

Penelope Gibbs
request-377607-3c1fed40@whatdotheyknow.com
request-377612-1884f6cd@whatdotheyknow.com

data.access@justice.gsi.gov.uk

16th January 2017

Dear Ms Gibbs

Freedom of Information Act (FOIA) Request – 109225

Thank you for your requests dated 21st December 2016 in which asked for the following information from the Ministry of Justice (MoJ):

I can confirm that the MoJ holds some of the information that you have requested and I have provided it below where available.

I would like to know for the most recent year for which figures are available (and the two years before that)

- 1) The amount paid in total by the LAA for the legal fees of the prosecution costs in the case of private prosecutions**
- 2) How many cases this represents**

I would like to know for the last three years for which figures are available (all the questions relate to criminal cases only)

- a) The value of capital contribution orders imposed**
- b) How many cases were involved?**
- c) How many charges have been placed on property by the LAA/LAA collection agency?**
- d) How many homes of defendants have been sold to satisfy debts to the LAA collection agency?**
- e) What are the average and highest total costs paid per defendant found guilty in the Crown Court who agreed to pay contributions to the LAA**

Your request has been handled under the FOIA.

I can confirm that the MoJ holds the information that you have requested at 1) and 2) in relation to funding of Private Prosecutions. However, the information is exempt from disclosure under section 21 of the FOIA, because it is reasonably accessible to you. The information is provided on pages 20-21 of the Jan-Mar 2016 edition of Legal aid statistics, and in table 11.1 of the accompanying Excel tables, both of which can be accessed via the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/533046/legal-aid-statistics-england-and-wales-tables-jan-mar-2016.xlsx

We have interpreted your requests a) – e) as enquiring about Capital Contribution Orders and as for data pertaining to the most recent 3 completed financial years.

a) The value of capital contribution orders imposed*.
13/14 - 57.22m
14/15 - £19.26m
15/16 - £17.95m

*We have defined the term “orders imposed” as orders issued. It should therefore be noted that the figures above only reflect the figures requested in that financial period and may be subject to change or refund due to further information received outside of the requested period.

b) How many cases were involved?

13/14 - 3308
14/15 - 1938
15/16 - 1930

c) How many charges have been placed on property by the LAA/LAA collection agency?

13/14 - 703
14/15 - 626
15/16 - 396

d) How many homes of defendants have been sold to satisfy debts to the LAA collection agency?

The MoJ does not hold any information in the scope of your request. This is because there is no legal or business requirement for MoJ to do so.

The LAA does not record the source of how applicants satisfy their liability. It should also be noted that the LAA currently do not enforce the sale of properties but instead secure a charge to ensure that if the applicant chooses to sell their property our debt becomes payable.

The FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. The duty is to only provide the recorded information held.

e) What are the average and highest total costs paid per defendant found guilty in the Crown Court who agreed to pay contributions to the LAA

Average Payment made 13/14 - £4003.30
Average Payment made 14/15 - £4,322.79
Average Payment made 15/16 - £6,088.66

Highest Payment - £2,044,324.77

Appeal Rights

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

data.access@justice.gsi.gov.uk

Data Access and Compliance Unit, Ministry of Justice, 10.38, 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. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

Information Governance, Legal Aid Agency