

High Court gives women right to challenge by-laws

TWO Greenham Common women today won the right to challenge in court the validity of local by-laws used to keep trespassers off the RAF base where cruise missiles are stationed.

Jean Hutchinson and Georgina Smith were convicted at Newbury Magistrates' Court in July last year of an offence under the RAF Greenham Common by-laws, which state that no-one must enter the protected area without authority.

They appealed against their conviction to Reading Crown Court on the ground that the by-laws were invalid because they took away rights of common.

Judge Lait held that neither the magistrates nor the Crown Court, in re-hearing cases by way of appeal, had jurisdiction to inquire into the validity of a by-law. He adjourned the appeal hearing for that issue of validity to be decided by way of judicial review in the High Court.

Today, Lord Justice Lloyd and Mr Justice Mann granted the two women a court order directing Reading Crown Court to hear and determine whether the by-laws are valid. The women were awarded costs against the Crown Prosecution Service.

Giving judgement, Lord Justice Lloyd said magistrates were not only entitled but bound to inquire when a defendant relied on the invalidity of a by-law by way of defence.

He described as "fanciful" a prosecution argument that it was an abuse of the process of the court for a defendant to challenge the validity of a by-law under which he was charged except by way of separate proceedings in the High Court.

It was the Crown Prosecution Service, not the two women, who had invoked the court process, he said.

The judge said he understood the prosecution's anxiety to obtain a decision of the High Court on the validity of the by-laws which would be binding on all lower courts.

But the solution lay along "traditional lines," he said.

The prosecution should wait until a decision went against them and then appeal to the High Court by way of case stated. This, he said, would be just as quick, and no more expensive, than

NEWBURY WEEKLY NEWS

August 6, 1987

an application for judicial review.

Judicial review, he said, was not to be used as a means of obtaining a decision on a question of law in advance of the hearing. However convenient this might be from the point of view of the Crown Prosecution Service, such procedure could be introduced only by legislation.

The High Court granted a similar order to Mr Ian Lee, of Hayscastle, Haverfordwest, Dyfed, requiring Devizes Magistrates' Court to consider the validity of the 1970 Bulford Ranges by-laws. Mr Lee had pleaded not guilty to entering, without permission, the Bulford Range Danger Area, at Bulford, Wilts. He challenged the validity of the by-laws.

Trident missile misses target

THE DAILY TELEGRAPH
TUESDAY, AUGUST 25, 1987

A Trident 1 missile launched from a submarine crashed short of its Atlantic Ocean target because of a failure in its re-entry system, the US Navy reported yesterday. The unarmed missile was launched early on Monday from the submarine Daniel Boone, submerged several miles off Cape Canaveral.

The navy statement said the missile performed normally during launch, ignition and powered flight until a failure in the third stage re-entry system caused it to fall short of its intended trajectory. — AP

Trespass case dismissed

THE GUARDIAN

Tuesday August 18 1987

Three women had charges of trespass on Ministry of Defence property dismissed yesterday by Devizes magistrates when army witnesses failed to appear.

Sarah Graham, Katrina Howse and Elizabeth Junor were accused of trespassing on the Larkhill range, Salisbury Plain.

Applying for her costs, Miss Graham of Bratton, Wilts, said: "Because of the MoD's complete incompetence this is the third time I have had to attend this court."

She was awarded costs which are still to be decided.

Ms Howse and Ms Junor, whose address was given as Yellow Gate, Women's Peace Camp, Greenham Common airbase, near Newbury, Berks, did not apply for costs because they refused to accept money from the court.

Miss Graham faced a possible prison sentence yesterday for another case. This is the alleged non-payment of a £120 fine imposed for two offences of trespassing on Salisbury Plain

The Stipendary magistrate, Mr David Miller, adjourned the case until October 16.

Gulf 'link' to cruise trials

THE GUARDIAN

Wednesday August 19 1987

Cruise missile convoys from the US base at Greenham Common are conducting August exercises on Salisbury Plain for the first time amid speculation that the activity is linked to tension in the Gulf.

The convoys are unusually large. Activists from the peace organisation Cruisewatch reported yesterday that the current exercise is made up of eight launchers and four control vehicles.

It left the base last Thursday and has since been on restricted Ministry of Defence land at Imber. In past years there have been no exercises during August because of public access to Salisbury Plain.

Fears about a Gulf connection have arisen because peace activists observed greater cruise convoy activity before the US bombing of Libya from British bases last year.

Uranium for sale

THE DAILY TELEGRAPH
MONDAY, AUGUST 3, 1987

A batch of enriched uranium has been smuggled into Sudan from an unidentified African country and is being offered for sale, Prime Minister Sadeq al-Mahdi said in Khartoum yesterday. He said 8.8lb of uranium had been seized but another 15.4 lb had not been found.—Reuter.

One-way mirrors for police

THE DAILY TELEGRAPH
MONDAY, JULY 27 1987

One-way mirrors are to be used by West Mercia police for identity parades. Witnesses can see the suspects, who will see only their own reflections.

Police believe the mirrors may encourage victims of violent crime to come forward who would otherwise be scared to confront their attackers at a conventional parade.