



QUEEN ANNE'S GATE LONDON SW1H 9AT

31 October 1983

*DNB  
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*R. Quin,*

Thank you for your letter of 21 October about my proposal for a Departmental Committee to review the prison adjudication system.

I was most grateful for your suggestion that we should alter the order of the sub-paragraphs in the terms of reference and as you may have seen when I announced these in reply to a written Parliamentary Question on the 24th I adopted your proposal.

As I think my officials explained to yours I saw difficulty in accepting your other proposal that we should amend what is now sub-paragraph (ii) to read 'whether and, if so, to what extent it may be appropriate to use the ordinary criminal law courts and procedure to deal with serious misconduct by prisoners'. The difficulty about this is that even now the criminal courts do get involved in these matters: for example when one prisoner commits a serious assault on a member of staff or even on another prisoner, or when, to take an extreme example, one prisoner commits murder while in custody. But having said that I very much agree with the thrust of your comments about the need to avoid putting any more substantial pressure on the criminal courts. Of course in numerical terms we are not talking about very large numbers since last year there were only about 3,500 cases in all which were dealt with by Boards of Visitors, but I do know that any addition at the margin can be onerous.

I am grateful to you for your point that one of the possible resource implications could be for the legal aid fund.

I am copying this letter to the recipients of yours.

*W. W.*

The Rt Hon The Lord Hailsham of St Marylebone, CH, FRS, DCL

Home Dep  
July 29,  
Sentencing  
Policy.

Hansard 24 October 1983

#### Prisons (Discipline)

**Mr. Brinton** asked the Secretary of State for the Home Department whether he has any proposals with regard to the system of discipline in prisons.

**Mr. Brittan:** I propose to establish a departmental committee to look at the system of adjudications in prison. The committee's terms of reference will be:

To consider the disciplinary offences applying to prisoners, and the arrangements for their investigation, adjudication and punishment, having regard in particular to:

(i) the need within custodial institutions for a disciplinary system which is swift, fair and conclusive;

(ii) the extent to which it is appropriate to use the ordinary criminal law, courts and procedure to deal with serious misconduct by prisoners;

(iii) the connection with the investigation of related allegations by prisoners about their treatment;

(iv) the pressure on prison and other criminal justice resources;

and to make recommendations.

The membership of the committee will be announced in due course.