HOUSE OF LORDS LIBRARY  LIBRARY NOTE

Fraud (Trials without a Jury) Bill

[HL Bill 31 of 2006/07]

Patrick M. Vollmer

15th March 2007
LLN 2007/002

Contents

1. Introduction

The Fraud (Trials without a Jury) Bill was announced in the Queen's Speech[1], and was introduced in the House of Commons on 16th November 2006. The Bill received a second reading on 29th November 2006, was discussed in committee in two sittings on 12th December 2006, and completed its remaining stages in the House of Commons on 25th January 2007. The Bill was then presented to the House of Lords on 26th January 2007, and is due for second reading debate on 20th March 2007.

The purpose of the Bill is to bring section 43 of the Criminal Justice Act 2003 into force. This provision enables the prosecution in a serious or complex fraud case to apply to a judge for the trial to be conducted without a jury. The judge may make an order for the trial to be conducted without a jury if he is satisfied that the complexity of the trial, or the length of the trial, or both, is likely to make the trial so burdensome to members of a jury hearing the trial that the interests of justice require serious consideration to be given to the question of whether the trial should be conducted without a jury. In making this decision the judge must have regard to any steps which might reasonably be taken to reduce the complexity or length of the trial, although a step is not to be regarded as reasonable if it would significantly disadvantage the prosecution.

During the passage of the Criminal Justice Bill 2002/03 (now the Criminal Justice Act 2003) through Parliament, the Government agreed to make the commencement of section 43 subject to the affirmative resolution procedure of both Houses of Parliament[2]. In October 2005, a draft commencement Order[3] was considered and approved in a standing committee of the House of Commons[4], but was withdrawn before it could be debated in the House of Lords. In March 2006, the Attorney General, Lord Goldsmith, confirmed the Government's commitment to the policy contained in section 43, and stated that primary legislation would be brought forward as soon as parliamentary time allowed to give effect to the policy[5].

The Fraud (Trials without a Jury) Bill provides for the commencement of section 43 by repealing section 330(5)(b) of the 2003 Act, which requires an affirmative Order to bring section 43 into force (clause 1). Furthermore, the Bill amends section 43 "by adding a requirement that applications for non-jury trials under that section, and any non-jury trials resulting from such applications, should be heard by a High Court Judge or by a Crown Court Judge nominated for that purpose" (Fraud (Trials without a Jury) Bill, *Explanatory Notes*, paragraph 4).

Further information on the background to the Bill, as well as to the proposals for trials without juries and on recent developments in Government policy on fraud, is provided by the House of Commons Library publication *The Fraud (Trials without a Jury) Bill 2006/07)* (research paper 06/57: 23rd November 2006). The purpose of this House of Lords Library Note is to briefly look at some of the key issues debated during the passage of the Bill through the House of Commons, focusing on the second reading debate and the report stage.

---

[1] HC *Hansard*, 15th November 2006, col 3.
[2] HC *Hansard*, 20 November 2003, col 1027.
[3] Draft Criminal Justice Act 2003 (Commencement No 12 and Transitory Provisions) Order 2005.
[4] House of Commons, First Standing Committee on Delegated Legislation, 14th November 2005.
[5] HL *Hansard*, 14th March 2006, col 1130.

2. Second Reading

The second reading of the Fraud (Trials without a Jury) Bill, took place on 29th November 2006. The Solicitor General, Mike O'Brien, began his speech by saying that fraud damaged the national economy, and that the Government plan to tackle fraud had four main strands:

> We recently took through the House the Fraud Act 2006, which will create a statutory offence of fraud and modernise much of our law on deception. Secondly, the Government have also carried out a cross-departmental review of fraud to examine the prevention, detection, investigation, prosecution and punishment of fraud. We published a report in July, and consultation finished on 27 October[6]. We are now considering our response.
>
> Thirdly, new protocols and procedures for our courts have been introduced by the prosecution authorities, the Attorney-General, the Lord Chief Justice and others to improve the management of large criminal cases[7]. The Bill is the fourth element. It will reform our criminal justice system to enable it more effectively to try a small number of serious and complex frauds without a jury…
>
> (HC *Hansard*, 29th November 2006, col 1088)

He went on to discuss fraud in general:

> Fraud takes many forms. It can be complex—international fraud, involving vast sums of money, can be committed by bankers, accountants, con men and even lawyers. The evidence can run to thousands of documents. Alternatively, the fraud can be of a smaller scale—benefit fraud is an obvious example. Our criminal justice system prosecutes benefit and minor fraud with efficiency, but it has found it more difficult to prosecute complex and serious white-collar fraud. Complex cases can last a year or more. Although the success of the Serious Fraud Office means that convictions are secured, contested trials can be long-drawn-out and difficult…
>
> The Government believe that the criminal justice system needs to be as effective at dealing with complex white-collar fraudsters as it is at tackling blue-collar fraud. As part of our wider package of policies, this Bill will help to ensure that that happens.
>
> (col 1088)

[6] Attorney General's Office, *Government Fraud Review*, July 2006; the Government responded to the *Fraud Review* on 15th March 2007 in *Fighting Fraud Together*.
[7] Protocol and Practice Directions issued by the Lord Chief Justice, Lord Woolf, on the Management of Heavy Fraud and Complex Criminal Cases, March 2005.

The Solicitor General outlined the findings of key reports and consultation exercises over the past two decades on the subject of jury trials and criminal justice:

> For many years, there have been calls for serious and complex fraud trials to be conducted by judges. Back in 1986, the influential Roskill report[8] recommended that these cases should be tried by a special fraud tribunal, consisting of a judge and a small number of specially qualified lay members instead of a jury. In 1998, most respondents to a consultation paper, "Juries and serious fraud trials"[9], broadly supported replacing the jury in serious and complex fraud trials. In October 2001, Lord Justice Auld considered the issue in his review of the criminal justice courts in England and Wales[10]. He recognised the benefits of trial by a single judge but suggested instead a tribunal that included people with business and financial experience.
>
> The Government sought views on the issue in a general consultation on the Auld report following the publication of our White Paper "Justice for All"[11], and after taking account of comments decided in favour of judge-alone trials.
>
> (col 1089)

The Shadow Attorney General, Dominic Grieve, intervened and asked the Solicitor General how many cases would be affected by the provisions. The Solicitor General responded:

> The figure is variously estimated, but it is certainly put at fewer than 20. The Serious Fraud Office considered the number of cases over the past five years that lasted longer than six months and, of those 26 cases, only about six lasted more than a year. It believes that, under its way of handling the issue, about six cases a year would probably be affected by the measure… [The] estimate is that the number will be between half a dozen—that is the more likely figure—and 15 to 20 cases.
>
> (col 1090)

The Solicitor General provided further background to the Bill:

> Section 43 of the Criminal Justice Act 2003 provided for judges in serious or complex fraud cases to order, following an application by the prosecution, that the trial should be conducted without a jury. The judge must be satisfied that the length or complexity of the case is likely to make the trial so burdensome on the jury that the interests of justice require serious consideration to be given to the need to conduct the trial without a jury. An important safeguard is that an order for a judge-only trial can be made only with the consent of the Lord Chief Justice. There are other safeguards. The prosecution must believe that the criteria are met, and the judge must agree. Furthermore, the Lord Chief Justice must grant his consent.

