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Muked Miah- Conviction Quashed - Judge Made a Mismash ot Summing up to the Jury

The issue raised on this appeal against conviction, for which this court has granted leave, relates entirely to the adequacy of the summing up. It is the contention of the appellant that the summing up gave wholly inadequate and indeed incorrect directions on the law, including a failure to direct the jury correctly on the issue of standard of proof; was unstructured and unfocused; and, furthermore, was unbalanced and one sided to the point of ostensible bias such that the defence case was unfairly disparaged and belittled so as irremediably to prejudice the defence case. It therefore is said overall that the summing up was so deficient as to give rise to a conviction that is unsafe.

Background facts: The background is this. The appellant, Mr Miah is now aged 37. On 6th December 2017, after a three-day trial at the Crown Court at Canterbury, before Mr Recorder Boothby and a jury, the appellant was convicted of a count of conspiracy to steal. He was in due course sentenced to nine months' imprisonment. There was a co accused, a man called Alpergin, who also was convicted of conspiracy to steal. In his case the sentence was one of six months' imprisonment. Alpergin had applied for leave to appeal against his conviction but subsequently abandoned the application.

The Summing Up: 1. The evidence was concluded within two days. There were closing speeches from counsel and the Recorder himself summed up on the morning of the third day. As Mr Hook appearing for the prosecution (then as now) pointed out, this was a relatively short trial and it may well be right that the jury would have had a good understanding and recollection of the evidence which had been given.

2. Counsel having given their closing addresses to the jury, the Recorder then summed up to the jury. His summing up took 20 minutes. This had been a short case and there was no reason at all why the summing up could not, entirely properly, be concisely expressed.

3. At a very early stage in the summing up, the Recorder appropriately said this: "The facts are entirely your province. They are absolutely your business, and your business only. You have been collected here to pool your joint wisdom of life and common sense and experience of how things happen in the real world, to make an unjaded judgment, an unjaded decision about what you think really happened". He then followed that up by saying this: "You may well get an impression when I summarise, very briefly, a bird's eye view of all the evidence we have heard in this case, but my selection of what to summarise to you gives away my view of things. I am an old, jaded practitioner in these courts, so it would be surprising if I didn't have views. And it is not my views that are sought. It is your views, your fresh and unjaded views. So remember that. But, what you what actually happened is for you to decide, not me, but you will please, take the law from me and apply the law to the facts."

4.The Recorder then turned to the issue of burden of proof. He said this: 5. "Some principles of law apply in all criminal cases, and a very important one I am sure you will have heard of is called the 'burden of proof'. In this country, if the authorities choose to disturb the peace a citizen by accusing them of a criminal offence, it is their job to go out and find the evidence that they say should satisfy you that this accusation is a true one.

It is not the job of the defendant to give a good account of himself, otherwise risking being convicted. It is for the prosecution to go out and find the evidence and prove it. And, in theory, that burden never shifts from the prosecution to the defence. However, in the course of my career there have been some qualifications of that principle, and one of them does arise in this case, because, as you know, on two occasions, both in May and September, Mr Alpergin was interviewed by the police about all of the matters ... "

The Recorder then entered into, with respect, a somewhat garbled section 34 direction with regard to Alpergin, the co accused, concluding that direction, by reference to the assertion that he had remained silent on legal advice, by saying that the jury had to be "sure that the real reason for staying silent was not having a good answer to hand to what the prosecution were accusing him of" if they were to hold that matter against the co accused.

6. The Recorder then went on to give some directions about the ingredients of conspiracy and theft and gave a conventional separate consideration direction. The Recorder then, in shortly summarising the prosecution case, said this: "Mr Miah and Mr Alpergin sought to drive two of those cars over to Europe, with no valid booking for their return. The delivery of the second car to Alpergin and Miah was in a Shell garage close to the A2 in the Rochester area. Not a scrap of paper has been found or produced showing any detail of how this pair came to possess these two cars. No wonder the prosecution say to you it is plain as a pikestaff that these two were playing a major part in disposing of these cars by getting them over to Europe. What was to happen to them after that nobody probably will ever know.

Well, a trial is an opportunity for the defendants to state their side to you, because everything I have recited up until now is not disputed by the defence. A trial is an opportunity for the defendant to state their side of it all and perhaps explain away appearances as a possible delusion or misunderstanding. And both ... defendants did indeed give evidence about these excursions to Europe."

7. The Recorder then set out very shortly a summary of aspects of the appellant's evidence. The Recorder dealt with the journey of 9th May and among other things said of the appellant's evidence: "You may think in rather vague, almost dream like terms Miah knew that there was somewhere called the Champs Elysees, in Paris, just as someone in a remote country might mention the Tower of London to give flesh and blood to a visit to London."

And then shortly after that the Recorder posed these questions about that previous journey: "Did they stop short of Paris, turn back and go to Amsterdam? Were they redirected from Amsterdam to Stuttgart? Was a Range Rover from Montenegro expected in all these three cities at one time or another? Did Miah finally decide in Amsterdam that he did not like the colour of the X6 that he had been driving for several weeks? Or was this decision made in Stuttgart, just when he most needed a car to get home, because that, in a nutshell, is an outline of the evidence that Mr Miah gave."

8. Nowhere in this short summary of the appellant's evidence did the Recorder draw any attention to such points as were available to the defence, including the HPI check, the evidence of payment of £3,500, the lapse of time between the original taking of the cars by Kromax and the trips, and indeed the report of the theft by the man calling himself Tinney.

9. At all events, having so dealt with the appellant's evidence, the Recorder immediately turned to the evidence of the co accused. He started off his summary of that evidence in this way: "Mr Alpergin tried to sort this mess out by concentrating on the cancellation of the Paris plan..." It was then said about the evidence of Alpergin, as summarised by the Recorder, that Alpergin was "saddled with a convoy of three cars" (that being by reference to what the appellant himself had previously said in evidence at the trial) and then this also was said about Alpergin's evidence: "So he touched on that subject and so ... was slightly stuck with that,

and that was a convoy of three cars with seven people in it."

