

NEWS RELEASE

The Scottish Criminal Cases Review Commission (“the Commission”) has referred to the High Court of Justiciary the case of EF, following an application on his behalf by his welfare guardian.

In 2010, EF was convicted after trial of two charges of breach of the peace. The sheriff remitted his case to the High Court, which subsequently imposed an order for lifelong restriction with a six-month punishment part.

Those acting on behalf of EF applied to the Commission in 2024. The application was based on material that had come to light since trial about his mental disorder. In the course of the review, the Commission obtained an opinion from a specialist psychiatrist.

The information now available to the Commission has led it to the view that EF was probably unfit to plead at the time of his trial. In any event, the Commission believes that if the court had had access to the new material, it would have considered the imposition of a compulsion order in place of an order for lifelong restriction.

The Commission considers that a miscarriage of justice may have occurred in relation both to conviction and sentence.

In accordance with the Commission’s statutory obligations, a statement of reasons for its decision has been sent to EF’s welfare guardian, the High Court, the Lord Advocate and Crown Office. The Commission has no power under its founding statute to make copies of its statements of reasons available to the public. This news release is for information purposes only and its content 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–T of the Criminal Procedure (Scotland) Act 1995, the Commission may 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 Corporate Services, 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.

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