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'I Won't Stop Until I Die': David Nash's Dying Declaration Of Innocence

Michael Naughton, Justice Gap: David Nash was one of nine men convicted of conspiracy to produce MDMA (ecstasy), methamphetamine (crystal meth) and amphetamine who were convicted at Bristol Crown Court in July 2015. The case was likened to the popular Netflix series, Breaking Bad (here and here), and as he had a chemistry degree and a biodiesel business, David Nash was likened to the lead character, Walter White, a chemistry teacher in the series who begins cooking crystal meth when he learns that he has terminal lung cancer. For his alleged part as the 'chemist' in the conspiracy, David Nash was given an 11-year prison sentence, of which he served five and a half years in prison. He was released in August 2019.

The media reported that the gang recruited 'self-taught chemist' David Nash to 'cook the chemicals'. 'The whole operation had striking similarities to the popular American crime drama series Breaking Bad, which featured a struggling high school chemistry teacher as the main character,' Detective Inspector Jim Taylor, of Avon and Somerset Police, told the Daily Mail. It was reported that the alleged gang leader, George Rogers, ran the plot from prison and recruited David Nash 'to set up a lab and make the highly addictive drug crystal meth. '[Rogers] had been diagnosed with lung cancer and turned to a life of crime, producing and selling methamphetamine in order to secure his family's financial future before he died.'

I first became aware of David Nash when one of his co-accused, Steven Williams, contacted me in May 2019 asking if he and David could meet with me to talk about their alleged wrongful convictions and how they might challenge them when David was next on home leave from the Cat-D prison that he was in at the time. Mr Williams who was given a seven-year sentence for his part in the alleged rime had been released in September 2018, also at the halfway stage of his sentence. I agreed to meet with them, and we met twice when David Nash was on home leave and again when he was released in August 2019. At these meetings, David Nash was as adamant as any alleged victim of a wrongful conviction that I have met that he was factually innocent of the alleged crime and played no part at all in a conspiracy to manufacture crystal meth.

He talked about his desire to bring civil actions against the independent forensic scientist and the forensic scientist from the National Crime Agency (NCA) for giving false evidence against him at trial. He also wanted to bring civil actions against the company that the forensic scientist worked for and against the NCA for vicarious liability. He alleged that the experts must have colluded in giving false testimony against him at trial as they both made the same mistake and identified equipment that he claimed could only be used in the production of biodiesel as being capable of being adapted to manufacture crystal meth. He argued that the website of the company who supplied the equipment for his biodiesel business supported his claim that the components could not be used for the purpose that the forensic experts for the prosecution claimed at his trial. He claimed that the police and Crown Prosecution Service (CPS) were concealing the false evidence that had been manufactured against him. He talked about how he planned to make an application to the Criminal Cases Review Commission (CCRC).

The last time that I saw David Nash was on the October 4, 2019. Steven Williams contacted me to let me know that he had been admitted to the oncology department of the Bristol Royal Infirmary (BRI) with terminal small cell lung cancer, coincidentally also like the fictional Walter White in Breaking Bad, and we visited him together that evening. 'It is so important people know the truth,' he told me. 'The police are concealing everything. The National Crime Agency, the police and the CPS are trying to bury the case. False evidence was given by trial experts. They know it and I can prove everything is false.' 'I was a mug. I believed in the system. I went to try the appeal system but you are on your own. You haven't the chance, fighting the state. You haven't a chance. They don't care about the truth I won't stop until the day I die. There are people in prison dying because of this.'David Nash I last met with David Nash on Friday, October 4 last year. He died nine days later. I do not know if David was telling the truth nor if he was innocent. He comes across as sincere and credible. Anyone familiar with the workings of the criminal justice system, prisons and wrongful convictions would find his claims plausible.

What value, if any, does such evidence have in law? Can it be used in an application to the CCRC or a future appeal to challenge his alleged wrongful conviction should the commission refer his conviction back to the Court of Appeal? The first hurdle that must be overcome in any potential application to the CCRC on behalf of deceased alleged victims of wrongful convictions is that they can only be made by 'approved' persons as set out by the CCRC's 'Applications in Respect of Deceased Persons' policy. The three categories of approved persons are: the widow or widower; the 'personal representative' (within the meaning of the Administration of Estates Act 1925, s. 55(1)(xi)); or, any other person appearing to the Court to have, by reason of a family or similar relationship with the dead person, a substantial financial or other interest in the determination of the appeal.

David leaves behind a sister and a daughter. Each has a conceivable substantial interest in the determination of an appeal that could overturn his conviction and clear his name, and their family name too. Furthermore, if his conviction were to be referred by the CCRC and overturned by the Court of Appeal, it could also possibly result in a financial compensation award for wrongful conviction and imprisonment under the statutory compensation scheme for miscarriages of justice as governed by s.133 of the Criminal Justice Act 1988 (here). There is, however, a time limit that would have to be met if an application to the CCRC were to be made by an approved person. This requires that applications on behalf of deceased persons have to be submitted within a year of their death, meaning that an application for David Nash would have to be submitted by the 13 October 2020.

In terms of the admissibility of the video interview, it is covered by the hearsay evidence provisions of the Criminal Justice Act 2003. Of most relevance to the present discussion, s.116(1) states that in cases where a witness is unavailable a statement not made in oral evidence in the proceedings is admissible as evidence of any matter stated if: oral evidence given in the proceedings by the person who made the statement would be admissible as evidence of that matter; the person who made the statement (the relevant person) is identified to the court's satisfaction; and, any of the five conditions mentioned in subsection (2) is satisfied. The five conditions for a person to be relevant contained in s.116(2) are: that the relevant person is dead; that the relevant person is unfit to be a witness because of his bodily or mental condition; that the relevant person is outside the United Kingdom and it is not reasonably practicable to secure his attendance; that the relevant person cannot be found although such steps as it is reasonably practicable to take to find him have been taken; that through fear the relevant person does not give (or does not continue to give) oral evidence in the proceedings, either at all or in connection with the subject matter of the statement, and the court gives leave for the statement to be given in evidence.

