|  |  |
| --- | --- |
| Ministry of Justice | April 2017 |

**Freedom of Information Act (FOIA) Request –** 110758

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

**“Please could you provide the following information:**

1. **The number of times that a fine in excess of £5,000 was issued by magistrates’ courts in England and Wales (a) in 2014, (b) in 2015 and (c) in 2016. If possible please provide data separately for each magistrates’ court (i.e. for each individual magistrates’ court, state how many fines in excess of £5,000 were issued in each of the years stated). If this would cause our request to exceed the cost limit, please provide an overall figure instead (i.e. total number of fines in excess of £5,000 imposed across all magistrates’ courts in each of the years stated).**
2. **The average (i.e. mean) fine imposed by magistrates’ courts in England and Wales in (a) 2014, (b) 2015 and (c) 2016. If possible please provide data separately for each magistrates’ court (i.e. for each individual magistrates’ court, the average fine amount (in pounds) for that magistrates’ court for each of the years stated). If this would cause our request to exceed the cost limit, please provide an overall figure instead (i.e. the average fine amount across all magistrates’ courts in each of the years stated).**

**If answering both (1) and (2) would cause our request to exceed the cost limit, please answer (1) only.”**

I can confirm that the department holds the information that you have asked for and can be viewed as below.

* Table 1 shows the number of times that a fine in excess of £5000 issued by each Local Justice Area in England and Wales, 2014 and 2015.
* Table 2 shows the average fine imposed by each Local Justice Area in England and Wales, 2014 and 2015.

Previously the maximum fine a Magistrates Court could issue was £5,000 unless in the case of some offences where an exceptional summary maximum was specified in law, such as where environmental or health and safety laws were broken.

On 12 March 2015 the upper limit on all current fines and maximum fines of £5,000 and above was removed. Now there is no top limit to the fine that Magistrates Courts can impose on offenders who have committed the more serious offences which come before them.

Please be aware we have presented local justice areas rather than individual courts as the codes within the MoJ Court Proceedings Database can only be used to identify local justice areas rather than individual courts. The list of values also includes quasi- and non-court bodies whose decisions are recorded in the same or similar manner as a court case outcome. Note that this code structure is concerned with judicial structure; it does not refer to a physical location such as a court building and can include one or more magistrates’ courts.

An example of a National Court Code, in order to explain this issue, is:

         **1972 Norfolk Magistrates Court** (refers to the Local Justice Area (LJA) of Norfolk. Magistrates from this bench may habitually sit in any one of a number of physical court houses (e.g. Norwich, Kings Lynn, Great Yarmouth)).’

Also, I would advise caution with some of the individual courts’ average fine figures, as, where fewer than five examples are available, this is not a meaningful average from a statistical point of view.

Some of the information, which covers 2016, is exempt from disclosure under section 44(1)(a) of the FOIA, which refers to prohibitions on disclosure ‘by or under any enactment’ 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.

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 sentencing, including those sentenced ot a fine, 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.

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

The information for 2016 is also exempt from disclosure under section 22(1) of the FOIA, because it is intended for future publication. Please note that whilst quarterly court proceedings and convictions headline data are published and are currently available up to end September 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 Quarters 1 to 3 (January to September) data are not available until the annual criminal statistics publication is published in May 2017.

This is a qualified exemption which means that the decision to disclose the information is subject to the public interest test. 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 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 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.