

EC DP

MR TURNBULL9 February 1984cc Mr Redwood
Mr LetwinINTERCONNECT: CLAUSE 45

The proposals are intended to ensure that industrial action aimed specifically at preventing interconnect with Mercury does not succeed. Interconnect is essential to the commercial success of Mercury.

The suggested amendments to the Telecommunications Bill would expose the trade unions to civil remedies if they take any action which resulted in a breach of an order by the Director General requiring compliance with a licence condition about interconnect.

It would not be acceptable simply to make the breach of a statutory duty a tort. Any industrial action which breached the licence would then qualify and the practical effect would be to deny the unions any opportunity to take industrial action.

The current position is also unclear as legal opinion is divided about the likely outcome of the forthcoming Mercury v POEU trial in the High Court.

The proposed solution would leave the union free to withdraw their labour generally but would expose them to civil actions for any selective action aimed at Mercury.

It is also proposed to amend the Telecommunications Bill to safeguard BT's position when failure to interconnect is not the fault of BT. Although this does reduce the incentive for BT to ensure that interconnect is carried out, it will help the flotation and will be balanced by a change in the force majeure clause in the licence. BT will not be able to claim that they are not in breach of a licence condition because failure to interconnect arose from union activity. This will ensure that any breach of the interconnect terms could be the subject of an immediate enforcement order by the Director General.

These changes also provide an opportunity to delete Clause 45 of the Telecommunications Bill which makes it a criminal offence to interfere with a telephone call. Provided that criminal activities such as phone tapping are covered elsewhere, it is entirely consistent with our policy to make industrial disputes the concern of civil rather than criminal remedies. The amendments proposed above would provide a civil remedy for selective trades union action.

The deletion of Clause 45 will also enable us to argue that the package as a whole introduces some desirable reforms. This will help to counterbalance the hostile union reaction to our other proposals.

Conclusions

We support Norman Tebbit's proposals which are necessary to ensure the success of our telecommunications policy.

Nevertheless we are proposing to take legislative authority to thwart trade union action against interconnect in cases where trade union immunities would normally apply.

We should not underestimate the likely political controversy over these moves. We shall no doubt be accused of pre-empting the outcome of the Mercury v POEU High Court case by overriding the distinction between a normal trade dispute and political action.

The powers conferred upon the Director General need to be clearly defined to ensure that there is no question of the removal of union immunities in normal industrial trade disputes.

The deletion of Clause 45 is a sensible reform which will also be helpful in rebutting union opposition to the proposals.

D. Scala

pp DAVID PASCALL



JU707

Secretary of State for Trade and Industry

DEPARTMENT OF TRADE AND INDUSTRY
1-19 VICTORIA STREET
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16 February 1984

Andrew Turnbull Esq
Private Secretary to the
Prime Minister
10 Downing Street
London SW1

Prime Minister (2)

DTI have met your concerns about retaining criminal sanctions for phone tapping and interception of mail and are making the amendments set out below

AT 16/2

Dear Andrew,

TELECOMMUNICATIONS BILL: LEGAL RIGHT TO INTERCONNECT AND DELETION OF CLAUSE 45

Thank you for your letter of 10 February about the Prime Minister's reservations on the deletion of Clause 45 of the Telecommunications Bill. My Secretary of State has also received and is grateful for comments from a number of colleagues in response to his letter of 3 February to the Secretary of State for Employment. Your letter recorded the Prime Minister's wish to be sure that the Home Secretary and Sir Robert Armstrong are content with what is proposed. You will have seen the Home Secretary's letter of 14 February. Further, I understand that Sir Robert Armstrong has no objection. On this basis, and in view of the need to act quickly on this during the Lord's Committee Stage of the Bill, my Secretary of State will be asking Lord Cockfield to table amendments to the Bill today. Our specific proposals are set out below.

2 The deletion of Clause 45 would have no effect on the offences of telephone tapping, which are contained in Clause 46 of the Bill, and of tampering with mail which are contained in sections 45 of the Telegraph Act 1863 and 20 of the Telegraph Act 1868. The only connection between Clauses 45 and 46 of the Bill is that they are adjacent in the Bill and were drafted in parallel and in very similar terms, partly in the hope that Clause 45 would detract attention from Clause 46. This tenuous connection would be safeguarded by the amendment to Clause 45 which my Secretary of State now proposes to make.

