

MAGISTRATES' ASSOCIATION

ANNUAL REPORT & ACCOUNTS 2010-2011

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REPORT
ACCOUNTS
2010-2011

MAGISTRATES
ASSOCIATION



FROM THE CHAIRMAN

JOHN THORNHILL JP CHAIRMAN

This report on the work of the Magistrates' Association for 2010/2011 will be my last as chairman. The year has been one of innovation, many successes and a number of challenges, but I believe the MA has grown and become more pro-active in promoting the current and future role of the magistracy in the justice system.

During the year we have focused on improving the relationship between you and your officers, Board of Trustees and the MA committees. We introduced new software to seek your views more widely and directly. Your response to the questionnaire on the MA enabled us to plan new communication and development strategies. It also allowed us to show the feeling of the magistracy on HMCTS expense proposals resulting in a major success in halting the implementation of the new structure in June.

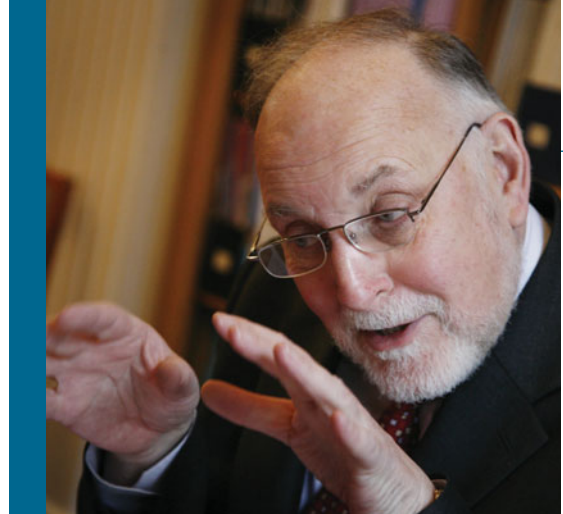
We also introduced a fortnightly **MA e-news** ► to inform you about what we do for you and involve you with the many consultations, documents and publications that we receive. The website and **MAGISTRATE** magazine have been re-designed and the forum has become a much more effective channel for exchange of ideas and concerns among members. The board is planning for the future by installing new software to handle the finances of the MA and your membership issues. We introduced the members' benefit scheme to give you more value from your membership.

To ensure the continued involvement of the magistracy in the justice system we secured funding to initiate the Magistrates in the 21st Century project to engage with professionals, public, academics and other agencies.

I would like to thank Ann Flintham and other staff for their very sterling work on the extensive programme of events to celebrate the 650th anniversary of the institution in statute of the office of Justice of the Peace.

There have been significant challenges including court closure proposals, local justice area reorganisation, a White Paper and Bill on Sentencing. Our strong committee structure has responded constructively by publishing support materials to assist you in reacting and responding positively. On your behalf I would like to thank sincerely the committee chairmen and deputies for guiding their teams through these challenges in a very confident and meaningful manner.

The MA continues to be widely consulted and your view sought by ministers, politicians, government officials, other agencies and outside bodies as well as the media. We are also asked to make presentations at a wide range of events exploring the justice system continuing to raise the profile of the volunteer judiciary. The Magistrates' Association is the only professional independent organisation which not only widely seeks the views of magistrates but also represents them fully and I have been proud to be chairman for the last three years.



ABOUT US

The vast majority of members of the Magistrates' Association are Justices of the Peace. All members belong to one of sixty-one local branches in England and Wales. Each branch now elects two representatives to the national Council.

Members of the Board of Trustees are elected by Council, with one third resigning from office each year. All new appointees to the Board of Trustees undergo an induction process.

A risk management programme is in place. Trustees have identified potential risk areas and have received reports on risk management. All identified areas of risk – and the steps taken to minimise exposure in each case – are reviewed annually.

To achieve the MA objectives the Board of Trustees has wide and far-ranging powers and responsibilities, which include managing the finances and investments, the premises and staff and committees as well as developing and maintaining relationships with an extensive number of government, judicial and other agencies. The Board of Trustees has referred to guidance in the charity commission's general guidance on public benefit when reviewing its aims and objectives and in planning its future activities. In particular the trustees always consider how planned activities will contribute to the aims and objectives they have set.

JUSTICES
of the
PEACE₁₃₆₁₋₂₀₁₁
650 Years serving the Community

WHAT WE DO

The Magistrates' Association is a charity with the following charitable objects:

To promote the sound administration of the law by the following means:

- a educating and instructing magistrates and others in the law, the administration of justice, the treatment of offenders and the best methods of preventing crime; and
- b issuing publications and promoting conferences and discussions on developments in the law and the administration of justice.

