

IN THE SHEKU BAYOH INQUIRY

SUBMISSION

on behalf of

Conrad Trickett

on

THE APPLICATION FOR RECUSAL

by

THE SCOTTISH POLICE FEDERATION, CRAIG WALKER and NICOLE SHORT

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**Introduction**

1. These submissions are made in response to the invitation of the Chair to all parties to respond to the motion of recusal and supporting submissions intimated by the SPF and various individual officers.

**Position on the Motion to Recuse**

2. Mr Trickett adopts a position of concern over the issues raised by the SPF but, at this stage, reserves his position on the motion.
3. Mr Trickett wishes to record that he has found his personal contact with the Inquiry to be fair and professional. His concerns arise from a desire to ensure that the findings and recommendations of the Inquiry ultimately carry weight and respect. For that to be so, the Inquiry must be- and be seen by the public to be- fair.
4. Having considered the SPF submissions and the documents disclosed by the Inquiry, Mr Trickett's concerns are, at this stage, principally in relation to the general perception of fairness to all Core Participants. But those concerns may, after further explanation of the context to some of the discussions noted in the Minutes, extend to matters which have a bearing on Mr Trickett directly.

5. Mr Trickett is, however, conscious that he does not have a full and detailed response from the Chair on the SPF position. By letter of 29<sup>th</sup> April 2025, the Solicitor to the Inquiry indicated that such a response is to be given on 2<sup>nd</sup> June 2025. He also, like all other Core Participants, does not have any understanding of the findings of the independent Counsel appointed by the Chair to review this matter. A new Counsel to the Inquiry has also recently been instructed. He too will be making submissions at a later date which may have a bearing on the position ultimately adopted. It is noted those submissions will be published, again on 2<sup>nd</sup> June 2025. All of that will provide essential and helpful context.
6. Mr Trickett accordingly reserves his position at this time.

**The question of apparent bias**

7. Mr Trickett offers no view on the legal question of ‘apparent bias’ to the Inquiry but supports the submission that the question of whether apparent bias is established is plainly not one for either the Chair or his Counsel, or for the independent Advocate appointed. It is properly a matter to be resolved by an entirely independent Judge in the Court of Session.

Duncan Hamilton KC

22<sup>nd</sup> May 2025