The Recorder went on also to make comments about the co accused "rather struggling" to fit events as he described them into the available chronology. The Recorder then reverted to making remarks about the lack of paperwork available to the appellant Miah and also made reference to the appellant implying that someone else was to blame for the loss of paperwork and "those are matters you need to weigh". The Recorder concluded in this way: "There is plenty more detail that has come up in the trial where you might think more important than what I imagine. You will have no trouble thinking up, incidentally, dozens of other avenues of enquiry that all parties might have gone down. They have not chosen to do so, for all sorts of good reasons ". The Recorder then said, appropriately, to the jury that they were not to speculate and to judge the case on the evidence they had heard.

10. The Recorder then gave instructions to the jury to retire, having given the appropriate direction as to unanimity of verdicts, the court usher having to remind the Recorder that the jury bailiffs first had to be sworn out.

The Grounds of Appeal: 11. It has been necessary to set out in some detail parts of this short summing up in order to explain the complaint which Mr Hunsley on behalf of the appellant raises.

12. Although not initially raised in the grounds of appeal, there has since been raised, the point having been noted by the Registrar of Criminal Appeals, a criticism of the failure of the Recorder to give any sufficient direction on the standard of proof applicable in this case. It will be recalled that whilst directions had been given on the burden of proof, what was said about the prosecution was that they had to produce evidence that "should satisfy you" and "prove" that the accusation was a true one. The Recorder nowhere directed the jury in terms that the criminal standard applied. It is quite true that, in the context of the section 34 direction relating to the co accused Alpergin, the Recorder did tell the jury that, to draw an adverse inference, they had to be sure that his staying silent was because he had no good answer to questions; but Mr Hunsley's complaint is that that if anything makes things worse, because the jury were directed as to the need to be sure in that context of an adverse inference concerning the co accused but had not been so directed in the context of the case as a whole against this appellant.

13. Mr Hunsley further goes on to submit that it is quite plain from what he said to the jury that the Recorder was in effect associating himself with the prosecution case. He referred, for example, to the Recorder saying "no wonder the prosecution say to you it is plain as a pikestaff that these two were playing a major part in disposing of these cars by getting them over to Europe." Mr Hook had not in fact himself used the phrase "plain as a pikestaff"; but the central point is that by using the words "no wonder" the jury could well take it that the experienced Recorder "an old practitioner in these courts" as he had told them was associating himself with the strength of the prosecution case.

14. Furthermore, immediately after so saying, the Recorder made the remarks which we have already set out, starting with the words "Well a trial is an opportunity for the defendants to state their side to you ...". Mr Hunsley says that the effect of all this was in reality that the prosecution case was being presented as extremely powerful and that in effect the burden had then shifted to the defence to explain it away: which is a complete distortion of the way the criminal burden and standard of proof are designed to operate in a trial of this kind. Yet further, Mr Hunsley says that the subsequent treatment by the Recorder of the appellant's evidence not only failed to mention such points as were available to the defence but also in effect disparaged the defence by the way in which he dealt with the appellant's evidence: for

example the reference to "rather vague, almost dream like" terms of which Miah said that he knew the Champs Elysees and to the series of questions posed.

15. Yet further, Mr Hunsley says, this is compounded by the reference to the co accused when he gave evidence trying to "sort this mess out": clearly conveying to the jury the Recorder's own view that the evidence of the appellant had been a mess and indeed thereafter also conveying a view that the co accused had been trying to "sort things out" in effect by having to mould his evidence to what this appellant had already said in evidence himself. He said that all this, when taken together, could not be undone by what the Recorder had said at the outset of the summing up.

Discussion: 16. There is no requirement for any Crown Court judge or Recorder to give directions which slavishly follow those set out in the Judicial College Compendium. Further, judges and Recorders are to be encouraged to give directions to a jury in plain and straightforward terms. One can perhaps deduce that this particular Recorder, relying no doubt on what he himself had indicated was his very long experience in the criminal courts, was not inclined to pay over much attention to the actual language of or seek the assistance of the Judicial College Compendium, even assuming that he had studied it for the purposes of this particular trial. Sobe it. That is not of itself a criticism. But what is always required is that any Crown Court judge gives, accurately, the appropriate and necessary legal instructions on matters requiring legal instruction; and there is nothing which is more fundamental in this regard than the requirement to give appropriate instruction as to the burden and standard of proof. In this particular case not only did the Recorder somewhat complicate and misstate the simple direction on burden of proof, at least so far as the co accused was concerned, by saying that it had shifted, in the context of a section 34 direction, but more significantly he at no stage directed the jury that they had to be "sure" of guilt if they were to convict. At most he had said that the prosecution had to "satisfy" the jury and "prove" its case if they were to convict. It is well established that using language such as "satisfied" is insufficient for this purpose see, for example, the case of Hepworth [1955] QB 600. It might also be said that this perhaps is all the more important where, as here, the prosecution case of guilty knowledge depended on an inference to be drawn from the primary facts, coupled with the need for the prosecution to disprove to the criminal standard the explanation that the defendants were giving.

17. In our view, reading the summing up as a whole, one simply cannot get out of the summing up, so read as a whole, a clear instruction to the jury that they had to be satisfied so that they were sure before they could convict.

18. Mr Hook submitted that many jurors nowadays would know about proof beyond reasonable doubt. In any event he emphasised that counsel in their speeches had stressed the criminal burden and standard of proof. No doubt they did. But directions on the law which the jury are to follow have to come from the trial judge; and this trial judge failed to give the crucial direction on standard of proof. This was then, with respect, significantly compounded by the way in which he then treated the evidence. Of course a trial judge may comment on evidence. We agree with Mr Hunsley, however, that this summary of the evidence was framed in a way which was disparaging of what the appellant was seeking to say: even though it may well be that the appellant's evidence may well have come across as very confused and in some places, perhaps, downright implausible. Further, we accept that the Recorder so structured his summing up and so framed his comments as to give the potential impression to the jury that in effect the burden had shifted to the defence to explain away the prosecution case.

19. It is right that neither counsel at the time reminded the judge of the need to give a specific direction on the standard of proof or raised any other objection. Both have candidly told us that they had not noted the point at the time. Both accept that the Recorder should have been reminded of this. So far as counsel for the co accused was concerned, he did rise to his feet at the end of the summing up, he having a complaint about the short manuscript legal directions given to the jury by the Recorder which had not been placed in advance before counsel for their agreement. But he also did not raise this point.

