

LA REPRESSION DU PHENOMENE SECTAIRE

EN GRANDE-BRETAGNE

Textes de référence (en annexe) :

- ✓ Jurisprudence, The Queen c/ Senior
- ✓ Sexual Offences Act 1956
- ✓ Indecency with Children Act 1960
- ✓ Education Act 1996
- ✓ Crime and Disorder Act 1998
- ✓ Rapport parlementaire, « Freemasonry in the judiciary and the police »

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Introduction

En Grande-Bretagne, la secte (*religious cult/sect*) n'est pas un concept clairement défini. Il existe une absence de définition juridique de la secte même si le juge répressif britannique en fait usage dans la rédaction de ses décisions.

L'absence d'une définition juridique résulte de la notion de la liberté religieuse telle qu'elle s'est développée au cours de l'histoire. S'il n'y a pas en Angleterre de séparation entre

l'Eglise et l'Etat¹, le droit anglais n'opère dans son principe de discrimination négative entre les religions ou autres croyances². La Cour considère que « dans une société libre... il est tout à fait naturel que le juge n'opère aucune discrimination entre les croyances profondes et sincères, indépendamment si elles sont des croyances en Dieu ou dans le pouvoir de l'homme, ou principes éthiques ou le Platonisme ou d'autres philosophies ».

La liberté religieuse implique en droit anglais la liberté de prier, de s'exprimer et de mener une vie conformément à ses croyances. C'est ainsi que les Sikhs sont autorisés à porter un turban à la place d'un casque lorsqu'ils conduisent une motocyclette en vertu de la Loi de 1976 portant exemption à cet effet (*Motor-cycle Crash Helmets (Religious Exemptions) Act*), du fait que le législateur a considéré que le port du turban en public par le Sikh fait partie d'un principe de sa religion.

Cependant, des limites sont posées à la liberté religieuse. Un musulman a été condamné pour avoir fait ses prières au bord d'une autoroute au moment du couché du soleil comme l'exigeait sa religion³. Egalement, un motocycliste peut être contraint à subir un prélèvement de son sang conformément à l'article 9-3 de la Loi de 1972 sur le trafic routier (*Road Traffic Act 1972*), même s'il appartient à la secte Mesmerist et qu'il croit que son sang possède des bienfaits curatifs⁴.

Par ailleurs, la Loi pose expressément une limite à la liberté d'expression en matière religieuse: le blasphème⁵ est interdit à l'égard du protestantisme⁶.

Le droit anglais accorde certaines exemptions fiscales aux organisations religieuses. A ce titre, le juge anglais a été amené à définir la religion et ce qui est religieux.

Est religieux ce qui a trait à la relation entre l'homme et Dieu. Le juge distingue de la religion la croyance en l'éthique ou la morale, deux notions qui sont relatives aux relations entre les hommes. Sur la base de cette définition, le juge britannique a refusé d'attribuer le caractère religieux à certaines organisations, notamment la Franc-maçonnerie⁷. En revanche, les sectes à caractère religieux peuvent obtenir le statut d'établissement d'utilité publique (*Charity*) à l'exception de celles qui, bien qu'elles aient un caractère religieux, prônent une

1 La Reine d'Angleterre, chef de l'Etat, est à ce titre, Chef de l'Eglise Anglicane (Church of England). L'article 3 de la Loi d'Etablissement de 1701 (Act of Settlement) dispose que le Souverain doit être en communion avec l'Eglise Anglicane. V. O. Hood PHILLIPS et Paul JACKSON, « Constitutional and administrative law », Londres, Sweet & Maxwell, 1987, v. p. 521 et s.

2 L'Eglise Anglicane ne jouit que de quelques prérogatives.

3 Daily Telegraph, 7 septembre 1976.

4 Cour d'Appel, Regina c/ John, Weekly Law Reports, 1974, vol. 1, p. 624 et s.

5 Leonard W. LEVY, « Blasphemy, verbal offense against the sacred », New-York, Alfred A. Knopf, 1993.

6 Le juge a considéré que le délit de blasphème protège uniquement la croyance protestante. V. l'arrêt de la Haute Cour de Justice, Regina c/ Chief Metropolitan Magistrate, ex parte Choudhury, Law Reports, Queen's Bench, 1991, P. 429 et s. , All England Reports, 1991, vol. 1 p. 306 et s.

7 Haute Cour de Justice, United Grand Lodge of Ancient, Free and Accepted Massons of England c/ holborn Borough Council, All England Reports, 1957, vol. 3, v. p. 281, et s., Weekly Law Reports, 1957, vol. 1, v. p. 1080 et s.

pensée qui est contraire à la fondation même de toutes les religions⁸ et est méconnaissent la moralité⁹.

Cette définition amène à souligner que les sectes dépassent les frontières de la religion et qu'elles doivent donc être divisées en au moins deux catégories: les sectes à caractère religieux et les sectes à caractère philosophique et/ou thérapeutique.

En l'absence d'une définition juridique du terme secte (*cult*), le Centre d'Information sur les Sectes (*Cult Information Centre*)¹⁰, organisme privé ayant le statut d'un établissement d'utilité publique, a proposé cinq critères caractérisant les sectes :

- ✓ une secte mettrait en oeuvre une pression psychologique pour recruter, endoctriner et retenir ses membres ;
- ✓ elle proposerait l'établissement d'une société élitiste et totalitariste ;
- ✓ son fondateur se serait autoproclamé comme Chef et ne serait pas responsable ;
- ✓ une secte avancerait que la fin justifie les moyens afin de recruter des adeptes ;
- ✓ les biens de la secte ne profiteraient pas à l'ensemble de ses membres ou à la société.

Il y a lieu de noter dans cette définition, propre à l'Angleterre, l'absence des critères tels les troubles à l'ordre public, les atteintes à l'intégrité physique et l'importance des démêlés judiciaires.

En effet, les sectes, si elles sont nombreuses en Angleterre, n'ont pas posé de problème particulier à l'ordre public. Il n'y a pas eu sur le sol britannique de suicides collectifs contrairement à d'autres pays, et on ne peut relever de condamnation pénale particulière des grandes organisations sectaires, telle l'Eglise de Scientologie (*Church of Scientology*), pourtant bien implantées en Grande-Bretagne. C'est pourquoi la doctrine s'est très peu attachée à l'existence des sectes. Le législateur ne s'y est pas intéressé non plus, exception faite de la Franc-maçonnerie.

Par conséquent, le droit anglais en tant que tel ne comporte aucune norme régissant les sectes qui peuvent prendre la forme d'une organisation religieuse ou d'une simple association, déclarée ou non. Il serait d'ailleurs peu aisé d'imaginer dans la Common Law une loi pénale qui réprimerait la création, l'organisation ou la gestion d'une secte en tant que telle, vu l'imprécision du phénomène et les contraintes constitutionnelles et conventionnelles pesant sur la Grande-Bretagne en matière de liberté religieuse et d'association.

Certes, les adhérents d'une secte demeurent responsables personnellement et individuellement de leurs actes. A ce titre, ils sont bien entendu condamnés et punis par les juridictions pour toute infraction commise par eux.

8 D. G. CRACKWELL, « Crackwell on charities », Londres, Law & Tax, 1996, v. p. 12 et s.

9 Cour d'Appel, Re Watson, All England Reports, 1973, vol. 3, v. p. 678 et s.

10 Cult Information Centre, BCM Cults, London WC1N 3XX, Angleterre.

En l'absence d'une loi britannique spécifique réprimant les agissements délictueux et criminels des sectes, la présente étude s'articulera uniquement autour du droit commun. Le droit commun, pénal et administratif, offre une panoplie de solutions à réprimer, parfois même de manière préventive, le délit ésotérique.

Ainsi, il y a lieu de présenter dans un premier temps les textes de nature pénale susceptibles de s'appliquer aux membres des sectes (A) et dans un deuxième temps, les sanctions de nature administrative et nous traiterons le cas particulier de la Franc-maçonnerie (B).

A. Les sanctions de nature pénale

Les agissements des adeptes des sectes sont susceptibles d'être qualifiés pénalement. De tels comportements sont sanctionnés par le juge répressif. L'appartenance à une secte, voire à une religion traditionnelle, n'est pas une excuse en droit pénal britannique¹¹, sauf exceptions très particulières.

De nombreux textes pénaux peuvent entrer en jeu pour réprimer les actes délictueux et criminels des sectes. Il serait difficile de tous les énumérer. Toutefois, il conviendrait de mentionner les principaux d'entre eux afin de mettre en évidence l'arsenal juridique dont dispose la police et le Service des poursuites de la Couronne (*Crown Prosecution Service*), autrement dit le parquet, pour lutter efficacement contre les excès attentatoires au respect de l'individu et aux intérêts de la société.

Il convient de retenir deux grandes catégories d'infractions pénales : les atteintes aux personnes (1) et les atteintes aux biens (2).

1. En cas d'atteinte la personne (à l'intégrité physique)

S'agissant des atteintes aux personnes, il y a lieu de mentionner d'abord les atteintes à la vie, **l'homicide** (*manslaughter*).

