

ATTENTION ALL NEWS EDITORS – Tuesday 9<sup>th</sup> November  
2004

## **Alex Neil Dismayed at Lord Advocate's Attitude Towards Shirley McKie Case**

**Central Scotland SNP MSP Alex Neil** is today condemning the Lord Advocate for hiding behind the sub judice rule in failing to provide an adequate answer to a parliamentary question he asked at Question Time on 5<sup>th</sup> November.

Mr Neil asked the Lord Advocate, Colin Boyd whether he would review how his department had handled the case of Shirley McKie, the police officer wrongly arrested and charged with perjury in 1997, of which she was successfully acquitted in 1999.

Colin Boyd refused to answer claiming that the matter was sub judice and that he couldn't comment specifically on the case, although he did state that he was happy with how the case had been handled.

Mr Neil also pressed for compensation for Ms McKie, but again there was no commitment from the Scottish Executive.

Mr Neil said:

*"I am sick and tired of the sub judice rule being used in this manner. It seems to me that it is being utilised as a convenient way in which those who don't want to answer perfectly straight forward questions in the public interest can manage to avoid providing any answer."*

*"This seems to me to be a misuse of the law to suit themselves, and that is wholly wrong. Many victims, including Shirley McKie have to wait for years and years for justice and all they want is a swift resolution to their claim, yet they refuse to answer simple questions."*

*"I am also greatly concerned that Colin Boyd is satisfied with his department's actions in the Shirley McKie case. How can this be the case when she has been treated so badly?"*

**ENDS**

For information, the text of the exchange between Mr Neil and Mr Boyd was as is written below:

**Alex Neil (Central Scotland) (SNP):** To ask the Scottish Executive what criteria it uses when deciding whether to pursue legal challenges to court rulings. (S2O-3809)

**The Lord Advocate (Colin Boyd):** Decisions on whether to challenge court rulings depend on the nature of the court or tribunal in question. A relevant factor is whether an appeal is available on both fact and law, or on points of law only.

In considering whether an appeal should be lodged in a case, ministers act on legal advice about the prospects of success. They also take into account the cost of pursuing the appeal as against the cost of accepting the judgment at first instance, and the need to obtain an authoritative ruling from a higher court or tribunal on a question of public interest or importance.

**Alex Neil:** Will the Lord Advocate review how his department has handled the Shirley McKie case, in which a legal challenge was mounted to a court ruling, despite promises that the then Minister for Justice made in the Parliament to Shirley McKie? Will the Lord Advocate pursue a settlement with her with all due speed, as the Executive promised?

**The Lord Advocate:** That matter is sub judice, as Mr Neil will appreciate, and I cannot comment on the specific circumstances. However, I am happy that my department has handled the case properly and that the minister is acting under legal advice.

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