



Disclosure ref: 16 Sent: 25<sup>th</sup> March 2020

## Freedom of Information Act 2000 Request

***Details about the prosecutions under section 330 of the Proceeds of Crime Act 2002 (failure to disclose: regulated sector) offence that the CPS have dealt with***

### Request

- 1. Request confirmation of the total number of prosecutions brought by the Crown Prosecution Service under section 330 of the Proceeds of Crime Act 2002, the “failure to disclose: regulated sector” offence.***
- 2. We also request confirmation of the total number of convictions that have resulted from those prosecutions.***
- 3. We request that this information be presented in a year-by-year breakdown showing the number of prosecutions brought and convictions obtained for this offence each year since the Proceeds of Crime Act 2002 came into force until the present day, or the most recent date for which records are available.***

### Response

In response to question one, the Crown Prosecution Service (CPS) interprets the ‘number of prosecutions’ as described in your request to mean the number of defendants prosecuted by the CPS under section 330 of the Proceeds of Crime Act 2002.

The CPS does not centrally hold a record of the charges that defendants are prosecuted for, but does hold central records to indicate the number of offences in which a prosecution commenced by way of the section 330 of the Proceeds of Crime Act 2002 from April 2005 (first available record on the CPS Case Management System) up to September 2019. To note therefore, during the period from April 2005 the first records available on the CPS Case Management System (CMS) to September 2019, 105 offences were recorded which equates to 58 individual case files. A case file may have one or more defendants associated with it.

In order to establish the number of convictions in question two of your request, a manual review of the 58 individual cases that contain the offences, as indicated by the data held, was undertaken.

The result of each manual examination to determine the number of convictions as thus under s.330 of Proceeds of Crime, our records indicate that 14 (prosecution case files) out of the 58 case files



searched were convicted under section 330 of the Proceeds of Crime Act 2002. The defendants may have been convicted in a related offence but not the specific offence under section 330 of the Proceeds of Crime Act 2002. The Ministry of Justice are the responsible for maintaining the official statistics relating to outcome of offences.

Please note that we were unable to access 18 case files as they case have been destroyed in line with our retention Policy from pages 28. Please see link below:

<http://webarchive.nationalarchives.gov.uk/20110710231001/http://www.cps.gov.uk/publications/docs/rmmversion2.pdf>

In relation to question three, as outlined in our response to question one, please see the attached table of offences charged and reaching first hearing at Magistrates court. Also note that the data provided should be read in conjunction with the caveats appended to it.

**Information Access Team**

**020 3357 0788**

[IAT@cps.gov.uk](mailto:IAT@cps.gov.uk)