



HOME OFFICE
QUEEN ANNE'S GATE LONDON SW1H 9AT

19 June 1981

Prime Minister

Do you agree with the Home Secretary's view on the handling of the Fermanagh writ in relation to the new Bill? MJP 19/vi.

REPRESENTATION OF THE PEOPLE BILL:
TIMING OF ISSUE OF BY-ELECTION WRITS

The Home Secretary has been considering the question which Murdo Maclean put to First Parliamentary Counsel, and to which Sir Henry Rowe replied in his letter of 17 June. He agrees that, since the Warrington writ may be issued before the Bill receives Royal Assent, the Bill should be amended to put beyond doubt the timetable on which any pending by-election should be held. He agrees that the amendment should provide that any election for which a writ had been issued before Royal Assent should take place on the existing, rather than the new timetable.

This would mean - of course - that if the Fermanagh writ had also been issued before Royal Assent the existing timetable would apply. We assume that such an amendment could be so drafted as not to affect the new procedure for disqualifying nominations. The returning officer at Fermanagh could then still disqualify a nomination if the last day for handing in nomination papers fell after Royal Assent.

This is a big assumption.

As you know, the invalidation of nominations takes place as soon as practicable after the last day for nominations, which falls at the returning officer's discretion between the fourth and eighth day after the issue of the writ. Provided that the Bill was enacted in sufficient time before the by-election took place, therefore, the nomination of an IRA prisoner could be declared invalid before voting took place. This might make the position of the Chief Electoral Officer in Northern Ireland even more difficult, however, and the Home Secretary considers that it would still be prudent to seek to defer the issue of the Fermanagh writ if an attempt is made to move it before Royal Assent. He realises that to defer the Fermanagh writ, while allowing the Warrington by-election to proceed, with a provision on the face of the Bill preserving the existing timetable for by-elections pending on Royal Assent, is not an ideal combination of decisions to defend. But he sees no better alternative, and believes that the reasons for such an approach would be generally understood.

/The Home Secretary

David Heyhoe Esq

To you not initially
also with the detail
it seems doubtful whether the
amendment will
clearly the matter.
19
agree on
Home Office
not sufficient

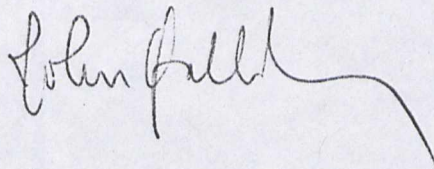
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Disqualification
& Treason

assume?

The Home Secretary would prefer to introduce the amendment in the House of Commons. He is considering whether to declare an intention to introduce it during the debate on Second Reading.

I am sending a copy of this letter (with - for convenience - a copy of Sir Henry Rowe's letter) to the Private Secretaries to the Prime Minister, the Chief Whip, the Secretary of State for Northern Ireland, Sir Robert Armstrong and to Sir Henry Rowe.

Yours ever,

A handwritten signature in cursive script, appearing to read 'John F. Halliday', with a long, sweeping flourish extending to the right.

(J F HALLIDAY)