Robert Neill MP  
Chair of the Justice Committee  
House of Commons  
London  
SW1A 0AA

By email: justicecom@parliament.uk

23 July 2018

Dear Mr Neill

CONSULTATION ON THE CODE FOR CROWN PROSECUTORS

I am writing to inform you that the CPS has today published a consultation on a proposed new edition of the Code for Crown Prosecutors (the Code).

The Code is periodically revised so that it reflects legal and social developments, as well as changes in prosecution policy and practice. This will be the eighth edition of the Code. The current version was published in January 2013.

The main proposed revisions to the Code are:

- **Disclosure**  
  This is included for the first time as part of the Evidential Stage: when assessing whether there is sufficient evidence to charge, prosecutors must consider the potential impact of any other material.

- **Proceeds of Crime**  
  Prosecutors are instructed to consider proceeds of crime at various stages of a case: when considering the public interest in charging a suspect; when selecting charges; when making submissions on court venue; and when considering a defendant’s offer of a plea.

- **The Threshold Test**  
  This has been clarified and simplified, to ensure it is only applied when necessary. Review of the Threshold Test is to be carried out earlier, by the time the prosecution case is served. We have
also extended the use of the Threshold Test to cases where it is not appropriate to apply the Evidential Stage of the Full Code Test, due to outstanding reasonable lines of enquiry.

Given your continuing work on young adults in the Criminal Justice System, one other proposed revision that may interest the Committee is in relation to the maturity of suspects. When considering the public interest stage of the Full Code Test, one factor that prosecutors must now consider in relation to the suspect’s maturity is that young adults will continue to mature into their mid-twenties (paragraph 4.14.d). This line is consistent with the text of the recently published Legal Guidance on Secondary Liability, which addresses this issue in the context of joint enterprise cases.

We would welcome your views on this revision, as well as on four specific questions, which are contained in the draft Code. Any other comments that you may have are also welcome.

The consultation can be accessed through the CPS website via the link below and closes on 17 September 2018. However, we note that Parliamentary recess does not end until 4 September and we are therefore content to receive your response up until 24 September. We will publish the final version of the new Code later this year.


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If you have any queries, please do not hesitate to contact me.

Yours sincerely

ALISON SAUNDERS
DIRECTOR OF PUBLIC PROSECUTIONS