

Justice Committee

Oral evidence: [Work of the Attorney General and the Solicitor General](#), HC 195

Tuesday 23 June 2026

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Members present: Andy Slaughter (Chair); Sir Ashley Fox; Warinder Juss; Tessa Munt; Sarah Russell; Dr Neil Shastri-Hurst; Vikki Slade.

Questions 1 - 76

Witnesses

[I](#): Rt Hon Lord Richard Hermer KC, Attorney General, Attorney General's Office; and Rt Hon Ellie Reeves KC MP, Solicitor General, Attorney General's Office.

Examination of witnesses

Witnesses: Lord Hermer and Ellie Reeves.

Chair: Good afternoon. Welcome to this afternoon's session of the Justice Committee, in which the members of the Committee will take evidence from the Attorney General, Lord Hermer, and the Solicitor General, Ms Ellie Reeves. Thank you both very much for attending. Before we get into the questions, we need to make declarations of interest.

Warinder Juss: Good afternoon. I am Warinder Juss, the Member of Parliament for Wolverhampton West. I am a solicitor, but not practising. I am a member of the GMB trade union executive council and of various APPGs, and my other interests are on the register.

Sarah Russell: Hello. It is nice to see you both. I am Sarah Russell, the Member of Parliament for Congleton. My interests are as on the register, but particularly pertinent is the fact that I am a solicitor, with a current practising certificate, although not currently practising, and I chair the all-party parliamentary group on access to justice.

Chair: I am Andy Slaughter. I am the Chair of the Committee and the Member of Parliament for Hammersmith and Chiswick. I am a non-practising barrister, a patron of two justice-related charities—the Upper Room, for ex-offenders, and Hammersmith & Fulham Law Centre—and a member of the GMB and Unite trade unions.

Vikki Slade: I am Vikki Slade, the MP for Mid Dorset and North Poole. My interests are as per the register, but there is nothing relevant to this Committee.

Tessa Munt: Hello, Richard and Ellie. My name is Tessa Munt. I am the Member of Parliament for Wells and Mendip Hills, in Somerset. Everything is on the register, but I draw your attention to the fact that I am a director of WhistleblowersUK, which is a not-for-profit company.

Dr Shastri-Hurst: Good afternoon. I am Neil Shastri-Hurst, the Member of Parliament for Solihull West and Shirley. I am a barrister registered with the BSB. Of relevance today is that my wife is an employment judge.

Sir Ashley Fox: Hello. I am Ashley Fox, the Member for Bridgwater. I am a former solicitor and my interests are on the register.

Q1 **Chair:** Thank you very much. If it is okay with both of you, we will direct most of our questions to the Attorney General and allow him to delegate as he wishes, although there will be some specifically directed to the Solicitor General. Lord Hermer, you have now been in post for almost two years. You made some fairly clear statements at the outset about how you saw your job, and how it might be different. What changes have you made in those years to the way the AG's office operates in practice?



HOUSE OF COMMONS

Lord Hermer: The core component of the job remains unchanged over many decades: to ensure that the Government receive prompt and high-level legal advice from Law Officers and more generally across the Government Legal Department and the Government Legal Profession. That is the core bit of the job, which I have been trying my very best to discharge.

One new aspect of the role that has been a real priority for me is the promotion of the rule of law. I came in with that as a priority. I have taken several steps to promote the rule of law, not least by creating a rule of law unit in my Department, which has been rolling out lots of activities that I am happy to talk about this afternoon.

Q2 **Chair:** We are coming to questions specifically on that in a moment. Although, obviously, there is a hierarchy, we understand that you have the same responsibilities. Do you divide your brief between you, and who does what?

Lord Hermer: We do. When Ellie came into role, we set out that clear division—albeit that there is always flexibility so that we can cover for each other. In the main, I deal with formal Law Officer advice. I also sit on the National Security Council. Together with the Advocate General for Scotland, I oversee the work of the rule of law unit. Ellie has primary responsibility for schemes such as the unduly lenient sentence scheme and consents for certain types of prosecutions, and the important work that the Department is doing with VAWG.

Q3 **Chair:** Although you have been in post since the general election, we have had quite a turnover of Solicitors General. How has that affected the way that the office works?

Lord Hermer: I can speak from my own experience. I have been incredibly lucky because of at least two factors. First, I have had three absolutely brilliant Solicitors General, all of whom are first-class lawyers who worked with commitment in the job. Secondly, in my Department I have benefited from an extraordinary cadre of civil servants who managed the transition, with one Minister exiting and another coming in, with aplomb, to make it a pretty seamless exercise. It has not got in the way, in my experience, of the discharge of the obligations of the Department.

Q4 **Chair:** You have said previously that the Law Officers' convention means that even confirming whether legal advice has been sought or given cannot be disclosed. That is highly restrictive. Why do you consider that the fact of seeking or receiving legal advice should be confidential?

Lord Hermer: Because it discloses matters on which the Government are taking legal advice. The Law Officers' convention, which obviously predates my coming into post by generations, is there for a very good reason. It has a reflection in legal professional privilege. It allows the Government not only to receive legal advice under terms of confidentiality, but also covers the very fact that they are taking advice



HOUSE OF COMMONS

from a Law Officer. That in itself signifies that it is a matter of real importance to the Government, and of itself there is a real public interest in its remaining confidential.

Q5 **Chair:** The last time you gave evidence you referred to that as a form of legal professional privilege. Is there any distinction between the Law Officers' convention and what you might say is the normal use of legal professional privilege?

Lord Hermer: I think the principles that underlie both of those are mirror images. It is the importance of being able to take legal advice confidentially.

Q6 **Chair:** There have been some deviations from that. Who makes the final decision on whether a decision to disclose advice that has been sought is made public? Is that you or the Minister concerned?

Lord Hermer: Ultimately that would be for the Prime Minister. On the face of it, it would be a breach of the ministerial code, but with the Prime Minister's consent or at the Prime Minister's direction it would be perfectly proper and appropriate.

Q7 **Dr Shastri-Hurst:** I direct this question to you, Attorney General. When you last appeared in front of the Committee, in January 2025, you said there were plenty of yardsticks against which your work and the impact of the Law Officers could be judged. Would you set out some examples of how the work of the Law Officers has made a difference to the operation of Government, for good or ill?

Lord Hermer: Again, that is a good question to flow from the one about the Law Officers' convention, because much of the advice that Ellie or I give, which would have an impact and to which one could properly apply a metric, would require disclosing the cases on which we have advised. There are certainly other areas of the work of the Department. Ellie can talk, for example, about the success rate on unduly lenient sentences. I can talk about what we have delivered in the rule of law space. There are other areas where we can talk about those metrics, but in the core one—the efficacy of the legal advice that I have given—it is difficult to talk about it publicly. Otherwise, I would breach the ministerial code.

Ellie Reeves: It might be helpful for me to come in at this stage. One thing I do, in terms of the delegation of responsibility, is take the lead on superintending the CPS. In that area, although, as you know, the CPS is operationally independent, there are policy areas where we can work and make sure that what it is doing is aligned with Government priorities.

An area that is worth highlighting is violence against women and girls, and the work that I do at the CPS to make sure that it is high up its agenda. For example, I recently secured £5 million for the CPS to pilot a scheme where victims of domestic abuse can be offered a pre-trial meeting with the prosecution team and have the support of the victim liaison officer within the CPS. There are policy areas, as well, although we



HOUSE OF COMMONS

are not a policymaking Department, where we can work with the Law Officers Department, whether that is the CPS or the SFO, to try to make that difference.

Q8 Dr Shastri-Hurst: That is helpful. I think we are going to get to the SFO and CPS later. Perhaps an area you can comment on is your aspiration to raise standards in how the Government legislate. You mentioned that the last time you came before the Committee. Can you point to any examples of changes of guidance or processes that improved that ability?

