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CCRC Forced to Refer Murder Conviction of Gary Walker to CoA

Mr Walker applied to the CCRC in October 2014 and in September 2017, following a lengthy review, the CCRC concluded that it could not refer Mr Walker's conviction to the Court of Appeal. Mr Walker sought to challenge the CCRC's decision by way of Judicial Review and, in May 2018, he was granted permission to bring his case by the High Court. After carefully considering the Court's detailed permission judgment, the CCRC decided to withdraw its September 2017 decision and look again at Mr Walker's case.

The decision to refer this exceptionally complicated case to the Court of Appeal is based on new expert opinion on cause of death and the CCRC's view that the jury were effectively precluded from considering a potentially viable route to acquittal, which now has more expert support. Mr Walker was convicted at Stafford Crown Court on 22 October 2004 of the murder of his partner, Audra Bancroft, and sentenced to life imprisonment, with a minimum term of 12 years and 26 days.

The prosecution case was that Mr Walker had attacked Mrs Bancroft at their home in the early hours of 8 December 2003. This attack, the prosecution alleged, included punches and manual strangulation and resulted in fatal injuries to her head and brain. At trial Mr Walker maintained that the head injury must have been caused by a fall earlier that night, when he was not with her. He agreed that there had been a violent incident at their home, which may have accounted for the signs of strangulation, but said that Mrs Bancroft had been the aggressor, attacking him with a potato peeler, and he had therefore acted in self-defence.

The jury at Mr Walker's trial heard evidence from a number of medical experts who were asked to give opinion on the cause of death and whether it was possible that Mrs Bancroft could have suffered her injuries by way of a fall rather than an assault. They also heard evidence that Mr Walker had put Mrs Bancroft (who had been drinking heavily) into the recovery position but that a paramedic had then, inappropriately, rolled her onto her back and left her in that position. In 2007 Mr Walker unsuccessfully tried to appeal against his conviction on a number of grounds including the medical evidence, causation and whether the prosecution had proved that he had the intention to kill or cause serious injury (the mental state (mens rea) required for murder).

As part of this review, the CCRC obtained and considered new expert medical opinion from pathologists and neuropathologists (including those who gave evidence at trial), primarily around what are known as contre-coup injuries and whether Mrs Bancroft could have suffered the head injuries by way of a fall as Mr Walker had said at trial. Having analysed this complex body of expert opinion and guided by the High Court's detailed permission judgment, the CCRC has concluded that there is a real possibility that the jury at Mr Walker's trial was left with a false impression as to the likelihood of the account that he gave and that, were the expert evidence as now articulated, presented to the jury in a fair and balanced way, they may have returned a not guilty verdict.

The CCRC is also of the view that the trial judge's direction on causation failed to adequately draw the jury's attention to the implications of the evidence that Mr Walker had placed Mrs Bancroft in the recovery position only for the paramedic to move her into a much more dangerous position on her back. The CCRC considers that that this lends support to the overall argument that there is a real possibility that the Court of Appeal will conclude that Mr Walker's conviction is unsafe.

Impact of a Custodial Sentence Likely to be Heavier During Current Emergency Than it Would be Otherwise

Olivia Beesley, St Phililps Baristers: While the Lord Chief Justice and the Lord Chancellor have announced that jury trials will commence this month, we are far from the pandemic's conclusion. This fear is felt all the more by defendants facing sentencing hearings. Regardless of whether an offence was committed prior to the crisis, or in the currency, it does not change the new threat that an immediate custodial sentence brings – one of health. Prisons were not designed to face a contagious health pandemic; this results in higher risks being posed to those in custody. So what are the repercussions of sentencing during this crisis? We know that any court can take into account the likely impact of a custodial sentence upon an offender, and upon others. However, the Court of Appeal has highlighted this, specifically in relation to Covid-19, in the case of R v Christopher Manning [2020] EWCA Crim 592, 2020 WL 02201888.

In the judgment, at paragraph 41, the Court of Appeal stated that 'the current conditions in prisons represent a factor which can properly be taken into account in deciding whether to suspend a sentence'. They extended this invitation to all judges and magistrates, where appropriate. Following on from this, it was said that 'the impact of a custodial sentence is likely to be heavier during the current emergency than it would be otherwise…both they and their families are likely to be anxious about the risk of transmission of Covid-19.' It is not only suspension to which this relates, but also length of sentence and the question both Magistrates and District Judges face: to commit a sentence or retain it. This was addressed in paragraph 42 of the judgment.

This is mirrored in the Sentencing Council's document 'Imposition of Community and Custodial Sentences Definitive Guideline' at page 8, which lists three factors to be considered when deciding if it is appropriate to suspend the sentence. Those are; having a realistic prospect of rehabilitation, strong personal mitigation, and 'immediate custody resulting in significant harmful impact upon others'. This final factor coincides with the Court of Appeal's judgment. The risk and fear of this pandemic will be felt by all facing custody, but especially those in the 'High Risk' category of government guidance. The formal recognition from the Court of Appeal can, and should be used in defence mitigation where appropriate during this period.

Sentencing Sexual Cases with a Fake Victim

Stephen Wood QC,Broadway House Chambers: There has been something of an explosion in the number of sexual offences cases coming to the Crown Court where there is no actual victim. Offenders are caught by so-called paedophile hunters or police officers going online and posing as children. In the recent case of Reg v Privett & Others [2020] EWCA Crim 557 (judgment April 19th) the Court of Appeal dealt with issues of sentencing in relation to these cases where the Offender is charged with an offence contrary to section 14 of the Sexual Offences Act 2003: 'Arranging or facilitating the commission of a child sex offence'.

The Sentencing Council Definitive Guideline for an offence contrary to section 14 of the Sexual Offences Act 2003, requires the Judge to refer to the guideline for the applicable substantive offence of arranging or facilitating under sections 9 to 12. Section 14 SOA 2003 is a preparatory offence which is complete when the arrangements for the substantive offence are made or the intended offence has been facilitated. Because it is neither dependent on the completed offence happening nor its even being possible, the Court held that the absence of a real victim does not reduce the offender's culpability (see paras 32, 59, 60).

