

SUBJECT  
cc master

MTZAHH

file



10 DOWNING STREET

From the Private Secretary

3 April 1985

Dev [Signature]

Lenient Sentences

The Prime Minister held a discussion this afternoon with the Lord President, the Lord Chancellor, the Home Secretary, the Lord Privy Seal, the Attorney General, the Chief Whip and the Chief Whip (Lords) about how to take forward the Government's intention to deal with over-lenient sentences. Mr. Booth was also present.

The Home Secretary said that he continued to believe Clause 22 of the Prosecution of Offences Bill, which the Lords had rejected, was the right way forward. It was an important measure for the administration of justice. At present, sentences might on appeal be reduced but not increased. There was however provision for appeal in rare circumstances against conviction; there should also be a power to question whether a sentence was too lenient. The question at issue was not whether the policy was right, but how best to pursue it. This was essentially now a matter of political judgment.

In discussion, the Lord Chancellor, Lord President and others at the meeting agreed that the Government's policy was the right one. Parliament had a duty to reflect public opinion and to see that the framework of law was just. But the intense opposition from a united legal lobby had to be recognised. It might be necessary to put the matter to the Lords three times to get it through. It was crucial that at least some lawyers in the Commons were willing to back the measure. It seemed unlikely that lawyers in the Commons, even on the Government's side, would be swayed unless the public's voice was heard. In terms of timing, there was no need for the power to appeal a sentence to go into the Prosecution of Offences Bill, though the Home Secretary needed to decide what should be said at the Second Reading Debate shortly after Easter. The clause might in fact be more appropriately placed in the Criminal Justice Bill.

Summing up the discussion, the Prime Minister noted that she and her colleagues were unanimous that Clause 22 was right in justice. It amounted to a sensible extension of the right to review a false acquittal. It was

085

unacceptable for a vested legal interest in the Lords to thwart the wishes of the electorate. Those who opposed the clause should be asked to consider how they thought the problem could be otherwise effectively and fairly tackled. The answer was, it could not. It was vital to have public support for the measure. Individual lawyer MPs be persuaded of the case for it, and the Prime Minister stood ready to write to them accordingly, and to refer to the matter in forthcoming speeches. The maximum amount of lobbying within the House would be required. Meanwhile, the Home Secretary should indicate, during the Second Reading Debate of the Prosecution of Offences Bill, that the Government was not persuaded Clause 22 should be dropped and that it would be considering carefully whether to go ahead with the provision in that Bill or in the Criminal Justice Bill.

I am sending copies of this letter to Janet Lewis-Jones (Lord President's Office), Richard Stoaite (Lord Chancellor's Office), David Morris (Lord Privy Seal's Office), Henry Steel (Law Officers' Department), Murdo Maclean (Chief Whip's Office), and David Beamish (Chief Whip's Office, House of Lords).

*Y in*

*Mark Addison*

Hugh Taylor Esq  
Home Office.