



King's Speech 2024: Justice

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This research briefing sets out the Labour Party's commitments covering justice, drawing on its manifesto and other material in the public domain. It has been written in advance of the King's Speech to help members of the House of Lords prepare for the debate on the speech. It does not constitute official information about the government's intentions or provide a complete list of bills to be announced.

I. Courts

I.1 Expanding the role of associate prosecutors

The Labour Party's manifesto contained several commitments aimed at reducing court backlogs and ensuring the justice system "puts victims first".¹ This included increasing the number of prosecutors available by expanding the role of associate prosecutors and allowing them to work on "appropriate cases". The manifesto did not specify what types of cases this would cover.

An associate prosecutor is a non-legal Crown Prosecution Service (CPS) employee designated by the director of public prosecutions (DPP) to have statutory powers and rights of audience of a crown prosecutor set out in section 7A of the [Prosecution of Offences Act 1985](#).² For example, associate prosecutors are permitted to conduct bail applications and criminal proceedings in the magistrates' courts. Some experienced associate prosecutors can also conduct contested hearings up to and including trials of summary-only, non-imprisonable offences. Expanding the role of associate prosecutors would require a Labour government to introduce legislation to amend section 7A of the Prosecution of Offences Act 1985. The manifesto did not confirm how associate prosecutors' powers would be expanded.

Commenting on this manifesto commitment, KC barrister and former DPP Lord Macdonald of River Glaven (Crossbench) argued that this proposal looked like a "cost cutting measure

¹ Labour Party, '[Labour Party manifesto 2024](#)', June 2024, p 70.

² Crown Prosecution Service, '[Director's instructions to CPS associate prosecutors](#)', accessed 5 July 2024.





rather than a measure designed to improve the quality of justice”.³

1.2 Expanding the role of the victims’ commissioner

The Labour Party has committed to introducing new protections for victims.⁴ The manifesto said a Labour government would increase the powers of the commissioner for victims and witnesses (‘the victims’ commissioner’). The manifesto did not specify how the victims’ commissioner’s powers would be increased. The victims’ commissioner is a statutory role responsible for promoting the interests of victims and witnesses in England and Wales and keeping the operation of the ‘[Code of practice for victims of crime in England and Wales](#)’ under review. The victims’ commissioner’s general functions and duties are set out in the [Domestic Violence, Crime and Victims Act 2004](#). Baroness Newlove (Conservative) was appointed interim victims’ commissioner on 16 October 2023 for a one-year term.⁵ Expanding the commissioner’s role would require a Labour government to introduce primary legislation.

1.3 Specialist courts for rape cases

The Labour Party has said its mission is to “halve violence against women and girls in a decade”.⁶ As part of this mission, the manifesto said a Labour government would fast-track rape cases by introducing specialist courts at every crown court location in England and Wales. As reported in the Observer, a Labour government would set up the new specialist courts in “unused rooms and spare capacity” within existing crown courts.⁷

Commenting on the proposal, Jo Phoenix, professor of criminology at the University of Reading and trustee of criminal justice charity the Centre for Crime and Justice Studies, agreed with the principle of introducing specialist rape courts.⁸ However, Professor Phoenix argued that more was needed to holistically address the management of the court systems and reduce the criminal court backlog.

³ Double Jeopardy: The Law and Politics Podcast, ‘[Justice under Labour?](#)’, 14 June 2024 (see 17:15–18:20).

⁴ Labour Party, ‘[Labour Party manifesto 2024](#)’, June 2024, p 71.

⁵ Victims’ Commissioner, ‘[The Commissioner](#)’, accessed 5 July 2024.

⁶ Labour Party, ‘[Labour Party manifesto 2024](#)’, June 2024, p 67.

⁷ Toby Helm, ‘[Labour pledges 80 new rape courts to tackle backlog crisis](#)’, Observer, 9 June 2024.

⁸ Centre for Crime and Justice Studies, ‘[Crime, justice and the general election](#)’, 26 June 2024 (video, see 28:27–30:20).



According to the latest National Audit Office report on the crown court backlog, published in May 2024, the number of outstanding adult rape cases in the crown court increased by 346% (from 624 to 2,786) between 31 December 2019 and 31 December 2023.⁹ In the final quarter of 2023, the average mean time from receipt to completion for adult rape cases was 366 days, compared with 240 days for all offences.

More information on other Labour Party manifesto commitments to address violence against women and girls can be found in the House of Lords Library briefing, [‘King’s Speech 2024: Home affairs’](#) (12 July 2024).

