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MOJUK: Newsletter 'Inside Out' No 844 (28/04/2021) - Cost £1

Miscarriage Compensation – The Battle in Strasbourg for UK Justice

Mark Newby, Crime Jottings: A challenge to the UK Miscarriage of Justice Compensation Scheme is now underway in the European Court of Human Rights following the refusal to declare the Governments test for compensation as incompatible with the presumption of innocence. This article discusses the history of this case and what is to be argued before the ECHtR. On 30th January 2019 the Supreme Court delivered its decision in the case of R (on the application of Hallam) (Appellant) v Secretary of State for Justice (Respondent) R (on the application of Nealon) (Appellant) v Secretary of State for Justice (Respondent) [2019] UKSC 2[1] This focussed on a long running legal fight over whether the wrongfully convicted should receive miscarriage of justice compensation. This might be an issue which the lay observer might conclude is a misnomer, as it may be considered that it is obvious that if you are wrongfully convicted you should be compensated for what has happened to you. Yet the law has developed a remarkable ability on occasions to ensure that common sense outcomes can often be the least likely result to be delivered.

Take these cases for example. In the Hallam Case his conviction for murder was quashed ostensibly on the basis that the evidence pointed to the fact that he was not at the crime scene. In the Nealon case after 17 years the DNA evidence on a victims clothing was discovered to be that of an unknown male and not Victor Nealon's. Yet legal absurdity it seems is never far away on this topic, take for example the case of Ian Lawless who was the only winning applicant in the cabal of miscarriage applicants in R on the application of (Ali & Others) v SSJ [2013] EWHC 72 (Admin)[2]. The unfortunate Mr Lawless had been convicted of his own confession to acting as lookout in a murder case, the confession was pure fantasy and the Court having heard Expert evidence from Gisli Gudjonsson, the world-renowned psychologist with expertise on false confessions, concluded the conviction was unsafe. The Secretary of State for Justice response was to boldly argue in Court that there was the prospect of Mr Lawless facing a re-trial even though the only evidence against him was his own confession. An argument swiftly dismissed by the Court.

Of course, not all the arguments over the scheme are based on a nonsensical proposition, and it is fair argument that the general public would not expect to see those who get their convictions quashed on a technicality benefiting from compensation. Take a murder case where a serious error is made in the trial but there remains a good deal of evidence against the appellant. The Court must quash if justice demands it, but no right-thinking person would expect compensation to follow, the only likely outcome will usually instead be a re-trial. Sometimes the evidence remaining may be extremely tenuous , but nonetheless a re-trial may be ordered. Take for example the unfortunate Barry George one of the losing applicants in the Ali Case, where there was a re-trial this then in the Courts view operated to potentially extinguish their prospect of securing miscarriage compensation unless something arose in the re-trial that warranted compensation. This is even though few would consider that Barry George was appropriately convicted, and the re-trial Jury agreed.

It should also be remembered that the Court of Appeal Criminal Divisions approach is rigorous, if the court determines a conviction is unsafe then we can be sure in assuming that the Court has fully tested the evidence to make that determination , although it is extremely unlikely the Court would ever declare an appellant innocent as its focus as required by statute is only to determine safety . This has been illustrated recently in the cases of The Oval Four see for example the Courts judgment in R v Stephen Lawrence Simmons [2018] EWCA Crim 114 in this and the appeals that followed the Court through the Lord Chief Justice in quashing convictions as a result of a Police fit up said this at the end of the judgment : "We would wish only to note our regret that it has taken so long for this injustice to be remedied"

If that is evidence of the difficulty the Court has in addressing cases where someone may be innocent , no such issue arises with regard to quashing convictions on what is regarded as a technicality . However these cases have created an uncomfortable tension in developing a system seeking to avoid compensating those who were deemed "lucky " to get their convictions quashed and the genuine victim of a miscarriage of justice . It was an issue which engaged the Supreme Court in R (on the application of Adams) and others v Secretary of State for Justice [2011] UKSC 18 [3] This was also a tension which then fell to be pontificated upon by the Politicians during the Coalition Government and was led by the Secretary of State for Justice Chris Grayling, this represents a particularly unedifying period of justice governance. In fact, almost without exception, every reform introduced in this period has fallen, yet the damage caused to the plight of the wrongfully convicted remains unchecked.

Starting point Article 14: To understand what is at stake it is necessary to deconstruct what the complex jurisprudence says on this issue, it is complex and has been subject to considerable divergent judicial interpretation having uniquely been twice before the Supreme Court and previously before its earlier construct the House of Lords Committee . No constitution which deliberated upon the case could easily agree. *Article 14 ICCPR 3. Article 14(2) of the International Covenant and Civil and Political Rights (ICCPR) provides that: "everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law".* This was the starting point for the establishment of what was a discretionary scheme and has ultimately developed into the statutory test we now have in place. This was the governments international commitment to establishing a miscarriage compensation scheme.

Starting point Article 14 (6):4. Article 14(6) provides: "When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall he compensated according to law unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him." 14(6) made clear that where the newly discover fact which would be the fresh evidence leading to the quashing of the conviction showed a miscarriage of justice had occurred then compensation would follow the event.

Section 133 CJA 1988 as was: 6. The UK's obligations under Article 14 (6) ICCPR are given effect in domestic law bv s.133 (1) of the Criminal Justice Act (OA) 1988-, which provides: "(1) Subject to subsection 92) below, when a person has been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a newly discovered fact shows beyond reasonable doubt that there has been a miscarriage of justice the Secretary of State shall pay compensation for the miscarriage of justice to the person who has suffered punishment as a result of such conviction or, if he is dead, to his personal representatives, unless the non-disclosure of the unknown fact was wholly or partly attributable to the person convicted". This was then established in Section 133 of the Criminal Justice Act 1988 as amended and as can be seen from

the above slide , the original test required it to be shown beyond reasonable doubt that that as a result of the newly discovered fact that there had been a miscarriage of justice .

This led to a range of jurisprudence on the issue as various applications for compensation which were refused brought challenges before the Court . There was a focus on what amounted ot a miscarriage of justice and this was considered by the House of Lords in R (Mullen) v Secretary of State for the Home Department [2004] UKHL 18; [2005] 1 AC 1 .

