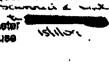
FE 14. JAN. 2009 14:10 01293504306

EAPINITY PAYMASTER

#2616 P.001 /003

xafinity paymaster

Xafinity Paymester Sutherland House Russell Way Criwley West Sussex RH10 1UH



By Fax: 0131 244 8325

Tel: 01293 604900 Fax: 01293 604806

Judio al MEP and Political Salaries

Our Ref: 12038

14 January 2008

Dear

Please transfer of the sum of £99,488.60 from the Consolidated Fund to the Scottleh Consolidated Fund Salaries Account (6367). This payment is in respect of the service award for the following person:

Shortff Andrew Lathian

Net Service Award	282,920.00
Tax on Service Award (40%)	235,280.00
NIERS (12.8%)	211,289.60
TOTAL FUNDING REQUESTED	299,488,80

Requested for confirmation on: 28 JANUARY 2009	For lessue on: 30 JANUARY 2009	
On behalf of Xafinity Paymaster		
Name:	Signature:	
On behalf of the Scottish Executive		
Name:	Signatory	
Telephone No CASS	Date	



Payments (1839) jurised Reports Payment Way, Crawsy, West Summer PHTS 1UH Reports Office: Substituted Honors, Payment Way, Crawsy, West Summer PHTS 1UH Payments in Segund and Wales No. 2008/200 Payments | 10000 United to Substituted and explosions by the Payments Services Justine

Calls may be monitored or recorded for quelity and training purposes

XAPINITY PAYMASTER

#2616 P.002 /003

Service Award Calculation Sheet

Payroli Reference	12038
Net Service Award	252,820.00
Tax (40%)	235,280,00
Gross (without NIERS)	288,200.00
NIERS (12.8%)	£11,289.60
TOTAL GROSS FUNDING	238,489.GO
<u> </u>	$\mathcal{C}_{\mathcal{C}}$
Calculated by:	
Date:	14/01/2008
Charlesthan	O(0)
Checked by:	

141 09.

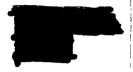
Date:

Judicial Appoin	tments – Close Paymaster Record I	Notification
Payee NameSh	eriff Andrew Lothian	
Pay Reference 120	38	
Payee's Official Loc	ation Address_Edinburgh Sheriff Court	
Payroll Authority fro	m SEID	
Authority Registrati	on No _74/09(68/08 intimated retiral on	21 November)
This payee has:		
☐ retired ☐ retired, ill health	dled in service	
☐ ended his/her en☐ other (please sta	titlement to	allowance
	i 	
!	owance26_	
•	/er's pension contributions	ļ
Last day for AVC (f applicable)	20
Service Award - ar	nount payable to judge	£52,920
Please advise us of	any tax and employees NI contributions	
Current home add	ess: _	
Division/SEJD/NICIS)	ed, the P45 and the notification of balance outstanding or du	e to be sent to Judicial HR
You are authorise record.	to make the necessary changes to the payr	oll, and to close the
Signature 1		
Name Table		
Date 7/1/09		
PA(J)1 - v1.0 Jan 200)3	
Send this form when a Xafinity RH10 1UH	oned to: Paymaster, Judicial Payroll Section, Sutherland House,	Russell Way, Crawley

Constitution, Law and Courts Directorate Legal System Division

T: 0131-244 3570 F: 0131-244 8325



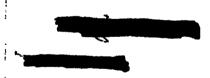


17 December 2008

Down Shooth Hilliam

I refer to your letter of 10 December in which you ask about your State Pension and can confirm that this will continue to be paid separately from your judicial pension. I realised after I had issued my letter of 16 December that I had not addressed this question and apologise for the omission.

Yours sincerely



Hayweight House, 23 Lauriston Street, Edinburgh EH3 900 www.scotland.gov.uk MW004







From: Sent:

16 December 2006 17:06 fjudicialsalaries@xafinitypaymaater.com) Sheriff Lothlan Ref 12038

Subject:

Sheriff Lothian intimated his immediate retiral on 21 November and Ministry of Justice will forward details of lump sum and service award payment in due course. However, Sheriff Lothian is due 1 day's salary in lieu of untaken leave and I would be grateful if you would make arrangements to deduct this from the overpayment of his November salary or, if he has repaid that, to make the necessary arrangements for payment.

