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"Unwinnable" Cases Can Be Won

Joe Stone QC - Doughty Street Chambers: The so called "Unwinnable cases" are won on the basis of sound trial preparation, a genuine proactive defence and incisive cross-examination on the live issue at trial. So many Crown Court defences fail at trial because these 3 golden rules are simply not observed for a whole raft of reasons. It is critical for any trial advocate to get a focussed DCS (defence case statement) out at an early stage which seeks core secondary disclosure documents. DCS with bland denials and endless shopping lists of items are all too commonplace and rarely effective. A good DCS should be a weapon in the defence armoury that should immediately put the prosecution on the backfoot not one that has the CPS lawyer yawning and reaching for a cup of coffee. A sound case strategy, knowledge of the best experts to instruct for the specific case facts, a clear understanding of crime scenes (via views), a detailed understanding of evidence, early case conferences with clients/experts to identify the weaknesses on both prosecution/defence sides are all essential for the advocate that is truly interested in securing an acquittal for the client. Defences which are put together as reactive last minute affairs are rarely robust and never immune from effective prosecution cross-examination. The defence should be the party that truly sets the parameters in which the trial is fought not the other way around. If these rules are truly adhered to experience shows again and again (that like the Sonnex case) the unwinnable case on paper becomes the winnable case at trial. Those who ignore them (for whatever reason) will inevitably reduce the probability of an acquittal.

Benjamin Bestgen: Death Penalty Revisited

A few weeks ago an acquaintance (let's call her Lea) witnessed an incident where teenagers had assaulted elderly people by deliberately coughing and spitting on them and yelling "Covid-19, Covid-19!" Lea told me about it and said that while she does not support the death penalty generally, she would not feel too sorry if these [colourful expletive] would, exceptionally, be shot.

Lea is a thoughtful, well-educated person and mother of two teenagers. I got curious and, claiming professional interest, asked if she would still endorse this view if her kids had committed a similar (or worse) offence. She replied that she hoped her children would know better and in any event, her country does not have capital punishment. But upset about Covid-19 aside, Lea said that some deeds are so heinous that monetary fines or imprisonment don't seem sufficient punishment: only the terror of certain death and the irreversible removal of the offender from the world might constitute just retribution for the harm that person inflicted on others.

What kind of sentence is death? Sentiments like Lea's are often attributed to pub-bores and populist right-wingers. Many deem capital punishment barbaric and morally wrong: if we truly reject murder, torture or terrorism, we mustn't inflict similar things on people who have harmed us so, otherwise we are morally tainted in the same way. Morality aside, capital punishment is also criticised as: an ineffective deterrent; errors are intolerable because irreversible: miscarriages of justice don't come worse than an erroneous death sentence; many offenders could also be rehabilitated; to protect society and incapacitate an irredeemable, dangerous person, we have many reasonable means available that do not involve killing; and no meaningful reparation to the victim or the wider community. Further, natural justice suggests that we should understand exactly the nature of any punishment we impose so we know it is appropriate. But death, while biologically well-understood, is metaphysically unknowable.

Retribution: Lea is no pub-bore or right-winger. Her gut-response about these teenagers was fuelled by the thought that through their disgusting assault they had terrorised and instilled the fear of death in these elderly people who are at risk of dying from Covid-19. If a victim had actually become ill and died, these youths would be killers. Retribution is an old and powerful intuition when we consider how to react to actual or perceived wrongs. The wish or need for revenge and rebalancing the scales is viewed by many as entirely natural and justified, by many others as an uncivilised impulse we should aim to overcome.

The ancient Mesopotamian Code of Ur-Nammu, the oldest written law we know about, employs the "ius talionis" (eye for an eye principle), stating that a man committing murder must be killed. Enlightenment philosopher Immanuel Kant shared that view: the only proportionate punishment for murder is to take the murderer's life in return. Nowadays, former prosecutor and academic Robert Blecker advocates that while he believes that capital punishment should only be used for the very worst offenders, retribution is an important part of justice: a murderer who viciously tortures his victim or a terrorist responsible for dozens or hundreds of deaths and trauma should suffer and die. No other punishment matches the crime.

Relevance: It seems that official support for capital punishment is steadily decreasing not only in Britain but worldwide. Just over half a century ago, abolitionists still had to argue their case against the normality of capital punishment, nowadays it's the opposite. But, equally, we see that strongman leaders and authoritarian, populist governments create an environment in which more people feel less restrained calling for the death penalty to maintain "law and order" and be "tough on crime", however defined. According to a snapshot YouGov poll in 2017 that surveyed 2,060 randomly selected adults, 53 per cent of Leavers and 20 per cent of Remainers thought the UK should reintroduce the death penalty after Brexit.

There is, perhaps, no punishment as ultimate as death. As long as some people still wish for death to be a judicial option, we cannot afford to be naïve about the subject: some people's intuitions about justice, good order and authority may well include a justifiable desire for retribution, which the death penalty could provide, while others reject capital punishment on religious, philosophical or pragmatic grounds. So the next time you encounter somebody who expresses sympathies for the death penalty, maybe ask them (non-judgementally) why exactly and have that conversation.

Disputed Bad Character Evidence

1. Fichardo [2020] EWCA Crim 667 is the latest in a long line of authorities addressing the criteria for leave to cross-examine a witness upon 'bad character' material, where the factual foundation is not agreed. Commonly, at the time of the application, the witness may never have been asked about the material before, or may have already disputed it.

2. The statutory test under S. 100 (1) of the CJA, 2003, is the well-trodden territory of 'non-defendant' 'bad character' evidence in S. 100 (1) (b): "has substantial probative value in relation to a matter which (i) is a matter in issue in the proceedings and (ii) is of substantial importance in the context of the case as a whole." Where the witness' credibility is to be challenged in relation to significant evidence implicating the accused, there should be no difficulty over the relevance, for example, of a previous false allegation to "a matter in issue in the proceedings…" and 'of substantial importance in the context of the case as a whole.": see R v BT and MH [2002] 1 Cr App R 22 at paras. 25- 27.

