

cc: Mr [redacted]
Mr [redacted]
Mr [redacted]
Mr Partridge
Mr Hilary
Mr Boys-Smith
Mr Harrington

Mr [redacted]
Public Relations Branch

SPECIAL BRANCH AND SURVEILLANCE GUIDELINES

I attach for your information copies of these two sets of guidelines, both of which will be issued on Wednesday, 19 December. The two sets of guidelines are independent documents, and it is simply co-incidental that work on them has been completed at about the same time, so that they will be issued simultaneously. For different reasons, however, it was important for each set of guidelines to be issued before Christmas. Simultaneously with their issue to chief constables the two sets of guidelines will be made public by different routes, and this is likely to attract press attention.

2. The Special Branch guidelines replace ACPO terms of reference issued in 1970. Those terms of reference were classified, and we have consistently refused to make them available to the public or to police authorities. Work on the preparation of the new guidelines began in 1983, and the main purpose of the revision was to take account of developments since 1970, particularly the growth in terrorism and the new responsibilities placed on Special Branches by the prevention of terrorism legislation. It has, however, been recognised that there would be pressure to make the new guidelines public (though the fact of the review has not been announced), and evidence to the Home Affairs Committee enquiry on Special Branches has confirmed the strength of the demand for publicly available guidelines. The new guidelines therefore are not classified and a copy of them will be sent to the clerk of the Home Affairs Select Committee for the Committee's information.

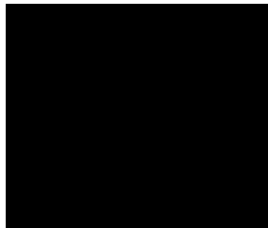
3. The surveillance guidelines have their origin in the incident at Talysarn in North Wales in 1982 when a bugging device planted by police officers was discovered in a telephone box in North Wales. The then Home Secretary, Lord Whitelaw, promised a review of the existing 1977 police surveillance guidelines which were placed in the House of Commons Library after the incident. The new guidelines will similarly be placed in the Library, and their publication will be announced by means of an arranged PQ also on Wednesday. The main differences between the new guidelines and the 1977 document are set out in the text of the answer, of which a copy is enclosed. The answer also makes it clear that we do not intend to publish statistics on the use of surveillance devices by the police.

4. The main points to bear in mind in responding to press enquiries are I think the following:

- 1. The two sets of guidelines are the culminations of separate exercises which have happened to be completed

at about the same time. The surveillance ^{guidelines} will, however, apply to the work of Special Branches in the same way as to other police work.

2. The review of the Special Branch guidelines began well before the Home Affairs Committee started its present enquiry. But as the review was completed during the Home Affairs Committee's enquiry, it was felt desirable to publish them and make them available to the Committee to assist it in the remainder of its enquiry. The new guidelines are not a response to pressure or in any sense an admission that recent allegations about Special Branch activities are true (eg, the allegation that CND's telephones have been tapped and its mail interfered with).
3. The surveillance guidelines are considerably tighter than the old ones and effectively rule out a repetition of the kind of incident that occurred at Talysarn. They do not however cover interception as such, which continues to be controlled by the 1980 White Paper arrangements. There will be a White Paper in the New Year describing the Government's proposals for legislation on interception.



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