

Judiciary
of Scotland



Sheriff Principal Judiciary of Scotland



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A foreword from the Lord President

Lord Carloway



The role of Sheriff Principal can trace its lineage back to the 11th Century. Much has changed in that time.

Today, a Sheriff Principal undertakes work of critical importance within the Scottish justice system, working closely with the Lord President in relation to all the courts in Scotland. The role is rewarding and varied.

Sheriffs Principal must display sound leadership and management skills in order to ensure the efficient operation of the courts within the sheriffdom. They must have the intellectual and legal standing to conduct the important appellate functions of the Sheriff Appeal Court. The latter involves a knowledge and experience not only of civil law and practice but also that relating to summary crime.

A Sheriff Principal has a central part to play in ensuring observance of the Rule of Law in all our local communities. He or she will be expected to make a significant contribution to the justice system.

The Sheriffdoms

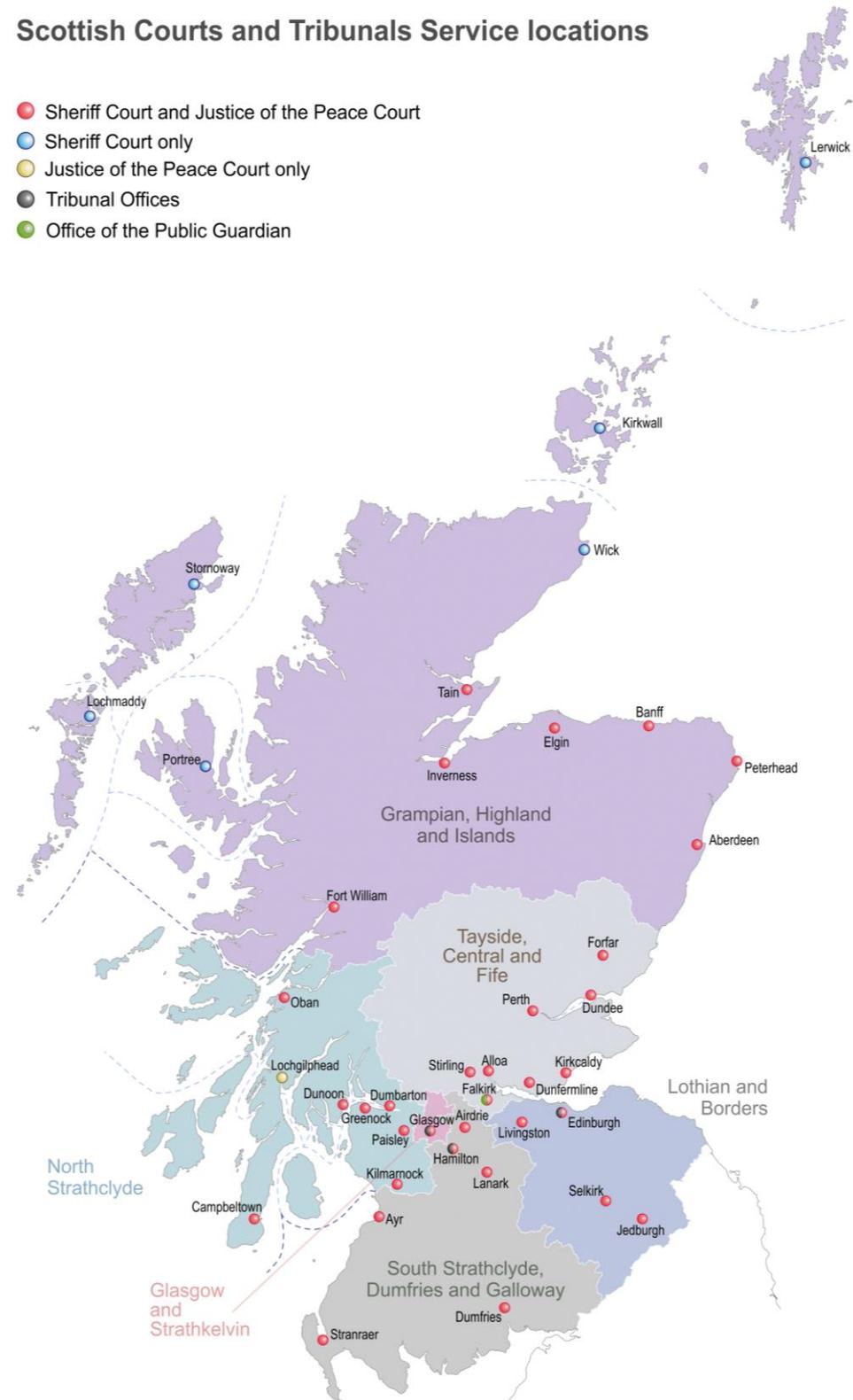
There are six Sheriffdoms in Scotland.