20. We ultimately have to ask ourselves whether this conviction was safe. Regrettably, we have come to the conclusion that we cannot say this conviction is safe. That is by reason of the serious inadequacy of the summing up. This was indeed a short trial. We can readily accept that the jury would have had all the evidence well in mind. It is also not difficult at all to accept Mr Hook's submission that this was potentially a very powerful prosecution case; and, as we have said, one can readily see the potential discrepancies and implausibilities in aspects of this appellant's evidence. But there is no sliding scale of justice in this context. Whether a defendant in a criminal trial has a strong defence or a weak defence, whether a trial is a long one or a short one, each such defendant is entitled to a fair, balanced and legally accurate summing up. Indeed it might be said that just where a defendant has a very difficult defence case, all the more reason, if anything, for a scrupulously fair and balanced approach by the trial judge. In this particular case the Recorder not only failed and significantly failed to give the extremely important direction as to standard of proof; but that failure was then compounded by the unbalanced way in which he dealt with the defence case during the course of the summing up: which rendered the lack of specific direction on standard of proof even more fundamental.

Conclusion: 21. In many ways we would take the view that overall this appellant, notwithstanding the strong case against him, simply had not had a fair trial by reason of this summing up. In those circumstances, this court cannot be satisfied that this conviction is safe. We allow the appeal accordingly. We quash the conviction.

Three Examples of How Not to do Family Justice

'The Tansparency Project': Explores a trio of disastrous cases where things have gone wrong and judges have explained why. The first case is Re L (A Child) [2017] EWHC 3707 (Fam) (22 December 2017), which opens with Mr Justice Francis saying : At some point during the night of a Saturday / Sunday November 2016, L D died at home. For 15 days, commencing on 13th November, I have conducted a fact-finding hearing, the purpose of which is to ascertain how L died and, in particular, whether her death was caused by a member of her family. My sad task has also been to determine whether or not L was sexually assaulted at some time shortly before her death and, again, whether such assault, if it occurred, was perpetrated by a member of her family.

At an early stage the pathologist had indicated his view that the death was likely a 'sexually motivated homicide'. The judgment marks the end of a fact finding process in the family court to decide whether family members, including the father and LD's siblings, were responsible for her sexual assault and death. It took over a year reach that conclusion, namely that the burden of proof was not made out (and therefore that the family had not harmed LD), but until that conclusion was reached the family had been separated in order to protect the surviving children, and the judge said that this period of enforced separation had been 'a tragic year of almost indescribable pain for this entire family".

There were many failures by the police in the investigation of LD's death, in particular in terms of securing the scene and preserving forensic evidence. Mr Justice Francis lists 13

significant forensic failures at paragraph 43 of his judgment, and it includes things as fundamental as checking the points of entry for fingerprints. The police had also failed to comply with orders for disclosure of documents into the family proceedings promptly.

The judge said that there was a: serious risk that the proper investigation of the untimely and tragic death of an apparently fit and happy young girl has been severely prejudicedIn my judgment, the time has come when guidelines need to be given to the police regarding the production of documents that go beyond the current protocol.

The late disclosure had placed intolerable pressure on both the family and their lawyers. Whilst they are not formally endorsed (yet) and do not therefore represent official guidance, Mr Justice Francis goes on to set out guidance to police forces about complying with family court orders at the foot of his judgment. The judge was highly critical of the traumatic and unnecessarily public arrest of the teenage siblings by the police, saying not unreasonably that : I would like to think that, in future, young and potentially vulnerable suspects who need to be arrested could be protected from the shame and horror of a public arrest.

Not only had the teenaged siblings been arrested by the police in an insensitive way, the local authority had effectively been on a 'fishing expedition' when pointing the finger at them. They were also criticised for their approach to DNA evidence. The local authority had suggested that the DNA evidence found at the scene from an unknown male was not helpful in clearing the boys or their father, but that DNA was known to be from an unknown male who was NOT one of the family members. Their DNA was missing, which was significant. The police were criticised for a ham fisted attempt to summarise complex DNA test results in a way that was misleading.

Finally, the judge was critical of the local authority for allowing the children on one occasion to be fed food that was inconsistent with their religious practice, and for not notifying parents that the contact centre had CCTV installed (which cause another religious difficulty for the family as the mother had removed her headwear and been seen by an unrelated male, contrary to her beliefs).

The judge concluded: The London Borough of Southwark contains one of the most diverse populations in this country. It is a borough which rightly prides itself on its ability to meet the needs of its diverse community. On this occasion I am afraid to say that in all of the three above regards it failed some of its citizens at a most basic level of which it is, I dare say, duly ashamed.

In the second case, Leicestershire County Council v AB & Ors [2018] EWHC 539 (Fam) (16 March 2018) Mr Justice Keehan made care and placement orders following the neglect and abuse of an 8 year old child GH. The judge said : The neglect and later abuse of GH took place when Warwickshire County Council and Leicestershire County Council were involved with GH and her family. In respect of the latter this involvement covered the period when MN was seriously abused over a lengthy period of time in the family home. The children's guardian suggested in her report that this case should be the subject of a Serious Case Review. The local authority agree. So do I. GH was the older of 3 siblings. Both parents of the younger 2 children were imprisoned in 2017 for offences of modern day slavery and rape of a young woman living in the home with the children. The mother of GH was not said to be involved in these offences but had not seen GH for some time before the proceedings commenced.

The court concluded that both the father and the mother of the younger siblings had actively participated in the abuse of GH. GH would remain in long term foster care, but the younger two siblings were to be adopted. The judge thought that the care plan for contact post adoption was 'too woolly' and directed that there should be sibling contact 'subject to the priority to secure an adoptive placement… 4-6 times per year for a period of 1-2 hours'. The judge made an order that there should be no contact between GH and her father, because he was dangerous and manipulative and did not take any responsibility for his abuse of GH..

Although he does not detail the failures, he does set out that there had been concerns raised intermittently about the children since prior to GH's birth. Implicit in the judgment is the suggestion that these warning flags ought to have been acted on sooner (or at least that this should be considered through the serious case review procedure). It was only the reporting of the modern day slavery and rape offences by the victim of those offences that prompted the removal of the children.

