

FROM:

THE RT. HON. LORD HAILSHAM OF ST. MARYLEBONE, C.H., F.R.S., D.C.L.



HOUSE OF LORDS,
SW1A 0PW

1st March, 1983

PERSONAL AND CONFIDENTIAL

The Right Honourable
Sir Geoffrey Howe, QC MP
Chancellor of the Exchequer,
HM Treasury,
Parliament Street,
London, SW1.

✓ Mr Rodley
What
with the
Law Commission

Dear Geoffrey:

Thank you for your letter of 8th February asking for my first thoughts on the manifesto.

I attach a draft note on those matters within my sphere of responsibility which might provide the basis of a passage in the manifesto. I have concentrated on law reform. It is a crucial function of Government to keep the law in good repair. There has been a build-up of Reports from the Law Commission making recommendations for improvements in the law, especially on family matters, including those on:-

the Financial Consequences of Divorce, to provide a more equitable and realistic basis for the arrangements between the parties when a marriage ends in divorce;

illegitimacy, to remove provisions in existing law which discriminate against illegitimate children;

other family matters, including time bars for divorce petitions and the abduction and custody of children.

I hope that the next Conservative Government will commit itself in advance to the implementation of law reform on these matters.

There is not much sex appeal in law reform, which is why I have confined myself so largely to family. But I hope the Manifesto will have some reference to its importance generally. I have steered clear of Law and Order which has much (perhaps too much) sex appeal, because, as you are aware, Willie has the labours on here. But if I can be of assistance by all means let me know -
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Lord Chancellor's Dept.



DRAFT

LORD CHANCELLOR'S DEPARTMENT

Responsibility for law and order is divided between the Lord Chancellor and the Home Secretary. The principal functions of the Lord Chancellor are to maintain the civil law in good repair, to preserve the independence of the judiciary, to maintain the integrity and impartiality of the administration of justice and to maintain the scope and coverage of the legal aid and advice schemes consistently with the availability of national resources.

A Conservative Government would continue to commit itself to the task of law reform through the Law Commissions and other law reform agencies. It would bring forward legislation on existing or imminent Law Commission Reports, particularly in the field of family law. These Reports include those on:-

the Financial Consequences of Divorce, which would provide a more realistic and equitable basis for the arrangements made between husband and wife when a marriage ends in divorce;

illegitimacy, which would remove provisions in existing law which discriminate against illegitimate children;

other family matters, including time bars for divorce petitions and the abduction and custody of children.



Other matters would be referred to the Law Commission or other agencies for consideration.

The family jurisdiction of the High Court and county courts would be reorganised, to provide an improved service to the public: this would go some way towards the "Family Court" recommended by the Finer Committee on One-Parent Families.

Under the present Administration, delays in criminal cases have been contained, even in the face of the substantial increase in the number of cases coming before the Crown Court. It is accepted that "justice delayed is justice denied" and efforts will continue to be made to contain delays in criminal - and indeed in all other - courts by means of the provision of new courtrooms and, if possible, by other means.