

PE1458/EE

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4 June 2014

Dear David

PUBLIC PETITION PE1458 ON A REGISTER OF INTERESTS FOR MEMBERS OF SCOTLAND'S JUDICIARY

Thank you for your letter of 8 May 2014 in relation to the above petition. I note that the Committee has agreed to seek time in the Chamber to debate the issues raised.

In advance of any debate you have asked for comments on the letter from the Judicial Complaints Reviewer (JCR) to the Committee of 23 April 2014. In that letter the JCR states that she considers it likely that the number of complaints against the judiciary would fall if there was a published register of interests for the judiciary. As I have said previously, it would be for the Lord President to establish such a register of interests in his capacity as Head of the Scottish judiciary. However, the Scottish Government does not consider there is currently any evidence to suggest that the existing safeguards - the judicial oath, the Statement of Principles of Judicial Ethics and the Rules made under the Judiciary and Courts (Scotland) Act 2008 - are not effective and does not therefore consider that such a register is necessary.

The JCR expresses a concern that the rules about complaints against the judiciary are not fit for purpose. As you know, the complaints and discipline process created by the 2008 Act has been running for a relatively short time. The Complaints About the Judiciary (Scotland) Rules have been in operation for just over 3 years, and the Lord President is currently considering amendments to these rules following a consultation last autumn to which the JCR contributed.

The JCR is due to step down at the end of her three year term of office on 31 August 2014. My officials are currently making the necessary arrangements for the recruitment of a new

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JCR who will benefit from all the hard work carried out by the current JCR in setting up this office and carrying out reviews of complaints under the new complaints procedure. They will also work with the new JCR to provide support and to consider any thoughts or changes the new JCR feels appropriate in due course.

I hope that this is helpful.

KENNY MACASKILL