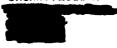
Courts and Administrative Justice Branch Legal System Division St Andrew's House Regent Road Edinburgh EH1 3DG 0131 244 3570

Constitution, Law and Courts Directorate
Legal System Division

T: 0131-244 3570 F: 0131-244 8325



Sherlff A Lothian



16 December 2008

million thinde would

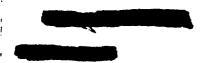
Thank you for your letter of 10 December enclosing the completed forms along with your marriage certificate. This has been inspected and is returned herewith.

I have submitted your award to my colleagues in the Ministry of Justice, for formal approval of the figures, and they will write to you once the award has been finalised.

In relation to your request for payment for untaken leave I can confirm that you are entitled to payment for a total of 1 day. The calculation is based on the leave year running from 1 January to 31 December with an annual leave allowance of 35 days per year. Therefore your entitlement to 21 November is 31 days less the 30 days already taken. I have notified Xafinity Paymaster that you will be entitled to payment in Ileu of 1 day's annual leave.

Please do not hesitate to contact me again if you have any questions meantime.

Yours sincerely



Hayweight House, 23 Lauriston Street. Edinburgh EH3 90Q www.scotland.gov.uk MW004



Constitution, Law and Court Directorate Legal System Division 1

T: 0131-244 3570 F: 0131-244 8325



Ministry of Justice Judicial HR Division Ministry of Justice 6th Floor Tower LONDON SW1H 9AJ Dx 152380 Westminster 8

16 December 2008!



JUDICIAL PENSION AWARD APPLICATION

I write to inform you that Andrew Lothlan, a Sheriff retired on 21 November 2008 which was his last day in office.

Sheriff Lothian was born on the He was appointed as a Sheriff on 15/1/79. He has therefore completed 20 years' relevant service for pension purposes.

Sheriff Lothian has elected to transfer to the new judicial pension scheme and his pensionable pay for the 12 months leading up to retirement was £125,253.33.

I enclose the following forms:-

Election to transfer Form B(2) in duplicate; Widow's Pension Election: and Bank Details

and pald periodical contributions towards The Sheriff opted for the cost of that pension as follows;

Sheriff Lothian has fully covered his liability in this respect, no further contribution is required from the retirement lump sum and there are no excess contributions to be refunded. I enclose a copy of our calculations for your information. Also enclosed are copies of the latest correspondence, to bring your file up to date, and a copy of the marriage certificate.

The relevant enactment's and instruments are:

Hayweight House, 23 Lauriston Street, Edinburgh EH3 9DQ www.scotland.gov.uk MW001







The Judicial Pensions and Retirement Act 1993, sections 1-5, 9, 11, 12, 18, 18, 19, 20, 22, 24, 27-31;

The Judicial Pensions (Contributions) Regulations 1995 as amended

The Judicial Pensions (Contributions) Regulations 1998;

The Judicial Pensions (Guaranteed Minimum Pensions etc) Order 1995;

The Judicial Pensions (Miscellaneous) Regulations 1995 as amended

The Judicial Pensions (Transfer Between Judicial Pension Schemes) Regulations 1995.

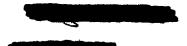
Sheriff Lothian's private address is:-



I should be grateful if you would arrange for his pension award to be issued

If you require any further information please let me know.

Yours sincerely



Courts Directorate

Encs

Hayweight House, 23 Lauriston Street, Edinburgh EH3 9DQ www.scotland.gov.uk MW001



THE JUDICIAL PENSIONS AND RETIREMENT ACT 1993

Sheriff Andrew Lothian

DOB 65

History of Appointment:-:-

Sheriff

15.1.79

Date of Transfer to 1993 scheme

22.11.08

Date of Retirement

21.11.08

Service Credit:-

The Judicial Pensions (Transfer Between Judicial Pension Schemes) Regulations 1995

1 Service in Last Existing Scheme (Sheriff) (Regulation 2(b)) Service credit multiplier from this scheme (20 year accrual span) to new scheme is 1 (Regulation 4(b))