David Nash would appear to fulfil the required criteria of a relevant person for the purposes of admissible hearsay evidence. He is deceased and the video allows him to be identified to the court's satisfaction. Yet, the video interview is more than mere hearsay evidence. It is a direct statement from an alleged victim of wrongful conviction and imprisonment who knew that he was soon to die and who wanted to leave a dying declaration of his innocence so that the challenge to his conviction could continue posthumously.

The question of whether his statement in the video interview would be admissible as evidence under the terms of s.116 would depend on whether it was felt to merit a referral to the Court of Appeal under the terms of s.13(1)(a) of the Criminal Appeal Act 1995. This requires the CCRC to only refer cases to the appeal courts where it feels there is a 'real possibility' that the conviction (or sentence) will be overturned. Then, in deciding whether the so called 'real possibility' test has been met, the CCRC must, in a case like David Nash's who was convicted in the Crown Court, also consider s.23 of the Criminal Appeal Act 1968. This requires that evidence admissible in the Court of Appeal must be 'fresh', understood generally as evidence or argument that was not or could not have been available at the time of the original trial.

This means that the CCRC would have to investigate David Nash's allegations in his dying declaration of innocence to determine not just their truthfulness but whether what he said constitutes or could generate fresh evidence that was not or could not have been available at the time of his original trial. From the forgoing, then, if alleged victims of wrongful convictions die it is not necessarily the end of the road for continued attempts to overturn their alleged wrongful convictions.

Indeed, the CCRC has already referred several convictions of deceased persons to the Court of Appeal. This includes the case of Mahmood Mattan (here) who had his wrongful conviction for the 1952 murder of Lily Volpert in Cardiff overturned 46 years after he was hanged for the crime in 1998. It includes the case of Derek Bentley (here) who also overturned his wrongful conviction 45 years after he was erroneously hanged for the murder of a policeman in a bungled robbery. The CCRC also referred the case of Ruth Ellis, the last woman to be hanged in the UK, back to the Court of Appeal in February 2002 for the murder of her lover, David Blakely in 1955, although her conviction was upheld (here).

As such, an application could be made to the CCRC by a designated approved person on David Nash's behalf so long as it is submitted by the 13 October 2020. That application could include the video interview of his dying declaration of innocence, which seems to meet the criteria for admissible hearsay evidence. It would then be over to the CCRC to decide what it makes of David Nash's most powerful declaration of innocence from beyond the grave.

'Sobriety Tags' are Now in Force

Criminals who commit alcohol-fuelled crime may be banned from drinking and made to wear 'sobriety tags' after new legislation comes into force on Tuesday 19th May 2020. The ankle tags, which will be rolled out across England and Wales, perform around-the-clock monitoring of an offender's sweat to determine whether alcohol has been consumed. If they drink, breaching their alcohol abstinence order , they can be returned to court for further sanctions. These might range from a fine, extending the length of the order or in some cases imprisonment. It follows 2 successful pilots, one across Humberside, Lincolnshire and North Yorkshire, and another in London, which showed offenders were alcohol free on 97% of the days monitored. Wearers also reported a positive impact on their lives, wellbeing and behaviour. Courts will be able to order offenders to wear a tag for up to 120 days. The tough community sentence

not only punishes offenders but aids their rehabilitation by forcing them to address the causes of their behaviour in turn helping to reduce alcohol-related harm. An estimated 39% of violent crime involves an offender under the influence of alcohol – with the social and economic cost of alcohol-related harm being £21.5 billion per year. The technology works by fitting a tag around the ankle of an offender. This then samples their sweat every half-hour to determine whether alcohol has been consumed. They can distinguish between alcohol-based products, such as hand sanitiser, that could be used to mask alcohol consumption and can detect when contact between the skin and the tag has been blocked. The tags are a further example of using technology to better monitor offenders in the community and follow last year's rollout of GPS tags that monitor an offender's location 24/7. It builds on government action to overhaul the criminal justice system – recruiting 20,000 new police officers, investing £2.75 billion in prisons and ensuring the most serious violent and sexual offenders spend longer in jail.

Serial Liar

A renowned expert on serial killers who delivered training to police and judges has admitted that he faked most of his life's work. Stéphane Bourgoin, 67, falsely claimed that he had been trained by the FBI and that his own wife had fallen victim to a serial killer. The French author has written more than 40 books about serial killers, appeared in documentaries and delivered training and seminars. However, he finally admitted "amplifying" the truth to news magazine Paris Match after internet sleuths began to pick apart his prolific record. Day later, Mr Bourgeoin confessed to Le Parisien that he was a "mythomaniac", adding: "I am ashamed to have lied and to have concealed things."

Government to Extend Their Powers to 'Terrorise'

Ministry of Justice: Serious terror offenders to spend longer in prison, no prospect of automatic early release, up to 25 years monitoring after leaving prison. The Counter-Terrorism and Sentencing Bill marks the largest overhaul of terrorist sentencing and monitoring in decades. It will end early release for terror offenders who receive Extended Determinate Sentences, where the maximum penalty was life, and force them to serve their whole term in jail. It will also see the most dangerous offenders - those found guilty of serious terror offences such as the worst examples of preparing acts of terrorism - handed a minimum 14-year prison term and up to 25 years on licence.

Justice Secretary & Lord Chancellor, Rt Hon Robert Buckland QC MP, said: "Terrorists and their hateful ideologies have no place on our streets. They can now expect to go to prison for longer and face tougher controls on release. From introducing a 14-year minimum for the most dangerous offenders, to putting in place stricter monitoring measures, this government is pursuing every option available to tackle this threat and keep communities safe. The Bill will also allow the courts to consider if any serious offence is terror-related, for example an offence involving firearms where there is a proven terrorist connection, and allow tougher sentences to be imposed. This would rule out any possibility of a serious terror offender being released automatically before the end of their sentence.