L'affaire du *Sieur Senior*¹² en date du 16 décembre 1898 jugée par la Cour de la Couronne (*Crown Court*)¹³ est très pertinente à ce sujet. En l'espèce, l'accusé était membre d'une secte chrétienne dénommée « Les Gens Etranges » (*Peculiar People*). Sur la base de ses croyances, il avait interdit à ce que son enfant, âgé seulement de neuf mois, fût examiné et traité par un médecin. L'enfant trouva la mort. L'accusé fut condamné d'homicide¹⁴ pour avoir causé la mort de son enfant par négligence volontaire (*wilful neglect*) en vertu de la Loi

¹¹ Haute Cour de Justice, Division du Banc de la Reine, 19 janvier 1995, *Blake c/ Director of Public Prosecutions*.

¹² Cour de la Couronne, *The Queen c/ Senior*, *The Law Reports*, Queen's Bench Division, 1899, v. p. 283 et s.

¹³ La Cour de la Couronne peut être rapprochée de la Cour d'Assises.

¹⁴ Article 5 de la Loi sur les atteintes à la personne de 1861 (*Offences against the person Act*).

de 1894 (remplacée par une autre Loi) sur la Prévention des cruautés aux enfants (*Prevention of Cruelty to Children Act*).

Lord Russell of Killowen, Chef-Juge, affirme dans son arrêt que « ... Maître Sulton [conseil de l'accusé] soutenait que l'accusé avait fait la démonstration qu'il est un parent très affectionné et qu'il était prêt à tout faire pour le bien être de son enfant, à l'exception d'une chose qui était nécessaire dans la présente affaire et qu'il ne devait pas être reconnu coupable d'homicide du fait qu'il s'était abstenu à donner une assistance médicale à son enfant en raison de ses croyances particulières en la matière; mais nous ne pouvons fermer les yeux sur le danger qui peut se produire si nous devons retenir cette argumentation, parce qu'où serait la ligne de démarcation ?

En l'espèce l'accusé démontre qu'il a une objection à l'utilisation de la médecine, mais d'autres cas peuvent se produire dans lesquels, par exemple, un enfant avec une jambe fracturée nécessite une opération chirurgicale et qui doit se faire sous anesthésie; est-ce que le père peut refuser l'administration de l'anesthésie ? On peut considérer le cas d'un enfant qui serait en danger de suffocation de sorte que l'opération de trachéotomie soit nécessaire afin de sauver sa vie et où l'anesthésie doit être administrée. »

Le même raisonnement a été tenu par le juge dans l'affaire du *Sieur Lowe*¹⁵. Les parents ont été condamnés pour homicide par négligence en vertu de l'article 1er de la Loi sur les enfants et les jeunes personnes de 1933 (*Children and Young Person Act*)¹⁶.

Egalement, un couple rastafari, Beverly et Dwight Harris, qui avait refusé à leur fille un traitement à l'insuline en croyant que l'insuline était produite à base de porc et donc impropre, a également été condamné pour homicide suite au décès de leur fille¹⁷.

S'agissant des sectes qui poussent leurs adeptes au suicide, cas qui ne s'est pas produit en Angleterre, le droit britannique pourrait retenir à l'égard des dirigeants le délit de complicité au suicide. Avant la Loi de 1961 sur le suicide, une personne qui refusait un traitement médical pour des raisons religieuses et qui ainsi trouvait la mort, pouvait être reconnue coupable. La Loi de 1961 a aboli ce crime à l'égard de la victime. Il reste que toute personne qui conseille et aide une autre personne à commettre un suicide peut être reconnue coupable de la complicité au suicide en vertu de l'article 2 de la Loi de 1961. Si l'acte de suicide a été exécuté par un tiers, la jurisprudence anglaise ne fait pas du consentement de la victime une cause d'impunité. L'exécutant pourrait être condamné pour meurtre (*murder*)¹⁸.

Par ailleurs, il ressort de la jurisprudence qu'une personne peut refuser un traitement médical pour des raisons religieuses ou autre et en subir les conséquences, pourvu que ce refus

¹⁵ Cour d'Appel, *Regina c/ Lowe*, The Law Reports, Queen's Bench Division, 1973, vol. 1, v. p. 702 et s.

¹⁶ Peter CARTER et Ruth HARRISON, « *Offences of violence* », The Criminal Law Library, Londres, Waterlow Publishers, 1991, v. p. 250 et s.

¹⁷ S. H. BAILEY, D. J. HARRIS et B. C. JONES, « *Civil liberties: cases and materials* », Londres, Butterworths, 1995, 4ème éd., v. p. 601 et *Runnymede Bulletin*, 1994, v. p. 271.

¹⁸ Andrew ASHWORTH, « *Principles of criminal law* », Oxford, Clarendon Press, 1994, v. p. 233 et s.

ne soit pas la cause d'une influence néfaste pour abus d'autorité (*undue influence*) de la part d'un tiers. Tel est le raisonnement opéré par le juge dans l'affaire intitulée « T »¹⁹ du 30 juillet 1992 dans laquelle un témoin de Jéhovah avait refusé un traitement médical et une transfusion sanguine. A contrario, il ressort que toute personne qui aurait exercé une influence néfaste ou une pression psychologique sur la victime pouvait être pénalement condamnée.

De même, les textes répressifs britanniques répriment sévèrement les **agressions sexuelles et les atteintes aux mœurs**.

Le viol (*rape*) est constitué lorsque des rapports sexuels sont imposés par contrainte, violence, menace ou surprise, en vertu de la Loi de 1956 sur les atteintes sexuelles (*Sexual Offences Act 1956*)²⁰. De même, l'utilisation des produits toxiques ou des drogues²¹ pour faciliter les rapports sexuels. La Loi considère comme un viol le fait d'avoir des relations irrégulières avec une personne mentalement déficiente²². Ceci peut être la situation de certains adeptes dont l'état de dépendance psychique, provoquée ou naturelle, supprime en réalité de leur part tout discernement.

Les atteintes sexuelles sur mineurs²³, qui peuvent prendre plusieurs formes : inceste, pédophilie, exhibitionnisme, viol, sadisme, pornographie et prostitution, sont bien entendu réprimées. Le droit anglais incrimine les actes sexuels sur des mineurs de treize ans. La Loi punit tous les actes sexuels, même avec consentement, en raison d'une présomption d'absence de consentement libre et éclairé chez le mineur.

La Loi de 1960 sur l'indécence à l'égard des enfants (*Indecency with Children Act 1960*) réprime les exhibitions sexuelles et l'incitation des enfants à la débauche ou ce qui est communément appelé le « *flirty fishing* », pratique courante dans certaines sectes à l'étranger.

La Loi du 31 juillet 1998 sur le crime et les atteintes à l'ordre public (*Crime and Disorder Act 1998*) autorise la police à prendre toute mesure préventive, notamment celle de prononcer des injonctions de ne pas faire à l'encontre de tout délinquant sexuel (*sexual offender*). Cette Loi est très utile pour lutter contre les abus sur mineurs, surtout lorsque le mineur vit dans un environnement dans lequel se trouve également son éventuel agresseur.

Enfin, la Loi de 1985 sur la circoncision féminine (*Prohibition of Female Circumcision Act 1985*) punit un tel acte susceptible d'être pratiqué dans des sectes venant de l'Afrique du Nord.

¹⁹ Cour d'Appel, *Re T (adult: refusal of medical treatment)*, All England Reports, 1992, vol. 4, v. p. 649 et s.

²⁰ Article 1er à 3 de la Loi.

²¹ Article 4 *ibid.*

²² Article 7 de la Loi de 1956. V. Peter F.G. ROOK et Robert WARD, « *Sexual offences* », The Criminal Law Library, Londres, Waterlow Publishers, 1990, v. p. 51 et s.

²³ Christina LYON et Peter DE CRUZ, « *Child abuse* », Londres, Family Law, 1993, 2ème éd.

2. En cas d'atteintes contre les biens

Il est communément reconnu que nombre de sectes s'intéressent tout particulièrement au patrimoine de leurs adeptes victimes. Le droit anglais pourrait sanctionner les auteurs sur la base du vol (*theft*) dans les cas flagrants, d'abus de confiance (*breach of trust*) ou encore l'escroquerie (*fraudulent misrepresentation/swindling*).

L'escroquerie peut être retenue à l'encontre des dirigeants des sectes qui, s'adressant à des personnes en proie à des difficultés personnelles (grande faiblesse psychologique, célibat, perte d'emploi), les persuadent au moyen de divers artifices de payer une somme d'argent en contre partie d'une solution ou d'un miracle à leur difficulté. Les agissements délictueux, lorsqu'il s'agit de véritables manoeuvres frauduleuses, peuvent sans grande difficulté être qualifiés d'escroquerie²⁴.

En l'absence de manoeuvres suffisamment caractérisées pour constituer une escroquerie, les juridictions pénales anglaises peuvent retenir la malhonnêteté (*dishonesty*)²⁵ des dirigeants des sectes.

B. Les sanctions administratives

Après l'énumération des principales sanctions pénales que peuvent encourir les dirigeants ou adeptes des sectes, il conviendrait d'examiner les sanctions administratives. Par sanctions administratives, nous entendons les mesures dont dispose l'Administration pour réprimer et prévenir les excès des sectes (1).

Nous analyserons également dans cette partie les problèmes posés par la Franc-maçonnerie anglaise et les mesures administratives qu'envisage de prendre le gouvernement travailliste (2).

1. Les sanctions administratives en général

Les sanctions administratives susceptibles d'être prononcées contre les sectes sont nombreuses. Nous énumérerons les principales d'entre elles.

L'entrée et le séjour sur le sol britannique sont contrôlés. Les lois sur l'**immigration** prévoient le droit pour les ministres du culte (*ministers of religion*) d'obtenir un visa d'entrée et éventuellement un titre de séjour lorsqu'ils ont pour mission de prêcher ou d'enseigner une religion en Grande-Bretagne.