We aim to fulfil these objects by:

- ▶ **Promoting** justice for all
- ▶ **Safeguarding** community justice
- ▶ **Protecting** judicial independence
- ▶ **Increasing** the knowledge of magistrates
- ▶ **Educating** the public

The activities that we undertake to achieve these aims are:

- ▶ Promoting awareness of magistrates and the magistrates' courts service
- ▶ Developing guidance and protocols to improve the delivery of justice in magistrates' courts to the benefit of all
- ▶ Providing information and advice to magistrates
- ▶ Consulting magistrates and responding on proposals which affect the delivery of justice in magistrates' courts
- ▶ Educating the public through community-based presentations, publications and events

Highlights of achievements in 2010-2011

- ▶ Marked the 650th anniversary of the magistracy at a national level by staging the exhibition Magistrates: Past, Present and Future at Westminster Hall; at the same venue held a celebratory reception for over 900 magistrates and their guests; successfully bid for a Magistrates' Garden at Chelsea Flower show and had over 100 magistrates participating in the London Legal Walk
- ▶ Supported branches who undertook a wide variety of ways to mark the 650th anniversary and thereby promoted the vital role of the magistracy
- ▶ Submitted recommendations to improve efficiency and save costs as alternatives to court closures
- ▶ Supported members facing court closures by producing tools to ensure robust responses and provided legal advice when considering further action
- ▶ Provided some practical guidance to assist with bench amalgamations
- ▶ Vigorously opposed HMCTS proposals for magistrates' travel and subsistence and suggested alternative approaches
- ▶ Consulted members on a wide variety of areas both relating to government proposals on changes in legislation and sentencing but also to members' needs
- ▶ Through representation gained wider appreciation of magistrates and their roles
- ▶ Increased usage of electronic communication and introduced **MA e-news** ▶ a fortnightly news bulletin

- ▶ Worked with other European representative organisations in promoting the role of the lay judge in justice
- ▶ Supported MIC activities to reach younger people to encourage them to become magistrates but limited due to recruitment freeze in many areas
- ▶ Changed the national office staff structure to increase efficiency and accountability and introduced a membership benefit scheme for members

COUNCIL AND COMMITTEES



Much of the work of the Magistrates' Association is achieved through Council and its standing committees. Members can be responsible for special areas of work eg looked-after children, women offenders, restorative justice. Committees assist with media enquiries, members' queries and communicate aspects of their work in **MAGISTRATE**, newsletters and **MA e-news** ▶. Members tackle areas of concern and prompt discussion on a whole range of areas eg disclosure of criminal records, adverse effects of alcohol and out-of-court disposals.

CCPC **The Courts and Court Practice Committee** is primarily concerned with the operation of courts and court practice covering such issues as judicial estates, court security, financing the magistrates' courts and use of IT.

FCC **The Family Courts Committee** considers all issues relevant to magistrates who sit in family proceedings courts. In particular it addresses the allocation of work between family proceedings and county court, the impact of any delay and the relationship between the various agencies working in family work.

JPC **The Judicial Policy Committee** takes the lead in development of criminal justice policies and responds to consultations which propose changes to the justice system.

MSDC **The Membership Support and Development Committee** supports magistrates in their judicial role by raising awareness of training materials and learning resources as well as giving advice and guidance on a variety of topics eg sittings, time off work, allowances.

RTC **The Road Traffic Committee** deals with road traffic matters, including sentencing, offences and liaison with other agencies.

SC **The Sentencing Committee** deals with all issues relating to sentencing and sentences. It monitors sentencing practice and other court decisions such as bail. It reviews the delivery of community sentences and custody; and it provides guidance on specific types of offences – such as environmental and health and safety matters.

YCC **The Youth Courts Committee** covers youth court issues and looks at the relevance and potential impact of initiatives aimed at reducing youth crime. It supports youth panel magistrates in their work in court.