3. The common theme of the case- law is that the material must enable the jury to 'reach a conclusion' about its disputed factual basis. In relation to previous false allegations by the witness, the many authorities to this effect include: R v AM [2009] EWCA Crim 618 at paras. 21- 22, Dyson LJ said : "The difficulty lies in what constitutes a proper evidential foundation. In our view it is less than a strong foundation for concluding that the previous complaint was false. But there must be some material from which it could properly be concluded that the complaint was false. In Garaxo at para. 14, the court considered that there was a proper evidential basis if there was material such that, depending on the answers given by the complainant in cross-examination, the jury could have been satisfied that the previous complaint was untrue..". R v Brewster [2010] EWCA Crim 1194, at para. 22: "It seems to us that the trial judge's task will be to evaluate the evidence of bad character which it is proposed to admit for the purpose of deciding whether it is reasonably capable of assisting a fair-minded jury to reach a view whether the witness's evidence is, or is not, worthy of belief." R v Withers [2010] EWCA Crim 3238 at paragraph 5 '..does not have to be clear evidence….but… some material capable of leading to the conclusion of falsity."

4. There is however a very surprising lacuna on a fundamental aspect of this test. What exactly does 'reach a conclusion' mean? The approach of the Trial Judge on leave is going to much affected by the standard potentially to be applied by the jury. How are the jury to be directed? What, if any, is the standard of proof on the party challenging the witness? Surprisingly there is no authority on this issue. Routinely therefore, the issue is not argued, and clear directions are not given.

5. The uncertainty has been compounded by the Crown Court Compendium, which has vacillated in its most recent two editions. Two different approaches have been proposed. The current Crown Court Compendium, December, 2019, at page 12/28, does not contain any draft jury direction upon standard of proof about disputed issues, but suggests: " 7. Identify the evidence of bad character. 8. Identify the issue/s to which the evidence is potentially relevant. 9. The jury should be directed that it is for them to decide the extent to which, if any, the evidence of bad character of the non- defendant assists them in resolving the potential issue/s. 10. Depending on the nature and extent of the convictions or other evidence of bad character, there may need to be a direction as to the effect on the credibility of the person if he/she was a witness. "

6. The 2016 edition of the Compendium, contained an additional model direction on the standard of proof, with a very low threshold where the material is adduced by the Defence: "8. Where the evidence is disputed, the jury must decide: (1) if the evidence is adduced by the prosecution whether they are sure it is true: (2) If the evidence is adduced by the Defence, whether it may be true:"

7. It seems that this issue has not been addressed in a considered way, and is certainly not being treated consistently in criminal trials. This article is an attempt at clarification and will focus upon alleged previous false allegations, as 'bad character' material. However, the same principles should apply to all disputed 'bad character' material.

8. It is questionable in principle whether the jury need to be sure of falsity, for the previous allegation to be taken into account. A basic confusion between the ultimate standard of proof of guilt, and the proper approach of a jury to ancillary issues of fact should be avoided. It is perfectly rational for a jury to conclude that a prior allegation was probably false, and thus undermining of the witness' current credibility. That would be clearly "reasonably capable of assisting a fair-minded jury to reach a view whether the witness's evidence is, or is not, worthy of belief." : see Brewster above.

9. The jury may approach any prosecution case, especially those based upon circumstantial evidence, by putting together strands of evidence, and they need not be sure about any

individual strand. However, they may conclude putting together those strands that they are satisfied of guilt so that they are sure: see Myers v R [2016] AC 314 at para. 46. If a conviction may be safely reached by such a route, then it would be anomalous for there to be a higher hurdle for the consideration of evidence: or that a jury should be directed to put aside such a possibility, unless they were sure about it.

10. It is contrary to basic principle for a burden of proof to the criminal standard to be put upon the defence: R v Carr- Briant [1943] KB 607 at 610- 612. It is exceptionally rare for such a burden to be put even upon the prosecution on ancillary evidential issues. Perhaps the best, but rare, example arises in Mushtaq [2005] 1 WLR 1513, where the jury must be directed only to take account of a confession if they are sure that it was 'voluntary' in accordance with the usual formulation. That rule arose of necessity out of the strong exclusionary rule in relation to 'confession' evidence in S. 76 of PACE, 1984: see Lord Roger at paras. 46- 47.

11. There is no mention of such a burden in S. 100 (1)(3) of the CJA, 2003, Act, which Parliament would have mentioned if intending such a strong filter. S. 109(2) of the Act also imports a very low-level filter. There is no mention of such a burden either in Phipson on Evidence, 19th ed., 2018, paras. 22-23 to 22- 39, or in Cross and Tapper on Evidence, 13th ed., 2018, Chapters VII to VIII:

12. There is one little noticed obiter dictum to the contrary. Judge LCJ in Dizaei [2013] 1 WLR 2257, at para. 37, said " …. If, in the context under discussion, the judge correctly directs the jury that they must not consider the alleged bad character evidence unless they are sure that it is true… .. two trials would be simultaneously in progress before the same jury." There is no other authority for this proposition. There is no sign that the Court had been assisted by submissions directed to this point. The natural answer to the 'simultaneous trials' mischief, is precisely that the jury do not have to be sure to the criminal standard about the falsity of the previous allegation.

13. In FICHARDO, the above arguments were advanced upon this question. It was not thought to be consistent with existing authority, to submit that the jury could act upon a mere possibility that the prior allegation was false. That could not sensibly be 'reaching a conclusion' and anyway would be unlikely to amount to 'substantial probative value' within S. 100(1)(b), CJA, 2003. The 2016 Crown Court Compendium is therefore probably wrong. Even though it did not strictly arise for determination, a favourable provisional view was expressed, at para. 30: "Secondly, in relation to the phrase "the jury could have been satisfied", we have received submissions as to how, at a later stage of the trial, the judge should direct the jury about the burden of proof in relation to bad character evidence of this nature. It is not necessary for us to decide that issue, but we express the provisional view that if the complainant denies having made the suggested false allegation, the jury should be directed that the burden is on the defendant to prove on the balance of probabilities that the allegation was made and was false."

14. It remains to be seen if this helpful obiter dictum will be authoritatively confirmed. For that to happen, the issue must be raised by defence lawyers upon the leave application and before the summing-up. A substantive appellate ruling may then be required, and the current uncertainty removed. The parallel direction, suggested in the 2016 Compendium, but not in the 2019 edition, that the jury should be sure to the criminal standard about disputed prosecution 'bad character' evidence, remains wholly unexplored.