Une circulaire de juin 1998 (*Immigration Directorate's Instructions*) précise expressément que deux sectes, à savoir l'Eglise de Scientologie (*Church of Scientology*) et

²⁴ Jacques PARRY, « *Offences against property* », The Criminal Law Library, Londres, Waterlow Publishers, 1989, v. p. 123 et s.

²⁵ A. T. H. SMITH, « *Property offences* », Londres, Sweet & Maxwell, 1994, v. p. 529 et s.

l'Eglise de l'Unification (*Moonies*), appelée secte Moon en France, ne peuvent pas être considérées au regard des lois sur l'immigration comme des religions agréées. Les membres de ces deux sectes, qui sont réputées mondialement pour leur dangerosité, ne doivent pas être assimilés à des missionnaires ni à des ministres du culte. Par ailleurs, la circulaire précitée précise que l'Administration peut contrôler lors de l'octroi du visa ou du titre de séjour la véracité et le caractère réellement religieux de la mission envisagée par le demandeur. Entrera alors en ligne de compte, la jurisprudence (voir supra) sur la définition et l'objet d'une religion.

Il ressort de ce texte que l'Administration anglaise contrôle sévèrement le droit d'entrée des dirigeants de certaines sectes nocives et certains sont même privés du droit d'entrée.

Il convient de noter que dans les années soixante, le gouvernement britannique avait considéré l'Eglise de Scientologie comme « socialement dangereuse »²⁶ et de ce fait toute personne souhaitant étudier la scientologie en Grande-Bretagne était interdite d'entrée sur le territoire britannique. L'Eglise de Scientologie était qualifiée de « pseudo culte philosophique »²⁷. Le juge considérait que les étudiants au Collège de Hubbard de Scientologie (*Hubbard College of Scientologie*) n'avaient pas un droit d'action contre le gouvernement à la suite du refus de leur délivrer un titre de séjour²⁸. Toutefois, en 1980, le ministre de l'Intérieur a levé l'interdiction qui pesait sur les scientologues²⁹.

Les organisations religieuses bénéficient en Angleterre des **exemptions d'impôts**. Les sectes que les juges ne considèrent pas comme une religion seront privées de cet avantage.

Les infractions à la législation sur **l'obligation scolaire** sont sanctionnées par l'Administration. La Loi anglaise du 24 juillet 1996 sur l'Education (*Education Act 1996*) prévoit dans son article 7 que tout parent doit faire scolariser à plein temps son enfant de 5 à 16 ans révolus. Les absences sont contrôlées et doivent être justifiées.

En cas de manquement des parents et enfants à l'obligation de scolarité, des poursuites judiciaires³⁰ peuvent, selon la Loi être engagées contre les parents. Toutefois, en pratique, en cas de manquement constaté, l'Autorité Locale sur l'Education³¹ (*Local Education Authority*) peut désigner un éducateur chargé de prendre toute disposition utile et prononcer les mesures éducatives et d'assistance nécessaire ou demander au juge de prononcer par le biais d'une ordonnance (*Education Supervision Order*) le placement de l'enfant dans un service social.

²⁶ Réponse de Mr Robinson, Ministre de la Santé, 25 juillet 1968, *Hansard, House of Commons Debate*, 769, (Journal Officiel des Débats, Chambre des Communes)

²⁷ Sir John FOSTER, « *Enquiry into the Practice and effects of Scientology* », 1971-72, House of Commons 52

²⁸ Cour d'Appel, *Schmidt c/ Secretary of State for Home Affairs*, The Law Reports, Chancery Division, 1969, vol. 2, p. 149 et s.

²⁹ *Hansard, House of Commons Debates*, 988, 16 juillet 1980, col. 578.

³⁰ La Loi prévoit des amendes de £ 1000 (soit approximativement FF 10, 000).

³¹ Il existe en Grande-Bretagne dans chaque collectivité territoriale une Autorité chargée de l'éducation.

Des mesures similaires peuvent être prises à l'encontre de tout enfant dont la santé et la moralité seraient compromises.

2. Le cas particulier de la Franc-maçonnerie

Il existe des allégations sur le fait que la Franc-maçonnerie aurait infiltré les pouvoirs publics et notamment la police, la magistrature et la profession judiciaire. La Commission des affaires intérieures (*Home Affairs Committee*) de la Chambre des Communes, la première chambre parlementaire, a effectué une enquête et établi un rapport³² sur le sujet et a préconisé des mesures.

La Commission constate que la Franc-maçonnerie est une organisation secrète et qu'il y a bien eu des cas de criminalité par ses adhérents. Elle cite dans le rapport l'affaire Kenneth Noye et Brinks-Mat relative à un massacre sur l'autoroute M25 et des cas de corruption active de la part des fonctionnaires qui seraient des Francs-maçons. Lorsque des Francs-maçons sont impliqués dans un délit ou un crime, l'enquête menée par la police serait volontairement dirigée dans un sens qui est favorable au franc-maçon mis en examen et ce dernier peut bénéficier d'un même traitement de faveur à la fois par le Procureur et le magistrat du siège lors du jugement de l'affaire s'ils font partie de la Loge.

La Commission cite le cas de « Queen's Moat House Hotel », dans lequel deux personnes sont entrées dans une cérémonie privée dans un hôtel à laquelle elles n'étaient pas invitées. La cérémonie était organisée par la Franc-maçonnerie et s'appelait « Soirée des Femmes ». Les organisateurs ont demandé aux deux personnes de partir et une bagarre a éclaté. Elles ont été arrêtées et poursuivies pour coups et blessures. Lorsque l'affaire est venue devant le juge, celui-ci a demandé aux jurés de considérer si « le lien entre certains témoins de la police avec la Franc-maçonnerie n'a pas eu une incidence sur leur témoignage ». Le jury a acquitté les deux accusés unanimement. L'Autorité Disciplinaire de la Police a, par la suite, pris des sanctions contre les agents de police qui étaient intervenus le jour de l'incident.

Sur la base de ces faits, la Commission des Affaires Intérieures de la Chambre des Communes a proposé à ce que tous les nouveaux fonctionnaires de la police et de la magistrature déclinent leur adhésion à la Franc-maçonnerie ou toute autre société secrète.

Le Ministre de l'Intérieur, Mr Jack STRAW, a déclaré que l'appartenance à une société secrète peut légitimement susciter des doutes de corruption, de manque d'impartialité et d'objectivité de la part des fonctionnaires³³.

Tous les nouveaux recrues dans la magistrature et la police doivent désormais indiquer s'ils appartiennent à une organisation secrète.

³² House of Commons, Home Affairs Committee, « *Freemasonry in the Police and the Judiciary* », Session 1996-97.

³³ Home Office, Press Release, 17 février 1998 et *Le Figaro*, 20 février 1998, p. 9

Conclusion

Les armes du droit anglais pour réprimer les abus des sectes sont donc nombreuses.

La difficulté qui existe consiste à inciter les victimes à porter plainte et à dénoncer les dirigeants des sectes. En Angleterre, il n'y a pas de constitution de partie civile au pénal. Pour toute réclamation en vue de la réparation d'un dommage, la victime doit s'adresser au juge civil. Ainsi, les éventuelles associations de défense des victimes des sectes ne peuvent pas, en Angleterre, se constituer partie civile, moyen très utile pour faire avancer tout procès et enquête.

Les victimes sont elles-mêmes très fragilisées et n'ont pas le courage requis pour porter plainte. Souvent, elles ont encore la crainte des représailles, physiques ou même encore ésotériques, venant de la part des dirigeants. C'est peut-être une des raisons pour lesquelles il n'y a pas eu en Grande-Bretagne de nombreux procès à l'égard des sectes.

C. Annexes

1. Arrêt de la Cour de la Couronne

The Law Reports, Queen's Bench Division 1899, vol. 1, pp. 283 à 293.
Crown Case Reserved

THE QUEEN v. SENIOR

LORD RUSSELL of KILLOWEN C.J. We have to deal with a case reserved by Wills J. for the consideration of this Court. The charge is one of manslaughter, and it is founded upon the Prevention of Cruelty to Children Act, 1894 (57 & 58 Vict. c. 41), s. 1.

Two questions arise on the case, first, whether the direction of the learned judge was right in law, and, if not, secondly, whether there was evidence upon which the jury could properly convict the prisoner. If the "direction was wrong in point of law", or if the evidence was insufficient, the conviction cannot stand. The charge is preferred under s. 1 of the statute to which I have referred (57 & 58 Vict. c. 41), the material words of which are as follows : " If any person over the age of sixteen years, who has the custody, charge or care, of any child under the age of sixteen years, wilfully assaults, ill-treats, neglects, abandons, or exposes, such child, or causes or procures such a child to be assaulted, ill-treated, neglected, abandoned, or exposed, in a manner likely to cause such child unnecessary suffering, or injury to his health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement), that person shall be guilty of a misdemeanour."

It is desirable to refer to the history of the legislation dealing with this subject. The former Statutory provision was contained in the Poor Law Amendment Act; 1868 (31 & 32 Vict. c. 122), s. 37 (a section since repealed), which provided that " When any parent shall wilfully neglect to provide adequate food, clothing, medical aid, or lodging, for his child, being in his custody, under the age of 14 years, whereby the health of such child shall have been, or shall be likely to be, seriously injured, he shall be guilty of an offence punishable on summary conviction." Therefore under that statute it was the duty of the parent, if he was able to do so, to provide medical aid for his child, where necessary, and if he did not do so he was guilty of an offence and liable to punishment. That was followed by the Act of 1889 which it is not necessary further to refer to, because the provisions of the Act were in effect the same as those of the Act now in force so far as the present case is concerned.