WHAT WE HAVE ACHIEVED



Promote awareness of magistrates and their roles and responsibilities through representation

All committees have representatives on a wide variety of working groups to ensure the role of magistrates is understood and managed, in particular:

- SC** Built a sound working relationship with the newly formed Sentencing Council, responded to consultations on guidelines and the allocation of cases between magistrates' courts and the Crown Court
- SC** Worked with NOMS at national level on the intensive alternative to custody pilot scheme, the offender engagement programme and the recently published revision to their national standards
- SC** Refuted the suggestion that magistrates commit cases to the Crown Court unnecessarily and have pressed hard for an increase in magistrates' sentencing powers to 12 months' custody
- YCC** Worked alongside the Youth Justice Board in their efforts to reduce remand and custody rates in young people
- MSDC** Members have given input to working groups on training provision
- JPC** Submitted proposals to the Senior Presiding Judge for a new framework for partnership between the magistrates and the administration at national, regional and local levels
- JPC** Led the MA's policy development work through the Magistrates in the 21st Century Project including seminars, evidence gathering and public engagement forums
- FCC** Built stronger relationships with practitioners in the family justice system by regular high-level contact with the President and other senior judiciary, lawyers and academics, Cafcass and others to identify shared goals and aspirations
- FCC** Gave oral and written evidence on a number of occasions to the Family Justice Review
- RTC** Largely supported proposals in the North Review of drink/drug-driving law and sought to have the voluntary P plate on a statutory basis

Consult and respond to proposals which affect magistrates and the delivery of justice in their courts

All committees scrutinise forthcoming legislation and procedures and gather views from members to form a response. Of key importance this year:

- SC** Published a policy statement on the sentencing of female offenders for membership consultation
- JPC** **SC** **YCC** Shared in the MA response to the *Breaking the Cycle* Green Paper, contributing to the sections on proposed changes to curfew, unpaid work, discounts for early guilty pleas and bail decisions
- MSDC** Responded robustly to proposals regarding sittings requirements, transfers and reductions in advisory committees
- JPC** Expressed grave concern over legal aid cuts, pushed for changes to increase more either-way cases to be heard in the magistrates' courts, promoted fair treatment of victims and questioned future neighbourhood justice panels
- CCPC** Monitored the use of technology in courts and its potential effects
- FCC** Advocated for a structure which is effective in supporting the vital work of FPCs within the magistrates' court and remains very concerned about the lack of recognition given to the variety of family justice tasks undertaken by legal advisers
- FCC** Restructured the committee to include both Council and regional family panel chairmen members to improve national representation and to strengthen information gathering and dissemination; identified key focus areas, such as children in care, alternative dispute resolution, and performance data and allocated them to members so as to improve the knowledge

Work to improve the delivery of justice by magistrates for all

- MSDC** Developed a flexible training tool on active case-management and produced a short video/PowerPoint presentation for TDCs and/or training managers to promote use of available self-learning material for magistrates
- MSDC** Issued practical guidance and suggestions for dealing with the impact of mergers and court closures
- MSDC** Following the committee's concerns, a national review of the complaints procedure has been started and guidance issued on safety and security

RTC Reviewed and provided fact files

FCC Having identified a need, worked in partnership with the Judicial College (JC) formerly called the Judicial Studies Board, to develop and successfully pilot a course for newly appointed panel chairmen which has now been incorporated by the JC into the core curriculum.

Provide information and advice for magistrates

YCC Issued guidance to improve the relationship between magistrates and local youth offending services

MSDC Provided guides to clarify the complaints system, suggested criteria when voting for bench chairman and promoted different 'outside court' roles for magistrates

FCC Produced a guide explaining the role of the family magistrate – to promote recruitment to family panels

MSDC Responded to members' questions and assisted where possible, eg writing to employers questioning their reduction in days allowed for judicial duties; helping with queries on bench transfer etc.

MAGISTRATE

A wide range of articles and regular features in our magazine

MA e-news ►

Alerted magistrates to new procedures, protocols, circulars and guidance etc available via the MA website

Educate the public through the media, community based presentations, publications and events

- Organised national **650 events**, provided a wide variety of suggestions, templates and advice for branches for local events, developed and distributed supporting literature, maintained a 650 diary on the website, encouraged media coverage
- Supported the **National Magistrates' Court Mock Trial Competition** at national and local levels, and contributed at national steering and working groups. Allocated small financial grants to branches undertaking specific educational/PR events
- Supported promotion and expansion of **Local Crime, Community Sentence** project

NEXT YEAR AND BEYOND

National Office or Board of Trustees

- ▶ Suggest, consult and ascertain the future structure of the Magistrates' Association to meet current changes
- ▶ Update systems for recording membership, finance and communications
- ▶ Ensure Council, standing committees, MIC and associated projects are supported

