

Subject: Access to criminal case file (SC14/46/5).

FOI reference: FOI/18/03761

Date received: 18 December 2018

Date responded: 29 January 2019

Information requested:

Access to criminal case file (SC14/46/5).

NRS Response:

A sensitivity review has been undertaken on this file by the Scottish Courts and Tribunals Service. The offender has been confirmed as deceased (the statutory death certificate was traced as a result of your request) and we are able to provide the information contained in the court roll book in full. This extract details the hearing date and outcome of the summary trial (heard by the Sheriff, not a jury) held. We found two sexual offences charges against the offender in April 1970. The first entry, dated 14 April 1970 does not have plea detailed or an outcome. He was charged with the same offence on 22 April 1970, which may mean that the first hearing was not called due to lack of evidence or another administrative factor. This is the only record of this offence that appears to have been preserved by Wick Sheriff Court.

A transcription of both entries has been produced from the court roll book below. We have supplied the information requested as an extract as the information is contained in a register which contains, on the same page, many other people's sensitive data and therefore an extract is more appropriate than a heavily redacted copy.

The following is an accurate transcription from the Criminal and Quasi Criminal Roll book for Wick Sheriff Court for the dates 23 Sep 1966-14 Oct 1971 (NRS ref. SC14/46/5):

No.: 96

Summary S. or Jury J.: S

Date of first warrant: 14 April 1970

To Apprehend or Cite: A

Prosecutor or Complainer: PF.

Name of Accused or Respondent: John William Allan

Crime, Contravention or Offence: Criminal Law Amendment Act 1885 Section 5(1).

Previous Convictions: [left blank]

Date of Declaration or First Calling: April 11

Plea: [left blank]

Date assigned for further procedure: [left blank]

Date of Sentence: [left blank]

Sheriff: [left blank]

Sentence of Fine or Imprisonment - Fine: [left blank]

Expenses: [left blank]

Term of Imprisonment: [left blank]

Sentence of Caution for good behaviour, admonition or otherwise: [left blank]

Time allowed for payment: [left blank]

Instalment [sic]: [left blank]
Date of Means Enquiry Court: [left blank]
Disposal at Means Enquiry Court: [left blank]
Remarks: [left blank]

The second entry in the same volume:

No.: 99
Summary S. or Jury J.: S
Date of first warrant: 22 April 1970
To Apprehend or Cite: A
Prosecutor or Complainer: PF.
Name of Accused or Respondent: John William Allan
Crime, Contravention or Offence: Criminal Law Amendment Act 1885 Section 5(1).
Previous Convictions: [left blank]
Date of Declaration or First Calling: April 22
Plea: NG [not guilty]
Date assigned for further procedure: May 6, T. June 16
Date of Sentence: [left blank]
Sheriff: ES
Sentence of Fine or Imprisonment - Fine: Not Proven
Expenses: [left blank]
Term of Imprisonment: [left blank]
Sentence of Caution for good behaviour, admonition or otherwise: [left blank]
Time allowed for payment: [left blank]
Instalment [sic]: [left blank]
Date of Means Enquiry Court: [left blank]
Disposal at Means Enquiry Court: [left blank]
Remarks: [left blank]

The offence with which John William Allan was charged with is the Criminal Law Amendment Act 1885 Section 5(1). This is a charge of carnally knowing a minor of 17 years or younger, and the full text of legislation can be read here:
https://www.swarb.co.uk/acts/1885Criminal_Law_AmendmentAct.shtml