Key measures of the Bill include: a new 'Serious Terrorism Sentence' for dangerous offenders with a 14-year minimum jail term and up to 25 years spent on licence: ending early release for the most serious offenders who receive Extended Determinate Sentences – instead the whole time will be served in custody: increasing the maximum penalty from 10 to 14 years for a number of terror offences, including membership of a proscribed organisation: ensuring a minimum period of 12

months on licence for all terror offenders as well as requiring adult offenders to take polygraph tests: widening the list of offences that can be classed as terror-related to ensure they carry tougher sentences: boosting the monitoring and disruption tools available to the security services and counter-terrorism police, by strengthening Terrorism Prevention and Investigation Measures and supporting the use of Serious Crime Prevention Orders in terrorism cases

Home Secretary, Priti Patel said: “The shocking attacks at Fishmongers’ Hall and Streatham revealed serious flaws in the way terrorist offenders are dealt with. We promised to act and today we are delivering on that promise. Those who senselessly seek to damage and destroy lives need to know we will do whatever it takes to stop them. The Bill follows emergency legislation passed in February which retrospectively ended automatic early release for terrorist offenders serving standard determinate sentences. This forced them to spend a minimum two-thirds of their term behind bars before being considered for release by the Parole Board. It builds on recent government action to bolster the country’s response to terrorism and ensure we have some of the strongest measures in the world to tackle the threat. This includes: Counter-Terrorism Police funding increased by £90 million for 2020/21: review of support for victims of terrorism, including immediate £500,000 to the Victims of Terrorism Unit: doubling the number of Counter-Terrorism specialist probation staff: An intensive National Standards for managing terrorists on licence – meaning more offenders will be sent to Approved Premises for longer after release, subject to stricter monitoring and electronically tagged to monitor their location: More places available in probation hostels so that authorities can keep closer tabs on terrorists in the weeks after they are released from prison.

An independent review led by Jonathan Hall QC of the way different agencies investigate, monitor and manage terrorist offenders In addition a nationwide network of counter-terrorism specialists is now embedded throughout the prison and probation service and supported by the 29,000 staff who are trained to spot the signs of extremism.

Suspect Under Investigation Has Reasonable Expectation of Privacy,

Michael Cross, Law Gazette: Individuals under investigation by law enforcement bodies have a reasonable expectation of privacy up to the point they are charged, the Court of Appeal has confirmed. Dismissing an appeal by a news agency barred from revealing the identity of a US businessman identified in documents concerning a bribery probe, the court ruled that the fact that an individual is the subject of a criminal investigation is genuinely of a different character from allegations about the conduct being investigated.

The appeal followed a High Court ruling last year in which Mr Justice Nicklin granted an injunction against news service Bloomberg protecting the businessman's identity. The story at issue contained details of a letter of request sent by a 'UK legal enforcement body' to a foreign government seeking mutual legal assistance under the UN Convention against Corruption. The highly confidential letter identified ZXC as under investigation: his identity, that of the enforcement body and the country, as well as that of the author of the article, remain subject to reporting restrictions. The ruling is the latest to confirm Mr Justice Mann's 2018 finding in the Cliff Richard BBC case. It also cites the Court of Appeal's 2006 judgment in landmark privacy case McKennitt v Ash.

Giving lead judgment in ZXC v Bloomberg, Lord Justice Simon addressed first whether the claimant had a right of privacy under article 8 of the European Convention on Human Rights and secondly whether this was outweighted by Bloomberg's article 10 rights. For Bloomberg, Antony White QC argued that the information about the conduct of a senior employee of a

public company in relation to its business dealings fell outside the category of private or family life. However Simon LJ found that the article 8 right was engaged; there was no objection to Bloomberg reporting on the investigation, only to the individual being named.

He found that the High Court had been right to conclude that 'in general, a person does have a reasonable expectation of privacy in a police investigation up to the point of charge'. Bloomberg had failed to show that the public interest in revealing information about the investigation outweighed the reasonable expectation. It had not, for example, set out to highlight any deficiencies in the investigation. Simon LJ added that to be suspected of a crime is damaging whatever the nature of the crime: 'It is sensitive personal information and there can be little justification for a hierarchy of offences giving rise to suspicion; although I would accept that there may be some cases where the reasonable expectation of privacy may be significantly reduced, perhaps even to extinction, due to the public nature of the activity.'

Christopher Stredwick V Regina

1. On 14 February 2008 in the Crown Court at Newport, the applicant pleaded guilty to the offence of arson being reckless as to whether life was endangered. On 14 May 2008 he was sentenced by the Recorder of Cardiff to an indeterminate sentence of imprisonment for public protection ("IPP") pursuant to section 225 of the Criminal Justice Act 2003, with a specified minimum period of three years' imprisonment less 219 days spent on remand.

2. The applicant seeks an extension of time of approximately 11 years in which to apply for leave to appeal against sentence and to adduce fresh evidence pursuant to section 23(2) of the Criminal Appeal Act 1968 ("the 1968 Act"). The applications have been referred to the Full Court by the Registrar. We grant leave.

3. In this appeal the appellant invites the court to quash the sentence of imprisonment for public protection imposed in 2008 and make an order pursuant to section 37 of the Mental Health Act 1983 ("the 1983 Act") for his admission or continued detention at Ty Gwyn Hall Hospital, Abergavenny. The appellant also invites the court to make an accompanying Restriction Order without limit of time under section 41 of the 1983 Act.

34. (Discussion and conclusion) It is clear from the evidence before the court that the appellant suffers from a mental disorder and that he did so in 2008 when he committed the index offence. All three psychiatrists conclude that the appropriate disposal of this appeal, to benefit not only the appellant but the wider community, would be a Hospital Order under section 37 of the 1983 Act.

35. We have considered and followed the guidance in R v Vowles , . At [10] the court identified the options available to the sentencing court in respect of an offender suffering from a mental disorder. Relevant to this appeal are two, namely: (1) a Hospital Order under section 37 with or without restriction under section 41; (2) a determinate or indeterminate sentence of imprisonment and direction pursuant to section 45A of the 1983 Act.

