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CABINET

THE LAW RELATING TO HOMOSEXUAL OFFENCES

Memorandum by the Secretary of State for  
the Home Department

Lord Arran will move the following Motion in the House of Lords on Wednesday, 12th May:

"To call attention to the recommendations of the Wolfenden Committee on homosexual offences; and to move for Papers".

He will advocate the implementation of the Wolfenden recommendations that homosexual behaviour between consenting adults in private should cease to be a criminal offence, and he expects to be supported by at least a dozen speeches from both sides of the House, from the Bench of Bishops and from the Cross Benches.

I consider that the basic Government attitude should be that this is a matter for personal judgment; that debates of this kind serve the useful purpose of focusing public attention on the essential considerations; that the strongest opinions are at present widely held on both sides; and that the Government would not think it right either to advise against implementation of the Wolfenden recommendations or to come out in support of it.

I am reluctant however to adopt a wholly neutral attitude, without offering some guidance to the growing body of opinion in favour of a change in the law on how in the Government's view a change might be brought about. For the foreseeable future Government legislation must I think be ruled out, and the question arises how far we should go in encouraging a Private Member's Bill.

I think that the least that could be said would be that the appropriate course for those in Parliament who support a change in the law would be to introduce a Bill at a suitable opportunity so that Parliamentary opinion may express itself on specific provisions implementing the Wolfenden recommendations; and that while the Government could not undertake to provide time for the Bill, they would not wish to obstruct it and would be content with the decision Parliament reached on a free vote.



But, after consulting the Home Affairs Committee, I think it might be desirable for the Government spokesman to go further and indicate that if there appeared to be a general wish that a Private Member's Bill should be discussed, and that this could not be done unless the Government made time available, then the Government would consider providing such time, although there was no possibility of their doing so in the present Session. This would imply recognition by the Government that the issue was one of sufficient public importance for Parliament to be enabled to reach a conclusion upon it, but the Home Affairs Committee would welcome such an undertaking.

Lord Arran does not think that after receiving the strong support he expects in the debate he should withdraw the Motion, and he envisages that it would then go to a Division. I propose, at the suggestion of the Home Affairs Committee, that the Government spokesman should not advise the House either to accept or to reject the Motion, and that Government supporters, including Ministers, should be left free to vote according to their personal judgment. I understand that there would be no need to supply any papers in response to the Motion, if it were carried, unless Lord Arran asked in his speech for specific information.

I invite the Cabinet to agree that Lord Stonham, on behalf of the Government, should adopt a neutral attitude to the Motion but should indicate the Government's willingness to make Government time available for the consideration of a Private Member's Bill should it appear that there was a general wish that such a measure should be discussed; and that a Division should be handled on the lines indicated in paragraph 6 above.

F. S.

Home Office, S. W. 1. ,

4th May, 1965