Lord Hermer: Yes. In the early days of coming into office, I sent a letter to all my ministerial colleagues stressing the standards that we would want to apply in respect of secondary legislation. In particular, I drew attention to the need to try to avoid using secondary legislation in lieu of having developed policy. I talked about Henry VIII clauses, the need for real caution with them, and when it would or would not be appropriate to apply them. I talked, also, about ouster clauses. The work that went into that then went into formal guidance applied by the civil service in drafting legislation. Those are the steps that I took. I came before this Committee and the Delegated Powers and Regulatory Reform Committee to explain what we are doing.

That is also a framework that PBL applies whenever it scrutinises legislation. A practice has now developed whereby, wherever there are delegated powers, there needs to be justification of that before the Committee, and anyone coming to the Committee can expect to be asked to justify those powers. There is particularly close scrutiny when Henry VIII powers are sought. We have played a part in trying to change the culture, whereby you do not automatically seek secondary powers because they make life easier, as there is a democratic deficit if you do that; there is conscious thought to ensure that they are used—they have to be used, obviously, in a modern democracy—where appropriate.

Q9 Dr Shastri-Hurst: A little earlier you mentioned the rule of law and your aspiration to restore, in your view, the UK's reputation as a country that upholds it at every turn. You spoke about that at your Bingham lecture in October 2024. How are you measuring whether that has been achieved?

Lord Hermer: I can set out the steps that the Department is taking to promote the rule of law. It is quite difficult to attach a metric—certainly one that you can measure month by month—to the impact of those. The nature of the rule of law is that it is kind of ingrained in our unwritten constitution, but I hope the steps that we have taken are helping to make our system more resilient. We spent a lot of time thinking about education and how we instil in young people the importance of our rule of law values, including civic participation. We are doing that both through education in schools, in a formal sense, and informally through the youth ambassadors programme, which no doubt we will come on to later.

Q10 Dr Shastri-Hurst: I do not think anybody would expect you to put a firm metric on it, but, as you said, it is a sense of where the direction of travel



is from Government. I would like to take a couple of examples of Government policy or legislation and ask you how you consider they fit in with the principles of the rule of law.

Lord Hermer: Of course. I can give you one example, if not a formal metric. In my job, I travel overseas a considerable amount and the sense that I get from colleagues from different countries, both Law Officers and Justice and other Ministers, is a real sense of this Government's recommitment to the importance of the rule of law. I just want to convey how welcome that is in countries across the world.

- Q11 **Dr Shastri-Hurst:** Thank you. Take the Courts and Tribunals Bill: it is a controversial piece of legislation, and it is conceivable under the changes proposed by the Government that where two individuals are both charged with the same offence, with an identical factual matrix, but the first defendant has a string of previous convictions and the second does not, you could end up, because of the likely length of sentence, with a scenario where one can have a jury trial and the one with previous good character cannot. How do you consider that that aligns with the principles of the rule of law?

Lord Hermer: Let us step back and have the full rule of law context with the criminal justice system. At the moment, the criminal justice system we inherited poses enormous rule of law challenges, not least when you have a criminal justice system where it can take years for very serious cases to come to trial. We have a particular concern in the violence against women and girls sector, where sometimes it can take three or four years for a rape case to come to trial. That has profound impact on the rule of law, because it undermines victims' faith in justice. We are worried about victim attrition and not staying the course for four years. Public confidence in the justice system is also undermined. That is a massive rule of law issue, which is why David Lammy, as Lord Chancellor and Secretary of State for Justice, has been determined, from a rule of law perspective, to do something about it.

As you highlight, one of a package of measures designed to cut the backlog has been to change the threshold at which there is the entitlement to a jury trial. From a rule of law perspective, of course, there is no inherent right to a jury trial for all criminal cases. That has never been the case—certainly not in living memory. It is probably centuries since there has been the right to a jury trial for all criminal cases. Rather, what Parliament has done, continually and as a matter of public policy, is set a threshold at which the right to a jury trial enters. I stress that it is a matter of public policy. We are simply, as a matter of policy, trying to calibrate that threshold so that we maintain that fundamental right to a jury trial for serious cases, while at the same time really trying to cut through the backlog. I see all that, absolutely, through a rule of law prism.

- Q12 **Dr Shastri-Hurst:** The shadow Solicitor General raised with the Solicitor General some question marks about whether a decision that a defendant



HOUSE OF COMMONS

would face a judge sitting alone will be subject to judicial review. My understanding, Solicitor General, from your response in those oral questions on 4 June, was that you were going to write to the shadow Solicitor General clarifying that point. Have you written? My understanding is that you have not. Have you conferred with one another to confirm the Government's position on this?

Ellie Reeves: Those are probably questions for the Courts Minister. I can check if we have written, following those oral questions. If we have not, I will make sure that we do. Obviously I will need to speak to colleagues in the Ministry of Justice to get clarity on that point. Obviously, this is their policy area.

Q13 **Dr Shastri-Hurst:** Could a copy of that letter be provided to this Committee, as well?

Ellie Reeves: Sure.

Q14 **Dr Shastri-Hurst:** Thank you. Finally, on the issue of the rule of law, where do you sit, Attorney General, on the principle that judges should be appointed on the basis of merit alone?

Lord Hermer: Yes, I absolutely agree that judges should be appointed on the basis of merit alone. I say that consciously, having started at the Bar in 1993, that judges are very often not appointed on merit alone. Judges were often appointed because they were in the same old boys' club. They went to the same schools and universities. That is why I have been such a supporter of diversity within the legal profession, because it provides an opportunity for the very best to succeed—not to be held back by disadvantages or their background.

Chair: Thank you very much. A number of Committee members would like to ask you about your international law responsibilities.

Q15 **Tessa Munt:** I want to ask about action against Iran. The Government published their legal position on the legality of defensive action in respect of Iranian attacks in the Gulf region. That legal position draws a distinction between offensive and defensive action. How do you differentiate between those two types of action and is there actually a workable distinction in practice?

Lord Hermer: I will talk in generality, because obviously I cannot talk about any advice I have or have not given. As a matter of generality, there are very tight rules about the use of force in international law. Before one nation can properly use force against another, there are very limited circumstances in which you can do that. If you do it outside those legal bases, you are acting unlawfully. One, for example, is if you have an authorisation from the United Nations Security Council to use force, acting under chapter VII. Another well-established one is self-defence. As long as the facts are made out—and it is a factual analysis as to whether there is a lawful basis to act in self-defence or not—and as long as the action being taken is deemed to be necessary and proportionate, the use



HOUSE OF COMMONS

of force can be sanctioned. So, too, if you are asked by allies to come to their aid as part of their self-defence, international law recognises the principle of collective self-defence. Again, it is perfectly lawful to do that. That is the distinction. If you fall outside the very limited bases on which a country can use armed force against another, and you do not have a basis, it would certainly be offensive action. Defensive action is very long recognised in international law, as it is, indeed, in domestic law.

- Q16 **Tessa Munt:** The Government put out a statement in March, as the situation in the Gulf region developed, to say that the agreement for the US to use UK bases in collective self-defence of the region, to which you just referred, included "US defensive operations to degrade the missile sites and capabilities being used to attack ships in the Strait of Hormuz". In this scenario, which states were being defended?

Lord Hermer: We all remember that after the US and Israeli offensive on Iran, in which we played no part, Iran outrageously started attacking Gulf neighbours around it—the UAE, Qatar and Saudi Arabia—in a completely unprovoked and entirely unlawful response. Not only are those countries ones with which we enjoy good and close relationships, but we also had hundreds of thousands of British nationals in those countries. It would be perfectly lawful, if in receipt of a request from those nations where they are under attack as a result of an unlawful attack, to join in their collective self-defence.

- Q17 **Tessa Munt:** So that defensive action is contingent on a prior request for assistance.

Lord Hermer: Yes.

