I understand the Lord Advocate provided a submission to you yesterday in advance of his evidence session on 1 November. I will not repeat the detail of that, but I thought it would be helpful to write in advance to reiterate the Scottish Government’s position.

Fundamentally, the Scottish Government wishes to see a situation whereby the UK Supreme Court has a more focused jurisdiction and the High Court of Justiciary retains its place at the apex of the Scottish criminal justice system. We remain deeply concerned that the proposals of the Advocate General seek inappropriately to establish the UK Supreme Court as a court of appeal within the Scottish criminal justice system, rather than as a specialist court whose role is to define and interpret Convention Rights and then to remit cases back to the High Court for determination of the appropriate remedy. Regarding the implementation of the McCluskey group’s recommendation, I am due to meet with the Advocate General on 11 November to discuss these matters further. You will also be aware that I led a debate in Parliament today on “safeguarding the integrity of Scots criminal law”.

I have copied this letter to the Cabinet Secretary for Parliamentary Business and Government Strategy and the Lord Advocate.

Yours sincerely,

KENNY MACASKILL

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.scotland.gov.uk