

**Peter Ashman Memorial Archive**  
**Notes on CHE law reform archive (1973 – 1990)**

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## Peter Ashman Memorial Archive

### Notes on law reform and political campaigning archive (1973 – 1990)

#### I. Introduction

The CHE<sup>1</sup> LR Archive contains three distinct sets of records relating to:

- CHE law reform campaigns from 1973 to 1977;<sup>2</sup>
- The CHE Law Reform Committee (LRC), which operated from late 1977 until 1989;
- Gay Lobby, a separate sub-group set up within national CHE in the second half of 1976 to encourage its local groups to lobby their MPs.

It also contains a small trove of papers relating to a memorable event, Peter Mitchell's candidacy on a gay rights platform in the 1977 Westminster by-election.

Many people contributed to the work documented in this archive. A list of the members of the Law Reform Committee is set out in Appendix 1. I would particularly like to remember the contributions of the following: Christian Elliott, who was a driving force in the founding of the LRC and its early work, and who sadly died when he was still in his mid-twenties; Trevor Percy, who contributed much to CHE's early work on international matters; Peter Campbell, who kept the Conservative Group for Homosexual Equality going through the long bleak Thatcher years;<sup>3</sup> and Nick Billingham, whose energy and commitment as a member of the CHE Executive, the LRC, and the NCCL executive, was central to the achievements of the LRC.

#### Background to law reform/political campaigning in the 1970s/1980s<sup>4</sup>

A Conservative government had been elected in 1970. It was defeated in the February 1974 general election, with Labour forming a minority government. Labour then gained a majority in a further general election in October 1974, but of just three seats. This was eroded in by-elections, so that in March 1977 Labour was forced to enter into a pact with the Liberals to remain in power. The pact ended in September 1978, after which Labour again operated a minority government until the general election in May 1979. This returned a Conservative government that was to remain in power until 1997 with overwhelming majorities.

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<sup>1</sup> The Campaign for Homosexual Equality (CHE) was the principal organisation working for lesbian and gay rights in England and Wales in the 1970s and for much of the 1980s. Sister organisations existed in Scotland (the Scottish Minorities Group (SMG), later known as the Scottish Homosexual Rights Group (SHRG)), and the Union for Sexual Freedom in Ireland (USFI), which was superseded in the mid-1970s by the Northern Ireland Gay Rights Association (NIGRA).

<sup>2</sup> These papers were those of Paul Temperton (in the mid-1970s EC member responsible for Parliamentary/Political Liaison). They were passed to Gay Lobby in the late 70s by Dermot Quirke who had been CHE Campaigning Secretary and was a leading figure in setting up Gay Lobby.

<sup>3</sup> For Matthew Parris' obituary of Peter Campbell, see: <https://www.spectator.co.uk/article/the-gentleness-and-courage-of-my-friend-peter-campbell>. He had a quiet, gentle sense of humour. In a letter to me from 1983, I came across this limerick he composed while waiting at Westminster:

"At Westminster a young Bobby

Likes sucking MPs as a hobby.

He then learns their intent

About the age of consent

And tells it to Nigel's Gay Lobby." Adding – "Not the greatest example of 20th-century verse!"

<sup>4</sup> Stephen Jeffery-Poulter's 1991 book, "Peers, Queers & Commons" is still the best general guide to law reform efforts in the period. A copy is in the CHE General Archive.

It was a period that was singularly unpropitious for law reform. Even if it had been more enthusiastic about lesbian and gay rights the pre-1979 Labour government would have lacked the parliamentary majority needed to push through contentious changes. After the May 1979 general election it soon became clear that Margaret Thatcher was hostile to any further liberalisation, so that even Conservative MPs who had been supportive showed little further enthusiasm for the cause. As she stated unequivocally in a letter to LRC member Clifford Hindley in October 1985, "the Conservative Party has no intention at present of incorporating a major extension of homosexual rights within its policies. It does not believe that there is either widespread support or a sufficiently strong case for the introduction of such legislation".<sup>5</sup>

Law reform campaigners continued working in the expectation that the political situation would eventually change. They could not have known that circumstances would remain unpropitious for so long.

## II. CHE law reform work from 1973 to 1977

CHE's early years were concerned with building a movement and creating a space for lesbians and gays in society.<sup>6</sup> By its first annual conference at Morecambe in 1973 it had a countrywide presence and was ready to take on the role of a national pressure group with a much greater emphasis on political campaigning. The most blatant injustice was perceived to be the continued discrimination against gay men in the criminal law. The 1967 Sexual Offences Act had only brought about partial decriminalisation. Indeed, it was drafted on the principle that sex between men was essentially unlawful and tolerated only in specific circumstances – where both partners were over 21, with tight restrictions so far as privacy was concerned, and with specific prohibitions on members of the armed forces and merchant navy. Its geographical scope was limited to England and Wales. The conference therefore decided, working with allies, to seek a general reform of the law on sexual offences. The 1974 annual conference at Malvern took this a stage further instructing the CHE Executive Committee (CHE EC) to prepare draft legislation to give homosexuals equal rights in law with heterosexuals. The timing appeared good, with Labour in power, and with Roy Jenkins, who, as Home Secretary had facilitated the passage of the 1967 Sexual Offences Act, back in that position.<sup>7</sup>

In June 1975 the draft legislation (a joint effort by CHE, SMG and USFI) was published. In a message to conveners of CHE groups, Paul Temperton (EC member responsible for Parliamentary/Political Liaison), struck a cautious note, acknowledging that CHE did not know how or when the bill would be raised in Parliament, that law reform was a long-term objective and that the bill could be seen as "part of a wider public education campaign".

More or less simultaneously with the launch of the Bill there were press reports that the Home Secretary intended to refer the question of the law relating to sexual offences to a government expert committee, the Criminal Law Revision Committee (CLRC). These were confirmed with the announcement on 14 July 1975 of the terms of reference of the CLRC, which also announced that

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<sup>5</sup> Letter from Margaret Thatcher to Clifford Hindley dated 18 October 1985 (attached to LRC minutes for November 1985, CHE LR Archive, Box 5, folder 12).

<sup>6</sup> See Peter Scott-Presland's "Amiable Warriors – a History of the Campaign for Homosexual Equality and its Times – Volume 1: A Space to Breathe, 1954 – 1973" – Paradise Press 2015.

<sup>7</sup> This was almost certainly over-optimistic. In June 1983, when leader of the Social Democrats, he responded to a questionnaire survey that he considered that "current legislation [on the criminal law] is broadly acceptable. I'm not in favour of reducing the age of consent to 16." If that was his view in 1983, in 1975 he would have seen his reference of sexual offences to the Criminal Law Revision Committee as a useful stratagem for ducking the issue (even without the political weakness of the Labour Government at that time). (CHE LR Archive, Box 12, folder 12.2).

the question of the age of consent would be referred to a separate body, the Policy Advisory Committee on Sexual Offences (PAC).

In discussions in the law reform workshop at CHE's annual conference in Sheffield the following month the CLRC/PAC reviews were recognised as a considerable setback. On one hand, many MPs would use them as an argument for opposing any debate of the CHE bill; on the other, the CLRC "moves at an incredibly slow pace and reforms referred to it could take years to consider and still more to enact."<sup>8</sup> The workshop therefore recommended CHE to pursue a two-pronged strategy: i. try to get Parliament to debate and approve the fundamental principle of equality; ii. prepare thorough briefings for the CLRC and PAC. It was also considered urgent to form a proper parliamentary lobby, and to encourage local groups to continue lobbying their MPs.

In November 1975 a meeting at the House of Commons with supportive MPs and peers chaired by Clement Freud MP was strongly of the view that it would not be possible to carry through the wider reforms in the draft bill while the CLRC and PAC were conducting their reviews. A more limited reform to enact the provisions of the 1967 Sexual Offences Act in Scotland would stand a reasonable chance of success. If the three organisations (CHE, SMG and USFI) wanted to go for wider reforms, Lord Beaumont (who was leading efforts in the House of Lords) offered as a first step to try to secure the agreement of the Lords to a general motion emphasising the need for equality. This would be preferable to bringing the draft bill forward prematurely and seeing it defeated, perhaps in a humiliating way. However, SMG and USFI did not want to see short-term legislation in Scotland and Northern Ireland along the lines of the (still discriminatory) 1967 Sexual Offences Act. It was concluded that the way forward was to step up the pressure for the CLRC to give urgent priority to this aspect of its work by attempting to get the Lords to endorse the basic principle of equality. The MPs advised the three organisations to widen and refine the campaign for change by greater ongoing personal contact with MPs (e.g. through lobbying at constituency level).<sup>9</sup>

The first months of 1976 saw Lord Beaumont canvas fellow peers for support for a debate on a general motion on the principle of equality. However a debate on sex education in February 1976 made it clear that a vociferous and well-organised hostile lobby now existed in the Lords. Moreover, Lord Beaumont's canvassing showed that there was little support from sympathetic peers, leading him to advise that such a motion would not be worthwhile. A further meeting at the House of Commons in April 1976 concluded that it was better to press for specific reforms such as abolishing the offence of gross indecency. A possible delegation to the Home Secretary with a view to arguing for speeding up the CLRC review was also discussed, as was the need for CHE to redouble its educational and lobbying work at grassroots level.<sup>10</sup>

On 11 June 1976 CHE published its submission to the CLRC. This was followed a few days later by a meeting with the Home Secretary led by Clement Freud. A report by Paul Temperton to the EC on 26 June 1976 summed up the situation in gloomy terms: the meeting with the Home Secretary had shown there was no way in which the CLRC could be "hurried up", the equality motion in the House of Lords was "a dead duck", and the emphasis should be put on extending the 1967 Sexual Offences Act to Northern Ireland, working with gays in the political parties, and grassroots lobbying of MPs.

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<sup>8</sup> Indeed, it took the CLRC nearly 9 years to produce its report on sexual offences, which was published in April 1984.

<sup>9</sup> Source documents for the above four paragraphs are to be found in CHE LR Archive, Box 1, folder 1.1.

<sup>10</sup> CHE LR Archive, Box 1, folder 1.2.

The latter led to the development of Gay Lobby as a separate sub-group within CHE during the second half of 1976.<sup>11</sup>

The second half of 1976 and 1977 saw a number of lower profile initiatives<sup>12</sup> including:

- An attempt in October/November 1976 by the Conservative MP Malcolm Rifkind to use a bill consolidating the law on sexual offences in Scotland to lift the ban on homosexual acts between consenting adults in private.
- A bill by Lord Boothby to extend the 1967 Sexual Offences Act to Scotland. This was debated on 10 May 1977, and adopted by the House of Lords, but lapsed after backbench Conservative MPs repeatedly frustrated Robin Cook's attempts to introduce it into the House of Commons.
- A bill by Lord Arran to reduce the age of consent for sex between males to 18 - defeated on 14 June 1977 by 146 votes to 25. CHE had pressed for an amendment to set the age at 16.
- A successful campaign to amend the Criminal Law Bill (1976) to preserve the right to jury trial for males accused of soliciting.

### III. The CHE Law Reform Committee - late 1977 – 1989

#### 1. Background

1977 saw the departure from regular participation in CHE of almost all the key figures hitherto involved in law reform campaigning. The new leadership decided to set up a separate "Political Liaison/Law Reform sub-committee" to continue the work, the impetus coming from EC Chair David Jenkerson and Christian Elliott. The original intention was to bring together representatives of the gay groups within the main political parties with a view to coordinating parliamentary lobbying. However it soon became clear that not all wished to commit fully to participating in the committee, and in recognition of the fact that there was much work to be done unrelated either to the political parties or even to Parliament itself, it metamorphosed into a Law Reform Committee.<sup>13</sup> Of the political party groups, only GayCon, later renamed the Conservative Group for Homosexual Equality (CGHE), took part pretty much throughout the life of the committee.

The first meeting, which took place in the CHE London office at 22 Great Windmill St on 28 November 1977, was attended by Peter Mitchell (CHE), Nigel Warner (CHE/Gay lobby), Christian Elliott (CHE), Mike Rowland (Labour Campaign for Gay Rights)<sup>14</sup> and Nick Winterton (CHE Streatham Group/Gay lobby).<sup>15</sup> Peter Ashman, then a London Office volunteer who happened to be operating a telephone helpline at the time of the meeting, heard the topic under discussion and asked to join. Shortly afterwards he became a permanent member of the committee and, as a human rights and law reform expert, remained a key figure until its dissolution in 1989.

By the time the LRC was founded it was clear that there was no quick or easy route to achieving legal equality. It was also clear that as CHE was not in a position to set the agenda for reform, a generally

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<sup>11</sup> CHE LR Archive, Box 1, folder 1.3.

<sup>12</sup> CHE LR Archive, Box 1, folder 1.4.

<sup>13</sup> "Summary of the work of the Law Reform Committee in the year ending 31 August 1979 for the Law Reform Workshop" – Christian Elliott – 21 August 1979 (Attached to August 1979 LRC Minutes, CHE LR Archive, Box 2, folder 2.2).

<sup>14</sup> For a history of the Labour Campaign for Lesbian and Gay Rights, see "Sodom, Gomorrah and the New Jerusalem: Labour and lesbian and gay rights, from Edward Carpenter to today", by Peter Purton - Labour Campaign for Lesbian and Gay Rights, 2006. A copy is in the CHE General Archive.

<sup>15</sup> LRC Minutes for 28 November 1977 (CHE LR Archive, Box 2, folder 2.1).

reactive approach would have to be adopted. This built on that followed between mid-1976 and mid-1977, with three main elements:

- i. A (mainly) reactive role in Parliament, responding to whatever opportunities presented themselves, whether in relation to the discriminatory elements of the criminal law that had been the main subject matter in the period 1973 to 1977, or through other aspects of the law touching on lesbians and gays, including in relation to same-sex relationships. Various plans for re-establishing a group of supportive MPs proved unrealistic, so that parliamentary campaigns generally meant working with individual MPs on an issue-by-issue basis.
- ii. Attempts to influence policy development, wherever this might touch on lesbian and gay rights, particularly through submissions to governmental committees.
- iii. Educating MPs through lobbying at constituency level, with Gay Lobby using material developed within the framework of the LRC.

Recognition of the difficulty of making progress through domestic initiatives encouraged interest in bringing pressure to bear from international sources. In the 1970s and 1980s the treatment of lesbians and gays in the UK was amongst the most discriminatory of any European democracy. The LRC used declarations by representative international bodies and comparisons with the situation in other states to raise awareness of this backwardness and to demonstrate that there was no justification for discrimination. It also drew inspiration from Jeffrey Dudgeon's decision in 1976 to challenge the prohibition of sex between men in Northern Ireland under the European Convention on Human Rights (ECHR). The Committee took the lead in CHE's international work and organised the founding meeting of the International Gay Association (IGA) in 1978.

Up to the mid-1970s CHE's campaigning focus had been almost exclusively on reform of the criminal law. Priorities were broadened in 1976/77 to include education and discrimination in employment – the latter responding to high-profile discrimination cases involving a social worker, Ian Davis, and a British Home Stores management trainee, Tony Whitehead.<sup>16</sup>

In the following years the range of issues addressed by CHE broadened significantly. So far as the LRC was concerned, the approach adopted was to pursue any possible avenue of progress. As Nick Billingham put it in the CHE Annual Report in 1982, the Law Reform Committee's work "is time-consuming and detailed, but is of importance not only in the specialised fields concerned but also for the general reason of ensuring that the government, legislators and public authorities realise that gays are now determined to assert their rights wherever these are affected."<sup>17</sup>

## 2. Decriminalisation in the British Isles

### 2.1 *Extending the provisions of the 1967 Sexual Offences Act beyond England and Wales* Scotland

Various backbench initiatives in 1976, 1977 and 1978 to introduce legislation extending the provisions of the 1967 Sexual Offences Act to Scotland had failed. In July 1980 Robin Cook MP finally succeeded through an amendment to the Criminal Justice (Scotland) Bill, which was carried by 203 votes to 80. It was the first important development on lesbian and gay rights in Parliament since the 1967 Sexual Offences Act itself. However, it did not signify any enthusiasm on the part of the Conservative government, which adopted the usual line that this was a matter of individual conscience for MPs. Speaking in the House of Commons debate, the Secretary of State for Scotland,

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<sup>16</sup> See article on CHE campaigning priorities in the October/November 1976 edition of "OUT" (CHE General Archive, Box 1, folder 1.3); and Conference Report, 1977 (CHE General Archive, Box 2, folder 2.1).

<sup>17</sup> CHE Annual Report 1982 (CHE General Archive, Box 1, folder 1.1).

George Younger claimed that he did not “propose to express a view either way on the merits of the clause itself”. But he then mentioned a number of objections to the clause – questioning whether there had been a change in public opinion since 1967 (one of the main arguments used against including Scotland at that time), whether it was necessary for the law of Scotland and England to be in line on this matter, and whether this was the right legal vehicle for “important Scottish legislation”. He also referred to the practice of successive Lords Advocate of not prosecuting consenting adults over 21 engaging in homosexual acts in private, a fact often used to argue that a change in the law was unnecessary. On the other hand, he mentioned no single argument in support of reform. It was clear that the government was less than sympathetic to the proposal.

In an example of how attitudes were becoming more hostile in a Thatcher-led Conservative party, Malcolm Rifkind voted against a legislative proposal he had himself initiated four years earlier. In what was a free vote, with the government in theory taking no position, the fact that he was now Parliamentary Under-Secretary of State for Scotland should not have constrained him. Gay Lobby identified a total of 12 Conservative MPs who had previously pledged support for change at a level that could reasonably be expected to include decriminalisation in Scotland, but who now voted against the Cook amendment.<sup>18</sup>

#### Northern Ireland

Pressure on the Labour government to move forward on reform began in May 1976 when Jeff Dudgeon, a leading member of NIGRA, lodged a case at the European Commission of Human Rights challenging the criminalisation of sex between men in Northern Ireland.<sup>19</sup> In January 1976 the police had carried out a series of raids on the homes of gay men, including that of Jeff. Although he was not prosecuted, he was questioned for six or seven hours and all the papers in his house were seized. Jeff had already been contemplating a challenge to the Northern Ireland law under the ECHR. The police raid provided the substance for the case.<sup>20</sup> Jeff was keen to go beyond just extending the 1967 Sexual Offences Act to Northern Ireland (which he regarded as a relatively easy win) and “make an impact on the 1967 Sexual Offences Act with its built-in anti-gay prejudice”.<sup>21</sup>

Two months after Jeff lodged his case the government announced that the Northern Ireland Standing Advisory Commission on Human Rights had been invited to report on two contentious issues, homosexuality and divorce.<sup>22</sup> It recommended in July 1977 that the law on homosexuality be brought more closely into line with that in England and Wales. The Labour government responded that it would bring forward proposals for new legislation and used this prospect to try to persuade

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<sup>18</sup> House of Commons Hansard debates, 22 July 1980 & letter to Gay News, 24 July 1980 (Documents filed with LRC minutes for July 1980, CHE LR Archive, 1980, Box 2, folder 2.3).

<sup>19</sup> The European Commission of Human Rights was a body which decided whether cases were sufficiently well-founded to proceed to the European Court of Human Rights (ECtHR). In 1998, as part of a reform of the way in which the European Court of Human Rights operated, the Commission was abolished and all cases were lodged directly with the Court.

<sup>20</sup> For Jeff Dudgeon's account of the case, see “Going to Strasbourg – an Oral History of Sexual Orientation Discrimination and the European Convention on Human Rights” – Paul Johnson – OUP – 2016 pages 77 – 82 (a copy included in this archive, by kind permission of the author – see Box 11, folder 11.1). “Going to Strasbourg” also provides an authoritative analysis of the case, see pages 21 – 28.

<sup>21</sup> “The British Government in court at Strasbourg”, Jeff Dudgeon, NIGRA news, July/August 1978 (CHE LR Archive, Box 11, folder 11.1).

<sup>22</sup> The Labour Government had considered that these topics should be left to a future devolved Government. But in July 1976 a Northern Ireland Constitutional Convention had failed to work out a satisfactory form of devolution, putting the onus back on the Westminster authorities to take action.

Jeff to suspend his case, which he wisely refused to do.<sup>23</sup> With its weak position as a minority government it could not afford to antagonise Northern Ireland MPs and indeed opposition became vociferous (particularly by the Rev Ian Paisley with his “Save Ulster from Sodomy” campaign). It eventually published a draft Order in Council in July 1978, subject to a further three-month consultation period,<sup>24</sup> but then took no further action in the period up to the May 1979 general election.<sup>25</sup>

In March 1978 the European Commission of Human Rights had found that Jeff’s complaints concerning the prohibition on homosexual acts between men were ‘admissible’ – in other words that the UK authorities had a case to answer. However, in July 1979 the newly elected Conservative government announced that it had no plans to change the law.<sup>26</sup> In March 1980 the Commission adopted its Opinion. This supported Jeff’s position regarding decriminalisation of sex between men over 21 but rejected those elements of his case which would tackle the “built-in anti-gay prejudice” of the 1967 Sexual Offences Act, namely his challenge to acceptance of a discriminatory age of consent and his claim to invoke the ECHR’s non-discrimination right (enshrined in Article 14). Winning these points would have been an immensely important step forward for lesbian and gay rights in Europe.<sup>27</sup>

It was open to the UK government to act on the findings of the Commission, and under ECHR procedures, it had six months to do so.<sup>28</sup> Accordingly CHE launched a campaign in April 1980 to persuade the government to accept its findings.<sup>29</sup> It refused.<sup>30</sup>

Under the procedures for administering the ECHR that existed at that time, the case could now be referred for decision to the European Court of Human Rights (ECtHR) either by the Commission itself, or by the respondent state. Failing either of those, it would be left to the Committee of Ministers (the Council of Europe’s executive body) to render a decision. As a precaution in case the latter arose, CHE wrote to the Foreign Ministers of Council of Europe member states urging their support for the position of the Commission and arranged for IGA members to do likewise.<sup>31</sup> However the Commission referred Jeff’s case to the ECtHR.