3 My Secretary of State has reconsidered his proposal to delete Clause 45 in its entirety in the light of the Attorney General's letter of 9 February and now thinks it appropriate to delete only part of the Clause. As drafted Clause 45 deals with two separate activities. Clause 45(1)(a) makes it an offence for a person engaged in the running of a public telecommunication system intentionally to prevent, delay or interrupt the transmission or reception of a message. It is this provision which criminalizes those kinds of industrial action that are made subject to civil proceedings under the amendments which the Prime Minister has agreed to in Clause 16 to 18.



4 Clause 45(1)(b) on the other hand makes it an offence for a person engaged in the running of a public telecommunication system intentionally to modify or interfere with the contents of a message. This is a different type of offence, being more akin to fraud, and ought not arise during an industrial dispute; if it did arise a decision to prosecute would be easy to justify. The ending of the BT telegram service would appear to have rendered the offence obsolete but liberalisation could result in a private telegram service being established in which case the offence might serve a useful purpose. Moreover, retention of Clause 45(1)(b) would leave public telecommunications employees more nearly on the same footing as Post Office employees. It is therefore proposed to delete Clause 45(1)(a) and retain Clause 45(1)(b). Otherwise the proposals will be as described in the paper attached to my Secretary of State's letter of 3 February.

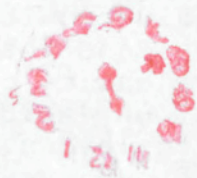
5 Copies of this letter go to the recipients of yours.

Yours ever,

A handwritten signature in cursive script, appearing to read 'Andrew Lansley'.

ANDREW LANSLEY
Private Secretary

Post + Tel : Inhil d P.O. Pte



1984

NBPM
AT
1512

Ref. A084/552

MR TURNBULL

In your letter of 10 February to the Secretary of State for Trade and Industry's Private Secretary you said that the Prime Minister would wish to be sure that I was content with the proposal to delete Clause 45 of the Telecommunications Bill.

2. It is important that Clause 46 should be retained, but from my point of view there will be no objection to the deletion of Clause 45. I understand that the Home Secretary is also content either to delete Clause 45 or alternatively to retain Clause 45(1)(b) only.

3. I am sending copies of this minute to the Private Secretaries to the Home Secretary and the Secretary of State for Trade and Industry.

RA

ROBERT ARMSTRONG

16 February 1984



HOME OFFICE
QUEEN ANNE'S GATE LONDON SW1H 9AT

14 February 1984

2 Norman,

TELECOMMUNICATIONS BILL: LEGAL RIGHT TO
INTERCONNECT AND RETENTION OF CLAUSE 45

Thank you for copying to me your letter of 3 February
to Tom King.

I would have no objection to your proposal that clause
45 should be deleted from the Bill. I should also be content with
the alternative option which I understand you are considering of
retaining clause 45, but deleting sub-section (1)(a), with
consequent drafting amendments.

I am copying this letter to the recipients of yours

Norman,
Norman

The Rt Hon Norman Tebbit, M.P.

Post + TELE

Future of P.O.

R. S.



JH 777

Secretary of State for Trade and Industry

NYSAM BT 6/2 → CC NO

DEPARTMENT OF TRADE AND INDUSTRY

1-19 VICTORIA STREET

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3 February 1984

The Rt Hon Tom King MP
Secretary of State for Employment
Department of Employment
Tothill Street
London SW1

D. Tom.

TELECOMMUNICATIONS BILL: LEGAL RIGHT TO INTERCONNECT AND DELETION OF CLAUSE 45

Our officials have discussed the difficulties which arise in ensuring that Mercury and other telecommunication operators secure a right to interconnect with the British Telecom system which cannot be frustrated by the trades unions.

... 2 The enclosed paper describes the problem. It is increasingly apparent that interconnection between the BT and Mercury systems is central to Mercury's commercial success and hence to the achievement of effective competition in telecommunications in this country. We cannot afford to leave a gap in the Bill which will allow the unions, or BT in tacit collusion with the unions, to prevent interconnection taking place. Apart from that, the recent sale of shares in Cable and Wireless - the licensee of the Mercury System - took place against a background of assurances that the Government would ensure that interconnect between BT and Mercury would take place.