36. The relevant provisions of section 37 are as follows: "37 Powers of courts to order hospital admission or guardianship (1) Where a person is convicted before the Crown Court of an offence punishable with imprisonment other than an offence the sentence for which is fixed by law, or is convicted by a magistrates' court of an offence punishable on summary conviction with imprisonment, and the conditions mentioned in subsection (2) below are satisfied, the court may by order authorise his admission to and detention in such hospital as may be specified in the order or, as the case may be, place him under the guardianship of a local social services authority or of such other person approved by a local social services authority as may be so specified (2) The conditions referred

to in subsection (1) above are that— (a) the court is satisfied, on the written or oral evidence of two registered medical practitioners, that the offender is suffering from mental illness, psychopathic disorder, severe mental impairment or mental impairment and that either— (i) the mental disorder from which the offender is suffering is of a nature or degree which makes it appropriate for him to be detained in a hospital for medical treatment and, in the case of psychopathic disorder or mental impairment, that such treatment is likely to alleviate or prevent a deterioration of his condition; or (ii) in the case of an offender who has attained the age of 16 years, the mental disorder is of a nature or degree which warrants his reception into guardianship under this Act; and (b) the court is of the opinion, having regard to all the circumstances including the nature of the offence and the character and antecedents of the offender, and to the other available methods of dealing with him, that the most suitable method of disposing of the case is by means of an order under this section."

37. Further, the relevant part of section 41 of the 1983 Act is as follows: "41 Power of higher courts to restrict discharge from hospital (1) Where a hospital order is made in respect of an offender by the Crown Court, and it appears to the court, having regard to the nature of the offence, the antecedents of the offender and the risk of his committing further offences if set at large, that it is necessary for the protection of the public from serious harm so to do, the court may, subject to the provisions of this section, further order that the offender shall be subject to the special restrictions set out in this section, either without limit of time or during such period as may be specified in the order; and an order under this section shall be known as 'a restriction order'."

38. At [54] of R v Vowles (above) it is stated that where the court determines a Hospital Order is required, section 45A should firstly be considered. A section 45A order allows for an IPP to continue with an accompanying direction for the person subject to the same to be admitted into hospital. It is not open to this court to impose an order under section 45A since an order under section 45A was not available to the original sentencing court. The appellant was sentenced on 14 May 2008. Section 45A came into force (with effect from November 2008) by virtue of section 11 of the Mental Health Act 2007.

39. Having considered the evidence of the three psychiatrists in their written reports, and the oral evidence of the responsible clinician Dr Talabani, we are satisfied that the appellant is suffering from a mental disorder, namely paranoid schizophrenia, of a nature and degree which makes it appropriate for him to be detained in a hospital for medical treatment and appropriate medical treatment is available for him. We note that he is responding well to such medical treatment. We are satisfied that the response of the appellant to the treatment, in particular to the use of Clozapine, has been instrumental in reducing the risk which he poses to himself and others. It follows that we are satisfied that the requirements of section 37(2)(a)(i) of the 1983 Act are met.

40. As to the conditions set out in section 37(2)(b): the offence of arson is serious, but all three psychiatrists now conclude that at the time of the index offence the appellant was suffering from this mental disorder. In our judgment, there is no realistic alternative method of treating this appellant which would provide him with the treatment and support which he requires for the mental disorder and which will also serve to reduce the risk which he poses to himself and others.

41. We accept the recommendation of each of the psychiatrists that in addition to the section 37 order, a section 41 Restriction Order without limit of time is both necessary and proportionate in order to manage: (i) the mental health of the appellant; (ii) the risks which he poses; and (iii) to protect the public.

42. Accordingly, we quash the sentence of imprisonment for public protection imposed at Cardiff Crown Court on 14 May 2008 and substitute for it an order made pursuant to section 37 of the Mental Health Act 1983, together with a section 41 Restriction Order pursuant to that Act, without limit of time. To this extent, the appeal is allowed.

Barton and Booth – Note on the Court of Appeal decision on Ivey and Ghosh

The test for dishonesty in English criminal law is the test described by the Supreme Court in Ivey v Genting Casinos (UK) (trading as Crockfords Club) [2017] UKSC 67. The test described in R v Ghosh [1982] QB 1053 does not apply [Barton paragraphs 1 and 105]. Where the Supreme Court directs that an otherwise binding decision of the Court of Appeal should no longer be followed and specifically proposes an alternative test that it says must be adopted, the Court of Appeal is bound to follow that direction from the Supreme Court even though it is strictly obiter [Barton paragraph 104]. Whilst conspiracy to defraud requires both a) dishonesty and b) unlawfulness either as to the object of the agreement or the means by which it will be carried out, there is no requirement for 'unlawfulness' or 'aggravating feature' over and above that dishonest agreement, so long as that dishonest agreement includes an element of unlawfulness in its object or means [Barton paragraph 122]. A person with capacity who chooses to gives away property or proprietary rights may still be the victim of an offence of dishonesty [Barton paragraph 131 to 140].

Introduction: In Barton and Booth v R [2020] EWCA Crim 575, the Criminal Division of the Court of Appeal considered the correct approach to be taken to dishonesty as it applies to the criminal law. In doing so, the Court confirmed that the test for dishonesty articulated in the Supreme Court decision of Ivey v Genting Casinos (UK) (trading as Crockfords Club) [2017] UKSC 67 displaced the test for dishonesty that had been laid down in R v Ghosh [1982] QB 1053 and which had applied in the criminal courts for 35 years.

In dealing with this issue, the five-judge Court presided over by the Lord Chief Justice, Lord Burnett of Maldon, considered also the application of the common law of precedent. This was a necessary part of the decision-making process because the Court of Appeal was required to consider the conflict between the well-established Court of Appeal authority of Ghosh and the Supreme Court decision in Ivey. What emerged in Barton was not only clarification that the Ivey test for dishonesty was the correct test for dishonesty in English law, but a modification to the common law rule of precedent.

The facts of Barton were extraordinary. David Barton was the owner of Barton Park nursing home in Southport. Over a period of two decades he used his position to groom, defraud and steal from certain elderly and dependant residents. Consistent features in the case of each victim targeted were that they were wealthy, vulnerable and childless. He obtained over £4,000,000 from his criminal activities and was finally arrested as he sought to defraud the estate of one of these residents for a sum of approximately £10,000,000. After a trial of 12 months he was convicted of offences of conspiracy to defraud, fraud, theft, false accounting and money laundering and was sentenced to 21 years' imprisonment. Rosemary Booth, his general manager was convicted of offences of conspiracy to defraud and was sentenced to 6 years' imprisonment.

