

The Court of Appeal Criminal Division



Review of the Legal Year
2005 / 2006

Review of the period October 2005 to September 2006

Introduction

The year under review has been overshadowed by the death of Mr Justice Poole and the serious illness of Mr Justice Hunt, who died shortly before I wrote this introduction. Each was an outstanding criminal judge who gave valuable support to the work of this court and whose companionship was valued by those who sat with him. They are very sorely missed.

This is the tenth formal review of the work of the Court of Appeal (Criminal Division). As in previous years, the review chronicles the legislation to have had the greatest impact on the work of the court, the most significant decisions made by the court and its performance statistics. I am very pleased to see that this year's review records that the court has built on the achievements of the last legal year, particularly in the disposal of old cases and the reduction in the backlog of work.

This reduction has no doubt been assisted by a fall in the number of applications to appeal, but has been achieved against a backdrop of cases of arguably greater complexity than before. This is especially so in relation to sentencing, in which the court is constantly reminded of the "labyrinthine" nature of the legislation. This year has seen important decisions on the "dangerous offender" provisions of the Criminal Justice Act 2003, and on the effect of time spent on remand under the same Act.

The 2003 Act has also caused the court to revisit fundamental principles of the criminal law such as the circumstances in which a defendant might be tried for a second time for the same offence, and the admissibility of bad character and hearsay evidence. I am pleased to note that these new guideline decisions appear to have become familiar to practitioners and that they are now being cited in grounds of appeal.

The responsibilities which passed to me in April 2006 as a result of Constitutional Reform Act 2005 have inevitably led to a reduction in the time I have available to sit in the Criminal Division. However, I see it as crucial that as Lord Chief Justice I should continue to preside in as many important cases as possible, and I have endeavoured to do so. The same Act has also resulted in additional administrative work for others. Most particularly, as Head of Criminal Justice Sir Igor Judge has brought characteristic skill and energy to his new role, and has provided invaluable leadership.

I would like to pay tribute to Lord Justice Rose, Vice President until his retirement in April of this year. We are all much indebted to him for his contribution to the criminal law, and the importance of the work of the Rose Committee will further increase as the judiciary is called upon to scrutinise government proposals on criminal justice. We are fortunate to have Lord Justice Latham as his successor to continue his work both on that Committee and in the CACD.

I am pleased to welcome Lord Justice Hughes who has recently been appointed to the court. His extensive knowledge of the criminal justice system will boost the existing strength of the court and will assist in maintaining the quality of its judgments.

Finally, I would also like again this year to thank Master Venne, and his team of lawyers and support staff, who continue to do such excellent work in facilitating the efficient progress of cases through the Criminal Division. The judiciary is grateful to them all.

Lord Phillips
Lord Chief Justice of England and Wales

I Summary for the period October 2005 to September 2006

- I.1 The slight increase in conviction receipts in the last legal year did not signify a permanent reversal of the trend in the reduction of receipts. Both conviction and sentence applications decreased this year leading to a 10.6% reduction in the overall number of applications received during the period. Outstanding cases have however reduced overall by no less than 14.5%, demonstrating that the court has made significant improvements in reducing the backlog and processing cases through to conclusion, over and above the reduction in receipts. Annex A shows the trends for the last five years.
- I.2 The work of the court cannot be judged by looking at the number of receipts alone. A number of factors influence the Court's ability to progress cases. Case complexity, efficiency of parties in progressing cases, renewal rate of applications refused at single judge stage and judicial and administrative resources all influence the performance the court is able to deliver.
- I.3 There is evidence to demonstrate that cases coming before the court continue to become more complex.
- The average length of summing up has increased (234 folios as compared to 228 for 2004/2005).
 - The number of cases identified as being complex has increased by 2%.
 - Receipts of complex bills of cost (claims over £4,000) increased by 2% and claims over £10,000 rose by 6%.
- I.4 References from the Criminal Cases Review Commission decreased this year by 32% on last year (34 received in 2005/06 compared to 50 in 2004/05). The number of cases involved are small but continue to be among the most complex and weighty cases coming before the court, and often involve a great deal of preparatory work.
- I.5 The number of references from the Attorney-General under section 36 of the Criminal Justice Act 1988 (unduly lenient sentences) decreased slightly this year (133 applications received, as against 139 in 2004/05). The number of interlocutory appeals under section 9 of the Criminal Justice Act 1987 and section 35 of the Criminal Procedure and Investigations Act 1996 also decreased to 15 applications this year from 39 applications in 2004/05. These applications can be demanding on resources and are invariably heard within a matter of weeks or even days of receipt, as the Crown Court proceedings are suspended pending the outcome of the case here.
- I.6 As expected the area in which the court experienced an increase in applications was in relation to leave to appeal under the provisions of paragraph 14 of Schedule 22 to the Criminal Justice Act 2003 (appeal against minimum term for mandatory life sentence set by a High Court Judge in accordance with Schedule 22). 16 applications were received this year. There was a further increase in the number of applications under some other jurisdictions including 10 applications under Part 9 (sections 57 to 74) of the Criminal Justice Act 2003 and Part 66 of the Criminal Procedure Rules (Prosecution Rights of Appeal) and 41 applications under the Proceeds of Crime Act 2002.