- Q18 **Tessa Munt:** From whom did we receive it?

Lord Hermer: I think I will leave that, if I may, to colleagues from the FCDO to clarify, but I am well satisfied that in order for there to be collective self-defence of a country there needs to be a request that is acceded to.

- Q19 **Tessa Munt:** So we should imply that there were requests.

Lord Hermer: Yes.

- Q20 **Tessa Munt:** Okay, thank you. Can I just check: does the legal basis extend to action to protect commercial shipping as well as military vessels?

Lord Hermer: Again, I am not going to go into the details, but it is perfectly appropriate, if you have vessels that are flagged to this country or the countries of allies, and they come under attack, to defend them.

- Q21 **Tessa Munt:** So that might include ships that are registered in states outside, for want of a better term, the Gulf region.

Lord Hermer: Again, it will all depend on the facts, and I am really not in a position to go into those, save to say that, as the Government set



HOUSE OF COMMONS

out, we are well satisfied that every step we have taken in this conflict has been truly within the confines of the law.

Tessa Munt: Thank you.

Q22 Vikki Slade: I want to go on and talk about the Israel-Palestine situation. We are coming up to the second anniversary of the advisory opinion of the International Court of Justice on the legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territories. Of course, since then, we have recognised the state of Palestine. With that in mind, to the untrained eye, it seems there is an international conflict there. It is more than an occupied territory—it is a state, so that adds some weight. We are still waiting for the full response promised by the Government. The Prime Minister told the Liaison Committee in March that the opinion was under consideration. Can you explain why it is taking so long, and when we might expect any more information?

Lord Hermer: It is worth recognising that although we have yet to publish a formal response—and I am unaware of any nation state having produced a policy document in response to the advisory opinion—the list of steps that we have taken that are entirely consistent with the analysis of the ICJ is pretty long. It starts, as you say, with recognition of Palestine. We have seen a whole host of sanctions in the time since I last appeared before you, including sanctions against two serving Israeli Government Ministers, Smotrich and Ben-Gvir.

Other actions included one last month in response to the threat of construction in E1. That, as you will know, is an area outside Jerusalem. If there is development on E1, it effectively renders the creation of a viable Palestinian state physically almost impossible. We set out our clear concerns and condemnation. The Prime Minister last month warned UK businesses about involvement in construction in E1. That was followed up earlier this month when we published our updated guidance warning UK companies about any economic activity in the west bank and setting out in strong terms that they should not do business there. These are all steps that are entirely consistent with what the ICJ was outlining: the need for Governments to distinguish, in their dealings with Israel, between Israel proper and the Occupied Palestinian Territories or, as now, the state of Palestine.

Q23 Vikki Slade: That is really helpful. I do not want to put words in your mouth, but if no nation has published a response, although they have taken actions, as our Government have, that suggests that perhaps there is not going to be a response, or that the response is action, rather than a direct response. Have I understood that correctly?

Lord Hermer: I might be accused of being a lawyer, here, but you have certainly seen lots of responsive steps taken by this Government, in a way that is absolutely consistent with the ICJ advisory opinion. Obviously, those steps also take into account facts on the ground—our grave



concerns about the increase in settlement construction, and about what at the moment seems to be unchecked settler violence. There is a range of concerns. We have growing concerns about the viability of the Palestinian state, to which the Government are deeply committed. These measures are taken in a way that I consider is absolutely consistent with the advisory opinion, but they are also being taken to respond to events.

- Q24 **Vikki Slade:** I want to turn to the issues in the west bank. Before I do specifically, last week we saw the great Israeli property fair in London, in which, on our soil, it would appear that properties that are illegal were being marketed. A very large number of MPs, myself included, asked the Government to do something about that. It was raised in the Chamber. The event went ahead. It would seem to me that attempting to sell illegal properties on our soil would be as unlawful as somebody going out and taking a construction contract to build them. I am interested to know why the Government did not take any action, and what action they could have taken, perhaps if they had more notice of it happening.

Lord Hermer: I am afraid I must confess that I am not fully on top of the facts of that. I was aware of the reports in the newspapers. As a general principle, if there is concern that offences have been committed, for example, that cannot be a matter for Government. It has to be a matter for the police and prosecuting authorities, in which we cannot direct them. I am afraid I am simply not sufficiently on top of the detail for that, which would probably in any event be better addressed to my colleagues, both in the Department for Business and the Foreign Office.

- Q25 **Vikki Slade:** Referring to the settlements and the comments of the Foreign Secretary about settler groups not profiting from land and so on, can I clarify whether the ICJ opinion has been taken into account in relation to the settler situation, and why the Government have not responded in relation to the settlers specifically? At the moment, we know that products made on illegally settled land do not qualify for the same advantageous deal, but it is basically criminal activity. Therefore, any trade, rather than not being able to get a good deal, should be completely banned. Is there not a distinction? If strawberries are grown illegally on land that belongs to somebody else, surely they should not be allowed to be brought into this country, full stop, end of—if you take into account everything else that has been said by the Government on this point.

Lord Hermer: I do not want to dodge the question, but it is really a policy question that is much better addressed by my colleagues in the Department for Business and the Foreign Office, as opposed to a kind of Law Officer question.

- Q26 **Vikki Slade:** I am interested in how it links in with the response to the ICJ's opinion in the first place that it is illegal. That is why I ask for a legal perspective.



HOUSE OF COMMONS

Lord Hermer: The furthest I can help on that is to affirm that the ICJ is very clear that in all its dealings with Israel this Government need a very clear distinguishing line between Israel, Israelis and Israeli activity in the west bank and, indeed, in Gaza.

Q27 **Vikki Slade:** Finally from me, because I know others have similar questions, are you not concerned that a policy of advising against trade, as opposed to banning it, may not be compatible with the UK's international law obligations? That is a very specific law question.

Lord Hermer: There are two areas here. First, the advisory opinion is obviously exceptionally important and we take it incredibly seriously. There are, though, real policy dynamics that also play into how this country relates to Israel and how we try our very best to secure a two-state solution. There will be a whole load of levers to be pulled. There may be some that are required by law; there may be others that are permissible in law; there may be some where one needs to legislate in order to create law. What I can say, standing back, is that the Government are committed to both a strong and secure Israel and a strong and secure Palestinian state. The measures we have taken over the past two years are ones we believe to be necessary to comply with the law, or are helpful in response to individual instances, or developing concerns, or the fact we are not much further towards the creation of a Palestinian state. There is a whole host of levers that the Government will have in order to further our aims, which are a safe and secure Israel next to a safe and secure Palestine.

Q28 **Warinder Juss:** Attorney General, you will be aware that for many constituents, including mine in Wolverhampton West and those of other MPs, what is happening in the Occupied Palestinian Territories and the increasing settlement expansions are of much concern. It is something about which we are regularly contacted. Do you feel that the absence of a formal and clear response to the ICJ opinion risks undermining the population's trust in British Government and politics?

Lord Hermer: I do not think it is the absence of a specified policy response to an ICJ AO. People are rightly concerned about what is going on in the west bank, the modalities of the occupation and what it means for everyday life for Palestinians. They are rightly concerned about the direction of travel, if one is deeply concerned about peace in the region, as I suspect we all are, currently not pointing in the right direction. We are responding to that big picture through the policies, in a way that I think is consistent with our international law obligations. I do not get a sense—I do not mean this flippantly at all—that what people are calling out for at the moment is clarification as to what we think about the advisory opinion per se. What people are right to demand of their Government is action in respect of the situation. We are taking that action. Since Labour came into Government you have seen a whole series of steps in which we are trying to achieve a balance between maintaining our friendship with Israel, which is a long-standing ally of this country and, at the same time, making absolutely plain our objections to the



HOUSE OF COMMONS

occupation itself and the manifestations of the occupation, doing all we can to secure a lasting and viable peace for both Israelis and Palestinians.