The Court went on to explain that although, in general, the harm caused by the offence will

usually be greater when there is a real victim than when the victim is fictional, section 143(1) of the Criminal Justice Act 2003 requires the court to consider the intended harm. These considerations are reflected in the Guideline. Thus, the court will consider the sentence that would be appropriate for the full offence and then impose a sentence for arranging or facilitating that is commensurate with that sentence. The Court said that the level of harm for a section 14 offence should be determined by reference to the type of activity arranged or facilitated. For a section 14 offence, the Guideline requires the judge to:- i) identify the category of harm, on the basis of the sexual activity the defendant intended; and ii) adjust the sentence in order to ensure it is commensurate with or proportionate to the applicable starting point and range if no sexual activity occurred, including because the victim is fictional (paras 46, 61–62, 67).

The Court concluded that there is nothing necessarily wrong in principle with a defendant who arranges the rape of a fictional six-year-old being punished more severely than a defendant who facilitates a comparatively minor sexual assault on a real 15-year-old. The sentence should be commensurate with the applicable starting point and range. However, the Court acknowledged that in cases where the child is a fiction this will usually involve some reduction to reflect the lack of actual harm (para 72).

Cat A Prisoner John Seton Decision Not to Hold Oral Hearing Wrong and Unlawful

1. The Claimant, John Seton, is a serving Category A prisoner at HMP Frankland, having been convicted of murder in 2008. His minimum tariff was set at 28 years 214 days and expires in 2038. He seeks judicial review of the decision of the Deputy Director of the Long Term and High Security Estate ("the Director") not to grant him an oral hearing of his Category A review. The review took place on 18 June 2019, but the decision was issued on 16 July 2019.

2. The Claimant does not challenge the decision not to downgrade him to Category B.

Counsel are agreed that Section 31 (2A) Senior Courts Act 1981 has no application as it cannot be said whether an oral hearing would or would not have resulted in a progressive move, and further an oral hearing could have a knock-on effect in future categorisation reviews.

3. The Claimant challenges the decision not to grant him an oral hearing as being irrational and/or unlawful. The Secretary of State for Justice who is responsible for the Director and the Category A Review Team ("CART") disputes the claim and argues that the Director was entitled to reach the decision he did, and that it was a proper decision in the circumstances of this case.

49. Conclusions:I have firmly in mind the Court of Appeal guidance, including paragraph 69 in Hassett (set out in paragraph 38 above) where even in a case where there is a significant difference of viewing between experts, it will often be unnecessary for the CART/Director to hold a hearing to allow them to ventilate their views orally. I am mindful that the first instance decisions relied upon by Mr Elliott all involve a number of factors identified in the PSI as being factors that would tend in favour of an oral hearing. Whilst a multiplicity of factors is more likely to support the need for a hearing (as expressly acknowledged in Paragraph 4.6 of the PSI), it is obviously not the case that the presence of one factor only must of necessity mean that a hearing is not required. Each of those cases was a decision on its own facts. I must consider this case on its own facts.

50. Given that I have rejected the suggestion that there is an impasse in this case, the sole factor in play is the difference of opinion in the expert materials, but a difference on an important and central issue to the decision to be made, namely whether there was a sufficient reduction in risk to allow recategorisation to Category B. As already indicated, I reject Mr Manknell's submission that there is in fact no difference of opinion. Whilst the psychologist's report has certain

caveats in it, notwithstanding those caveats she still felt able to recommend a move to Category B. The Director is, of course, entitled to decline a recommendation for downgrading on such grounds as suggested manageability in less secure conditions, or the availability of courses in less secure conditions which are not available in the Category A Estate. Whilst the psychologist states that a transfer to less secure conditions would provide Mr Seton with the opportunity to further evidence his ability to manage his risk and develop further his protective factors [130], that is a single sentence in a report running to 9 pages in which the issues of Mr Seton's risk are clearly and fully explored. Similarly, whilst the LAP comments that if downgraded Mr Seton can be further tested within less secure conditions [139], that is not the justification for their recommendation. The LAP expressly noted what it described as the significant risk reduction Mr Seton has evidenced since his arrival on the PIPE unit [139].

51. Is the difference in expert opinion as to Mr Seton's risk in this case such that it would be wrong not to hold an oral hearing? I accept that the Director is entitled to exercise his own judgment and that his judgment in this case accords with that of the Offender Manager's report. However, I have concerns as to whether the further work undertaken by Mr Seton after completion of the reports would impact on the risk assessments, in particular that of the Offender Manager. Mr Gartside's report, dated January 2019, referred to the need for a more substantial period of time as a resident in the PIPE unit. A further five months had elapsed before the review took place on 18 June 2019. By that time Mr Seton had been on the PIPE unit for 20 months. At the time of the submissions by Mr Seton's solicitors, he had been on the PIPE unit for 1 7 months, and they had expressly drawn attention to the further individualised work which he had undertaken. He had apparently undertaken the very work identified by the psychologist as work which it would be preferable for him to undertake in the PIPE unit before relocation (but which could be completed elsewhere if appropriate) [130].

52. I appreciate that a lapse in time is inevitable between the preparation of the various reports and the CART review, not least because the reports have to be prepared in sufficient time that they can be disclosed to the prisoner to allow him to submit informed representations to the prison's LAP (Paragraph 4.20 PSI). That lapse in time, cannot, without more, mean that there needs to be further enquiry or other update before the Director can make his judgement as to risk. However, the Director was in possession of specific information that further work had been undertaken, but no enquiries were made as to the impact of that further work. Mr Gartside might have been of the view it made no difference, but it is equally possible that it might have altered his conclusion as to Mr Seton's risk. We simply do not know. The PSI contemplates that it may be possible to have a short hearing targeted at the really significant points in issue.

53. In my judgment this is a case where there should have been a short oral hearing targeted specifically at the issue of any change in risk assessment as a result of the further individualised work and the further passage of time spent on the PIPE unit. In my judgment there is a real and live dispute on a point of real importance to the Director's decision, namely the extent of any reduction in Mr Seton's risk. Paragraph 4.6 of the PSI points to " .... the potential real advantage of a hearing .. .in aiding decision making ... ". In MacKay Gross LJ refers to the possible benefits of improved decision making and bringing CART into contact with those who have direct dealings with the offender (See Paragraph 34 above). Had the Director been presented with reports which were all in favour of re-categorisation, there would be a strong case for oral hearing ifhe was minded to reject all of those conclusions. The short oral hearing which I consider should have taken place in this case might have produced exactly that result. It might not, and in any

event, the decision as to Categorisation may not have been different. Nevertheless, I have come to the conclusion that on the particular facts of this case, it was wrong for the Director to make a decision without a short hearing targeted specifically to that issue. In my judgment such a hearing would undoubtedly have aided the decision making process in this case.