- I.7 Progress in reducing waiting times has continued this year with conviction cases reduced from 14.1 months at the beginning of the year to 12 months against a target of 8 months and 5.7 months to 5.1 months for sentence cases against a target of 5 months. Annex B shows the average waiting times over the past year, as a rolling average taking account of all cases disposed of by the full court over the previous 12 months. The average waiting times do not therefore include the disposal times for those cases which are refused by the single judge and which are not subsequently renewed. If these “lapsed” cases are also taken into account then average waiting times for this year fall to 7.8 months for conviction and 2.7 months for sentence cases.
- I.8 There has been a fall in the number of cases dealt with by single judges over the year, as shown in Annex C. This is partly a consequence of the reduction in overall receipts but is also due to a greater proportion of cases by-passing the single judge either because leave is not required (e.g. CCRC references) or because the Registrar has referred the case directly to the full Court.
- I.9 Annex D shows the number of conviction and sentence appeals heard by the full court for the last five years. The graphs show that the number of cases heard increased on last year by 21.5% and 1.2% for conviction and sentence cases respectively. This has clearly contributed to the reduction in delay and is encouraging when the Court continues to have to spend time on applications ancillary to the case such as directions hearings.
- I.10 The proportion of all work which was heard by the full Court during the period is shown at Annex E. As in previous years we note the consistency of the Court’s decision making in terms of the rates at which leave to appeal is granted and the final results. This is further demonstrated in Annex F, which shows the number of conviction and sentence applications received and appeals allowed.
- I.11 The number of renewed conviction applications has fallen from last year, as has the number of grants and referrals, reflecting the fall in receipts, but the number of renewals has actually increased marginally as a proportion of the total number of conviction cases (from 52% to 53%). If the full Court grants leave on a renewed conviction application, the case then has to be prepared as an appeal, which involves briefing the prosecution and where a short form summary has been prepared, that has to be expanded. Often the Court will also give directions which need to be complied with before the matter is ready for the hearing of the appeal. Renewals therefore increase the workload of the Court and the rate of renewals has an impact on average waiting times. Annex G shows the rate of grants and renewals for conviction and sentence cases for the previous five years.
- I.12 Annex H shows the number of “old cases”, that is, conviction cases that are more than 8 months old and sentence cases more than 5 months old. The 24.6% reduction in conviction cases and 33.3% in sentence cases demonstrates the real effort made by the Court and its staff to deal with these often complex and time consuming cases.
- I.13 The number of outstanding summaries in conviction cases has fallen from 157 in 2004/05 to 103 in 2005/06, a reflection of the continued hard work and improved staffing levels of lawyers in the office. For sentence cases the number can fluctuate depending on the time of year and resources available. Overall during the last 12 month period the average number outstanding was 65, a slight increase on last year.

2 The work done by the Court of Appeal Criminal Division

- 2.1 The Court exists to determine individual appeals from the Crown Court and to provide guidance on the interpretation of criminal law and its procedures. The overall purpose is to maintain and promote public confidence in the criminal justice system. Often it is the Court of final appeal and its role is therefore vital in protecting the rights of the individual defendant from injustice and in maintaining the convictions of the guilty.
- 2.2 A typical application, after initial administrative and legal preparatory work, is considered by a single judge on the papers to determine whether leave to appeal is granted or refused. A number of conviction and sentence cases are allocated to Queen's Bench and some Family Division judges sitting in divisions of the RCJ and on Circuit. If the appeal is granted or renewed after refusal the case is prepared for determination by the full Court and a Criminal Appeal Office summary written.
- 2.3 The Court regularly sits in six constitutions, the number of courts available being limited to those courts which have a secure dock facility. The Court regularly convenes a seventh constitution which occupies the court room vacated by a constitution which has a reading day. In each three week constitution the judges have 4 days allocated as reading days.
- 2.4 The constitution of the Court usually consists of a Lord Justice sitting with two Justices of the High Court. Two judge courts comprising of two High Court Justices can hear certain cases limited by statute and by practice. Designated Circuit Judges also regularly sit as members of the Court and make an invaluable contribution to its work.
- 2.5 Judicial deployment and allocation of cases is a judicial function. The listing of cases is overseen on a daily basis by a senior listing officer in accordance with judicial requirements and under the supervision of the Registrar. Ensuring the best use of judicial time is a priority and creates a demanding role in an ever changing environment, for example the make up of a constitution can often change at short notice.
- 2.6 The number of cases heard by a Court in a typical day will vary considerably, depending on the nature of the cases listed, but a constitution may hear one to two straightforward appeals against conviction together with four to six sentence appeals in one day. If the Court is only hearing sentence appeals, as many as sixteen may be listed in one day. It should be noted however that there are a proportion of conviction appeals that can take up a number of days of the Court's time.
- 2.7 If the Court considers that an appeal raises a point of law of general public importance, it may certify a question for consideration by the House of Lords. Only then can it consider the question of leave. Each year approximately thirty points are certified in conviction and sentence appeals. In a small percentage of those cases leave to appeal is granted, either by this Court or the House of Lords and leads to a full hearing in the House of Lords.

2.8 The following table shows the number of days sat in court together with the number of reading days, reflecting the different types of constitution:

Year	Lord Justice		High Court Judge		Circuit Judge	
	CT	RD	CT	RD	CT	RD
2001-2002	676	266	1098	402	270	89
2002-2003	768	280	1295	496	229	88
2003-2004	798	339	1300	540	256	93
2004-2005	765	301	1317	496	194	94
2005-2006	758	287	1283	482	242	92

(CT = Court sittings, RD = reading days, including judgment writing)

The number of sitting days for Lord Justices and High Court Judges decreased by 2% on last year but the shortfall was covered by an increase in 25% in Circuit Judges sittings. This trend reflects the growing extra judicial duties required of, in particular, the Lord Justices, for example membership of the Judicial Appointments Commission.

2.9 This year the Court has continued to utilise new technology in appropriate cases, such as the use of video links to allow witnesses to give evidence remotely. This has proved successful and provides value for money in reducing the cost of bringing parties to the Court. It is hoped that in the longer term such links will be installed permanently in all the CACD courts to include links to the prisons. Work towards this aim is ongoing and we hope the benefits of this work will be realised by the end of the next legal year. We also anticipate an amendment to the Criminal Appeal Act 1968 which will enable a video link to equate as presence before the full Court.