15.Postscript. These issues arise frequently, but most controversially in relation to alleged previous 'false allegations' by the complainant of a sexual offence. However, the test should remain the same whether the witness is the complainant or not: whatever the offence charged: and whatever the subject of the alleged previous 'false allegation'. So, there does not nec-

essarily need to be convergence between the offence tried and the subject matter of any false prior allegation. Credibility can be damaged by a prior significant lie on any issue. The relevance may however be elevated, where there is some similarity between them.

16. The only special feature for a prior sexual allegation may emerge from S. 41(1) of the YJCE Act 1999, with its more restrictive regime. However, provided that the focus remains upon the credibility of the complainant, questioning about a prior false sexual allegation by the complainant does not fall within questioning about 'any sexual behaviour of the complainant': see R v BT and MH [2002] 1 Cr App R 22 at paras. 31- 35, which includes a 'Pepper v Hart' exercise. The Trial Judge in Fichardo made this basic error, and may not be alone.

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Sutherland (Appellant) v Her Majesty's Advocate (Respondent) (Scotland)

This appeal concerns the compatibility of the use in a criminal trial of evidence obtained by a so-called "paedophile hunter" ("PH") group with the accused person's rights under article 8 of the European Convention on Human Rights ("the ECHR"). Article 8 provides that everyone has the right to respect for his or her private life and correspondence. PH groups impersonate children online to lure persons into inappropriate communications and provide the resulting material to the police.

An adult member of a PH group, acting as a decoy, created a fake profile on a dating application using a photograph of a boy aged approximately 13 years old. The appellant entered into communication with the decoy, who stated that he was 13 years old. The appellant sent the decoy a sexual image and also arranged a meeting. At the meeting, the appellant was confronted by members of the PH group who remained with him until the police arrived. Copies of the appellant's communications with the decoy were provided to the police.

The respondent, as public prosecutor, charged the appellant with attempts to commit: (i) the offence of attempting to cause an older child (i.e. a child between 13 and 16 years old) to look at a sexual image, for the purposes of obtaining sexual gratification, contrary to section 33 of the Sexual Offences (Scotland) Act 2009 ("the 2009 Act"); (ii) the offence of attempting to communicate indecently with an older child, contrary to section 34 of the 2009 Act; and (iii) the offence of attempting to meet with a child for the purpose of engaging in unlawful sexual activity, contrary to section 1 of the Protection of Children and the Prevention of Sexual Offences (Scotland) Act 2005 (together, "the charges").

The appellant objected to the admissibility of the evidence sought to be relied upon by the respondent on the basis that it was obtained covertly without authorisation under the Regulation of Investigatory Powers (Scotland) Act 2000 and without authorisation or reasonable suspicion of criminality in violation of his rights under article 8. These objections were dismissed and the appellant was convicted of the charges. The appellant appealed against his conviction to the High Court of Justiciary, which refused the appeal and granted the appellant permission to appeal to the Supreme Court on two compatibility issues, which arise in criminal proceedings over whether a public authority has acted in a way that is unlawful under section 6(1) of the Human Rights Act 1998. Judgment: The Supreme Court unanimously dismisses the appeal. Lord Sales gives the judgment, with which all members of the Court agree.

Reasons for the Judgment: The appellant appeals on two issues: (1) whether, in respect of the type of communications used by the appellant and the PH group, article 8 rights may be interfered with by their use as evidence in a public prosecution of the appellant for a relevant offence; and (2) the extent to which the obligation on the state, to provide adequate protection for article 8 rights, is incompatible with the use by a public prosecutor of material supplied

by PH groups in investigating and prosecuting crime [11].

On the first issue, the appellant submits that there was an interference with the appellant's rights to respect for his private life and his correspondence under article 8(1), which required the respondent to show that such interference was justified under article 8(2) [26]. The court holds that there was no interference with those rights at any stage because: (i) the nature of the communications rendered them incapable of being worthy of respect under article 8; and (ii) the appellant had no reasonable expectation of privacy in relation to the communications [29]-[31].

It is implicit in article 8(1) that the protected features of private life and correspondence must be capable of respect within the scheme of values the ECHR exists to protect and promote. States party to the ECHR have a special responsibility to protect children against sexual exploitation by adults [32]-[33]. Here, in the absence of any state surveillance, and where the issue is the balance of the interests of a person engaging in such conduct and the children who are the recipients of the relevant communications, the reprehensible nature of the communications means they do not attract protection under article 8(1) [40]. The interests of children have priority over any interest a paedophile could have in being allowed to engage in criminal conduct. Further, the prohibition of the abuse of rights in article 17 of the ECHR supports the conclusion that the criminal conduct at issue in this case is not capable of respect for the purposes of article 8(1) [41]-[43].

An important indication of whether the right to respect for private life and correspondence is engaged is whether the individual had a reasonable expectation of privacy in relation to those communications, which is an objective question [51]-[55]. The appellant's communications were sent directly to the decoy. There was no prior relationship between the appellant and recipient from which an expectation of privacy might be said to arise. Requests made by the appellant to the decoy to keep the communications private did not establish a relationship of confidentiality. Furthermore, the appellant believed he was communicating with a 13-year-old child, who it was foreseeable might share any worrying communications with an adult [56]. The appellant may have enjoyed a reasonable expectation of privacy so far as the possibility of police surveillance or intrusion by the wider public are concerned, but not in relation to the recipient [58]. Once the evidence had been passed on to the police, the appellant had no reasonable expectation that either the police or the respondent should treat them as confidential. Again, under the scheme of the ECHR, the effective prosecution of serious crimes committed in relation to children is part of the regime of deterrence a state must have in place [59].

On the second issue, the state had no supervening positive obligation to protect the appellant's interests that would prevent the respondent making use of the evidence to investigate or prosecute the crime. On the contrary, the relevant positive obligation on the respondent was to ensure that the criminal law could be applied effectively to deter sexual offences against children. Article 8 has the effect that the respondent should be entitled to, and might indeed be obliged to, make use of the evidence in bringing a prosecution against him [64].

Steven Stokes v Parole Board & Ministry of Justice

[Factual background is the claimant was sentenced in 1979 to life imprisonment for murder with a tariff of 15 years with a concurrent determinate sentence for robbery. The victim, a vulnerable lady of 66 years old, was walking down the street when she was set upon by the claimant, then 19, with three other youths. She was beaten strangled and robbed. There was a sexual element in that the deceased victim was then stripped and all four assailants had sexual intercourse with the body before mutilating it.]

