

Judicial Recusals 2022



DATE	COURT & TYPE OF ACTION	NAME OF JUDGE	CASE NAME & REF	MOTION BY	REASON
25/10/2022	Dundee Sheriff Court (Criminal)	Sheriff George Way	PF Dundee v Abbie Cruickshanks	Ex Proprio Motu	The sheriff had prior knowledge of the accused and the accused's ex-partner.
28/09/2022	Glasgow Sheriff Court (Civil)	Sheriff Iain Fleming	GLW-PD116-22	2nd Defender	Prior professional/personal connection with a witness.
05/09/2022	Edinburgh Sheriff Court (Civil)	Sheriff Graham Primrose QC	EDI-A687-20	Self Recusal	The defender is a personal friend. They have known each other since university, and maintain contact. Accordingly, it would be inappropriate to hear this case.
30/08/2022	MHTS	Alistair Brown	MHTS/3/22/07/03140/S1652 b	Self Recusal	The member was this person's MHO about 10 years ago and after speaking with the relevant convener it was felt to be appropriate to refrain from apparent (as opposed to real) bias.
28/07/2022	MHTS	Dr Robert McCabe	MHTS/2/22/07/03016	Ex Proprio Motu	The Tribunal member previously acted as a mentor for the RMO. To avoid perceived bias, the member made the decision to recuse himself.
22/07/2022	Perth Sheriff Court (Criminal)	Sheriff William Wood	HMA V Cresswell Welch	Ex Proprio Motu	The Sheriff has a civil case, in which the accused is a party, at avizandum.
09/06/2022	MHTS	Duncan Cartwright	MHTS/2/22/05/01736/S063	Member	Conflict - sensitive.
15/05/2022	Stirling Sheriff Court (Criminal)	Sheriff D Hamilton	STI/2021-000643	Self Recusal	The sheriff is acquainted with one of the police witnesses in this case and the accused's father is also a serving police officer. The sheriff feels this could lead to conflict and so has recused himself from the case.
11/04/2022	MHTS	Alistair Brown	MHTS/3/22/01/09408/S1012 b	Self Recusal	The member has previous professional involvement with someone from this case from around 2011/12.
08/02/2022	Inverness Sheriff Court (Civil)	Sheriff Iain Cruickshank	Finlayson v Finlayson (INV-A6-22)	Ex Proprio Motu	This case called before Sheriff Cruickshank at a hearing after service to consider the continuation of interim orders. There is an ongoing appeal before the SAC at the instance of the defender in this case as the appellant. Sheriff Cruickshank forwarded a supplementary note to the SAC, which may impact on the credibility of an affidavit before the SAC by the appellant. Given the above, Sheriff Cruickshank considered it was inappropriate for him to consider interim orders or be further involved in this case given that this case, and the case on appeal have close connections.
22/01/2022	Edinburgh Sheriff Court (Civil)	Summary Sheriff Matthew Auchincloss	EDI-SG455-21	Claimant (REFUSED)	The claimant made a motion asking the Sheriff to recuse himself on the basis he was acquainted with the Respondent's previous lay representative Mr Gough, who was in attendance in a supporting role. The Sheriff refused the motion on the basis that Mr Gough was not representing the Respondent and there was no conflict of interest.
07/01/2022	Court of Session (Inner House)	Lord Woolman	William Frederick Ian Beggs v The Scottish Legal Aid Board and The Scottish Information Commissioner (P1259/18)	Agents for the Petitioner	Lord Woolman dealt with, as an Outer House Judge, a previous iteration of this case where the petitioner challenged SLAB's refusal of legal aid [2018] CSOH 13; The Petition was refused by Lord Woolman in that case. Lord Woolman is of the view that a bystander might reasonably consider his Lordship has already made up his mind, or at least may be prejudiced in one direction, having already decided a different version of the same issue after a substantive hearing.