



January 2018

Intimation of a Decision of Declinature (Recusal) - Scottish Tribunals

Declinature of jurisdiction, also referred to as recusal, refers to the act of a judicial office holder abstaining from participation in legal proceedings due to a conflict of interest or when his or her impartiality might reasonably be impugned.

The [attached form](#) should be completed by tribunal clerks in the event of a formal motion for recusal being granted, or refused or if the tribunal member decides to recuse themselves from a particular case of their own accord. The tribunal clerk should then record this in the case process.

In the event that no tribunal clerk is present (i.e. if a tribunal member is conducting a site visit or is allocated a case and alerts the tribunal case worker to a conflict of interest), the tribunal member should complete the [relevant form](#) and return it to the relevant tribunal centre. The tribunal clerk should update the case process and return the form to the Judicial Office for Scotland.

The return should be completed for all tribunal members from 1 February 2018.

Returns should be completed electronically and emailed to judicialofficeforscotland@scotcourts.gov.uk

This information is being collated on behalf of the Lord President and this requirement should be completed accurately and timeously. Local records should be noted once the return has been submitted.

Ryan Gare
Policy Manager
Judicial Office for Scotland

If you have any questions please contact the Judicial Office for Scotland: judicialofficeforscotland@scotcourts.gov.uk



Intimation of a Decision of Declinature of Jurisdiction (Recusal)

TRIBUNAL HEARING		
DATE		
NAME OF TRIBUNAL MEMBER		
CASE NAME & REF		
ACTION TYPE/ SENSITIVE CASE (i.e. involving children)	MHTS	Yes - Provide details below
MOTION BY		
GRANTED/REFUSED	Please Select	
REASON (please provide specific reasons)		
CLERK CONTACT DETAILS		

Completed forms should be emailed to judicialofficeforscotland@scotcourts.gov.uk