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Nick Goodwin Esq.,
Lord Chancellor's Private Office
House of Lords
London
SW1A 0PW

9th June 2003

Dear Nick Goodwin,

We spoke today about a letter which has been referred to me by Lord Hope of Craighead. It is dated 4th June 2003 and is addressed to The Lord Chancellor and the other members of the Board which heard Mr. Schiller's appeal to the Privy Council five years ago. I attach a copy.

The appeal to the Privy Council was from Gibraltar, where Mr. Schiller apparently lived at the time. It was an application by Mr. Schiller for judicial review of a decision by the Gibraltar authorities to refuse to grant him a "fast launch" licence for a boat he had bought at an Admiralty auction shortly before. He was never given reasons for the refusal but from what I was told by my predecessor, who was in office at the time, the Gibraltar authorities were reluctant to grant such licences because they feared that fast motorboats would be used for smuggling drugs and other forms of contraband. Whether that fear related specifically to Mr. Schiller or was of a more general character I do not know.

Mr. Schiller's appeal failed - I am sending a copy of the Privy Council's judgment under separate cover; but in subsequent correspondence Mr. Schiller has shown himself unwilling to accept the decision. His more recent correspondence has been addressed from Northern Ireland, and the latest letter is from Crossmaglen, which is a noted Irish Republican stronghold. That fact, and the tone of the letter lead me to think that the matter ought to be considered by those responsible for judicial security.

Please acknowledge receipt of this letter and let me know what action you will be taking.

Yours sincerely,

J.A.C. Watherston
Registrar

FROM THE PRIVATE SECRETARY

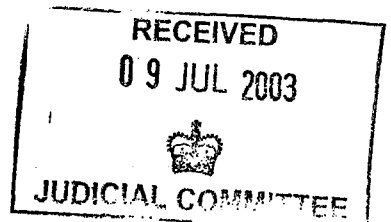


The Department for Constitutional Affairs
Selborne House
54-60 Victoria Street
London SW1E 6QW

DX 117000
Telephone: 020 7210 8380
Fax 020 7210 8597

4th July 2003

J A C Watherstone Esq
Registrar
Privy Council Office
Downing Street
London SW1A 2AJ



Dear *Mr Watherstone,*

Thank you for your letter of 9 June, concerning Mr Schiller's appeal.

I have sought advice from our Departmental Security Officer (DSO) about the tone of the letter and whether this constitutes a threat or requires further action. The DSO has advised that, whilst we have no information about Mr Schiller's background or history which might colour our response, a criminal record check has been carried out but with no result. This does not cover Northern Ireland or Gibraltar. In the absence of a specific threat, and given that Mr Schiller is resident in Northern Ireland, we think it unlikely that the police here would be willing to pursue.

We will keep the papers on file, but do not consider future action is needed at this stage. Should you receive any further correspondence from Mr Schiller, do not hesitate in contacting me.

Yours sincerely

NICK GOODWIN
Private Secretary to Lord Falconer

✓

Telephone No. 020-7276-0487
Fax No. 020-7276-0460

11th July 2003

Dear Mr. Goodwin,

Mr. D.A. Schiller

Thank you for your letter of 4th July.

I am grateful for the enquiries you have made and the consideration that has been given to this matter by the Departmental Security Officer. I note, however, that the criminal record check that has been carried out does not cover either Northern Ireland or Gibraltar. Since those are the only two places with which we know that Mr. Schiller has a connection, having been formerly resident in Gibraltar and now resident in Northern Ireland, should not further enquiries be made in those places? Is there a problem about that? Should I approach the FCO about the Gibraltar aspect? I assume that with the DCA's responsibilities for judicial security in Northern Ireland, it would be possible for your DSO to make further enquiries there?

I am sorry to trouble you further with this matter, but I think that some further enquiries are called for.

Yours sincerely,

J.A.C. Watherston
Registrar

Nick Goodwin Esq.,
Private Secretary to Lord Falconer
Department for Constitutional Affairs
Selborne House
54-60 Victoria Street
London SW1E 6QW



Lord Hope of Craighead

Mr. D.A. Schiller

About a month ago you sent me a copy of a letter you had received from Mr. D.A. Schiller.

I sought advice on it from what was then the Lord Chancellor's Office and I have now received a reply. I attach a copy. The reply is reassuring as far as it goes but you will see that they have not made any enquiries in Northern Ireland or Gibraltar, which seems to me to be a major omission. I have accordingly written again to them (copy attached) asking them to make further enquiries.

J.A.C. Watherston
Registrar

11th July 2003

Telephone: 020-7276-0487

M/Pl. B/F ✓
25 July
JAW
11/

From the Private Secretary

✓



The Department for Constitutional Affairs
Selborne House
54-60 Victoria Street
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DX 117000
Telephone: 020 7210 8380
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6 August 2003

J A C Watherston Esq
Registrar
Privy Council Office
Downing Street
London
SW1A 2AJ



Dear John,

DAVID SCHILLER – PRIVY COUNCIL APPEAL

Thank you for your letter of 11 July.

I understand that you have now spoken to Paul Harris from our Departmental Security Branch on this matter. As Paul explained because no specific threat has been made in Mr Schiller's letter there is little more that can be done at this stage. Although Mr Schiller is obviously still aggrieved that his judicial review was refused his letter does not indicate an intention to cause harm to Lord Hope or others.

In addition to this the Department has no mechanism to conduct checks on individuals in Northern Ireland or Gibraltar and any enquiry would have to be undertaken by the Police on our behalf. In our experience the Police will require far clearer evidence of a specific threat before agreeing to make these further enquiries.

If, however, you have other material of a more threatening nature from Mr Schiller or you receive further correspondence please do not hesitate to contact me and I will arrange for the Departmental Security Branch to make further enquiries.

Yours sincerely,

SARAH ALBON

Principal Private Secretary to
the Lord Chancellor



Lord Hope of Craighead

David Alexander Schiller

You will no doubt recall that this man (whose appeal from Gibraltar was dismissed in 1998, when you prepared the Board's judgment) wrote to you and other members of the Board from an address in Crossmaglen, in Northern Ireland, on 4th June 2003 in terms that seemed vaguely threatening. At your request I made enquiries from the Lord Chancellor's Private Secretary and sent you an interim reply on 11th July. I then made further enquiries and have received a further letter from the Private Secretary. For ease of reference I attach copies of all the relevant correspondence.

In view of the terms of the Private Secretary's letter of 6th August, I suggest that no further action is required. You will see that they say that we can approach them again if anything more of a threatening nature is received from Mr. Schiller.

J.A.C. Watherston
Registrar

9th September 2003

Telephone: 020-7276-0487