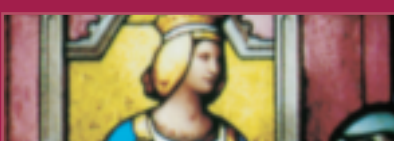


The Judicial Appointments Board for Scotland **Annual Report 2006 – 2007**



The Judicial Appointments Board for Scotland Annual Report 2006-2007

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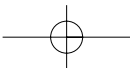
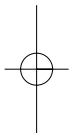
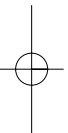
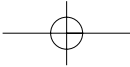
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FOREWORD

I am pleased to present the fifth Annual Report of the Judicial Appointments Board for Scotland. This report covers a shorter period of June 2006 to March 2007 and for the first time includes a financial statement for 2006-2007. The Board agreed to move their Annual Reports into line with the standard financial reporting years. This is the first year of working with our budget and I hope that it will inform our planning for future years.



During this period the Scottish Executive decided to increase the statutory number of Part-time Sheriffs to 80. As this effectively used up the slate (which was due to expire on 31st December 2006), the appointment exercise was brought forward into this year. In addition we were also involved in an expedited process for the appointment of a Senator of the College of Justice. The two exercises, which overlapped each other, created a significant workload. I would like to place on record my appreciation of the commitment of my colleague Board members and staff.

The Scottish Executive has recently embarked on recruiting new Board members to replace three members whose appointments expire at the end of May 2007. I would like to place on record my own and the Board's appreciation of the significant contribution which have been made by Mrs Valerie Stacey, Sir Robert Smith and Sheriff Principal Bruce Kerr. I was also pleased to note the decision of the Scottish Executive that membership of the selection panel should be seen to be wholly independent of the Executive. This is an important issue as just as the independence of the judiciary is paramount, the system of appointment to the judiciary should also be seen to be independent.

The Judicial Appointments Board for Scotland

In February 2007 the Scottish Executive published their white paper *Proposals for a Judiciary (Scotland) Bill*. We are considering our response and this will be published on our website. I hope that, following the Scottish Parliament election in May, the incoming Administration will take the draft Bill forward early in their legislative programme.

June 2007 marks the fifth anniversary of the creation of the Board in 2002. It is our earnest hope that by the time of our sixth anniversary the appropriate decision will have been taken by the Scottish Parliament to place the established Board upon a statutory footing.

I would like to personally thank each of the Board members for their unstinting commitment to the ever increasing workload. Without their efforts, we would not have been able to deliver on our Remit. I would like to thank the Secretariat staff for their dedicated support to the Board.



Sir Neil McIntosh CBE DL
Chairman

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INTRODUCTION AND MEMBERSHIP

Introduction

1. This is the fifth Annual Report of the Judicial Appointments Board for Scotland and covers the period from June 2006 to March 2007. The Board agreed to move its Annual Reports into line with the standard financial reporting year and so this Annual Report also covers the financial year April 2006 to March 2007.
2. The Scottish Executive created the Board on an administrative basis in June 2002 and in February 2007 published a draft bill with the intention of placing the Board upon a statutory basis.

Membership

3. The Board comprises ten members with an even balance of lay and legal members, including a lay Chairman. Membership for the period covered by this Annual Report was as follows:

Lay Members

Sir Neil McIntosh CBE DL (Chairman)

Mrs Barbara Duffner OBE

Professor Alan Paterson, Professor of Law at Strathclyde University

Sir Robert Smith, Chair of the Weir Group plc and Scottish and Southern Energy plc

Professor Joan Stringer CBE, Principal and Vice Chancellor of Napier University

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Legal Members

Sheriff J Douglas Allan OBE, Sheriff of Lothian and Borders at Edinburgh

Sheriff Principal Bruce A Kerr QC, Sheriff Principal of North Strathclyde

Mr Michael Scanlan, Solicitor, Glasgow

Mrs Valerie E Stacey QC, Vice Dean of the Faculty of Advocates

The Rt Hon Lord Wheatley, Senator of the College of Justice
Biographies of each of the Board members can be found at Annex A.

Remit and Scottish Ministers' Guidance

4. The remit of the Board is:
 - To provide the First Minister with a list of candidates recommended for appointment to vacancies for Senator of the College of Justice, Sheriff Principal, Sheriff and Part-time Sheriff;
 - To make such recommendations on merit, but in addition to consider ways of recruiting a Judiciary which is as representative as possible of the communities in which they serve; and
 - To undertake the recruitment and assessment process in an efficient and effective way.
5. The Scottish Ministers gave the Board general guidance in 2002 but we are responsible for developing our own policies and procedures. We will continue to review and refine the appointment process.
6. During the course of this year the Board also took on the responsibility for the development of protocols for the recruitment of lay justices.

