

PREM 19/2759

CONFIDENTIAL file no

THE LEGAL POSITION OF THE NEDS FOR
THE PM TO GIVE EVIDENCE IN THE TRIAL
OF ROY BROWN MP

LEGAL PROCEDURE

SEPTEMBER 1982

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
2-10-82							
8-11-82							
18-11-82							
1-12-82							
25-11-82							
5-12-82							
7-12-82							
11-3-86							
12-3-86							
14-3-86							
27-7-88							
13-10-88							
15-1-89							
23-1-89							
1-2-89							
9-2-89							
23-2-89							
24-2-89							
16-3-89							
11-4-89							

PREM 19/2759

11/1/16



RW

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

11 April 1989

Thank you for your letter of 7 April about the Ron Brown affair. The Prime Minister and I are delighted. Many thanks for all your trouble.

(P. A. BEARPARK)

P. R. Messer, Esq.,
Office of the Treasury Solicitor

eu



THE TREASURY SOLICITOR

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28 Broadway London SW1H 9JS
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Telex 917564 GTN 210
Fax No. 01-222 6006 - 210-3488
DX No. 2318 Victoria

P. A. Bearpark, Esq.
10 Downing Street
London
SW1

Please quote L82/5946/PRM

Your reference

Date 7th April 1989

Prime Minister 4.

A satisfactory outcome!

Thank goodness MB

2/4

Dear Mr Bearpark,

MR. RON BROWN -v- DAILY TELEGRAPH PLC

I enclose a copy of a letter from Mr. Brown's solicitors from which you will see happily I shall not need to trouble you again.

*Yours sincerely,
P. R. Messer.*

mb

P. R. MESSER
For the Treasury Solicitor

C. M. ATIF & CO.

C. M. ATIF
B.A., LL.M. (Lond.)

SOLICITORS

35 UPPER TOOTING ROAD
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OUR REF:

CMA/BD/BROWN/B37

YOUR REF:

L82/5946/PRM

DATE:

6th April 1989

The Treasury Solicitor
Queen Anne's Chambers
28 Broadway
London SW1H 9JS



Dear Sir,

Re: Mr. Ron Brown -v- The Daily Telegraph PLC

We thank you for your letter of 30th of March. We now write to inform you that this matter has been settled out of Court and therefore, Prime Minister is no longer required to attend Court. May we again thank you for all the assistance given to us in this matter.

Yours faithfully,

A handwritten signature in dark ink, appearing to read "C. M. Atif". The signature is stylized and written in a cursive hand.

C.M. ATIF & CO.



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SW1A 2AA

Please quote L82/5946/PRM

Your reference

Date 16 March 1989

BY HAND

Dear Bearpark. 15/3

MR. RON BROWN -v- DAILY TELEGRAPH PLC

Mr. Messer is, at present, away from the Office but will be returning tomorrow. In the meantime, I enclose a copy of a letter received this morning from Mr. Brown's Solicitors. This sets out the present position. I also enclose a copy of a letter received earlier from the Solicitor acting for the Telegraph.

Yours sincerely,

Groume Sills.

G. SILLS
Assistant Treasury Solicitor

C. M. ATIF
B.A., LL.M. (Lond.)

C. M. ATIF & CO.

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YOUR REF:

L82/5946/PRM

DATE:

15th March, 1989

The Treasury Solicitor
Queen Anne's Chambers
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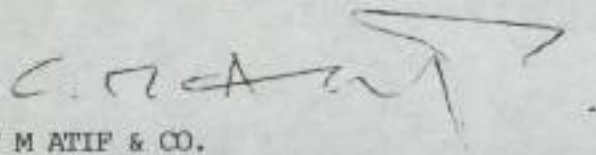
Dear Sir,

MR HON BROWN -V- THE DAILY TELEGRAPH PLC

We thank you for your letter of the 27th February. We note that the 2nd of May is inconvenient for the Prime Minister and therefore we are arranging for the trial date to be vacated and a fresh date obtained for the hearing during the period when Parliament is in recess.

Needless to say we will extend all courtesy to the Prime Minister so that the minimum of inconvenience is caused to her and her valuable time is not wasted if she is to attend Court to give evidence in this matter. We would also like to mention that we are making efforts to settle this matter Out of Court and it is only if we are unable to achieve a settlement that we will request the Prime Minister's attendance at Court.

Yours faithfully,


C M ATIF & CO.

RICHARD C.M. SYKES

SOLICITOR

4 HALKIN STREET LONDON SW1
TELEPHONE 01-235 2508 01-245 9029
FAX 01-235 5774 GROUPS II & III

My Ref. LA.181
Your Ref. LB2/5946/PRM

28th February, 1989

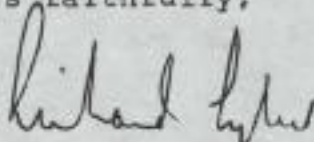
P.R. Messer, Esq.,
The Treasury Solicitor,
Queen Anne's Chambers,
28 Broadway,
London, SW1H 9JS.

Dear Sir,

Mr. Ron Brown v. The Daily Telegraph Plc

Thank you for your letter of the 27th February. I am in touch with my clients and we will certainly do what we can to assist in the matter.

Yours faithfully,



RICHARD C.M. SYKES

RECEIVED
FEB 28 1989



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SW1A 2AA

Please quote L82/5946/PRM

Your reference

Date 27th February 1989

per 27/2
Dear Mr Bearpark,
RE: MR. RON BROWN

at Kat

I thank you for your letter of 23rd February and send herewith a copy of my letter to the above's solicitors.

I hope that by copying the letter to the Telegraph's lawyer, I may hear something from them.

Yours sincerely,
P. R. Messer.

P. R. MESSER
For the Treasury Solicitor



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Please quote L82/5946/PRM

Your reference CMA/DG/BROWN/B37

Date 27 February 1989

Dear Sirs,

MR. RON BROWN -v- THE DAILY TELEGRAPH PLC

I thank you for your letter of 21st February. I regret that I have not been able to reply to you before now. I am sorry to tell you that 2nd May is not convenient to the Prime Minister. Apart from any other consideration it is a day upon which Parliament is sitting and as you will know Parliament claims a right prior to that of the Courts to the attendance of its members.

However, the Prime Minister understands your client's position. I am able to indicate on her behalf that if it is really necessary that she should give evidence she will try to be accommodating about another date in the future. The difficulty is that the calls upon her time are no doubt such that it must be impossible for her office to indicate with certainty a day when she would be free.

Incidentally, I assume that you will make arrangements so that there is no question of the Prime Minister having to wait at Court for perhaps some period until the time comes for her to give her evidence which as I have observed before, should be disposed of quickly. I am afraid I am not clear as to which side would bring evidence first but if you were to do so and lead her evidence I assume all you would require is for the Prime Minister to attend and recount her statement to the Court, be cross-examined and re-examined thereon (if either were thought to be necessary) and then leave.

Thus it would be a considerable courtesy if matters could be arranged so that a precise timetable of the hearing might be formulated. It seems to me that a date when Parliament is sitting should be avoided, about which your client may no doubt tell you.

While I have had the advantage of a telephone call from Mr. Friel who stressed the wish that the Prime Minister should give her evidence in Court, I am sorry that this is so since it seems to me so straightforward. I am not able to tell you the Defendants' attitude to my request that they give consideration to the admittance of a statement.

As a matter of courtesy I am sending to their Solicitors a copy of this letter because I hope they will feel able to cooperate in the matter of finding a date when the Prime Minister can attend.

Yours faithfully,

A handwritten signature consisting of three stylized, vertical strokes.

P. R. MESSER
For the Treasury Solicitor

LEGAL PROCEEDINGS: Ron Brown vs, Sept '82



BMJ

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

23 February 1989

Thank you for your letters of 20 and 23 February about Mr. Ron Brown's action. I have shown to the Prime Minister the notes you enclosed with your earlier letter, and she agrees that you should now proceed to claim Parliamentary Privilege for 2 May 1989, but indicate that if it is really necessary - we do hope that it is not - we will attempt to be accommodating about another date in the future.

(P. A. BEARPARK)

P. R. Messer, Esq.,
Office of the Treasury Solicitor.

A handwritten signature in dark ink, appearing to be 'P. R. Messer'.



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10 Downing Street
London
SW1A 2AA

Please quote L82/5946/PRM

Your reference

Date 23rd February 1989

Dear Mr Bearpark,

RON BROWN

Further to my letter of 20th February I send herewith a copy of a letter now to hand from Mr. Brown's solicitors which confirms their intention to issue a subpoena should they not hear from me as to the Prime Minister's availability to give evidence by the end of the month.

I await your instructions.

*Yours sincerely,
A. Messer.*

P. R. MESSER
For the Treasury Solicitor

C. M. ATIF
B.A., LL.M. (Lond.)

C. M. ATIF & CO.

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OUR REF:

CMA/DC/BROWN/B37

YOUR REF:

L82/5946/PRM

DATE:

21st February, 1989

Mr P R Messer
The Treasury Solicitor
Queen Ann's Chambers
2B The Broadway
London SW1 9JS

BY FAX

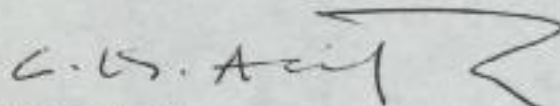
Dear Sir,

Re: Mr Ron Brown -v- The Daily Telegraph Plc

We refer to our letter of the 18th January and now write to remind you that we are approaching the trial date, 2nd May 1989, and have not heard from you in this matter. If the trial date is inconvenient for the Prime Minister we can make an application to vacate it. However, if we do not hear from you within the next 7 days we have been advised by learned Counsel to proceed to issue subpoena to secure Prime Minister's attendance at Court.

May we again say that we will follow this course with great regret and apologise for any inconvenience which may be caused to the Prime Minister.

Yours faithfully,



C M ATIF & CO.



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P. A. Bearpark, Esq.
10 Downing Street
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Please quote L82/5946/PRM

Your reference

Date 20th February 1989

Prime Minister

*The attached advice is clear -
about crown's own.*

Dear Mr. Bearpark,
MR. RON BROWN M.P.

at 11:45
*Content for us now to claim parliamentary
privilege for 2 days - but agree that
if essential we will first write letter in
the future?*

I thank you for your letter of 8th February and I enclose a note which answers the Prime Minister's query.

I send also a lengthier note which details the whole matter, in case it is of any help to you.

*PM
24/2*

While we must take every care not to appear to seek to influence the parties in their conduct of this litigation it would be very useful to know the Telegraph's general views which may be disclosed to me were I to telephone their solicitor simply to chase a reply.

CS min

I think I must also tell Brown's solicitors that 2nd May is not convenient because Parliament is sitting if indeed in the light of the enclosed the Prime Minister cannot afford the time to attend Court on that day.

It may be that Mr. Brown's advisers are fearful that the Telegraph will argue on the basis of witnesses they bring that despite what she says the Prime Minister was alarmed. I cannot think a Judge would have very much sympathy with that but this is to be a jury trial and undoubtedly the Prime Minister's testimony on her statement would make such a suggestion quite hopeless.

*Yours sincerely,
P. H. Messer.*

P. H. MESSER
For the Treasury Solicitor

RON BROWN -v- THE DAILY TELEGRAPH PLC

1. The Prime Minister indicates that her recollection of the events of 1st September 1982 become less clear in her mind with the passage of time. In the light of that and of her provision of a statement which she confirms accurately and entirely sets out her recollection she asks if she may legitimately refuse to give evidence at the trial.

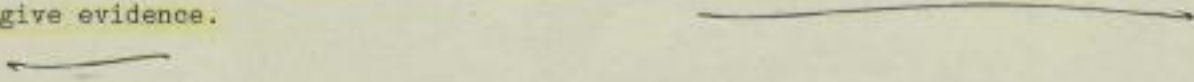
2. She can give relevant evidence unless and until the Defendants make a formal admission. We have no control over the making of that admission.

3. This evidence includes some which only the Prime Minister herself may give. There is no other person who can give evidence, for example, of what she saw and felt. It may be that the Plaintiff will wish to put to the Prime Minister what other witnesses may have deduced from their observations including the Prime Minister's demeanour which could not be dealt with by a statement.

4. The Prime Minister is not immune from being compelled to attend upon subpoena except insofar as the Speaker may assert Parliamentary privilege. She has no immunity by virtue of her being head of the government.

5. Therefore if a subpoena is issued there is no ground for it being set aside except as a temporising measure if the date were to conflict with an official appointment. One would expect the Courts to assist as far as possible to suit the Prime Minister's official convenience.

6. Treasury Counsel's advice has been taken in the matter. He is firmly of the view that the Prime Minister may not properly decline to give evidence.



Note concerning the request for the Prime Minister

to attend the trial of Ron Brown -v- The Daily Telegraph PLC

History

1. On 1st September 1982 the Prime Minister attended an official function at the Holiday Inn Hotel, Argyle Street, Glasgow.
2. The Prime Minister arrived at the entrance to the hotel at about 5:00 p.m. There were about 800 demonstrators gathered outside among whom was Mr. Ron Brown, M.P. According to the Police Report as the Prime Minister left her car Mr. Brown moved forward from the direction of the foyer and started to shout slogans at the Prime Minister and gesticulate with his arms. He was restrained by several officers, taken away and charged with a breach of the peace.
3. In connection with that charge Mr. Brown's solicitors wrote directly to the Prime Minister on 12th October 1982 asking firstly if she would give evidence at the trial and in any event if she would give her account of the events which led to Mr. Brown's arrest.
4. On 8th November 1982 Mr. Watson of the Treasury Solicitor's Department replied substantively to that letter. He informed Mr. Brown's solicitors that the Prime Minister could not give evidence at Mr. Brown's trial without disruption to the performance of her duties as Prime Minister and went on to add that the Prime Minister's attendance at the Court on any other date must also be expected to interfere with her official or Parliamentary responsibilities. That letter gave the Prime Minister's account of the incident:-

"After alighting from her car Mrs. Thatcher was entering the Holiday Inn Hotel. There was a large number of people around and a considerable noise from the crowd behind the barriers. Mrs. Thatcher suddenly noticed a man in front of her in the entranceway to the hotel, who was shouting and waving his arms. She was surprised by the sudden additional disturbance but she was not alarmed and did not form the impression that the man was about to assault her. Police Officers quickly intervened and removed the man from her path. Mrs. Thatcher only had a short time to see the incident and did not recognise the man as your client."
5. On 25th November 1982 Mr. Brown was convicted of the commission of a breach of the peace and fined £50.00.