It is important to observe that the Poor Law Amendment Act, 1868, was passed shortly after the trial of the case before Wills J., which has been referred to, *Bey v. Wagstaff*. That case was tried in January, 1868, and the Act received the Royal Assent on July 31 of the same year, and there can be very little doubt that the clause in question (s. 37) was inserted in consequence of the decision, because the Legislature was of opinion that circumstances such as existed in the case of *Reg. v. Wagstaffe* were not adequately provided for. There is, no doubt, considerable difference between the language of the Act now in force and that which was contained in the Act of 1868. In the Act now in force the expression " medical aid" does not occur, and it becomes necessary to consider whether the omission of those words makes any difference with regard to the present case. It would be an odd result if we were obliged to come to the conclusion that, in dealing with such a subject as the protection of children, the

Legislature had meant to take what may be described as a retrograde step for the course of legislation, and the provisions of the Act of 1894, show an increased anxiety on the part of the Legislature to provide for the protection of infants. We must decide the case on the words of the statute. Before considering the summing-up of the learned judge, I will summarise the facts .

[His Lordship shortly stated the facts set out in the case].

The portions of the summing-up which It is necessary to refer to are the following : " I told the jury that they must first of all be satisfied the death of the child had been caused or accelerated by the want of medical assistance ; and secondly, the medical aid and medicine were such essential things for the child, the reasonably careful. parents in general would have provided them ; and, thirdly, the prisoner's means would have enabled him to do so, without an expenditure, such as could not be reasonably expected from him." A little farther on in the case the learned judge states as follows:" But I added that if he had done anything which was expressly forbidden by statute, and by so doing had caused or accelerate the child's death, he would be guilty of manslaughter, no matter what his motive or state of mind." Later on he adds this : I said there could be no doubt that the prisoner had wilfully and deliberately abstained from calling in medical assistance, though he and those about the child were aware for some considerable period before its death that it was in a state of great danger and that therefore the question was narrowed down to whether his failure to procure medical aid could be called neglecting the child so as to cause injury to its health. I pointed out the language was very different from that of the repealed enactment."

The question is whether that direction. was substantially right. I think it was. Whether the words in the Statute, " wilfully neglects," are taken together, or, as the learned judge did in directing the jury, are taken separately the meaning is very clear. "Wilfully " means that the act is ,done deliberately and intentionally, not by accident or inadvertence, but so the mind of the person who does the act goes with it. Neglect is the want of reasonable care that is, the omission of such steps as a reasonable parent would take, such as are usually token in the ordinary experience of mankind that is, in such a case as the present, provided the parent had such means as would enable him to take the necessary steps. I agree with the statement in the summing-up, that the standard of neglect varied as time went on, and that many things might be legitimately looked upon as evidence of neglect in one generation, which would not have been thought so in a preceding generation, and that regard must be had to the habits and thoughts of the time.

At the present day, when medical aid is within the reach of the humblest and poorest members of the community, it cannot reasonably be suggested that the omission to provide medical aid for a dying child does not amount to neglect. Mr. Sulton contended that because the prisoner was proved to be an affectionate parent, and was willing to do all things for the benefit of his child, except the one thing which was necessary in the present case, he ought no to be found guilty of the offence of manslaughter, on the ground the he abstained from providing medical aid for his child in consequence of his peculiar views in the matter; but we cannot shut our eyes to the danger which might arise if we were to accede to the argument, for where is the line, to be drawn ? In the present case the prisoner is shown to have had an objection to the use of medicine; but other cases might arise, such, for instance, as the case of a child with a broken thigh, where a surgical operation was necessary, which had to be performed with the aid of an anaesthetic ; could the father refuse to allow the anaesthetic to be administered ? Or take the case of a child that was. in danger of suffocation, so that the

operation of tracheotomy was necessary in order to save its life, and an anaesthetic was required to be administered.

I think it cannot be doubted that, if this case had arisen under the Act of 1868, there would have been ample evidence to warrant a conviction, and in my opinion there is ample evidence where the case arises under the Act of 1894. I am of opinion that the summing-up of the learned judge was right, and the conviction ought to be affirmed.

I wish to add that I dissent entirely from the view attributed to Pigott B. in *Reg v. Hines*, and I am not satisfied that in the present case there was no sufficient evidence, at common law, to justify a conviction.

DAY J. I entirely agree with the judgement of the Lord Chief Justice.

WILLS J. I am of the same opinion. I will not deal with the question whether the evidence might have justified a conviction at common law, because it is unnecessary here to decide that question. As to the rest of the case, I can see no reason to doubt that I was right in the direction which I gave to the jury ; but I was anxious to have the point settled by this Court, because the same question is not unlikely to arise in other cases, and similar questions may also arise, and have arisen within my own experience, in proceedings under the Prevention of Cruelty to Children Act, 1894, in cases where the cruelty charged is not followed by death. For these reasons I thought it wise to reserve the point for the consideration of this Court, though I had not at the trial, and have not now, any serious doubt upon the question.

GRANTRAM J.. I am of the same opinion, and. I agree with the judgement of the Lord Chief Justice. Taking the last of the two words, "wilfully neglects," first, was the omission of what was left undone by the prisoner neglect ? The jury say it was. Then was what was left undone wilfully left undone, that is, was the neglect to provide medical aid the wilful act of the prisoner ? Mr. Sutton can only rely upon the fact that the prisoner was one of the Sect called the "Peculiar People '' ; but that fact of itself goes to show that what he omitted he left undone with intent, that is, wilfully. Can it be said that this is not wilful neglect ? I am clearly of opinion that the prisoner's conduct amounted to wilful neglect, and that the summing-up of the learned judge was right. It may be asked, why should the line be drawn at drugs ? A case might arise where it was necessary to apply an instrument where an injury had been suffered. To omit to do that would be wilful neglect. Or take the case of a fever, where quinine was necessary, or ice. Suppose the doctor were to say, " I know that if ice is applied the fever will abate." Could the father refuse to allow the application of ice without being guilty of wilful neglect ?

LAWRANCE and WRBIGHT JJ concurred

Conviction affirmed.

2. Loi sur les délits sexuels [Extrait] Sexual Offences Act 1956

(4 & 5 Eliz. 2, c.69)

An Act to consolidate (with corrections and improvements made under the Consolidation of Enactments (Procedure) Act, 1949) the statute law of England and Wales relating to sexual crimes, to the abduction, procurement and prostitution of women and to kindred offences, and to make such adaptations of statutes extending beyond England and Wales as are needed in consequence of that consolidation.

[2nd August, 1956]

PART I OFFENCES, AND THE PROSECUTION OF OFFENCES

Intercourse by force, intimidation, etc.

Rape of woman or man

Section 1.

(1) It is an offence for a man to rape a woman or another man.

(2) A man commits rape if

(a) he has sexual intercourse with a person (whether vaginal or anal) who at the time of the Intercourse does not consent to it; and

(b) at the time he knows that the person does not consent to the intercourse or is reckless as to whether that person consents to it.

(3) A man also commits rape if he induces a married woman to have sexual intercourse with him by impersonating her husband.

(4) Subsection (2) applies for the purpose of any enactment

Procurement of woman by threats

Section 2.

(1) It is an offence for a person to procure a woman, by threats or intimidation, to have [...] sexual intercourse in any part of the world.

...

Procurement of woman by false pretences

Section 3.

(1) It is an offence for a person to procure a woman, by false pretences or false representations, to have [...] sexual intercourse in any part of the world.

...

Administering drugs to obtain or facilitate intercourse

Section 4.

(1) It is an offence for a person to apply or administer to, or cause to be taken by, a woman any drug, matter or thing with intent to stupefy or overpower her so as thereby to enable any man to have unlawful sexual intercourse with her.

...

Intercourse with girl under sixteen

Intercourse with girl under thirteen

Section 5.

It is [an offence] for a man to have unlawful sexual intercourse with a girl under the age of thirteen.

Intercourse with girl between thirteen and sixteen

Section 6.

(1) It is an offence, subject to the exceptions mentioned in this section, for a man to have unlawful sexual intercourse with a girl [...] under the age of sixteen.

(2) Where a marriage is invalid under section two of the Marriage Act, 1949, or section one of the Age of Marriage Act, 1929 (the wife being a girl under the age of sixteen), the invalidity does not make the husband guilty of an offence under this section because he has sexual intercourse with her, if he believes her to be his wife and has reasonable cause for the belief.

(3) A man is not guilty of an offence under this section because he has unlawful sexual intercourse with a girl under the age of sixteen, if he is under the age of twenty-four and has not previously been charged with a like offence, and he believes her to be of the age of sixteen or over and has reasonable cause for the belief.

In this subsection, "a like offence" means an offence under this section or an attempt to commit one, or an offence under paragraph (1) of section five of the Criminal Law Amendment Act, 1885 (the provision replaced for England and Wales by this section).

Intercourse with defective

Section 7.

(1) It is an offence, subject to the exception mentioned in this section, for a man to have unlawful sexual intercourse with a woman who is a defective.

