
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 120

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

Interpretation

2. In these Rules—

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

“the 2014 Act” means the Courts Reform (Scotland) Act 2014;

“chairing member of the tribunal” means the person appointed to chair the tribunal in terms of section 35(9) or (10) of the 2008 Act or section 21(7) of the 2014 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 4(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 the person who holds a judicial office specified in—

(a) section 35(2) of the 2008 Act; or

(b) section 21(3) of the 2014 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 8(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 35(1) of the 2008 Act or section 21(1) or (2) of the 2014 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 35(1) of the 2008 Act or, as the case may be, section 21(1) of the 2014 Act.