3. Cases heard this year

- 3.1 The programme of implementation of the provisions of the Criminal Justice Act, 2003, continued to provide the Court with a good deal of work during the year.
- 3.2 In April, 2005, the so-called “Dangerous Offender” provisions contained in Part 12 Chapter 5 were brought into effect. In **Lang and others** [2005] EWCA Crim 2864 important guidance was given as to the circumstances in which the provisions applied and the manner of their application. The nature of the risk assessment required by the provisions was clearly elucidated. In **S and others** [2005] EWCA Crim 3616 further consideration was given to the provisions and, in particular, the starting date and expiration of the extension period when an extended sentence is imposed. The result of these two decisions is to explain to practitioners and sentencers complex and difficult provisions and to enable them to see how in practice the Court of Appeal has applied the principles it has enunciated in a wide variety of circumstances. The Court continues to deal with cases in which sentence was passed under the previous regime and those which encompass both the old and the new provisions, thus complicating the position further.
- 3.3 Another important practical change wrought by the Criminal Justice Act, 2003, is to place in the hands of the sentencing Judge the power to direct what (if any) proportion of time spent by an offender in custody on remand prior to sentencing should be taken into account when calculating the length of time he has to serve. In **Norman and others** [2006] EWCA Crim 1792 the Vice-President, Court of Appeal, Criminal Division, gave guidance as to how these provisions should be operated and how errors made in calculations might be rectified. Although in theory a simple change which passes this responsibility from the Secretary of State to the judiciary, it is fraught with practical problems, some of which the Court has attempted to identify and resolve.
- 3.4 The same Act also created new rights of appeal exercisable by the Crown. s58 permits the Crown to appeal against a ruling by a trial Judge which has the effect of terminating the trial. **C** [2005] EWCA Crim 3533 was concerned with the difficulties which beset the prosecutor where the defendant has been charged with rape and it cannot be shown with any certainty whether the act occurred before or after the coming into effect of the Sexual Offences Act, 2003, (on 1st May, 2004). Due to the omission of a transitional regime, in such circumstances a jury could not be satisfied whether the conduct alleged constituted the offence of rape under the Sexual Offences Act, 1956, (which was repealed) or under the Act of the same name of 2003, which could not have retroactive effect. A clause has been inserted in the Violent Crime Reduction Bill to remedy this unfortunate error.
- 3.5 Part 10 of the Criminal Justice Act, 2003, abolished the centuries-old rule against “double-jeopardy” which prevented an acquitted defendant from being tried a second time for the same offence. In relation to a limited class of very serious offences it permitted the Director of Public Prosecutions to apply to the Court of Appeal, Criminal Division, for leave to proceed against such a person where there was important new evidence not available at trial. Concomitant with this new jurisdiction is the power to restrict publicity. The first such application was received by the Court in February, 2006, and, in its initial consideration, the Court gave guidance as to

issues of publicity (**D** [2006] EWCA Crim 828). It both defined the procedure to be followed and explained the principles applicable. Later, the Court considered the substantive application to set aside the acquittal and permit a new trial. It accepted that there was new and compelling evidence and that it was in the interests of justice for the acquitted person to be retried (**Dunlop** [2006] EWCA Crim 1354). He has subsequently pleaded Guilty to murder.

- 3.6 In **Ashton & others** [2006] EWCA Crim 794, the Court handed down a judgment of wide significance in relation to procedural failures. Such do not, without more, invalidate what occurred. A legislative intention to invalidate what followed the failure must be established or, absent such, a real possibility of prejudice must be shown. In its own words, the judgment constituted “a significant departure from the way in which these issues have been dealt with and decided in the past, but we have no doubt that a new test and a new approach are now to be applied.” This new approach permitted the Court to uphold a conviction in circumstances where no indictment had been preferred and signed. In a subsequent case decided in accord with the new approach (**Clarke & McDaid** [2006] EWCA Crim 1196), a certificate that a point of law of general public importance was involved has been given.
- 3.7 In **James & Karimi** [2006] EWCA Crim 14, the Court made an important clarification of the Rules of Precedent by preferring to follow a decision of the Privy Council (**Attorney-General for Jersey v Holley** [2005] UKPC 23) concerning the partial defence of provocation in cases of murder rather than an earlier decision of the House of Lords (**Smith (Morgan)** [2000] UKHL 49) with which it was in conflict. Points were certified for the House of Lords which has subsequently refused leave to appeal. The result is that **Holley** now represents the law of England.
- 3.8 The House of Lords in **Saik** [2006] UKHL 18 established that mere suspicion was insufficient as the mental element where conspiracy to launder criminal proceeds was charged (although suspicion sufficed as the mental element in substantive money-laundering offences). Following that decision, in **Ramzan and others** [2006] EWCA Crim 1947 the Court restated its policy not to grant extensions of time or leave to appeal to enable those convicted prior to this clarification of the law to take advantage of it unless substantial injustice would result. It also reaffirmed the remarks made by the then Vice-President (Rose, L.J.) in **Kansal (No. 2)** [2001] EWCA Crim 1260 that the Criminal Cases Review Commission should take the Court’s declared policy into account in determining whether to exercise its power to refer a conviction to the Court.
- 3.9 The **Attorney-General’s References Nos. 14 and 15 of 2006 (French & Webster)** [2006] EWCA Crim 1335 were linked cases of considerable notoriety generating a great deal of media coverage. The facts were of horrifying depravity including the photographing by the female offender of several instances of rape of a baby by the male. The female offender was sentenced to an extended sentence of 10 years which was affirmed by the Court. The male offender’s sentence of life imprisonment was also affirmed but the Court increased the minimum term he was to be required to serve before making any application to be released on parole. The Court rejected the Attorney-General’s challenge to the manner in which the sentencing Judge had applied the Guideline on the Reduction in Sentence for a Guilty Plea. It confirmed that the Court’s practice in allowing a discount for so-called “double-jeopardy” was a matter of

discretion and, in the circumstances, determined that a reduction on this account would not be in the interests of justice.

