

PE1458 Register of interests for members of Scotland's judiciary

Clerk's notes from informal meeting with Lord Gill

Tuesday 21 January 2014, Q1.03 Holyrood

In attendance

David Stewart (convener) Chic Brodie (deputy convener), Lord Gill, Anne Peat (clerk) Stephen Humphreys (Executive Director, Judicial Office for Scotland)

Points made by Lord Gill

- **If a judge recuses him or herself it is recorded in the minute of court proceedings, part of the formal court process. No tally is kept of figures. Lord Gill had recused himself twice. Any interested person could make an FOI request with respect to a particular judicial office holder to seek information on that person's recusal record**
- **No need for a register of interests as there are currently 3 safeguards in place which are deemed sufficient as set out in the letter of February 2013. Lord Gill has confidence in the integrity of judges and sheriffs. Much work went in to the letter of Feb and it was felt by Lord Gill that this was the best help and explanation for his stance that could be provided**
- **A Register of Interests would not be workable as it could not be predicted what might arise in a court case and it could not be anticipated what might need to be recorded. Not practical to try to think of every situation that might arise**
- **The petition seeks a register of pecuniary interests. This would not address the concerns, for example about undeclared family relationships, and would not achieve the purpose sought as problems cited would not be caught by such a register**
- **The legislation being proposed in New Zealand was in response to a particular issue that would not have been revealed by having a register of pecuniary interests**
- **If it was practicable and helpful the courts admin could be asked to investigate whether its software could be adapted to provide aggregated information on recusals**
- **Recusal does not cover monetary considerations but relationships**
- **3 judges sit on the Board of SCS. The SCS annual report notes the offices and interests held by the Board members.**