

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 30 AUGUST 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) – office
Mr Raymond McMenamin – video conference
Mrs Elaine Noad – video conference
Ms Laura Reilly – video conference
Mrs Suzanne Mertes – video conference
Mr Finlay Young – video conference
Ms Jacqueline Fordyce – video conference

Also Present:

Mr Michael Walker, Chief Executive - office
Mr Chris Reddick, Director of Corporate Services (minutes) – video conference
Miss Frances McMenamin KC – office

Section 1: Governance Matters (edited)

1.1 Apologies

Doctor Quinn and Mrs Mawdsley 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 26 July 2024

The Board approved the minutes of the Board meeting held on 26 July 2024 subject to minor amendment. The Board also approved the version of the minutes for the Publication Scheme subject to the same minor amendment.

1.4 Matters Arising

There were no matters arising.

1.5 Chair's Report (edited)

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

- He reported that he would be having an annual review meeting with Ms Catriona Dalrymple on 3 September 2024.
- He confirmed that work had progressed with Holyrood Events in respect of the 25 Anniversary Seminar scheduled for 28 November 2024.
- He provided an update in respect of the current Chair and Member recruitment process.

1.6 Chief Executive's Report (edited)

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

- He confirmed that the proposals for the 25 Anniversary Seminar had been signed off with Holyrood Events on 16 August 2024. He also noted that Lady Dorrian had unfortunately had to withdraw from the event although confirmed that Lord Beckett had made himself available in her place.
- He reported that the Cabinet Secretary for Justice and Home Affairs had issued 2024-25 budget update letter on 21 August 2024 to all Chief Executives regarding further cost controls and discretionary spending.
- He reported that Mr Fenn would be attending a seminar in September 2024 in respect of the use of statistical evidence.
- He confirmed that the 2023-24 Annual Report had now been completed and was ready to be laid in Parliament along with the 2023-24 Annual Accounts which had been signed off in July 2024.

1.6.2 Mr Walker reported that he and Mr Reddick had attended a quarterly sponsor meeting on 20 August 2024 and provided Members with an overview of the main points of discussion.

1.7 Court Decisions

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

- 22 August 2024 – Mr Ravinder Singh Naga

1.8 Correspondence (edited)

Mr Walker provided the Board with an overview of correspondence received from a journalist in respect of one of the Commission's closed cases. After discussion an appropriate response was agreed.

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:

- Miss McNab had attended a Trauma Informed Lawyer Certification course on 20 August 2024.

2.3 Discussion - Independent review by Chris Henley KC of the CCRC's handling of the Andrew Malkinson case (M Walker) (edited)

2.3.1 Mr Walker provided the Board with an overview of his review of the Henley Report in terms potential learning points. He confirmed that the original Henley report had also been recirculated. He invited Members to provide feedback and thoughts on the points raised.

2.3.2 After full discussion it was agreed that the 2024-25 Annual Report would be an appropriate place for comment to be made on any action taken forward by SCCRC following the Henley Review. It was also agreed that the issue regarding the lack of forensic archive in Scotland would again be raised.

2.4 Information Request (M Walker) (edited)

Mr Walker provided the Board with an overview of a request received for information in respect of the Lockerbie review. After full discussion, it was agreed that, having regard to the statutory framework that limit our disclosure of information about the cases we are reviewing or have reviewed, as set out in Part XA of the Criminal Procedure (Sc) Act 1995 (CPSA), the Data Protection Act 2018 (DPA) and the UK General Data Protection Regulation (UK GDPR), we are not entitled to disclose the information that he has requested.

2.5 2023-24 Annual Report (C Reddick)

As noted earlier, Mr Reddick confirmed that the 2023-24 Annual Report had now been completed and arrangements would now be made for this to be laid in Parliament with the 2023-24 Annual Accounts.

Section 3: Case Matters (edited)

3.1 Monthly Case Summary:

Mr Walker confirmed that a total of 15 new applications had been received in August 2024 so far.

3.2-3.6 There were no cases in any of these categories.

3.7 Persistent & Repeated Applications

- The Board considered the appeal against registration in one case and agreed that this should not be upheld. It was agreed that an appropriate response would be drafted and issued in September 2024.

3.8 Discussion Cases – Post Office/Horizon Cases Update (edited)

Mr Walker provided the Board with a brief update on Post Office/Horizon cases.

Section 4: Proposed Referral Cases

There were no cases in this category.

Section 5: Proposed Interim Cases (edited)

5.1 The Board considered 3 statements of reasons. After full discussion it agreed not to refer the cases to the High Court.

Ms Reilly had left the meeting for the discussion in two cases having previously declared conflicts of interest and therefore took no part in their consideration.

Section 6: Proposed Supplementary Cases (edited)

6.1-6.2 The Board considered 2 supplementary statement of reasons. After full discussion it finally agreed not to refer the cases to the High Court.

Section 7: Stage 1 Pre Acceptance Cases (edited)

7.1 – 7.29	A total of 29 new applications were considered and the following decisions were made:	
	2 cases	Accepted for a review of conviction only
	2 cases	Accepted for a review of conviction and sentence
	3 cases	Rejected: in each case there were no plausible or stateable grounds of review
	4 cases	Rejected: in each case the applicant had not appealed against conviction
	2 cases	Rejected: the grounds of review were a repeat of the grounds of appeal
	10 case	Rejected: the applicant had not appealed and there were no plausible or stateable grounds of review
	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
	2 cases	Rejected: in each case the grounds of review were a repeat of the grounds of appeal and there were no plausible or stateable grounds of review

1 case

Continued for 1 month

1 case

Suspended

Ms Fordyce had left the meeting for the discussion in two cases, Miss McMenamin K.C. in one case and Ms Reilly in two cases 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 27 September 2024 @ 10:00

C Reddick

17 September 2024