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No.202101859 A3

IN THE COURT OF APPEAL
CRIMINAL DIVISION

[2021] EWCA Crim 1537

Royal Courts of Justice

Tuesday, 6 October 2021

Before:

LORD JUSTICE EDIS

MR JUSTICE TURNER

HER HONOUR JUDGE KARU

(RECORDER OF SOUTHWARK)

REGINA

V

DAVID WILSON

REPORTING RESTRICTIONS APPLY:
SEXUAL OFFENCES (AMENDMENT) ACT 1992

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JUDGMENT

MR JUSTICE TURNER:

1

The provisions of the [Sexual Offences \(Amendment\) Act 1992](#) apply to these offences. Under those provisions where a sexual offence has been committed against a person, no matter relating to that person shall during that person's lifetime be included in any publication if it is likely to lead members of the public to identify that person as the victim of that offence. This prohibition applies unless waived or lifted in accordance with s.3 of the Act.

2

On 7 December 2020 in the Grimsby Crown Court the applicant, then aged 78, was sentenced to a total of seven years' imprisonment in respect of a series of indecent assaults against children. For reasons which will soon become clear, no purpose will be served here by descending into greater detail concerning the particulars of these offences or the means by which the total sentence was structured.

3

The applicant had evaded justice for 25 years, having fled the UK prior to his required appearance at court on 10 February 1995. A warrant was issued. He was eventually arrested on that warrant on 9 March 2020 in Queensland, Australia. He was remanded into custody awaiting extradition. On 12 July the applicant arrived back in the UK.

4

There are applications for leave to appeal against the sentence and for an extension of time within which to do so of 163 days. No complainant is made as to the length of the sentence passed. The applications relate solely to the failure of the sentencing judge to specify the number of days, now agreed to have been 124, over which the applicant was kept in custody awaiting extradition to the UK as he was required to do pursuant to [s.243\(2\) of the Criminal Justice Act 2003](#). Such allowance was not discretionary and unless the number of days had been specified the prison would not credit any period. The appropriate remedy where, as here, such a statement has not been made and the time for correction under the slip rule has elapsed is available by way of appeal against sentence. The mistake below, the delay in challenging the consequent sentence, arose as a result of an oversight in respect of which the applicant was not personally responsible.

5

Accordingly, we hear these applications as a substantive appeal, extend time and specify pursuant to [s.243\(2\) of the Criminal Justice Act 2003](#) that the applicant was kept in custody awaiting extradition for 124 days. The appellant will now receive credit accordingly and to that extent only this appeal is allowed.
