

Home Affairs



Ref. A01843

PRIME MINISTER

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Review of the Law on Public Order

The Home Secretary's minute of 26th March seeks comments on a draft Green Paper that he and the Secretary of State for Scotland wish to publish as part of their review of the Law on Public Order. The review was started following the Southall disturbances last year and, as the Home Secretary's minute explains, is being conducted in stages. The first was circulation of a discussion document to the police, the local authority associations and others directly concerned, while the second will be the publication of a Green Paper seeking views more widely. Only in the light of comments received on the Green Paper and in the light of the report of the departmental select committee on Home Affairs, which is looking at the subject and may provide some further indication of likely Parliamentary reaction to changes in the law, will the Home Secretary and the Secretary of State for Scotland bring specific proposals to their colleagues.

2. Over part of the field at least legislation for Scotland is likely to precede that for England and Wales since a Civic Government (Scotland) Bill is likely to find a place in next Session's legislative programme. This Bill will include provisions replacing those in existing local legislation for the control of processions.

3. The Green Paper is deliberately written in an "on-the-one-hand, on-the-other-hand" style which brings out the questions rather than suggesting the answers, and where answers are suggested does not commit the Government firmly to them. Nevertheless, the general message that comes across is that the Government do not favour dramatic changes in the law, neither those that would grant a statutory freedom to demonstrate or those that would take new powers to control indoor meetings or change the present law about election meetings.

4. The greater part of the Green Paper is concerned with processions and demonstrations. It suggests that there might be some strengthening of the law by requiring organisers of processions, subject to some exceptions, to give the





police advance notice of their plans, giving the police a more clearly defined power to redirect a march, and possibly granting some powers to control outdoor meetings and demonstrations which are not covered by the present law applying to processions.

5. This is a very difficult and contentious subject - as the draft Green Paper makes clear - but if, at the end of the day, the Government brought forward proposals for these relatively modest, though not uncontroversial, changes, they might reasonably claim to have achieved a proper balance of the conflicting arguments. You may prefer not to take any view on the policy issues at this stage and you may agree that the cautious approach of the Green Paper is the right one. It might, nevertheless, be worth finding ways at the time of publication of the Green Paper to indicate to the Press and to the Conservative Party the way the Government's mind is moving. Otherwise there is a risk that the reasoned arguments for and against new statutory powers may get obscured by the protests of the "freedom to demonstrate" supporters, and by the criticisms of those who want tough measures against processions and demonstrations.

6. Finally, you may think that the first paragraph of the proposed foreword to the Green Paper gives an emphasis to the "freedom to demonstrate" rather than to the framework of law, which may not be welcome to Government supporters, and that if the Secretaries of State are to put their names to a foreword to the Green Paper some change of emphasis is desirable. I attach a draft minute which you may wish to send to the Home Secretary.

(Robert Armstrong)

31st March, 1980





DRAFT MINUTE FROM THE PRIME MINISTER

HOME SECRETARY

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Review of the Law on Public Order

I am content for the draft Green Paper about the law on public order to be published, subject to any comments you receive from the members of H Committee.

2. I suggest, however, that you should consider carefully the foreword which has been drafted for you and the Secretary of State for Scotland. The first paragraph seems to give greater emphasis to the "freedom to demonstrate", rather than to the framework of law necessary for the protection of society as a whole. In its present terms, it may not be welcome to Government supporters.

3. That leads me to a second point: the Green Paper is, for the most part, non-committal, presenting the arguments for and against the various changes which have been canvassed. It might, nevertheless, be worth indicating at the time of publication that the Government's mind is moving towards relatively modest changes to strengthen the framework of law governing the right to meet and to demonstrate.

4. I am copying this minute to members of H Committee, the Attorney General and the Lord Advocate, and to Sir Robert Armstrong.



31 MAR 1960

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