

*Memoranda by Committee on Evidence*

1. Judgments and Convictions on Evidence	1s. 6d.
2. Crown Privilege	1s. 6d.
3. Court Witnesses	1s. 6d.
4. Character in Criminal Cases	1s. 6d.
5. Impeaching One's Own Witness	1s. 6d.
6. Identification	1s. 6d.
7. Redraft of Evidence Act, 1938	1s. 6d.
8. Spouses' Privilege	1s. 6d.
9. Availability of Prosecution Evidence to the Defence	1s. 6d.
10. Discovery in Aid of the Evidence Act	1s. 6d.
11. Advance Notice of Special Defences	1s. 6d.
12. The Interrogation of Suspects	2s. 6d.
13. Confessions to Persons other than Police Officers	1s. 6d.
14. The Accused as a Witness	1s. 6d.
15. Admission of Accused's Record	1s. 6d.
16. Hearsay in Criminal Cases	1s. 6d.

*Published by International Commission of Jurists*

The Rule of Law and Human Rights (Principles and Definitions)	11s. 0d.
--	----------

Back numbers of the *Journal, Bulletin and Reviews* of the International Commission are also available, and a number of its special reports including those on Cuba, Spain and Tibet, Panama and British Guiana, and on the congresses held at New Delhi, Lagos, Rio and Bangkok.

# A REPORT BY JUSTICE

## *The Prosecution Process in England and Wales*

JOINT CHAIRMEN OF COMMITTEE

LEWIS HAWSER, Q.C.

BASIL WIGODER, Q.C.

8s net  
40p net

# JUSTICE

*British Section of the International Commission of Jurists*

## CHAIRMAN OF COUNCIL

The Rt. Hon. Lord Shawcross, Q.C.

## VICE-CHAIRMAN

The Rt. Hon. Lord Tangle, K.B.E.

## CHAIRMAN OF EXECUTIVE COMMITTEE

Sir John Foster, K.B.E., Q.C., M.P.

## VICE-CHAIRMAN

Geoffrey Garrett

## HON. TREASURER

The Rt. Hon. Sir F. Elwyn Jones, Q.C., M.P.

## COUNCIL

Prof. J. N. D. Anderson, O.B.E.	Lewis Hawser, Q.C.
Bryan Anns	Muir Hunter, Q.C.
Peter Archer, M.P.	Philip Kimber
Peter Benenson	James Lemkin
Michael Bryceson	Prof. Lord Lloyd
Peter Carter-Ruck	Herbert Lloyd
Lord Foot	Ainslie Nairn
The Rt. Hon. Lord Gardiner	Paul Sieghart
Edward Gardner, Q.C.	The Hon. Sam Silkin, Q.C., M.P.
Prof. J. F. Garner	Jonathan Stone
Sylvester Gates, C.B.E.	Peter Webster, Q.C.
John Gauntlett	William Wells, Q.C., M.P.
Prof. A. L. Goodhart, K.B.E., Q.C.	Basil Wigoder, Q.C.
Percy Grieve, Q.C., M.P.	J. E. Hall Williams
Prof. C. J. Hamson	W. T. Williams, Q.C., M.P.

## DIRECTOR OF RESEARCH

Alec Samuels

## SECRETARY

Tom Sargant, O.B.E., J.P.

12 Crane Court, Fleet Street, London, E.C.4

01-353 9428

# A REPORT BY JUSTICE

## *The Prosecution Process in England and Wales*

## JOINT CHAIRMEN OF COMMITTEE

LEWIS HAWSER, Q.C.

BASIL WIGODER, Q.C.

LONDON

JUSTICE EDUCATIONAL AND RESEARCH TRUST

1970

*This Report has been prepared  
and published under the auspices  
of the JUSTICE Educational  
Trust and Printed in Great  
Britain by The Eastern Press  
Ltd. of London and Reading*

# JUSTICE

*British Section of the International Commission of Jurists*

---

## CRIMINAL JUSTICE COMMITTEE

Lewis Hawser, Q.C. } Joint Chairmen  
Basil Wigoder, Q.C. }

Bryan Anns  
Richard Beddington  
John Buzzard  
Laurance Crossley  
Peter Danks  
Jeffrey Gordon  
Glyn Hardwicke  
Mrs. Daphne Gask, J.P.  
C. R. Hewitt  
Victor Lissack  
Alec Samuels,  
Michael Sherrard, Q.C.  
F. Morris Williams  
John Wilmers, Q.C.

*This Report has been endorsed  
by the Council of JUSTICE*

## CONTENTS

	PARAS.
Purpose of the inquiry . . . . .	1-3
The present position . . . . .	4-6
Defects in the present system . . . . .	7
Further considerations . . . . .	8-14
Conclusion . . . . .	15-16
Recommendations . . . . .	17

  

	PAGE
Minority Report by Laurance Crossley . . . . .	15
Appendix A . . . . .	16
Appendix B . . . . .	19
Appendix C . . . . .	21
Appendix D . . . . .	25

## ***The Prosecution Process in England and Wales***

### **Purpose of the inquiry**

1. The machinery for the initiation and conduct of prosecutions in England and Wales presents a surprisingly complex and confusing picture. At one end of the scale stands the Attorney-General acting through the Director of Public Prosecutions; and the numerous government departments and public bodies which have their own staffs and prosecuting powers. At the other end of the scale is the private citizen whose right to launch a prosecution is in practice rarely exercised except in such cases as assault and shoplifting. In the middle are the police forces headed by their Chief Constables. They, in fact, are responsible in the vast majority of cases for the decision to prosecute, the institution of proceedings and the conduct of the prosecution thereafter.

2. This report seeks to deal with three problems:

- (a) Should the responsibility for the decision to prosecute remain with the police?
- (b) Should the police continue to be involved in the conduct of prosecutions, either as advocates or as being in effect the clients of the lawyers who actually conduct the proceedings?
- (c) Is the present organisation and structure of prosecuting machinery satisfactory?

3. The Committee has not received evidence of systematic abuse or widespread criticism. Generally the integrity and competence of those concerned with prosecuting, *i.e.*, police officers and lawyers, is high. Nevertheless abuses do occur and the system (or in certain respects lack of system) which has grown up in a rather haphazard and piecemeal fashion, produces disquieting anomalies and variations which have, from time to time, resulted in errors and miscarriages of justice, sometimes of a very serious nature. The Committee feels that substantial improvements could be made and that a fundamental reappraisal both of principle and practice is called for.