2. Prison and probation services

2.1 Increasing prison places

The Labour Party has committed to address prison overcrowding in England and Wales. Official prison population figures for 28 June 2024 showed the prison population to be 87,360, with a useable operational capacity for the system of 88,818.¹⁰ The Ministry of Justice’s latest prison population projections for England and Wales estimated the prison population would increase to between 94,600 and 114,800 by March 2028, with a central estimate of 105,800.¹¹

The Labour Party said it would deliver on an existing Conservative government promise to create 20,000 additional prison places.¹² The party’s manifesto said a Labour government would use “all relevant powers” to build the required prisons.¹³ It did not specify if legislation would be introduced to deliver this commitment. In June 2024, Shabana Mahmood, who has now been appointed as justice secretary, said a Labour government would designate prisons

⁹ National Audit Office, [‘Reducing the backlog in the crown court’](#), 24 May 2024, HC 728 of session 2023–24, p 44.

¹⁰ Ministry of Justice, [‘Population bulletin: Weekly 28 June 2024’](#), updated 28 June 2024. The population was 83,702 across the male estate and 3,658 across the female estate. The ‘useable operational capacity’ of the prison estate is the sum of all establishments’ operational capacity less 1,350 places. The Ministry of Justice said this refers to the operating margin and reflects the constraints imposed by the need to provide appropriate accommodation for different classes of prisoner such as by sex, age and security category.

¹¹ Ministry of Justice, [‘Prison population projections 2023 to 2028, England and Wales’](#), 29 February 2024.

¹² Labour Party, [‘Labour Party prisons policy: How we will fix the prisons crisis and keep criminals behind bars’](#), 9 June 2024.

¹³ Labour Party, [‘Labour Party manifesto 2024’](#), June 2024, p 71.



as being of national importance.¹⁴ Ms Mahmood said this would accelerate prison estate building by enabling government ministers to have the final say when approving the building of new prisons. She said a Labour government would also want to work with local authorities and communities to identify suitable sites.

In 2021, the Conservative government said it would deliver 20,000 extra prison places by the mid-2020s.¹⁵ The Ministry of Justice stated that “more than 5,400” additional prison places had been completed by April 2024.¹⁶ The then minister for prisons, parole and probation, Edward Argar, said in February 2024 that delivery of this commitment had been impacted by factors including delays caused by planning permission decisions.¹⁷

Prison governors have raised concerns in recent months that prisons are at risk of reaching operational capacity.¹⁸ To address this, the Conservative government announced in October 2023 that it would use powers in section 248 of the [Criminal Justice Act 2003](#) to allow HM Prison Service to move some “less serious offenders” out of prison and on to licence up to 18 days before their automatic release date.¹⁹ This ‘end of custody supervised licence’ (ECSL) scheme was extended in March 2024 to allow respective prisoners to be released between 35 and 60 days before their automatic release date.²⁰ The ECSL was subject to a further extension in May 2024 to 70 days.²¹ When asked about the ECSL during the general election campaign, Keir Starmer said “in all likelihood” a Labour government would have to continue with the scheme.²²

Since taking office as prime minister, Keir Starmer has said there are “too many prisoners and not enough prisons” and that the prison situation was “worse than [he] thought”.²³ According to press reporting, the government will announce plans on 12 July 2024 to release

¹⁴ BBC iPlayer, [‘Sunday with Laura Kuennsberg’](#), 9 June 2024 (video, see 37:40–38:41).

¹⁵ Ministry of Justice, [‘Prisons strategy white paper’](#), December 2021, CP 581, p 8.

¹⁶ Ministry of Justice, [‘Climate change adaptation strategy 2024: MOJ’](#), 22 April 2024.

¹⁷ House of Commons Justice Committee, [‘Oral evidence: Future prison population and estate capacity’](#), 6 February 2024, HC 29 of session 2023–24, Q190.

¹⁸ William Wallis et al, [‘Prisons face ‘breaking point’ within days of UK election, says governors’ union’](#), Financial Times (£), 3 July 2024.

¹⁹ [HC Hansard, 16 October 2023, col 59.](#)

²⁰ [HC Hansard, 12 March 2024, col 157.](#)

²¹ [HC Hansard, 8 May 2024, cols 577–8;](#) and Matt Dathan, [‘Prisoners to be released 70 days early to ease overcrowding’](#), Times (£), 7 May 2024.

²² Chris Mason, [‘Labour would let prisoners out early too if elected, says Starmer’](#), BBC News, 2 July 2024.

²³ Rowena Mason, [‘Keir Starmer hits out at prison system ‘mess’ caused by Tories’](#), Guardian, 6 July 2024; and Kate Whannel and Henry Zeffman, [‘Prisoners to be released early to ease overcrowding’](#), BBC News, 11 July 2024.



prisoners early to stop prisons becoming full.²⁴ It is expected this will include automatically releasing prisoners on standard determinate sentences when they have served 40% of their sentence (current practice is to release them at the 50% point). There are expected to be exemptions for serious and violent offenders.