---

[8] Lord Roskill, *Fraud Trials Committee Report*, 1986.
[9] Home Office, *Juries in Serious Fraud Trials: A Consultation Document*, February 1998.
[10] Lord Justice Auld, *A Review of the Criminal Courts in England and Wales*, 2001.
[11] Home Office, Lord Chancellor's Department and Attorney General's Office, *Justice for All*, July 2002: CM 5563.

> When that legislation was passed by Parliament, its implementation was subject to a requirement for an affirmative resolution of both Houses. That unusual requirement was inserted into the Bill in its closing stages, just before it was enacted in November 2003. It was not the Government's intention that it should constitute a permanent obstacle to commencing section 43, because in that case there would have been little purpose in enacting the section at all. In any event, when the matter was brought back before the House earlier this year, an affirmative resolution was passed by the House. It became apparent, however, that the combined Opposition would use their majority in the other place to frustrate that affirmative resolution. Therefore, seeking to move forward by consensus, the Government opened further discussions with the Opposition to see whether we could reach an agreement about the way to deal with serious and complex fraud cases. After discussions between the Front-Bench teams, it became clear that no agreement was likely to be forthcoming.
>
> (cols 1092–3)

He then discussed why the provisions relating to fraud trials without a jury were necessary:

> Our criminal justice system needs to deal effectively and fairly with all kinds of crime, but sometimes it fails to do so in the most serious and complicated frauds because defendants do not face trial on charges that adequately reflect the full criminality of the accusations that are made against them. That is the key point. From time to time, trials collapse under the pressure of evidence, with the result that justice is not done and the taxpayer is left to meet substantial costs. The current position is that the greater the scale and complexity of the fraud, the less likely it is to result in a successful prosecution. That cannot be right. We cannot accept a double standard whereby petty frauds are easy to prosecute and frauds on a grand scale which, although small in number, can have an impact on many victims are too difficult to prosecute. Despite attempts to keep trials within reasonable bounds, complex fraud cases often last for many months. In the four years from 2002 to 2005, the Serious Fraud Office reported that 26 fraud trials lasted for more than six months, six of which lasted for more than a year.
>
> The prosecution and the courts already do much to keep the length of trials to a minimum. We welcome the Lord Chief Justice's protocol of March 2005, which will promote robust and well-informed case management. That will help, but it is not an adequate answer of itself. The complexity and potential length of some serious and complex fraud trials still resists the best efforts of all involved to reduce the burden on the jury. In order to make them manageable, trials are too often carved up in a way that prevents the full criminality of the fraud from being exposed in the trial. That cannot serve the interests of justice. Cases are split into separate trials by the severing of indictments. Even then, it is sometimes necessary to restrict the material put before the court, in order to make it manageable and comprehensible to a jury. Evidence is pared down and charges reduced to the main charges. Secondary defendants, who should perhaps be prosecuted notwithstanding, are not brought to justice because it would complicate the trial too much. The result

> can still be the worst of all worlds—enormously long trials that are intolerable for the unfortunate jurors, but do not enable the full criminality alleged in the most serious fraud cases to be presented to the court…
>
> (col 1096)

The Solicitor General went on to say that the Government's proposals for judges to try cases without a jury were not a general attack on jury trials:

> There were 28,000 trials before a jury in the course of the past year. The provision will affect a few trials each year; 99.9 per cent. of jury trials will be unaffected. Furthermore, the Government are looking to take steps to examine the issue of Diplock courts in Northern Ireland. If we can do that, there will [be] more jury trials than ever. In fact, I am a great believer in jury trials; I was a criminal lawyer before I came here. They are a good way of deciding guilt or innocence in the Crown court.
>
> That said, the vast majority of trials take place in magistrates courts and do not involve a jury, so there is no immutable principle that we must always have a jury to do justice. Every day, in criminal courts across the country, people elect in either-way cases to allow district judges—judges sitting alone—to decide guilt or innocence in trials. If we went down to Horseferry road magistrates court or to other London courts today, we could well see that happening. It often happens, although not in summary-only cases, with the consent of the accused. No one should argue that justice is not being done because no jury is present. Many of these cases result in people going to prison. Thousands of people are tried in this way every year. Someone who gets arrested for benefit fraud and charged with a deception can be tried by a judge sitting alone, so it surely cannot be said that a senior judge sitting alone could not do justice in the case of someone arrested for a serious white collar crime.
>
> Is the argument that having a jury is a great principle only if it happens in a particular kind of court—the Crown court? Either that is a principle or it is not. Daily in this country, justice is delivered in trials before district judges or before a single judge in our civil courts. In our view, a High Court judge can do justice for that very small number of white collar fraudsters. Juries are right for some cases, but not for every case. The real issue is how we can best do justice. Where justice can be delivered in a better way, we should act on that.
>
> Our argument is that in a few cases a year out of the [28,000]—only in the most serious and complex fraud cases—there are good reasons for saying that justice can be done by a judge sitting alone.
>
> (cols 1096–7)

In response to a question by Edward Garnier, Shadow Minister for Home Affairs, on

what principles single out fraud cases above other lengthy cases, the Solicitor General said:

> There are two key issues. First, this area has a long history, whereas others do not, and we do not intend to move into those. Secondly, some of these cases involve very complex evidence having to be presented to the jurors. The jurors on fraud cases sometimes face the physical and mental task of listening to… somewhat complex, obscure evidence involving a large number of defendants making interlinked financial transactions over a number of years, with detailed cross-examination requiring constant cross-referencing to documents and records. Many of the complex deals and financial transactions that can be involved in serious and complex fraud cases will be outside the experience of members of the public, facing jurors with a steep learning curve to master the financial theory as well as the practical evidence.
>
> (cols 1098)

