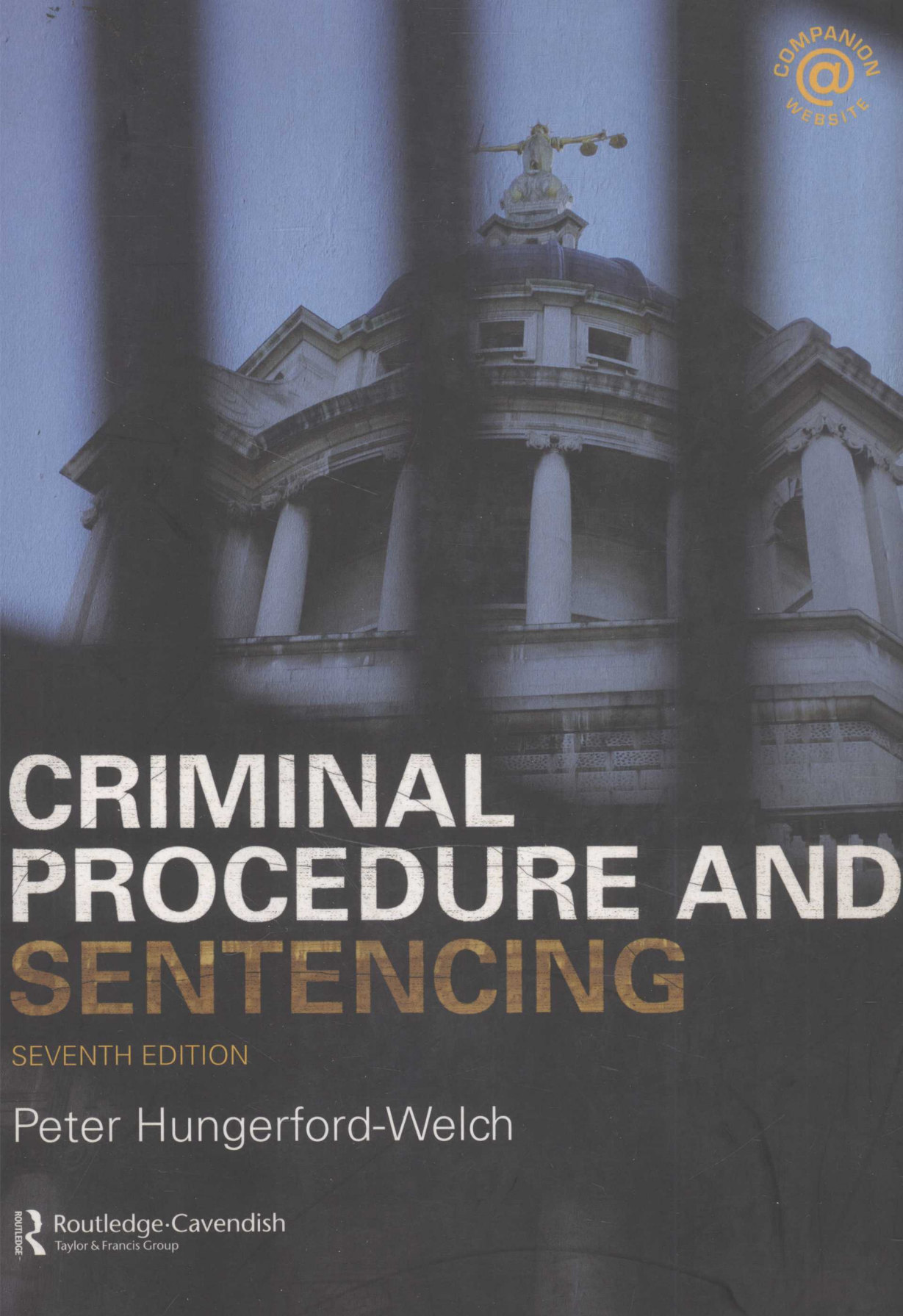




CRIMINAL PROCEDURE AND SENTENCING

SEVENTH EDITION

Peter Hungerford-Welch

Criminal Procedure and Sentencing

Seventh Edition

Peter Hungerford-Welch

Seventh Edition published 2009
by Routledge-Cavendish
2 Park Square, Milton Park, Abingdon, Oxon, OX14 4RN

Simultaneously published in the USA and Canada
by Routledge-Cavendish
270 Madison Ave, New York, NY 10016

Previous editions published by Cavendish Publishing Limited

*Routledge-Cavendish is an imprint of the Taylor and Francis Group,
an informa business*

© 2009 Hungerford-Welch, P.

First edition	1994
Second edition	1995
Third edition	1996
Fourth edition	1998
Fifth edition	2000
Sixth edition	2004
Seventh edition	2009

Typeset in Times by RefineCatch Ltd, Bungay, Suffolk
Printed and bound in Great Britain by
TJ International Ltd, Padstow, Cornwall

All rights reserved. No part of this book may be reprinted or reproduced or utilised in any form or by any electronic, mechanical or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.

British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

Library of Congress Cataloging in Publication Data

Hungerford-Welch, Peter.

Criminal procedure and sentencing / Peter Hungerford-Welch. – 7th ed.
p. cm.

Rev. ed. of: Criminal litigation and sentencing / Peter Hungerford-Welch.
6th ed. 2004.

ISBN13: 978-0-415-44292-3 (pbk)

ISBN10: 0-415-44292-3 (pbk)

I. Criminal procedure – Great Britain. 2. Sentences (Criminal procedure) – Great Britain. I. Hungerford-Welch, Peter. Criminal litigation and sentencing.
II. Title.

KD8329.3.H86 2008
345.42'05–dc22

2008003501

Criminal Procedure and Sentencing

Seventh Edition

Criminal Procedure and Sentencing provides a comprehensive, analytical and up-to-date guide to each step of the criminal process, from the arrest of the suspect through to trial, sentencing and appeals. Full account is taken of both statutory and case law developments.

Key aspects of criminal procedure and sentencing are analyzed in the light of sources such as Government consultation papers and academic commentary.

This seventh edition:

- has been completely re-written and includes new flowcharts and glossaries
- highlights areas of particular controversy or debate
- is supported by a Companion Website which provides regular updates on developments in this fast-moving area.

This book provides an excellent introduction to criminal procedure and sentencing for anyone studying the criminal process as part of an LLB or LLM degree, for students on the Bar Vocational Course or Legal Practice Course, and anyone who is involved in the operation of the criminal justice system or who is interested in how the system works.

The Companion Website is available at: <http://www.routledgecavendish.com/textbooks/9780415442923>

Peter Hungerford-Welch, LLB, PGC (TLHE), FHEA, Barrister (Inner Temple), is Associate Dean at The City Law School, City University, London.

