

MEETING OF THE SCOTTISH SENTENCING COUNCIL
12 JUNE 2026
PARLIAMENT HOUSE, EDINBURGH
DRAFT MINUTES

- Members present:** Lord Beckett, the Lord Justice Clerk (Chair)
Sheriff Scott Pattison (judicial member)
Summary Sheriff Joanna McDonald (judicial member)
Summary Sheriff Alison Michie (judicial member)
Lindsey Miller (prosecutor member)
Joanne McMillan (solicitor member)
Deputy Chief Constable Bex Smith (constable member)
Lynn Burns (victims expert member)
Dr Jay Gormley (lay member)
- Secretariat:** Director
Other members of the secretariat
- Attendees:** Catriona Dalrymple (Director of Justice, Scottish Government) – *until close of item 2.1*
Patrick Down (Criminal Law & Procedure Team Leader, Scottish Government) – *until close of item 2.1*
- Apologies:** Lady Drummond (judicial member)
Sheriff Frances McCartney (judicial member)
Victoria Young (advocate member)
Sheriff Principal Aisha Anwar (advisor to the Council)

1. PROCEEDINGS

Item 1.1: Introduction and welcome

1. The Chair opened the meeting and noted that apologies had been received from Lady Drummond, Sheriff McCartney, Victoria Young, and Sheriff Principal Anwar.

2. The Chair also noted that this was Lindsey Miller's last business meeting as the prosecutor member of the Council as her term of office would end on 01 October 2026.

Note of thanks:

On behalf of the Council, the Chair thanked Lindsey Miller for her contribution to the Council's work as the prosecutor member of the Council, and as a member of the Communications and Engagement Committee, the Sexual Offences Committee, and the Domestic Abuse Committee. The Chair also thanked her for facilitating the provision of information on prosecution practice to inform the development and review of guidelines, in particular those on sentencing young people, death by driving, and environmental and wildlife offences. The Chair noted that she had also provided important contextual information about practice in relation to the prosecution of indecent images of children offences, reflected in the papers discussed under item 3.2 of today's meeting.

Item 1.2: Previous meeting minutes [Paper 1.2]

3. The Council approved the draft minutes of the previous meeting of 27 March 2026 provided at **paper 1.2** subject to correcting the numbering of action points from page 7 onward.

Item 1.3: Progress of actions since last meeting [Paper 1.3]

4. The Council noted the update of the progress of actions provided at **paper 1.3**.

Item 1.4: Private papers [Oral update]

5. The Council agreed not to publish the following papers: 1.3, 1.5, 3.1, 3.1A, 3.1B, 3.2, 3.2A, 3.3, 3.3A, 3.3B, 3.3C, 3.4, 3.4A, 4.1, 4.2, 4.3, 4.4, 4.4A, 4.5, 4.5A, 4.6, 4.6A, 4.6B, 5.1, 5.1A, 5.2, 5.2A, 6.1, 6.2, 6.2A, 6.2B, 6.2C, 6.3, 6.3A, 7.1B, 7.1C, and 7.2.

Item 1.5: Update on Council and committee membership [Paper 1.5]

6. The Council noted the update on Council and committee membership provided at **paper 1.5**.
7. The Chair noted that:

- Sheriff McCartney had been appointed as the new shrieval member of the Council and thereafter as a member of the Environmental and Wildlife Crime Committee; and
- Summary Sheriff McDonald had been appointed as a member of the Research Committee.

2. BUSINESS PLANNING

Item 2.1: Update from Scottish Government [Oral update]

8. Catriona Dalrymple provided an update on the new administration's priorities, preparations for the future legislative programme, consideration of the Sentencing and Penal Policy Commission's report and recommendations, and a number of other policy developments of interest to the Council.
9. The Council considered and discussed the issues raised, and the Chair thanked Cat Dalrymple and Patrick Down for their contributions and invited them to leave the meeting.

Item 6.2 was brought forward to ensure sufficient time for discussion.