### **The present position**

4. We do not feel that it is necessary or desirable to attempt to describe the existing set-up in all its ramifications. Its main components can be summarised as follows:



*The Director of Public Prosecutions*

(a) This Office was established by the Prosecution of Offences Act 1879. It passed through a number of vicissitudes and periods of severe criticism until the Director's functions were clearly defined upon their present basis. These now rest upon the Prosecution of Offences Regulations 1946.<sup>1</sup>

(i) The Director is under a duty to prosecute in cases involving the death penalty, and in a variety of cases ranging from coining and incest to explosives and dangerous drugs: cases referred to him by a government department in which he thinks criminal proceedings should be instituted; and in any case which appears to him to be of importance or difficulty or which for any other reason requires his intervention.

(ii) He is required to give advice to government departments, clerks to justices, chief police officers and to such other persons as he may think right in any criminal matter which appears to him to be of importance or difficulty.

(iii) Chief police officers are under a duty to report to the Director in five classes of cases—including those cases which by statute have to be undertaken by the Director or in which a prosecution requires his consent: and every indictable case in which the prosecution is wholly withdrawn or is not proceeded with within a reasonable time. There is a similar provision for reporting by the justices' clerk where a case is wholly withdrawn or not proceeded with within a reasonable time in a magistrates' court.

(iv) Chief police officers are also required to report to the Director a considerable number of different types of offence with as wide a range as incest, coinage offences, and extradition proceedings. In practice many of these are dealt with by the local police force.

(v) Generally speaking the investigation into the circumstances of the offence is carried out and statements from witnesses are obtained by the police and not the Director's staff.

(vi) In all matters the Director is subject to the directions of the Attorney-General who is responsible in Parliament for the actions of the Director if they are criticised.

(vii) The Director normally deals with the most serious cases. The total number of prosecutions conducted by the Director is very small. It is of the order of 2,000 per annum of which about a quarter are in the magistrates' courts—in those special cases for which he has statutory responsibility.

<sup>1</sup> S.R. & O. No. 1467 (L.17).

*Government departments*

(b) Numerous government departments and public bodies have their own prosecuting staffs (not all of whom are legally qualified) and initiate and conduct prosecutions—some of an important and serious nature. Noteworthy among these are the Board of Trade, which has a special responsibility in the case of certain types of commercial frauds, the Board of Inland Revenue and the Commissioners of Customs and Excise (both of which enjoy the unusual privilege of being entitled to compromise a prosecution and penalty at any stage of the proceedings).

*The police*

(c) As we have already indicated the vast bulk of criminal prosecutions, particularly in the magistrates' courts, are initiated by the police and responsibility both for policy and its implementation rests with the particular chief constable who heads the local force. This means that the decision as to whether or not a person is to be charged with an offence is taken by a police officer—effectively often the man in charge of the investigation. The proceedings may be conducted in one of four ways:

(i) A police officer may himself conduct the prosecution (sometimes being a witness as well as the advocate). In practically all police forces this is the practice in summary cases and in many of the less serious indictable offences tried summarily.

(ii) The police may employ private solicitors to act on their behalf who will instruct counsel should this be necessary. In this type of situation one firm of solicitors often becomes the regular police prosecuting agent in that particular district.

(iii) The police authority may employ a prosecuting solicitor with a small organisation who will farm out most of the work to local solicitors whom he will instruct.

(iv) The police or local authority may employ a prosecuting solicitor with a substantial staff who will themselves conduct all or virtually all the police prosecutions.

*The private prosecutor*

(d) It is said to be a fundamental principle of English criminal law that the right of private individuals to institute a prosecution should not be restricted unless there exists some very good reason to the contrary and this is alleged to be an important constitutional safeguard. Constitutional theory hardly corresponds with the practical realities. First there is a considerable number of offences in which the consent of a judge or of the Attorney-General

of the Director of Public Prosecutions or of a government department or public body is needed before a prosecution can be started. It is impossible to discern any principle or logical reason for the great variety of topics and subject-matters contained in these numerous statutory provisions. The gravity and importance of the prosecutions thus restricted vary greatly. For example, a private citizen can lawfully commence a prosecution for murder, but a prosecution under section 42 (3) of the Betting, Gaming and Lotteries Act 1963 requires the consent of the Director. Secondly, it is rare for the private person to have the resources or ability to launch a prosecution in a serious matter. Thirdly, the Director of Public Prosecutions has a complete discretion to take over the conduct of proceedings in any criminal case at any stage. Fourthly, the Attorney-General has a complete discretion to enter a *nolle prosequi* in any case triable by indictment—which terminates that particular prosecution, but in fact does so only in extreme cases, where for example an accused cannot be produced in court to plead owing to grave physical or mental incapacity.

#### *Prosecuting solicitors*

5. The gradual development of a system of prosecuting solicitors is an important one. Out of forty-five police authorities in England and Wales only thirty-two have a prosecuting solicitor.\* The number of solicitors employed in these departments varies from one to nineteen. About twenty-five of these thirty-two authorities have fully fledged departments employing a number of solicitors who conduct virtually the whole of the prosecuting work themselves. The other seven have a very small organisation and farm out the greater part of the work so that the solicitor or solicitors in this situation would act largely in a supervisory capacity. Twenty-three of the thirty-two departments are under and employed by the police authority and the other nine are under and employed by the local authority. The defects of the prosecuting solicitor system are that being employed by the police or the local authority they lack the complete independence which they should enjoy: and the salary and career prospects are not usually adequate to attract the ablest people and compare unfavourably with other professional activities.

6. Whether the police operate through private solicitors or a prosecuting solicitor's department, the relationship is one of solicitor

\* These are the figures as at October 1, 1970, and have been revised since the publication of this Report in *Criminal Law Review*. A full analysis will be found in Appendix B.

and client and the solicitors consider that they are acting for and on behalf of the police. The solicitor is not normally consulted prior to the charge being laid or summons issued and although he may offer advice to the police they are under no obligation to accept it. Members of this committee have personal experience of the police refusing to accept advice not to launch or continue with a prosecution. Conversely there are cases in which a solicitor would consider that a prosecution was warranted and where no proceedings have been brought.

#### **Defects in the present system**

7. The actual or potential defects and criticisms of the present system can be summarised as follows:

(a) The honest, zealous and conscientious police officer who has satisfied himself that the suspect is guilty becomes psychologically committed to prosecution and thus to successful prosecution. He wants to prosecute and he wants to win. As Sir Alexander Cockburn, then Attorney-General, put it (giving evidence to the Select Committee on Public Prosecutors in 1856)—when the police "mix themselves up in the conduct of a prosecution . . . they acquire a bias infinitely stronger than that which must under any circumstances naturally attach itself to their evidence." In consequence, a senior police officer may be inhibited in refusing to prosecute in order not to damage police morale—whereas an independent prosecutor would not be influenced by such considerations.

