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No Justification for Insisting EDS Prisoner Stay in Prison for 2/3rds of Their Custodial Term

R (application of Stott) (Appellant) v Secretary of State for Justice (Respondent)

The appellant is currently serving an extended determinate sentence, comprising a custodial term of 21 years and an extension of 4 years, for serious sexual offences involving young children. Pursuant to s. 246A Criminal Justice Act 2003, the appellant is entitled to automatic release at the end of his custodial term, (i.e. after 21 years) but he is only eligible to be considered for parole when he has served two-thirds of that custodial term (i.e. after 14 years). Were the appellant an indeterminate sentence prisoner, he would be eligible for parole at the end of his minimum term (s.28 Crime (Sentences) Act 1997), which is normally half the appropriate determinate sentence (i.e., in this case, after 10½ years. Were he a determinate sentence prisoner, he would be automatically released at the half-way point of his sentence, pursuant to s.244 Criminal Justice Act 2003. The appellant invites the Supreme Court to depart from the decision of the House of Lords in Clift and to declare that s.246A of the 2003 Act is incompatible with Article 14 ECHRd

A majority of the Supreme Court Carnwath, Hodge and Black, Dismissed the appeal.

[However and it is a very important however, Lady Hale and Lord Mance would have allowed the appeal, emphatically stating: 'There is no justification for insisting that an EDS prisoner stay in prison for two thirds of the custodial term appropriate to the seriousness of his offending, while a discretionary life sentence prisoner, who is likely to be even more dangerous than an EDS prisoner, would be considered for release after half of what would have been an appropriate determinate sentence'.]

Justices: Lady Hale (President), Lord Mance, Lord Carnwath, Lord Hodge, Lady Black

Background to the Appeal: An extended determinate sentence ('EDS') is one of the available sentences for an offender who is considered 'dangerous'. It comprises two elements: an 'appropriate custodial term' and the 'extension period' for which an offender is subject to a licence. Under section 246A of the Criminal Justice Act 2003, an offender serving an EDS becomes eligible for parole after two-thirds of the appropriate custodial term. By contrast, other categories of prisoners serving determinate sentences become eligible after half of their sentence. Prisoners serving certain types of indeterminate sentences (i.e. discretionary life sentences) will become eligible for parole after their specified minimum term, which is ordinarily fixed at half the determinate sentence they would have received had they not been subject to a life sentence.

On 23 May 2013, the appellant was sentenced to an EDS in respect of ten counts of rape. The appropriate custodial term was fixed at 21 years, with an extension period of four years. The appellant, Mr Stott, sought judicial review of his sentence. He claimed there was no justification for the difference in treatment in relation to eligibility for parole. He claimed that this was unlawful discrimination within Article 14 of the European Convention on Human Rights ('ECHR'), combined with Article 5 (the right to liberty). Article 14 prohibits discrimination on any ground such as sex, race or "other status". The High Court dismissed his claim, but granted a certificate permitting Mr Stott to appeal directly to the Supreme Court.

It was agreed that the right to apply for early release falls within the ambit of Article 5. As to whether Article 14 applies, there are two issues. The first is whether the different treatment of Mr Stott is on a ground within the meaning of "other status". The second has two parts: (a) whether EDS prisoners are in an analogous situation to either indeterminate sentence prisoners or other determinate sentence prisoners; and, if so, (b) whether there is an objective justification for the difference in treatment between the categories of prisoners.

Judgment: A majority of the Supreme Court dismisses the appeal, holding that the EDS scheme does not breach Article 14 with Article 5. Lady Black gives the leading judgment, with which Lord Carnwath and Lord Hodge agree, save on issues specified in their separate judgments. Lady Hale and Lord Mance both give dissenting judgments.

Reasons for the Judgment: Issue 1 – the status issue

The Court holds by a majority (Lady Black, Lord Hodge, Lady Hale and Lord Mance) that Mr Stott had the requisite status for Article 14 [81, 184, 212, 236]. In light of the European Court of Human Rights ('ECtHR') decision in Clift v United Kingdom (Application No 7205/07), the Court should depart from the decision in R (Clift) v Secretary of State for the Home Department [2007] 1 AC 484. In that case the House of Lords had held that different treatment of a prisoner serving a sentence of 15 years or more could not be said to be on the ground of "other status" [70]. For the purposes of determining status, there is no real distinction between Mr Clift as a prisoner serving 15 years or more and Mr Stott as a prisoner serving an EDS [79]. Considering all the relevant case law and bearing in mind that grounds within Article 14 are to be given a generous meaning, the difference in treatment of EDS prisoners in relation to early release is a difference within the scope of Article 14, on the ground of "other status" [81, 185, 237]. Lord Carnwath concludes that difference of treatment of EDS prisoners is not attributable to some "status" for the purposes of Article 14. He would dismiss the appeal on that basis [179].

Issue 2 (a) – analogous situation

The Court holds by a majority (Lady Black, Lord Carnwath, Lord Hodge) that EDS prisoners are not in an analogous situation to other prisoners. The various sentencing regimes must be regarded as whole entities, each designed for particular circumstances and characteristics. The differences between the sentencing regimes are such that prisoners serving sentences under different regimes are not in analogous situations [155, 180, 195]. Lady Hale and Lord Mance (dissenting) hold that EDS prisoners are in an analogous situation to other prisoners serving determinate sentences and prisoners serving discretionary life sentences [214, 239]. Lady Hale says that for all three categories of prisoner, the most important question from their point of view is "when will I get out?" The essence of the right in question is liberty and for that purpose their situations are relevantly similar [214].

Issue 2 (b) – objective justification

The Court holds by a majority (Lady Black, Lord Carnwath, Lord Hodge) that, if EDS prisoners were in an analogous situation, the difference of treatment would be objectively justified [155, 180, 201]. The aim of the EDS provisions, which includes public protection, is legitimate [152]. As to whether the EDS scheme is a proportionate means of achieving that aim, the Court must consider each sentence as a whole. Within the framework of statutory provisions and sentencing guidelines, the sentencing judge imposes the sentence that best meets the characteristics of the offence and the offender. The early release provisions are part of the chosen sentencing regime and objective justification should be considered in that wider context [154]. The EDS is better compared to an indeterminate sentence, rather than to other types of determinate sentence. Counter-balancing the indeterminate prisoner's earlier eligibility for parole is the lack of any guaranteed end to his incarceration, and the life licence to

which he is subjected. This undermines the argument that the difference in treatment in relation to early release is disproportionate or unfair [155]. The EDS is a separate sentencing regime that is neither arbitrary nor unlawful [200]. Lady Hale and Lord Mance (dissenting) hold that that there is no justification for insisting that an EDS prisoner stay in prison for two thirds of the custodial term appropriate to the seriousness of his offending, while a discretionary life sentence prisoner, who is likely to be even more dangerous than an EDS prisoner, would be considered for release after half of what would have been an appropriate determinate sentence [218 – 220, 246, 248].