Q29 **Warinder Juss:** Do you agree that having a proper, formal and clear response would determine what the Government's policy is going to be to deal with this?

Lord Hermer: I will correct the record if I am wrong, but I am not sure that any other state has come out with, "This is our response to an advisory opinion" type document. What is of far greater importance are the steps we are taking to achieve those ends. We need to focus on those realities, and that is what the Government and my colleagues in both the Foreign Office and across Government have been doing.

Q30 **Sarah Russell:** Good afternoon, Attorney General. In respect of this topic, you talked with pride about having set up a rule of law unit within your office. The Foreign Office unit that was tracking potential breaches of international law by Israel in Gaza, and more recently in Lebanon, has apparently been closed because of cuts within the Department. How do you feel that that is consistent with your stated position on the importance of the rule of law internationally and within our Government?

Lord Hermer: As to the precise staffing and how things have been reallocated within the FCDO, I am afraid I am not on top of the details. I am satisfied that, whenever I have to look at issues that may touch on this region, I have always been and remain incredibly impressed by the level of analysis we receive from our experts, both those on the ground and subject matter experts here, as well as the lawyers in the Foreign and Commonwealth Office, who are absolutely first-class international lawyers. I have no sense at all that for the work carried on in my Department there has been any drop-off in standards in this area, or indeed in others around the world, as a result of the changes we have seen within the Foreign Office.

Q31 **Sarah Russell:** Officials have been warned that closure of the conflict and security monitoring project, which was funded by the Foreign Office, will mean that we lose access to a database of 26,000 verified incidents in the middle east. This is quite significant. You just said you are not conscious of any loss of information, but there is always a time lag for this. If it closes or we lose capacity now, you will not necessarily see an immediate loss. It is about what we have the capacity to do going forward. Have you asked any questions about this?

Lord Hermer: These are questions much better directed at the FCDO, which will be much better able to tell you in clearer terms precisely what the changes are and what steps they have taken to mitigate any impact. All I can tell you from my quite narrow area is that I have not had a sense that I am missing anything that I had before, or that there has been a drop in quality. If I thought there had, it is absolutely something I would follow up.

Q32 **Chair:** To raise a final point before moving to other issues, you said you



wanted to restrict yourself to matters of law, which is perfectly understandable, but would you agree that, as far as the advisory opinion is concerned, it directs that states should abstain from entering into economic or trade dealings with Israel concerning the Occupied Palestinian Territories, meaning that if we are to comply with the advisory opinion, there would not be further advice but a ban on trade in that way? I think that is what Members of Parliament find quite difficult to understand.

Lord Hermer: I am not going to go into a precise line-by-line analysis of what the advisory opinion says we should do, the timeframes in which it should be done and how you balance what we all want, which is a viable Palestinian state. Certainly, you will have seen the Government taking action in the trade space, and you will have seen from my colleagues that we are perfectly prepared, if need be, to go further.

- Q33 **Chair:** The point some of my colleagues are making is that the action the Government have taken draws attention to their unwillingness to deal with transgressions of international law in the occupied territories. I had a letter this morning from a constituent on behalf of an individual living in the west bank, a single parent, whose home is about to be demolished. No due process has been gone through to do that. We see that all the time, as you mention yourself, in the E1 settlement and expansion in that way. What we are looking for as a rule of law matter is for the UK Government to say, "This is unlawful and we will, therefore, not allow it," not, "We will give slightly strengthened advice."

Lord Hermer: We have taken a whole series of actions since we came in, all entirely consistent with the ICJ advisory opinion. At the same time, almost on a weekly basis, my colleague Hamish Falconer and the Foreign Secretary have consistently set out our condemnation of settlements, our grave concern about the increase in permits for settlements, our grave concern about E1, and our grave concern about settler violence. We have been doing things. We are not simply standing at the Dispatch Box talking about grave concerns; we have been taking those measures, including in the past few weeks. Without getting into what the ICJ says in paragraph X as opposed to paragraph Y, and how you need to contextualise that within international law, we are in a position in which we are compliant with international law and are deeply engaged and concerned in ensuring that there is a viable way through for both Palestinians and Israelis.

- Q34 **Dr Shastri-Hurst:** To turn to another aspect of international law, Chagos, back in April the Foreign Office Minister, Minister Doughty, confirmed that, because of delays in the exchange of notes with the US, the Bill would not continue its passage through Parliament and it collapsed at the end of that Session. In the earlier part of this month, he wrote to the Foreign Affairs Committee saying it was the intention of the Government to bring back that Bill, and they were working closely with both the Mauritius Government and the US. Can you clarify for the Committee what the Government's position is regarding the legal status



of Diego Garcia pending ratification of that treaty?

Lord Hermer: To start, the Chagos treaty and agreement are overwhelmingly in our national interest. The negotiations we picked up from the previous Conservative Government, which were very well developed, were continued because of our national security analysis of the importance of the base in Diego Garcia. That is what it was about; that is what it has remained about. I very much hope that in the coming weeks and months we are able to sign the treaty, because it is in the national interest of this country to do so, given our national security concerns and the importance of a base in that part of the world.

As you know, although the United States under President Trump started off supporting the deal, there has been a change of position. We remain determined to try to get it done. Absent a treaty being signed, there is no international law agreement that reflects in international law the terms of the treaty at the status of a treaty.

- Q35 **Dr Shastri-Hurst:** With respect, Attorney General, you set out the case for why you believe—I may disagree with you—that this is in our national interest. You have not answered the question of the legal status of the military base pending ratification of that treaty.

Lord Hermer: The status quo ante remains.

- Q36 **Tessa Munt:** I move to immigration and asylum. The King's Speech included the immigration and asylum Bill. That will create a new independent appeals body to replace the role of the First-tier Tribunal (Immigration and Asylum Chamber). Can you explain to me—because I do not quite get it—how replacing an independent tribunal staffed by independent judges with a body based within the Home Office can possibly conform with the rule of law?

Lord Hermer: I am going to leave the detail to my colleague, the Home Secretary, who is obviously the policy Minister with ownership of this. We have yet to publish the draft legislation, which will set out the details, and put it before Parliament. I say two things as a matter of principle. First, it is perfectly possible to devise new appeal systems that are fully rule of law compliant, and that is absolutely our intention here. We are bringing it in partly because of the rule of law requirement that the appeal stage does not take years to get through. We want something that is more efficient in the immigration space.

Secondly, obviously this legislation will be carefully scrutinised, not least to ensure it is compliant with the Human Rights Act so that the Home Secretary can sign a declaration under section 19(1)(a) of that Act that it is compatible. Work will be going on at pace to ensure that the appeals body has all the hallmarks of the rule of law, including compatibility with the Human Rights Act.

- Q37 **Tessa Munt:** You say “we”, “we”, “we”, none the less distancing yourself from the ability to comment. It feels to me extraordinary that you would



HOUSE OF COMMONS

not just slap the existing mechanism into shape, as opposed to putting something inside the Home Office which would not look very independent, which surely it has to be. Out there, people are not going to feel that looks very independent.

Lord Hermer: I think people need to wait to see what it is, but in terms of the challenges facing the Home Secretary I think she is right not to feel constrained by existing structures. She is right not to feel that the only answer must be to tweak that which we already have. It is perfectly appropriate—indeed, I think it is part of good government—that you think out of the box and try to devise other mechanisms that might address that problem.

Q38 **Tessa Munt:** Why would you not use judicial office holders and people who are legally qualified, or are you saying that they are all going to be legally qualified?

Lord Hermer: Again, I will leave what precisely the Home Secretary—

Q39 **Tessa Munt:** But you must have a view.