(b) The decision to prosecute does not and should not always fall to be determined solely by the likelihood of a conviction. Public policy and individual circumstances are rightly to be taken into account. The last Attorney-General, Sir Elwyn Jones, recently expressed this aspect of the matter in these words:

"The decision when to prosecute . . . is not an easy one. It is by no means in every case where a law officer considers that a conviction might be obtained that it is thought desirable to prosecute. Sometimes there are reasons of public policy which make it undesirable to prosecute the case. Perhaps the prosecution would enable him [the defendant] to present himself as a martyr. Or perhaps he is too ill to attend his trial without great risk to his health or even to his life. All these factors enter into the consideration. There was the case of the theft of the Stone of Scone . . . that was an example of the kind of case in which the public interest would not have been served by what might have turned into a kind of state trial."

Lord Devlin put it in this way: "Moreover the criminal law is not to be used oppressively to punish acts which might be technically a breach of it but which contain no real vice."<sup>2</sup>

The police are ill-equipped by outlook, training and function to weigh these factors objectively: nor should they be expected to do so. At the present time there are very considerable regional variations in prosecuting policy regarding certain types of offence—owing to the differing attitudes of individual chief constables. While there may properly be room for differing emphasis in particular areas, the risk of prosecution ought not to depend on this kind of chance.

(c) So far as the committee is aware, the English system is the only one in Europe where the interrogation of suspects, the interviewing of witnesses, the gathering and testing of scientific evidence, the selection of evidence to be laid before the court, the decision as to what charges shall be brought and the conduct of the prosecution may be entirely under the control of the police.

(d) The question of whether to prosecute partakes of the nature of a judicial decision, since, although the accused may eventually be acquitted, the bringing of a charge on insufficient evidence can have disastrous consequences on a man's domestic life and career, particularly if he is held in custody pending trial. It is difficult for investigators to achieve the necessary detachment and unfair to expect them to do so.

(e) Once a prosecution is commenced the extent of police involvement—in terms of prestige; fear of public criticism (particularly if there is a risk of an award of costs against the prosecution) and the possibility of an action for malicious prosecution—may (perhaps unconsciously) influence the decision as to whether the prosecution ought to be dropped.

The police may be impelled to start or continue with a prosecution because of a belief—founded perhaps on extraneous matter which would not be admissible in evidence such as previous convictions or "informer" information—in the guilt of the accused, even though the evidence does not warrant such a course.

At both these stages, therefore, before a charge is laid and after the prosecution is under way, an objective and quite independent assessment of the position is needed.

(f) The dominance of the police in the prosecution process exposes them to temptation. They may seek or be prepared to bargain with a suspect, promising to refrain from prosecuting: or to "let him down lightly" or to "put in a good word with the magistrates": or to grant him bail (or not to oppose it) or not to

<sup>2</sup> *The Criminal Prosecution in England*, p. 20.

prosecute his wife. The risk of abuse, however well-intentioned the motives, is manifest in such a situation.

(g) Cases do occur in which pressure is brought on counsel to take a hard line against his better judgment. Some members of the committee know of cases, fortunately rare and outside the London area, in which the police have been dissatisfied with the conduct of a prosecution by a particular member of the Bar because they thought he did not present the case with sufficient vigour and attack and as a result he has never been briefed again for the prosecution. It is undesirable that the police should determine or influence the choice of counsel. We should add that in most cases the decision as to which counsel should be briefed is left to the prosecuting solicitor.

(h) Sometimes the police do not disclose relevant information—which may on occasion be of material assistance to an accused. The possibility of deliberate non-disclosure to try and ensure a conviction cannot be ignored. We would refer in this connection to the JUSTICE paper on *The Availability of Prosecution Evidence to the Defence*.

(i) It is impossible for the police to be adequately trained as lawyers and advocates: nor should the attempt be made; especially as there is a grave shortage of police for proper police duties. It costs a good deal of money, directly and indirectly, to keep a senior police officer engaged in the preparation of cases and court advocacy. Lawyers, by reason of their training and experience, are much better qualified for these tasks. Many criminal cases, even in the magistrates' courts, involve complicated points of law on which the police advocate is unable adequately to assist the Bench.

A county prosecuting solicitor has told us that, in his experience, most "cases stated" originate from prosecutions conducted by police officers.

The unrepresented defendant is sometimes at a disadvantage when faced by a police officer advocate. A professional prosecutor would be more likely to appreciate and bring out points which might assist a defendant and to discover and reveal matters in mitigation. Inadequacy of disclosure to the defence in magistrates' courts, where the accused does not have the benefit of pre-trial proceedings or the service of witnesses' statements on him, as he does where he is tried on indictment, is a fairly common source of complaint. Some magistrates say that on occasions they feel that the police do not give the court all relevant information. It is, however, not only the defence which may suffer in this situation. Equally important is that guilty persons may escape conviction



owing to the inability of the police officer advocate to present the case, and especially to cross-examine, effectively.

#### Further considerations

8. The English system of prosecution is accusatorial and not inquisitorial. It has developed into a contest between the two sides with the court acting as a sort of umpire. The question of whether this is the best method of ascertaining the truth is beyond the scope of this Report: but there is undoubtedly a danger that it may obscure or distort the very different role which the prosecution should play, as compared with that of the defence. The nature of the trial procedure brings out the combative and competitive elements and it is only too understandable that the prosecution should also tend to see the result in terms of winning or losing. To declare that this is wrong is not to plead for inefficient or half-hearted prosecutions or prosecutors or to deny the importance of a vigorous exposure of the genuine weakness of the defence. What is important is that the pressure to obtain a conviction should be limited to that which properly arises from the facts and evidence. It should not be increased by personal involvement or personal feelings. These cannot be eliminated entirely: but every effort should be made to remove any factor which would tend to reinforce the natural human desire that "our side" should come out best. In our view this is the approach which should govern the prosecution process.

9. The Committee considers that there is substance in the criticisms set out in the previous section of this Report, and that the present system fails to match up to what we regard as the principles and practice which ought to regulate a matter of such importance. In particular we think that two basic points can legitimately be made against the existing procedure:

(a) It confuses two quite distinct and disparate functions and responsibilities, namely the vigorous investigation of crime; and the cool, careful objective assessment of the whole of the evidence and probabilities needed for a correct decision as to whether a prosecution should be started or, if started, continued.