Mr Garnier said: "I thought that the Solicitor General's case at the outset was that he was not advancing what I would rudely describe as "stupid juries" argument, yet he just seems to have done that. He must make up his mind: either juries are or are not capable, and either the Government's case is or is not based on that argument. He can not have it both ways" (col 1098). The Solicitor General responded:

> I am not advancing what the hon. and learned Gentleman describes as the stupid jury argument—not at all. I want to make it very clear that it is not our claim that juries are incapable of understanding complex fraud cases. What we say is that, in the words of Lord Justice Auld, the length of such trials—some of which last for several months—represents an unreasonable intrusion on jurors' personal lives, and, where they are in employment, their working lives, going way beyond the conventional requirement for such duty of about two weeks' service. Juries can cope with long trials, but having to sit on a jury for six months, or sometimes more than a year, is an excessive burden on members of the public…
>
> Secondly, our criminal justice system requires juries to listen to the presentation of oral evidence, and there is sometimes very complex and obscure evidence that requires knowledge of complex financial dealings. A jury trial, with its oral tradition, is not always the best place to expose and explain that level of complexity, in my view.
>
> …The need to present all evidence in trials has lead the courts to divide cases in to two or three trials so that the number of defendants and the complexity of the case before a jury is reduced.
>
> …All that has the effect of making juries even less representative of the community than they are already. The court often excuses many people who would otherwise be able to make a short-term arrangement to do their civic duty. Long trials are a great personal strain and burden on everyone involved.
>
> As far as we are concerned, the juries that are used in these long cases—as they have been in the past—have sometimes lacked a broad representative

> capacity. The general idea is that we choose a jury randomly, and that it is broadly representative of the public. However, because of the nature of this kind of trial, we have not always been able to ensure that that is the case.
>
> (cols 1098–9)

The Liberal Democrat Shadow Leader of the House and Spokesperson for the Cabinet Office, David Heath, picked up on the arguments made by the Solicitor General on the use of juries:

> First he said that the stupidity—to use a word that was used elsewhere—of the jury was not a factor, but he went on to say that juries had difficulty in understanding the complexities of such cases. Secondly, he said that the only criterion that is moving the Government to take this action is the length of the cases and the stress that that places on juries—yet the measure will not apply to equally long and equally stressful cases in other parts of the judicial system. Thirdly, he said that because a jury that would be available for such a long time might be unrepresentative, he intends to remove the jury, so that a wholly representative judge can hear the case instead. Is that the sum total of his argument?
>
> (col 1100)

The Solicitor General responded to Mr Heath:

> I did not argue that juries could not understand the case; I have been clear in not arguing that. I said that the way in which such cases can develop is burdensome, and that we as Members of Parliament need to take account of the burden that we place on ordinary members of the public. I am sorry that the hon. Gentleman does not want to do that, but we have a responsibility to ensure that we do…
>
> We do not want to deal with the issue of unrepresentative juries by having an unrepresentative judge. That suggestion again traduces my argument. The argument of the hon. Member for Somerton and Frome (Mr Heath) is that juries are somehow going to be representative of the man in the street, of members of the public. The evidence suggests, however, that that is not as clear an outcome in these very long cases as he might like to think. If there are better ways of conducting complex serious fraud cases, we should deal with them in this way.
>
> When a trial takes place before a judge alone, evidence that would have been presented orally to a jury can simply be read by the judge.
>
> (col 1100)

The Solicitor General expanded on the advantages of a judge sitting alone:

> A judge can curtail lengthy speeches by… windbag lawyers… By doing that, the judge can ensure that the trial proceeds much more expeditiously. Most importantly, there will be less need for cases to be severed, or for sample

charges. On the whole, cases could be dealt with more expeditiously—but shorter trials, however desirable, are not our primary objective. We want to enable justice to be done by exposing the whole criminality of the case in a single trial. If trials are short, that will be a bonus.

Rather than having a case severed, or some of the charges dropped, we believe that judge-led trials will enable the full culpability of defendants to be exposed in court and the crime to be considered in the round. Yes, longer indictments will be involved, and cases will be examined in one trial rather than being severed into two or three. That may well lead to some trials taking as long as they do at present, but without the intolerable pressure on individual members of a jury. If found guilty, defendants could also be punished for all that they have done, whereas we sometimes find now that trials are severed and they are punished for part of it here and part there, and the whole of the evidence is never exposed before members of a single court. The point made by the hon. Member for Beaconsfield that some do not believe that trials by judge alone will be shorter is not as telling as he thinks, as the aim has always been to ensure that the full culpability of individuals can be brought before the court, which is currently being prevented in some cases. He seems to want that full culpability not to go before a single court, but our view is that it should.

Section 43 offers a further all-important advantage to defendants—a reasoned verdict. Defendants convicted by jury are not at present entitled to know the reasons for the verdict on them. When a trial is conducted without a jury, and a court convicts a defendant, the judge will be required to give a full reasoned verdict as soon as is reasonably practical after a conviction, and to demonstrate that all proper procedures have been followed.

(cols 1101–2)

The Solicitor General concluded his speech by saying:

Perhaps these provisions have been more fun for me than for others to deal with. Section 43 is not a general assault on trial by jury—far from it. The number of cases that can be tried by High Court judges will be few compared with the more than 28,000 contested trials each year. Substantial safeguards have been put in place to ensure that the interests of the defendant are protected, but also to safeguard the public interest in seeing justice done. The Bill does not introduce a new policy but rather takes steps to give effect to a statutory provision passed by Parliament in 2003, which was likely to be frustrated by the Opposition in another place. Our aim is to ensure that the full criminality of the most serious cases can be exposed to public view in a criminal trial, and that those convicted can be punished for the totality of their criminality. In some long trials, that is not currently happening. The Bill will be a valuable reform aimed at fulfilling the Government's commitment to tackle fraud, and at creating a criminal justice system that deals effectively and fairly with all kinds of crime.