A Great British Injustice: The Maguire Story Review – a Harrowing tale

Rebecca Nicholson, Guardian: When Gerry Conlon's conviction for the 1974 Guildford pub bombings was quashed in 1989, after he had been in prison for 15 years, he gave a furious statement outside the Old Bailey, vowing to continue the fight for justice. "I'm a totally innocent man. I watched my father die in a British prison for something he didn't do. He is innocent. The Maguires are innocent," he shouted. Daniel Day Lewis gave a version of the speech when he played Conlon in In The Name of the Father, which told the story of the Guildford Four. A Great British Injustice: The Maguire Story(BBC Two) focuses instead on the family who were also caught up in the miserable saga and whose lives were devastated by the same shocking miscarriage of justice.

It is an outrageous story told by those at the centre of it, and it is a testament to the strength of the surviving Maguires that they are able to talk about it with such clarity. Conlon's false confession implicated his father's sister-in-law, Anne Maguire, who was arrested in Kilburn, north-west London, by police who insisted the Maguire family home was also a bomb factory. The use of archive footage does a remarkable job of conjuring up the atmosphere of the 1970s, when anti-Irish sentiment in the UK had been whipped up against a backdrop of IRA bombings. One news report from the time painted Anne as "Auntie Annie", a sleeper agent who had disguised herself as a quiet family woman, storing bombs in the kitchen "as you might store corned beef".

"I couldn't even put a fuse in that plug," says Anne Maguire today, still incredulous, admitting that she weeps even now over the long, wasted years that followed. Along with her brother-in-law Giuseppe Conlon, her brother Sean Smyth, a family friend Patrick O'Neill, her husband Patrick, and her two teenage sons, Vincent and Patrick, she was eventually convicted of possessing nitroglycerine, based on traces of explosives found underneath their fingernails, or in Anne's case, on a pair of gloves. The Maguire Seven, as they became known, served sentences ranging from four to 14 years, apart from Giuseppe Conlon, Gerry's father, who died in prison in 1980. Their convictions were eventually quashed in 1991, the forensic evidence, the only evidence, widely dismissed.

Presenter Stephen Nolan is not quite an impartial observer, and this is an emotional, invested documentary, in which he has fostered the trust of the surviving Maguires, who open up to him about the terrible effects these wrongful convictions wrought upon their lives. The younger Patrick was 14 when he was sent to a category A adult prison. His face cracking with pain throughout his story, he explains that he believes his childhood ended there. Anne remembers being so affronted by what they had been accused of she asked the police van to let her out into a crowd of anti-Irish protesters bearing placards that called for her to be hanged. "Let me out and I'll tell them we're not those people," she said. They talk of violent beatings by the officers who questioned them; Anne says she had a gun held to her head. "None of you broke," says Nolan to Vincent Maguire. "We had nothing to break for," he replies.

In among the layers of corruption and incompetence – other confessions that were not investigated, alibis ignored – there are moments that would be written out of a potboiler for stretching credulity. Nobody bothered to find out that Anne and her husband Patrick were members of the local Conservative club, or that he had served in the British army. Anne talks of being punched and kicked by interrogating officers, but even in her recollections of what they said to her, she can't bring herself to use their language. "Get up, you Irish 'B', you murdering 'B'," she reports, instead. In 2005, the then prime minister Tony Blair offered a formal apology to the Maguires, but, as with the quashed conviction, they do not see it as a cause for celebration. Nolan presses the point that, even now, justice has not been done: nobody has been held responsible. And yet, it manages to end on as touching a note as is possible, when, at the close of a brutal testimony, Patrick declares himself to be lucky to have had Anne as his mother. This is a harrowing story, infuriating and awful and tragic, but the participants have found what light they could, where they could find it.

Judge Rejects Environmental Campaigner's Bid For Undercover Policing Inquiry In Scotland

An environmental campaigner who was seeking to challenge decisions of the UK and Scottish governments not to hold a public inquiry into undercover policing activities in Scotland following the so-called "spy-cops" scandal has had her application for judicial review dismissed. A judge in the Court of Session ruled that the decisions by the then Home Secretary Theresa May and Cabinet Secretary for Justice Michael Matheson were not irrational.

Lady Carmichael heard that the petitioner Matilda Gifford was a member of the Plane Stupid campaign group, which protests against climate change and environmental degradation caused by the airline industry and which was a victim of undercover policing in Scotland. She lodged a petition for judicial review challenging two decisions; firstly, the decision of the UK Government refusing to amend the terms of reference of the Mitting inquiry into undercover policing (UCPI) so as to cover the activities of English police forces in Scotland and the activities of Scottish police forces; and secondly, the decision of the Scottish Government not to set up a public inquiry in relation to these matters.

The court was told that the petitioner was arrested in 2009 following a protest at Aberdeen Airport and was questioned about her membership of Plane Stupid, which was infiltrated by police after that protest, with officers from Strathclyde Police deployed as undercover agents to spy on activist groups. After she was released she returned to the police station to pick up keys which had not been returned to her, and when she did so she was invited in for a "chat" with two individuals who tried to obtain her assistance as an informant as to the activities of Plane Stupid. A further two meetings took place between the petitioner and these individuals, in which they made further attempts to obtain her assistance and hinted that she would be paid for information. The petitioner recorded the meetings and transcripts were published by The Guardian newspaper.

One of the individuals met the petitioner briefly in the street and told the petitioner that if she did not cooperate in providing information she might later find herself in prison. The petition further stated that Mark Kennedy, then calling himself Mark Stone - an individual whose activities have become the subject of a great deal of publicity and which are to be investigated by the UCPI - attended an activists' workshop held by the petitioner and organised by Plane Stupid in August 2010, the purpose of which was "how to resist police infiltration".

