



CONFIDENTIAL - POLICY

Prime Minister

REFORM OF THE PREVENTION OF TERRORISM LEGISLATION AND FUTURE OF EXCLUSION ORDERS

Mo Mowlam and I have been considering the future of the Prevention of Terrorism (Temporary Provisions) Act 1989 (PTA) and the Northern Ireland (Emergency Provisions) Act 1996 (EPA). I have also been considering when it might be appropriate to revoke the 15 orders which remain in force.

2 The purpose of this letter is to let you know our conclusions and to seek your, and colleagues' agreement to:

- our publishing a consultation document early in the New Year on the options for permanent UK-wide counter-terrorism legislation;
- my intention to revoke all remaining exclusion orders if the IRA ceasefire continues to hold; and to my
- announcing both in mid-October.

Reform of the counter-terrorism legislation

3 You will recall that we have long held the view that the existing PTA/EPA framework requires fundamental reform, and that it should be replaced by permanent UK wide legislation. This will be a major enterprise, technically complex as well as controversial. But Mo and I believe that the time is now right to take forward the necessary work on this forward.

4 We propose therefore to publish a consultation document early in the New Year on the options for new counter-terrorism legislation. (Mo would have liked this ready before Christmas, but I do not think this is practical, and in any event too early a consultation period would make for difficulties when the PTA comes up for renewal in February/March).

5 I intend that the consultation paper should draw on the recommendations made by Lord Lloyd in his Report of his Inquiry into legislation against terrorism last year but that it should not be confined to those matters. Our aim would be to have a Bill ready for introduction in the next Parliamentary Session (probably in late 1998). This would allow the new legislation to come into force before the expiry of the EP Bill which Mo will be introducing later next month. Her new Act, once in force, will expire in August 2000. We would not of course make any public commitment to legislate by a given date.

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TOP - JEH
 Prime Minister
 sensible stuff but
 all welcome to
 Nationalists, not
 Unionists, and not
 helpful in keeping Trimbale
 engaged. Mo will probably
 travel back with us on Monday
 - discuss then?
 C! PB
 AC
 PV.
 JH
 7/1x.

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Exclusion orders

6 I have also been reviewing the need for the current exclusion orders in the light of the restoration of PIRA's ceasefire and the start of substantive talks on 15 September. Circumstances have now changed in Northern Ireland. I have now concluded that provided PIRA's ceasefire continues to hold, it is no longer necessary for them to remain in force. I propose therefore to revoke all of those currently in force and to announce at the same time my intention to allow the exclusion powers to lapse when the PTA comes up for renewal next year.

7 I should have liked to make it clear in my announcement that I would not be making any further use of the powers but I am advised that I cannot properly fetter my discretion in that way. Whilst the powers exist, it will of course be open to the police to apply for an order if they believe one to be necessary. And each case will as now have to be considered on its merits.

Handling and timing of announcements

8 The Irish Government and nationalist community will clearly see the revocation of the exclusion orders as an important confidence-building measure. But it may attract criticism from the Unionists etc. The timing and handling of any announcement will therefore be crucial.

9 Mo and I believe that it would be sensible to combine my announcement on exclusion orders with the announcement of our intention to consult publicly on the shape and content of any future counter-terrorism legislation. There is a clear link between the two and combining them would we think have obvious presentational advantages.

10 Mo is keen to make the above public as soon as possible. In particular, she wants to have something positive to say about the long-term future of the EPA when she introduces the new Emergency Provisions Bill at the end of October. Subject to colleagues' views we propose to issue a joint press statement, supplemented by interviews if necessary, in mid-October.

11 I am copying this minute to IN colleagues, Donald Dewar, Ann Taylor and to Sir Robin Butler. I should be grateful for responses by 10 October.

Jack Haw

6¹⁵
October 1997

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