17 Available at www.odpm.gov.uk.
18 See note 17.
19 Available at: www.sea-info.net/SEA%20climate%20change%20final.pdf.
20 Dr Mark Tewdwr-Jones [2004] JPL May, p61.
21 Emissions trading works by allowing countries to buy and sell their agreed allowances of GHG emissions. Countries can obtain credits for activities that act as 'sinks' ie activities that can absorb carbon such as tree planting and soil conservation.
22 See also: www.unfccc.int/2860.php.
23 Kyoto Protocol to the UN FCCC, adopted at COP3 in Kyoto, Japan on 11 December 1997, article 3.1 (entered into force on 16 February 2005).
24 A summary of climate change litigation is available at: www.info.eclimatelaw.org.

PRISONERS

Recent developments in prison law – Part 1

Hamish Arnott, **Simon Creighton** and **Nancy Collins** continue the series of updates on the law relating to prisoners and their rights. This series is published in January and February, and in July and August. Part 1 of this update reviews recent developments in policy, legislation and case-law regarding life and determinate sentences and parole. Part 2 will review the recent developments in policy, legislation and case-law regarding prison discipline and conditions and categorisation, segregation and protected witness units.

LIFE SENTENCES

Parole reviews

■ **R (Girling) v (1) Parole Board and (2) Secretary of State for the Home Department**
[2005] EWHC 546 (Admin)

The status of the directions issued by the Home Secretary to the Parole Board and, tangentially, the Parole Board Rules 2004, were considered in this case. The applicant was a mandatory lifer who complained that a decision taken by the Parole Board not to release him was flawed as it had relied on directions issued to it by the Home Secretary in order to reach the decision. The claimant argued that the directions breached the Parole Board's judicial independence and were, therefore, in contravention of article 5(4) of the European Convention on Human Rights (the convention).

The first issue decided by the court was whether the Parole Board had acted unlawfully, on the particular facts of the case, by failing to attach appropriate weight to the claimant's serious medical condition when assessing risk. This part of the claim was dismissed with the court's finding that the Parole Board had made a proper assessment of risk. On a procedural level, the claimant's solicitors had not sought to adduce further evidence at the hearing on this issue, and there was no independent duty on the Parole Board to adjourn the proceedings in such circumstances.

On the question of whether the Parole Board's independence had been undermined, the court was shown that when discretionary lifers first had their release decisions judicialised by the Criminal Justice Act (CJA) 1991, the Home Secretary had accepted that it was no longer appropriate for him to issue directions on the factors relevant to release in that class of case. However, when mandatory lifers had their release brought within the Parole Board's remit in the CJA 2003, rather than rescinding the directions, the Home Secretary had chosen to extend them to cover all classes of life-sentenced prisoners.

When analysing the statutory authority for the issue of directions, the court was required to consider the provisions of CJA 1991 s32(6), which empower the Home Secretary to issue such directions. It was held that the proper construction of the statute must be that the directions are intended to be binding on the Parole Board. As it cannot be compatible with the Parole Board's judicial functions under article 5(4) of the convention to have directions issued to it by the executive, it was held that s32(6) could not have been intended to apply to the release of life-sentenced prisoners. Instead, the court found that the Parole Board was exercising a power derived from Crime (Sentences) Act 1997 s28(6)(b), which addresses the duty to direct the release of life-sentenced prisoners. However, there is no power to issue directions under this provision.

Having held that it was a breach of article 5(4) to compromise the Parole Board's judicial independence by issuing directions to it, the court went on to consider whether this had rendered the decision unlawful. The court decided that the directions were little more than common sense and so even though the Parole Board had acted mistakenly in believing that it was bound by them, this did not render an otherwise sensible decision unlawful. Walker J's conclusions are worth considering in full:

> *What are the consequences of this analysis? I have concluded that the letter of April 1993 was right [the letter withdrawing the directions for discretionary lifers], and that the stance now taken on applicability of s32(6) by the defendants is wrong, for under our domestic law that subsection does not empower the Home Secretary to give directions to the Parole Board as to matters to be taken into account in the exercise of judicial functions. However, this is not a case where either of the defendants has acted in bad faith or in any other way merited censure. The Parole Board has made an error in thinking that the Home Secretary's directions were legally applicable to this case and to other cases where the Parole Board's role is judicial. In this particular case that error has made no difference whatever to the course taken by the Parole Board: as noted above, I have dismissed the complaint about direction 7(b), and the claimant has accepted that he could not complain about the content of the remaining directions. On the facts of the present case the content of the directions has been innocuous. Indeed it is difficult to envisage a case where the content of the directions would be anything other than innocuous: they have plainly been drafted with great care, and so far as I can see they accurately reflect appropriate legal principles. That being so, and putting on one side the convention, I do not regard the error made by the Parole Board as vitiating the decision of 8 October 2004.* (para 79)