3 We must, however, steer a middle course between two pitfalls. On the one hand we must not imperil the BT flotation. We must, therefore, leave BT itself with immunity from damages etc when the unions cause BT not to provide interconnection facilities in circumstances where BT either wants to provide them or take all practicable steps to provide interconnect but in either case is frustrated by the unions.

4 On the other hand we must be careful to fit so far as possible within the general framework of trades union legislation. If BT breached an order by the Director General requiring it to comply with a licence condition, eg the obligation to provide interconnect, it would be in breach of a statutory duty. The existing law may make it a tort to induce a person to breach a statutory duty. But there is doubt about the law on this point. One course might be to provide in the T Bill



that any inducement of a breach of a statutory duty was a tort and actionable accordingly. This would have the effect of making into a tort any industrial action by the BT unions which cause BT to breach a licence enforcement order by the Director. The unions would be liable for damages etc accordingly. This, however, would be tantamount to preventing most forms of industrial action within BT and would I think go too far. The resulting political controversy could imperil the flotation.

5 I am therefore preparing amendments to the Bill to provide BT with a defence where its failure to provide interconnect or to observe any other licence condition is attributable to any matters beyond its control and which it could not reasonably have made provision against. This will safeguard BT's position. The amendments will also provide that it would be a tort for any person (such as a trades union) to do or to omit to do, anything with the purpose of interfering with or inducing the breach of any enforcement order made by the Director General of Telecommunications requiring compliance with a licence obligation. This would leave the unions free to withdraw their labour generally but would make it clear that any selective action aimed at Mercury would expose the unions to damages, injunctions etc. This seems to me to find a middle way through the problem. As you will see I intend this to be without prejudice to the wider issue of whether inducement to breach other statutory duties is in tort. My officials will consult yours before the amendments are tabled.

6 I would welcome your agreement to the deletion of Clause 45 of the Bill, which provides that interference with the transmission or reception of a telephone etc call is a criminal offence. The offence is an anomaly and, so far as we can establish, the failure to repeal it in previous legislation was an oversight. The only reason for retaining the clause when the Telecommunications Bill was published was to deal with selective strike action directed at particular individuals or firms. This problem will now be dealt with under the proposed amendments to Clause 18, which will provide civil remedies against any trades union which prevents BT complying with the Director General's order to implement a licence condition to interconnect or to provide service to an individual customer etc who is subjected to blacking etc; and ensure that inducement to BT to breach its statutory duty to comply with the Director General's order is a tort to which the trades union immunities will not apply. Clause 45 does not bite on generalised strike action which might affect the BT system as a whole and BT assure me even without Clause 45 they have ample remedies against an individual employee who prevents or interferes with telephone calls etc.

7 I am attracted to the idea of deleting Clause 45 because it is increasingly obvious that it is a political embarrassment. Every time there is industrial action within BT the question arises whether to prosecute under Clause 45 and on every occasion



to date there have been compelling reasons for not doing so. The BT management, which handled the recent POEU dispute with exemplary firmness and defeated the union, are adamantly opposed to prosecuting because of the harm it would do to their already sensitive industrial relations. This passes the decision to Government, which would not I think wish to prosecute union leaders under any circumstances I can conceive, or to an individual citizen who might prosecute for what seemed to him to be excellent reasons but could thereby bring the whole union out on strike with serious consequences for our national telecommunications.

8 The deletion of Clause 45 would ease the passage of the Telecommunications Bill in the Lords and it might greatly assist us with the flotation of BT. The hostility of the unions to privatisation overhangs the whole flotation process and Clause 45 is probably opposed more strongly than any other provision in the Bill.

9 If you or other colleagues cannot agree to the deletion of Clause 45 I think it would nevertheless need to amend its provisions to ensure that they apply to industrial actions short of a full strike which prevent or hinder interconnect. This would be politically controversial but I see no merit in a criminal offence which applied only to messages sent entirely within the BT network and not to messages sent for connection to Mercury.

