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## Editorial

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### Roskill Report

The Report of the Roskill Committee on Fraud Trials, published on January 10, contains 112 recommendations. Most controversial is the proposal that complex fraud trials (about twenty out of around 5,000 cases a year) should no longer be triable by jury. It is proposed instead that, on the authority of a High Court Judge (with the defence having a right of appeal to the Court of Appeal), such cases may be referred to a Fraud Trials Tribunal, consisting of a judge and two laymen. The latter would be selected from a panel of persons with appropriate business or accountancy expertise, compiled by the Lord Chancellor, and would be paid for their services. Verdicts would be by simple majority, with the judge being solely responsible for ruling on matters of law and for determining the sentence. The Committee also proposes an end to the defence's right to three preremptory challenges when a jury is selected.

One member of the Committee, Mr Walter Merricks, dissented from these proposals. Welcoming the Report in a statement in the House of Commons on January 14 (significantly, the same day that the Government's Financial Services

Bill was given its second ruling), the Home Secretary promised urgent consultations on the proposals. The Opposition condemned the recommendations concerning juries.

Jury trial is something of a sacred cow in civil libertarian folklore. It has long been suspected that juries may not be able to grasp the intricacies of complex fraud. There are humanitarian arguments against parting innocent laymen from their loved ones for months on end, and forcing them to wade through mounds of dreary evidence. However, the Committee seems to have fashioned its proposals for limiting jury trial largely on the basis of its own instincts. Most of the evidence it received was against the proposal. There is no hard evidence that juries really are baffled by complex evidence and no one, not even the police, appears to believe that fraud verdicts are particularly prone to being perverse. And what are to be the criteria for identifying 'complex' trials? Should not these proposals be considered in relation to the future of jury trial in the criminal justice system as a whole?

The Government is quite right to be concerned about stamping out fraud. Many of the Roskill recommendations would help to achieve that end. Qualifying the right to jury trial is not one of them.