= 29.8521 yrs

29.8521 x

29.8521 yrs

Total Service Credit 2

= 29.8521 yrs

-£03,080.00

=£41,066.67 =£73,733.33 =£07,373.33 =£125.253.33

Pensionable Pay:Judicial Pensions and Retirement Act 1993 Part I section 3(a)

22.11.07 - 30.11.07	+£:123,200 x 1/12 x 9/30
1.12.07 - 31.3.08 =	£ 12/3,200 x 4/12
1.4.08 - 31.10.08 =	£126,400 x 7/12
1.11.08 - 21.11.08 -	- £126,400 x 1/12 x 21/30
Total	

Pension Award:-

Part I Award:-

Pension = Pension-Capped Pay x Service Credit/40 + £117,600.00 x 20/40 (or 1/2)

=£58,800.00

Widow's Pension = Pension x 1/2

Gross Lump Sum = Pension x 2.25 £58,800.00 x 2.25

=£132,300

Net Lump Sum = Cross Lump Sum - Contributions Credit x Tax @ 40% £132,300,00 x 40% = £52,920.00 £132,300.00 - £52,920.00

=£79,380.00

Section 19 Award:-

Pension = Pensionable Pay - Pension Cap Pay x Service Credit/40 £ 125,253.33-£117,600.00 x 20/40 (or 1/2)

=£3,826.67

Widow's Pension =

Gross Lump Sum = Pension x 2.25 £3,826.67 x 2.25

= £8,610.01

Net Lump Sum = Gross Lump Sum - Tax @ 40% £8,610.01 x 40% = £3,444.00 £8,610.01 - £3,444.00

=£5,166.01

Total Award:-

Pension = £58,800.00 + £3,826.67 Rounded up

= £62,626.67 = £62,627.00 pa

Widow's Pension Rounded up

Net Lump Sum = £79,380.00 + £5,166.01 Rounded up

= £84,546.01 = £84,547.00

Contributions Credit
The Judicial Pensions (Contributions) Regulations 1998

1 Contributions in Last Existing Scheme (paid at %)

1.2.79 - 31 | 1.99 = 20 yrs 0 days

= 20.0000 yrs

20.0000 x +3/3

= 20.0000 yrs

Total Contributions Credit 2

= 20.0000 yrs

Sheriff Lothian has met in full his 20 years Contributions Liability and therefore, there is no refund due to be paid to Sheriff Lothian nor any deficit to be deducted from his Part I Gross Lump Sum.

Service Award:-

A Service Award is paid in order to leave a retiring judicial office-holder in the same net position as if tax had not been deducted from the Part I Gross Lump Sum. The Service Award is, in its own right, subject to tax and National Insurance deductions. The appropriate amount of tax and NI has to be calculated and then paid over to HM Revenue & Customs by the administrators of the judicial pension schemes.

Tax deducted from Part 1 Gross Lump Sum

=£52,290 00

Service Award Details:

Net Amount payable to :

=£52,290|00

To: The Secretary of State for Scotland
Per The Secretary
Scottish Executive Justice Department

THE JUDICIAL PENSIONS (MISCELLANEOUS) REGULATIONS 1995 AS AMENDED BY THE JUDICIAL PENSIONS (MISCELLANEOUS) (AMENDMENT) REGULATIONS 1996

1. ANDREW 65 THIAM do hereby elect in terms of Regulation 4 and 6 of the above-mentioned Regulations that Part I of the Judicial Pensions and Retirement Act 1993 should apply to me with effect from

Signature Chronical Student Sherit

Current Judicial Appointment ** Sherit

(Lother & Barlers) Retweed

- Please insert full name.
- If appointment has ceased please insert the final appointment held.

CONFIDENTIAL

THE JUDICIAL PENSIONS AND RETTREMENT ACT 1993 THE JUDICIAL PENSIONS (CONTRIBUTIONS) REGULATIONS 1998

Declaration to be completed and signed on retirement by a person to whom the above mentioned Act applies.

