

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 27 SEPTEMBER 2024

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:

Mr Bill Matthews (Chair) – video conference
Mr Raymond McMenamin – video conference
Mrs Elaine Noad – video conference
Mrs Suzanne Mertes – video conference
Mr Finlay Young – video conference
Ms Jacqueline Fordyce – video conference
Mrs Gillian Mawdsley – video conference

Also Present:

Mr Michael Walker, Chief Executive (minutes) – office
Miss Frances McMenamin KC – video conference

Section 1: Governance Matters (edited)

1.1 Apologies

Doctor Alex Quinn, Ms Laura Reilly and Mr Chris Reddick had submitted their 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 declarations of gifts or hospitality.

1.3 Minutes of Board meeting held on 30 August 2024

The Board approved the minutes of the Board meeting held on 30 August 2024, 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 (edited)

Mr Walker provided an update on matters discussed last month in respect of Crown archive materials. After full discussion the Board agreed an appropriate course of action.

1.5 Chair's Report (edited)

Mr Matthews provided the Board with updates on the following matters:

- He provided an update on the Board recruitment exercise, confirming that applications for both positions were now closed and that interviews would take place over the next couple of weeks. He suggested that we invite the successful candidates to the 25th Anniversary Seminar.
- He reported that he has written today to the First Minister asking him whether he could provide a video presentation to introduce the 25th Anniversary Seminar.

1.6 Chief Executive's Report

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

- He reported that the invitations for the 25th Anniversary Seminar have been issued, that the four main speakers have confirmed their attendance and the subjects of their talks, and that Holyrood Events will attend the Commission's office next month to arrange the layout of the event.
- He reported that Mr Fenn attended a meeting at the Royal Statistical Society in London on 19 September on the statistics of medical misconduct cases, which included a discussion on the Lucy Letby case.
- He reported that he had received from the Scottish Government the Accountable Officer Spend Control Process and Template, and that he will complete the Template document where the Spend Control Process requires it.
- He reported that the Supreme Court is due this calendar year to determine an application to it that the provisions in s274 and s275 of the Criminal Procedure (Sc) Act 1995 are not Convention-compliant. Miss McMenamin KC told the Board that both the Law Society of Scotland and the Faculty of Advocates have been invited to be parties to the action. The Board noted the potential ramifications for the Commission were the Supreme Court to uphold the application.

1.7 Court Decisions

The following court decision was issued since the last meeting of the Board:

- CCRC Referral: Campbell v R

Mr Walker provided an overview of the court's decision in this successful referral by the CCRC. The Board noted the reasons underpinning the court's decision.

1.8 Correspondence:

There was no correspondence.

Section 2: Management Issues (edited)

2.1 Notification by Members of non-case related work

There was no notification of non-case related work by Members.

2.2 Training & Development

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

- On 3 September 2024 Ms McNab provided staff training on climate change adaption. Mr Walker has asked Ms McNab to provide this training to Members at the next Policy meeting.
- Mr Reddick, Mrs MacDonald and Ms McAlinden received training on the implementation of the Scottish Government's Oracle Cloud system.

2.3 CE Annual Reviews (edited)

Persistent and Repeated Applications Register

2.3.1 Mr Walker confirmed that, in accordance with the Persistent and Repeated Applications Policy, he had undertaken his annual review of this Register, following which he removed from it the four applicants who no longer meet the registration criteria. The Board noted the outcome of this review.

Persistent and Vexatious Correspondents Register

2.3.2 Mr Walker confirmed that there are no individuals listed on this Register.

2.4 Criminal Law Review – “Establishing a miscarriage of justice in Scotland: an analysis of 100 recent appeals against criminal conviction”

Mr Walker provided the Board with an overview of this recent academic paper by Dr Isla Callander, Senior Lecturer, Aberdeen University. The Board noted the research that Dr Callander had undertaken in relation to the Commission's function and the work the Commission has carried out and that her conclusions about the Commission were positive. The Board noted the questions that Dr Callander had raised about the accessibility and attainability of “direct” appeals. It noted that Dr Callander had been invited to the 25th Anniversary Seminar.

Section 3: Case Matters (edited)

3.1 Monthly Case Summary:

Mr Walker confirmed that a total of 13 new applications had been received in September 2024 so far.

3.2-3.7 There were no cases in any of these categories.

3.8 Discussion Cases (edited)

Mr Walker provided an update on the Scottish Government's application of the Post Office (Horizon System) Offences (Scotland) Act 2024. The Board noted the position.

Section 4: Proposed Referral Cases (edited)

- 4.1 The Board considered 1 statement of reasons. After full discussion it agreed to refer the case to the High Court.

Ms Reilly had previously declared a conflicts of interest in the case although was not in attendance.

Section 5: Proposed Interim Cases (edited)

- 5.1 The Board considered 2 statements of reasons. After full discussion it agreed not to refer the cases to the High Court.

Section 6: Proposed Supplementary Cases

There were no cases in this category.

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

- 7.1 – 7.19 A total of 19 new applications were considered and the following decisions were made:

1 case	Accepted for a review of conviction only
1 case	Accepted for a review of conviction and sentence
1 case	Accepted for a review of sentence only
1 case	Rejected: the applicant had not appealed against conviction
2 cases	Rejected: in each case the grounds of review were a repeat of the grounds of appeal
4 cases	Rejected: in each case there were no plausible or stateable grounds of 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 applicant had abandoned their appeal without good reasons and the grounds of review were a repeat of the grounds of appeal
2 cases	Rejected: in each case the applicant had abandoned their appeal without good reason and there were no plausible or stateable grounds of review

1 case	Rejected: there were no plausible or stateable grounds of review and it was not in the interests of justice to accept the case for full review
1 case	Rejected: in respect of conviction the applicant had not appealed and there were no plausible or stateable grounds of review; and in respect of sentence the grounds of review were a repeat of the grounds of appeal
1 case	Continued for 1 month

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 25 October 2024 @ 10:00

M Walker
27 September 2024