

SECRET

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Prime Minister
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MB

Prime Minister

ANGLO-IRISH RELATIONS: JOINT COURTS

I have seen a copy of the Lord Chancellor's minute to you of 1 July to which he attached a copy of a letter from the Lord Chief Justice of Northern Ireland.

2. As the Lord Chief Justice acknowledges, this letter represents a considerable change in his position. In his letter of 4 March to me he made clear that he would resign if joint courts were to be introduced. As you will know from my minute to you of 2 May, he reiterated this when I saw him privately on 30 April, and added that at least one of the Northern Ireland supreme court judges would do the same. Despite what he now says, this was a clear attempt to influence us on the substance of policy, and I am glad that the threat of resignation is now withdrawn.

3. There are of course substantial difficulties of principle and practice in the way of establishing joint courts. These remain cogent and telling, and are quite separate from any assessment we may make of how judges personally in Northern Ireland might react if such courts were introduced. We cannot make quick progress on this, and we need to go through the arguments carefully. I am sure we are right, therefore, not to go further with the Irish than to undertake to review this following the signing of an agreement. The Lord Chief Justice and his judicial colleagues will continue to be concerned about the outcome of such a review, and the Lord Chancellor and I will need to continue to maintain our private contacts with him.

4. I am copying this minute to the Lord Chancellor, the Foreign and Commonwealth Secretary, the Attorney General, and to Sir Robert Armstrong.

NDWand
(Private Secretary)

for

DH

(Approved by the Secretary of State and signed in his absence in Belfast)

8 July 1985

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