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7. At the outset the Scottish Ministers gave a commitment that the Board would be placed on a statutory basis and we welcomed the publication of the consultation paper *Strengthening Judicial Independence in a Modern Scotland* in February 2006. A year later the Scottish Executive published its white paper *Proposals for a Judiciary (Scotland) Bill*. At the time of writing of this Annual Report we are considering our response to the proposal and a copy will be made available on our website.

SECRETARIAT

Staffing

8. During the period covered by this Annual Report, there have been no changes in staff. Our staffing complement is four (3.6 full-time equivalent). Our staff are civil servants, seconded from the Scottish Executive.

Policy Director:	Ms Christine Dora
Secretary to the Board:	Mr Chris Orman
Recruitment Manager (Lay Justice):	Miss Avril Coats
Office Administrator:	Mrs Susan McColl

The Judicial Appointments Board for Scotland

MEETINGS AND VISITS

Board Meetings

9. The Board normally meet once a month to discuss general business but, from time to time, some of the scheduled dates have been used for interviewing candidates.

Meetings With Others

10. Mr David Stewart, Head of Judicial Appointments and Finance Division at the Scottish Executive Justice Department, regularly briefs the Board on a number of issues, informs us about anticipated vacancies and judicial moves/transfers, and takes the Board's comments back to the Scottish Ministers. We would like to record our appreciation of the work he has undertaken.
11. We welcomed Baroness Usha Prashar, Chair of the Judicial Appointments Commission, to our Board meeting in July 2006. There was a very useful discussion on a number of issues of mutual interest.
12. In March 2007, the Northern Ireland Judicial Appointments Ombudsman, Mr Karamjit Singh CBE, visited Edinburgh and had a very useful discussion with Mrs Duffner, Mrs Stacey, the Secretary to the Board and our Policy Director.

Keeping In Touch

13. The Board maintain contact with individuals and organisations involved in judicial appointments in the UK and overseas.
14. Mrs Stacey and our Policy Director attended the Law Society of Scotland's debate *Balancing the Scales of Justice* held in September 2006 at the National Gallery of Scotland. During the debate Mr Sternford Moyo, former President of the Law Society of Zimbabwe, spoke of his experiences and the dangers faced by his staff in Zimbabwe. In addition, Professor Sir David Edward QC and Lord McCluskey spoke on the subject of professional regulation.

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15. In December 2006, our Policy Director attended a Roadshow in Preston which was organised by the Judicial Appointments Commission (England and Wales).
16. The Chairman addressed the Faculty of Advocates as part of their Continuing Professional Development sessions.
17. In March 2007, in furtherance of her responsibilities for lay justice recruitment, our Recruitment Manager (Lay Justice) attended a Magistrate Open Day in Margate which was organised by the Kent Advisory Committee.

Seminar “Judicial Appointments: Widening The Range”

18. In March 2007, Professor Alan Paterson, with support from The Nuffield Foundation, assisted the Judicial Appointments Board to organise a seminar on widening the range of potential candidates for judicial offices. This took place in Edinburgh and we were joined by our counterparts in the Judicial Appointments Commission (England and Wales) and the Northern Ireland Judicial Appointments Commission. Each of these selection bodies has as an element of its remit a requirement to look at ways of recruiting a judiciary which is as representative as possible of the communities it serves.

Attending the seminar were:

From the Judicial Appointments Commission:

Professor Dame Hazel Genn DBE

Her Honour Judge Frances Kirkham

The Honourable Mr Justice John Goldring

Ms Kathleen Turner, Assistant Director of Strategy and Diversity Policy

From the Northern Ireland Judicial Appointments Commission:

Mrs Ruth Laird

Her Honour Judge Loughran

Mr Alan Hunter, Chief Executive

The Judicial Appointments Board for Scotland

From the Judicial Appointments Board for Scotland:

Sir Neil McIntosh (Chairman)

Mrs Barbara Duffner

Professor Joan Stringer

Professor Alan Paterson

Sir Robert Smith

The Right Honourable Lord Wheatley

Sheriff Principal Bruce Kerr

Sheriff J Douglas Allan

Mr Michael Scanlan

Ms Christine Dora, Policy Director

Mr Chris Orman, Secretary to the Board

Miss Avril Coats, Recruitment Manager

19. Participants discussed the various elements of the recruitment process, different recruitment techniques and the role of evidence-based policy making through the use of research. The seminar provided an invaluable opportunity to share ideas and experiences and to compare practices and resources.

