

Information Released under Freedom of Information Act

Subject: Statistical information relating to Prosecutions by Companies House.

Date Released: 18 June 2008

Summary of request: Request for the geographical split of prosecutions made each year; types of companies prosecuted; the total number of prosecution over the last 5 years and the conviction rates over the same period and conviction rates after a prosecution has been initiated.

Information released:

Your request was for the following information:

1. **The geographical split of these prosecutions;**

We do not keep statistics of prosecutions by geographical split other than to separate England & Wales/Scotland

2. **The types of companies prosecuted i.e. Private and Quoted;**

I assume by 'quoted' you mean PLCs? Unfortunately, we do not hold any statistics in this precise format. Our prosecution section has advised me that in the main, we prosecute private companies and a small percentage of PLCs.

3. **The total number prosecutions year by year over the last 5 years and the conviction rates over this period. If you have any information, easily accessible, as to the range of penalties applied this would be much appreciated; and**

See 4 below

4. **Conviction rates after a prosecution has been initiated.**

Please see the attached document which I hope will answer questions 3 & 4 above.

For reference, the information in the document has been taken from reports which are on the Companies House website: www.companieshouse.gov.uk . From the home page go to 'About Us' at the top, then 'Statistics and Surveys', then select 'DTI Reports' or 'Companies Register Activities' on the left hand side. The information concerning prosecutions is in Table D3.

The reports for 2007/2008 are not currently available but are in the process of being prepared and will be on the website shortly.

Table D3 Prosecutions by the Department under the Companies Act 1985

Section	Offence	2002-03	2003-04	2004-05	2005-06	2006-07
England & Wales						
242(1) and	Failure to deliver Accounts					
242(2)	(No. of Offences)					
	Prosecutions	3,141	3,400	4,558	5,251	4,084
	Convictions	1,613	1,921	2,675	2,902	2,418
	% convictions	51.4%	56.5%	58.7%	55.3%	59.2%
	Number adjourned to a later hearing date	83	147	209	226	149
	Number of charges where a conviction was not obtained	1,354	1,366	1,704	1,890	1,484
363(3) and	Failure to deliver Accounts					
363(4)	(No. of Offences)					
	Prosecutions	1,259	1,820	2,266	2,256	2,499
	Convictions	574	955	1,209	1,194	1,516
	% convictions	45.6%	52.5%	53.4%	52.9%	60.7%
	Number adjourned to a later hearing date	32	65	73	84	68
	Number of charges where a conviction was not obtained	621	776	959	890	873
	Number of directors involved in proceedings	2,146	2,548	3,477	3,818	3,446
	Number of directors convicted	1,088	1,396	1,880	2,046	1,968
	% directors convicted	50.7%	54.8%	54.1%	53.6%	57.1%
	Number of companies involved in proceedings	1,676	1,947	2,597	2,929	2,691
	Number of companies in which directors convicted	873	1,131	1,514	1,654	1,613
	% companies in which directors convicted	52.1%	58.1%	58.3%	56.5%	59.9%
Scotland						
242(1) and	Failure to deliver Accounts					
242(2)	(No. of Offences)					
	Prosecutions	536	378	465	330	335
	Convictions	84	49	48	36	24
	% convictions	15.7%	13.0%	10.3%	10.9%	7.2%
	Number adjourned to a later hearing date	0	0	0	0	0
	Number of charges where a conviction was not obtained	400	332	380	302	345
363(3) and	Failure to deliver Accounts					
363(4)	(No. of Offences)					
	Prosecutions	335	269	281	173	308
	Convictions	45*	19	26	17	12
	% convictions	0.0%	7.1%	9.3%	9.8%	3.9%
	Number adjourned to a later hearing date	0	0	0	0	0
	Number of charges where a conviction was not obtained	242	249	313	164	362
	Number of directors involved in proceedings	1,142	828	929	610	729
	Number of directors convicted	109	64	74	52	33
	% directors convicted	9.5%	7.7%	8.0%	8.5%	4.5%
	Number of companies involved in proceedings	829	600	693	465	403
	Number of companies in which directors convicted	85	47	59	37	31
	% companies in which directors convicted	10.3%	7.8%	8.5%	8.0%	7.7%

Notes:

- 1) The majority of charges where convictions were not obtained was as a result of the annual returns and accounts being filed and the prosecutions not proceeded with.
 - 2) A number of prosecutions dealt with in the above were started before April 2006
- * Includes 20 Companies convicted