JPC

- ▶ Develop the role of the magistracy in the 21st century
- ▶ Ensure that the role of magistrates is not further eroded by the inappropriate use of non-judicial sentencing
- ▶ Ensure that magistrates are connected to the community by reinforcing local liaison between the judiciary and the public
- ▶ Promote fair treatment for victims
- ▶ Ensure that the relationship between magistrates and legal advisers is not compromised

CCPC

- ▶ Reinforce the links between probation and sentencers (joint aim with JPC)
- ▶ Facilitate the role of magistrates in delivering effective and timely justice through the appropriate use of case management and technology (joint aim with JPC)
- ▶ Ensure that magistrates are involved appropriately in the management and administration of their courts and courthouses (joint aim with JPC)

SC

- ▶ Continue to liaise closely with Sentencing Council on proposed changes to guidelines
- ▶ Amend mode of trial rules to reduce number of cases committed to the Crown Court
- ▶ Increase confidence in community sentences

RTC

- ▶ Ensure the right balance is maintained between the use of fixed penalties and offences brought to court
- ▶ Increase efficiency in dealing with road traffic cases by recommending changes to practice, procedure and offences brought to court
- ▶ Contribute to road safety through education and good practice

MSDC

- ▶ Develop more on-line learning opportunities
- ▶ Raise and respond to issues relating to magistrates' welfare such as personal security, reasonable adjustments for disabled magistrates as necessary to relevant officers
- ▶ Provide guidance on a variety of topics to support members in their roles and responsibilities as changes are implemented to local justice areas

FCC

- ▶ Continue ongoing work regarding the Family Justice Review by participating in national and regional information gathering and discussion groups

YCC

- ▶ Reduce the number of young people in custody
- ▶ Improve confidence in alternative non-custodial sentences
- ▶ Continue promoting good working relationships with youth offending services
- ▶ Monitor the use of out-of-court disposals to ensure unnecessary criminalisation of young people and check developments in restorative justice to ensure correct and appropriate use



Income and Expenditure

The MA's income arose principally from membership subscriptions, grants, tax recoveries under the gift aid scheme, dividends and interest from investments and advertising revenues plus, for this year only, donations and ticket sales relating to the 650th Anniversary of the

magistracy events. Due to a combination of continuing reductions in the number of new magistrate appointments, deaths and resignations from the MA, membership numbers again fell during the year and despite the increase in subscriptions from 1 January 2011 income from members' annual subscriptions fell by almost £17,000.

As a result of the planned use of resources to service life members, there was a net outflow of unrestricted funds of £84,400 (2010 – £15,474) as shown on page 7. When combined with an excess of outgoings over income of £14,841 on the

restricted funds there was a total outflow of resources during the year of £99,241. This was anticipated and reflects the Board of Trustees' agreement to fund the net costs of the 650th Anniversary of the magistracy celebrations from reserves. Despite further falls during the year in income from magazine advertisers and subscribers, there were savings in the magazine production/distribution costs, lower than anticipated salary costs and reductions in the costs of Council.

A second successive year of improving financial markets saw gains of £213,287 in the value of the MA's investment portfolio, enabling the Board of Trustees to transfer an additional £150,000 to the Designated fund in recognition of the pressure on that fund in recent years of higher costs of servicing life members.

Investments

Our investment portfolio continues to underpin the long-term requirements to service the subscriptions of life members.

The MA's advisers have pursued a relatively cautious approach, reflecting a view that further periods of instability cannot be ruled out, as demonstrated by movements in the financial markets during the early part of August 2011. Our portfolio, broadly balanced between equities (mainly UK) and fixed interest investments, continues to be structured to provide both income and a hedge against longer-term inflationary pressures and is operated within an overall objective to maximise the MA's total return within a medium-risk strategy. The percentage of investments held by the MA in UK equities has risen from 48% to 54% reflecting a continuing improvement during the year in the performance of the equity markets and a cautious policy of increasing the MA's exposure to that sector of the market by our investment advisers.

Reserves

The Board of Trustees has a reserve policy to ensure that the available resources are used to implement its charitable objectives and to safeguard the future financial strength of the MA. The Board of Trustees sets this policy after taking into account current financial conditions and the need to provide adequate working capital allowing for periodic fluctuations in receipts and payments. Cash balances at the year-end were £143,463 (2010 – £176,719) against a policy requirement of £91,403 (2010 – £86,059). Free reserves at 30 June 2011 were £416,854 (2010 – £355,800) against a policy requirement of a minimum of £100,000 (2009 – £100,000).

