

# Judicial Recusals 2024



DATE	COURT & TYPE OF ACTION	NAME OF JUDGE	CASE NAME & REF	MOTION BY	REASON
0/12/2024	Sheriff George Jamieson - Kilmarnock Sheriff Court	KIL-F267-23	Defenders Counsel	Granted	Sheriff Jamieson was involved in managing contempt of court proceedings in this case and accepts counsel's opinion that he should decline to hear the proof as he was involved in making earlier decisions about the contempt proceedings as this may be seen to breach the defender's right to trial by an impartial tribunal. The allegations are very serious and it is better the issues are tried by a sheriff with no prior involvement in the case.
14/11/2024	Ms Jane Champion - Social Security Chamber	FTS/SSC/AE/24/01616	Tribunal Member	Granted	The DQM has identified that the appellant for the tribunal (AE/24/01616) is the sister of, and was a witness in a case that she heard previously (AE/24/01483). As such she has made the legal member aware of the conflict of interest. The Appellant has a common surname which has caused the delay in observing the conflict of interest.
25/10/2024	Dr Derek Palmer - MHTS	MHTS/1/24/09/05598/S099	Dr Derek Palmer	Granted	Prior, direct and extended, professional experience and knowledge of the patient's circumstances, care and treatment.
17/10/2024	Jane Reid - Mental Health Tribunal Scotland	MHTS/2/24/10/06914/S050	Tribunal Member	Granted	The legal member, on receiving the case papers, immediately identified that the patient and her family were known to the member when she was a partner in a small private practice. The firm acted for numerous members of the family on a range of legal matters including powers of attorney and succession provisions to protect this family member's interests, given her significant and enduring mental disorder. The legal member formed the view that, although she left private practice many years ago, there could be a possible perception of bias. She therefore concluded it was appropriate to recuse herself.
01/08/2024	Mr John Blackwood - Housing and Property Chamber	HPC/EV/24/0566	Mr John Blackwood	Granted	The member recuses himself from the case as he know the applicant's representative in a professional capacity as Landlord Registration Officer of East Lothian Council.
31/07/2024	Susanne Tanner - Housing and Property Chamber	FTS/HPC/EV/23/4577	Susanne Tanner	Granted	Legal member became aware of an apparent conflict during CMD, after submissions made by Applicant's representative. Solicitor for Applicant confirmed details which confirmed the conflict. Legal member recused herself.
17/06/2024	Sheriff George Jamieson - Kilmarnock Sheriff Court	KIL-F172-18	Ex Proprio Motu	Granted	I was involved in managing contempt of court proceedings between the parties in KIL-B445-22. This is the principal application, a minute to vary commenced on 22 September 2022, originally for increased contact, now for a residence order in favour of the pursuer. I may not be perceived as having the necessary degree of impartiality owing to the highly conflicted nature of the principal proceedings and my involvement in managing the related action.
10/06/2024	Sheriff Anthony McGeehan - Greenock Sheriff Court	Siobhan Mary Donaldson v David Lyndon Brown	Ex Proprio Motu	Granted	Defender advised immediately prior to Proof that a witness for the Defender knew the Sheriff, was a friend of his family and had a shared relative. The witness only identified this relationship the day before the Proof. The witness was 1 of only 2 witnesses for the Defender and her credibility and reliability would require to be decided on. In the circumstances, the Proof was adjourned to avoid any perception of impartiality.
15/05/2024	Summary Sheriff M Hodge - Aberdeen Sheriff Court	ABE-SG67-23 - Nick Hufstetler v KNC GROUNDWORKS LIMITED + others	Summary Sheriff	Granted	Respondent company is a local company to the Sheriff and have provided a quote for work and may be required to undertake work in future.