Jeff had become unhappy with his Belfast-based legal team whom he considered were unwilling to tackle the “built-in anti-gay prejudice” of the 1967 Sexual Offences Act sufficiently. He felt that he

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<sup>23</sup> *Dudgeon v. UK* (App no. 7525/76) - Report of the European Commission of Human Rights, 13 March 1980 - para 8.

<sup>24</sup> See <https://api.parliament.uk/historic-hansard/written-answers/1977/jul/19/divorce-and-homosexuality>. A further written question by Leo Abse MP on 8 March 1979 received a non-committal response from Michael Foot. See <https://hansard.parliament.uk/Commons/1979-03-08/debates/905e6d25-a662-46b1-b98a-4c2f03687428/OralAnswersToQuestions>

<sup>25</sup> "The continuing promises on Ulster's gay law reform" – *NIGRA news*, July/August 1978 (CHE LR Archive, Box 11, folder 11.1).

<sup>26</sup> [https://api.parliament.uk/historic-hansard/written-answers/1979/jul/02/homosexual-offences-order#column\\_466w](https://api.parliament.uk/historic-hansard/written-answers/1979/jul/02/homosexual-offences-order#column_466w)

<sup>27</sup> See the extensive discussion of the non-discrimination principle in the ILGA Notes. Recognition by the European Court of Human rights that the non-discrimination principle applied in sexual orientation cases was not finally achieved until the 1999 case of *Mouta v. Portugal*.

<sup>28</sup> LRC minutes for April 1980 (CHE LR Archive, 1980, Box 2, folder 2.3).

<sup>29</sup> *ibid.* And minutes of CHE Executive Committee Meeting, 29 June 1980 (filed with LRC minutes for June 1980) & CHE *Broadsheet* for July 1980 (filed with LRC minutes for July 1980) (both in CHE LR Archive, 1980, Box 2, folder 2.3).

<sup>30</sup> See [PQ to Lord Elton dated 21 July 1980](#).

<sup>31</sup> LRC minutes for May 1980 (CHE LR Archive, 1980, Box 2, folder 2.3); and IGA 1980 Annual Conference report – newsletter 80-1 (ILGA Archive, 1980, Box 1, folder 1.3).

needed committed gay lawyers to make the most of his case.<sup>32</sup> As a co-founder of the IGA at the CHE Coventry meeting in 1978 he had got to know Peter Ashman, and asked that Peter and Terry Munyard represent him.<sup>33</sup> Peter prepared the written submissions to the ECtHR, including arguing that the discriminatory age of consent be ruled a violation of the ECHR, and seeking a ruling that the laws in Northern Ireland also be found in breach of the ECHR's non-discrimination provision.<sup>34</sup> However for the hearing before the ECtHR he considered that such an important case required a high-level legal team. He enlisted a gay solicitor, Paul Crane, to act for the case. They persuaded<sup>35</sup> Jeff that he should be represented by a senior counsel, Anthony Gifford (later Lord Gifford QC) along with Terry Munyard as junior counsel.

The ECtHR published its judgment on 22 October 1981. Despite the best efforts of Jeff's legal team, it went little further than the position adopted by the Commission.<sup>36</sup> Nonetheless Jeff's case was to be of the greatest importance. It was the first LGBT rights case to be heard by the ECtHR<sup>37</sup> and the first successful such case before any international human rights tribunal. Moreover, its impact went far beyond Northern Ireland: it established a standard for decriminalisation applicable across all Council of Europe member states. This was to prove of particular value following the fall of the Iron Curtain in 1989 when states from the former communist bloc were required to decriminalise same-sex relationships as a condition of membership. In just over 20 years same-sex relationships were decriminalised in 23 European jurisdictions,<sup>38</sup> leaving one remaining hold-out, Northern Cyprus, which fell into line in 2014. The threat of prosecution had been lifted from the lives of millions of lesbian, gay, and bisexual people in Europe.

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<sup>32</sup> "Going to Strasbourg – an Oral History of Sexual Orientation Discrimination and the European Convention on Human Rights" – Paul Johnson – OUP – 2016 – pages 77 – 82.

<sup>33</sup> LRC minutes for June 1980 (CHE LR Archive, 1980, Box 2, folder 2.3).

<sup>34</sup> For the submission to the Court arguing *inter alia* the age of consent and non-discrimination issues, see "Observations of the Applicant on the report of the Commission" (CHE LR Archive, Box 11, folder 11.1); see also LRC minutes for June, October 1980 and March 1981 (CHE LR Archive, 1980, Box 2, folders 2.3 & 2.4, and 1981, Box 3, folder 3.1).

<sup>35</sup> Shortly before his death Peter described to me how Jeff had been so determined that his case be presented by Peter and Terry as gay lawyers who could be relied on to fight his case to the full that it had taken Paul Crane and himself the better part of a day to convince him of the need for a senior human rights lawyer; for my wider account of Peter's involvement in this and other ECtHR cases, and other Council of Europe work, see: "Going to Strasbourg – an Oral History of Sexual Orientation Discrimination and the European Convention on Human Rights" – Paul Johnson – OUP – 2016 – pages 158 – 163 (copy filed in the CHE LRC Archive, Box 11, folder 11.7, by kind permission of the author).

Both Paul Crane and Terry Munyard were at one time or another members of the Law Reform Committee.

<sup>36</sup> "Going to Strasbourg – an Oral History of Sexual Orientation Discrimination and the European Convention on Human Rights" – Paul Johnson – OUP – 2016 – pages 21 – 28.

<sup>37</sup> *Ibid.* page 25.

<sup>38</sup> Northern Ireland (1982), Guernsey (1983), Liechtenstein (1989), Jersey (1990), Ukraine (1991), Isle of Man (1992), Gibraltar (1992), Estonia (1992), Latvia (1992), Ireland (1993), Lithuania (1993), Russia (1993), Belarus (1994), Serbia (1994), Albania (1995), Moldova (1995), Romania (1996), Macedonia (1996), Bosnia Herzegovina (1998), Cyprus (1998), Georgia (2000), Azerbaijan (2000), Armenia (2003). For more about decriminalisation by former Communist states applying to join the Council of Europe after the fall of the Iron Curtain in 1989, see the ILGA Notes, Section 3.5.

It was to be July 1982 before the government finally moved to implementing the judgment, laying a draft Order in Council before the House of Commons. Gay Lobby and CGHE organised lobbying of MPs ahead of the Commons debate in October.<sup>39</sup>

The debate took place late at night on 25 October 1982. The Government's position, put by the Secretary of State for Northern Ireland, Jim Prior, was no more than that "The Government believe that they must stand by their international obligations and abide by the Court's judgment in this case". There were the expected hostile speeches by the Rev Paisley and a handful of others. Of greater interest was a short speech by the Conservative MP Matthew Parris, in which he said in a quiet, intense voice,

"seldom does so small a measure, debated in so short a time and brought at such a late hour, touch so deeply the lives of so many thousands of people in the United Kingdom.... Honourable members luckier than I may find that personal conviction give wings to their argument – the more powerfully they feel about an issue, the more powerfully they can speak. Unfortunately, that is not so in my case. I can happily argue the toss, but where I feel as deeply, strongly and personally as I do on this issue, argument altogether fails me. I support the measure with all my heart."

For lesbian and gay listeners in the gallery, it was an emotional and memorable moment. He had come out, as Jim Prior effectively recognised in his closing speech: "My honourable friend..... made a short speech that everyone will have admired for its courage and understanding." The strange thing was that this first parliamentary "coming out" was ignored. As Matthew Parris said later in his autobiography,

"There was no report. Nobody commented. Nothing was said. Nobody raised the subject when I returned to the constituency that weekend. A weekly student newspaper, the London Student, described me as having come out but no other paper picked it up. Perhaps the old joke was true: if you want to keep something secret, make a speech about it late at night in the House of Commons when the press have gone home."<sup>40</sup>

The Order in Council was adopted by 168 votes to 21.<sup>41</sup> Voting against were 15 Conservative and 6 Ulster Unionist MPs.

Jeff Dudgeon wrote to the ECtHR refusing to accept that the Northern Ireland Order satisfied his complaint. His ground was that the Court's judgment referred to adults, being persons of 18 and over, while the Order maintained an age of consent of 21. The Court did not express an opinion on this, leaving the matter open.<sup>42</sup> This was important for the *Desmond v. UK* age of consent case, which had by now been lodged.<sup>43</sup>

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<sup>39</sup> Correspondence Jeff Dudgeon/Nigel Warner – 16 July 1982 (attached to July 1982 LRC minutes) and LRC minutes for September and November 1982 (CHE LR Archive 1982, Box 3, folder 3.3); Gay Lobby letter to activists dated August 1982 (CHE LR Archive, Box 12, folder 12.1).

<sup>40</sup> Parris, Matthew. "Chance Witness" – (p. 260). Penguin Books Ltd. Kindle Edition - 2002.

<sup>41</sup> Northern Ireland (Homosexual Offences) debate, 25 October 1982, Hansard, pages 435 – 445 (attached to LRC minutes for November 1982) (CHE LR Archive 1982, Box 3, folder 3.3).

<sup>42</sup> LRC Minutes for March 1983 (CHE LR Archive, 1983, Box 4, folder 4.1).

<sup>43</sup> See section 2.5 below.

## Channel Islands, Isle of Man and Gibraltar

The *Dudgeon* judgment meant that the UK was now under a clear political obligation to persuade the authorities in the Channel Islands, the Isle of Man and Gibraltar to decriminalise.<sup>44</sup> However, as they were very reluctant to do so, the LRC was to continue to pressurise the authorities throughout the 1980s. It was early recognised that the only sure way of bringing about the necessary change was through taking further cases under the ECHR. From 1982 onwards repeated efforts were made to find applicants, all to no avail.<sup>45</sup> Pressure was also brought to bear through letters to the relevant ministries, and parliamentary questions.<sup>46</sup> There was an initial success with Guernsey, which brought its law into line with the 1967 Sexual Offences Act for an experimental three-year period in 1983 and then renewed the legislation on a permanent basis in 1987.<sup>47</sup> However, the other territories proved intransigent. A small step forward came in 1987 when the Foreign Office advised the LRC that the Gibraltar authorities would no longer prosecute sexual acts between consenting adults.<sup>48</sup> Then, in 1988, David Norris'<sup>49</sup> success in his ECHR case against the Irish government re-emphasised the obligation of the UK government to give effect to the *Dudgeon* judgment. At last, Jersey decriminalised (1990), followed by the Isle of Man in 1992 and Gibraltar in 1993. A decade of effort had been necessary to get the UK authorities to fulfil its obligations under the ECHR.

## 2.2 The Armed Forces

The ban on lesbians and gays serving in the armed forces was on the agenda of the LRC's first meeting in November 1977 and was to remain a fairly constant topic over the next decade. The armed forces had been excepted from the 1967 Sexual Offences Act.<sup>50</sup> Thus "homosexual practices" remained disciplinary offences under the "disgraceful conduct" provisions of the Service Discipline Acts,<sup>51</sup> subject to court-martial and with punishment of up to 2 years in prison if convicted.

The first opportunity for action by the LRC came in late 1979 with a request for help from an RAF chaplain. Concerned at the suicide of a gay airman who had been under investigation by the Special Investigation Branch of the Military Police, he was preparing a paper for his superiors with a view to trying to bring about change. The LRC provided him with accounts of the experiences of gay services personnel who had been dismissed and details of the rules applying in the armed forces of certain other NATO countries which did not ban lesbians and gays from serving. His report was never made public and appears to have been ignored by the military authorities.<sup>52</sup>

### The 1981 Armed Forces Bill

1981 saw the first opportunity to raise the issue in Parliament with the introduction of an Armed Forces Bill, whose purpose was to amend certain sections of the Services Disciplinary Acts. A series

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<sup>44</sup> Note of meeting with CHE honorary vice president MPs (David Alton, Martin Stevens etc) 13 May 1981 – filed with LRC minutes for May 1981; LRC minutes for October, December 1981 (CHE LR Archive, 1981, Box 3, folder 3.1). The UK's declaration under Article 63 of the ECHR acknowledged responsibility for the international relations of Guernsey, Jersey, the Isle of Man and Gibraltar, and accepted that the ECHR applied to them.

<sup>45</sup> See, for example, LRC minutes for October 1982, March 1983, July 1983, November 1984, February – July 1985 (CHE LR Archives for relevant years).

<sup>46</sup> See, for example, LRC minutes for February, September 1982, January, March 1984, September, December 1985, June/July 1986, February/March 1987, December 1988, March/April 1989 (CHE LR Archives for relevant years).

<sup>47</sup> LRC minutes for April 1983, October 1987 (see CHE LR Archives for relevant years).

<sup>48</sup> LRC minutes for March 1987 (CHE LR Archive 1987, Box 6, folder 6.1).

<sup>49</sup> *Norris v. Ireland* (Application no. [10581/83](#)).

<sup>50</sup> Sexual Offences Act 1967 – Section 1 (5).

<sup>51</sup> Air Force Act 1955, Army Act 1955, and Naval Discipline Act 1957.

<sup>52</sup> Correspondence with Reverend Fraser Maclennan 1980/1981 and with Bruce George MP (CHE LR Archive, Armed Forces, Box 8, folders 8.1 & 8.2).

of events including a TV documentary,<sup>53</sup> the prosecution of members of the crew of the Royal Yacht Britannia<sup>54</sup> and of members of the British Army of the Rhine<sup>55</sup> lent topicality to the campaign.<sup>56</sup> The agreement of a CHE member, John Bruce, who had been dishonourably discharged from the army in September 1980, to challenge his dismissal as a violation of the ECHR, provided for a parallel initiative. Peter Ashman prepared his case which was lodged in January 1981.<sup>57</sup>

Peter drafted an amendment to the Bill which provided for decriminalisation in the Armed Forces in line with the 1967 Sexual Offences Act, but subject to the proviso that consensual homosexual conduct would continue to be an offence under military law if it was also prejudicial to good order and discipline. This was sent to Bruce George, MP, who along with Arthur Davidson MP took the lead for Labour in the debates.<sup>58</sup>

Detailed consideration of the Bill was undertaken by a Select Committee, rather than the usual Standing Committee. This meant that evidence could be presented and discussion could range wider than the content of the Bill itself. CHE's evidence to the Select Committee sought to counter the three main arguments used by the Ministry of Defence to justify the ban, namely the supposed risks of coercion of junior personnel, of disruptive influence of homosexual practices and of blackmail.<sup>59</sup>

An article in the *Sunday Times* on John Bruce's case provided the trigger for an extensive discussion in the Select Committee which touched on the demeaning treatment to which he had been subjected when under arrest. Ministry of Defence witnesses also disclosed that even a lesbian or gay man who had not engaged in sexual conduct would be dismissed from the services, albeit by means of administrative discharge rather than under the provisions governing disciplinary offences.<sup>60</sup> In answering questions about the treatment of lesbians and gays in the armed forces of other countries, the Ministry of Defence witness gave misleading information.<sup>61</sup>

The Committee split on party lines with the Conservative majority rejecting CHE's call for relaxation of the law. There was one small victory: it dismissed the Ministry of Defence's argument that legalisation of homosexuality in the forces would make homosexuals more open to blackmail as "at best a poor one".<sup>62</sup>

In the Report Stage debate on the floor of the House on 19<sup>th</sup> May 1981 the Labour MP Arthur Davidson tabled an amendment which followed closely the CHE proposal. In so doing, he sought "merely to cure a massive injustice and a blatant act of discrimination", and to persuade the Ministry of Defence to look again at this question. The Conservative MP, Douglas Hogg, although against

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<sup>53</sup> Gay Life – Gays in the Military – 27 April 1980 – script (CHE LR Archive, Armed Forces, Box 8, folder 8.1).

<sup>54</sup> "Britannia Vice Inquiry" – *Daily Telegraph* 19 February 1981 (CHE LR Archive, Armed Forces, Box 8, folder 8.2).

<sup>55</sup> "Troops are shamed by web of vice" – *News of the World* – 29 March 1981 (CHE LR Archive, Armed Forces, Box 8, folder 8.2).

<sup>56</sup> "Armed Forces fight to keep legal ban on homosexuality" – *The Times* – 8 May 1981 (CHE LR Archive Archive, Armed Forces, Box 8, folder 8.2).

<sup>57</sup> LRC minutes for January 1981 (CHE LR Archive, Box 3, folder 3.1).

<sup>58</sup> Letter from Peter Ashman to Nigel Warner – 16 January 1981; and correspondence with Bruce George MP March/April 1981 (LRC CHE Archive, Armed Forces, Box 8, folder 8.2).

<sup>59</sup> Special Report from the Select Committee of the Armed Forces Bill – Session 1980/1981 – House of Commons - 5 May 1981, page 84 (CHE LR Archive, Armed Forces, Box 8, folder 8.3).

<sup>60</sup> *ibid* pages 94 – 97.

<sup>61</sup> Letter to Keith Best MP, 21 May 1981 (CHE LR Archive, Armed Forces, Box 8, folder 8.3).

<sup>62</sup> Special Report from the Select Committee of the Armed Forces Bill – Session 1980/1981 – House of Commons - 5 May 1981, page viii (CHE LR Archive, Armed Forces, Box 8, folder 8.3).

changing the law, argued for much greater use of administrative discharge rather than prosecutions, since the former would make it less difficult for the dismissed individual to find employment. The amendment was “negatived” without a vote.<sup>63</sup> Attempts to have it raised during the House of Lords debate on the Bill were unsuccessful.<sup>64</sup>

The reply to a parliamentary question, tabled by the Conservative MP Keith Best at the LRC’s request following the debate, revealed that in the five years up to 1980 191 male members of the army and RAF were discharged following conviction for “homosexual misconduct”, of whom about a quarter were dismissed with disgrace, and of whom 120 were given custodial sentences before discharge. No figures were available for the navy. A further 272 men were discharged administratively from the three services on the grounds of homosexuality without disciplinary proceedings, as were 222 women. These figures suggested that over the five-year period three lesbians or gay men were dismissed from the services every week. The reply also acknowledged that in this period two service personnel had committed suicide and another had attempted suicide when under investigation.<sup>65</sup>

In the months following the debate the LRC worked with MPs to press the Ministry of Defence to reduce the use of prosecutions in favour of administrative discharge. This elicited the criteria used in deciding whether to prosecute or use administrative discharge: the former would normally be used “if the alleged homosexual acts involved coercion or the commission of a civil offence; if there is a difference in rank; or if the act had in any other way been such as to be harmful to service discipline or to bring the services into disrepute”.<sup>66</sup> Media publicity for the harsh treatment of a young soldier based at Colchester was used to intensify the pressure.<sup>67</sup>

An article in the *Daily Mirror* in February 1982 suggested that this campaign had had some success. New orders had been sent out to commanding officers to indicate “that generally there should be no prosecution unless there has been corruption of young soldiers or sexual “blackmail” by bullying seniors.” An army spokesman was quoted as saying that “the new guidelines follow a more liberal view of homosexuality and the law in civilian life”.<sup>68</sup> However, a follow-up letter by CHE to the Ministry of Defence welcoming the “recent decision ... that in future homosexuals in the Armed Forces will not normally be subject to Court Martial, imprisonment and discharge with disgrace” met with a denial of any change. It did however acknowledge that “Commanding Officers have been reminded that they do have flexibility in the handling of homosexual offences within their unit”.<sup>69</sup>

#### [John Bruce’s case at the European Commission of Human Rights](#)

In late 1983, after nearly 2 years of deliberation, came the news that the European Commission of Human Rights had declared John Bruce’s application “manifestly ill-founded and inadmissible”, meaning that the UK authorities had no case to answer. John’s case had rested on two provisions of

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<sup>63</sup> House of Commons Report – Armed Forces (Re-committed) Bill – 19 May 1981 (CHE LR Archive, Armed Forces, Box 8, folder 8.3).

<sup>64</sup> Letters to Lords Wigoder, Peart and Banks dated 31 May 1981 (CHE LR Archive, Armed Forces, Box 8 folder 8.2).

<sup>65</sup> Hansard – Written Answers – 16 June 1981 (filed with correspondence with Keith Best MP, CHE LR Archive, Armed Forces, Box 8, folder 8.2).

<sup>66</sup> Letter from Philip Goodhart, Parliamentary Under-Secretary of State for the Armed Forces, to Sir Anthony Royle, MP, dated 14 August 1981 (CHE LR Archive, Armed Forces, Box 8, folder 8.2).

<sup>67</sup> “A case for mercy” – *Daily Mirror* – 11 October 1981, and other press cuttings and correspondence with MPs (CHE LR Archive, Armed Forces, Box 8, folder 8.5); see also “CHE protests as soldiers jailed: ‘Suspicion is enough,’ says Minister” – *CHE Broadsheet* – November 1981 (CHE General Archive, Box 1, folder 1.4).

<sup>68</sup> “Gays win a battle” – *Daily Mirror* – 4 February 1982 (CHE LR Archive, Armed Forces, Box 8, folder 8.5).

