



Courts Reform (Scotland) Act 2014

2014 asp 18

PART 1

SHERIFF COURTS

CHAPTER 2

JUDICIARY OF THE SHERIFFDOMS

Fitness for office

21 Tribunal to consider fitness for office

- (1) The First Minister must, if requested to do so by the Lord President of the Court of Session, constitute a tribunal to investigate and report on whether an individual holding a judicial office mentioned in subsection (3) is unfit to hold the office by reason of inability, neglect of duty or misbehaviour.
- (2) Subject to subsection (1), the First Minister may, in such circumstances as the First Minister thinks fit and after consulting the Lord President, constitute such a tribunal.
- (3) The judicial offices are—
 - (a) sheriff principal,
 - (b) sheriff,
 - (c) summary sheriff,
 - (d) part-time sheriff, and
 - (e) part-time summary sheriff.
- (4) A tribunal constituted under this section is to consist of—
 - (a) one individual who is a qualifying member of the Judicial Committee of the Privy Council,
 - (b) one individual who holds the relevant judicial office,
 - (c) one individual who is, and has been for at least 10 years—
 - (i) an advocate, or
 - (ii) a solicitor, and

Status: This is the original version (as it was originally enacted).

- (d) one individual who—
- (i) is not and never has been a qualifying member of the Judicial Committee of the Privy Council,
 - (ii) does not hold and never has held a judicial office mentioned in subsection (3), and
 - (iii) is not and never has been an advocate or solicitor.
- (5) In subsection (4)—
- “a qualifying member of the Judicial Committee of the Privy Council” means someone who is a member of that Committee by virtue of section 1(2)(a) of the Judicial Committee Act 1833 (that is, someone who holds or has held high judicial office),
- “the relevant judicial office” means—
- (a) in respect of an investigation into whether an individual is fit to hold the office of sheriff principal, that office,
 - (b) in respect of an investigation into whether an individual is fit to hold the office of sheriff or part-time sheriff, the office of sheriff,
 - (c) in respect of an investigation into whether an individual is fit to hold the office of summary sheriff or part-time summary sheriff, the office of summary sheriff.
- (6) It is for the First Minister, with the agreement of the Lord President, to select persons to be members of a tribunal constituted under this section.
- (7) The person who is an individual mentioned in subsection (4)(a) is to chair the tribunal and has a casting vote.