1.	Have you had a spouse at any time since your appointment. YES/NO
	If not, you need not complete questions 2 to 4 below.
2.	Spouse's name in full .
3.	Date of marriage
4.	If your spouse has died, or the marriage has otherwise come to an end, please say when this happened
	If not, please enclose your marriage certificate for inspection and return.
	If you are still married, you need not complete questions 5 to 6 below.
5.	Have you had any eligible children as defined in sections 6 and 7 of the above mentioned Act (see extract attached).
	If not, you need not complete questions 6, 7 and 8 below.
5.	If you have answered yes to question 5 but no longer have any eligible children please state the date on which you had such a child.
'.	Full names and dates of birth of children under 16. Please enclose the full birth certificate of each child for inspection and return.
	NAME DATE OF BIRTH
	Mue

8.	Full names and dates of birth of children age 16 time education or full-time training (to last for a profession, for which training any pay received enclose the full birth certificate for each child for	at least two year does not exceed) for any trade or £1,702 a year. Please	
	NAME	DATE OF BIR	лн	
	***************************************	***************************************	• • • • •	
	***************************************	***************************************	• • • •	
	······································	*****************	} •••••	
	DECLARATION			
Signat	re the information given to be correct. ure: (please print) ANDREW A 1-2			
	FOR OFFICIAL USE	ONLY		
Marria	ge and birth certificates inspected and returned?	إدالها	Ness.	
Officer cessati	r's pensionable pay on on of appointment		3.33 3.33	
Signati	ure of responsible officer			
Date			Ans.	

Edin burgh 10/12/08 1).001 Hany thank hind have been and marrege carlibrate y the Fiducial Persian & Relievend borned on the faith p letter. The only make penna, now penna, have recent our be paid

the moderated decements and that yes by holp You merely and to this

,

A STATE OF THE STA

Constitution, Law and Courts Directorate Legal System Division

T: 0131-244 3570 F: 0131-244 8325





2 December 2008

I have been informed that you have retired on 21 November 2008, which was your last day in office.

You will be aware that the Judicial Pensions and Retirement Act 1993 came into force on 31 March 1995 and under its transitional provisions it is open to you to elect to join the new unified judicial pension scheme. Estimates of the pension to which you would be entitled under both the new scheme and your current scheme are given below. I must stress that all the amounts shown are subject to formal confirmation.

We estimate that you would be eligible, under the terms of the Judicial Pension Act 1981, for a pension of £63,200.00 per annum, and a lump sum of £75,840.00. In addition, you would receive a net service award of £50,560.00. This estimate is based on your current salary of £126,400,00 per annum.

Under the terms of the Judicial Pensions and Retirement Act 1993 we estimate that you would be entitled to a pension of £62,627.00 per annum, and a lump sum of £84,547.00. In addition, you would receive a net service award of £52,920.00. This estimate is based on pensionable pay, which is the salary actually paid to you in the twelve months ending on your last day in service of £125,253.33 per annum.

If you wish to retire under your current pension scheme (1981) then you should confirm this in writing and complete the enclosed Form B and Bank Details Form.

If you wish to retire junder the 1993 scheme you should complete the enclose election to transfer form, Form B2 and the Bank Details Form.

Whichever scheme you choose you should return the appropriate forms along with you marriage certificate. This will be returned to you immediately it is noted.

Hayweight House, 23 Lauriston Street, Edinburgh EH3 9DQ www.scotland.gov.uk MW005

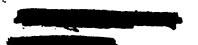






I hope that this information is of assistance but please do not hesitate to contact me if you have any questions meantime.

Yours sincerely



Hayweight House, 23 Lauriston Street, Edinburgh EH3 9DQ www.scotland.gov.uk MW005







SHERIFFS' PENSIONS (SCOTLAND) ACT 1961

THE JUDICIAL PENSIONS ACT 1981

Sheriff Andrew Lothian

DOB 65

DOA:-

Sheriff

15.1.79

Date of Retirement Completed Service 21.11.08 20 yrs

Last Annual Salary (LAS)

£126,400.00

WP Contributions:-

3 % contributions 1.2.97 - 31.1.99 = 240 mths

Pension Award:-

Pension = LAS x - - / - - £126,400.00 x 40/80 - .