Comment: This decision emphasises the importance of the separation of powers in a field where the boundaries between executive and judicial control have changed over the past ten

years. Despite the gradual judicialisation of the life sentence, which concluded with the CJA 2003, the judgment is an important reminder of the blurring that still exists as a result of the failure of the Home Office to give proper consideration about how the Parole Board should be constituted now that it fills such a wide-ranging judicial role. The judgment touches on the possible infringement of article 5(4), arising from the fact that the Parole Board Rules 2004 are laid by the executive and not by statutory instrument: it also gives greater urgency to the proposals for future versions of the rules to be introduced in that way.

There are problems, however, with the reasoning in the judgment and the manner in which it applies to prisoners serving determinate prison sentences. The finding that the directions issued under CJA 1991 s32(6) cannot apply to the Parole Board's judicial functions has the potential to conflict with the manner in which the Lords analysed the Parole Board's judicial nature in *R v Parole Board ex p Smith and R v Parole Board ex p West* (see below). As the Lords considered that the Parole Board was fulfilling a judicial function in establishing whether determinate prisoners should be recalled to prison custody, the finding in *Girling* would seem to imply that it is impermissible to issue directions in those cases, even though there is no primary engagement on article 5 of the convention in the recall process and statute imposes the duty to decide on release on the Home Secretary. It is, therefore, possible that a more appropriate analysis would be that the Home Secretary can only issue directions when the Parole Board is acting in an advisory, as opposed to a directive, capacity. The distinction is that the Parole Board may be required to act judicially, even where it is, ultimately, only making recommendations which do not bind the executive.

■ **R (Bernard) v (1) Secretary of State for the Home Department (2) The Parole Board**
[2005] EWHC 452 (Admin)
The question of delay in the review of life-sentenced prisoners arising from the late provision of parole reports, and the difficulty in securing the attendance of witnesses, was considered in this case. Overall, there was an interval of over three years between concluded parole reviews. Much of the delay was attributable to the need for hearings to be deferred because the prison had failed to supply adequate reports. On one occasion, the prisoner needed a deferral to allow him to obtain an independent report and, thereafter, the Parole Board was forced to adjourn to obtain the results of tests on him. These tests took a very long time to be conducted due, among other things, to a lack of specialist equipment being available.

The court absolved the Parole Board of any responsibility for the delays. It took the view that the adjournments that the Parole Board had ordered were all necessary to ensure fairness for the claimant. In respect of the actions of the Prison Service, it was accepted that there were two short periods of delay attributable to the service's actions, amounting to six months in the total period. In relation to those periods, it was held that the delays did not lead to a longer period in prison (release having been refused by the Parole Board) and that the generalised feelings of distress suffered by the claimant were not sufficient to justify an award of damages under article 5(5) of the convention.

Comment: The decision on damages in this case reaffirms the restrictive approach taken in the mental health sphere in *R (Kb and others) v Mental Health Review Tribunal and Secretary of State for Health (Application)* [2003] EWHC 193 (Admin); [2004] QB 936. However, a more fundamental problem for prospective claimants, who have experienced delays in their parole reviews, arises from the judgment. On a number of occasions, the claimant was required to consent to, or apply for, adjournments of his case, as the reports were not adequate for a fair decision to be made. The judgment makes it clear that the duty to act fairly overrides the need for a speedy decision in such cases.

■ **R (Wright) v Secretary of State for the Home Department**
[2004] EWHC 3084 (Admin)
The issue of damages under article 5(5) of the convention was also considered in this case. The claimant, who was serving a mandatory life sentence, was seeking damages for the period of his detention before the enactment of the Human Rights Act (HRA) 1998. His claim was founded on the decision in *R (Richards) v Secretary of State for the Home Department* [2004] EWHC 93 (Admin). In *Richards*, a mandatory lifer had succeeded in establishing the principles that European Court of Human Rights' judgments will usually be considered to be retrospective in effect, and article 5(5) required there to be an enforceable right to damages for detention where there has been a breach of article 5(4), even if that detention is lawful in domestic law. In *Richards*, all the periods of detention post-dated the introduction of the HRA.

