



Justice Committee

The Rt Hon Alex Chalk KC MP
Lord Chancellor & Secretary of State for Justice

By email only

10 January 2024

Justice Committee Report on Private prosecutions: safeguards

Dear Alex,

I am writing to follow up on the Justice Committee's 2020 Report "[Private prosecutions: safeguards](#)". The Committee welcomes the Government's commitment to speed up the process of providing redress to everyone affected by the Horizon scandal. The Committee would also stress that it is vital that the Government examines the failings within the justice system that enabled the Post Office to bring prosecutions and secure convictions based on fundamentally flawed evidence.

As you know, the Justice Committee conducted an inquiry on private prosecutions following a request from Helen Pitcher, the Chair of the Criminal Cases Review Commission. The Committee's inquiry focused on the adequacy or otherwise of the safeguards in place to regulate those bringing private prosecutions and the protections available to those subject to them.

The Committee made a number of recommendations on how to strengthen the safeguards in place. We welcome that the Government has accepted and implemented a number of the changes originally proposed by the Committee. In January 2022, James Cartlidge, then Parliamentary Under-Secretary for Justice, wrote to inform us that the register of private prosecutions in England and Wales, which we had recommended, had been established. We would like to ask the Government for some of the information held by the register. For 2022 and 2023 we would like to know:

- The number of private prosecutions brought;
- Details of all organisations that brought private prosecutions;
- The number of private prosecutions brought by public and private bodies;
- Data on the specific criminal offences prosecuted through private prosecutions;
- How many private prosecutions resulted in a conviction;
- How many private prosecutions did not result in a conviction;
- How many defendants subject to a private prosecution pleaded guilty;
- How many defendants asked the CPS to review their prosecution; and
- How many private prosecutions were taken over by the CPS;



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In July 2022, one of the Committee's key recommendations was implemented by the Criminal Procedure Rule Committee to ensure that everyone subject to a private prosecution was informed of their right to ask the CPS to review their prosecution.

The [Government's response](#) to the Committee's Report rejected the Committee's recommendation on the need for all bodies that conduct prosecutions to be subject to inspection. The Committee further called for the creation of a power to strip an organisation of its power to conduct private prosecutions, which the Government also rejected. The Government also rejected the Committee's recommendation for a binding code of standards for all private prosecutors and investigators. Given the information that has come to light on the Post Office's approach to prosecutions, and the limited power of the justice system to provide safeguards to those targeted, we would ask that the Government look again at these recommendations.

The Committee's report recognised that, given the limited resources of the CPS and the SFO, it was important to enable other organisations and individuals to bring private prosecutions. However, the case for enabling organisations, other than the CPS or the SFO, to bring prosecutions privately depends on the existence of effective safeguards. We recognise that Sir Wyn Williams's Post Office Horizon IT Inquiry will make findings in this area, but we would encourage the Government to use any Bill to address the Post Office Horizon Scandal to also strengthen the safeguards in place for those subject to private prosecutions.

I do hope that you will reconsider our recommendations. I would be happy to meet to talk about this in more detail.

Yours sincerely,

GRO

Sir Robert Neill MP
Chair
Justice Committee