54. It follows that I allow this application for judicial review, and I find that the Director's decision not to hold an oral hearing in this case was wrong, and unlawful.

UK Supreme Court Quashes Gerry Adams' Maze Escape Convictions

In July 1973, an interim custody order was made in respect of Gerard Adams. It was signed by the Minister of State at the Northern Ireland Office.The case was referred to a Commissioner in August 1973 and a detention order was made by a commissioner under the legislation in May 1974. Mr Adams first attempted escape in December 1973. The second attempted escape occurred in July 1974. He was convicted in respect of these attempts in March and April 1975. He did not appeal against either conviction. Following the release of government papers under the 30 year rule, which indicated that his case had not been considered personally by the Secretary of State, Mr Adams was granted an extension of time in April 2017 to appeal against the convictions. The Court of Appeal in Northern Ireland dismissed the appeal in January 2018.

The issue was: Whether a decision to make an interim custody order under the Detention of Terrorists (Northern Ireland) Order 1972 art. 4(1) was rendered invalid by the fact that it was made by the Minister of State and had not been considered personally by the Secretary of State. The Supreme Court unanimously allowed the appeal.

Background to the Appeal - From 1922 successive items of legislation authorised the detention without trial of persons in Northern Ireland, a regime commonly known as internment. The way in which internment operated then was that initially an interim custody order ("ICO") was made, under article 4 of the Detention of Terrorists (Northern Ireland) Order 1972 ("the 1972 Order"), where the Secretary of State considered that an individual was involved in terrorism. On foot of the ICO that person was taken into custody. The person detained had to be released within 28 days unless the Chief Constable referred the matter to the Commissioner, who had the power to make a detention order if satisfied that the person was involved in terrorism. If not so satisfied, the release of the person detained would be ordered.

An ICO was made in respect of the appellant on 21 July 1973. He was detained on foot of that ICO, attempted to escape from detention twice and was twice convicted of attempting to escape from lawful custody on 20 March 1975 and 18 April 1975. Following the disclosure of an opinion of JBE Hutton QC dated 4 July 1974, published in line with the 30 years' rule, and which suggested that it was a condition precedent to the making of an ICO that the Secretary of State should have considered the matter personally, the appellant challenged the validity of the ICO dated July 1973. He argued that the ICO was invalid because the Secretary of State did not personally consider whether the appellant was involved in terrorism, and consequently argues that his following detention and convictions were also unlawful. The Court of Appeal in Northern Ireland dismissed his appeal. The appellant appeals to this court against the Court of Appeal's judgment.

Judgment:The Supreme Court unanimously allowed the appeal. It held that the power under article 4 of the 1972 Order should be exercised by the Secretary of State personally, and, therefore, that the making of the ICO in respect of the appellant was invalid, and that his consequent detention and convictions were unlawful. Lord Kerr gives the judgment with which the other members of the court agree.

Reasons For The Judgment: The question for the court was whether the making of an ICO

under article 4 of the 1972 Order required personal consideration by the Secretary of State of the case of the person subject to the order or whether the Carltona principle operated to permit the making of such an Order by a Minister of State [8]. The "Carltona principle" relates to the decision of the Court of Appeal in Carltona Ltd v Comrs of Works [1943] 2 All ER 560, which accepted as a principle of law that the duties imposed upon ministers and the powers given to ministers are normally exercised under the authority of the ministers by responsible officials of the department [9].

Lord Kerr considered the case law relied upon by the Court of Appeal to determine whether Parliament in the present case had intended to disapply the Carltona principle in the present case at [10-27]. He disagreed with the Court of Appeal's understanding of the judgment of Brightman J in In re Golden Chemicals Products Ltd [1976] Ch 300, finding that Brightman J held that the seriousness of the subject matter was not a consideration which was relevant at all in deciding whether the power should be exercised by the Minister or by an officer in his department. He considered that the Court of Appeal in this case was right to hold that the seriousness of the consequences is a consideration to be taken into account and, to the extent he suggested otherwise, Brightman J was wrong [13-14].

Next, Lord Kerr considered Oladehinde v Secretary of State for the Home Department [1991] 1 AC 254. There, the Court concluded that the statutory wording relating to the power under challenge was not, unlike complementary provisions in the relevant Act, expressly limited by way of words such as "not [to be exercised] by a person acting under his authority". The absence of such express limitation of the power in question was a clear indication that Carltona there was not disapplied in that case [15-16]. Oladehinde did not consider whether the seriousness of the consequences was a relevant consideration [17].

Lord Kerr then considered Doody v Secretary of State for the Home Department [1992] 3 WLR 956. There, Carltona was held not to have been disapplied because (1) it was established in evidence that a considerable burden would fall on the Secretary of State if he was to exercise the power personally and (2) there was no express or implied requirement in the Act in question that the Secretary of State exercise the power personally [18-19]. Neither consideration obtained on the facts of this case; Doody was therefore distinguishable [19-20]. However, Lord Kerr observed that in Doody there had been implicit acknowledgement that the seriousness of the consequences is a consideration to be taken into account [21].

Lord Kerr did not consider that R v Harper [1990] NI 28 assisted in the resolution of the present appeal [23]. He then analysed McCafferty's Application [2009] NICA 59, where it was suggested that there is a presumption in law that Parliament intends Carltona to apply generally. Lord Kerr did not consider it necessary to determine whether such presumption indeed exists, given that he considered the statutory language on the facts unmistakably clear. However, he expressed an obiter view that there is no such presumption at law, and that cases should instead proceed on a textual analysis of the framework of the legislation in question, the language of pertinent provisions in the legislation and the "importance of the subject matter," rather than the application of a presumption [25-26].

Lord Kerr then turned to the relevant legislation. He observed that paragraphs 1 and 2 of article 4 have two noteworthy features. First, there is the distinct segregation of roles. In paragraph 1 the making of the Order is provided for; in paragraph 2, the quite separate function of signing the ICO is set out. He concluded that, if it had been intended that the Carltona principle should apply, there is no obvious reason that these roles should be given discrete treatment [31]. The second noteworthy feature of article 4(2), when read with 4(1), is that the ICO to

be signed is that of the Secretary of State. The use of the words, "of the Secretary of State" indicates that the ICO is one which is personal to him or her, not a generic order which could be made by any one of the persons named in paragraph 2 [32].