1. On 28 April 2020 I gave permission to the claimant to bring judicial review proceedings to challenge the decision made by the defendant dated 16 September 2019. In that decision (the reconsideration decision), the defendant refused the claimant's application to reconsider the recommendation by the defendant's panel (the panel) in a letter dated 24 July 2019 (the oral hearing decision). That recommendation was that the claimant should remain confined to prison for the protection of the public but that he should be moved to open conditions. The claimant seeks an order quashing the reconsideration decision and for the defendant to decide the reconsideration application afresh.

2. The substantive hearing came before me by video platform on 2 July 2020, when Mr Brownhill appeared for the claimant, as he had done on the oral renewal hearing. The defendant and the interested party, the Secretary of State for Justice, indicated at an early stage that they would remain neutral in these proceedings and have not appeared at the permission stage or at the substantive hearing. I am grateful to Mr Brownhill for his thorough yet focused submissions.

3. There are two grounds of challenge to the reconsideration decision. Ground 1 has two sub grounds: (i) the decision failed to address adequately or at all the allegations that the oral hearing decision failed to record accurately the evidence before it and in particular evidence relating to whether the claimant whilst on licence continued to access sex websites after being warned by his offender manager about such conduct; (ii) the reconsideration decision should have recognized that the oral hearing decision failed to give adequate reasons for not accepting the recommendation of all five professional witness who gave evidence before the panel that the claimant should be released on licence, or failed to deal with the concerns of the claimant's offender supervisor that open conditions would not offer the claimant the level of support which he needs.

4. Ground 2 is that the approach taken in arriving at the reconsideration decision was too narrow by focusing entirely on the rationality of the oral hearing decision and failing to consider grounds made in the application for reconsideration as to procedural fairness. It is not in dispute that the application raised both irrationality and procedural fairness grounds. Mr Brownhill made clear that the present challenge is not about the rejection in the reconsideration decision of the irrationality grounds. It is based on the failure to deal with, or alternatively to deal properly with, the procedural fairness grounds.

29. In the request for reconsideration, the claimant's solicitor indicated that their notes of the hearing before the panel did not indicated that Ms McCormack gave evidence that the claimant continued to "access sex sites" but rather than he continued to access Facebook. Accordingly, it was said that the significant weight which the panel placed on such access, linking them to wide preoccupation with sex was unfair and inappropriate.

30. It is not clear whether the chair or panel members took notes of the evidence before it, although it is to be expected that such notes were taken, or whether such notes were before the decision maker in making the reconsideration decision. In the pre-action protocol letter, the claimant's solicitor pointed out that there was no suggestion that a request for such notes was made by the decision maker and the response does not deal with the point.

32. I accept that the panel placed weight on its understanding of the evidence on that point in referring to concerns that the claimant continued to be sexually preoccupied. However, when setting out its decision in section 8 as to which concerns outweighed the recommendations of the professional witnesses, the concerns listed were that the claimant had put himself in highly risky situations, that he continued to lack internal controls to manage risks and to be dependant on external controls, and that the effectiveness of such controls would be limited if he ignored advice given and was not honest with those managing him.

33. In my judgment it was permissible to conclude in the reconsideration decision that

even "without the internet" there was ample evidence to suggest that the claimant wished to form a new relationship. I am not satisfied that that aspect of ground 1(i) is made out

38. Mr Brownhill accepts that the panel in the present case was entitled not to accept the views of the professional witnesses and that respect must be recorded to the panel as a panel of experts. Nevertheless, he submits that here too the reasoning of the panel that the risks posed by the claimant could not be managed in the community fell below an acceptable standard in public law.

39. It is clear in my judgment that the reasoning of the panel in coming to that conclusion as expressed in the oral hearing decision letter rested upon the behaviour of the claimant during two periods of release into the community on licence, the last of which ended just under a year before the oral hearing.

40. However, the panel heard evidence in the meantime that the claimant had started work with Dr Purvis and an occupational therapist, that the claimant was motivated in this regard and showed a change in presentation, that the therapeutic prognosis was not poor, that his relationships with Dr Purvis and professionals was good, that upon release into the community there would be weekly reports from Dr Purvis and the occupational therapist, and that Dr Purvis and other professions had concerns that the level of support needed would not be available in open conditions. These were significant developments since the last recall which the professional witnesses relied upon in recommending release.

41. Whilst the panel made some comment on this evidence when noting it in section 7 of the oral hearing decision, in the conclusion and decision of the decision at section 8, none of these factors were expressly or implicitly put into the balance. In my judgment the claimant is entitled to know why the panel took the view that these factors did not deal either at all or in part with the risks referred to by the panel, if indeed that was the panel's view. In my judgment in this regard the reasoning of the panel as to why the risks posed by the claimant could not be managed adequately in the community fell below the acceptable standard in public law.

42. It follows that so too did the reasoning in the reconsideration decision in rejecting the challenge to the reasoning, which it did in very brief terms by saying there was nothing in the point and that the reasons were clearly set out in sections 7 and 8 of the oral hearing decision letter. In my judgment, for the reasons given, they were not. I am satisfied that ground 1(ii) is made out.

43. That leaves the criticism that the reconsideration decision did not deal adequately with the procedural unfairness challenge. Having set out the second limb of Rule 28 at the outset of the decision, and expressly summarized the procedural unfairness grounds, it would be somewhat surprising if the decision did not then go on to deal with them. I have already rejected the submission that it did not do so in respect of the evidence as to accessing sex websites.

44. However, it is difficult to draw from paragraphs 10 and 15 that in the end the decision did consider procedural unfairness as a separate ground to irrationality. Paragraph 10 dealing with the law gives references concerned only with the latter and not the former. This is despite the fact that in the CCSU case sited Lord Diplock dealt with a third head of judicial review namely procedural impropriety at page 411A as follows. "I have described the third head as "procedural impropriety" rather than failure to observe basic rules of natural justice or failure to act with procedural fairness towards the person who will be affected by the decision. This is because susceptibility to judicial review under this head covers also failure by an administrative tribunal to observe procedural rules that are expressly laid down in the legislative instrument by which its jurisdiction is conferred, even where such failure does not involve any denial of natural justice."

