CONFIDENTIAL

8 JAN 1986

PS/S of S

c.c. PS/PUS
Mr. Brennan o.r.
Mr. A.W.Stephens)c/oMrs
Mr. Palmer)Rundle
Mr. S.Hewitt
Mr. Bell o.r.
Mr. Wood
Mr. Marsh
Mr. M. Elliott

INTERGOVERNMENTAL CONFERENCE: SUPERGRASS TRIALS

... I attach a background note on "supergrass" trials and their results. As the note makes clear, statistical analysis is difficult, particularly because, although the evidence of an accomplice has played a part in 25 trials since 1982, its importance as an element in the prosecution case has varied.

One point that emerges from the figures in Annex B is the paucity of appeals. As far as we have been able to establish in the limited time available, appeals have only been lodged in the cases of Black and Bennett (and now Kirkpatrick) - though this point is still subject to confirmation. What does seem clear is that in relatively few cases has the defence felt it worthwhile appealling against the verdict of a court in a case involving supergrass evidence.

... Also attached is information on acquittal rates.

D. CHESTERTON
30 December 1985

Ian Jackson:
You will be interested
to see esp. Annex B.1
which you might wish
to get a better copy!

B Flesher
31/12/85

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"CONVERTED TERRORIST" TRIALS

Facts

The classic statement on the use of "converted terrorists" in Northern Ireland remains the Attorney-General's Parliamentary Answer of
... 24 October 1983, a copy of which is attached at Annex A.

2. There have to date been 25 trials relying in whole or in part on the evidence of "converted terrorists". To put this figure in perspective, it should be noted that in 1984 1,085 cases were disposed of on indictment in NI; 266 (24.5%) were treated as scheduled cases and only 4 (less than 1%) involved evidence from a former accomplice.

3. There are problems with definitions which make it almost impossible to establish a firm statistical base. For example, when a particular former accomplice agrees to give evidence and persons are arrested on that evidence, the police count that as a "supergrass" case. It has happened fairly frequently that some of the persons arrested make admissions and are subsequently convicted on the basis of those admissions even though the former accomplice has retracted and no trial ever took place with him in the witness box. There are also problems in readily determining the weight given by a judge to "converted terrorist" evidence as against any other which might be laid by the prosecution in a particular case. Bearing this in mind, the main generally-accepted "converted terrorist" trials to date, together
... with their results, are listed at Annex B.

Uncorroborated Evidence?

4. Uncorroborated accomplice evidence is admissible in courts in Great Britain and in many other countries, including the Republic of Ireland.

5. In a trial for a scheduled offence before a Diplock Court in Northern Ireland, the judge must be scrupulous in warning himself of

/...

the dangers of convicting on uncorroborated evidence; in addition he must give his reasoning which can be attacked in the appellate Court. But the term "corroboration" can be used in different ways; in the strict legal sense, evidence in corroboration must be independent testimony which affects the accused by connecting or tending to connect him with the crime, while in the looser sense it can be taken to include other supporting evidence which might, for example, show that the accomplice is a truthful witness. Accomplice evidence is never put forward unless it is supported by other evidence which, while not strictly corroborative, nontheless tends to confirm the accomplice's story.

Criticisms

6. Criticism has centered on the allegations that there is a "super-grass system" used to manufacture evidence, that the standards practised by the NI Courts are lower than elsewhere, that there is a bias against Roman Catholics and that convictions are secured by an unholy alliance of the police, the Executive and the judiciary working hand-in-glove.

7. Our line - as exemplified in a speech by Lord Lyell in April 1985 ... (copy attached at Annex C) - is that there is no "system". If the police have good evidence of whatever nature to link a person with serious terrorist crime, it is their duty to bring charges as soon as they are able, and in due course to lay the facts before the Director of Public Prosecutions. It is for the DPP to consider all the evidence and information before him with a view to the initiation of criminal proceedings, including cases where the evidence of a former accomplice forms an important part of the prosecution case. There are strict rules about immunity for accomplice witnesses, which are in general the same as those applying in England and Wales. The responsibility for assessing the accuracy and reliability of evidence rests with the Courts themselves. The courts (and, of course, the DPP) are entirely independent of Government and are scrupulous in their impartiality and conscientious in their assessment of evidence. This can been seen in the number of acquittals in "converted terrorist" cases, together with the acquittal of Shannon and the overturning on appeal of McGlinchey's conviction.

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ANNEX A

General Belgrano

Mr. Freeson asked the Prime Minister if she will now make a statement on the request she has received for a judicial inquiry into the circumstances surrounding the decision to sink the General Belgrano.

