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FROM THE RIGHT HONOURABLE THE LORD IRVINE OF LAIRG

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HOUSE OF LORDS,
LONDON SW1A 0PW

30 September 1997

The Right Honourable
Dr Marjorie Mowlam MP
Secretary of State for Northern Ireland
Stormont Castle
Belfast BT4 3ST

*File
M. M.*

Dear

*Mo,***NORTHERN IRELAND - CERTIFICATION OF SCHEDULED OFFENCES**

I have seen your correspondence with the Attorney General and the Lord Chief Justice of Northern Ireland about your revised proposal to put the duty on the judges to decide, in light of a general statutory test, whether each individual case should be certified in. I have also discussed the proposal with the Attorney General.

I fully understand why you are anxious to press forward with these revised proposals. However, on this occasion, I think that the Lord Chief Justice has a case (his letter of 29 August). I know you share my concern not to endanger the Northern Ireland judiciary's hard-won reputation for impartiality and I believe there could also be a potential problem about the burden of work.

I understand from the Attorney General that you are considering reducing the number of scheduled offences. I agree with the Lord Chief Justice that, if this were possible, the burden on the Attorney of considering cases for certification out would be substantially decreased. This may therefore be a realistic and sensible alternative to 'certifying in'.

I am copying this letter to the Prime Minister, Members of IN Committee, the Secretary of State for Scotland, the President of the Council, the Chief Whip, the Captain of the Gentleman at Arms, the Attorney General and Sir Robin Butler. I will also be writing to the Lord Chief Justice to convey my views to him.

Yours *ever,**Devon*