- 3.10 In **Siddall & Brooke** [2006] EWCA Crim 1353 the Court gave guidance as to the manner in which appeals following references by the Criminal Cases Review Commission should be prepared by the parties. It also set out timetables which the parties and the Court should endeavour to attain.
- 3.11 In **G** [2006] EWCA Crim 821 the Court determined that ordinary principles of statutory construction imported into s5, SOA, 2003 (rape of a child under 13) no implication that the prosecution had to prove an absence of belief by the defendant that the victim was 13 or over. On its natural interpretation it was not incompatible with Art. 6, ECHR. Whether the prosecution of a defendant for such an offence breached Art. 8 was to be judged on the particular facts of each case. Points of law of general public importance have been certified for the House of Lords.
- 3.12 **Davis** and **Ellis and others** [2006] EWCA Crim 1155 were both cases in which the appellants had been convicted of murder on the evidence of persons whose identities were not revealed. The Court commented upon the alarming increase in gun-related crime and upon the expectation of the offenders that they should escape justice as a result of witnesses being frightened to come forward. After extensively reviewing both domestic and European authorities, in both cases it upheld the giving of evidence by witnesses who were permitted to remain wholly anonymous. In **Davis** a point has been certified for the House of Lords.

4. Legislative developments

- 4.1 During this period, a significant amount of the Court's work has been directed to the sentencing provisions in Part 12 of the Criminal Justice Act 2003 ("the Act") and in particular the provisions relating to 'dangerous offenders', in sections 224 to 229. Whilst traditionally, sentence applications have in general been considered to be less complex in terms of the legal issues raised than conviction applications, this view has been called into question as a result of the "labyrinthine" nature of the legislation (so described by Sir Christopher Rose, then Vice-President of the Court of Appeal Criminal Division, in the case of **Lang and others**, see para 3.2 above).
- 4.2 The bad character provisions in Part 11 of the Act continue to be raised in many applications before the Court. In November and December 2005 the Court gave guidance to supplement that in the earlier composite judgments on this issue (in **Renda and others** [2005] EWCA Crim 2826, and **Edwards and others** [2005] EWCA Crim 3244). The provisions appear to have become more familiar to practitioners and applicants frequently refer to the guideline judgments in their grounds of appeal. The Court has considered the hearsay provisions in Part 11 on a number of occasions and has given guidance on their applicability in, for example, **Xhabri** [2005] EWCA Crim 3135, **Singh** [2006] EWCA Crim 660 (in which a point of law was certified for the House of Lords, although leave was refused by the House of Lords) and **T** [2006] EWCA Crim 2006.
- 4.3 The right of the prosecution to appeal against 'terminating rulings', in Part 9 of the Act, is now being exercised with some regularity. The first application lodged with the Court, in December 2005, was brought by a local authority, arising out of a trading standards prosecution (**T**, [2005] EWCA Crim 3511). Most applications have unsurprisingly been from the Crown Prosecution Service but the Revenue and Customs Prosecution Office has been the appellant in one case. In July the Court heard the first prosecution appeal made ex parte and without notice to the defence (following a ruling by the trial judge ordering disclosure, which, had it been upheld, would have resulted in the Crown offering no evidence). This raised particular procedural and legal issues, not least how to decide the case so as to protect the interests of the defence. In the event, special counsel was appointed for this purpose. Although only eleven applications have been determined to date they are often dealt with within days of receipt in the office and have to take priority over other cases, particularly if the defendant is in custody and the jury is in waiting.
- 4.4 The first application for a re-trial following an acquittal, under Part 10 of the Act, was heard in June 2006 (**D**, [2006] EWCA Crim 1354) [See paragraph 3.5 above]. It is not anticipated that many of these applications will be lodged, given the stringent criteria to be applied, but the Court considered issues including what effect publicity and delay since the original acquittal may have on the interests of justice test, which will no doubt prove invaluable in any future cases.
- 4.5 Provisions in Part 7 of the Act, concerning trial without a jury, are now partially in force, although no applications have been received to date. Under section 46, a judge may order the discharge of a jury during a trial because jury tampering appears to have taken place and either order that the trial continue without the jury, or that a new trial take place without a

jury. There is a right of appeal against either order. Provisions permitting the prosecution to apply for a trial to be without a jury in serious fraud cases or where there is a danger of jury tampering are not yet in force.

- 4.6 A new right of appeal under section 74 of the Serious Organised Crime and Police Act 2005 was introduced on 1st April 2006. The Act permits a prosecutor to refer a defendant who pleaded guilty back to the Crown Court for sentence to be 'reviewed', if the defendant has entered into a formal agreement to give 'assistance' to the Crown and has had his sentence reduced as a result, but then has either failed to give assistance as promised or has given additional assistance. The sentence may be increased or decreased upon review. The defendant or the prosecutor then has the right to seek leave to appeal the revised sentence. It is not known how many cases may be subject to these provisions, or what the impact on the Court's work is likely to be.
- 4.7 It is anticipated that sections 17 to 19 of the Domestic Violence Crime and Victims Act 2004 will be brought into force in the near future. They provide for the prosecution of certain multiple offending to be conducted in two stages; with some counts on an indictment to be tried by the jury in the usual way, but with other, 'sample' counts to then be tried by judge alone, on any counts 'linked' to those on which the defendant is convicted. Any application for counts to be tried without a jury must be made at a preparatory hearing, from which an appeal lies. The existing rules in Part 65 of the Criminal Procedure Rules 2005 will apply to any such applications.
- 4.8 A comprehensive revision of the Criminal Procedure Rules which apply to the Court of Appeal Criminal Division is shortly to be undertaken, publication of which will coincide with the Court's centenary year in 2007. It is envisaged that the rules which are now to be found in Parts 65 to 73 of the Criminal Procedure Rules 2005 will be considered in one Part and where possible will be simplified and updated.

