

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 25 JULY 2025

10:00 AM, HYBRID MEETING (OFFICE & VIDEO CONFERENCE)

FOR DISCLOSURE VIA THE PUBLICATION SCHEME

In line with the Commission's Disclosure policy, various paragraphs may have been edited or deleted from these minutes as the information contained therein relates to specific case information and/or personnel-related matters. Where the summary of discussion has been edited or the names have been deleted, this is indicated at the start of the relevant paragraph or section.

Present:

Dr Vanessa Davies (Chair) – office
Miss Alyson Forbes – office
Mr Finlay Young – video conference
Ms Jacqueline Fordyce – video conference
Mrs Gillian Mawdsley – office
Dr Alex Quinn – office
Mrs Suzie Mertes – video conference
Ms Laura Reilly – office

Also Present:

Mr Michael Walker, Chief Executive – office
Miss Frances McMenamin KC – office
Miss Melissa McAlinden, Senior Administration Officer (minutes) – office

Section 1: Governance Matters (edited)

1.1 Apologies

Mr Reddick had submitted his apologies.

1.2 Conflicts of Interest/Declarations of Interest/Gifts & Hospitality

Members were asked to declare any known conflicts of interests or gifts and hospitality.

There were no conflicts of interest or gifts, and hospitality declared.

1.3 Minutes of Board meeting held on 27 June 2025

The Board approved the minutes of the Board meeting held on 27 June 2025, subject to minor amendment. The Board also approved the version of the minutes for the Publication Scheme, subject to minor amendment.

1.4 Matters Arising

There were no matters arising.

1.5 Chair's Report

Dr Davies provided the Board with updates on the following matters:

- She is due to meet the new Interim Chair of the CCRC but will do so after Mr Walker has met with the new Interim CEO of the CCRC.
- Dr Davies referred to the UK Supreme Court appeals of Andrew Keir and David Daly, concerning the application of the rape shield provisions in Scotland (ss274 and 275 of the 1995 Act). The Board discussed the arguments by the Faculty of Advocates and the Law Society that the High Court's strict interpretation of 274 and 275 is incompatible with Article 6 of ECHR, and the potential ramifications for the operation of the SCCRC were the Supreme Court to conclude that the High Court's interpretation of 274 and 275 is incompatible with Article 6. Dr Davies will be meeting with the Justice Directorate next week and she requested statistics in relation to Commission cases which may be affected by the Supreme Court case. It was agreed Miss McAlinden will pull together the information.

1.6 Chief Executive's Report

Mr Walker provided the Board with an update on the following matters:

- The offers for the positions of the permanent and temporary LO positions have been made and have been accepted; the new appointees will be in post from 1 September 2025.
- The annual accounts will be signed off at the August Audit Committee meeting, work is underway on the annual report, and the annual accounts and annual report will be laid before Parliament by end of September.
- The information that the Commission requires to disclose in line with the Public Service Reform (Sc) Act 2010 has been published on the website.
- The Commission's case management system has been overhauled and is now fully operational.
- On 22 July Mr Walker and Mr Fenn met Ms Jennifer Braithwaite from the NZCCRC.
- On 28 July Mr Walker is meeting Amanda Pearce, the new Interim CEO at the CCRC.
- The SOR in one case was issued by secure email, in accordance with the applicant's request request.
- Mr Fenn met with representatives from Scottish Government to discuss the Commission's position regarding the retention of forensic samples and engagement with COPFS and Police Scotland about this matter.

1.7 Court Decisions

There were no court decisions.

1.8 Correspondence:

There was no correspondence.

Section 2: Management Issues

2.1 Notification by Members of non-case related work

There was no non-case related work notified by Members.

2.2 Training & Development

The following training and development had been undertaken since the last meeting of the Board:

- There was no training or development undertaken owing to caseloads and annual leave of staff.

2.3 Quarterly Case Statistics Report – 30 June 2025 (M Walker)

Mr Walker provided the Board with an overview of the quarterly case statistics to 30 June 2025. It was noted that the figures are in line with last year's.

