

Reference: 2024-065

Thank you for your email in which you requested the following information under the Freedom of Information Act 2000 (FOIA):

In 2005, the Attorney General said: “In my strong view there is one fundamental truth that underpins a fair and just system and that is prosecutorial independence. The decision to prosecute must ultimately be one taken by the prosecutor acting independently of the investigator. That view is not based on some theoretical principle of the superior merits of lawyers but is based on the clear lessons to be learnt from history.”

Source:

<https://www.gov.uk/government/speeches/the-case-for-the-prosecution-independence-and-the-public-interest>

Please provide information about what safeguards and measures (if any) the SFO has in place to ensure that the person responsible for the decision to prosecute is not the same person who has carried out or been concerned in the investigation.

Response

Prosecutorial decisions are made by the Director of the Serious Fraud Office in accordance with the powers vested to him by s.1(5) Criminal Justice Act 1987. The Director is not a member of the investigation case team.