

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. 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 may ensue where the individual or organisation meets one or more of the following:

- Deliberately, negligently, or persistently, are 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. The Evidential Test

Prosecutors must be satisfied that there is enough evidence to provide a 'realistic prospect of conviction' against each defendant on each charge. They must consider what the defence case may be and how that is likely to affect the prosecution case.

When deciding whether there is enough evidence to prosecute, Prosecutors will consider whether the evidence can be used and is reliable. Prosecutors will not ignore the evidence because they are not sure that it can be used or is reliable.

2. Public Interest Test

The Public Interest Test must be considered in each case where there is enough evidence to provide a realistic prospect of conviction. A prosecution will only take place when it is considered that it is in the public interest to do so.

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.

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