



Ministry  
of Justice

**The Right Honourable  
Simon Hughes MP**

Minister of State for Justice  
102 Petty France  
London SW1H 9AJ

T 020 3334 3555

F 020 3334 3669

E [general.queries@justice.gsi.gov.uk](mailto:general.queries@justice.gsi.gov.uk)

[www.gov.uk/moj](http://www.gov.uk/moj)

Councillor Howard Sykes  
Leader of the Liberal Democrat Group Oldham Council  
5 Ballard Way  
Shaw  
Oldham  
OL2 8DU

Your ref: HDS/sb/027  
Our ref: 6310

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**A VALENTINE DAY REQUEST – PARDONS FOR HISTORIC CONVICTIONS  
AGAINST GAY MEN**

Thank you for your letter of 14 February on behalf of the Liberal Democrat Group of Oldham Town Council concerning the granting of the posthumous pardon under the Royal Prerogative of Mercy, as given for Dr Alan Turing on 24 December 2013.

Firstly, I am very pleased to receive your support for the pardon for Dr Turing. The Secretary of State recommended the grant of a pardon to Her Majesty the Queen following a long campaign on behalf of Dr Turing, which was supported by leading scientists such as Sir Stephen Hawking, and by many thousands of members of the public.

The pardon was an exceptional step taken in recognition of the unique achievements and abilities of a very great man. Pardons under the Royal Prerogative of Mercy are very rarely granted. A pardon is only normally granted when the person is innocent of the offence and where a request has been made by someone with a vested interest such as a family member. There are no current plans to change this. Exceptionally on this occasion, a pardon has been issued without either requirement being met, reflecting the exceptional nature of Alan Turing's work.

You asked for an announcement by the Government to introduce necessary legislation which would allow all individuals convicted under the same circumstance, whether living or dead, to be pardoned without the requirement of a personal application. It is difficult to envisage a similar situation where that would be done; though the door is never closed. However, to extend the pardon, as you request, would require a change of policy which I do not believe could be justified.

Currently those living with such convictions have the option to apply for a "disregard" under the Protection of Freedoms Act 2012 (disregard provisions to be found in the 2012 Act are not capable of posthumous application). Although a "disregard" does not carry the symbolic weight of a pardon, it actually has a far greater practical impact.

A pardon has no effect on the conviction, it only removes (in the case of someone living) the "pains and penalties" flowing from it. For example, someone pardoned whilst in prison would be released, but their conviction would stand. A "disregard", on the other hand, means that the person will be treated "for all purposes in law" as if they had not committed or been prosecuted for an offence. It is open to anyone who was convicted under the relevant legislation, but who was involved in consensual relations with someone over the age of consent, to apply for a "disregard", which would enable them to put their conviction behind them.

The intention is to remove the day to day impact of a previous conviction in these cases. The same benefit would, of course, not result if "disregards" were available for those who have died. There is also a practical difficulty. Some offences – including the one which Alan Turing was convicted of – were used to prosecute both conduct *which* ~~that~~ (like Dr Turing's) would now be lawful, and in respect of behaviour that remains an offence, such as sexual conduct in a public lavatory, non-consensual sex, or sex with someone below the age of consent. Needless to say, investigation of each individual case to determine the circumstances would be hugely burdensome and, in many historical cases, the necessary information may simply not have been recorded.

During his later life Dr Turing's achievements were sometimes overshadowed by his conviction for homosexual activity; a sentence which is now considered unjust and discriminatory. The Justice Secretary strongly believes that Dr Turing should be remembered and recognised for his contribution to the war effort and his legacy to science and that a pardon from the Queen is a fitting tribute to an exceptional man.

*As we  
will best make  
sure by*  
**SIMON HUGHES**

*P.S. When you receive this, please could, I would like  
you what we are doing to try to improve matters for those  
in the situation that what you write. S*