'Right to the truth' - The petitioner claimed that she did not yet know the full scale of this undercover police activity directed against her and others, and separately against Plane Stupid and other activist groups, and that, therefore an independent inquiry into undercover policing was required. In 2015 the Home Secretary established the UCPI under the Inquiries Act 2005, but its remit was "to inquire and report on undercover police operations con-

ducted by English and Welsh police forces in England and Wales" and did not extend to Scotland. Despite representations from the Scottish Government's Cabinet Secretary for Justice, the Home Office refused to extend the scope of the inquiry, following which the Scottish Government announced a decision to direct a strategic review of undercover policing in 2016.

Her Majesty's Inspectorate of Constabulary in Scotland's (HMICS) report, which was not published until February 2018, recommended that Police Scotland should establish a formal process with forces in England and Wales for the reciprocal notification of cross-border undercover operations, but concluded that there was no evidence of the sort of behaviour by Scottish police forces that led to the establishment of the undercover policing inquiry. On the basis of those findings, earlier this year, the Scottish Justice Secretary announced that he would not be establishing a separate inquiry in Scotland because it was not necessary or in the public interest.

On behalf of the petitioner it was submitted that the respondents' decisions were "unlawful interferences" with her rights under the European Convention on Human Rights (ECHR). It was argued that the decisions were incompatible with the "right to the truth", which the Strasbourg court had recognised. They were also incompatible with the petitioner's right to a private life under Article 8 and her right to freedom of expression under Article 10. The decisions were said to be incompatible also with her right not to be discriminated against in the enjoyment and protection of other Convention rights; Article 14 read with Articles 8, 9, 10 and 11, on the basis there was "geographical discrimination" between victims of undercover policing located in Scotland and those located in England.

In a written opinion, Lady Carmichael said: "Surveillance by the police undoubtedly falls within the ambit of Article 8. Actions of certain types taken by the police in the course of surveillance may violate the psychological integrity of individuals. "The present case involves no allegation of violence, or harassment, or racially motivated conduct...To infer a duty to direct that there be a public inquiry in the circumstances of this case would require a significant extension of the reasoning... The petitioner has not demonstrated that either respondent has acted incompatibly with her Convention rights on this basis." The judge concluded: "I considered the Convention rights challenges directed against the first respondent on their merits, as there was no point of distinction between the arguments made against the first respondent and those made against the second respondents, and I have rejected those challenges on their merits."

Former Child Migrants Begin High Court Legal Action Against UK Government

Leigh Day Solicitors: Lawyers representing British citizens sent overseas as children, as part of the UK's child migration programmes, have launched a legal challenge against the Government's lack of action in setting up a redress scheme for the former child migrants, many of whom suffered physical and sexual abuse as a result of the policy. Law firm Leigh Day, on behalf of the International Association of Former Child Migrants and their Families has today sent a Letter Before Claim to the Department of Health and the Home Office over the UK Government's failure to respond to the recommendations in a report by the Independent Inquiry into Child Sexual Abuse (IICSA). The report published in March this year by the IICSA recommended that the UK government establish a Redress Scheme for all surviving former child migrants. The IICSA, chaired by Professor Alexis Jay, was damning of successive UK governments over their central role in the child migration policy which it concluded had not ensured sufficient measures were in place to protect children from abuse when sent overseas.

The UK's child migration policy involved the deportation overseas of thousands of children, many of whom were in care or from impoverished background, often without parental consent.

The child migration programmes came to an end in 1970. Post war child migration was declared a "fundamentally flawed policy'' in the IICSA report and a redress scheme was suggested with payments to start within 12 months, which would be by 1 March 2019.

A statement by Jackie Doyle-Price, the Parliamentary Under Secretary of State for Health and Social Care on 3 July 2018, announced that the Government intended to give a formal response to the recommendations by the summer recess in 2018.

However, according to the International Association of Former Child Migrants and their Families, the UK government has failed to issue a substantive response to the findings of the IICSA report or confirm that it will set up the recommended Redress Scheme. The campaign group describe the lack of action by the Government as causing considerable distress and concern to the remaining child migrants, many of whom are advancing in years. For them, the establishment of the Redress Scheme by the UK government is vital to deliver accountability and recognition of the harm caused through the child migration programmes, according to their president Norman Johnston. Leigh Day have now written to the Government threatening them with a High Court legal challenge over what they allege is a complete failure to engage with, or formally respond to, the recommendations in the IICSA report.

Norman Johnston, President of the International Association of Former Child Migrants and their Families said: "To date, at least 21 former child migrants are known to have passed away without justice since the report was issued. For them, for those child migrants who gave their painful testimony before the Inquiry in London, and for those of us still waiting we cannot sit by, waiting for the government to do the right thing."

Alison Millar, Partner at Leigh Day who is representing the International Association of Former Child Migrants and their Families said: "The IICSA is a statutory inquiry, established by the UK Government, with the specific mandate of scrutinising the role of government bodies, such as the Home Office and the Department of Health, and making official recommendations for the treatment of abuse survivors, like the former child migrants. Eight months is more than a reasonable timescale for the Government to begin to implement the clear and urgent proposals set out in the IICSA's March 2018 report on Child Migration. As the IICSA's report shows, the UK's child migrants were badly let down by the Government when they were children. We call on the Government to respond to our Letter Before Action by the swift establishment of a Redress Scheme that provides the surviving child migrants with the compensation that, after so many years, they rightly deserve. Consecutive governments have let these British citizens down. First as children deported to foreign lands without any safeguards, then as adults left to cope alone with what they had endured and now this government, faced with recommendations from its own inquiry, is letting them down again in their advancing years. Following the shameful delays to establish compensation to help the Windrush generation, this again appears to be a case of putting elderly British citizens at the back of the queue while internal political squabbles take precedence."

Civil Rights 'Under Serious Attack' Across The Globe

Rebecca Ratcliffe, Guardian: Nearly six in 10 countries are seriously restricting people's freedoms, according to a new report that warns of a growing repression around the world. According to the study, there is little or no space for activism in countries such as Eritrea and Syria, and also worrying signs in countries where democracy is considered well established, such as France, the US, Hungary and India. The report by Civicus Monitor, an alliance of civil society groups, found that fundamental rights – such as freedom of expression and peaceful assembly – were under attack in

111 of 196 countries. Countries were also found to be passing repressive laws and using new technologies to control public debate. In China, censorship using new technologies had reached unprecedented levels since President Xi Jinping took power, the report warned.

