

Public Petition Committee
Thursday 10 September 2026
2nd Meeting, 2026 (Session 7)

PE1458: Register of Interests for members of Scotland's judiciary

Introduction

Petitioner Peter Cherbi

Petition Summary Calling on the Scottish Parliament to urge the Scottish Government to create a Register of Pecuniary Interests of Judges Bill (as is currently being considered in New Zealand's Parliament) or amend present legislation to require all members of the Judiciary in Scotland to submit their interests & hospitality received to a publicly available Register of Interests.

Website <https://petitions.parliament.scot/petitions/PE1458>

1. This is a continued petition that was published in 2012. The petition was previously referred to the Criminal Justice Committee (and previous incarnations of that committee).
2. A full summary of this petition and its aims can be found at **Annexe A**. Details of action taken by the Session 6 Criminal Justice Committee are set out on the website highlighted above.
3. The Session 6 Criminal Justice Committee last considered the petition on 26 January 2022.¹ At that meeting, the then Criminal Justice Committee agreed to write to the Scottish Government and to keep the petition open. The Scottish Government's Programme for Government for that year included a commitment to begin work on establishing a register of interests of the judiciary.² The committee did not carry out any further work in relation to the petition in Session 6.
4. Every petition collects signatures while it remains under consideration. At the time of writing, 91 signatures have been received on this petition.
5. The Committee sought the views of the Scottish Government on all petitions carried over from Session 6 to inform its consideration. This response is included at **Annexe B**. Annexe B also includes the Petitioner's most recent submission to Public Petitions Committee.

¹ [Meeting of the Parliament: CJ/26/01/2022 | Scottish Parliament Website](#)

² Programme for Government, 2021-22, p103. Available at: [A Fairer, Greener Scotland: Programme for Government 2021-22](#)

Action

6. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
September 2026

Annexe A: Summary of petition

PE1458: Register of Interests for members of Scotlands judiciary

Petitioner

Peter Cherbi

Date Published

7 December 2012

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to create a Register of Pecuniary Interests of Judges Bill (as is currently being considered in New Zealand's Parliament) or amend present legislation to require all members of the Judiciary in Scotland to submit their interests & hospitality received to a publicly available Register of Interests.

Previous action

I asked that a register of judicial interests be created. All parties - the Judiciary of Scotland & Scottish Government refused to do so, saying there are no plans to create one.

The Scottish Court Service & Judiciary of Scotland were asked for details of a register of interests for members of the judiciary in Scotland.

Both have indicated there is no such register of interests for members of the judiciary in Scotland, none has existed and there are no plans to create one. Similarly there is no such register of hospitality for members of the judiciary.

Therefore this petition calls on the Scottish Government to bring about a register of interests for all members of the judiciary in Scotland.

Background information

The Parliament of New Zealand is currently debating legislation to create a register of interests for the judiciary. I believe it is time for Scotland to move in the same direction and create a similar register of interests for the judiciary of Scotland and all its members, increasing the transparency of the judiciary and ensuring public confidence in their actions & decisions.

The full details of the New Zealand Register of Pecuniary Interests of Judges Bill, which I believe should be looked at for a model of similar legislation in Scotland, can be viewed online here

<http://www.legislation.govt.nz/bill/member/2010/0240/latest/DLM3355002.html>.

Dr Graham's bill states:

It is a time-honoured principle of Western democracy that public servants of every kind must be beyond reproach, and suspicion thereof. Public confidence in the standard of behaviour and conduct observed by leading servants of the people is a cornerstone of social harmony and political stability. A threshold of confidence to that end should ideally be enshrined in constitutional and legislative form. Little scope should be available for individual discretion or subjective perception.

The principle of transparency in this respect pertains in particular to issues of financial (pecuniary) interest. Nothing undermines public confidence in a nation's institutions and procedures more than suspicion that a public servant may have, and especially proof that one has, suffered a conflict of interest arising from a pecuniary interest in a particular dealing in which he or she was professionally involved.

The correct balance in this respect appears to have been achieved over the years—the public interest in such annual statements is significant without appearing prurient, and few complaints have been voiced by those on whom the obligations are placed. There seems to be a general acceptance that such exercises are in the public interest and are neither unduly onerous nor revealing.

No such practice, however, has been observed in the case of the judiciary. Recent developments within New Zealand's judicial conduct processes suggest that application of the same practice observed by the other two branches of government might assist in the protection of the judiciary in future.

