

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

NEWS RELEASE

Following the judgment of the Privy Council in the decision of *Flynn v HMA* (PC) 2004 SCCR 281, and the subsequent decision of the High Court in *Flynn v HMA* (No. 2) 2004 SCCR 702, the Commission has referred the following case to the High Court for the reconsideration of the punishment part of his life sentence, previously set under the Convention Rights (Compliance) (Scotland) Act 2001 (hereinafter “the 2001 Act”):

- Mr John Andrew Skidmore – convicted at Edinburgh High Court on 18 May 1999 and sentenced to life imprisonment. A punishment part of 13 years was set.

The 2001 Act specifies that the High Court should set a part of the sentence for life prisoners to be known as the “punishment part”. This punishment part should be the period considered necessary for the purposes of deterrence and retribution; prisoners must serve this period before their release on licence can be considered by the parole board.

As a consequence of the judicial guidance provided in the *Flynn* judgments, the Commission has decided to refer these cases as they may be within a category of prisoners affected by the changes in the interpretation of the transitional provisions of the 2001 Act. These provisions apply to mandatory life prisoners sentenced to life imprisonment on or before 8 October 2001 (on which date the 2001 Act came into force).

The Commission has therefore referred these cases back to the High Court in order that the punishment part can be reconsidered in light of the recent interpretation of the relevant provisions of the 2001 Act.

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 section 194 A to L of the Criminal Procedure (Scotland) Act 1995 (as inserted by section 25 of the Crime and Punishment (Scotland) Act 1997) 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. Once a case is referred to the High Court by the Commission, it 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 Administration, a Senior Legal Officer, 8 Legal Officers and administrative support staff.

The Commission has reviewed its policy on disclosure and, from 1 April 2003, will disclose the fact that a case has been referred. However, as the Commission operates under strict statutory non-disclosure provisions, it is not possible for the Commission to disclose any further information about such cases. The Commission will not release any information regarding cases in which no referral has been made or in respect of cases under review.

For any further general information about the Commission please contact Mr Chris Reddick, Director of Administration, 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