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JUSTICE

24th

annual report

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JUSTICE

British Section of the International Commission of Jurists

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Extracts from the Constitution

PREAMBLE

Whereas JUSTICE was formed through a common endeavour of lawyers representing the three main political parties to uphold the principles of justice and the right to a fair trial, it is hereby agreed and declared by us, the Founder Members of the Council, that we will faithfully pursue the objects set out in the Constitution of the Society without regard to considerations of party or creed or the political character of governments whose actions may be under review.

We further declare it to be our intention that a fair representation of the main political parties be maintained on the Council in perpetuity and we enjoin our successors and all members of the Society to accept and fulfil this aim.

OBJECTS

The objects of JUSTICE, as set out in the Constitution, are:

to uphold and strengthen the principles of the Rule of Law in the territories for which the British Parliament is directly or ultimately responsible; in particular to assist in the maintenance of the highest standards of the administration of justice and in the preservation of the fundamental liberties of the individual;

to assist the International Commission of Jurists as and when requested in giving help to peoples to whom the Rule of Law is denied and in giving advice and encouragement to those who are seeking to secure the fundamental liberties of the individual;

to keep under review all aspects of the Rule of Law and to publish such material as will be of assistance to lawyers in strengthening it;

to co-operate with any national or international body which pursues the aforementioned objects.

CHAIRMAN'S INTRODUCTION

In last year's Annual Report I was able to record the publication of four important reports on a wide range of subjects. During the past twelve months our committees have been working just as hard but some of them are not yet ready to report. The JUSTICE-All Souls Review of Administrative Law, which is very wide-ranging, has recently completed a discussion paper for circulation to interested parties. We have, further submitted a number of memoranda to official committees. These include a memorandum on the Reform of the Public Order Act, a critical appraisal of the Triennial Review Report of the Police Complaints Board, a memorandum to the Department of Trade strongly criticizing its proposal to abolish the office of the Official Receiver in Bankruptcy, and answers to a Law Commission Questionnaire on Financial Relief after Foreign Divorce.

All these are summarised in the body of this report.

Our committee on British Nationality, with the full support of the Executive Committee, has been particularly active in pressing on the Government and M.P.s our main objections to the British Nationality Bill which is now on its way through Parliament. We take the view that the Bill will leave far too many citizens of the United Kingdom and Colonies without a right of abode in any territory, will abolish the age-long Common Law right to British Nationality of a person born in the U.K. and will create many anomalous and unjust situations. More importantly, it would give the Home Secretary, which means in effect Home Office officials, an absolute discretionary power which cannot be challenged in the courts on any grounds whatsoever.

Since last October we have set up three new committees. The first is examining every aspect of prisoners' rights, an area in which the United Kingdom is becoming the subject of increasing criticism, if not condemnation, by the European Commission of Human Rights. The second is looking into the adequacy of existing remedies for complaints of maladministration in the courts. The third has been asked to formulate reforms in civil procedure which are generally regarded as desirable and could be implemented without primary legislation.

The recommendations of the Royal Commission on Criminal Procedure are dealt with at some length in the body of this report. If fully implemented and given statutory force they should bring an improvement in the present unsatisfactory state of affairs; but they evade the thrust of our two main recommendations, namely that incriminating statements should not be admitted in evidence unless they are authenticated and that the responsibility for deciding criminal charges, and not just the right to refuse to put them forward, should be given to independent prosecuting solicitors.

For myself, I would have liked to see the Commission propose

more radical changes in our present system, particularly in respect of the right of silence. I regard it as ridiculous that, when a suspect is clearly anxious to confess his part in a crime, a police officer should have to warn him of the consequences of doing so, or that a solicitor present at the interview should be able to advise him not to answer any questions. The important thing is that whatever takes place at the interview should be truly reported in the court of trial. If an accused has personal reasons for not giving information, or is in fear of his accomplices, then he should be allowed to inform the court.

My main fear, however, is that the safeguards proposed by the Commission will be still further emasculated when they emerge from the Home Office in legislative form. These fears are not groundless. The recommendations of the Devlin Committee on Evidence of Identification have been sidetracked by the failure to give them statutory force. Perhaps this is not really surprising. After all, the Home Office is responsible for the security of the realm, the police and the prisons—as well as the state of the criminal law and the administration of criminal justice (which ought to include the redress of injustice). These functions often conflict, and in every other free country in the world they are allotted to two different ministries: a Ministry of the Interior and a Ministry of Justice. JUSTICE has pointed out this anomaly more than once. The Lord Chancellor is already responsible for the state of the civil law, the administration of civil justice, and now both civil and criminal legal aid. Is it not time he took over responsibility for the criminal law and criminal justice as well, and so relieved the Home Office's chronic schizophrenia? The criminal cases recounted in the body of this report show that there is no cause for complacency and no excuse for delay.

JUSTICE will, of course, continue to press its concerns by every available means, but despite the generous response of many of our members to the appeal for a voluntary increase in their subscriptions, we are still handicapped by a shortage of funds and insufficient staff. I would therefore urge every member receiving this report to ask himself whether his contribution is as generous and worthy of our work as it could be.

During the year Ronald Briggs has continued to devote most of his time and energies to the Review of Administrative Law, but he has also taken responsibility for advising the Executive Committee on the representations made to the Government and Parliament on the British Nationality Bill. Peter Ashman has taken over the servicing of a number of our committees and has given valuable help in the administration of the office and in dealing with criminal and civil cases. To our great regret Gillian Nobbs, after a year's devoted service, has left us on her husband being posted to Germany, but we are happy to welcome Christine Joseph in her place.

In October of last year the Council gave a dinner at Brooks's Club

to celebrate Tom Sargant's 75th birthday. It was attended by over 50 past and present members of the Council and Lord Elwyn-Jones paid a generous tribute to his 24 years' devoted service to the Society. In his reply Tom Sargant paid his own warm tribute to the spirit of friendship and goodwill which the Council and all the membership had consistently shown to him.

We welcome the setting-up, in the Netherlands last year, of the European Human Rights Foundation, a trust fund supported by the EEC and others to help advance human rights in the world by providing much-needed finance for new and existing activities in this field. Its administration is provisionally being carried out from our offices by Peter Ashman.

Finally, I should like to thank most warmly all those members who have helped in the work of our committees during the year or who have assisted in the preparation and presentation of appeals or in advising on civil cases.

PHILIP KIMBER

In September of last year, JUSTICE suffered a great loss through the death of Philip Kimber while he was on holiday in France.

Philip Kimber was invited to join the Council in 1958. He was appointed to the Executive Committee in 1962 and, with a short break through illness, served on it until his death.

His great concern and expertise was in the field of civil procedure. He was Chairman of the JUSTICE committee which produced the report *Trial of Motor Accident Cases* and he served on a number of other committees.

As a man he was greatly loved. As a practitioner he was a master strategist and was always willing to advise and help on problem cases that found their way into the office of JUSTICE. He will be missed by all.

REPORT OF THE COUNCIL

HUMAN RIGHTS IN THE WORLD

For several years, we have reviewed here the waxing and waning of the struggle to ensure for the inhabitants of far-away countries the security from persecution and oppression which we ourselves enjoy, and which the code of international human rights law, now formally binding on nearly half the world's nations, is designed to give them.

Like most of its predecessors, the past year has shown both gains and losses. 52 Iranian hostages have at last been released, while Archbishop Romero and thousands of others have been assassinated in El Salvador. There are still atrocities in Uganda, though no longer at the instance of the State, and on a lower scale. Apartheid continues in South Africa, and 'disappearances' in many countries in Latin America. In Kampuchea, people now die by starvation rather than the gun. The Soviet camps contain fewer dissidents than under Stalin, while the Serbsky Institute and other 'psychiatric hospitals' contain more.

Nearer home, the victims of terrorism mount in Northern Ireland, Italy and the Basque country. In international law, to be arbitrarily deprived of one's life by the authorities of the State is an infringement of one's human rights; to be murdered by terrorists is not. The victim and his family will draw little comfort from that technical distinction. Yet in one sense it is important: murder by terrorists is something against which one's authorities have a duty to protect one. So long as they do what they can to discharge that duty—as they do, at sometimes formidable cost, in places like Northern Ireland, Italy, Spain and many others—the subject has no further claim on the State under human rights law. But where terrorist murders are perpetrated by the State's own authorities, or with their active connivance, as still happens in some other countries, the subject's claims on his own State for prevention, protection and redress are left unsatisfied. That is where human rights are violated, and where international human rights law comes into play.

Then there is torture, still endemic in dozens of countries. Despite its unqualified prohibition—even in times of emergency—by the Universal Declaration of Human Rights and three subsequent multilateral human rights treaties, and despite the immense efforts of Amnesty International and thousands of others all over the world, this obscene and pernicious practice continues. If anything, it is on the increase. Plainly, general treaty prohibitions are not enough: it is high time that the specific Convention against Torture, now being drafted in the UN Human Rights Commission, is adopted and brought into force, making torture an international crime so that there will be no safe haven for torturers, wherever they may be found. But even that will not be enough: the next step must be the conclusion of the Optional Protocol

to that Convention promoted by the International Commission of Jurists, which will open interrogation centres and places of detention to random inspection by an independent Committee, much as many camps are now open to inspection by the International Committee of the Red Cross, to the great improvement of the conditions therein. In matters of that kind, Her Majesty's Government still has great influence in international affairs. It should do all it can to despatch these drafts through the processes that will give them binding form—and to reassure its own Home Office that we have nothing to fear from them.

Edward Lyons, MP, a member of our Council, raised this issue on a motion for the adjournment on 22nd May, and obtained from the Minister of State in the Foreign and Commonwealth Office an assurance that the British Government would work hard to secure international agreement to a practical and effective convention.

We also hope that, once the British Nationality Bill has been enacted, the Government will at long last ratify the Fourth Protocol to the European Convention on Human Rights. It is already bound by very similar obligations (mainly concerning freedom of movement) under the UN Covenant on Civil and Political Rights, and it is highly desirable that those obligations should be added to the jurisdiction of the Strasbourg institutions, so that individuals whose rights have been infringed will have a means of redress.

Several question-marks still hang over the intentions of the new US administration in the field of human rights and foreign policy. But there is good progress to report meanwhile on the home front: the UK government has renewed the right of individual petition to the European Commission of Human Rights for a further five years from January, 1981—the first time a Conservative administration has expressed such long-term trust in the Strasbourg institutions. As usual, that decision was not made until after some public, and much private, debate. But now it has been done, the UK has preserved its credibility in matters of that kind in many international fora, not least of them the Helsinki follow-up conference, where our stance in criticising infringements of human rights in Eastern Europe would otherwise have been barely credible.

