



NEWS RELEASE

The Scottish Criminal Cases Review Commission ('the Commission') has today referred to the High Court the case of Jeremiasz Pawel Kosiński 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, Mr. Kosiński, and Crown Office. The Commission has no power under its founding statute to make copies of its statements of reasons available to the public.

On 2 September 2008, at Oban Sheriff Court, Mr. Kosiński was convicted of driving without insurance on a public road in Oban on 14 January 2008 in contravention of section 143 of the Road Traffic Act 1988 (as amended). The court held that Mr. Kosiński was resident in the UK and was therefore subject to the requirement to hold insurance from a British insurer. Mr. Kosiński was admonished for the offence.

The Commission believes that the court made an error in holding that Mr. Kosiński was resident in the UK on 14 January 2008. It also considers that he held valid Polish insurance for the vehicle which covered his driving in the UK on that date. Accordingly, the court made an error in holding that Mr. Kosiński was not insured.

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 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 eight Members, one of whom is the Chairman, a Chief Executive, a Director of Corporate Services, two Senior Legal Officers, five 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 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