Joint Committee on Human Rights
House of Commons · 7 Millbank · London · SW1P 3JA
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From Dr Hywel Francis MP, Chair

The Rt Hon Theresa May MP,
Secretary of State for the Home Department,
Home Office,
2 Marsham Street,
London, SW1P 4DF

Wednesday 10 July 2013

Dear Theresa,

Anti-social Behaviour, Crime and Policing Bill Parts 11 and 12

I wrote to you on 26 June about Parts 1 to 10 of the Bill. My Committee has now had the opportunity to consider Parts 11 and 12 of the Bill and I would be grateful for your answers to the following questions. It may be necessary to write further in relation to Part 12 of the Bill after the Grand Chamber of the European Court of Human Rights has delivered its judgment in the case of Allen v UK on Friday 12 July.

Extradition (Part 11)

Q1: What mechanism will be used to assess whether the proposal to remove the automatic right of appeal reduces the number of unmeritorious appeals or merely reduces the number of appeals?

Q2: What measures are in place to ensure that requested persons receive adequate legal advice when preparing an application for leave to appeal?

Compensation for miscarriages of justice (Part 12)

Q3: How much public money does the Government estimate will be saved annually by making the change in eligibility for compensation for miscarriages of justice?

Q4: Leaving aside the question of whether or not Article 6(2) ECHR applies to a determination of an application for compensation under s. 133 Criminal Justice Act 1988, please explain the Government's reasons for its view that it is compatible with the presumption of innocence to require proof of innocence beyond reasonable doubt as a condition of such compensation.
Q5: What can the Government point to in the text of the Covenant, the travaux préparatoires, or the case-law or General Comments of the Human Rights Committee that support its view that the proper meaning of Article 14(6) ICCPR is that a person whose conviction has been quashed is only entitled to compensation if the new or newly discovered fact shows beyond reasonable doubt that the person was innocent of the offence?

Q6: What is the Government’s justification for retrospectively depriving claimants for compensation for miscarriages of justice of the benefit of the court judgments in Adams and Ali in clause 132(2)(b) of the Bill?

Q7: Have the applications for compensation in the Adams and Ali cases themselves been finally determined?

Q8: How many applications for compensation under s. 133 Criminal Justice Act are currently pending?

- How many such pending applications does the Government estimate would succeed on the Adams test but not on the proposed new statutory test?

Q9: How much public money does the Government estimate will be saved by making the change in eligibility for compensation for miscarriages of justice apply to any application which has not been finally determined on the date the change comes into force?

It would be helpful if we could receive your reply to these questions by 31 July 2013. I would also be grateful if your officials could provide the Committee secretariat with a copy of your response in Word format, to aid publication. I look forward to hearing from you.

Yours,

[Signature]

Dr Hywel Francis
Chair