



Office of the
Advocate General
for Scotland

The Right Honourable
Lord Stewart of Dirleton KC

Advocate General for
Scotland

Baroness Chakrabarti

House of Lords
London
SW1A 0PW

06 March 2024

Dear Shami

**SAFETY OF RWANDA (ASYLUM AND IMMIGRATION) BILL: HOUSE OF LORDS
COMMITTEE STAGE**

I am writing to follow up the debate in the Lords on day three of Committee (Official Report, 19 February 2024, column 479) regarding Clause 5 to the Safety of Rwanda (Asylum and Immigration) Bill 2024.

You asked why the Victims and Prisoners Bill requires the Secretary of State to consult the Attorney General (AG) before amending the Victims' Code, given the long-standing convention that the Government is indivisible and the Attorney General will always be consulted on important matters. You also asked why the decision whether or not to comply with an interim measure indicated by the European Court of Human Rights is for Ministers and not Parliament, given that the Government's central argument in this Bill is about parliamentary sovereignty.

To answer the first of your questions, I would reiterate that it is not necessary to reference the Attorney General in this context. The Attorney General will be consulted as a matter of course where required, regardless of whether the legislation specifically provides for it.

Regarding the Victims and Prisoners Bill I can confirm that my instinctive answer, that it relates to the Attorney General's supervision over aspects of the criminal legal system, was broadly accurate. The specified consultees set out in that Bill are limited to the Ministers who share responsibility for the criminal justice system required for delivery of Victims' Code entitlements. These are the Attorney General in relation to oversight of the Crown Prosecution Service, and, while different Secretaries of State are no longer named in legislation by convention, in practice this will also involve the Home Secretary in relation to oversight of the police. This broadly follows

the drafting in the Domestic Violence, Crime and Victims Act 2004, which includes the provisions under which the Code were originally issued.

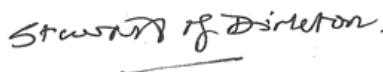
Although there is an express requirement to consult the Attorney General in the Victims and Prisoners Bill, that should not be taken to mean that the absence of such an express requirement in other legislation means the Attorney General cannot be consulted in that context.

On the second question, the fact that Clause 5 makes clear that it is for a Minister of the Crown only to personally decide whether to comply with an interim measure indicated by the European Court of Human Rights reflects the seriousness of the decision. The Minister will be accountable to Parliament for the exercise of that personal discretion in the usual manner.

I am copying this letter to Lord Scriven, Lord Faulks, Lord Kerr of Kinlochard, Lord Jackson of Peterborough, Lord Howard of Lyme, Lord Hannay of Chiswick, Lord Purvis of Tweed, Lord Hoffman, The Lord Bishop of Chichester, Lord Falconer of Thoroton, Lord Etherton, Baroness Butler-Sloss, Lord Inglewood, Lord Anderson of Ipswich, Lord Murray of Blidworth, Lord Wolfson of Tredegar, and Lord Ponsonby of Shulbrede

I will also place a copy of this letter in the library of the House.

Yours sincerely,

A handwritten signature in cursive script that reads "Stewart of Dirleton". The signature is written in black ink and is positioned above a short horizontal line.

RT HON LORD STEWART OF DIRLETON KC