(2) A man is not guilty of an offence under this section because he has unlawful sexual intercourse with a woman if he does not know and has no reason to suspect her to be a defective

Procurement of defective

Section 9.

(1) It is an offence, subject to the exception mentioned in this section, for a person to procure a woman who is a defective to have unlawful sexual intercourse in any part of the world.

(2) A person is not guilty of an offence under this section because he procures a defective to have unlawful sexual intercourse, if he does not know and has no reason to suspect her to be a defective.

Incest

Incest by a man

Section 10.

(1) It is an offence for a man to have sexual intercourse with a woman whom he knows to be his grand-daughter, daughter, sister or mother.

(2) In the foregoing subsection "sister" includes half-sister, and for the purposes of that subsection any expression importing a relationship between two people shall be taken to apply notwithstanding that the relationship is not traced through lawful wedlock.

Incest by a woman

Section 11.

(1) It is an offence for a woman of the age of sixteen or over to permit a man whom she knows to be her grandfather, father, brother or son to have sexual intercourse with her by her consent.

(2) In the foregoing subsection « brother » includes half-brother, and for the purposes of that subsection any expression importing a relationship between two people shall be taken to apply notwithstanding that the relationship is not traced through lawful wedlock.

Unnatural offences

Buggery

Section 12.

(1) It is [an offence] for a person to commit buggery with another person [otherwise than in the circumstances described in subsection (1A) below] or with an animal.

[(1A) The circumstances referred to in subsection (1) are that the act of buggery takes place in private and both parties have attained the age of eighteen.

(1B) An act of buggery by one man with another shall not be treated as taking place in private if it takes place (a) when more than two persons take part or are present; or (b) in a lavatory to which the public have or are permitted to have access whether on payment or otherwise.

(1C) In any proceedings against a person for buggery with another person it shall be for the prosecutor to prove that the act of buggery take place otherwise than in private or that one of the parties to it had not attained the age of eighteen.]

Indecency between men

Section 13.

It is an offence for a man to commit an act of gross indecency with another man, whether in public or private, or to be a party to the commission by a man of an act of gross indecency with another man, or to procure the commission by a man of an act of gross indecency with another man.

Assaults

Indecent assault on a woman

Section 14.

(1) It is an offence, subject to the exception mentioned in subsection (3) of this section, for a person to make an indecent assault on a woman.

(2) A girl under the age of sixteen cannot in law give any consent which would prevent an act being an assault for the purposes of this section.

(3) Where a marriage is invalid under section two of the Marriage Act, 1949, or section one of the Age of Marriage Act, 1929 (the wife being a girl under the age of sixteen), the invalidity does not make the husband guilty of any offence under this section by reason of her incapacity to consent while under that age, if he believes her to be his wife and has reasonable cause for the belief.

(4) A woman who is a defective cannot in law give any consent which would prevent an act being an assault for the purposes of this section, but a person is only to be treated as guilty of an indecent assault on a defective by reason of that incapacity to consent, if that person knew or had reason to suspect her to be a defective.

Indecent assault on a man

Section 15.

(1) It is an offence for a person to make an indecent assault on a man.

(2) A boy under the age of sixteen cannot in law give any consent which would prevent an act being an assault for the purposes of this section.

(3) A man who is a defective cannot in law give any consent which would prevent an act being an assault for the purposes of this section, but a person is only to be treated as guilty of an indecent assault on a defective by reason of that incapacity to consent, if that person knew or had reason to suspect him to be a defective.

Assault with intent to commit buggery

Section 16.

(1) It is an offence for a person to assault another person with intent to commit buggery.

Abduction

Abduction of woman by force or for the sake of her property

Section 17.

(1) It is [an offence] for a person to take away or detain a woman against her will with the intention that she shall marry or have unlawful sexual intercourse with that or any other person, if she is so taken away or detained either by force or for the sake of her property or expectations of property.

(2) In the foregoing subsection, the reference to a woman's expectations of property relates only to property of a person to whom she is next of kin or one of the next of kin, and "property" includes any interest in property.

Abduction of unmarried girl under eighteen from parent or guardian

Section 19.

(1) It is an offence, subject to the exception mentioned in this section, for a person to take an unmarried girl under the age of eighteen out of the possession of her parent or guardian against his Will, if she is so taken with the intention that she shall have unlawful sexual intercourse with men or with a particular man.

(2) A person is not guilty of an offence under this section because he takes such a girl out of the possession of her parent or guardian as mentioned above, if he believes her to be of the age of eighteen or over and has reasonable cause for the belief.

(3) In this section "guardian" means any person having [parental responsibility.

Abduction of unmarried girl under sixteen from parent or guardian

Section 20.

(1) It is an offence for a person acting without lawful authority or excuse to take an unmarried girl under the age of sixteen out of the possession of her parent or guardian against his Will.

(2) In the foregoing subsection "guardian" means any person having [parental responsibility for or care of] the girl.

Abduction of defective from parent or guardian

Section 21.

(1) It is an offence, subject to the exception mentioned in this section, for a person to take a woman who is a defective out of the possession of her parent or guardian against his

Will, if she is so taken with the intention that she shall have unlawful sexual intercourse with men or with a particular man.

(2) A person is not guilty of an offence under this section because he takes such a woman out of the possession of her parent or guardian as mentioned above, if he does not know and has no reason to suspect her to be a defective.'

(3) In this section "guardian" means any person having [parental responsibility for or care of] the woman.

Prostitution, procurement, etc.

Causing prostitution of women

Section 22

(1) It is an offence for a person

(a) to procure a woman to become, in any part of the world, a common prostitute; or

(b) to procure a woman to leave the United Kingdom, intending her to become an inmate of or frequent a brothel elsewhere; or (c) to procure a woman to leave her usual place of abode in the United Kingdom, intending her to become an inmate of or frequent a brothel in any part of the world for the purpose of prostitution.

(2) [Repealed by Criminal Justice and Public Order Act 1994, s.33.]

Procurement of girl under twenty-one

Section 23.

(1) It is an offence for a person to procure a girl under the age of twenty-one to have unlawful sexual intercourse in any part of the world with a third person.

Detention of woman in brothel or other premises

Section 24.

(1) It is an offence for a person to detain a woman against her will on any premises with the intention that she shall have unlawful sexual intercourse with men or with a particular man, or to detain a woman against her will in a brothel.

(2) Where a woman is on any premises for the purpose of having unlawful sexual intercourse or is in a brothel, a person shall be deemed for the purpose of the foregoing subsection to detain her there if, with the intention of compelling or inducing her to remain there, he either withholds from her her clothes or any other property belonging to her or threatens her with legal proceedings in the event of her taking away clothes provided for her by him or on his directions.

(3) A woman shall not be liable to any legal proceedings, whether civil or criminal, for taking away or being found in possession of any clothes she needed to enable her to leave premises on which she was for the purpose of having unlawful sexual intercourse or to leave a brothel.

Permitting girl under thirteen to use premises for intercourse

Section 25.

It is [an offence] for a person who is the owner or occupier of any premises, or who has, or acts or assists in, the management or central of any premises, to induce or knowingly suffer a girl under the age of thirteen to resort to or be on those premises for the purpose of having unlawful sexual intercourse with men or with a particular man.

Permitting girl between thirteen and sixteen to use premises for intercourse

Section 26.

It is an offence for a person who is the owner or occupier of any premises, or who has, or acts or assist in, the management or control of any premises, to induce or knowingly suffer a girl [...] under the age of sixteen, to resort to or be on those premises for the purpose of having unlawful sexual intercourse with men or with a particular man.

Permitting defective to use premises for intercourse

Section 27.

(1) It is an offence, subject to the exception mentioned in this section, for a person who is the owner or occupier of any premises, or who has, or acts or assists in, the management or control of any premises, to induce or knowingly suffer a woman who is a defective to resort to or be on those premises for the purpose of having unlawful sexual intercourse with men or with a particular man.

(2) A person is not guilty of an offence under this section because he induces or knowingly suffers a defective to resort to or be on any premises for the purpose mentioned, if he does not know and has no reason to suspect her to be a defective.

Causing or encouraging prostitution of, intercourse with, or indecent assault on, girl under sixteen

Section 28.

(1) It is an offence for a person to cause or encourage the prostitution of, or the commission of unlawful sexual intercourse with, or of an indecent assault on, a girl under the age of sixteen for whom he is responsible.

(2) Where a girl has become a prostitute, or has had unlawful sexual intercourse, or has been indecently assaulted, a person shall be deemed for the purposes of this section to have caused or encouraged it, if he knowingly allowed her to consort with, or to enter or continue in the employment of, any prostitute or person of known immoral character.

[(3) The persons who are to be treated for the purposes of this section as responsible for a girl are (subject to subsection (4) of this section) (a) her parents; (b) any person who is not a parent of hers but who has parental responsibility for her; and (c) any person who has care of her.

(4) An individual falling within subsection (3)(a) or (b) of this section is not to be treated as responsible for a girl if (a) a residence order under the Children Act 1989 is in force with respect to her and he is not named in the order as the person with whom she is to live; or (b) a care order under that Act is in force with respect to her.]

(5) If, on a charge of an offence against a girl under this section, the girl appears to the court to have been under the age of sixteen at the time of the offence charged, she shall be presumed for the purposes of this section to have been so, unless the contrary is proved.

Causing or encouraging prostitution of defective

Section 29.

1) It is an offence, subject to the exception mentioned in this section, for a person to cause or encourage the prostitution in any part of the world of a woman who is a defective.