Another important event during the year was the conference on 'Development and the Rule of Law' held at The Hague by the ICJ, and summarised later in this Report.

Last year, we regretted the lack of support by our own legal profession for their persecuted colleagues abroad. This year, we are delighted to be able to congratulate the Bar on an important change of policy. On 29th July, 1980, on the motion of two of our Council members, the adjourned Annual General Meeting of the Bar of England and Wales adopted by a substantial majority a resolution—

'That the Bar Council in its discretion take all appropriate steps, by way of public protest or otherwise, to support the just cause of

judges and legal practitioners abroad where there is reason to believe that they have been harassed or persecuted because of their proper professional conduct in the administration of justice'.

The Law Society has already expressed its willingness to co-operate with the international Emergency Committee.

In the state of the world as it is, it may regrettably not be long before occasions for intervention arise.

CRIMINAL JUSTICE

Royal Commission on Criminal Procedure

The report of the Royal Commission is so wide-ranging and has been the subject of so many different interpretations and criticisms that it is difficult in the space available to make a fair appraisal of its recommendations.

On the one hand, it has been described as a policeman's charter and on the other as the best package deal we are likely to get. For our part we must pay tribute to the immense amount of thought and research which has inspired the Commission's attempt to strike a fair balance between the interests of those whose duty it is to protect the community from the activities of criminals, and those who may be suspected or accused of a criminal offence. Our doubts arise from the fear that the research on which the recommendations are based has not taken into account all the hazards of a criminal prosecution under the accusatorial system. If the recommendations are accepted, the game will still be played very much as before: it will have some statutory rules, but no remedies for the victim if they are breached.

Powers to stop, search, arrest and detain

The Commission's recommendations that all police powers should be strictly defined and brought within a statutory framework could, if the statute contains adequate sanctions, bring about an improvement on the existing situation in which the police are accountable to no-one except themselves and are virtually free from any danger of civil action. The proposed additional powers are, with one or two exceptions, in line with our own recommendations.

In respect of safeguards, we welcome the recommendation that warrants to search for specific articles should not be used for general searches, and the Commission's recognition of the submission made by JUSTICE that the main cause of resentment is the rough and ruthless way in which searches are sometimes carried out. On the other hand, we disagree strongly with the proposal that the police should be allowed to take fingerprints against a suspect's will and without a magistrate's order. To take a person's fingerprints by force is clearly an assault. It can be brutal and intimidating and should not be carried out, as the

present law lays down, except with the consent of a magistrate and in the precincts of the court.

The Commission proposes that a potential witness to a serious crime should be requested to give his name and address and that the police should be allowed to detain him until they are satisfied as to his identity. We are not happy about this proposal. Witnesses, particularly relatives of a suspect, are sometimes held for long periods effectively as hostages. We have a case going to appeal in which the police took six alibi witnesses to the police station and threatened them into making statements which undermined the alibi. Every citizen has a duty to help bring criminals to justice, but too many valuable witnesses are reluctant to become involved because of the way they are treated.

Detention, interrogation and admissibility

The Commission has recommended, with acceptable variations, the time limits for detention and the methods of control submitted to it by JUSTICE. These include the need to obtain the approval of the Senior Station Officer after six hours, and to bring the suspect before a magistrate, with a right to representation, after 24 hours, after which the suspect would have to be charged or released.

The Commission further recommended that the magistrate should be able to sanction detention for further periods of 24 hours of persons suspected of serious offences, but subject to a right of appeal to a circuit judge.

We cannot justifiably quarrel with this and we welcome the Commission's recommendations that a suspect should be denied access to a solicitor only in exceptional circumstances, and that the taking and recording of statements should be better controlled. But we quarrel very seriously with the failure of the Commission to recommend adequate safeguards against fabricated admissions or false confessions obtained by improper means.

In our evidence to the Commission, based on the court experience of practitioners and on numerous cases in our files of convictions based on disputed 'verbals', we recommended unequivocably that no incriminating statement should be admissible in evidence unless it is authenticated either by a magistrate, or by a solicitor or by a tape-recorder. We do not believe that there is any effective half-way house or that the obstacles to the taking and transcribing of tapes are as great as they are made out to be. The only portions of tapes requiring immediate transcription would be those containing incriminating admissions. As we pointed out in our memorandum *The Interrogation of Suspects* in 1967, there is a wide difference between questioning for information and questioning for an admission.

If we interpret the recommendations of the Commission correctly, there will be no bar to the admission of any confession unless it can be

proved that it was obtained by violence, torture, or inhuman or degrading treatment. There will be no protection against improper pressure or falsification except statutory rules to be policed by the police themselves, and no remedy for a breach of the rules except an illusory right to bring a civil action. In our view, the effect of abolition of the existing test of voluntariness can have no other meaning or consequence.

We do not think it is safe to rely on the willingness and ability of senior police officers effectively to regulate and discipline the conduct of their subordinates. We have too many cases in our files in which they have either been unaware of misconduct and malpractice or have condoned it. It may be safe to base a conviction on a confession that has been authenticated and accords with the known facts of a case, but to base it on an uncorroborated admission to a police officer in the face of evidence which points to innocence makes a mockery of the doctrine that guilt must be established beyond reasonable doubt.

The Prosecution Process

The Commission's recommendation that a statutory body of independent Crown Prosecutors should be established in England and Wales is particularly welcome to JUSTICE because we advocated this reform as long ago as 1970 in our report *The Prosecution Process in England and Wales.*

The Commission's proposals, if implemented, will bring to an end the present undesirable solicitor-client relationship between prosecuting lawyers and the police. But the police representatives have fought a strong rearguard action and will retain the power to formulate and lay charges before handing over to the Crown Prosecutor, who will have the power to reject, modify or accept the charges presented to him.

These fall a long way short of the recommendations of JUSTICE that, except in minor cases, the power to initiate prosecution and formulate charges should rest with the independent prosecuting agency, as it does in Scotland, Northern Ireland, and all other European democracies. There are two reasons why this is desirable:

(*a*) Once a charge has been laid, it enters the court system and can be withdrawn only with the permission of the court. By this time, irrevocable harm may have been done to a person unfairly charged.

(*b*) The Commission's proposals will do nothing to stop the kind of bargaining whereby wives of suspects are not charged if the suspect pleads guilty, or the wheeling and dealing with co-accused and "supergrasses".

JUSTICE further recommended that Crown Prosecutors should "be entitled to pursue further enquiries either by obtaining declarations or statements from witnesses, if necessary on oath, or by suggesting

additional lines of enquiry to the police", as do other prosecuting agencies.

The importance of this power is to ensure that all potential witnesses are interviewed, that all relevant forensic tests are made and reported on —such as fingerprints, footprints, blood groupings, and fibre transfers —and that identity parades are held when the circumstances require that they should be. It is our experience that many meritorious defences are undermined because of the failure of the prosecution to collect and make available to the defence evidence which points to the accused's innocence.

It will be argued that this will cause unnecessary delay. It could do so in minor cases, and to meet this practical objection we recommended that the police should be allowed to prosecute in minor cases falling below a line to be drawn by the Attorney-General, with power in the Crown Prosecutor to call them in. In more serious cases, the Commission's proposals for detention in custody under controlled conditions would allow time for consultation. In less serious cases, the suspect could be released on police bail.

Pleas of guilty

Among the topics listed for consideration was changes of plea. We accordingly submitted to it an unpublished report of a JUSTICE committee, *'Pleas of Guilty'* which was summarized in Part II of our evidence to the Royal Commission, *The Truth and the Courts.*

It called for:

(1) greater safeguards against the acceptance by the courts of unjustified guilty pleas;

(2) a more thorough exploration of the part played by the accused before he is sentenced, if necessary by taking evidence on oath;

(3) more liberal provisions for changes of plea and appeals after pleas of guilty.

Unverified pleas of guilty can too easily lead to injustice and it is therefore regretted that the Royal Commission has said nothing about them.

We also regret that it has not recommended that the prosecution should be under a statutory duty to disclose statements and evidence favourable to the defence.

Evidence of Identification

There are increasing signs from cases being submitted to us that instructions and guidelines relating to evidence of identification are being side tracked or ignored. Trial judges too often pay only lip service to the guidelines laid down by the Court of Appeal in R v. Turnbull. They fail to invoke them in detail and the Court has been taking the view

that they apply only to fleeting glance identifications. A more recent development is that the police, on what appears to be an inadequate pretext, fail to put the suspect on an identification parade for the benefit of witnesses who have described, or said that they would recognise, those who had taken part in the crime. The suspect is then charged on the strength of a disputed verbal admission, aspects of identification evidence favourable to the defence are glossed over and the confession is treated as the main issue both at trial and on appeal. The terms of reference of the Royal Commission included evidence of identification, and we submitted to it a memorandum critical of the failure to implement the Devlin recommendations and citing some disturbing cases. This was, however, passed to a Home Office Working Party set up to evaluate the efficacy of the Turnbull guidelines and the Attorney-General's directions, which duly advised the Home Secretary that they were satisfactory and that no further safeguards were needed.

Complaints against the police

Once again the police have prevailed in their determination to keep their activities free from any effective independent scrutiny. The Triennial Review Report of the Police Complaints Board, published in June of last year, fully bears out our forecast that it would be a wholly ineffective instrument for dealing with serious complaints.

This is not only our judgement but that of the Board itself, which, both directly and by implication, admits that it has not satisfied the public demand for a truly independent system of investigation. The main reason for this is that the Board has no power to intervene in cases which, because the investigation has disclosed evidence of a criminal offence, have been referred to and adjudicated upon by the Director of Public Prosecutions. If the Director decides not to prosecute, which he does in the vast majority of cases, the Board cannot recommend disciplinary proceedings on the same evidence, and it cannot even express an opinion as to whether or not the complainant had a legitimate grievance. Thus, subject only to the Director, the Deputy Chief Constable is the effective arbiter.

The report of the Board, which receives and examines the files of all formal complaints, expresses disquiet about a number of specific areas. These include allegations of violence, unnecessary arrest and detention, strip searching, forceful fingerprinting and denial of access to a solicitor. It also comments on the large number of complaints withdrawn and on the defensive posture adopted by some investigating officers and Deputy Chief Constables resulting in a finding that the complainant is anti-police or has a criminal record.