Cathal Gilbert, civic space research lead at Civicus, said such measures were only the tip of the iceberg, with states more frequently resorting to harassment and violence. “Extra-legal measures, such as attacking journalists or beating up protestors, are much more common,” he said. “These tactics are cynically designed to create a chilling effect and deter others from speaking out or becoming active citizens.” Among the countries listed as a concern were the Democratic Republic of the Congo, where authorities have clamped down on dissenting voices following the political crisis that began in 2015, and Guatemala, where at least 21 human rights defenders were killed during 2018. The report also raised concerns about repressive laws in Bangladesh and France. In France, some of the temporary emergency powers introduced in the wake of the 2015 terrorist attacks have been made permanent, increasing police powers of arrest, detention and surveillance. Such powers, the report warned, have been used to target environmental activists and Muslim civil society groups. In the Middle East, Saudi Arabia was identified as a country of concern, due to the arrests of religious figures and human rights activists over the past year, including women who campaigned for the right to drive.

Globally, women activists are the most likely to be targeted, according to Civicus. Overall, conditions for civil society groups had worsened in nine countries since March 2018. But civil society space had increased in seven countries elsewhere, including in Ethiopia, which Gilbert said was a sign of “what is possible when political will is present”. “This should encourage those seeking change in repressive countries everywhere,” he added. “By removing restrictions and protecting civic space, countries can tap into civil society’s true potential and accelerate progress on a wide range of fronts.”

Gerry Adams Granted Permission to Appeal to Overturn 1970s Convictions

rish Legal News:: Former Sinn Féin president Gerry Adams has been granted permission to appeal to the UK Supreme Court in a bid to overturn his convictions in the 1970s for attempting to escape from internment. He has argued that the interim custody order (ICO) made under the Detention of Terrorists (NI) Order 1972 against him in 1973 was invalid because it was not signed by the Secretary of State for Northern Ireland. Mr Adams was detained under the ICO on 21 July 1973. A detention order was later made on 16 May 1974, continuing his detention. He made two escape attempts, in December 1973 and July 1974, for which he was sentenced to 18-months and three years' imprisonment respectively. Mr Adams did not appeal against either conviction, but is now seeking to overturn them by showing that his interment was unlawful. The Court of Appeal in Belfast dismissed his appeal in February. The UK Supreme Court will now consider the key question, namely whether a decision to make an interim custody order under the 1972 Order is rendered invalid by the fact that it was made by the Minister of State and not personally made by the Secretary of State.

Barrier to Compensation Under the ‘Same Household Rule’ Unlawfully Discriminated

Seosamh Gráinséir, Irish Legal News: A woman who had her application for criminal injury compensation refused due to the "same household rule" has succeeded in the Northern Ireland Court of Appeal. Dismissing the cross-appeal brought by the Department of Justice, the Court said that there was "no justifiable, rational or lawful ground for requiring some victims of violent crime to forgo an otherwise valid claim for compensation in order that funds may be saved for distribution to other claimants whose circumstances are equally, or possibly less, deserving of support".

From 1979 to 1980, when the applicant was aged between 9 and 11, she was subjected to physical and alleged sexual abuse at the hands of her father’s partner. In 2008, the applicant reported her abuse to the police and in 2013, the assailant pleaded guilty to several counts of child cruelty and assault occasioning actual bodily harm – after pleading guilty on these counts, the charges related to alleged sexual abuse were ‘left on the books’. Thereafter the applicant sought criminal injury compensation pursuant to the Northern Ireland Criminal Injury Compensation Scheme 2009, however, her application was refused and her appeal to the Criminal Injuries Compensation Appeals Panel for Northern Ireland (CICAPNI) was also refused.

The CICAPNI said that no compensation could be paid under the terms of para 7(c) of the Northern Ireland Criminal Injury Compensation Scheme 2009 – which ‘acts as a complete bar to eligibility to apply for compensation where the injury was sustained before 1st July 1988 and the victim and assailant were living together at the time as members of the same family’ (the ‘same household rule’). The ‘same household rule’ is an exclusion which was introduced along with the first criminal injury compensation scheme in NI under the Criminal Injuries to Persons (Compensation) Act 1968.

The ‘same household rule’ was revised by the Criminal Injuries (Compensation) (Northern Ireland) Order 1988, which provided that compensation could be paid if the Secretary of State was satisfied that: The assailant was prosecuted or there was sufficient reason why he/she was not prosecuted; The assailant and victim ceased to live in the same household and unlikely to do so again; No person responsible for causing the injury would benefit from the compensation.

However, this did not operate retrospectively, and therefore only related to claims made from the date the 1988 Order entered into force. Similarly, neither the Criminal Injuries Compensation (Northern Ireland) Order 2002, nor the Criminal Injuries Compensation (Northern Ireland) Scheme 2009, amended the eligibility bar for those affected by the ‘same household rule’ prior to 1988.

The applicant brought judicial review proceedings against the CICAPNI (the decision maker) and the Department of Justice (responsible for the terms of the scheme since devolution in 2010). The applicant complained that: The decision refusing compensation for her injuries because of the same household rule was "inconsistent with and in violation of her rights at common law and/or under the ECHR". The rule created an unlawful fetter on the discretion of the decision makers dealing with compensation claims and operated "contrary to the purpose of the legislation which is to compensate the victims of crime". The operation of the rule unlawfully discriminated against her contrary to Article 14 in conjunction with Art 1 Protocol 1 (A1P1) ECHR, being indirectly discriminatory against women and having a disproportionately adverse impact upon female victims of crimes committed in the home. The rule discriminated against her on the basis of an "other status", namely that she was a member of the same household and/or same family as the perpetrator of the crimes against her. In the High Court, the trial judge followed a 2017 decision in the Scottish courts, and ultimately concluded that discriminatory provisions which resulted from the rule pursued a legitimate aim, namely to ensure the long-term sustainability of the scheme.