(2) A person is not guilty of an offence under this section because he causes, or encourages the prostitution of such a woman, if he does not know and has no reason to suspect her to be a defective.

Man living on earnings of prostitution

Section 30.

(1) It is an offence for a man knowingly to live wholly or in part on the earnings of prostitution.

(2) For the purposes of this section a man who lives with or is habitually in the company of a prostitute, or who exercises control, direction or influence over 'a prostitute's movements in a way which shows he is aiding, abetting or compelling her prostitution with others, shall be presumed to be knowingly living on the earnings of prostitution, unless he proves the contrary.

3. Loi sur l'indécence à l'égard des enfants [Extrait] - Indecency with Children Act 1960

(8 & 9 Eliz. 2, c.33)

An Act to make further provision for the punishment of indecent conduct towards young children, and to increase the maximum sentence of imprisonment under the Sexual Offences Act, 1956, for certain existing offences against young girls. [2nd June, 1960)

Indecent conduct towards young child

Section 1.

(1) Any person who commits an act of gross indecency with or towards a child under the age of fourteen, or who incites a child under that age to such an act with him or another, shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, or on summary conviction to imprisonment for a term not exceeding six months, to a fine not exceeding [the prescribed sum] or to both.

Length of imprisonment for certain offences against young girls

Section 2.

(1) The maximum term of imprisonment to which a person is liable under the Sexual Offences Act, 1956, if convicted on indictment of an attempt to have unlawful sexual intercourse with a girl under the age of thirteen [shall be seven years.]

(2) In the case of a person convicted of attempted incest with a girl who is stated in the indictment and proved to have been at the time under the age of thirteen the foregoing subsection shall apply as it applies in the case of a person convicted of an attempt to have unlawful sexual intercourse with a girl under that age.

4. Loi sur l'Education [Extrait] - Education Act 1996

1996 Chapter 56 - continued

An Act to consolidate the Education Act 1944 and certain other enactments relating to education, with amendments to give effect to recommendations of the Law Commission.

[24th July 1996]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

...

Compulsory education

Duty of parents to secure education of children of compulsory school age.

7. The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable-

(a) to his age, ability and aptitude, and

(b) to any special educational needs he may have, either by regular attendance at school or otherwise.

Compulsory school age.

8. - (1) Subsections (2) and (3) apply to determine for the purposes of any enactment whether a person is of compulsory school age.

(2) A person begins to be of compulsory school age when he attains the age of five.

(3) A person ceases to be of compulsory school age at the end of the day which is the school leaving date for any calendar year-

(a) if he attains the age of 16 after that day but before the beginning of the school year next following,

(b) if he attains that age on that day, or

(c) (unless paragraph (a) applies) if that day is the school leaving date next following his attaining that age.

(4) The Secretary of State may by order determine the day in any calendar year which is to be the school leaving date for that year.

Education in accordance with parental wishes

9. In exercising or performing all their respective powers and duties under the Education Acts, the Secretary of State, local education authorities and the funding authorities shall have regard to the general principle that pupils are to be educated in accordance with the wishes of their parents, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure.

5. Loi sur le crime et les atteintes à l'ordre public [Extrait] Crime and Disorder Act 1998

Sex offender orders.

2. - (1) If it appears to a chief officer of police that the following conditions are fulfilled with respect to any person in his police area, namely-

(a) that the person is a sex offender; and

(b) that the person has acted, since the relevant date, in such a way as to give reasonable cause to believe that an order under this section is

necessary to protect the public from serious harm from him, the chief officer may apply for an order under this section to be made in respect of the person.

(2) Such an application shall be made by complaint to the magistrates' court whose commission area includes any place where it is alleged that the defendant acted in such a way as is mentioned in subsection (1)(b) above.

(3) If, on such an application, it is proved that the conditions mentioned in subsection (1) above are fulfilled, the magistrates' court may make an order under this section (a "sex offender order") which prohibits the defendant from doing anything described in the order.

(4) The prohibitions that may be imposed by a sex offender order are those necessary for the purpose of protecting the public from serious harm from the defendant.

(5) A sex offender order shall have effect for a period (not less than five years) specified in the order or until further order; and while such an order has effect, Part I of the Sex Offenders Act 1997 shall have effect as if-

- (a) the defendant were subject to the notification requirements of that Part; and
- (b) in relation to the defendant, the relevant date (within the meaning of that Part) were the date of service of the order.

(6) Subject to subsection (7) below, the applicant or the defendant may apply by complaint to the court which made a sex offender order for it to be varied or discharged by a further order.

(7) Except with the consent of both parties, no sex offender order shall be discharged before the end of the period of five years beginning with the date of service of the order.

(8) If without reasonable excuse a person does anything which he is prohibited from doing by a sex offender order, he shall be liable-

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine, or to both.

(9) Where a person is convicted of an offence under subsection (8) above, it shall not be open to the court by or before which he is so convicted to make an order under subsection (1)(b) (conditional discharge) of section 1A of the 1973 Act in respect of the offence.

Sex offender orders: supplemental.

3. - (1) In section 2 above and this section "sex offender" means a person who-

- (a) has been convicted of a sexual offence to which Part I of the Sex Offenders Act 1997 applies;
- (b) has been found not guilty of such an offence by reason of insanity, or found to be under a disability and to have done the act charged against him in respect of such an offence;
- (c) has been cautioned by a constable, in England and Wales or Northern Ireland, in respect of such an offence which, at the time when the caution was given, he had admitted; or
- (d) has been punished under the law in force in a country or territory outside the United Kingdom for an act which-
 - (i) constituted an offence under that law; and
 - (ii) would have constituted a sexual offence to which that Part applies if it had been done in any part of the United Kingdom.

(2) In subsection (1) of section 2 above "the relevant date", in relation to a sex offender, means-

- (a) the date or, as the case may be, the latest date on which he has been convicted, found, cautioned or punished as mentioned in subsection (1) above; or
- (b) if later, the date of the commencement of that section.

(3) Subsections (2) and (3) of section 6 of the Sex Offenders Act 1997 apply for the construction of references in subsections (1) and (2) above as they apply for the construction of references in Part I of that Act.

(4) In subsections (1) and (2) above, any reference to a person having been cautioned shall be construed as including a reference to his having been reprimanded or warned (under section 65 below) as a child or young person.

(5) An act punishable under the law in force in any country or territory outside the United Kingdom constitutes an offence under that law for the purposes of subsection (1) above, however it is described in that law.

(6) Subject to subsection (7) below, the condition in subsection (1)(d)(i) above shall be taken to be satisfied unless, not later than rules of court may provide, the defendant serves on the applicant a notice-

(a) stating that, on the facts as alleged with respect to the act in question, the condition is not in his opinion satisfied;

(b) showing his grounds for that opinion; and

(c) requiring the applicant to show that it is satisfied.

(7) The court, if it thinks fit, may permit the defendant to require the applicant to show that the condition is satisfied without the prior service of a notice under subsection (6) above.

**6. « Freemasonry in the Police and the judiciary », Session 1996-97
[Extrait]**

Rapport parlementaire, Chambre des Communes, Commission des Affaires Intérieures.

...

IS THERE EVIDENCE OF A PROBLEM IN PRACTICE ?

Criminality among freemasons

33. It has been established that a number of criminals and corrupt individuals have been freemasons. Kenneth Noye, jailed following the 1983 Brinks-Mar robbery and currently wanted in connection with the M25 road rage murder, was a freemason but has been expelled from the organisation. A number of members of the Metropolitan Police Obscene Publications Squad, the C1 unit in CID including Detective Chief Superintendent Bill Moody, were also freemasons. Moody was convicted in 1977 for receiving money from pornographers and received a 12 year jail sentence. Mr Short alleges that Moody even introduced a convicted pornographer, Ron "the Dustman" Davey, into his lodge. He also says that many of the senior Metropolitan Police detectives jailed for corruption in the 1970s were masons. Another Masonic Metropolitan Police Officer, Detective Sergeant John Symonds was tape-recorded in 1969 explaining his membership of a "firm in a firm", whose member he could trust to do things for him". He was later convicted on corruption charges and sentenced to two years imprisonment.

34. Current suspicions relating to freemasonry within the police do also exist, although both the Police Federation and the Police Superintendents Association believed that the force had become more open and accountable since the 1960s and 1970s, the Committee's attention has been drawn to a case involving alleged Masonic influence in police corruption in the 1990s. The Police themselves were concerned during the course of investigations at the possible influence of freemasonry. The Committee were supplied with a print-out of messages from the HOLMES police computer system relating to an inquiry by CIB2, Scotland Yard's anti-corruption branch, into the activities of Detective Constable John Donald of the South East Regional Crime Squad. Donald was convicted in June 1996 of a number of corruption charges and was sentenced to eleven years in prison. It had been alleged that the investigation was jeopardised when Detective Sergeant Tom Bradley, also under investigation, thought to be a corrupt contact of Detective Constable Donald, was tipped off by a Masonic contact in the CIB2 squad. Donald himself was not a freemason, and the Deputy Commissioner of the Metropolitan Police has provided the Committee with an account of the investigations which concluded that there was no evidence to prove any form of Masonic conspiracy.

35. Many of the allegations against freemasonry can be demonstrated to be without foundation. For example, it was suggested to us that Thomas Hamilton, the perpetrator of the Dunblane massacre, was a freemason, and as a consequence was able to secure a firearms

certificate. The United Grand Lodge of England have informed the Committee that the Grand Lodge of Scotland has publicly stated that Thomas Hamilton was not a freemason.

