



NEWS RELEASE

The Scottish Criminal Cases Review Commission ('the Commission') has referred the case of Duncan Stewart ("the applicant") to the High Court of Justiciary.

In accordance with the Commission's statutory obligations, a statement of reasons for its decision has been sent to the High Court, and a copy of the statement of the reasons has been sent to Mr Stewart, his solicitors and the Crown. The Commission has no power under its founding statute to make copies of its statements of reasons available to the public.

The applicant was convicted at Fort William Sheriff Court on 19 December 2012 of a charge of contravening section 3ZB of the Road Traffic Act 1988 to the effect that he had caused the death of a motorcyclist by driving on the road while disqualified and uninsured at the time the fatal collision occurred.

Having reviewed the case, the Commission believes that the applicant may have suffered a miscarriage of justice. A decision of the Supreme Court subsequent to the applicant's plea of guilty clarified the law and held that, on a proper interpretation of the statute, a person in the applicant's position could only be guilty of causing the death of another if he or she had done something to cause the fatal accident other than merely driving on the road when not legally entitled to do so.

This release is for information purposes only and the content of this news release should not be treated as forming part of the Commission's statement of reasons.

Notes for Editors

The Scottish Criminal Cases Review Commission was established as an independent body on 1 April 1999 to review alleged miscarriages of justice in Scottish convictions and/or sentences. Under sections 194 A to T of the Criminal Procedure (Scotland) Act 1995 the Commission can refer a case to the High Court if it believes that a miscarriage of justice may have occurred and that it is in the interests of justice that a reference should be made. After the Commission makes a reference to the High Court, the case will proceed as a normal appeal.

The Commission operates with a Board of 8 Members, one of whom is the Chairperson, a Chief Executive, a Director of Corporate Services, a Head of Casework, 2 Senior Legal Officers, 5 Legal Officers and administrative support staff.

In terms of its disclosure policy, the Commission will disclose the fact that a case has been referred. However, as it operates under statutory non-disclosure provisions, the Commission will not disclose any further information about such cases.

For any further general information about the Commission please contact Mr Chris Reddick, Director of Corporate Services, SCCRC, 5th Floor, Portland House, 17 Renfield Street, Glasgow, Tel: 0141 270 7030, e-mail: creddick@sccrc.org.uk or visit the Commission's website at www.sccrc.org.uk