10 I am copying this letter to the Prime Minister, the Lord President, the Chancellor of the Exchequer, the Lord Chancellor, the Home Secretary, the Secretaries of State for Scotland, Wales and Northern Ireland, the Attorney General, the Chancellor of the Duchy of Lancaster, the Lord Advocate, and to Sir Robert Armstrong.

A handwritten signature in black ink, appearing to read 'Norman Tebbit', with a horizontal line underneath the name.

NORMAN TEBBIT

TELECOMMUNICATIONS : THE LEGAL RIGHT TO INTERCONNECT

Ministers have given Mercury (and by implication other public telecommunication operators) assurances that they will have a more clearly established right to interconnect with the BT system which is not liable to disruption by the trades unions. (Interconnect is the term used to describe the connection of one telecommunication system to another so that messages pass from one to the other and vice versa). This submission outlines the most promising way forward and seeks Ministerial authority to draft the necessary amendments to the Telecommunications Bill. It also seeks guidance on whether Ministers would be willing to delete Clause 45 of the Bill which appears to be made unnecessary by the amendments we propose to the Bill. I must point out that our proposals affect trades union immunities and are therefore controversial.

Current Position

2 It is clear that we cannot offer Mercury a guarantee that interconnect will never be suspended or prevented by trades union action. If there were a general withdrawal of labour by BT employees which brought the BT system to a standstill or which caused extensive interruptions to the service provided by BT, then the interconnect with Mercury would break down. Similarly a new interconnection could not be established during a general withdrawal of labour. Mercury accept this. All that we can attempt to do is to deal with industrial action aimed specifically at preventing BT implementing an obligation imposed under its licence such as the obligation to interconnect.

3 The current position is as follows:

- (a) Clause 7 of the Telecommunications Bill gives the Secretary of State power to include in the licence granted to a telecommunication operator conditions requiring the operator to connect his system to other telecommunication systems and to permit others to use his system to provide services to others. Clause 8 requires that such conditions be included in his licence before an operator like BT or Mercury can be designated as a "public telecommunication operator";
- (b) Condition 13 of the draft BT licence (which is still the subject of negotiations with BT) is designed to force BT to connect its systems to other public telecommunication systems such as Mercury:
 - (i) on an agreed basis (ie under contract); or
 - (ii) failing agreement on terms laid down by the Director General.

Failure to agree or to interconnect on the Director's terms would be a breach of BT's licence conditions and render BT subject to an enforcement order by the Director General requiring it to provide interconnect;

- (c) if a union interferes with a contract to interconnect, that is a tort and actionable so that an aggrieved party can obtain a court injunction requiring the union to permit interconnect and damages. This does not apply - however, where trades union immunities apply which would be the case if the interference with the interconnect contract arose in pursuit of a trade dispute (e.g. a dispute wholly or mainly about terms and conditions of employment or a threat of redundancies as opposed to a political dispute like the recent POEU action);
- (d) if a union interferes with interconnect arranged under terms laid down by the Director General
 - (i) BT are not liable in contract and, as the licence is drafted at present, would not be in breach of its licence obligations if the failure to interconnect was the result of a matter beyond its control such as a strike or trade dispute and it took all reasonable steps to secure that interconnect did take place (condition 43). The union can therefore cause BT not to provide interconnect and can thus shelter behind the fact that BT is not then obliged to fulfil licence obligations to interconnect;
 - (ii) if the matter was within BT's control and the Director General made an enforcement order, compliance with the order would be a statutory duty. Interference with a statutory duty may be a tort, in which case the trades union immunities do not apply and the union would not be able to hide behind BT, but many lawyers do not think it is a tort;
- (e) Clause 45 of the Bill makes intentional actions by BT employees which prevent, delay or interrupt the transmission or reception of a message sent by means of the BT system an offence. Full strike action which disrupted the entire BT system would not be an offence even if it means no messages at all can be sent by the BT system but blacking of specific connections with Mercury might in certain circumstances be an offence. In cases where there was not yet an interconnection between the BT and Mercury systems and the BT employees merely

prevent such a connection being made (not the current case but feared by Mercury for the future) Clause 45 as drafted will not bite at all.