= £ 63,200.00 pa

Widow's Pension =



Gross Lump Sum = Pension x 2 £63,200.00 x 2

=£126,400.00

Net Lump Sum = Gross Lump Sum - Contributions Deficit x Tax @40% £126,400.00 x 40% = £50,560.00

£126,400.00 - £50,560.00

= £75,840.00

Widow's Pension Contributions:-

WP Liability = Gross Lump Sum x 3/4

£126,400.00 x 34

=£94,800:00

WP Contributions Paid; LAS x months paid / 240 or 320

£126,400.00 x 240/320

=£94,800.00

Excess Contributions / Contributions Deficit = Liability - Contributions paid £ 94,800.00 - £94800.00 = £0.00

Service Award:

A Service Award is paid in order to leave a retiring judicial office-holder in the same net position as if tax had not been deducted from the Part I Gross Lump Sum. The Service Award is, in its own right, subject to tax and National Insurance deductions. The appropriate amount of tax and NI has to be calculated and then paid over to HM Revenue & Customs by the administrators of the judicial pension schemes.

Tax deducted from Part 1 Gross Lump Sum

-- £5¢,560.00

Service Award Details:-

Net Amount payable to

=£59,560.00

THE JUDICIAL PENSIONS AND RETTREMENT ACT 1993

Sheriff Andrew Lothian

DOB 65



History of Appointment:-:-

Sheriff

15.1.79

Date of Transfer to 1993 scheme Date of Retirement 22.11.08

21.11.08

Service Credit:-

The Judicial Pensions (Transfer Between Judicial Pension Schemes) Regulations 1995

Service in Last Existing Scheme (Sheriff) (Regulation 2(b)) Service credit multiplier from this scheme (20 year accrual span) to new scheme is 1 (Regulation 4(b))

15.1.79 - 21.11.08 = 29 yrs 311 days

= 29.8521 yrs

29.8521 x

= 29.8521 yrs

2 Total Service Credit

= 29.8521 yrs

Pensionable Pay:-

Judicial Pensions and Retirement Act 1993 Part I section 3(a)

$22.11.07 - 30.11.07 = £ 123,200 \times 1/12 \times 9/30$	=£03,080.00
$1.12.07 - 31.3.08 = £ 123,200 \times 4/12$	=£41,066.67
$1.4.08 - 31.10.08 \approx £126,400 \times 7/12$	=£73,733,33
$1.11.08 - 21.11.08 = £126,400 \times 1/12 \times 21/30$	=£07.373.33
Total	=£125,253.33

Pension Award:-

Part | Award:

Pension = Pension-Capped Pay x Service Credit/40 £117,600,00 x 20/40 (or 1/2)

=£58,800.00

Widow's Pension = Pension x 1/2

-

Gross Lump Sum = Pension x 2.25 $£58,800.00 \times 2.25$

=£132.300

Net Lump Sum = Gross Lump Sum - Contributions Credit x Tax @ 40% £132,300.00 x 40% = £52,920.00 £132,300.00 - £52,920,00

=£79,380.00

Section 19 Award:-

Pension = Pensionable Pay - Pension Cap Pay x Service Credit/40 \pm 125,253,33-\$117,600.00 x 20/40 (or 1/2)

=£3,826,67

Widow's Pension =



-

Gross Lump Sum = Pension x 2.25 £3,826.67 x 2.25

= £8,610.01

Net Lump Sum = Gross Lump Sum - Tax @ 40% £8,610.01 x 40% = £3,444.00 £8,610.01 - £3,444.00

=£5,166.01

Total Award:-

Pension = £58,800.00 + £3,826.67 Rounded up

= £62,626.67 = £62,627.00 pa

Widow's Ponsion =
Rounded up

Rounded up



Net Lump Sum = £79,380.00 + £5,166.01

= **684** 546 N1

= £84.546.01 = £84,547.00

Contributions Credit
The Judicial Pensions (Contributions) Regulations 1998

Contributions in Last Existing Scheme (paid at %) 1

1.2.79 - 31,1.99!= 20 yrs 0 days

= 20.0000 yrs

20.0000 x ¬3/3

= 20.0000 yrs

Total Contributions Credit

= 20,0000 yrs

Sheriff Lothian has met in full his 20 years Contributions Liability and therefore, there is no refund due to be paid to Sheriff Lothian nor any deficit to be deducted from his Part I Gross Lump Sum.

