



# 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*Status: Point in time view as at 01/04/2015.*

*Changes to legislation: Courts Reform (Scotland) Act 2014, Section 21 is up to date with all changes known to be in force on or before 16 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (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.

**Commencement Information**

**II** S. 21 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch. (with art. 4)

**Status:**

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