Although a number of arguments were raised by the claimant, it was accepted that if the court found against him on the first ground of defence, being that claims cannot be made in domestic law for breaches of convention rights in respect of events which pre-date the enactment of the HRA (see, for example, *Re McKerr* [2004] 1 WLR 807), there would be no need to determine the remainder of the application as it would be academic. The court held that the claim failed on the ground of retrospectivity, although permission to appeal was granted.

Minimum terms

The High Court is now beginning the task of (re)setting the minimum terms for life-sentenced prisoners under the transitional arrangements in the CJA 2003. The decisions are published on the Courts Service's website.[1]

In making these decisions, the High Court is empowered to hold oral hearings where it deems them to be necessary (see *R (Hammond) v Secretary of State for the Home Department* [2004] EWHC 2753 (Admin); January 2005 *Legal Action* 10). Although the High Court has referred a number of cases for oral hearings, the Legal Services Commission (LSC) has taken the view that there is no provision for representation at such hearings under the criminal defence contract and so it will not provide funding for representation. The LSC's decision on funding will not be reviewed until the House of Lords gives judgment in the Home Secretary's appeal against *Hammond* (this is currently listed for November 2005). There is a very obvious concern that the denial of funding for representation at sentencing hearings – where the Divisional Court has declared that hearings may be necessary as a point of principle and a High Court judge has decided a hearing is necessary on the particular facts of a case – is irrational and in breach of article 6 of the convention.

DETERMINATE SENTENCES

Early release of determinate sentence prisoners

Criminal Justice Act 2003
Most of the new legislative framework relating to sentencing set out in CJA 2003 Part 12 was brought into force on 4 April 2005 (see Criminal Justice Act 2003 (Commencement No 8 and Transitional and Saving Provisions) Order 2005 SI No 950). The new arrangements for release on licence come into force for offences committed on or after 4 April 2005. Those sentenced for offences committed before that date will still be subject to the early release provisions of

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There are now 6,000 prisoners serving life sentences and this figure is likely to increase when the sentence of indeterminate detention (CJA 2003) is introduced. In addition, there are growing numbers of prisoners serving extended sentences. All such prisoners have a right to an article 5(4) tribunal to determine their suitability for release.

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the CJA 1991. The key points to note are that:

■ Sentences of under 12 months are unchanged as the 'Custody Plus' sentence created by the CJA 2003 is not yet being brought into force (except for the intermittent custody pilot schemes that are still in operation). Those sentenced to less than 12 months therefore remain subject to unconditional release after serving half the term (although they are 'at risk' of being ordered to return to prison if sentenced for a further offence committed before the expiry of the total term).

■ For offences committed on or after 4 April 2005, the distinction between long and short term prisoners serving 12 months or more will disappear. All prisoners serving standard determinate sentences of 12 months or more (not including extended sentences) will be automatically released on licence at the halfway point of the sentence and the Parole Board will play no part in the release decision. Licences will remain in force for the entire length of the sentence.

■ The CJA 2003 introduces both a new indeterminate sentence for public protection to replace the automatic life sentence and a new form of extended sentence. In relation to the latter, offenders serve the entire custodial period unless released earlier on the Parole Board's recommendation.

Recall under the Criminal Justice Act 2003

The recall provisions of the CJA 2003 apply to all determinate sentences whenever the offences were committed. CJA 2003 s254 is largely in similar terms as the previous recall provision in CJA 1991 s39, except that the Parole Board now has no role in the initial decision to recall. This decision is now made solely on behalf of the Home Secretary by officials in the release and recall section of the National Offender Management Service, on a recommendation of the Probation Service.

Offenders are informed of their right to make representations against recall, and to have their cases referred to the Parole Board. If, on such a referral, the Parole Board recommends immediate release, this suggestion is binding on the Home Secretary (s254(4)). If immediate release is not recommended, the Parole Board must, unless there is less than 12 months to serve, either fix a future date for the offender's release on licence, or fix a date for the next review by the Parole Board (s256(1)).

