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A Egd/BLUP  
cc: S. Shebourne  
File V C X

Subject cc Master

10 DOWNING STREET

From the Private Secretary

1 September 1986

Dear Clare

The Prime Minister and the Home Secretary discussed yesterday the law on obscenity.

The Prime Minister said she was concerned that the existing legislation was not effective. The letters she received from Mrs Mary Whitehouse and Judge King-Hamilton reflected a growing public anxiety that the law as it stood was unable to stop obscene material being made available to the public. Furthermore, the public would react favourably if the Government were to be seen to try and tackle the lowering of standards in the media generally. A distinction had to be drawn between freedom and licence. It was a difficult boundary to define. But the Government had so far failed to take the necessary steps to get it right, and had to be seen now to try and do so. The Prime Minister suggested that one way forward might be to impose a test that material should not offend against good taste and decency in addition to the "deprave and corrupt" test in the Obscene Publications Act.

The Home Secretary said he was sympathetic to the Prime Minister's concern. The difficulty was in finding a new legal formulation which would be both effective in catching the material the Government wished to catch, but no more, and which was acceptable to the public and to the House. So far, nothing satisfying those conditions had been proposed. The Churchill Bill showed how great the difficulties were. The Home Secretary hoped that, once the Peacock Report had been considered, it would be possible to remove the broadcasting authorities' exemption from the obscenity legislation. Their position was now quite illogical, particularly in view of the prospective development of many more TV channels in the future. The Home Secretary noted the Prime Minister's proposal for an additional "decency" test but he doubted whether that would encourage juries to convict any more than they did at present.

Summing up the discussion, the Prime Minister said she would arrange an early meeting with Judge King-Hamilton to discuss more fully his ideas for reforming the law. She would not arrange to see Mrs Whitehouse yet. The Prime Minister would also chair a Ministerial meeting to discuss possible ways in which the legislation could be tightened up, with a

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view to a suitable Member being approached if one was successful in the ballot for Private Members' Bills. One particular proposal to consider was increasing the protection afforded to children. The Home Secretary would also consider the responsibilities and powers he himself had in relation to the legislation, particularly so far as the IBA and BBC were concerned.

I am copying this letter to Joan MacNaughton (Lord President's Office), Michael Saunders (Law Officers' Department) Timothy Walker (Department of Trade and Industry) and Michael Stark (Cabinet Office).

*Yer*

*Mark Addison*

MARK ADDISON

Ms Clare Pelham,  
Home Office.