

JUDICIAL APPOINTMENTS BOARD FOR SCOTLAND

CRIMINAL CONVICTIONS – STATEMENT OF PRINCIPLES

1. The Board takes a serious view of criminal convictions and will take such convictions into consideration when assessing the suitability of applicants for judicial appointment.
2. As a general principle the Board will consider the individual circumstances of each conviction declared by an applicant and, if a candidate has been interviewed, will comment on those circumstances in its report to the First Minister.
3. The Board will consider an administrative penalty or order imposed on a candidate – for example, a Fixed Penalty Notice or an Anti Social Behaviour Order – as being analogous to a conviction.
4. It is recognised that after a period of time the impact of a particular conviction may be significantly diminished and this factor will be taken into account in the Board's considerations.
5. In the case of offences punishable by imprisonment, whether or not a period of imprisonment has been imposed, the Board will in each case reach a view as to whether the offence would disqualify a candidate from appointment and if so whether such a disqualification should be permanent.
6. In the particular case of drink driving or driving under the influence of drugs, the Board will not consider an application from an applicant found guilty of the offence for a period of 12 years from date of conviction, unless exceptional circumstances had applied. After a 12-year period has elapsed, the circumstances of the offence will be considered in the overall assessment of the candidate.
7. In relation to other driving offences, if a period of disqualification has been imposed, although the exact period of exclusion will depend on the nature of the specific offence(s) involved the expectation would be that the Board would not consider an application for 2 years from the end of the disqualification period.
8. A pattern of repeated offences, including those dealt with by administrative penalty or otherwise, and including repeated driving offences which had not resulted in disqualification, would also be considered by the Board as potentially excluding an applicant from consideration until a particular period free from such offences had elapsed. Although the exact period will depend upon the nature of

the specific offences involved the expectation would be that the Board would not consider an application until a period of 2 years had elapsed since the last offence.

Adopted by the Board: 8th June 2009

Review Date: June 2010