

<sup>FILE</sup>  
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DA

(10)



10 DOWNING STREET

*From the Private Secretary*

18 February 1985

Public Order Review

Thank you for your letter of 15 February. The Prime Minister would be content for the Home Secretary now to circulate his paper on the public order review to members of H Committee. She is also content with the way in which he proposes to handle the question of extending to broadcasting the offence of incitement to racial hatred.

David Barclay

Hugh Taylor, Esq.,  
Home Office.

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A handwritten signature, possibly 'L', written in dark ink.



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HOME OFFICE  
QUEEN ANNE'S GATE  
LONDON SW1H 9AT

Prime Minister (1)

Agree (i) circulation to H? <sup>Yes</sup> 15 February 1985

(ii) ~~pro~~ colleagues views to be invited on  
the extension of the incitement offence  
to broadcasting? <sup>Yes</sup>

DWB  
15/2

Dear David,

PUBLIC ORDER REVIEW

When the Home Secretary discussed the conclusions of his review of public order law with the Prime Minister on 29 January it was agreed that the next step was to circulate a paper to H Committee. The Prime Minister said that the paper should not be circulated until it was clear whether current talks would bring about an end to the miners' dispute, but she invited the Home Secretary to consult her again about this in two to three weeks time if the strike persisted.

There is still no definite sign of an end to the dispute; but the Home Secretary would now like to consult his colleagues on H Committee if the Prime Minister agrees. We understand that there is a meeting of H arranged for 27 February. Would the Prime Minister be content if the Home Secretary now proceeded to circulate his paper for discussion at that meeting?

On the question of making broadcasting subject to the offence of incitement to racial hatred, the Home Secretary undertook to consider further the possibility of leaving the broadcasting authorities exempt, while extending the offence to individuals who appeared in broadcasts. The difficulty is that the broadcasters cannot really escape responsibility for the content of recorded programmes. This was acknowledged in the Cable and Broadcasting Act 1984, which extended the offence of incitement to cable operators unless they could show that it was not reasonably practicable to remove the offending words before distributing the programme. The Home Secretary feels that the same logic must apply to the broadcasters: they must either be subject to the incitement provisions, together with those who appear on their programmes, or they must continue to be exempt. Subject to the further views of the Prime Minister he is still inclined therefore, on balance, to leave matters as they are, in the absence of any real abuse, but would take the opportunity of his paper to invite the views of colleagues on this.

Yours now,  
Hugh

H H TAYLOR

David Barclay, Esq

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15 FEB 1985