Dedicated to Jane Hungerford-Welch

Preface

This book started life as Lecture Notes on Criminal Litigation and Sentencing, a comparatively slim volume based on lectures given to students on the Bar Vocational Course at the Inns of Court School of Law (now fully incorporated into The City Law School at City University, London). After three editions under the Lecture Notes banner, it was felt that the book should be expanded to make it more useful for practitioners (barristers, solicitors and legal executives), for pupil barristers and trainee solicitors, and for students pursuing the academic study of criminal procedure as part of an LLB or LLM programme. Indeed, I hope that this book will be of interest to anyone who is interested in how our system of criminal justice operates.

As well as setting out the rules governing procedure and sentencing (based on statute law and on case law), there are also contextual materials to help the reader understand how the rules have come into existence and to evaluate those rules.

My thanks go to Routledge-Cavendish, and to the production company RefineCatch, for their hard work in putting this book together (and their patience with last-minute amendments). I owe a special debt of gratitude to my wife Jane, without whose help, encouragement and support this book would never have seen the light of day.

I have endeavoured to state the law as at June 2008.

Criminal justice is a fast-moving area, with a seemingly endless flow of statutes and case law. To keep this book up-to-date, there is a companion website at <<http://www.routledgecavendish.com/textbooks/9780415442923/>> where updated material will be placed regularly.

*Peter Hungerford-Welch, LLB, PGC(TLHE), FHEA, Barrister
Associate Dean
The City Law School, City University, London
June 2008*

Table of cases

A v DPP (2000) 164 JP 317	273
ADC v Chief Constable of Greater Manchester (Divisional Court, unreported, 14 March 1983)	273
Abbassy v Metropolitan Police Commissioner [1990] 1 WLR 385; [1990] 1 All ER 193	69
Adolf v Austria (1982) 4 EHRR 313	633
Ajodha v The State [1982] AC 204	538
Aldis v DPP [2002] EWHC 403 (Admin); [2002] 2 Cr App R(S) 88	886
Allan v Wiseman [1975] RTR 217	270
Allen v West Yorkshire Probation Service [2001] EWCA (Admin) 2; (2001) 165 JP 313	399
Associated Provincial Picture House v Wednesbury Corporation [1948] 1 KB 223	191, 275, 336, 386, 647, 693
Atkinson v DPP [2004] EWHC 1457; [2005] 1 WLR 96	248
Attorney General v Leveller Magazine Ltd [1979] AC 440; [1979] 1 All ER 745	59
Attorney General v Scotcher [2005] UKHL 36; [2005] 1 WLR 1867	666
Attorney General's Guidelines (Juries: Right to Stand By) [1988] 3 All ER 1086	520
Attorney General's Reference (No 4 of 1989) [1990] 1 WLR 41	684
Attorney General's Reference (No 1 of 1990) [1992] 1 QB 630; (1990) 12 Cr App R(S) 245	30, 809
Attorney General's Reference (No 22 of 1992) [1994] 1 All ER 105	791
Attorney General's Reference (No 4 of 1994) (1995) 16 Cr App R(S) 81	809
Attorney General's Reference (Nos 3 and 4 of 1996) [1997] 1 Cr App R(S) 29	743
Attorney General's References (Nos 62 and 63 of 1997), R v McMaster [1998] 2 Cr App R(S) 300	797
Attorney General's Reference (No 17 of 1998), R v Stokes [1999] 1 Cr App R(S) 407	685
Attorney General's Reference (No 95 of 1998); R v Highfield (1999) <i>The Times</i> , 21 April	685
Attorney General's Reference (No 3 of 1999) [2001] 2 AC 91	430
Attorney General's Reference (Nos 87 & 86 of 1999), R v Webb & Simpson [2001] 1 Cr App R(S) 141	685
Attorney General's Reference (No 2 of 2000) [2001] 1 Cr App R 36, CA	28, 546
Attorney General's Reference (No 2 of 2001) [2003] UKHL 68; [2004] 2 WLR 1; [2004] 2 AC 72 8, 30, 33, 430	679
Attorney General's Reference (No 17 of 2002) [2002] EWCA Crim 1292	679
Attorney General's Reference (No 82 of 2002) [2003] EWCA Crim 1078; [2003] 2 Cr App R(S) 115	786
Attorney General's Reference (No 52 of 2003) [2003] EWCA Crim 3731; (2003) <i>The Times</i> , 12 December	788
Attorney General's Reference (No 64 of 2003) [2003] EWCA Crim 3514; [2004] 2 Cr App R(S) 22	843
Attorney General's Reference (No 1 of 2004); R v Crowley [2004] EWCA Crim 1025; (2004) <i>The Times</i> , 30 April	496

