

Judicial Recusals 2020

| DATE | COURT & TYPE OF ACTION | NAME OF JUDGE | CASE NAME & REF | MOTION BY | REASON |
|------------|-----------------------------------|------------------------------|---|--|---|
| 12/11/2020 | HPC | John McHugh | FTS/HPC/PF/20/1366 | Self-recusal | Conflict with the respondent in this case - The Wheatley Group - Yourplace Property Management. |
| 04/11/2020 | HPC | John Blackwood | RE/20/2146 | Self-recusal | Mrs Lorna Stewart - Letters Property Letting is known to the member. |
| 18/10/2020 | MHTS | Suzanne Sinclair | MHTS/3/20/09/05007/S063 | Self-recusal | Member has a personal connection to the doctor who completed the independent medical report. |
| 13/10/2020 | HEC | Lesley Dowdalls | FTS/HEC/AC/19/0039 and FTS/HEC/AC/20/0060 | Self-recusal | Pre-judicial case management stage. No hearing date set as Member is conflicted in relation to circumstances giving rise to a review application from the claimant arising from a decision where he disputes his agreement to dismiss a previously related claim. This would highlight issues of credibility and reliability for the member in regards to the claimant and would affect his perception of receiving fair treatment in the case. The member does not feel comfortable with this. |
| 13/10/2020 | HPC | John Blackwood | FTS/HPC/PR/20/0581 | Self-recusal | Member has a conflict with the respondent who is a member of the Scottish Association of Landlords. |
| 02/09/2020 | HPC | John Blackwood | FTS/HPC/LA/20/1643342 | Self-recusal | Conflict with the respondent, who are client of the member. |
| 01/09/2020 | HPC | Andrew Upton | CV/20/0080 | Self-recusal | Conflict with applicant - Novantia Ltd. |
| 26/08/2020 | Lanark Sheriff Court (Civil) | Sheriff Nikola Stewart | Michael Cornwall v Sylvia Cornwall (LAN-F18-19) | Ex Proprio Motu | Sheriff's husband's firm/partner represents the defender in this action. |
| 25/08/2020 | Lanark Sheriff Court (Criminal) | Sheriff Nikola Stewart | HMA v Alexander Simpson (LAN 2020-000064) | Ex Proprio Motu | Complainer is personally known to the Sheriff. |
| 24/08/2020 | MHTS | Dr Tom Russ | MHTS/3/20/08/0557/S050 | Self-recusal | The member works at the hospital where the patient is detained and therefore felt that there could be a conflict of interest. |
| 03/08/2020 | MHTS | Duncan Cartwright | MHTS/2/20/07/02967/S092 | Self-recusal | Personal conflict. |
| 05/07/2020 | MHTS | Martin Murray | MHTS/3/20/06/02917/S050 | Mr Trevor Ormiston (Solicitor) (Refused) | Mr Ormiston felt there may be a conflict given that the general member was an active MHO, although Mr Murray confirmed he only works as an MHO on an Ad Hoc basis and only deals with STDC or Emergency detentions. The tribunal refused to specifically exclude Mr Murray although there may have been a perception of bias by the patient given the motion made. |
| 28/06/2020 | MHTS | Dr Donald Lyons | MHTS/2/20/05/01724/S099 | Self-recusal | Patient detained within NHS area of which, member serves on board as Director. |
| 03/05/2020 | MHTS | Suzanne Sinclair | MHTS/1/20/04/00823/S063 | Self-recusal | Member has a personal connection to the doctor who completed the second medical report. |
| 05/04/2020 | MHTS | David Reid | MHTS/2/20/03/09828/S095 | Self-recusal | This is an application to vary a compulsory treatment order. The individual participating in the hearing recently saw this patient in his role as a Designated Medical Practitioner for the Mental Welfare Commission and has therefore recused himself. |
| 18/03/2020 | Alloa Sheriff Court (Criminal) | Summary Sheriff Craig Harris | Blair Campbell (SCS/2019-12523) | Ex Proprio Motu | The first prosecution witness is known to Judicial Office Holder. |
| 11/03/2020 | HPC | Tony Cain | FTS/HPC/PY/19/4029 | Self-recusal | The Ordinary Member was previously a work colleague of the respondent's representative. |
| 02/03/2020 | MHTS | Dr Donald Lyons | MHTS/2/20/01/08369/S095 | Self-recusal | Application for variation of compulsory treatment order. Member has dealt with this patient and the named person during his time working with the Mental Welfare Commission therefore the member recused himself. The member was only supplied with the paperwork on the day of the hearing as he had been requested to attend at short notice. |
| 02/03/2020 | Selkirk Sheriff Court (Criminal) | Sheriff Vinit Khurana | SEL 2019-000835 | Ex Proprio Motu | Personally known to the witness. |
| 04/02/2020 | Dumfries Sheriff Court (Criminal) | Justice Stephen Stables | SCS/2020-001724 | Ex Proprio Motu | Accused's family are known to the Justice. |