



11 November 2025

Mr Matt Western MP
House of Commons

Dear Matt,

Thank you for your letter dated 6 November 2025, re – Joint Committee on the National Security Strategy inquiry written evidence.

Here are my responses to your questions -

1. Section 3 of the Prosecution of Offenders Act 1985 provides that the Director of Public Prosecutions discharges their functions under the superintendence of the Attorney General.

a) How did you interpret this superintendence role?

b) What did it involve on a day-to-day basis?

c) Did it ever create a conflict with other aspects of your role as Attorney General?

I took my superintendence responsibilities very seriously. As Attorney General, I introduced a formal Protocol with the Prosecuting Departments, including the CPS, which was signed in July 2009. It sets out in detail how I saw my superintendence role, what it involved on a day-to-day basis, and how it was intended to provide transparency and clarity about how the role would operate, including any connections with other aspects of my role as Attorney General at the time, which I did not see in conflict. Although there is much continuity, that Protocol has now been overtaken by a Framework Agreement, the latest version dating from 2020. A copy of the July 2009 Protocol remains online at [Protocol between the Attorney General and the Prosecuting Departments](#).

2. Certain offences require the Attorney General's consent before they can be prosecuted.

a) How did you approach this part of your role?

b) Would you be sighted on the evidence on which the Crown Prosecution Service had based their decision to prosecute?

c) Would you conduct an independent assessment of whether the evidential and public interest tests were met?

My approach is set out in section 4(a) of the abovementioned 2009 Protocol. It reads:

4(a) Attorney General's consent to prosecute

4(a)1. For certain offences Parliament has decided that the Attorney General's consent is needed to bring a prosecution.

4(a)2. It is a constitutional principle that when taking a decision whether to consent to a prosecution, the Attorney General acts independently of government, applying well established prosecution principles of evidential sufficiency and public interest.

4(a)3. Where the prosecutor considers that there is sufficient evidence to prosecute for one of these offences and that a prosecution is or may be in the public interest, the prosecutor seeks the Attorney General's consent to bring a prosecution. That decision is taken by the Attorney General.

4(a)4. Once a prosecution is commenced in one of these cases, the prosecutor keeps the Attorney General informed of its progress and whenever practicable, consults the Attorney General if the prosecutor is contemplating either dropping the case on public interest grounds, or accepting pleas.

4(a)5. If the case can no longer proceed for evidential reasons which emerge after a prosecution is started, the prosecutor informs the Attorney General of the decision as soon as it is taken.

In considering consent applications, I would be sighted on relevant and necessary evidence and, assisted by my department, I would come to my own view on the evidence and the public interest.

3. Paragraph 67 of the Framework Agreement between the Law Officers and the Director of Public Prosecutions provides:

The Attorney General's assistance may be sought by the CPS in an individual case to ensure that processes of securing evidence or disclosure of material by another government department run smoothly, where such processes are in the interests of ensuring a fair trial.

Were you ever called on to assist in this way? If so, how did you go about it?

This provision has an ancestor in the 2009 Protocol, which reads as follows:

4(d)7. The Attorney General's assistance may be needed to secure evidence or disclosure of material by another Government Department which is needed to ensure a fair trial.

I do not recall being called on to assist in this way, and my enquiries to AGO indicate that they are also not aware of any such precedents.

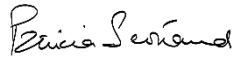
4. From the material you have seen:

a) Did the government processes work as you would have expected in the Cash/Berry case?

b) What would you identify as the lessons to be learned from this matter?

Clearly, there is widespread disappointment that prosecutions of a serious nature involving alleged espionage in or around Parliament have not been tested in a court of law. I share that disappointment. I am unsighted on the detail of what may have happened here, but I would hope the Committee would both offer robust and practical recommendations on what if any lessons should be learned. What I do know is that the law has now been updated, so it may be that the deficiencies in the previous law have now been remedied, albeit too late for these cases to proceed.

Yours sincerely,



Patricia Scotland

The Rt Hon the Baroness Scotland of Asthal KC

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**Joint Committee
on the National
Security Strategy**

Thursday 6 November 2025

Baroness Scotland of Asthal KC
[By email]

Dear Baroness Scotland,

As you may be aware, the Joint Committee on the National Security Strategy is currently holding an inquiry into 'Espionage cases and the Official Secrets Acts'. As part of the inquiry, we have taken oral and written evidence from Government officials and Ministers.

We are now seeking written evidence from other interested parties. As a former Attorney General, the Committee would be most grateful for your attention to the following questions:

1. Section 3 of the Prosecution of Offenders Act 1985 provides that the Director of Public Prosecutions discharges their functions under the superintendence of the Attorney General.
 - a) How did you interpret this superintendence role?
 - b) What did it involve on a day-to-day basis?
 - c) Did it ever create a conflict with other aspects of your role as Attorney General?
2. Certain offences require the Attorney General's consent before they can be prosecuted.
 - a) How did you approach this part of your role?
 - b) Would you be sighted on the evidence on which the Crown Prosecution Service had based their decision to prosecute?
 - c) Would you conduct an independent assessment of whether the evidential and public interest tests were met?
3. Paragraph 67 of the Framework Agreement between the Law Officers and the Director of Public Prosecutions provides:

The Attorney General's assistance may be sought by the CPS in an individual case to ensure that processes of securing evidence or disclosure of material by another government department run smoothly, where such processes are in the interests of ensuring a fair trial.

Were you ever called on to assist in this way? If so, how did you go about it?



**Joint Committee
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4. From the material you have seen:
- a) Did the government processes work as you would have expected in the Cash/Berry case?
 - b) What would you identify as the lessons to be learned from this matter?

I would be grateful if you could respond to this letter by 12 noon of Wednesday 12 November. In line with usual practice, I will be placing a copy of this letter and your response in the public domain in due course.

Best wishes,

Matt Western MP
Chair, Joint Committee on the National Security Strategy