A special chapter of the report expresses concern about the thoroughness and objectivity of police investigations into complaints of physical assault and recommends that a specialist body of investigatory

officers be recruited by secondment for a limited period and be answerable to a lawyer of experience and repute. This modest proposal, together with any other enlargements of the Board's powers, has been vetoed by a Home Office Working Party consisting mainly of police representatives, with a sop that the Board might be allowed to recommend that a serious complaint be investigated by an officer from another force.

In October of last year JUSTICE submitted to the Working Party a fully-argued memorandum which endorsed the Board's appraisal of its inadequate powers and called attention to what we have always regarded as more serious defects in the system to which little attention has been paid.

The first stems from the dangerous and continually repeated half-truth that the misconduct of police officers can be effectively investigated only by other police officers. They may be more skilled in questioning and probing, but the value of any investigation depends on its motivation, on the witnesses who are interviewed and the way they are approached and on the evaluation of the evidence obtained. For this reason, ever since we gave evidence to the Royal Commission on the Police which reported in 1964, we have insisted that there should be an independent element in the early stages of an investigation.

The other serious defect is that the system is designed to evaluate and deal with the conduct of the officers complained against and pays scant regard to the interest of complainants and their desire to obtain redress for any injury or loss of liberty they may have suffered.

Apart from assaults causing permanent injury, the most serious complaints are those alleging the falsification of evidence and suborning of witnesses to achieve an unmerited conviction. These are essentially criminal offences and, if the Director decides not to prosecute, or prosecutes unsuccessfully, the complainant has no chance of obtaining a remedy. The investigation may have uncovered evidence which clearly points to his innocence, but he is not informed of it and is denied access to the investigating officers' report. In short, his interest in the report, which may amount to a life sentence, is treated by authority with something akin to contempt. It is argued on behalf of the present system that the Director provides an independent element, but what if his department was responsible for the prosecution and conviction? Can a wrongly convicted man ever accept that the system has treated him fairly?

With the above considerations in mind, JUSTICE submitted to the Working Party a number of recommendations designed to give the Police Complaints Board more effective powers than it now possesses. The main ones were:

(1) It is essential that there should be an independent element in the direction and appraisal of investigations into serious complaints.

(2) A panel of suitably qualified persons should be set up under the

authority of the Board to direct investigations into complaints that police malpractice has brought about a miscarriage of justice and to evaluate the complaint before the report is sent to the Director of Public Prosecutions.

(3) In relation to the above, we supported the Board's own proposals for the recruitment of a specialist body of investigating officers, headed by a lawyer of experience and repute, to investigate complaints of serious physical assault, but asked for it to be extended to cover other forms of serious police malpractice coming under (2) above.

(4) All statements taken in the course of an investigation, appropriately edited, should be made available to the complainant's legal adviser by the Board to enable him to pursue an appeal or a petition to the Home Office. When requested, investigations should be carried out before the determination of an appeal and statements made available to the court and to both parties.

(5) The Board should be given the power and the duty to call the Home Secretary's attention to any area in which its records disclose persistent and unremedied abuses of police power and to recommend that he order a local inquiry under Section 32 of the Police Act, 1964.

One of the main purposes of creating the Board was to improve relations between the Police Service and the ethnic minorities. It is therefore very important to appoint a significant number of persons from the ethnic minorities as members of the Board.

Copies of the memorandum are available at 50p.

Miscarriages of Justice

As in our recent Annual Reports, we give brief details of a few of the more disturbing cases with which we have been concerned during the past 12 months. They have been chosen to illustrate the various hazards of our accusatorial system and the obstacles to remedying the mistakes it makes from time to time.

John Walters

In September, 1973, John Walters was convicted of indecently assaulting a young woman on a train travelling between Wimbledon and Waterloo, and sentenced to five years imprisonment. He fell under suspicion because at the time he was being treated for a chronic urge to expose himself.

He was employed as a clerk in a DHSS office in Notting Hill. When interviewed by his solicitor, six of his colleagues all remembered seeing him in the course of the afternoon. When interviewed later by the police, they all said they could not be sure.

Three employees of British Rail had seen the complainant's assailant board the train at Wimbledon. All three of them described him as wearing a blue jacket and jeans, which Walters did not possess, as being of medium build, and 5′ 8″ to 5′ 9″ in height. Walters is over 6′,

and at the time weighed 14 stone. The railwaymen were not called as witnesses as he had expected. Their statements were just read and dismissed by the trial judge with the brief comment "Make what you will of them, members of the jury".

After considerable hesitation the complainant picked out Walters on an identity parade, but prior to it she had accidentally been brought into the room where he was sitting. He was wearing heavy rimmed spectacles and the other men on the parade were issued with standard NHS frames. The railwaymen were not introduced to the parade.

Walters had originally been charged with attempted murder but by a majority verdict the jury found him guilty of the lesser charge. He unsuccessfully applied for leave to appeal and then wrote to JUSTICE. The Secretary investigated the case in depth, concluded that Walters could not have been guilty of the offence and submitted a comprehensive dossier to the Home Office. The subsequent investigation was not carried out by an independent force, but by the British Transport Police which had been responsible for the prosecution.

After a period in Wormwood Scrubs and Reading, he was transferred to Grendon. Still protesting his innocence, he was involved in one or two minor incidents and asked to return to Reading from where he went back to Wormwood Scrubs. Then, only a month before he was due for release, he was sent to Broadmoor under a Section 72 Order, having the same effect as a Section 60 Order.

He has now been there for five years, but the psychiatrists in charge of him, who have seen copies of the dossier submitted to the Home Office, are unwilling to recommend his release unless and until he admits his guilt.

Walters has twice applied to a Mental Health Review Tribunal for the order under which he is detained to be discharged. The second Tribunal hearing in April of this year was a public one at which the Secretary gave evidence. He submitted that in the circumstances it was a violation of Walters' integrity to force him, at the price of his freedom, to admit to a crime he may well not have committed, and that no adviser could properly counsel him to do so.

The psychiatrist in charge was not however prepared to consider that the courts could have made a mistake. He insisted that Walters was deluded, invoked some incidents of a minor nature in Walters' history and submitted that it would be too dangerous to release him. The report of an independent psychiatrist stressed the gentleness of Walters' character and expressed the view that he should be released irrespective of whether he had admitted the offence. The Tribunal subsequently refused the application.

The case illustrates the special difficulties which can arise from what is in effect an indeterminate sentence. Once an order of this type has been made, a tribunal will not direct that the patient be discharged unless satisfied either that he is not then suffering from mental illness or

that he is no longer dangerous or both. The test to be applied is his mental state, not at the time the order is made, but when he comes before the tribunal. Whether or not he committed the crime for which he was convicted is inevitably an important consideration, but neither the psychiatrists nor the Tribunal can question the original conviction. If, as the Secretary believes, it was wrong in this case, there may be an impasse and Walters may continue to be detained on an indefinite basis for many more years.

This case has wider implications which need to be considered and clarified. One of the guidelines of the Parole Board, and of the Life Review Board, is that it is a sign of grace for an applicant to show appropriate remorse for the offence of which he was convicted. No one knows how rigidly this principle is applied but it can obviously work unfairly if the prisoner can jeopardize his chance of release by continued protestations of innocence.

Anthony Smith

In October 1978 Anthony Smith was convicted of causing death by reckless driving and sentenced to seven years imprisonment. An early charge of murder was withdrawn.

After a drinking session, Smith and his two companions, Callender and Taylor, had driven off in Callender's van which crashed into a cyclist and killed him. The issue was whether Smith or Callender had been driving the van. Smith was too drunk to remember anything of what had happened. Callender took advantage of this; supported by Taylor he told the police that Smith had been the driver of the van and became the main prosecution witness.

An independent witness of the accident described the passenger as having fair hair and the driver as having dark hair, whereas Smith's hair was fair and Callender's was dark. The same witness said that the passenger was wearing a brown T shirt. The publican said that Smith was the only one of the three men wearing a brown T shirt and another witness said that he had never seen him wearing anything else.

More seriously, Callender was on bail after being charged with assaulting a police officer. Three weeks previously he had been stopped and questioned by a police officer about a false tax disc, had driven off and carried the police officer 60 yards along the road. The officer gave evidence of this at Smith's trial.

The trial judge had dealt with these matters and other discrepancies in the evidence so unfairly and inadequately that counsel thought it only necessary to mention them in his provisional grounds of appeal for leave to be given, but the Single Judge decided that "there were no reasons to justify granting leave to appeal". At this point, as so often happens, Smith's Legal Aid Order had lapsed and his wife wrote to JUSTICE saying she did not think she could find the £500 which his solicitors were asking for counsel to perfect the grounds and argue the

application before the Full Court. The Secretary decided it was too serious a miscarriage of justice to be allowed to go by default, obtained a copy of the short transcript and drafted detailed grounds of appeal. These included two points which had not been mentioned in counsel's grounds, namely that the judge had entirely failed to give two required warnings:

(*a*) that as, on his own evidence, Callender had allowed Smith to drive his van in a drunken state, he should have been treated as an accomplice.

(*b*) that as he was on bail for a similar offence, he had strong reasons of his own for making out that Smith was the driver.

In the meantime Mrs. Smith had raised enough funds for the trial solicitors to be instructed. The Secretary made his draft grounds available to counsel who adopted them in substance. After the Court had quashed Smith's conviction, counsel acknowledged the importance it had attached to the two points mentioned above.

In our view it is surely wrong that glaring contradictions in evidence should need to be buttressed by a point of law before the Court of Appeal will take notice of them.

David Lashley

In June 1978 David Lashley was found guilty of the brutal rape of a woman in Notting Hill Gate, and was sentenced to 15 years imprisonment. The rape took place in June 1976, a few months after he had been released on parole from a sentence of 12 years imposed in 1970 for a series of unpleasant sexual assaults. He complained to JUSTICE at the time that he was not connected with some of the assaults ascribed to him.

Because of these convictions he was an obvious suspect for the Notting Hill offence. The victim of the rape, who had been forced to spend two hours in her car with her assailant, had told the police that he was a black man, clean shaven and with a scar beneath his left jaw line. Lashley's prison photograph shows that he had a beard and a scar on his left cheek. The officer in charge of the investigation telephoned Lashley's probation officer who confirmed that he had just seen him with his beard. He was consequently eliminated from the enquiries.