6. On 26th April 1984 the Daily Telegraph carried a "Commons Sketch" by Godfrey Barker entitled "No Siege Role for Labour Intrepids" the subject of which was the offer by Mr. Brown and a fellow M. P. to mediate in the difficulties then existing between Great Britain and Libya. The relevant passage read "Ron and Bob's summit credentials are impeccable. Ron has assaulted Mrs. Thatcher on the picket line and backs the Russian invasion of Afghanistan (only a few hundred dead last week)."

7. On 26th May 1985 Mr. Brown by his solicitors issued a Writ claiming damages for defamation based upon the words "Ron has assaulted Mrs. Thatcher on the picket line."

8. The Daily Telegraph served its defence on 13th September 1985 admitting that the words had been used, denying that they were defamatory and asserting the words were true. By way of particularisation the Daily Telegraph confirmed that the allegation of an assault referred to the incident on 1st September 1982.

9. On 23rd December 1985 Mr. Brown's solicitors wrote to Mr. Watson with regard to his letter of 8th November 1982 seeking confirmation of the accuracy of the statement contained in that letter. On 14th March 1986 it was confirmed that the Prime Minister had nothing to add to that account nor did she wish to amend it in any way.

10. On 13th July 1988 Mr. Brown's solicitors wrote again wherein they explained that Mr. Brown's Counsel had advised that the Prime Minister should be asked to attend the trial to give evidence. In the ensuing correspondence the Treasury Solicitor sought to investigate the possibility of the Telegraph admitting the statement because the Telegraph could not hope realistically to gain anything from a cross-examination.

Mr. Brown's solicitors provided details of the Telegraph's solicitor to whom Treasury Solicitor wrote on 19th December 1988 enquiring if the Telegraph would be prepared to admit the statement to save the necessity of consideration as to whether or not the Prime Minister could attend Court. The Telegraph's solicitor acknowledged the letter and helpfully provided a copy of the article and the written pleadings but to date he has not replied substantively.

11. However, on 29th January 1989 Junior Counsel to Mr. Brown telephoned the Treasury Solicitor and explained that the view taken by himself and Mr. Brown's Leading Counsel was that whatever the view the Telegraph took of the request to admit the statement, they wished the Prime Minister to attend personally to give evidence as it would not be satisfactory for that evidence to be given other than orally.

The Law

12. The general rule is that any fact required to be proved at the trial of any action begun by Writ by the evidence of witnesses shall be proved by the examination of the witnesses orally and in open Court. The Court expects facts to be proved by the best evidence available; usually direct testimony from the witness as to his or her state of mind or what he or she saw. The Court places weight on the evidential importance of the demeanour of a witness and reaction to cross-examination. Upon the application by a party to litigation the High Court will issue a summons to compel the attendance of a competent witness.

The Court will set aside a subpoena upon the application of the person summoned in certain circumstances. For example, if it is demonstrated that a witness can give no evidence which is relevant to the issues in dispute or where, say for reasons of ill health, a witness cannot physically attend Court or if the Court considers it would be oppressive to bring a witness to Court. In this particular case there is the additional point that Parliament may assert its sovereignty whereby it has the right to claim the attendance of its members on any day when Parliament is sitting.

13. There is no immunity given to a Minister of the Crown from being summoned to give evidence to the Court. Only the Sovereign and Ambassadors are not so compellable. The facts as to which testimony is sought may be covered by public interest immunity or the Court may be prepared to accept a witness other than the Minister in person if an official may give equally cogent evidence.

14. Parties to litigation may by making admissions remove the necessity for proving such admitted facts. Thus if an affidavit of a witness is uncontroversial the party receiving it may admit the facts set out in it and remove the necessity for that party's attendance.

The Prime Minister's observation of the incident is relevant to the issue of whether or not she was assaulted.

Assault may be defined in three ways:

- (a) In civil law an assault is an act of the Defendant which causes the Plaintiff reasonable apprehension of the infliction of a battery (intentional and direct application of force) on him by the Defendant.

The Prime Minister had no such apprehension.

- (b) In criminal law an assault is any act by which a person intentionally or recklessly causes another to apprehend

immediate and unlawful violence. It is not necessary that the party should receive an injury. Any circumstance denoting at the time an intention coupled with a present ability of using actual violence against the person will constitute an assault but "if a man strikes at another when at such a distance from him that he cannot by any possibility touch him it is no assault".

Therefore in this case the guilty act of an offence of assault is absent; indeed Brown was not charged with assault.

- (c) The principal dictionary definition (Shorter OED) of the verb is "to make a violent hostile attack by physical means upon; to commit an assault upon the person of" and of the noun is "an onset with hostile intent; an attack with blows or weapons". As a matter of everyday usage a person would understand "assault" to carry with it an element of physical contact.

15. After the indication by Mr. Brown's Counsel that the Telegraph's attitude to the statement was immaterial Treasury Solicitor sought advice from Treasury Counsel (Mr. John Laws). Counsel confirmed that if a subpoena was issued then subject to a hearing being arranged to suit the Prime Minister's official convenience she would be obliged to attend. In short he agreed with the view taken by Mr. Brown's Counsel and saw no way that the Court could be persuaded in the absence of Mr. Brown's agreement that the Prime Minister should not attend unless the Telegraph were to admit that the Prime Minister had not been assaulted by Mr. Brown which admission would make the Prime Minister's evidence irrelevant. He made the important point that he did not see how the Telegraph's defence could succeed if the Telegraph were to admit that, and mentioned that she had not been assaulted on any definition that he understood. Therefore he thought it was a case which was likely to settle: possibly the Telegraph had not understood the reality of the position until the Treasury Solicitor had written to them on the matter - hence their delay in replying.

Conclusion

16. Notwithstanding the brevity and the clarity of the Prime Minister's evidence which is in the minds of both parties to this litigation, she may only avoid attendance if a subpoena is served upon her by an application to the Court to excuse her attendance because, for example, on the date when she is asked to appear Parliament is sitting or there is some reason of State which would cause the Courts to strive to find an alternative time for the hearing of her evidence. The Court would take the view that the jury are entitled to hear the sole and principal witness as to fact and while no doubt it would do its utmost to arrange matters to suit the Prime Minister's convenience it would have no choice but to compel the Prime Minister's attendance if no reason were given beyond a simple refusal.

17. It is to be hoped that a common sense approach by the parties to this litigation will result in a settlement before trial. It may assist in that outcome if an affidavit sworn by the Prime Minister were tendered to both parties coupled with an indication of the practical difficulties involved in arranging her attendance. While the Court has power to order evidence to be given by affidavit Counsel is of the view that it would not so order in this case.



176
SM
(63)

10 DOWNING STREET
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From the Private Secretary

8 February 1989

I have consulted the Prime Minister about your letter of 30 January. She has asked me to point out that she cannot add anything to the note which she has already signed, and indeed her recollection of events has grown dimmer as time passes. The written statement is simply all that she knows. She has therefore asked if there is any way at all in which she can legitimately refuse to appear as a witness in this case.

Could you please let me have a detailed note on this which I can show to the Prime Minister.

P. A. BEARPARK

P. R. Messer, Esq.,
Treasury Solicitor's Department

ea

ppj pju

PKS

AF 1/2

1. MR. TURNBULL

2. PRIME MINISTER

You will recall the long-running saga of Ron Brown and the incident outside the Holiday Inn in Glasgow in 1982. Mr. Brown is now suing the Daily Telegraph for libel, and the case is currently listed for 2 May. Mr. Brown's lawyers have said all along that they wish to call you to give evidence, although you have, as you know, provided a written statement of your recollection of events. There is still a chance that the Daily Telegraph will withdraw their defence, but you should know now that the Treasury Solicitor's advice is that if they do not, and if Mr. Brown's solicitors maintain their desire to call you as a witness, you will ultimately have little choice but to agree.

There is no problem about not appearing on 2 May, as this is a Tuesday when the House is sitting, and you can therefore legitimately claim Parliamentary privilege on the grounds that the House of Commons has a prior claim on your time. But the Treasury Solicitor suggests that in doing this you should indicate now that you would be prepared to attend at some future convenient date if it is essential.

Content for us to claim Parliamentary privilege on your behalf for 2 May, but to say that you would be prepared to attend if necessary at a future date?

PKS

P. A. BEARPARK

1 February 1989

I cannot add to the note - indeed the recollection from dinner. Is there any way I can legitimately refuse. The written statement is all I know



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10 Downing Street
London
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Please quote L82/5946/PRM

Your reference

Date 30th January 1989

Dear Mr Bearpark

RON BROWN -v- DAILY TELEGRAPH

I thank you for your letter of ~~23rd~~ 23rd January with enclosures. I have now seen John Laws on Friday 27th January - he was obliged to postpone our conference until then.

Essentially Mr. Laws agrees with the view taken by Brown's Counsel that while the Telegraph persists in its allegation that the Prime Minister was assaulted then if Brown seeks her attendance the Court would regard that as being entirely proper; in other words it would not be a matter where it would be possible to argue that written evidence should stand for the Prime Minister's attendance in the absence of agreement between the parties, or where Brown was advised to seek her attendance.

Thus if the Telegraph does not consent to my request that they agree the Prime Minister's statement there would be no possible alternative to her attending. However, Mr. Laws did not think that the Telegraph could successfully defend the action as it is presently constituted and therefore it may well be that the case will settle - perhaps this is the reason why there has been no substantive response from the Telegraph as yet because they are considering their position generally.

If the Telegraph agree the statement (and upon the above reasoning by so doing make it impossible for them to win the case) then I could try to persuade Brown's lawyers to proceed on the basis of a statement from the Prime Minister to save the disruption of their timetable.

Counsel opined that the Court would be entirely sympathetic to the Prime Minister's commitments but would expect an indication of a date when she would be available to attend. Counsel understood the point concerning Parliamentary privilege but wondered if in the event she would wish to have recourse to that if there were no specific reason why the Prime Minister should not attend on any particular sitting day.

Subject of course to your instructions, I fear I must now indicate to Brown's lawyers that 2nd May is not convenient because Parliament is sitting. To make a virtue out of necessity, perhaps I should indicate further that the Prime Minister is prepared to attend at some convenient date and further would hope that all possible effort could be made to have her evidence admitted so as to cause the minimum amount of disruption to her important public duties.

The Telegraph may yet change its tack in the defence to render the Prime Minister's evidence of less importance. I should have thought the case was capable of being settled by a relatively modest payment because even if Mr. Brown did not actually assault the Prime Minister he was convicted of a breach of the peace which must be relevant as to damages.

I await hearing from you.

Yours sincerely,
A. R. Messer.

P. R. MESSER
For the Treasury Solicitor

LEGAL PROC. Ron Brown. MI. Sep 82





10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

23 January 1989

Thank you for your letter of 23 January. I have now heard from the Speaker's Secretary with regards to claiming Parliamentary privilege, and enclose a copy of his personal letter. There would seem to be no problem whatsoever with May 2nd, but equally if Mr. Brown's solicitors realise what is going on and manage to get a date when Parliament is not sitting we do seem to have a problem. I should be grateful for your further advice on this following your meeting with Treasury Counsel. It is good of you to keep me informed of the timing of this, but I do not think there is any need for me to attend this Wednesday.

(P.A. BEARPARK)

P.R. Messer, Esq.,
Office of the Treasury Solicitor.



EU

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

23 January 1989

Thank you very much indeed for your letter of 17 January. I have noted your advice, and will be in touch with Clifford Boulton if necessary.

(P.A. BEARPARK)

P.J. Kitcatt, Esq., C.B.



THE TREASURY SOLICITOR

Queen Anne's Chambers
28 Broadway London SW1H 9JS
Telephones Direct Line 01-210
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DX No. 2318 Victoria

Ch. pros.
R22/1

P. A. Bearpark, Esq.
10 Downing Street
London
SW1

Please quote L82/5946/PRM

Your reference

Date 28th January 1989

Dear Mr. Bearpark
MR. RON BROWN

I thank you for your letter of 13th January. I have not yet heard further from the Telegraph's solicitor but I have now been telephoned by Mr. John Friel of Counsel who is representing Mr. Brown.

The purpose of the call was to inform me that whatever the Telegraph's view might be, the advice which had been given by his Leader, Lord Campbell QC, was that in any event the Prime Minister should give oral evidence. Mr. Friel explained to me the situation at some length. Their view is that as presently pleaded if Mr. Brown's acts do not amount to an assault in law then Mr. Brown must win the case. He was at pains to point out that there is no political animus behind this request and did not accept my suggestion that the Prime Minister's presence was designed to favourably influence the jury.

With all respect to Mr. Brown's Counsel I cannot see that an agreed statement or perhaps an affidavit from the Prime Minister would be less effectual than her oral evidence.

In those circumstances I think it prudent to consult with Treasury Counsel on the matter and I have arranged a conference with Mr. John Laws on Wednesday 25th January at 4:30 p.m. at his Chambers at 2 Garden Court, Temple. Perhaps you will let me know if you wish to attend?

While it is obviously of great importance that the Prime Minister's time is not wasted, the difficulty here is that her evidence may be demonstrated to be very relevant from the point of view of the Plaintiff.

Yours sincerely,
P. R. Messer.

P. R. MESSER
For the Treasury Solicitor

Legal Procedure Sept '82



Speaker's Office House of Commons London SW1A 0AA

17 January 1989

Personal

P J Kitcatt CB
Speaker's Secretary

Dear Andy,

Thank you for your letter of 13 January (received yesterday) about Mr Ron Brown M.P. and his libel case.

There is no need for a Member of Parliament to give evidence to a court in response to a subpoena on a day when the House sits. A communication from the Member's solicitor is usually adequate to secure acceptance by the court of the position, but a letter from the Speaker will always be supplied if desired - an unlikely event, I imagine, in the present instance!

There is no protection when the prior service of the House cannot be claimed and alternatives to personal attendance need to be sought if desired.

You may care to see a case from 1982 where a Secretary of State gave evidence after three earlier subpoenas had 'bounced'.

* The foregoing is based on advice from Clifford Boulton, the Clerk of the House, and if you have any further points to raise on this there would certainly be no objection to your getting in direct touch with him.

* No-one else has
been involved.

PMK

*Yours sincerely
Peter Kitcatt*

P.A. Bearpark Esq.,
Private Secretary
10 Downing Street
London SW1A 2AA



F. J. P. -
See. B. 2. 2.

Subpoenas

Whitelaw in witness box for Webster

By Stewart Tendler
Crime Reporter

Mr William Whitelaw, the Home Secretary and deputy Prime Minister, described to a London court yesterday the night his speech to a Young Conservatives' meeting was suddenly stopped by shouts and a smoke bomb thrown at the platform.

For just over 20 minutes, Mr Whitelaw stood in the witness box at Horseferry Road answering questions from Mr Martin Webster, a senior figure in the National Front, who is charged with leading a "small riot" at the meeting in Caxton Hall last February.

