

CONFIDENTIAL

ROBERT SANDS AND THE FERMANAGH, S TYRONE BYE ELECTION - BACKGROUND NOTES

1. Robert Sands was convicted in 1977 for the offences of:
 - (i) possession of firearms and ammunition with intent; and
 - (ii) possession of firearms and ammunition in suspicious circumstances and sentenced to 14 years imprisonment.
2. Mr Sands is a valid election candidate. Since the two Republican prisoners in Northern Ireland, Mitchell and Clarke, stood for and won elections in 1955 and were then unseated as 'convicted felons' the law has been changed. The Criminal Law Act 1967 abolished the concept of a 'felon'; the only criminal conviction which now disqualifies a person from running for Parliament is treason.
3. Mr Sands has appointed an election agent - Mr Carron of Enniskillen. An election agent can undertake all necessary election duties on behalf of the candidate including attendance at the count and at the declaration of the election result.
4. All election candidates are entitled by law to have one postal communication delivered free of charge by the Post Office. This communication - normally the election address - must comply with certain requirements as to weight and size and must contain 'matter relating to the election only'. This entitlement will apply to Mr Sands.
5. There is specific statutory provision in Section 9 of the Representation of the People Act 1969 on the matter of television and radio coverage of an election. As no access by the media to Mr Sands in prison is permitted it is for the broadcasting companies to consider what coverage may be given to Mr West.
6. As a convicted prisoner, Mr Sands is entitled to receive a limited number of visitors which could include his election agent.
7. If Mr Sands should be elected there is no legal requirement to allow him to attend Westminster, even to take the oath and he will remain in prison. On election he will technically become a Member of Parliament but he cannot become entitled to an MP's pay without taking his seat which he will not be able to do. It will be for the House to determine what action to take about him.
8. The rights of Members of Parliament detained in prison was the subject of a report from the Committee of Privileges in 1970. Copies of this report would be available from HMSO. Recent instances of Northern Ireland MPs sent to prison include the then Miss Bernadette Devlin and Mr Frank McManus.