

Address by Lord Pentland

On the occasion of his installation as Lord President of the Court of Session

Monday 3 February 2025

Court 1, Parliament House, Edinburgh

I would like to welcome everyone to this morning's ceremony; those who have attended personally here in Court 1 in the Parliament House in Edinburgh and all those watching the livestream, wherever you may be. Thank you for your interest and support.

The solemn oaths I have just taken on my appointment as Lord President of the Court of Session enshrine the fundamental values underpinning the judiciary: independence, impartiality and support for the rule of law. All judges in Scotland, in each of our courts and tribunals, commit themselves when assuming judicial office to upholding these values. I renew my own dedication to them today. The independence of the judges, who deal with every case without fear or favour, affection or ill-will, is one of the pillars on which a stable democracy rests.

As I take up office, I wish to pay particular tribute to my immediate predecessor, Lord Carloway, who has led the judiciary and the court service with far-sighted vision, sustained energy and great distinction. Lord Carloway's intellectual rigour and unstinting commitment to reform have been inspirational. He and the Lord Justice Clerk, Lady Dorrian, to whom I also pay tribute, have consistently stressed that in everything we do the courts and tribunals must strive to adapt to and meet the

expectations of modern society, while always maintaining the fundamental values of our justice system.

I unreservedly share this outlook.

Inherent in this there are some themes I would like to highlight: openness, modernisation, collaboration and the protection of vulnerable people.

Amongst other things, a focus on continuous improvement means that we must aim to become more accessible and more open to the public. The principle of open justice should permeate every aspect of our work. It represents the best way to secure the efficient and impartial administration of justice and the best means of winning for it public confidence and respect. The principle ensures that the judges are accountable to the public for the proper performance of our duties.

Technology has the potential to assist greatly in broadening public access to the courts and tribunals and thereby strengthening the principle of open justice. Today's ceremony is being livestreamed so that it is available to a wide audience. We should welcome heightened public scrutiny of everything that we do. Appellate hearings in the Court of Session have been livestreamed for some time. This has been broadly welcomed. It will soon be extended to the Criminal Appeal Court and in due course to other important hearings.

This is just one example of how we in the courts and tribunals must ensure that the law and its institutions keep pace with rapid societal and technological changes.

Collaboration amongst all the users of the justice system is essential if we are to continue to develop and address the challenges of the future.

The recent success of the Summary Case Management Project has greatly improved the handling and disposal of summary criminal prosecutions by facilitating resolution of cases at an earlier stage, improving the experience of victims and witnesses and reducing the backlog of cases. This demonstrates how creative and forward-thinking cooperation between stakeholders (the Crown, the police, the defence, the judiciary and the court service) can bring about transformational improvements in the running of the courts and the justice system. The public benefits greatly from such an integrated approach. Similar initiatives should be encouraged.

Many of those who come into contact with our courts and tribunals are vulnerable and have been the victims of traumatic experiences. We must understand and, to the greatest extent possible, protect such people, whoever they are: parties, victims or witnesses. We must continue to build on solid progress already made in introducing trauma-informed practice across our courts, tribunals and the office of the public guardian.

I look forward to working closely with judicial colleagues, government, all parts of the legal profession and other justice partners to advance the aims of greater openness and improvement of our services to the public.

Throughout my 16 years as a judge I have been privileged consistently to receive the highest standard of support from my fellow judges and from colleagues across the

Scottish Courts and Tribunals Service. I wish to express my sincere thanks and appreciation to all of you for the vitally important work that you do in serving the public.

While there will be challenges ahead, I am optimistic about the future of the Scottish legal system. I have every confidence in the integrity and professionalism of our independent courts and tribunals, justice system and legal profession.

The Court will now adjourn.

Lord Pentland

3 February, 2025