45. Moreover, in the ultimate paragraph setting out the decision there is reference only to irrationality. The decision must be read fairly as a whole, but it is difficult to read the con-

cluding part as appraising the open hearing decision letter from a point of view or procedural fairness as well as irrationality. I have come to the conclusion that that part of the challenge was lost sight of when the final conclusion was formulated. Accordingly, I am satisfied that ground 2 is made out as well.

46. Conclusion - Grounds 1(ii) and 2 (and ground 1(i) insofar as procedural unfairness is not consideration as a separate head) involve significant failings and in my judgment the reconsideration decision cannot stand and must be quashed. The reconsideration must take place again.

Royal Mail Fined £1.5m For Late Letters and Overcharging

BBC News:Ofcom said Royal Mail missed its target of delivering 93% of first class post within a day of collection. It also overcharged people £60,000 after raising the cost of a second class stamp before a price cap was officially lifted. Royal Mail admitted it was "disappointed" with its performance. In the 2019 financial year, Ofcom found that only 91.5% of first class post was on time. "Royal Mail let its customers down, and these fines should serve as a reminder that we'll take action when companies fall short," said Gaucho Rasmussen, Ofcom's director of investigations and enforcement. The watchdog also found that the company increased its price for second class stamps by 1p to 61p seven days ahead of the official cap being lifted. Royal Mail estimates it overcharged people by £60,000 "which it is unable to refund". Royal Mail admitted it had made a mistake and donated the sum to the charity Action for Children. "We worked with Ofcom throughout this investigation and lessons have been learned by us during this process," it said. Earlier this year, Royal Mail lifted the price of a first class stamp which now costs 11p more than second class postage. The price of a first class stamp for regular letters rose 6p to 76p and second-class went up by 4p to 65p. The 65p second-class stamp is the maximum under an Ofcom price cap.

Referral by CCRC - Cameron John Cleland Appellant - v - The Queen

1. On 13 August 2013, in the Crown Court at Bradford, this appellant pleaded guilty to an offence of attempted murder. He was sentenced by HHJ Durham Hall QC to detention for life. The minimum term specified by the judge pursuant to section 82A of Powers of Criminal Courts (Sentencing) Act 2000 was 7 years. The appellant was also made subject to a restraining order of indefinite duration.

2. Appellant appealed against that sentence. His appeal was dismissed by the full court on 28 February 2014. A subsequent application for leave to appeal to the Supreme Court was refused on 8 July 2014.

3. The case now comes before this court upon a referral by the Criminal Cases Review Commission. By section 9(3) of the Criminal Appeal Act 1995, such a referral is treated for all purposes as an appeal against sentence. Leave is sought to admit fresh evidence that at the time of the offence the appellant suffered Autism Spectrum Disorder ("ASD"). On the basis of that evidence it is submitted that the appropriate sentence was, and is, a hospital order pursuant to section 37 of the Mental Health Act 1983 coupled with a restriction order pursuant to section 41 of that Act. For convenience, we shall use the shorthand "s37/s41 order" to refer to that combination of orders.

58. First, treatment for the appellant's disorder is available. His disorder is not however "treatable" in the sense that there is a cure which will bring it to an end. Rather, the appellant can by specialist treatment and supervision be assisted to manage his disorder and to control his aggressive behaviour. It is clear from the fresh evidence which we have accepted that the pervasive and persistent nature of the disorder means that there will be a risk in the future of aggressive behaviour, in particular towards women. That risk will be increased should the appellant for any reason feel under stress or pressure. This is not, therefore, a case in which it could be said that once treated, the appellant will not in any way be dangerous.

59.Secondly, as we have indicated, the imposition of a life sentence was not and is not a bar to the appellant's receiving appropriate medical treatment in hospital. Whichever form of sentence may be imposed, we anticipate that there will be no question of the appellant's being released until his treatment has reached a stage at which those responsible for the decision can be satisfied that the risk which he poses to others can safely be managed in the community. The focus must therefore be on which of the two possible regimes provides the greater protection for the public when the appellant is released from prison or discharged from hospital.

60. Thirdly, we accept that a transfer from hospital to adult prison might in itself have an adverse effect on the appellant's treatment which would at best delay his release and would at worst increase the risk to others when he is released. We note however that such a transfer is not inevitable, even if the appellant remains subject to his life sentence.

61. Fourthly, we think it clear that, whichever regime is in place, the appellant will in practice remain in hospital for a considerable period. The evidence of Dr Stankard satisfies us that a properly cautious approach has been taken thus far, and will continue to be taken, towards the stage at which the appellant may eventually be regarded as suitable for discharge from hospital.

62. Fifthly, once that stage is reached, we accept that in practice the s37/s41 regime would result in better monitoring of the appellant and would increase the prospect of an early identification of any signs of a potential increase in risk. On the other hand, we take into account that those involved in the monitoring and supervision of the appellant under a s37/s41 regime would assess him purely from a mental health perspective and would not be concerned with issues which would be of concern to those supervising the appellant if he were released on life licence.

63. We find these competing considerations to be quite finely balanced. However, the principal risk against which it is necessary to guard is, in our view, the risk of further violent behaviour linked, to a greater or lesser degree, to the appellant's ASD: not a risk of some other form of criminal or harmful behaviour, unconnected to that disorder. We bear in mind also that the appellant's future treatment is not expected to be based on medication, and therefore does not depend on his ability and willingness to comply with a medication regime when living in the community. It follows, in our view, that the interests of the public will best be served by the appellant's continuing to receive expert treatment and monitoring which will reduce the risk arising from the appellant's ASD. Treatment and monitoring can be provided under either form of disposal, but we are persuaded by the evidence of Dr Latham and Dr Stankard that in the circumstances of this case, a s37/s41 order offers the greater prospect of managing the appellant's return to the community, and life in the community, in the way which will be most likely to reduce the relevant risk.

64. For those reasons we allow this appeal. We quash the sentence of detention for life and substitute for it an order pursuant to section 37 of the Mental Health Act 1983 requiring the appellant to be detained in the hospital in which he is presently detained, and an order pursuant to section 41 of that Act restricting the circumstances in which he may be discharged.

