



**THE OFFICE OF CHAIRMAN OF THE SCOTTISH
LAND COURT**

INFORMATION FOR APPLICANTS

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1. INTRODUCTION

The Judicial Appointments Board for Scotland invites applications from suitably qualified individuals who wish to be considered for appointment to the office of Chairman of the Scottish Land Court.

The Court presently comprises a legally qualified Chairman with the rank and tenure of a Court of Session judge, a legally qualified part-time Deputy Chairman and two part-time practical agricultural members. This vacancy arises on the current Chairman's retirement in December 2022.

Historically the successful applicant has also been appointed as President of the Lands Tribunal for Scotland, and The Judicial Office for Scotland has confirmed this is the Lord President's intention. Therefore applicants should understand that if successful they would most likely be expected to fulfil both roles. Applicants should be aware that the recommendation for appointment as President of the Lands Tribunal for Scotland is not within the Board's remit.

Only individuals recommended by the Board may be appointed to the office of Chairman of the Scottish Land Court. The Board is committed to the principle of appointment solely on merit. The Board recognises the need for a judiciary in Scotland that is reflective of society and is drawn from the widest possible range of eligible individuals. The Board encourages and welcomes applications from the widest possible range of applicants.

Successful applicants will have demonstrated their fitness for appointment to the office of Chairman of the Scottish Land Court and the Board will make its recommendation solely on merit. Applicants recommended for appointment will be those who appear to be best qualified, regardless of sex, race, disability, sexual orientation, religion or belief, age, marriage and civil partnership, gender reassignment and pregnancy and maternity, except where the disability prevents the fulfilment of the physical requirements of the office and reasonable adjustment cannot be made.

The Board's proceedings are entirely confidential.

The following information is provided to assist you in completing the online application form and in preparing for the interview. **Please read it carefully before completing your application form.**

2. THE OFFICE OF CHAIRMAN OF THE SCOTTISH LAND COURT

Information about this judicial office can be found in the paper "[The Office of Chairman of the Land Court](#)" available on the Board's website.

The Chairman of the Land Court cannot engage directly or indirectly in any private practice or business, or be in partnership with or employed by, or act as an agent for, any person so engaged.

The Chairman is expected to desist from political activity, to avoid public comment on issues of policy and to eschew personal interests likely to be perceived as giving rise to conflicts of interest.

The salary of a Chairman of the Land Court is currently £159,163 per annum. In addition, travel and subsistence expenses are paid under the arrangements for the judiciary. The post is pensionable under the Public Service Pensions and Judicial Offices Act 2022. The compulsory retirement age is 75.

3. SELECTION CRITERIA

The Board has agreed a range of qualities, possession of which constitutes merit and which successful applicants for judicial office must demonstrate. These are as follows:

Legal Knowledge, Skills and Competence

- High level of legal knowledge and experience
- High level of skills and competence in interpretation and application of the law
- Ability to apply the law to make reasoned and defensible decisions

In assessing an applicant's knowledge of the law and ability to interpret and apply the law, the judicial and legal members of the Panel will look for evidence of the following:

Knowledge of the Law

- A comprehensive knowledge of the civil law of evidence
- A high and expert level of knowledge of the substantive law in the main area of the applicant's practice
- A comprehensive knowledge of the principles of civil procedure

Relevant Professional Experience

- Experience of high-level practice of Civil litigation in Scottish Courts or Tribunals.

Skills and Competence in the Interpretation and Application of the Law

- A thorough understanding of the theory and principles on which the law is based and an ability to analyse and explore legal problems creatively and imaginatively
- Excellent skills in the interpretation and analysis of case law and statute law
- Excellent skills in identifying and distinguishing issues of fact and law
- Excellent skills in applying the relevant law to relevant fact
- Demonstrable ability to interpret and apply the law in unfamiliar areas

Personal and Judicial Qualities

Exercising Judgement

- Remains impartial and open minded and is seen to be fair to all
- Is able to analyse and assess complex evidence and arguments
- Is able to reason in a clear and rational way
- Is confident and able to make clear and well-reasoned decisions

Leadership and Managing Work Effectively

- Is able to show leadership of the Court, especially through the planned unification of the Scottish Land Court and Lands Tribunal of Scotland
- Is able to effectively oversee and effectively manage the work of the Court
- Is diligent and hard-working
- Is confident in managing the Court/hearing process
- Is able to deliver work at speed and under pressure