2.4 Quarterly Finance Report – 30 June 2025 (M Walker)

In Mr Reddick's absence, Mr Walker provided the Board with a summary of the quarterly finance report to 30 June 2025. It was noted that much of the expenditure thus far was frontloaded but that this was in line with all previous years.

2.5 Quarterly Business Plan Objectives Report – 30 June 2025 (M Walker)

Mr Walker confirmed that this was the first report based on agreed 2025-26 business plan objectives, noting that the quarter one objective had been completed and work had already begun on several other objectives. It was noted that the website should be operational within the next 6-8 weeks.

2.6 Summary Case Review Targets – 30 June 2025 (M Walker)

Mr Walker provided an update on the ongoing assessment of performance in the first quarter in respect of case review targets.

2.7 Quarterly Corporate Risk Register – Quarter 1 Update

Mr Walker confirmed that the updated quarter 1 Corporate Risk Register had been circulated with quarterly performance reports for information. He noted that the narrative had been updated to reflect additional controls activities and the production of the new Corporate Plan and Business Plan. Mrs Mawdsley raised a point about the scope and scoring of risk number 5, "Change in legislation affecting the Commission's work", noting that this should be widened out to record both cases and legislation affecting the Commission. Mr Walker confirmed these suggested updates would be further considered by the Audit Committee in August 2025, before returning to the Board.

Section 3: Case Matters (edited)

3.1 Monthly Case Summary:

Mr Walker confirmed that a total of 12 new applications had been received in July 2025.

3.2 Notification of cases where final decisions have been issued since the last meeting of the Board, following the 28 days for submission of further representations expiring:

- There were no cases in this category.

3.3 Notification of decision cases agreed at previous meetings of the Board but not yet issued:

- There were no cases in this category.

3.4 Referral press releases issued since the last meeting of the Board:

- 15 July 2025 – Ly Quang Huynh Referral

3.5 Requests for extensions of time to submit further representations:

- There were no cases in this category.

3.6 Want of Insistence Cases:

- There were no cases in this category.

3.7 Persistent & Repeated Applications:

- There was one cases in this category.
(Mr Walker left the meeting for this discussion)

The Board considered the correspondence received from one former applicant in respect of his registration in accordance with the Persistent & Repeated Applications Policy. It was agreed to bring it back next month with a copy of the P&R policy to fully consider the points raised.

3.8 Discussion Cases:

- There were no cases in this category.

Section 4: Proposed Referral Cases

There were no cases in this category.

Section 5: Proposed Interim Cases

There were no cases in this category.

Section 6: Proposed Supplementary Cases (edited)

6.1 – 6.2 The Board considered two statements of reasons in this category. After full discussion it agreed not to refer either case to the High Court.

(Ms Reilly left the meeting for both discussions having previously declared conflicts of interest and therefore took no part in the consideration of either case.)

Section 7: Stage 1 Pre-acceptance Cases (edited)

A total of 14 new applications were considered, and the following decisions were made:

1 case	Accepted for a review of conviction and sentence.
5 cases	Rejected: in each case there were no plausible or stateable grounds of review.
1 case	Rejected: it was not in the interests of justice to accept the case for review.
3 cases	Rejected: in each case the applicant had not appealed and there were no plausible or stateable grounds of review.
1 case	Rejected: the application was incompetent.
3 cases	Continued for one month for more information.

Ms Reilly and Ms McMenamin each left the meeting in respect of two cases, having previously declared conflicts of interest, and therefore took no part in their consideration. Ms Fordyce, Mr Young, Ms Forbes and Mrs Mawdsley each left the meeting in respect of one case, having previously declared conflicts of interest, and therefore took no part in their consideration.

Section 8: Concluding Matters

8.1 Any Other Competent Business

There was no other competent business.

8.2 Date of Next Meeting

- Board Meeting – Friday 29 August 2025 @ 10:00
- Policy Meeting – Friday 19 September 2025 @ 10:00
- Board Meeting – Friday 26 September 2025 @ 10:00

M McAlinden
25 July 2025