Introduction to the Justice Committee’s initial consideration of this petition, I agree with the decision by members to seek further and additional information to take the petition forward and create a Register of Judicial Interests for members of Scotland’s Judiciary.

I would also like to submit further developments since members last considered the petition, where reports in the media have revealed senior members of Scotland’s judiciary serving in overseas courts, particularly in the Gulf States such as UAE, Abu Dhabi, Qatar, and others.

It would be useful for the Justice Committee to make enquiries in relation to members of Scotland’s judiciary who serve in overseas jurisdictions and details in relation to the two separate judicial oaths and terms of service which judges swear to, in jurisdictions such as the United Arab Emirates and here in Scotland, as clearly, such information should be present in a publicly available Register of Judicial Interests.

The dual service of Scottish judges in overseas jurisdictions, including the Gulf States should be further examined, in the light recent media coverage of the dual service of Scottish judges and significant public interest in such cases.

In recent enquiries with the Judicial Office for Scotland, I have noted there are no recusals by Justices of the Peace since the guidance on recusals was extended to JPs as of January 2018.

However, since Tribunal members interests were added to the recusals register, recusals jumped from around 20 a year to 49 in the past year.

The lack of recusals for Justices of the Peace, who number around 450 and comprise the highest proportion in terms of numbers of Scotland’s judiciary, are worthy of scrutiny, particularly as the Scottish Justices Association have expressed negative sentiments towards reform and transparency in the past, notably in the case of media reports in relation to overseas trips by Justices of the Peace, which are covered in a Sunday Herald investigation forwarded with this submission.

As part of the further information which the Justice Committee may wish to seek on judicial conflicts of interest, I would suggest making enquiries to the Judicial Office on how the guidance on recusals is being implemented, and how far down the line it goes, for instance, in selection and subsequent training of judicial office holders prior to their service on the bench and how such guidance plays a role in every day court proceedings.


From the report of the Justice Committee’s initial consideration of the petition, I agree with the support expressed by members for progressing the petition from Rona Mackay, Daniel Johnson, and John Finnie MSP who stated “Future generations will be surprised that we do not have such a register already.”

The Scottish Parliament, by way of the Public Petitions Committee, MSPs during the full debate in October 2014 and now the Justice Committee have amassed a level of information and submissions on this petition which should go forward in the public interest to create a Registrar of Judicial Interests - and apply the same level of transparency for members of the judiciary, which already exists for all other branches of the Executive and those in public life.

Lastly, and noting the recommendations listed in papers for members consideration of this petition on Tuesday 5 February 2019, I would like to request the Justice Committee invite members of the Public Petitions Committee to give evidence to the Justice Committee on this petition, given the PPC’s six years of experience, dedication and exceptional work on this petition, which has accumulated significant evidence, testimony and backing from all sections of the community in favour of creating a Register of Judicial Interests for members of Scotland’s judiciary.

**Peter Cherbi**  
**Petitioner PE 1458. 1 February 2019**