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|  | **Our Reference:** 591-16 FOI 108324 |   | November 2016 |

**Freedom of Information Request**

You asked for the following information from the Ministry of Justice (MoJ):

**I am currently conducting some research regarding the Proceeds of Crime Act 2002 (the Act), with a focus on sections 327, 328, 329, 330, 331, 332 and 333A(1) and 333A(3).  I have the following questions that relate to these sections and I hope you can assist with:**

**1.            How many prosecutions have there been under the Act since they were enacted for offences under sections 327, 328, 329, 330, 331, 332 and 333A(1) and 333A(3)?**

**2.            How many convictions have there been under the Act for these offences since they were enacted?**

**3.            How many companies have been prosecuted under the Act for these offences?**

**4.            How many companies have been convicted under the Act for these offences?**

**5.            How many prosecutions have there been under the Act for these offences in the last 12 months?**

**6.            How many convictions have there been under the Act for these offences the last 12 months?**

**I am making this request under the freedom of information and I look forward to receiving your response.**

Your request has been handled under the Freedom of Information Act 2000 (FOIA).

I can confirm that the department holds the information that you have asked for and

I am pleased to provide you with the attached table providing the number of defendants proceeded against at magistrates’ courts and found guilty at all courts of offences under Sections 327 to 333, Proceeds of Crime Act 2002, in England and Wales, form 2003 to 2015.

Please note all figures refer to persons; for money laundering offences there were no court proceedings made against companies, public bodies or other non-person defendants.

With regard to the information you have requested for 2016, please note we are not obliged to provide information if there are prohibitions on disclosure ‘by or under any enactment’ (Section 44(1)(a) of the FOIA).  In this case, the information you are seeking is prohibited by the Statistics and Registration Services (SRS) Act 2007 and the Pre-release Access to Official Statistics Order 2008.

The information you have requested is a subset of the Criminal Justice Statistics data held in its final form which we routinely publish. It is intended for publication in May 2017. As such we are required to consider your request in a manner compliant with the Pre-release Access to Official Statistics Order 2008 further to sections 11 and 13 of the (SRS Act 2007.

It may be helpful to explain further that the MoJ is obliged under section 13 of the SRS Act to continue to comply with the Code of Practice for Official Statistics (the Code) for statistics designated as National Statistics. Section 11(3) of the SRS Act regards the Pre-Release Access to Official Statistics Order as being included in the Code. Protocol 2 of the Code reflects the requirements of the Pre-Release Access to Statistics Order. Specifically, it requires producers of official statistics to ensure that no indication of the substance of a statistical report is made public, or given to the media or any other party not recorded as eligible for access prior to publication. I can confirm that the MoJ does publish information on court proceedings for money laundering offences for 2016, as part of National Statistics. Therefore, to now disclose as part of your FOI request, will violate the provisions of section 13 of the SRS Act and the Pre-Release Access Order to Official Statistics 2008 and as such engages the exemption under section 44(1)(a) of the FOIA.

Additionally, we are not obliged to provide information that is intended for future publication under the terms of section 22 of the FOIA.  Data for 2016 is due to be published in May 2017.

Please note that whilst quarterly court proceedings and convictions headline data are published on the MoJ website and are currently available up to end March 2016, these data are subject to revision as later quarters are published, and are finalised only when the annual publication is made publicly available. To ensure consistency of data released to users, further breakdowns (in this case by specific offences under certain legislation) of 2016 Quarter 1 (January to March) data are not available until the annual criminal statistics publication is published.

In line with the terms of this exemption in the FOIA, we have also considered whether it would be in the public interest for us to provide you with the information ahead of publication, despite the exemption being applicable.

When assessing whether or not it was in the public interest to disclose the information to you, we took into account the following factors:

**Public interest considerations favouring disclosure**

Disclosure would for example improve transparency in the operations of Government, and of the justice system in particular.

**Public interest considerations favouring withholding the information**

It is in the public interest to adhere to the existing publication process for official statistics, which includes time for the data to be collated and properly verified.

It is also in the public interest to ensure that data used in the compilation of official statistics comply with the Code of Practice for Official Statistics and that resulting outputs are produced to the highest quality. Statistics of high quality are produced to sound methods, with all users having easy and equal access that is fair and open, and are managed impartially and objectively in the public interest. Premature publication could undermine the principle of making the information available to all at the same time through the official publication process.

We reached the view that, on balance, the public interest is better served by withholding this information under section 22 of the FOIA at this time.