

JOINT ENTERPRISE BILL PROJECT

WHO WE ARE

Joint Enterprise Not Guilty by Association (“JENGBA”) is a grass roots campaign, founded in 2010 by Janet Cunliffe and Gloria Morrison to combat the widely condemned doctrine of Joint Enterprise and particularly, Parasitic Accessorial Liability (“PAL”). JENGBA is coordinated and run by family members of those convicted under the doctrine.



Joint Enterprise is an everyday phrase to describe the situation where two or more people are convicted for participating in the same crime. One type of Joint Enterprise is PAL which is where two or more people commit a criminal offence (crime A) and during the course of this crime, one of the group goes on to commit a further crime (crime B). All those that participated in crime A will also be liable for crime B if

they foresaw the possibility that crime B might occur. The application of PAL was criticised at the highest level of the legal establishment as it allowed for the accessory to be convicted of very serious crimes on the basis of what they foresaw and not what they intended and the anomaly that it was therefore easier to convict the accessory compared with the principal.

On 18th February 2016 and following years of tireless campaigning by JENGBA, we were ultimately successful in *R v Jogee* [2016] UKSC 8, when the Supreme Court abolished PAL and reinstated principles of traditional accessorial liability.



However that victory was bittersweet as the decision in *Jogee* is not automatically retrospective and instead, to obtain an appeal, all those convicted under PAL must prove a *substantial injustice* would otherwise be done.

The *substantial injustice* test was later interpreted in R v Johnson [2016] EWCA Crim 1613 into an incredibly onerous legal burden. In particular, that permission to appeal will only be granted to those who can prove that they would not have been convicted if the law had been properly applied. JENGBA currently supports over 800 men, women and children convicted under Joint Enterprise and only one has successfully appealed following *Jogee*.

THE JEB PROJECT

The Joint Enterprise Bill Project (“JEB” Project), is a project to pass a Private Members Bill through Parliament which contains an amendment to the Criminal Appeal Act 1968. This amendment will remove the statutory time limit of 28 days where there has been an interpretation of law now declared erroneous, and where the applicant is still suffering the ill-effects of the law.

The Bill was drafted by Charlotte May Henry on behalf of JENGBA. Charlotte has been a JENGBA campaigner since 2014

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when her brother Alex Henry was convicted of murder under the doctrine and sentenced to life with a mandatory minimum term of 19 years imprisonment. Charlotte is a trainee lawyer with Tuckers Solicitors, ranked tier one by the Legal 500.



THE AMBASSADOR

As a Tuckers Ambassador, you will assist JENGBA in promoting our Joint Enterprise Bill with a view to getting the Bill passed through Parliament.

The first task, which will signify the launch of this project, is you will assist in the coordination and promotion of a JEB march from the Court of Appeal, to the Supreme Court to the Parliament. The march will conclude on Parliament square where the Members of Parliament who already support the Bill will come out and pledge support in front of members of the public and media. We expect a high attendance at this march, including the families of those

convicted under Joint Enterprise, your fellow students, academic staff from your institution, and other organisations such as



injustice groups, race relation groups and trade unions. It will be the role of the Tuckers Ambassador to coordinate this march, including obtaining the relevant permissions and coordinating the attendees. It will also be the role of the Ambassador to promote this march, guaranteeing the attendance of those mentioned above and generating public support by liaising with media outlets. Lastly, the Ambassador will be encouraged to begin contacting their own Members of Parliament with a view to obtaining further Parliamentary Support.

FACULTY AND AMBASSADOR EXPECTATIONS

The Tuckers Ambassador role and the JEB project will offer the student invaluable experience and a chance to make real legal change. Lawyers are often too narrowly focused on black letter law, forgetting legal

activism as the catalyst for the types of change we see in the statute books. Similarly, politicians are invariably focused on sharp and punchy campaigns, too detached from those effected by the change those campaigns bring about. This project will give the Ambassadors the opportunity to work alongside likeminded students from other universities and strive for real legal change through authentic grass roots activism. This, while obtaining a highly coveted Tuckers reference is a great opportunity!

This role is also flexible as there is little need to attend the Tuckers office (unless you wanted some real case work experience too). One attendance initially will be mandatory as we will need to teach you the relevant law. Following that, ad-hoc project meetings should be expected as and when required, but these will be flexible and will fit around your studies.

We also expect dedicated engagement by the faculty of the respective university. It is important that the students are supported on the day of the protest by at least one or two academic members of staff. This is an exciting opportunity for the academic staff to re-engage with legal activism alongside their academic peers from other institutions across London and the surrounding areas.



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