

Neil Ross
request-675580-ff8e4c3f@whatdotheyknow.com

6th August 2020

Dear Mr Ross

Freedom of Information Act (FOIA) Request – 200710003

Thank you for your request dated 10th July 2020 in which you asked for the following information from the Ministry of Justice (MoJ):

The CEO of HMCTS recently stated that "local judicial groups sometimes list additional traffic cases to clear backlogs".

Please can you provide the statistics that support this assertion, in particular:

- (i) How many cases were dealt with on Saturday that were not overnight remand cases per year, over the past 5 years?
- (ii) Which court centres have sat on Saturdays other than overnight remands per year, over the past 5 years?
- (iii) How many days of additional sitting were generated by sitting on Saturday for cases that were not overnight remands per year, over the past 5 years?

Your request has been handled under the FOIA.

I can confirm the MoJ holds the information you have requested in questions (i) and (ii). However, to provide as the request currently stands would exceed the cost limit set out in the FOIA.

Section 12(1) of the FOIA means public authorities are not obliged to comply with a request for information if it estimates the cost of complying would exceed the appropriate limit. The appropriate limit for central government is set at £600. This represents the estimated cost of one person spending 3.5 working days determining whether the department holds the information, and locating, retrieving and extracting the information.

We believe that the cost of interrogating the court lists on three separate recording systems for every magistrates' court for every Saturday for five years and collating the results would exceed the appropriate limit. Consequently, we are not obliged to comply with your request.

With regard to your third question, HMCTS does not hold any information in scope of your request. 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. In this case, HMCTS would first have to identify all the courts, then make an estimate of the additional court days generated.

Although we cannot answer your request at the moment, we may be able to answer a refined request within the cost limit. You may wish to consider, for example, refining your request to cover a shorter period or smaller geographic area. Please be aware that we cannot guarantee at this stage that a refined request will fall within the FOIA cost limit, or that other exemptions will not apply.

For guidance on how to structure successful requests please refer to the ICO website on the following link: http://ico.org.uk/for_the_public/official_information

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.gov.uk

Disclosure Team, Ministry of Justice (see above)

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

A handwritten signature in black ink, appearing to read 'Siân E. Jones', written over a horizontal line.

Siân E. Jones
Head of Legal and Professional Services
Legal Operations Team