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Young Professionals Scheme

20. The Scottish Executive approached us regarding the possibility of an intern from Romania working with us to learn about judicial appointments in Scotland. The aim of the Young Professionals Scheme is to increase the managerial capacities of Romania's civil service in preparation for its accession to the European Union. The project focuses on enhancing the career development of young civil servants who will contribute to Romania's public administration reform through modern selection, training, assessment and fast-track career development methods and procedures. Mr Alexandru Alexe, a lawyer, joined us in September 2006 for three months. During his time here, Mr Alexe undertook a research project for the Board on judicial appointment systems in Romania, Scotland, and other common law countries. This project has provided us with a clearer understanding of the different systems. Mr Alexe has also completed a personal project for his mentors in Romania.



The Judicial Appointments Board for Scotland

ESTABLISHED PRINCIPLES AND POLICIES

Diversity

21. The Board's remit is to recommend candidates for judicial office on merit but in addition to consider ways of recruiting a Judiciary which is as representative as possible of the communities which they serve. In common with many recruiting organisations, the Board keeps anonymised statistics relating to candidates' gender, nationality, ethnicity and any declared disability.
22. In the specific case of gender, the table in Annex B sets out the broad statistics. The Board has now established a Diversity Working Group, chaired by Professor Alan Paterson, involving the Faculty of Advocates and the Law Society of Scotland to consider this issue further.

Confidentiality

23. All applications are considered in strictest confidence and only the names of those appointed are made public. Only on appointment are the application forms of those successful applicants made available to the Scottish Executive Justice Department for administrative purposes. The referee assessment forms are not passed to the Scottish Executive Justice Department but retained by the Board.
24. The Board is particularly anxious to ensure that confidentiality is maintained throughout the process. Members commit not to divulge the identity of applicants or confidential information in connection with their application and the Secretariat follows procedures which are designed to safeguard such information.

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25. In any organisation or profession, particularly where the field of applicants is restricted to a certain group or requires a specific professional qualification, it is probably inevitable that there will be some speculation about who might have applied for a particular vacancy or who may have been recommended. Some applicants may be open about their intentions to apply for judicial appointment but this does not mean that we will relax our rule on confidentiality.
26. Referees' assessments are considered to be confidential and are treated in total confidence and are not available to anyone other than Board members. Neither are the contents of their assessments divulged to applicants. We ask referees that they treat requests for these assessments in strictest confidence. Under section 37 and Schedule 7 of the Data Protection Act 1998, personal data processed for the purpose of assessing someone's suitability for judicial office are exempt from the subject information provisions of the Act.

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ACHIEVEMENTS AND POLICY DEVELOPMENT

The Appointment Process

27. We have adopted the two-sift process. Members of the Board individually assess all the application forms received before the preliminary sift meeting against the published criteria on our website. At the outset of this meeting they (lay members contributing first) declare their individual provisional markings and then discuss initial assessments. Importance is placed on the self-assessment section of the application form as well as the statement setting out the applicant's reasons for applying for judicial office and the skills and abilities they would bring to the office. A 'long list' of candidates is drawn up and at this point we request referees' assessments for those on the 'long list'.
28. The second sift is carried out in the same way – with all members individually assessing the application forms and referees' reports for the long-listed applicants. The Board then meet to discuss these markings and agree upon a short list of candidates who are to be invited for interview. Interview panels for Part-time Sheriff normally comprise four Board members (2 legal and 2 lay). For other offices, a six-person panel is the norm. At interview, candidates are asked to address the panel for up to ten minutes on a given subject and to answer questions arising from their presentation. Candidates are then subject to questioning by panel members and assessed against the published criteria (available on our website).
29. Following the interview the panel members will review the candidates, with the lay members speaking first, and have a discussion on the comparative merits of the candidates. At the conclusion of each day of interviews a further discussion takes place to arrive at a consensus view of the panel. Upon completion of the full interview process the full Board reaches its final conclusions as to

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the rankings of all candidates. The Board makes recommendations in our Report to the First Minister. The First Minister considers our recommendations and announces the appointments as and when candidates are drawn from the slate to fill vacancies.