Lord Kerr thus reached the following overall conclusions. First, even if a presumption exists that Parliament intends Carltona to apply, it is clearly displaced on the facts by the proper interpretation of article 4(1) and 4(2) read together [37]. Second, the consideration that the power invested in the Secretary of State by article 4(1) – a power to detain without trial and potentially for a limitless period – was a momentous one provides insight into Parliament's intention and that the intention was that such a crucial decision should be made by the Secretary of State personally [38]. Third, there was no evidence that this would place an impossible burden on the Secretary of State [39].

In conclusion, Parliament's intention was that the power under article 4(1) of the 1972 Order should be exercised by the Secretary of State personally. The making of the ICO in respect of the appellant was invalid. It follows that he was not detained lawfully and was wrongfully convicted of the offences of attempting to escape from lawful custody. His convictions for those offences must be quashed [40-41].

Avoid Deep Analysis of Fast Moving Events & Discussion of Evidence In Front of Officers

Article 2 Duty of Care Civil Actions: In Goodenough v Chief Constable of Thames Valley Police [2020] EWHC 695 (QB), the High Court, Turner J, considered a claim for damages brought by Robin Goodenough's mother and sister. The claims arose out of Mr Goodenough's death on 27 September 2003 following a short car chase and traffic stop. The Claimants asserted that police officers had assaulted Mr Goodenough and that thereafter had been breaches of Article 2 of the Human Rights Act 1998. The case provides useful insights into the approach to be taken when conducting a judicial analysis of incidents such as this and may be relied upon by those arguing that an Art. 2 inquest is required in order to meet investigative short comings. On 27 September 2003, Mr Goodenough was disqualified from driving (again). Notwithstanding this, that very evening he chose to take a drive in his sister's Vauxhall Astra. It was an 'eye- catchingly tatty car' and his driving skills had been 'enhanced' by his recent inhalation of butane. The car had two passengers including the second Claimant.

The police saw the Astra and signalled that they wished it to stop. There was a short pursuit that ended in a cul-de-sac. Officers attempted to open Astra's driver's side door but the Claimant refused to open it or to exit the vehicle and the engine remained running. Eventually the door was opened, Mr Goodenough ceased struggling and the officers removed him from the vehicle. When he was pulled, his face hit the road with sufficient force to fracture his jaw. He was arrested and an ambulance was called to treat his facial wounds. Once the paramedics arrived Mr Goodenough was placed in the rear of the ambulance but he died shortly thereafter. The cause of his death was atrial fibrillation caused by the stress of events. Approximately 20 minutes after the arrival of the paramedics the officers became aware that Mr Goodenough may have died and accordingly Alma Place fell to be treated as a crime scene and the Police Complaints Authority was notified. Approximately, 3 hours later (before any officer had recorded their first account or been subject to an individual debrief, there was a general de-brief meeting in which the attending officers gave their accounts in front of each other.

The Hampshire Constabulary investigated Mr Goodenough's death; under the supervision of the PCA and then the Independent Police Complaints Commission. Four of the attending officers were arrested in connection with Mr Goodenough's death. Three were charged with manslaughter and assault occasioning actual bodily harm. Nearly two years later, after a 6 week hearing at the Old Bailey, the jury acquitted PC Summerville but were unable to reach verdicts in respect

of PCs Shane and Shatford. At the retrial the other two officers were also acquitted. On 5 February 2007, the IPCC determined that no misconduct proceedings should be brought against any of the officers concerned. Mr Justice Turner dismissed the assault and battery claims but permitted the claim for a breach of Art. 2 (the negligence claims and other claims for purported ECHR breaches having been abandoned in the course of the hearing).

Balancing Risks and Avoiding a 'frame-By-Frame' Analysis: The judgment in Goodenough sets out many of the pitfalls faced in defending old claims, and indeed new, against the police. It also provides a helpful reminder of the matters that should be placed before any fact finding tribunal when assessing officers' evidence and how, it is possible, to explain away difficult evidential issues. It will certainly provide a useful starting point for any practitioner assessing the likely credibility of their witnesses.

Mr Justice Turner accepted that there would be difficulties with the factual assessment; including: - the age of the allegation, - the fact that the claim was concerned with a very short period of time and fast moving circumstances; - there were a number of participants involved, - the incident took place at night and in the dark, - those providing evidence were participants in the events as opposed to detached independent observers, - there was a substantial amount of untested, often contradictory or incomplete hearsay evidence.

Importantly in the arena of civil actions against the police, the judge warned against the placing too much emphasis on incomplete record keeping by officers; particularly where the record is not contradictory but simply omits one or more details which the witness purports to recollect. The judge pointed out that there may be explanations for such alleged deficiencies including: - the witness may not at the time have considered the information sufficiently important to convey; and/or - the person making the record may not have thought it sufficiently important to record; and/or - the particular circumstances in which the record was being made might have an impact on its likely accuracy or level of detail, and/or - consideration must be given to the choice of language, reflecting matters of form or presentation, as opposed to the underlying substance.

The judge repeated and adopted Lord Diplock's observations in AG for Northern Ireland's Reference (No. 1 of 1975) [1976] 3 WLR 235 at page 138: 'the jury in approaching the final part of the question should remind themselves that the postulated balancing of risk against risk, harm against harm, by the reasonable man is not undertaken in the calm analytical atmosphere of the court-room after counsel with the benefit of hindsight have expounded at length the reasons for and against the kind and degree of force that was used by the accused: but in the brief second or two which the accused had to decide whether to shoot or not and under all the stresses to which he was exposed'. Mr Justice Turner went on to say that the event should not be analysed in isolation but needed to be seen as part of the unfolding events that faced the officers which included e.g. the decision not to stop and to take a criminal risk, the fact that the Astra's engine remained on, the non-compliance and the scope of how those matters might reasonably be considered. In what will likely become a line used in numerous civil action and police misconduct cases, the Judge went on at [53]-[54] to deprecate the Claimant's dissection of the officers' actions, stating: 'this is just the sort of "frame by frame" examination of events the deployment of which the courts have so frequently warned against. The actions of the officers were taken over a matter of seconds in a highly stressful environment in the hours of darkness and not over a period of two days of clinical analysis in a brightly illuminated courtroom... this approach falls once more into the trap of relying too much on retrospective and leisurely forensic analysis than a realistic appraisal of his state of mind over a matter of seconds.'