Mr Webster, aged 39, from Battersea, south London, and a full time national organizer for the National Front, has pleaded not guilty with three other men to charges under the Public Order Act, 1936, and the Public Meeting Act, 1908.

It is rare for a serving minister to appear in a court case and Mr Webster applied three times for summonses to call Mr Whitelaw in his defence before he was given permission to do so.

Yesterday Mr Whitelaw took the oath, giving his address as the Home Office and his occupation as Secretary of State. Mr Webster, conducting his own defence, began by asking Mr Whitelaw whether his solicitors had indicated at one stage he would not be inclined to give evidence and that he would be hostile.

Mr Whitelaw said he welcomed the truth. He told Mr Webster: "I started to speak, and then there was a noise. Some shouting. You walked into the room. A number of people arose on your arrival and there was considerable commotion".

Minister responds to a witness summons applied for by the accused in a criminal case.

Not a setting day.

He heard shouts of: "Free Joe Pearce", a reference to the editor of a National Front Youth magazine who was jailed after a series of trials at the Central Criminal Court. Mr Webster had earlier told the court he shouted: "Whitelaw you bastard, why did you see to it that Joe Pearce was hounded into prison when you refused to prosecute the leaders of the Bristol and Brixton riots?"

Mr Webster asked the Home Secretary if he remembered hearing that and Mr Whitelaw said: "I don't remember those exact words. Maybe if that is what you said, you did".

Mr Stephen Wooler, for the Director of Public Prosecutions, asked Mr Whitelaw if the uproar was orchestrated by Mr Webster. Mr Whitelaw said Mr Webster was "the principle in the event".

Giving evidence on his own behalf, Mr Webster said it would be in order "to give Mr Whitelaw a roasting" at the meeting.

He tried to quieten the uproar but was then taken out of the hall by a policeman.

The case continues today.

Times 14 October 82



10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

13 January 1989

I should be most grateful for your advice on the following problem. In 1982 an incident occurred in Glasgow when Ron Brown MP demonstrated in the course of a visit by the Prime Minister to the Holiday Inn Hotel. I understand that following the incident Mr. Brown was found guilty of committing a breach of peace by the Sheriff's Court in Glasgow. Events have rumbled on since then and Mr. Brown is now suing the Daily Telegraph for libel. His solicitors have suggested that they will wish to call the Prime Minister as a witness on 2 May, and although it is by no means clear that they will I should like to make contingency plans now. The 2nd of May is a Tuesday when I think the House will be sitting, and the Prime Minister will therefore be required to answer Questions. Could you please let me know if in these circumstances it will be possible for her to claim Parliamentary privilege, and if so what procedure I would have to follow.

I should be most grateful if you could treat this enquiry on a personal basis at this stage.

(P. A. BEARPARK)

P. J. Kitcatt, Esq., C.B.,
The Speaker's Secretary.



FILE KK

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

13 January 1989

Thank you for your letter of 11 January about the Ron Brown case. I do not see any problem about the Prime Minister signing a formal statement as you suggest, and will be happy to make the arrangements for this when you so advise.

I very much hope that it will not be necessary to invoke Parliamentary privilege. But as a contingency plan I have written to the Speaker's Secretary to check that there will not be any problem. I will let you know as soon as I hear from him.

(P. A. BEARPARK)

P. R. Messer, Esq.,
The Treasury Solicitor.

ls

R111



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P. A. Bearpark, Esq.
10 Downing Street
London
SW1A 2AA

Please quote L82/5946/PRM

Your reference

Date

11 January 1989

Dear Mr Bearpark,
MR. RON BROWN

Pro

Further to my letter of 30th November I heard from the above's solicitors that I might approach Mr. Richard Sykes who represents the Telegraph and I enclose a copy of my letter to him together with his reply. As you will see he has helpfully supplied a copy of the article in question and the pleadings.

Witnesses other than the Prime Minister would no doubt be able to describe Mr. Brown's conduct better than she can and that may enable the Defendant to prove the truth of the allegation that "the Plaintiff had physically threatened ... the Prime Minister whilst on a picket line" in the sense of Mr. Brown acting in such a way as to be likely to injure or to be a source of danger to the Prime Minister, notwithstanding that she did not feel herself to be in any peril.

If the Telegraph's Counsel takes broadly the same view I hope a statement may be admitted - I assume there would be no difficulty about the Prime Minister signing a formal statement in the same terms as expressed by Mr. Watson here?

The above's solicitors have not stated unequivocally that they would be prepared to accept the statement if the Telegraph do agree it. If the Telegraph were to accept a statement but Brown does not, I hope it would be possible to persuade the Court to dispense with the Prime Minister's physical attendance. I trust we shall not reach that stage because the Courts could take the view that unless there were some specific reason why the Prime Minister should not attend then she should in the interests of justice.

I am letting Mr. Brown's solicitors know that I am waiting to hear from Sykes and at this stage confining myself to a repetition that the Prime Minister's attendance at Court on any date may be expected to interfere with her official or Parliamentary responsibilities. If Atif were to issue a subpoena for 2nd May in all the circumstances perhaps you would now pass that to the Speaker so that he would assert the sovereignty of Parliament?

Yours Sincerely
P. R. Messer.

P. R. MESSER
For the Treasury Solicitor

enc.



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Telephones Direct Line 01-210 3471

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DX 2318 Victoria

Richard C. M. Sykes, Esq.
Solicitor
4 Halkin Street
London
SW1

Please quote L82/5946/PRM
Your reference LA. 181
Date 19th December 1988

Dear Sir,

MR. RON BROWN -v- THE DAILY TELEGRAPH PLC

I understand from the Plaintiff's solicitors Messrs. C. M. Atif & Co. that you represent the Defendant in the above action.

My involvement in the matter arises because of a request by the Plaintiff that the Prime Minister attends at the hearing (which I understand has been fixed for 2nd May next year). While I have not seen any of the pleadings I understand that the action arises because of a statement made by your clients that the Prime Minister was assaulted by Mr. Brown. I understand you have seen a copy of a letter from Mr. D. A. Watson of this Department written on 8th November 1982 wherein he sets out the Prime Minister's account of the incident. I attach a further copy for ease of reference. Since that letter was written it has been confirmed on the instructions of the Prime Minister that she cannot add to nor would she wish to detract from the statement, the accuracy of which she confirmed.

Presumably the Plaintiff's request for the Prime Minister's attendance must relate to your view of her evidence. Essentially my hope is that there may have been some misunderstanding but that in the event the statement may be accepted by both parties to obviate the necessity for consideration being given to the question as to whether or not the Prime Minister could attend Court having regard to her Parliamentary and other duties. I shall be glad to hear from you.

Yours faithfully,

P. R. MESSER
For the Treasury Solicitor

RICHARD C.M. SYKES

SOLICITOR

4 HALKIN STREET LONDON SW1
TELEPHONE 01-235 2508 01-245 9029
FAX 01-235 5774 GROUPS II & III

My Ref. LA.181
Your Ref. L82/5946/PRM

3rd January, 1989

P.R. Messer, Esq.,
The Treasury Solicitor,
Queen Anne's Chambers,
28 Broadway,
London, SW1H 9JS.

Dear Sir,

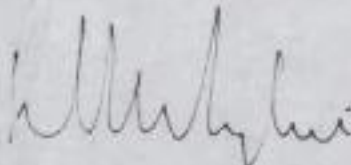
Mr. Ron Brown v. The Daily Telegraph Plc

Thank you for your letter of the 19th December.

I enclose a copy of the article complained of and the Pleadings in the action which you may find of assistance.

I will, of course, take instructions from my clients and confer with Counsel as to whether it will be possible to reach agreement on the Prime Minister's recollection of this event.

Yours faithfully,



RICHARD C.M. SYKES

encs.



Commons Sketch

NO SIEGE ROLE FOR LABOUR INTREPID

By GODFREY BARKER

THE Commons was treated to a dramatic offer to mediate between Britain and Libya from Mr Ron Brown, 43, (Lab., Leith), yesterday.

Sadly, Britain has said "No." The blunt refusal came from an officer in St James's Square when Ron and his shop-steward pal Mr Robert McTaggart (Lab., Glasgow Central) rolled up on Saturday.

Ron and Rob's summit credentials are impeccable.

Ron has assaulted Mrs Thatcher on the picket line and lacks the Russian invasion of Afghanistan (only a few hundred dead last week).

Bob, in contrast, is the home-loving type. "Recreations: Snooker, draughts and watching TV" says his entry in Dod, the Parliamentary handbook.

Both these neutralists offered fearlessly to approach the embassy in the full barrel of the Libyan guns. Regrettably, to judge by the faces of Tory MPs, the St James's Constabulary said "No."

It was not clear if the Home Secretary was phoned with the Brown-McTaggart-Gaddafi summit offer. "Such a meeting would not be conducive at the present stage," said that worthy yesterday.



COURT FEES ONLY

Writ indorsed
with Statement
of Claim
(Unliquidated
Demand)
(O.S. r. 1)

**IN THE HIGH COURT OF JUSTICE
Queen's Bench Division**

1985. B. - No. 4332

[**District Registry**]x

Between

MR RON BROWN

Plaintiff

AND

THE DAILY TELEGRAPH PLC

Defendant

(1) Insert name.

To the Defendant (1) THE DAILY TELEGRAPH PLC

(2) Insert address.

of (2) 135 FLEET STREET
LONDON EC4P 4BL

This Writ of Summons has been issued against you by the above-named Plaintiff in respect of the claim set out overleaf.

Within 14 days after the service of the Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office mentioned below the accompanying Acknowledgment of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment without stating therein an intention to contest the proceedings the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

(3) Complete and delete as necessary.

Issued from the (3) [Central Office] of the High Court this

29th

day of

CENTRAL OFFICE
May 29 1985

District Registry] 19 85

NOTE: - This Writ may not be served later than 12 calendar months beginning with that date unless renewed by order of the Court.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form

Statement of Claim

The Plaintiff claim is for

1. The Plaintiff was and is at all times a Member of Parliament being the Member for Leith.
2. The Defendant is the proprietor and publisher of the "Daily Telegraph" newspaper which is sold daily having a wide national circulation.
3. On the back page of the said newspaper dated the 26th April 1984 the Defendant printed and published or caused to be published of the Plaintiff the following defamatory words:
".....Mr Ron Brown, 43 (Lab. Leith).....
"Ron has assaulted Mrs Thatcher on the Picket Line"
4. The said words clearly referred and were clearly understood and intended to refer to the Plaintiff. The said allegation was intended to mean that the Plaintiff had physically threatened or actually physically harmed the Prime Minister whilst on a picket line. Further the said allegation was clearly intended to allege a criminal offence.
5. By publication of the said words the Plaintiff has been much injured in his credit reputation and in the way of his said profession or occupation and has brought the Plaintiff into ridicule and contempt.

AND THE PLAINTIFF claims

1. Damages

JOHN FRIEL

TEMPLE

C. M. Atif
Messrs ~~EM~~ Atif & Co
35 Upper Tooting Road
LONDON OFFICE
SW17

(Signed)

(1) If this Writ was issued out of a District Registry, this indorsement as to place where the cause of action arose should be completed.

(2) Delete as necessary.

(3) Insert name of place.

(4) For phraseology of this indorsement where the plaintiff sues in person, see *Supreme Court Practice*, Vol 2, para 3.

(1) (2) [The cause] [One of the causes] of action in respect of which the Plaintiff claim relief in this action arose wholly or in part at (2) in the district of the District Registry named overleaf.]

(4) This Writ was issued by Messrs C M Atif & Co

of 35 Upper Tooting Road London SW17 7TR

[Agent for

of

Solicitor for the said Plaintiff whose address (2) [is] ~~xxx~~

6a Pembroke Walk
London
W8

1985 B. No. 4332

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

B E T W E E N :

MR RON BROWN Plaintiff

-and-

THE DAILY TELEGRAPH PLC

Defendant

D E F E N C E

1. It is denied that the words quoted in paragraph 3 of the Statement of Claim are defamatory of the Plaintiff, but except for that paragraphs 1, 2 and 3 of the Statement of Claim are admitted.
2. Paragraphs 4 and 5 of the Statement of Claim are denied.
3. Further or in the alternative, the said words are true in substance and in fact.

PARTICULARS

- (1) On 1st September 1982 the Plaintiff ran at the Prime Minister shouting and gesticulating wildly and waving his hand only inches from her face. Before he could touch her the Plaintiff was seized by police officers who carried him yelling and struggling to a nearby van. The incident took place outside a hotel in Glasgow.
 - (2) As a result of the said incident the Plaintiff was on 25th November 1982 found guilty of committing a breach of the peace and fined £50 in the Sheriff Court of Glasgow and Strathkelvin at Glasgow upon which the Defendant intends to rely in support of this plea of justification.
 - (3) The Plaintiff does support the Russian invasion of Afghanistan as a result of which hundreds of people have died.
4. If and in so far as may be necessary the Defendant will rely on s. 5 of the Defamation Act 1952.

MICHAEL TUGENDHAT

SERVED the 13th day of September 1985 by RICHARD C.M. SYKES
of 4 Halkin Street, London, S.W.1., Solicitor for the
Defendant.

aforesaid plea as constituting justification of the words complained of.

IT IS FURTHER ORDERED that the Plaintiff do within 21 days serve upon the Defendants a List of Documents stating what documents are or have been in his possession custody or power relating to the matter in question in these proceedings and the Defendants do serve upon the Plaintiff a List of Documents stating what documents are or have been in their possession custody or power relating to this matter in these proceedings within 21 days thereafter.

Inspection of documents within 7 days thereafter.

Liberty to restore.

The action shall be tried in London with a jury. It's category of listing being, A, B, ~~C~~ and the action be set down within 28 days. It is ordered that the costs of this application be costs in the action.

Certificate for Counsel.

Dated: This 13th day of ^{November} ~~July~~ 1986

IN THE HIGH COURT OF JUSTICE

1985 B No.4332

QUEEN'S BENCH DIVISION

Master Prebble

Master in Chambers

B E T W E E N:



MR RON BROWN

Plaintiff

and

THE DAILY TELEGRAPH PLC

Defendants

Upon hearing Counsel for both parties

IT IS ORDERED that the Defendants do serve upon the Plaintiff Further and Better Particulars of their Defence within 21 days specified in the document initialled by the Master.

Under Paragraph 3

A. Of "the said words are true in substance and in fact.

(1) On 1st September 1982"

Stating whether the incident pleaded on 1st September is alleged to be the incident referred in the said article.

Under Paragraph 3 (2)

Of "the Plaintiff was on the 25th November 1982 found guilty of committing a breach of peace and fined £50 in the Sheriff Court of Glasgow and Strathkelvin at Glasgow upon which the Defendant intends to rely in support of this plea of justification".

