

From: [Campbell W \(Wilma\)](#)
To: [Campbell W \(Wilma\)](#)
Subject: FW: Scottish Justice System Fundamentally Unlawful (since 1999) : Scottish Law Commission Consultation June 2022,
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From: Roger M Livermore
Sent: 22 June 2022 11:26
To: SLC info DLSLCPINFO@gov.scot
Subject: Scottish Justice System Fundamentally Unlawful (since 1999) : Scottish Law Commission Consultation June 2022,



FAO Rt Hon Lady Paton
Chair Scottish Law Commission

Dear Madam,

This is in response to your current consultation. For other possible readers we quote:

The role of the Scottish Law Commission – ‘established under the Law Commissions Act 1965 to make recommendations to Government to simplify, modernise and improve Scots law. Over the last 50 years the Commission has been at the forefront of major changes to Scots law’. The consultation on the reform of Scottish law is to be ‘open and thorough’ <https://www.scotlawcom.gov.uk/law-reform/consultations/>

The Commission is seeking views on areas of Scots law whether devolved or reserved, which are in need of reform. Reform may be required because the law is causing difficulties in practice, for example where it is unfair, unclear, unduly complex or out-of-date.

The primary law that must be reformed as a matter of urgency is the devolution act, the Scotland Act 1998. The Act was and is fundamentally unlawful, it removed the separation of the powers. It made previously independent and lawful judicial processes (e.g. prosecutions, the investigation of deaths, police investigations, the collection and selection of evidence, the preparation and authorisation of cases) to be all under the Scottish Executive, the Scottish Government. These unlawful activities were and are carried out under two government ministers, the Lord Advocate and the Solicitor General and using the ministerial-led government department the Crown Office and Procurator Fiscal Service (COPFS). COPFS is also unlawfully staffed by government officers(!) All of these are under the head of the Scottish Government, the Scottish First Minister (see Scotland Act 1998). This is of course extremely unlawful, unconstitutional, dysfunctional, and institutionally corrupt. It also unlawfully created a government, ministers, parliament, and bodies outside the law. A simple test is that as the SFM heads the government and with it the prosecution system they and their government cannot prosecute themselves. They can act with impunity; and they have done so in the matter of many thousands of patient safety

deaths in Scotland and their unlawful homicidal policies that spread the SARS-CoV-2 pandemic rather than prevent and then contain it. This led to an exceptionally large of Scottish Government sponsored pandemic deaths, and why we were so dire. It also led to many deaths of healthcare workers and care workers. The latter will be the biggest scandal in worker safety in fifty years.

The Scotland Act 1998 was and is fundamentally unlawful, and it created major ongoing offences. As you know the law does not allow such an Act to exist. The legal principal is that with legislation that is ultra vires it is deemed to be null and void. This is particularly so on law that is so fundamentally unlawful and with such great consequences. Legally it is as if such an Act never existed. The senior judges of the Scottish Senate raised the unlawfulness of the Scotland Act 1998 with their submission to the Calman Commission of 2009. Lord Calman said that it was not his job to deal with this; it most certainly was. The Scottish judges knowingly continued and continue their unlawful way. The entire Scottish legal profession and the law schools are party to this. The error is very basic, it is primary school reading and comprehension – ministers and government can have no role in influencing let alone running judicial processes (for example the Constitutional Reform Act 2005 as it applies to Scotland, section 5 Police and Fire Reform (Scotland) Act 2008). What we have is wall-to-wall incompetence crossed with wall-to-wall corruption.

The urgent matter is to restore the separation of the powers in Scotland with Westminster creating a new and lawful devolution act, a Scotland Act 2022. The SFM has long known of the illegality. Relevant ministers at Westminster, including PMs, have known of the illegality of the Scottish Government and related matters. **It would seem that the onus is for the Scottish Law Commission to act under its legislation and to make representation to the UK Government for a lawful devolution act, a Scotland Act 2022.**

Anyone who does not realise that governments must not run judicial processes, should not be let anywhere near government or have a role in the judiciary or policing. For the last twenty-three years prosecutions in Scotland have been carried out by and in the name of the Scottish Government. That is of course illegal. The judges here have known that it is illegal, but they do nothing. We have been reminding the head of the illegal government-dependent judiciary, Lord Carloway, for years but he has done nothing. He has a legal responsibility for ensuring the independence of the judiciary; instead, he ensures their dependency on the Scottish Government.

The Scottish justice system in effect became unlawful in 1999 with devolution. We readily found over 30 ways that our justice system could collapse; anyone so inclined could bring it down, and very quickly. The Land of Oz has more substance than our justice system.

Rather than do the consultation form, it seems to require that your CEO and ASAP-NHS meet. We would be pleased to do so. The original fault is simple, but it produces an avalanche of the most serious consequences. We can point these out together with solutions. Please could your office ring for us to arrange (not email as access we restrict access). In the meantime, the crimes of the Scottish Government's law officers proceed apace.

Many thanks for your time. The issues would need to be checked but they will be found to be correct. There is prosecution-grade evidence readily available. I acted as the required independent and lawful Crown prosecutor; whilst our current law officers, Lord Advocate Bain and Solicitor General Charteris are neither. I did the criminal investigations, preparing and taking cases in the lower courts, and securing passage to the higher courts. I investigated many deaths, I assisted and sat with HM Coroners. The above issues will have to be solved. There is absolutely no chance of them going away; rather they will have to be

escalated. The continuance of the current unlawful Scottish justice system cannot in law persist.

Yours sincerely

Roger M Livermore