(b) It offends against the principle that the prosecution should be—and should be plainly seen to be—independent, impartial and fair: concerned only with the pursuit of truth and not with winning or losing. This is of cardinal importance in an accusatorial system.

10. Support is lent to this view in the final report of the Royal Commission on the Police 1962 where it was stated<sup>3</sup>:

<sup>3</sup> Cmnd. 1782, May 1962, p. 114, para. 381.

"We also recommend that the employment in England and Wales of police officers as advocates for the prosecution be reviewed. The practice in this respect varies from place to place. In some large cities salaried lawyers are employed to undertake police prosecutions, but elsewhere we understand that full-time police prosecutors undertake this duty. There is also much variety in the type of offence which is regarded as appropriate for police advocacy. In general we think it is undesirable that police officers should appear as prosecutors except for minor cases. In particular, we deplore the regular employment of the same police officers as advocates for the prosecution. Anything which tends to suggest to the public mind the suspicion of alliance between the court and the police cannot be but prejudicial."

Sir Archibald Bodkin, a very distinguished holder of the office of D.P.P., and other eminent authorities have expressed similar views, often in even stronger terms.

11. The Committee has been greatly fortified in reaching its conclusions by the example of Scotland which has operated a Public Prosecutor's system for many years. There—except for very minor crimes—both the decision to prosecute and the conduct of prosecutions are the sole province of the Lord Advocate and his staff who are quite independent of the police. The police cannot initiate a prosecution. The police officer advocate is unknown. The relevant facets of the Scottish system may be summarised as follows:

(a) The Lord Advocate is responsible for all prosecutions (including those which in England and Wales are conducted by government departments or other public bodies). He is assisted by the Solicitor-General and six Advocates-Depute or Crown counsel, who are practising advocates holding part time appointments. A change of government is normally followed by a change of Law Officers and Crown counsel.

(b) The Lord Advocate appoints Procurators-Fiscal who are responsible for the launching of prosecutions in all courts except Burgh, Burgh Police and Justice of the Peace courts, which have jurisdiction only in very minor cases. With a few exceptions in rural areas, Procurators-Fiscal are whole-time officers. They may be advocates or solicitors.

(c) The police have to report all cases to the Procurator-Fiscal, who must decide whether the evidence justifies a prosecution. He may call for further evidence or in cases of difficulty he may consult Crown counsel.

(d) The Procurators-Fiscal conduct all summary and committal

proceedings in Sheriff summary courts and normally conduct proceedings on indictment in Sheriff and jury courts although an Advocate-Depute may do so in all important cases. One of the Law Officers or an Advocate-Depute conducts prosecutions in the High Court.

(e) Applications for warrants are made by the Procurator-Fiscal and he is also responsible for deciding whether to oppose the granting of bail.

(f) The Procurator-Fiscal may himself interview witnesses, but not the accused, and take statements from them. If a witness refuses to give information, the Procurator-Fiscal may seek the assistance of a magistrate, who can cite a witness to attend and, if he proves contumacious, commit him to prison.

(g) The Procurator-Fiscal also has the duty of inquiring into all sudden and suspicious deaths occurring in his district. There are no coroners in Scotland.

(h) In the cities the Procurator-Fiscal will have Deputes who will deal with the various aspects of the work. They will normally have a "spell" lasting weeks or months in which they will specialise in a particular field: such as summary duty which involves receiving reports of crimes and offences from the police or other agencies and conducting summary trials before the sheriff: or "precognition," that is the interviewing and taking of statements from witnesses in cases which are to be tried on indictment: or dealing with reports of alleged offences from government departments. In country districts the Procurator-Fiscal or his Depute will have to cope with a much wider variety of problems. If a case is reported to the Procurator-Fiscal and he considers that the evidence then available does not justify a prosecution, he may return it to the police with instructions to follow up certain lines of inquiry or seek additional evidence. Conversely, if the Procurator-Fiscal considers that the material placed before him has been "selected" so as to justify a prosecution he may direct further inquiry and investigation. The Police (Scotland) Act 1967, s. 17 provides that ". . . In relation to the investigation of offences the Chief Constable shall comply with such lawful instructions as he may receive from the appropriate prosecutor." It is the practice where the accused is not legally represented for the Procurator-Fiscal to call witnesses "adverse" to the prosecution case and if need be to examine them fully in chief.

(i) The tests to be applied by the Procurator-Fiscal as to whether or not to prosecute are well settled. They are set out in *Renton and Brown's Criminal Procedure*<sup>4</sup> in these terms:

"1. Whether the facts disclosed in the information constitute either a crime according to the common law of Scotland or a contravention of an Act of Parliament which extends to that country.

"2. Whether there is sufficient evidence in support of these facts to justify the institution of criminal proceedings.

"3. Whether the act or omission charged is of sufficient importance to be made the subject of a criminal prosecution.

"4. Whether there is any reason to suspect that the information is inspired by malice or ill-will on the part of the informant towards the person charged.

"5. Whether there is sufficient excuse for the conduct of the accused person to warrant the abandonment of proceedings against him.

"6. Whether the case is more suitable for trial in the civil court in respect that the facts raise a question of civil rights."

These tests are not exhaustive but they offer general guidance.

(j) Overall policy is determined by the Lord Advocate and circulars are issued by the Crown Office to the Procurators-Fiscal. Their Society is often consulted on matters of policy before decisions are reached by the Lord Advocate. The Procurator-Fiscal's discretion as to whether or not to prosecute is subject to specific exceptions imposed by the Lord Advocate: and Government cases cannot be refused without being first referred to Crown counsel.

(k) The Procurator-Fiscal is required to make regular monthly reports to the Crown Office as to the number of cases being handled, the time taken to deal both with the initiation of proceedings and bringing proceedings to a conclusion and the number of cases in which the decision taken was not to prosecute. Thus the Lord Advocate is able to have an overall picture of how the system is working and whether any control or regulation is necessary.

12. It will be seen that there are two fundamental differences between the functions and position of a Procurator-Fiscal and that of an English prosecuting solicitor. First the Procurator-Fiscal is independent of the police. He is appointed by the Lord Advocate and such instructions as he may receive come from the Lord Advocate and not from the police. On the other hand, the English prosecuting solicitor takes his instructions from the police who are his clients. Secondly, the decision as to whether a prosecution should be commenced or continued or whether bail should be opposed rests with the Procurator-Fiscal and not the police.

<sup>4</sup> 3rd ed., at p. 14.

