

JUDICIAL APPOINTMENTS BOARD FOR SCOTLAND

MINUTES OF THE BOARD MEETING HELD ON MONDAY 12th OCTOBER 2009 IN THE BOARDROOM, 44 DRUMSHEUGH GARDENS, EDINBURGH

Present: Sir Muir Russell, Chairing Member
Ms Elspeth MacArthur
Professor Andrew Coyle
Lady Smith
Sheriff Principal Sir Stephen Young
Sheriff Kenneth Ross
Mr Martin McAllister
Mr Trevor Lodge, Chief Executive
Mr Chris Orman, Secretary to the Board
Miss Subha Munir, Secretariat

1. Welcome and Apologies

1.1 The Chairing Member welcomed Board members to the meeting. He noted the apologies received from Mr Sandy Mowat and the Reverend John Miller.

2. Minutes of the meeting held on Monday 14th September.

2.1 The Board approved, with some amendments to paragraph 1.1, the minutes of the meeting held on Monday 14th September.

Action Point: ***Secretary to the Board to amend the minutes of the meeting with the agreed wordings.***

3. Matters arising from the minutes

3.1 There were no matters arising from the minutes of the last meeting.

4. Scottish Government

4.1 The Chairing Member welcomed Ms Angela McArthur and Mr Lachlan Stuart to the meeting. Mr Stuart informed the meeting that Ms McArthur had taken responsibility for the sponsorship of the Board and would be attending future meetings of the Board as required.

4.2 The Chairing Member informed the Scottish Government representatives that the Board would produce a factual Annual Report covering the period 1st April 2007 to 31st May 2009, to mark the end of the non-statutory Board's activities. The new statutory Board would produce its first Annual Report covering the period 1st June 2009 to 31st March 2010 and then annually thereafter. Ms Angela McArthur confirmed that the Annual Report for the period April 2007 to May 2009 should be submitted to her for laying before the Scottish Parliament.

4.3 Mr Stuart informed the meeting that he had received a number of responses to the Scottish Government's consultation paper on part-time working on the shrieval bench. None of the responses raised any major objections to the proposition.

4.4 The Chairing Member informed the Scottish Government representatives of the publication of the research report by MVA Consultancy due to take place on the 14th October.

4.5 Mr Stuart provided an update on the publication of the Report of the Scottish Civil Courts Review. Given the recommendations of this Review it was now unlikely that the Scottish Government would be looking to increase the number of Part-time Sheriffs. It was forecast that it would be at least 3 years before any major changes would be implemented.

4.6 Mr Stuart undertook to consider how many vacancies for Part-time Sheriffs were likely to arise during the period 2010 – 2011. He also undertook to consider how many Temporary Judges were likely to be required during the coming year. As this judicial office was also the subject of a recommendation by the Scottish Civil Courts Review, there would need to be clarity about its future before the Board held an appointment exercise.

4.7 **[Paragraph exempt from release under the FoI Publication Scheme]**

Note: The Board subsequently noted with sadness the death of Lord MacPhail on the 21st October.

5. Papers for consideration

5.1 The Board considered the papers *Presentation of Successful Applicants to Scottish Ministers* (JAB/2009/65) and *Ranking of Successful Candidates* (JAB/2009/66). Following discussion it was agreed that the Board should submit one recommendation at a time in response to a request from the Scottish Ministers. This was a matter which would need to be discussed with the Lord President and the Scottish Government.

Action Point: *The Chief Executive to prepare a paper setting out the process to be followed as the basis for further discussion with the Scottish Government and the Lord President.*

5.2 The Board noted the papers *Part-time Working for the Salaried Shrieval Bench* (JAB/2009/67) and *Competencies and Personal Qualities for Judicial Appointment* (JAB/2009/68). It was agreed that the Competencies would be circulated for comments.

Action Point: *The Chief Executive to circulate the Competencies and Personal Qualities for comments.*

5.3 The Secretary to the Board introduced the paper *Appointment Exercises 2010* (JAB/2009/69). Following discussion it was agreed that the pool for the Office of Sheriff should remain on a calendar year basis and the pool for the Office of Part-time Sheriff should be extended to two years.

5.4 It was further agreed that the Board's Awayday should be held on the 14th and 15th March.

Note: Following the meeting a number of Board members intimated that the proposed date was not suitable. The Secretary to the Board has canvassed suitable dates ahead of the next Board meeting on Monday 2nd November.

5.5 The Board considered the paper *Annual Report 2007–2009* (JAB/2009/70). It was agreed that the Annual Report should show the unaudited expenditure figures in the Financial Statement.

Action Point: *The Secretary to the Board to amend the Annual Report ready for publication at the earliest opportunity.*

6. Register of Interests

6.1 The Chief Executive circulated the proposed Register of Members' Interests at the meeting. Following discussion it was agreed that the Register should be amended to ensure the entries were consistent.

Action Point: The Chief Executive to consult the members not at the meeting regarding their entries before arranging its publication.

7. Any Other Business

7.1 The Chief Executive intimated that Mrs Susan McColl had accepted a promotion opportunity with the Scottish Government. The Board acknowledged the outstanding contribution made by Mrs McColl over the past three years and wished her well in her new post.

Meeting closed at 1315 hours