Lord Hermer: It is a matter of policy for the Home Secretary, and the details of the board are not yet out. I do not think it would be appropriate for me to either say what I think they may be or pass my own personal comment on them. What I am assured by is not simply that, as with all legislation, it will be thoroughly tested from a Human Rights Act perspective—which provides a great deal of protection from a rule of law perspective, not least because it has to be compliant with the article 6 right to a fair hearing—but that, more generally, systems are in place to ensure that legislation accords with the rule of law. I do not want to descend into the detail in respect of a Bill that is yet to be published, let alone express my views on it, save to reassure you that the systems are in place such that, when the Government produce it, it will be rule of law compliant.

Q40 **Tessa Munt:** I am not particularly content with that, I suppose, because you must have a view. I do not understand this. If we are going to have individuals who are not legally qualified making decisions, surely it will lead to an increase in the number of appeals, will it not? Or do I just not have enough faith in something I cannot see and do not know about?

Lord Hermer: As a matter of generality, we have a large tribunal system in this country that is not exclusively staffed by lawyers; the magistrates' system is not exclusively presided over by lawyers. The key elements might not be the certificate you hold in your hand per se but what is there by way of structure. Is there training? What are the decisions that need to be made? Are they ones where you truly need a detailed legal background in order fairly to adjudicate on them? These are all questions that, as you can imagine, you ask when trying to set up a new adjudication system and testing to ensure it complies with the rule of law.

Tessa Munt: Thank you for your answer.



HOUSE OF COMMONS

Q41 Sarah Russell: I do not think that was a terribly satisfactory answer. Quite specifically, you said we have magistrates, but magistrates do not sit within, for instance, the police. The police do not do an investigation, make a decision and sentence someone, and then you put the police in place to determine whether that was a lawful decision. Magistrates are completely separate from the police. We are talking about a body making decisions about people's legal rights and entitlements that have absolutely life-changing consequences for them, and the decision maker who reviews that decision sits within that body and, from what we have seen, may or may not be legally qualified. How is that compliant with the right to a fair trial?

Lord Hermer: You might have seen something I have not; it may be you have seen the details of precisely what is intended by the board. I think we need to wait and see precisely what is proposed. Obviously, that will have been tested from the rule of law perspective. There will be no argument from me and I suspect any member of this Committee about the importance of ensuring that there is no bias in any decision-making process; that there is the requisite degree of independence, but what that means is context dependent; that people are properly trained; and that the system is fair. I think we will all agree on the principles necessary for this to look and be consistent with the rule of law. Let us wait and see what is produced.

Q42 Warinder Juss: Solicitor General, I would like to ask you some questions about the unduly lenient sentence scheme. First, what do you consider to be unduly lenient? Once a case reaches you, how do you decide whether to refer it to the Court of Appeal?

Ellie Reeves: The regime that we have, which is really important, applies to sentences that are not just lenient but unduly so. It is important to have that in mind. It has to be "unduly", so is it outside the range of sentences that a judge could reasonably consider appropriate? It is a high bar. Lots of cases are referred under the scheme. From 1 June 2025 to 31 May 2026, 1,117 valid requests came in. Not all cases fall within the scheme. They normally come to me to look at. I have advice from the CPS, prosecuting counsel and sometimes Treasury counsel, depending on the case. I consider the case. It has to come to a Law Officer and will be considered. If it does appear to me that it is not just lenient but unduly so, I will make that referral up to the Court of Appeal. It is then for the Court of Appeal to decide whether to grant leave. If it is granted, it will go to a full hearing.

Q43 Warinder Juss: Would it be fair to say that you would refer a case to the Court of Appeal if you considered the sentence in all the circumstances to be unreasonable? Would that be another way of describing the particular situation?

Ellie Reeves: If it were a case where a judge has fallen into gross error or not properly considered the sentencing guidelines— there might be cases where, for example, aggravating factors have not been adequately



HOUSE OF COMMONS

considered by the judge—if I do not consider the sentence to be reasonably appropriate, I would refer it up. There might be cases that appear lenient but do not meet the criterion of unduly so. It is a high test.

- Q44 **Warinder Juss:** The Victims and Courts Act extended the timeframe for requesting a sentence to be reviewed from 28 days to six months, from May of this year. I can understand the reason why that change has taken place. Do you consider any particular impact that such a change will have on the scheme?

Ellie Reeves: This is really important, and I was very determined to push it forward. There has been a lot of campaigning over the years, in particular by bereaved family members who apply to the scheme late. The campaigner who comes to mind is Tracey Hanson, whose son Josh was murdered. She was not informed about the scheme. She had 28 days in which to apply and found out about it on the 28th day. She submitted the referral at seven o'clock in the evening, or thereabouts, two hours after the office had closed. She was told that the referral was out of time because it was after the office had closed on the 28th day. She has campaigned relentlessly on behalf of her son Josh for the law to be changed. I have worked with colleagues in the Ministry of Justice to make sure we have secured those changes.

I will mention a couple of things. First, victims or bereaved family members now need to be notified of the scheme. There is a legal right to be notified of the scheme. In some cases people are still not being notified; they ought to be, but sometimes they are not. There is then an extension to the 28 days for victims and bereaved family members. Remember, at the moment, anyone can apply under the scheme. The extension of up to six months would apply to a limited cohort of victims and bereaved family members, where it is in the interests of justice. We hope that that will stop what happened to Tracey Hanson happening to anyone else in future. It is really important for victims.

- Q45 **Warinder Juss:** As you say, the extension applies only to victims and bereaved families.

Ellie Reeves: That is right.

- Q46 **Warinder Juss:** Moving on to the need to protect judicial independence, the Constitutional Reform Act 2005 says Ministers should respond to public criticism of sentences handed out by judges in high-profile cases. There have been increasing levels of criticism of judicial decisions and sentencing. How do you think we can protect the independence of the judiciary and also improve transparency, public understanding and awareness of why a particular sentence has been handed down?

Ellie Reeves: That is a really important point. I speak for both the Attorney General and myself when I say that judicial independence is of absolute importance. It is a cornerstone of our democracy and should not be undermined. The unduly lenient sentence scheme is there so that if



HOUSE OF COMMONS

victims, or anyone, think a sentence, on the face of it, looks like it is unduly lenient, it gets further consideration. I do not think that undermines the independence of the judiciary, but the scheme is in place as a check and balance on what happens. Judges have to operate within sentencing guidelines, as you know, but if a sentence is not right, a judge falls into gross error or it is not a reasonably appropriate sentence, it is right that there is a mechanism for that to be reviewed. That is an important part of the unduly lenient sentence scheme.

Lord Hermer: I agree with everything that Ellie has said. Judicial independence is absolutely a cornerstone of a rule of law system, but it is under attack in this country in a way that I think a generation ago would have been thought unfathomable. That has real-life consequences for our judiciary, which is now often under physical threat. That is completely unacceptable and, unless checked, will have a dire impact on judicial recruitment, because the incredibly important job of becoming a judge will be less and less attractive as the downsides become more and more apparent.

I agree with Ellie about the ULS scheme being part of the counterbalance to a system in which one needs to have deference to judicial decision making. The judiciary is also taking lots of steps. We now see certain sentences televised. That helps the public understand the judicial role. Often, with a sentence, there is an explanation as to why it is given that is really helpful. Also, in some cases, the sentencing remarks are published. All of that helps. In our Department, as part of our rule of law work, we are doing public legal education, which we have taken under our roof, back from the Law Society. Part of that is explaining to people who judges are, the importance of the role of judges in society, and why it is important that they are independent. We are doing that generally as part of public legal education, and particularly with young people and in schools, talking about the importance of having umpires and referees, why they need to be independent and apply the rules of the game, and why it is not acceptable to talk back to the ref.

Q47 **Warinder Juss:** Earlier today, we had a discussion about judges being approved on merit. We have a situation where only 1% of the judiciary is black, so we need to increase recruitment there. In relation to protecting the judiciary, making it an attractive occupation for recruitment and educating the public, do you think that there are roles to play in recruitment as well when dealing with this issue?