State whether the aforesaid conviction is relied on as constituting evidence of an assault.

Under Paragraph 3 (3)

Of "the Plaintiff does support the Russian Invasion of Afghanistan as a result of which hundreds of people have died"

Stating the nature of the case relied upon in support of the

1985 B. No. 4332

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

B E T W E E N :

MR RON BROWN Plaintiff

-and-

THE DAILY TELEGRAPH PIC

Defendant

FURTHER AND BETTER PARTICULARS OF DEFENCE
PURSUANT TO THE ORDER OF MASTER PREBBLE
DATED 13TH NOVEMBER 1986

Under Paragraph 3

REQUEST Of "The said words are true in substance and in fact.

(1) On 1st September 1982"

Stating whether the incident pleaded on 1st September is alleged to be the incident referred to in the said article.

ANSWER Yes.

Under Paragraph 3(2)

REQUEST Of "The Plaintiff was on the 25th November 1982 found guilty of committing a breach of peace and fined £50 in the Sheriff Court of Glasgow and

Strathkelvin at Glasgow upon which the Defendant intends to rely in support of this plea of justification".

State whether the aforesaid conviction is relied on as constituting evidence of assault.

ANSWER Yes.

Under Paragraph 3(3)

REQUEST Of "the Plaintiff does support the Russian Invasion of Afghanistan as a result of which hundreds of people have died"

Stating the nature of the case relied upon in support of the aforesaid plea as constituting justification of the words complained of.

ANSWER In their context the words complained of meant that the Plaintiff was not a suitable person to act as a mediator between Britain and Libya during the crisis arising out of the siege of the Libyan embassy in St. James's Square in April 1984. The words complained of were published as part of one sentence which gave two reasons why the Plaintiff was unsuitable for such a role. The second reason given was that the Plaintiff "backs the Russian invasion of Afghanistan (only a few hundred dead last week)". The Defendant will rely on the whole article from which the words complained of are selected.

In support of the plea that the Plaintiff backs the Russian invasion of Afghanistan, the Defendant will rely upon the following:

18 July 1980 Plaintiff's letter to the Defendant

22 July 1980 Plaintiff's letter to the Defendant

January 1981 Plaintiff's visit to Afghanistan during which he permitted himself to be photographed in front of a tank

13 January 1981 Plaintiff stated that he supported the aims of the Government of Afghanistan.

MICHAEL TUGENDHAT

SERVED the 26th day of January 1987 by RICHARD C.M. SYKES of 4 Halkin Street, London, S.W.1., Solicitor for the Defendant.

LEGAL Proc. Ron Brown MP.

Sep 82.

CF?

R1/12



THE TREASURY SOLICITOR

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DX 2318 Victoria

P. A. Bearpark, Esq.
10 Downing Street
London
SW1A 2AA

Please quote L82/5946/PRM

Your reference

Date 30th November 1988

Dear Mr. Bearpark,
MR. RON BROWN

Thank you for your letter of 24th November.

I have now heard from the above's solicitors and I enclose a copy of their letter of 22nd November together with a copy of my reply. Assuming that C. M. Atif & Co. give the confirmation for which I ask I shall raise this matter with the Telegraph's solicitors.

The Telegraph's estimate of the length of the trial indicates that they must be calling numerous witnesses. I suspect the force of their attack will be that to any onlooker it would have appeared that the Prime Minister was being assaulted notwithstanding that her own view of the matter would preclude such a charge being brought against Mr. Brown.

As you surmise, when informed that Parliament is sitting on 2nd May 1989, the above's solicitors will seek a date when it is not: it is a little surprising that Mr. Brown did not tell his solicitors of the sitting dates so that they might be avoided.

Yours sincerely,
P. B. Messer.

P. B. MESSER
For the Treasury Solicitor

C. M. ATIF & CO.

C. M. ATIF
B.A., LL.M. (Lond.)

SOLICITORS

Telephone:
01-767 4913/4

35 UPPER TOOTING ROAD
LONDON, SW17 7TR

FAX:
01-882 0317

OUR REF:

CMA/DG/BROWN/B37

YOUR REF:

L82/5946/PRM

DATE:

22nd November, 1988

Mr P Messer
Treasury Solicitor,
Queen Anne's Chambers
28 Broadway
London SW1H 9JS

Dear Sir,

MR R BROWN -v- DAILY TELEGRAPH PLC

Thank you for your letter of the 12th October. In answer to the points raised in your letter we have disclosed a full copy of Mr Watson's letter of 8th November 1982. We have also quoted from that letter including the penultimate paragraph in detail when explaining that this is the attitude of the Prime Minister.

We received back a letter part of which we have quoted to you by which the Defendant maintains quite strongly the Prime Minister was actually assaulted. In those circumstances we wrote to you pointing out that it is essential that we call the Prime Minister as a witness as that was the attitude of the Defendant.

As the Defendant has informed us that they will attempt to prove in this case that the Prime Minister was assaulted, we see no choice but to call the Prime Minister as a witness. We are not in fact prepared to agree a Statement from her, not because we don't understand the Prime Minister's difficulties, but because the case which should take a couple of days has been listed for roughly three weeks and it is quite plain that the Defendant intends to mount a considerable attack on Mr Brown. In those circumstances the Jury will need to see and hear from the Prime Minister her short factual account of the matter. We cannot agree that our client's interest will be properly served without her appearance as a witness in this case. It is for that reason that we wrote to you.

In these circumstances we must have a definite answer from you if we are to vacate the fixture for the 2nd May 1989. It is quite obvious that the Prime Minister will assist the ends of justice. She is an essential witness. However, we fully understand that she may not be available, as this is an old case a date had to be fixed for it, and we understood that those dates would be a reasonable fixture for all parties and all witnesses.

If that is not the case we would be very surprised if this fixture could not be moved. If you could give us a detailed letter of explanation explaining the Prime Minister's position, we will obviously have the fixture moved. We would point out that an application must be made quite quickly in this matter as it is a fixture.

cont'd...

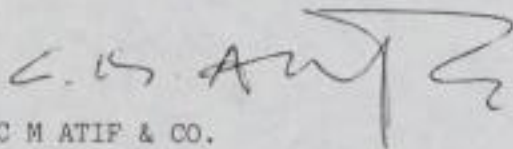
Mr. P Messer, Treasury Solicitor

22nd November, 1988

We now turn to clearly the spirit of your letter. It in fact seems to us that it is likely that when we quoted from the Prime Minister's letter that the truth of the matter is that we are simply not believed for some reason. Of course we may be wrong, but that is our impression. As there is in fact no property in a witness and this is a most unusual situation we would see no reason why you should not be at liberty to write giving the Prime Minister's version of events to the Solicitors for the Daily Telegraph. If you were to do this quickly we would have no objection if you felt this was a proper course of action.

I hope that this is the most helpful suggestion we can make. Though we understand the Prime Minister's position and no doubt her great surprise that her version, which accords with our client's is disputed by the Daily Telegraph, if that is to be disputed we really must have proper evidence, we do not believe that the agreement of a Statement would be sufficient for the purpose of this action. We must at all times protect our client's interest in this litigation but we hope that you will appreciate we are trying to be as helpful as possible.

Yours sincerely,



C M ATIF & CO.



THE TREASURY SOLICITOR

Queen Anne's Chambers

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Switchboard 01-210 3000

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DX 2318 Victoria

C. M. Atif & Co.
35 Upper Tooting Road
London
SW17 7TR

Please quote L82/5946/PRM
Your reference CMA/DG/Brown/B37
Date 29 November 1988

Dear Sirs,

MR. RON BROWN -v- DAILY TELEGRAPH PLC.

I thank you for your letter of 22nd November. Am I right to infer from your letter that if the Defendants were to agree the Prime Minister's statement as set out in Mr. Watson's letter, then you would be content to rely upon it also?

If you would kindly confirm this and let me have details of the Defendant's solicitors I shall write to them.

I understand your concern, but if you are able to write to me swiftly I am sure that will assist.

Yours faithfully,

P. R. MESSER
For the Treasury Solicitor

LELAC Proc: Ron Bon

Sept 82



File
PM2A72

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

24 November 1988

Your letter of 21 November concerning Mr. Ron Brown refers. 2 May 1989 is, according to my diary, a Tuesday and as such the Prime Minister will have duties in the House of Commons. I would imagine we would therefore have no problem in obtaining the necessary certificate of Parliamentary privilege, although I have not checked this specifically with the Speaker. I am not, however, sure at what stage you will wish to use this information, as we presumably run the risk of Mr. Brown's solicitors then applying for the trial to be transferred for a day when the House is not sitting.

P. A. BEARPARK

P.R. Messer, Esq.
Treasury Solicitor's Department.

ca



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pps pm

CF ~~pps~~

R22/11

P. A. Bearpark, Esq.
10 Downing Street
London
SW1A 2AA

Please quote L82/5946/PRM

Your reference

Date 21st November 1988

Dear Mr Bearpark,

MR. RON BROWN

I am sorry to tell you that I have received no reply to my letter of 12th October to the above's solicitors. While I have written a reminder to them, in order to seek to conclude this matter are you able to let me know specifically what would prevent the Prime Minister from attending Court on 2nd May 1989 to the intent that I may inform the above's solicitors, if that appears appropriate?

Yours sincerely,

P. R. Messer.

P. R. MESSER
For the Treasury Solicitor

LEGAL PROC: Ron Brown Sept 182



File SK

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

13 October 1988

I am writing on behalf of the Prime Minister to thank you for your letter of 11 October, the contents of which have been noted.

P. A. BEARPARK

Ron Brown, Esq., M.P.

SK

File



288

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

12 October 1988

I enclose a letter from Mr. Ron Brown MP to the Prime Minister which is relevant to the correspondence you have been having with my colleague Dominic Morris. I would propose to reply to Mr. Brown on behalf of the Prime Minister simply saying that his letter has been received in her absence at the Party Conference, and thanking him for it.

Could you please let me know if this is in order?

AB

Tsy solicitor phoned to confirm content.

P. A. Bearpark

P. R. Messer, Esq.,
Treasury Solicitor's Office.

SM



THE TREASURY SOLICITOR

Queen Anne's Chambers

28 Broadway London SW1H 9JS

Telephones Direct Line 01-210 3471

Switchboard 01-210 3000

Telex 917564 GTN 210 DX 2318 Victoria

Fax No. 01-222 6006

NITGL
R12/10 *CF?*

Dominic Morris, Esq.
The Private Secretary
10 Downing Street
London
SW1A 2AA

Please quote L82/5946/PRM

Your reference

Date *12* October 1988

Dear Mr. Morris,

RON BROWN, M.P.

- Ron Brown letter with DM?

I regret to inform you that the above's solicitors have written to me again. I enclose a copy of my letter to them of 9th August, their reply of 30th September and my response to them of today. My suspicion is that the point has not been put properly or at all to the Daily Telegraph's lawyers.

I shall of course keep you informed.

Yours sincerely,

P. R. MESSER
For the Treasury Solicitor



THE TREASURY SOLICITOR

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28 Broadway London SW1H 9JS

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Fax No. 01-222 6006

C. M. Atif & Co.
35 Upper Tooting Road
London
SW17 7TR

Please quote L82/5946/PRM
Your reference CMA/DA/BROWN/B37
Date 12 October 1988

Dear Sirs,

MR. RON BROWN -V- THE DAILY TELEGRAPH PLC

I thank you for your letter of 30th September. I fear the date of 2nd May 1989 will be no more convenient to the Prime Minister than any other date, as has been previously indicated.

However, before I seek specific instructions on that point and the matter generally I should be grateful if you would let me have some further information.

Would you please confirm that you have disclosed to the Daily Telegraph Plc. Mr. Watson's letter of 8th November 1982 the penultimate paragraph of which gives the Prime Minister's account of the incident. Further have you asked them in terms to agree that that statement should be accepted as the Prime Minister's evidence of what took place and her reaction to it?

Did you send to the Defendant's solicitors a copy of my letter of 9th August. What was their reaction to it?

I look forward to hearing from you.

Yours faithfully,

P. R. MESSER
For the Treasury Solicitor



HOUSE OF COMMONS
LONDON SW1A 0AA

Rt Hon Margaret Thatcher MP
10 Downing Street
London SW1

11 Oct 1988

CR/10

CF PPS

CF PPS psc

POJ
14/10

Dear Prime Minister,

I am sorry to learn that you have been asked to attend court in person to give evidence about the story by the "Daily Telegraph" that I assaulted you outside the Holiday Inn during your official visit to Glasgow in 1982.

This, of course, is despite the fact that your lawyers have been good enough to issue a statement on your behalf refuting the allegation.

However, the "Daily Telegraph" persist in claiming that I assaulted you and my legal advisers say that unless there is an out of court settlement your presence in court will be absolutely crucial to establish the facts.

Even though we may have political differences, I therefore trust you will understand that it was never my intention to embarrass you by this case.

Sincerely,

(Ron Brown)

C. M. ATIF & CO.

C. M. ATIF
B.A., LL.M. (Lond)

SOLICITORS

35 UPPER TOOTING ROAD
LONDON, SW17 7TR

Telephone:
01-767 4913/4

FAX:
01-682 0317

OUR REF:

CMA/DA/BROWN/B37

YOUR REF:

L82/5946/PRM

DATE:

30th September 1988

The Treasury Solicitor
Queen Anne's Chambers
28 Broadway
London SW1H 9JS

Dear Sir

Re: Mr. Ron Brown -v- The Daily Telegraph PLC

We write further to your letter of the 9th of August 1988. The situation in this case is that it is not possible to agree the Prime Minister's statement given in her letter. We are grateful and unsurprised to learn that she does not wish to alter it in any way which is precisely what we expected.

The problem in this case is that the Daily Telegraph PLC has stated in correspondence in terms the following:- " I would have thought that there could not have been a clearer case of an assault".

In the circumstances you will appreciate that we have attempted to deal with this matter without the Prime Minister being brought into the issue in any way. This has proved impossible and the Defendant in this case plainly maintains that an assault took place. In those circumstances you will appreciate that is the main issue as far as we are concerned with this litigation, although no doubt they would wish to adduce evidence if they lose on that point to show that a libel of Mr. Brown is not worth a great deal. That of course is a separate side issue.

However, the Daily Telegraph is plainly maintaining that the Prime Minister was assaulted by our client. We are in the embarrassing situation in that both our client and the Prime Minister agree completely that she was not assaulted and as you may well be aware he was never accused of assaulting the Prime Minister in any event.

We would like to stress that we wish in no way to embarrass or in any way disrupt the Prime Minister's business in doing the duties required of her office. We have no choice given the attitude of the Defendant but to point out to you that we are obliged to fix the case and call the Prime Minister as a witness as the Defendant plainly and squarely maintains she was assaulted. This being the issue in the case it is impossible to agree matters as suggested by you.

