

Sir Brian Smedley

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Sir Brian Smedley, who has died aged 72, served as a High Court judge, Queen's Bench Division, from 1995 to 2000.

Notable for his independence of mind and common sense, Smedley was also patient and hardworking; although always courteous to those who appeared before him, and quick to praise a good performance by an advocate, he did not shrink from rebuking those whose work appeared shoddy or ill-prepared.

In 1992 Smedley experienced the full glare of publicity when, as a circuit judge, he presided at the Matrix Churchill trial, in which Paul Henderson, managing director of the Coventry-based manufacturing company, and two fellow executives were charged with knowingly exporting to Iraq machine tools programmed to make bombs and rockets when such exports were illegal. The offences were said to have occurred over the three years prior to Iraq's invasion of Kuwait in 1990.

A critical aspect of the trial was the Major government's insistence that releasing policy documents which the defence believed would prove that Matrix Churchill had exported its machine tools with the government's knowledge and connivance would be harmful to the public interest.

In the event, Smedley decided in favour of the defence, despite ministerial claims that "unquantifiable damage" would be caused by disclosure. (Later, giving evidence to the Scott Inquiry, the Foreign Office minister Tristan Garel-Jones said that by this he had intended to mean "unquantifiably small" as well as "unquantifiably large".)

At the trial Smedley observed: "It seems to me that these accused could not be fairly tried if I were to uphold the class objection to these documents - I shall order their disclosure."

Smedley did, however, at first refuse the defence access to intelligence documents (specifically, records of meetings between Matrix Churchill executives and officers from MI5 and MI6) on the ground of national security; but he subsequently changed his mind after the prosecution withdrew its objections.

After the famous admission in court by Alan Clark, trade minister from 1986 to 1989, that he had been "economical" with "the actualité", the case against Henderson and his colleagues collapsed.

Three years after the trial Smedley was appointed to the High Court. An unusual promotion for a

circuit judge, it was interpreted in some quarters as an indication that the government - far from bearing rancour after its "defeat" in the Matrix Churchill affair - could be disinterested in the manner of its legal appointments.

Frank Brian Smedley was born in Leicester on November 28 1934 and educated at West Bridgford Grammar School and London University, where he read Law. He was called to the Bar by Gray's Inn in 1960 and returned to Nottingham to practise on the Midland Circuit. A devastating cross-examiner who employed elegant and economical language, he was fearless and feared, both as a prosecutor and defender.

A former Assistant Chief Constable of Nottinghamshire considered that the worst moments of his life were when he was being cross-examined by Smedley.

In 1974 Smedley prosecuted a Birmingham ammunition factory in which an explosion killed six people. (Found guilty, the firm was fined £10, the maximum allowed under the Explosives Act of 1875.) And in 1976 he was junior counsel for the Crown in its successful prosecution of Donald Neilson, the multiple murderer and so-called "Black Panther". He took Silk the following year.

Among less high-profile cases were Smedley's prosecution of a council official for living on the immoral earnings of his wife, who worked as a "high-class prostitute", and "with an audacity almost beyond belief," Smedley said, "stood as a candidate in the Mansfield district council elections".

On another occasion he prosecuted three stable hands who went on a shooting spree to celebrate a racing success. Using a rifle, they shot at lights inside isolated houses; one elderly couple were just settling into their armchairs when one bullet shattered the electric light and another hit their stuffed parakeet.

In 1984 Smedley moved to Bermuda, becoming a partner in one of the island's leading firms of solicitors; he went there because his elderly mother was in poor health, and he thought that the climate would suit her better. Three years later, after her death, he returned to Britain.

From 1987 to 1995 he was a circuit judge. In 1989 he fined a Canadian artist and an art gallery director for, respectively, making and exhibiting earrings fashioned from human foetuses. After they had been found guilty of outraging public decency, Smedley told them: "In a civilised society there has to be restraint." Earlier he had told the jury: "We are not here to set ourselves up as arbiters of public taste. You are here to set the standards of public decency."

The next year Smedley heard the case of a man who tottered into a building society branch wearing high heels, blonde wig, smudged make-up and pillbox hat, then held up the cashier with a bright blue water pistol. Handing down a suspended sentence, Smedley told the man: "It is quite clear you need

medical help."

In 1999 he presided at the trial of the paedophile who murdered 12-year-old Thomas Marshall, found strangled near Thetford, Norfolk, in 1997. Jailing Kevan Roberts for life, the judge said: "You described [Thomas] to witnesses as 'not an angel'. I have no doubt that he was not. Very few 12-year-old boys are. But he did not deserve to die in the appalling way in which you treated him."

When Smedley went to the High Court he had to relinquish the position of Senior Judge in the Sovereign Base Areas of Cyprus. As a High Court judge he dealt with two cases relating to IRA terrorism, in 1995 jailing a man for 17 years who had acted as "caretaker" of 3.5 lbs of Semtex, and two years later sentencing three members of an IRA bombing unit to a total of 62 years.

In 2000, after suffering a stroke, Smedley retired from the Bench.

Brian Smedley was a judicial member of the Proscribed Organisations Appeal Commission from 2001.

He died on April 6, and is survived by his partner of 38 years, Peter Wright.

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