

Prime Minister

Do you want to take a view on questions 1 and 2 below?

RHC6  
12/5

mt

PRIME MINISTER

COMMUNITY CHARGE: REMAND PRISONERS

The attached DOE letter of 9 May invites you to adjudicate on a dispute between Messrs Ridley, Rifkind and Walker on the liability of different categories of remand prisoners to the community charge. The letter is not at all clear, but on the basis of further discussion with DOE I think the essential points are as follows:

At present the Bill exempts from the community charge prisoners other than those held on remand. But all concerned now agree that some categories of prisoners held on remand should also be exempt.

The most convenient legal definition of remand prisoners is those who are "held in legal custody". This would apparently embrace the three particular categories mentioned in the first paragraph of the DOE letter - fine defaulters, Mental Health Act detainees and those held in custody for refusing to pay their community charge.

~~Everyone except Mr Walker agrees that it would be a nonsense to exempt from liability to the community charge those people who are held in custody for refusing to pay the community charge. I imagine you would support this.~~

Yes mt

Rather more difficult is the question whether as a consequence fine defaulters should also still be made liable to the community charge. Mr Rifkind thinks they should be treated in the same way as community charge defaulters. But everyone else proposes they should be exempt from the community charge as for all other categories of remand prisoners.

1. Content that those held in custody for refusing to pay their community charge should remain subject to the

charge?

*Yes not*

2. Do you think fine defaulters should remain subject to the charge or be exempt?

*I think the Jewish Secretary is right. ~~Attorney General~~  
~~fine not~~*

*REC6.*

Paul Gray

10 May 1988