



# THE OBSERVER

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## Lawyers will urge divorce by consent

by a Staff Reporter

THE Law Commission is expected to recommend divorce by consent in a report to the Lord Chancellor which will be published this week.

This will be the first major reform of substantive law to be recommended by this new body of paid servants of the Crown, set up last year by the Government under the inspiration of the Lord Chancellor, Lord Gardiner, and with Mr Justice Scarman as chairman.

It is understood that the Commission has broadly accepted the

analysis of the report of the Archbishop of Canterbury's Committee, headed by the Bishop of Exeter, Dr Robert Mortimer. This committee reported in July and recommended the abolition of the doctrine of the matrimonial offence, i.e. adultery, cruelty or desertion, and its substitution by a new doctrine of the irretrievable breakdown of the marriage.

The Law Commission is unable to accept this recommendation, largely because of the immense volume of work which it would involve for the courts. Instead it

plumps for the simpler remedy of divorce by consent after a given number of years separation.

It is understood that the Commission has deferred certain important issues such as the question of the children of a marriage and the apportionment of property between the parties. Recommendations on these will follow later.

### Failure ten years ago

The report is bound to be highly controversial. Neither the Roman Catholic nor the Anglican Churches could possibly accept the concept of divorce by consent without going back on long-held doctrines.

There may also be some criticism of the Commission for going beyond what was understood to be its proper function of tackling branches of the law which are unclear or contradictory. What it has done is to tackle a controversial branch of the law in the spirit of a Royal Commission.

The last Royal Commission on Marriage and Divorce reported 10 years ago but was hopelessly divided in its recommendations. It is its failure to agree that has given the Law Commission its title to take charge of the issue.

Members of the Commission are in session at Oxford early last summer together with members of Archbishop Ramsey's committee.

### Private Bill for reform

Among those present on this occasion was Sir Jocelyn Simon, the Lord Chief Justice. It is understood that he was then won over to a considerable measure of acceptance of the concept of divorce by consent.

An attempt by Mr Leo Abse, Labour MP for Pontypool, to add marriage breakdown to existing grounds for divorce failed three years ago. But he was given leave by the House of Commons last month to introduce a new Private Member's Bill with this object.

Members of the Law Commission are Mr Laurence Gower, Professor of Law at the University of Lagos; Mr Neil Lawson, QC, Recorder of Folkestone; Mr Norman Marsh, formerly Director of the British Institute of International and Comparative Law; and Mr Andrew Martin, Professor of International and Comparative Law, University of Southampton.

Time is short, says Heath: Page 2

### Brown going to Moscow

MOSCOW, 5 November.—Mr George Brown, Foreign Secretary, will make an informal visit to Moscow on 22-23 November; it was announced tonight.—AP.

Full report: Page 5

Differences

The differences of view have not prevented the continuation of Cabinet talks which are now amounting to intricate quasi-diplomatic negotiations between the Ministers themselves. At the Chequers meeting on Europe last week, the main decisions were now agreed at the top.

George Thomson is understood to have reported that Britain would not be admitted to the Market unless ready to sign the Rome Treaty and accept the subsequent conventions, including the common agricultural policy.

Negotiations would be mainly over price levels and the length of the transition period for adapting Britain's farm policies. Brown and Thomson would like a clear commitment along these lines.

Once this is done the way would be open for unofficial discussions with Britain's prospective partners on concrete issues. The hope would be that this time there would be no official application for entry until the terms were known to be acceptable to all.

The Prime Minister is as fully aware as Mr Brown that, for both international and domestic reasons, something will have to be done. He is particularly anxious to take some new initiative which would be welcome to private business and serve as an encouragement for the much-needed drive of capital investment.

He is convinced that Britain needs wider markets but he believes there may be alternatives to the Common Market.

Some of his advisers, Nicholas Kaldor, for example, would argue that, on purely economic grounds, Britain would do far better in the United States.

## Man flees from police guard in hospital

by PETER DEELEY

A MAN under observation by detectives in a London hospital escaped yesterday after leaving a dummy figure made out of books in the bed of his private room.

After an extensive police search no trace had been found of him last night. His identity is not being revealed but he is understood to be a vital witness in a large-scale Scotland Yard investigation.

The man had been detained for questioning. No charge had been preferred against him and he was being kept under surveillance partly for his own safety. It was feared that a London gang might harm him.

The man, a chickenpox suspect, escaped from Hither Green isolation hospital early yesterday morning. He was being kept under a 24-hour guard on the hospital's first floor.

After his disappearance, a dressing-gown and pyjamas were found in the hospital grounds. Police believe that he got away in a waiting car.

On Friday, four men went to visit him in hospital but the police guards, acting on instructions to check every caller, allowed only one person, a relative, into the room.

## Salvation Army offers to play

THE Salvation Army has volunteered to step into the breach left by the Scots Guards' band's refusal to play at next Sunday's memorial service for Rhodesian war dead.

The offer, by the Army's Chalk Farm, N. London, branch, was made yesterday to Mr Tom Lawler, secretary of the Anglo-Rhodesian Society, organisers of the service.

Mr Lawler said last night: 'Probably there is no controversy about a religious organisation providing music for a religious ceremony.' On Friday, 24 hours after agreeing to play, the Scots Guards' band withdrew on advice from the Commonwealth Relations Office because of its political consequence.

## Wilson receives Smith's answer by our Political Correspondent

Mr Ian Smith's answer to the Government's proposal for bringing Rhodesia back to constitutional rule was received by Mr Wilson yesterday.

Mr Wilson discussed it over the telephone from Bradford with the Commonwealth Secretary, Mr Herbert Bowden, and Commonwealth officials are now examining the text to see how far Mr Smith has moved towards Britain's position. Mr Wilson will probably make a statement to the Commons early this week.