Attorney General's Reference (No 31 of 2004); <i>R v McNerney</i> [2004] EWCA Crim 1934; [2005] 1 Cr App R(S) 76; (2004) <i>The Times</i> , 20 July	684
Attorney General's Reference (No 129 of 2004) [2005] EWCA Crim 363	685
Attorney General's Reference (Nos 132 and 133 of 2004) [2005] EWCA Crim 354; (2005), <i>The Times</i> , 21 March	780
Attorney General's Reference (No 19 of 2005) [2006] EWCA Crim 785	685
Attorney General's Reference (No 11 of 2006) [2006] EWCA Crim 856; [2006] 2 Cr App R (S) 108	799
Attorney General's References (Nos 115 and 116 of 2007) [2008] EWCA Crim 795	787
Averill v UK (2000) 31 EHRR 36; (2000) 8 BHRC 430; (2000) <i>The Times</i> , 20 June	86
<i>B v Chief Constable of Avon and Somerset Constabulary</i> [2001] 1 WLR 340	942
<i>Barnes v DPP</i> [1997] 2 Cr App R 505	275, 276
<i>Barrister, Re A (Wasted Costs Order) (No 1 of 1991)</i> [1993] QB 293	730
<i>Barrister, Re A (Wasted Costs Order) (No 9 of 1999)</i> (2000) <i>The Times</i> , 18 April	731
<i>Barrow v The Queen</i> [1998] AC 846	571
<i>Barton v DPP</i> [2001] EWHC (Admin) 223; (2001) 165 JP 779	250, 786
<i>Beckles v UK</i> (2003) 36 EHRR 13	564
<i>Bedfordshire County Council v DPP</i> [1996] 1 Cr App R(S) 322	923
<i>Bell v DPP of Jamaica</i> [1985] AC 937	30
<i>Bezicheri v Italy</i> (1990) 12 EHRR 210	171
<i>Bolton Magistrates' Court ex p Merna</i> , See <i>R v Bolton Justices ex p Merna</i> —	
<i>Bond v Chief Constable of Kent</i> [1983] 1 WLR 40; [1983] 1 All ER 456	919
<i>Boodram v State of Trinidad & Tobago</i> [2001] UKPC 20; [2002] 1 Cr App R 12	647
<i>Bow Street Stipendiary Magistrate ex p DPP</i> , See <i>R v Bow Street Stipendiary Magistrate ex p DPP</i> —	
<i>Bowman v DPP</i> [1991] RTR 263	293
<i>Bowman v Fels</i> [2005] EWCA Civ 226; [2005] 1 WLR 3083	934
<i>Bracegirdle v Oxley</i> [1947] 1 KB 349	387
<i>Bradford v McLeod</i> 1986 SLT 244	518
<i>Braham v DPP</i> (1995) 159 JP 527	391
<i>Braintree District Council v Thompson</i> [2005] EWCA Civ 178	386
<i>Brennan v UK</i> (2002) 34 EHRR 18	87
<i>Brentford Justices ex p Wong</i> , See <i>R v Brentford Justices ex p Wong</i> —	
<i>Briffet & Bradshaw v DPP</i> [2001] EWHC 841 (Admin); (2002) 166 JP 841	323
<i>British Telecommunications plc v Nottinghamshire CC</i> [1999] Crim LR 217	248
<i>Brooks v DPP of Jamaica</i> [1994] 1 AC 568; [1994] 2 All ER 231	460
<i>Brown v Stott</i> [2003] 1 AC 681	16
<i>Bussey v Director of Public Prosecutions</i> [1999] 1 Cr App R(S) 125	380
<i>C (A Child) v DPP</i> [2001] EWHC 453 (Admin); [2002] 1 Cr App R(S) 45	881
<i>C v DPP</i> [1996] AC 1	313
<i>CPS v P</i> [2007] EWHC 946 (Admin); (2007) 171 JP 349 314, 324	
<i>Campbell v MGN Ltd</i> [2004] UKHL 22; [2004] 2 AC 457	319
<i>Carrington Carr v Leicestershire County Council</i> [1993] Crim LR 938; (1994) 158 JP 570	250
<i>Chahal v UK</i> (1996) 23 EHRR 413	434
<i>Chief Constable of Norfolk v Clayton</i> [1983] 2 AC 473; [1983] 1 All ER 984	251
<i>Choudhry v Birmingham Crown Court</i> [2007] EWHC 2674 (Admin); (2008) 172 JP 33	167, 503
<i>Clark (Procurator Fiscal, Kirkcaldy) v Kelly</i> [2003] UKPC D1; [2003] 2 WLR 1586; [2004] 1 AC 681; [2003] All ER (D) 139 (Feb)	291
<i>Clooth v Belgium</i> (1992) 14 EHRR 717	170
<i>Coles v East Penwith Justices</i> (1998) 162 JP 687	295
<i>Collett v Bromsgrove District Council</i> (1996) 160 JP 593	392
<i>Condon v UK</i> (2001) 31 EHRR 1	564, 648, 649

Connelly v DPP [1964] AC 1254; [1964] 2 All ER 401	26, 611, 612
Cooke v DPP (1992) 95 Cr App R 233	133
Council of Civil Service Unions v Minister for the Civil Service [1985] AC 374	394
Cox, See R v Crown Court at Croydon ex p Cox—	
Cragg v Lewes District Council [1986] Crim LR 800 452	
Crawford v DPP (2008) <i>The Times</i> , 20 February	321
Croissant v Germany (1993) 16 EHRR 135	504
Crosdale v R [1995] 2 All ER 500	540
Crowch v DPP [2008] EWHC 948 (Admin)	730
Crowther v UK (App No 53741/00); (2005), <i>The Times</i> , 11 February 2005	932
Cullen v Chief Constable of the RUC [2003] UKHL 39; [2004] 2 All ER 237	85
D (Acquitted person: Retrial), Re [2006] EWCA Crim 828; [2006] 1 WLR 1998	697
Danga, See R v Danga—	
Dawson Print Group Ltd, Re [1987] BCLC 601	951
Derby Crown Court ex p Brooks, See R v Derby Crown Court ex p Brooks—	
Dhesi v Chief Constable of West Midlands Police (2000) <i>The Times</i> , 9 May	69
Dosoruth v State of Mauritius [2004] UKPC 51; [2005] Crim LR 474	672
Dowsett v Criminal Cases Review Commission [2007] EWHC 1923 (Admin)	650
DPP v Ara [2002] 1 WLR 815; [2001] 4 All ER 559	411
DPP v B [2008] EWHC 201 (Admin)	37
DPP v Blake [1989] 1 WLR 432; (1989) 88 Cr App R 179	91
DPP v Coleman [1998] 1 WLR 1708; [1998] 1 All ER 912	401
DPP v Cooper [2008] EWHC 507 (Admin)	35
DPP v Cornish (1997) <i>The Times</i> , 27 January	91
DPP v Gane [1991] Crim LR 711; (1991) 155 JP 846	294
DPP v Humphreys [1977] AC 1	27
DPP v Manchester Crown Court and Ashton [1994] 1 AC 9; [1993] 2 All WLR 846; [1993] 2 All ER 663	699
DPP v Manchester Crown Court and Huckfield [1993] 1 WLR 1524	699
DPP v McCabe (1993) 157 JP 443; [1992] Crim LR 885	250, 467
DPP v Meaden [2003] EWHC 3005; [2004] 1 WLR 945	107
DPP v Merriman [1973] AC 584; [1972] 3 All ER 42	467, 469
DPP v Richards [1988] QB 701; [1988] 3 All ER 406	185
DPP v Short [2001] EWHC 885 (Admin); (2002) 166 JP 474	269
DPP v Shuttleworth [2002] EWHC (Admin) 621; (2002) 166 JP 417	252
DPP v T [2006] EWHC 728 (Admin); [2007] 1 WLR 209	942
DPP v Todd [2003] EWHC 2408; (2004) 168 JP 194	319
Dyer v Watson [2002] UKPC D1; [2004] 1 AC 379	31
Edwards and Lewis v UK (2003) 15 BHRC 189	425
Essen v DPP [2005] EWHC 1077 (Admin)	143, 385
Evans v DPP [2001] EWHC 369 (Admin); (2001) <i>The Times</i> , 9 July	390
Ewing v Davis [2007] EWHC 1730 (Admin); (2007) 171 JP 645	135
F v Chief Constable of Kent [1982] Crim LR 682	273
Fehily v Governor of Wandsworth Prison [2002] EWHC 1295; [2003] 1 Cr App R 10	443
Ferguson v The Queen [1979] 1 WLR 94; [1979] 1 All ER 877	558
Findlay v UK (1997) 24 EHRR 221	517
Flannagan v Shaw [1920] 3 KB 96	390
Foucher v France (1997) 25 EHRR 234	12, 226
Fox, Campbell and Hartley v UK (1990) 13 EHRR 157	68, 69
Funke v France (1993) 16 EHRR 297	564
Garfield v Maddocks [1974] QB 7; [1973] 2 All ER 303	379
Gateshead Justices ex p Smith, See R v Gateshead Justices ex p Smith—	