<sup>69</sup> Letter from the Ministry of Defence to Mike Jarrett dated 26 February 1982 and reply to a parliamentary question dated 15 February 1982 (CHE LR Archive, Armed Forces, Box 8, folder 8.5).

the ECHR, the right to respect for private life (Article 8), and the requirement that ECHR rights be secured without discrimination (Article 14). In the view of the LRC, the grounds on which the case was dismissed by the Commission were “fundamentally dishonest”.<sup>70</sup> It refused to consider whether the law or practice in the United Kingdom in general was contrary to the ECHR on the spurious ground that this was unnecessary because John was no longer a member of the Armed Forces. This enabled the Commission to sidestep an important element of his argument, namely the evidence that a number of other Council of Europe member states did not find it necessary to discriminate against gay members of the Armed Forces. It claimed therefore to limit its considerations to the circumstances of John’s case, finding against him on two grounds. First, it accepted that homosexual conduct by members of the armed forces could pose a particular risk to order. As there was no evidence of this in John’s case, it had to rely on opinions put by the Ministry of Defence to the Defence Select Committee in 1981, thus breaking the boundaries it had set for its ruling, by going outside the circumstances of John’s case. Secondly, it found that as one of John’s sexual partners was under 21, his dismissal was “necessary in a democratic society” for the “protection of morals”. This ignored the fact that there was no question of “corruption” as the relationship was consensual and the individual concerned (homo) sexually experienced and over the age of majority.<sup>71</sup>

Data from a series of parliamentary written questions and other enquiries in the years up to 1985 showed that the number of dismissals or dismissals with disgrace had fallen from an average of 50 each year in the period 1976 to 1980 to between 10 and 15 in 1983/84. The total of all discharges, whether administrative or following disciplinary proceedings, fell from an average of 150 per annum in 1976/1982 to approximately 100 per annum in 1983/84.<sup>72</sup>

#### The 1985 Armed Forces Bill

The LRC’s experience of the 1981 parliamentary review of the Armed Forces legislation had shown that, if further impact was to be achieved, very compelling evidence was required both of the harm caused by the discriminatory laws and of the absence of any need for them. With the next parliamentary review to take place in late 1985/86, Nigel Warner began work in 1984 on two studies:

- A survey of the situation in the Armed Forces of other NATO member states. This was carried out under the auspices of Prof Ken Plummer of the Sociology Department at Essex University with a view to increasing the quality of the research and the quantity of responses.
- Case histories of recently dismissed members of the Armed Forces, documenting all aspects of their experiences.

The collapse of a trial in May/October 1985 of eight servicemen based in Cyprus on charges of spying for Soviet intelligence after being blackmailed for engaging in homosexual activity ensured wide

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<sup>70</sup> LRC minutes for February 1984 (CHE LR Archive, Box 4, folder 4.3); for the Decision of the European Commission of Human Rights, see John Bruce case folder, CHE LR Archive, "ECtHR Cases", Box 11, folder 11.2.

<sup>71</sup> Unpublished article "European Human Rights Convention set-back" – filed with February 1984 LRC minutes (CHE LR Archive, Box 4, folder 4.3). See also "Going to Strasbourg" – Paul Johnson – OUP – 2016 – Pages 31 – 32.

<sup>72</sup> See data summarised in Annex 2 of CHE's memorandum to the Select Committee on the Armed Forces Bill, included at page 231 of the Special Report from the Select Committee on the Armed Forces Bill - 24 March 1986 (CHE LR Archive, Armed Forces, loose in Box 9).

publicity for the topic. A government enquiry by David Calcutt QC led to seven of the servicemen being paid compensation for unlawful detention.<sup>73</sup>

In November 1985 the LRC finalised a Memorandum for submission to the Armed Forces Select Committee, following an announcement that the Armed Forces Bill would receive its second reading soon. The Memorandum made five main arguments against the ban: by making lesbians and gay men vulnerable to blackmail it threatened national security, it caused loss of good personnel and wasted money, it encouraged abuse of powers and maltreatment, it caused severe suffering, and was demonstrably unnecessary. It supported these points with:

- Disturbing examples of maltreatment during the investigation process, including denial of medical treatment to a man who was seriously ill, interrogations of excessive length, intrusive questioning about sexual activities, use of improper pressure, and cases where military psychiatrists offered conversion therapy.
- Evidence of the enormous stress placed on those questioned, giving details of actual and attempted suicides, and demonstrating that even those discharged under administrative procedures were stigmatised in the eyes of potential employers, often making civilian employment extremely difficult to find.
- Evidence that within the Armed Forces opinion as to the necessity of the ban was divided, citing amongst other things two cases where those discharged were invited to re-join the forces to work in undercover units.
- Documentation showing that seven NATO allies permitted lesbians and gays to serve in the military.<sup>74</sup>

With the second reading of the bill due to take place on 21<sup>st</sup> November, Nick Billingham wrote to approximately 40 MPs from all parties requesting that they press for examination of the issue during the Bill's passage. The Labour MPs Kevin McNamara, Bruce George and Harry Cohen spoke, as did Jim Wallace from the Liberals. Kevin McNamara made it clear that lifting the ban was now Opposition policy.<sup>75</sup> Harry Cohen quoted in full details of a tragic case made public a few days earlier in the magazine *City Limits* at the instigation of the LRC.<sup>76</sup> This involved the apparent suicide of a paratroop officer whose parachute had failed to open during a training exercise a few days after his questioning by the Special Investigations Branch.<sup>77</sup>

The Select Committee hearing proved very disappointing. The government was strongly opposed to lifting the ban and determined to keep discussion of the lesbian and gay issue to a minimum. The Chair of the Committee, Peter Viggers MP, cut short discussions after a debate notable for the inadequacy, confusion and contradictions of the Ministry of Defence responses, which did not begin

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<sup>73</sup> For background see [https://en.wikipedia.org/wiki/Cyprus\\_Seven\\_Trial](https://en.wikipedia.org/wiki/Cyprus_Seven_Trial).

<sup>74</sup> CHE's memorandum to the Select Committee on the Armed Forces Bill, included at page 231 of the Special Report from the Select Committee on the Armed Forces Bill, 24 March 1986 (CHE LR Archive – "The Armed Forces – the 1985/6 Bill" - Loose in Box 9).

<sup>75</sup> "We should try to make military law as compatible as possible with civil law. The Opposition wants those alterations to the military law." Armed Forces Bill, Second Reading, 21 November 1985 (House of Commons Hansard) (CHE LR Archive, Box 9, folder 9.1).

<sup>76</sup> Correspondence and House of Commons report of the second reading of the Armed Forces Bill, 21 November 1985 (CHE LR Archive, Armed Forces, Box 9, folder 9.1).

<sup>77</sup> "Did army cover-up gay suicide?" – *City Limits* – 22 – 28 November 1985 and "MP demands inquiry into officer's death" – *City Limits* – 29 November – 5 December 1985 (CHE LR Archive, Armed Forces, Box 9, folder 9.1).

to address seriously the evidence presented by CHE in its memorandum.<sup>78</sup> For Labour, Kevin McNamara MP tabled an (unsuccessful) amendment to the Select Committee's draft report which read:

"Throughout the proceedings of the Committee, the Official Opposition considered the business was being expedited unreasonably and that the examination of witnesses was too hurried. The Committee had taken extensive oral evidence from the Ministry of Defence on homosexuality in the Armed Forces, it refused to call the Campaign for Homosexual Equality to give oral evidence".<sup>79</sup>

McNamara alleged that this was the first occasion on which the majority party on a Select Committee had used its voting power to block the minority's right to call a witness.<sup>80</sup>

CHE was also prevented from publicising the findings of its research prior to the debates in Parliament. Submissions to a Select Committee can only be published in advance with the agreement of the Committee – which ignored CHE's request.<sup>81</sup> Moreover, publication of the Select Committee's report was delayed until shortly before the Bill returned to the floor of the house for the Report stage, denying interested MPs and the media time to consider its contents and those of the CHE Memorandum.<sup>82</sup>

Moving an amendment at the Report stage to lift the ban, Kevin McNamara described the Ministry of Defence's evidence as "a mess of contradictions and prejudice.... The government's whole attitude is based on outworn prejudices such as we have come to expect from them." The amendment was defeated by 104 to 34.<sup>83</sup>

An amendment to lift the ban was again put forward by Lord Edmonton at the House of Lords Committee stage. He made an elegant speech which pulled to pieces the evidence of the Ministry of Defence in the Select Committee. In the absence of support he withdrew the amendment, but not before Lord Denning, the Master of the Rolls, had let loose a homophobic tirade:

"Throughout history society has condemned homosexuality. Those members of the Committee who know the Bible will remember Lot's wife and how the vengeance and punishment of God came down on the cities of Sodom and Gomorrah – and sodomy has remained the name given to this offence. At common law it is called the abominable crime of buggery. I have tried non-commissioned officers and sentenced them to three years for it, because, certainly in the Armed Forces, it is detrimental to discipline and good order, destructive of morality and certainly to be condemned".<sup>84</sup>

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<sup>78</sup> Special Report from the Select Committee – pages 183 - 189 (CHE LR Archive, Armed Forces, Box 9).

<sup>79</sup> *ibid* – page xxix. The Committee refused to accept the written evidence of the Conservative Group for Homosexual Equality on the ground that it was not a recognised Conservative group – see LRC minutes for March 1986 (CHE LR Archive, Box 5, folder 5.3).

<sup>80</sup> Letter to the *Guardian* from Kevin McNamara – April 1986. The Northern Ireland MP Seamus Mallon was also denied the opportunity to present oral evidence (CHE LR Archive, Armed Forces, Box 9, folder 9.1).

<sup>81</sup> Correspondence with the Clerk to the Select Committee – 6 & 17 January 1986; LRC minutes for February 1986 (CHE LR Archive – Armed Forces – Box 9, folder 9.1).

<sup>82</sup> LRC minutes for April 1986 (CHE LR Archive, Box 5, folder 5.3).

<sup>83</sup> House of Commons Hansard – Armed Forces (Re-Committed) Bill – 10 April 1986 (CHE LR Archive, Armed Forces, Box 9, folder 9.1.)

<sup>84</sup> House of Lords Hansard – Armed Forces Bill – Committee – 19 May 1986 (CHE LR Archive, Armed Forces, Box 9, folder 9.1).

## Postscript

It took further, finally successful, challenges under the ECHR,<sup>85</sup> and a change of government to bring to an end the persecution of lesbian and gay services personnel in 2000.

### 2.3 *Sexual acts between merchant seamen on board ship*

Under section 2 of the 1967 Sexual Offences Act members of the crew of a UK merchant ship, when on board their ship, were excluded from the provisions of the Act. The effect was that sexual acts between merchant seamen on board their ship remained a criminal offence.

News in 1978 that there was to be a Merchant Shipping Bill prompted the LRC to approach the minister concerned, Stanley Clinton Davis, with a view to persuading him to include repeal of this provision. This was unsuccessful.<sup>86</sup> The LRC (Christian Elliott) then approached Eric Ogden MP, who raised the matter at the bill's second reading in January 1979, based on information provided by CHE. In his response, the (Labour) government minister, Clinton Davis was opposed, arguing that the matter of sexual offences was one for the Home Secretary and that both sides of the industry were strongly against repeal. Eric Ogden then tabled an amendment at the Committee stage of the bill on 15 March 1979, but because of its rushed passage due to the imminent General Election, it was not called.<sup>87</sup>

The LRC raised the issue again in 1984, when Tom Cox MP asked the (now Conservative) Secretary of State for Transport whether, in view of the Council of Europe Recommendation 924,<sup>88</sup> he would seek to repeal section 2 of the 1967 Sexual Offences Act. The answer was in the negative, on the basis that neither side of the shipping industry had modified its strong opposition to the repeal of the legislation.<sup>89</sup>

### 2.4 *Official reviews of sexual offences legislation – the Policy Advisory and Criminal Law Revision Committee reports*<sup>90</sup>

As noted in Section II above, in July 1975 the then Home Secretary, Roy Jenkins, had referred the general issue of sexual offences to the Criminal Law Revision Committee (CLRC), and that of the age of consent to a related body, the Policy Advisory Committee on Sexual Offences (PAC).

In June 1979 the PAC published a preliminary Working Paper in which a majority of its members recommended that the minimum age for sex between males be lowered to 18, although a minority of its 15 members, consisting of its five women members, supported an age of 16. CHE and its members responded with submissions arguing against the recommendation,<sup>91</sup> but to no avail: the

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<sup>85</sup> See "Going to Strasbourg", page 58 – 64, Paul Johnson, OUP – 2016.

<sup>86</sup> LRC minutes for August, October and November 1978 (CHE LR Archive, Box 2, folder 2.1).

<sup>87</sup> LRC minutes for January – April 1979; (attached to January 1979 LRC minutes) Hansard report of House of Commons debate on Merchant Shipping bill in January 1979 (CHE LR Archive, Box 2, folder 2.2).

<sup>88</sup> Parliamentary Assembly of the Council of Europe: Recommendation 924 (1981) on discrimination against homosexuals. This ground-breaking 1981 resolution by the Parliamentary Assembly of the Council of Europe called for member states to "ensure equality of treatment, no more no less, for homosexuals with regard to employment." For more on this, see the ILGA Notes, Section 3.2.

<sup>89</sup> LRC minutes for June 1984; and Hansard report of PQ by Tom Cox MP - 30 July 1984 (filed with LRC minutes for July 1984) (CHE LR Archive, Box 4, folder 4.4).

<sup>90</sup> Except where indicated, documentation for this section is available in the CHE LR Archive, Box 7, folders 7.1 – 7.3, covering submissions to the Policy Advisory Committee on Sexual Offences and to the Criminal Law Revision Committee.

<sup>91</sup> See related documentation attached to LRC minutes for June/July 1979 (CHE LR Archive 1979, Box 2, folder 2.2).

PAC's final report in April 1981 stayed with the recommendation of 18, despite there being no medical evidence supporting the distinction.<sup>92</sup>

CHE reacted by requesting that the Director of Public Prosecutions adopt a policy of not bringing prosecutions where offences involved only those over 18 and, where offences involved those of 16 or 17, only bringing prosecutions where the evidence showed aggravating factors such as exploitation. The DPP rejected this proposal.<sup>93</sup>

The CLRC published its provisional views in its Working Paper on Sexual Offences in October 1980. These were disappointing. It supported the discriminatory age of consent put forward provisionally by the PAC and proposed a higher maximum sentence for consensual anal sex with an under-age partner than for other forms of sexual act. It ruled out reviewing the criminalisation of sexual acts between merchant seamen on board ship and the ban on lesbians and gay men serving in the Armed Forces on the basis that these were outside the scope of its reference. On the positive side, it took the view that the provision of the 1967 Sexual Offences Act which criminalised sex between men "when more than two persons take part or are present" was excessive.

CHE made a submission arguing against the CLRC's negative views. It also strongly encouraged its members to make their own submissions, given that a further government-sponsored review of the law relating to sexual offences was unlikely, probably, for several decades.

The CLRC published its final report on sexual offences some 3 ½ years later, in April 1984. CHE's press release described it as a "profoundly disappointing response to the evidence presented to it during its eight years of deliberation".<sup>94</sup> The LRC responded to the report with a letter to the Home Secretary pointing out that the CLRC, while claiming that its basic approach had followed that of the Wolfenden Committee, (that the criminal law should not intervene in the lives of citizens save for the purpose of preventing certain specified forms of harm to others), appeared to have rowed back from this position in drawing attention to "the view held by many commentators that the State through the criminal law should bear some responsibility for maintaining moral standards in society." It also expressed concern that, while the CLRC had taken the view that the provision of the 1967 Sexual Offences Act which criminalised sex between men "when more than two persons take part or are present" was excessive, it had not made a positive recommendation that this provision be repealed. The Home Office replied that "Ministers will be carefully considering the Committee's recommendations in the light of public reaction to them", although it was "too early to say when the Committee's recommendations might be given effect".<sup>95</sup>

Three years later there was no sign of action, so the LRC requested the Conservative MP, Robin Squire, to table a written question asking the Home Secretary when he proposed to implement the recommendations of the PAC and the CLRC on the age of consent, privacy and other matters on which the law treated homosexual conduct more harshly than comparable heterosexual conduct. The reply was dismissive: "We have no present plans to do so".<sup>96</sup>

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<sup>92</sup> In 1984, following the publication of the CLRC's Report on Sexual Offences, the LRC obtained the official submissions by medical bodies to the Policy Advisory Committee. These contained no scientific evidence supporting a higher age of consent (see LRC minutes for November 1984, CHE LR Archive, Box 4, folder 4.4).

<sup>93</sup> LRC minutes for June 1981, and draft letter to DPP attached (CHE LR Archive, Box 3, folder 3.1).

<sup>94</sup> Press release filed with April 1984 LRC minutes (CHE LR Archive 1984, Box 4, folder 4.3).

<sup>95</sup> Letter to Home Secretary and reply filed with October 1984 LRC minutes (CHE LR Archive 1984, Box 4, folder 4.4).

<sup>96</sup> LRC minutes for December 1988 (CHE LR Archive 1988, Box 6, folder 6.2). For the text of the PQ and reply, see [here](#).

The CLRC conducted a separate review of “Prostitution and allied offences” which included soliciting of men by men.<sup>97</sup> Its working paper was published in December 1982. The LRC’s minutes commented that it was “pure 50s in tone”, proposing no changes in the law, except to tighten it up.<sup>98</sup> Its submission to the CLRC argued strongly that its own arguments for not making heterosexual soliciting an offence applied equally strongly to the accosting of one male by another. It ended with a strong attack on the CLRC:

“We would like to add, by way of postscript, our dismay at the unscientific way in which the Committee appears to have considered these offences. The proposals do not seem to be based on any concrete evidence and, as we pointed out above, on arguments which are not even explained, let alone evaluated. This seems to us unpardonable in a group of eminent lawyers purporting to make a serious review of laws affecting hundreds of thousands, if not millions, of people.”<sup>99</sup>

The final report, published in August 1984, was, as the LRC minutes noted, “predictably unsatisfactory”.<sup>100</sup>

### 2.5 *The male age of consent*<sup>101</sup>

With little prospect for further progress in achieving an equal age of consent through the UK’s institutions, the LRC turned to challenging the discriminatory law under the ECHR. It was considered essential that an applicant be found who was a young man under the age of consent asserting his right to equality, and further, that he should be 17, to avoid the issue being linked to the age of majority. In early 1982 a member of the London Gay Teenage Group, Richard Desmond, volunteered, with Peter Ashman acting as his lawyer.<sup>102</sup>

The Decision of the Commission, when it finally came in May 1984, was a disappointment.<sup>103</sup> The case was declared as “manifestly ill founded” and therefore inadmissible: the government had no case to answer. Writing some years later a distinguished law professor commented that the *Desmond* judgment revealed

“a Commission all too willing to sacrifice rights in favour of mechanical deference [to the State]. Thus, *Desmond* signals the Commission’s intransigence toward examining the age of consent issue consistently with the modern views implemented in other areas of the Convention”.<sup>104</sup>

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<sup>97</sup> For more information on the actual offence of soliciting, see section 2.7 below.

<sup>98</sup> LRC minutes for December 1982 (CHE LR Archive, 1982, Box 3, folder 3.3).

<sup>99</sup> “CHE comments on the CLRC Working Paper on offences relating to prostitution and allied offences” – attached to LRC minutes for February 1984 (CHE LR Archive Box 4, folder 4.3).

<sup>100</sup> LRC minutes for September 1984 (CHE LR Archive, Box 4, folder 4.4).

<sup>101</sup> For a much fuller account of *Desmond*, see Section 3.1 of the Notes on the IGA/ILGA Archive. For Richard’s own account of his case, see “Going to Strasbourg – an Oral History of Sexual Orientation Discrimination and the European Convention on Human Rights” – Paul Johnson – OUP – 2016 – pages 83 – 87 (a copy included in this archive, by kind permission of the author – see Box 11, folder 11.3).

<sup>102</sup> LRC minutes for January, February 1982 (CHE LR Archive, Box 3, folder 3.2).

<sup>103</sup> For the Decision of the European Commission of Human Rights in *Desmond v. UK*, and a related submission, see the CHE LR Archive, Box 11, folder 11.3.

<sup>104</sup> “Finding a Consensus on Equality: The Homosexual Age of Consent and the European Convention on Human Rights” – page 1086 – Laurence R Helfer – *New York University Law Review*, volume 65, number 4, October 1990. Helfer provides a valuable analysis of the Commission’s approach to the age of consent (photocopy in ILGA Archive, Box 11, folder 11.6.)

Richard's case broke new ground, in that it was the first age of consent case before any international tribunal where an applicant who was below the discriminatory age asserted his right to equal treatment.

The failure of Richard Desmond's case and others (described in following sections) closed off the ECHR as a possible tool for challenging discriminatory laws. Peter Ashman set about considering whether the Commission's intransigence could be challenged more widely.<sup>105</sup> His strategy for doing this is covered in the Notes on the ILGA Archive, section 3.3.

In the meantime consensual relationships violating the discriminatory age of consent laws continued to be prosecuted throughout the 1980s. A reply to a parliamentary question by Ms Ann Taylor MP at the LRC's request in January 1989 showed prosecutions for consensual homosexual acts ("buggery" or "attempted buggery", or "indecent between males") involving persons aged 16 – 20 continuing. In 1986 and 1987 34 and 32 offenders over 21 were sentenced to custody, the average sentence being around 18 months, with a maximum of five years and a minimum of two months.<sup>106</sup>

The Government's refusal to contemplate any change to the age of consent was reiterated in 1989. When asked in a parliamentary question whether, in the light of a draft criminal code published by the Law Commission (which proposed an age of consent of 18), the Minister had any plans to introduce legislation on this question, the response was one single word: "No".<sup>107</sup>

## 2.6 Privacy law

Under the 1967 Sexual Offences Act sexual acts between men remained illegal "when more than two persons take part or are present".<sup>108</sup> An opportunity to challenge this discriminatory provision under the ECHR arose when, in October 1982, police raided a party organised by a gay man, Martin Johnson, arresting him and 37 guests and taking them to the police station for questioning. The police had been tipped off by an individual (who had been thrown out of the party for "rude aggressive behaviour") that "acts of buggery and gross indecency were taking place between groups of men" some of whom were "under 21". Martin had not invited any person under 21, but he subsequently learned that an Italian man aged 20 had been brought to the party by one of those invited. Martin was accused of "procuring"<sup>109</sup> *illegal* homosexual acts (viz. where more than two persons were present, or under the age of 21), although he was not subsequently charged.

A member of the Law Reform Committee, Laurence Brown, knew Martin, and put him in touch with Peter Ashman, who prepared his case.

Under Article 8 of the ECHR (right to private and family life) Martin disputed that the prohibition on more than two persons engaging in homosexual acts and the discriminatory age of consent law were "necessary in a democratic society". In respect of the former, he pointed out that both the Wolfenden Committee and the CLRC had regarded the use of the criminal law to regulate the private conduct of adult male homosexuals as unjustified. So far as the latter was concerned, he questioned the reliance of the Government and the European Commission of Human Rights on out of date

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<sup>105</sup> LRC minutes for July 1984 (CHE LR Archive, Box 4, folder 4.4).

