

not admissible for the purpose of proving such an assault on any of the others.'

The passage cites *Flack* in support of this proposition.

Analysis of the DPP's advice in 1970

56. It was against this background that then DPP Sir Norman Skelhorn advised the Chief Constable of Lancashire Constabulary regarding the allegations against CS (RELATIVITY REFERENCE CPS002711). The two paragraph letter of advice of 19 March 1970 bears little resemblance to the reasoned opinions required of those making charging decisions today. However it is clear that the DPP placed reliance on the apparent lack of corroboration, staleness and unreliability of the complainants' characters.
57. With respect to the issue of corroboration, it must be acknowledged that the practical effect of routinely warning juries against convicting defendants based on uncorroborated evidence was that the evidential threshold for charging was higher than today, as prosecutors took into account that juries would be less likely to convict than in other cases (they were warned against it without corroboration).
58. However, based on the limited information available to me, I have concluded that, had he considered the overall evidential picture including CS' claims of innocent association, together with the judgments in *R v Sims* and *R v Flack*, it is difficult to see how he would have come to any other conclusion but that there was indeed corroboration of the complainants' accounts, or at the least a good arguable case that that was the position. However I acknowledge that the position was not as clear before *R v. Kilbourne* (as demonstrated by the passage from Phipson, 11th edition).
59. I do not know whether the DPP considered that there was a danger that there had been collusion amongst the complainants and that they were therefore not in that sense independent of each other. Certainly he did not mention this as a reason for concluding that the individual complainants were "completely without corroboration" and we know that Mr Watson, who was examining much the same material, thought that there was no such evidence or inference that that was the case.
60. It is right that five of the victims had, to a greater or lesser degree, criminal records for offences of dishonesty. I do not know whether this was a factor that might have been