In the the third case it is the court itself that comes in for criticism (as well as the local authority) by the Court of Appeal. Suesspicious Minds has written about the case of Re P (A Child) [2018] EWCA Civ 720 (11 April 2018) in a post called 'I completely forgot'. That case concerns a teenaged girl who had been adopted but who was placed back in foster care when she made allegations of sexual assault against her adoptive father. Whilst in foster care the child had retracted and been detained under the Mental Health Act. The Local Authority didn't bring the matter back to court for a long time – this meant that when the court eventually did come to trying to decide whether the allegations made by the child were true or not everything was made more difficult. There was another child left in the placement with the adoptive parents and the court needed to decide if the allegations were true so it could decide if that other child was also at risk. The Court of Appeal were critical of the delay in coming to court and of failing to analyse the risks to the remaining child in the meantime.

The main criticism in that judgment though is of the judge conducting the fact finding hearing who (in short) delivered brief findings and then after some delay a long oral judgment which the lawyers immediately realised needed clarification because it was unclear what findings had actually been made. They repeatedly sought clarification before eventually giving up and lodging an appeal. The Court of Appeal didn't even have the finalised approved version of the judgment when the appeal was argued because there had been delay in it being approved by the judge (Mrs Justice Parker), and they had to rely on an agreed note of the judgment prepared by the lawyers. The Court of Appeal said The resulting state of affairs where the only record of the Judge's determination is imprecise as to its specific findings and silent upon the approach taken to significant elements of the evidence is as regrettable as it is untenable.

The Court of Appeal said the lawyers had acted appropriately and followed the guidance about what to do when a judgment isn't clear enough. In her oral judgment Mrs Justice Parker got the number of witnesses she had heard wrong, introduced important things at random places in her judgment with comments like 'I completely forgot' and 'I forgot to say' and did not make findings with reference to the list of findings sought. Everyone in the case agreed that the appeal had to be allowed. They concluded :

Before turning to the question of what lessons might be learned for the future and offering some guidance in that regard, a formal apology is owed to all those who have been adversely affected by the failure of the Family Justice system to produce an adequate and supportable determination of the important factual allegations in this case. In particular, such an apology is owed to T, her father and her mother and her younger sister X, whose own everyday life has been adversely affected as a result of professionals justifiably putting in place an intrusive regime to protect her from her father as a result of the statement of the Judge's conclusions 16 months ago.

All in all this trio of cases make pretty depressing reading for those interested in how the Family Justice System is working. The only comfort that can be taken from them is that in these cases the court has rightly identified and called out the errors and in each case has issued clear guidance about how such problems might be avoided in the future. The two High Court judges in the first two cases and the Court of Appeal in the third clearly do not think that this sort of failure is ok at all.

Family of Adrian McDonald Devastated As Officers Involved In Death Walk Free

Adrian McDonald died aged 34 on 22 December 2014, following his arrest by Staffordshire police, during which he was tasered and seriously bitten by a police dog. In September 2017, misconduct charges were brought against officers involved, and were found proved against two, a sergeant and Inspector. An Appeal by the officers was upheld by a Police Appeals Tribunal on 17 April, citing a "misunderstanding" at the original three-day hearing. The inquest into Adrian's death is scheduled for November 2018. Adrian and his family are from Huddersfield; he had been living in Stoke-on-Trent.

The family of Adrian McDonald said: "We are devastated at the Appeal decision which makes no sense to us at all. The officers and their Police Federation colleague publicly laughed and joked before the result was announced. We can only hope that the Inquest into this tragic death, to take place in November 2018, will bring to light the true circumstances of what occurred leading to the death of our beloved Adrian. Our family had no intention of saying anything further, as an Inquest Jury will be reaching their own conclusions about Adrian's death in November, and their independent assessment will be crucial. We are horrified that the Police Federation have chosen to broadcast detailed views, including a statement that Adrian was extremely violent- yet to be established – and that the family seek to point the 'finger of blame' at the Police: it was not the family of course who instigated the misconduct proceedings, but Staffordshire Police who did so following a recommendation from the then Independent Police Complaints Commission.* Despite press reports, the cause of Adrian's death has not been established, and again will be a matter for his Inquest.

Deborah Coles, Director of INQUEST said: "This decision brings the police misconduct system into disrepute, and sets a dangerous precedent. We hope the upcoming inquest will explore the evidence sufficiently to ensure those who should be, are properly held to account. This family has kept a dignified silence for over three years, despite their grief, in order to allow due process. Yet following this appeal the chairman of the Staffordshire Police Federation felt it appropriate to make public and inflammatory speculations about the circumstances of Adrian's death, prior to an inquest. Attempting to demonise a black man as 'violent', to blame him for his own death, in order to deflect attention from the conduct of officers, is a familiar tactic that is prejudicial and unacceptable."

Juror Jailed For Six Years For Accepting Bribe

Guardian: A juror who accepted a bribe has been jailed in the first prosecution of its kind in Scotland. Catherine Leahy served on a jury in a drug trafficking and money laundering trial at the high court in Glasgow, which returned a not proven verdict in April 2016 after three days of deliberation. A police investigation was launched after information was passed to the Crown Office about an alleged bribe to a juror. Audio surveillance was used to capture recordings of Leahy talking to a family member at her home in Glasgow about the allegations against her.

At her trial at the high court in Glasgow, the Crown Office said Leahy had received nearly £3,000, paid in four instalments into her bank account, between April and June 2016. Prosecutors linked the payments to the charge against Leahy, which was described as "a serious breach of public duty". Last month, she was found guilty of agreeing to receive money for not properly carrying out her role as a juror.

On Thursday 19/04/2018, at the high court in Edinburgh, Leahy, 62, was sentenced to six years in jail. In his sentencing statement, released by the Scottish judiciary, Lord Turnbull said: "To agree to accept a bribe from, or on behalf of the accused whilst serving as a juror in a high court trial, involves conduct which reflects such a serious breach of the public duty that forms the cornerstone of justice in our society as to constitute conduct at the most serious end of that contemplated by

the provisions of the Bribery Act. "The nature and seriousness of the lengthy trial in which you served as a juror, and accepted the position of spokesperson, aggravates the offence even further. It is obvious that a very lengthy custodial sentence is merited by such conduct."

Leahy is the first juror to be prosecuted under the Bribery Act 2010. Turnbull said the maximum sentence for the offence was 10 years but he took into account mitigating factors, including her lengthy history of employment and the fact she had never previously offended. Prosecutors are giving further consideration to the circumstances of the original trial in which Leahy served as a juror. The Crown can ask the court for authority to bring a fresh prosecution in cases where a person was previously acquitted in certain circumstances, including when an offence against the course of justice in the original trial is considered to have been committed. Liam Murphy, procurator-fiscal for specialist casework, said: "The role of the jury sits at the heart of our criminal justice system and is fundamental to our rule of law. This is the first prosecution of its kind in Scotland, which shows that cases of jury interference are exceptionally rare. "Leahy took advantage of a position of public responsibility for financial gain without any regard to the consequences."

