

Opening of the Legal Year 2025-26

Address by the Lord President

22 September 2025

May I extend a warm welcome to the opening of the Scottish legal year, whether you are here in person in Court 1 in the Parliament House, Edinburgh (the home of the Scottish Supreme Courts) or watching on the livestream. I particularly welcome the Cabinet Secretary for Justice and Home Affairs, Angela Constance MSP. Your presence reflects the strong and positive level of cooperation which exists between the Scottish Government and the courts and tribunals service.

I also welcome the Right Honourable Lord Justice McCloskey from the Court of Appeal in Northern Ireland and Judge Fionnuala Connolly from the Royal Court of Guernsey. Both have been attending, along with other delegates here today, the annual colloque of the Franco-British Lawyers' Association held over the past weekend. The Scottish legal system and profession have always been outward-looking and the colloque exemplifies our international outlook and engagement.

Today we will recognise those who have been appointed to the rank and dignity of King's Counsel, and Honorary King's Counsel. I especially welcome all those who have been appointed and their families and friends.

I want to say a few words about progress and priorities: the need for continuing reform, modernisation and investment across our justice system;

safeguarding the rule of law; and promoting open justice. The three areas are interwoven.

The fiscal position affecting the whole of the public sector presents serious challenges. These extend to the Scottish Courts and Tribunals Service and our ambitious plans for continuing modernisation and improvement. At the same time, there are rising levels of work in the courts, in the tribunals and in the Office of the Public Guardian.

Modernisation and reform are crucial to resolving the conundrum of how to manage within a tight public sector budget and at the same time continue to improve the quality of our service to the public.

Targeted justice sector effort and, crucially, investment are essential. We have demonstrated in recent years how successful the justice sector is in designing and implementing transformational improvements.

In criminal proceedings we have seen the number of scheduled pending criminal trials decrease from a post-Covid peak of 43,000 in January 2022 to under 18,000 - achieved through much hard work across the system and increased investment in additional courts. There can be no doubt about the wisdom of that increased investment and the tangible progress made.

In the Sheriff Courts, the summary case management initiative is having a profound impact with the number of outstanding summary trials nationally reduced by approximately half in three years.

This is helping to transform summary criminal justice, bringing earlier resolution for victims, witnesses and accused persons, in particular in domestic abuse cases, through timeous disclosure of evidence by the Crown, early engagement between the Crown and the defence, and early and proactive judicial case management. Sheriff Principal Anwar deserves great credit for leading this work so successfully as do the procurators fiscal depute and the defence agents who have worked together to achieve fair and proportionate outcomes within a reasonable time. It is encouraging to see this initiative being introduced across the country.

For this important progress to be maintained we *do* need the justice system – not just SCTS – to be effectively funded and all parts of the sector enabled to participate fully in these necessary reforms.

Turning to solemn cases, the reality is that the number of Sheriff Court solemn scheduled trials remains high and we are now dealing with current and projected increases in High Court business which are imposing intense pressure on a system with finite capacity.

Collaborative engagement amongst all stakeholders and creative ways of thinking and working have contributed greatly to the success of the summary case

management project. I very much hope that it will prove possible to develop similar approaches in the solemn sphere, in areas such as case management, improved disclosure of evidence and early resolution of cases wherever feasible. Where it is possible for the judiciary, the court service, the Crown and the defence to work together (while always respecting professional boundaries and responsibilities) there can be great scope for improvement in the service we provide to the public.

The past five years have seen significant progress in the adoption of digital technology in our courts and tribunals. Embracing the art of the digitally possible not only helped the justice system through the pandemic; it has also delivered lasting benefits in terms of greater flexibility and efficiency. The courts and tribunals service must continue to build on these developments in the future.

By April 2026 we will have seven Evidence by Commission suites in place across the country - offering children and other vulnerable witnesses the opportunity to give their evidence at an early stage, away from the courtroom, in a trauma-informed setting.

Investment in the civil case management system is also transforming the way in which civil court business is dealt with. The Ordinary Actions Case Tracker - as part of Civil Online - is the first digital service available in the Court of Session and enables 90 per cent of case types to be tracked online. Launched in August this year, the aim is to improve the efficiency of civil proceedings in Scotland's Supreme Courts.

The Scottish tribunals have had to handle an increasing level of business in many areas of crucial importance. This is particularly notable in the social security chamber, which has seen an increase from over 2,500 cases last year to more than 7,000 this year. Similarly, the Upper Tribunal for Scotland has an increasing caseload, which is forecast to rise in the current year.

