



ST. ANDREW'S HOUSE
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cc: R. U.

[Handwritten initials]

The Rt Hon Tom King MP
Secretary of State for Northern Ireland
Northern Ireland Office
Whitehall
LONDON
SW1A 2AZ

15 November 1988

Dear Tom,

*will request
if required.*

Thank you for sending me a copy of your letter of 25 October to John Wakeham about your proposal to amend section 4 of the Local Government Act (NI) 1972, so as to commence from the date of release from prison, rather than from the date of conviction, the period of disqualification which that section - in parallel with similar provisions in the Local Government Act 1972 and the Local Government (Scotland) Act 1973 - imposes on persons convicted of criminal offences and sentenced to not less than 3 months imprisonment without the option of a fine.

I have no objections to the change which you propose. As you say, it is unlikely to give rise to any pressure for similar changes in the parallel provisions. I should add, however, that it has previously become evident in Scotland that a sentence of 3 months imprisonment is no longer an entirely satisfactory test of whether an offence is serious enough to merit disqualification. A person convicted of fraud, for example, is today more likely to be fined than imprisoned, as he almost certainly would have been in the days when these provisions were first conceived. In any future more general review of the provisions, it may therefore be desirable to examine the grounds for disqualification as well as duration and commencement.

I am sending copies of this letter to the Prime Minister, the Foreign and Commonwealth Secretary, members of H Committee, the Attorney General, first Parliamentary Counsel and Sir Robin Butler.

*Yours ever,
Malcolm Rifkind*

MALCOLM RIFKIND

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