Each Sheriffdom has a Sheriff Principal charged with a number of duties in respect of the courts for which they are responsible, including in particular a statutory duty "to secure the efficient disposal of business in the sheriff courts of that Sheriffdom."

- Glasgow and Strathkelvin
- Grampian, Highland and Islands
- Lothian and Borders
- North Strathclyde
- South Strathclyde, Dumfries and Galloway
- Tayside, Central and Fife

Scottish Courts and Tribunals Service locations

- Sheriff Court and Justice of the Peace Court
- Sheriff Court only
- Justice of the Peace Court only
- Tribunal Offices
- Office of the Public Guardian



Critical Importance

The role of Sheriff Principal is one of critical importance and requires individuals with the intellectual and legal standing to perform the functions of the office.

This requires knowledge and experience not only of civil law and practice but also that relating to summary crime.

In addition to their legal expertise, Sheriffs Principal are expected to demonstrate sound leadership and management skills, or the ability to acquire such skills in office to ensure the efficient operation of the courts within the sheriffdom.

Judicial Roles

Sheriffs Principal may sit in any civil or criminal case in their sheriffdom. Their primary judicial function is as an appellate judge in the Sheriff Appeal Court. Decisions of the Sheriff Appeal Court are binding on itself (when constituted by an equal or smaller quorum) and all Sheriff and JP Courts.

Civil appeals are often heard by three Appeal Sheriffs, but a single Appeal Sheriff can preside in certain cases. In summary criminal appeals against sentence, the appeal is heard by two Appeal Sheriffs and against conviction by three Appeal Sheriffs. The Sheriff Appeal Court hears appeals against bail decisions.

The Lord President appoints Sheriffs Principal to the offices of President and Vice President of the Sheriff Appeal Court.

Sheriffs Principal conduct significant Fatal Accident Inquiries. The findings and recommendations made in Fatal Accident Inquiries can be highly influential and lead to changes in the practice and procedure of many organisations.

A Sheriff Principal may conduct inquiries or preside over tribunals under particular statutes. These include inquiries into constituency boundaries and matters such as the registration of residential homes and police disciplinary appeals.

Appeals can arise from a range of civil cases, including commercial causes, family actions, adoption, personal injury litigation and licensing.

Criminal appeals are presented in written form and supplemented by oral argument. Some sentence appeals may be straightforward, but a decision must be reached and adequate reasons given quickly. The Sheriff Appeal Court can hear up to ten sentence appeals a day. Each case requires advance preparation. In exceptional criminal cases, and in some civil cases, an appeal may take a day or longer.

Sheriffs Principal have the responsibility of hearing appeals from the Mental Health Tribunal brought under Section 320 of the Mental Health (Care and Treatment) (Scotland) Act 2003 and from Licensing Boards under Section 131 of the Licensing (Scotland) Act 2005.

