



Ministry
of Justice

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Dear Catherine,

Post-legislative scrutiny

Congratulations on your appointment as the Chair of the Justice Select Committee. I look forward to working with you and supporting the Committee. Thank you for the letter of 14 July setting out the Justice Select Committee's views on post-legislative scrutiny and asking the department to provide a timetable for outstanding post-legislation scrutiny.

The Ministry of Justice recognises the important role of post-legislative scrutiny in assessing whether legislation has achieved its intended policy objectives and supporting Parliament to scrutinise its effectiveness and impact.

In light of the Committee's letter, I tasked officials to review the department's outstanding post-legislative scrutiny commitments and prioritise establishing delivery plans for Acts where memoranda are overdue or approaching their due date. Our current timetable for doing so is set out below.

I am committed to improving the department's overall approach to post-legislative scrutiny. This includes clearer oversight, forward planning and monitoring arrangements so that future post-legislative scrutiny is identified and progressed in a timely manner. I will continue to engage with the Committee as this work develops.

The indicative timelines set out below reflect our current plans for publishing post-legislative scrutiny memoranda.

1. Regarding Acts of Parliament where the Ministry of Justice was the sponsoring department.

Judicial Review and Courts Act 2022

We expect to publish the memorandum in summer 2027.

Terrorist Offenders (Restriction of Early Release) Act 2020 and Counter-Terrorism and Sentencing Act 2021

We are currently undertaking post-legislative scrutiny of both Acts and expect to submit the resulting memorandum to the Committee, with a copy also provided to the Home Affairs Select Committee, in December 2026.

We intend to produce a single memorandum covering both Acts. While post-legislative scrutiny is normally undertaken on an Act-by-Act basis, we consider a combined memorandum to be appropriate in this instance given the close relationship between the two Acts and their shared policy objectives. This approach will enable the implementation and impact of the legislation to be considered as a whole, while ensuring that the analysis and commentary of each Act remains clearly distinguished throughout.

Divorce, Dissolution and Separation Act 2020

We expect to publish the memorandum by summer 2027.

Prisoners (Disclosure of Information About Victims) Act 2020

We expect to publish the memorandum by the end of 2026.

Private International Law (Implementation of Agreements) Act 2020

We expect to publish the memorandum by mid-2029. This timeline is intended to ensure that sufficient time is allowed before completing the memorandum to capture the impact of the current five-year extension of the Act's powers as fully as possible.

Civil Liability Act 2018

We are planning to publish the post-implementation review of the Whiplash Reform Programme by the end of 2026. As agreed by the Committee, we will not publish a memorandum for this Act.

Courts and Tribunals (Judiciary and Functions of Staff) Act 2018

We expect to publish the memorandum by January 2027.

2. Private Members' Bills

The Committee requested that the Department produce a memorandum for the Assaults on Emergency Workers (Offences) Act 2018 and provide a timetable for the remaining Private Members' Bills for which the Ministry of Justice holds policy responsibility.

In previous correspondence, the Department stated that it was not planning to undertake formal post-legislative scrutiny of recent Private Members' Bills. I have reviewed that position, and the Department accepts the Committee's request where practicable and will produce post-legislative memoranda for the outstanding Private Members' Bills listed below.

- Assaults on Emergency Workers (Offences) Act 2018 - expect to publish a memorandum by end of January 2027
- Voyeurism (Offences) Act 2019 - expect to publish a memorandum by end of January 2027
- Marriage and Civil Partnership (Minimum Age) Act 2020 - expect to publish a memorandum in summer 2027
- Prisons (Substance Testing) Act 2021 - expect to publish a memorandum in spring 2027
- Approved Premises (Substance Testing) Act 2022 - expect to publish a memorandum in summer 2027

Stalking Protection Act 2019

In previous correspondence, the Stalking Protection Act 2019 was incorrectly identified as a Private Members' Bill sponsored by the Ministry of Justice. The Act was taken forward with the support of the Home Office, which is the lead department for post-legislative scrutiny.

We are engaging with the Home Office to understand its plans and timelines for publication of a post-legislative scrutiny memorandum and will contribute as appropriate.

3. Other Acts of Parliament where the Ministry of Justice had provisions contained within the legislation, but where the sponsoring Minister and lead department was not the Ministry of Justice

The Department recognises the importance of post-legislative scrutiny for legislation sponsored by other Government Departments where provisions have had input from the Ministry of Justice or significant implications for the justice system.

I am committed to ensuring the Department strengthens oversight of Acts where the Ministry of Justice is expected to contribute to post-legislative scrutiny, engaging with sponsoring departments where memoranda are due or forthcoming, and ensuring that justice system impacts are appropriately reflected. Where the Ministry of Justice is contributing to a memorandum led by another department, we will keep the Committee informed.

Yours sincerely



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Permanent Secretary, Ministry of Justice