

IN THE CROWN COURT AT INNER LONDON

BETWEEN:

AHMED BALOGUN and others

Appellants

v

HIGHBURY CORNER JUSTICES

Respondent

**SKELETON SUBMISSIONS ON
BEHALF OF THE RESPONDENT**

1. The six Appellants were found to be in contempt of court, pursuant to Section 12 of the Contempt of Court Act 1981 ("the 1981 Act"), on the 6th January 2003. Mr Balogun received a sentence of 7 days imprisonment. The five other Appellants received sentences of 5 days imprisonment.
2. The Appellants have now appealed to the Crown Court against both conviction and sentence.
3. It is accepted by the Respondent that the Crown Court has the jurisdiction to hear any appeal against sentence in the present appeal.

37

f

4. It is respectfully submitted that the Crown Court has no jurisdiction to hear an appeal against conviction. Section 12(5) of the 1981 Act (copy attached) reads as follows (the italics are mine):

"The following provisions of the Magistrates' Courts Act 1980 apply in relation to an order under this section as they apply *in relation to a sentence* on conviction or finding of guilty of an offence, namely: ... section 108 (appeal to Crown Court)..."

In this context, "finding of guilt" means the same as conviction. It is merely the form of words to be used in relation to children and young persons dealt with summarily (pursuant to section 59 of the Children and Young Persons Act 1933).

5. Section 108 of the 1980 Act provides for appeal to the Crown Court against both conviction and sentence. However, it is clear from the wording of section 12(5) of the 1981 Act that in the case of contempt of court, only the sentence may be so appealed. This was the conclusion reached by the Divisional Court in *R v Havant Justices, ex parte Palmer* (1985) 149 JP 609 at 612-3 (copy attached). Although strictly *obiter*, the point was considered at some length by May LJ.

~~SECRET~~

38

6. The usual forum for appeals against findings of contempt from inferior courts is the High Court. However, this will not apply in the present case (see section 13(5) of the Administration of Justice Act 1960, copy attached).

7. In conclusion, it is respectfully submitted that this Court has no jurisdiction to hear the appeals against conviction. The Appellants, should they wish to reverse these findings, must apply to the High Court for judicial review of the findings of contempt in the Magistrates Court on the 6th January 2003.

James Lofthouse

55 Temple Chambers
Temple Avenue
London EC4Y 0HP

7th January 2003.