

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 28 AUGUST 2020

10.00 AM, 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: all by video conference

Mr Bill Matthews (Chair)
Ms Carol Gammie
Ms Laura Reilly
Professor Jim Fraser
Mrs Elaine Noad
Mr Raymond McMenamin
Dr Alex Quinn

Also Present: all by video conference

Mr Gerard Sinclair, Chief Executive (minutes)
Mr Michael Walker, Head of Casework

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 declarations of gifts or hospitality.

1.3 Minutes of Board meeting held on 31 July 2020.

The Board approved the minutes of the Board meeting held on 31 July 2020, 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 Minutes of Policy meeting held on 14 August 2020

The Board approved the minutes of the Policy meeting held on 14 August 2020, subject to minor amendment. The Board also approved the version of the minutes for the Publication Scheme, subject to the same minor amendment.

1.6 Matters Arising

There were no matters arising.

1.7 Chair's Report

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

- He confirmed that he had met with a representative of the sponsor department during the month for an annual review of the work of the Commission. They had discussed a number of matters, including the annual report and accounts, the Commission's budget, the conclusion of the review of the case of Mr Megrahi, the SCCRC's work with the new Commission in New Zealand and the Commission's response to Covid-19. The Chairman was pleased to report that the relationship with the sponsorship department remained positive and productive.
- He had agreed the format of a letter to the Chief Constable re the retention of papers which would be issued in his name next week.

1.8 Chief Executive's Report

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

- He provided the Board with an update on the Commission's new staff rota which had commenced at the start of August 2020.
- He provided the Board with an update on the progress of the appeal of Mr Megrahi which had been the subject of a preliminary hearing on 21 August 2020.
- He provided the Board with an update on the progress of the "post office cases" and confirmed that a provisional database had been received from Crown Office containing a potential list of 80 cases. These potential applicants would be contacted within the month and a press release would be issued to identify any other potential Scottish applicants.
- He reported on the progress in recovering expenses in relation to a successful defence of a judicial review action by one applicant.
- He confirmed that he would contact Frances McMenamin QC at the beginning of September to discuss arrangements for her taking up the role of Legal Consultant to the Commission with a view to her attending the Board meeting on 25 September.

1.9 Court Decisions

There were no court decisions.

1.10 Correspondence

There was no correspondence for consideration.

Section 2: Management Issues

2.1 Notification by Members of non-case related work

There was no non case related work for noting.

2.2 Training & Development

No training and development had been undertaken since the last meeting of the Board.

2.3 Position Papers – D Fenn

Mr Fenn provided the Board with an update on the revision of the Position Papers and the introduction of the new, shorter, submission guidance documents. These were noted with approval and the new format was adopted. It was agreed that these shorter documents could be issued with application packs and reference could be made to the longer information materials available on the website and in prison libraries.

Section 3: Case Matters (edited)

3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 10 new applications had been received in August 2020.

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:

No referral press releases had been issued since the last meeting of the Board.

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:

There were no cases in this category.

Section 4: Proposed Referral Cases

There were no cases in this category.

Section 5: Proposed Interim Cases (edited)

5.1–5.3 The Board considered 3 statements of reasons. After full discussion it agreed not to refer those cases to the High Court.

Ms Reilly left the meeting for the discussion in one case having previously declared a conflict of interest and therefore took no part in its consideration)

Section 6: Proposed Supplementary Cases (edited)

6.1 The Board considered 1 supplementary statement of reasons. After full discussion it finally agreed not to refer that case to the High Court.

Section 7: Stage 1 Pre Acceptance Cases (edited)

7.1–7.7 A total of 7 new applications were considered and the following decisions were made:

1 case	Rejected on conviction as the applicant had not appealed and as there were no plausible or stateable grounds of review; rejected on sentence as there were no plausible or stateable grounds of review
1 case	Rejected: the applicant had abandoned his appeal without good reason and there were no plausible or stateable grounds of review
3 cases	Rejected: there were no plausible or stateable grounds of review
2 cases	Continued for 1 month in order to obtain further information

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 September 2020 @ 10:00

G Sinclair
28 August 2020