Commenting on the Labour Party's manifesto commitment to increase prison capacity, barrister and deputy high court judge in the administrative court Tim Owen KC said the commitment should instead be to reduce the prison population.²⁵ Mr Owen argued that "only dangerous, violent people [should] really go there for any length of time" and there should be "proper rehabilitation and training and education" for those imprisoned. Legal commentator Joshua Rozenberg KC (hon) said that while the Labour Party's promise to address prison capacity was welcomed, its plan to "use all relevant powers" to build prisons should "go hand in hand with reducing the number of people in custody".²⁶ Mr Rozenberg argued it would only be by diverting resources into rehabilitation that Labour could meet its objective to cut reoffending. Frances Crook, co-convenor of the Commission on Political Power and a former chief executive of penal reform charity the Howard League for Penal Reform, described Labour's plans to build more prisons as "dreadful".²⁷ Instead of building new prisons, Ms Crook argued that a Labour government should use the investment to support crime reduction in local communities. Ian Acheson, visiting professor at Staffordshire University and a former prison governor and civil servant, agreed with Ms Crook that building more prisons would not solve the problem in isolation.²⁸ Mr Acheson argued that prison culture and leadership should also be addressed.

2.2 Improving the job prospects of prisoners and ex-offenders

The Labour Party's manifesto outlined plans to reduce reoffending and improve the job prospects of ex-offenders. It said a Labour government would work with prisons to improve offenders' access to purposeful activity such as learning and ensure prisons created pre-release plans.²⁹ For those leaving prison, the manifesto said Labour would support ex-offenders into work by linking them up with local employers and voluntary organisations. Shabana Mahmood said a Labour government would focus on having employment councils within every prison that could work with local employers and ensure the training offered in

²⁴ Kate Whannel and Henry Zeffman, '[Prisoners to be released early to ease overcrowding](#)', BBC News, 11 July 2024.

²⁵ Double Jeopardy: The Law and Politics Podcast, '[Justice under Labour?](#)', 14 June 2024 (see 21:00–22:46).

²⁶ Joshua Rozenberg KC (hon), '[Labour must mend criminal justice](#)', Law Gazette, 24 June 2024.

²⁷ Centre for Crime and Justice Studies, '[Crime, justice and the general election](#)', 26 June 2024 (video, see 48:05–50:05).

²⁸ As above, see 50:35–52:02.

²⁹ Labour Party, '[Labour Party manifesto 2024](#)', June 2024, p 71.



prisons reflected the local job market.³⁰ The Labour Party said bringing prison governors and local employers together in this way would reduce both reoffending and the prison population in the long-term.³¹

James Timpson was appointed as minister for prisons, parole and probation on 5 July 2024.³² Keir Starmer said he had made this appointment as Mr Timpson “walks the walk” on rehabilitating offenders.³³ Mr Timpson has been chief executive of a family company known for employing ex-offenders and was also chair of the Prison Reform Trust.

2.3 Strategic review of the probation service

The Labour Party has committed to reviewing the existing probation service model as part of its plans to address reoffending.³⁴ The manifesto said a Labour government would carry out a strategic review of probation governance and consider the benefits of devolved models. It referred to Greater Manchester and other local areas where probation services had linked up with housing and health services to ensure offenders leaving custody received relevant support.

3. Addressing historical injustices

The Labour Party’s manifesto contained several commitments to address historical injustices. It said a Labour government would introduce a ‘Hillsborough law’ which would place a legal duty of candour on public servants and authorities to be open and transparent.³⁵ A statutory duty of candour has been in place for health and social care providers in England since 2014.³⁶ As leader of the opposition, Keir Starmer called for this legal duty to be expanded to include public servants and authorities. Legislation would be required to introduce this duty. However, the manifesto did not specify whether this would be primary or secondary legislation. Mr Starmer said a failure to be open and transparent with victims had featured in

³⁰ BBC iPlayer, ‘[Sunday with Laura Kuennsberg](#)’, 9 June 2024 (video, see 42:07–42:54).

³¹ Labour Party, ‘[Labour Party prisons policy: How we will fix the prisons crisis and keep criminals behind bars](#)’, 9 June 2024.

³² Prime Minister’s Office, ‘[Ministerial appointments: July 2024](#)’, 5 July 2024. A life peerage for Mr Timpson was announced alongside the ministerial appointment.

³³ Sima Kotecha and Lucy Clarke-Billings, ‘[Why Starmer hired key-cutting boss as prisons minister](#)’, BBC News, 6 July 2024.

