



COMPLAINTS ABOUT THE JUDICIARY (SCOTLAND) RULES 2017

Report No 13

Basis of Report

This report covers the period of 1 September 2023 to 31 August 2024. For the purposes of this report we will only be considering valid complaints which were concluded within this period.

During the period of this report, 64 complaints were concluded under the Rules.

The table below provides a breakdown of the stage each complaint reached under the Rules.

Complaints concluded under the Rules (1 September 2023 – 31 August 2024)

Rule	Outcome	Senator/ Temp Judge	Sheriff Principal/ Temp SP	Scottish Land Court Chairman /Members	Sheriff /Summary Sheriff/PT Sheriff	JP	Total
7	Out of Time and not allowed to proceed	0	0	0	0	0	0
8	Dismissed by Judicial Office	3	3	0	39	1	46
11	Dismissed by Disciplinary Judge	0	0	0	6	0	6
12	Referred to Nominated Judge and resolved	0	0	0	2	1	3
13	Referred to Nominated Judge and not substantiated	0	0	0	4	0	4
16	Complaint Substantiated and report submitted to the Lord President	0	0	0	1	0	1
18	Withdrawn by complainer	0	0	0	4	0	4
20	JOH ceases to hold office	0	0	0	0	0	0
	Total	3	3	0	54	2	64



Dismissed by Judicial Office

Rule 8: The JOS concluded 46 complaints under this Rule.

- 44 complaints were dismissed under Rule 8(4)(b) – *it is about a judicial decision*
- 1 complaint was dismissed under both, Rule 8(4)(b) and Rule 8(4)(a) - *it does not contain sufficient information to enable a proper understanding of the allegation to be achieved*
- 1 complaint was dismissed under Rule 8(4)(c) – *it raises a matter which has already been dealt with (whether under these Rules or otherwise), and does not present any material new evidence*

Dismissed by Disciplinary Judge

Rule 11: The JOS concluded 6 complaints under this rule.

- 1 complaint was dismissed under Rule 11(4)(a) - *it does not contain sufficient information to enable a proper understanding of the allegation to be achieved*
- 1 complaint was dismissed by the Disciplinary Judge under Rule 11(4)(b) – *it is about a judicial decision*
- 3 complaints were dismissed by the Disciplinary Judge under 11(4)(g) - *it is insubstantial, that is to say that even if substantiated, it would not require any disciplinary action to be taken*
- 1 complaint was dismissed under both, Rule 11(4)(b) and Rule 11(4)(g)

Referred to Nominated Judge

In this reporting period, 8 complaints were referred to a nominated judge for investigation.

- 3 complaints were resolved to the satisfaction of the person complaining and the judicial office holder concerned without further investigation.
- 4 complaints were investigated and subsequently reported to be unsubstantiated. The reports of the nominated judges in all 3 complaints were reviewed by the disciplinary judge and the Lord President who concurred with the findings they each contained. 1 complaint was investigated and found to be substantiated in part and a report was submitted to the Lord President.



Withdrawn by Complainer

Rule 18: 4 complaints were withdrawn, or deemed to be withdrawn, by the complainer during this reporting period.

- 1 complainer asked that their complaint be withdrawn, and the file was closed.
- 3 complainers failed to respond to correspondence from the JOS within 28 days and were notified that their complaint was deemed to be withdrawn.

Outstanding Complaints

As of 31 August 2024, 11 complaints were still active: 6 complaints are currently being investigated by a nominated judge; 4 complaints are currently under consideration; 1 is suspended pending on-going judicial proceedings.

A copy of the Rules and associated guidance can be found on our website:

<https://www.judiciary.scot/home/publications/judicial-complaints>