



Tony Judge

A happy divorce

This merry month of May sees the birth of Home Secretary John Reid's brainchild; a Ministry of Justice. The new ministry, to take responsibility for criminal justice and the prisons and probation services, will leave the Home Office responsible for security and counter-terrorism, the police service, borders and immigration, serious and organised crime, disorder on the streets and identity cards and passports. In political terms, Dr Reid has won a famous victory, notwithstanding the view of his immediate and disgruntled predecessor, Charles Clarke, who describes the change as "irresponsible", and the chorus of reservations from the Lord Chief Justice, who is worried about overcrowded prisons and impecunious lawyers facing huge legal aid cuts. Ken Jones, the president of ACPO, thinks it will be more difficult for the police to work with the other criminal justice agencies, and fears that the two ministries will be squabbling over funding. Dr Reid insists that the changes will not require extra public spending; apparently two ministries can exist as cheaply as one.

I suspect that the police service is more concerned about the impact of the Ministry of Justice on policing in the immediate future. The terrorist threat is real enough, but crime and disorder are ever present, the Ministry of Justice will be dominated by the judiciary rather than the politicians, and while many will say that this a good thing, there should be general concern about the ease with which successive Lord Chief Justices and their brothers on the bench have been able to nullify the intentions behind criminal legislation, especially where Parliament has sought to strengthen penalties.

The official opposition has been surprisingly mild in its response to what, after all, was a sudden decision with profound consequences for all the agencies involved. The Conservatives said last month that the change would compound existing problems, rather than resolve them, but there was no challenge to what is a profoundly important constitutional change. This is because it has been presented as a dynamic response to the terrorist threat facing the country, and therefore the opposition

parties have to take the government of the day on trust when it says it is working to prevent fresh terrorist outrages in Britain, or run the risk of being accused of playing politics when the nation is at risk. Tony Blair told Parliament that, although Britain's counter terrorism capabilities are already "the best in the world", they will be even better as a result of this "step-change". The new Office for Security and Counter-Terrorism, expected to be 400-strong, will be administered by the Home Secretary and a new ministerial committee. But the Home Secretary's "victory" is not all-embracing. The Foreign Office will retain control of MI6, which deals with the terrorist threat to Britain from outside our borders, and the Cabinet Office will retain its overriding responsibility for counter-terrorism and national security. Where is the joined up response to the overall threat? Dr Reid has to keep his fingers crossed. If the worst happens, Security Committee or none, he'll carry the can.