Item 6.2 Sentencing and Penal Policy Commission [Papers 6.2 and 6.2A-C]

10. The Chair provided an update on the Sentencing and Penal Policy Commission's report and the recommendations provided therein with reference to **papers 6.2 and 6.2A-C**.
11. The Council considered the papers and discussed the Commission's recommendations.

ACTION POINT

AP1: Secretariat to track any proposals for legislative or other changes arising from the Sentencing and Penal Policy Commission's report and recommendations and provide an update to the Council accordingly.

3. SENTENCING GUIDELINES

Item 3.1: Draft guideline on indecent images of children offences [Papers 3.1 and 3.1A-B]

12. Sheriff Pattison provided an overview of the development of a draft sentencing guideline on indecent images of children (IIOC) offences, with reference to **papers 3.1 and 3.1A-B**.

13. Having considered and discussed the draft guideline and the matters raised in **paper 3.1**, the Council:

- approved the draft sentencing guideline on IIOC offences, subject to an agreed amendment in relation to the step 2 in the guideline; and
- agreed that the draft guideline can be subject to a judicial survey in terms of stage 3 in the guideline development process.

ACTION POINT

AP2: Secretariat to revise the draft IIOC guideline as agreed and seek approval of the revised guideline by correspondence as soon as practicable.

Item 3.2: Draft judicial survey on guideline on indecent images of children offences [Papers 3.2 and 3.2A]

14. Sheriff Pattison introduced **paper 3.2**, which sought approval of a judicial survey on the draft IIOC guideline. The Council gave its approval to the matters sought.

ACTION POINT

AP3: Secretariat to finalise the judicial survey paper on the draft IIOC guideline and make arrangements for the launch of the survey.

Item 3.3: Revised rape guidelines [Papers 2.3 and 2.3A-C]

15. The Council considered the draft revised rape guidelines and draft impact assessment with reference to **papers 2.3 and 2.3A-C**.

16. The Council agreed to engage with stakeholders on the terms of the draft impact assessment, before commencing statutory consultation.

ACTION POINT

AP4: Secretariat to engage with stakeholders on the draft revised rape guidelines and draft impact assessment in preparation for statutory consultation.

Item 3.4: Sentencing after a guilty plea draft guideline [Papers 3.4 and 3.4A]

17. Summary Sheriff Michie provided an update on the draft sentencing after a guilty plea guideline. Two amendments were instructed: one as to the language used at para. 30 and a second as to the comprehensibility of para. 16.
18. The Council noted the update and agreed that the Sentencing After a Guilty Plea Committee should now supervise the development of a judicial engagement exercise.

ACTION POINT

AP5: Secretariat to revert to the Sentencing After a Guilty Plea Committee with materials for consideration at the Council's workshop in August.

Item 3.5: Guidelines committees update [Oral update]

19. Sheriff Pattison provided an update on the work of the Sexual Offences Committee. He noted that:
 - The committee had met twice since the last Council meeting, on 05 May and 04 June, where its main focus had been the draft IIOC guideline, as discussed under items 3.1 and 3.2.
 - The committee would be focusing on draft guidelines on sexual assault while the draft IIOC sentencing guideline is subject to judicial survey.
20. Summary Sheriff McDonald provided an update on the work of the Domestic Abuse Committee. She noted that while the committee had not met since the last Council meeting, the public consultation on the draft domestic abuse sentencing guideline was underway, closing on 6 August.
21. DCC Smith provided an update on the work of the Environmental and Wildlife Crime Committee. She noted that:
 - The committee last met on 30 March, where it heard from a representative of COPFS's Wildlife and Environmental Crimes Unit, who delivered a presentation on the prosecution of environmental offences, focussing on three main categories:
 - large scale regulatory offences
 - illegitimate commercial operations
 - small scale flytipping.

- It was hoped a date for the next meeting would soon be fixed.
22. Summary Sheriff Michie provided an update on the work of the Sentencing After a Guilty Plea Committee. She noted that the committee had last met on 21 May.