<sup>106</sup> Reply to Written Question, "Homosexual Offences", by Ann Taylor MP, 18 January 1989 (attached to LRC minutes for January 1989, CHE LR Archive, Box 6, 1987 – 89, folder 6.3).

<sup>107</sup> See [here](#) for link to Hansard record.

<sup>108</sup> Section 1 (2) a of the Sexual Offences Act 1967.

<sup>109</sup> Under the 1956 & 1967 Sexual Offences Acts it remained an offence for a man to procure the commission of an act of gross indecency between two other men whether the act itself was an offence or not. In *Johnson*, the alleged acts would have involved offences of two kinds, those involving the presence of more than two persons and those involving persons under 21.

medical, psychological and sociological studies from the 1950s and 1960s, rather than similar expert studies from the 1970s and 1980s which all concurred that such restrictions were not necessary. He also challenged the Government's assertion that the law was justified by the need to combat the spread of AIDS.<sup>110</sup>

The Commission ruled that, since Martin had not alleged that he was "disposed to the commission of homosexual acts when more than two persons take part or are present", nor had contended that he had, or wished to have homosexual relationships with a male under 21, the mere existence of the impugned legislation did not constitute an interference with his right to respect for private life.<sup>111</sup> His complaints were therefore "manifestly ill-founded" and the government had no case to answer.

Under Article 14 (prohibition of discrimination) the Commission fell back on its previous Decisions in relation to the age of consent, in which it had found that the discriminatory age of consent was justified by a need for "social protection" to protect the "young and vulnerable" in view of the dangers presented by homosexual males to young men. Discrimination in the age of consent was still justified by this reasoning and it also justified prohibition of "homosexual acts when more than two persons take part or are present". Again, Martin's complaints were "manifestly ill-founded".<sup>112</sup> Thus the Commission used the supposed danger of "masculine homosexuality" to young men as the justification for permitting the UK government to discriminate not just in the age of consent, but also in relation to privacy.

In "Going to Strasbourg", Paul Johnson, after analysing the Commission's arguments in detail, commented that its inclination to barricade itself against attempts to develop human rights for gay men and lesbians was "epitomised by the series of obstructive arguments it advanced in .... its decision".<sup>113</sup>

## 2.7 *Soliciting of men by men*

Under s. 32 of the 1956 Sexual Offences Act it was an offence for a man "persistently to solicit or importune in a public place for an immoral purpose". Homosexual behaviour was deemed an "immoral purpose". While in theory the law could be applied to both homosexual and heterosexual soliciting, in practice it was applied almost exclusively to the former. The behaviour in question needed to amount to no more than one man smiling at another man a couple of times. Charges brought under s. 32 varied from police force to police force, but usually concerned offences which

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<sup>110</sup> LRC minutes for December 1982 – April 1983 (CHE LR Archive, Box 3, folder 3.3 and Box 4, folder 4.1). The application also argued that the raid was in itself a violation of Article 8. Unfortunately the short time available for Peter to prepare the application and difficulties he experienced in contacting Martin meant that submission was delayed and this element of the claim was disqualified as falling outside the six-month deadline under the rules for applications.

<sup>111</sup> For further discussion of the age of consent aspects of the *Johnson* case, see the ILGA Notes, section 3.1. The case was originally intended to test just the discriminatory privacy law. The fact that the Government brought in the age of consent enabled Peter to extend it to this issue (LRC minutes for March 1986 - CHE LR Archive, Box 5, folder 5.3).

<sup>112</sup> *Martin Johnson v. the UK* (Application No. 10389/83) – Observations of the UK government as to the admissibility and merits of the case – 29 January 1986; Decision of the European Commission of Human Rights of 17 July 1986 (CHE LR Archive, Box 11, folder 11.4).

<sup>113</sup> Disagreements between the parties as to the facts and the complex legal issues involved make the Commission's Decision tortuous reading. Paul Johnson provides a helpful analysis – see "Going to Strasbourg" – Paul Johnson – OUP – 2016 – page 34.

were trivial. It was not infrequently used by police forces as an instrument to harass gay people, often involving *agents provocateurs*.<sup>114</sup> It carried a possible sentence of imprisonment.

During the debate on the Criminal Justice Bill 1982 the Labour MP Robert Kilroy-Silk tabled an amendment to eliminate the penalty of imprisonment, which it appeared had been applied in 16 cases in 1980. CHE wrote to many members of the Committee supporting the proposal, and all Labour members voted for it. However, it was defeated. In the debate the Minister appeared to justify the penalty of imprisonment on the basis that it was still necessary in cases of soliciting under-aged girls and men and in cases of “aggressive” solicitation. CHE wrote to the minister concerned, Patrick Mayhew MP, asking him to support his argument by disclosing how many of the cases of imprisonment in 1980 met these criteria. The Home Office declined to provide this information.<sup>115</sup>

The issue was raised again when the bill was debated in the House of Lords by the Labour peer, Baroness Birk. This time, to counter the government’s main argument, the amendment to eliminate the penalty of imprisonment was restricted to offences involving those over 21. At the same time, Baroness Birk pointed out that the government’s argument that any change should await the CLRC review of the law relating to prostitution and sexual offences did not hold water, since the House of Commons had accepted an amendment making soliciting by females non-imprisonable. Speaking for the government, in a thoroughly confused reply, Lord Elton continued to argue for the need to await the CLRC review before making any changes to the law. Baroness Birk, in withdrawing her amendment, commented that “There is a deep built-in prejudice as regards this and unfortunately it permeates Parliament and everywhere at the moment—it is about time we broke out of it.”<sup>116</sup>

Two years later another opportunity arose to address the discriminatory laws on soliciting when the Conservative MP Janet Fookes brought forward a private members’ bill to deal with kerb crawling. CHE hoped to extend the scope of the bill to treat all soliciting in the same way, regardless of the sex of the parties involved. Following lobbying there were a couple of references by supportive MPs to the Section 32 offence during the second reading, but CHE was not successful in persuading an MP to table its amendment in Committee. At Report stage, Clare Short MP agreed to table the amendment, and CHE conducted an extensive lobbying campaign, but to no avail, as the amendment was not called. A plan to raise the issue in the House of Lords fell away when it became clear that the clause of the bill that CHE had hoped to amend was to be dropped.<sup>117</sup>

### 3. Hong Kong – Employment discrimination and decriminalisation

The LRC took an early interest in the situation in Hong Kong, seeking to make local contacts and build information in 1980/81. It came fully onto the agenda in February 1982 when *Gay News* obtained a confidential Hong Kong government circular advising that “no known homosexuals should be appointed to the Hong Kong civil service, irrespective of rank or grade. Where a candidate for appointment is a suspected homosexual, the case should be referred to the Secretary for the Civil

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<sup>114</sup> For campaigning against the police use of *agents provocateurs* and statistics on prosecutions for soliciting of men by men, see Section 4 below on Police Harassment.

<sup>115</sup> LRC minutes for March, April 1982; related correspondence and Hansard report of debate filed with April 1982 LRC minutes (CHE LR Archive, Box 3, folder 3.2).

<sup>116</sup> <https://hansard.parliament.uk/Lords/1982-07-02/debates/539e18c9-8b11-4ba2-937f-9cd79e4b54c8/CriminalJusticeBill?highlight=homosexual#contribution-f7acee72-ed05-4fc5-81e5-e4130f7d8b8f>

<sup>117</sup> LRC minutes for December 1984 – June 1985, with related correspondence attached; Hansard report of second reading debate attached to February 1985 LRC minutes. (CHE LR Archive, Box 4, folder 4.4, and Box 5, folders 5.1, 5.2).

Service". The LRC arranged for the tabling of a parliamentary question which sought to exercise pressure through drawing attention to the UK's obligations in respect of Hong Kong under Article 25 (c) of the UN International Covenant on Civil and Political Rights (ICCPR). This requires that every citizen shall "have access, on general terms of equality, to public service in his country."<sup>118</sup> The government's reply stated that the circular would be applied in accordance with this obligation. While this left open the possibility of differing interpretations of the ECHR, it appeared to signal that the circular would not be applied.<sup>119</sup>

Earlier, in 1980, against a background of harassment of gays by the police, and the establishment in 1978 of a police "Special Operations Unit" to investigate cases of homosexuality, the Hong Kong government had instructed the Hong Kong Law Commission to study the laws relating to homosexuality with a view to seeing whether they should be revised. The Commission's report,<sup>120</sup> published in 1983, recommended decriminalisation along the lines of the 1967 Sexual offences Act. It drew attention to the UK's obligations under Article 17 of the ICCPR to guarantee freedom from interference with privacy and noted that the European Court of Human Rights had, in the *Dudgeon* case, interpreted this right to include sexual privacy. At the request of the LRC, Bob Parry MP raised these questions with the government through a parliamentary question specifically citing the UK's obligations under the ICCPR. The government responded that it was for the Hong Kong authorities to decide whether to amend the legislation in question.<sup>121</sup>

The LRC followed this up with further parliamentary enquiries by Paddy Ashdown MP in mid-1984 and early 1985, but there was no progress by the authorities.<sup>122</sup> It was not until 1991 that the law in Hong Kong was finally brought into line with that in the UK.

#### 4. Police harassment

Although a long-standing and widespread problem, police harassment did not come onto CHE's campaigning agenda until the late 1970's, with growing confidence in the gay community to tackle this issue head-on.<sup>123</sup> Some CHE groups had attempted to set up contacts with local police community relations officers in 1978/9, but with mixed results.<sup>124</sup> Distrust intensified when, as part of the investigation into the murder of a 15 year old boy, Northampton police interviewed hundreds of gay men about their sex lives, before eventually ruling out any homosexual element.<sup>125</sup> In 1979, recognising the level of mistrust, police in London investigating a double murder agreed to accept information channelled through gay community organisations. However relations with the police took a further knock with hostile police behaviour and the arrest of 10 men at the 1980 Pride march.<sup>126</sup>

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<sup>118</sup> The UK's declaration under Article 63 of the ECHR extending the applicability of the ECHR for overseas territories did not apply to Hong Kong.

<sup>119</sup> Parliamentary question filed with LRC minutes for March 1982 (CHE LR Archive, Box 3, folder 3.2).

<sup>120</sup> Report summary filed with LRC minutes for July 1983 (CHE LR Archive, Box 4, folder 4.1). For full version, see: <https://www.hkreform.gov.hk/en/docs/rhomosexual-e.pdf>.

<sup>121</sup> Correspondence with Robert Parry MP, and Hansard report of the written answer dated 22 March 1984, attached to LRC Minutes for March 1984 (CHE LR Archive, Box 4, folder 4.3).

<sup>122</sup> Relevant documentation attached to LRC minutes for July 1984 and February 1985 (CHE LR Archive, Box 4, folder 4.4, and Box 5, folder 5.1).

<sup>123</sup> Exemplified by Tom Robinson's hard-hitting anti-police lyrics in 'Glad to be Gay' – see <https://www.youtube.com/watch?v=4IR3ffBsMTc>

<sup>124</sup> CHE 1979 Annual Report (CHE General Archive, Box 1, folder 1.1).

<sup>125</sup> CHE 1980 Annual Report (CHE General Archive, Box 1, folder 1.1).

<sup>126</sup> CHE 1980 Annual Report (CHE General Archive, Box 1, folder 1.1).

CHE's first internal policy proposal on this question was a paper entitled "Action on Police Harassment: Proposals from CHE" prepared on behalf of the EC in March 1979 by Terry Munyard and Mike Gibberd. It proposed a campaign to research, document and publicise different enforcement and interpretation of the law in different areas of the country, including police procedure, judicial attitudes and sentencing; to challenge appropriate agencies, and gain support for CHE's law reform proposals.<sup>127</sup>

In the same year a call for the public to submit written evidence to the Royal Commission on Criminal Procedure (RCCP) provided a major opportunity to challenge police harassment. Set up by the Callaghan government in 1977, the RCCP was to conduct the 20<sup>th</sup> century's first complete review of the criminal process in England, from the start of the investigation to the point of trial. This reflected growing criticism both of existing procedures and police behaviour. The RCCP's remit covered the powers and duties of the police in respect of the investigation of criminal offences, the rights and duties of suspect and accused persons and the prosecution process. The intention was to strike a balance "between the interest of the whole community and the rights and liberties of the individual citizen".<sup>128</sup> It was expected that the RCCP's recommendations would eventually lead to a major updating of the law.

CHE's submission in June 1979 (prepared by Peter Ashman) dealt with the difficulties faced by gay men charged with importuning and gender-specific sexual offences (gross indecency and buggery). It called for:

- i. strict rules covering police searches of a person's home (e.g. to prevent the police conducting "fishing" searches);
- ii. a framework of statutory powers and safeguards to protect the rights of suspects (particularly, to address the problem of the police using fear of publicity to exert undue pressure during the interrogation of gay suspects);
- iii. in respect of fingerprinting, photographing, or medical examination, clear rules to prevent malpractice (e.g. abusive anal inspections);
- iv. a statutory requirement for a formal police caution for first-time offenders in the case of consensual homosexual offences (on the grounds that a caution was a sufficient deterrent and that prosecution was unduly punitive);
- v. a defence of entrapment for persistent soliciting or public indecency (to address the use of *agents provocateurs*);
- vi. a requirement for evidence of public annoyance in cases alleging persistent soliciting or public indecency (to address situations in which the only witness to the alleged acts was a police officer).

The submission supported these recommendations with details of (for example) cases where: gay men had been entrapped by police; evidence had been manufactured; pressure to plead guilty had undermined the rights of the accused; police had taken the number plates of the vehicles of people attending a CHE meeting; or had used homophobic language.<sup>129</sup>

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<sup>127</sup> Filed with LRC minutes for March 1979 (CHE LR Archive, Box 2, folder 2.2).

<sup>128</sup> Statement by Prime Minister Callaghan when announcing the setting up of the Commission – see "PACE (The Police and Criminal Evidence Act 1984): Past, Present, and Future" - Michael Zander QC – *LSE Law, Society and Economy Working Papers* 1/2012.

<sup>129</sup> CHE Evidence to the Royal Commission on Criminal Procedure – June 1979 (filed with LRC minutes for 30 October 1979 – LRC CHE Archive, Box 2, folder 2.2).

The evidence submitted by CHE and other organisations<sup>130</sup> produced a request by the RCCP in the autumn of 1979 for further information. This noted that it appeared that particular problems arose in respect of certain groups, for example, black persons and homosexual males, and asked for further proposals whereby criminal procedure might better protect their rights. The LRC submitted a paper<sup>131</sup> setting out in more detail arguments for requiring the police to register a formal caution before prosecuting a man for buggery, indecency between men, solicitation by men or homosexual acts on merchant ships.<sup>132</sup>

When it came to the RCCP's report (published in January 1981), cautioning proved to be the only subject where specific reference was made to the treatment of gay men. However, it did so only under the rubric of "fairness", on the basis of the variation in the use of cautions by different police forces, while ignoring other specific arguments put forward by CHE. It recommended that the Home Office adopt a "more positive role" in providing guidance on when cautions should be used, rather than following the CHE recommendation that there be a statutory requirement for cautions to be used in the case of consensual homosexual offences.

So far as other issues raised by CHE were concerned, in the case of those relating to general topics such as searches, interrogation and fingerprinting, photographs and medical examinations, the RCCP's recommendations (which were very general) were broadly consistent with CHE's. However it ignored CHE's recommendations on entrapment and evidence of public annoyance in the case of soliciting.<sup>133</sup>

At a meeting in May 1981 with CHE's Vice President MPs, it was noted that a government bill to implement the recommendations was likely in the next session of Parliament. The Conservative MP Martin Stevens expressed a willingness to raise the issues with the Metropolitan Police Commissioner.<sup>134</sup>

#### 4.1 *Police Complaints Board and Home Office code on police practices*

In March 1981 the LRC followed up the submission to the RCCP with observations on the Triennial Review Report of the Police Complaints Board.<sup>135</sup> The LRC pointed out that many gay people felt that the police could not be trusted and that a substantial effort was needed on the part of the Home Office to change police attitudes towards the gay community. It drew attention to abuses prevalent amongst police forces:

- pressure brought to bear on suspects to induce them to plead guilty to charges of soliciting and importuning;
- the use of plain-clothes police acting as *agents provocateurs*;
- gay suspects being subjected to verbal abuse and insult when arrested/interrogated;
- search of premises without a warrant, and fingerprinting, photographing and medical examination without genuine consent.

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<sup>130</sup> The Labour Campaign for Gay Rights and the London Gay Activists Alliance made submissions, as did a prominent CHE activist, Ian Buist.

<sup>131</sup> LRC minutes for 30 October 1979 & attached draft paper (LRC CHE Archive, Box 2, folder 2.2).

<sup>132</sup> Sections 12, 13, 32 of the Sexual Offences Act 1956, and Section 2 of the Sexual Offences Act 1967.

<sup>133</sup> Report of the Royal Commission on Criminal Procedure – January 1981 (LRC CHE Archive, loose in Box 3).

<sup>134</sup> Note of meeting in House of Commons with CHE Vice President MPs – 13 May 1981 (filed with May 1981 LRC minutes, LRC CHE Archive, Box 3, folder 3.1).

<sup>135</sup> The Police Complaints Board was a forerunner of today's Independent Office for Police Conduct.

These comments were supported with examples taken from a recent CHE report, "Attacks on Gay People",<sup>136</sup> and drew attention to the increasing unwillingness of gay people to support the police in preventing and resolving crime. It recommended that the Home Office remind police forces that the use of *agents provocateurs* was contrary to the police disciplinary code, and that recommendations made to the RCCP which did not require legislation should be implemented as soon as possible. It also recommended that the Home Office set up an advisory committee including representatives of the gay community to review policing as it affected homosexuals.<sup>137</sup>

In the autumn 1982 the LRC submitted comments on the Home Office codes on police practices.<sup>138</sup>

#### 4.2 *Police training*

The Scarman report into the 1981 Brixton riots identified failures in police community liaison and police training, low levels of confidence and trust in the police and low representation of ethnic minorities in the police force. As many of the concerns were very similar to those faced by the gay community there appeared to be an opportunity for CHE to make recommendations. An unsuccessful attempt was made to raise the matter through the House of Commons Home Affairs Select Committee.<sup>139</sup> Discussions were also initiated with Scotland Yard, which led to an invitation to prepare a community pack on gays for use in the police training Human Awareness Programme. However there was a reluctance by the police for gay people to be involved in the training and also concern at the lack of any control over the use of the pack.<sup>140</sup> A pack was prepared, but never used owing to ongoing doubts about whether this was yet the time to start such co-operation with the police.<sup>141</sup>

In July 1984 members of the LRC met with Douglas Hurd in his role as Secretary of State at the Home Office. He accepted that the Home Office had a role in changing police attitudes and that the best way to achieve this was by influencing training. It is not clear whether this led to any action on the part of the Home Office.<sup>142</sup>

#### 4.3 *Police use of licensing laws to harass or close down gay clubs*

Police forces sometimes used licensing laws as a way of harassing the gay community. Their tactics included overly frequent inspections of gay clubs for infringements of licence conditions, the disproportionate number of police sometimes involved, and the recording in some instances of the names and addresses of those present.

Again, as with other forms of police harassment, by the early 1980s opposition to these tactics was becoming much more vocal. A significant example was that of the Gemini club in Huddersfield. The club was raided, there were police investigations into many of its members and reports that the police planned to object to the renewal of the club's licence. Following widespread campaigning,

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<sup>136</sup> "Attacks on Gay People" – Report of the CHE Discrimination Commission (1980) (CHE General Archive, Box 5, folder 5.1).

<sup>137</sup> CHE observations on triennial review report (filed with LRC minutes for March 1981, LRC CHE Archive, Box 3, folder 3.1).

<sup>138</sup> LRC minutes for September and October 1982 (CHE LR Archive, Box 3, folder 3.3).

<sup>139</sup> LRC minutes for February 1982 (CHE LR Archive, Box 3, folder 3.2).

<sup>140</sup> LRC minutes for January, March, July 1982 (CHE LR Archive, Box 3, folders 3.2 & 3.3).

<sup>141</sup> LRC minutes for February 1983 (CHE LR Archive, Box 4, folder 4.1).

<sup>142</sup> Report of meeting at Home Office with Douglas Hurd, Home Office Minister (filed with LRC minutes for July 1984, CHE LR Archive, Box 4, folder 4.4).

including moving the 1981 Gay Pride march from London to Huddersfield, the club kept its licence and almost all criminal charges against individuals were withdrawn.<sup>143</sup>

In 1982 the debate of a bill on local government<sup>144</sup> provided an opportunity to raise the matter in Parliament. The LRC proposed an amendment aimed at requiring the police and other authorised officials to obtain a warrant before entering premises holding an entertainment licence. This was put forward with a strong speech by Bill Pitt MP, but not pressed to a vote, as government opposition meant it had no chance of success.<sup>145</sup>

Concerns over police use of licensing laws against gay clubs continued through the 1980s - see for example the police raids on the Vauxhall Tavern in 1987.<sup>146</sup>

#### 4.4 *The Police and Criminal Evidence Bill and the “pretty police” campaign*<sup>147</sup>

The RCCP’s report had been well received by the Home Office, which decided that it formed the basis for legislation for the reform of the criminal process. It set up internal working parties and issued a consultative document, for comment by interested groups and individuals, to which the LRC responded in the autumn of 1981.<sup>148</sup>

##### *The first version of the Bill – November 1982*

In November 1982 the then Home Secretary, William Whitelaw, introduced the first version of the Police and Criminal Evidence (PACE) Bill into Parliament.<sup>149</sup> A briefing paper for gay groups by the National Council for Civil Liberties expressed concern that if the proposed bill was implemented, it would massively increase the powers of the police, while weakening safeguards for the ordinary citizen.<sup>150</sup>

Whitelaw’s bill, and a second version introduced in 1983 by the next Home Secretary, Leon Brittan, were to become the focus of one of the LRC’s most extended campaigns, in which Nick Billingham and Peter Ashman played the main part.