Sheriffs Principal are appointed by Her Majesty The Queen on the recommendation of the First Minister, who receives recommendations from the Judicial Appointments Board for Scotland. They must have held office as a Sheriff or Summary Sheriff (either full or part time) or been qualified as an advocate or solicitor for a continuous period of at least ten years immediately preceding appointment. (Courts Reform (Scotland) Act 2014 s14)

Candidates for the role of Sheriff Principal go through a holistic application process which tests the level of skill, experience and professionalism required to perform the duties of the office.

Management Responsibilities

Every Sheriff Principal is responsible to the Lord President for the efficient disposal of business in the sheriffdom. It is the duty of each Sheriff Principal to manage the business in the sheriffdom, identify priorities and resolve problems that impact on the efficiency of the courts within their jurisdiction.

Such duties include:

- Developing, approving and overseeing the administration of the sheriffdom court programme and the allocation of sheriffs/summary sheriffs to each court to secure its implementation
- Arranging and confirming sitting dates and court holidays
- Ensuring that the shrieval complement is adequate and properly deployed
- Allocating sheriffs/summary sheriffs to particular specialisms; e.g. adoptions, commercial and commissary
- Regulating shrieval leave; and dealing with exceptional requests for leave
- Dealing with requests for leave of absence to engage in official activities such as judicial training, meetings with local authorities and other agencies and conferences
- Monitoring cases at avizandum, dealing with requests for writing time and taking action to deal with unacceptable delays
- Addressing the demands of the High Court of Justiciary for temporary judges and Tribunals for shrieval assistance
- Dealing with problems when insufficient shrieval cover is available
- Meeting with representatives of the Crown, whether at national, regional or local level, to discuss levels of business and anticipated developments
- Managing the use and deployment of part-time sheriffs
- In these administrative tasks the Sheriff Principal has the assistance of senior managers and their teams (see p12)

The Sheriff Principal is responsible for the pastoral care, welfare and development of sheriffs and summary sheriffs within the sheriffdom. He or she is also involved in discussions regarding career prospects, responding to consultation requests from the Judicial Appointments Board, providing input on the internal transfer of shrieval resources across Scotland and matters of a similar nature.

Sheriff Principal Activities

Sheriffs Principal may contribute and participate in a diverse and wide range of other activities including:

- Considering and commenting upon proposals for legislative change and taking a leading part in the process of procedural and substantive law reform
- Acting as an Investigating Judge for complaints made under the Complaints Against the Judiciary (Scotland) Rules 2017 in respect of sheriffs, part-time sheriffs, summary sheriffs and part-time summary sheriffs or justices of the peace. This may be in respect of judicial office holders within their own sheriffdom or elsewhere
- Conducting inquiries into the fitness for office of Sheriff Officers (section 79 of the Debtors (Scotland) Act 1987)
- Investigating the fitness for office of Justices of the Peace (section 71 of the Criminal Proceedings etc. Reform) (Scotland) Act 2007)
- Acting as a member of the Scottish Civil Justice Council and/or its committees
- Acting as a member of the Scottish Sentencing Council and/or its committees
- Serving on the Judicial Appointments Board for Scotland
- Sitting as members of the Advisory Council of Messengers at Arms and Sheriff Officers
- Serving on the Board of the Scottish Courts and Tribunal Services (SCTS)
- Sitting on the Advisory Council Committee of the Judicial Institute
- Chairing the Justices of the Peace Training Committee of the Judicial Institute
- A Sheriff Principal is often called upon to be a member of working groups and committees established for these purposes
- Meeting with other Sheriffs Principal and with SCTS executive officials to discuss national strategic, and management issues
- Attending meetings of the Commissioners of the Northern Lighthouse Board. Sheriffs Principal exercise a supervisory role as statutory Commissioners and are called upon to sit on various of the Board's administrative committees

Working with Others

The Sheriff Principal has a responsibility for controlling activities within courthouses. This involves regular meetings and liaison with SCTS officials, the Area Procurator Fiscal, Local Faculties of Solicitors and Bar Associations, Social Work Departments, Police Scotland and GEOAmey staff.

