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T. Flesher Esq.
Private Secretary
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10 Downing Street
London SW1A 2AA

Please quote L86/1444/RADJ

Your reference

Date 24 April, 1986

Dear Mr. Flesher,

MR. RICHARD HOLT'S LIBEL ACTION

Thank you for your letter of 18th April, 1986 and I shall deal with the points you make in turn.

First, whether or not the proposed paragraph goes into Mr. Holt's Reply, there is a risk that a member of staff in the Prime Minister's Office will be called upon to give oral evidence. If the person concerned does not wish to give evidence voluntarily, either the Plaintiff or the Defendant will be entitled to serve a Subpoena. If the proposed paragraph is not included, the chances of having the Subpoena set aside are high, because there will be no issue on the pleadings involving the Prime Minister's Office. On the other hand, it will be difficult to have the Subpoena set aside if the paragraph goes in. Having said this, the oral evidence to be given by the member of staff will be limited to the point raised on the pleadings and he or she will be entitled to decline to answer questions going beyond the scope of the paragraph.

Thus, I cannot rule out totally the possibility of a member of staff being required to give evidence, but I accept that it will be more difficult to resist a Subpoena if the proposed paragraph goes in Mr. Holt's Reply.

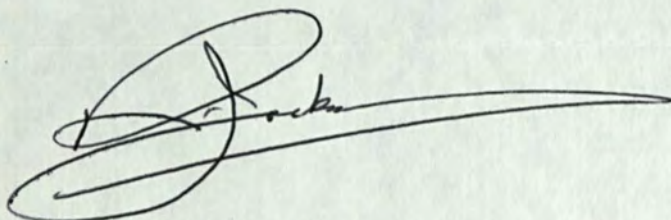
On your second point, I have written to John Coleman agreeing with your suggestion that the draft paragraph be cleared with the Chief Education Officer of Cleveland County Council and have proposed that the Department do this direct. I believe it would be worthwhile to clear the paragraph pending your further confirmation, or otherwise, of your willingness to have the draft paragraph included in the pleading.

/Contd.

Finally, the suggestion that Mr. Holt's Solicitors be supplied with a copy of the draft Answer and the Background Notes was no more than that: a suggestion. I am quite content for them not to see the document. My only reason for proposing that they should see a copy was to put the matter into context, having regard to the fact that the Supplementary Question, as put, was not in exactly the same terms as proposed.

I look forward to hearing from you once you have reconsidered your position in the light of my advice on the likelihood of oral evidence being called for from the Prime Minister's Office.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R.A.D. Jackson', with a long horizontal flourish extending to the right.

R.A.D. Jackson

FS.

Education

Teachers Pay P67

