

This policy is intended to provide guidance for officers, businesses and consumers. We recognise that most businesses and/or individuals wish to comply with the law. However there are occasions when action including prosecution will be taken against those who fail to comply with the law. We have the discretion whether or not to put alleged offences before the criminal or civil courts. This policy explains what factors we take into consideration before we institute any legal proceedings.

A prosecution will normally ensue where the individual or organisation meets one or more of the following:

- Deliberately, negligently or persistently in breach of legal obligations which were likely to cause material harm to others.
- Endangered to a serious degree the health, safety or wellbeing of people, animals or the environment.
- Assaulted or obstructed an Officer in the course of their duties.
- A prosecution would have a significant positive impact on maintaining community confidence.

In deciding whether or not a prosecution is viable and appropriate we will follow the guidance in the Code for Crown Prosecutors. We will apply two tests:-

1. Whether or not the standard of evidence is sufficient for there to be a realistic prospect of conviction (the Evidential Test).
2. Whether or not a prosecution is in the public interest (the Public Interest Test).

For more information on the Code for Crown Prosecutors see www.cps.gov.uk

Prosecutions will be brought without unnecessary delay. We will select charges that reflect the seriousness of the case, enable a Court to exercise adequate sentencing powers and permit the case to be presented in a clear and simple way.

This Policy and all associated enforcement decisions take account of the provisions of the Human Rights Act 1998. In particular due regard is had to the following:

- Right to a fair trial
- Right to respect for private and family life.

Each case will be continually reviewed and any changes in circumstances that occur as the case develops will be taken into account

Contacting us:

E-mail: trading.standards@nottsc.gov.uk
Telephone: 0115 8041147
Fax: 01623 452059
Post: Trading Standards Service, 100 Chesterfield Road South, Mansfield,
Nottinghamshire NG19 7AQ
Internet: www.nottinghamshire.gov.uk

This information can be made available in other languages and formats. For further information please contact 0115 8041147