The MA continues to set aside a sum to meet the current value of future subscriptions of life members. The figure at 30 June 2011 amounted to £1,649,022 represented on the balance sheet by the aggregate of the designated fund (£1,575,440) and the creditors-amounts falling due after more than one year (£73,582).

Conclusion

The MA's finances continue to be satisfactory with financial results being delivered within budget and a prudent approach being taken by the MA's investment advisers.

The Board of Trustees has set a broadly balanced budget for the year to 30 June 2012 with no increase in subscriptions due to continuing good control over overhead costs and significant savings arising from new arrangements for printing and distribution of **MAGISTRATE**.

I would like to thank our auditors, my fellow honorary officers and trustees and all staff at the national office for their help and support over the last twelve months.

FINANCES AND FINANCIAL MANAGEMENT

JOHN THORNHILL JP CHAIRMAN

Law applicable to charities in England and Wales requires the trustees to prepare financial statements for the financial year which give a true and fair view of the Magistrates' Association's financial activities during the year and of its financial position at the end of the year. In preparing financial statements giving a true and fair view, the trustees should follow best practice and:

- ▶ select suitable accounting policies and then apply them consistently;
- ▶ make judgments and estimates that are reasonable and prudent;
- ▶ state whether applicable accounting standards and statements of recommended practice have been followed, subject to any departures disclosed and explained in the financial statements; and
- ▶ prepare the financial statements on the going concern basis unless it is inappropriate to presume that the Association will continue in operation.

Trustees are responsible for keeping accounting records which disclose with reasonable accuracy the financial position of the Association and which enable them to ascertain the financial position of the Association and which enable them to ensure that the financial statements comply with applicable law. They are also responsible for safeguarding the assets of the Association and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

All the current trustees have taken all the steps that they ought to have taken to make themselves aware of any information needed by the Association's auditors for the purposes of the audit and to establish that the auditors are aware of that information. The trustees are not aware of any relevant audit information of which the auditors are unaware.

Further information relating to the Association's finances can be found in the Honorary Treasurer's Report.

What follows are not the statutory accounts but a summary of information relating to both the Statement of Financial Activities and Balance Sheet and as such may not contain sufficient information to allow for a full understanding of the financial affairs of the MA. The full accounts from which these summary financial statements are derived have been audited and there are no concerns expressed in the audit opinion. The annual accounts were approved on 13 September 2011 and are available (free of charge to members) from the MA's national office – The Magistrates' Association, 28 Fitzroy Square, London, W1T 6DD.

Funds not immediately required are invested either on short-term deposit or by our investment managers, who have

discretionary powers of investment within the terms laid down in the Charter.

The investment powers of the trustees are laid down in the Supplemental Charter and give the trustees power to invest in property, shares, stocks, funds, securities, unit trusts and other investments. No material changes to accounting policies have taken place during the year.

The cash assets of the MA are all held in order to finance ongoing activities. The accounts are filed with the Charity Commission.

M J Dodden
Honorary Treasurer

**STATEMENT OF
FINANCIAL ACTIVITIES**
FOR THE YEAR ENDED
30 JUNE 2011

	Unrestricted funds: £	Restricted funds: £	Total 2011: £	Total 2010: £
Incoming resources				
Incoming resources from generated funds:				
Grants and donations	–	123,148	123,148	96,975
Investment income	78,086	–	78,086	76,494
Incoming resources from charitable activities:				
Members' annual subscriptions	680,157	–	680,157	697,024
Gift Aid tax recovery	157,805	–	157,805	155,453
Other income	42,510	–	42,510	6,175
MAGISTRATE – advertising and sales	49,562	–	49,562	62,605
Total incoming resources	1,008,120	123,148	1,131,268	1,094,726
Resources expended				
Costs of generating funds	4,618	–	4,618	2,768
Charitable activities	1,041,356	137,989	1,179,345	1,059,066
Governance costs	46,546	–	46,546	48,366
Total resources expended	1,092,520	137,989	1,230,509	1,110,200
Net (outgoing)/incoming resources	(84,400)	(14,841)	(99,241)	(15,474)
Net gain on investment assets	213,287	–	213,287	211,661
Net movement in funds	128,887	(14,841)	114,046	196,187
Total funds brought forward	2,005,991	35,913	2,041,904	1,845,717
Total funds carried forward	2,134,878	21,072	2,155,950	2,041,904
The above fund balance is analysed as to:				
Designated funds	1,575,440	–	1,575,440	1,506,580
Unrestricted funds	559,438	–	559,438	499,411
Restricted funds	–	21,072	21,072	35,913
	2,134,878	21,072	2,155,950	2,041,904

