Letter from Westminster

Hope of changes in Police and Criminal Evidence Bill

WILLIAM RUSSELL

It looks as if we will have to wait for the report stage of the Police and Criminal Evidence Bill before finding out how far the government is prepared to go to meet its critics. But there seems little chance of its budging on the principles enshrined in the Bill, and the BMA will have to argue a powerful case at its meeting this week with Mr William Whitelaw, Home Secretary, if it is to secure further concessions on the detail from him. The government has already given way over the *inter partes* hearing before a circuit judge when a doctor objects to giving information. The concession allows him to argue the case for not releasing it. Mr Whitelaw has now gone about as far as he can go, but he will only budge if he is assured of a favourable response to what he proposes to do. One possibility, for instance, is that the hearing could go before a high court judge instead of a circuit court judge. But to get that through the Cabinet he will have to fight. Lord Hailsham, the Lord Chancellor, does not, it is said, like the idea, since it would add to their workload. The possibility of changes being made before the Bill goes to the Lords on the basis of agreement does exist. The point is that the government can control what happens in the Commons, where the whips hold sway. But in the Lords on controversial issues of this kind—and the bishops are among those opposed to the Bill—it is very much a lottery. It is, therefore, better to make the changes before it goes there.

When the cat's away the mice tend to seize every opportunity, and the absence of the Prime Minister last week meant that Mr Whitelaw as deputy Prime Minister, that non-existent post, had to stand in at question time. He was told by Mr Michael Foot, the Labour leader, that the only possible course open to him was to withdraw the Bill. Mr Whitelaw was having none of that, but he did concede that clauses nine and 10, which provide the police with the controversial powers to enter and search premises for evidence of serious arrestable offences and give them access to information held on a confidential basis, had given rise to considerable anxiety.

He promised that the safeguards would be examined carefully and that if the extra safeguards, which allow cases to be argued before a circuit judge, were not sufficient he would consider further safeguards at a later stage. These could include some other form of appeals mechanism before which a demand to disclose could be contested instead of going to a higher judge than a circuit judge. But Mr Whitelaw is not going to give way only to find himself assailed from all sides despite what he has done.

Mr Roy Hattersley, shadow Home Secretary, set out Labour's objections to the Bill in a speech to a party meeting in Camden last week in which he reiterated Labour's promise to repeal the Bill and replace it, because not everything it contains is objectionable, with a statement of police rights and responsibilities that is consistent in Labour's eyes with the maintenance of law and the prevention of crime in a free society.

Labour's objections did not simply concern the two clauses mentioned by Mr Whitelaw, he said, although they had rightly and inevitably provoked an outcry from doctors, lawyers, priests, and social workers, whose necessary confidentiality would

be forcibly infringed. "The claim made by the Prime Minister that the government are doing no more than implementing the report of the Royal Commission is wholly untrue," he said. "They have done what we feared they would when it was published. They have accepted the proposals for tougher police powers, but rejected or diluted the matching recommendations for safeguarding civil liberties. As a result we have a Bill which is wrong in principle and wrong in practice, and will be a massive obstacle to reduced crime and increased detection."

A hint of why Mr Whitelaw wants to be sure that if he budes he will have satisfied his critics was given in the way right winger Mr Ivor Stanbrook, Conservative MP for Orpington, reacted in the Commons after the Prime Minister had backed up what Mr Whitelaw had said at a subsequent question time. "Do not give way to special pleading by clergymen, doctors, and journalists," he urged.

Mr Fowler hits back at critics

One of the criticisms that the government is finding hard to refute are the attacks on the amount it is spending on the National Health Service. Mr Norman Fowler, Social Services Secretary, was at pains once again in the course of the Budget debate to spell out as clearly as he could how he sees his achievements. "In the National Health Service we are now spending £14.5 billion a year compared with £7.75 billion which was spent when we took office," he said. "As far as the National Health Service is concerned, perhaps the most significant indicator of all is the number of patients being treated. The latest figures we have are for 1981. They show that the number of inpatients and day cases being treated in hospitals was 500 000 more in 1981 than in 1978. They also showed that the number of outpatients and emergency cases being treated at hospitals in 1981 was 1.5 million more than in 1978. This is a reflection on the improved efficiency inside the National Health Service, and on the fact that new real resources have been added to health."

To back that up this week he is announcing in greater detail what he believes has been done. Partly it is to counter the persistent attacks by Mr Mike Thomas, the Social Democrats' health spokesman, who insists that the figures are deceptive and that Mr Fowler's claims that services have increased by about 7.5% are phoney. They have been hitting home. Mr Thomas is nobody's favourite person. Mrs Gwyneth Dunwoody, Labour's health spokesman, does not much like him either, and she slapped him down brutally when he chose to question the cost of her proposals after she had committed Labour to a 3% real increase in National Health Service spending. "If I thought you could read I would send you a letter," she replied somewhat inelegantly, but effectively.

The BMA is a great body for acronyms, as the pages of the *BMJ* show. But blame for producing what must be the rock bottom acronym of all time does not rest with the medical profession but with Mr Kenneth Clarke, the Health Minister, who has revealed that since he returned to the DHSS he has served on only two standing committees. The first considered the Mental Health (Amendment) Bill, he said. "The present one was on the 'HASSASSA' Bill." (That stands for the Health and Social Services and Social Security Adjudications Bill.)