Claim Struck Out For Discussing Case During Break In Giving Evidence – A Cautionary Tale

It's one of the cardinal rules of court procedure: once you've entered the witness box and started to give evidence, you mustn't discuss the case with anyone outside court, if there's a break in the proceedings, until you've finished giving evidence. While the hearing is in progress, you can and should answer the questions put by the advocates, both for the party on whose behalf you were called as a witness (on your own behalf if you're a party in the case) and for the other parties, and any questions from the judge; but if there's a break in the proceedings, whether it's for fifteen minutes or for lunch or overnight, you can't discuss the case with anyone else, not even your own lawyers. The rule is designed to ensure that witnesses are not 'coached' or instructed what to say, and that their evidence is uncontaminated by outside influence. It's vital that the court should be able to trust that the evidence you are giving is your own. And once you've sworn to tell the truth, the whole truth and nothing but the truth in answer to the questions put to you, you remain 'on oath' until the end of your evidence.

A breach of the rule: The seriousness with which the courts take this rule was emphasised last week in a case in which a journalist lost her appeal against the decision of an employment tribunal (ET) to 'strike out' (dismiss) her discrimination claim against the BBC, after the tribunal found that she had been discussing her case during a break in her evidence. The case was reported in the Daily Mail (BBC journalist whose sex discrimination claim against bosses who dubbed her 'Sally Shitsu' was thrown out when she spoke to a reporter during a break loses her appeal) and the Press Gazette (BBC journalist Sally Chidzoy loses appeal against employment tribunal decision to strike out her case for talking to reporter).

Sally Chidzoy, home affairs correspondent for BBC Look East, was pursuing claims of whistleblowing, sex discrimination, victimisation and harassment. The case was listed for a full merits hearing before the tribunal over 11 days, commencing on 6 February 2017. On the second day the tribunal began to hear evidence from the claimant. Her own evidence ('evidence in chief') was given in the form of a witness statement, the truth of which she confirmed from the witness box, before facing cross-examination from the BBC's barrister. That cross-examination continued for another two days, during which there were a number of breaks in the cross-examination, for comfort breaks, meals, and overnight, and to interpose the evidence of two other witnesses due to their limited availability. Each time there was break in her evidence, the claimant was warned that she must not discuss her evidence or any aspect of the case with anyone during the adjournment.

Shortly before noon on 9 February, the tribunal took a short break and again warned her in similar terms. When the hearing resumed, however, the barrister for the BBC reported to the tribunal that the claimant had been seen in discussion with a third party (later identified as Sarah Gliss, a journalist working for a local newspaper). The tribunal paused the proceedings to investigate the matter, and to consider an application by the BBC for the case to be struck out. The tribunal received statements from the claimant, her lawyer and Gliss, as well as from others present at the time.

Having considered all the evidence, the tribunal concluded that the claimant was indeed engaging in a conversation about the case with Gliss, and that this constituted "unreasonable conduct". Accordingly, "the trust which the tribunal should have in the claimant has been irreparably damaged" and "we consider that a fair trial is no longer possible". Having rejected alternative sanctions, the tribunal decided to strike out the claim in its entirety.

The appeal: The claimant then appealed to the Employment Appeal Tribunal, which gave judgment earlier this month: Judge Eady QC, giving judgment, reviewed the approach taken by the tribunal in deciding whether to strike out the claimant's case because of what had happened. She said it was "common ground between the parties" (ie, not in dispute) that "the striking out of a claim is a draconian measure that should not be imposed lightly".

She rejected the claimant's argument that the warning given was insufficient because it did not amount to an order of the court, saying at para 41: "In the normal course, it is unlikely that the warning will ever be expressed in terms as a formal Order of the Court or Tribunal but its purpose and the importance of compliance will be clear: the evidence given must be that of the witness and if others might have influenced the content or manner of that evidence, it will be tainted in a way that is hard to assess and might thus prejudice the fair determination of the case." She went on to say that "any witness in those circumstances would have understood the nature and significance of the instruction". She also rejected the (somewhat ambitious) suggestion that the warning unreasonably impacted on the claimant's freedom of expression or that of the press to report the proceedings. For these and other reasons, the appeal tribunal concluded that the employment tribunal had not adopted the wrong approach and affirmed its decision to strike out Chidzoy's claim.

Comment: The decision reinforces the importance of the rule that witnesses (including parties to litigation) must not discuss the case with anyone outside the court during a break in the hearing. This happened in an employment tribunal case, but the rule applies in any court or tribunal, including the family courts. However, the sanction for disobedience is a matter for the court. Striking out the claimant's case, as the appeal tribunal noted, is a draconian (extremely harsh) measure. It was appropriate here because it was the claimant herself, who was asking the court to rule in her favour on her claim, who was then undermining the court's ability to trust her to behave properly in pursuing her case.

An even more serious penalty might be committal for contempt of court, which could result in a sentence of imprisonment. Committal for contempt is normally reserved for those who deliberately disobey an order of the court, but it need not be confined to that. Any behaviour which shows contempt for the court would suffice.

In assessing the truth and value of a witness's evidence, the court has to be able to trust that the evidence is genuinely that of the witness and not influenced or contaminated by anyone else. So even if the court does not impose any actual sanction or penalty against a witness who does not appear to take their duty to the court seriously, it would undoubtedly afford less weight to their evidence, or possibly disregard it altogether.

In Britain Now, the Richer You Are, the Better Your Chance of Justice

Nick Cohen, Observer: Our legal system once looked after everyone. But increasingly, it is only for the wealthy - Justice in Britain, a country that boasts it all but invented the presumption of innocence and trial by jury, is becoming a matter of money. We're going the way of the United States and building a market-based rather than a rights-based system; where the rich have every advantage and the jails are filled with the black and the poor.

