



Public
Prosecution
Service

Policy and Information Unit
Belfast Chambers
93 Chichester Street
Belfast BT1 3JR

14 October 2020

[REDACTED]

FOI 789 -20/21

[REDACTED]

I refer to your email dated 15 September 2020 in which you asked for information relating to statistical information on the number of charges made under Section 44 of the Serious and Organised Crime Act 2007.

Your request has been dealt with under the terms of the Freedom of Information Act 2000.

Freedom of Information Act 2000

The Freedom of Information Act creates rights of access for any person making a request for information to a public authority. The rights of access are twofold. Firstly, to be informed by the public authority if it holds information of the description specified in the request, and if that is the case, secondly, to be provided with that information. These rights are subject to important limitations, which are designed to achieve a proper balance between the right to know and considerations of law and policy in the broader public interest.

You had asked for:

Statistical information held by the Public Prosecution Service on the number of charges made (including the corresponding offence for each charge) under Section 44 of the Serious and Organised Crime Act 2007.

<https://www.legislation.gov.uk/ukpga/2007/27/section/44>

This request is limited to statistical information from the last ten years, preferably on an annual basis (but happy to receive in whichever format such figures are usually collated).

Please note that charging information in respect of offences under Section 44 of the Serious Crime Act 2007 cannot be provided by the PPS as this is a matter for the Police Service of Northern Ireland. However as an alternative, we have provided the numbers of prosecution decisions issued by the PPS over the ten financial years from 2010/11 to 2019/20 where Section 44 has been used (see Table 1).

Table 2 details the decisions issued by PPS broken down by offence description. The specific offences included in the analysis are listed at Table 3.

This information should be read in conjunction with the explanatory notes accompanying the tables.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review in accordance with our review procedure. You should do this as soon as possible or in any case within two months of the date of this response and you can do so by writing to the Head of Policy and Information, Public Prosecution Service, Belfast Chambers, 93 Chichester Street, BELFAST, BT1 3JR or alternatively by sending an e-mail to info@ppsni.gov.uk. You should state clearly the grounds on which you are requesting the review.

Alternatively, you may wish to apply directly to the Information Commissioner for a decision.

The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Information Management Team
PPS

Table 1: PPS Decisions Issued for Indictable or Summary Prosecution for offences under Section 44 of the Serious Crime Act 2007 2010/11 to 2019/20

Based on Most Serious Decision Issued Date (Number of Suspects)

Year	Indictable Prosecution	Summary Prosecution
10/11	3	-
11/12	-	-
12/13	6	-
13/14	5	-
14/15	-	0
15/16	-	0
16/17	-	0
17/18	-	-
18/19	4	-
19/20	-	3
Total	28	11

'-' represents a count of less than 3 that cannot be provided in order to prevent disclosure.

Note: Indictable prosecution refers to prosecution in the Crown Court. Summary prosecution refers to prosecution in the Magistrates' Court.

Table 2: Decisions Issued for Indictable or Summary Prosecution for offences under Section 44 of the Serious Crime Act 2007 by offence description 2010/11 to 2019/20

Based on Most Serious Decision Issued Date

Decision Offence Code Description	Decision Offence Legislation	Number of Suspects
Intentionally encouraging or assisting the distribution of indecent photographs or pseudo photographs of children (from 1.2.09 child is <18 years)	Section 44 of the Serious Crime Act 2007 and Article 3(1)(b) of the Protection of Children (Northern Ireland) Order 1978	9
Intentionally encouraging or assisting Riot	Section 44 of the Serious Crime Act 2007 and Common Law	8
Intentionally encouraging or assisting the making of indecent photographs or pseudo photographs of children	Section 44 of the Serious Crime Act 2007 and Article 3(1)(a) of the Protection of Children (Northern Ireland) Order 1978	5
Intentionally encouraging or assisting the commission of an offence of distributing or showing indecent photographs of children	Section 44 of the Serious Crime Act 2007	3
Intentionally encouraging or assisting Robbery	Section 44 of the Serious Crime Act 2007 and section 8(1) of the Theft Act (Northern Ireland) 1969	3
Intentionally encouraging or assisting Robbery	Section 44 (1) of the Serious Crime Act 2007	-
Intentionally encouraging and assisting placing article causing bomb hoax	Section 44 of the Serious Crime Act 2007 and Article 3(1)(a) of the Criminal Law (Amendment) (Northern Ireland) Order 1977	-
Intentionally encouraging or assisting communicating false information causing bomb hoax	Section 44 of the Serious Crime Act 2007 and Article 3(2) of the Criminal Law (Amendment) (Northern Ireland) Order 1977	-
Intentionally encouraging or assisting Assault Occasioning Actual Bodily Harm	Section 44 of the Serious Crime Act 2007 and section 47 of the Offences Against the Person Act 1861	-
Intentionally encouraging or assisting Common Assault (Indictable)	Section 44 of the Serious Crime Act 2007 and section 47 of the Offences Against the Person Act 1861	-
Intentionally encouraging or assisting Rape (Offences after 01/02/09)	Section 44 of the Serious Crime Act 2007 and Article 5(1) of the Sexual Offences (Northern Ireland) Order 2008	-
Encouraging fraud by false rep	Section 44 of the Serious Crime Act 2007 and Section 2 of the Fraud Act 2006	-
Intentionally encouraging or assisting an offence	Section 44 (1) Serious Crime Act 2007	-
Encouraging or assisting in the supply of a controlled drug	Section 44 of the Serious Crime Act 2007 and Section 4(3)(a) of the Misuse of Drugs Act 1971	-

