. I hope that you will be able to nominate a representative. The choice is, of course, entirely for you but for the kind of discussion I envisage it strikes me that [redacted] would be appropriate.

SyS Officer

*Yours ever  
Brian*

[redacted] SyS Officer [redacted]



[REDACTED] S/B  
HOME OFFICE  
QUEEN ANNE'S GATE  
LONDON SW1H 9AT  
31 March 1983

K G Oxford Esq CBE QPM CBIM OSTJ  
Chief Constable  
Merseyside Police  
PO Box 59  
LIVERPOOL  
L69 1JD

*Joe Rees*

SPECIAL BRANCHES

When a number of us met here on 18 March, we agreed that, rather than produce a formal note of the meeting, I would write to you to summarise the present position on the functions of Special Branches and public references to them. You thought that it might be useful for a copy of my letter to go to each chief constable and, to enable that to be done, I am sending a batch of copies to Brian Morrissey so that, if you wish, he could circulate them on your behalf to your colleagues.

For the record, I should mention that you were accompanied by Brian Hayes, Gilbert Kelland, Colin Hewett and Brian Morrissey, and I was accompanied by Joe Pilling and [REDACTED].

We re-affirmed that the terms of reference circulated under cover of your letter of 15 June 1970, on behalf of the ACPO CID Committee to all chief constables, still applied although it was agreed that you and we would discuss with the Security Service whether some revision of the terms of reference might now be appropriate to take account of developments in the last thirteen years. I shall be in touch with you separately about that.

Since 1970, the definition of subversion was expanded somewhat in a statement by Lord Harris of Greenwich in the House of Lords on 26 February 1975. That definition was endorsed by Mr Brittan on behalf of the present Government in a speech in the House of Commons on 7 November 1979. I attach copies of an extract from Lord Harris's speech, and the whole of Mr Brittan's speech.

In the case of public references to Special Branches, the then Home Secretary's (Mr Rees) speech of 24 May 1978 in the House of Commons included the following passage:

"I have no objection to giving the numbers in the Special Branch. Perhaps that has not been done before. The Metropolitan Police Special Branch numbers 400. There are about 850 officers in other forces in England and Wales engaged on what might be regarded as Special Branch work. About 300 of them are employed at the ports, though not all are Special Branch officers."



[REDACTED]

Since 1978, our advice on behalf of successive Home Secretaries has been that in their annual reports, chief constables should give the number of officers serving in the Special Branch. References to the work of Special Branches should be cast in general terms with specific references only to work in relation to the prevention of terrorism, and aliens and naturalisation enquiries.

I hope that this summary and recapitulation of the present position is helpful.

I am copying this letter to Gilbert Kelland and Brian Hayes, as well as to Brian Morrissey.

*Yours ever*

[REDACTED]

G H PHILLIPS

SUBVERSION (Hansard, 26 February 1975)

The Minister of State at the Home Department (Lord Harris of Greenwich) said:

"..... Subversive activities are generally regarded as those which threaten the safety or well being of the State, and which are intended to undermine or overthrow Parliamentary democracy by political, industrial or violent means. Militancy in the pursuit of trade union or other disputes with employers is obviously not necessarily subversive. We might define terrorism, for the purpose of this debate, as the use of violence or political ends. Not all subversive organisations are terrorist organisations. Terrorist groups generally have subversive aims, but not all the groups which have operated against British interests have the aim of subverting Parliamentary democracy in this country".

[Mr. Rees.]

Three men are now required to protect one person, and that means that to protect 30 more people 90 more officers are required. Each conference that occurs in London makes a large demand on numbers. That ought to be understood, because by itself the numbers game gives the wrong impression. My hon. Friend prompted me a year ago to realise that, and he did a great service.

12.15 am

**The Minister of State, Home Office (Mr. Leon Brittan)**: As the hon. Member for Edinburgh, Central (Mr. Cook) said, this is the third time that he has initiated a debate of this sort. It has become an annual event. I welcome the opportunity of making my debut on this annual event. It is especially appropriate that the subject should be raised this year because of the particular burdens that have been imposed upon the Special Branch.