It hasn't happened yet, but allow me to clutch some straws from the prevailing wind. Last week, Southwark crown court began hearing the case of Das insurance company against its former CEO, Paul Asplin, who it accuses of passing business to companies in which he had a financial interest. He is pleading not guilty and the case continues. Whatever the verdict, one feature already stands out: Das is bringing a private criminal prosecution. So are many other companies. Britain now has its first firm of private prosecutors: Edmonds Marshall McMahon, set up by former government lawyers. They realised that cuts to specialist crime teams meant many fraud cases could not and would not be pursued by the state. The demand for their services is so strong they are receiving six inquiries a day.

What applies to the prosecution applies to the defence. Chris Daw is a criminal barrister the wealthy go to when they are in trouble. It is nearly always worth pleading not guilty, he says, particularly if you have money. True, you will get a longer sentence if found guilty, but what are the odds? You can afford to call expert witnesses who can contest every piece of evidence and you are up against a harassed and underpaid representative of the Crown Prosecution Service and a hacked-back police force.

The greatest fiction of crime drama is that detectives and lawyers have time. The brilliant lawyer finds the evidence that breaks open a case. Chief Inspectors Lewis and Barnaby have their sergeants and constables to hand. They investigate one crime, not two, three or a dozen simultaneously. Crime drama's popularity is usually explained as an escapist desire for a neat resolution when the criminal is caught. But it also reveals a naive belief in a justice system that no longer exists or maybe a yearning for a better past. As it is, the police do not have the resources to go through evidence or combat knife attacks or do anything much except contain rather than combat crime.

The Tories, once "the party of law and order", say there's no evidence that the collapse in police numbers has allowed crime to flourish, an argument that if reduced to absurdity would justify the abolition of the police service in its entirety. No one who is burgled, mugged or raped expects with any certainty that the criminal will be arrested. Even if they are, the CPS has lost a quarter of its budget and a third of its staff since austerity began, while in London prosecutors are given just one hour to review a case. In these circumstances, it is inevitable the guilty will go free.

I don't blame companies for launching private prosecutions. As fraud has become a virtually risk-free crime, I can only cheer them on. Nor do I believe wealthy clients should not have access to lawyers who can force the state to prove them guilty beyond reasonable doubt. But we used to have a rights-based system where everyone could expect a competent defence and victims of crime could have a faint but not far-fetched hope of seeing their alleged abuser arrested. We are moving with remarkable speed towards market justice where the rule of law depends on the size of your bank balance. Or as Chris Daw puts it, once "you could be homeless in the UK and still be represented for murder by a top QC". Now we are turning American. The rich have the best and the rest risk having "bumbling" representation; the OJ Simpsons are acquitted and the poor are convicted.

As if to prove the point, criminal defence lawyers have been boycotting legal aid cases in the crown court since 1 April. In a display of solidarity born out of fury at government propaganda about fat-cat lawyers, they are refusing to represent potential clients. There are fat cats aplenty in commercial law, where average pay for partners can reach £1.5m. But in criminal law, the law that matters to most people, a pupil starts on £12,000, makes about £25,000 after three years and about £56,000 at their earnings peak, from which they must deduct the costs of their chambers and all the other bills that come from self-employment. After 20 years of cuts, they are striking and leaving. Graduates laden with debt are not enticed by criminal law. Women cannot cope with long hours, low returns and the cost of childcare. (Their exodus from the profession, incidentally, turns all the pious calls from politicians for more women judges into so much rubbish.) So great is the disillusionment that the Law Society warns that lawyers able to defend suspects may soon not exist in large parts of Britain.

Talking to Angela Rafferty from the Criminal Bar Association, I sensed the idealism among lawyers that they were, for all their faults, delivering justice waning just as I imagine the police's belief that they are engaged in an honourable defence of law and order is vanishing too. British attitudes to justice are harsh. Every government knows it can neglect the prison system and cut legal fees. Hardly anyone says that taxes should rise or that the NHS should lose funds to repair the damage. Yet the public does not want the police withdrawn from the streets or the guilty to go free or the innocent to be punished. But what the public wants and what the public gets are different matters. We are well on the way to a society that will be able to boast it offers the best justice that money can buy.

Only Five People Awarded Compensation For Being Wrongly Convicted Since 2013

Jon Robins, 'The Justice Gap': In the last five years only a handful of people have been awarded compensation as a result of having their conviction quashed and not a single person was successful last year. A new report by the law reform group JUSTICE published this week reveals how the Coalition government effectively closed off compensation for the wrongly convicted with only five successful applications since 2013/14. Over the last 20 years there has been an average of 21 quashed convictions a year and in the last five years almost 200 victims of wrongful convictions have applied to the Ministry of Justice for compensation. However, the number of successful compensation claims has 'plummeted', JUSTICE reports. In 2014/15, there were 45 applications, 20 quashed convictions and one successful compensation application; in 2015/2016, there were 17 convictions quashed and two successful applications; and in 2016/2017 there were 10 quashed convictions and one successful applicant. Last year, there were 27 applications but not a penny was paid out. By contrast in 2004/05, there were 88 applications and 48 were successful.

In its new report, JUSTICE is calling for 'automatic compensation' for wrongful imprisonment; better transition from prison to release; specialist psychiatric care and a residential centre; as well as an apology. North of the border, the Miscarriage of Justice Organisation (MOJO), set up by Paddy Hill of the Birmingham Six, has been calling for similar support through its 'Say I'm Innocent' campaign. It has been 36 years since JUSTICE last published a report on the post-conviction treatment of the wrongly convicted. 'Unfortunately, little has changed since then,' the group said. 'Exonerees still not do receive the support they need to return to a normal life and are not properly compensated.' As the group makes clear, a bad situation has become worse. In 2006, the Labour government axed an ex gratia scheme to compensate the victims of miscarriages of justice. It was costing over £2 million a year to run and benefited about ten applicants a year and 20 in 2000.

