

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 27 SEPTEMBER 2019

10.00 AM, PORTLAND HOUSE

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 (Chairman)
Mr Raymond McMenamin
Professor Jim Fraser
Mr Colin Dunipace
Ms Laura Reilly
Dr Alex Quinn
Mrs Elaine Noad
Ms Carol Gammie

Also Present:

Mr Gerard Sinclair, Chief Executive
Mr Chris Reddick, Director of Corporate Services (minutes)
Mr Michael Walker, Head of Casework
Sir Gerald Gordon Q.C., Consultant Legal Adviser

Section 1: Governance Matters

1.1 Apologies

Mr Ferguson Q.C. 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 declarations of conflicts, gifts or hospitality.

1.3 Minutes of Board meeting held on 30 August 2019

The Board approved the minutes of the Board meeting held on 30 August 2019. The Board also approved the version of the minutes for the Publication Scheme.

1.4 Matters Arising

There were no matters arising.

1.5 Chairman's Report

Mr Matthews provided the Board with an update on the following matter:

- He confirmed that Mr Ferguson Q.C. had unfortunately had to submit his apologies for his last meeting of the Board before the conclusion of his term of office. On behalf of the Board he formally recorded their thanks and appreciation for Mr Ferguson's valued service.
- He reported that following Mr Dunipace's resignation to take up a full time sheriff position, a replacement had been selected from the previous appointments process and that Mr Danny Scullion would be taking up his appointment in October 2019.

1.6 Chief Executive's Report

1.6.1 Mr Sinclair provided the Board with updates on the following matters:

- He reported that the Commission had received a visit from Members of the Jiangsu Provincial People's Procuratorate on 3 September 2019. He confirmed that the Management Team had presented to the group and had each accepted a small gift from them, in the form of a tie or scarf, to be declared.
- He reported that he had attended an Advisory Counsel of the Judicial Institute on 9 September 2019.
- He reported that he had attended a SG Justice Leaders Forum on 18 September 2019.
- He reported that he had attended an NDPB Forum on 24 September 2019.
- He reported that there was a Board Member Induction Day in Edinburgh on 6 November 2019 for anyone who wished to attend.

1.6.2 Mr Sinclair advised the Board that he had been invited to attend and speak at a Miscarriages of Justice Conference in Ottawa on 23 and 24 October 2019. He confirmed that his flight and accommodation expenses were being met by the conference organisers.

1.6.3 Mr Sinclair provided the Board with a full update on the office move, confirming that this would take place on 11, 14 and 15 October 2019. He advised that telephones and email may be down for a time during this period but confirmed that a notice would be placed on the website and voicemail updated accordingly.

1.7 Court Decisions

Mr Sinclair confirmed that there were no new court decisions and currently only 1 outstanding referral.

1.8 Correspondence

There was no correspondence for consideration.

Section 2: Management Issues (edited)

2.1 Notification by Members of non-case related work

There was no non case related work for noting.

2.2 Training & Development

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

- Mr Fitzpatrick had attended a GDPR Training Seminar in Edinburgh on 25 September 2019.

2.3 Position Papers – Defective Representation & Oppression

2.3.1 Mr Fenn provided the Board with an overview of his updated position paper on Defective Representation, confirming that the new style had been applied and a flowchart created. After full discussion the Board approved the updated position paper. Mr Matthews confirmed that the updated version was an excellent piece of work and very clear.

2.3.2 Mr Fenn provided the Board with an overview of his updated position paper on Oppression. After full discussion the Board approved the updated version.

Section 3: Case Matters (edited)

3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 11 new applications had been received to date in September 2019.

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 was one case 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 last meeting of the Board:

There were no cases in this category.

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 Discussion Cases:

Mr Walker provided the Board with an update on the progress of the review in one case.

Section 4: Proposed Referral Cases

4.1 There were no cases in this category.

Section 5: Proposed Interim Cases (edited)

5.1–5.2 The Board considered 2 statements of reasons. After full discussion it agreed not to refer those cases to the High Court.

Section 6: Proposed Supplementary Cases

6.1 There were no cases in this category.

Section 7: Stage 1 Pre Acceptance Cases

7.1–7.14 A total of 14 new applications were considered and the following decisions were made:

1 case	Accepted on conviction
2 cases	Accepted on sentence
1 case	Rejected: the applicant had not appealed against conviction
2 cases	Rejected: the applicant had not appealed and there were no plausible or stateable grounds of review
1 case	Rejected on conviction as the applicant had not appealed; rejected on sentence as there were no plausible or stateable grounds of review
1 case	Rejected on conviction as the applicant had not appealed and there were no plausible or stateable grounds of review; rejected on sentence as the grounds of review were a repeat of the grounds of appeal
1 case	Rejected: the grounds of review were a repeat of the appeal grounds
1 case	Rejected: there were no plausible or stateable grounds of review
4 cases	The Board agreed to continue the case for 1 month

Mr McMenamin left the meeting for the discussion in one case having previously declared a conflict of interest and therefore took no part in its consideration.

The Board noted that Mr Sinclair had decided to place one applicant on the Persistent & Repeated Applications Register.

8.1 Any Other Competent Business

Mr Sinclair confirmed that he had undertaken his annual review of the both the Persistent & Repeated Applications Register and the Persistent & Vexatious Correspondents Register. He confirmed that no changes had been made to current registrations. The Board noted that the review had been completed.

8.2 Date of Next Meeting

- Board Meeting – Friday 25 October 2019 @ 10:00

Chris Reddick
17 October 2019