This case rested on a judicial disagreement between Lord Steyn and Lord Bingham on what amounted ot a miscarriage of justice. Lord Steyn expressed the view that this phrase only extended to the conviction of someone subsequently shown to be innocent. Lord Bingham of Cornhill expressed doubt as to whether this was correct. Both were agreed that section 133 was enacted to give effect to article 14(6) and that the meaning of the latter should govern the interpretation of the section. They were not, however, agreed as to the meaning of article 14(6). Other decisions included R (Murphy) v Secretary of State for the Home Department [2005] EWHC 140 (Admin), [2005] 1 WLR 3516; R (Clibery) v Secretary of State for the Home Department [2007] EWHC 1855 (Admin); In re Boyle's Application [2008] NICA 35; R (Allen) (formerly Harris) v Secretary of State for Justice [2008] EWCA Civ 808, [2009] 2 All ER 1; R (Siddall) v Secretary of State for Justice [2009] EWHC 482 (Admin).

When the Supreme Court was tasked to clear the matter up in Adams they adopted a modified description of the 4 tests advanced by Lord Dyson in the Court of Appeal namely: Where it showed a defendant was innocent of the crime ('category 1') Where it was such that, had it been available at the time of the trial, no reasonable jury could properly have convicted the defendant ('category 2'): Where it rendered the conviction unsafe in that, had it been available at the trial, a reasonable jury might or might not have convicted the defendant ('category 3'): Where something had gone seriously wrong in the investigation of the offence or the conduct of the trial resulting in the conviction of someone who should not have been convicted ('category 4').

The Court concluded that Category 1 cases were clearly covered by s 133. However, the majority (Lord Phillips, Lord Hope, Lady Hale, Lord Kerr and Lord Clarke) held that the ambit of s 133 was not restricted to category 1 as it would deprive of compensation some defendants who were in fact innocent but could not establish this beyond reasonable doubt. The Majority considered that a wider scope was plainly intended at the time of the drafting of Article 14(6). Even though it would not guarantee that all those entitled to compensation were in fact innocent, the test for 'miscarriage of justice' in s 133 (in more robust terms than category 2) was as follows: 'A new or newly discovered fact will show conclusively that a miscarriage of justice has occurred when it so undermines the evidence against the defendant that no conviction could possibly be based upon it' [55].

The percieved confusion ofer the test: •It was argued following Ali & Others [2013 I that there was confusion - it may be more to do with the fact that the Govt didn't like the result in this case. • As a result a new test was given statutory authority

It should be noted that in the Ali Case when looking at the case of Ian Lawless the Tribunal had concluded that the only effective evidence was that of his own false confession to the murder. Accordingly, there was no other evidence upon which the jury properly directed could have returned a guilty verdict. It is not accepted that the Court had left the position confusing as The Right Honourable Damian Green MP introducing the Government Bill asserted, the Court was simply carefully applying the Adams Test and in doing so regretably declined all the other claimants. And so, the Government passed the new law, it was subject to a chequered parliamentary journey and the House of Lords did its best to try to water down the proposal (including some members of the original court constitution in Adams). The compromise wording was no compromise at all, however. *The new test section 132 as amended: • "(IZA) For the purposes of subsection (1), there has been a miscarriage of justice in relation to a person convicted of a criminal offence in England and Wales or, in a case where subsection (6H) applies, Northern Ireland, if and onl if the new or new I discovered fact shows be ond reasonable doubt that the erson did not commit the offence (and references in the rest of this Part to a miscarriage of justice are to be construed accordingly)" (emphasis added).*

It now required the applicant to prove beyond reasonable doubt that they did not commit the offence as a result of the newly discovered fact. We argued that this was wholly wrong and effectively required a person to prove their innocence a second time. The governments answer to this was to seek to make an artificial distinction between general innocence and the newly discovered fact. *The Breach of Article 6: Article 6(2) ECHR provides that: "Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law". Without that protection the fair trial guarantees of Article 6(2) risk becoming theoretical and illusory: Allen v United Kingdom (2013) ECHR 678 at §94.* However, this represented it was submitted a direct breach of Article 6 (2) of the ECHR which enshrined the fact that a person was entitled to the presumption of innocence.

Not a Lex specialis - Allen In Allen the Grand Chamber held that applications for compensation under s.133 CJA 198 8 are not a lex specialis to which the broader principle of the presumption of innocence cannot apply (§105). In rejecting Ms Allen's claim that her Article 6(2) rights had been infringed the Chamber was influenced "above all" by the fact that her application had not been determined using Lord Steyn's "clear innocence" test (§133). The Court was of the view that this was not a "lex specialis" that is to say a special case not to apply Article 6 (2) . It considered these issues in the case of Allen considered in the ECHtR. This was a case considered under the old miscarriage of justice compensation test before the coalition government amendment. *Do not breach the presumption of innocence: The Grand Chamber went on to say that In deciding whether there had been a breach of Article 6(2), it was not concerned with the differing interpretations. Given to the term "miscarriage of justice" in Mullen and in Adam. It said that what the court has to assess is whether 1§129): "having regard to the nature of the task that the domestic courts. were required to ge carry out, and in the context of the judgment quashing the applicant's conviction, the language they employes was compatible with the presumption of innocence.*

The Court at that time concluded that the language deployed in making the assessment at the time had not employed language which was incompatible with the presumption of innocence . It was argued however that if the Court came to consider the working of the new test it would conclude the presumption of innnocence had been so breached . By the time the Case of Hallam and Nealon reached the Court of Appeal the arguments and views of the Court had developed and the Court of Appeal accepted there was a clear and consistent line of authority that article 6 (2) applied to Section 133 as amended but considered that in the ECHtR considered the matter it would not find a breach . The Court considered itself bound by Adams.