That just left a statutory scheme under the Criminal Justice Act 1988, Section 133. The

Coalition government's Anti-Social Behaviour, Crime and Policing Act 2014 amended section 133 so that compensation payouts were restricted to those few people who could demonstrate their innocence 'beyond reasonable doubt'. The move was described as 'an affront to our system of law', said Baroness Helena Kennedy in a debate as the legislation was going through the House of Lords

'An Absolute Scandal' - Sam Hallam was just 17 years old when he was sent to prison for a gang-related murder he had always denied any involvement in. He spent seven years in prison before his conviction was overturned. Hallam was at the launch of the JUSTICE report earlier this week and attended this week's Vigil for Justice (see picture). He has been refused compensation and next month (May 8) the Supreme Court will consider his case alongside the case of Victor Nealon. Henry Blaxland QC, who acted for Hallam, called the lack of compensation available to the wrongly convicted 'an absolute scandal'. He made the case for the reinstatement of the ex gratia scheme 'abolished by [Home Secretary] Charles Clarke arbitrarily and without any prior announcement'. 'It wasn't perfect but at least it gave the Home Office the ability to intervene where the statutory criteria didn't apply,' the QC said. Scrapping the ex gratia scheme just left the statutory section 133 scheme which, he pointed out, was 'only ever meant to be a safety net.' You can read the history of this on the Justice Gap here.

Matt Foot, Sam Hallam's solicitor, pointed out innocent people seeking to overturn a wrongful conviction faced almost impossible odds. 'The CCRC are the only body who can refer a case back to the Court of Appeal and last year they only referred 0.77% of all cases: just 12 cases and only one murder case,' he said. Foot called the 2014 compensation threshold 'absolutely shocking' which meant that the MoJ was only like to pay out if there was conclusive proof of innocence such as DNA evidence. 'It isn't just about compensation,' the solicitor said. 'It is about looking after people who have come through this experience. They are almost treated worse than a convicted prisoner. They're left on the scrapheap with no one to look after them. They are damaged people, the experience lives with them forever.' Neither Sam Hallam nor Victor Nealon received an apology from the Court of Appeal. In fact, the court suggested that the seventeen-year-old Hallam was the architect of his own misfortune as a result of 'a dysfunctional lifestyle'. As has been widely reported, Nealon left prison with just a £46 discharge grant and a train ticket and would have sent his first night of freedom on the streets were it not for journalists who paid for a B&B.

If It Wasn't For Paddy, I Would Have Been On The Streets - Jonny Kamara spent 20 years in prison for a murder he didn't commit. He told the JUSTICE meeting about the circumstances in which he left prison. I was given £46, a travel card and told to go back to Liverpool. I had to get on the train by 8pm. I had nowhere to live. I went back in my cell. They told me I was free to go but I said: "I'm not going." I was then told if I didn't leave the prison by six I would be arrested. Later that day Kamara received a phone call. 'It was Paddy Hill from the Birmingham Six. I stayed with him for about two years. There was no aftercare. If it wasn't for Paddy, I would have been on the streets.' 'The biggest gap is in relation to psychological support,' said Paul McLaughlin of MOJO which was set up by Paddy Hill. '… It is a disgrace. These people are in pain and desperate. They don't know where to turn. The services that are out there are inadequate. There are people in this room still struggling years and years after being out of the prison system.'

A study by the London School of Economics in 2015 noted the 'startling lack of statutory support' for victims of miscarriages of justice post-release which meant that many failed even to secure social housing on release. 'Some fail a local connection test owing to their imprisonment, while others, in a particularly Kafka-esque twist, are even deemed to have caused their own homelessness,' it said.

There is one bespoke state-funded support service for exonorees: the Miscarriage of Justice Support Service (MJSS) funded by the Ministry of Justice and run by Citizens Advice. According to the JUSTICE report, it supports about 20 to 30 exonerees a year indefinitely with one client receiving support for about 14 years. According to JUSTICE, the MJSS 'does not provide the extensive service that is necessary' and efforts to engage with exonerees can be 'ineffective'. MOJO's Paul McLaughlin claimed two of its clients in the last six months had failed to access the service after making contact with their local citizens advice bureaux.

Eight out of 10 people helped by the MJSS have been helped have been recognised as 'priority need' for social housing. 'But that has taken months and months,' said Alison Lamb, chief executive of the Royal Courts of Justice's CAB. 'When people who have experienced what exonerees have experienced turn up at a local authority that authority does not recognise those circumstances as a priority need. It's a systematic failure.'

Stop Handing Out so Many Suspended Sentences, Courts Told

Owen Bowcott, Guardian: Judges, magistrates, court clerks and probation officers have all been instructed to stop handing down so many suspended prison sentences and switch instead to giving offenders community orders. A leaked circular sent earlier this month by the chair of the Sentencing Council, Lord Justice Treacy, to courts across England and Wales warned that a punitive culture had developed – imposing suspended sentences "as a more severe form of community order" when not legally appropriate. Probation officers have been told to no longer recommend suspended sentences in pre-sentence reports. The two-page letter highlights a stark trend that has emerged over the past decade of suspended sentence use rising sharply while the number of community orders has almost halved. Suspended sentences are given to convicted offenders on the understanding that if they reoffend or fail to observe their conditions they are liable to be sent to prison.

Treacy's circular has been sent at a time when prisons remain overcrowded. In it he wrote that in 2005, courts handed out almost 203,000 community orders; by 2010 that had fallen to 188,000 and in 2015 it was fewer than 108,000. By contrast, the number of suspended sentence orders has risen substantially. They stood at 4,000 in 2005, reached 46,000 in 2010 and were more than 52,000 in 2015. The circular explained: "Evidence suggested that part of the reason for this could be the development of a culture to impose suspended sentences as a more severe form of community order in cases where the custody threshold may not have been crossed. "In such cases, if the suspended sentence order (SSO) is then breached, there are two possible outcomes – neither of which is satisfactory. Either the courts must activate the custodial sentence and the offender then serve time in custody even when it may never have been intended that they do so for the original offence. Or the court could choose not to enforce the suspended sentence, thereby diminishing the deterrent power of such orders."

Treacy added: "A suspended sentence is a custodial sentence and not a more severe form of community order. They can only be imposed where the court has determined first that the custody threshold has been crossed and second that custody is unavoidable ... At that point the court may then undertake a weighted assessment of the various factors which may lead the court to consider that it is possible to suspend the sentence." In order to give effect to his warning, Treacy agreed with the director of the National Probation Service that probation officers would refrain from recommending SSOs in pre-sentence reports. Treacy noted: "This in no way impacts upon judicial discretion to suspend custodial sentences: it merely seeks to reinforce good sentencing practice."

