



HOME OFFICE
Whitehall London SW1A 2AP

Direct Line 01-213
Switchboard 01-213 3000

David Webb esq
15 Sloane Court West
CHELSEA
London SW3 4TD

Your reference

Our reference *18N 70 9/9/24*

Date *20* October 1976

Dear Mr Webb

I have been asked to reply to your letters of 6 and 19 September to the Home Secretary about the law on obscene publications and the proposed film on the life of Christ. I am sorry you have not received an earlier reply.

The Home Secretary is conscious of concern about some aspects of the law on obscenity and will keep the matter under review. But he has no present plans for legislation designed to reform the general basis of the law. In view of your reference to the previous Home Secretary's statement on this subject, it may be helpful if I enclose a copy of the relevant extract from Hansard which makes clear what Mr Jenkins actually said.

As for the proposed film on Christ, the Home Secretary has noted the views you express. If the proposed making of the film results in the commission of any criminal offence it will be for the prosecuting authorities (eg the police) to decide what action should be taken.

Yours sincerely

S.J. Pike

S J Pike

Press Office

*Transmitted
10/10/76*

759-4321

(897 - 9631)

→ 759-7911

ORAL ANSWERS TO QUESTIONS

HOME DEPARTMENT

Obscene Publications Act 1959

1. Mr. Carlisle asked the Secretary of State for the Home Department whether he will institute a review into the working of the Obscene Publications Act 1959.

16. Mr. Michael McNair-Wilson asked the Secretary of State for the Home Department whether he will amend the Obscene Publications Act 1959 with a view to redefining obscenity.

The Secretary of State for the Home Department (Mr. Roy Jenkins): I have no plans for immediate special legislation, but I am following the current public debate closely and I understand some of the concern. Where there is a flux and a conflict of standards, which is no doubt reflected in different jury verdicts, I am not convinced that there is any simple, workable and acceptable change in the law which would resolve the problem. However, I would not for a moment claim that the present law is perfect, and I shall keep the matter under review. But it is rarely wise to react immediately to a particular case.

Mr. Carlisle: I fully accept the real difficulty which exists in amending the law on obscenity. When we were in Government we looked at the question in the context of our Bill on indecent display. I take it that the Home Secretary now accepts that the trend of recent decisions in the courts shows that the Act is not working and that unless Parliament is prepared to tackle again both the question of the definition of obscenity and the defence of the public good, we shall face a situation in which standards will rapidly decline. We are creating a climate in which practically anything goes—

Mr. Speaker: Order. When an hon. Member is invited to ask a supplementary question, I hope that he will ask only one.

Mr. Carlisle: I apologise, Mr. Speaker. I end by asking the Home Secretary whether he accepts that this is a matter of concern to many people.

Mr. Jenkins: I accept that it is a matter of concern. Strong views are held in differing ways. I endeavoured to indicate to the hon. and learned Member for Runcom (Mr. Carlisle) that I do not treat the matter lightly or dismiss any practical solution, but I remain unconvinced in this respect. There have been conflicting decisions recently. They seem to turn more on jury decisions than on what judges indicate, and it is therefore an illusion to think that a simple change in the law would solve the problem.

Mr. Stonehouse: Has my right hon. Friend's attention been drawn to cases in which acquittals have been obtained on charges under this Act by unanimous verdicts of juries, yet the Director of Public Prosecutions has reinstituted charges not only a second but a third time, as in the Lindsey case? Will he do something about this practice, which is bringing the law into disrepute?

Mr. Jenkins: My right hon. Friend will be aware that I am not responsible for the Director of Public Prosecutions. It would not be right for me to issue pronouncements on that subject. I am not sure whether the Director has acted exactly in the way described by my right hon. Friend, but I have no doubt that the Attorney-General will take note of what he said.

Mr. McNair-Wilson: Even if the Home Secretary is not prepared to amend the definition of obscenity in the Act, is he aware that there is a case for banning material that encourages the concept of sexual acts between human beings and children and between human beings and animals, and sado-masochism?

Mr. Jenkins: I have no doubt that there are matters of this sort which nearly everyone would regard as objectionable, as does the hon. Member. It is not easy to draw these frontiers on the basis of categories, and I suspect that there would be great difficulties in attempting to do so.

Mr. Alison: We welcome the helpful and constructive reaction of the Home Secretary to the Questions and to the misgivings expressed by the public. We also welcome his willingness to look seriously at alleged shortcomings in the Act. Will he go further and undertake to give sympathetic consideration to receiving an

all-party deputation, which could elaborate some of the difficulties being experienced over the way the Act is working?

Mr. Jenkins: I would always receive an all-party deputation on this subject—or any deputation consisting of a substantial number of hon. Members. I would listen to what they had to say. The hon. Member for Barkston Ash (Mr. Alison), in association with some of his hon. and right hon. Friends, has been doing some work on this matter. I believe, and perhaps he would like to talk to me when he has the results of that work.

Mr. Edward Gardner: However formidable the difficulties of drafting a satisfactory legal definition of obscenity, those difficulties do not exist to the same extent in the case of public advertisements and indecent display. Will the Home Secretary show a little more concern for the anxieties of a growing number of people who find it wholly objectionable to have this kind of lewd material thrust upon their attention in our towns and cities, and think again about introducing legislation on the lines of the Cinematograph and Indecent Displays Bill, which the last Conservative Government tried to bring forward?

Mr. Jenkins: I have always made it clear that I do not regard the same consideration as applying to the obtrusion of matters of this sort as they do to other matters of censorship and what people read privately. I have no doubt that the previous Government brought forward their Bill with good intentions, but it did not stand up as a piece of legislation.