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HOUSE OF LORDS,
SW1A 0PW

21 October 1983.

Dms
24/10

My dear Leon:

THE PRISON ADJUDICATION SYSTEM

in box

Thank you for sending me a copy of your letter of 20th October to Willie Whitelaw about your proposal to announce the establishment of a Committee to review the prison adjudication system.

I can well understand the pressure which you are under to take action on this matter and would not wish to stand in the way. I must, however, view with considerable concern any possibility that the criminal courts which are already stretched to breaking point should have further burdens placed upon them: the Crown Court is already having to struggle with a 10% increase in its caseload this year on top of the significant increases recorded in recent years. I rather doubt in any case whether jury trial with the associated adversarial procedure is necessarily desirable for prison cases. For these reasons, I would myself prefer to see the proposed terms of reference modified slightly to reduce the chances of their being interpreted as involving a prior commitment to transfer at least some cases to the court system. I would suggest that point (i) in the present draft might be amended to read "whether, and, if so, to what extent it may be appropriate...." and that in any event it would be better for this point to be relegated to follow what is at present point (ii): this would seem to me to be the more natural sequence.

The proposed terms of reference rightly give prominence to the possible resource implications. Quite apart from additional pressure on the courts, any changes in the present arrangements could have significant implications for expenditure on legal aid and other matters within my Votes.

I am copying this letter to the recipients of yours.

Yrs:

The Right Honourable
Leon Brittan, QC, MP,
Secretary of State for
the Home Department,
Queen Anne's Gate,
London, SW1H 9AT.

Home Affairs

Sentencing July 79

21 OCT 1983