³⁴ Labour Party, ‘[Labour Party manifesto 2024](#)’, June 2024, p 73.

³⁵ As above.

³⁶ Public Health England, ‘[Duty of candour](#)’, updated 5 October 2020.



various injustices “from Grenfell to [Post Office] Horizon, Hillsborough and now the infected blood scandal”.³⁷ The Labour Party has also committed to providing victims of disasters or state-related deaths with legal aid.³⁸

Additionally, the manifesto said a Labour government would act on the findings of the infected blood inquiry.³⁹ Published in May 2024, the inquiry’s final report called for a range of measures to be introduced including immediate compensation, public memorials and for lessons to be learned in medicine, government and the civil service.⁴⁰ For more information on the infected blood inquiry, see the House of Lords Library briefing, ‘[Infected blood scandal: Background, impacts, interim compensation and inquiry outcomes](#)’ (22 May 2024).

The manifesto also said the Labour Party would ensure the Windrush compensation scheme was “run effectively”.⁴¹ More information about the Windrush scandal and compensation scheme can be found in the House of Lords Library briefing, ‘[Windrush scandal and compensation scheme](#)’ (15 February 2024).

The Labour Party has also committed to carrying out an investigation or inquiry to ensure the “truth about the events at Orgreave comes to light”.⁴² This referred to violent clashes that took place in 1984 at Orgreave coking plant near Rotherham during the miners’ strike.⁴³

4. Commentary on Labour’s justice proposals

The Labour Party’s manifesto commitments have been the subject of scrutiny from some in the legal and economic sectors. On Labour’s plan to have a justice system that “puts victims first”, former DPP Lord Macdonald said that while victims of crime must be supported at all stages of the criminal justice process, “the whole idea of putting a victim first or putting a victim above the defendant presupposes the determination [...] that the defendant is guilty”.⁴⁴ Lord Macdonald argued this approach would be inconsistent with a criminal justice system and right to a fair trial under article 6 of the European Convention on Human Rights.

³⁷ [HC Hansard, 22 May 2024, col 864](#).

³⁸ Labour Party, ‘[Labour Party manifesto 2024](#)’, June 2024, p 73.

³⁹ As above.

⁴⁰ Infected Blood Inquiry, ‘[The inquiry report](#)’, 20 May 2024.

⁴¹ Labour Party, ‘[Labour Party manifesto 2024](#)’, June 2024, p 73.

⁴² Labour Party, ‘[Labour Party manifesto 2024](#)’, June 2024, p 73.

⁴³ Dan Johnson, ‘[Background: ‘The Battle of Orgreave](#)’, BBC News, 12 June 2015.

⁴⁴ Double Jeopardy: The Law and Politics Podcast, ‘[Justice under Labour?](#)’, 14 June 2024 (see 18:43–19:41).



On Labour's spending commitments, Tim Owen KC highlighted that the manifesto did not include a commitment to increase funding for the courts system or legal aid.⁴⁵ This was echoed by Bee Boileau, research economist at research organisation the Institute for Fiscal Studies, who argued that "absent money" in Labour's public service spending plans meant that services such as prisons and criminal courts were likely to be "seriously squeezed, facing real-term cuts that look inconsistent with the manifesto's stated ambitions".⁴⁶

Commenting on the manifesto overall, the Institute for Government (IFG) think tank said the Labour Party had acknowledged the scale of public service problems but had not yet offered "solutions that [were] equal to the task".⁴⁷ On prisons, the IFG said that while the Labour Party had committed to building more prisons, it had "not grappled with the problems that have dogged previous governments' attempts to expand the estate". In addition, accusing the manifesto of only containing "small stuff" when compared to the previous Labour government's policies, Frances Crook, a former chief executive of penal reform charity the Howard League for Penal Reform, argued that bigger changes were needed to make the criminal justice system work better for communities.⁴⁸ However, Phil Bowen, director of research charity the Centre for Justice Innovation and a former civil servant, including as a delivery adviser to the prime minister on criminal justice reform, disagreed.⁴⁹ Mr Bowen said more "basic" provisions were also needed in order to make systemic change, for example better data collection on victims.

⁴⁵ As above, see 18:20–18:43.

⁴⁶ Institute for Fiscal Studies, '[Labour Party manifesto: An initial response](#)', 13 June 2024.

⁴⁷ Institute for Government, '[General election 2024: 10 things we learned from the Labour manifesto](#)', 13 June 2024.

⁴⁸ Centre for Crime and Justice Studies, '[Crime, justice and the general election](#)', 26 June 2024 (video, see 41:45–43:25).

⁴⁹ As above, see 45:00–46:25.

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