
Up to date: May 2010

Does the evidence pass the Evidential Stage of the Code Test?

- YES
- NO

Does the case pass the Public Interest stage of the Code Test?

- YES
- NO

Will prosecution engage anyone's Convention Rights?

- YES
- NO

Will prosecution result in the restriction of a Convention Right?

- YES
- NO

Is the Right an absolute Right?

- YES
- NO

Is the Right a qualified Right?

- YES
- NO

If the prosecution goes ahead will the Right be limited or restricted only to extent set out in the relevant article of the ECHR? Ask:

- Is there a legal basis for the restriction? AND
- Does the restriction have a legitimate aim? AND
- Is the restriction necessary in a democratic society? AND
- Is the restriction proportionate to the legitimate aim to be achieved?

- NO
- YES

The prosecution is NOT likely to be Human Rights compliant

The prosecution IS likely to be Human Rights compliant

No prosecution

There is no need to continue with this check list