

# Court of Appeal Gives Guidance on Serious Offending in Prison

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Ben Douglas-Jones QC acted for the Respondent in Douglas [2021] EWCA Crim 1193, in which the Court of Appeal upheld a conviction for the unauthorised possession of a mobile phone in prison.

The Court confirmed that where the police are investigating a charge, a prison governor has no jurisdiction to refer the case to an adjudicator and an adjudicator has no jurisdiction to deal with the offence. The decision of the adjudicator to add additional days to the Applicant's sentence was accordingly void ab initio.

Whilst the Crown Court had erred in purporting to quash the adjudicator's decision under section 45(4) of the Senior Courts Act 1981, as it lacked the power to do so, the Court of Appeal reconstituted itself as a Divisional Court in order to quash the decision.