5. Criminal Appeal Office organisation

- 5.1 The Court is supported by the Registrar and the staff of the Criminal Appeal Office, comprising both legal and administrative personnel. The office is structured to provide maximum support to the judiciary in all aspects of the appeal process and to provide value for money as a public service.
- 5.2 The office has undergone a number of internal reviews and restructures over recent times and the benefit of this work can be seen in the continuing improvement in performance against a range of targets, especially in the reduction in time taken to process both conviction and sentence appeals.
- 5.3 During this period the CACD was subject to a wider review of the Royal Courts of Justice, whose remit was to make recommendations on the administrative structure of the RCJ group. The outcome of the review, pertaining to CACD, was to recommend that there be a single manager with responsibility for both divisions of the Court of Appeal. Currently the position is that the Criminal Appeal Office is grouped with the Administrative Court Office and the Civil Appeal Office stands alone. It remains to be seen what arrangements are finally decided upon, and what effect they may have on the work of the office.
- 5.4 The Court continues to look for ways to improve its processes and therefore its service to the public. Improvements to the court computer system to track cases and the provision of access to other computer systems, such as Xhibit in the Crown Court enable the Court to provide a more streamlined and efficient service. Other proposals for the future will be the installation of video links with the prisons to reduce prisoner movements reducing costs and delays in court. Another development this year has been the introduction of the Criminal Appeal Office bulletin which draws together all recent developments and is made available to all the judiciary and Criminal Appeal Office Lawyers.
- 5.5 This year the Criminal Appeal Office said farewell to Wendy Gillespie, Senior Listing Officer who retired in March. Wendy's service in the department extended to over 40 years, many of which were undertaken in the Criminal Appeal Office. Her commitment and contribution to the success of the administration of the court will be sadly missed. We welcome Linda Stanton as Wendy's replacement and Ann Lee who was appointed Group Manager in February 2006.
- 5.6 Accommodation issues continue to impede the operation of the administration despite the allocation of additional limited space within the RCJ. Difficulties in the recruitment and retention of staff have lead to a number of personnel movements and changes this year. These, together with financial constraints all have a bearing on the service the court is able to provide to its customers. One example of the pressures faced can be seen in the Costs Office which comprises of a small team of dedicated staff, whose role is to assess bills of costs from solicitors and barristers and other payments such as witness expenses. This team, despite a reduction in staff resources, has adapted to the changing circumstances and continues to provide an excellent service to its users. Other areas of the administration have also been affected by reductions in staff allocation and posts being eliminated as well as other budgetary constraints being imposed. Notwithstanding these challenges, the Court remains committed to offer a progressive and proactive service to all its customers.

6. Contacts

- 6.1 As in previous years the Registrar and deputy Registrar have hosted a number of overseas visits from both the judicial and academic fields. These visits help to build international contacts and understanding of the British legal system. In October 2005 the Registrar received a delegation from the Ethics and Governance Sub-Committee of the judiciary in Kenya and a delegation of judges from Northern Cyprus. In January 2006 Mr Justice Keane, Court of Appeal, Queensland visited. March 2006 hosted 3 visits, a Mexican delegation from the National Institute for Criminal Sciences, a group of Iraqi Army Lawyers and Mr Ahmad Abidin, Attorney General's Chambers in Malaysia. Associate chief Judge Brian Neal of the Provincial Court in Victoria, British Columbia visited in April and Mr John Pascoe, Chief Federal Magistrate of Federal Magistrates Court, Australia and students from Syracuse University visited in June 2006. The last visit was hosted in July when members of the Californian Bar were received by the deputy Registrar.
- 6.2 The CACD User group continues to be an important forum for the judiciary, senior support staff and court users to discuss new legislation, recent practice directions and the work of CACD and other CJS bodies.

7. Conclusion

- 7.1 Whilst there are, as ever, areas in which improvements can be made, the Court and its support staff has clearly made significant progress on its performance this year and will continue to adapt to new legislative and procedural initiatives to meet the challenges ahead.