4 In practice neither BT nor the Government are going to prosecute under Clause 45 (even if it is amended to apply to interconnect). The Clause has long appeared to be a paper tiger and a source of embarrassment which might to advantage be removed from the Bill. However, Ministers have divided the House of Commons to retain the Clause and Mercury have raised the equivalent provisions of the Telegraph Acts (Section 45 of the 1863 Act and Section 20 of the 1868 Act) in their current litigation with the POEU, which will not be resolved until after Royal Assent for the T Bill.

5 In summary the Bill as drafted means that the unions may well be able to block or obstruct interconnect regardless of the way the BT licence is drafted. Mercury are strongly of the view that:

- (a) it is not sufficient for interconnect to be left to contract between BT and Mercury since it is open to the unions at any time to mount industrial action amounting to a genuine trade dispute which will render the union immune from action in tort for inducing a breach of contract;
- (b) it is unsafe to rely on the possibility that the courts will decide that it is a tort for a trades union to induce a breach of BT's statutory duty to interconnect following an order made by the Director General;

The doubts about unions' ability to block interconnect (i.e. is interference with a statutory duty a tort? and is obstruction of interconnect an offence under Clause 45?) are not sufficient for Mercury to believe that they have a secure right to interconnect and they believe that Ministers are committed to remedy the situation. It is indeed possible that the Court of Appeal's verdict in the Mercury v. POEU action may be overturned in the forthcoming trial in the High Court, thus exposing Mercury even more to the risk of selective industrial action by the POEU. Mercury's doubts are yet another disincentive to the Mercury partners to invest in the development of their system so that it becomes an effective competitor to BT; they say that customers are refusing to come forward without more solid assurance that they will get reliable interconnection with BT and will not expose their own PABXs and premises to blacking by the POEU.

6 The central question for consideration by the Secretary of State is whether he is prepared to take legislative authority to thwart trade union action against interconnect in relation to industrial action where the present trade union immunities would normally apply. If he is, we have concluded, from our discussions with Mercury and with Department of Employment officials that:

- (a) interconnect at least with ptos should be regulated by the Director General himself;
- (b) the force majeure provisions should be altered so as not to enable the trades unions to cause BT to breach its licence obligations and then to hide behind BT;
- (c) trades unions should be exposed to civil remedies if they take any action with the purpose of inducing BT or other operators to breach an order by the Director requiring compliance with a licence condition about interconnect;
- (d) consideration should be given to deleting Clause 45 altogether or to amending it so that it would be an offence for a BT employee to interfere with a message which is intended to be conveyed by means of Mercury or which has been so conveyed.

7 Specifically we would recommend that:

- (a) condition 13 of the draft BT licence should be amended to provide that interconnect between BT and any other pto (plus any system not covered by BT's published standard terms and conditions) should be on terms approved by the Director General from time to time. We would hope that the terms will normally be agreed by the ptos concerned but they would not be the subject of contracts;
- (b) condition 43 of the draft licence should be deleted or amended so that BT cannot claim that they are not in breach of a licence condition because their failure to interconnect arose from trades union activity. This will ensure that any breach of the interconnect terms by BT (whether voluntary or induced by a union) could be the subject of an immediate enforcement order by the Director General;
- (c) clause 16 to 18 of the Bill should be amended to relieve a person to whom a provisional or a final order under Clause 16 is addressed of the obligation to comply with it if and insofar as such failure is attributable to any matter which

is beyond his control and which he could not reasonably have made provision against. Such a provision is desirable in itself and would be an essential quid pro quo for BT in return for the deletion of condition 43. Sir George Jefferson has expressed serious concern about BT's vulnerability to Clause 16 orders when there is industrial action;

- (d) Clause 18 should be amended to provide that, without prejudice to whatever the position may be in relation to inducements to breach other statutory duties, any person who does anything with the purpose of interfering with the performance of or induces the breach of an operator's obligation to comply with a clause 16 order commits a tort (and is therefore open to court proceedings for an injunction to restrain his actions and for damages);
- (e) Clause 45 should be deleted entirely. This is possible because the amendments proposed at (c) and (d) would provide a person aggrieved by selective trades union action with a remedy. It would also decriminalise strikes in telecommunications and remove the embarrassment that the Bill continues a criminal offence which the Government has consistently decided not to prosecute. (The deletion would have the incidental advantage of giving a major concession to the unions, which could considerably ease the flotation, and to the Labour peers, which could ease the passage of the Bill);
- (f) if Ministers nevertheless wish to retain Clause 45, it should be amended so as to bite on industrial action directed at interconnect (by adding the words "or any telecommunication system to which it is or is to be connected" at the end of subsection 1(a)) and, possibly, by providing that any person adversely affected by the offence could obtain damages.