When considering the recall of determinate sentence prisoners recalled to custody, the Parole Board operates under directions issued by the Home Secretary under CJA 2003 s239(6) (which re-enacts CJA 1991 s32(6)). New directions have been issued that still require the Parole Board to consider primarily whether:

> *a) the prisoner's continued liberty presents an unacceptable risk of a further offence being committed; or*
> *b) the prisoner has failed to comply with one or more of his or her licence conditions; and that failure suggests that the objectives of probation supervision have been undermined.*[2]

However, the new directions also mark a shift in emphasis from the previous ones: the old directions stated that the kind of offending sufficient to justify recall did not 'need to involve a risk to public safety'. By contrast the new directions state that 'The assumption is that the Parole Board will seek to re-release the prisoner or set a future re-release date in all cases where it is satisfied that the risk be safely managed in the community.' As the Parole Board is not required by article 5 of the convention to have the power to direct the release of determinate sentenced prisoners, there is nothing in *Girling* (see above) that means that the Parole Board is not bound by directions issued under CJA 2003 s239(6) in this context.

The procedure adopted by the Parole Board when considering the recall of determinate sentenced prisoners has been changed radically by the House of Lords' decision in *R v Parole Board ex p Smith and R v Parole Board ex p West* (see below).

Recall of determinate sentence prisoners

■ **R v Parole Board ex p Smith and R v Parole Board ex p West (conjoined appeals)**
[2005] UKHL 1

Two determinate sentence prisoners appealed to the House of Lords regarding the Parole Board's failure to hold an oral hearing when deciding on recall. W was serving a three-year sentence for affray. He was recalled in relation to a number of alleged licence breaches, which he denied. S was a long term prisoner serving a sentence of eight years for rape and threats to kill. After his release on licence, S was recalled to prison because of concerns over his renewed drug use. The Parole Board confirmed the recall of both offenders without holding an oral hearing.

The Lords were asked to consider whether the Parole Board was bound to consider representations against recall at an oral hearing on three bases, as follows:

■ that the recall to custody constituted either a criminal charge or the establishment of a civil right within the meaning of article 6 of the convention, which necessitated a hearing to comply with article 6(1); or, alternatively,

■ that article 5 was engaged by the recall and necessitated a hearing under article 5(4); and

■ the right to an oral hearing was argued to be part of the requirements of procedural fairness under common law.

The Lords were unanimous that recall did not involve the establishment of a criminal charge under article 6. This was because the decision to recall was not punitive, but to protect the public. Because of the finding on the common law right, Lord Bingham, with whom Lord Walker agreed, left open the question concerning whether the Parole Board were considering a civil right under article 6 in this context. Lords Slynn and Hope decided that consideration of recall to custody did not involve the establishment of a civil right. Lord Carswell expressed himself as agreeing with both Lords Bing-

ham and Hope, so his view about the civil right issue is unclear.

The Lords were also unanimous in deciding that, on the facts of the cases before them, the Parole Board had breached the appellants' right to a fair procedure under common law in the consideration of their recall because it had failed to hold an oral hearing. It was important to the reasoning in the case that although the Parole Board accepted, before the Lords' decision, that occasionally fairness would require an oral hearing, the evidence was that a hearing had been deemed necessary in only four of the 1,945 recall cases decided by the Parole Board between 1 April 2003 and 31 October 2004.

The Lords recognised that although a fixed-term prisoner who is recalled to prison continues to serve a sentence of imprisonment imposed as punishment by the court, a loss of his/her liberty is involved. This point was important in deciding what fairness required in terms of procedure. Furthermore, there were obvious reasons about why fairness might require a hearing rather than a paper review, most obviously where credibility was in issue. The Lords were also influenced by the fact that in many other common law jurisdictions it had been accepted, either in case-law or through the introduction of legislation, that fairness required an oral hearing when a parole licensee was recalled.

