



This is the response of the Criminal Bar Association of England & Wales to the Public Bodies Act 2011 consultation of February 2012 regarding giving legal effect to the administrative merger of the Crown Prosecution Service and the Revenue and Customs Prosecutions Office.

Question 1: Do you agree that we should give legal effect to the administrative merger of the Crown Prosecution Service and the Revenue and Customs Prosecutions Office?

1. The CBA is in favour of placing this merger on a statutory footing as failure to do so would create uncertainty and make decisions susceptible to challenge. In reality this is codifying an arrangement that already exists and thus it makes sense.

Question 2: If yes, are you content that the approach we are proposing will achieve the desired effect?

2. The requirements under s.8 of the Act appear to have been complied with and therefore the order should achieve the desired effect.

Question 3: Do you have any other comments on the proposal?

3. It is understood that this consultation has been launched on a limited basis and that wider issues of principles have previously been considered. This is however an opportunity for the CBA to observe that there is wisdom in concentrating the number of agencies empowered to bring prosecutions. Multiple agencies increase

the chances of replication of functions, confusion over remit and inconsistent application of prosecution policy.

Obviously the government hopes that rolling up the functions under the umbrella of the CPS will save money and that laudable aim is supported by the CBA. However the CBA urges the government to ensure that sufficient funding is made available to the CPS to take account of its now much broader remit. Prosecutorial expertise similarly must not be allowed to erode as a result of the merger.

Question 4: Are there any equalities impacts of these proposals on those with protected characteristics under the Equality Act 2010? If so, what are they? Please supply evidence of impact and how it affects the proposals.

4. No