The Prime Minister: No.

"Alcohol Policies in the United Kingdom"

Mr. Ernie Ross asked the Prime Minister if she will now publish the central policy review staff report "Alcohol Policies in the United Kingdom"; and if she will make a statement.

The Prime Minister: No.

Department of Health and Social Security

Mr. Alfred Morris asked the Prime Minister (1) whether Her Majesty's Government are considering any changes in arrangements for the administration of the National Health Service;

(2) whether she proposed to alter any of the functions of the Department of Health and Social Security.

The Prime Minister: My right hon. Friend the Secretary of State for Social Services will be making a statement shortly.

ATTORNEY-GENERAL

Criminal Proceedings (Northern Ireland)

Mr. Spencer asked the Attorney-General if he will cease the practice in Northern Ireland of instituting criminal proceedings which rely on the evidence of admitted accomplices who have been granted immunity from prosecution; and if he will make a statement.

The Attorney-General: There is a number of misconceptions which appear to be current, and which should be corrected, about the use of evidence of accomplices in criminal trials in Northern Ireland and about immunity from prosecution which may be granted to such accomplices.

There is nothing new about the use of the evidence of accomplices in criminal trials. The law in England and Wales and Northern Ireland is the same. In both jurisdictions, where an accomplice gives evidence for the prosecution it is the duty of the judge to warn the jury that, although it may convict on his evidence, it is dangerous to do so unless is it corroborated. This is an old rule, well-recognised and rigidly applied, and it now has the force of a rule of law. A precisely similar rule applies where a judge is trying a case without a jury. The judge must warn himself that, although he may convict on the evidence of an accomplice, it is dangerous to do so unless it is corroborated. Subject to these rules, the uncorroborated testimony of an accomplice is admissible in law and the tribunal of fact has the right to convict upon it.

It is in the nature of serious organised crime, and particularly terrorist crime, that persons who are not themselves implicated in it but who could give evidence are liable to be intimidated so that they will not come forward as witnesses. In Northern Ireland terrorist crime is a serious problem and the full extent of the involvement of many of the terrorists is perhaps known only to those engaged with them in their criminal activities.

When one of those who has been involved in terrorism and is thus an accomplice indicates his willingness to give evidence about crimes of which he knows and in which he may have been a participant, it is the duty of the chief constable to put the full facts before the Director of Public Prosecutions. It is then the duty of the director to consider all the evidence and information before him with a view to the initiation of criminal proceedings.

The director must consider each case on its own facts and in the light of the interest of the public that criminals, and particularly dangerous criminals, should be brought to justice. Where the evidence of an accomplice appears to be credible and cogent and relates to serious terrorist crime, there is an overriding public interest in having charges brought before the court. This is especially so when the evidence which such an accomplice can give relates to murder, robbery, explosions and other similar atrocious crimes.

In such circumstances it is the clear duty of the director to put the cases before the court for adjudication. It will then be for the court to determine whether the evidence of the accomplice is so convincing as to its content and so reliable in itself that it reaches the standard of proof beyond reasonable doubt.

Where an accomplice is himself to be prosecuted, the practice in Northern Ireland is that he is put forward for trial and sentenced before he gives evidence. This is so that there may be no suggestion that, in giving his evidence, he is motivated by the hope of getting a shorter sentence than he otherwise would. There are, however, cases in which the accomplice will not give evidence unless he himself is freed from the possibility of prosecution.

The Director of Public Prosecutions must then decide whether it is right to grant him immunity from prosecution. Where the evidence which the accomplice can give is credible and cogent and involves perhaps a large number of alleged terrorists who cannot otherwise be charged or brought before the court, the prospect of saving lives, whether the lives of ordinary members of the public or members of the security forces, and the prevention of further violent crime must weigh heavily with the director in making that decision.

The general criteria which are observed in Northern Ireland in considering the possible granting of immunity to an accomplice are the same as those that are applied in England and Wales. I described them (in a different context) in the written answer which I gave in this House on 9 November 1981 in reply to the hon. Member for Walsall, North (Mr. Winnick) as including:

(i) whether in the interests of justice it is of more value to have a suspected person as a witness for the Crown than as a possible defendant;

(ii) whether in the interests of public safety and security the obtaining of information about the extent and nature of criminal activities is of greater importance than the possible conviction of an individual;

(iii) whether it is very unlikely that any information could be obtained without an offer of immunity and whether it is also very unlikely that any prosecution could be launched against the person to whom the immunity is offered.

