

PRIME MINISTER

Robert Sands and the Fermanagh By-Election

Mr. Pym reported to you on the meeting of MISC 55 held last night (minutes attached). You already know that Sands won the election.

The press are being told over the weekend that what happens next is a matter for the House of Commons, and that there will be inter-Party discussions on Monday. They are also being told that Sands will not be let out of prison or given special privileges. In that context, you might like to look at the attached report of the Privilege Committee in 1970, following Bernadette Devlin's conviction for incitement to riot. You will see that it very helpfully concluded that Members of Parliament detained in prison should be treated according to the discretion of the prison authorities, and that the same conclusion applied to Members who had not taken the oath. MISC 55 meets again on Monday morning at 1130, under the Home Secretary's chairmanship. We have arranged for him to come and see you at 1030 with the Chief Whip, so that you can talk to him about where we go next.

The Home Office have been contemplating how they would change the law to disqualify Sands. I am not surprised to hear that they find real difficulty in defining a straightforward change which could be announced next week. They are worried about discrimination between those who are already Members and those who are new Members; about categorizing criminals according to the seriousness of the crime; and about the probability that whatever they do, someone just the other side of the boundary line would stand for the same cause they were seeking to outlaw.

/ The business

The business managers believe that we shall not have a consensus to move a motion expelling Sands on Monday. Tuesday is difficult, because it is the Transport Bill guillotine. That means that the earliest we could conveniently move an expulsion motion would be Wednesday. The Home Office do not see their way clear to recommending a change in the law which could be announced next Wednesday; and I doubt that they would be able to do it before it became possible to move the writ for the by-election again - which would be immediately after the Easter Recess.

All of this presents formidable difficulties. The Northern Ireland Office say that they regard it as an extremely serious event.

MS

10 April 1981