A new management system for the Office of the Public Guardian is beginning to improve the speed of handling of applications for powers of attorney. These applications have increased by 38 per cent over the past four years to around 100,000 a year.

It is worth noting that the Sheriff Appeal Court and the All-Scotland Sheriff Personal Injury Court each celebrate their tenth anniversaries today. Both are the product of successful reform and modernisation. I thank the Sheriffs Principal, the Appeal Sheriffs and the Sheriffs of the Personal Injury Court for all that they have done to make the new courts a success.

Initial investment and focus are crucial to realise the benefits that technology and reform demonstrably deliver. It is encouraging that the Scottish Government shares this vision for transforming the justice system.

A justice system fit for the future must be one that empowers its people — judges, sheriffs, legal professionals, and support staff — with the tools they need to serve the public effectively.

One final illustration of the power of technology is a very human one.

Sheriff Alastair Carmichael, who sits in Dundee Sheriff Court, lost his voice due to Motor Neurone Disease. With the support of SCTS colleagues, Sheriff Carmichael has courageously and inspirationally shown where technology can make a profound difference. It has enabled him to continue to administer justice using text to voice software. This pioneering technology is the first of its kind to be used in a court room in the UK and is an excellent illustration of how the introduction of technology, harnessed in the right way can transform our working practices.

I turn next to consider our commitment to the rule of law.

Every day in our courts and tribunals, judges across Scotland make decisions that uphold the law, protect rights, and resolve disputes fairly and impartially.

These decisions—whether made in high-profile cases or in routine court or tribunal hearings—reinforce public confidence that justice is being done.

The professionalism, integrity, and independence of our courts and tribunals judiciary are essential components of a successful democracy and a flourishing economy.

Their work may sometimes go unseen, but its impact is profound: ensuring that individuals, families, businesses and communities receive fair treatment under the law. Most members of our society will probably never have direct contact with the courts. But they can be confident that if they do they will encounter a system

where every case is decided or presided over by a judge who is completely independent of any outside influence.

The judiciary must remain free from external pressure, and the public must continue to have confidence that legal decisions are made impartially, transparently and in accordance with the law. Every judge in Scotland in all our courts and tribunals is dedicated to this principle.

The independence of the judiciary does not mean that judges are unaccountable or that our decisions are immune from criticism. Quite the reverse. Judges hear cases in open court. Our judgments are public records, and our decisions can be appealed. Politicians and members of the public are fully entitled to comment and to criticise – robust debate is a sign of a healthy democracy.

It is important to stress that an independent judiciary and I would add an independent legal profession are constitutional and political achievements. Maintenance of the principle of judicial independence means that judges must be defended by the other institutions of the state against hostile or personal attacks from those who would impugn our motives. The responsibility of safeguarding judicial independence is not incumbent only on the judges.

Criticism of judicial decisions that is based on a misunderstanding of the facts, reasoning or outcome of a case has a corrosive impact on public trust in the judiciary.

All in society must be vigilant, collaborative, and principled in our responses to any threats to the rule of law. An independent judiciary is not just a legal ideal—it is a democratic necessity.

To support the rule of law it is more important than ever to reaffirm our commitment to Open Justice.

Justice dispensed in public is one of the most fundamental principles we have in this country; it is central to the justice system. It reinforces the independence, integrity and stability of our courts and serves to uphold the rule of law.

The SCTS is committed to developing a collaborative approach to promote open justice. This is essential if the principles of open justice are to be effectively and consistently applied.

Routine livestreaming of significant civil appeals and events like today has been in place since June 2023 and has been well-received by the public, the media, the legal profession, court users and the academic community. To the end of August 2025, we had livestreamed and archived 68 civil appeal hearings which had been visited by 1.2 million users of the SCTS website.

I am delighted to say that livestreaming has now been extended to the Criminal Appeal Court with the first hearing on 29 August this year with over 1,500 visitors on the day to the livestreaming section of the website. In stark contrast, the physical capacity of the appeal court is under 100.

This allows interested parties – including victims – to watch proceedings without the need to attend in person.

Creative use of technology enables the doors of the courtroom to be opened more meaningfully to the public.

