

DOCUMENT IS THE PROPERTY OF HER BRITANNIC MAJESTY'S GOVERNMENT

C(80) 21

COPY NO

82

13 March 1980

CABINETLEGISLATIVE PROGRAMME:
CONTEMPT OF COURT BILL

Memorandum by the Lord Chancellor

1. The need for the Cabinet to discuss the legislative programme arises in part from the failure by Legislation Committee on 11 March to agree that the Lord Advocate and I should now introduce the Contempt of Court Bill. The Cabinet should know why I attach importance to this being done.
2. We are deeply committed to proceeding with this Bill, not only by the explicit promise in The Queen's Speech (a promise which has been publicly renewed from time to time in recent months), but also by our international obligations under the European Human Rights Convention, as declared by the Court of Human Rights in the Sunday Times case in April 1979. The Bill is eagerly awaited in certain quarters, both in Parliament and outside, notably by the Press and broadcasting media, who have long been urging implementation of the Phillimore Report of 1974, on which the Bill is based. Anything short of a determined effort to get this Bill on to the Statute Book this Session would rightly be regarded by them as a serious failure by the Government. The heavy criticism which our predecessors incurred on this score has been muted since the Election by our promise to legislate this Session: it would revive with redoubled force if we were to renege on that promise. A further measure of urgency is added by the need to deal with jury secrecy, following the decision in the recent New Statesman case.
3. The Bill will be generally welcomed. Some may say that it should go further than it does, but I do not expect great controversy, and any that there is will not be on Party lines. Therefore although there will inevitably be a certain amount of discussion, the Bill need not take up a large amount of Parliamentary time, and especially not in the Lords, which is where the present difficulties mainly arise. The Bill is quite short (19 clauses and 4 schedules: 16 pages in all); and it is ready for immediate introduction. It has no manpower, and only insignificant expenditure, implications.

4. This is therefore a Bill for which the Government will get little criticism and some credit for introducing, but much criticism for not introducing. It is the only significant Bill in the whole programme which in any way deals (at least as far as England and Wales are concerned) with law and order - a subject by which we set a good deal of store at the Election. The publication of a White Paper would not be an adequate substitute for the Bill: the Labour Government's Green Paper of 1978 evoked little but well-merited rebukes for failure to take legislative action. I accept that, at this stage of an exceptionally crowded Session, the Bill's chances of getting through are uncertain. But I have no doubt that in this particular case it would be better to introduce the Bill and take it as far as possible than not to introduce it at all.

H of St. M

House of Lords

13 March 1980