

evidence of bad character has changed. Further the recent authorities on abuse of process have looked more towards the prejudice caused to the defendant by any promise made by the prosecution or by any delay in proceedings.

In my opinion had the original complaints been referred to the CPS today, it is likely that authority would have been given to charge "S".

However in my opinion the advise of PL Watson based on the law as it then was cannot be faulted.

Andrew Mackintosh
Senior Crown Advocate.
15/11/12