POLICY NOTE

THE SHERIFF (REMOVAL FROM OFFICE) ORDER 2024

SSI 2024/148

The above instrument is made in exercise of the powers conferred by section 25(2) of the Courts Reform (Scotland) Act 2014 ('the 2014 Act'). The instrument is subject to negative procedure.

The purpose of this instrument is to remove a sheriff from judicial office following an independent tribunal constituted under section 21 of the 2014 Act reporting to the First Minister that the individual is unfit to hold that office by reason of misbehaviour.

Policy Objectives

This Order provides for the removal of Sheriff John Albert Brown, a sheriff for the Sheriffdom of Grampian, Highland and Islands, from the office of sheriff. An independent tribunal constituted under section 21 of the 2014 Act carried out an investigation and submitted a report to the First Minister which concluded that the sheriff is unfit for such office by reason of misbehaviour.

Section 25(1) of the 2014 Act provides that if a tribunal reports to the First Minister that an individual is unfit to hold office by reason of inability, neglect or misbehaviour, the First Minister may remove that individual from office by order, once the tribunal's report has been laid before the Scottish Parliament under section 24(2) of the 2014 Act. The report was laid before Parliament on 26 April 2024.

Having considered all the relevant circumstances, including the tribunal's finding that the sheriff's behaviour was wholly contrary to the standards of conduct and probity expected of anyone holding judicial office and that his continuance in office would be likely to impact on public trust in the due administration of justice in our courts and bring it into disrepute, the First Minister has decided to make this Order to remove Sheriff Brown from office.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

The sheriff who is the subject of the Order was invited to make representations to the First Minister in advance of his decision as to whether to remove him from office. The First Minister took these representations into account when deciding whether to make an Order for removal.

No statutory consultation is required under the 2014 Act in respect of removal of individuals from the office of sheriff. We have however consulted informally with the Judicial Office for Scotland.

As the Order contains the personal data of a judicial office holder we have complied with the requirement to consult with the Information Commissioner under Article 36(4) of the UK General Data Protection Regulation (UKGDPR).

Impact Assessment

No formal impact assessments have been prepared. The Order is not related to any policy development. The Order is required to implement a decision by the First Minister following a report from an independent tribunal constituted under section 21 of the 2014 Act who reported that the sheriff is unfit for such office by reason of misbehaviour.

Financial Effects

The First Minister confirms that no Business and Regulatory Impact Assessment is necessary as the instrument has no financial effects on the Scottish Government, and no financial effects on local government or on business.

Scottish Government
Civil Law and Legal System Division
Justice Directorate

May 2024