Gibbons v DPP [2000] All ER (D) 2250; (2000) QBD, 12 December, unreported	293
Gouriet v Union of Post Office Workers [1978] AC 435	133
Grays Justices ex p Graham, See R v Grays Justices ex p Graham—	
Greater Manchester Probation Committee v Bent (1996) 160 JP 297	849
Gregory v UK (1997) 25 EHRR 577	656, 663
Griffith v Jenkins [1992] 2 AC 76; [1992] 1 All ER 65	392
H v DPP [2007] EWHC 2192 (Admin)	386
Halawa v Federation Against Copyright Theft [1995] Crim LR 409;	
[1995] 1 Cr App R 21	273, 275
Hamilton-Johnson v RSPCA (2000) 164 JP 345	731
Hammond v Wilkinson (2001) 165 JP 786	281
Hashman and Harrup v UK (2000) 30 EHRR 241	875
Hauschildt v Denmark (1989) 12 EHRR 266	518
Heaton v Costello [1984] Crim LR 485; (1984) 148 JP 688	250
Henry A Coff Ltd v Environment Agency [2003] EWHC 1305 (Admin);	
[2003] All ER (D) 145	726
Hickman and Rose, Re (Wasted Costs Order) (No 10 of 1999) (2000) <i>The Times</i> , 3 May	731
Holland v Her Majesty's Advocate [2005] UKPC D1; [2005] HRLR 25	276
Holmes v Campbell (1998) 162 JP 655	252, 271
Holt v DPP [1996] 2 Cr App R(S) 314	920
Horseferry Road Magistrates' Court ex p Bennett, See R v Horseferry Road	
Magistrates' Court ex p Bennett—	
Hough v Chief Constable of Staffordshire [2001] EWCA Civ 39;	
(2001) <i>The Times</i> , 14 February	68
Howley v Oxford (1985) 81 Cr App R 246	876
Hughes v DPP [2003] EWHC 2470; (2003) 167 JP 589	278, 279
Hurnam v State of Mauritius [2005] UKPC 49; [2006] 1 WLR 857	171
Hussain v United Kingdom (2006) 43 EHRR 22	725
James v DPP [2004] EWHC 1663 (Admin); (2004) 168 JP 596	269
James v South Glamorgan County Council [1994] 99 Cr App R 321	282
Jasper v UK (2000) 30 EHRR 441	424, 425, 433, 434
Jones v Nicks [1977] RTR 72	290, 381
Jones v Whalley [2006] UKHL 41; [2007] 1 AC 63	36, 114, 136
KL and LK v DPP [2001] EWHC 1112 (Admin); (2002) 166 JP 369	286
Kalonji v Wood Green Crown Court [2007] EWHC 2804 (Admin)	200
Kanaris v Governor of Pentonville Prison [2003] UKHL 2; [2003] 1 WLR 443	495
Karia v DPP [2002] EWHC 2175; (2002) 166 JP 753	275
Kaur v DPP (2000) 164 JP 127	168
Kent County Council v Curtis (1998) EGCS 100; (1998) 95(25) LSG 34	390
Kent Justices ex p Machin, See R v Kent Justices ex p Machin—	
Khalid Ali v Crown Prosecution Service, West Midlands [2007] EWCA Crim 691	35
Khatibi v DPP [2004] EWHC 83; (2004) 168 JP 361	282, 283
King v Kucharz (1989) 153 JP 336	226
Krasniki v The Czech Republic (Application No 51277/99) [2006] ECHR 176	525
L v CPS [2007] EWHC 1843 (Admin); (2007) 171 JP 635	290
Lamy v Belgium (1989) 11 EHRR 529	171
Lawrence v Lawrence [1968] 2 QB 93; [1968] 1 All ER 1191	294
Leeds City Council v RG [2007] EWHC 1612 (Admin); [2007] 1 WLR 3025	937
Letellier v France (1991) 14 EHRR 83	170, 171
Liverpool City Council v Worthington [1999] EHLR 225; (1998) <i>The Times</i> , 16 June	387
Lloyd v Young [1963] Crim LR 703	248
Loade v DPP [1990] 1 QB 1052; [1990] 1 All ER 36	385

Locabail (UK) Ltd v Bayfield [2000] QB 451; [2000] 1 All ER 65	518
Lo-Line Electric Motors Ltd, Re [1988] Ch 477	951
Ludlow v Metropolitan Police Commissioner [1971] AC 29; [1970] 1 All ER 567	471, 474
McDonald v Procurator Fiscal, Elgin (2003) <i>The Times</i> , 17 April	156
McKerry v Teesdale & Wear Valley Justices (2000) 164 JP 355; (2000) 97(11) LSG 36	293, 321
Malcolm v DPP [2007] EWHC 363 (Admin); [2007] 1 WLR 1230	284
Marco (Croydon) Ltd v Metropolitan Police [1984] RTR 24; [1983] Crim LR 395	270
Marshall, Re (1994) 159 JP 688; [1994] Crim LR 915	161
Medicaments and Related Classes of Goods (No 2), Re [2000] 1 WLR 700	394, 518
Meek v Powell [1952] 1 KB 164; [1952] 1 All ER 347	268
Metropolitan Police Commissioner v Wilson [1984] AC 242; [1983] 3 All ER 448	585, 587
Michael v Gowland [1977] 1 WLR 296; [1977] 2 All ER 328	387
Mitchell v The Queen [1998] AC 695	538
Monnell and Morris v UK (1988) 10 EHRR 205	638, 677
Montgomery v HM Advocate; Coulter v HM Advocate [2003] 1 AC 641; [2001] 2 WLR 779	517
Mooney v Cardiff Justices (2000) 164 JP 220	724
Moran v DPP [2002] EWHC 89; (2002) 166 JP 467	278
Munroe v Crown Prosecution Service [1988] Crim LR 823	301
Murphy v DPP [2006] EWHC 1753 (Admin)	413
Murray v UK (1996) 22 EHRR 29	86
Nash v RSPCA [2005] EWHC (Admin) 338; (2005) 169 JP 157	64
Neill v North Antrim Magistrates' Court [1992] 1 WLR 1221; [1992] 4 All ER 846, HL	452, 535
Neumeister v Austria (1979) 1 EHRR 91	170
Nicholls v The State (2001) <i>The Times</i> , 30 January	674
Norbrook Laboratories (GB) Ltd v Health and Safety Executive [1998] EHLR 207	293
North Yorkshire Trading Standards Dept v Williams (1994) 159 JP 383	276
O'Hara v Chief Constable, Royal Ulster Constabulary [1997] AC 286; [1997] 2 WLR 1; [1997] 1 All ER 129	68
O'Hara v UK (2002) 34 EHRR 32	68
Oladimeji v DPP [2006] EWHC 1199 (Admin)	389
O'Loughlin v Chief Constable of Essex [1998] 1 WLR 374	107
Osman v DPP (1999) 163 JP 725	100
P (a barrister), Re [2001] EWCA Crim 1728; [2002] 1 Cr App R 207	731
PG and JH v UK [2002] Crim LR 308; (2001) <i>The Times</i> , 19, October	433
Piersack v Belgium (1982) 5 EHRR 169	518
Porter v Magill [2002] 2 AC 357	394, 517–519
Practice Direction (Costs: Criminal Proceedings) [2004] 2 All ER 1070	722, 723
Practice Direction (Submission of No Case to Answer) [1962] 1 WLR 227; [1962] 1 All ER 448	277
Practice Note (Criminal Procedure Rules: impact on Solicitors' duties to the client) [2008]	48
Price v Humphries [1958] 2 QB 353	281
Pullar v UK (1996) 22 EHRR 391	518
Pye v Leeds Youth Court [2006] EWHC 2527 (Admin)	881
R v A (Informer: Reduction of Sentence) [1999] 1 Cr App R(S) 52, CA (2002) <i>The Times</i> , 18 February	773, 774
R v A (No 2) [2002] 1 AC 45; [2001] 2 Cr App R 21	650
R v Abbott [1955] 2 QB 497; [1955] 2 All ER 899	545