In a meeting in December 1982 attended by Nick, the Shadow Home Secretary, Roy Hattersley, agreed to take up two amendments drafted by Peter and to consider sympathetically any others that CHE wished to promote. One of the amendments aimed at putting an end to entrapment by police *agents provocateurs* by requiring arrests for **the offence of “solicitation by men”**<sup>151</sup> to be conducted only by constables in uniform. The other sought to put an end to the prosecution of such offences that were victimless by requiring it to be shown that a witness (other than a police officer) was offended by the conduct in question. For reasons unknown, Hattersley did not take up the

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<sup>143</sup> See “Prejudice and Pride – Discrimination against gay people in modern Britain”, Edited by Bruce Galloway, Routledge and Kegan Paul (Chapter 6, The police and the courts, by Bruce Galloway). (Copy with CHE General Archive).

<sup>144</sup> The Local Government (Miscellaneous Provisions) Bill.

<sup>145</sup> LRC minutes for December 1981, February 1992 (with related correspondence) (CHE LR Archive, Box 3, folders 3.1 & 3.2). For House of Commons debate see [here](#).

<sup>146</sup> LRC minutes for February and March 1987 (CHE LR Archive, Box 6, folder 6.1).

<sup>147</sup> For an account of the wider circumstances around the PACE and “pretty police” episode, see “Peers, Queers & Commons – the Struggle for Gay Law Reform from 1952 to the Present” – Stephen Jeffery-Poulter – Routledge – pages 165 – 173.

<sup>148</sup> LRC minutes for September and October 1981 (CHE LR Archive, Box 3, folder 3.1).

<sup>149</sup> For a general account of the Police and Criminal Evidence Act’s development, see: “PACE (The Police and Criminal Evidence Act 1984): Past, Present, and Future” – Michael Zander, QC, *FBA LSE Law, Society and Economy Working Papers* 1/2012.

<sup>150</sup> CHE LR Archive, Police & Criminal Evidence Bill, 1983 papers, Box 10, folder 10.1.

<sup>151</sup> Section 32 of the 1956 Sexual Offences Act.

amendments. However, in a meeting with Nick Billingham, a Liberal MP, Bill Pitt, agreed to table them.<sup>152</sup>

#### Meeting with Home Office Minister, David Waddington

On 21 March 1983 a CHE delegation (Mike Jarrett, Anna Durrell, Peter Ashman) met the Home Office junior minister, David Waddington. He is reported to have supported the first of the amendments, but not the second. When it came to the Parliamentary debate the amendments were not called.<sup>153</sup> The LRC then planned to try to get the amendments tabled in the House of Lords, but the bill lapsed when Margaret Thatcher called a general election in May 1983.

At the meeting with Waddington the CHE delegation had also raised concerns about other aspects of the bill, particularly:

- A provision which would give the police a new power to make arrests without warrant to prevent an “**affront to public decency**”, with no requirement even to ensure that such an affront would amount to unlawful behaviour. It was feared this could be used by the police against, for example, public expressions of affection by same-sex couples. Waddington countered by saying that the “affront to public decency” concept did not create a new offence, but rather was dependent on the prior commission of an offence.<sup>154</sup>
- The provisions on **intimate body searches**, which would give police wide discretionary powers to conduct such searches without the consent of the individual and by non-medically qualified officers. The fear was that this could be used, for example, to subject gay men to anal examinations. Waddington responded that this was no more than the codification of existing common law powers, something which Peter Ashman considered incorrect.<sup>155</sup>

#### The second version of the Bill and police use of *agents provocateurs* in Earls Court – October – November 1983

A second version of the bill was introduced in October 1983 by the new Home Secretary, Leon Brittan. It proved highly controversial, with the Committee stage in the Commons the longest on record for the number of sittings.<sup>156</sup>

Ahead of the publication of the new bill CHE wrote to Douglas Hurd, the Minister of State at the Home Office (and responsible for steering the legislation through Parliament), reiterating its concerns about the first version of the bill (**affront to public decency, intimate body searches, solicitation (entrapment)**), and requesting a meeting to discuss how these concerns could be addressed in the second version.<sup>157</sup>

The LRC also wrote to approximately 80 supportive MPs asking them to support the two amendments **on solicitation** of men by men put forward during the debate on the first version of the

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<sup>152</sup> LRC minutes for December 1982, January – April 1983 (draft amendments are attached to December 1982 minutes) (CHE Law Reform Archive, Box 3, folder 3.3 and Box 4, folder 4.1).

<sup>153</sup> Under House of Commons practice, where there are too many amendments for debate in the available time, the Speaker decides which amendments to call. Presumably the Speaker chose not to call the CHE amendments.

<sup>154</sup> Letter from Waddington dated 15 April 1983 (CHE LR Archive, The Police and Criminal Evidence Bill – 1983, Box 10, folder 10.1).

<sup>155</sup> LRC minutes for March 1983 (CHE Law Reform Archive, Box 4, folder 4.1).

<sup>156</sup> "PACE (The Police and Criminal Evidence Act 1984): Past, Present, and Future" - Michael Zander QC – LSE Law, Society and Economy Working Papers 1/2012.

<sup>157</sup> Letter to Rt Hon Douglas Hurd MP, Minister of State, Home Office, dated 1 October 1983 (CHE LR Archive, Police & Criminal Evidence Bill, 1983 papers, Box 10, folder 10.1).

bill. Some took these up with Douglas Hurd. He responded, rejecting CHE's proposal that arrests for soliciting be restricted to uniformed officers, and commenting that observation by plain-clothes officers "need not constitute entrapment" and that "senior officers are fully aware of the dangers [of police engaging in entrapment]". Regarding the CHE proposal that there be a requirement to show that a witness (other than a police officer) was offended by the conduct, he responded that the Government wished to await the CLRC's conclusions before reaching decisions on the need for changes in this legislation.<sup>158</sup>

Publication of the bill followed soon after news by *Capital Gay* of the arrest of 25 men by police *agents provocateurs* in Earls Court for "importuning" – precisely the abuse that the CHE amendments on **soliciting** sought to address. The report was based on research by the NCCL and the Gay London Police Monitoring Group in which persons arrested alleged that police officers had actually importuned them, that they were denied contact with lawyers after arrest, and that the police invented evidence and threatened to expose them to employers and family. Two of the police officers were so well known in the local gay community that they had been nicknamed "The Beverley Sisters". *Capital Gay* questioned Scotland Yard about the use of *agents provocateurs* and received the manifestly disingenuous reply that "Strict guidelines exist regarding the investigation of alleged importuning which is carried out only when complaints are received from a member of the public. We totally refute the suggestion that police officers act as *agents provocateurs* to gain convictions."<sup>159</sup>

At its meeting on 14 November 1983 the LRC agreed to draft two further amendments to the early part of the bill: one to try to limit the scope of the **stop and search powers**, by restricting searches to articles which were suspected of being stolen or prohibited; the other, to ameliorate the "**affront to public decency**" provision by explicitly restricting its use to conduct which constituted an offence. A third amendment seeking to **protect sexual orientation related data** held by businesses or gay organisations was also developed.<sup>160</sup>

On 16 November a CHE delegation met the Liberal member of the Standing Committee, Alex Carlile MP. He tabled the CHE amendment **on soliciting**. Meanwhile, the Labour shadow Home Secretary Gerald Kaufman MP had shown interest in the three CHE amendments on the early part of the bill (those on **soliciting, affront to public decency and protection of sexual orientation data**) and referred them to the NCCL's drafting committee for refinement.<sup>161</sup>

On 22 November Stuart Holland MP raised the issue of entrapment in a parliamentary written question, asking for details of Home Office guidance, how this was disseminated through the police, and at what level the decision to entrap homosexual men in Earls Court was taken. Douglas Hurd responded:

"Guidance is contained in paragraph 1.92 of the current Home Office consolidated circular to the police on crime and kindred matters, a copy of which is in the Library. The principle

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<sup>158</sup> See letters from Douglas Hurd to Keith Best MP and Peter Lloyd MP dated 21 November 1983 and 8 November 1983 respectively (CHE LR Archive, Police & Criminal Evidence Bill, 1983 papers, Box 10, folder 10.1).

<sup>159</sup> "Stop this gay 'Sus' law!" – *Capital Gay* – 30 September 1983 (CHE LR Archive, Police & Criminal Evidence Bill, 1983 papers, Box 10, folder 10.1).

<sup>160</sup> LRC minutes for November 1983 (CHE LR Archive, Box 4, folder 4.2) and related documents "Proposed amendments to clause 2 (10), clause 12 and clause 22" (CHE LR Archive, Police & Criminal Evidence Bill, 1983 papers, Box 10, folder 10.1).

<sup>161</sup> LRC minutes, December 1983 (CHE LR Archive, Box 4, folder 4.2).

enunciated in that guidance, that no member of a police force should counsel, incite or procure the commission of a crime, is repeated in Metropolitan police general orders and also in the instruction book which is issued to all Metropolitan police officers on their appointment to the force..... I understand from the Commissioner of Police of the Metropolis that any use of officers in plain clothes for the purposes of keeping observation on suspected male importuners requires the authority of a deputy assistant commissioner.”<sup>162</sup>

#### [The Committee Stage of the Bill – January – March 1984](#)

The Bill was reviewed in Committee in several sittings spread across January, February and March 1984. CHE’s three amendments to the early part of the bill were all defeated: that on **membership/business records** on the basis that these were already protected; and that on **“affront to public decency”**, following a very extensive debate in which opposition MPs refused to accept Douglas Hurd’s assurances and criticised police tactics extensively.<sup>163</sup> Nonetheless, on this last point, the debate appeared to have shifted government thinking: in April a letter from Douglas Hurd contained what appeared to be an intention to redefine this clause so that it was limited to existing offences.<sup>164</sup>

The CHE amendments on **soliciting** were not called at the Committee stage, perhaps a sign of Home Office embarrassment at the evidence of “pretty police” acting as *agents provocateurs*.<sup>165</sup> A reply by the Home Secretary to a letter by David Owen MP concerning “Metropolitan police policy on the detection of male importuners in the Earls Court area” set out in some detail what current police practice should be, and disclosed that the Home Office had asked the Metropolitan Police about their policy and practice. He advised that the Commissioner was considering whether the force general orders on these subjects should be revised.<sup>166</sup> It seemed that the “pretty police” campaign was having some effect.

#### [The Report stage of the Bill and the arrest of Keith Hampson MP - May 1984](#)

The Report Stage of the Bill took place between the 14<sup>th</sup> and 16<sup>th</sup> of May 1984. The CHE **soliciting** amendments had been tabled by leading figures in the Liberal party, including David Steel and David Owen, and was on the agenda for the 14<sup>th</sup>.<sup>167</sup> In preparation, Nick Billingham had written to supportive MPs with a briefing on the amendments.<sup>168</sup> There was however no guarantee that the Speaker would call them for debate. Then the news broke that on the previous day a Conservative MP, Dr Keith Hampson, the Parliamentary Private Secretary to the Defence Secretary, had been arrested for an alleged indecent assault on a plainclothes policeman on surveillance duty in a Soho

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<sup>162</sup> <https://hansard.parliament.uk/commons/1983-11-22/debates/41f5b0c2-a2e9-4baf-8b87-929beeda9d90/PoliceEntrapmentTechniques>

<sup>163</sup> LRC minutes for February 1984 (CHE LR Archive, Box 4, folder 4.3) and House of Commons Official Report for Standing Committee E – Tuesday, 31 January 1984 (morning) – columns 801 to 822 (CHE LR Archive, Police & Criminal Evidence Bill, 1984, Box 10, folder 10.2).

<sup>164</sup> LRC minutes for April 1984 (CHE LR Archive, Box 4, folder 4.3).

<sup>165</sup> *ibid.* Amendments for discussion in committee are selected by the chair of the committee.

<sup>166</sup> LRC minutes for March 1984 (CHE LR Archive, Box 4, folder 4.3) and letter from the Home Secretary to David Owen MP, undated (CHE LR Archive, Police & Criminal Evidence Bill, 1984, Box 10, folder 10.2).

<sup>167</sup> LRC minutes for April 1984 (CHE LR Archive, Box 4, folder 4.3). Amendment tabled on 6 April 1984 on powers of arrest for offences contrary to section 32 of the Sexual Offences Act 1956 (CHE LR Archive, Police & Criminal Evidence Bill, 1984, Box 10, folder 10.2).

<sup>168</sup> LRC minutes for May 1984 (CHE LR Archive, Box 4, folder 4.4).

club.<sup>169</sup> It was difficult now for the Speaker to ignore the amendments and they were called. The scene was set for the first ever full-scale Parliamentary debate on police harassment of the gay community.<sup>170</sup> Jim Wallace MP presented the amendments on behalf of the Liberal party. Every speech from the backbenches, except that of the Conservative MP, Eldon Griffiths, Parliamentary spokesperson for the Police Federation, supported the amendments, often with withering criticism of police practice. Concern was also expressed over wider attacks on the gay community, examples being the Customs and Excise raid on Gay's The Word, and a recent raid by 50 to 60 police officers on The Bell public house in Islington. Informing the whole debate, although only referred to obliquely, was Keith Hampson's arrest.

Responding for the government, the junior Home Office minister, David Mellor, while rejecting the amendments, stressed that "entrapment is wholly contrary to our principles of fairness and justice". This point was, he said, made in the Metropolitan police general orders and procedures and added that, following discussions with the Metropolitan Commissioner, "[he] intends to make some amendments to the rules to point out even more clearly that officers deployed on plain clothes duty should never act as *agents provocateurs*." Although the CHE amendments (which had been grouped into a single amendment) were defeated by 191 votes to 131,<sup>171</sup> the debate was nonetheless a significant step in addressing the problem of police harassment.

The debate, and the Hampson affair, produced a storm of media interest. An editorial in the *Police Review* that month concluded with the words "anyone who has been mugged, burgled or knocked aside by a group of drunks is entitled to wonder why police spend any time at all on such small and silent sins."<sup>172</sup>

Regarding another of CHE's amendments, the government itself had tabled an amendment altering the wording of the "public decency" clause from "**affront against public decency**" to "offence against public decency", in line with CHE's proposal.<sup>173</sup>

#### [The Bill in the House of Lords and a meeting with Home Office Minister, Douglas Hurd – June – October 1984](#)

The second reading of the bill in the House of Lords took place in June 1984. The LRC was concerned that the government had, at a very late stage in the Commons process, amended the list of serious arrestable offences included in Schedule 5 of the Bill to include "**indecent assault which constitutes an act of gross indecency**". This meant that any gay sexual activity falling short of sodomy, much of which could not be considered serious, would be subject to provisions designed for genuinely serious offences. Attempts to have this change raised in the second reading were not successful. With the Committee stage due to start at the end of June, it was agreed to prepare an amendment seeking to reverse this and also to support a (third-party) amendment limiting the conduct of

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<sup>169</sup> See bundle of press reports of the incident (CHE LR Archive, Police & Criminal Evidence Bill, 1984, Box 10 folder 10.2).

<sup>170</sup> LRC minutes for May 1984 (CHE LR Archive, Box 4, folder 4.4) and Hansard reports of debates on police and criminal evidence Bill for 14 May – columns 61 – 90 (CHE LR Archive, Police & Criminal Evidence Bill, 1984, Box 10, folder 10.3).

<sup>171</sup> For the Hansard report of the debate see <https://api.parliament.uk/historic-hansard/commons/1984/may/14/powers-of-arrest-for-offences-contrary>

<sup>172</sup> "Fancy-clothes duty" – *Police Review* – May 25, 1984 (CHE LR Archive, Police & Criminal Evidence Bill, 1984, Box 10, folder 10.2).

<sup>173</sup> LRC Minutes for May 1984 (CHE LR Archive, Box 4, folder 4.4). For final text of amendment see: <https://www.legislationline.org/documents/id/7333>

**intimate body searches** to doctors.<sup>174</sup> It was also agreed to ask Matthew Parris MP to arrange a meeting with David Mellor, although in the event this meeting was passed on to Douglas Hurd, as the minister responsible for the police.

The Committee stage took place on 11 July 1984. The Labour frontbench tabled a modified version of CHE's "pretty police" **soliciting** amendment, limited to the requirement for evidence that someone other than a police officer was offended, but, following a good debate, did not press the amendment to a vote. It also tabled the CHE amendment to remove "**indecent assault which constitutes an act of gross indecency**" from Schedule 5 of the bill. Again, this was not pressed to a vote.<sup>175</sup>

The meeting with Douglas Hurd, attended by Nick Billingham, Peter Ashman and Nigel Warner on behalf of CHE, took place on 16 July 1984. It was put to him that most "**indecent assault involving gross indecency**" type cases were not treated as serious by the courts, but that their inclusion in the list of serious arrestable offences would leave the way open for the police to carry out widescale investigations on gay people, as had happened in the mid-1970s. Hurd replied that the sort of offences which the Home Office had in mind were "certainly serious". On the question of **soliciting**/entrapment, Hurd rejected the complaints made in the Commons Report stage debate of some sort of conspiracy against homosexuals. On the question of the review of police force orders, this was nearly complete, but as these were not generally published, the revised text would not be available to CHE.<sup>176</sup>

The House of Lords Report stage debate took place on 1 August 1984. Lord Hutchinson had agreed to table CHE's amendment to remove "**indecent assault which constitutes an act of gross indecency**" from the list of serious arrestable offences, but unfortunately it did not fall to be debated until 0.15 AM, by which time he had left. On the other hand, the powers for **intimate body searches** had been attacked so strongly that the government had agreed to reconsider this.<sup>177</sup>

Ahead of the House of Lords third reading on October 19 Peter Ashman proposed a new wording for the "**indecent assault**" serious arrestable offence – "indecent assault occasioning actual bodily harm". The government had responded refusing to withdraw or alter their original proposal, while neither the Opposition nor the Alliance front benches were willing to table the new amendment, wishing to concentrate on issues they considered more significant. It was accepted that it was too late to introduce the new concept proposed in the amendment, so Lord Gifford was approached with a request to seek simply to delete the government's proposal. This he did, but withdrew it without pressing a vote, after a brief but powerful speech, and obtaining an assurance from the Minister that the provision was interpreted to include only grave offences.<sup>178</sup>

#### [The return of the Bill to the House of Commons – October 1984](#)

When the bill returned to the House of Commons, Alf Dubs MP made a final attempt on behalf of Labour to restrict arrests for **soliciting** by introducing a provision preventing such arrests where the alleged offence was committed only against a police officer. Replying for the government, David

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<sup>174</sup> LRC minutes for June 1984 (CHE LR Archive, Box 4, folder 4.4).

<sup>175</sup> LRC minutes for July 1984 (CHE LR Archive, Box 4, folder 4.4) and House of Lord's Official Record of debate on 11 July 1984 (CHE LR Archive, Police & Criminal Evidence Bill, Box 10, folder 10.2).

<sup>176</sup> Report of meeting at Home Office with Douglas Hurd, Home Office Minister, filed with July 1984 LRC minutes (CHE LR Archive, Box 4, folder 4.4).

<sup>177</sup> LRC minutes for July 1984 (postscript) (CHE LR Archive, Box 4, folder 4.4).

<sup>178</sup> House of Lord's Official Report – 19 October 1984 – columns 1233 – 1236 (CHE LR Archive, Police & Criminal Evidence Bill, Box 10, folder 10.2).

Mellor refused to accept the amendment, but provided important information. The Metropolitan police force orders had been revised and now read:

“Officers selected for [plainclothes] duties must be briefed by a senior officer to ensure that they avoid behaviour which could give rise to legitimate accusations that they had acted as *agents provocateurs*. The term *agent provocateur* was defined by the Royal Commission on Police Powers in 1928 as a person who entices another to commit an express breach of the law which would not otherwise have been committed and then proceeds to inform against him in respect of such an offence”.

He expected that plainclothes operations on male importuning would be authorised at area district assistant commissioner level and no lower, and that only experienced officers would be involved. In general, no one should be arrested solely on account of behaviour towards police officers although, if the offence was particularly flagrant, arrest might be necessary. He advised that arrests for importuning in the police area covering Earls Court had fallen from 117 in 1982 to 65 in 1983, and just 12 in the first eight months of 1984. Responding for Labour, the shadow Home Secretary, Gerald Kaufman, re-emphasised the need for statutory provisions, rather than just statements of good intent by the Minister. “We say clearly and unequivocally that a change in the law is needed. We shall continue to press for that change, and I believe that within a measurable period of time we shall attain it.”<sup>179</sup>

#### Concluding thoughts

That brought to an end consideration of CHE’s amendments by Parliament. They had contributed to important changes to the original bill which eliminated the prospect of certain of its new provisions being used by the police to harass the gay community. The government had amended the “affront to public decency” wording, had strengthened the rules around intimate body searches, and had given an assurance that “indecent assault which constitutes an act of gross indecency” would be interpreted only to include “grave offences”. In the House of Commons debate on third reading on 16 May 1984, the Home Secretary, Leon Brittan, had singled out the substantial changes to the definition of what constituted a “serious arrestable offence” (which included “affront to public decency”) as amongst the significant improvements made to the original Bill.<sup>180</sup>

Although the CHE amendments on soliciting were not successful, the whole campaign around “pretty police”, to which they made an important contribution, had immediate impact on police behaviour. The criminal statistics published for 1984 showed that there had been a 40% fall in convictions for soliciting and a 30% fall in convictions for gross indecency. The probable impact would be even greater, since the “pretty police” debate in the House of Commons had only taken place in May 1984.<sup>181</sup> A report in Capital Gay in early 1986 revealed the impact in Kensington: the Chief Superintendent told a meeting of local community representatives that there had only been six cases [presumably in 1985], compared with 75 in 1982.<sup>182</sup> Government statistics published in 1987

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<sup>179</sup> LRC minutes for November 1984 (CHE LR Archive, Box 4, folder 4.4); House of Commons Hansard – Police and Criminal Evidence Bill – 29 October 1984 – columns 1111 – 1122 (CHE LR Archive, Police & Criminal Evidence Bill, Box 10, folder 10.2). For the change to the Metropolitan Police Force Order, and for statistics on prosecutions under section 32 of the Sexual Offences Act 1956 between 1980 and 1983, [see also parliamentary question by Charles Irving MP](#), dated 8 February 1985.