'-' represents a count of less than 3 that cannot be provided in order to prevent disclosure.

Please note the following: (1) A suspect may have been charged with more than one offence under Section 44 of the Serious Crime Act 2007 **and this could lead to them being counted on multiple occasions in the table above** (2) A breakdown by year and offence is not possible due to the small numbers involved.

Table 3: Offences Considered

Complaint Offence Description	Complaint Offence Legislation
Intentionally encouraging or assisting aggravated assault on a female or a boy under 14 years (Repealed for offences after 5 July 2011)	Section 44 of the Serious Crime Act 2007 and section 42 of the Offences Against the Person Act 1861
Intentionally encouraging or assisting Assault Occasioning Actual Bodily Harm	Section 44 of the Serious Crime Act 2007 and section 47 of the Offences Against the Person Act 1861
Intentionally encouraging or assisting Common Assault (Indictable)	Section 44 of the Serious Crime Act 2007 and section 47 of the Offences Against the Person Act 1861
Intentionally encouraging or assisting Attempted Grievous Bodily Harm With Intent	Section 44(1) of the Serious Crime Act 2007 and Article 3(1) of the Criminal Attempts and Conspiracy (Northern Ireland)Order 1983 and section 18 of the Offences Against the Person Act 1861
Intentionally encouraging or assisting rape (offences after 01/02/09)	Section 44 of the Serious Crime Act 2007 and Article 5(1) of the Sexual Offences (Northern Ireland) Order 2008
Intentionally encouraging or assisting the sexual assault of a child under the age of 13	Section 44(1) of the Serious Crime Act 2007 and Article 14(1) of the Sexual Offences (Northern Ireland) Order 2008
Intentionally encouraging or assisting the commission of an offence of distributing or showing indecent photographs of children	Section 44 of the Serious Crime Act 2007
Intentionally encouraging or assisting intercourse with an animal	Section 44 of the Serious Crime Act 2007 and Article 73(1) of the Sexual Offences (Northern Ireland) Order 2008
Intentionally encouraging or assisting the making of indecent photographs or pseudo photographs of children	Section 44 of the Serious Crime Act 2007 and Article 3(1)(a) of the Protection of Children (Northern Ireland) Order 1978
Encouraging fraud by false representation	Section 44 of the Serious Crime Act 2007 and Section 2 of the Fraud Act 2006
Intentionally encouraging or assisting Robbery	Section 44 of the Serious Crime Act 2007 and section 8(1) of the Theft Act (Northern Ireland) 1969
Intentionally encouraging or assisting Robbery	Section 44(1) of the Serious Crime Act 2007
Intentionally encouraging or assisting Riot	Section 44 of the Serious Crime Act 2007 and Common Law
Intentionally encouraging or assisting Affray	Section 44 (1) Serious Crime Act 2007

Intentionally encouraging and assisting placing article causing bomb hoax	Section 44 of the Serious Crime Act 2007 and Article 3(1)(a) of the Criminal Law (Amendment) (Northern Ireland) Order 1977
Intentionally encouraging or assisting communicating false information causing bomb hoax	Section 44 of the Serious Crime Act 2007 and Article 3(2) of the Criminal Law (Amendment) (Northern Ireland) Order 1977
Intentionally encouraging or assisting an offence	Section 44 (1) Serious Crime Act 2007
Intentionally encouraging or assisting the publishing of a statement relating to the way in which voters had voted at a parliamentary election before the poll was closed	section 44 of the Serious Crime Act 2007 and section 66A(1)(a) of the Representation of the People Act 1983
Encouraging or assisting in the supply of a controlled drug	Section 44 of the Serious Crime Act 2007 and Section 4(3)(a) of the Misuse of Drugs Act 1971
Intentionally encouraging or assisting the distribution of indecent photographs or pseudo photographs of children (from 1.2.09 child is <18 years)	Section 44 of the Serious Crime Act 2007 and Article 3(1)(b) of the Protection of Children (Northern Ireland) Order 1978
Intentionally encouraging or assisting unnecessary suffering to an animal	Section 44 of the Serious Crime Act 2007 and section 13(g) of the Welfare of Animals Act (Northern Ireland) 1972