



Our Reference: 202600509912  
Your Reference: 202600505915

30 March 2026

Thank you for your emails dated 4 and 15 March regarding the Scottish criminal justice system and the Criminal Injuries Compensation Authority (CICA). As both topics are within the remit of the Scottish Government's Criminal Justice System, please accept this reply as a response to both emails.

As you may be aware, there will shortly be an election for the Scottish Parliament and policy decisions on the issues that you raise will be a matter for the new administration following the election. However, I can provide you with some factual information on the issues that you raise.

### **Unsafe convictions and the reality of correction mechanisms**

I understand you have concerns around the number of applications made to the SCCRC which are ultimately referred back to the High Court.

As you are aware, the SCCRC is wholly operationally independent of the Scottish Government. The Scottish Government does not intervene in or offer comment on decisions made by the SCCRC on individual applications.

With regard your concern about the proportion of applications that the SCCRC refers back to the Appeal Court, it is of course difficult to assess what the 'correct' proportion should be. However, for background information, you may wish to note that since its inception in 1999, the SCCRC have completed consideration of 3,575 applications and referred 168 of these back to the Appeal Court for a fresh appeal – a referral rate of 4.7%. This compares with the Criminal Cases Review Commission for England and Wales which has received 34,563 applications and referred 910 of these back to the appeal court for a fresh appeal – a referral rate of 2.6%.

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One measure that may be used to assess whether the SCCRC are applying the appropriate threshold for deciding whether to refer a case back to the Appeal Court is the proportion of such appeals which are successful. Of the 151 referrals which have been determined by the Appeal Court in this time, 99 were successful – a success rate of 65.5%.

More generally, anyone who disagrees with the SCCRC's assessment of their case should seek legal advice. It is possible to seek judicial review of a decision not to refer a case to the Appeal Court if the applicant believes that decision was irrational or unreasonable. It is open to any individual to re-apply to the SCCRC, whether or not they have sought legal advice, however if the application does not raise any new matters, it's unlikely that the Commission will accept it for a stage 2 review.

### **MOJO and funding**

You have raised concerns about individuals' ability to navigate the legal system. The Scottish Government does not offer legal advice to members of the public. In part, the funding provided to MOJO Scotland allows the organisation to support individuals in the formulation, development and pursuit of appeals against conviction.

The current legislative framework does not guarantee access to legal advice and representation: neither the Scottish Legal Aid Board (SLAB) nor the Scottish Government can compel solicitors to take on legal aid work and it is a matter for them as to whether they undertake legal aid work at all or, if they do, whether to take on a particular client or case.

If an individual is unable to find a suitable solicitor to represent them, there are a number of services in Scotland that may be able to assist. For example:

- The Law Society of Scotland provides a solicitor locator on their website. This provides the option to search for a solicitor registered to provide legal aid.
- The Scottish Legal Aid Board (SLAB) provide information on the nearest solicitors who offer help through legal aid, or other advice providers. As noted above, although a firm is registered for legal aid work, they are not obligated to offer services to any client or offer to take on a case on legal aid.
- The Scottish Legal Services Agency focuses on the rights of people who are disadvantaged through mental illness, dementia, vulnerability resulting from youth or old age, poverty, debt, and threatened homelessness.
- A law centre may also be able to help an individual with advice on legal issues. Law centres offer cheaper or free legal help to people who might find it difficult to get legal advice, and are located throughout Scotland.

### **Corroboration and the Moorov doctrine**

You have asked what evidence the Scottish Government has that the operation of Moorov does not increase the risk of wrongful conviction.

The principal protection against wrongful conviction is that conviction for a criminal offence requires that the sheriff or jury is satisfied that the case against the accused has been proven beyond reasonable doubt. An accused cannot be convicted of a crime unless there are at least two separate sources of evidence that:

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- (a) The crime was committed; and
- (b) The accused was the person who committed the crime.

As part of a wider consultation, the Scottish Government sought views from the public and from stakeholders on potential reform of corroboration rules. Of those who wanted to see the corroboration rule kept, a key reason was that corroboration is an essential part of Scots Law and protects the innocent by providing a safeguard against wrongful conviction.

Further information about this consultation can be found online here: [The not proven verdict and related reforms: consultation analysis - gov.scot](#)

### **Access to court transcripts and the appeal sift**

I understand that you are concerned that without access to transcripts, it may be significantly harder for individuals to demonstrate the precise grounds necessary to pass the sift stage.

I can only reiterate that the sift stage is designed to assess whether there's legal justification for an appeal, and not to re-examine evidence. Someone who believes they have suffered a miscarriage of justice can set out, in general terms, their grounds for appeal, using notes taken during the trial by defence counsel if necessary, without the need for access to the court transcript.

It would be for the next administration to consider whether any changes should be made to the law governing access to court transcripts.

### **False allegations and CICA**

In your email of 15 March, you raised a question about false claims made to the Criminal Injuries Compensation Scheme (The Scheme).

As you are aware, responsibility for the day-to-day administration of the Scheme lies with the Criminal Injuries Compensation Authority. The legislation and rules governing the Scheme are set by the UK Parliament and not by the Scottish Government.

That being said, Scottish Government officials meet regularly with officials from CICA. From these meetings, and from information published on the Ministry of Justice website, we are confident that CICA is committed to preventing and tackling all instances of fraud. The approach CICA takes to tackling fraud is set out in their Customer Charter, available online here: [About our services - Criminal Injuries Compensation Authority - GOV.UK](#). This states that CICA will:

- respond robustly to all reports or incidents relating to suspected fraud in liaison with the relevant police authority and support any police prosecution.
- seek to recover any award resulting from a fraudulent claim.
- take action to recover any award for which an applicant has subsequently received compensation from another source and failed to make repayment.

In addition, CICA provide an email address where people can report where they suspect a fraudulent claim has been made in strictest confidence: [fraud@cica.gov.uk](mailto:fraud@cica.gov.uk).

You have asked for specific information regarding the number of reported cases involving allegations of perjury, wasting police time, or attempting to pervert the course of justice, the number of prosecutions brought in such cases, and the number of resulting convictions. The Scottish Government publish

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