<sup>180</sup> <https://hansard.parliament.uk/Commons/1984-05-16/debates/dfa7f046-b1ed-4486-b3c4-f19e15bb00cf/PoliceAndCriminalEvidenceBill>

<sup>181</sup> LRC minutes for December 1985 (CHE LR Archive, Box 5, folder 5.2).

<sup>182</sup> LRC minutes for February 1986 (CHE LR Archive, Box 5, folder 5.3).

showed that the decline in prosecutions after 1984 had continued, suggesting that the benefits of the “pretty police” campaign were continuing.<sup>183</sup>

#### 4.5 Cautioning by the police

An opportunity to follow up CHE’s 1979 proposals to the RCCP on cautioning came up in June 1984, when the Home Office published a consultative document entitled “Cautioning by the police”. This noted that the RCCP had been particularly concerned with the need for fairness and consistency in prosecution policy, a concern which would seem to require that as far as practicable offenders in similar circumstances should be dealt with in accordance with a similar policy throughout the country.<sup>184</sup>

The following month, in the CHE meeting with the Home Office junior minister, Douglas Hurd, the issue of the discriminatory application by the police of cautioning was raised. He encouraged CHE to submit its views. The LRC wrote to the Home Office expressing concern at the disparity in cautioning rates between comparable heterosexual and homosexual offences and submitted proposals to the Home Office that:

- the guidelines to the police should stress there should be no distinction in the treatment of homosexual and heterosexual offenders;
- the policy on prosecutions should be in the hands of the new prosecution service, to ensure uniform coverage across the country;
- victimless offences e.g. soliciting under section 32 should generally be the subject of cautioning.<sup>185</sup>

The Home Office responded fairly fully, advising that they would continue monitoring to see what discrepancies existed and that in future regular statistics would be made available in more detail, by type of offence and police area.<sup>186</sup>

#### 5. Public order legislation

The first half of the 1980s saw the government undertake a major review of public order legislation, culminating in a new Public Order Act in 1986. The process started in 1980 with a Green Paper reviewing the 1936 Public Order Act. Given the importance of public demonstrations to the gay rights movement, CHE took the opportunity to make a detailed submission, in essence arguing that the police powers be kept as unrestrictive as possible, particularly when it came to banning or dispersing marches, or imposing conditions such as the route of the march or advanced notice.<sup>187</sup> The need to insist on these points had gained added weight from the hostile police behaviour and arrest of 10 men at the 1980 Pride march.<sup>188</sup>

This was followed in 1982 with the publication by the Law Commission of proposals on Offences against Public Order, to which the LRC responded.<sup>189</sup> The proposals covered the common law offences of affray, riot, rout & unlawful assembly.

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<sup>183</sup> LRC minutes for November 1987 (CHE LR Archive, Box 6, folder 6.1).

<sup>184</sup> Cautioning by the Police – A Consultative Document – Home Office – June 1984 (filed with LRC minutes for January 1985 (CHE LR Archive, Box 5, folder 5.1).

<sup>185</sup> LRC minutes for January/March 1985 (CHE LR Archive, Box 5, folder 5.1).

<sup>186</sup> LRC minutes for September 1985 (CHE LR Archive, Box 5, folder 5.2).

<sup>187</sup> LRC minutes for July 1980 (CHE LR Archive, Box 2, folder 2.3); CHE memorandum attached to the minutes.

<sup>188</sup> CHE 1980 Annual Report (CHE General Archive, Box 1, folder 1.1).

<sup>189</sup> LRC minutes for September 1982 (CHE LR Archive, Box 3, folder 3.3).

In May 1985 the government published a White Paper announcing the conclusions of its review. This largely ignored CHE's recommendations. Moreover, it included a proposal to redefine an existing offence covering threatening or abusive words or behaviour to include "disorderly behaviour" and to extend its scope to cover behaviour which was not at or near a public place. CHE's comments on the White Paper noted that "experience suggests that the police will use their wide discretionary powers to harass groups like lesbians and gay men, blacks and young people because other sections of the public, or the police themselves, do not like alternative views and lifestyles.... On several occasions in recent years the police arrested and charged, under Section 5, lesbians and gay men who were seen kissing in public or holding hands or alleged to be importuning plain clothes police officers. This new offence would enable them to renew their activities..." CHE reiterated other concerns from its original submission, including over a proposal that the police should be able to recover the costs of policing from the organisers of demonstrations where conditions had been breached.<sup>190</sup>

A campaign group was formed with other organisations - Campaign for Right of Assembly and Dissent (CROWD). CHE published a leaflet on "Lesbians, Gays and the Public Order White Paper".<sup>191</sup>

The second reading of the bill to implement the White Paper proposals took place on 13 January 1986. In introducing the bill the Home Secretary, Douglas Hurd, acknowledged that the new offence of disorderly conduct (which it retained in amended form) had proved controversial. It was "aimed at protecting those in our communities who are most vulnerable to loutish and abusive behaviour".<sup>192</sup>

Following the second reading Nick Billingham drafted amendments for the LRC to the disorderly conduct offence (Clause 5 of the Bill). These proposed that there should be intent to distress, an identifiable victim, and that the offence be restricted to a genuinely public place. MPs from all three main political groupings were supportive of the amendments, which were tabled in Committee by Labour, where the Home Office Minister, Giles Shaw, commented favourably on them. The existing Clause 5 was withdrawn, to be replaced at a later stage.<sup>193</sup>

The relevance of CHE's concerns about the proposed disorderly conduct offence was highlighted by a case reported in the *Times* on 19 April from which it was clear that under existing law an overt display of homosexual conduct in a public place might well be considered as conduct that was "insulting" even though the conduct was not aimed at a particular person or persons.<sup>194</sup>

The Bill that reached the Lords included an improved version of Clause 5. The disorderly words or behaviour had to be "in the hearing or sight of a person likely to be caused harassment, alarm or distress", thus introducing the concept of a victim. But there was no restriction of the offence to a public place, although it was a defence to believe that no one would see the behaviour in question. Further efforts to amend the clause were unsuccessful, so that under the legislation, as finally adopted,<sup>195</sup> it was still possible for the police to invade people's homes on suspicion of disorderly conduct.<sup>196</sup>

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<sup>190</sup> LRC minutes for July 1985 and (attached) CHE Comments on White Paper on the Review of Public Order Law – July 1985 (CHE LR Archive, Box 5, folder 5.2).

<sup>191</sup> Attached to December 1985 LRC minutes. (CHE LR Archive, Box 5, folder 5.2).

<sup>192</sup> <https://api.parliament.uk/historic-hansard/commons/1986/jan/13/public-order-bill>

<sup>193</sup> LRC minutes for February & March 1986 (CHE LR Archive, Box 5, folder 5.3).

<sup>194</sup> Filed with LRC minutes for May 1986 (CHE LR Archive, Box 5, folder 5.3).

<sup>195</sup> <http://www.legislation.gov.uk/ukpga/1986/64/enacted>

<sup>196</sup> LRC minutes May – November 1986 (CHE LR Archive, Box 5, folder 5.3).

## 6. Discrimination in employment and provision of services

As already noted, CHE's campaigning priorities were broadened in 1976/77 to include education and discrimination in employment – the latter responding to high-profile discrimination cases involving a social worker, Ian Davis, and a British Home Stores management trainee, Tony Whitehead. In August 1978 the Annual Conference took this a stage further, setting up a commission to document discrimination.

Earlier in that year the LRC had begun tentative work on what was to be its main project in this field for a number of years: development and promotion of an amendment to the 1975 Sex Discrimination Act (SDA) to prohibit discrimination on the grounds of sexual orientation. Peter Mitchell prepared a first draft, which he then worked on with Mike Rowland (of the LCGR) in the (unfulfilled) hope of finding an MP able to introduce the bill that year under the 10-minute rule procedure.<sup>197</sup>

In May 1979 the LRC tried to enlist the support of the Equal Opportunities Commission with a letter to Baroness Lockwood, the Chair of the Commission, requesting that the Commission give consideration to the bill and conduct an investigation into the extent of discrimination against homosexuals. The Commission turned down this request.<sup>198</sup>

In the autumn of 1979 Francis Bennion, a former parliamentary counsel responsible for the preparation of the original Sex Discrimination Act,<sup>199</sup> was asked to provide a redraft of the amendment. He duly obliged with a clear simple text, superseding the version previously drafted.<sup>200</sup> The LRC hoped that this could be introduced into the Commons in June 1980 under the 10-minute rule procedure, or under the private members' ballot in November 1980, if a supportive MP well placed in the ballot could be found.<sup>201</sup>

A ruling by a Scottish Employment Appeal Tribunal in April 1980 gave the SDA amendment immediate relevance. John Saunders had been dismissed from his job as a handyman at a residential camp for schoolchildren in Scotland solely because his employers had discovered he was gay. The Tribunal rejected his appeal on the grounds that "a considerable proportion of employers would take the view that the employment of homosexuals should be restricted, particularly with regard to working proximity and contact with children".<sup>202</sup>

CHE launched an immediate lobbying campaign in which 300 MPs were contacted.<sup>203</sup> SHRG,<sup>204</sup> NCCL and CHE then organised a meeting at the House of Commons at which an amendment to the Employment Protection Act (proposed by SHRG) and the CHE SDA amendment were discussed. 22 Conservative and Labour MPs attended. It was the most successful parliamentary activity since the mid-1970s and seen as the beginning of a long campaign to sensitise MPs to the extent of discrimination against gay people, particularly in employment. However with a second appeal

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<sup>197</sup> LRC minutes for February & March 1978 (CHE LR Archive, Box 2, folder 2.1).

<sup>198</sup> LRC minutes for June 1979, and letter to Baroness Lockwood attached to minutes (CHE LR Archive, Box 2, folder 2.2).

<sup>199</sup> LRC minutes for October 1979 (CHE LR Archive, Box 2, folder 2.2).

<sup>200</sup> Attached to February 1980 LRC minutes (CHE LR Archive, Box 2, folder 2.3).

<sup>201</sup> LRC minutes for February 1980 (CHE LR Archive, Box 2, folder 2.3).

<sup>202</sup> Employment Appeal Tribunal – Appeal No. EAT/7/80 – Mr John Edward Saunders and Scottish National Camps Association Ltd (Saunders campaign papers, CHE General Archive, Box 4, folder 4.1.1).

<sup>203</sup> CHE *Broadsheet* for July 1980 (filed with July 1980 LRC minutes) (CHE LR Archive, Box 2, folder 2.3).

<sup>204</sup> SHRG took the lead in the overall campaigning. Derek Ogg, a leading member, represented John Saunders in the court cases.

against the ruling due to take place in the Scottish Court of Session, further parliamentary action was put on hold.<sup>205</sup>

In December 1980 the LRC again contacted supportive MPs to ask that they take up the SDA amendment if they came high in the Private Members' Bill ballot, but with no result.<sup>206</sup>

In early 1981 the lesbian organisation Sappho took up the SDA amendment, organising a petition in support of it.<sup>207</sup>

In November 1981 the Scottish Court of Session upheld the ruling of the employment tribunal, so that the notion that 'reasonable prejudice' constituted fair grounds for dismissal was now in danger of becoming accepted employment case law.<sup>208</sup> At a meeting with the NCCL and Sappho that month it was agreed not to raise the matter through a private members' bill for the time being, but rather to seek to raise the matter through an early day motion nearer Easter 1982.<sup>209</sup> However, by March 1982 this was dropped because the issue "had become a little stale in parliamentary terms".<sup>210</sup>

The topic of discrimination now remained in abeyance until the autumn of 1983 when the Labour MP, Jo Richardson, drew a place in the ballot for private members' bills. She decided to put forward a wide-ranging Sex Equality Bill, which aimed to make good deficiencies in the Sex Discrimination Act and the Equal Pay Act. Peter Ashman attended the drafting sessions for the bill on behalf of the LRC. He reported that after initial hostility an amendment drafted by himself and Peter Higham had been accepted.<sup>211</sup> This aimed to prohibit discrimination on the grounds of sexual orientation in employment with the following wording:

"A person discriminates against a person of either sex in any circumstances relevant to the purposes of part II (discrimination in the employment field) if, on the grounds of that person's homosexuality, he treats that person less favourably than he would treat a heterosexual person."<sup>212</sup>

It was recognised that the bill, which was very wide in scope, was unlikely to become law, but it would encourage debate and provide an opportunity for awareness-raising. The second reading was set for Friday 9 December 1983. The LRC sent briefings to around 60 supportive MPs, and CHE encouraged members to engage in lobbying through an article in the December 1983 Campaign Newsletter.<sup>213</sup>

Opposing the bill for the government, Alan Clark, the Parliamentary Under-Secretary of State for Employment, singled out the gay employment protection clause: it was one of a number of measures in the bill which, in his view, both failed to address a genuine problem and was too far ahead of public opinion. Moreover, discrimination could be justified: "The provision on homosexuals simply makes it unlawful for an employer ever to refuse a homosexual a job on the ground of his

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<sup>205</sup> *CHE Broadsheet* for August 1980 – attached to October 1980 LRC minutes (CHE LR Archive, Box 2, folder 2.4).

<sup>206</sup> LRC minutes for December 1980 (CHE LR Archive, Box 2, folder 2.4).

<sup>207</sup> LRC minutes – February 1981, October 1981 (CHE LR Archive, Box 3, folder 3.1).

<sup>208</sup> Note from Nick Billingham dated 19 November 1981 – attached to December 1981 LRC minutes (CHE LR Archive, Box 3, folder 3.1).

<sup>209</sup> LRC minutes – December 1981 (CHE LR Archive, Box 3, folder 3.1).

<sup>210</sup> LRC minutes – March 1982 (CHE LR Archive, Box 3, folder 3.2).

<sup>211</sup> LRC minutes for July 1983 and CHE EC minutes for October 1983 (filed with LRC minutes for October 1983), (CHE LR Archive, Box 4, folders 4.1 & 4.2).

<sup>212</sup> LRC minutes – October 1983 (CHE LR Archive, Box 4, folder 4.2).

<sup>213</sup> LRC minutes for October and December 1983 (CHE LR Archive, Box 4, folder 4.2).

homosexuality. It makes no recognition of the fact that sometimes a person's homosexuality is relevant to whether he is a suitable candidate for a job. The teaching profession may be an example."<sup>214</sup>

In a letter to a constituent Prime Minister Thatcher gave her view. The government did not think it right to legislate on protection of homosexuals at this time; nor that such legislation would be effective. "Sexual orientation is a sensitive matter on which different views are strongly and sincerely held. We do not believe that it would be possible in the present climate of public opinion to draft provisions which provided sufficient general assent for them to be enforceable."<sup>215</sup>

Speaking for the Labour front bench, John Smith stated that "The Labour Party give the bill their total support. The principle that lies behind the Bill is that discrimination based on sex and sexuality is wrong."<sup>216</sup>

As expected, the Bill was defeated – by 198 to 118. But there were some positives: It was the first time that sexual orientation discrimination in employment had been debated in Parliament, and the first time that the Labour Party had officially supported employment protection on the ground of sexual orientation. However, it was also clear that, with the unyielding opposition of the Conservatives, any progress in this field would be a long way off.

This was confirmed a year later, with a reply to a parliamentary question put by Tom Cox MP in January 1985. In the wake of the adoption by Rugby Council of a policy of excluding lesbians and gays from its employment, this PQ asked whether the government would "introduce legislation to render unlawful discrimination in employment on grounds of homosexuality". It met with the bald response: "No. This is a subject upon which widely differing views are held, and we do not consider that such legislation would command a sufficient degree of public support for it to be effective".<sup>217</sup>

## 7. Freedom of expression

The LRC made occasional interventions in the freedom of expression field, most notably submitting comments in July 1980 to the Home Office Committee on Obscenity and Film Censorship (the Williams Committee)<sup>218</sup> and monitoring the 1984 Video Recordings Bill to try to ensure it would not include provisions that could be used in a discriminatory way.<sup>219</sup>

1984 saw a sudden surge in hostile activity by Customs & Excise and the police, with the seizure of a substantial proportion of the stock of Gay's The Word on 10<sup>th</sup> April, and seizures from other entities such as Houseman's Bookshop, the Balham Food and Books Co-op, the International Feminist Book Fair, the Essentially Gay mail-order company, the Zipper store, and imports of the French magazine, *Gai Pied*.<sup>220</sup>

Scope for parliamentary action was very limited, but there was one opening: under the Customs Consolidation Act 1876 Customs & Excise had much wider powers to seize imported items than were

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<sup>214</sup> House of Commons Official Report – Parliamentary Debates – Sex Equality Bill – 9 December 1983 – columns 597 – 598 (filed with LRC minutes for December 1983) (CHE LR Archive, Box 4, folder 4.2).

<sup>215</sup> See Gay Lobby archive – database of MPs' views – letter to a constituent in November 1983 (CHE LR Archive, Box 12, folder 12.1).

<sup>216</sup> House of Commons Official Report – Parliamentary Debates – Sex Equality Bill – 9 December 1983 - column 602 (filed with LRC minutes for December 1983) (CHE LR Archive, Box 4, folder 4.2).

<sup>217</sup> Department of Employment, Written Reply, 21 January 1985 (filed with LRC minutes for February 1985 – CHE LR Archive, Box 5, folder 5.1).

<sup>218</sup> LRC minutes for September 1978 and July 1980 (CHE LR Archive, Box 2, folders 2.1 & 2.3).

<sup>219</sup> LRC minutes for April 1984 (CHE LR Archive, Box 4, folder 4.3).

<sup>220</sup> LRC minutes for April, July and September 1984 (CHE LR Archive, Box 4, folders 4.3 & 4.4).

available under the Obscene Publications Act for home produced publications and had used these powers against *Gay's the Word*. The LRC developed a plan with the NCCL to raise this issue through a private members' bill, which was eventually tabled by Chris Smith MP in July 1986. The LRC also took up the case with the Treasury and organised protest letters by IGA members.<sup>221</sup> In July 1986 Customs and Excise dropped all charges against *Gay's the Word*.

## 8. Rights of same-sex couples

The rights of same-sex couples as a general topic came onto the LRC's agenda in the spring of 1978 via the somewhat arcane subject of persons entitled to sue for damages in personal injury compensation claims (see further below). Representations to the Lord Chancellor's Department on this topic led the LRC to try to widen the discussion to a more general recognition of gay relationships on the basis of the U.K.'s obligations under the non-discrimination provision (Article 26) of the International Covenant on Civil and Political Rights. The Lord Chancellor's department responded that the gay issue was not one in which government should have an interest.<sup>222</sup>

In January 1982 the LRC discussed a Liberal Party manifesto, which proposed a civil ceremony of partnership for gay women and men that would have the same socio-economic and legal consequences as heterosexual marriage. Members of the LRC had reservations about this, considering that distinctions between legally recognised and cohabiting couples should be minimised rather than being further entrenched through the adoption of same-sex partnership recognition.<sup>223</sup>

In September 1983 the LRC again took the matter up with the Lord Chancellor, noting that cohabitants did not have the benefit of statutory protections available to married couples and asking that the Law Commission look into this. The Lord Chancellor responded unhelpfully, saying that he did not intend to review the Commission's programme. The LRC then wrote to the Law Commission itself, urging them to take up the question of the law as it affected gay couples. This again produced an unhelpful response to the effect that the Commission had not decided how to approach the issue of co-habiting couples.<sup>224</sup>

### 8.1 *Compensation for personal injury – persons entitled to sue for damages*

The 1978 report of the Royal Commission on Civil Liability and Compensation for Personal Injury (the Pearson Commission) provided an opportunity to raise the rights of same-sex couples. The report restricted the category of those entitled to sue for damages following death to dependant relatives, thus excluding same-sex partners. The LRC proposed a broader category to rectify this: "dependants in personal relationship to the deceased, whether or not related by blood or marriage."<sup>225</sup>

Four years later the government finally sought to implement certain provisions of the Pearson report through the Administration of Justice Bill 1982. It was agreed to try to have an amendment put forward along the lines developed in 1978. It was recognised that it was unlikely to succeed, but it might offer an opportunity to get an undertaking from the Lord Chancellor's Department that the whole issue of unmarried couples be referred to the Law Commission. The amendment would extend the definition of 'dependants' under the Fatal Accidents Act to include all dependant

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<sup>221</sup> Documentation on *Gay's The Word* case all filed with LRC minutes for April 1984 (CHE LR Archive, Box 4, folder 4.3).

<sup>222</sup> LRC minutes for September 1978, October 1978, January 1979, March 1979 and letter to the Lord Chancellor attached to September 1979 LRC minutes (CHE LR Archive, Box 2, folders 2.1 & 2.2).

<sup>223</sup> LRC minutes for January 1982 (CHE LR Archive, Box 3, folder 3.2).

<sup>224</sup> LRC minutes August 1983 – April 1984 (CHE LR Archive, Box 4, folders 4.2 & 4.3).

<sup>225</sup> Proposal filed with August 1978 LRC minutes (CHE LR Archive, Box 2, folder 2.1).

cohabitants, regardless of the legal status of their relationship to the deceased person. Arthur Davidson MP agreed to try to raise the issue at the report stage of the bill, but in the end was unsuccessful.<sup>226</sup>

## 8.2 *Tenancy succession rights*

The 1980 Housing Bill included provisions which created a right for a spouse to succeed to a tenancy held by their partner. The use of the term 'spouse' meant that cohabitants, whether different sex or same sex, did not enjoy the proposed right. The LRC proposed an amendment which would extend the right to both by substituting the term 'cohabitants' for 'husband-and-wife'. The amendment was put forward in Committee by the Labour MP John Tilley, but rejected by Geoffrey Finsberg, the Parliamentary Under-Secretary of State at the Department of the Environment. He rejected the amendment on three grounds: the Bill was not the vehicle to establish "a principle of logic", which he said, "ought to fall within the purview of another Department [the Lord Chancellor's Department], possibly involving the Law Commission looking at the situation", to whose attention he would bring this question; that it could "not be right to treat the common law wife on equal terms with the legal spouse"; and finally, "it would give partners in a homosexual relationship the same succession rights as those living together as if they were husband and wife. We believe this to be quite unacceptable, not least because it will be extremely difficult for the landlords and the courts to be certain of the nature of the relationship, and it is no part of the philosophy of this Bill to take the lead on an issue of social policy."

