



Judiciary and Courts (Scotland) Act 2008

2008 asp 6

PART 2

THE JUDICIARY

CHAPTER 4

JUDICIAL CONDUCT

Judicial Complaints Reviewer

30 Judicial Complaints Reviewer

- (1) The Scottish Ministers may, with the consent of the Lord President, appoint a person (to be known as the “Judicial Complaints Reviewer”) for the purpose of carrying out the functions mentioned in subsection (2).
- (2) Those functions are—
 - (a) on the request of the complainant or the judicial office holder to whom an investigation carried out in pursuance of section 2(2)(e)(i) relates, to review the handling of the investigation to determine whether the investigation has been carried out in accordance with rules under section 28(1),
 - (b) in any case where the Reviewer considers that such an investigation has not been carried out in accordance with those rules, to refer the case to the Lord President,
 - (c) as directed by the Scottish Ministers, to prepare and publish reports on investigations carried out in pursuance of section 2(2)(e)(i), and
 - (d) to make written representations to the Lord President about procedures for handling the investigation of matters concerning the conduct of judicial office holders.
- (3) For the purposes of subsection (2)(a) “the complainant”, in relation to an investigation, means the person whose complaint led to the carrying out of the investigation.
- (4) The Lord President must have regard to any written representations made under subsection (2)(d).

Changes to legislation: There are currently no known outstanding effects for the Judiciary and Courts (Scotland) Act 2008, Section 30. (See end of Document for details)

- (5) A person is disqualified from appointment, and from holding office, as the Judicial Complaints Reviewer if the person is or becomes—
- (a) a member of the House of Commons,
 - (b) a member of the Scottish Parliament,
 - (c) a member of the European Parliament,
 - (d) a Minister of the Crown,
 - (e) a member of the Scottish Executive,
 - (f) a civil servant,
 - (g) a person who is, or has been, a judicial office holder, or
 - (h) a solicitor, advocate or barrister (in any case whether practising or not).
- [^{F1}(i) an ordinary or legal member of either or both of the Scottish Tribunals by virtue of section 15 or 16 of the Tribunals (Scotland) Act 2014.]

Textual Amendments

- F1** S. 30(5)(i) inserted (1.4.2015) by Tribunals (Scotland) Act 2014 (asp 10), s. 83(2), **Sch. 9 para. 12(3)** (with Sch. 9 para. 8); S.S.I. 2015/116, art. 2

Commencement Information

- I1** S. 30 in force at 1.4.2010 by S.S.I. 2010/39, art. 2(b), **Sch.**

Changes to legislation:

There are currently no known outstanding effects for the Judiciary and Courts (Scotland) Act 2008, Section 30.