Six months later a young girl named Janie Shepherd went missing, and Superintendent X of The Regional Crime Squad questioned Lashley and taxed him with the girl's murder. He then questioned him about the Notting Hill rape and requested him to go on an identification parade for the victim, at which after considerable hesitation and uncertainty she picked him out.

There were a number of unsatisfactory aspects of the parade. It was arranged at a time when Lashley's solicitor could not attend and he was represented by an inexperienced clerk from another firm. He was the only man on the parade with a scar and wearing rough clothing, which

in itself under Lord Parker's dictum of "Standing out like a sore thumb", should have deprived the identification of any value. The witness admitted that prior to the parade she had had a talk with Superintendent X in his room, although she could not remember what it was about. After the parade Lashley was formally charged with the rape, and was confronted at the committal proceedings with an admission he was alleged to have made to Superintendent X at an interview in Brixton Prison supported by the evidence from three other police officers of a potentially incriminating conversation after an appearance in the magistrate's court.

While he was on remand, Lashley was visited by his probation officer, Mr. Scarlett, and consulted him about a suggestion made to him by Superintendent X that, if he admitted committing the rape during a black-out, he would only be sent to Broadmoor. Mr. Scarlett duly reported this conversation to the police. Despite this he willingly provided Lashley's solicitor with a statement confirming that he had had a beard at the time of the rape. He came to the trial anxious to give evidence and could also have testified that, whereas the victim of the rape had said that her assailant was chewing gum and did not smell of smoke, Lashley was a chain-smoker and did not chew gum.

To Lashley's dismay however, his counsel decided not to call Mr. Scarlett because of his statement to the police. He further failed to call the officer who had made the enquiry of Mr. Scarlett and strongly advised Lashley not to go into the witness box. Apart from supporting evidence from members of his family about the beard, counsel's defence rested entirely on unsupported attacks on the integrity of the police and the main prosecution witness.

This did not please the trial judge and undoubtedly helped to bring about Lashley's conviction. Abortive and inadequate grounds of appeal were lodged, and after a long delay full grounds of appeal were drafted by a new counsel, accompanied by a strong plea that in the interests of justice the Court should waive its self-imposed rules, and hear the evidence of Mr. Scarlett. An unusual feature of the case was that Lashley's Assistant Governor wrote a long letter to the Court expressing his strong belief in Lashley's innocence.

After some hours of argument, in the course of which the discrepancies in the evidence of identification were fully ventilated, the Court refused to hear Mr. Scarlett and refused leave to appeal.

David Freeman

The case of David Freeman is one of the strangest and disturbing ever to come under the scrutiny of JUSTICE.

Freeman was an active and highly skilful burglar of antique silver and clocks. For a time he operated in the Manchester area, but late in 1967 he moved to London and in the next two years he carried out well

over 100 undetected burglaries in the London area. He had a special method of entry and, to locate houses from which there was an avenue of escape, he used a Bartholomew Greater London Atlas, tearing out the page of the area he was visiting and later sellotaping it back into place.

In 1969 he was 'casing' some houses on Wanstead Flats and fell under suspicion of being a man who had approached and indecently assaulted four young boys in the area that afternoon. As he was wanted for questioning about a burglary in Lancashire and had a forged insurance certificate, he panicked and ran when the police approached him, but was caught, arrested and taken to Wanstead Police Station. He was there confronted by two boys who had been together, one of whom said it was him and the other that it was not. The other two boys were not asked to identify him until his trial, but he was charged with all four offences.

During the preceding 12 months, there had been a series of indecent assaults on young boys and girls in various parts of London—some of a vile nature—and 28 of the victims were introduced to two identification parades to see if they could pick him out. At the first parade, many of the witnesses saw him as he was being taken into the police station and there were two positive identifications and some tentative ones. At the second parade there were none of any evidential value. Notwithstanding, Freeman was eventually committed for trial charged with 14 offences.

His solicitors had advised him not to disclose his true and only possible defence, namely that he was a professional burglar and was using the atlas for that purpose. This enabled the prosecution to link the torn-out pages with the areas in which the assaults had taken place with telling effect. Freeman dismissed his counsel and vainly tried to defend himself. The differences in the descriptions given by the victims made it impossible for them all to have been attacked by the same man, but with the aid of some unconvincing dock identifications and the invoking of similar facts Freeman was eventually found guilty of 10 offences and given sentences ranging from two years to life imprisonment.

He appealed for help to a number of individuals and organisations, including JUSTICE. Verification of three of the burglaries was obtained, but this could not overcome ten findings of guilt by a jury. Some two years ago, however, when Freeman had only his two life sentences still to serve, it was established that on the night of one of the offences he had been burgling a house some 30 miles away. A solicitor member of JUSTICE had, in the meanwhile, been assisting the Secretary to make an exhaustive analysis of the identification evidence in all the cases, and this showed that none of the convictions could be regarded as sound. The subject of the other life sentence had failed to pick Freeman out on the parade, and when asked to identify him in the dock said "I don't know".

A comprehensive dossier has recently been submitted to the Home Secretary through Mr. Alex Lyon MP and a police investigation is in progress. Although at first sight this would not appear to be a suitable case to be taken up by JUSTICE, the Secretary felt justified in doing so because it provided an outstanding example of the dangers of irregular and inadequate evidence of identification and, more importantly, because for the past 11 years Freeman, who is a man of gentle disposition, has been classed as a security risk, served most of his time in solitary confinement under Rule 43, been subjected to all the aggravations of a sex-offender, and has been refused consideration for parole.

John Covill

In May 1979, John Covill was convicted of raping a young girl aged eight years in Stratford-on-Avon and sentenced to eight years imprisonment. His trial and conviction had many unsatisfactory features including:

(*a*) his mother and four neighbours all started by confirming that he had been at his home all the evening but retracted under police pressure.

(*b*) a woman witness was visited by the police 15 times before making her final statement that she had seen him near the scene of the offence. She admitted at the trial that her lodger had all the characteristics described by the girl.

(*c*) the girl said that her assailant was wearing green overalls, a cap and gloves. Covill was wearing a blue jacket and jeans and had never been seen in a cap or gloves.

(*d*) Covill is a man of weak character and intellect, and on being told that his alibi had collapsed and that witnesses had seen him in the area, eventually agreed after prolonged questioning that he had left home that evening, although he later told his solicitor that this was not true and that he had made the admission through fear.

His leading counsel advised him that he had no grounds of appeal. He went to a Birmingham solicitor who tried without success to get legal aid to carry out some investigations. His prison visitor, a retired solicitor, then pressed the case on the attention of JUSTICE. Comprehensive grounds of appeal were drafted and adopted by counsel and affidavits were taken from four alibi witnesses describing their treatment at the hands of the police. The application was listed for 5th May. Despite the strength of the grounds, counsel was not hopeful of success. But on the morning of the hearing the appellant's solicitor received from the prosecuting solicitor a copy of an illiterate anonymous letter to the girl's mother saying that Covill was innocent, describing how he had raped the girl and giving details of a similar offence he had committed, which the police had verified and which had not been publicized.

Prosecuting counsel attended the hearing and helpfully supported the appellant's counsel's plea that the hearing of the application should be adjourned. The court eventually agreed to this but unhelpfully refused to grant legal aid for the adjourned hearing.

Anthony Stock

In last year's Annual Report we mentioned the case of Anthony Stock who in 1970 was found guilty of taking part in an armed robbery on a Leeds supermarket, and sentenced to 10 years imprisonment. His conviction was based on hotly disputed police evidence and was the subject of a petition to the European Commission of Human Rights and repeated representations by JUSTICE to the Home Secretary. The officer mainly responsible for this evidence was later charged with offences involving dishonesty and left the force. Stock was released after serving six years of his sentence, moved to another area and started a successful business.

In November 1979 a "supergrass" named Benenfield appeared at Maidstone Crown Court and asked for the Leeds supermarket robbery to be taken into account. He named the members of the gang who had taken part in it with him. Stock's name was not on the list but he was not informed. The news came to light through the vigilance of a reporter, who with the help of JUSTICE was able to trace Stock's new address. He immediately asked a Leeds solicitor to petition the Home Secretary for a free pardon and compensation and Granada Television screened a documentary film on his case.

Before it did so the producer was assured by Scotland Yard that there was no known connection between Stock and any member of Benenfield's gang.

The Home Office asked for a police investigation and in February of this year Stock's solicitor was informed in a brief letter that the Home Secretary was not prepared to grant him a pardon or compensation.

We cannot think of any justifiable reason for such a decision but we have learned that the second officer in the case has since become a Superintendent in the Leeds C.I.D. and that the police investigation was conducted by an officer of the same rank in the West Yorkshire Police Force. This in itself makes it impossible for Stock or anyone else to be satisfied that justice has been done to him.

We have since made representations to the Home Secretary through Stock's M.P. but he has refused to review his decision or to refer the case back to the Court of Appeal on the grounds that the investigation had not proved anything and that he could not seek to interfere with a conviction merely on the word of another convicted criminal.

William Smyth

We also mentioned in last year's Annual Report the case of William

Smyth who, having been convicted of robbery with violence and sentenced to 10 years imprisonment, was deprived of the assistance he had sought from JUSTICE by the premature and unnotified listing of his application to the Full Court. A request for relisting having failed, a solicitor member of JUSTICE in the Isle of Wight co-operated in an extensive enquiry and preparation of a dossier for submission to the Home Secretary. The main points in this were that the prime mover in the robbery had framed Smyth in order to protect his real accomplice, that the police officer in the case had improperly intimidated a witness who could have confirmed the existence of the accomplice, and that his defence had been mishandled.

Following a police investigation, Smyth was informed that, although his co-accused and two of his witnesses had committed perjury, the D.P.P. was not prepared to prosecute them. No details were given and no mention was made of the allegations against the police officer.

Further but unsuccessful representations were made until, in February last year, the Minister of State agreed to see Mr. John Cartwright, Smyth's MP, and the Secretary.

After a long discussion, he eventually agreed to consider referring the case back to the Court of Appeal, not on the basis of any new evidence, but because Smyth had been deprived of his right of appeal to the Full Court.

Three months later we were informed that he had decided not to refer the case back, but to ask the Court if it would consider allowing the case to be relisted.

In March of this year, after ten months delay, the Court finally agreed to a relisting and granted legal aid for solicitor and counsel.

Compensation for Wrongful Imprisonment

This committee under the chairmanship of Charles Wegg-Prosser, has made considerable progress and hopes to produce a report before the end of the year. The fact that our system of trial is designed to prove guilt and not to pronounce on innocence makes it difficult to define criteria which can distinguish between deserving and undeserving cases.