In every instance the director's decision to grant any immunity from prosecution to an accomplice is of a limited nature. It relates only to the offences which he has disclosed and of which he has given a truthful account. He is thus liable to be prosecuted in respect of any offence committed by him which subsequently comes to light and

which he did not originally disclose and any offence in respect of which it subsequently emerges that he gave a false or misleading account. If, therefore, in the course of further police interview of the accomplice it appears that there are reasonable grounds for suspecting that he has committed an offence which he has not already admitted or that he has given a false or misleading account of an offence which he has admitted, the director's instructions to the police are that the accomplice must be cautioned in accordance with the judges' rules before he is further questioned and evidence of any further offence or any false or misleading account given by the accomplice must be referred immediately to the director for his consideration.

The decision whether to grant immunity to any individual is taken by the director personally. No immunity can be granted by the police. Before any application to grant immunity can be made to the director, the chief constable must recommend that the accomplice should be called as a Crown witness. The director has in a number of instances declined to grant immunity and there have been instances where, although immunity has been granted, the director has subsequently decided that the evidence was not sufficiently reliable to permit him to proceed. When a person is given an immunity from prosecution the director has done all that is within his power to remove from the mind of that person any possible fear, hope or expectation which might tempt him to give untrue evidence in court.

When a prosecution witness is given immunity from prosecution, this fact is disclosed to the defence and to the court and there is no bargain or arrangement between the witness and the prosecution. The director has given instructions that, in every case, the chief constable will furnish him with a statement of all financial arrangements made for the support of the witness and his family and any arrangement for future financial payment to the witness or for his benefit and that these particulars will be disclosed to the defence and will be available to the court of trial.

In all these matters—and I refer now to the decision to institute proceedings in reliance on the evidence of an accomplice as well as the decision to grant immunity to an accomplice—the primary responsibility is vested in the Director of Public Prosecutions for Northern Ireland. The decision in each case is wholly within his discretion which he exercises in accordance with his professional judgment and in full consciousness of his responsibility for the independent and impartial discharge of the duties of his office. He acts, however, under my superintendence and is subject to my direction. He keeps me fully informed of the general policies which he applies in this field. We consult each other regularly on these matters, both as regards those general policies and as regards specific difficult cases.

I am entirely satisfied both as to the correctness of the principles in accordance with which the director has taken his decisions and with the information which I have received from the director as to the decisions taken in individual cases.

Parentage

47. **Mr. Campbell-Savours** asked the Attorney-General whether the Lord Chancellor will refer to the Law Commission the law relating to parentage.

The Attorney-General: The Law Commission's report on illegitimacy was published 10 months ago and deals comprehensively with the law relating to the parents of children born out of wedlock. It would be premature to refer any other matters relating to parentage to the Law Commission, or any other body, before the Government have considered the report, which is expected next year, of the Committee of Inquiry into Human Fertilisation and Embryology set up in September 1982 under the chairmanship of Mrs. H. M. Warnock.

Junior Bar (Fees)

48. **Mr. Alex Carlile** asked the Attorney-General if the Lord Chancellor will raise the level of remuneration to members of the junior bar in instances where counsel's fees are paid from public funds.

The Solicitor-General: Such scales and rates of remuneration are already regularly reviewed in consultation with the profession.

Mr. Anthony Hamilton (Trial)

49. **Mr. Ryman** asked the Attorney-General whether he was consulted by the Director of Public Prosecutions before the Director decided to prosecute Mr. Anthony Hamilton on a charge of attempted murder of a baby.

The Attorney-General: Yes.

Court of the European Community

Mr. Spearing asked the Attorney-General on how many occasions in each of the calendar years 1980, 1981, 1982 and 1983 to date United Kingdom courts have referred cases to the Court of the European Community before making judgment; and where such cases are listed for public inspection.

The Solicitor-General: Six references were made by United Kingdom courts in 1980; five in 1981; four in 1982; and five in 1983 to date. References to the European Court are published in the *Official Journal* of the European Communities.

EDUCATION AND SCIENCE

Pupil-Teacher Ratio

Mr. Teddy Taylor asked the Secretary of State for Education and Science what are the pupil to teacher ratios in Essex and in England and Wales, respectively.

Mr. Dunn: The provisional pupil-teacher ratios for maintained schools in Essex and in England in January 1983 are as follows:

	Essex	*England*
Pupil-teacher ratios within maintained nursery schools	27·4	20·1
Pupil-teacher ratios within maintained primary schools	24·1	22·3
Pupil-teacher ratios within maintained secondary schools	17·3	16·5
Pupil-teacher ratio overall*	19·7	18·1

* The teacher numbers in the overall ratio include all qualified teachers, student teachers and instructors paid for service in maintained nursery, primary and secondary schools.