What we asked the Supreme Court to consider: Although Strasburg decisions are not binding on domestic courts (sees. 2 of the Human Rights Act 1998 (the"HRA"), domestic courts should generally follow clear and xonstant lines of authority from Straburg: Manchester City Council v Pinnock (211) 2 Act104, 48 (Lord Neuberger). Absent a conflict with a truly fun-

damental principle of domestic law, some egregious oversight or a misunderstanding, they should follow decisions of the Grand Chamber: R (Chester) v Secretary of State for Justice [2014] 1 AC271m 27 (Lord Mance). So the stage was set for the Supreme Court to consider the issues . We invited the Court to follow the "clear and consistent" line of authorities from Strasbourg.*The Court of Appeal was right to hold that there is a clear and constant line of jurisprudence on the question of whether applications under s.133 are with the scope of Article 6(2) or a lex specialis. It accepted (§32) that Allen was intended to set out an authoritative exposition of the law. It has been followed in a number of subsequent cases (§33). The Court of Appeal's reservations were based on what was said by this Court in Adams and in Gale, but the Court rightly did not contend tha there had been any egregious oversight or misunderstanding on the part of the Straburg Court. Further: The clear innocence test is incompatible with Article 6(2) since it necessarily calls into doubt the applicant's innocence where s/he otherwise meets the s.133 criteria. We asked the court to declare that the law was incompatible as a result.* We asked the Court to conclude that the Governments new test was incompatitble with Article 6 (2) as it called into doubt the innocence of the applicant. '

Justice' intervened following publicaiton of its Report on the plight of the wrongfully convicted [4] Supporting Exonerees: ensuring accessible, continuing and consistent support . As they summmarise on their website "This report demonstrates how the criminal justice system fails to understand the issues facing exonerees: including practical assistance needed upon release, the negative impact of incarceration on mental health and the difficulties readjusting to everyday life. Exonerees do not receive the services and support needed to acclimatise and return to normal life upon release from prison. We note that some support services are available, but these are poorly resourced, often do not address the complex range of problems faced by exonerees and are largely available on an ad hoc basis. We recommend ambitious development of existing services that would provide accessible, consistent and continuing support for exonerees. We also set out that measures for exonerees should go further than financial and non-financial support and include a public acknowledgement that a wrong has happened.

We make 14 recommendations for reform, including: *Better management of the transition from incarceration to release. *The need for specialist psychiatric care. *The setting up of a residential service to provide practical and welfare support to exonerees. *An independent body to determine whether applicants are eligible for compensation. *Automatic compensation for wrongful imprisonment, subject to certain exceptions. *An apology and explanation of the failure that leads to a quashed conviction and, where necessary, a public inquiry."

So over 2 days in May 2018 battle lines were drawn for the Supreme Court to consider the issue of whether the government was breaching the presumption of innocence and this was broadcast to the media and interest parties[5] Judgment was handed on 30th January 2019 and the Court to the disappointment of the wrongfully convicted and many interested parties refused the appeal and found in favour of the Government on a 5:2 Majority. It may be summarised as follows: The Court was 5:2 against the applicants: *Mance-Refused to depart from Adams and Intervene over the new test limiting Compensatlcn to cat 1 cases. Even If wrong not convinced ECtHR would find the section in compatible - Hale - She agrees with Reed (dissenting) that 6 121 ls engaged but cannot agree that the ECHR would find a violation, Wilson- attacks the ECHtR jurisprudence as hopelessly confused and recognises the claimants are likelv to prevail at the ECHtR. Hughes -Agreed wah Mance and Wilson - Lloyd Jones- Agrees with Mance and attaches importance to the fact that the ECHtR has not addressed why objectionable to require*

evidence establishing that claimant could not reasonably have been convicted. The ECHR is attacked as having unsettled jurisprudence. Reed - would allow appeal . No circs exist here to depart from the ECHR jurisprudence. Reed - would allow appeal. No circs exist here to depart from the ECHR jurisprudence. Finds it difficult to accept this court should adopt a construction it knows to be out of step with the ECHR. Kerr - Agrees with Reed. He rejects Mance's analysis because it would cut out a swathe of deserving applicants who are unable to prove their innocence even though they are in fact innocent. And so, the Applicants have now accepted the Courts tacit invitation to refer the case to the ECHR.

For the very reasons set out by Reed and Kerr •Article 6 (2) is engaged It is not a lex specialls · It is wrong to restrict the scheme to cat 1 cases (Mance) · The Court has, attacked the Jurisprudence of the ECHR which in fact is a clear and consistent line of authority · There is every likelihood that the Court will find for the applicants to do otherwise would require the ECHR to say its jurisprudence was wrong As Kerr put it Phraseology should not determine the ability of those who are innocent but may not be able to prove it from being denied compensation Even their Lordships who are against the Claimants have accepted ECHR may find in their favour .

What is happening now ? The cases can take some time to navigate through the Court due to the demands upon the Court , but the case is now in what is called a "friendly settlement" Stage , however the UK Governent is unlikely to seek settlement as it is clearly in their interest to minimise the amount of compensation claims it considers . Once this stage is completed in November the case will advance to further Court directions and it is to be hoped this will lead to the case progressing in front of the Grand Chamber as soon as practicable .

Final Thoughts on it: Any scheme which requires an applicant to prove their innocence a second time is simply wrong. We have no system at all for caring for the wrongfully convicted . When someone would be better treated if they were still an offender -there is something deeply wrong . We argue that the way in which this has developed is simply wrong and is wholly detached from the plight of those the Court has declared as wrongfully convicted . We strongly agree with Lord Kerr that phraseology should not determine the ability of those who may be innocent but may not be able to prove it from being denied compensation .

The Supreme Court (save for the disenting voices) seem to have taken the case as a vehicle to attack the Jurisprudence of the Court of Human Rights , but how does that help the people who find their lives destroyed by a miscarriage of justice , denied their lives for years if not decades and released into an "alien world" , many of them never recover from what has happened to them , they suffer signficant mental health consequences and are unable to cope with the world they now find themselves parachuted back into.There is no support or safety net , it is as if they do not matter , they are the forgotten victims of our justice system .

We have held ourselves up as having a justice system to be admired across the world, yet when Iran and China have a better record of compensating the wrongfully convicted there is something serious wrong. To some degree this is part of a wider theme of how we also deal with miscarriages of justice and this is illustrated by the approach to older historical miscarriages of justice (a topic for our next article).

The only hope now is to get the case heard in Strasbourg as soon as practicable, particularly as the Government continues to make murmurings about wanting to withdraw from the ECHR and establish its own bill of rights. Some may well rightly think such a proposal has less to do with putting a post Brexit UK in charge of its own legal rights and has more to do with diminishing the ability of citizens to challenge their government.

