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from the attack which undoubtedly took place and was by some of the Protestant crowd who had congregated in the Thomas St Main Street area. Were this to be established the officers or any proved to have neglected their duty could and should be charged with at least the offence of wilful misconduct in public office as in the case of Dytham. It is to be noted that the authors of Blackstone 1998 A.1.15 suggest that if the wilful misconduct contributed to the death of Mr Hamill then in principle a charge of manslaughter may be appropriate. This seems correct as the misconduct would be an unlawful act which was at law a cause of death. The standard to be applied remains that set out by the Court of Appeal in Dytham i.e. "Every public officer commits a misdemeanour (offence) who wilfully neglects to perform any duty which he is bound either by common law or by statute to perform provided that the discharge of such duty is not attended with greater danger than a man of ordinary firmness and activity may be expected to encounter. The neglect must be wilful and not merely inadvertent; and it must be culpable in the sense that it is without reasonable excuse or justification."

6. Dytham 69 Cr App Rep at p 387 is factually pertinent in that it is a similar allegation. The facts which are set out from the last line of p391 to 392 show quite clearly that Dytham was a case where the evidence showed that the officer observed a serious assault and took no action. As Lord Widgery stated "this involves an element of culpability which must be of such a degree that the misconduct impugned is calculated to injure the public interest so as to call for condemnation and punishment." It will be noted that the phraseology employed is very similar to that

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