Considering the applicant’s appeal, the Court of Appeal considered the following questions: Does the applicant have an interest in accessing the benefits of the 2009 scheme which is sufficient to qualify as a 'possession' for the purposes of A1P1? If so, has she been excluded from access to that possession on a discriminatory basis? If so, what is the discriminatory basis? If she has been discriminated against, is the discriminatory treatment justified in all the circumstances of the case?

The Court held that payments under the scheme qualified as 'possessions' for the purpose of A1P2. Considering whether she was excluded from access to her 'possession' on a discriminatory basis, the Court said that the relevant test was 'whether, but for the condition of entitlement the applicant would have had a right enforceable under domestic law, to receive compensation payment from the criminal injuries compensation scheme'. The Court was satisfied that: The 2009 Scheme established an entitlement 'as of right' to an award for claimants meeting the eligibility criteria of the scheme; The applicant fulfilled the eligibility criteria; Her only obstacle was the 'same household rule'; The same household rule had all the necessary features of a discriminatory 'other status' The applicant was discriminated on the basis of that status, engaging Article 14 in conjunction with A1P1.

The Court accepted that the impugned measure was rationally connected to a legitimate aim, but that examples of less intrusive measures to achieve the legitimate aim already existed in the 1988 Order in NI and 'in every compensation scheme issued in GB since 1979'. The Court said there was 'no reasonable foundation' for the decision to exclude her from the scheme, and emphasised that, although 'financial sustainability and administrative workability may be necessary pre-conditions underpinning a viable scheme … they cannot be considered to be the 'purpose' of that scheme'. Allowing the applicant's appeal and dismissing the DoJ's cross-appeal, the Court said it would hear parties on the alternative remedy.

PBS Dependent Children Cannot Attend Football Academies

Gherson Immigration: is aware of a serious issue currently faced by Football Academies in the UK, which may include Arsenal, Manchester United, Chelsea, Liverpool, Fulham, Newcastle United and indeed all Premier League and Championship Clubs. PBS dependent children (the children of skilled migrants and investors living and contributing to the UK economy) are being barred from registering with top sports academies due to a condition attached to their immigration approval which states: "no employment as a professional sportsperson (including as a sports coach)". The Home Office have taken the view that academy members (even minors aged 9 –12 for example) seek, in the future, to derive a living from playing as a sportsperson. It is unclear if these children can play for County teams or indeed 5-a-side clubs at this time. There is a strong argument that this is a complete misinterpretation of the Rules. Moreover, if membership of an academy is considered to be "employment" then surely all academies are breaking child employment laws in respect of British children too! This is yet another clear example of the Home Office policy makers' determination not to encourage excellence in the UK. Dependant children of PBS migrants are likely to obtain British Citizenship by the time they reach 18, so all the current policy does is frustrate their ambitions and development at a young age.

Mental Health and Deaths After Police Contact – Seni's Law is Welcome But More Needed

Reem Abu-Hayyeh, Open Democracy: Olaseni Lewis died after being restrained by police officers in a mental health hospital. An inquest found that "excessive, disproportionate and unreasonable force" was used. In response, Seni's Law – hard fought for by his family – passed into law earlier this month. Seni's Law requires hospitals to collect and publish data on how and when physical force is used, and will mean that a "non-natural" death in a mental health unit will automatically trigger an independent inquiry. But the law, although a step in the right direction in reducing the number of deaths in mental health hospitals and units, won't address or resolve deeper-seated issues in mental health care. Why is it that so many people going through mental health crises are met with force by the police in the first place, and why are so many of those who are, black? Why do so

many with mental health problems end up in police cells and even prisons rather than hospitals? And what can we - as citizens, and as health professionals, do about it?

On the 31st of October 2010, 23-year-old Olaseni Lewis admitted himself into Bethlem Royal Hospital in Beckenham for mental health treatment. He had previously not displayed signs of mental illness, but on the evening of 29th October, his family and friends noted he was flitting between calm and agitated states. In hospital, shortly after his family left, Lewis became agitated and staff called the police in order to restrain him. Eleven police officers restrained him using what was later deemed to be "excessive force", leading to his airways becoming blocked. Lewis fell unconscious and was transferred to another hospital. He was later pronounced dead. An inquest into Lewis' death in 2017 found that a number of failings by police officers contributed to his death, stating that: "The excessive force, pain compliance techniques and multiple mechanical restraints were disproportionate and unreasonable."

Sean Rigg, a 40-year-old musician who suffered from paranoid schizophrenia died at the entrance of Brixton police station, South London, on the 21st of August 2008. After members of the public called the police due to Rigg's "strange behaviour", four police officers attended, restraining him; Rigg's mental and physical health subsequently seriously deteriorated. After accusing Rigg of "faking unconsciousness", a doctor called to the scene found that his heart had stopped. He was later pronounced dead. Similarly, Thomas Orchard, a 32-year-old man with paranoid schizophrenia, died in hospital seven days after being taken to Heavitree Road police station in Exeter, Devon, in October 2012. During detention, Orchard had a so-called 'Emergency Response Belt' placed across his face; he was left lying motionless in a locked cell for twelve minutes before staff re-entered and began CPR. More recently, Kevin Clarke, a 35-year-old black man, came into contact with police in Lewisham, South London on 9 March 2018 while going through a mental health crisis. He was restrained by police officers and "became unwell", and was later pronounced dead. These are more than individual cases; people with mental ill health are more likely to die after police contact. Nearly three quarters of those who died during or following contact with the police were reported to have mental health concerns, according to an Independent Office of Police Complaints (IOPC) report from 2017-18.

Mental health and prisons: Those who suffer from mental health problems are also disproportionately likely to come into contact with the criminal justice system and end up in prison. Nearly two out of five people detained in police custody have some form of mental health problem, and over nine out of ten prisoners are believed to have experienced one of the following according to NICE estimates from 2014: psychosis; anxiety or depression; personality disorder; alcohol abuse; and/ or, drug dependence. A staggering 76% of prisoners have two or more mental health problems, according to NICE - so common as to be considered the norm. It is estimated that 14% of women serving prison sentences, and 7% of men (and 10% of male remand prisoners) have experienced psychosis, as compared to 0.5% of the general population. Worryingly, 26% of women and 16% of men said they had received support for a mental health problem in the year prior to their custody.