8 If we are to take the course outlined in Paragraph 6 above, we need to act very quickly to get amendments ready for the Lords Committee stage.

CONFIDENTIAL



Jo H
br: J Pascale

10 DOWNING STREET

From the Private Secretary

10 February 1984

Dear Andrew,

Telecommunications Bill: Legal right to interconnect
and deletion of Clause 45

The Prime Minister has seen your Secretary of State's letter of 3 February to the Secretary of State for Employment. She is content with the proposed amendments to clauses 16-18 which would make selective action by unions to frustrate interconnect with Mercury and other operators a tort. She recognises the case for deleting clause 45 but, before this is done, she would wish to be sure that the Home Secretary and Sir Robert Armstrong are content. She would not wish the deletion of this clause if the effect were to remove phone tapping (and by analogy tampering with mail) from the Criminal Law.

I am copying this letter to David Normington (Department of Employment), Janet Lewis-Jones (Lord President's Office), John Kerr (H.M. Treasury), Richard Stoate (Lord Chancellor's Office), Hugh Taylor (Home Office), John Graham (Scottish Office), Colin Jones (Welsh Office), John Lyon (Northern Ireland Office), Henry Steel (Attorney General's Office), Alex Galloway (Office of the Chancellor of the Duchy of Lancaster), Christine Duncan (Lord Advocate's Department) and Richard Hatfield (Cabinet Office).

Yours sincerely
Andrew Turnbull

Andrew Turnbull

Andrew Lansley, Esq.,
Department of Trade and Industry.

CONFIDENTIAL

YC

Yes - provided
Sir Robert Armstrong



is happy
about deleting
Clause 4.5

10 DOWNING STREET

mt

Prime Minister ①

Mr Tebbit is proposing two changes
to the BT Bill

(i) amending clauses 16-18
so that any union action
directed at frustrating
interconnection with Mercury
becomes actionable (at present
it is immune if found to be
in furtherance of a legitimate
industrial dispute).

(ii) deleting Clause 4.5 which
makes interfering with a
telephone call a criminal
offence (the civil remedies of
Clause 18 would be available).

Mr Pascalis note attempts a
simple explanation. Lord
Cochfield supports package as
being balanced in treatment
of unions. Attorney General
is also content.

Agree tabling of revised
clauses?

AT 9/2



ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

01-405 7641 Extn

The Rt.Hon.Norman Tebbit MP
Secretary of State for Trade & Industry
Department of Trade and Industry
1 Victoria Street
London SW1H 0ET

9 February 1984

Dear Norman.

TELECOMMUNICATIONS BILL: LEGAL RIGHT
TO INTERCONNECT AND DELETION OF CLAUSE 45

With AT

Thank you for copying to me your letter of 3 February to Tom King.

The proposed amendments to Clauses 16 to 18 of the Bill will clearly be controversial. I am satisfied, however, that they will not operate on the current litigation between Mercury and the Post Office Engineering Union in such a way as to cause a serious legal policy problem.

So far as the deletion of Clause 45 is concerned, I think I should point out that this will introduce an apparent anomaly. Employees of the Post Office will continue to be liable to prosecution for interfering with the delivery of messages or letters, whereas analogous action by BT employees will be immune. I am not suggesting that this should in any way determine your policy on Clause 45. I do, however, think that the Government will need to have prepared a line to take if the question is raised in debate and that, in the longer term, we should review the Post Office legislation.

I am copying this letter to the recipients of yours.

Yours GC

Michael.

Post + Telecoms. Future Pt 8.



CCNO

NBPM

AF

14/2

Caxton House Tothill Street London SW1H 9NF

Telephone Direct Line 01-213.....

