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XXXX

data.access@justice.gsi.gov.uk

February 2019

Dear XXXX

**Freedom of Information Act (FOIA) Request – 190123030**

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

**1) Please state the number of prosecutions currently on-going under section 69 of the Serious Crimes Act 2015.**

**2) Please state the number of prosecutions concluded under section 69 of the Serious Crime Act 2015. Please additionally state the number of cases**

- a) Where the accused plead guilty before trial
- b) Where the Crown discontinued under s23A of the Prosecution of Offences Act 1985
- c) Where the Crown offered no evidence
- d) Where the Crown left the indictment to lie on the file
- e) Where, on the application of the Crown, discontinuance occurred prior to conviction for any other reason
- f) That proceeded to trial
- g) That resulted in conviction following trial

**3) Please state the sentences imposed following conviction, whether following trial or plea, under section 69 of the Serious Crimes Act 2015.**

Your request has been handled under the FOIA.

I can confirm that the MoJ holds the information that you have requested and I have provided some of it below.

For the sake of clarity, I have interpreted your request for “number of prosecutions” to relate to all cases which have entered the Judicial System through a Magistrates’ Court, with the exception of question one, to the point of conclusion.

Some cases will have been tried in a Magistrates’ Court and committed to Crown Court for sentence. Others may have been sentenced in the Magistrates’ Court. Other cases will have been sent for Trial from Magistrates to Crown Court. The data provided below makes no distinction between those cases finalised in Magistrates or Crown Courts. Data for Questions two and three is provided up to 30 September 2018. Question one is as at 7 January 2019.

Furthermore, regarding question three, I will not be providing you with the individual case sentences. That information is exempt from disclosure under section 32 of the FOIA because it is held in a court record. Under section 32(1)(a) of FOIA information is exempt from disclosure if it is held in the custody of the court for the purposes of proceedings in a particular cause or matter. Under section 32(1)(c) information is exempt if it is a document created by a member of the administrative staff of a court for the purposes of proceedings in a particular cause or matter.

The reason for section 32 is not to do with the issue of whether information is a public record or not, it is to preserve the courts control over court records. Even if a document may have been made public at the hearing it ceases to be a public record after the hearing and then becomes protected by virtue of section 32. It was not the intention that the FOIA should provide indirect access to court records; the greater public interest was considered to lie in the preservation of the courts' own procedures for considering disclosure.

Section 32 is an absolute exemption and there is no duty to consider the public interest in disclosure. Therefore, I will only be distinguishing between Custodial and Non-Custodial sentences.

Within the above, and regarding questions one to three, I would advise you that:

<b>Prosecutions for offences committed under S69 Serious Crimes Act 2015</b>			
<b>Question</b>			
1		Currently on-going	<b>7</b>
<b>2</b>		<b>Concluded up to 30.09.2018</b>	<b>44</b>
	a	Guilty plea before trial	37
	b	Discontinued by prosecution	
	c	No evidence offered	
	d	Left on file by prosecution	3
	e	Other discontinued	3
	f	Proceeded to trial (not convicted)	
	g	Convicted after trial	1
<b>3</b>		<b>Sentences following conviction</b>	<b>38</b>
		Custodial Imprisonment	24
		Non-Custodial	14

Notes regarding the above data

- Data are taken from Magistrates and Crown Court live management information systems and can change over time.
- Data are management information and are not subject to the same level of checks as official statistics.
- Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that the data have been extracted from large administrative data systems generated by the courts. As a consequence, care should

be taken to ensure data collection processes and their inevitable limitations are taken into account when data are used.

- The data provided is the most recent available and for that reason might differ slightly from any previously published information.
- Data has not been cross referenced with case files.

### **Appeal Rights**

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

data.access@justice.gov.uk

Disclosure Team, MoJ, 10.14, 102 Petty France, London, SW1H 9AJ

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

**XXXX**