

# The Fingerprint Inquiry | Scotland

## CHAIRMAN'S DECISION REGARDING MISS SHIRLEY MCKIE AND THE INQUIRY

Sir Anthony has issued a decision in the following terms:

“This decision is about Shirley McKie.

Shirley McKie provided a written statement to the Inquiry dated 2<sup>nd</sup> June 2009.

The Inquiry issued a notice (the Notice) to Shirley McKie, dated 1<sup>st</sup> September 2009. The Notice informed her that in terms of the powers conferred on me by section 21 of the Inquiries Act 2005 I required her to attend at certain oral hearings of the Inquiry to give evidence.

She then submitted a claim to the Inquiry seeking to be excused from compliance with the Notice on medical grounds. She provided medical evidence in support of her claim.

Thereafter I appointed a suitably qualified medical practitioner who had not previously treated or reported upon Shirley McKie to examine her and report to me. That medical practitioner has carried out an examination of Shirley McKie. He has provided a report to me on soul and conscience.

I have considered that report, Shirley McKie's claim and the supporting medical evidence submitted by her.

I have also considered the information that she could provide to the Inquiry.

She can assist the Inquiry in respect of one principal matter: whether she entered the locus, 43 Irvine Road, Kilmarnock, at any time before mark Y7 was found. Her written statement to the Inquiry deals with this matter.

She gave evidence on this matter, on oath, at the High Court of Justiciary in the trials *Her Majesty's Advocate v Asbury* and *Her Majesty's Advocate v McKie*. The Inquiry has the relevant transcripts of the proceedings of these trials.

Her written statement to the Inquiry also deals with the allegation that she committed perjury in the trial *Her Majesty's Advocate v McKie*.

Having considered the information already available to the Inquiry in relation to these matters and the reports provided to me I have determined that it is not reasonable in all the circumstances to require Shirley McKie to comply with the Notice. Therefore, I have revoked the Notice on these grounds.

Sir Anthony Campbell  
Inquiry Chairman  
5<sup>th</sup> November 2009”