[Dear David]

**OTRs: THE ADMINISTRATIVE SCHEME**

At yesterday’s helpful meeting between the Attorney General and Des Browne, we discussed whether it would be possible to change the question to whether an individual was currently listed as wanted, stopping short of assessing all the evidence with a view to deciding whether prosecutions remained outstanding. To aid further consideration of this, it was agreed that we would produce a new draft letter which might be sent to individuals cleared in this way.

I have discussed this with Bill Jeffrey and William Fittall and we have considered a number of possible formulations. As you will see from the attached draft (Annex A), we favour simply dropping the reference to *outstanding direction for prosecution* which appears in the letters which have been sent to individuals to date. We have considered carefully whether there should be a specific reference to the DPP (NI). However, on balance, we have concluded against. It seemed to us difficult to draft a reference which would not either be so technical as to be unclear to the individual, or so vague as to undermine the reassurance such a letter is designed to provide.
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You will also see that we have assumed that it would be for the Chief Constable of the PSNI to inform the Secretary of State of the individual’s status, if we were to proceed in this way.

I should be most grateful for your views.

I am copying this letter to [redacted] here, and to [redacted].

[Anita Bharucha]

ANITA BHARUCHA
HEAD OF RIR DIVISION
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ANNEX A

At present the letter to individuals says:

'The Secretary of State for Northern Ireland has been informed by the Attorney General that on the basis of the information currently available, there is no outstanding direction for prosecution in Northern Ireland, there are no warrants in existence nor are you wanted in Northern Ireland for arrest, questioning or charge by the police. The [RUC/PSNI] are not aware of any interest in you from any other police force in the United Kingdom. If any other outstanding offence or offences came to light, or if any request for extradition were to be received these would have to be dealt with in the usual way.'

2. Under a system where inquiries were only made as to whether the individual was wanted, the reference to prosecution might simply be dropped. The letter might then read:

'The Secretary of State has been informed by the Chief Constable of the PSNI that on the basis of the information currently available, there are no warrants in existence nor are you wanted in Northern Ireland for arrest, questioning or charge by the police. The PSNI are not aware of any interest in you from any other police force in the United Kingdom. If any other outstanding offence or offences came to light, or if any request for extradition were to be received these would have to be dealt with in the usual way.'