



The Scottish Parliament
Pàrlamaid na h-Alba

30 June 2026

Alyn Smith MSP
Convener
Criminal Justice Committee
The Scottish Parliament
Edinburgh
EH99 1SP

Dear Alyn,

I am writing to ask that the implications of the recent UK Supreme Court judgment on sections 274 and 275 of the Criminal Procedure (Scotland) Act 1995 be included for discussion when the Committee next considers its work programme.

The judgment is one of the most significant criminal justice decisions in recent years. While the Supreme Court dismissed the appeals before it, it concluded that Scotland's courts had adopted an unduly restrictive approach to the admission of evidence in sexual offence trials over many years. The consequences of that finding are now becoming apparent, with the Scottish Criminal Cases Review Commission already receiving applications from individuals seeking to challenge convictions in light of the ruling.

The implications extend well beyond individual cases. They affect confidence in the criminal justice system, the operation of the courts, the Crown Office and Procurator Fiscal Service, the Scottish Criminal Cases Review Commission and, most importantly, victims and survivors who may now face renewed uncertainty.

My understanding is that the previous Criminal Justice Committee recognised the importance of this issue and began considering it before the dissolution of Parliament. However, it was unable to complete that work or hear from the Cabinet Secretary for Justice or the Lord Advocate.

Given the significance of the Supreme Court's judgment and the developments since it was issued, I believe there is a strong case for this Committee to consider how best to scrutinise its practical and legal implications.

I would therefore be grateful if this matter could be included on the agenda for our next work programme discussion.

Yours sincerely,

Stephen Kerr MSP
Member of the Scottish Parliament for Mid Scotland and Fife