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c Mr Booth

CL MATTER SET



10 DOWNING STREET

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From the Private Secretary

PUBLIC ORDER REVIEW

The Home Secretary came to see the Prime Minister this morning to discuss his review of public order. His conclusions had been summarised in his minute to the Prime Minister of 15 January. The Prime Minister had also seen the Foreign Secretary's minute of 24 January. Mr Booth of the No 10 Policy Unit was present at the meeting.

The Home Secretary recalled that the Review of Public Order had been established some time ago. Its progress had been held up for various good reasons, but he had announced its completion at the end of last year. The Review was of legislation - in the light of the miners dispute, there would also be a series of examinations of other issues such as enforcement and use of intelligence.

The overall picture to emerge from the Review was that there were no yawning gaps in present legislation, although there was scope for several significant improvements. The aim of these would be to give practical help to the police. Some critics would say that the Government was not going far enough, but more would probably take the opposite view. Overall, the Home Secretary's proposals would amount to a substantial toughening of the existing law.

The Prime Minister enquired how the proposals would affect picketing. The Home Secretary said that three things would change. First, the existing offence under Section 7 of the Conspiracy and Protection of Property Act, 1875 would be made arrestable, and the penalties increased. Secondly, the police power to disperse static demonstrations would be put on a statutory basis; and thirdly the police would be given a power to impose conditions on static demonstrations which could include conditions as to numbers. The Chief Constables involved in the Review had been clear that these were the changes they needed. It was crucial to avoid legal constraints on demonstrations which the police would be unable to enforce.

The discussion then turned to the possible extension to broadcasting of the offence of incitement to racial hatred. The Prime Minister said that she saw no reason in principle

why the broadcasting authorities, and in particular the BBC, should be "above the law". There was no doubt that irresponsible broadcasting could inflict serious damage, on individuals, and on our national interests. The Home Secretary said that he recognised this concern. Nonetheless, there would be bitter opposition to any extension of this part of the criminal law to broadcasting, and he wondered whether it would be wise politically to take on the broadcasting lobby in addition to dealing with public order. After further discussion, the Prime Minister was inclined to agree with the Home Secretary's conclusion that the offence of incitement to racial hatred should not be extended to the broadcasting authorities themselves, although the Home Secretary should consider further whether it might be extended to individuals who made statements which were broadcast.

Turning to questions of handling and timing, the Home Secretary said that he had put in a bid for a place in the 1985/86 legislative programme for a Bill on Public Order, although this bid had not yet been accepted. The Prime Minister commented that the need for legislation arose directly from the events of 1984 and the Government would be regarded as negligent if it took no action at the first opportunity. In order to achieve legislation in 1985/86, the Home Secretary proposed that he should circulate a paper to H Committee with a view to publishing a White Paper which could be debated in the House between Easter and Whitsun. The Prime Minister endorsed this course of action, adding that the paper for H Committee should not be circulated until it was clear whether current talks would bring about an end to the coal dispute. If the strike persisted, the Home Secretary should consult the Prime Minister again in two to three weeks time before deciding whether to circulate his paper.

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