In Salisbury last night Mr Smith said his message contained 'firm and definite proposals' for a settlement. In

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## So polite, this North Sea spy game

by ANDREW WILSON, our Defence Correspondent



radar photography, which at the most common interception altitude (about 38,000 ft), becomes possible up to 240 miles from the coast; (2) electronic searching for NATO radar frequencies, a mission also performed by Soviet rawlers; (3) testing the alertness of NATO defences.

The four-engined Bison, with a 7,000-mile range, is a newcomer to the North Sea reconnaissance game. The most common 'intruder' is the turbo-propeller Bear, which is capable, in its strike role, of attacking targets in North America. During the past month, for unexplained reasons, the Bears have been flying farther south than they used to.

No sinister motives are attributed to the Russians, who are legally entitled to fly where they wish, so long as they do not infringe our airspace. Moreover, their pilots are said to act 'very correctly'. But, the Soviet

patrols, including night movements, present a round-the-clock challenge to the alertness of RAF fighter Command.

First warning of a Russian aircraft approaching is an unidentified 'blip' on the network of NATO radar screens stretching far north and south of the British Isles. Such blips are

immediately checked against the flight plans which must be filed by all civil aircraft and are supplied every day to Command headquarters at Stanmore, near London.

If there is no registered flight corresponding with the 'blip', Fighter Command authorises the appropriate fighter units to 'scramble' (take off

for action). But the actual order to take off is given by a master radar station, which knows the intruder's course, the best interception point and therefore, the right moment to get airborne.

Lightnings on alert can take off in seconds and reach 40,000 ft in two minutes. But for peacetime intercepts they more often fly subsonically towards their target, conserving super-sonic capacity until it is wanted. The final interception is made by the aircraft's own radar and computer, giving the final 'go' command. He does not actually see his quarry until he is within a couple of miles of it.

The interceptor stays with the intruder for about 10 minutes. The Russian crew wave coffee breakers from their cockpit. The RAF responds with V-signs. If the Russian aircraft is taking its time—and most of them are—the interceptors may 'shadow' it in turns. Or they may follow the Russians across the North Sea and land in Norway.

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## Plane hits Alps in snowstorm

NICE, 5 November.—A Russian-made Ilyushin air liner of Air Mali crashed in the French Alps during a snowstorm tonight with seven people aboard, police reported.

The plane was on a flight from Zagreb, in Yugoslavia, to Marseilles for repairs when it crashed into a mountain wall 6,000 ft up near Esting, about 60 miles north of Nice.

Those on board were all crew members or technicians of the West African airline. There was little hope of finding any of them alive.

Landslides and rampaging rivers killed at least 11 people in Southern Austria as heavy snow and rainstorms brought disaster to three Alpine provinces.

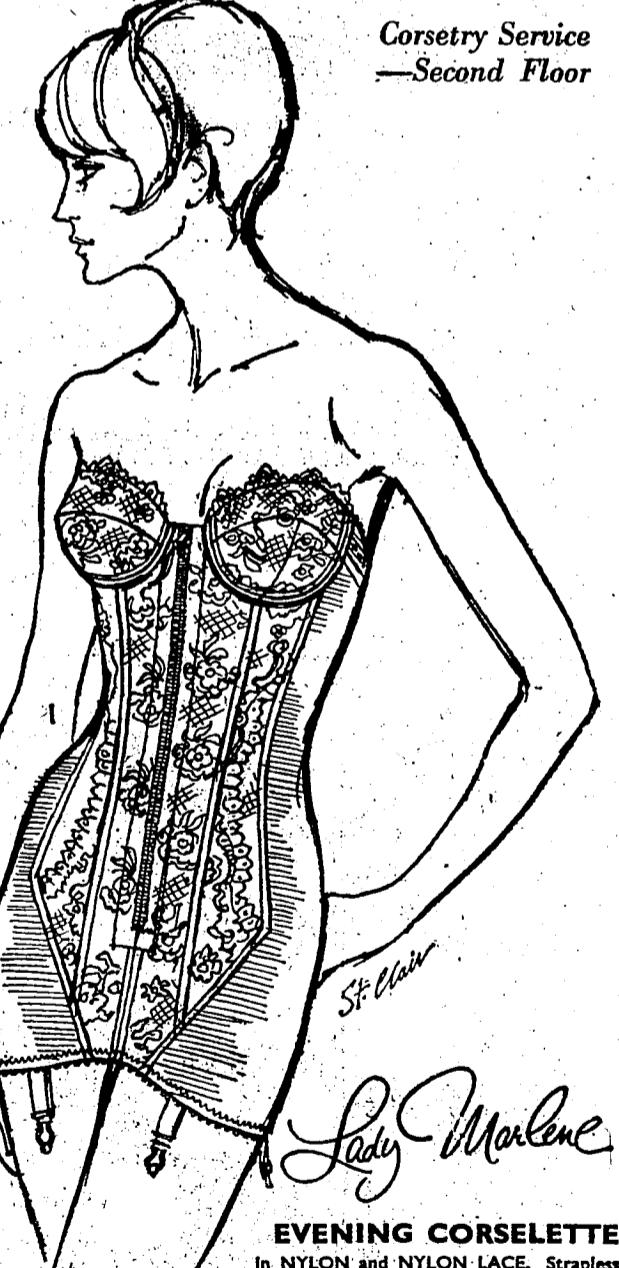
## US to cut call-up

The United States Defence Secretary, Robert McNamara, said in Johnson City, Texas, yesterday that the call-up might be cut by half next year because the US troop build-up in Vietnam would be slowed down.

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