I know that those concerned will welcome the fact that this year the hon. Gentleman has felt able to say that most of the work of the Special Branch is of an entirely non-controversial character. It needs stressing that the role of the Special Branch is less dramatic than its critics seek to make out. It is concerned with offences against the security of the State, with terrorist or subversive organisations, with assisting the uniformed police in the maintenance of order, with certain protection duties, with keeping watch on airports and seaports and with making inquiries about aliens.

In the year since the last debate on this subject there have been the deaths through terrorist activity of our late colleague Airey Neave and Earl Mountbatten of Burma, as well as three IRA car bombs and a spate of letter bombs, the murder of a former Prime Minister of Iraq, and a machine gun and grenade attack on an El Al coach. In these circumstances, there can surely be no questioning the importance of the work of the Special Branch. Much of its work is painstaking and time consuming. To take an even more topical example, the burden imposed by the security arrangements associated with the current Lancaster House conference, or with the recent visit by the Prime Minister of the People's Republic of China, is considerable. I am glad to be able to pay tribute to the way

in which these burdens have been shouldered.

There has been one other comparatively topical matter referred to in the debate—namely, the data protection committee chaired by Sir Norman Lindop, and the recommendations made in the report. An interim position has been reached. Wide-ranging consultations on the report were initiated by the right hon. Member for Leeds, South (Mr. Rees) when he was Home Secretary. The consultations are still proceeding. My right hon. Friend the Home Secretary intends to consider the committee's report in the light of the wide-ranging consultations that were initiated by his predecessor, which have not yet concluded. I am sure that the House will agree that that is the right course to adopt.

I must remind the hon. Member for Edinburgh, Central that the committee recognised that special consideration must apply to computer data involving national security. How one relates that to the whole is something to which we may have to return on a future occasion.

**Mr. Dalyell**: A feature that is worrying many in the consideration of the Lindop report—incidentally, when are conclusions likely to be reached?—is what consideration is being given to the use of information collected for one purpose and used for another.

**Mr. Brittan**: That is bound to be one of the matters that is being considered. When conclusions have been reached, they will be made public.

The brunt of the remarks of the hon. Member for Edinburgh, Central were directed to the activities of the Special Branch concerned with subversion. The hon. Gentleman sought to ask whether we as the incoming Government continue to accept the definition of subversion that the previous Labour Government stated when asked about these matters. I think that the answer is "Yes." The definition that I shall quote is slightly different in wording from the one referred to by the hon. Gentleman, but it comes to much the same and it derives from a former Minister of State, Home Office, Lord Harris of Greenwich. The noble lord defined subversion as

"activities . . . which threaten the safety or wellbeing of the State, and which are intended to undermine or overthrow Parliamentary

democracy by political, industrial or violent means."—[*Official Report, House of Lords*, 26 February 1975; Vol. 357, c. 947.]

That suffices to show that even if what has been described as subversion does not, at least in its early stages, amount to criminal activity in itself, it is not just a question of taking an interest in activities of a political character for which one does not care, labelling them with an unattractive label and enabling scrutiny and surveillance to be exercised over them.

I do not think that it is fair or right to suggest that the Special Branch is interested in legitimate political or industrial activity. Let us consider the example that was given concerning demonstrations against the Government's proposals for stabilising public expenditure. Whatever one's views about the proposals, one would not question a person's entitlement to express doubts about the wisdom of those proposals. Engaging in such demonstrations is not subversive.

**Mr. A. J. Beith (Berwick-on-Tweed):** Does not the definition that the Minister has quoted extend to the man who stands for Parliament, quite properly and legitimately, on a platform that would involve the ultimate closure of Parliament?

