

JUDICIAL APPOINTMENTS BOARD FOR SCOTLAND

**MINUTES OF THE BOARD MEETING
HELD ON MONDAY 14 DECEMBER 2009
IN THE TRAINING ROOM, 44 DRUMSHEUGH GARDENS**

Present: Sir Muir Russell, Chairing Member
Ms Elspeth McArthur
Mr Sandy Mowat
Professor Andrew Coyle
Reverend John Miller
Lady Smith
Sheriff Principal Sir Stephen Young
Sheriff Kenneth Ross
Mr Roy Martin QC
Mr Martin McAllister
Mr Trevor Lodge, Chief Executive
Mr Chris Orman, Secretary to the Board
Ms Alessandra Asteriti, Secretariat
Miss Arlene Gibson, Secretariat

1. Welcome and Apologies

1.1 The Chairing Member welcomed the members to the Board meeting. There were no apologies.

2. Minutes of meeting held on 2nd November 2009

2.1 The Board approved the minutes of the meeting held on the 2nd November 2009.

3. Matters arising from the minutes

3.1 Mr McAllister noted on item 7.2 of the previous minutes that the Board had been thinking in terms of agreed on a pool of eight applicants suitable for appointment to the office of Sheriff during 2010. It was confirmed that no actual decision had been made as to the size of the pool.

4. Scottish Government

4.1 Prior to the arrival of Mr Stuart from the Scottish Government, the Board had a general discussion on the procedures to be followed for the selection and ranking of

applicants, presentation of recommendations to the Scottish Government and the role of the Lord President.

4.2 [Paragraph exempt from release under FoI Publication Scheme]

4.3 [Paragraph exempt from release under FoI Publication Scheme]

4.4 Mr Stuart informed the Board that Ms Jill Clark has been appointed as head of the sponsor team responsible for the Board. She would take up her post in January 2010.

5. Office of Sheriff 2010 Exercise

5.1 In his opening remarks the Chairing Member thanked Board Members for the effort and time put into this exercise, particularly during the interviews.

5.2 The Board considered the paper *Consideration of Applicants for the Pool* (JAB/2009/77). Following discussion the Board agreed on nine applicants who would form the pool from which recommendations would be made during 2010. The Board further agreed on a reserve pool of three applicants to cover the same period and who may be called upon should the pool be exhausted before the end of the year. It was agreed that the letters informing candidates of the outcome would be the subject of consultation with the Board Members.

5.3 The Board considered the paper *Referee's Form – letter from Sheriff Cusine* (JAB/2009/78). The Board noted Sheriff Cusine's concerns about the form and agreed that it would be reviewed as part of the general review of the Sheriff 2010 exercise that was to take place at the Board's Awayday in January.

6. Senator 2009 Exercise

6.1 The Secretary to the Board introduced the paper *Interview Panel Membership* (JAB/2009/79). It was agreed not to hold interviews on Monday 1 February or on Friday 5 February and that the actual days required would depend on the number of applicants invited to interview after the sift meeting on 11 January. It was further agreed to hold two interviews per day.

6.2 The Board considered the paper *Advertisement for Vacancy for Senator of the College of Justice* (JAB/2009/80) which referred to a letter from a Sheriff in which he expressed concern that potential applicants for Senatorial office were dissuaded from applying because of a perception that it was in practice expected that those, unless they were already a Queen's Counsel before being appointed should be Queen's Counsel. The Board noted that the Lord President had indicated that appointment as QC was likely in future to be confined to those in practice at the Bar, which would mean that sitting Sheriffs were unlikely, as had sometimes happened in the past, to be successful in an application to become QCs. It was noted that the Lord President did

not play any part in the proceedings of the Board. The Board had a statutory responsibility to select suitable individuals for appointments solely on merit. It was further noted that there was no statutory requirement that applicants had to be a Queen's Counsel before they could be considered for the office of Senator of the College of Justice.

7. Paper for Information

7.1 The Board noted the paper *Forward Look 2009 – 2011* (JAB/2009/81). The Chairing Member asked that the Members inform the Secretary to the Board of any commitments which could impact on the Board's business.

8. Any Other Business

8.1 There were no other business raised.

The meeting closed at 1.15 pm