African Caribbean communities in the UK were 50% more likely to be referred to mental health services via the police than their white counterparts, according to Black Mental Health UK in evidence given to the Home Affairs Select Committee in 2013. Considering that fact that mental health service users make up half of those who die after police contact it is clear that black mental health service users face a disproportionate risk of death. BAME people are also disproportionately likely to die in police custody or after contact with the police in general, with the deaths of BAME people constituting 14% of all deaths between 1990-2017 according to the charity INQUEST.

Not only do black people face more violence from the police, they are also hugely over-represented in the figures of those diagnosed with severe mental health problems. Black people in the UK are three to five times more likely to be diagnosed and admitted with schizophrenia, and currently are four times more likely than their white counterparts to be detained under the Mental Health Act. While there is no single explanation for this disproportionality, Dr Suman Fernando amongst many others – a well-known psychiatrist and professor – claim that people from BAME backgrounds are pathologised, due to reasons such as unconscious prejudices amongst practitioners, and barriers and distrust in seeking mental health care prior to crisis. BAME people are also more likely to experience poorer outcomes from mental health treatment.

Racism and pathologism: The intervention of carceral and surveillance practices into mental health services, and into the UK's treatment of those with mental health problems, means that those on the sharp edge of institutional and systemic racism suffer. As Colin King, an activist and founder of the Black and Asian Coaches Association, wrote of his experiences with mental health services: "They told me I was dangerous, unpredictable, dysfunctional, and angry. I felt I had become a caricature to a legislation that repressed me and criminalised me."

The relationship between psychiatry and biological racism was used for centuries to justify the dehumanisation of African communities alongside indigenous peoples during Europe's colonial endeavours. Some mental health practitioners have pointed to this history when attempting to understand current disparities in treatment and racial prejudices within psychiatry.

However, current government policies also serve to entrench the pathologism - and criminalisation - of BAME communities. The so-called 'Gangs Matrix' - a much-criticised gang-mapping database launched by the Metropolitan Police Service in 2012 and shared with other agencies and services - is one example of this. The Prevent duty - a strand of counter-terror policy that requires public sector workers to have "due regard to the need to prevent people from being drawn into terrorism" - has also been criticised as targeting and pathologising Muslim communities. Both create and operate under a 'pre-criminal space', encouraging the surveillance and reporting of those who practitioners believe may be susceptible to committing violent acts.

These policies permeate into health and welfare services, and thus into the relationship between patient and healthcare worker. Many NHS mental health trusts blanket screen all patients for signs of susceptibility to radicalisation, according to damning research published by academics at the University of Warwick - something that mental health practitioners have been particularly concerned about. Certain communities are treated with blanket suspicion, and this in turn results in the exclusion, surveillance and policing of these communities.

Cuts to mental health services: There are various reasons to explain the factors that are pushing people with mental health problems toward the criminal justice system – police custody and prisons – rather than to mental health services. One is a criminal justice system in the UK that does not focus on rehabilitation and meeting the various complex needs of those, particularly the large number of people with mental health problems, serving sentences in prisons – but instead on punishment. Many opportunities are missed by the police and courts to divert people with mental health problems away from imprisonment toward instead "effective treatment in the community", according to a report by the Centre for Mental Health. Little is being done to identify and address the socio-economic problems that those who go on to serve prison sentences face prior to their imprisonment. Related to this is of course cuts to mental health services. With funding for mental health hospitals reduced by £105 million by 2017 as compared to 2012, the BMA community care committee chair Gary Wannan accused the government of "chronic underfunding of mental health services [that] has left some of the most vulnerable people in society without the care and support that they desperately need."

What next? The passing of Seni's Law is a step forward in reducing the physical violence with which mental health patients in times of crisis are met by police officers and hospital staff. It is a further step toward accountability for the use of dangerous and sometimes fatal physical restraint. More is needed. While there are undoubtedly situations in which police officers are needed in hospitals for the safety of staff and patients, currently the close relationship between policing, enforcement and healthcare provision is putting patients at risk. We must have a health system, and in particular well-funded mental health services, that are separated from enforcement. No one should end up in a police cell while going through a mental health crisis. When an ambulance is called for someone going through a crisis, the police should not be first respondents.

Given the figures of those with several mental health problems serving prison sentences, and the racial disproportionality in terms of responses to mental health crisis calls, at Medact we believe that the government should be investing in restorative and supportive approaches to mental health. Our current approach to mental health is one that is more likely to lead to a person to come into contact with the criminal justice system than with mental health services. We urgently need to break this punitive cycle. Health services and politicians must begin to reformulate our ideas - and policies - around public health and security. Is a society in which our prisons are full of people with mental health problems and addiction problems a healthy society? The Health Impacts (Public Sector Duty) Bill 2017-19 - spearheaded by the Shadow Secretary for Mental Health, Luciana Berger MP - advocates for a holistic understanding of the socio-economic determinants of health, and thus proposes a shift in how we understand 'health policy'.

Berger's bill seek to centre public health in all policies, such as immigration, housing, welfare, town planning and policing. If this government is truly concerned with addressing rising levels of mental ill-health, this Bill should be discussed in depth in Parliament and made into law. It could be the starting point of redefining the values and priorities that guide the provision of public services in England - with a well-known success of this kind of 'public health approach' evident in Glasgow, where knife crime was significantly reduced using a holistic and rehabilitative rather than punitive model. For health professionals who see patients daily who face structural racism, who are in debt and living in precarious housing situations - who seek to do more to address these socio-economic issues that impact health - I would encourage them to get involved with Medact. And it is important that health professionals show solidarity with those who are met with force instead of care by police, prison or immigration officers, by supporting the family campaigns seeking justice and accountability. Health professionals should be attending the United Families and Friends Campaign annual vigil and march for those who have lost their lives in police, prison and psychiatric custody - held on the last Saturday of each October.

What is 'Substantial Injustice' for the Purposes of a Criminal Case Review?

Sapan Maini-Thompson, UK Human Rights Blog: On 14th November 2018 the Divisional Court gave judgment in a claim against the Criminal Cases Review Commission (CCRC) in Regina (Anthony Davies) v The Criminal Cases Review Commission . This case was brought on behalf of a prisoner who contended that his conviction had become unsafe following the decision of the Supreme Court in R v Jogee [2016] UKSC 8 which recast the mens rea requirements in joint enterprise cases. The court dismissed the claim in a judgment which involved analysis of how the principles in Jogee are applied, and the circumstances in which the CCRC should re-open an old conviction. Jim Duffy of 1 Crown Office Row was the Junior Counsel for the Claimant.