Lack of Rule 35 Process In Prisons Unlawful

Alexander Schymyck, Freemovement: The judgment of the Court of Appeal in MR (Pakistan) v Secretary of State for Justice & Others [2021] EWCA Civ 541 marks a major step forward in the battle over the use of immigration detention in prisons. The court has decided that the absence of a Rule 35 procedure for identifying vulnerable immigration detainees in prisons is irrational. Although the court held back from making a broader finding that this was systemically unfair, the Home Office and Ministry of Justice will surely have to provide something similar to Rule 35 in prisons in order to avoid further claims of this nature. The judgment confirms that the Home Office is already taking steps to amend the legal framework.

Rule 35 and vulnerable detainees. In summary, the problem is an inconsistency in the legal framework for immigration detention in prisons compared with immigration detention in removal centres. Detention of all immigration detainees must comply with the Adults at Risk policy. In immigration removal centres, doctors are additionally required by Rule 35 of the Detention Centre Rules 2001 to communicate their concerns about vulnerable detainees to the Home Office. There is no such requirement imposed on doctors in prisons. The result is that vulnerable detainees in prisons cannot in practice benefit from the Adults at Risk policy and suffer prolonged detention as a result.

In the High Court, Mr Justice Supperstone rejected the claim that this difference is irrational. As I pointed out on the UKCLA blog, this illustrated a problem with the very vague irrationality criterion used in UK public law. If such a glaring inconsistency is not found to be irrational, that suggests that the rationality ground of review is not working very well. Court of Appeal to the rescue. Fortunately, the Court of Appeal has now found that the difference is irrational. Lord Justice Dingemans said: "In my judgment, in the cases of both MR and AO, it was irrational, and was therefore unlawful, not to have ensured by means of a Rule 35 report or equivalent, that medical information showing concerns about past torture for both AO and MR was obtained at the commencement of or at any later time during their immigration detention. The reason for making the finding of irrationality in these individual cases is because Parliament has required the SSHD to issue guidance about the immigration detention of the particularly vulnerable, see section 59(1) of the Immigration Act 2016. The SSHD has adopted a policy which limits the detention of vulnerable immigrants. It is known that some immigration detainees may have suffered past torture. It is known that past torture makes immigration detainees vulnerable. It is known that many victims of torture will not volunteer the fact of torture for many good and varied reasons. In these claims evidence showed that MR and AO found it very difficult to talk about the circumstances which had caused their respective scarring.

Slightly oddly, the court then went on to conclude that, despite this error, the detention of the two claimants was not unlawful because the policy failure did not bear on the decision to detain, as required by the Supreme Court decision in Kambadzi. This is confusing because the key benefit of a Rule 35 report being issued is that it triggers a review of the decision to detain and in Kambadzi, the Supreme Court found that a failure to review detention at regular intervals in accordance with published policy did bear on the decision to detain. The policy failure here was even more closely relevant to the decision to detain than the failure to review in Kambadzi: it was a failure to review combined with a failure to acquire necessary information for that review. Damages for the claimants would have been nominal in any case, but it is still a disappointing aspect of the decision. The use of prisons as venues for immigration detention remains deeply problematic and the decision in this case will not solve it overnight, but it is an important step forward and the vindication of lots of hard work by those who provide legal representation to detainees in prisons despite the myriad difficulties of doing so.

House of Lords: Prisons (Substance Testing) Bill

The misuse of drugs is one of the biggest challenges faced by our prisons and young offender institutions. A survey by Her Majesty's Inspectorate of Prisons in 2019-20 showed that 40% of female prisoners and 45% of male prisoners found it quite easy or very easy to get drugs in prisons. Psychoactive drugs and the misuse of prescription-only medicines and pharmacy medicines in particular are a relatively new problem for our prisons and young offender institutions, but they are a growing and dangerous problem. We must take further action to identify prisoners and young offenders with substance misuse issues and ensure that they are offered the appropriate treatment. The Bill would boost the capability of prisons and young offender institutions in England and Wales to test for the use of illicit substances and would make key progress in combating the prevalence of drugs in prisons.

Members in both Houses are well aware of the scourge of drugs both in prisons and out in the wider community. The scale of the problem with drugs in prisons is demonstrated by the available data. In the year to March 2020, there were almost 22,000 incidents of drug finds in prisons in England and Wales alone. The highest number of incidents was over the past decade, with 182 kilogrammes of illicit drugs being recovered.

Drug use drives the increasing violence that we have seen in prisons. Debts are enforced, discharged or avoided through assaults on other prisoners or staff and incidents of self-harm. This is our chance to make a productive change to the prison drug testing framework, ensure that those with substance misuse issues are referred to the appropriate treatment and disrupt continued violence within our prisons and young offender institutions.

The Prison Service and the Youth Custody Service currently have the legal authority to test for controlled drugs, as defined under the Misuse of Drugs Act 1971, and specified substances listed in Schedule 2 to the Prison Rules 1999 and Young Offender Institution Rules 2000. In order to add a new drug to the list of specified substances, the Government need to individually add each and every new compound to it through secondary legislation. That process is resource-intensive and inefficient. Most importantly, it causes operational delays for prisons and young offender institutions, limiting their ability to deal with emergency healthcare cases and take appropriate disciplinary action. Despite the Prison Service and the Youth Custody Service updating the list at regular intervals, ill-intentioned drug manufacturers and chemical experts are able to quickly get around the law by producing modified variations of these drugs, meaning that prisoners and young offenders are no longer able to be tested for them and their use goes undetected.

I turn to the contents of the Bill. Its response to this issue is both simple and straightforward. The Bill adopts the definition of "psychoactive substances" provided by the Psychoactive Substances Act 2016, which will allow the Prison Service and the Youth Custody Service to test prisoners for any and all psychoactive substances now and in future. Similarly, the Bill permits prisoners and young offenders to be tested for the illicit use of prescription-only medicines and pharmacy medicines as defined by the Human Medicines Regulations 2012. The Bill also provides an express power for the use of prevalence testing, which, through the testing of pooled and anonymised samples, allows prisons and young offender institutions to identify new drug types in circulation and tailor treatment services and security countermeasures accordingly. I am convinced that this Bill will have a meaningful effect, future-proofing the drug testing framework and enabling it to quickly respond to a rapidly changing modern drugs trade. This will allow the Prison Service and Youth Custody Service to take the appropriate action needed to tackle the threat of drugs, whether that be in referring prisoners and young

offenders into healthcare treatments or in pursuing sanctions against those involved in the distribution and use of drugs. In conclusion, I earnestly hope that your Lordships will recognise the importance of making these changes, and speedily. We must act as soon as possible. We know that those who seek profit from drugs will stop at nothing to continue harming our prisons and young offender institutions. We must meet them with at least equal vigour in our measures of disruption. I appreciate that timescales are tight as we come towards the end of this parliamentary Session, but I sincerely hope that this Bill will be on the statute book. I look forward to hearing noble Lords' contributions in this Second Reading debate and hope that there will be support from across the House.