Penelope Gibbs, the director of Transform Justice, who has seen the circular, fears it could lead to judges giving more prison sentences if they are discouraged from using suspended sentences. She said: “I completely understand the desire of the Sentencing Council to increase community orders. But banning the probation service from recommending suspended sentence orders is not the right strategy. If a suspended sentence is not recommended, judges may use a prison sentence instead, and we know that short prison sentences are ineffective” There has been growing concern that community orders are falling out of fashion. Two years ago the former lord chief justice, Lord Thomas of Cwmgiedd, called for the creation of “really tough, and I do mean tough, community penalties”.

Marian Brown Inquest

Summary of Findings: His Honour Judge McFarland, sitting today 23 APRIL 2018 as a Coroner without a jury, delivered his draft findings from the inquest into the death of Marian Brown who was shot on 10 June 1972 at Roden Street in Belfast. An inquest into her death was conducted on 4 July 1974 and an open verdict was recorded. This inquest was held at the direction of the Attorney General for Northern Ireland and, in accordance with Article 2 ECHR, was required to consider the broad circumstances in which the death occurred. Judge McFarland summarised his findings as follows:

i. The deceased was Marian Brown of 15 Stanhope Drive, Belfast. ii. Her date of birth was 7 October 1954 and he was born in Belfast the child of James and Teresa Brown. iii. She was unmarried and was employed as a stitcher. iv. She died on 10 June 1972 and was pronounced dead at the Royal Victoria Hospital, Belfast. v. The cause of her death was a bullet wound to the neck. The bullet severed the spinal cord at the second cervical vertebrae (C2) causing immediate collapse and death. vi. At the time she was struck by this bullet she was located at the western side of the junction of Roden Street and Grosvenor Road, Belfast. vii. The time was between 00.30 and 01.00. viii. Marian Brown was also struck by a number of other bullets which would not have caused her death. It is impossible to determine the sequence of the bullets that struck her. ix. All the bullets which struck Marian Brown entered her body from her left hand side and exited her body on her right hand side. x. An army vehicle check point comprising soldiers from C Company 3 Royal Anglian Regiment was positioned at the junction of Clifford Street and Roden Street. xi. The soldiers were armed with standard issue self-loading rifles (SLRs). xii. Prior to the soldiers opening fire an armed civilian travelling in a vehicle on the Grosvenor Road westwards across the mouth of Roden Street opened fire with an automatic weapon. xiii. The type of weapon cannot be determined. xiv. The intended target or targets of the armed civilian cannot be determined and could have been either one or more of three groups of civilians who were on Roden Street at the time, or at the soldiers. xv. At least five soldiers fired shots aimed north along Roden Street. Two of the soldiers state that they fired a total of 27 rounds towards the position were Marian Brown was standing. xvi. No warning was given before the shots were fired. xvii. All the soldiers who discharged their weapons held an honest belief that it was necessary to use force in their own defence, in defence of their colleagues and/or in defence of civilians. xviii. The direction of travel of the fatal bullet from left to right is not indicative from where the bullet was discharged. xix. The nature of the wound is not indicative of the velocity or type of bullet that killed Marian Brown. xx. The bullet which killed Marian Brown was fired by a soldier from that soldier’s position in or around the junction of Clifford Street and Roden Street.

xxi. The soldier firing that bullet cannot be identified. xxii. The soldier firing that bullet is more likely to have been either Soldier B or Soldier C. xxiii. Neither Marian Brown or anyone at her locality was acting in a manner that could reasonably or honestly have been perceived as posing a threat of death or injury to any civilian on Roden Street or to the soldiers positioned in the vicinity of the junction of Clifford Street and Roden Street xxiv. The force used was more than absolutely necessary in that the soldier could not have identified any target, and a clear line of fire to that target, that was posing a danger to him, his colleagues and/or to the civilians on Roden Street. xxv. The force used by that soldier by firing in the direction of Marian Brown was not justified as it was more than was absolutely necessary. xxvi. The rules of engagement in force at the time, as set out in the ‘Yellow Card’ were not adhered to by that soldier. xxvii. The investigation into the death of Marian Brown was inadequate. xxviii. The military operation was not planned, controlled or regulated in order to minimise to the greatest extent possible the risk to life.

Speaker Condemns 'Unhealthy' Failure to Allow MPs Legal Aid Fee Debate

The speaker of the House of Commons has criticised an ‘unhealthy’ situation regarding changes to the Advocates Graduated Fee Scheme (AGFS), claiming that the government’s failure to allocate a slot to debate the proposals does not help build an ‘atmosphere of trust’. Changes to the fee scheme triggered the current barristers’ boycott of new legal aid work, which is bringing chaos to criminal courts around the country. Speaking yesterday 24th April 2018, during parliamentary points of order, John Bercow MP said it was a ‘regrettable state of affairs’ that the government had failed to provide a time for a debate and vote on the Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018, which implement the fee reforms. The revised scheme, which went live on 1 April, was passed under a negative procedure statutory instrument (SI) on 23 February. Such instruments become law without debate unless they are challenged.

MPs can table a ‘prayer’ against an SI in the form of an early day motion (EDM) after which the government typically, but is not obliged to, allows for a vote. In this case an EDM sponsored by shadow justice secretary Richard Burgon and Labour leader Jeremy Corbyn was tabled on 22 March. Shadow leader of the House Valerie Vaz also raised the matter on 29 March and 19 April. Burgon said yesterday: ‘I understand that under the procedure, the instrument can be annulled only if such a motion is agreed by the house within 40 days of the regulation’s being laid. That period has now expired.’ Responding, Bercow said: ‘What I can say with some confidence is that such a circumstance is unusual and, indeed, in terms of the smooth running of the house and the existence of a basic atmosphere of trust between the usual channels, it is unhealthy for such situations to occur.’

Hostages: Sally Challen, Naweed Ali, Khobaib Hussain, Mohibur Rahman, Tahir Aziz, Roger Khan, Wang Yam, Andrew Malkinson, Michael Ross, Mark Alexander, Anis Sardar, Jamie Green, Dan Payne, Zoran Dresic, Scott Birtwistle, Jon Beere, Chedwyn Evans, Darren Waterhouse, David Norris, Brendan McConville, John Paul Wooton, John Keelan, Mohammed Niaz Khan, Abid Ashiq Hussain, Sharaz Yaqub, David Ferguson, Anthony Parsons, James Cullinene, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva,Terry Smith, Hyrone Hart, Glen Cameron,Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, John Twomey, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan & Miran Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Paul Higginson, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert Knapp, William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Jamil Chowdhary, Jake Mawhinney, Peter Hannigan.