Committee on Prisoners' Rights

The Council has set up a committee under the chairmanship of Sir Brian MacKenna to examine the possibility of establishing a set of legal rights for prisoners. It has commenced work with an investigation of complaints and discipline procedures.

The members of the committee are Graham Zellick (Vice-Chairman), Robin Clark, Duncan Fairn, Richard Fernyhough, Thayne Forbes, Anthony Heaton-Armstrong, Alan Hitching, Gavin McKenzie, Anthony McNulty, Reginald Marks and Ian Pittaway.

Court of Last Resort

The BBC is planning to screen a series of documentary films on some of the more disturbing murder cases in our current files. It is hoped that they will follow the pattern of Erle Stanley Gardner's Court of Last Resort in which all the ascertainable facts of a case were assembled and appraised by a panel of experts. At an exploratory meeting Lord Gardiner, Lord Salmon, Sir Brian MacKenna, Sir David Napley and Ludovic Kennedy expressed their approval of the project.

Three cases are already under investigation by the BBC which, through the resources available to it, has been able to uncover important new events in respect of two of them.

CIVIL JUSTICE

Financial Relief after Foreign Divorce

In May of this year we submitted to the Law Commission answers to its Working Paper no. 77.

Our most important recommendation was that the fact that a marriage had been terminated abroad should not deprive the English courts of the power to make the same range of orders as in divorce, nullity or judicial separation proceedings in England, notwithstanding any financial orders made by a foreign court. As a safeguard, we recommended that before taking proceedings an applicant must obtain the leave of a judge.

We also recommend that in the case of a marriage terminated abroad, the English courts should have jurisdiction to make orders under the Inheritance Provision for Family & Dependents Act, 1975, and that jurisdiction should not be limited to the estate of those who died domiciled in England and Wales: habitual or ordinary residence of the deceased was, we felt, preferable to domicile as the basis of jurisdiction.

In considering how the court should exercise its powers to grant financial relief we thought it most important that agreements made by or on behalf of the parties before or during the marriage relating to financial provision should be a major consideration and that this should apply not only where application was made in England after a foreign decree of divorce, but also in proceedings where the divorce decree was made in England.

To give an applicant divorced abroad the same kind of protection as one who starts divorce proceedings in England, we recommended that an application for transfer of property made in the English courts after a foreign divorce be treated as a *lis pendens* registrable against property in this country to protect the applicant's claim whilst litigation is pending.

We also considered that legal aid should not be granted where there was no property within the jurisdiction.

The memorandum, which was endorsed by the Council, was prepared by a small expert committee consisting of Blanche Lucas, Antonia Gerard and Dr. Olive Stone. Copies are available at 25p.

Civil Procedure Committee

Following suggestions made at the 1980 Annual Members' conference, the Council has set up an ad hoc committee under the chairmanship of Laurence Libbert QC to consider reforms of civil procedure which do not require primary legislation.

Its members are Sir Denis Dobson QC, Michael Ellman, Sir Jack Jacob QC, David Perry, and David Sullivan QC.

The committee is considering, inter alia, topics such as payment into court, interim payments, exchange of proofs, and the hearing of Chambers work in public, and will make recommendations to the Supreme Court Rules Committee in due course.

Official Receivers

Last November, JUSTICE submitted a memorandum to the Government in response to its Consultative Document on Bankruptcy. This had proposed a simplified bankruptcy procedure under which the office of Official Receiver in Bankruptcy would be abolished and his bankruptcy functions transferred to private receivers whose costs would be covered either by a creditor or by the debtor.

We opposed these proposals on the grounds that exclusive reliance on outside receivers would mean that where a debtor or creditor was unable or unwilling to cover the costs of administration, and no creditor was personally prepared to undertake the task, the debtor's estate would be left unadministered and the unsecured creditors would effectively lose the protection of the existing legislation against a variety of evasive measures taken by fraudulent debtors to deprive the creditors of recoverable assets.

Moreover, without the relief of bankruptcy, debtors faced the prospect of an indefinite series of unco-ordinated enforcement measures by various creditors, including execution against goods and attachment of earnings. These would operate to deny the debtor the chance of rehabilitation and might well force him and his family to live on social security for an unlimited period.

The Government's proposals would also undermine the criminal bankruptcy procedures and hinder the Inland Revenue and Customs and Excise in the collection of unpaid taxes by depriving them of the threat of bankruptcy against recalcitrant debtors.

In calculating the savings in public expenditure from the abolition of official receivers, no account had been taken of these considerable extra expenses which would almost certainly be incurred by the State. The Interim Report of the Insolvency Law Review Committee chaired by Sir Kenneth Cork, of which the Consultative Document appeared to take

no account, had recommended that the primary objective should not be the saving of money as such, but a reduction in the incidence of bankruptcy which would reduce the volume of official receivers' work. We considered that this was a far more desirable approach, and one which would not jeopardise the valuable protections for creditors and debtors which the Government proposals threatened.

The Council urged that, in any event, no action should be taken on these proposals until the Cork Committee had issued its Final Report.

Copies of the memorandum are available at 50p.

INFORMATION LAW

Last year, we drew attention to the unprecedented problems which the new information technology—and especially the new Viewdata networks—will present for our legal system, and called for a comprehensive review of our information law. Now that we actually have a Minister for Information Technology, we can only hope that he will soon set the necessary work in train, rather than be left to react hurriedly when the first scandals hit the headlines.

Meanwhile, progress in the individual sectors of information law has been minimal, and then only in reluctant response to external pressures. Following the adverse decision of the European Court of Human Rights in *The Sunday Times* case in April 1979, the Government has presented its Contempt of Court Bill, which has attracted considerable criticism in its progress through Parliament.

Likewise, only the conclusion of the Council of Europe's Data Protection Convention, and its signature by seven nations in January 1981, have at long last extracted a statement of our own Government's intentions in that important field. Nine years after the Younger Report and more than two years after the Lindop Report, the Government has announced that it will sign that Convention (which it has since done), and bring in legislation 'when an opportunity offers' in order to be able to ratify it. But the legislation will be minimal, based on the now outdated Younger principles (which were never intended for the public sector) rather than the comprehensive and modern Lindop ones. Worst of all, the Home Secretary has said that there will *not* be an independent data protection authority—the core of the widely-supported Lindop recommendations, the keystone for the credibility of any data protection legislation, and the central pivot of the data protection laws already in force in seven European countries, including France and Germany.

On 5th May, *The Times* published a letter from Sir John Foster expressing the dismay of the Council of JUSTICE at this development, pointing out that privacy concerned civil far more than criminal law, and asking whether the Home Office was really the right department to decide that Britain, alone in all Europe, should not have an independent

data protection authority. We await further developments in this area with some pessimism.

In the absence of any comparable external pressures, nothing has been heard during the year about any reform of the Official Secrets Act, let alone about Freedom of Information, despite the almost universal consensus that such reforms are now very much overdue. That government departments have no self-interested reasons for promoting legislation in either of these fields is manifest and understandable. But is that by itself sufficient reason for doing nothing about it?

ADMINISTRATIVE LAW

British Nationality

The JUSTICE report on British Nationality was published just before the last AGM and its main recommendations were summarised in the last Annual Report. Shortly afterwards a White Paper (Cmnd 7987) disclosed the present Government's intentions. These differed from the previous administration's Green Paper in two principal respects—the creation of three instead of two categories of citizenship, and the abandonment of the *jus soli*, i.e. birth within the United Kingdom, as a general qualification for British citizenship. It also proposed to enlarge the discretionary powers of the Home Secretary. JUSTICE sent comments on these proposals to Members of Parliament and peers thought to be interested. These emphasised the need to provide a right of abode somewhere for all citizens of the United Kingdom and Colonies and advocated bilateral negotiations between the United Kingdom and other countries to that end; criticised the proposal to create three categories of citizenship, two of them inferior to the first; pointed out that any new law should meet internationally recognised standards for the acquisition of nationality; and deplored the partial abandonment of the *jus soli* with all the confusion and arbitrariness that that would involve.

The Government's Bill was published in January; members of the Standing Committee which considered it received a copy of the JUSTICE Report on British Nationality and a covering letter drawing attention to some of the principal deficiencies of the Bill—and to its tortuous and complex language. In short, we said, a new Nationality Bill was long overdue but this was not the Bill that was needed.

The Bill went to Committee early in February and at the moment of writing has reached the Report stage though not without the aid of the guillotine. It has provoked a great deal of anxiety and opposition. A few concessions have been made by the Government, some of them important, others cosmetic. The most interesting of these provides that in exercising the many discretions with which the Bill invests him, the Home Secretary should have no regard to the race, colour or religion of any person who may be affected by such exercise. This amendment had

an independent source, was supported by the Council of JUSTICE, was adopted by the Opposition spokesman and was finally taken over by the Government.

Ann Dummett and Paul Sieghart appeared in a television discussion with the Minister of State, Mr Timothy Raison, last February. An article by Paul Sieghart in the *Daily Telegraph* for April 27th drew attention to some of the absurdities of the Bill.

Ann Dummett has worked tirelessly in mastering the intricacies of the Bill and the amendments to it in the House of Commons. A small Parliamentary group, composed of some members of the British Nationality Working Party, has kept track of the progress of the Bill and has provided comment and information for members. It will do the same for peers when the Bill goes to the House of Lords in June.

Public Order Act

A committee was set up by the Council under the chairmanship of Harry Sales to consider the Green Paper on the Review of the Public Order Act 1936 and related legislation, and to prepare a memorandum which was duly submitted.

In general, we considered that the existing shape of the law had worked well since 1936 and should be maintained, and that no new offences should be created unless a clear need for them had been demonstrated. The criterion for banning marches should remain that of serious public disorder as any lesser test could lead to marches being banned too easily, and to excessive limitations on the freedoms of assembly and expression.

We did not support selective bans, but recommended that where, before the expiry of the time-limit on a general ban, a Chief Police Officer no longer apprehended that serious public disorder would result from marching, he should be under a duty to initiate the lifting of the ban. As the procedure for banning marches in London worked well, and we did not consider that local government was suited to making decisions about the likely state of public order and the police ability to maintain it, we recommended that a uniform banning procedure based on a modified London model should apply throughout the country, with a limited right of appeal by local authorities to the Secretary of State against a police refusal to ban, and with no greater role for the courts than they enjoy at present.

