

Mr. Straw: No. The injunction remains necessary in order to prevent the publication of any further material which could damage national security. I would also refer the hon. Member to the reply I gave to the hon. Member for Bury, South (Mr. Lewis), *Official Report*, column 215.

Proposed Prisons

Mr. Burns: To ask the Secretary of State for the Home Department what assessment exercises his Department has conducted into the possibility of establishing an extra prison in the (a) West Chelmsford constituency and (b) mid Essex area during the past five years. [15072]

Ms Quin: During the last five years, the Prison Service has had brought to its attention a number of sites in Essex for the possible construction of new prisons. None of these were in the West Chelmsford constituency and, without exception, to date all have been considered unsuitable.

House of Lords Judgments

Ms Jennifer Jones: To ask the Secretary of State for the Home Department how he intends to implement the House of Lords judgment in *Regina v Secretary of State for the Home Department ex parte Pierson* given on 24 July. [15640]

Mr. Straw: This judgment concerned the discretion of any holder of my office to increase a tariff once set for an adult convicted of murder. The majority of the House found that it is lawful for the Secretary of State to increase a tariff previously set, as set out in a reply given by my predecessor, the then right hon. and learned Member for Folkestone and Hythe, Mr. Howard, on 27 July 1993, *Official Report*, columns 863-65. However, one of that majority found that that statement did not purport to apply to a decision to increase a tariff set before 27 July 1993, and so a different majority found that the increase of the tariff in the *Pierson* case was unlawful.

So far as the procedures for setting and reviewing tariffs of adult murderers are concerned, I am continuing the practice of my predecessor, as described in his answers of 27 July 1993, *Official Report*, columns 861-64 and 7 December 1994, *Official Report*, columns 234-35. In particular, before setting tariff, I am continuing to take the advice of the trial judge and the Lord Chief Justice, informing the prisoner of the substance of that advice and inviting representations about it, and giving reasons for any departure on my part from the judicial review.

With regard to the discretion to alter tariff, I reiterate that the view which I take (or a Minister acting under my authority takes) at the beginning of a mandatory life sentence, of the period necessary to satisfy the requirements of retribution and deterrence is an initial view of the minimum period necessary to satisfy those requirements. It therefore remains possible for me, or a future Secretary of State, exceptionally to revise that view of the minimum period, either by reducing it, or by increasing it where I, or a successor in my office, conclude that, putting aside questions of risk, the minimum requirements of retribution and deterrence will not have been satisfied at the expiry of the period which had previously been determined. The procedure for considering any increase of a tariff once set will include

the opportunity for the prisoner to make representations after being informed that the Secretary of State is minded to increase tariff, and to be given reasons for any subsequent decision to increase it.

So far as the potential for a reduction in tariff is concerned, I shall be open to the possibility that, in exceptional circumstances, including for example, exceptional progress by the prisoner whilst in custody, a review and reduction of the tariff may be appropriate. I shall have this possibility in mind when reviewing at the 25 year point the cases of prisoners given a whole life tariff and in that respect will consider issues beyond the sole criteria of retribution and deterrence described in the answer given on 7 December 1994. Prisoners will continue to be given the opportunity to make representations and to have access to the material before me.

I intend to apply these policies in respect of all tariffs for adult murderers, whether or not they were originally set before 27 July 1993 and whether or not they were originally fixed by me personally, or a Minister acting on my behalf, or by or on behalf of a previous holder of my office. In the *Pierson* case, where the tariff has now been quashed, I intend to invite representations from the prisoner before re-setting tariff at a level which I consider appropriate.

I take the opportunity to confirm that my approach on the release of adults convicted of murder once tariff has expired will reflect the policy set out in the answer given 27 July 1993. In particular, the release of such a person will continue to depend not only on the expiry of tariff and on my being satisfied that the level of risk of his committing further imprisonable offences presented by his release is acceptably low, but also on the need to maintain public confidence in the system of criminal justice. The position of a prisoner subject to a mandatory life sentence continues to be distinct from that of a prisoner serving a discretionary life sentence, a decision on whose final release is a matter for the Parole Board alone.

Everything in this answer about my practice in relation to mandatory life sentence prisoners applies equally to persons who are, or will be, sentenced, to custody for life under section 8 of the Criminal Justice Act 1982. For present purposes, a life sentence imposed under section 2 of the Crime (Sentences) Act 1997 is treated as a discretionary life sentence.

Ms Jennifer Jones: To ask the Secretary of State for the Home Department how he intends to implement the House of Lords judgment in *Regina v Secretary of State for the Home Department ex parte V and T* given on 12 June. [15641]

Mr. Straw: This judgment was concerned with the periods of imprisonment, known as the tariff, set by my predecessor, the right hon. and learned Member for Folkestone and Hythe, Mr. Howard, as being necessary to reflect the requirements of retribution and deterrence in the cases of the two boys convicted of the murder of James Bulger. The House of Lords concluded that the current arrangements for reviewing tariff in the cases of offenders under the age of eighteen, convicted of murder and sentenced to detention at Her Majesty's pleasure under section 53(1) of the Children and Young Persons Act 1933, failed adequately to reflect the distinctive