The Sheriff Principal will also deal with requests from outside agencies (e.g. schools, Law Faculties) for the use of court facilities. The Sheriffs Principals are frequently invited to speak on a range of legal topics at local and national events.

Sheriffs Principal have responsibility for the administration of the Justice of the Peace Courts within the sheriffdom by virtue of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007. The responsibilities include selecting those persons who will sit on the Sheriffdom JP Advisory Committee (with responsibility for recruitment), and the Sheriffdom Training and Appraisal Committees. The Sheriff Principal chairs the JPAC which requires to meet regularly to monitor patterns of business and JP availability. He or she also has a responsibility for interviewing and recommending the appointment of Justices of the Peace.

Remuneration

A Sheriff Principal is paid £154,527 per annum. A new reformed Judicial Pension Scheme was introduced for all judges in April 2022. Details of the 2022 scheme can be found at <https://www.gov.uk/government/publications/judicial-pension-scheme-2022-guide>

The mandatory retirement age for Judicial Office Holders is 75.

Current Sheriffs Principal



SHERIFF PRINCIPAL
Derek Pyle



SHERIFF PRINCIPAL
Marysia Lewis



SHERIFF PRINCIPAL
Craig Turnbull



SHERIFF PRINCIPAL
Aisha Anwar



SHERIFF PRINCIPAL
Nigel Ross



SHERIFF PRINCIPAL
Vacancy – North Strathclyde

A quote from Sheriff Principal Aisha Anwar



I followed a fairly conventional legal career. Having chosen to specialise in commercial litigation, I worked with two large commercial practices, eventually becoming partner and Head of Litigation for Scotland in my last firm.

I had aspired to become a member of the judiciary since I first walked into Edinburgh Sheriff Court for a mock plea in mitigation, during my diploma in legal practice. At the time, however, I believed that this was an unattainable aspiration.

I did not appear to fit the demographic from which sheriffs might historically have been selected; a mother of young children, from a working class and ethnic minority background with a career specialising in the narrow field of commercial litigation. The shrieval bench was for others.

However, the creation of the Judicial Appointments Board removed the mystery which had shrouded the appointments process. I attended one of the open evenings hosted by members of the Board. I reviewed both the guidance notes and the application form. I knew that the process was going to be demanding, but I decided to throw my hat in the ring.

I have been through the recruitment process three times: I was appointed as a part-time Sheriff in 2011, appointed to a full time position in 2014 and appointed as Sheriff Principal in 2020.

The application form is thorough and requires the applicant to give careful thought to his/her qualities and qualifications for the post. Selecting appropriate written work for submission caused me to reflect upon my legal ability, my powers of reasoning and my style of writing. The interview itself is rigorous - the use of case studies provides a fair means of testing the applicant's judicial qualities.

It provides the applicant with an opportunity to demonstrate his or her ability to make decisions and more importantly, to justify them. The questions by the panel are challenging, wide-ranging and insightful. In short, I found the process on each occasion to be robust but fair, transparent and surprisingly enjoyable.

Sheriffs Principal perform management and appellate functions, and a whole host of miscellaneous duties. The Sheriff Principal sits in the Sheriff Appeal Court and deals with civil and criminal appeals. He/she also has a statutory responsibility for ensuring the efficient disposal of business in the courts in their sherrifdom. No two days as Sheriff Principal are ever the same; the role is so varied that you can find yourself drafting practice notes and commenting upon legislative changes one day, and sitting in the Sheriff Appeal Court, dealing with welfare and training issues for sheriffs or creating new pilot projects to improve the efficiency of the courts the next. The Sheriffs Principal also sit on a range of Boards, at the request of the Lord President, such as the SCTS Board or indeed the JABS. It is a demanding role but one that offers a real opportunity to work meaningfully with others to improve the justice system.

