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File 116

10 DOWNING STREET

THE PRIME MINISTER

Personal Minute

No. M7/86

THE LORD PRESIDENT OF THE COUNCIL

In your minute of 8 May reporting H Committee's conclusions on the proposals for a Serious Fraud Office you reserved my position on the machinery of government aspects and in particular the question of which Minister should be responsible for the new organisation. I have sought advice from Sir Robert Armstrong on this matter, and am inclined to accept the recommendation in the Chief Secretary's paper to H Committee (H(86)20) that the SFO should be the responsibility of the Attorney General, but as a Department separate from the DPP's Department. This seems to me to provide just the right relationship between the Attorney General and the SFO in relation to the handling of individual cases and therefore the right form of accountability to Parliament.

Sir Robert Armstrong has, however, drawn my attention to two aspects that might need further consideration. The first is the cumulative effect of adding the SFO to the Attorney General's administrative and management burden at a time when the Crown Prosecution Service is yet to come into full operation. I understand that the possible need to consider adding a Parliamentary Secretary to the Law Officers' Department has been suggested in this context. Before taking a final decision, therefore, I should like the Attorney General to consider in more detail the administrative and

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management implications of giving him responsibility for the SFO, and in particular whether he considers he would need a Parliamentary Secretary to support his management responsibilities.

The second consideration is a slight risk that adding to the Law Officers' responsibilities in this way would give some encouragement to speculation about a Ministry of Justice. It might be necessary at some stage to consider reviewing the implications of such a move. But it would be a major undertaking and I do not consider it needs any detailed work at this stage.

I am sending a copy of this minute to members of H Committee, the Attorney General and the Minister of State, Privy Council Office and to Sir Robert Armstrong.

N. Langford

23 May 1986