In the Crown Court, Langstaff J directed the jury to the contemporaneous understanding of the law, namely that it was sufficient for guilt that a defendant was party to the joint enterprise (in this instance of robbery) and foresaw that as part of that joint enterprise serious injury might be inflicted on the victim. In Jogee, however, the Supreme Court ruled that the law requires intention, not merely foresight for a conviction. It follows, therefore, that Langstaff J had misdirected the jury. The issue in this case concerned the impact of that misdirection, how it should have been viewed by the CCRC, and the approach of the Court to decisions by the CCRC.

Following the outcome of Jogee, the Claimant re-applied to the CCRC, which made its final decision against referral in September 2017. This was the decision challenged. In its provisional negative decision, the CCRC noted the effect of Jogee that the "effect of putting the law right is not [emphasis added] to render invalid all convictions which were arrived at" following faithful application of the law as it was formerly understood. Drawing a comparison with the old law on dangerous driving offences, Lord Hughes and Lord Toulson warned of 'alarming consequences' that would flow from the general re-opening of old cases on grounds of previous legal misconceptions.

On this point, the CCRC further considered the decision of the Court of Appeal in R v Johnson & Others [2016] EWCA Crim 1613, where the Court addressed the proper approach to pre-Jogee cases decided under the "old" law of joint enterprise. In that case, the Court said that a mis-direction on this aspect of a case will not make a conviction unsafe, unless there is 'substantial injustice'. The burden is on the applicant to show this and it is a 'high threshold'. The CCRC noted that their task is to apply a 'predictive test', such that there would be a 'real possibility' the Court of Appeal would overturn a conviction.

Thus, we turn to the meaning of a 'substantial injustice.' The CCRC is obliged to approach each case applying the test laid down in S13 of the Criminal Appeal Act 1995, which articulates a 'real possibility' test. This test was affirmed by Lord Bingham CJ in R v Criminal Cases Review Commission, ex parte Pearson [1999] 3 All ER 498, [2001] 1 Cr App Rep 141. Moreover, in R (Charles) v CCRC [2017] EWHC 1219(Admin), Lord Gross held that the exercise of the power to refer is a matter for the judgement of the CCRC and that this determination should not be usurped by the Court. This argument was cited in the Johnson case, where the Court of Appeal stated that 'The need to establish substantial injustice results from the wider public interest in legal certainty and the finality of decisions made in accordance with the then clearly established law.' [Para 18] The Court in Jogeere-asserted the 'high threshold' test.

The approach to the "substantial injustice" test has been considered in a few cases since the decision in Johnson. For example, in a 2018 case, R v Crilly [2018] EWCA Crim 168, the Court of Appeal concluded, on the specific facts of that case, that foresight of serious violence could not be equated with intent, and there would be a substantial injustice in maintaining the conviction. In Crilly, the Court of Appeal was applying the test laid down in Johnson.

In this case, the facts firmly established that the Claimant was party to the plan to rob the deceased of a substantial sum of money and of drugs. In Jogee, moreover, their Lordships emphasised that it is possible to establish an intention on a 'conditional' basis [92]. The carrying of weapons to the premises, for example, clearly indicated a plan for the infliction of violence that fell into the category of 'conditional intent'. The CCRC therefore concluded that despite Langstaff J's misdirection, 'any argument that a post-Jogee direction would, in fact, have made a difference to your case is not sufficiently strong to raise a real possibility that the Court would conclude that a substantial injusticehas been done'.

In conclusion, Lord Justice Irwin held that the CCRC had taken the correct approach.

Since their task is to predict a real possibility of a successful appeal, they are bound to do so from the starting point of examining the legal approach which will be taken by the Court to the case in hand. Hence, the requirement that there should be demonstrated that "substantial injustice" before such an appeal should be permitted to progress, was bound to be incorporated into the thinking of the Commission. The incidences of extreme violence; the carrying of the weapons to the premises; the active approval and encouragement by the Claimant of torture, as matters unfolded, supported by the Claimant's bad character foreground the case for the necessary intent. As such, the original conviction could not be held to be unsafe. Mr Justice Kerr agreed with Irwin LJ in dismissing the application for judicial review.

The Strange Tale of Typhoid Mary

Seosamh Gráinséir, Irish Legal News: Last week marked 80 years since the death of Mary Mallon, who, after over 26 years of imprisonment, died in an isolation hospital on North Brother Island in New York. Mary's incarceration was not the consequence of being convicted of any crime, but was instead the reaction to her being identified as an asymptomatic carrier of typhoid fever. Mary was born in Cookstown, County Tyrone in September 1869, and she emigrated to America when she was a teenager. Mary worked as a cook for New York's elite, one of whom was General William Henry Warren. In 1906, Mary was working for General Warren in a home he had rented at Oyster Bay, New York, when six people in the home became infected with typhoid. George Soper was hired to investigate the outbreak, who found that Mary had worked as a cook in at least seven households since 1900 where there had been outbreaks of typhoid after her arrival. Although typhoid bacteria did not survive ordinary cooking, Soper suspected that infection spread as a result of faecal matter in Mary's favoured dessert – peaches and ice-cream.

When Soper located Mary a number of months after the Oyster Bay outbreak, she was working for a family in Park Avenue, where the family's only child was dying of typhoid fever. Of course, Mary did not know that she was a carrier, so when she was confronted with the possibility that she was the source of so many infections, she chased Soper out of the Park Avenue Brownstone with a carving fork. Mary was eventually arrested in March 1907, and was held in isolation for three years before being released by the Department of Health on the condition that she would no longer work as a cook. However, still sceptical of her identification as an asymptomatic carrier, Mary changed her name to Mrs Brown and worked as a cook throughout New York for the next five years.

In 1915, Mary was arrested again when an outbreak of more than 20 cases of typhoid occurred in Sloane Hospital for Women – where Mary was working as a cook. Mary was brought back to North Brother Island. At this stage, three deaths and over fifty cases of typhoid had been attributed to her. When she died on 11 November 1938, after spending nearly three decades in isolation, "she had been advertised to the world as a dangerous person and had been treated worse than a criminal, and yet she had not been guilty of the least violence toward anybody".