Service Award:-

A Service Award is paid in order to leave a retiring judicial office-holder in the same ner position as if tax had not been deflucted from the Part I Gross Lump Sum. The Service Award is, in its own right, subject to tax and National Insurance deductions. The appropriate amount of tax and NI has to be calculated and then paid over to HM Revenue & Customs by the administrators of the judicial pension schemes.

Tax deducted from Part 1 Gross Lump Sum

=£52,290.00

Service Award Details:-

Net Amount payable to

=£\$2,290.00

From: Sent: To:

24 November 2008 10:52 'Fenton, Vai' Sheriff Andrew Lothian

To: Subject:

Officially Andrew Locales.

Just to let you know that Sheriff Andrew Lothian apparently retired effective from Friday 21 November, we still await the formal letter. I will let you have confirmation of the date as soon as I receive it and in the meantime start the calculations.

Regards



Shriff Lithin

From: Sent:

10 December 2008 23:40

To: Subject:

RE; Sheriff Lothian: Payment in lieu of untaken leave

content

From: Sent:

03 December 2008 11:02

Te: Subject:

Shortif Lothlan: Payment in lieu of untaken leave

at Edinburgh Sheriff Court has contacted me regarding the above.

The shrieval leave year tuns from 1 January to 31 December, the leave allowance is 35 days per year and as at 21 November Sheriff Lothian had taken 30 days. If he had worked up to the end of the leave year he would have been entitled to another 5 days leave.

The question is whether we pay him for 5 days as requested or whether we pay a proportion. As he retired with effect from 21 November it is difficult to argue that he is due any leave entitlement for December and the number of untaken days should therefore be reduced accordingly.

Are you content with this or do you think that we should take a more sympathetic view?

1

Deas

I you tolle of 27th mit

heavy forward to

heavy matter, I am

not sure if it I show welevent their I had

who have days I come

abstaly and

Lete of relief

Constitution, Law and Courts Directorate Legal System Division

T: 0131-244 2698 F: 0131-244 8325





Dea Start Loth

NOTIFICATION OF RETIRAL

Thank you for your letter informing me of your retirement from the shrieval bench on Friday 21 November.

I have asked the appropriate calculations and forms as soon as possible.

It was too late to make the necessary adjustments to your salary and you will therefore receive a full months pay at the end of the month. I understand that Paymaster will write regarding the overpayment in due course.

Yours sincerely

DEPUTY DIRECTOR







Judicial Appointments - Close Paymaster Record	lotification
Payee Name Sherliff Andrew Lothlan.	
Pay Reference12038	
Payee's Official Location Address_Edinburgh Sheriff Court	•
Payroll Authority from SEJD	
Authority Registration No 68/2008	
This payee has:	
✓ retired ☐ retired, iii health ☐ ended his/her entitlement to ☐ other (please state)	allowance
Last day for pay 21 November 2008	20
Last day for Widow/er's pension contributionsN/A	20
Last day for AVC (if applicable) N/A	20
Service Award - amount payable to judge To be notified at a Please advise us of any tax and employees NI contributions	later date
Current home address:	
(NB If the payer has filed, the P45 and the notification of belience outstanding or due DMston/SEID/NICIS) Form completed by	
You are authorised to make the necessary changes to the paymercord.	oll, and to close the
Signature	
Name Table 1	
Date Commonwealth	
PA(J)1 - v1.0 Jen 2003	
Send this form when signed to: RH10 1UH RH10 1UH	Russell Way, Crawley

From: Sent:

27 November 2008 18:32

To: Subject:

REMOVAL FROM PAYROLL



We have just heard that Sheriff Andrew Lothian has retired with immediate effect from 21 November 2008 which will be his last day in office. I have informed him that it is too late to make any adjustments to the November salary and that you will be in touch in due course in relation to the overpayment.

I will forward the appropriate details next week but I wanted to give you this advance warning just in case 2 contacted you direct.

