



Crown Prosecution Service HQ
102 Petty France
Westminster
SW1H 9EA

Dan Neidle
Email: Dan Neidle <[REDACTED]@taxpolicy.org.uk>

22 September 2023

Our ref: 11514

Subject: CPS Freedom of Information Request - Ref 11514

Dear Mr Neidle

Freedom of Information Act 2000 Request

Thank you for your Freedom of Information (FOI) request which we received on 27 August.

The FOI Act gives you the right to know whether we hold the information you want and to have it communicated to you, subject to any exemptions which may apply. It is a public disclosure regime, not a private regime. This means that any information disclosed under the FOI Act by definition becomes available to the wider public.

Request

This request refers to offences relating to the "people with significant control" rules in the Companies Act 2006, which came into force on 6 April 2016. These rules require directors of a UK company to keep a register of the people who have significant control over the company (PSCs), and to report the PSCs to Companies House.

There are a number of specific Companies Act criminal offences that directors may commit if their company fails to comply with PSC rules. These include s790F (failure to investigate, obtain information and keep it up-to-date), s790M(12) (failure to keep a register), s790VA (failure to notify changes in register) paragraph 14 Schedule 1B Companies Act 2006 (failure by a controlling person to supply information). In addition, there is a general offence in s1112 of knowingly or recklessly delivering a false statement or document to Companies House, which is potentially applicable if false PSC information is filed. I will refer to all of these as "PSC offences" (including s1112 where it applies to PSC matters)

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Please provide aggregated data for:

- the number of potential PSC offences referred to you (by police or other agencies).
- the relevant crime outcome types for these cases, using the Home Office police recorded crime data categories (which I've copied at the end of this email for your ease of reference)
- the number of prosecutions
- the outcomes of those prosecutions

Please break this data down by year if you are able to do so.

Crime outcome types (omitting irrelevant categories):

1. Charged/summons
3. Caution – adults
4. Taken into consideration
5. Offender died
9. Not in public interest (CPS)
10. Not in public interest (police)
12. Prosecutions prevented – suspect too ill 13. Prosecution prevented – victim/key witness dead/too ill 14. Evidential difficulties (suspect not identified; victim does not support further action)
15. Evidential difficulties (suspect identified; victim supports action) 16. Evidential difficulties (suspect identified; victim does not support further action) 17. Prosecution time limit expired 18. Investigation complete – no suspect identified 20. Action undertaken by another body/agency 21. Further investigation to support formal action to in the public interest

Please provide data in CSV format, or as an ODS or Excel file.

Response

During the period January 2016 – March 2023 (in line with the requested date and our published data) a total of 165 offences were charged and commenced prosecution, by way of the offences created by the Companies Act 2006 relating to 59 URN cases. The unique reference number (URN) is created by the police at the start of any case.

Year	Number Commenced Prosecution
2016	43
2017	37
2018	39
2019	33
2020	2
2021	7
2022	0
2023 (Jan- Mar)	4

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With regard to the part of your request which asks for the relevant crime outcome types for these cases, using the Home Office police recorded crime data categories. The CPS does not use these outcome types, therefore we are unable to break the figures down in this way.

Under section 16 of the FOIA we have a duty to advise what, if any information may assist with the request. We would be able to provide you with the outcome types as recorded by CPS. This would be treated as a new request, and would be subject to FOIA exemptions. Please advise whether you wish to proceed with the request.

If you are not satisfied with this response you have the right to request an internal review by responding in writing to the address below within two months of the date of this response. The internal review will be handled by a member of CPS staff who has not been involved with your original request.

IAT@cps.gov.uk

Information Access Team
Floor 8
102 Petty France
London
SW1H 9AJ

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. Please note, however, that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

The ICO asks that complaints are submitted via their online portal at www.ico.org.uk/foicomplaints.

Alternatively, you may contact the ICO at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire **SK9 5AF**

icocasework@ico.org.uk

Yours sincerely



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