



Disclosure Team
Ministry of Justice
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John Campbell
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19 June 2020

Dear Mr Campbell

Freedom of Information Act (FOIA) Request – 200607003

Thank you for your request dated 7 June 2020 in which you asked for the following information from the Ministry of Justice (MoJ):

I make a Freedom of Information Request seeking information on the number and outcome of appeals from Magistrates' against conviction and sentence for illegal entry into the UK which have been referred to the Court of Appeal.

Can you provide this information by year and by outcome for the period 2011 to the present.

Your request is being handled under the FOIA.

I have considered your request for information but I am unable to answer it without further clarification. Section 1(3) of the FOIA does not oblige us to answer requests where we require further clarification to identify and locate the information requested.

The below link to the process for appealing a conviction in the magistrates' courts indicates that these cases must all be appealed to the Crown Court, and hence the basis for your request does not follow the correct procedure

<https://www.gov.uk/appeal-against-sentence-conviction>

So that I provide you with the right information, please can you explain whether you seek information concerning appeals from magistrates' court (which end up in Crown in the first instance), or appeals to Court of Appeal, which come from Crown?

I would advise that whichever option you seek it is likely that as appeals cannot be broken down by offence at either level from information collated centrally by the Ministry of Justice it is likely a costs exemption under Section 12 would be applied to your request.

On receipt of this information I will continue to process your request.

Yours sincerely

David Carmichael
Justice Statistics Analytical Services