Recommendations for Appointments

30. We are pleased to report that during the period we completed two recruitment exercises.

Part-time Sheriffs

31. In June 2006, the Board invited applications for the office of Part-time Sheriff for the period to 30th June 2008. Competition for this level of appointment was keen and our advertisements attracted 180 applications. We interviewed 59 candidates and a slate of 42 candidates was recommended to the First Minister. To date the First Minister has approved the appointment of the following individuals:

Ian Anderson

David Burns

Ailsa Carmichael

David Clapham

Fiona Davies

Shirley Foran

Derek Livingston

Sheriff Colin G McKay

Raymond McMenamin

Alasdair Oag

Sheriff Isobel A Poole

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Senator of the College of Justice

32. The Scottish Executive invited the Board to make recommendations to fill a vacancy arising from the retirement of The Right Honourable Lord Abernethy as a Senator of the College of Justice. Advertisements were placed in the national press and legal journals. It was just over a year since we had previously invited applications for this most senior judicial office. Although we were disappointed to receive a relatively small number of applications, we were pleased to note the high quality of the field. For this exercise the Board decided to expedite the process by dropping the preliminary sift stage. On receipt of each application the Board requested assessment from the nominated referees. All members received copies of all application and referee assessment forms for consideration in advance of the sift meeting. Of the nine applications received, we interviewed five candidates. Following the First Minister's acceptance of our recommendations we are pleased to note the appointment of Colin M Campbell QC (now Lord Malcolm) to the office of Senator of the College of Justice.
33. As Lord Malcolm was a former member of the Board, we wanted to ensure that the selection process was, and was seen to be, fair to all applicants. Although judicial appointments fall outwith the remit of the Commissioner for Public Appointments in Scotland, an independent assessor, Ms Anja Amsel, was appointed to observe our deliberations and interviews. Ms Amsel met with the Chairman and the Secretary to the Board to discuss our recruitment process. She received copies of all application and referee assessment forms and observed the sifting and interview process.
34. In her report to the Board, Ms Amsel's conclusion was that "Overall, the process fulfilled the requirement of openness and transparency, equality, merit and compliance with the codes of good practice. As an Independent Assessor, I would wholly endorse the impartiality and integrity of the system."

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All-Scotland Floating Sheriffs

35. In our last Annual Report, we mentioned that 20 candidates were recommended to the First Minister for appointment. We are pleased to note the following appointments made to date:

Ruth Anderson QC	Alan R Mackenzie
Andrew Berry	Charles N Macnair QC
Maxwell G Hendry	Thomas S Millar
Martin Jones QC	Seán Murphy QC
Douglas Kinloch	Norman Ritchie QC
Desmond Leslie	Nigel A Ross
Elizabeth T McFarlane	

36. The First Minister has invited the Board to consider how criminal convictions could affect a candidate's suitability for judicial office. This is covered later in this Annual Report.
37. Details of the relevant appointment statistics for the year 2006-2007 are set out in Annex B to the report.

Scottish Executive's *Proposals for a Judiciary (Scotland) Bill*

38. In February 2007 the Scottish Executive published their white paper *Proposals for a Judiciary (Scotland) Bill*. This paper was in response to the comments received to the paper *Strengthening Judicial Independence in a Modern Scotland* published in February 2006.
39. As at March 2007 the Board are considering our response to the proposal. A copy will be placed on our website.

The Judicial Appointments Board for Scotland

Data Protection and Freedom of Information

40. The Board is registered as a Data Controller in terms of the Data Protection Act 1998. The Freedom of Information (Scotland) Act 2002 does not currently apply to the Board, since we are not listed in Schedule 1 to the Act. This view has been confirmed by the Scottish Information Commissioner's office (see Annual Report 2005-2006 for further details). However, in line with the Board's commitment to openness and transparency, we make information about the Board and its activities available on our website www.judicialappointmentsScotland.gov.uk.

Lay Justice

41. The Scottish Executive has embarked upon a reform of summary justice as outlined in the Criminal Proceedings etc (Reform) (Scotland) Act 2007. The Act makes provision for the appointment of lay justices.
42. To promote consistency in judicial appointments across Scotland, the Judicial Appointments Board for Scotland agreed to develop and implement recruitment protocols for lay justice. In order to do this in association with relevant key interests, the Board have established a Recruitment (Lay Justice) Implementation Group (RIG).
43. The RIG is comprised of key stakeholders who can advise the Board on the implications of their policy ideas for the recruitment protocols for lay justice. At the time of this Annual Report the RIG membership was as follows:

Mrs Barbara Duffner OBE, Judicial Appointments Board for Scotland (RIG Chair)

Sheriff Principal B A Kerr QC, Sheriffdom of North Strathclyde

Sheriff M Fletcher, Judicial Studies Committee

Mrs Marlyne Parker JP, Chair District Courts Association

Mr A. Phillip Murray JP, Vice-Chair District Courts Association

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Ms Brenda Flaherty, Scottish Court Service

Mrs Roma Menlowe, Scottish Executive Justice Department

Mr Richard Wilkins, Scottish Executive Justice Department

Miss Avril Coats, Judicial Appointments Board for Scotland

44. The Group meets approximately once a month and at the time of writing of this Annual Report there have been three meetings. The Group has already discussed issues such as competencies, candidate assessment and a communication and publicity strategy.