Lord Hermer: Yes, certainly. The lack of diversity within the judiciary has long been recognised as problematic. The judiciary takes that seriously. Particularly at the highest levels of the judiciary, you are still not seeing composition that mirrors the population of this country. The sooner we move to something where all levels of the judiciary are a reflection of the society in which we live, the better.

Q48 **Sarah Russell:** Solicitor General, I have two questions about the unduly lenient sentence scheme. First, I understand that the scheme does not



currently apply in the youth courts. There has been some concern that because youth courts make a decision about whether to escalate something up to the Crown court for sentencing, judges in the youth court can choose not to escalate an issue and then impose a very lenient sentence, with no mechanism for a review of that, and that sometimes that is being used in relation to very serious sexual offences. I do not want to speak about specific cases. Is that something that you are looking at or giving any thought to?

Ellie Reeves: The most serious youth cases will be transferred up to the Crown court for sentence, and of course at that point the ULS scheme kicks in. It is not within my remit, as I am sure you understand, to decide what cases are heard in youth courts and what cases are heard for sentence in the Crown court. The MOJ published a White Paper on youth justice very recently, and there is an acknowledgment of both the need for rehabilitation and the rise in crimes, particularly sexual offences. I am happy to take that away and have discussions with colleagues in the Ministry of Justice, because of course they own that youth justice piece of work. It is an important point that you raise.

Q49 **Sarah Russell:** Thank you. The problem is that it is up to the youth court whether it does that escalation in the first place. If it decides not to, there is no mechanism or check and balance on that decision. So, yes, I would be grateful if you could please take that away.

The second point that I wanted to make is that I have written to you previously about the interaction between the proposed changes to sentencing and the unduly lenient sentence scheme. We have increased the magistrates' sentencing power from six to 12 months. Potentially, powers are to be introduced to increase that to 24 months. Cases are therefore being heard at the moment in the magistrates court that would never previously have been heard there. They would have gone up to the Crown court, where the unduly lenient sentence scheme would have applied to them. Cases that I am particularly concerned about include things like stalking, coercive control and a variety of violence against women and girls offences. It obviously also applies the other way around, but it is predominantly male perpetrators. What comfort can we give, and what specific measures are we going to take to ensure, that we are not inadvertently ousting the jurisdiction of the unduly lenient sentence scheme for a large number of VAWG-related offences?

Ellie Reeves: That is a really important point. I know that ministerial colleagues in the Ministry of Justice who have policy ownership of this issue are looking at it. It is important. I have set out why I think the unduly lenient sentence scheme is so important within our criminal justice system, both for victims and for the wider trust and confidence in the criminal justice system. That is why we are bringing in the changes that we are in terms of victims being aware of their rights and of the time limit. The point that you make is a good one. I know colleagues in the MOJ are looking at it. I do not have an answer for you today. It sits with



HOUSE OF COMMONS

them, so you may want to bring it up with them. Again, I can raise it with them when I next meet them.

- Q50 **Vikki Slade:** Apologies, Ellie. When you said there were 1,117 valid requests, I did not hear how many had gone through. I have checked our notes. For the benefit of anyone who might be watching this, there appear to have been 223 that were referred to the Court of Appeal, of which 140 resulted in an increase in the sentence. Over the last 10 years, of those cases referred to the Court of Appeal, 74% resulted in increased sentencing from the ULS scheme. Given that those cases that are referred typically do result in an increased sentence, and given the real nervousness of society at the moment about what is perceived as very low sentencing, is a more wholesale approach being looked at in terms of the scope of sentencing?

Ellie Reeves: Just for clarification, the stats you read out are slightly different from the stats in my time period. We might be using slightly different time periods.

- Q51 **Vikki Slade:** Of 1,215 referrals, 563 were out of time or scope, 702 were not referred, and 223 were referred. That was according to what was received. Obviously, you said some were not valid.

Ellie Reeves: The stats that I read out at the beginning were for the time period 1 June 2025 to 31 May 2026. That is why those figures might not quite marry up with each other, depending on your time period.

- Q52 **Vikki Slade:** It is a couple of hundred.

Ellie Reeves: Yes, absolutely. I do not want to mislead anyone. In relation to that time period that I referred to, 63% had their sentences increased. Sometimes I will refer a case and the Court of Appeal will not grant leave to hear it. Sentencing is a matter for the Sentencing Council and for colleagues in the Ministry of Justice. It is really important that the public have confidence in sentencing, and that is one reason this scheme is such an important one. It is one of the reasons I have taken steps to make it easier for people to make a referral under the scheme, in terms of both ensuring victims know their rights to apply to refer a case under the scheme and increasing that time limit. It is so important that people have confidence in our criminal justice system, and that is why I am a really strong advocate for the unduly lenient sentence scheme; it has a big part to play in that.

Chair: It looks like votes may come a little after 4. We have two other areas that we would quite like to cover if we have time. In a moment, we will do the CPS, but first the SFO.

- Q53 **Tessa Munt:** I will ask you about the Serious Fraud Office, but can I just check something? You both deferred to the Ministry of Justice in a number of your answers. Can I be clear that you will come back to the Chair of the Committee with what it is you have done to pursue the inquiries that we have made of you, which you then handed back verbally



HOUSE OF COMMONS

to the other Departments? I just want to make sure that we do not lose the trail of what is discussed.

Lord Hermer: Of course we will.

Tessa Munt: Thank you.

Lord Hermer: Can I just be clear, though? There is a distinction. The AGO is the one non-policy Department in Government. It is not our responsibility to create or drive through policy. That will rest with other Departments. A lot of our work and the questions that you have asked cross over with the MOJ. They are the people who will be best able to provide you with the information about the policy. Our role is an advisory one about the policies, ensuring that they are rule of law compliant, that they are legally robust, and that we are not going to find ourselves bogged down in court for the next three years unnecessarily. It is a little difficult, for the reasons that we set out at the beginning because of the Law Officers' convention, to come back to you with explanations about what we are doing. In so far as we can answer and provide that information, of course we will and we will liaise with those Departments, but it is important to spell out the limits of what we can do. Certainly, in so far as we can answer directly, of course we will. Where we can be a conduit, of course we will.

Q54 **Tessa Munt:** That would be precisely the thing. I do not want to lose the trail, because we will know that we have asked you questions and they might disappear into a black hole unless you follow them through. Thank you very much indeed.

I want to move on to the Serious Fraud Office, if I may. In February this year, the Serious Fraud Office dropped a decade-old case against London Mining after hundreds of thousands of files failed to be disclosed. That seems to have led to a review of another 20 cases. There is a persistence of disclosure failings, is there not? A lot of those have contributed to failed prosecutions of Serco, G4S, and Unaoil. In essence, is the Serious Fraud Office fit for purpose? It is clearly not. It is regularly failing in various areas. What are your thoughts about that?

Ellie Reeves: To start with, it is important to say that we superintend the SFO, but it is operationally independent. We do not make decisions on individual cases.

Q55 **Tessa Munt:** You must have a view.

Ellie Reeves: We do not direct the SFO on individual cases. In relation to the case that you refer to, you are right to highlight that it was a long-running case. There were, as I understand it, a number of difficulties, but the disclosure issue was in effect the thing that then led the case to not go forward as planned.

In relation to the disclosure issue, at the tail end of last year—I think it was November—the SFO discovered that there was an issue with



HOUSE OF COMMONS

Autonomy, its disclosure system, and how files were expanded on it. A number of files had not previously been identified and therefore looked at. The SFO took very quick action then in relation to the issue once it was identified, and set up a “gold group” that met very regularly to make sure that it was fully on top of the issue. There were 25 cases that required review in light of the unexpanded files issues that came to light. The review of those files happened very swiftly, and as a result there are 20 files where no further action is required. Two still need to be looked at, and three have gone through the first stage of review but now need to go through the second stage.

