
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 99

**Act of Sederunt (Fitness for Judicial
Office Tribunal Rules) 2014**

Interpretation

2. In these Rules—

“the 1971 Act” means the Sheriff Courts (Scotland) Act 1971;

“the 2008 Act” means the Judiciary and Courts (Scotland) Act 2008;

“chairing member of the tribunal” means the person appointed to chair the tribunal in terms of section 12A(8)(1) of the 1971 Act or section 35(9) or (10) of the 2008 Act;

“clerk to the tribunal” means the person nominated by the Principal Clerk of Session and Justiciary to act as clerk to a tribunal;

“investigating officer” means the person appointed in accordance with rule 5(1), and references to an investigating officer are to be read as references to a substitute investigating officer where one has been appointed;

“judicial office holder” means—

(a) the person who holds a shrieval office specified in section 12A(2) of the 1971 Act; or

(b) the person who holds a judicial office specified in section 5(2) of the 2008 Act,

as the case may be, with regard to whom a tribunal has been constituted;

“Lord Justice Clerk” means the Lord Justice Clerk of the Court of Session;

“Lord President” means the Lord President of the Court of Session;

“the parties” are the judicial office holder and the presenting officer;

“presenting officer” means the person appointed in accordance with rule 9(1), and references to a presenting officer are to be read as references to a substitute presenting officer where one has been appointed;

“statement of reasons” means a statement of the grounds on which it is alleged that the judicial office holder is unfit to hold office by reason of inability, neglect of duty or misbehaviour;

“tribunal” means a tribunal constituted under section 12A(1) of the 1971 Act or section 35(1) of the 2008 Act to investigate and report on a judicial office holder’s fitness for office; and

“tribunal case” means the issue of whether the judicial office holder is unfit to hold his or her judicial office, having regard to the terms of section 12A(1) of the 1971 Act or, as the case may be, section 35(1) of the 2008 Act.