Petition PE1458 – A Register of Interests for members of Scotland’s Judiciary.

With regard to the considerable work undertaken by the Scottish Parliament’s Public Petitions Committee over the past six years on this petition, and overwhelming support for the creation of a register of judicial interests, as expressed by MSPs during a full debate on 9 October 2014, I look forward to proposals from the Justice Committee to take this petition forward, consider the issues as may be required, and if necessary, bring forward legislation to create a fully detailed, publicly available register of judicial interests.

Members of the Justice Committee will be aware of the considerable public and media interest in this petition and the issue of judicial transparency, from the work of the Petitions Committee which includes copies of media coverage & reports, and the submissions gathered by the PPC here: http://www.parliament.scot/GettingInvolved/Petitions/registerofjudicialinterests.

This petition also has the support of Judicial Complaints Reviewers, Moi Ali, and Gillian Thompson – who gave evidence to the Petitions Committee. Both JCRs fully support the creation of a register of judicial interests.

As Scotland’s first Judicial Complaints Reviewer, Moi Ali went a step further, leading by example and created her own register of interests for the JCR position, a policy which has continued since.

Moi Ali also gave a highly effective presentation of evidence to the Public Petitions Committee on 17 September 2013, which I recommend members of the Justice Committee take note of.

Committee members will also be aware of the opinions of the judiciary, expressed by former Lord President Lord Brian Gill, and current Lord President Lord Carloway – who both oppose the petition.

Committee members should note the creation of a register of recusals by Lord Gill, in April 2014, has now resulted in over 100 judicial recusals – which can be viewed here: http://www.scotland-judiciary.org.uk/68/0/Judicial-Recusals

The recusals register was recently expanded, after talks between myself and the Head of Governance of the Judicial Office – to include Tribunals and Justices of the Peace – who were initially excluded from the recusals register when it was created in 2014.

Additional detailed reasons for recusals and case references in relation to recusals have also been added to the register as of mid 2017, after it was brought to the Public Petitions Committee’s attention that deficiencies had emerged in the recusals register where certain recusals by senior judges had failed to be recorded.
The increasing numbers of judicial and tribunal recusals – clearly demonstrates there is a need and requirement for an easily accessible, more detailed, central register of interests for all members of the judiciary in Scotland which this petition proposes.

A register of interests for members of the judiciary should be at least equal to those required to be completed by MSPs and other public servants – in terms of details, requirements of declarations and rules governing how such a register for judicial interests should be maintained and provided with independent oversight.

Noting the content of the letters sent by the Petitions Committee to the Justice Secretary, and Lord President, in which the Petitions Committee continue to support the creation of a judicial interests register, I would very much hope the Justice Committee involves members of the Public Petitions Committee and other MSPs who have worked tirelessly on this issue, to work towards the creation of a register of interests for members of Scotland’s judiciary – which will set Scotland’s judiciary on a course to greater transparency, accountability and increased public trust.

Peter Cherbi, Petitioner PE1458

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