



Justice Committee

House of Commons London SW1A 0AA
Tel 020 7219 8196/8198 Email justicecom@parliament.uk
Website www.parliament.uk/justicecttee

Rt Hon Suella Braverman QC MP
Attorney General
102 Petty France
London
SW1H 9AJ

4 March 2021

Dear Attorney General

STATUTORY INSTRUMENT – THE PROSECUTION OF OFFENCES ACT 1985 (SPECIFIED PROCEEDINGS) (CORONAVIRUS) (AMENDMENT) ORDER 2021

Thank you for your letter on 9 February setting out the purpose of the Prosecution of Offences Act 1985 (Specified Proceedings) (Coronavirus) (Amendment) Order 2021.

The Committee recognises the need for the justice system to function as effectively as possible during the covid-19 pandemic. The police, the Crown Prosecution Service and the courts are operating in extremely difficult conditions. Everyone in the criminal justice system is currently working to reduce the number of outstanding cases and to ensure that the most urgent cases are prioritised. Reducing the workload of the CPS and the courts at such an important time is a legitimate goal and the Committee accepts the underlying rationale of this instrument.

The decision to specify all covid-19 offences nonetheless raises important questions as to how the Government has used the criminal law during the covid-19 pandemic.

The covid-19 pandemic has seen the creation of a large number of new criminal offences at unprecedented speed. The result is that there is now a complex web of new offences on the statute book, and this makes it difficult for police, and for the public, to know what constitutes a breach of the covid-19 regulations. The creation of a range of covid-19 offences have also seen a significant increase in the use of fixed penalty notices within the criminal justice system. The Committee is keen to understand how the Government has developed its approach and policies on how the criminal law should be used as part of its legislative response to the pandemic. The Committee is also interested in how the key actors in the criminal justice system, namely the police and the CPS, have been able to inform the Government's approach to creating new criminal offences.

The Committee is also interested in the implications of the expansion of the use of the single justice procedure to deal with covid-19 offences. We acknowledge that there are safeguards in place, however, it is also right to recognise that the single justice procedure was not designed to deal with complex offences. More broadly, we would like to look at

how the courts have been dealing with contested cases of breaches of the covid-19 regulations. We would also like to understand the role that the CPS is playing in reviewing finalised cases.

To investigate these issues the Committee has decided to undertake a short inquiry on covid-19 and the criminal law. The Committee looks forward to working with you, the CPS and others to understand how the criminal law has been used to protect the public during the pandemic.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R. Neill', with a stylized, sweeping flourish at the end.

Sir Robert Neill MP

Chair
Justice Committee