Lord Phillips
Lord Chief Justice of England and Wales

Lord Justice Latham
Vice President of the Court of Appeal
Criminal Division

Annex A

Applications Received and Outstanding in Office

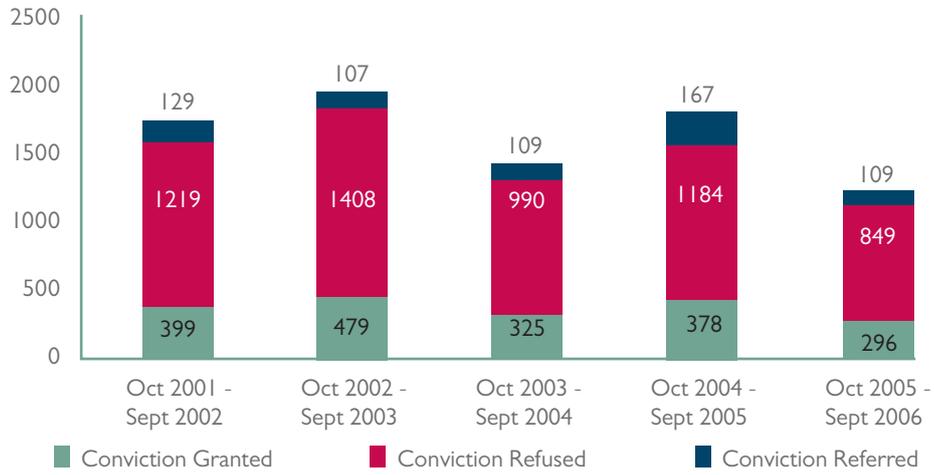


Annex B

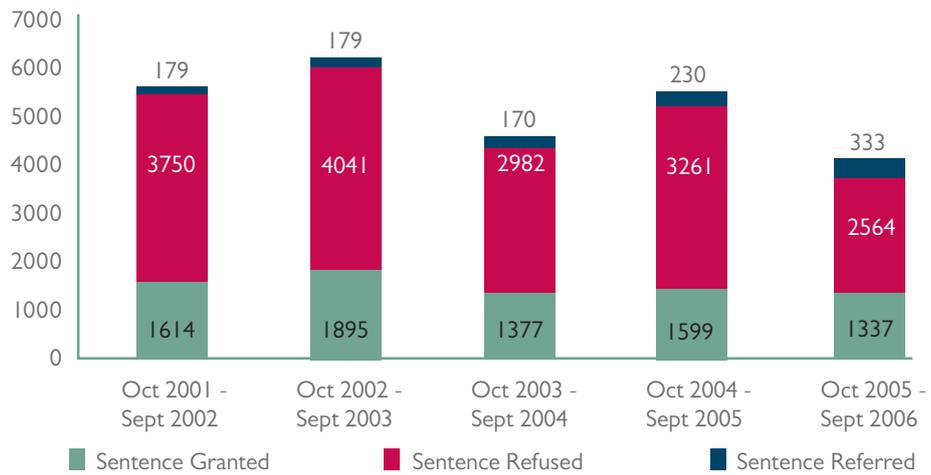
Average Waiting Times (in months) Rolling average of cases disposed by full court over previous 12 months



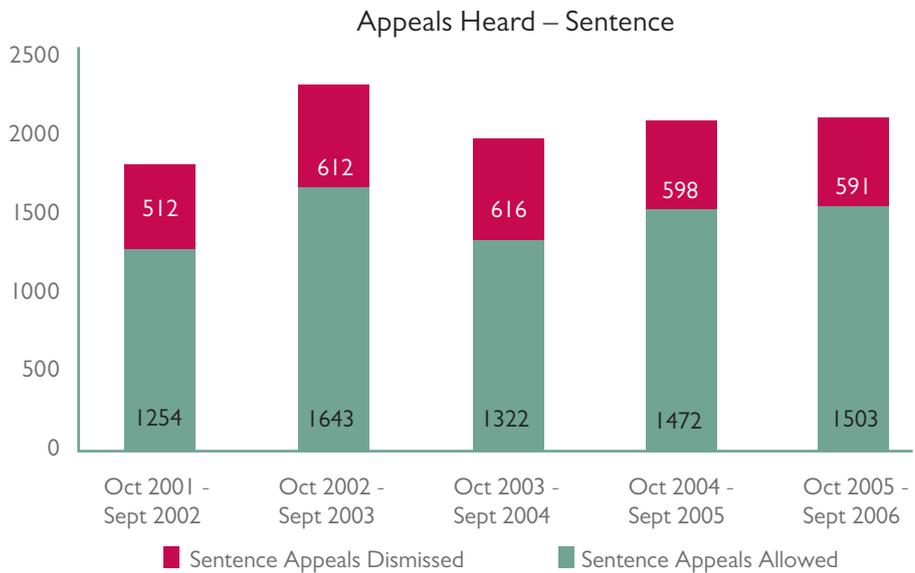
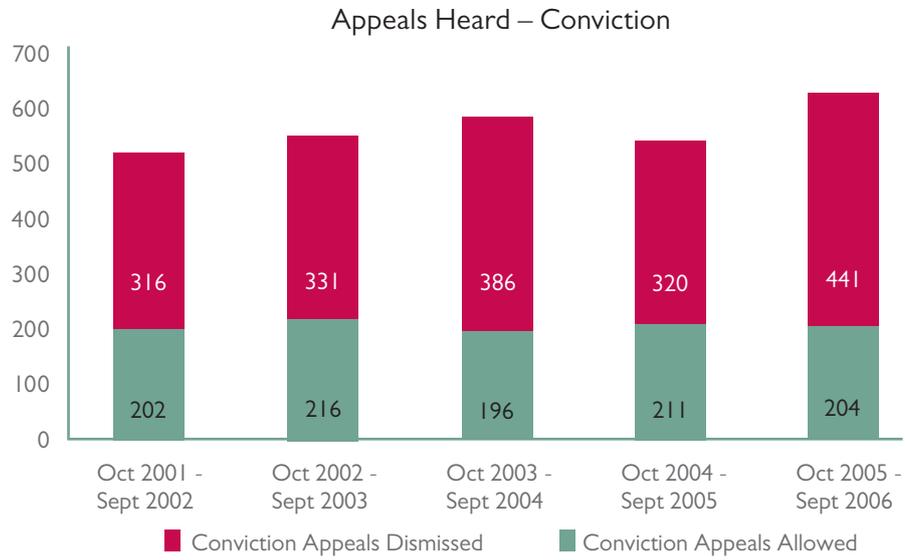
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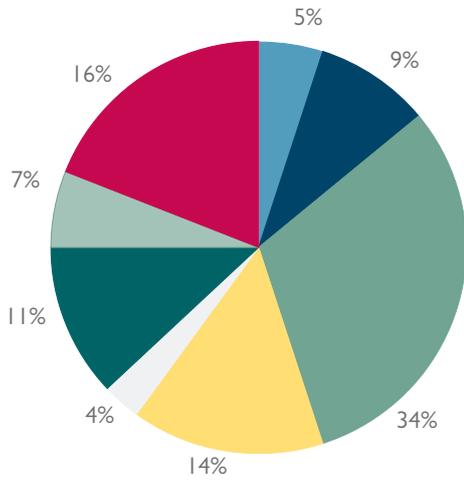
Section 3Is – Sentence Applications dealt with



