



The Scottish Parliament
Pàrlamaid na h-Alba

PUBLIC PETITION NO.

PE01712

Name of petitioner

Laura Hunter

Petition title

Soul and conscience letters

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to review the use of soul and conscience letters in criminal proceedings and to produce guidance for the courts and GP practices on the use of these letters, including alternatives to court appearances if an accused person is deemed unfit to attend in person.

Action taken to resolve issues of concern before submitting the petition

I have raised my concerns with Margaret Mitchell, MSP.

I have also been in communication with the former Cabinet Secretary for Communities, Social Security and Equalities, Angela Constance MSP, to ask how many accused persons who submit soul and conscience letters are let off going to court to face their punishment for crimes committed.

I have also submitted freedom of information requests to both the Crown Office and Procurator Fiscal Service and Scottish Courts and Tribunals Service to find out the exact numbers of accused persons in Scotland this relates to. These requests have been rejected.

Petition background information

I urge the Scottish Government strongly to review the use of soul and conscience letters. Why is it that an accused person can be let off being fairly tried in a court of law for crimes they have committed, and where evidence is strong, because a GP issues a soul and conscience letter explaining that they are too unwell to go to court? I question whether GPs actually know their patient's circumstances.

I would also like the courts to consider alternative methods of bringing accused persons to court, for example, the accused person providing evidence via video link or the GP being asked to attend court on behalf of the accused to give evidence on why the accused is unable to attend their court appearance. In addition, I believe the courts should have the discretion to disregard any soul and conscience letter which it finds unsatisfactory similar to the guidance (<https://www.cps.gov.uk/legal-guidance/medical->

unsatisfactory, similar to the guidance (<https://www.cps.gov.uk/legal-guidance/medical-certificates>) that the Crown Prosecution Service use in England and Wales. The guidance states –

“...a court is not absolutely bound by a medical certificate. The medical practitioner providing the certificate may be required by the court to give evidence. Alternatively the court may exercise its discretion to disregard a certificate, which it finds unsatisfactory: R. v Ealing Magistrates Court Ex p. Burgess (2001) 165 J.P. 82”.

I would urge Scotland to develop guidance and instruction on the use of soul and conscience letters which reflects the guidance used by the Crown Prosecution Service in England and Wales for the COPFS, defence lawyers and court representatives to avoid families being put through the system as we have experienced.

I feel very strongly that people who have been accused of a crime should be given a fair trial and not be allowed to walk free from court if there are hard facts to prove what they had done.

I would like to thank you for considering this petition on my family's behalf. We have now started to re-build our lives but for many other members of the public who have to endure what we have, immediate action would help to ensure justice in our country is carried out in a fair and just manner.

Unique web address

<https://www.parliament.scot/GettingInvolved/Petitions/PE01712>

Related information for petition

Do you wish your petition to be hosted on the Parliament's website to collect signatures online?

NO

How many signatures have you collected so far?

0

Closing date for collecting signatures online

N/A

Comments to stimulate online discussion