Regards

1

Toputy Threater

Logal System Trylaign

Constitutional Seward Sputial Processus

The South Seward Seward Sputial Processus

Triogr Vest

St Andrews House

EDINGSREGIS USAL TEXT 21 November 2008 Dear Mr McKay RETIRAL write to intimate my retrement from affice as a Shoulf of Lothian and Borders with immediate offect. Labell be prefettly fryolf will participate in the necessary arrangements for sermination of salary and payment of persons. Your sincerely SHERRE ABDREW LOUBLAN.

3 him. P. 1 attion

From: Sent: Acres C (Colin)

To:

25 November 2008 13:39

Cc:

Communications Justice;

(Communications);

Subject:

RE: Sheriff Lothian

Mr MacAskill was not informed in advance of the decision to retire - so therefore he didn't object to it. Nor could he - since Sheriff Lothian is aged 65, he is entitled to retire.

Sheriffs are not subject to disciplinary proceedings by Government - they are not employees and it is necessary to protect judicial independence. There is a process by which sheriffs can be suspended or removed from office under \$12 of the Sheriff Courts (Scotland) Act 1971 - see link https://www.hmso.gov.uk/RevisedStatutes/Acts/ukpga/1971/oukpga_19710058_ep_3#pt1-pb5-ltg17

This requires an investigation into the sheriff's fitness for office by the Lord President and the Lord Justice Clerk. The sheriff can only actually be removed by a statutory instrument. But this would not apply where the person has already left office.

We cannot stop Sheriff Lothian's pension. (There is some scope to reduce pension for people under retirement age when they leave biffice, which we will get chapter and verse on for the next enquiry, but it doesn't apply here because the Sheriff had reached retirement age.)

Colin

----Original Message---

From:

Sent: 25 November 2008 12:08

To: Communications Justice; McKay C (Colin);

(Communications)

Subject: RE: Sheriff Lothian

Some additional questions, just:received.

Hi The

an I clarify my question ---

- * Was Kenny MacAskill informed about Sheriff Andrew Lothian's decision to retire?
- * Did he object to this decision?
- * If not, could Kenny MacAskill have legally objected to it (eg in his role as Cabinet Secretary, could he have stepped in to order disciplinary proceedings and stop or reduce the sheriff's pension)?

Thanks.

0141 331 4727

1

---Original Message----

From: On Behalf Of Communications Justice

Sent: 25 November 2008 11:48

To: McKay C (Colin); Communications Justice

Cc;

Subject: RE: Sheriff Lothian

Colin & Lachlan,

The Daily Mail have been on asking:

Did KM have any role in this?

Did KM sanction the fact that he will be allowed to retire and keep his full pension?

Grateful for lines / info.

----Original Message-----From: McKay C (Colin)

Sent: 24 November 2008 10:15

To: (Communications); Communications Justice

Co:

Subject: RE: Sheriff Lothian

Thanks we haven't actually received the letter yet (or at least I haven't). I only know he resigned because SCS told me

C

From:

Sent:

McKey C (Colin) 24 November 2008 10:17

To: Subject: FW: Sheriff Andrew Lothian CONFIDENTIAL

Sensitivity:

Confidential

For info/file - this is what I sent last week

C

From: McKay C (Colin)

unt: 21 November 2008 19:04

oo; First Minister; Cabinet Secretary for Justice; Minister for Community Safety; Permanent Secretary; DG Justice and Communities; Thomson KAL (Ken); Lewis SJ (Stuart); Communications Duty Box Subject: Sheriff Andrew Lothian CONFIDENTIAL Sensitivity: Confidential

Ministers may wish to be aware of a likely news story concerning Sheriff Andrew Lothian, who sits in Edinburgh. His name has arisen in the context of a criminal trial involving other parties. Sheriff Lothian, who has served as a sheriff for over 20 years and who I understand is aged 65, has retired with immediate effect. His retiral has not yet been aurounced, or indeed formally notified to the Government, but members of the press have been advised of it in response to enquiries. Media enquiries are being handled by but we are not saying anything other than to confirm the fact of the Scottish Courts Service of his immediate retiral.

My contact details if more information needed (not that there is much more) are

Colin McKay Deputy Director Legal System Division