



Ministry
of Justice

The Right Honourable
Mike Penning MP
Minister of State for Policing,
Fire, Criminal Justice and
Victims

The Rt Hon Sir David Bean
Chair of the Law Commission
1st Floor, Tower
52 Queen Anne's Gate
London
SW1H 9AG

30 June 2016

Dear Sir - David

**GOVERNMENT INTERIM RESPONSE TO THE LAW COMMISSION'S REPORT ON
UNFITNESS TO PLEAD**

I am most grateful to you and your colleagues for the Law Commission's report on Unfitness to Plead, published in January 2016. In accordance with the Protocol between the Lord Chancellor and the Law Commission, I am providing an interim response.

I welcome this balanced and thorough consideration of how to ensure that defendants who lack capacity to participate in trial are dealt with appropriately in the criminal courts. It aligns with the wider work we are doing to ensure better mental health provision for individuals in the criminal justice system, including through the development of liaison and diversion services to divert some offenders with mental health issues away from the courts and into the support they need.

We are considering your report in detail, and will continue to work with your officials to provide a response to your recommendations in this area. We note the Commission's recommendations regarding the youth court, and we will consider these in the light of Charlie Taylor's report on the youth justice system. Our wider consideration of whether to accept the recommendation to extend unfitness to plead to all magistrates' courts will take this into account.

As you are aware, the Ministry of Justice is currently implementing an extensive programme of court reform, and it is unlikely that there will be space to include any recommendations we accept on unfitness to plead in our next legislative window.

However, I will keep your proposals under review before providing you with a full response later this year.

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

Mike Penning
MP
RT HON MIKE PENNING MP