



The Lord President

Parliament Square
Edinburgh, EH1 1RQ

5 June 2014

David Stewart MSP
Convenor of the Public Petitions Committee
c/o Anne Peat
Clerk to the Public Petitions Committee,
Room T3.40
The Scottish Parliament
Edinburgh
EH99 1SP

Dear Convenor,

**PUBLIC PETITION – REGISTER OF INTERESTS FOR MEMBERS OF
SCOTLAND'S JUDICIARY (PE1458)**

Thank you for your letter of 8 May 2014.

I do not share Ms Ali's view that a register of interests is essential. I do not believe that such a register is necessary. I set out my views in my letter to you of 5 February 2013. My views remain the same.

Ms Ali suggests that the number of complaints against the judiciary would fall were such a register to be published. In fact the number of complaints made against judicial office holders in Scotland is small by comparison with the number of cases with which they deal. Complaints cover a wide range of matters; but only rarely do they make allegations of personal interest. I fail to see how the creation of a register would reduce the number of complaints.

Ms Ali suggests that a failure to institute a register of judicial interests will create suspicion, and that this will in turn undermine judicial credibility. I am not aware of any recent evidence that there is public concern about the integrity of the judiciary. In my view the terms of the judicial oath, the Statement of Principles of Judicial Ethics and the provisions of the Judiciary

The Right Honourable Lord Gill

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and Courts (Scotland) Act 2008 for the regulation of judicial conduct are effective safeguards that enjoy public confidence.

The Judicial Complaints Reviewer suggests that the rules about complaints against the judiciary – the Complaints about the Judiciary (Scotland) Rules 2013 – are not fit for purpose. I disagree. Our experience of operating the Rules, since they were introduced in 2011, is that they provide a system for review that effectively filters out complaints that are without substance, while providing an effective hearing mechanism in others.

I am considering amendments to the Rules in light of a consultation that was carried out last autumn. Ms Ali has annexed to her letter to you a submission dated 2 December 2013 setting out her views on the Rules. I will take her views into account when I instruct amendments to the Rules. It would be inappropriate in this letter to comment in detail on the points she seeks to make.