



**FOI ref 372/2011**

**Request**

**E-mail dated the 08 July 2011**

In view of your reliance upon the opinion of your very own internal Administration of Justice Department (AoJ) it has been necessary to add a supplementary FOI request. See below

Preamble:

I made the following FOI Under Your Reference: 150/2011

The Request and supplementary questions:

Under the Freedom of Information Act(FOI), I would like to know if Dyfed Powys Police is fully aware, and knowledgeable of Article 38. MAGNA CARTA 1215?

Clarification:

MY REQUEST IS A GENERAL REQUEST CONCERNING POLICE PROCEDURE AND BRITISH CONSTITUTIONAL LAW.

Further Clarification:

I fully understand that not all police officers have the responsibility for submitting a case to be considered for prosecution at any level, including submitting cases for consideration to the CPS.

My request is limited to those within Dyfed Powys Police with a responsibility for policing policy;

Therefore my specific question concerning Police procedure and constitutional law under the FOI Act is.....As a matter of the prosecutions policy of Dyfed Powys Police: when considering submitting a case for

prosecution, where applicable, does Dyfed Powys Police take into consideration Article 38 of the Magna Carta 1215).

This request would be confined to matter of policy rather than any individual police officer.

You subsequently replied:

The Administration of Justice Department (AoJ) has confirmed that Dyfed Powys Police does not consider Article 38 Magna Carta 1215 in day-to-day procedures; Dyfed Powys Police base their processes upon legislation which has been passed through Parliament.

Dyfed Powys Police uses the Director of Public Prosecutions guidance, which is the national guidance for all forces. Please find detailed below a hyperlink to the Crown Prosecution Service website which details the guidance used by Dyfed Powys Police:

[http://www.cps.gov.uk/publications/directors\\_guidance/](http://www.cps.gov.uk/publications/directors_guidance/)

After further due consideration I believe that your reply was intended to be deliberately evasive and not in the true spirit for which the FOI Act was intended.. The use of the term The Administration of Justice Department, together with its acronym AoJ) could easily be construed as an attempt to give the impression that The Administration of Justice Department (AoJ) is an official government body such as the Ministry of Justice (MoJ) and not just something set up on a local level by Dyfed Powys Police.

However as Dyfed Powys Police have chosen this totally unsatisfactory method of reply which does not even come close to a reply to FOI Reference: 150/2011, I have a duty to ensure that my request is properly dealt with. Consequently I do not consider your reply to be, as you state, the final reply!

Therefore under the Freedom of Information Act 2000, and based upon your previous replies thereto, I wish to know under what authority your "very own" Administration of Justice Department (AoJ) derives its ascendancy to confirm that Dyfed Powys Police does not consider Article 38 Magna Carta 1215 in the day-to-day procedures; and to further state that Dyfed Powys Police base their processes upon legislation which has been passed through Parliament.

Notwithstanding that Magna Carta predates parliament by 50 years, and should you understand it, you will see that it is a sacred binding charter issued to the nation in perpetuity, and therefore superior to, and beyond the reach of parliament.

**E-mail dated the 07 July 2011**

AFTER MUCH CONSIDERATION I AM NOT SATISFIED WITH YOUR EXPLANATION. REPLIES UNDER THE FOI ACT NEED TO BE SPECIFIC, THEREFOR KINDLY INFORM ME UNDER WHAT AUTHORITY DOES THE ADMINISTRATION OF JUSTICE DEPARTMENT CLAIM TO BE ACTING WHEN it confirmed that Dyfed Powys Police does not consider Article 38 Magna Carta 1215 in day-to-day procedures; and that Dyfed Powys Police base their processes upon legislation which has been passed through Parliament.. This of course implies that Dyfed Powys Police disregards common law ,and that surely cannot be correct.

**Response**

No information held