Both defendants appealed against conviction and David Barton appealed against sentence. The appeals against conviction were brought on a variety of grounds, all of which were dismissed. David Barton's sentence of imprisonment was reduced from 21 years' imprisonment to 17 years. This note deals with the Court of Appeal's judgment concerning the law of dishonesty and the approach to precedent. These were central aspects of the appeal.

The test for dishonesty: At trial the judge had directed the jury on the basis of the test for dishonest in Ivey, rather than the Ghosh test. This accorded with the observations of the Supreme Court in Ivey where that Court had identified the correct test and had said that the direction based on Ghosh should no longer be given. However, the fact remained that the

Ivey direction had been given in observations that were strictly obiter dicta (ie., not essential to the reasoning of the Supreme Court with regard to the matter it was actually deciding). As a matter of precedent, obiter dicta are not binding. Therefore, in Barton, both appellants argued that the jury had been wrongly directed because the Ivey direction was not binding, that the Ghosh test was the test that should have been applied, and that the reasoning in Ghosh was to be preferred to that of the Supreme Court in Ivy.

The test for dishonesty as described in Ghosh was as follows: "a jury must first of all decide whether according to the ordinary standards of reasonable and honest people what was done was dishonest. If it was not dishonest by those standards that is the end of the matter and the prosecution fails. If it was dishonest by those standards then the jury must consider whether the defendant himself must have realised that what he was doing was by those standards dishonest." [Ghosh paragraph1064D]

By contrast, in Ivey the Supreme Court describe the correct test as follows: "When dishonesty is in question the fact-finding tribunal must first ascertain (subjectively) the actual state of the individual's knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was dishonest is to be determined by the factfinder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest." [Ivey paragraph 74] This test conflicted with that in Ghosh because it had the effect of applying the objective assessment of dishonesty to the defendant's position (thereby reversing the order of the objective-subjective tests as described in Ghosh) and because it removed the requirement that a defendant must appreciate his own dishonesty by reference to the rest of society.

In Ivey, Lord Hughes set out serious problems with this subjective second leg of Ghosh, which included: the more warped D's standards of behaviour, the less likely it is that he will be convicted of dishonest behaviour[1]; it had been designed to assess criminal responsibility by reference to the state of mind of D, but this was unnecessary; it was a test that was puzzling and difficult to apply in practice; it had led to an unprincipled divergence between the tests for dishonesty in criminal proceedings and civil actions; it represented a significant departure from pre-Theft Act 1968 law; it did not reflect the pre-Ghosh authorities, nor was it compelled by them.[Lord Hughes in Ivey, paragraph 57]

Having reviewed the relevant authorities, the Supreme Court in Ivey concluded that Ghosh did not correctly reflect the law and that directions based upon it should no longer be given. In Barton, the Court of Appeal considered the Supreme Court's critical analysis of Ghosh. It considered also powerful authorities which post-dated Ghosh but which reflected a pre-Ghosh approach[2]. Having done so, the Court concluded that the correct test for dishonesty in all criminal cases was that established in Ivey [Barton paragraph 105]

Precedent: Whilst the identification of the correct test for dishonesty was at the centre of this appeal and whilst the Court regarded the test as described in Ivey to be the correct test, the issue arose of whether this obiter dicta of the Supreme Court could properly displace the well-established test in Ghosh and thereby bind the Court of Appeal now.

The Court found that it could do so and it came to this conclusion for the following reason. In

Ivey, the Supreme Court had been unanimous in its formulation of the test for dishonesty. Moreover, it had stated clearly that the test it laid down was to apply to all directions on dishonesty and that the Ghosh test was no longer to apply. In such circumstances, the Court of Appeal concluded that the decision of the Supreme Court should be followed, notwithstanding that strictly it was obiter: "We conclude that where the Supreme Court itself directs that an otherwise binding decision of the Court of Appeal should no longer be followed and proposes an alternative test that it says must be adopted, the Court of Appeal is bound to follow what amounts to a direction from the Supreme Court even though it is strictly obiter. To that limited extent the ordinary rules of precedent (or stare decisis) have been modified. We emphasise that this limited modification is confined to cases in which all the judges in the appeal in question in the Supreme Court agree that to be the effect of the decision." [Barton paragraph 104]

Whilst this development is bound to generate analysis and comment, it is important to understand that this approach follows from the Court of Appeal's previous analysis of how the law of precedent applied in R v James; R v Karimi [2006] QB 588; [2006] EWCA Crim 14. In James the Court of Appeal determined the correct statement of the law of provocation where there existed a conflict between the House of Lords decision in R v Smith (Morgan) [2001] AC 146 and the Privy Council decision in Attorney General for Jersey v Holley [2005] 2 AC 580. The Court of Appeal recognised that it was the decision of the Privy Council that was binding notwithstanding the established rule that a decision of the House of Lords would ordinarily take precedence. They recognised this because: all the Law Lords in the Privy Council in Holley agreed that their decision would definitively clarify the English law; the majority in the Privy Council in Holley constituted half the Appellate Committee of the House of Lords; the result of an appeal to the House of Lords was a foregone conclusion (because on any such appeal, inevitably the House of Lords would follow the law as clarified by the Privy Council).

Therefore, in Barton, the Court concluded that: "We are in a strongly analogous position, indeed it is stronger because the ordinary rules of precedent require us to follow decisions of the Supreme Court (as the successor of the Judicial Committee of the House of Lords). The undoubted reality is that in Ivey the Supreme Court altered the established common law approach to precedent in the criminal courts by stating that the test for dishonesty they identified, albeit strictly contained in obiter dicta, should be followed in preference to an otherwise binding authority of the Court of Appeal. As in James, we do not consider that it is for this court to conclude that it was beyond their powers to act in this way." [Barton paragraphs102].

