

PRIME MINISTER

Fluoride in Water

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Appropriate Private Offices
told by phone

SMB
31/10

H Committee will be considering on Tuesday options for legislation to clarify the law on addition of fluoride to drinking water. Scottish law on this subject was thrown into some confusion by a judgement given in the Court of Session in June. The Court found that Strathclyde Regional Council had no power to add fluoride in pursuance of their statutory duty "to provide a supply of wholesome water". At the same time the Court made clear that they did not doubt the weight of medical evidence in favour of fluoridation.

Mr. Younger puts forward three options for legislation:

- (a) giving all the water authorities a power to add fluoride;
- (b) giving water authorities a duty to add fluoride if asked to do so by the health authority;
- (c) making it compulsory for all water authorities to add fluoride.

I prefer option (a).

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The health Secretaries of State are divided on the merits of these options. Mr. Younger and Mr. Edwards favour option (a). Mr. Jenkin favours option (b) (though he recognises that it would not be feasible in Scotland). And Mr. Prior favours option (c).

Option (a), which would in effect confirm the position as previously understood, would clearly be the least contentious. Option (c) - compulsory fluoridation - would be highly controversial, and even option (b) could meet stiff resistance since:

- (i) it would remove from water authorities an element of discretion which they currently enjoy, and

(ii) leaving the decision solely to health authorities might be seen as compulsion by the back-door, in view of the weight of medical opinion in favour of fluoridation.

DMB

28 October 1983