Complementing this work is the continued success of our collaboration with broadcasters and documentary makers. There is frequent broadcasting of sentencing statements. Documentaries, such as the BBC Murder Trial series and Channel 4's 'The Push' have successfully engaged public interest and increased understanding of the work that we do.

These are important steps; however, the aims of Open Justice reach further than livestreaming, news broadcasting and documentaries.

We need to think carefully about the extent to which our current practices truly reflect the principles of open justice. The issues are not always straightforward, but through effective collaboration I believe that they can be resolved.

I extend my sincere thanks to all my judicial colleagues for their support. I particularly thank the Lord Justice Clerk, Lord Beckett; Lady Wise (the President of Scottish Tribunals); the Sheriffs Principals; and the administrative judges, Lord Clark, Lord Matthews, Lord Young and Lord Mulholland. I am grateful to all my colleagues in SCTS who work so hard to ensure that we have a court service of

which the country can be truly proud. I thank Malcolm Graham, the chief executive of SCTS, for his energy, drive and dedication.

The Dean of Faculty and the President of the Law Society

As is now traditional, I wish to invite the Dean of Faculty and the President of the Law Society to say a few words to mark the opening of the legal year.

Dean of Faculty.

Ms Thom.

Kings Counsel and Honorary King's Counsel

It is now my pleasure to welcome those who have been recommended for the rank and dignity of King's Counsel, and Honorary King's Counsel. First, to welcome those who have been recommended for the rank of Honorary King's Counsel, which recognises non-advocacy work which has had a significant impact on the Scottish legal profession.

Dr Alastair Brown – You are one of the profession's most distinguished authors on Scots criminal law and procedure and have held judicial office as a sheriff. On the nomination of the UK Government, you are an expert evaluator for the Council of Europe Group of States Against Corruption. You are the editor of the *Scottish*

Criminal Case Reports, the General Editor of *Renton and Brown's Criminal Procedure*, 6th edition, and one of the editors of *Renton and Brown's Statutory Offences*. Those who practice in our criminal court system owe a great deal to your work, an invaluable resource consulted daily by judges and lawyers in every criminal court in Scotland.

Professor Lorne Crerar – You have made an outstanding contribution to Scottish public life, both within the legal profession and outside it. You are well known as the chairman and co-founder of Harper Macleod and one of Scotland's foremost experts in banking law, on which subject you were both Professor at the University of Glasgow and published a leading textbook. Among many public roles, for which you received recognition by being appointed CBE, you have served as Convenor of the Standards Commission for Scotland, Chairman of Highlands and Islands Enterprise and Chairman of the Housing Improvement Task Force. In that last role you were the architect of the Home Report system which re-shaped the landscape of domestic conveyancing in Scotland. You have also been a leading practitioner of sports law and have brought your experience to bear in a judicial capacity as both a Judicial Officer at several Rugby World Cups and Chair of the disciplinary panel of the Scottish Rugby Union.

Sheriff Norman McFadyen – You have devoted your life to public service ever since your admission as a solicitor in 1978, throughout your career as a procurator fiscal depute in Airdrie and Glasgow; as Deputy Crown agent; as Area Procurator Fiscal

for Lothian and Borders; as Crown Agent; and as a sheriff since 2010. You were the procurator fiscal *ad hoc* for the Scottish court in the Netherlands between 1999 and 2002 responsible for preparation of the prosecution case for the Lockerbie trial and appeal. You were appointed CBE in the 2002 New Years honours list for services to international criminal justice and are active in the International Society for the Reform of Criminal Law. You were a respected and effective leader throughout your distinguished career in the prosecution service. As a sheriff you have presided over a number of high-profile cases, served as an Appeal Sheriff and temporary judge.

Kings Counsel

It is now my pleasure to introduce those who have attained the rank and dignity of His Majesty's Counsel.

Mr McKenzie – You called to the Bar in 1992 and, following service as a full-time Advocate-Depute, have devoted your professional career to criminal law. You have built up a busy practice in the High Court over many years and are often instructed in serious and complex cases. You have held office as a temporary sheriff and have acted as an *ad hoc* Advocate Depute.

Mr Balfour – You have developed particular expertise in personal injury litigation, where you have extensive experience in high value claims arising out of catastrophic injury. You were appointed as Standing Junior to the Scottish Government and the UK Ministry of Defence and have served as an *ad hoc* Advocate Depute, in which

capacity you have appeared before the UK Supreme Court and the Privy Council as junior counsel for the Crown in some of the most significant cases in recent years.

