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CPS statement in relation to Cyril Smith

27/11/2012

Statement from Nazir Afzal, Chief Crown Prosecutor for CPS North West

Investigation and decision making by the then DPP's office in 1970

In March 1970, some 16 years before the Crown Prosecution Service was formed and when Sir Norman Skelhorn was the Director of Public Prosecutions (DPP), a file of evidence was submitted to the then DPP's Office.

The file, from Lancashire Constabulary, contained allegations made by eight men that they had been subjected to indecent assaults by Cyril Smith as teenagers. The allegations were very similar in nature, and were allegedly conducted on the pretexts of either a medical examination or punishment for misbehaviour. All the boys were either living at Cambridge House Children's Home in Rochdale (six of them), or were dependent on Cyril Smith for either employment, financial support or some sort of guardianship. It is noted that 80 pages of evidence was supplied to the then DPP's office with a covering note dated 11 March 1970.

The only documentation of the decision making is a one page letter to the Chief Constable of Lancashire Constabulary. It is dated 19 March, 1970, and reads:

"I have considered your file and I observe that eight young men, whose ages range from nineteen to twenty-four years, allege that between 1961 and 1966 Smith subjected them to various forms of indecency and I also observe that Smith denies their allegations. Any charges of indecent assault founded on these allegations, as well as being somewhat stale, would be, in my view, completely without corroboration. Further, the characters of some of these young men would be likely to render their evidence suspect.

"In the circumstances, I do not consider that if proceedings for indecent assault were to be taken against Smith, there would be a reasonable prospect of a conviction. I do not, therefore, advise his prosecution."

It is important to note that this way of thinking bears little resemblance to how such cases are assessed today or in recent years. Prosecutors and police now recognise that such crimes normally occur in private and that victims are often targeted because the offender doubts they

Decision to Charge

Once the Police have completed their investigations, they will refer the case to the Crown Prosecution Service for advice on how to proceed. We will then make a decision on whether a suspect should be charged, and what that charge should be.

[Find out more about private prosecutions](#)

Sexual Offences

The Sexual Offences Act 2003 updated the law, much of which dated back to 1956.

The main provisions of the Act include the following:

- Rape is widened to include oral penetration
- Significant changes to the issue of consent
- Specific offences relating to children under 13, 16 and 18
- Offences to protect vulnerable persons with a mental disorder
- Other miscellaneous offences
- Strengthening the notification requirements and providing new civil preventative orders

[Find out more about how we prosecute sexual offences](#)