We have therefore fixed the case for 2nd of May 1989 but we are sure that if the date is inconvenient it can be re-fixed. We would also

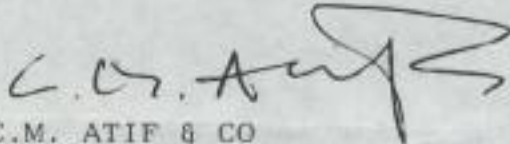
Cont/...2

The Treasury Solicitor

29th September 1988

stress but in confidence to you our client has made overtures to deal with this matter which have been deliberately and rudely rebuffed, which would cost very little to the Defendant. However, the Defendant plainly and squarely maintains its position. If you wish to make any suggestions we would welcome them.

Yours faithfully



C.M. ATIF & CO



THE TREASURY SOLICITOR

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Telex 917564 GTN 210
Fax No. 01-222 6006

C. M. Atif & Co.
35 Upper Tooting Road
London
SW17 7TR

Please quote L82/5946/PRM
Your reference CMA/DG/BROWN/B37
Date 9 August 1988

Dear Sirs,

MR. RON BROWN M.P. -V- THE DAILY TELEGRAPH PLC.

I write with further reference to your letter of 13th July. I regret to inform you that there is no date which would be convenient to the Prime Minister in that her attendance at Court on any date would interfere with her Parliamentary responsibilities or the performance of her duties as Prime Minister.

I do not know what the issues are between your client and the Daily Telegraph, not having seen the pleadings. I can confirm once again that Mrs. Thatcher can add nothing to the account of the incident given in the letter of 8th November 1982, nor would she wish to amend that account in any way.

That being so, there seems to me to be no necessity for her attendance. I should be sorry to learn that those representing the Daily Telegraph refuse to have admitted in evidence the Prime Minister's statement.

In the hope that it may assist please feel free to send a copy of this letter to them.

Yours faithfully,

P. R. MESSER
For the Treasury Solicitor



10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

27 July 1988

Thank you for your letter of 20 July warning that the solicitors acting for Mr. Ron Brown, M.P., have asked that the Prime Minister attend court to give evidence on Mr. Brown's behalf in his action against the Daily Telegraph.

I can confirm that the second paragraph of the letter of 8 November 1982 still applies. I have spoken to Mrs Thatcher about her recollection of the incident and reconfirm that she has nothing to add to the account that was given in that letter, nor would she want to amend her account in any way.

No doubt you will let me know if there are any further developments.

Dominic Morris

P.R. Messer, Esq.,
Treasury Solicitor's Office.

ls

PRIME MINISTER

MR. RON BROWN, MP

You will recall that five years' ago, Mr. Ron Brown, MP, attempted to call you as a witness in his trial for breach of the peace during your visit to Glasgow in September 1982. We successfully resisted this attempt but instead passed on your recollections in written terms. A copy of the Treasury Solicitor's letter giving those recollections is attached (Flag A).

Mr. Brown subsequently brought a suit against the Daily Telegraph for their suggestion that he assaulted you on the picket line. You confirmed to Tim Flesher in 1986 that you had nothing further to add to your original recollections.

You should be aware that Mr. Brown has obviously failed to settle out of court and his solicitors have now written again asking when you could come to give evidence. We propose to resist this latest attempt on the same basis as before.

Content for me to reply in the terms of the attached (Flag B) to the letter from the Treasury Solicitor (Flag C)? - Yes not

hu

(DOMINIC MORRIS)

26 July 1988

CF rps



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28 Broadway London SW1H 9JS

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Switchboard 01-210 3000
Telex 917564 GTN 210
Fax No. 01-222 6006

Mr Timothy Flesher
Private Secretary
10 Downing Street
London SW1

Please quote L82/5946/GS
Your reference
Date 20th July 1988

Dear Mr Flesher

MR RON BROWN M P

We have heard again from the above's solicitors concerning his action against the Daily Telegraph - copy attached.

As you will see, they ask that the Prime Minister attends Court to give evidence on Mr Brown's behalf.

I send also a copy of the correspondence from December 1985 to March 1986.

I do not know the issues in this litigation, not having seen the pleadings. The Prime Minister's statement contained in the letter of 8th November 1982 is perfectly clear and was confirmed by Mr Sills' letter of 14th March 1986. I do not see what more the Prime Minister could say in an examination in chief; I should be surprised if the Daily Telegraph would not admit the statement. I may ask for a sight of the relevant pleadings and an explanation of their Counsel's advice. No doubt the second paragraph of the letter of 8th November 1982 still applies?

I should be grateful for your instructions.

Yours sincerely

(P R MESSER)

C. M. ATIF & CO.

C. M. ATIF
B.A., LL.M. (Lond)

SOLICITORS

Telephone:
01-767 4813/4

35 UPPER TOOTING ROAD
LONDON, SW17 7TR

FAX:
01-682 0317

OUR REF:

CMA/DG/BROWN/B37

YOUR REF:

CM/FD/B37

DATE:

13th July, 1988

The Treasury Solicitor
Queen Anne's Chambers
28 The Broadway
London SW1H 9JS

14 JUL 1988

For the attention of Mr G Sills

Dear Sir,

Re: Mr Ron Brown MP -v- The Daily Telegraph Plc
Action No. 1985B-No.4332

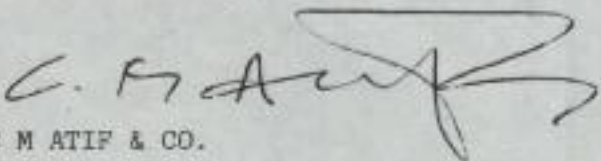
We refer to your letter of the 14th March 1986 and write to inform you that this matter has been set down for trial in the jury list under reference no.882887.

Although we had anticipated that this matter would be settled outside the Court but with great regret that has not been achieved. Our Counsel has advised us that we should call Prime Minister, Mrs Margaret Thatcher to give evidence at the trial. We should therefore be most grateful if you would please let us know as to when Prime Minister could come to give evidence in this matter so that we should obtain an appointment before List Office for a date to be fixed for the trial. We anticipate that a date could be fixed some times 18 months as from now on.

We must say with great regret that this course has to be pursued in the circumstances and any inconvenience to the Prime Minister is most sincerely regretted.

We should be obliged to hear from you in due course.

Yours faithfully,


C M ATIF & CO.

C. M. ATIF & CO.

C. M. ATIF
B.A., LL.M. (Lond.)

SOLICITORS

Telephone:
01-787 4913/4

35 UPPER TOOTING ROAD
LONDON, SW17 7TR

OUR REF.: CM/FD/B37

YOUR REF.: L82/5946/DAW

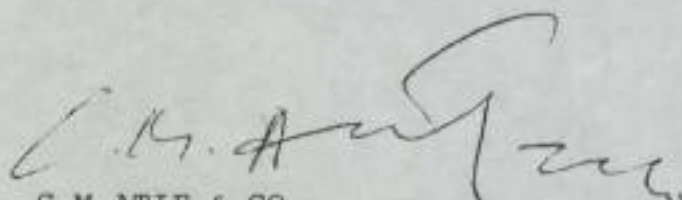
DATE: 23rd Dec. 1985

Mr D A Watson
Under Secretary (Legal)
Queen Anne's Chambers
28 Broadway -
London
SW1H

Dear Sirs

With reference to previous correspondence in the case of T S Glasgow -v- Ron Brown MP we enclose a copy of a letter sent to our client's Scottish Lawyers on 8th November 1982 in relation to an incident which took place at the Holiday Inn Hotel when Mrs Thatcher was present. Problems have arisen in England relating to this incident which requires us to write to you enclosing a copy of the letter and asking you to confirm that this still remains Mrs Thatcher's recollection of the incident. If Mrs Thatcher recalls anything additional or wishes to add alter or change anything we would be grateful to hear from you as there is a good prospect that her recollections contained in your letter of 8th November 1982 will be referred to in proceedings in England and Wales. In those circumstances before any reference is made and before matters get any where near that point we feel it is right to write to you and ask you to check with Mrs Thatcher what the position is and request her to make the comments she wishes in relation to her earlier letter.

Yours faithfully


C M ATIF & CO

encs

L82/5946/DAW

GM/FW

8 November 1982

Messrs More & Company
Solicitors
19 Dublin Street
Edinburgh
EH1 3PG

Dear Sirs

P F GLASGOW v RON BROWN
BREACH OF THE PEACE
TRIAL - 25 NOVEMBER 1982

I am writing on behalf of the Prime Minister to thank you for your letter of 12 October about the above trial.

Mrs Thatcher asks me to say that she could not give evidence at the trial of Mr Brown without disruption to the performance of her duties as Prime Minister. On Thursday 25 November she has to answer Questions in the House of Commons as well as chairing a meeting of the Cabinet and undertaking other official business. The Prime Minister's attendance at the court on any other date must also be expected to interfere with her official or Parliamentary responsibilities.

Mrs Thatcher has however asked me to give the following account of her view of the incident leading up to the arrest of Mr Brown.

After alighting from her car Mrs Thatcher was entering the Holiday Inn Hotel. There was a large number of people around and a considerable noise from the crowd behind the barriers. Mrs Thatcher suddenly noticed a man in front of her in the entrance way to the hotel, who was shouting and waving his arms. She was surprised by the sudden additional disturbance but she was not alarmed and did not form the impression that the man was about to assault her. Police officers quickly intervened and removed the man from her path. Mrs Thatcher only had a short time to see the incident and did not recognise the man as your client.

Mrs Thatcher is also making this account available to the Prosecuting authority.

Yours faithfully

DAW.

D A Watson
Under Secretary (Legal)

L82/5946/JHW

CA/FD/B37

30th December 1985

C M Atif & Co.
Solicitors
35 Upper Tooting Road
London SW17 7TR

Dear Sirs

RE: R BROWN MP

Your letter of the 23rd December 1985 addressed to Mr Watson at this address has been passed to me.

Please let me know for whom you act. Is the information required in connection with pending proceedings and if so, please let me have details.

Yours faithfully



J H WILKINSON
Principal Assistant Treasury Solicitor

C. M. ATIF & CO.

C. M. ATIF
B.A., LL.M. (Lond.)

SOLICITORS

Telephone:
01-767 4813/4

35 UPPER TOOTING ROAD
LONDON, SW17 7TR

OUR REF. CM/FD/B37

YOUR REF. L82/5946/JHW

DATE: 5th Feb. 1986

Mr. J.H. Wilkinson,
Principal Assistant Treasury Solicitor,
Queen Anne's Chambers,
28 Broadway,
London, SW1H 9JS.

Dear Sir,

Re: Ron Brown MP (Scotland)

We thank you for your letter of 30th December, and now write to inform you that we act for the above named.

The information required in our earlier letter relates to proceedings pending in the High Court against a national Daily Newspaper, in which it was published "Ron has assaulted Mrs. Thatcher on the picket line."

We should be obliged to hear from you in due course.

Yours faithfully,

C.M. Atif

C.M..ATIF & CO.

rec'd 7/2/86



THE TREASURY SOLICITOR

Queen Anne's Chambers
28 Broadway London SW1H 9JS

Direct Line 01-210 3090/3089
Telephones Switchboard 01-210 3000
Telex 917564 GTN-210

Mr T Flesher,
Prime Minister's Office
10 Downing Street
London SW1.

Please quote
Your reference L.82/5946/DAW
Date 11 March 1986.

Dear Mr Flesher,

MR RON BROWN MP

You may recall that, in the Autumn of 1982, you were in correspondence with Mr Duncan Watson of this Office, upon a request, made on behalf of the above Member, that the Prime Minister should give evidence in Scotland in criminal proceedings instituted against him. The incident giving rise to the proceedings occurred on 1 September 1982, when the Prime Minister was attending an official function at the Holiday Inn Hotel, Argyle Street, Glasgow during a visit by her to that City.

A letter was drafted in consultation and despatched on 8 November 1982 to Mr Brown's Solicitors and to the Prosecution. (A copy is attached.) In the event, the Prime Minister was not called to give evidence.

Subsequently, nothing was heard by this Office until last Christmas when a letter was received from London Solicitors, Messrs C M Atif & Co, who are acting in England for Mr Brown. I attach a copy of their letter. The letter was acknowledged seeking information upon the pending proceedings, to which reference had been made. The Solicitors have responded that the proceedings are those which are pending in the High Court against a Daily Newspaper, in which it was published "Ron has assaulted Mrs Thatcher on the picket line". I presume that the proceedings are for libel.

Mr Watson is away from the Office until next Monday. However, in the meantime, you will wish to be aware of the matter and we shall be glad to hear from you in due course with instructions.

...

Although no mention has been made of any intention to issue a subpoena against the Prime Minister for her to give evidence in Court, this presumably cannot be ruled out. Nevertheless, the incident is now more than ~~four~~^{three} years old and you may wish the Solicitors to be informed that the Prime Minister does not recall anything to add to what has been stated - assuming this is the case. I might add that there is a note by Mr Watson upon his file recording that Mr Brown, in evidence at the criminal proceedings, is stated to have said that had the Prime Minister been at the hearing, she might have been able to say what, if anything, she heard him say.

Yours sincerely,

G.S

G F SILLS



10 DOWNING STREET

12 March 1986

From the Private Secretary

Dear Mr Sills

Thank you for your letter of 11 March about the request you have received from the solicitors acting for Mr Ron Brown MP. I note that there exists the possibility that Mr Brown's solicitors may seek to issue a subpoena against the Prime Minister. If this occurs we shall no doubt have to consider, as we did in the previous proceedings involving Mr Brown, invoking Parliamentary Privilege. As far as the Prime Minister's recollection of the incident leading to Mr Brown's arrest in 1982 is concerned, I have confirmed with Mrs Thatcher that she has nothing to add to the account which was given in Mr Watson's letter of 8 November 1982, nor would she wish to amend that account in any way. I should be grateful if you could inform Mr Brown's solicitors that this is the case.

No doubt you will let me know if there are any further developments.

Yours sincerely
Tu F.

TIMOTHY FLESHER

G.F. Sills, Esq.,
The Treasury Solicitor

3090/3289

C M Atif & Co
Solicitors
35 Upper Tooting Road
LONDON SW17 7TR

L82/5946/DAW

CM/FD/B37

14th March 1986

Dear Sirs

MR RON BROWN MP

Further to my letter of 12th March I have now been informed that as far as the Prime Minister's recollection of the incident leading to Mr Brown's arrest in 1982 is concerned, it has been confirmed with Mrs Thatcher that she has nothing to add to the account which was given in our letter of 8th November 1982, nor would she wish to amend that account in any way.

Yours faithfully

(G SILLS)
Assistant Treasury Solicitor

LEGAL PROC: Ron Brown, MP.

