
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 102

**Act of Sederunt (Fitness for Judicial
Office Tribunal Rules) (No. 2) 2014**

Investigation

4.—(1) The chairing member of the tribunal must appoint an investigating officer from a list of persons who have been nominated for that purpose by the Lord President or, where the Lord President is the judicial office holder, by the Lord Justice Clerk.

(2) Such an appointment is to be made within two months of the date on which written notice is given in terms of rule 3.

(3) The investigating officer is to investigate the tribunal case and in so doing—

- (a) must consider the existing information relating to the tribunal case and make such further enquiries as the investigating officer considers appropriate;
- (b) may obtain and consider any documents and productions which appear to be relevant; and
- (c) may interview any person the investigating officer considers appropriate to interview, including the judicial office holder if the judicial office holder agrees to be interviewed.

(4) If the investigating officer considers that it cannot be established that the judicial office holder is unfit to hold his or her office, the investigating officer must—

- (a) recommend to the tribunal that no further procedure is required; and
- (b) give reasons for that recommendation in writing.

(5) The clerk to the tribunal must provide a copy of the recommendation and reasons to the judicial office holder.

(6) If the investigating officer considers that further procedure is required, the investigating officer must—

- (a) submit a recommendation for further procedure;
- (b) provide a statement of reasons to the tribunal; and
- (c) provide a list and copies of any documents and a list of any other productions that are relied on in the statement of reasons.

(7) The clerk to the tribunal must provide the judicial office holder with—

- (a) written notice of that recommendation;
- (b) a copy of the statement of reasons; and
- (c) a list and copies of any documents and a list of any productions that are relied on in the statement of reasons.

(8) If the investigating officer is unable to fulfil his or her duties, the chairing member of the tribunal may appoint a substitute investigating officer from the list of persons referred to in paragraph (1).