System for Investigating Deaths in Immigration Detention Declared Unlawful

Bilaal Shabbir , Freemovement: In Lawal v Secretary of State for the Home Department JR/626/2020, the Upper Tribunal has decided that the Home Office's policies on the death of immigration detainees are contrary to its procedural obligations under Article 2 of the European Convention on Human Rights to secure relevant evidence. An emphatic judgment by Mr Justice Lane and Upper Tribunal Judge Canavan found that the lack of guidance to officials considering the removal of potential witnesses was "legally deficient". It's pretty safe to say that our current Home Secretary has had a "Priti" rough time so far, not improved by the deluge of media coverage received by this judgment over the past 24 hours. The fact that the Home Office continue to defend cases like this probably doesn't help.

To set the scene, this case arose because of the death of a detainee, Mr Oscar Lucky Okwurime, in Harmondsworth Immigration Removal Centre. Mr Okwurime was only 36 years old when he was found dead in his room at 11:12 am on 12 September 2019. The applicant, Mr Lawal, had been good friends with the deceased and was a potential witness to the death. His request that his removal from the UK be deferred to assess whether his evidence was relevant was refused and he was given removal directions for 17 September 2019. On that day, an injunction was issued preventing his removal. On 21 October 2020, the Area Coroner for West London wrote to the Home Office confirming that Mr Lawal was "an important witness of fact and… the only live witness who can speak to… the presentation of the deceased in the days before his… death". At an inquest hearing in November 2020, the jury decided that the death was due to neglect attributed to "multiple failures to adhere to the healthcare policy".

The application for judicial review by Mr Lawal raised the questions of: Whether Mr Lawal's proposed removal was lawful; Whether the Home Office can lawfully remove a potentially material witness to a death in immigration detention where that witness has not yet given evidence and the coroner has not made an assessment of whether their evidence is required at an inquest; Whether the lack of guidance to officials considering removals on the obligations to investigate witnesses to a death, is lawful The answer to all three questions was a resounding no. The starting point was the procedural duty under Article 2. This requires "an effective, independent investigation into circumstances concerning the loss of life within the territory of the Member State concerned". In respect of the Home Office, this included an obligation to secure the evidence of potential witnesses and to encourage detention centre staff to be proactive in doing so.

The initial policy on deaths on detention was called Detention Services Order 08/14, published in 2012 and updated in 2016. The Upper Tribunal found that this policy gave rise to an "unacceptable risk" that the Home Office would fail to secure relevant evidence, as it only focused on obtaining evidence from detention centre staff and therefore was inadequate to its Article 2 duties. This was manifested in practice as well as in principle: a notice delivered

to detainees following the death of Mr Okwurime did not request them to come forward if they had relevant evidence and did not urge staff to be proactive in investigating any potential witnesses. A later version of the policy, dated August 2020, was still deficient because it still didn't impose a duty on the centre staff to be proactive in identifying relevant witnesses. This was important, said Lane J, because the detention centre staff "will inevitably be first on the scene".

The role of the coroner: Mr Lawal's lawyers argued that it should be up to the coroner to decide whose evidence about a death in detention is relevant. Before the coroner has made that decision, no removal of potential witnesses should be allowed. The tribunal rejected this argument. The proposal of leaving everything in the hands of the coroner was an "undue fetter on the ability of the respondent to discharge her statutory functions in the immigration field…[and] would be open to abuse". The coroner does not have the final approval on who can be removed — but the Home Office's obligations as an "irreducible minimum" are: To take immediate steps to ascertain whether any detainee has evidence to give about the death; To record, or facilitate the recording of, a statement of that evidence; To determine whether the individual is willing to give evidence at the inquest; To record relevant contact details of the individual, including in the country of proposed removal; and To consider the practicability of the individual giving evidence at the inquest either (i) by returning to the United Kingdom for that purpose or (ii) by giving evidence by means of video-link. The fact that officials who were considering removals were not told to have regard to such procedural obligations was legally inadequate. Officials are obliged to consider the likely importance of the detainee's evidence and their ability to maintain contact if removed from the UK.

Cases like this don't come up often, for obvious reasons, but fixing the glaring gaps on the investigation of deaths in detention is welcome in itself. More generally, the case highlights the importance and flexibility of the judicial review process — something which is under severe scrutiny at the moment. As Duncan Lewis Solicitors and Garden Court Chambers, representing Mr Lawal, put it: "but for the intervention of publicly-funded lawyers and last minute judicial review action, necessitated by what is now known to have been unlawful decisions to remove and failures to have in place adequate policy frameworks to ensure that evidence is secured, this important witness to a death in custody would have been removed from the jurisdiction and the coronial investigation weakened. Amongst other things, the case is a vindication of the rule of law and access to justice, guaranteed by judicial review. Without having a means of challenging his removal, Mr Lawal would probably have been removed and the inquest might not have been able to reach the same conclusion without his evidence — nor to hold the Home Office to account for its failures.

Terrorism: Northern Ireland - Bombing of McGurk's Bar

Colum Eastwood: To ask the Secretary of State for Northern Ireland, if he will commission a review into the accuracy of information given by Government Departments in the aftermath of the 1971 bombing of McGurk's Bar in Northern Ireland.Mr Robin Walker: The bombing of McGurk's bar was a terrible tragedy. The investigation by the Police Ombudsman of Northern Ireland found that erroneous suggestions that republican paramilitaries were responsible were made in the immediate aftermath of the explosion, noting that "Inconsistent police briefings, some of which inferred that victims of the bombing were culpable in the atrocity, caused the bereaved families great distress, which has continued for many years." The Police Ombudsman acknowledged that the prevailing situation in Northern Ireland at the time presented significant challenges to policing but concluded that the RUC investigation was not proportionate to the magnitude of the incident, which was one of the biggest losses of life during any incident of 'The Troubles' until the bombing of Omagh in 1998.The Police Ombudsman

also noted that "The tragedy for families, survivors and police is that the present process of seeking information, truth and justice is fragmented and inadequate." The Government remains committed to introducing legislation to address these issues and delivers for all those affected by the legacy of Northern Ireland's past.