Immigration Detainee Killed Himself After Self-Harming

Diane Taylor, Guardian: A Slovenian waiter killed himself while being held in an immigration detention centre, an inquest jury has found. Branko Zdravkovic, 43, had self-harmed while in detention and had problems with alcohol, Bournemouth coroner's court was told. The jury returned a verdict of suicide. Although detention centre staff recognised his vulnerability and put him on self-harm watch, no report was sent to the Home Office flagging up suicidal intentions, as required under guidance known as rule 35 (2) . The assistant coroner, Stephen Nicholls, gave the Home Office 14 days to provide further evidence relating to concerns identified about non-

compliance with rule 35 practices and other procedures around self-harm among immigration detainees. Zdravkovic had completed a degree in hospitality services in Slovenia, spoke several languages and had been a ski instructor. The Home Office said he was facing administrative removal because he was not exercising his treaty rights to work in the UK. But his lawyers dispute that claim, saying that, while his schedule was not always predictable, he worked for many of his eight years in London as a waiter in establishments including the House of Lords, the Guildhall and the Gherkin. The Home Office said he was facing administrative removal because he was not exercising his treaty rights to work in the UK. But his lawyers dispute that claim, saying that, while his schedule was not always predictable, he worked for many of his eight years in London as a waiter in establishments including the House of Lords, the Guildhall and the Gherkin.

His partner, Nicola Sanderson, 53, said she was grief-stricken by Zdravkovic's death, one of 11 in immigration detention centres last year, the highest annual total on record. He was placed in the Verne immigration detention centre in Portland, Dorset, after Sanderson contacted police about him on 18 and 19 March 2017, because she was concerned about his mental health. He had been drinking heavily and she said he was "behaving oddly". Officers arrested him and she hoped he would get the help he needed. But she received a confused call from Zdravkovic two days later in which it emerged he had been placed in immigration detention by the Home Office. The couple spoke regularly on the phone while Zdravkovic was detained and Sanderson told him on 8 April 2017 she had booked a train ticket from the home they shared in Notting Hill, west London, to see him the following day. his drinking had become more problematic in December 2016. "His death has been utterly devastating for me," she said. "I'm concerned that those responsible for keeping him safe while he was in detention failed him. It is very depressing that we were not kept fully informed of the details of Branko's detention. This lack of communication left him in a very isolated situation."

Jane Ryan of Bhatt Murphy Solicitors, representing Sanderson, said: "It was horrifying that the inquest heard evidence that there is a practice of not doing the required statutory reports on detainees with suicidal intentions. The coroner has directed further evidence from the Home Office about the procedures for managing detainees at risk of self-harm within 14 days. This will be considered in accordance with the duty to prevent further deaths."

Natasha Thompson, a caseworker at the charity Inquest, said: "An unprecedented number of people are dying in immigration detention centres. Support is growing for the call to end the use of immigration detention altogether. We believe this is the only way to prevent further deaths and suffering." - The Home Office said: "Our thoughts are with Mr Zdravkovic's family and friends at this time. We have noted the outcome of the inquest and will carefully consider the points made and the request of the coroner for further information."

HMP Peterborough (Male) – Ravaged with Drugs and Violence – Managed by Sodexo

Peterborough men's prison has much good practice to share with the wider service but was found by inspectors to have become less safe over the last three years because of the ravages of drugs and violence. The jail, holding 800 prisoners and run by Sodexo, is on the same site as a female prison and the two establishments share a management team. Peter Clarke, HM Chief Inspector of Prisons, said there was much to commend in the men's jail when inspectors visited in July 2018.

"However, the simple fact was that while Peterborough was a safe prison in 2015 (the previous inspection), our judgement on this occasion was that safety had declined to such an extent that we had no choice other than to reduce our assessment in this area by two levels, to 'not sufficiently good'." That is the second lowest assessment in HMI Prisons' "healthy prison tests. In common with many other prisons, Peterborough has suffered the ravages of the epidemic of drugs – especially new psychoactive substances (NPS) – that have flowed into them in recent years and the debt, bullying and violence they cause," Mr Clarke said.

Over 50% of prisoners told inspectors it was easy to get hold of illicit drugs, and more than one in five had acquired a drug habit since entering the jail. "As a result, levels of violence had doubled since the last inspection. Unsurprisingly, 55% of prisoners had felt unsafe since coming into the prison and 20% felt unsafe at the time of the inspection." Inspectors noted, however, a determined attempt by the jail to get to grips with the drugs and violence. Encouragingly, in the three months leading up to the inspection, there had been a reduction in levels of violence. Aside from the violence, and the need to strengthen the governance and clinical oversight of health care, most of the functions that a prison must perform were being delivered well. Dedicated staff, many new and inexperienced, worked hard in very difficult circumstances. It was refreshing, Mr Clarke said, to see a local prison where time out of cell was good for most prisoners and where there were activity places for 80% of the population. In rehabilitation and release planning, the prison was judged to be 'good', the highest assessment. Overall, Mr Clarke said: "HMP Peterborough still had much work to do to reduce the violence that had flowed from the influx of drugs into the establishment. Nevertheless, at the time of this inspection the signs were promising that further progress could be made. It is essential that the prison is restored to being a safe place, so that all the good work that was being delivered in so many areas is not put in jeopardy." 16 recommendations from the last inspection had not been achieved. Inspectors made 58 new recommendations.

Adrian Mcdonald Died Following Police Dog Bites, Tasering and Effects of Cocaine

The inquest into the death of Adrian McDonald has today concluded that his death was caused by the "effects of cocaine and stress of incident", in which he was arrested, restrained, bitten by a police dog, Tasered and left in a police van struggling to breathe. Adrian was originally from Huddersfield and was 34 when he died on 22 December 2014. His family and friends say he is deeply missed by all of them, but most of all by his two young children.Adrian had been at a birthday party in Chesterton when he began to behave erratically, barricading himself in a room. Staffordshire police were called and reported that the information given led them to believe he was deranged and rambling. While attempting to arrest him, they Tasered and simultaneously set a dog upon him. Evidence was heard that five dog bites from a police Alsatian were found on Adrian's right arm and leg, which went through the skin, fat and into the muscle.The jury's narrative conclusion stated that due to the use of force, Adrian "became compliant", "However due to [Adrian's] cocaine induced paranoia the level of force may have increased his stress levels which may have contributed to his death."

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