I meet the SFO regularly. We have four ministerial strategic board meetings a year, and then between those we also have superintendence meetings. At every one of those, I have received updates from the SFO in relation to how it is handling this issue and sought assurances that we will not be in a situation where other cases have to be abandoned. There are two big trials scheduled towards the end of this year, and my understanding is that nothing in relation to this will stop those cases from going ahead.

Lord Hermer: Can I come in, Tessa, on your larger point about the nature of this organisation? I have been in this job for two years. I came into it with some preconceptions about the SFO because, seen with a long view, it has had some very disappointing results and there was a lot of criticism levelled against the organisation. I have to say that I have been incredibly impressed with all my dealings with the SFO. I came in when it was under Nick Ephgrave, who is a former chief constable, the first non-lawyer running the organisation. I found an organisation that was becoming much more nimble and much better organised. Sadly, we have lost Nick. We have an interim director in place, who again comes from a policing background, and we will appoint a new director towards the end of the year. In all my dealings with the SFO, I have found it impressive not only in its general ethos, but in its response to these historical problems in terms of the immediate action it took, which Ellie outlined. It was not seeking to hide from mistakes. It was not seeking to bury them. It recognised and dealt with them. I have also found its willingness to learn lessons from past mistakes encouraging. It has been burdened with historical cases that have clearly gone wrong, but I have taken great reassurance from all my interactions with the SFO.

Q56 **Tessa Munt:** Thank you; that is helpful. A couple of questions come out of that. You say that Nick Ephgrave’s replacement should be appointed at the end of the year. Is that because everyone is sitting on it for a while, or is somebody in the process and it is going to take forever to get them cleared and appointed? We have just passed midsummer’s day. The end of the year is six months away. That is a hell of a long time to wait, is it not?

Ellie Reeves: Graham McNulty has been appointed as interim director until January next year. He comes from within the organisation. Again, he



has a law enforcement background. He has been able to hit the ground running in that interim director role. I met him yesterday and last week. I am in regular contact with him. This is a big role and it is a civil service recruitment exercise for a big role, so it takes some time. I have stressed the importance of making sure that it is not sat on, that we move forward in this and get the job pack out as soon as possible so that we are in a position to appoint a permanent director and have someone in place—because obviously people have notice periods—in January.

Nick Ephgrave did a tremendous job in that role as director. He introduced the principles of sharper, faster casework, which he took from his law enforcement background, and really sped up the pace at which the SFO conducted casework, got guilty pleas, and found innovative ways to get money back for victims and the Treasury. There is a really interesting lesson to be learned. Previously, directors of the SFO came from a legal background rather than law enforcement. In terms of the recruitment, it is important that we go as broad as possible in terms of who we want to attract to apply for that role, whether it be from a law enforcement or legal background.

Q57 Tessa Munt: You are still open to a legal appointment, but it feels as though you are heading in the enforcement background direction because of other—

Ellie Reeves: I do not want to pre-empt who might be the best person for the role, but I also would not want to exclude someone from a law enforcement background. We need to be broad in terms of that approach. I also do not think it should be something that should be sat on, and we need to make sure that that decision is made in a timely way so that, come January, we have a permanent director of the SFO in place.

Q58 Tessa Munt: In some roles, we have a pre-appointment hearing—don't be too frightened. I recognise that we are not locked into the pre-appointment hearing for the director of the Serious Fraud Office, but I just want to ask whether there is an opportunity for the Committee to have a pre-commencement hearing towards the end of the year, or whatever, so that we talk to somebody about their aims, objectives and the direction in which they want to take the SFO before they take up office? It would be quite useful to us.

Lord Hermer: Can we take that away, consider it and get back to the Committee?

Q59 Tessa Munt: Okay, absolutely. And you will write back to the Chair? Thank you.

Jonathan Fisher published his independent review of disclosure and fraud offences, but that was 15 months ago. The Government say they are yet to publish their full response. Do we have a date?

Ellie Reeves: I think that is with the Home Office for consideration before being published. You have had Fisher and you have had Leveson.



HOUSE OF COMMONS

Both those reports deal with disclosure. It is the focus of the Fisher review. My understanding is that it will be for the Home Office to set out the response to the review.

Q60 Tessa Munt: Okay. Can you translate that into a timeframe for me? Being a simple soul, I am not necessarily sure when you think that is going to get published.

Ellie Reeves: It is not within our gift to publish that response. I cannot speak for the Home Secretary. It would not be right to do so. My understanding is that it should be published soon, but I cannot speak for the Home Secretary. I am sure you appreciate that.

Q61 Tessa Munt: That is all right. Thank you very much. The last thing that I want to ask you about is the calls there have been for the Serious Fraud Office to be merged with the National Crime Agency. What are your thoughts on keeping them separate or merging them?

Ellie Reeves: I echo what the Attorney General said about the role of the Serious Fraud Office. I have been really impressed by the work it does. I have visited it a number of times. I have been in the command room when it carried out raids and arrests across the country. I have been out at an arrest with it and seen the work it does at first hand. It is highly specialist and competent, and does a really good job. It is always looking at innovative ways to get good results on cases and get money back for victims and for the Treasury. As far as I am aware, there are no proposals to merge them, and that is the right approach.

Lord Hermer: I agree. Ellie clearly gets all the fun going on the road. I am back writing the legal advice.

Tessa Munt: I am sorry about that. Okay, thank you.

Q62 Sir Ashley Fox: Ms Reeves, could you tell us what you mean when you say you "superintend" the SFO? You described it as impressive, yet this failure to disclose documents caused the London Mining case to collapse, and other big prosecutions have failed. What is it that your Department does to superintend this organisation?

Ellie Reeves: The SFO is operationally independent. It takes decisions on cases. It would not be right for us to get involved. In the case that was unable to go ahead, we would not, as Law Officers, get involved in that decision making. That is for the SFO as a prosecuting body. We meet regularly with the SFO, the director and other senior people within the organisation. On the issue of the unexpanded containers, we make sure that it is taking the actions that it needs both to identify problems in other cases and to make sure that there is not a repeat of these things in future. A lot of the issues within the SFO in the last couple of years related to historical issues: for example, historical software and cases that predate our time as Law Officers. My experience of dealing with the SFO is that where problems are identified and things go wrong, it is very



HOUSE OF COMMONS

quick at identifying those issues, limiting the damage and making sure steps are put in place to ensure they do not happen again.

Q63 **Sir Ashley Fox:** If I can come in there, when you say you superintend them, you receive reports from the director and senior officers.

Ellie Reeves: Yes.

Q64 **Sir Ashley Fox:** Do you or does your office make any efforts to audit what you are being told? Clearly, there is a serious problem with the way the SFO has acted in the past. I am quite sure that if we had your predecessors here they would say that they received all the same assurances that you are giving me now of how impressive and nimble the SFO are, yet these cases collapsed. What I want to know is whether you take any proactive steps to audit the activity of the SFO, or do you simply take the word of the director and his officers?

Ellie Reeves: There is also an inspectorate that will inspect the SFO. Again, I meet regularly with the chief inspector. I will have quite frank conversations with the inspector about what is and is not working on disclosure issues. There was a recent report on the use of counsel that the inspectorate carried out. I will work with the inspectorate as well. When we have our regular ministerial strategic boards, we will ask questions of the SFO to make sure that it is implementing recommendations of the inspectorate. I also meet with the non-executive directors of the SFO. I met them very recently. That happens twice a year. In effect, that series of meetings gives us as Law Officers the opportunity to probe some of these issues, to find out what is and is not working so well, and to make sure that changes are being implemented where they are needed. One big thing at the moment with the SFO is that it has a planned office move. Every time I meet with it, I make sure that things are on track with the office move, that all the things are in place to ensure a smooth transition to the new office.