22/04/2024	John Blackwood - Housing and Property Chamber	FTS/HPC/EV/24/1026	John Blackwood	Granted	The Applicant Representative is a member of the Scottish Landlords Association of which John Blackwood the ordinary member on the tribunal panel is the chair-person on the Association.
22/04/2024	Elizabeth Dickson - Housing and Property Chamber	FTS/HPC/EV/24/0900	Elizabeth Dickson, Tribunal Member	Granted	The member is dealing with another case involving the same parties and property. It could be perceived that any decision made in one case would influence unduly the decision on the other.
21/04/2024	Ahsan Khan - Housing and Property Chamber	FTS/HPC/PF/23/3604 & FTS/HPC/PF/23/4523	Ahsan Khan	Granted	Potential conflict of interest with witness in these cases.
11/04/2024	Sheriff James Varney - Greenock Sheriff Court	Barry McLaughlin v Louise Watt	Purser	Refused	The sheriff refused to recuse for the following reasons: (i) No such active bias was shown; (ii) No hostile treatment was shown. As a consequence, no such breach of human rights or fair trial would occur.
08/03/2024	Lord Malcolm - Court of Session	P394/22: Petition of John Halley for Judicial Review	Petitioner and Reclaimer (John Halley)	Refused	The reclaimer moved for Lord Malcolm to recuse himself on the basis he was Vice Dean of Faculty from 1996-1997 and was likely to have knowledge of some material events referred to in this matter. Lord Malcolm refused to recuse himself on the basis that he was aware of nothing from his time as the Vice Dean of Faculty which would require him to withdraw from the bench dealing with this reclaiming motion.
08/03/2024	Lord Beckett - Court of Session	P394/22: Petition of John Halley for Judicial Review	Petitioner and Reclaimer (John Halley)	Refused	The reclaimer moved for Lord Beckett to recuse himself on the basis his Lordship had a long professional and personal proximity to the Lord Advocate and her husband Lord Turnbull. Lord Beckett refused to recuse himself on the basis that while he had professionally and personally encountered the Lord Advocate and Lord Turnbull in neither case was that to the extent which would require his recusal in a case of this nature.
08/03/2024	Lord Tyre - Court of Session	P394/22: Petition of John Halley for Judicial Review	Petitioner and Reclaimer (John Halley)	Refused	The reclaimer moved for Lord Tyre to recuse himself on the basis his Lordship dealt with an earlier application by the reclaimer for leave to appeal from the EAT and did not engage with the issues of corruption the reclaimer sought to raise; the reclaimer was concerned Lord Tyre would adopt a similar approach in this matter. Lord Tyre refused to recuse himself from this matter, it not being the case that he failed to engage with the issues of corruption that the reclaimer raised in the separate application but rather that the procedural manner in which the reclaimer sought to raise these issues, by application to the nobile officium, was incompetent in the EAT appeal process. A full explanation of the reasons why it was incompetent was given in that separate process.
12/01/2024	Sheriff Anthony McGlennan - Stranraer Sheriff Court	STR-F59-23	Ex proprio motu	Granted	The Sheriff had presided over a previous action involving a different child in which the current defender had opposed a counterclaim for contact to which he rejected her objections to contact and made an order in favour of that child's father. Defender made a subsequent judicial complaint regarding Sheriff's conduct during the action, which was investigated and Sheriff was exonerated. The defender's solicitor submitted that his client considered that the Sheriff should recuse himself in light of the aforementioned involvement in her other case and the subsequent complaint on the basis that the perception of partiality may be obtained.
11/01/2024	Sheriff Jillian Martin-Brown - Dundee Sheriff Court	Katie McKenzie v Christopher Sinclair	Katie McKenzie (Pursuer)	Refused	The Sheriff refused to recuse for the following reasons: (i) and (iii) As a general rule, a previous finding or previous findings by a judge against a party will rarely, of themselves, provide a ground for disqualification. (ii) [The Sheriff's] husband's relative is neither a witness nor a party to the action. (iv) [The Sheriff] am not listed on the pursuer's list of witnesses.
03/01/2024	Sheriff V Lunny - Glasgow Sheriff Court	GLW-F1148-21	Ex proprio motu	Granted	The Sheriff's son and the daughter of the parties attend the same Primary School.