

COURTS AND TRIBUNALS BILL

REASONS WHY THE BILL'S JUDGE-ALONE PROPOSALS SHOULD BE REJECTED

INTRODUCTION

PAGES 1-2

- Categories of offences and recipe for judge-alone trials.
 - Bill to act retrospectively
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GENERAL AND PRINCIPLED REASONS FOR REJECTION

PAGES 3-4

- No proper notice or consultation - serving judges unable to express views
 - Importance of jury trial
 - Two-tier court system – leading to different systems of trial running parallel
 - Inequality – inherent injustices
 - Proposals will not save court time
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STRUCTURAL FLAWS

PAGES 5-12

1. THE SENTENCING DEVICE (Pages 5-9)
 - The 'three years or less' –
 - A flawed formula - unworkable and time-wasting
 - Allows government to by-pass jury trial – denies freedoms
 2. ACTUAL AND PERCEIVED UNFAIRNESS (Pages 10-11)
 - Judge alone trials –
 - Rules of evidence result in inevitable unfairness
 - Judges bound to keep themselves closeted from outside influences - practical unreality
 - Jury trial restrains poor professional conduct and unfairness
 3. VULNERABILITIES OF JUDICIARY (Pages 11-12)
 - Pressures, threats and dangers
 - Public confidence in criminal justice
 - Miscarriages of justice
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CONCLUSION – THE 'JUDGE ALONE' PROVISIONS ARE UNWORKABLE

PAGES 12-14

1. Complex and lengthy trials – how determine - unjustified by experience - drift into inquisitorial system.
 2. Where mode of trial dependent upon likely sentence – an unequal, unfair two-tier system of justice – gives rise to unacceptable anomalies - incapable of attracting public confidence
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