13. The advantages claimed for the Scottish system are:

That it is convenient and economical: that it promotes a high degree of uniformity of procedure and practice; that it encourages impartiality and that it promotes efficiency. It is said that prosecution in Scotland benefits greatly from the existence of trained prosecutors with independent public status and professional traditions and that with the increasing complexity of modern society and modern laws a higher degree of specialisation and expertise is called for. We consider that these claims are well founded.

14. Lord Hunt's Advisory Committee on the police in Northern Ireland recommended the adoption of the Scottish system in these terms<sup>5</sup>:

"It is the practice in Northern Ireland that prosecutions in the lower courts are undertaken by police officers and that the police decide, sometimes after taking legal advice, when prosecutions should be undertaken. While it is the unmistakable duty of the police to make offenders amenable to the law, the impartiality of the police may be questioned if they are responsible for deciding who shall be prosecuted and thereafter for acting in court as prosecutor. This practice can result also in a mistaken impression of the relationship between the courts and the police. *We therefore recommend* that the Scottish system of independent public prosecutors should be adopted; under this the police are responsible only for the collection of information about offences, all subsequent action with regard to prosecution being undertaken by a solicitor in the public service. In Northern Ireland this might be the Chief Crown Solicitor, but further study than we have been able to give would be needed before the procedure could be precisely settled. Although our principal reason for proposing this change is the improvement of relations with the public, there would be a substantial secondary benefit in that a great deal of the time of District Inspectors and Head Constables is now taken up with court work, and this time could profitably be devoted to the leadership and administration of the police in their districts and to the development of good relations with the community."

#### Conclusion

15. The Committee's conclusion is, therefore, that the time has come for the appropriate changes to be made and that a system of public prosecution broadly following the lines of the Scottish

<sup>5</sup> Cmnd. 535, October 1969, Chap. 6, p. 34, para. 142.

system should be introduced. Fortunately it will not be necessary to start from scratch and build up an entirely new system. The existing set-up is capable of being developed and extended through the Director of Public Prosecutions and the present prosecuting solicitors organisations including that of the Metropolitan Police.

16. We are not in a position to cost the new organisation but we would point out that the increase in cost may be more apparent than real. It will, to a large extent, involve a transfer of work and will release police officers for the job for which they have been trained. Any increase may be offset by the greater efficiency of a well-organised and specialised department. Furthermore, it is to be noted that the conduct of prosecutions through a well-run prosecuting solicitor's department is usually more economical than doing the same work through private solicitors. Even if there is an increase in cost, we think that the importance and value of the suggested change more than justifies it.

#### Recommendations

17. Accordingly the Committee recommends:

(a) That there should be established a Department of Public Prosecutions to be responsible both for the decision to prosecute and for the conduct of the prosecutions.

(b) In principle the Department should be responsible for all prosecutions. In practice it will be necessary to limit it in two respects:

(i) By leaving the prosecution of the trivial and routine type of offence in the hands of the police—though as far as possible the conduct as distinct from the initiation of such proceedings should be undertaken by the staff of the Department. It is appreciated that "line-drawing" is difficult and will result in occasional anomalies: especially as it may be necessary to draw the line differently in different areas owing to local problems of staffing or the prevalence of certain kinds of offences. The line would be drawn by the Director in the form of regulations: with discretion to Assistant Directors to modify these, with the Director's permission, to meet local conditions. It is to be expected that the line would be altered from time to time in the light of experience and so as to extend as rapidly as possible the Department's responsibilities. The police would have the right to hand over particular cases to the Department: and the Department would have the power to call in cases where it felt this to be desirable.

(ii) By leaving prosecutions at present dealt with by Government departments and the public bodies in their hands. Ideally, these too should come under the Department of Public Prosecutions

but it is appreciated that this may not be a practicable proposition for some considerable time. We regard it as important that the actual conduct of prosecutions by these bodies should be in the hands of advocates and not of ordinary employees.

(c) The Committee does not propose that private prosecutions should be abolished. It considers that the right of private persons to initiate a prosecution should be preserved, with the reservation that the Department should have the power to take over the conduct of such a prosecution as it thought fit. At the same time, the committee stresses that it is desirable that where the Department of Public Prosecutions is satisfied that a prosecution should be initiated, it should be willing to initiate and conduct the proceedings itself, and not seek to persuade a private individual or company to accept the responsibility of so doing.

(d) The Department of Public Prosecutions would be entirely independent of the police. It would be headed by a Director and would be under and subject to the control of the Attorney-General who would be answerable to Parliament for its actions. Its funds would be provided out of the Consolidated Fund.

(e) The Department has a ready-made basis in and could conveniently be organised and developed out of the existing staffs of the Director of Public Prosecutions, the Solicitor to the Metropolitan Police and other prosecuting solicitor departments. In addition to having a strong central organisation it would have regional and local offices throughout the country headed by Assistant Directors. It will probably be necessary to have an officer, at least at each busy court, who would be able to deal on the spot with the minor matters and all those which require immediate decision or attention. The regional and local offices would fit in conveniently with the reorganisation of the courts proposed by the Royal Commission under Lord Beeching.

(f) The Department would be staffed by barristers and solicitors (assisted, as necessary, by a clerical staff of law clerks or legal assistants). It should be possible to provide status, remuneration and a career structure which would attract men and women of the right calibre. Every effort should be made to facilitate movement between the Department and the practising profession outside. The committee would also like to see academic lawyers taking advantage of the opportunities for practical experience which would be offered by a spell in the Department, particularly if it were possible to utilise the services of lawyers on a part-time basis. We see no reason why members of the Department should not be eligible for the appropriate judicial appointments.

(g) The Department's staff would have the same rights of

audience as are afforded to the staff of the Director of Public Prosecutions and would have full power to instruct and take the advice of counsel.

(h) In addition to receiving information and evidence from the police, they would be entitled to pursue further inquiries either by obtaining declarations or statements from witnesses if necessary on oath or by suggesting additional lines of inquiry to the police.

#### **Minority Report by Laurance Crossley**

I have reservations regarding this report.

Over 99 per cent. of all criminal prosecutions are dealt with in magistrates' courts. The numerical bulk of these are motoring cases, most of which involve minor offences. In the majority of indictable cases there is a plea of guilty.

Accordingly it is statistically rare for a case to present problems of presentation which are beyond the capabilities of a police officer and where it is desirable, in the interests of justice, that the prosecution should be legally represented.

In my view the prosecution should be represented in cases where there is a procedural or legal complication and in disputed cases where the presentation of the facts is other than straightforward. Additionally, pre-trial legal advice should be available to prosecuting police officers on such matters as admissibility of evidence and the appropriate information to be laid.