Sep 82





THE TREASURY SOLICITOR

Queen Anne's Chambers
28 Broadway London SW1H 9JS

Direct Line 01-210 3090

Telephones Switchboard 01-210 3000

Telex 917564 GTN-210

PA 17/5

Mr Timothy Flesher
Private Secretary
10 Downing Street
LONDON SW1

Please quote L82/5946/DAW

Your reference

Date 14th March 1986
(dictated 13 March)

Dear Mr Flesher

MR RON BROWN MP

Thank you for your letter of 12th March. As requested I have written today to Mr Brown's solicitors in the terms of the penultimate sentence of the main paragraph of your letter.

Yours sincerely

G Sills
(G SILLS)

LECTAL PROCEDURE

Row Brown MP

7/82

DRAFT

PRIME MINISTER

MR. RON BROWN, MP

You will recall that three years ago Mr. Ron Brown MP attempted to call you as a witness in his trial for breach of the peace during your visit to Glasgow in September 1982. We successfully resisted this attempt but instead passed on your recollections in written terms. A copy of the Treasury Solicitor's letter giving those recollections is attached. In the event Mr. Brown was found guilty and fined £50. Nothing further was heard on the matter until this week.

It now seems that Mr. Brown is suing a daily newspaper for suggesting that he assaulted you on the picket line.

Mr. Brown's solicitors have written to the Treasury Solicitor asking if you recall anything additional to your previous statement or if you wish to alter anything. I should be grateful therefore if you could indicate ^{formally} that you do not wish to add anything to or amend the account we gave of your recollections on that occasion.

TF

TIM FLESHER
11 March 1986

No further recollections -

indeed with time the witness
needs further further work
as part.
mb

EL3AYA



10 DOWNING STREET

File CHJABC
of

12 March 1986

From the Private Secretary

Thank you for your letter of 11 March about the request you have received from the solicitors acting for Mr Ron Brown MP. I note that there exists the possibility that Mr Brown's solicitors may seek to issue a subpoena against the Prime Minister. If this occurs we shall no doubt have to consider, as we did in the previous proceedings involving Mr Brown, invoking Parliamentary Privilege. As far as the Prime Minister's recollection of the incident leading to Mr Brown's arrest in 1982 is concerned, I have confirmed with Mrs Thatcher that she has nothing to add to the account which was given in Mr Watson's letter of 8 November 1982, nor would she wish to amend that account in any way. I should be grateful if you could inform Mr Brown's solicitors that this is the case.

No doubt you will let me know if there are any further developments.

TIMOTHY FLESHER

G.F. Sills, Esq.,
The Treasury Solicitor

dg



THE TREASURY SOLICITOR

Queen Anne's Chambers

28 Broadway London SW1H 9JS

CF PPS ✓

Direct Line 01-210 3090/3089
Telephones Switchboard 01-210 3000
Telex 917564 GTN-210

Mr T Fleisher
Prime Minister's Office
10 Downing Street
London SW1.

Please quote
Your reference L.82/5946/DAW
Date 11 March 1986.

Dear Mr Fleisher,

MR RON BROWN MP

You may recall that, in the Autumn of 1982, you were in correspondence with Mr Duncan Watson of this Office, upon a request, made on behalf of the above Member, that the Prime Minister should give evidence in Scotland in criminal proceedings instituted against him. The incident giving rise to the proceedings occurred on 1 September 1982, when the Prime Minister was attending an official function at the Holiday Inn Hotel, Argyle Street, Glasgow during a visit by her to that City.

A letter was drafted in consultation and despatched on 8 November 1982 to Mr Brown's Solicitors and to the Prosecution. (A copy is attached.) In the event, the Prime Minister was not called to give evidence.

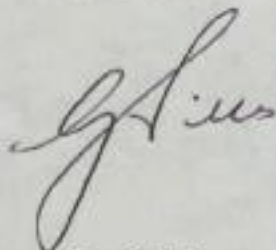
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Mr Watson is away from the Office until next Monday. However, in the meantime, you will wish to be aware of the matter and we shall be glad to hear from you in due course with instructions.

...

Although no mention has been made of any intention to issue a subpoena against the Prime Minister for her to give evidence in Court, this presumably cannot be ruled out. Nevertheless, the incident is now more than three years old and you may wish the Solicitors to be informed that the Prime Minister does not recall anything to add to what has been stated - assuming this is the case. I might add that there is a note by Mr Watson upon his file recording that Mr Brown, in evidence at the criminal proceedings, is stated to have said that had the Prime Minister been at the hearing, she might have been able to say what, if anything, she heard him say.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'G F Sills', written in dark ink.

G F SILLS

C. M. ATIF & CO.

C. M. ATIF
B.A., LL.M. (Lond.)

SOLICITORS

Telephone:
01-767 4913/4

35 UPPER TOOTING ROAD
LONDON, SW17 7TR

OUR REF.: CM/PD/B37

YOUR REF.: L82/5946/DAW

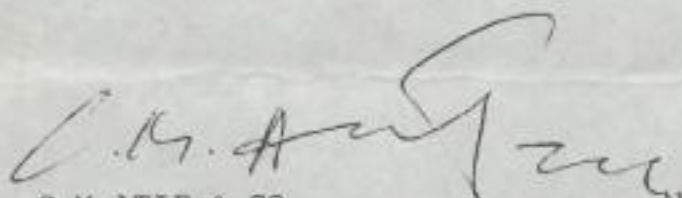
DATE: 23rd Dec. 1985

Mr D A Watson
Under Secretary (Legal)
Queen Anne's Chambers
28 Broadway
London
SW1H

Dear Sirs

With reference to previous correspondence in the case of T S Glasgow -v- Ron Brown MP we enclose a copy of a letter sent to our client's Scottish Lawyers on 8th November 1982 in relation to an incident which took place at the Holiday Inn Hotel when Mrs Thatcher was present. Problems have arisen in England relating to this incident which requires us to write to you enclosing a copy of the letter and asking you to confirm that this still remains Mrs Thatcher's recollection of the incident. If Mrs Thatcher recalls anything additional or wishes to add alter or change anything we would be grateful to hear from you as there is a good prospect that her recollections contained in your letter of 8th November 1982 will be referred to in proceedings in England and Wales. In those circumstances before any reference is made and before matters get any where near that point we feel it is right to write to you and ask you to check with Mrs Thatcher what the position is and request her to make the comments she wishes in relation to her earlier letter.

Yours faithfully


C M ATIF & CO

encs

Reference L82/5946/DAW

Your reference GM/FW



Queen Anne's Chambers
28 Broadway London SW1H 9JS
Direct Line 01-273
Telephones Switchboard 01-273 3000
Telex 917564 GTN 273

8 November 1982

Messrs More & Company
Solicitors
19 Dublin Street
Edinburgh
EH1 3PG

Dear Sirs

P F GLASGOW v RON BROWN
BREACH OF THE PEACE
TRIAL - 25 NOVEMBER 1982

I am writing on behalf of the Prime Minister to thank you for your letter of 12 October about the above trial.

Mrs Thatcher asks me to say that she could not give evidence at the trial of Mr Brown without disruption to the performance of her duties as Prime Minister. On Thursday 25 November she has to answer Questions in the House of Commons as well as chairing a meeting of the Cabinet and undertaking other official business. The Prime Minister's attendance at the court on any other date must also be expected to interfere with her official or Parliamentary responsibilities.

Mrs Thatcher has however asked me to give the following account of her view of the incident leading up to the arrest of Mr Brown.

After alighting from her car Mrs Thatcher was entering the Holiday Inn Hotel. There was a large number of people around and a considerable noise from the crowd behind the barriers. Mrs Thatcher suddenly noticed a man in front of her in the entrance way to the hotel, who was shouting and waving his arms. She was surprised by the sudden additional disturbance but she was not alarmed and did not form the impression that the man was about to assault her. Police officers quickly intervened and removed the man from her path. Mrs Thatcher only had a short time to see the incident and did not recognise the man as your client.

Mrs Thatcher is also making this account available to the Prosecuting authority.

Yours faithfully

D A Watson
Under Secretary (Legal)

Legal Procedure;
Ron Brown legal evidence

9/12



MR. WICKS

MR. RON BROWN, MP

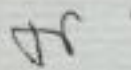
NW Flesher,

I agree with your
advice to the P.M.

NCLW 11.3

Over three years ago, during a visit to Glasgow by the Prime Minister, Mr. Ron Brown MP was arrested during a demonstration. He was subsequently charged with a breach of the peace. He sought to call the Prime Minister as a witness on his behalf. Since it was clearly undesirable that the Prime Minister should be so called Robin Butler and I explored ways of avoiding this eventuality. What we decided upon was to offer a written account of what the Prime Minister was able to see of the incident in which Mr. Brown had been arrested but to assert that attendance at Mr. Brown's trial would conflict with her Parliamentary and other official duties. In the event this proved sufficient to dissuade the Court from issuing a citation (a Scottish subpoena), although we did have up our sleeves the willingness of the House authorities to grant us a claim of Parliamentary privilege. This is a certification by the Speaker that Parliament has a prior claim on the attendance of the Prime Minister on the day in question. As it happened, Mr. Brown was found guilty of causing a breach of the peace and fined £50. He made two passing references to the Prime Minister's refusal to give oral evidence but was told he was out of order. There the matter rested until the attached letter arrived today.

It seems that Mr. Brown has taken out libel proceedings against a daily newspaper for claiming that he assaulted the Prime Minister on a picket line. Mr. Brown's solicitors have approached the Treasury Solicitor to ask us to check with the Prime Minister whether she has anything to add to the comments she made earlier. If you agree I propose to ask the Prime Minister formally whether she has anything to add and, on the assumption that she does not, instruct Treasury Solicitors along the lines indicated at the end of the Treasury Solicitor's letter attached. A draft submission to the Prime Minister is attached.



TIM FLESHER

11 March 1986



Mr Butler
to note

LORD ADVOCATE'S CHAMBERS
5/7 REGENT ROAD
EDINBURGH EH7 5BL
TELEPHONE 031-557 3800

J

12/1

7 January 1983

The Private Secretary to the
Prime Minister
Prime Minister's Office
10 Downing Street
LONDON SW1

R-11

Dear Private Secretary

Ron Brown MP wrote to the Lord Advocate on *✓* 12 December concerning his recent trial at Glasgow Sheriff Court. The Lord Advocate has now replied to the Member of Parliament. I have been asked by the Lord Advocate to send you a copy of this correspondence for your information.

Yours sincerely

A Miss A Pollock

MISS A POLLOCK
Private Secretary

Enc



LORD ADVOCATE'S CHAMBERS
5/7 REGENT ROAD
EDINBURGH EH7 5BL
TELEPHONE: 031-557 3800

7 January 1983

LAD/E/MP/208/82

Ron Brown Esq MP
House of Commons
LONDON
SW1A 0AA

Thank you for your letter of 12 December concerning your recent trial in Glasgow Sheriff Court.

I understand the Prime Minister was not cited to attend as a witness in the trial either by the prosecution or by the defence. A cardinal rule in Scots law is that, other than in exceptional circumstances, evidence must be given by oral testimony in order that the witness can be cross examined and the court can make an assessment as to reliability and credibility having noted the demeanour of the witness whilst giving evidence. However, since in answer to your solicitor's letter the Prime Minister had given her account of the incident as she saw it, the Procurator Fiscal was willing to agree a minute of admission giving this account. In this way the Prime Minister's account of the matter would have been placed before the court and taken into account by the Sheriff in his consideration of the case. The only reason that this was not done was that your solicitor was not prepared to agree unless the Prime Minister's account was substantially edited.

Personally I do not consider that there is any justification for amending the principles of the law of evidence in the general way that you suggest but the Scottish Law Commission is presently reviewing the whole subject of the law of evidence and you may wish to bring your views to their attention.

MACKAY OF CLASHFERN



July. Mr Butler to see
I was aware of 4 and 5
Mr. P. P. P.
Thanks. I did not
see what after Question
15/12
15/12

Lord Advocate's Chambers
Fielden House
10 Great College Street
London SW1P 3SL

Telephone: Direct Line 01-212 0800
Switchboard 01-212 7676

F.E.R. Butler Esq.,
Principal Private Secretary to the
Prime Minister,
10 Downing Street,
London SW1A 0AA.

15th December 1982

Dear Robin,

QUESTIONS 15TH DECEMBER 1982
MR. RON BROWN MP

The first Question for Oral Answer today by the Solicitor General is from Mr. Ron Brown MP and concerns his arrest for breach of the peace in Glasgow on 1st September. The Question is as follows:-

"....how many people in Scotland were charged with a breach of the peace during 1981; and how many were convicted."

The Solicitor General shall take the following line in answering supplementaries:-

1. The Prime Minister did not refuse to give evidence.
2. At no time was the Prime Minister cited to attend.
3. Defence received letter from the Prime Minister's legal advisers giving as requested her account of the incident.
4. The Procurator Fiscal was prepared to have her account incorporated in a Minute of Admissions and placed before the Court.
5. This was not done because Defence wished to 'edit' her account.

I also attach for your information a transcript of a letter received in Crown Office, Edinburgh today from Mr. Brown to the Lord Advocate.

I have copied this letter to Mr. Speaker's Office, Murdo MacLean and David Heyhoe.

Yours sincerely
Ian Malcolm
Ian Malcolm
Private Secretary



LETTER FROM MR. RON BROWN MP TO THE LORD ADVOCATE DATED 12TH
DECEMBER 1982.

"You will know by now that the PM refused to attend my recent trial, which was held in a no-jury court, although she was the main witness for the defence. Instead, she submitted a written statement confirming that she had not been threatened on the day in question but this vital evidence was not accepted by the judge owing to the peculiarities of Scots law.

Because of this, I trust you will now take steps to ensure that English residents, including Ministers, turn up in Scots courts when required and to make written evidence acceptable in Scotland.

These proposals, as you will appreciate, are necessary in the interests of justice for all, irrespective of their political viewpoint.

I look forward to having your reply."

1001/11/1-28/82



Ron Brown M.P.
167 Pilton Avenue,
EDINBURGH. EH5 2HP
031-552 6824

Lord Advocate

12 Dec 1982

Dear Lord Advocate,

You will know by now that the PM refused to attend my recent 'trial' (which was held in a no-jury court) although she was the main witness for the defence. Instead she submitted a written statement confirming that she had not been threatened on the day in question, but this vital evidence was not accepted by the judge, owing to the peculiarities of Scots law.

Because of this I trust that you will now take steps to ensure that English residents - including Ministers - turn up in Scots courts when required, and to make written evidence acceptable in Scotland.

These proposals, as you will appreciate, are necessary in the interests of justice for all, irrespective of their political viewpoint.