Widow of Shipbreaking Worker Free to Pursue Negligence Claim

Scottish Legal News: Hamida Begum’s husband fell to his death on 30 March, 2018 while working on the defunct oil tanker EKTA in the Zuma Enterprise Shipyard in Chattogram, Bangladesh. He had worked in shipbreaking since 2009, working 70 hr weeks for low pay, and without PPE in highly dangerous conditions. A High Court judge has refused to strike out a claim for negligence brought by the widow of a Bangladeshi worker killed on a ship. Mr Justice Jay held that Maran (UK) Ltd arguably owed a duty of care to the shipbreaker, Khalil

Mollah. The decision is likely to send shockwaves around the shipping industry which historically has sent thousands of vessels to South Asian beaches for great profit. Maran sought to have the case summarily dismissed on the grounds that they were too far removed (in time and space) from Mr Mollah's death to owe him a duty of care. The accident, they submitted, was because of the working conditions in Chattogram over which they had no control.

Mr Justice Jay, however, rejected this argument. He said: “The proximate cause of the accident was the deceased’s fall from a height, but on a broader, purposive approach the accident resulted from a chain of events which led to the vessel being grounded at Chattogram.” Mr Mollah's widow, Hamida Begum, alleges that Maran (UK) Ltd was responsible for the vessel being sold to be broken up in the dangerous location. EKTA, formerly Maran Centaurus, had been owned and managed by companies within the multi-billion dollar Angelicoussis Shipping Group, which included Maran (UK) Limited. In a transaction in August 2017 worth over $16 million Maran Centaurus was sold for demolition. Soon afterwards, she was deliberately run aground on a beach at Chattogram, Bangladesh, in order to be broken up.

The International Labour Organisation ranks shipbreaking at Chattogram as among the most dangerous jobs in the world. The area has been called “the world’s cheapest place to scrap ships”, and is notorious for its poor working conditions, prevalence of child labour, and high death and injury rates among its workers. It is alleged that the sale price was a clear indication that the tanker was destined for Chattogram, and Maran (UK) Ltd would have known this. Mr Justice Jay accepted that over the past 10 years more than 70 per cent of vessels that reach the end of their operating lives are broken up using the “beaching” method in SE Asia.

However, he said: “[The defendant argued that] given that nearly all vessels ended up in South Asia, it could not be said that [Maran UK Ltd] were deviating from standard practice. I reject that submission on the straightforward basis that if standard practice was inherently dangerous, it cannot be condoned as sound and rational even though almost everybody does the same.” The judge dismissed Maran (UK) Ltd’s application to strike out the claim for negligence and the case continues towards trial. Solicitor for Mrs Begum, Leigh Day's Alex Wessely, said: “The shipping industry is renowned for its lack of transparency, especially when the dangers of shipbreaking are concerned. We are very pleased with this judgment, which we hope is a step towards creating proper accountability for when things go tragically wrong.” Leigh Day partner Oliver Holland said: “If Maran (UK) Ltd is made to accept that it owed Mr Khalil Mollah a duty of care, maybe that will go some way to making UK shipping companies think twice about accepting greater financial reward for their end-of-life vessels at the cost of the environment and the lives of South Asian workers.”

UK Undercover Police Officer Accused of Encouraging Activist to Buy Shotgun

Rob Evans, Guardian: Scotland Yard is investigating one of its former undercover officers over allegations he incited an animal rights activist to commit illegal acts that resulted in him being jailed for four years. The officer, who used the fake name Matt Rayner during his undercover work, is accused of actively encouraging the activist to buy a shotgun and offering him money to do so. The activist was jailed after police raided his home and found the shotgun, cartridges and components for making an incendiary device. The Metropolitan police confirmed its criminal investigation into the allegations against Rayner, which started in May last year, was continuing.

Rayner’s conduct is also due to be examined by a judge-led public inquiry which is scrutinising the activities of more than 140 undercover officers who spied on at least 1,000 political groups since 1968. The allegations against Rayner have been outlined in legal papers lodged in the court of appeal by the activist, Geoff Sheppard, who is seeking to overturn his convictions. Rayner adopted a fake identity and pretended to be an animal rights campaigner between 1991 and 1996. In reality he was working for an undercover Met unit, the special demonstration squad, which monitored political movements.

Sheppard was unaware of Rayner’s true identity and believed he was a fellow campaigner pursuing a shared political goal. Sheppard alleges that prosecutors unfairly withheld Rayner’s covert role from his criminal trial in 1995. He was convicted of unlawfully possessing a shotgun and ammunition, and material to make an incendiary device with the intention of causing criminal damage. Incendiary devices have been used by animal rights activists to set fire to shops as part of their protests. Sheppard had been previously jailed in 1988 for setting fire to Debenhams stores in a protest against the fur trade. When Sheppard was released in 1990, he says he intended to continue protesting but only “on an entirely peaceful and non-violent basis”. He alleges that after his release, Rayner targeted him in a “determined, cynical” move and deliberately encouraged him to become involved in more serious protests that he was initially willing to undertake.

Police Chiefs to Replace Disclosure Consent Forms

Controversial consent forms giving police access to phones and other devices in criminal cases are to be replaced, after they were criticised by the Information Commissioner’s Office. In 2019 the National Police Chiefs Council and Crown Prosecution Service announced they were introducing standardised consent forms for allowing access to phones and other devices. However, the Centre for Women’s Justice said the forms were unlawful, discriminatory and led to excessive and intrusive disclosure requests. The centre brought a legal challenge on behalf of two women, which was put on hold pending the ICO’s investigation report on mobile phone data extraction by police forces. The ICO's report, published last month, said the NPCC-circulated digital consent forms did not make clear what the underpinning lawful basis for an extraction was and that the forms should not be used as currently drafted. Today, the NPCC confirmed that the forms will be replaced with an interim version from 13 August. The College of Policing will produce guidance on investigative practice when mobile phone investigation is needed. Assistant chief constable Tim De Meyer, NPCC lead for disclosure, said: ‘Police and prosecutors have a duty to pursue all reasonable lines of enquiry in every investigation, and to disclose any material that undermines the case for the prosecution or assists the case for the accused. This is a fundamental principle of our criminal justice system, which ensures that trials are fair.

