



ABA

PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

19 March 1986

Dear Secretary of State,

CD 19/3

FAMILY LAW BILL AND SECOND WIVES

I think it might be useful if I intervene in your correspondence with Quintin Hailsham, since there are issues here that involve both outstanding policy and future legislation.

While I am sure we all agree with the aim of legislating to stop the possibility of polygamous settlement as soon as possible, I understand there are some problems here involving retrospection and other issues likely to raise questions in the context of the European Convention on Human Rights. Geoffrey Howe mentioned some of this in his minute to Quintin on 14 February. I believe that questions of this kind ought to be discussed in H Committee, and I should therefore be grateful if you and Quintin could bring your proposals to H as soon as they have been worked up.

In the meantime, however, we have to decide what to do about the Family Law Bill, bearing in mind that we are now getting deeper into the session and all the business managers must be desperately keen for legislation in the pipeline to be produced as soon as possible. I understand that John Biffen is writing to Quintin to ask him to bring the Family Law Bill to L Committee next week and I would like to suggest that we should not make the progress of that Bill conditional on the policy proposals that you put to us on polygamy. Letting the Family Law Bill proceed does not close any options, since amendments on polygamous marriages could be incorporated later. But I think we have now got to the point when it is unreasonable to hold up the Bill any longer while attention is given to the new policy issues to which you have drawn attention.

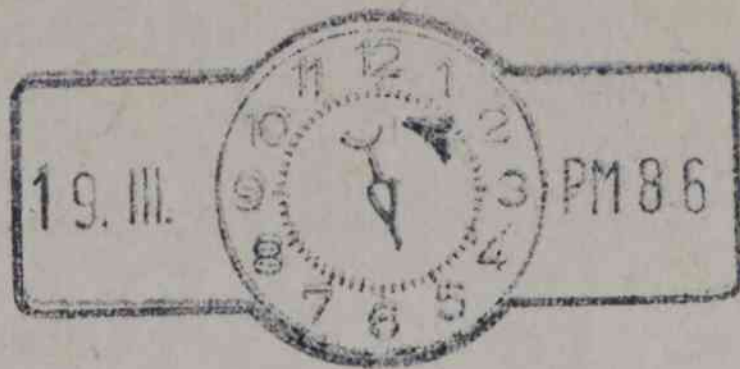
I am sending a copy of this letter to the Prime Minister, the Secretary of State for Foreign and Commonwealth Affairs, the members of H and L Committees, First Parliamentary Counsel and Sir Robert Armstrong.

Yours sincerely,
John MacLaughlin

(Approved by the Lord President
and signed in his absence)

The Rt Hon Douglas Hurd MP

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QUEEN ANNE'S GATE LONDON SW1H 9AT

21 March 1986

ME A n see
CDD
2/13

Dear Willie,

FAMILY LAW BILL AND SECOND WIVES

You wrote to me on 19 March and John Biffen wrote to Quintin Hailsham on the same day.

I recognise that there are questions of policy as well as legislation to be considered; and as I said in my letter of 13 March to Quintin I have no wish to lose Part II of the Family Law Bill. Accordingly I agree with the approach you and John propose for the Family Law Bill, including Part II amended as Quintin has proposed, to be taken in L Committee next week, with the question of how to deal with second wives being considered separately by H Committee. I would only reiterate that it is important that we reach early decisions on how to resolve the problem of second wives. I accordingly welcome your comment that we are not closing any options in letting the Family Law Bill proceed. I intend to write to H Committee colleagues as soon as possible to seek agreement to the approach I propose for dealing with this problem.

I am sending copies of this letter to the recipients of yours.

Yours,
Douglas.

The Rt Hon Viscount Whitelaw, CH, MC

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