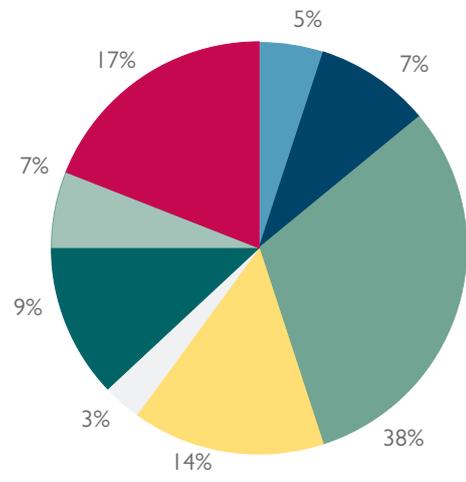
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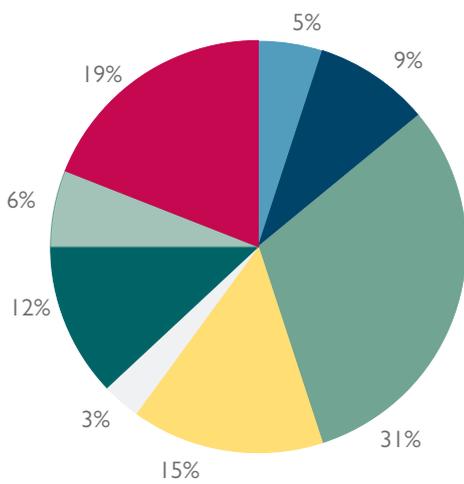
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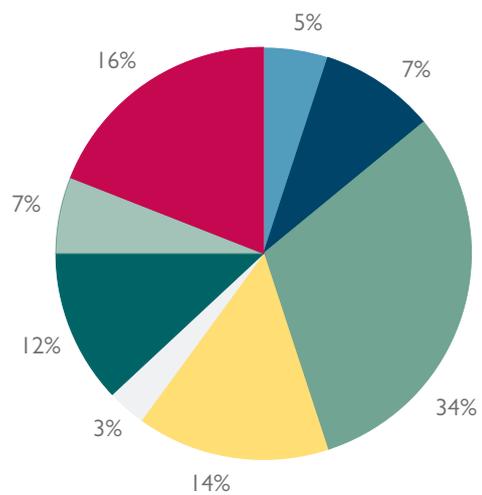
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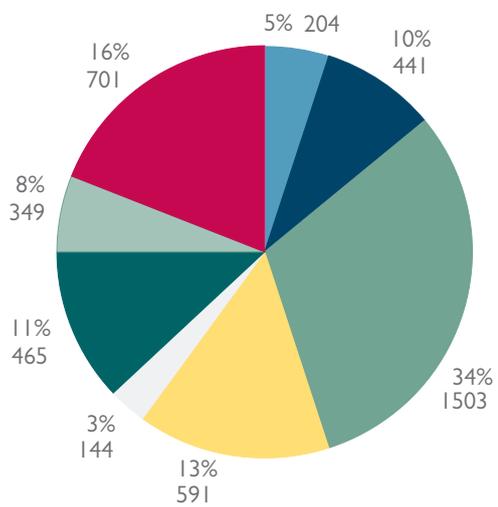
October 2003 - September 2004



October 2004 - September 2005

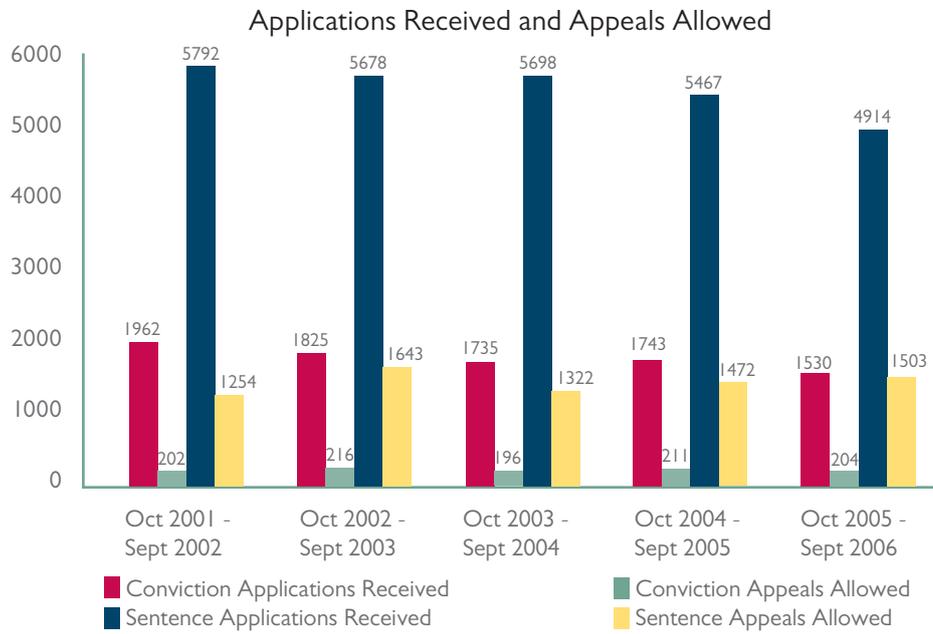


October 2005 - September 2006

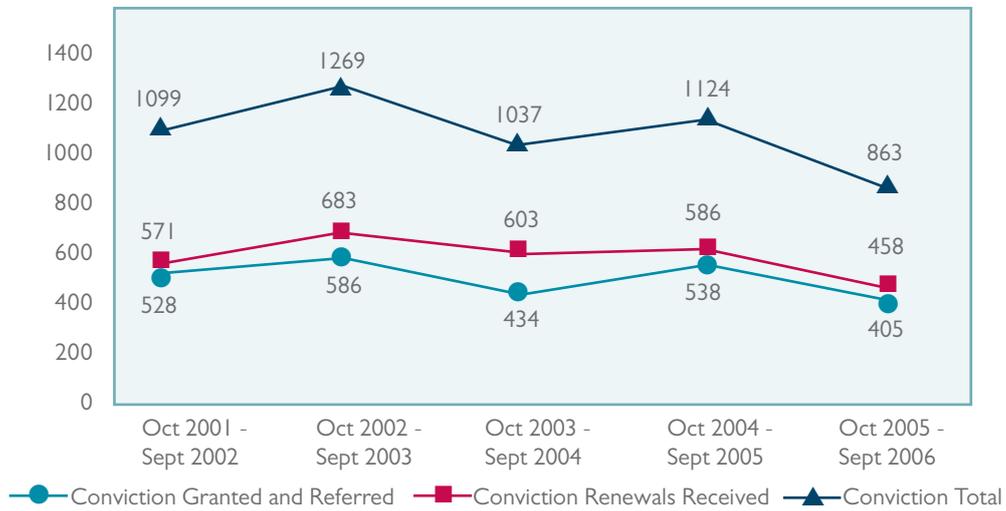


- Conviction Appeals Allowed
- Conviction Appeals Dismissed
- Sentence Appeals Allowed
- Sentence Appeals Dismissed
- Conviction Applications Granted
- Conviction Applications Refused
- Sentence Applications Granted
- Sentence Applications Refused