	2011: £	2011: £	2010: £	2010: £
Fixed assets				
Tangible assets		142,584		143,611
Investments		1,969,032		1,757,775
		2,111,616		1,901,386
Current assets				
Stock	708		104	
Debtors	64,848		92,918	
Cash at bank and in hand	143,463		176,719	
	209,019		269,741	
Creditors: amounts falling due within one year		(91,103)		(35,046)
Net current assets		117,916		234,695
Total assets less current liabilities		2,229,532		2,136,081
Creditors: amounts falling due after more than one year		(73,582)		(94,177)
Net assets		2,155,950		2,041,904
Unrestricted funds				
Designated funds		1,575,440		1,506,580
Other				
Tangible assets		142,584		143,611
Free reserves		416,854		355,800
Restricted funds		21,072		35,913
		2,155,950		2,041,904

Balance sheet in accordance with applicable United Kingdom law.

The financial statements were approved by the Trustees and authorised for issue on 13 September 2011 and signed on their behalf by:

J J Thornhill
Chairman

M J Dodden
Honorary Treasurer



Independent auditor's statement to the Board of Trustees of the Magistrates' Association

We have examined the summary financial statements for the year ended 30 June 2011 set out on page 7.

Respective responsibilities of trustees and auditor

The trustees are responsible for preparing the summary consolidated statement of financial activities and the summary consolidated balance sheet in accordance with applicable United Kingdom law.

Our responsibility is to report to you our opinion on the consistency of the summary financial statement within the annual report with the full annual financial statements.

We also read the other information contained in the annual report and consider the implications for our report if we become aware of any apparent misstatements of material inconsistencies with the summary financial statement.

Our report has been prepared pursuant to the requirements of the Charities Act 1993 and for no other purpose. No person is entitled to rely on this report unless such a person is a person entitled to rely upon this report by virtue of and for the purpose of the Charities Act 1993 or has been expressly authorised to do so by our prior written consent. Save as above, we do not accept responsibility for this report to any other person or for any other purpose and we hereby expressly disclaim any and all such liability.

Basis of opinion

We conducted our work in accordance with Bulletin 2008/3 'The auditors' statement on summary financial statement in the United Kingdom' issued by the Auditing Practices Board. Our report on the charity's full annual financial statements describes the basis of our opinion on those financial statements and on the Trustees' Report.

Opinion

In our opinion the summary financial statement is consistent with the full annual financial statements and the Trustees' Report of the Magistrate's Association for the year ended 30 June 2011.

BDO LLP, Statutory Auditor, Gatwick, West Sussex, UK. 13 September 2011

BDO LLP is a limited liability partnership registered in England and Wales (with registered number OC305127).

The Magistrates' Association

Patron Her Majesty The Queen
 President The Lord Chief Justice
 28 Fitzroy Square, London W1T 6DD
 Telephone: 020 7387 2353 Fax: 020 7383 4020

www.magistrates-association.org.uk

Registered charity number 216066

Trustees

John Bache JP
 Bill Clift MBE JP
 George Curry JP
 Mike Dodden JP (Honorary Treasurer)
 John Fassenfelt JP (Deputy Chairman)
 Elliot Griffiths JP (until November 2010 then co-opted) *
 John Howson JP (Deputy Chairman until November 2010)
 Flo Kaufmann JP *
 Fred Manning JP (until November 2010)
 Richard Monkhouse JP
 Malcolm Richardson JP (Deputy Chairman from November 2010)
 Anne Smith JP (from November 2010)
 John Thornhill JP (Chairman)
 Margaret Wilson OBE JP (from November 2010)
 Simon Wolfensohn JP

* Missing from photograph above

Senior staff members

Patrick Cracroft-Brennan FCA Executive Director and Association Secretary (from August 2010)
 Sally Dickinson Policy Director
 Ann Flintham JP Communications Director

Editor of MAGISTRATE magazine

Simon Hudson JP

Auditors

BDO LLP
 2 City Place, Beehive Ring Road
 Gatwick, West Sussex RH6 0PA

Bankers

National Westminster Bank Plc
 Bloomsbury Parr's Branch, PO Box 158
 214 High Holborn, London WC1V 7BX
 Lloyds TSB Ltd
 Blackheath London Branch
 PO Box 1000, London BX1 1LT

Investment managers

Charles Stanley and Company Ltd
 25 Luke Street, London EC2A 4AR

Solicitors

Russell-Cooke LLP
 2 Putney Hill, London SW15 6AB