Communicating Effectively

- Establishes authority and inspires respect and confidence
- Modifies communication style to meet the needs of different Court users
- Listens with patience and respect and is courteous and considerate
- Produces written work that is clear, concise and well-reasoned, legally sound and timely
- Has the ability to relate to and engage with a range of stakeholders

Working With Others

- Understands people and society
- Allows people to give their best
- Is even-tempered and consistent
- Treats people with respect and sensitivity
- Is able to work collegiately with colleagues
-

Mindset

- Shows an understanding of and commitment to the role and to public service
- Uses feedback and self-reflection to develop
- Acts with humility and common sense
- Has a commitment to fair and impartial administration of justice

4. THE SELECTION PROCESS

4.1 Overview

The Board requires all applicants to complete an application form. This includes questions about character and conduct, requires applicants to assess themselves against the selection criteria, and asks applicants to explain why they seek judicial office.

4.2 Sift

Each member of the Panel individually considers each application and assesses each applicant's personal and judicial qualities on the basis of the evidence provided, including references and examples of written work. In addition, the legal and judicial members assess each applicant's knowledge of the law and skills and competence in the interpretation and application of the law. The Panel then meets to carry out a sift. While this takes into account the assessment of legal knowledge etc. made by legal and judicial members, the

decision as to which applicants pass the sift is based on all the qualities included in the criteria and is made by **all** the members of the Panel.

Those applicants who pass the sift will be invited for interview and we will request judicial references (see p11) and carry out consultation (see p12).

Following the interviews, the Panel meets to consider **all** the information gathered during the process from the application form, the written work, the references, the consultation, the case study and the interview, and selects the applicants to be recommended for appointment. These selections will then be presented to the full Board for agreement before the recommendation is submitted to the Scottish Government.

After each stage of the process, applicants will be informed of the decisions made about their application.

4.3 Timetable

Friday 2 September 2022	Advertisement published
Monday 26 September 2022	Closing date for receipt of application forms <u>and</u> written work
By w/c 10 October 2022	Sift outcome letters issued
24 October – 4 November 2022	Interviews (Exact dates to be confirmed)
w/c 7 November 2022	Decision Meeting
By w/c 14 November 2022	Interview outcome letters issued
By w/c 14 November 2022	Recommendations for appointment* to the Scottish Government. Formal appointment by Ministers will follow.

*Only those with a satisfactory disclosure check will be recommended for appointment.

5. ONLINE APPLICATION

The first time that you apply online for a judicial vacancy, you will be required to register on our website. If you have any difficulties, please contact the Business Management Unit on 0131 528 5101.

When you submit your application, you will receive acknowledgement by email. You should contact us if you have **not** received an acknowledgement within 24 hours of submitting your application.

Applications received after noon on Monday 26 September 2022 will not be accepted.

The online system is designed to be intuitive and includes instructions for completion. You should also see the Application section of our website before completing the form.

There are some areas that require instruction and these are detailed below:

5.1 Name

It is mandatory to include your full name, including any middle names, in your application and this will be used for essential consultation purposes if you are shortlisted and for the purposes of obtaining a Royal warrant should you be recommended for appointment.

5.2 Career History

We are aware that some of you have more than one current career, however, the system only allows you to enter one. You should enter your main role in the "Current Job" section, and the others in the Previous job section. The system will ask you for a date left for these jobs, you should enter the date that you submit the application

5.3 Eligibility

Under Section 1(3) of the Scottish Land Court Act 1993 the individuals eligible to apply for appointment as a Chairman of the Land Court are:

- An Advocate of not less than ten years standing*
- A Sheriff Principal or Sheriff who has held office as such for a continuous period of not less than ten years
- A Solicitor who has had rights of audience before the Court of Session continuously for a period of not less than ten years

*Please note that there is no requirement, in relation to the eligibility of Advocates, that they be an Advocate immediately prior to their application or that the minimum ten years as an Advocate be continuous.

5.4 Professional Qualifications, Training and Career History

The Board places great importance on the career of an applicant in the law, and success in that career, it also values any information about career experience outside the law, or in voluntary or other work or any other general experience which might be relevant to the qualities required for this judicial office.