Attempts to have the issue raised in the House of Lords failed on procedural grounds.<sup>227</sup>

The amendment was the first occasion on which the rights of same-sex couples were raised in Parliament.

Three years later, in a meeting with CHE, David Waddington MP recalled that he had been the government whip responsible for organising the defeat of the CHE amendment. He conceded that he had never really considered the discrimination which existed against gay couples.<sup>228</sup>

### *The Mary Simpson case*

The topic of tenancy succession rights came back onto the LRC agenda in the autumn of 1984. Following the death of her partner Mary Simpson had been evicted from the council house which had been their home because the tenancy was in her partner's name and she was not a 'spouse'. Mary's case was taken to the Court of Appeal, where it was rejected mainly on the basis that "if Parliament had wished homosexual relationships to be brought into the realm of the lawfully recognised state of a living together of man and wife for the purposes of the relevant legislation, it would have so stated in that legislation, and it has not done so".

Mary decided to take a case under the ECHR on the basis that she had been denied respect for her private and family life, as well as for her home, and that she had been discriminated against (Articles 8 & 14). The application was lodged with the European Commission of Human Rights in August 1985.

In May 1986 the Commission declared her case "manifestly ill founded" and therefore "inadmissible", meaning that the UK government had no case to answer. Its main justifications were, in respect of Article 8, that a same-sex relationship fell outside the scope of "family life", and, in

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<sup>226</sup> LRC minutes March – November 1982 (CHE LR Archive, Box 3, folders 3.2 & 3.3).

<sup>227</sup> LRC minutes February – June 1980 (CHE LR Archive, Box 2, folder 2.3), and documents contained in CHE LR Archive Box 6, 1980 Housing Bill, folder 6.4.

<sup>228</sup> LRC minutes for March 1983 (CHE LR Archive, Box 4, folder 4.1).

respect of Article 14, that any discrimination was justified because the family (i.e. the heterosexual family) merited “special protection in society”.<sup>229</sup>

Mary’s case was only the second to address same-sex family rights under the ECHR (or indeed any international human rights agreement), and the first case brought by a lesbian.<sup>230</sup>

### 8.3 *The Mental Health Act – definition of “nearest relative”*

In June 1982 the Labour MP Christopher Price put forward an amendment to the Mental Health (Amendment) Bill to enable same-sex couples who had been living together for more than five years to act as “nearest relative” with regard to admission to mental hospitals. Initiated by MIND, the national association for mental health, the amendment was supported in Committee by three Conservative backbenchers, enabling a government defeat, and left to stand in subsequent debates.<sup>231</sup>

It was the first ever legal recognition of a right for same-sex couples in the UK. There was no further progress in this field in Parliament until the advent of the 1997 Labour government.

### 8.4 *Immigration rights of a foreign national with a same-sex British partner*

This topic was first raised formally in a resolution at the CHE Annual Conference in 1978. The revision of the Home Office Immigration Rules in late 1979/early 1980 presented an opportunity to take this up with the Home Office, but to no effect.<sup>232</sup>

The issue was raised again with the junior Home Office minister, David Waddington, at a meeting in March 1983, but it was clear that immigration was not a context in which the government would do anything for gay couples.<sup>233</sup>

In September 1983 the European Commission of Human Rights handed down a ruling on the application of a Malaysian citizen to remain in the UK with his British partner. It declared the application inadmissible on the grounds that “the applicants are professionally mobile” and could “live together elsewhere”.<sup>234</sup> This was particularly egregious, given that homosexuality was illegal in Malaysia and the difficulties faced by same-sex couples in settling or finding work together in a foreign country.<sup>235</sup>

In February 1984 a judgment of the Queen’s Bench Division in a case involving a Swedish citizen and a UK citizen, *Ex parte Wirdestedt*, made it clear that a homosexual relationship was outside the Immigration Rules and therefore the Home Secretary’s discretion was unfettered. The judge, ruling against Wirdestedt’s appeal, did so “with regret”, adding that “it was to be hoped that the Secretary of State would look at the case again”. Subsequently Wirdestedt was unsuccessful before the Court of Appeal, but the Home Office used its discretion to permit him to stay, this being the first known

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<sup>229</sup> LRC minutes for September, November and December 1984, and for March and September 1985 (CHE LR Archive, Box 4, folder 4.4 & Box 5, folder 5.1); and decision of the European Commission of Human Rights in *Simpson v. UK* (App. 11716/85) (CHE LR Archive, Box 11, folder 11.6).

<sup>230</sup> For analysis of *Simpson v. UK*, and an account by Mary Simpson of her experiences, see “Going to Strasbourg”, Paul Johnson, OUP, 2016 – pages 36 – 38 and pages 133 – 137 (the latter included in this archive, by kind permission of the author – see Box 11, folder 11.6). For the Decision of the Commission, see [here](#).

<sup>231</sup> See correspondence with Christopher Price MP and the text of the Mental Health (Amendment) Act 1982 attached to the July 1982 LRC minutes (CHE LR Archive, Box 3, folder 3.3).

<sup>232</sup> LRC minutes, March 1980 (CHE LR Archive, Box 2, folder 2.3).

<sup>233</sup> LRC minutes, March 1983 (CHE LR Archive, Box 4, folder 4.1).

<sup>234</sup> For the Decision of the European Commission of Human Rights, see CHE LR Archive, ECHR cases, Box 11, folder 11.5, *X & Y v. UK*.

<sup>235</sup> See “Going to Strasbourg”, Paul Johnson, OUP - 2016, page 36.

case where this had happened. In discussion with Wirdestedt it emerged that the Home Office's decision had come as a surprise and that there were no special factors which could explain it, beyond the positive comments of the judge in the Queen's Bench Division.<sup>236</sup>

In June 1988 a case in which a Singaporean man was permitted to remain in the UK with his partner on compassionate grounds was noted. This suggested that adjudication officers were becoming more receptive. In supporting the Adjudicator, an Immigration Appeal Tribunal found that "the question of whether there is a "close connection" was a matter of fact to be decided on the totality of the evidence. On the primary facts found by the Adjudicator, in this case she was justified in concluding that there was a close connection within HC 169 paragraph 38. The tribunal agrees with the determination of the adjudicator which discloses no misdirection in law or wrong exercise of discretion."<sup>237</sup>

## 9. Parenting

### 9.1 *Illegitimacy*

In June 1981 the LRC submitted comments on the Law Commission's working paper no. 74 on illegitimacy. This proposed that the status of illegitimacy should be abolished and that the law applicable to children should operate without distinction. While the LRC welcomed this proposal, it meant that children born out of wedlock would now be covered by the procedure for custody and access orders that had hitherto only applied to those born in wedlock. The LRC expressed concern that members of the judiciary and local authorities administering these orders where one of the parents was a lesbian or gay man might do so in a discriminatory manner, regardless of the wishes of the child. It gave examples of the operation of such orders in the case of the children of married couples where this had been the case. It cited, as evidence of judicial attitudes, a statement by Lord Wilberforce in a judgment of the Lords in a custody case involving a gay father (In re D 1977 A.C. 602) that

"Whatever new attitudes Parliament, or public tolerance, may have chosen to take as regards the behaviour of consenting adults over 21 *inter se*, these should not entitle the courts to relax, in any degree, the vigilance and severity with which they should regard the risk of children, at critical ages, being exposed or introduced to ways of life which, as this case illustrates, may lead to severance from normal society, to psychological stress and unhappiness, possibly even to physical experiences which may scar them for life".<sup>238</sup>

### 9.2 *The Warnock Report and artificial insemination by donor*

In July 1982 came the news that the Warnock Committee had been established to make recommendations on the policies and safeguards that should be applied in relation to human fertilisation and embryology. The previous few years had seen more and more lesbians taking up the practice of conceiving children by AID.<sup>239</sup> In August 1983 the LRC made a submission drawing attention to research showing that children brought up by a lesbian mother did not suffer atypical psychosexual development and urging that any scheme for regulating the provision of AID should

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<sup>236</sup> LRC minutes for February 1984, December 1984 and January 1985, and Times law report filed with the February 1984 minutes (CHE LR Archive, Box 4, folders 4.3 & 4.4, and Box 5, folder 5.1).

<sup>237</sup> LRC minutes June 1988 and appeal case documentation attached (CHE LR Archive, Box 6, folder 6.2).

<sup>238</sup> LRC minutes for April – June 1981. LRC comments filed with June 1981 minutes. (CHE LR Archive, Box 3, folder 3.1).

<sup>239</sup> See "Rocking the Cradle – Lesbian Mothers: A Challenge in Family Living" by Gillian E Hanscombe and Jackie Forster, 1981, Peter Owen (a copy is archived with the CHE General Archive).

include single women in its ambit regardless of their sexual orientation, on an equal footing with married women.<sup>240</sup>

The Warnock report was published in July 1984.<sup>241</sup> The LRC responded with highly critical comments to the Minister of Health. It objected that the Warnock Committee had refused to address itself to the issues that AID for the unmarried raised, and that throughout the report recommendations were based on the assumption that children should be born into a heterosexual two-parent family. It expressed particular concern over proposals for restricting the provision of AID services to licensed agencies, bearing in mind the unwillingness of most agencies to allow lesbians or unmarried women in general to undergo AID, and emphasised the need for future legislation to ensure that persons who assisted in any “do-it-yourself” AID were not subject to penalties. It also pointed out that, if it was the intention of the report to outlaw all AID not conducted by licensed agencies, this would be ineffective and unenforceable, given the ease with which AID could be carried out. Finally, it noted that the report’s recommendations on the registration of births of babies born by AID, their legitimacy, parental rights and duties and inheritance all reflected the implicit assumption that babies born by AID would be born to married heterosexual couples and expressed strong objection if they were to be applied in this restrictive fashion.<sup>242</sup>

#### 10. Charitable status for lesbian and gay organisations

In the late 1970s, as organisations serving the lesbian and gay community multiplied, several tried to gain charitable status and were refused. These included Gay Sweatshop, Parents Enquiry (an organisation for the parents of lesbians and gays), the August Trust (for elderly gays) and the Birmingham Gay Community Centre. In October 1978 Antony Grey convened a meeting of interested parties and collected their correspondence with the Charity Commissioners. The Commissioners’ detailed reasoning was provided in correspondence with Gay Sweatshop. As the objects clause of the planned charity included no reference to homosexuality, the only ground for objecting was the use of the word “gay” in the title. Their official wrote:

“I am bound to say that I am a little perturbed by the title of the institution which includes the word ‘Gay’ which has of course a specialised contemporary meaning implying homosexuality. I think you will agree with me that it needs to be emphasised that homosexual acts are still criminal offences unless they are within the provisions of the Sexual Offences Act, 1967, that is to say, where they are committed in private by consenting persons who have attained the age of 21. It is also important to remember therefore that such acts are regarded in law as immoral and contrary to public policy because they are a deviation from normal sexual behaviour.”<sup>243</sup>

He drew support from a statement by Lord Reid in a House of Lord’s appeal to the effect that the Sexual Offences Act 1967 did not make homosexuality “lawful in the full sense”.<sup>244</sup> The case involved a magazine owner convicted of publishing advertisements by gay men seeking to meet others.

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<sup>240</sup> LRC minutes for August 1983, to which the LRC draft submission is attached (CHE LR Archive, Box 4, folder 4.2).

<sup>241</sup> <https://www.hfea.gov.uk/media/2608/warnock-report-of-the-committee-of-inquiry-into-human-fertilisation-and-embryology-1984.pdf>

<sup>242</sup> LRC minutes December 1984 – February 1985. Comments to the Minister of Health filed with the February 1985 minutes (CHE LR Archive, Box 4, folder 4.4, and Box 5, folder 5.1).

<sup>243</sup> Letter from Charity Commission to Messrs Harbottle & Lewis dated 2 May 1978 – filed with December 1980 LRC minutes (CHE LR Archive, Box 2, folder 2.4).

<sup>244</sup> *Kneller v DPP* [1973] AC 435, at page 457, paragraph B.

In subsequent correspondence the Charity Commission wrote that:

“There can be no doubt that the law still regards such acts as contrary to public policy and immoral and therefore any trust which does not seek to deal with, say, the conduct of research into the problem and the publication of useful results of such research cannot hope to attain charitable status...”<sup>245</sup>

In March 1982, having reviewed the earlier correspondence, Peter Ashman proposed that, by way of a test case, CHE set up a company with impeccably charitable objects, which he would then try to register. If, as he expected, the application was rejected, he would try a case under the ECHR. By October the application was ready. The proposed charity was named the “Gay Educational and Research Trust” (GERT) and its purposes were limited to “the advancement of the education of the public in the field of homosexuality” and “the conduct of research into all aspects of homosexuality.”<sup>246</sup>

In March 1983, after an exchange of correspondence, the Commission rejected the application. Various reasons were given, including the view that homosexuals were not “a charitable class”. The LRC decided nonetheless to continue to press the Charity Commission. In exchanges of correspondence conducted by Peter Ashman and Nigel Hartley over the next 15 months the Charity Commission’s arguments were repeatedly challenged and whittled away.

In the meantime it was learned that the Gay Bereavement Group, London Lesbian and Gay Switchboard, and the Gay Monitoring and Archive Project (later the Hall-Carpenter Archive) wished to apply for charitable status. A leading member of the Gay Bereavement Group, Clifford Hindley, who was also a member of the LRC, filed an application on that organisation’s behalf. In December 1983 the Charity Commissioners suggested its name be changed – perhaps to that of its founder.

Correspondence continued and in June 1984 the GERT and Gay Bereavement Group applications were finally accepted, with the formalities concluded in the autumn. It had taken two and half years from the start of the process.

In December 1984 the Charity Commissioners turned down an application by the London Lesbian and Gay Centre on the grounds that its object of improving the social, political and general situation of gay people was “political” and that its object of helping homosexuals to get to know each other was “immoral”; also, that lesbians and gays were not a sufficient portion of the population. Peter Ashman helped with the redrafting of the Centre’s application (as he did with many of the other applications mentioned here).

In July 1986 the revised London Lesbian and Gay Switchboard objects clause was approved in principle. In the same year, the Gay Christian Movement, the Drew Griffiths Trust, and a lesbian and gay counselling service, PACE, all started work on applications. That of PACE was accepted in early 1987, the Commissioners even suggesting that its trustees include the word “homosexual” in its documentation.<sup>247</sup>

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<sup>245</sup> Letter from Charity Commission to Messrs Harbottle & Lewis dated 2 August 1978 – filed with December 1980 LRC minutes (CHE LR Archive, Box 2, folder 2.4).

<sup>246</sup> Copy of trust deed filed with the October 1982 LRC minutes (CHE LR Archive, Box 3, folder 7).

<sup>247</sup> LRC minutes from February 1982 to March 1987 (CHE LR Archives, Boxes 3 – 6).

The LRC documentation ceases at this point, but it seems clear that from this time onwards most lesbian and gay organisations that met the normal charitable criteria and worded their governing document carefully to meet these criteria could gain charitable status.

## 11. HIV/AIDS

Parliamentary and policy work around the HIV/AIDS crisis was largely conducted by NGOs specialising in the field, although the LRC did engage on a couple of issues.

In April 1985 the DHSS published new regulations under the 1984 Public Health Act which permitted the compulsory medical examination of people suffering from AIDS and the compulsory detention of an AIDS sufferer if a magistrate was satisfied that the individual concerned would not take proper precautions to prevent the spread of the disease. The LRC considered that the latter was *ultra vires* and made representations to the Parliamentary Joint Committee on Statutory Instruments. These were rejected by the Committee's counsel, although subsequent correspondence with the DHSS via Michael Meadowcroft MP suggested the DHSS had in fact used the AIDS regulations to close a loophole in the statute.<sup>248</sup>

A second area of concern related to life insurance policies and endowment mortgages: individuals who had voluntarily submitted to a test for HIV or AIDS infection could find themselves forced to disclose this fact when applying for such instruments and thus be unable to secure one. The LRC took this up with the Association of British Insurers<sup>249</sup> and later, with the DHSS over proposals for the monitoring and surveillance of HIV infection and AIDS. In the latter case the LRC expressed concern over testing that targeted a specific group with the knowledge of the individuals concerned. It argued that the proposal to target specific groups failed to draw an important distinction between the need for surveillance of the population as a whole and the needs of particular individuals, and that the former would best be served by large-scale testing, without knowledge or consent, and with the subsequent data untraceable to any individual.<sup>250</sup>

The archive also contains information about a proposed amendment by the Association of London Authorities to the 1989 Employment Bill with a view to outlawing employment discrimination against people with AIDS or HIV. This was opposed by the government on the grounds that it was not necessary.<sup>251</sup>

## 12. Working with Parliament

CHE's experience in the parliamentary lobbying campaign of 1975 – 1977 had demonstrated the difficulty of sustaining an all-party group of pro-lesbian and gay MPs. Nonetheless, the LRC revisited this idea in 1978/1979 and after considering various possible leaders for such a group, approached Robin Cook. He advised against on the basis of the difficulty of achieving a balance of party views.<sup>252</sup>

A paper prepared for the 1983 Annual Conference set out other difficulties with all-party groups: you could not select their members, with any interested MP able to turn up at meetings, leading to the risk that you ended up saddled with an MP or MPs who would not support your full platform, but

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<sup>248</sup> LRC Minutes for April and May 1985 (CHE LR Archive, Box 5, folder 5.2).

<sup>249</sup> LRC minutes for February 1987 (CHE LR Archive, Box 6, folder 6.1).

<sup>250</sup> LRC minutes, August 1988 (CHE LR Archive, Box 6, folder 6.2).

<sup>251</sup> LRC minutes, March – June 1989 (CHE LR Archive, Box 6, folder 6.3).

<sup>252</sup> LRC minutes, September/October 1978, June – October 1979, January & March 1980 (CHE LR Archive, Box 2, folders 2.1 – 2.3).

might claim to speak for your cause. Another difficulty was that of achieving continuity, with MPs often attending meetings on a sporadic basis.<sup>253</sup>

In mid-1981 CHE tried another tack – the appointment of honorary vice presidents from across the political spectrum - which illustrated these difficulties vividly. Jo Richardson for Labour, David Alton for the Liberals, Dafydd Ellis Thomas for Plaid Cymru and Martin Stevens for the Conservatives were selected on the basis of their apparent strong support for the cause. While the first three proved very committed, Martin Stevens, who had appeared to be in full support of CHE's aims and had been a sponsor of the amendment which led to decriminalisation in Scotland, turned out to be a liability. In March 1983, during a House of Commons presentation by the Gay Youth Movement, he spoke in favour of an age of consent of 18 rather than equality and appeared to endorse the "corruption theory". In the same month he wrote "If MPs started declaring they were homosexual that would simply add to the general feeling on the part of the public that self-discipline and discretion at Westminster were things of the past." CHE had no choice but to ensure his resignation from the position of honorary vice president.<sup>254</sup>

Faced with these difficulties CHE adopted a policy of dealing with different MPs on different issues, using Gay Lobby's detailed records of MPs' attitudes and interests as a guide. This made it possible to vary the choice of MPs depending on their area of interests/expertise and the issue in question at the time, to test the level of their commitment, and to avoid overburdening individual MPs.<sup>255</sup>

### *12.1 1979 General Election*

In April 1978 Gay Lobby started a year-long exercise persuading CHE groups to lobby MPs and candidates, based around a leaflet – "Gay Rights – what to say to your MP". By March 1979 the views of 381 out of the 552 MPs in England and Wales had been obtained. Approximately 30% were deemed supportive or sympathetic, 23% non-committal, 17% hostile, and 30% unknown.<sup>256</sup>

### *12.2 Constituency level lobbying and the general attitudes of MPs*

LRC/Gay Lobby organised further constituency level lobbying by CHE members of MPs and parliamentary candidates, particularly during the 1979 and 1983 general elections. This was part of the long-term strategy adopted on the advice of supportive MPs at the time of the 1975/76 law reform campaign.

Rough statistics were kept of English and Welsh MPs' attitudes over the period from 1978 to 1983. These showed that the lobbying at constituency level reached a substantial number of MPs. Information held on the views of individual MPs rose from 281 out of 552 in 1978 to 416 out of 552 in February 1981, before falling back to 367 following the June 1983 general election. The number of MPs who were believed to be fully supportive rose from 58 in 1978 to a high point of 76 in 1981, before falling back to 67 in 1983, while the number for those deemed sympathetic (e.g. perhaps supporting 18 rather than 16 as the age of consent) rose from 80 to 101 over the same time period. Improvements in the overall level of support were inhibited by the changing make-up of Parliament, with the number of Labour MPs (who were on average much more supportive) falling from 272 to

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<sup>253</sup> "Proposals for sharpening our campaigning in Parliament" – 1983 Annual Conference workshop notes (filed with LRC minutes for August 1983, CHE LR Archive, Box 4, folder 4.2).

<sup>254</sup> Gay Lobby database of MPs' views (CHE LR Archive, Box 12, folder 12.2).

<sup>255</sup> "Proposals for sharpening our campaigning in Parliament" – 1983 Annual Conference workshop notes (filed with LRC minutes for August 1983, CHE LR Archive, Box 4, folder 4.2).

<sup>256</sup> LRC minutes for April 1979 (CHE LR Archive, Box 2, folder 2.2) and "Lobbying campaign – action still needed" – *CHE Broadsheet*, March 1979 (filed with LRC minutes for March 1979, Box 2, folder 2.2).

169, while the number of Conservatives rose from 267 to 377. In any event, levels of support were far from sufficient to achieve real progress.

