

# ***JUDICIAL APPOINTMENTS BOARD FOR SCOTLAND***

## **MINUTES OF THE BOARD MEETING HELD ON MONDAY 2<sup>nd</sup> NOVEMBER 2009 IN THE BOARDROOM, 44 DRUMSHEUGH GARDENS, EDINBURGH**

Present: Sir Muir Russell, Chairing Member  
Ms Elspeth MacArthur  
Mr Sandy Mowat  
Professor Andrew Coyle  
Reverend John Miller  
Sheriff Principal Sir Stephen Young  
Sheriff Kenneth Ross  
Mr Roy Martin  
Mr Martin McAllister  
Mr Trevor Lodge, Chief Executive  
Mr Chris Orman, Secretary to the Board  
Miss Subha Munir, Secretariat

### **1. Office of Sheriff 2010 Exercise: Judicial and Legal Members' Consideration of the Legal Competencies of the Applicants**

1.1 Sheriff Ross welcomed the judicial and legal members to the meeting, which was observed by a number of lay members. Following discussion the judicial and legal members agreed which applications continued to meet the requirements of Section 13 of the Judiciary and Courts (Scotland) Act 2008.

### **2. Welcome and Apologies**

2.1 The Chairing Member welcomed Board members to the meeting. He noted the apologies received from Lady Smith.

### **3. Minutes of the meeting held on Monday 12<sup>th</sup> October.**

3.1 Mr Martin pointed out that he had been present at the last two meeting. Subject to this amendment, the Board approved the minutes of the meeting held on Monday 12<sup>th</sup> October.

#### **4. Matters arising from the minutes**

4.1 In response to a question from Professor Coyle Mr Lodge confirmed that in accordance with the Board's Publication Scheme the minutes of Board meetings would be published on the website following approval by the Board.

#### **5. Scottish Government**

5.1 The Chairing Member welcomed Mr Lachlan Stuart to the meeting. Mr Stuart intimated that Ms Angela McArthur would be leaving the sponsor division and that he would be attending future meeting until a replacement was appointed.

5.2 Mr Stuart provided an update on the publication of Lord Gill's Review of the Civil Courts. It was too soon to say what the longer term impact would be on the need for Part-time Sheriffs, but he recognised that information was needed to put the Board in a position to decide on the need for a competition in 2010. Accordingly, he had written to the Scottish Courts Service regarding their requirement for Part-time Sheriffs during the next two years and hoped to have information by the time of the next Board meeting.

5.3 The Lord President would be considering his requirement for Temporary Judges early in the new year.

5.4 [Paragraph exempt from release under the FoI Publication Scheme]

5.5 In relation to the current Sheriff exercise, Mr Stuart advised that four shrieval vacancies could be firmly predicted in the coming year, while a further four vacancies were possible in the case of the current office-holders reaching retirement age with the maximum pensionable service.

5.6 He commented that, as from April 2010, the Lord President would become responsible for shrieval transfers with the Scottish Government only becoming involved where the vacancy required to be filled through the Board's procedures; and informed the meeting that he was awaiting a response from The Sheriffs' Association to the consultation on part time working on the shrieval bench

***Action Points: The Secretary to the Board to adjust the closing dates for Senator exercise and inform interested parties.***

***Mr Stuart to provide an update at the next Board meeting on Monday 14<sup>th</sup> December regarding the Scottish Courts Service's requirement for Part-time Sheriffs***

## 6. Office of Sheriff 2010 Exercise: Interviews – Practical Arrangements

6.1 The Secretary to the Board circulated a draft timetable for the interview panel. Following discussion it was agreed to adjust the times slightly.

6.2 Sheriff Ross advised that he would provide an aide memoire on the case study for the interview panel members' benefit.

**Action Point:** *The Secretary to the Board to amend the timetable as agreed by the Board.*

## 7. Papers for Consideration

7.1 Sheriff Ross introduced the paper *Sheriff 2010 Exercise: Presentation Exercise and Section 13 Assessment Case Study* (JAB/2009/71). Following discussion it was agreed that the presentation topic should be:

*“How would you like to see the role of Sheriff develop over the next decade?”*

The Board noted the proposed case study to be used for the Sheriff 2010 exercise.

7.2 Sheriff Ross introduced the paper *Sheriff 2010 Exercise: The Size of the 2010 Pool and Related Issues* (JAB/2009/72). It was agreed that the pool of suitable applicants should be restricted to no more than twelve. The Board decided that applicants who had not been appointed by the time the 2010 pool came to an end would not be carried forward to the 2011 pool. In these circumstances it would be for individuals to decide whether to re-apply for the next competition.

7.3 Mr Lodge introduced the paper *Presentation of Recommendations to the Scottish Ministers* (JAB/2009/73). This paper set out the Board's views on the process for submitting recommendations to the Scottish Ministers. The Board agreed that the paper should be submitted to the Scottish Government. It was hoped that the paper would provide a basis for the tripartite discussion involving the Lord President and the Scottish Government.

7.4 Mr Mowat introduced the paper *Audit and Risk Management Committee: Remit* (JAB/2009/74). At their inaugural meeting on Monday 26<sup>th</sup> October the Audit and Risk Management Committee proposed a number of amendments to their Remit. The Board agreed to the amended Remit for the Committee.

7.5 Mr Lodge introduced the paper *Draft Response to Public Petitions Committee – PE1276* (JAB/2009/75). The Assistant Clerk to the Scottish Parliament's Public Petitions Committee wrote to the Chief Executive inviting the Board's views on a petition by Mr John Ferguson "*calling on the Scottish Parliament to urge the Scottish Government to remove the requirement on judicial office holders, including justices of the peace, to retire at the age of 70.*"

7.6 The Board approved the suggested reply to the Public Petitions Committee, subject to some drafting alterations.

**Action Points:** *Mr Lodge to finalise the paper "Presentation of Recommendations to the Scottish Ministers" for submission to the Scottish Government.*

*Mr Lodge to finalise and send the Board's response to the Scottish Parliament's Public Petitions Committee.*

## **8. Paper for Information**

8.1 The Board noted the paper *Audit and Risk Management Committee: Minutes of Meeting on Monday 26<sup>th</sup> October* (JAB/2009/76).

## **9. Any Other Business**

9.1 The Chairing Member informed the meeting that the preferred date for the Board Away Day was Sunday 17<sup>th</sup> to Monday 18<sup>th</sup> January 2010.

9.2 The Secretary to the Board confirmed that the next Board meeting on Monday 14<sup>th</sup> December will take place in 44 Drumsheugh Gardens.

**Action Point:** *The Secretary to the Board to consider an appropriate venue for the Away Day.*

## **10. Office of Sheriff 2010 Exercise: second sift of applications**

10.1 The Board considered the 44 applications and referee assessment forms received. Following discussion it was agreed that 26 applicants should progress to the interview stage of the exercise.

**Action Point:** *The Secretary to the Board to write to all applicants regarding their applications and to arrange the interviews.*

Meeting closed at 1700 hours.