



# Constitutional Affairs Committee

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## Press notice

No. 44 of Session 2006-07  
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### **GOVERNMENT “FAILED TO LEARN CRUCIAL LESSONS” ON DEPARTMENT CHANGES, SAYS COMMITTEE**

The creation of the new Ministry of Justice goes far beyond a mere technical Machinery of Government change as the Government has tried to suggest and should have been subject to proper consultation and debate, says a report the Constitutional Affairs Committee released today.

Instead, it emerged that the Lord Chief Justice first learned of the possibility of the creation of a Ministry of Justice when he read about it in the press on 21 January 2007. The then Lord Chancellor confirmed that he was not informed about these plans much earlier than that.

Changes to the Home Office and Department for Constitutional Affairs to create the Ministry of Justice significantly added to the Lord Chancellor’s responsibilities as Secretary of State. The Committee considers these Machinery of Government changes to be of constitutional importance as they have the potential to upset the carefully drafted agreement on the balance of powers between Government and the Judiciary struck in 2004.

The Committee says the Government has shown an obvious lack of sensitivity to the Judiciary’s concerns over the establishment of the Ministry of Justice and appears to have failed to learn the crucial lessons from the creation of the Department for Constitutional Affairs and attempts to abolish the office of Lord Chancellor in 2003.

#### **Chairman of the Committee Rt Hon Alan Beith MP said:**

“As in 2003, the Government has manifestly underestimated the significance of the changes they were making. We have been left with a highly regrettable conflict between our senior judges and the Minister who is statutory guardian of their independence, which could and should have been avoided.

“Jack Straw needs to get to grips with this issue quickly. His predecessor set too many limits on the discussions with the Judiciary over their concerns; the new Lord Chancellor will have to be much more open both to the strengthening of the position of the Courts Service and to having an inquiry into its status.”

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**Notes:**

1. Today, the House of Lords Select Committee on the Constitution publishes its Sixth Report of Session 2006-07, *Relations between the executive, the judiciary and Parliament*, which also addresses issues relating to the creation of the Ministry of Justice.

2. The Constitutional Affairs Committee is to be re-named the Justice Committee in November 2007.

3. Committee Membership is as follows: Rt Hon Alan Beith MP (Chairman), David Howarth MP, Siân James MP, Jessica Morden MP, Julie Morgan MP, Robert Neill MP, Mr Andrew Tyrie MP, Rt Hon Keith Vaz MP, Dr Alan Whitehead MP, Jeremy Wright MP

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**Select Committee Calendar:** [www.parliament.uk/what\\_s\\_on/hoc\\_news3.cfm](http://www.parliament.uk/what_s_on/hoc_news3.cfm)

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