



Scottish Criminal Cases
Review Commission

Information

Introducing the Scottish Criminal Cases Review Commission (SCCRC)

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Who are we?

We are the independent public body that investigates and reviews alleged miscarriages of justice in Scotland.

We comprise a Board of Members (both legally qualified and lay persons), a Chief Executive, a Director of Corporate Services, legal officers and support staff.



Introducing the Scottish Criminal Cases Review Commission (SCCRC)

Who may apply?

Any person convicted of a criminal offence in Scotland, whether under solemn or summary procedure. In normal circumstances, however, we look into an applicant's case only after he has made an unsuccessful appeal to the High Court (see over). We may consider applications made on behalf of another person.

Whom do we represent?

We are an independent body: we do *not* represent the prosecution, the defence, the police, the courts or any other part of the criminal justice system; we do *not* represent applicants.



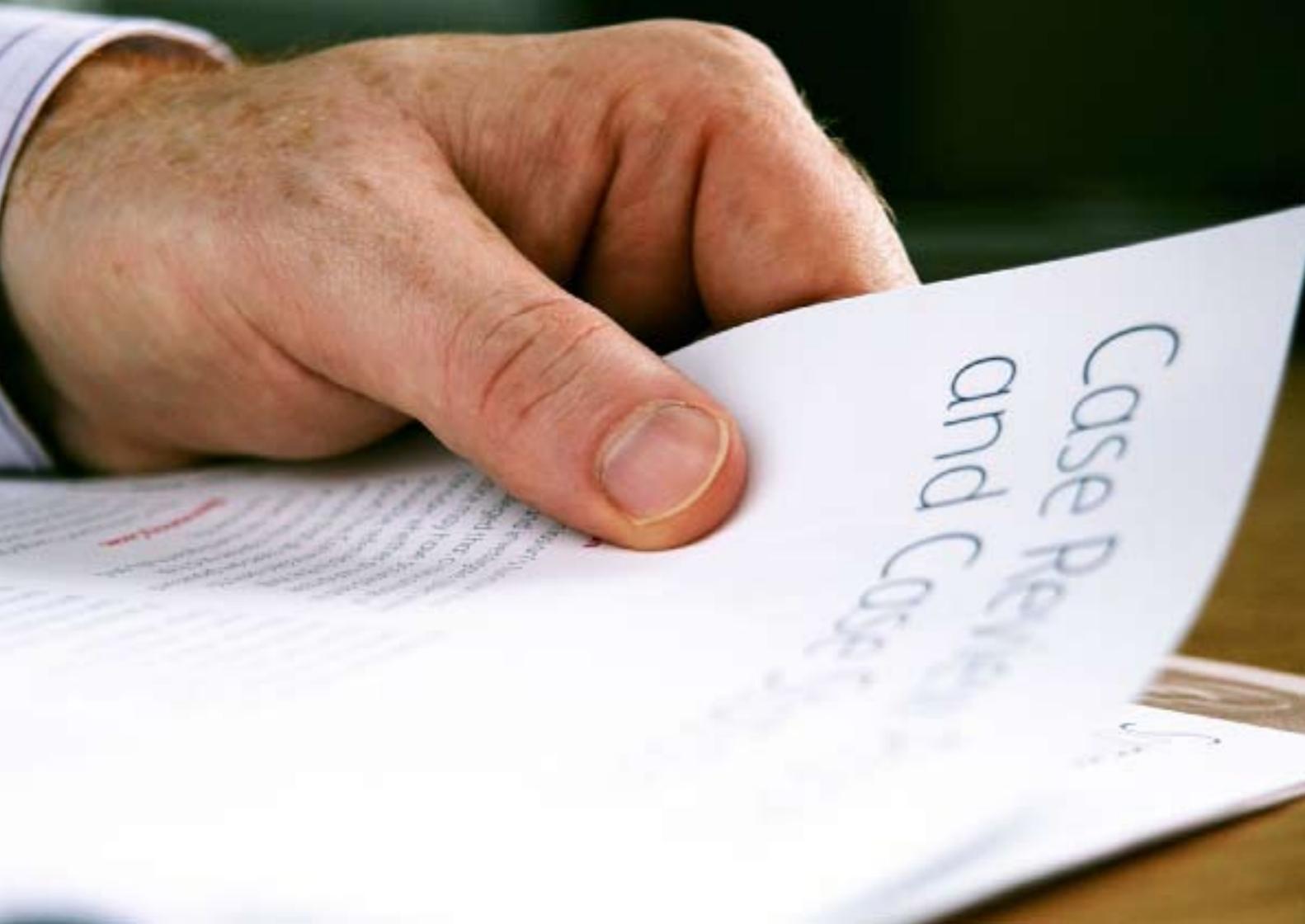
The Work of the SCCRC

What do we do?