On this basis, the Court identified a limited modification of the ordinary rules of precedent [paragraph 104]. However this modification of the common law of precedent is described, it has the following effect: that where the Supreme Court makes a direction that arises obiter, and all the judges in that appeal agree that the purpose of such a direction is to state the law as it relates to a specific issue, that decision is binding on the Court of Appeal. [1] Notwithstanding the scholarly debate generated by the demise of Ghosh, the way in which Ghosh enabled a defendant potentially to define the limits of his own dishonesty has long been considered an anomaly in the criminal law: for example, the law of self-defence does not allow a defendant to justify violence on the basis of what he or she believed members of the public would consider acceptable, nor can reasonable belief in consent in cases of rape be justified on the basis of a defendant's personal beliefs as to the standards of other members of the public.

Remand in Custody: Pregnancy

To ask Her Majesty's Government how many pregnant women are on remand, awaiting trial, in England and Wales. The number of pregnant women on remand is not centrally monitored. Information on pregnancy is monitored locally by prison Governors/Directors to ensure the appropriate supportive provisions can be put in place. I am however, able to confirm that an ad hoc data collection exercise was undertaken last year, which found that at 15:00hrs on 28 October 2019, 47 women in prison self-declared as pregnant, including those on remand and who had been sentenced. In July 2019 the Government began a review of pregnancy, Mother and Baby Units (MBUs), and Mothers separated from children (under two years of age) who are in prisons, which includes a strand of work on improving data collection. The review is due for completion later this year, and a report will be published in due course.

Section 5 of the Bail Act 1976 sets out the reasoning for refusing bail where: there are previous convictions of a similar nature against the same victim(s) with similar characteristics; there is evidence of undue influence over the victim, or evidence of ongoing violence or threats of violence to victim or his / her family; any potential bail conditions would not be adequate to remove the risk of failure to surrender, commission of a further offence or interfere with any witnesses; it is necessary for his / her protection; the defendant is already in custody on other matters e.g. recall or a serving prisoner; or the nature of the offence committed could lead to a risk of offending if released on bail e.g. where the defendant knows the victim or witness.While there was an increase of 8% (520 to 559) in the number of women on remand in the year to March 2020, this figure is comparable with the 564 women on remand at 31 March 2018.

During the Covid-19 pandemic, NPS are currently running a bail information service in the 136 courts that currently remain open, with a particular focus on those with 'protected characteristics' which include women. This service looks to ensure the identification of defendants who might be eligible for bail, and to provide sufficient information to the courts to enable them to make fully informed decisions in each individual case. As of 11 May 2020, 121 bail assessments have been completed by NPS Bail Information Officers, a proportion of which will apply to women.

Making Defendants State Nationality Is 'Racialising' UK Courts

Owen Bowcott and Catherine Baksi, Guardian: The impartiality of the criminal justice system is being undermined by the requirement that defendants declare their nationality at the start of proceedings, a report into the legislation has said. A critical study of the Policing and Crime Act 2017 found 96% of surveyed lawyers did not support the regulations and 90% felt it had a negative impact on perceptions of fairness in the justice system. Introduced by Theresa May as part of her "hostile environment" policy to deport more foreign criminals, section 162 of the act makes it a criminal offence, punishable by up to 51 weeks in prison, not to provide the court with details of nationality or give inaccurate information on first appearance. The study compiled by Commons, a not-for-profit London law firm specialising in defence work, was funded by charitable trusts through the Strategic Legal Fund. It examined more than 500 cases across England and suggested the law was creating "racialised courtrooms".

David Lammy, the shadow justice secrerary, whose own report three years ago highlighted racial bias in the criminal justice system, said the latest study exposed the regressive nature of the legislation. "The policy is undermining criminal justice and the rule of law," the report states. "The question is sometimes not asked when it is mandatory to do so and asked when it is non-mandatory … [It] is often not understood by defendants … A significant proportion believe they are being asked for

their race or ethnicity – some have even been known to give their religion. "The policy is having an impact on the perception of fairness in the justice system. Some defendants, particularly non-British nationals or those from ethnic minority backgrounds, feel they may not receive a fair trial or may be discriminated against. Justice must not only be done but be seen to be done.

The report calls for an urgent review of the law. Stating nationality only on conviction would be less discriminatory, it suggests. The study found: • 96% of legal practitioners surveyed did not believe in the policy. • 79% of lawyers surveyed had a client state their ethnicity or race instead of or in addition to their nationality. • Two-thirds of defendants not asked for their nationality were white. • 90% of practitioners felt the nationality requirement had a negative impact on perceptions of fairness in the justice system. • Some felt the question created a sense of otherness and alienation among defendants. Despite the criminal sanction, there were no prosecutions in 2018 for failure to provide nationality. Sashy Nathan, the Commons solicitor who oversaw the project, said: "Our research shows the nationality requirement is being implemented in a way that is undermining fair trial rights and the perception of fairness in criminal courts. We should all want a justice system that we can be proud of and revising the rules on this issue would be a simple but meaningful step in that direction."

Commenting on the survey, Lammy said: "Equality before the law is a fundamental principle of UK democracy that is admired across the world. It is unsurprising that 96% of legal practitioners do not agree with this regressive policy. If the purpose is to find out which offenders are foreign nationals, only those who receive a guilty verdict should be asked about their nationality at the end of the trial. It is wrong to ask this question to all defendants when they are legally innocent." A government spokesman said: "We are absolutely committed to removing foreign national offenders from the UK and continue to work closely with international governments to increase the number of prisoners deported. "These changes help identify foreign national offenders earlier, meaning the Home Office can begin deportation action sooner – saving the taxpayer money as a result."

Update Justice for Mark Alexander

A law student who claims he was wrongfully convicted of murdering his controlling father is hoping to clear his name after conducting an investigation behind bars. Mark Alexander was sentenced to life in prison in 2010 for the murder of Samuel, with a minimum of 16 years. The pensioner's burned body was discovered buried in the back garden of the family home in Drayton Parslow, Buckinghamshire, after worried neighbours in Drayton Parslow, Bucks, raised the alarm. The corpse had been encased in several layers of mortar. The prosecution argued at trial that Alexander, then 22 and in his final year of a French and Law degree at King's College London, murdered his father to escape his bullying influence - a claim he has always denied. But there was no forensic evidence linking him to the murder. Alexander was convicted by a majority verdict on circumstantial evidence alone.