Judicial experience, whether part-time or otherwise, is something which the Board may take into account. It is not, in Scotland, a requirement for appointment to full-time judicial office. Those applicants who have not held judicial office should not be deterred from applying. If they have had other similar experience they should explain why they consider that it might be relevant. All applicants should ensure that the attention of the Board is drawn to any aspect of their career, or any other experience, which demonstrates the qualities required for judicial office.

5.5 Good Character and Conduct

This section seeks information about whether applicants are of good character. It is important that each question is answered fully and frankly. A disclosure in answer to a question will not automatically disqualify an applicant but will permit the Board to assess its significance and, if appropriate, to seek further information. Applicants should include any relevant mitigating information which they wish the Board to take into account.

The attention of applicants is drawn to the question on Personal and Professional Life, where any matter which **might** affect suitability or fitness for appointment should be disclosed.

A copy of the [Statement of Principles on Criminal Convictions](#) is available on the Board's website. Please also note that applicants for judicial appointment are not protected by sections 4(2) and 4(3) of the Rehabilitation of Offenders Act 1974, and convictions which would normally be regarded as having expired under the Act should therefore be declared in writing.

The assessment of good character continues throughout the process up to the point when the Board decides which applicants should be recommended for appointment. Any relevant change which occurs after submission of the application form should be disclosed to the Board as soon as possible.

5.6 Self Assessment

For assistance on how to complete the self assessment part of your application you may find the [Helpful Tips](#) page on our website useful.

This section of the application form asks applicants to assess themselves against the criteria for judicial appointment. Applicants should explain and give **specific examples** of where and how they have demonstrated the personal and judicial qualities relevant to the office of Chairman of the Land Court, and their legal knowledge, skills and abilities. In completing the assessment it is important that applicants do not merely assert or state that they possess the relevant qualities but explain how that is so, and give **specific examples** which demonstrate that. The Board is looking for convincing **evidence and examples**, demonstrating the extent to which applicants meet the required criteria. Please do not rely on highly generalised descriptions of work carried out, give assertive or aspirational statements or merely refer to positions held, without giving details of **specific experience or achievements**. Applicants should, where possible, give different examples under each broad heading in the application form.

5.6.1 Legal Knowledge, Skills and Competence

Although the successful applicant would ideally be a specialist in land law, applications are encouraged from first-rate lawyers whatever their area of practice. Bespoke training will be available after appointment and what is really important is that candidates demonstrate an ability to master new areas of law quickly. However it is important that the Chairman of the Land Court is a lawyer of sufficient standing to command confidence in his or her decisions

with immediate effect. It is important, therefore, that your self-assessment in this section includes **specific examples** which demonstrate the depth of your knowledge, and competence in your own area(s) of legal practice, and also example(s) which illustrate your ability to acquire and apply new areas of legal knowledge in depth and with speed.

Your assessment should supplement what you have said about your career and demonstrate how it is relevant to the work of the Chairman of the Land Court. You should set out **specific examples** of your knowledge and experience of the law and **evidence** of your ability to interpret and apply the law in a manner which would be appropriate for a person holding the office of Chairman of the Land Court.

You should provide **evidence** of professional achievement in the law, knowledge of substantive and procedural law, and court experience and case presentation skills related to your understanding and application of the law. In addition you may refer to reported and unreported decisions of the courts or tribunals in which you have been involved, and significant pieces of legal work or other relevant work in the law for which you have been personally responsible. **Please limit your assessment to 500 words.**

5.6.2 Judicial and Personal Qualities

The Board regards merit as wider than the possession of knowledge of the law and the skill and ability to interpret and apply the law. The possession of the personal and judicial qualities set out in the criteria for this role plays an important part in its consideration of applications. You should explain why you possess these qualities and **give specific examples** of that. Examples may be drawn from your working life and other aspects of your life. The Board looks in particular for **evidence** that applicants will be capable of exercising sound judgment in a responsible way on the Bench. Candidates should provide **evidence** of how difficult situations were tackled, judgments made, and discretion exercised and of what was achieved.

