

SUBMISSION FROM THE LORD PRESIDENT OF THE COURT OF SESSION

I understand that the Committee would like to invite the judges of the Court of Session to provide written evidence relating to the Scotland Bill and in particular to the role of the Supreme Court in considering matters relating to the conduct of criminal proceedings.

This invitation has been considered at a meeting of the judges. As you are no doubt aware the topic on which evidence is sought was one which, earlier this year, gave rise to heated observations of a political character. The judges are, as you will appreciate, very reluctant to become involved in a topic which might again have that character. They have, however, been watching developments with interest. In particular they have studied the Final Report of the Review Group chaired by Lord McCluskey. They find much to commend in that Report. In particular, they commend the proposal that the High Court should be brought into line with the Court of Appeal (Criminal Division) and the Court of Appeal of Northern Ireland by the requirement of certification by these intermediate appeal courts as a precondition of any criminal case being taken to the UK Supreme Court.

There is nothing which the judges would wish to add to the above.

The Lord President
25 October 2011