In an investigation conducted from his cell at HMP Coldingley in Surrey, Alexander has learnt his secretive father – who was born in Egypt – had a string of 11 other mysterious identities. His father used alter egos to buy properties and vehicles, obtain credit, register to vote, and even enroll him at a string of different schools. And he claims four potential suspects were working at his father's home around the time of his death and had keys to the family home. But he says that police never spoke to them and the jury were never made aware.

Alexander has always denied being involved. He said: "There's no drawing a line under a

tragedy like this. Our whole family has been shaken by it. None of us thought we'd still be fighting for justice 10 years down the line. I've always maintained my innocence, and you just assume the system will work, but we didn't really have enough time or evidence to prove it back then, particularly against the story the prosecution were spinning". Alexander, who has also completed a Master's degree behind bars, claims "If we'd known a decade ago everything we know now, I'd never have been convicted".

Campaigners fighting for Alexander's freedom have also learned Samuel cheated his estranged partner – Alexander's mother – in a property scam. It is alleged that he went on to take out mortgages in her name on two further properties, before selling them, pocketing the proceeds and leaving her saddled with debt. They are working on the theory he may have fallen foul of revenge after perpetrating a similar con on someone else. "It's horrifying what he got up to", said the campaign spokesperson. "We have to wonder if he tried it on with someone else but picked the wrong person". Alexander grew up believing his father's lie that his mother had died of cancer. The pair were only reunited after his arrest. His trial at Reading Crown Court in September 2010 revealed a closeted and stifled childhood, where he was subjected to the uncompromising demands of his controlling father. Alexander claimed his father was killed by unknown people and buried at the home while he was away living in their Fleet Street flat.

In an unprecedented move believed to be the first of its kind in the UK, Alexander used Human Rights laws to obtain the files on his father's multiple identities from HMRC. Documents reveal how he registered as Sami Yacoub on Alexander's birth certificate in 1987. He used the same name but a false address when he was cautioned for shoplifting in 1995. In 1988 he bought his home in Drayton Parslow as Sami Fahmi El-Kalyoubi, but registered on the electoral roll using the surname Yacoub. The name Basil Demetrius and a false address were used in 1999 to register his son - who he now called 'Alex' - with a medical practice.

The new information comes fives years after a bid for an appeal was turned down by the Criminal Cases Review Commission. His requests for information were initially denied on data protection grounds - despite his father being deceased - and applied to the High Court, Queen's Bench Division, for an order requiring the tax office to divulge the information. The application cited articles 6 and 8 - the right to a fair trial and the right to 'respect for private and family life' - of the Human Rights Act. "The Claimant wishes to understand his and his father's past, and also to investigate whether his father had been involved in conduct that could have resulted in his death, which may be information highly relevant to his application for an appeal of his conviction", it said. "Without such a disclosure, the Claimant will have no means of discovering the information, which is held by the public authority". Two days before a hearing was due to take place in March, HMRC agreed to release the information it holds on Samuel Alexander and his aliases. Writing from prison, Mark Alexander said: "Conducting a truth-finding mission from my own cell hasn't been easy by any means, but I've had some incredible support and together we've come a long way". The evidence will now form part of a new submission from Alexander's legal team in a bid to overturn his conviction.

A spokesperson for the campaign team - a close friend who has known Alexander since childhood - said: "This has been a huge success for us, but it's been a long time coming. Mark has spent many, many years fighting this battle, as have we all. As positive as it is, there's still a very long way to go. No one Sami came into contact with had a good relationship with him. When we were younger it was sometimes hard to have a friendship with Mark - there were times he wasn't allowed to social events. He would have to go and sort his dad out with something, or stay at home and study.

But what struck me is he never spoke badly of him. Quite the opposite - Mark loved and valued him". "We'd appeal for anybody who had access to Sami or the household, or who has information about Sami's past to please come forward. Mark could be living life with his friends, or married with kids by now if he'd taken a manslaughter plea years ago. It would have been very easy to do, but he refused. He will fight for what he believes is right".

Mark Alexander A8819AL, HMP Coldingley, Shaftesbury Road, Bisley, GU24 9EX

Safeguards Over Deprivations of Liberty Are "Indispensable" to Frail And Vulnerable

The view that careful adherence to proper legal process and appropriate authorisation of deprivations of liberty may now, at times, be required to give way to other pressing welfare priorities is "entirely misconceived", the Vice President of the Court of Protection has warned. In a letter to Directors of Adult Social Services (H/T the Court of Protection Handbook), which can be read here, Mr Justice Hayden said: "I understand how this view might take hold in establishments battling to bring calm and reassurance to intensely distressed people, both in the care homes and within their wider families. It is important, however, that I signal that whilst I am sympathetic to the pressures, I am very clear that any such view is entirely misconceived.

"The deprivation of the liberty of any individual in a democratic society, holding fast to the rule of law, will always require appropriate authorisation. Nothing has changed. The Mental Capacity Act 2005, the Court of Protection Rules and the fundamental rights and freedoms which underpin them are indispensable safeguards to the frail and vulnerable." The Vice President said that there had been "a striking and troubling drop" in the number of Section 21A (MCA 2005) applications which has occurred, in some areas, alongside a significant reduction in referrals to advocacy services. "It needs to be emphasised that where there has been a failure properly to authorise deprivation of liberty one of the consequences is that, in the absence of authorisation, there will be a loss of entitlement to public funding and inevitably an obstruction to the individual's absolute right to challenge the deprivation of liberty. For the present I simply highlight my concern and restate the importance of the statutory requirements."

In the letter Mr Justice Hayden also said, amongst other things, that: Those who are subject to litigation in the Court of Protection (P) are amongst those most vulnerable to the privations which arise in consequence of the need to protect public health. The protection afforded to this group of people by the Mental Capacity Act 2005 is constructed in a way which promotes autonomy, guards liberty and seeks to identify best interests. "It requires to be said, in terms which permit of no ambiguity, that these principles have, if anything, enhanced importance in times of national emergency." The Court of Protection has adapted to the exigencies of remote hearings "with an alacrity that few would have thought possible only months ago. This has been achieved by the concerted efforts of all involved."

