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Lord McCluskey
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11th August 2011

Sen Tom,

Role of the Supreme Court in Scottish Criminal cases

I refer to Fiona Campbell's letter of 8 July seeking responses to support the on-going work that you and your Review Group is undertaking in respect of the above. I look forward to seeing both the responses to that letter as well as your final report.

I was interested to see that your preliminary findings relied on the findings of Sir David Edward and his Expert Group, and was pleased that your Group came to the same conclusion, namely that the Supreme Court should continue to have jurisdiction over human rights in Scots criminal cases.

Given the work already undertaken by Sir David and his Group, as well as the detailed responses to the consultations undertaken by me in respect of their findings (as well as on the clauses drafted as a result), I do not intend to offer any specific comments here. You will recall however that I did consult on the possible inclusion of a "certification procedure" and the clear balance of responses did not favour such a provision.

As I indicated at our recent meeting, I would like to make it clear that my officials and I will study your final report carefully. Indeed I can assure you that anything which you and your colleagues feel able to suggest that might improve any part of what we are seeking to achieve will be given our considered attention.

I am also aware that Sir David and his colleagues have made their own response to Fiona Campbell's letter.

*James Stacey,
John Walker*

The Rt Hon the Lord Wallace of Tankerness QC