

PE1458/II

Letter from Petitioner Peter Cherbi re: Petition PE1458: Register of Interests for members of Scotland's Judiciary

I wish to thank members of the Public Petitions Committee for their input during the debate in the Parliament's main chamber on the petition and members support for the aims of the petition calling for the creation of a register of interests for Scotland's judiciary.

Before the Committee decides how to progress matters with regard to the petition, I would like to suggest members await the 2014 annual report from the Judicial Complaints Reviewer, due shortly. It is possible that the report may contain some pertinent information on the need for a register of interests and examples of cases which the JCR has considered during the past twelve months since she last appeared before the Committee.

As a further option, and given matters raised during the debate and overall support for the petition, I urge members to invite Cabinet Secretary for Justice Kenny MacAskill to appear before the Committee to give evidence on why he feels the current system of judicial oaths - written mostly by the judiciary itself, and the current system of recusals is a substitute for the implementation of a full register of judicial interests, the likes of which exist without any difficulty across most other public services & Government.

As a number of MSPs including members of the Public Petitions Committee during the debate urged the Lord President to rethink his position on the petition, and his refusal to attend Parliament and give evidence, I suggest the Committee write to the Lord President asking he reconsider his position with regard to the petition and previous invites from the Committee.

While the example of the SCS Board register already exists, and that a similar, perhaps more enhanced in detail register could easily be implemented by the Lord President for all members of the judiciary, I urge members to consider the following example model of judicial asset disclosure, published by the Centre for Public Integrity in the United States of America –

<http://www.publicintegrity.org/2014/04/22/14615/what-do-your-federal-appellate-judges-own>

Given the power of the judiciary to affect public life, and even legislation passed by democratic and significantly more open institutions such as the Scottish Parliament, a detailed report in the example as has been created in the United States could

serve as a very engaging model for Scotland, promoting increased trust in the judiciary, and enhancing its independence.

Given the unanimous support for the petition shown by MSPs in their support for the petition, and the significant work put in by members of the Public Petitions Committee, if the Lord President remains unwilling to change his position, I would like to ask the Committee to consider taking the petition forward as a bill to propose the creation of a register of interests for members of the judiciary.

Peter Cherbi
Petitioner PE1458