Switchboard 01-213 3000

The Rt Hon Norman Tebbit MP
Secretary of State for Trade
and Industry
Department of Trade and Industry
1 Victoria Street
LONDON
SW1

14th February 1984

Da Nam,

TELECOMMUNICATIONS BILL: LEGAL RIGHT TO INTERCONNECT AND
DELETION OF CLAUSE 45

Thank you for your letter of 3 February about the amendments
you propose to make to the Telecommunications Bill.

It seems to me to be the right course to provide BT with a
defence against failure to observe licence conditions in
circumstances beyond its control while at the same time
providing a clear remedy against anyone organising industrial
action which is designed to cause a breach of a licence
enforcement order. Subject to the outcome of the
consultations between our officials about the precise form of
the amendment, I am happy to give your proposal my support.

I also agree that if the Bill provides an effective civil
remedy against selective industrial action, there are no
strong arguments for retaining clause 45 and persuasive
reasons for deleting it.

I am copying this letter to the recipients of yours.

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h

POST + Tels : future of Pt 8

14 FEB 1984

12 - 2714
2000

CCDP

NBM AT 13/2



Y SWYDDFA GYMREIG
GWYDYR HOUSE
WHITEHALL LONDON SW1A 2ER
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WELSH OFFICE
GWYDYR HOUSE
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From The Secretary of State for Wales

Oddi wrth Ysgrifennydd Gwladol Cymru The Rt Hon Nicholas Edwards MP

13 February 1984

De Norman

TELECOMMUNICATIONS BILL: LEGAL RIGHT TO INTERCONNECT

Thank you for copying to me your letter dated 7 February 1984 addressed to Tom King.

I agree that the existing clause 45 is not entirely satisfactory. The amendments you propose to the draft licence and to clauses 16-18 would appear to achieve our objectives with greater precision and I doubt whether we will need clause 45 in addition even if modified as you suggest.

/ Copies of this letter go to recipients of yours.

[Handwritten signature]
EJW
Nick

The Rt Hon Norman Tebbit MP
Secretary of State for Trade and Industry

Post + Tels future PR8



113 FEB 1984



NDPH
BT 1312
GGDP

HOUSE OF LORDS,
SW1A 0PW

10 February 1984

Telecommunications Bill

My dear Norman:

Thank you for copying to me your letter to Tom King of 3rd February and the accompanying papers.

I have also seen the replies of Arthur Cockfield and Michael Havers. Like them, I agree with you that trade union disruption would best be dealt with by civil rather than criminal sanctions, and I therefore would be happy to see clause 45 deleted, and the amendments you propose made to clauses 16 - 18.

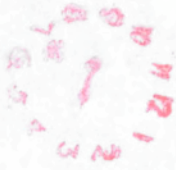
Michael Havers draws attention to the anomaly which this would create with regard to offences by post office workers, and I agree with him that this is something which should be dealt with when time permits.

I am copying this letter to the recipients of yours.

yrs.

The Right Honourable
Norman Tebbit MP
Secretary of State for Trade & Industry
Department of Trade & Industry
1-19 Victoria Street
London S.W.1

Post a few future P's



103 FEB 1904



Chancellor of the Duchy of Lancaster

NBHM RT 7/2 ca/10
CABINET OFFICE,
WHITEHALL, LONDON SW1A 2AS

7 February 1984

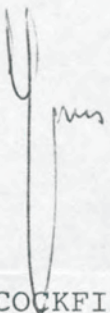
Dear Norman,

TELECOM BILL: LEGAL RIGHT TO INTERCONNECT AND DELETION OF CLAUSE 45

Thank you for copying to me your letter of 3 February to Tom King.

The amendments to Clauses 16 to 18 will be highly controversial as they are clearly and specifically directed against trade union activity. It will only be possible to defend this if in fact we do delete Clause 45 - and delete it entirely - thus enabling us to argue that this is a package deal and as a package is advantageous, not disadvantageous to the unions. On this basis I would agree to your proposals.

I am copying this to the recipients of your letter.


COCKFIELD

The Rt Hon Norman Tebbit
Secretary of State for Trade
and Industry
Department of Trade and Industry
1 Victoria Street
London SW1H 0ET

Post + TEL: Future
A8