The Lords did not hold that a hearing was required in all cases. However, the circumstances in which they suggested one would be required were broad enough to ensure that hearings will be the norm rather than the exception. Lord Bingham stated that:

> *Even if important facts are not in dispute, they may be open to explanation or mitigation, or may lose some of their significance in the light of other new facts. While the board's task certainly is to assess risk, it may well be greatly assisted in discharging it (one way or the other) by exposure to the prisoner or the questioning of those who have dealt with him. It may often be very difficult to address effective representations without knowing the points that are troubling the decision-maker.* (para 35)

Lord Hope went further in stating that:

> *Assumptions based on general knowledge and experience tend to favour the official version as against that which the prisoner wishes to put forward. Denying the prisoner of the opportunity to put forward his own case may lead to a lack of focus on him as an individual. This can result in unfairness to him, however much care panel members may take to avoid this.* (para 66)

The Lords' decision on article 5 of the convention was more complicated:

- Only Lord Slynn held that the recall directly engaged article 5 (para 55);
- The other Lords agreed with Lord Bingham that the court's initial sentence in determinate sentence cases satisfies article 5(1) even where the offender is released and then recalled to custody (para 36);
- However, despite this apparent finding that an article 5(4) hearing was not required, in this context, to establish the legality of the detention under article 5(1), Lord Bingham, with whom the other Lords agreed, concluded that article 5(4) would be breached if the Parole Board failed to meet the standards of common law procedural fairness in discharging its statutory duty to decide whether recall was justified. There was, therefore, a breach of article 5(4) in relation to both appellants.

Comment: This decision has led to a large backlog of determinate sentence recall cases awaiting hearings before the Parole Board. The Parole Board has adopted a procedure that representations against recall are considered initially on the papers. If release is not to be recommended, the matter is referred to an oral hearing before a single member of the Parole Board, as opposed to a three-member panel as is the case with lifers.

The Parole Board has effectively recognised that the only practical way to deal with the decision is to offer a hearing in all cases where an initial consideration of representations is rejected. The decision does not cover initial release decisions of the Parole Board when deciding whether to release prisoners who are serving four years or more for offences committed before 4 April 2005, as the context of loss of liberty was key to the finding on procedural fairness. There will, of course, be exceptional cases where the Parole Board will need to offer oral hearings in such circumstances to meet the requirements of fairness.

■ **R (Irving) v The Parole Board**
[2004] EWHC 2863 (Admin)
The claimant was serving an eight-year sentence for robbery and indecent assault. At the time of his sentence he was diagnosed as suffering from paranoid ideation. The claimant was released automatically at the two-thirds point of his sentence, and was required to live in a hostel. On licence, he continued to exhibit paranoid symptoms, and threatened to damage the hostel office. As a result of this he was recalled to prison. The Parole Board upheld the recall on the basis that the offender's behaviour gave rise to a fear of risk of harm, and that this, accordingly, breached the licence requirements to be of good behaviour and not to do anything to jeopardise the objectives of supervision.

The decision was challenged in judicial review proceedings on the basis that the claimant's behaviour on licence was a result of his paranoia, the existence of which was known at the time of sentencing. In addition, it was argued that the statutory framework relating to recall properly required the assessed risk to the public to have increased since imposition of the sentence before recall could be justified. It was submitted that this was the only analysis consistent with a statutory right to automatic release on licence.

The court rejected this submission. Neither the provisions relating to recall nor the directions issued to the Parole Board required it to conclude that there had been an increase in risk. The Parole Board was required to consider only whether the risk of commission of further offences was 'unacceptable'. In any event, the judge found that, on the facts, the claimant had not been recalled because of the risk that existed on his release from custody, but because of further behaviour that had led the Parole Board to consider that the risk to the public was unacceptable.

Comment: This case is of concern as, if the risk to the public posed by an offender at sentencing is sufficient to justify recall following an automatic release date, then there is an argument that prisoners could have their licences revoked immediately on release. This could result in gate-arrest without the existence of any behaviour in breach of the licence. However, as the facts of the case show, it seems unlikely that such a course could, in reality, be adopted: both the licence conditions and the directions to the Parole Board emphasise that while recall is dependent on a risk assessment, it is actual breaches of licence conditions which will trigger recall.

■ **R (Irving) v London Probation Board**
[2005] EWHC 605 (Admin)
The same prisoner subsequently sought permission to bring a claim for judicial review against the Probation Service for failure to find a hostel placement suitable for his mental state. As a result of this failure, the Parole Board concluded that the prisoner could not safely be released. Permission was refused. The judge held that although Criminal Justice and Court Services Act 2000 s5 states that it is the 'function' of local probation Parole Boards, among other things, to

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'make arrangements for ensuring that sufficient provision is made' in their area for accommodation for those released on licence, this did not create a public law duty to individual prisoners to secure accommodation.