Please follow the order of the qualities and deal with each of them. You are free to divide your assessment among the qualities as you think best. **Please limit your assessment to 1000 words.**

5.7 Written Work

In addition to your self assessment, you are asked to provide three examples of written work for which **you alone** have been responsible, and explain, briefly (**in no more than 100 words**), how they demonstrate your knowledge of the law, and your skills and competence in the interpretation and application of the law.

Your written work should demonstrate your knowledge of the law and your ability to understand and interpret the law and to apply it in a given situation. Examples might for instance include advice given to clients in the form of letters or memos, opinions or notes; written submissions or other written legal argument; reports, opinions, judgments, stated cases or decision letters given in a judicial, tribunal or similar capacity; written advice given internally in a firm

or other institutional environment; or any other written explanation of the law, and how that applies in the circumstances of a particular case or other factual situation. **The examples that you choose should have a broad range, be recent, and clearly demonstrate the legal competence criteria as well as your ability to write clearly and succinctly.**

If your written work contains a lengthy narration of the facts, please indicate which paragraphs contain the analysis and application of the law that you wish us to consider.

You should delete or redact any references to the identity of clients or others in such documents. The Board will treat these in confidence.

Your written work examples must all be uploaded as a single, continuous PDF.

To convert a Microsoft Word Document to PDF format you must:

1. Open the Microsoft document that you would like to convert to PDF.
2. Click 'File', then click 'Save As'
3. Click the 'File Format/ Save as type'
4. Select 'PDF' on the drop down list.
5. Click 'Export/ Save '. This will save your document as a PDF however, you will still have the original Word document.

5.8 Cases or Matters, Transactions and Situations

If you are not a full-time serving member of the judiciary, you are required to provide a list of up to ten of the most significant cases, or matters, transactions or situations in which you have been involved and best exemplify your legal work. Where these are not accessible in the public domain, please explain your role you performed. If you are a full-time member of the judiciary please provide a list of at least ten of your published judgments including judgments published only on the internet. The purpose of this is to enable the Panel , and the Lord President providing his judicial references, to be aware of the wider context of the work you have done.

The list is in addition to the request for examples of your written work which the legal and judicial members of the Board will assess separately. However, the examples of written work can be related to one or more of the ten you list if you think that best represents your work overall.

5.9 Statement

In your self assessment you will have described **how** you possess the qualities required for the office of Chairman of the Land Court. Your statement also gives you the opportunity to explain **why** you want to become a Chairman of the Land Court. Please avoid restating the examples already given in the self assessment but you may add any other relevant information which has not already been mentioned. **Please limit your statement to 500 words.**

5.10 Judicial References

For an appointment at this level the Board will seek judicial references on those selected for interview from the Lord President and (for any applicant who serves or has served as a Sheriff) from any Sheriff Principal under whom the applicant has served. It will be one of many pieces of information that will inform the interview and the Board's subsequent consideration of the suitability of the applicant for appointment. More [information on consultations](#) is available on the Board's website.

The request for judicial references will be distinct from the set of consultations undertaken by the Board as described below, and from the consultation with the Lord President undertaken by the Scottish Government before an appointment is made or recommended, as described on page 13.

The Lord President may choose to consult the Lord Justice Clerk in preparing his reference. Where an applicant is not sufficiently well known to either, the Lord President may, on terms of strict confidentiality, consult another Judge whom he considers is best placed to assist him in responding. The name of any Judge contributing on this basis will be made available to the Board, and will be disclosed to the applicant before the interview; however, the content of the judicial reference will, as with other references, be confidential to the Board.

The Board wishes to emphasise that if the circumstances of a particular applicant mean that judicial references cannot be obtained, for example if the applicant is not known to the Lord President/Sheriff Principal or those judicial colleagues from whom they may seek input, it will not count against the applicant.

5.11 Conflict of interest

You will be asked in the application form if you are in any way related to, or known to, any of the Board Members and if so to provide details. The [Board Members](#) are listed on our website.

6. CONSULTATION BY THE BOARD

If you are called to interview, the Board will consult the Lord President, the Sheriffs Principal, the Dean of the Faculty of Advocates, the President of the Law Society of Scotland, the Scottish Legal Complaints Commission and the Crown Agent, to enquire whether they are aware of any reason relating to your character or your legal competence or any other matter about you which might cause the Board, or if you were recommended for appointment, the First Minister, to doubt that you are suitable or fit for appointment to the office for which you have applied.

