



HOME OFFICE
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10 January 1994

David Webb

Thank you for your letter of 25 November 1993 enclosing this correspondence from your constituent, Mr David Webb, Honorary Director of the National Campaign for the Reform of the Obscene Publications Acts (NCROPA). I am sorry that you have not received an earlier reply to your letter.

I have carefully considered Mr Webb's request for a meeting in which he could explain his views to the Home Secretary or myself, but I have to say that I do not believe such a meeting would be helpful. I acknowledge, of course, that it is possible to argue in principle against the current law on obscenity, or against there being any obscenity laws at all, and I am well aware of the views consistently put forward by NCROPA over the years. However, these are not views which we or our predecessors have ever accepted, and I believe that the Government is much more closely aligned with public and Parliamentary opinion on this subject than NCROPA is.

We certainly believe in a free society, in which individuals exercise responsibility and make their own choices, but I think this needs to be distinguished from the "permissive society" in which individuals are encouraged to indulge their appetites irresponsibly. In a free society there still have to be limits to protect the rights of others and the welfare of society as a whole. One area in which such limits are necessary is that concerning the publication of obscene material and of child pornography, and I make no apology whatever for the measures which the Government is currently bringing forward to strengthen the law.

Of course, there may well be many people who can read or look at obscene material without being depraved and corrupted, just as there are probably many people who

/could keep

The Rt Hon Nicholas Scott MBE MP

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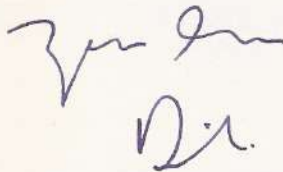
could keep and use a shotgun responsibly without having the necessary licence. The whole point of having these laws, however, is to protect the susceptible minority of people, possibly not as educated or sophisticated as some of those on Mr Webb's committee, who cannot safely be exposed to this kind of material.

It has traditionally been left to the consciences of individual Members of Parliament to decide precisely where the legal boundary between acceptable and unacceptable material should be drawn, but within that general framework it is certainly part of Government's function to ensure that the law is as effective as possible and that there are no unnecessary obstacles to its enforcement.

The Criminal Justice and Public Order Bill, which was published at the end of last year, therefore contains provisions to make obscenity and child pornography offences arrestable offences, and to give the police increased powers of search and seizure; to increase the maximum penalty for the mere possession of child pornography to include a three month prison sentence; to give local authority trading standards officers and magistrates' courts stronger powers to deal with those who flout our legal controls on violent and pornographic videos; and to extend the law to cover simulated child pornography which is manufactured on computer. We will also consider carefully any recommendations made by the Home Affairs Select Committee as a result of its current enquiry into computer pornography.

For the reasons I have explained, we have not brought forward proposals to amend the legal definition of obscenity, or to substitute a different test of unacceptability. However, we have made it clear in the past that we are prepared to offer help to any backbench Member with suitable proposals for reform, and this remains the position. If NCROPA wishes to obtain a relaxation of our controls on obscene material, the answer is for it to campaign to change public opinion; if the country ever comes to accept these views then doubtless Parliament will respond.

I have to say, however, that I do not believe such a reversal of opinion would be desirable, and on the basis of the letters I receive on this subject I also do not believe it is likely.

A handwritten signature in blue ink, appearing to read 'David Maclean', with a stylized flourish below the name.

DAVID MACLEAN