

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 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?

The Chairman has appointed counsel to the Inquiry and its solicitor and secretary, and preparatory work is continuing. An Initial Hearing was held on Monday 20 October when Sir Anthony Campbell announced the core participants in the Inquiry to date and asked for written submissions by Friday 14 November from them and others who so wish about how the Inquiry should operate.

A Procedural Hearing will be held on Friday 21 November to make progress on how the inquiry will operate.

Evidence sessions are not expected to start until February 2009 at the earliest.

9. Who are Counsel to the Inquiry?

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

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

Ann Nelson, previously Legal Adviser/Director of Legal Services at the Scottish Parliament.

11. Who else works for the Inquiry?

A small team of legal and administrative staff will provide support to the Inquiry.

12. Who else will be involved in the Inquiry?

The Inquiry expects to obtain evidence from a range of individuals and organisations. Some individuals or organisations may be designated as core participants in the Inquiry.

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.

At the Initial Hearing on Monday 20 October, Sir Anthony Campbell announced the core participants in the Inquiry whom he had designated to date. For further details visit: <http://www.thefingerprintinquiryscotland.org.uk/inquiry/101.html>

14. If I want to give evidence to the Inquiry do I have to be a core participant?

No. If you are unsure whether you should ask to be designated as a core participant, please refer to the notes and form on the *Procedures* page on the website.

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. Oral hearings are not expected to start until February 2009.

A core participant is a person or organisation who 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. I'm thinking about getting involved in this Inquiry but want to have a lawyer to help me. Will the Inquiry pay for that?

Any assistance with costs must be agreed with the Chairman. He 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. For more information visit the notes for core participants on the *Procedures* page on the website. 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.

17. What should I do if I believe I have some information that is relevant to the Inquiry?

Before submitting information, please contact the Inquiry team. Contact details are available on the website.

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

The Inquiry website will be updated throughout the Inquiry.

19. Where will the Inquiry hold its hearings?

The Procedural Hearing will be held in the Exhibition Hall in the Glasgow Royal Concert Hall.

20. Will the hearings be open to the public?

Inquiry proceedings are generally open to the public, however there may be restrictions when dealing with sensitive/confidential information.

21. Will the hearings be broadcast?

Sir Anthony permitted the filming of his opening statement at the Initial Hearing. There will not be filming at the hearing on 21 November which will be dealing with procedural matters only.

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

Yes

23. I work for an organisation that I expect will have an interest in this Inquiry. What should I do?

That's a matter for you but you might want to draw the organisation's attention to the information on the website.