[On 4 December 1971, the Ulster Volunteer Force (UVF), an Ulster loyalist paramilitary group, detonated a bomb at McGurk's Bar in Belfast, Northern Ireland. The pub was frequented by Irish Catholics/nationalists. The explosion caused the building to collapse, killing fifteen Catholic civilians—including two children—and wounding seventeen more. It was the deadliest attack in Belfast during the Troubles.]

Hillsborough Police Face Trial Accused of Perverting Course of Justice

David Conn, Guardian: Two former South Yorkshire police officers and the force's lawyer at the time of the Hillsborough stadium disaster in 1989 are on trial charged with perverting the course of justice over the amendment of police statements about the tragedy. Peter Metcalf, who was a partner at the firm of solicitors that acted for the force, Hammond Suddards; Donald Denton, a South Yorkshire police chief superintendent at the time; and Alan Foster, a detective chief inspector, were charged with the offences in 2017, after the conclusion of the new inquests into how 96 people died at the football ground. It is 32 years since the 96 were killed at the FA Cup semi-final between Liverpool and Nottingham Forest at Sheffield Wednesday's Hillsborough ground, due to a crush in the "pens" of the Leppings Lane terrace, which had been allocated to Liverpool supporters. Of the men, women and children killed, the youngest, Jon-Paul Gilhooley, was 10; the oldest, Gerard Baron, was 67.

Metcalf, Denton and Foster are each charged with two counts of the criminal offence that with the intention of perverting the course of justice, they did "acts tending and intended to pervert the course of justice". The charges relate to the alleged process after the disaster in which the accounts given by police officers who had been on duty at Hillsborough were amended or altered before being sent out by the force. The charges against Metcalf allege that he gave advice to South Yorkshire police on the alteration of the officers' accounts, and that he knew these amended accounts would then be given to West Midlands police. The West Midlands force had been appointed to investigate the circumstances of the disaster and provide support to the subsequent public inquiry held by Lord Justice Taylor, and the first inquest, which began in Sheffield in November 1990. The second charge against Metcalf alleges that he gave advice relating to the accounts of four South Yorkshire police officers in particular, concerning the monitoring of the Leppings Lane pens, and that he sent that advice to South Yorkshire police's then deputy chief constable, Peter Hayes.

The two counts against Denton allege that he ordered the amendment or alteration of South Yorkshire police officers' accounts, and that he provided altered accounts to West Midlands police. Foster is also charged with ordering the accounts of officers about what happened at Hillsborough to be amended or altered, knowing that the amended accounts would then be provided to West Midlands police, and with amending or altering some accounts himself. Lawyers representing Metcalf, Denton and Foster gave indications at a first court hearing in 2017 that they intend to plead not guilty to the charges. The trial, in front of Mr Justice William Davis, has been moved because of coronavirus protocols from Preston crown court, where it was planned to be held, to the Lowry theatre in Salford, which has been used as a court during the pandemic. The proceedings will also be broadcast live to St George's Hall in Liverpool, closer to home for many of the families whose relatives were killed at Hillsborough, to allow them and other people affected by the disaster the choice of attending the trial there. The trial is scheduled to last for 16 weeks.

Miscarriages of Justice Appeals - No Plans to Review Substantial Injustice Test

Barry Sheerman: To ask the Secretary of State for Justice, with reference to the March 2021 report of the all-party Parliamentary group on miscarriages of justice, what assessment he has made of the effect of the substantial injustice test on the ability of the Court of Appeal to correct miscarriages of justice in change of law cases including joint enterprise.

Chris Philp: MoJ is considering the findings of the Westminster Commission but there are currently no plans to review the substantial injustice test. Amending the test would require primary legislation and has wider implications than the work of the Criminal Cases Review Commission (CCRC). It would also not be appropriate to comment on how the Court of Appeal applies the test. Hansard, 19/04/2021, https://is.gd/0oe5tf

Barristers Call on Ministers to Make Legal Aid Available in All Domestic Abuse Cases

Alexandra Goldenberg, Justice Gap: The Bar Council is calling on ministers to make non-means tested legal aid available in all domestic abuse cases. If someone has a disposable income exceeding £733 per month or capital of over £8,000, they will be unable to access public funded legal advice in most circumstances. The barristers' representative group has made this recommendation against the backdrop of concerns over domestic abuse in the pandemic, citing Women's Aid, who have called Covid-19 a 'perfect storm' that can 'threaten to escalate abuse' and the UN who have described domestic abuse as a 'shadow pandemic'.

The Bar Council draws on figures released by the Ministry of Justice which show that there has been a reduction in legal aid expenditure on domestic abuse cases of 51% between 2008/09 and 2019/20. Research completed by Solace Woman's Aid found that in 2019, 30% of women seeking shelter from domestic abuse were turned away six or more times. Those who received assistance from a caseworker or solicitor were twice as likely to be housed by a local authority. The Bar Council makes this recommendation ahead of the Domestic Abuse Bill's return to the commons. The Bill, which has been widely criticised for excluding migrant women, is expected to reach Royal Assent in Spring 2021.

HMP Bedford – Many Long-Term Problems Persist

A small local men's prison which has stood on the same site for more than 200 years, was found by inspectors to have been under considerable pressure from COVID-19 outbreaks. HM Inspectorate of Prisons (HMI Prisons) visited the prison in February and March 2021, at a time when Bedford held 372 prisoners. In 2018, the prison had been so poor, with significant violence problems, that it was subject to a rarely used HMI Prisons Urgent Notification. Bedford had increased the size of its safer custody team but many of HMI Prisons' previous concerns persisted. The reported level of assaults between prisoners and on staff was the highest of all similar prisons over the last year. Thirty per cent of prisoners said that they currently felt unsafe and nearly half said that they had been bullied or victimised by staff.

