
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 120

**Act of Sederunt (Fitness for Judicial
Office Tribunal Rules) 2015**

Termination of proceedings

14.—(1) If the presenting officer considers at any time that it cannot be established that the judicial office holder is unfit to hold his or her office, the presenting officer must—

- (a) recommend to the tribunal that no further procedure is required; and
- (b) give reasons for that recommendation in writing.

(2) The clerk to the tribunal must provide a copy of the recommendation and reasons to the judicial office holder.

(3) If the judicial office holder ceases to hold judicial office at any stage in the proceedings, the proceedings are terminated.

(4) At any stage in the proceedings, the tribunal may—

- (a) on the basis of a recommendation by the investigating officer or the presenting officer;
- (b) on the basis of a submission by the judicial office holder; or
- (c) on its own motion,

determine that it cannot be established that the judicial office holder is unfit to hold his or her office.

(5) Where the tribunal makes a determination mentioned in paragraph (4), it must report that determination to the First Minister in accordance with section 38 of the 2008 Act or section 24 of the 2014 Act.