R v Abdroikov [2007] UKHL 37; [2007] 1 WLR 2679	506, 510, 511
R v Abu Hamza [2006] EWCA Crim 2918; [2007] 3 All ER 451 37;	519
R v Adams [2007] EWCA Crim 1; [2007] 1 Cr App R 34	666
R v AH [2002] EWCA Crim 2938; (2003) 167 JP 30	335
R v Ahluwalia (1992) 96 Cr App R 133; [1992] 4 All ER 889	669
R v Ahmed (1985) 80 Cr App R 295	743
R v Ahmed; R v Qureshi [2004] EWCA Crim 2599; [2005] 1 WLR 122	932
R v Aitken [2003] EWCA Crim 2587	922
R v Allen and Lambert (1999) 163 JP 841	328
R v Alan I [2007] EWCA Crim 2999	510
R v Andrews [1999] Crim LR 156	516
R v Aquilina (1989) 11 Cr App R(S) 431	791
R v Argent [1997] 2 Cr App R 27	562
R v Armsaramah [2001] 1 Cr App R(S) 133; (2000) 164 JP 709	802
R v Arnold [2004] EWCA Crim 1293	536
R v Ashford Justices, ex p Hilden [1993] QB 555; [1993] 2 All ER 154	535
R v Ashley [2003] EWCA (Crim) 2571; (2003) 167 JP 548; [2004] 1 WLR 2057	162
R v Ashton [2006] EWCA Crim 794; [2007] 1 WLR 181	20, 221, 286, 317, 446
R v Assim [1966] 2 QB 249; [1966] 2 All ER 881	472
R v Associated Octel Ltd [1997] 1 Cr App R(S) 435; [1996] 1 WLR 1543; [1996] 4 All ER 846	728
R v Atlan [2004] EWCA Crim 1798; [2005] Crim LR 63	584
R v Austin [2002] EWCA Crim 1796; [2003] Crim LR 426	583, 656
R v Ayensu (1982) 4 Cr App R(S) 248	783
R v Azam [2006] EWCA Crim 161	523
R v Aziz [1996] 1 AC 41; [1995] 3 All ER 149	570
R v B [2002] EWCA Crim 3020	603
R v B (2008) unreported, 1 May, CA	693
R v B (A Juvenile) [2001] 1 Cr App R(S) 113	880
R v Backwell [2003] EWCA Crim 3213; (2003) <i>The Times</i> , 15 December	810
R v Baird (1993) 97 Cr App R 308	472
R v Baldwin [2002] EWCA Crim 2647; (2002) <i>The Times</i> , 22 November	798, 861
R v Balfour Beatty Rail Infrastructure Services Ltd [2006] EWCA Crim 1586; [2007] 1 Cr App R(S) 65	864
R v Balmforth [1992] Crim LR 825	539
R v Bane [1994] Crim LR 134	634
R v Bansal [1999] Crim LR 484	633
R v Banton [2007] EWCA Crim 1847	591
R v Barber [2001] EWCA Crim 2267; [2002] 1 Cr App R(S) 130, CA	768
R v Barber [2006] EWCA Crim 162; [2006] 2 Cr App R (S) 81	811
R v Barking and Dagenham Justices ex p DPP [1995] Crim LR 953; (1995) 159 JP 373	277, 278
R v Barney (1989) 11 Cr App R(S) 448	922
R v Barney [2007] EWCA Crim 3181	773
R v Barrell and Wilson (1979) 69 Cr App R 250	470
R v Barrett; Attorney General's Reference (No 118 of 2004) [2004] EWCA Crim 3220; [2005] 2 Cr App R(S) 18	685
R v Barrick (1985) 81 Cr App R 78	766
R v Barry [1975] 1 WLR 1190; [1975] 2 All ER 760	583
R v Bean [1991] Crim LR 843	655
R v Beckford [1996] 1 Cr App R 94	26, 27
R v Beckles [2004] EWCA Crim 2766; [2005] 1 WLR 2829, CA	564
R v Beddow (1987) 9 Cr App R(S) 235	923
R v Bedlington Magistrates' Court ex p Wilkinson (1999) 164 JP 156	730
R v Bedwellty Justices ex p Williams [1997] AC 225	452
R v Beedie [1998] QB 356; [1997] 3 WLR 758; [1997] 2 Cr App R 167	612

