

STATEMENT BY THE PRESIDENT OF THE QUEEN'S BENCH DIVISION AT THE HAND DOWN OF THE FULL JUDGMENT

21 May 2014

Operation Cotton

This is an application and appeal by the Financial Conduct Authority. It relates to a stay imposed by His Honour Judge Leonard Q.C. in the Crown Court at Southwark that effectively brought to an end the prosecution of an allegation of conspiracy to defraud and other offences in connection with a land banking scheme. For the reasons set out in the judgment which has been circulated to the parties in advance and which is available for the press and any interested member of the public, the application is granted and the appeal allowed.

The judge found that there was no realistic prospect of competent advocates with sufficient time to prepare being available in the foreseeable future and that the position was fixed. We conclude that these findings cannot be sustained and that he erred in reaching those conclusions. In those circumstances, we order that the proceedings on this indictment be resumed in the Crown Court.

The dispute between the Bar and the Lord Chancellor about the appropriate level of remuneration for very high cost cases is not one in which we could (or should) become involved and we do not do so. We have no doubt, however, that it is critical that there remains a thriving cadre of advocates capable of undertaking all types of publicly funded work and consider it of fundamental importance that the Ministry of Justice led by the Lord Chancellor and the professions continue to try to resolve the impasse that presently stands in the way of the delivery of justice in the most complex of cases.