Stipendiary Magistrates

45. The Board was approached by Glasgow City Council in relation to the recruitment of stipendiary magistrates. Glasgow District Court is the only district court in Scotland which has stipendiary magistrates. At present there are four full-time stipendiary magistrates as well as three relief stipendiary magistrates who provide cover as required.
46. Under the Criminal Proceedings etc (Reform) (Scotland) Act 2007, the administration of the district court is due to transfer to the Scottish Court Service as part of the unification of summary criminal justice. In order to avoid unnecessary disruption to the proceedings of the court during the transfer process, the Council will be recruiting two replacements for those stipendiary magistrates due to retire later in 2007. The Board held discussions with the Council and interim arrangements have been agreed.

Outreach and Raising Awareness

47. In our last Annual Report, we mentioned the need to develop a communication strategy, which the Secretary to the Board has taken forward. We now issue our own news releases and utilise the news distribution service, Newslink, to do this. Since the addition of the News section we are pleased to note an increase in the number of visitors to our website. We will continue to develop the website over the coming year.

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USE OF RESOURCES

Budgeting and Finance

48. As reported in the last Annual Report, the Board has now been given our own budget framework. For the financial year 1st April 2006 to 31st March 2007, the Scottish Executive allocated £165,936. This figure does not include the cost of the Secretariat staff, which are provided for by the Scottish Executive Justice Department. Annex C provides a breakdown of our expenditure during the financial year. Having alerted the Department during the financial year to the need for further funding, we spent £176,101.
49. Our first year of working with our own budget will inform our budget planning for future years. This will enable us to identify the additional resources which will be necessary to develop our activities including database, research, outreach and recruitment arrangements.

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ISSUES FOR FUTURE DEVELOPMENT

Criminal Convictions

50. The First Minister has asked us to advise him on how a criminal conviction might affect a candidate's suitability for judicial office. The rehabilitation of offenders legislation (by which some convictions are regarded as "spent" after a certain period of time) provide for exemptions in relation to judicial appointments. It is the practice of the Board to ask candidates to declare all convictions, no matter how minor and no matter how long ago. We intend to submit a report to the First Minister.

Disciplinary Issues

51. The candidates already undergo a Disclosure Scotland check by the Scottish Executive before they are offered appointment. We have been considering how best to cover the issue of applicants' disclosure about any disciplinary process by their professional body. In order to ensure that, as far as possible, all aspects of a candidate's application are fully considered by the Board before we submit our recommendations. We are currently consulting with the Faculty of Advocates and the Law Society of Scotland on this issue.

Diversity

52. The Board have decided to set up a Diversity Working Group, chaired by Professor Alan Paterson, with representation from the Faculty of Advocates (Vice Dean, Mrs Valerie Stacey QC, also a member of the Board until the end of May 2007) and from the Law Society of Scotland (Mr Neil Stevenson, Head of Diversity). The Group's remit is "to assist the Judicial Appointments Board for Scotland in considering ways of recruiting a Judiciary which is as representative as possible of the communities they serve, through:

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- (a) the identification of evidence in relation to diversity among the legal profession in Scotland and whether that diversity is reflected in applicants for judicial office;
- (b) consideration of gaps in that evidence and suggestions as to how they might be filled;
- (c) practicable suggestions for increasing the proportion of people from under-represented groups who apply for judicial office; and
- (d) making a report to the Board covering the above issues.

The term “diversity” may relate to the following: gender, ethnicity, disability, age, religion or belief, sexual orientation.”

Shrieval Competencies

53. To further develop our understanding of the broad range of skills required of a sheriff and relate them to our Criteria for Judicial Appointments. This work is in progress, and we are indebted to those sheriffs who have assisted up in this work.

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FURTHER INFORMATION

54. General information about the Board and vacancy announcements are published on our website at www.judicialappointmentsScotland.gov.uk.

Our address for correspondence is:

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Facsimile: 0131 718 6145

Email: judicialappointmentsboard@scotland.gsi.gov.uk

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Annex A

BOARD MEMBERS

The Board comprises ten members, including the Chairman, who were all appointed by the Scottish Ministers, to whom the Board is responsible for its activities. There is an even balance of legal and lay members.

