

# SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 27 NOVEMBER 2015  
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:**

Mrs Jean Couper CBE, Chairman  
Miss Frances McMenamin Q.C.  
Professor George Irving CBE  
Professor Jim Fraser  
Mr Peter Ferguson Q.C.  
Mr Colin Dunipace  
Mr Gerrard Bann

### **Also Present:**

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

## Section 1: Governance Matters

### **1.1 Apologies**

Doctor Darjee 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.

### **1.3 Minutes of Board meeting held on 30 October 2015**

The Board approved the minutes of the Board meeting held on 30 October 2015 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**

Mrs Couper reported that she had attended the Scottish Government's Justice Leaders Networking Event on 12 November 2015. Mrs Couper provided Members with an overview of the event.

## **1.6 Chief Executive's Report**

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

- Mr Sinclair reported that he had attended the Lord Advocate's Cold Case Conference on 12 & 13 November 2015.
- Mr Sinclair reported that he had attended the quarterly Justice Directorate meeting with Mr Reddick on 20 November 2015.
- Mr Sinclair confirmed that a meeting with Lord Carloway and Lady Dorrian had been arranged for 28 January 2016.

## **1.7 SCCRC Appeal Court Decisions**

There were no Appeal Court decisions issued since the date of the last meeting.

## **1.8 Correspondence**

There was no correspondence for noting.

## **Section 2: Management Issues**

### **2.1 Notification by Members of non-case related work**

Mrs Couper confirmed that she had attended the Justice Leader Networking Event as reported at 1.5

### **2.2 Training & Development**

The following training and development had been undertaken by staff since the date of the last meeting:

- Miss Monaghan had attended the Scottish Young Lawyers' Association's Criminal Law Conference on 7 November 2015.
- Mr Henry had attended the Lord Advocate's Cold Case Conference on 12 November 2015.
- Mr McShane had attended a Presentation Skills course, run by the Legal Services Agency, on 17 November 2015.

## **Section 3: Case Matters (name deleted)**

### **3.1 Monthly Case Summary**

Mr Sinclair provided the Board with a summary of the monthly case statistics to the end of November 2015, confirming that a total of 6 new applications had been received this month to date.

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 Press releases issued since last meeting of the Board:

- 5 November 2015 – Application on behalf of Mr Abdelbaset Ali Mohmed Megrahi
- 6 November 2015 - Application on behalf of Mr Abdelbaset Ali Mohmed Megrahi – Update
- 18 November 2015 – John Milligan Referral

3.5 Requests for extensions of time to submit further representations:

One extension-of-time request (a 2nd request, for five weeks) was granted.

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 (edited)**

4.1 The Board considered one statement of reasons. After full discussion it agreed to refer the case to the High Court.

#### **Section 5: Proposed Interim Cases (edited)**

5.1–5.5 The Board considered 5 statements of reasons. After full discussion it agreed not to refer those five cases to the High Court.

#### **Section 6: Proposed Supplementary Cases (edited)**

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

#### **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 | Accepted for a review of conviction and sentence |
| 2 cases | Accepted for a review of conviction              |

2 cases	Rejected: the applicant had not appealed against conviction or sentence and there were no stateable grounds of review
1 case	Rejected: the applicant had not appealed against conviction and there were no plausible grounds of review (guilty plea)
1 case	Rejected on conviction on the basis that the applicant had not appealed; rejected on sentence on the basis that the grounds of review were a repeat of the grounds of appeal
1 case	Rejected: the applicant had abandoned his appeal against sentence without good reason
1 case	Rejected on conviction on the basis that the applicant had abandoned his appeal without good reason and there were no stateable grounds of review; rejected on sentence on the basis the applicant had not appealed and there were no stateable grounds of review
3 cases	Rejected: the grounds of review were a repeat of the grounds of appeal
1 case	Rejected: there were no stateable grounds of review

## Section 8: Concluding Matters

### 8.1 Any Other Competent Business

The proposed 2016 calendar was circulated.

### 8.2 Date of Next Meeting

- Audit Committee Meeting – Thursday 3 December 2015 @ 14:30
- Policy Meeting – Friday 11 December 2015 @ 10:00
- Board Meeting – Friday 29 January 2016 @ 10:00

**Chris Reddick**  
4 December 2015