

C(66) 144

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CABINET

HOMOSEXUAL LAW REFORMMemorandum by the Secretary of State for the Home Department

The Wolfenden Committee recommended that homosexual acts in private between consenting adults should cease to be unlawful. Lord Arran's Sexual Offences Bill to amend the law of England and Wales in accordance with this recommendation has twice been through all its stages in the House of Lords. It was passed on 28th October, 1965, by 96 votes to 31 and on 16th June, 1966, by 78 votes to 60. A similar Bill introduced by Mr. Humphry Berkeley last Session was given a Second Reading in the House of Commons on 11th February, 1966, by 164 votes to 107. The Bill was well placed to make further progress, but became a casualty of the General Election.

2. No member successful in the ballot for Private Members' Bills this Session wished to introduce a Bill on this subject. But on 5th July, 1966, Mr. Abse was given leave under the '10-minute rule' to introduce such a Bill by 244 votes to 100. The Bill has not yet been published, but will probably be identical with Lord Arran's Bill.

3. The recent votes show that a majority in both Houses (and particularly now in the House of Commons) favours implementation of the Wolfenden Committee's recommendation. I do not suggest that the Government should depart from its earlier decision to adopt a neutral attitude on the principles involved (C. C. (65) 28th Conclusions, Minute 5) but we shall be under considerable criticism, mainly from our own supporters, if we fail to provide a little time for Mr. Abse's Bill to make progress. There is also the point that, if we leave the matter in abeyance, there is difficulty in administering a part of the Criminal Law against which both Houses have twice pronounced.

4. I ask my colleagues to agree that half a day of Government time should be made available for a Second Reading debate on Mr. Abse's Bill. This proposal has the support of the Lord President and the Chief Whip.

R.H.J.

Home Office, S.W.1.

24th October, 1966

