



HOUSE OF LORDS,
SW1A 0PW

14 March 1986

NBTM

FAMILY LAW BILL

My dear John:

ATTACHED

On 29th January Legislation Committee met to consider a Memorandum L(86)24 presented by the Lord Advocate and myself, in which we asked the Committee to approve introduction of the Family Law Bill. After circulation of the Memorandum, but before the Committee meeting, it became apparent that Part II of the Bill, which implements the Report of the two Law Commissions on the Recognition of Foreign Divorces and Nullity Decrees, was defective because it facilitated the recognition in this country of talaq divorces and other informal divorces which were obtained without any judicial or other proceedings. The Bill was therefore withdrawn so that these provisions could be put right. Revised provisions giving effect to the amended policy have been agreed between officials of the interested Departments, namely the Home Office, the Lord Advocate's Department, the Scottish Courts Administration and my own Department.

However, as members of H Committee will be aware, the Home Secretary has been seeking to have included in this Part of the Bill provisions which would control the admission to this country of second wives of polygamous marriages by amending the law on the validity of such marriages. A change in the law on immigration achieved by amending the law on the validity of marriages would

The Right Honourable
John Biffen, M.P.,
Lord Privy Seal.

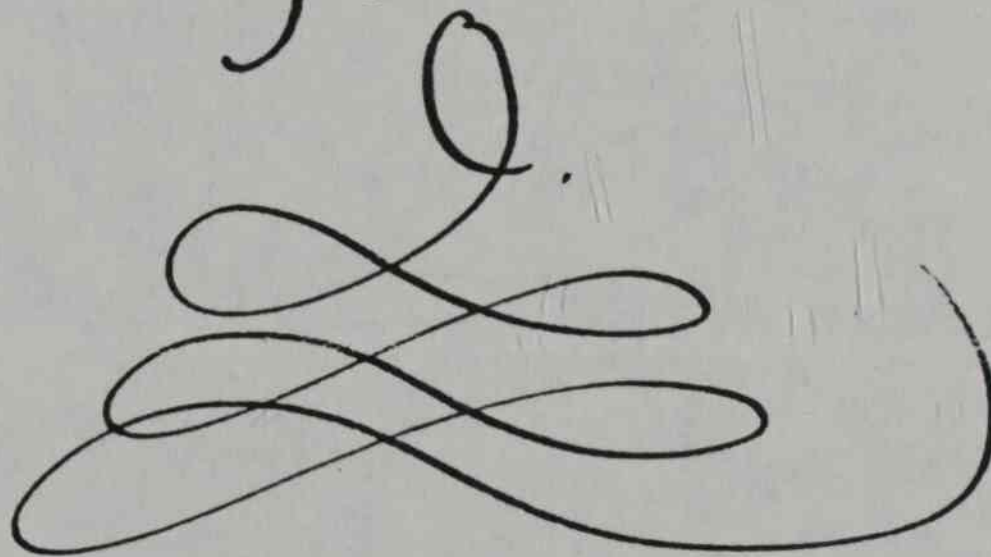
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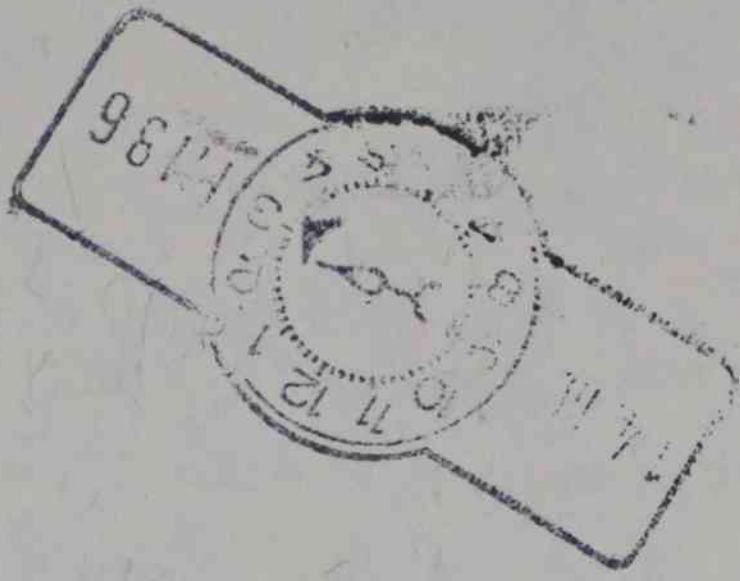
of course be controversial, and it was only on the basis that this Bill would be uncontroversial and hence suitable for Second Reading Committee procedure in the Commons that the Lord Advocate and I obtained permission for it to be included in the programme.

If this Bill is not introduced in the very near future, it will be too late to introduce it at all. I therefore seek your agreement and that of colleagues in L Committee to Part II of the Bill being omitted, and the Bill being introduced only with Part I (Child Custody), Part III (Declarations of Status), the amendments of the Child Abduction Act 1984 and the Child Abduction and Custody Act 1985 in clauses 64 and 65, and amendments of the corresponding Northern Irish provisions. I would be grateful if this proposal could be discussed and agreed at a meeting of L Committee.

I am sending copies of this letter to the Prime Minister, the Lord President, the Home Secretary, the Lord Advocate and other members of L and H Committees, and to Sir George Engle and Sir Robert Armstrong.

yrs:

A large, stylized handwritten signature in black ink, consisting of several loops and flourishes.





NS - 2 letters G/BG

PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

19 March 1986

ME A to me
G/A 14/2

Dear Quidin,

FAMILY LAW BILL

Thank you for your letter of 14 March suggesting that L Committee might consider proceeding simply with Parts I and III of this Bill. I understand, however, that your Department has agreed with the Home Office the amendments that would be needed to Part II to deal with the points about Talaq divorce that were raised at the meeting in January. I understand, too, that Willie Whitelaw is writing separately to ask that policy proposals on preventing polygamous settlement should be brought to H Committee as soon as they are ready, and that we consider all the options for early implementation of the policy as soon as we have got to that point. I, too, believe that this would be the right way to proceed and I suggest that you should bring all three parts of the Bill to L Committee next week with a short memorandum explaining how you have resolved the points that previously concerned the Committee on Part II.

I am sending copies of this letter to the Prime Minister, members of H and L Committees, Sir George Engle and Sir Robert Armstrong.

JOHN BIFFEN

Rt Hon Lord Hailsham of St Marylebone CH FRS DL
Lord Chancellor

IMMIGRATION: Rules: PE2