Q65 **Sir Ashley Fox:** If I can come back to this failed case, clearly somewhere there was a failure of supervision because the SFO was not conducting itself properly, and no one in the superintending body, the inspectorate or the non-executive directors discovered this until the case collapsed. What proactive steps are you taking—because you tell me you superintend this office—to ensure that there are not problems that are not being uncovered and they are not being uncovered because it is operationally independent and you are not terribly inquisitive? The impression is that so long as we have a meeting and the director says, “All is well,” then all is well.

Ellie Reeves: I do not think that is how I would characterise the relationship. It is operationally independent, so it is not for me to walk into the offices of the SFO—

Q66 **Sir Ashley Fox:** What proactive steps do you take?



HOUSE OF COMMONS

Ellie Reeves: If you'll let me answer, it is not for me to walk into the offices of the SFO, pull up a case file and say, "Well, I think you should do it like this," or, "You should do it like that," or, "You should have taken that action there." That would be interfering with the operational independence of the SFO.

Sir Ashley Fox: An approved auditor could do that.

Ellie Reeves: Our job is to make sure that it is carrying out its functions, that it is effective and that it is getting successful prosecutions. There was a recent case—I think it was the Ethical Forestry case—where it got three guilty pleas on a case that was listed for trial this year. Again, using those sharper, faster casework principles, it was able to get those guilty pleas rather than go through a lengthy trial. It has just agreed its first deferred prosecution agreement for a number of years. There is a lot of work going on. The SFO would recognise that there have been difficulties, such as the case that could not go to trial earlier this year, but through our regular series of meetings and reports we are able to hold it to account for some of that work.

Lord Hermer: We are not simply passive recipients of information. We try to ensure that the correct constitutional balance is met between, on the one hand, respecting the operational independence, which we all appreciate is absolutely essential for law enforcement, and, on the other hand, ensuring that the structures and systems are in place so that it can fulfil its mandate and we can report back to you and to Parliament more generally on its operation.

A good example is cases where things go wrong, as they will go wrong in any organisation. Outside the regular framework of meetings and supervision that Ellie outlined, and outside the inspectorate—whose job may very well be to go in, pull out a file and go, "You explain to me what's going on here"—when something does go wrong, we will immediately be notified when it is the SFO. It will be asked to come in immediately. We will not simply want to understand and have the input as to what has gone wrong. We will want to understand what steps it is taking immediately to rectify it. For example, it might be notifying the court or the defendants. We need to satisfy ourselves that the steps are being taken. What structural lessons can be learned? What are the steps that can be taken to avoid non-repetition? In the context of superintendence of the SFO, that is what superintendence often looks like, as well as the structure that we have built around it, including the important role of the inspectorate.

Sir Ashley Fox: I regard this string of failed prosecutions as evidence of a too passive approach, but let's leave it there. Thank you, Chair.

Q67 **Chair:** Thank you. You also superintend the Crown Prosecution Service. What is your overall assessment of the performance of the CPS, Lord Hermer, since you last appeared before us 18 months ago?



Lord Hermer: It is an enormous organisation, and I am going to give you a generalised view. It is an organisation that continues to benefit from extraordinarily dedicated individuals, many of them often working in very difficult areas of the law, dealing with and working often in very difficult conditions. I have been continually impressed by the people who work within the organisation.

Apart from the general superintendence of the CPS and working with it as issues arise along the timeline, whether it is civil disturbance or particular types of hate crimes that we have been dealing with, one huge focus that Ellie has spearheaded has been working with the CPS to ensure that its work addressing violence against women and girls is as proactive, efficient and effective as it can possibly be. Thanks to the work of Ellie superintending, there have been some—Ellie has spoken about some already—real, positive developments, not least the work that I started together at that stage with Lucy Rigby, but that Ellie has driven through, on the victim's right to review in cases of serious sexual violence. The work we have done with the CPS, to which it has responded, has been positive.

Q68 **Chair:** I have a few final questions if we have time. Short answers are very acceptable. When you appeared before us in January 2025, you said the framework agreement between the Law Officers and the DPP would be updated within the "next few months". Do you still plan on updating the framework agreement?

Lord Hermer: I do, and it is something that we need to come back to.

Q69 **Chair:** You do not have a date.

Lord Hermer: I do not have a date, but I should say that in the interim the framework agreement is something that I have considered carefully, not least because the issue of the relationship between Law Officers and the CPS was a matter considered in detail by another Committee of Parliament in respect of issues that arose out of the dropping of a China espionage case. I have yet to find anything within the existing framework that required urgent and immediate action, but it is something that we intend to come back to.

Q70 **Chair:** Sir Brian Leveson, in part 2 of his independent review, said that "the central problem with the current governance structure is the lack of a unified vision for criminal justice agreed at the highest level of government". Do you agree with that? Do you agree with his recommendation that there should be a new role of criminal justice adviser to the Prime Minister?

Lord Hermer: In the spirit of the unified approach recommended by Sir Brian, that is something I would want to discuss with my colleagues, the Lord Chancellor and the Home Secretary, before providing you with a full answer.

Q71 **Chair:** You have not discussed it so far.



HOUSE OF COMMONS

Lord Hermer: I have not had those discussions yet. As you will well know, Sir Brian set out a raft of recommendations. You will also know from this Committee the amount of work that the Government have been doing, some of which we have discussed today, to implement many of those recommendations.

Q72 **Chair:** Indeed. We heard from the Met that it was submitting by September evidence to the CPS in relation to potential criminal charges over the Grenfell Tower fire disaster with a view to a decision being made on charging within the next year—within 10 years of the tragedy happening. Are you concerned by the fact that public inquiries appear to cause serious delays in bringing criminal prosecution?

Lord Hermer: If I may, I direct your questions on Grenfell to Ellie.

Ellie Reeves: Thanks for that. In terms of the CPS role, I know it has been working with the police. I had a question about this at the last oral questions a couple of weeks ago. I know that the CPS worked with the Met over a number of years. As you rightly say, it is almost 10 years since the tragedy at Grenfell Tower. I also know that the MOJ has been working with police and prosecutors to make sure that the system is ready to hear complex cases without unnecessary delays should charging decisions be made. Obviously, I cannot get ahead of that. It is important that if charging decisions are made there are not further delays at that stage in terms of getting these complex cases heard at court.

Q73 **Chair:** There is a lot of interest in the way that public inquiries operate now, including how their recommendations are then followed up. Specifically in relation to the potential for criminal prosecutions, do you think the Law Officers have a role in advising how public inquiries should be structured?

Lord Hermer: Just to make plain, nothing in my answer touches on Grenfell Tower at all, but, generally as a matter of principle, the starting point is that public inquiries serve an incredibly important function, not least in that they can sometimes lead to accountability for people who have done things wrong, and they often provide truth for victims. Can we do it better, more quickly and more cheaply? I think we can. It is one of those issues that the Government, I have no doubt, will be looking at carefully.

Q74 **Chair:** I have one very short final question that I must ask you before you go. It was reported last week that you ordered the Attorney General's Office to stop using the social media platform X.

Lord Hermer: Yes.

Q75 **Chair:** Can you explain who made that decision? Are you the first Department to make that decision?

Lord Hermer: I made that decision. I can understand why other Departments feel they need to be on the pitch engaging with people, but



HOUSE OF COMMONS

that is not where the Attorney General's Office needs to be. For the work that I can do, I can engage with people in serious, detailed and respectful debate without being on a platform that constantly descends to racism and misogyny. My Department can do better than that.

Q76 **Chair:** If you feel strongly about that, will you be recommending that your colleagues in Government follow suit?

Lord Hermer: As I said, I can see there are very good reasons why some Departments and some colleagues will want to be out there challenging things on that platform. My Department does not need to do that. *[Interruption.]*

Chair: Thank you both very much for your attendance. As always, the bell is summoning us to vote, so I bring this session to an end.