



House of Commons
Justice Committee

**The Creation of the
Ministry of Justice:
Government Response
to the Committee's
Sixth Report of Session
2006–07**

**First Special Report of
Session 2007–08**

*Ordered by The House of Commons
to be printed 27 November 2007*

The Justice Committee

The Justice Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Ministry of Justice and its associated public bodies (including the work of staff provided for the administrative work of courts and tribunals, but excluding consideration of individual cases and appointments, and excluding the work of the Scotland and Wales Offices and of the Advocate General for Scotland); and administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers).

Current membership

Rt Hon Alan Beith MP (Liberal Democrat, Berwick-upon-Tweed) (Chairman)
Rosie Cooper MP (Labour, West Lancashire)
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Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via www.parliament.uk

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House.

All publications of the Committee (including press notices) are on the internet at www.parliament.uk/justicecom

Committee staff

The current staff of the Committee are Roger Phillips (Clerk), Dr Rebecca Davies (Second Clerk), Ruth Friskney (Adviser (Sentencing Guidelines)), Maik Martin (Committee Legal Specialist), Ian Thomson (Committee Assistant), Jane Trew (SPIRE Pilot Manager), Chryssa Poupard (Secretary), Henry Ayi-Hyde (Senior Office Clerk), Gemma Buckland (Committee Specialist) and Jessica Bridges-Palmer (Committee Media Officer).

Contacts

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Media enquiries can be addressed to Jessica Bridges-Palmer, Committee Media Officer, House of Commons, 7 Millbank, London SW1P 3JA. Telephone number 020 7219 0724 and email address bridgespalmerj@parliament.uk

First Special Report

The Constitutional Affairs Committee¹ (the predecessor Committee of the Justice Committee) published its Sixth Report of Session 2006-07 on *The creation of the Ministry of Justice*, on 26 July 2007, as HC 466. The Government response was received on 16 November 2007 in the form of a Memorandum to the Committee which is appended below.

Appendix: Government Response

Immediately prior to the Summer Recess your Committee produced its sixth report for the 2006–07 session, entitled *The creation of the Ministry of Justice*.

Your Committee reached three conclusions. First, that the creation of the Ministry of Justice amounted to an event of constitutional importance which ‘should have been subject to proper consultation and informed debate both inside and outside Parliament’. Second, that the creation of the Ministry of Justice illustrated a failure of the Government ‘to learn the crucial lessons from the way changes to the Lord Chancellor’s office were announced and subsequently affected between 2003 and 2005’. And finally, that the circumstances surrounding ‘the creation of the Ministry of Justice has led to a highly undesirable public conflict between the senior judiciary and the previous Lord Chancellor’.

With regard to the first two of these I would like to draw your attention to the Government’s recent response to Recommendation 3 of the House of Lords Select Committee on the Constitution’s report, *Relations between the executive, the judiciary and Parliament*, copies of which have already been provided to your Committee. I certainly understand the sentiment behind your Committee’s conclusion but suggest it was the major changes in the Constitutional Reform Act 2005, including the end of the role of the Lord Chancellor as head of the judiciary, which can rightly be said to have been of constitutional importance. The establishment of the Ministry of Justice was predominantly a machinery of government change.

On your third point, I understand that my predecessor as Lord Chancellor discussed the possibility of a Ministry of Justice with the Lord Chief Justice as soon as he judged appropriate. On 29 March 2007 the Lord Chief Justice ended a statement on the announcement of a Ministry of Justice by saying “the senior judges have already made it plain that structural safeguards must be put in place to protect the due and independent administration of justice. These concerns must be addressed. Provided that they are, there would be no objection in principle to the creation of a new Ministry with responsibility for both offender management and the court service.” I agree with the Committee that public conflict between the judiciary and the executive is highly undesirable. I take my role as Lord Chancellor and the relationship with the judiciary very seriously indeed and I am working closely with them to resolve matters of concern to them.

¹ On 6 November 2007, the Constitutional Affairs Committee was renamed the Justice Committee (JSC) by order of the House of Commons.

I am grateful for the time and effort your Committee has put into its inquiry, and look forward to appearing before you again in the future.

*Rt Hon Jack Straw MP
Lord Chancellor and Secretary of State for Justice
16 November 2007*