

Amendments warning

The police, citizens and shopkeepers all had their own ideas as to what was indecent. Lord Houghton of Sowerby (Lab) said during the committee stage of the Indecent Displays (Control) Bill. He moved an amendment to redefine "indecent matter", for which a person publicly displaying it would be guilty, as "matter offensive to the public at large".

Indecency to most people had a sexual meaning, but there were some things that affronted members of the public just as much as that kind of indecency.

Lord Nugent of Guildford (C), the Bill's sponsor in the Lords, said that if they altered the Bill substantially it would probably be lost. There was not time to reopen major issues.

They were concerned with the freedom of the citizen to be able to walk down the street without being confronted by showcases and shopfronts full of disgusting material. There was an urgency about this.

Every day one read of more provincial towns where the local

citizens were being seriously disturbed because sex shops were arriving and they did not seem to be able to check the proliferation.

Behind them were substantial financial interests who were proliferating these outlets because they were making large sums of money out of them.

Lord Houghton of Sowerby's suggested definition would not cover the apparatus of the sex shop. It was remarkable stuff, intriguing maybe for the young, but certainly indecent. The term "indecent material" was understood by the courts and by the public generally.

Lord Belstead, Under Secretary of State, Home Office, said he supported Lord Nugent of Guildford when he asked the House not to make a substantial amendment to a Bill of a narrow but extremely useful scope.

The amendment was withdrawn. The committee stage was concluded.

House adjourned, 9.43 pm.

NOT
PUBLISHED

NO/DAW/DP

'The Times'

11/6/81

11th June, 1981.

The Editor,
"The Times",
New Printing House Square,
200, Gray's Inn Road,
London, WC1X 3EZ.

Dear Sir,

Lord Nugent's frantic determination to get the Indecent Displays (Control) Bill through Parliament has obviously blinded him to its serious flaws. These were pointed out when we had a meeting with Mr. Tim Sainsbury M.P., the Bill's sponsor on 9th February. The National Campaign for the Reform of the Obscene Publications Acts was significantly missing from the list of interested organizations in Sarah Segrue's article "Getting at the people behind the sex trade" ("The Times" 10th June).

Although we agree that there should be limited control over public display, we certainly oppose this Bill as presently drafted and made that very clear to Mr. Sainsbury. Like Lord Houghton, we deplore the ~~omission~~ of any legal definition of "indecent", although ~~thwome~~ ~~wach~~suggested was much more specific than his. At Mr. Sainsbury's invitation we submitted this to the House of Commons Standing Committee but it was rejected. Admittedly it is somewhat long, but we maintain it covered precisely the kind of public display the Bill is aimed at, for example depictions by any means of actual sexual intercourse, erect penises, open vaginas and so on. To leave the wording deliberately vague and its interpretation to subjective, idiosyncratic magisterial or judgemental decisions in the Courts, is not only bad law, but also both irresponsible and dangerous. This, coupled with the Bill's other very serious defect, the ~~omission~~ of any

...../continued

safeguard against cranky or vexatious private prosecutions by the requirement of the Director of Public Prosecutions's consent before a case can be proceeded with, will create a field day for the fanatics from the "Puritan Brigade".

Mr. Sainsbury has told us that the Standing Committee decided it was right to retain the right to bring a private prosecution under the Bill because "there was insufficient justification for removing what is held by many to be an important constitutional right". Perhaps now, therefore, he might like to introduce a Bill which would allow this "important constitutional right" to apply elsewhere in law. When I wanted to bring a private prosecution against Mrs. Mary Whitehouse for wasting police time, in connection with "The Romans in Britain" fiasco, under the Criminal Law Act of 1967, I was prevented from doing so because under that Act the D.P.P.'s consent is required and it was refused.

Yours sincerely,

David Webb,
Organiser,

National Campaign for the Reform of the Obscene Publications Acts