Lay Members

Sir Neil McIntosh CBE DL (Chairman)

Sir Neil has had an extensive career in industry and local government, latterly as Chief Executive of Dumfries and Galloway Regional Council (1985-1992), then Strathclyde Regional Council (1992-1996). He co-ordinated the response of Dumfries and Galloway Regional Council to the Lockerbie Disaster in 1988 and was awarded the CBE in 1990.



Other public service includes service as Convener of the Scottish Council for Voluntary Organisations and current membership of the UK Electoral Commission, Trustee of the National Museums of Scotland. In 2006, Sir Neil became a member of the BBC Audience Council for Scotland. He received a knighthood in 2000.

Mrs Barbara Duffner OBE

Barbara Duffner is a Board Member of Scottish Enterprise, senior non-exec of the Student Loan Company and a Public Interest member of the Institute of Chartered Accountants Scotland. She is also a lay member of the Court of the University of Glasgow.



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She sits as a Chair of the Fitness to Practice Panel of the General Dental Council and is also an Employment Tribunal member. Until November 2006 she was Chair of the Children's Hospice Association Scotland, having been involved with the charity since the early 1990s.

Sir Robert Smith

Sir Robert is Chair of The Weir Group plc and of Scottish and Southern Energy plc. He is also the Chancellor of Paisley University. He has held appointment at Chief Executive and Chairman level of several commercial companies.



Public appointments have included Trustee (1985-2002) and Chairman of the Board of Trustees of the National Museums of Scotland (1993-2002), President of the Institute of Chartered Accountants of Scotland (1996-1997), Member of the Financial Services Authority (1997-2000), Member of Financial Reporting Council (2001-2004), Trustee, British Council (2002-2005), Commissioner (1988-1998), Vice Chairman (1997-1998) of the Museums and Galleries Commission, National Governor BBC Scotland (1999-2004) and Chairman of BBC Children in Need (2003-2004).

Professor Alan Paterson

Professor Paterson is the Director of the Centre for Professional Legal Studies and a Professor of Law at Strathclyde University since 1984. He was a Lecturer in the Law Faculty, Edinburgh University from 1975-1984. He is a former Chair of the Committee of Heads of UK Law Schools and a Past President of the Society of Legal Scholars.



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He has held a number of other appointments and currently serves as a member of the Advisory Council, Institute of Advanced Legal Studies, London University, Director/Trustee of the British and Irish Legal Information Institute and a co-opted Member of the Council of the Law Society of Scotland. In addition, Professor Paterson has undertaken academic research into and published widely on judges and judicial appointments and in 2000 researched the operation of the Judicial Appointments Advisory Committee of Ontario, leading to the delivery of several seminars in the UK and Australia on the subject of Judicial Appointments.

Professor Joan Stringer CBE

Professor Stringer has held the post of Principal and Vice Chancellor of Napier University since January 2003, prior to which she was Principal of Queen Margaret University College, Edinburgh.

Previous appointments include Assistant Principal at Robert Gordon University from 1991-1996 and Head of Public Administration and Law, Robert Gordon University from 1988-1991. She was a Lecturer there from 1980-1988. She was awarded CBE in 2001 for services to higher education.



A number of other public appointments held include Vice Convener, Universities Scotland (1998-2002); Commissioner with the Equal Opportunities Commission (with responsibility for Scotland) (1995-2001); Member of the Universities UK Equality Challenge Steering Group; Member of the Scottish Committee of the British Council; Chair of Education UK Scotland (2005-present) and; Convener of the Scottish Council for Voluntary Organisation (SCVO) (2001-present).

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Legal Members

The Rt Hon Lord Wheatley

Lord Wheatley was admitted to the Faculty of Advocates in 1966 and served as Advocate Depute from 1974 to 1978. He was appointed as Sheriff of Tayside Central and Fife at Dunfermline in 1979 and transferred to Perth in June 1980. In 1998 he was appointed Sheriff Principal of Tayside Central and Fife, an office he held until his appointment as Senator of the College of Justice in January 2000.



Other appointments include membership of the Parole Board 2000 to 2003 and Chairman of the Judicial Studies Committee from 2002 to 2006.

Sheriff Principal Bruce Kerr QC

Sheriff Principal Kerr was appointed Sheriff Principal of North Strathclyde on 1st January 1999. He began his career as an Advocate and was admitted to the Faculty of Advocates in 1973, taking Silk in 1986. He served as a Temporary Sheriff before being appointed Sheriff of Glasgow and Strathkelvin in September 1994. As a practising Advocate he was Standing Junior Counsel to the Home Office in Scotland (1982-1985) and was Advocate Depute from 1986 to 1989.



