

## Judicial Recusals 2023

DATE	COURT & TYPE OF ACTION	NAME OF JUDGE	CASE NAME & REF	MOTION BY	REASON
07/12/2023	Aberdeen Sheriff Court (Criminal)	Part-Time Sheriff D Clapham	AB22007447	Accused (REFUSED)	On the grounds that there was not a conflict of interest in this case that would cause any unfairness to the accused or the prosecution and that the Sheriff had remained impartial throughout the trial proceedings and would continue to do so.
21/11/2023	Falkirk Sheriff Court (Civil)	Summary Sheriff A Michie	FAL-F67-23	Ex Proprio Motu	On reading the Child Welfare Report it became apparent that I know a close relative of one of the parties. This is a case which is likely to proceed to an evidential hearing and this individual may be called as a witness. In the circumstances, I did not consider it to be appropriate for me to preside over this case at the child welfare hearing and I considered that I should recuse myself from presiding at any future hearings.
13/11/2023	Dundee Sheriff Court (Civil)	Sheriff G Way	A238-20	Ex Proprio Motu	Due to the public and personal views expressed by the pursuer Carolann Curran towards the Sheriff.
18/10/2023	Wick Sheriff Court (Criminal)	Sheriff N Wilson	Sinclair V Oag & Others	Ex proprio motu	Critical Witness, Mr Miller, Veterinary Surgeon, personally known to Sheriff Wilson from university days.
11/10/2023	Edinburgh Sheriff Court (Civil)	Sheriff G Sharp	Heather Hiram v High Riggs Job Centre	Ex Proprio Motu	The sheriff has had previous contact with the defender's agents, in particular she advised on the affect of allowing support dogs access to public buildings. This formed the basis of the claim in this action.
11/10/2023	Edinburgh Sheriff Court (Civil)	Sheriff G Sharp	Antonello Pellegrino v High Riggs Job Centre	Ex Proprio Motu	The sheriff has had previous contact with the defender's agents, in particular she advised on the affect of allowing support dogs access to public buildings. This formed the basis of the claim in this action.
15/08/2023	Supreme Courts (Petition)	Lord Boyd	P275/23 (3)	Respondent and Reclaimer (REFUSED)	The Second Division (The Lord Justice Clerk, Lord Tyre and Lord Boyd), in refusing the motion for recusal, stated that the fact that a judge has made a determination against a party in a particular case is not itself a reason for that judge to decline jurisdiction in other proceedings involving that party, even where issues of credibility and reliability have been involved.
15/08/2023	Supreme Courts (Petition)	Lord Tyre	P275/23 (2)	Respondent and Reclaimer (REFUSED)	The Second Division (The Lord Justice Clerk, Lord Tyre and Lord Boyd), in refusing the motion for recusal, stated that the fact that a judge has made a determination against a party in a particular case is not itself a reason for that judge to decline jurisdiction in other proceedings involving that party, even where issues of credibility and reliability have been involved.
15/08/2023	Supreme Courts (Petition)	Lary Dorrian	P275/23	Respondent and Reclaimer (REFUSED)	The Second Division (The Lord Justice Clerk, Lord Tyre and Lord Boyd), in refusing the motion for recusal, stated that the fact that a judge has made a determination against a party in a particular case is not itself a reason for that judge to decline jurisdiction in other proceedings involving that party, even where issues of credibility and reliability have been involved.
09/08/2023	Court of Session (Civil)	Lord Pentland	F66/21	Defender and Respondent (REFUSED)	The First Division (the Lord President, Lord Tyre and Lady Wise), in refusing the motion for recusal, stated that did not consider that the fair-minded and informed observer would consider that there was an appearance of bias and did not consider it was demonstrated that Lord Pentland has any financial interest in the outcome, or any other significant interest in the outcome, of this reclaiming motion.
17/07/2023	Stranraer Sheriff Court (Criminal)	Sheriff Anthony McGlennan	PF v Euan Andrew Campbell	Ex Proprio Motu	Complainer Emma Wilson was the defender in a civil case that the Sheriff determined (Wilson v Quigg or O'Mahoney STR-101-19). An award of contact was made which (although she effectively had withdrawn from process) she had strongly opposed. She later made a complaint to Judicial Office which was investigated and the Sheriff completely exonerated. It is highly likely that Ms Wilson would consider that her evidence in the prosecution of Euan Campbell was not being assessed impartially because of the background of having made the complaint to Judicial Office.
20/04/2023	Edinburgh Sheriff Court (Criminal)	Sheriff Derek O'Carroll	SCS/2022-088193 & SCS/2022-088194	Ex Proprio Motu	Sheriff knows complainer and his family in one charge, to which accused pleaded guilty, so cannot sentence on the indictments.
15/03/2023	Stranraer Sheriff Court (Criminal)	Sheriff Anthony McGlennan	PF v David Hill	Ex Proprio Motu	Due to the locus of the incident being the flat next door to the Sheriff's local residence. The complainer residing at the address. The Sheriff does not know his neighbours but does see the family going about their daily business when he comes and goes from the flat. The Sheriff's property shares a back garden and the properties share a common dividing wall. The Sheriff would be recognised by the witnesses.
24/02/2023	First-tier Tribunal, Health and Education Chamber	Ann Marie Whiteside	FTS/HEC/AR/22/0128	Ex Proprio Motu	The child in the case attends the same school as my daughter. A witness for the respondent is known to me in their professional capacity as I liaise with them regarding the needs of my daughter.