Mr Taylor said: "We saw some dedicated staff who interacted with prisoners well in order to provide good care and support. However, we also saw many examples of rule breaking going unchallenged, which fed the perception that prisoners could behave badly without fear of repercussion. "The quality of staff–prisoner relationships remained mixed, with not all staff buying into the vision of a rehabilitative approach set out by the governor." The report noted: "Forty per cent of officers had less than two years' service and 22% had joined in the 12 months since the beginning of the COVID-19 pandemic, and we were concerned about

their lack of skills in managing prisoners once the restricted regime was eased. A stronger presence of middle managers was not yet improving basic prison officer work." Weaknesses in the care and support given to those who were vulnerable or at risk of self-harm continued.

Senior leaders had an ambitious and clear vision for education, skills and work. However, the important focus on rehabilitation and release planning to reduce reoffending and improve successful resettlement had largely been lost at the start of the pandemic. The absence of support from the community rehabilitation company (CRC) staff was a huge frustration for the governor and others and left many prisoners ill-equipped for release. Mr Taylor added: "Direct support aimed at promoting positive family relationships had also ended a year ago and the slow implementation of in-cell telephones did not help in promoting contact with loved ones."

Overall, Mr Taylor said: "Many of the key concerns that we identify in this report reflect the challenges that leaders at Bedford have faced for many years. While improvements were evident under our test of respect, the more systemic issues of high levels of violence and underdeveloped staff–prisoner relationships persisted. The challenge of COVID-19 had led to poorer outcomes in rehabilitation and release planning and a lack of progress in our test of purposeful activity."

Scottish CCRC Refer Abel Muntean to High Court of Justiciary

Scottish Criminal Cases Review Commission ("the Commission") has referred the sentence of Abel Muntean ("the applicant") to the High Court of Justiciary. After a trial at Edinburgh High Court in May 2019 the applicant was convicted of two charges of rape. On 4 July 2019 he was sentenced to a 10 year period of detention. He sought leave to appeal sentence and stated that the judge had failed to adequately account for his age and the sentence imposed was excessive. Leave to appeal was refused in November 2019. He applied to the Commission in November 2020 for a review of his sentence. During its review the Commission obtained a transcript of the sentencing hearing which ostensibly showed that the judge had not taken account of relevant factors concerning the applicant's age. The Commission has decided that a miscarriage of justice may have occurred and has referred the applicant's sentence to the High Court of Justiciary. In accordance with the Commission's statutory obligations, a statement of reasons for its decision has been sent to the applicant, the High Court, the Lord Advocate and Crown Office. The Commission has no power under its founding statute to make copies of its statements of reasons available to the public. This release is for information purposes only and the content of this news release should not be treated as forming part of the Commission's statement of reasons.

Justice after 10 Long Years: APPEAL's Statement on the Post Office Scandal

On Friday 23rd April 2021, the Court of Appeal quashed the convictions of 39 sub-postmasters and postmistresses. They had been privately prosecuted by the Post Office, alongside hundreds of others, for theft and false accounting in the years between 2000 and 2014. Although they had steadfastly maintained their innocence, the Post Office had denied that missing money could have been due to technical issues with a newly installed accounting system, Horizon. This was manifestly false. The court found multiple glitches with the system. Evidence suggests the Post Office was aware of them but pursued the prosecutions anyway. During their decade-long campaign for justice, some of the victims of this miscarriage of justice have died. Others have described how the convictions wreaked havoc on their lives – from prison sentences to bankruptcy and social isolation. One pregnant sub-postmistress gave birth in prison, another took his own life.

Emily Bolton, Director of APPEAL commented "it is a scandal that it has taken this long for these people to be vindicated and demonstrates that this country's system for identifying and rectifying miscarriages of justice is fundamentally broken. Wrongful convictions are emergencies and should be treated as such. As we head deeper into the digital age, this case should also be a warning to police and prosecutors that digital evidence is a minefield and any prosecution that relies on it should ensure that the evidence is reviewed by experts for both sides. Otherwise we will be seeing many more of these large-scale miscarriages of justice".

APPEAL: Fighting Miscarriages of Justice

Evidence Based Justice Lab! Researching Miscarriages of Justice

Welcome to the Evidence Based Justice Lab! We are an interdisciplinary research group funded by UK Research and Innovation working at the intersection of cognitive psychology, data science, and law. Our focus is on better understanding how science and scientific methodology can improve practice and policy in the legal system and enhance the accuracy of trial proceedings. Our team includes academics and students, who collaborate on data-driven research and putting that research to work in the legal system. We conduct academic research, and also develop resources to make data that might be useful in developing legal policy and arguments accessible to people who might need it.

One way that we do this is through our Miscarriages of Justice Registry – the largest database of 'Error of Fact' (error with regard to facts that were believed to be true that were, in fact, not true) Miscarriages of Justice in the UK. This database includes case details, and also wiki pages that document research relating to leading causes of wrongful conviction. Selin Uyguc, a research assistant who worked on the database, described its importance: "Working on this database put me at the heart of some of the stories of those who the law has deeply wronged, and brought them to light. The research is not just about facts or numbers, but lives." We also run a small clinical programme where we work with practitioner partners on casework or policy work. We can also occasionally advise appellants directly on applications to the Criminal Cases Review Commission, although do not have the resources to advise in cases involving homicide or sexual offences.

Police Powers: 'Political Attack' on Gypsy, Roma and Traveller Communities

Zohra Nabi, Justice Gap: The new Police, Crime, Sentencing and Courts Bill could lead to the criminalisation of the nomadic way of life, a cross-party group of MPs and peers heard yesterday. The the All-Party Parliamentary Group for Gypsies and Travellers meeting was held to discuss the impact of the Bill on Gypsy, Roma and Traveller communities. The Bill introduces a new criminal offence where trespassers have the intent to reside, and empowers police to seize vehicles, and carries potential fine or imprisonment and proposals would also amend police powers of eviction under the Criminal Justice and Public Order Act 1994, broadening the types of harm that can be caught to include damage, disruption and distress.