Discussion of Evidence in Front of the Officers A Breach Of Article 2. The Claimants alleged that there had been a breach of the investigative duty under Art. 2 of the ECHR. Accordingly, Mr Justice Turner had to consider the investigation into Mr Goodenough's death and the culpability of the attending officers. It is important to note that the Defendant was not the force tasked with the investigation into the conduct of the officers – instead the focus of the claim was upon the very short period of time between Mr Goodenough being taken from the scene by the paramedics and the involvement of the PCA and in particular the interaction between those present at the scene before they provided their first accounts i.e. the general debrief conducted by Det. Supt Cheeseman.

In Nachova v Bulgaria [2005] ECHR 465; (2006) 42 EHRR 43 the Grand Chamber held that: 'The authorities must have taken the reasonable steps available to them to secure the evidence concerning the incident, including, inter alia, eye witness testimony and forensic evidence. The investigation's conclusions must be based on thorough, objective and impartial analysis of all relevant elements and must apply a standard comparable to the 'no more than absolutely necessary' standard required by Art.2(2) of the Convention. Any deficiency in the investigation which undermines its capability of establishing the circumstances of the case or the person responsible is liable to fall foul of the required measure of effectiveness.'

In Ramsahai v Netherlands [2007] ECHR 393; (2008) 46 EHRR 43, the applicants pointed out that two officers directly involved in the incident had not been questioned until several days after the fatal shooting, during which they had had the opportunity to discuss the incident with others and with each other. There was no evidence that they had actually colluded with each other or with their colleagues in the police force but the mere fact that appropriate steps were not taken to reduce the risk of such collusion amounted to a significant shortcoming in the adequacy of the investigation.

In R (Saunders) v Independent Police Complaints Commission [2009] EWCA Civ 187; [2009] 1 All ER 379, Underhill J considered Ramsahai in the context of a challenge to the lawfulness of an investigation by the IPCC in circumstances where no steps had been taken to prevent the police officers involved in a fatal shooting from speaking to one another before they gave their first accounts, or to prevent them from collaborating in producing the notebook entries or statements which constituted those accounts, and where they had in fact so collaborated (at a time when such conduct was expressly permitted by the Association of Chief Police Officers Guidance). Underhill J considered that the practice of permitting principal officers to collaborate generally in giving their first accounts was highly vulnerable to challenge under Article 2 (although the Art 2 claim was dismissed).

In DSD v Commissioner of the Police of the Metropolis [2018] UKSC 11; [2019] AC 196 the Supreme Court stated that serious failures which were purely operational would suffice to establish a claim that an investigation carried out pursuant to an Article 3 duty infringed the duty to investigate, provided that they were egregious and significant and not merely simple errors or isolated omissions. Turner J accepted that the same approach must also apply to cases concerned with Article 2.

In essence, when determining the claim Turner J accepted the report of the Hampshire Police, 21 December 2006, in which stated that notwithstanding the meeting presided over by Supt. Chesterman was convened for legitimate operational reasons, concluded that: ".the net effect ... was that in eliciting information and accounts from key officers involved, their individual actions, evidence and opinions were effectively disclosed in front of all other significant witnesses thus potentially undermining the integrity and individual knowledge unique to each witness. Officers had not at this stage been the subject of individual debrief nor had they

made pocket note book entries or formally or individually recorded their knowledge, own actions and evidence pertinent to the incident and death of Mr Goodenough. For instance, all witnesses would have been made aware at the meeting of PC Shane's actions and the fact he stated he intended the blows as 'distraction blows'. PC Shane's intentions would not otherwise have been within the knowledge of all witnesses at this point in time.'

The judge found this conclusion to be 'accurate and appropriate'. He went on to find that whilst there was no 'actual collusion' there was a 'risk of innocent contamination' and he found as a fact that, what took place amounted to conferring but not to collusion arising from an improper motive on the part of those involved.'

This is obviously a small but significant incremental step towards a position in which any discussion prior to individual accounts being recorded will be of concerning import in relation to Art 2 procedural rights. Whilst the question of just satisfaction remains to be determined, and it may be that the finding is itself such satisfaction, it is an authority that may provide some support for those arguing that previous investigations have been inadequate and that accordingly an Art.2 compliant inquest is required.

Kadagishvili v. Georgia - Conditions of Detention Violation of Article 3

The applicants, Amiran Kadagishvili, Nana Kadagishvili, and Archil Kadagishvili, are Georgian nationals who were born in 1949, 1947, and 1978 respectively, and live in Tbilisi. Amiran and Nana Kadagishvili are husband and wife and Arch ii is one of their two sons. The case concerned their allegations that their trial for fraud and money laundering had been unfair and that the first and third applicants had been held in inadequate conditions of detention. In July 2004 the first and third applicants were arrested on suspicion of financial crimes, including money laundering related to the activities of Gammabank, established by the first applicant. In September 2004 the second applicant was also arrested as a suspect. Their case was covered by the Rustavi 2 television channel, which in one report had an interview with the investigator, who stated that 10 billion euros (EUR) had been transferred through Gammabank accounts.

The applicants' trial began in 2005, ending with their conviction in April 2006. The court found them guilty of organising money laundering and other illegal acts, involving also employees of Gammabank. The first and third applicants were sentenced to prison while the second applicant was given a suspended prison sentence. Sixteen Gammabank employees testified, including 10 who had been convicted of the same financial crimes on the basis of plea-bargaining agreements. The court also based its findings on other material, such as financial and other documents, an expert examination apparently carried out in respect of the relevant documents, and a report obtained from the United States Department of the Treasury.

On appeal, the applicants, argued in particular against the first-instance court's reliance on the witnesses who had concluded plea-bargaining agreements. During the proceedings the first applicant was excluded from the final hearing for contempt of court. In October 2006 the appeal court upheld their convictions. The Supreme Court in February 2007 rejected an appeal on points of law as inadmissible. The first and third applicants were held at a short-term remand prison; Tbilisi prison no. 5; and Rustavi prison no. 2. Both submit that the conditions of detention in their cells in Tbilisi prison no. 5 were very poor and included over-crowding. They also submit that they received insufficient treatment for their medical problems, which for the first applicant included type II diabetes.