**Mr. Brittan:** I do not think so, because of the first limb of the definition. The definition is such that both limbs must apply before an activity can properly be regarded as subversive. That first limb is that the activities must be those

"which threaten the safety or wellbeing of the State".

I do not think that that limb would apply in the circumstances to which the hon. Gentleman referred.

I wish now to take up the reference to the Hull university student. I note the point of the hon. Member for Edinburgh, Central. The chief constable of Humber-side appointed a senior officer from another force to look into the matter. That officer's report was submitted in the usual way to the Police Complaints Board. The fact that that happened shows that the Special Branch is accountable to the public in the broadest sense of the word. That procedure illustrates that it is accountable in the same way as are the operations of any other members of the police.

12 P 21

I understand that the Board has recently found that the student's specific complaints were not substantiated and that no disciplinary proceedings against the officers concerned were called for.

The hon. Member for Kingston upon Hull, Central (Mr. McNamara) raised more general points about the case with the right hon. Member for Leeds, South (Mr. Rees). These more general matters are still being looked into, and we shall shortly be contacting the hon. Gentleman on these points.

It was suggested that more information should be available about the Special Branch than has been the case hitherto. There was reference to the degree of information about Special Branch activities contained in the annual reports of chief constables. The hon. Member for Edinburgh, Central was good enough to say that half of these reports now included references to the Special Branch. The right hon. Member for Leeds, South also indicated that for his part there need be no coyness about that. As the right hon. Gentleman readily made clear, however, what is or is not included in a chief constable's annual report is a matter for the chief constable. That is right.

It would be wrong for a Home Secretary to direct that particular information should be contained in a report. If that happened, the concept of the special position of the police would disappear. None the less, those concerned with producing these reports have clearly heeded what has been said in the House on previous occasions. The dramatic increase of information has made that point clear. I do not doubt that today's debate will be similarly heeded, and I have no wish to dissuade those responsible for these matters from listening to the observations.

We should face the fact that much of the work of the Special Branches precludes it from being conducted in the full glare of public scrutiny. It would be idle to pretend the contrary. The hon. Member for Edinburgh, Central speculated about the numbers of files and other matters. Little credence can be given to such figures. Those who seek to undermine our democratic institutions or put the public to fear often operate covertly and by stealth. Police action to counter that cannot be effective if it is conducted in public. It would not be in the public

[Mr. Brittan.]

interest for detailed accounts of Special Branch operations to be given, as these are often bound to be concerned with matters affecting security. The sort of information that is contained increasingly in chief constables' reports falls into a different category.

The nature of the handling of complaints about the Special Branch shows that the complaint of lack of accountability is unfair. Indeed, there is no such thing as the Special Branch. It is not a national organisation. The Metropolitan Police has traditional responsibility for co-ordinating the collection of information on certain activities but each of the 43 police forces in England and Wales has its own Special Branch. Postings to the branch are a normal part of ordinary police duty. Special Branch officers have no special powers but are subject to the police discipline code and the law of the land in exactly the same way as is any other officer. The complaints procedure, set up by the House, provides a measure of accountability for them in exactly the same way as it applies to other members of police forces.

The work being carried out by members of Special Branches is of vital

national importance. That importance has been highlighted by the events of the last year. Although the opportunity to examine the extent and accountability that can be provided for these matters is welcomed, it should be recognised that in the nature of the work it is not possible to submit it to the full glare of publicity.

**Mr. Dalyell:** Will the Minister clarify the time scale of action on Lindop? What will the Government do? Is it a question of "one of these days" or "none of these days"?

**Mr. Brittain:** I assure the hon. Gentleman that the matter is being looked at with the normal and proper degree of urgency. It is a complex matter, and it is not easy to arrive at the right solution in response—

*The Question having been proposed after Ten o'clock on Wednesday evening and the debate having continued for half an hour, Mr. DEPUTY SPEAKER adjourned the House without Question put, pursuant to the Standing Order.*

*Adjourned at twenty-nine minutes past Twelve o'clock.*