

010



cc BB
Prime Minister 'Yes no'

Prime Minister

Content, subject to colleagues, with N Ridley's proposed handling?

LOCAL GOVERNMENT BILL: HOMOSEXUALITY AMENDMENT

You will remember that last session Jill Knight took up Lord Halsbury's Bill to prevent local authorities promoting homosexuality, but that the Opposition by a procedural device prevented it making progress.

16/10

At Questions on 14 May you expressed regret at this, and hoped that Jill would successfully bring the Bill back this Session. She has now done so in the form of an amendment to the Local Government Bill (a copy is attached).

The purpose of this minute is to seek your, and colleagues', agreement to my proposed handling.

I should like to accept the principle of the amendment, but to take steps to remedy detailed drafting defects in the provisions. Although we would have accepted the form of last Session's Bill under the pressure at the end of a Parliament, the Bill (which is reproduced in the amendment) had two major defects:

- i. it could be read as unreasonably preventing local authorities targeting any service on the homosexual community: this could pose problems in relation to, for example, AIDS; and
- ii. the enforcement provisions duplicate, in different words, but with no real difference, the normal judicial review procedure: this is confusing, and might cast doubt on the effectiveness of that procedure elsewhere.

I would like, therefore, both to redraft the main provision to achieve a more objective, better targeted test, that would stop the abuses without preventing legitimate activities, and to drop



the special enforcement provisions. A preliminary discussion between Michael Howard and Jill Knight has shown that she is prepared to discuss a redrafted clause along those lines, but that she will want to examine it carefully before making any commitment.

If we accept this ban on the promotion of homosexuality, we may face pressure from the back-benches for a more radical response to abuses of discretionary spending powers by local authorities. I would propose to resist these, on the grounds that they are different in kind from the moral question raised by homosexuality; and that, raising questions of much greater scope, they would tend to delay the current Local Government Bill.

I should therefore be grateful for agreement to accept the principle of Jill Knight's amendment and to redraft a revised version to meet the points in paragraph 4 above. We would make it clear that this revised version is not likely to be available until the House of Lords.

I am sending a copy of this minute to members of H and L Committees, to the Minister for the Arts, to First Parliamentary Counsel, and to Sir Robert Armstrong.

N R

16 November 1987

Local Government Bill, continued

Prohibition on promoting homosexuality by teaching or by publishing material

Dame Jill Knight
 Mr Barry Field
 Mr Irvine Patrick
 Mrs Teresa Gorman
 Mr David Evans
 Mr David Shaw
 Mr Robert Hughes

To move the following clause:

NC 14

'The following section shall be inserted after section 2 of the Local Government Act 1986 (prohibition of political publicity).

"Prohibition
 on promoting
 homosexuality
 by teaching
 or by
 publishing
 material

2A. - (1) A local authority shall not -

(a) promote homosexuality or publish material for the promotion of homosexuality;

(b) promote the teaching in any maintained school of the acceptability of homosexuality as a pretended family relationship by the publication of such material or otherwise;

(c) give financial or other assistance to any person for either of the purposes referred to in paragraphs (a) and (b) above.

(2) A breach of the prohibition referred to in subsection (1) above shall be justifiable in the civil courts in which interim relief may be granted on such terms as may be adjudged to be just and expedient.

(3) Without derogation from the right of any person having a sufficient interest to institute proceedings referred to in subsection (2) above, any parent, guardian or other person having custody of, or access to, any pupil in attendance at any such school shall be entitled to institute such proceedings.

(4) A local authority which in the opinion of the court has given appropriate instructions and taken reasonable steps to ensure compliance with the provisions of subsection (1) above may not be held to be in breach of the prohibition under subsection (2) above if such instructions have been disregarded and such steps have been ineffective to secure -- compliance.''.'



Cole SKW

cc BCg

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

17 November 1987

Dear Robin

LOCAL GOVERNMENT BILL: HOMOSEXUALITY AMENDMENT

The Prime Minister has seen your Secretary of State's minute of 16 November on the above subject. Subject to the views of colleagues, she is content with his proposal to accept the principle of Jill Knight's amendment, and to redraft a revised version as proposed.

I am copying this letter to the Private Secretaries to members of H and L Committees, the Minister for the Arts, the First Parliamentary Counsel, and to Sir Robert Armstrong.

Yours ever

Andy

(P. A. BEARPARK)

Robin Young, Esq.,
Department of the Environment.

RM

CBH



QUEEN ANNE'S GATE LONDON SW1H 9AT

20 November 1987

nbpm

Dear Nicholas,

LOCAL GOVERNMENT BILL: HOMOSEXUALITY AMENDMENT

Dir

Thank you for sending me a copy of your minute of 16 November to the Prime Minister.

I welcome the principle of the amendment and your proposals for handling it.

It is of course already an offence for anyone, including a local authority, to incite counsel or procure another person to commit a homosexual act prohibited by law (for example, with a person under 21). I am anxious not to get drawn along the path of extending the criminal law to proscribe the mere expression of opinion. Your proposals do not, of course, call on the criminal law. It would help, however, if the arguments for the amendment could be presented in terms of the proper limits of the functions of local authorities and not in terms which would make it difficult to resist the creation of a general criminal offence.

With this point in mind, I should be grateful to be kept in touch with developments, including sight of your redraft in due course.

I am copying this letter to the Prime Minister, members of H and L Committees, the Minister for the Arts, Sir Robert Armstrong and First Parliamentary Counsel.

Com,
Daryl

The Rt Hon Nicholas Ridley MP.

LOCAL GOVT: Relations PT33