The figures for Wales are the responsibility of my right hon. Friend the Secretary of State for Wales.

C.R. CONFIDENTIAL ANNEX B

CONVERTED TERRORISTS

Background Note

1. It is virtually impossible to produce reliable statistics about 'converted terrorist' cases. The attached table sets out what we know but its accuracy cannot be guaranteed.

2 It includes references to persons who have given evidence to the police which has resulted in charges being made; although they themselves may subsequently have retracted their evidence convictions may nevertheless have been obtained as a result of the defendants' admissions, or other evidence.

3. Where the 'former accomplice' has given evidence in court it is impossible to say (without studying the transcript of the judgement) whether any convictions resulted from his evidence alone. The court is normally presented with a wide range of generally supporting evidence even where there is no strictly corroborative evidence. In many cases where the evidence of a 'former accomplice' was disregarded, some of the defendants were nevertheless convicted on the basis of other evidence or their own admissions.

4. In many cases where defendants were acquitted or not proceeded against because the 'former accomplice' retracted his evidence, they were not released but instead charged with other offences on the basis of other evidence, including that of other former accomplices. Thus a number of individuals feature several times in the statistics in the attached table.

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ANNEX C

[LORD PRYS-DAVIES.]

Although many have been on remand for more than two years. My noble friends Lord Longford and Lord Blease have again drawn attention to the fact that such detention may be disastrous for an accused person.

I have dwelt upon the weaknesses of the supergrass system. Supergrasses are yes men; not daring to cross the prosecution, they swim with the prosecution's tide. Their bargain with the prosecution is to their own advantage; but it is to the disadvantage of the accused and often amounts to injustice for many. So why do the security forces continue with this system?

Like the noble Viscount, Lord Brookeborough, and my noble friends Lord Blease and Lord Fitt, who live in the community and who have to face the perils there from day to day, I have no wish to be unfair to the police. I accept, with other noble Lords, that the police have a very difficult task to discharge, and we must not underestimate their difficulties. We have heard tonight how the system helps the police to collect valuable information about suspect terrorists; and to find weapons; and to help put suspects against whom there is a very great deal of circumstantial evidence out of circulation for a long time. That point was made by my noble friend Lord Fitt.

There possibly, and there probably, is the key to the policy. But it must not be overlooked that this policy may be and probably is unjust in the case of innocent individuals who have been arrested on the uncorroborated evidence of a single witness. Moreover, there is evidence that the system is turning some communities against the security forces. But whether this provides a common ground upon which the affirmatives in Northern Ireland can be brought together, as my noble friend Lord Longford seemed to suggest, I do not know. The noble Lord, Lord Hylton, has caught a glimpse of another development which may in the long term have great significance for the Province. But today we are concerned with the legal system in Northern Ireland and its imperfections.

I trust that when the Minister replies to this debate he will acknowledge the strength of feeling on this issue which has been brought into focus by my noble friend. If we have failed to convince the Minister of that unease, then we have failed in this debate. Even if the Minister cannot go so far as my noble friend would wish him to go, and even if he cannot tell the House that the supergrass system will be scrapped or that trial by jury will be re-established, at least for cases based on the evidence of an accomplice—and I accept the point made by the noble Viscount, Lord Brookeborough, and by my noble friend Lord Fitt that such may be unrealistic today—I hope he give the House assurance that the Government are giving consideration to the introduction of some or all of the following changes. That the evidence of an accomplice should always be corroborated in some material respect; that the terms of the bargain between an accomplice and the prosecution should be agreed before the accomplice gives his evidence, and that such terms should not be secret but should be known to the court and told to the accused; that there should be a substantial reduction in the delay in bringing the accused to trial; and that there should be a substantial reduction in the number of defendants who are tried together on one indictment.

One last word, my Lords. This is essentially a debate about the rights of the individual to justice according to law when that individual finds himself in an extraordinarily difficult situation. I suggest that we should not allow the extraordinary situation to destroy or undermine our system of justice. It is our duty to preserve our common law in the interests of the individual, in the interests of the community and in the interests of the country at large.

9.55 p.m.