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Sheriff Douglas Allan OBE

Sheriff Allan was first appointed Sheriff of South Strathclyde Dumfries and Galloway at Lanark in 1988 where he served until transferring to the Sheriffdom of Lothian and Borders in August 2000 where he sits as Sheriff at Edinburgh. Prior to taking up judicial office, Sheriff Allan was admitted as a solicitor in 1963 and from 1967 worked in the Procurator Fiscal Service, serving in the courts in Edinburgh and Glasgow as well as the Crown Office before becoming Regional Procurator Fiscal for Lothian and Borders (1983-1988).



Among other appointments held, he served as Honorary Secretary and Treasurer (1991-1997), Vice President (1997-2000) and President (2000-2002) of the Sheriffs' Association. He was a member of the Mental Welfare Review Committee and was a Board member (1995-2003) and Deputy Chairman (2002-2003) of the Scottish Children's Reporter Administration. He is a Regional Vice President of the Commonwealth Magistrates and Judges Association.

Mrs Valerie E Stacey QC

Valerie Stacey began her career as a solicitor, was admitted to the Faculty of Advocates in 1987 and took silk in 1999. She served as an Advocate Depute from 1993 to 1996 and was a Temporary Sheriff from 1997 to 1999. She was elected Vice Dean of the Faculty of Advocates in 2004.



Other appointments include Standing Junior Counsel to the Home Office in Scotland (1996-1999), Chairman, Social Security Appeals Tribunal (1987-1993) and member of the Sentencing Commission.

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Michael Scanlan

Michael Scanlan was admitted as Solicitor in 1971 and is currently a partner in the Glasgow firm of Russells Gibson McCaffrey. He was formerly President of the Law Society of Scotland.

Other experience and public appointments held include Temporary Sheriff from 1986 to 1996, lecturer in the law of Evidence and Procedure at Strathclyde University and External Examiner in Evidence and Procedure at Glasgow University.



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Annex B

APPOINTMENT STATISTICS JUNE 2006-MARCH 2007

APPOINTMENT OF SENATORS OF THE COLLEGE OF JUSTICE

Eligibility

Eligibility for appointment as a Judge is set out in statute and provisions were first enshrined in the Courts Act 1672. Article xix of the Union with England Act 1707 conferred power on the United Kingdom Parliament to appoint the Lords Ordinary of Session, but restricted the appointments to Advocates of five years standing. Writers to the Signet of ten years standing could be appointed as Lords Ordinary if they passed the examination in civil law before the Faculty of Advocates two years before taking up their seat on the Bench.

The Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 made further provisions regarding the criteria under which Sheriffs Principal, Sheriffs and certain types of solicitors may be appointed as Judge.

Sheriffs Principal and Sheriffs who have continuously exercised their respective functions for a period of at least five years are eligible for appointment, as are solicitors who have continuously had a right of audience in both the Court of Session and High Court of Justiciary for at least five years. The Act makes clear that temporary Sheriffs Principal and part-time Sheriffs are not eligible for appointment.

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SHRIEVAL APPOINTMENTS

Eligibility

Eligibility is set out in the Sheriff Courts (Scotland) Act 1971. No person may be appointed Sheriff Principal or Sheriff unless they are, and have been, legally qualified for at least ten years. A person who is legally qualified is either an advocate or solicitor.

EQUAL OPPORTUNITIES

The Board is committed to the principles of equal opportunity and, in order to monitor diversity, a questionnaire is issued with all application forms.

As a matter of policy, completed questionnaires are detached from the application forms on receipt and are not shown to the Board.

Gender Balance

The following tables show the male/female balance throughout the various exercises.