36. United Grand Lodge, when questioned about Detective Sergeant Symonds, agreed that "there are people who misunderstand what freemasonry is about", but that in itself "does not make freemason bad". But there are clearly some freemasons who take a different view of what freemasonry is about. What we do think is that, if it is established that freemasons are involved in a corrupt incident, it may prove nothing more than if those involved were members of the same or different golf clubs. People will look to form contacts, to "network", or seek preferment through all manner of social organisations. Any form of social organisation can potentially provide a forum for illicit dealings. Nevertheless no one can be sure that individuals have not set out to join the freemasons for illicit reasons, looking to associate with particular local figures in a private and secretive setting. More broadly, we can never fully ascertain how many policemen or aspiring lawyers may have joined the freemasons to further their careers.

Numbers of Freemasons in different areas of the Criminal Justice System

37. The Committee endeavoured to establish the numbers of freemasons in different areas of the Criminal Justice system in an effort to gain some perspective on these questions. We are grateful for the assistance of United Grand Lodge and all those who have assisted in these researches. The Committee has attempted to reveal something of the extent of freemasonry amongst the police, judiciary and the legal profession through a number of snapshots. The figures that have been established do give us some idea of the potential scale of any problem but they prove nothing in themselves about Masonic influence on the criminal justice system. The Committee accepts the point made by the Lord Chancellor that even if every High Court Judge was a freemason, it would not prove that any harm was done in the administration of justice. We do believe, however, that were it to be demonstrated that a disproportionate number of members of any profession or branch of a profession were freemasons, this might be a legitimate cause for public concern.

38. The Judges. The Committee wrote to the Lord Chancellor asking for assistance in establishing the numbers of judges of the High Court and the Appeal Court and law Lords who were freemasons. We also wrote to the presiding judges of two sample circuits, Midland and Oxford Circuit and Nonh-Eastern Circuit to ask how many judges on each were freemasons. The Lord Chancellor was informed by United Grand Lodge that none of the Law Lords, 2 out of 39 Appeal Court Judges, and 1 out of 96 High Court Judges were freemasons; one out of 75 judges of the Midland and Oxford Circuit, but 16 out of 64 judges of the Nonh-Eastern Circuit were freemasons.

39. The Magistrates. The Committee wrote to the Chairmen of a number of magistrates' benches asking them if they would be able to assist the Committee by establishing the numbers of freemasons on their bench. The Chairman of the Colchester Bench replied that he had conducted a survey of male magistrates on the Bench, to which 39 out of 40 had responded, of whom 3 indicated that they were freemasons. The Chairman of the Furness and District Bench replied that a member of the Bench, who was a senior local freemason, had been able to inform the Committee that 2 out of 61 members of the bench were freemasons.

The Secretary to the South and South East Hampshire Advisory Committee informed the Committee that he had surveyed all 107 male members of the South East Hampshire bench; 88 had replied of whom 11 indicated that they were freemasons. A former Secretary to the Advisory Committee on the Portsmouth Bench (now included within the South East Hampshire Bench) informed the Committee that in 1979 it was established that 35 out of 96 male magistrates on the Bench were freemasons. The Committee has been informed by, the Chairman of the Swansea bench that by analysing the 1997 Masonic Yearbook he has noted the names of 10 freemasons out of a total of 102 male members of the Bench. It should be noted that the Year Book does not list all freemasons. The Committee were informed by the Magistrates Association in oral evidence that they had conducted a survey of all 59 male members of their Council; 51 had replied, of whom 8 were freemasons.

40. The Police. The Committee were provided with a list of members, serving between 1974 and 1989 in the West Midlands Serious Crime Squad, which has been the subject of some allegations of Masonic abuse. This list was submitted to United Grand Lodge who informed us that 14 out of the 96 individuals were freemasons. They were also able to inform the Committee that there were currently no Chief Constables listed in the register are members of their lodges. We note that this contrasts with ACPO'S estimate that four or five Chief Constables were freemasons. This may be explained by United Grand Lodge's acknowledgement that a Chief Constable who had become an "unattached" masson would not have appeared in their membership lists and would not have been noted as a freemason. This consideration would also apply to their research into numbers of officers of the West Midlands Serious Crime Squad who were freemasons. Individuals who have died or been expelled are recorded as such on the membership registers. The Committee also asked United Grand Lodge to provide information concerning the Lodge of the Manor St James, the lodge established in Scotland Yard following Sir Kenneth Newman's advice that "the discerning officer will probably consider it wise to forego the prospect of pleasure and social advantage in freemasonry so as to enjoy the unreserved regard of all those around him". Although this Lodge once contained some of the most senior police officers in London, it now appears to consist mainly of retired officers.

41. The Legal Profession. United Grand Lodge were asked to provide the Committee with break-downs by, profession of members of Lodge which were particularly associated with the Law; the tables printed at Appendix 31 have been provided. At the Committee's request, the Chief Executive of the Bar Council conducted a survey of all 87 male members of the Council; 57 replied of whom only one indicated that he was a freemason. The Crown Prosecution Service conducted a survey, at the request of the Committee, into the numbers of freemasons amongst the 18 members of the Service's Strategic Board of Management and the 52 male prosecutors in the area covered by the West Midlands Police Force. Individuals were asked by the Director of Public Prosecutions to notify the Secretary of United Grand Lodge if they were freemasons, so that he in turn could notify the DPP; one West Midlands prosecutor notified United Grand Lodge that he was a freemason.

Case study: the Queen's Moat House Hotel incident, Blackburn 1988

42. Outline of the Case: On 16th April 1988 an incident occurred at the Queen's Moat House Hotel in Blackburn which gave rise to what was described by Mr Short as a

"Quintessential Masonic Police Scandal". Two guests at the hotel, Shaun and Sydney Callis (who were father and son) entered a private function, subsequently found to be a "Ladies Night" organised by the Victory Lodge of freemasons and at which a number of Lancashire police officers were present, "They were asked to leave; a violent incident followed and the two were arrested and charged with assault, when the case came to trial in February 1989, among the questions which the judge invited the jury to consider was "whether the closeness of Masonic membership of some of the prosecution witnesses has affected their willingness to tell the truth ?". The two were acquitted unanimously.

43. The Callises then took out a civil action (against the Hotel, the Lancashire Constabulary and individuals) for damages, claiming assault, wrongful arrest and malicious prosecution. While the action was proceeding, an internal investigation was carried out by Lancashire Police, supervised by the Police Complaint Authority (to whom the case was referred by the Deputy Chief Constable); this inquiry was completed in January 1992 and resulted in disciplinary charges being brought against two officers, with lesser measures taken against a number of others. The civil case was settled out of court in 1995 with damages paid to the plaintiffs of £85,000 (of which the Lancashire Police Authority paid £70,000), with further substantial sums in costs.

44. A number of questions have been raised relating to individuals and incident in this case. The Committee has been informed that the solicitor acting for the Callises was burgled after the civil proceedings had begun, and papers relating to the case were taken.

According to Mr Short, while the men were in custody their car, which had been parked in the hotel car park, had been ransacked and vandalised, apparently by someone who had access both to the hotel records and to keys which had been left in the hotel bedroom. It has been reported that allegations were made that the hotel manager was tipped off by Masonic police contacts after the two were arrested that they were "stuffed with cash", thereby leading him to try to demand £500 in cash from the two men, the morning after the incident when they had been released on bail, to pay for damage that they had allegedly caused. The hotel manager, who was present at the function, was a freemason. The Committee has not investigated all these matters and here restricts itself to addressing suspicion about the role of the Crown Prosecution Service and the conduct of the criminal investigation, based on the version of the events submitted by Mr Short, the Chief Constable of Lancashire, the Director of Public Prosecutions, and the solicitors for the Callises.

45. Role of the Crown Prosecution Service: Among the allegations made, Mr Short and the solicitors for the defence expressed concern that in the course of the prosecution, the Crown Prosecution Service Burnley office took six months to inform the defendant that the incident had taken place at a Masonic function and that none of the statements identified the nature of the function. Mr Short expressed concern also that the CPS "was compromised by the presence of one of its prosecutors at the function". This person [Mr George Graham] was a well known focal solicitor who, at the trial, acted for some of those involved in the incident. He was also the Blackburn coroner. The Director of Public Prosecutions stated that neither of the prosecutors involved in the case were freemasons, and that at no point in the criminal trial was it suggested that a Crown Prosecutor had been present at the function. According to the DPP, although Mr Graham had been previously employed as a police prosecutor, and subsequently as an agent for the County Prosecuting Solicitors' Department, "his services were

probably dispensed with before the Crown Prosecution Service was established in 1986. It may therefore be that the two positions can be reconciled in so far as a person who had until recently acted as a prosecutor was present at the function, and involved in the case on behalf of the Hotel and the Lodge; this would not in itself be evidence of any impropriety. Although the CPS were not specifically asked to respond to all of these points, we cannot help but have some misgivings about the way the matter was handled by, the Burley office of the CPS.

