

4 July 2012

**ABC 13 EFFICIENCY/SAVINGS MEASURES: MCS RESPONSE**

Reference: 20120703-URGENT\_ABC13-U

1. Thank you for your email at Reference, which placed a requirement on the MCS to propose 5% efficiency/savings measures under ABC 13. Although my response below does not strictly adhere to the format requested, I believe it does provide scope for the necessary reductions in the MCS Control Total in the coming years.

2. Over the last few years the MCS has made robust efforts to find efficiencies in the way we do business. Notable amongst these has been a comprehensive review of military court infrastructure (resulting in the closure of several court centres) and the key decision (which required approval of the AG) to accommodate Board Members and military witnesses in Service accommodation rather than in hotels, where it is feasible and appropriate to do so. The latter of these changes (brought in over the last financial year) has resulted in significant savings; as you are aware, T&S has always constituted the largest single element of the MCS budget. In fact, I note from FY 11/12 AP 12 data that the MCS appeared to have an underspend of approximately £300K last year and that this was in large part owing to the reduction in T&S costs for those participating in court proceedings. It should, however, be noted here that a sizeable bill (£100K - £200K) relating to our VTC conversion programme which was expected in FY 11/12 failed to materialise but will appear during FY 12/13.

3. Notwithstanding the ever-present possibility of the MCS being required to administer a lengthy trial overseas at some time in the future and thus incurring significant T&S costs, I am satisfied that our expenditure in this area is likely to remain broadly at its current level (or perhaps even reduce further) in the coming years. As a consequence, I believe the various RACs relating to T&S in the MCS budget can be reduced to realise the overall 5% reduction in the MCS Control Total shown in the Reference. I would be happy to discuss with you precisely how the reductions to the RACs should be applied to accommodate the required savings when you are ready.

4. I sincerely hope that my proposed way ahead meets the needs of the TLB. Having devoted considerable time and energy to identifying and implementing efficiencies in the way we conduct court administration in recent years, I am convinced that there is in reality no more we can currently do to streamline our processes without it having a seriously deleterious effect on the delivery of Service justice. In fact, the only other method of realising significant savings to our budget would be to arbitrarily reduce the number of court martial trials and other proceedings we administer each year, resulting in considerable delay in bringing cases to court. Given that we undertake a statutory function, such a decision would, I believe, require both tri-Service consultation and approval by the Service Justice Board (Chaired by Min (DPWV)). In terms of impact, it is reasonable to assume that its implementation could result in legal challenge under Article 6 of the European Convention on Human Rights (Right to a Fair Trial) which would ultimately bring into question the viability of the Service Justice System itself.

*Original signed*

Director  
Military Court Service