It is, however, impossible, in my view, to arrange for legal representation only in those cases where it is really required by prescribing lists or types of offences where it will be provided. Difficulties can arise in any case, no matter how apparently trivial, and some cases in the prescribed lists may be too simple to require representation.

There should be a National Legal Department, independent of the police, with offices with adequate legal staff geographically situated so as to be available to all courts and all police officers: and arrangements should be made which are sufficiently fluid to allow the police to obtain legal representation and/or advice on request at short notice and which include a discretion for the Department to take over a prosecution at any time as of right.

The Department should have the right to require certain specified types of case to be referred to it, and a court should be entitled to ask the Department to take over a case.

By such means the abilities of the Legal Department would be used in cases where they were required. They should be used realistically and its energies should not be dissipated on trivialities.



## APPENDIX A

ORGANISATION OF THE PROSECUTING SOLICITORS  
IN HAMPSHIRE IN 1969

1. On March 31, 1967 there were three police forces:  
Hampshire and Isle of Wight  
Portsmouth  
Southampton
2. Hampshire and Isle of Wight formed a Prosecuting Solicitor's Office which started on about October 1, 1966.
3. Portsmouth and Southampton have had two Prosecuting Solicitors each for many many years.
4. On April 1, 1967 the three police forces were amalgamated.
5. On the same day the offices of the three Prosecuting Solicitors were amalgamated and one of the Prosecuting Solicitors was appointed Chief Prosecuting Solicitor.
6. All the Prosecuting Solicitors are under the Hampshire Police Authority for administration. (The Authority consists of 18 from Hampshire, 6 each from Portsmouth and Southampton and 3 from the Isle of Wight. Two-thirds of the members are appointed from County/City Councillors and one-third from Magistrates for the respective area).
7. The Chief Prosecuting Solicitor has access to the Police Authority through its Clerk, who is also Clerk of the Peace and Clerk of the County Council of Hampshire.
8. The position of the Chief Prosecuting Solicitor and the Chief Constable is that of solicitor and client.
9. Higher Courts are held as follows:
 

Winchester	— Assizes, Hants Quarter Sessions, Winchester City Quarter Sessions
Portsmouth	— Quarter Sessions for City
Southampton	— Quarter Sessions for City
Newport (I.O.W.)	— Isle of Wight Quarter Sessions
Andover	— Borough Quarter Sessions.
10. The office of the Chief Prosecuting Solicitor is split up so that the Prosecuting Solicitors live and have offices where required. The following is the organisation:

- |                |  |
|----------------|--|
| Winchester:    | Chief Prosecuting Solicitor<br>Deputy Chief Prosecuting Solicitor<br>Prosecuting Solicitor for Winchester,<br>Eastleigh, Droxford, Alresford and<br>Petersfield (‡)<br>Prosecuting Solicitor for Basingstoke,<br>Andover, Romsey.<br>Chief Clerk<br>4 Law Clerks<br>5 Secretaries. |
| Aldershot:     | Prosecuting Solicitor for Aldershot, Odi-<br>ham and Alton, Petersfield (‡)  |
| Fareham:       | Prosecuting Solicitor for Fareham, Gos-<br>port and Havant (‡)<br>Secretary  |
| Portsmouth:    | 3 Prosecuting Solicitors for Portsmouth<br>and Havant (‡)<br>Secretary (‡)   |
| Isle of Wight: | Prosecuting Solicitor for Newport  |
| Southampton:   | 2 Prosecuting Solicitors for Southampton   |
| New Forest     | Prosecuting Solicitor for Lymington,<br>Christchurch, Hythe, Ringwood, Totton.<br>Secretary (‡)  |

11. The area ranges from Christchurch to Aldershot, and Newport (Isle of Wight) to near Newbury. Population is about 1½ million (increasing). Size of force 2,750.
12. At every sitting of a Magistrates' Court there is one Prosecuting Solicitor (Portsmouth always 2 or 3, Southampton always 2). Magistrates generally split the business of the day into 2 or more courts. In other than the first court Police Officers (Inspectors generally) prosecute. The Prosecuting Solicitor tries to take in his court what he considers to be the proper cases. This is not always possible as the courts say where cases shall be heard and not the Prosecuting Solicitor.
13. The Prosecuting Solicitors are basically responsible for taking all the cases in their courts but if there is undue complication etc. the case would be referred to the Chief Prosecuting Solicitor, who might or might not take over the prosecution himself.
14. All committals are taken by Prosecuting Solicitors. Once the committal is completed, the Prosecuting Solicitor sends his file to Winchester, where all the work for Quarter



Sessions and Assizes is conducted by the Law Clerks under the general supervision of the Chief Prosecuting Solicitor.

15. In 1968 about 1,475 accused were prosecuted by the Office at Quarter Sessions and Assizes, and 300 appeals defended.
16. The average cost (taxed by the Clerk of Court) of the prosecution of an offender is estimated at:

Committal Courts	say	12½ guineas (conservative figure)
Higher Courts	say	22½ guineas
Total		35 guineas

Thus, if private practitioners prosecuted and received fees from local funds they would be paid about £54,200.

The 300 appeals average about 20 guineas, or a total of £6,300. Thus in any event the cost of employing solicitors in private practice to prosecute committals only in the Magistrates' Courts and instructing counsel in the higher courts would be £60,500.

Ignored are the costs involved in appearances in the Divisional Court and Court of Appeal (Criminal Division) which are all too frequent.

None of the above figures includes counsel's fees.

The cost of the whole office is £59,500.

