

We have not identified any internal reviews relating to section 72, as amended. We have identified some historic emails which relate to concerns with the original wording of section 72, principally around the requirement to prove 'dual criminality' (which often required letters of request being sent to the relevant country to obtain a statement confirming that the conduct would constitute an offence in that country), however those concerns were met when the requirement was abolished for UK nationals under the Criminal Justice and Immigration Act 2008 which came into force on 14 July 2008, albeit not retrospectively.

In order to assist the Inquiry we made requests to subject matter experts within the CPS for their views on the use of section 72 and the following themes emerged:

- i. The requirement to prove dual criminality for those offences which pre-date section 72 can make the prosecution slower because the CPS often have to send letters of request to the relevant country for a statement confirming that the conduct would be an offence in that country.
- ii. Section 72 removes the requirement to prove dual criminality for UK 'nationals' but not for UK 'residents' and this was thought by some to be an anomaly;
- iii. Section 72 only applies to child sexual offences and some thought it could be extended to encompass more offences, albeit no specific concerns were identified where this has been a problem.
- iv. Section 72 captures offending which occurs 'outside of the UK' which therefore excludes the CPS from prosecuting offences which occurred in Scotland and Northern Ireland and means that cases with multiple allegations spanning different UK locations can result in multiple trials.

6. Observations on how to improve the use of section 72

Anecdotally, there is a general view that section 72 is often used in practice and with little challenge from the defence. The amendment to remove 'dual criminality' for UK nationals was welcomed. The anomaly in not being able to use the section for offences committed in Scotland and Northern Ireland could be improved.

7. Information about the statutory vetting and barring regime

The CPS is not involved in the implementation or monitoring of the statutory vetting and barring regime and it follows that we cannot provide a view on the effectiveness of its operation.

I hope that the above information is of assistance. If you have any further queries do not hesitate to contact me.

Yours faithfully,

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