Relying on Article 3 (prohibition of inhuman or degrading treatment) of the European Convention, the first and third applicants complained that they had not received adequate

medical care in prison. They also submitted that the conditions of their detention had violated Convention standards. The three applicants made various complaints about the criminal proceedings under Article 6 (right to a fair trial). They also raised complaints under Article 7 § 1 (no punishment without law) and Article 1 of Protocol No. 1 (protection of property), stating that their property had been confiscated as a result of a retroactive application of a criminal sanction.

Under Article 34 (right of individual petition) the first and third applicants complained that the Government had failed to comply with the letter and spirit of an interim measure indicated by the Court under Rule 39. The first applicant also complained that his representatives had twice been prevented from entering the prison hospital to finalise a response to the Government's observations in the case. Violation of Article 3 - in respect of the first and the third applicants' conditions of detention at Tbilisi prison no. 5. Violation of Article 3 - in respect of the first and the third applicants' medical treatment in prison No. violation of Article 6 §§ 1 and 3 - in respect of the fairness of the criminal proceedings. Violation of Article 34 - in respect of the first applicant. Just satisfaction: EUR 12,000 each to the first and the third applicants for non-pecuniary damage.

Why Are Pregnant Women In Prison?

By Rona Epstein: An estimated 600 pregnant women are held in prisons in England and Wales each year, and about 100 babies are born inside. On 27 September 2019, a woman held in HMP Bronzefield on remand gave birth alone in her cell. When prison staff visited the woman's cell in the morning the baby had died. Following this tragic event a number of investigations were set up, including: Internal investigation at HMP Bronzefield: Internal Sodexo review: Joint investigation between the Prison Service and HMP Bronzefield: NHS Clinical Review: Police Major Crimes Investigation: Police Safeguarding investigation: Surrey Social Services Rapid Response Review: Not one of these inquiries has, as part of its remit, to ask the question: why was this woman on remand in prison? Nor to enquire why the other pregnant women – about 50 at any one time – are incarcerated. On remand, on sentence, on recall – should a pregnant woman be in prison?

Accessing the basics: The Independent recently reported that Miranda Davies, a senior fellow at the Nuffield Trust said: 'We know from our research that even before the Covid-19 outbreak, pregnant women in prison faced significant risks. Our analysis showed that in 2017-18 roughly one in ten pregnant women gave birth either in their prison cell or en route to hospital, raising questions about their ability to access the right care.' Laura Abbott's research into the experiences of pregnant women in Britain's prisons found that women experienced frustration and stress which impacted upon their emotional wellbeing. Pregnant women reported being unable to access basic comfort, adequate nutrition and fresh air. The fear of potential separation from their baby was an underlying stress.

Indeed, 50 per cent of women separated soon after birth, however, the 'not knowing' was especially difficult as women found it difficult to bond or let go of their unborn. Where physical pain exists, little comfort is offered as women are left 'begging' for a softer mattress or 'crying' for pain relief to ease the normal discomforts of pregnancy. Bodily suffering is heightened by their being unable to satiate the normal cravings or ease normal pregnancy discomforts. The hunger that the women would feel often caused distress and suffering. She summarises her findings as revealing: (a) 'institutional thoughtlessness', whereby prison life continues with little thought for those with unique physical needs, such as pregnant women; and (b) 'institutional ignominy' where the women experience 'shaming' as a result of institutional practices which entail their being displayed in public and characterised with institutional symbols of imprisonment.

What about the rights of the child? In 2012, I raised the issue of the rights of the child

(European Convention on Human Rights, Article 8) when a parent is at risk of incarceration. Those rights should be protected, as made clear in a landmark Court of Appeal case, R (on the application of P and Q) v Secretary of State for the Home Department 2001. Every sentencing court should conduct a balancing exercise, weighing the child's rights to parental care against the seriousness of the alleged or proven offence: my research covering 75 cases of maternal sentencing in England and Wales found that this was not taking place. In 2017, Shona Minson's research, Who cares? Analysing the place of children in maternal sentencing decisions in England and Wales, analysed the differentiated treatment by the courts of children faced with separation from their parents. She compared the approach of the family courts, where the best interests of the child are the paramount consideration of the court and they have legal representation, with proceedings in the criminal courts which may result in the imprisonment of a parent where children are neither represented nor acknowledged.

In January 2018 Shona launched training materials which she had developed together with the Prison Reform Trust, and produced films for legal advocates, the judiciary and the public, explaining the rights of the child when a parent is at risk of imprisonment either on remand or on sentence and how they should be protected in the criminal courts. These materials were to be used in the training of magistrates and judges. This should have led to all sentencers balancing the rights to parental care of any child potentially affected by a sentencing decision against the seriousness of the offence or alleged offence.

However, a shocking case shows how entrenched are practices and attitudes. Several months after the introduction of these materials, HHJ Stephen John heard the case of R v Myers. Natasha Myers, mother of a three year old and a 14 year old, was accused of taking prohibited items into a prison on a visit to her partner. She was sentenced to 18 months in prison. The judge appeared to take no account of the rights or welfare of her dependent children. 'Instead he unilaterally revoked the mother's bail part way through the hearing (a decision which the Court of Appeal called 'questionable'), meaning that instead of leaving court at the end of the day with her 14 year old who was present at court, the mother was removed from the court to the cells. This caused enormous distress to both mother and child, and the child became emotional in the court. The next morning prior to the trial re-starting the judge made the child apologise to him for her behaviour and then warned her that any further emotional responses (even a facial movement) would result in her being taken to the cells. The Court of Appeal found in favour of Myers and her conviction was set aside although she had already spent almost five months in prison. Women on licence recall now make up eight per cent of women in custody. The dominant factor for recall is failure to keep in touch with the supervising officer, rather than direct risk of re-offending. In a recent study made by the Prison Reform Trust, of 24 women who had been recalled, three of these were pregnant at time of recall and one stated that failure to attend one appointment had been due to a hospital visit for a pregnancy scan. This woman stated she was recalled and separated from her daughter the day after she gave birth. The rising number of women recalled to prison). It is important to investigate the process of recall with regard to pregnant women. Why are pregnant women in prison? The need for research - Since very few women commit violent offences or present a serious risk to the public, we need research on why women are pregnant in prison. Almost half of first receptions in the female prison estate are for unconvicted women, making 15 per cent of the women on remand. We must ask why pregnant women are remanded in to custody. New sentencing guidelines came into force from 1 October 2019 which include an expanded explanation for the mitigating factor 'sole or primary carer for dependent relatives' and includes the instruction that 'when the defendant is a pregnant woman the relevant considerations should include the effect of a sentence of imprisonment on the women's health and any effect of the sentence on the unborn child'. Again, we need research to explore whether there has been real change, and whether these guidelines are in fact being followed.

