



In Focus

Criminal Cases Review Commission (Information) Bill HL Bill 97 of 2015–16

Key Provisions

The [Criminal Cases Review Commission \(Information\) Bill](#) is a House of Commons private member's bill introduced by William Wragg (Conservative MP for Hazel Grove). It is supported in the House of Lords by Lord Ramsbotham (Crossbench). The Bill has passed its stages in the House of Commons without amendment and is scheduled to have its second reading in the House of Lords on 26 February 2016. It is supported by the Government.

Under section 17 of the Criminal Appeal Act 1995, the Criminal Cases Review Commission (CCRC) has the power to require public bodies to disclose and provide documents and other materials which may help the CCRC in exercising its duties. The Bill would extend this power to allow the CCRC—following the granting of an order by the Crown Court—to request such documents from someone who is not employed by or serving in a public body. The explanatory notes to the Bill explain that “unlike their counterpart in Scotland” the CCRC currently has no power to require such individuals to supply this information.¹

Background

The CCRC was established as an independent body by section 8 of the Criminal Appeal Act 1995 and started work on 31 March 1997. It has a statutory duty to investigate alleged miscarriages of justice in England, Wales and Northern Ireland. In addition to this primary role, the CCRC can also:

- be asked by the Court of Appeal to investigate and report on an issue in an ongoing appeal it is considering so that it can conclude the case (See section 15 of the Criminal Appeal Act 1995)
- be asked for advice by the Secretary of State for Justice when he or she is considering advising Her Majesty the Queen to issue a Royal Pardon
- refer cases to the Secretary of State for Justice where we feel that a Royal Pardon should be considered.²

On 25 March 2015, the House of Commons Justice Select Committee published a report on the CCRC.³ Amongst the Committee's recommendations was the following, that:

It should be a matter of great urgency and priority for the next Government to bring forward legislation to implement the extension of the CCRC's powers so that it can compel material

necessary for it to carry out investigations from private bodies through an application to the courts. No new Criminal Justice Bill should be introduced without the inclusion of such a clause.⁴

The Committee reported that the CCRC had:

[...] long asked for its section 17 powers to be extended to allow it to compel similar materials from private bodies by way of a court order [...] in part because of the privatisation of various criminal justice bodies and services, including the Forensic Science Service.⁵

The CCRC referred to the Committee's report in its *Business Plan 2015 to 2016*, stating that it was pleased to have the Committee's support for "[...] an extension to our powers so that we can require private bodies to disclosure documents relevant to our enquiries".⁶

In its response to the Committee, the Government said that the Criminal Cases Review Commission (Information) Bill had been laid as a private member's bill and that the Government would support this Bill as a way to make this legislative change. The Bill had its first reading in the Commons on 24 June 2015, after the Committee's report was published. In its response the Government said that should the private member's bill fail to achieve royal assent then it would "look for another suitable legislative opportunity".⁷

Further Information

- House of Commons Library, [Criminal Cases Review Commission \(Information\) Bill](#), 27 November 2015
- Second reading of the Criminal Cases Review Commission (Information) Bill, [HC Hansard, 4 December 2015, cols 661–72](#)
- House of Commons Public Bill Committee, *Criminal Cases Review Commission (Information) Bill*, 20 January 2016, [cols 1–8](#)
- Third reading of the Criminal Cases Review Commission (Information) Bill, [HC Hansard, 5 February 2016, cols 1231–47](#)

¹ [Explanatory Notes](#), p 2.

² Criminal Cases Review Commission, '[What We Do](#)', accessed 22 February 2016.

³ House of Commons Justice Select Committee, [Criminal Cases Review Commission](#), 25 March 2015, HC 850 of session 2014–15.

⁴ *ibid*, p 29.

⁵ *ibid*, p 21.

⁶ Criminal Cases Review Commission, [Business Plan 2015 to 2016](#), August 2015, p 4.

⁷ Ministry of Justice, [Government Response to the Justice Select Committee's Twelfth Report of Session 2014–15 Criminal Cases Review Commission](#), July 2015, Cm 9119, p 5.

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