He was very conscious that those on the front line and particularly those in the care home system, have come under great pressure on many fronts. "I am aware, from a variety of sources, that many carers have given selflessly and unstintingly of their time and energy." Deprivation of liberty will always require strong and well-reasoned justification. "The obligation to keep this in review has not diminished in any way in the present circumstances." He was "very clear" that assessments of capacity could be conducted 'remotely' with both competence and fairness in the vast majority of cases. "Key to this is the involvement of carers and family in the process. The incorporation of these important sources of information will, I strongly suspect, be a feature of the assessment process long after the present public health emer-

gency has passed." The Vice President said he was greatly impressed with the protocol put in place by Ms Lorraine Currie, professional lead for Shropshire Council, who chairs the national DoLS leads groups. This protocol was appended to the letter, "in the hope that it may be considered and perhaps developed to formulate a consistent national approach". The judge said he was passing it on to directors of adult social services because it struck him as an effective way of respecting the autonomy of people in care homes and the continuing application of the fundamental principles of the Mental Capacity Act 2005 "in what will be, at times, challenging circumstances".

Guildford Pub Bombings Inquest Can Access Closed Files

BBC News: The resumed inquest into the Guildford pub bombs in 1974 will have access to more than 700 classified files, a pre-inquest review (PIR) has been told. The files, which remain closed and retained by the Home Office, have been at the centre of a long-running row over alleged secrecy surrounding the IRA bombs which killed five people. Witness statements from the time are to be circulated among interested parties. The PIR heard 134 statements are among the first documents to be released. A schedule summarising 712 witness statements will also be disclosed. The 700 files are from an inquiry by Sir John May into the wrongful convictions of 11 people - the Guildford Four and Maguire Seven - after the bombings on 5 October that year. Oliver Sanders QC, counsel to the inquest, said the custodians of the May archive "remain ready to give us access".

In February KRW Law, representing relatives of Ann Hamilton, one of the soldiers who died, had raised concerns that Surrey Police was overseeing the cataloguing process as archives were disclosed. KRW Law were not present at Wednesday's hearing, held via remote technology, after the Hamilton family was refused legal aid, but Surrey coroner Richard Travers said he had been given reassurance all documents found were being retained and scheduled. He said: "If there were ever any question, we would be able to look at the schedules."

Fiona Barton QC, for Surrey Police, told the hearing there were at least three more tranches of documents to be released and the next set would focus on the emergency response at the Horse & Groom, one of the two pubs bombed. The PIR heard work was under way to trace four individuals identified by the Met Police, while Mr Sanders said there had been correspondence about another officer, Det Sgt Lewis, but added: "We don't think he needs to be pursued at this stage." The PIR heard South East Coast Ambulance Service and the Royal Surrey County Hospital had been asked to identify documents they held, and was also told that there may still be papers relating to Caroline Slater, another soldier who died. The next PIR is due to be held in September.

Criminal Bar Warns of 'Disturbing' Rise in Informal Police Sanctions

Jemma Slingo, Law Gazette: Agrowing proportion of offenders who are dealt with outside court are receiving informal community orders, amid concerns that serious crimes are going unpunished. According to annual figures published by the Ministry of Justice today, nearly three quarters of out of court disposals consisted of community resolution orders in 2019, up from 56% in 2015. The raw number has stayed broadly the same. These orders are intended to deal with low level crimes where the offender admits wrongdoing. Resolutions can include the offender apologising, making reparations or being advised about their future behaviour. An order does not lead to a criminal record.

The Criminal Bar Association (CBA) said the trend was 'disturbing' and could indicate that community resolution orders are being issued when more serious action should be taken. Caroline Goodwin QC, chair of the CBA, said: 'Contrary to their original purpose and clear guidance given by police chiefs at the time, community resolutions are increasingly being used to dispose of more serious crime. We know that offences ranging from arson to violent crimes, burglary, drug trafficking and even some sexual assaults have been dealt with by community resolutions, which many may argue runs contrary to their original purpose. 'Many of these more serious offences should be dealt with in a court room and yet the increased use of resolution orders comes when reported crimes remain stubbornly high, with some serious crimes involving weapons on the increase and yet police are having to grapple with years of cuts to their own resources.' The overall number of out of court disposals has fallen by 25% over the past five years, while the number of criminal prosecutions has fallen by 19% since 2009. Meanwhile, the total number of individuals dealt with by the criminal justice system in England and Wales has been declining since 2015 and fell 1% last year to 1.52 million. The Crime Survey for England and Wales predicted there were 5.8 million incidents of crime (excluding fraud and computer misuse) in 2019, down by 9% compared with the previous year. However, police records suggest criminal incidents rose by 4% in 2019 compared with 2018.

Shrewsbury 24: CCRC Refers Ricky Tomlinson and Five Ors to Court of Appeal

The Criminal Cases Review Commission has referred to the Court of Appeal the convictions of a further six members of the Shrewsbury 24. The six cases are those of Ricky Tomlinson and George Arthur Murray as well as Alfred James, Samuel Roy Warburton, Graham Roberts and John Kenneth Seaburg. The last four applicants are deceased and applications to the CCRC were made on their behalf by relatives The referrals follow the eight Shrewsbury 24 cases referred for appeal by the CCRC on 4th March this year. All forteen men were members of a group of 24 construction workers convicted in a series of three trials held in 1972, 1973 and 1974. Together they became known as the Shrewsbury 24. The men were convicted of a range of offences such as unlawful assembly, conspiracy to intimidate; affray and threatening behaviour. All but one pleaded not guilty and all were convicted. The sentences imposed varied from three years' imprisonment to three month's imprisonment suspended for two years.

In 2012 the CCRC received applications from ten members of the Shrewsbury 24 including the eight men whose convictions have now been referred for appeal. After a lengthy and very extensive investgation the CCRC decided in October 2017 that it could not refer those convictions for appeal. Eight of the ten CCRC applicants launched Judicial Review proceedings through their legal representative at Bindmans LLP against the CCRC's decision not to refer thair cases. Permission for the Judicial Review was given on 9th November 2018 and the full hearing took place on 30th April 2019. Part way though those proceedings the CCRC agreed that it would revisit its decision not to refer the eight cases for appeal based on two specific matters that were at issue in the Judicial Review.

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.