(cols 1102–3)

The Shadow Attorney General, Dominic Grieve, began his response to the Bill by discussing his view of the Government's policy towards the jury system:

> The history of the past 10 years suggests, however, that the system has come under repeated attack from the Government, that on numerous occasions we have had to stand up to the Government's attack—not always with complete success—and that there has been a progressive erosion that goes beyond that of the jury system.
>
> The Solicitor-General mentioned district judges in magistrates courts. I am a firm believer in district judges in magistrates courts—a deputy district judge who sits in magistrates courts is sitting behind me now—but there is no doubt that, over the past 10 years, the Government have shown themselves to be highly inimical to the lay magistracy. Indeed, they wanted to reduce its work to nothing more than road traffic cases until the cost was revealed.
>
> In summary jurisdiction courts, lay magistrates perform exactly the same role of representing the community independently as juries, and the Government do not like juries. If they did, it would be inexplicable that they proposed in the Bill that became the Criminal Justice Act 2003—until we stopped them—to allow people to elect for trial by judge alone if they were so minded. We had to oppose that proposal, and it was in the final stand-off that we ended up with a double-lock mechanism in section 43. I must tell the Solicitor-General that I had no doubt… that that was a face-saving device, because we had told the Government in the clearest and most unequivocal terms that in no circumstances, either here or in the other place, would any of the Opposition parties vote to allow the implementation of the proposal. To suggest otherwise is a rewriting of history that causes me even more anxiety when I consider it.
>
> (cols 1103–4)

Mr Grieve turned to the consultation exercise on trials without juries promised by the Government during the passage of the Criminal Justice Bill 2002/3, now the Criminal Justice Act 2004[12]:

> The Government promised consultation after the 2003 Act: it took the form of a morning seminar, with none of those invited realising that it was the only formal consultation. I could not attend, but my noble Friend Lord Kingsland went along, and was not aware even while attending the seminar that it was in fact the formal consultation. I think the Solicitor-General would have to confirm that there has been no further formal consultation whatever since then—certainly I am not aware of any.
>
> I acknowledge, and place on record, that on a number of occasions I have met the Attorney-General, and indeed the Solicitor-General, for amiable discussions about possible ways of changing the current jury system in fraud trials. However, none of the suggestions made by me or by the hon. Member

[12] A report of the consultation exercise was published by the Office for Criminal Justice Reform as *Trial Other Than by Jury for Certain Serious Fraud Cases*, March 2005.

for Southwark and Bermondsey was accepted, and it was clear that there was no meeting of minds.

(col 1104)

He discussed the purpose of the Bill:

We should ask ourselves what the Bill is really trying to do. I always listen carefully to the Solicitor-General, but I have to say that the first thing I look at when the Government propose legislation is the Home Office propaganda statement released to the press[13], in which the form of words and the nuances are often rather different.

This Home Office statement begins with a little preamble about the new legislation. It states

"The Government is committed to rebalancing the criminal justice system in favour of... the law-abiding majority."

How often have we heard that statement used in the House to justify authoritarian, draconian, unfair measures to interfere with the criminal justice system, without there being a shred of evidence that they will rebalance the system in favour of the law-abiding majority?

Apart from anything else, I think the Solicitor-General must accept that if he is telling us the truth, the impact of his proposals on criminality in the United Kingdom will be so minimal as to go totally unnoticed. I believe that 99.9 per cent. of trials will still take place before juries, with possibly half a dozen a year taking place without them. If this is really the Government's answer to how we are to reduce crime and the fear of crime in our country, they are going about it in a very strange way.

(cols 1104–5)

Dominic Grieve described the possible impact of the Bill:

One of the Solicitor-General's arguments for the Bill was that some cases collapsed after long periods without ever reaching a conclusion. That is absolutely true, but jurors have not had a role in it. In my experience—and I have some experience of fraud trials—such cases usually collapse because the prosecution case was poorly presented, failed to identify the key issues and presented far too much evidence. Cases are thrown out at half time on submissions of "no case to answer", without a jury ever considering a verdict. Unless by some extraordinary circumstance judges take a different view from the view that they would otherwise have taken at half time because they are sitting without a jury—and I hope that that is not the case, because they ought

[13] Home Office, 'Non-Jury Fraud Trial Bill Introduced', press release, 16th November 2006.

to be applying their minds in exactly the same fashion—I think the number of long fraud trials that collapse will be identical.

(col 1105)

The Shadow Attorney General turned his attention to the Government's statement that defendants should be prosecuted in a manner reflecting the accusations made:

The Home Office propaganda statement goes on to say:

"At present, in some of the most serious and complicated fraud cases, it is not possible for defendants to be tried on charges that adequately reflect the full scale of the accusations against them. This is because in cases that involve a multitude of different offences and defendants, it is necessary to limit the amount of evidence that is put before a jury."

When I started prosecuting, I was taught by those who knew much more about the subject than I did to keep it simple. Every judge in front of whom I ever appeared insisted, when prosecutors said they wanted an 18-count indictment—for fraud or anything else—"No, cut it down. The criminality can be adequately shown by far fewer counts." In my experience, at the end of cases that resulted in a conviction, other matters could often be taken into consideration with the consent of the defendant. Under the Domestic Violence, Crime and Victims Act 2004, where defendants do not agree to matters being taken into consideration, the judge may reach a decision on his own. I am at a loss, therefore, to understand how the Solicitor-General can argue that there is a problem of not showing full criminality, as we have all these important new provisions on the statute book—although I have a funny feeling that the relevant section of the 2004 Act has not yet been implemented, which is characteristic of this Government.

We must also have a sense of perspective. I am sure that there are many people who have committed all sorts of crimes—not just fraud—for which they have never been convicted. I am not particularly concerned about that if they are serving a long period of imprisonment for the crimes for which they have been convicted, and neither I suspect are the public. The truth is that in many cases people are convicted of specimen counts, and it is perfectly adequate for the sentencing that follows to reflect the overall criminality.

(cols 1106–7)

He continued his speech by looking at the issues relating to the length and complexity of fraud trials:

The Solicitor-General has tried to argue that there is something special about long and complex fraud trials, but there patently is not. I worked on a complex health and safety trial lasting many months, in which the jury had to consider technical, engineering material about a pontoon in Ramsgate harbour. Working models of the pontoon were brought into court so that jurors could look at them. I have been involved in other cases that required the same technical expertise, with experts coming to court to explain things to juries. Dozens of lever-arch files, often massive ones, had to be placed in the jury box. Such cases will not be covered by these proposals…

> From my personal experience, it is crystal clear that juries can be made to understand such material as long as matters are explained in layman's language, and most advocates should be, and are, capable of doing that. Help from the judge in summing up will also facilitate that. Therefore, I simply do not understand why we have suddenly identified this extraordinary category of evidence that is so complex that juries cannot deal with it.
>
> (col 1108)

After briefly discussing the review of the Jubilee Line case[14], Mr Grieve responded to the Government's argument that juries in long fraud trials may not be representative:

> I start to get seriously worried, because that argument could be used in respect of any jury panel that lasts more than 14 days.
>
> Indeed, as the Solicitor-General knows, that argument could also be used against the jury system altogether, because there are some people—Members of Parliament, for example—who are quite likely to be summoned to jury service and then released pretty quickly because of their other commitments, even after the changes that we introduced in the Criminal Justice Act 2003. For those reasons, that argument was one of the weakest put forward by the Solicitor-General.
>
> (col 1109)