The Parliamentary Under-Secretary of State, Northern Ireland Office (Lord Lyell): My Lords, I am sure your Lordships' House wishes me to express gratitude to the noble Earl, Lord Longford, for introducing this really informed and, I believe, constructive debate which we have had this evening. I was also particularly pleased to see that the noble Earl who has put forward this Question to the Government took the opportunity, as he told us, and as I heard from the lips of the Chief Constable of the Royal Ulster Constabulary—to whom I shall pass on the noble Earl's compliments and admiration—to visit Belfast recently to see the courts in operation and to observe for himself the processes by which justice is done in Northern Ireland.

This evening, of all evenings—and I am sure the noble Earl will forgive me—I invite the House to join with me in expressing our sympathy and condolences to those who have been injured or bereaved by this morning's non-warning car bomb outside the courthouse in Newry. One reserve policeman was killed outright and the civilian doorman was fatally injured. Another policeman was also seriously injured. This crime reminds us yet again, if, indeed, we need further reminder, that the shadow of the terrorist lies athwart the doors of the courts in Northern Ireland.

The terrorists have set themselves up as judge, jury and executioner. Indeed, the terrorists offer no safeguards for their intended victims. The task of bringing these terrorists to book for such crimes is an onerous one. The courts bear a considerable share of the strain. However, it is the determination of the Government, the security forces and, above all, the courts to maintain the rule of law which will, at the end of the day, defeat the terrorists and bring their plans to nought.

I return to this evening's debate and the Question which has been asked by the noble Earl. The debate has been highly informed and highly interesting but it has exposed one or two misconceptions which it might be best for me to correct immediately. Two of these are contained in the Question put down by the noble Earl, which refers to the working of what the noble Earl calls the "supergrass system". Far be it for me to enter into debate with the noble Earl or, indeed, your Lordships about the term "supergrass". We have heard how this term is used in the underworld across the Atlantic. However, I would mention in passing that the term "former accomplice" is one which more accurately describes the status of such witnesses.

I take strong issue with the allegation that there is a "system". There exists a group of cases which share certain common characteristics and it is even possible to a limited extent—I emphasise the word

"limited"—to study and talk about such cases in isolation from others. However, I believe your Lordships will agree that the word "system" implies a deliberate policy or process which does not, in fact, exist. There is no "supergrass system".

The position is simple. If the police have good evidence, of whatever nature, to link a person with serious terrorist crime, it is their duty to bring charges as soon as they are able, and in due course to lay the facts before the Director of Public Prosecutions. It is the duty of the director, who of course acts independently of the Executive, to consider all the evidence and information before him with a view to the initiation of criminal proceedings, including cases where the evidence of a former accomplice forms an important part of the prosecution case.

The Earl of Longford: My Lords, will the noble Lord give way?

Lord Lyell: Briefly, my Lords, and just once.

The Earl of Longford: My Lords, I wanted to refer the noble Lord to Appendix C of the report of the Standing Advisory Commission, which is headed:

"The use of supergrasses as a method of prosecution in Northern Ireland".

Just on the semantics of it, I think he has been a bit hard on me.

Lord Lyell: My Lords, the noble Earl should know that I am never unduly hard. The umpire in this game is indeed your Lordships' House. I stand by what I said. There is no system. I think that he is drawing semantic points. We may discuss this later if he will permit that.

The director must consider each case on its own facts and in the light of the interest of the public that criminals, and particularly dangerous criminals, as we have heard from the noble Lord, Lord Fitt, should be brought to justice. Where the evidence, whatever its nature, appears to be credible and cogent and relates to serious terrorist crime, there is an overriding public interest in having charges brought before the court. It is not the function of the director to decide guilt or innocence. All he can decide is whether the evidence merits being put before the court for adjudication. If the evidence of a former accomplice is part of the prosecution case, it is for the court to determine, as it does in respect of any evidence, whether it is so convincing as to its contents and so reliable in itself that it reaches the standard of proof beyond reasonable doubt.

It may assist your Lordships to appreciate the force of my contention that there is no "system" if I give some figures which I believe will not directly clash with others quoted this evening. I think that the noble Earl would agree with them, and anybody else who has studied this question would concede that they are right.

In 1983, 1,139 cases were disposed of on indictment in Northern Ireland. Most of these were heard before a jury in the normal way, but 285—that is approximately 25 per cent.—were treated as cases involving "scheduled" offences and tried by a court sitting without a jury. Only four of these cases—that is 1·4 per cent. of the total number of cases—were cases in which a former accomplice gave evidence on behalf of the Crown. In 1984, 1,085 cases were disposed of on indictment; 266, or 24·5 per cent., were treated as scheduled cases; and only three—1 per cent. of the total—involved evidence from a former accomplice. I believe that those figures are relevant to the Question asked this evening by the noble Earl.