We review cases to decide whether they should be referred to the High Court to be considered again. The High Court must then decide whether the conviction or sentence should be overturned.

When do we refer cases?

We refer a case to the High Court where we believe that there *may* have been a miscarriage of justice and it is in the interests of justice to do so.



Applying to the SCCRC

When may you apply?

You may apply to the SCCRC in respect of your conviction or sentence (or both) after your appeals against conviction and sentence are concluded. If your appeal against conviction is concluded and you have an appeal against sentence outstanding, you may apply immediately in respect of your conviction.

How do you apply?

You must complete an application form (which is enclosed). You must set out the details of your conviction and appeal and why you believe that a miscarriage of justice has occurred in your conviction or sentence (or both).



Applying to the SCCRC

Do you need legal advice?

You may ask a solicitor (or another person) to assist you in completing the application form – and free or low-cost legal advice may be available under the Legal Advice and Assistance Scheme – and your solicitor should be able to help you formulate your grounds of review. However, you do not need to use the services of a solicitor when you apply.

Will it cost you to apply?

We do not charge you a fee for reviewing your case. We shall pay for any expert reports we think are necessary for the review.



Dealing with applicants

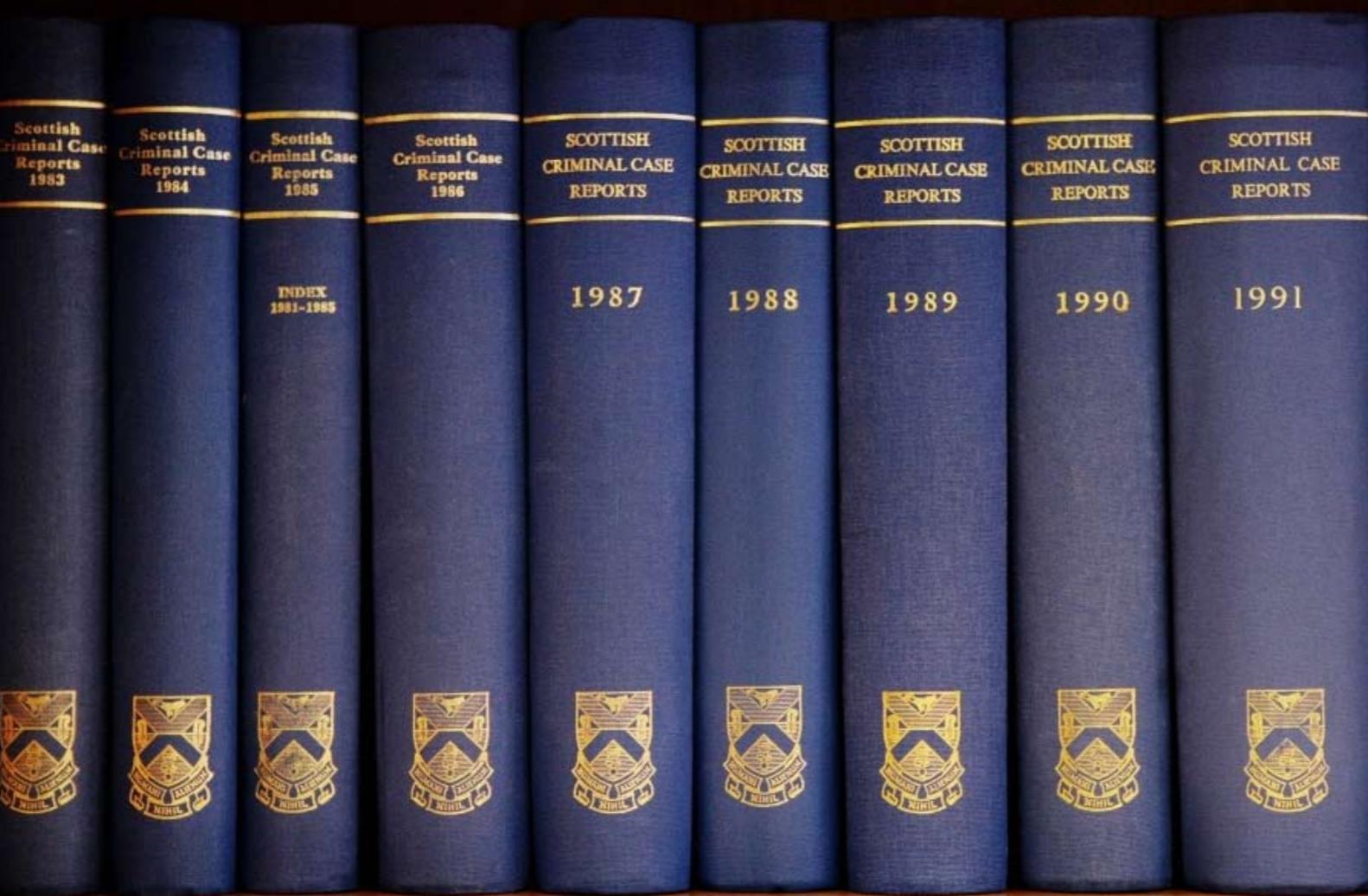
How long does a review take?