I look forward to your reply.

Sincerely,

Ron Brown

MP for Leith

15	REPT.
REC	15/12/82
ACCL	15/12/82 (MEd)

2
Legal Proceedings

PRIME MINISTER

Ron Brown, MP, was found guilty today of causing a breach of the peace during your visit to Scotland on 1 September and fined £50.00. He made two passing references to your refusal to give oral evidence but was told he was out of order by the Sheriff. There were large demonstrations outside the courtroom which may of course be repeated in Edinburgh tomorrow.

TZ

ms

25 November 1982

Legal Proceedings
Prime Minister

2

to see: 4528

We thought it best that the Treasury
Solicitor should reply to the letter of 18
November from Mr Brown to you.
19 November 1982

L82/5946/DAW
GM/FW

Mr Butler 19.11
FERS

Messrs More & Company
Solicitors
19 Dublin Street
Edinburgh
EH1 3PG

to note

19/11

Dear Sirs

P F GLASGOW v RON BROWN
BREACH OF THE PEACE
TRIAL - 25 NOVEMBER 1982

I write further to my letter of 8 November to advise
you that my client, the Prime Minister, has received
a letter from your client Mr Ron Brown MP dated
18 November in which he expresses the hope that
Mrs Thatcher will be able to attend his trial.

I am, however, instructed that the position is
still as set out in the second paragraph of my
letter to you dated 8 November to which I have had
no acknowledgement as yet.

Yours faithfully

D A Watson
Under Secretary (Legal)



Ron Brown M.P.
167 Pilton Avenue,
EDINBURGH. EH5 2HP
031-552 6824

18 Nov 1982

CF
L9

Rt Hon Margaret Thatcher MP

Dear Prime Minister,

Thank you for sending a statement to my solicitor regarding the incident that occurred outside the Holiday Inn in Glasgow on 1 September 1982.

While your view is helpful to my case, I am sorry to report that written evidence will not be accepted in a Scots court.

As you are an important witness, I hope you will be able to attend my trial.

Sincerely
Ron Brown

Legal Procedure, Sept 22, Rev Brown



STAY WITH IT

IT IS NOT NECESSARY TO ANSWER IT

Thank you for sending a statement to
my attorney regarding the incident that
occurred outside the court on the
date of the September 15th.

This year was in fact a very busy one, I
was very busy with my work and
did not have time to attend to the
matter.

As you are an important witness, I hope you
will be able to attend to the trial.

MR. BUTLER

Mr. Fletcher
Thanks.

FERS
12.11.

See
p. 2.

RON BROWN

I have spoken to the Clerk of the House, Sir Charles Gordon, and alerted him to the possibility that we may be moving a claim for Parliamentary privilege in the Ron Brown case. He has said there would be no difficulty about this; one of us (not necessarily the Prime Minister) should write to the Speaker, copied to him, setting out the circumstances of the citation and asking the Speaker to certify that the House had a prior claim on the attendance of the Prime Minister on the day in question. This could be done straight away as indeed it was in the case involving the Scottish Secretary earlier this year.

I do not think there is more that we need to do in this context until and unless we hear further from the Solicitors.

TF.

18 November 1982

Legal procedure

Our reference

L82/5945/

DAW

Queen Anne's Chambers
28 Broadway London SW1H 9J5
Direct Line 01-273
Telephones Switchboard 01-273 3000
Telex 917564 GTN 273

Your reference

BY HAND

8 November 1982

Mr T Flesher
Prime Minister's Office
10 Downing Street
London

*Mr Butler to
me*

Dear Tim

P F GLASGOW v RON BROWN MP

*D
8/n.*

Further to our telephone conversation of this morning I have now cleared the revised draft enclosed with your letter of 5 November with the Scottish Office and I now sent you a copy of the letter which has today gone to Messrs More & Co, Mr Ron Brown's solicitors.

As instructed I have also sent a copy of the letter to the Crown Agent in Edinburgh as the prosecuting authority.

I will keep you advised of developments.

Yours

Duncan

Our reference L82/5946/DAW

Your reference GM/FW

Queen Anne's Chambers
28 Broadway London SW1H 9JS
Direct Line 01-273
Telephones Switchboard 01-273 3000
Telex 917564 GTN 273

8 November 1982

Messrs More & Company
Solicitors
19 Dublin Street
Edinburgh
EH1 3PG

Dear Sirs

P F GLASGOW v RON BROWN
BREACH OF THE PEACE
TRIAL - 25 NOVEMBER 1982

I am writing on behalf of the Prime Minister to thank you for your letter of 12 October about the above trial.

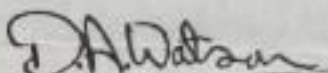
Mrs Thatcher asks me to say that she could not give evidence at the trial of Mr Brown without disruption to the performance of her duties as Prime Minister. On Thursday 25 November she has to answer Questions in the House of Commons as well as chairing a meeting of the Cabinet and undertaking other official business. The Prime Minister's attendance at the court on any other date must also be expected to interfere with her official or Parliamentary responsibilities.

Mrs Thatcher has however asked me to give the following account of her view of the incident leading up to the arrest of Mr Brown.

After alighting from her car Mrs Thatcher was entering the Holiday Inn Hotel. There was a large number of people around and a considerable noise from the crowd behind the barriers. Mrs Thatcher suddenly noticed a man in front of her in the entrance way to the hotel, who was shouting and waving his arms. She was surprised by the sudden additional disturbance but she was not alarmed and did not form the impression that the man was about to assault her. Police officers quickly intervened and removed the man from her path. Mrs Thatcher only had a short time to see the incident and did not recognise the man as your client.

Mrs Thatcher is also making this account available to the Prosecuting authority.

Yours faithfully



D A Watson
Under Secretary (Legal)

Legal Procedure, Sept 81,
Per Brown ml.

28 NOV 1982



File

Legal Procedure
file

Legal procedure



10 DOWNING STREET

From the Private Secretary

5 November 1982

We spoke earlier today about the letter which is to be sent on behalf of the Prime Minister to the solicitors of Mr. Ron Brown, M.P. Below is the text.

As you know, this approach was based on discussions between Mr. Butler and the Lord Advocate. I should be grateful if you could arrange for it to be cleared as soon as possible with the Lord Advocate and the Scottish Office as necessary, with a view to its despatch at the beginning of next week if at all possible. I should also mention that the Prime Minister will be content to present the information set out in the letter to the solicitors in any other form you advise, such as an affidavit.

(TIMOTHY FLESHER)

Duncan Watson, Esq.,
Treasury Solicitor's Office.

I am writing on behalf of the Prime Minister to thank you for your letter of 12 October about the above trial.

Mrs Thatcher asks me to say that she could not give evidence at the trial of Mr Brown without disruption to the performance of her duties as Prime Minister. On Thursday 25 November she has to answer Questions in the House of Commons as well as chairing a meeting of the Cabinet and undertaking other official business. The Prime Minister's attendance at the court on any other date must also be expected to interfere with her official or Parliamentary responsibilities.

Mrs Thatcher has however asked me to give the following account of her view of the incident leading up to the arrest of Mr Brown. *She is also making this account available to the prosecuting authority.*

After alighting from her car Mrs Thatcher was entering the Holiday Inn Hotel. There was a large number of people around and a considerable noise from the crowd behind the barriers. Mrs Thatcher suddenly noticed a man in front of her in the entrance way to the hotel, who was shouting and waving his arms. She was surprised by the sudden additional disturbance but she was not alarmed and did not form the impression that the man was about to assault her. Police officers quickly intervened and removed the man from her path. Mrs Thatcher only had a short time to see the incident and did not recognise the man as your client.



file No
cc Treasury Solicitors

10 DOWNING STREET

From the Deputy Secretary

27 October 1982

The Prime Minister has asked me to thank you for your letter of 12 October about the forthcoming trial of Mr. Ron Brown, M.P. The matter has been placed in the hands of the Treasury Solicitors from whom you will be receiving a substantive reply to your letter shortly.

TIMOTHY FLESHER

Esq., LL.B.



10 DOWNING STREET

From the Principal Private Secretary

25 October 1982

File AH
Mr. Fletcher - Vasey
See
A

Dear Duncan,

John Bailey has been having discussions with Tim Flesher and myself about the Prime Minister's legal position in the criminal proceedings which have been brought against Mr Ron Brown, and particularly on the question whether the Prime Minister should be obliged to give evidence.

I have now been able to take the Prime Minister's mind on the reply which should be sent to the letter of 12 October from More and Company. Subject to any further advice you may have, the Prime Minister would be grateful if you would reply to More and Company on the Prime Minister's behalf in something like the following terms:-

" P.F. GLASGOW v. RON BROWN

I am writing on behalf of the Prime Minister to thank you for your letter of 12 October about the above trial.

Mrs Thatcher has asked me to say, in reply to your question, that she is not prepared to give evidence in this case. She has asked me to say that she did not in fact recognise your client at the time, and does not therefore feel that she has any useful account to give".

You may like to check with the Lord Advocate's office that they would not advise the Prime Minister to reply in any different terms. If you or they have any points on a reply in these terms, let us speak on the telephone.

Duncan Watson Esq.,
Treasury Solicitor's Department.

Yours sincerely,

Robin Butler

AH

PRIME MINISTER

THE TRIAL OF RON BROWN, MP

I did have a clear
view of the incident but had
no idea who the man was
not

There are signs that Ron Brown will try to produce you as a witness at his trial for the incident at the Holiday Inn during the visit to Glasgow. He may issue a citation (the equivalent in Scotland of a sub poena).

I am sure that it is right to use every legitimate means to prevent Ron Brown from getting you into court. Not only would it be a terrible encroachment on your time, but the publicity he would get for it would be an incentive to other like-minded people to arrange demonstrations in an effort to get themselves arrested and get publicity by similarly involving you in future.

But it is proving difficult under Scottish law to protect you. We are advised ^{that} whereas under English law we could get a judge to rule that it was unnecessary for you to appear unless you had very material evidence to give, in Scotland there is no such escape from the wishes of a defendant to produce a witness in court.

You have been asked by Mr Brown's solicitors whether you are prepared to appear. The Treasury Solicitor advises that you should say that you are not prepared to appear. But this will not prevent Mr Brown's solicitors from issuing a citation.

The one means that you can use is to claim Parliamentary privilege. Since the trial is put down for Thursday, 25 November - a Thursday when you have an obligation to answer questions in the House of Commons - we think that you could legitimately claim Parliamentary privilege without attracting criticism. Parliamentary privilege was successfully invoked by the Secretary of State for Scotland and Mr Rifkind in a similar case when a charge was brought against Jim Sillars.

I am afraid that even this is not proof against Mr Brown then applying for a re-trial on a different day when you don't have Parliamentary duties. As it happens, you are due to be in Edinburgh on the following day, 26 November. We cannot influence the outcome of such an application, but if you can say that you have no worthwhile evidence to give

/that

that would no doubt be a factor which the Sheriff would take into account. My recollection is that you did not in fact have a clear view of the incident and that it was only as we were going down the passage that you were then told that it was Mr Ron Brown who had been involved. If this is indeed the case, I suggest that we might instruct the Treasury Solicitor to reply to Mr Brown's solicitors on the lines of the attached draft.

The Lord Advocate is being kept in touch with these legal developments . What I have said above represents the advice of the Treasury Solicitor, after consultation with the Lord Advocate.

TF for FERB.

22 October, 1982

I am writing on behalf of the Prime Minister to thank you for your letter of 12 October about the above trial.

Mrs. Thatcher has asked me to say that she is not prepared to give evidence in this case. Mrs. Thatcher asks me to say that she did not (have a clear view of the incidents leading up to the arrest of your client and did not) in fact recognise ~~him~~ ^{you client} at the time. She does not therefore feel that she has any useful account to give.

Local Procedure

PRIVILEGES RELATED TO THAT OF FREEDOM FROM ARREST

Related to the privilege of freedom from arrest, and like it, based on the prior claim of the House to the service of its Members, are the privileges of exemption from attending as a witness, and the privilege of exemption from jury service.

1. PRIVILEGE RELATING TO MEMBERS SUMMONED AS WITNESSES

The service of a subpoena to attend as a witness has been treated as a

breach of privilege by the House (*m*) and the parties responsible for service have on occasions been committed to the Serjeant for contempt. It is doubtful, however, whether under present usage the actual service would as a general rule be regarded as a breach of privilege, unless effected within the precincts of the House, *sedente domo*, on the general principle of the service of civil process (*n*). But the privilege of exemption of a Member from attending as a witness has been asserted by the House upon the same principle as other personal privileges viz., the paramount right of Parliament (*o*) to the attendance and service of its Members; and in certain cases on the matter being raised by the Member concerned the Speaker has communicated with the Court drawing attention to this privilege and asking that the Member should be excused (*p*). On other occasions the Commons have granted leave to their Members on the ground that their attendance as witnesses was required (*q*) and have admitted the same excuse for defaulters at calls of the House (*r*). As regards attendance in the other House, one House will not permit one of its Members to be summoned by the other, without a message desiring his attendance, or without the consent of the Member whose attendance is required (see p. 687).

2. PRIVILEGE OF EXEMPTION FROM JURY SERVICE

As the withdrawal of a witness might affect the course of justice, the privilege has properly been waived on occasions (see above); but the service of Members upon juries not being absolutely necessary, their more immediate duties in Parliament are held to supersede the obligation of attendance in other courts (*s*), and this privilege has been confirmed by statute (see below).

Holford's case.—On 20 February 1826, Mr. Holford complained that he had been fined for non-attendance as a juror by the Court of Exchequer, his excuse that he was attending the service of Parliament not being admitted; and Mr. Ellice, another Member, stated that he had also been fined for non-attendance in the same court. The House, on receiving the report of a Committee of Privileges resolved, *nem. con.*, that it is "amongst the most ancient and undoubted privileges of Parliament, that no Member shall be withdrawn from his attendance on his duty in Parliament to attend on any other court" (*t*).

Viscount Enfield's case.—In the case of Viscount Enfield, 6 February 1861, Chief Justice Erle stated, that "his lordship ought not to have been summoned

as a juror, as Members were not bound to serve in any other court than that in which they had been returned to serve, viz. the High Court of Parliament." See *Times* newspaper, 8 February 1861.

Exemption, held good during an adjournment, was not ordinarily claimed by Members after a prorogation; and there was no distinct authority for its existence at that time; but by the Juries Act, 1870, peers and members of Parliament, and the officers of both Houses, were included among the persons exempted from serving on juries, without reference to the sitting of Parliament.