## APPENDIX B

*DISTRIBUTION OF PROSECUTING SOLICITORS IN 1970*

(P=Police Authority; L= Local Authority)

<i>County</i>	<i>Authority</i>	<i>No. of Solicitors</i>
Bedfordshire and Luton	—	—
Birmingham	P	6
Bradford	L	4
Bristol	L	3
Cheshire	P	1
Cumbria	—	—
Derby County and Borough	L	7
Devon and Cornwall	P	5
Dorset and Bournemouth	P	5
Durham	P	8
Dyfed Bowis	P	1
Essex and Southend	L	10
Gloucester County	L	2
Gwynedd	—	—
Gwent	P	4
Hampshire	P	15
Hertfordshire	—	—
Kent	P	7
Kingston-on-Hull	L	2
Lancashire	—	—
Leeds	L	5
Leicestershire and Rutland	—	—
Lincolnshire	—	—
Liverpool and Bootle	L	9
Manchester and Salford	P	14
Mid-Anglia	P	1
Norfolk	P	3
Northampton County and Borough	P	5
Northumberland	P	5
Nottingham County and Borough	P	9
Sheffield and Rotherham	L	3
Somerset and Bath	—	—
South Wales	P	19
Staffordshire and Stoke-on-Trent	—	—

County	Authority	No. of Solicitors
Suffolk	P	4
Surrey	—	—
Sussex	P	5
Teeside	P	3
Thames Valley	P	7
Warwickshire and Coventry	P	1
West Mercia	—	—
West Midlands	P	2
West Yorkshire	P	17
Wiltshire	—	—
York and N.E. Yorkshire	—	—

APPENDIX C

*THE GERMAN PUBLIC PROSECUTOR*

1. Some three years ago JUSTICE held a joint meeting with the German Section of the I.C.J. at which the prosecution procedures of the two countries were compared and discussed. The following outline of the German system is derived from papers presented at this meeting and from subsequent conversations with the Public Prosecutor for the State of Bavaria.

2. The responsibility for the conduct of criminal prosecutions in the Federal Republic of Germany lies mainly with the *Staatanwaltschaft* (Office of Public Prosecutor) which is a separate organ of justice organised as a hierarchy under the general supervision of the Ministry of Justice. The qualifications required for the appointment of a Public Prosecutor are the same as for a judicial appointment. The function of the Public Prosecutor is to investigate any case brought before him in order to decide whether a charge should be preferred and to conduct the case for the prosecution throughout the trial proceedings.

3. The Public Prosecutor is responsible not merely for the enforcement of order in respect of the criminal law, but also for ensuring that the principles of justice are observed. Consequently, he must investigate all the circumstances of a case and examine the evidence in favour of the accused as well as that against him. A brief outline of the various stages in a criminal prosecution follows.

**4. Police investigation**

Normally, the commission of a crime is notified by the complainant to the police, who carry out a preliminary investigation and collect what statements and evidence are available.

When the investigation has reached a sufficiently advanced stage, the police bring the evidence they have collected to the Public Prosecutor, who examines it and decides:

- (a) whether there is sufficient evidence and the crime is sufficiently serious to justify an arrest. (An arrest can normally be made only by order of a judge and in certain types of cases. In certain circumstances, *e.g.* if the accused person is caught in the act, the police may arrest

on their own initiative. Any person arrested must be brought before a judge without delay, at the latest within 48 hours),

- (b) whether further investigation is required before an arrest would be justified, or
- (c) whether on the evidence available, or likely to be available, no charge would be justified.

#### 5. Further investigations

From this point, *i.e.* when the police dossier is presented to him the Public Prosecutor is responsible for and takes full charge of the investigation. In serious cases he may be consulted by the police at an earlier stage. The fundamental duty of the Public Prosecutor is to decide whether or not there are sufficient grounds, in law and on the evidence collected, to support an indictment against the accused. To reach this decision he has the right to make any investigation which he thinks necessary, and to hear the evidence of both prosecution and defence witnesses personally. He does not himself have powers of subpoena, but if a witness refuses to come forward, the Public Prosecutor may apply to a judge for a witness summons. A witness who refuses to appear is liable for contempt of court, punishable by "haft" *i.e.* detention, for up to three months. The accused person can also be obliged to appear, but cannot be compelled to answer questions.

#### 6. Adjudication

If, after all the evidence has been collected and the witnesses have been interviewed, the Public Prosecutor decides that there are insufficient grounds on which to base a charge against the accused, he dismisses the case. Otherwise he draws up an indictment setting out the charges against the accused and their legal aspects, together with a summary of all the evidence against and for him and passes this, with his own opinion on the merits of the case (a) to the judge; and (b) to the defendant and his advocate. In cases where there is enough evidence to on which to prosecute, the Public Prosecutor is obliged to prosecute. There is no discretion. Even in cases where the Public Prosecutor comes to the conclusion that there is not enough evidence on which to prosecute, the informant may, provided his rights have been violated by the offence, start some sort of mandamus procedure to force him to prosecute.

#### 7. Role of the Judge

Before any oral hearing takes place, the judge makes a preliminary examination of the papers. If he disagrees with the

findings of the Public Prosecutor as to the sufficiency of the charge, he can himself dismiss the action. Otherwise the case is put forward for trial, during which the Public Prosecutor presents the case for the prosecution. The Public Prosecutor has the right to appeal against an acquittal or against a sentence.

#### 8. Minor offences

In certain minor cases (mainly motoring offences), the police may institute a criminal prosecution without the aid of the Public Prosecutor. In such cases they send their file directly to the court and request an order for a specific penalty. The court is not bound to accept this and may substitute a different penalty or send the file to the Public Prosecutor and ask for further investigations, or else order a trial.

#### 9. Custody

A person can only be kept in custody by order of a judge. Where a defendant is being held in custody, the Public Prosecutor must bring his case for judgment before a court of first instance within 6 months. Otherwise the case must be referred to the Court of Appeal (Oberlandesgericht), which will decide whether the defendant is to be held in custody for a further period or not.

#### 10. Proceedings without trial

In about 70 per cent. of all cases where a prosecution is undertaken, the Prosecutor applies to the court to issue an order of punishment (Stabefehl) without a trial. If the facts and the evidence are clear and unequivocal the court will grant the order. The maximum punishment is a fine or three months' imprisonment. In addition, the driving licence may be suspended for up to one year.

#### 11. Admissions of guilt and confessions

The Public Prosecutor is not compelled to accept an admission of guilt or a confession made by an accused, and may make his own investigation into the case if he thinks necessary. In serious cases where there is an admission of guilt, there must still be an indictment and a full court hearing, at which defence counsel and witnesses appear. It is not sufficient, as in the case of misdemeanours or minor offences, to hear the accused only. Likewise, when the court decides the degree of guilt or involvement, the prosecution must support any contention it puts forward with positive evidence, otherwise the defendant's version is accepted.

**12. Scientific evidence**

The collection and examination of scientific evidence is in practice usually carried out by the police. The Public Prosecutor nevertheless supervises these activities and has the right to ask for tests to be carried out by any organisation or institution of his choice, such as a university laboratory.

**13. Statistics**

The following statistics in respect of cases dealt with by the Public Prosecutor for Bavaria are of considerable interest, showing as they do that,

- (a) the Public Prosecutor decided to take proceedings in less than half the cases referred to him by the police,
- (b) out of those cases preceded with, over 90 per cent. resulted in convictions.

