



Ministry of
JUSTICE

Public Bodies Act 2011

Consultation on an order to give legal effect to the administrative merger of the Crown Prosecution Service and the Revenue and Customs Prosecutions Office:
the Government response

Response to Consultation CPR13/2012

August 2012



Public Bodies Act 2011

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Presented to Parliament
by the Lord Chancellor and Secretary of State for Justice
by Command of Her Majesty

August 2012

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Introduction and contact details

This document is the post-consultation report for the consultation paper, *Public Bodies Act 2011: Consultation on an order to give legal effect to the administrative merger of the Crown Prosecution Service and the Revenue and Customs Prosecutions Office*.

It covers:

- the background to the report;
- a summary of the responses to the report;
- a detailed response to the specific questions raised in the report; and
- the next steps following this consultation.

Further copies of this report and the consultation paper can be obtained by contacting **Guy Wilson** at the address below:

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Ministry of Justice
102 Petty France
London SW1H 9AJ**

Telephone: 020 3334 6072

Email: guy.wilson@justice.gsi.gov.uk

This report is also available on the Ministry's website: www.justice.gov.uk.

Background

The consultation paper *Public Bodies Act 2011: Consultation on an order to give legal effect to the administrative merger of the Crown Prosecution Service and Revenue and Customs Prosecutions Office* was published on 28 February 2012. It invited comments on the proposal to make an order to give legal effect to the administrative merger of the Crown Prosecution Service (CPS) and the Revenue and Customs Prosecutions Office (RCPO).

The merger of the CPS and RCPO was announced on 2 April 2009 by the then Attorney General, Baroness Scotland, and work to consolidate the merger took place throughout the remainder of 2009. The main aspects of the merger were implemented on 1 January 2010, when the present Director of Public Prosecutions was also appointed Director of Revenue and Customs Prosecutions.

Since 1 January 2010 there has been a single management structure and all members of RCPO staff have become CPS employees. Cases investigated by HMRC are now prosecuted by a specialist casework division within the CPS.

The intentions of giving legal effect to the administrative merger are to make clear the Coalition Government's confidence in the change, strengthen the identity of the new organisation and clarify the role of the CPS.

The consultation period closed on 22 May 2012 and this report summarises the responses.

A list of respondents is at Annex A. No respondents raised any equality issues.

Summary of responses

1. A total of eight responses to the consultation paper were received, from the Crown Prosecution Service, HM Revenue and Customs, the Land Registry, Mr Justice Calvert-Smith, the Magistrates' Association, the Criminal Bar Association, the Chief Constable of Essex, and a member of the public, Mr Simon Cramp.
2. All respondents who commented on the proposal either supported or did not object to the proposal to give legal effect to the administrative merger which took place in 2010.

Responses to specific questions

- 1. Do you agree that we should give legal effect to the administrative merger of the Crown Prosecution Service and the Revenue and Customs Prosecutions Office?**

All respondents to this question supported the proposal. One commented that the terms and conditions should be fair and the process transparent.

- 2. If yes, are you content that the approach we are proposing will achieve the desired effect?**

Again, there was unanimous support for the approach.

- 3. Do you have any other comments on the proposal?**

One response expressed the hope that special investigative powers enjoyed by HM Revenue and Customs should not be transferred to non-revenue prosecutions; another, that the specialist expertise of the RCPO should not be lost and that high standards in prosecuting should not be reduced.

Some comments, including suggestions about how the savings accrued by the actual merger might be used, went outside the narrow terms of the consultation.

- 4. Are there any equalities impacts of these proposals on those with protected characteristics under the Equality Act 2010? If so, what are they? Please supply evidence of impact and how it affects the proposals.**

All responses were in the negative.

Conclusion and next steps

1. The Government thanks respondents for their comments, and welcomes the support they gave to the proposal to make an Order to give legal effect to the administrative merger of the Crown Prosecution Service and the Revenue and Customs Prosecutions Office.
2. There is no intention or risk of HM Revenue and Customs investigative powers transferring to the police or any other investigator as a result of the Order, which will not create new functions for the DPP in relation to non-revenue prosecutions.
3. The question of making proper use of prosecutorial expertise and maintaining high standards is not one for this consultation, but the Government would like to take this opportunity to reassure any who have such concerns. The cases investigated by HM Revenue and Customs are handled by a specialist casework division within the CPS which also has a national remit to prosecute the most complex and serious police-investigated fraud and corruption cases. The CPS is keeping this under review and is considering what steps could be taken in the prosecution of straightforward tax and excise offences committed locally which would allow CPS Areas to gain experience in this field while maintaining the high level of expertise required to prosecute serious and complex tax and excise fraud within the specialist casework division.
4. In the light of the responses, the Government will proceed with the proposal, and intends to lay an Order later this year.

Consultation Co-ordinator contact details

If you have any comments about the way this consultation was conducted you should contact Sheila Morson on 020 3334 4498, or email her at: sheila.morson@justice.gsi.gov.uk.

Alternatively, you may wish to write to the address below:

**Ministry of Justice
Consultation Co-ordinator
Better Regulation Unit
Analytical Services
7th Floor, 7:02
102 Petty France
London SW1H 9AJ**

The consultation criteria

The seven consultation criteria are as follows:

1. **When to consult** – Formal consultations should take place at a stage where there is scope to influence the policy outcome.
2. **Duration of consultation exercises** – Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
3. **Clarity of scope and impact** – Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
4. **Accessibility of consultation exercises** – Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
5. **The burden of consultation** – Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consulters' buy-in to the process is to be obtained.
6. **Responsiveness of consultation exercises** – Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
7. **Capacity to consult** – Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

These criteria must be reproduced within all consultation documents.

Annex A – List of respondents

Crown Prosecution Service

Her Majesty's Revenue and Customs

Land Registry

Hon. Mr Justice Calvert-Smith

Magistrates' Association

Criminal Bar Association

Chief Constable Jim Barker-McCardle, Essex Police

Mr Simon Cramp



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