



Home Office

Rt Hon Dame Diana Johnson DBE MP
Minister of State for Policing and
Crime Prevention
2 Marsham Street
London SW1P 4DF
www.gov.uk/home

Matt Vickers MP
House of Commons

13 May 2025

Dear Matt,

Crime and Policing Bill

I am writing to follow up on a number of points you raised in Committee on 29 April.

Confiscation and costs protections (clauses 102 and 103).

The reforms of the confiscation regime will provide the prosecutor discretion to apply to the court for a criminal lifestyle determination. This creates tighter controls where criminal lifestyle is applied, meaning it is not an automatic right of the court to decide whether the criminal lifestyle thresholds are met. Additionally, assumptions in relation to criminal lifestyle cannot be made where there is a “serious risk of injustice”. The Bill ensures that when determining whether there is a serious risk of injustice the court must consider all of the circumstances of a case. The Government will work with the CPS to produce guidance for prosecutors on the circumstances to which the criminal lifestyle provisions can apply.

In relation to your questions on costs and ensuring enforcement authorities are held accountable; law enforcement agencies must abide by standards and codes of practice in relation to exercising certain Proceeds of Crime Act 2002 powers. The measure has been carefully designed so that it balances the rights of the respondent receiving the order and law enforcement agency seeking to recover the proceeds of crime. The costs protections measure cannot apply where the court considers that it would not be just and reasonable to apply it. What is just and reasonable is ultimately a matter for the courts to determine.

Police accountability (clauses 106 to 108)

The Government is confident that the reform to allow accelerated referrals to the CPS will not create inappropriate or premature referrals. In many cases the IOPC will be in communication with, or seeking ‘early advice’ from, the CPS that will inform the referral decision. The changes brought about by clause 106 will limit delays in the system, by allowing the IOPC to make referrals without waiting for the IOPC lessons learned process to be completed.



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This change will remove the delay caused by waiting for the lessons learned exercise to be completed. These changes are an improvement to timeliness in the misconduct system.

Codifying the Victims Right to Review provides additional protection to victims and their families, bringing more accountability to determinations made by the IOPC. This will allow for review of decisions where the IOPC decided not to refer a matter to the CPS, by bringing this Review to the statute books, we hope to improve confidence in the system.

Appeals to police appeals tribunal (clause 109)

In response to your concern on clause 109, I agree that it is important to ensure independence and fairness within the police disciplinary system. Changes to legislation, implemented last year, ensured that misconduct panels now contain two independent panel members and also introduced new conflict of interest provisions to ensure fairness. In addition, as part of the subsequent amendments to the relevant secondary legislation on appeals, it is the Government's intention to specify that the chief officer will not be permitted appeal to the Police Appeals Tribunal where they have personally chaired the preceding misconduct hearing. Any such appeal will continue to be heard independently of the police, with Chairs appointed to their position by the Home Secretary.

Criminal liability of bodies corporate and partnerships (clause 130)

The measure has been carefully designed to consider how corporate liability applies where an organisation is based overseas. Under clause 130(2), an organisation does not commit an offence if (a) all of the conduct constituting the offence occurs outside the United Kingdom, and (b) the organisation would not commit the offence if that conduct were the organisation's (rather than the senior manager's). This means that criminal liability will not attach to an organisation based and operating overseas for conduct carried out wholly overseas, simply because the senior manager concerned was subject to the UK's extraterritorial jurisdiction. We believe that this strikes the correct and legally sound balance between fighting crime overseas and not overreaching the UK's jurisdiction.

I am copying this letter to members of the Public Bill Committee.

A copy of this letter will be placed in the House Library.

Yours sincerely,

Rt Hon Dame Diana Johnson DBE MP
Minister of State for Policing and Crime Prevention