



Ministry
of Justice

The Right Honourable
Michael Gove MP
Lord Chancellor & Secretary
of State for Justice

Bob Neill MP
Chairman of Justice Committee
House of Commons
London
SW1A 0AA

30th September 2015

Dear Bob,

**FREEDOM OF INFORMATION ACT, COURT OF APPEAL'S GROUNDS FOR ALLOWING APPEALS
AND LAW ON JOINT ENTERPRISE**

Thank you for your letter of 23 September in which you sought clarification of the following three points:

- The rationale for the transfer of policy responsibility for the Freedom of Information Act to the Cabinet Office (this follows your letter of 22 July which sought clarity on the same point);
- Whether the Government has taken any action to review the Court of Appeal's grounds for allowing appeals against convictions. This follows recommendations made by the Justice Committee in its Twelfth Report of Session 2014-15 on the Criminal Cases Review Commission; and
- Whether the Government intends to review the law on joint enterprise, as recommended by the Committee in its Fourth Report of Session 2014-15, and when Committee members can expect a formal response.

Machinery of government changes relating to Freedom of Information and Data Protection were announced by the Minister for the Cabinet Office, Matthew Hancock on 17 July and by the Prime Minister on 17 September via written ministerial statements. I am very sorry that you were not alerted to those statements on the day of publication. I will make sure that in the future you are alerted to any machinery of government changes. I hope you will agree, however, that transfer of responsibility for the policy on the Freedom of Information Act from the Ministry of Justice to the Cabinet Office is a logical step, given that the Cabinet Office leads on wider transparency issues and already has an interest in the practical application of the Act within central government.

With regard to your second question, I can confirm that we have considered the recommendation made in the Twelfth Report of the 2014-15 Session. We note the views expressed by the former Lord Chief Justice, Lord Judge, and we do not believe that there is sufficient evidence that the Court of Appeal's

current approach has a deleterious effect on those who have suffered miscarriages of justice. As such, I have decided not to implement the Committee's recommendations on this issue.

I have also been considering the Committee's recommendation in its Fourth Report of the 2014-15 Session that the law on joint enterprise should be reviewed. I recognise there are concerns that aspects of the current law can lead to injustice and I have been looking closely at the evidence which was submitted to the Committee's two inquiries on this issue in the last Parliament. I will write to you again as soon as the government has taken a final decision about how to proceed.

Yours, with every good wish,

MICHAEL GOVE

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