For the period 1962-66, of all cases dealt with by the Public Prosecutor:

- 42.5 per cent. were referred to the court.
- 57.5 per cent. were dismissed.

Of the cases tried by the courts during the same period:

- 90.5-91.0 per cent. resulted in convictions
- 4.6-5.5 per cent. resulted in acquittals
- 3.9-4.4 per cent. were stopped during the course of the trial with the consent of the Public Prosecutor.

**14. Length of proceedings**

One of the main objections raised against Continental systems is the length of time required to reach a final verdict during which the accused person may have to remain in custody. The following statistics for 1966 are of interest on this point:

Out of a total of 130,000 cases,

- 63.6 per cent. were finished in under 3 months
- 21.2 per cent. were finished in between 3-6 months
- 10.0 per cent. were finished in between 6 months-1 year
- 4.1 per cent. were finished in over 1 year.

**APPENDIX D****THE DEPARTMENT OF PUBLIC PROSECUTIONS IN THE NETHERLANDS**

Whereas in civil cases and administrative disputes the aggrieved party submits his case to the court, criminal proceedings may be instituted by the Department of Public Prosecutions only. Aggrieved parties in criminal cases are entitled to lodge a complaint with the competent Court of Appeal only if the Department fails to prosecute.

The Department of Public Prosecutions is composed of the Attorney-General and his deputies (Advocats-General) at the Supreme Court, the five Attorneys-General and their deputies at the Courts of Appeal and the District Public Prosecutors and Deputy Public Prosecutors. The structure of the Department is hierarchical: one of the Public Prosecutors of each judicial district is Chief Public Prosecutor. The Public Prosecutors are subject to the supervision of the Attorney-General at the Court of Appeal for their districts, and all come under the Minister of Justice. These members of the Department like other civil servants retire at the age of sixty-five.

The position of the Attorney-General at the Supreme Court is different; he is independent and is appointed for life, though he is retired at the age of seventy. The Attorney-General (or one of his deputies) is consulted by the Supreme Court in all cases, either criminal or civil, brought before it. He thus gives his opinion on disputed legal questions. Only he has the power to institute, if necessary on his own initiative, an appeal to the Supreme Court in the interest of the law. The State, demanding proceedings in a criminal case, is represented by the Attorney-General or one of his deputies at the Court of Appeal Sessions. The Public Prosecutor and the Deputy Public Prosecutor fulfil the same function at District and Cantonal Courts level. The entire Department of Public Prosecutions has a considerable degree of independence. Dutch law recognises the principle of openness, as opposed to the principle of legality recognised in some other countries. This means that the Public Prosecutor is not bound to prosecute should an offence be made known to him except on the express order of the Court of Appeal (following a complaint of failure to prosecute, see above) the Minister or the Attorney-General at the Court of Appeal.



The Public Prosecutor receives from the Police all the information that they have about the case; the Public Prosecutor can then

- (i) take no further action,
- (ii) arrange for further reports (social, medical or psychiatric etc.),
- (iii) place the case under special requirements (conditional non-prosecution) *e.g.* if the Public Prosecutor finds that the man is already under medical treatment he can withhold prosecution so long as the treatment continues, or he can use the probation officer unofficially to supervise the case. Eventually the Public Prosecutor may decide on (i). Of 90,000 cases sent to the Public Prosecutor, 32,000 were dealt with without court hearings,
- (iv) he may call for further investigation by the police,
- (v) he may decide to prosecute.

If (v) the Public Prosecutor must prosecute within one month and the accused must be told of the decision. Pre-trial discovery of documents is usual and ten days pre-trial is allowed in normal cases.

The documents can be examined at the office of the Public Prosecutor ten to twenty days before trial.

The Public Prosecutor also delegates to the police the type and extent of the powers they may use over "fixed penalty" offences. The police, no matter how small the offence, never prosecute in court. But they have the right to use these "fixed penalties" in a more extensive way than in Britain. These are usually minor motoring offences, and offences against by-laws such as dropping litter etc. The police are not bound to use the "fixed penalty" if they think that there are special circumstances applicable to the particular case; in which instance the information would go to the Public Prosecutor in the normal way. The defendant too has the right to ask for the case to be sent to him but if prosecution follows, he risks the chance of a higher fine or other penalty. The police have four days in which to issue a summons, and it is an offence in itself to ignore the "fixed penalty" notice *e.g.* a notice of a fixed penalty say for "wrongful parking" may be given and a fine of say 10s. must be paid within five days to the office of the Public Prosecutor so that no money is handled by the police. If this notice is ignored then a fine can follow for that omission.

Finally, it is estimated that in Holland only about 19 per cent. of all minor traffic offences or by-law cases go to the courts at all.

## JUSTICE PUBLICATIONS

The following reports and memoranda published by JUSTICE can be obtained from the Secretary.

	Non- members	Members
<i>Published by Stevens &amp; Sons</i>		
The Citizen and the Administration	11s. 6d.	7s. 6d.
Compensation for Compulsory Acquisitions and Remedies for Planning Restrictions	10s. 0d.	7s. 0d.
*Criminal Appeals	7s. 6d.	5s. 0d.
*Compensation for Victims of Crimes of Violence	5s. 0d.	3s. 6d.
*Matrimonial Cases and Magistrates' Courts	4s. 0d.	2s. 6d.
The Citizen and his Council—Ombudsmen for Local Government?	10s. 0d.	7s. 0d.
Privacy and the Law	16s. 0d.	11s. 6d.

### *Published by Charles Knight & Co.*

Complaints against Lawyers	10s. 0d.	7s. 0d.
----------------------------	----------	---------

The following reports in the Stevens series are out of print, but photostat copies may be obtained from the Secretary on application:

Contempt of Court; Preliminary Investigations of Criminal Offences; Legal Penalties: The Law and the Press; Trial of Motor Accident Cases; Home Office Reviews of Criminal Convictions.

### *Duplicated Reports and Memoranda*

Report of Joint Working Party on Bail	2s. 6d.
Evidence to the Morris Committee on Jury Service	2s. 6d.
Evidence to the Widgery Committee on Legal Aid in Criminal Cases	2s. 6d.
Report on Planning Inquiries and Appeals	3s. 6d.
Evidence to the Departmental Committee on Maintenance Limits	2s. 0d.
Civil Appeals: Proposals for a Suitors' Fund	2s. 6d.
Rights of Minority Shareholders in Small Companies	2s. 6d.
Reparation by the Offender	2s. 6d.
Complaints against the Police	2s. 6d.
Transcript of Conference on Ministry of Justice	20s. 0d.

\* Reduced from original publication price.