



Disclosure Team
Ministry of Justice
102 Petty France
London
SW1H 9AJ

XXXX
XXXX

data.access@justice.gsi.gov.uk

February 2019

Dear XXXX

Freedom of Information Act (FOIA) Request – 190216007

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

- A. The total number of drink driving/in charge defendants dealt with in 2018**
- B. The total number of drug driving/in charge dealt with in 2018**
- C. The number of early guilty pleas for both drink and drug drive defendants**
- D. The number of NG and effective trials in drink and drug drive cases.**

Your request has been handled under the FOIA.

It has been passed to me because I have responsibility for answering requests relating to data in Her Majesty's Courts and Tribunals Service (HMCTS). HMCTS is an executive agency of the MoJ and is responsible for the administration of the magistrates' courts, the Crown Court, the County Court, the Family Court, the High Court, Court of Appeal and tribunals in England and Wales and non-devolved tribunals in Scotland and Northern Ireland.

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

My response only relates to data for the period 1 January 2018 – 30 September 2018. Data related to these matters for the period 1 October – 31 December 2018 is exempt from disclosure under section 44 of the FOIA, because of prohibitions on disclosure by any other enactment. 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. It is a subset of published data which is intended for publication as part of the MoJ's Criminal Justice System Statistics on 28 March 2019. 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).

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 will publish information on Criminal Court Statistics as part of National Statistics in late March 2019. 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.

Please be aware that Section 44 is an absolute exemption and does not require a public interest test.

However,

Regarding Questions A and B, above, for the period 1 January 2018 – 30 September 2018:

1. The number of specific drink driving/in charge cases heard in Magistrates' Courts = 25,512
2. The number of specific drug driving/in charge cases heard in Magistrates' Courts = 7,060
3. The number of cases heard in Magistrates' Courts for both drink and drug/in charge cases which cannot be separated within our Magistrates' Courts case management and management information systems = 3,933
4. The number of drink driving/drug driving/in charge cases disposed of in the Crown Court which cannot be separated within our Crown Court case management and management information systems = 44

Regarding Question C, for 1 January 2018 – 30 September 2018, the number of early guilty pleas for both drink and drug drive defendants was 26,906 in Magistrates' Courts. We are unable to provide the data regarding early pleas for Crown Court cases because of the reason described below.

Notes regarding the above data:

- Data are taken from a live management information system and can change over time.
- Data are management information and are not subject to the same level of checks as official statistics.
- The data provided is the most recent available and for that reason might differ slightly from any previously published information.
- The data supplied shows the number of Criminal Cases containing the relevant Drink Driving & Drug Driving Offences (based on one offence per case), rather than a count of Defendants. Therefore, more than one Case may relate to the same Defendant in the period requested. Also, where more than one Drink and/or Drug related offence is present on the case, only one offence will be counted.
- Magistrates' data excludes cases committed to the Crown Court for Trial.
- Crown Court data are Indictable cases and exclude cases committed to the Crown Court for Sentence, or Appeal cases from Magistrates' Courts.
- The data provided has been extracted specifically to answer this question and has not been cross referenced with case files.
- An Early Guilty Plea in this instance is interpreted as being as "at the earliest possible opportunity". For Magistrates' Courts cases, this is the recording of a Guilty Plea at the first hearing of the case in the Magistrates' Courts. For Crown Court Trials, an Early Guilty Plea is defined as being any plea indicated at the last hearing

in the Magistrates' Court. However, this is not recorded in the case management and management information systems and is only held in the case file as part of the Court Record, which is exempt from disclosure under FOIA Section 32.

Regarding Question D, I have considered your request for information but I am unable to answer it without further clarification. Section 1(3) of the FOIA does not oblige us to answer requests where we require further clarification to identify and locate the information requested.

So that I can provide you with the right information, please can you explain whether you are requesting data for Not Guilty Pleas and Effective Trials separately or only where they both occurred in a single trial. On receipt of this information I will continue to process your request which will be issued with a new FOIA reference number.

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, Ministry of Justice, 10.38, 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,

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