

SJA E-NEWS

Forty-eighth Issue – May 2014

SJA NEWS

Executive Meeting

The SJA Executive met on 31st March.

At the meeting, the adjourned AGM in Nairn was reported on, and there was discussion of the policy of holding AGMs at regional training events, the size of the quorum and the possible use of proxies. It was decided to check whether the next AGM should be held at a Lothian and Borders training event in Peebles, or at a Judicial Institute for Scotland national training event in Stirling instead. Both events are to be held on 24th November, a convenient date for the next AGM. Approaches are to be made to the Director of the JIS and to the L&B Training Committee.

The Treasurer reported that there was little change in the Association's financial position. Current reserves are essentially the same size as the amount inherited from the District Courts Association when the SJA was founded, and the annual grant from the Scottish Government had not been received, but was likely to be reduced further from last year's figure. There was also discussion of individual members' expenses.

In relation to the Communications Committee, although there had been no meeting since the last Executive Meeting, several issues were considered. Mike Samphier reported on progress with the website and databases.

There was also lengthy discussion on the Assisted Suicides Bill, which affected JPs, in that they might be asked to be proxy signatures for those wishing to make preliminary declarations under the Act. For this purpose, they would have to satisfy themselves that the signatory understood the effect of this declaration. Some JPs would have ethical objections to doing this. And for those with no ethical objections, the possible difficulties of checking whether the signatory, a possibly seriously ill stranger, understood the effect were obvious. A reply to the consultation would be constructed and the issue raised in the Welfare and Support Committee of the Judicial Council.

The Membership Secretary reported on the numbers of members in each Sheriffdom, which are very healthy.

Written reports had been circulated earlier on the meetings of the Conduct Committee, the Welfare and Support Committee and the ICT Committee of the Judicial Council, all of which had been attended by representatives of the SJA, and they were briefly discussed.

A written report had also been circulated on the meeting of the Advisory Committee Judicial Institute, of which two members of the Executive were members, and it was briefly discussed.

The question of representation on the Criminal Courts Rules Council was considered, as the SJA Executive member who sat on it was no longer a member of the Executive. The matter is being looked into.

A written report, once more, circulated already, on the meeting of the Scottish Court Service/SJA Liaison Committee, was also briefly considered.

Considerable discussion took place on whether the SJA should send a member to the 2014 Commonwealth Judges and Magistrates Association Annual Conference, to be held in Zambia, and whether the expenses of an SJA member attending the European Day of Lay Judges in Hungary might be paid. It turned on the issues of whether the SJA should, in principle, send members to such events, and if in principle it should, whether there were sufficient funds for it to do so. It was decided not to send anyone, and not to pay any expenses.

Finally, an Elections Sub-Committee was set up to oversee the 2014 Elections.

The full Minute of the meeting is available on the SJA website.

Communications Committee

The Communications Committee met on 29th April, too late for an account of its Minutes to be included.

OTHER NEWS

Corroboration – again?!

As you will probably have noticed, to universal surprise, abolition of the corroboration requirement is off, at least for twelve months, until after Lord Bonython's report on alternative safeguards appears.

Whether this means it will be revived then, or simply forgotten, is not clear.

Judicial Recusals

“Judicial Recusal” is the technical name for something all JPs have probably had to do at one time or another, that is, to decline to hear proceedings because of the possibility of bias, typically because an accused or a witness is known to him or her.

The Judiciary of Scotland website now carries a list of recent recusals, following a promise by the Lord President to make such information publicly available. See http://www.scotland-judiciary.org.uk/68/0/Judicial-Recusals?utm_source=Newsletters&utm_campaign=1319a6de80-SLN_28_04_14&utm_medium=email&utm_term=0_1eedb22a32-1319a6de80-65406933

However, the list only contains examples of recusal by judges and sheriffs. It does not seem that there are any plans to extend publicity to JPs

Wigs'n'robes

Some JPs sit with a gown, and some sit without. It would be interesting to discover if that makes any difference to the way they are viewed in court (or their own behaviour).

In any event, the Inner House of the Court of Session will now follow the precedent set by those JPs who sit without gowns (and, to be fair, also set by the UK Supreme Court), and dispense with that curiously ostentatious mish-mash of the medieval (robes) and the seventeenth - or possibly eighteenth - century (wigs). See [http://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/practice-notes/court-of-session/cofs-pn-no1-of-2014-\(inner-house\)---signed.pdf?sfvrsn=2&utm_source=Newsletters&utm_campaign=bc3c34365a-](http://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/practice-notes/court-of-session/cofs-pn-no1-of-2014-(inner-house)---signed.pdf?sfvrsn=2&utm_source=Newsletters&utm_campaign=bc3c34365a-)

[SLN 17 04 14&utm_medium=email&utm_term=0_1eedb22a32-bc3c34365a-65406933](#).

But, interestingly, this new rule does not apply to the Outer House, where civil trials are held. Nor does it apply to the High Court at all, whether sitting as an appeal court or as a trial court.

Why the difference, one wonders.

Robin M White
Editor E-News
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