Liberal or (after the 1983 election) Alliance MPs were consistently supportive, but too few in numbers to make a significant difference. Of Labour MPs whose views were known, in the statistics covering March 1979 to August 1983, between 40% and 50% were fully supportive or sympathetic, while between 5% and 15% were mainly or totally against. Of Conservative MPs 15% – 20% were supportive or sympathetic, while 30% – 40% were totally or mainly against. However, these figures probably understated the degree of opposition – perhaps one in seven MPs (from all parties) were recorded as non-committal, many of whom were probably concealing their (hostile) views.<sup>257</sup>

A questionnaire survey conducted at the time the 1983 general election (organised jointly with LCGR and CGHE) to which 300 Labour and Conservative candidates responded, provided more information about attitudes on particular issues. Labour respondents were markedly in favour of measures to provide employment protection, to recognise same-sex couples in areas such as immigration, tax etc, and to eliminate the armed forces ban. There was much less support for an equal male age of consent, respondents splitting roughly 50:50 between 16 and 18, but with very few wishing to retain 21. Conservative responses were much less favourable, with little support for an equal age of consent, although a majority did appear to favour a reduction to 18. 40% supported putting the soliciting laws on an equal footing, but on all other issues only 20% were supportive, with the balance hostile or expressing no clear view.<sup>258</sup>

After the 1983 General Election Gay Lobby's constituency level activity tailed off due to a sense that little could be achieved by grassroots lobbying at a time when there was such a massive, largely hostile, Conservative majority, and to the declining number of CHE activists. As one article after the election noted, "With a Tory majority of 146, only the most tepid of reforms are likely to succeed".<sup>259</sup>

### 13. Developments in law reform campaigning in the second half of the 1980s

1985 had seen two important developments for lesbian and gay rights – the adoption for the first time by both the Labour Party and the TUC conferences of resolutions supporting lesbian and gay rights. In March 1986, at the behest of the National Executive Committee, the Labour Party General Secretary followed up the Conference resolution with a letter to all members of the National Executive Committee, MPs, MEPs, constituency parties etc reminding them of the policy set out in the resolution. It listed the Labour Party's position on a range of issues, including that:

- lesbian and gay relationships and acts were not contrary to the public policy or the law;
- all discriminatory criminal laws should be repealed;
- discrimination in child custody cases should be prohibited;
- discrimination and unfair dismissal on grounds in any way connected with lesbian and gay sexuality or lifestyle should be prohibited;
- police harassment of lesbians and gay men had to be prevented.

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<sup>257</sup> *CHE Broadsheet* for March 1979 (CHE LR Archive, Gay Lobby, Box 12, folder 1.1); *CHE Broadsheet* for February 1981 (CHE General Archive, Box 1, folder 1.4); Summary of attitudes of English and Welsh MPs to gay rights - August 83 (Bundle 7, 1983 general election campaign, CHE LR Archive – Gay Lobby - Box 12, folder 12.1).

<sup>258</sup> CHE press release on survey of attitudes of candidates in 1983 general election - filed with July 1983 LRC minutes (CHE LR Archive, Box 4, folder 4.1).

<sup>259</sup> "Prospects for law reform under the Tories" (CHE LR Archive – Gay Lobby 1974 – 1984 - Box 12, folder 12.1 – bundle 7, 1983 general election campaign).

While this was very good news, a survey of the views of the 13 Labour MPs on the National Executive Committee received positive responses from just seven, while two refused to offer support, and four failed to reply. The latter included two key figures, the leader of the party, Neil Kinnock, and Roy Hattersley.<sup>260</sup>

Against this background, in November 1985 the NCCL sponsored an ad hoc meeting of lawyers (attended by Nick Billingham and Peter Ashman for CHE) to discuss the kind of law reform that was now required. With the next general election expected in 1987 it was the time to try to influence party manifestoes, particularly Labour's.<sup>261</sup> It emerged at the meeting that the LCGR had, at the suggestion of Jeremy Corbyn and Tony Benn, prepared the first draft version of a comprehensive gay rights bill to help with campaigning in the Labour Party. The idea of the bill was to "stake a claim for what we want, not what we think MPs will vote for".<sup>262</sup>

In July 1986 the Labour Campaign for Lesbian and Gay Rights (as it had now become known) (LCLGR) approached CHE.<sup>263</sup> They had prepared a second version of their draft bill, which they wished to convert into a pamphlet for use in getting a resolution at the forthcoming party conference to support inclusion of lesbian/gay rights into the Labour election manifesto.<sup>264</sup> After that they wanted to join forces with other interested parties from as wide a range of organisations as possible to organise a conference on legislation for lesbian and gay rights. They wanted CHE and NCCL to co-sponsor the conference. The LRC recommended to the EC that CHE support the campaign/conference, which it did, including providing money to help pay for staff and premises. Regarding the LCLGR bill, it was noted that this was intended as a vehicle for gaining support and was very different from a workable bill which would require a much more technical drafting process.<sup>265</sup>

The lesbian/gay rights resolution was carried at the Labour Party Conference, with 79% voting in favour.<sup>266</sup> The subsequent Labour manifesto included a general commitment to "ensure that homosexuals are not discriminated against."<sup>267</sup>

The Legislation for Lesbian and Gay Rights conference (with Nick Billingham representing CHE on the organising committee) took place in May 1987, just before the general election. Its objects were to publicise the need for law reform, begin a campaign for reform, and produce and agree a final statement on the changes the lesbian and gay community wanted to see. The outcome of the conference was vitiated by profound differences of approach, so that no final statement was produced.<sup>268</sup> Moreover the Conservatives won the general election, so that any prospect of Labour's manifesto commitment being fulfilled disappeared for a minimum of another five years. However, Peter Ashman was not put off. He considered that the conference had produced a lot of "useful

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<sup>260</sup> "Conference to Commons: Building the link" – Nick Chamberlain – *Lesbian and gay socialist*, summer 1986 (CHE General Archive, Box 5, folder 5.2).

<sup>261</sup> LRC minutes for November 1985 (CHE LR Archive, Box 5, folder 5.2).

<sup>262</sup> Filed with November 1985 LRC minutes (CHE LR Archive, Box 5, folder 5.2).

<sup>263</sup> Message from LCLGR to the CHE executive dated 19 July 1986, filed with July 1986 LRC minutes (CHE LR Archive, Box 5, folder 5.3).

<sup>264</sup> See "Legislation for Lesbian and Gay Rights: A Manifesto" – Labour Campaign for Lesbian and Gay Rights – August 1986 – Filed with September 1986 LRC minutes (CHE LR Archive, Box 5, folder 5.3).

<sup>265</sup> LRC minutes for July 1986 (CHE LR Archive, Box 5, folder 5.3).

<sup>266</sup> LRC minutes for October 1986 (CHE LR Archive, Box 5, folder 5.3).

<sup>267</sup> <http://www.labour-party.org.uk/manifestos/1987/1987-labour-manifesto.shtml>

<sup>268</sup> Legislation for Lesbian and Gay Rights Conference (CHE General Archive, Box 4, folder 4.2.1); for an account of the conference, see "Peers, Queers & Commons - The Struggle for Gay Law Reform from 1950 to the Present" – Stephen Jeffery-Poulter, Routledge, 1991, pages 214 – 215 (copy filed with the CHE General Archive).

ideas" for a bill, which work should start on.<sup>269</sup> As an interview with Peter in *Gay Times* in July 1990 explained, "The idea for a model Bill came from the 1987 Camden Conference where, despite the other disagreements, there was a consensus that the time had come to remove the immense legal disadvantages suffered by lesbians and gay men in Britain which effectively make us second-class citizens".<sup>270</sup>

Peter had been keen that the conference should address whether the law should give formal recognition to gay relationships.<sup>271</sup> A view hitherto widely held within the movement was that differences between married couples and cohabiting couples should be narrowed and that gay couples should be given the same rights as cohabiting couples. To give formal recognition to same-sex couples would merely entrench the differences between cohabitants and legally recognised couples.<sup>272</sup> In proposing to give cohabitants (regardless of the sex of the partners) rights in the fields of inheritance and immigration equal to those of married couples, the LCLGR bill adopted a mechanism consistent with this approach: it would be done through recognising 'cohabitation' on the basis of two years' living together and shared accommodation and living expenses. However many more rights were involved, and the LRC concluded that achieving these rights for lesbian/gay couples hinged on legal recognition of their relationship by establishing some form of "cohabitational contract".<sup>273</sup> This question was raised in a discussion paper for the civil law workshop at the conference which noted that "A major issue to be considered .... is whether efforts should be made to establish legal recognition for homosexual relationships", and after summarising the pros and cons, continued "One possible solution is to try to devise a form of model contract for homosexual relationships to get some of the advantages and avoid some of the pitfalls. But this will only extend to things like intestacy, and the division of property on splitting up. It would not force public and private bodies to take notice of the relationship and extend to it the rights given to legally recognised couples".<sup>274</sup> While the recommendations from the civil law workshop did not take a position on this,<sup>275</sup> the degree of interest shown in recognising rights for same-sex couples opened the way for further exploration of this approach.<sup>276</sup>

Over the autumn and winter of 1987/1988 Peter organised meetings of interested lawyers under the auspices of the NCCL, but progress was slow due to lack of resources. In the summer of 1989 he took a week off to draft the "Homosexual Equality Bill", a text being finalised at the LRC meeting in December 1989. It covered a very wide range of law reform, including non-discrimination, legal recognition of same-sex couples, complete revision of the criminal law in relation to homosexuality,

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<sup>269</sup> LRC minutes for September 1987 (CHE LR Archive, Box 6, folder 6.1).

<sup>270</sup> "Taking centre stage - Peter Ashman outlines the Homosexual Equality Bill" – *Gay Times*, July 1990 (CHE LR Archive, Box 6, folder 6.3).

<sup>271</sup> LRC minutes for September 1986 (CHE LR Archive, Box 5, folder 5.3).

<sup>272</sup> See "Rights of same-sex couples" section above for the January 1982 LRC discussion of this question.

<sup>273</sup> LRC minutes for December 1986 and "list of subjects to be covered by a Bill for Homosexual Equality" filed with those minutes (CHE LR Archive, Box 5, folder 5.3).

<sup>274</sup> Legislation for Lesbian and Gay Rights Campaign Conference workshop papers – Workshop discussion paper for the civil law workshop (CHE General Archive, Box 4, folder 4.2.2).

<sup>275</sup> This had covered inheritance, including pensions and tenancies, next-of-kin status, especially in connection with hospitals and prison admissions, and rights in relation to damages for a fatal accident to a partner, together with mechanisms for individuals to recognise their partner.

<sup>276</sup> Recollection of discussions between Peter Ashman and Nigel Warner following the conference.

the armed forces, and incitement to hatred. It was designed to be both politically practicable and to provide a framework for complete equality.<sup>277</sup>

The first draft acknowledged earlier discussion of cohabitation by proposing that same-sex couples be recognised through a new legal relationship of “statutory cohabitant”. In the final version this was retitled “Domestic Partnership”. While the idea of legal recognition for same-sex couples was not new (for example, it was included in the Liberal Party manifesto in 1982 - see section on “Rights of same-sex couples” above), this was the first time that a properly structured legislative proposal had been made in the UK.<sup>278</sup> The solution of achieving legal recognition through extending the marriage laws to homosexual couples had been rejected as it would “inevitably raise opposition by many religious groups as well as other more conservative politicians”.<sup>279</sup>

By 1989 CHE had become a shadow of its former self. At the end of the year the LRC dissolved itself. Peter joined in the founding of Stonewall, which took over the Homosexual Equality Bill from CHE. It was, Peter noted in an interview in 1992, “really a campaigning tool for the decade to push equality in fields like the criminal law and domestic partnerships.”<sup>280</sup> Given that the Conservatives had just won their fourth general election in a row its use for anything more concrete was a non-starter. And indeed, even following the election of Labour in 1997, political realities meant that a much more piecemeal approach to law reform was necessary.

#### IV. Peter Mitchell’s candidacy in the 1977 City of London/Westminster South by-election<sup>281</sup>

The Westminster CHE group met weekly in the downstairs bar of the Westminster Arms, across Parliament Square from the Palace of Westminster. Its proximity to Parliament meant that it tended to attract members with a more than usual interest in politics. On 5 January 1977 the evening’s speaker was Steve Attack, at that time national chair of the Young Liberals. At the end of a humorous talk in which he mocked the lack of campaigning activity by CHE groups, he drew attention to the by-election due to take place shortly in the very constituency where we were meeting and challenged the group to field a gay-rights candidate. The idea was received with enthusiasm. In view of the urgency (the by-election was set for 24<sup>th</sup> February), group member Ray Norman agreed to put together a plan for the next Wednesday’s meeting, and some funds were pledged.

The following week Ray and Nick Billingham presented a paper which set out what they saw as the objectives of the campaign and how it should be operated. The objectives were modest – to field a candidate, to take advantage of the right of candidates to have free delivery of leaflets to the 52,000 electors in the constituency and to try to stimulate a national debate on gay rights in particular and civil rights in general. The campaign would include street canvassing, public meetings, media releases and other events designed to achieve maximum favourable national publicity. An

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<sup>277</sup> "Taking centre stage - Peter Ashman outlines the Homosexual Equality Bill" – *Gay Times*, July 1990 (CHE LR Archive, Box 6, folder 6.3).

<sup>278</sup> Draft and final versions of the Homosexual Equality Bill attached to the December 1989 LRC minutes (CHE LR Archive, Box 6, folder 6.3).

<sup>279</sup> "Taking centre stage - Peter Ashman outlines the Homosexual Equality Bill" – *Gay Times*, July 1990 (CHE LR Archive, Box 6, folder 6.3).

<sup>280</sup> "Peter Ashman – quiet campaigner" – Interview with David Prosser in *Capital Gay* – June 5 1992 - (CHE LR Archive, Box 6, folder 6.3).

<sup>281</sup> This account is based both on documentation contained in the CHE General Archive, Box 4, folder 4.3, and on my own notes and memories of the event - Nigel Warner.

organisational structure and candidate selection process were also proposed. There was general agreement to these proposals.

The campaign was to be run by a committee independent of CHE, the Westminster Gay Rights Campaign. This was partly to encourage participation by non-CHE members, and partly because the CHE executive considered such a campaign in CHE's name would be inappropriate for an organisation seeking all party support. The Labour Campaign for Gay Rights and Gaycon/CGHE both distanced themselves for the understandable reason that they could not publicly support an organisation standing against their own candidates. Ian Harvey of CGHE went further, saying that this was "not the best way to promote the interests of the homosexual cause." However, in a note "Homosexuality on the Hustings" he was more ambivalent, using Peter's candidacy to illustrate the need for CGHE and as an excuse to send a questionnaire to Peter Brooke, the Conservative candidate.<sup>282</sup>

Candidate selection took place on 26<sup>th</sup> January. There were four excellent candidates, long-time CHE activist and Executive Committee member Griff Vaughan Williams, the wonderfully warm-hearted [Rose Robertson](#) (who had founded and ran Parent's Enquiry, an organisation for the parents of lesbians and gays), [Jackie Forster](#), the feisty, clarion-voiced former actress and TV presenter who now ran the main lesbian organisation/publication, Sappho, and Peter Mitchell, a research assistant to the All Party Disablement Group at the House of Commons and CHE member. After a series of presentations, Peter was selected by a small majority over Jackie Forster. He was supported by an organising committee that included Griff Vaughan Williams as election agent, and Ray Norman, Nick Billingham, Robert Cook, Steve Carlill, Vivian Toland and Nigel Warner.

Next came the drafting of the election leaflet, which was published under the name of the Campaign for Homosexual Civil Rights. There were three demands – full equality before the law, anti-discrimination legislation, and an end to the law penalising soliciting of men by men. The leaflet also focused on the problem of gay youth, drawing on Peter's own experience:

"Imagine the outcry if every boy of 16 looking for a girl or every girl aged 16 looking for a boy was engulfed by propaganda from family, friends, teachers, doctors, clergymen and the media saying that their feelings were evil and unnatural and that to give expression to them would lead to arrest and imprisonment. This happened to me 12 years ago."

He had been expelled from school for his homosexuality and then, aged 16, subjected to aversion therapy, spending "a best forgotten month enduring electro-convulsive therapy at Brookwood Hospital".<sup>283</sup> He ascribed his lifelong susceptibility to depression to being thus "plugged into the national grid."

With 52,000 election leaflets printed, the challenge was to get them into envelopes and to the post office for distribution. For a week groups of volunteers met in different people's flats for envelope addressing and stuffing parties.

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<sup>282</sup> "Homosexuality on the Hustings" by Ian Harvey and questionnaire for Peter Brook (CHE LR Archive, Box 1, folder 1.4). Ian Harvey was a Conservative MP and junior minister until his resignation in 1958, when his promising political career ended in disgrace after he was caught having sex with a Guardsman in St James's Park. [https://en.wikipedia.org/wiki/Ian\\_Harvey\\_\(politician\)](https://en.wikipedia.org/wiki/Ian_Harvey_(politician))

<sup>283</sup> Brookwood Hospital was a vast Victorian mental hospital. [https://en.wikipedia.org/wiki/Brookwood\\_Hospital](https://en.wikipedia.org/wiki/Brookwood_Hospital)

Peter's adoption meeting took place in Caxton Hall on February 4th. Jackie Forster and Antony Grey made supporting speeches.

Campaigning started on 12 February, with Peter, armed with a megaphone, haranguing the crowd at Victoria Station. Jackie Forster, who was playing an active role in the campaign, found herself approached by supporters of the National Front candidate, who, to her dismay, revealed they were gay.

Other events followed, sometimes with Peter being driven through the streets of London by Jackie in her open top car, or outside tube stations. He also addressed members of the Royal household, on 21<sup>st</sup> February visiting the Queen Mother's London residence, Clarence House, where it was said that he was warmly received, and Buckingham Palace, where he faced 45 minutes of "intelligent questioning" from half a dozen members of staff.

Voting took place on 24<sup>th</sup> February. Peter gained a far from discreditable 449 votes, coming fifth, behind the Conservatives, Labour, Liberal and the National Front.

An earnest Gay News editorial published before the result was known delivered a verdict that rather missed the point of the campaign:

"Peter Mitchell's by-election campaign may have gained a certain degree of publicity for gay rights. But the gay rights movement has reached a stage when it can be a little more selective in deciding exactly what publicity it requires, and the question arises – is this the right kind?"

There seems little doubt that the count will result in a modestly derisory number of votes for Peter. At this stage we hope that gay readers living in the constituency will vote hard for Peter simply to soften the embarrassment of the final total figure.

... For all the "irreparable breaches" that Peter hopes to make in good Churchillian fashion, there is no realistic chance of his making more than a dimple-sized dent on the electorate. No doubt law reform would be achieved more readily if the next Government was formed by the Homosexual Civil Rights Party. As it is, we have to rely on established parties for action in the Parliamentary sphere, and more work on these candidates during an election campaign might yield better dividends. This is the second gay Parliamentary campaign. The joke is too thin to stand a third."

Gay News signally over-estimated the ability of the gay rights movement of the time to gain "what publicity it requires" and its scope for achieving progress through established political parties, while underestimating the need to educate and influence ordinary voters.

## Principal participants in the work of the CHE Law Reform Committee

(For much of the existence of the Committee its structure was informal, without named officials. Where roles were allocated, these are indicated).

Christian Elliott (November 1977 - May 81) (Chair and EC member responsible for law reform and lobbying)

Peter Mitchell (November 1977 to May 1980)

Michael Rowland (November 1977 - August 1978) (representative of Labour Campaign for Gay Rights)

Nigel Warner (November 1977 – December 1989) (link person with Gay Lobby)

David Jenkerson (February 1978 - September 1978)

Peter Ashman (April 1978 to December 1989)

Terry Munyard (April 1978 to October 1979) (EC member and CHE legal adviser)

Trevor Pearcy (June 1978 to July 1982) (CHE International Secretary)

Richard Scragg (January 1979 to July 1980) (Secretary)

Vivian Toland (February 1979 - July 1979) (representative of the Labour Campaign for Gay Rights)

Nick Billingham (July 1980 to December 1989)

Peter Campbell (July 1980 to December 1989) (representative of Conservative Group for Homosexual Equality)

Laurence Brown (September 1981 to July 1983)

Paul Crane (September 1981 to December 1984)

Nigel Hartley (October 1981 to May 1984)

Adrian Fulford (October 1982 to January 1984)

Clifford Hindley (November 1983 to December 1984)

Steuart Hamilton (March 1984 to July 1984)

Leo Adamson (November 1986 to January 1989)

# The Peter Ashman Memorial Archive

## CHE Notes

### List of abbreviations

Abbreviation	Full term
AI	Amnesty International
CGHE	Conservative Group for Homosexual Equality
CHE	Campaign for Homosexual Equality
CHE EC	CHE Executive Committee
CHE LRC	CHE Law Reform Committee
CLRC	Criminal Law Revision Committee
Commission, the	The European Commission of Human Rights (Council of Europe)
DHSS	Department of Health and Social Security
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EC	Executive Committee of the Campaign for Homosexual Equality
EOC	Equal Opportunities Commission
FCO	Foreign & Commonwealth Office
GERT	Gay Educational and Research Trust
ICCPR	(UN) International Covenant on Civil and Political Rights
ILGA	International Lesbian, Gay, Bisexual, Trans and Intersex Association (formerly International Gay Association)
LCGR/LCLGR	Labour Campaign for Gay Rights (later, Labour Campaign for Lesbian and Gay Rights)
NCCL	National Council for Civil Liberties (now named "Liberty")
NIGRA	Northern Ireland Gay Rights Association
PAC	Policy Advisory Committee on Sexual Offences
PACE Bill/Act	Police and Criminal Evidence Bill/Act
RCCP	Royal Commission on Criminal Procedure
SDA	Sex Discrimination Act
SHRG	Scottish Homosexual Rights Group (previously, Scottish Minorities Group)
SMG	Scottish Minorities Group (later, Scottish Homosexual Rights Group)
USFI	Union for Sexual Freedom in Ireland