

25th September 2023

Freedom of Information Request - Reference No: 23.010145

Thank you for your request for recorded data held by South Yorkshire Police.

Request

1. Please provide details of how many a) arrests and b) charges have been made under each of the following legislation: i) s58 OAPA (1861), ii) s59 OAPA (1861) and iii) s1 Infant Preservation Act (1929) from January 1st 2012 to present.

2. Please break these figures down year on year and by sex of the alleged perpetrator.

Please see exemplar FoI response from the Metropolitan Police on this link:

<https://www.met.police.uk/foi-ai/metropolitan-police/d/september-2022/s58oapa-s59oapa-1861-infant-life-preservation-act1929-crimes/>

Please also include redacted copies of any relevant police reports related to each arrest and/or charge (in particular any noting details of whether the offence was committed via legally or illegally obtained abortion pills, physical assault, or other means), and if possible please also include any other illegal abortion arrests/charges made under other pieces of legislation.

Response

Section 17 of the Freedom of Information Act 2000 requires South Yorkshire Police, when refusing to provide such information (because the information is exempt), to provide you the applicant with a notice which:

- a.states that fact,
- b.specifies the exemption in question and
- c.states (if that would not otherwise be apparent) why the exemption applies.

The following exemption applies to the disclosure of the information:

Section 12(1) – Exemption where cost of compliance exceeds appropriate limit

Firstly data from 2012 - 2017 is held on an historic system no longer in use and cannot be readily extracted. Manual reviews would be required to find the data within the system, bringing cost into play. Therefore this data cannot be located or retrieved in a readily retrievable format within cost, and as such your request would trigger the s12 cost exemption.

Secondly for the date 2018 to date, they advised:

These are the offences they believe are being enquired about.

- 1) Section 58 of the Offences Against the Person Act 1861 makes it an offence to administer drugs or use instruments to procure abortion.
- 2) Section 59 of the Offences Against the Person Act 1861 makes it an offence to supply or procure poison or instruments to cause an abortion.
- 3) Section 1 of the Infant Life (Preservation) Act 1929 creates the offence of child destruction.

South Yorkshire Police

In an emergency: 999
Non-emergency: 101

[southyorks.police.uk](https://www.southyorks.police.uk)



There are two arrest reasons covering the above offences:

Procuring Illegal Abortion

Child - Intentional Destruction of a Viable Unborn Child

Because the above offences these are infrequently used arrest reasons the custody sergeant may not be aware that they exist on the system and may have recorded any arrests under something else such as:

- Other - Not listed - NOT PNC Recordable
- Other - Not listed - PNC Recordable
- Infanticide
- Murder

Establishing if another arrest reason was used would require manual checking of the circumstances of arrest of over 100k records so is not possible within 18 hours.

Therefore taken together with the other part of your request this would exceed the 18hr time rule allowed by the Act.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 provide that the cost limit for non-central government public authorities is £450. This must be calculated at the rate of £25 per hour, providing an effective time limit of 18 hours.

Guidance from the Information Commissioner to public authorities is that where one part of a request is reasonably estimated to exceed the appropriate limit then the authority is not obliged to consider or comply with the remainder of the request up to the point at which the appropriate limit has been reached. Please note point 30 of the below link:-

https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf

Although excess cost removes the force's obligations under the Freedom of Information Act, as a gesture of goodwill, I have supplied information, relative to your request, retrieved or available before it was realised that the fees limit would be exceeded.

I trust this is helpful, but it does not affect our legal right to rely on the fees regulations for the remainder of your request neither does it bind South Yorkshire Police to any commitment that it will release information in such a manner in the future .

To assist your request for the data 2018 to date the administrator searched the system to see if one of the two arrest reasons above (Procuring Illegal Abortion or Child - Intentional Destruction of a Viable Unborn Child) that covers the above offences was used to dispose of an arrest regardless of what the arrest reason was recorded as.

This search returned one since 2018.

**(2018) - 'Child - Intentional Destruction of a Viable Unborn Child'.
Offender - Male.
Finalised as 'Refused Charge (No Further Action)'**

Please note that police forces do not use generic systems or identical procedures for capturing the data. For these reasons this response to your questions should not be used for comparison purposes with responses you may receive from other police forces.