



PERSISTENT AND REPEATED APPLICATIONS POLICY

Equality

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1.0 Introduction

1.1 The Scottish Criminal Cases Review Commission (“the Commission”) has established the Persistent and Repeated Applications Policy (“the Policy”) for dealing with what the Commission deems to be the submission of persistent and repeated applications.

2.0 Aim

2.1 The aim of the Policy is to identify and address those applications which meet the criteria for persistent and repeated applications so that they do not affect adversely the Commission’s cases under review and review timescales.

3.0 Definition

3.1 An application will be deemed persistent and repeated when the following criteria are met:

- More than three applications are submitted by the same applicant in relation to the same conviction and/or sentence; and
- The latest application raises the same ground(s) as the previous applications and/or a matter(s) which, although new, clearly does not warrant a stage 2 review.

4.0 Registration

4.1 The Chief Executive may classify an application as persistent and repeated.

- 4.2 The Director of Corporate Services or a Legal Officer may recommend to the Chief Executive to classify an application as persistent and repeated. Such recommendations must be made in writing. Upon such a recommendation, or on their own volition, the Chief Executive will decide whether the application meets the criteria for persistent and repeated applications.
- 4.3 Where the Chief Executive decides the application meets the criteria for persistent and repeated applications, the name of the applicant will be recorded on the Commission's Persistent and Repeated Applications Register ("the Register"). The Chief Executive will inform the applicant (and their representatives) about this in writing (explaining the reasons for this decision) and their right to appeal against this decision and will provide the applicant with a copy of the Policy.

5.0 Subsequent Applications

- 5.1 Upon receipt of an application from an applicant who has been registered on the Register, the administration team will forward the application directly to the Chief Executive. The application will not, at that stage, be recorded on the Commission's case management system.
- 5.2 The Chief Executive will review the application to decide whether it raises the same ground(s) as the previous applications and/or a matter(s) which, although new, clearly does not warrant a stage 2 review
- 5.3 Where the application continues to meet the criteria for persistent and repeated applications, this will be recorded on the Register. The Chief Executive will inform the applicant (and their representatives) about this in writing (explaining the reasons for this decision) and their right to appeal against this decision and will provide the applicant with a copy of the Policy.
- 5.4 Where the Chief Executive decides that the criteria for persistent and repeated applications are not met, the application will be processed in line with the Commission's stage 1 case handling procedures.

6.0 Notification to the Board

- 6.1 The Chief Executive will provide the Board of the Commission with copies of their decisions to place an applicant on the Register and to reject an application from an applicant who is already on the Register.

7.0 Appeal

- 7.1 Where an applicant receives notification under paragraph 4.3 or paragraph 5.3 above, they may, within 28 days of the date of the Chief Executive's letter, appeal against that decision by writing to the Chair of the Board, setting out their reasons why they consider the decision to be inappropriate.
- 7.2 The Board will consider any such appeal. The Board's decision will be sent to the applicant. The appeal will be concluded normally within two months from the date on which it was lodged.
- 7.3 Where the Board upholds an appeal against a decision under paragraph 4.3, the applicant's details will be removed from the Register; where a further application is submitted, this will be

processed in line with the Commission's stage 1 case handling procedures. Where the Board rejects the appeal, the applicant's name will remain on the Register.

- 7.4 Where the Board upholds an appeal against a decision under paragraph 5.3, the application will be processed in line with the Commission's stage 1 case handling procedures. Consideration may then be given to removing the applicant's name from the Register. Where the Board rejects the appeal, the application will not be processed in line with the Commission's stage 1 case handling procedures.

8.0 Review

- 8.1 To support the fair and appropriate ongoing application of the Policy, the Chief Executive will undertake an annual review of the Register.
- 8.2 Where an applicant has not made a repeated application for six years, the Chief Executive will remove the applicant from the Register, and any personal data relating to the applicant on the Register will be destroyed.
- 8.3 The Chief Executive will report on the outcome of the review to the Board, which will monitor and oversee the application of the Policy.

9.0 Confidentiality

- 9.1 The Register is not a public document and, therefore, all entries on it remain confidential. Any applicant named on the Register may at any time confirm with the Commission the status of their registration.

Date approved:	26 April 2013
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