

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 23 FEBRUARY 2018

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
Mr Raymond McMenamin
Mrs Elaine Noad
Miss Frances McMenamin Q.C.
Professor Jim Fraser
Mr Colin Dunipace

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 26 January 2018

The Board approved the minutes of the Board meeting held on 26 January 2018 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 Chairman's Report

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

- He congratulated Mr McMenemy on his appointment to the Board at SLAB which he would be taking up from 1 April 2018.
- He confirmed that he had attended the Audit Committee meeting on 22 February 2018 as an observer.
- He reported that he had been approached by Scottish Government to be involved in their mentoring scheme for future possible chairs of public bodies.

1.6 Chief Executive's Report (edited)

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

- He reported that the Lord Justice Clerk, the Rt. Hon. Lady Dorrian, and the Rt. Hon Lord Turnbull would be visiting the Commission on 7 March 2018 and providing a talk to staff and Members. He confirmed that the talk would commence at 16:30 and would be followed by a questions and answers session and a reception at the Commission's office.
- He reported that the New Zealand Justice Minister would be visiting the Commission with a delegation on 19 March 2018 to find out more about the Commission and how it operates.
- He reported that he would be giving a talk at the CLT Conference on 20 March 2018.

1.6.2 Mr Sinclair provided an update in one case, which the Board discussed in full.

1.6.3 Mr Sinclair provided the Board with an update in respect of staffing matters.

1.7 Court Decisions

There were no court decisions issued since the last meeting of the Board and Mr Sinclair confirmed that there was currently only one outstanding referral.

1.8 Correspondence

There was no correspondence for noting.

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:

- Mr Keane had attended a lecture at Glasgow University on 9 February 2018 on "exhaustion of domestic remedies under the ECHR."
- Mr Keane had attended a lecture at Edinburgh University on 14 February 2018 on the Right of Silence.

2.3 Tribunal Bias

Mr Keane provided the Board with a summary of his draft position paper in respect of Tribunal Bias and provided an overview of updates provided by Members. After full discussion the Board approved the position paper, subject to agreed updates and minor amendment.

Section 3: Case Matters

3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 13 new applications had been received to date in February 2018.

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 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 extensions of time for consideration.

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 proposed referral cases.

Section 5: Proposed Interim Cases (edited)

5.1–5.4 The Board considered 4 statements of reasons. After full discussion it agreed not to refer those cases to the High Court

Section 6: Proposed Supplementary Cases

There were no proposed supplementary cases.

Section 7: Stage 1 Pre Acceptance Cases (edited)

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

2 cases	Rejected: the applicant had not appealed
2 cases	Rejected: the applicant had not appealed and there were no stateable grounds of review
1 case	Rejected: the applicant had not appealed and a review was not possible (historic case)
3 cases	Rejected: there were no stateable grounds of review
1 case	Rejected on conviction as there were no stateable grounds of review; rejected on sentence as the applicant had not appealed and there were no stateable grounds of review
2 cases	Rejected on conviction as there were no plausible grounds of review and no stateable grounds of review; rejected on sentence as the applicant had not appealed
1 case	Rejected: it was not in the interests of justice to accept the application for a full review
2 cases	Continued for 1 month

Section 8: Concluding Matters (edited)

8.1 Any Other Competent Business

Mr Fenn referred the Board to one case. After full discussion the Board asked that Mr Fenn check that the Home Office had amended the information on their website.

8.2 Date of Next Meeting

- Board Meeting – Friday 23 March 2018 @ 10:00

Chris Reddick
14 March 2018