‘It is important that this process is consistent for investigators across the country. No victim should feel discouraged from reporting a crime to the police. Searches of digital devices should not be automatic and will happen only when the investigating officer or prosecutor considers there to be a need to access information to pursue a reasonable line of enquiry. We will still explain this process fully to victims and witnesses.’ Solicitor Harriet Wistrich, director of the Centre for Women’s Justice, said: ‘We are relieved that these forms have finally been withdrawn from use, but they should never have been used in the first place. Their effect has been to delay rape cases and deter many victims from coming forward or continuing with their cases.’ The centre’s legal challenge was funded by the Equality and Human Rights Commission. EHRC chief executive Rebecca Hilsenrath said: ‘Digital data extraction forms are an invasion of privacy at a time when victims of crime are at their most vulnerable. There is no evidence that they are necessary in building a case. As they are predominantly applied to survivors of rape or sexual assault, they disproportionately impact on women

and act as a discriminatory barrier to justice. 'We are proud to have assisted in the challenge by two brave claimants who brought this issue to the fore with the Centre for Women's Justice. We welcome the decision from the NPCC and hope it leads to improving confidence in the justice system on the part of survivors of sexual assault.'

Police Officer Had Sex With Domestic Violence Victims While On Duty

Andy Gregory, Independent: A police officer had sex with two domestic violence victims while on duty and used the force's computer systems to track down two other women and send them texts of a sexual nature, the police watchdog has found. Malcolm Bennett, formerly of Northumbria Police, met both vulnerable women in his capacity as a constable, and drove their homes in a police vehicle while on duty and wearing his uniform. Five allegations of gross misconduct, including sexual activity on duty and unlawfully accessing police computer systems for information, were found proven at a disciplinary hearing held in private earlier this week, the Independent Office for Police Conduct (IOPC) said. The panel found that Bennett, who was based in Wallsend, North Tyneside, breached standards of honesty, integrity and confidentiality. Had he not already retired, Bennett would have been dismissed for gross misconduct, the watchdog said. He started a year-long sexual relationship with one of the women in September 2016. The other relationship began seven months later, in April.

Following the IOPC investigation, Bennett was charged with offences under the Data Protection Act and admitted them in August 2019 at North Tyneside Magistrates' Court, the police watchdog said. "Both women were clearly vulnerable and had been victims of domestic abuse," said IOPC regional director Miranda Biddle. He breached the high standards of professional behaviour expected of police officers and rightly would have been dismissed if still serving. We will continue to use our learning from such investigations and provide guidance to assist police forces to identify abuses of position for sexual purpose and inappropriate behaviour at the earliest opportunity." After the hearing, Northumbria Police's head of professional standards, Superintendent Steve Ammari, said: "Malcolm Bennett abused his privileged position for his own selfish gains and his behaviour was completely unacceptable. We want to reassure the public that the actions of this individual are in no way representative of the officers and staff who every single day display the highest levels of professionalism and commitment to the communities we are proud to serve."

Terrorism Act 2000 - 20 Years of Increased Racism, Repression and Injustice

Sarah Bates, Socialist Worker: The introduction of the Terrorism Act 2000 created a "racist, fear-based environment" argues a new report from human rights group Cage. In the "20 Years of TACT: Justice under Threat" report, released on Monday, the group claims there is a "two-tier justice system that undermines democratic governance". Tony Blair's Labour government brought in the Terrorism Act. Various governments bolstered it with further pieces of similar legislation in 2005, 2016 and 2020. Successive legislation was designed to whip up Islamophobia and increase state power, not protect ordinary people. As of March 2020, some 77 percent of people in prison custody for terror offences are Muslim.

The act is not a useful tool for identifying people guilty of committing terror offences. Only a tiny minority—11.6 percent—of so-called terror arrests result in terror convictions. Some 49 percent of people are released without action, and just over a quarter of arrestees are charged with a terror offence. It's not true that these convictions show the police dramatically thwarting acts of mass violence. The majority of convictions have been for "pre-crime" offences such as viewing banned material or preparatory activity. And the way that counter-terrorism legislation is interpreted in the courts means that prosecutors don't have to prove a defendant's criminal intent to win a conviction. This process is "based upon politicised interpretations of statements and discriminatory conceptions of Islamic 'ideology'," argues Cage. It said counter-terrorism cases are "chipping away at a core pillar of due process, and resulting in unsafe convictions".

Targets: The way that the Terrorism Act is designed targets Muslim people, whips up Islamophobia and plays into the myth that the police are "tough on crime". "The stigma and fearmongering attached to Muslim-majority terror offenders has served to validate the hard arm of policing," said Cage. It also criticised recent laws which "undermine the very notion of rehabilitation". These include the Terrorist Offenders (Restriction of Early Release) Act 2020 and the Counter-terrorism and Sentencing Bill, which is currently under consideration. Cage argued that these laws, "herald a punitive turn that favours keeping individuals trapped in a cycle of prison and surveillance indefinitely".

The Terrorism Act has been a critical cornerstone of two decades of a deeply racist justice system managed by the British state. The laws "helped give state racism a new lease of life, with the widespread criminalisation of Muslims and/or foreign nationals by counter terrorism policing". And Cage points to how counter-terrorism laws have been used to justify arming the police—who are increasingly using shoot-to-kill methods against terror suspects. The report calls on the government to repeal all counter-terror laws since 2000. And it wants a series of public inquiries into the long-term impact of the laws and reparative justice. Cage is right to say counter-terrorism laws target Muslim people. They are a racist weapon in the armoury of the state. All such legislation should be scrapped and the architects brought to justice.

Parents of Man Who Died After Police Restraint Challenge Delay Over Seni's Law

Heather Stewart, Guardian: The parents of a young black man who died after being restrained in a mental health hospital are asking why a law passed in his name almost two years ago has not yet been enacted by the government. Aji and Conrad Lewis, alongside other campaigners, have signed a letter to the mental health minister, Nadine Dorries, calling for the government to set a commencement date for the Mental Health Units (Use of Force) Act 2018. The act, known as Seni's law after their son, Olaseni, was introduced as a private member's bill by the Labour MP Steve Reed. It requires mental healthcare providers to keep records of the use of force, and to train staff in de-escalation techniques to help reduce the use of restraint. It is also intended to improve transparency and accountability, with every mental health unit having to publish its policy on the use of restraint, keep a record of occasions on which it is used, and designate one person who is responsible for implementing the policy. Police officers who attend mental health settings will have to wear body cameras.

