



Attorney General's Office

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Mr Richard Card
By email only

3rd June 2014

Dear Mr Card

Freedom of Information request

I am writing in response to your email to this Office dated 1st May, the detail of which is copied below

Could you disclose the position concerning public interest decisions taken by govt departments and CPS ? Is the Attorney General ultimately responsible for all public interest decisions ? When does the AG become Judge in his own cause and would he be bound by the constitution to refer such decisions to a Judge ?

As you know (Matron McGILL Decd, Sue Ryder and Leonard Cheshire Homes, Unlawful Police No Go Area, application of New Zealand Govt who also recognise Privy Council as their supreme constitutional court, Dept of Health research contrary to inmate rights in Leonard Cheshire Homes) there is a multiplicity of "Public interest" decisions in the history. Two of which (Police No Go Area and NZ Govt application) enter the realm of Treasonous response by UK Govt.

I am mindful too that Gerry Adams has just been arrested and that is a case of the same age as the Matron McGILL Decd case.

If you could make your response by way of explanation of a further refusal of Section 13 access to High Court to quash the McGILL Decd suicide verdict please. Thank you

I have now been able to consider your request

Your Right to Information under the Freedom of Information Act 2000

Section 1 of the FOI Act 2000 confers an entitlement, where you have requested recorded information from a public authority, to be informed in writing by the public authority whether it holds information of the description specified in your request, and in cases where the relevant public authority confirms that it holds information, you are entitled to have that information communicated to you. For the purposes of the entitlement under section 1, "information" means "information recorded in any form" (see section 84 FOIA). Moreover, the entitlement to receive information under section 1 FOIA is an entitlement to receive "recorded information".

The Information which you have requested

Some of the questions you have asked do not appear to be asking for recorded information. As I mention above, the entitlement to receive information under section 1 FOIA is an entitlement to receive "recorded information". As such, those questions are not requests for information for the purposes of the Freedom of Information Act 2000. However, in the interests of being helpful, I have provided answers to those questions.

Could you disclose the position concerning public interest decisions taken by govt departments and CPS?

The Code for Crown Prosecutors sets out the nature of the public interest stage applied in prosecutions:

http://www.cps.gov.uk/publications/docs/code_2013_accessible_english.pdf

Although this is a CPS publication the principles outlined are generally applied by other government prosecutors.

Is the Attorney General ultimately responsible for all public interest decisions?

The CPS is an independent prosecution authority and makes prosecution decision within the framework of the Code for Crown Prosecutors. The Code creates a two stage test for determining if a prosecution should be brought: is there sufficient evidence to provide a realistic prospect of conviction and, if there is, is a prosecution required in the public interest. The Attorney General is responsible to Parliament for the actions of the CPS as superintending Minister and whilst decisions with regard the public interest are usually a matter for the CPS he may have to answer questions in Parliament regarding prosecution decisions.

In a limited number of cases the Attorney General is required by law to consent to a prosecution and when doing so is required to consider the public interest. Full guidance on this issue is available at:

http://www.cps.gov.uk/legal/a_to_c/consent_to_prosecute/

When does the AG become Judge in his own cause and would he be bound by the constitution to refer such decisions to a Judge ?

It is not entirely clear what information this question is requesting. However, given that you have asked about the Attorney General's role in relation to public interest decisions, we have explained that role below.

The Attorney General is the guardian of the public interest and in this role acts independently of both government and the CPS and other prosecutors. He is required to make public interest decisions in a variety of scenarios which include: contempt, nolle prosequi, Unduly Lenient Sentence (ULS) referrals, consents to prosecute, certain charity matters and applications in respect of inquests.

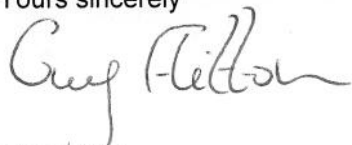
Finally, you have also requested 'If you could make your response by way of explanation of a further refusal of Section 13 access to High Court to quash the McGILL Decd suicide verdict please'. As you are aware the Solicitor General recently considered your request to review the s.13 decision. The reasons for the Solicitor General's decision were set out in the letter informing you of this decision and we have nothing further to add to this.

I hope this information is of assistance.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter (i.e. two months from the date on this letter) and should be addressed to Rowena Collins Rice, Director General, at the above address.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliff House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Guy Flitton', with a stylized, cursive script.

Guy Flitton
Freedom of Information Officer

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