

105. In other respects, Mr Watson's approach to "corroboration" of the complainants' accounts (he said there was none) is open to criticism, although he nevertheless concluded in 1998 that the evidential test was satisfied, that is, that the evidence presented to him from the complainants and from the surrounding circumstances provided a realistic prospect of a conviction. It is also right that he did point to the fact that "the prosecution case is not founded upon a single assertion by a single complainant, but by eight separate complainants giving virtually the same account." He therefore expressed the view that the fact that there were a number of complainants strengthened the overall case.
106. In his 1999 further advice, Mr Watson considered the two additional complainants separately and independent of the eight witnesses which were the subject of the 1998 advice. He should have considered them in the light of the overall evidential picture. However he pointed out, correctly, that the position of one of the complainants was complicated by the fact that he had made an affidavit to a newspaper and no statement to the police, and by the fact that he had been in contact with CS following the abuse. In respect of the second witness, he was correct in his assessment that the evidence did not display a criminal offence. However in my view he should have concluded that arguably the witness's evidence would nevertheless have been admissible in rebuttal of SC's claim that he had had only an innocent (non-criminal) association with the complainants.
107. In respect of the overall impression that Mr Watson provides in respect of the witnesses, he expressed sympathy for their position (over the years and as at 1998/99). He acknowledged the potential explanation for the fact that no complaints had been made earlier – namely CS's influence and position in Rochdale and the local community, and that the witnesses were most likely embarrassed at the time to complain. He expressed regret for the fact that when complaints were made by the witnesses they were largely not acted upon. I note also that overall he found the witnesses credible.
108. In summary, the description by Andrew Mackintosh in 2012 that Mr Watson's advice "cannot be faulted" is not wholly accurate; there are criticisms that can properly be made of the approach by Mr Watson in 1998/99. However his analysis of the law at the time regarding abuse of process appears to be broadly correct and, while other lawyers might have opted to charge CS and allow a Judge to decide on any application by CS's

legal representatives to stay the proceedings, I am satisfied that there was a legal justification for his conclusions at that time.

## **HOW PROSECUTORIAL CULTURE, POLICY AND LAW HAS SHIFTED IN THE PERIOD BETWEEN 1986 TO DATE AS FAR AS ALLEGATIONS OF CHILD SEXUAL ABUSE ARE CONCERNED**

### **The Development of the Code for Crown Prosecutors**

109. Section 10 of the Prosecution of Offences Act 1985 requires the DPP to issue guidance on the general principles that Crown Prosecutors must apply when making decisions about prosecutions, in particular the decision to charge a suspect with a criminal offence. The first Code for Crown Prosecutors was published in 1986. To date, seven editions of the Code have been produced, the most recent of which was issued in January 2013.
110. The Code is designed to be used on a daily basis by prosecutors who make decisions not on behalf of any individual or state agency, but on behalf of the public interest as a whole. In order for the Code adequately to reflect the public interest, it needs to be fair and representative of society and reflect the concerns of criminal justice system users as well as the public, as a whole. For that reason, the Code is kept under continual review and is regularly revised to keep step with legal and social developments.
111. The preparation of each revision today includes a wide ranging public consultation. The Code of Practice in Consultation requires that prior to finalising a new version of the Code, the service must first publicly consult upon the proposals. For example, the current edition of the Code was published in January 2013 which followed a three month consultation from July 2012 to October 2012.
112. As will become clear from the information below, the Codes reflect the law as it is at that time and must reflect changes not only in the law as implemented by Parliament and as developed and explained by the Courts (in particular by the Supreme Court (formerly House of Lords), The Court of Appeal (Criminal Division) and the Administrative Court), but also changes as a result of public interest concerns.