A briefing on the Bill issued on the 24 March by Abby Kirkby, Secretariat to the APPG, argued that the legislation would give the Police wide-ranging powers based on highly subjective criteria. Highlighting the disproportionate impact on minority and ethnic communities, which could bring the legislation in conflict with equality and human rights legislation, the briefing pointed out that Police Forces themselves disagree with the allocation of additional powers. Criminal sanctions deflect from the real issue. At the bare minimum, GRT communities need pitches where they can live safely & in a way that respects their nomadic way of life. Not criminalisation

Meanwhile, concerns were raised that the Bill will entrench existing inequalities faced by the GRT communities, and that the Bill will serve to push Gypsies and Travellers into the criminal justice system. Speaking at the meeting, CLP solicitor Chris Johnson said: 'You're not immediately a criminal by this legislation, but you can very easily be made a criminal.' The criminalisation of trespass was the subject of a debate at the House of Commons yesterday afternoon at 4:30, after a petition organised by author and policy coordinator for Rewilding Britain gained 134,000 signatures. MP for the City of Durham Mary Foy, an attendee of the APPG meeting, spoke at the debate: 'We have a racism problem when a section of our society is blamed and targeted relentlessly… We should be honest about what this is, a political attack on Gypsy, Roma and Traveller Communities.'

CCRC Review of Oliver Campbell's Case

That this House expresses its grave concern over the case of Oliver Campbell, a mentally challenged youth, convicted of murder in 1991 on the basis of a confession containing many inaccuracies and absurdities, made after unfair questioning and in the absence of a solicitor by a jury which was never informed that his co-defendant had exonerated him to police; welcomes the decision of the Criminal Cases Review Commission to reconsider the case; and encourages the Commission to follow the advice of a former Commissioner, David James Smith broadcast by BBC Newsnight on 16 March 2021, to refer this very stale and very troubling case back to the Court of Appeal at the earliest possible opportunity.

Firearms Officer Served With Gross Misconduct Notice Following Death of Sean Fitzgerald

The Independent Office for Police Conduct (IOPC) has announced that a West Midlands firearms officer, who shot dead Sean Fitzgerald on 4 January 2019 during a police operation, has been served with a gross misconduct notice in respect of their use of force. Sean was 31 when he died after receiving a single gunshot wound to the chest as he exited a property in Burnaby Road in Coventry. Liam Fitzgerald, Sean's brother, responded saying: "Whilst we are pleased that the officer who shot Sean has now at least been served with a gross misconduct notice, we are shocked that the IOPC considers that the officer should not be served with a notice that his actions are subject to a criminal investigation. We have only been given limited information to date, but that information indicates that the officer should be under criminal investigation in close co-ordination with the CPS, with a charging decision being made without delay. We also call upon West Midlands Police to reconsider the status of this officer. Sean was totally unarmed when he died as a result of this officer's actions and we don't believe he should be able to continue carrying a firearm when potential gross misconduct has been identified. Sean is greatly missed by all his family and friends and we continue to seek answers and justice for him."

Helen Stone of Hickman and Rose, the solicitor for Liam Fitzgerald, said: "It has been over two years since Sean's death and his family needs answers. We expect the IOPC to carry out the rest of its investigation in a robust and timely manner so that they can receive these answers and to constantly review the need for a criminal investigation." Deborah Coles, Director of INQUEST, said: "Fatal use of force by the police requires the utmost scrutiny and investigation, uncovering any criminality or misconduct. We hope this announcement will mark a step forward in achieving accountability in this case. However, we share the frustration of Sean's family that too often deaths in police custody in this country are not investigated to the criminal standard and police rarely face prosecution. At the very least, you would expect firearms officers potentially involved in gross misconduct would be prevented from continued public duties, as you would be in any other profession."

Jury Acquits Extinction Rebellion Protesters Despite 'No Defence In Law'

Six Extinction Rebellion protesters have been cleared of causing criminal damage to Shell's London headquarters despite the judge directing jurors that they had no defence in law. Two of the group's co-founders, Simon Bramwell, 49, and Ian Bray, 53, were acquitted on Friday 24th April, alongside Jane Augsburger, 55, Senan Clifford, 60, David Lambert, 62, and James "Sid" Saunders, 41, after a trial at Southwark crown court. The six, who represented themselves, were also cleared of individual counts of having an article with intent to destroy or damage property, while a seventh protester, Katerina Hasapopoulos, 43, earlier pleaded guilty to criminal damage.

Prosecutor Diana Wilson told jurors that each of the defendants deliberately sprayed graffiti or smashed windows of the Shell building in Belvedere Road, central London, on 15 April 2019. The protest, which saw activists pour fake oil, glue themselves to windows and doors, break glass, climb on to a roof and spray graffiti, was part of wider Extinction Rebellion demonstrations across the capital. Wilson said that while some protesters stood outside the building holding banners or speaking through megaphones, "these defendants went further", adding: "The seven involved caused significant damage." All those who stood trial explained they had targeted the Shell building because the oil giant was directly contributing to the climate crisis, thereby causing serious injury and death, and argued that it was a "necessary" and "proportionate" response to the harm being caused.

Senan Clifford quoted Sir David Attenborough and former archbishop of Canterbury Rowan Williams in his evidence he said: "I believe if I don't do whatever I can to protect our Earth, to protect life on this Earth, to stop the death and injury that is and will be happening, I'm committing a crime, a really serious crime, and I'm willing to break a window, to paint a message on a wall, I'm willing to break the glass on that emergency button, even if some say that's a crime. Because this is a much bigger crime and I'm trying to stop that crime, I'm trying to protect life in the only way I feel I can."

Judge Gregory Perrins directed jurors that even if they thought the protesters were "morally justified", it did not provide them with a lawful excuse to commit criminal damage. With the exception of Saunders, who claimed in his defence that he honestly believed Shell's employees and shareholders would have consented to his criminal damage, the judge said: "They don't have any defence in law for the charges they face."

But the jury of seven women and five men took seven hours and four minutes to acquit them of both charges. Some of the defendants waved at jurors, several of whom were visibly emotional, as they left court. Before reaching their verdicts, the jury had asked to see a copy of the oath they took when they were sworn in. Bramwell's final words, "This is such a significant victory for the consciousness of the British people when it comes to the huge, immediate threat of climate change and the absolute failure of our government to do anything meaningful about it."

Serving Prisoners Supported by MOJUK: Derek Patterson, Walib Habid, Giovanni Di Stefano, 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, Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, 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, Robert Knapp, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Peter Hannigan.