The noble Earl also asked whether the Government are satisfied with the working of the judicial processes in such cases. I would say to him that there can be no question of the Government being either satisfied or dissatisfied with decisions which have been made by courts. What the Government are satisfied of is that the legal framework within which the police, the prosecuting authorities and the courts operate is sound and enables justice to be done. I am satisfied that justice is being done, and according to the very high standards set by the judicial systems of Great Britain and Northern Ireland.

The law of Northern Ireland, like that of England and Wales, approaches the evidence of accomplices with the utmost caution. In a trial before judge and jury, it is the practice for the judge to give a precise warning in his charge to the jury that, although it is open to them to convict on the uncorroborated evidence of an accomplice, it is dangerous to do so. It is further his duty to analyse the evidence and to point out to the jury what, if believed, could or might amount to corroboration, implicating the accused in the evidence actually before it. This places a particularly difficult burden on the sholders of a trail judge presiding over a trial for one of the scheduled offences which, at least for the time being, has to take place without a jury.

The trial judge must first give full effect to the warning which he would otherwise have given to the jury, and he must then ask himself the very questions he would otherwise have posed. First of all, he must ask: is there credible evidence which could amount to corroboration, were it accepted? Secondly, is he in fact satisfied of its truth? Finally, and most difficult of all, if there is no such corroboration, is the evidence, in such circumstances uncorroborated, of the accomplice so convincing that the judge is satisfied so that he is sure of the guilt of the accused?

It is clear to me, it is clear to the Government, and I believe it is clear to all who, with experience have followed this matter, that, throughout the period of the Diplock and so-called supergrass trials the judges charged with the matter have approached their delicate and responsible task with meticulous and scrupulous care. In particular I would refer the noble Lord to the judgment of the Lord Chief Justice of Northern Ireland given on 26th October 1983 in the case of Gibney. That illustrates and demonstrates the conscientious skill with which the courts ensure that no one is convicted except on proof beyond reasonable doubt. I would reassure the noble Earl, and, indeed, your Lordships, that a transcript of this judgment will be placed in your Lordships' Library.

I wish to say one or two more words about uncorroborated accomplice evidence. It is admissible in courts in Great Britain and in many other countries,

[LORD LYELL.]

...luding the Republic of Ireland and the United States. Yet it has been suggested this evening in your Lordships' House and elsewhere, that the Government should legislate to make such evidence inadmissible in Northern Ireland.

The Earl of Longford: My Lords may I interrupt the noble Lord?

Lord Lyell: My Lords, may I just finish?

The Earl of Longford: My Lords, I do not think——

Lord Lyell: No, my Lords; if the noble Earl makes sedentary remarks, it breaks up the speech. I am not a lawyer and I do not think he is. Will he just pause? He has said that he wishes to interrupt. I believe that I am on the verge of being too good mannered, but I shall finish this paragraph and then let him say what he wishes. I am in the middle of trying to deal with uncorroborated evidence. I do not think that for the Government to legislate to make evidence inadmissible in Northern Ireland would be in the interests of justice. It would require courts in Northern Ireland to disregard evidence which might be cogent and material, and which might otherwise lead to the conviction of persons for very serious crime. I would remind your Lordships and above all the noble Earl, that such accomplice evidence, although sometimes uncorroborated, is never put forward unless it is supported by other evidence—for example, of the commission of the offences in question—which, while not strictly corroborative, nonetheless tends to confirm the accomplice's story. I do not think that Parliament should supplant the discretion at present accorded to the courts to accept, reject or give such weight as they see fit to such evidence, with a rigid rule that no such evidence should ever, in any circumstances be admissible——

——I yield to the noble Earl just once.

The Earl of Longford: My Lords I want to make a rather important point. The noble Lord has suggested that uncorroborated evidence is admissible in England. In law it is admissible but I understand—and I have confirmed this with several lawyers before making my remarks—that the use of it has died out here to all intents and purposes.

Lord Lyell: My Lords, the noble Lord mentions "to all intents and purposes", but I understand that my remarks still stand.

The noble Lord, Lord Gifford, raised the question of the grant of immunity to former accomplices. This issue is a matter for the law officers, not for me, and I would commend to the House the written reply which was quoted by several of your Lordships, which was given in another place by my right honourable and learned friend the Attorney-General on 24th October 1983. That reply sets out very fully the criteria which are observed by the Director of Public Prosecutions when considering the grant of immunity in particular cases. I would not want to add anything to that.

