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PPS upholds decisions not to prosecute any individual in connection with Storey funeral

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An internal review of the Public Prosecution Service (PPS) decisions not to prosecute 24 individuals reported in connection with attendance at the funeral of Bobby Storey on 30th June 2020 has resulted in those decisions being upheld.

The PPS initiated a review process after receiving three formal requests to re-examine decisions taken in relation to a group of elected representatives reported by police for consideration of potential offences under the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020.

In line with procedures set out in the PPS Code for Prosecutors, this review was conducted by a senior PPS lawyer who was not involved in taking the original decisions on this file. This lawyer was assisted by obtaining the advice of Senior Counsel who is independent of the PPS and was also not in any way involved in the original decisions.

As a result, after a fresh consideration of all evidence submitted by police in relation to the conduct of those reported in connection with this funeral or an associated funeral, it has been concluded that the Test for Prosecution is not met in respect of any offence on evidential grounds.

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the funeral.

“I have completed the process of taking a new decision in respect of all 24 individuals reported in connection with alleged breaches of the Coronavirus Regulations in place on the 30th June 2020,” she said.

“My consideration of this matter was conducted independently of the original decision-making team within the PPS. It involved a careful analysis of events leading up to Mr Storey’s funeral and on the day, against the context of complex and fast-changing Regulations.

“Having taken into account the advices of both the original Senior Counsel and a second Senior Counsel who was instructed to advise at review stage, I have concluded that the Test for Prosecution is not met on evidential grounds. This is on the same basis as the original decisions. Both the lack of clarity and coherence within the Regulations at that particular point in time, and the policing approach in the lead up to the funeral and on the day presented difficulties which the prosecution would not be able to overcome in the context of criminal proceedings.

“I should add for clarity that the basis for the decision is not that ignorance of the law is an excuse. Rather, the point is that the Regulations themselves were confused and incoherent and that this posed a particular difficulty in the context of an offence where a defence of reasonable excuse is provided.”

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reasonable prospect of conviction, and that threshold was not reached in this case. I would seek to assure those who requested reviews of the decisions and the wider public that these new decisions were reached after a very careful, impartial and independent consideration of the relevant law and the available evidence.”

A [public statement](#) was published by the PPS on 30th March 2021 outlining a detailed rationale for the original decisions not to prosecute any individual reported in connection with this case. The Director of Public Prosecutions Stephen Herron took this step in recognition of the high level of public interest in perceived breaches of the Coronavirus Regulations by individuals in a position of responsibility.

The Director, who was not involved in the review process having overseen the original decisions, emphasised that Ms O’Kane, assisted by advice from Senior Counsel, had independently conducted a fresh consideration of the file.

“The decisions issued by the PPS on 30th March 2021 prompted an intense public and political debate which understandably raised questions about the effective and fair application of the rule of law,” Mr Herron said.

“I want to reassure the public that I listened very carefully to this debate and was sensitive to all views raised. The PPS exercises a quasi-judicial function by independently and impartially applying the Test for Prosecution.

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seen most painful for many families who faced restrictions when making funeral arrangements for a loved one. I hope people can take some comfort in having made an important contribution to curbing the spread of Covid-19.”

ENDS

NOTES TO EDITORS:

1. The [full press release](#) and [public statement](#) published on 30th March 2021 in relation to this matter can be found by clicking the links.
2. All decisions by the PPS are taken strictly in accordance with the [Test for Prosecution](#) which involves two stages. The Test for Prosecution is met if, in relation to an identifiable suspect, the available evidence is sufficient to provide a reasonable prospect of a conviction (the Evidential Test) and if prosecution is in the public interest (the Public Interest Test). The Evidential Test must be passed first before the Public Interest Test is considered. Further information can be found in the [PPS Code for Prosecutors](#).
3. The PPS review process is also set out in full in the Code for Prosecutors. Further information on the process and parameters can be found [here](#).
4. Media queries for the PPS should be referred to the Communications Unit by emailing [:ssoffice@ppsni.gov.uk](mailto:ssoffice@ppsni.gov.uk) inside office hours. The out of office press officer can be contacted on 07920 271804 and

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