We aim to complete the review of your case within a reasonable timescale and without undue delay. We have target review timescales in place depending on whether the review is of sentence and/or conviction. If your case is accepted for full review you will be informed of the target review timescale applicable in your case.

The Commission reviews and updates these timescales each year.

Do we keep an applicant informed on the progress of a review?

We shall tell you the dates of the committee and the Board meetings at which your case will be discussed. After each committee meeting at which your case was discussed, we shall provide you with general information about the progress of the review of your case.

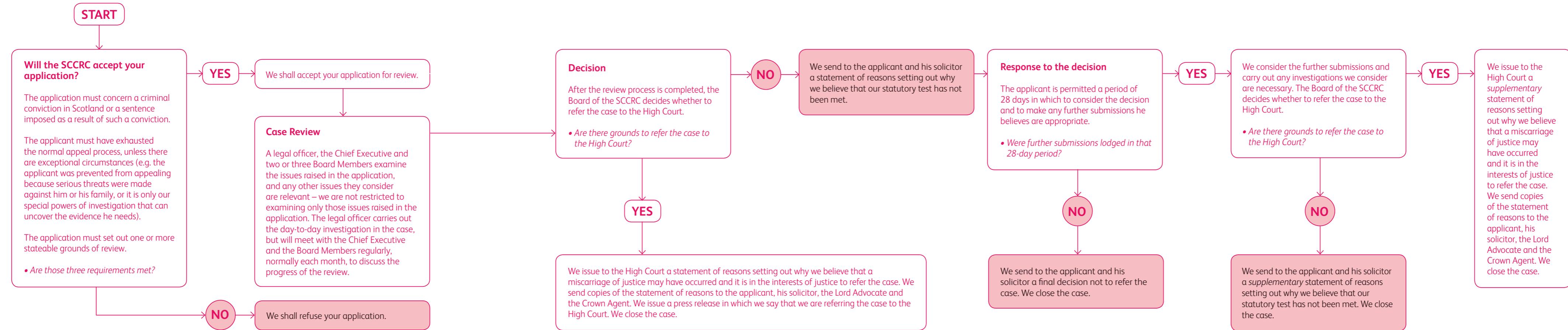


What investigative powers do we have?

We have the power to undertake enquiries, to obtain statements and to ask the Lord Advocate to undertake enquiries on our behalf. Where necessary, we arrange for tests to be carried out and we seek the views of experts.

Where we believe a person may have information relevant to our investigation and that person refuses to provide a statement, we may apply to a sheriff for a warrant to cite him to give a precognition on oath. If the sheriff grants the warrant, that person will require to attend a sheriff court to answer the questions we wish to ask him. His failure to attend the court, or to provide information within his knowledge, is a criminal offence for which the penalty is up to £1000 fine and/ or 21 days' imprisonment.

Where we believe a person or a public body possesses material which may assist our investigation and that person or public body refuses to provide the material, we may apply to the High Court for an order requiring that person or public body to produce the material or to provide us with access to the material. A public body includes any police force, governmental department and local authority.



Flow Chart: The case review process



Section 3

The investigative powers of the SCCRC



After a referral is made to the High Court

Do we have any further involvement in the case?

Where we refer your case, we have no further involvement in the case: it proceeds as a normal appeal. You or your counsel will need to present any appeal.

Do you need legal advice?

We would advise any applicant whose case we refer to instruct a solicitor. A list of names of solicitors is available from the Law Society of Scotland.

Will your appeal succeed?

The fact we refer the case to the High Court is no guarantee that the conviction will be overturned or the sentence reduced. We refer a case to the High Court where we believe that there *may* have been a miscarriage of justice and it is in the interests of justice to do so. The High Court must decide whether there *has* been a miscarriage of justice.

Section 3

The investigative powers of the SCCRC

A stack of books with a red cover is visible on the left side of the image, resting on a wooden surface. The books are slightly out of focus, and their reflection is visible on the polished wood.

Other Information:

The SCCRC was created by section 194 of the Criminal Procedure (Scotland) Act 1995, as amended by section 25 of the Crime and Punishment (Scotland) Act 1997, which sets out the powers and duties of the SCCRC.

Further information about the SCCRC is available on our website: [**www.sccrc.org.uk**](http://www.sccrc.org.uk)