Ms Waugh - You have a successful reparation practice, acting for both pursuers and defenders in all aspects of personal injury practice, including industrial disease, road traffic and fatal cases. You have particular expertise in clinical negligence cases, with a focus on birth injuries and delayed diagnosis. You serve as an *ad hoc* Advocate-Depute and a Standing Junior Counsel to the Advocate General.

Ms Toner – You practice in the fields of Health and Safety, Regulatory Crime and Inquiries. You appear regularly in the High Court and sheriff courts in complex health and safety cases and have been involved in many high profile Fatal Accident Inquiries and public inquiries, presently holding instructions in the Scottish Hospital Inquiry and the Covid-19 Inquiries on both sides of the Border.. You have done valuable work as the editor of Session Cases for a number of years.

Ms Lawrie – You have a diverse practice covering all aspects of criminal law, public inquiries, civil litigation and international war crimes. You have acted in a number of high profile public inquiries and FAIs, including the Scottish Child Abuse Inquiry and the Sumburgh Helicopter FAI. Your international practice has seen you appear before the International Criminal Court, the International Residual Mechanism for Criminal Tribunals and the Special Court for Sierra Leone in a range of cases concerning violations of international humanitarian law Closer to home, you served as a full-time Advocate Depute between 2021 and 2023.

Mr McLean – You called to the bar in 2012 after nine years as a solicitor and have a diverse civil and public law practice as well as expertise in mediation and alternative dispute resolution. You are presently serving as a full-time Advocate Depute. You sit as a Legally Qualified Chair for the Medical Practitioners Tribunal Service. You help maintain high standards in the profession through your work as a tutor in Civil Court Practice at Edinburgh University Law School and as a Faculty of Advocates' assessor in practice and procedure. You are also, I suspect, the first Scottish cricket umpire to attain the rank and dignity of King's Counsel.

Mr Turner - You called to the bar in 2012 and have established a busy and varied civil court practice. You also have considerable experience in alternative dispute resolution and are a Fellow of the Chartered Institute of Arbitrators. You have advised in a number of specialist areas such as financial services, energy, infrastructure, construction and aviation. You have been providing valuable service as one of the full-time counsel to the Scottish Covid-19 Inquiry since 2022.

Ms MacLeod – You called to the Bar in 2012 and have established a specialist practice in family law. You are an experienced practitioner in child law, including complex matters such as applications under the Hague Convention on International Child Abduction and applications for permanence orders and adoption. You are frequently appointed to assist the Court in resolving issues of child welfare as a curator *ad litem*, reporting officer and child welfare reporter. Of late, you have been

putting this expertise to use in service of the public as one of the counsel to the Scottish Child Abuse Inquiry.

Ms Shewan – You called to the Bar in 2014 after 18 years in practice as a specialist family law solicitor. You practice in family and child law and are instructed in cases concerning financial provision on divorce, cohabitation, residence and contact, relocation, adoption and permanence orders. You too have particular expertise in the difficult and anxious field of international child abduction. You are regularly called upon to assist the court as a curator *ad litem*, reporting officer and child welfare reporter.

Mr Martin – You qualified as a solicitor in 1984, were called as a Solicitor Advocate in 1997 and were appointed a Senior Solicitor Advocate in 2009. You have distinguished yourself over a forty year career in criminal law, the majority of it defending the rights of accused persons. In 1998 you founded MJS, a firm of criminal solicitors, where you continue to work as a consultant, almost exclusively in the High Court. You have also served the profession on the Law Society's Criminal Law Committee and Criminal Legal Aid Committee.

Mr Dickson – You have devoted your professional life to the prosecution of crime. You joined the Crown Office in 1990 and called as a Solicitor Advocate in 2007. You were appointed as an Advocate Depute in 2021, having served *ad hoc* since 2014. In addition to your practice as a High Court prosecutor, you served with distinction as

Head of Extradition in the Crown Office's International Co-operation Unit. Your legal and practical knowledge in that field is widely recognised.

The rank and dignity of King's Counsel is a well-deserved and hard-earned accolade of which every recipient can be justly proud. I offer you all my sincere congratulations and best wishes for the future.

To those who applied this year but whose applications were not successful I would encourage you to consider a further application in the future.

For my part I would say that in considering applications I will attach particular importance to the extent to which candidates have demonstrated a significant commitment, in whatever sphere, to public service, such as in the Crown Office.

The court will now adjourn.