In relation to the procedure that would be required where a judge sits alone in a fraud trial, Mr Grieve said:

> We have not heard about the procedure. Judges who are trying these cases will be judges of both law and fact. They will have material placed before them for their consideration that they may subsequently have to rule out of the evidence. They will receive representations and submissions in the course of the trial that jurors would not normally hear, and they will have to handle all those complexities in the course of the trial process. That is not a slight issue, and I am a little puzzled that the Solicitor-General has not provided us with greater detail about how the system would work in practice.
>
> (cols 1112–3)

The Shadow Atorney General concluded his speech by saying:

> I do not know where the force behind them comes from, but the evidence has been overwhelming in the past 10 years that this Government do not like juries or our present criminal justice system; believe in forms of parallel administrative justice; and are ready to cut corners with our civil liberties and the rights of defendants in order to achieve what they believe to be socially desirable objectives. The risk that the House runs is that supporting this

[14] Stephen Wooler, Chief Inspector, HM Crown Prosecution Service Inspectorate, *Review of the Investigation and Criminal Proceedings Relating to the Jubilee Line Case*, June 2006.

> measure will not reduce crime—which we should prioritise—but will undermine the criminal justice system and confidence in it. We would also open the door to getting rid of the jury system that, I and many other hon. Members profoundly believe, is one of the absolute underpinnings of our civil liberties. On that basis, there is no possibility of our supporting the measure and we will vote against it.
>
> (cols 1113–4)

The Liberal Democrat Shadow Secretary of State for Constitutional Affairs and Attorney General, Simon Hughes, started his response to the Bill by looking at previous attempts to alter trials by jury:

> This is the fifth round of this fight. The first and second rounds were fought on the Criminal Justice (Mode of Trial) Bill and the Criminal Justice (Mode of Trial) (No. 2) Bill in the previous Labour Administration; the third was fought in relation to the Criminal Justice Act 2003; and the fourth was a year ago, when the Government attempted to get into law an order under the Criminal Justice Act 2003.
>
> I note that the issue frequently comes around in November. I also note, with satisfaction, that the Government in the end do not get their way, and I anticipate that it will be the same in relation to this Bill. Even if we do not manage to defeat it today, or on Third Reading in this place after it has come back from Committee, I do not imagine that it will have any better chance of getting through the House of Lords than similar proposals have over the past six years.
>
> (col 1121)

Mr Hughes outlined his view of the participation of lay people in the criminal justice system:

> The idea built up over the years and centuries that lay members of the public participate as serious players in the criminal justice system—an idea that is hugely important in the law of England, Wales and Northern Ireland—is being undermined. There are three elements in that.
>
> The first is that this is a repeated serious attempt to take lay people, not professionals, out of the process of deciding guilt and innocence in serious cases. The second, rightly mentioned by the hon. Member for Beaconsfield [Dominic Grieve], is the movement—almost without announcement—to replace lay justices by paid professionals. More people are spotting this, and viewing it with increasing anger and frustration. The benefit of lay justice is that people who do other things and are properly representative of the community spend some of their time judging people in their community for lesser offences in the community. Increasingly we are seeing district judges—the old stipendiary magistrates—paid to do that job. It is a significant transition, about which many people are uncomfortable.

> The third element is the movement towards removing lay people from the criminal justice system altogether by offering more and more opportunities for people to buy their way out of justice through the fixed penalty notice system, whereby people never appear before a court at all. That may be entirely acceptable for someone who parks on a yellow line, which is an administrative matter that can be visibly dealt with, and for which guilt or innocence is difficult to dispute. It is wholly different from deciding whether someone has been assaulted in a scuffle on a Friday night outside the local pub.
>
> (col 1122)

Instead of changing the way in which serious fraud cases are tried, Simon Hughes thought that it was better to change the process and procedure. After citing a number of recent changes and initiatives, such as the protocol and practice directions issued in March 2005 by the then Lord Chief Justice, Lord Woolf, on the control and management of heavy fraud and other complex criminal cases, he said that "all the movement has been in the direction of improving procedures and no one has argued—although implicit suggestions may have been made to that affect—but changing the basis of trial from jury to judge would increase the rate of convictions. If that argument is going to be used, it risks becoming an argument that juries are not suitable to judge guilt or innocence generally" (col 1123). He continued:

> I think that the prerequisite for achieving what the Solicitor-General wants is to change procedures along the lines of the changes already made. My strongest argument against the Government on the procedure is to say that we have had three years of reviewing procedures and a year and a half since the new criminal procedures were introduced and the protocol was announced by the Lord Chief Justice. We have just enacted the Fraud Act 2006, though it is not yet fully in place. As the hon. Member for Beaconsfield [Mr Grieve] said, we enacted the Domestic Violence, Crime and Victims Act 2004—to give it its full name—in which there is a different process. There is a procedure for dealing with certain parts of someone's alleged criminality, such as severing or taking sample counts, at one stage and getting the rest dealt with later.
>
> It must be logical to let those changes work through the system. It must be logical to let the Fraud Act 2006 come into place. It must be logical for the Government to announce the results of the inter-governmental review, which might produce a proposal for a financial court. It would then be possible for what the Solicitor-General reasonably argues should happen to happen—for other defendants or other charges to be added to what can be presented to the court. It has never been the case that in non-fraud criminal trials, every single count has gone on the indictment. The reality, as assessed, is that many charges have been put to one side and there has been a conviction on the substantive charges. Pleas or other considerations can then either be taken into consideration or not. It is the same with serious predatory sexual offenders. They are not fully charged, in order to avoid the horror of bringing everybody to court to give evidence. One selectively charges, and convicts. That is enough to give a jury the evidence and to give the person a serious sentence at the end of it. I understand the objective, but the changes already initiated, the

changes announced but not yet implemented and the changes yet to be considered will all provide that opportunity.