The experiences of the last few years seemed to us to justify a number of restrictions: that seven days notice should be required for marches reasonably expected to involve more than 100 participants, with a power in a Chief Police Officer to waive notice in any event; that the criterion for imposing a route and conditions on marchers should be a less strict one, such as serious disruption to the local community; that the sole authority for police powers in this field should derive from the Public Order Act and that all local variations in rights, duties and police

powers should be abolished; and that there should be a new statutory arrestable offence of participating in a banned march.

In regard to demonstrations and meetings, we considered that the existing law operated effectively and fairly and should not be changed, except that local authorities could be given a new power to impose a condition that election meetings held on their premises must be genuinely open to the public.

The members of the committee were Dr. Alpha Connelly, Richard Fernyhough, Thayne Forbes, Reginald Marks, Sarah McCabe, Ian Pittaway and Charles Pollard.

Copies of the memorandum are available at a cost of 50p.

JUSTICE—All Souls Review

The Review Committee published a discussion paper in May. Its purpose is to enlist the assistance of the informed public on the work of the Review by focusing attention on a number of the topics that are being considered. The area of administrative law is considerable and there are many who have specialised experience of it. Their response to the discussion paper will be a valuable aid in suggesting where and what reform of the law and the institutions is needed. Copies of the discussion paper may be obtained on request.

In July and August of last year Patrick Neill and David Widdicombe went to Australia and New Zealand to carry out an extensive programme of visits and meetings with judges, ombudsmen, politicians, administrators, practitioners and academic lawyers for the purpose of gathering information about developments in administrative law in those countries. They were in fact able to obtain first hand information about four jurisdictions—Australia Federal, New South Wales, Victoria, and New Zealand. They were very well received; many busy people gave freely of their time and practical experience, and valuable links have been established. The tour was made possible through the generous support of a score of public companies.

In June some members of the Committee and of the Advisory Panel had a valuable discussion with the Hon Mr Justice Brennan of the Federal Court of Australia who was first President of the Administrative Appeals Tribunal and first Chairman of the Administrative Review Council. In September there was another important discussion, this time between members of the Committee and Dr Graham Taylor, then Director of Research of the Administrative Review Council, and Professor Harry Whitmore, who was a member of the Kerr Committee which was the first step towards the recent legislative developments in administrative law in Australia.

Professor A. W. Bradley has continued to convene and conduct meetings of the Scottish Working Group and is planning a seminar at

the University of Edinburgh for consideration of the discussion paper and of special areas of administrative law in Scotland.

Mr Paul Craig of Worcester College, Oxford, is engaged in a project for the Review of attempting to provide some assessment of the cost of providing a remedy for damage caused by invalid government action.

The Hon Mr Justice J. D. Davies, President of the Australian Administrative Appeals Tribunal, accepted an invitation to join the Review's Advisory Panel.

A good deal of library material has again been collected and distributed to the Review Committee for their consideration in the course of the year. In particular, much information on the Canadian experience has been obtained.

The assistance of Mr Ronald Wraith, CBE, has been secured for the task of analysing the responses to the discussion paper and preparing the final report. Mr Wraith is the author or joint author of a number of studies of administrative and judicial institutions.

We must not conclude without recording our gratitude to the Trustees of the Leverhulme Trust for renewing the grant to the Review for a further year.

Committee on Administrative Law

The principal matters of interest considered by the Committee in the course of the year have been in the field of planning. The Local Government, Planning and Land (No 2) Bill provided for charges for certain planning applications and appeals. In June the Department of the Environment issued a consultation paper seeking views on the details of the proposed scheme. JUSTICE in its evidence to the Dobry Inquiry rejected such charges in principle. As the Government was evidently determined to introduce them, however, the Committee confined itself to advocating wider exemption from charges or lower scales—in particular for changes of use and on miscellaneous minor matters. The Government's abandonment of charges for planning appeals was welcomed.

A consultation paper on the planning appeal system contained proposals for simplifying and speeding up the machinery of planning, in particular by transferring all classes of appeal for decision to inspectors (with power to the Secretary of State to recover jurisdiction), by the encouragement of written representation in place of local inquiries, by strict time-tabling of the written representation procedure, by informal hearings, by instant announcement of decisions and by swifter post-inquiry procedures. The Department's general proposals for development control and the speeding up of planning applications was contained in DOE Circular 22/80 published in November 1980. Both sets of proposals were generally welcomed and comments and points of detail were made.

Mr Robert Cant, MP, tabled a new clause to the Local Government,

Planning and Land (No 2) Bill which would in effect have constituted local valuation courts as small claims compensation courts in cases where the compensation claimed was less than £50,000. Mr Cant's initiative revived interest in a JUSTICE proposal of 1969 for the establishment of inferior courts similar in status to local valuation courts where minor disputes between an authority and an individual could quickly be determined in claims not exceeding £5,000 with the possibility, with the consent of the parties or of the Lands Tribunal, of such disputes being heard by that Tribunal where the real issue is a point or law of principle. Further consideration has been given to the idea by the Committee with a view to mobilising support for it among various interested parties.

A suitable opportunity is being sought for a debate in Parliament on the JUSTICE proposals in its report *The Local Ombudsmen, A Review of the First Five Years*, published last summer. The Commission itself has proposed a number of changes, and a full Parliamentary debate soon is obviously desirable. More information has been gathered on instances of disregard by local authorities of recommendations made in further (i.e. second) reports of Local Commissioners for Administration. This is a difficult problem involving the confrontation of elected members and ombudsmen. Its extent should not, however, be exaggerated since the majority of local authorities do follow the Local Commissioners' recommendations; but when they do not the complainant is doubly aggrieved.

A seminar on 'The Future of the Big Public Inquiry', organized by the Outer Circle Policy Unit, the Council for Science and Society and JUSTICE, was held at the Royal Institution on 24th November and was attended by about 100 representatives of industry, the universities and polytechnics, government departments, local government and official bodies, professional, amenity and conservation societies and pressure groups, as well as peers, Members of Parliament, parliamentary officers, writers and activists.

Courts Administration Committee

A committee has been set up under the chairmanship of John Macdonald QC to investigate the range and nature of complaints about the administration of civil and criminal courts in England and Wales, to assess the adequacy of existing channels for complaint and remedies, and to make recommendations thereon.

Its members are Sir Denis Dobson QC (Vice-Chairman), E. D. Abrahamson, Colin Braham, Dr. Alpha Connelly, Richard Fernyhough, Thayne Forbes, Stephen Grosz, David Hallmark, Roger Horne, David Howard, Norma Negus and Dr. David Williams.

The committee would welcome details from members of cases in which difficulties have been experienced in getting errors in court proceedings or administration corrected or complaints considered.

INTERNATIONAL COMMISSION OF JURISTS

The ICJ's influence in the international human rights fora is today greater than ever. Last October, it achieved the unique and wholly deserved distinction of being awarded the first Human Rights Prize of the Council of Europe.

The ICJ has continued to play an active role in the work of many bodies concerned with human rights. In December it organised a seminar in Kuwait on 'Human Rights in Islam'. During the year it published reports on 'Human Rights in Nicaragua' and 'The West Bank and the Rule of Law'. It has also sent observer missions to Turkey, Israel, Pakistan, South Korea, Surinam and Nicaragua, where William Butler, the Chairman of the Executive Committee, was able to secure the release of a number of political prisoners.

But the outstanding event in the ICJ's year was the full Commission meeting and conference held at the Hague from 27th April to 1st May, 1981. The individual Commissioners are scattered all over the world, and so cannot meet together very often. But 21 of them, including 10 from developing countries, were able to come on this occasion. JUSTICE was well represented: Lord Gardiner came as a Commission member, Norman Marsh as an Honorary Member, as well as Tom Sargant and Paul Sieghart (who has for several years acted as Lord Gardiner's alternate on the Commission's Executive Committee).

The conference opened in the Peace Palace with a welcome from Mr. de Ruiter, the Dutch Minister of Justice, and a keynote address from Sir Shridath Ramphal, Secretary-General of the Commonwealth Secretariat and himself an Honorary Member of the Commission. The theme was 'Development and the Rule of Law', currently a subject of some controversy at the UN and in other international debating fora, where oppressive regimes have tried to justify their violations of the individual human rights of their citizens on the grounds that the need for the economic development of their underdeveloped nations should take precedence over such luxuries as freedom from arbitrary arrest, *habeas corpus*, fair trials, an independent judiciary, a free press, the right of association, and representative institutions. Yet those are often the very governments who call for development help from the rest of the community of nations, founding their call on a hitherto undefined 'right to development'.

In attempting to resolve this dilemma, the conference broke new ground. After three days of discussion, it arrived at certain conclusions which restated the two different concepts of 'development' and 'right to development' in the following terms:

> Development should be understood as a process designed progressively to create conditions in which every person can enjoy, exercise and utilise, under the rule of law, all his human rights, whether economic, social, cultural, civil or political. That process is a neces-

sary condition for peace and friendship between nations, and is therefore the concern of all states.

Every person has the right to participate in and benefit from development in the sense of a progressive improvement in the standard and quality of life.

The primary obligation to promote development, in such a way as to satisfy that right, rests upon each state for its own territory and for the persons under its jurisdiction.

The different human rights are all inseparable from each other, and development is inseparable from human rights and the Rule of Law. Likewise, justice and equity at the international level are inseparable from justice and equity at the national level. And all these taken together are necessary conditions for the realisation of the human potential.

The conference therefore marked something of a turning-point in the elaboration of theories of development, substituting for the traditional narrow view of development seen in purely economic terms the new and much wider concept of a comprehensive process for the improvement of the standard and quality of people's lives in *all* their aspects—including those reflected in the classical civil and political rights and fundamental freedoms.

There has never in fact been any empirical evidence to support the thesis that suppression of those rights and freedoms facilitates or accelerates economic development: like so many other current received wisdoms, that one too is based more on ideology than fact. It was therefore particularly welcome that the conference adopted another resolution calling for more empirical research in this field, and one can only hope that it will not be long before this call is taken up.

GENERAL INFORMATION AND ACTIVITIES

Membership and Finance

The approximate membership figures at 1st June were:

	Individual	Corporate
Judicial	74	
Barristers	496	2
Solicitors	570	48
Teachers of Law	154	
Magistrates	31	
Students (incl. pupillages and articles)	89	
Associate Members	130	11
Legal Societies and Libraries		35
Overseas (incl. Hong Kong Branch)	90	24
Total	1634	120

These figures are somewhat disappointing. We enrolled 80 new members, the majority being newly admitted solicitors who responded to a recruitment letter, but this gain has been offset by resignations, deaths and removals. Furthermore the above figures include well over a hundred members who have not as yet paid subscriptions due last October.