Olaseni, who was 23, died in 2010 soon after he was subjected to what an inquest described as "disproportionate and unreasonable" restraint at Bethlem Royal hospital in London involving 11 police officers. His mother said at the time the law was passed: "It took us years of struggle to find out what happened to Seni: the failures at multiple levels amongst the management and staff at Bethlem Royal hospital, where, instead of looking after him, they called the police to deal with him. "We welcome the law in his memory, in the hope that it proves to be a lasting legacy in his name, so that no other family has to suffer as we have suffered."

The letter to Dorries, calling on her to enact the legislation urgently, has also been signed by several charity leaders, including Paul Farmer of the mental health charity Mind and Emma

Thomas of YoungMinds. Reed, who was a backbench MP when he brought in the private member's bill and is now the shadow communities secretary, said: "The legislation I introduced to tackle dangerous restraint used disproportionately against young black men has been in place for 20 months, but it still hasn't come into force. "The government simply needs to set a commencement date, something that usually takes just weeks. We can't wait any longer. Either this legislation matters to the government or it doesn't. Ministers must bring Seni's law into force without further delay."

A Department of Health and Social Care spokesperson said: "Mental health services will continue to expand further and faster thanks to a minimum £2.3bn of extra investment a year by 2023/24 as part of the NHS long-term [plan]. "The government was fully supportive throughout the passage of the Mental Health Units (Use of Force) Act and is committed to publishing statutory guidance on the act for consultation as soon as possible."

Impact of Continued Covid-19 Regime Restrictions in Women's Prisons

Inspectors who visited two closed women's prisons found there was an urgent need to ease severe regime restrictions which had been in place during the COVID-19 emergency, with clearer national guidance. Many prisoners reported deteriorating physical and mental health and some had not seen their children for more than three months. HM Inspectorate of Prisons (HMI Prisons) carried out short scrutiny visits (SSVs) at HMP Send and HMP and YOI Downview on 30 June 2020. Managers were found to have had taken effective measures to contain the spread of COVID-19. At the time of the visit, there had been no evidence in either prison of the virus for several weeks.

Peter Clarke, HM Chief Inspector of Prisons, said there had been some improvements to regime restrictions since earlier SSVs by HMI Prisons, to different women's prisons, in May. "But they had not kept pace with the easing of restrictions in the community. It was a concern that national guidance for the easing of restrictions in prisons was still being finalised." Visits were still suspended at both prisons and many prisoners only received about an hour and a half out of cell each day. At Downview, prisoners could also attend four one-hour outdoor gym sessions a week, but prisoners in Send were only offered one or two such sessions. There were work opportunities at both sites but education classes were still suspended, though prisoners were given in-cell workbooks.

Isolation by those who were vulnerable to COVID-19, or had symptoms of the virus, was managed well on both sites. Social distancing was understood by both staff and prisoners and, while difficult due to some narrow corridors and small offices, was generally adhered to. At both sites, governance of health care remained appropriate with partnership arrangements in place.

Mr Clarke said: "The suspension of visits has had a particularly acute impact in the women's estate; many prisoners in Send and Downview had not seen their children for over three months. Video calling provision had only recently been rolled out in both sites, which women appreciated." Despite significant amounts of staff time spent on identifying prisoners for the two early release schemes in operation by HM Prison and Probation Service (HMPPS), only two prisoners had been released. "It was reassuring that recorded levels of self-harm had not increased since restrictions had been implemented. However, prisoners told us that ongoing restrictions were having an impact on their well-being, and there was further evidence to support this." NHS England had commissioned a survey of health care users across both sites: 68% of respondents said their mental health had deteriorated since 23 March and 71% said their physical health had deteriorated. This report highlights positive practice in several areas and it is a credit to staff that most prisoners we spoke to were positive about staff-prisoner relationships, despite the significant restrictions in place. However, evidence of the impact of the restricted regime on the well-being of prisoners was a concern. This, and the success in infection control, suggested the balance of risk was shifting. Both senior managers and prisoners saw the need to move to a more purposeful regime. However, recovery planning had been hampered by the lack of consistent, timely guidance from HM Prison and Probation Service (HMPPS). The need to move safely to a less restricted regime was becoming urgent."

Prosecuted and Punished Twice For a Breach of the Peace

In today's Chamber judgment in the case of Velkov v. Bulgaria (application no. 34503/10) the European Court of Human Rights held, unanimously, that there had been: a violation of Article 4 of Protocol No. 7 (right not to be tried or punished twice) of the European Convention on Human Rights. The case concerned the applicant's complaint that he had been convicted twice of the same offence of breaching the peace during a football match. The Court found that, while there had been a close connection in time between the administrative and criminal proceedings against the applicant, there had not been a sufficiently close connection in substance between the two sets of proceedings. The Court therefore held that, given the lack of a sufficiently close connection in substance between the administrative and criminal proceedings against the applicant, he had been prosecuted and punished twice for the same offence, in breach of the ne bis in idem principle.

Dimitar Angelov: Excessive Restrictive Prison Regime Violation of Article 3

The case concerned a life prisoner's complaint about his excessively restrictive prison regime and inadequate conditions of detention. The applicant, Dimitar Borisov Angelov, is a Bulgarian national who was born in 1982. Mr Angelov has been in detention intermittently since 1999 for various offences. He is currently serving a life sentence in Pazardzhik Prison where he was transferred in 2013 and placed under strict conditions, known as the "special regime". In 2016 he brought a claim for damages in the domestic courts regarding his detention. He complained about the conditions in Pazardzhik Prison, emphasising in particular that he had to go to the toilet in a bucket owing to the lack of sanitary facilities and running water in his cell. He also alleged that he was isolated for almost 24 hours a day without being able to work or study. The courts, ultimately in a final decision of January 2019, allowed his claim in part, awarding him 500 euros (EUR) for his detention in Pazardzhik Prison between November 2013 and April 2018. According to the latest available information, in January 2019 he was placed with another life prisoner in a shared cell measuring just under 15 square metres, equipped with a toilet and a shower separated from the rest of the living space. Relying in particular on Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights, Mr Angelov complained, inter alia, of being held in poor conditions of detention, in almost complete isolation and without purposeful activities. Violation of Article 3 – in regard of Mr Angelov's past periods of detention by reason of .the lack of sanitary facilities combined with the prolonged isolation and lack of purposeful activities available to him.

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.