

The Fingerprint Inquiry | Scotland

WARNING LETTERS

Rule 12 of the Inquiries (Scotland) Rules 2007 makes provision for the issue of warning letters. In particular the Chairman must not include any significant or explicit criticism of a person in the Report unless he has sent that person a warning letter and the person has been given a reasonably opportunity to respond to the warning letter.

The rule provides that the warning letter must state what the criticism or proposed criticism is, contain a statement of any facts the Chairman considers may substantiate the criticism or proposed criticism, refer to any evidence or documents which may support those facts and invite the person to make a written statement if the person wishes. Accordingly, during the warning letter process, the Chairman issued to recipients of warning letters relevant passages from the draft report.

Rule 13 provides that the contents of a warning letter are to be treated as subject to obligations of confidence: by each member of the inquiry team to the recipient, by the recipient to the Chairman and by the recipient's legal representative to the chairman. The Chairman's obligation of confidence arising under the rule ends when the inquiry report is signed, and all other obligations of confidence under the rule end when the Inquiry Report is published.