

The Fingerprint Inquiry | Scotland

FAQs

1. Why was the Inquiry set up?

The Scottish Government set up the Inquiry to fulfil its commitment to hold an independent, public, judicial inquiry into the circumstances surrounding the Shirley McKie case. More details are available on the *About the Inquiry* section of the website.

2. Is this a statutory inquiry?

Yes. It has been set up under the Inquiries Act 2005. It is one of the first inquiries under that Act to use the Inquiries (Scotland) Rules 2007. More details are available on the *Legislative Context* page on the website.

3. Who undertakes the Inquiry?

An “inquiry panel” which consists of a chairman alone or a chairman with one or more other members. In this Inquiry the Chairman will act alone.

4. Who is the Inquiry Chairman?

Sir Anthony Campbell, a retired appeal court judge from Northern Ireland.

5. When was the Inquiry set up?

For the purposes of the Inquiries Act 2005, the Inquiry was formally set up on 14 March 2008 as announced by Justice Secretary Kenny MacAskill. However, the Chairman remained focussed on his existing judicial duties in Northern Ireland until the end of August 2008 when he retired.

6. What is the Inquiry’s terms of reference?

- To inquire into the steps that were taken to identify and verify the fingerprints associated with, and leading up to, the case of HM Advocate v. McKie in 1999
- to determine, in relation to the fingerprint designated Y7, the consequences of the steps taken, or not taken
- to report findings of fact and make recommendations as to what measures might now be introduced, beyond those that have already been introduced since 1999, to ensure that any shortcomings are avoided in the future

7. Who decided the Inquiry’s terms of reference?

To fulfil the requirements of the Inquiries Act 2005, Scottish Ministers agreed the terms of reference after consultation with the Chairman of the Inquiry.

8. How will the Inquiry work?

At the Initial Hearing on Monday 20 October Sir Anthony Campbell announced the core participants in the Inquiry to date and asked for written submissions about how the Inquiry should operate.

A Procedural Hearing followed on Friday 21 November when the Chair announced the broad issues within the Inquiry's Terms of Reference which will be considered. These were to be kept under review.

The Inquiry team have been collecting evidence and the next stage of the Inquiry is the main oral hearings. These will commence on Tuesday 2 June at 10:30am with an introduction by the Chairman and an Opening Statement by Senior Counsel to the Inquiry which will include a public presentation of the material that the Inquiry has collected.

Oral evidence hearings will commence on Tuesday 9 June at 10:15am.

9. Do you have a timetable for oral hearings and preparation of the final report?

The Chairman will provide more information about the likely timetable in his introductory remarks on 2 June. The website will be updated as the hearings proceed.

10. Who are Counsel to the Inquiry?

Gerry Moynihan QC is Senior Counsel to the Inquiry. Ailsa Carmichael, QC is Junior Counsel to the Inquiry. More information is available on the *Inquiry Team* page on the website.

11. Who is the Inquiry's Solicitor and Secretary?

Mrs Ann Nelson.

12. Who else works for the Inquiry?

A team of legal and administrative staff.

13. Who are the core participants in this Inquiry?

Under the Inquiries (Scotland) Rules 2007, the Chairman may designate a person as a core participant at any time during the course of an inquiry – but only with the consent of that person.

Details of the core participants can be found in this pack and on the Inquiry website.

14. Who are the witnesses in the Inquiry?

Information about witnesses will be available following the Opening Statement on Tuesday 2 June.

15. What is the difference between a core participant and a witness

Persons or organisations may be involved in the Inquiry in various capacities. Some may be core participants. Others may attend as witnesses or produce documents or other evidence.

A witness is someone who has information which relates to the Inquiry's terms of reference. Witnesses will provide this evidence in writing or orally to the inquiry.

A core participant is a person or organisation that has an interest and has, for example, played a direct and significant role in the matters that the Inquiry is addressing.

A core participant is eligible to have a wider role in the Inquiry including advance access, for preparation purposes, to the evidence that will be given at a particular day's hearing and opportunities to submit questions for witnesses.

Being designated as a core participant does not automatically mean that they will appear before the Inquiry or give evidence as a witness in the Inquiry.

16. Will all witnesses appear in person at the oral hearings?

No. Where a witness's evidence is non-controversial the Inquiry will rely on that witness's written statement.

17. Can witnesses be compelled to attend the oral hearings?

Yes, under section 21 of the Inquiries Act 2005.

18. Will the Inquiry pay for legal assistance?

The Chairman has various powers under the Act and there are a number of qualifications and conditions. These include a Determination by Scottish Ministers about awards for legal representation. You do not have to be a core participant to apply for an award for legal representation. For more information visit the *Procedures* page on the website.

19. How will I know what's happening with the Inquiry?

The Inquiry website will be updated throughout the Inquiry.

20. Where will the Inquiry hold its hearings?

The hearings will be held at Maryhill Community Central Hall, Glasgow, G20 7YE.

21. Will the hearings be open to the public?

The Inquiry anticipates that all the hearings will be in public.

22. Will the hearings be broadcast?

The Chairman has agreed to permit broadcasting of his introduction at 10.30am on Tuesday 2 June.

The Chairman does not intend to permit filming at the evidence sessions.

23. Will the Inquiry produce a report at the end?

Yes