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10 DOWNING STREET

From the Principal Private Secretary

8 June 1981

cf. Market sec.

Dear John,

DISQUALIFICATION OF PRISONERS FROM ELECTION
TO PARLIAMENT

The Home Secretary raised the question of the disqualification of prisoners from election to Parliament when he saw the Prime Minister this morning. The Chancellor of the Duchy of Lancaster, the Chief Whip and Lord Thorneycroft were also present.

Mr Whitelaw said that since Cabinet had discussed the matter on Thursday of the previous week, reports had begun to appear in the press that the Labour Party were considering moving the writ for the Warrington by-election in the near future. If that happened, steps were bound to be taken to move the writ for the Fermanagh and South Tyrone by-election. This meant that we should have to be ready to move quickly to introduce the Bill, the principle of which the Cabinet had agreed last Thursday. He expected to get the first draft of the Bill from First Parliamentary Counsel today. The question which Ministers would need to decide shortly was whether, in order to get the Bill on the Statute Book quickly, legislation should be confined to the disqualification of convicted persons detained in prison in the United Kingdom for more than twelve months and the provision for arrangements for invalidating the nomination of such persons dropped from the Bill. If this was done, it might be easier to secure the co-operation of the Opposition during the passage of the Bill. On the other hand, they might well decide to oppose even a Bill which was confined to restoring the pre-1967 position by disqualifying people serving sentences of more than twelve months. He was seeing Mr Roy Hattersley that evening to try and establish where the Opposition stood.

In discussion it was pointed out that the Government was introducing this legislation in order to avoid a repetition of the election of somebody like Sands, but it was arguable that it was unwise to introduce legislation which provided for the invalidation of the nomination of prisoners generally simply

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because of this particular case. Moreover, it had been suggested that if electors wished to vote for someone in prison, they should be allowed to do so, even if their candidate won and was subsequently prevented from taking his seat. On the other hand, it could be argued that there was little point in allowing electors to vote for somebody who could not take his seat. Further, there was a risk that if the Bill was confined to restoring the pre-1967 situation in the interests of making it less controversial and more acceptable to the Opposition, it might not get full support from the Government's own back bench supporters who might well take the view that if there was going to be a Bill, it ought to provide for the invalidation of the nomination of prisoners.

The Prime Minister, summing up the discussion, said that the Home Secretary should see Mr Hattersley, as he was proposing to do, in order to establish the views of the Opposition and should then report back to his colleagues.

I am sending copies of this letter to David Heyhoe (Chancellor of the Duchy of Lancaster's Office), Stephen Boys-Smith (Northern Ireland Office) and David Wright (Cabinet Office).

Yours sincerely,

Alvi Whinn.

John Halliday Esq.,
Home Office.