Sentencing Sexual Cases with a Fake Victim

Stephen Wood QC,Broadway House Chambers: There has been something of an explosion in the number of sexual offences cases coming to the Crown Court where there is no actual victim. Offenders are caught by so-called paedophile hunters or police officers going online and posing as children. In the recent case of Reg v Privett & Others [2020] EWCA Crim 557 (judgment April 19th) the Court of Appeal dealt with issues of sentencing in relation to these cases where the Offender is charged with an offence contrary to section 14 of the Sexual Offences Act 2003: 'Arranging or facilitating the commission of a child sex offence'. The Sentencing Council Definitive Guideline for an offence contrary to section 14 of the Sexual Offences Act 2003, requires the Judge to refer to the guideline for the applicable substantive offence of arranging or facilitating under sections 9 to 12. Section 14 SOA 2003 is a preparatory offence which is complete when the arrangements for the substantive offence are made or the intended offence has been facilitated. Because it is neither dependent on the completed offence happening nor its even being possible, the Court held that the absence of a real victim does not reduce the offender's culpability (see paras 32, 59, 60).

The Court went on to explain that although, in general, the harm caused by the offence will usually be greater when there is a real victim than when the victim is fictional, section 143(1) of the Criminal Justice Act 2003 requires the court to consider the intended harm. These considerations are reflected in the Guideline. Thus, the court will consider the sentence that would be appropriate for the full offence and then impose a sentence for arranging or facilitating that is commensurate with that sentence. The Court said that the level of harm for a section 14 offence should be determined by reference to the type of activity arranged or facilitated. For a section 14 offence, the Guideline requires the judge to:- i) identify the category of harm, on the basis of the sexual activity the defendant intended; and ii) adjust the sentence in order to ensure it is commensurate with or proportionate to the applicable starting point and range if no sexual activity occurred, including because the victim is fictional (paras 46, 61–62, 67).

The Court concluded that there is nothing necessarily wrong in principle with a defendant who arranges the rape of a fictional six-year-old being punished more severely than a defendant who facilitates a comparatively minor sexual assault on a real 15-year-old. The sentence should be commensurate with the applicable starting point and range. However, the Court acknowledged that in cases where the child is a fiction this will usually involve some reduction to reflect the lack of actual harm (para 72).

France: Clearance of a Roma Encampment Violations of Articles 8 & 13

In Chamber judgment in the case of Hirtu and Others v. France (application no. 24720/13) the European Court of Human Rights held, unanimously, that there had been: a violation of Article 8 (right to respect for private and family life and the home), and a violation of Article 13 (right to an effective remedy). The case concerned the clearance of an unauthorised encampment where the applicants, who are of Roma origin, had been living for six months. The Court observed first of all that the circumstances of their forcible eviction and their subsequent living conditions did not amount to inhuman or degrading treatment. The authorities had been entitled in principle to evict the applicants, who had been unlawfully occupying municipal land and could not claim to have a legitimate expectation of remaining there. Nevertheless, with regard to the manner of the applicants' eviction, the Court noted that the measure had not been based on a judicial decision but on the procedure for issuing formal notice under section 9 of the Law of 5 July 2000. The decision to use that procedure had entailed a number of consequences. Owing to the short time between the issuing of the prefect's order

and its implementation, no account had been taken of the repercussions of the eviction or the applicants' particular circumstances. Furthermore, because of the procedure that had been applied, the remedy provided for by domestic law had come into play after the decision had been taken by the administrative authorities and had been ineffective in the present case. The Court emphasised that the fact that the applicants belonged to an underprivileged social group, and their particular needs on that account, had to be taken into consideration in the proportionality assessment that the national authorities were under a duty to undertake. As that had not been done in the present case, the Court held that the manner of the applicants' eviction had breached their right to respect for their private and family life. Lastly, the Court noted that that there had been no judicial examination at first instance of the applicants' arguments under Articles 3 and 8 of the Convention, either in proceedings on the merits or under the urgent procedure, in breach of the requirements of Article 13.

Government Responds To 'Anthony Grainger Inquiry'

The Government has published its response to the criticisms of Greater Manchester Police (GMP) made by 'The Anthony Grainger Inquiry' in July 2019. The Government has accepted the grave concerns raised by the Inquiry regarding GMP's fatal shooting of unarmed Anthony Grainger on 3 March 2012, and the Inquiry's series of recommendations for widespread reform of armed policing in the UK. The response charts the progress made by policing organisations in response to the longstanding concerns arising from Anthony's death in 2012, much of it worryingly vague and painfully slow. It also explains that a former Assistant Chief Constable of GMP, Steve Heywood will face a gross misconduct disciplinary hearing on 1 June 2020 in relation to evidence he provided to the Inquiry. Three other former members of GMP's senior management team are currently under investigation by the Independent Office for Police Conduct (IOPC) arising from evidence uncovered by the Inquiry.

Anthony Grainger's partner, Gail Hadfield-Grainger said: "It has been almost a year since the Inquiry's report, and over eight years since Anthony's death, so I am relieved to finally receive a response from the Government. The response is important but words will never be enough to save lives. I intend to meet with the Minister of Policing to ensure that concrete changes are made to armed policing in this country without further delay in order to protect the public."

Gail's solicitor, Tony Murphy of Bhatt Murphy said: "The conduct of GMP as revealed by the Inquiry is a stain on the integrity and safety of armed policing in this jurisdiction. The Government's response accepts the need for long overdue reform, the detail of which will require anxious scrutiny in order to uphold the right to life of every citizen."