(col 1124)

Mr Hughes outlined why those who were in favour of jury trials for all serious fraud cases should stand their ground:

> First, because there should be one form of trial for serious offences and one form of justice dispensed, for reasons that many people have given. A judgment by a single judge, with written reasons, for certain cases and a judgment by a jury, on the basis of guilty or not guilty, are different forms of justice. There is no logic to say that one person who has committed an offence should have a different form of justice from somebody else.
>
> The reality is that, however great the integrity of the judge, there will be suspicion. The more cases there are in which somebody is the judge of both the fact and the law—going in and out of all the questions about looking at documents and rejecting them, and rejecting evidence—the more cause for suspicion. There will be cause for suspicion where at the moment there is none. People know that all the evidence that is to be used to decide guilt or innocence will be seen or heard by the jury, and by everybody else in the court.
>
> Secondly, I have argued for many years, as have many people on the Liberal Democrat Benches, for votes of equal value in all parts of the country. This issue is about verdicts of equal value in all parts of the country. The principle is important. A verdict by a jury is much more conclusive, much more commanding of public confidence, and much more likely to stand and not be the subject of a considered appeal, than verdicts by judges alone.
>
> Thirdly—this point has been well made elsewhere—it is highly unacceptable that the professionals will be tried by the professionals, and the white-collar offender by the white-collar professional judge. That is not an acceptable way of dividing the way in which society administers its justice. It is the professionalisation of the justice system. That is against all our tradition, which has been very successful.
>
> Fourthly, to be blunt, there is much more confidence in juries than in judges. That is not because judges do not do an excellent job, but because the public trust their own. The most logical reason is this: in a jury, at least 10 people have to come to a view that the person is guilty. That is a much more satisfactory outcome than one person coming to a view that somebody is guilty. That is better not just for defendants and the public, but for judges. The answer to the point made by the hon. and learned Member for Medway (Mr Marshall-Andrews) that was being disputed—about saving judges from being the subject of any sort of corruptibility risk—is that jurors in long trials will do only one jury trial. They will be exempt for the rest of their lives and will not come back again. There is no point in their being a target, because they are not likely to be put in that position again. The same does not apply to judges. The situation is entirely different from that which applies in a civil

> case, where the same sort of people will not be enmeshed in the same sort of risk of losing their liberty for a long time.
>
> (col 1126)

He concluded his speech by saying:

> There is a strong constitutional tradition in this country that we depend on a robust Parliament with independence from the Executive—and robust judges, lay magistrates and juries that are independent of the Executive, too. On these Benches and elsewhere, we will defend the jury system. We believe that it works well, and with the new procedural changes it will work even better. The new improvements should be seen, tested, reviewed and allowed to take their time. In a few years' time Ministers will not have a case to argue, because necessary changes will have been made. It is not a necessary change to replace jurors—representatives of the great British public—with professional judges, and thus to change the whole nature of the way in which some people are tried, and tried entirely satisfactorily.
>
> (col 1127)

The Bill received a second reading, 289 votes to 219.

3. Report Stage

The report stage of the Fraud (Trials without a Jury) Bill in the House of Commons took place on 25th January 2007. There were five divisions in the course of the report stage, all of which were won by the Government.

The report stage began with a brief discussion of a Government amendment designed to make transitional arrangements, and was not divided upon (now clause 3 of HL Bill 31). The House then considered two amendments (new clauses 4 and 5) proposed by the Liberal Democrat Shadow Secretary of State for Constitutional Affairs and Attorney General, Simon Hughes. The purpose of both amendments was to amend section 43(5) of the Criminal Justice Act 2003, in order to make it more difficult for the conditions to be fulfilled under which a trial can take place in a serious fraud case without a jury. In tabling the amendments, Simon Hughes said:

> We do not believe that the move from jury to trial to non-jury trial is in the interests of justice. All we have sought to do is to improve the Bill for fear that we will lose the battle on it. We are fighting on two fronts. We will vote against Third Reading and we will seek to defeat the Bill in the House of Lords, which I suspect we will do because the combined numbers of my party, the Conservative party, Labour peers who oppose the Bill and Cross Benchers will, happily, be enough to do so. The Government will then have the option of revisiting the issue. However, if the Government eventually win the day— in theory, by using the Parliament Acts— we seek to protect people from the excesses of injustice that we see in the Bill.
>
> (HC *Hansard*, 25th January 2007, col 1581)

In relation to the first amendment in this group, Simon Hughes explained:

> New clause 4 would insert the following alternative wording:
>
> "The condition is the complexity of the trial or the length of the trial (or both) would be likely to make the trial so burdensome to the members of a jury hearing the trial that the interests of justice required that the trial should be conducted without a jury."
>
> The current law says that
>
> "serious consideration should be given to the question of whether the trial should be conducted without a jury".
>
> We say that the test needs to be firmer than that and as new clause 4 states, the law should state that the
>
> "interests of justice required that the trial should be conducted without a jury."
>
> The burden of making the case must fall on the Government. They are seeking to persuade us that there will be circumstances in which the interests of justice require that a trial be conducted without a jury, but so far we have not heard a strong argument from them in that regard.
>
> (col 1579)

In relation to the second amendment, Simon Hughes said:

> New clause 5 would insert a second, separate, protection into the Bill… It would add to the Bill a further test that serious consideration should be given to conducting the trial without a jury if the interests of justice require it
>
> "by reason of the complexity or length of the trial, or both, and their likely impact on the safety of the verdict".
>
> It is possible that a verdict might be thought to be less safe because of the mental or emotional state of the defendant or some of the witnesses or where the recollection was of events that happened a very long time ago. I am thinking of cases of which I or others have had experience.
>
> Usually, the safety of the verdict consideration is adequately answered by the judge's regular admonition to the members of the jury that they cannot convict until they are sure beyond any reasonable doubt. That is a high barrier. It is a hurdle that the English legal system has insisted on so that people are not convicted if there is a serious or reasonable doubt. I do not claim that there are many such cases, but the burden should lie on the Solicitor-General or other Ministers to explain why cases need to be taken away from juries and given to individual judges in the interests of justice.
>
> (cols 1582–3)

Mr Hughes concluded his speech by commenting:

> …We believe that juries should continue to be used in as many cases that come before the higher courts as possible, for three fundamental reasons.
>
> First, the system has worked very well historically. Secondly, it has the confidence of the public, as people trust lay magistrates and juries far more than they do professional lawyers and judges. Thirdly, there is no evidence that a two-tier justice system would not be regarded as one that did not give equal justice to everyone. Courts convict people and send them to prison, so they must be able to be relied on to reach the proper verdict for every defendant.
>
> We spend many days in the House talking about victims and about how we can make sure that the guilty are convicted more securely and effectively, but we must also make sure that our system has the confidence of the public and is fair to defendants. Our new clauses are designed to improve the Bill, although I hope that it does not become law. If we have to have a Bill like this, it needs to be made tougher, and that is what these new clauses aim to do.
>
> (col 1583)

Douglas Hogg, Conservative MP for Sleaford and North Hykeham, spoke in favour of new clause 5:

> …I am very much against this Bill. On the other hand, it will be carried through this House, and possibly through the House of Lords, although that may be unlikely. Our business, therefore, is to try and improve the Bill, even though we do not want it to make progress. It is in that spirit that I shall make my remarks.
>
> The Criminal Justice Act 2003 stipulates that the consideration that applies when determining whether a trial should be heard without a jury is whether its complexity and length would be burdensome to a jury, but the length and complexity of fraud cases are not peculiar to them. Cases involving terrorism and conspiracies, for example, or ones with many people accused of drugs offences are also long and complex. We are setting a dangerous precedent if we accept that it is only length or complexity that justifies a non-jury trial, because that is to create an argument—irresistible in logic—that the same conditions should be applied to non-fraud cases…
>
> Certainly, I can contemplate a test that is much more satisfactory than the one proposed by the Solicitor-General. Two options are presented in the new clauses—the Liberal Democrat version in new clause 4, or the version in new clause 5 that is supported by hon. Members from both main Opposition parties.
>
> The test that we propose would determine whether the interests of justice might require a non-jury trial.
>
> (cols 1583–4)

The Shadow Attorney General, Dominic Grieve, also spoke in support of new clause 5:

> I am delighted to hear the comments of my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr Hogg). Like him, I face a dilemma. The Bill is a bad piece of legislation. I explained that on Second Reading and in Committee. On occasion I have made some attempts to see if there is any way forward to a compromise in respect of how the trial process takes place and whether it can be independent of the judge's decision. I have not been successful. In this Bill it is particularly difficult. Any attempt, for example, to argue that we should have a special jury has been ruled out of order because on Second Reading we decided to dispense with juries. There is an all or nothing quality about the Bill.
>
> I agree with my right hon. and learned Friend that it is important, notwithstanding the distaste with which we view the legislation, to consider the situation if and when the Bill reaches the statute book and seek to mitigate as far as possible its worst effects…
>
> If we were to adopt new clause 5, it would have the merit that it would be rather difficult ever to have a trial without a jury because it would have to be

> argued before a judge that there was something about the complexity or length of the trial which made it likely that the safety of the verdict might be impaired. In such circumstances no trial without a jury, on the existing evidence that we have, would ever take place. That is why I commend the new clause.
>
> (cols 1585–6)

The Solicitor General, Mike O'Brien, responded to the debate on the amendments:

> New clauses 4 and 5 would both alter the conditions in sub-section 43 (5) of the Criminal Justice Act 2003. New clause 5… would require the legislation to be changed so that it no longer referred to the effect of the length and complexity of the trial in terms of the burden imposed on the jury and the interests of justice, but to the effect on the safety of the verdict… The Government do not accept that there will be any effect on the safety of the verdict. We think the judges are able to reach verdict and that they are able to reach verdicts that are safe.
>
> (col 1590)

The Liberal Democrat MP for Cambridge, David Howarth, intervened and said that he thought the Solicitor General had got the argument the wrong way around:

> The new clause is not about the safety of the verdict if there is a judge-only trial; it is about the safety of the verdict if there is a jury trial. The new clause attempts to put into place a rule that says that only if the safety of the verdict would be endangered in a jury trial should a jury trial be excluded. The Solicitor-General might be right to say that that would fundamentally change how the Bill works, but that is the intention behind the new clause.
>
> (cols 1590–1)

The Solicitor General answered Mr Howarth by saying: "The hon. Gentleman is right that that is the intention, but I was trying to deal with both sides of the argument: W what if there is a jury and what if a judge makes the decision. In our view, the safety of the verdict will be there in any event. We are looking at what the best conditions will be for the judge to decide whether it should be a jury or non-jury trial. We therefore need to look at both sides of the argument and our view is that it will be a safe verdict either way" (col 1591). The Shadow Attorney General asked why "if it is a safe verdict either way… are we passing this Bill?" (col 1591). The Solicitor General explained:

> As the hon. Gentleman knows very well, he has misinterpreted what I have just said. We were talking about the safety of the verdict and the verdict would be, no doubt, safe whether it was decided by a jury or a judge. The problem or mischief that we are addressing is how, over a considerable time, the process in serious and complex fraud trials has resulted in the courts and the prosecution, in particular, having to adopt a number of stratagems that have meant that the full culpability of the crime committed by particular individuals has not been exposed in court. That has been done by reducing the

> number of counts on the indictment so that all the counts that could have been put are not put, by dropping some of the less serious defendants out of the indictment so they never get punished, and by severing indictments so that we get two trials rather than one.
>
> (col 1591)

The Solicitor General also said that he thought new clause 5 was a wrecking amendment, as the Shadow Attorney General had said earlier that if the amendment was passed it was unlikely there would ever be a non-jury trial (col 1590). Mr Grieve refuted the argument and said: "The new clause is not a wrecking amendment. I reassure the Solicitor General that is designed to go to the very heart of the Government's concerns" (col 1591).

The Solicitor General went on to respond to arguments that the provisions relating to trials without a jury in serious fraud cases were a wedge in the jury system and would lead to further categories of trials being held without a jury, by distinguishing fraud cases from other long cases:

> There is no other area of criminal law that has had the history that complex and serious fraud cases have had. We have had the Auld[15] report and the Roskill[16] report. There has been legislation. We have had many meetings and discussions about this matter. No other area of the law has been subject to such lengthy debate over decades. The issue has a level of uniqueness that enables us to proceed with it. I can say clearly to… [those] who may have concerns that we see this as a unique issue. We do not see it as setting a general precedent. We believe that the Bill deals with a particular, unique problem to which attention has been drawn for a considerable time.
>
> (col 1594)

He emphasised his point by saying:

> We have nearly 30,000 jury trials in this country. We estimate that the Bill will affect some half a dozen of them. The idea that the jury system is about to collapse as a result of the Bill is ridiculous. We are dealing with a particular area in which there is a unique and long history of reports of a serious nature that have affected reforms across the criminal justice system. There has been a clear indication that the issue needs to be addressed.
>
> (col 1595)

At the end of the debate on these amendments, Simon Hughes withdrew new clause 4, and the House divided on new clause 5, with 190 MPs voting in favour and 278 MPs voting against the amendment.

---

[15] Lord Justice Auld, *A Review of the Criminal Courts in England and Wales*, September 2001.
[16] Lord Roskill, *Fraud Trials Committee Report*, 1986.