R v Bell (1984) 78 Cr App R 305	478
R v Bellman [1989] AC 836; [1989] 1 All ER 22	470
R v Belmarsh Magistrates Court ex p Gilligan [1998] 1 Cr App R 14	535
R v Beresford (1972) 56 Cr App R 143	671
R v Bergman and Collins [1996] 2 Cr App R 399	588
R v Berrada (1990) 91 Cr App R 131	573
R v Betts & Hall [2001] EWCA Crim 224; [2001] 2 Cr App R 257	564
R v Bevan (1994) 98 Cr App R 354	552
R v Bibi [1980] 1 WLR 1193	801
R v Biddis [1993] Crim LR 392	480
R v Birch (1990) 90 Cr App R 78	936
R v Birch (1992) <i>The Times</i> , 27 March	574
R v Birchall [1999] Crim LR 311	562
R v Bird [1995] Crim LR 745	230
R v Birmingham Crown Court ex p Ali (1999) 163 JP 145	164, 169
R v Birmingham Justices ex p F (2000) 164 JP 523	317
R v Birmingham Justices ex p Hodgson [1985] 1 QB 1131	222
R v Blackford (1989) 89 Cr App R 239	675
R v Blackwell [1995] 2 Cr App R 625	523
R v Blaize (1997) <i>The Times</i> , 12 June	776
R v Bliss (1986) 84 Cr App R 1	655
R v Bloomfield [1997] 1 Cr App R 135	36
R v Boal [1992] QB 591; [1992] 3 All ER 177	634
R v Bocskei (1970) 54 Cr App R 519	825
R v Bolton Justices ex p Merna [1991] Crim LR 848; (1991) 155 JP 612	141, 254
R v Boness [2005] EWCA Crim 2395; [2006] 1 Cr App R (S) 120	939, 940
R v Booth [1999] 1 Cr App R 457	674
R v Bournemouth Magistrates ex p Cross (1989) 89 Cr App R 90	158
R v Bow Street Magistrates ex p Welcombe (1992) 156 JP 609	223, 285
R v Bow Street Magistrates' Court ex p Proulx [2001] 1 All ER 57	275
R v Bow Street Metropolitan Stipendiary Magistrate ex p Pinochet Ugarte (No 2) [2000] 1 AC 119	518
R v Bow Street Stipendiary Magistrate ex p DPP (1990) 91 Cr App R 283	29
R v Bow Street Stipendiary Magistrate ex p Multimedia Screen Ltd (1998) <i>The Times</i> , 28 January	728
R v Bowden [1999] 1 WLR 823; [1999] 4 All ER 43	565
R v Bowerman [2000] 2 Cr App R 189	560
R v Bowers (1999) 163 JP 33	563
R v Bowker [2007] EWCA Crim 1608; [2008] 1 Cr App R(S) 72	352, 887
R v Bowles [1996] 2 Cr App R(S) 248	777
R v Boyle (1995) 16 Cr App R(S) 927	728
R v Boyle [1993] Crim LR 40	190
R v Bracknell Justices ex p Hughes (1990) 154 JP 98; [1990] Crim LR 266	395
R v Bradbourn (1985) 7 Cr App R(S) 180	796
R v Bradford Justice ex p Sykes (1999) 163 JP 224	63
R v Brentford Justices ex p Wong [1981] QB 445; [1981] 1 All ER 884	29
R v Brentwood Justices ex p Nicholls [1992] 1 AC 1; [1991] 3 All ER 359	212
R v Bresa [2005] EWCA Crim 1414	563
R v Brind [2008] EWCA Crim 934	677
R v Broadhead [2006] EWCA Crim 1705	542
R v Brookin (1995) 16 Cr App R(S) 78	767
R v Brooks [1985] Crim LR 385, CA	231
R v Brooks (1990) 12 Cr App R(S) 756	825
R v Brown [1996] 2 Cr App R(S) 2	680
R v Brown [1998] AC 367	410
R v Brown [2001] EWCA Crim 961; [2002] 1 Cr App R 5, CA	546

R v Brown [2004] EWCA Crim 1620	525
R v Brushett [2001] Crim LR 471	421
R v Bryant [1979] QB 108	554
R v Buffery (1993) 14 Cr App R(S) 511	768
R v Buono (1992) 95 Cr App R 338	584
R v Burfoot (1990) 12 Cr App R(S) 252	785
R v Burke [2005] EWCA Crim 29	33
R v Burley (1994) <i>The Times</i> , 9 November	637
R v Burton-on-Trent Justices ex p Woolley (1995) 159 JP 165	394
R v Bushell (1980) 2 Cr App R(S) 77	728
R v Butt [2005] EWCA Crim 805; (2005), <i>The Times</i> , 2 May	532
R v C (1995) 159 JP 205	480
R v C [2007] EWCA Crim 2859	557
R v Cain [2006] EWCA Crim 3233; [2007] 2 Cr App R (S) 25	789
R v Cairns [2000] Crim LR 473	670
R v Cairns [2002] EWCA Crim 2838; [2003] 1 WLR 796	418, 467, 540
R v Calcutt (1985) 7 Cr App R(S) 385	925
R v Calder Justices ex p Kennedy [1992] Crim LR 496; (1992) 156 JP 716	170
R v Caley-Knowles; R v Jones [2006] EWCA Crim 1611; [2006] 1 WLR 3181	574
R v Callaghan (1992) 94 Cr App R 226	473, 479
R v Callister [1993] RTR 70	950
R v Camberwell Green Magistrates ex p Christie [1978] QB 602; [1978] 2 All ER 377	447
R v Campbell [1997] 1 Cr App R(S) 119	669
R v Canavan and others [1998] 1 Cr App R(S) 243	211, 785, 786
R v Canterbury and St Augustine's Justices ex p Klisiak [1982] QB 398; [1981] 2 All ER 129	38, 224, 231
R v Carlton (1994) 14 Cr App R(S) 335	777
R v Carr (1979) 1 Cr App R(S) 53	825
R v Cassidy (2000) <i>The Times</i> , 13 October	886
R v Central Criminal Court ex p Boulding [1984] QB 813; [1984] 1 All ER 766	876
R v Central Criminal Court, ex p Director of Serious Fraud Office [1993] 1 WLR 949	700
R v Central Criminal Court ex p Guney [1996] AC 616; [1996] 2 All ER 705	185, 502
R v Central Criminal Court ex p S (1999) 163 JP 776	322, 323
R v Chaaban [2003] EWCA Crim 1012; (2003) <i>The Times</i> , 8 May	24, 505
R v Chalkley [1998] QB 848; [1998] 2 All ER 155	634, 635, 648
R v Chamberlain (1992) 13 Cr App R(S) 525	835
R v Chandler (No 2) [1964] 2 QB 322; [1964] 1 All ER 761	516
R v Chapman [2000] 1 Cr App R 77	831
R v Chapman and Lauday (1976) 63 Cr App R 75	655
R v Charles [2001] EWCA Crim 129; [2001] 2 Cr App R 15	640
R v Charlton [2001] 1 Cr App R(S) 120	879
R v Chelmsford Crown Court ex p Birchall [1990] RTR 80; (1989) 11 Cr App R(S) 510	863
R v Chelmsford Justices ex p Lloyd [2001] 2 Cr App R(S) 15	297
R v Chenia [2002] EWCA Crim 2345; [2003] 2 Cr App R 6, CA	562
R v Chichester Justices ex p DPP [1994] RTR 175	290
R v Chief Constable of Lancashire Constabulary ex p Atkinson (1998) 192 JP 275	114
R v Christou [1997] AC 117, HL; [1996] 2 WLR 620; [1996] 2 All ER 926	474
R v City of London Justices ex p Ocansey (1995) unreported	387
R v Clark (1992) 13 Cr App R(S) 124	924
R v Clark [1996] 2 Cr App R(S) 351	211, 785
R v Clark [1998] 2 Cr App R 137	766
R v Clark (Joan) (1999) <i>The Times</i> , 27 January	777, 778
R v Clarke (1974) 59 Cr App R 298	680
R v Clarke [2006] EWCA Crim 1196	463, 464
R v Clarke [2007] EWCA Crim 2532; [2008] 1 Cr App R 33	691
R v Clarke [2008] UKHL 8; [2008] 1 WLR 338, HL	20, 317, 464

