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25/01/2024

FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER: 006/2024

Thank you for your request for information regarding S29 of the Criminal Justice Act; which has now been considered.

Applicant Question:

Section 29 of the Criminal Justice Act 2003 allows a police officer to be authorised to act as a relevant prosecutor instead of the Crown Prosecution Service

1. Does this special entitlement given to police officers restricted to a limited number of officers per constabulary? Or is the constabulary allowed to authorise as many relevant prosecutors as they feel fit?
2. Finally, who is it that formally authorises a person to become a relevant prosecutor under Section 29 of the Criminal Justice Act 2003?

NPCC Response:

The NPCC does hold information captured by part one of your request.

This information is publicly accessible to you and therefore engages S21 Information reasonably accessible by other means. For further information relating to the legislation, please see Annex A.

This is the statutory response I am obliged to provide to you however, in wishing to assist you, outside of the Act and as a gesture of good will, I provide the following:

S29 of the Criminal Justice Act 2003 makes the following provision: [Criminal Justice Act 2003 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2003/43/section/29)

A public prosecutor may institute criminal proceedings against a person by issuing a document (a "written charge") which charges the person with an offence.

In this section "public prosecutor" means—

(a) a police force or a person authorised by a police force to institute criminal proceedings,

s17 of the Prosecution of Offences Act 1985 'public authority' means (a) a police force as defined by the Act. Under Part 46 (Representatives) contains rules allowing a member, officer, employee of a prosecutor, on the prosecutors behalf to:



- (a) Serve on the court officer or present to the court an application for the issue of a summons or warrant; or*
- (b) Issue a written charge and requisition*

There is no restriction on the amount of police prosecutors a force can have, however there is a limited amount of offences that fall within the category, with the majority relating to traffic offences.

The NPCC does hold information captured by part two of your request.

In relation to the question of who grants authority, the authority is granted by the above legislation.

Yours sincerely

Sherry Traquair
Freedom of Information Officer & Decision Maker

www.npcc.police.uk

COMPLAINT RIGHTS

Internal Review

If you are dissatisfied with the response you have been provided with, in compliance with the Freedom of Information legislation, you can lodge a complaint with NPCC to have the decision reviewed within 40 working days of the date of this response. The handling of your request will be looked at by someone independent of the original decision, and a fresh response provided.

It would be helpful, if requesting a review, for you to articulate in detail the reasons you are not satisfied with this reply.

If you would like to request a review, please write or send an email to NPCC Freedom of Information, c/o PO Box 481, Fareham, Hampshire, PO14 9FS.

Annex A

Section 17 of the Freedom of Information Act 2000 requires the NPCC, when refusing to provide information by way of exemption in question and (c) states why the exemption applies. In accordance with the Freedom of Information Act 2000 this letter acts as a refusal notice to those aspects of your request.

The legislation: Section 21 Information reasonably accessible to the applicant by other means

- (1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.
- (2) For the purposes of subsection (1)—
 - a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and

- b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

S21 is an absolute exemption and there is no requirement to conduct a public interest test.

Legislation – Section 16

- (1) It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it.