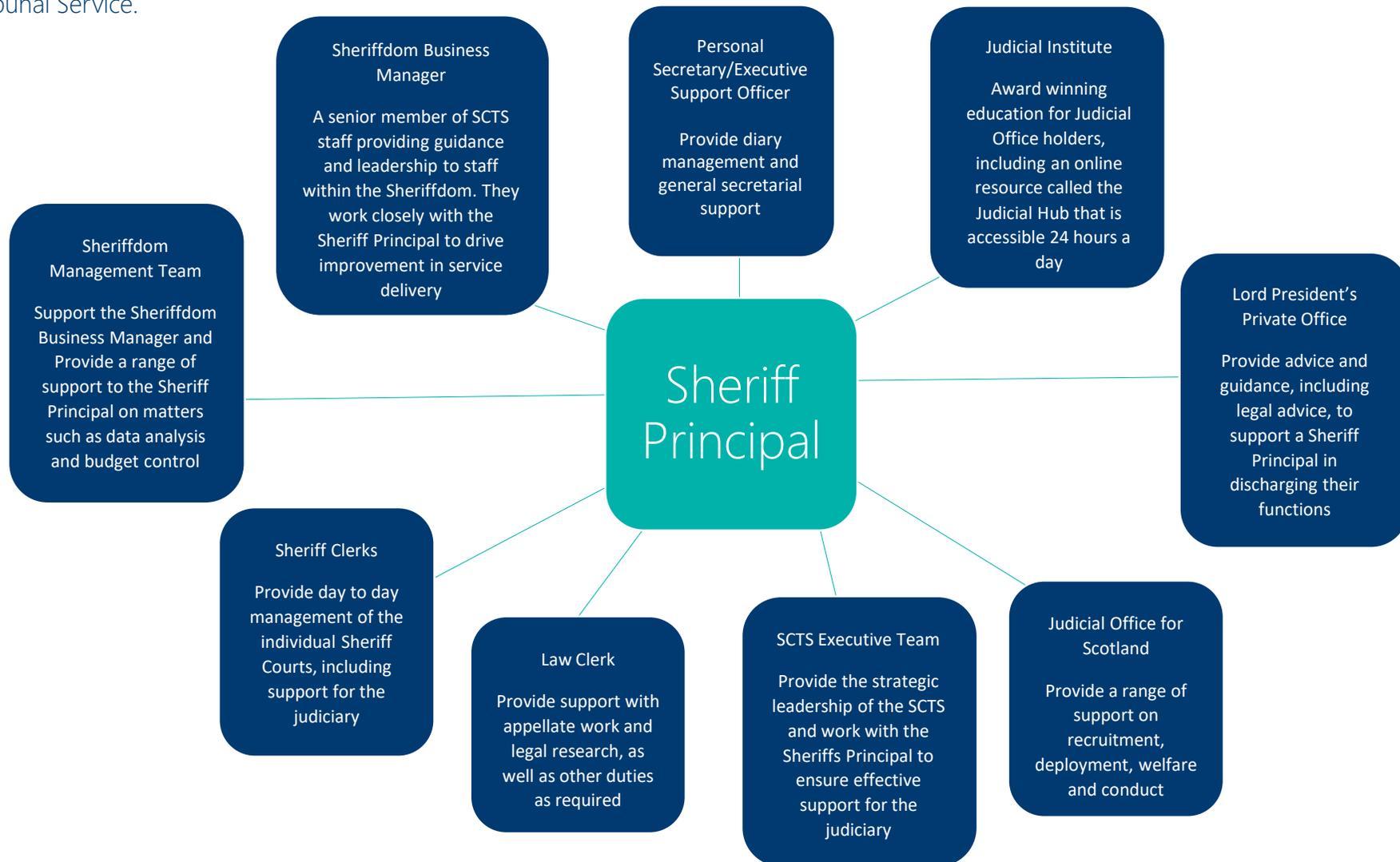
I consider it an enormous privilege to serve as a member of the Scottish judiciary – the work is rewarding and varied, stimulating and challenging. There is no doubt that early life on the Bench involves a huge learning curve and requires you to turn your mind to areas of the law in which you may have little or no experience. But that is also one of its attractions. There is no shortage of more experienced members of the judiciary ready to assist and guide those who are newly appointed.

