



M.L. SAUNDERS
LEGAL SECRETARY

LAW OFFICERS' DEPARTMENT
ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

J F Howe Esq.
Private Secretary to the Secretary of
State for Defence
Ministry of Defence
Main Building
Whitehall
London SW1

NBSM
16 July 1986

Dear form.

LIEUTENANT SETHIA - DIARY

The Attorney General has seen a copy of your letter of 8 July to Nigel Wicks.

** about possible legal action to recover a copy of lieutenant Sethia's diary which has got into the hands of the Mail on Sunday*

On hearing of the developments set out in your letter, the Attorney expressed his concern on two points. First, he was not wholly certain that Section 2(1)(b) of the Official Secrets Act itself conferred the power to make a direction to return the copy of the diary. As to this, he is reassured by the advice that has been given by Treasury Counsel in relation to similar circumstances, but warns that the interpretation of Section 2(1)(b) in this respect is not free from doubt and that the use of the power to require by direction the disposal of property which is not that of the Crown is likely to be particularly controversial.

The Attorney's second doubt was as to whether the Crown would be justified in seeking the return of the copy of the diary from the Mail on Sunday, when similar action had not been taken in respect of other copies of the diary in the possession of Lt. Sethia and others. Given that we would not be on completely firm ground in directing the disposal of the copy of the diary, however, the Attorney agrees that we should proceed initially in relation only to the Mail on Sunday who show no signs of publishing and

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volunteered the fact that they were in possession of the document. In the light of the reaction of the Mail on Sunday we should then consider what action should be taken in relation to other copies of the diary.

The Attorney has seen a copy of the draft letter the Treasury Solicitor proposes to send to the Solicitors to the Mail on Sunday and has proposed minor amendments with a view to softening its tone. I have passed on these suggestions to John Bailey.

I am copying this letter to Nigel Wicks, Tony Galsworthy, Michael Stark and John Bailey.

Yours sincerely,

Michael Panel.

M L SAUNDERS

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