

Summary of 2005.056

Retired Law Lords let themselves down

Two recently-retired Law Lords, Lord Lloyd of Berwick and Lord Steyn, let themselves down badly in the BBC2 Panorama broadcast on October 9. They attacked the Government's proposed offence of glorifying, exalting or celebrating acts of terrorism while showing they failed to understand it.

Lord Lloyd stressed that it was important to get the actual language right, and then failed to do so. He said "glories" instead of "glorifies". He said "exults" instead of "exalts". He showed ignorance of the rules of statutory interpretation and of the constitutional principles governing the drafting of Government Bills.

On mistaken grounds, Lord Steyn told the Panorama reporter Vivian White that the proposal to create the offence was "thoroughly bad". There was no need for it he said, since we already have the offence of incitement. But inciting someone to do something is not at all the same thing as praising them for having done it.

Lord Steyn said the proposed offence "may amount to an infraction of Article 10.2 of the Human Rights Convention which is the guarantee of freedom of speech". Actually it is Article 10.1 that is the guarantee of freedom speech. What Article 10.2 says is that the exercise of the freedoms specified in Article 10.1 may be subject to restrictions needed, as here, in the interests of national security or public safety.

Lord Steyn made other errors, ending with a rant against the Government which suggested he has forgotten what is due to his position.

Unfortunately these misguided criticisms have had their effect. The Government now propose to drop "exalts or celebrates" and rely solely on "glorifies". As a parliamentary draftsman I would say this is not an improvement; rather the reverse.

Summary of an article by Francis Bennion published in "Justice of the Peace" on 15 October 2005.