I would encourage anyone with a keen interest in justice and people and who enjoys interpreting and applying the law, to consider applying for judicial office.



Working as part of a team

Each Sheriff Principal is supported by an experienced and well-resourced team who will manage the day to day operational and administrative duties. The Sheriff Principal is also supported by the Judicial Office, the Judicial Institute and the executive team of the Scottish Courts and Tribunal Service.



The first few months of appointment

Measures are in place during the early stages of a new Sheriff Principal's appointment. They are intended to provide support and reassurance to any new appointees and to accord with best international practice.

- The Judicial Institute will provide induction training over five days. This will include presentations, problem exercises and facilitated discussions on a range of topics, tailored to the needs of the new Sheriff Principal. Modules are designed to enhance individual management and administration skills including HR training and strategic planning, judicial leadership, the creation and development of legal policy for the management of the shrieval judiciary and other similar subjects.
- The Sheriff Principal member of the Advisory Council of the Judicial Institute, in conjunction with the Director of the Judicial Institute, will create a role specific induction programme for the new Sheriff Principal, taking account of the nature of the position and the Sheriff Principal's own strengths and potential weaknesses. Specific coaching in a particular area may be provided.
- New appointees are required to complete at least three sitting-in days with an experienced Sheriff Principal in order to familiarise themselves with the judicial environment and the workings of the Sheriff Appeal Court, to observe the work undertaken, and have the opportunity to discuss how best to approach, and organise for, the challenges ahead.
- A newly appointed Sheriff Principal will be offered the assistance and guidance of a mentor, drawn from among the other Sheriffs Principal, to whom he or she can turn on a confidential basis for support in the early period of his or her appointment. The scheme is voluntary. If a newly appointed Sheriff Principal opts for a mentor, the scheme envisages a mentoring relationship which lasts for a minimum of one year. The relationship may last for a judicial career.
- A new Sheriff Principal will have the assistance and support of the other Sheriffs Principal and have access to the advice and guidance of the Lord President and the Lord Justice Clerk.
- The successful candidate can expect direct support from the Judicial Office in the exercise of their judicial leadership responsibilities.
- Once appointed, all Sheriffs Principal continue to receive training at the Judicial Institute, which keeps them up to date on the latest changes in practice. They regularly attend courses to build their knowledge and expertise and receive weekly updates on news and topical issues.



... was decided under a different
... It may be that it is an offence
... the time when the summons is heard is
... the Act of 1947 the justices may
... as long as the wrongful act has continued
... the defendant has not already been dealt with.
... You are driven to say that unless some
... doctrine that a defendant cannot be punished again
... the penalty can be carried back to the first
... Prima facie one would lean against a construction
... [Wynn J.]

1970] 1 K.B. 188, C.A.
1967] 2 K.B. 275; 25 T.L.R.
1960] 1 W.L.R. 622; [1960] 2
1960] 1 K.B. 444; 25 T.L.R.
1960] 1 K.B. 444; 25 T.L.R.

... still continues. That must
... at the date of the information.
... conviction. The offence under section
... 1947 is of using land in contravention of an
... notice, not of using land after conviction. If
... the question is: What was the appellant charged with
... and time he was charged? He was charged with a further
... of contravening the enforcement notice. It would be
... or the justices to go back to the beginning of the offence,
... only to the overriding principle of common law that no
... would be put in peril twice. That principle cannot be over-
... without express words in a statute, and there are no such
... words here.

There is no reason why this court should not take a different
... view that taken in *Ferney v. Fletcher (Mack) & Sons Ltd.*¹⁴

¹⁴ [1900] 1 K.B. 444.