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~~Deputy Legal Adviser~~

M. Hyslop

I attach two files dealing with compensation matters arising out of the activities of the British security forces. In both cases the role of this Department and of our Minister is marginal. However, in both cases misunderstandings have arisen in the past because of the terms of replies which we have sent to correspondence and I should therefore be grateful if you would look at the draft replies proposed, prior to our submitting them to the PSM.

As regards the Longfield incursion, it seems to me that there is little if anything that can be done at inter-governmental level. The British have already apologised for the incursion in question. They have offered compensation of £200 in respect of damage to Mr. and Mrs. Brennan's property (without admission of liability and against a claim of £216, and presumably without any additional costs). They declined to make any offer of compensation in respect of personal injuries to Mrs. Brennan. If the evidence in support of the personal injuries claim were more convincing, we could advise Mr. and Mrs. Brennan to consider taking the question to court but there is a danger that such advice might be misguided, at least when judged against the evidence available to us. I should be grateful for any advice you may wish to offer on the draft on file and, in particular, on the question of whether the sentence marked "X" would tend unduly to tie the Minister's hands on cases where it might be more desirable that the Department pursue a claim directly with the British authorities.

As regards the Kiltyclogher case, the main point on which I would welcome your advice is whether there is any legal objection to the Minister's suggesting that "the best course for the local residents to follow might be to seek a settlement with the local authority while the cases in question are still before the courts. The submission on the left hand side of file has not yet gone to Mr. Donlon and the PSM.

H. Swift

14 December 1976

M. Howell

*Please ensure
that a reply is
received in the
course of the week
HS 14/12/76*