Judiciary of Scotland



Senator of the College of Justice

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Foreword by the Lord President



Lord Pentland

I am delighted that you are interested in becoming a Senator of the College of Justice in Scotland. It is a highly rewarding and stimulating role. There are opportunities to contribute to the development of Scots law and to provide important public service as a member of a modern and outward-facing judiciary and court service.

A judicial career can take you in numerous interesting directions. These include sitting in specialist courts and tribunals as well as in the Court of Session and the High Court of Justiciary. The work is challenging, fulfilling and enjoyable.

We provide first-class arrangements for induction and training as well as a highly collegiate atmosphere of mutual support

If you consider that you have the necessary skills and attributes, I would encourage you to apply.

Role Outline - Overview

Senators have a rich and varied judicial career. Successful candidates will preside over a mixture of civil and criminal business. Newly appointed Senators can expect to spend more of their time in the High Court in their early years – this provides excellent developmental opportunities for becoming an effective judge. There are, nonetheless, many opportunities to deal with specialised areas of law from the outset. For example, the Lord President appoints a certain number of Senators with particular skills and specialisms to hear cases in the commercial and family courts.

Senators hear the most complex and significant cases which come before the courts. Decisions made by Senators, in High Court of Justiciary and Court of Session cases, constitute an integral part of our jurisprudence on how the law is understood and applied in Scotland. Senators are public servants, appointed by His Majesty, The King. Being appointed to this role brings with it a requirement for the highest standards of conduct. Senators must have integrity and independence of mind.

The work of the Supreme Courts and the Upper Tribunal is of fundamental importance to people's lives. In the Court of Session, Senators hear a wide range of civil business including judicial reviews. These involve important, and often novel, points of public law which can attract a great deal of public interest. In the High Court of Justiciary Senators preside over a range of criminal business including trials, preliminary hearings and commission hearings. These cases generally involve the application of important legal principles, complex evidence and/or issues of wide legal significance or points of public policy.

Many of the cases which Senators hear in the Supreme Courts require skilled case management. Senators must be able to balance a full caseload and move between cases as demand requires. They should be able to deliver judgments in good time, lead and manage the business of the court as well as those who appear before it. Given the significance of the cases which Senators will deal with, their decisions can attract substantial public scrutiny and criticism in the media. Senators are expected to be resilient in the face of any public criticism, even when it may appear unfair or ill-informed.

Over and above their judicial duties, there are numerous opportunities for Senators to influence the policy development and decision-making of statutory bodies, whose work interfaces with the Supreme Courts. Senators also regularly represent the Scottish judiciary at domestic and international conferences and judicial exchanges.

Role Outline – Induction and Support

Professional training and support is available for all newly appointed Senators to help them to develop the necessary judicial skills. This includes:

- A five-day induction programme provided by the Judicial Institute. This training is designed to help and support new Senators adapt to their judicial roles.
- Peer to peer learning which examines the wide jurisdiction of Senators. Time is built into the programme for discussion about how to handle common challenges faced by Senators.
- Shadowing an experienced judge for up to two weeks so new Senators can familiarise themselves with the judicial environment,. This allows new Senators to observe different types of judicial work and discuss how they should prepare for, and handle, challenges which they may face.
- Guidance and support from judicial colleagues who regularly share their knowledge, experience and insights with their less experienced counterparts.



Remuneration

Senators receive an attractive remuneration package. This comprises a base salary and competitive pension arrangements.

An Outer House judge is paid £225,092 per annum. An Inner House judge has a salary of £256,304 per annum.

A new Judicial Pension Scheme was introduced for all Senators in April 2022. Details of the 2022 scheme can be found at www.gov.uk/government/publications/judicial-pension-scheme-2022-guide

The salary, terms and conditions of a Senator's tenure is determined by the Senior Salaries Review Board (SSRB). As at the date of this recruitment notice, the SSRB is undertaking a major review of judicial salaries. Further changes to these salary arrangements may arise from that review.

The mandatory retirement age for judicial office holders is 75.

A message from Lady Ross –

“After qualifying in 1999, I spent three years as a solicitor before I made the move to the bar. In more than 20 years in practice as an advocate, I was instructed in a wide variety of cases, predominantly in administrative and public law, but also encompassing commercial work, EU and competition law, trusts and some more obscure areas of legal interest. I took silk in 2016 and found work at the senior bar to be stimulating, often difficult and usually rewarding. Over time, the idea that I might develop my legal skills and my legal career in a different way became increasingly attractive. The bench offers that opportunity and that's the step that I took in 2024.

Life as a Senator involves a different way of working to that at the bar. There is a new challenge in seeking the answer rather than finding, or winning, an argument. It can be fast-paced and sometimes unpredictable but there is a sense of steadiness and continuity. The responsibilities are heavy, and, quite properly, the work of the courts is subject to public scrutiny, but there is real fulfilment in doing to the best of one's ability an essential job where the outcome really matters, certainly to the parties and often to wider society.

As someone with a civil law background, adapting to the High Court has been a challenge, but it's one I've found to be seriously interesting, in terms of criminal law and in engaging with essential questions about fairness and justice and about how our legal system responds to the bad parts of human behaviour. Starting out, I had the benefit of the induction course, which is thoroughgoing and useful, and sitting in with an experienced Senator during trials. Beyond that, judicial colleagues are helpful and friendly, and very generous with their time. Being able to draw on the experience of fellow judges makes a big difference, as does having a mentor, and there is strong support too from clerks and others. A judge must make independent decisions, of course, but you are not isolated.