Because of this default, which we hope will soon be remedied, we have lost the benefit of some of last year's voluntary increase, and the total subscription income has not reached the amount of £10,000 as we had hoped. The Recital raised £1,000 less than had the Ball the previous year, with the result that we are back in the red, despite the payment of a smaller contribution to the Trust in respect of overheads. We therefore attach great importance to the success of the Ball at the Savoy Hotel on Thursday, 15th October.

JUSTICE Educational and Research Trust

The Trust receives covenanted subscriptions from members and friends of JUSTICE and grants for special projects and general research. Its income covers the salary of a Legal Secretary, a proportion of the rent and administrative overheads, and the expenses of research committees.

During the past 12 months it has received donations of £1,000 from the Max Rayne Foundation and £500 respectively from the William Goodhart Charitable Trust, Mr. and Mrs. Jack Pye's Charitable Trust and the International Publishing Corporation.

The Advantages of Covenants

The attention of members is drawn to the substantial advantages to be derived from tax concessions which came into force on 5th April, 1981.

These give a covenantor the benefit of income tax relief up to the maximum rate of 60%, plus an additional rate of 15% if he pays an investment income surcharge. Furthermore, a covenant need only run for four years instead of the previous seven.

Thus in the case of a member paying 60% tax who enters into a four-year covenant for, say, £28 a year net, the result will be that the Trust will receive £40 a year (as at present), but the actual cost to the member will be only £16. This means that if he now pays £15 a year, he can increase his payment to £26.50 at no extra cost to himself, or to £42 if he pays the investment income surcharge. The Trust will recover tax on the whole amount.

It is also possible to enter into any of the above covenants by the payment of the total sum in advance to JUSTICE with authority to pay the yearly amounts to the Trust as they become due. This gives JUSTICE the benefit of the interest on the unpaid balance. The Secretary will be

happy to supply details and appropriate forms for those who are willing to enter into new covenants or increase their existing ones.

The Council

At the Annual Meeting in July, 1980, William Goodhart, Philip English, Michael Ellman, Gerald Godfrey, Michael Sherrard and Laurence Shurman retired under the three-year rule and were re-elected.

At the Council meeting in October, Sir Dennis Dobson, KCB, QC, (formerly Permanent Secretary to the Lord Chancellor's Department), Sir Jack Jacob QC, (formerly Senior Master of the Queen's Bench Division), Norman Turner (formerly Official Solicitor) and Lord Rawlinson, QC, were invited to join the Council as co-opted members.

Officers

At the October meeting of the Council the following officers were re-appointed:

Chairman of Council	Sir John Foster
Vice-Chairman	Lord Foot
Chairman of Executive Committee	Paul Sieghart
Vice-Chairman	William Goodhart
Treasurer	Philip English

Executive Committee

The Executive Committee has consisted of the officers together with Peter Archer, Michael Ellman, Edward Gardner, Roy Goode, David Graham, Muir Hunter, Anthony Lester, Blanche Lucas, Edward Lyons, Norman Marsh, Gavin McKenzie, Michael Sherrard, Laurence Shurman, David Sullivan, Charles Wegg-Prosser and David Widdicombe. Alec Samuels, our Director of Research, is an ex-officio member.

Finance and Membership Committee

This committee has consisted of Philip English (Chairman), Paul Sieghart, William Goodhart, David Graham, Blanche Lucas, Andrew Martin and Laurence Shurman.

Annual General Meeting

The Annual General Meeting was held in the Old Hall, Lincoln's Inn, on Tuesday, 8th July, 1980. Sir John Foster presided and in presenting the Annual Report commended the four important reports published by JUSTICE in the course of the year and warmly thanked all those who had helped to produce them.

In presenting the accounts, Philip English welcomed the encouraging response of so many members to the appeal for a voluntary

increase in their subscriptions. This had resulted in a 40% increase in subscriptions paid to JUSTICE and a further £1,000 in covenanted subscriptions to the Trust. This had been achieved without the loss of members which a compulsory increase might have provoked and was a striking tribute to the goodwill of our members.

Thanks to a profit of £3,000 on the Ball, there was a surplus on income account of £700, but there was still a deficit on capital account and every item of expenditure continued to increase at an alarming rate.

After the report and accounts had been adopted, Sam Silkin initiated a discussion on the recent report of the All-Party Penal Affairs Group of MPs and Peers, *Too Many Prisoners*.

John Alderson's Address

John Alderson QPM, Chief Constable of Devon and Cornwall, gave an address on "Policing for Freedom". He began by pointing out that three times in the past society had out-grown its police institutions, and that wholly new systems had been devised in 1285, 1361 and 1828.

The modern age was, however, fundamentally different from earlier eras. The problems of crime and public disorder remained the same, but their causes and remedies differed enormously. An authoritarian and stratified society had given way to a more free, permissive and participatory one. Other public institutions had been forced to adapt to meet this change in society; the police could not and should not seek to avoid doing so. What was needed today was a new ethic of policing.

The roots of this new ethic lay in generally acceptable notions of legal and social justice, but it had to be recognised that these were imperfect concepts whose efficacy lay in their existence rather than their operation, as no society could afford the numbers of police, courts, prisons, and the restrictions on liberty, which the detection, conviction and punishment of all crimes would require. In our society, freedom was fundamental to the concept of justice, and it was the protection of freedom through social co-operation that afforded the most promising option for the prevention and control of crime. The police alone could not guard the social gains of recent years, only social co-operation and the full participation of the community could do so.

Mr. Alderson believed that we were ready for the social reconstruction that this new ethic required and that the best vehicle for putting it into practice, to prevent crime while nurturing the growth of freedom, was "communal policing".

However, this vehicle needed to be institutionalised. It needed leadership which, with their knowledge of crime and the social realities behind it, the police were ideally suited to provide.

Communities needed to be identified and made aware of their identities. In each community, an analysis would have to be made of the

degree of criminality, both of offender and victims, and the community would have to be made aware of this. The process had to be flexible and tailored to each community, which would then have to consider causes, solutions and preventive measures: Once dialogue had started in a community, as many as possible of its constituent parts should participate in a standing forum such as a Community Policing Advisory Group—e.g., press, education, transport, etc. Experience had shown that such a dialogue increased co-operation in the prevention and containment of crime, and reduced apathy about it and the sense of helplessness at its inevitability.

Two other elements were vital to success. First, the full use of education with a police contribution to all levels. Second, a proper political framework. Parish Councils were ideal in rural areas, but in urban ones District Councils were too remote. Moreover, an example had to be set by central government.

There was great need for an inter-Ministerial body responsible for co-ordinating policies and providing the stimulus for reducing crime. Important decisions affecting crimogenic behaviour were outside the control of the Home Office. The Department of Health and Social Security was responsible for the care and control of those juveniles most likely to resort to crime, and had great impact on the circumstances of their families. The Department of the Environment influenced housing and planning policies which could make a significant impact on environmental crime prevention. The Department of Education and Science had a crucial role in promoting the teaching of moral education, and individual rights and responsibilities. Such a body should be aided by an Advisory Department for Community Affairs which would help the emergence of community participation.

Mr. Alderson had not said much about the police themselves as he wanted to get away from the idea that the police could "cure" crime and disorder. Like the criminal justice system, their main contribution was their existence—for their success, they relied totally on public co-operation. In preventing and containing crime, the police operated on three levels: the first, to harness the positive forces in society to engage in the social participation necessary for the new policing ethic; the second, to patrol and enforce the law; the third, to investigate crime. Frequently, a delicate balancing act was required between them as e.g. in maintaining public order.

Mr. Alderson concluded: "This is a large and complicated subject, but radical change in policing has been brought about in the past and perhaps we are now challenged to do it again. I have indicated that we need to search for a new ethic of policing to fit the society that we have wittingly created, and that there is only one place to look for that ethic, setting aside retrogression, and that place is in the organisation of social participation in the prevention of criminality. The police themselves are sometimes in risk of being and feeling alienated, and that condition

would undermine our traditional institutions; therefore a greater emphasis on the police role in social participation would offset such trends and is in the common interest. I hope therefore that we may have the imagination and insight to move towards a new ethic of policing ourselves."

Annual Members' Conference

The Annual Conference of members and invited representatives of official and professional bodies was held in the Lord Chief Justice's Court on Saturday, 11th April. Sir Ralph Gibson presided. The subject was 'The Report of the Royal Commission on Criminal Procedure'.

The invited speakers were Walter Merricks, Peter Weitzman, QC, and Prof. Michael Zander for the morning session, and Judge Lewis Hawser, QC, and John Mercer for the afternoon.

Unfortunately it has not yet been possible to have the tape of the proceedings transcribed and consequently to prepare an adequate summary of the contributions. Copies of the transcript will however be available in due course at a cost of £2.

December Recital

On 3rd December, 1980, in Lincoln's Inn New Hall, Tomatada Soh, the celebrated Japanese violinist, accompanied by John Blakely, gave a recital of works by Bach, Handel and Cesar Franck. The brilliance and warmth of his playing provided a memorable evening for the 230 members and friends who attended. We are indebted not only to our two artistes for their generosity but also to Barbara Graham who so willingly arranged for their appearance and to the members of the committee who organised the occasion. They were:

Mrs. Martin Jacomb (Chairman), Mrs. Brian Blackshaw, Miss Margaret Bowron, Mrs. David Burton, Miss Diana Cornforth, Mrs. David Edwards, Miss Helen Evans, Mrs. William Goodhart, Mrs. Philip Hugh-Jones, Bernard Weatherill, Lady Lloyd, Mrs. Michael Miller, Duncan Munro-Kerr, Thomas Seymour, William Shelford and Christopher Sumner.

We would also like to thank John Mackarness for organising the programme, the companies who took advertising space and the Benchers and staff of Lincoln's Inn for all their help.

Visit of French Section

At the week-end of 28th/29th June, we entertained ten members of Libre Justice, the French Section of the ICJ. These joint meetings now take place every two years in London and Paris alternately, and their purpose is to exchange information on subjects of topical concern to one or both sections.

The first subject—compensation for persons wrongly imprisoned—was of considerable interest to a new JUSTICE committee.