4. COMMUNICATIONS AND ENGAGEMENT

Item 4.1: Recent and upcoming engagement activity [Papers 4.1 and 4.1A]

23. The Council noted **papers 4.1 and 4.1A**, which provided updates on recent and upcoming engagement activity.

Items 4.2 and 4.3: Communications activity [Papers 4.2 and 4.2A] and Media and digital update [Paper 4.3]

24. The Council noted **papers 4.2 and 4.3**, which provided a report on media, social media and other communications coverage and analytics relating to the Council.

Item 4.4: Social media [Papers 4.4 and 4.4A]

25. Sheriff Pattison provided an update to the Council on plans for new social media content, which were approved by the Council.

Item 4.5: Doors open days 2026 [Papers 4.5 and 4.5A]

26. Sheriff Pattison updated the Council on new assets and presentation material for Doors Open Days, which were approved by the Council.

Item 4.6: Report on 10-year anniversary conference [Papers 4.6 and 4.6A-B]

27. The Council approved the report on the Council's 10-year anniversary conference and agreed that it should be published as soon as practicable.

ACTION POINT

AP6: Secretariat to publish the 10-year anniversary conference report as soon as practicable.

5. RESEARCH

Item 5.1: Research Committee update [Papers 5.1 and 5.1A]

28. Dr Jay Gormley provided an update on the work of the Research Committee. In particular, he noted that:

- The committee last met on 2 June. The committee noted that this was Summary Sheriff McDonald's first meeting as a member and Sheriff Fleming's first meeting as an advisor, following the end of his Council term of office. The committee had agreed that Sheriff Fleming should remain as an advisor for as long as practicable in order to support this transition and overlap period.
- **Paper 5.1 and 5.1A** provided updates on recent and upcoming research activity and sought the Council's approval of research priorities and forecasted projects.
- The committee discussed initial planning for the Council's third Research Symposium.

29. The Council considered updates provided in **paper 5.1** and agreed the current and forecasted research as noted.

30. Nicole Vidal spoke to **paper 5.1A**, which considered research proposals in the context of the Council's wider research programme. The Council agreed that activity already underway should proceed as planned and deferred consideration of new proposals until the next meeting pending further exploration of the matters raised.

ACTION POINT

AP7: Secretariat to revert to the Council with further advice on new research proposals.

Item 5.2: One-year review of death by driving guideline [Papers 5.2 and 5.2A]

31. The Council noted the draft report on the one-year review of the death by driving guideline and agreed the review should be published as soon as practicable.

ACTION POINT

AP8: Secretariat to publish the report on the one-year review of the death by driving guideline as soon as practicable.

6. POLICY DEVELOPMENT

Item 6.1: Policy update [Paper 6.1]

32. The Council noted **paper 6.1**, which outlined a number of recent policy developments relevant to the Council's work.

Item 6.3: Scottish Government consultation on 'Protections in the justice system for women and girls' [Papers 6.3 and 6.3A]

33. The Council noted that this consultation is now due to close on 31 August 2026. It considered the terms of a draft response, and agreed to approve a finalised version by correspondence.

ACTION POINT

AP9: Secretariat to circulate a draft consultation response for approval by correspondence, and then to submit the response timeously.

7. GOVERNANCE AND REPORTS

Item 7.1: Standing papers: correspondence, FOISA, and complaints; finance overview; guideline timetable [Papers 7.1A-C]

34. The Council noted the content of **papers 7.1A-C**.

Item 7.2: Decisions by correspondence [Paper 7.2]

35. The Council noted that two decisions had been made by correspondence since the last Council meeting. These were to:

- appoint Summary Sheriff McDonald as a member of the Research Committee; and
- appoint Sheriff McCartney as a member of the Environmental and Wildlife Crime Committee.

8. AOB

36. No other business was raised.

9. FUTURE MEETING DATES

37. The Council noted dates scheduled for 2026:

- Workshop: Friday 28 August 2026
- Council meeting: Friday 02 October 2026
- Council meeting: Friday 04 December 2026

Scottish Sentencing Council Secretariat

June 2026

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