Key to this finding was the use of the word 'function', rather than 'duty' in the statute, and the fact that s5(8) provides that 'It is for the secretary of state to determine whether or not any provision made by a local probation Parole Board … is sufficient.' While this was not held to be an ouster of judicial review, the judge concluded that the statutory framework meant that it would only be in rare cases that a court should intervene in deciding whether sufficient provision for accommodation had been made.

Initial release of prisoners

■ **R (Tinney) v The Parole Board**
[2005] EWHC 863 (Admin)
The claimant was a prisoner serving an eight-year sentence for a series of armed robberies. The sentence imposed on the prisoner was extremely low as he had pleaded guilty and he had also given evidence against his co-defendants. These actions had resulted in the claimant having to be located in a protected witness unit. The Parole Board, when deciding whether the claimant should be released at the halfway point of the sentence, refused to release him on the basis that there was insufficient evidence that the risk to the public had been reduced to a level that would justify release. The claimant challenged the Parole Board's decision on the basis that it was insufficiently reasoned.

The judge quashed the Parole Board's decision. He applied the principle set out in *R v (1) The Parole Board and (2) Secretary of State for the Home Department ex p Oyston* (2000) 1 March, unreported, CA, that when giving reasons the Parole Board had to balance the risk to the public against the benefits to the prisoner of release as indicated in the directions issued to the Parole Board. In addition, the Parole Board should '… identify in broad terms the matters judged by the board as pointing towards and against a continuing risk of offending and the board's reasons for striking the balance as it does'. In this case, the Parole Board's reasons gave no indication about how the facts that the claimant had given evidence for the Crown, and had entered a witness protection programme so that his resettlement would be well away from previous associates, had been assessed as impacting on risk.

Licence conditions

■ **R (Miah) v Secretary of State for the Home Department**
[2004] EWHC 2569 (Admin)
The claimant was a prisoner serving a sentence of less than four years who was recalled following his release on licence at the halfway point of the sentence. He was transferred to a special hospital under Mental Health Act (MHA) 1983 s47 before his release date at the three-quarters point of the sentence. No restriction order was made under MHA 1983 s41. He was subsequently released on the direction of a Mental Health Review Tribunal (MHRT), but subsequently recalled to prison for further breaches of licence conditions that were alleged to have occurred while in the special hospital. The claimant argued that the effect of the transfer under s47, if not coupled with a restriction order under s41, was to bring the sentence of imprisonment to an end. Therefore, where an MHRT subsequently directed release there was no further power to recall for breach of licence conditions.

The judge rejected the claim for judicial review of the decision to recall. He accepted that the sentence of imprisonment continued to run. He also concluded that the purpose of the imposition of a restriction direction under s41 was not to achieve this effect, but to allow, among other things, the Home Secretary to retain a power of veto over key decisions affecting the management of a transferred offender.

■ **R (Davies) v Secretary of State for the Home Department**
[2005] EWCA Civ 461
The claimant received a 30-month prison sentence for offences of deception and burglary. He served the whole of the sentence (it seems because of the effect of having received additional days as punishment for offences against prison discipline). Because of the claimant's age when released, he was subject to the minimum three months' licence supervision, imposed under CJA 1991 s65 on those released while under 22 years of age, notwithstanding the fact that the sentence imposed by the court had come to an end.

The claimant challenged the automatic imposition of a licence in these circumstances in judicial review proceedings. He claimed that the imposition constituted a breach of article 5 of the convention. The Court of Appeal rejected his claim. It held that the imposition of the licence which, on the facts of this case, allowed the Home Secretary to direct that the offender resides at a hostel and not leave it unescorted, constituted a restriction of, but not a deprivation of, liberty such as to bring it within article 5. CJA 1991 s65(6) states that breach of the licence imposed is only punishable following on summary conviction. Therefore, the offender is not subject to executive recall during the three-month period. Although these latter points do not appear in the Court of Appeal's judgment, they are important to the finding in this case.

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1 At: www.hmcourts-service.gov.uk.
2 *Directions to the Parole Board under Section 239(6) of the Criminal Justice Act 2003*, available attached to Probation Circular 16/2005 at: www.probation.homeoffice.gov.uk.