Maitre Ancel described the working of the French statutory scheme, which was administered by a special court, required evidence of innocence and made comparatively small awards. The German system as described by Mr. Florian Frank, representing the German section, appeared not to be dissimilar. For Great Britain, Tom Sargant could point only to *ex gratia* payments made by the Home Secretary after the granting of a pardon or the quashing of a conviction by the Court of Appeal after a reference by the Home Secretary.

The respective laws governing extradition were described by Professor Georges Levasseur and Michael Koenig: the differences were that France did not require strict proof of the alleged offence, all applications were considered by a special judicial court and the government was not bound, as in this country, to act on a recommendation of extradition.

Some 50 members of JUSTICE took part in the meeting and social activities, which included a coach excursion to Woodstock and Blenheim Palace. We were particularly happy to welcome the new President of Libre Justice, Maitre Louis Pettiti, who attended our first joint meeting and has recently been appointed a judge of the European Court of Human Rights.

Hong Kong Branch

During the past year, the Hong Kong Branch of JUSTICE have been involved in a number of areas.

As a result of public concern over minor offences remaining indefinitely on a person's criminal record, the Branch has made submissions that Hong Kong should introduce legislation along the lines of the Rehabilitation of Offenders Act in England. The Government is now studying the problem.

The Branch is conducting an investigation into the present provisions relating to law reform in Hong Kong which appear to be unsatisfactory in that law reform has a very low priority. The present Law Reform Committee has no permanent staff attached to it as a result of which its research is considerably hampered. Furthermore it can only deal with matters referred to it by the Chief Justice and the Attorney General, which restricts the scope of its activities.

The Branch has also been concerned over the very lengthy period for which Government servants can be interdicted while being investigated under the Prevention of Bribery Ordinance. It has again made suggestions to Government that such interdiction should only be for limited periods and that any extensions should be by way of a court order after application to the court and consideration of submissions from both the prosecution and the government servant concerned.

The most important matter dealt with by the Branch during the past

year has been the British Nationality Bill. The Hong Kong Branch feels very strongly that this Bill does seriously prejudice the legal status of persons born in Hong Kong and has made public statements on the subject with a view to bringing pressure both on the Hong Kong and the U.K. Government to modify the legislation.

Scottish Branch

An even greater workload of individual cases and correspondence has been handled by the Scottish Branch during this year. The main body of the increased work has related to dissatisfaction expressed by those concerned with criminal court and appeal court decisions. The general pattern which emerges is that in a small proportion of cases the outline facts supplied by the complainant would, if accurate, give rise to doubts about the conviction. The consideration of such cases is a considerable burden undertaken by volunteer members and it is often impossible to reach a conclusion without the resources for further investigation. In any event it is particularly difficult to achieve any sort of result if the appeal processes on points of law have been exhausted.

While it is accepted that there must be a point of finality in criminal court procedure it does seem to be more and more necessary that some form of state aid should be available for further scrutiny of relevant cases—even if the outcome is nothing more than an explanation of how the court or the jury has reached its conclusions and how the limitations of Scottish criminal appeal procedures have affected the review of the case.

There has also been a continuing contribution to work in the area of law reform and speakers have been provided on various subjects.

The Secretary of the Branch, who is Ainslie Nairn, 7 Abercromby Place, Edinburgh 3, is always glad to hear from members or to meet with those who happen to be in Edinburgh in order to discuss contributions which they may be prepared to make to the work in hand.

Bristol Area Branch

This Branch has continued to hold regular discussion meetings during the year, the subjects covered being:

aspects of the American legal system:

reform of the law on soliciting:

Imprisonment (Temporary Provisions) Act 1980—provoked by the general refusal of Bristol magistrates to make production orders for bail applications:

the recommendations of the Philips Commission on Criminal Procedure; and the Contempt of Court Bill now before Parliament.

Judge Hazell Counsell has accepted the Presidency of the Branch and Wynroe Thomas has been appointed Chairman. The Secretary is David Roberts, 14 Orchard Street, Bristol, and members living in the area are invited to get in touch with him.

Membership Particulars

Membership of JUSTICE is in five categories. Non-lawyers are welcomed as associate members and enjoy all the privileges of membership except the right to vote at annual meetings and to serve on the Council.

The minimum annual subscription rates are:

Persons with legal qualifications:	£5.00
Law students, articled clerks and barristers still doing pupillage:	£2.00
Corporate members (legal firms and associations):	£10.00
Individual associate members:	£4.00
Corporate associate members:	£10.00

The Council has, however, asked members to accept the following higher rates:

Five-10 years call or admission, £10. Over 10 years call or admission, £15. Associate members, £5. Corporate members, £25-£50, according to substance (this sum includes all publications issued during the year).

All subscriptions are renewable on 1st October. Members joining in January/March may, if they wish, deduct up to 25 per cent from their first payment, and in April/June up to 50 per cent. Those joining after 1st July will not be asked for a further subscription until 1st October in the following year. The completion of a Banker's Order will be most helpful.

Covenanted subscriptions to the JUSTICE Educational and Research Trust, which effectively increase the value of subscriptions by over 40%, will be welcomed and may be made payable in any month.

Law libraries and law reform agencies, both at home and overseas, who wish to receive JUSTICE reports as they are published may, instead of placing a standing order, pay a special annual subscription of £8.00.

All members are entitled to buy JUSTICE reports at reduced prices. Members who wish to receive twice yearly the Review of the International Commission of Jurists are required to pay an additional £2.00 a year.

Acknowledgements

The Council would once again like to express its thanks to Messrs. Baker, Rooke and Co. for their services as auditors, to Messrs. C. Hoare & Co. for banking services, and to many other individuals and bodies who have gone out of their way to help the Society.

PUBLICATIONS

The following reports and memoranda published by JUSTICE may be obtained from the Secretary at the following prices, which are exclusive of postage.

	Non-Members	Members
Published by Stevens & Sons		
Privacy and the Law (1970)	80p	55p
Litigants in Person (1971)	£1.00	70p
The Unrepresented Defendant in Magistrates' Courts (1971)	£1.00	70p
The Judiciary (1972)	90p	70p
Compensation for Compulsory Acquisition and Remedies for Planning Restrictions (1973)	£1.00	70p
False Witness (1973)	£1.25	85p
No Fault on the Roads (1974)	£1.00	75p
Parental Rights and Duties and Custody Suits (1975)	£1.50	£1.00
Published by Charles Knight & Co.		
Complaints against Lawyers (1970)	50p	35p
Published by Barry Rose Publishers		
Going Abroad (1974)	£1.00	70p
*Boards of Visitors (1975)	£1.50	£1.25
Published by JUSTICE		
The Redistribution of Criminal Business (1974)	25p	20p
Compensation for Accidents at Work (1975)	25p	20p
The Citizen and the Public Agencies (1976)	£2.00	£1.60
Our Fettered Ombudsman (1977)	£1.50	£1.00
Lawyers and the Legal System (1977)	£1.50	£1.00
Plutonium and Liberty (1978)	90p	60p
CLAF, Proposals for a Contingency Legal Aid Fund (1978)	75p	60p
Freedom of Information (1978)	75p	60p
Pre-Trial Criminal Procedure (1979)	£1.50	£1.00
The Truth and the Courts (1980)	£1.50	£1.00
British Nationality (1980)	£2.00	£1.50
Breaking the Rules (1980)	£2.00	£1.50
The Local Ombudsmen (1980)	£2.50	£2.00

The following reports are out of print. Photostat copies are available at the following prices:

Contempt of Court (1959)	£2.30
Legal Penalties and the Need for Revaluation (1959)	£1.25
Preliminary Investigation of Criminal Offences	£2.00

*Report of Joint Committee with Howard League and N.A.C.R.O.

The Citizen and the Administration (1961)	£4.75
Compensation for Victims of Crimes of Violence (1962)	£2.00
Matrimonial Cases and Magistrates' Courts (1963)	£1.90
Criminal Appeals (1964)	£3.75
The Law and the Press (1965)	£2.75
Trial of Motor Accident Cases (1966)	£2.00
Home Office Reviews of Criminal Convictions (1968)	£2.00
The Citizen and his Council—Ombudsmen for Local Government? (1969)	£2.00
The Prosecution Process in England and Wales (1970)	£1.75
Home Made Wills (1971)	£1.25
Administration under Law (1971)	£2.25
Living it Down (1972)	£2.50
Insider Trading (1972)	£1.00
Evidence of Identity (1974)	£1.60
Going to Law (1974)	£3.50
Bankruptcy (1975)	£2.50

Duplicated Reports and Memoranda

Report of Joint Working Party on Bail	25p
Evidence to the Morris Committee on Jury Service	25p
Evidence to the Widgery Committee on Legal Aid in Criminal Cases	25p
Reports on Planning Enquiries and Appeals	40p
Rights of Minority Shareholders in Small Companies	25p
Complaints against the Police	25p
A Companies Commission	25p
The David Anderson Case	75p
Powers and Duties of Trustees	35p
Report of Data Protection Committee	30p
Select Committee on Parliamentary Commissioner	30p
The Private Security Industry	20p
Illegitimacy	20p
Observations on the Triennial Review Report of the Police Complaints Board	50p
Memorandum on the Government's Consultative Document on Bankruptcy	50p
Review of the Public Order Act 1936 and related legislation	50p
Transcripts of JUSTICE Conference on—	
Eleventh Report of Criminal Law Revision Committee (1973)	£1.00
Children and the Law (1975)	£1.00
The Rights of Prisoners (1979)	£1.50
Civil Procedure after Benson (1980)	£1.50
Royal Commission on Criminal Procedure (1981)	£2.00

Memoranda by Committee on Evidence

1. Judgements and Convictions as Evidence	15p
2. Crown Privilege	15p
3. Court Witnesses	15p
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11. Advance Notice of Special Defences	15p
12. The Interrogation of Suspects	25p
13. Confessions to Persons other than Police Officers	15p
14. The Accused as a Witness	15p
15. Admission of Accused's Record	15p
16. Hearsay in Criminal Cases	15p

Published by International Commission of Jurists

Human Rights in United States and United Kingdom Foreign Policy	£1.00
The Trial of Macias in Equatorial Guinea	£1.00
Persecution of Defence Lawyers in South Korea	£1.00
Human Rights in Guatemala	£1.00
The West Bank and the Rule of Law	£1.00
Human Rights in Nicaragua: Yesterday and Today	£1.00

Back numbers of the ICJ Review, Quarterly Report and special reports are also available.