Senator of the College of Justice

	Total	Male	Female
Applicants	9	7 (78%)	4 (22%)
Interviewed	5	4 (80%)	1 (20%)
Recommended	3	3 (100%)	0 (0%)

Part-time Sheriff

	Total	Male	Female
Applicants	180	132 (73%)	48 (27%)
Long-listed	97	70 (72%)	27 (28%)
Interviewed	59	44 (75%)	15 (25%)
Recommended	42	31 (74%)	11 (26%)

The Judicial Appointments Board for Scotland

Since 2002, the Board has been involved in recommending candidates for 17 judicial offices. The following table shows the gender balance for each exercise:

Date	Judicial Office	Applications	Applied		Inter-viewed		Recom-mended		Appointed	
			M	F	M	F	M	F	M	F
2002	Senator	8	8	0	4	0	2	0	2	0
2002	Sheriff Principal of Lothian & Borders	10	9	1	5	0	1	0	1	0
2002	All-Scotland Floating Sheriff	108	84	24	15	3	11	2	7	2
2002	Part-time Sheriff	186	139	47	45	15	30	11	24	8
2003	Sheriff of Lerwick/Kirkwall	26	21	5	5	0	2	0	1	0
2004	Senator	20	17	3	8	2	4	1	4	1
2004	All Scotland Floating Sheriff	91	65	26	19	6	15	5	13	4
2004	Sheriff at Hamilton	26	20	6	9	2	5	0	2	0
2004	Shrieval Vacancies in Perth and Dundee	64	42	22	8	2	7	1	4	0
2005	Senator	16	12	4	7	2	3	1	3	1
2005	Sheriff Principal of Glasgow & Strathkelvin and/or South Strathclyde Dumfries & Galloway	10	8	2	3	2	2	0	1	0
2005	All Scotland Floating Sheriff	93	62	31	19	8	17	3	8	2
2005	Part-time Sheriff	238	180	58	56	16	37	12	37	11
2006	Part-time Sheriff	180	132	48	44	15	31	11	8	3
2006	Senator	9	7	2	4	1	3	0	1	0
	Total	1086	807	279	251	74	170	47	116	32
	%		74	26	77	23	78	22	78	22

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National and Ethnic Background

The questionnaire sought to elicit information on the nationality individuals most identified with, and their national and ethnic background.

Not all questionnaires were returned or completed. The information submitted by applicants during the four completed exercises is summarised here.

Senator of the College of Justice

The information provided by those returning the questionnaire is shown in the following table:

National Origin

British/ Mixed British	Scottish	English	Irish	Welsh	Other	No Response
3	5	0	0	0	1	0

Ethnic Background

Asian	Black	Chinese	Mixed Ethnic	White	Other	No Response
0	0	0	0	5	0	4

Part-time Sheriff

The information provided by those returning the questionnaire is shown in the following table:

National Origin

British/ Mixed British	Scottish	English	Irish	Welsh	Other	No Response
53	122	1	0	1	1	2

Ethnic Background

Asian	Black	Chinese	Mixed Ethnic	White	Other	No Response
1	0	0	0	119	1	59

The Judicial Appointments Board for Scotland

Disability

The questionnaire also provided an opportunity for applicants to declare whether they have a physical or mental impairment, which was defined as having a substantial or long-term adverse effect on their ability to carry out normal day-to-day activities. One applicant for the Part-time Sheriff declared themselves to have a disability.

Age

Applicants for appointment to judicial office come from a broad age range. The statutory criteria for appointment to the various juridical offices influence the age at which applicants may apply, simply because they must have been legally qualified for a certain number of years before they may be considered for such an appointment.

Senator of the College of Justice

Statistics showing the age range of applicants are shown below:

	Aged 35 - 40	Aged 41 - 50	Aged 51 - 60	Aged 61 and over
Applicants	0	1	7	1
Interviewed	0	0	5	0
Recommended	0	0	3	0

Part-time Sheriff

	Aged 35 - 40	Aged 41 - 50	Aged 51 - 60	Aged 61 and over
Applicants	23	91	56	10
Long-listed	14	52	27	4
Interviewed	7	33	15	4
Recommended	7	20	11	4

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Annex C

FINANCIAL STATEMENT

The Board is funded by the Scottish Executive Justice Department. Please find below a breakdown of our expenditure during the financial year 2006-2007. This Report does not include the cost of the Secretariat staff, which is provided for by the Scottish Executive Justice Department.

<u>Expenditure</u>	<u>Year to 31st March 2007</u>
	£
Chairman's and Members' Fees	64,032
Travel and Subsistence – Board Members	4,345
Travel and Subsistence – Secretariat Staff	1,339
Training – Annual Awayday	1,902
Chairman's Hospitality	63
Accommodation	
(including maintenance, rent and utilities)	51,729
Hire of Rooms for Interview Panels	5,856
Catering – Board meetings and Interview Panels	2,132
Advertising (for judicial selection exercises)	24,345
Telephone and postage	5,407
Office services	
(including stationery, IT, photocopying)	9,797
Printing and Publications	
(including Annual Report)	5,154
Total	<u>176,101</u>

The Judicial Appointments Board for Scotland



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The Judicial Appointments Board for Scotland



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