The Juries Act 1974 (s. 9) provides that the appropriate officer shall excuse a person from attending jury service if that person can show that he is entitled to excusal. The Act specifies, in Part III of Schedule 1, amongst persons excusable as of right, peers and peeresses entitled to receive writs of summons to attend the House of Lords, Members of the House of Commons, officers of the House of Lords and officers of the House of Commons. In view of these provisions it is unlikely that either House would treat the mere summoning of a Member to serve on a jury as a breach of privilege, but this does not affect the right of the House to treat as a breach of its privileges any refusal to excuse a Member or officer of the House who is summoned as a juror from attending or serving, or any attempt to punish him for not attending or for refusing to serve as a juror.

Extract From

Erskine May

Parliamentary Practice

Pages 101-103

MR. BUTLER

Alan - For you? - Kay
21/10

Mr. Fletcher
I agree. Pl. make
clear that you have not
consulted the Prime Minister.

FERS
20.10

I so informed the
Treasury Solicitor; we
await his final advice.
BF 1/11
JF
21/10

I mentioned to you that Ron Brown MP had indicated that he wished to call the Prime Minister as a witness in the proceedings against him for breach of the peace following the incident during the Prime Minister's visit to Scotland. I attach the correspondence which I have received from Mr. Brown's solicitors and the advice I have received from the Treasury Solicitor on the Prime Minister's position. I am quite clear that we should do everything possible to avoid the possibility that the Prime Minister is called as a witness, and if necessary I think we should offer to give an account of the events leading to the arrest of Mr. Brown as the solicitors request. I should however, if at all possible, prefer to keep the Prime Minister out of proceedings altogether, although as you will see from the Treasury Solicitor's interim advice this may be rather difficult. Either

i) we can establish that the Prime Minister's evidence could be covered by a general admission by defence and prosecution, although I rather doubt whether the defence would be willing to forgo the publicity value of calling the Prime Minister, or

ii) we could claim Parliamentary Privilege. I find it difficult to believe that this extends to avoiding giving evidence in criminal cases.

If you agree, I propose to reply to the Treasury Solicitor that we agree to the course of action set out in his final paragraph. If that fails however, we shall have to consider the lesser of evils. My inclination would be to advise the Prime Minister to offer a written account rather than to pursue the claim of Parliamentary Privilege which might well be publicised as placing herself above the law. You might also like to consider at what stage we should inform the Prime Minister of this business; I suggest we do so when we have received the Treasury Solicitor's final advice.

JF

20 October 1982



Our reference

Your reference

Matthew Parker Street
Queen Anne's Chambers
28 Broadway London SW1H 9JS
Direct Line 01-273 - 4188
Telephones Switchboard 01-273 3000
Telex 917564 GTN 273

19th October 1982

T Flesher Esq
Private Secretary
10 Downing Street
SW1

Dear Mr Flesher

I refer to your letter of the 13th October in which you asked for some advice about the Prime Minister's legal position in criminal proceedings which have been brought against Mr Brown, and in particular in regard to whether Mrs Thatcher would be obliged either to give evidence or to give her account.

The criminal procedures in Scotland are not well known to me, and I have made enquiries of the Solicitor's office in Edinburgh.

dated 1.9.82 | I understand that the Crown Office in Edinburgh have been asked for a copy of the complaint which has been issued against Mr Brown, and this should be available by the middle of the week. It may then be clear whether or not the Prime Minister was in fact a witness to any of the matters with which Mr Brown has been charged. I will of course write again when I have received a copy of the complaint, but meanwhile you may like some interim advice on the Prime Minister's present position.

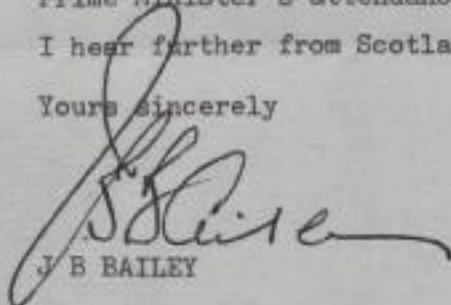
Mrs Thatcher is not of course obliged to give any statement to the solicitors acting on behalf of Mr Brown. Indeed, if she were to do so, then, no doubt, she would encourage the defendant to serve her with a formal citation requiring attendance in the Sheriff's Court. From my recollection of the television coverage of the moment or so before Mr Brown was arrested, I suspect that the Prime Minister may have been an eye-witness of the affair, and although there may be several others who can give evidence, this may make it more difficult to establish a lawful excuse for the Prime Minister's non-attendance at Court.

One possible approach which might, if successful, excuse the Prime Minister's attendance, would be to attempt to establish whether her evidence includes material which could be covered by a joint admission by the prosecution and the defence. If this avenue were to be followed, then it would be for the Procurator Fiscal to approach the defence.

Perhaps I should mention one other matter. The Prime Minister is of course entitled to claim Parliamentary privilege in Scotland as in England and Wales, and if Mrs Thatcher does not wish to give evidence at the trial, we should have to consider whether or not a claim should be made based on that rule of law.

My present feeling is that we should wait to see what is in the complaint issued against Mr Brown, and that thereafter we should explore further the possibility of seeking the agreement of prosecution and defence to a joint admission of relevant facts which might obviate the need for the Prime Minister's attendance. I will write to you again as soon as I hear farther from Scotland.

Yours sincerely



J. B. BAILEY



file
21/10
MORE & Company

(Trial of Ron Brown MP)

10 DOWNING STREET

From the Private Secretary

13 October 1982

I mentioned to you some time ago that the possibility existed that the Prime Minister might be called as a witness in the trial of Ron Brown MP for breach of the peace during the Prime Minister's visit to Glasgow in September. We have now received the attached letter from Mr. Brown's solicitors enquiring if the Prime Minister is prepared to give evidence at the trial. They also ask if she would indicate to Mr. Brown's solicitors her account of the events leading to the arrest of Mr. Brown. Before we reply to the solicitors, I should be grateful for your advice on the Prime Minister's legal position in the case and in particular on whether she would be obliged either to give evidence or to give her account. I should of course be grateful for such advice as soon as possible.

Timothy Flesher

J. B. Bailey, Esq., C.B.,
Deputy Treasury Solicitor.

25

13
1
MORE and Company

GEORGE M. MORE, LL.B. S.S.C. N.P.
GORDON PLESTWOOD, LL.B.
DOUGLAS G. B. MAIN, LL.B.
ALISTAIR J. M. DUFF, LL.B.
GORDON D. M. McBAIN, LL.B.

cc: Press Office 13/10
SOLICITORS

19 DUBLIN STREET
EDINBURGH EH1 3PG
Telephone 031-557 1110

The Right Honourable Margaret Thatcher, M.P.,
10 Downing Street,
LONDON

YOUR REF.

OUR REF. GM/FW

DATE 12th October, 1982.

Dear Madam,

P.F. GLASGOW v. RON BROWN *7/1*
Breach of the Peace
Trial - 25th November, 1982

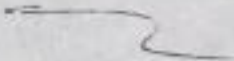
We have been instructed to represent the above-named accused at his trial at Glasgow Sheriff Court on the above date. Our Client was arrested on 1st September, 1982 at the entrance way to the Holiday Inn Hotel, Argyle Street, Glasgow at about the time you arrived at the Hotel. He has been charged with a Breach of the Peace.

The Procurator Fiscal at Glasgow has informed us that he does not intend to call you as a witness in this case, but we should be obliged to know if you are prepared to give evidence at the trial. In any event, it would be a favour if you would indicate to us your account of the events which lead to the arrest of our Client.

Yours faithfully,


With the Compliments of

Anna Pallavicini



Crown Office
5/7 Regent Road
Edinburgh EH7 5BL

Tel: 031-557 3800
Ext: _____

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C.745/82

(SERVICE COPY)
Under the Criminal Procedure (Scotland) Act, 1975

IN THE SHERRIFF COURT OF GLASGOW AND STRATHKELVIN AT GLASGOW

GLASGOW: The COMPLAINT of THE PROCURATOR FISCAL AGAINST
7 September
1982

RONALD DUNCAN McLAUREN BROWN
167 Pilton Avenue
Edinburgh

Date of Birth: 29.6.38

The charge against you is that
on 1 September 1982, at the entranceway to The Holiday Inn Hotel,
Argyle Street, Glasgow, you did conduct yourself in a disorderly
manner, run and push your way past other persons towards said
entranceway, bawl, shout, wave your arms about in a threatening
manner, and did commit a breach of the peace.

Procurator-Fiscal Depute.



STRATHCLYDE POLICE

POLICE REPORT

Station Stewart Street C82007425

*Released from custody on (date).....

1. ACCUSED: (Name, age, date of birth, occupation and address. If juvenile give school last attended and parent's name. State if in custody).

RONALD DUNCAN McLAREN BROWN (44) M.P. 167 Pilton Avenue,
d.o.b. 29.6.38 Edinburgh.
(Lothian and Borders Police)

2. CHARGE(S):

You are charged at the instance of the Complainer, that on 1st September 1982, at the entranceway to The Holiday Inn Hotel, Argyle Street, Glasgow, you did conduct yourself in a disorderly manner, bawl, shout, wave your arms in a threatening manner, and did commit a breach of the peace.

3. SUMMARY OF EVIDENCE:

About 1700 hours on Wednesday 1 September 1982, the Prime Minister, the Right Honourable Margaret Thatcher M.P. was attending an official function within the Holiday Inn Hotel, Argyle Street, Glasgow, during a visit to the City of Glasgow.

As the Prime Minister left her car and was walking towards the foyer of the hotel, a man, the now accused, moved forward from the direction of the foyer and started to shout slogans at the Prime Minister and gesticulated with his arms. His shouts made reference to Poland and he shouted "You're not wanted here Maggie".

At this point Special Branch officers Detective Inspector Craig and Detective Sergeant Innes together with other police witnesses Chief Inspector Jose, and Constables Thomson and Fraser along with the hotel security officer McKinisee, seized the accused and he was removed quickly to the side.

As the accused was being taken away by the uniformed constables, he continued to struggle and assistance at this point was rendered by Inspector McDougall. The accused was taken to a police vehicle and conveyed to Stewart Street Police Office. He was cautioned and charged as libelled to which he replied, "I don't Accept it".

to the officer detained in custody pending visitation of
the Division.

At the time of the incident there was a crowd of approximately
eight hundred demonstrators outside the hotel and the actions of
the crowd and consequent police intervention led to further
incitement which could have developed but for a strong police
presence containing the situation.

(continue on backing sheet if necessary)

4. VALUE OF PROPERTY Stolen/Destroyed £ Nil Value recovered £

5. CAUTION & CHARGE By: Constable Fraser Corroborated by:
Inspector McDougall

6. REPLY TO CHARGE(S):

" I DON'T ACCEPT IT"

7. WITNESSES:

1. KENNETH CRAIG Det. Insp Special Branch, Pitt Street, 'H' Div
 2. HAMISH IRVING Det. Sgt Special Branch, Pitt Street, 'H' Div
 3. JAMES MCHINDIE (52) Holiday Inn Hotel, Argyle Street, Glasgow
 4. JOHN THOMSON 'H' 482 Constable Attached to Stewart Street Pipe Band
 5. ROBIN FRASER 'V' 425 Constable Support Unit, Kothewell.
 6. WILLIAM McDOUGALL Insp, Support Unit, Springburn.
 7. ARTHUR JOSE Chief Inspector, 'A' Division, Stewart Street
 8. WILLIAM MUIR 'A' 17 Inspector " " " "(Bar Staff)
 9. ROBERT INNES 'A' 204 Constable " " " " " "
- (Completion of arrest form only by witnesses 8 and 9)

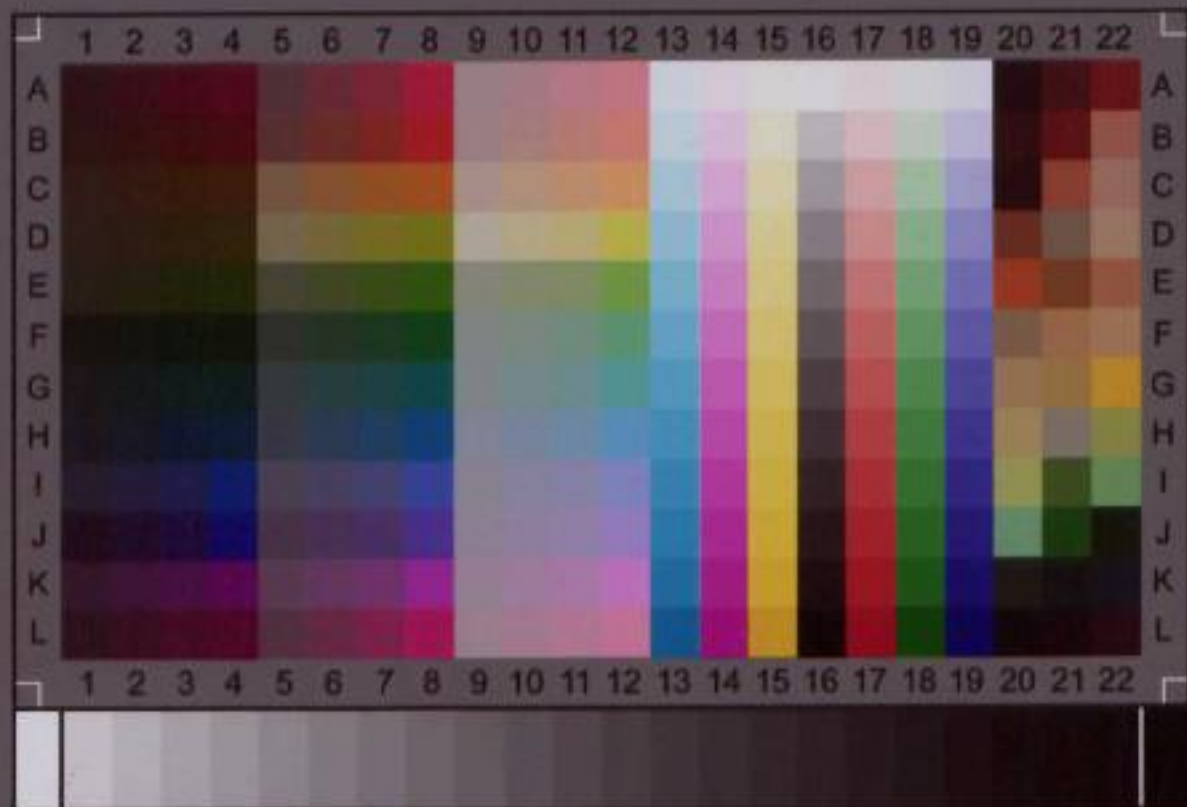
8. PRODUCTIONS:

Nil

9. REMARKS:

The accused presently is member of Parliament for Edinburgh Leith
Constituency.

10. Reporting Officer John O'Neil A403 Rank Constable Date 1.9.82
Supervisory Officer Rank Date



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Access

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