The noble Lord, Lord Gifford, in the course of his notable speech, also raised the question of possible inducements to accomplice witnesses. Again, I should draw your Lordships' attention to the reply of my right honourable and learned friend in another place on 24th October 1983. This sets it out clearly that the details of any financial arrangements that may be made before a trial for the protection and, when appropriate, the resettlement of a witness must be available to the court at the time of the trial. It is for the court to form a view of the probative value of the witness's statement in the light of all the information before it.

Your Lordships have made reference (I think it was the noble Lord, Lord Blease, who mentioned it) to the length of time that sometimes occurs before certain cases come to trial involving the evidence of alleged former accomplices. The Government are most concerned about any delays in the judicial process. The recent appointment of 12 additional senior counsel and the forthcoming appointment of an additional county court judge are measures designed to speed the process of justice. That said, it must be recognised that cases involving accomplice evidence are subject to particular difficulty, most obviously from the need to complete the hearing of proceedings against the accomplice before the cases against others can be heard. This imposes a regrettable but, I have to say, necessary delay on the principal case.

I am also aware that in a small number of cases the continued detention of suspects on the evidence of successive former accomplices adds to the length of detention in custody and does give cause for concern. But, equally, if the police have evidence that someone has been involved in serious terrorist crime and the courts, becaue of the nature of the charges brought and the other factors which they are required to consider, decide that that person cannot properly be released on bail, then both in logic and I believe in law there is no alternative but to retain that person in custody until his case comes to trial.

Finally, I would wish to remind the House of the context in which this Question has been asked this evening. Northern Ireland has suffered 15 years of terrorist violence. There are undoubtedly people on the streets in Northern Ireland who have been guilty of the callous murder of members of the security forces or, indeed, of innocent members of the public; of the bombing of property, both commercial and domestic; and of grave and brutal sectarian murders. Witnesses have been intimidated. The silence of those who question the terrorist cause has been enforced by the brutal murder of so-called informers. It stands greatly to the credit of the security forces, of the prosecuting authorities, of the courts and of the judiciary that they have weathered this storm while maintaining the standards of justice which are recognised and applied on both sides of the Irish Sea. Recent cases have made clear that if cases brought against alleged terrorist offenders do not meet the standard of proof beyond reasonable doubt, then they will not be upheld by the courts.

I would wish to assure your Lordships that the splendid record of the judiciary of Northern Ireland has not passed without notice on this side of the water. I am most grateful to my noble friend Lord Brookeborough for providing me and, I believe, all

your Lordships with this opportunity to pay tribute to the way in which the Lord Chief Justice, in particular, and all the judges and magistrates at every level in Northern Ireland, are dealing with the present troubles. Judges in Northern Ireland, as your Lordships will be aware, face unusual difficulties and dangers. Their colleagues have been attacked and even murdered, some on the steps of the very church at which they had just partaken of the Sacrament, other at their homes before the faces of their families.

Many things have been devalued as a result of the violence that has taken place in Northern Ireland over the last 15 years. The impartiality and the integrity of the judiciary and of a united and independent legal profession which rises above political difference and religious obedience in defence of law and, above all, justice, remain unimpaired. It is thanks to their courage, their dedication and their skill that law in Northern Ireland is being administered with fairness and firmness. I am sure that everyone in your Lordships' House will want to join me in extending to the judiciary of Northern Ireland our gratitude for their fortitude.

In his Unstarred Question the noble Earl has asked whether the Government are satisfied. My Lords, I am satisfied that justice has been and will continue to be done in the Northern Ireland courts.

Berkshire Bill [H.L.]

Petition against the Bill from the British Retailers Association withdrawn: the order made on 19th February last discharged and the Bill recommitted to a Select Committee on Unopposed Provisions.

National Bank of New Zealand Limited Bill

Reported from the Unopposed Bill Committee with amendments.

Lloyds Bank (Merger) Bill

Reported from the Unopposed Bill Committee with amendments.

Royal Holloway and Bedford New College Bill [H.L.]

Reported from the Unopposed Bill Committee with amendments.

Gosport Borough Council Bill

Reported from the Unopposed Bill Committee without amendment.

South Yorkshire Passenger Transport Bill

Brought from the Commons, read a first time, and referred to the Examiners.

House adjourned at a quarter past ten o'clock.