46. Conduct of the Criminal Investigation: Mr Short was also concerned that the investigating police officer was a freemason and made no attempt to locate witnesses who supported the defendants' account. He stated that the defendants' solicitors located a female member of staff at the hotel who confirmed their account but was too scared to testify. He also stated that the Police Complaints Authority took evidence in the course of its investigation from the hotel's night porter which clearly supported the defendant's case but this was not disclosed to the defendants' solicitors. The Deputy Chief Constable of Lancashire stated that the arresting officer in the case was not a freemason and that although the supervising inspector was a freemason he was a member of a different lodge. The internal police investigation (supervised by the Police Complaints Authority) was carried out by a non mason. The result was that two officers were charged with disciplinary offences relating to "the unprofessional manner in which the case papers were prepared"; one officer was punished and the other was discharged from the force on medical grounds, after it was certified that he was unable to attend proceedings. However, it was stated that the internal inquiry was conducted to the satisfaction of the Police Complaints Authority and "disclosed no evidence to support the suggestion that the activities of any officer were affected by Masonic or other influence".

47. Lodge Membership: Mr Short believed that "almost all of the alleged victims [*of the assault by the Cailises at the Function*] were police officers" and that Victory Lodge "was essentially a police lodge ". United Grand Lodge stated that in 1988 the Victory Lodge, which held the function, comprised 48 members of whom 3 were policemen (though there may also have been some retired policemen). The Deputy Chief Constable of Lancashire stated that neither of the victims of the assaults alleged against the Callises were policemen. The Lancashire Evening Telegraph of 22nd February 1989 identified one of the two "victims " as a retired policeman.

48. Overall view of the Committee: The Committee does not believe that it is in any position to pass final judgment on this incident, and can make no comment on the outcome of the criminal or the civil proceedings on the basis of the partial evidence that we have collected. The evidence that has been submitted to us does not prove that Masonic influence affected any stages in any of the proceedings; nor does it rule out the possibility that it did.

Suspicions have lingered as to what possible influence could - theoretically - have been exerted by an individual who may in the past have had links with the CPS, or what influence may have been exerted through the investigating police officers. It should however be noted that United Grand Lodge have confirmed that at the time of the incident there were no solicitors who were members of Victory Lodge. Whilst accepting that it is difficult to establish direct lines of Masonic influence through common membership of lodges, it is even more difficult to establish the nature of connections between individuals, who, whether or not they were freemasons, and/or present at a particular function, may have known each other

anyway and whilst not directly involved may still have had a bearing on the conduct of the investigations or the prosecution. However it can be established from this account that a perception of secrecy spawned a number of allegations and suspicions that may or may not prove to have been unfounded. If membership of the freemasons was more openly known, and lists of lodges were publicly available, it would have facilitated any attempt to unravel any suspected Masonic network or enabled any suspicions to be allayed before they had taken root.

Conclusions

49. We have come to the following conclusions on what we have been told during this inquiry:

(a) there are a large number of freemasons within the criminal justice system, but the numbers in themselves give no general cause for concern;

(b) there are some evidence that the numbers may be high in (i) some parts of the judiciary and magistracy, and (ii) serve areas of the police (although it seems that in both areas the numbers may be substantially less than in the 1960s and 1970S)

(c) where it is Dot entirely, groundless, most or all of the evidence alleging Masonic corruption in the field of policing largely circumstantial, in the sense that it involves assuming that steps taken by individuals who were freemasons, in respect of others who were also freemasons, were taken because both individuals were freemasons rather than because the individuals knew each other or for some other reason;

(d) it is not possible on the evidence we received to say that there has never been any abuse of Masonic contacts and certainly there are many allegations. But some of the extreme criticism of widespread abuse we received are manifestly unfounded and the others could not be said to have been substantiated to us on the balance of probability let alone beyond reasonable doubt, although in a small number of cases; such as that in Blackburn, this is a reasonable inference;

(e) where there are evidence of criminal or otherwise improper behaviour by freemasons, the freemasons themselves are taking stronger action against the perpetrators than was the case in the past; whether or not this is because of increased public interest, we welcome it; and

(f) there is a widespread public perception that freemasonry can have an unhealthy influence on the criminal justice system, and we certainly believe that one of the main reasons for freemasonry's poor public image is a perception that it is a secret society. We therefore encourage freemasons to address this perception and to correct the negative image of freemasonry.

DISCLOSURE

Possible forms of Disclosure

50. We accept that the United Grand Lodge are keen to address any instances of freemasons abusing their contacts for corrupt purposes. They have assisted the local Govern ombudsman in 33 inquiries into alleged Masonic corruption in areas of local government, by providing information from their registers as to whether individuals are freemasons or not.

They have also offered to conduct similar exercises for the Police Complaints Authority and the Association of Chief Police Officers. We hope that the Police Complaints Authority and others will take advantage of this Government, and we hope that it will help to allay fears.

51. Whilst welcoming efforts that have been made by the freemasons to become more open, the Committee must still consider whether the conclusions reached in paragraph 49 justify some form of registration. It cannot be satisfactory or pleasant for freemasons engaged in the criminal justice system to the subject of wild and unjustified allegations of abuse. If we were to choose one element that encourages suspicion, it is the secrecy of freemasons.

We sensed a recognition of this fact in a large number of our witnesses. We note that many freemasons are rightly proud of their freemasonry, and like Sir Ian Percival are happy, to disclose their membership. However, we do not believe that a voluntary register would satisfy any concerns about freemasonry, as amongst those who chose not to register would inevitably be those who entered freemasonry for the wrong reasons.

52. A number of options have also been suggested that would involve some form of compulsory declaration of membership of the freemasons, but with limited access to the information. The Police Complaints Authority would welcome a public register of interests such as freemasonry, but short of that would see merit in a requirement for information to be kept on personal files to be consulted only if a relevant complaint were to be made against the officer concerned. In oral evidence the Law Society were unsure about what form of registration they might recommend, but imagined that a register could be held by, the Lord Chancellor or senior police officers and could be consulted in response to requests from individuals or other organisations. The Committee would also note that before 1967 there existed an obligation on freemasons to file their lodge lists with a local official, the Clerk of the Peace. This register was open for consultation by the local magistrates. We received two submissions from freemasons who advocated a return to this system, as it helped to defuse much of the suspicion surrounding freemasonry. Sir Ian Percival noted that this register required a private declaration and as such caused no practical problems for the lodges.

53. The Association of Chief Police Officers stated that they are currently consulting about possible forms for a register of freemasons and those involved in organisations "where the explicit bond of loyalty is stronger than merely paying a subscription and thus provides a greater potential for conflict of interest". Concerns were expressed by the Police Federation and the Police Superintendents' Association that it would be difficult to set a limit for such a register. For example, in areas of sectarian tension the argument that a policeman owes some form of obligation to his co-religionists could be used to demand registers of religious belief. The Committee notes however that the Code of Conduct for Local Government Employees does attempt a definition of what constitutes a secret society, stopping short of including recognised religions. We believe that it would be possible to define such a register without including recognised religions.

54. ACPO insisted that they had no intention of driving freemasons out of the police service, but we note the Police Federation's concerns that "in a disciplined service", ACPO'S guidance that membership of the freemasons is undesirable may have that effect.

The Police Superintendents' Association also expressed unease that such a statement would lead police officers to suspect that freemasons would be discriminated against if they

declared their membership. The Committee has no desire to see freemasons driven out of the police force or to see that freemasons within the force feel compelled to give up their freemasonry because they feel that their senior officers expect it. The Committee would be opposed to the interference with privacy involved in any register within the force that was regarded as a means of identifying which individuals had refused to give up something that the service regarded as "undesirable", or was seen as a means to rid the police service of freemasonry. We have no doubt that thousands of Masonic police officers serve with distinction, and that for the great majority, their freemasonry is an innocent and enjoyable pursuit.

55. The Committee welcomes the recent decision of the Council of the Magistrates' Association to propose that applicants to magistrates' benches should be required to declare that they are freemasons on their application form and that they should inform their Advisory Committee if they subsequently become freemasons. We recommend that the Lord Chancellor's Department act to alter the wording on the application accordingly. We do however note that a register of Masonic judges and magistrates could have implications for the course of legal proceedings. It is possible that individuals involved in a case would deliberately raise suspicion about the presiding judge or magistrate. His Honour Judge David Smith, a circuit judge and freemason, noted particular concerns that a public register of freemasons would result in "forum shopping" and in parties to a case putting off the trial by claiming that some Masonic element exists in the case. He also wondered whether such a register would lead to deliberately delaying questions about a judge's contacts with counsel on either side.

Conclusions

56. It is obvious that there is a great deal of unjustified paranoia about freemasons, and we have no wish to add to it. We believe that there would be practical difficulties in requiring a register of freemasons in all areas of the Criminal Justice system, but it would certainly be possible to establish one. We also note that the Prime Minister himself has said that he was in favour of a requirement for public officials to declare whether they are freemasons or not, all that the Shadow Home Secretary believes that membership of the freemasons should be a declarable and registrable interest. We believe however that nothing so much undermines public confidence in public institutions as the knowledge that some public servants are members of a secret society one of whose aims is mutual self-advancement - or a column of mutual support, to use the Masonic phrase. We note the claim by United Grand Lodge that freemasons are not a secret society but a society with secrets. We believe, however, that this distinction is lost on most non-masons. The solution is not bans or proscriptions or any form of intolerance. We acknowledge that a lot of honest people derive innocent social pleasure from membership of freemasonry and we have no wish to deprive them of such pleasure. The solution is disclosure. We recommend that police officers, magistrates, judges, and crown prosecutors should be required to register membership of any secret society and that the record should be available publicly. However, it is our firm belief that the better solution lies in the hands of freemasonry itself. By openness and disclosure all suspicion would be removed and we would welcome the making of such steps by the United Grand Lodge.