Whilst, at this stage, crime makes up the bulk of the workload, I also deal with civil cases, some of which are specifically allocated, particularly in judicial review. That brings variety and allows me to use and build on existing knowledge and to keep up to date. Senators have opportunities to develop specialist expertise, including, for example, in the work of the Upper Tribunal. In addition to core judicial responsibilities, I have also taken part, with others, in framing responses to consultations, and, with colleagues in the Judicial Institute, in work on the Jury Manual. There is also external engagement and, within the last year for me that's included conference attendance, speaking to law students and meetings with people from other parts of the justice system. It's a demanding job, certainly, and it requires confidence and discipline, but there is room to be yourself and there is a structure that allows you to contribute and to develop. It's hugely rewarding, and I recommend it.”

A message from Lord Braid

When, in 1980, I entered the profession as a solicitor, I never imagined that becoming a Senator was a potential career path: appointments were made exclusively from the senior bar. However, the legal landscape changed dramatically, and the arrival of JABS opened up new opportunities. In 2001, I began my judicial career as a part-time sheriff. After the initial shock of that first day on the bench I soon realised that I much preferred judging to being a commercial litigator and in 2005 I was appointed as a full-time sheriff, eventually becoming an appeal sheriff and a specialist PI sheriff.

Over time, I developed an ambition to become a Senator, and, after a successful JABS application, was appointed in 2020. After five days of intensive induction training, I cut my High Court teeth in Glasgow for three months doing back-to-back jury trials, an invaluable grounding. Inevitably, knotty problems, or issues new to me, arose from time to time, but help was never far away in the shape of experienced colleagues whose doors were always open (if I could find them: navigating the Saltmarket Building can be a challenge for a "newbie"). The lunch table was also an invaluable source of informal advice. The following months consisted mainly of presiding over criminal trials, but with a reasonable diet of interesting civil business leavening the load: mainly judicial reviews, the most memorable being a successful challenge to the government's Covid-driven closure of places of worship.

In 2021, I was appointed as a commercial judge. The workload was demanding, but varied and interesting, including contractual disputes, intellectual property actions, professional negligence, bribery and fraud. In 2025 I became a family judge, a role which I also thoroughly enjoy, the work encompassing issues as diverse as international child abduction and high value financial disputes.

Not all of a judge's work consists of judging. We are also expected to fulfil additional duties, most of which give the opportunity to interact with colleagues. With Lady Haldane, I am on the panel which assesses prospective solicitor advocates. I chair the Family Court Users Group. Other judges have different roles. From time to time, we are asked to sit on a working party of four or five judges to frame a response to a consultation on some proposal or other for law reform – an opportunity to discuss the law with colleagues. We also attend informal talks every two months or so, usually by a guest speaker – followed by a get-together afterwards, a chance to catch up with colleagues in a more informal setting.

So, although the job of being a judge is sometimes said to be a lonely one, it is not. Although ultimately, the decisions you take as an Outer House, or trial, judge are yours and yours alone, the advice and support to be had from your colleagues is invaluable. There are, of course, challenges: new legal topics have to be mastered and new skills learned. You will be overturned on appeal from time to time. However, new judges are provided with the support of a mentor (a more senior judge who will themselves have undergone training in how to fulfil that role). The excellent Judicial Institute also provides valuable resources, in the form of training and written materials.

In summary, it has been a privilege to be able to decide, and preside over, the most difficult and important cases, in both the civil and criminal fields. For me, it is the most intellectually rewarding job in law. There is no single route to becoming a judge: why not give it a go?

Eligibility

Senators of the College of Justice are appointed by His Majesty, The King, on the recommendation of the First Minister. The First Minister receives recommendations for the appointment to Senator from the Judicial Appointments Board for Scotland. The First Minister must consult the Lord President of the Court of Session, before submitting his or her recommendations to the monarch.

Those eligible for appointment are:

- Advocates of five years' standing;
- Writers to the Signet of ten years' standing, who have passed the civil law examination at least two years before taking up their seat on the Bench;
- Sheriffs principal and sheriffs who have exercised their respective functions continuously for a period of at least five years; and
- Solicitors who have had rights of audience before the Court of Session, the High Court of Justiciary or both, continuously for a period of at least five years.

Essential Requirements

Successful candidates will be required to demonstrate:

- Exceptional legal ability and expert knowledge and experience of the area, or areas, of law in which they have regularly practised. In particular, they must demonstrate exceptional ability in the analysis and interpretation of the law and the ability to work effectively in new, or emerging, areas of the law .
- Excellent decision-making skills, with the ability to make clear and timeous decisions on the most complex and challenging cases along with the ability to manage cases and overall caseload effectively and efficiently
- Outstanding legal writing skills, with the ability to write clear, accessible and sound legal judgments which are produced timeously.
- The ability to work in a collegiate way with Senators and other judicial colleagues.
- Diligence and a commitment to upholding the rule of law and enhancing the standing of the Supreme Courts.
- Resilience in making judgements about complex and challenging matters within a testing operating environment.
- The ability to communicate clearly and effectively with others.
- It would be desirable to have experience of appearing in the Court of Session, High Court of Justiciary and/or the Sheriff Appeal Court.

Application and Assessment Process

The Judicial Appointments Board for Scotland is an independent non-departmental public body. Its statutory role is set out in the Judiciary and Courts (Scotland) Act 2008. It is required to make recommendations to the First Minister for all judicial appointments based solely on merit and good character.

Applicants for the role of Senator undergo a rigorous application process. The level of skill, experience and professionalism required to perform the duties of the office are tested. JABS encourages diversity and particularly welcomes applications from groups that are currently under-represented in the judiciary. The principles of fair and open competition will apply. Recommendations for appointment will be made solely on merit.

Each applicant who applies to become a Senator will be assessed against a set of skills and qualities which are necessary for the role:





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