R v Claydon [2001] EWCA Crim 1359; [2004] 1 WLR 1575	495
R v Cleere (1983) 5 Cr App R(S) 465	609
R v Clement (1991) <i>The Times</i> , 12 December	607
R v Clerk to Liverpool Justices ex p Abiaka (1999) 163 JP 497	290, 724
R v Clerkenwell Magistrates ex p The Telegraph plc [1993] QB 462; [1993] 2 All ER 183	450
R v Cliff [2004] EWCA Crim 3139; [2005] 2 Cr App R (S) 22	951
R v Clitheroe (1987) 9 Cr App R(S) 159	825
R v Coe [1968] 1 WLR 1950; [1969] 1 All ER 65	298
R v Coker [1984] Crim LR 184	809
R v Colchester Justices ex p NE Essex Building Co [1977] 1 WLR 1109; [1977] 3 All ER 567	212
R v Collins [1947] KB 560; [1947] 1 All ER 147	784
R v Collins [2007] EWCA Crim 854	547
R v Collison (1980) 71 Cr App R 249	484, 586
R v Comerford [1998] 1 WLR 191; [1998] 2 Cr App R 137	515
R v Condron [1997] 1 WLR 827; (1996) 1 Cr App R 185	565
R v Connor; R v Miraz [2004] UKHL 2; [2004] 1 AC 1118	657, 659, 666
R v Considine [2007] EWCA Crim 1166; [2007] 3 All ER 621	808
R v Cooper [1969] 1 QB 267; [1969] 1 All ER 32	644
R v Corbett (1993) 14 Cr App R(S) 101; [1992] Crim LR 833	920
R v Corcoran (1986) 8 Cr App R(S) 118	680
R v Cordingley [2007] EWCA Crim 2174	647, 651
R v Cottrell; R v Fletcher [2007] EWCA Crim 2016; [2008] 1 Cr App R 7	703
R v Coutts [2006] UKHL 39; [2006] 1 WLR 2154	589–591
R v Coventry City Magistrates ex p M [1992] Crim LR 810; (1992) 156 JP 809	338
R v Cowan [1996] QB 373; [1995] 4 All ER 939	561
R v Cowley (1995) <i>The Times</i> , 2 February	863
R v Cox [1993] 1 WLR 188; [1993] 2 All ER 19	796, 797
R v Cox [1999] 2 Cr App R 6	638
R v CPS ex p Warby (1994) 158 JP 190; [1994] Crim LR 281	423
R v Craine (1981) 3 Cr App R(S) 198	825
R v Crawford [1997] 1 WLR 1329	476
R v Criminal Cases Review Commission ex p Pearson [2000] 1 Cr App R 141	645
R v Crown Court at Blackfriars ex p Sunworld Ltd [2000] 1 WLR 2102; [2000] 2 All ER 837	387
R v Crown Court at Croydon ex p Cox [1997] 1 Cr App R 20, [1997] Crim LR 52R v Croydon Crown Court ex p Britton (2000) 164 JP 729	180
R v Croydon Crown Court ex p Lewis (1994) 158 JP 886	198
R v Croydon Crown Court ex p Trinity Mirror plc [2008] EWCA Crim 50	320
R v Croydon Justices ex p Dean [1993] QB 769	35
R v Croydon Justices ex p Holmberg [1992] Crim LR 892	134
R v Croydon Magistrates' Court ex p Morgan (1998) 162 JP 521; (1997) 161 JP 169	388
R v Croydon Youth Court ex p DPP [1997] 2 Cr App R 411	295
R v Croydon Youth Court ex p Grinham (A Minor) (1995) <i>The Times</i> , 3 May	316
R v Crutchley and Tonks (1994) 15 Cr App R(S) 627	783
R v Cunningham [1993] 1 WLR 183; [1993] 2 All ER 15	797, 800
R v Curry (1998) <i>The Times</i> , 23 March	536
R v Curtin [1996] Crim LR 831	573
R v Cuthbertson [1981] AC 470; [1980] 2 All ER 401	926
R v D [2003] EWCA Crim 2424; [2004] 1 Cr App R 19	474
R v Da Silva [1990] 1 WLR 31	532, 533
R v Dabhade [1993] QB 329; [1992] 4 All ER 796	271, 612, 613
R v Danga [1992] QB 476; [1992] 1 All ER 624	302, 352, 886
R v Davis [1993] 1 WLR 613	428, 429
R v Davis [2002] EWCA Crim 85; (2002) 166 JP 243	414
R v Davis; R v Ellis [2006] EWCA Crim 1155; [2006] 1 WLR 3130	525