Deborah Coles, Director of INQUEST said: "The inquiry exposed a litany of failures by GMP and a pervasive culture of obfuscation by its officers when subject to public scrutiny. Too much of this response is aspirational and meaningless unless changes can be implemented with urgency. Without demonstrable learning and accountability there is impunity. Delay runs the risks of more preventable deaths."

Romie and Ors v. Croatia - Unfairness in Criminal Proceedings Violation of Article 6

The applicants in this case are seven Croatian nationals. The case concerned their allegations of unfairness in criminal proceedings brought against them. All eight applicants were found guilty between 2010 and 2014 of crimes varying from fraud to attempted murder and given sentences. When the domestic courts dismissed their appeals and upheld their convictions, they lodged constitutional complaints. They argued that during the appeal proceedings the submissions of the State Attorney's Office in their cases had never been served on the defence and/or that they had not

been given the opportunity to be present at sessions of the appeal panel. The first and second applicants' constitutional complaints were dismissed because domestic law did not require appeal courts to forward State Attorney's Office submissions to the defence, while all the other applicants' complaints were dismissed as unfounded. Relying on Article 6 §§ 1 and 3 (c) (right to a fair trial and right to legal assistance of own choosing) of the European Convention on Human Rights, the first, second, fourth, fifth, sixth, seventh and eighth applicants alleged that the principle of equality of arms had been breached in the proceedings against them because the State Attorney submissions had never been forwarded to them. The third, fourth, sixth, seventh and eighth applicants complained about the holding of sessions of the appeal panel in their absence. Violation of Article 6 § 1 - in respect of the first, second, fourth, fifth, sixth, seventh and eighth applicants as regards the breach of the principle of equality of arms and of adversarial trial resulting from the failure to forward the submission of the competent State Attorney's Office to the defence Violation of Article 6 §§ 1 and 3 (c) - in respect of the third, fourth, sixth, seventh and eighth applicants as regards their absence from the sessions of the appeal panel. Just satisfaction: 1,000 euros (EUR), each, to the first and second applicants, and EUR 1,500, each, the fourth, fifth, sixth, seventh and eight applicants for non-pecuniary damage; EUR 1,244, each, to the first and second applicants, EUR 844 to the sixth applicant, and 1,644, each, to the fourth, fifth and seventh applicants, for costs and expenses

Prisons During COVID-19 – Communications Key to Acceptance of Severe Restrictions

Three large and busy men's local prisons visited by inspectors from HM Inspectorate of Prisons during the COVID-19 crisis were found to be stable, with prisoners mostly supportive of the "extreme" regime restrictions aimed at keeping them safe. Publishing a report on the visits, Peter Clarke, HM Chief Inspector of Prisons, said clear communications played an important part in promoting prisoner acceptance of restrictions – which often meant often only 30 minutes per day out of cell at HMP Altcourse in Liverpool, HMP Elmley on the Isle of Sheppey and HMP Wandsworth in south London. However, Mr Clarke also struck a note of caution, observing that the prisons faced potentially greater challenges in coming months as they tried to ease restrictions and reintroduce more purposeful regimes.

Inspectors carried out three one-day short scrutiny visits (SSVs) to the three prisons on 28 April. SSVs were developed to enable HM Inspectorate of Prisons to meet its duty to report on treatment and conditions whilst adhering to health guidance and to avoid the demands of normal full inspections. Mr Clarke said: "These large and busy prisons present considerable management challenges even in less exceptional times, including overcrowding and, in the case of Wandsworth, 19th-century accommodation. It was a credit to the approach of staff and skilled crisis management by senior managers that all the prisons were stable and prisoners we spoke to were largely supportive of the action that had been taken. Clear and imaginative communication from senior managers to prisoners and staff underpinned these findings." The report noted: "The high level of communications and consultation we saw helped to increase the legitimacy of the restrictions among prisoners." Prisons made good use of prison radio and television channels and Elmley communicated effectively with foreign national prisoners. Strong communications are among ten examples of notable good practice identified in the report.

This level of communication was critical, Mr Clarke added, given the extreme restrictions that prisoners were being asked to endure. "The vast majority were locked up for nearly the whole day with usually no more than half an hour out of their cells. We found some examples of even greater restrictions. In one prison, a small number of symptomatic prisoners had been isolated in their cells without any opportunity to come out for a shower or exercise for up to 14 days." More positively, processes for supporting prisoners at risk of self-harm remained in place at all establishments and recorded levels of self-harm had either remained the same or slightly reduced at all prisons. Most isolating prisoners felt supported by staff. Management of health care and joint working to manage local outbreaks were effective across all three sites and mental health support was being sustained across each prison.

Prisoners were given well-designed activity packs to occupy themselves while in their cells and each prison had also maintained employment for a small number of men, with some workshops running in each prison with reduced workforces to enable adequate social distancing. Inspectors found that efforts had been made everywhere to promote a safer environment through rigorous cleaning and social distancing, though narrow landings and cramped accommodation made social distancing extremely difficult in some parts of each prison. Mr Clarke added: "We also saw too many staff were unnecessarily crowding into small offices in some prisons. It was obvious that important messages were not always fully understood or practised." The loss of visits had had a considerable impact on all prisoners and while in-cell telephones were a great help, not enough had yet been done to expand the use of video-calling to better compensate for the loss of face-to-face contact. Very few prisoners had been released through the early release scheme. While the prisons' populations had all declined slightly, each had received large numbers of recalled prisoners.

Watering Down Children's Rights

On 24 April 2020, the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 ('the Regulations') came into force, the draft having been published just the day before. The Regulations make sweeping and unprecedented temporary changes to legislation which affords basic protection to children in care in England. The Regulations are temporary; they are set to expire on 25 September 2020 but this can be extended.

The Children's Commissioner has said that the Regulations are unnecessary and should be revoked. The charity Article 39, which campaigns for children's rights in institutional settings, has said that safeguards for children have been destroyed and has threatened judicial review proceedings against the Department for Education, seeking withdrawal of the Regulations.

The explanatory memorandum which accompanies the Regulations claims that key stakeholders were consulted before the Regulations came into force. However, the unanimous reaction of those working in this sector is that they were not informed and not consulted. The Children's Commissioner was not consulted and nor were social workers. It appears that British Association for Adoption and Fostering was not consulted. The Family Law Bar Association was also not informed or consulted.

Serving Prisoners Supported by MOJUK: Walid Habib, 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, Hyrone Hart, 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.