If any such reason is drawn to the attention of the Board, that reason and a summary of the factual background will be disclosed to you and you will be given an opportunity to discuss this with two members of the Board, one legal/judicial and one lay. A report will be made to the Board and this will form part of the material before the Board when considering your application.

More [information on consultations](#) is available on the Board's website.

7. ENHANCED DISCLOSURE

We are required to carry out Enhanced Disclosure checks for judicial appointments.

An application form and guidance note will be sent to you after the invitation to interview letters have been issued.

We will ask you to complete the form and email it to us before your interview.

You are required to pay the cost of the disclosure check, which is £25.

8. THE INTERVIEW

The interviews will take place between [insert dates] (exact dates to be confirmed), at the Board's offices, Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HE. The Board will try to accommodate individual preferences for the interviews but it may not be possible to offer times or dates to suit everyone.

To assist in allocating times for interviews, please give us early notice of any foreseen difficulty in attending on any day during the interview period. **Once the invitations have been issued, it is not normally possible to re-arrange the date or time allocated to you.**

Applicants who are successful at the sift stage will be invited for interview, and will receive further information about the panel members, detailed structure and timing of the interview in their invitation letter.

This stage of the process will be conducted by a panel of six Board Members, made up by an equal number of lay members and legal and judicial members, and is designed to provide shortlisted candidates with the opportunity to add to the evidence in their application and the references in ways which are directly relevant to the requirements of a Chairman of the Land Court and the criteria for appointment. It will comprise:

- A presentation on a topic which will be advised to you ahead of the interview;
- An opportunity to demonstrate the appropriate level of legal knowledge and competence for the role of Chairman of the Land Court, by completing a case study and reviewing and discussing relevant material with the judicial/legal members of the panel (with the lay members present);
- An interview with the full panel. Panel Members will ask questions directly relating to the criteria for appointment, inviting further **evidence and specific examples** in relation to each.

For assistance on how to prepare for your interview you may find the [Helpful Tips](#) page on our website useful.

9. FINAL PROCEDURE

9.1 Informing Applicants of the Board's decision

Following the interviews, the Board will make its recommendation to the First Minister. Applicants will be informed of the outcome as soon as practicable.

9.2 Feedback

The Board, if requested, aims to offer feedback to unsuccessful applicants after each stage of the process.

It is normal practice for the Board to review its processes at the conclusion of each competition. The Board will invite you to provide any feedback you may have about your own experience of this exercise. Your feedback will be anonymised before being presented to the Board for its consideration as part of the review.

The Applicant who is recommended and is subsequently appointed may be approached by the Board, once they have spent some time in post, to talk about their experience of the judicial appointments process and what the job entails. Their feedback may be published on the Board's website to assist others who are considering whether a judicial career is for them.

9.3 Recommendations to the First Minister

When the Board makes a recommendation to the First Minister, the Scottish Government undertakes further steps before the First Minister decides whether to accept or reject the Board's recommendation and make any recommendation to Her Majesty the Queen. These steps are: statutory consultation with the Lord President and liaising with the Judicial Institute. If the First Minister accepts the recommendation, a Royal Warrant will be arranged. The timescales for all of this may vary but in general terms can take a number of weeks to complete.

The successful applicant will be informed by the Scottish Government Justice Directorate officials **in strictest confidence** that his or her name is going forward to the Palace, and an announcement will be made only after Her Majesty has signed the Royal Warrant of Appointment.

Once the Board submits its recommendations to the First Minister, the period during which consultation with the Lord President takes place and the formal announcement of any subsequent appointment is a matter for the Scottish Government and can vary according to circumstances.

10. REASONABLE ADJUSTMENTS

The Board is committed to considering any reasonable adjustments needed to ensure that you can participate in the selection process fairly. Requests will be considered on a case-by-case basis and the information given will not be used in selection decisions. If you are recommended for appointment, any reasonable

adjustments to enable you to take up appointment will be discussed separately with you by the Judicial Office for Scotland after the Board has made its recommendation.

11. ABOUT THE BOARD

Please click on the link to read about the [role and remit of the Board and the Board Members](#) on our website.

12. COMPLAINTS PROCEDURE

If you are dissatisfied with any aspect of the handling of your application, you should refer to the Board's [Complaints Procedure](#), which is available on our website.