R v Davis, Rowe and Johnson [2001] 1 Cr App R 115; (2000) <i>The Times</i> , 24 April; (2000) <i>The Times</i> , 25 July	425, 649, 650
R v Deary (1994) 14 Cr App R(S) 502	921
R v Denness [1996] 1 Cr App R(S) 159	921
R v Denton [2007] EWCA Crim 1111, CA	554
R v Derby (1990) 12 Cr App R(S) 502	921
R v Derby Crown Court ex p Brooks (1985) 80 Cr App R 164; [1985] Crim LR 754	27
R v Derby Magistrates' Court ex p B [1996] AC 487	266
R v Devizes Youth Court ex p A (2000) 164 JP 330	330, 331
R v Dewsbury Magistrates ex p K (1994) <i>The Times</i> , 16 March	295
R v Dickinson [1977] Crim LR 303	682
R v Doab [1983] Crim LR 569	681
R v Dobson (1989) 11 Cr App R(S) 332	825
R v Dobson [2001] EWCA Crim 1606	34
R v Docherty [1999] 1 Cr App R 274	522
R v Dodd (1981) 74 Cr App R 50	603
R v Dods (1997) <i>The Times</i> , 28 January	780
R v Doherty [1971] 1 WLR 1454; [1971] 3 All ER 622	638
R v Doidge [2005] EWCA Crim 273; (2005), <i>The Times</i> , 19 March	757
R v Dolgellau Justices ex p Cartledge; R v Penrith Justices, ex p Marks [1996] RTR 207	394
R v Donovan (1981) 3 Cr App R(S) 192	920
R v Dorking Justices ex p Harrington [1984] AC 743; [1984] 2 All ER 474	393
R v Dover and East Kent Justices ex p Dean [1992] Crim LR 33	170
R v Dover Justices ex p Pamment (1994) 15 Cr App R(S) 778	298
R v Dowdall (1992) 13 Cr App R(S) 441	742
R v Dowling (1988) 88 Cr App R 88	609
R v DPP ex p C [1995] 1 Cr App R 136	131
R v DPP ex p Kebilene [2000] 2 AC 326; [1999] 3 WLR 972; [1999] 4 All ER 801	130
R v DPP ex p Lee [1999] 1 WLR 1950; [1999] 2 Cr App R 304	171, 175, 411
R v DPP ex p Manning [2001] QB 330; (2000) <i>The Times</i> , 19 May	131
R v Drew [1985] 1 WLR 914	603
R v Dudley Justices ex p Gillard [1986] AC 442; [1985] 3 All ER 634	222
R v Dudley Magistrates' Court ex p Power City Stores Ltd (1990) 154 JP 654	725
R v Duggan and Others [1992] Crim LR 513 583	
R v Dundon [2004] EWCA Crim 621; (2004) <i>The Times</i> , 28 April	650
R v Dunlop [2006] EWCA Crim 1354; [2007] 1 WLR 1657	696
R v Dunmow Justices ex p Nash (1993) 157 JP 1153	226
R v Durham Quarter Sessions ex p Virgo [1952] 2 QB 1; [1952] 1 All ER 466	382
R v E [2004] 2 Cr App R 621	32
R v Ealing Justices ex p Woodman (1994) 158 JP 997; [1994] Crim LR 372	387
R v Ealing Magistrates' Court ex p Burgess (2001) 165 JP 82	142
R v Ealing Magistrates' Court ex p Sahota (1998) 162 JP 73	296
R v Early [2002] EWCA Crim 1904; [2003] 1 Cr App R 288	635
R v East Cambridgeshire Justices ex p Stephenson (1995) unreported	387
R v Eccles Justices ex p Farrelly (1993) 157 JP 77	291
R v Edney (1994) 15 Cr App R(S) 889	780
R v Egan [2004] EWCA Crim 630; (2004) <i>The Times</i> , 9 March	748
R v Elliott [2003] EWCA Crim 1695; (2003) <i>The Times</i> , 15 May	536
R v Ellis (1973) 57 Cr App R 571	499
R v Ellis (1994) 158 JP 386	922
R v Emmerson (1991) 92 Cr App R 284	576
R v Epping and Ongar Justices ex p Manby [1986] Crim LR 555	273
R v Eriemo [1995] 2 Cr App R 206	476, 634
R v Essex Justices ex p Final [1963] 2 QB 816	280
R v Eubank [2001] EWCA Crim 891; [2002] 1 Cr App R(S) 4	741
R v Evans (1986) 8 Cr App R(S) 197	681

R v F [1994] Crim LR 377	577
R v Fairbanks [1986] 1 WLR 1202	587, 588
R v Fairhurst (1986) 8 Cr App R(S) 346; [1987] 1 All ER 46	329
R v Farrow [1999] Crim LR 306	644
R v Fawcett (1983) 5 Cr App R(S) 158	682
R v Feltham Magistrates' Court ex p Ebrahim [2001] EWHC (Admin) 130; [2001] 1 WLR 1293	33
R v Fields and Adams [1991] Crim LR 38	414
R v Fitter (1983) 5 Cr App R(S) 168	809
R v Fitton (1989) 11 Cr App R(S) 350	825
R v Fitzpatrick [1999] Crim LR 832	572
R v Flemming (1987) 86 Cr App R 32	637
R v Follett [1989] QB 338; [1989] 1 All ER 995	478, 479
R v Foote (1992) 94 Cr App R 82	230
R v Ford [1989] QB 868	520, 521
R v Forde [1923] 2 KB 400	633
R v Forest Magistrates ex p Spicer [1988] Crim LR 619; (1989) 153 JP 81	223
R v Foster [1985] QB 115; [1984] 2 All ER 679	707
R v Foster [2007] EWCA Crim 2869	484, 590
R v Francom [2001] 1 Cr App R 237	564, 649
R v French (1982) 4 Cr App R(S) 57	810
R v Fricker (1999) <i>The Times</i> , 13 July	523
R v G [2001] EWCA Crim 1215; [2001] 1 WLR 1727	613
R v G [2004] EWCA Crim 1368; [2004] 1 WLR 2932; (2004) <i>The Times</i> , 8 June	432
R v Galbraith [1981] 1 WLR 1039; [1981] 2 All ER 1060	278, 540, 541, 688, 689
R v Gandy (1989) 11 Cr App R(S) 564	742, 743
R v Ganley [2001] 2 Cr App R(S) 17; (2000) <i>The Times</i> , 7 June	882
R v Gardener (1994) 15 Cr App R(S) 667	744
R v Garner (1996) unreported 20 December, CA	671
R v Gateshead Justices ex p Smith (1985) 149 JP 681	29
R v Gateshead Justices ex p Tesco Stores Ltd [1981] QB 470; [1981] 1 All ER 1027	63
R v Gautier (2007) unreported, 9 May, CA	670
R v George [1984] 1 WLR 1082; [1984] 3 All ER 13	791
R v Ghafoor [2002] EWCA Crim 1857; [2003] 1 Cr App R(S) 84	352, 886
R v Gilfoyle [1996] 3 All ER 883	668
R v Gill (1992) 13 Cr App R(S) 36	924
R v Gillam (1980) 2 Cr App R(S) 267	682, 753
R v Gillette (1999) <i>The Times</i> , 3 December	802
R v Gleeson [2001] EWCA Crim 2023; [2002] 1 Lloyds Rep(S) 112	681
R v Gleeson [2003] EWCA Crim 3357; [2004] 1 Cr App R 29	544
R v Gloucester Crown Court ex p Betteridge (1997) 161 JP 721; (1997) <i>The Times</i> , 4 August	384
R v Gloucester Crown Court ex p Chester [1998] COD 365	401
R v Gloucester Crown Court ex p McGeary [1999] 2 Cr App R(S) 263	399
R v Gloucester Magistrates Court ex p Chung (1989) 153 JP 75	451
R v Gogana (1999) <i>The Times</i> , 12 July	668
R v Gooch [1998] 1 WLR 110; [1998] 4 All ER 402	640
R v Goodyear [2005] EWCA Crim 888; [2005] 1 WLR 2532	597, 600, 603
R v Gorman [1987] 1 WLR 545; [1987] 2 All ER 435	576, 577
R v Gough [1993] AC 646; [1992] 4 All ER 48	394, 518, 519
R v Governor of Glen Parva Young Offender Institution ex p G [1998] 2 All ER 295; [1998] QB 877	159
R v Grafton [1993] QB 101; [1992] 4 All ER 609	133, 605
R v Graham [1997] 1 Cr App R 302	644, 673, 675
R v Graham [1999] 2 Cr App R(S) 312	680
R v Grant (1990) 12 Cr App R(S) 441	678