Written Answers

BOARDS OF VISITORS: CONDUCT OF ADJUDICATIONS

Lord Avebury asked Her Majesty's Government:

Whether they will draw the attention of all Boards of Visitors to the remarks of Mr Justice Hodgson in the case of *R* v *Board of Visitors Pentonville Prison and Another, ex parte Rutherford,* that "there might be cases where it would be a breach of natural justice and unfair not to allow an inmate brought before a Board of Visitors on report to sit down, or, in a long or difficult case to deny him writing materials. However, it was not part of the High Court's duty to lay down the precise procedures which Boards of Visitors should adopt."

The Parliamentary Under-Secretary of State, Home Office (Lord Glenarthur): Boards of Visitors have been encouraged to allow all those taking part in adjudications, including the prisoner charged, to sit during the proceedings. The recently issued Manual on the Conduct of Adjudications contains the following advice:

"unless the size of the room and other physical arrangements preclude this, arrangements should be made for all those taking part in the proceedings to be seated. The prisoner should be allowed facilities to make notes."

My right honourable friend the Home Secretary does not intend to issue further guidance to Boards of Visitors on this matter at the moment.

MISS HILDA MURRELL

Lord Jenkins of Putney asked Her Majesty's Government:

Whether they will make a statement about enquiries into the death of Miss Hilda Murrell.

Lord Glenarthur: The death of Miss Hilda Murrell in March 1984 following her abduction from her home in Shrewsbury is the subject of an investigation by officers of the West Mercia Constabulary which is continuing. To seek to assist in bringing this case to a successful conclusion the Chief Constable of West Mercia has invited an assistant chief constable of the Northumbria Police to review the investigation so far and to report back. The handling of this investigation is an operational matter for the chief constable about which, in the light of the considerable interest which it has generated, he has kept the Home Secretary informed.

VOLUNTARY SERVICES UNIT: GRANTS TO NORTHERN IRELAND BODIES

Lord Hylton asked Her Majesty's Government:

Whether voluntary bodies, based in or operating in Northern Ireland, are eligible to receive help from funds administered by the Voluntary Services Unit and if not why not; and if so, how such moneys have been used in Northern Ireland in recent years.

TABLE 1

ACQUITTAL RATES NORTHERN IRELAND: CROWN COURTS

APPENDIX

		No of Persons Proceeded Against	Pleas		Findings		Acquittal Rates
			Guilty	Not Guilty	Guilty	Not Guilty	
1979	a. Non Scheduled Offences	982	852	130	889	93	9.5%
	b. Scheduled Offences	922	703	219	844	78	8.5%
	c. Total Offences	1904	1555	349	1733	171	
1980	a. Non Scheduled Offences	944	831	113	870	74	7.8%
	b. Scheduled Offences	585	472	113	550	35	6.0%
	c. Total Offences	1529	1303	226	1420	109	
1981	a. Non Scheduled Offences	1170	1029	141	1074	96	8.2%
	b. Scheduled Offences	598	490	108	562	36	6.0%
	c. Total Offences	1768	1519	249	1636	132	
1982	a. Non Scheduled Offences	1199	1054	145	1118	81	6.8%
	b. Scheduled Offences	793	640	153	744	49	6.2%
	c. Total Offences	1992	1694	298	1862	130	
1983	a. Non Scheduled Offences	1232	1056	176	1140	92	7.5%
	b. Scheduled Offences	638	464	174	577	61	9.6%
	c. Total Offences	1870	1519	350	1717	153	
1984	a. Non Scheduled Offences	1121	926	195	1025	96	8.6%
	b. Scheduled Offences	507	426	81	464	43	8.5%
	c. Total Offences	1628	1352	276	1489	139	

NOTE: Not Guilty Includes: 1. Charge Withdrawn
2. Charge Withdrawn by DPP
3. Dismissed on Merit
4. Dismissed Without Prejudice
5. Information Refused
6. Sine Die
7. Nolle Pros

TABLE 2

COURT OF APPEAL - STATISTICS (NORTHERN IRELAND)

Year	Total No of Appeals	Agst Conv	Agst Sent	Convictions		Sentence		Conv Sched			Conv N/Sch			Sentence Sch			Sentence N/Sch			W: Withdrawn D: Dismissed U: Upheld
				Sch	N/Sch	Sch	N/Sch	W	D	U	W	D	U	W	D	U	W	D	U	
1980	209	64	196	60	4	115	81	34	16	10	2	2	-	61	35	19	38	31	12	
1981	175	37	164	36	1	70	94	14	14	8	1	-	-	37	29	4	45	40	9	
1982	191	49	186	38	11	87	99	21	15	2	9	2	-	40	36	11	64	31	4	
1983	184	25	177	10	15	69	108	3	6	1	6	9	-	35	29	5	66	33	9	