

# SCOTTISH CRIMINAL CASES REVIEW COMMISSION

## MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 23 MARCH 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.  
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. and Professor Fraser 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 declarations of conflicts, gifts or hospitality.

#### 1.3 Minutes of Board meeting held on 23 February 2018

The Board approved the minutes of the Board meeting held on 23 February 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 Minutes of Audit Committee meeting held on 22 February 2018**

The Board noted the minutes of the Audit Committee meeting held on 22 February 2018 which had been approved by the Members of the Audit Committee.

## **1.6 Matters Arising**

There were no matters arising.

## **1.7 Chairman's Report**

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

- He confirmed that he had attended the talk by the Lord Justice Clerk and Lord Turnbull at the Commission on 7 March 2018.
- He confirmed that he had attended the visit by the New Zealand Justice Minister and his delegation on 12 March 2018.

## **1.8 Chief Executive's Report**

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

- He confirmed that the talk by the Lord Justice Clerk and Lord Turnbull had been held at the Commission on 7 March 2018 and provided Members with a full update on matters discussed.
- He reported that he had given a talk to the Advisory Council of the Judicial Institute on 12 March 2018.
- He reported that the Commission had received a visit from Professor Mari Hirayama from Hakuoh University in Japan on 16 March 2018.
- He confirmed that the New Zealand Justice Minister and his delegation had visited the Commission on 19 March 2018 and provided Members with a full update on the discussion topics.
- He reported that he had given a talk to a CLT Conference on 20 March 2018.

1.8.2 Mr Sinclair provided an update in respect of ongoing legal actions and confirmed that a total of 12 new applications had been received so far in March 2018.

## **1.9 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.

## **1.10 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, Mr Fitzpatrick, Miss Anderson and Miss Ralston had attended a CLT Conference in Glasgow on 20 March 2018.

### Section 3: Case Matters

#### 3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 12 new applications had been received to date in March 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)

5.1–5.6 The Board considered 6 statements of reasons. After full discussion it agreed not to refer those cases to the High Court.

## Section 6: Proposed Supplementary Cases (edited)

**6.1–6.2** The Board considered 2 supplementary statements of reasons. After full discussion it agreed finally not to refer those cases to the High Court.

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

## Section 7: Stage 1 Pre Acceptance Cases (edited)

**7.1–7.16** A total of 16 new applications were considered and the following decisions were made:

1 case	Accepted on conviction and sentence
1 case	Accepted on sentence
1 case	Rejected: the applicant had not appealed and there were no stateable grounds of review
1 case	Rejected: the applicant had not appealed, there were no stateable grounds of review and a review of the case was not possible (historic case)
1 case	Rejected: the applicant had abandoned his appeal without good reason and there were no stateable grounds of review
3 cases	Rejected: repeat of appeal grounds
1 case	Rejected: repeat of appeal grounds and there were no stateable grounds of review
2 cases	Rejected: there were no stateable grounds of review
1 case	Rejected: there were no plausible grounds of review (defective representation)
1 case	Rejected: there were no plausible grounds of review (guilty plea and defective representation), there were no stateable grounds of review and it was not in the interests of justice to accept the case for a full review
1 case	Rejected: the application was incompetent
2 cases	Continued for 1 month

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

## Section 8 (edited)

**8.1** Mr Fenn provided Members with a full update in respect of one application.

Miss McMenamin Q.C. left the meeting for this discussion having previously declared a conflict of interest and therefore took no part in its consideration

## Section 9: Concluding Matters

### 9.1 Any Other Competent Business

There was no other competent business.

### 9.2 Date of Next Meeting

- Board Meeting – Friday 27 April 2018 @ 10:00

Chris Reddick  
18 April 2018