



Prime Minister:

The Home Secretary
seeks legislative
clearance for a drugs
bill

QUEEN ANNE'S GATE LONDON SW1H 9AT
13th August 1985

Dear Willie,

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LEGISLATIVE PROGRAMME 1985-86

As colleagues know, I have prepared a set of proposals for legislation on the confiscation of drug traffickers' assets. These proposals comprise a requirement for the Crown Court to impose confiscatory fines on drug traffickers, and for such fines to be enforced by proceedings in the High Court, resulting in the confiscation and disposal of their assets or of assets which they have passed on to third parties otherwise than for full value; power for the High Court, on the application of the investigating or prosecuting authorities, to make interim restraint orders in respect of the assets of a person accused of drug trafficking (including assets transferred to third parties otherwise than for value); enforcement in England and Wales of confiscation or restraint orders made in other jurisdictions, on a reciprocal basis; increased periods of imprisonment to be served for default in payment of large fines imposed for drug trafficking; a new offence of handling the proceeds of drug trafficking; provisions enabling third parties to be required to give information about the movement or disposal of the proceeds of drug trafficking. I have put the proposals to H Committee in correspondence, and I understand that you will shortly be giving policy approval on behalf of H Committee, subject to the Treasury's acceptance of the outcome of further work being done on resource implications.

We are under strong pressure, not least from our own supporters, to legislate as soon as possible; and the Prime Minister has indeed said that legislation will be brought forward next session. I had originally thought that a Bill might be handed to a Private Member who gained a high place in the ballot, and instructions have already been sent to Parliamentary Counsel on that basis. However, for the reasons given below I believe that in both political and practical terms this would be an unsatisfactory way in which to handle the matter, and I now seek colleagues' agreement to adding to next session's programme a Government Bill on confiscation of drug traffickers' proceeds.

The need for such a measure is accepted by all Parties, and by others who speak with authority on the subject, such as the Lord Chief Justice. The credit to be gained by bringing it forward will be seen to accrue more directly to the Government if it forms part of our own programme. This is a point which Edward Gardner and John Wheeler have already, on their own initiative, made in a letter to the Prime Minister. I am sure that their view would be widely shared on the back benches.

Although the principle of the Bill is not contested, there will be a need for a full and convincing explanation of how its provisions, which on some points will necessarily be complex, are going to prove effective in practice. This can best be done by Ministers who are directly in charge of the Bill and are seen to carry full responsibility for its contents, rather than appearing to intervene from the sidelines. A Bill covering all the matters summarised in the first paragraph of this letter will, I envisage, be of medium length and of a weight greater than that which is normally thought suitable for Private Members to handle. Early enactment is desirable, because there will then be a good deal of work to do on the necessary additions to the Rules of the Supreme Court and other preparations which cannot be carried very far before the Bill obtains Royal Assent.

I hope that you and our colleagues will agree that on these grounds the balance of advantage clearly lies with making it a Government Bill. There will be an opportunity to discuss this, I understand, at the QL meeting on 11 September.

Since we shall also be discussing on 11 September The Queen's Speech at the opening of the new session, it may be helpful if I suggest the following as a suitable form of words for use if QL Committee decide that a Bill on confiscation of drug traffickers' assets should be included in the programme:

"A Bill will be introduced to provide the courts with power to confiscate the proceeds of drug trafficking, and to penalise the handling of such proceeds."

I am sending a copy of this letter to the Prime Minister, to other members of QL Committee, and to First Parliamentary Counsel.

Law. Lem

PRIME MINISTER

H COMMITTEE ON THURSDAY 25 JULY

You may be interested to see the minutes of H on Thursday. There were two items on the agenda: Criminal Justice Bill 1986/87, and drugs misuse.

Criminal Justice

The Committee agreed a White Paper should be published in the autumn proposing legislation to strengthen the sentencing powers of the courts, to encourage them to make more orders assisting victims, and to improve the organisation of court business. Further work would be put in hand before decisions were taken to include the following proposals in the White Paper: to empower reparation between offender and victim; to provide for the confiscation of the proceeds of crime; to re-organise the Criminal Injuries Compensation scheme; to provide for the review of lenient sentences and to close a loophole in the law on the deportation of immigrants who overstayed.

You will wish particularly to look at the reference to lenient sentences. The point was made at H that another attempt at present to provide for the review of lenient sentences might well be defeated in the Lords, but that further public discussion might create a different atmosphere by the time the bill was introduced.

Drugs Misuse

H welcomed the report of the Mellor Working Group, and Ministers agreed to do everything possible to ensure that enough progress was made to pave the way for a major announcement in the autumn.

The proposal to legislate on confiscation would need to be discussed separately with the Law Officers, but H recommended that QL should seriously consider the merits of giving the bill a place in the 1985/86 legislative programme.

Pharley
I am writing to the Home Office to confirm your view that room must be found *in* this next session, that you are pleased with the progress the Home Secretary is making, but that you are not yet convinced finer, rather than forfeiture, are the right way forward.

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Mark Addison

MARK ADDISON

26 July 1985