| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-1937  Responded to: 13th August 2024 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

## We write in relation to police force and CPS decisions to investigate, arrest and prosecute/charge people with offences under ss58, 59 and 60 of the Offences Against the Person Act 1861, and under s1 of the Infant Life (Preservation) Act 1929, between 2019 and 2024. We request from you, under the Freedom of Information Act 2000:

## (1) Copies of any policy or guidance, whether formal or informal, regarding decisions to investigate, arrest and prosecute individuals in connection with the offences referred to above.

## (2) Any memorandum of understanding between your individual police force and the CPS in relation to the offences referred to above, for example with regard to the operation of the CPS Code for Crown Prosecutors public interest test.

## (3) All communication between your individual force and the CPS with regards to the operation of policy, whether formal or informal, and/or the development of policy, including informal policy, regarding decisions to investigate, arrest and prosecute/charge individuals in connection with the offences referred to above.

## (4) All records, such as meeting minutes and communications by email, of discussions at the supervisory level, reviewing and/or making decisions to seek advice with regards to the investigation, arrest and prosecution/charge of individuals in connection with the offences referred to above, and specifically any communications at supervisory level.

The legislation referred to in your request does not extend to Scotland.  Additionally, the CPS does not operate in Scotland, therefore the information sought is not held by Police Scotland and section 17 of the Act applies.

If you require any further assistance, please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.