The second group of amendments considered by the House, contained a range of proposals including applications by the defence for certain fraud cases to be conducted without a jury (new clause 9), the duty to hear oral representations (new clause 10) and safeguards (new clause 11). The amendments were variously tabled by Conservative and Liberal Democrat MPs. In relation to new clause 9, Simon Hughes said that if an application for a trial without a jury could be made to a judge by the prosecution it should also be possible for the defence to make such an application:

> It could be argued that it would usually be to the advantage of the prosecution to go before a judge alone, because judges are—I do not mean this pejoratively—hardened in dealing with such cases, whereas juries are not. Members of a jury are unlikely ever to have done a long or difficult case before, and unlikely ever to have to do a jury case again, because they are usually exempt from jury service after serving on a long or difficult case. Jurors therefore come fresh to the case and give it their particular attention, never having served on a jury before.
>
> Many defendants, those representing them and their witnesses might think the system was unfair if it allowed only the prosecution to put the case for going before a judge alone. They might ask why they should not have the same right. There might be cases where a defendant preferred the case to be tried by a judge rather than a jury.
>
> (col 1603–4)

In his speech, Dominic Grieve also discussed the argument of fairness:

> In Committee—and even now—I found myself slightly torn on the matter. I believe in jury trials and I do not believe in the Bill, but I also believe in fairness. It seems to me that if a system is to be introduced by which a prosecutor can go to a judge on an application and argue that the defendant should be deprived of the opportunity of a trial by jury—notwithstanding the fact that the defendant may wish to have one—it is very difficult intellectually to argue that the defendant should not have a similar right if he does not wish to be subject to jury trial.
>
> That has had the effect of overcoming my initial reluctance, because the more I think about it—and if I have to contemplate the fact that the Bill will one day be on the statute book—the more I believe that it becomes apparent to anyone looking at the mechanisms that this has been produced entirely for the benefit of the prosecutor. In a sense, the proof of the pudding will be in the eating because if defendants wish to rely on jury trial and the prosecutor does not ask for them to be deprived of it, they will doubtless not make the application in the first place. For those reasons, I take the view that new clause 9—or, for that matter, new clause 13—could provide a minor improvement to this very bad Bill, which I do not support in principle.
>
> (col 1606)

The Solicitor General responded to the debate on the amendments and said that "a case could certainly be made for a more limited provision that would enable

defendants only in serious and complex fraud cases to wave jury trials, and we have given some real thought to that possibility… If we were to accept the new clause, there would probably—although not inevitably—be a certain number of further non-jury trials because a defendant had taken that option. I therefore took the view that we would not make this proposal" (cols 1612–3).

On the amendments relating to safeguards (new clauses 10 and 14), which dealt with representations made to the judge by the defendant, the Solicitor General said "the Government should not consider it necessary to prompt the Lord Chief Justice… to consider whether the parties have been given an opportunity to make representations… or to consider whether they should be given the opportunity to do so before him…" (col 1614). He went on to argue:

> I anticipate that the process is likely to be that, after a full oral hearing for the initial application, the head of criminal justice will determine whether a further oral hearing is required. That would be entirely a matter for him, in all circumstances. Sometimes, that further hearing would not be needed, but sometimes it might. I make no commitment on that: we believe that the matter is best left for the senior judiciary to determine. The oral hearing will take place before the initial judge, and that is the best place for it.
>
> (col 1614)

The House divided on new clause 11 on safeguards, with 171 MPs voting in favour of the amendment and 281 MPs voting against, and on new clause 13, which like new clause 9 concerned the application by defendants for certain fraud cases to be conducted without a jury, with 166 MPs voting in favour of the amendment and 282 MPs voting against.

The House then considered amendments relating to expert panels (new clause 15), which they did not divide on, and an attempt was made by Douglas Hogg to move an amendment to leave out clause 1 of the Fraud (Trials without a Jury) Bill, thereby retaining the affirmative resolution procedure for the implementation of section 43 of the Criminal Justice Act 2006. The House divided on this amendment, with 185 MPs voting in favour and 283 MPs voting against Mr Hogg's amendment.

Finally, the House divided on two Government amendments relating to jurisdiction and Northern Ireland (clauses 2 and 3), with 283 MPs voting in favour of the Government amendment and 184 MPs against.

The third reading followed immediately on from the report stage, with 281 MPs voting in favour of reading the Bill for a third time, and 246 MPs against reading the Bill for a third time.

4. Select Bibliography

Parliamentary Materials

House of Lords, Delegated Powers and Regulatory Reform Committee, 5th Report of Session 2006/07, HL Paper 44, 5th February 2007.

House of Lords, Select Committee on Merits of Statutory Instruments, Thirteenth Report of Session 2005/06, HL Paper 61, 10th November 2005.

House of Commons Standing Committee on Delegated Legislation, *Draft Criminal Justice Act 2003 (Commencement No 12 and Transitory Provisions) Order 2005*, 14th November 2005.

House of Commons Library

House of Commons Library, *The Fraud (Trials without a Jury) Bill 2006/07*, Research Paper 06/57: 23rd November 2006.

House of Commons Library, *The Auld Report: New Management Structure for the Criminal Courts,* Standard Note SN/HA/1845: 24th May 2002.

Serious Fraud Office

Serious Fraud Office, *Annual Report 2005/06*, 18th July 2006.

Serious Fraud Office, *Annual Report 2004/05*, 19th July 2005.

Serious Fraud Office, *Annual Report 2003/*04, 19th July 2004.

Serious Fraud Office, *Annual Report 2002/03*, 16th July 2003.

Serious Fraud Office, *Annual Report 2001/02*, 19th July 2002.

Other Papers

Attorney General's Office, *Fighting Fraud Together: The Government Response to the Fraud Review,* 15th March 2007.

Attorney General's Office, *Fraud Review: Final Report*, July 2006.

Attorney General's Office, *Recommendations of the Jubilee Line Case Review: Government Response*, 27th June 2006.

Stephen Wooler, Chief Inspector, HM Crown Prosecution Service Inspectorate, *Review of the Investigation and Criminal Proceedings relating to the Jubilee Line Case*, June 2006.

Clare Dyer, 'Goldsmith Fights to Save Plans for Non-jury Fraud Trials', in *Guardian*, 26th November 2005.

Sally Lloyd-Bostock, *Report on Interviews with Jurors in the Jubilee Line Case*, 12th October 2005.

Lord Chief Justice, Lord Woolf, *Protocol for the Control and Management of Heavy Fraud and Complex Criminal Cases*, March 2005.

Office for Criminal Justice Reform, *Trial Other Than By Jury, For Certain Serious Fraud Cases*, March 2005.

Lord Justice Auld, *A Review of the Criminal Courts in England and Wales*, September 2001.

Home Office, *Juries in Serious Fraud Trials*: *A Consultation Document*, February 1998.

Lord Roskill, *Fraud Trials Committee Report*, 1986.