Being obliged under law to declare pecuniary interests that might be relevant to the conduct of a future case in which one is involved would relieve a judge from a repetitive weight of responsibility to make discretionary judgements about his or her personal affairs as each case arises. Having declared one's pecuniary interests once, in a generic manner independent of any particular trial, a judge may freely proceed in the knowledge that, if he or she is appointed to adjudicate, public confidence for participation has already been met. Yet care is to be exercised to ensure that the final decision is left to the individual judge whether to accept a case. There should be no intention of external interference into the self-regulation of the judiciary by the judiciary.

This is the reasoning behind this draft legislation—the Register of Pecuniary Interests of Judges Bill. The purpose of the Bill, as stated, is to promote the due administration of justice by requiring judges to make returns of pecuniary interests to provide greater transparency within the judicial system, and to avoid any conflict of interest in the judicial role.

I believe the same aims of the New Zealand legislation as quoted above, are compatible with the public interest in Scotland and to promote the due administration of justice by providing the public with greater transparency within the judicial system.

Annexe B: Written Submissions

Scottish Government written submission, 2 September 2026

PE1458/A: Register of Interests for members of Scotland's Judiciary

I am writing with regard to [PE1458: Register of Interests for members of Scotland's judiciary](#).

The Scottish Government has continued to consider the proposal to introduce a Judicial Register of Interests. In 2023, work in this area was paused to allow the judiciary's revised Statement of Principles of Judicial Ethics to bed in before further consideration was given to whether a register was necessary.

In March 2026, my predecessor sought the views of the current Lord President. The Lord President confirmed the position consistently taken by his predecessors, namely that the introduction of a Judicial Register of Interests is unnecessary and that matters relating to judicial conduct and ethical standards are the responsibility of the judiciary rather than the Government or Parliament.

Having carefully considered the matter, including the views of the Lord President and the existing framework for judicial accountability, I have decided not to take forward the proposal to introduce a Judicial Register of Interests. I am satisfied that the safeguards now in place provide appropriate assurance regarding the impartiality, accountability and integrity of the judiciary. These safeguards include the judicial oath, the revised [Guidance to Judicial Office Holders on Judicial Ethics in Scotland](#), the judicial complaints process, the public register of judicial recusals recording all recusal decisions, and rights of appeal against judicial decisions.

In reaching this decision, I have also noted the absence of objective evidence demonstrating a lack of transparency, accountability or integrity within the Scottish judiciary that would justify the introduction of a register.

I was further mindful that the imposition of an externally mandated scheme on the judiciary could be difficult to reconcile with the constitutional principle of the separation of powers and may risk undermining the statutory duty on the Scottish Ministers to uphold the continued independence of the judiciary.

I hope this update is helpful to the Committee.

Neil Gray
Cabinet Secretary for Justice

Petitioner written submission, 2 September 2026

PE1458/B: Register of Interests for members of Scotland's Judiciary

Welcoming members of the Public Petitions Committee to this new Parliamentary session, and a discussion of Petition PE1458 for the 10 September 2026 meeting, I would like to request members consider the background of the petition, the support for the petition given by MSPs of all parties during a Scottish Parliament debate and motion, held in 2014, evidence hearings and support for the petition by the Public Petitions Committee, and Justice Committees, and work carried out to-date by the

Scottish Government as part of their commitment to create the register of interests for members of the judiciary as called for in Petition PE 1458.

I request Committee members keep the petition open at this time and until the Scottish Government provide further information on a proposed judicial register, and a date for when the working register of judicial interests as given in the commitment by the Scottish Government & First Minister in March 2021 is to come into being.

Additionally, I have provided to the Committee clerks with a compiled set of documents obtained by Freedom of Information legislation from the Scottish Government – from 2022 onwards, which give an indication of discussions and work undertaken by the Scottish Government in relation to the petition and the creation of a judicial interests register.

I am aware an evaluation process undertaken by the Scottish Government in relation to increased requirements for declarations of members of the judiciary as called for in Petition PE 1458, however this is yet to be published and may be an issue the Criminal Justice Committee and Public Petitions Committee may wish to request Scottish Government provide members for their consideration at a future date.

Given the significant work and support of MSPs from all parties on this petition, the work of previous Committees including the Justice Committee and Public Petitions Committee, and the considerable support and public interest in relation to this Petition, I believe the Committee should have a chance to scrutinise the Scottish Government's work on creating the register of judges' interests and any proposals from the Scottish Government to take their work and the Petition forward to a working register.