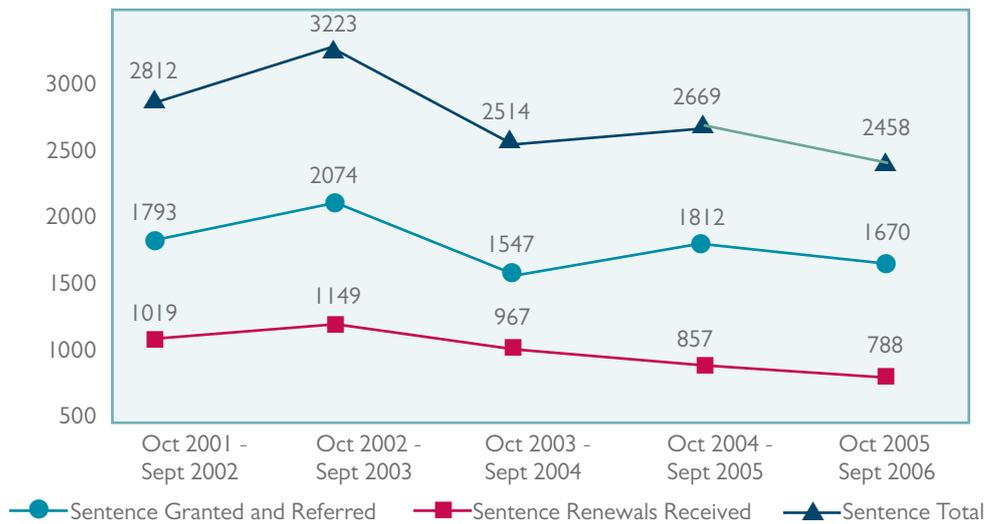
Annex F



Applications Granted / Referred and Renewals Received (Conviction)

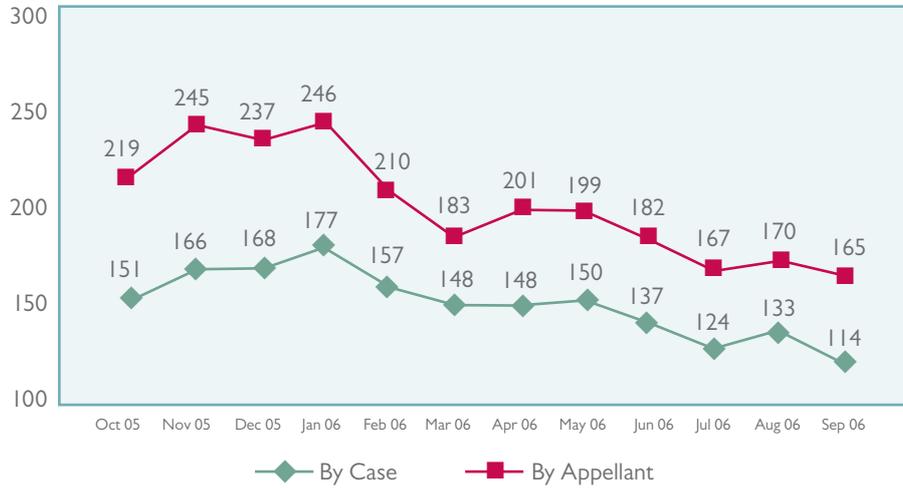


Applications Granted / Referred and Renewals Received (Sentence)

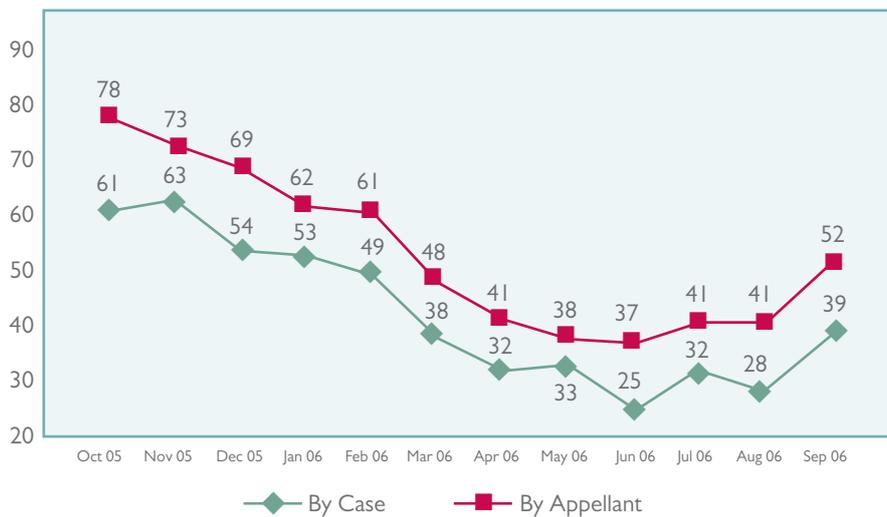


Annex H

Conviction Old Cases – Outstanding over 8 months



Sentence Old Cases – Outstanding over 5 months



The Court of Appeal
 Criminal Division
 Review of the Legal Year
 2005 / 2006